

THE CONFLICT RESOLUTION TOOLBOX

*Models and Maps for Analyzing,
Diagnosing, and Resolving Conflict*

SECOND EDITION



GARY T. FURLONG

Foreword by Dr. Christopher Moore
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WILEY

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**Praise for *The Conflict Resolution
Toolbox, Second edition***

Gary Furlong's *The Conflict Resolution Toolbox, Second Edition*, with its new chapters on Reciprocity and Loss Aversion, is an outstanding book that clearly lays out the complex nature of interpersonal conflicts. This important and timely book will be particularly valuable for new and experienced conflict resolution practitioners, human resource managers, government and industry professionals, educators, students, and members of the public.

*Marvin J. Huberman, LLB, LLM, FCI Arb
President of the Alternative Dispute Resolution Institute of
Ontario (ADRIO)*

I found it hard to keep Gary's first edition of the *Conflict Resolution Toolbox* on my bookshelf, because I kept giving copies away to my colleagues and clients. The second edition, with two new chapters, has already helped me rethink my approach to a thorny situation. Gary has a unique gift for translating theory from the social sciences into a practical toolkit that is exceptionally valuable for managing conflict in our personal and work lives. If you have only one book on your bookshelf to guide you through complex relationships, this is the one.

*Brenda Barker Scott, PhD
Educator, author, and organizational development consultant*

The student and the seasoned dispute resolution professional will benefit from Gary Furlong's contribution to the field. In the new edition, he includes analysis of reciprocity and our human aversion to loss – succinctly adding new layers to the mediator's insight and strengthening the core of what we can bring to the table. This master of dispute resolution generously shares his gifts with us. We are grateful.

*E. Newman
Mediator and arbitrator*

The teachings in *The Conflict Resolution Toolbox* are explained through relatable real-life examples and have become an integral part of our joint management and union training program. In very simple and direct terms, Gary is able to cut through the stories, emotions, and disruption that come with human reactions to

conflict and his *Toolbox* provides effective strategies to resolve these conflict situations. If you deal with people, you will ultimately be dealing with conflict and no one should do that without having this reference tool at their fingertips!

*Laura Di Cesare
Director, Corporate Services
Middlesex-London Health Unit*

I have used the *Conflict Resolution Toolbox* models and content in my alternate dispute resolution (ADR) practice for more than 10 years. It is one of my “go-to” sources for reflection when mediating challenging conflicts. The new models introduced in the second edition expand my “toolbox” in order to achieve stronger resolutions with clients. I highly recommend *The Conflict Resolution Toolbox* to mediators, coaches, and other ADR practitioners as a resource tool to help resolve their difficult conflicts.

*Andrew D. Butt, C Med, C Arb
Past president, ADR Institute of Canada
TRIAD Conflict Management and Consulting*

Gary Furlong's thoughtful book *The Conflict Resolution Toolbox* has been inspiring my ADR students to analyze and diagnose conflict with more breadth and depth for several years. Gary has synthesized a great deal of conflict theory into easily digestible chapters and visual models. His perspective inspires the reader to see conflict as transformative.

*Dr. Carol Brown
Organizational development consultant
Associate Faculty, Royal Roads University*

The second edition of Gary Furlong's *The Conflict Resolution Toolbox* is a welcome reminder that when sound theory is combined with superior practice skills the likelihood of resolution increases. Gary is a practitioner and trainer extraordinaire with a capacity to make complicated ideas accessible for everyone, from the ADR student to the seasoned practitioner. Both aspiring and experienced conflict resolution professionals would do well to

read Gary's book and keep it close at hand as they work with their clients to reach resolution.

*D. Paul Emond
Professor emeritus and founder, LLM in Dispute Resolution
Osgoode Hall Law School, York University*

In this new edition of his Toolbox, Gary Furlong shows us once again the combination of deep thinking and hands-on experience that make him the outstanding practitioner and teacher he is. The book will delight both the master Alternative Dispute Resolution craftsman, and the beginner mediator or ADR hobbyist alike. But don't just put the Toolbox on a shelf; carry it with you, and you'll find yourself using its models and techniques in everything you do.

*Peter Bruer, Manager
Conflict Resolution & Training The Neighbourhood Group |
St. Stephen's Community House Toronto, Canada*

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GARY T. FURLONG
Foreword by Dr. Christopher Moore
Partner, CDR Associates

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Published by John Wiley & Sons, Inc., Hoboken, New Jersey.

Published simultaneously in Canada.

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Library of Congress Cataloging-in-Publication Data:

Names: Furlong, Gary T., author.

Title: The conflict resolution toolbox : models and maps for analyzing, diagnosing, and resolving conflict / Gary Furlong.

Description: Second edition. | Hoboken, New Jersey : John Wiley & Sons, Inc., [2020] | Includes index.

Identifiers: LCCN 2020025482 (print) | LCCN 2020025483 (ebook) | ISBN 9781119717584 (cloth) | ISBN 9781119717614 (adobe pdf) | ISBN 9781119717607 (epub)

Subjects: LCSH: Conflict management. | Mediation.

Classification: LCC HM1126 .F87 2020 (print) | LCC HM1126 (ebook) | DDC 303.6/9—dc23

LC record available at <https://lcn.loc.gov/2020025482>

LC ebook record available at <https://lcn.loc.gov/2020025483>

Cover Design: Wiley

Cover Image: ©horstgerlach/Getty Images

This book is dedicated to everyone who is tenacious enough (and foolish enough) to believe they can resolve just about any conflict they encounter. These tools and models are for us.

FOREWORD

Several years ago, my life-partner, Susan, and I decided to take a hiking vacation in France. We planned to walk a portion of the *Sentier de Grande Randonnée* (GR), a network of paths that served during the Middle Ages as pilgrimage routes between towns and cities in northern Europe and famous religious shrines in southern France and Spain. Although we were not going on a religious pilgrimage per se, we did want to spend some good time together, enjoy the charming French countryside, be in touch with nature, and savor a bit of tranquility (which we do not always find in our work as mediators). We also wanted to experience village hospitality, good French meals, *and* avoid problems and sore feet resulting from potential backtracking due to losing our way. We knew from past hikes on the GRs in unknown territory that this was all too easy to do. So, in preparation for our vacation, we acquired a number of maps—road and trail maps, topographical maps, maps of towns and villages, and those that showed especially noteworthy scenery or places to stay. Although it sounds like we are map fanatics, this is really not the case. We merely wanted to use them as tools to gain a good general understanding of the lay of the land, and then plan an exciting route along often poorly marked footpaths and across fields and streams to quaint villages with good restaurants and open inns (the latter of which we discovered were sometimes few and far between). Once we had planned our general route and could use the maps to pick out landmarks to orient ourselves as we proceeded, we were able to innovate, take side trips, stop at interesting spots, and find alternative routes around any unexpected barriers we encountered.

Although two people traversing an unknown rural landscape is not the same as navigating one's way through a conflict, it is remarkable how similar the two tasks are. In both situations, the people involved have to locate themselves at any given point in time (geographically or relationally); identify significant “signposts” that indicate direction (progress, wrong turns, detours, or backtracking); develop successful strategies to handle a wide variety of unforeseen circumstances (the washed out physical—or emotional—“bridge” needed to cross a barrier, a vicious dog on the trail or the human

equivalent—the eruption of strong feelings); and discover and reach mutually desired destinations, resting places, and ways to settle differences.

Successful navigation, whether hiking or resolving conflict, is greatly facilitated by having a good map. Yet, good maps that help people navigate difficulties in relationships and conflicts are often scarce and hard to find. Gary Furlong's groundbreaking book, *The Conflict Resolution Toolbox*, meets this need.

The second, updated edition, like the first, offers one of the most valuable sets of “maps” available to conflict management practitioners and others involved in resolving disputes. Noteworthy updates include two new chapters that respectively explore the encouragement of reciprocity and use of loss aversion to foster greater understanding and agreement making. Continuing to draw on the work of a number of conflict theorists, psychologists, sociologists, and conflict management practitioners, Gary presents a range of maps and models that anyone involved in conflict will find useful for understanding conflicts and developing a range of productive approaches and strategies to regulate their destructiveness, resolve differences and positively transform conflicted relationships. Gary is careful to note that no one map can provide a sure and successful route through every conflict, but his collection of maps and models provides multiple sources of insight and guidance in the development of a number of plausible “paths” to resolution.

This second edition of the *Conflict Resolution Toolbox* should be one of the essential reference works on the bookshelf of any conflict resolution practitioner or, for that matter, in the backpack or briefcase of anyone seeking a greater understanding of the causes, dynamics, and development of conflicts, and in search of more effective strategies to address, resolve, and transform them for the better.

Christopher Moore
Partner, CDR Associates and author of
*The Mediation Process: Practical Strategies for Resolving
Conflict*

April 6, 2020

ACKNOWLEDGMENTS

This second edition is a result of many readers finding value in the models in this book, and more importantly, having taken the time to communicate what they found practical and useful and what they did not. I want to thank all of the readers and users of these tools who gave me feedback—the changes and additions in this edition are based on much of that information.

I especially want to thank Paul Emond, Julie Macfarlane, and Leslie Macleod, the past directors of the Osgoode Hall Law School Master of Laws program in alternate dispute resolution, who inspired and supported the work on which this book was based. I also want to thank the current director of this program, Martha Simmons, for continuing to support the teaching and learning of these tools.

I have also been lucky to have my son, Cal Furlong, as an invaluable resource, contributor, and coauthor on the two new models in this edition. He is a fine writer and editor with a critical eye that improved every aspect of this work.

The help and support of a network of brilliant people must also be acknowledged: Rick Russell, Heather Swartz, Rick Weiler, Jim Harrison, and all the people whose work I have built on to construct and refine the models in this book. The generosity, openness, and support of all of you allowed this work to exist and thrive. This is a true testament to the core values and principles we all hold dear in the conflict resolution and human relationship fields.

And lastly, I want to thank my true partner in all of this, Ronalda Jones.

CHAPTER ONE

INTRODUCTION TO THE SECOND EDITION

Since the first edition of this book was published in 2005, research and scholarly advances have made significant contributions to our understanding of how people communicate and engage with each other.

This second edition recognizes the important research done over the last 15 years in the fields of neuroscience, neuropsychology, and behavioral economics with two new models that look at the deeper patterns and biases our million-year-old brains use to connect and make decisions. It also recognizes the value that the tools in the first edition brought to practitioners everywhere, retaining and refining the models that have been recognized as powerful and useful approaches in resolving conflict between people. The new technologies we all use to communicate are very different than they were 15 years ago, but human nature and the experience of conflict are still very much with us.

Imagine for a moment that you are faced with a conflict. Imagine, for example, that your new neighbor is in the habit of having guests over many nights of the week until the early hours of the morning, keeping you up with the noise. When you talk to your neighbor about the issue, he laughs and tells you, “Loosen up, have some fun. Come and join us if you want! You need to enjoy life more!” You go home after the conversation and get increasingly angry. You think about how insensitive he is, how little he cares for other people. You begin to think that he may actually be retaliating for the fact that your dog barks every now and then, which he complained about once. Given how you see the problem, you vow to call the police the next time he has a party during the week. This conflict is headed for a significant escalation.

We are all faced with conflict situations in many aspects of our lives, whether in the workplace, in our personal life, or with just about anyone we meet. Given how common conflict situations are and how

frequently we deal with conflict, you might think that we'd all be pretty good at handling it and building, or rebuilding, relationships.

The reality is a bit different, in that most people report little confidence in addressing or handling conflict. Why?

Managing conflict effectively is a simple two-step process that starts with how we assess the conflict we're facing, followed by what action (or inaction) we decide to take to address it.

Whenever we are faced with a dispute, the first thing we do is try to make sense of it—try to determine what the conflict is about. In other words, the first step we take is to understand the problem. Once we've decided on (or guessed at) the cause, the second step is to take some type of action based directly on what we think that cause is.

In the previous example, the homeowner has assessed the cause of the conflict as the neighbor being insensitive, uncaring, maybe even vengeful. Based on this diagnosis, the homeowner decided the reasonable and appropriate way to address this conflict was to call the police to curtail the neighbor's uncaring, insensitive, and possibly vengeful behavior. The conflict was assessed, and an action that seemed to make sense was taken based on that assessment. But how accurate was this assessment?

In every conflict, we employ these two steps, either consciously or unconsciously. In fact, how good we are at managing conflict will be based, fundamentally, on how skilled we are at diagnosing what is causing a conflict and how effective we are at taking action based on that diagnosis to resolve the conflict.

In many cases, the barrier to effectively managing a conflict is that we diagnose the conflict unconsciously, react emotionally, make choices and apply tools based on a poor diagnosis, and end up escalating the situation.

WE ALL PRACTICE CONFLICT RESOLUTION DAILY

This is a handbook for conflict resolution practitioners aimed at helping them understand and analyze conflict more effectively in their work. Practitioners, typically, are people who regularly manage conflict as part of their work. The list of practitioners, therefore, is long and includes people who work as mediators, negotiators, managers and supervisors, lawyers, union representatives, social workers, human resource and labor relations specialists, insurance adjusters, and many more. For these people, this handbook introduces a number of conflict analysis models that are useful and applicable to the two steps discussed: diagnosing conflict and offering direction and ideas on resolving that specific conflict.

If this book is useful to conflict resolution practitioners for the simple reason that they regularly manage conflict, what about the rest of us? In other words, who else manages conflict regularly and might benefit from using and applying some of these models? Because relationships are a universal human experience, conflict is something that every single one of us works with and addresses in our lives far beyond the workplace. In that sense, we are all “practitioners” when it comes to working with conflict effectively, and the tools and models in this book will be useful to everyone who wishes to improve his or her ability to manage conflict, solve problems, or simply to build strong relationships. For the sake of simplicity, then, this handbook will use “mediators” and “practitioners” interchangeably to mean “people who deal with and manage conflict.”

This book is focused on models and tools that help with the two key steps in managing and responding to conflict:

Step One: Effectively diagnosing a conflict

Step Two: Taking action to manage the conflict based on the diagnosis

The term “models” is used frequently. This is not a call to introduce more theory or more academic understanding into the conflict

resolution process. Although theory and academic knowledge are vital, they are often of little help when faced with a specific situation. If theoretical knowledge serves as the general foundation for the field, then models are the specific tools or heuristics that guide the application of that theoretical knowledge in practice. This handbook is not focused on theory, but rather on tools that can be applied directly to the practice of managing each and every conflict.

To understand this relationship between theory and practice, it is helpful to understand the nature and characteristics of what can be called “practice professions.”

DIAGNOSIS: FINDING THE ROOT CAUSES OF CONFLICT

A practice profession, quite simply, is a profession aimed at helping individual people solve specific functional problems. It is distinguished here from professions that focus more generally on research and the discovery of theoretical knowledge. There are numerous professions that have a significant practice component to them, professions as diverse as medicine and law, as well as technical professions such as civil engineering and auto repair. The nature of every practice profession is that the first critical skill the practice professional must have is the ability to diagnose, to determine the root cause of a specific problem.

For example, when a patient sees a doctor, the first thing that the doctor must arrive at is a diagnosis of the problem; indeed, everything flows from the diagnosis, and little is done until a diagnosis is reached. During the diagnostic process, if there is any doubt about either the diagnosis or the recommended course of action (i.e. treatment) that flows from the diagnosis, a second opinion is often sought before any treatment is considered. Similarly, in law, engineering, or even car repair, little action can be taken until the professional understands (or believes she understands) what the problem is and, based on that understanding, recommends or conducts an intervention. Few of us would accept a dentist saying, "Well, I'm not sure which tooth is causing your pain, so I'm going to try pulling a few of them out to see if that helps." Few of us would return to an auto repair shop that randomly replaced part after part, hoping that this would eventually solve the problem.

If diagnosis is the first key ability for a practice professional, it's important to understand how the diagnostic process works and where it fits for the practitioner. In general, most diagnosis has its roots in the theoretical background knowledge of the field. For example, once a mechanic understands from automotive theory that the transmission of a car is responsible for sending power to the wheels, if a car won't move while the engine is running the mechanic begins by looking at the transmission as the source of the problem. Once a doctor understands the digestive tract and what functions it performs, when a patient presents with abdominal pain immediately

after eating the doctor will start investigating the digestive system first. Some theoretical knowledge is therefore necessary for good diagnostic skills.

In complex fields, however, theory alone is inadequate for good diagnosis. In addition to a grounding in general theory, practitioners need effective models and tools to achieve an accurate and useful diagnosis. For example, heart disease is one of the most common diseases in the world. There is extensive theory and knowledge about how high levels of certain kinds of cholesterol contribute to heart disease, including complex mechanisms by which cholesterol in the blood contributes to fat slowly building up on the arterial walls, narrowing them and making the heart work too hard, eventually leading to a heart attack. The theories about these mechanisms, however, are not overly helpful in diagnosing any given individual patient. To diagnose effectively, doctors have devised tests that measure cholesterol levels in the patient along with a simple model that states if cholesterol is over a certain limit, specific actions and steps should be put in place to help correct the problem. The doctor, using a simple tool (a blood test) follows a specific model for diagnosing and intervening (if the cholesterol level is above a certain limit, diet changes and cholesterol medicines are prescribed) that requires very little of the deep theory behind the model for the practitioner to be effective in helping the patient.¹

In general, then, theoretical knowledge is required as a foundation, but in order to apply that knowledge effectively for each individual client or situation, specific practice models and tools are required to assist the professional. These models help the practitioner apply the two key steps mentioned before:

Step One: Effectively diagnosing a conflict

Step Two: Taking action to manage the conflict based on the diagnosis

Without the ability to apply appropriate models and tools effectively, there is little chance the practitioner will help the client.

THEORIES VS. MODELS IN A PRACTICE PROFESSION

We have been using the terms “theory” and “model” in specific and different ways so far, and this leads us to a key question: What is the difference between a theory and a model?

Typically, the terms “theory” and “model” are used almost interchangeably, and indeed there is overlap in their meaning.

There are also some key differences, especially in the context of a practice profession.

A common dictionary definition of “theory” includes:

- “abstract thought”
- “a general principle or body of principles offered to explain a phenomenon”
- “an unproved assumption”

These definitions indicate that theories are broad principles that are often related to abstract thought of a high order. Theories are strongly related to research, to the testing of hypotheses to see if they are true. In the scientific method, if a theory or hypothesis is not supported by hard evidence or cannot be proven true, it is discarded as false or unusable.

This scientific approach is found in many professions (including the social sciences and conflict resolution) and is typically labeled the “research” side of the field. In the sciences, “pure,” or “theoretical,” or “deep” are terms used for research that initially gives little or no thought to practical uses or applications, focusing instead on uncovering foundational ideas. Great sums of money are spent and many people engaged in this type of research in many fields, including the field of conflict resolution.

Separate from the research component of most fields, there is also a “practice” or applied branch of the field centered around “practitioners” who take the existing knowledge of the field and determine how to directly apply that information to help individual patients or clients.

The term “theory,” therefore, seems to point us in the direction of abstract investigation with less, or little, applicability to the practitioner. The practitioner, on the other hand, is focused on learning the skills and tools that help in applying their knowledge and information directly with specific clients. For practitioners, very little deep theory is directly useful and applicable in a clinical setting other than in the most general way, unless the theory has been translated into a useful, functional model.

This is precisely why many professions describe a significant split in their fields between research and practice, between theoretical work and the clinical application of that knowledge in the field. In many fields, this gap between theory and practice exists because practitioners rarely see how the majority of research conducted helps them as practitioners. Research is often (although certainly not always) either too general or too esoteric to be easily understood, let alone directly applicable in the field. For this reason, a great deal of important information rarely (or only very slowly) makes its way to the practitioners in the field.

Models, however, can be something quite different from theory. Dictionary definitions of “model” include some of the following:

- “a description or analogy used to help visualize something that cannot be directly observed”
- “a miniature representation”

Models, then, as we are using the term, have a few unique characteristics. Good models are structures or representations that approximate reality, but in a simpler and clearer way. Maps, for example, are an excellent form of model, in that they represent reality (i.e. the streets of a city), but in a smaller and simpler way (the map fits in our pocket, where the city streets themselves clearly do not), so they can help guide us to where we want to go. In the same way, conflict analysis models are “maps” of complex conflict theory or processes that are simplified and focused to help us understand the cause of the conflict in specific situations, along with the actions we might take that will help us reach a resolution.

Christopher Moore, one of the global leaders in conflict resolution, reinforces this idea that practitioners need models, or “conflict maps”:

To work effectively on conflicts, the intervener needs a conceptual road map or “conflict map” that details why a conflict is occurring, identifies barriers to settlement, and indicates procedures to manage or resolve the dispute².

For our purposes, then, models are far more useful than theories for a number of reasons.

First, a model, unlike a theory, is not burdened with whether or not it is “true,” but rather is burdened by the more functional test of whether it is helpful and useful in simplifying or clarifying what it represents. It doesn't matter whether a model is “true” or “right” in general; it matters whether a particular model is helpful with a specific problem. If it is, we use it, and if it isn't, we don't discard it forever as “false,” we simply don't use it in this particular situation. For example, if I am in Toronto and all I have is a map of New York City, I wouldn't deem the map false and throw it away. It is simply not useful to me in Toronto, and I would put it away until I'm back in New York City where it will once again be useful. For this reason, the experienced practitioner, like the experienced traveler, carries numerous maps that may be needed on the journey.

Second, a model helps us sift through a great deal of complex information by narrowing our focus to what will actually help us. Models, in this sense, help us take detailed theoretical knowledge and simplify it to something we can make sense of more quickly. As described by communication specialists Robert and Dorothy Bolton:

An elegant model is a useful simplification of reality. It enables you to ignore a mass of irrelevant or less relevant details so you can focus on what is most important. A model shows what to look for, helps identify meaningful patterns, and aids in interpreting what you see. In other words, a model helps cut through the distracting aspects of a situation so you can better grasp the essence of what you want to understand.³ [emphasis in original]

Models, in this sense, are tools for helping us effectively get to the core or the root cause of the problem.

Finally, models help practitioners accomplish practical goals. For example, when going to visit a friend in an unfamiliar city, we often rely on a computer app on a small screen that zooms in on our starting point and our end point, ignoring virtually all other information about the city or location so that we can easily get from point A to point B. Despite this narrow focus, it is extremely practical for the task at hand.

Without the ability to translate conflict theory into models and tools that help diagnose the specific conflict at hand, and without the ability to choose actions and interventions useful for that particular conflict, practitioners will simply not be good at resolving conflict.

A WIDE RANGE OF CONFLICT ANALYSIS MODELS

There is no magic formula that resolves all disputes. Because conflict situations can be so diverse, and because models are not exclusive representations of “truth,” we are not looking for a single model that will make sense of every conflict in the world. Rather, we need to be comfortable with a wide range of models that will help us in diagnosing different problems, in vastly different circumstances, with different people. This handbook contains nine different models that approach conflict situations from different points of view. All nine approaches can be useful for diagnosing and intervening in a wide range of situations.

Diagnosis is about framing the conflict in a way that has coherence and makes sense. The effective practitioner needs a wide range of diagnostic models and frameworks that help organize and make sense of a wide range of situations.

As described by Bernard Mayer, another leader in the field of mediation, these models are essential for the practitioner:

A framework for understanding conflict is an organizing lens that brings a conflict into better focus. There are many different lenses we can use to look at conflict, and each of us will find some more amenable to our own way of thinking than others...We need frameworks that expand our thinking, that challenge our assumptions, and that are practical and readily usable⁴.

Mayer's lens analogy is useful. For example, conflict can be viewed through a communication lens, an interests lens, a personality lens, a structural lens, a cultural lens, a dynamics of conflict lens, and many more. This means that an effective practitioner should have a constellation of diagnostic models to help frame and understand different situations; as experience grows, the practitioner will become more skilled at choosing the one(s) that will help create effective interventions.

Regardless of the type of model or map, good models do have some characteristics in common. Effective conflict analysis models should be simple and useful. Each model needs to meet the practitioner's

test: “Does applying this model help me diagnose the problem as well as help me choose what I do next, in real time as I work with the conflict?”

To meet this test, there are two requirements for models that can be described this way:

1. **Diagnosis: Simplicity vs. Complexity**—Effective diagnostic models and tools attempt to strike a fine balance between simplicity and complexity; a model that is overly complex will be too difficult to put into practice, and a model that is shallow or obvious is a waste of time. The complexity of the diagnosis can be extreme, such as Rummel's unified theory of conflict in his book *The Conflict Helix*,⁵ which proposes a single, detailed model for understanding all conflict, all the way from the interpersonal to the geopolitical. Although it may sound interesting to have a model that attempts to explain all conflict in the world, bear in mind that this model takes a full-length book to even explain, let alone to apply. Good models are able to address complexity but simplify this complexity enough to be useful.
2. **Strategic Guidance**—Effective models are clear and focused in giving strategic direction to the practitioner. The clearer the strategic direction the model gives, the more practical and applicable it becomes (and the more likely it will actually be used in conflict situations).

BECOMING A REFLECTIVE PRACTITIONER

Another goal of the models in this book is to assist the practitioner in growing and developing, in becoming a “reflective practitioner.”

Reflective practice is a term that has been used by a variety of writers looking into the very nature of effective professional practice.

Michael Lang and Alison Taylor's book *The Making of a Mediator* is devoted to understanding the development of the mediator from novice to artist and describes reflective practice in this way:

Reflection is the process by which professionals think about the experiences, events and situations of practice and then attempt to make sense of them in light of the professionals' understanding of relevant theory. Reflection occurs both during the performance of professional practice (reflection in action) and after the experience (reflection on action). It nurtures exploration and discoveries that lead to an increased repertoire of skills, it enhances the person's ability to modify forms of intervention, and it may alter his way of thinking about the problems presented.⁶

Reflection, clearly, is at the very heart of the process of learning and developing, essentially it's the process of “learning how to learn.” This process of “learning how to learn” was identified by learning theorists Chris Argyris and Donald Schön as crucial to the growth of skill and ability:

The foundation for future professional competence seems to be the capacity to learn how to learn (Schein, 1972). This requires developing one's own continuing theory of practice under real-time conditions. It means that the professional must learn to develop “micro theories” of action that, when organized into a pattern, represent an effective theory of practice.⁷

If “learning how to learn” is the path to growth, then the essential element of this growth is the ability to reflect on what is successful, what is working and what is not. And key to this would be having a framework, an ongoing set of structures or models on which to reflect and on which to base any changes or adaptations for enhanced performance. In short, these types of models and tools of analysis are necessary in order to become reflective practitioners.

It is important to note again that there is no single diagnostic model that is “right” or “correct” or even “true.” As Folger, Poole, and Stutman state, theories⁸ from the practitioner's point of view (i.e. diagnostic models) are best judged by their utility, not whether they are right or wrong. They are meant to be useful, to “explain relationships so that we might describe them more fully, predict their recurring features, and control their dependent outcomes.”⁹

Because they are tools and structures to help us make sense of the infinitely complex situations of conflict, the more diagnostic models and tools a mediator has, the more likely he or she will understand any given conflict and intervene effectively.

Theories should be evaluated on the basis of utility: certain concepts and theories will speak to you and others will not. The real test, however, is for practitioners to employ these ideas in the marketplace of everyday life. The best theories and concepts are the ones that allow you to understand and manage conflict in your relationships, in your family, in your organization, in your life. No other measure of a theory can compete with this crucial test.¹⁰

It is through this process of testing, trying, and getting feedback on the success and value of our diagnostic models and tools that reflective practice is achieved.

Finally, this process of reflection is also a two-way street, in that by learning and applying a model for diagnosing a situation of conflict, and by using this model to reflect on the effectiveness of the actions taken to address the conflict, the learning generated will no doubt change and improve the quality, focus, and depth of the diagnostic model. It will lead, as Argyris and Schön have said, to “developing one's own continuing theory of practice,” one's own models. This creates an endless process of growth, learning, and improvement in the field, practitioner by practitioner. This is the hallmark of truly effective practice.

SUMMARY

In summary, then, this book is focused on a specific type of conflict analysis model that practitioners can use to both diagnose a conflict situation as well as to gain some guidance about what interventions might help and why. The key points to remember when working with these models are as follows:

- Each model is intended to be a simple, useful map or framework to help the practitioner work with conflict situations encountered in practice.
- The range of conflict situations is virtually infinite, and one model will simply not be helpful in all situations. The practitioner should have a number of models to help with different situations.
- Conflict can be seen and addressed from a variety of viewpoints. For this reason, the practitioner should have a variety of models to work with.
- Models are not looked at as “true” or “false”; they are only useful or not in a specific situation. Models that are helpful should be used. Models that are not should be put away until a situation arises where they are useful.
- Models need to meet the practitioner's test: “Does applying this model help me diagnose the problem, as well as help me choose what I do next?” Models need to be complex enough to bring value and simple enough to be easily applied and used.
- Effective use of these models is the beginning of reflective practice, the path to continual improvement in managing and resolving conflict.

One of the most frequent comments heard from experienced practitioners exposed to these models is that they intuitively understand a number of them but have taken years to develop this intuition through trial and error. An important goal of learning and working with these models is to consciously speed up the practitioner's learning curve by helping everyone become a reflective

practitioner. These models offer a jump-start in learning and growing as a conflict resolution practitioner.

The strategies and applications of the models described here are simply a start, a beginning, a scratching at the surface of the many ways practitioners can put these models to use. As practitioners work frequently with any of these (or other) models, they will find different ways to apply them to their advantage; indeed, they may even adapt or modify a model to make it more useful and effective. This is only to be encouraged. This book is intended to introduce a basic set of models and touch on the main strategies for applying them, providing the practitioner with a useful reference manual for the ongoing use of these tools.

HOW TO USE THIS BOOK

This book is not intended to be read as a novel, from start to finish in that order. Each conflict model is given its own self-contained chapter, offering a clear understanding of that model's focus, what kind of situations it can be useful in, and what interventions are likely to help. Each model's chapter can be read independently and stands on its own. That said, the reader might also find it helpful to see how the various models relate to each other, and frequent footnotes point from one model to another where useful.

Additionally, to help the reader get a clear sense of how the different models relate to each other, there is a single case study of a complex conflict situation that all nine models are applied to. [Chapter 2](#) starts off with a brief summary of all nine models, followed by this detailed case study. Each model is then presented in detail in its own chapter. Within each chapter, each model is applied to the same case study, so the reader can gain an appreciation of how the model is used, and how different models will give the practitioner different viewpoints, different diagnoses, and different options for intervention. Remember that there is more than one way of assessing and intervening in any particular conflict, and indeed that is one of the strengths of using different models or maps.

Each model is then followed by an additional case study unique to its chapter, to give the reader a further chance to see each model in action. Where applicable, worksheets or other helpful guides are included to round out each model.

We are all lifelong students of conflict resolution and relationship building (like it or not), and it is hoped that one or a number of these models will become invaluable in your practice and in your life.

NOTES

1. Indeed, in many professions such as medicine and law, simpler problems that can be diagnosed and treated with effective models are being devolved to professionals with far less theoretical knowledge, such as nurse practitioners and paralegals.
2. Christopher Moore, *The Mediation Process: Practical Strategies for Resolving Conflict* (San Francisco: Jossey-Bass, 2003), 58.
3. Robert Bolton and Dorothy Grover Bolton, *People Styles at Work* (New York: AMACOM, 1996), 9.
4. Bernard Mayer, *The Dynamics of Conflict Resolution* (San Francisco: Jossey-Bass, 2000), 4.
5. R. J. Rummel, *The Conflict Helix: Principles and Practices of Interpersonal, Social and International Conflict and Cooperation* (New Brunswick, NJ: Transaction Publishers, 1991).
6. Michael Lang and Alison Taylor, *The Making of a Mediator* (San Francisco: Jossey-Bass, 2000), 19.
7. Chris Argyris and Donald Schön, *Theory in Practice: Increasing Professional Effectiveness* (San Francisco: Jossey-Bass, 1974), 157.
8. Many previous writers use the term “theory” in the same way we have defined the term “model,” in that it refers not to deep sociological theory but rather practical frameworks that help the practitioner make sense of, or diagnose, a conflict.
9. Joseph Folger, Marshall Poole, and Randall Stutman, *Working Through Conflict* (New York: Harper Collins College Publishers, 1993), 44.
10. Ibid., p. 67.

CHAPTER TWO

OVERVIEW OF THE MODELS

The Toolbox profiles the following nine conflict analysis models, nine different lenses or perspectives through which the practitioner can assess situations of conflict.

WHY THESE NINE MODELS?

There are many approaches to conflict, many ways to understand difficult situations, and many possible maps or models that can help practitioners diagnose and intervene in conflict. So why these nine? These models were chosen for a variety of reasons. First, as models, they are well balanced between simplicity and complexity. The Dynamics of Trust model presents a great deal of the complexity that attribution theory brings to the table, yet does so in a functional and useful way. The Triangle of Satisfaction expands and refines the foundational idea of interests in a way that can be applied in real-time conflict situations.

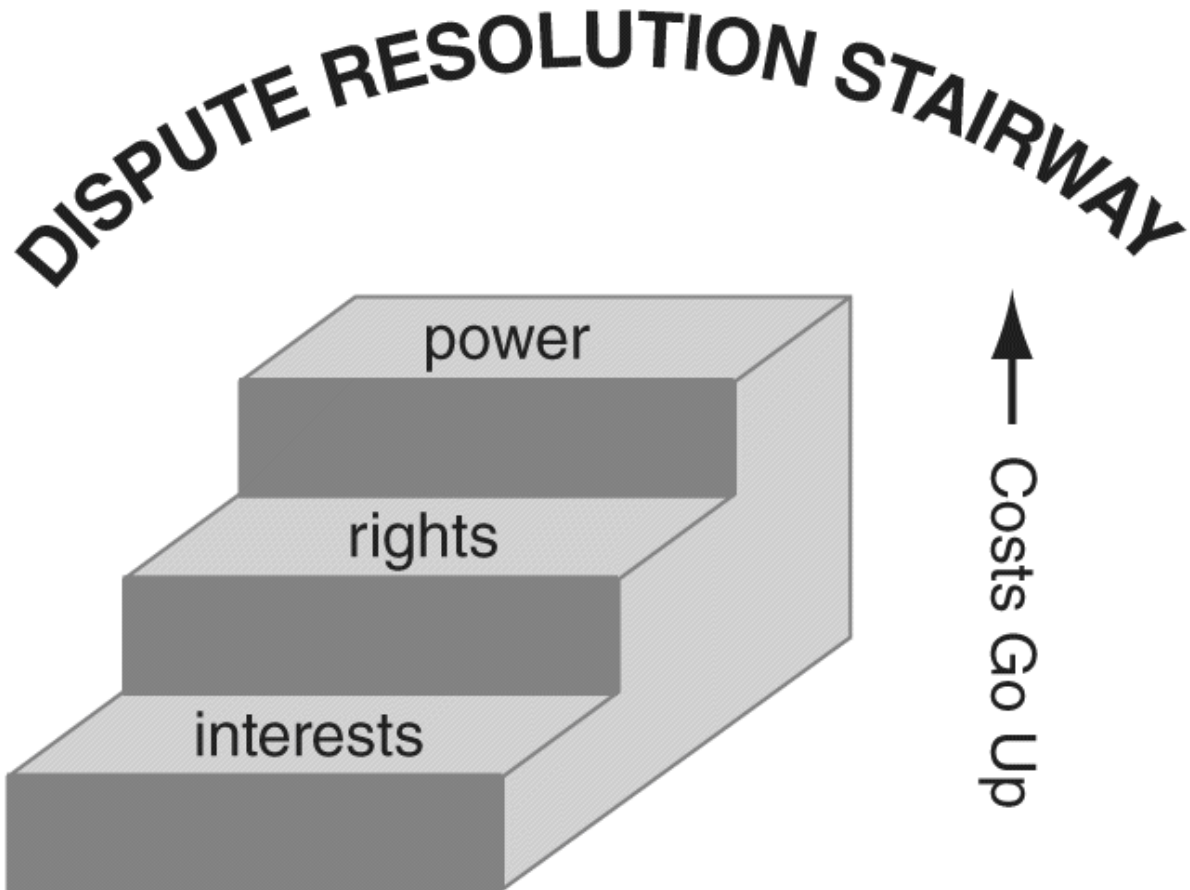
Second, they were chosen for their clarity in giving direction and guidance for intervention. Each model offers the practitioner clear, focused ideas on what will help in a given conflict, and why.

Finally, these models represent a wide range of unique ways to approach and address conflict. Each model provides a different and potentially useful angle on the problem. This range of models is not complete and is not meant to be. Rather, the Toolbox is intended as a foundation, a good beginning toward providing practitioners with roadmaps, “conflict maps,” that can assist them as they grow and develop.

The following is an overview of all nine models.

MODEL #1—THE STAIRWAY (INTERESTS/RIGHTS/POWER) MODEL

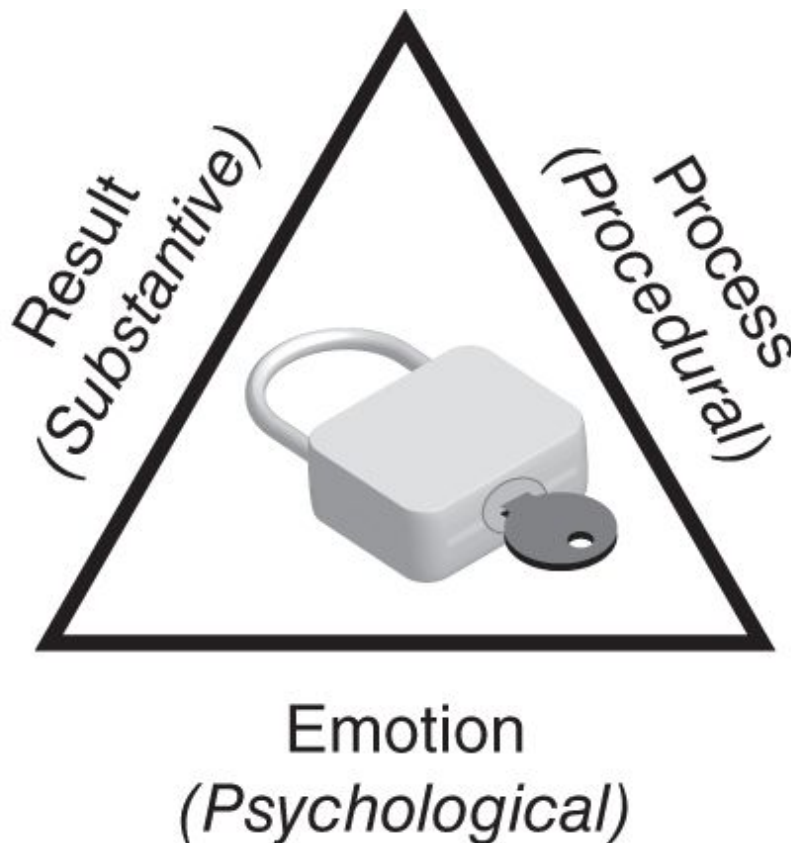
The Stairway model ([Figure 2.1](#)) is foundational to the field of negotiation and conflict resolution. It helps practitioners by categorizing the various processes we use to solve problems and manage conflict into three distinct types—interest-based, rights-based, or power-based. The Stairway model explains the characteristics of each of the three types, along with the benefits and consequences of each. Finally, it offers direction on working with each of the three different processes, along with a guide for choosing effective types of processes for resolving any situation of conflict.



[Figure 2.1](#) The Stairway model

MODEL #2—THE TRIANGLE OF SATISFACTION¹

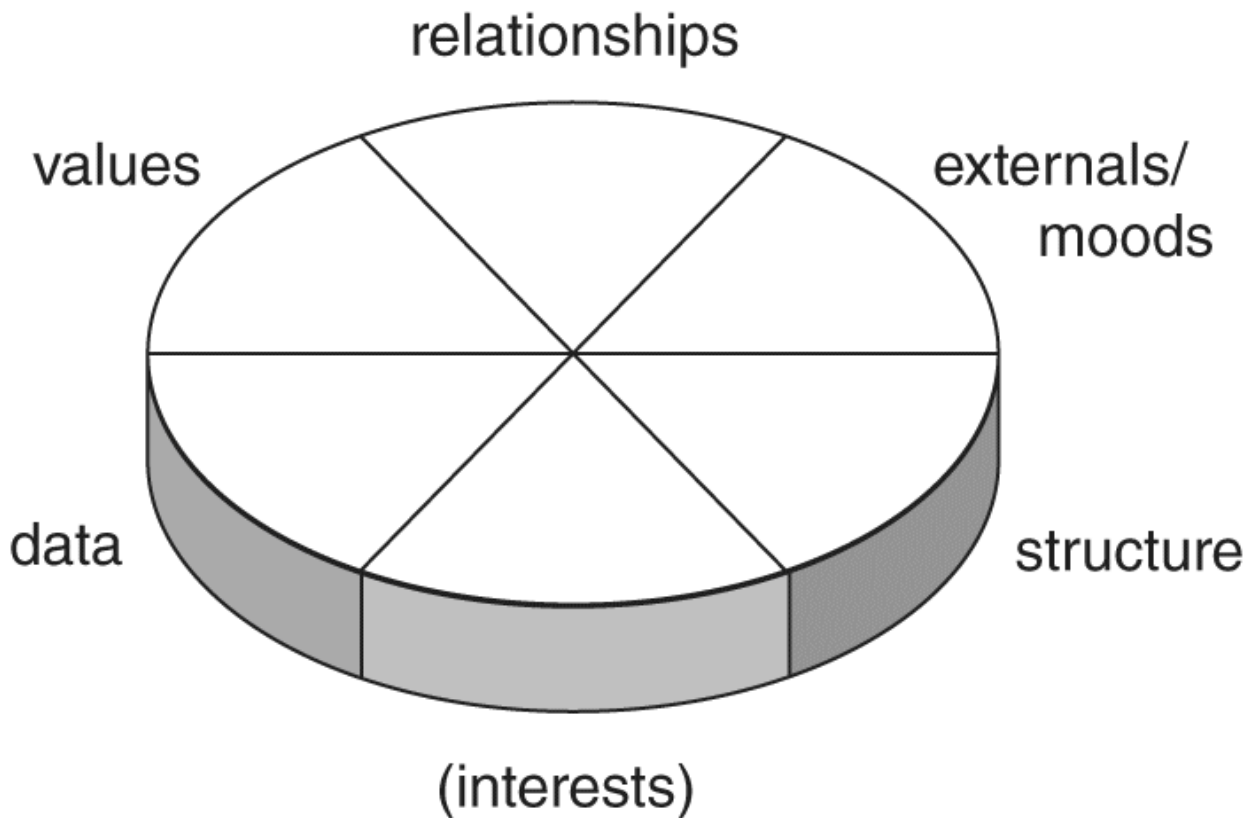
The Triangle model ([Figure 2.2](#)) is an expansion of the interests stair on the Stairway, though it also functions as a stand-alone tool. This model deepens the area of interests, suggesting that there are three distinct types of interests: result or substantive interests, process or procedural interests, and psychological or emotional interests. The model offers specific strategies for working with the three different types of interests in conflict situations.



[Figure 2.2](#) The Triangle model

MODEL #3—THE CIRCLE OF CONFLICT²

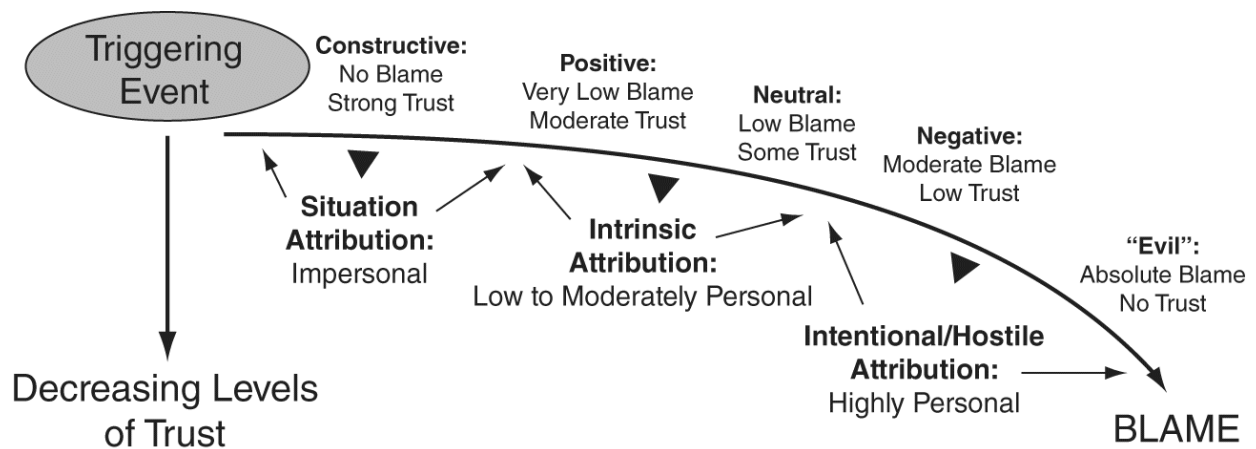
The Circle of Conflict ([Figure 2.3](#)) is a model that diagnoses and categorizes the underlying causes or “drivers” of a given conflict. It classifies these causes and drivers into one of five categories: values, relationships, moods/externals, data, and structure. Further, the model offers concrete suggestions for working with each of these drivers. When focusing on resolution, the Circle directs the practitioner toward the data and structure categories, as well as a sixth category, interests.



[Figure 2.3](#) The Circle of Conflict model

MODEL #4—THE DYNAMICS OF TRUST

The Trust model ([Figure 2.4](#)) looks at the dynamics of how trust is built and strengthened and how we attribute blame. Attribution theory, one of the most important areas of psychological research, is boiled down to help practitioners understand how trust is broken and how blame and lack of trust can make resolution difficult, if not impossible. The model also gives the practitioner specific strategies for rebuilding enough trust to facilitate the resolution process through activities such as procedural trust, confidence-building measures (CBMs), and attributional retraining.



[Figure 2.4](#) The Dynamics of Trust model

MODEL #5—THE LAW OF RECIPROCITY

The Law of Reciprocity ([Figure 2.5](#)) describes a “natural law” of human interaction that predicts and unconsciously directs our behavior in many situations. Understanding clearly how the Law of Reciprocity influences decision-making can help practitioners diagnose specific behaviors, both constructive and destructive. The reciprocity model gives clear strategies on how to help parties break negative cycles and rebuild damaged relationships.

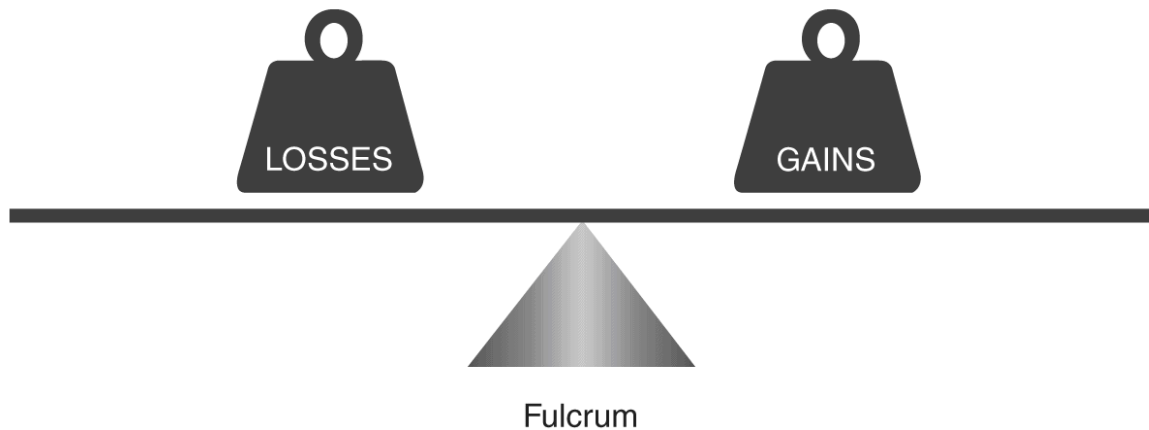


Negative Reciprocity
Downward Spiral

Figure 2.5 The Law of Reciprocity model

MODEL #6—THE LOSS AVERSION BIAS

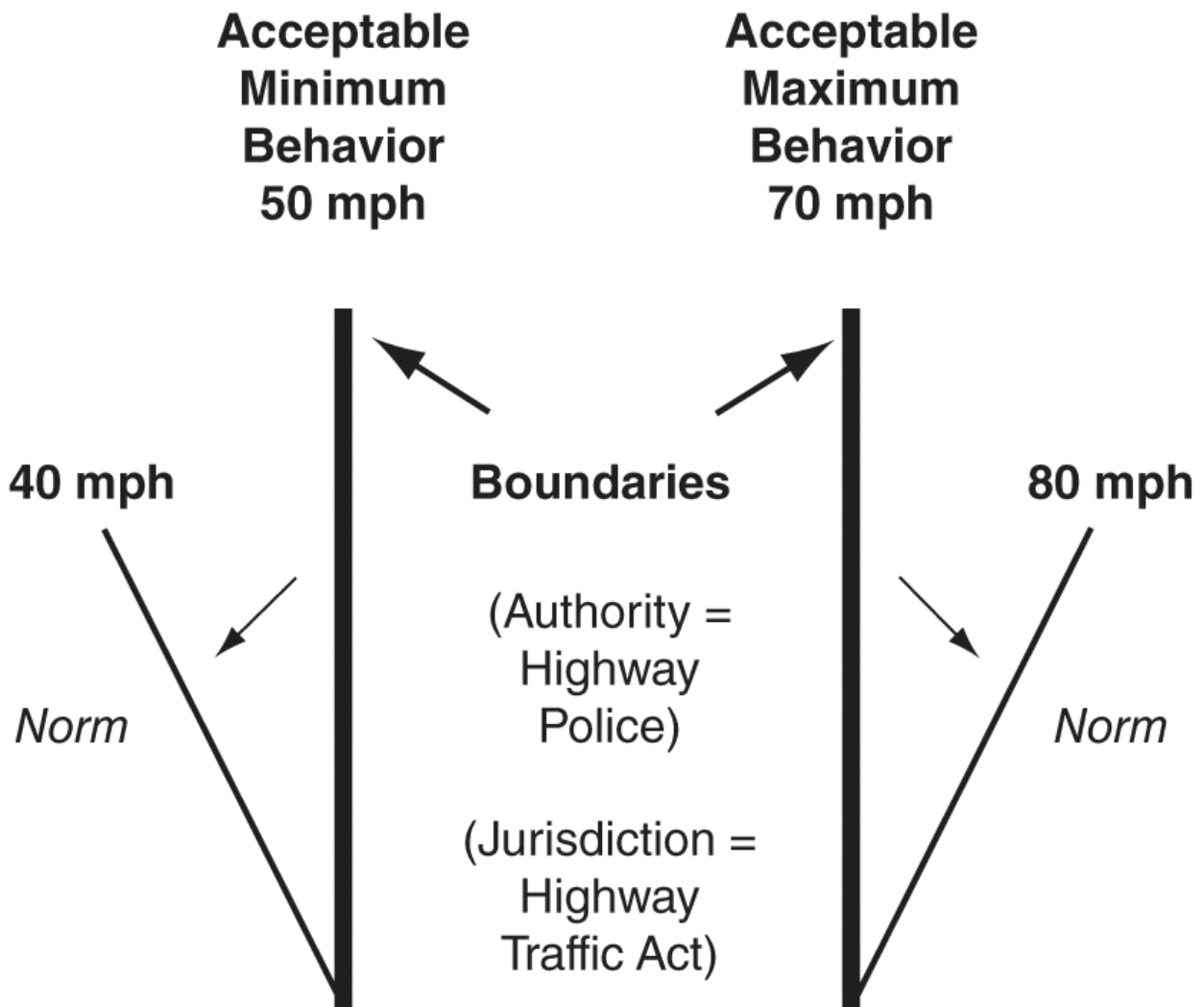
Loss aversion is a powerful cognitive bias that unconsciously shapes behavior. It can cause parties to take what appear to be irrational risks in some circumstances and to settle for far less value far too easily in others. The Loss Aversion Bias ([Figure 2.6](#)) is a model that offers strategies for helping parties avoid the significant pitfalls that our desire to avoid losses at all costs can create.



[Figure 2.6](#) The Loss Aversion Bias model

MODEL #7—THE BOUNDARY MODEL³

The Boundary model ([Figure 2.7](#)), similar to the Circle, assesses the root cause of conflict from a structural and behavioral point of view but suggests that conflict occurs because of how people relate to, and interact with, boundaries.

