Staying with Conflicts: Working with Enduring Disputes
Bernard Mayer, Werner Institute at Creighton University

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Bernard Mayer: Thank you very much, and hello to everybody. I always like during these teleconferences to try to place myself contextually—physically, really. I'm talking to you all from my Canadian home, on the north shore of Lake Erie (I also have a home in Colorado). And it's a beautiful, hot, sunny day here, and listening in my room with me are my two dogs, a golden retriever and a springer spaniel. That's where I am, and because of the fact that I'm in Canada I couldn't call in directly: I had to call Zeke's number and he had to do a three-way call into this. I hope that doesn't provide any technical difficulties, but please let us know if the sound quality is not working.

Let me say one thing about how I want to use the PowerPoint, since it's not [automatically] on the screen in front of you and you'll be looking at it. I will try to remember to say "Next" when I've moved on to a new slide, but ask me if I've forgotten to do that.

I'm going to start on number five ["Think About:"]. You can look at the first four when and if you want, but I want to start with slide number five. Which is an example, I think, of a situation that we often see, and that we might in fact be asked to do something about, depending on our role in our organization. This in fact was a real situation I worked at in a federal agency. It was presented as if we really needed to come up with—and we did need to come up with—an understanding about how to deal with a particular desire to put in a new computer system. But it was very clear in working on this particular situation that this was one instance in what was a long and ongoing and difficult structural conflict between people. The purchasing manager was always trying to control costs and make sure procedures were followed, and the IT manager (and other people as well) basically were wanting to get past what they considered to be the bureaucratic obstacles that were always being put in their face by what they saw as an overly rigid and perhaps officious purchasing manager.

Now, I have seen variations on this kind of conflict in many, many different organizations. And the interesting thing that I think faces those of us who work primarily as mediators is that we are given a short window into a conflict, and we are asked to usually work on a very particular part of it. But usually it becomes very readily apparent to us that there is a much larger, longer-term problem involved. And the challenge we face is, to what extent do we take on just the immediate situation, or to what extent do we really need to take on the longer-term problem? And taking on a longer-term problem means confronting a problem that isn't going to be solved, that is simply not

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amenable to resolution, but that people are going to have to live with for quite a while. And that's the kind of situation that I address in this book, and that I want to talk about today.

Next slide. These are just some other examples of the kinds of problem that might fall into this category, where we may be working on a very specific part of it, but what we're looking at is a longer-term issue that can't readily be addressed. You can't even sometimes imagine what an agreement about some of these would be. I think of dysfunctional business partners, faculty departments—my brother recently retired after 40 years as a faculty member at the University of Colorado, and it seems like some of the disputes he described when he first got there were still going on after he left. And you can look down some of these other ones as well, for other examples of what many of us experience. I'm going to talk about global warming in a moment, just as an example, because I think it is so present—it will be an issue that will be present for the rest of our lives and our children's lives—and yet we are often asked to think about it as, "what specific agreement can we come to now about it?" And I think in some ways that's an interesting metaphor for what we face every day in our work.

Three Models of Conflict

Next slide. In this slide, I think that there are three kinds of models of conflict that are very prevalent out there in our field. One model is the resolution model, which basically says, if you see a conflict, do something about it, get a resolution. Let's sit people down, understand what their interests are, and brainstorm different ways of meeting those interests, and arrive at a resolution.

A second broad model of conflict that I think we can operate under is a transformation model, which says that conflict is an opportunity for people to have a transformational experience, and that this will happen if we look for opportunities at empowerment and recognition. And that what we have to watch out for is getting so focused on getting an immediate outcome that we trample the ability of people to have the potential for growth and change that the conflict intervention provides.

And the third model, which is more where I'm coming from, is what I would call an engagement model. My view is that our job in conflict situations, as I often say to students, is to help people have the conversation they need to have. To help them engage with what's really important to them, and to talk about what's really important to them. If resolution is part of it, that's great. If change is part of it, that's great too. But it's important that we go forward into our work without assuming that anything other than an important engagement with each other is what we're looking for.

Now, each of these models has integrity and each of them has their strengths and weaknesses. But what I think we need to remember is that *how* we understand our role when we move into a mediation or a conflict situation, almost no matter what the

conflict is, very much guides what will happen and how we will behave, what we will do. And no matter what role we choose to play, we had better be sure we're clear about what we think we're there for.

