

A CONFLICT RESOLUTION APPROACH TO MANAGING ETHICAL DILEMMAS:

FROM CRISIS TO CONSENSUS



Allan Barsky
JD, MSW, PhD
barsky@barsky.org

TRADITIONAL SW ETHICS TEXTS & COURSES

- Focus on decision-making framework
- Step-by-step approach
- Task focused - tools to determine "best decision"
- Invites consideration of other's values and perspectives
- No CR Strategies



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CR APPROACH TO ETHICS

- Engage others in difficult conversations
- Focus on interpersonal processes and relationships
- Alleviate dilemmas via building consensus, or acknowledge and validate differences
- Collaborate to build win-win solutions



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4

FUNDAMENTALS OF CR

- Conflict itself neither good nor bad
- Positive responses to conflict
 - Embraces opportunity for change
 - Respect diversity
 - Motivates people
 - Enhances implementation & follow through, when people have input and/or consensus
- Various models of CR
 - interest-based, transformative, narrative, trust-based, therapeutic, settlement-focused...


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5

INTEREST-BASED CR

- Focus on interests, not positions
- Separate people from the problem
- Generate options for mutual gain
- Use objective criteria to evaluate options
- Consider alternatives/BATNAs
- Enhance communication
- Obtain commitment

(Fisher, Ury, & Patton – Getting to Yes)




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6

APPLYING IBN: IPV

- Cassie (17 years) tells counselor that her boyfriend, Brad, is physically abusive
- Cassie refuses to leave Brad or press charges – does not want counselor to talk with parents or police
- Counselor believes violence is escalating and Cassie's life may be in danger
- Conflicting ethical obligations



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APPLYING IBN: SPANKING

- Charles – Child Protection Worker – values child welfare, protection from abuse
- Mavis – mother of Dottie (4) – values parental authority, respect for elders

Conflict: Charles has determined that Mavis’s use of spanking with a belt is child abuse. Mavis believes this is appropriate discipline.

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APPLYING IBN: SEXTING

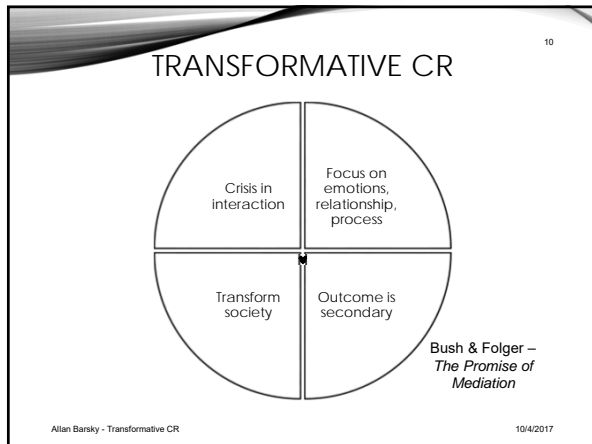
- Theo in private practice, contract with Corrections Department
- Contract requires Theo to provide periodic progress reports to Probation Officer
- Carlos, convicted of a sexual offence for “sexting” - mandated to treatment with Theo
- During 3rd session, Carlos discloses he has been “flashing” (to satisfy urge for excitement)
- No incidents have involved minors

