

Lecture 9: Strategies of Conflict Resolution

- Part I: People within Institutions
- Part II: Strategies: Principled Negotiation
- Part III: Cases and Examples

Part I: Choices within Institutions

- Institutions of social control provide general **social structures** for people to reduce conflict and resolve disputes.
- Of course, the system is imperfect, and violations do occur (e.g., sociopaths and “opportunists” do not follow rules).
- In addition, rules provide only abstract and symbolic ways to resolve disputes. How people actually recognize their conflicts and emerging disputes, and **HOW** they strategize to resolve these will involve idiosyncratic factors (e.g., personalities) .

Strategies of Conflict Resolution

- The main purpose of this lecture is to look at the different type of strategies one can use within their institutions of social control to resolve their disputes.
- We will see that rules may provide some guidelines, but often it will be peoples personalities and interpersonal skills than enable them to successfully reach good outcomes concerning disputes and the underlying conflicts.

Important Goal

- Although challenging, we will want to use cases of different social systems and conflicts to consider how institutional rules shape choices in how people deal with their disputes.
- In this lecture, I will talk very little about how different rules influence strategies and choices involved in dispute resolution. But these concepts DO work together in reality.
- **We we look at some cross-cultural case studies at the end to link these ideas.**

Conflict vs. Disputes

- Disputes are short-term disagreements that are relatively easy to resolve. Long-term, deep-rooted problems that involve seemingly non-negotiable issues and are resistant to resolution are *conflicts*.
- One way to think about the difference between them is that short-term disputes may exist within a larger, longer conflict.
- **The nature of conflict is highly dependent on the type of relationship between the parties.**

Examples of Relationship Types

- **Cooperative:** Fellow Citizen, Colleague, Associate, Friend, Partner, Spouse
- **Conflict:** Competitor (not violent), Rival, Combatant, Enemy
- **Domination-Subordination:** Ruler-Subject, Patron-Client, Master-Slave
- **Other Asymmetric:** Parent-Child, Teacher-Student, Older-Younger
- **Larger Groupings:** Social Networks, Religious Communities, Political Entities

Emerging Disputes

- Conflict within relationships usually leads to disputes.
- Examples:
 - 1.) Jealousy in relationships can be dormant until one party becomes is seen talking to another man or women (then a possible dispute).
 - 2.) Two countries with mutual distrust due to religious differences and past violence may be “at peace” for decades or centuries until something changes (e.g., water becomes scarce, a state collapses).

Five-Fold Choice

(In Dispute Sequences)

- **Break:** Walk away from the relationship.
- **Yield:** Continue relationship, with no resolution of dispute; may change expectations about future behavior.
- **Negotiate:** Discuss the issue and try to come to a commonly acceptable resolution and adjustment of future expectations.
- **Delegate:** Select a third party to help resolve this dispute (mediation, arbitration, adjudication, or some other mechanism).
- **Coerce:** Use violence to impose one's interpretation upon the other party.

Break

- Walking away from a relationship may sometimes be the best option.
- However, sometimes it may be much more profitable for all parties if the conflict can be resolved.

Yield

- People often choose to avoid conflict by simply waiting around to see if conditions improve.
- If the situation does not improve, it does little good to wait. Leaving conflicts unresolved often leads to bitterness and feelings of betrayal that are very hard to fix later on.

Negotiate

- **Negotiation:** Is the interaction that occurs when two or more parties attempt to agree on a mutually acceptable outcome in a situation where their preferences for outcomes are negatively related

Negotiation and Second-Party Control

- Concerning institutions of social control, negotiation mainly involves second-party control mechanisms in which the conflicting parties attempt to resolve their own conflicts.
- **Contracts** between individuals will emerge to prevent conflict and disputes, but when these are violated or do not exist, individuals must negotiate an outcome.

Delegate

- As discussed in Lecture 8, there are a variety of third-parties that are sometimes available to aid in the negotiation process.
- Many of these are being integrated into state institutions of social control.

Delegate: Mediation

- Mediation: an extension or elaboration of the negotiation process that involves the intervention of an acceptable third-party who has limited or no authoritative decision-making power.

Delegate: Arbitration and Adjudication

- Like mediation, neutral third-parties get involved in dispute resolution.
- **Arbitration:** A process in which a disagreement between two or more parties is resolved by impartial individuals, called arbitrators, in order to avoid costly and lengthy litigation.
- **Adjudication:** State authorities have the *authority* to *mandate* a resolution to the dispute (e.g., one party will give the other party money).

