

By Louise Phipps Senft

The negotiating table

Turning problems into opportunities

A RELATIONAL VIEW OF CONFLICT CHANGES SITUATIONS

I recently attended a national Healthcare Business Women's (HBA) conference here in Baltimore. Hundreds of women, primarily in pharmaceutical sales were in attendance. It appeared that one of the main themes weaving its way through the gathering was the concern about how the pharmaceutical industry might reconstruct --or construct--a positive reputation in the face of harsh criticism of consumers and the federal government. I listened and was struck by the differences of approach on this topic taken by a group of distinguished panelists representing various industry voices. Three panelists were men; two were women. Four of the five panelists took an approach of strategizing a future motivated primarily by a bottom line. It appeared to be a strategy rooted in power and dominance theory, which manifested in avoiding the presenting issue of reputation and instead defending with a they don't know what they're talking about approach, if you listen to that, you'll be out of a job and then what good will that do you. Only one panelist, a woman, said that she viewed the situation as having the potential to spur new and strengthened relationships between consumers and big pharma industry, and that a focus on the needs and understanding of the consumer would guide the strategy, with the outcomes being a more responsive and reputable industry. She was viewed—even referred to, however—as “polly-anna”.

Was she “polly-anna”-ish, or was she the voice of clarity and strength? While her viewpoint may have been drowned out by louder narrow voices initially, was it out of touch, out of synch? For me, this debate marked a classic struggle that many leaders, legal and business negotiators—and everyday people—face daily.

People caught up in difficult, ongoing and potentially long lasting conflict often become increasingly unable to handle it constructively as the conflict takes its personal toll on the parties and on their optimism. People lose self-confidence, lose their openness to new approaches, and their inner strength dwindles. As people become less able to handle their conflicts or less able to engage constructively, they often become more closed, suspicious and defensive which in turn fuels either avoidance or positional responses. So the debate at the HBA conference mentioned above was a classic example of this. The rhetoric of bottom line only, instilling fear, blaming and personal disparagement of others, their views and ideas is part of the weakness response. It is the methodology of positional bargaining to win. See this contrasted with dialogue with a purpose to understand and then to be responsive, with gains and value for all. This is the methodology of a relational approach. The contrast is quite stark. Most would say they

have a strong visceral distaste for the first type of adversarial interaction. However, situations that espouse or are caught up in the positional bargaining approach are actually commonplace once we take a moment to consider various interactions of groups. For instance, consider the school board, politics, other conferences, the board room, the law firm, the neighborhood association or school board meeting, or our families.

In such situations when we find ourselves in the uncomfortable conflicted situation, we have at least three choices. We can do nothing and pretend the real conflict and deeper issues don't exist or didn't happen. We can avoid the core issues while instead either smoothing them over with surface accommodations or engaging in positional bargaining, ratcheting it up and adding further fuel for the fight or adversarial experience. Or we can seek to better understand the core issues, acknowledge their reality without judgment, listen for the points of heat and frustration and invite more dialogue, ask creative, thoughtful, discerning questions to better understand, and then speak transparently and openly. This type of an approach might take more time, energy—and clearly more internal fortitude—initially, but it usually yields swift dividends overall, both in terms of time, substance and quality of interaction on a human level. This is the role of a mediator or of a group facilitator operating from a relational approach. It can also be the informal role of anyone witnessing or part of an adversarial or closed interaction.

All of us have, if we so choose, the ability to listen, to acknowledge and to ask questions to understand, while suspending judgment. All of us have the ability, if we can be self-disciplined enough, to be open rather than reactive; to be discerning rather than defensive. Mediators are trained and skilled and accustomed to offering both. Mediators are used to seeing parties come to a mediation in a disempowered state. Mediators are used to seeing parties dig in, avoid the real tough (usually vulnerable) stuff and become positional. Mediators who offer a space where dialogue and open questioning can occur also are used to seeing many shifts from weakness to more responsiveness. Mediators have the privilege of witnessing people's inability to deal with conflict change to something more constructive with settings and circumstances. Indeed, this is one of the philosophies underlying a relational and transformative approach: that given a supporting and encouraging setting, parties can rise to the occasion and get to where they can find workable answers to their crises. Parties can find a way to be respectful and to inter-relate even with people with whom they don't agree. This not only makes it possible for them to solve their immediate problem, it also gives them renewed self-confidence and equips them to better deal with whatever new problems the future brings them. Many achievements!

So, how do the shifts and changes take place? Often with just one person if a conflict of two, or a small group of people if a conflict of thousands or millions, who has or have the resolve to be responsive. If we go back to the HBA conference, I asked the panelists if they felt it might be an opportunity for them as leaders of the pharma industry to emerge with a new relational and responsive approach to the underlying criticisms of greed and deception. One where they were able to say, "Yes, the accusations have merit in some instances and we are not proud of this. Yes, together we are going to take responsibility and change this. We want to be successful not because we have bullied to corner market share. We want to be successful because we *and others* have worked in

concert to support reputable products that can be combined with other products, which are understood and accessible, and sold at affordable rates, to better the lives and health of people, rich and poor.” There was an outpouring afterwards of pharma sales representatives in the audience who came forward saying, “Yes, we want this dialogue; we need to work together, we need this type of leadership!”

In the same way that mediators don't change people, we can all try to bring about a setting where change can take place. A mediator is not a guarantor of change or of conflict resolution. However, a mediator can intervene in ways that bring about a less hostile atmosphere or that remind people of their own internal strength. It is all about creating the environment for safe, clear and open thinking. Each person witnessing or engaged in conflict has the potential to begin to bring about such an atmosphere too. People are really quite capable most of the time of being genuinely responsive when provided the right environment. People coming to a mediation have often been in a hostile setting where they have argued, spoken to deaf ears, felt insecure or confused, or have themselves listened not to hear, but to frame a self serving response, all of which leads to frustration and communication breakdown.

This hostile setting can change in a mediation or in a facilitated dialogue. The parties can find in the mediator a person who will not argue with them but who will listen and maybe understand; who will show them respect and encouragement; a person in the room whom they can trust; and a person who makes it safe for them to say what is on their minds and in their hearts or their conscience. And, most importantly, a mediator is a person who will believe in the parties and their human capacity and invite them to take the opportunity to hear from the other parties, to be understood and to understand, to show respect and to engage meaningfully. This is the type of setting that presents an opportunity for change. The mediator has to be conscious of the fact that the setting can have more of an impact on possible resolution than the nature of the issues themselves.

So, even for those daily professional conflicts that you encounter, consider a relational approach or ask a mediator to facilitate the dialogue. It often leads to further and more open discussion which in turn offers many more possibilities than the tiresome and stagnant “my way only” positional approach. Better process...better outcome.

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