

EXPANDING AND STRENGTHENING PRACTICE
A Conference for Conflict Management Professionals
Edmonton, Alberta September 7-9, 2010

Keynote Presentation

RE-THINKING CONFLICT: From an Insight Perspective

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Intervening in a conflict requires the practitioner to ask some deceptively simple questions: *How did this situation arise? What is happening now? Who else is involved? How do the parties feel? Which strategy would best help the parties?* The questions are deceptively simple because the answers are based in a practitioner's training and experience that bring together implicit, explicit and quite complex theories about conflict, human behaviour and the nature of social interaction.

In this session I challenge some of our current thinking about conflict: 1) the notion that interests, values and needs exist *a priori* within individuals, 2) that action arises as an act of will, and 3) that conflict is simply the result of incompatible goals. To counter these ideas, not because they are wrong but because they do not sufficiently explain conflict, I will introduce you to an interactionist perspective known as the Insight approach to conflict. This approach views human behaviour – and conflict behaviour – to be fundamentally relational. By relational we mean that conflict is a response to how we interpret our environment and relations with others; interpretations that are embedded in dynamic and emergent social relations from which we make meaning and act.

What I will particularly focus on is the idea that conflict is generated through the meaning-making produced by an experience of “threat” to the things we care about. In turn, this experience of threat causes us to “defend” these values. Conflict in the Insight approach is defined as interaction of threats-to-cares, where cares do not only include the content of the conflict but also the values that drive the intensity or tenacity with which parties maintain a position or seek to impose harm. Addressing these values and their emergent feelings are seen as necessary for the authentic resolution of conflict to occur.

This view of conflict has implications for the conflict practitioner. It means that our work is less focused on the presence of incompatible goals and more focused on helping parties gain insight into the dynamic interactions that led them to feel threatened and act defensively. Our work is to help parties discover and correct misinterpretations that led them to respond defensively, in this way they become free to find ways of resolving their differences without threat.

It is my hope that this presentation will provide you with an expanded analytical framework for understanding conflict that will help you better address the complexity of conflicts that you face in your work as conflict management professionals. I will begin with an overview of the five perspectives of the Insight approach and how they influence practice, and at various time invite you to talk about these ideas at your tables and raise any questions you may have.

Key Points about the Insight Approach to Conflict and Implications for Mediation Practice

(1) *Conflict is Relational*

1. Humans are not just individual actors, we are social, reflexive and attuned to how others respond to us
2. We are not born formed (Plato) nor are we totally self-referential (Hobbs and Machiavelli); humans are constantly *forming* (Aristotle) and *seeking to learn* about themselves (Loneragan)
3. Forming through learning involves interpreting and making meaning about ourselves through our environment and interactions with others - we learn about ourselves from seeing how others see us
4. Our identity is generated and reinforced through our interactions and environment
5. Conflict takes place in a social context; it is generated through action-interpretation-response sequences that involve self and other
6. Conflict related sequences have their own dynamic that cannot be explained solely by external or objective factors or interests
7. In conflict it is common to find that the action-interpretation-response sequences involve “attack-defend” patterns of interaction
8. Conflict is about caring not the absence of caring – we engage in conflict because we care deeply about what appears to be threatened

Implications for Mediation Practice

Because parties are not the sole source of their interests nor the sole author of their actions, to understand what is going on in conflict mediators need to do more than identify the interests and needs of the parties or determine the cost, benefit and mutual gain within the situation. Conflict actions are reflexive and emerge from parties’ experience of a threat to their cares, which is why their interactions so often involve attack-defend patterns. Attempting to resolve conflict involves changing attack-defend patterns by exploring the *necessity* of there being a threat- we know that differing cares can co-exist. Mediators need a heightened sense of “noticing” to elicit insights into the meaning-making that created the defensive and attacking actions; one of our goals is to free parties from defending in order to listen.

