

CONFLICT TRANSFORMATION

From: *The Little Book of Conflict Transformation*

By John Paul Lederach, Good Books, 2003

A. The Lens of Conflict Transformation

If someone uninvolved in the situation asks, “What is the conflict about?” we can translate our explanations into a kind of conflict “topography”, a relief map of the peaks and valleys of our conflict. The peaks are what we see as the significant challenges in the conflict, often with an emphasis on the most recent, the one we are now climbing. Often, we identify this mountain we are currently climbing as the primary issue or issues we are dealing with, the content of the conflict. The valleys represent failures, the inability to negotiate adequate solutions. And the whole of the mountain range – the overall picture of our relational patterns – often seems vague and distant, just as it is difficult to see the whole of a mountain range when you are climbing a specific peak.

This topographical conflict map illustrates our tendency to view conflict by focusing on the immediate “presenting” problems. We give our energy to reducing anxiety and pain by looking for a solution to the presenting problems without seeing the bigger map of the conflict itself. We also tend to view the conflict as a series of challenges and failures – peaks and valleys – without a real sense of the underlying causes and forces in the conflict.

The lenses of conflict transformation show

- ***The immediate situation***
- ***Underlying patterns and contexts***
- ***A conceptual framework***

Let me give an example. Our family at home sometimes has lively arguments over household tasks, like doing dishes. We can have some good fights that seem to come out of nowhere over something terribly mundane. The conflict focuses on something concrete and specific: that pile of dirty dishes. However, the energy evoked suggests something far deeper is at play. In fact, at stake in this dispute is much more than who will wash the dishes. We are negotiating the nature and quality of our relationship, our expectations of each other, our interpretations of our identity as individuals and as a family, our sense of self-worth and care for each other, and the nature of power and decision-making in our relationship. Yes, all that is in the pile of dirty dishes.

Conflict transformation lenses suggest we look beyond the dishes to see the context of the relationship that is involved, and then look back again at the pile. Not satisfied with a quick solution that may seem to solve the immediate problem, transformation seeks to create a framework to address the *content*, the *context*, and the *structure* of the relationship. Transformation as an approach aspires to create constructive change processes through conflict. Those processes provide opportunity to learn about patterns and to address relationship structures while providing concrete solutions to presenting issues. Facetious example? Yes, if all we see is dishes. No, if dishes are a window permitting us to consider life, growth, relationship, and understanding.

B. Defining Conflict Transformation

Conflict transformation is to envision and respond to the ebb and flow of social conflict as life-giving opportunities for creating constructive change processes that reduce violence increase justice in direct interaction and social structures, and respond to real-life problems in human relationships.

A transformational perspective is built upon two foundations:

- A capacity to envision conflict positively, as a natural phenomenon that creates potential for constructive growth, and
- A willingness to respond in ways that maximize this potential for positive change.

A transformational approach recognizes that conflict is a normal and continuous dynamic within human relationships. Moreover, conflict brings with it the potential for constructive change. Positive change does not always happen, of course. As we all know too well, many times conflict results in long-standing cycles of hurt and destruction. The key to transformation is a proactive bias toward seeing conflict as a potential catalyst for growth.

C. Connecting Resolution and Transformation

Transformation's guiding question is this: how do we end something not desired and build something we do desire?

Resolution often focuses our attention on the presenting problems. Given its emphasis on immediate solutions, it tends to concentrate on the substance and content of the problem. This may explain why there has been such a predominance of literature on negotiation techniques within the field of conflict resolution – from popular airport bookstands to the halls of major research institutes. In short, resolution is content-centered.

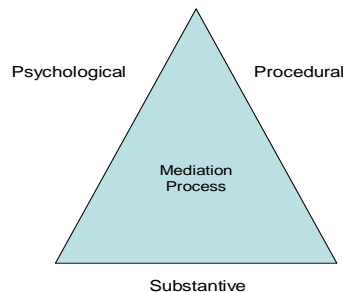
Transformation, on the other hand, includes the concern for content, but centers its attention on the *context* of relationship patterns. It sees conflict as embedded in the web and system of relational patterns.

In summary, transformation includes, but is not bound by, the contributions and approaches proposed by resolution-based language. It goes beyond a process focused on the resolution of a problem or *episode* of conflict to seek the *epicenter* of conflict.

An *episode* of conflict is the visible expression of conflict rising within the relationship or system, usually within a distinct time frame. It generates attention and energy around a set of issues that need response. The *epicenter* of conflict is the web of relational patterns, often providing a history of lived episodes, from which new episodes and issues emerge. If the episode releases conflict energy in the relationship, the epicenter is where the energy is produced.

