

THE  
CONFLICT  
PARADOX

SEVEN DILEMMAS  
AT THE CORE OF DISPUTES



BERNARD MAYER



**JOSSEY-BASS**<sup>™</sup>  
A Wiley Brand



the  
conflict  
paradox



# the conflict paradox

Seven Dilemmas  
at the Core  
of Disputes

Bernard S. Mayer



**J** JOSSEY-BASS™

A Wiley Brand

Cover design by Wiley

Cover image: Gordian Knot © Mircea Maties/Shutterstock

Copyright © 2015 by John Wiley & Sons, Inc. All rights reserved.

Published by Jossey-Bass

A Wiley Brand

One Montgomery Street, Suite 1000, San Francisco, CA 94104-4594—[www.josseybass.com](http://www.josseybass.com)

No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, scanning, or otherwise, except as permitted under Section 107 or 108 of the 1976 United States Copyright Act, without either the prior written permission of the publisher, or authorization through payment of the appropriate per-copy fee to the Copyright Clearance Center, Inc., 222 Rosewood Drive, Danvers, MA 01923, 978-750-8400, fax 978-646-8600, or on the Web at [www.copyright.com](http://www.copyright.com). Requests to the publisher for permission should be addressed to the Permissions Department, John Wiley & Sons, Inc., 111 River Street, Hoboken, NJ 07030, 201-748-6011, fax 201-748-6008, or online at [www.wiley.com/go/permissions](http://www.wiley.com/go/permissions).

**Limit of Liability/Disclaimer of Warranty:** While the publisher and author have used their best efforts in preparing this book, they make no representations or warranties with respect to the accuracy or completeness of the contents of this book and specifically disclaim any implied warranties of merchantability or fitness for a particular purpose. No warranty may be created or extended by sales representatives or written sales materials. The advice and strategies contained herein may not be suitable for your situation. You should consult with a professional where appropriate. Neither the publisher nor author shall be liable for any loss of profit or any other commercial damages, including but not limited to special, incidental, consequential, or other damages. Readers should be aware that Internet Web sites offered as citations and/or sources for further information may have changed or disappeared between the time this was written and when it is read.

Jossey-Bass books and products are available through most bookstores. To contact Jossey-Bass directly call our Customer Care Department within the U.S. at 800-956-7739, outside the U.S. at 317-572-3986, or fax 317-572-4002.

Wiley publishes in a variety of print and electronic formats and by print-on-demand. Some material included with standard print versions of this book may not be included in e-books or in print-on-demand. If this book refers to media such as a CD or DVD that is not included in the version you purchased, you may download this material at <http://booksupport.wiley.com>. For more information about Wiley products, visit [www.wiley.com](http://www.wiley.com).

#### **Library of Congress Cataloging-in-Publication Data**

Mayer, Bernard S., date-

The conflict paradox: seven dilemmas at the core of disputes / Bernard S. Mayer.—First edition.  
pages cm

Includes bibliographical references and index.

ISBN 978-1-118-85291-0 (hardback)

1. Conflict (Psychology) 2. Interpersonal conflict. 3. Conflict management. 4. Negotiation.

I. Title.

BF637.I48M387 2015

303.6'9—dc23

2014032312

Printed in the United States of America

FIRST EDITION

HB Printing 10 9 8 7 6 5 4 3 2 1

# contents

Preface	ix
Acknowledgments	xv
1 The Art of Conflict	1
2 Competition and Cooperation	25
3 Optimism and Realism	61
4 Avoidance and Engagement	95
5 Principle and Compromise	131
6 Emotions and Logic	167
7 Neutrality and Advocacy	201
8 Community and Autonomy	237
9 The Conflict Dialectic: Better Paradoxes, Better Conflict	267
References	295
Index	307





To Hopey  
*Who handles life's paradoxes with honesty,  
kindness, and wisdom*



# preface

How wonderful that we have met with a paradox. Now we have some hope of making progress.

