

Unpacking, Mapping and Evaluating Conflicts: Analytical Tools For Resolving Complex Disputes and Enhancing Your Practice.

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All conflicts have some level of difficulty and complexity. There are, however, certain factors that make certain disputes more difficult to resolve than others. A critical complicating factor of many difficult disputes is multiple stakeholders and the corresponding need to assess the differing positions and interests of the many parties, which may include both individual and organizational interests. Other factors include complicated data, differing values, and high emotion. Examples include transactional, regulatory and community disputes and also disputes within high conflict families, end of life decisions, and succession within a closely held company. When several, or all, of these complicating factors are present, tools outside the "standard" mediator toolbox are required.

This program will discuss some of the "diagnostic" and other analytical tools that can be particularly useful for working through such disputes as you talk with and listen to the disputants describe their situation. These tools can also be used in contexts and processes that go beyond what is typical of the standard mediation practice, and so can be used to help you think about how to expand that practice. For example, Sarah has added conflict coaching, "conflict audits", and training aimed at improving team dynamics to her practice, and also helps to plan and facilitate community dialogues. As another example, a community mediation organization where Conna is a board member and chair of the Programming Committee regularly began receiving requests from potential clients for early help in dealing with intractable disputes or tension in housing cooperatives, on nonprofit boards and other group settings. No court cases were filed. The organization partnered with the Public Conversations Project of Watertown, MA to help its mediators translate their skills into the craft of "facilitation," with an emphasis on creating the platform for a productive and structured "dialogue".

We will discuss some of the dialogue-focused facilitation models and issues involved in creating a facilitation practice during the course of our presentation. Understanding the differences between dialogue based approaches to conflict as opposed to other approaches is in and of itself a diagnostic tool for understanding the conflict and guiding the parties.

Regardless of the context in which these diagnostic tools are used, the core mediator skills of asking the right questions and active listening are critical to success.

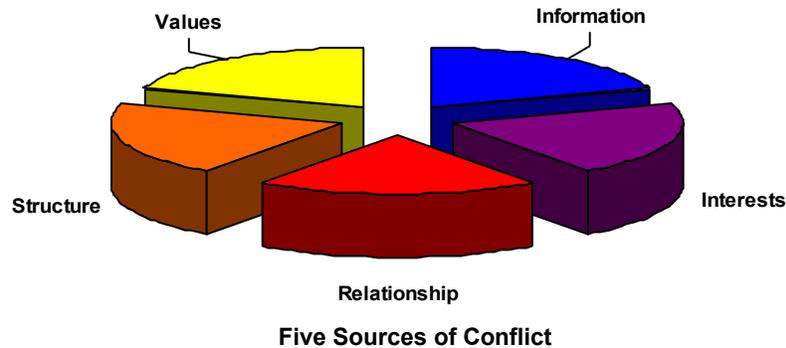
Our extensive – albeit not exhaustive! – bibliography provides resources for further exploration of many of these and other, related or special topics, such as ombuds.

1. Unpacking and Mapping The Conflict

In this section we will discuss several tools that can help you unpack, map, and evaluate a complex conflict. We start with looking at two basic tools – the sources and levels of conflict - that can help you to identify, "unpack" and track key factors in a conflict. We will then look at levels of resolution, identification of "assets", and some tools that help both build and measure trust levels among the parties.

Sources of Conflict. There are many ways to analyze the sources of conflict for purposes of diagnosis, Five core sources of disputes are widely recognized within the field of conflict resolution: these are

differences in Values, Information, Interests, or in understanding of Relationships, and flaws in Structure (or systems).¹