Transformation addresses both the episode and the epicenter of conflict.

Triangle of Satisfaction



Conflicts arise from differences in needs that can be perceived on three levels: substantive, procedural, and psychological. Holistic, durable agreements arrived at in mediation should ideally incorporate and reflect high levels of participant satisfaction on all three levels.

Substantive: This level reflects the issues the parties are negotiating, such as the tangible matters the parties are in conflict over (the disposition of the security deposit, boundary issues between neighbors, parenting plans, etc.).

Procedural: This level reflects how the parties talk about their needs and concerns, and the process by which decisions are made. This may involve clarifications regarding roles and responsibilities, behavioral guidelines while in mediation or in future conflict situations, or how to communicate effectively while managing difficult issues and strong feelings. Procedural issues include:

- opportunities for each party to put forward their own views/perspectives
- opportunities for each party to be listened to and heard
- the negotiation of future procedural agreements if the relationship will be ongoing (how to communicate more effectively, how to make joint decisions, how to collaborate, etc.)

Psychological: This level reflects how parties feel about issues, and may involve values, relationships, emotions, behavior and personalities. Psychological issues include:

- the personal and emotional aspects that people bring into the mediation
- how people feel about what is being mediated
- Negotiated behavioral agreements regarding ways to address issues such as fairness, trust, or respect.

Adapted from Christopher Moore, *The Mediation Process: Practical Strategies for Resolving Conflict*, Jossey-Bass

THE THEORY OF MEDIATION

Mediation is a process in which the mediator assists disputants to reach a voluntary, negotiated settlement of differences. The mediator uses a variety of skills and techniques to help the parties reach a settlement; however, s/he does not make decisions about the outcome.

The mediator's role is to assist in the negotiations between two or more parties. Thus, to mediate effectively, it is important to understand and can apply negotiation techniques during the mediation process.

Negotiation consists of communications between two or more parties designed to reach agreement. Recently evolving theories of negotiation emphasize the desirability of preserving the relationship between negotiating parties even though they may differ on the substance of their dispute. Mediation offers a means of accomplishing this goal and of turning acrimonious negotiations into productive, problem-solving sessions. For parties who may deal with one another again in the future, maintaining credibility and trust may be as important as obtaining any substantive gain. Maintaining a working relationship is particularly important when the disputing parties are neighbors, family members, or business associates.

The overriding purpose of "interest-based" negotiation is to maximize the parties' joint gains. In popular parlance, this is known as "win-win" negotiation. Naturally, all issues cannot be resolved in this way; yet a surprisingly large number can, particularly where the issues are many and the relationships ongoing.

The most important of several negotiation techniques designed to achieve this goal is the ability to separate *interests*, or needs, from position, or desires. As Mick Jagger once sang:

You can't always get what you want

But if you try sometimes

You just might find

You get what you need.

To separate interests from positions, it is useful to ask *why* parties want something and what they see as their most important needs. Generally, each party to a negotiation will have several interests, which can be prioritized. If each

of the parties understands what his or her own, as well as the other parties,' *priorities* are, it may be possible to devise trade-offs of things that are unimportant to one side but critical to the other. For example, one party may need support in the immediate future; the other is more concerned with security in his/her old age.

The development of *options* for meeting the needs of various parties is the most creative aspect of negotiation. In some cases, options can be found that will resolve single issues satisfactorily to all parties. (A personal injury case in which the plaintiff fears future recurrence of an injury is settled with a medical and disability insurance policy, for example.) In other cases, different interests, of unequal priority to each of the parties, will be linked, thus enabling trade-offs. (The defendant agrees to a large monetary settlement, for example, on condition that it can be paid over time.) Because of the possibility of trade-offs, multi-issue disputes frequently are easier to resolve than single issues, where there may be less room for accommodation.

If the parties can agree on *standards*, or principles, to govern the resolution of their dispute, agreement on substance will become easier. It also may seem fairer and less arbitrary. Examples of such standards are statutes, court decisions, or regulations, so long as they are accepted as valid by all parties; neutral appraisals of property to determine values; bluebook prices for automobiles; and methods through which one party divides the joint personal property accumulated by spouses, roommates, or business partners into two roughly equal shares and the other party selects his or her share.

