In this article, we offer two ideas: that one book can challenge all ombudsmen to consider their work through a new lens, and that ombuds can learn together in a way that may provide a model for shared learning. This article will first offer a review of an influential new text for our field. Second, we will outline the learning model that we developed to guide our work and that could serve as a template for other practitioners interested in engaging in similar dialogues.

**ABSTRACT**

Three ombuds from different academic institutions organized a book group to read *The Conflict Paradox* by Bernard Mayer. This article reviews the book and describes the ombuds authors’ shared learning process, which included an interview with Mayer. The book is highly relevant to the work of organizational ombudsmen and describes seven key paradoxes, including neutrality and advocacy. It provides valuable examples and strategies for conflict interveners. *The Conflict Paradox* can also serve as a tool for reflecting on one’s approach to ombudsmanry. The description of the authors’ shared learning model offers recommendations and key insights for others who may be interested in this approach to engaging with conflict literature.

**KEYWORDS**
Paradox, book review, polarities, framing, ombudsman, reflective practice, conflict theory, professional development

**INTRODUCTION**

We the authors have pursued professional development in a number of ways, including through trainings and conferences offered by professional associations and organizations and self-organized communities of practice, such as peer case consultation. When one of us was interested in Bernard Mayer’s new book, *The Conflict Paradox: Seven Dilemmas at the Core of Disputes* (2015), we quickly formed a small group to read the book together. All of us have been in practice long enough to have experienced a variety of cases and share a common curiosity about ways to enhance our effectiveness.

Bernard Mayer is an internationally recognized leader in the field of conflict resolution. A founding partner of CDR Associates in Boulder, Colorado, Mayer is currently Professor of Dispute Resolution at The Werner Institute at Creighton University. He has intervened in a wide variety of complex disputes in different countries, and has been at the forefront of the field of conflict resolution for more than 30 years.
Mayer’s previous books include Beyond Neutrality (2004), Staying with Conflict (2009), and The Dynamics of Conflict (2012). They reflected the author’s thoughts and feelings about his work in dispute resolution and offered ideas that informed our views and our practices. Without knowing exactly what The Conflict Paradox would offer, we were interested in Mayer’s most recent observations and reflections. We were also interested in how Mayer’s book could affect our work.

The Conflict Paradox is the ideal text for a new or experienced ombudsman who is looking to enrich and further develop his or her practice. A paradox is two seemingly contradictory truths, both of which are indeed true. The first commonly used handbook on negotiation techniques was Getting To Yes, originally published more than 30 years ago by Harvard Negotiation Project faculty members Roger Fisher and William Ury (1981). It assisted those working with disputing parties, such as mediators and ombudsmen, but its basic approach and well-worn metaphors describing approaches to problem solving — ‘win/win’, ‘positions and interests’ — focused on the transactional level of dispute resolution and was thus limited in scope.

Mayer’s book builds on the early work of Fisher and Ury to fully develop a bridge to a deeper understanding of the nature of conflict. He constructs a framework of paradoxes that are central to the work of conflict interveners. Mayer borrows from philosophy and science; as physicist Niels Bohr said, “A great truth is a truth whose opposite is also a great truth” (Schroeder, 1991, p. 319). Herein lies the power of the paradox framework. It is a lens to examine a situation from multiple points of view through a process of dialectical inquiry, which aims to discover truth through examining and interrogating competing ideas, perspectives or arguments. In a conflict setting, the end result of this analysis may be a richer understanding of the issues and better resolution for the parties.

THE REVIEW
Mayer’s book invites the reader to transcend the binary frames by which conflicts are commonly understood as a means to gain deeper understanding and open potential paths forward. His target audience includes mediators, ombuds, coaches, and conflict participants. As he states in the preface to The Conflict Paradox, much of the conflict literature is geared toward the practicalities of improving communication, reappraising positions, and seeking cooperation. Mayer’s greater concern, however, is how to navigate those practicalities in “the chaotic world of human society, fraught with intense emotions, complex interactional systems, long histories, and troubling power dynamics” (p. x).

Mayer’s roadmap is to deconstruct the seemingly contradictory choices or polarities by which conflict is framed for disputants themselves and the interveners who assist the parties in resolving their conflict. The book’s subtitle, Seven Dilemmas at the Core of Disputes, reflects the polarities explored in the core of the book: competition and cooperation; optimism and realism; avoidance and engagement; principle and compromise; neutrality and advocacy; emotion and logic; and autonomy and community. The text squarely rejects the notion that the polarities in these paradoxes are opposites and instead encourages readers to become comfortable with them as “codependent realities” (p. xi). Concluding the book is a particularly well-crafted final chapter that will lead the reader to explore the endless paradoxes native to their personal and professional lives beyond conflict.

