

Storied Conflict Talk

Narrative construction in mediation

Katherine A. Stewart
and Madeline M. Maxwell



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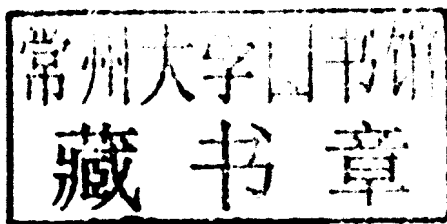
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CHAPTER 1

Introduction

1. Project overview

This study examines how participants in mediated conflict talk episodes co-construct various dispute narratives through communicative practices at the level of the utterance. Specifically, this study analyzes five recorded mediation sessions to (1) identify examples of the bilateral adversarial narrative pattern and (2) analyze the discourse in the cases where a different narrative pattern emerges to understand how these differing patterns are interactively co-constructed by the disputants and mediators.

Research and theorizing on conflict has been extensive in many fields. For instance, societal confrontation and violence are studied by historians and social scientists. Psychologists consider intrapsychic and cognitive aspects of interpersonal conflict. Within sociology and sociolinguistics, conflict research ranges from macro approaches to societal and cultural conflict issues to phenomenology and the micro-analysis of conversation analysts. Management scientists examine group and organizational conflict processes while political scientists study relationships between conflict and political processes. However, the study of actual discourse within conflict events is relatively recent.

The literature in a variety of fields also contains studies of narratives in interaction and of numerous interaction variables in interpersonal conflict talk, e.g., communication styles, alliance formation, culture, gender, power, communicative competence, conflict initiation, conflict termination, and facework. Literary critics and linguists frequently consider narrative discourse as quasi-autonomous and at a critical distance from social life (Briggs, 1996). Little empirical research explicates the situated communicative practices and mechanisms by which disputants interactively construct, co-construct, resist, and reproduce dispute narratives designed to produce outcomes consonant with their interests. This study applies microanalytic discourse analysis and narrative theory to examine how dispute narratives are interactively created, co-constructed, challenged, and transformed in conflict talk episodes through work at the utterance level.

Broadly defined, *conflict* refers to any instance where opposition to a desired path exists. Defined this way, conflict is a series of occlusions between desired

paths and actual or potential obstacles. Conflict represents one of the most critical issues in contemporary life, encompassing contexts as diverse as school violence, race, gender, and ethnic conflict, government disputes, and wars. More than any other factor, conflict has historically influenced geopolitical, cultural, and relational transformations. Thus, conflict is located as one of the grand narratives of human history.

Communicative practices, including those associated with conflict talk, develop within a complex web of socio-historical conditions. The language(s) spoken by a speech community, as well as the members' paralinguistic practices (e.g., gesture, style) and functional practices (e.g., politeness strategies) emerge as a result of the sociocultural factors operating upon and within the community over time. Thus, the location of the community vis-a-vis other speech communities and within a network of institutional power constructions is important.

However, the larger sociocultural context is not entirely deterministic. Communicative practices are situated – constructed by and constructing the social environments in which they occur. Clearly, conflict talk occurs in a complex environment consisting of the dynamic interplay of salient fields (e.g., political or academic) and discourses available to the participants, the physical surroundings, and the immediate social interaction where people become environments for each other (McDermott, 1976). Communication can be seen as a form of social action (Searle, 1969), closely tied to both meaning and power relations (Giddens, 1993).

Conflict talk provides fertile ground to observe both easily apparent and more subtle communicative behaviors within such dynamic, co-constructed environments. Although the argument can be made that many statements spoken in the heat of a disagreement are not rational, generally disputants are motivated to effectively persuade, influence, manipulate, or coerce one another in order to satisfy their own perceived interests. Concurrently, and to the same purpose, the same disputants resist, challenge, accommodate, collaborate with, or acquiesce to moves made by one another.

An effective method of understanding the meaning(s) generated by disputants in conflict talk is to examine the stories each party tells. Members of social groups construct and reproduce stories that explain their experiences and also create realities around beliefs and wishes. Dennett (1990) defines human 'selves' as centers of narrative gravity, programmed to extrude narratives as easily and naturally as spiders spin webs. According to Nair (2003), each human life is constructed out of the stories it tells itself and others around it. "It is this differentiated layering of multiple narratives that produces in human beings the illusory feeling that they are intentional agents 'born with' distinct selves" (p. 7). Socio-biologists speculate that stories function as ancient means of social grooming by which individual

selves ratified their own existence in terms of their community and extended the community in themselves and others (Dunbar, 1996).