[Zeke Reich, NCP Coordinator, pauses the conversation to change the audio set-up.]

Bernie: So, I propose the engagement model because it strikes me that, at least for me and for many people I have worked with, it gives me a better handle on what we're really there for. It allows us to move into an interaction, into a mediation, and say, look, I'm not going to walk into this room with any presumptions about what it's about, other than, "we need to have a conversation here." And that conversation can be very resolution, short-term focused, but it might not be. And at the very least, I need to be aware, when I'm sitting in a room with people, what are the different elements of a conflict that could be on the table?

Aspects of Conflict

[Next slide.] So that's what I guess I'd ask you to look at next, the slide that's labeled "the aspects of conflict" and which I've also sometimes called the "faces" of conflict. And this is a sense I have, that almost all conflicts we deal with have multiple faces. And that we often make the most important decisions about how we're going to intervene in a conflict without ever realizing we're doing it, by assuming which element of the conflict we need to deal with. And a lot times people will give us immediately, "I want this fixed," so we right away go for that. But I think what we often have to do is explore a little bit more, where does the problem really lie for people, and what ought we to be working on?

And by talking about these aspects of conflict, I'm not saying that any given conflict is one or the other. I'm saying that most conflicts have multiple—if not, almost always, *all*—of these faces. So let me go through these, and I'm actually going to switch the order of two that I'm presenting from how they are on the slide.

One is the "latent" conflict, that element of a conflict that hasn't yet manifested itself. When you're dealing with people, you can often see that there is a potential for conflict down the road. If you are mediating a dispute about vacation time, or about job assignments, or about a promotion, you might be able to fix that immediate thing. But here you are sitting as a mediator, you're knowing that something's going to come up in the future that's going to raise this whole issue again. And the question you have to ask yourself is, "If they're not presenting it, do I ask it? Do I prepare people for it? When ought I to say, 'How is this going to play out under certain circumstances?'" And I think that's sometimes one of the most difficult questions we face. Because you don't want to make unnecessary conflict, you don't want to break apart an agreement you've just

reached. But on the other hand, if you know something's coming down the road, and you don't talk about it, you could be actually setting people up for failure later. You could have achieved a very elegant agreement that's not going to last, that's going to break down.

The second one, which is called "trivial" here but maybe that's pejorative—maybe I should just call it "low-impact"—is those elements of a conflict that seem to be not very impactful, that seem to be minor in a way, but yet people are still often very gripped by. I did a mediation in a municipal agency a while back of a team of people that had multiple [issues]—the relationships didn't seem very good, there had been multiple grievances in the past. So I was asked to work with them, and when I sat down with them, it seemed like the presenting conflict was how they said "Good morning" to each other. One of them would say, "Well, I come to say 'Good morning' and you never respond," and the other person said, "Well, that's because when I answer you, you just go off into your office and close the door and we never hear from you for the rest of the day!" And I was sitting there thinking, "All right, am I going to spend my time with these people teaching them how to say 'Good morning' to each other?" And in my own mind the answer was "no," but sometimes maybe the answer is "yes" to questions like that, maybe that's all we can do with people.

To give another example in a different context for something like that, I think that's sometimes like disputes that divorced parents have over where the kids are going to be on holidays, or how they're going to spend their holiday time. In and of itself, that's not the critical issue in their parenting differences, but it still can feel really important to people.

And the question we often have to ask, and I think you probably face this as mediators almost all the time, is "How much do we go beyond what the trivial issue is, what the low-impact issue is, or how much do we just stay there?" And that is because almost always, low-impact issues are also *representative* issues. That almost every issue that people have in conflict represents every other issue someone has in conflict. And so there is an endless set of connections we can make. And we can always ask, well, what did those people saying "Good morning" to each other—what does that represent in terms of respect? In terms of empowerment, in terms of dignity, in terms of participation, in terms of whatever. And so that's another aspect of conflict.

