

# Conquering Conflict

## Understanding the Six Methods of Conflict Resolution

A dentist's response to an ethical challenge may provoke a wide range of reactions from his or her peers. Some dentists may choose to avoid an argument by holding back their criticism, or they may wait to discuss the situation with like-minded colleagues. Others may prefer to jump into a verbal "fight" with the opposing dentist or to seek counsel from a peer-review or an ethics committee. Many dentists are unlikely to consider a mutually respectful discussion of their differing ethical judgments and very few set aside time for shared ethical deliberation.

Ethical dilemmas can be viewed as simply adversarial conflicts, but they are also opportunities to communicate, learn, grow, and gain understanding that could benefit the entire dental community. Carefully discussing conflicts may enable the participants to arrive at an ethical decision. By contrast, framing an ethical difference only in terms of "unethical dentists" prevents collegial ethical decisions and distorts the core premise on which a profession's ethics is grounded—that we who have made a commitment to this profession *are in this together*.

We want to restate, then, the proposal offered in our last article (*AGD Impact*, October 2009, pages 16-18): Every dentist must make a deliberate effort to talk about ethics with his or her colleagues, especially the ethical issues that dentistry cannot avoid due to the social setting in which this profession practices. Without this conversation, each dentist remains ethically isolated, talking only to like-minded dentists, and increasing the risk of irreparably fragmenting the unity of this admirable profession. These conversations require us to understand conflict resolution and identify the styles of conflict resolution that will most likely help dentists, as a group of committed professionals, to come closer to ideal ethical decision-making. Therefore,

in this article, we examine six different ways to address conflicts, dilemmas, and other kinds of disputes—war, adjudication, arbitration, ethics mediation, dialogue, and community discernment.

### Declaring war

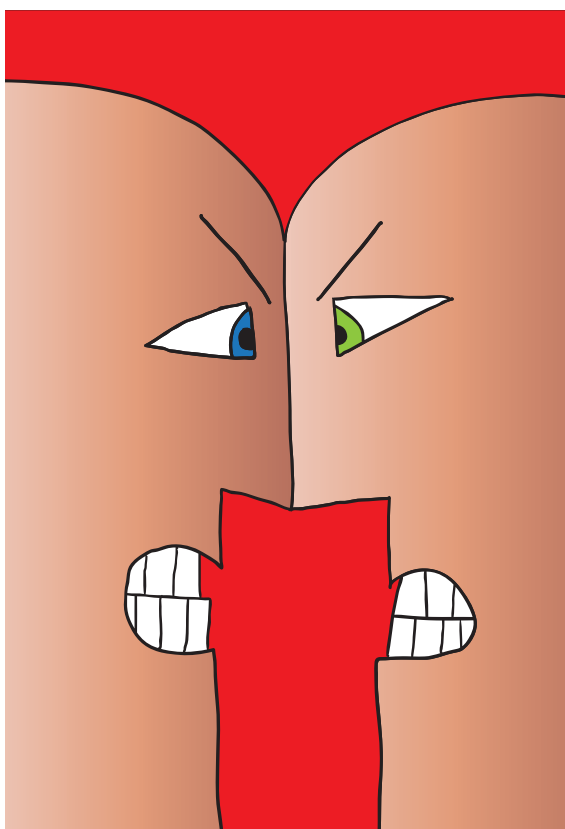
For most methods of conflict resolution, the parties include *conversation* about their conflict. *War*, in this context, is simply a struggle between two parties in which collaboration is minimized or nonexistent and both parties act in ways that preserve conflict. Each attributes the source of the conflict to the other party's error(s) and supports continuing the conflict until the other party changes unilaterally. The conflict has no third party attempting to preserve fairness (e.g., umpires or referees at a sporting event), nor are there any other efforts at mutual management of the conflict.

It may seem harsh to compare "refusing to talk about it" to war; however, describing this as "keeping the peace" between members of the profession fails to describe the violence that deliberate maintenance of conflict does to the unity of the profession and the profession's ability to respond wisely to ethical challenges.

### Function of adjudication

Adjudication is a relationship of three parties: two parties who have a disagreement and a third party, specifically a legal court or judge, that will settle the case. The judging agent and/or process employs the laws or other relevant social standards of the particular society to declare one of the two parties to be a winner and the other a loser.

Unlike war, the relationship between the parties in adjudication is no longer direct. The parties now relate to each other through the third party, and relevant decisions are based on the weight and balance of particular laws. Furthermore, after the judge has determined the "winner," neither party has any necessary reason to change his or her original view of the conflict or of what is ethically correct. Thus, in adjudication, each party may continue to think he or she is "right" or knows the "truth." Adjudication focuses on past conflicts rather than on the future, which is not the judge's concern. So while the judge's decision ends the particular disagreement, conflict between the parties can persist. In fact, if either party is sufficiently dissatisfied with the judge's decision, he or she can challenge it at a higher level of the adjudication system, try to get



the laws employed by the judge changed by the legislature, or simply fall back to war.

