

Transforming Conflict Narratives into Dialogue in Performative Negotiation

presented by

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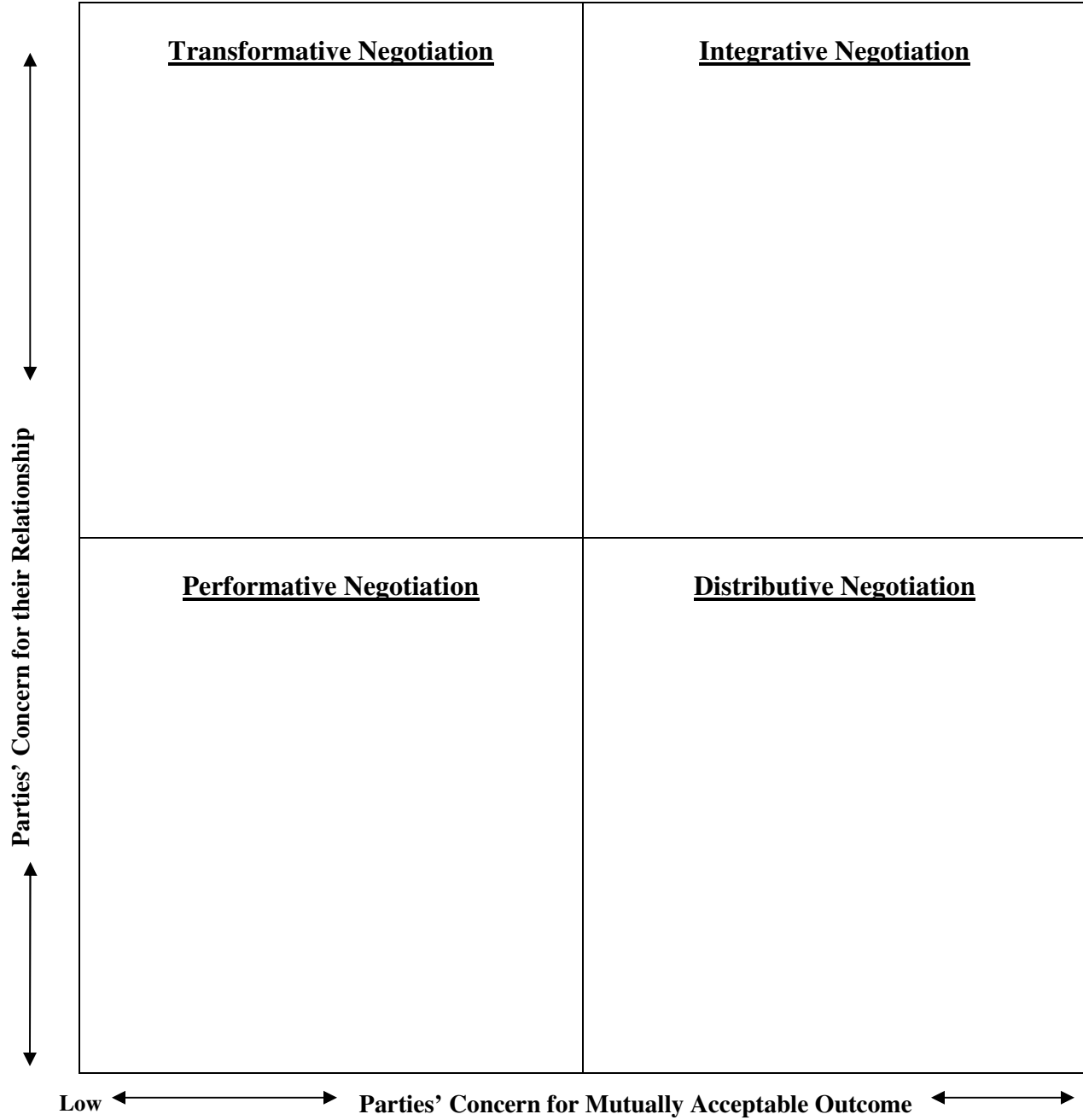
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Four Questions about Conflict Narratives and Performative Negotiation