The next face of conflict is what I had called the "transient" phase. And by that I mean, that element of conflict that you can actually think about what a resolution would look like. That could end with a proper outcome. You can settle a grievance about overtime, or about job assignment, or about re-location. You can settle a disagreement about who will have custody of kids, or what will be the division of assets in a business dissolution. You can imagine a collective bargaining agreement that ends a labor conflict. Those are transient because they are amenable to a resolution.

In a way, the "stubborn" conflict, which I have on here, is also a transient conflict, it's just a very, very difficult one. The thing I think of from my own past is negotiating a dispute over whether to build a dam or not. That is something that is very, very difficult to understand, to do, but in and of itself, is done. In some divorces I experience what I would call very, very stubborn, long-lasting differences. On the other hand, you can come up with an agreement that might end some of it. We will eventually have an agreement about what to do about the national debt, right now. But it is not an easy issue, it is a very difficult, stubborn issue.

And then the final element of conflict, and the one that I'm going to spend the rest our time here focusing on, is what I call the "enduring" element. And that is the element of conflict that you can't even imagine what an agreement would be that would settle it. The underlying difference, for example, about the role of government that this current national debt debate is having. That's been going on, in some form or another, since the beginning of our history. There isn't an agreement that's going to settle that. The underlying issue that we face about our approach on major policy issues, like climate change or energy: there is not going to be one agreement that's going to end it.

And I think we often get trapped, as we think about conflict, by thinking that if we only come up with this grand agreement, we're going to fix the Middle East, we're going to fix health care, we're going fix this fundamental problem in organizational structure, we're going to end a problem in a very negative atmosphere in a workplace, by simply coming up with an agreement. To the extent that the problems we face aren't amenable, at least over the short run, to that kind of agreement, then we're dealing with an enduring conflict.

And I think the problem we face as mediators, and the mistake we often make, is that we approach our work as if all that is needed is a good agreement. We may only have the opportunity in two hours, or whatever amount of time you have, to work on an agreement—to work on the transient or even the stubborn face of the conflict. But we need to at least understand, or we're doing a disservice to people, that it is embedded in a larger issue that isn't going to go away. Because if we don't do that, we can actually set people up for more problems later, we can avoid taking some steps that will help them deal with conflicts as time goes on in the future, and also we can appear very naïve, as if, "Gee, if we just get people to sit and talk together, everything in life will be better."

Characteristics of Enduring Conflict

So why are there enduring conflicts? What are the characteristics? Next slide. Fundamentally the reasons conflict endures are deeply rooted in who we are, in the structure of our organizations, in our histories, and in our deepest beliefs. So they tend to be identity-based, in some respects. We don't get over enduring conflicts, because

they're about fundamentally who we are. They're based on our values, they're based in the structure, say, between labor and management in our organization, and they tend to be systemic and complex.

So let's go to the next slide. I'd like to talk about some "dilemmas of enduring conflict" that I think we face. And this could be anything from global warming to warring managers. This is not an abstract problem. It's a problem that, I think, mediators face often when they sit down and deal with conflict. One is that there is no comprehensive solution that will solve the problem, but nonetheless the problem must be addressed. Even though we can't solve the whole problem, it doesn't mean we can ignore it either and just throw up our hands. We have to try to do something.

Another dilemma is that I think struggle is *necessary* about these issues. We need people to conflict about big differences because in the process of having a conflict the different elements, the different fundamental issues, are put on the table—and that's how you move forward. It's not as if one side or the other has all the right answers and can just ignore the other. On big issues, on important issues, colleagues, workers, managers, parents, and community members need to conflict with each another. And so I think we need to encourage a productive struggle but at the same time we need to come up with cooperation. I think we're seeing this acted out nationally right now in our debate about the national debt.

Another dilemma is that big decisions must be made in conditions of profound uncertainty. One of those things, I think, we often face is that we have to come up with resolutions with immediate steps forward, with next steps, knowing that we don't really know what the impact of it will be. There is no guarantee of what a particular economic policy will accomplish or what a particular approach to management will accomplish. We have to make decisions and we cannot wait for all the data that will tell us exactly what the right answer is to come in. That is a mistake. One of my kids is a meteorologist and he always says, if you wait for all the data to be in to tell you exactly the nature of the change our climate is experiencing, it will be too late. You have to act without knowing for sure what the impact of our actions will be.

