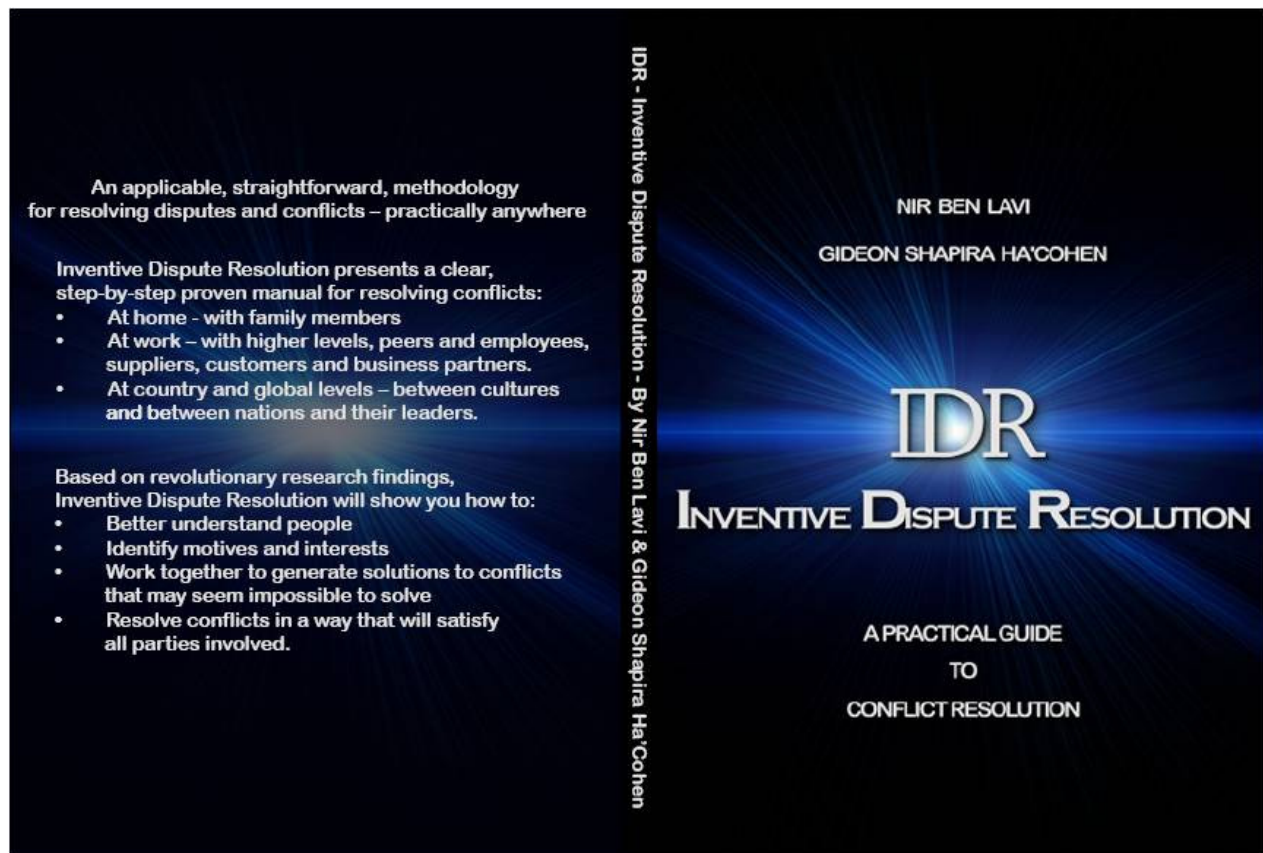


Solving Conflicts Systematically – Theory and Practice

Applying Innovative Thinking in the Mediation Process

Nir Ben Lavi and Gideon Ha'cohen Shapira

Published in "Status – The Magazine for Executive Thinking," February 2006



Introduction

The writers' expertise, both in the fields of Systematic Innovation and in Mediation, led them to identify the absence of a structured methodology which enables creation of out-of-the box solutions aimed at resolving situations of conflict. This deficiency is allegedly harmful to the Mediation procedure which today, more than ever, seems to be of high importance, due to growing extremes as well as of destructive social conflicts. The honorable Professor Aharon Barak, President of the Supreme Court of Israel, related to the importance of the Mediation process, as follows: "My support of the mediation process is based mostly on its social need. I perceive mediation as a mean which can promote vast improvements in the conflict resolution