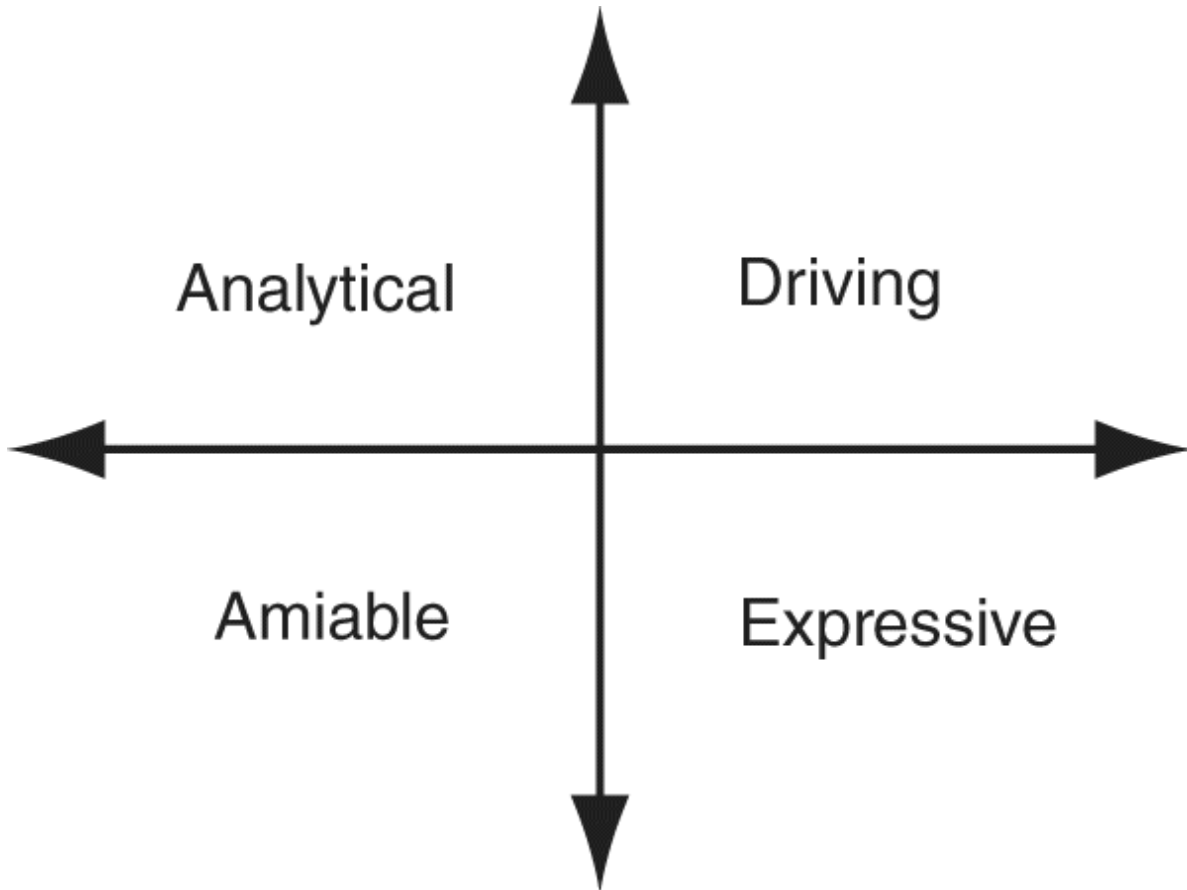


[Figure 2.7](#) The Boundary model

Our lives are filled with boundaries of many kinds including laws, contracts, cultural expectations, norms, and limits of any sort. The model suggests that conflict occurs when parties disagree on boundaries, expand or break boundaries, or refuse to accept the authority and jurisdiction inherent in a boundary. It also offers specific approaches to work with conflict caused by boundary issues.

MODEL #8—THE SOCIAL STYLES MODEL⁴

The Social Styles model ([Figure 2.8](#)) takes a different angle on conflict than the other models in the Toolbox in that it focuses on understanding personality conflict and conflict related to personal communication styles. Based on the same type of research from which the Myers-Briggs Personality Indicator was developed, the Social Styles model offers a much simpler framework for assessing personal styles. The Social Styles model suggests four basic personality and communication styles, or types, and offers clear skills and strategies for working with these personality characteristics in conflict situations.



[Figure 2.8](#) The Social Styles model

MODEL #9—MOVING BEYOND CONFLICT

One of the main barriers to resolution comes when people can't let a conflict go and move on with their lives. A dispute can become such an important part of an individual's life that he or she will not allow it to end. It feels as if something important is being lost, and parties can engage in a process very similar to grieving. The Moving Beyond model ([Figure 2.9](#)) helps identify the stages or steps parties often must go through in order to let a conflict go and move beyond it.

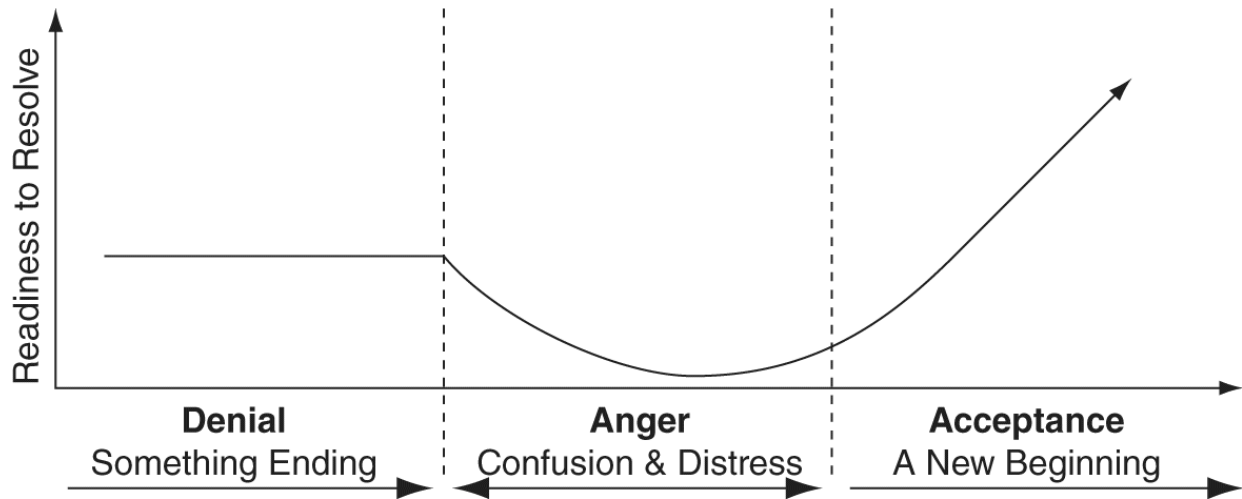


Figure 2.9 The Moving Beyond model

NOTES

1. Used with permission of CDR Associates, Boulder, Colorado.
2. Adapted with permission from CDR Associates, Boulder, Colorado.
3. Used with permission of Dr. Larry Prevost, Sarnia, Ontario.
4. Social Style is copyrighted material owned by The TRACOM Group and used here with permission.

CHAPTER THREE

THE CONFLICT STORY: A CASE STUDY

Throughout the Toolbox, each of the models described will be applied to the same conflict situation to illustrate both how the model can diagnose a conflict and how it can give guidance to the practitioner based on that diagnosis. The basic outline of the situation is given here.

A CASE STUDY

The parties were part of a small work team in a government agency. It consisted of two clerks, Bob and Diane. Bob had been in the same position for over 12 years, with a good performance record. Diane was new, with 1 year in the position. They were both union members and co-equals, meaning that they had the same pay and job classification, a CL-1. They did similar tasks in the office, but for the sake of efficiency and personal interest, Bob did more accounting work and Diane did more client-service work. The office supported a large group of professional engineers who were also union employees and reported to Sally, the manager. Bob and Diane also reported to Sally, who was new to the job as of two months ago.

After two months of settling in, Sally revealed to the whole department that she was there with a mandate to revamp the workflows, change and improve the way services were provided, and generally improve the department's slipshod performance and poor quality standards.

As she began to make changes and restructure, a number of staff members filed grievances, alleging that she was ignoring the collective agreement and requiring union members to perform tasks that were not at all related to their job classifications. Sally backed off on some of her demands but not others, and she was not considered popular. None of the grievances had gone as far as arbitration yet.

Compounding the negative atmosphere was the fact that the organization had been negotiating a new collective agreement for the last 15 months, and it was now 12 months since the last collective agreement had expired. There was considerable frustration with senior management among the staff over this.

As part of the process, Sally announced an upgrade to one of the two clerk positions from a CL-1 to an AS-1. The AS-1 role entailed a raise and was considered, in some ways, a supervisory position. The AS-1 would be responsible for most of the customer service functions, as well as assigning work to the CL-1. In addition, the AS-1 would be the interface for all communications to and from the manager but would not be doing performance reviews of the CL-1 and would not have

any authority to discipline. It was equivalent to a “lead hand” position.

As with any union position, the AS-1 position was posted for competition, but was posted on short notice, and Bob and Diane were the only applicants for the position. At the end of the competition, Diane was awarded the position. Bob immediately grieved the decision, claiming that it was not conducted fairly and that the criteria used were biased against him.

Informal meetings between Sally and the union were held about the grievance, and Sally agreed that there might have been problems with how the competition was structured. Both parties agreed that the competition would be rerun. Diane's appointment was revoked and a new competition was run. Again, Diane and Bob applied, and this time Diane won by a larger margin than the first time. Bob tried to file another grievance but the union informed him that they had reviewed the process and found that the competition was run in accordance with the collective agreement rules. Bob complained to the union that his manager had never offered him “acting” supervisor assignments to develop his supervisory skills, nor given him a chance to improve his customer service skills through training, and this was why he wasn't promoted. The union told him this wasn't grievable and that they couldn't help.

Bob's behavior began to suffer. He was sullen and uncooperative with both Sally and Diane. He refused to take instructions from Diane, saying that he would take directions only from Sally, and his behavior came close to insubordination. Sally met with him and warned him that he would be disciplined if he didn't do what Diane told him. After that, his attitude got even worse. He did what he was told but only the absolute minimum, and he did it with a negative attitude, adopting a sort of “work-to-rule” approach. The only people he spoke to at work were other staff unhappy with Sally and the changes she was making.

After about a month, he started coming in 15 to 20 minutes late every few days and consistently left the minute quitting time came, regardless of who needed what. When Diane asked him about this, he simply said that other staff came in late, too. Although this was occasionally true, other employees came in late a few times a year,

not weekly. In addition, he told Diane it wasn't her job to discipline him and asked to be left alone.

Diane had a very hard time dealing with Bob. She often had to ask him more than once to do a task, and if she followed up with him, he got angry. Many times, instead of telling Diane what work he had completed, he told Sally. Diane didn't know what to do, and in her frustration, she began raising her voice to Bob in a threatening manner, and occasionally used profanity.

Diane complained to Sally that she couldn't take much more of Bob's negative attitude and behavior. When Diane confronted him about this, he said that he had no problem with her, that it was Sally's fault, but he continued to be uncooperative. Diane continued to be disrespectful, in Bob's opinion. Bob, for his part, said openly to other staff members that Sally played favorites, that he had seniority and should have been promoted, that Sally chose Diane because they were both women, that the union was helping management shut him out, and that he was being discriminated against. Although all of this behavior was unpleasant, Bob continued doing just enough of his job to avoid serious discipline, and Sally didn't know what to do.

Bob continued to look for ways to grieve the results of the competition and promotion, but the union made it clear that they wouldn't accept a grievance on the issue because they felt that the competition didn't violate the collective agreement. Bob decided to file a harassment complaint against Diane for the verbal abuse he claimed she was giving him.

CHAPTER FOUR
MODEL #1: THE
STAIRWAY (INTERESTS/RIGHTS/POWER)

BACKGROUND OF THE STAIRWAY MODEL

This model is a foundational framework used in the conflict resolution field. In many ways, it underpins the entire field of conflict resolution and negotiation. Two of the main sources for this model are the original works of Fisher and Ury at the Program on Negotiation at Harvard University, specifically their books *Getting to Yes*¹ and *Getting Past No*.² These concepts, however, tend to be used fairly loosely and without enough cohesion to form a “model” in the way we are using this term. This chapter takes the next step by arranging and structuring the Stairway model into a practical format.

DIAGNOSIS WITH THE STAIRWAY MODEL

Diagnostically, this model focuses on the many processes and approaches that people use to resolve disputes, rather than categorizing or assessing the conflicts themselves. It identifies the three basic categories or types of processes that are used to resolve conflict and states that all dispute resolution approaches fall into one of the following three categories:

Interest-based processes

This is an approach that tries to reconcile or find a solution that meets the interests of the parties. Interests refer to the parties' wants, needs, hopes, and fears. Interest-based approaches tend to be more consensual, and succeed when both parties get enough of their interests met to agree on a solution.

Type of Outcome: Win/Win

Process Examples: Most types of negotiation, mediation, joint problem solving, mutual gains bargaining, and brainstorming

Rights-based processes

This is an approach that is characterized by parties asserting or focusing on the superiority of one party's rights over the rights of the other parties. Rights come from many sources, including laws, statutes, conventions, past practices, policies, contracts, etc. Rights-based processes tend to be adversarial and focus on promoting one's own rights while minimizing and delegitimizing the other party's rights.

Type of Outcome: Win/Lose (sometimes Lose/Lose)

Process Examples: Litigation, arbitration, adjudication, tribunal decision, neutral evaluation, some types of negotiation, and formal investigation

Power-based processes

This approach is characterized by parties bringing to bear all the resources they have at their disposal against the other party in an attempt to win. Typically, power-based processes are highly adversarial and are sometimes applied in spite of the rights of the parties.

Type of Outcome: Lose/Lose (sometimes Win/Lose)

Process Examples: Threats, intimidation, physical force or violence, strikes or lockouts, unilateral decision-making, some types of negotiation, "self-help," and voting.

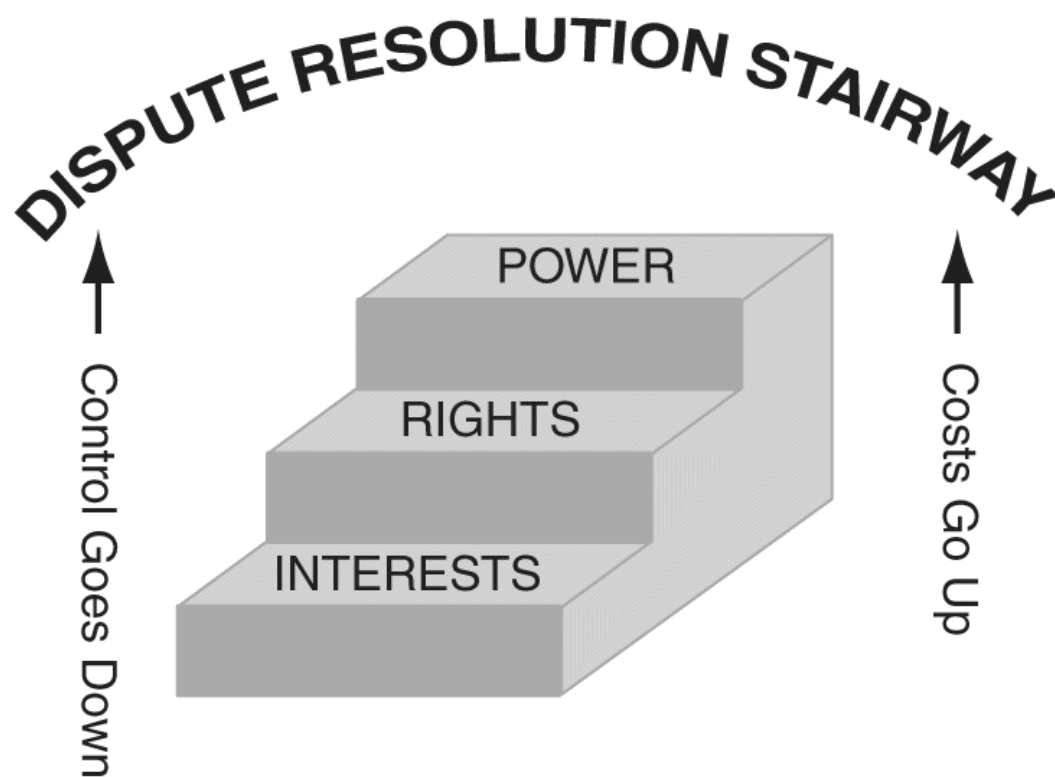
It should be noted that rights- and power-based processes, although separate and distinguishable types of processes, often operate together in conflict

because it's often the rights-based framework that gives power to one party in a given situation. For example, many governments have created rights-based laws that grant police the power to arrest and incarcerate individuals. In addition, rights- and power-based processes share some traits in that both are adversarial in nature, whereas interest-based processes are collaborative in nature.

The simplest format for the Interests/Rights/Power model is the Stairway ([Figure 4.1](#)).

The Stairway model indicates that as parties move up the Stairway with the type of process they are using to resolve a conflict, two things happen:

1. **Costs go up.** Costs, in relation to conflict, are an important consideration. The most obvious costs of conflict are time and money, but when dealing with conflict, a whole additional range of costs will surface. Some of the other costs that are incurred as the conflict moves up the stairway include:
 - Loss of productivity
 - Loss of focus
 - Draining of emotional energy



[Figure 4.1](#) Stairway model: Diagnosis

- Stress
- Strained or terminated relationships
- Loss of productivity
- Lower morale
- Damaged reputations

Consider this wide range of costs by comparing a few days negotiating the resolution to a contract dispute or an employment matter to the costs involved in taking the same matter to litigation or a human rights tribunal that could run months or years. The full range of costs goes up dramatically when engaging in a rights-based process. Compare that, finally, to the same contract or employment dispute when it escalates to power, where one party to the failed contract tries to destroy the reputation of another party in the community or engages in theft or sabotage against their employer because of the dispute. Costs can go up even further.

2. **Control goes down.** When using interest-based processes, the parties themselves control the nature, direction, and outcome of the negotiations. When the process escalates to rights-based processes, the parties have turned the final decision over to a third party, whether a judge, an arbitrator, or a tribunal. And because rights-based processes typically rule only on the rights-based aspects of the dispute, many times the final decision handed down does not meet all of the interests of either party, including the “winning” party. This can be seen when *both* parties to a lawsuit appeal the judge's decision. When the dispute turns to power-based processes, the only control left to each party is control over how much of their power they choose to use against the other party. In many situations where power is used against the other party, it often results in rapid escalation in a “tit-for-tat” exchange, leaving both parties feeling that they have no choice but to respond in kind. The situation rapidly spirals out of the control of both parties.

The assessment that the practitioner makes about what kind of process or processes the parties are using becomes a critical one when looking at the dynamics of the processes involved. The type of process being used, in other words, will greatly influence the outcomes the parties get.

It is important to note that the model in no way judges the use of rights- or power-based processes as being negative or wrong. The model simply notes that rights- and power-based processes are more costly (see the list of costs on the previous page) than interest-based approaches. The following provides some detail on the strengths and weaknesses of each approach:

Strengths and Weaknesses of Interests, Rights, and Power Processes

| | |
|---|--|
| <p>Strengths:</p> | <p>Weaknesses:</p> |
| <p>Interest-based process:</p> <ul style="list-style-type: none"> • Collaborative • Creative, unique solutions • Problem-solving approach • Durable agreements • Builds and strengthens relationships • Maximizes outcome for all parties | <p>Interest-based process:</p> <ul style="list-style-type: none"> • Time consuming • More creative but less consistent solutions • Doesn't always achieve a resolution • Can be (incorrectly) seen as a “soft” or “touchy-feely” approach |
| <p>Strengths:</p> | <p>Weaknesses:</p> |
| <p>Rights-based process:</p> <ul style="list-style-type: none"> • Fair, consistent standard applied to everyone • Faster outcomes, in that the solution to most situations is spelled out in advance • Rights-based positions have some external legitimacy • Can be seen as “objective” | <p>Rights-based process:</p> <ul style="list-style-type: none"> • Win/lose outcome • More formal, costlier processes • Hard to get agreement on interpreting everyone's rights, leading to additional conflicts • Less flexible • Parties less satisfied when losing • Can harm relationships • Slower outcomes, because formal processes take longer than informal ones |

| | |
|---|---|
| <p>Strengths:</p> | <p>Weaknesses:</p> |
| <p>Power-based process:</p> <ul style="list-style-type: none"> • Fast, no consultation is required • One party can simply take everything they want (if, indeed, they can) | <p>Power-based process:</p> <ul style="list-style-type: none"> • Can be seen as oppressive, stirs up resistance • Win/lose at best, often lose/lose • Significant damage to relationships • No durability to solutions, other party looking for failure or “I told you so!” • Once power is the primary process used, more and more power is needed over time to get the same result • Never feels fair to the “losing” party (or often to either party) |

CASE STUDY: THE STAIRWAY DIAGNOSIS

Applying the Stairway model to our case study can give the practitioner clear insight into the type of processes the parties are using, the dynamics of the conflict in light of this, and why the parties are behaving the way they are.

In our case study, the problems started when Sally announced, in her role as the manager, that there would be changes made to the workflows and service levels, and as part of this there would be the creation of the AS-1 position. She announced this as a done deal. In other words, the initiation of the entire problem began when Sally started by approaching the implementation of a significant change in the workplace on the basis of her **power** or authority.

The next step, the job competition, was essentially a **rights-based** process, in that the collective agreement gave everyone the right to apply for open positions and prescribed a structured process that had to meet certain criteria to be deemed fair. Because **rights-based** processes are essentially win/lose, Bob was angry when he lost and felt he had no choice but to appeal the process, using yet another **rights-based** process (the appeal process).

Sally and the union met, and when the union raised their concerns about the fairness of the process, both parties agreed to rerun the competition using criteria that were mutually agreeable. This was the first and only use of an **interest-based** process, but it was an interest-based process that did not take Bob's interests into account, only the union's and management's.

After losing the second competition, Bob attempted more **rights-based** appeals and grievances, none of which were successful. Bob then resorted to the only thing he felt he had left, a **power-based** process he alone controlled—his behavior at work. He became difficult and resistant, adopting a “work-to-rule” approach to try to make the workplace unpleasant enough that they would give him what he wanted. Diane, in response, resorted to yelling and swearing to try to intimidate Bob into behaving better (**power based**), which failed. Diane finally went to Sally, who she hoped would use her authority (**power based**) to deal with Bob. Bob then initiated a harassment complaint to deal with Diane (**rights based**).

As we can see, a large reason for the negative outcomes achieved by Sally, Bob, and Diane is that virtually every process they used fell into the rights and power categories. Most of Sally, Diane, and Bob's behavior became adversarial and costly in terms of time and energy- it damaged morale, productivity, and relationships in the workplace. These are all the classic costs of conflict that parties experience when escalating up the Stairway.

What can a practitioner do after diagnosing the situation using the Stairway model? Moving to the strategic use of the model, we can look at some ideas for intervention that the model gives us.

STRATEGIC DIRECTION FROM THE STAIRWAY MODEL

The Stairway model guides practitioners with the following strategies:

Default to using interest-based processes first

There are very few situations where rights or power should be used as a first choice.³ Interest-based processes such as problem solving, negotiation, and mediation are inexpensive enough and successful enough that there should be a presumption of using these interest-based processes first. In other words, the default approach should be interest-based processes, moving to rights-based only if the interest-based fails, and moving to power-based only if the rights-based approach fails.

Use the lowest-cost rights or power process

Within each step, there are processes that will cost more or cost less. For example, arbitration typically costs less in time and money than litigation, even though both are rights-based processes. Even better, neutral evaluation costs less in time and money than either. In political processes (which are mostly power based), allowing people to vote for their political leaders every five years costs less than having a civil war every five years.

Loop back to interests

If you need to use rights- and/or power-based processes, or if the situation has escalated to other parties using rights- or power-based processes, look for opportunities to loop back down the Stairway to interests wherever possible.

This is a key principle, and it says that if you need to file a lawsuit to protect your rights, do so; then keep looking for opportunities to negotiate a resolution. If you ground your son for breaking a curfew, look for ways in the future to negotiate a solution that works better for both of you; willing commitment is far better in most cases than imposed punishment. The concept of looping back is an important one, and one that we don't often think about when in the midst of conflict. Often, we are more focused on how we can consolidate our power and escalate the conflict in an effort to win. This rarely succeeds or meets our interests without incurring significant costs to us along the way.

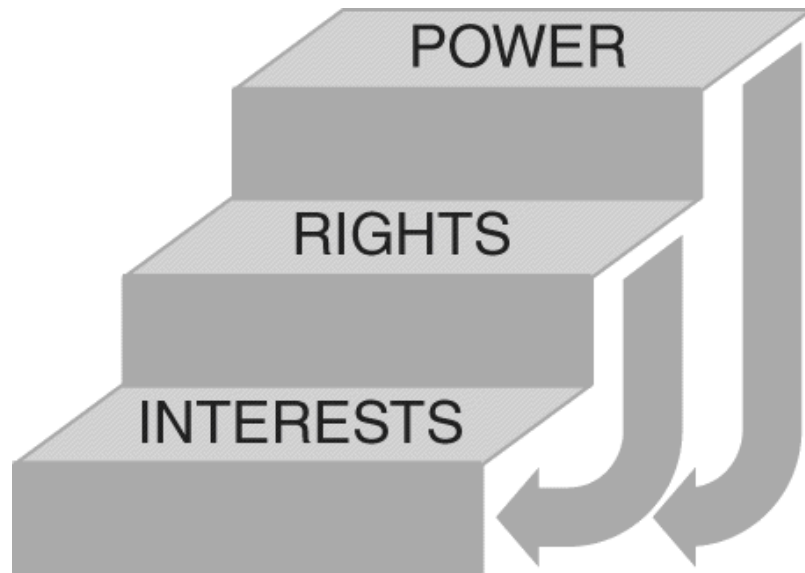


Figure 4.2 Stairway model: Strategic direction

By understanding the outcomes and consequences of the different types of processes, this model directs practitioners to guide the parties toward the process that will accomplish what they want at the lowest cost for those involved.

CASE STUDY: STAIRWAY STRATEGIC DIRECTION

In continuing with the case study, we can look at what direction the Stairway model would give in guiding a practitioner's intervention. The following are four examples of the Stairway strategies applied to Sally, Bob, and Diane.

Default to using interest-based processes first

Because the first strategy is to default to interest-based processes, Sally (as the practitioner in this example) could sit down with Bob to understand and discuss both of their interests. This exchange would avoid, for the moment, the power-based issues of insubordination or the rights-based issues of grievances and focus on what Bob and Sally both want. To best help the two of them identify interests, the practitioner could review Model #2: The Triangle of Satisfaction and work with the common interests listed there. Although there are a number of competing interests, there is also a full range of common interests for the parties to work with at this level. Sally could take the same approach with Bob regarding the harassment complaint, looking at what Bob really wants and how they might resolve it with Diane consensually.

Go to rights only if interest-based processes fail

If one party is determined to focus on their own demands to the exclusion of the other party, the practitioner can focus for a while on the rights of the parties in the situation. For example, if Bob is adamant that he has a "right" to the promotion, Sally can help Bob explore those rights from the relative safety of this interest-based process of negotiation. Sally can explore how Bob is viewing his rights, why the job competition process exists, why the union feels the process is fair, what rights Sally and Diane have, what basis he has for saying he has more rights than Diane or the union in this situation, etc. This is a low-cost way of exploring parties' rights, involving much lower costs than constantly refiling grievances or other complaints.⁴

Go to power only if rights-based processes fail

Further, the practitioner could explore with Bob⁵ what power he has in the situation and what power the other party has. For example, the practitioner could use the idea of BATNA (Best Alternative to a Negotiated Agreement) and explore Bob's outcomes if he stays on power (the right to grieve, which the union has made clear has no merit, or work refusal and poor performance, which may result in dismissal), or if the status quo remains with no one getting what they want.

Loop back to interests

Finally, the practitioner can help Bob loop back to interests by helping Bob compare his rights and power options to what can be accomplished collaboratively—that is, focusing on what he wants in the future and how Sally can help him, and what Sally wants and how he can help Sally. In this way, the parties can truly assess what they can accomplish jointly on an interest-based level and compare that to what an adversarial contest of their rights and their power looks like.

ASSESSING AND APPLYING THE STAIRWAY MODEL

Diagnostically, this model is basic and simple but at the same time very broad and applicable because it can diagnose almost all dispute resolution processes as falling into one of the three categories. For this reason, it rates high on the diagnostic scale. Strategically, it gives some direction (start with interests rather than rights or power; look for opportunities to loop back to interests, etc.), but the strategic direction given by this model is fairly broad. Of more value strategically is understanding the win/win dynamic that interest-based processes can offer, contrasted with the win/lose and lose/lose dynamic of rights- and power-based processes.

Final thoughts on the Stairway model

The Stairway model of Interests/Rights/Power is a foundational and seminal model in the conflict resolution field. It frames virtually every type of process that parties use to resolve or address conflict and does so in a straightforward and elegant way. It is also a model that is both simple enough and useful enough that it can be taught to parties during the negotiation process itself to help everyone frame the choices that they are making, along with the dynamics or outcomes that may flow from those choices.

PRACTITIONER'S WORKSHEET FOR THE STAIRWAY MODEL

1. Assess the type of processes used so far by the parties and the outcomes that they've been getting.

| | |
|---------------------------------------|------------------|
| Interest-Based Processes Used: | Outcomes: |
| • | • |
| • | • |
| • | • |
| • | • |
| Rights-Based Processes Used: | Outcomes: |
| • | • |
| • | • |
| • | • |
| • | • |
| Power-Based Processes Used: | Outcomes: |
| • | • |
| • | • |
| • | • |
| • | • |

2. Develop options for interest-based processes that may help the parties:

3. Identify low-cost rights-based processes the parties should consider if interest-based approaches fail:

4. Identify low-cost power-based processes the parties should consider if rights-based processes should fail:

5. Identify opportunities to loop back:

ADDITIONAL CASE STUDY—STAIRWAY MODEL

Case Study: The Greek Social Club

A tenant moved into an apartment next to a Greek social club that had been there for a number of years. The social club catered to the Greek community and held numerous functions at the club, mostly on weekends but sometimes on weekday nights.

Not long after moving in, the tenant went to the club during a party on a Friday night to talk to the manager about the noise. It was just after 10:00 p.m. The manager listened to the tenant's complaint but told him that the party would continue because the city's noise bylaw allowed them to make noise until 1:00 a.m. on weekends. The tenant tried to explain that he worked early shifts and asked if the music could be turned down. Again, the manager refused, quoting the bylaw. The tenant left angry and immediately phoned the police. The police arrived at his apartment about half an hour later, listened to the story, and told him that the bylaw indeed allowed noise until 1:00 a.m. but offered to talk to the club manager anyway. When the police showed up the manager got extremely angry that the police had been called, and after the police left, turned the music volume up louder. The tenant again called police, who visited once more but could do nothing.

Over the next few months the tenant regularly called the police to complain about the noise and on a few occasions managed to get a social event shut down on the weekdays, causing the club a significant headache. In return, empty bottles and the odd broken bottle turned up on the tenant's porch, making the tenant feel like he was being targeted. The tenant applied for an injunction to prevent all members of the club from coming near his apartment, but without proof of who had broken the bottles, was not successful. The tenant then wrote a letter to the liquor control board requesting that the club's license to serve alcohol be suspended because of the negative impact the club was having on the neighborhood. His complaint was accepted and assigned to an investigator. The club served notice on the tenant that they were filing a lawsuit to stop his harassment of the club.

The Stairway model diagnosis and worksheet: The Greek Social Club

1. Assess the type of processes used so far by the parties and the outcomes that they've been getting.

| | |
|---------------------------------------|------------------|
| Interest-Based Processes Used: | Outcomes: |
|---------------------------------------|------------------|

| | |
|---|--|
| <ul style="list-style-type: none"> • The initial attempt by the tenant to talk to the club was to try to get his interests met. | <ul style="list-style-type: none"> • It failed. The club fell back on its rights, that is, the bylaw, and didn't consider the tenant's interests at all. |
| <p>Rights-Based Processes Used:</p> <ul style="list-style-type: none"> • The club relied solely on the bylaw rather than pay any attention to the tenant's concerns. • The tenant applied for injunctions but didn't succeed. • The tenant tried to have the club's liquor license revoked, which is ongoing. • The club is considering a lawsuit over the "harassment." | <p>Outcomes:</p> <ul style="list-style-type: none"> • These processes served only to escalate the situation, polarizing the parties further. Each party has spent a great deal of time and effort (as well as money) trying to assert their rights over the rights of the other party, so far to no avail. |
| <p>Power-Based Processes Used:</p> <ul style="list-style-type: none"> • The tenant has repeatedly called the police, trying to invoke an authority with some power to solve the problem. • Some club members have tried to intimidate the tenant by leaving bottles or broken bottles on his porch, to try to get him to back down. | <p>Outcomes:</p> <ul style="list-style-type: none"> • The power-based processes have again only escalated the situation, leaving both parties feeling threatened and vulnerable. This has made resolution increasingly difficult. |

The Stairway model strategic direction: The Greek Social Club

2. Develop options for interest-based processes that may help the parties:

Interest-based options require looking at what both parties want and need and focusing on the constructive interests the parties have.⁶ By looking at what each party really wants (as opposed to the newly created interests of revenge and punishing each other), the parties can better look for solutions that will actually solve the problem.

The most obvious process for doing this would be finding a way for the two parties to sit down and negotiate, to listen to and understand what each of them really needs out of this. Either party could initiate this. Should that not work, a second option would be some form of mediation. By asking a third party to organize and run the negotiation, it might make it easier for each party to feel safe in attending.⁷

3. Identify low-cost rights-based processes the parties should consider if interest-based approaches fail:

The parties are headed for high-cost rights-based processes such as court or regulatory bodies like the liquor control board. If negotiation fails, a lower-cost rights-based option might be to get their local city councilor involved (or another person whom both parties would respect), have him or her review the situation, and then tell both parties what's reasonable. This might temper the anger that both parties are feeling and help them rethink their point of view.

4. Identify low-cost power-based processes the parties should consider if rights-based processes should fail:

An option for the tenant with a lower cost than repeatedly calling police might be to start involving neighbors to bring community pressure to bear on the social club. The social club, on the other hand, could open its doors to the community more, put on a function to which the entire street is invited in an effort to build support. Although both these approaches are risky (as all power-based processes are) in that they risk dividing the whole street and escalating the situation, they are probably better and lower cost than constant police calls and the “self-help” approach of broken bottles on the tenant's porch, which could easily lead to a violent confrontation between the tenant and other social club members.

5. Identify opportunities to loop back:

This is a key step. Parties should look for ways to get back to the interest-based level by finding a way to meet and make the relationship actually work for both of them. They could do this by either party extending an

olive branch and an offer to meet and talk. They could ask a third party, such as their city councilor or a local community figure, to sit down with them and facilitate a discussion. They could each appoint a representative (a lawyer, a friend, etc.) to negotiate on their behalf with instructions to find a way to meet both parties' important interests. Any of these strategies would shift the parties away from the aggressive, adversarial approach they have both been using (with little success) and focus them on actually solving the problem.

Epilogue of the case study

The police, fed up with being called about the matter, referred the case to a community mediation organization, which contacted both parties and asked if they would participate in mediation to try to resolve these issues. Reluctantly, both parties agreed.

After four hours of mediation (which included extensive venting by both parties and a clear identification of what each reasonably needed to make this work), an agreement to minimize the problems was reached, along with a commitment to try it out for three months to see if it helped and to meet again if either party still had concerns. Over the course of a year and three additional meetings, the friction between the parties stopped and all formal complaints were withdrawn. In addition, the tenant received a standing offer to drop by any of the club's social functions and join the party, an invitation the tenant accepted a couple of times.

NOTES

1. Roger Fisher, William Ury, and Bruce Patton, *Getting to Yes: Negotiating Agreement Without Giving In* (New York: Penguin Books, 1991).
2. William Ury, *Getting Past No: Negotiating Your Way from Confrontation to Collaboration* (New York: Bantam Books, 1991).
3. It is appropriate to default to power first in emergency situations. At the scene of a fire or during an armed conflict, giving firefighters or soldiers orders that they follow immediately and without negotiation is an appropriate first approach. These situations, however, are rare.
4. This is a variation on reality testing or BATNA (Best Alternative to a Negotiated Agreement), that is, looking at what a rights-based alternative looks like compared to the interest-based possibilities.
5. If the process is mediation and a third-party neutral is present, some of these strategies are better used in caucus than plenary. If the context is negotiation, as here in our example, exploring power-based processes or BATNAs is more sensitive but can still be done.
6. Refer to Model #2: Triangle of Satisfaction to help look at a full range of both parties' interests.
7. Refer to the Dynamics of Trust model for more. Using a neutral third party is a form of procedural trust that can be used when there is no interpersonal trust in the situation.

CHAPTER FIVE
MODEL #2: THE TRIANGLE OF
SATISFACTION

BACKGROUND OF THE TRIANGLE MODEL

The Triangle is actually a related part of the Circle of Conflict model ([Chapter 6](#)) and is taken from the same source, Moore's book *The Mediation Process*.¹ It is, in essence, a deeper layer for analyzing the concept and idea of interests, an idea that is fundamental to the entire conflict resolution field.

DIAGNOSIS WITH THE TRIANGLE OF SATISFACTION

Remembering that “interests,” for the purposes of these first two models, are defined as a party's wants, needs, fears, hopes, or concerns, the Triangle suggests that there are three broad *types* of these interests. Further, the Triangle proposes that we can map all interests into these three different types, and that these three types are qualitatively different from each other. When working to resolve conflict, each type of interest requires different interventions and different approaches.

Graphically, the model of the three types of interests looks like [Figure 5.1](#).

Result (Substantive) Interests

This is the “what,” the outcome, the most tangible part of a conflict. In litigation, it's who pays how much money to whom; on a work team, it's the final decision on a contentious issue; in a landlord/tenant issue, it's whether the tenant keeps the apartment, what the new rental amount is, etc.

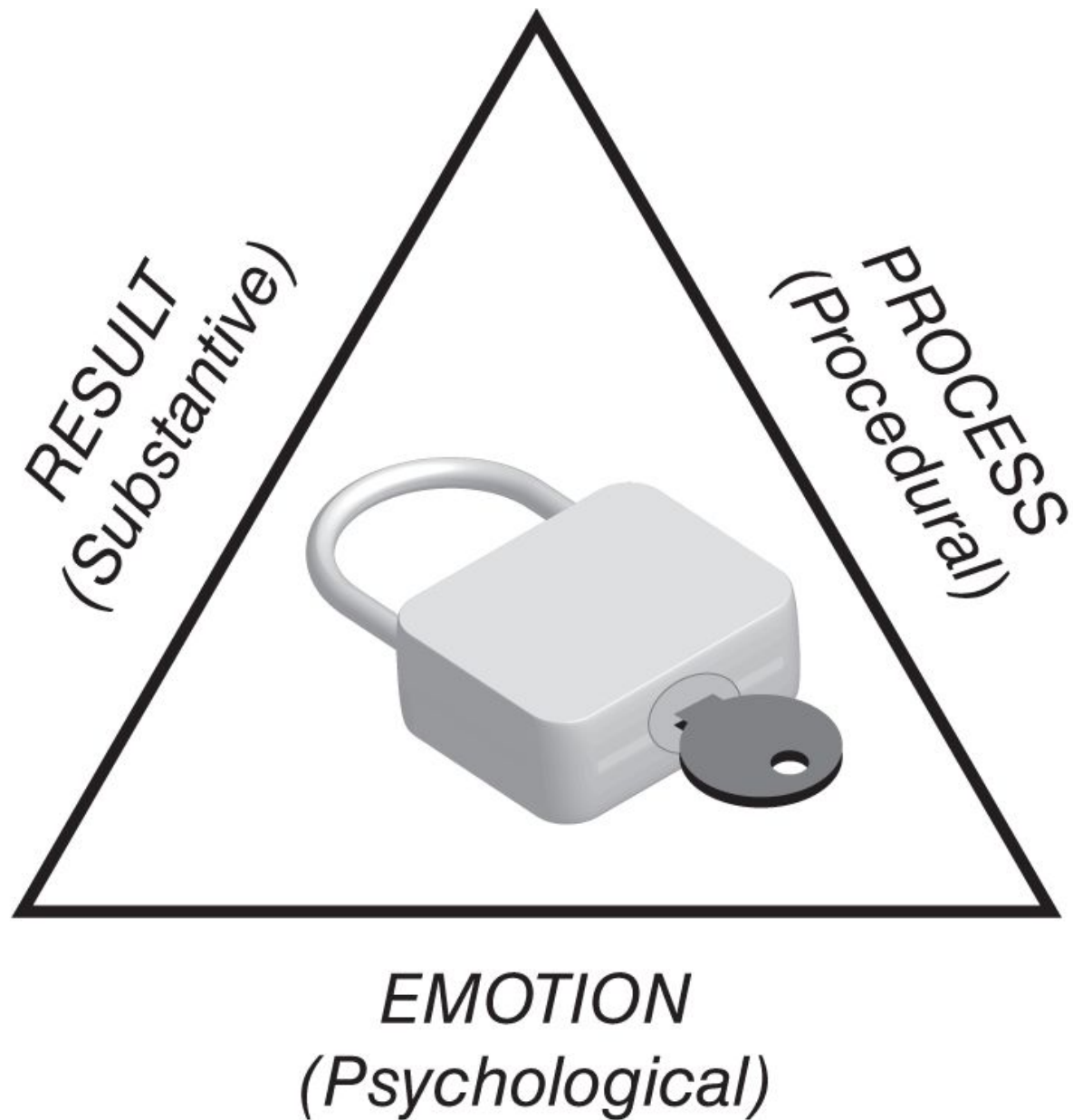


Figure 5.1 The Triangle of Satisfaction

In a housing transaction, the main result interests of the purchaser may be getting a low final purchase price and including as many light fixtures, appliances, and curtains as possible, whereas the main result interests of the seller may be getting a high sale price in “as is” condition.

Process (Procedural) Interests

This is the “how,” the process by which we reach a result. *When* the solution is implemented, *how fair* the process is, *how inclusive* the process is, *how transparent* the process is, and *who* is involved in the negotiation or decision-making process, are all process or procedural interests.

Building on our house purchase example, some process interests might be *who* presents the offer (the agent or the buyer himself), *how fair* the negotiation process has been (has the buyer low-balled on their first offer, angering the seller? Has the seller threatened to pull it off the market if they don't like the offer? Is there a bidding war for the property, or is this the only offer in sight?), *how long* the contingencies for financing or inspection are, and so on.

Emotion (Psychological) Interests

This is what is going on emotionally or psychologically as we try to reach an agreement. Wanting to win, wanting to save face, wanting to be heard, issues of status or self-worth, the quality of the relationship, wanting an apology or wanting revenge, feeling satisfied—these are all psychological or emotional interests parties may have.

In our house-buying example, one psychological or emotional interest may be the question of who gets the antique chandelier; for the buyer it makes the house seem unique and special, whereas for the seller it was her grandmother's and has great emotional value. Although it may be worth little on the market, it may make or break the deal because the parties are emotionally attached to it far beyond its substantive value. In other situations, which party accepts the other's “final offer” may represent who won the negotiation in the parties' minds, and because neither party will want to feel like they lost the negotiation, no deal is struck. Wanting to meet a buyer personally to know the house went to “nice people” may be important from an emotional perspective as well.

The Triangle is used diagnostically on an ongoing basis to assess which type of interest is most important for each party at any given point in time. This can be quite important, because people change their interests, or shift the emphasis of what is important within their interests, as a regular part of the conflict resolution process.

CASE STUDY: TRIANGLE OF SATISFACTION DIAGNOSIS

In our case study, we can apply the Triangle to assess and understand the interests of the parties. As this model is applied, you'll note new details about the case appearing. This is because any practitioner who works with the Triangle model will go out of their way to uncover, explore, and understand the full range of the parties' interests beyond what is initially on the table.

Applying the Triangle to our case study, the interests might look like this:

| BOB'S INTERESTS: | |
|-------------------------|---|
| Result Interests: | <ul style="list-style-type: none">• Bob wants a promotion and raise in pay, either this promotion or another one.• Bob wants “acting” assignments offered to him.• Bob wants support and help improving his skills. |
| Process Interests: | <ul style="list-style-type: none">• Bob wants access to and interaction with Sally.• Bob wants fairer criteria for selecting the AS-1.• Bob wants what he sees as discrimination to stop.• Bob wants Sally to assign the tasks, not Diane.• Bob wants this all resolved quickly.• Bob wants to avoid any discipline for his behavior.• Bob wants to keep his job. |

BOB'S INTERESTS:

Psychological
Interests:

- Bob wants Sally punished for her poor treatment of him.
- Bob wants Diane to stop her disrespectful behavior toward him.
- Bob wants recognition for his 12 years of good service in the area.
- Bob wants to feel he has some control over the changes affecting him.
- Bob wants a positive, constructive work environment.
- Bob wants Diane and Sally to acknowledge he is a good worker who contributes to the team.

SALLY'S INTERESTS:

Result
Interests:

- Sally wants Diane to keep the AS-1 position.
- Sally wants Bob to be a productive, happy team member.
- Sally wants to offer Bob “acting” assignments if he demonstrates the skills and attitude needed.
- Sally would like to help Bob develop his interpersonal skills.

SALLY'S INTERESTS:

Process
Interests:

- Sally wants a quick resolution to all these problems.
- Sally wants to spend less time managing Bob and Diane.
- Sally wants most communications channeled through Diane (but is willing to include Bob in the loop for information).
- Sally wants Bob to have input and involvement in task assignments and to accept and listen to what Diane tells him.

Process
Interests:

- Sally wants to avoid any need for disciplining Bob for his behavior, as it isn't good for morale.
- Sally wants Diane and Bob to resolve the harassment complaint before it goes any further.

SALLY'S INTERESTS:**Psychological
Interests:**

- Sally wants Bob to admit he behaved badly.
- Sally wants Bob to recognize and accept her authority to make these changes.
- Sally wants Bob to hear that she appreciates his 12 years of service with a good performance record.
- Sally wants Bob to have a positive and constructive attitude at work.
- Sally wants Bob to have a proactive attitude toward his job and take ownership and initiative in the workplace.
- Sally wants Bob to feel in control of some of the changes, but within the parameters she sets.
- Sally wants Bob to understand that she is not discriminating against anyone in the workplace.

DIANE'S INTERESTS:**Result
Interests:**

- Diane wants to stay in the AS-1 position.
- Diane wants Bob to accept her direction.
- Diane wants Bob to drop the harassment complaint.

**Process
Interests:**

- Diane wants Bob to have input into his tasks, rather than her ordering him to do everything.
- Diane wants Bob to come to her with problems before going to Sally, so she can try to solve them first.

DIANE'S INTERESTS:

Psychological Interests:

- Diane wants a positive, constructive work environment.
- Diane wants to feel good about coming in to work.
- Diane wants Bob to have a positive, helpful attitude toward her.
- Diane wants Bob to accept her as the AS-1.

There are a few things we can see from the Triangle analysis. First, it requires the practitioner to develop a fairly deep understanding of what is motivating the parties by exploring and understanding their interests. Interests, fundamentally, are what motivate every person to do what they do, to take the actions that they take. Motivation, essentially, is the parties' wants, needs, fears, concerns, and hopes; by assessing and understanding these well beyond the superficial level, the practitioner can gain critical insight into what will be needed for the parties to reach resolution.

Second, as even a cursory read of the interest analysis shows, there are significant areas of “common interest” that can be developed as a foundation for resolution. All human relationships are a mix of common interests and competing interests, and the Triangle helps the practitioner map or understand that dynamic effectively.

Third, and something we don't yet know from this analysis, is the issue of the *priority* of any of the parties' interests, which ones are deal-breakers and which are simply “nice-to-haves.” Although we can certainly get a sense of what is important to each party through the Triangle analysis, it's only through the negotiation and resolution process itself that we will discover each party's true priorities.

STRATEGIC DIRECTION FROM THE TRIANGLE OF SATISFACTION

The next step is to consider what the practitioner can do based on the Triangle diagnosis.

Strategy #1: Focus on common interests

The practitioner needs to identify and work with the parties around their common interests. Remember, every relationship has a dynamic mix of both common and competing interests. The special nature of conflict, however, is that parties in a conflict will tend *to ignore all common interests in order to focus on the competing ones* and, further, will tend to focus on the hottest, most provocative competing interest they can find. This is a normal human tendency that unfortunately leads directly to escalation, not resolution. The practitioner's role is to help the parties recognize the common interests that exist in the situation (that exist in *every* situation) and use those common interests as a basis for resolving the conflict.

Finally, the practitioner can explore the apparently competing interests to see if there's a common interest underlying these competing interests. For example, on a competing interest around money (one party wants more, the other wants to pay less), the common interest may be payment schedules (both want the payment later, the payer for cash flow reasons, the payee for tax reasons). Frequently, interests that appear on the surface to be competing are often obscuring a deeper common interest that can benefit both parties.

Strategy #2: Work with the three types of interests differently

A critical part of the Triangle model is the idea that the practitioner needs to help the parties address all three types of interests to get a good outcome. In addition, each of the three types of interests requires a different approach and different intervention skills.

- *Result Interests* can be solved, or resolved. They are typically tangible issues that can be negotiated in very direct, hands-on

ways. This can happen through a variety of approaches—brainstorming, collaborative problem solving, BATNA (Best Alternative To a Negotiated Agreement) analysis, competitive bargaining, or compromise. Either way, however, result interests require a tangible, substantive solution acceptable to all parties.

- *Process Interests* tend not to be solved so much as negotiated on an ongoing basis. As we work to find a full resolution, the process often has to be changed or reinvented. The practitioner must think outside the content of the problem and keep an eye on the structure of the process itself. Substantive problems may benefit from a change in the process by bringing in technical experts to give their input; settlement may be better achieved by the speeding up or slowing down of the negotiation process. Psychological interests may require the symbolic attendance of senior executives. The process must constantly be reevaluated to ensure that it is helping the parties move forward effectively.
- *Psychological Interests* are never solved. They usually involve how parties feel, and feelings cannot be bargained away or compromised. Psychological interests must be expressed, listened to, acknowledged, processed, and finally released when they are addressed. Emotional/psychological interests need to be addressed respectfully and directly and must be treated as being as important as the other two types of interests. When ignored, emotional interests can become an insurmountable barrier to resolution of the conflict.

Strategy #3: Move the parties around the Triangle to avoid impasse

The practitioner can use the Triangle to work through impasse, and impasse can be caused by parties getting stuck on any one of the three types of interests. The practitioner needs to effectively move parties around the Triangle ([Figure 5.2](#)), shifting the focus to different types of interests at different times to help all parties see the full range of their own interests.

In many circumstances, the resolution of one type of interest is found by working with one of the other types of interests.

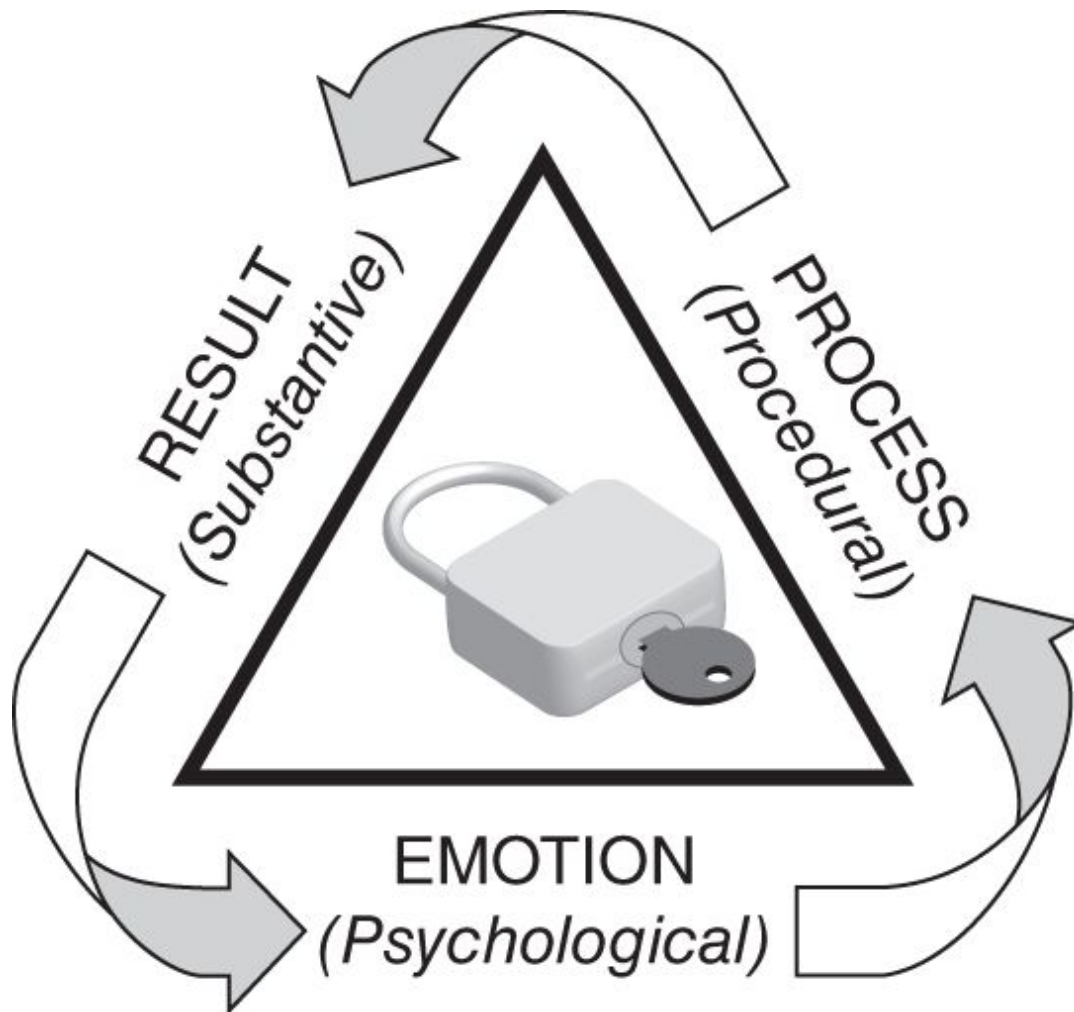


Figure 5.2 Triangle of Satisfaction: Strategic direction

Process solutions to results impasse

Sometimes, when the result interests appear incompatible, the parties can agree on a process instead, one that determines the result. They might both accept a third party deciding the result for them, through arbitration. Commercial real estate disputes about lease rates are often resolved by having each party obtain a professional appraisal, and then averaging the two results. In both cases, the parties agree up front to a process that is seen as fair and then accept the solution (result) that the process delivers.

