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From the Editor

The Intertwining Relationships Among Power, Resources and Conflict: A Brief Essay

LaVena Wilkin
Sullivan University

Welcome to the inaugural issue of the Journal of Conflict Management (JOCM). As the Editor, I am excited to offer this scholarly, multi-disciplinary journal that fills a void in the conflict management literature. We are grateful for the almost 40 manuscripts we received for peer-review, and we selected three that represent a broad perspective of the field. The first is an article on family court mediators and their use of metaphors while describing themselves, mediation concepts, and the parties involved in the mediation process. The second is a case study that explores liminal spaces between the relationships of those associated with a family-owned business. The third article in the inaugural issue studies the relationship between rational organizational systems and organizational conflict.

Phases of Conflict

Two common threads in many conflict situations are power and resources. For conflict to occur, parties must first be aware of a differential in perceived power, goals, resources, or perspectives. This awareness often comes in the form of a triggering event that either moves the parties to settlement or escalates the conflict. Until that triggering event occurs, conflict is dormant or latent (Rummel, 1976). Parties are aware of the potential for dissension, but that triggering event opens the door for the parties to feel, experience, and acknowledge their differences. They choose to either work together to resolve the issues in a productive manner, to ignore the problems altogether, or to allow the differences to escalate into destructive conflict (Rummel, 1976).

This initiation phase lays the groundwork for collaboration and cooperation. At this point, the conflict manifests itself from an intellectual awareness to action. If the actions are viewed as contentious or contrary to the goals of the other party, the conflict continues. This leads to the next stage—balance of power. There the parties vie for power by assessing one another's resources and capabilities, and they move towards settlement of their differences, destruction of their relationship, or potential violence.

At this point the parties assess the consequences of resolving the conflict or sustaining it. Parties become entrenched in their positions, and only move forward when changes in attitudes, goals, or circumstances occur. The conflict then progresses to the disruption stage where parties once again realize the potential for conflict and confrontation. The phases of conflict represent a continuous cycle of movement through which the conflict progresses until its resolution (Rummel, 1976).

Power is the food that nourishes that conflict and keeps it alive as it moves through the phases. In social conflict people with the perceived power exert pressure on the opponent and are able to manipulate the outcome if they have the resources, and the skill to effectively utilize those resources. Contrary to popular belief, power is not a quality of the stronger party or a

short-coming to the weaker one. Power is relational and dependent on the endorsement of others. Therefore, if the resources are not valued by the second party, the first party's power is diminished. When one party withholds endorsement of power, the tables are turned, and they now become the powerful party.

Four Factors

Four factors prejudice our endorsement of power—social categorization, mystique, skillful mastery, and legitimacy. Social categorization refers to the power given to executives, physicians, professors, and other professionals. In general, society views certain professions as more powerful than others, and therefore, tend to endorse that power (Folger et al., 2009). In that case, power is self-perpetuating. However, social categorization can also weaken members of its group through degrouping and deindividualization (Coser, 1956; Rubin, Pruitt, & Kim, 1994). If power is given to a certain group, it can also be denied to that group. In addition, by attributing negative personality traits to a group, they become dehumanized and the potential for aggression against the group accelerates.

Secondly, power can have a mystical quality which gives the illusion of uniqueness. Parties tend to grant power to this special group who has perceived unattainable qualities (Folger et al., 2009). A third factor that influences parties' endorsement of power is the skillful mastery of interacting with others. As stated earlier, resources are only valuable in power plays when the party appropriately and expertly employs them. Finally, endorsements are given to skills, abilities, and characteristics when the individual party values those resources and sanctions them as a source of power. In addition, once the resource "trump card" has been played, whether it is money, favors, or force, it diminishes and the party risks a loss of that endorsement (Folger et al., 2009).

Applications of Power

While power is used extensively in conflict tactics, it is important to view power through the lenses of direct, direct and virtual, indirect, and hidden. Threats and promises are direct, while relational control is indirect, and issue control is hidden. Threats and promises are the most common power tactics used in conflict. Direct application of power discounts the desires of the perceived weaker party and forces that party to submit to the desires of the stronger party by threatening physical, economical, or political repercussions. Direct and virtual applications of power attempt to force others to comply by revealing the resources of the perceived stronger party along with a willingness to use them, usually characterized by threats or promises. Indirect power is exercised when the perceived stronger party attempts to control the situation without exposing their resources or even threatening or promising to employ their power. Hidden power is exerted when the issues are never expressed and consequences are never determined because the issue is decided before it has an opportunity to materialize (Folger et al., 2009).

Although the person with the most power is normally viewed to have the upper hand in a conflict situation, once that power is used it may start to crumble. In any power situation, the perceived weaker party must endorse that power and, in effect, give it to the perceived stronger party. The power position may begin to deteriorate after it is used for several reasons. First, the consequences of the threat may be less harmful than originally thought, so further attempts to coerce using the same power influence become less effective (Folger et al., 2009).

The second danger the more powerful party faces is inaccurately presuming the weaker party's response to the threat. Stronger parties often surmise that they can gain the cooperation of the weaker party because the weaker one has a desire to be in the good graces of the stronger party. Finally, a third risk faced by the more powerful party is that the person in power has the capacity to force the terms for reaching a settlement. The weaker party has no motivation to collaborate on creative solutions that will resolve the conflict if the only choice given is to completely concede to the stronger party's wishes. When that happens, the stronger party may lose either a good employee, friend, or partner (Folger et al., 2009).

The three areas of danger for the weaker party in a conflict are that the stronger party may be able to stipulate the terms of the outcome of the conflict in their own favor, and that may halt any chance of collaborative problem-solving and result in an inferior or worthless answer to the problem. For example, in the case of a labor/management dispute management may order the striking workers to resume their normal schedules by midnight tomorrow or they will all be fired. As a result, even if labor returns to work to protect their jobs, the underlying issues have not been resolved (Folger et al., 2009).

In addition, weakness becomes a self-fulfilling prophecy for the perceived weaker party and results in defeat. When one party perceives the other party is stronger, the weaker party capitulates and surrenders to the stronger party's desires, does not oppose the stronger party's actions, or declines to address conflict issues in an effort to protect the relationship from further damage. Weaker parties who feel threatened by the loss of a particular goal or possession resort to committing acts of desperation which can destroy relationships or lead to dire consequences (Folger et al., 2009).

Conflict management professionals understand the role of power in social conflict since power has an effect on the dynamics of the conflict. Understanding the different types of power and their impact on the conflict will help the CM professional work through the phases of social conflict and balance the power for all parties, thus decreasing manipulation by the powerful party. Understanding where the power lies allows the CM professional to understand the viewpoints of the parties and how they interact with one another. For example, is the stronger party willing to exert his power? Does the weaker party endorse that power? Recognizing the perceptions of each party will help the CM professional empower them and bring about an effective resolution to the conflict.

About Sullivan University

In 2003, Sullivan University began offering a Master's of Science in Conflict Management degree. Then, in 2010 we extended our degree programs and started a PhD in Management program with an option in Conflict Management. This year, the university will add an undergraduate concentration in Conflict Management to its Bachelor of Science in Business Administration degree. By launching the *Journal of Conflict Management*, the university is continuing its commitment to help organizational leaders, conflict management practitioners, and conflict management scholars learn, research, and make contributions to this emerging field.

The JOCM has the full sponsorship of Sullivan University, so we will not be tasked with generating a profit. Not only will this make the journal widely available without issue or subscription fees, but it also gives authors broad exposure. The JOCM will be published by a team of volunteer editors and professionals who are dedicated to the scholarly advancement of conflict management.

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Metaphorical Analysis and Coherence of Family Court Mediators

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Abstract

Florida family court mediation programs have predominantly been assessed using numerical data. To understand the complexity of mediation, programs may benefit from increasing systematic qualitative research. One attribute for consideration - metaphors, as they are snapshots of the mental models that mediators use. For example, mediation might be defined as a *journey* or the *peeling of layers from an onion*. This study was a qualitative content analysis of 85 Florida family court mediators' conflict metaphors, couched in relevant theories, providing insight into their experiences. A statewide questionnaire resulted in predominantly negative metaphors for conflict and mediation parties, and positive metaphors for mediation and mediators. Meta-metaphors emerged and findings were presented as major categories and subcategories, indicating coherence in their metaphors regarding conflict, mediators, mediation, people in conflict, divorce, anger, and forgiveness.

Introduction

Metaphorical analysis is the systematic, scientific study of mental models expressed through language. The seminal work of Lakoff and Johnson (1980) stated that metaphorical concepts can form coherent patterns in how individuals talk about particular phenomena. Metaphors structure not only perception, but also future action (Lakoff & Johnson, 1980). Since the ethical practice of mediation depends on what mediators deem as important (Fuller, 1971; Folger & Bush, 1994; Bush & Folger, 2005), metaphorical concepts that are institutionalized may have a profound impact (Press, 2003; Press, 1997; Fiss, 1985; Alfini, J., Barkai, J., Bush, R., Hermann, M., Hyman, J., Kovach, K., Bensinger, Liebman, C., Press, S., & Riskin, L., 1994).

The State of Florida has a comprehensive system for certifying family mediators for court appointed cases. Rules and model standards for mediation have created an organized system with rigorous statewide quality assurance (Florida Supreme Courts Commission on Trial Courts Performance and Accountability, 2011). In Florida, family divorce cases involving children are predominantly mediated by Florida Supreme Court certified family mediators. Content analysis of a group of 85 family mediators' conflict metaphors provided insight into their experiences.

Three questions guided this research. The first question began with the mediators themselves, *What metaphors do family court mediators use to describe themselves?* A family mediator, while an individual, is surrounded by culture and systems that may influence their meaning making. A second question was, *What metaphors do family court mediators use to*

describe mediation concepts? And finally, it was important to understand how mediators perceive their mediation parties. A third question was *What metaphors do family court mediators use to describe parties in mediation?* The three research questions supported three goals in this study: (1) to learn what metaphors this group of family mediators use to describe their experiences; (2) to identify metaphorical coherence among metaphorical concepts; and (3) to consider the potential impact of these metaphors in mediation.

We conducted a statewide questionnaire of 85 Florida Supreme Court family mediators. This paper presents the first stage of a two-stage complementary qualitative study. The reader is encouraged to review the second complementary study as it directly built upon this first phase questionnaire (Storow & Georgakopoulos, 2012). The Stage Two phase of the study was comprised of phenomenological, in depth interviews that spawned rich descriptive data about the personal perspectives of family mediators so as to explore the lived experiences of a set of Florida family mediators in greater depth and breadth.

Metaphorical Coherence

The metaphor is a fundamental way of making sense of life (Lawley & Tompkins, 2000). It consists of the projection of one schema, considered the source domain of the metaphor, onto another schema or the target domain of the metaphor (Lakoff & Johnson, 1980; Moser, 2000; Gentner, 1983 and 1989). For example, *war* is a source domain that may be used to explain *divorce*, the target domain (Freeman, 1995; Lakoff & Turner, 1989). Metaphorical coherence is defined as perceptions that fit into existing metaphorical concepts, supporting what we deem as significant (Lakoff & Johnson, 1980). Shen and Balaban (1999) demonstrated that in natural language there is little apparent coherence, but metaphorical coherence may exist within a single discussion topic such as mediation.

Metaphorical analyses have popularly been conducted to understand and describe significant topics such as relationships, (Metts, 1993), psychology (Blashfield & Livesley, 1991), organizational leadership (Bryant, 2003), healthcare (Huttlinger, Baca, Benally, Drevdahl, Krefting, & Tree, 1992), and organizational management (Keys, 1991). Metaphors generally are presented as descriptions that have either positive or negative valences. There is a literal understanding of words, and there is a deeper underlying meaning that comes from the context in which one sees the world. Metaphors are symbolic meaning relationships that help individuals construct meaning. For example, as a young child or infant sees liquid poured into a bottle, they may associate the rising level of liquid as being good (Lakoff & Johnson, 1980). Association is continually reaffirmed each time an increase is seen and is then associated with a good result. Eventually, this association develops circuitry in the brain. This meta-metaphor is applied to a variety of areas such as emotions, as in feeling *on top of the world* or being *down in the dumps*, *living the high life* or *feeling down and out*. Mediators use metaphors as they try to help one party understand the positions, interests, and feelings of the other (Cohen, 2003).

Rationale for Qualitative Research

Buber (1970) cautioned that modern life may be submerged in the *It-world*. The *It-world* is a non-relational concept of the world, a lifeless system of acquisitions and objectives. Reliance solely upon quantitative data may reduce focus on the human factors in mediation programs to

numbers (Firestone, 1987; Creswell, 1998; Denzin & Lincoln, 2003). Indications of an *It-world* may be the discussions between attorneys in the family mediation waiting room prior to the session. They discuss the attributes of a case in legal language with a focus on financial settlement. Without mediator awareness, this language and metaphorical “world” might have unseen influences. As mediation becomes further institutionalized, it is more crucial to consider the complex nature of mediation practice and its place within systems (Alfini, et al., 1994).

Divorce is an emotionally complex process, and mediation should effectively address the range of issues that can arise. There has been research comparing the stages of divorce to the Kubler-Ross (1969) stages of grief, but no processes or psycho-social stages of divorce recovery have been confirmed by current research (Gastil, 1996). At best, factors such as gender, locus of control, and social involvement have been identified as having an impact in divorce (Amato, 2000). Qualitative research supported our investigation of these complex concepts.

Preface to Research

Since mediation practice continues to be a valued resource for court systems and business, it is timely to revisit how mediation is practiced and those who practice it (Lande, 2002; Moore, 2003). Mediation’s alternative nature and flexibility stand in stark contrast with initiatives to regulate, systematize, and utilize its resource saving attributes (Fiss, 1985; Alfini, 1994; Bush & Folger, 2005; Press, 1997; Welsh, 2004). Mass mediation systems without reflection may produce gatekeepers that reaffirm the values of a dominant culture (McEwen & Milburn, 2007). This may exist in mediation language that is legalistic or professional jargon, challenging diverse participants or those without legal training.

To make fair and cost effective decisions, the Florida State Courts system must often make programmatic decisions based on evidence based practice and quantitative information (Florida State Courts Statistics, 2011) which may not fully capture the complex process of mediation. Qualitative research, including metaphorical analysis, has unearthed ethical implications regarding how mediators perceive conflict concepts. A review of the extant literature on the subject shows further study of this topic is merited.

Literature Review

Institutionalized forms of mediation have been criticized for fostering a less personal approach which can potentially dehumanize the process (Fiss, 1985; Alfini, et al., 1994). Metaphors reinforce these processes and include an analogy made up of two parts. There is the target domain to be explained such as *divorce*, and the base domain that serves as a source of knowledge such as *war* (Gentner, 1983, 1989; Lakoff & Turner, 1989; Freeman, 1995). New metaphorical concepts may logically fit, furthering coherence toward a dehumanizing process or they may be contrary like a *dance*, creating cognitive dissonance.

The first research question of this study began with the mediators: RQ1: *What are the perceptions of the family court mediators?* Mediator experiences and self-concepts were revealed through stated metaphors since perception of the world is structured by metaphorical concepts (Lakoff & Johnson, 1980). Mediator self-concepts may then be reinforced through repeated processes. Florida has an organized court mediation system documented in the Florida Dispute Resolution Center’s Compendium of Standards of Operation and Best Practices for

Florida's Trial Courts (Florida State Courts Alternative Dispute Resolution website, 2011). Mediation is conducted using similar processes including an opening statement, discussion, caucus, and memorialization of an agreement. According to Lakoff and Johnson (1980), metaphors, whether cultural or personal, are partially preserved in ritual. These rituals form an indispensable part of the experiential basis for culturally based metaphorical coherence. This generated the second research question: RQ2: *What metaphors do family court mediators use to describe mediation?* The questionnaire asked mediators to state their metaphors for *mediation* and *conflict*, and for one possible outcome of mediation, *forgiveness*. It was important to consider the possible meanings situated in these metaphors (Lawley & Tompkins, 2000). Meaning making is a critical component of how we learn in relationship with others, producing the third research question, RQ3: *What metaphors do family court mediators use to describe parties in conflict?* In this qualitative study, theories were not included in the design process. We allowed questions to be based on the goals of this study, though the resulting data were discussed using the lenses of four interpretive theories.

Critique of Past Methods

Studies by Irving and Benjamin (1995) and Kressel (2000) indicated that the organizational setting, may have an influence on mediator orientation. According to their studies, private mediators' used more passive tools such as active listening, whereas, court mediators focused on facts and issues. Debra Kolb's (1994) book, *When Talk Works: Profiles of Mediators* used extensive qualitative interviews to examine the practice of mediation across several different industries. These in-depth interviews were some of the most revealing insights into the variation of styles and world views among mediators. Kolb did not, however, focus on how these styles evolved from basic understandings such as metaphors.

The Denver Mediation Custody Project (Pearson & Thoennes, 1986) was a three year comprehensive study of mediation comparing mediation and adjudication using metaphorical analysis. Although mediation is based on the parties' self-determination, divorce mediators were often found to *prod* and *bulldoze*. They observed that lawyer mediators tended to prefer structured, task-oriented approaches and mediators with a mental health professional background tended to be more attentive to emotional issues. Gulliver's (1979) portrayal of mediator roles showed a continuum ranging from passive to leader. Yet, Lang and Taylor (2000) suggested that many mediators are not clearly aware of how their metaphorical orientations impact their work. Kolb (1994) also cited a disparity between mediators' espoused orientations and actual practice. Shen and Balaban (1999) did not find evidence regarding coherence, or logical connection, to root metaphors when looking at scripts based on natural discourse. However, metaphorical analysis is a worthwhile methodological tool and has been used to understand the complex nature of phenomena, as in Finneran's (2006) study of metaphors used by students in their approaches to using computer software.

Rationale for a Qualitative Content Analysis

According to Krippendorff (2004) content analysis is the systematic coding of recorded text. It is an appropriate approach to use when the goal is to deepen awareness and understanding of particular phenomena, such as mediator metaphorical concepts. Qualitative content analysis has

been defined as a “qualitative data reduction and sense-making effort that takes a volume of qualitative material and attempts to identify core consistencies and meanings” (Patton, 2002, p. 453).

Content analysis has been used since the 18th century in Scandinavia to make sense of complex information (Rosengren, 1981), and in the United States as an analytic technique since the beginning of the 20th century (Barcus, 1959). The methodology’s greatest strength is that it is unobtrusive and nonreactive (Marshall & Rossman, 1999). In this study, qualitative content analysis allowed metaphors and patterns to emerge freely, resulting in a truthful understanding (Denzin & Lincoln, 2003; Guba & Lincoln, 1994; Holloway, 1997; Kvale & Brinkman, 2009). It also supported the use of theories in the discussion of results without attempting to fit data into theoretical structures (Elo & Kynga, 2008; Krippendorff, 1980; Morgan, 1993). Our analysis included an *openness* to whatever meanings emerged (Sandelowski, 1995; Huberman, 2002).

Qualitative content analysis required an honest reflection and disclosure of researcher biases, which allowed for deeper understanding of the meanings generated (Elo & Kynga, 2008; Krippendorff, 1980; Morgan, 1993). This provided a more complex knowing of how this group of mediators experienced family mediation, and a richer understanding than what could have been provided through quantitative methods (Marshall & Rossman, 1999).

Methodology

From all 2,173 family mediators certified by the Florida Supreme Court, 500 mediators were randomly selected and received questionnaires by US mail. Additionally, 100 questionnaires were sent by US Mail to the 20 judicial circuit court mediation programs. These 600 questionnaires produced 85 completed questionnaires, a 14% response rate. This is somewhat below the average e-mail response rates found to approximate 25% to 30% without follow-up e-mail and reinforcements (Yun & Trumbo, 2000). This lower return rate may be due to using US mail, which we chose to ensure mediators would understand the questionnaire was anonymous. We used the online mediator search function of the Dispute Resolution Center, the entity which manages Florida Supreme Court certified mediation (Florida Dispute Resolution Center, 2011). The anonymous questionnaire consisted of seven questions regarding the metaphors: *mediation*, *mediator*, *conflict*, *parties in conflict*, *divorce*, *anger*, and *forgiveness*. Analysis revealed themes which were discussed in terms of extant theory.

Participants

Participants included 85 Florida Supreme Court certified family mediators. Random sampling provided a group of Florida mediators presumably similar to the entire population of Florida Supreme Court certified family mediators. According to the Dispute Resolution Center’s online mediator search (Florida State Courts Alternative Dispute Resolution Center, 2011), Florida Supreme Court family certified mediators self-reported as 8% Hispanic and 6% African American, 72% Caucasian, and 2% other. Demographics questions were not included in the questionnaires since mediators were not selected for the purpose of generalizing to others of the same types of groups. It did, however, provide general tendencies for this randomized group of Florida family court mediators.

Site Selection

The state of Florida was an appropriate site for this research due to the state's institutionalization of mediation in the court system. It was possible to explore diverse mediator responses within an organized system. As researchers who also practice mediation in Florida, we had accessibility and richer cultural context to effectively design and implement the questionnaire.

Analysis

Metaphors were first analyzed as having positive, negative, or neutral connotations. After determining general themes, the frequency of particular types of metaphors was identified. Data were coded and moved into categories and subcategories. Major categories, subcategories, and examples for subcategories are noted in Table 1. Common themes began to emerge and metaphors were categorized, a process called reduction, which allowed for identification of patterns and core meanings. We produced a complete analysis, fully abstracting the data, and not including too many metaphors within a single category (Dey, 1993; Hickey & Kipping 1996). Developing linkages between outstanding metaphors required painstaking consideration after the more common concepts were identified. When multiple related items saturated a category, it was labeled as a major category. The items that supported the major category were referred to as subcategories, so each major category could potentially hold a number of subcategories. Double coding, or use of two independent co-researchers, provided a level of trustworthiness to the process (Shenton, 2004). The qualitative approach allowed for our reflexivity to contribute to analysis (Denzin & Lincoln, 2003).

Researchers' Roles

The two researchers were Florida Supreme Court Family Mediators and were active in the field of conflict resolution. My experience as a mediator and mediation program manager and the second author's interest as a primary trainer for the Florida Supreme Court Certification Family Mediation Program grounded our desires to better understand family mediators in Florida. As a researcher, Kolb (1994) repeatedly stated her possible biases throughout discussion and interviews with mediators, thereby increasing credibility of her research. Our experiences, social group identities, and biases were clearly stated and critically considered throughout our process.

The qualitative approach to the study of mediators' experiences allowed us to utilize our experiences as mediation professionals. Since the researcher is the main instrument for obtaining knowledge in qualitative work (Marshall & Rossman, 1999), it was imperative to maintain the scientific quality of the study by using accurate and representative information (Kvale, 2009, p. 85). It is only another human being who can be an appropriate instrument to learn about the complexity of human existence (Lave & Kvale, 1995). We fully disclosed our subjective biases in determining the *what*, *why*, and *how* of this research (Fink, 2000). This process, called thermalizing, included a rigorous design methodology. In order for the research to be trustworthy, we needed to accurately examine the phenomenon intended for study. Data analysis

was a most time consuming activity, given the complexity and volume of the data requiring an effective analysis strategy and interpretation (Denzin & Lincoln, 2003).

Collection of Mediator Data

Data were derived from a statewide, seven-question questionnaire of Florida Supreme Court certified family mediators' conflict metaphors. The anonymous and self-reporting questionnaire included questions regarding *mediation*, *mediators*, *conflict*, *people in conflict*, *divorce*, *anger*, and *forgiveness*. Answers were single word or short phrase metaphorical concepts. Questionnaires, study information, and self-addressed stamped envelopes were sent to court staff mediators and private mediators.

Data Management and Metaphorical Analysis Strategy

Double coding and summative content analysis were used to organize stated metaphors. Repeating words were identified while giving equal weight to all responses. After identifying the repeating words, researchers independently explored their context and usage, referred to as manifest content analysis (Potter & Levine-Donnerstein, 1999). After further data interpretation, including possible latent meanings, themes were grouped and discussed between researchers and with some participants. This provided an objective approach to study the phenomenon (Babbie, 1995). Kvale (2009) referred to the metaphor of a traveler when conducting research. While no two mediators were alike, each researcher found some common essential metaphorical structures in their responses.

Phases of Analysis

Metaphorical analysis included six phases: (a) organizing the data, (b) generating categories, (c) searching for alternative explanations, (d) testing of emergent understandings, (e) searching for alternative explanations, and (f) writing of the report (Marshall & Rossman, 1999). As researchers, we functioned as coders, separately placing items in categories. Most items were placed in the same categories. However, we discussed any item when ambiguity surrounded its placement, and after listening to the coder's rationale, consensus was reached on placement. Thus, items were not viewed as static as they were in flux in relation to meanings developed and to the set as a whole. Kvale (1996) indicated that separate coders increase the reliability and indicated that two coders may be sufficient for establishing intersubjective agreement. From the recommendations of Miles and Huberman (1984) an interrater reliability coefficient was calculated by dividing the number of agreements by total number of agreements plus disagreements. This process yielded a reliability coefficient of .97.

Results

The findings of this study included a number of categories, resulting in "positive" metaphors for *forgiveness*, *mediation*, and *mediators*, and "negative" ones for *conflict*, *people in conflict*, *anger*, and *divorce*. See Figure 1 for the color coded positive, negative, and neutral valence metaphorical responses for the 85 questionnaires received.

Although subjectivity raised potential for errors, the Stage Two, concurrent study of a similar population provided additional context and confirmed determinations of positive and negative valences (Storror & Georgakopoulos, 2012). We defined positive (blue) to include metaphors that were considered good things, such as “hope,” “opportunity,” and “peace.” Metaphors that were considered bad things, such as “war,” “pain,” “injury,” and “destruction” were included as negative (red). Metaphors that were not necessarily positive or negative, such as “parting of ways,” a “seed,” a “wave” or “current,” and “two sides of a street” were grouped as neutral (green).

Figure 1. Chart of Positive, Negative, and Neutral Metaphors

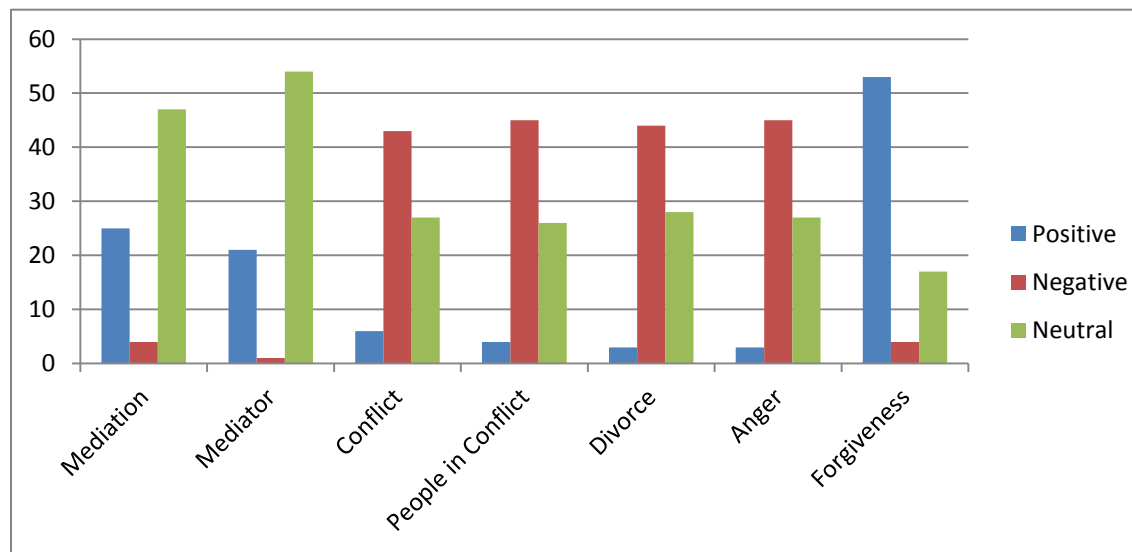


Figure 1. Chart of positive, negative, and neutral metaphors. Showing positive metaphors for forgiveness and mediation, and negative metaphors for conflict, people in conflict, divorce, and anger.

Forgiveness was the most positively regarded concept, followed by *mediation* and *mediators*. The four remaining concepts, *conflict*, *people in conflict*, *divorce*, and *anger* were more frequently negative. These initial results indicated that this group of mediators viewed themselves and their work as positive concepts and held a more negative perspective of *people in conflict*, *divorce*, *anger*, and *conflict*. This was similar to the concurrent mediator interview study in which mediators saw themselves as *experts* and used negative metaphors for *people in conflict* (Storror & Georgakopoulos, 2012). Examples of questions that were used in the survey included the following: (1) Family mediation is like (a/an)? (2) A mediator is like (a/an)? (3) Conflict is like (a/an)? (4) People in conflict are like (a/an)? (5) Divorce is like (a/an)? (6) Anger is like (a/an)? and (7) Forgiveness is like (a/an)?

Table 1a and Table 1b show 16 major categories, 28 subcategories, and examples of conflict metaphors. The major categories and associated items generated by participants were: (1) *mediation* resulted in “opportunity” (8 items), (2) *mediator* resulted in “referee” (10 items), (3) *conflict* resulted in “battle/war” (10 items) and “animals” (10 items), (4) *people in conflict* resulted in “child(ren)/kids” (14 items) and “animals” (8 items), (5) *divorce* resulted in “death” (14 items), (6) *anger* resulted in “destructive acts of nature” (18 items) and “fire/flame” (11 items), and (7) *forgiveness* resulted in “soothing acts of nature” (5 items).

Table 1a: Metaphorical Content Analysis: Categories, subcategories and examples

Family mediation is like...		
Categories	Sub-category	Example(s)
Opportunity	Personal agency	Opportunity to take control of your life; An excellent opportunity to stop conflict; Opportunity to get it done, all done; An opportunity to participate in the solution
	Good opportunity	Opportunity in your life to show grace and mercy; Opportunity for something good to happen
Journey	Water/river/sea	Flowing river; Your first canoe ride; Entering an uncharted sea with the hope of a calm safe harbor at the end of the journey; Journey on the open sea in a small sailboat
Mediator is like...		
Categories	Sub-category	Example(s)
Skilled Expert	Judging	Referee; A make sense individual; Arbitrator; Teacher
	Non judging	Facilitator
	Peacemaker	Maker of peace; Diplomat; Pastor; Henry Kissinger; Interested observer who asks questions that help people find a place of peace
Leader	Director	Orchestra conductor; A film director; Circus ringmaster
	Guide	A guide in a labyrinth; Tour guide
Conflict is like...		
Categories	Sub-category	Example(s)
Destructive force	Battle/war	War; Battle; A sword fight
	Act of nature	Earthquake; A wave-big-small-tidal; Fire/flame
Unhealthy	Cancer/disease	Sickness; Cancer; Disease; Headache; Poison
People in conflict are like...		
Categories	Sub-category	Example(s)
Wild/irrational beings	Wild/irrational people	Angry children; Children fighting; Angry warriors who don't think clearly; Angry mob
	Wild/irrational animals	Scared animals; Scared rabbits or cornered rats; Pack of dogs; Wounded animals; Dogs biting their own ass
Act of nature		Storm that must pass; Surf crashing ashore; Volcanoes not at rest
Lost/Searching		People stuck in a maze; Helen Keller before Anne Sullivan; Sad souls wondering like Odysseus; Children lost in the scary woods

Table 1b: Metaphorical Content Analysis: Categories, subcategories and examples

Divorce is like...		
Categories	Sub-category	Example(s)
Destruction	Death	Death without a dead person; A death but also a new beginning; Ending and a new beginning
	Violence	Battle; War; Torture; Ripping apart the fabric of the world
	Act of nature	Tsunami; Parting of the sea; Tornado
Loss		A deeply grieved loss of fantasy; Amputation--you survive it, but there's less of you
Positive change		Opportunity to start fresh; End of drama; The hope for the future; Clearing the table
Anger is like...		
Categories	Sub-category	Example(s)
Destructive force	Act of nature	An erupting volcano; A tornado; A category IV hurricane; Fire/flame
Unhealthy	Poison	Drinking a poison and expecting someone else to die; Serpent striking nonstop
	Disease/Pain	Poke in the eye; Hurting yourself; An emotion which may injure the individual in which it is stored; Cancer
Forgiveness is like...		
Categories	Sub-category	Example(s)
Comforting Force/Change	Act of nature	Cool rain on a hot day; A flowing river of peace;
	Heat/warmth	Warm blanket; A warm, soothing feeling; Warm water; Sunshine
	Change	Moving on; The change in direction
	Beginning	A relief and a new beginning; Starting over
	Ending	Paying a bill off; Final resolution; Conclusion
	Water/river/sea	Taking a soothing bath; A waterfall
Freedom	Healing	Balm on poison ivy; Healing salve or ointment; Letting go to the current
	Cleansing/cathartic	Future relief; Gift to yourself that gives you freedom to think clearly; Letting go of blame; Weight being lifted from your shoulders; Exhaling after holding one's breath for a long time
	Spiritual	Blessing, enabling one to start anew; Relief is heavenly; Miracle; Soul release

RQ1: What are the perceptions of the family court mediators of themselves?

Mediators used predominantly positive, powerful metaphors to describe themselves, such as a “skilled expert,” “leader,” “referee,” “peacemaker,” or provider of “opportunity.” Mediators often were credited with a special *skill* or *knowledge*. Some of the more intriguing metaphors were, “Sparkle in the diamond with all its reflective properties,” “A force that calms a troubled

sea,” “Whipping boy,” “Cat in a china shop,” “A friend to all,” “Informed parent,” “Friend leading you out of the fire,” “The good witch of the north,” “Sales manager at a car dealership,” “Circus ringmaster,” “Agent of reality on steroids,” and “Game show host.”

Habitus and field theory helped us consider the origin of these metaphors and the fields of relationships that might have supported them. Habitus and field theory was initially established by Marcel Mauss (1936), and further elaborated by Max Weber (1947), Edmund Husserl (trans., 1983), and Pierre Bourdieu (1985). Bourdieu’s theory of habitus and field explains the foundations of worldview. Habitus is the mental model people use to deal with the world. Field is the web of social relations and forces in a particular social strata or situation. These relationships reinforce metaphors and determine access to gatekeepers, influencing the culture of an institutionalized system (McEwen & Milburn, 2007). Responses to questionnaires demonstrated patterns of metaphorical understandings that may parallel the shared understandings of the American, middle class mediator field. According to a mediator search conducted using the Dispute Resolution Center’s website (Florida State Courts Alternative Dispute Resolution Center, 2011), Florida Supreme Court family certified mediators seem to not be as diverse a population as their parties seen in Table 2, which may potentially create a sense of “otherness.”

Table 2. Comparison of Florida Population and Florida Supreme Court Family Certified Mediators

	Florida Population	Florida Supreme Court Family Certified Mediators
White	75	72
African American	16	6
Hispanic	22.5	9
Reported Other	2.9	2

Note: U.S. Census Bureau website. (2011). 2010 United States Census

<http://quickfacts.census.gov/qfd/states/12000.html> ; does not include all categories reported

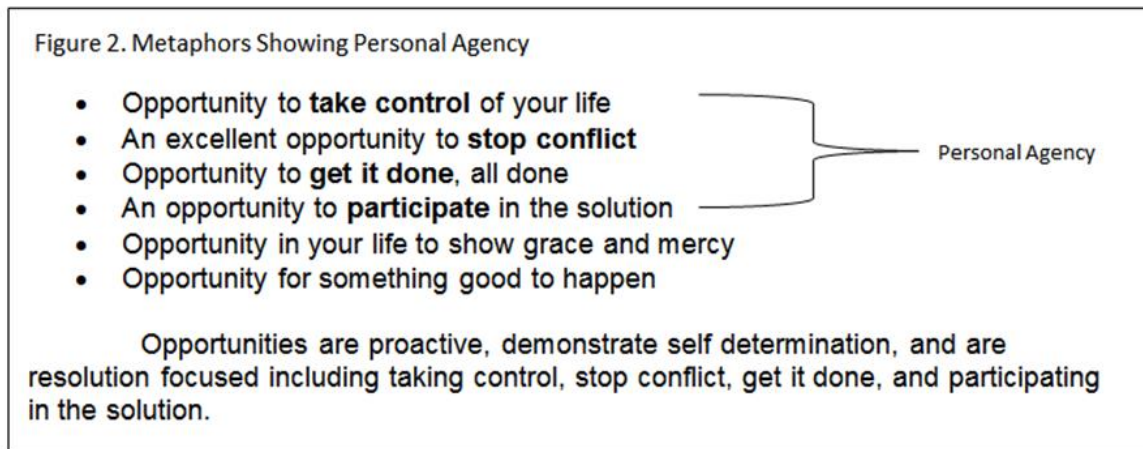
Florida State Courts Alternative Dispute Resolution Center website. (2012). Mediator search.

http://www.flcourts.org/gen_public/adr/index.shtml ; does not include all categories reported

Florida family certified mediators were shown to have self-reported fewer Hispanics and African Americans than reported by Florida’s 2010 Census. Certified mediator homogeneity may support particular mental models. According to habitus and field theory, each mediator has a particular worldview which may influence mediation style and perception of conflict. Mediators’ metaphorical constructs may be reinforced through fields of relationships, life experiences, culture, gender, program reinforcement, or levels of resources. It may be interesting to explore how these influences confirm or disconfirm training that purports concepts such as conflict’s positive potential or emotional intelligence.

RQ2: What metaphors do family court mediators use to describe mediation?

Mediation was predominantly stated as a positive metaphor. It was described as an *opportunity* or *journey*, which might be facilitated by the mediator since these mediators often described themselves as a type of “guide.” This implies mediator expertise that might be needed or desired by the parties. Figure 2 shows metaphors for mediation as an “opportunity,” which begs the question, “opportunity for what?” Of the eleven references to mediation as an “opportunity,” six described “opportunity” as a step towards resolution of conflict. The first four specifically demonstrated personal agency.



Since *anger* was overwhelmingly described as a negative metaphor, an interesting clarifying question would have been regarding how anger affects the “journey” or “opportunity.” And, if parties repeatedly reject the “opportunity” being provided by the “guide,” how does the mediator react?

Structuration theory speaks to mediators’ repeated tasks, strengthening perceptions and metaphorical concepts. In institutionalized mediation systems there is a power in repeated processes conducted by many mediators. Structuration theory states that “all structural properties of social systems ... are the medium and outcome of the contingently accomplished activities of situated actors” (Giddens, 1984, p. 191). Mediators are situated in history, repeating activities, such as opening statements, caucus, and techniques. According to Lakoff and Johnson (1980), metaphors, whether cultural or personal, are partially preserved in ritual, such as the mediator *guiding parties on a journey toward an opportunity*.

RQ3: What meanings and metaphors do family court mediators use to describe conflict and people in conflict?

Mediators used mostly negative metaphors for *conflict* and *people in conflict*, such as “war,” “battle,” “tsunami,” or “disease.” There was very little recognition of conflict’s potential for change, catharsis, or learning. Mediators often described *mediators* with a positive metaphor,

whereas parties were described as “lost or fighting children,” “fighting animals,” “dogs chasing their own tails,” or a “destructive act of nature.” These negative metaphors may have substantial effects on the process since they embody an almost hopeless discord unless there is some intervening action. The strikingly positive attitudes toward *mediators*, *mediation*, and *forgiveness*, stood in stark contrast to the negative metaphors for *conflict*, *people in conflict*, and *divorce*.

The making of meanings constitutes the significant learning that occurs in mediation. George Herbert Mead’s (1956) theory of symbolic interactionism emphasizes the meanings that people assign toward things and people. Mead stated people are, in essence, products of their social environment, but also have the ability to be creative and purposeful, giving hope that our mediators can take this initiative.

Discussion

Interesting results of this research included the predominantly negative metaphors mediators assigned for *conflict*, *people in conflict*, *anger*, and *divorce*, with only a few exceptions. Positive benefits can result from conflict including catharsis, personal growth, disclosure of deeply held feelings, and deepening of relationships (Baron, 1991; Amato, Booth, & Loomis, 1995). In spite of mediator training reminding mediators potential positive aspects, we found a predominantly negative association. As structuration theory reveals, repeated experiences reaffirm process structures. Might the metaphorical coherence developed through experience dominate mediation training’s focus on the positive outcomes of conflict?

“Death” was a resulting metaphor for *divorce* that seemed particularly rich in symbolism. Whether death is conceived as a loss or a transition may have effects on mediation style. Mediator training may be more effective with an experiential focus including emotional intelligence and empathy for parties (Moore, 2003), helping mediators to help parties identify these positive benefits during the mediation experience. Mediators who repeatedly see parties as “fighting children,” “pack of dogs,” or “wild animals,” may find their experiences more impactful than continuing education that only discusses positive aspects of conflict, thereby reducing levels of empathy and emotional intelligence. Trainers may need to acknowledge that layered metaphorical concepts are powerful, and will require strong disconfirming evidence, such as experiential opportunities, to integrate a new concept.

Family stress and coping theory (Hill, 1949; McCubbin & Patterson, 1983; Plunkett, Sanchez, Henry, & Robinson, 1997) and general stress theory (Pearlin, Menaghan, Lieberman, & Mullan, 1981; Thoits, 1995) have contributed to an appreciation of the difficulties that divorcing parties may experience. Since mediation was described frequently as an “opportunity” for parties, those who are not able to achieve personal agency may reaffirm mediators’ negative metaphors regarding parties. Results of this research support the importance of using party surveys and debriefing with mediators to explore challenges they experience such as when parties are not receptive to mediation tools.

Other interesting results of this research included the predominance of positive metaphors for *mediation*, *mediators* and *forgiveness*. These positive metaphors may be a result of mediators’ appreciation of the positive, experiential results of their work. More research is needed regarding mediators’ self-concepts. Mediators who have very positive metaphors for mediation and

themselves and very negative perceptions of parties may have an increased sense of “otherness” that may reduce the ability to empathize.

Mediators who described themselves as “referees” may have a different experience of parties from those who described themselves as “peacemakers.” A referee focuses on fairness and may allow parties to fight, intervening when fairness or “rules” are in jeopardy. A peacemaker may have a more defined goal, focusing on supporting a communal tone to the mediation. According to Silbey and Merry’s (1986) interviews and observations, mediator strategies grow out of assumptions about the nature of conflict and they stress their authority, expertise, or affiliation more than commonality with parties. It may be possible that mediator strategies are also impacted by self-concepts revealed in metaphorical concepts.

Anger was described using metaphors such as “destructive acts of nature” and “fire” or “flame,” whereas *forgiveness* was described with metaphors such as “a cool refreshing breeze” and “calm after the storm.” Acts of nature are inherently outside human control, whereas in questionnaires, mediators frequently defined themselves as experts and guides. It would be interesting to know if mediators see themselves as the agents of parties’ forgiveness, or if they see other factors facilitating it.

Mediation communication for people in divorce can involve unstructured, emotional discussion (Schreier, 2002). According to Umbreit (1997), most conflicts develop within a larger emotional and relational context characterized by powerful feelings of disrespect, betrayal, and abuse. Ting-Toomey (1988) showed that persons from different cultures have different ways of negotiating conflict. Habitus and field theory posits that mediators may have particular mental models regarding language and communication which may not be similar to those of parties. Differences in level of emotionality in communication may influence mediators’ ability to connect and engage parties in a meaningful way.

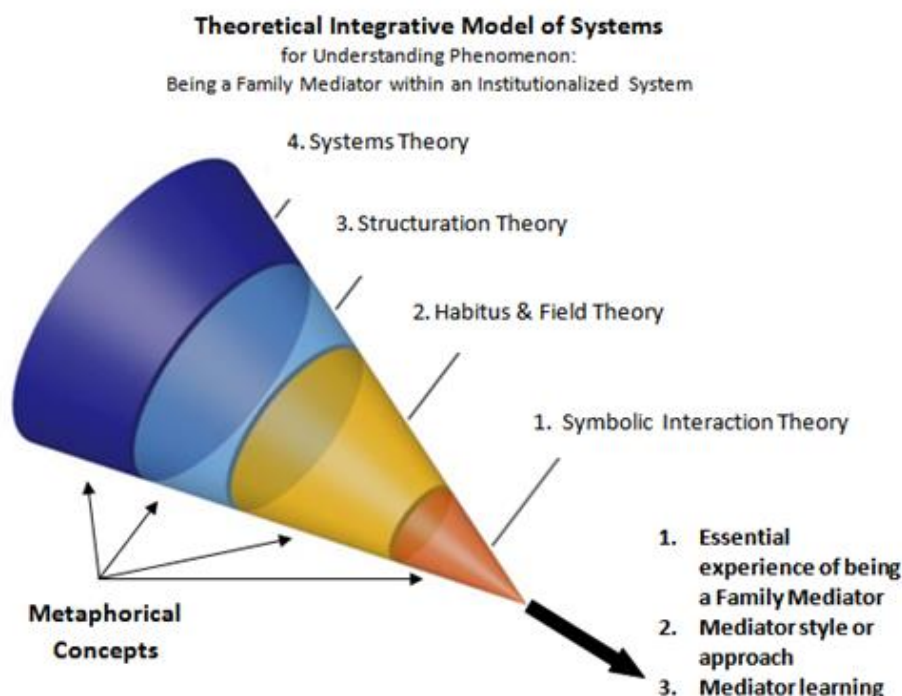
According to symbolic interactionism, constructed meanings influence interactions with the world. *Anger* was described as an “act of nature,” inevitable and controllable. *Conflict* however, was described as a “battle” or “war” which would generally be considered a proactive and manmade event. It would follow that *anger* is a natural uncontrollable element, but the *expression of anger* or conflict might be controlled. Since mediators stated predominantly negative metaphorical concepts for both anger and conflict, and did not identify strong positive potential of conflict, it would be interesting to explore mediators’ specific understanding of these two distinct concepts.

Theoretical Integrative Model of Systems (TIMS) for Understanding Phenomena: Being a Family Mediator within an Institutionalized System

In considering the resulting metaphorical data from both stages of this study, four interpretive theories organically arose as being both applicable and instructive. These four interpretive theories included systems, structuration, habitus and field, and symbolic interactionism theories. Each theory identified points of opportunity for training intervention in a series of layers for mediation programs. These layers ranged from generalized, structural shaping to specific, individualized meaning making. There may also be a confirming influence on significant learning when metaphors are coherent across these layers. Development of a synergistic layered model was not a goal of this study, but it emerged out of the repeated discovery of metaphors

residing in layers of mediator experience. The resulting model in Figure 3, the Theoretical Integrative Model of Systems (TIMS) gives a visual model for understanding the phenomenon, a graphic representation of the layers of metaphorical concepts that may influence how mediators experience, interpret, integrate new information, and express through practice – essentially what we call “mediation style.”

Figure 3. Theoretical Integrative Model of Systems



Systems theory is the most externalized layer, including rules, statutes, symbols, goals, and values. This creates an environment which cultivates structuration theory’s “natural” redundant actions such as standard operating procedures or best practices. Ritualized actions are rewarded by the system and, in turn, consistent performance of these actions by many mediators strengthens the system. For family mediators, this might include opening statements, discussion, caucus, and memorialization of agreements in compliance in accordance with accepted ethical standards. Habitus and field theory identifies the mental models which emerge from the language and behaviors that are valued in the field of mediation. These mental models, such as the value of communication or mediation tools, become accepted reality and a lens through which mediation is perceived. Mediators do continual meaning making as the coherent metaphorical concepts that reside in each of these layers of influence are funneled into practice. Each mediation or training brings new metaphorical concepts which must be interpreted and either assimilated or rejected, depending on their coherence with existing concepts and value added. Symbolic interactionism theory reveals the most personalized form of meaning making, in terms of a stimulus, followed by mediator interpretation, and finally a response to the stimulus. The

TIMS model portrays the four intervention points at which there may be the most advantageous training, assessment, and intervention opportunities. Quality assurance may be supported through achieving the goals in this study - understanding the essential experience of being a mediator, developing self-reflective practice by exploring meaning making, and supporting experiential mediator learning through metaphorical analysis. Although the results of this study cannot be extended to other groups, the TIMS model may facilitate the exploration of similar phenomena in which there are institutionalized layers of metaphorical concepts shaping practice, such as for nurses or teachers.

Conclusion and Implications of the Research

Divorce creates many new relational dynamics for families (Amato, 2000). There is increased risk to children in divorce, with greater responsibility for restructuring families falling to the courts. This group of mediators' predominantly negative perceptions stated for conflict and parties in conflict could be addressed more thoroughly in continuing mediation education that uses experiential opportunities to challenge existing concepts. If, according to Lakoff and Johnson (1980), gatekeepers of resources are instituted through metaphorical constructs, it is essential to thoroughly examine our metaphors in mediation practice to support empathy and emotional intelligence. Deep reflection of experiences and observation can support greater understanding of the "other" and expand mediation focus beyond settlement. When *opportunity* in mediation is equated solely with settlement, the tangential benefits of conflict and mediation may be devalued.

Lund (2000) has shown that training to understand and manage strong emotions helps a mediator build tolerance for expression of emotion, reduce stress, increase patience and promote conflict resolution. Continued mediation education that includes cultural and experiential origins of communication styles may increase mediators' tolerance and effectiveness when faced with emotional or diverse communication styles.

Requiring regular opportunities for observation of other mediators could foster richer discourse and debriefing between mediators since it is based on the meaning making of a shared experience. Ongoing qualitative assessment of mediation, alongside the existing quantitative approaches, could help program directors, the court, and the public understand the complex nature and benefits of mediation. With increasing social pressures that arise from a challenging economy, increased global interactions, increased mediation regulation and institutionalization, and changes in traditional social structures, it is important that mediators are equipped with all the essential tools for deeply reflective practice, including rich, qualitative understanding of the metaphors they use.

Future Directions

Qualitative content analysis opens opportunities for quantitative content analysis, in that with a larger sample size, a follow up quantitative content analysis might allow for generalizations beyond this set of mediators. Additional forms of metaphors could be explored in future studies so as to present a comprehensive set of metaphors within their relative categories related to this area. Extensions to this study could spawn theoretical development towards understanding family mediators and their experiences. Comparative studies across various states and countries

would present another type of extension to the current study so comparisons could be made between mediators as this study was limited to family mediators within the Florida Family Court system. Ultimately, the study calls for future research utilizing metaphorical analysis in exploring phenomena in the complex field of conflict resolution.

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Liminal Spaces in Negotiation Process: A Case Study of the Process of Crossing Relational and Interpretive Thresholds

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...narrative schemes may provide a science of the imagination (Bruner, 1986, p. 141).

Introduction

This story¹ unfolds on the day that I received a phone call from Dora requesting intervention in a conflict in her sibling group---one of her (5) brothers,² Ernesto, wanted to leave the family business and take his portion of the assets with him. However, it seemed, according to Dora, that this was not possible because the sibling set, as a group, did not know the value of their assets. They *did* know that their assets, left to them by their father when he died,³ constituted 1/3 of the total assets of the larger holding company, held originally by their (now deceased) father, their uncle and their aunt. After the father died, the uncle, the (dreaded) uncle, ran the entire business, and did not pass information to others about the nature or the value of the holdings. So there was simply not information available to the sibling set necessary to “buy out” the interests of Ernesto. As a result, he continued to be angry and engage in “vengeful and destructive” behavior.

Meanwhile Dora (Vice Presidente) and Henrique (Presidente) both had administrative responsibilities for the 1/3 portion of the whole they supposedly controlled. Yet without information, they were able to do little more than pass on the monthly checks to their siblings that came from the dividends from their 1/3 portion.⁴ Imprisoned in the Uncle’s holding company, the siblings were unable to help Ernesto leave, AND extremely angry/concerned about Ernesto’s “acting out” behavior, which threatened the status and reputation of the sibling set, re the larger network of relatives.

I framed Ernesto as “gutsy” and willing to be the one that “rocked the boat”; Dora agreed, and said that he was the only one of the six that could confront the uncle. I asked what Ernesto did to rock the boat and Dora explained that he had taken a job at the only bank that the family did not own, in their Latin American city, effectively supporting “competitors.” Prior to that, he had quit a job within the “larger holding” that the Uncle had given him, protesting that it was

¹ While the language of transference and counter transference is not my vocabulary, I resonated with Hoffman’s (2001) disclosure that he makes in *Ritual and Spontaneity in the Psychoanalytic Process*, within a section entitled, “Writing the paper: ‘The Patient as therapist to his analyst’” (p.267). Like Hoffman, I have been, as I began to write this paper, acutely aware of the people about whom I am writing. Hoffman notes that this is itself a liminal space. Needless to say, all the names (with the exception of “Pinochet”) are changed, and I have taken out all specific identifying features of their situation and altered the circumstances so they cannot be identified from this paper.

² Siblings from oldest to youngest are: Henrique (42), Carlos (40), Dora, (37), Ernesto, (35), Nico (33), and Manuel (30).

³ He had been dead for approximately 12 years. During that time, Henrique had managed the portion of the holding company inherited from their father. The mother had been dead for three years, yet they kept her apartment, and indeed, this consultation was held in her apartment where the youngest (Manuel) still lived.

⁴ For clarity I will refer to the 1/3 portion as the “small holding” which was a subset of the “large holding” controlled by the (dastardly) uncle.

impossible to work effectively in the environment of fear/control that the uncle fostered. And finally, Dora explained that not only had Ernesto joined the political party in opposition to the one the Uncle supported, but also that Ernesto was “irresponsible” with money and unable to get out of debt. He was heavily in debt to his siblings, and demanded not only to continue getting his monthly check, but also to live in the apartment owned by the small holding, rent-free. Not only was Ernesto a “pain” for the siblings, but also he posed a continual threat to the siblings’ relationship to the uncle. This was a serious problem, as the Uncle could, if he so chose, position any of these siblings in lucrative and powerful positions in the business, or confer large sums of money (I called them “besos” or “kisses”) whenever he was inclined. Thus Dora was extremely worried that this “crazy” brother in their midst would “poison the well” for herself and all of her siblings.

I was hooked. This story had all the makings of a serious melodrama, if there is such a thing--it was both a caricature of a wealthy Latin family, and as well as a very real and painful story of suffering and fear, of oppression and violence. The archetype of the patriarch intersected the archetype of the beautiful (unemployed) and newly married daughter; the archetype of the rebel resonated with its opposite--- the dutiful, long-suffering son. The archetype of the overweight youngest son, who never had worked, was in total contrast to the archetype of the entrepreneurial son, who had already quietly invested in a partnership that was growing, despite the death of his young wife, ravaged by cancer. I felt like I had fallen into a novel, and these characters were writing me, writing themselves, and writing a future they could clearly see, but did not choose and did not want. I agreed to go to their home base, in Latin America, to meet with all of the siblings over the course of four days; during this time, I insisted that we explore the broader set of problems/conflicts that swirled in this sibling set, as they related to each other and to their business. So this consultation was framed as both a problem solving *and* a strategic planning session. Further, I signaled, overtly, my interest in their narratives, and forecast their examination and interrogation. It was not a “mediation” but rather an exercise in narrative facilitation on my part, to open the space for participants to negotiate with each other. And though I was not myself a party to the negotiation, in a formal sense, I was indeed party to the set of relationships that emerged.

I went and did this work. I fell in love with all of these people. And together, we made it possible for a new future to emerge, one that brought long-term second-order change to both the individuals (myself included), as well as to the system. I write this paper as a way to account for these changes, as a way to build, from this case, a theoretical frame for tracking not only the evolution of meaning, (*that* it occurred), but a theory for tracking *how* it occurred. I am seeking to not only describe the process of the negotiation as a meaning making process, attending to tipping points where the core meanings shifted, but also to account for elements of these shifts that were central to their production and the evolution of identity. As Beech (2011) has noted, identity is socially constructed and reconstructed in conversations, in “living moments” (Helin, 2011) where people move from existing into new identities. And it is these living conversations where the liminal space makes these transformations possible.

From that perspective, this paper is an ethnography of these tipping points into new identities towards an effort to formulate a pragmatics of these shifts in meaning within negotiation processes. More specifically, as these moments occur in the contexts of a relationship, they alter the relationship, as well as the space in which that relationship resides, the relational container, the “between space” where personal identities are inextricably intertwined and overlapping. In the case of a family business negotiation, personal identities are not only

intertwined in the set of family relationships, but they are also overlapping the business relationships (Poza, 2010)---brothers don't pay rent to siblings, cousins gossip across organizations (in the larger holding) leaking information which reduces the competitive edge for one business, mothers appoint sons to positions of power, indifferent to skills or experience, uncles hide crucial financial information from the rest of the family business members, ner-do-well sons build up debts that the family business pays off, etc., etc., etc. In the case of family business conflicts it is precisely in these interstitial spaces, in the spaces between people where the logic of business intersects, if not collides, with the logic of family.

This is an ethnography of "how" evolution occurs in negotiation process; it is my attempt to describe both the management of relational *thresholds*, (between-spaces) as well as the thresholds where new meaning, new ways of sense making begin to materialize but are not yet realized. These "between" spaces, of relationships, of meaning, are referred to by Turner (1982) as "liminal"⁵---"zone(s) of indeterminacy,"⁶ spaces on the margin of meaning.

And it is these spaces, Czarniawska and Mazza (2003) argue, that both contribute to the process of organizational transformation and to the consulting process itself---the nature of the consultation is critical to the emergence of liminal spaces. As the change agent in this case study, as well as the ethnographer of this case study, I draw on Turner's concept of "liminality" to

⁵ The word was first used by van Gennep (1960) in *Rites of Passage*; he argued that passage had three stages and each stage had its own set of rites: (1) separation rites, in which initiates were separated from everyday life, excluded from social activities; (2) liminal rites, in which social hierarchy was inverted/reversed; and (3) aggregation rites in which community was reaffirmed and social relations were normalized. Victor Turner (1975) built on this work, elaborating the role of the liminal phase. He described ritual itself as a social drama that functioned to manage social conflict and/or social transitions that involved breach, crisis, and re-integration. The liminal phase was one in which the social order (hierarchy) itself became subject to inversions and reversals; as Bahktin & Holquist (1982) have pointed out, this is often the case in carnival---enactments which play with social order function to both materialize and dramatize it, releasing its hold. Thus the liminal phase was not merely a phase *between* separation and aggregation, it is a phase, a place of transformation for those that engage in and witness the (playful) dramatic inversion of hierarchy and return to a different relation within that hierarchy. Thus identity transformation is not limited to the person who is the object of a rite of passage, but it also refers to those that pass through the liminal phase. "Communitas" emerges from the liminal process, as those that participate in the liminal phase share recognition *that* they or their representative were "stripped" of the signs and symbols of everyday life, making the threshold between normal and extraordinary appear.

Elsewhere, Turner (1977) discussed the difference between liminal processes, which are grounded in tribal communities, and "liminoid" processes, grounded in secular, industrial communities. In the former, the whole group was engaged in the ritual whereas in the latter, small group step outside the "mainstream not only of economic but also of domestic familial life" (p.47). Through these leisure activities, people express identity through their membership and participation in clubs and other social activities.

Throughout Turner's work, he argues that the liminal phase is the transformation space that "defies cognitive and volitional construction" (p.46). If this is the case, both relational and interpretative domain are implicated, for people make sense of life in the context of relationships. In other words, I am arguing that the evolution of meaning, of narrative, is essential to the transformation process, but that it is *not* a process where reason and agency rule; rather it seems a place where reflection is made possible through the materialization of the interpretative frames that hold relationships in place. If this is the case, the "liminal" is both the inversion within relationships, as well as reflection on meaning systems that hold those relationships in place.

Just to stir the pot, I am not convinced that the process of psychoanalysis moves past the phase of "separation" where the patient steps out of everyday life. While certainly the liminal can occur, and may even occur with frequency in the psychoanalytic process, I wonder whether or not the hierarchy of the patient/therapist relationship reduces the possibility of liminality; having never been in analysis, from the outside, it appears that while dreams and fantasy may be the object of the conversation, inversions/reversals would be less possible, given the "thick" medium of the client/patient relationship.

⁶ Palmer (1980) reprinted at <http://www.mac.edu/faculty/richard/liminality.html>.

argue that a) liminal spaces are implicated in tipping points within negotiation process; b) that the liminal spaces are produced through the ritual of witnessing suffering/pain; and c) that witnessing pain (in the way I shall define it) materializes what Turner called “*communitas*,” a marker of liminal processes; challenging the notion of “*communitas*” I argue that in liminal phases, the binary opposition between good and evil, victim and victimizer, dissolves, materializing the morality of both characters and narrators. This paper is my journey back through the work, to find the critical moments, to make sense of the thresholds we created and crossed. Life has not been the same, not only because we altered ways of understanding and we built relationships, but also I became sensitized to these liminal spaces. Thus this paper, I hope to be able to learn what I already know.⁷

Crossing Thresholds in Negotiation Process: Tracing Dark Matter”⁸

“Thresholds” have yet to be explored in the negotiation literature. In the paragraphs above, I distinguished two: relational thresholds, and thresholds in the interpretative meaning system. While there is not research on thresholds, there has been work on change processes in negotiation, involving focuses on changes in relationships/roles (Gergen, 2009; McGinn & Keros, 2002), changes in parties’ positions (Zartman & Touval, 2007), changes in perceptions (Fisher & Shapiro, 2006), changes in negotiation dynamics (Kolb & Williams, 2001), and changes in identity (Stone, Patton, & Heen, 2000), and changes in frames (Putnam & Roloff,

⁷ From this perspective, the whole paper is what Palmer, citing Heidegger, a “step (ping) back” from what I think, to see what I know. Palmer also refers to Richardson’s (1979) paper on Heidegger and Lacan noting that “both Lacan and Heidegger root their thinking in a latency lying beneath the surface” (p.4). While the psychoanalytic tradition may equate “liminality” with the threshold between the conscious and the subconscious, I find this very problematic, as a definition for three reasons: (1) I think these liminal spaces are social spaces, not intrapsychic spaces in the heads of individuals; (2) the notion that there is a subconscious calls up a hierarchy (surface and deep structure) that is isomorphic to Turner’s notion of social hierarchy, where relations of (structural) dominance are the norm; liminality is the antidote, according to Turner; and (3) I think the process of doing psychoanalysis is (most likely) anchored in and through the enactment of liminal spaces, not as pre-conscious spaces in individuals, but as social spaces where the therapist/client hierarchy is both maintained *and* undermined, through this process of witnessing suffering, humanizing both therapist and client in the process. Hoffman (2001) also presumes that “liminal” refers to the spaces where the hierarchy begins to evaporate---in the corridor at the elevator, in the immediate moments after the close of the psychoanalytic session, before the patient leaves, in the beginning, before the session starts. Without being an expert in psychoanalysis, I think that this is an extremely gendered way of defining “*communitas*” which is much more than the disappearance of hierarchy. I think it is the appearance of the humanity of the narrator, as well as the elaborator, as well as the characters that get elaborated. This, in turn, involves the creation of a moral narrative that materializes the goodness of people; it is also a story where narrators/interactants perch on the threshold of responsibility for problems, rather than externalizing blame. So I am not satisfied with Turner’s discussion of the relationship between *communitas* and liminality. If we consider Belenky (1986) where she discusses women’s ways of “connected knowing,” this way is clearly a process for connecting with others, that materializes all interactants (and actors) as legitimate, as moral. See D’Agostino’s (2001) excellent discussion of the relation between liminality and moral narratives.

⁸ See <http://www.mac.edu/faculty/richardpalmer/liminality.html> for a discussion of “dark matter”; this research problem in cosmology has intrigued me---they can see the universe does not add up, so they hypothesize the presence of matter they cannot witness, to mesh with the laws of physics. It turns out that dark matter is really present; it is simply less “luminous” than non-dark matter that we can see. I love this metaphor, as, for me, it is a whimsical analogy to the presence of “dark” stories in systems, that are there, that need to be witnessed. I also enjoy the play on the word “matter” as what matters to people. And I like the notion that we cannot understand the system absent these dark stories. But then the analogy breaks down---people, unlike galaxies, shift when dark matter is explored. In my limited knowledge, galaxies are not very reflexive.

1992). For the purposes of this paper, I would argue that the research on change in negotiation is most often tracking “change” as the difference between two states (state change) which is *not* the same as tracking a change as the process of crossing a threshold where one way of being/making sense tips into another. However, some of the negotiation literature indirectly addresses relational “thresholds”; for example, McGinn & Keros (2002) track the evolution of roles/scripts in negotiation, but do not theorize the spaces where the thresholds between these scripts are, nor the pragmatics of their tipping from one, into another. Similarly, frame analysis,⁹ like other forms of content analysis,¹⁰ enables attention to the nature of the frames and the differences between frames over time, but it does not enable the description of *how* frames tip¹¹ from one to another over time.¹² Again, in order to advance our theory of practice (praxis), we need to be able to not only note the changes in meaning systems, but to trace their origins, in the “dark matter” of conversational spaces where boundaries between people, and between interpretative frames, are maintained, and evolved through interaction.

Kolb and William’s (2001) analysis of the “shadow negotiation” begins to address that which lies below the “turns”¹³ in the negotiation process. They document the way that gender delimits the moves/turns that women have in negotiation process. They offer us a peek at the negotiation about the negotiation, as they track how double binds at the cultural level are manifest in negotiation process. They make recommendations as to how to strategically use moves and turns to position self/others so as to navigate the limits imposed by gendered roles. These moves by speakers function as turning points, to re-position speaker/other.¹⁴

The work of Stone et al. (2000) provides another example of negotiation research that offers a pragmatics for “dark matter” in negotiation process. They offer a framework for understanding the complexity of meaning in the negotiation process, as they describe the complex interaction between the story about *events*, layered over the story about the *feelings*, in turn, layered over the story of *identity*. Their theory is that the progressive attention to these layers in the conversation will enable new options to appear, as parties build more complexity into their view of self and other. The “dark matter” in this case is the layered stories about feelings and identity that are not addressed when parties focus on the “what happened” story. While they do not theorize the threshold between these layers, they do offer prescriptive advice as to how to get folks to move

⁹ See Schön (1994) *Frame Reflection*.

¹⁰ See Krippendorff’s (2004) *Content Analysis*.

¹¹ “Tipping” is an interesting word to apply to frame analysis, as it focuses not on the strategic quality of the movement, but instead implies some organic process within the discourse itself. This is very orthogonal to the traditional negotiation research which most of the time offers “prescriptive advice” as to how to make changes (state changes) in negotiation processes. I am here arguing for a non-agentic theory, more interested in how discourse functions organically to manage these thresholds for us.

¹² Putnam (2004) presented her research on teacher negotiations and focused on the critical moments in the negotiation where turning points occurred. She is doing a version of process mapping, coupled with frame analysis. This work will move closer to being able to address how frames shift over time.

¹³ Turn-taking theory itself has at its core, the notion of “reciprocal orientation” which provides the initial sketch of an analytic toward explaining how moves alter meaning. But because turn taking theory is focused on conversational structure, it is less revealing on process. See Sacks et al. (1974).

¹⁴ Although Kolb and Williams (2001) do not cite the literature on liminal spaces, threshold spaces, their research is very consistent with Turner’s (1982) analysis of liminality. Turner argues that liminal spaces strip away the signals/signs that mark social hierarchy; certainly gendered spaces are criss-crossed with the footprints of social hierarchy. Thus the “moves” that they advocate are essentially “liminal” in that they function to reduce that hierarchy. However, while Turner argues that dissolution of social space *produces* the condition of “communitas,” I can imagine that Kolb and Williams would be less than comfortable with the notion that they these moves dissolve gender (hierarchy).

into the “dark matter.” Again, while this work does help us look at the stages/states/layers, it does not theorize the spaces between those layers beyond the prescriptive advice as to how to explore them.¹⁵

Efforts to address the role of emotion in negotiation are clearly moving in the direction of explicating the dark matter (the shadow spaces) and provide a potentially important lens on negotiation pragmatics. While some of this research treats emotion as a “variable,”¹⁶ Fisher and Shapiro, (2006) explore the role of emotion in negotiation processes; this work provides a theoretical frame for the negotiation pragmatics, yet it does not explicitly examine the process of the transformation of meaning, nor does it theorize the threshold spaces where emotions tip from one to another.¹⁷

In my own research on narrative transformation in negotiation and mediation¹⁸ the concept of “legitimacy” functions as the “dark matter” that anchors my explanation of why people are elaborating narratives in particular directions; however, although my work does track changes in narratives, I have not examined the interstitial spaces where relationships/meaning tips. My analytic attention to the logic of *why* and *how* people position themselves in discourse does not attend to the threshold spaces between meaning, between people.

In summary, while negotiation research has theorized and documented change, I have argued in this paper that the notion of “change” has been more of a state change, than an evolutionary model. Furthermore, the research that has tracked the evolution of relationships or meaning, has not theorized discourse or narrative as containing “between” or “threshold” spaces that function both to mark a threshold between identities, relationships and meaning, as well as to provide a non-space where tipping becomes possible. In the case study to follow, I will explore the tipping points, the role of witnessing in these moments, and describe the work to find and stay within the between place where new meanings/identities/relationships shimmer on the horizon of the old.

The Case

There are three¹⁹ important tipping points that I want to explore in this study: (1) the group went from naming their father’s brother as “uncle” to calling him “Pinochet” and in the process, they went from blaming him for their troubles to framing themselves as responsible for navigating a complex and difficult system; (2) Dora went from defining her brother’s apartment as a “joint asset” to a defining it as his “home,” and in the process, she acknowledged that he was entitled to a private (sex) life, and that she needed to own the fact that it was she who moved away and no longer had a “home” but would be instead a guest in his home, should he invite her to stay with him, during her visits to Latin America; (3) the group went from seeing “random unfairness” in “Pinochet’s” distribution of money (both within the sibling group and across other segments of the extended family), to seeing him as giving out “kisses,” and in the process, decided that they had acted like “spoiled brats” and began to plan to re-invest and re-capitalize their holdings. In

¹⁵ One of my concerns with this work is that the movement from one level to another implies a different quality of the relationship between conversants (negotiators). Absent attention to this, they are essentially suggesting that folks cross relational boundaries without first having the quality of relationship necessary to do so.

¹⁶ See Allred (1999). He examines the connection between revenge/retaliation and negotiation outcomes.

¹⁷ It is interesting to note, however, that they used the phrase “emotional levers” when they started this research, indicating (indirectly) that they saw tipping occurring in negotiation processes.

¹⁸ See Cobb (2013, 2006, 2003) and Cobb and Rifkin (1991).

¹⁹ There were many other tipping points where liminal spaces appeared in the work, but I only have space/time to describe three.

four days, this group solved major relational problems, laid the foundation for a relation with “Pinochet” that became the envy of their extended family, and created a business plan that accompanied both saving, and the creation of new ventures. Years later, there are still problems that crop up, and they have called me to consult, upon occasion, but they have maintained the meaning and relational frames that we set in motion during those four days. All are thriving, and together their business has grown and changed. That the changes happened is not what interests me in this paper---it is more my intention to describe *how* (I think) they came about.

All of these episodes I will describe took place in the living room of their mother’s apartment; she was not in town during this work. The living room had a wonderful panorama of the city, lots of windows, with a sofa (where the President Brother and his Entrepreneurial Brother sat), a lazy boy recliner, (where the “fat” youngest “lazy” brother sat), another sofa (where Dora, and the Troublemaker sat) and the 6th brother was not there for any of this work. I sat in a dining room chair, in a corner of the room, facing all of them. We took our meals in the dining room, adjacent to the living room; we broke for snacks and bathroom breaks. I had dinner with each one of them, during my stay; dinners were at local restaurants. I went running each evening with the overweight youngest brother, much to the shock of his siblings. It was in this environment where the boundaries between “guest” and “consultant” shimmered that we did this work together. (Note: I will discuss the implications of these “tips” for a theory of the role of witnessing in the production of liminal space at the end of the description of the three episodes).

From “Uncle” to “Pinochet”

This group of siblings was, from the start, expressing a variety of negative feelings about their uncle who had:²⁰

- “Stolen all the money our father had left for us...”
- “Hidden all the information about the assets so no one could challenge him”
- “Bought expensive apartments and private jets”
- “Put all of *his* children in positions of power across the holdings”
- “Made indirect threats that he would cut us off”
- “Would not tolerate challenges to his authority”

For all of these story lines, I asked questions that elaborated the narratives in the direction they were telling me; they seemed relieved and aroused, as a group, by just being able to “let go” about all the bad things he had done. They described all his despicable activities with animation; at first I tried to offer suggestions (legal remedies etc), but for each suggestion, there was a reason why it would not work. During this conversation, we elaborated together the complex history, the particular affronts, the fears, the reasons why the fears were justified, and the potential dangers for the future, the consequences of confrontation. Their suffering was a rich developed tapestry of the plots, characters, and themes anchoring the negative description of their uncle, as well as their helplessness.

After a moment of silence, sitting in my chair, with their expectant gazes on me, I said that I felt helpless, that I thought that there was nothing that they nor I could do, and I started to compare their world to those who lived in the shadow of a repressive political regimes---free

²⁰ The quotes that follow are approximations of the stories they told me.

speech was nonexistent even though the regime framed itself as “open”; contestation could lead to being “targeted” by the regime. If you were targeted, you endangered those you were close to, for they would also become contaminated by proxy; the legal system was not a resource, but in fact supported the regime with a variety of (clandestine) police activities.

As I spoke, they fell quiet, their faces became blank, and a couple of mouths dropped open. I finally likened the uncle to Pinochet, with a giggle, as I was by that time, going a bit overboard with the analogy, and a bit uncomfortable that I had gone too far. They erupted in laughter²¹ and the language immediately switched from English to Spanish---they were using slang and swear words, expressing things that could only be said in Spanish. Ernesto jumped up and started marching around the room in a military fashion. Once the hilarity died down, I began to talk about the “rules of engagement” in oppressive regimes---what you can do, what you cannot do. They jumped in and helped elaborate those rules, and then I started making a list of them on the flip chart. When we were done with the list, it was clear to all that this was a complex system and that, while Pinochet was the ruler, there were many others who participated in the maintenance of the oppression. (Much later in the week, we would begin to talk about Pinochet being himself imprisoned in this system). By the end of this discussion, everyone was clear that they could complain all they wanted, but that it was not *justice* that was the issue, but survival. They then created a set of ground rules for interacting with Pinochet:

- No backchannel gossip with other extended family members about Pinochet
- Only the President Brother should approach Pinochet with business issues
- All of them should call and visit him for the purpose of expressing their appreciation to him, for specific things that he did that were helpful, kind or generous

I then asked them what they were doing, in their own holding that was similar to or different from Pinochet type business practices. Immediately there were a host of accusations to the President Brother from the others. I then asked him to tell us all about the worries and fears that he had, that contributed to the lack of transparency. He then talked about how afraid he was of his own siblings in this oppressive environment where information would be used against the business. Secrecy bred secrecy. There was then a discussion about the “rules of engagement” for transparent systems, and they again made a list of “dos” and “don’ts.” At the end of that discussion, they promised that they would keep the rules for transparency, acknowledging that it would only take one person, one time, to begin to erode transparency and bring back secrecy. I made them develop a secret handshake and there was more hilarity and again, a switch to Spanish.

From “Joint Asset” to “Home”

In the next phase of the work (after a lunch), Dora said that she wanted to bring up a conflict she had with Ernesto which was related to other conflicts that her siblings had with him: he was living in one of the holding’s assets, a local apartment, and would not leave, nor indicate when

²¹ Pinochet’s regime formally ended in 1989, and this consultation was many years later. However, Pinochet had never been arrested, and his cronies remained powerful. I knew the laughter was an anxious laughter brought about by openly playing with powerful and dangerous imagery. The reader should be aware the persons all over Latin America knew of Pinochet and his death squads and torture chambers; the reader should not presume that the consultation was in a particular country just because we used Pinochet as a metaphor for a repressive regime.

he might leave, and he owed a huge debt to the holding because he had not paid his rent. I began to elaborate her story with her, asking her to start with what was at the heart of this issue. She indicated that it was a matter of “justice” and started to cry. I then expressed disbelief because “justice” was too cold a concept to be at the heart of such hot tears. She then broke completely down and her brothers started to get up to leave the room, clearly very agitated by her strong feelings. I asked them to sit back down and watch her learn about herself, as she would be a good model for them. She began to stop crying and I asked her to find the beginning of the “spaghetti” ---a metaphor for locating the start of something when it is all twisted about other stories (spaghettis). She then told how she wanted to be able to use that apartment when she came “home” for a visit, because she had, in the last five years, married and moved out of the country, to another country. She cried hard, telling about how difficult it was to be separated, how sad she was and how she wanted to be sure she would always be able to come back. I described her as “homeless” and she expressed relief with that frame. I turned to Ernesto, and asked him how long he had lived in his “home” and Dora erupted in protest. I asked her to be quiet and listen, as he had done for her. So I elaborated this description with Ernesto of his “home,” how long he had lived there, and what kinds of things he especially liked about it. I then asked him if he really did like it because of its features, or because it was “free.” I smiled at him and wagged my finger at him, as though he were being naughty. He immediately smiled, looked sheepish, and then began to protest that he could not pay. I blocked that protest, and asked the question again. He then brought up his head and said that he liked it and his girlfriend liked it because it was filled with local charm---the girlfriend thought it had “character.” Dora erupted again, switching to Spanish, calling the girlfriend bad names and the two of them started shouting insults at each other. I intervened, physically, by moving my chair across the room to sit smack in front of them. I wagged my finger again at Ernesto and told him that there were logically two possibilities: (1) he only wanted to live there because it was free, and he wanted to keep that a secret because a grown man, such as himself, would understandably be ashamed about that; or (2) he really did like it and for him, it was a “home.” He readily reaffirmed the latter choice (which was hardly a choice as I framed it). And I then said that a “home” is a place you choose to live and this was his chosen place to live and people pay for and take care of their homes. He could see that I was going to put him on the spot to make a promise to pay monthly rent. So he said that he would agree to pay money monthly, but he could not pay the back rent. We agreed as a group on the monthly rent and I tabled the back rent till later.

I then asked Dora if she thought the solution was acceptable, and she very begrudgingly agreed; however, she did not look at me. So I reached out and touched her hand and called her name. She started to cry but she would not speak. I reached to hold her hand, and she pulled back. I then told her that I was afraid that I had done something that had ruined our relationship, but she would not answer me. So I got off my chair, genuinely moved, and sat, knees bent beneath me, in front of her, and asked her to please not leave me “alone” in the cold like a “homeless” person. She never did look at me, but she reached out and touched my face, as I was sitting beneath her and in front of her. I held her hand to my face and started to cry, and so did her brothers. I sat there for some moments, and then stood up, and said I was glad I had a home away from home. Ernesto then reached for her on the sofa, wrapped his arms around her, and said that she was always welcome in his home, and he would love it if she would stay with him when she came for a visit. I went to the bathroom for a tissue, and we then took a break. We never discussed what had happened, what she thought about it. And what’s more, there was no discussion of the other conflicts that people had told me, backchannel, before the meeting, they

had with their brother. On a final note, Dora later provided a home away from home for Ernesto, in her house.

From “Random Unfairness” to “Kisses”

On the last day, the sibling group had indicated that they wanted to raise the issue that some of them had been the lucky recipients of bonuses, just because of gender (Dora got a big bonus when she got married) or because of their role in the small holding (the President Brother); the others wanted there to be some equity adjustment (payments) to those that had not gotten bonuses. (Note: Ernesto had never gotten a bonus, of course!).

I thought this was a very problematic story, as there was no way to “restore” balance in a context that would be forever unbalanced (Dora would always be a woman, for example). I suggested that we at least build a pact to handle future “kisses” from Pinochet. There was more hilarity, as they played games kissing each other and sneaking hands around for the other’s wallet. They played with what kind of kisses---ritualized kisses (not much money), affectionate kisses, (more money), slobbery kisses when Pinochet had too much to drink (loads of money that then later was requested to be returned). They practiced on each other, and there was much laughter---most of this was in Spanish.

I asked them to reconstruct any pattern they might be able to discern to these kisses. It turned out that no one was able to predict who would get money (except for Dora’s wedding); as they compared notes, it became clear that they had, on different occasions, gone to Pinochet independently, asking for a special favor for a particular need. Then more hilarity erupted as they began to compare notes on particular strategies that they had privately tried out that had failed (do it after dinner at his house; call him and ask for a meeting at the office; get his wife to mention it to him; send him a formal letter with bill enclosed). And then I asked them to show me how he “rejected” them, and they started, in Spanish, to pay the role of Pinochet, wiggling out of the requests, ignoring, changing the subject, promising to call the next day, agreeing but then never following through, etc.

By the time we had reviewed the nature and number of the requests they had made, the nature and number of rejections, I asked them how many cousins they had in the family---they indicated there were 15 at their generation, and about 30 people at the next generation. Total there were about 50 family members with their hands out, “whimpering” for money on a regular basis. And because we had had so much fun role-playing Pinochet, I started role-playing what they sounded like to him---the requests were numerous, most for frivolous things, then I started exaggerating the way they were in turn exaggerating their needs: “I recently found out that I have a rare disease indicated by my skin getting whiter and whiter---the doc says I need a month on the beach, and so my cure will only cost \$5 million. They were howling with laughter and made up some more of these requests.

I then sat down and said that I felt sorry for anyone trying to hold onto a single penny in their family, that Pinochet most likely has to impose “martial law” because “otherwise the countryside will be overrun by brats!” They stopped laughing, and I went on, elaborating a story about Pinochet, as being forced into his role, in a social/political context of corruption where there is never reward for transparency. I then drew two triangles, one inverted on the top of the other, and indicated that Pinochet is at the intersection of these triangles, as he sits at the top of the hierarchy of the family and yet at the bottom of a system much larger than the family, a system where there is enormous “noise” that requires constant attention, alertness, and skills at

corruption. The more noise they made from below, the more difficult they made his job. They looked confused---I was still using the name “Pinochet” but now I was telling a “hard-luck” story about how hard his job was. I then asked each one to imagine that they would have \$10 million and imagine that they had 30 family members, none of whom were earning any money and all of whom were living on the assets; then they had to tell me how they would plan to apportion the wealth during their life---what portion would they save, what portion would they put in trust, what would be the conditions of the trusts, etc. They quickly agreed that it would be a nightmare to get the family to not spend the assets but to re-invest them. We spent the remainder of the day working with the accountant on their own small holding to reach an agreement about a) the total nest egg they needed; b) the percent of monthly income to be re-invested; c) the percent to put to re-capitalization; and d) the percent to be put in an “entrepreneurial fund” that they could each access as start up funds for a business, encouraging the development of the private businesses outside the holding; and e) they settled on a percent they would pay to themselves as “allowance.” They agreed to then present this, as a business plan, in an act of transparency, to Pinochet. The President Brother reported an increased in his access to confidential information as Pinochet began to trust them. The brother either started or continued to develop businesses. Dora began her family and later opened her own business, which became a resource for the small holding. In this segment of the work, the group went from accusing each other of collusion with Pinochet’s random distributions, to taking responsibility, as a group, for building their own economic security and stability. They expressed considerable pride about their business decisions. In the discussion that follows, I will try to weave together some thoughts on what I have learned from this case regarding the relation between witnessing, liminality, and tipping points, in meaning and relational systems.

Reversals, Paradox, and “Stripping”: Pressing down the Clutch on Narrative Processes²²

There are multiple features of these tipping points, made possible in and through the creation of liminal spaces. First, tipping points take place during and in the context of narrative elaboration. They are engendered through interaction, and more specifically, interactions that involve the elaboration of suffering. However, this elaboration, in turn, is not the passive process associated with “reflective listening” but rather a highly agentic engagement that directs, demands, invites, cajoles, narratives toward a particular evolution toward stories that exhibit:²³

- Positive (legitimate) positions for speaker and other core characters
- Plots that exhibit circular logics, in which the actions of speaker are both cause by and causes for other’s actions, particularly when the outcome of the narrative is negative
- Value sets that are complex, composed of more than one binary set of value opposites (themes)

²² I learned to drive a car with a standard, as opposed to automatic, transmission. When the clutch is depressed, the engine disengages the flywheel, within the bell housing. One can press the gas, but the car is literally not “in gear.”

²³ The features listed here are, in part, taken from Sluzki (1992) paper “Better-Formed Stories.” He argues that narrative should be evaluated morally, following VonForester’s injunction, “Act so as to increase options.” I have since argued (Cobb, 2003, 2006 and 2013) that narratives which increase options are those that a) have positive roles for speakers and characters, complex and circular plots that manifest interdependence of actors’ action, and a varied and complex value set, rather than a binary value set that is highly polarized.

- Temporal dimensions that include past, present, and future

Collectively, these are features of “better-formed” stories. The practice of witnessing suffering, in a way that leads to tipping points, is generative of narratives with these features. In this case, the siblings began with a set of victim stories, and victimizers included Ernesto and the uncle. By the end of the meeting, all characters, including Pinochet, were legitimized and their suffering recognized and included. The plot line in the beginning had no future, as the focus was completely on the past, centered on accusations and personal recriminations. By the end, they had a plan for the future, as well as present activities/preoccupations and a rich past. In the beginning, accusations and complaints were the most frequent speech act; there were several people who defined themselves as victims of Ernesto, and everyone was a victim of the uncle. By the end, the uncle was still a victimizer, but one that was much more complex in that victimization, and most importantly, none of the members of the group framed themselves or each other as victims.²⁴ Thus, as I have argued elsewhere,²⁵ it was not the “listening” to the “bad uncle” stories that brought these siblings to the edge of the limits of their narratives; this is why, I would argue, reflective or active listening, does not foster change, much less the materialization of liminal space, where folks can play in the “between” places. I “thickened” their stories. Collectively, through my questions, we framed the context as one that was impossible to change. This pushed them to the threshold of their stories---unless action/agency was possible as a condition of being, there was no point in trying, and no hope for the future. I reduced hope, quite actively.

Liminal spaces seem to appear associated to three kinds of discursive activity, creating the space for tipping points:²⁶ (1) reversals in meaning/roles; (2) paradoxical meanings, and what Turner has called (3) “stripping.” (Note: These may well be overlapping). Reversals in meaning and roles populated my work with this family. For example, Pinochet was both a terrible dictator and then a beleaguered leader. Ernesto was first a “mooch” and then a “macho man” who cared for his home, and loved both his woman and his sister. Dora was first an entitled victim of Ernesto’s irresponsibility and then she was a victim of the complexity of her own “choice” as to here she had chosen to call “home.” The group went from a story about the lack of their resources and the random nature of their financial universe to a story about their own competency to grow their business and act with fiscal maturity and planning. There were specific points where I created reversals that open the group to a new narrative:

- I located Pinochet at both the top and the bottom of a “triangle” depicting very clearly the reversal of his location in the world, and reversing the story about him as victimizer.

²⁴ I made an effort to inoculate the group against victim stories by giving a little mini-lecture on what they are, how to know when you are in their clutches, what to do to get out of the clutches of the victim story. I used, as an example, a dream that I once had in which I was on a boat, on a stormy sea, when I was thrown overboard into the cold ocean. By an accident of nature, I ended up in a current that washed me to shore. I crawled onto the beach exhausted, only to discover two very handsome men, in Italian style bathing suits, offering to help me. They got me a chair, brought me drinks and food, and I fell happily asleep. However, when I awoke, I was actually tied to the chair, and could not escape. I interpreted the dream to refer to the seduction of victim stories---they are a relief to tell, but just as you get comfortably situated in them, you find yourself a prisoner.

²⁵ See Cobb (2003).

²⁶ These three are also recognized in the writing of D’Agostino (2001); but I independently “found” them in this case study as well.

- Dora began the “home” conversation assuming that it was Ernesto that was “homeless”--- I reversed this, elaborating the apartment as *his* home, and elaborating her as homeless.
- At one point in the “kisses” discussion, I called the group a bunch of “brats” (“mal educados”) and they laughed, even though they started the conversation complaining that they did not get enough money from Pinochet.

Additionally there were several instances of paradoxes:

- In the opening conversation, I declared myself “helpless” even though I was the expert. An elaboration of my incompetency created a liminal space, a threshold that allowed the development of the story of the regime of oppression.
- At another level, this same conversation, the one that lead up to my declaration of helplessness, was paradoxical: they were complaining that they needed something to change, yet the way we elaborated the story there was absolutely no possibility of any change in the environment. The thorough exhaustion of that narrative created paradox re the context---we were there to develop solutions, yet we were telling a story that denied the possibility of any solutions.

Finally, I think there is a third, very important discursive practice---essential to the creation of liminal space---what Turner refers to as “stripping.” This is a practice that involves taking away the signs/signals that we use to recognize others, making them “socially unrecognizable.” D’Agostino (2001) argues that liminality is not just a “between space” but a particular kind of “between”:

In other words, the fact that liminal beings are “social unrecognizable” is marked by their being stripped, ritually, of all the markers of social recognizability---all the various material embodiments of their particular and concrete social status within the world of everyday life...So the first point about liminality is that it’s not just some vague in-between state; it is, rather, a very specific kind of in-between state---the kind that involves (in the limit) stripping away one’s socially identifying features (p.70).

In the context of this case, my renaming “uncle” as Pinochet not only created relational (familial) distance, but it simultaneously confirmed their stories of victimization, *and* enabled them to begin to name the rules of the regime. From this perspective, the uncle was stripped of important features, namely, his familial relation. The hilarity and play that followed was a function of being in this liminal phase which makes tipping possible.²⁷

²⁷ The research on the stability of meaning, attributed to discursive structure and processes by theorists such as Gramsci, Althusser and Shapiro accents the persistence and reproduction of meaning, as opposed to its dynamic evolution. However, given the importance of the research on the politics of meaning, it is imperative that their work be included in theorizing the transformation of meaning. Turner’s (1982) concept of “liminality” provides a framework for linking the structural approaches to discourse to a theory of change processes.²⁸ Apolitical ethnography has been thoroughly trounced by critical ethnographers who argue that the “writing culture,” describing the folk patterns/way of others is a process that implicates the world of the writer. The introduction of reflexivity into ethnographic studies has been generative of questions about the role of the knower and the known. As a result, the ethnographic process itself has been reconceptualized as a collaboration between the “observer” and the “observed.” Thus the validity of the work no longer rests on objectivity, but the degree to which the subjectivity of both knower and known are made transparent in the process. Again, see Clifford and Marcus’s (1986) *Writing Culture*.

In what was perhaps the most emotionally powerful point of the work, I made myself socially “unrecognizable” by getting out of my chair, kneeling on the floor, in a position of despair and supplication in front of Dora. Clearly this was more for me than a consulting problem. The disruption in the relationship (I pushed too hard---I left her no way out...) left me feeling homeless and alone, far from my own country, working in another language, a guest in their home, where I was to act like a professional.

In summary, I find these three elements, reversals, paradox, and “stripping” to be discursive practices associated to the creation of liminal space, which, in turn, makes “tipping” possible, in the process of witnessing.

Conclusion

Consistent with the apolitical nature of most ethnography,²⁸ Turner and others interested in “thresholds” have a rather value neutral agenda; they are describing the role of liminality in social process, and tracking the emergence of new phenomenon---new identities (as some of these rituals make passages from one stage of life, or stage of relationship to another) and what Turner calls “communitas.” As I explained earlier, he defines this as the state of relationships that emerges when social hierarchy is erased, or inverted. I am not convinced of this, for two reasons: a) this presumes that what emerges in the liminal phase of ritual is some de-politicized set of relationships, and, given that there is never a place without meaning, a “no-meaning zone,” there would always be politics associated to any space where people are relating, and certainly where they are working out conflicts and problems (Cobb, 2013); and b) if this concept of “liminality” or “threshold” is valuable to negotiation it should not be because it promises us a space where we can return to the garden, innocent of our nakedness, and able to erase the pain, the fear that arises from the accumulation of suffering. So I would prefer to either redefine communitas or to define anew the product of the liminal phase.

Following my experience in this case, what emerged from these liminal spaces was not simply “togetherness” but a collective anchoring in a morality that functioned at a meta-level as a practice of *recognizing/acknowledging both self and others as moral agents*, as actors struggling to be good. This does not simply imply that people *share* a common moral framework;²⁹ rather, it refers to a doubled reflexive attention, by self, to a) the nature of their own moral framework; and b) the nature of moral action itself as action that arises from good intentions, within a complex social context. Thus it requires a shift from attention to moral outcomes, to attention to the social construction of *moral intentions in context*. Thus recognizing self and other as moral agents is *not* about

²⁸ Apolitical ethnography has been thoroughly trounced by critical ethnographers who argue that the “writing culture,” describing the folk patterns/way of others is a process that implicates the world of the writer. The introduction of reflexivity into ethnographic studies has been generative of questions about the role of the knower and the known. As a result, the ethnographic process itself has been reconceptualized as a collaboration between the “observer” and the “observed.” Thus the validity of the work no longer rests on objectivity, but the degree to which the subjectivity of both knower and known are made transparent in the process. Again, see Clifford and Marcus’s (1986) *Writing Culture*.

²⁹ I have long had a negative and visceral reaction to “common ground” as it performs a terrible reduction and oversimplification of how communitas is formed. The argument I am making above, that the reciprocal recognition of self/other as moral agent is *not* equivalent to sharing a moral framework, is perhaps a first glimmer, for me, of how I might be able to name and address the source of my discomfort with “common ground.”

creating a shared moral framework, but about the social construction of morality itself, as stories about positive intentions that underlie actions in context. From this perspective, the practice of witnessing, the place where liminal processes reside, is the process core to the creation of morality, again, not as a specific ethical framework, but as a second-order normative frame which “rights” stories³⁰ so that all characters and the narrator hold legitimate positions in the stories (Moghaddam, Fathali M., Rom Harre, and Naomi Lee, 2009).

Looking back at the case, in each place where there was reversal, paradox or stripping, what followed was the elaboration of a moral story that collectively elaborated others a) having a choice to be either bad or good, and b) *witnessing* their choice to be good, to do right by others, within the value system that is operant at that moment. From my experience, this is the foundation for ethical conflict resolution or negotiation practice and provides a basis for a call for further research on liminal spaces.

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³⁰ I may be inventing a new field---“ortho” conflict resolution! I argue in *Speaking of Violence: The Politics and Poetics of Narrative in Conflict Resolution*, that the field of narrative studies has shied away from designating some narratives as “better” than others, preferring a descriptive, rather than a prescriptive lens. However, drawing on case studies, I note that it is possible to distinguish between problematic narratives that generate conflict, and those that are productive of the transformation of conflict.

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Analysis of a Labor Union's Organizational Structure: Capturing the Synergies of Constructive Conflict in an Organizational Redesign

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Abstract

Closed rational design, the preferred organizational structure in the 1960s, is a top-down linear organization with formal goals, processes and structures (Scott & Davis, 2003) and does not allow for the real-time interfacing necessary in today's competitive environment. Current and future institutions have a need for reorganization because of the constantly increasing capabilities of Information technology (IT). Today, IT has made the world a much smaller place as we find ourselves communicating with people of varying ethics, morals and values, in a potpourri of cross-national cultural systems. These vast differences mean organizations can no longer operate autocratically in a closed system of rigid rational design, characteristic of tight and inflexible bureaucratic administration. I theorize that organizations that have failed to transition to more interactive open and natural designs force employees to subvert their organization's rigid rational designs by creating sub-structures to minimize otherwise debilitating conflict resultant of archaic design and subsequent limiting policies. This paper analyzes the structure and operation of a large independent commercial pilot union to determine if the original structure developed during the early 1960s is effective in today's competitive environment. This paper also seeks to determine if the structure between respective intra-union officer groups, the supporting national committees and support staff at union headquarters fosters a milieu of constructive or destructive conflict outcomes. The analysis strives to determine what changes could be made to transition current conflict resolution processes toward greater transparency and more fruitful conflict outcomes.

Organizational Design: A Rational System Perspective

Mankind has been exploring organizational change for more than a thousand years extending back in time to Plato's *Republic*, Machiavelli's *The Prince* and Thomas Moore's *Utopia* (Sherman, Rowley & Armandi, 2006; Rahim, 1992). Early in the history of the business model, Adam Smith focused on organizing people in order to maximize productivity and efficiency. Other early pioneers like Frederick Taylor, Mary Parker Follet, Henry Fayol and L. Urwick used time-motion studies to organize and maximize human performance from the bottom up; that is, minimize worker motion and maximize output of individuals at the lowest level of the organization. Labor was opposed to time-motion studies, particularly Taylor's work, claiming managements' implementation of time-motion activities undermined the collective bargaining process by limiting wages in lieu of traditional negotiations (Rahim, 1992). In other words, effective time-motion applications reduced the number of jobs required to yield the same amount of product; therefore, from labor's viewpoint, scientific studies undermined labor's attempt to create and protect jobs.

Taylor (1911), Fayol (1916: 1949), Urwick (1937), and Mooney and Reiley were all advocates of managerial functions (planning, organizing, command, coordination and control) as

a closed system (Davis & Scott, 2003; Rahim, 1992). Moreover, they collectively prescribed top-down control of a mechanistic nature with clear lines of authority and hierarchical structures that required a division of labor; theoretically the practice would encourage harmony and discourage conflict.

Weber (1929; 1947) was also an advocate of closed rational systems; however, he instituted increasing levels of control in the form of a tight system of bureaucratic administration. Weber strongly advocated that his bureaucratic systems would further reduce conflict, although he did admit there was some natural dysfunction of bureaucracy (Davis & Scott, 2003; Rahim, 1992).

Mary Parker Follett (1926), touted as being decades ahead of her peers, was also considered a classical organization theorist; however, Follett added two significant perspectives to the theory during the 1920s. First, she believed that within an organization, constructive conflict added to the value of the organization, an opinion not shared by her fellow theorists who believed conflict should be minimized. Second, Follett believed that suppression, avoidance, dominance and compromise was ineffective in dealing with conflict and instead strongly advocated for an integrative method of problem-solving by those in managerial authority (Rahim, 1992).

Modern organizational theorists began to focus on the absence of humanity in the organization. Concentration on the humanistic aspect of organizations attracted more social scientists. Subsequently, human relations theory began to grow and gain support from theorists such as Lewin (1948), Likert (1967) and Whyte (1951). Lerner (1966), Whyte (1967) and others added to the model through a clearer understanding of tension and problem solving. Specifically Whyte (1967) stated:

The objective should not be to build a harmonious organization, but to build an organization capable of recognizing the problems it faces and developing ways of solving these problems. Since conflicts are an inevitable part of organization life, it is important that conflict-resolution procedures be built into the designs of the organization (p. 25).

Nightingale (1974) wrote, "Conflict becomes an instrument of social change and influence rather than a symptom of a breakdown in social relationships" (p.175; Rahim, 1992, p. 9). Miles (1980) forcefully wrote,

Although some theorists have regarded excess organizational conflict as the antithesis of "organization," others have begun to stress the function of conflict as a vital seed from which organizational processes, such as activation and motivation, feedback and control, power balance and coalition formation, growth and innovation, and even the institutions for channeling and resolving disputes, germinate. These functions and dysfunctions reveal both the centrality of conflict in organizational life and the complexity associated with its management. Both these features make it absolutely essential that managers and organizational designers understand the context in which organizational conflict occurs and the variety of techniques available for use in its management (p. 129).

It is noteworthy to point out Miles' attention to "feedback and control." These are attributes of an open system versus the then-popular closed system organizational design. Moreover, Sherman et al., (2006), Scott and Davis (2003), and Scott (1981) labeled these closed rational models as *largely inaccurate systems* and not effective even though rational system designs

dominated the formulation and operation of most businesses early in the industrial age. The consequences of goal specificity and highly formalized processes seem to ossify strategic design and process efficiencies (Scott & Davis, 2003) in the absence of humanistic input. Even though people, i.e., employees and consumers, influence how organizations perform, perhaps more than any other factor, the value and potential of that competitive advantage (human capital) is often left in static form (Stewart, 1999) because it is not captured or optimized.

Natural and Open System Approaches

F. J. Roethlisberger and Elton May theorized that imposing top-down work edicts would not result in collective gestalt work products as theorized by the advocates of closed rational designs (Rahim, 1992). Instead, Roethlisberger and May studied organizations in their natural state to analyze the nature of work groups in organizations as a social system (Sherman et al., 2006). The researchers discovered that many sub-structuralized activities were ongoing outside of the regulated work process — issues of group dynamics, coalitions, friendships, power struggles (other than superior-subordinate relationships) and role / status — issues that required managers to deal with emotion and irrationality outside of the normal management model of rational design (Sherman et al., 2006; Scott & Davis, 2003). Because this model did not include “external environmental” influences, and because the models attempted to describe rather than dictate management action, this new perspective on models was considered a natural *closed* system.

A rational system model was one in which managers could take resources (independent variables) and input into the system, transform them under management influences (dependent variable) to yield a predictable result. Managers needed a prescriptive theory; that is, one that dealt with principles and guidelines that could be applied consistently across boundaries — a closed rational system. In order to be transformational, the system or model needed feedback loops because each organization was unique and none of them operated in a vacuum. That means they all had to deal with environmental issues (competitors, substitutes, governmental factors, sociological factors, customers, suppliers, unions, local populations) in unique ways that no simple rational model could prescriptively address. Thus began the transition from closed to open systems in natural settings — settings unique to the natural environment of each organization (Sherman et al., 2006; Scott & Davis, 2003). Over time, surviving organizations learned to transition to natural *open* systems that interactively engaged with the environment of their unique settings. Those that did not have the foresight to transition to natural open systems models either struggled to survive or failed to achieve their original goals.

Natural and open system theorists also insist that when studying organizations, three levels of analysis should be studied: a) social psychological, b) organizational structural and c) ecological. For the purpose of this paper, the context of organizational theory will mean the examination of both the act of organizing and the actual structure of the organization’s respective hierarchy as controlled by networks, policies, rules and sociological constructs.

Background History of the *The Pilots Union*

The Pilots Union is a pseudonym for the organized pilot labor group that was actually studied. *The Pilots Union* will henceforth be referred to as TPU. It is one of the largest independent commercial airline organized pilot labor groups in the world. The genesis of the TPU story begins with the birth of the Air Line Pilots Association (ALPA) on April Fools’ Day

in 1931 (Lyons, 2011), the very first organized commercial airline pilot union. American Airways pilots were the first group of pilots to fully organize and negotiate a contract — 309 pilots had their first contract in May 1939. The last group of pilots from a major carrier, Pan Am, signed their first contract in 1945, a mere six years later (Lyons, 2011). By 1951, ALPA represented more than 50 different carriers. Problematic for ALPA at the time was the type of structure under which they organized — a heavy-handed, top-down closed rational system.

ALPA was responsible for representing all pilots during contract negotiations, yet each company negotiated pilot contracts under differing technological (advancement of piston driven engines, to turbo props, two-engine and four-engine aircraft, and then the advent of the jet), economic and city-pair route structure pressures unique to their respective companies. Strikes were common and pulled money from the communal ALPA treasury. Problematic union/management relationships resulted in some carriers striking more often than others, frequently leaving ALPA national funding too low for job actions by other pilot groups (Lyons, 2011).

American Airlines pilots were collaborative negotiators, but were forced by ALPA National decision-makers to go on strike in 1958 (Lyons, 2011) to further ALPA National's goals. Subsequently, squalid political intrigue resulted in the formulation of opposing coalitions that divided the ALPA controlling officers. Angry ALPA members were forced to create underground sub-organizations within their own network and hierarchies that operated autonomously from ALPA National. These coalitions turned into powerful political bodies and acted outside of ALPA's closed structure. As noted by Bolman and Deal (2008), all five propositions of the political frame came into play when a stewardess was elected to the ALPA Executive Committee instead of a member pilot. ALPA National's attempt to force a contract on the American Airlines pilots against their collective will escalated the conflict into action — American Airlines pilots voted on Nov. 26, 1963, to leave ALPA and adopt the first bylaws of the newly formed *The Pilots Union*, the first independent pilot union and the first splinter union from ALPA (Lyons, 2011).

During the week of Feb. 18, 1964, the first TPU National Officers were elected and the first national committees established (Lyons, 2011). The organization exists today almost exactly as it was formed in 1964 and continues to endure both internal and external political conflict. Unfortunately, American Airlines and its collective labor forces continue to experience confrontational relationships as American Airlines enters the early stages of chapter-11 bankruptcy processes (Poggi, 2011).

Methodology of Analysis

The TPU is a large organization with many substructures underlying the primary organizational design. Systematic case studies serve to identify both what is common and what is particular about the respective case, even if the organizational structure is complicated (Berg, 2009; Denzin & Lincoln, 2008; Creswell, 2007). Berg (2009) maps out a case study process that is guided by grounded theory methodology, a highly regarded qualitative methodology. Due to the size of the organization, complexity of TPU's interwoven substructures, and extensive knowledge base experiences of the researcher, the rubrics of case study analysis were chosen for the research on TPU.

The purpose of this case study is to specifically and deliberately study TPU's organizational structure, identify inherent conflict resultant of structural design, and if viable, recommend

restructuring the organization to achieve greater levels of constructive conflict with the purpose of bringing value to the organization. The researcher shall strive to:

- Identify and examine the existing structure of the organization and then draw information from its participants,
- Monitor activities and functioning inherent to the nature of the case that identify particular conflict events, i.e., intra-personal, inter-personal, inter-group, intra-group and inter-organizational conflict that affect the nature of structural conflict.

The TPU Constitution and Bylaws, henceforth the C&B, states, “The governmental powers of the TPU shall be vested in the Board of Directors and the National Officers in accordance with the laws provided herein. The final control of the TPU shall be vested in the membership” (TPU, 2011, p.4). Based on the structure of the TPU governance, the central question for this study is:

- What endemic constraints are placed on the resolution of conflict events due to the organizational structure and sub-structures?

The substantive follow-on questions are:

- What types of restructuring can occur that fits the organization?
- What type of restructuring modifications will reduce destructive conflict?
- What restructuring changes will increase the opportunity for the participants to engage in constructive conflict processes that create greater value?
- What barriers exist that would prevent constructive restructuring changes?

The unit of analysis will be the organizational subcultures, i.e., the union’s elected officials and their specific roles, the pilot membership, and the parties’ respective intra-group interactions. The structure of the organization exists to provide a mechanism to execute and enforce the precepts of both the TPU C&B and the TPU Policy Manual. The preamble to the TPU C&B specifically states:

This Constitution and Bylaws of the *The Pilots Union* [*sic pseudonym*] is hereinafter set forth to provide the mechanism where-by the collective and individual rights of the pilots in the TPU [*sic pseudonym*] are safeguarded through a formula for sound leadership and, at the same time, retention of control of the TPU by the membership (TPU, 2011, p. ii).

The TPU C&B does not set forth a specific structure to achieve the goals of the preamble other than stating:

1. This Constitution and Bylaws establishes TPU as a two-tiered labor organization consisting of individual domiciles and a national union (see Appendix B).
2. As set forth in, and only insofar as consistent with, this Constitution and Bylaws, the National Officers direct the day-to-day affairs of TPU,

3. The National Officers direct the day-to-day affairs of TPU subject to review and direction by the Board of Directors, which has the authority to alter, amend and add to this Constitution and Bylaws (p. 3), and
4. The Board of Directors shall approve a Policy Manual for the Allied Pilots Association which will provide the mechanism whereby the collective and individual rights of the pilots in the TPU are safeguarded through a formula for sound leadership and, at the same time, retention of control of the TPU by the membership (p. 4).

In keeping with the focus of the research, the purpose of the unit analyses of TPU's subcultures is twofold. First, the researcher will attempt to better understand the unintended conflict caused by structuring TPU governance in a two-tiered closed rational system. Second, if a more efficient system design exists, the researcher hopes to recommend an alternative form of governance that will more effectively achieve the goals of the TPU C&B preamble.

Data will be collected via multiple sources using semistandardized interviews (Berg, 2009) with officers, staff and pilots at large — all interviews will be confidential. Observations will be analyzed based on attendance as an observer and participant of board of director meetings, planning sessions, facilitated meetings and organizational meetings with American Airlines executives, which were collated over a seven-year period.

Observations and analysis will be made of ongoing practices at the TPU headquarters and through review of the union's C&B and the operating Policy Manual — the governing documents of the organization. Analysis of the collective data through a description of case and emerging themes will take form of a written analysis, to include a cross-case analysis of sub-structure interactions. Seven years of personal notes and more than 1,000 written documents by the author form the basis of this analysis.

Note: The researcher made a purposed attempt to remain unbiased throughout the analysis, discussion and recommendations, thereby approaching the project from an academic and theoretical perspective. Additionally, the researcher has no personal relationship with any of the current TPU officials, is not a member of any local or national committees and owns no AMR stock. Any critical observations or recommendations will not personally affect the researcher.

Structure of TPU's National Officers, Board of Directors, Members and Staff

Note: The forthcoming material is intentionally concise so as not to distract from the case study discussion and recommendations.

National Officers

There are three national officers elected by a majority of voting members from the entire pilot electorate. The national officer positions include the president, vice president and secretary-treasurer; they serve a three-year term and are not members of the board of directors. Even though the national officers are responsible for the joint governance of the TPU (TPU, 2011), none are voting members of the policy setting body. The national officers do not report to the board of directors. In other words, there is no hierarchical link between the national officers and the board of directors, yet both serve the pilot membership, often from different political camps.

Key Attributes of the Offices of the National Officers

- **President:** The president's job is to enforce the TPU C&B on a daily basis. The president is also responsible for hiring and terminating office staff members (TPU, 2011).
- **Vice President (VP):** The VP's role is to serve at the pleasure of the president and assist the president in completing presidential duties.
- **Secretary-Treasurer (ST):** The ST assists the president in constructing the annual budget. Otherwise, the ST has no other reporting hierarchy commanded by the C&B, which suggests that the ST works autonomously in executing the "governmental powers of the TPU" (TPU, 2011).

TPU Board of Directors

The TPU board of directors, henceforth the BOD, is comprised of the 18 independent domicile officers that act as representatives of the nine pilot crew bases. When the BOD is sitting as a collective body, it possesses its full policy setting authority, thereby acquiring enforcement powers of the C&B and the Policy Manual. As a sitting body, the BOD has the power to alter, amend and add to the C&B or the TPU Policy Manual. The board is required to meet for at least one week each quarter. Once the meeting is adjourned, the board is no longer functional as an authoritative body.

Structure of Pilot Domiciles

The TPU membership is comprised of all active pilots counted on the TPU seniority lists that are members in good standing (see Appendix C). American Airlines currently has nine pilot crew (domicile) bases across the United States. Each domicile has two independently elected and autonomously operating domicile officers: chairman and vice chairman, who serve for two-year terms. Domicile officers run the day-to-day union business of their respective domiciles; e.g., grievances, discipline, contract issues/violations and general support of pilots' life issues. There are no formal feedback channels for pilot members to domicile officer other than volunteer means of communication such as phone calls and e-mails.

National Committees

Five national committees are board-elected by secret ballot (TPU, 2011). The board also elects the Communications and Strike Preparedness committee chairmen; however, the president appoints the respective committee members. The TPU president appoints the remaining 25 committees (see Appendix A). Problematic in this design is the fact that while the board is not in session, there is no oversight of the board-elected committees or their respective members. Moreover, there are no procedures that prioritize committee tasking of TPU staff support. The staff is left in a quandary as to who to serve with what priority, often creating uncomfortable conflict situations. There is no hierarchically structured interface between the staff, the officers, national committees and the membership at large. Moreover, there are no meaningful disciplinary procedures that any TPU officer can use to enforce the C&B or documented policies of the organization when a committee person acts out of turn.

Subculture Groups

There are several sub-groups that operate outside the realm of the official structure of the TPU. One such group is Pilots Defending the Profession, a grassroots organization, operating through www.TPUPDP.org. Even though the title implies that the TPU sanctions the forum, this dissenting political faction challenges incumbent officers on a variety of issues without accountability — in fact, most of the creators and editors of PDP documents hide behind a mask of secrecy and that preserves their identity and fosters a milieu of no accountability. The PDP has its own infrastructure, funding and resources, and is a powerful social group (Bolman & Deal, 2008; Godwyn & Hoffer-Gittell, 2010) working autonomously in a way that continuously undermines the normal TPU structure. The core group of the PDP has operated subversively since the late 1990s.

There is also a TPU-sponsored forum, Challenge and Response (C & R), where union members can discuss any issue. This forum is not monitored or censored by union officials; instead, it is a forum where pilots can vet ideas and vent frustrations. Political factions also exist on this forum, with pilots attacking one another in interpersonal and intergroup dialogues of a destructive nature (Bolman & Deal, 2008). There are no value chains or code of ethics to shape the behavior of the participants. Since the site is not monitored for content, there are no enforcement policies that require professionalism or ethical behavior, thus no consequences to those who behave irrationally, irresponsibly or unprofessionally. Those participants exerting the greatest coercive power control the dialogue context and focus. Frequently the site turns into a mean-spirited intergroup turf war focused on personalities instead of problem-solving (Bolman & Deal, 2008; Hofstede, 1998; Rahim, 1992). Pilots have had their employment terminated because of their irresponsible dialogue and rhetoric on this internal union online forum.

Discussion

Synthesizing Blackard & Gibson (2002), Lipsky, Seeber, & Fincher (2003) and Rahim's (1992) perspectives on organizational conflict, for the purpose of this paper, organizational conflict is defined as "A process of social interaction whereby individuals and or groups compete for limited common resources, power, and social status, using their own system of ethics, beliefs, values, and cultures." The context of the ensuing discussion is shaped through the aforementioned lens on organizational conflict in concert with the collective perspectives of the researcher (based on the researcher's experiences and case study observations), and the collected perspectives of current union officials. Consideration is also given to the influences of financial costs to the organization; however, in this case study, cost savings is a benefit versus a driver of organizational change recommendations. Finally, according to Jones's (1983) theory on bureaucratic culture, the TPU is examined from a bureaucratic operation focusing on the rights and obligations of the role holder specific to formal areas of authority and procedures of organizational members (Hofstede, 1998). The following commentary is based on the Bolman & Deal (2008) reframing precepts of structural, human resource, political and symbolic factors.

Structural

The current two-tiered structure isolates the national officers and the board of directors instead of enjoining them as a collective body from the membership they are to serve. The board

is given oversight responsibility of the daily activities of the national officers, yet the board is not given the tools to do so under the current TPU C&B and Policy Manual. The national officers are required to enforce rules and regulations, yet are left to interpret them without oversight or guidance from a body that is constantly changing perspectives due to short two-year terms (TPU, 2011). The two parallel bodies of governance are set up for operating on the destructive side of the conflict continuum, given the natural differences of their respective Jungian behavior types and communicative styles (Thompson, 1997; Myers, McCaulley, Quenk, & Hammer, 2003).

There are no processes established by the TPU C&B or Policy Manual to settle conflicts, disputes or differing perspectives other than through the use of positional and political power (Bolman & Deal, 2008). This creates a powerful frame for negative political dynamics through organizational coalitions that exasperate enduring differences (Bolman & Deal, 2008). The ensuing dynamisms set the stage for a focus on differences instead of commonalities, as each political body seeks to achieve its own goals without regard for the interests of others (Fisher, Ury, & Patton, 1991). Moreover, the C&B gives the pilot membership vested final control of the TPU organization, yet provides no realistic means for the collective pilot group to do so. While there is an espoused hierarchy among the pilot membership, the national officers, the board of directors and the domicile officers, there is no functional connection that allows the full force of any body to actively engage on a regular basis. The only recourse for the membership is to recall an TPU officer and that is done through a voting ballot that requires a 50 percent vote of all respective members of a domicile in a local recall or at least a majority agreement of all TPU members in a national petition for recall. There has never been a successful recall vote in TPU history, largely because 50 percent of the membership does not vote on any agenda item.

Human Resource

Over the course of time, fewer and fewer pilot members have participated in union voting activities. It is theorized that this is largely due to pilot members feeling disempowered. In other words, their voices are not heard, so they just do not participate in voting activities until they know those activities will affect their life directly. This inference is drawn from dozens of personal conversations with fellow pilots, the case study survey and the percentage of pilot members who actually vote in national and local domicile elections. Validation of the apathy inference would require a separate research project beyond the scope of this project.

Currently there are no formal double-looped feedback processes established within the TPU operation. There is an e-mail system called Soundoff, which gives pilots the capability to send a message to the entire board and all national officers, but there is no requirement for officers to read the e-mails or respond. During this research project, the researcher sent several Soundoff messages and did not receive a single response from any TPU official.

Political

As previously mentioned, there are no limitations in the TPU C&B or Policy Manual that prohibit the formulation of unofficial subcultures or grassroots organizations that undermine the precepts of the mother organization. Moreover, there is no code of ethics that are part of the TPU C&B; therefore, there is no standard of practice required of union officers other than the loosely worded edict that "All Association officers, committee members, agents, and employees are obligated to be aware of, understand, and conduct themselves consistent with the policies

contained herein” (TPU, 2011, p. 4). It is worthy to note that the verbiage to comply with the founding documents does not include the individual pilot member; therefore, there is no means to enforce non-compliant members, which in turn allows broad latitudes in political activities outside of official channels.

Symbolic

Pilotage of commercial aircraft has a long history of romanticism and high publicly held stature. Belonging to such a group brings meaningful and shared symbology (history, ceremony and ritual) (Bolman & Deal, 2008). Yet the travesties of Sept. 11, 2001 and the resultant demise of the profession due to the large number of bankruptcy filings have resulted in financial pressures on parent companies that subsequently reduced the pilots’ careers to a mere job, with some compensation so low that pilots qualify for food stamps. The American Airlines pilot workforce was operating at 1992 wages until May 2013, which in turn forces many pilots to engage in second jobs to maintain their previous standard of living. Pilots no longer have discretionary time to engage in voluntary union activities. The reduction in the group’s cultural status resulted in rampant apathy amongst the pilot group to such a low point that many TPU board positions are filled uncontested — the end result is a dramatic decrease of excellence, skill and caring amongst the group of volunteer leaders (Bolman & Deal, 2008). It is noteworthy that the TPU is a volunteer organization where no officer is on a fixed salary. The only compensation pilot union officials receive is for missed trips resultant of union work; only the president receives a fixed salary.

Summary and Recommendations

The initial structure of the Allied Pilots Association is a typical vertical rational design fashioned after a military-like structure with relatively clear lines of hierarchy; it is a closed system that does not seek an active relationship with its environment (members, government, public or management). Unfortunately, there is a parallel hierarchy between national officers and board members without connections that sets up naturally opposing political factions.

The power of political coalitions completely undermines the otherwise tight fit of a rational design with strict bureaucratic administration within TPU. What the TPU founding fathers did not foresee was the eventual formulation of ensuing political coalitions and their ability to communicate in real time using commonplace information technology. Closed rational design, the preferred organizational structure in the 1960s, is a top-down linear organization with formal goals, processes and structures (Scott & Davis, 2003) and does not allow for the real-time interfacing necessary in today’s world between elected union officials, the membership and company executives. The effects of a closed rational design can result in a sub-culture’s attempted to hijack the authority of the tightly controlled bureaucratic administration when there is a dysfunctional structure with a disconnected hierarchy (Bolman & Deal, 2008).

Demographically the TPU pilot group is heterogeneous and bifurcated into two distinct groups of captains and first officers. It is noteworthy that TPU has a disproportionate number of pilots who have been in the first officer seat for more than 18 years and will not be able to move to the captain seat until more senior pilots retire, which represents significant career stagnation and diminished earnings. Fostered by career stagnation, less prestige and what seems to be inequitable compensation dynamics from the first officers’ perspectives, it is theorized that

stagnation and rights-based power dynamics (Bolman & Deal, 2008; Blackard & Gibson, 2002) promote apathy, resulting in limited pilot participation in union activities, especially election of union officials. Moreover, the political frame is complicated by a rights dispute versus an interest dispute (Lipsky, et al, 2003) and is further exasperated by a protracted ongoing contract negotiation of more than seven years and a recent bankruptcy filing. Further research of union member activity correlated to career progression is needed.

TPU officials will first need to recognize there are problems *and* solutions. They should then strive to learn heuristically about the problems and opportunities. A group of national officers and an open-minded board of directors will need to hold a constitution and bylaws symposium focused on reframing and restructuring the organization into a trim and highly functional governance that empowers and homogenizes the pilot membership in real time. After much observation, participation, active-listening engagement and reflection, the following recommendations are made to help TPU officers transition to an open natural design:

1. Combine the officers into a single tier as a board of directors headed up by a chairman elected from the represented domiciles. Each board member receives one vote, including the chairperson.
 - a. Dispense with the indentured vice president and the secretary treasurer.
 - b. Instead, allow a professional employee entitled *director of finance* to fulfill the role of the secretary treasurer – the current staff director of finance already does most of the work. Moreover, there is no requirement for elected secretary treasure to have any financial expertise, thus the position is based on popularity versus skill and talent. The TPU already uses a recording secretary to generate board-meeting minutes. An Executive Administrator can oversee the distribution of meeting minutes to the membership.
 - c. Hire a professional non-pilot executive assistant to assist the president in daily administrative routines; somewhat like a chief-of-staff.
 - d. Retain the services of a professional executive administrator to oversee the daily tasking and operation of the TPU staff – freeing the president for presidential duties.
 - e. The vice president shall be elected by one person-one vote criteria by the board of directors. The VP's duties will be to represent the board while they are in a dormant state and to assist the president in the execution of board policy. The VP shall report directly to the board, much like an Ombudsman, yet shall assist the president in running the organization while the board is not in session.
2. The board shall be comprised of pilots elected by a majority vote of *all* pilot members from each respective domicile. This action re-engages the pilot membership and gives them a true voice in their union matters. The silent majority now matters.
3. Mandate that in order for a domicile to be represented at the board of director level, a domicile must elect its official by a 50 percent majority of *all* eligible voting members, not just 50 percent of those voting. This action disenfranchises illegitimate surrogate political parties, re-engages and energizes an apathetic pilot group, and empowers the broad-based membership. The membership will now regain control of the union through active participation.
4. Allow the board of directors to elect its own chairperson as the full-time board spokesperson. This person could be the president, the vice president or a formal chairperson. The structure

would be like that of CEO and president of the union. This action keeps the chairperson election from being a popularity contest and may raise the level of quality of those running for office at the domicile level. It is theorized that actively engaged pilot members at the local domicile level would be more careful about the quality of official they elect. Also, recall of officers now becomes a realistic event because pilots will not assume that someone else will vote. To be represented at least 50 percent of the domicile members must participate in elections and recalls alike.

- a. Give the board the power to recall the chairperson based on a 2/3s vote on a one-person, one-vote protocol. This action minimizes the effect of political alliances and empowers the board to work as a team instead of as opposing political powers.
 - b. Allow domiciles with more than 750 pilots to have two representatives at the board table. Domiciles with fewer than 750 pilots shall have one board representative.
 - c. Dispense with roll call voting and require all actions be passed by a 2/3s vote on a one-person, one-vote protocol. Again, this action minimizes influencing political activities and forces the BOD to act as a bipartisan body instead of political factions.
5. Require all Constitution and Bylaws changes be approved by a 3/4 vote by the board and allow the entire pilot membership to override board action by a 2/3 pilot membership vote. Since 1964, there have been 66 C&B changes – 58 since 1987. A true C&B should rarely be changed and instead should be a stalwart document (general counsel).
 6. Hire an attorney and rewrite the C&B and Policy Manual to ensure that each document is properly worded, structured and contains matters that pertain to the correct respective document.
 7. Develop a meaningful disciplinary system that gives the board the means to effectively apply discipline to members who knowingly and willingly violate the C&B and Policy Manual.
 8. Set up a double-looped feedback system to ensure that pilot members are given a timely response to their inputs that fosters a symbiotic relationship within the TPU (Miller, 1993).

Conclusion

Kurt Lewin (1948) sought to learn how to manage group conflict through modification of social behavior. Lewin also theorized that ethical and humanist approaches needing change were key to durable transformations in a group's behavior. Finally, Lewin realized that Field Theory, Group Dynamics, Action Research and his 3-Step model (unfreezing, moving, embracing) were mutually inclusive processes that, when properly managed, could collectively bring about gestalt and effective change (Burnes, 2004). The TPU is currently stuck in a frozen mode, which is inhibiting constructive change. The TPU must become a learning organization if it is to survive as a meaningful organization going forward.

How then will TPU successfully manage change? First it must prepare by forming a team that will psychologically and physically engage in and embrace meaningful and productive change. Second, it needs to purposefully implement the design with the ideology that change is ongoing, therefore the TPU must convert to an open natural design. Finally, union officials and pilot members must embrace participative engagement in transparent and schematic processes that simultaneously solicit double-looped feedback. The group must remain flexible and expect readjustments as necessary to realize an eloquent and durable solution that addresses the mutual

interests of the collective parties (Fisher, et al., 1991). To achieve these recommended changes, the use of a professional third-party neutral (facilitator and/or mediator) will be required to manage developmental activities. The sooner TPU officials embrace the need for change, the sooner effective change will occur such that TPU can better achieve successful outcomes in the newly ongoing bankruptcy process.

Future research on union structures should focus on the effects of competing theories such as: leadership bounded rationality, causal ambiguity, agency theory, effects of behavior type/traits, emotional intelligence factors, conflict theories, and the various effects of leadership styles. Follow on research could also investigate how all of these varying concepts and theories affect the gestalt synergies of their combined influences in a manner that fosters constructive conflict and minimized destructive conflict events.

Note: Comments and questions should be directed to the author at manageconflict@me.com.

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Appendix A

The Pilots Union National Committee List

Aeromedical	International Alliance
*Appeal Board	Jumpseat
Benefits Review and Appeals Board	Membership/Furlough
CADC	*Negotiating
CAPA	Pension
Captain's Authority	Political Action
Check Airman	Professional Standards
**Communications	Safety
Contingency	Scholarship Fund
Contract Compliance	Scope
Family Awareness	Security
*Financial Audit	*Strategic Planning
Flight Time/Duty Time	**Strike
Government Affairs	*TASC
Hotel	Training
Information Technology	TUL/TECH Liaison

Board of directors appoint:

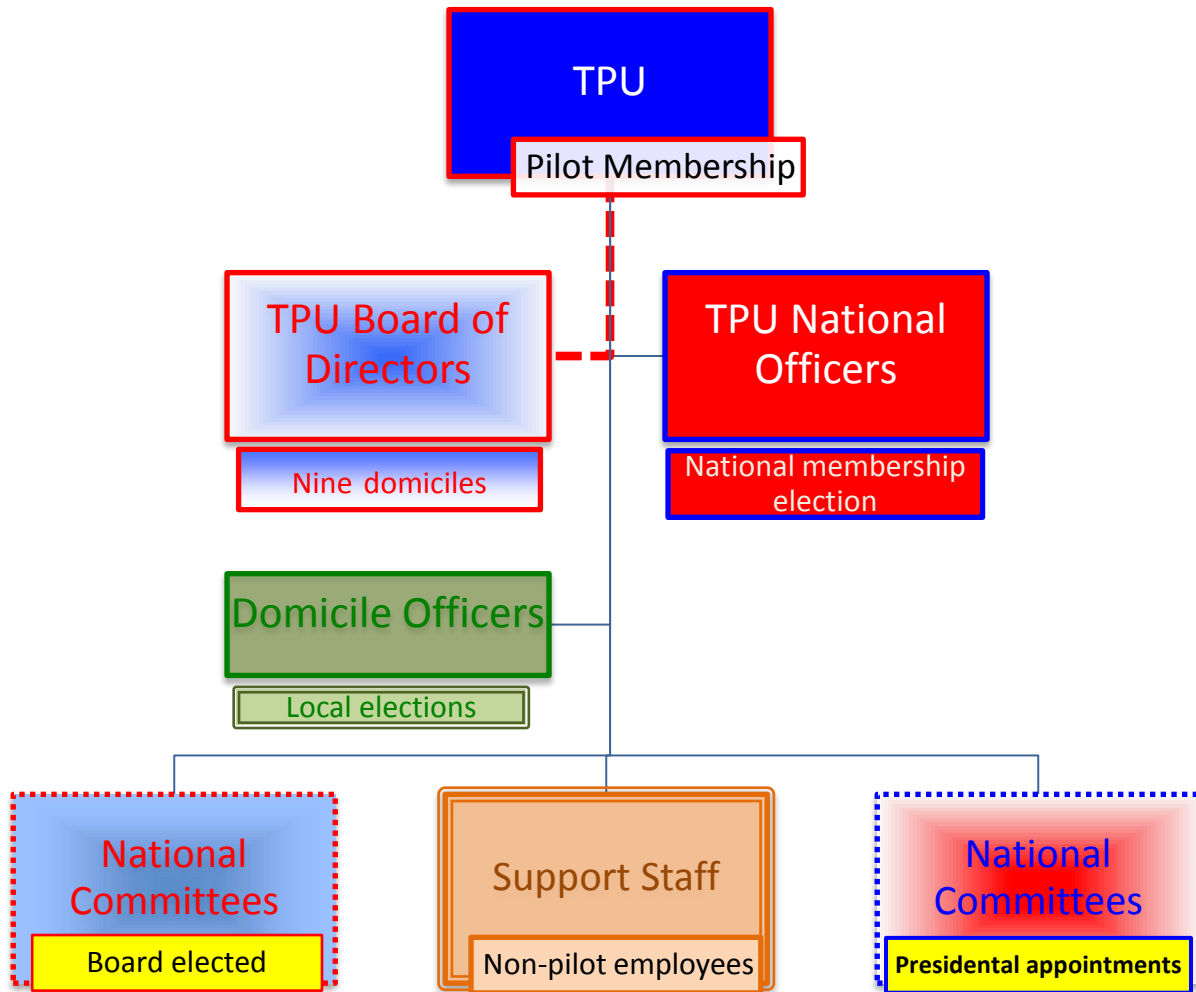
‘*’ committees in a secret ballot vote.

The president appoints all other committees and their respective chairs except as depicted by ‘**’

** The president appoints committee chairmen, but the board of directors appoints the remainder of the committee members.

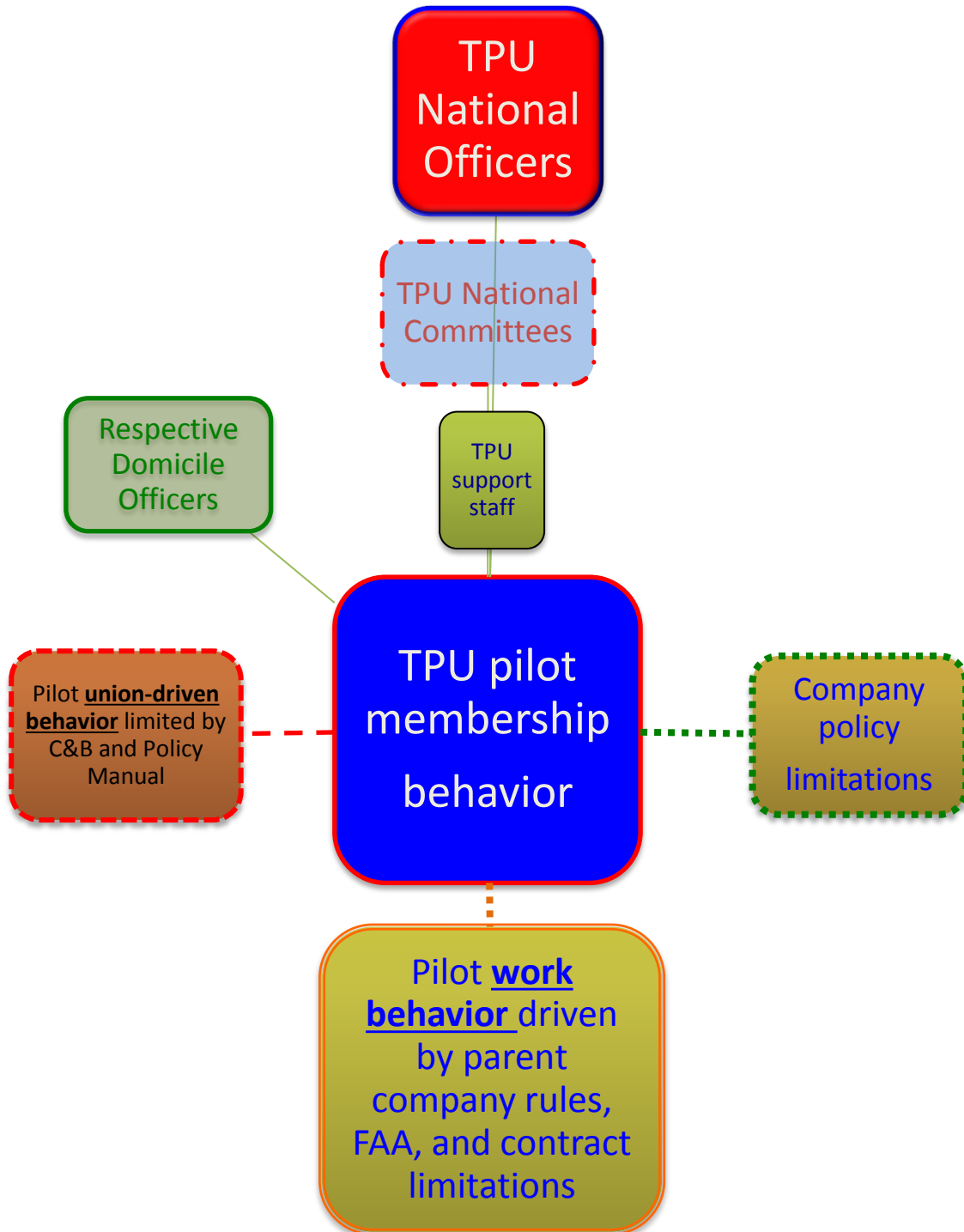
Appendix B

The Pilots Union Organizational Chart with Sitting Board of Directors



Appendix C

TPU organizational chart centric to daily operation and pilot behavior



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Images

Digital images should also be numbered as "Image1," "Image2," etc. and, as with figures and tables, clearly visible notes should be used to indicate their approximate place in the article. A separate file for each image, either in .JPG, .GIF or .PNG format, must accompany the manuscript files. Images should be 300 dpi or as high quality as possible.

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Ann Nancy Wilson
St. Heart University

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