environment in Israel. Instead of aggression, mutual acceptance will rise, followed by tolerance and a desire to truly understand one another as well as to find a solution that will match the true interests of both parties. For this reason we should encourage mediation – in schools, within communities and in various organizations. ...We should make every possible effort in order to achieve success in assimilating mediation as a social tool. Should we succeed, mediation shall become an integral part of our consciousness as well as an inseparable part of the way we resolve conflicts. Should we fail, it will become a loss for future generations." These words served as the drive to a three year study which resulted in the development of a new step-by-step, straightforward methodology which is computer aided and can be utilized for resolving disputes and social conflicts – practically anywhere. The methodology is described in the book "IDR – Inventive Dispute Resolution - A Practical Guide to Conflict Resolution" which was first published in December 2005.

"Every conflict has certain basic elements permitting us to produce a roadmap by which a conflict opponent, a third party intervener, or simply a student of conflict can find their way through a particular conflict" (Wehr, 1979).

The Strengths of Alternative Dispute Resolution

Every now and then we face conflicts - with managers, suppliers or co-workers at work, with our spouses and children at home and with others, with whom we work, trade, learn or interact. Disputes, or "conflicts", emerge whenever we have certain interests that oppose the interests of others with whom we interact. Sometimes, such conflicts tend to escalate, become more extreme and reach a "dead-lock" from which the parties cannot escape and find an agreeable solution. Some disputes become cases which are handled in courts, others remain unresolved some are handled via Mediation, also known as **Alternative Dispute Resolution (ADR)**. ADR is a process which nourishes the disputants' ability to resolve the conflict. During the ADR process, the parties may get the assistance of a professional – a mediator – who holds a neutral position regarding the conflict and who carries out a well designed methodology aimed at alleviating the conflict and at finding a solution that both parties shall find as satisfactory. The international experience proved ADR to be better than other approaches to dispute resolution in the business sector, with domestic issues and other sectors, due to its ability to save disputants' time and money, to present improved cost-benefit ratios and to offer higher quality solutions. ADR helps the parties in controversy to reach new understandings in a friendly manner while maintaining



mutual respect within given circumstances. A review of the ADR literature suggests some interesting findings, out of which we chose to quote two citations:

- The findings of a major research conducted by the American Congress present that 75%-90% of ADR cases which are conducted in a controlled manner resulted in an agreement; 94% of 1700 work disputes which were handled via mediation in the American Postal Service between 1988 to 1996 resulted in an agreement and, in the same manner, 90% of the some 2000 work related disputes which took place in the American Air Force in the years 1995-1996, and were treated with ADR, resulted in agreements as well.
- A five year research which examined over 400 ADR cases suggested that the use of ADR saves time and money. this research suggested that the ADR processes which were carried out and monitored as part of the research were 28% shorter than similar cases that were handled via the Judicial procedures and, furthermore, presented an average of 36,000\$ of expenses saved per case.

The Bottleneck in the mediation process

The existing ADR literature does not provide a definite methodology to creating solutions that can assist in conflict resolution. Uri and Fisher, two of the thought leaders in ADR and modern negotiations, related to this problem: "Inventing new ideas requires thinking of things you never thought of before..." and suggested to perform Brainstorming sessions; the authors also suggested several principles to be utilized before, during and after the Brainstorming session and concluded that "...the ideas grow one out the other like fireworks which split..."

