

# Contents

- Contents ..... 1
- Introduction ..... 3
- What is Mediation?..... 3
  - Avoidance ..... 3
  - Negotiation ..... 3
  - Altercation ..... 4
  - 6 Degressions of Conflict ..... 4
  - Legislation ..... 5
  - Arbitration..... 5
  - Litigation..... 5
  - Mediation..... 6
  - Allegorical Altercation, Litigation, Mediation ..... 7
- Shuttles/Caucus ..... 8
- Online ..... 8
- 9 Types of Mediation..... 9
  - 3x3 Grid ..... 9
  - Four Cornerstone Mediations ..... 10
    - Transactional..... 10
    - Facilitative ..... 11
    - Evaluative ..... 11
    - Transformative ..... 11
  - Four Keystone Mediations ..... 12
    - Med-Arb/Arb-Med ..... 12
    - Court-mandated ..... 12
    - Narrative ..... 12
    - AI ..... 13
  - One Centerstone ..... 13
    - Adaptive ..... 13
- Process ..... 14
- Conducted ..... 14

Impartial Third Party .....	15
Effective Engagement.....	16
5 Conflict Engagements .....	16
Neutral.....	16
Power .....	17
Persuasion, Sanction, Reward.....	18
Rights.....	18
Normative .....	18
Interests.....	19
Manipulation .....	19
Distributive/Integrative .....	19
Toward Resolution.....	20

# What is Mediation?

Tom Dorr, Resolution Specialist  
February 2026  
FairlaneResolution.com

## Introduction

“What is Mediation?” is part 3 of a 3-part series titled, “What is Conflict Resolution?” Part 1 answered the question, “What is Conflict?” and part 2 answered, “What is Resolution?” These three articles make a three-legged stool upon which I will build all future podcasts and blogs.

## What is Mediation?

Mediation is a process conducted by an impartial third party which helps two people in conflict engage more effectively toward resolution.

### Avoidance

When two people find themselves in conflict we can predict with reasonable certainty what their first next steps will be: one or both parties will step to avoidance. This makes sense because it provides time to consider if this conflict is worth pursuing or if either party was just blowing off steam or any number of other reasons to not pursue the conflict. When avoidance does not work, we know there are two most common second steps: negotiation and altercation.

### Negotiation

Negotiation is communication between two people aimed at resolving differences or reaching agreement. Negotiation is not limited to buying a used car or coordinating what time to meet for dinner. Negotiation is so much a part of our lives that we don't even notice it. Imagine you are at lunch with friends when someone brings up a subject that is too sensitive for someone else in the party and so you kick the unenlightened one under the table. You have communicated with another person with the aim of avoiding conflict. Any parent with children under the age of ten is in a perpetual state of negotiation aimed at resolving differences or reaching agreement.

