INSTITUTIONALIZING CONFLICT
MANAGEMENT ALTERNATIVES

Nancy Manring

Oct. 1987   CRSO #348/PCMA #7

INSTITUTIONALIZING CONFLICT MANAGEMENT ALTERNATIVES

1. INTRODUCTION

In recent years, conflict management alternatives such as joint problem-solving, negotiation and mediation have been utilized in a variety of contexts. For example, representatives from environmental organizations, government, and industry have been involved in negotiations and mediations; some business organizations have pledged to rely upon joint problem-solving and negotiations before going to court in various situations; negotiation and mediation are becoming more commonplace in domestic disputes; and medical professionals, patients and family members have been involved in joint problem-solving regarding appropriate medical care. Proponents of these conflict management alternatives share a frustration with traditional adversarial, often judicially-based methods of dispute resolution.

As evidence continues to mount supporting the desirability and efficacy of conflict management alternatives, attention has been drawn to institutionalizing these conflict management innovations. The framework presented in this paper is not definitive; rather, the purpose is to raise key issues and test the utility of diverse literatures. The many environmental examples reflect the author's background in environmental dispute resolution. However, the multidisciplinary literature review permits the presentation of a more general framework, and is applicable in a variety of contexts.

In this paper, the term " conflict management alternatives" ("CMA") is used rather than the more familiar phrase "alternative dispute resolution" ("ADR"). ADR usually refers to alternative ways to use the court system, that is, "bargaining in the shadow of the law." "Conflict management alternatives" suggests a broader interpretation of these innovations. It includes all potential public and private, judicial and non-judicial dispute resolution efforts by individuals, organizations and communities. It also incorporates the need for long term, institutional change. The discussion is not meant to suggest that the goal of institutionalizing CMAs is to eliminate or even minimize conflict. It is assumed that conflict will continue to be a normal part of human

interactions. However, institutionalization is important to prevent "one shot" or scattered experiments with CMAs that could lead to frustration, inefficiency, or inequities.

II. WHAT IS INSTITUTIONALIZATION?

Institutionalization involves the trial, regularization and formalization of CMAs. By trial, we mean initial experimentation with new techniques for managing conflict in relationships, organizations and communities. Regularization refers to the way these trial CMAs become accepted into regular use. Formalization includes the ways CMAs are codified and described by some form of policy statement, statute, or explicit agreement between parties.

As the above definition suggests, institutionalization is a process that varies in formality and scope. As Edelman (1984) has suggested, institutionalization is not an "all or nothing concept"; there are degrees of institutionalization.

> "It may be a voluntary program that would operate at an entirely different order of magnitude if it were made compulsory. It may have the potential for being applied systematically in a larger unit of government; if it is now operating at the county level, it could perhaps be adopted on a statewide basis..." (p. 135).

In other words, assessments of the appropriate meaning of institutionalization depend upon one's goals and perspectives. As Edelman suggests, "What is institutionalized from one perspective may still be unproven from another" (p. 135).

It is important to recognize that institutionalization of new techniques implies the displacement of existing social practices. Therefore, institutionalization is dominated by the phenomenon of change. Several different models of social change are examined in Section V to provide a fuller understanding of institutionalization as a change process.

III. WHAT IS BEING INSTITUTIONALIZED?

Institutionalization of CMAs involves the trial, regularization and formalization of (1) new individual attitudes and skills, (2) new forms of existing relationships or entirely new relationships, and (3) organizational mechanisms for implementing and enforcing new conflict management methods and agreements. In other words, institutionalization occurs at the

individual, intergroup and organizational levels. These three levels differ in terms of their complexity and degree of required change.

Individual Attitudes and Skills

Alternative conflict management methods usually involve non-adversarial, interest-based bargaining techniques (Fisher and Ury, 1981). These methods involve interactive dialogue and at least minimal cooperation among disputants, often with the assistance of an external third party. For many disputants, the switch from adversarial to more collaborative, interest-based negotiation techniques may require changing attitudes toward conflict and gaining new skills.

As an example of new attitudes, people may need to overcome negative feelings about conflict. People often are afraid of conflict; they may view it as a disruptive force that should be avoided or ignored. However, proponents of CMAs suggest that conflict episodes can be viewed as opportunities for improving communication (Amy, 1983; Bingham, 1986), enhancing group solidarity (Coser, 1956), creative problem-solving (Thomas, 1976) and personal growth (Katz, 1964; Moore, 1986).

Similarly, institutionalization implies that coercive or adversarial attitudes and approaches to conflict management need to be replaced by more collaborative ones. For example, many people are accustomed to viewing conflict in win/lose terms, that is, someone wins, someone loses. However, CMAs usually are based on a commitment to win/win outcomes. This committment means that the basic interests of all parties in the dispute must be explicitly recognized and protected. Disputants need to learn how to identify and communicate their underlying interests, and validate the interests of others involved in the dispute.