Improving our understanding of how dispute narratives are interactively constructed in conflict talk is of value on individual, community, societal, national, and global levels. For instance, U.S. society has been characterized as a competitive 'argument culture' (Tannen, 1998). In fact, the conflict talk literature and the data in this study suggest that the interactive construction of adversarial narratives represents the most common conflict talk structure, at least in Western speech communities.

In its most common form, the adversarial narrative structure constructs disputants as members of various opposing sides and holding entrenched positions. Adversarial argument is viewed as the best or only means to attain desired ends in such an environment. According to Tannen (1998, p. 3), the argument culture dictates that the best type of discussion is debate, the best news coverage is giving voice to spokespeople with the most polarized views on a topic as presenting 'both sides', the best way to resolve conflict is to litigate in a higher authority process that pits parties against one another, and the best way to demonstrate intelligence is to criticize.

The types of dispute narratives constructed and locations where disputants interactively position themselves and others within them have important implications for conflict outcomes. This study closely examines verbal and embodied communication at the level of the utterance, and then within the context of surrounding utterances and the interaction as a whole, to explicate the dispute narrative patterns constructed interactively by participants, including the manner in which narratives can be intertextually transformed through the interaction process. The context of mediated dispute resolution and the microanalytic discourse analysis employed allow the unpacking of the interaction to the degree necessary to closely examine the communicative practices and mechanisms participants use to develop and perform narratives. This study contributes to an understanding of the role of narratives in conflict talk and how narratives are interactively constructed, co-constructed, challenged, and transformed in the course of a conflict episode.

2. Construction of stories in conflict interactions

Due to its subtlety when juxtaposed against the more dramatic aspects of conflict talk, it is likely that narrative construction at the utterance level tends to be overlooked by analysts, practitioners, and disputants. However, the impact of these interactive phenomena on conflict talk should not be underestimated.

Both narratives and conflict are ubiquitous and both have received much research attention. However, they have almost always been researched in relative isolation. When narratives are studied as part of conflict research, they are generally considered as data about conflicts rather than features of conflict interactions.

However, narration is not solely referential and narratives do more than make sense of conflict. Brenneis (1996) states that narratives are not “epiphenomenal reflexes of sociopolitical relations” but rather the means of carrying out action. Dispute narratives can constitute knowledge in that they create the narrated event. He cites Bauman (1986, p. 5) that “events are not the external raw materials out of which narratives are constructed, but rather the reverse. Events are abstractions from narratives.” Narratives are, among other things, meaning-making units of discourse.

Narrative events within a conflict episode engender and transform social experience (Brenneis, 1996). Within a conflict episode, disputants discursively present specific perspectives and interpretations of the events leading to the conflict, as well as of the ongoing interaction. Disputants dynamically construct and refine their stories, while simultaneously attempting to manage the narrative constructions of their counterpart(s), in order to achieve outcomes consistent with their interests.

Because this study is concerned with how these interpretations, or stories, are constructed in interaction, the truth value of the stories is not important. The ‘truths’ of narrative accounts are not in their faithful representations of the world, but in the shifting connections they forge among past, present, and future (Reissman, 2004, p. 35). What is of interest are the communicative practices used by disputants and mediators to perform the work of developing accusations, defenses, rationales, and justifications (i.e., plots), (e.g., “I am entitled to the inheritance because I took care of Dad before he died”), character role categorization of self and others (victim, villain, savior, underdog, etc.), and themes and values (e.g., “Even though you have been vindictive, I have always been kind to you.”).

In this way, disputants interactively construct narratives that communicate opposing theories of responsibility (O’Barr & Conley, 1985; Cobb, 1994a) explaining events or activities. This study is motivated by Bauman’s view that interactants construct their identities vis-à-vis others through a rhetorical and interpretive process

...in which interactants make situationally motivated selections from socially constituted repertoires of identificational and affiliational resources and craft these semiotic resources into identity claims for presentation to other

(2000, p. 1).

