

A Conflict Resolution Approach to Teaching Ethical Decision Making: Bridging Conflicting Values

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Ethics courses typically provide students with strategic decision-making frameworks for analyzing ethical dilemmas. Although these frameworks help individuals make decisions, they are not specifically designed to help people bridge differences. This article presents a conflict resolution approach to teaching ethics, providing social workers and other helping professionals with strategies and skills for managing value conflicts and ethical dilemmas with clients.

When social work educators teach ethical decision making, they typically focus on providing students with a strategic framework for analyzing case situations and ethical dilemmas. Ethics texts for social work and related helping professions take students through the National Association of Social Workers Code of Ethics (1999), explaining the “do’s and don’ts” of how to practice in an ethical manner (Reamer, 2006; Strom-Gottfried, 2007). Most ethics texts also provide an ethical decision-making model, comprised of a series of steps that can be used to assist with critical thinking and decision making (Congress, 1999; Corey, Corey, & Callanan 2007; Dolgoff, Loewenberg, & Harrington, 2005; Linzer, 1999). Although these frameworks provide students and developing social workers with practical tools for analyzing ethical issues and determining the “best” solutions, they do not teach students how to engage professionals and clients in consensus-building discussions. The purpose of this article is to demonstrate how to teach students a conflict resolution approach to ethical decision making, providing them with the tools and skills required to help professionals and clients work through dif-

ferences related to conflicting values and ethics.

Many different methods and models of conflict resolution can be used to facilitate the management of ethical conflicts among social workers, clients, supervisors, co-workers, and others: power-based negotiations, narrative mediation, Native American healing circles, rights-based adjudication, and family group conferencing, to name a few (Barsky, 2007). This article demonstrates two approaches to conflict resolution—interest-based and transformative—that fit particularly well with ethical decision making in highly conflictual situations. The next two sections provide an overview for each of these models, demonstrating their implementation with case scenarios. The article concludes with further suggestions on the use of conflict resolution approaches to teach students and practitioners how to engage people when dealing with ethical conflicts.

INTEREST-BASED CONFLICT RESOLUTION

Interest-based conflict resolution is designed to help people develop win-win solutions, using creative and collaborative

strategies to satisfy their mutual needs and interests, rather than competing with one another (Fisher, Ury, & Patton, 1997; Mayer, 2004). Often, when ethical issues arise in practice, the choices seem difficult because the affected parties are at odds with one another. If the social worker can engage people using an interest-based approach, many ethical issues will dissolve because the parties have found ways to collaborate (Cohen, 2004). For instance, rather than having to choose between breaching a client's right to confidentiality and protecting the safety of a person, an interest-based approach might help the social worker and client develop a plan that satisfies both parties' interests.

The core strategies of an interest-based approach include the following:

1. Separate people from the problem.
2. Focus people on interests rather than positions.
3. Help them generate options for mutual gain.
4. Help them select solutions based on objective criteria.

Consider the following scenario:

Charles is a child protection worker who has been mandated to investigate Maureen, the mother of 4-year-old Dottie. An ethical conflict arises between them, because Charles determines that Maureen's use of spanking with a belt is child abuse, whereas Maureen believes this is appropriate discipline.

If Charles were to go through a traditional ethical decision-making process, he would learn that this situation involves conflicting values, particularly the safety of the child versus the autonomy of the parent and family. Although Charles would like to honor Maureen's right to self-determination, he has a primary legal and ethical duty to ensure Dottie's safety. Charles decides to use an interest-based approach to resolve this issue in a manner that satisfies his and Maureen's interests. The notion of *separating people from the problem* suggests that conflicts can be resolved respectfully and effectively if everyone focuses on the prob-

lem. Social workers can thus facilitate conflict resolution by encouraging people to identify the real issues that need to be decided, leaving aside personality issues, stereotypes, and extraneous feelings toward one another. Initially, Maureen labels Charles as an intruder. Rather than responding in a defensive manner, Charles validates Maureen's feelings and refocuses her on the key issues that require resolution: "When you call me an intruder, I understand that you see me as an outsider who has no business telling you what to do or how to raise your child. If we're going to have to work together, we don't need to like each other, but we do need to focus on the real problem. What do you think is the real issue that we need to resolve?" Maureen responds that she wants Charles to disappear from her life as soon as possible. Charles validates her concern, rather than taking it personally.

