

A road forward -

Dealing with interpersonal conflict without mediation

Introduction

You want to resolve or deal with a conflict at an interpersonal level but the other party (person, persons, or group) declines to be involved in a mediation process. Or you may feel mediation is not on for some reason, or you simply don't like it. You may feel powerless. What can you do?

This check list is put in the context of interpersonal conflict in general and in particular neighbour-neighbour or work disputes. In the latter, however, there are likely to be procedures (good or bad) in place for grievances – whether this covers the issue(s) in question, or whether even if they do you want to go down that route, is for you to decide.

Whether any of the following points is appropriate to your situation is entirely up to you – think of this as a list of things to consider rather than a list of things to do. Some of the points below are attitudes or approaches and some are actions. Some might lead to you talking and negotiating directly with the other party; some might bring you to third party intervention as in mediation.

The list is semi-chronological in that things you should always consider or consider doing first as you start to work on resolving the issue are at the start of the list.

Points 1-8 are approaches both at the beginning and throughout as you try to deal with the conflict, e.g. if you find the conflict escalating, 'doing nothing' (Point 3) may not be what you want but it is still something to consider as a cooling off period if things are going badly.

Points 1, 2, 4 and 5 are about relating to the other party in a positive manner.

Points 9 and 10 are for when you feel sorting it out between yourselves, in a rational discussion of causes, effects and solutions, is not going to work (Point 10 is short-circuiting the process to go straight to 'solutions').

The last few points (11-13) are the last things you should consider doing (as they mark an escalation in response).

However the order may work out differently for you. To use the list effectively you need to be familiar with it all and not think of it as a simple step-by-step guide.

Options

1. Always think of the relationship

If you have to live, work or be in contact with the person or people involved in the future, always consider the effect anything you do will have on the relationship and the environment (of work or your locality). To win on the issue but poison the relationship might be a pyrrhic victory (not worth the cost).

2. Listen

If you get the chance to talk to the other party, listen carefully to what they say. If you hear their views from a third person, listen carefully. If there is something you don't understand, ask. If you were involved in a mediation process of any kind, listening to the other party (and they to you) is a whole stage so listen actively and try to understand the other. This can be difficult when you are bursting with the injustice of your situation but the key to understanding what is needed to move the situation on may be revealed through you listening carefully. Useful conflict points here include focusing on the problem and issue rather than the person (attacking and blaming them is not going to get you far – it may make you feel better but it will make the other party more defensive and quite likely less able to change). When you have heard their case, think how you can help to meet their interests (which may be different to the position they adopt).

3. Do nothing

This is unlikely to be satisfactory if you were seeking to actively deal with the matter. But there are some issues in life where it is very difficult to get what we want, even where what we want may be reasonable (though what is 'reasonable' to you may not be to someone else). The matter might also be annoying but trivial (not of great importance). You might decide that getting on with your life and ignoring the issue is best. An opportunity might come up to deal with it at a later date. It might just go away through changing circumstances, someone moving, or whatever – but it might not. On the other hand there is also the possibility of making things worse so this approach should at least be considered, at every point in the conflict.

4. Appeal to your common interest

Hopefully you have points of common interest with the other party in the dispute. Try to persuade them – or get a trusted person to persuade them – that you have a common interest in resolving the matter together, as neighbours, parents, team members, part of the same work force or NGO etc. To avoid the other side thinking they may lose from this process, emphasise that you want to find a mutual solution and agreement, a win-win solution rather than a win-lose or lose-lose one. Appealing to their sense of fair play can be part of this.

5. Treat them civilly / Doing the unexpected

'Behaving differently' sometimes communicates powerfully because people realise something has changed. If the relationship has been cold and silent because of an issue between you, consider 'normalising' it, i.e. treating them in a friendly manner. But you would need to say to them at the same time that a) the relationship between you is important so you want good relations, but b) that the issue remains important to you and remains unresolved. It is thus more difficult for them to consider you unreasonable and unwilling to have a proper discussion about it.

If you are normally very civil, showing anger – in a controlled way - can also communicate the strength of your feeling but it is potentially dangerous. If they perceive you have 'lost it' – or you actually lose it in being extremely angry – you may portray yourself as irrational or obsessed. It is best to use an 'I' statement that you feel considerable anger in this situation rather than exhibit it. But in any case be careful to show your rational side and willingness to talk reasonably.