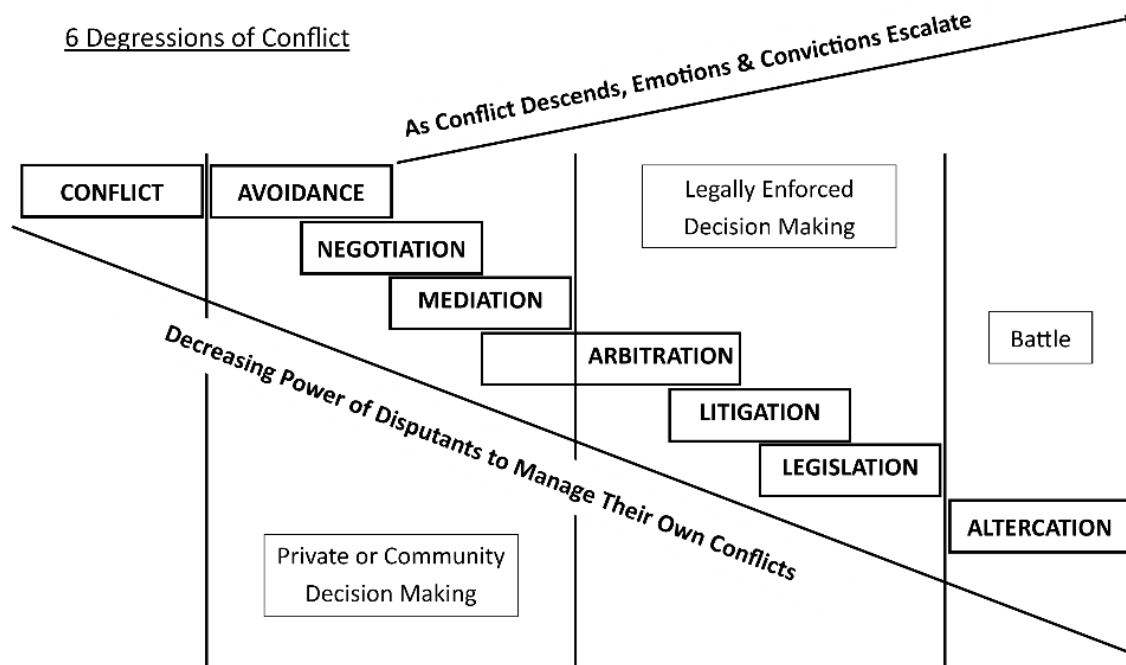
## Altercation

Below is an image of the 6 Degressions of Conflict. This image depicts seven conflict engagement processes as descending steps with Avoidance at the top and Altercation at the soggy bottom. Occasionally one or both people, rather than taking the short step to negotiation, will leap, stumbling, tumbling, and ultimately landing in a heap at the lowest point of altercation. From this station they yell, blame others, and battle for vindication. When both parties are determined to use the altercation process, resolution is impossible and life is miserable for everyone associated with them or the conflict. When one party is on any elevated step it is most helpful for that person to resist the temptation to join the other below but rather encourage the other to ascend the conflict engagement process staircase. Hopefully the two parties can meet on negotiation, engage in harmonious communication, and resolve their differences.

Negotiation is cognitive; altercation is emotional. Negotiation is quiet and harmonious; altercation is noisy and chaotic. Negotiation focuses on solving the problem; altercation focuses on keeping what you have, getting what you want, and defeating the other.

When altercation is abandoned but negotiation doesn't work, there are still four more steps. Let's look at these, beginning with Legislation.

## 6 Degressions of Conflict



Adapted from Guiding Notes on Mediation, 2020  
Tanganyika Law Society, Tanzania, Africa <https://tanzlii.org>

## Legislation

Legislation is making a rule satisfactory to both parties that ends the conflict. The first thought that typically comes to mind associated with legislation is Congress. That is correct but it doesn't always need to be that dramatic. Imagine two friends in conflict about where to eat lunch and one of them says, "Let's flip a coin. Heads we have Mexican, tails we get burgers," and the other agrees. They have just created a rule to solve their problem. They might further decide that every odd week they will go to Mexican and on even weeks they'll go to burgers. This is another rule or legislative process. Parents do this all the time when they establish a rule about bedtime. Mom or Dad decrees that 9:00 is bedtime and that ends the conflict – or so they like to believe.

## Arbitration

Arbitration is the hybrid result from mating litigation and mediation. This is like a mule which is the result of a male donkey and female horse. Arbitration is the pack mule of conflict engagement process. It is hardy, intelligent, lower cost, and versatile.

Arbitration is a process which helps two people in conflict engage more effectively toward resolution. Arbitration is conducted by an impartial third party, called an arbitrator, who also declares a decision which serves as an end or settlement for the conflict. The arbitrator's decision can be legally binding, advisory, or consensually binding. For example, both parents are in a conflict with their seventeen-year-old daughter about curfew. After visiting with a resolution specialist, everyone agrees to an arbitration and additionally each person agrees to abide by the arbitrator's decision. The resolutionist takes the position of arbitrator and, after listening to each side, declares a written decision which all parties sign and vow to uphold. This is not a legally binding decision because the arbitrator is not a judge or attorney, however it is consensually binding. The written agreement could, if it became necessary, be presented to a judge who could in turn throw it out, modify it, or make it a legally binding agreement.

Arbitration keeps the confidentiality and cost effectiveness of mediation while making use of a third-party decision-making process.

## Litigation

Litigation is a conflict engagement process exercised in a court of law.

Think "Perry Mason" or "Lincoln Lawyer". Litigation is second only to altercation in terms of contentiousness. Litigation positions the parties directly against each other before

a legally empowered judge. The judge's primary role is to render a final judgement or decree that both parties are legally bound to fulfill. If a party fails to abide by the judgement or decree, the judge can summon the sheriff to enforce the judgement or arrest the violator and bring him before the judge where the judge can then fine or jail the violator. Litigation should be taken seriously.

Another element of litigation is representation. Disputing parties are encouraged to secure legal representation for this process and in this arena. The reason for this is twofold: 1) Legal counsel. The lawyer provides legal advice as to how this situation might turn out in court and how to win and 2) procedural advice. This is the thing most people don't think about. The lawyer understands the labyrinth of the court system, what papers to file, when to file them etc. It is generally good advice to seek legal advice when in litigation.

Another element of litigation is public testimony. Nearly everything said in a courtroom is transcribed, recorded, and made available for public scrutiny.

An unavoidable side effect of litigation is combativeness. The litigation process demands that each party fight to be right and thereby prove the other is wrong. It is as if each party attempts to portray the other as Satan and themselves as Michael the Archangel. This creates a combative relationship that carries over outside the courtroom.