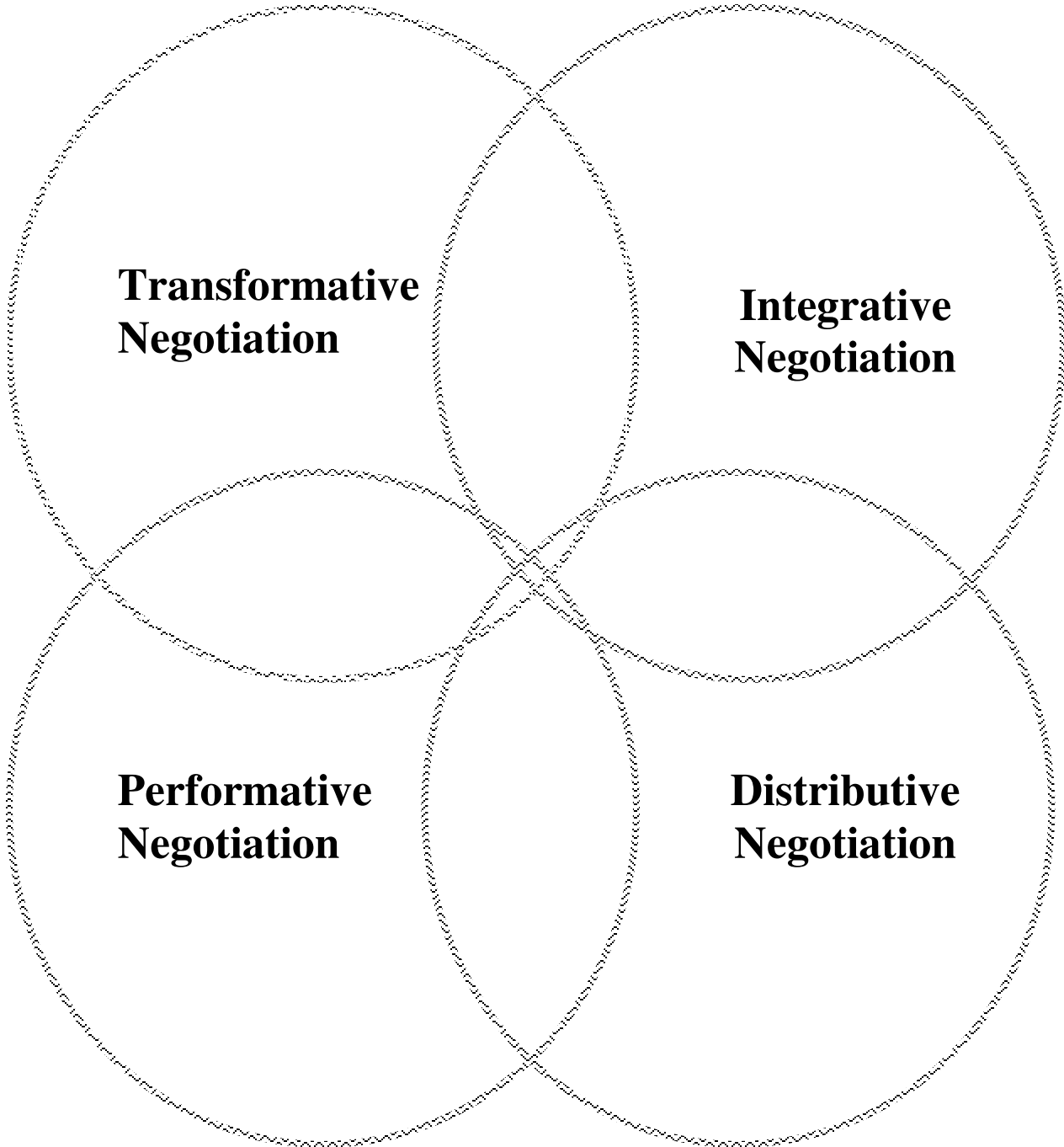
Many negotiations and facilitated negotiations (i.e., mediations) of legal conflicts begin with the parties' (or their lawyers') presentation of narratives about the conflict. The parties' performance of their conflict narratives is a unique form of negotiation called "performative negotiation."² This presentation addresses four questions about conflict narratives and performative negotiation:

1. What are conflict narratives?
2. How and why do parties create and structure their conflict narratives?
3. How and why do parties perform their conflict narratives?
4. How can conflict narratives be transformed into dialogue in performative negotiation?

² Professor Holbrook's colleague, Dr. Leonard C. Hawes, who is a Professor of Communication at the University of Utah, coined the term "performative negotiation." Professor Holbrook acknowledges Professor Hawes's substantial and invaluable contributions to this presentation.