There are several *constraints* in negotiations, which may influence their results. For example, there may be deadlines or time-related costs that are greater for one side than for the other. In general, a person who owes money is in no hurry to determine the precise amount; the opposite is true of the person to whom the money is owed. Whether an agreement must be ratified or approved by parties not at the table (the parties' attorneys, for example, or the supervisor of a party representing a business), or is dependent on other negotiations or conditions that parties cannot control (for example, one party expects a raise that will make it possible to satisfy the claim), also may affect the result.

The power each party has depends on the acceptability and attractiveness of his or her *alternatives* to an agreement. The better the alternative, the less a party needs to give up to secure an agreement. Thus, a live issue during a negotiation is the expectation of each party about what will happen if they do not

settle. Each party generally attempts to make his or her alternatives seem more attractive than those available to the other party.

The parties to a negotiation often get locked into positions, insisting on receiving everything they want, and refusing to make any concessions. One of the reasons *mediation* involvement is successful is that the mediator, because of his or her noninvolvement in the dispute and impartiality toward both sides, can help each person discover what he or she needs to resolve the dispute. The mediator then uses this awareness to assist the parties in communicating with each other and to move them toward an agreement.

Mediation sharply contrasts with the adversarial process of adjudication, and, at least theoretically, decreases the hostility that might result from litigation. The purpose of mediation is not to judge guilt or innocence, not to decide who is right or wrong. Rather, its goal is to give the parties the opportunity to 1) vent and diffuse feelings, 2) clear up misunderstandings, 3) determine underlying interests or concerns, 4) find areas of agreement, and, ultimately 5) incorporate these areas into solutions devised by the parties themselves.

A mediator—unlike a judge or arbitrator—has no power to render a judgment or award. Nor is a mediator a lawyer acting as an advocate for one side. Rather, a mediator is a neutral third party. S/he helps the parties talk out problems, unrestrained by questions of evidentiary admissibility. S/he can help the parties to focus on what is the true basis of their dispute and on what can be done remedially in the future, rather than on punishment or revenge, or on “who is responsible” for “what event” that may or may not have occurred in the past.

The parties simply may not have been communicating with or listening to each other. Their perceptions of what the other has said or done may be distorted. By listening to each of them, *and* providing a sounding board for their thoughts and feelings, the mediator can begin to open channels of communication and delve into the parties’ interests, as first steps toward a resolution of the dispute.

How do mediators differ from counselors, judges, and arbitrators? Counselors give advice; arbitrators and judges make decisions.

A counselor may give advice to anyone who asks for it. Sometimes s/he will give it even when not asked. But in all cases, giving counsel is not the same as giving an order. The person getting the counsel can accept or reject it.

The arbitrator, on the other hand, is like a judge. S/he has the authority to impose a settlement just as a judge does. The arbitrator settles a dispute by deciding. What distinguishes arbitration from the court process is the relative informality of arbitration and the short period in which final decisions can be made. Yet arbitrators and judges are the same in one important aspect: they both have the power to decide a dispute. Unlike an arbitrator, a mediator does not have power to impose a settlement. S/he helps the parties to reach a decision by themselves.

Adapted from Roger Fisler and William Ury: *Getting to Yes*, Houghton Mifflin Co., 1981

MINDFULNESS IN MEDIATION

“Mindfulness” in mediation is a reflective practice cultivating moment-to-moment attention that helps develop self-awareness, understanding of others, focus and creativity. It is a deliberate technique of being present and observing what is occurring both within and outside ourselves without our evaluating, judging, or becoming involved. Mindfulness enables us to experience wonder and to perceive a sense of humor.

A reflective person might ask: Why am I here? Am I communicating what I want to say? Am I comfortable? Are others comfortable around me? How do I feel about what is happening? How do others see me? Is my posture in balance with my intention? Can I pay attention to my breathing while engaging in the situation? Is my subconscious-self cooperating with my conscious self? Am I in harmony with my surroundings? Is this fun?

Getting hold of the wandering mind and being at peace are two of the biggest tasks for mediators and peacemakers. Barry Noble, PhD., of the Lane County Family Mediation Program, teaches mindful mediation, pointing out three simple steps:

Be present in the present. The present is where we are, in the here and now, and thus this is our opportunity to see, hear, learn, grow, and maybe make a difference.

Blend awareness with equanimity. Find balance between awareness of your body, breathing and sensations with a steadiness of mind over your thoughts and feelings.

Practice the 3 Rs. When you feel your stress, level rising in response to conflict you should **Relax** your body (take a moment and focus on your breathing), **Rest** your mind (cease judging, evaluating), and **Remain Vigilant** to your original intentions for the moment.

Always **Aware** of what's **Actual** with a **Beautifully Balanced Body/Mind** while **Continuously Comprehending Change**.