So we need to learn to live with this ambiguity but to find the energy that derives from clarity. We want clarity, it makes us feel more certain and more powerful about how we move forward, but basically people need to learn to live with ambiguity. So I'd like to pause to see if there are any questions. Because what I want to go to next is: What do you do to help people deal with the enduring elements, to stay with conflict?

But maybe first I can see if there are any questions or comments people have.

Zeke: [Gives directions as to how to unmute telephone. No questions or comments made.]

Bernie: Well I'll punch forward then. If somebody wants to ask a question, I'm happy to be interrupted.

Six Steps to Staying With Conflict

[Next slide.] So that was the larger conceptual framework – dealing with people in a short term context, but a lot of what we're dealing with is part of an ongoing conflict that no matter what we do will continue. We don't always have the access to being able to help deal with that, but we have it much more often than we realize. We have it by asking the right questions, by making the right observations, by suggesting to people, "let's figure out what we can do now, are there ongoing issues that we need to address or at least think about?"

And if we accept that the part of our job is to at least consider the possibility that the people we are dealing with will be, no matter what we do, engaged in a longer term conflict then what do we need to do? What are the different ways in which we can help people? I suggest that there are six. I'm on the slide now that says "six steps to staying with conflict."

The first thing is help people focus on the issue of, "do they want to engage with the longer term issues or do they want to avoid them?" I find that that is a question that is very often useful to put straight out to people. "There are longer term issues here." I often find it helpful, in fact, to say to people who are really stuck in what seems like a really negative ongoing basis of interaction, to say something like, "You know, you folks really don't seem to get along very well, you really don't seem to like each other very much and you don't agree with each other on very much." It's almost that by naming that elephant, things calm down. Then the question is, "Are there deeper issues or longer term issues that you are going to be struggling with over time that aren't going to go away no matter what we say here that you think we ought to be talking about? Or, is it best to just accept that that's what it is and you have to move forward?" In other words, should you avoid the issue or engage the issue?

I think there is a danger for those of us who work in the conflict resolution field to almost gravitate towards avoidance. For whatever reason, maybe it's our personalities, maybe it's how we're trained, maybe it's what has attracted us into it. There are a lot of us who would rather avoid an issue if we can get an agreement and move on and get that notch in our belt that says "I got another success here," rather than say, "Hey, there's a bigger issue here." And I don't think we have to do much more than identify it and ask people where they want to go with it. But that's the first thing, we have to help them figure out if they want to avoid the longer term issue or engage it. And interestingly enough, by raising that, we've helped them in a way engage in a more constructive way even if they decide to avoid it. Because, when people say, "No, I don't think there's

much we can do about it, it's just here to stay," it is a recognition of a reality that often helps people, I think.

The second thing I think we can do that is part of our tools of the trade is that we can frame the immediate issue so that the longer term element is also present. For example, to go back to that IT manager that I talked about earlier and the purchasing manager, if we say, "You're having a particular difference here about what to do about this new system and how quickly you need it. This seems like an immediate issue that you need to talk about, but it's probably embedded in the fact that, a lot of times, one of you feels you need to move quicker and the other one of you feels you need to move slower. This is an issue that I'm sure you've experienced in the past and I'm sure you'll experience in the future. We need to understand that, and think about both what we need to do immediately here and whether you need to take on the longer term issue."

Those are the practical statements that many of us are used to making, but I also think there is a way in which we tend to want to just jump to what we can immediately agree on; we don't take the time to put it into a longer term context, and we do a disservice to people often when we do that.

The third fundamental step is communication. I think we often focus with people on how they can communicate in the present. We help them listen to each other, we frame things, we help find statements that express the conflict in mutual terms as a mutual problem to be mutually solved, we help people use "I"-messages, we help people reflect back what they've heard the other say. Those are all very good things to do, but they're very in the "here and now." The other thing we need to do is help people look at patterns of communication, systems of communication, multiple, durable systems of communication, so that over time there is not just one approach. When you have people who are going to be engaged in long term conflict, they need several different ways of communicating. They need multiple systems; they need systems that back each other up. So, that's a third thing I think we can do for people.