Result or process solutions to psychological impasse

If parties are stuck because of a deep mistrust, one party may unilaterally give the other party a small part of the result they are demanding as a confidence-building measure (CBM).² This is a result solution to the psychological problem of low trust. Another confidence-building measure is agreeing to a solution based on a third party verifying that each party is adhering to the agreement. By building a process solution (independent verification) into the psychological problem of low trust, parties can continue to interact. Over time, as each side sees the other behaving in a trustworthy fashion, the need for the process step of verification diminishes and trust builds. This can be a process solution to the psychological problem of low trust.

Psychological solutions to result or process impasse

Sometimes, when the impasse is either substantive or procedural in nature (e.g. parties stuck on the outcome or the money, or refusing to even discuss certain issues), the practitioner can guide the parties toward seeing the issues from each other's perspectives. This may mean having each party talk about the impact of the conflict on them personally, how it feels, what it has done to their family or their business or their life. Helping to build some understanding and recognition between the parties (not agreement, just acknowledgment) humanizes each to the other, and may lead to more flexibility in the process and in the results the parties will consider.

Process solutions to psychological impasse

If parties are so angry with one another that they cannot even meet, one solution is to have all communication and interaction take place through an acceptable third party acting simply as a conduit, not a decision-maker. This allows parties to deal with issues, but in a way that prevents direct contact until the emotional side has cooled off enough to allow it. This process of “shuttle diplomacy” can be an effective way to deal with the emotional issues that are blocking resolution.

Clearly, by looking at the three different types of interests at play in any situation of conflict, the practitioner has greater understanding of

the motivation and behavior of the parties. Based on this analysis and diagnosis, a great many new interventions are readily apparent.

Let's take a look at how the Triangle can be used strategically in our case study.

CASE STUDY: TRIANGLE OF SATISFACTION STRATEGIC DIRECTION

Once the full range of the parties' interests has been fleshed out through the diagnostic use of the Triangle, the practitioner needs to make some decisions about what to do with these interests. After review, it becomes clear that the main interests seem to be focused between Bob and Sally, with Diane and Bob having a more limited set of interests (though no less important). Because many of the interests seem related to the relationship between Sally and Bob, the following are two possible steps the practitioner can use to intervene:

Step One

The first step is to use the first strategy, Focus on common interests. The mediator could bring Bob and Sally together to confirm and reinforce their common interests, as well as to explore what appear to be competing interests. In doing this, Bob and Sally would recognize that they both want at least some of the following:

- Both want Bob to take on “acting” assignments if he demonstrates a capability and aptitude for this.
- Both want Bob to have at least some access to, and interaction with, Sally (although the level of this still needs to be defined).
- Both want the conflict between them resolved quickly, as it's unpleasant for everyone.
- Both want to avoid this going through a disciplinary process.
- Both acknowledge Bob's long and solid service record to date.
- Both want Bob to have some input and control over the changes going on (although this needs to be within defined parameters).
- Both want a positive, constructive work environment.
- Both want the harassment issue with Diane resolved.
- There appears to be a hot competing interest in that Bob wants Sally punished and Sally wants Bob to admit that he behaved badly. In exploring this, however, the practitioner could find a common interest—both want to be treated respectfully in the

workplace and to have the unwanted behavior stopped. What appears to be a competing interest could actually be framed and developed as a common interest.

The mediator, in working through these common interests, starts to set a foundation of hope with the parties that these issues can be resolved.

Step Two

The second step is to use the second and third strategies, Work with the different types of interests differently, and Move the parties around the Triangle to avoid impasse. What follows is how a mediator might apply this step with the parties.

Psychological interests

It was clear from the meetings with Bob and Sally that the psychological interests for Bob were very strong. In the first meeting, after fleshing out the common interests, the mediator asked Bob to describe how he was feeling about the last few months at work. Bob responded by using phrases such as “Discriminated against,” “No value to my work,” “They're trying to force me to quit,” “The last 12 years thrown away,” “Being abused by Diane for standing up for my rights,” and so on. When the mediator asked Sally to describe the workplace, she talked about how Bob's resistance and attitude affected her and others, and how disrespectful she felt his lack of cooperation was, even though she agreed that abuse of any kind was unacceptable. The mediator asked Sally to talk about how she viewed Bob overall. She spoke of Bob's strengths, what Bob was good at, what Bob could improve, his strong service record, and overall how he had been a real asset to the organization. Although this seemed to help, Bob then replied, “If you think I am such a good employee, why didn't I get the promotion?” This allowed the mediator to shift from psychological to process interests.

Process interests

The mediator shifted to process interests by asking Bob how well he understood the competition system, why the union thought it was

fair, why management would have bothered rerunning the competition if they just wanted to shut Bob out, how common it was in the workplace for people to not succeed in their first few competitions, etc. Bob replied that he didn't really understand the competition system because it was the first promotion he had applied for, but that Sally should have helped him with it. The mediator also asked Bob what he wanted done differently in the future, and Bob said that although he wanted the promotion, he also wanted more contact with Sally, wanted her help in preparing for any other job openings for AS-1's that came up, and to be included more in the information loop. Sally stated that she was open to all of that if his attitude and behavior changed. This opened the door for a shift to results.

Result interests

The mediator asked Bob to clarify that he wanted to apply for other AS-1 positions, and Bob replied he definitely would. The mediator asked Sally if she could help him with that. Sally stated that she could help by offering “acting” roles and by sending Bob on appropriate training, but only if Bob demonstrated constructive behavior and initiative. Bob agreed, and they discussed and listed specifically how Bob would demonstrate this to Sally, after which Sally would begin offering “acting” roles. This gave Bob clear goals to work on, ones that would help him get specific things from Sally. This shift to the result interests was now starting to define a solution that might work for both.

From a strategic point of view, the practitioner guided the discussions through the three different types of interests and worked with each one in a way appropriate for that particular type:

- Psychological interests were approached through helping the parties listen and acknowledge what they were hearing.
- Process interests were addressed by exchanging a lot of information between the parties, then jointly developing a process that met both their interests.
- Result interests were gently bargained, meaning Sally offered to give Bob what he wanted (acting roles, training) if he gave her

what she wanted (demonstration of initiative and constructive choices).

In steps one and two, the practitioner applied all three strategies suggested by the Triangle.

ASSESSING AND APPLYING THE TRIANGLE OF SATISFACTION MODEL

Diagnostically, the Triangle is focused on analyzing the specific interests of each party. Because interests are present for all people in all situations, this model can be applied effectively in virtually every conflict situation. In defining and relating the three different types of interests, it rates high on the scale for diagnostic depth.

Strategically, the Triangle also rates high on the scale for offering specific strategic options in working with the three types of interests, options that flow directly from the diagnosis of the wants, needs, hopes, and fears of the parties in conflict. The three strategies of

1. Focusing on common interests,
2. Working with the three types of interests differently, and
3. Moving the parties around the triangle to avoid impasse

are clearly interrelated and work together well to help the parties get what they need as they move toward resolution.

Final thoughts on the Triangle of Satisfaction

The Triangle is an elegant and simple model that can be used at many levels, both at the surface with just result-type interests, or much deeper through process and psychological interests. In fact, the Triangle is sometimes drawn in a slightly different way to illustrate this, as in [Figure 5.3](#):

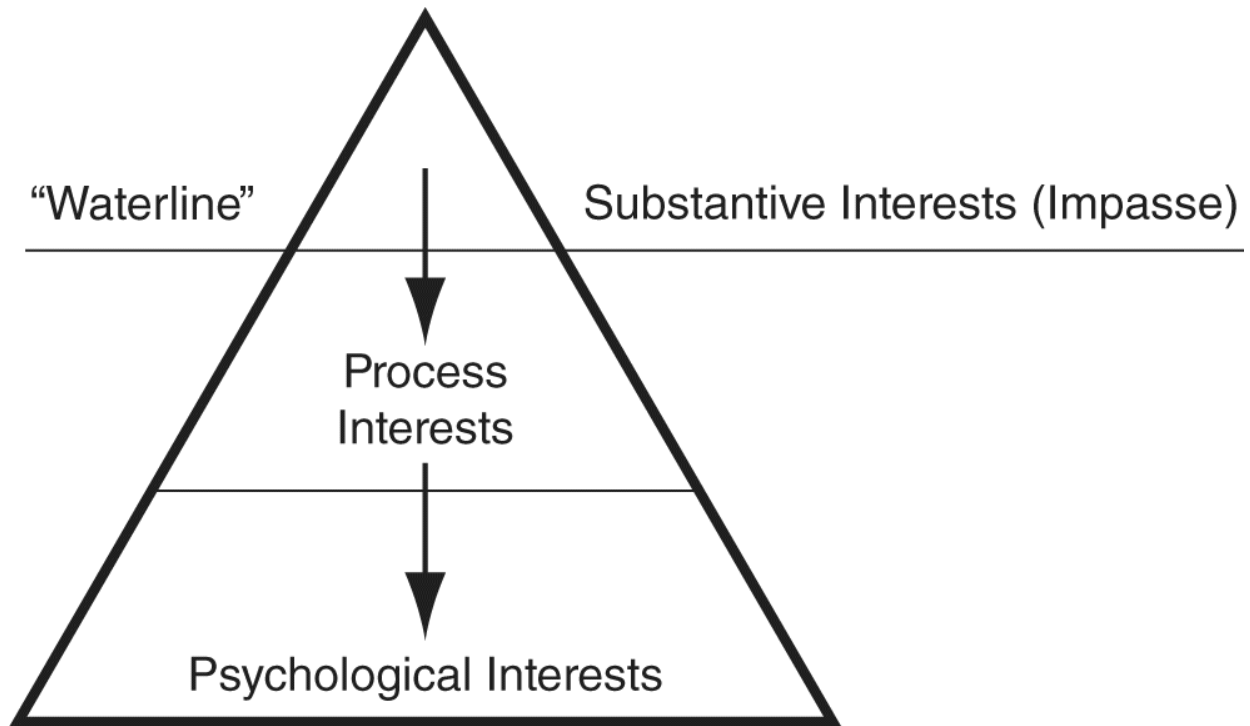


Figure 5.3 Triangle of Satisfaction: Deeper interests

From this perspective, the Triangle is presented as an iceberg, with the tip of the iceberg, the part that is most obvious to us, being the result or substantive interests. Below the surface, however, are a range of process interests we need to take into account, and an even deeper layer of emotional interests that we may need to address. If we simply work with what we see on the surface we are likely to suffer the same fate as the Titanic, running aground on the parts of the problem that are not readily apparent but are there, waiting to trip the unwary practitioner who has failed to properly diagnose the problem.

PRACTITIONER'S WORKSHEET FOR THE TRIANGLE OF SATISFACTION MODEL

1. Develop the full range of interests for each party, and diagnose by type.
2. Focus on common interests and explore competing interests by looking for additional common interests.

| | |
|-----------------------------|-----------------------------|
| Party A's Interests: | Party B's Interests: |
| Result: | Result: |
| • | • |
| • | • |
| • | • |
| • | • |
| Process: | Process: |
| • | • |
| • | • |
| • | • |
| • | • |
| Psychological: | Psychological: |
| • | • |
| • | • |
| • | • |
| • | • |
| Common Interests: | Common Interests: |
| • | • |
| • | • |
| • | • |
| • | • |

3. Work with the three types of interests differently. Some specific interventions for each type of interest are:

Result Interests:

- Brainstorm ideas
- Jointly solve problems
- Develop multiple options
- Exchange value, dovetail value
- Consider compromise
- Bargain if necessary

Process Interests:

- Continually negotiate the process to meet the parties' interests
- Include new or different people to change the dynamic at the table
- Think outside the “content” issues of the problem
- Look for objective standards
- Ensure the process is transparent and fair
- Ensure the process is balanced and inclusive
- Keep a future or solution focus, not a past or blame focus

Psychological Interests:

- Don't try to “solve” or bargain people's feelings
- Don't minimize or suppress people's feelings
- Treat as being equally important to the other types of interests
- Listen, acknowledge, and validate feelings
- Don't judge emotional interests; accept them and work through them
- Focus on the future to rebuild relationships
- Uncover, name, and discuss identity issues, and stay focused on the full range of interests

4. Move parties around the Triangle to avoid impasse:

- Consider process interventions for results problems
- Consider result interventions for psychological problems
- Consider process interventions for psychological problems
- Consider psychological interventions for process problems

ADDITIONAL CASE STUDY: TRIANGLE OF SATISFACTION

Case Study: Acme Foods

The situation was the termination and wrongful dismissal claim of a 20-year employee. Acme was a very large corporation, with both union and nonunion staff, the latter mostly in management positions. Cathy had worked at Acme as a unionized staff member for 14 years and had been in a supervisory role for five years. One year earlier, she had taken a year-long sabbatical as part of a company “four-for-five” program, which allowed staff to receive 80% of their salary for four years while working full time, and then take a year off and receive 80% of their salary while off. As part of the four-for-five agreement, the company required Cathy to commit to staying at her job for 12 months after her return, or there could be tax consequences. Cathy was the sole breadwinner in her family.

Cathy returned from her sabbatical and was told a restructuring was under way. One month later, she was laid off (along with 12 others) and offered a package of 18 months' notice. She refused to accept this and sued for wrongful dismissal. Cathy at this time was 55 years old, and the company had a retirement policy called an “80 factor,” which meant that when an employee's age and years of service added up to 80, he or she could retire with full retirement income and benefits. Cathy's age and years of work, at this time, added up to 75, which, when combined with the notice period of 1.5 years, took her to 76.5, only 3.5 years short of full retirement. She wanted to find a way to get to her full 80 factor so she could retire with a full pension and benefits.

Cathy claimed that the four-for-five agreement required her to stay for a full year after returning, and the company was obliged to keep her for that year. That would add one year of service and a year to her age, putting her within 1.5 years of the 80 factor. In addition, the four-for-five agreement required she have a mentor in the company to help her find a new position in the company if she were laid off during the sabbatical; the company had not given her this mentor. She claimed that there were jobs she could do in the company, and that the mentor would have helped her find a job internally. Barring

that, she claimed that the notice she was being given, because of how she was treated in being terminated, should have been 30 months, adding an additional year to her total. She asked that the company put her on a leave without pay for 6 more months, which would take her to the 80 factor. Finally, she wanted the vice president (VP) of human resources to look at her case, convinced that he would not approve of how she was being treated.

The company, on the other hand, did not even want to consider helping her get to the 80 factor. They were downsizing, they had a hiring freeze, and although they conceded that they hadn't followed the four-for-five agreement exactly, they were not obliged to keep her for a year or to find a new position for her. They said that even if they had appointed her a mentor, no jobs were available so it was irrelevant. In the past, this company had a culture of "cradle to grave" entitlements for employees. Now, new management had set new rules that they felt were fair but not as generous; they were very clear that the rules would not be bent for anyone, because they wanted the message sent that the rules were the rules for all. The VP of human resources was the sponsor of these new rules. Additionally, the company pension plan had just gone from surplus to deficit, so they didn't want to burden it further by helping employees draw from the pension plan years earlier than they were entitled to.

**Triangle of Satisfaction diagnosis and worksheet:
Acme Foods**

| Cathy's Interests: | Acme Food's Interests: |
|--|--|
| <p>Result:</p> <ul style="list-style-type: none"> • Get to 80 factor and retire • Get most money in settlement | <p>Result:</p> <ul style="list-style-type: none"> • Pay proper, fair severance, and no more • Close the file • Not get Cathy to 80 factor |

| Cathy's Interests: | Acme Food's Interests: |
|---|--|
| <p>Process:</p> <ul style="list-style-type: none"> • Be treated fairly • Have the company live up to their obligations under agreement • Have this settled soon, avoid litigation • Get money soon, as bills were mounting • Avoid litigating with Acme, known to be vindictive in court | <p>Process:</p> <ul style="list-style-type: none"> • Avoid litigation if possible • Stick to the rules, no special deals • Send a message to other employees |
| <p>Psychological:</p> <ul style="list-style-type: none"> • Feel that her years of service were valued • Feel that she “got the most” • Feel that senior people (the VP) had reviewed her situation and knew what was going on | <p>Psychological:</p> <ul style="list-style-type: none"> • Show that employees are valued, but treated equally • Have Cathy understand that there was nothing personal in their decisions • Let Cathy know senior people have reviewed the file • Help Cathy in any reasonable way |

| Cathy's Interests: | Acme Food's Interests: |
|---|---|
| <p>Common Interests:</p> <ul style="list-style-type: none"> • Fair treatment • Value Cathy for years of service • Process for senior review deal • Avoid prolonged litigation | <p>Common Interests:</p> <ul style="list-style-type: none"> • Close the file, move on • Help Cathy as much as possible • Let her know that the VP had reviewed the situation |

From a diagnosis point of view, each party had a full range of interests. In addition, although there was a strong set of competing interests (mostly centered around the result or substantive interests), there were also a number of common interests.

Triangle of Satisfaction strategic direction: Acme Foods

Strategy #1 is to focus on common interests.

| Common Interests Focus: | Possible Intervention Action: |
|---|--|
| <p>Highlight for parties: Both want fair treatment in the final settlement.</p> | <ul style="list-style-type: none"> • On the money side, because this is a lawsuit, look for objective standards for “fairness” in notice periods for employees. The lawyers can have a discussion focusing on this to get the parties into the same ballpark and away from the extreme positions taken. |

| Common Interests Focus: | Possible Intervention Action: |
|---|---|
| <p>Highlight for parties: Value and appreciate Cathy's years of service, and help Cathy as much as possible.</p> | <ul style="list-style-type: none"> • The mediator could raise this issue and have company representatives address this. In this case, the company reps had her file and praised her for the quality of service to the organization and again explained it was not personal; it was Acme's drastically changing business needs that caused this. • The mediator could initiate discussion of other ways the company could help Cathy, such as letters of reference, keeping her high on the list for consideration if new positions became available, etc. |
| <p>Highlight for parties: Cathy's desire to have senior people review the situation, and Acme's desire for Cathy to know their offer meets new company guidelines authorized all the way up the chain of command.</p> | <ul style="list-style-type: none"> • Parties discussed and agreed that company reps would call the vice president during the mediation, so Cathy could satisfy herself that senior management backed up the policies being put forward at the table. |

| | |
|--------------------------------|--------------------------------------|
| Common Interests Focus: | Possible Intervention Action: |
|--------------------------------|--------------------------------------|

| | |
|--|--|
| In caucus, highlight for parties: The desire to close the file and avoid prolonged litigation. | <ul style="list-style-type: none"> • Test Cathy's need to settle quickly and avoid litigation. • Test Acme's need to avoid a costly public display of fighting with a valued and respected employee, that is, what message this would send to the employees staying. |
|--|--|

Strategy #2 is to treat different types of interests differently.

| Type of Interest: | Possible Intervention: |
|--------------------------|--|
| Substantive Interests: | <ul style="list-style-type: none"> • Explore objective criteria, such as typical notice period ranges. • Discuss the obligation of the company to get an employee to the 80 factor. • Discuss the way that the layoff was handled. • Inform Cathy who else was laid off (to see if it was personal or much broader than just Cathy). • Privately meet with just the lawyers to bargain the notice period. |
| Substantive Interests: | <ul style="list-style-type: none"> • Explore the real consequences and costs of Cathy waiting an extra year or two to get to the 80 factor. • Explore Cathy's other needs, such as tax implications, letters of reference, benefits continuation, payment structure, etc. |

| Type of Interest: | Possible Intervention: |
|--------------------------|--|
| Process Interests: | <ul style="list-style-type: none"> • In caucus, explore the costs of proceeding, and compare with what is on offer today. • Explore why Cathy feels unfairly treated and look at ways of addressing that, both in monetary and nonmonetary terms. • Explore with Acme other areas of flexibility that may be possible; look at what they could “sell” back at the office. • Explore any joint messages to other employees if they reached a settlement. • Put Cathy in touch with the VP, someone she has great respect for. • Meet separately with counsel for hard bargaining, sparing Cathy that process. |
| Psychological Interests: | <ul style="list-style-type: none"> • Explore the past relationship between Cathy and the Acme rep, as it may either help or reveal a deeper problem. • Discuss Cathy's career at Acme and let Acme reps personally recognize Cathy's contribution while there. • Let Cathy push as hard as she needs to, so that she can feel she “got the most” from the company. • Let Cathy talk with the vice president so she feels he takes her situation seriously (regardless of the final outcome). |

Strategy #3 is to move around the Triangle to avoid impasse. In this case, it would mean moving between the interventions described, spending time at the beginning getting some recognition for Cathy's service first, then looking at non-monetary options to help Cathy, then bargaining the numbers for a while, then moving back to arranging a meeting with the senior vice president, then finalizing the numbers through bargaining, then looking at the proposed settlement and comparing it to prolonged litigation and those outcomes, and so on. By moving around and between the different types of interests, the mediator can maximize progress in each area while avoiding getting stuck in any one of them.

Epilogue of the case study

In this case, Cathy fundamentally wanted to get to her 80 factor, and Acme fundamentally refused to make that a goal of theirs. This was headed for an impasse.

To avoid this, the parties spent some time talking about the changes in the workplace coming from the new management team's change in culture and rules. The company rep indicated that the other 11 laid-off employees were treated the same, and although they didn't like it they had accepted it as fair. Acme told a story about one of the 11 who was only 10 months from his 80 factor, and how the company, based on the new policy, would not "bridge" him to get him there. Therefore, out of fairness to all, they could not do so with Cathy. (This discussion focused on process—i.e. fairness—interests.) In addition, the representatives knew Cathy and had worked with her; they acknowledged her years of service and high-quality work, making clear that this was painful and difficult for the company and for them, and most certainly wasn't personal (this acknowledgment focused on the psychological interests.)

Looking at possible resolutions, Acme pointed out they understood her position and indicated that they would help where they could. Acme had a choice to pay any notice as a lump sum (which was easier for the company) or to keep Cathy on payroll for the notice period offered. The difference was that the notice period, if paid through payroll, counted toward her 80 factor and would shorten the time it would take for her to start getting pension benefits. In addition, she

would remain on the company benefits plan as opposed to getting cash in lieu, which was important because no individual could get the same quality of benefits plan on their own. If it didn't settle, however, the company would only pay a lump sum, and it would be of less value to Cathy in terms of her goals.

The lawyers then discussed ranges of notice periods, and they narrowed the range to 20 to 24 months as fair and reasonable. When the offer came from Acme at 22 months, this was seen as acceptable (This was a shift to substantive interests). In addition, on the non-monetary side, Acme agreed to let Cathy know when new positions opened up (not giving her a right of refusal, just knowledge of the position), and Cathy saw this as a benefit.

Finally, Cathy asked to speak with the senior vice president. The Acme reps got him on the line, and Cathy spoke with him for a few minutes. He reiterated the significant change in culture that was taking place, apologized for laying her off, and hoped that the issue would resolve. It was clear to Cathy that this was the best offer she could get, and she felt the company had heard and listened to her (addressing some of her process and psychological interests). The matter settled.

By understanding the different types of interests, and by following the Triangle from a strategic perspective, the practitioner helped the parties focus on meeting their interests in the most effective way possible.

NOTES

- [1.](#) Christopher Moore, *The Mediation Process: Practical Strategies for Resolving Conflict* (San Francisco: Jossey-Bass, 2003).
- [2.](#) See the Dynamics of Trust model for more strategies around trust-building and CBMs.

CHAPTER SIX
MODEL #3: THE CIRCLE OF
CONFLICT

BACKGROUND OF THE CIRCLE OF CONFLICT MODEL

The Circle of Conflict model was originally developed by Christopher Moore at Collaborative Decision Resources (CDR) Associates of Boulder, Colorado, and is a key model used by CDR in the training of mediators. This model appears in Moore's seminal mediation book, *The Mediation Process*,¹ and has been adapted with permission here. The version presented here is the adapted version.

The Circle of Conflict, as a model or map of conflict, attempts to categorize the underlying causes, or “drivers,” of the conflict situation that a practitioner is facing, offering a framework to diagnose and understand the factors that are creating or fueling the conflict. After offering a way to diagnose the causes of the conflict, the Circle then offers some strategic direction on ways a practitioner can move the conflict toward resolution.

DIAGNOSIS WITH THE CIRCLE OF CONFLICT

From a diagnostic point of view, the Circle of Conflict model postulates that there are five main underlying causes, or -drivers,- to conflict. The model, along with the five main drivers, is as follows ([Figure 6.1](#)):

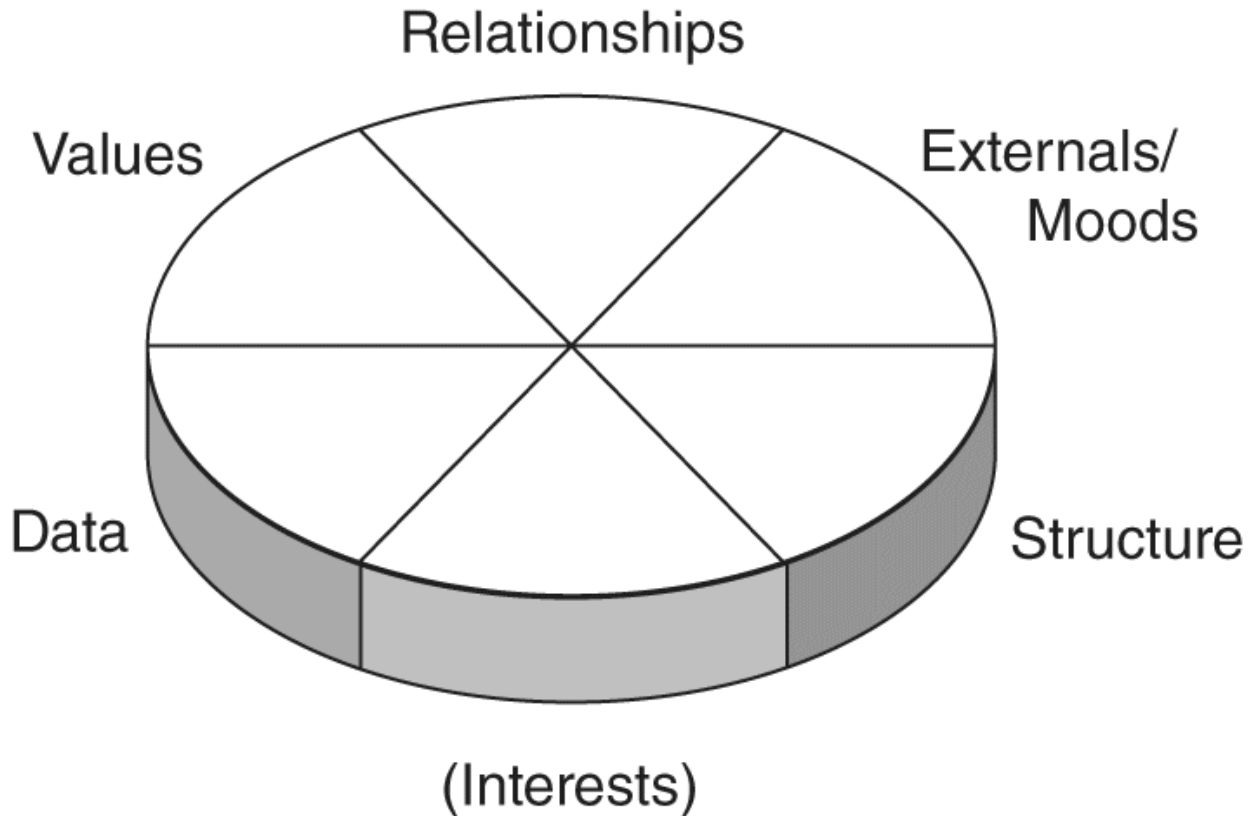


Figure 6.1 Circle of Conflict: Diagnosis

| | |
|--|--|
| <p><i>Relationships</i></p> <ul style="list-style-type: none"> • negative experience in the past • stereotypes • poor or failed communications • repetitive negative • behavior | <p><i>Values</i></p> <ul style="list-style-type: none"> • belief systems • right and wrong • good and evil • just and unjust |
| <p><i>Externals/Moods</i></p> | <p><i>Data</i></p> |

| | |
|---|--|
| <ul style="list-style-type: none"> • factors unrelated to substance of dispute • psychological or physiological • “bad hair day” | <ul style="list-style-type: none"> • lack of information • misinformation • too much information • collection problems |
| <p><i>Structure</i></p> <ul style="list-style-type: none"> • limited physical resources (time, money) • authority issues | <ul style="list-style-type: none"> • geographical constraints • organizational structures |

Values

The Values slice includes all the values and beliefs held by the parties that are contributing to or causing the conflict. These include terminal or life-defining values (such as religious beliefs, ethics, and morals), as well as simpler day-to-day values employed in business or work contexts (such as the value of customer service, loyalty to the company, etc.). Value conflicts occur when the parties' differing values clash and either cause or exacerbate the situation. Because values, morals, and ethics are so important to human beings, value conflicts tend to be very heated and personal. Examples of disputes where values play a major role include conflicts based on religious and political beliefs.

Relationships

This identifies specific negative experiences in the past as a cause of conflict. Relationship conflict occurs when past history or experience with another party creates or drives the current negative situation. For example, if a customer had a problem with a bank over her bank account and later finds charges on her credit card bill that she doesn't remember making, she may blame the bank right off the bat, even before finding out that the bank had nothing to do with the incorrect charges and is perfectly willing to fix the problem. Relationship problems often lead to the forming of stereotypes, lead people to

restrict or end communications with the other party, and frequently lead to tit-for-tat behavior, where one party perceives unfair treatment and retaliates against the other party; the other party then perceives this as an unprovoked attack and retaliates against the first party in some way, leading to further retaliation and conflict without end. A classic example of relationship conflict is the feud between the Hatfields and the McCoys, where members of these two families killed each other for generations in the southern United States.

Externals/Moods

This covers external factors not directly part of the situation but which still contribute to the conflict. It can be as simple as dealing with someone who “woke up on the wrong side of the bed,” or who has a medical condition such as chronic back pain, making them cranky or difficult to deal with. They can be much more involved, such as attempting to negotiate labor contracts during a recession where neither party has caused or controls the recession, but both must deal with its negative impact, leaving a negative mood in the negotiation. External or mood conflict drivers occur when outside forces either cause part or all of the problem or make a difficult situation worse. Other examples include an employee with a substance abuse problem who is difficult at work or a lawyer going through his or her own divorce while trying to represent a client in a child-support lawsuit.

Data²

Data, or information, is identified as a key driver to conflict. Data conflict occurs when the information that the parties are working with is incorrect or incomplete, or there is an information differential—one party has important information the other party doesn't have. These data problems often lead to further negative assumptions and further data problems.

Another significant data issue is the interpretation of the data, in which the parties interpret the same information in different ways. Although culturally we tend to believe that “facts speak for themselves,” in reality facts and information need to be interpreted,

and this interpretation opens the door to significantly different views of the same information.

A good analogy is a children's connect-the-dots game. Numbered dots are printed on a page but form no obvious picture. By connecting the dots in the right order, a picture such as a dog or a house emerges. In real life, when we assess conflict situations we are presented with the same series of “dots” or data points, only in our case without the numbering.

In [Figure 6.2](#), we draw a picture by choosing to connect the dots in a particular way. The same dots, however, can be connected in different ways (i.e. different interpretations of the same information), leading to very different pictures, as in [Figure 6.3](#).

To complicate matters even further, now imagine that some dots (or data points) exist only in one picture, while different dots only exist in the other picture—each party has confidential information not shared with the other. Finally, as in [Figure 6.4](#), it is not uncommon for a party to draw a picture that simply ignores some of the data points because they don't fit the picture the party wants to see. Completely different pictures can then be created, each of which will be completely legitimate (even seen as exclusively “right”) to the party drawing it.

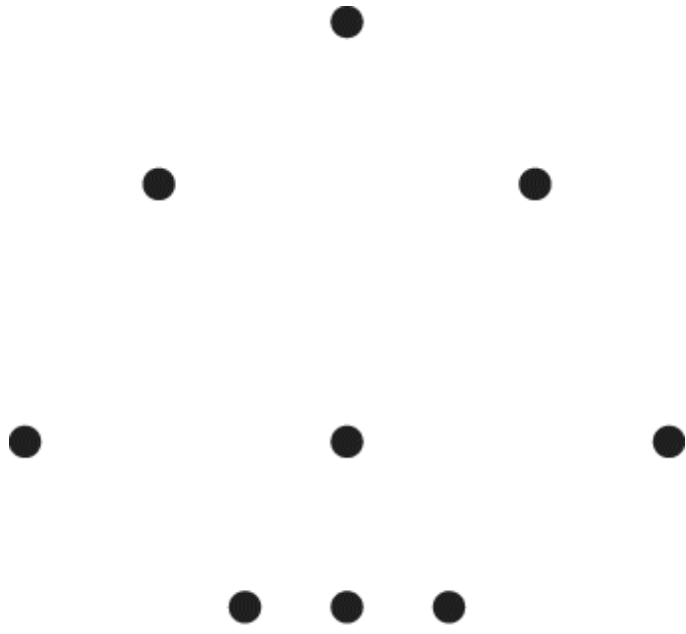


Figure 1

Figure 6.2 Data points

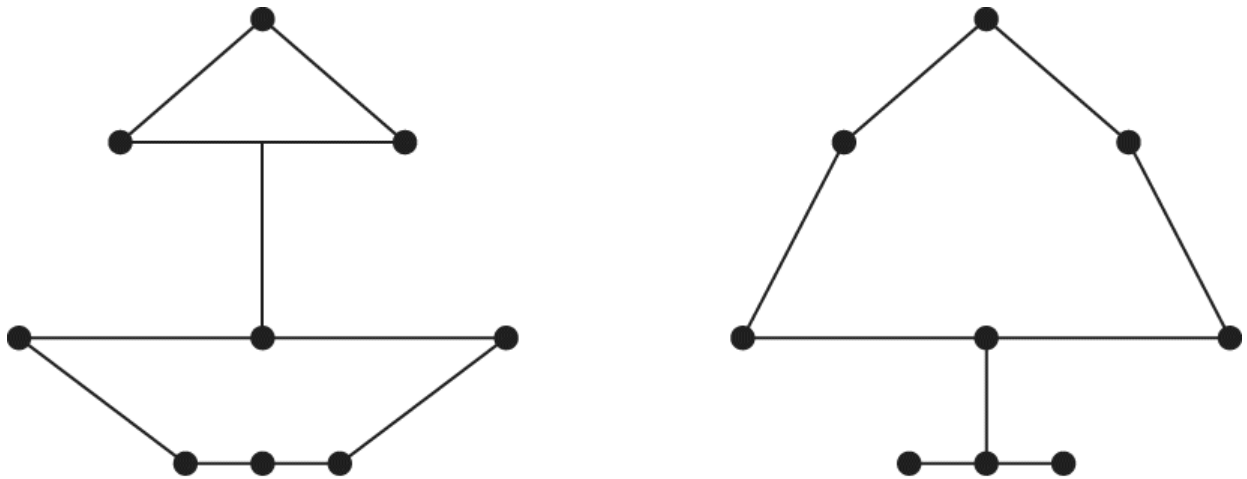


Figure 2

Figure 6.3 Data points connected differently

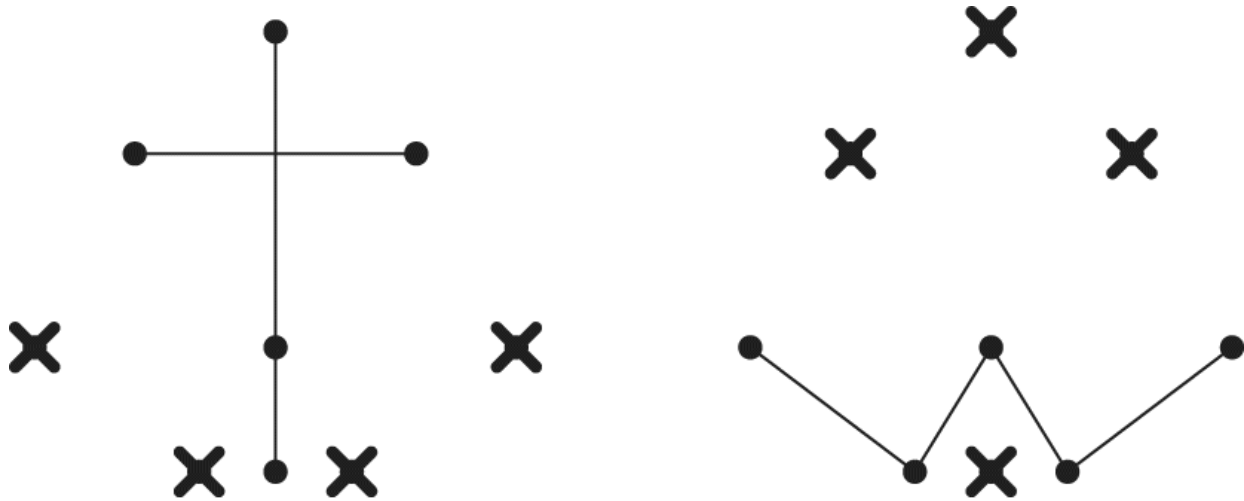


Figure 3

Figure 6.4 Data points ignored

Structure

This covers a few different types of situations, all focused on problems with the very nature or structure of the systems we work within. Three common structural problems are limited resources, authority problems, and organizational structures.³

1. Limited Resources—Having limited resources in business, for example, is a structural problem caused by the competitive free-market economy that business operates within. In other words, two companies compete (often with high levels of conflict and animosity between them) because our free-market economy mandates competition as a process that all businesses must engage in. To do otherwise would violate antitrust laws. Where limited resources cause parties to compete, this is a structural cause of conflict.
2. Authority problems—Authority problems result when people try to resolve an issue but don't have the authority to actually make the decisions needed. As a simple example, when you argue with a clerk in a store over an exchange or refund, it's very unlikely that he can do what you want—as a front-line clerk he is tasked

with resolving customer complaints but lacks the authority to do what you are asking.⁴

This lack of authority frequently contributes to the frustration and anger felt by the parties to a conflict and often leads to further escalation of the problem.

3. **Organizational Structures**—Organizational conflict occurs when different departments or people have to work together but have divergent priorities for their respective work. The sales department of a company, for example, is tasked with selling a product or service, even if it means making promises to customers they're not sure the company can always deliver. The operations department, however, is charged with delivering the product or service in a cost-effective manner, even if it means breaching or “modifying” the promises the sales staff has made. Each has different priorities, and this can lead to structural conflict both within the company and between the company and the client.

To better understand how the Circle can be applied as a diagnostic tool, we'll apply it to the case study, looking at all five drivers.

CASE STUDY: CIRCLE OF CONFLICT DIAGNOSIS

In the case study, a number of the conflict drivers may have been at work. As we work through them, you'll note that additional information about the situation is presented; as a mediator works with, and is guided by, a particular model or map while addressing a particular conflict, she will likely uncover new facets and details about the conflict and its parties. For our purposes, we can assume that this information came out due to the practitioner exploring these areas. A basic analysis of the situation using the Circle might be as follows:

Values

There were a number of values issues at work. First, Bob believed that he was discriminated against because of his gender, that Sally specifically wanted a woman in the AS-1 position. Diane, for her part, told the mediator she believed that Bob didn't want a woman in a position of authority over him and that this was why he refused to take direction from her. Part of these beliefs came from the fact that Diane, Sally, and two other women from another area frequently had lunch together. They regularly invited Bob and other male colleagues, none of whom ever attended, characterizing these lunches as focusing on "girl things." This reinforced the gender beliefs each of the parties held.

Relationships

Before any of the promotional issues arose, Diane and Bob had had an argument. Diane had questioned a few tasks Bob was responsible for, and this led Bob to tell Diane to mind her own business, as she wasn't his boss. Now that Diane did indeed have some functions of a "boss" in relation to Bob, Bob thought that Diane was holding that argument against him. The relationship had deteriorated to the point that there was now a harassment complaint against Diane, further impairing the relationship. In addition, Diane, Sally, and a few others had built a "social" relationship at work, something that Bob felt threatened by. This further strained and blocked Bob's relationship with Sally and Diane.

Externals/Moods

This organization had been recently turned into an arm's-length agency and was no longer directly a part of the government. This had created considerable upheaval and change, which made everyone nervous and touchy. The office environment was one of suspicion and distrust toward "management," which made the issues involved even more difficult. Finally, the fact that staff did not have a new collective agreement was upsetting employees across the board and probably contributed to the situation.

Data

There were a number of data issues. When the AS-1 position was first announced, Bob had assumed the promotion would be based primarily on seniority and was confident he would be promoted. In reality, seniority was not a criterion that was used, and the AS-1 role was evaluated primarily on supervisory and customer service skills. Sally was not aware of Bob or Diane's career goals and did nothing to help them plan to meet those goals. As the conflict escalated, everyone made assumptions about others' intentions, mostly incorrectly. Bob believed Sally didn't trust or like him because she was trying to eliminate communications with him. Diane believed Bob was trying to make her job so difficult she would resign the AS-1 role, so that he could have it. Bob believed that even Diane had a problem with some of the changes Sally was making. The misinformation grew rapidly.

Structure

There were a number of structural problems. First, Bob believed that Sally made these changes on her own initiative. Later, it was made clear that the head office was implementing this CL-1/AS-1 structure in all five engineering offices across the country, and Sally had no authority or discretion to change it. Second, Bob didn't understand the new roles well, in that Diane seemed to be his supervisor but didn't do his performance appraisal or any discipline. Bob couldn't see how Sally could do his performance appraisal when he wasn't allowed to interact directly with her. Diane was frustrated because she had been given responsibility for supervising Bob but little authority

to address Bob's behavior - she had to go to Sally for that authority. Finally, Sally's office was next to Diane's but down the corridor from Bob's, which meant that Sally simply got to see Diane much more often than she did Bob.

As we can see, all five of the drivers were present and contributing to this situation. This is not unusual. As we will see when we look at the strategic use of the Circle, having multiple drivers in a conflict situation helps us a great deal.

Let's take a look now at how the Circle can guide the practitioner toward strategic choices based on the diagnosis.

STRATEGIC DIRECTION FROM THE CIRCLE OF CONFLICT

From a strategic perspective, the Circle can give the practitioner some guidance as to what to do with various types of conflict drivers once they are identified. To achieve this, the Circle is divided into two parts, the upper and lower half, with values, relationships, externals/moods in the upper half, and data, structure, and interests⁵ in the lower half. Put simply, the guiding principle for the practitioner is to help the parties stay focused below the line—on data, structure, and interests—as these areas are effective in moving the parties toward resolution. The drivers above the line—values, relationship, and mood/externals—cannot be easily “solved” between the parties and often lead to escalation in a conflict situation. Because most conflicts contain a number of the drivers identified, practitioners often have a number of different drivers to work with. Strategically, therefore, the Circle guides the practitioner to focus the conflict into the data, structure, and interest areas to help the parties most effectively understand and resolve the conflict ([Figure 6.5](#)).

By keeping the focus below the line on the model, parties have the best opportunity for collaborative work; by letting the focus stay on the value differences, the relationship problems, and the mood/external problems that the parties don't control, the conflict tends to escalate and become intractable.

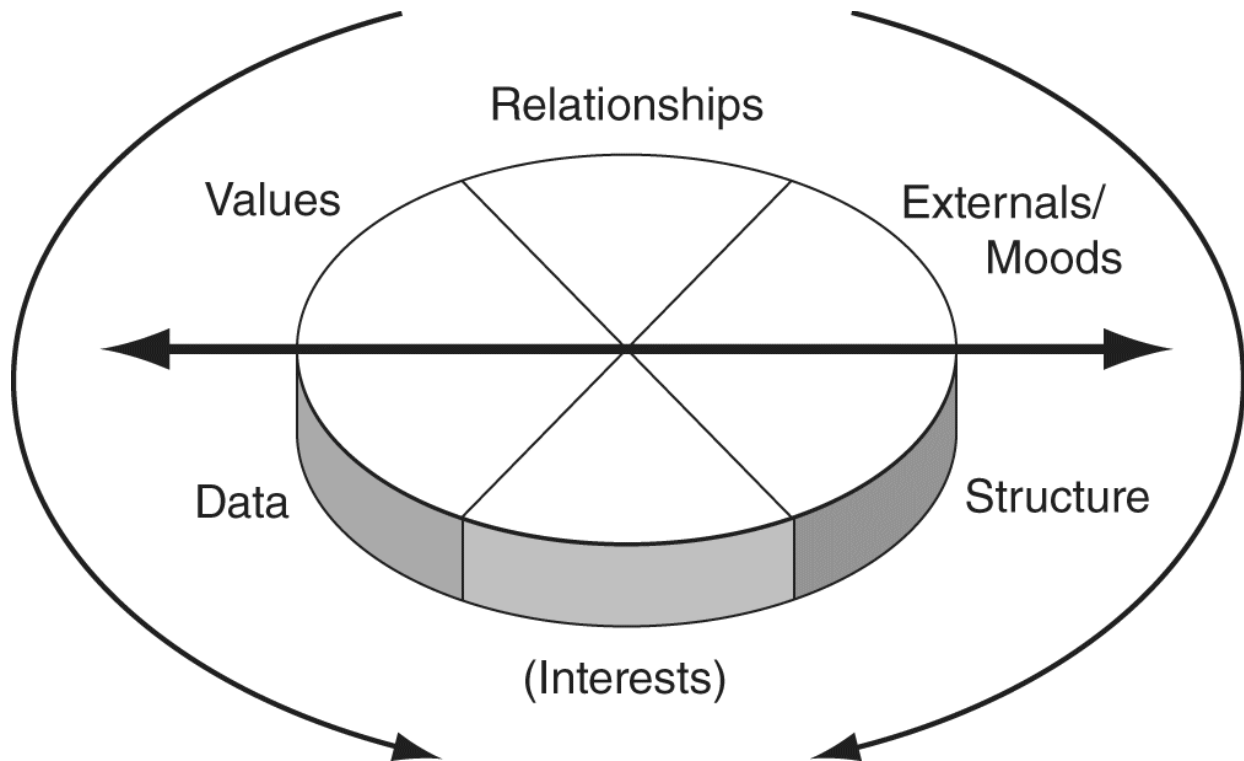


Figure 6.5 Circle of Conflict: Strategic direction

Some strategies in working with data problems are:

- Have each party explain, challenge, and correct erroneous data
- Jointly assess the data
- Surface assumptions around the parties' assessment of data
- Challenge assumptions made about other parties' motives
- Jointly gather data that each party will agree to accept and rely on

Some strategies in working with structure problems are:

- Identify structural issues both parties face, and brainstorm solutions jointly
- Negotiate a ratification process if authority is a problem at the table
- Negotiate who needs to be present from both parties to resolve the issues most effectively

- Renegotiate priorities for both parties that are more compatible and workable
- Brainstorm ways to maximize use of scarce resources

By far, the interests slice is the most important area to help parties focus on. Some strategies in working with the interests of the parties are:

- Identify the full range of interests the parties have in relation to the issues they face
- Identify and focus the parties on their common interests
- Look for solutions that maximize meeting each party's interests
- Help the parties creatively solve the problems by trading low-priority interests for more important ones

Further strategies for working with interests are available in greater depth within Model #2: The Triangle of Satisfaction.

CASE STUDY: CIRCLE OF CONFLICT STRATEGIC DIRECTION

In the situation with Bob, Diane, and Sally, the Circle guides the practitioner to avoid fighting over values, relationship, or external/mood issues. Exploring Bob's view of female bosses, for example, or exploring Bob and Diane's argument prior to the promotion or even exploring how the parties felt about the collective agreement negotiations would all likely result in either escalation of the conflict, or flat denials by the parties and, eventually, impasse.

The Circle strategically guides the practitioner to focus the intervention into data, structure, and interests. Note that each of the following strategies can be followed by brainstorming or joint problem solving to help find solutions for a given issue. Presented next are some ideas on how to initiate and focus these types of discussions.

The following strategies should be done in the appropriate joint meeting, either with Sally and Diane, or with Bob and Diane.

Data

- Bring parties together to explain, challenge, and correct data problems:
 - Have Sally explain the criteria for the AS-1 position and how seniority and customer service skills were weighted in the competition. Have Bob explain to Sally his career goals and what help he wants from her to achieve them. Have Sally outline how she can help Bob with that.
- Surface assumptions about each other's motives:
 - Surface Bob's assumption that losing the promotion meant that his work there was not appreciated or recognized. Let Sally address this with Bob.
 - Surface Bob's assumption that Sally didn't trust him or like him because she wanted Bob to work through Diane. Let Sally explain the reasons behind the decision and what degree of flexibility there is.

- Surface Sally's assumption that Bob resisted change in general, even if it was change for the better. Let Bob explain his behavior.
- Surface Bob's assumption that Diane agreed with him and disliked Sally's changes in the work team. Let Diane explain why she supported or accepted the changes.
- Surface Diane's assumption that Bob was trying to make her job very difficult, and let Bob explain his motives in how he behaved with Diane.
- Surface Bob's assumption that Diane was trying to be abusive toward him when she raised her voice or swore. Let Diane explain her frustration and feelings about this and perhaps even apologize for the behavior.

Structure

- With Sally and Bob, identify structural issues the parties face and brainstorm solutions jointly:
 - Raise the fact that the AS-1 position was mandated by Sally's boss, and applied to all engineering centers across the country.
 - Ask Bob to verify this at the five other centers. Let Sally talk about her degree of flexibility and where she has discretion to make changes.
 - Raise the fact that Bob didn't understand his new role and how it related to Diane's role. Let Sally talk about how she sees the team working together, getting as specific as possible.
 - Raise the issue that Diane had been given responsibility for Bob but has little actual authority. Let Bob identify what he would need to treat Diane as his "boss," for all intents and purposes.
 - Raise the issue that Bob feels ignored by Sally, because he isn't allowed to communicate with her. Let Sally address her intentions, and brainstorm other solutions that would work for her, Bob, and Diane.

- Surface Bob's concern that his office is farther away from Sally's than Diane's, and that this contributes to his feeling left out. Let Sally and/or Diane brainstorm ideas to improve this.

Interests

- Identify the full range of interests each person has (note that the following is a basic list, not an exhaustive one):
 - Bob wants to do a good job, get a promotion and raise, have ongoing contact with his manager, be treated respectfully by Diane, and have a positive, constructive work environment.
 - Sally wants an end to the problems, for Bob to accept her decisions, and to work well with Diane in a positive, constructive work environment.
 - Diane wants a good working relationship with Bob and for Bob to accept her directions in the workplace.
- Focus on common interests:
 - All three want a positive, constructive work environment and an end to the problems.
 - All three want to deal quickly with the harassment complaint—Bob, because he wants the behavior to stop, Diane because this could affect her work record, and Sally to minimize the time spent on addressing it.
- Look for solutions that maximize meeting each party's interests:
 - Bob could accept Diane's promotion and authority in exchange for Sally helping him work toward getting his own AS-1 position somewhere else in the company. This could include “acting” positions, training, etc.
 - Sally could include Bob in the communications loop in exchange for Bob taking any problems to Diane before raising them with Sally.
 - Diane could commit to respectful communications with Bob (as he defines them and as they fit into the harassment policy)

in exchange for Bob being respectful (as she defines it) in accepting Diane's directions in the workplace.

Diagnosing the case study with the Circle of Conflict model gives the practitioner a clear understanding of the causes of the conflict, as well as a wealth of ideas for intervening that can help the parties move toward resolution.