*Niels Bohr*; Niels Bohr: The Man, His Science, and the World They Changed

The most important, difficult, and complicated challenges we face in conflict are also the simplest and most straightforward. How do we guide destructive interactions in a more positive direction? How do we change a hostile, competitive relationship into a partnership for change? How do we find a way through seemingly intractable differences about values or resources? Although there are no easy answers to these challenges, there are simple ones. For example:

- When communication breaks down, adversaries need to listen more and argue less.
- When disputants are locked into a negative and competitive interchange, they should each try to identify possible avenues for cooperation.
- When stuck in opposing positions, disputants should explore underlying interests and concerns and look for integrative options.

- When two people are enraged at each other but depend on each other, they need to examine the source of their anger and find ways of being a bit less dependent.
- When opponents are sure they are right and the other side is wrong, they should entertain doubt.

The very simplicity of the answers to so many of conflict's challenges makes this kind of advice almost banal. But if the advice is simple, what is necessary to implement it is very difficult indeed. Much of the best wisdom about conflict offers practical advice about how to approach conflict differently, how to communicate better, or how to problem solve more effectively. But conflict takes place in the chaotic world of human society, fraught with intense emotions, complex interactional systems, long histories, and troubling power dynamics. So while the answers may seem simple, the path to them is very complex. To make our way down this path, we need new ways to understand conflict and the choices it presents. Whether we are trying to work our own way through a difficult dispute or help others to do so, the biggest challenge we face is finding new ways to think about conflict that open up new and practical approaches to engaging in it in the messy, unpredictable, complex world in which we live.

I present seven paradoxes in this book—all seeming contradictions that frame how we make sense of conflict. Each poses an essential dilemma for how we approach conflict, how we think about it, and how we can move forward in a productive way. In each, we seem to face a difficult choice between two alternatives, neither of which is entirely acceptable.

- Competition and cooperation
- Optimism and realism
- Avoidance and engagement

- Principle and compromise
- Emotions and logic
- Neutrality and advocacy
- Community and autonomy

We grow in our ability to handle conflict, and we help others to grow as well, when we realize that we do not have to *choose* between these stark alternatives. They are not mutually exclusive; each element of each polarity implies and indeed requires the other. We mature in our capacity to engage and intervene in conflict by developing a deeper understanding and comfort with these paradoxes—both by working on them for ourselves and honing our ability to help others. We may not do this consciously or intentionally, but this challenge is so essential to effective conflict work that is natural for us to grapple with it.

This book describes these paradoxes and discusses how we tend to pose them as intractable dilemmas or opposites—that is, as contradictions requiring a difficult choice—and argues that they are not contradictions at all, but codependent realities. I discuss these paradoxes always with an eye to both the conceptual and practical challenges we face: how do we understand this, and what does this mean for practice?

We can view each of these paradoxes independently, and some no doubt will resonate more with individual readers than others. But taken together, they present a powerful way of understanding the challenges presented by conflict.

*The Conflict Paradox* builds on previous works but also departs from them in significant ways. As with earlier writings, I try here to deepen our understanding of our role and purpose in conflict work and the conceptual frameworks that guide us. But I go a step further in this book by examining and challenging the fundamental way we think about conflict itself—and in particular the polarized,

bifurcated view we tend to take of it. I came to this by reflecting on what appeared to be at the core of my own conflict work and my thinking about conflict, but also by considering what seemed to me to be at the heart of some of the most influential contributions to conflict theory and conflict intervention by leading scholars and practitioners. I hope that this book will contribute to a better understanding of how we can engage and intervene in conflict more effectively and that it will challenge readers to reflect on what they actually do that makes a difference in conflict.

I have addressed this book to conflict specialists such as mediators, advocates, coaches, facilitators, and collaborative practitioners, but also to conflict participants. I have used examples throughout from both perspectives, and each of the chapters can be viewed through the lenses of conflict engagement and conflict intervention. Readers of my previous books will not be surprised that I have avoided focusing on conflict resolution, because I believe that is only one part of our purpose in conflict—and concentrating on this often leads us away from the more important work we have to do. Instead, our goal as interveners and as participants in conflict is to promote more constructive approaches to conflict engagement.