One merit of adjudication compared to war is that it aims to preserve fairness—although it sometimes fails in practice—through the presence of objective standards like the law and legal procedures such as rules of evidence. Despite preserving this important value of fairness, adjudication does not necessarily resolve the two parties' conflict in ways that touch their personal relationship with each other.

### Arbitration actions

Arbitration resembles adjudication in that a third party settles the case and the relationship between the parties in arbitration is not direct. But arbitration differs in that the assessing or deciding third party is not determined independently of the two parties, as a legal court or judge would be. Instead, the arbitrator who makes the decision is someone (or some process) whom the two parties choose voluntarily. In practice, the arbitrator can be a private corporation, a licensed individual, a volunteer, or anyone the two parties decide is best suited to render a decision. Professional peer-review systems are often classified and/or run as arbitration processes.

“Dentistry and dentists must work not just to establish open, respectful lines of communication with each other but with those groups whose actions and policies most affect the profession in our society.”

The arbitrator is not required to base decisions on law or similar community standards. The process may be formal or informal and can use law, ethics, statistics, or any other form of reasoning (or even arbitrary nonreasoning) to make the decision. The only requirement is that the parties voluntarily agree to abide by the arbitrator's decision. Like adjudication, arbitration focuses on the past (i.e., on the conflict) and is concerned with the future only to the extent that the process aims to end active hostilities. But, as with adjudication, the relationship between the parties is not addressed by the two parties themselves and one or both parties can leave the process believing that the real ethical issues were never addressed.

Compared to adjudication, the participation of the two parties in arbitration is more voluntary since both parties select the arbitrator themselves. However, the systems that ordinarily preserve fair competition in adjudication are not necessarily present in arbitration because the parties may choose the arbitrator based on considerations other than fairness; in addition, arbitration may focus more on various kinds of self-assessment by the two parties if the arbitrator happens to find such information useful. Even so, nothing in this method of conflict resolution requires the parties to engage in mutual conversation about anything once they have chosen the arbitrator.

### Mediation collaboration

In its simplest form, the process of mediation brings people in conflict together for a civil conversation and supplies some plain common sense. In practice, mediation has only a few formal requirements, and these are based more on definitions and social convention than on formal obligations or firm social standards.

Unlike an adjudicator or arbitrator, the mediator does not make a settlement decision or even assess the elements of the conflict; rather, the mediator's role is to assist the two parties in developing and designing their own decisions and settlements. This process depends more on the conflicting parties' self-assessments than on outside authoritative relationships. As in war, the relationship between the two parties in mediation is direct; unlike war, a third party works to get the parties beyond the conflict. One of the mediator's main tasks is to help the parties focus on their future relationship instead of focusing solely on the past conflict.

Mediation does not concern itself with the past or with what should have happened. Instead, mediation accepts what has happened as a reality and seeks to look to the future.

Mediation is about changing the two parties' relationship from what it has *been* to what it can *be* in the future. For this reason, mediation does not require skill in judging what was right or wrong in the past, nor does the mediator seek to offer his or her own judgment about what the parties' futures ought to be. Instead, the mediator seeks voluntary settlement by the two parties themselves, which will then help determine their future relationship.

Its forms vary from bordering on legal arbitration, through community restorative-justice events, to the authentic and open conversation of a mutually respectful family gathering about an important matter.

Despite mediation's many strengths, statistical evidence and common sense demonstrate that it is not always an appropriate method for addressing conflict. In situations where one or both parties do not desire to focus on settlement and their future relationship, mediation is inappropriate. Instead, the mediator should recommend arbitration or adjudication, which are designed for such situations, and then withdraw.

### Ethics dialogue

Ethics dialogue can be used like the previous forms of conflict resolution to settle conflicts about ethics between parties, but that is not its primary aim. In fact, resolving conflicts is only a secondary aim of ethics dialogue. The primary aim of ethics dialogue is to carefully address questions about the appropriate actions or policies concerning a specific matter within a particular community. Sometimes, when careful, respectful dialogue about an ethics question proceeds well, it can resolve conflicts that the dialoguing parties may have had.

For our purposes, it seems best to describe ethics dialogue at this point because its similarities with mediation are informative. As in mediation, ethics dialogue involves the

parties willingly talking to each other and the outcome of their conversation is the goal.