Spheres of Negotiation



People in Conflict Feel Threatened and Self-Absorbed

Robert Baruch Bush and Joseph Folger describe how people feel when they are in a conflict:

Involvement in conflict affects all parties in similar ways. No matter what the context, disputes make parties feel fearful, confused, and unsure of what to do. As a result, they feel vulnerable and out of control. Moreover, in the heat of conflict, disputing parties typically feel threatened or victimized by the conduct and claims of the other party. As a result, they are defensive, suspicious, and hostile to the other party, and almost incapable of looking beyond their own needs. Thus, across all contexts, conflicts engender in people the experience of relative weakness and relative self-absorption.³

Given such a threatened and self-absorbed profile, it is understandable that people in conflict create, structure, and perform conflict narratives.

³ Robert A. Baruch Bush and Joseph P. Folger, *THE PROMISE OF MEDIATION: RESPONDING TO CONFLICT THROUGH EMPOWERMENT AND RECOGNITION* 191 (San Francisco, CA: Jossey-Bass Publishers, 1994).

“The Vicious Dog” Conversation

Confidential Information for Smith

Background facts for Smith:

Your neighbor Jones has a scruffy-looking, barking, pit bull that is kept unchained in a yard with an unlocked gate. You have complained many times to your neighbor about keeping such a dangerous dog in an unlocked yard.

You have a three year-old child. You were home alone with your child and you took a nap on the couch. While you were asleep, your child opened the back door of your house, went next door, opened the unlocked gate, went inside the fence, and teased the pit bull with a small stick. The pit bull bit your child in the face. You heard your child’s screams, ran next door, and took your child to the emergency room, where your child received 20 stitches to close deep facial wounds.

Instructions for Smith:

You are furious: Jones is to blame for letting a dangerous pit bull viciously bite your child. Stay in role; talk at Jones while Jones is trying to talk to you; keep repeating your story; do not attempt to resolve this problem.

“The Beaten Dog” Conversation

Confidential Information for Jones

Background facts for Jones:

You have an extremely valuable, very well trained, American Kennel Club-registered, Staffordshire Terrier (it is NOT a “pit bull”) that is kept in a fenced yard with a closed gate. Your dog has a sweet personality and has never bitten anyone before. Your neighbor Smith has a three year-old child. You have complained many times to Smith that the child has teased your dog through the fence.

Smith was home alone with the child. Instead of supervising the child, Smith took a nap. While Smith slept, Smith’s child got out of the house, opened your gate, went inside your fence, and beat your dog with a big stick. Your sweet dog defended itself and understandably bit the child, but stopped when Smith finally pulled the child from your yard.

Instructions for Jones:

You are furious: Smith is to blame for not tending the child while the child beat your beloved dog in your yard. Stay in role; talk at Smith while Smith is trying to talk to you; keep repeating your story; do not attempt to resolve this problem.

People in Conflict Create, Structure, and Perform Conflict Narratives⁴

1. Conflict narratives are “true” expressions of the narrators’ “reality.” They are not intended to be fair and balanced, accurate, or complete descriptions of the conflict.
2. Conflict narratives conceal and reveal face-threatening facts, feelings, and identity issues.
3. Conflict narratives involve actual or imagined interpersonal confrontation, often colored with strong emotions.
4. Conflict narratives cast the narrator as victim (or hero) and the other person as the wrongdoer.
5. The narrator denies any wrongdoing and casts all blame (and power) on the other person.
6. Conflict narratives conceal and reveal the narrator’s contribution to the conflict and justify and condemn his/her behavior in the conflict.
7. Conflict narratives focus on the past (blaming), not on the present (problem solving) or the future (desiring).
8. Conflict narratives explain why the narrator has “no choice” but to act in just one way.
9. The narrator does not want to listen to, acknowledge, or affirm the other person’s conflict narrative.
10. The narrator seeks understanding from an “audience” and appeals to a transpersonal potential.

⁴ See generally Kenneth Cloke and Joan Goldsmith., *RESOLVING PERSONAL AND ORGANIZATIONAL CONFLICT: STORIES OF TRANSFORMATION AND FORGIVENESS* (San Francisco: Jossey-Bass, 2000).

Why Do People Create Conflict Narratives?