ASSESSING AND APPLYING THE CIRCLE OF CONFLICT MODEL

The Circle of Conflict is strong as a diagnostic model, in that it proposes specific categories for understanding the dynamics that are driving a conflict without being limited to any particular substantive type of dispute. For this reason, the Circle of Conflict can be used with just about any type of conflict a practitioner may be involved in. In addition, this tool gives the practitioner a way to identify the different causes of a conflict, and helps the practitioner look beyond what appears on the surface to be the problem and begin to question the underlying or root causes.

Strategically, this model gives clear ideas to the practitioner as to what direction to take with each “type” of conflict driver. It gives clear direction to focus away from the top half of the Circle and onto the bottom three drivers, and within that to focus on interests above all. When working with the data and structure categories, it gives specific strategies for the practitioner to focus on, with an emphasis toward joint problem solving.

In terms of ease of use and applicability, the Circle strikes an effective balance between complexity and simplicity. Basically, the Circle model is simple but clear, a necessary quality for the model to be useful to practitioners.

Two additional conflict patterns that the Circle highlights can be very useful to a practitioner in diagnosing conflict:

The Values/Data Dynamic

If one party to a conflict sees the conflict primarily from a values perspective (i.e. feels that it is primarily a moral or ethical problem), and the other party sees the conflict as a data problem, an interesting dynamic takes over. The person who perceives the problem as a data problem will tend to give more and more information to the other party in an effort to convince them that they are right. The values person, of course, is very unlikely to change their mind based on more data (and are unlikely to even read the data!). The conflict is likely to escalate rapidly, with the data person accusing the values person of bad faith (“I keep giving you important and relevant information, and

you just ignore it!”), whereas the values person will start to consider the data person unethical or unprincipled (“What kind of person would try to rationalize this kind of decision?!”). The real problem, of course, is that they are actually dealing with two different problems, and are unaware of this fact. When this happens, the conflict will migrate to the top half of the Circle fairly quickly, landing on the values and/or relationship drivers, which are two of the hardest to resolve.

The Structure/Relationships Dynamic

Suppose two individuals, A and B, work in different departments, and A needs a report from B to complete his work. For B, this is a low priority, but for A, it is very high. This is a structural problem, in that A has no authority to order or direct B to do what he needs. For the first few days, A will accept B's promise that he'll “get to it as soon as possible.” After a week or two goes by without getting the report from B, A will stop thinking that B's problem is a lack of time and will start to personalize it, saying to himself, “The problem isn't B's time, he's had two weeks! The problem is B; he doesn't want to help me.” Rather quickly, A and B will no longer just have a structural problem, it will become a relationship problem—and become much harder to solve.

As with all models, we are not concerned with proving that the Circle of Conflict model is “right” about the case study presented but rather asking the question, “Does it help us work with the people and the situation?” The answer is yes, as it gives practitioners a clear and simple framework for both understanding what is causing or contributing to the conflict and what might be done to move forward constructively.

PRACTITIONER'S WORKSHEET FOR THE CIRCLE OF CONFLICT MODEL

- Diagnose and list the causes of your conflict situation using the five drivers: values, relationships, moods/externals, data, and structure (Figure 6.6).
- Develop a full list of each party's interests (wants, needs, fears, hopes):

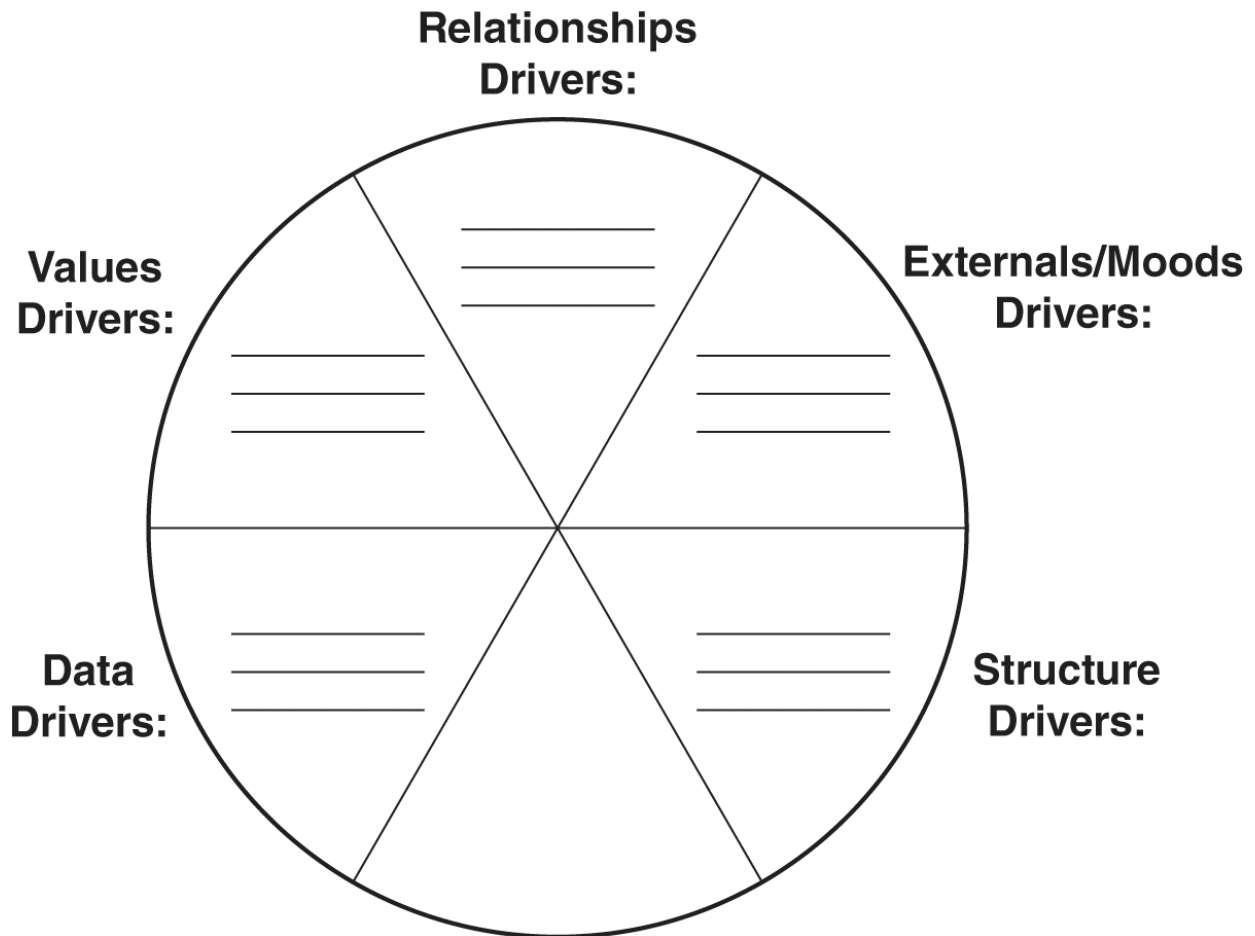


Figure 6.6 Circle of Conflict worksheet

| Party A: | Party B: |
|-----------------|-----------------|
| Interest: | Interest: |
| • | • |
| • | • |

| Party A: | Party B: |
|-----------------|-----------------|
| • | • |
| • | • |
| • | • |

- Guide the intervention to focus on the bottom half of the Circle— data, structure, and interests:

| Data Strategy Questions: | |
|---|--|
| What data are different between the parties? | |
| What data can be collected jointly? | |
| What “connect-the-dots” assumptions or interpretations are the parties making about the data? | |
| What assumptions about other parties' motives are being made? | |
| What data substantiate the assumptions? | |
| What data contradict the assumptions? | |
| Other data issues: | |
| | |
| | |
| | |

| Structure Strategy Questions: | |
|--|--|
| What limited resource problems are the parties facing? What other resources can the parties bring to the table? | |
| Where is lack of authority a significant problem? What process can be used to address the lack of authority? | |
| How divergent are the parties' priorities? What is the process for aligning the parties' priorities? | |
| Other structure issues: | |
| | |

| Interest Strategy Questions: |
|-------------------------------------|
| |

| Interest Strategy Questions: ⁶ | |
|--|--|
| What is the full range of the parties' interests? | |
| Given the parties' full range of interests, what are their common interests? | |
| Where can the parties “dovetail” their interests? | |
| Other interests issues: | |
| | |

Other strategies suggested by the Circle of Conflict:

- If the dispute is stuck in **values**:
 - Have the parties share information about their values.
 - Look for common or “superordinate” values the parties share. Focus on the common values as a way of minimizing the competing values.
 - Separate areas of influence, so that one party runs the finances and the other handles operations, for example.
 - Agree to disagree on values, and shift discussion to the parties' interests, that is, what they want, given that they have competing values.
 - Gently uncover incongruous values held by a party.
- If the dispute is stuck in negative **relationship** issues:
 - Take a “future focus,” and help the parties look at what needs to change to improve the situation—a past focus tends to focus on blame.
 - Help the parties develop a vision of the ideal future and brainstorm with them how they can get there.
 - Find out specifically what each party needs to see from the other party to change their perception of them. Help each party commit to making those changes.
 - Focus the parties on their interests and what they need to get past the relationship issues.

- Help them agree to small steps that will build trust, and begin to change the parties' perceptions of each other in the relationship.⁷
- If stuck in externals/moods:
 - Acknowledge the external issues that the parties don't control, and focus them on what they do control and/or influence.
 - Find a way to bring the people who do control the external influence into the negotiation, if appropriate.
 - Help each party plan to deal with the external issues separately, and limit the negotiations at the table to the issues between the parties.
 - Reconvene when the mood or external issue has diminished.
 - Focus the parties on their interests, given that they don't control the external issues.

ADDITIONAL CASE STUDY—CIRCLE OF CONFLICT

An additional case study follows, along with how the Circle of Conflict could be applied by the practitioner.

Case Study: The Spanish Estate

The conflict was caused by the passing of an elderly, first-generation Spanish immigrant. He left four children—the oldest daughter, Anne; the second oldest, Maria; the third oldest, Joe; and the youngest, Angie.

In the father's final years he needed care, and only the second oldest, Maria, took on the task, moving into the father's house with her husband and two kids. She took care of him for over seven years and, apparently angry that she was the only one caring for the father, she restricted the visiting rights of her siblings. The other three children filed a lawsuit demanding, and getting, more access to spend time with the father. The son, Joe, was most estranged from the father, although he visited once in a long while. Relations between Maria and all three of her siblings continued to deteriorate, culminating in the disappearance of an expensive set of tools that Joe had acquired and stored in the father's garage. Maria had information that the tools had been stolen by Joe for the insurance money, but Joe denied this and sued Maria in small claims court, saying that Maria sold the tools. This dispute was still ongoing.

The father died, leaving a will that split everything equally between the four children. The estate comprised the father's house, four properties back in Spain (some owned communally with other relatives), the parents' jewelry and other personal effects, and about \$50,000 in cash. Maria claimed some of the jewelry was given to her by the mother (who had died nine years before), along with a statue of the Virgin Mary. The other three disputed the claim that this had been given to her. Other jewelry was simply missing; Maria claimed the parents had lost it, whereas the siblings thought Maria had taken it. Finally, the father had made various loans to all four children, with no records or provision that they needed to be repaid to the estate. The children had stopped speaking to each other, and Anne, Joe, and

Angie filed a lawsuit to freeze the estate until an agreement could be reached.

Circle of Conflict diagnosis: The Spanish Estate

Values

In this case, there were a number of values drivers at play. In traditional Spanish culture, according to the three children, the oldest sibling was entitled to make decisions for the whole family. When the oldest daughter tried to do this, Maria ignored her and said that in North America this traditional approach wasn't acceptable. The three children were offended that Maria was renouncing part of their shared cultural past. In addition, Maria was very religious, and because she believed that Joe had stolen the tools stored in the father's garage, it was hard for Maria to even speak to Joe—she viewed him as nothing but a liar. Finally, Maria saw that she was the only one who had stepped forward and cared for the father; according to her, she had had to step into the eldest child's role, according her the status traditionally afforded to the eldest. The other three rejected this.

Relationships

There were a number of relationship drivers involved. When Maria moved in with the father, according to the other three, she refused to let them see him. This got worse and worse, and about three years before the father died, they filed a lawsuit against Maria for access and visitation with the father. After both sides spent money on lawyers, there was a negotiated agreement for access. This episode effectively ended communication between the three siblings and Maria.

Externals/Moods

There were a few external/mood drivers worth noting. The family was still intimately involved and connected to the extended family in Spain, and both Maria and the three siblings had family members that they spoke with in Spain. In addition, these family members

tended to talk about the conflict with others in the extended family, “stirring it up,” and fueling the conflict in North America.

Data

There were a number of data issues in this case. The primary one was the value of the father's house. This was a large house in a significant state of disrepair. The children had valuations done by two local real estate agents, one suggesting listing the property at \$375,000, the other at \$425,000. There were wildly different assessments for the cost of needed renovations, none of them from licensed contractors. In addition, Maria claimed that the foundation was cracked and that this alone would cost \$70,000 or more to repair. Joe claimed that he had watched the home sales in the area and said that if it were fixed up, due to its size, it would sell for over \$500,000, maybe even \$550,000. Another data issue was the value of the properties in Spain, particularly important because the siblings did not want to sell them but simply to value them and then divide them up. A final data question was the level of the father's competency in his final two years. Had he been competent enough to make the financial decisions that he made, which apparently benefited Maria?

Structure

There were two key structure drivers involved. First, Maria lived in the father's house and controlled access to its contents, to inspectors, etc. When the father was alive, the other siblings claimed that she had controlled his finances as well, by virtue of the fact that she lived there. The other structural problem was that property ownership laws in Spain were different from local laws, and if an agreement were reached in this jurisdiction, it would not necessarily be binding on properties in Spain. Finally, the whole estate was worth somewhere around \$600,000, and if the siblings litigated all of the issues, much of that could be spent on legal fees before the siblings received any of the money.

Circle of Conflict worksheet: The Spanish Estate

This is how the Circle of Conflict worksheet for this case might look:

Circle of Conflict Strategic Direction: The Spanish Estate

The Circle guides the practitioner to focus on the bottom part of the Circle, dealing with data, structure, and interests. Following these guidelines, a worksheet for this case might look like [Figure 6.7](#):

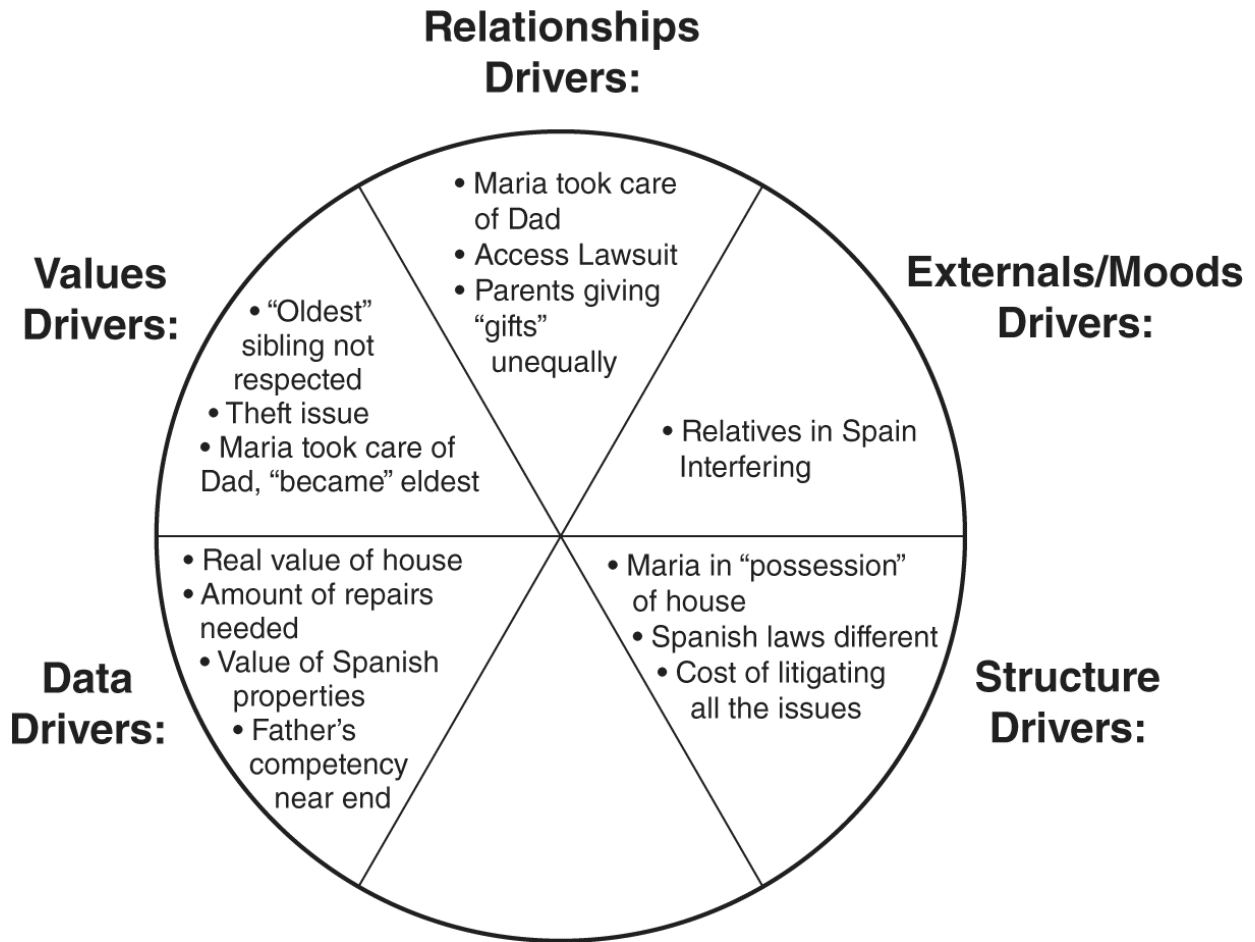


Figure 6.7 Spanish Estate worksheet

| Data Strategy Questions: | Possible Intervention Action: |
|---|--|
| <p>What data are different between the parties?</p> <ul style="list-style-type: none"> • Main issue: value of the house, and cost of repairs needed. | <ul style="list-style-type: none"> • Get full appraisal of property, either jointly or two separate ones. Also, get contractor(s) to estimate what repairs will cost. |

| Data Strategy Questions: | Possible Intervention Action: |
|--|--|
| <ul style="list-style-type: none"> • Second issue: value of Spanish properties. | <ul style="list-style-type: none"> • Gather information from Spanish relatives as to how value can be established. |
| <p>What data can be collected jointly?</p> | <ul style="list-style-type: none"> • See above; both could be done jointly. |
| <p>What “connect-the-dots” assumptions or interpretations are the parties making about the data? What assumptions about other parties' motives are being made?</p> <ul style="list-style-type: none"> • Everyone is choosing information that suits their interests, such as house value. • Siblings are assuming Maria is withholding personal effects, jewelry, etc. • Siblings are assuming the father was not competent when he gave anything to Maria. • Maria is assuming that siblings are out to get her at all costs. | <ul style="list-style-type: none"> • Question both parties and carefully flesh out what they think. Some of this can be done in plenary, some should be done in caucus. |

| Data Strategy Questions: | Possible Intervention Action: |
|--|---|
| <p>What data substantiate the assumptions?</p> <ul style="list-style-type: none"> • Little—most is hearsay and interpretation. | <ul style="list-style-type: none"> • Challenge the parties (gently) to back up their claims with data if they can. Highlight the assumptions and “beliefs.” • Ask them what data would change their beliefs about the other party. |
| <p>What data contradict the assumptions?</p> <ul style="list-style-type: none"> • Maria produced some jewelry, some of it more valuable than the missing jewelry. • Siblings offered to let Maria keep some of the personal effects, if others were made available to the three of them. | <p>Reality test the parties, by:</p> <ul style="list-style-type: none"> • Asking the siblings, “If Maria were simply stealing it, why wouldn't she steal the most valuable items? Why would she produce any at all?” • Asking Maria, “If they are out to get you at all costs, why are they offering to let you keep some of the jewelry? Why wouldn't they demand it all?” |
| <p>Other data issues:</p> | |
| Structure Strategy Questions: | Possible Intervention Action: |

| Data Strategy Questions: | Possible Intervention Action: |
|--|--|
| <p>What limited resource problems are the parties facing? What other resources can the parties bring to the table?</p> <ul style="list-style-type: none"> • Although the estate has some money, it will be quickly spent. Also, nothing can come from the estate until an agreement or resolution is found. • Can any family members in Spain, whom both parties trust, be enlisted to help? | <ul style="list-style-type: none"> • Gain agreement from the parties on procedural matters to reduce legal fees for everyone. • Explore appointing a Spanish relative to value the properties in a way that all four children agree is fair. |
| <p>Where is lack of authority a significant problem? What process can be used to address the lack of authority?</p> <ul style="list-style-type: none"> • Maria's husband had a huge influence on the outcome for Maria but was not at the table. | <ul style="list-style-type: none"> • Frequent breaks for Maria to phone her husband helped keep him in the loop. • Arranging for the lawyer to talk to the husband directly late in the negotiation helped Maria agree to a deal. |

| Data Strategy Questions: | Possible Intervention Action: |
|---|--|
| <p>How divergent are the parties' priorities? What is the process for aligning the parties' priorities?</p> <ul style="list-style-type: none"> • Priorities were both aligned and divergent. Priorities centered around each party trying to “get” the other one and on getting this over with as quickly as possible. | <ul style="list-style-type: none"> • Highlight early on the two choices, of trying to “get” each other vs. getting this done quickly. Offer them a choice, and hold them accountable for that choice during the negotiations. |
| <p>Other structure issues:</p> | |

Interests:⁸

| Party A: Three Siblings | Party B: Maria |
|---|--|
| <ul style="list-style-type: none"> • Want most value for the house • Want a fair split of the whole estate • Want Anne to make decisions about personal effects, as oldest sibling | <ul style="list-style-type: none"> • Wants to buy the father's house for as little as possible, and live there • Wants to honor parents and their legacy |

| Party A: Three Siblings | Party B: Maria |
|--|---|
| <ul style="list-style-type: none"> • Want to honor parents and their legacy • Want parents' hard work to earn money honored, not squandered by the children on lawsuits • Want to punish Maria for taking advantage of father • Want Maria to get no more than her fair share • Want to spend as little on lawyers as possible • Want to stop fighting • Want to stop damaging the family any further • Want to look reasonable to extended family | <ul style="list-style-type: none"> • Wants acknowledgment for all the work taking care of the father • Wants to stop fighting • Wants this over, so they can stop fighting • Wants to stop feeling “ganged up” on • Wants to keep personal effects given to her by parents • Wants religious values of honesty and family upheld • Wants to minimize damage to the family relationships • Wants to spend as little as possible on lawyers • Wants parents' hard work to earn money honored, not squandered by the children on lawsuits |

Common Interests

Both parties want some or all of the following:

- Want fair split of whole estate
- Want to honor parents and their legacy
- Want parents' hard work to earn money honored, not squandered by the children on lawsuits
- Want everyone to get their fair share

- Want to spend as little on lawyers as possible
- Want to stop fighting
- Want to stop damaging the family relationships any further
- Want to look reasonable to extended family

Other Strategies:

- What are the superordinate values, such as honoring the father's memory, that they can focus on?
- What do they want from family relationships in the future? What can they do today to assist with that? (This is an example of taking a “future focus.”)
- What interests dovetail effectively for trade-offs in the negotiation?
- How can each party recognize what the other has been through, even if they don't agree on the choices made?
- All siblings have a common experience, having lost their father. How might recognizing this help them work a bit better together?

Epilogue of the case study: The Spanish Estate

The mediator focused the parties on the drivers below the line, and they reached agreement quickly on:

- **The Spanish properties:** It was agreed to remove them from the North American settlement and to deal with them over in Spain, with the stated agreement that the value, however agreed upon by them all, would be shared equally four ways. This reduced the complexity and left the issue to be addressed under Spanish rules and law.
- **The house:** It was agreed that Maria could buy the house but only if she paid fair value. The process for establishing fair value was explored in detail, including the obtaining of two appraisals by qualified appraisers. After much discussion and looking at the time and expense, the three siblings finally decided that they would accept \$440,000 for the house if offered; if Maria wanted

it for that price, she could have it. This was the equivalent of getting \$462,000 on the open market and having to pay a commission, and they felt they could accept that. Otherwise, it would simply be sold and split equally. Maria spoke with her husband and decided that although it was more than she wanted to pay, to keep the home in the family she would buy it for that amount.

- **The personal effects:** It was agreed by the siblings in caucus that there was no way of ever finding out if Maria had been lying or not, so to help end the fighting they would simply divide the personal effects that were available. Maria and the siblings agreed that they should each choose one item in order of birth—Anne first, then Maria, then Joe, and then Angie. This honored the eldest with the first choice, and Maria accepted this. They all made their choice and agreed to the same process with all the rest of the contents of the house.

By keeping everyone focused below the line, and by reinforcing the common interests throughout, the parties were able to stay on track and reach an acceptable resolution.

NOTES

1. Christopher Moore, *The Mediation Process*, Third Edition (San Francisco: Jossey-Bass), 2003.
2. The data slice is expanded and developed in [Chapter 7](#), the Dynamics of Trust model, specifically around attribution theory.
3. Geographical constraints, such as managing staff in remote locations or over wide geographical areas, also cause structural conflict. Because this particular driver is less common than the three listed previously, the focus here is on the most common examples.
4. This situation, often called “responsibility without authority,” is very typical in organizations and causes or fuels a great deal of conflict in the workplace.
5. Interests, for Moore and for this model, are defined as a party's “wants, needs, hopes, or fears.”
6. For in-depth strategies for interests, see Model #2: The Triangle of Satisfaction.
7. See the Dynamics of Trust model to explore the trust issues in greater depth.
8. The interests analysis can be deepened by working with the Triangle of Satisfaction in [Chapter 2](#), as well.

CHAPTER SEVEN
MODEL #4: THE DYNAMICS OF TRUST

BACKGROUND OF THE TRUST MODEL

The Dynamics of Trust model was developed by the author incorporating the work of Daryl Landau.¹ To develop this model, a significant amount of research was conducted in the area of attribution theory, a cornerstone in understanding the dynamics of trust in human interactions.

One of the core issues in conflict resolution between parties is the issue of trust. We often hear the phrase “I don't trust you,” or “I don't trust them” when we manage conflict. Trust, or lack of it, can be a significant barrier to parties' finding a resolution to an issue; indeed, it can prevent the parties from even wanting to talk. On the other side of the coin, trust is a unique resource, in that trust is expanded rather than depleted the more it is used. The more we can access trust with the parties, the more useful and effective it becomes in reaching resolution. Trust is a key element in the conflict management process.

Trust is one of the least understood dynamics in human relationships. We often think of trust as a single thing, a single measure, a single component, when this is patently not the case. As an example, many of us get in a car and drive to work on roads and highways where the only thing separating us from oncoming cars is a white line painted on the road (and in many cases, not even a *solid* white line!). We are, in essence, trusting thousands of strangers to stay on their side of the line. If we didn't fundamentally trust that they would do so, it's virtually certain that no one would be willing to drive a car. Does this mean that we “trust” every stranger we pass on the road? We clearly trust them to stay on their side of the road, but we probably wouldn't trust them with the keys to our house. This means that we can trust someone in one situation, for one reason, and not necessarily trust them in all situations for all things. Trust, therefore, plays a complex and varied role in human relationships.

There are a variety of definitions of trust that approach the subject from different angles, from a psychological view to a personality view to a behavioral view. For our purposes, we'll look at a functional definition of trust to help us understand the dynamics surrounding it.

A simple definition of trust is this: trust is the level of positive expectations we have about another person's motives and intentions

toward us when we are in a situation of risk.² The two key elements of this definition are:

1. **Risk:** Risk is a key element of trust, in the sense that we have to take risks (small or large) to explore, test, and eventually build trust. Without actually relying on someone, without taking a small risk with them, we can never really know if we can trust them. A significant question, however, is this: given a choice, why would anyone ever take such a risk? The answer is simple—it's the only way to get what we want. If there was nothing we ever needed from one another, there would be no need for trust in the first place. The reality, of course, is the opposite. The more interdependent we are (whether at work or in our personal lives), the more we rely on others, and the more risk we must take. The level of trust we have in any given situation or the people involved affects the size of the risk we are willing to take and how frequently we'll take those risks. Risk is integral to trust at all levels.
2. **Motives and Intentions:** The motives and intentions of other people are invisible to us. We can only infer or attribute motives based on their behavior or, more accurately, how we interpret their behavior. When we assess another person's trustworthiness, we are assessing whether they have “good intentions” (that they care about the needs of others) or whether they have “bad intentions” (they are indifferent to others' needs, care only about themselves, or will actively harm other people for their own benefit). Our assignment of motives to other people is critical because it also determines how we assign fault and blame. When conflict arises, how we decide who caused it, and therefore who is at fault and who is to blame, will determine what happens to our level of trust with the other party.

The Dynamics of Trust model, from a diagnostic point of view, focuses on these two areas:

1. the assessment of each party's level of risk tolerance relative to what they want or need, and
2. the assessment of causes and assignments of blame.

Risk and risk tolerance

Each person's level of risk tolerance is a complex balance of personality (our personal tendency to like risk, or not) and our past experience with (and perceptions of) similar situations. Not surprisingly, it has little to do with factual assessments of risk, because human beings are notoriously bad at assessing actual risk. For example, people going camping in the woods will tend to think about, perhaps even obsess about, the risk of a bear attack, a risk that is statistically far lower than the chances of being struck by lightning. At the same time, they will get in their car and drive 300 miles to reach the campground without even considering the fact that driving is by far one of the most dangerous activities people engage in.

Risk tolerance, however, is not based solely on personality or perception; it is also based on the relationship between the fear of what might be lost (the risk) compared to the benefit of what might be gained (the reward). It is an individual's assessment of this risk/reward balance that determines behavior.

In simple terms, if the risk or loss is seen as greater than the reward or gain,³ a party to a conflict is not likely to take the risk unless they have sufficiently positive expectations about the other party's motives and intentions—in other words, unless there is sufficient trust. This leads us to look in depth at the second component of trust—how we assess motives and assign blame.

Attribution theory and self-serving bias

Attribution theory is a cornerstone in the broader discipline of psychology and has been the subject of a significant amount of research and writing over the last 40 years.

Essentially, what attribution theory argues is this: When a negative event arises, when we are hurt or harmed, our initial response is to attribute the cause to someone or something. We do this in order to make sense of what has happened, and we have a strong tendency to attribute in a very particular way.

Attribution to self

When we are involved with a negative event, we have a strong tendency to attribute the cause to the *situation* we are in, blaming it on lack of information, lack of training (that should have been given to us), orders

from our boss that we had no choice about, market forces, or other circumstances that we see as beyond our control. In essence, we attribute the best of intentions to ourselves and blame outside circumstances for the problem, thus minimizing the fault or blame.

Attribution to others

When *others* are involved with or cause a negative event, we have a strong tendency to ignore or minimize the situational factors and attribute the cause to the intrinsic nature or bad intentions of the other person. In other words, we lay fault and blame on the other individual personally; we attribute the cause to their innate bad character, their indifference, even their obvious bad intentions. We almost always give ourselves the benefit of the doubt but do not give it to others.

Psychologists have demonstrated this tendency as being so strong that they refer to this as “fundamental attributional error,” combined with “self-serving or egocentric bias.” The research has found this bias to be present and pronounced in virtually all studies done on how we attribute fault and blame.

Effect of self-serving bias on trust

This self-serving bias has a profound effect on trust. It means that in many situations, negative events are attributed in a way that exaggerates the wrong, invents bad intentions, blames the other party, creates feelings of betrayal, and makes the conflict deeply personal. All of this happens because of the assumptions driven by our self-serving bias and not necessarily because of what is true.

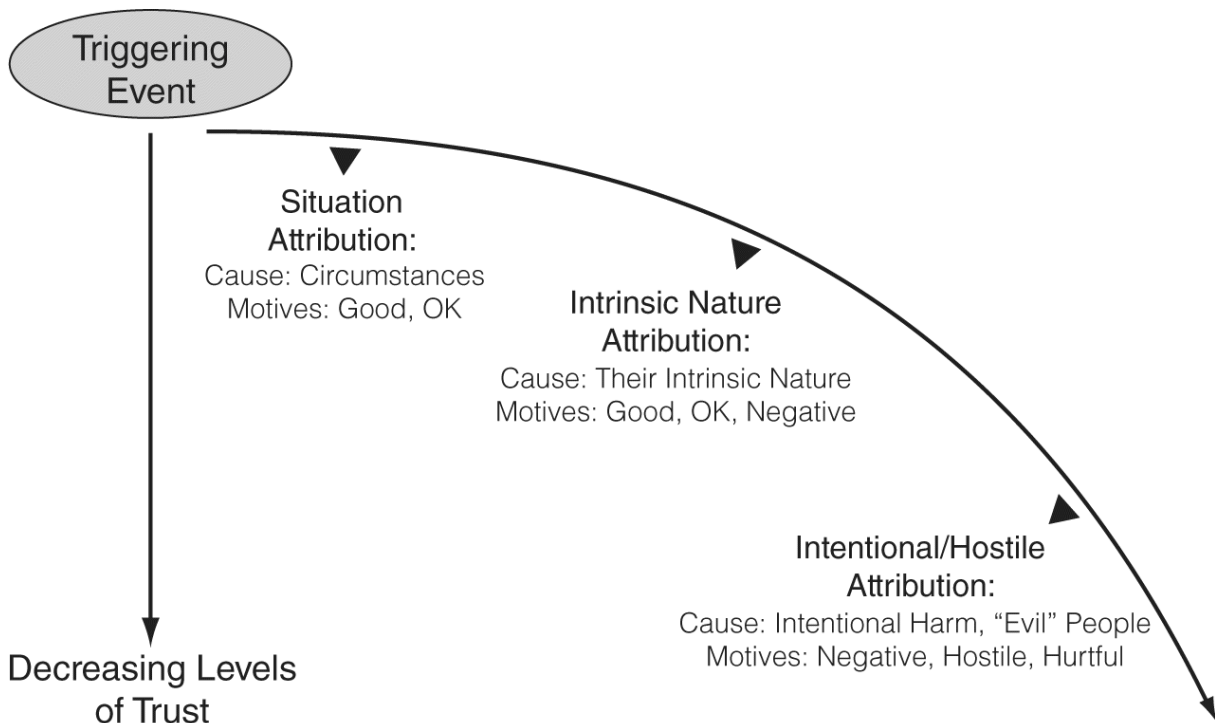
These negative attributions and blame magnify the “risk” side of the equation and minimize the possibility of any reward, making any amount of trust almost impossible. Clearly, a practitioner must understand the dynamics of attribution and blame in order to work effectively with trust in conflict situations.

DIAGNOSIS WITH THE TRUST MODEL

What attribution theory highlights is that there is a whole range of attributions that people are capable of making in a given situation (albeit with a bias toward blaming others rather than oneself). From the practitioner's point of view, the Dynamics of Trust model will help diagnose the underlying attributions that are perpetuating a conflict. Diagnostically, then, the Trust model says that there are fundamentally three types of attributions people can make in conflict situations: situation, intrinsic nature, and intentional/hostile ([Figure 7.1](#)).

Situation attribution

When we attribute the cause of a conflict or problem to the situation as opposed to a person, we are saying that the cause was due to factors beyond the control or intention of the person involved. The intentions were good, they tried their best, and the outcome was not desired by anyone. Some of the beliefs that this type of attribution tends to generate are:



[Figure 7.1](#) Three types of attribution

- Circumstances outside of the person's control caused the problem, or forced the person into doing what they did.
- Their lack of skill or knowledge, or lack of accurate information, caused the problem.
- It's not their fault; they deserve very little blame, if any.
- The person did their best in spite of lacking necessary information, knowledge, or skill.
- The problem they caused is not indicative of their nature or character.
- The person's intentions were good, regardless of the outcome.
- The person's actions were not personal.

Some examples of a situation attribution are:

- A boss fires three employees because the company is close to bankruptcy and he doesn't have any other option.
- A person kills an intruder or attacker purely in self-defense.
- A driver rear-ends the car in front because of black ice on the road.
- A clerk makes a mistake because he was never trained properly on the computer system.

This type of attribution results in relatively low levels of blame, maintains higher levels of trust, and gives parties a strong sense that this problem can be prevented in the future if it's properly addressed.

Intrinsic nature attribution

This attribution can result in a wide range of blame, from low to very high. Essentially, it involves one party attributing the cause of the conflict to the intrinsic nature of the other party. It may be because they're shy, it may be because of their culture or traditions, it may be that past experiences or core values have strongly affected them, it may be that they simply don't pay attention to other people, but in all cases the issue is blamed on the other person's innate character or nature rather than to conscious, intentional behavior. Some beliefs that this type of attribution tends to generate are:

- The person caused the harm because of their intrinsic qualities: personality, culture, values, past experience.
- The person's intrinsic nature can be seen as benign or dangerous.
- The person's actions are less personal and likely not intentional.

Some examples of an intrinsic nature attribution are:

- A manager who steps on people's toes because she is a workaholic committed to meeting the team's goals and objectives
- A child who starts a fire that injures someone
- An employee who doesn't address a problem because he simply cannot deal with confrontation of any kind
- A friend who betrays another's confidence because he or she is simply incapable of keeping a secret

When parties make an intrinsic nature attribution it's usually more personal than a situation attribution but is typically less personal than an intentional attribution. How much blame we assign will be based on our assessment of how dangerous these intrinsic qualities are.⁴ In many cases, an intrinsic nature attribution allows significant levels of trust to remain, most often in parts of the relationship unrelated to the conflict.

Intentional/hostile attribution

This is the most destructive form of attribution in that it lays complete blame on the other party. It characterizes their actions as intentionally causing harm, either because of personal hostility or because they stood to gain in some way from the harm they caused. It assumes that the other person knew what damage their actions would cause and proceeded anyway. It assumes intentional dishonesty, malice, and hostility. Some believe that this type of attribution tends to generate

- The person intentionally caused the harm, for personal gain or advantage.
- The person is a “bad person,” that is, morally deficient, unethical, etc.

- The actions were aimed personally and directly at us.

Some examples of intentional attribution are:

- An insurance claimant who is lying to collect on an insurance policy
- A manager who degrades employees in front of the team to “teach them who is boss”
- A person who deliberately breaks a contract because he or she found a cheaper price elsewhere
- A friend who betrays a trust for personal gain

This attribution results in very high levels of blame, eliminates trust, and brings a strong sense that any further dealings with this party are too risky and dangerous, including any attempts at resolution.

Attribution and blame

There is a strong correlation between the type of attribution we make and the laying of blame. In general, the situation attribution minimizes the laying of blame on the other party and depersonalizes the situation; the intrinsic attribution causes a low-to-moderate level of blame along with a moderate amount of “taking it personally,” and the intentional attribution lays a significant amount of blame that feels highly personal. It can be arranged on the scale as follows ([Figure 7.2](#)):

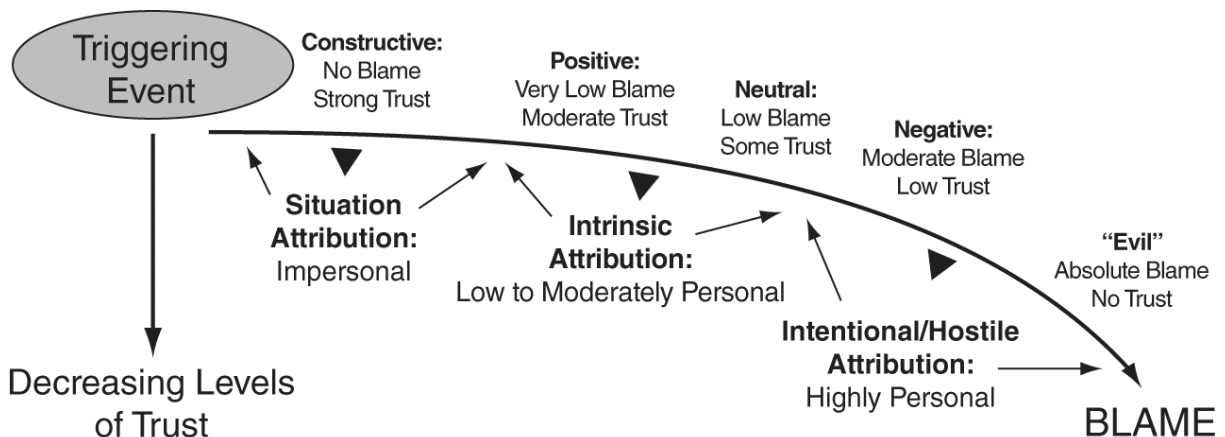


Figure 7.2 Attribution and blame

How attributions form

Motives and intentions cannot be seen, they can only be inferred from our interpretation of the other party's behavior. Attributions, therefore, are fundamentally assumptions and perceptions, not reality. These perceptions are influenced mostly by two factors: information and preconceptions.

- Information, or data, can greatly influence what attributions are made.⁵ Misinformation, lack of information, different interpretations of information, and even too much information, all make it difficult to evaluate any given situation. Nevertheless, we must evaluate a situation in order to make sense of it. This evaluation is done, therefore, by selecting the information that supports one view of a situation and rejecting or ignoring the information that contradicts that view.
- Preconceptions refer to the values, beliefs, past experiences, stereotypes, and assumptions that we all carry. Although most of us accept the phrase “Seeing is believing,” numerous studies have shown that the reverse is more commonly true, that in fact “Believing is seeing.” This means that whatever we already believe is what we tend to see. If we believe our friend can be inconsiderate, for example, when she arrives 15 minutes late we will likely believe she doesn't value our time rather than blame the fact that it's rush hour and snowing outside.

Fortunately, attributions can be changed. As practitioners, we can help to influence parties' attributions by working with or challenging the two elements that form these attributions, namely, information and preconceptions. This process is explored further in the strategic section of this model.

Summary of attributions

The Trust model clearly shows us the following:

- The attributions each party makes in a given situation (including our own) dramatically influence the behavior of each party toward the other.
- Some attributions maintain trust between the parties, and some not only destroy trust, they also prevent any rebuilding of trust.

- Attributions are frequently based on incomplete or incorrect information, along with preconceptions and stereotypes.
- Attributions can be changed.

How we work with parties' attributions will greatly influence the outcome of a conflict.

CASE STUDY: TRUST MODEL DIAGNOSIS

In our case study we can apply the Trust model to diagnose the parties' attributions and in doing so begin to understand the source and level of mistrust and blame each party is dealing with in the situation.

Applying the Dynamics of Trust to our case study, the attributions might look this way:

Bob's attributions to:

Sally

- Bob attributes the loss in the competition to a bias against him on Sally's part, believing that the competition was set up so that Diane would win and he would lose. (intentional attribution to Sally)
- Bob also believes that Sally created the AS-1 role just to favor Diane, because both of them are female and “women always stick together.” (intrinsic and intentional attribution)
- Bob also believes that Sally dislikes him and wants to have no communication or contact with him, which is why all contact is being routed through Diane. (intentional attribution)

In looking at these high levels of intentional and strong intrinsic attributions, Bob believes Sally has personally caused this conflict and has assigned a high degree of blame to Sally for the current situation.

Diane

- Bob doesn't seem to have too much of an issue with Diane personally, because he attributes the problems in the situation to Sally, not to Diane. Diane, he believes, is just trying to do her job as ordered. (situation attribution)
- Bob believes that Diane is supporting Sally in part because “women always stick together,” but in Diane's case, he views this as intrinsic only and not intentional.
- Diane gets frustrated with Bob at times, which Bob attributes Diane's lack of accounting skills. (intrinsic attribution)

Because most of his attributions toward Diane are situation or mildly intrinsic, Bob has little or no blame to lay on Diane for the conflict. He attributes little of the cause to Diane personally, even though the daily interactions with Diane are tense and negative.

Sally's attributions to:

Bob

- Sally is frustrated that Bob won't listen to what she has ordered him to do. She attributes this to Bob having an “entitlement” mentality and being incapable of seeing that he's not the best candidate for the job. (intrinsic attribution)
- Sally believes that Bob just doesn't have the people skills to be an AS-1. (intrinsic attribution)
- Sally also believes Bob has not recognized that he lacks certain skills because he is too proud to admit any faults. (intrinsic attribution)
- Sally believes that Bob is trying to upset her and frustrate her enough that she'll eventually promote him, or rerun the competition for a third time. (intentional attribution)
- Sally also believes that Bob doesn't like losing but that this is understandable because no one likes losing. (intrinsic attribution)
- Finally, Sally believes that others in the department are encouraging Bob to rebel in order to try to derail all of her changes and that these other people are manipulating Bob. (situation attribution)

Sally clearly believes Bob has caused the current situation. That said, because most of her attributions are intrinsic or situation, Sally is only moderately taking the situation personally or blaming Bob on a personal level.

Diane

- Sally believes that Diane is a good person, and is behaving poorly out of frustration with the difficult situation she has been put in. (situation attribution)

Sally has little, if any, blame for Diane because the attribution is purely situation.

Diane's attributions to:

Bob

- Diane believes that Bob is angrier with Sally than with herself but that she is paying the price because of her promotion. Bob would have been angry with anyone in her position. (situation attribution)
- Diane thinks Bob is somewhat sexist and doesn't like having a woman as his boss. The fact that he suddenly has two of them is a big part of the problem. She also believes he is “from the older generation and can't help it.” (intrinsic attribution)
- Diane also believes that Bob is frustrated with some of the tasks she has assigned him to learn, because he is not comfortable in a customer service role. (situation attribution)

Although Diane is very frustrated and believes Bob is behaving poorly, she assigns only a low or moderate amount of blame to Bob, based on the mainly situation and low intrinsic attributions she is making.

Sally

- Diane thinks that Sally has been thrown into the lion's den unfairly by *her* boss and that upper management generally hasn't given her much support for the changes she's trying to implement. (situation attribution)
- Diane thinks that Sally has moved too fast and pushed people too hard, both because Sally is impatient and likes to get things done and also because she doesn't have a choice if she wants to meet her boss's expectations (intrinsic and situation attribution)

Although she recognizes that Sally's actions are contributing to the current problems, Diane has assigned very little blame to Sally, due to the mainly situation and relatively positive intrinsic attributions made.

Through this analysis, it becomes clear that although everyone is frustrated, Bob has taken the situation deeply personally, Diane a little bit personally, and Sally sees the problem both as a situational problem as well as a “Bob” problem. Bob has attributed the cause of the situation primarily to intentional reasons on Sally's part, with a negative intrinsic attribution supporting that. Sally, on the other hand, has attributed the cause mostly to neutral intrinsic and situation factors, that is, Bob's nature and skill level, and only a little to intentional causes. Diane, finally, thinks the whole problem is mostly situation, with some intrinsic issues with Bob.

Note how the attributions for each party are dramatically different. In the next section we'll see how effective practice based on this model can address these differing attributions.

STRATEGIC DIRECTION FROM THE TRUST MODEL

Now that we understand roughly what each of the parties believes to be the cause of the conflict, the Trust model can offer the practitioner a range of strategies for how he or she may proceed. Before moving on to strategies, however, we need to look at two different types of trust and some of their characteristics.

The Trust model identifies two broad types of trust that parties to a conflict are constantly relying on: personal trust and procedural trust.

Personal trust

Personal trust is a set of feelings that defines how comfortable we are taking a given level of risk with a specific person. This has to do with our judgment of that person's character, integrity, values, and so on. It answers the question, "How much do I trust this individual?" Some characteristics of personal trust are:

- It is the strongest form of trust.
- It is usually based on belief and assumption and less on actual information (e.g. "I *just know* that this person can be trusted").
- Inconsistent behavior may have absolutely no effect on personal trust (e.g. "I know them, and they must have had a very good reason for doing that").
- With personal trust, parties tend to assume the motives of the other person are good.
- It is based on perceived common values and common interests, to a large degree.
- Examples of strong personal trust include doing business on a handshake, sharing information with a close friend that could be harmful if revealed, sharing sensitive information in a negotiation because we have worked with the other party before, etc.

It is impossible for people to "will" personal trust, meaning that it is built on experience and is not achieved by parties simply agreeing to

trust one another. It should also be noted that personal trust is difficult to establish and easy to lose.

People tend to assume that all trust falls under the umbrella of personal trust—if I don't trust you on a personal basis, then we have no trust. In reality, this is only one, albeit important, form of trust.

Procedural trust

Procedural trust is the trust we place in a structure or process we are involved in, as opposed to a person. For example, parties to a conflict often attempt mediation when they have very little trust in each other, and may have little experience with the mediator as well. In this case, they are placing their trust in the mediation process itself. Procedural trust answers the question, “How much trust do I have in the process itself, regardless of the individual(s) involved?” Some characteristics of procedural trust are:

- It is limited, situation-specific trust and tends to be more fragile than personal trust.
- Procedural trust is based on trusting the structures surrounding the individuals involved (Are they licensed or trained? Do they have credentials? Have their products been tested and approved by the government?)
- It is based on monitoring (A third party monitors and verifies the quality of the work; the manager monitors the employees' arrival time to verify attendance).
- It is based on deterrence (I don't pay you until the work is completed).
- Parties tend to assume the motives of the other person are either unknown or uncaring of others, which is why the procedural trust is needed in the first place.
- Examples of procedural trust include the process of buying a house, where the purchase money and the deed are exchanged through a trusted third party (such as a lawyer or a title company); court-supervised visits with children where the marital relationship has broken down; having a facilitator or mediator manage the negotiation to ensure that neither side does anything unfair or unreasonable.

Procedural trust is significantly different from personal trust, in that procedural trust processes can be collaboratively built and agreed upon by the parties themselves. Procedural trust is not a matter of will; it is a set of steps or structures that are tangible and defined. This makes procedural trust a powerful tool when working with conflict, and when applying some of the following strategies.

Strategy #1: Focus on procedural trust, not personal trust

One of the first casualties in conflict is the loss of trust, but how much trust is lost and how the practitioner should proceed are best assessed by looking at the attributions that the parties are making. In extreme conflict, both personal trust as well as procedural trust can be lost. In these cases, parties simply don't want to deal with the other party because they can't see a safe way to negotiate with an untrustworthy party. For this reason, Strategy #1 is to focus the parties away from personal trust (which can be seen as so risky to the parties as to be inconceivable) and focus them on various forms of procedural trust, on a process that will effectively protect both parties' interests enough to begin discussions and move forward.

How exactly to move forward can be decided by looking at the attributions that are in play for the parties. Different types of attributions will direct the practitioner toward taking different steps in order to intervene effectively.

Procedural trust and confidence-building measures

Personal and procedural trust are directly linked to the attributions the parties have made. In general, situation attributions maintain the most personal trust and require the least procedural trust; intrinsic attributions can damage personal trust and require some level of procedural trust, whereas intentional attributions destroy personal trust and require an almost exclusive focus on procedural trust in order to move forward. ([Figure 7.3.](#))

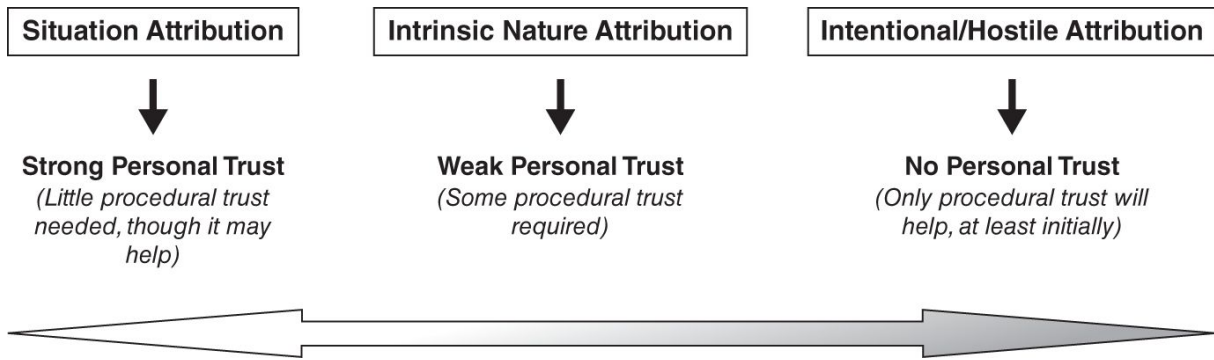


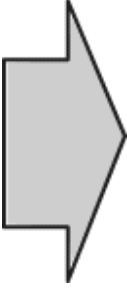
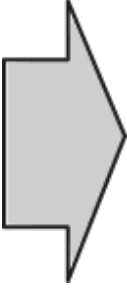
Figure 7.3 Attribution and procedural trust

Because conflict is extremely destructive to personal trust, the more blame and negative attribution the parties make toward each other the more practitioners need to look toward procedural trust to help the parties move forward. In other words, by effectively implementing procedural trust we can help the parties rebuild some personal trust down the road.