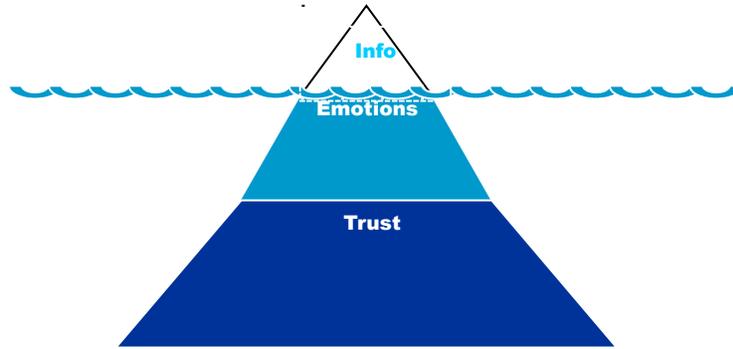
The more of these elements that are in conflict in any given dispute, the more difficult that dispute is to resolve. For example, if you happen to be in a dispute that is rooted in the rules or processes of a given situation, for example, it will not be solved by providing more data or information. The failure to think about these structural issues could mean all your efforts to build consensus within that system are doomed to fail. Conversely, if a dispute is rooted in one area, such as the presence of different interests, there may be strengths in another area such as strong relationships among the participants, upon which a foundation might be built for productive discussions. Thus, in analyzing each of the five areas (Values, Information, Interests, Relationships, and Structure), you are looking for both strengths and weaknesses.

To identify the information you need to begin to map these sources, start by creating a five column matrix with both "+" and "-" rows to use for note-taking as you are talking with the parties. As you review materials and listen, you can capture terms and arguments each party uses and group those by conflict source. Then analyze whether certain themes are repeated in how the issues are framed, and where the parties' arguments overlap or miss each other. Look for gaps in information as well as differing interests. Are the parties in defining interests looking at the same time periods or outcomes? Does the language used by each party suggest a clash of values, or an issue of structure? Note that arguments over justice and fairness often reveal structural issues of notice, procedure, or compliance. As you analyze these factors you can map them to the pie chart and analyze the intersections.
Deeper Dive: [Read, S. & Overfelt, D. \(2013\). *Aim higher, dig deeper*. Tucson: National Institute for Civil Discourse.](#)

Levels of Discussion. In helping others work through conflict, you can track their interactions at three levels of discussion: (i) how the parties view themselves and each other (trust/identity), (ii) what feelings are present (emotion), and (iii) what data and experiences each has had or viewed (information).² Issues that involve questions of trust or identity are the hardest to navigate, and simple informational differences are the easiest.

¹ See Moore, C, (2003). *The Mediation Process: Practical Strategies for Resolving Conflict*. (3rd Ed.) San Francisco: Jossey-Bass.

² Stone, D. et al. (1999). *Difficult conversations*: New York: Viking Penguin.

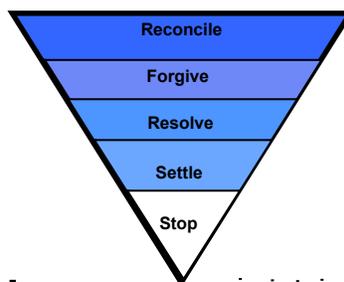


Three Levels of Discussion

If there are serious differences at the trust and emotion levels, those need to be addressed before, or in conjunction with, the introduction or sharing of information. When parties lack trust or when emotions run high, it is difficult, if not impossible, for them to accurately process information. If issues of trust or emotion are ignored, participants are likely to anchor more firmly in their original point of view. If participants cannot process new information, it is unlikely that they will resolve their dispute.

Also note the intensity of the conflict at each level. One measure of intensity is the inflammatory nature of the language used and the tendency to characterize (and dismiss) others as “enemies”, “fools” or simply as “evil”. “Intensity” can be measured by heat or cold. When cold, it is evidenced by “active disengagement” and entrenched cynicism although this type of intensity may not be as obvious as the “hot” kind. Efforts to engage on issues related to areas where conflicts are recurrent, deeply rooted, and intense are more likely to see flare-ups and back sliding. This means careful observation and planning is required to keep the parties on track. *Deeper Dive*: Robert J. Sternberg’s “taxonomy of hate” is particularly useful in analyzing the intensity of conflict, particularly in community or regulatory disputes.³ You can read more about the [taxonomy of hate](#) and how it can help you navigate conflict on Sarah’s blog, or in Sternberg’s book “The Psychology of Hate” which is included in our bibliography.