A fourth is that we have to address this whole power issue with a longer term focus. People use their power in a way, often, that is disempowering in the long term. In other words, what people do is they act as if their immediate ability to win on a particular issue, at a particular moment—to get their way—is the whole ball game. In fact, there are a lot of studies about this: if you're going to be locked into a long term interactional process with someone else, you'd better learn to use your power in a way that encourages other people to use their power in a good way. If all of our focus is on the immediate impact of what we do, which we often find with people in conflict, then we haven't helped them with the long term pattern of power interaction.

Part of this, inevitably, comes to: how do we help people understand how to escalate conflict when they need to? We are so often focused on how we help people *deescalate* conflict that we don't necessarily think through the fact that in a long term interactional pattern, people sometimes need to learn to escalate it. And what actually

brings people to mediation, often, is the fact that people have avoided an issue, avoided an issue, avoided an issue, and suddenly they escalated it and when they've done it they've escalated it ineffectively and inappropriately. I think we see this in our own interpersonal interactions all the time. Sometimes we see this with spouses. We avoid, we avoid, we avoid and then suddenly, boom, we explode. I think the challenge is to help people use their power more strategically. Escalate when they have to, but when they escalate, not to do it disproportionately to the situation. I think that is one thing that mediators and other conflict interveners can help people with.

A fifth thing here is to find agreement. It's not like working with people in ongoing conflict means that agreements aren't important, but to keep them in perspective. When we're mediating a particular agreement with folks we're not saying "this is the end." This agreement is about helping you take the next step in your relationship. It may be a platform for conflicting in the future more constructively, so we need to do that.

And the final thing of the six steps, the fundamental approaches we have to take, is we have to help people develop systems of sustainability. Now I am sure that you deal with people sometimes who are going to be stuck in a situation that is really hard for them for quite a while. Now maybe in a mediation you can't, specifically, do much about it. You can almost always ask what kind of support systems, who can you go to, where else is it that you can get help on an ongoing basis if these escalate again?

As a collective structure we have to think about how we help people develop support systems as well. So, to give a very different kind of example, when we look at what ultimately helped people get through the struggle in Northern Ireland, it was partly that some specific issues were dealt with, it was partly because that circumstances have changed to the standing conflict. But over many years different conflict interveners, different conflict professionals, helped find ways of sustaining those folks who were going to have to negotiate over and over and over again. They found all sorts of ways. They brought them outside of Northern Ireland, there were retreat centers, there were conferences, and there were people who assisted them. And for many years the issue was, how do we sustain folks, those people who are capable maybe of pushing a conflict and not acting alone. I've often wondered myself, I've done a lot of work internationally, what is the best thing American conflict conveners can do to help, say in a situation like the Middle East for example? I don't think it's coming up with agreements, I don't think it's facilitating lots of discussions, but I do think it's finding out, "Who are those natural negotiators there and how can we sustain them and how can we support them and how can we be helpful to them?"

Changing Our Narrative

So, if you look at the next slide, fundamentally what I'm saying is that we want to change a narrative of what we're doing from prevention, management and resolution to

anticipation. How can we anticipate conflict, how can we support people through it, how can we help them engage and have a conversation they need to have? [Next slide.] Or another way of asking it is: there's maybe a different question we need to ask ourselves, which is not "what we can do to resolve or deescalate this conflict," but "how can we help prepare people to engage with this issue over time?"

Bernie: Yes, now I'm going to go down a couple slides here.

Zeke: Bernie, can I just jump in to ask one question that was just sent in by email? [Reads:] "I would like to hear more about helping each side of a conflict be willing to move away from their entrenched feelings."

Bernie: Well. See, here's the problem. I think if people have entrenched feelings, they are entrenched. We're not just simply going to be able to help people ventilate and get past them. So often the way we can help people who have very strong and very entrenched feelings move forward is to honor those feelings, to suggest to people, "You know, you're in a situation where you're very upset and very angry with each other and I'm not asking you to give that up, you can't. You may want to tell us more about how you feel right now, but the real challenge for you is that, given that this is how angry you are with each other and yet you still have to interact, how do you do it? How do we help you do it and what happens when those feelings get stirred up all over again?"