Institutionalization also can change attitudes toward and reliance upon external authorities. People often are accustomed to relying on external authorities to resolve their conflicts. However, institutionalization can lead to a greater degree of individual participation and control for disputants. In fact, conflict management methods can be arrayed along a continuum that represents increasing degrees of control by disputants (Laue and Cormick, 1974; Marks, et. al., 1984; NIDR, 1984). Traditional processes such as adjudication and arbitration lie at one end

of the continuum, where procedures and outcomes are controlled by external authorities. However, many CMAs such as negotiations and joint problem-solving lie at the other end of the continuum, where procedures and outcomes are controlled primarily by disputants. Mediation may lie somewhere in the middle. Thus, disputants may lessen their reliance upon external authorities, and may need to learn new communication and negotiation skills as they take greater control over the management of their own conflicts.

Relationships

Disputants may possess the requisite attitudes and negotiation skills without necessarily acknowledging the existence or legitimacy of an ongoing problem-solving relationship. Similarly, existing social structures may not be designed to facilitate or support cooperative, problem-solving relationships. For example, traditional hierarchical decision-making structures in organizations often create incentives for adversarial behavior. There may be no overarching goals that transcend and connect highly specialized roles and promote cooperation.

Institutionalization involves the creation and acceptance of ongoing problem-solving relationships and the requisite social structures to support them. For example, Bacharach and Lawler (1980) discuss the importance of getting parties to recognize each other as legitimate participants, so that cooperative problem-solving relationships can be established and formalized within organizations. They state that conflict resolution is easiest when the problem-solving relationship can be made explicit and formalized.

The importance of institutionalizing a relationship is further supported by Brown's work on interface analysis (1983). Brown defines an interface as "...the meeting grounds where social units come face to face and parties interact. These social units may be groups, departments, or whole organizations..." (p. 1). Implicit in Brown's definition of an interface is an emphasis on the relationships between parties. Like other relationships, interfaces vary in terms of their degree of development and organization; the level of organization of the interface will affect how conflict is managed.

Beres and Schmidt's (1982) discussion of social contexts coincides with Brown's discussion of the level of development of relationship between disputants in interface dynamics (1983). However, they also argue that contexts and relationships are governed by dominant norms which guide behavior: "...different types of social contexts encourage and legitimize different types of behavior" (p. 44). Thus, the norms that govern relationships may have to be altered in order to facilitate the institutionalization of CMAs. Traditionally adversarial relationships must develop patterns and norms that legitimize collaborative exchanges.

Organizational Mechanisms

Although disputants may possess negotiation skills and acknowledge each other as legitimate parties in a problem-solving relationship, without the means to ensure that agreements are supported, implemented and enforced, conflict management efforts may be short-lived or futile. Means of implementing agreements are clearly linked to the perceived legitimacy of the problem-solving relationship: if the relationship is not perceived as legitimate, agreements resulting from such a relationship will not be deemed legitimate and will not be implemented. Perceptions of legitimacy may depend on actions of top-level leaders who announce new priorities and create organizational structures that support problem-solving relationships.

One example of an organizational mechanism created to facilitate the implementation of a consensus agreement involves a dispute in southwestern Colorado. In 1983, a dispute over proposed road building and logging in the San Juan National Forest was successfully mediated. However, in order to ensure that the consensus agreement was implemented properly, a citizen advisory group was legitimized by the United States Forest Service to oversee the implementation of the agreement (Tableman, 1985).

Conflict management alternatives must be perceived as legitimate and acceptable not only by involved disputants, but also by parties in the wider social structure which may be impacted by or involved in the implementation of agreements. The importance of acceptance of innovations by the wider social structure is supported by Rogers' (1962) work on diffusion. Similarly Katz (1961) asserts:

"...it is about as unthinkable to study diffusion without some knowledge of the social structures in which potential adopters are located as it is to study blood circulation without adequate knowledge of the structure of veins and arteries."

In this section we have argued that negotiation skills, the problem-solving relationship, and organizational mechanisms that support the implementation and enforcement of agreements comprise three key components of institutionalization. As suggested above, it is possible for parties to possess negotiation skills without having a legitimate problem-solving relationship. Conversely, parties may have a relationship conducive to joint problem-solving without having the corresponding social structure to support conflict management procedures and outcomes. Thus, the most successful forms of institutionalization involve innovations at the individual, intergroup and organizational levels that support conflict management alternatives.

IV. PROPOSED APPROACHES TO INSTITUTIONALIZATION

Most scholars and practitioners agree that institutionalization can and should take a variety of forms, depending on the situation. Several general approaches have been proposed, and in some cases implemented. One approach involves the gradual accretion of ad hoc practices. For example, in relatively private situations such as marital disputes, spouses can agree to try new negotiation skills; the new skills gradually may become standard practice in the marriage over time through their adoption and regular use. In sharp contrast, another model involves sudden change adopted in the midst of a crisis, or mandated by laws or organizational policies. However, institutionalization in the form of sudden change generally requires tremendous threat or coercive power for enforcement, and could engender temporary compliance without deep or long-term commitment.

Both mandatory and voluntary approaches have been proposed. The voluntary approach involves increasing the available supply of information, resources, and practitioners trained in conflict management alternatives without mandating the use of such services (Edelman, 1984). Examples of the voluntary approach include neighborhood justice centers (Marks, et. al., 1984) and state offices of mediation (Meeks, 1985) which help make alternative methods of conflict

management more available to interested parties. The mandatory approach involves increasing the demand for CMAs through formal policy or legislation, such as legislation that mandates the use of negotiation and mediation for siting of solid and hazardous waste facilities (Meeks, 1985).