Coercion and Violence

- Simply stated, violence is scary. People do not want to be harmed, and can be intimidated by threats of aggression.
- Of course, as we will see with Gandhi, many forms of violence are emotional and symbolic, but just as coercive as physical violence.

The Power of Violence

- Violence provides an extreme way to yield power, especially if one of the parties has less of an ability to use violence themselves or defend oneself.
- Consider a peaceful shopkeeper, who is intimidated by a thug known in the community to have killed people who did not give him extortion money.

Violence is a Costly Signal

- People that advertise their willingness to engage in violence **signal** to others that they can do things that others cannot (e.g, protect or defend resources)
- Some people, however, might want to pretend that they can be violent, and use such manipulation in their favor. But violence is difficult to fake; you either are tough, a killer, or you are not.
- Example: Mafias and other organized crime groups sell protection to businesses. Most people take them seriously (and not the imposters) since it is difficult to FAKE your ability to kill.

Part II: Strategies: Principled Negotiation

- The **soft negotiator** wants to avoid personal conflict and so makes concessions readily in order to reach an agreement.
- The **hard negotiator** sees conflict as a contest of wills in which the side that takes the more extreme position and holds out longer will fare better.
- Principled negotiation falls in between “soft” and “hard” negotiation styles.

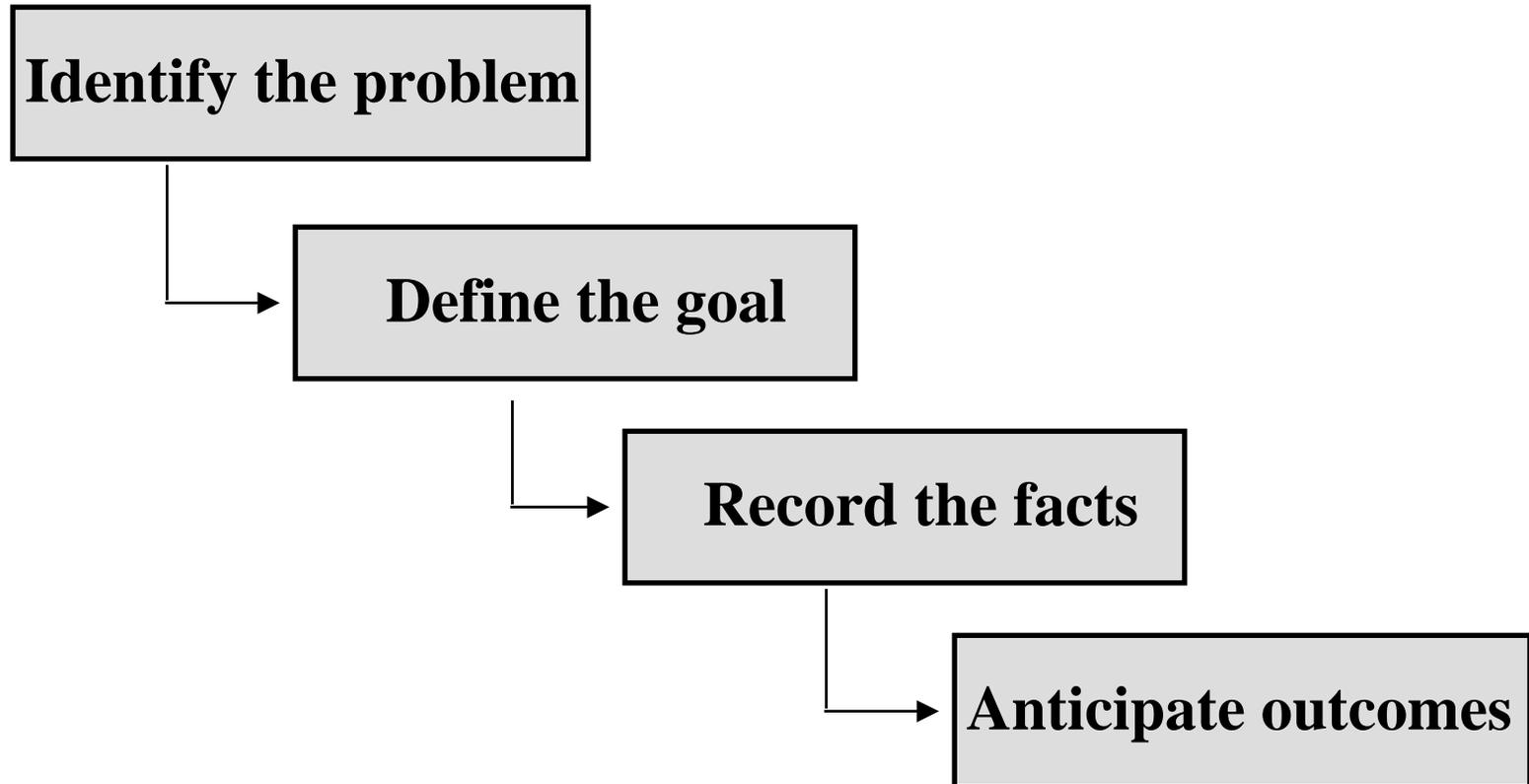
Negotiation is ...