Some underlying reasons why people create conflict narratives include the following:⁵

1. Unresolved fears and related unfulfilled needs.
2. Unworkable information, expectations, assumptions, and conclusions.
3. Too-intense emotions.
4. Threats to identity and sacred beliefs.
5. Un-mourned trauma.
6. Anxiety about scarcity.
7. Childhood experience of conflict and conflict communication.
8. Other reasons:

⁵ Note that more than one of these may be involved in a specific conflict. Also, one may trigger another or increase its intensity in a conflict narrative.

Unresolved Fears and Related Unfilled Needs

People create conflict narratives in part because of unresolved fears and related unfulfilled needs.⁶ These include:

Unresolved Fears	Related Unfulfilled Needs
Helplessness	Control
Hopelessness	Agency (choice)
Rejection	Intimacy
Humiliation	Respect
Abandonment	Inclusion
Speechlessness	Speaking truth to power
Being wrong	Being right
Losing	Winning
Injustice	Fairness
Discrimination	Equality
Being ignored	Feeling acknowledged
Being invisible	Feeling understood

Other unresolved fears and related unfulfilled needs:

⁶ These also are incentives to engage in dialogue about the conflict.

Conflict Narratives Often Involve Too-Intense Emotions

Roger Fisher and Daniel Shapiro⁷ contend that strong emotions narrow the parties' focus of attention and create tunnel vision. This creates vulnerability such that the parties' emotions take control of their behavior, making them unable to see the consequences of their choices. To make matters worse, emotions feed off one another, so that one person's anger can stimulate the other person's anger.

Conflict Narratives May Implicate Threatened Identity

People have many different identities because they have different pigmentation, religious affiliations, national or ethnic origins, cultural norms, languages, genders, economic class or status, sexual orientations, personal values, self interests, and so on. Different conditions (e.g., actual or perceived abuse of asymmetric power, betrayal, disrespect, humiliation, misallocation of resources, violation of rights, etc.) can create conflicts in which identities are "miniaturized" and people are classified as belonging to a single group ("not us") or having a single dimension or characteristic ("not me").⁸

In addition to these many different existential identities, conflict narratives may implicate a person's threatened sense of personal identity⁹ for:

Competence

Integrity

Self-worth

⁷ Roger Fisher and Daniel Shapiro, *BEYOND REASON: USING EMOTIONS AS YOU NEGOTIATE* (New York: Viking, 2005).

⁸ Amartya Sen, *IDENTITY AND VIOLENCE: THE ILLUSION OF DESTINY* (W.W. Norton & Company, Inc.: New York, New York, 2006).

⁹ Adapted from Douglas Stone, et al., *DIFFICULT CONVERSATIONS: HOW TO DISCUSS WHAT MATTERS MOST* (New York: Penguin Books, 2000).

Conflict Narratives Also May Implicate Threatened “Core Concerns”¹⁰

The following relationship identities can be implicated in a conflict narrative, either as part of the presenting conflict or as part of a back-story for one or both of the narrators:

Appreciation:

As a noun, appreciation is a person’s feeling of valued recognition. As an action, appreciation involves understanding someone’s point of view; finding merit in that person’s thinking, feeling, or actions; and communicating your understanding to the other person.

Affiliation:

Affiliation is a person’s sense of connectedness with another person or group; these connections can be either structural or personal or both.

Autonomy:

Autonomy is a person’s freedom to affect or make decisions without impositions from others.

Status:

Status is a person’s standing in comparison to the standing of others; *social status* is a person’s standing in a social hierarchy; status may also refer to a person’s standing in some defined substantive field, e.g., a person’s *professional status*.

Role:

Role is a person’s *job label* and the corresponding *set of activities* that is expected or required of that person in a specific situation.

¹⁰ Adapted from Roger Fisher and Daniel Shapiro, BEYOND REASON: USING EMOTIONS AS YOU NEGOTIATE 210-11 (New York: Viking, 2005).

Conflict Narratives May Implicate Un-mourned Trauma

When we are traumatized, our world shrinks, our vision narrows, and we are afraid of looking up. We are hyper-vigilant, subject to startle responses, hair-trigger defensiveness, irritability, hyper-ventilation, flashbacks. We cannot relax, or rest, or sleep soundly. We do not trust that anyone else will relate to or understand our situation. We have not grieved about traumatic loss. The trauma affects who we are, what we feel, what we are capable of doing. Our experience of earlier trauma shapes and colors the way we process subsequent unrelated traumatic experiences.