The first step in implementing procedural trust is to create a safe environment to begin the negotiation. This means shifting completely away from any substantive negotiation and focusing on the negotiation process itself.⁶ Procedural trust often focuses on who will attend, what will be on the agenda, what will be confidential, how the process will be monitored and made safe for everyone, how agreements (if reached) will be monitored, what the future relationships between parties might look like, and so on. Gaining agreement to important procedural elements often lays the groundwork for effective substantive negotiations. Another strategy to build enough procedural trust to move parties forward is by encouraging the use of “confidence-building measures,” or CBM’s.

Confidence-building measures

| | | | | |
|-------------------------|--|-------------------------------------|--|-----------------------------------|
| Procedural Trust | | Confidence-Building Measures | | Increase in Personal Trust |
|-------------------------|--|-------------------------------------|--|-----------------------------------|

| Procedural Trust | | Confidence-Building Measures | | Increase in Personal Trust |
|--|---|---|--|--|
| <ul style="list-style-type: none"> • Monitoring • Third-party help • Mutual deterrence • Risk/reward analysis • Steps taken with independent verification that requires little personal trust to commit to, that is, no/low risk. |  | <ul style="list-style-type: none"> • Unilateral steps taken by one party to show good faith and to test the good faith of the other party. • Once parties see each other performing as agreed, it encourages parties to take greater risks with each other in the future. |  | <ul style="list-style-type: none"> • Parties see each other taking risks, fulfilling commitments. • Parties build history of trustworthiness between each other over time. |

Confidence-building measures are small steps taken by one or both parties that signal a readiness to unilaterally demonstrate trust to the other side. They are actions taken beyond what is needed to establish basic procedural trust. A confidence-building measure is an action that

does not ask the other side to place their confidence in us, but shows that we are prepared to place some confidence (or trust) in them. By taking a small risk and “going first,” one party creates a positive pressure on the other party to reciprocate. CBMs often break negotiating logjams and create a pattern of important procedural trust steps.

Examples of confidence-building measures can include:

- In a construction dispute, one side offering to resume work on site today, provided the other side makes a partial payment within a week
- In a supplier dispute, the manufacturer waiving the requirement for cash up front by offering to ship small orders on a 15-day payment basis
- In a workplace dispute, the manager offering a terminated employee his or her previous position back, provided the employee attends certain training courses within two months of reinstatement

In each of these examples, one side is demonstrating willingness to take a risk and go first by offering a CBM; in doing so, they create a situation where if the other side didn't reciprocate,⁷ they would risk being seen as the difficult party. This dynamic creates a positive pressure on both parties to behave well. When parties begin to see each other as reliable through effective use of procedural trust and confidence-building measures, they will begin to rebuild personal trust, slowly reducing the need for CBMs or the need for extensive procedural trust structures in the future.

Strategy #2: Attributional retraining

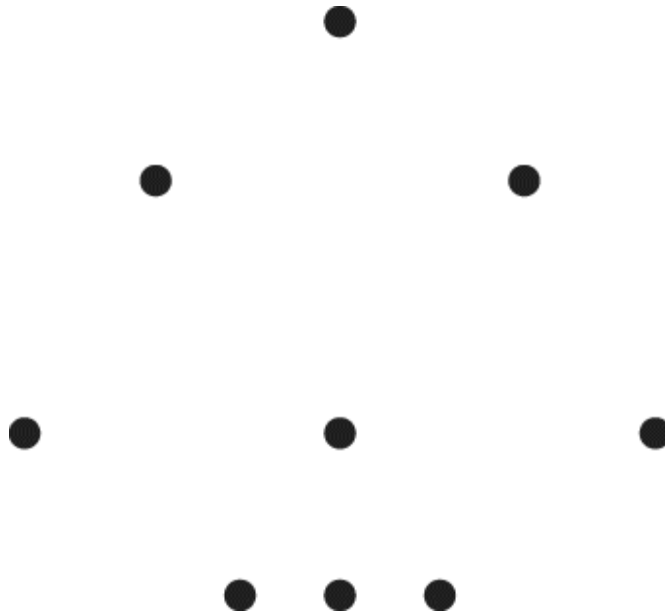
The second strategy to deal with negative attributions is to directly address the attribution made by each party about the other. This strategy applies where there is an abundance of intrinsic or intentional attributions.

As previously noted, whenever attributions are made, they are based on assumptions, on interpreting the available information in a particular

way. Parties frequently take the same information and yet arrive at very different attributions and conclusions.

A good analogy is a children's connect-the-dots game, where a series of numbered dots are printed on a page but form no obvious picture. By connecting the dots in the right order (which is helped by the fact that the dots are numbered), a picture such as a dog or house emerges. In real life, when we assess conflict situations we are presented with the same series of “dots” (in this case, data points such as experiences, feelings, events, etc.) only in our case without the numbering. In [Figure 7.4](#), to draw a “picture” we have to find a way to connect the dots that makes sense to us.

In [Figure 7.5](#), however, the same data points (dots) are connected in different ways, leading to very different pictures.



[Figure 7.4](#) Data points

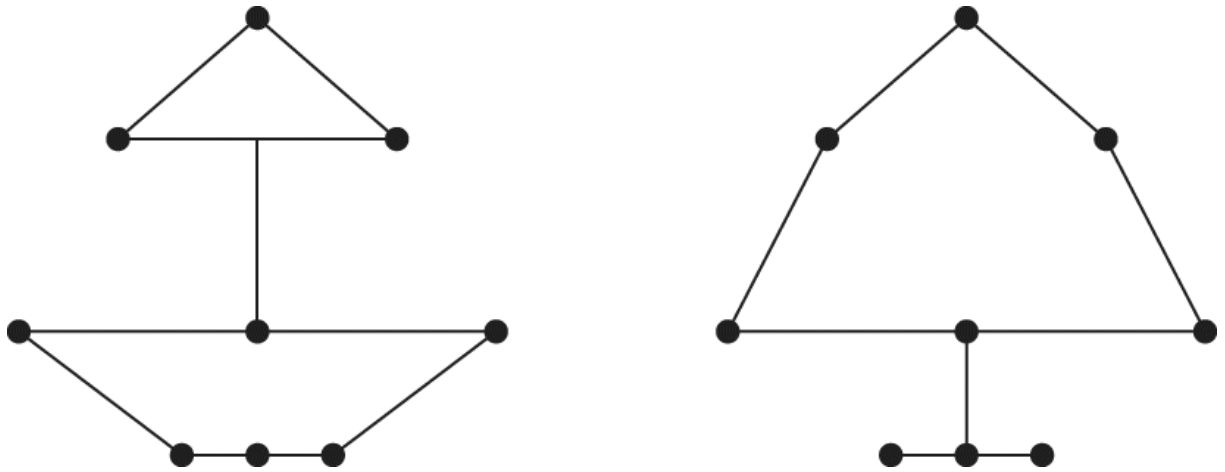


Figure 7.5 Different pictures from the same data points

To complicate matters even further, now imagine the situation where some dots (or data points) exist in one person's picture and others exist only in the other person's picture (each party having information the other doesn't have, or attributing different reasons for the events or information). Finally, as in [Figure 7.6](#), it is not uncommon for a party to draw a picture that simply ignores some of the data points because they don't fit the picture the party has created or assumed. Completely different pictures can then be created, each of which will be completely legitimate (even seen as exclusively “right”) to the party drawing it. Our assumptions, our attribution of motives, and our interpretation of the situation and the other party's behavior all become highly influential in how we feel about the other party.

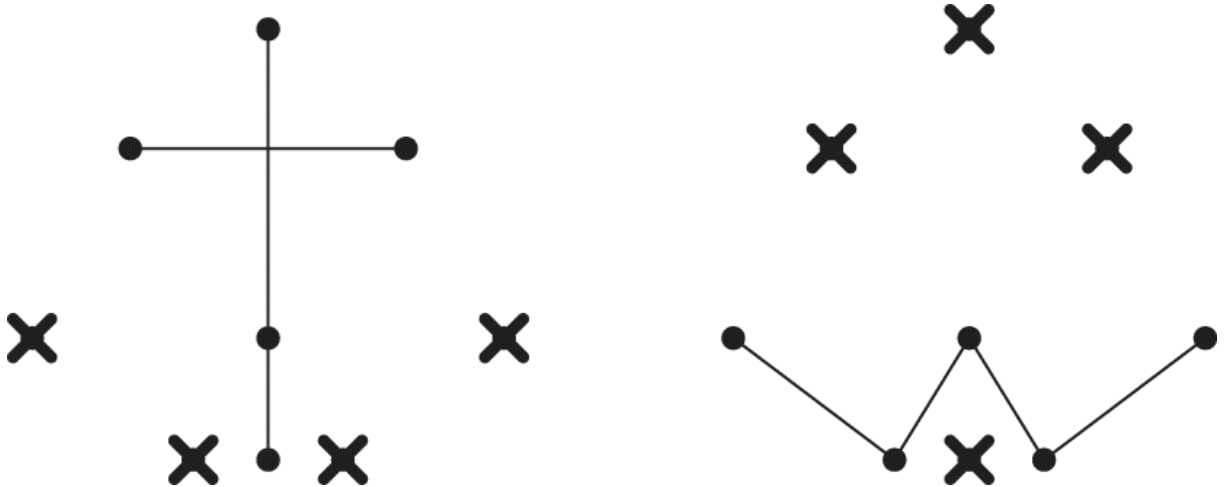


Figure 7.6 Cherry picking data points

What this all means, then, is that both parties' attributions can be, and often are, biased, exaggerated, or simply wrong. Frequently, this biased attribution of the other person's actions is in the direction of minimizing situation causes and creating intrinsic or intentional causes, leading to high levels of blame and strong emotions.

Attributional retraining is a fancy term for (gently) challenging a party's assumptions. By challenging these assumptions, we help the party change their “picture”—if the dots that they used to draw the picture of the boat no longer exist, they will need to find a new picture to make sense of the situation. This process can help a party shift from intentional attribution and strong blame, to intrinsic attribution and less blame, or even to situation attribution and the elimination of some blame altogether. This process can significantly de-escalate a conflict and introduce enough trust to move forward, even if it is only procedural trust at first.

CASE STUDY: TRUST MODEL STRATEGIC DIRECTION

Having diagnosed the situation for what kind of attributions have been made, it becomes clear that the strongest and most negative attributions are between Bob and Sally, and it is the strength of these negative attributions that is preventing any kind of solution. This means that a first step might be to work on the negative attributions that Bob has made about Sally.

Strategy #2: Use attributional retraining with Bob

The mediator could meet with Bob alone and begin unpacking the assumptions and attributions Bob has made. This would be done by asking Bob some of the following questions, all of which uncover and gently challenge the assumptions Bob has made:

- You feel that Sally biased the competition in favor of Diane. Given that she didn't sit on the competition panel, how did she do this? (Bob: *She spoke with the panel, that's how.*) When did she do this? (*I don't know. She just must have.*) Why doesn't the union feel this competition was biased? (*They're on her side.*) If they were on her side, why did they make her rerun the competition? Why didn't they just let the first one stand? (*Well, I don't know.*)
- You feel that Sally doesn't want to have anything to do with you, and that's why she wants everything to go through Diane, is that it? (*Yes, it's just a way of ignoring me because she doesn't like me.*) Why do you want contact with her? (*I want to know what's going on, because I'm important around here too.*) How would your view change if Sally, knowing this was important to you, were to keep your direct communication lines open? (*She won't!*) And if she did, what would that tell you? (*Well, I don't know, that maybe she's rethought some of this?*)
- You believe that Sally is inventing the AS-1 role as a way of rewarding or helping Diane, because she is female, too. (*Yes, they all stick together.*) How clear are you that the director, Sally's boss, has ordered this position created in offices across the country, and that Sally had nothing to do with this decision? (*What? Where did you hear that?*) From Sally. How could you verify that? (*I can call*

other offices to find out, I guess.) And if that is true, how would that change your view of why Sally is making these changes? (Well, I'd have to think about it.)

This dialogue is an example of attributional retraining, introducing information and interpretations other than the ones Bob has made and effectively causing Bob to rethink some of his attributions. If Sally had nothing to do with creating the position, Bob would have to rethink his view of Sally in some way. That is the goal of attributional retraining. Although it can take a bit of time, it can substantially alter the way each party views the underlying reasons for the other party behaving the way they are.

Strategy #2: Use attributional retraining with Sally

The mediator could meet with Sally alone and begin unpacking the assumptions and attributions Sally has made. This would be done by asking Sally some of the following questions, all of which uncover and gently challenge the assumptions she has made:

- You feel that Bob is behaving this way because he wants to frustrate you to the point you'll either promote him, or rerun the competition again, is that it? (Sally: *Yes, he's doing this just to make my life difficult!*) In general, how good a job had Bob been doing before all of this? (Well, *he did a good job here for a long time before I arrived.*) What if the reason he's behaving badly is because he really cares about his job and needs some contact with you to feel that he's in the loop and doing a good job? How would you feel about helping him? (*I'm willing to help, but he has to stop being such a problem.*) If he were willing to change his behavior, what contact could you offer so he felt important and included? (*I'd certainly consider any suggestions, if that's really the problem!*)
- You think that Bob hasn't recognized that he lacks a number of skills. (*That's right. He's too proud to see that.*) When has Bob ever refused to go on training that was offered to him? (Well, *he hasn't refused with me, but I haven't offered anything.*) How would it change your thinking if you offered him some skills training, and he accepted it? (*It would show me he was interested in improving his work.*)

In both cases, this would start the process of changing the underlying attributions and assumptions that were blocking and preventing any trust from building between the parties.

Next, let's look at how procedural trust and confidence-building measures might help.

Strategy #1: Focus on procedural trust

After shifting some of the hardline attributions between Sally and Bob, the parties looked at what steps could be taken to start improving things. They focused on two areas, communication and skills improvement.

Communication

After the attributional retraining step, Sally started to accept that Bob wanted to communicate with her to continue to feel that he was important and was doing a good job. Bob started to accept that Sally wanted communications to go through Diane to help free up her time for management-type work. Bob then suggested that Sally copy him with all communications that went to Diane; this would keep him in the loop and cost Sally no additional time. Sally agreed (a confidence-building measure), and asked that any communication back from Bob go first through Diane and that Bob contact Sally only if there was something that Diane couldn't help with. Bob agreed (another confidence-building measure) but asked that once in a while he be able to speak with Sally about the workplace in general and that he feel comfortable in doing this. Sally agreed, as long as "once in a while" meant about once per month. Bob agreed.

Both Sally and Bob agreed to run things this way for two months, keep track of how many times Bob and Sally interacted, and assess how Bob felt working with Diane. At that point, Bob and Sally would meet to discuss how it was working and what needed changing. By structuring it as a pilot process, one that was open to change later, this was seen as lower risk for Bob in that he wasn't accepting this solution regardless of how it worked for him. Sally saw it as a way of making sure the changes didn't eat up too much of her time. For both, this pilot phase was seen as a way to build confidence in their decisions.

In essence, by making the changes a pilot process, Sally and Bob were jointly engaged in verifying that this approach would work. This was a process both of them could place trust in, indicating that this step was an effective use of procedural trust.

Skills improvement

After the attributional retraining, Sally started to see Bob as having some ambition to improve his skills, and interested in applying for other promotions. Bob started to see Sally as perhaps wanting him to do well in his job and willing to help and support him in that.

Bob identified which skills he wanted to focus on, and Sally added one or two to that list. Sally committed to finding some training in the company that Bob could take, along with the budget for it. Both agreed to sit down with Diane after the training to create an assessment process to see if the training had helped; both agreed to log improvements to Bob's skills and performance. This made Bob feel that he was supported and helped in the workplace instead of targeted for attack; Sally felt this would show her that Bob did, in fact, care about doing a good job. They even began to talk about what Sally could do to support Bob when he applied for other promotions.

In this case, the process of jointly building the skills improvement list and sending Bob on training were seen as confidence-building measures by both Sally and Bob. The assessment process was seen as the trust-monitoring process for Sally, and the training budget was seen as the trust-monitoring process for Bob. In both cases, this allowed each of them to verify that the other person was doing what they said they would do.

ASSESSING AND APPLYING THE TRUST MODEL

The Dynamics of Trust model is one of the most important models in conflict resolution work, because trust is foundational to human relationships.

Diagnostically, the Trust model goes to the heart of understanding where breaches of trust come from and what magnifies or exaggerates them in conflict settings. Attribution theory has long been researched and used to explain human behavior. The Trust model applies it specifically to conflict settings by illuminating how the dynamic of self-serving bias plays a major role in sustaining and fueling conflict. Finally, because the model gives practitioners a framework for understanding how parties perceive the conflict and make sense of the situation, it becomes a powerful tool for diagnosing complex situations. The model rates very high on the diagnostic scale.

Strategically, the model also gives clear and strong direction for working with damaging attributions. By identifying opportunities for attributional retraining (another form of reality testing) and focusing on procedural trust in conjunction with confidence-building measures, it gives practitioners clear direction on how best to work with trust issues in conflict.

PRACTITIONER'S WORKSHEET FOR THE TRUST MODEL

1. Diagnosis: Identify the type of attributions each party is making in the situation:

| Party A | Party B |
|---|---|
| Situation Attributions: What is Party A attributing to circumstances beyond the control of Party B? | Situation Attributions: What is Party B attributing to circumstances beyond the control of Party A? |
| Intrinsic Nature Attributions: What is Party A attributing to Party B's nature or disposition? | Intrinsic Nature Attributions: What is Party B attributing to Party A's nature or disposition? |
| Intentional or Hostile Attributions: What does Party A believe Party B has done to cause intentional harm? | Intentional or Hostile Attributions: What does Party B believe Party A has done to cause intentional harm? |

1a. What situation or intrinsic attributions are being missed by either party?

1b. What attributional retraining can be done to bring forward this information?

2. What procedural trust and confidence-building measures would help each party start to rebuild trust?

What CBMs from Party B would have impact with Party A?

What CBMs from Party A would have impact with Party B?

Who could be an effective “monitor” between Party A and Party B in the short term?

What would need to be monitored or verified so both parties felt that the process was safe and fair?

ADDITIONAL CASE STUDY: TRUST MODEL

Case Study: Coworker's Dilemma

This situation involved two coworkers, Jean and Anna. Jean had been in the department for about 5 years; Anna had been there about 15 years. Initially, when Jean joined the department, they had gotten along reasonably well. About 3 years prior, Jean was given an “acting supervisor” appointment in the department and had to supervise Anna, along with two other employees, for about three months. Anna resented Jean's style of supervising, and the working relationship began to deteriorate.

About six weeks into her new role, Jean approached the manager, Sheri, saying that Anna's work quality was very poor and Jean's work was suffering as a result. Jean relied on Anna (as well as two other staff) to supply reports and data to her. Sheri asked her to gather some information on “what was going on in the area” so she could address any problems. Jean took this to mean that she was to track Anna's work quality, and to do this she built an Excel spreadsheet detailing the dates on which requests were made to Anna, when the data were delivered, when scheduled reports were completed, and the quality of the work overall. In addition, she had included a “Comments” section that had the occasional comment such as “Late again!!” or “Quality?!” as a reflection of her frustration with Anna's work. It also included the odd comment about good quality work that Anna had done. She filled out this spreadsheet for about two months on a network drive that she thought Anna did not have access to.

At about the two-month mark, and before Jean could share this information with Sheri, Anna found the file on the network drive. She stormed into Sheri's office with the file and demanded to know what was going on. Sheri told her that the file Jean had created was unacceptable and that she would address it with Jean. Anna stormed out, angrily yelled something at Jean, and threatened to file a harassment complaint against Jean unless she was disciplined. Jean, in Anna's mind, had been out to “get” her for a while now, and this was evidence of Jean trying to get her fired.

Jean was upset as well. She felt that she had just done what Sheri had asked her to do and was not trying to “get” Anna. All she had wanted was for Anna's work to improve so she could do her job properly. Jean

took great pride in doing more than was expected of her, but workloads had been increasing and she was falling behind due to Anna. When she approached Anna for information on reports, Anna had ignored her or had become angry. Jean didn't really accept that the comments on her spreadsheet were inappropriate, but she did realize that leaving the document on the network drive was a poor choice, because it wasn't private.

Relations in the workplace plummeted. Anna went off on sick leave for a month (her second extended leave in the past year) and upon her return didn't appear to feel any differently. She would not speak with Jean and refused to sit down with Sheri and Jean in the same room. Coworkers began to complain about the workplace, particularly about Anna's moods, and work fell way behind across the board. Anna refused to have any contact with Jean, still convinced that Jean was out to get her. In addition, because Sheri had clearly not disciplined Jean, Anna began to feel that Sheri was taking Jean's side. She began talking to the union about filing a complaint or a grievance.

Trust model diagnosis and worksheet: Coworker's Dilemma

| Anna | Jean |
|--|---|
| <p>Situation Attributions: <i>What is Anna attributing to circumstances beyond the control of Jean?</i></p> <ul style="list-style-type: none"> • Nothing. Anna attributes everything to Jean personally. | <p>Situation Attributions: <i>What is Jean attributing to circumstances beyond the control of Anna?</i></p> <ul style="list-style-type: none"> • Nothing. Jean attributes most of the problem to Anna's lack of competence and her personality. |
| <p>Intrinsic Nature Attributions: <i>What is Anna attributing to Jean's nature or disposition?</i></p> | <p>Intrinsic Nature Attributions: <i>What is Jean attributing to Anna's nature or disposition?</i></p> |

| Anna | Jean |
|---|--|
| <ul style="list-style-type: none"> • Anna sees Jean as a workaholic with standards that are way too high. | <ul style="list-style-type: none"> • Jean thinks there is something mentally wrong with Anna beyond simple job stress. She thinks that Anna is a bit unbalanced. |
| <p>Intentional or Hostile Attributions: <i>What does Anna believe Jean has done to intentionally harm her?</i></p> | <p>Intentional or Hostile Attributions: <i>What does Jean believe Anna has done to intentionally harm her?</i></p> |
| <ul style="list-style-type: none"> • Anna believes that Jean is out to get her, to have her fired, and to humiliate her in the workplace. She believes Jean wrote that report and intended for others in the workplace to read it, to turn the rest of the department against her. | <ul style="list-style-type: none"> • Jean believes that for some reason, Anna is blaming her for all her problems, that she wants to make Jean the bad guy, and to publicly humiliate Jean. |

Clearly, from the analysis, both parties have attributed the causes of the problem primarily to hostile and harmful intentions on each other's part, with a little bit of negative intrinsic attribution. This assessment was reflected in how emotionally hot the conflict was for both parties.

Trust model strategic direction: Coworker's Dilemma

What situation or intrinsic attributions are being missed by either party?

Anna:

- Anna is not seeing the workload issues Jean is facing and is not recognizing how much Jean relies on her work. (Situation)
- Anna hasn't clearly understood that Jean was asked to compile information on the work in her area and didn't undertake this on her own. (Situation)
- Anna is not recognizing that Jean has high standards and demands a lot of herself and that this, in general, is not a bad thing in the workplace. (Intrinsic)
- Anna is not recognizing that Jean's frustration is with not getting what she needs, and not directly with Anna personally. (Situation)
- Anna is not including the information that Jean had helped her quite a bit in the past. (Intrinsic)

Jean:

- Jean is not seeing that Anna may have a medical condition, given her numerous sick leaves, and that this may be affecting her emotionally. (Intrinsic)
- Jean is not recognizing that Anna simply has a different work ethic than Jean does but still has a work ethic that is in the range of acceptable in the workplace. (Intrinsic)
- Jean is not recognizing that it isn't her job or role to manage or judge Anna's work; it's her role to go to management if she's not getting what she needs to do her job well. (Situation)
- Jean is not recognizing that the comments were clearly inappropriate. (Situation)

What attributional retraining can be done to bring forward this information?

Questions for Anna:

- How clear are you that Sheri asked Jean to gather information about deadlines and workflows? That Jean, to a large degree, was doing what was asked of her?
- How much of the frustration you read in Jean's spreadsheet is because she felt frustrated in her own job and not necessarily with

you?

- If Jean is just out to get you, why would she have offered and acted to help you in the past?
- How much of this problem is because of the long hours and high standards Jean seems to impose on herself?

Questions for Jean:

- Anna has been off a few times in the past year-how much information do you have on that? (Assume none, because it's private information.) What else might be going on in Anna's life outside of work, given these extended leaves?
- When you feel frustrated that you're not getting reports or information you need, who is responsible for fixing that? If the answer is "management," what's the reason you're frustrated with Anna, when indeed it's management's responsibility to help you?
- How clear are you that Sheri believes the comments in your spreadsheet were inappropriate?
- You set high standards for quality of work, don't you? How appropriate or realistic is it to apply those standards to everyone in the workplace? Whose job is it to set standards for acceptable work for staff? How much of Anna's anger at you is because she feels you've been judging her work rather than letting management do it?

Procedural Trust Focus: What confidence-building measures would help each party start to rebuild?

What CBMs from Jean would have an impact with Anna?

- Jean apologizing for the comments in the report.
- Jean providing verification that the report had been deleted and all copies destroyed.
- Jean's commitment to never gather information without Anna knowing (this CBM also needs to come from Sheri, as well as from Jean).

What CBMs from Anna would have impact with Jean?

- Anna committing to behaving in civil, respectful ways whenever she interacted with Jean in the workplace.
- Anna agreeing to not file a harassment complaint if they reach a resolution.

Who could be an effective “monitor” between Jean and Anna in the short term?

- It was agreed that there needed to be a buffer or monitor between Jean and Anna, at least for a while. Sheri was far too busy and acknowledged having neglected this department because of time pressure. Sheri decided to assign a supervisor to take over running the area, and it was agreed that the supervisor would be the buffer and monitor for the foreseeable future.

What would need to be monitored so that both parties would feel that the process is safe and fair?

- The parties agreed to meet with the supervisor and establish “ground rules” that the supervisor would then monitor and hold both Jean and Anna accountable for. The stated goal was to have this monitoring only as a short-term process, after which Jean and Anna would manage their interactions themselves.

Epilogue of the case study

After initial meetings with Anna and Jean, the practitioner met with Sheri and arranged for Sheri to meet with Anna and Jean individually. This was to clearly articulate the following: To Anna, she affirmed that it had been Sheri who had asked for the report and not Jean choosing to do it on her own. Sheri apologized to Anna for not telling her about it and took responsibility for this misstep. To Jean, Sheri made it clear that the comments in the spreadsheet were, in her view, inappropriate. After some discussion, Jean admitted she could see that they “didn't look good” to anyone else reading them.

The practitioner then met with Anna, who denied that she had been disrespectful in the past, but committed to behaving respectfully in the future. Anna agreed that it had to be respectful as defined by both Jean and the supervisor. Anna also agreed that if Jean apologized for the report, she would not file a harassment complaint. During the

attributional retraining portion, she admitted that although she didn't like Jean, she recognized that Jean was probably just insensitive and showing bad judgment, rather than trying to get her fired. (This is a movement from intentional/hostile attribution to an intrinsic one, which is lower on the scale.)

The practitioner then met with Jean, who initially refused to apologize for anything. After discussing Sheri's view of the comments, Jean acknowledged that the comments could be seen as inappropriate and agreed to apologize for writing them. She also wanted it to be made clear that she wasn't trying to harm Anna but only trying to improve her work.

The practitioner brought Anna and Jean together. Jean apologized for the comments, and Anna committed to civil and respectful interactions, along with not filing a formal complaint. Both agreed to meet with the supervisor and build ground rules, which they would ask the supervisor to monitor. Based on this, both agreed to go back to working together on a professional basis.

In an individual debrief with the practitioner, Anna stated that she didn't feel that Jean really understood how this had hurt her, but felt Jean had acknowledged enough for her to let it go and move forward. Jean, in her debrief, stated that she still felt Anna didn't like her, but if there was a reasonable and professional working relationship, that was enough for her to move forward.

NOTES

1. Daryl Landau is a Toronto-based mediator and trainer in the field of conflict resolution.
2. A more complete definition would include not only motives and intentions but also the other person's capability or competency. Because competency is a relatively objective measure (compared to measuring a person's motives), and because competency is addressed in attribution theory, we'll work with motives and intentions here.
3. [Chapter 9](#), the Loss Aversion Bias demonstrates that we weight potential losses twice as much as potential gains, strongly skewing us against taking risks or trusting others easily.
4. In some cases, if the intrinsic quality is extreme, such as deep racism, there will be no trust at all, in spite of an intrinsic attribution tending to be less trust-breaking than an intentional attribution.
5. For an in-depth look at how data contribute to conflict, refer to [Chapter 6](#), the Circle of Conflict model and the data slice.
6. In the language of the Triangle of Satisfaction, this is a shift away from result interests to focus on process and psychological interests.
7. CBMs are directly linked to the Law of Reciprocity, [Chapter 8](#).

CHAPTER EIGHT

MODEL #5: THE LAW OF RECIPROCITY

with Cal Furlong

BACKGROUND OF THE NATURAL LAWS

This model, along with Loss Aversion Bias in the next chapter, is slightly different than the other models in the book, in that these two are drawn from patterns of behavior that have been identified and repeatedly studied by psychologists, sociologists, and behaviorists for a long time. The research on these cognitive biases is both fascinating and deep, showing just how powerfully they guide our behavior. This information, however, has remained in the realm of research, rarely making its way into common use and practice. That needs to change. These patterns are strong and influential, they help determine a great many of our choices in many settings, and yet they remain largely unconscious, especially in conflict situations. In this and the following chapter, they are presented as simple models to help practitioners diagnose and intervene more effectively by understanding the impact of these unconscious habits on the decisions people make.

By way of background, the Law of Reciprocity and the Loss Aversion Bias operate as if they were “natural laws.” In the hard sciences, natural laws are inviolable principles such as the law of gravity or the three laws of motion—scientifically provable laws of nature. Take the law of gravity as an example. Gravity is a natural law that is so common, so pervasive, that we rarely think of it—yet gravity affects and shapes what we do every waking moment. Humans have adapted to gravity from the beginning, building aqueducts that relied on gravity to function, and pyramids that required lifting massive stones against gravity to construct. In spite of this, it was not until the 1600s that Sir Isaac Newton (and others) named it and defined it as a natural law.

The social sciences have analogous natural laws; here, these principles operate as powerful, often unconscious tendencies that guide and shape much of our actions and decisions in predictable ways. Unlike true natural laws, however, laws in the social sciences are not inviolable. That said, they are strong tendencies that guide and shape our actions in predictable and definable ways.

Take, for example, one such principle from the social science of economics. Human beings have engaged in trading goods and services for thousands of years, and this process of buying, selling, bartering, and exchanging is fundamentally governed by the law of supply and demand. Supply and demand are very powerful predictors of how economic markets work and behave, yet it wasn't until 1776 when Adam Smith

described this principle of economics as a “law” that it began to be understood and consciously put to use.

Similarly, the Law of Reciprocity and the Loss Aversion Bias are fundamental patterns of behavior to which people unconsciously and predictably default. The goal of these two chapters is to put these patterns into a simple format that will help practitioners identify and diagnose them in real time and to offer clear strategies to help address and mitigate these biases in order to achieve better outcomes.

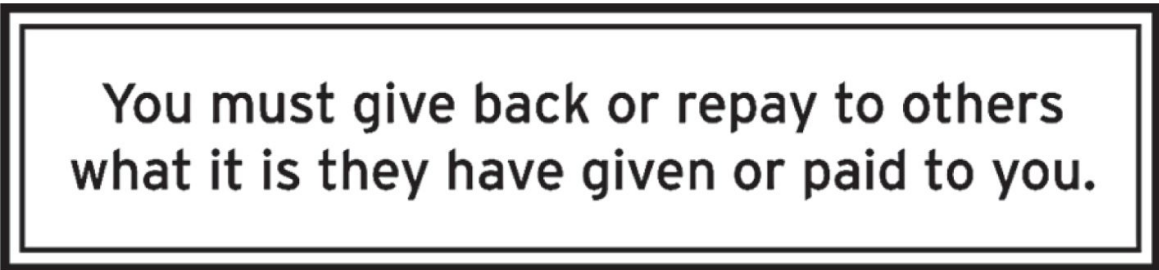
THE LAW OF RECIPROCITY

In simple terms, the greatest contributor to the success of humanity on the planet Earth is that we, as a species, learned how to cooperate effectively. Humans are not the fastest, not the strongest, not even the most populous species on Earth, yet humanity has become the most powerful organism on the planet. We did this by learning how to work together to accomplish things far beyond the capabilities of any single person. We learned how to hunt together to kill animals far larger than us, we learned to farm vast areas of land by working together, and we built roads, bridges, and cities on a scale far beyond what any individual could accomplish. The only way any of this could have been accomplished was through cooperation.

The Law of Reciprocity, quite simply, forms the cornerstone of this cooperation¹ in human relationships and society.

The Law of Reciprocity is the engine that drives cooperation. It is the underlying process, the instinctual behavior that consistently and unconsciously pushes us toward collaboration and working together for mutual benefit. It is our ability to engage in a complex network of indebtedness and repayment that binds us together into effective and mutually supportive groups. It breaks down individualism and builds tribes, teams, companies, communities, and nations. It is so powerful that there is no society on Earth that does not follow the Law of Reciprocity.²

On the face of it, the law is deceptively simple. The law states:



You must give back or repay to others
what it is they have given or paid to you.

Figure 8.1 The Law of Reciprocity

That is the sum total of reciprocity. And although this looks simple on its face, it means two fundamentally different outcomes are possible, indeed likely, in every interaction we have:

Outcome #1: If we are given help, advice, respect, and understanding, we feel strongly obliged to return help, advice, respect, and understanding to the other party in kind ([Figure 8.2](#)), rather than simply take advantage of it for ourselves.³

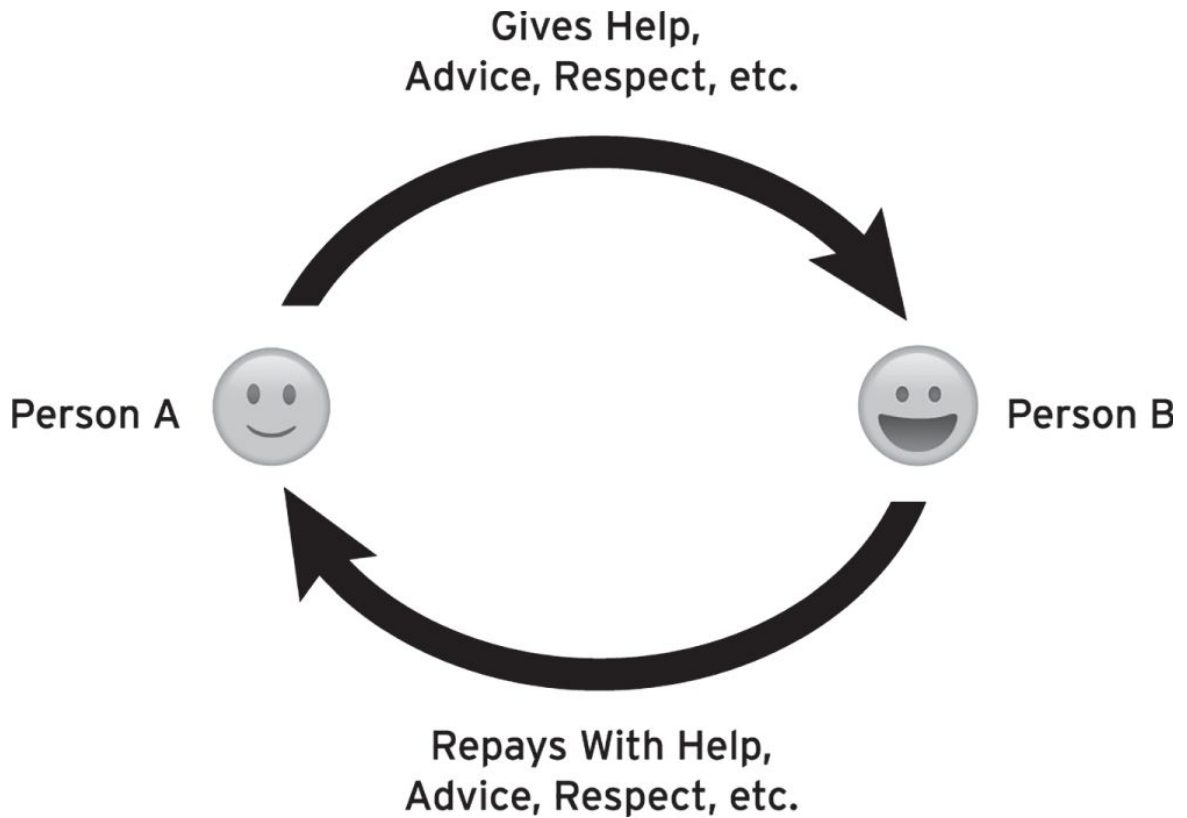


Figure 8.2 Positive or constructive reciprocity

Outcome #2: If, however, we are given anger, are disrespected, or are denied help, we feel strongly obliged to return the anger, the disrespect, and the denial of help back to the other party ([Figure 8.3](#)) —and then some!

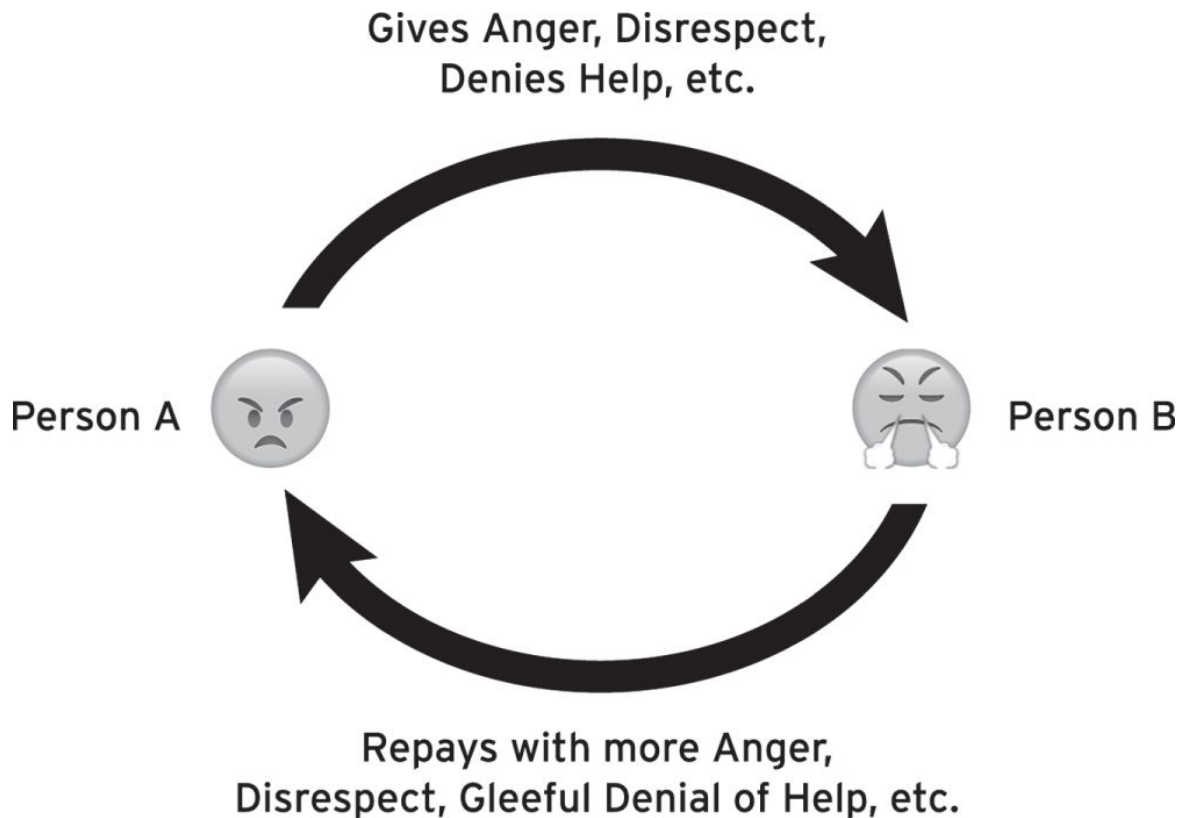


Figure 8.3 Negative or destructive reciprocity

The first outcome leads directly to cooperation, collaboration, and an ability to leverage both parties' skills and resources toward better outcomes. The second outcome leads to conflict, to both parties spending time, energy, and money trying to defeat or punish the other. But the good news is this—*the law is inherently biased in favor of cooperation*. Within the Law of Reciprocity, two guiding principles drive us first and foremost toward cooperation.

- **First, we are driven toward helping others.** People feel a strong need to help and assist others. How many times have you offered to help neighbors, friends, even strangers on the street? Stories of people risking their own lives to help others—dragging strangers out of burning buildings, jumping into lakes to save drowning children, climbing *up* the stairs of the Twin Towers on 9/11 to help others get out—are surprisingly common. It is deeply ingrained in us to offer help to other people, in many different situations.
- **Second, we often feel obliged to accept help when offered.** When offered help, we often accept it for the simple reason that we accomplish our goals faster when we have help. In addition to that, it

is actually uncomfortable to refuse help when offered. The times we do refuse help, we often thank the other party profusely for their offer as a way of recognizing the value of the offer itself, as a way of repaying the offer with acknowledgment and thanks at the very least.⁴ Of course, a big factor in whether we accept help is whether we want to feel obligated to the person offering—a clear acknowledgment of the Law of Reciprocity at work.

To test either of these principles, imagine this: The next time you are invited to dinner at a friend's house, you decide not to bring anything—no wine, no dessert, no flowers, nothing. Think of just how uncomfortable you would feel showing up empty-handed. Or imagine that the next time you ask friends over to your place for dinner, when they arrive with wine, dessert, or flowers, you refuse to accept them. Picture how difficult it would be to say, “No thanks, you keep that,” and just how uncomfortable it would be for everyone involved. We feel bound to offer, and we feel pressure to accept. The Law of Reciprocity overpowers us in many situations, whether we like it or not.

Bringing all three elements together, the Law of Reciprocity boils down to this:

- The main directive of the law is that we must give back or repay to others what it is they have given to us. Unfortunately, this directive can either drive cooperation, or it can drive retaliation and conflict. But the law bends us toward cooperation by relying on two guiding principles:
 1. We feel compelled to help others, triggering the first step in cooperation.
 2. We often feel compelled to accept help, reinforcing cooperation.

In virtually every human interaction and every relationship, the Law of Reciprocity is operating. The only question is this: Is reciprocity reinforcing cooperation, or is it driving retaliation and conflict?

DIAGNOSIS WITH THE LAW OF RECIPROCITY

Diagnosing which dynamic of reciprocity is at play is relatively simple—are you witnessing the upward spiral that promotes collaboration, or are you witnessing the downward spiral of self-reinforcing retaliation?

The downward spiral

There can be many causes of friction and conflict in any relationship or interaction, and the other models in the Toolbox can help to identify other possible causes of conflict. In addition to other substantive reasons for conflict, however, a conflict can be both driven and sustained by the Law of Reciprocity alone. Even when both parties want a resolution, the conflict can continue unabated simply because each party feels compelled to reciprocate the most recent negative action the other party has taken. In other words, the conflict can boil down to an ongoing tit-for-tat between the parties, creating a self-reinforcing—and negative—downward spiral ([Figure 8.4](#)).

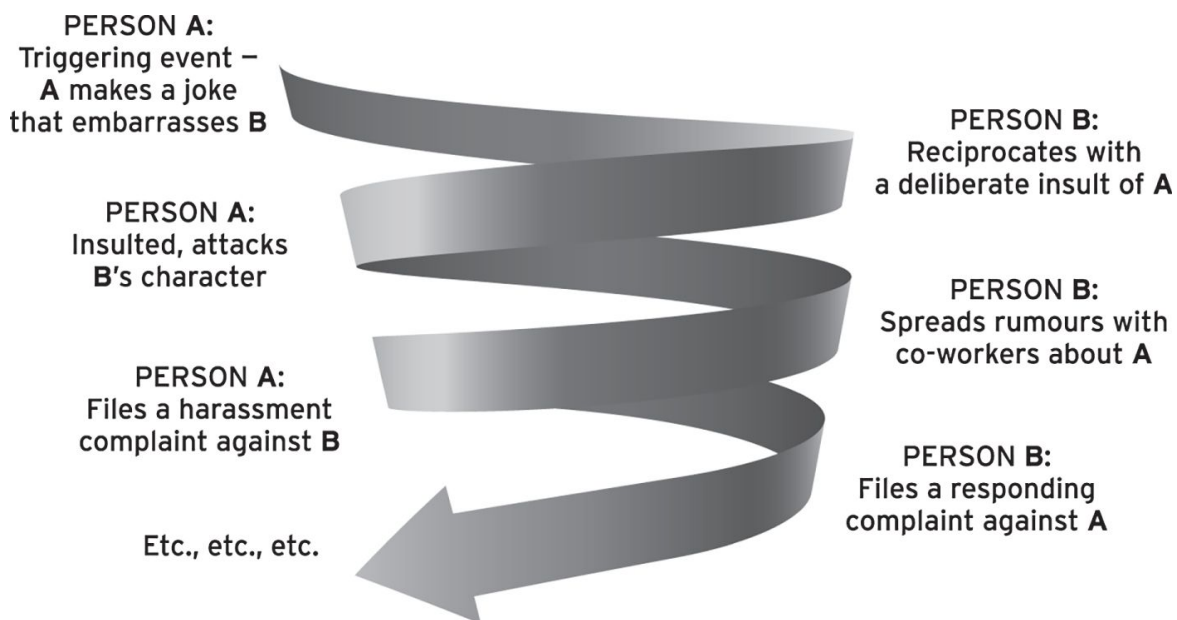


Figure 8.4 The downward spiral

The downward spiral can continue in that direction indefinitely, with each person interpreting the other's behavior as an attack and responding to it with a counterattack. The classic playground justification for this downward spiral is well known—"They started it!" The fuel that sustains an ongoing conflict can simply be each party's negative actions driven by reciprocity. The result is endless conflict and endless time, energy, and

money spent on what feels like justice but amounts only to retaliation. The irony is, of course, that both parties, if asked, would likely insist they want it to end. In fact, they would insist that “they are not that kind of person.” But because the Law of Reciprocity is so powerful, they just can't seem to help themselves.

Diagnosing negative reciprocity

Negative reciprocity can be diagnosed by identifying a relatively straightforward pattern. Consider the following questions:

- Is there a pattern of negative behavior between the parties? For how long?
- What specifically is causing the negative behavior? Was it the previous actions of the other party or were there independent causes? Or both?
- Is there an escalation in magnitude as each party responds to the other?
- What is each party's justification for responding the way they did? Are they simply reacting to the other party? Do they have reasons beyond their reaction?

If the pattern is one of deliberate reaction to the previous actions of the other party, and if there is no obvious reason for that reaction other than the other party's behavior, the Law of Reciprocity is likely driving the conflict.

CASE STUDY: RECIPROCITY DIAGNOSIS

Prior to the workplace changes that Sally made, Bob and Diane worked well together.

In Bob's view, he had worked hard and contributed to the organization. He had done a good job for a long time and he was loyal. Now, when a promotion came up and he was the most senior employee, he looked to have his contribution recognized. Instead, the organization gave it to a far newer employee—Diane. He felt disrespected, passed over, his years of commitment and work ignored. He felt demeaned and sidelined. He then reciprocated by filing a grievance. When the union agreed and the competition was rerun, he felt vindicated—until he lost the competition a second time. He then felt even more disrespected and decided to reciprocate again—because the organization was withholding recognition of his long service, he withheld his recognition of Diane's new role. Although he repeatedly said that he had no issue with Diane—which was probably true—he could not accept the new position they had put Diane in. He rejected the organization's decision, risking his own employment to respond in kind to what he saw as unfair treatment.

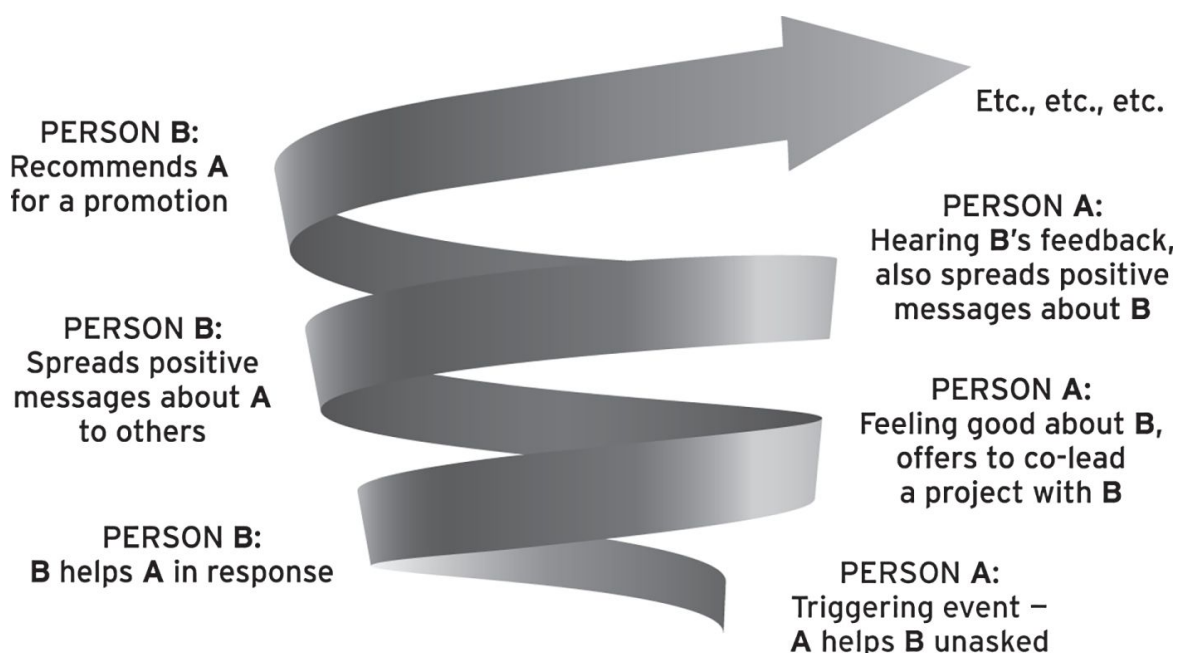
Diane felt she had worked hard and won the competition fairly—twice. When Bob refused to take her direction, she, in her role as a lead hand, now felt disrespected and treated badly by Bob. Bob refused to take Diane's direction and communicated only with Sally, like Diane didn't exist. This caused Diane to reciprocate with the anger, raised voice, and harsh language she felt he deserved. Bob didn't immediately react to Diane simply because he was responding more to the organization's decision, not to Diane, until she started to treat him disrespectfully. He then reciprocated that disrespect with a complaint against her, accelerating the downward spiral even more.

The organization's decision was seen by Bob as demeaning and he predictably responded with his own negative behavior, which caused Diane to reciprocate with anger, which then caused Bob to dig his heels in even more, leading to worse behavior from Diane, triggering a harassment complaint from Bob. The downward spiral would continue, round and round, until something broke the cycle.

STRATEGIC DIRECTION FROM THE LAW OF RECIPROCITY

The upward spiral

Thankfully, there is another side to this coin of ongoing repayment. Although it can be destructive, the Law of Reciprocity is equally powerful in building and sustaining positive, cooperative relationships. When someone does something helpful for us, we happily look for a chance to help them, which triggers a similar desire in the other person to repay that help with more help, causing us to want to repay that help again, resulting in a chain of mutual help spiraling upward instead of down ([Figure 8.5](#)).



[Figure 8.5](#) The upward spiral

Upward spirals can start from scratch, of course. When, for example, we meet someone for the first time and one of us takes an interest, listens, or offers help or support, it builds a positive debt in the other person, and the upward spiral starts.

Other times, however, parties are already in a downward spiral because of a negative interaction, and these negative reactions reinforce each other. To reverse this and change it into an upward spiral, something has to break the negative pattern in the downward spiral first.

Strategy #1: Break the cycle

To break a downward spiral, someone must do something that is completely counterintuitive—they must reverse direction and take an action that is seen to be helping, or offering to help, the other party, contrary to the expected tit-for-tat of another negative response in kind. One party must initiate a constructive action, even in the face of negative behavior from the other party. Often, these counter-intuitive actions are called confidence-building measures.⁵

There are many actions that can break a downward spiral. Here are some examples:

- A management team starts offering their union information, such as financials, strategic direction, organizational changes being considered, etc., with a request for feedback.
- One country in armed conflict with another unilaterally offers a cease-fire to de-escalate the situation.
- A neighbor with a poor relationship with another neighbor simply starts shoveling the other's sidewalk occasionally, as a gesture of good faith.
- A union offers to put a contentious grievance in abeyance while the parties work on a broader solution.

Parties in conflict expect negative responses. When they receive a constructive response instead, it often becomes the catalyst to change both parties' actions.