Skill Focus or Strategy

- 👉 Noticing defensive and attacking interactions especially in the early stages – what dire outcomes are parties imagining?
- 👉 Focusing on the threats to discover the cares behind them
- 👉 Listening actively with an ear to restating threats while avoiding restating defensive stories that attack the other
- 👉 Using curious, open-ended and layered questions that deepen on the threats-to-cares
- 👉 Asking parties to restate to the other what they just heard – both to show understanding and to discover misunderstanding

(2) Conflict is Dynamic and Adaptive

1. Our values and actions emerge from the social, cultural, religious, political, economic and other patterns of interactions that have formed our identity
2. If our pattern of interaction changes, our actions often change too.
3. We are not only influenced by our environment we also influence it, but not always in ways we predict or want
4. Acting reflexively often produces unintended and unpredictable results, thus, we cannot analyze conflict only by reference to the intentions of the parties
5. Because conflict is interpretive, parties do not always agree on what their conflict is even about, which is why they often use “moves” that don’t always make sense to each other
6. When parties become uncomfortable with the uncertainty of not knowing what the conflict is about, they impose a definition and insist on it being so no matter the implications – how we define the conflict influences what we do with it

Implications for Mediation Practice

Because motives and interests are not fixed they can emerge and change during the course of the conflict and even during a mediation. This happens when something new is learned (a direct or inverse insight) that changes the experience of threat. Minimizing or eliminating the threat changes attack-defend response patterns and allows differing cares to co-exist - when parties’ perceptions change so do their behaviours. These behavioural changes explain the “magic of mediation”.

Skill Focus or Strategy

- 👉 Noticing discrepancies between one party’s intention and the other’s response
- 👉 Linking or de-linking parties experience of the present from their past and anticipated future
- 👉 Helping parties’ make sense of what seems non-sensible by discovering the interpretive frameworks motivating their actions
- 👉 Helping parties move from certainty (un-learning) to uncertainty (re-learning); helping them move from knowers (closed-minded and sure) to thinkers (wondering what it is all about)

(3) Conflict Involves Meaning-Making

1. We respond to the complex data of our lives by developing cognitive maps that are based on past experience and accumulated experience of others through history, science, religion, etc.
2. These maps are unique to us and shape our understanding of events - we commonly interpret similar actions differently because of our different maps
3. Interpretation does not just involve the use of observable data – meaning emerges from our interpretive frameworks and maps , not always from our will or preferences
4. How we act stems from how we interpret what is going on (social-psychological)
5. We *presume* others’ actions are intended and respond on the basis of our interpretations not on the basis of rational thinking or observable data

6. Many conflicts are created from interpretations never intended – we read messages into behaviour and orient them toward ourselves rather than toward the sender
7. If we interpret action as hostile (negative meaning attribution) we often respond with hostility or defensiveness, which in turns results in further hostility and the conflict to escalate

Implications for Mediation Practice

The way a problem is “framed” influences the way it is responded to – aggression breeds aggression, cooperation breeds cooperation. It is a human characteristic for parties to attribute intent and motivation to the behaviour of others even though they never have direct access into the others’ mind. Sometime parties are correct in their interpretations; they have become practiced through the course of their interactions. Yet, sometimes they are very mistaken. A mediator’s job is to uncover the inferences that have led to parties’ assumptions about the threatening attitudes and intentions of the other toward them. This involves more than recounting observable or recorded data – it involves a process of discovering how and what meaning has been attributed to the behaviour and actions of the other.

Skill Focus or Strategy

- 👉 Asking about what the observable data *means* rather than what it “is”
- 👉 Deepening for meaning by probing the threat-to-care to discover the care
- 👉 Discovering expected patterns of interaction and what is missing for the other’s actions to not be seen as a threat
- 👉 Listening for discrepancies and inconsistencies between intent and action to help parties make sense of what seems non-sensible

(4) Values are Always Operating in Conflict

1. Interests, needs and values are interdependent and intertwined – interests cannot be analytically separated from values
2. The term “cares” refers to the motives underlying the conflict; cares include needs, interests, goals, beliefs, values
3. Cares exist at 3 levels: 1) personal desires and needs 2) expected patterns of interaction and 3) standards used to judge the right or wrongness of decisions;
4. Cares are hierarchical - personal desires are contingent on attitudes toward normative patterns of interaction, normative patterns are superseded by evaluative criteria for how things ought to be for the good of all; these levels are not predetermined but emerge from social, cultural, economic interactions with others over time
5. Conflict emerges from parties’ *experience of threat* to what matters, their *response* to this threat, followed by the ensuing *interpretation and response sequence* of the other party ; often parties are not even aware of, or have given little thought to, the values motivating their actions
6. When an experience of threat is removed it changes how parties respond and enables them to discover new possibilities for acting that allows their differing cares to co-exist
7. Feelings are *responses* to values and signal the presence of complex meanings linked to our cares - the stronger the feeling the stronger the care