Conflict Narratives May Implicate Anxiety about Scarcity

When parties are in conflict, power often is manifested in their struggle for control over the distribution of resources that are assumed to be in short supply. Those resources can be anything of value to the parties, ranging from emotional and relational support to material commodities including money. Often there are more than adequate resources available actually or potentially to the parties but, because of their unresolved fears and unfulfilled needs, they may experience unacceptable scarcity. Sometimes the conflict is over how to distribute resources in a way the parties will perceive to be fair and satisfactory.

Conflict Narratives May Implicate Childhood Experiences of Conflict and Conflict Communication

Take a few minutes to think about the following questions:

When you were a child, how did your family handle conflicts?

If you had a conflict with a parent or a sibling, how did family members communicate about the conflict and how were you required to act and speak about it?

Do you see any similarities with how you handle conflict and speak about it now?

Why Do People Perform Their Conflict Narratives?

Why do parties with different, competing positions and interests, each feeling threatened and vulnerable, and each seeking to assert power and control, become willing to perform their conflict narratives (in performative negotiation)?

In general, people can be motivated to perform their conflict narratives by their unresolved fears and their related unfulfilled needs. For example, people may feel compelled to perform their conflict narratives because they want to be in control, they need to be heard, they want to persuade, they hope to be vindicated, or they seek redress and justice.

We have a need to be right and a corresponding fear of being wrong. Our moral righteousness is a jet fuel that powers our desire to perform our conflict narratives.

Sometimes we have a need to “speak truth to power,” to say what we believe to someone who we feel has power over us. Our need to overcome our fears and the corresponding obsession to deny being afraid can motivate us to perform our conflict narratives.

We have a need to understand ourselves. We also have a need to understand differences. To do this, I must open myself to your perspective, because I cannot see myself except through your eyes and from your point of view.

Only by dramatizing words in context can their meaning and significance be ascertained. We all are familiar with the experience of “I do not know what I think (and feel) until I hear myself utter it in context to you.”

Acknowledgement and affirmation are primary interpersonal forces: I want to know that you have heard and understood me, even if you do not agree with me.

Scarcity is another reason to participate in performative negotiation: participation allows us to appropriate differences and assimilate them for our respective benefits.

Why Do Parties Become Willing to Engage in Conflict Dialogue?

The objective of performative negotiation is turn the narrators' performance of their conflict narratives into a dialogue in which they take turns talking and actually listening and responding to one another. People in conflict have capacities, skills, and experience to help resolve, manage, or contain conflict. However, in the heat of conflict people are "blind" and "stupid." Dialogue enables people to regain access to their conflict resolution capacities, skills, and experience

Our culture conflates power and control. Conflict narratives are unsuccessful attempts to assert power and control over the other party. The willingness to take turns listening and speaking is a choice, a matter of desire and willingness. Mutual willingness to listen and speak is a type of compromise (I will listen to you, if you will listen to me) and a kind of reciprocity (I will listen to you, and I hope that motivates you to listen to me).

Personal power is the willingness to be available and vulnerable to the other's conflict narrative, the willingness to be affected by the other person and his performance of his conflict narrative. This vulnerability requires personal power to enable me to persist in dialogue, because I am uncomfortable as I struggle to articulate what I think and feel, and it threatens me to listen to you talk about my behavior. Ironically and counter-intuitively, my willingness to be vulnerable to your performance of your conflict narrative is one way how I motivate you to participate in dialogue.