Sometimes litigation is the best suited process for a conflict, but it rarely produces the best outcome. A lot of times litigation is a party's first next step but most of the time it should be the process of last resort.

## Mediation

Mediation is a process conducted by an impartial third party which helps two people in conflict engage more effectively toward resolution.

One way to understand something is by comparing it to other similar things to see how it differs. That's how we will look at mediation now, by comparing it to the other six conflict engagement processes.

When avoidance doesn't work the next step should be negotiation, however some people all the time and all people some of the time take a stand instead of a step and remain in avoidance. This is pretending the conflict does not exist even after the other has tried to negotiate. Whether you are the one attempting to negotiate or the one attempting to prolong avoidance, mediation is good alternative. Mediation works well in these cases because an impartial third party is brought in to facilitate the negotiation, even if the issue is whether there is indeed a conflict. Also, mediation is flexible and can occur anyplace, anytime, even at moment's notice in the hallway. The key is impartiality: the facilitator must not advocate for one party. It helps if the mediator is trained in mediation techniques, but if time is critical someone with good communication skills might have to do. The big

advantage to mediation over avoidance is that the conflict gets addressed. Even if all that is accomplished in “round 1” is bringing the issue to the surface, that is clarity (one of the four types of resolution) and does count as a resolution point. Continuing to avoid a genuine conflict only allows it to fester, grow, and poison the hearts and minds of both parties.

Negotiation is communication between two people. Mediation is assisted negotiation. It is interesting to observe how differently people communicate when a third person is present. Sometimes this is all it takes to make all the difference. Additionally, a trained third person can moderate the conversation to keep emotions, and subsequent language in check. It is not uncommon for two people, while negotiating a conflict, to slip and fall down the staircase to altercation. When this happens, the third person can call a time-out, reframe a perspective, or bring everyone’s attention back to the issue. It is difficult for either party to do this when one party, and especially both parties, are slogging around at altercation.

Legislation without mediation is usually imperialism. Remember my earlier story about the parents establishing a bedtime? They were acting like imperialists, and they had every right to because they are parents of children under ten. When one party of a conflict “lays down a law” the other feels they are being treated like a ten-year-old and they naturally resist in order to maintain their personal sovereignty. When a law develops through the mediation process it is agreed to both procedurally and substantively. In mediation, both parties participate in the legislative process and the decree ensuing from it, therefore each party is much more willing to abide by that rule, which in turn gives the other party a sense of peace because the each is ungrudgingly keeping their end.

Litigation is the most common alternative to mediation. In fact, there is even a type of mediation called court ordered and, in the early days conflict resolution was called alternate dispute resolution (ADR) indicating its connection to the court. Court ordered mediation is exactly what it sounds like, the court orders the parties to try mediation. The biggest obstacle to a successful court ordered mediation is the order. Some of the big features of mediation are that it is voluntary and includes self-determination. A court order is directly opposed to these ideas. Yet, with skill and patience a mediator can overcome this obstacle – when the parties voluntarily decide to work together. Earlier I said that litigation forces each party to portray the other as Satan and themselves as Michael the Archangel. Mediation works to help each party accept both themselves and the other as human. When this happens a long-term working or coexisting, peaceful relationship can develop.

## Allegorical Altercation, Litigation, Mediation

By way of analogy, I look at altercation as a Mixed Martial Arts fight, litigation as a Rugby match, and mediation as a volleyball tournament.

Altercation, like an MMA fight, has very few rules and the goal is to dominate, diminish, and utterly defeat your opponent. In the process you will get beat up and bystanders may get hurt, but the consequences are forgotten while you are in battle.

In a rugby match blood will be spilt, bones are likely to be broken and, at the end, only one team comes out being declared the victor. In litigation emotions will be spilt, hearts will be broken and, at the end, one party and their legal team will be declared by the judge victorious – regardless of the cost to the other party, yourself, and team members on the sidelines.

Mediation is like a volleyball tournament. We begin with each party on opposite sides of the net, with their issues beside them helping the party hold their position. Slowly we work toward moving both parties to one side of the net and all the issues to the other side, thus transforming the combatants into counterparts. Volleyball is unique because the team that works best together wins. One side doesn't beat the other, the one side that does not work well together loses by dropping the ball more. Issues do not work well together, but people can and when they do the issues defeat themselves. Also, mediation is more like a tournament where more than one session, or game, needs to be played out before victory is decided.

## Shuttles/Caucus

One nuance of both mediation and arbitration is called Shuttle. Shuttle takes place when the two parties refuse to be in the same room (or virtual room) and the resolutionist must shuttle between them with information, offers, proposals, advice etc. until some form of resolution is attained. Shuttle is rare, difficult, and has a low success rate, but sometimes it is the best you can get.

