Conflict Resolution and Conflict Management

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What is the difference between conflict resolution and conflict management? This questions should be answered before we discuss different methods and processes. If conflict is a set of divergent aims, methods, or behavior, then conflict resolution and conflict management are both processes designed to realign those aims, methods, or behavior.

Conflict resolution creates a state of uniformity or convergence of purpose or means; *conflict management* only realigns the divergence enough to render the opposing forces less diametrically opposite or damaging to each other. Conflict management does not demand an identical aim, method, or process, as does conflict resolution, but simply one that is sufficiently aligned to allow unobstructed progress for the separate entities. Using the analogy of the double helix, both conflict resolution and conflict management direct movement from the conflict helix to the convergence helix, the former to a greater degree. In fact, one could say that the term *conflict resolution* is a misnomer since it is named for the condition one is trying to avoid (conflict) rather than its goal. Perhaps it will eventually be known as *convergence promotion*.

Boulding (1962, pp. 308-9) points out that the most commonly used method of conflict resolution is avoidance but the most extreme method is by one side conquering the other, which puts an end to the conflict by coercion or force. If neither method is appropriate or desirable, the third category, procedural resolution, must be used. Our subsequent use of the terms *conflict resolution* and *conflict management* will fall under this category of procedural resolution. To summarize, then, both conflict resolution and conflict management are general terms for specific processes that achieve a balance of power through noncoercive means.

APPROACHES TO CONFLICT RESOLUTION

Table 1 shows the traditional conflict resolution and management models used in our social, business, institutional, legal, and interpersonal relations. Adjudication and arbitration involve the least control by participants. The other approaches offer varying

TABLE 1   Conflict Resolution Processes

Process	Provider (or Decider)	Process Sequence
Adjudication and arbitration	Judge or arbitrator; higher authority	1. Listens to each side's presentation. 2. Decides option based on predetermined criteria (legislation, precedent, fairness, etc.).
Counseling	Counselor or therapist; manager	1. Gains rapport. 2. Assesses the real problems. 3. Applies intervention strategy.
Negotiation[a]	Lawyer or agent; parties themselves	1. Orientation and positioning. 2. Argumentation. 3. Crises. 4. Agreement or final breakdown.
Problem solving[b]	Individual or delegated official of an organization	1. Identifies the problem. 2. Communicates with appropriate people. 3. Develops alternatives. 4. Decides on alternative. 5. Carries out action. 6. Monitors to ensure completion. 7. Evaluates effectiveness.
Mediation	Mediator; selected third-party facilitator	1. Introduces, structures, gains rapport. 2. Finds out facts, isolates issues. 3. Helps create alternatives. 4. Guides negotiation and decision making. 5. Clarifies/writes an agreement or plan. 6. Provides for legal review and processing. 7. Available for follow-up, review, revision.

[a]Williams' (1983) legal negotiation process.
[b]McMaster model (Epstein, Bishop, and Baldwin, 1982).

degrees of participant control depending on the methodology, the setting, and the nature of the conflict.

Adjudication and arbitration are the most rigid and often the least satisfactory methods of conflict resolution for the participants. These processes operate on the following logical principles:

1. Person 1 wants *A*.
2. Person 2 wants *B*.
3. *A* and *B* are mutually exclusive.
4. Either *A* or *B* must be selected.
5. There are no other options.

The conflicting parties tell their viewpoints and present their evidence and the judge or arbitrator makes a decision based on criteria that have been predetermined by the parties themselves or by a higher authority (legislation, case precedent, custom, and practice). Howard (1969) points out that these processes are but one form of conflict resolution. However, litigation has been used so extensively in our society that it has become the norm. The chief justice of the U.S. Supreme Court has urged reform and the development of alternative methods of resolving disputes (Burger, 1977); many others (Curran, 1977; Felstiner and Drew, 1978; Sarat and Grossman, 1975) have pointed to the legal and social problems created by using this form of conflict resolution as a first resort.

Litigation, adjudication, and arbitration have been used successfully where hierarchical systems demand an acceptance of higher authority, but they seem less suited as a first choice for conflict resolution in a society where great value is placed on individual choice and freedom, where structures are more collective and egalitarian, and where few persons or institutions are universally accepted as worthy of having the necessary authority to impose decisions. Moreover, the criteria used to make the decision are often themselves in as much dispute as the ability of the arbitrator or judge to evaluate the information. As Deutsch (1973) points out, if the parties have no faith in the criteria or the arbitrator but are bound by the power vested in them, the issue will resurface in further conflicts and disputes.

Counseling can be used as a conflict management or conflict resolution process primarily for intrapersonal conflicts, although some therapies apply counseling to interpersonal conflicts as well. Counseling has three basic steps: (1) gaining rapport, (2) exploring and assessing the problems, and (3) applying the appropriate intervention. The counselor must gain rapport and project trustworthiness and competence so that the client feels able to divulge painful conflicts and discuss behavior that has become self-defeating, uncomfortable, or socially unacceptable. The counselor must then assess, or help the client assess, the difference between the presenting problem and the real emotional issues. Finally, when the problems have been identified, the counselor applies intervention strategies in order to relieve the client's conflict and help the client change behavior.