Nair (2003) views narrative as, among other things, an important instrument of self-protection, defining an individual’s social territory and unique identity within a community.

The disputants and mediators in these data have choices about how they communicatively present themselves and their interpretation of the situation. Their choices and the manner in which they manage the ongoing interaction determines the types of stories that emerge, which stories endure, and whether those stories transform over the course of the mediation session.

3. Purpose of the study

The purpose of this study is two-fold. First, five mediation cases are examined in their entirety to determine if they exhibit features of the bilateral adversarial narrative pattern, the predominant pattern discussed in the conflict talk literature. Second, the cases which do not conform to the bilateral adversarial narrative pattern are closely analyzed to understand how alternative dispute narrative patterns are co-constructed within them. This study seeks to illuminate the emergent nature of dispute narratives and many of the communicative practices and mechanisms by which disputants and mediators interact to construct them.

3.1 The bilateral adversarial narrative pattern

The conflict talk literature focuses on a prevalent interaction pattern referred to as competitive, adversarial, positional, etc. The first research question motivating this study is: Will application of discourse analysis and narrative theory to naturally occurring mediated conflict talk reveal patterns different from the pattern prevalent in the conflict talk literature?

Briggs (1998) characterizes adversarial modes of conflict management in terms of rival narratives explaining how specific events occurred, through which each disputant attempts through linguistic and rhetorical work to present a more convincing and coherent explanation (p. 47). Following this vein, this study examines conflict processes in mediation settings through the lens of narrative theory and utilizes the label *adversarial narrative pattern* when such rival narratives are observed. For simplification, when only one disputant constructs an adversarial narrative, the construction is referred to as a *unilateral adversarial narrative pattern*. Such a construct is not consistent with the type predominantly discussed in the literature which, for simplification purposes and with the knowledge that more than two disputants may be involved, is called the *bilateral adversarial narrative pattern* in this study.

A reading of the literature indicates that the adversarial narrative pattern may be identified by three features, or criteria: increasingly entrenched positions, intractability, and elements of moral conflict. Furthermore, the literature suggests

that this pattern can often be identified within the opening statements made by disputants in mediation sessions. These statements, or initial narratives, follow an accusation/denial pattern performed in the first-pair-part and second-pair-part of the opening statement speech act (Cobb & Rifkin, 1991b).

Consequent to development of the first research question, presented above, this study examines the verbal and embodied texts of five mediated conflict talk sessions in their entirety to identify which of them represent the bilateral adversarial narrative pattern. The pattern requires that all disputants enact the three criteria. This study assumes that the pattern will endure for more than several moves and will either form the basis of the dispute interaction or continue to recur in moves by each disputant even when other types of interaction intervene. Because of the focus in the literature on opening statements in mediated conflict talk (e.g., Cobb & Rifkin, 1991a; Szmania, 2004), special attention is paid to opening statements and the manner in which they do or do not demonstrate the accusation/denial and counter-accusation pattern associated with the bilateral adversarial narrative pattern.

3.2 Alternative dispute narrative patterns

The findings in this study support the implication in the conflict talk literature that the bilateral adversarial narrative model is ubiquitous. However, the pattern is not represented in all mediated conflict talk interaction. In fact, the data in this study demonstrate interactions typifying constructs inconsistent with the bilateral adversarial narrative pattern. This unexpected finding framed the second research question motivating this study: What alternative narrative patterns do disputants construct, and what communicative practices and mechanisms do they use in interaction to do so?

4. Environment of the study

Formal mediation provides a forum where naturally occurring conflict talk data can be collected in a setting where the talk is not influenced by the potential consequences endemic to the public disputes which represent the majority of conflict talk research. Although the mediators arguably provide an audience which shapes the parties' behaviors, the knowledge that the conversations will be kept confidential and that the parties are not bound by their statements until a formal agreement is signed, allows these conversations to qualify as naturally occurring face-to-face conflict talk data.

Formal mediation provides the setting for collection of interpersonal conflict talk data occurring over several hours, allowing investigation of intricate narrative construction behaviors from the formal opening statement to resolution or

termination of the session for some other reason. In mediation, a neutral third party or parties facilitate a negotiation in which disputants discuss their differences, identify areas of agreement, and test options with a possible outcome being mutual acceptable resolution (Dominici, 1996). Mediators attempt to provide the physical and communicative environment wherein the parties themselves resolve the dispute.