Levels of Resolution. Often the parties think an issue based conflict ends when the yelling stops or parties come to a settlement. But then the same parties begin fighting over a new issue when the most immediate one is settled and there is no real forward progress. The conflict becomes “intractable”. In fact, if you “stop” a dispute by declaring a winner and a loser, or “settle” the dispute by simply apportioning interests, the deeper roots of that dispute (differences of values, relationship or structure) can spread like crabgrass. When “information issues” multiply or similar issue conflicts occur over and over, that is a clue that the root causes of the conflict are not being adequately addressed. Here it is worth considering and thinking about the five levels of resolution.



Five Levels of Resolution

³ Sternberg, R. (Ed.).(2005). *The psychology of hate*. Washington, DC: American Psychological Association.

Stopping and settling arguments are the two lowest – and potentially superficial -- levels of resolution. Both may fail to resolve key concerns that may underlie the presenting issues, particularly concerns relating to values or identity. If past efforts at resolution failed you can explore how and why, and then ask what would happen and how would the parties benefit, if the parties aimed higher, seeking to resolve or reconcile underlying concerns. What would an ideal future look like? Are there new structures that could be put into place to ultimately free the parties from ongoing conflict or lead to reconciliation and a new, stronger, relationship? Party narratives of their conflict history, particularly what failed and why, are often very rich sources of data for mapping conflict sources, levels of discussion, and intensity triggers. This kind of analysis can provide the clues that will help you move *through* conflict and help the parties find new ways of working together. *Deeper Dive: Fred Luskin on Forgiveness*; Cloke, K., (2001). *Mediating dangerously*. San Francisco: Jossey-Bass.

Mapping Assets. Another tool for evaluating conflict and potential resolution is to look at "assets" each party or group might have that could help them move toward resolution. Looking at this set of factors is aligned with the "Appreciative Inquiry" approach to facilitation which focuses on the question of "what is going well and how can we get more of it."⁴

Key Assets that we have found useful to analyze in diagnosing conflict are:

- Information – both the quantity and quality of what is available, the ease of accessing it, and each party's acceptance of the various sources need to be assessed.
- Monetary and In-Kind Resources – this naturally affects what can be put toward a solution but also towards the resolution process chosen and the length of time the parties can pursue that process.
- Process Skills – this includes skills and experience in the areas of listening, articulation and critical thinking, as well as process planning.
- Networks and Relationships – strong networks and positive relationships can help move any problem-solving process forward. An absence of, or negative, relationship among key individuals or groups who need to be involved will slow or prevent progress.
- Vision – a shared vision for the future helps parties move forward. It's absence means you may need to take time to discuss hopes, fears, direction and goals. If you don't, differences in those areas will be indirectly debated as participants debate informational or interest based issues.
- Sense of Community- shared interests and values, or a shared history or sense of place can provide a starting point and compass for navigating to resolution.
- Past Experience – parties that have had successful past experience solving problems together are more willing to try again.
- Leadership – consistent, persistent, collaborative and accountable leaders are needed to help move through difficult issues, particularly in multi-party disputes.⁵

⁴ Hammond, S. A.(2013). *The thin book of appreciative inquiry* (3rd ed.). Bend, OR: Thin Book Publishing Co.