The first cousin to shuttle is caucus. Caucus occurs in the middle of a normal arbitration or mediation when one party or the resolutionist wants some time away from the other. The resolutionist then shuttles for a set period and then they all come back together. Caucus is common and very effective when used correctly.

## Online

Another popular nuance is online mediation. Online mediation is any type of mediation using an online platform such as Zoom. Online mediation was not very popular until the Covid restrictions took effect. Today online is very popular and its popularity is only increasing.

## 9 Types of Mediation

Mediation is a process conducted by an impartial third party which helps two people in conflict engage more effectively toward resolution.

There are nine types of mediation but there are dozens of ways to cook chicken such as baking, roasting, frying, grilling, and stewing. Cooking is a process facilitated by a person that helps people satisfy their hunger. Both cooking and mediation are processes, and each has different ways or types that achieve the same end. When all I want is to satisfy my hunger, I'm not too worried about which process is used to cook the chicken, but sometimes one method is better suited for the circumstances. In similar fashion, when all I want is resolution to my conflict I'm not too concerned with which type of mediation is used, but each type is best suited for certain situations.

### 3x3 Grid

Mediation is a process conducted by an impartial third party which helps two people in conflict engage more effectively toward resolution.

<b>Transactional</b>	<b>Med-Arb Arb-Med</b>	<b>Facilitative</b>
<b>Court Ordered</b>	<b>Adaptive</b>	<b>Narrative</b>
<b>Evaluative</b>	<b>AI</b>	<b>Transformative</b>

Variations include: Shuttle, Caucus, and Online.

Fig 2. 9 Types of Mediation

Fig 2 is a 3x3 grid listing the nine types of mediation. These are divided into three groups: Cornerstone, Keystone, and Centerstone. The four cornerstones are Transactional,

Facilitative, Evaluative, and Transformative. The four keystones are Med-Arb/Arb-Med, Court Ordered, Narrative, and AI. The single centerstone is Adaptive. Like the 2x2 grids, this one begins in the upper left and works through to the lower right. And so, let's begin at the upper left with Transactional and look at the four cornerstone types of mediation.

## Four Cornerstone Mediations

### Transactional

Cornerstone number one, Transactional mediation. The mediator's only goal in a transactional mediation is assisting the parties in reaching an agreement or settlement. Transactional mediation is generally faster because there is little time devoted to gaining clarity or developing harmony and almost no purpose in making determinations. This works well when there is no anticipation of an ongoing relationship.

A good example for using transactional mediation is in a conflict between a contractor and a homeowner. The homeowner is upset because she paid the contractor some money and he didn't complete the job. She only wants her money back or at least a portion of the money back. She does not want him to do anymore work and she, quite frankly, doesn't care to ever see him again. He does not want to surrender any money, does not want to do any more work for her, and hopes to never see her again.

Unless the mediator senses hope or some benefit in restoring this broken relationship, the only issue to address is whether and how much money will be transacted.

The reason Transactional mediation is in the upper left, number one, square is because most people come into any mediation with this mindset. They think, hope, wish, or pray the mediation will take no more than thirty minutes and the entirety of the conflict will end satisfactorily.

A good start is always a bad ending.

We can start with a transactional mindset and, in some cases like the contractor above, we might end here, but even in the contractor case it is an ending that leaves a bad taste in everybody's mouth.

Mediation is a process that begins with conflict and intends to end with resolution. This is why the industry is called conflict resolution. Resolution is an end that satisfies the parties and reduces stress.

In the contractor story above, if they end with a transaction, neither party will feel satisfied, in fact the best we could hope for is both parties feeling equally dissatisfied, that is, each of them feels that neither side got anything better than the other, and the stress level might actually increase.

If you find yourself in a mediation and it feels very transactional, ask yourself, "Are we going toward an end that will satisfy all the parties and reduce stress?" That is, are you

headed toward resolution or only an end. If you're happy with your answer, proceed, if not then you may want to ask the same question to the other and the mediator; take a poll to find out where everyone wants to end up then plan accordingly.

## Facilitative

Cornerstone number two, Facilitative mediation. Facilitative mediation is the traditional form of mediation. Two people find themselves in a conflict and, when negotiations fail to produce a resolution, call in an impartial third party to help direct negotiations. The mediator does not decide the outcome but rather, helps both parties gain clarity on the issues, perspectives, needs, and wants of both parties while maintaining harmonious communication. The parties are expected to develop their own resolutions with little input from the mediator. This works well with civil and work conflicts where relationships are distant yet ongoing.

## Evaluative

Cornerstone number three, Evaluative mediation. In an evaluative mediation, the mediator is expected to express opinions, suggestions, and recommendations. The mediator is expected to evaluate the case. When the mediator is a lawyer, these expressions may be of a legal nature. When the mediator is not a lawyer, these expressions are intended to help the parties develop their own resolution. Evaluative mediation is one step away from arbitration. This works when the mediator has special knowledge in the area of conflict. For example, two workers of a highly specialized metals manufacturing plant are in conflict about how to execute a process unique not only to their industry but also to their company. Their negotiations fail and so they agree to call in somebody within the company who is not directly involved with this issue to mediate and, when asked, provide relevant insight or opinion.

## Transformative

Cornerstone number four, Transformative mediation. In transformative mediation, the mediator conducts the process with the intent to transform the disputants from combatants to counterparts by focusing on Clarity and Harmony, then Determination and, if still necessary, Agreement. Transformative mediation is the antithesis of Transactional mediation which is why they are diagonally opposite in the 9 types grid. When an agreement is reached, the mediator avoids making recommendations or suggestions but rather encourages the parties to develop their own resolutions. This is most useful in family or work conflicts where relationships are close and are anticipated to continue.

Transformative mediation takes the most work because the people are transforming from an overuse of reactions like avoidance, litigation, and altercation to maintain their

positions into learning the proper use of assisted negotiations to deal with issues. Transformative mediation usually involves a number of sessions.

## Four Keystone Mediations

### Med-Arb/Arb-Med

Keystone number 1, Med-Arb/Arb-Med. Med-Arb, Mediation – Arbitration, begins as mediation and, if that fails, converts to arbitration. Either the mediator becomes the arbitrator, or a different person assumes the role of arbitrator. The parties can agree to a Med-Arb before beginning the mediation or they can agree to convert after the mediation has reached an impasse or failed altogether.

Arbitration – Mediation, Arb-Med, must be agreed to in advance. The parties state their cases to the arbitrator who then writes a settlement but does not disclose this to the parties. The parties then enter into mediation. If they develop a resolution the arbitrator's written settlement is discarded without ever being disclosed. If they do not develop a resolution the arbitrator's written settlement becomes binding upon the parties.

### Court-mandated

Keystone number 2, Court-mandated. Court-mandated mediations are challenging because voluntary participation is one of the key aspects of mediation. It is common for one or both parties to resent being ordered to participate in a voluntary program and therefore they do so half-heartedly, grudgingly, or disruptively.

The particular challenge for the mediator in a court-mandated mediation is getting the resentful party or parties to appreciate the benefits of mediation. If only one party is set on "having his day in court" to seek vindication, there is no hope. If, on the other hand, the mediator is successful in overcoming this obstacle resolution is attainable.

### Narrative

Keystone number 3, Narrative mediation. Narrative mediation focuses on the story told by each party about the conflict. Narrative mediation is built on the premise that each of us believes the story we tell is the true and correct summarized total of the conflict. But in reality, there are many aspects of any conflict (peaks, valleys, and plains) that are left out. The big idea behind narrative mediation is helping each party discover and understand more about the story, their own story, and the other's story so that each of them, and ideally both together, can re-tell a different story that includes hope and gratitude.

Two main tools used in narrative mediation are externalizing and reframing.

## *Externalizing*

Externalizing is the practice of separating the issue from the person. For example, rather than say, “Why did you get so angry when he wrecked the car?” an externalized approach would be, “What was it about the car being wrecked that made you angry?” In the externalized approach the car being wrecked is its own thing separated from either party. This gives both parties the ability to discuss the issue of the wrecked car.

## *Reframing*

Reframing is practiced in layers. The first layer is detoxification. Detoxification simply removes toxic language from the narration, such as expletives and insults, because it is difficult to generate a clean, pure, consumable story while adding toxicity. The second layer is definition. Definition is how we externalize issues, how we define and describe the issue as separated from the person. The third layer is metaphor. Metaphor is useful because what you compare something to tells a lot about how you view the thing in comparison. For example, if the other is being overly assertive in their demands you could compare them to General Eisenhower or Joseph Stalin. Your choice of metaphoric comparison alone tells a lot about how you feel. The fourth layer is narrative. Narrative reframing brings us full circle to telling a better story that includes hope and gratitude.

## **AI**

Keystone number 4, AI. The newest kid in the mediation neighborhood is AI (Artificial Intelligence). As of this writing, AI is less than 2 years old and nobody, absolutely nobody, is certain what role this will play in any arena. It appears that AI might have the ability to mediate conflicts all by itself, be used as a tool by the mediator and the parties, or – we don’t know yet. The reason I include this scant description is because AI is real, is here, and is not going away. To ignore AI would be like standing on a railroad track and ignoring the vibration under your feet, the sound of a horn in your ear, and the sight of three headlights in your eyes.

## **One Centerstone**

### **Adaptive**

The centerstone, Adaptive mediation. Sometimes the longer way is the fastest way. Few mediations follow a straight line. Most mediations jump around like a kangaroo on a pogo stick with ants in his pouch. It may start out as a straightforward transactional mediation when suddenly both parties are asking the mediator’s opinion and then both of them need a little transformation for the sake of a harmonious conversation. Adaptability is a necessary quality for the mediator, the mediation process, and the parties. The adaptive

type uses as much of any of the other eight types of mediation as is necessary to attain resolution.

Adaptive mediation is like participating in a team Decathlon where all ten events happen at once and every team member is empowered to suddenly, without notice, move to a different station and the other members must move with them. It is common, when things get too wild, for someone to say, “Could we just stay here for a few minutes!?”

## Process

If conflict is the beginning and resolution is the end, mediation is a process that moves people from that beginning to that end. Mediation is not a tool, technique, or strategy although many tools, techniques, and strategies are used. Mediation is dynamic, it is in constant motion, or rather, the people involved in mediation are in a constant state of motion. Grammatically, mediation is a noun, but it behaves like a verb. When mediation has stopped moving, the mediation has stopped.

All this motion requires energy. Mediation does not produce its own power; its power is derived from the participants. If one person brings bad power to the mix, such as toxicity, unrelenting position, or disruption the mediation will get bogged down and operate sluggishly. If two people bring bad power, the mediation won't work at all. When everyone comes to the mediation with good power, like hope, respect, and cooperation, mediation runs like a Ferrari in Modena, Italy, home of the Ferrari test track.

## Conducted

Mediation is a process conducted by an impartial third party which helps two people in conflict engage more effectively toward resolution.

In a mediation, the mediator can be compared to and is in fact described as many things including, broker, intermediary, peacemaker, facilitator, and moderator. I prefer the word and associated connotations of conductor. For me, two types of conductors come to mind train conductors and symphony conductors. Either of those two types works well as a metaphor for the mediator but, because I don't prefer trains and do enjoy the symphony, I like the symphony metaphor best. The symphony conductor is not in charge of making everyone in the orchestra do what he tells them. He is in charge of directing the process they have all agreed to in advance. We are human and it is easy for us to get off track, out of sync, or forget our cue and the conductor keeps everyone on track.

## Impartial Third Party

It takes two to tango – and tangle, but three can thrive.

It is generally accepted that the mediator in a conflict should not be one of the disputants. This would create an obvious conflict of interest. Imagine a judge deciding on a case where he himself was one of the defendants. Would anyone trust his decision to be fair? And so, the idea of a third-party mediator was born. But would just any third party do? Three broad qualifications have developed over the eons; the mediator should have some communication skills, the mediator should want to do the job, and – now this is where the discussion gets interesting. If you ever find yourself at a mediation conference and the conversation starts getting dull just throw out one of these three words: neutral, impartial, or unaffiliated. Just say something like, “What do you think about the need for a mediator to be [insert one of the three words]?” then step back and imagine an octagon cage dropping down from the ceiling and prepare to be entertained. When it comes to neutrality, impartiality, and unaffiliation every mediator has an opinion, but nobody has an answer.

I believe the mediator could be a member of (affiliated with) the group that both parties belong to – or not, so long as all parties agree. As to neutrality, this is a nice ideal but wholly impossible to realize. Every human being has bias, prejudice, favoritism etc. I’ll admit I am biased and prejudiced in favor of my kids and each of them accuses me of having a favorite among them. I am not neutral when it comes to these people. For these and other reasons I like the idea of impartial.

Impartiality suggests the mediator has nothing to lose or gain by either party, the conflict, or any resolution. This means I could not mediate a dispute between one of my children and someone else because I am blatantly partial to my children. However, I could mediate a conflict between two of my children (unless one of them was the favorite) because I am not partial between those two. Side note: this would be a very risky mediation and would be better conducted by somebody who is unaffiliated.

Even the Bible touches on the topic of impartiality. In 1 Corinthians 6:4 we find, “If then ye have judgments of things pertaining to this life, set them to judge who are least esteemed in the church.” The “least esteemed” would have the fewest political connections, business dealings, and reasons to favor one side. This person has the least to lose or gain in a matter. Except for their susceptibility to bribes (which is a whole other issue), they would likely be more impartial than a leader, deacon, or pastor in a church.

# Effective Engagement

Mediation is a process conducted by an impartial third party which helps two people in conflict engage more effectively toward resolution.

After you have wrapped your mind around mediation as a dynamic process conducted by an impartial third party it is time to engage in the work. Engagement could include yelling, throwing things, hurling insults, and using expletives. But these methods are very ineffective in leading toward resolution. Resolution, remember, is an end that satisfies the parties and reduces stress. Those ineffective methods are unsatisfying and tend to increase stress. Both the mediation process and the mediator work to effectively facilitate five types of engagement. The five types of conflict engagement are Power, Rights, Normative, Interests (or issues), and Manipulation.