This three-step process is valid for all therapies, despite philosophical differences over who should assess problems, what kind of intervention should be applied, and what the goal or outcome should be. Table 2 reduces this often confusing terminology

TABLE 2   Basic Counseling Models

Counseling Model	Current Situation/ Problem	Intervention: Therapy/ Treatment	Goal Outcome Response
Medical	Diagnosis	Treatment	Cure/stabilization
Behavior modification	Behavior to be promoted or stopped	Reinforcement extinction plan	Behavior change
Conflict theories	Conflict	Problem solving	Conflict resolution
(Neo) Freudian	Id control	Psychoanalysis	Ego control
Transactional analysis	Child/parent reaction	Awareness	Adult reaction
Phenomeno-logical	Discontinuity	Environment	Self-actualization
Perceptual	Improper perception	Learning/cues	Proper perception
Social work	Maladjustment	Services	Social order

into a simple formula showing the three-step process inherent in each counseling approach. The following sentence plots the course: "The (current situation/problem), when given appropriate (intervention/therapy/treatment), leads to the desired (goal/outcome/response)."

Counseling is traditionally used when the presenting problems have their origin in intrapersonal conflict. Adaptations of the counseling model for use with interpersonal conflict have, however, been introduced to the profession in such works as *Conjoint Family Therapy* (Satir, 1967). Conjoint family therapy is now commonly employed to address problems that originate primarily between people. Whether it is used for conflict management or for conflict resolution depends on the counselor's orientation and goal.

Many books on business management, personnel development, and administration use essentially this same model for preventing, eliminating, or managing interpersonal conflict in the work setting. Managers "counsel" their subordinates by implementing the three-stage process (rapport, assessment, and application). In that context, counseling is seen as a better management tool than imposed decisions, because it directly involves the conflicting parties in seeking understanding of their problems.

Negotiation is the most pervasive and diverse approach to dispute resolution. Negotiation of disputes need not follow an established framework, although some have systematically studied the process (Williams, 1983). It is often pursued through the use of designated representatives such as attorneys. Most writers equate negotiation with bargaining—that is, the exchange of one thing for another (Bellow and Moulton, 1981).

Williams (1983) has observed that negotiations between legal representatives predictably follow the four-stage pattern set forth in Table 1. Above all, negotiation involves the formulation of opposing positions, and fulfilling one negotiator's position necessarily defeats fulfillment of the other's. Negotiating to achieve one position at the expense of another is a function of perceived power, bargaining tactics, and a crisis orientation. Viewing negotiation as a competitive, adversarial zero-sum game, which requires considerable game playing and manipulative skills, has been the hallmark of professional texts (Illich, 1973) as well as popular "Me Decade" books telling how to get what you want by bullying your way through any conflict in life.

More recently, both popular and professional books on negotiation have emphasized the cooperative model that seeks mutual gain through constructive settlement of disputes. These books echo Deutsch's win/win analysis. The most helpful and concise of the new works on win/win negotiating flows from the experience of the Harvard Negotiation Project. Roger Fisher and William Ury, in their national bestseller, *Getting to Yes* (1983), urge negotiators not to bargain over positions. The method they offer for successful negotiation provides a four-part approach based on these simple statements:

- Separate the people from the problem.
- Focus on interests, not positions.
- Invent options for mutual gain.
- Insist on objective criteria.

Stating these four maxims is, of course, easier than implementing them in a dispute. One role of a mediator is to help the parties avoid positional bargaining and guide negotiations toward a resolution of mutual gain for which power alone is not the criterion. In the next chapter we shall have more to say about the use of win/win negotiation methods as a phase of the mediation process.

Problem solving is a process that can be used alone or with other conflict resolution methods. The McMaster model of family functioning (Epstein, Bishop, and Baldwin, 1982) explains how families can engage in group problem solving to keep functioning. The McMaster model defines two categories of problems and formulates a sequence for solving them. This sequence is not limited to family functioning; it applies to all problem-solving situations. *Instrumental* problems are related to "mechanical" issues involving provision of necessary materials such as food, money, time, and the like. *Affective* problems deal with feelings. Effective problem solving is seen as a sequence of seven steps that can be applied to both categories of problems (Epstein, Bishop, and Baldwin, 1982, pp. 119-22):

1. Identifying the problem.
2. Communicating with appropriate people about the problem.
3. Developing a set of alternative solutions.
4. Deciding on one of the alternatives.
5. Carrying out the action.
6. Monitoring to ensure that the action is carried out.
7. Evaluating the effectiveness of the problem-solving process.

This model is similar to the mediation process, but it can be used by individuals or groups to solve problems without outside facilitators or helpers. Not every person or group is able to use the problem-solving process outlined above, however.