⁵ The kind of leadership needed would reflect the "resonant styles" identified in Daniel Goleman, Ricard Boyatzis, and Annie McKee. Goleman, et al (2013). *Primal leadership*. Boston: Harvard Business School

- Governance Systems – when both the formal and informal systems for information exchange, budgeting, decision-making, implementation, and evaluation are well integrated, navigation is much smoother than when these systems have different inputs and frequent disconnects.
- Focus on a greater good – parties who think systemically and are willing to work together to "build a better system" are an asset in any situation.⁶

Analyzing these assets can help you identify gaps and also areas that could be strengthened as you design your dispute resolution process and procedures. Careful matching of process to your parties' strengths and weaknesses is important because a mismatch between process and the existing blend of root causes and past experience is likely to both increase the intensity of the conflict and erode trust among the participants and within their organizations. Conversely, a process or mix of processes that is keyed to that blend can exponentially increase the chances of finding a successful resolution by rapidly increasing both skills and trust. *Deeper Dive*: Read, S. & Overfelt, D. (2013). [*The civic health diagnostic workbook*](#). Columbia, MO:AKA-Publishing.

Other Tools For Unpacking and Mapping. Here are a number of other tools to consider:

Speed of Trust. Another tool for unpacking and mapping that Sarah has used with both nonprofit boards and community groups is the "4 cores of trust" checklists and related concepts of "trust dividends" (related to behaviors that increase trust) or "trust taxes" (related to behaviors that decrease trust) in Stephen Covey's book [*The Speed of Trust*](#).⁷ These can be adapted to apply to many settings, and the concepts are ones that groups readily understand and are interested in discussing. Introducing these concepts by drawing a continuum of tax to dividend (with the definitions provided in the book), and asking participants to mark where they think the group is and why can spark some very interesting discussions.

What, How, Who, Why Grid. Another simple tool you can use to track dialogues is to sort comments and questions into a grid tracking "What" (what topics are coming up, what themes are appearing, what information is being used, what values are referenced, what tensions are present; what regulatory or other limitations exist, etc.); "Who" (who is present, who is missing, who is referenced, who would be affected, who can help, etc.); "How" (how would we accomplish that, what resources are available, how can they be accessed, and "Why?" (this category encompasses mission, and vision (why are we doing this?), ideal scenarios (why not dream big?), and creative thinking ("why not do this a different way?)). Grouping things this way during a discussion has the added benefit of helping the mediator or facilitator in real time identify, sort, and sequence questions in ways that promote effective group discussion. This is aligned with Herrmann International's "[Whole Brain Thinking](#)"[®] framework.

Ripple-Mapping. A complementary process that might be used either to engage the participants or by the facilitator in analyzing and reporting on people and organizations being engaged, ideas generated, and actions taken, would be to track those through [ripple mapping](#).

Ongoing Monitoring and Evaluation. As noted above, good diagnosis helps you identify the realities you must contend with, and tools that might be needed. Part of successful navigation through a dispute is, however, confirming or updating that diagnosis as you go along and making needed adjustments. For this reason it is important to plan from the outset for how both the process and

Publishing. See also the Public Agenda report on accountability: "[Don't Count Us Out](#)" available at www.publicagenda.org.

⁶ The component parts of civic participation have been studied for many years through indices such as the "Civic Health Index" published by the National Conference on Citizenship.

⁷ Covey, S. (2006). *The speed of trust*. New York: Simon & Schuster.

progress towards resolution will be monitored and evaluated. The diagnostic tools above align themselves well with monitoring and evaluation: For example, using the 5 sources of conflict chart you might monitor progress with such questions as: Are negotiations becoming easier (structure)? Are relationships eroding or strengthening? What interests are being advanced and how? Can common values be brought into play as issues are discussed, or tensions explored in ways that generate options that meet a range of values? Can new information sources be developed or found? Using your initial diagnosis to plan for ongoing monitoring and evaluation from the outset of a process has many benefits.

2. Using Diagnostic Tools to Expand Your Practice.

Because the above diagnostic tools allow for better planning as to how to approach a conflict, they can also be used in conjunction with your mediation skills and experience to expand your practice beyond basic mediation. Areas to consider are facilitation, coaching, consulting, and training.