In a way, what I find is most useful with people is to ask them to stay with those feelings rather than to try to shove them down. They're there. We need to honor them, we need to accept them. That's the ballgame we have. The ballgame we're playing. People are interacting who have a lot of strong feelings. I think it works far better to honor that and to encourage them to experience those feelings, but to pose that in terms of the challenge of "how you are going to interact with each other over time given that you have those feelings."

That's an example of what I'm talking about when I talk about how you take the immediate issue but frame it in the long term. So, to use the example of the slide that says "Framing for the Long Term" [slide 16]. If you look at the next slide [slide 17] it says—this is something someone told me about how they handle disputes in organizations—"Instead of telling managers that we have to work out an agreement to end their disputes, I tell them their job is to fight. If they are not struggling with each other, they are not advocating in support of their mission. But they have to figure out how to do this as colleagues not combatants." So, there's a message here that says – go ahead, struggle, go ahead, have feelings, but remember that you're in the same organization.

Enduring Communication

Now take a look at the next slide [slide 18]. It is a cartoon of two people and these are real people. Maybe some of you recognize them. They're famous. When I tell you who they are you'll all have heard of them. They were colleagues in an artistic enterprise that went on for thirty, forty years - a long time. They were extremely successful. There were facilities built for their enterprises. Many people's jobs depended on it. Their output was considered brilliant. But for 30 of those 40 years, or 25 of those 30 years, they did not get along. They often couldn't speak to each other, their approach to their work was very different, their temperaments were very different. At times they tried to work with others but they were never as successful. But they hung in there. What allowed them to hang in there was partly that the money was a good reward, they made a lot of money by working together, there was a lot of public support for them hanging in. But they also had mediators periodically over time, they also had to take time out sometimes, they also had to acknowledge that they had real differences that they weren't going to get over and they also had to be supported. There was lots and lots of support given to them. If nobody recognizes who those two are that's Arthur Sullivan and William Gilbert, Gilbert and Sullivan. The movie *Topsy Turvy* was about some of this stuff, if any of you saw it. I often think that kind of provides us a sense of what it would be like to help people stay in communication over time.

The next slide, I think, points out what some of that is. It requires perseverance; it requires maintaining communication in some form, even when direct communication is ineffective. That's something we have to help people with sometimes. It requires using multiple channels of communication. It requires encouraging people to speak their truth and it requires attending to what we call the communication loop. Which is, not only do people speak, but they receive feedback and they adjust to the feedback they're receiving—and that is often what is broken in a conflict situation.

Next slide. Sometimes it's using third parties or coaches or advocates. Sometimes it's taking time out. It's helping people realize a conciliatory gesture when they see one and responding to it. If you're really upset over time with someone, everything they do is seen through a negative lens. Sometimes the help we have to give people is to help them just to see that maybe part of what somebody was saying was an effort to cool things down or to reach out and it's important to respond to such gestures. I've found, in many circumstances, when I intervene in conflict, I need to acknowledge the negative in what people hear in what someone else has said and help them see the conciliatory part and help them affirm each other. Over time it means you can't take on every battle and sometimes we have to help people choose their battles.

I do want to leave a few minutes here at the end. I want to go to the end [slide 25], which is sort of back to the beginning again. I think the purposes that we can have when we enter a room – it can be to resolve a conflict, it can be to transform people, it

can be to manage a conflict, it can be to prevent a conflict, it can be to heal from a conflict, it can help people engage in collaborative decision making or….

I invite you to look at some iconic conflicts of our times. [Next slide.] This is Jo Frazier and Muhammad Ali. The next slide [slide 27] I hope everybody recognizes - we're not going to see a resolution of this conflict or the conflict it represents. [Next slide.] This is another iconic conflict in a family setting, Lucy and Desi. [Next slide.]

I don't know if anybody has ever watched "The Office" but this is an episode in conflict resolution which, I think, plays out a lot of interesting dynamics and ways *not* to do things. [Next slide.] Since I was dealing with a group that works with Veterans, I think this is another conflict that maybe we should talk about.