Skillful mediators facilitate interaction with an eye toward allowing concerns and interests to emerge and be addressed. Mediators may change the dynamics of conflict talk in several ways: by actively intervening to defuse verbal aggression and invoke rules of interaction; by controlling the interaction through the use of summaries, comments, questions, etc. in the interstitial spaces of the parties' talk; by transforming meaning-making frameworks to encourage disputants to reconceptualize the conflict in more productive ways; and by reminding the disputants of the costs and benefits associated with various potential outcomes.

A mediation event, as with many conflict talk episodes, does not come into existence fully grown; prior interactions serve as precursors to the interaction. Since the mediation sessions comprising the data in this study occurred strictly as a result of prior conflictual interactions, it stands to reason that the participants entered the mediation sessions with certain orientations, conceptions or 'stories' about the reasons for the conflict and the roles of the participants.

5. Contributions

This study contributes directly to the subfields of conflict talk and narrative. More specifically, this study adds to the knowledge of the adversarial model so prevalent in conflict talk, the emergent nature of stories within talk-in-interaction, and the communicative practices whereby participants in conflict talk episodes interactively construct alternatives to the adversarial narrative pattern.

Little empirical research adequately describes and explicates the manner in which interactants in conflict talk interactively use communicative practices to construct, co-construct, resist, and reproduce narratives in order to satisfy perceived interests. Although the relationships between language and storytelling and language and conflict have been explored in a variety of disciplines, the relationships between language, conflict, and narrative have only rarely been studied using a microanalytical approach examining naturally occurring data. This study is unique in that the storytelling, while occurring within everyday conversation, also occurs within the confines of difficult conversation and the institutional framing of the mediation process.

Monologic narratives retrospectively describing a conflict through interviews or qualitative surveys (e.g., Labov, 1990), reveal a relatively static and individually biased perception of the situation. Such narratives yield valuable information

about models people use to make meaning of conflict situations and identities, as well as insights leading to prescriptive recommendations. However, conflict talk arises from and is manifested through intricate cooperative or coordinated behaviors. Unillogical descriptions of conflict episodes do not reveal how the perspectives of the various parties interact with one another and change over time, nor do they reveal the interactive mechanisms by which interactants perform the work of narrative construction on a moment-by-moment basis. Only empirical analysis of the verbal and embodied communication, within the contexts of the relevant segment and entire episode, offers the analyst the opportunity to explore these phenomena.

On a practical level, interactive narrative construction is central to the dynamic negotiation of relationships and networks. At the intersection of conflict and narrative, the stability and best interests of an individual or group can be jeopardized, or the relationships between individuals or groups with opposing positions can be strengthened and outcomes crafted that support the interests of all. A deeper understanding of the processes of interactive narrative construction in conflict talk is therefore of great value to scholars of conflict talk and narrative, conflict management practitioners, and anyone who has ever been involved in a dispute.

6. Scope and limitations of study

This study examines communicative practices in interaction, in this case communicative practices that can be (and are demonstrated to be) used in the interactive construction of dispute narratives within conflict talk. This is not a normative study; no claims will be made as to the efficacy of a particular behavior or strategy in achieving the upper hand in a negotiation, for example.

The findings in this study motivate a host of additional research questions. Given the fact that the adversarial narrative pattern is prevalent in these data and that resolution was reached in all of the cases, one of these questions stands out: How do disputants and mediators transform intrinsically intractable adversarial narrative patterns to reach resolutions that are satisfactory to all disputants? The analysis in this study provides brief insights into the answer. However, the two guiding research questions presented above were developed based upon overriding interests and provide an appropriate scope for this study. While interesting and valuable, additional research questions must be left to another study.

Due to the fact that these data are drawn from mediation sessions, which exist only because of disputes and in which the talk centers around (at least in the beginning) oppositional positions, it is not representative of everyday conversation. In fact, the argumentativeness of talk within mediation sessions in major part

constitutes the mediation session as an institutional construct (Drew & Heritage, 1992). It is expected that the parties to the dispute will orient to one another's utterances in a disputatious way. However, the aim of this study is not to examine how arguments arise in everyday conversation.