I also have not focused on the professional role of the third party, although many of my examples come from situations in which I participated as such. While the work of mediators, facilitators, fact finders, and others who function as “third sides” is important, other conflict intervention roles are also crucial to constructive conflict engagement. Advocates, coaches, system designers, strategic advisers, substantive experts, and many others who are not in an ostensibly neutral role also fulfill essential functions, and this book is also addressed to them. I directly address this in chapter 7, “Neutrality and Advocacy.”

I have been privileged to work across a wide range of disputes, and this has shaped my understanding of conflict. If a dynamic seems significant across multiple arenas of conflict, it seems likely

that it reflects a fundamental truth about conflict. The seven paradoxes that I describe apply across all arenas of conflict, and I provide examples of how they operate from widely different contexts. I use family, organizational, interpersonal, small and large group, community, societal, and international disputes throughout as illustrations of the paradoxes in operation.

Some of the examples are drawn from specific conflicts that I have worked on. Some are amalgams of several different but similar disputes, and a few describe from a new perspective disputes presented in previous works. Some are public conflicts; others are confidential. In a few of them, I was a disputant, observer, or consultant and not an intervener. Unless a conflict was public, I have changed the facts to protect confidentiality but have tried to maintain the interactional dynamics. And where I report direct dialogue, this is reconstructed from memory.

This book is also more personal than my earlier works. I have included throughout descriptions of my own path and struggles in developing a constructive approach to conflict. Additionally, each chapter ends with a section containing personal and professional reflections in which I focus on how I developed the ideas described in the chapter and how I have applied these to my work and my life. These sections are intended to share my own ongoing efforts to be a reflective practitioner. I hope that they will help readers to engage in their own reflections about their approach to conflict.

*November 2014*

Bernie Mayer  
Kingsville, Ontario





# acknowledgments

My first exposure to conflict intervention as a field of practice was serendipitous. In 1977, I was encouraged to attend a workshop on nonviolent social change conducted by Chris Moore. This was a life-changing experience for three reasons. First, because the underlying wisdom of nonviolence (which I had been previously exposed to in my days as a civil rights activist) has guided my understanding of conflict, social change, and life ever since. Second, because the training was grounded in the relationship among values, theory, and practice—and that, too, has been a guiding principle in my professional work. Finally, and probably most importantly, because of Chris Moore himself, who became my lifelong friend, mentor, and partner at CDR Associates. His interest in conflict work was infectious, and I followed him right along as he became interested in mediation and dispute systems design. Chris was the catalyst who brought together Susan Wildau, Mary Margaret Golten, and the two of us to form the four original partners at CDR Associates. Our partnership started in the late 1970s, and ever since, Chris, Mary Margaret, and Susan have been my constant supporters, teachers, and friends. Other partners and staff at CDR have also been important to my personal and professional development, especially Jonathan Bartsch, Suzanne Ghais, Louise Smart, Peter Woodrow, Judy Mares-Dixon, Mike Harty, Mike Hughes, Paula Taylor-Howlett, and Joan Sabott.

For the past nine years I have been a professor at the Werner Institute at Creighton University. Werner has provided a creative

and nurturing atmosphere that has fostered my writing and thinking. My colleagues there have offered useful, indeed critical, input on the ideas in this book. Jackie Font-Guzmán, Noam Ebner, Bryan Hanson, Mary Lee Brock, Theresa Thurin, Jessica Miller, and Pat Borchers have provided a collegial atmosphere, both honest and kind (perhaps another paradox to address!). I also want to acknowledge the kindness of many on the Creighton faculty, particularly Ron Volkmer and Marianne Culhane, for their long-term support of both the Werner Institute and of me. Theresa Thurin assisted with checking references and resources. Mitchell Brazell, my graduate assistant at Werner, not only provided invaluable help with references but also offered important lessons in philosophy as well.

Along the path that led to this book, I had many formative discussions that helped me develop my own thinking. I am particularly grateful to Richard McGuigan, Arnie Shienvold, John Manwaring, Sylvia McMechan, Karen Largent, Don Loney, David Hoffman, Fiona Hollier, Larissa Fast, Don Selcer, Howard Cohen, and Anne Sutherland-Kelly (to name just a few). My wonderful students at Werner and at the Kroc Institute for International Peace Studies at Notre Dame were subject to some of the earliest iterations of these concepts and provided much encouragement and feedback.