There may be other 'unexpected' things you can do to draw the other party's attention to the issue but they should be 'nice', and not nasty, acts. For example, during a dispute you could buy the other party flowers or a plant with a note saying you would like to build a good relationship, and to talk.

6. The 'broken CD' technique

Basically this is where you refer to the issue as frequently as you can, saying the same thing, but not in an angry manner, e.g. you could say how important it is to you to try to resolve the issue between you. This technique is difficult to use in a positive way in disputes and it can make the other party feel you are obsessed by the issue. So continuing to use it for a long period in a hostile atmosphere is not recommended at all.

7. Put things down in black and white

Writing things down can sometimes communicate and have an effect that is not achieved by speaking about an issue. However this is always best done in a non-accusatory way, that is, telling off the other party is unlikely to communicate in the way you want. It is much better to use 'I' or 'We' statements as in "We felt really put out/put down when....." or "I really felt shocked and made to feel very small when...." Apart from your own feelings, put what happened factually and put what you would like to see happen – both regarding the issue(s) concerned and the relationship between you.

Choose a non-confrontational way to give what you have written to the other party. It could be given in paper or e-mail format – if the latter, find a way to check with the other party that it has been received and not lost in the e-mail shuffle.

8. Say what you are going to do before you do it

This is not making a threat but a statement about what you intend to do, before you do it, again with an 'out' for the other party. For example, you could say "I would really like to resolve this issue through us talking about it together, or involving a third party*, but if not then I intend to....." This is difficult to do without it coming across as a threat but it may be possible to use this approach to indicate how serious you are about resolving the issue – and that you would much prefer to do it informally. You should also only use it in an honest way, not stating you will do something you have no intention of doing.

* if the services of a mediation agency or other third party have already been suggested and rejected, there may be no point in making the same offer again. On the other hand, the further step which you have announced that you will take if the matter is unresolved may persuade the other party it is better to deal with it relatively informally.

9. Involve a mutually known and trusted third person

Another way to communicate might be through involving someone that both you and the other party would trust to communicate between you (but you have to be prepared to listen back to the other side's responses). This could be a mutual friend, a priest, minister, or member of your religious faith or interest group - someone you know that would be acceptable to both you and the other party as a mediator or a messenger or go between. Such a third person might be trusted to assist when an outside agency would not. This may be mediation by another name.

However their role should be agreed between you and the other party – not least because someone not used to doing such a task could put their foot in it and make things worse. Some people are naturally skilled go betweens and mediators while others can stoke the flames of the conflict. It always helps for their role to be carefully defined and agreed (are they simply communicating between you, or are they mediating – i.e. taking you through a process); without such agreement they may do something entirely different to what you want or expect.

10. Think of their position and 'make an offer'

It takes at least two people or parties to have a dispute. And there are thus always at least two sides to the coin, and sometimes more. If the other party does not want to engage in a mediation or conflict resolution process, why is this? Are they afraid of the process? Are they afraid they will lose? Do they see you as unreasonable or behaving unreasonably? Is there anything you can do to make an offer which might mean something to them?

Making such an offer might or might not have a financial cost to you – e.g. in a dispute over a dog digging up your garden you could offer to pay for net fencing to keep the dog out, in a dispute over noise you could offer to help with sound insulation or by being flexible occasionally. There is an old conflict rule about thinking of the other party's interests rather than the position they take – can you help meet their interests? Always think of how you can give them an 'out' – a way in which they can change position without losing face or money.

In a mediation process, searching for a mutual solution comes after the sharing of stories and the establishment of some level of trust in the process. If the sharing of stories has been impossible, this approach may be short-circuiting that and jumping straight to making an offer and possible solution, and therefore has dangers. A 'reasonable' offer (what might look reasonable to an outsider), may be rejected by the other party because they are focused on the conflict rather than a solution, or simply their own narrow interest. And there is a risk that such a 'reasonable' offer, rejected at this stage, may be difficult to reintroduce later because it has already been rejected. This would not always be the case but it is a risk; another party who is focused on the conflict and their own gain rather than a solution may think "Ha, ha, I/we have got them [you] on the run, let's see what more I/we can get." Careful judgement is necessary but there is no gain for you without some risk.