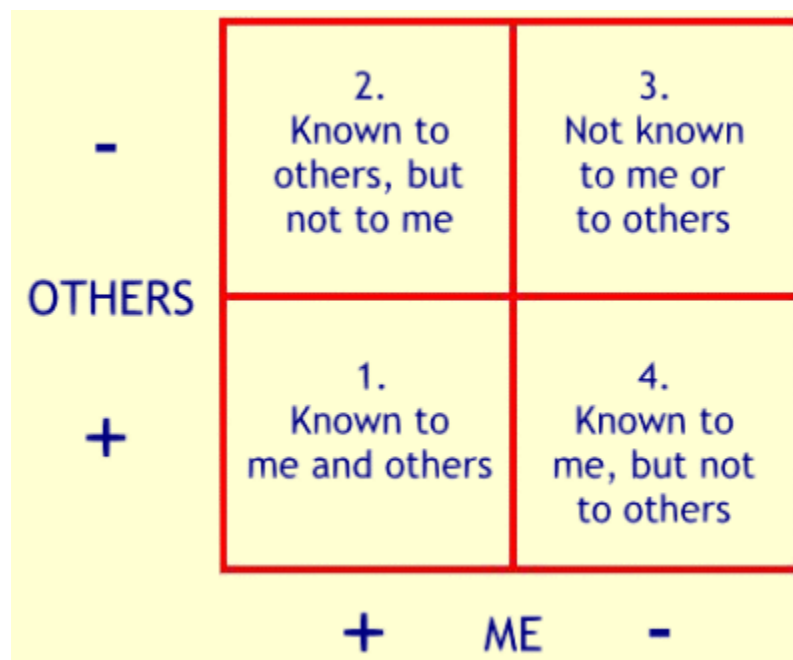
Personal mastery in conflict dialogue lies in acknowledging and affirming the subtleties of our differences, reading the clues in our performances, identifying the symptoms of the problem between us, and diagnosing a way forward. The willingness to be vulnerable is what creates a bridge or path to problem solving through distributive (i.e., exchange of value), integrative (i.e., creation of value), or transformative (relationship-focused) negotiation.

Creative understanding is predicated on vulnerability—openness to the possibility of being changed, however subtly or dramatically—to the extent I am willing to listen carefully and answerably to your conflict utterances. Each of us has the capacity to see some things that others cannot see; conversely, each of us is blind to some things that others can see. Performative negotiation can open up each party to the possibility of the other's point of view. Each party's perspective reveals strengths and weaknesses that may be hidden from or even unimaginable to the other party. Part of the process of understanding is seeing the world, including myself, through the eyes of another.

Johari Window¹¹

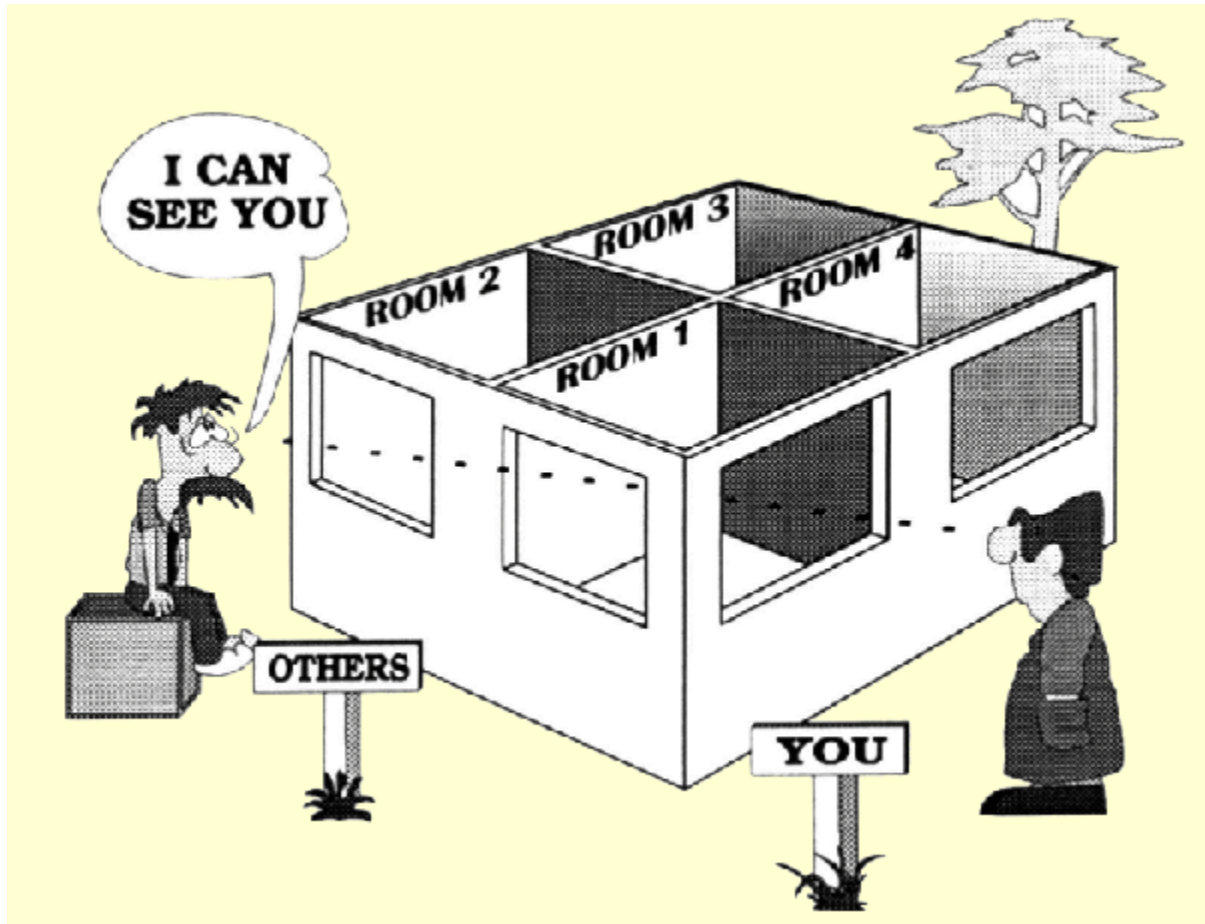
Joe Luft and Harry Ingham were researching human personality at the University of California in the 1950's when they devised their "Johari Window" (so-called based on their two first names).