Both generic or issue-specific approaches to institutionalization are possible. For example, most state offices of mediation and most neighborhood justice centers may offer generic conflict management processes for a variety of substantive issues (Meeks, 1985). In contrast, legislative programs often institutionalize CMAs for specific types of disputes such as the siting disputes mentioned above. Similarly, some conflict management centers are developing issue specific programs; for example, the Conflict Clinic in St. Louis and the Minnesota Office of Dispute Resolution have developed special programs for the mediation of farmer-lender disputes.

Finally, internal or external approaches to institutionalization are possible. For example, in private disputes, institutionalization can occur inside or outside of the relationship. When marital partners learn new conflict management skills which are institutionalized in their relationship over time, this form of institutionalization occurs inside the relationship. However, when marital partners regularly and formally seek assistance from counselors or mediators who serve as third parties, they adopt a form of institutionalization that occurs external to their relationship. Community and neighborhood disputes may follow similar patterns: disputants may learn conflict management skills which enable them to resolve their own problems by institutionalizing the skills in their regular interactions; or disputants may rely upon assistance from neighborhood justice centers and community mediation programs which represent externally institutionalized forms of CMAs.

Institutionalization also may occur inside or outside of organizations. For example, in the health care field, hospitals may create "in-house" ethics committees or patient support groups as mechanisms for regulating conflicts between health care providers and consumers (Chesler and Chesney, 1986). Similarly, business organizations may create an internal division whose sole responsibility is to manage intraorganizational conflicts. However, in the health care field, patient advocacy self-help groups may be organized outside of the medical establishment and link to

medical institutions to regulate conflicts between health care consumers and providers (Chesler and Chesney, 1986). Likewise, business organizations may contract with external mediators or conflict management organizations for assistance in resolving intraorganizational disputes.

V. HOW DOES INSTITUTIONALIZATION OCCUR?

We have argued that the trial, regularization and formalization of conflict management alternatives involves change -- change in individual skills and attutudes, in social and task relationships, and in organizational structures. However, how these changes occur depends upon what model of change is employed.

Chin and Benne (1976) propose three models of planned change: (1) the Rational-Empirical, (2) the Normative-Reeducative, and (3) the Power-Coercive. Rational-Empirical institutionalization proceeds through basic research and knowledge put into action by trained professionals. The Normative-Reeducative model stresses the need for change in habits and values at the personal level, and change in normative structures and in institutional roles and relationships at the organizational or sociocultural level. Accordingly, institutionalization proceeds primarily through the clarification and reconstruction of values and norms. The Power-Coercive model recognizes that power is required for change, and suggests that change must involve the action of ruling elites or their recomposition and manipulation. Of course, knowledge is one form of power, but institutionalization would occur essentially through Normative-Reeducative strategies backed by Political Coercion.

Crowfoot and Chesler (1982) propose another framework for changes relevant to conflict management within organizations, also with three models: (1) Organizational Development, (2) Unionization and Collective Bargaining, and (3) Worker's Control and Democratic Management. According to the Organizational Development model, institutionalization would occur through management's efforts to improve communications and normative commitments to CMAs: bureaucratic structures and processes and organizational goals would remain the same. According to the Unionization and Collective Bargaining model, institutionalization would take place through

existing unions and bargaining channels. Both labor and management are seen to benefit as CMAs provide improved problem-solving tools to further their collective interests. However, the power of organized unions is necessary to coerce management to accept and legitimize the bargaining relationship. The Worker's Control and Democratic Management model moves beyond the power contest between workers and management, and workers and unions; power is controlled by workers, and organizational values are determined by workers' needs. Accordingly, institutionalization of CMAs would be controlled by workers to benefit their needs.

Sashkin, Morris and Horst (1973) present a third framework that describes five change models: (1) Research, Development and Diffusion, (2) Social Interaction and Diffusion, (3) Intervention Theory and Method, (4) Planned Change, and (5) Action Research. Like the models described above, each model has different implications concerning how institutionalization of CMAs could occur.

Implicit in all the models presented above is the question, "Whose interests are served by institutionalization?" Top down models such as Rational-Empirical and Power-Coercive (Chin and Benne, 1976) and Organizational Development (Crowfoot and Chesler, 1982) rely upon change being articulated by existing managers. As such, changes are likely to safeguard the needs and interests of these current power holders. In contrast, bottom up models such as Workers' Control and Democratic Management (Crowfoot and Chesler, 1982) and potentially Power-Coercive (Chin and Benne, 1976) when change is initiated by lower power parties, are more likely to serve the needs of the lower power parties. Thus, whether institutionalization of CMAs proceeds from the top down or from the bottom up has serious implications for the types of interests served.

These general models of organizational innovation suggest that institutionalization of CMAs may involve shifts in patterns of power and authority, new organizational roles and working relationships, and potentially altered organizational structures, cultures and missions.