The data, therefore, should not be considered representative of any class of person or behavior, nor are the findings generalizable to all circumstances. This research cannot be refitted into a popular book on how to do verbal battle (although verbal battle presents itself herein), or gender differences in argument style (although both difference and similarity exist), or how to mediate disputes (although the dedicated mediator can find information to expand his/her toolkit). For all intents, the data should be seen as exemplars of the type of interactions that can and often do occur within the wide sphere of informal conversation. The stories are unique, but the discourse can illuminate more general concepts and behaviors, as well as master narratives and counter narratives operating within the speech community within which the participants are embedded.

7. Chapter overview

In the chapters that follow, videotaped recordings and transcripts of five actual mediation sessions from a university conflict resolution center are analyzed. Chapter Two presents a summary of the literature addressing the research areas critical to this study: (1) conflict talk, (2) narrative in conflict interaction, and (3) mediation and the impact of mediators. Chapter Three presents a detailed description of the data and contextual factors and then describes the discourse analytic methods and procedures and narrative approach used in this study, as well as the reasons they are considered most appropriate to the research questions guiding the study.

Chapters Four and Five present analysis of the data. In Chapter Four, each of the five cases is examined for the presence of criteria identifying the adversarial narrative pattern. Although each case is analyzed in its entirety, focus is placed on opening statements and early narrative development. In many cases, speculation is presented regarding features associated with each case that may explain why it does or does not fit the prevalent model. Chapter Four closes by presenting a table categorizing each of the cases in terms of how it conforms or does not conform to the adversarial narrative pattern.

Chapter Five presents analyses of the two cases found in Chapter Four to not conform to the bilateral adversarial narrative model. Each of the two cases is microanalyzed and segments demonstrating the co-construction of alternative patterns are featured and discussed in depth. Chapter Five also details the verbal and embodied communicative practices used by both mediators and disputants in

this process, and how those practices contribute to construction, co-construction, resistance, challenge, support, coercion, acquiescence, etc. of the alternative dispute narratives. Attention is paid to the manners in which disputants interactively construct theories of responsibility, self-identity and other-identity, and positioning with indexed sources of power and master narratives, as well as how well these alternative narratives meet the identified interests of the parties.

Finally, Chapter Six offers a summary of the findings and analysis and directions for further research and mediation practice development.

CHAPTER 2

Review of the literature

This study is situated at the nexus of several distinct areas of research, and thus is informed by several disciplines and subdisciplines. As will be demonstrated in the chapters that follow, the dispute narratives examined in the data are not unilaterally presented by each disputant in the fashion of legal briefs or arguments. Rather, they emerge as all participants to the interaction engage in the “temporally unfolding, interactively sustained embodied course of activity” (Goodwin, 1996, p. 375). Viewing narrative as emergent within the interactive environment, and because of the interactive environment (*narratives-in-interaction*), is a relatively recent but growing perspective on narrative. This study not only expands the body of evidence demonstrating the emergent nature of narrative-in-interaction. It also applies this perspective to narrative construction within naturalistic conflict talk.

Interactive dispute narrative construction in conflict talk is a complex, multi-faceted and multi-layered phenomenon. The complexity of the communicative practices observed in these data requires a thorough exploration of several distinct but sometimes interrelated areas of literature: (1) interpersonal conflict and conflict talk, (2) narrative in conflict interaction, and (3) mediation and the impact of mediators. Conflict talk as an explicit research concept is best understood as a manifestation of interpersonal conflict. Therefore, this chapter begins with a review of the literature on interpersonal conflict and then more specifically on conflict talk.

Because narrative and the processes of narrative construction are the foci of this study, a review of the literature on narrative theory, with a focus on the narratives-in-interaction perspective, provides the necessary framework for a descriptive as well as an explanatory analysis of the data. Finally, from a process perspective the conflict talk examined in these data occurs within the mediation process, the distinguishing features of which constrain and determine to some degree the storytelling trajectories. Thus, the literature on the mediation process is reviewed to provide an interpretive frame for the conflict talk in the data.

1. Conflict talk

Multidisciplinarity is perhaps the single most defining feature of the interpersonal conflict literature. Aspects of interpersonal conflict are studied by communication