Luft and Ingham observed that there are aspects of our personality that we're open about, and other elements that we keep to ourselves. At the same time, there are things that others see in us that we're not aware of. As a result, you can draw up a four-box grid, which includes a fourth group of traits that are unknown to anyone:



1. **The public area** contains things that are openly known and talked about - and which may be seen as strengths or weaknesses. This is the self that we choose to share with others
2. **The hidden area** contains things that others observe that we don't know about. Again, they could be positive or negative behaviours, and will affect the way that others act towards us.
3. **The unknown area** contains things that nobody knows about us - including ourselves. This may be because we've never exposed those areas of our personality, or because they're buried deep in the subconscious.
4. **The private area** contains aspects of our self that we know about and keep hidden from others.

¹¹ <http://www.chimaeraconsulting.com/johari.htm>



with thanks to John Morris

The application of the Johari Window to conflict dialogue comes in a speaker's willingness to open up his public area, willingness to disclose personal feelings (private area), and openness to the listener's feedback. The listener attempts to understand what makes the speaker "tick" and what the speaker finds easy or difficult to see, say, or do. This is facilitated by the listener's insightful questions and honest disclosure of feedback information.

How Can I Be Effective in Conflict Dialogue?

Conflict conversation skills include the following “mediating functions:”¹² mindfulness (of self, other, their interactions, plus: awareness of one’s self-discipline and self-control; recognition of the interplay of choice, chance, imperfect knowledge, and necessity; turn taking and commitment to ground rules, conventions, and protocols; listening; acknowledging; affirming; speaking; creating a learning conversation; exchanging information; acquiring information, understanding assets, liabilities, and risks; being vulnerable (i.e., the willingness to be open and accessible to, and affected by the other person).

Agreeing to follow conversation protocol is helpful. Because conversations have become conventionalized, speakers may assume and anticipate that they have certain rights and are subject to certain obligations for giving, getting, taking, and surrendering turns. Because conversations are conventionalized, rules of politeness also may be assumed. Because conversation is a practical affair, parties can talk about their talking. In high-conflict conversations, because face-threatening utterances will violate rules of politeness, parties may talk about and agree to comply with ground rules (e.g., no shouting, no name calling, no personal attacks, etc.).

To lose one’s place in conversation can have personal, interpersonal, and material consequences. Therefore, when one is not speaking, it is important to listen or otherwise attend enough to follow along what is being said. To be a good listener, therefore, is a matter of self-interest, choice, and self discipline. Listening is a choice (a matter of willingness) implemented by using effective listening behaviors:

1. Attending behaviors (eye contact, empathic facial expressions, head nodding);
2. Inviting behaviors (to encourage the speaker to continue talking);
3. Confirming behaviors (to clarify and get additional information);
4. Summarizing behaviors (to demonstrate you have paid attention);
5. Acknowledging behaviors (that show you understand what the speaker sees and feels);
6. Affirming behaviors (to find something of merit in what the speaker said).¹³

When a speaker does not feel the listener has paid attention, the speaker continues talking, repeating the narrative again and again, or else withdraws in frustration from the conversation. When a speaker recognizes that the listener has understood, acknowledged, and affirmed something in the speaker’s narrative performance, the speaker becomes much more willing to stop talking and to give the listener a turn to speak.