Shifts in Power and Authority

Evidence suggests that conflict management alternatives and resulting outcomes are most effective and just when extreme power inequities have been somewhat equalized (Cormick and

Patton, 1980; McCarthy, 1984; Moore, 1986). If one party is clearly more powerful and likely to "win", there is little incentive for negotiation and compromise (Bellman, 1983; McCarthy, 1984). Low power parties face the dual disadvantage of not having the power to force others to a bargaining table, and, should CMAs be employed, being in danger of being coopted by more powerful participants (Amy, 1983a; Crowfoot, 1985). Thus, concerns for both practicality and social justice suggest that extreme power imbalances must be changed, and new patterns of authority must be established before CMAs can be successfully utilized (Laue and Cormick, 1974).

Altering imbalances in power may involve recognizing and legitimizing influencial parties who may not possess formal authority (Bacharach and Lawler, 1980). Authority usually is derived from the formal state or organizational hierarchy and is limited in its distribution and forms. In contrast, influence is derived from the informal social or organizational structure and is likely to be more widely distributed. Bacharach and Lawler's work suggests that CMAs often create new patterns of authority by balancing formal, hierarchical authority and informal forms of influence. For example, in business organizations, managers occasionally may have to set aside their formal hierarchical authority and work with influential workers in collaborative problem-solving teams. Managers' overt recognition of workers' concerns and involvement helps to empower workers, and can lead to greater power parity and new forms of authority in organizations.

Creating new patterns of authority may not be sufficient to effectively balance power if information and expertise also are not redistributed. For example, in many environmental disputes, access to scientific expertise is a significant source of power. Consequently, sometimes the parties have agreed to share existing environmental data, or to create their own data base through joint fact-finding. Similarly, Rieff (1974) discusses the need to break the monopoly of knowledge in the medical field in order to empower and inform patients. Thus, institutionalization of CMAs also may involve the redistribution and sharing of information and expertise as a form of power balancing.

The literature on CMAs in virtually every area of application emphasizes that the presence and role of an external third party often can be critical in helping to balance power(Amy, 1983; Cormick, 1980; Moore, 1986). By setting ground rules and serving as a referee of the process, the third party can redistribute expertise, promote productive dialogue and minimize destructive power plays. Although third party intervenors have different views of their appropriate role, many consider advocacy for lower power disputants and for power parity as a legitimate component of their role (Laue and Cormick, 1974; Lee, 1982). The continuing presence of an external third party can be a key component in the creation of lasting new patterns of authority as well.

New Roles and Working Relationships

Institutionalization of CMAs may neessitate temporary or permanent changes in organizational structure. Traditional bureaucratic structures specialize function, and solidify and isolate separate work groups. The formal organizational structure has well developed vertical linkages and communication flows, but usually limited lateral linkages and communication between working groups and departments. Thus, problem-solving across departments and groups may be difficult (Galbraith, 1979). Since CMAs typically involve face-to-face interactions, work groups or departments that have no pre-established procedures, rules, and norms to govern interactions could find themselves involved in face-to-face problem-solving situations. As Brown explains, "...since interfaces are between social units, authority, responsibility, and appropriate behavior are often unclear" (p. 16). Thus, institutionalization of CMAs means that new lateral relationships and linkages, and the corresponding communication channels and patterns of responsiblility may have to be created (Brown, 1983; Galbraith, 1979).

In many cases, linkages within and between organizations will not be permanent components of the organizational structure. Formal organizational structures may remain intact with working groups or task forces emerging as the need arises (Galbraith, 1979). However, in some cases, the institutionalization of CMAs will necessitate permanent changes in the formal organizational structure. Katz and Kahn (1987) highlight the importance of systemic changes in

organization structure as a means of promoting change in individual behavior and working

relationships. They emphasize that,

> "The major error in dealing with problems of organizational change, both at the practical and theoretical level, is to disregard the systemic properties of the organization and to confuse individual change with modifications in organizational variables."

Bidol's work with the South Florida Water Management District ("SFWMD") illustrates

how a resource agency has had to make permanent structural changes in order to institutionalize

CMAs. In trying to respond more constructively to the increasing number of environmental

conflicts with which they are confronted, the SFWMD seeks to "... institutionalize environmental

conflict management competencies into the agency's ongoing decision-making and operational

procedures" (Bidol, 1984). The objectives of their reorganization include:

> 1. Develop an organizational design for the district as a whole and for each department which ensures that there are positive linkages between the district's strategy, work tasks, and its formal and informal structures so that it can proactively problem-solve its internal and external challenges and conflicts; and

> 2. Develop structures and procedures to support cross-departmental problem-solving, and to facilitate positive interactions between the district and external stakeholders (Bidol, 1984).

In order to meet these objectives, the SFWMD had to make permanent structural changes

in their organization. For example, several new departments were created to improve internal,

lateral relations as well as linkages with external constituents: the Department of Resource Policy

was established to support cross-departmental problem-solving, and the Department of Resource

Coordination was created to engage the public and private sectors with line managers in conflict

management processes (Bidol, 1984).