The interconnectedness of these seemingly mutually exclusive polarities drives Mayer’s thesis and challenges the body of literature on conflict analysis and intervention. Drawing on philosophy, biology, conflict research, psychology and the author’s own experience as a mediator, Mayer proposes
that neither polarity is actually viable without its corresponding opposite. The second chapter on the paradox of “competition and cooperation” is a notable example of Mayer’s approach. After analyzing the Thomas-Kilmann Conflict Styles Inventory and the Lax and Sebenius “negotiator’s dilemma” to explain the distinctions between cooperating and competing, he launches into a discussion of the evolution of the competitive-cooperative paradox using game theory via Robert Axelrod’s The Evolution of Cooperation. Here, Mayer shows us how Axelrod’s experimentation with the prisoner’s dilemma revealed that an optimally successful game strategy was a competitive approach characterized as being “nice, provocative, forgiving, and transparent” (Mayer, 2015, p. 36). Mayer illuminates the winning strategy not as an either/or strategic choice, but rather an example of cooperation as a method of competition and the simultaneous use of a competitive strategy as a means of cooperation. In the chapter exploring the paradox of “Community and Autonomy,” Mayer draws on theories from family therapy, sociology, and biology (even referencing a work on the social life of spiders!) to demonstrate the interconnectedness of the individual self and the community. Mayer’s own personal journey living in collective communities is especially informative in this chapter.

For Mayer, a posture of cooperation cannot be understood without recognizing simultaneously the element of competition: optimism cannot exist without realism; logic and emotion are never truly devoid of the other; compromise without principles is as illusory as principles without compromise. This premise challenges the reader to seek and embrace in each conflict a reality that encompasses the continuum of human responses. Through this lens of paradoxes, Mayer finds enriched understanding of the sources of and responses to conflict. For conflict interveners especially, this enriched understanding creates possibilities for reframing, metaphor, exploration, and solutions.

Woven throughout the text are case examples of how the conflict paradox is accessible to the parties engaged in conflict and the conflict interveners. To demonstrate furthering one’s principles through compromise, Mayer relates a narrative involving an emergency room patient who suffered a misdiagnosis resulting in negative consequences for her health and finances. Attempts to seek a resolution through meetings with the hospital staff were unproductive. The discussions alternatively focused on a compromised financial solution and the patient’s values of acknowledging responsibility, as well as the harm she experienced and preventing the problem from happening to another patient. These discussions failed to reach a mutually acceptable resolution. However, in a subsequent mediated discussion between the patient, her own physician, and the emergency hospital administration, the patient found a way to express her underlying principles, while also working toward an acceptable financial settlement.

While a conventional interpretation of this episode might center on the distinction between competing positions and interests, à la Fisher and Ury, or prioritizing one’s principles in order to choose where to compromise, Mayer’s (2015) appraisal of the elements of the negotiation are more nuanced. The resource-centered focus of the hospital administrators and the values important to the patient, representing the paradox of compromise and principles, each informed, at times exacerbated, and ultimately facilitated a solution (p. 153-155). Compromise was the path by which the patient was able to further her principles, while the administrators arrived at a financial solution through engagement in a discussion of values (their own as well as those held by the patient). Rather than polarities, compromise and principles “were distinct but inseparable” (p. 155). In addition to such case examples interspersed among the discussions of science and conflict theory, Mayer includes practical “Reflections from Practice” sections that draw on the author’s extensive experiences as a mediator (and sometimes conflict participant) in exploring the relevant paradoxes.
If ombuds and mediators have become comfortable, even reliant, on the polarities in which people approach disputes, *The Conflict Paradox* presents a nuanced and persuasively argued alternate reality. When the polarities Mayer explores are perceived as mutually exclusive choices they trap disputants and interveners into choosing divergent realities; viewing them as paradoxes challenges disputants and all parties to engage in a more intellectually and emotionally sophisticated level of understanding that invites a “higher truth … that embraces the unity of both elements” (p. 3). There is elegance to both Mayer’s writing and his argument.

Focusing on a desired outcome and providing opportunities for genuine growth can help the parties “transform from a destructive to a creative endeavor” (p. 275). Mayer states that diversity, complexity, clarity, and simplicity are necessary to find the underlying unity beyond seeming opposites. When using a paradox lens, simplistic clarity is abandoned in favor of a deeper dive into an examination of the nature of the conflict. Integration of polarities provides the opportunity to examine the issues across a broader landscape of possibilities. Mayer, who uses the terms *neutrality* and *impartiality* interchangeably, argues that conflict interveners are well served when they adopt a strategy that integrates neutrality with advocacy: “Our work as interveners requires that we learn to function as both advocates and neutrals to fulfill our commitment to our clients and to promote a constructive approach to conflict.” (p. 202) Mayer identifies three key skills of the advocate: communication, strategic thinking, and emotional management. His advice to conflict interveners is to focus on effective coaching and problem-solving; be empathetic and caring; do not take on the parties’ pain, anger, or fear; avoid rescue strategies; and know how to intervene in complex systems. Mayer acknowledges what many ombuds have long suspected: that it’s just not possible to be neutral all the time, and that’s okay.