11. Appeal to a higher power

In a neighbour-neighbour dispute, are there any local council regulations or government legislation on the issue? Or social housing regulations* if you are in social housing? In a work dispute, are there clear guidelines* or a trusted person in a senior position – who would be acceptable to you both – that you can go to? In a work situation you may have the right to go to someone senior without the other party's agreement but remember point 1 above about relationships – going above someone's head can make for long term resentment, even possibly with other people. However you may consider the matter is so important and clear cut that you should do so, as you are entitled.

* Such guidelines can be used in two ways; a) to get a judgement in your favour, or b) to be used as 'independent guidelines' on the issue in dealing with it informally. Obviously b) has the greater chance of establishing or maintaining good relations with the other party and a) can be considered by the other party as an escalation in the conflict.

12. Move

Neighbours do sometimes move to get away from a problem. People also leave a workplace for the same reason. This is obviously very disruptive to you and possibly very expensive (the cost of moving home or job). You also need to consider whether 'the devil you know is better than the devil you don't' (whether there could be problems where you move to). But moving is an option. It may however seem to you like giving in when it may not be your fault at all – but some people consider it worth it.

13. Go to the law

Recourse to the law and litigation may or may not be an option, e.g. in a boundary dispute between neighbours, and is the ultimate 'higher power'. Employment legislation may mean in a work situation that recourse to a tribunal is possible. On the other hand, neighbours sometimes make the assumption that the law will support them when they feel strongly aggrieved about an issue – but the law may be highly unlikely to take a stand in favour of them on the issue concerned because it is not governed by legislation. Going to litigation, with its confrontational approach, is also likely to further damage any relationship, and make a better relationship harder to establish in future. It may, of course, be an option for you but you would be wise to consider the chances of success, the likely financial cost, and the cost to the relationship before pursuing this path. ●

About using this list

- This check list can go under the label of 'conflict counselling' and, as with personal counselling, is not telling you what to do but aiming to help you explore options – and you always have a number of options so do not feel trapped. It aims to help you explore both ways to get a negotiated settlement and your 'Best Alternative To a Negotiated Settlement' ('BATNA').

Obviously it can be used for personal reflection but in a serious matter it is best explored in a pair or small group, preferably with at least one person from 'outside' the conflict to provide an overview and reality check. Ideally this outsider should be someone involved in working on conflict issues, or experience in so doing, but any outsider's 'common sense' is valuable too.

Having worked through the options and what they might mean in the pair or small group, discussion can then focus on a plan which it is felt would communicate with the other party, deal with their interests, and be practicable.

This check list is, as the introduction said, in the context of interpersonal conflict at a neighbour-neighbour or workplace level. It therefore does not include other aspects of nonviolence or nonviolent action which might be relevant in different situations. Whether it was practised or not, it was meant to be the case in ancient Irish society that if a neighbour aggrieved someone then that person could fast outside their house – and they would also be obliged to fast – until hunger drove them to negotiate and, hopefully, a settlement. In a serious situation all sorts of nonviolent action is possible which can be explored, e.g. using the 'Nonviolent tactics workshop' under 'Workshops' on the INNATE website.

Using it in a training workshop

If you want to use this list in a training workshop on conflict there are many ways it can be used. You should go through the list first with people so they are familiar with the options, or simply allow them to read it, or both. You could then give them a scenario or scenarios and ask them to explore, in pairs or small groups, what would be relevant. However it may be better to get people into small groups to share an interpersonal conflict they have been involved in, or have knowledge of, each person speaking for up to a time limit of, say, 3-4 minutes (remember to tell people they can pass if they do not want to or feel they can share). Then for another minute they could share what points they felt were most relevant from this list and any lessons they saw from the case involved.

Another option here, where there is more time, is (after the above has been done) small groups pick one of the conflicts to analyse in more depth, perhaps using drama (normal rules apply that if the person sharing the problem is involved in the situation they have shared they do not play 'their' role). Finally, you can come back into plenary session together to draw out learning. Remember if anyone is very emotional or distraught about a conflict to offer further support or ensure they are supported.