As Bidol's work also illustrates, changes in organizational structure may include an

expansion of boundary spanning capabilities, so that functional links can be established with other

organizations. Brown (1983) refers to such relationships as "organization interfaces", i.e., the

interfaces between organizations. Similarly, Katz and Kahn (1978), Adams (1976), Lawrence and

Lorsch (1967), and numerous other organizational theorists have written about the importance of

boundary spanning and interactions with the organizational environment. For example, many

government resource agencies like the SFWMD have had to designate personnel to communicate

with external interest groups so that resource managers could more effectively manage conflicts and design policies that meet the needs of their various constituents.

Greater boundary spanning also can lead to changes and ambiguities in roles, authority and responsibility. Organizational members may have to obtain and process new information and develop new areas of expertise. Similarly, organizational members may have to develop a greater appreciation of diversity as they move beyond their own organizaton's perspectives and needs. Increased boundary spanning also may create new representational responsibilities for organizational leaders. For example, when environmental disputes are resolved through the use of CMAs, representatives from government agencies, industry and citizen groups may have to work together as a problem-solving team while also representing their own constituents. Similarly, medical organizations that link with externally-based consumer groups have to create new working relationships. Medical personnel, patients and family members have to learn to manage the attendant ambiguities as they adopt new roles in the pursuit of collaborative patient care (Chesler and Chesney, 1986).

Changes in Organizational Culture and Mission

In many cases, it may not be possible to effectively institutionalize CMAs -- especially CMAs directed toward promoting social justice -- without altering the underlying culture of organizations (Gross et. al., 1975; Jackson, 1986; Nadler, 1982; Packard, 1975). Similarly, changes in mission must be accompanied by corresponding changes in organizational reward structures so that concrete incentives are created to support the conflict management innovations. For example, an organizational culture that rewards individualistic, competitive, adversarial behavior will not long support or reward collaborative, non-adversarial CMAs. Likewise, an organization that has discrimination and other social inequities subtly embedded in its culture will not be able to support conflict management innovations designed to reverse discrimination and other affronts to social justice (Jackson, 1986).

Jackson's research on multi-cultural organizations (1986) suggests that social justice oriented CMAs can be adopted more easily by organizations that are close to having achieved

multi-cultural status. The characteristics of multi-cultural organizations -- diverse cultural representation, equitable distribution of power and influence, support for the elimination of oppression, and support for multicultural perspectives in the larger society (Jackson, 1986) -- are very compatible with the norms of social justice oriented CMAs. However, Jackson's research and practice illustrates that an organization must build incentives for the elimination of oppression into the fundamental culture and mission of the organization through clear rewards and sanctions.

Bidol's work provides another example of the importance of changing the organizational mission so that it is compatible with and supportive of the adoption of CMAs. Bidol spent a full year working with employees throughout the entire SFWMD to write a new mission statement that would reflect their recent commitment to conflict management and environmental enhancement. This effort was clearly spelled out in the objectives of the reorganization plan as follows:

> Development of mission statement, goals, objectives, and action plans which reflect SFWMD's desire to actively problem-solve (internally and externally) with key stakeholders to meet conflicts and challenges to water supply, flood control, environmental enhancement, and water quality protection (Bidol, 1984).

VII. FACTORS THAT INFLUENCE THE LIKELIHOOD OF INSTITUTIONALIZATION

Since institutionalization of CMAs involves innovations in individual attitudes and skills, interpersonal relationships and organizations, the literature on innovation provides useful insights. Rogers' (1962) work suggests that the likelihood of successful institutionalization of CMAs is dependent in part upon the nature of the innovations. Rogers describes five key characteristics of innovations: (1) relative advantage, (2) compatability, (3) complexity, (4) divisibility, and (5) communicability.

Relative Advantage

Rogers defines relative advantage as "...the degree to which an innovation is superior to ideas it supersedes. The degree of relative advantage is often expressed in economic profitability, but the relative advantage dimension may be measured in other ways" (p. 124-125). In addition to the advantage of reduced costs (McCarthy, 1984; NIDR, 1984), advocates of CMAs have cited

improved relationships (Bingham, 1986; Marks, et. al., 1984) and potentially improved social equity (Susskind and Ozawa, 1983). The above benefits suggest compelling advantages over traditional, adversarial methods of conflict management for many situations.

Nevertheless, it is important to recognize that institutionalizing CMAs may entail some added costs. Collaborative problem-solving can be very time consuming. Individuals and organizations may find it difficult to commit the necessary resources to support these consensus building processes. Since CMAs often involve the redistribution of power and authority, traditional power holders may associate CMAs with the loss of decision-making authority. Conversely, some fear that widespread use of CMAs may serve existing power holders by pre-empting adversarial forms of conflict that can lead to significant social change (Crowfoot, 1980). For example, heightened conflict in the wake of Earth Day led to the enactment of numerous powerful environmental protection statutes in the 1970's. Environmentalists critical of CMAs fear that collaborative dispute resolution processes will prevent meaningful social, economic and environmental changes, and instead lead to only marginal environmental improvements (Amy, 1983a; Crowfoot, 1980). Labor leaders often raise similar concerns regarding departures from traditional modes of adversarial bargaining, and civil rights advocates warn against the erosion of principled rights in the face of out-of-court compromises (Edwards, 1986).

