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Developing understanding in conflict

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Book review

Developing understanding in conflict

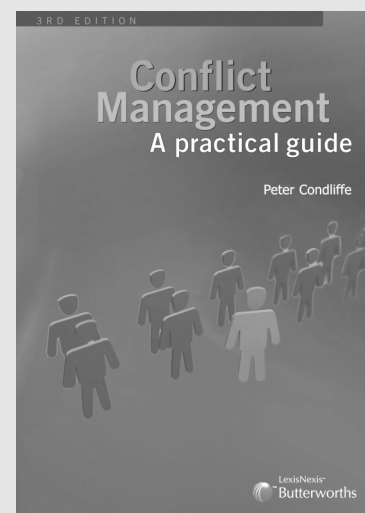
Laurence Boule

Peter F J Condliffe
Conflict Management:
A Practical Guide
 (3rd ed, LexisNexis
 Butterworths 2008)

This is the third edition of Peter Condliffe's well-known text on dispute resolution. It has retained many of its earlier features and has been supplemented, expanded and rewritten in many parts to keep up with this fast-moving subject.

This book is intended for both legal and non-legal audiences and it reflects the author's multi-disciplinary background and practice experience. Mr Condliffe has worked as a barrister, as the director of a community mediation service, in peace-keeping and as a consultant in international conflicts, and he is an acknowledged expert in victim-offender mediation. The book plays to his many strengths but is by no means restricted to his experiences and describes, analyses and evaluates many other significant areas of modern conflict management.

Maintained from the earlier editions are the chapters on understanding and responding to conflict, now indispensable foundations for any serious text on dispute resolution and conflict management. However, although the author indicates in the Preface that there is an expanded treatment of culture and its implications for conflict, and despite the author's reputation in this field, the treatment of culture is not extensive and in the reviewer's mind is not a strength of the book. The expanded topics of negotiation and mediation are dealt with in very systematic ways, along with some of the author's interesting metaphors for these practices — verbal jujitsu remains a familiar formula. Jujitsu



involves strategies for 'responding' and not 'reacting' to situations and while it is not an Olympic sport (and probably for this reason) it is a good metaphor for conflict and problem situations. The Delphi technique, while it may sound like a move in Greco-Roman wrestling, is actually a device for generating creative ideas around particular issues and problems and maximises the participation of those involved. In these and other areas *Conflict Management — A Practical Guide* constitutes an excellent resource for scholar-practitioners and practitioner-scholars with exercises, precedents, forms, diagrams, case studies and further reading. Teachers and trainers in particular will find much from this resource to use in their courses, and I hope they acknowledge the original source when they do so.

It is always interesting how writers deal with the different 'models' of negotiation, and in particular how they explain and justify the so-called interest-based or 'principled' model. Revisionist views in the literature are suggesting that we may in the past have been overly ideological, and dare one say it 'positional', about the virtues of the



'principled' approach. Certainly as an aspirational ideal it has much to commend it, but in the academic literature at least there needs to be a hard critical edge to any treatment of the topic. Peter Condliffe's approach is as follows. In chapter 5 on 'Collaborative Conflict Management: The Principled Approach' he sets the scene by describing the collaborative approach to conflict and sets out a five-phase structure for its application. He contrasts this with a 'coercive' approach which is briefly defined and described in the context of various bullet points. In chapter 6 on 'Negotiation' the author refers to two major 'types' of negotiation: distributive and integrative and sets out tactics associated with each. There follows extensive treatment of 'principled negotiation' and particular focus on associated topics of power, the process of negotiation, threats and managing impasses. With reference to the 'prisoner's dilemma' he outlines his approach to combining the two models, which is somewhat similar to the 'constructive' approach to negotiation in Alexander, Buckley and Rogers's *Negotiation* book from the 1990s. Interspersed with the theory are numerous useful tips and techniques for negotiators, with a new set of metaphors of the dance and music variety and some cross-cultural references.

This is a very comprehensive coverage of the so-called models of negotiation and the inter-relationship between them. However it still leaves many questions unanswered. Some of these relate to the intricacies of positional bargaining and the ways in which it can be made both productive and arguably integrative through linked bargaining, packaging and creative crossings of the last gap. Others relate to the evidence on all kinds of negotiation, in particular the survey material from cognate disciplines on risk aversion, the power of perception over cognition and the politics of persuasion. In all these areas there are impressive

new understandings as to how humans operate in negotiation and conflict management contexts. Evidence-based practice might well direct the next phase in negotiation literature, but is probably not sufficiently assimilated at present.