Mediation incorporates many of the same stages, but it has the advantage of being facilitated by a neutral third party who is not a member of the group and thus can direct the entire process.

Hayes (1981) has further analyzed the problem-solving process and found that it contains four general methods: (1) trial and error methods, (2) proximity methods, (3) fractionalization methods, and (4) knowledge-based methods. *Trial and error* methods can be either blind or systematic, but both approaches are unsatisfactory for some problems. *Proximity* methods are based on the question, ''What step can I take that will bring me closer to the goal?'' Hayes describes two proximity methods, *hill-climbing* and *means-end* analysis, both of which lend themselves to computer programs or subroutines for problem solving.

Fractionalization methods involve subgoals to guide the problem solver around detours. This tactic can often be used by mediators to facilitate problem solving with their participants. The idea is to take a complex situation, such as an environmental dispute or a divorce, and break it down into subgoals that lead the participants closer to the overall goal. Thus if a couple's overall goal is to part amicably and fairly, each issue of child custody, visitation, division of property, and financial planning can be related to the ''fair and friendly'' criterion. If the overall goal is to preserve the splendor of an area such as the Columbia River Gorge, decisions about each issue—fishing rights, tourism, housing developments and zoning, recreational use, navigational rights— should all be tied to the original criterion: preservation of a unique scenic area. *Knowledge-based* methods of problem solving have been further classified into four areas: learning, searching for related problems, pattern matching, and search algorithms (routine procedures leading to correct solutions—long division, for example).

The final process discussed here, *mediation,* is approached in this book as a seven-stage conflict resolution process:

1. Introduction—creating trust and structure.
2. Fact finding and isolation of issues.
3. Creation of options and alternatives.
4. Negotiation and decision making.
5. Clarification and writing a plan.
6. Legal review and processing.
7. Implementation, review, and revision.

Our seven-stage model is intended as a ''megaprocess'' that can form the basis of mediation in all situations. Each stage is composed of separate tasks, but not all stages will be completed in every case. Other authors portray a similar mediation process but divide the stages differently or use different labels. In the next chapter we illustrate our seven-stage process and suggest specific techniques and roles for the mediator. Other conflict resolution processes—such as avoidance, legislation, marketplace supply and demand, boycotts, violence, coercion, dictatorial fiat, civil disobedience, and peace-winning or peace-keeping strategies—are tangential and important but beyond the scope of this book.

COMPARING THE ALTERNATIVES

It will be helpful here to compare the seven-stage mediation process we have outlined with the counseling/therapy process and the process of adjudication. . . . Mediation does not have the same goal as counseling and therapy. The primary goal of mediation is to create a set of agreements that will guide future actions and consequences between the participants. Its other goal is to reduce the negative effects of the conflict by improving communication and enhancing negotiation skills. The goal of counseling and therapy is to change certain behavior or perceptions. While some counseling approaches may involve ''behavioral contracting,'' it is usually not a written contract and certainly is not legally binding upon the client, as a signed agreement or mediated plan may be.

Sheila Kessler (1979) has suggested that counselors are becoming mediators, yet many counselors are unaware of the mediation process and how it differs from counseling. Many counselors and therapists do not work with interpersonal problems but see their role as dealing only with the ''cause'' of the problems: the underlying intrapersonal conflicts. Although the majority of counselors do not work with clients simultaneously, whereas mediation requires at least two participants, counselors can use mediation as the second of their three-step process if they are trained in mediation techniques.

The basic assumption of counseling could be stated as follows: *If* the counselor and client have developed a sufficient relationship of trust, and *if* the counselor has accurately assessed the real problem, and *if* the client's problems match the style of the counselor, and *if* the counselor applies the intervention correctly, the client's problems can be resolved. These assumptions put the responsibility for success or failure primarily on the counselor; in the mediation process, by way of contrast, success or failure rests primarily with the participants.

Mediation furthers the policy of minimum state intervention in interpersonal conflicts. The argument for minimum state intervention is founded not only on economic considerations but also on the value placed on personal autonomy. If litigation or other adversarial proceedings can be avoided, the savings to the public and the parties can be considerable. Mediation is most often conducted in private so that private matters may be freely discussed without concern that the discussion is part of a public record, as in adjudication. Mediation is also usually speedier than adjudication. The principal advantage of mediation compared to adjudication is not economy or speed, however. The primary benefit is self-determination.

Disputants should be presumed to have the capacity, authority, and responsibility to determine consensually what is best for themselves through the process of mediation. People are encouraged in mediation to assess and meet their own needs and resolve their conflicts responsibly without professional paternalism or state interference.

One of the most noble functions of law is to serve as a model of what is expected. Adjudicatory procedures, instead of providing models, are too often used coercively to supplant self-determination with no evidence that the disputants have been encouraged and helped to resolve their differences. The law should be premised on the expectation that people will not abdicate to a lawyer or a judge the responsibility of deciding what is fair. Using mediation to facilitate conflict resolution and encourage self-determination thus strengthens democratic values and enhances the dignity of those in conflict.