I am especially appreciative of those who reviewed and commented on my manuscript. My editors at Jossey-Bass, Christine Moore and Kathe Sweeney, as well as Noam Ebner, Julie Macfarlane, Mark Mayer, and Jackie Font-Guzmán. This book is being co-published by Jossey-Bass and the Dispute Resolution Section of the American Bar Association—a first. I want to thank both partners for their willingness to take the plunge into a cooperative venture with this book, and particularly Kathe Sweeney and Rob Brandt at Wiley and Daniel Bowling and Richard Paszkiet at the ABA.

My most powerful teachers have always been the many disputants who have been willing to let me into their lives and who

have provided me the crucial insights and feedback that have informed my thinking and my personal and professional growth.

Most importantly I want to appreciate the wonderful support I have received from my family throughout my entire professional life. You know who are. I especially want to thank my son Mark Mayer, who took time out from writing his own book to review, critique, challenge, and encourage me throughout this project. My most powerful critic, supporter, and editor is my wife, Julie Macfarlane. She helped me develop the ideas in this book; she encouraged me when I was feeling uncertain; she told me boldly, clearly, and always with love when she thought I was off base; and she took care of business while I hid out in various corners of our house working on this project. Without her, this book would not have happened.

Finally, this book is dedicated to my remarkable stepdaughter, Hopey Moon, who will turn sixteen at about the time this book will be published. Hopey has been a wonderful presence in my life since she was three. She is a wise, courageous, good-hearted, and passionate soul (and a first-rate photographer). She embodies the values of good conflict work.



the  
conflict  
paradox



# chapter one

## the art of conflict

The test of a first-rate intelligence is the ability to hold two opposed ideas in the mind at the same time, and still retain the ability to function.

*F. Scott Fitzgerald, The Crack-Up*

When we intervene in conflict, whatever our role, we inevitably address how people think about their disputes. We may believe that we are trying to hammer out an agreement, change the way people communicate, or help them through a healing and recovery process. However, we do not really change the dynamics of a conflict unless we change how those involved see the challenges before them, the people they are in conflict with, or the way in which the conflict has arisen and developed.

This is also true for ourselves. Unless we change how we make sense of our own conflicts, we are unlikely to change the fundamental way in which we approach them. These changes may be minor or transformative; they may be conscious or unrecognized; and it may never be clear to anyone, including ourselves, just what happened to alter these narratives. But unless disputants understand and experience their situation in an altered way, they are unlikely to improve their approach significantly, and the impact of our intervention will not only be ineffective but will probably be unrecognized.

Although changing how people think may seem like a daunting task, it lies at the heart of how we repeatedly make a difference in conflict. Conflict professionals, as a field of practice, have equated

our impact on conflict with the intervention roles we play (mediation, facilitation, arbitration, advocacy, systems design, coaching), the tactics we use (reframing, active listening, looking for agreements in principle, identifying underlying interests, empowering participants), the forums we employ and create (negotiations, policy dialogues, consensus decision-making processes, restorative justice programs, settlement conferences), or the purposes we bring (resolution, transformation, healing, peace building, communication, decision making, engagement). All of these are important defining principles for how we approach our work in conflict, but none really gets at the heart of how we make a difference. Though important tactics, processes, and roles, exactly *how* do they move a conflict forward in a more productive direction?

In *Dynamics of Conflict* (2012), I discuss five essential elements that we bring to the table as conflict interveners that make a difference in the way people interact. In essence, we

- Create a new structure of interaction
- Bring a set of skills that help promote more constructive interchanges
- Introduce a specific approach to intervention
- Bring our values
- Incorporate our personal qualities

Each of these helps frame the way we work on conflict and is an important avenue for making a difference. But just how do they make a difference?

I suggest in this book that the core of what we do is to help disputants change their approach to seven fundamental paradoxes about the nature of conflict. We can understand each of these as a dilemma, polarity, contradiction, duality, or paradox that frames how people view conflict and that limits their ability to be flexible



and creative. Everyone involved in a dispute, including conflict professionals, tends to stumble over these polarities or tries to find easy ways to rectify the very real contradictions they represent. The more people succumb to dualistic thinking in response to these polarities, the more they become trapped in a conflict. And the more we as interveners buy into these dualities, the less effective we are in helping others find a constructive way to move forward. However, if we're able to see these polarities as guideposts for finding a way through conflict—and that each element of them is an essential part of the larger truth that conflict presents—we can achieve profound and meaningful intervention.