Strategy #2: Leverage one constructive step with another

Once one party has interrupted the downward spiral, either party can leverage this to shift the downward momentum upwards. This can be done because the Law of Reciprocity also relies on one of the most important interests human beings have—reputation.

Reputation is a cornerstone in the evolution of cooperation. Reputation allows for people to trust strangers—but only if they come with a good reputation from their interactions with others. A good reputation often leads to increased business, increased status within groups, even increased wealth. A bad reputation often means being shunned, ignored, or ostracized. People guard their reputation jealously, knowing that if they are seen by others as untrustworthy or unresponsive, they will suffer for it.

When one party breaks the cycle and offers something constructive, if the other party refuses to reciprocate or tries to take advantage of it, they know they will quickly be identified as “the problem.” They will acquire a reputation as being difficult and uncooperative. To prevent this, they will feel pressure to respond in kind, to reciprocate constructively (or at least neutrally). When the first party then sees a positive or even neutral response to their initial action, they, too, will not want to be identified as “the problem” and also feel pressure to respond constructively again. This often leads to the upward spiral, driven just as strongly in a good direction as the downward spiral drives both parties in a negative direction. These constructive steps can quickly lead to a sense of trust, which then again reinforces the upward spiral.

Strategically, then, a practitioner can use this law by encouraging one or both parties to offer a constructive step in the situation, and then use that positive step as a type of “upward spiral” leverage to get the other party to reciprocate. This leverage takes little effort once a constructive pattern has been initiated.

CASE STUDY: RECIPROCITY STRATEGIC DIRECTION

Once an understanding of how negative reciprocity is driving the Bob and Diane conflict has been reached, the practitioner could take specific steps to turn it around.

Step One

The practitioner could meet with Diane and encourage her to take a different approach. Rather than resort to anger and pressure with Bob (which would only result in more resistance and negative behavior), Diane could approach Bob and ask him to take the lead on some customer service projects or clients, something he had complained he wasn't given before. By offering Bob something constructive in spite of his behavior, Diane would be starting the process of interrupting the downward spiral.

The practitioner could also include a union representative in the discussions between Diane and Bob, explaining to the representative that Bob was being offered a chance to gain the experience he had asked for. The union would likely see this as a positive step and reinforce this with Bob as well, counseling him to take advantage of this offer.

The practitioner could also meet with Sally and Bob, leading a discussion on how Sally could meet with Bob (together with Diane) occasionally, to demonstrate to Bob that his voice is important and that he has regular access to Sally, as he did in the past.

Step Two

When Diane sees any constructive responses from Bob, she could then offer Bob an acting assignment as the lead hand, perhaps when Diane was away on vacation or off sick, so that Bob would feel like he is valued and has skills to offer. Bob would almost have to reciprocate with his best effort to make sure he would in no way confirm to Sally, Diane, and the union that he wasn't the right candidate for promotion. He would be virtually driven to do a good job, with the result that he'd start to be reengaged in the workplace instead of withdrawing and refusing to participate.

ASSESSING AND APPLYING THE LAW OF RECIPROCITY

Even though reciprocity can be described as a natural law, it is not foolproof. There are two significant exceptions to the Law of Reciprocity. First, a small number of people seem to be immune to the effects of reciprocity and when offered something constructive, they simply take it and ask for more. The result is one party giving and giving and the other party taking and taking. In this case, a new strategy must be employed.

Rather than continuing to apply the Law of Reciprocity, the giving party must instead rely on the Stairway. A party who accepts a constructive act from another party, refuses to reciprocate and demands more, is simply applying power and will continue to use power until they stop getting what they want. In this case, only an equal application of power in return, followed by a loop-back to interests, will change that party's behavior.⁶

Second, if one party views the other party as an adversary for some reason, they will refuse to accept anything positive to avoid being indebted to a perceived enemy. In this case, unilaterally applying procedural trust⁷ in an open and transparent way will slowly undermine the other party's negative attributions and start to open the door to rebuilding the relationship.

Reciprocity is an excellent acid test for relationships of all kinds. If help and support are responded to with help and support, the relationship will likely strengthen and deepen. In the rare instances where cooperation is met with indifference or even competition, it should be taken as an early warning sign of what is likely to follow.

The Law of Reciprocity is a simple, deep, and unconscious driver of behavior in both positive and negative relationships. In addition, the reciprocity strategies can be applied as tools for guiding parties in negative relationships toward a constructive way forward.

ADDITIONAL CASE STUDY—LAW OF RECIPROCITY

The Law of Reciprocity applies even in highly distributive, zero-sum negotiations where relationship tends to play a lesser role.

Case Study: Shooting for the Moon

In a recent personal injury litigation mediation involving a car accident, the plaintiff lawyer, knowing the case was worth approximately \$250,000 for his client, made a first offer of \$750,000 to the insurance company, including in the claim many damages that were not generally awarded in these kinds of cases. When the insurance company received this offer, they were insulted and started to pack up their files, planning to end the mediation. With effort, the mediator calmed them down and persuaded them to make a counteroffer, which they finally agreed to do. Based on how they saw the plaintiff's offer, however, their offer back was for \$1,000—even though they assessed the case as being worth a minimum of \$200,000. In other words, they reciprocated what they saw as an insulting offer with an equally insulting offer. Both parties were contributing to a downward spiral.

After discussions with the mediator, the plaintiff's lawyer decided to change the negative tone by making a significant change in their next offer. Even though the \$1,000 offer was also seen as insulting, the plaintiff's lawyer positioned themselves as being the first party to be reasonable; their second offer was \$295,000—a drop of over \$450,000, and a clear confidence-building measure. The insurance company, seeing what they perceived as a conciliatory gesture and a realistic offer, reciprocated constructively with a second offer of \$150,000, a similar major move in the negotiation. It took less than an hour for the parties to agree on a settlement of \$229,000.

In addition, the insurance company offered a higher than usual amount in a non-taxable category as a way to assist the plaintiff even more. Both parties recovered from a downward spiral, made the shift, and contributed to an upward spiral, even though there was no long-term relationship involved.

NOTES

1. The theories on the rise and evolution of cooperation are a fascinating read on their own. For those interested—and it's highly recommended—see Samuel Bowles and Herbert Gintis, *A Cooperative Species* (Princeton University Press, 2011) or Robert Axelrod, *The Evolution of Cooperation* (Basic Books, 1984).
2. Alvin Gouldner, “The Norm of Reciprocity: A Preliminary Statement,” *American Sociological Review*, Volume 25, Number 2, 161–178, April 1960.
3. There are many examples of how different societies have recognized this. When offered help we say “thank you,” but we also say “much obliged,” recognizing an obligation has been created. In Portuguese, thank you is “obrigado,” again signaling obligation. And in Japanese, the word “sumimasen” literally means “this will not end,” indicating that reciprocal obligations continue forever!
4. One study showed that those who break the Law of Reciprocity in reverse—by giving help but refusing help offered in return—are disliked for it. Giving selflessly but not allowing repayment also violates reciprocity (K. J. Gergen, P. Ellsworth, C. Maslach, and M. Seipel, “Obligation, Donor Resources, and Reactions to Aid in Three Cultures,” *Journal of Personality and Social Psychology*, Volume 31, 390–400, 1975).
5. See [Chapter 7](#), The Dynamics of Trust, for more information on confidence-building measures.
6. See [Chapter 4](#), The Stairway, for a detailed description of the looping-back strategy and how to apply it.
7. See [Chapter 7](#), The Dynamics of Trust, for how to build and manage procedural trust.

CHAPTER NINE

MODEL #6: THE LOSS AVERSION BIAS

with Cal Furlong

BACKGROUND OF THE LOSS AVERSION BIAS

Reciprocity, as we have seen, is a powerful heuristic for understanding human behavior in many situations, one that can help us diagnose why certain decisions or choices are made, as well as give us strategies for engaging people in reciprocal relationships. As described at the beginning of the previous chapter, both the Law of Reciprocity and this model operate as virtual “natural laws,” deep cognitive patterns that strongly affect our behavior in managing conflict and relationships. This second powerful law for understanding behavior is the Loss Aversion Bias.

Consider some of these strange but common behaviors:

- **Taxes vs. Rewards:** To reduce the use of plastic bags, it was found that imposing a cost of \$.05 per bag reduced plastic bag use by 42%. Yet offering to pay a reward of the same \$.05 for *not* using a plastic bag resulted in *no reduction at all*.¹
- **Free Trials:** One of the most commonly used and effective marketing tools is offering a free trial of a service to potential customers. Netflix is one of the most successful companies to market using this approach, converting almost every single one of their free trial users into paid subscribers. Many, of course, initially signed up to get free access for a while, fully intending to cancel before having to pay; 93%, however, stay and pay.
- **The Stock Market:** When a stock goes up, many people who own the stock choose to sell it and capture the gain. When a stock goes down, however, stockholders are much more likely to hold on to the losing stock, behaving like they haven't lost anything until they actually sell it.

What is going on? Why would rational people sell a stock going up in value sooner than sell one that's losing money? Why would many people stop using plastic bags when charged five cents but not stop using the bags when offered the exact same amount as a reward?

It turns out that people have a powerful built-in bias, one that motivates us to avoid anything seen as a loss much more powerfully than seeking anything seen as a gain. The thought of losing, in other

words, is far more abhorrent than the excitement of winning *the exact same amount* is appealing. And the vast majority act accordingly, even when it may not be in their best interest.

Loss aversion unconsciously guides a great deal of human behavior. Although the idea of seeking gain and avoiding loss seems pretty obvious, what isn't obvious is the fact that feeling the pain of losing registers at least twice as sharply as the satisfaction of winning or gaining.² In other words, the feeling of losing is amplified by at least a factor of two. The result is that the fear of losing overpowers any desire of winning by a large margin.

In our previous examples, this means:

- Our use of plastic bags is unchanged even when we're rewarded for the behavior, as the gain is simply not as valuable to us as avoiding a tax. When we directly lose money for using the bags, however, we change behavior quickly.
- Subscribers to Netflix, once they have the service as a free trial, are very reluctant to lose access to that service, even when it starts costing money. This aversion to losing the service will keep them paying for it, even if they use it far less than expected.
- Investors refuse to sell a plummeting stock and crystalize their loss, thinking that it isn't really a loss until it's sold. At the same time, they will sell a rising stock to make sure they don't "lose" the increase they have today. The net result is a portfolio accumulating far more losing stocks than winning ones.

How does this amplification of losses unfold in our lives? Loss aversion drives behavior in two specific ways.

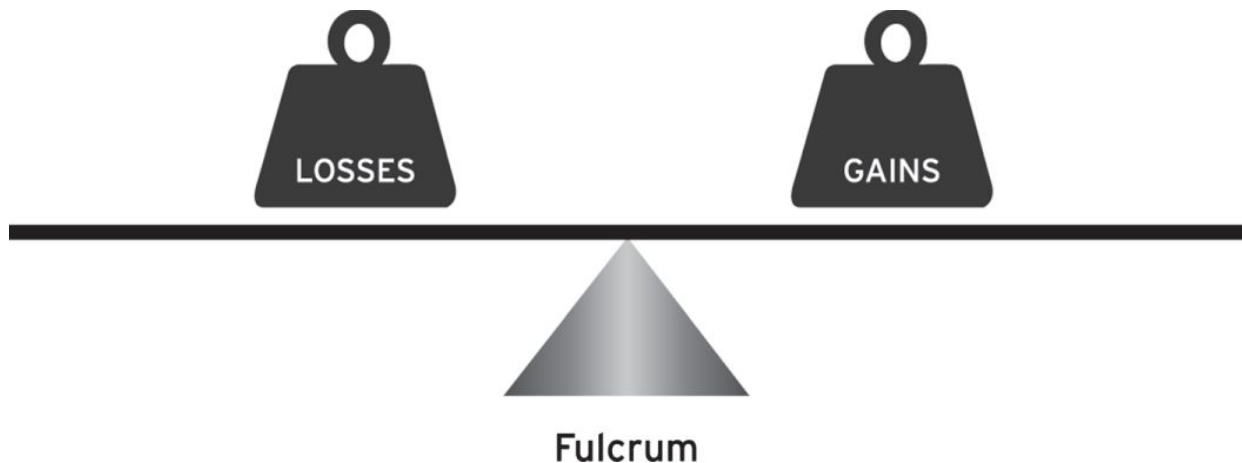
- When presented with a chance to win or gain something, we avoid risk and want certainty. For example, given the choice of \$900 cash right now, or a 90% chance of winning \$1,000 instead, almost everyone chooses the certainty of \$900 now. A majority of people will even choose \$500 right now against a 90% chance of winning \$1,000! When seeking gains, certainty and risk avoidance are preferred.

- When presented with a loss, however, the opposite is true—risk-taking is preferred over certainty. For example, given the choice of losing \$900 right now, or a 90% chance of losing \$1,000 (i.e. a 10% chance of losing nothing), most choose to take the risk—they choose rolling the dice for a 10% chance of losing nothing, even though it means a 90% chance of losing even more! Trying to avoid the loss drives people to take very large risks. In gambling, after losing a bet, the famous “double or nothing” becomes very attractive. It has caused many a person to double their losses in pursuit of avoiding any loss at all.

In all of our negotiations and interactions, loss aversion is pulling our decision-making in one direction—avoiding losses at almost any cost. The question we should ask is this: Is this unconscious bias helping us make good decisions or bad ones?

DIAGNOSIS WITH THE LOSS AVERSION BIAS

Essentially, loss aversion distorts the facts and information we are using to assess a situation as we try to make a decision. As in [Figure 9.1](#), a smart approach is to logically assess and balance the gains against the losses a situation presents us and use that assessment as the basis for our choice. If the gains outweigh the losses for a particular option, even if only marginally, it would be rational to opt for that choice.



[Figure 9.1](#) Gain and loss analysis

Unfortunately, in most situations we are unable to assess gains and losses rationally and precisely. As we see in [Figure 9.2](#), the simple fact that losses carry more weight than gains distorts this assessment by a factor of two or more, even when the potential gain and potential loss are equal.

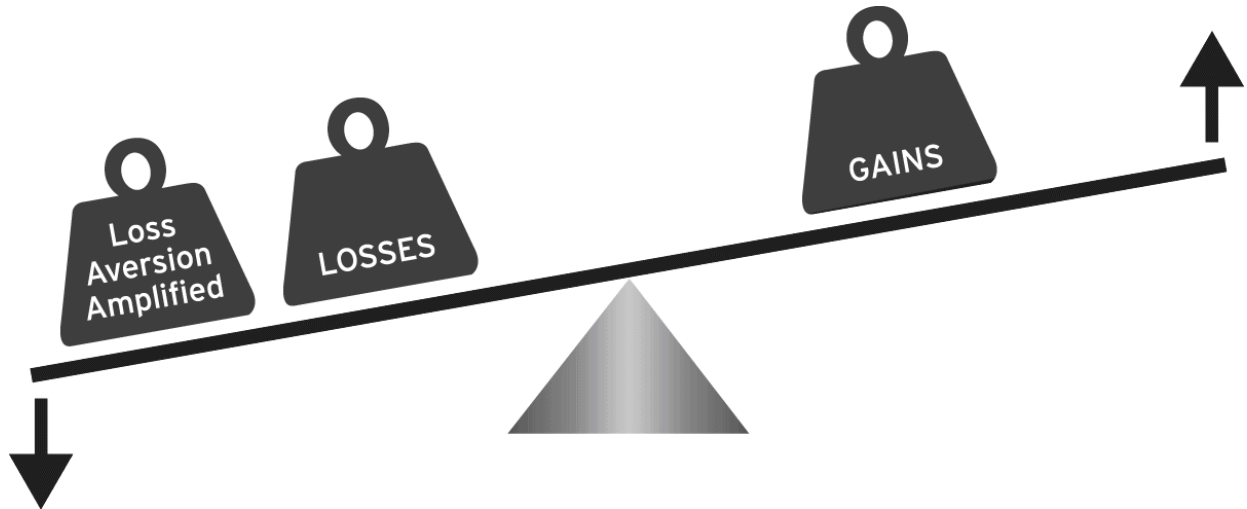


Figure 9.2 Loss amplification

When losses are amplified by the Loss Aversion Bias, the balance tips toward any decision that minimizes the chances of losing, even if it means giving up any sort of gain. Our goal quickly shifts away from maximizing our gains and toward minimizing our losses.

The idea of loss, however, is complex. Loss is evaluated individually—everyone “codes” for loss a bit differently. Different types of loss may include:

- **Monetary:** Money is probably the easiest measure of value to quantify, assess, and compare. It serves as a metric or a counter for gains and losses in many situations, and is easy to calculate.
- **Emotional:** In many cases, however, money represents winning or losing, which is an emotional gain or loss, and the actual money is insignificant. In a \$1.00 gentleman's wager, what's really at stake is the emotional gain of bragging rights. Other emotional needs³ include:
 - **Respect:** Losing respect is seen as a significant loss, and people will often strongly react to anything that makes them feel as though they are being disrespected.
 - **Status:** Loss of social standing in group settings is a powerful type of loss that motivates many seemingly irrational behaviors.

- **Face:** Losing face, being seen as weak, is one of the strongest types of loss—often resulting in self-detrimental decisions. When agreement would be seen as “backing down” or “giving in,” even if, on balance, it works well for many of the parties' substantive interests, it is often rejected. Loss of face will trump monetary gain in most situations.

When diagnosing the impact loss aversion is having in a situation, listen and watch for how each party (yourself included) is coding or assessing wins and losses:

- Are the parties speaking of various solutions from a win or loss perspective?
- What issues or concerns are they most emotionally tied to? Ask them what they *feel* they are losing.
- Are the parties unable to accept a solution because it requires a sacrifice, even a relatively minor one? Are they struggling to let a particular issue go?⁴
- What data or information does their assessment of the gains and losses rest on? Is there good information that justifies their assessment, or is it mostly based on worst-or best-case assumptions?

With the answers to these questions, you can assess how much their position is based on the avoidance of what they see as a loss and how much is based on a wholistic and factual analysis of the situation.

Next, get a clear picture of their “frame” on the situation, why they see something as a benefit or a cost. To do this you need to find the point from which everything else is seen as either a gain or loss. This will give some insight into how they contextualize the situation.

- Where is the neutral point that they see as neither loss nor gain?
- Do they see the status quo as their starting point for deciding what is a loss and what is a gain?
- What are their goals? What do they want to achieve in this situation? How were these goals set?

By diagnosing a situation as described here, a clear picture of what each person sees as a loss can emerge, and the lens of loss aversion can then shed light on why each party is behaving the way they are.

CASE STUDY: LOSS AVERSION DIAGNOSIS

When the promotion was first announced, Bob figured it was almost certainly his for the taking. After all, he had a long track record of reliable productivity and had more than a decade of seniority over the only other candidate, Diane. The promotion, in his mind, was already his. It would not only be recognition for his long service but would come with a pay increase as well. When he lost the initial competition, however, he felt like it had all been taken away in an instant—the pay raise, the recognition for his years of service, everything that was rightfully his, all gone. He filed a grievance.

When the first competition was overturned, everything felt restored, for a short time. But when he lost the second competition by an even larger margin, the loss hit him again, harder. To make matters worse, his own union deemed the competition fair, and he was powerless to challenge the result. Bob shifted from trying to win or gain the promotion and tried to minimize his losses. When his reporting relationship with Sally was taken away, he simply went around Diane to Sally—and was threatened with disciplinary action. After more than 11 years working directly under the manager, he was now reporting to an intermediary supervisor, and the loss of access felt to him like a demotion.

Diane was elated when she found out she was going to be promoted, but Bob's grievance and the subsequent discussions between Sally and the union had led to her appointment being revoked. Although she had initially felt the promotion was a bit of a long shot, having been offered it once made her feel like it was rightfully hers. Had the promotion been overturned she would have felt like something was being taken away from her. Fortunately, that didn't happen, and she was excited to start her new supervisory role. That excitement, however, was short lived, as Bob refused to acknowledge her authority, take any instruction, and consistently went over her head. Diane had gotten the pay raise but was being deprived of her supervisory status and responsibilities in relation to Bob. She started thinking about how she might discipline Bob to make him give her the respect her new position was owed.

Bob's borderline insubordination also had an effect on Sally, who felt like her authority as manager was being eroded and undermined.

Bob's work-to-rule approach also made her feel as though she had lost a productive worker in Bob.

All three participants reacted emotionally and angrily to the situation. Even though Bob still had the same job, pay, and benefits he had been happy with for over a decade, even though Diane had a promotion and pay increase, and even though Sally was expanding her team and its capabilities, all three focused on what they perceived they had lost. The Loss Aversion Bias had focused everyone on trying to minimize their own losses instead of on productive, collaborative problem solving.

STRATEGIC DIRECTION FROM THE LOSS AVERSION BIAS

Loss aversion is one of the most difficult cognitive biases to recognize and address. That said, there are choices and strategies that can be used to refocus the parties' decision-making away from minimizing losses and back toward maximizing gains.

Loss aversion is both driven by, and dependent on, each person's definition or assessment of what is a loss and what is a gain. How are gains and losses determined? First, everyone unconsciously sets an anchor or neutral point against which anything better is seen as a gain and anything worse is seen as a loss. This anchor is called a “reference point,” and it's from this reference point that all gains and losses are determined. This reference point influences the framing of each outcome as either a loss, a gain, or neutral.

Typically, there are two main types of reference points that people use to judge outcomes:

- **Status Quo:** The status quo is the simplest and most common reference point. In other words, what exists today is unconsciously seen as the neutral point, and anything better than the status quo is a gain, whereas anything below the status quo is a loss. For example, if an employee regularly receives a \$1,000 bonus each year from their employer, then any bonus larger than \$1,000 is a gain, and any amount below \$1,000 is a loss—even though any amount of a bonus is, well, a bonus!
- **Goals:** When we establish or set goals for ourselves, we are establishing reference points based on these goals. If an employee earning \$50,000 per year decides to look for a better job and sets a goal of finding a new job paying \$55,000, that figure becomes the employee's reference point. If the employee is offered a new job that pays only \$52,000, their initial reaction would be to see this as a loss of \$3,000, not a gain of \$2,000 over their current salary.

Knowing the reference points and understanding the gain/loss framing, therefore, are the keys to mitigating loss aversion both in ourselves and others. The practitioner therefore needs strategies that

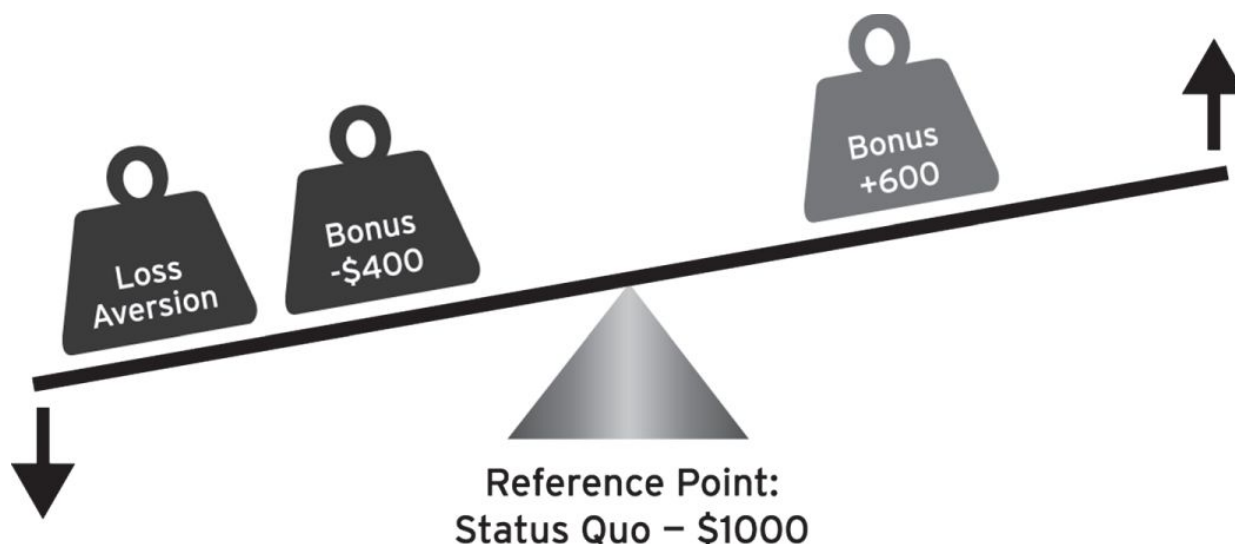
can help change the way a situation is seen, away from a sense of loss to either a neutral outcome or a gain. In doing so, the practitioner can help the parties make different decisions.

Strategy #1: Reframe gains and losses

During diagnosis, the first step is to understand how each party is framing the gains and losses. Once this is known, the practitioner can influence each party's frame on their gains and losses, even when the reference point remains the same.

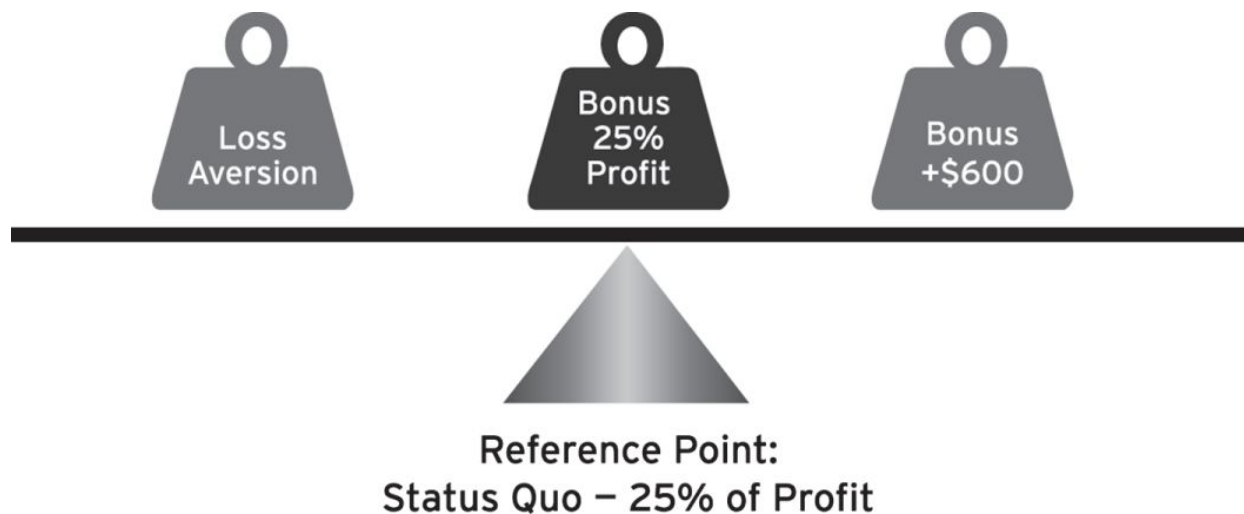
For example, in a situation where a company has had a poor financial year and needs to reduce the annual company bonus by 40%, the staff will see this as nothing but a loss. The status quo in this case sets the reference point for the bonus at \$1,000 (the same as last year), and anything less is framed as a loss. As we saw in [Figure 9.1](#), a bonus of \$1,000 would be balanced, neither a gain nor a loss.

As soon as the bonus cut of 40% is announced, the balance changes dramatically. Employees now see this from a pure loss frame, well below the status quo reference point. As we see in [Figure 9.3](#), the Loss Aversion Bias amplifies how the staff experience this loss. Notice how the employees are actually better off than if the company didn't offer a bonus at all because they still receive an additional \$600—and yet they see the situation as only a loss from their reference point of \$1,000.



[Figure 9.3](#) Status quo reference point

Using Strategy #1, the company could focus on reframing the gains and losses back into balance without moving the existing reference point. First, they could communicate to all staff the fact that, historically, the total bonus paid out to all staff was 25% of company profits. This typically resulted in a bonus of \$1,000, the status quo amount that everyone received in preceding years. For this year's \$600 bonus, the company would *still* be paying out 25% of company profits just as they had always done. In [Figure 9.4](#), if the bonus can be reframed and seen as 25% of profits, the calculation of the bonus would then move back into balance because it would no longer be seen as something the company has changed or removed. If this were communicated openly and transparently, many employees would see that they had actually stayed at their neutral point and not had something taken away.



[Figure 9.4](#) Reframed around current reference point

Next, to tilt the balance further away from a loss and toward a gain, the company could institute an employee input committee to review the profit and bonus numbers on an annual basis to ensure a fair process was followed.⁵ As in [Figure 9.5](#), this employee committee would be seen as a gain for all employees in having a voice in the process. Without changing the status quo reference point, employees might now see the whole situation as a small gain, tipping the outcome away from loss altogether.

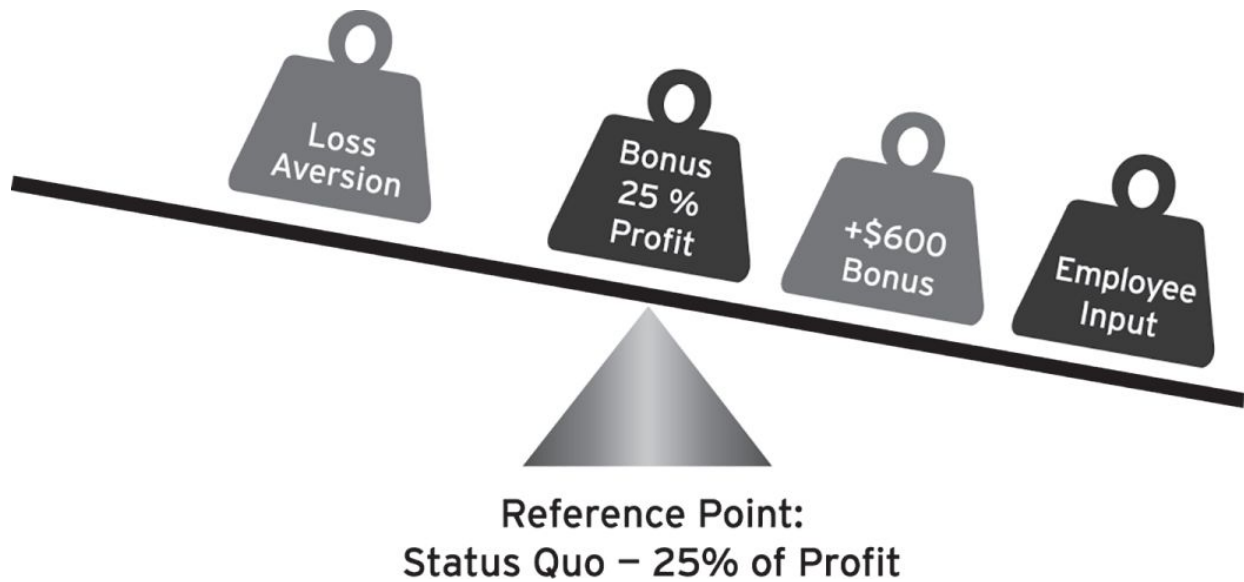


Figure 9.5 Creating gain around current reference point

Strategy #2: Shifting the reference point

The second strategy is more dramatic and involves directly moving or shifting the reference point until a new status quo is established. One of the most common ways to do this is to help the party move away from measuring everything against their vision of what the future should be and help them make decisions based on accepting the situation as it actually now exists. In other words, this means moving the fulcrum from being a status quo reference point (i.e. \$1,000) to one based on a new reality (i.e. the possibility of no bonus at all). Once a new status quo is set, some outcomes initially seen as losses may start to be seen more neutrally, or even as gains.

Returning to the example, the company knows that because of reduced profits this year the bonus must be reduced. Because the bonus plan has not been reviewed in many years, they could embark on reviewing and redesigning the company's entire compensation policy. Based on this review, the company would then communicate to all staff that bonuses in future years would be based on both profit and achievement of goals, as follows:

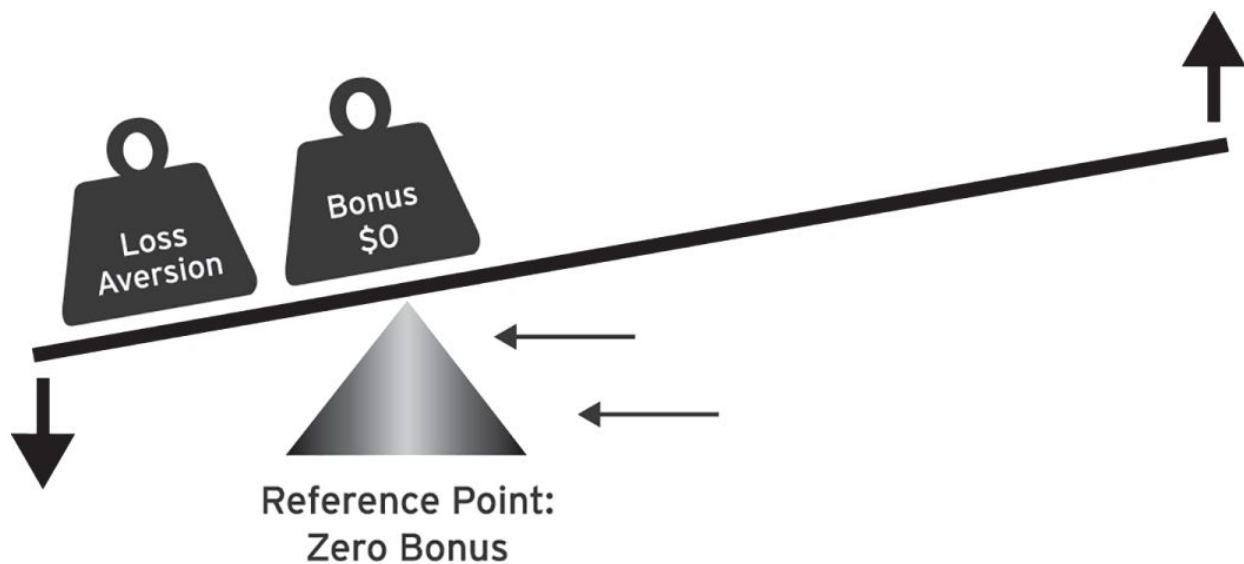
- 25% of the bonus will be based on individual achievements,
- 25% of the bonus will be based on departmental achievements, and

- 50% of the bonus will be based on overall company profit.

The new system would be designed so that average performance would result in a target bonus of \$600 per employee, and high performance would result in a possible \$1,200 bonus. To receive the higher bonus, above average performance in one or more of those measures would be required. The new system would be implemented for the following year.

The company would still have to decide what to do about the bonus for the current year, given that profit has been sharply reduced. To communicate this, they could announce that senior management is assessing whether any bonus can be paid this year at all.

As in [Figure 9.6](#), the announcement that a bonus may not be possible at all this year would be seen as a significant loss, amplified by the Loss Aversion Bias. It would also, however, cause the reference point to shift sharply to the left, setting a new status quo based on the possibility of zero bonus this year. The old status quo would be completely upended.

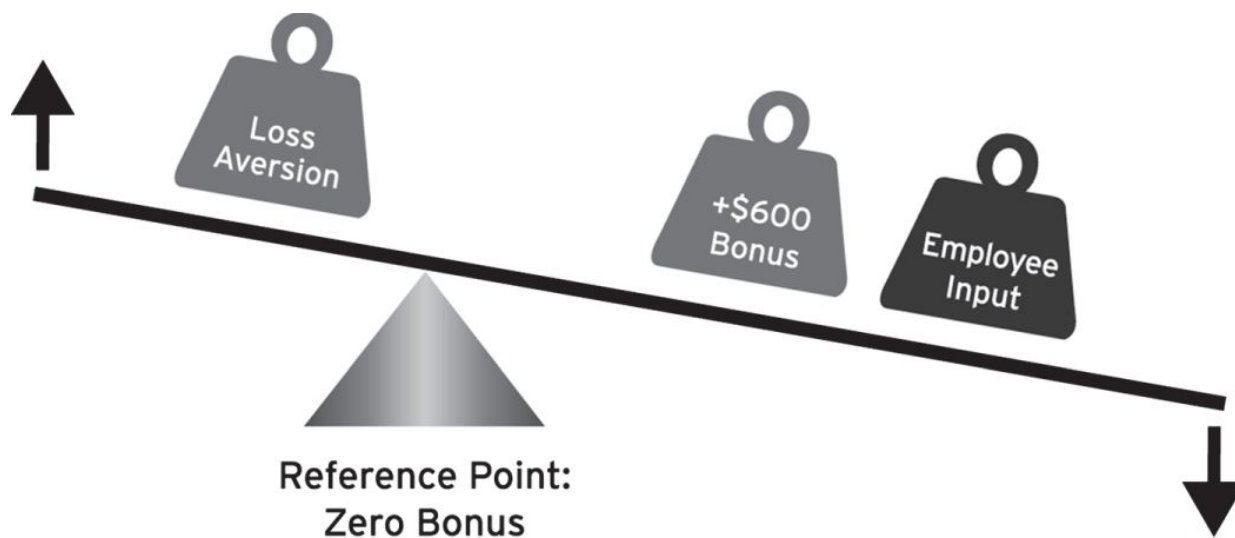


[Figure 9.6](#) Shifting the reference point

Because of this perceived loss, some employees might start thinking about their alternatives, such as quitting and looking for another job. As discussed, when faced with a loss people sometimes become risk seeking and consider taking even larger risks in an attempt to minimize this loss.

Finally, after fully considering the situation, the company and the board of directors could announce that out of fairness, there would still be a bonus in spite of the reduced results. For this year, as in the past, the bonus would be based on 25% of profit, \$600 per employee. The following year, the new bonus system would be in place, along with the employee input committee.

As in [Figure 9.7](#), there would still be some impact from the Loss Aversion Bias because employees would be well aware that the bonus is lower, but with the reference point now shifted toward zero, the \$600 bonus would not be seen as a loss, simply a smaller gain—a result much easier to accept. The employee input committee would remain an additional gain as well. Seeing the bonus and the committee as gains would change the assessment, and now the employees' tendency would be to seek certainty—the gain of \$600 as a certainty is much better than the risk of looking for a new job. Resetting the reference point is a powerful way to manage expectations.



[Figure 9.7](#) New reference point

It should be noted that Strategy #2, Shifting the Reference Point, can provoke strong and negative responses, at least initially. In many cases, parties to a conflict must confront their Best Alternative To a Negotiated Agreement⁶ (BATNA), or other worst-case scenarios, in order to shift the reference point in a different direction. Reality testing can be painful. That said, however, if a status quo or goal-

based reference point is neither realistic nor at all possible, helping a party to shift their reference point may be necessary.

CASE STUDY: LOSS AVERSION STRATEGIC DIRECTION

Using Strategy #1, Reframe gains and losses, the first step for the practitioner would be to meet with Bob to understand what he saw as his most significant concerns in terms of not receiving the promotion, and identify the most important ones. If, for example, Bob saw it as a loss of status in the eyes of other staff, the practitioner could work with Bob, Sally, and Diane to reframe this loss into some gains without changing Diane's promotion. For example, they could explore:

- Giving Bob a leadership role in certain special projects, along with a “project lead” title so other staff would see that he remained an important employee in the department, and
- Showing Bob how Diane would now be taking on some of the more tedious administrative tasks as part of her new role, freeing him up to take on some project lead work.

This approach could help Bob see some direct gains in Diane moving into the new position, which could help rebalance his framing of the losses and gains enough for him to accept her promotion.

If, however, Bob saw the most significant loss as losing his connection and direct relationship with Sally as the manager, a different strategy might help reframe the new status quo. The practitioner could help Sally and Diane look at ways of establishing some direct communications between Bob and Sally, in a way that still supported Diane to be effective as a supervisor.

Using Strategy #2, Shifting the Reference Point, the practitioner might recognize that Bob's reference point was stuck on his goal of being promoted into the supervisor role. As long as that remained Bob's reference point, he might continue to see any solution where Diane remained in the AS-1 role as a significant loss. To address this, the practitioner could meet with Bob and Sally and discuss his options if he continued to refuse to work with Diane. These would boil down to Bob resigning from the organization, taking a transfer to the nearest office where he would not report to an AS-1 as of yet (a substantial increase in commute time for Bob), or in the worst case,

termination. Exploring Bob's interests in each of these options would help Bob see that the goal of owning the AS-1 position might not be a relevant reference point to base his decisions on. The practitioner would then seek to help shift his reference point to the new status quo —Diane in the AS-1 role. Based on this shifted reference point, Bob could see that his other options carried significant losses, much larger than the new status quo. His new reference point would start to include Diane as the AS-1, and the modifications to his job duties discussed with Sally and Diane would start to be seen as gains, even if small. Loss aversion would then virtually cause him to seek the certainty of the small gains rather than risk much larger losses.

ASSESSING AND APPLYING THE LOSS AVERSION BIAS

Loss aversion is a challenging bias in human interactions, in that it causes an overfocusing on anything perceived as a loss and an undervaluing of anything that could be seen as a gain. This process often distorts human interactions significantly and can drive parties to take greater and greater risks in an effort to minimize their own losses. Ironically, attempting to minimize losses through risk taking usually ends up maximizing them, due to the costly nature of conflict itself.

The strategies discussed here are useful for helping the practitioner address this bias in two major ways. First, as in the examples, the strategies can be applied reactively—used to help people reframe away from the negative, the loss, and rebalance the reference point after the fact. Second, by understanding the Loss Aversion Bias, practitioners can learn to anticipate the impact of the bias and can help parties proactively frame difficult situations ahead of time. This can be done by deliberately changing the reference point *before* a loss is perceived by the parties. Although each situation is unique, understanding the amplification of loss that loss aversion creates can help parties navigate one of the most difficult cognitive and emotional biases people have.

ADDITIONAL CASE STUDY—LOSS AVERSION

In this case study, the practitioners relied heavily on Strategy #2, Shifting the Reference Point, as well as some of Strategy #1: Reframe Gains and Losses.

Case study: Foundational Problems

In a recent house purchase transaction, the buyers were purchasing in a hot and rising market. It took the buyers over a year to find a property they liked and that fit their price range. Although there were multiple offers, they had the highest bid and their offer was accepted. The house was listed at \$510,000; they had a maximum of \$550,000 they could afford, and their offer of \$545,000 bought the house. They were quite happy.

The only condition was an inspection clause, and the buyers proceeded to have a professional inspection of the house done. They received bad news—the foundation was cracked in one corner, and it would cost an estimated \$20,000 to repair. They told the seller that they wanted it repaired before they purchased the house as part of the purchase price.

The seller offered to pay \$5,000 toward the repairs and nothing more. The seller had listed the property believing it would sell for more than \$510,000, and he was right. He had been unaware of the foundation problem and understood it now had to be fixed. But he now had a new reference point—the second highest offer was \$540,000 without any inspection condition—a buyer who would have paid \$540,000 without asking for the seller to fix anything. From a reference point of \$540,000, the seller saw paying anything more than \$5,000 toward repairs as a loss, one that had to be avoided.

The buyers, on the other hand, had a reference point of \$545,000 for a property in good condition. Paying for the repairs on top of \$545,000 would be seen as a cost or loss of \$20,000. Receiving only \$5,000 from the seller still left them with a loss of \$15,000, which was completely unacceptable. Loss aversion for both parties brought them to a stalemate.

The real estate agents representing the buyer and seller met and applied the strategies to address the loss aversion each party was

experiencing.

The seller's agent spoke with the seller and pointed out the following:

- In addition to the purchase price, the buyers had agreed to close on the property in 30 days, allowing the seller to purchase a condominium at that time. If the seller backed out of this deal, he would be paying to carry this house for at least two additional months at \$3,000 per month.
- These buyers had also agreed to give the seller an option to remain in the property for one additional month, allowing the seller the chance to renovate the condo before moving in, saving rent and storage costs of another \$5,000.

By starting with the seller's reference point of \$540,000 and identifying the losses to back out of the deal as totaling at least \$11,000 (two months' rent plus storage costs), the seller's agent shifted the reference point for the seller from \$540,000 of net gain to \$529,000 of net gain. Based on this, the seller saw that it made sense to offer \$10,000 toward the \$20,000 repair costs. Because the seller had accepted a price of \$545,000, offering to pay \$10,000 for repairs left him a net amount of \$535,000, a \$6,000 gain above the new reference point of \$529,000.

The buyer's agent spoke with the buyers and discussed the following:

- If they backed out of the deal, over a year of time and effort would be lost—they would be back to square one, all that time and effort for nothing.
- Because the market was rising and houses were hard to find, it could take another six months to find a new property. If prices went up approximately 2% in the next six months, they would pay an additional \$11,000 for a similar house, and that's if they found a house they liked as much as this one. The new reference point for the buyers was now around \$556,000 (\$545,000 plus \$11,000).

If the seller paid \$10,000 toward the \$20,000 repair, they would end up paying \$555,000, a savings of \$1,000 against the new reference

point—they would own this house with certainty and without risking any more time in a difficult housing market.

Both parties agreed to pay half the \$20,000 repair and move forward with the purchase. By paying attention to shifting the reference points and reframing the losses, the agents were able to reduce the effect of the Loss Aversion Bias and help the parties reach a new agreement to close the deal.

NOTES

1. Homonoff, Tatianna, “Will a Tax on Disposable Bags Curb Their Use?” (2017), <https://thedecisionlab.com/will-tax-disposable-bags-curb-use/>
2. Experimenters asked people if they would accept a bet—heads would win them money, but tails would lose them money. The average person would accept the bet only if they would win twice as much on heads as they'd lose on tails. Many other experiments indicated the “win” needed to be two to three times more than the “loss” for the majority to take that risk. Kahneman, D., & Tversky, A. (1979), “Prospect Theory: An Analysis of Decision Under Risk,” *Econometrica*, 47, 263–291.
3. See [Chapter 5](#), The Triangle of Satisfaction, for a deeper look at emotional or psychological interests and how they relate to monetary or other substantive interests.
4. See [Chapter 12](#), the Moving Beyond model. Sometimes people view letting an issue go as a form of loss that drives them into denial and anger, common responses to perceived losses.
5. See [Chapter 5](#), the Triangle of Satisfaction model, for an in-depth look at fair process as a procedural interest.
6. See [Chapter 12](#), The Moving Beyond model, for additional information on BATNA.

CHAPTER TEN
MODEL #7: THE BOUNDARY MODEL

BACKGROUND OF THE BOUNDARY MODEL

This chapter contains a model unlike any discussed so far, developed by conflict resolution practitioner Larry Prevost.¹ In his doctoral dissertation, Prevost looked at the nature of conflict and crisis and suggested an underlying framework to understand what drove it. The Boundary model is a creative and unique way of looking at conflict that attempts to frame it through a single, specific lens.

DIAGNOSIS WITH THE BOUNDARY MODEL

The Boundary model suggests that the common element that all things, people, and organisms share is “boundaries.” Boundaries operate on many levels. On a physical level, everything has a physical boundary and physical limits. On a behavioral level, all activity is subject to boundaries of many kinds. Boundaries in human society take the form of laws, agreements, contracts, rules, procedures, conventions, orders, decisions, and so on.

Boundaries, as the model defines them, have four key elements:

1. **Defined Standards for Behavior:** Boundaries must have defined standards for maximum and/or minimum allowable behavior. These standards are a form of limits that the boundary establishes. For example, on our highways the speed limit typically defines a maximum speed of 70 mph, and a minimum speed (typically in the 40 or 50 mph range). If you exceed the limits in either direction, you are subject to a fine.
2. **Jurisdiction or Legitimacy:** Boundaries must have “jurisdiction,” which is a source of legitimacy for existing at all. In our highway example, that legitimacy comes from the legislation passed by the state, or from one of the many related laws that a government has jurisdiction to enact to control the roads and highways.
3. **Authority or Enforcement:** Boundaries must have some form of “authority.” Authority in this case is an entity, process, person, or group responsible for enforcing the boundary. Without any process or person enforcing it, a boundary effectively doesn't exist. In the highway example, the police have the authority to enforce speed limits.
4. **Norms:** Boundaries usually (though not always) have a certain degree of tolerance, latitude, or variance, which are called “norms.” Norms are the reasonable latitudes around a boundary that we accept without perceiving the boundary to have been violated. In our highway example, if you asked the average driver how fast you could go on the highway without risking a ticket, the minimum you are likely to hear is 80 mph. This means that although the *boundary* is 70 mph, the *norm* is actually 80 mph.

There are two key definitions that the practitioner needs for working with conflict in the Boundary model ([Figure 10.1](#)). They are:

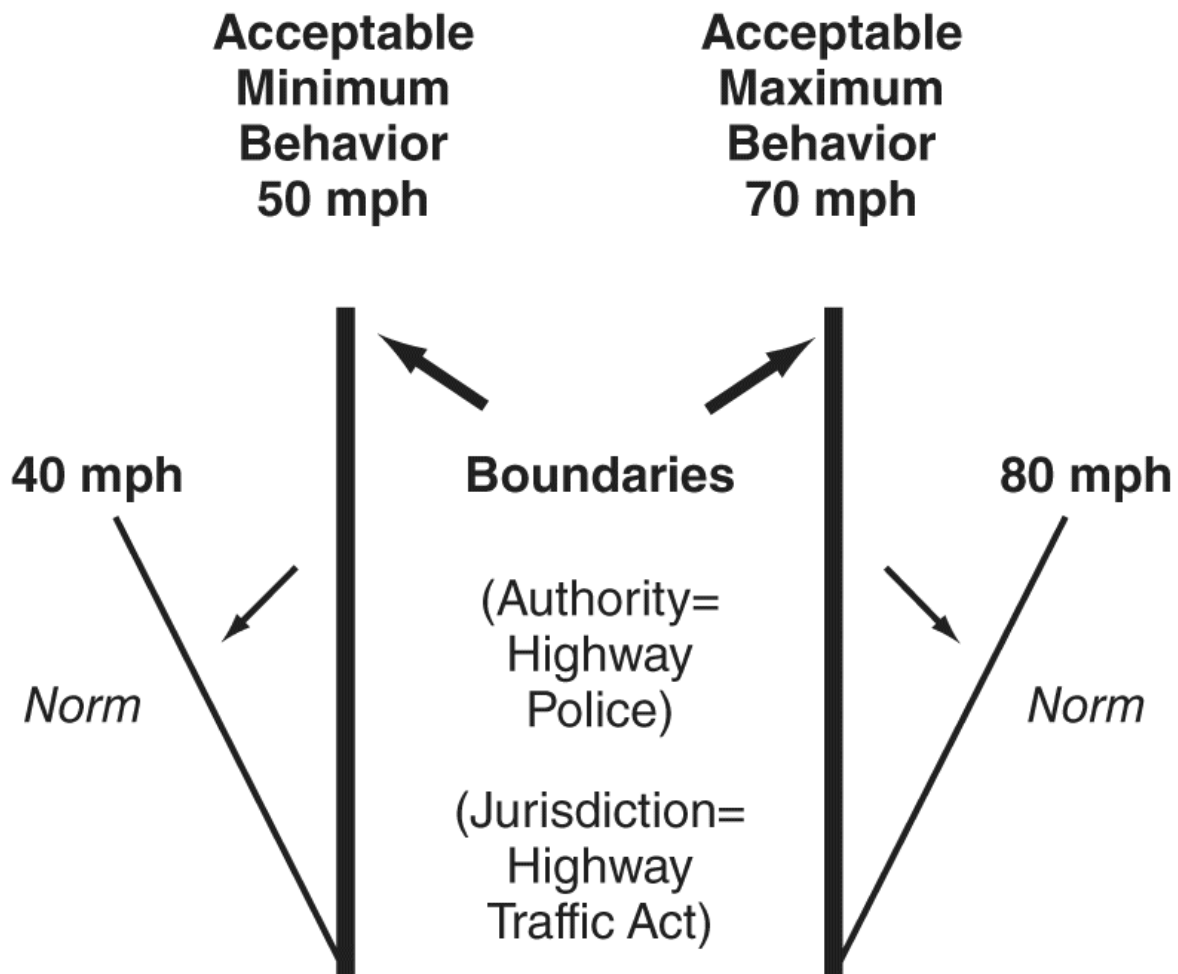


Figure 10.1 Boundary model

- **Definition of “Conflict” in the Boundary Model:** Conflict is caused when a boundary is challenged, threatened, or circumvented. Conflict requires an intervention in order to resolve it. If the norm, for example, expands to 85 mph and the party with authority for this boundary fails to intervene, it starts to threaten the very existence of the boundary ([Figure 10.2](#)).