Implications for Mediation Practice

Mediators cannot look at parties' interests without considering the meaning making in which the interests are embedded. The value placed by one party on what matters to the other party is influenced by their perception of the *legitimacy* of the interest. Not all interests are perceived as equal; the attached legitimacy or non-legitimacy influences how a party responds –i.e., whether they will accommodate or resist. Defensive reactions, strong outbursts and angry feelings are indicators of a perceived threat-to-care. Mediators need to not only ask about the “what” claims in the conflict or the feelings, but also uncover the “why” of the claims or feelings - they involve the criteria of value that influenced the response or action taken. This is why it is not always outcomes that are important for parties. They may deem decisions linked to evaluative criteria to be more important because of their long lasting and far reaching impact. Holding out for a normative pattern may account for the degree of investment in a particular outcome regardless of the immediate consequence to a party.

Skill Focus or Strategy

- 👉 Paying attention to feelings by acknowledging and naming them when they are present, then exploring them to uncover the values they carry
- 👉 Discovering if present feelings may also be linked to feelings from the past (remembering)
- 👉 Noticing then probing the meaning-making that creates defensive reactions such as blaming, closed-mindedness, name-calling, or other attacking responses
- 👉 Noticing and probing instances when parties appear to be “persuading” the other of the legitimacy of their position through the use of normative patterns
- 👉 Asking about the value placed on demands – are some more important? and how do they compare with the value the other places on the demand?

(5) Conflict Involves Both Intention and Interpretation

1. Communication plays a significant role in conflict – it is influenced by our material and social environment and it is critical to purposive action
2. Because of the relational nature of human interaction, we should not only pay attention to how messages are sent, we also need to pay attention to how they are interpreted and the response evoked. It may be that it is the *response* from the listener that the sender of the message is responding to rather than whether his or her original message was understood correctly – the receiver has an active role in eliciting information from the sender that can be independent of the sender's intent
3. We often communicate without intending to and inferences are made without our even knowing – we are always communicating and always being interpreted
4. Senders do not necessarily own the meaning of their message – meaning is emergent and arises from the dynamic interaction between the sender and the receiver

Implications for Mediation Practice

Mediators must be attentive to the interpretive framework through which parties attach meaning to the messages and actions of the other party – the meaning making of the receiver may be very different from what the speaker intended. This is not only because there has been miscommunication or failure to understand - it is about perception and meaning-making. Perception is at the root of conflict. When difference in understanding repeatedly occurs, discovering why this is a pattern is part of helping parties find lasting ways to change their relations, not only with each other but also with others now and in the future. Mediators can help parties understand and change the dynamic interaction between them that generates threats, which in turn helps parties find new ways to work together that allows their cares to co-exist and be advanced.

Skill Focus and Strategy

- 👉 Active listening focused on the listener's interpretation, and the use of "open-ended curious questions" to see if the interpretation concurs with what the speaker intended to say.
- 👉 Taking the listener perspective into account by asking about the meaning being made from the speaker's messages.
- 👉 Notice and ask about inconsistencies and discrepancies – check for unintended communication
- 👉 Notice when it is hard for one party "believe" the other's good intentions, probe the resistance
- 👉 Noticing the listener's reaction to the message and when it appears "defensive" ask about that before ensuring the speaker was heard correctly
- 👉 Avoid restating defensive content – ask instead about the threat or the meaning-making framework from which defending is required
- 👉 Discover patterns of interaction that would be non-threatening or more consistent with each other's cares

For further reading on the Insight approach to conflict and Insight mediation see:

(Some of these publications are available on the Centre for Conflict Education and Research website: www.carleton.ca/ccer)

Melchin, K. and Picard, C., *Transforming Conflict through Insight*. Toronto: University of Toronto Press, 2008.

Picard, Cheryl A. "Learning About Learning: The Value of 'Insight'." *Conflict Resolution Quarterly* 20 (2003): 477-84.

Picard, C. and Melchin, K., "Insight Mediation: A Learning-Centered Mediation Model," *Negotiation Journal*, 2007:23: 35-53.

Picard, C. and Jull, M., "Getting to the Heart of the Matter through Deepening", *Lonergan's Legacy Vol. 2: Politics and Peacemaking*. University of Toronto Press, forthcoming 2010.

Sargent, N., Picard, C., and Jull, M., "Rethinking Conflict: Perspectives from the Insight Approach", submitted to *Negotiation Journal* June 2010.

Questions for the Speaker: