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MPARTIAL INTERVENTION INTO COMMUNITY CONFLICT

by

Peter Rip and William F. Lincoln

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PREFACE

It is perhaps important to note that this paper is the result of a cooperative effort by an analytical social psychologist and a practitioner. Peter Rip, now enrolled in graduate school at Stanford University, completed intense studies at Brandeis University under the direction of Dr. John P. Spiegel, President of the American Psychiatric Association and former Director of the Lemberg Center for the Study of Violence. On the other hand, William F. Lincoln is a full time professional mediator of the Department of Community Dispute Services of the American Arbitration Association. Lincoln is nationally recognized for his training capabilities as well as his accomplishments in resolving disputes related to public school desegregation, adult correctional facilities, Native American involvements, public housing, and community redevelopment.

Undoubtedly, the efforts of acceptable third party impartial intervenors to resolve disputes between human beings or their groupings are prehistoric functions. Although much has been written about the nature and functions of conflict an equal effort to understand the acceptable neutral intervenor's role is very much lacking. Such is especially true if the mediators of community conflicts are considered.

The purpose of this paper is not to fill a void but to present a process model for critical examination by others. Perhaps then collectively we will be able to document our vocation to be more of a science than an art. Our skills are transferable, and mediators are products of training, thus dispelling our own self-perpetuating myth that we are born with mystical talents.

In two subsequent papers now being written, the Rip-Lincoln Process Model will be applied to two actual cases: the 1973 summer dispute at Walpole, an adult correctional facility in Massachusetts, and the 1974-75 Hyde Park High School dispute, which resulted from the Court ordered desegregation of Boston's public schools.

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A PROCESS MODEL

Introduction

This paper will describe the methodology for the mediation of community disputes within three phases. The first phase concerns the entry of the mediator into a conflict situation characterized by a high anxiety level, with the possibility of some form of violent action. The second phase involves the actual *negotiations*, or the resumption of negotiations. Such negotiations may concern a neo-substantive conflict arising merely from need for emotional release or tension reduction, or may concern a realistic conflict involving a definite schism between the parties due to specific demands (Coser, 1956).

The third phase involves the mediator's *exit* from the conflict, whether it be resolved or not. The exit process may be protracted. In many situations, an appropriate resolution may require some form of compliance mechanism, under which future dispute resolution processes can be integrated into the settlement. Such mechanisms may involve: 1) commitment to accepted legal principles, 2) a willingness to return future issues to the negotiation process, 3) further mediation, 4) or commitment to an adjudicative process such as fact-finding with recommendations, or 5) arbitration. Implicit in such mechanisms is some form of acceptable plan, looking towards the future, for the peaceful resolution of future differences.

The timing of the mediator's extrication from the situation may be crucial. At any time in the process, either party can reject further participation by the mediator, who has no formal tenure and is completely subject to the desires of the parties.

For the purposes of this paper, participants in community disputes fall in one of three categories: advocates of the status quo, advocates of change, and the impartial mediator.[1]

The model reflects a synthesis of past experimental research on inter-personal and inter-group conflict, as well as some practical experience in disputes mediated by the Community Dispute Service group of the American Arbitration Association.

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MEDIATOR

IA, Primary Function in Pre-negotiation (Entry) Period

The community mediator frequently must be involved in the pre-negotiation phase of the conflict. At this time, a primary role will involve efforts to reduce the participants' inflammatory, public rhetoric, and to arrange for formal negotiations. An important role of the mediator is to manage communications as a socio-economic translator.

Such translations occur on two fronts: the community mediator may arrange private planning meetings with each conflicting group, allowing each party to tell its side of the *facts*. Almost simultaneously, the mediator may be helping the party to organize its case into a sequential presentation. If, in addition to the listener role, the community mediator performs an analytical role, the party may refine its position or develop positions of accommodation.

In many cases, there will be differences of opinion within the community itself. To the extent possible, these conflicting interests should be represented at the planning meeting. The community mediator must listen deliberately and cautiously in order to encourage a preliminary internal bargaining process. Such a planning meeting will provide an opportunity for the community representatives to re-evaluate their position and their presentation. This procedure is always indicated prior to negotiations. It may also be useful during negotiations and should always be carried out by caucus. The mediator should try to protect both parties from the likelihood of internal communication channels collapsing or fragmenting during negotiations.

Only after both parties are ready for negotiations does the process acquire a second dimension. The community mediator is now faced with the challenge of facilitating communication between the parties. This role consists of helping the parties to offer their positions across the table, so that a dispassionate bargaining process can begin to operate. Sometimes, the process must be guided through a variety of emotional displays. The community mediator performs the role of socio-economic translator, bridging the communication gap caused by cultural or economic obstacles.

The translation of inter-group communication may require an evaluation of rational and non-rational demands and positions. The substantive issues are quickly identified, and at first seem the more rational. The non-rational aspects may be equally real. They are often rooted in the emotions confounding the substantive issues. Interpretation involves understanding all the relevant determinants of each group's position: the historical, economic, political, psychological, social, and biological. Essentially, the mediator must be keenly aware of the influences exerted by the entire transactional field (Spiegel, 1956, 1971), as it affects the parties and the situation as a whole.

The individual styles of community mediators will vary. But the constraints and requisites of the translator/mediator role apply to all. Some mediators prefer to meet with the individual disputants prior to bi- or multilateral negotiations, as stated earlier. Others prefer that the first meeting be with both parties, with private caucus as scheduled once formal negotiations have begun.

IB, Primary Function during Negotiations

When the disputants have determined their respective agenda, and have invited the mediator to participate in their negotiations, the process enters the second phase. The mediator performs two functions during negotiations. One function is to serve as a communication facilitator. As such a facilitator, the mediator can be particularly important in intergroup negotiations.[2] This function has been described as involving a multiplicity of roles (e.g. Nicolau & Cormick, 1972; Cormick, 1971): resource expander, social translator, fact finder, convenor, process administrator, witness, etc.

In private caucus, the mediator often performs a second function; by discussing the party's position for the purpose of reality testing. By posing questions such as "Could you settle for less than you are demanding?" or "Do you think your offer is a realistic position?" or "Do you think they will be able to accept that?" the mediator can accomplish several goals. First, the negotiators can be reminded of their constituency's need to be currently informed during negotiations. This will focus the negotiators' attention on preparing their constituency for final settlement. Second, the mediator can help negotiators aim for a durable settlement. Negotiators need to consider that what may seem acceptable now may not be acceptance later. Third, the distances between the positions of the disputants may be diminished. Fourth, the community mediator can introduce a rational, analytical approach to negotiations. Fifth, a sense of progressive movement can be internalized. Finally, the mediator can transfer negotiative skills to party representatives, equipping them to resolve their future differences without impartial assistance.

IC, Primary Function in Exit (Extrication)

The community mediator may have a continuing function, even after an acceptable settlement has been achieved. The various constituencies must be informed of the terms of the agreement and must ratify, formally or informally, the purpose of settlement. In this regard, the mediator can serve as a witness, translator, and sometimes as a salesperson. It may be necessary for the mediator to help the negotiators acquire support from their constituents for the final settlement. If the constituents have been kept abreast of developments, the psychological distance between last offers and the proposed settlement may be modest. Constant communication can help bring about a speedy ratification of the agreement by the constituents.

IIA, Manifest Behavior in Pre-negotiations

The behavior of the community mediator at the point of entry is possibly the single most influential variable in the model. This will determine whether the mediator and the process are acceptable to the parties. Entry strategy will depend upon the parties and the situation. Sometimes, the mediator will approach the advocates-for-change first. In other situations, the first step should be a joint exploratory meeting with both sides. Still others remain noticeably accessible and wait for an invitation by the parties.

The individual mediator must be accepted by the disputants. Sometimes the reputation of an institution such as the Department of Community Dispute Services of the American Arbitration Association affords the mediator prima facie credentials. However, legitimacy by affiliation is never a substitute for personal trust. Initial involvement in the conflict is a

two step process: a) entry, based upon the institutional or personal reputation, and b) a continuing building of trust for the individual mediator through participation.

Once accepted, the mediator can begin to assist the disputants in preparing for negotiations. Usually the mediator knows something about the issues in advance. The community mediator nevertheless encourages the disputants to discuss the issues in their own way. They should be encouraged to explain the personal, symbolic and political meaning of each issue or demand. For example, in a high school dispute, such an enquiry can enhance the mediator's understanding of how the dispute can move from issues of racial conflict and public safety to demands for student power—seemingly unrelated topics. By asking the participants to explain the issues in their own terms, the impartial can reinforce acceptability by minimizing any sense of intrusion.

IIB, Manifest Behavior in Negotiations

With increased participation in pre-negotiations, the mediator can prepare each group to exchange positions and points of view, rather than to deliver ultimatums. As the mediation process moves forward, the behavior of the mediator also changes. The manifest behavior is no longer self-directed, e.g. the mediator and mediation process have been accepted. Behavior now becomes external. The mediator facilitates a redefinition of the meaning of "success" in an attempt to help participants revise their definitions of the present situation (see Figure 2 IA, Definition of Situations).

In negotiations, the mediator helps to build a procedural structure within which the disputants can discover an acceptable settlement.[3] Progress, or the appearance of progress, can constitute an important reward to the parties. Transitory procedural agreements achieved by the parties can provide a sense of progress, while achieving an atmosphere for good faith bargaining. As long as such positive reinforcement is available, disputants usually will continue to negotiate. Negotiations break down when no progress is seen. The mediator needs to increase the negotiators' awareness of possible sources of reward, by identifying progress and suggesting the high cost of intransigence. This is delicate, as the mediator cannot appear to be rushing negotiations. Progressive movements should be attributed to the negotiators. This absolves the mediator from responsibility for any concessions, thereby maintaining credibility and perceived neutrality. Linking every suggestion to the negotiators also maximizes the participants' awareness of their ultimate contribution in the final settlement.

The community mediator helps to determine the course of the negotiations. For example, the mediator often assists the parties to concentrate on substantive issues, not intangibles. The mediator encourages the parties to confront their realistic conflict, in contrast to emotional non-realistic conflict. Still, the mediator may encourage appropriate ventilation.

From the negotiator's standpoint, many factors which have contributed to the present confrontation—stereotypes, erroneous value judgments, etc.—stand in the way of settlement. It is the mediator's role to clarify and to reduce the effect of such influences so the negotiators may focus on the substance which divides them. Focusing on reality issues tends to avoid non-constructive emotional exchanges which can polarize negotiators, even within each group. The mediator attempts to facilitate understanding of the fact that bargaining momentum reinforces progress as a current reward.

IIC, Manifest Behavior in (Exit) Extrication

The mediator's job is not complete even after the negotiations have been successfully concluded. The mediator must often help the representatives interpret and even "sell" the settlement to their o ; constituencies. The mediator must be careful not to undermine the position and stature of the representatives. Typical comments are supportive and encouraging:

> John did a great job there! Jane was tough too. You are lucky they were. I truly doubt any of you have moved the other side more than they have.

This can create a supportive atmosphere so that constituents will be more likely to listen to what has occurred and what has been offered. They must be *impelled* rather than *compelled*. This distinction between impulsion and compulsion is important. Attempting to force the settlement upon constituents will increase the likelihood of rejection. Furthermore, a forced settlement is more difficult to administer. Acceptance is sometimes based upon deception. This can be particularly dangerous. The mediator ought to be sure that the facts of the settlement are understood.

Ordinarily, the negotiators themselves will recognize the limits of their authority. Thus, in most cases, any settlement accepted by the negotiators will be acceptable by their constituents. Such consistency is more likely if negotiators regularly communicate with their constituents. Throughout negotiations, the community mediator may wish to encourage negotiators to meet and report on an informal basis, in preparation for the final ratification of an agreeable settlement.

IIIA, Latent Processes in Pre-negotiations

During the entire process, the relationships between the mediator and the disputants will be generating, degenerating, and regenerating. An effective community mediator uses these relationships to guide the process to a satisfactory conclusion.

From point of entry and throughout the pre-negotiations phase, the mediator must be concerned with establishing and maintaining personal credibility and the legitimacy of the process. The appropriate posture is one of "detached involvement." Free from vested interests, but with genuine concern for the participants, the mediator attempts to build a trusting relationship with each representative. Trust is the basis of honest communication, and therefore the cornerstone of successful mediation. Although particularly crucial at the early stages of impartial intervention, the credibility concerns are present throughout the process.

Mediation is a purely voluntary process because either party can dispose of the arbitrator at any time. The development of such trust is not easy. The mediator must neither be co-opted nor appear to be co-opted by any of the parties or their representatives. The appearance, or indeed the suspicion of impropriety can be just as damaging as actual misconduct. The mediator is never "off duty." Even when socializing with individuals involved in the dispute, the mediator must protect this precious image of impartiality. An inexperienced mediator is vulnerable to confusing popularity with acceptability.

The insecurity or dependency needs of some participants creates a climate charged with provocation. It is common for parties to solicit the mediator's support: "You can't really be neutral. You must have an opinion. I mean, don't you think we are right?"

Such pleas flow from the negotiator's need for approval and support. The mediator should exercise caution in responding to such supplications, recognizing the negotiator's need for sympathy but maintaining a posture of "detached involvement." Credibility and effectiveness will continually be tested by individual negotiators.

IIIB, Latent Processes in Negotiations

Once the negotiators accept the mediator's impartiality, they are less likely to engage in seductive behavior. Then the mediator can begin to participate in their negotiations. The results of the mediator's previous impartial behavior will begin to bear fruit.

As participants become increasingly aware of their own participation and progress, a sense of loyalty to the process of mediation develops among them. Although this loyalty is at first directed toward the specific conflict situation, it can later embrace the collective bargaining model, including the use of mediation, to resolve future differences. The negotiators' awareness of their own importance in the process is important in strengthening the process. Every participant should be made to sense the importance of participation in the process, seeing it as a group function. Too little identification alienates negotiators from the process. Too much can alienate the individual from their team members and constituencies. Throughout negotiations, the mediator will try to keep the negotiators at the optimal level of involvement by involving them in the process and maintaining their contact with their constituents.

IIIC, Latent Process in (Exit) Extrication

Once a settlement has been reached, the mediator should focus upon the entire transactional field with new intensity. No longer is the behavior of the community mediator directed exclusively toward table negotiators. Now the enlarged sphere of concern includes everyone who could be affected by the settlement. Whereas the community mediator originally studied the transactional field to understand and resolve the conflict, now the mediator must be alert to prevent the conflict to arise in another manifestation. A total awareness of the situation needs to be transferred to the disputants. New relationships must be constructed to create and sustain conflict management in an effort to avoid a new crisis.

Mediators' use of the transactional field is not manipulative. Participants must understand that although the situation has been cooled, it has probably not been extinguished. A durable settlement is often rooted in an awareness that only a fragile balance, or accommodation, has been acquired through negotiations. The parties' commitment to a state of compliance will remain the keystone of whatever peace which has been created. The mediator must take steps to maintain the participants' trust in the community negotiations process. Unlike mediators in labor management, the community mediator's involvement may never be completely terminated. Usually, there is no binding contract to be signed. The relationship continues, as it began, informal and unenforceable. The mediator may need to help maintain communications between the groups during the early stages of compliance. Entrance into a community dispute, therefore, may entail long-term commitments on the part of both the community mediator and the participants.

[Refer to Figures 2 and 3 - Pages 21-22]

CONFLICTING ADVOCATES

I, Definition of Situation

Community disputes often become critical because the parties' differences seem to be inevitable and irreconcilable. The advocates engaged in conflict regard their interests as non-complementary. This perception may be realistic or non-realistic. In any case, such perceptions can lead to crisis. A win or lose orientation to the situation can reinforce such perceptions or misperceptions.

During pre-negotiations, both the advocates of change (the "outs") and the advocates of the status quo (the "ins") may believe themselves to be in a "win or lose" orientation. The belief "it's either we or they" may be due to each group's conception of the dispute's base. Parties generally regard *power*, however defined, to be the primary issue, and believe that it exists in a finite amount. Given its finitude, each party attempts to win more power or to avoid losing any of their present power. This win/lose orientation can be a fundamental obstacle to the achievement of a lasting settlement.

In such cases, a totally new approach to conflict must be learned by the parties. Their representatives must be help to understand that areas of accommodation are present, through which both parties can benefit. They must be convinced that an accommodation on issues does not necessarily compromise their integrity. The community mediator must deal with the parties' initial belief that concession is defeat. During negotiations, the disputants will become participants-observers in the process described by the mediator, a process of sharing power. While holding the mediator accountable, the negotiators will recognize that regarding their dispute in terms of raw power implies divergent goals. The principal issue becomes the application and results of power. The main issue becomes which is the *best possible route leading to the achievement of a superordinate goal, a goal which transcends in importance the difference between groups* (Sherif & Sherif, 1970). Mutual interests need to be identified and acknowledged. From this new base of common concerns negotiators can then move to determine the best means for attaining their mutual goal. Rather than concentrate energies on working against each other, the dispute is redefined as movement toward a common goal and as to how the parties can cooperate toward that end, albeit with different interests. If this is not achieved, parties will strive to injure or eliminate each other. The process will be a charade, an exercise in rhetoric.

In the final phase of mediation, participants must build their awareness of the existence of common goals and identify the conflicts which can inhibit their attainment. As each group is accepted as legitimate, so are its interests. During the final phase of mediation the settlement is maintained by the reorientation of the parties to the superordinate goals and not to such symptomatic characteristics of the situation as tend to polarize them.

II, Relations with Other Parties

Attitudes toward the expectation between one party and another are constantly revised in the process of negotiations. Ideally, these attitudes will move from negative exclusion of the other to positive empathy for the other. Toleration is necessary if mutual goals are to be

identified, achieved and maintained. A total attitudinal change rarely occurs. Such changes are seldom a realisitic expectation. Some degree of attitudinal restructuring, however, may often be observed in conflicts where settlements are reached.

A community mediator can often identify the predominant attitudes and stereotypes held during pre-negotiation discussions. Many parties are egocentric in their relations with the other. This frequently appears in a denial of legitimate status to any and all opposing parties. Such attitudes may be highly charged and deep-seated.

One indication of the softening of such attitudes may begin with the acceptance of the community mediator. The symbolism of such acceptance, however, may be different for the respective advocates. For those advocates maintaining or perpetuating the status quo, acceptance of the mediator may indicate that they no longer regard intransigence as a viable strategy. For the advocates of change, acceptance of the mediator may simply indicate that they recognize the limits of their ability to induce change. The participation of a mediator will be viewed as a first step down the slippery road toward further concessions.

Once mediation is introduced into the situation, a changing relationship between adversaries may be quite noticeable. Advocates of the status quo often assume an ego-defensive posture. The "ins" often defend their position because their self-concept is derived from identification with their role and its power. This association of self with role is ingrained and appears to serve too many vital and adaptive functions to be challenged through negotiations. The drive for the preservation of the self and role provides much of the resistant force met by the advocates of change. This resistant force often remains even after the legitimacy of substantive demands is established.

As understanding is developed, relations between adversaries may continue to liberalize. Present issues are settled, thus ego-defensiveness is no longer necessary. Removal of extraneous defense mechanisms allow for a change in perception characterized by an ability to empathize with the other's point of view. This phenomenon is a prerequisite to the successful resolution of conflict. It is the antithesis of the egocentrism which led to escalation. Role appreciation also enhances other de-escalating forces such as the number and strength of cooperative bonds, crosscutting identifications, and common memberships across groups. Continuing decentration of perception can be a necessary condition for the maintenance of de-escalation.

The movement from egocentrism to role empathy does not usually occur at the same rate by the advocates of change. As noted earlier, their acceptance of the mediator, and subsequent movement into negotiations is due to a recognition of the limits of their power, not either an acceptance of the other's point of view or a diminishing of their own goals. The advocates of change often remain egocentric during the initiation of negotiations. They have not accepted the legitimacy of the other's role or needs and, therefore, are not quickly impelled to alter their own posture.

Their movement from egocentrism to ego-defensiveness is based upon an acceptance of the parameters of mediation. One of these parameters is the participant's will to make realistic alterations when necessary. Observed changes in the other's relations to them, i.e., the advocates' favoring the status quo's movement from egocentrism to ego-defense, will help them accept the process. Movement by the advocates of the status quo, therefore, is indirectly responsible for the movement by the advocates for change.

A similar process affects the community group in the extrication phase. While advocates of the status quo will have begun to experience a decentration of perception, the advocates of change are fixated at ego-defense. When positive movement has taken place, the

community representatives may move toward a quasi-role reversal. This is far more difficult, and in some cases impossible, for them, being "outs" rather than the "ins." Their historical exclusion from power or participation in the decision-making process may preclude any possibility of attitudinal changes based upon situational changes achieved in the settlement. In some situations, the "outs" may never be able to experience the mergence of self and other which is implied in the decentration of perception.

III, Relations with the Mediator and Mediation

Although relations with the other can be a reliable index of substantive and attitudinal progress, relations with the mediator and mediation offer insight into another, possibly more important development. For the disputants, the mediator personifies the mediation process. The participants' attitudes toward the mediator therefore, are often correlated with their attitudes toward the process. This reasoning explains why conscious and unconscious orientations to the mediator are usually equivalent to the conscious and unconscious orientations to mediation.

The initial egocentrism of the contesting parties is reflected in a failure to trust the mediator. The exclusivity of their egocentrism predisposes the groups to such distrust, accentuated by the perceptable differences between the advocates of all sides and the mediator. Such distrust may include association of the mediator with the adversary advocate, and can be a move toward maintenance of cognitive balance (Heider, 1958): "If you're not with us, you're against us." A total universal, or continual distrust of the mediator would result in one's alienation from the process.

While advocates of all sides exhibit movements toward trust during pre-negotiations, they do so at varying rates and for different reasons. Advocates of the status quo, if prepared to enter or resume negotiations, tend to move toward a trustful attitude towards the mediator more easily than the advocates for change. This may be due to their belief that negotiations are a safer alternative for them than violent confrontation—safer meaning more protective of the status quo. On the other hand, advocates for change make their adjustment with more hesitance. Their first movement is likely to be a shift from distrust towards attempts to control the mediator. The causes for this co-optive shift can be a misperception and/or misinterpretation of the mediator's expressed concern, coupled with the egocentric nature of their own self-image.

When the conflict has moved into negotiations, the mediator will already have dealt with co-optation efforts, in ways mentioned previously. Efforts of co-optation by advocates of change will have been transformed into verbal expressions of a trustful orientation toward the mediator. These efforts may imply a vestigial fantasy of the mediator's acceptance of their advocacy as correct and favorable. The mediator must be cautious not to say or do anything which can be misinterpreted. Advocates of the status quo also share a discrepancy between verbalized trust and non-verbalized fantasy toward the mediator. Their trust, however, is no longer due to necessity, but is based upon what is now a history of interaction with the mediator/mediation. Yet, this is still a non-realistic trust because it contains an element of dependence upon the mediator. Their fantasy is discrepant with their verbalized trust because it is a fantasy of protection provided by the mediator. Such fantasies hopefully dissolve during the negotiations, or at least by the settlement.

From settlement through extrication, the trust expressed by the advocates of the status quo is based upon success and upon an inherent respect for the bargaining process. Fantasies

of complete protection should be eliminated. Additionally, the institution's negotiators should learn to differentiate their trust between the mediator and mediation, thus finally recognizing the independence and neutrality of both.

Relations between the advocates of change and the mediator also move from a non-realistic to realistic trust during the negotiation and extrication phases. This movement results in the same end-state of differentiated trust. In negotiations the non-realistic trust based upon the fantasy of advocacy is transformed into a realistic trust based upon a history of interaction with the mediator. This causal relationship between personal interaction and trust follows from two assumptions: Firstly, through an extended period of time, events should occur which will tend to confirm the effective impartiality of the mediator. Secondly, the mediator will make use of such opportunities to bind the community advocates to the process. The course from distrust to realistic trust is influenced by the mutual acceptance of a relative power-status of the respective advocates. Movement along the continuum from distrust to realistic trust occurs within both sets of advocates, but the rate and degree are influenced by the nature of the transactional field.

IV, Dominant Themes

The three loci of change identified thus far are Relations to Conflict, Other, and Mediator. Although influenced by a multiplicity of forces in the transactional field, all three loci are reflected in interpersonal behavior. Recognizing such forces in the abstract does not accord us a complete understanding of their effects upon the process of mediation. Although observed in all sets of advocates in a particular dispute, the changes within loci are not necessarily identical, for reasons discussed earlier. Nowhere are changes more dissimilar than in the dominant themes of mediation.

At the eruption of confrontation advocates of change announce idealistic goals to be achieved through political, economic, and physical force. With the entrance of the mediator, these idealistic goals are converted to symbolic and/or realistic goals which still express ideals. Goals may then be identified and assigned priorities. These demands are often defined as non-negotiable or absolute. Then, the initial demands must be converted into a workable package of bargaining goals. In this process within the group the mediator can play a part, without being directive of or accountable for the results.

In pre-negotiations the dominant theme of the advocates of the status quo is similar, but not identical. Their primary concern is the maintenance of or the re-establishment of the distribution of power as it existed prior to confrontation. This process is necessarily the antithesis of that adopted by the "outs."[4] The power which seems to be at issue can be quantified or at least the participants believe it can. In this sense the advocates of the status quo also have a "bottom line," because there is some limit upon how much power they will abdicate in favor of any settlement, regardless of the cost.

Throughout negotiations a theme often expressed by opposing advocates is resistance—resistance of movement toward their own bottom line. For the "ins" this is translated into proposals for the maintenance of control and continued power, or the illusion of power. The "outs" raise questions of "tokenism" and express the belief that partial attainment of their goals is tantamount to no movement whatsoever.

Once again the same theoretical aspects are apparent: Both advocates are negotiating toward an optimal solution, i.e. settlement, above their own bottom line positions. If a sense of positive movement is perceived by both sides, the theme changes during the negotiations

phase from competition to some level of cooperation toward the resolution. At this stage of the conflict the prevailing situation has changed and it is no longer appropriate to describe the advocates as being in a win/lose orientation toward one another.

The functions of the mediator/mediation do not necessarily cease at the point of settlement. Both advocates need Self, Other, and mediator-assurance that the settlement will be lasting. Underlying this issue of assurance are the recurrent themes of legitimacy and credibility. Just as the "ins" must feel assured some other group claiming to represent the same constituency will not challenge the settlement, the "outs" must also feel assured the advocates of the status quo are prepared to honor the settlement. Germane to this need for assurance is the quest for acceptancy by their own constituents. Each negotiating team must achieve this acceptance for three reasons: 1) preservation of the settlement, 2) their status within the group, and 3) group status vis-a-vis other groups.

V. Perspective

It has been noted several times that while the sequence of process transformations is similar for all advocates, the perceived power differential determines the timing of this sequence. Experience shows that a communication gap often exists which does not find its basis exclusively in the unequal distribution of power. This is because each party has developed its own perspective of the crisis out of its own historical role in the system or transactional field.

At the moment of confrontation, each adversary's perspective is focused exclusively upon its own perception of the dispute. This glaucomatous perspective may be traced through other loci of change as well, i.e. definition of situation, relations with Other, dominant themes, etc. The advocates of the status quo exhibit their perception of threats to their power by diverting the focus of the conflict to questions or procedure: change within the established structure, the lack of appropriate means or channels for the issues, the limits of time, the fragility or ultimate infallibility of the suprastructure. The "outs" supposedly are preoccupied with Issues, because issues verbalize a perceptible difference between themselves and the more sophisticated "ins." The difference in perspective is a natural consequence of the historical and socioeconomic roles of the two advocates.

The negotiating process helps to temper each group's perspective. Each advocate begins to acknowledge and accept the Other's perspective. This is partially due to attitudinal changes, but primarily a consequence of necessity. The advocates of the status quo begin to recognize the conflict at hand is not completely abstract. They perceive that tangibles do exist. The reverse is true for the advocates of change: They begin to recognize their issues have implications for the transactional field beyond the scope of present space-time. They begin to perceive some aspects of the functional relationships between structure and process. They acknowledge changes must occur within the structure. For each party, their own egocentric perspectives in pre-negotiations are no longer viable. Reformation of perspective takes place by means of an integration of the Other into the Self and the resultant loss of egocentrism, i.e. decentration of perception.

After settlement, process and issues are synthesized. Adversaries no longer see such a complete dichotomy. Process regulates issues, and issues regulate process. Current issues have implications for future processes. *The central concept is the redefinition of the dispute as A and B versus their differences, as opposed to A versus B because of their differences.*

With this redefinition it is no longer a question of process *or* issues. Opposing advocates search for an optimal resolution of the situation and self-regulation for a continuance of the accommodation.

VI & VII, Orientation to Time and Influence of Time[5]

The advocates' orientation to time is another illustration of incomplete or inefficient communication due to their respective historical roles. Just as each contesting party's perspective was determined by experience, so too is their orientation of time. By orientation to time, is meant the influence exercised by the past, present, and future during each phase of community dispute settlement. This influence is the interaction between the advocates and time itself. Advocates recognize negotiations will influence the present and future events as well as a remembrance of the past. Anxieties regarding past relationships and those which the present and future may portend also affect the status and course of negotiations. In the analysis of orientation to time, the former may be labelled conscious orientation and the latter unconscious influence.

Conscious orientation to time and unconscious influence of time differ for the opposing advocates at the inception of the crisis. The "outs" emphasize the immediacy of their demands. The urgency of the immediate need for change is often expressed by a disruptive or incapacitative act aimed directly against the status quo. Advocates of change recognize the importance of the future when analyzing the impact of their demands for the present. If policy or structural realities and implications are not acknowledged, however, these advocates possess an incomplete analysis because of a focus upon the issues with a disregard for the future.

Similarly, these advocates may not acknowledge any real analysis of a relationship involving the past to the present. The past may be viewed as dead history, only relevant to the present in that it justifies present demands and behavior.

Conscious orientation to time is held only slightly different by the advocates of the status quo. The importance of the past is also denied—except for tradition—while the primary emphasis is upon a future based upon a possessive present. Again, the power distribution and historical process orientation are responsible. Maintenance of the status quo in the present is derived from a preparation for the maintenance of the status quo in the future. For this reason the present situation may be a secondary consideration for the "ins."

The unconscious influence of time is radically different from the conscious in both advocates. The past plays a dominant role during the event of pre-negotiations. All contesting parties of a particular dispute are interacting, directly or vicariously through the mediator, on the basis of a previously acquired base. The past has a major influence upon the communication between groups in that such determine the boundaries of the groups, the structure of their organizations, and their memories of past information or perceptions. The past dominates the present and future for both advocates. Present and future are equated because both retain a degree of uncertainty which only serves to hasten participants' regression to the past.

In the process of negotiations, conscious orientations to time remain as they were in pre-negotiations. While the degree of dominance may be slightly modified, the ranking often remains unchanged. Between the adversaries, however, considerable movement exists in the unconscious influence of time. Early in negotiations influence of the past upon the "ins" is replaced by the present. In negotiations, particularly if successful, intergroup

relations are redefined. This redefinition tends to undermine the influence of the past. The threatening nature of the future still supports regressive tendencies toward the past. The advocates of change also move into this orientation to time, but at a slower rate because of the more emotional, thus stronger influence of the past. These conflicting values are responsible for the often volatile nature of negotiations.

Upon successful settlement or regulation of the conflict, the conscious and unconscious orientations to time of the adversaries achieve consonance. They have now moved to a "process-as-issues-as-process" stance. The same is true for orientation to time. On a conscious level the disputing parties recognize that the present determines the future and that the future is part of the present. They recognize they cannot concentrate upon one without acknowledging the importance of the other. Moreover, all events prior to mediation become less relevant because certain assumptions and relations within and between systems which may have thrived in the past, no longer fully exist in the present and future.

The same is true for the unconscious influence of time upon the advocates. The past has a generally insignificant influence upon the present and future. Any unconscious influence which the past may have is actually supportive. This is because the present and future is now positively and constructively acknowledged and so enhanced by the recency of the past which now includes successful mediation. The harmony of the conscious and unconscious orientation between and within advocate groups creates an intergroup bond and stability, and a coherence which provides the basis for meaningful dialogues between and within such groups in the future. The development of this ability to communicate is an important by-product of mediation.

CONCLUSION

Conflict occurs frequently and is a natural consequence of human existence. If there has been one theme to this exposition it has been this: *There are seemingly countervalent tendencies between the mediator and advocates during the process of community conflict mediation.* As a result, the parties are moved towards each other. This integration is ideally the integration of the Self and the Other to form a larger entity which subordinates conflict. The process of mediation expands the focus of the mediator's energies outward towards the participants. The tendencies are countervalent because the mediator is moving toward disjunction while participants are moving toward conjunction.

These tendencies are not in opposition. They do not oppose, but complement. The mediator's changes occur in relation to the focus of the present situation. This focus is actively determined. It expands throughout mediation only in that it seeks to include more and more as being relevant to the present situation. The focus of the mediator is toward an integration of disparate elements which may then become the new present. In a sense, the mediator starts small, the advocates start big. Both end together, in a common accord.

Both mediator and advocates are affected by the course of mediation. The course of mediation is the sum of the actions, reactions, interactions, and transactions between the mediator and the opposing advocates. Each party's role is determined by everyone else's. We must, therefore, conclude the disjunctive or integrative processes are a function of both the proscribed roles of the actors as well as the modifications induced by the course of mediation.