- **An interpersonal skill.** It is the practice of discussions between two or more human beings who bring to the table their own particular experiences, preferences, and priorities.
- **A goal.** To achieve sustainable **win/win** results for both parties.
- **Understanding.** The realization that the benefits of developing synergistic results by establishing long-term focused relationships and trustful communications increases the possibility of realistically achieving win/win outcomes.

Negotiation is ...

- **A strategy.**
 - In *what* manner will you treat the other party?
 - *How* are you going to influence the other party to consider your key points?
 - *When* will you discuss the salient interest and objectives of both parties?
 - *Why* should the parties reach a final agreement?

Steps in a negotiation



Identify the Problem: What are the Interests?

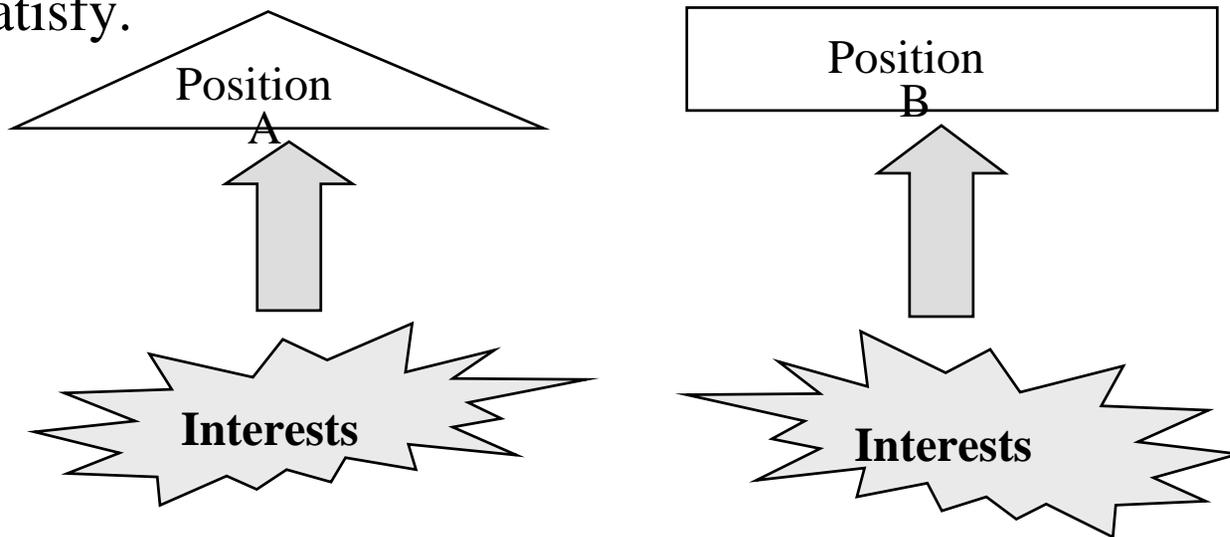
- **Interests (needs) play an important part in how and why people communicate**
- **Interests have a significant impact on the negotiation process**

Negotiation: The resolution of conflicting interests

In a negotiation or conflict each side takes a position,

AND

underlying each position is a set of personal interests which each party is trying to satisfy.



The basic problem in negotiation and conflict resolution lies not in conflicting positions, but in the conflict between interests!

Interests:

The heart of the issue.

Interests are the silent movers that cause us to take the positions we do.



- **Personal or Professional Desires:** The wants, wishes, and hopes of an individual (e.g., the desire to fulfill a professional goal.)
- **Psychological Needs:** The sources of emotional and psychological satisfaction that are intrinsically rewarding to an individual (e.g., the need to feel important.)
- **Concerns or Fears:** Those things which are unacceptable to an individual because of the perceived negative consequences (e.g., “I may be left out of the decision process.” or “I may lose money.”)



How To Focus On Interests

1 Understand their interests.

A position is likely to be concrete and explicit but the interests underlying it may well be unexpressed and intangible. But remember: **Figuring out their interests will be at least as important as figuring out yours!**

- Listen for them.
- Ask question which elicit them, e.g., “What is it about doing X concerns you?”
- Use role reversal.
- Do research and use your networks.

Never Challenge the other person's position without first asking questions.

2 Acknowledge their interests.

Each of us tend to be so concerned with our own interests that we pay little attention to the interests of others. There is real payoff in the expressed acknowledgement of the other side's interests for the following reasons:

- It legitimizes their interests (even if you don't agree with them).
- People listen better if they feel their interests are legitimized and understood.
- People tend to attribute positive qualities upon those who they feel understand them.
- People tend to listen to those whom they feel listen to them.

2 Make your interests come alive.

It is your job to have the other party understand exactly how important and legitimate your interests are. To do this:

- Be specific and give concrete examples which demonstrate the importance of your interest to you.
- Keep the focus off your position. Give your interests and reasoning first and your position later.
 - 1 Describe the background of the situation and provide a context for understanding.
 - 2 Show how your interests stem from that context.
 - 3 State how your position relates to your interests.

Your Strategy!

- Insist on accomplishing your interests, not achieving a pre-set position.
- Focus on the negotiation problem, not the person or people you are negotiating with.
- Use objective criteria to evaluate different options and to set negotiable targets.

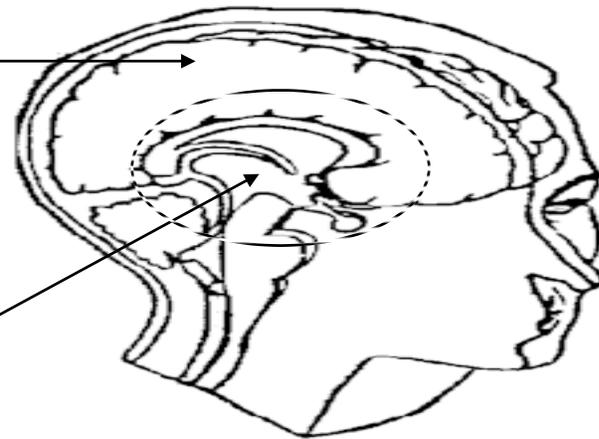
Empathy

During the mapping stage of the negotiation use empathy to think about participants' needs, concerns, goals and possible behavior

We often need to control our impulses and think about the interests of others, and the possible outcomes in the future.

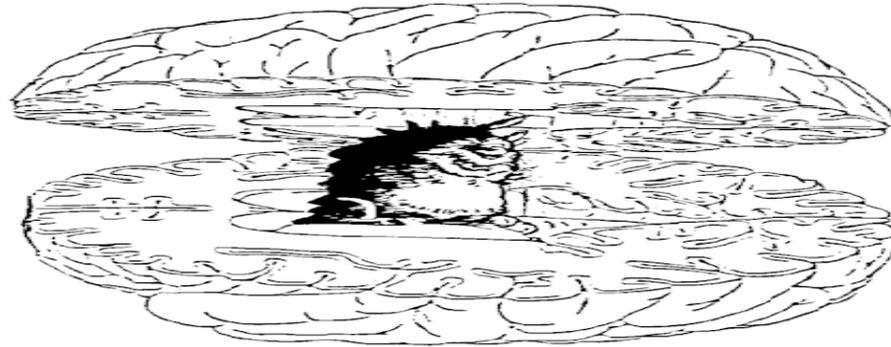
Our “Two” Brains

Our cortex is the seat of rational thinking and logic. It is the *Great Analyzer* made up of overarching cerebral hemispheres. It is the newer part of our brain from an evolutionary perspective.



Our reptilian brain - *the Dinosaur Brain* - is the older, “less evolved” part of our brain. It is made up of the hypothalamus and the limbic system. It is the seat of “instincts” and emotions.

Dinosaur Brain Characteristics



- It reacts impulsively and operates on instinct; visceral cues signal its emergence.
- It is focused only on the here-and-now, with no regard for future consequences.
- It wants immediate gratification of needs.
- It sees the world in terms of potential threats.
- It is Territorial.
- It is extremely sensitive to Dominance issues.

When our Dinosaur Brain Takes Control of our Neo-Cortex Brain . . .



- **We Mind-read!**

- We make negative assumptions about the motivations of others.
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- **We Personalize!**

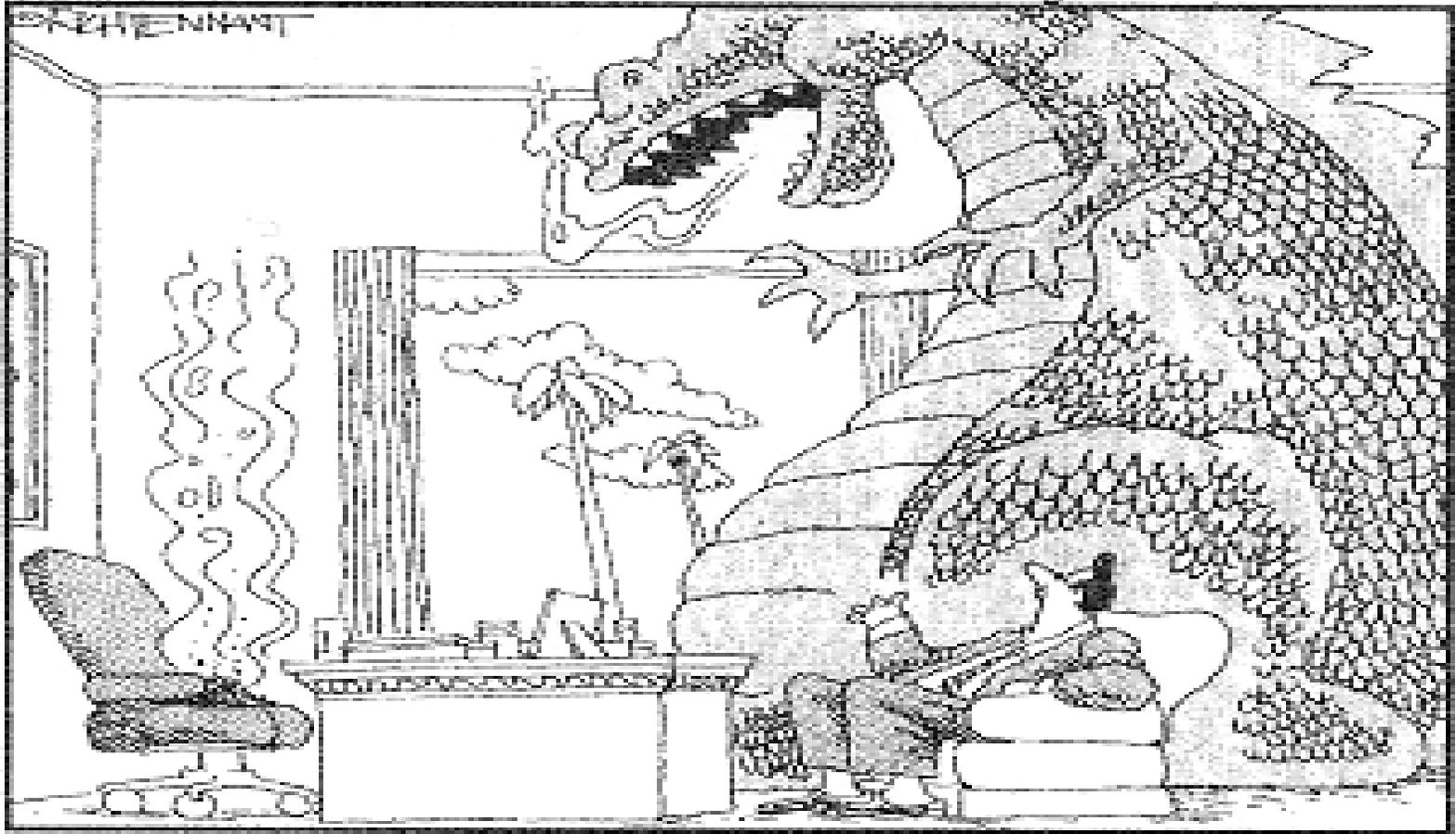
- We relate everything around us to ourselves and our self-worth when there is no objective reason to do so.
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- **We Magnify!**

- We take a grain of truth or isolated fact and generalize it into a global judgment.
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The 5th Wave

By Rich Tennant



Well that's just great? We're this close to resolving the issue and you let your dinosaur brain take over!

Anticipate possible outcomes

**Consider and evaluate a wide
range of likely outcomes before
the negotiation starts**

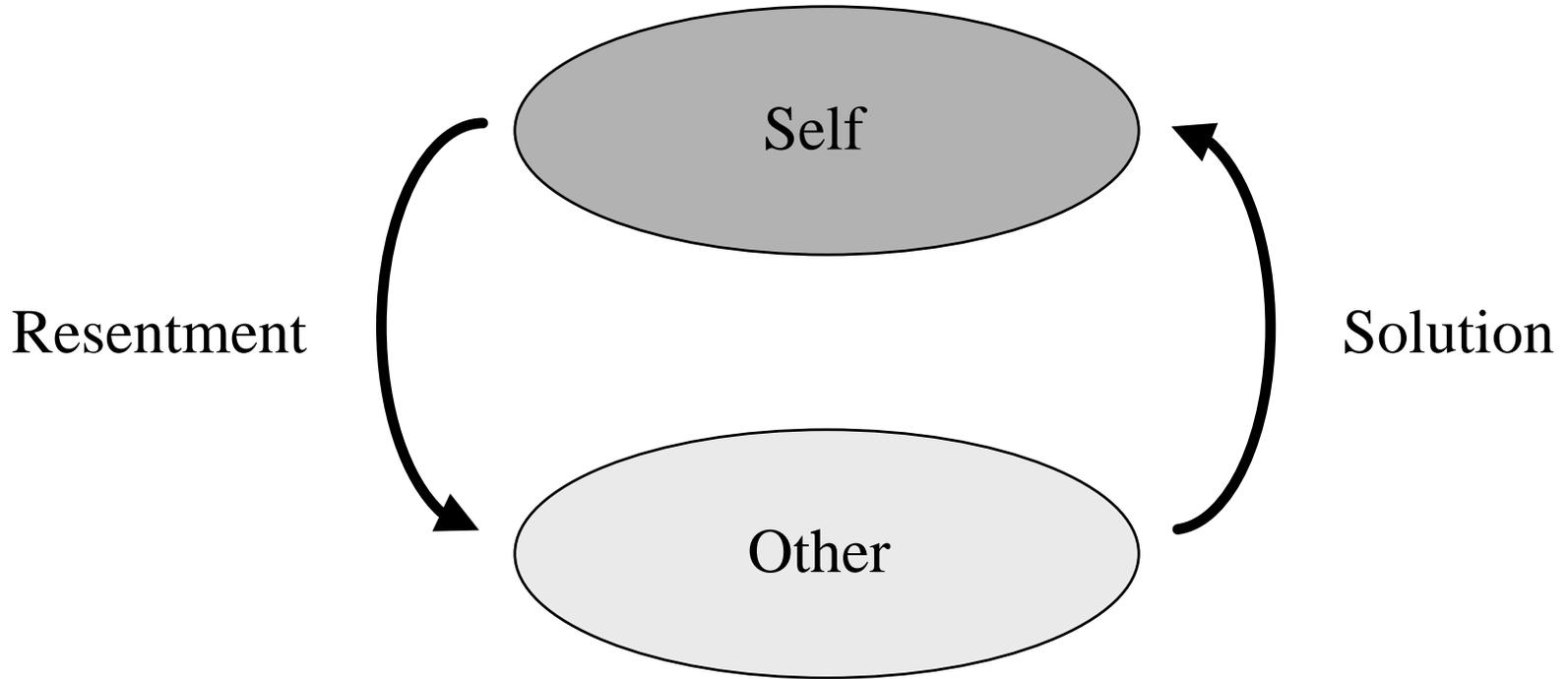
Determine the negotiation outcome

Determine the goal in terms of what you want to achieve and what you think others want