We can view these polarities collectively as the *conflict paradox*—the inevitable and defining contradictions that we face when deciding how to approach a conflictual interaction. In essence, the conflict paradox is about the intellectual and emotional maturity that we bring to conflict. The higher the stakes, the greater our tendency to view these polarities in a more primitive or immature way—to believe that we must *choose* between one side or the other and to see one element as right and the other as wrong. For example, we may view the situation as either hopeless or as very resolvable. We may feel that we cannot trust the other side or that we should fully trust them. We may decide to engage fully in conflict or to avoid it entirely. We may believe that we take either a thoroughly cooperative stance or we zealously compete. In this way, conflict induces a dualistic and simplistic way of thinking. But effective conflict work requires a more sophisticated, nuanced, and complex approach that recognizes that in most instances, both sides of these polarities must be embraced, and we have to get past understanding them as contradictions. The central premise of this book is that these polarities are genuine paradoxes. They appear to offer either-or choices or divergent realities, but the higher truth is the one that embraces the unity of both elements.

This does not mean that we necessarily accept in a nondiscriminatory manner the truth or the validity of all approaches to

conflict. We may continue to believe that one side has the moral high ground, the more reasonable approach, the greater need, or the more persuasive argument. But it doesn't serve us well to allow this belief to lead us into a primitive view of the conflict or the potential approaches that can be taken to it. And it is our job as interveners to help disputants see the situation they are in and choices they face in a more sophisticated way.

We do this by working on seven essential dilemmas that disputants face in approaching a conflict. Each of these is generally experienced as a polarity or dualism—a pair of opposites that require a decisive choice between them. The challenge we face is to help others—and ourselves—move to a more nuanced, more complex, and less bifurcated view. Of course, disputants seldom understand it in these terms. As a result, they often fail to recognize the process of choosing how to view a conflict or even the fact that we are choosing a view at all. However, in conflicts large and small, intense or mild, we must find a way of working with these dualities. The way we do this determines to a large extent how we think about conflict and therefore how we react to it.

We will discuss each of these conflicts in a separate chapter. Taken together, they constitute the conflict paradox:

- **Competition and cooperation** We view these as opposite strategies that disputants must choose between. A more nuanced view may suggest a mixed strategy, combining cooperative and competitive moves, but it's even harder to grasp that competition requires cooperation, and without competition the motivation to cooperate is absent. Almost every move we make in conflict involves both cooperative and competitive elements; without one, we really cannot have the other.
- **Optimism and realism** Optimism without realism is not meaningful; realism without optimism is a dead end.

A constructive approach to conflict can occur only when both are at play—when we are motivated by optimism and guided by realism.

- **Avoidance and engagement** We cannot avoid or address all conflict. In addition, all conflict moves involve a mixture of conscious and unconscious decisions about how and what to engage and avoid. The decision to address one conflict inevitably involves a decision to avoid another.
- **Principle and compromise** People tend to act as if compromising on important issues is unprincipled or cowardly. We believe we must decide whether to carry on a conflict in a principled manner (i.e., in accordance with our most important values or beliefs) or to compromise on something essential to us; yet we never want to forgo our essential principles, because they are the guideposts that help us through all of our decisions in conflict. But without compromise, we can do nothing to advance them.
- **Emotions and logic** We frequently hear that the key to dealing with conflict or being effective in negotiations is to be rational and to hold our emotions at bay. However, emotions are an important source of power and an essential tool for moving through conflict constructively.
- **Neutrality and advocacy** The line between these approaches to conflict is much thinner than we may think. Conflict interveners have to be effective advocates for disputing parties and for the process while bringing an impartial perspective.
- **Community and autonomy** The dynamic tension between our need for community (interdependence with others in our lives) and autonomy (independence) infuses our thinking and action throughout conflict.