One mistake lawyers and mediators frequently make is thinking of mediation as simply one part of the "legal system". This means that for many matters, mediation isn't thought of until a matter is in the courts, or at least close to being filed.⁸ Mediation, however, is both a dispute resolution service and a set of skills, that can offer much more than the settlement of claims. In many cases, the type of diagnosis and introduction of communication approaches aligned with mediation would be beneficial well before the parties' positions even solidify into "claims". Think of the parallels between the medical model and a broader continuum of "dispute resolution services". Mediation in this analogy would fit within the "treatment" phase. Yet the medical model ranges from preventative services (parallels in conflict resolution are training, coaching, audits, facilitation, early mediation, etc.), intervention and treatment services (parallels in the legal system range from low impact "treatments" like mediation or early neutral evaluation, to the "surgery" of litigation), and follow-up services (parallels are conflict audits, coaching, follow-up mediation, etc.). We have worked with organizations looking to incorporate conflict skills training and prevention into their orientation of new board members, amongst their nursing home residents, and for RA's in universities resident in student housing . Diagnosing the conflict as part of such skills training is critical to success.

Facilitation and Dialogue. Although there are many approaches to, and differing interpretations of, "[facilitation](#)," at its simplest, facilitation can be seen as a way to help improve how groups communicate, examine and solve problems, and make decisions, with the facilitator as a process leader who does not contribute to the substance of the discussion. The facilitation approaches that we believe hold the most promise for expanding your mediation practice are "dialogue based" and focused on creating a productive platform for discussion about difficult issues.

As an example, Conna works with a community mediation organization that is using resources from the Public Conversations Project (PCP), a well-known group of facilitators and trainers in Massachusetts, to train its mediators to become facilitators. The PCP's core course is called "The Power of Dialogue." The course focuses on careful preparation for and structuring of meetings/discussions among stakeholders facing difficult issues of value and identify clashes and other conflicts, with a focus on achieving mutual understanding, not necessarily a solution or agreement. The techniques were famously used in the structuring of a dialogue among those for and against abortion rights after the bombing of an abortion clinic in Brookline, MA, but can also be used in connection with conflict amongst stakeholders in businesses to help resolve long-standing conflict. The meetings, or "dialogues," are based upon significant preparatory talks with the conveners and participants (where the diagnostic tools discussed above, particularly mapping the conflict can be very helpful for the facilitators) and careful structuring of questions designed to invite reflection and inquiry.

⁸ Bean, J. (2009). "Lawyers & mediators: mediation isn't mediation". *Mediate.com*. <http://tinyurl.com/y8c4p43>.

A PCP style dialogue is:

- A conversation that is animated by a search for mutual understanding,
- Distinct from problem-solving, though it often supports problem solving,
- In contrast to debate, participants are typically asked to set aside the urge to persuade.

PCP's approach to dialogue is meant to support:

- Speaking in ways that are respectful, connected to personal experiences and heartfelt concerns, responsive to fresh questions and non-reactive, prefaced with time to reflect,
- Listening to understand, not rebut,
- Inquiring with genuine questions,
- Reflection on other's perspectives and one's own.

PCP's Key Practices in connection with Its Facilitation Meetings include:

- Pre-meeting contacts that (a) give participants an opportunity to be heard by at least one person which will be in the room (one of the facilitators, typically), b) clarify for the facilitators and for them what a compelling shared purpose for the meeting would be, c) guide the facilitators as they work to design and maintain a context that will discourage what's been unconstructive, support what has been satisfying in the past and recognize and support what emerges that is fresh and promising.
- Collaborative Setting of Communication Agreements (ground rules),
- The structuring of opening questions that invite reflection and fresh self-presentation,
- Other meeting structures that support reflection, speaking and listening,
- Guided Listening for curiosity, not rebuttal, and
- Inviting Inquiry.

Through such conversations, PCP has found that people develop empathy and trust, enhance skills for connecting across divides, build or repair community and open new possibilities for problem solving. The PCP's "listen to understand" approach is aligned with those of other dialogue based processes such as "[World Cafes](#)" or [Study Circles](#). You can find an extensive library of dialogue based resources on the website of the [National Coalition of Dialogue and Deliberation](#).