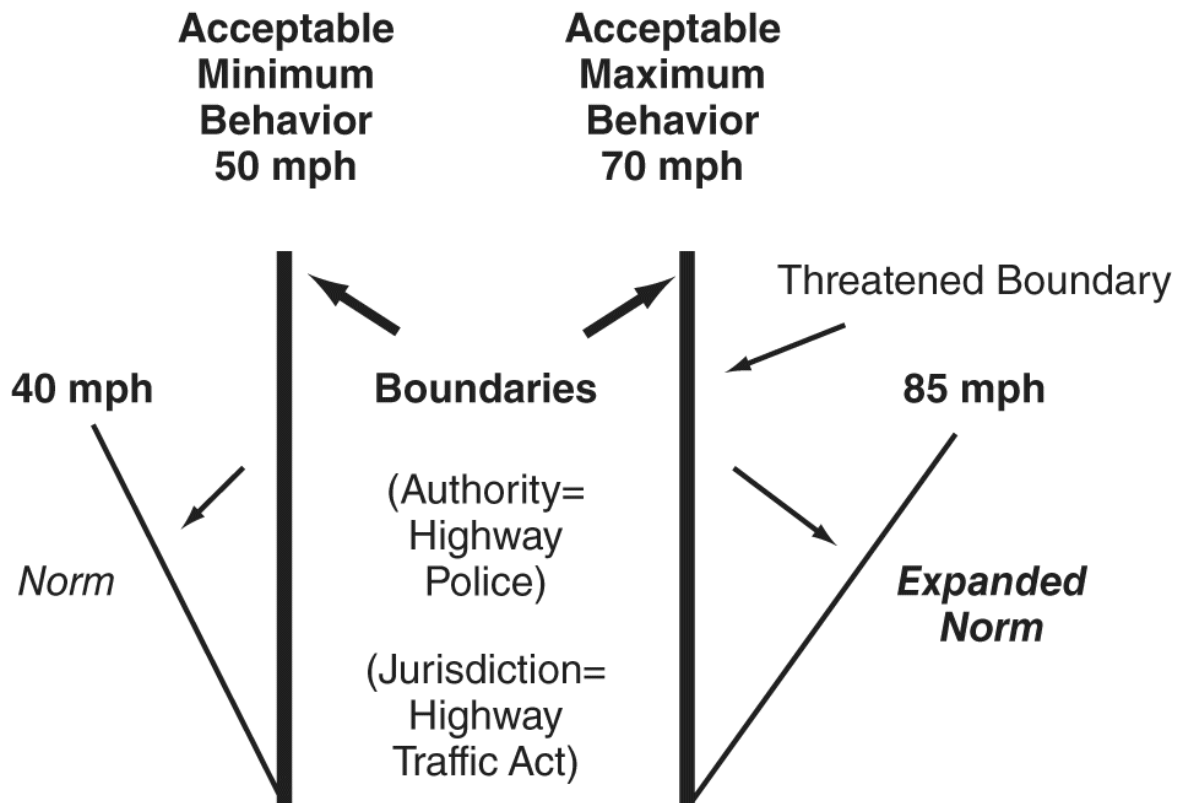


Figure 10.2 Boundary model: Conflict

- **Definition of “Crisis”:** A crisis is an escalation of a conflict. When a boundary is threatened, violated, or circumvented, and this situation is allowed to continue without intervention, it results in the boundary collapsing altogether (Figure 10.3). When this happens, it causes a crisis. If 85 mph routinely goes unpunished, there is effectively no speed limit left on the roads, resulting in the norm continuing to expand at will. In the end, there will be a significant increase in accidents and deaths.

The Boundary model states that most conflict is caused by four specific reasons directly related to how people interact with the boundaries they face:

1. **Lack of clarity around what the boundary is.** For example, a new employee may not know that breaks are strictly timed and enforced at their workplace. The employee may be told to “go grab a coffee” and then get yelled at when he returns 30 minutes later. Boundaries must be clear and specific for them to be enforceable.

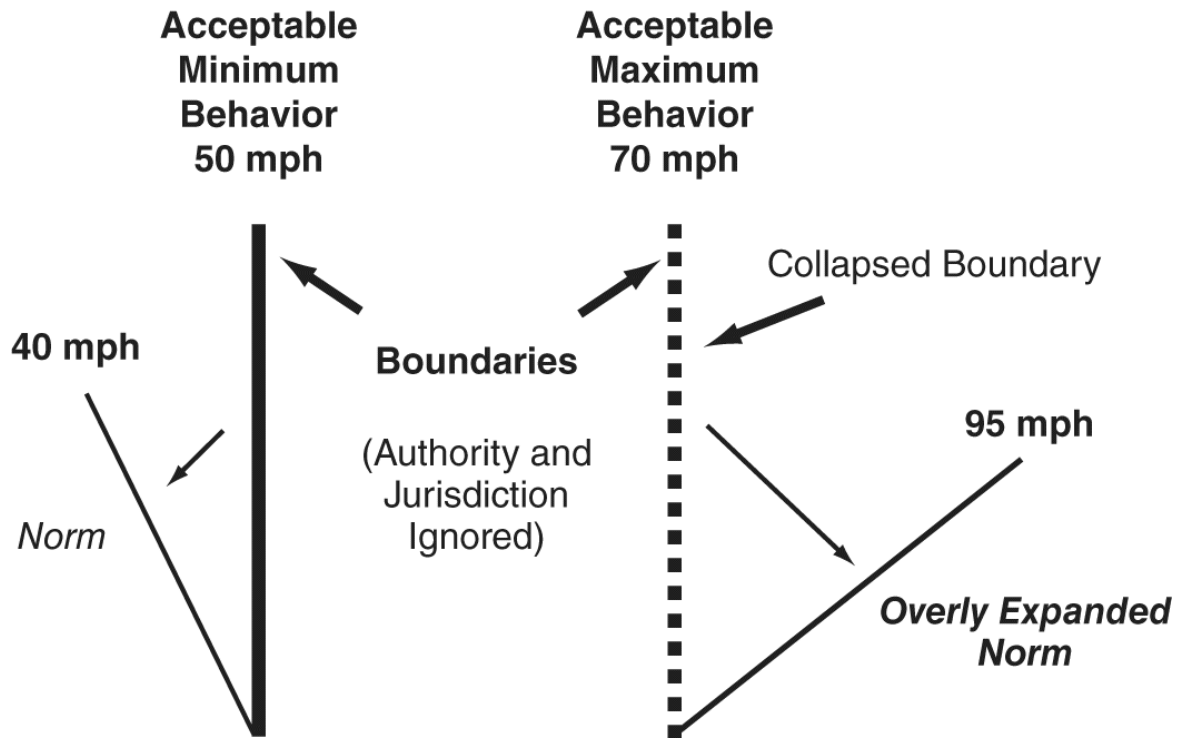


Figure 10.3 Boundary model: Crisis

2. **Lack of acceptance of who has authority to enforce a boundary.** For example, an employee might approach a colleague about taking too long on his break, only to have the colleague respond, “It’s not your job to be watching my breaks.” Essentially, the colleague is refusing to accept the authority of a coworker.
3. **Lack of acceptance of who has jurisdiction over a boundary.** For example, a company might refuse to comply with an “industry-led” voluntary initiative to reduce emissions, saying that no law requires them to comply. This is a way of refuting the jurisdiction of the industry at large to hold them to a boundary.
4. **Deliberate expansion of a boundary past acceptable norms.** For example, an employee might come in about five minutes late a few days in a row. No one says anything, as others in the office do this once in a while. Soon, the employee is frequently coming in 15 minutes late. Management says nothing, but other employees start to complain (conflict). Not long after, the employee is regularly 20 to 30 minutes late and on occasion 45 minutes late. Other employees now start doing the same, and when a memo is issued asking all staff to be on time, it is largely ignored (crisis). In this example, the norms began to expand with no intervention. When norms are sufficiently expanded, conflict and crisis ensue.

According to the model, the most common causes of conflict are a lack of clarity about boundaries and norms, or a deliberate “pushing of the envelope” to expand the norms as far as possible, reasons #1 and #4. It is human nature to push boundaries and expand norms. Children are constantly testing the boundaries we set, often to find out what will happen if they either expand them or violate them. Although it may appear that this tendency to push the envelope is the cause of much conflict, the real cause is that the people with jurisdiction and authority often overlook the expanded norms. It's this lack of intervention that sustains and escalates conflict.

CASE STUDY: BOUNDARY MODEL DIAGNOSIS

For the purposes of our case study, we'll diagnose three boundary issues that appear to be a source of conflict between Sally, Bob, and Diane.

To start with, there are two broad boundaries that exist in almost all workplaces:

1. Management's rights to make operational decisions that employees must abide by
2. Workers' rights to a safe workplace, free of harassment and discrimination

Keeping these general boundaries in mind, three areas of boundary conflict in the case study are:

- **Start and finish times of the job (deliberate expansion of norms):**

Clearly, the established start-time boundary is 9:00 a.m., and Bob is violating this boundary. He states that “others do this as well,” implying that he is behaving within the “norm,” a view not shared by Sally. For Sally, the norm is that staff can be 10 to 20 minutes late a few times per year, whereas Bob feels that the norm allows him to be late on a weekly basis.

- **Legitimate chain of command followed (challenging the jurisdiction and authority):**

In this case, Sally has established a new requirement or boundary that Bob take direction from Diane. Bob appears to be refusing to accept this decision and is thereby violating this boundary. A refusal to follow direction from the person you report to is often referred to as insubordination. Bob, however, does not view Sally's judgment or decision as legitimate, and therefore is challenging both her jurisdiction and authority in the situation. After being threatened with discipline, Bob adopts a “work-to-rule” approach, a strategy that tacitly acknowledges Sally's authority (Bob wouldn't have changed anything if he felt Sally had no authority at all) while at the same time refutes Sally's jurisdiction or right to require him to take direction from Diane.

- **Respectful behavior in the workplace (lack of clarity of the boundary around respect, or deliberately expanding the norms):**

This boundary issue relates to the way Diane speaks to Bob- Bob believes that Diane is violating a boundary that requires respect in the workplace. Most workplaces have boundaries around respectful behavior, though few are clearly articulated. Bob feels that Diane is violating this boundary; Diane clearly doesn't feel she is being all that disrespectful, especially given how she feels Bob is behaving.

In all three situations described, the parties are solidly in conflict, meaning that the boundaries between the parties appear to have been violated, and/or the jurisdiction and authority of the boundary is being challenged. Unless an intervention takes place, it will quickly develop into a crisis and begin spreading to other employees in the area.

As we can see, diagnosing the situation through the Boundary model often yields functional and practical results, rather than psychological or theoretical ones. Let's look now at what the Boundary model can suggest in terms of interventions that may help.

STRATEGIC DIRECTION FROM THE BOUNDARY MODEL

Strategically, the Boundary model suggests that when a conflict or crisis occurs, there must be an intervention. This intervention must have as its primary goal the reestablishment of all four elements of the boundary.

1. **Boundary Clarified and Reestablished:** The first step must be to reestablish the boundary itself, not the norms. Norms are defined as the reasonable or accepted latitude to the boundary, and have no formal existence in and of themselves. For example, if you receive a speeding ticket for going 90 mph in a 70 mph zone, the ticket is for 20 mph over the speed limit; the court does not say, “Because traveling at 80 mph is the norm, you were really speeding by only 10 mph.” The boundary itself is what has legitimacy, and that is what must be reestablished.
2. **Jurisdiction Clarified and Reestablished:** The jurisdiction must be established and accepted by all parties. Until all parties accept the legitimacy of whoever is establishing the rules, those rules will not be respected.
3. **Authority Clarified and Reestablished:** The authority must be established and accepted by all parties. Until all parties accept the authority of whoever is monitoring and maintaining the rules, those rules will not be respected.
4. **Norms Allowed:** Finally, as an optional step and only after the preceding three steps have been taken, some reasonable latitude from the boundary may be allowed. It's an optional step because a “zero-tolerance” policy may also be appropriate, which simply means that the norm becomes identical to the boundary. Should certain norms be allowed, they must be monitored closely, as there is a strong human tendency to continually expand the norms whenever possible.

Based on the interventions that the Boundary model suggests, a simple guide can be developed based on the diagnosis of what is causing a conflict:

| | |
|-------------------|--------------------------------|
| Diagnosis: | Strategic Intervention: |
|-------------------|--------------------------------|

| Diagnosis: | Strategic Intervention: |
|---|--|
| Violation of a boundary due to lack of clarity or differing expectations: | Clarify the boundary; discuss the expectations of all parties. Clarify the consequences of boundary violation. |
| Violation of the boundary due to deliberate expansion of its norms: | Reestablish and clarify the boundary. |
| Lack of acceptance of jurisdiction: | Gain acceptance of the jurisdiction; reestablish legitimacy for the jurisdiction. Bring in higher authority to clarify and define jurisdiction if needed. Negotiate new jurisdiction if appropriate. |
| Lack of acceptance of authority: | Gain acceptance of who has authority; reestablish legitimacy for authority. Bring in higher authority to clarify and define authority issues if needed. Enforce boundary if necessary. Negotiate new levels of authority if appropriate. |

Based on these strategic interventions, let's look at what the parties in the case study might do to manage the conflict.

CASE STUDY: BOUNDARY MODEL STRATEGIC DIRECTION

In the case study, the strategies to intervene can be applied to all three issues identified in the diagnosis.

Start and finish times followed

Clearly, the established start time was 9:00 a.m., and Bob was violating this boundary. The only question is whether he was within the workplace norms. If Sally was acting as the “practitioner” in this situation (in other words, there was no mediator or third party helping, and Sally had to assume responsibility for managing the conflict), she could intervene by reestablishing the start-time boundary and the expectation with Bob that he arrive no later than 9:00 a.m. every day. Both Bob and Sally would need to be clear about the consequences for violation, and Sally, as the authority, would need to enforce the boundary if it was violated again. In addition, Sally could explore with Bob the reasons Bob has been late, and look at other solutions, such as flex time, to see if that might solve the problem for both parties. The key step here, however, would be to reestablish and clarify the boundary. In response to Bob's statement that “others are doing it,” Sally should ensure that the other team members are held equally accountable for understanding and complying with the start and finish time boundary.

Legitimate chain of command followed

In this case, Sally has established a new boundary in requiring that Bob take direction from Diane. Bob, however, did not view Sally's judgment or decision as legitimate and, therefore, challenged both her jurisdiction and authority in the situation. Sally should explore Bob's reasons for rejecting her jurisdiction and what he would need to willingly accept her authority. By focusing on the future, the practitioner (Sally) can help find a way to either reestablish acceptance of the jurisdiction and authority voluntarily or mandate it through either discipline or the involvement of a higher authority. Either way, the model guides the practitioner to help reestablish the legitimacy of the jurisdiction and authority between the two parties. In the case of a “work-to-rule” approach, the difficulty lies in the fact that the worker is technically operating within the boundary, although at its absolute minimum. In other words, the authority is being acknowledged, but the jurisdiction is implicitly being challenged. In Bob's case, the task

for Sally is to explore what Bob needs² in order to fully accept the jurisdiction involved and get back to normal performance.

Respectful behavior in the workplace

Most workplaces have boundaries around respectful behavior, though few are clearly articulated. The practitioner needs to help the parties explore what a reasonable boundary around respectful behavior is, how both would define it and monitor it, and help them agree to implement a new (and clearer) boundary around this issue. To accomplish this, Sally needs to help Diane understand the company harassment policy and ensure that her behavior doesn't breach it.

Sally could also speak to Bob to find out what he wanted to achieve with the harassment complaint and explore options around how else they may be able to address that.

ASSESSING AND APPLYING THE BOUNDARY MODEL

Diagnostically, this model is reasonably deep, meaning it can help diagnose potential causes of conflict in a variety of circumstances. That said, it also restricts its diagnosis to boundary-related issues, meaning that it is limited in its range or scope of diagnosis. That puts this model at medium on the diagnostic scale.

Strategically, it offers clear ideas for intervention, along with key goals for the intervention, both of which can guide a practitioner. It therefore rates high on the strategic scale.

Although the Boundary model is extremely useful in a wide range of conflicts, it probably has its greatest usefulness in relational conflict, conflict in which the parties will continue to interact after the dispute is resolved. An assessment of boundary issues along with a focus on better clarity around boundaries carries an implicit assumption that future interactions are likely. In situations where no future interactions are likely, Boundary model analysis becomes more abstract and less functional or practical for the practitioner.

PRACTITIONER'S WORKSHEET FOR THE BOUNDARY MODEL

1. Identify the issues in the conflict, and for each one, identify the boundary that is violated, circumvented, or threatened.

| Conflict Issues: | Boundary Violated: |
|-------------------------|---------------------------|
| | |
| | |
| | |

2. Intervene based on the diagnosis:

| Diagnosis: | Strategic Intervention: |
|---|--|
| Violation of a boundary due to lack of clarity or differing expectations: | Clarify the boundary; discuss the expectations of all parties. Clarify the consequences of boundary violation. |
| Violation of the boundary due to deliberate expansion of its norms: | Reestablish and clarify the boundary. |
| Lack of acceptance of jurisdiction: | Gain acceptance of the jurisdiction; reestablish legitimacy for the jurisdiction. Bring in higher authority to clarify and define jurisdiction if needed. Negotiate new jurisdiction if appropriate. |
| Lack of acceptance of authority: | Gain acceptance of who has authority; reestablish legitimacy for authority. Bring in higher authority to clarify and define authority issues if needed. Enforce boundary if necessary. Negotiate new levels of authority if appropriate. |

ADDITIONAL CASE STUDY: BOUNDARY MODEL

Case Study: Mutiny at the Office

The situation involved a small work team, eight staff and a new manager. The new manager was a former colleague of about half of the team, although they hadn't worked together in a few years. The new manager was brought in to replace a manager who had retired and who was very well liked.

About six months after the new manager assumed the role, the team effectively mutinied. They refused to work for the new manager, telling the director that this manager had imposed new rules on them, ignored their knowledge and ability to do the job, treated them like children, and didn't listen to any of their concerns or complaints. They refused to take assignments that they didn't want, didn't make sense to them, or were different from the assignments they were used to. The team believed that the new manager was incompetent and shouldn't even be a manager, wanted him to be reassigned, and wanted a new manager, ideally someone from the team of eight, appointed.

The manager saw the situation very differently, believing that the departing manager had been popular mainly because he hadn't managed the team, but let them get away with doing whatever they wanted. Work efficiency had been low, there had been conflict within the team over tasks and roles, and there had even been some anonymous complaints that people had been leaving early or coming in late without anything being done about it. What the new manager had done, in his own view, was to simply enforce the rules of the workplace the way they were written.

A mediator was brought in and everyone was interviewed. It became clear that, to a large degree, both parties were right. The new manager was behaving rigidly and didn't spend much time listening to the team members. He was intent on "whipping the team into shape." In doing so, he had lost the respect of the team. The team was clearly used to doing whatever it wanted, as the previous manager had let the team handle work assignments and job duties on their own, rarely getting involved unless things became truly chaotic. The team was used to making a lot of their own decisions, frequently ending up with solutions that were inefficient but catered to the desires of one or two of the more senior team members.

Boundary model diagnosis and worksheet: Mutiny at the Office

1. Identify the issues in the conflict, and for each one, identify the boundary that is violated or threatened.

| Conflict Issues: | Boundary Violated: |
|--|---|
| Refusing to take work assigned by the manager. | Management has a right to assign work, and, providing it is safe and reasonable, it must be done. In this case, the team refused the jurisdiction and authority of the new manager. |
| Manager not listening to team concerns. | There is an implicit boundary that everyone, staff included, has a right to be heard if they have concerns. The manager violated the team's expectations by refusing to listen. |
| Past practices dramatically changed. | The previous manager had a completely different set of boundaries and workplace rules, which this new manager changed unilaterally and without consultation or reasoning to the team, other than, "He was wrong, I'm right." Because this was not acceptable to the team, they simply rejected this manager's jurisdiction and authority to make those changes. |
| Start and finish times. | The workday has specific boundaries for start and finish times, and these were not being respected. Norms were expanded well beyond the boundary. |

Boundary model strategic direction: Mutiny at the Office

1. Based on the preceding diagnosis, the following interventions should be considered.

| Diagnosis: | Strategic Intervention Options: |
|-------------------|--|
|-------------------|--|

| Diagnosis: | Strategic Intervention Options: |
|--|---|
| <p>Lack of acceptance of jurisdiction and/or authority:</p> <p>The team, in essence, refused to take work assignments from this manager.</p> | <p>Bring the director in to speak with the team, and clarify:</p> <p>This manager has both the right and the full authority of the organization to make changes. In fact, this manager was chosen by the director specifically to make major changes and improve the efficiency of this team.</p> |
| <p>Lack of acceptance of jurisdiction and/or authority:</p> <p>The team rejected this manager's legitimacy as a manager.</p> | <p>The team needs to accept the manager's role, jurisdiction, and authority. To accomplish this, the team has to detail what it reasonably needs from the manager to be comfortable in accepting the manager as their leader.</p> |
| <p>Violation of a boundary due to lack of clarity or differing expectations:</p> <p>Manager not listening to the team, not explaining their reasoning or the direction the team is going in.</p> | <p>The boundary around the team being listened to, being included in some decision-making, or explanation of decisions needs to be reestablished. A process for getting time with the manager must be agreed upon, along with a process for communicating the new vision and direction the new manager is taking the team in.</p> |

| Diagnosis: | Strategic Intervention Options: |
|---|--|
| Violation of a boundary due to expansion of norms: Start and finish times reestablished. | Management must clarify the boundary around start and finish times, along with the exceptions to this that are acceptable (sickness, etc.). This boundary must be reset, and the norms brought back to the boundary. |

The mediator followed a number of the interventions, including:

- A team meeting with the director, who laid out the mandate this manager had been given, along with clarifying that the previous manager's practices were not acceptable. This helped reset some of the expectations of the team.
- A full team meeting to explore the questions:
 - What changes need to be made by the manager for the team to fully accept him as leader?
 - What changes need to be made by the team for the manager to feel supported and accepted?

This was at times quite difficult for the manager, as he had to make important changes to his style of leadership. For example, he typically offered little access to his team on a daily basis. To have a meeting with him, team members often had to book time more than a week in advance. As part of the changes, he had to make time on the same day if a team member requested it. In addition, he had to work hard on his listening skills and move away from simply telling the team why he was right, and they were wrong.

The team also had to make changes, agreeing to raise issues directly with the manager rather than complaining among the team.

Epilogue of the case study

All boundary work was documented in the form of a “team charter,” which, after three sessions, was agreed to by the team as a whole. The charter outlined the principles and definitions of all the boundary issues that needed changing. The team then requested two months to pilot the changes and see how they worked.

After two months, seven of the eight staff members were both content and pleased with the changes on the team, with one exception— the eighth team member refused to accept the team charter and continued calling for the manager to be moved or fired. She constantly raised issues about the manager with her peers and refused to deal directly with the manager on those issues as had been agreed to by the team as a whole. In the final team meeting, the other seven team members, citing the changes the manager had made, told this worker that she, not the manager, had become the problem. The eighth team member walked out of the room.

In a separate session, this team member indicated that the manager used to be a personal friend (with some indication that they might have been romantically involved or mutually attracted) but they had had a major falling-out. She indicated that she could not under any circumstances accept that manager as her boss. In other words, she would never accept the authority and jurisdiction of this person regardless of any changes the manager might make.

After discussions with senior management, it was decided by everyone (including the eighth team member and the union) that she would be transferred to a different position under another manager.

NOTES

1. Dr. Larry Prevost is a practitioner in the dispute resolution field and developed this model as part of his dissertation for his PhD in Philosophy, "The Core Elements of Reality," LaSalle University, 1996.
2. The practitioner should consider the Triangle model in [chapter 5](#) to help with assessing and working with Bob's interests.

CHAPTER ELEVEN

MODEL #8: THE SOCIAL STYLE¹

MODEL

BACKGROUND OF THE SOCIAL STYLE MODEL

One of the most common framings of conflict is the ubiquitous “personality conflict.” Personality conflicts seem to abound, yet there is very little consistency or common understanding about what personality conflict is or what should be done about it. There are a wide variety of models that attempt to assess different personality traits and give guidance on what can be done about the different personalities that are encountered in the world. Most of these models tend to be focused on the idea of communication styles.

Communication, and the quality of our communication processes, are central to the experience of conflict. For conflict practitioners, therefore, having a workable model to assist with personality and communication issues is important.

The most commonly known and referenced system for assessing personality traits is the Myers-Briggs Type Indicator (MBTI)². Much has been written on the Myers-Briggs model; hundreds of thousands of people have taken the MBTI assessment, creating a large database of statistical trends and analysis.

There is one significant drawback to using the MBTI system as a conflict practitioner, however: The MBTI model is based on how a person internally approaches processing and communicating information, and these internal processes are extremely hard to observe. The most common way MBTI is used is to have individuals fill out the MBTI assessment tool (a type of questionnaire) that assesses and categorizes the individual's personality and information-processing traits. The results from this assessment are then made available to the individual or the work group. This means that, for the MBTI to be useful in a conflict situation, the mediator or practitioner would need to ask parties to fill out a whole questionnaire before the intervention. Although this may not be completely out of the question, it severely limits the usefulness of the model.

In looking for an individual style-based analysis model, therefore, a more effective tool would be a model that assessed personality based on observable behavior, not internal processes. The Social Style model fits this requirement.

The Social Style model³ is another style model that comes from the same roots as the Myers-Briggs Type Indicator, with two significant differences. First, the Social Style approach is focused on an individual's observable behavior, not their internal processes. This means that observable behavior can help the practitioner assess the predominant “style” of the people in the dispute and can make intervention decisions based on that assessment. Formal instruments and questionnaires do exist for assessing behavioral style under the Social Style model, with one significant difference; because observable behavior is the basis of the model, the Social Style assessment relies more on peer assessment and less on individual self-assessment. In addition, the formal use of questionnaires, whether self or peer, is not required to make effective use of the Social Style model-it can be useful to a practitioner by simply observing the behavior of the parties.

Second, the Social Style model is much simpler. The Social Style model relies on and assesses two dimensions of behavior—assertiveness and emotional responsiveness. This produces four possible “styles” or types. By comparison, the MBTI works with four different dimensions, which produces 16 different types, a far more complex model to work with. Social Style, therefore, is more functional and effective for practitioners in the conflict and dispute resolution field.

DIAGNOSIS WITH THE SOCIAL STYLE MODEL

In terms of diagnostic assessment using the Social Style model, the first step is to identify the styles of the people involved. This requires direct observation of the parties' behavior, which is done by looking for indicators along two broad dimensions of human behavior, assertiveness and responsiveness.

Assertiveness is defined as “the degree to which others perceive a person as tending to ask or tell in interactions with others.” People who are more reserved, tentative, and who tend to keep their thoughts to themselves are “ask” assertive, whereas those who are more forceful and direct in their interactions are “tell” assertive. The model recognizes that people, in general, try to get what they want, and this dimension measures whether they do this with a more “ask” assertive or more “tell” assertive approach.

Responsiveness is defined as “the degree to which others perceive a person as tending to control or display their emotions when interacting.” Individuals who are more controlled do not typically display much emotion when interacting. They tend to be concerned with getting things done in a no-nonsense manner, and tend to be more distant and formal. Those people with an emoting disposition display their emotions more readily to others and are characterized by their relatively casual manner. These individuals like to get involved with others on a personal basis.

Both dimensions have specific, observable behaviors that give clear indicators of where a person fits on the particular scale.

Indicators of Assertiveness

| Ask Assertive | ← Behavior → | Tell Assertive |
|----------------------|--------------------------|-----------------------|
| Less | Amount of Talking | More |
| Slower | Rate of Speaking | Faster |
| Softer | Voice Volume | Louder |
| Less, slower | Body Movement | More, faster |
| Indirect | Eye Contact | Direct |
| Leans back | Posture | Leans forward |

| | | |
|----------------------|---------------------------------|-----------------------|
| Ask Assertive | ← Behavior → | Tell Assertive |
| Less | Forcefulness of Gestures | More |

Tell assertive individuals tend to talk more, talk louder, speak at a faster pace, tend to move faster, lean forward, and use forceful gestures. Overall, they tend to demonstrate higher energy. Ask assertive people tend to speak less often, slower, and softer; they tend to move slower, lean back, and gesture with less emphasis, if they gesture at all.

Indicators of Responsiveness

| | | |
|--|-------------------------------------|---|
| Control Responsive | ← Behavior → | Emote Responsive |
| Controlled | Facial Animation | Animated |
| Monotone | Vocal Animation and Variance | Inflection |
| Restrained, few gestures or facial expressions | Physical Animation | Animated, strong use of physical gestures, such as hands and facial expressions |
| Rigid | Posture | Casual |
| Tasks | Subjects of Speech | People |
| Facts & Data | Focus | Opinions & Stories |
| Less | Use of Hands | More |

Emote responsive people are more animated physically and facially and use smooth, flowing gestures. They show their own feelings and acknowledge other people's feelings more often. Control responsive people⁴ are less animated, they gesture less, and they don't tend to acknowledge their own or other people's feelings.

The four social styles

Once the practitioner has assessed the parties in terms of the assertiveness and responsiveness indicators, he or she can set the two dimensions together on a grid. This produces four quadrants or “styles” of behavior, as shown in [Figure 11.1](#).

Analytical Style: Analytical Style people are more ask assertive than 50% of the population and more control responsive than 50% of the population.

Driving Style: Driving Style people are more tell assertive than 50% of the population and more control responsive than 50% of the population.

Expressive Style: Expressive Style people are more tell assertive than 50% of the population and more emote responsive than 50% of the population.

Amiable Style: Amiable Style people are more ask assertive than 50% of the population, and more emote responsive than 50% of the population.

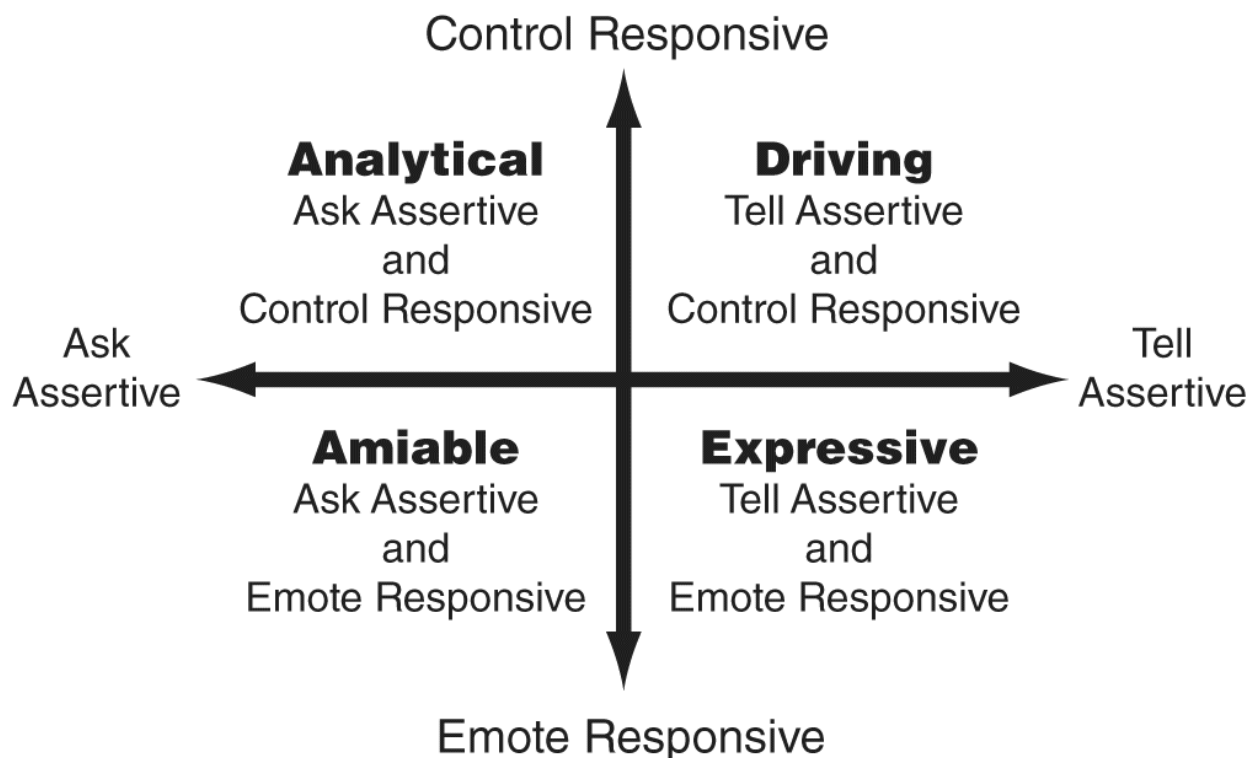


Figure 11.1 Social Style model: Diagnosis

Based on the dimensions of assertiveness and responsiveness, and on the characteristics and interrelationships of these dimensions, the four Social Style groups have different qualities and tendencies identified in the following ways:

Characteristics of the Four Styles

| | |
|---|---|
| Analytical Characteristics: Prudent Task Oriented Detail Focused Slow, Careful Decision Makers Logical Low Key | Driving Characteristics: Independent Task Oriented Results Oriented Decisive Fast-Paced Dominating |
| Amiable Characteristics: Dependable Relationship Oriented Supportive Confrontation Averse Open Flexible | Expressive Characteristics: Visionary Animated Flamboyant High Energy, Fast-Paced Impulsive Opinionated |

Once the practitioner understands the predominant style of the people involved and locates them in one of the quadrants, he or she can then begin assessing the problems or causes of the conflict.

The Social Style model focuses on communication problems that can result from a clash of these styles. It shows that conflict is frequently caused by a mismatch in the styles themselves, not solely from the content of the problem. For example, if two individuals are working together on a project, one with a Driving style and the other an Amiable style, some of the key style differences may clash. The Driving style may be strongly task focused and quick to make decisions to move the project ahead, regardless of any feathers that might get ruffled in the process. The Amiable style, on the other hand, may balk at the decisions proposed, wanting to get buy-in from the people affected first, because people with an Amiable style tend to be focused on the relationships involved to a much greater degree than those with a Driving style. This may create and escalate a workplace conflict, regardless of the actual project decisions or outcomes themselves.

The Social Style model is also based on the assumption that personal styles are unconsciously learned, meaning that as we learn and grow we get comfortable with our predominant style, and we do this without being able to choose it. It simply becomes a core part of how we conduct ourselves. It is also based on the assumption that our

predominant style is substantially permanent. This means that our “personality,” our core behavioral style, is unlikely to change. In some ways our style is like our native language—it is typically our most comfortable means of communication even if we learn other languages later in life.

Let's take a look at how the Social Style model can help in conflict situations.

CASE STUDY: SOCIAL STYLE DIAGNOSIS

The first step in our case study is to assess the Social Style of the people involved. The following is a description and assessment of the three parties.

- **Bob:** Bob was a very quiet, soft-spoken man who gravitated to very detail-oriented tasks such as accounting and record keeping. He spoke slowly, thought carefully before answering, and appeared very even tempered and low key. He spoke in a very quiet monotone with little expression and tended to look down when he spoke, moving little. Even when angry, Bob's expression was virtually unchanged. Based on these observations, a practitioner could conclude that he was ask assertive and control responsive, placing him as a strong Analytical.
- **Sally:** Sally was a high-energy individual who loved to describe the “big picture,” where she was leading the department, and how excited she was about the benefits of where they were headed. She spoke quickly, used her hands when she spoke, and often drew pictures on a flip chart to illustrate her point. Although not particularly argumentative, she often revisited points of disagreement to insist that her assessment made sense. She leaned forward when she spoke and often waited for the other person's reaction to what she said to confirm that they “got” her point, only then moving on to the next point. She was easy to read in terms of how she felt and tended to be positive and upbeat in general. She scored as emote responsive and tell assertive, placing her solidly in the Expressive category.
- **Diane:** Diane was also quiet but focused and to the point. She didn't speak very much, but when she did it was firm and clear. She made her points succinctly and expected a quick response to them. Her sentences were short and very action focused, such as “Please do this,” or “That's fine, do that.” She spoke little about how she felt and focused on the task at hand. She didn't like beating around the bush and would rather do a task than talk about it. She didn't understand why people couldn't simply get the job done and move on. She rated as tell assertive and control responsive, placing her in the Driving style.

Based on this assessment, it became clear that one aspect of the conflict was a significant communication problem. Bob complained that Sally never listened, talked over him, interrupted him, and didn't give him time to express himself. Sally complained that Bob didn't respond at all, that she would ask him a question and he would sit there and just stare at her. She would then continue talking because he didn't seem to be willing to. A significant part of the problem was their communication patterns and personal styles.

Between Bob and Diane, the problems were fewer, but still there. Diane found Bob to be slow and almost incapable of making decisions. Diane would ask him to do something and he would seem to agree, but then days later he would raise some well-thought-out objections, thus delaying the task far too long. Bob found Diane to be pushy and demanding and often rash in her decisions. He felt he was acting responsibly by raising problems before pressing forward and doing the task, and didn't understand why this upset her. On the other hand, both Bob and Diane were detail oriented and liked the feeling of finishing tasks and projects, and on that front, they worked well together.

As this analysis shows, both relationships suffered from a poor communication process caused by a significant difference in styles, or what we often refer to as "personality." A practitioner diagnosing the conflict from this perspective can also learn and apply some effective interventions drawn from the Social Style model.

STRATEGIC DIRECTION FROM THE SOCIAL STYLE MODEL

Strategically, the Social Style model suggests three important interventions once the diagnosis is complete:

1. Be versatile and flexible—change your style toward the other person's style to make them more comfortable.
2. Translate the communication of one party into your style (or the style of another party, as appropriate).
3. When functioning as a third party, coach each person on how to change their style when they communicate with people of different styles.

Versatility—Working well with all styles

A core concept in intervening using this model is the idea of “versatility.” It is by being flexible in our behavior that we can improve communications, and the Social Style model offers two ways to improve our versatility:

- First, we can all use behaviors from all four styles in different situations and circumstances. Human beings do not fit neatly into simple boxes and stay there. We respond in a variety of ways to the various situations we encounter, and we regularly use a range of styles and skills.
- Second, everyone has a favorite or predominant style that they spend a lot of time using, a style that they are most comfortable with. This is their “home base,” the style in which they will best hear and understand other people's communications.

To go back to our analogy of language, our predominant style is our native tongue, the one we are most comfortable with. That said, many people become fluent in second and third languages, which greatly expands their ability to communicate in the world. When two people meet, one who speaks three languages and one only their native language, it makes sense for both to speak the common language rather than each insisting on speaking their own native tongue. In

other words, one person needs to do something for the other person and agree to speak the other's language in order to facilitate their communication. The idea behind being versatile with Social Styles is that the other party will be able to hear and understand the communication better if the content is presented in a style that is similar to their own.

In situations where a problem is arising not necessarily because of the content itself, but because the content is getting lost or distorted due to a personality problem or a style conflict, we can change our communication style and choose behaviors that will make others more comfortable. Doing this will allow us to be better heard and received.

This idea of versatility or “doing something for others” is already implicit in our society and culture to a great degree and should not be seen as a new or foreign concept. For example, when talking to someone who has just recently learned English, we tend to slow down, speak a bit clearer, and perhaps choose language that will be easier for a new speaker of the language to understand. When we are speaking to a non-technical person about a technical issue, we will try to make it clearer for the other person by using less technical jargon. In the same way, if we are an Expressive and we know the other person is an Analytical, we should present our message in a style that an Analytical can best hear and understand; in addition, we should decode what the Analytical is saying to better understand it from an Expressive's point of view.

So what exactly is versatility? As [Figure 11.2](#) shows, shifting from Expressive behaviors to Analytical behaviors would entail choices like speaking slower and quieter, using more hard data or information, presenting logical steps rather than emotional appeals, paying attention to details, and giving the Analytical a bit more time to process the information and come back later with questions. The net result of these behavioral changes is that the speaker's message is clearly delivered, eliminating resistance and conflict caused by a communication style or personality getting in the way.

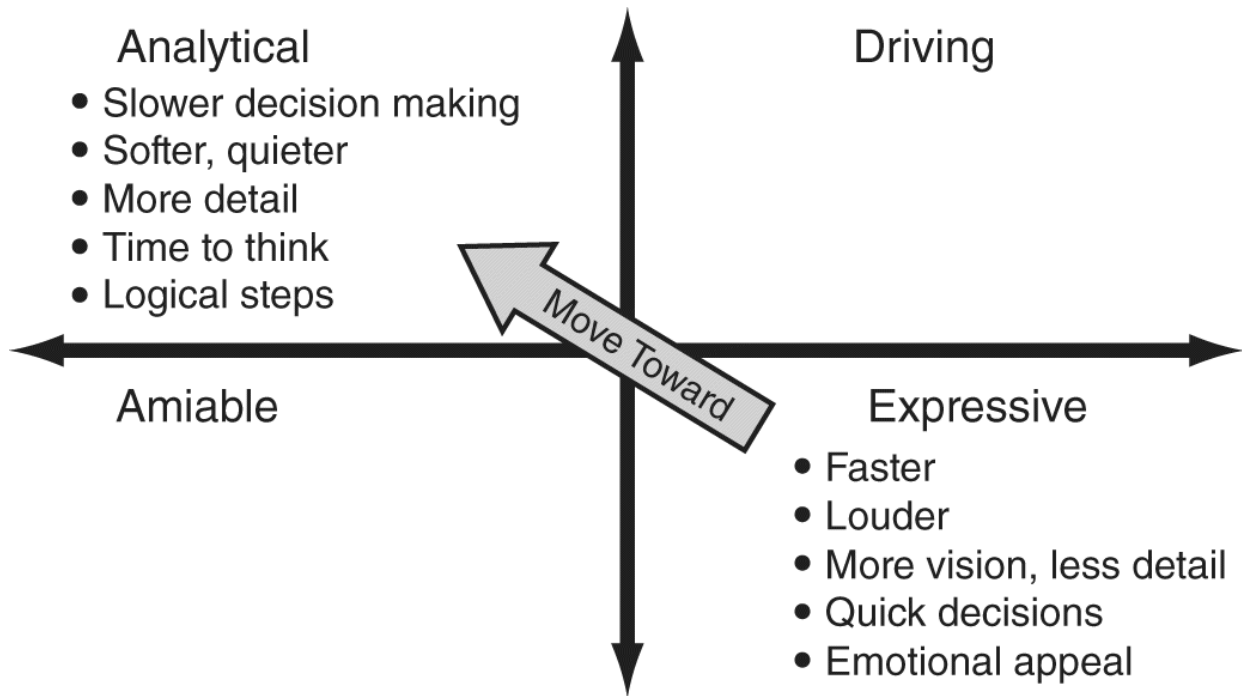


Figure 11.2 Social Style model: Strategic guidance

Style versatility is primarily a behavioral change, and the following four behaviors are the most important to adjust, as appropriate to the circumstances.

Adjust your style in stages:

- Pace: Faster or Slower
- Detail/Structure: More or Less
- Small talk: More or Less
- Focus: Facts or Feelings

For all four styles, a brief indicator of the type of versatility choices that might help follows.

Amiables Working With:

| | |
|--|--|
| <p>Analyticals:</p> <ul style="list-style-type: none"> • Be more task oriented • De-emphasize feelings • Be systematic | <p>Drivers:</p> <ul style="list-style-type: none"> • Pick up the pace • Demonstrate higher energy |
|--|--|

| | |
|---|--|
| <ul style="list-style-type: none"> • Be well organized, detailed, and structured • Less small talk | <ul style="list-style-type: none"> • Be more task oriented • De-emphasize feelings • Be clear about goals and plans • Cut to the chase |
| <p>Amiables:</p> <ul style="list-style-type: none"> • Be careful not to overemphasize Amiable tendencies • Introduce some aspects of other styles to balance the style that is predominant | <p>Expressives:</p> <ul style="list-style-type: none"> • Pick up the pace • Demonstrate higher energy • Focus on the big picture • Say what you think —be candid and direct |

Drivers Working With:

| | |
|---|---|
| <p>Analyticals:</p> <ul style="list-style-type: none"> • Slow your pace down • Listen more, listen better • Be prepared to listen to more than you want to know • Recognize details as important | <p>Drivers:</p> <ul style="list-style-type: none"> • Be careful not to over-emphasize Driving tendencies • Introduce some aspects of other styles to balance the style that is predominant |
| <p>Amiables:</p> | <p>Expressives:</p> |

| | |
|--|---|
| <ul style="list-style-type: none"> • Make genuine personal contact, more warmth • Slow your pace down • Phrase ideas provisionally • Focus more on feelings • Be supportive and empathetic • Provide structure • Demonstrate interest in the human side of the issues | <ul style="list-style-type: none"> • Make personal contact, more warmth • Focus more on feelings • Be open to some “fun” in the process • Recognize their contribution • Provide considerable freedom • Acknowledge the big picture |
|--|---|

Expressives Working With:

| | |
|---|---|
| <p>Analyticals:</p> <ul style="list-style-type: none"> • Slow your pace down • Listen more, listen better • Be task oriented and systematic • De-emphasize feelings • More detail • Give them time to make decisions | <p>Drivers:</p> <ul style="list-style-type: none"> • Be more task oriented • De-emphasize feelings • Plan your work and work your plan • Be organized in your communications • Avoid power struggles • Less small talk |
| <p>Amiables:</p> <ul style="list-style-type: none"> • Listen more, listen better | <p>Expressives:</p> <ul style="list-style-type: none"> • Be careful not to overemphasize Expressive tendencies |

| | |
|---|---|
| <ul style="list-style-type: none"> • Open with some small talk • Slow your pace down • Don't interrupt • Be supportive and empathetic • Focus on logic and data • Pay attention to details • Acknowledge importance of relationships | <ul style="list-style-type: none"> • Introduce some aspects of other styles to balance the style that is predominant |
|---|---|

Analyticals Working With:

| | |
|---|---|
| <p>Analyticals:</p> <ul style="list-style-type: none"> • Be careful not to overemphasize Analytical tendencies • Introduce some aspects of other styles to balance the style that is predominant | <p>Drivers:</p> <ul style="list-style-type: none"> • Pick up the pace • Demonstrate higher energy • Don't get bogged down in details or theory • Say what you think • Speak in results-oriented terms |
| <p>Amiables:</p> <ul style="list-style-type: none"> • Make genuine personal contact, small talk • Focus more on feelings | <p>Expressives:</p> <ul style="list-style-type: none"> • Make personal contact • Pick up the pace |

- | | |
|---|---|
| <ul style="list-style-type: none"> • Offer to lend a hand • Provide structure • Don't overdo facts and logic • Pay attention to relationships | <ul style="list-style-type: none"> • Demonstrate higher energy • Focus more on feelings • Allow for some “fun” • Say what you think • Recognize the Expressive's work • Acknowledge the big picture |
|---|---|

By becoming versatile, the practitioner can greatly reduce resistance and friction in the communication system.

Translating and coaching the Social Style model

Another way a practitioner can help parties in a conflict is to assist by translating one person's communication from their predominant style into the other person's predominant style, using a variety of skills such as restating, reframing, paraphrasing, or changing the pacing, tone, and intensity. In this case, translating involves a great degree of versatility on the part of the translator, in that they need to be able to reach out across a whole range of styles; the speaker's style may be different from the receiver's style, both of which may be different from the translator's style.

In mediation or negotiation, for example, when all parties are present, it may be necessary to translate one party's style into a style that helps the other party to hear and understand. In one case, a strong Analytical lawyer began a joint session with a long explanation about what they liked and didn't like about the other party's most recent offer. Opposing counsel was a Driving style and was getting visibly more and more agitated the longer the Analytical spoke. The mediator gently intervened, asking, “At the end of the day, what are you recommending about their last offer?” The Analytical, looking surprised, said, “Well, we're accepting it, of course, but I thought you

needed to know why.” The Driver stood up, offered his hand, and said, “All I need is a signed agreement.” The Analytical, in this case, had almost blown an agreement by staying stuck in his own style. In regard to coaching, the practitioner may be in the position of helping one party adapt their behavior to be better heard by the other side. In many negotiations or mediations, the practitioner will have each party describe and explain their issues directly to the other party. In caucus, the practitioner may well coach or prep one party to modify their presentation to make it more effective. For example, if a Driver is presenting to an Amiable, they may need to address the relationship issues (something someone with a Driving style may simply not think of), rather than just focus on the money or the task.

CASE STUDY: SOCIAL STYLE STRATEGIC DIRECTION

In our case study, there would need to be two interventions, one between Sally and Bob and a second between Bob and Diane. What follows is how a mediator might apply these interventions with the parties.

Sally and Bob

This meeting required a significant amount of versatility of the mediator. Because of her role as the manager, as well as the fact that Bob appeared less flexible than Sally, the mediator focused on helping Sally do the majority of the style adapting. Prior to the meeting, the mediator met with Sally and shared the concept of versatility with her. Sally stated that she was willing to try if it would help. The mediator coached Sally to slow down, focus on data and logic, give Bob time to digest and think about what was said, and not force quick decisions. In addition, the mediator coached Bob to ask for time to think rather than just go silent. During the meeting, the mediator helped both parties translate back and forth from the Analytical to the Expressive when needed. The result was a very productive meeting during which Bob heard and considered some key information for the first time (the fact that the structural changes were nationwide, for example, and the reasons why seniority wasn't considered in the promotion), and Sally heard how hard it was for Bob to feel like his last 12 years didn't count for anything when he had helped manage so much of the paperwork in that office. This greatly improved their ability to hear each other and allowed them to focus on solving each other's problem the first time they had ever reached the point of problem solving together. Bob even surprised Sally by saying that he didn't need time to go away to think about the discussion; he was prepared to stand by the decisions they had made that day. After the meeting, both Sally and Bob spoke to the mediator privately and wondered aloud what had made the "other person change so much."

Diane and Bob

This meeting involved a very similar process, except that the mediator decided that neither would benefit from coaching ahead of time and spent most of the meeting translating between the Driver (Diane) and the Analytical (Bob). The main point of contention in their communication process was how work would be assigned, followed up, and completed. Diane, who had a Driving style, was most comfortable telling Bob what to do and giving him orders. As an Analytical, Bob wanted time to mull over a problem before agreeing to the decision. In the end, both parties made changes for the other— Bob accepting orders on the simple and obvious tasks, and Diane accepting that Bob would need time to think about and raise issues on the more complex tasks. Because both were task oriented, they quickly agreed to develop a written description detailing exactly how various situations would be handled between them.

In both cases, the practitioner followed the strategic direction of the model:

1. The mediator adapted her style toward each of the other parties' styles when communicating with them.
2. The mediator translated the communications of one party into the style of the other party.
3. The mediator coached Sally and Bob on how to change their style when they communicated with each other.

ASSESSING AND APPLYING THE SOCIAL STYLE MODEL

The Social Style model is broadly applicable to many conflicts in that it applies to the personality and communication part of the conflict process. It is not as directly helpful in other aspects of conflict where structural or substantive issues are the main barriers, as the model doesn't work directly with the content of any given situation.

Diagnostically, the model is useful but somewhat limited in its range of use because it diagnoses only conflict that is generated from communications problems. This ranks it as a medium on the diagnostic scale.

Strategically, the model directs a practitioner to make simple changes to his or her communication patterns in order to help with personality and communication issues. It ranks medium to high on the strategic scale.

Final thoughts on the Social Style model

Overall, the Social Style model ranks high in importance, in that all practitioners need a framework for addressing personality and communication conflicts in order to be effective when working with a wide range of clients. The whole area of personality conflict and communication issues within conflict is complex and detailed, making personality-related conflict one of the hardest areas to address. The Social Style model is one of the simplest and most effective models for tackling this and therefore is one of the most important tools a practitioner can have.

2. Place the individuals into a quadrant on the grid in [Figure 11.3](#).
3. Assess what strategies will help, and where they should be applied.

Where will versatility help? What steps can be taken to adapt to other styles?