All disputants have to deal with these polarities, and all interveners have to find a way of helping parties find their way through them. Together, they define the conflict paradox; simultaneously, they are our greatest challenge as interveners and offer us the greatest potential to make a genuine difference. We can see every move that someone makes during conflict as an expression of at least a momentary choice about how to handle these dilemmas, and every intervention by a conflict specialist as an effort to help people approach them in a more nuanced and sophisticated way.

## What We Bring to the Table and What the Table Brings to Us

As in all professional endeavors, what we as interveners think we are all about and what is important to us are not always the same as what our clients want or what the circumstances allow. For example, conflict professionals tend to believe that the purpose of our intervention is to find an outcome that meets everyone's needs as much as possible—a fair, reasonable, balanced way forward through a conflict. But this is often not even *close* to what disputants want or to what a decision-making structure may allow. Consider the following scenario:

Pauline had worked for HZD Industries for three years. She had filed several grievances during this time, mostly against her immediate supervisor, Luis. None of these had led to a favorable finding for Pauline, who felt exploited and misunderstood by “the system.” After a couple of unsatisfactory performance appraisals (both of which Pauline dismissed as yet another example of Luis's determination to “get her”), HZD's management terminated Pauline. Again she grieved, and came to mediation requesting reinstatement, a pay raise, and an apology from the company.

In a circumstance such as this, it may be that the company wants to agree on a reasonable severance package and that Pauline's most important goal is to receive guidance and financial assistance while moving on to a new job. If that is the case, there is at least some overlap between each party's goals and the purpose of the interveners. But it may also be that while management feels obligated to go through mediation, they also believe that they have already given all they can or "put up with enough" from Pauline. And perhaps Pauline is simply determined to give them a piece of her mind and to find a way to "publicly shame them." In that case, our goal as interveners may well be at cross-purposes with those of the parties. We may realize while working through these competing goals that this case has no business being mediated—or it may cause us to redefine our objectives in some way.

Every intervention poses this dilemma, in a sense, because interveners and disputants inevitably have different goals or needs. Where an intervener may want to lower the level of conflict or end it altogether, a disputant may want to have her say and to get her way as much as possible. And while interveners see the necessity of giving everyone involved a voice at the table and an opportunity to promote their legitimate interests, disputants are usually more interested in making sure their own voices are heard and their own concerns addressed. They do not necessarily care whether other parties are satisfied or have had a significant voice in the outcome.

These differences are not signs of poor faith, but they are important. They reflect the different roles that disputants and interveners play in conflict and the necessarily different values and goals that accompany them. One result of these differences is that disputants and interveners often come down on different sides of a paradox. Our response as interveners often is to try to balance an overemphasis on one element by promoting the opposite. Unfortunately, if we merely seek balance—instead of trying to move beyond the polarity—we may evoke resistance and can actually create a more

entrenched view of the choices that people face. For example, consider the following possible approaches that interveners might take in Pauline's case:

- Pauline and HZD see themselves in a competitive relationship and feel the need to compete effectively. In response, interveners may want to urge them to cooperate and look for integrative outcomes.
- Pauline and HZD feel pretty hopeless about coming to any agreement, and as a result interveners feel that they should be encouraging and optimistic.
- Pauline and HZD view this as a matter of principle, whereas interveners try to encourage compromise.
- Pauline and HZD want to assert their independence (autonomy) from each other by denying that they are in any way dependent or vulnerable to the other, whereas interveners may want to encourage them to look at their interdependence (community) by focusing on potential areas of mutual interest.

Because of the difference between what we bring to the table as interveners and what the disputants want—or what the structure of the interaction demands—interveners are always negotiating our way through these polarities. This is the heart of our challenge. We do not meet this challenge, however, by asserting only one side of the polarity—usually in opposition to the element that we believe is perpetuating a conflict. We meet it by embracing both aspects—in Pauline's case, the need for her to compete effectively if cooperation has any chance to succeed. We must seek the truth that encompasses both sides of these polarities (remember that genuine optimism must be realistic). When we truly grasp that what we perceive to be polarities and mutually contradictory choices are not that at all—but are, in fact, paradoxically, essential aspects of the