As the above illustrates, although mediation skills are quite transferable to many types of facilitation, the differences in the standard processes can be stark. Facilitation is much less focused on finding a "solution" to a specified issue or problem, and more focused on helping the parties think through what needs to be discussed and next steps, and capturing and reporting on the information and ideas that are offered during the dialogue. Once the dialogue has begun, there really is very little place for private caucusing – the decided emphasis is on getting the disputants to talk to each other in a respectful way that achieves mutual understanding. There certainly is not room for any type of evaluation or "mediator's proposal" from the facilitator.

Scenarios. During our session we will discuss how the tools discussed above can be used to promote resolution in a mediation or a negotiation, and to offer services in the areas of conflict prevention, conflict coaching, and facilitation of regulatory or community stakeholder disputes, referring specifically to the following scenarios:

Corporate: A corporation with a strongly collaborative and customer centric culture has been in off and on litigation for many years with a single source vendor that has a very hierarchal culture driven by regulatory and financial metrics. Intervention and mediation leads to a new, more productive and less costly system for addressing conflicts.

NonProfit: A church finds itself unable to work through multiple conflicts within the congregation and with a new pastor who has a vision for change. Diagnosis and facilitation allows the congregation to move forward.

Stakeholder Discussion: Traditional "presentations + controlled discussion" produce little progress and so a new facilitation approach is used. In a three hour period new relationships and insights emerge.

High Conflict Family: A family in the midst of divorce, using the above tools analyzes its communication patterns and builds a new system for communicating and in particular supporting its teens.

Healthcare: A hospital has conflicts among its physicians and nurses relating to end of life issues.

3. Bibliography

This bibliography includes those books that the presenters have found particularly helpful in expanding their own practices. There are 5 categories – General; Resources for Coaching, Consulting and Training (includes general facilitation); resources for facilitating Community Dialogue and Deliberation; resources for working with NonProfits; and Special Fields. On-line resources that are identified in the text of the materials above are not repeated here.

General

Cloke, K., (2001). *Mediating dangerously*. San Francisco: Jossey-Bass.

Cooley, J. (2005). *Creative problem solver's handbook for negotiators and mediators (Vol. 1.)*. Chicago: ABA Section of Dispute Resolution.

Cooley, J. (2005). *Creative problem solver's handbook for negotiators and mediators (Vol. 2.)*. Chicago: ABA Section of Dispute Resolution.

Fisher, R. & Shapiro, D. (2005). *Beyond reason*. New York: Viking Penguin.

Friedman, G. & Himmelstein, J. (2008). *Challenging conflict mediation through understanding*. Chicago: ABA Publishing.

Paul, R. & Elder, L. (2009). *Critical thinking concepts and tools*. Tomales, CA: Foundation for Critical Thinking.

Ury, W. (2007). *The power of a positive no*. New York: Bantam Dell.

Coaching, Consulting, Training, and General Meeting Facilitation

Bacal, R. (2002). *The complete idiot's guide to consulting*. Madison: CWL Publishing Enterprises.

Connor, T. (1998). *Soft sell* (3rd ed.). Naperville: Sourcebooks, Inc.

Cooperrider, D., & Whitney, D. (2005). *Appreciative Inquiry*. San Francisco: Berrett-Koehler Publishers, Inc.*

Doyle, M., & Straus, D. (1982). *How to make meetings work*. New York. Berkely.*

Hammond, S. A.(2013). *The thin book of appreciative inquiry* (3rd ed.). Bend, OR: Thin Book Publishing Co.

The *DK Essential Managers Series* has several titles that are readymade to use with coaching or training clients. These include:

Heller, R. (1998). *Communicate clearly*. New York: DK Publishing, Inc.

Heller, R. (1999). *Dealing with people*. New York: DK Publishing, Inc.

Hindle, T. (1998). *Making presentations*. New York: DK Publishing, Inc.