It might be argued in defence that because negotiation is an interactive and iterative process it is difficult in a single chapter to bring precision to bear on both its art and its science and it is probably true that many books on this topic could raise the same defence. Moreover negotiation is a derived 'discipline' and there are simply limitations to how much any text can delve into the many disciplinary perspectives of relevance. Nonetheless it seems axiomatic that there is still a long way to go in coming to terms with the realities of negotiation theory and practice.

Among the welcome new developments in this text is a chapter on 'Practical Group Facilitation' which deals extensively with the resources and techniques required for this important practice. There is also a specially written bibliography on group-work and facilitation. Among the other new sections are discussions of complaints management, the legalities of dispute resolution clauses and developing a learning organisation, many of which also reflect the author's practice experiences. However it is never easy to maintain the appropriate balance here and one wonders if the intricacies of ADR's many legal issues should not be left to more specialised texts — a little legal knowledge, as we know, can be a dangerous thing.

There is appropriately a new discussion on Australia's new National Scheme of Accreditation for Mediators though the timing of this publication entailed that it was able to capture only some aspects of this debate and the unrolling of the national standards during 2009, and their unintended consequences thereafter, will require additional treatment from the author in his fourth edition. This will also be one of the areas in which the somewhat

protracted and repetitive Australian debates will need to be augmented by fresh insights from abroad, as referred to further below.

Two reflections come to the mind of this reviewer in relation to Peter's authoritative text. The first concerns the appropriate content for any modern text on dispute resolution, given the multi-disciplinary nature of this topic, a matter referred to above. The author is admirable in ranging far and wide among appropriate disciplines but that very approach threatens to make the text sometimes broader than it is deep. The second concerns the extent to which Australian theorists and practitioners should be looking abroad and in particular to the exciting developments in western and eastern Europe, Asia and other regions of the world. It is impossible to do justice to all relevant comparative developments, but as the globe shifts increasingly from a uni-polar Anglo world to a multi-polar non-Anglo world we shall need to look increasingly to the theories and practices in the many undiscovered worlds of dispute resolution. While Australia is a respected leader in many areas of ADR development it would be negligent not to draw on the rich developments occurring elsewhere in the planet.

Needless to say, a truly interdisciplinary and comparative text on conflict management could not be contained within a mere 400 pages. It may be that soon we will be moving to much more specialised texts in this field or to multi-volume books on the subject.

Pending any such developments, Peter's book is sufficiently balanced, and at times well-nuanced, to constitute a valuable contribution to the Australian literature on conflict management. It should be influential not only locally but those from other climes will benefit from a closer look at this achievement in Australian literature in the field. ●

Laurence Boulle,
General editor.



ADR Diary

- **Australian Commercial Dispute Centre (ACDC)** has a number of upcoming courses. Including a 2-day course in **Facilitating Difficult Discussions** in Sydney on 12–13 November 2008; a 5-day course in **Mediation: Skills, Techniques and Practice** in Sydney on 20–24 October with an optional **Mediation Accreditation** day on 28 October.
- The **Bond University Dispute Resolution Centre** will be conducting a 4-day **Basic Mediation** course in conjunction with Leo Cussen Institute on 16–19 October in Melbourne with a 2-day **Assessment** course following on 7–8 November. They will also be holding 4-day **Basic Mediation** course on the Gold Coast on 27–30 November. For more information email <drc@bond.edu.au> or visit <www.bond.edu.au/law/centres>.
- **LEADR** is holding 5-day **Mediation Workshops** around the country that meet the standards for the National Mediator Accreditation Scheme. Courses for the remainder of the year are being held Melbourne from 13–17 October; Perth from 20–24 October; and Sydney from 11–15 November. For registration forms, early bird registration dates and more information on courses, visit <www.leadr.com.au/training.html>.
- A one-day international workshop entitled **Leading the Way to Creating a Preferred Future from the Best in the Past** presented by Yishai Shalif and Rachel Paran of the Qesem Centre for Collaborative Training, Supervision and Organisational Counselling, Jerusalem, Israel is being held in Sydney on Monday 24 November. For further information contact <brennermichelle@hotmail.com> or phone (0)2 9389 2005.
- **The Trillium Group** is conducting a 4-day advanced course **ADR (Negotiation and Mediation) Workshop** in Melbourne from 21–24 October. They are also running 2-day **Dealing With Difficult People Workshops** in Sydney from 14–15 October and in Melbourne from 16–17 October. To register, visit <www.thetrilliumgroup.com.au> or call 1800 636 869 toll free or (02) 9036 0333.

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