With this formula we have constructed a theoretical basis for analyzing community mediation. *Success is dependent upon the existence of the two halves of the process: Each participant, including the mediator, must be fully aware of the limitations and expectations of one's own role prior to the initiation of mediation and each must also be capable of recognizing changes effected through the processes as outlined and identified in this model.* Only in this way can mediation result in the necessary disjunction and integration necessary for successful resolution.

The disjunctive and integrative processes will occur under ideal conditions. These conditions consist of such intangibles as rates and co-occurrence of changes, the skill and judgment of the mediator, the motivation of the participants, and the total involvement of all interested parties. Not all community conflicts will result in beneficial changes, or in identical sequences or rates. The importance of this model does not lie in its predictive validity, but in its applicability as a diagnostic or analytic tool for ad hoc and post hoc analyses.

FOOTNOTES

[1] The relative neutrality of the mediator is discussed here. However, the reader should be aware that this is a controversial point. The debate concerns the degree towards which the mediator can be an advocate for change.

[2] Throughout the entire process of mediation the mediator performs a translative function. In negotiations, however, this function is superseded in importance by facilitative and reality testing roles.

[3] Here, one must consider the question of the imposition of the mediator's value system upon the situation. At least the mediator ought to be aware of such a bias.

[4] The terms "progression" and "regression" are not intended to be evaluative. They merely illustrate the homeostatic nature of the advocates' interrelations, and the tensions which arise from their opposing tendencies of movement.

[5] This discussion of orientation to time is based upon Florence Kluckhohn's (1950, 1953, 1958) theory of cultural value orientations. Her original integration of personality and cultural systems has been expanded into the orientation to time and the influence of time. This allows us to parcel out the influence of relations between foci of which the disputants are aware and unaware.

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Figure 1

Process and Behavior Changes of the Mediator

Description of:	*A. Entry*	*B. Negotiations*	*C. Exit*
I. Primary Function	Translator x ⟷ x y ⟷ y x ⟷ y	Joint Negotiations: Facilitator Private Negotiations: Reality Testing	Translator Supplementary/ Complimentary Salesperson
II. Manifest Behavior	-Emphasizes own skills and advantages of mediation in process in collective negotiations. -Participants from contesting parties inform mediator of issues and positions.	-Maintains focus upon substance -Maintains awareness of progress or changes. -Maximizes participants' awareness of their contribution.	-Creates atmosphere such that constituents are impelled to accept settlement. -Support for both negotiators and settlement -Maintains conflict management over time.
III. Latent Processes	-Creation of trust. -Expression of empathy. -Avoidance of co-optation or dependency relationships.	-Maintains momentum of negotiation by accentuating participants' sense of personal involvement. -Creation of personal obligation of participants to continue negotiation.	-Maintenance of trust and open communication between groups. -Uses transactional field to sustain *management* of conflict.

Figure 2

Process Affecting Advocates for Change

Description of:	*A. Entry*	*B. Negotiations*	*C. Exit*
I. Definition of Situation	Win or Lose Divergent Goals	Win or Lose → Convergence on Superordinate Goals	Convergence on Superordinate Goals.
II. Relations with Others	Egocentric	Egocentric → Ego Defensive	Ego Defensive → decentration of perception.
III. Relations with Mediator and Mediation	Distrust → co-optation	Nonrealistic Trust → Realistic Trust	Realistic Trust
IV. Dominant Themes	Ideals → realistic Goals Bottom Line	Resistance of movement toward Bottom Line	-Acceptance by Constituency -Legitimacy -Lasting Agreement
V. Perspective	Issues	Issues/Process	Issues = Process
VI. Orientation to Time	Present/Future/Past	Present/Future/Past	Present = Future/Past
VII. Influence of Time	Past/Present = Future	Past/Present/Future → Present/Past/Future	Present = Future/Past

Figure 3

Processes Affecting Advocates for Status Quo

Description of:	*A. Entry*	*B. Negotiations*	*C. Exit*
I. Definition of Situation	Win or Lose Divergent Goals	Win or Lose → Convergence on Superordinate Goals Divergent Goals	Convergence on Superordinate Goals
II. Relation to Other	Egocentric	Ego Defensive	Decentration of Perception
III. Relations with Mediator and Mediation	Distrust Necessary Trust	Nonrealistic → Realistic Trust	Realistic Trust
IV. Dominant Themes	Re-establishment of Status Quo. Bottom Line.	Maintenance of Power. Resistance of Movement Toward Bottom Line.	Acceptance by Constituency. Legitimacy. Lasting Agreement.
V. Perspective	Process	Process/Issues	Issues = Process
VI. Orientation to Time	Future/Present/Past	Future/Present/Past	Present = Future/Past
VII. Influence of Time	Past/Present/Future	Present/Past/Future	Present = Future/Past

Figure 3

Processes Affecting Advocates for Status Quo

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