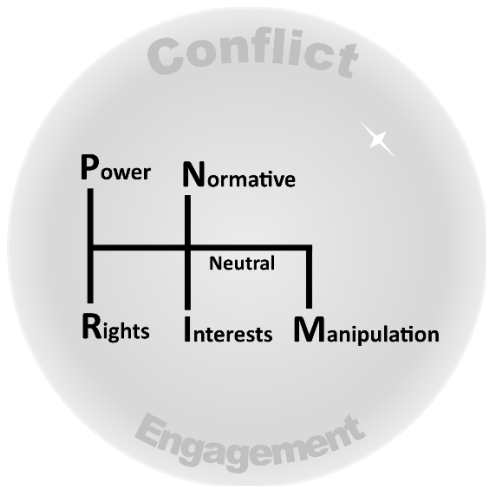


Fig 3. 5 Types of Conflict Engagement

## 5 Conflict Engagements

### Neutral

Fig 3 shows the five engagement types as gears on a stick shift with Power being first gear and Manipulation as reverse. I'll explain each "gear" in detail but first let's talk about neutral or disengagement.

Wisdom is ascertaining best. And sometimes the wisest action is no action. In part 2 of this series, "What is Resolution?", and earlier in this article we talked about avoidance as the natural first step in the conflict process. Avoidance is not the same as neutral. Avoidance is reactive, disengagement is decisive.

When faced with a conflict, that is an intersection of issues that induce stress, the most valuable activity you can do, while you are standing at avoidance, is determine if this conflict is engagement worthy. What comes to my mind is a scene from a modern military

movie where two U.S. fighter jets come up on either side of a Russian jet that is inside a restricted area. One of the U.S. pilot's radios to the Russian, "You are outside of your flight area and inside a restricted zone. Would you like us to escort you back or do you wish to engage?" The Russian pilot did not hesitate to raise his hand, index finger protruding, and make a circle, indicating his desire to go back. I might have just pulled the eject cord and bailed out! Not every conflict, potential conflict, or invitation to a conflict needs your engagement. Sometimes just "knocking into neutral" and slowly, quietly rolling away is the best course of action. At the very least it is worth considering.

## Power

After considering disengagement and deciding to engage, the first most common engagement tactic selected is power. Just as in a car where you don't always have to start out in first gear, in a conflict you don't have to start with power, but most people do. The reason is obvious; it's easy and if it works you've saved a lot of time. Parents who have children between 4 and 12 years old shift into first gear and use power when they say, "Because I'm the mom (or dad), that's why." The child stomps their foot, crosses their arms, and surrenders to the undefeatable force. Sometimes parents will start in a higher gear and down shift until the issue makes it through the intersection (see "What is Conflict?"). Other times an exceptionally adroit child can persuade the parent to shift out of power and into some other slot. However, power is not exclusive to parents, everybody has some degree of power at different times. There are two types of power, personal and structural.

### *Personal*

Personal power is based on knowledge, expertise, and oftentimes, charisma. Personal power is internal. If I am talking to an astronautical engineer about the International Space Station and she makes a statement I don't agree with, she wins. It doesn't take a brain surgeon to figure out I don't know anything about rocket science. She has power based on her personal knowledge and expertise. Other people need only to walk into a room, and their charisma causes almost everybody else to grant them authority. Sometimes a person is compelled into a position of decision-maker because of their personal power.

### *Structural*

Structural power is granted by the culture, company, or circumstances. Structural power is external. Families sometimes grant power to a matriarch or patriarch only because of their position in the family. Businesses promote people into positions of power sometimes regardless of their personal ability. In the U.S. politicians are elected and then we discover if they are competent, but while they hold that position, they have power.

With personal power the person is respected and revered, with structural power it is the position that is respected and revered. In a conflict, structural power is the most difficult obstacle to overcome. Occasionally someone with personal power combined with morals and ethics occupies a position of structural power; this is the rare difference maker and true leader.

## Persuasion, Sanction, Reward

All power is used, or abused, using three methods, persuasion, sanction, or reward. If you are in a conflict and the other has power, they can use that power to persuade you into compromising, giving up altogether, or considering their alternatives. When persuasion fails, they could offer rewards for going along with their ideas and if reward fails, they could threaten sanctions (punishments) for not going along.

It is valuable to keep in mind the idea Thomas Jefferson coined in the Declaration of Independence; that all government derives its power from the consent of the governed (my paraphrase). This idea holds true when somebody else attempts to govern you. Unless the other is a violent sociopath, they only derive their power from your consent. Even when you lack structural power you can always develop and strengthen your personal power. This may not be enough to withstand the other completely, but it usually is enough to gain some concessions from them.