Compatability

Rogers defines compatability as "...the degree to which an innovation is consistent with existing values and past experiences of the adopters" (p. 126-127). In many contexts, CMAs represent a new form of conflict management and problem-solving. As discussed previously, disputants may lack the necessary negotiation skills, and they may hold coercive or adversarial attitudes inimical to collaborative dispute resolution. Similarly, organizational cultures may reflect norms which are fundamentally inconsistent with the norms of CMAs. Where there is low compatability with existing practices and values, there is likely to be great resistance to change. Thus, significant relearning and resocialization may be necessary to overcome these barriers.

It also is important to recognize that people manage conflicts in many different areas of their lives. Discussion of institutionalization of CMAs usually refers to one particular area of life, such as conflict management in the workplace. However, change in one area cannot be totally isolated from other areas of conflict management. Thus, while institutionalization of CMAs may be very compatible with existing practices for some areas of life, its overall compatibility still could be low due to the fact that people manage conflicts differently depending upon the context.

Complexity

Rogers defines complexity as "...the degree to which an innovation is relatively difficult to understand and use" (p. 130). Although face-to-face, non-adversarial problem-solving methods are not necessarily more difficult to understand than traditional forms of decision-making and conflict resolution, CMAs may be difficult to use due to many of the reasons already identified. The potential necessity of building new relationships and changing organizational structures suggests that it may not be possible to simply graft CMAs on to traditional structures and processes. Thus, the institutionalization of CMAs may in fact represent a complex undertaking, and may require the assistance of professional organizational change agents and/or a detailed planning process.

Divisibility

Rogers defines divisibility as "...the degree to which an innovation may be tried on a limited basis" (p. 131). The experience to date in a variety of fields has shown that CMAs usually have been used on a trial basis or as an ad hoc tool (Bingham, 1986; Sullivan, 1984). Much of the impetus for the institutionalization of CMAs stems from the success of these trial, ad hoc efforts. Thus, divisibility of CMAs may be one of their key attributes in the early stages of institutionalization.

Communicability

Rogers defines communicability as "...the degree to which the results of an innovation may be diffused to others" (p. 132). He adds, "The results of some ideas are easily observed and communicated to others, while some innovations are difficult to describe to others" (p. 132). Evidence suggests that the communicability of CMAs is mixed. In some cases, the dramatic

successes achieved through the use of CMAs are clearly visible. For example, the successful mediation of the Storm King controversy that involved power plant siting on the Hudson River serves as a vivid success story in the emerging field of environmental mediation (Talbot, 1983).

However, not all successful outcomes are easily communicated. Buckle and Thomas-Buckle (1986) researched eighty-one cases of environmental mediation that failed to reach substantive agreements, but in which participants described the mediation effort as a success. Participants cited several factors which they viewed as "successes" including increased ability to negotiate, insight into interests and positions, and better knowledge of options open to disputants. However, these process oriented outcomes frequently are harder to describe and document than are substantive outcomes.

Finally, it can be difficult to describe the uniqueness of CMAs to people who are familiar only with traditional forms of bargaining and negotiation. For example, government officials often do not see the distinction between CMAs and what they normally do; they may feel that they routinely negotiate and resolve conflicts (Wondolleck, 1986). Many government officials view traditional public hearings as equivalent to CMAs, and do not recognize that the controlled, one-way communication typical of public hearings is very different from the interactive dialogue and frequent power sharing associated with CMAs.

VIII. CONSEQUENCES OF INSTITUTIONALIZATION

Much of the early success attributed to CMAs has occurred in non-institutionalized, ad hoc dispute resolution forums. Thus, it is important to question whether institutionalization could lead to unintended negative consequences that could impair dispute resolution efficacy and the quality of justice. In particular, it is important to look at the distinction between public and private disputes, and the potential advantages of informality and voluntarism.

Common sense suggests that private disputes ought to be resolved however the disputants choose to resolve them, whereas public disputes ought to be resolved according to established, public decision-making processes with the involvement of legitimate public authorities. However,

a number of scholars have suggested that the line between public and private disputes is not clear. As Edwards (1986) emphasizes, "...many disputes cannot be easily classified as solely private disputes that implicate no constitutional or public law" (p. 671). Supposedly private disputes often have fundamental issues of public rights and serious public policy implications embedded in them. On the surface, a dispute may appear to be a private matter; for example a community dispute that involves a specific group of people around a particular issue may seem to be limited in consequences to that unique set of disputants and circumstances. However, the accumulated impact of a number of similar disputes may in fact have serious public policy implications.

For example, Edwards (1986) poses the question of what would have happened if many of the civil rights disputes in the United States had been settled through the use of CMAs as "private" community disputes in terms of non-legal, local community mores, rather than in court according to public civil rights laws. In other words, Edwards is suggesting that fundamental rights potentially can be bargained away in alternative dispute resolution forums. Similarly, the use of CMAs may prevent the establishment of important legal precedents which expand and guarantee fundamental rights. Thus, it is important that the institutionalization of CMAs not obstruct the establishment of legal precedents or compromise basic constitutional rights. As Edwards cautions, "...we must consider whether the disputes that will be resolved pursuant to an alternative dispute resolution system will involve significant public rights and duties" (p. 671). However, as the foregoing discussion suggests, this judgment is not always easy to make.