The notion of *focusing on interests rather than positions* requires people to explore why they are asking for particular solutions. Initially, Charles wants Maureen to stop using a strap on Dottie; Maureen wants to be able to use whatever means she wants to discipline Dottie. These are their positions—strap or no strap. If they were to argue these two positions back and forth, their options for solution would be limited—use a strap all the time, never use the strap, or use the strap some of the time or in a particular manner; that is, a compromise. But is the issue really about the strap? If Charles and Maureen discussed positions instead of debating positions, each would start by identifying the underlying reasons for their positions. This opens up the discussion of values, including *common* values. Charles explains that he does not support the use of straps because he values child safety. He believes that well-meaning parents may unintentionally hurt their children, physically and emotionally. Maureen says she values Dottie's safety, but suggests that using a strap is not abuse. Charles invites Maureen to describe her reasons for using a strap. She has trouble articulating

her values at first, but with encouragement from Charles, she says she values parental authority and respect from children. Charles says he respects these values and agrees with them. He invites her to see if they can find solutions that satisfy all the values they have identified.

The process of *generating options for mutual gain* involves brainstorming ideas that may be used to resolve the issues; in this situation, there is a values conflict. Charles suggests that they could try to think of creative ways to ensure that Dottie learns to respect Maureen while also ensuring that Dottie's physical and emotional well-being is maintained. Charles proposes brainstorming, where they simply list as many ideas as they can for how to handle this issue. As they generate ideas, Charles lists them, without comment or criticism. Their ideas include beating with a stick, using time-outs, withholding desserts or other privileges, sending Dottie to boarding school, and many other options, some serious and some silly or unrealistic. The silly options actually spawn further creativity.

Once Maureen and Charles believe they have generated an exhaustive list of options, they begin to *select solutions based on objective criteria*. Objective criteria are specific, reasonable standards that can be used to guide decision making. Maureen and Charles need to take their underlying interests—Dottie's well-being and respect for her mother—and objectify them. In terms of Dottie's well-being, for instance, they agree that any form of discipline should leave no marks and comply with state laws. Charles gives Maureen a brochure explaining state laws on child abuse in lay terms. Charles suggests additional criteria regarding psychological factors, but Maureen does not agree to these. Charles acknowledges that state law does not prohibit all forms of corporal punishment and that he respected her right to use legal forms of corporate punishment. Interestingly, once Charles acknowledges this right, Maureen stops focusing on corporal punishment as a vital and proper method of discipline. In terms of

Dottie's respect for her mother, Maureen and Charles initially have trouble identifying objective criteria. For homework, Maureen agrees to consult with her rabbi, and Charles agrees to search the social work literature for ways to promote and assess parental respect. At the next meeting, Maureen says that she learned respect may be taught not only by how one disciplines a child but also by teaching the child respect for herself, giving the child a religious education, and being a positive role model. Charles shares what he learned, but agrees to use Maureen's list of criteria as a way to determine which options provide the best solutions. Upon reviewing the options, Maureen notes that using a strap does not teach Dottie to respect herself. Maureen also notes that most of the options originally generated do little to promote respect. They engage in further brainstorming and identify additional ways of promoting respect: going to synagogue together, practicing mother-daughter rituals, giving Dottie positive feedback, and modeling respectful language and behavior. As they discuss these options, they realize that they are problem-solving together, rather than debating one another. The ethical issues dissipate as they develop a number of options that satisfy all the values previously identified.

TRANSFORMATIVE CONFLICT RESOLUTION

In the previous example, the social worker uses interest-based conflict resolution to help identify common ground. Transformative conflict resolution may be most desirable when conflicts seem intractable and there appears to be no common ground. Transformative conflict resolution views conflict as a crisis in interaction, in which each party becomes wrapped in self-interest, fails to see the other side, and feels victimized, hurt, or disempowered (Institute for the Study of Conflict Transformation, n.d.). When experiencing such a crisis in interaction, people often resort to dys-

functional patterns of communication: for instance, if you cannot trust the other person, don't talk to him or her, strike before you get struck, and hire a lawyer and become entrenched in defending your position. Transformative conflict resolution does not try to change people's values or beliefs or force people to compromise. Instead, it engages people in a process that facilitates recognition and empowerment (Bush & Folger, 2005). These strategies are demonstrated in the following scenario, based loosely on the real case of Terri Schiavo's family (FindLaw, n.d.):

Maury's wife, Tanya, has been in a persistent vegetative state for several years. Tanya did not have any health care directives, but Maury believes that she would not want to be kept on artificial life supports indefinitely. When he discloses his intention to have the life supports removed, Tanya's mother, Phyllis, declares that she will do anything to keep her daughter alive, whether it takes an act of Congress or appeals all the way to the Supreme Court of the United States.

Although Terri's case actually made it to the Supreme Court and Congress, assume that a hospice social worker invited Maury and Phyllis to a joint meeting at which they would try transformative mediation.