## Rights

When everyone is willing to abandon their exercise of power or if power just is not working, one or both parties usually shift to rights. A rights-based engagement says, "I have a right to certain things." This may be in the form of a constitutional right, or it may be a clause in an agreement, or it may be a universal human right. However it comes about, one person, usually the one without power, claims a right to something. If their claim is legitimate and accepted, then that is as far as they need to go for that issue. When asserting rights does not work, the underpowered party typically shifts to normative.

## Normative

Normative is the usual and customary practice. This is sometimes referred to as, "The right thing to do," but don't confuse normative with rights-based engagement. Normative is an appeal for the other to behave in a way that is generally seen as acceptable within their mutual culture. Normative says, "If your behavior was presented to our peers would they view you as acting in a dignified way?" Sometimes it is put this way, "What would your mom say if she knew about this?" The word "mom" could be substituted with boss, kids, head of your organization etc. This is an appeal to act in such a way that someone whom the other respects would deem "normal".

## Interests

Interest-based engagement is the high gear of conflict negotiations. As I said earlier, every mediation could start here but almost none do, and so we are left to run through the gears hoping to hit the top.

Interest-based is also known as issues-based. This is when everyone agrees to separate the issue from the person and works to resolve the issue instead of changing or blaming the person. This is where sincere, long lasting, impactful resolution takes place.

## Manipulation

Manipulation looks like reverse on the stick shift knob because manipulation is a sort of backhanded, approach from behind, method. Manipulation is typically used by those with no structural power, the lowest on the totem pole, the bottom of the hierarchy. Children are instinctive masters of manipulation. The three-year-old who wants to leave the restaurant to go home and play with his toys doesn't have any power or rights, there isn't anything normative to appeal to, and his parents are not going to discuss his issues, and so he throws himself on the floor screaming like a rabbit caught in a trap. Oh, he's going home alright! With age he develops greater skills until his parents find his manipulations entertaining.

This little guy grows and becomes a man where he joins the Army as a private. Before anybody knows what's going on he has all the parts for a Jeep mailed to his parents' home. After receiving his honorable discharge, he begins work at a large corporation where he, holding no managerial position, always has the best assignments and ideal working conditions. Oh, and everybody loves him.

Like anything there is a dark side to manipulation. This is when manipulation is used to hurt others. The term "Gaslighting" comes to mind. Most people do not know that the term "Gaslight" comes from a 1938 British play that was made famous in America in 1944 as a movie by the same name. The story is a dark tale of a marriage based on deceit and trickery, and a husband committed to driving his wife insane in order to steal from her<sup>1</sup>. It is manipulation at its worst.

## Distributive/Integrative

Once the power struggle has been determined and methods decided there are two tracks to run on, distributive and integrative.

Distributive is how things will be divided whereas integrative is how things will be kept together. This is not as simple as one way is right and the other way is wrong. The situation determines whether a distributive or integrative approach should be used. For

---

<sup>1</sup> [https://en.wikipedia.org/wiki/Gas\\_Light](https://en.wikipedia.org/wiki/Gas_Light)

example, in the case of a divorce involving young children the question inevitably comes up about home furnishings; couches, chairs, TV's and such. Those things are distributed between the separating adults. Another question comes up about the kids and, usually, an integrative approach is taken, that is, how will we keep the kids together?

This same approach applies to every conflict. When my wife and I get together with more than one of our adult children and their kids, and we all want to out for lunch, it is comical because so many of us have legitimate dietary needs. We take a distributive-integrative approach and pick one main restaurant, then those with dietary needs go to their safe restaurants and order take-out, then they bring their to-go bag into the main restaurant where we all sit together and eat. We have never had anybody in the main restaurant question us.

Working through the distributive/integrative element of a conflict is especially challenging. It helps to be very transparent and communicative about motives during this stage.

## Toward Resolution

- Conflict is an intersection of issues that induce stress.
- Resolution is an end that satisfies the parties and reduces stress.
- Mediation is a process conducted by an impartial third party which helps two people in conflict engage more effectively toward resolution.

Mediation does not provide resolution. An impartial third party, i.e. mediator, does not provide resolution. Two people in conflict typically engage ineffectively thereby prolonging, perpetuating, and escalating the conflict. When one or, best case, both parties want resolution instead of vindication, mediation is the ideal process for helping them engage more effectively so they can discover, define, and develop their unique resolution.

Resolution is peace.

If you feel this was helpful and would like more content like it, please like and subscribe (you can always unsubscribe later if you want).

If you are in a conflict now and would like some help attaining resolution, reach out and contact me for a no cost, no obligation consult.