Other scholars, such as Bazerman et Al., mentioned several ideation techniques, including Brainstorming, game and fantasy. Having reviewed the literature where Brainstorming is, by far, mentioned as the most effective technique raised the doubt whether it is indeed the best method for idea generation?

Brainstorming is occasionally perceived as "...probably the most common and popular method of improving creativity" (Horowitz, 1999). This widespread perception was questioned by scholars and researchers who examined the effectiveness of the brainstorming technique.

The well-known Eduard De-Bono suggested that "those who want to use deliberate creativity believe that the (weak) processes of brainstorming are enough. Others who might be motivated to develop creative thinking skills are turned off by the "scatter-gun" approach of brainstorming. The idea that from a ferment of consideration an idea might emerge which might be useful has value in the advertising work (where brainstorming originated) but much less value where

novelty is not, by itself, a sufficient value (De Bono, 1992). Other scholars suggested that individuals working on their own generated nearly twice as much ideas compared to the amount of ideas generated by groups that used brainstorming; that brainstorming employed in group efforts did not increase the number of ideas nor did it improve the ideas' level of originality. Other scholars identified additional problems such as the focus on the amount of ideas (which in most cases turn to be non-applicable) rather on their quality as well as the lack of clear criteria for new ideas (Goldenberg et Al).

The IDR[®] Tool

The IDR[®] tool presents for the first time a method aimed at handling the complexity of the human factor as well as of interpersonal conflicts, by employing tools and mathematical principals which are of common use in the field of Inventive Thinking. IDR provides a route to generating "anti-deadlock" solutions where other methods seem to present lower success rates.

The methodology presented in this article is a result of a long journey of search, trials (as well as errors...) which led to identifying a set of human motives which can be considered as components that shape, and explain, the behavior of us all. What we interpreted as success in characterizing a clear list of human motives as well as in characterizing a step-by-step, six-stage, process encouraged us to move forward, in January 2003, and put what we suspected to be a methodology to a first "test drive". From this date up until November 2005, the process has been experimented in over real-life 150 IDR processes and in a dozen workshops, with mediators and with mediation firms and organizations.

What is IDR[®]?

The term **IDR[®]** was created from combines the English term ADR (**Alternative Dispute Resolution**) and the word - **Inventive**.

IDR – short for "Inventive Dispute Resolution" synergizes both concepts and suggests that IDR provides a systematic methodology to develop inventive, out-of-the box, solutions in resolving conflicts by use of the IDR tool.

The IDR methodology treats, in the same manner, three concepts widely used in the IDR literature -- interests, needs and motives -- and refers to them all as "motives." The dictionary definition of **motive** is "an emotion, a desire, a Psychological need or an impulse which leads to an action" as well as "a psychological characteristic which stimulates the organism to act, preparing towards a desired goal; the reason for action which adds meaning and direction to

human behavior. Based on that, the definition of "motive" is, which we employed in our work, was as follows:

"A need of an individual that stems from a perceived gap between the "is" (the current situation or what the individual has at the point of analysis) and the "want" (the situation that the individual wishes for). When such a gap is perceived, the individual is **motivated** (i.e. has a motive) to "close" the gap and to have the "is" as close as possible to the "want". Such gaps, between what is and what is desired, may be physical in nature (e.g. not having enough money, living in an apartment which is perceived to be too small, driving a car that is too old and so on) as well as more emotional, or ego-related, in nature (e.g. I feel unappreciated, insecure, deprived of certain rights, too dependent and so forth). The existence of such a gap may drive the individual to carry out different actions aimed at narrowing the gap or eliminate it completely.

Focusing attention in the motives which are the reason for the disputants' behavior their positions and their denial of the other party, supported by tools borrowed from the inventive thinking discipline, generates a variety of quality solutions and options, which derive from the disputants' needs on the one hand and, on the other hand, from the implementation capabilities that take into consideration certain constraints which were illustrated by the disputing parties. IDR users, quoting from "The Blues Brothers" movie slogan, related to this synergetic combination as "the most devastating team since Nitro and Glycerin..."