[Next slide.] I believe our goal in the end is to think about "how do we help people engage over time?" I think whatever we do in an individual session, the best way we can help an organization be more effective, be more productive, be more humane over time is if we recognize that there are going to be conflicts and that people have a right to have those conflicts and that they can exercise and engage in them over time. And we can help them with not just the immediate "giving them a fish," so to speak, but with helping them find ways and mechanisms to stay with the issues that divide people— knowing that they're not going to go away. So I think I'm going to stop now, because I know we're almost out of time, and again ask if there are any questions or comments or thoughts. I also encourage people to email me directly if you want, at berniemayer@creighton.edu.

Zeke: How about I kick us off while people are formulating their questions? If I'm interested in "supporting" a person in conflict—let's say I'm an ADR Program Manager and there's a longstanding employee dispute, and I want to go in there, as you say, to support that employee—how do I do that without compromising my responsibility for neutrality within the organization?

Bernie: Well, one way of supporting the employee is to recognize that this is a big issue that's not simply going to go away. And that they've been struggling with it for a long time, and it's important to them, and they probably will continue to struggle with it over time. And that there may be some immediate things that can be done along the way to help, there may be some immediate issues to resolve, but knowing that it's probably not going to just suddenly go away. Ask to help them think through for themselves, what are the support systems they have, what's going to help them stay centered and engaged over time with an issue that's not going to go away. You're not taking their side, you're just recognizing their reality. And that's not losing your neutral role at all, I don't think.

Zeke: Thanks.

Caller # 1: This is Deborah Outing, from the Bedford VA. Professor Mayer, I have a question for you. I had a mediation in which the employee became very confrontational with the management official. But what I'm hearing you say is—was that a case of constructive escalation, and what would have been the best way to handle that?

Bernie: Thank you for your question. I don't know whether it was constructive, it might have been destructive. But the fact that it became confrontational probably represented the fact that he *needed* to take the conflict to a higher level. And what I sometimes find is helpful, when people become confrontational or escalate, either in front of other people or sometimes by pulling them aside, is I say, "I think you felt your needs were not getting heard or were not getting addressed enough. I think you felt you had to take this up one step. And that's fine. If you needed to do that, if you needed to make the stronger point, then let me help you do it. Let me help you do it in a way that they're going to hear it. Because the way you may be doing it right now isn't necessarily going to be a way that people hear it. But your point, of needing to take this to a higher level because you don't think it's being addressed, makes a lot of sense."

I'm not saying those exact words or that exact approach would work, but I think, if you think to yourself, when people escalate they're doing it for a reason—and it usually has something to do with, they're not feeling heard, and they're not feeling that their issues are addressed, and it's frustrating. And so, rather than say, "Hey, cool it!" we say, "All right, my point is not to tell them to cool themselves out, but how do I help them escalate this more responsibly and constructively?" So if you understand that you can escalate constructively and responsibly, then the question isn't "How do you stop the escalation?", but "How do you help it go forward, but in a way that isn't going to turn everybody else off or cause this person to shoot themselves in the foot in the process?"

Ms. Outing: Thank you.

Zeke: Maybe time for one more question. I think this is a comment. [Reads:] "When I start in a mediation, I instruct the participant to frame their statement as about how it impacts *them*."

Bernie: That's great, that's the "I-message" approach: that it helps to say "this is the impact it has on me." And all that I would add to that (from the purpose of today, anyhow) is, it's helpful to help people frame it as "how it impacts them" but without asking them to say, "So let's just fix this immediate thing." How somebody is impacted is not necessarily a short-term issue, that's in a way what I'm trying to say here.

Let me just say one last thing. I'm trying to present a conceptual framework, but the challenge is a very practical one, which we all face. Which is that we know we're dealing with issues that will go on no matter what we do. And so the challenge is, what

can we do in the framework, and the time, and the structure of interaction we have with people, that will help people as best as possible carry on with a longer-term issue more constructively than they have. And on that note, I want to thank you all for letting me participate with you. I wish it could have been in person, maybe someday we will meet in person.

Zeke: Well, Bernie, thank you so much on behalf of all of us. [Gives final logistical notes, including information about contacting Bernie (slide 2) and about the list of Bernie's recent books (slide 32).] Bernie, we are so appreciative of this, we just wish that we could stay for several more hours and get some of the "enduring" lessons that you're teaching us. Participants, again, thank you all. [Gives final logistical info about call registration.]

Bernie: Thank you all, take care.