Ethics dialogue might involve an ethics facilitator (such as an ethics consultant or ethics adviser), but as in mediation, the role of the third party would be to facilitate a conversation between the participants. As with a mediator, the ethics facilitator does not decide the matter like a judge or arbitrator; rather, the two parties decide it themselves.

Unlike mediation, however, the primary goal of ethics dialogue is not settling a conflict; it is something more general, something unavoidably related to the larger community—namely, determining what is ethically correct. Thus, while it is necessary that each party bring his or her own ethical framework to the relationship, their dialogue is focused on determining what is ethically right or correct for the public. Claiming something to be ethically right or correct is always about what is right (or wrong) *generally*, from a broader point of view than that expressed by either of the parties individually or together.

As in mediation, self-assessment is essential to ethics dialogue. However, self-assessment in this case is not attended to by each party alone; rather, it is something communicated honestly to the others as part of their mutual search for what is right. Ethics dialogue differs from mediation in that it is focused neither on the future nor on the past, nor on settlement, but on understanding what is right. This is why any rights language employed in ethics dialogue will primarily focus on natural or human rights because the goal is not to resolve the conflicting claims of the two individuals, but to determine what is right in a way that concerns the basic nature of human relationships and can be explained to humans generally.

Of course, there are many situations in which there is clearly no need for an ethics facilitator because the parties can engage in ethics dialogue without assistance. In short, ethics dialogue is what happens whenever mutually respectful people discuss ethics in daily life. The need for a more formal setting for ethics dialogue may arise, however, whenever ethical decisions become more complex, as they often are in dentistry today. The ethical conflicts between dentists today are rarely only about a particular person or the power relations between two particular people. Rather, they are almost always about the relationship of this professional community to the larger society; for this reason, we propose again that the dental profession establish more opportunities for careful ethics dialogue among its members. Ethics dialogue has the potential to draw dentists together as a group and help them address these issues together by identifying more clearly the good ends they serve and constructing means to achieve these ends effectively in difficult social circumstances. We submit that a commitment to mutual ethical dialogue is a far better path for the members of the dental profession than resorting to outside settlement agents or remaining at war.

### Community discernment

Community discernment is the *ideal* form of conflict resolution, the one with which each of the other forms can be usefully compared. All of us are involved when ethical

issues are carefully discussed in community discernment, and therefore, as an *ideal*, all ethical issues ought to be discussed by all of us together. Again, self assessment—both personal and shared—is essential.

This notion of a collective dialogue involving all dentists is not practical, but if it were our *ideal* (both individually and as a profession), we would never remain satisfied with the idea of nurturing our conflicts by keeping them to ourselves or talking about them only with like-minded colleagues. Instead, we would look past the hurt feelings that often accompany such conflicts and ask how our relationships with all of our fellow dentists can focus more effectively on discussing the ethical issues that trouble us, as they affect all of us.

Clearly, community discernment is an *ideal* that we will at best only approximate. Besides being able to converse with only a small number of partners at once, none of us is able to ask all of the questions that need to be asked at the same time, nor are any of us able to examine every relationship of every participant as these mutually and simultaneously affect one another. Of course, as in physical, behavioral, and social research, our very inquiry will be a change agent in the relationships we're trying to understand and ethically assess. Community discernment also requires an unusual degree of mutual trust, especially when the contributions of religious and other cultural traditions that are closely connected to ethical discernment, as we will often share our self-assessments with persons who have different backgrounds and views.

In addition, if dentistry wishes its ethical dialogue about its complex social situation to be effective, dentists must also look outward to be effective. Dentists, individually and as a profession, must surely work to establish open, respectful lines of communication with one another but also with those groups whose actions and policies most affect our profession in this society. Our goal must be to establish actual opportunities for ethical dialogue aimed not just at the resolution of particular conflicts among particular parties but at what is truly right and best for everyone in our society. ♦



Donald Patthoff, DDS, MAGD, is a general dentist who has practiced in Martinsburg, W.Va., since 1974. He has been a member of the American Society for Dental Ethics (ASDE), formerly known as Professional Ethics in Dentistry Network (PEDNET), since 1988, and has served as its president. He served as chair of the Ethics Committee of the Academy of Laser Dentistry from 1996 to 2003 and since 2006, and has been a member of the American College of Dentists ethics committee since 2001.



David Ozar, PhD, is professor and co-director of graduate studies in health care ethics in the Philosophy Department of Loyola University Chicago. He is an Honorary Fellow of the American College of Dentists and was the founder and first president of the American Society for Dental Ethics in 1987. He served as president again in 1998, as its unofficial executive director from 1989 until 1993, and formally as its executive director from 1999 until 2005.