Part of the success of CMAs may be because they have not been institutionalized and constrained by law or formal organizational policy. In a world increasingly saddled with red tape, unformalized CMAs may offer vital flexibility and adaptability. Indeed, Edelman (1984) cautions that institutionalization of CMAs could lead to bureaucratization, which in turn could promote mass production and a focus on the quantity of cases handled or disputes settled rather than quality of the dispute resolution process or the justice of the settlement.

The literature on CMAs usually stresses the importance of voluntarism where neither participation nor agreement are mandated. A potential consequence of institutionalization could be

a foreclosure of the voluntary nature of CMAs through subtle or overt requirements for participation and for reaching agreement. For example, as mentioned in Section IV, participation in CMAs can be mandated by law or organizational policy. However, coercive incentives also could be offered that serve to channel disputes into alternative processes, although participation literally is not required. Similarly, regardless of whether participation is mandated, there could be coercive incentives that push disputants toward agreement, even though technically they still may have a choice of dispute resolution methods and outcomes. Thus, it may be important to preserve the voluntary nature of CMAs even as they are institutionalized, in order to promote their just and efficacious use.

As we strive to institutionalize CMAs as a means of improving dispute resolution and promoting social justice, we must be ready to critically assess the choices. However, we must compare reality with reality: how do the strengths and weaknesses of CMAs compare with the strengths and weaknesses of traditional conflict management methods? Unfortunately, it is too easy to compare the reality of these emerging CMA experiments with idealized notions of how things should be, and judge CMAs unfairly. Undoubtedly, CMAs will not live up to idealized democratic principles and management formulas. The success or failure of CMAs must be judged against the real costs of non-agreements (Fisher and Ury, 1981), poor processes and unjust outcomes.

REFERENCES

Adams, J. Stacy 1976. "The Structure and Dynamics of Behavior in Organizational Boundary Roles." In Handbook of Industrial and Organizational Psychology. Marvin D. Dunnett (Ed.), pp. 1175-1199. Chicago: Rand McNally.

Amy, Douglas, J. 1983. "Environmental Mediation: An Alternative Approach to Policy Stalemates." Policy Sciences, Vol. 15; pp. 345-365.

Amy, Douglas, J. 1983a. "The Politics of Environmental Mediation." Ecology Law Quarterly, Vol. 11, No. 1; pp. 1-19.

Bacharach, Samuel B. and Lawler, Edward J. 1980. Power and Politics in Organizations. San Francisco: Jossey-Bass Publishers.

Bellman, Howard, Galanter, Marc and Levin, Leo 1983. "Do you believe that mediation, arbitration, and similar methods of dispute resolution promise to reduce litigation and other uses of the courts to settle disputes?" Dispute Resolution Forum (December); pp. 3-8.

Bennis, Warren G., Benne, K., Chin, R. and Corey, K. 1976. The Planning of Change. 3rd Ed. New York: Holt, Rinehart and Winston.

Beres, Mary Elizabeth and Schmidt, Stuart M. 1982. "The Conflict Carousel: A Contingency Approach to Conflict Management." In Conflict Management and Industrial Relations. Gerard B. J. Bomers and Richard P. Peterson (Eds.), pp. 37-59. Boston/The Hague: Kluwer Nijhoff Publishing.

Bidol, Patricia 1984. "Executive Council Update." Paper prepared for the South Florida Water Management District in conjunction with the Environmental Conflict Project, School of Natural Resources, University of Michigan.

Bingham, Gail 1986. Resolving Environmental Disputes: A Decade of Experience. Washington, D.C.: The Conservation Foundation.

Brown, L. David 1983. Managing Conflict at Organizational Interfaces. Reading, Massachusetts: Addison-Wesley Publishing Company.

Buckle, Leonard G. and Thomas-Buckle, Suzann R. 1986. "Placing Environmental Mediation in Context: Lessons from 'Failed' Mediations." Environmental Impact Assessment Review. Vol. 6; pp. 55-70.

Cormick, Gerald W. 1980. "The 'Theory' and Practice of Environmental Mediation." The Environmental Professional. Vol. 22; pp. 24-33.

Cormick, Gerald W. and Patton, Leota 19 Cormick, Gerald W. and Patton, Leota 1980. "Environmental Mediation: Defining the Process Through Experience." In Environmental Mediation: The Search for Consensus. Laura Lake (Ed.), pp. 76-122. Boulder, Colorado: Westview Press.

Chesler, Mark A. and Chesney, Barbara K. 1986. "Self-help Groups: Empowerment Attitudes and Behaviors of Disabled or Chronically Ill Persons." Center for Research on Social Organization (Working Paper). Ann Arbor: University of Michigan.

Coser, Lewis 1956. "The Functions of Social Conflict." Glencoe: The Free Press.

Crowfoot, James E. 1985. "Are Citizens Co-opted by Alternative Environmental Dispute Approaches?" Environmental Conflict Project, School of Natural Resources, University of Michigan (Working Paper).

Crowfoot, James E. and Chesler, Mark A. 1982. "Conflict Control and Industrial Reform: Three Approaches." Conflict Management and Industrial Relations. Gerard B. J. Bomers and Richard B. Peterson (Eds.), pp. 212-237. Boston/The Hague: Kluwer/Nijhoff Publishing.