Employing ISR for Systematic Generation of Solutions

A repetitive phenomena, which we identified in mediation processes where IDR was employed, was the fact that behind each of parties' (e.g. party A and party B) position, which was often stated out loud, more than one motive was hidden. Identifying the motive set of each party, by placing the two motive sets in a matrix, by exploring the nature of interaction between each motive of party A and each motive of party B the relation we found that more often than not there was no identifiable relation between motives.

For example, imagine a conflict between a father and his teenage daughter – Sam and Alice – which erupted due to Alice's desire to spend time with her new boyfriend the evening before her final exams. Apparently, this situation presents a collision – i.e. conflict -- between the daughter's "I am going out" position and her father's "no way" position.

- a) In such a conflict, Alice and her father, will point at the motives, let say three of them, which stand at the base of Alice's position parallel to three motives from which her father's position derive.

b) After placing the motives in the matrix, we will have nine cells, generated from having (3 motives) X (3 motives); we should examine the relation in each cell between every combination of two motives. In each cell we may use one out of the three following symbols:

- “+” which means that the motives complement one another, i.e., once one party strives to fulfill their motive it would also help the other party to fulfill their motive. In such instance **there is no conflict between the motives of the opposing parties**
- “0” (zero) which means that there is no linkage between the motives of the opposing parties, i.e., once one party strives to fulfill their motive it would neither help nor harm the fulfillment of the other party’s motive. In such instance **there is no linkage between the motives of the opposing parties**
- “-” which means that the motives contradict one another, i.e., once one party strives to fulfill their motive it would negatively affect the other party’s efforts to fulfill their motive. In such instance **there is an apparent conflict between the motives of the opposing parties**

The graphic display of the parties' motives, which are literally conflict's components, and of the relations between such motives gives room from deploying the IDR templates and, in particular, the **Attribute dependency** which helps in identifying solutions that express an artificially generated between motives of the opposing parties. The **Attribute dependency** tool forces its user to act in a seemingly "counter logical" manner, and focuses on the cells marked as "0" by asking "which situation - that has not existed so far – may express a newly generated relation between Alice's motives and her father's?"

This process, as described fully in the book "IDR – Inventive Dispute Resolution - A Practical Guide to Conflict Resolution" was employed in various conflicts and may, so we suspect, be employed in different conflicts of different scales. Having said that, we would like to share a few insights we gained during our work:

The **Attribute dependency** is rooted in the world of mathematics and computers. The term was first used by researchers in the field of information system analysis, who demonstrated the graphic way to express dependency relations between attributes and variables. This term was later adopted in order to describe the principle which stood at the base of the developing new products, as described in the Goldenberg et Al. researches. The **Attribute dependency** template focuses on situations where allegedly, there is no connection between disputants' motives



- The use of the IDR tools enables the disputants, with or without the assistance of a mediator, to step “out- of-the-box” and examine solutions which are counter-intuitive and that would rarely appear without using IDR. In the same manner, the systematic analysis of all the motive combinations re-channels the disputants’ energy to exploring and generating new ways to resolve the conflict and to produce a list of innovative solutions based on their own preferences and desires.
- Since IDR is a step-by-step manual, the users have no other choice but follow “the yellow brick road” and systematically create new solutions (...). Some of the new ideas may be eliminated in later phases; however the remaining solutions may be not just creative but also feasible and implementable

Our experience indicates that the systematic approach, as presented in this article, contributed to resolving disputes in a variety of business and interpersonal oriented situations.

Summary

Wehr wrote that the success in framing conflicts based on the disputants’ needs depends on the identifying these needs in the first place; such objective requires "careful analysis of the conflict as well as of the reasons for which people take their positions". The IDR methodology stands in line with Wehr’s approach and enables those who practice conflict resolution, IDR and similar processes to employ a systematic approach both for analyzing a conflict and for generating feasible solutions.