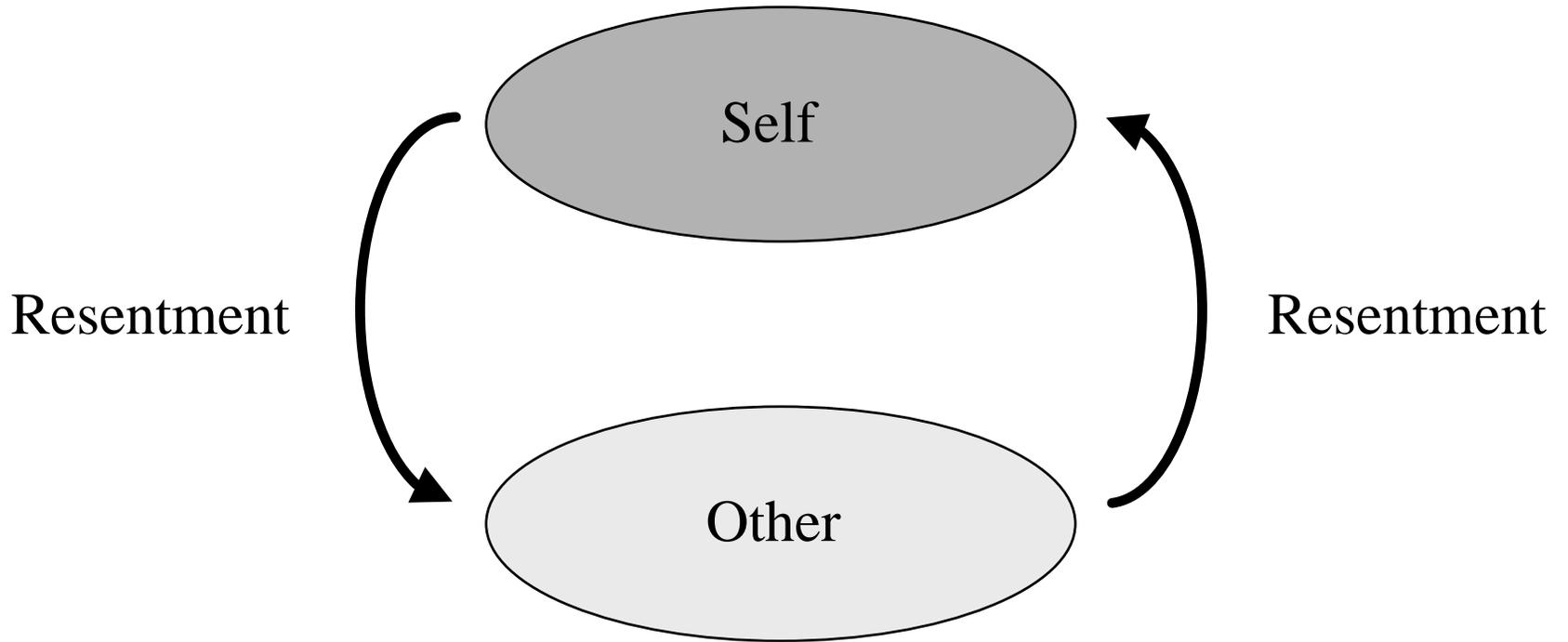
Determine the negotiation outcome

- **Win/lose**
- **Lose/lose**
- **Win/win**

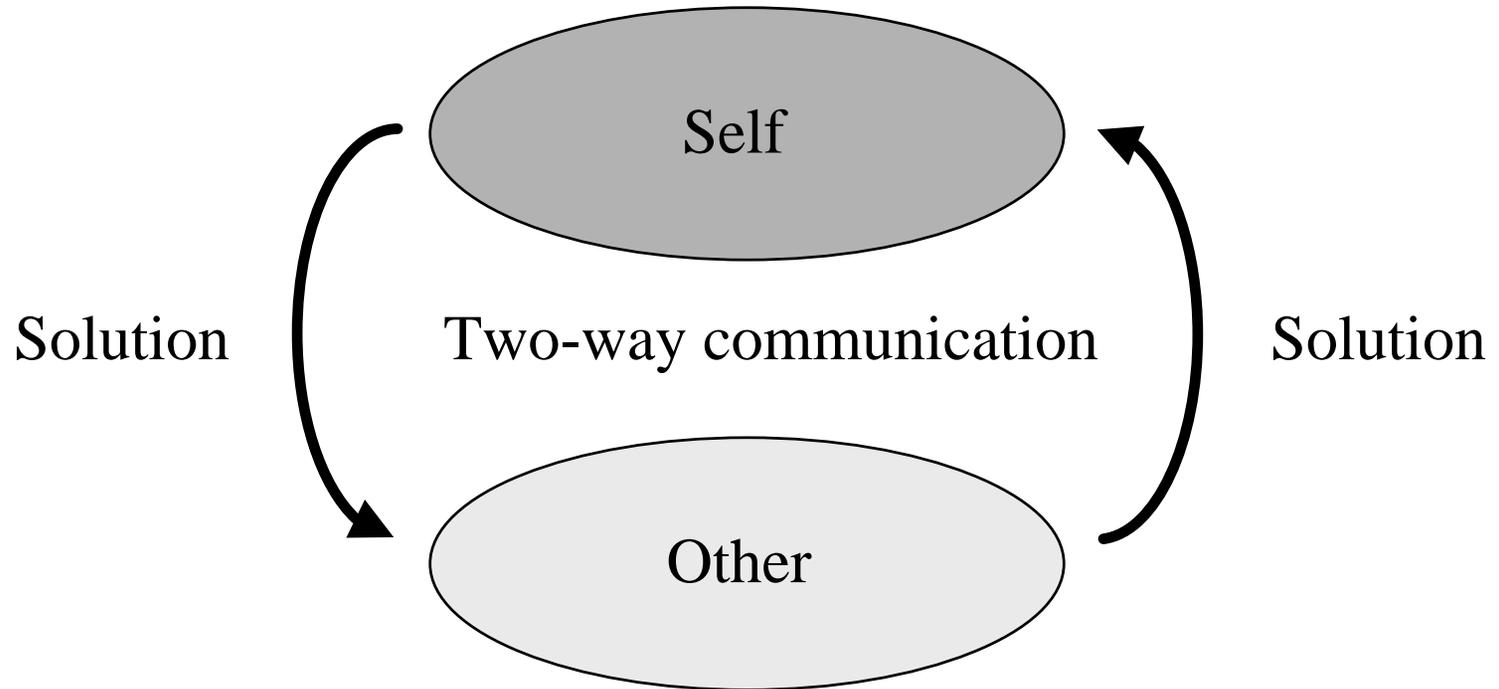
Win/lose



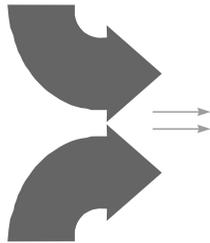
Lose/lose



Win/win



Win/Win is a process - not only an outcome!



The goal of a Win/Win approach is to maintain the long-term integrity of the relationship for:

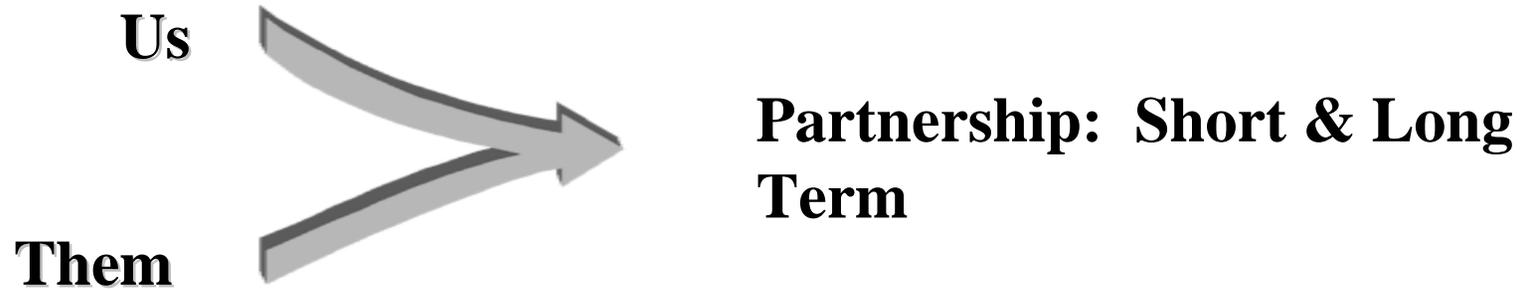
- Task purposes
- Political purposes
- Social purposes

When a Win/Win process is followed it increases the probability that both parties will feel satisfied with the outcome.

The Challenge of Long-term Relationships

- There is an inherent challenge in negotiating or resolving conflict within the context of a valued on-going relationship versus a one-time agreement or interaction.
 - ❶ **You know this person.** You know this person's hot buttons, so you know how to hit below the belt.
 - ❷ **You can't just walk away.** This isn't like buying a used car. If you don't get what you want, you can't just walk down the street and find someone else.
 - ❸ **You have a history.** You are no longer reacting to the person from a totally objective perspective. Your past interactions color how you see the current situation and them as a person.

Attitude: Two approaches



VS.



Part III: Cases and Examples

- In this section, we want to use the concepts discussed in Lecture 8 and Lecture 9 to better understand how variation among institutions of social control and individual actors lead to different outcomes with respect to dispute resolution.