Crowfoot, James E. 1980. "Negotiations: An Effective Tool for Citizen Organizations?" In The NRAG Papers. Vol. 3, No. 4; pp. 24-44.

Edelman, Peter B. 1984. "Institutionalizing Dispute Resolution Alternatives." Justice System Journal, Vol. 9, No. 2; pp. 134-149.

Edwards, Harry T. 1986. "Alternative Dispute Resolution: Panacea or Anathema?" Harvard Law Review, Vol. 99, No. 3; pp. 668-684.

Fisher, Roger and Ury, William 1981. Getting to Yes. Boston: Houghton Mifflin Company.

Galbraith, Jay 1979. "Organization Design: An Information Processing View." In Matrix Organization and Project Management. Raymond E. Hill and Bernard J. White (Ed.), pp. 381-408. Ann Arbor: University of Michigan.

Gross, Neal, Giacquinta, Joseph B. and Bernstein, Marilyn 1975. "Failure to Implement a Major Organizational Innovation." In Managing Change in Educational Organizations. J. Victor Baldridge and Terrence E. Deal (Eds.), pp. 409-426. Berkeley, California: McCutchan Publishing Corporation.

Jackson, Bailey W. 1986. "Multicultural Development in Organizations" (presentation outline). New Perspectives, Inc.

Katz, Daniel 1964. "Approaches to Managing Conflict." In Power and Conflict in Organizations. Robert L. Kahn and Elise Boulding (Eds.), pp. 105-114. New York: Basic Books, Inc., Publishers.

Katz, Daniel and Kahn, Robert L. 1978. The Social Psychology of Organizations. 2nd. Ed. New York: Wiley.

Katz, Elihu 1961. "The Social Itinerary of Technical Change: Two Studies on the Diffusion of Innovation." Human Organizaiton. Vol. 20; pp. 70-82.

Kriesberg, Louis, 1982. Social Conflicts. Englewood Cliffs, New Jersey: Prentice Hall.

Laue, James and Cormick, Gerald 1974. "The Ethics of Intervention in Community Disputes." In The Ethics of Social Intervention. Gordon Bermant, Herbert Kelman and Donald Warwick (Eds.), pp. 205-232. Washington, D.C.: Hemisphere Publishing Company.

Lawrence, Paul R. and Lorsch, Jay W. 1967. Organization and Environment. Boston: Harvard University.

Lee, Kai N. 1982. "Neutral Interveners in Environmental Disputes: An Analytic Framework." Institute for Environmental Studies and Department of Political Science, University of Washington, Seattle.

Marks, Jonathan B., Johnson, Earl Jr., and Szanton, Peter L. 1984. Dispute Resolution in America: Processes in Evolution. Washington, D.C.: National Institute for Dispute Resolution.

McCarthy, Jane with Shorett, Alice 1984. Negotiating Settlements. New York: The American Arbitration Association.

Meeks, Gordon, Jr. 1985. Managing Environmental and Public Policy Conflicts (Ed. by Sharon Bjorkman). National Conference of State Legislatures.

Moore, Christopher W. 1986. The Mediation Process: Practical Strategies for Resolving Conflict. San Francisco: Jossey-Bass Publishing.

Nadler, D. 1982. "Concepts for the Management of Organizational Change." In Managing Organizations. Nadler, Tushman and Hatvany, pp. 440-450. Boston: Little, Brown and Company.

Packard, John S. 1975. "Changing to a Multiunit School." In Managing Change in Educational Organizations. J. Victor Baldridge and Terrence E. Deal (Eds.), pp. 393-408. Berkeley, California: McCutchan Publishing Corporation.

Rieff, Robert 1974. "The Control of Knowledge: The Power of the Helping Professions." Journal of Applied Behavioral Science. Vol. 10, No. 3; pp. 451-461.

Rogers, Everett M. 1962. Diffusion of Innovations. New York: The Free Press.

Sashkin, Marshall, Morris, William C. and Horst, Leslie 1973. "A Comparison of Social and Organizational Change Models." Psychological Review. 80:6, pp. 510-526.

Sullivan, Timothy J. 1984. Resolving Development Disputes Through Negotiations. New York: Plenum Press.

Susskind, Lawrence and Ozawa, Connie 1983. "Mediated Negotiation in the Public Sector: Mediator Accountability and the Public Interest Problem." American Behavioral Scientist. Vol. 2, No. 2; pp. 255-279.

Tableman, M. 1985. "The San Juan National Forest Mediation." Environmental Conflict Project, School of Natural Resources, University of Michigan (unpublished case study).

Talbot Allan R. 1983. Settling Things. Washington D.C.: The Conservation Foundation.

Thomas, Kenneth 1976. "Conflict and Conflict Management." In Handbook of Industrial and Organizational Psychology. Marvin D. Dunnett (Ed.), pp. 889-935. Chicago: Rand McNally.

Wondolleck, J.M. et. al. 1986. "An Evaluation of the U.S. Forest Service Natural Resource Conflict Management Training Program." School of Natural Resources, University of Michigan.