The paradox framework is an approach to help ombuds make sense of a conflict for themselves and for and with parties. It is usual for people in conflict and who are so close to their problems to lose sight of their situation or to be constrained in a narrow and ineffective view. They’re stuck. The ombudsman, using the paradox framework, can help parties acknowledge the real and contrasting truths of their situation, freeing them to consider alternatives and approaches that can lead to effective resolutions. And the framework scales up to the organizational level as ombuds identify systemic issues and work to change dysfunctional and complex systems problems.

Engaging in conflict intervention through the paradox lens seems to require the particular skills of suspension of judgment and tolerance of ambiguity. There may be challenges in using this model in situations where the intervener, or the parties, may lack the skills needed to manage the complexities that arise. Even as seasoned practitioners, we found this book to be very provocative and challenging, particularly the chapter on neutrality and advocacy. Therefore, we appreciate Mayer’s invitation to all conflict interveners to venture out beyond the comfortable and well-defined world of absolutes into the rich and messy uncertainty of paradox.

**THE LEARNING MODEL**

We could have each read this book on our own, but we felt that reading it together with people who do similar work would provide us with an opportunity to deepen our experience with this book, its ideas, and its application to our work. It also would allow us to share a meaningful connection with one another.
Our plan: read and discuss two chapters of the book at a time and keep a log about our impressions. We arranged monthly conference calls to discuss our reflections, after which we circulated running notes to digest our conversations. In addition to our group calls, we arranged a conference call with Mayer and Howard Gadlin, then ombudsman at the National Institutes of Health, who knows Mayer and has long considered the work of the organizational ombudsman in different contexts.

To prepare for the call with the author, we each wrote questions in hopes of further illuminating what the book could offer to ombudsmen in particular. Mayer explained that his intention in writing the book was not to create a theoretical formulation, but to use the concept of paradox to further our understanding of the world and our work, and to apply the approach to conflict. He also wonders what is it that we actually do that makes a difference, and why some of things that we say are good things to do are actually good to do. He asks, “Why does that work? What works? Our field is so full of aphorisms, or little rules or beliefs … if we can understand them at a different level.” Mayer said he wrote the book to “stir thinking.” (Telephone interview, October 19, 2015)

After the call, our discussion had a new focus—reviewing Mayer’s book in written form, as well as sharing our learning experience with others in the field. Several elements made this exercise successful and could be replicated by others with an interest in following our example:

- Experience and focus. We each brought significant experience as ombuds and in reflecting on ombuds work. Enhancing our discussion was our ability to connect the topics in the book to actual casework, without getting lost in the details of the case stories.
- Complementary differences. We each had different and sometimes overlapping perspectives on an array of topics, such as the ombuds as intervener and addressing systemic change, which made for a richer dialogue than had we agreed on most points.
- Pacing of the reading schedule. We set a pace that we felt was fast enough to keep everyone reading and slow enough to allow time to think and reflect. We read the book over a period of three months and had four conference calls.
- Shared workload. Each of us volunteered to lead some aspect of the project: initiating the group and setting its pace; recording and distributing notes; leading the preparation for the meeting with the author; and leading the writing project. By sharing the workload we were able to accomplish a great deal in a relatively short amount of time.
- Achievable and energizing goals. Reading the book together was, from the start, an exciting goal. Engaging in a meaningful dialogue with the author set up new tasks, namely, focusing our thoughts and questions. Writing a book review challenged us to put our thoughts into words for others outside of the group. However, with good process and delegation of responsibilities, we were able to realize these goals.
- Regular check-ins. At the beginning of each call, we confirmed the purpose and goal of the call. Near the end of every call, we reflected on the experience thus far and confirmed the chapters to be read for the next call.
- Minimal and inexpensive resources: A book, a phone, email, and the readers’ time.

The authors agreed that the learning model worked very well for this book. This model gave us an opportunity to engage in detailed and informative discussions about important topics in the field of
dispute resolution. Throughout our discussions it was useful to explore various perspectives on how the framework would work for ombuds, identify potential pitfalls, and discuss ideas on how to incorporate the strategies Mayer presents. Taking on the challenge of the paradox framework was almost like learning a new language. We helped each other test this new way of thinking and the means to express those new ideas. As the ombudsman profession continues to grow and evolve, it is essential that practitioners seek to understand and work with emerging knowledge learned through experience. Learning from new texts that feature emerging knowledge is a benefit to practicing ombuds and the ombudsman profession.
REFERENCES