¹² The concept of “mediating functions” in negotiation is explored in detail in Professor Hawes’s manuscript, *IMMANENT CONFLICTS AND NOMADIC COMMUNICATION*.

¹³ Roger Fisher and Daniel Shapiro, *BEYOND REASON: USING EMOTIONS AS YOU NEGOTIATE* 28 (New York: Viking, 2005).

The Role of Turn Taking in Transforming Narrative into Dialogue¹⁴

Turn taking in performative negotiation promotes the transformation of conflict narrative into conflict dialogue in the following ways:

1. Custom provides expectations about protocol (e.g., listening, then speaking), reciprocity, rights to a turn, and politeness.
2. Speaker change occurs, so each party knows there will be an opportunity to speak.
3. Typically, one party talks at a time because the parties respect the turn-taking system's allocation of rights to a turn.
4. The number of turns is not specified in advance, so if the dialogue is to continue, each party is intrinsically motivated to minimize negative reciprocity and to display some positive reciprocity.
5. Turn size is not specified in advance.
6. What parties say is not specified in advance.
7. The duration of the conversation is not specified in advance.
8. Turn allocation techniques are used in stopping and starting to talk.
9. "Next turns" often are shaped or constrained by "prior turns."
10. Mechanisms are used to repair turn-taking errors and violations (e.g., if both parties find themselves talking at the same time, one will stop talking).
11. Dialogue—as a locally-managed, party-administered, context-sensitive, turn-taking system—is recipient-designed and interactionally-managed. The parties can talk with one another about their talking, change the way they are talking, agree to impose and comply with process rules, repair turn-taking errors, etc., in order to make the turn-taking system more efficient (more economical).
12. Dialogue involves an orientation and sensitivity between the co-participants which affect their word selection, topic selection, management of emotional expression, etc.
13. Dialogue provides an intrinsic motivation for listening to all utterances in the conversation, independent of other motivations such as interest or politeness, in order to be able to properly effect turn transfer.

¹⁴ Adapted from Harvey Sacks, et al., *A Simplest Systematics for the Organization of Turn Taking for Conversation*

Three Conversations in Conflict Dialogue

Conflict dialogue includes three kinds of conversations involving personal, interpersonal, and transpersonal utterances: what I say to myself; what I say to the other; and what I say to something else (e.g., my deepest self or a transpersonal potential) whose help or understanding I presume or desire.

Intrapersonal conversation can be where I find my own motivation for: mindfulness, self-control, awareness of my choices and the consequences of those choices, recognition of possibility, curiosity, humility, and authenticity.

Interpersonal conversation is full of clues in the sense that every word and utterance reflect the speaker's world of ideas, beliefs, values, experiences, pretenses, secrets, knowledge, resentments, sentiments, prejudices, assumptions, and affects. Paying attention to these clues enables me to have insight, understanding, empathy, and recognition of possibility.

Transpersonal conversation is one way in which I can tap my own wisdom and open myself to the operation of inspiration.

Collateral Benefits of Conflict Dialogue

Openness to Possibility

Conflict dialogue creates “liminal” (in-between) space often filled with ambivalence, uncertainty, equivocation. In-betweenness makes it possible to see that things are not fixed and immutable, that realities are severable and alterable, identities are multiple and expandable, choice and change co-exist, and other futures are possible.

Appreciation of Diversity

In-betweenness makes conversation possible in which people disclose, recognize, and acknowledge the diversity of their differences. Diversity is the learning that comes from overcoming adversity. Diversity creates a space for people to be many things, to belong to many groups simultaneously, to develop identities of choice.

Immanence of Flow

Conversations are like living things which can take on a life of their own. Parties may have considerable anxiety about participating in a conversation they have been consciously avoiding. Once started, however, within a matter of minutes into their conversation, the parties often are carried along by its flow and feel less anxious during their respective turns in dealing with real-time issues of choice and selection, content and expression, form and substance.

Creativity of Mutuality

As utterances begin detaching from speakers (which is to say, as speakers become less invested in the positions for which they are contending), they become more willing to think aloud rather than merely speak for and against positions of presumed fixity. Who thinks and says what, and when, is no longer important. Instead of communicating as if each negotiator had a single fixed identity, they both begin to adopt a common practical, if temporary, identity (e.g., “we need each other to get this resolved”).