For more questions and further information write to: Office@inovent.biz or write us:

Nir Ben Lavi, chief researcher, Inovent application LTD. - nir@inovent.biz

Gideon Shapira Ha'Choen, Attorney – Mediator and CEO of the Noam Mediation Center - Gideon@inovent.biz

Bibliography

- 1) Alternative Dispute Resolution: Employers' experiences with ADR in the workplace, Report to the Chairman, subcommittee on Civil Service, Committee on Government Reform and Oversight, House of Representatives, August 1997, GAO/GGD-97-157.
- 2) Bazerman, M., Neale, M., (1992), Negotiating Rationally, New York: The Free Press (a division of Macmillan), 89-101.
- 3) Burton, J. (1998) "Conflict Resolution: The Human Dimension" in The International Journal of Peace Studies, Vol. 3, No. 1.
- 4) De Bono, E. (1992), Serious Creativity: Using the Power of Lateral Thinking to Create New Ideas, New York: Harper Business
- 5) Deutsch, M., Coleman. P., (2000), The Handbook of Conflict Resolution – Theory and Practice, San Francisco, CA, US: Jossey-Bass/Pfeiffer, 355-365.
- 6) Diehl M., Stroebe W. (1991) Productivity Loss in Idea-Generation Groups: Tracking Down the Blocking Effects. Journal of Personality and Social Psychology, 61: 392-403
- 7) Fisher R. and Keashly, L. (1991). The Potential Complementarities of Mediation and Consultation within a Contingency Model of Third Party Intervention, Journal of Peace Research 28: 29-42
- 8) Fisher, R., Ury, W., (1983) Getting to Yes: Negotiating Agreement Without Giving In, New York: Penguin Books.
- 9) Goldenberg, J., Mazursky, D., & Solomon, S. 1999, "Toward Identifying the Inventive templates of New Products: A Channeled Ideation Approach". Journal of Marketing Research, 36, 200-210.
- 10) Goldenberg, Jacob , Donald R. Lehmann, and David Mazursky (2001), "The Primacy of the Idea Itself as a Predictor of New Product Success." Management Science 47 (January), 69–84.
- 11) **Goldenberg, J., Mazursky, D., Solomon, S.**, (1999a), "Toward Identifying the Inventive Templates of New Products: A Channeled Ideation Approach." Journal of Marketing Research 36 (May), 200–10.
- 12) **Goldenberg, J., Mazursky, D., Solomon, S.**, (1999b), "Templates of Original Innovation: Projecting Original Incremental Innovations from Intrinsic Information." Technology Forecasting and Social Change 61, 1–12.
- 13) Horowitz, R. (1999), CREATIVE PROBLEM SOLVING IN ENGINEERING DESIGN, Tel Aviv: TEL-AVIV UNIVERSITY.



- 14) Kelly, J. (1990). "Is Mediation Less Expensive? Comparison of Mediated and Adversarial Divorce Costs", Mediation Quarterly, 8(1), 15-26, and also Kelly, J. (1994), "Divorce Mediation in California", in Report for the Fund for Research on Dispute Resolution
- 15) Wehr, P. (1979) "Conflict Mapping" in the International Online Training Program on Intractable Conflict, Conflict Research Consortium, University of Colorado, USA.
- 16) Snapp, K., "Five Years of Random Testing Shows Early ADR Successful", in Snapp, K., "Five Years of Random Testing Shows Early ADR Successful", in Dispute Resolution Magazine, Summer 1997.
- 17) Seti R. (2001) Through Mediation to Agreement, Tel Aviv: Ways, Attorney Ronen Seti, 262-280.
- 18) Elron Goldberg (1990) "Brainstorming – Lightning and Thunder or a Storm in a Glass of Water", executive 20.