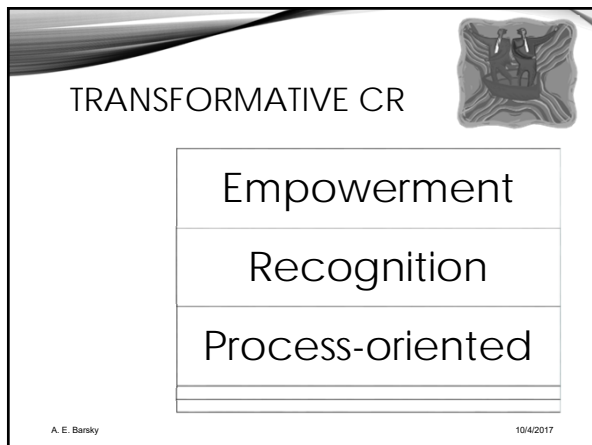
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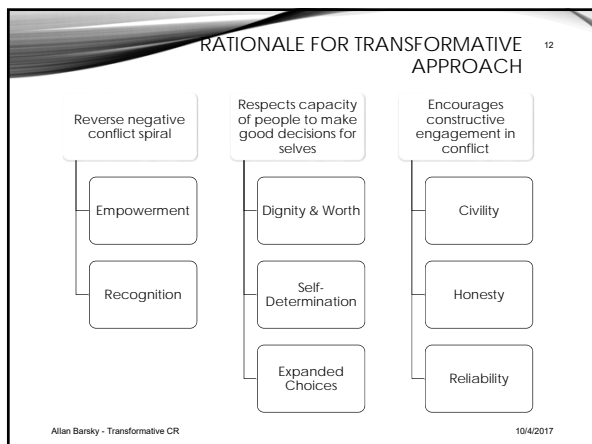
APPLYING IBN: ALL IN THE FAMILY?

- Brigitte takes son, Arturo (12), to see family therapist to help repair their relationship
- After 5 sessions, Juan (Arturo’s father) calls therapist, furious because Brigitte did not have legal custody of Arturo
- Juan threatens to sue
- Therapist invites Juan to discuss his concerns

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13

EMPOWERMENT STRATEGIES

Client-Centered

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14

RECOGNITION SHIFTS

- Reflecting on other's situation
- Letting go of own viewpoint – open to other's
- Showing understanding and concern
- Apologizing for having thought poorly
- Changing behaviors in light of new understanding

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15

RECOGNITION STRATEGIES


EMPATHY

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16

TRANSFORMATIVE CASE: EOL

- Ella (57 years) is on life supports, persistent vegetative state after car accident
- Husband Harold wants to remove life supports (humane, allow to die with dignity)
- Adult daughter Denise wants life supports to continue (Religious beliefs – preserve life!) – threatens lawsuit
- Counselor meets with Harold and Denise




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17

IBN IS MOST APPROPRIATE WHEN...

- Win-win solution is possible
- Room to negotiate around joint interests
- Agreement is important (e.g., to implement ethics decision)
- Ongoing relationship exists
- Parties have capacity to separate thoughts, feelings, values




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18

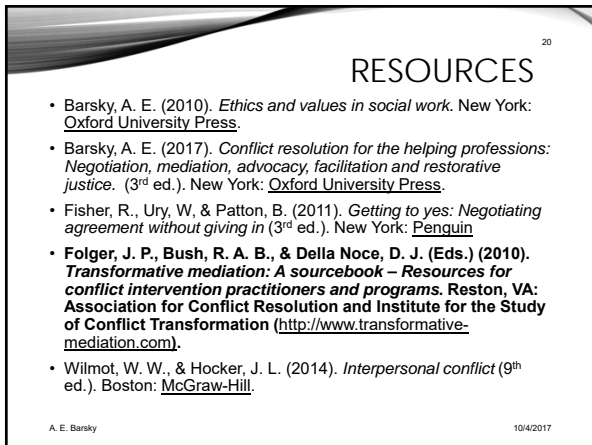
TRANSFORMATION MAY BE MOST APPROPRIATE WHEN...

- Process is more important than agreement
- Agreement may not be possible, but respect and empowerment are (esp. fundamental values)
- Trying to improve whole culture of an organization or community, and how it deals with values and ethical conflicts



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RESOURCES

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- Fisher, R., Ury, W., & Patton, B. (2011). *Getting to yes: Negotiating agreement without giving in* (3rd ed.). New York: Penguin
- **Folger, J. P., Bush, R. A. B., & Della Noce, D. J. (Eds.) (2010). *Transformative mediation: A sourcebook – Resources for conflict intervention practitioners and programs*. Reston, VA: Association for Conflict Resolution and Institute for the Study of Conflict Transformation (<http://www.transformative-mediation.com>).**
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