Hindle, T. (1998). *Managing meetings*. New York: DK Publishing, Inc.*

Herrmann, N. (1996). *The whole brain business book*. New York: McGraw-Hill.*

Herzig, M. and Chasin, L. Fostering dialogue across divides. Watertown, MA: The Public Conversations Project 2006. (Available along with many other useful resources at www.publicconversations.org.)

Holliday, M. (2001). *Coaching, mentoring & managing*. Franklin Lakes: The Career Press, Inc.

Kantor, D. R. (2012). *Reading the room: group dynamics for coaches and leaders*. San Francisco: Wiley.

Leibling, M. & Prior, R. (2003). *Coaching made easy*. Sterling, VA: Kogan Page Ltd.

Maister, D. et al. (2000). *The trusted advisor*. New York: Simon & Schuster.*

Scott, S. (2002). *Fierce conversations*. New York: Viking Penguin.

Schwartz, Roger (2002). *The skilled facilitator*. San Francisco: Jossey Bass

Stains, R. (2012). Reflection for connection: deepening dialogue through reflective processes. In *Conflict Resolution Quarterly* (Vol. 30, pp. 33-51). Hoboken: Wiley Periodicals, Inc.

Stone, D. et al. (1999). *Difficult conversations*. New York: Viking Penguin.*

Westerfield, J. (2002). *I have to give a presentation, now what?'* New York: Silver Lining Books.

Facilitating Community Dialogue and Deliberation

Brown, J. (2005). *The world café*. San Francisco: Berrett-Koehler Publishers, Inc.

Corry, G. (2012). Political dialogue workshops: deepening the peace process in Northern Ireland. In *Conflict Resolution Quarterly* (Vol. 30, pp. 53-80). Hoboken: Wiley Periodicals, Inc.

- Covey, S. (2006). *The speed of trust*. New York: Simon & Schuster.
- Holman, P. et al. (2007). *The change handbook*. San Francisco: Berrett-Koehler Publishers, Inc.
- Mathews, D. (2014). *The ecology of democracy*. Dayton: Kettering Foundation Press.
- Podziba S. (2012). *Civic fusion*. Chicago: ABA Section of Dispute Resolution.
- Roam, D. (2009). *The back of the napkin* (2nd ed.). London: Penguin Books Ltd.
- Sternberg, R. (Ed.). (2005). *The psychology of hate*. Washington, DC: American Psychological Assn.
- Yankelovich, D. (1999). *The magic of dialogue*. New York: Simon & Schuster.

Working With Nonprofits

See also books marked with a "" under Coaching, Consulting and Training above*

- Collins, J. (2005). *Good to great and the social sectors*. Boulder: Jim Collins.
- Laughlin, F.L., & Andringa, R. C. (2007). *Good governance for nonprofits*. New York: American Management Assn.
- Lukas, C. (1998). *Consulting with nonprofits a practitioner's guide*. St. Paul: Amherst H. Wilder Foundation
- Susskind, L. E., & Cruickshank, J. L. (2006). *Breaking Robert's rules*. Oxford: Oxford University Press.

Other Special Fields

- Fadiman, A. (1997). *The spirit catches you and you fall down*. New York: Farrar, Straus & Giroux. (Excellent book to help you think through opportunities for facilitating health conversations)
- Howard, C. (2010). *The organizational ombudsman*. Chicago: ABA Section of Dispute Resolution.
- Mason, P. T., & Kreger, R. (1998). *Stop walking on eggshells*. Oakland: New Harbinger Publications, Inc. (Useful for working with high conflict families and individuals).
- Myers, V. (2013). *What if I say the wrong thing?* Chicago: ABA Publishing. (Diversity Training/Intercultural dialogue)
- Tingley, S. (2006). *How to handle difficult parents*. Fort Collins: Cottonwood Press. (School mediation/trainings)
- Willoughby, B. (2005). *Speak Up! responding to everyday bigotry*. Montgomery: Southern Poverty Law Center. (Diversity Training/Intercultural dialogue)