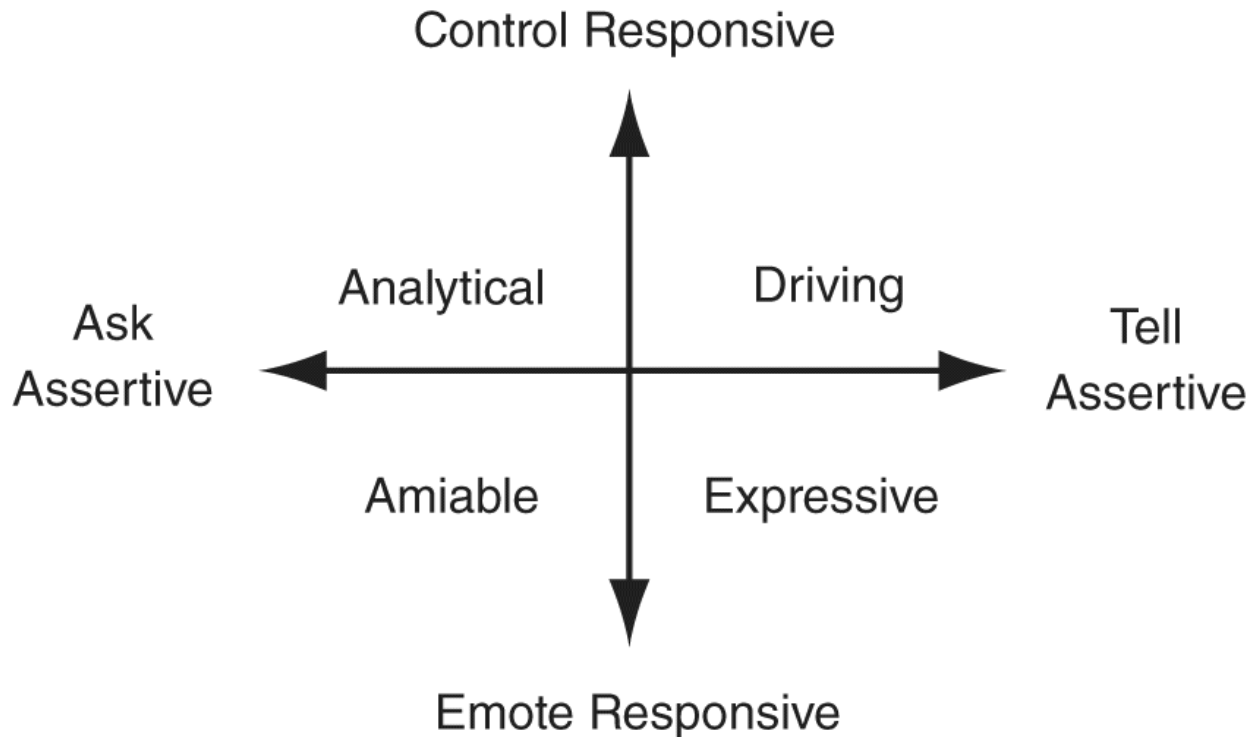


Figure 11.3 Styles of people involved

| |
|-------------------------------------|
| Pace: Faster or Slower? |
| Detail and Structure: More or Less? |
| Small Talk: More or Less? |
| Focus: Facts or Feelings? |

Where will translating help? Between which parties?

Where will coaching help? With which parties?

ADDITIONAL CASE STUDY: SOCIAL STYLE MODEL

Case Study: The Vision Thing

A small start-up company that delivered services in a very technical area of the financial services field was experiencing a significant amount of conflict. The company had 35 staff, including five supervisors, two directors, and the chief executive officer. In the two years they'd been in business the company had been very successful, and the CEO was committed to an "open" management style. He met with the entire staff twice a year, each time sharing the status of the company in relation to the business plan and how the company was doing. He often painted a clear picture and vision for where the company was going.

About six months after the initial staff were hired, there was some grumbling about not being able to trust the CEO and concerns about the direction of the company. Initially the CEO ignored the grumbling, but it continued to grow. The CEO asked his management team to communicate more with the staff, to reiterate the vision and direction, but the issue seemed to get worse. The CEO arranged another town hall, once again articulated the direction and goals of the company, and again thought that he had gotten through to the staff. The dissent, however, continued to grow and became a significant drain on morale in the company. The CEO didn't know what to do but continued meeting with the staff as much as possible to reassure them and talk about the future of the company. The decline in morale, however, continued.

To turn things around, the CEO once again held a town hall meeting, trying to rally the staff and get them refocused on the future and the goals of the company. It didn't help. Three staff members quit to take other positions, and there was a widespread feeling that this was no longer a good place to work.

Social Style model diagnosis: The Vision Thing

The management team decided to do a large-scale intervention and brought in consultants who recommended the use of the Social Style

instrument. Everyone in the company was assessed by three peers, up to and including the CEO. The results were startling. Of the 35 staff, the styles broke down this way:

- Amiables – 2
- Drivers – 5
- Analyticals – 27
- Expressives – 1

Even more interesting was the breakdown of roles in the company among those with different styles. Of the five supervisors, three were Drivers and two were Analyticals. Of the two directors, one was Amiable, the other a Driver. The lone Expressive was the CEO.

This information was shared at a full company retreat, immediately revealing a major source of the dissatisfaction and conflict. It became clear that what was missing was not communication in general (as there was plenty of that) but rather a specific type of communication. The Analyticals were missing a significant amount of detail and structure about the company plans and directions, information that Analyticals typically need to feel comfortable and well informed. The CEO had correctly sensed that more communication was needed, but what he gave them was a broad vision for the future (something that Expressives focus on) rather than specific detail (which Analyticals tend to look for). This had the effect of convincing the Analyticals that the CEO didn't really know what he was doing, that he was blowing smoke rather than giving them concrete information about the short-term, tactical steps that would actually help achieve the vision. The more the CEO gave them the “big picture” rather than the tactics and details, the less they trusted him.

In addition, three of the supervisors were Drivers who had little patience for the type of information and decision-making time the Analyticals needed. When they asked for input from their teams, they rarely gave the staff enough time to give thoughtful responses, and consequently at least three of the teams felt railroaded by their supervisors.

It became clear that the style and quality of communication needed to be improved.

Social Style model strategic direction: The Vision Thing

The consultants asked the CEO these questions as to what should be done strategically to resolve the issues:

Where will versatility help? What steps can be taken to adapt to other styles?

The CEO clearly needed to increase his versatility, and he made a commitment to doing this. He met with various teams, asked for input on what kind of information they needed, and gave them time to consider and respond.

He found very quickly that what many in the company needed, in addition to vision and direction, were tangible goals and specific steps aimed at the short term. In essence, most staff wanted guidance on “What do I do Monday morning?”

The management team made immediate plans to change how the company communicated and tailored it to the Analytical style, without completely ignoring the needs of those with other styles.

Where will translating help? Between which parties?

Given the difference in styles in the company along with the preponderance of Analyticals, a committee was struck that was weighted with Analytical staff with the goal of monitoring the needs of staff on an ongoing basis. Employee satisfaction surveys were initiated, and the committee made recommendations to the management team based on the feedback. This helped make sure that feedback from staff was “translated” for the management team.

Where will coaching help? With which parties?

Because the CEO was a very strong Expressive, he asked the consultants to stay on in a “coaching” capacity to him for the following year, to help his communication and style versatility skills to grow.

Epilogue of the case study

A year after the company retreat, a major change had occurred. Communication patterns had shifted significantly, guided by regular feedback from the staff. The CEO was happy, in that he felt his message was finally getting through. He had moments when he needed to walk through the vision once more, but he combined that with other communication approaches that met the staff's need for detail. Satisfaction levels had increased substantially, and the communication side of the surveys rated the company over 90% on “quality of staff communication.”

NOTES

1. Social Style is copyrighted material owned by The TRACOM Group and used here with permission.
2. I. B. Myers and M. H. McCaulley, *A Guide to the Development and Use of the Myers-Briggs Type Indicator* (Palo Alto, CA: Consulting Psychologists Press, 1985).
3. D. W. Merrill and R. H. Reid, *Personal Styles & Effective Performance* (CRC Press: Boca Raton, 1984).
4. It should be noted that in regard to responsiveness, control responsive people have just as many feelings as anyone else, and there is no implication otherwise. The only distinction is whether they allow those feelings to show or not.

CHAPTER TWELVE
MODEL #9: MOVING BEYOND THE
CONFLICT

BACKGROUND OF THE MOVING BEYOND MODEL

The Moving Beyond model has been developed by the author based on the seminal work of Elizabeth Kübler-Ross in her book *On Death and Dying*.¹ This version has been modified to focus on conflict settings as opposed to situations of terminal illness, which was the focus of Kübler-Ross's work. In addition, the model has been reinforced and influenced by the work of William Bridges² and his approach to helping people work through significant change.

As the Dynamics of Trust model (see [Chapter 7](#)) and attribution theory show, it is human nature for each party to a conflict to become hurt and blame the other side, erroneously attribute bad intentions to the other parties, and build up or exaggerate the “wrong” done to them. This can create an enormous barrier to resolution—the inability of a party or parties to let go and move beyond the conflict. It is this “letting go” process that the Moving Beyond model addresses. We ask a great deal of the parties when we practice conflict resolution. We ask parties to take the pain and anger that they have lived with for a long time and to “get over it” in a very short period of time. In some cases, the main reason a conflict doesn't settle or resolve, even when it appears that the resolution meets everyone's substantive interests, is that one or more parties are unable to let the conflict go, to emotionally allow it to be resolved, to reach closure.

Essentially, letting go and moving beyond is a form of grieving. The source and meaning of the word “grieve” is “to carry a heavy burden,” and the process of moving beyond, of reaching an end to the grieving, is to let go of that burden and put it to rest. In conflict situations it is often critical to help the parties explore what letting go of the conflict means, what accepting a resolution looks like. For this reason, Kübler-Ross's process of grieving along with Bridges's work around transitions are used as the basis for this model.

In Kübler-Ross's view, the grieving process has five steps: denial, anger, bargaining, depression, and acceptance. Because depression is a clinical diagnosis, it wasn't useful in this model. Bargaining in Kübler-Ross's model is, arguably, just a form of denial revisited, and

in the moving beyond model bargaining is, therefore, wrapped into both the denial and anger stages.

Complementary work done by Bridges looked at the process of change and transition and identified three stages:

1. an ending, followed by
2. a period of confusion and distress, followed by
3. a new beginning.

In Bridges's view, people can get stuck in either of the first two steps, which will prevent them from finding the new beginning and moving forward.

For the purposes of the Moving Beyond model, Kübler-Ross's and Bridges's views of reaching closure and moving on overlap enough to fit into the following three steps:

- **Stage One: Denial**—Denial, in many ways, is the process of refusing to accept that something has ended, that something has happened to change our life whether we like it or not. We ignore the problem(s), we invent reasons why it has nothing to do with us, and we vehemently deny reality in a bid to hold on to the status quo.
- **Stage Two: Anger**—Anger, confusion, and distress are all connected and are all natural reactions to dealing with situations we don't want and don't like.
- **Stage Three: Acceptance**—Acceptance fits well with a new beginning. Once we accept that we cannot simply stamp our feet and get everything we want, once we recognize that we need to find the best solution possible given our circumstances and move on, we begin to focus on a new beginning, on life after the conflict is gone.

DIAGNOSIS WITH THE MOVING BEYOND MODEL

Based on this discussion, then, the Moving Beyond model argues that in relation to conflict, these three steps are the three broad stages that people pass through when resolving difficult issues, as shown in [Figure 12.1](#):

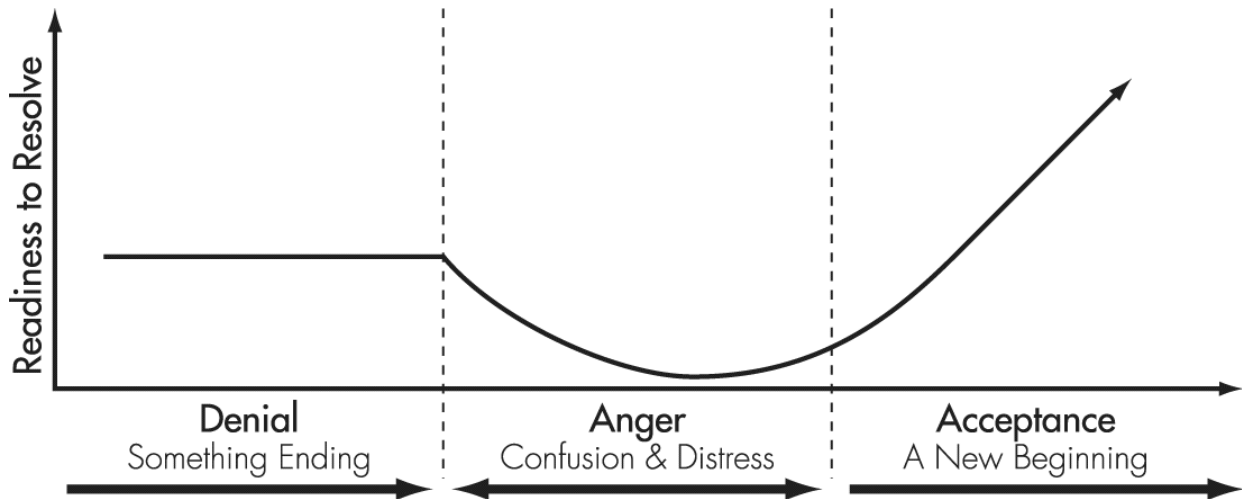


Figure 12.1 The Moving Beyond model

Stage One: Denial

Denial in the field of conflict resolution typically relates to a party denying and/or refusing to accept the problem, the situation, or their role and contribution to the conflict. This links well to Bridges's idea of an ending: a relationship has ended, a business deal has gone sour, a person is injured in a car accident and their lifestyle is forever changed, a worker is fired.³ In these situations, refusal to accept the situation causes each party to engage in one or more of the following:

- Denial of any significant contribution to or responsibility for the problem
- Denial of even being a party to the conflict or problem (e.g. "I'm not even sure why I'm here....")
- Acknowledging they did some small thing wrong but asserting that the other party's wrongdoing dwarfs their own and makes it irrelevant

- Attributing all blame to the other party and ignoring or minimizing any actions or information that contradict that blame
- Refusing to accept that this problem will or should change their life in any way, shape, or form
- Amplifying feelings of loss and attributing the cause solely to the other party, while denying or ignoring any information that contradicts this
- Making offers to settle with terms that are extremely one sided and carry a negative “attitude,” which means that there is no real attempt at resolution. The “bargaining” in this case is called “false bargaining,” intended only to demonstrate how reasonable the offering party is, and how unreasonable the other party is
- A complete and total inability to see the issues from the other party’s point of view to even a small degree

From a diagnostic point of view, a party is in denial whenever they are demonstrating some or all of these behaviors.

Stage Two: Anger

Although anger is a familiar part of conflict, what isn't obvious is that anger arrives only once a party begins taking the conflict seriously. When in denial, we live in a world where the conflict really isn't our problem, where the reality of the situation has not sunk in. When it dawns on us that, yes, this is my problem to deal with, that it isn't going away and that it is going to change my life, anger quickly follows. As Kübler-Ross notes:

If our first reaction to catastrophic news is, “No, it's not true, no, it cannot involve me,” this has to give way to a new reaction, when it finally dawns on us: “Oh, yes, it is me, it was not a mistake.”⁴

When it finally dawns on us that we are a part of the conflict, anger sets in. This phase blends nicely with Bridges’s description of a phase involving “confusion and distress.” The uncertainty and confusion cause fear, and when this is combined with seeing the other party as being at fault for the whole situation, anger is the result.

Anger, of course, can be very difficult to deal with as a practitioner, mainly because anger is a wide-angle scattershot weapon, one that gets applied in many directions indiscriminately. In lawsuits it's common for each party to be angry with the other side, angry with the other side's lawyer, angry with the court system itself, angry with their own lawyer, angry with innocent third parties for not taking sides, and on and on.

Sometimes, a party will begin bargaining with the other side while still in the anger phase, but the offers are frequently what can be colorfully termed “Up yours!” offers. In other words, they are offers intended to insult and demean the other party, not genuine attempts at reaching a resolution. Their goal is to vent their anger on the other party in any way they can.

From a diagnostic point of view, a party is in the anger phase when they are venting, attacking, insulting, or demeaning the other party, or, conversely, refusing to communicate or engage with them in any way. In addition, a significant feature of the anger phase is a party's inability to hear any new information or any information they don't like. In the anger phase, the flow of emotion is one-directional, from within the party out to anyone and anything that is perceived to be part of the problem. Although little responsibility for the conflict has yet to be accepted by a party in anger, the fact that they're angry at all indicates they are taking the issues seriously. When a party moves to the anger phase and out of denial, significant progress is being made.

Stage Three: Acceptance

The third and final stage and the stage practitioners need to help parties move toward is acceptance. Acceptance can mean a variety of things in different situations, including a party:

- Accepting that they are part of the problem and need to participate in resolving it
- Accepting that they contributed to the problem in some way
- Accepting that they want this over with and that they want to move on

- Accepting that they will not get their way entirely, and that the solution must accommodate everyone
- Accepting that the other side is perhaps not as “evil” as first thought
- Accepting that the other side was doing their best, that they had constructive intentions (regardless of how it turned out)
- Accepting that the conflict can (and possibly should) be over, that closure is within reach

In Bridges’s account, the acceptance phase is called “A New Beginning,” which, again, links nicely to the idea of acceptance. When a party finally accepts that a resolution can be reached, that it’s time to move on, they often shift their focus away from the conflict and begin exploring what their life might be like when this conflict is over and done with. They focus on a new beginning, a fresh start, and see themselves finally letting the issue go and getting on with their life.

From a diagnostic point of view, a party is in the acceptance stage when they begin to negotiate in a way that actually tries to solve the problem rather than punish the other side. When a party is willing to acknowledge that their behavior was not perfect and is willing to say this to the other side, it indicates that the party is in an acceptance mode. When blame and fault become less important than getting a resolution, when arguing about “the principles” of a conflict is less important than moving on, this typically indicates the movement toward acceptance.

One of the critical learnings from this model is to understand how parties actually move toward acceptance and new beginnings. Most people tend to avoid confrontation and conflict, and because of this when they hit the anger phase, they are likely to panic and retreat from anger back into denial. Anger, confusion, and distress are difficult for most of us to experience for very long. Denial, on the other hand, is relatively comfortable. “Problem? What problem?” is perhaps the theme for denial. Consequently, when a problem arises and we finally get past denial only to run headlong into anger, a common response is to retreat back to denial. This creates a cycle of denial to anger then back to denial again, a cycle that can keep people frozen in a conflict for a long, long time.

Using the Moving Beyond model, it should be clear to the practitioner that when one or more parties become angry, confused, and distressed, this is actually a good thing⁵, as it means that the parties are moving in the right direction. Rather than retreat to denial, parties need to be encouraged to continue working through the anger until acceptance is reached.

CASE STUDY: MOVING BEYOND DIAGNOSIS

In the case study, Bob and Sally both start in the denial phase and move through various phases through the process. Diane starts in the anger stage, where she has been stuck for a while. For each of the parties we'll identify and diagnose the phases they were in and the behavior that each phase leads to.

Bob:

| | |
|----------------|--|
| Denial: | <p>Once the competition took place and the conflict started, Bob entered the denial phase immediately, denying any possibility that Diane was actually more qualified than he was. He dealt with the issue in a rights-based way until this was no longer possible, and when he exhausted all appeals, became even more entrenched in denial. Some of the issues Bob remained in denial about were the following:</p> <ul style="list-style-type: none">• Fundamentally, Bob was in denial that his employer had the right to change job descriptions and to rearrange the structure of the workplace. Bob simply could not accept this fact when the result was not in his favor. |
| | <ul style="list-style-type: none">• Bob had consistently chosen to do no customer service work and had taken no customer service training. He ignored the fact that he had made this choice, blaming management for it instead.• Bob had the competition rerun due to perceived unfairness, but even when the union deemed it fair, he refused to accept it. He was in denial over the fact that the process itself might just have been fair and reasonable in the circumstances.• Bob denied that his failure had anything to do with himself, believing instead that management was somehow out to get him. |

| | |
|--------------------|---|
| | <ul style="list-style-type: none"> • Bob refused to accept that the old workplace structure had ended, and he envisioned stonewalling until things were put back to the way they had been since he was hired. |
| Anger: | <p>Bob moved back and forth between denial and anger. Some of the areas where Bob moved into anger included:</p> <ul style="list-style-type: none"> • Bob would “mind his own business,” that is, ignore Diane and refuse to accept her promotion, but as soon as she followed up with him he would lose his temper and lash out at her. • Bob would hang around with a few other staff members who disliked Sally and her proposed changes, and the more they talked, the angrier the group got. This would recede into denial when they all went back to work, waiting for another trigger to move again into anger. • Bob's uncooperative approach spoke of a deep anger, albeit a passive-aggressive one, that he was willing to risk his job over. • Bob displayed both confusion and distress, frequently getting his facts or dates wrong when trying to make a point. |
| Acceptance: | This will be left for the strategic part of the model. |

Sally:

| | |
|----------------|--|
| Denial: | <p>Sally had a difficult mandate—to make changes to long-standing workplace structures with a strong union presence and a long set of traditions. In going about this, Sally was in denial about a few key points:</p> <ul style="list-style-type: none"> • Sally didn't want to recognize the scope of the changes being asked of the staff—she kept saying, |
|----------------|--|

| | |
|--------------------|--|
| | <p>“What's the problem? These changes aren't so bad.”</p> <ul style="list-style-type: none"> • Sally denied that her approach was in any way part of the problem. In reality, she was fairly autocratic about the nature of the changes to Bob and Diane's roles, and refused to consider any other options. She did this while maintaining that she was flexible and open to feedback. • She continually told Diane that Bob would come around and to just keep trying to be nice to him. • Sally didn't recognize that for the staff, an era, in a sense, had ended. They had done things the same way for a very long time, and now a new way of managing the department had arrived. She refused to recognize the significance of the changes being made. |
| Anger: | <p>Sally displayed little anger overtly, although she talked a lot about her “frustration” with Bob, and this frustration was evident in her behavior.</p> <ul style="list-style-type: none"> • She would avoid Bob on many days when she felt that she was too frustrated to be constructive with him. • Because she didn't see the changes as all that onerous, she was confused as to why not only Bob, but other staff, were so hostile to what she was trying to implement. • She would send curt, pointed e-mails to Bob, directing him back to Diane. Bob read these emails as quite angry in tone. |
| Acceptance: | <p>This will be left for the strategic part of the model.</p> |
| Diane: | |
| Denial: | <p>Diane was in very little denial in this case and had</p> |

| | |
|--------------------|--|
| | <p>moved directly to anger. In general, she saw how angry Bob was and was equally frustrated with Sally, whom she saw as giving her an impossible task—to give Bob direction when Bob simply refused to work with her as his supervisor.</p> |
| Anger: | <p>Diane was deeply stuck in the anger stage. She was:</p> <ul style="list-style-type: none"> • Angry with Bob for refusing to recognize her new position and for disrespecting and humiliating her in the workplace with his flat-out refusal to listen to her, along with his tendency to completely ignore Diane's presence for days at a time. • Angry and confused about why Sally was allowing this to go on and angry at her for implying that if Diane were “nice” enough to Bob he'd get over it and start to listen to her. In addition, she was angry with Sally for not supporting her when she asked that Bob be disciplined. |
| Acceptance: | <p>This will be left for the strategic part of the model.</p> |

As we can see, the three parties were stuck at various places in the first two stages of the Moving Beyond model. There had been some negotiating between Sally and Bob during the process, but it was false bargaining. The offers from each were so one sided that they inflamed the situation rather than resolved it. For example, Bob suggested that Sally treat him as if he actually were an AS-1 and keep everything else the same, and they'd worry about the actual classification later. This offer by Bob was completely unacceptable in that it missed the whole point of the changes. In other words, it wasn't a legitimate attempt to resolve the situation; it was a form of Denial on Bob's part. For Sally's part, she suggested that Bob give in and accept everything, and she would promise that no discipline would occur. This offer was nothing short of demanding capitulation, something completely unacceptable to Bob and indicating that Sally was still negotiating from a position of denial or anger. This kind of bargaining or negotiation will typically

further entrench the parties rather than move them toward resolution.

Let's take a look at how the Moving Beyond model guides the practitioner toward strategic choices based on the diagnosis.

STRATEGIC DIRECTION FROM THE MOVING BEYOND MODEL

Strategically, the Moving Beyond model gives very broad direction that relies heavily on basic conflict resolution “micro-skills.” The value of the strategic direction the model offers is that it helps practitioners use the appropriate skills at the right time. In terms of strategy, there are two key points.

- **Strategy #1—Help parties move step by step toward acceptance:** Each party must move through the process roughly in order, from denial, through anger, and only then to acceptance. Trying to skip a stage or ignore a stage will simply cause the party to stay stuck in that stage. If someone is in denial, trying to go straight on to acceptance rarely helps the party let go of the conflict and move on. If someone is deeply angry, attempting to suppress this anger or suggesting “anger won't help you” may get nicer behavior on the surface (at best) but will not help the party truly move out of anger and start moving beyond the conflict. Staying stuck in denial or anger will tend to produce false bargaining and little movement toward actual resolution.
- **Strategy #2—Apply skills appropriate to each step in the process:** Each step of denial, anger, and acceptance in the model requires the application of different skills and interventions; each step needs to be treated differently. [Figure 12.2](#) outlines the different skills and interventions that apply at each step.

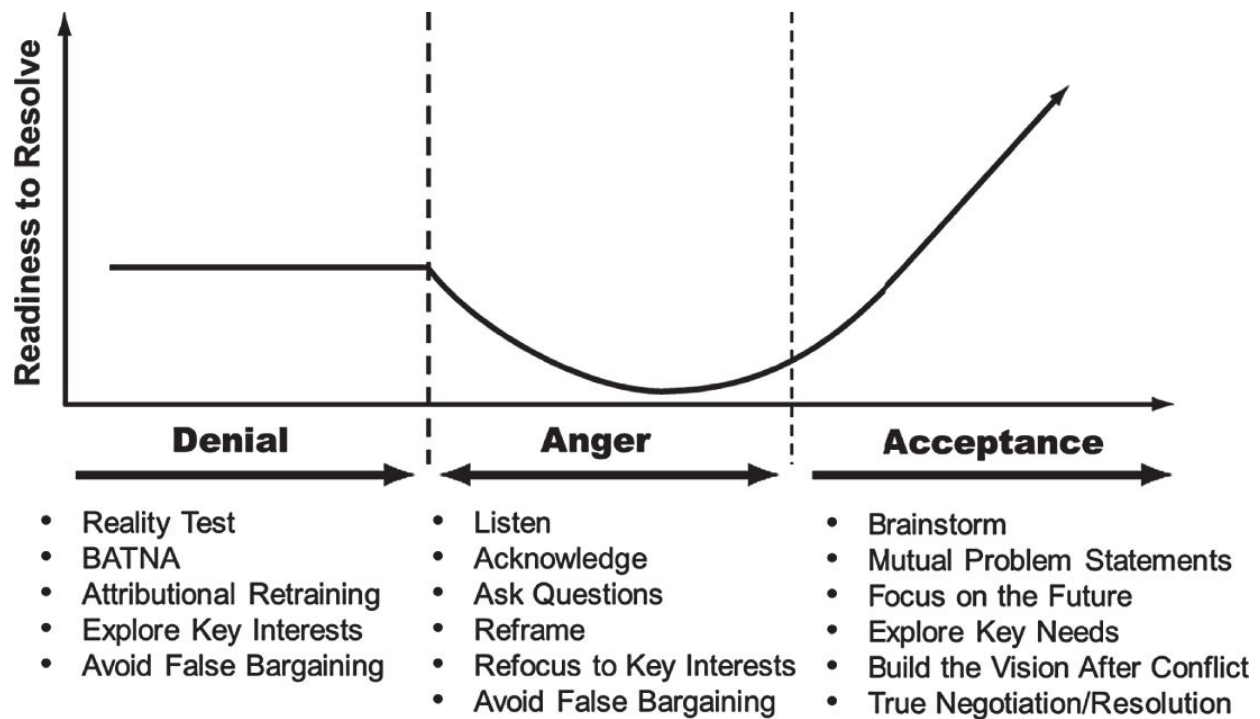


Figure 12.2 Skills for each stage of the model

Denial: Strategies for managing the denial stage

The first step is to help get the party out of denial.⁶ The practitioner needs to focus on the following skills and interventions to accomplish this:

1. **Explore Key Interests:** The foundation of managing denial is exploring and probing to learn the party's key interests, their wants, needs, fears, concerns, hopes, etc. Learning about these and understanding which areas the party is in denial about sets the stage for the reality testing to follow. For example, if the party says they want this conflict resolved and yet refuses to engage in any problem-solving behavior, this contradiction can be used to reality test the party later.
2. **Reality Test, BATNA,⁷ Attributional Retraining:⁸** Reality testing is the generic term for a number of related approaches, including BATNA exploration and attributional retraining. All of these skills help us gather information about the situation and the party's key interests, then gently expose contradictory behavior, data conflicts, and outcomes that are not desirable if

the party continues on the current path. In the case of attributional retraining, it challenges the attributions the party is making, many of which are skewed or incorrect. Although there is a wide range of skills and interventions to choose from in the reality testing arena, the net result has to be challenging the party's assumptions and choices with the goal of helping them assess the situation more clearly. By helping them look where they don't want to look, by gently bringing into focus the parts of the situation that are difficult, the practitioner can help the party to move out of denial. The practitioner, however, should be aware that the next phase is typically anger.

- 3. Avoid False Bargaining:** There is a tendency for some parties to want to bargain or negotiate while still stuck in denial. Generally speaking, offers made during the denial phase are at best one-sided and at worst can convince the other party that there is no chance of a resolution. Because offers made during the denial stage are not reflective of any real assessment of the situation, they have the potential to inflame the other party further. When one party, who has yet to recognize that they have some contribution or liability in a situation, makes an offer that amounts to “nuisance value,” it can provoke the other party to walk out in order to show them how serious they are. This approach helps no one.

Note that in a very few situations agreements can be reached with people in denial, but only if the desire to remain in denial is strong enough to bring some concessions. The net effect, though, is to allow the party to remain in denial about the main issues, which may mean that the resolution will not last. For example, suppose that in a family business setting the father (and CEO) is in denial that his daughter is not interested in running the family business and wants to leave. The father, in denial about what his daughter really wants in her life, may offer a large raise to keep her in the company. This strategy may work in the short term in that the daughter may agree to stay, but if she stays out of guilt or just to save money for what she really wants to do, all they've done is delay finding a real solution. Both the father and the daughter have retreated to denial and will soon find that the problem is still there.

The goal in dealing with denial, essentially, is to help the party move past and out of denial. The next stop will be anger.

Anger: Strategies for managing the anger stage

When a party is in the anger stage, the process must be handled carefully. Anger is not a problem to be solved, nor something to be ignored or suppressed. Simply focusing on facts and data will do little to help a party move forward. Anger is an emotion that needs to be worked through and processed as respectfully as possible. The practitioner should focus on the following:

1. **Listen:** Actively listening to someone who is angry is one of the most effective ways to defuse the anger. Many times, the need to be heard is underlying a great deal of anger. Allow and encourage parties to express and work through their anger.
2. **Focus on Emotional Interests by Acknowledging and Validating:**⁹ Feelings are legitimate, even if the reasoning behind them might not be. Acknowledge and validate the feelings, without pronouncing the party “right” on the issues. Take the feelings seriously, and reserve the reality testing and the problem solving for the denial and acceptance stages.
3. **Ask Questions:** Asking a good question indicates respect and concern, both of which are in short supply to the angry person.¹⁰
4. **Reframe:** Anger brings out the most extreme thoughts and feelings. Reframing retains the important interest and objective of the angry party while changing the context of the issue in a way that helps move it toward problem solving.
5. **Refocus to Key Interests:** As the anger starts to subside, start to refocus the party onto his or her important interests.
6. **Avoid False Bargaining:** When angry, parties sometimes throw out offers to resolve the conflict, but offers made out of frustration will tend to insult or demean the other party. Offers to settle made in anger tend to be more an expression of the anger rather than a genuine offer to settle. Focus back on the feelings, and defer settlement discussions to the acceptance stage.

One of the worst steps to take in the anger phase is to attempt reality testing or problem solving. No matter how effectively done, it will almost always inflame the anger even more. Anger must be processed and moved through; acceptance is the stage where most resolutions will take place.

Acceptance: Strategies for managing the acceptance stage

When a party hits the acceptance stage, they not only are ready to let the conflict go and move on, they are often eager to. This doesn't mean the party won't negotiate hard or hold out until their important interests are met, but it does mean that they are ready to negotiate in good faith, listen to what the other party wants without as much anger, and stay focused on reaching a resolution. In the acceptance stage, all the skills surrounding effective problem solving apply, including:

1. **Focusing on Key Substantive and Process Interests:**¹¹
This is the stage where the result, along with the process, is important. Keep a strong focus on the parties' interests, especially the substantive and procedural ones. The emotional interests (it is hoped) were largely addressed in the anger stage.
2. **Brainstorming:** Brainstorming is a key tool for effective problem solving and should be used liberally.
3. **Mutual Problem Statements:** Mutual problem statements are a type of brainstorming that can help develop solutions that have a reasonable chance of working for both parties.
4. **Building the “Post Conflict” Vision:** Good conflict resolution focuses the parties on the future, and the acceptance stage is where this will be effective. Trying to bring a future focus in the anger stage, for example, paints the picture of the person being angry for a long time to come, which obviously won't help with resolution. In the acceptance stage, help the parties think about what their world will look and feel like when this conflict over. This creates a positive motivation for resolution.

5. **Exploring Key Needs to “Let It Go”:** Key questions, such as “What will you need to let this whole situation go and move on?” can be very powerful when asked during the acceptance stage.
6. **True Negotiation and Resolution:** Negotiations in the acceptance stage will be focused on actually resolving the problems, unlike in the previous two stages. In this stage, parties will listen to and hear what the other party needs and will try to meet some of it. Any consideration of what the other party needs would be out of the question in either of the first two stages.

When a party arrives at the acceptance stage, it doesn't mean they will stay there forever. Many things can happen that may throw them back into anger or even denial, and the practitioner must use the skills listed to work with each party at whatever stage they move into. By applying the appropriate skills in each of the stages, the practitioner can keep the parties moving through the model in the overall direction of acceptance.

CASE STUDY: STRATEGIC DIRECTION WITH THE MOVING BEYOND MODEL

Strategically, the Moving Beyond model can be very helpful in understanding how parties move from being stuck in denial or anger to reaching some level of acceptance and, ultimately, resolution. In our case study, for example, arguing with Bob and forcing him to change his perspective while he remained in denial, as Sally had been doing, simply didn't work. Instead, it reinforced and strengthened the level of denial. Similarly, addressing Bob or Sally's anger through argument and accusation only caused defensiveness and kept them stuck in a denial-to-anger cycle that never reached or approached acceptance.

Some possible approaches a practitioner could use in applying the Moving Beyond model strategies to our case study follow.

Bob: Dealing with Denial—Explore His Key Interests:

- The practitioner could raise a number of Bob's key interests with him, including:
 - His desire to be promoted, either to this position or another one
 - His desire to be included in the communications loop
 - His desire to have access to, and contact with, his manager, Sally
 - His desire to have a workplace he enjoys coming to
 - His desire to feel that he is respected for his years of service and to feel that he is being treated fairly

Reality Test to Move Past Denial:

- Bob is stuck in the past, in wanting a department structure that apparently will not continue to exist. The workplace is changing. Some reality testing questions the practitioner could ask that may begin to move Bob past the denial might be:
 - What are the reasons you tend to choose more technical roles rather than customer service roles? What would happen if you were offered customer service roles in the future?
 - What are management's rights in terms of structuring the workplace and assigning work to staff?
 - What does the union say about this? Does the union say that management is within their rights in this process?
 - How long will management accept the struggle among you, Diane, and Sally? What might management do if the current relationships continue to be disruptive?
 - How likely is it that continuing this approach will get you what you want?

- If there were a better way to address these problems, how interested would you be in trying it?
- If Sally were really trying to get rid of you, why hasn't she fired you or disciplined you in the last few months, when even the union appears to agree with her?
- If management has the right to structure the workplace the way they want, and if they used a fair process (or at least one that your union says is fair), and if they have no intention of structuring it the way that you want, what do you, as an employee here, need to do?

Bob, when asked a number of these questions, will have a hard time remaining in denial as he reflects on the issues these questions raise. At some point the nature and focus of the questions will get Bob out of denial, likely opening up the feelings and emotions he's been going through in this situation.

Bob: Dealing with Anger—Listen and Acknowledge:

Bob felt demeaned, taken for granted, and not recognized for the good work he had done. He felt that Diane's promotion meant that Sally didn't value him at all. He struggled with these feelings. The practitioner should listen, acknowledge,¹² and reframe this, which would help Bob process and reduce the anger without driving him back into denial:

- You've felt unappreciated, taken for granted, not listened to, is that it?
- You've put a lot of effort into your role here, and you don't think Sally sees this.
- You want Sally to let you know she does value your contribution here, right?
- It sounds like the workplace is pretty unpleasant right now, and you'd like that to change.

Working through the anger stage can take a few minutes, a few hours, or even days, depending on a number of factors, including the depth of the relationships the conflict relates to, their importance to the parties, the attributions being made, and many more. Bob needed help to work through his emotions without being asked for a solution.

Bob: Moving into Acceptance—Focus on Interests, Move to Acceptance and Beyond:

Once the anger has been processed, once Bob feels he is being listened to, he may be ready to consider what he needs to move beyond the conflict, what he needs to reach some degree of acceptance. The practitioner might ask some of the following questions to focus Bob on his interests,¹³ on what he wants, given that he now knows the status quo is no longer an option:

- You've said that you need to accept that management is implementing these changes. What do you need so that you'd be ready to work constructively with Sally and Diane to make this change work?
- What would you need from Sally so you knew that she valued your work and contribution, while at the same time Sally knew that you would accept the new structure?
- What would you and Diane need to agree upon so that you'd take direction from her willingly?
- What would need to happen so that you'd look forward to coming in to work again?
- How would you respond to Sally giving you constructive feedback, to prepare you for the next promotion competition? What would you say if she were prepared to help you?

By applying different approaches at each stage, the practitioner can help Bob get out of denial, process the anger, and move toward constructive solutions and acceptance.

Sally: Dealing with Denial—Reality Test to Move Past Denial:

- The main areas of Sally's denial are around the magnitude of the changes and the autocratic nature of her process. The following questions from a practitioner might help get Sally out of denial:
 - How much input have staff had into the changes you've been making? (*Well, none, they've been imposed by headquarters.*)
 - How is the staff in general reacting to the changes being imposed on them? (*Not very well, but they should just accept them.*)
 - What kinds of things have you been doing, directly, to help them accept changes they really don't like? (*Well, I haven't had time to hold their hand, I guess.*)
 - How successful have you been in just expecting or demanding them to like and accept the changes? (*It hasn't been successful at all.*)
 - As the manager, who is responsible for getting the team what they need to move forward? (*I am, but....*)
 - How happy has Diane been with being told to “be nice” to Bob? (*She's not very happy.*) How effective has it been? (*It hasn't, I guess.*)
 - Who will be held accountable for effectively implementing these changes? (*At the end of the day, I will.*)

With these reality-testing questions, Sally might start to see that at the end of the day, she needs to make this work. This will likely bring out the frustration she's been feeling.

Sally: Dealing with Anger—Listen, Acknowledge the Anger:

Sally felt like she was being targeted and attacked for decisions made elsewhere, when she had expected that her staff would support her. She was angry and frustrated and felt that many of the staff, led by Bob, were hanging her out to dry. The practitioner should listen, acknowledge,¹⁴ and reframe this, which would reduce the anger without driving Sally back into denial:

- You've felt attacked and blamed for the changes here...
- You've put a lot of effort into trying to make these changes as painless as possible for the staff, and you don't think Bob sees this.
- You want Bob to let you know that he'll listen to and respect your decisions, right?
- It sounds like the workplace is pretty unpleasant right now, and you'd like that to change. Is that right?

Sally: Moving into Acceptance—Focus on Interests, Move to Acceptance and Beyond:

Once her anger has been processed, once Sally feels that she is being listened to, she may be ready to consider what she needs to do to resolve the conflict, what she needs to reach some degree of acceptance. The following questions from a practitioner might focus Sally back to her interests:¹⁵

- You've recognized that the process has been autocratic; what might you do to change that with Bob?
- What kind of feedback and input could you consider accepting from Bob so he can see that you're willing to work with some of his concerns?
- What kind of flexibility do you have in relation to Bob's role, if that helps get Bob's buy-in to these changes?

By applying different approaches at each stage, the practitioner can help Sally recognize some of the issues she had been ignoring (denial), process the anger, and move toward constructive solutions and acceptance.

Diane: Dealing with anger

Diane, you will recall, is not in a lot of denial—she's stuck in the anger stage, feeling helpless and unable to solve the problem. We'll move right to the anger stage with Diane.

Diane: Dealing with Anger—Listen, Acknowledge the Anger:

Diane felt caught in the middle, told to work with Bob and “be nice,” while not being given any authority to deal with the situation. She didn't feel she got any help or support from Sally, and felt badly treated by Bob. The practitioner should listen, acknowledge, and reframe this, which will help reduce the anger and facilitate moving the focus to acceptance:

- You've felt helpless to fix this, and caught in between Bob and Sally.
- You've put a lot of effort into trying to make these changes work with Bob, but he won't listen to you, right?
- You want Bob to willingly accept that he takes direction from you.
- It sounds like the workplace is pretty unpleasant right now and you'd like that to change. Is that right?
- What impact has losing your temper with Bob had on the situation?

Diane: Moving into Acceptance—Focus on Interests, Move to Acceptance and Beyond:

Once the anger has been processed, once Diane feels she is being listened to, she may be ready to focus on supporting whatever solutions Bob and Sally come up with. The following questions could focus Diane back on her interests:

- If Bob starts to work constructively, what else would you need so you can feel that the situation is really improving?
- What support do you need from Sally to do your job?
- What do you need to hear from Bob to let the past go?
- What do you think Bob needs to hear from you about how you'll handle stressful situations with him in the future?
- What do you think you can do to help put an end to the harassment complaint?

By helping Diane work through her anger, and by focusing her forward to the acceptance stage, there is a good chance the past can be left behind in favor of a better future.

ASSESSING AND APPLYING THE MOVING BEYOND MODEL

From a diagnostic point of view, the Moving Beyond model is fairly high level, identifying a broad pattern people go through in trying to move past a conflict and let it go. It allows practitioners to identify and see exactly where people get stuck in a conflict, becoming unable to let it go or resolve it. By helping practitioners assess this, it rates high on the diagnostic scale.

From a strategic point of view the model is more general, relying on well-tested and well-established communication skills to help parties move through the stages. That said, the stages themselves serve as an invaluable road map for the practitioner to identify the barriers to settlement, and to then apply the appropriate skills in the right stage to help the parties let go of the conflict and move beyond it. For this reason it rates medium-high on the strategic scale.

PRACTITIONER'S WORKSHEET FOR THE MOVING BEYOND MODEL

Denial:

| | |
|--|---|
| <p>What are the parties in denial about? Where are they stuck?</p> <ul style="list-style-type: none"> • <i>Party A:</i> | <p>Reality-Testing Questions for Party A:</p> |
| <ul style="list-style-type: none"> • <i>Party B:</i> | |
| <p>What are the parties' key interests?</p> <ul style="list-style-type: none"> • <i>Party A:</i> | <p>Reality-Testing Questions for Party B:</p> |
| <ul style="list-style-type: none"> • <i>Party B:</i> | |

Anger to Acceptance:

What does each party not feel heard about? What do they need listened to and acknowledged to help them through anger to acceptance?

Party A:

Party B:

ADDITIONAL CASE STUDY—MOVING BEYOND MODEL

Case Study: Workplace Assault

An employee, Sheila, worked at a senior citizens home for about two years and was terminated for an incident involving another employee, Helen. Sheila and Helen had taken an immediate dislike to each other and coped with it by simply ignoring each other. A new supervisor had taken over the area, and the supervisor and Helen became close friends. Over the year that followed, Helen and Sheila started to have frequent clashes in the workplace. The supervisor simply told both of them to behave.

One day, Sheila came in late to work. The supervisor listened to Sheila's explanation of problems in her personal life (her husband had moved out on the weekend, leaving her alone with their child) but still gave her a written warning about being late. This upset Sheila. Later that day in the staff room Helen apparently taunted Sheila about the discipline and the problems she was having at home. Sheila became enraged and attacked Helen, squeezing her throat until she couldn't breathe. Coworkers pulled Sheila off Helen. Sheila was sent home and terminated the next day. No discipline was given to Helen. Sheila sued the employer for wrongful dismissal.

At mediation, Sheila downplayed the attack and claimed that the three witnesses were Helen's friends and talked a great deal about Helen receiving no discipline for instigating the fight. The employer ignored the lack of progressive discipline in the case and downplayed the supervisor's not having addressed past incidents between Sheila and Helen, focusing on the company's written policy that any aggressive acts of a physical nature would result in immediate termination.

In caucus, Sheila was demanding \$50,000 even though her own lawyer kept telling her that the most she could get was three months' salary, a total of \$9,000—and that this would happen only if they won, which was not likely. Sheila would not listen.

In caucus, the employer was refusing to pay anything, stating that their policy absolved them of any liability. Their lawyer told them they

definitely had risk, but the employer refused to pay any money to an employee who had engaged in physical violence.

Moving Beyond model diagnosis and worksheet: Workplace Assault

Denial:

What are the parties in denial about? Where are they stuck?

- *Sheila is in complete denial that physically attacking someone is never acceptable.*
- *Sheila is in denial about what her claim is worth, and the risks associated with it.*
- *The employer is in denial about the fact that their whole policy could be found flawed, setting a very poor precedent.*
- *The employer is in denial about the fact that their supervisor did little to address the problem early, opening them up to additional risk.*

What are their key interests?

Sheila:

- *To feel fairly treated.*
- *To have it acknowledged that she didn't start this fight.*
- *To get some money to pay her rent for a few months, while she looks for a job.*
- *To have some kind of reference so she can get another job.*

Employer:

- *To have their zero-tolerance policy on violence respected.*
- *To not bring this employee back.*
- *To pay as little money as possible.*

Anger to Acceptance:

What does each party not feel heard about? What do they need listened to and acknowledged?

Sheila:

- *She didn't start the incident.*
- *Helen was trying to get her in trouble.*
- *Helen didn't receive any discipline.*
- *She is now a single parent and needs to keep a roof over her and her child's head—she needs money.*
- *She needs some help getting a new job.*

Employer:

- *This policy is legitimate and needs to be enforced.*
- *They will not tolerate violence for any reason.*

Moving Beyond model strategic direction: Workplace Assault

Based on the diagnosis and identification of the areas of denial and anger, the practitioner focused on moving them out of denial using some of the following reality-testing questions:

Reality-Testing Questions for Sheila:

- In our society, under what conditions is violence of any kind permitted?
- Why does the employer have this policy in the first place?
- If you went to court and won, how much do you think you'd win?
- If you went to court and lost, how much money do you think you'd owe them?
- If you need some financial help now, how many years are you prepared to wait for a court decision?
- How clear are you on how a court might calculate your damages, assuming you win?

Reality-Testing Questions for the Employer:

- Given that these two had issues for a long time, how effectively did your supervisor handle this?
- How does the fact that the supervisor and Helen are close friends affect this situation?
- If Helen was indeed instigating this, what, as an employer, are your responsibilities?
- How does your zero-tolerance policy fit with past court decisions? What would happen if the court didn't uphold your policy?

After reality testing to get them out of denial, the practitioner used listening, acknowledging, and further questioning to help them process their anger. Once both parties were heading for acceptance, good problem-solving skills helped them come to a resolution.

Epilogue of the case study

Initially, Sheila's only offer to settle was \$50,000, and the employer countered with zero.

After the mediator caucused and reality tested along the lines of the analysis, Sheila finally began to move out of denial and understand that even though she was provoked, she shouldn't have attacked Helen. She also got past her anger at the company and focused on her immediate need for money, and to get any help that the employer would offer in assisting her in finding a new job. She revised her offer to three months' salary, about \$9,000.

The mediator reality tested the employer, and after working through the denial that they owed Sheila anything, and the anger that this incident took place at all, the employer accepted that if Helen had provoked the fight, they needed to address that. Because they hadn't investigated the incident properly, their dismissal might not be upheld in court. They refused to consider reinstatement but revised their offer from zero to \$4,500 (1.5 months' salary), plus a letter of reference, which they offered to write because Sheila, with the exception of this incident, had been an excellent worker. Sheila asked for two months', (\$6,000) and the letter, and they settled on \$5,500, plus the letter. Both parties left feeling that this was a very unfortunate incident, but were prepared to move on.

NOTES

1. Elizabeth Kübler-Ross, *On Death and Dying* (New York: Scribner, 1969).
2. William Bridges, *Transitions: Making Sense of Life's Changes* (New York: Addison Wesley, 1980).
3. Notice how denial often centers around loss—see [Chapter 9](#), the Loss Aversion Bias, for a deeper look at how we behave when dealing with such losses.
4. Kübler-Ross, p. 63.
5. Within reason, of course. This is not a suggestion that rage potentially leading to violence is a “normal” part of the resolution process and needs to be accepted. Practitioners must make good judgments about the level of anger they are dealing with and act accordingly. The message here is simply that when parties get angry, it's an important sign of movement toward taking the issues seriously and, because of this, toward resolution.
6. It should be noted that when dealing with denial, it is not the practitioner's job to force someone out of their denial, as people sometimes stay in denial because they simply cannot handle the anger or the level of change needed. As practitioners, we should help them explore the stage of denial, help them look at acceptance and what it would take. Ultimately, it must be up to the parties themselves if they want to let go and move beyond the conflict.
7. BATNA is an acronym for Best Alternative To a Negotiated Agreement. This is one of the principles of Interest-Based Negotiation from Roger Fisher and Bill Ury at the Harvard Project on Negotiation.
8. This is a specific approach to reality testing from the Dynamics of Trust model, [Chapter 7](#).
9. See the Triangle of Satisfaction model, [Chapter 5](#), for an in-depth look at strategies for the different types of interests, specifically emotional/psychological interests.

- [10.](#) For in-depth strategies on questioning skills, see Furlong and Harrison's recent book, *BrainFishing: A Practice Guide to Questioning Skills* (Friesen Press, 2018).
- [11.](#) See the Triangle of Satisfaction model in [chapter 5](#) for an in-depth look at strategies for all the different types of interests.
- [12.](#) Face-to-face skills such as active listening rarely translate well on the page. The acknowledgments listed are just indications of the direction taken, not a representation of the best wording or style for these skills.
- [13.](#) At this point, refer to [Chapter 5](#), the Triangle of Satisfaction model, for an in-depth look at how to most effectively access and use the three different types of interests Bob has: the result Bob is looking for, the process to best get there, and what Bob needs to feel good about accepting a resolution.
- [14.](#) Face-to-face skills such as active listening rarely translate well on the page. The acknowledgments listed are just indications of the direction taken, not a representation of the best wording or style for these skills.
- [15.](#) At this point, refer to [Chapter 5](#), the Triangle of Satisfaction model, for an in-depth look at how to most effectively access and use three different types of interests Sally has: the result Sally is looking for, the process to best get there, and what Sally needs to feel good about accepting a resolution.

CHAPTER THIRTEEN

CONCLUSION

The Toolbox presented in this book consists of nine models that are highly effective in diagnosing and assessing conflict. It has presented them on the basis that practitioners of all types—managers, leaders, mediators, negotiators, and facilitators—will benefit greatly from learning and applying a range of conflict analysis models in their work. The two new models in this book, the Law of Reciprocity and the Loss Aversion Bias, add important understandings about psychology, behavior, and cognitive biases to the Toolbox as well.

Many practitioners are skilled and effective at conflict management by working intuitively, by doing what seems to make sense at the time, often with good results. So why should anyone bother learning and developing models for conflict analysis in their practice or work?

The reason is simply this: working with models like these lead the practitioner from a level of competence to a level of mastery. Competence allows us to help people resolve conflict; mastery gives us the ability to work with far more complex and deeply rooted issues. As we look more broadly toward growing and developing in the field of conflict resolution, these models are essential for conflict practitioners if they wish to become more than simply competent. The path from a journey level to a level of mastery in the field of conflict resolution is well described by Michael Lang and Alison Taylor in their book, *The Making of a Mediator*.¹ In this book, the authors define journey-level practitioners as competent but rarely reaching the status of exceptional. For Lang and Taylor, we all strive toward exceptional skill in the field, a level of work they define as “artistry.”

One reason practitioners rarely become exceptional, according to Lang and Taylor, is that journey-level mediators believe that the path to becoming an artist is to learn more and more skills, constantly adding more communication tools such as reframing, active listening, and the like to their toolbox. What journey-level practitioners lack is not more skills but rather the art of self-reflection—the ability to diagnose a conflict, intervene based on that

diagnosis, and then learn from the outcome of that intervention. Without this ability for self-reflection, which begins with the ability to consciously diagnose the situation, the journey-level practitioner will not be able to advance past basic competence in the field.

Mediators may seek to fill tool their toolboxes, believing that competency in the use of many tools is the way to achieve effective practice. Although proficiency in the use of a wide array of tools is one of the essential elements of professional practice, the mediator who does not understand the situations in which such tools are most useful will inevitably be a tinkerer—trying out a succession of tools, unaware of the reasons for using them, and unaware of why those tools have either achieved a desired result or failed to assist the parties in reaching resolution.²

The Conflict Resolution Toolbox is intended as a guide for practitioners to learn, apply, test, and practice with models that lead the reflective practitioner toward ever-greater levels of competence and through to true artistry.

This book, therefore, urges practitioners to take these models, use them, work with them, adapt them and modify them if necessary, and make them a core part of their conflict diagnosis and intervention practice. By doing so, we can all become reflective practitioners, and as reflective practitioners, we will continue to consolidate and build the conflict resolution field as an important profession in human society.

NOTES

- [1.](#) Michael Lang and Alison Taylor, *The Making of a Mediator* (New York: Jossey-Bass, 2000).
- [2.](#) Ibid, p. 135.

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