In transformative mediation, *recognition refers to facilitating mutual empathy and understanding* (Institute for the Study of Conflict Transformation, n.d.). The social worker invites each person to describe his or her thoughts, feelings, beliefs, and values. The social worker encourages the clients to validate one another's thoughts, feelings, beliefs, and values, by words and by actions. For instance, Phyllis describes how life is sacred and that only God should decide who should live and who should die. She believes that Tanya should remain on life supports as long as God wants her to be alive. The worker invites Maury to summarize Phyllis's beliefs and values. He has difficulty at first, worried that summarizing her beliefs would be taken as his acceptance of her beliefs. The worker explains the difference and helps Maury demonstrate that

he understands the convictions that underlie Phyllis's position. Phyllis begins to hear this as genuine caring and concern, even though they are still not in agreement. The worker then encourages Maury to share his thoughts, feelings, beliefs, and values. Maury explains how he also values life, but he views life in a different way. He believes that Tanya is brain-dead, as doctors have told him, and that Tanya would not want her death artificially prolonged if there were no hope of recovery. Maury and Phyllis argue over the chances of recovery, but with the worker's guidance, Phyllis is also able to demonstrate understanding of Maury's thoughts, feelings, beliefs, and values.

According to transformative mediation, *empowerment refers to facilitating client self-determination, choice, and autonomy* (Bush & Folger, 2005). The social worker creates a safe environment for people to talk and to take back control of decisions affecting their lives. If a social worker has to impose a decision on a client, for instance, the client typically feels disempowered and misunderstood. If instead a social worker uses a transformative approach to resolving an ethics or values conflict with a client, the client is more likely to feel validated, empowered, and respected. Transformative conflict resolution can help people embroiled in ethics and values disputes by providing a process for transcending the basic dispute and interacting in a more positive way, regardless of the decision-making outcome.

In Tanya's case, Maury and Phyllis could easily feel disempowered if lawyers, judges, Congress, and the media take over handling of the case. The social worker offers Maury and Phyllis a confidential place to talk face to face, so they can discuss how they want to manage the conflict. If the case were to go to court, the court would decide whether Maury has the right to decide to withdraw Tanya's life supports. By engaging Maury and Phyllis in mediation, the social worker empowers them to be creative, to make decisions beyond the basic question of who has the right to decide about life supports

(Csikai & Chaitin, 2006). As they discuss what might happen if the case goes to court, Phyllis admits that the court will likely decide that Maury has the right to decide about Tanya's life supports. When the worker asks Maury and Phyllis whether the right to decide about Tanya's life supports is the only issue, they begin to identify other concerns. Both agree that going to court is stressful and costly. Phyllis says she could never consent to putting Tanya to death, but if withdrawing life supports were inevitable, she would like to be involved in some of the decisions around how that would be effected. This allows Maury and Phyllis to discuss decisions such as the timing of withdrawing supports, creating a ritual for the family prior to withdrawing supports, and whether certain medications could be used to reduce pain that might be experienced by Tanya. Maury does not believe that Tanya will experience any pain, but he is willing to explore the use of medications out of respect for Phyllis's beliefs. Maury and Tanya agree to consult with the hospice's ethics committee and medical practitioners for information and support (Cohen, 2004). The social worker helps facilitate these consultations to ensure that the dialogue continues, thereby promoting empowerment and recognition.

Transformative mediation does not reconcile all of Maury and Phyllis's conflicting values and beliefs. Phyllis still says that she is an advocate for the absolute right to life, and Maury still says that he is an advocate for the right of individuals and families to decide the timing of their death. The nature of their conflict interaction is transformed, however, as they learn to use assertive strategies without becoming violent or aggressive. They agree to vigorously fight their causes, but in moral and respectful manners. For instance, they agree not to go public with their concerns about Tanya's case until six months after her death. This will give the family a chance to mourn, while also permitting Maury and Phyllis to advocate once a reasonable period of mourning

has been completed. Phyllis indicates that she intends to advocate for law reform, giving extended family members more say in protecting the lives of people who are incapacitated. Maury would have preferred if Phyllis had agreed not to discuss their family situation in public. Still, he takes some solace in the fact that the whole family will have time to grieve in private, without having to deal with media or political circus in the immediate future. Although such resolution might not be a fit for many families, Phyllis and Maury believed that it was in their best interests. They agreed not only to disagree but also on some of the ground rules for how to pursue their disagreement.

CONCLUSION

To promote ethical practice, social workers need the skills to assess ethical conflicts and determine the most ethical course of action. To engage clients, co-workers, and others in how to resolve ethical conflicts, social workers also need further knowledge and skills in conflict resolution. Accordingly, conflict resolution theory and practice should be brought into ethics textbooks and educational materials for students and developing social workers. Conflict resolution education may be implemented within BSW and MSW programs, as well as in agency-based training and continuing education.

Further research is needed to help identify which theories and strategies work best for different types of ethical conflicts and dilemmas (Barsky, in press). Given social workers' functions as negotiators, mediators, advocates, service brokers, and case managers, the field of social work should play a key role in the development of conflict resolution approaches to managing ethical conflicts.

REFERENCES

- Barsky, A. E. (2007). *Conflict resolution for the helping professions* (2nd ed.). Belmont, CA: Brooks/Cole-Cengage.

- Barsky, A. E. (in press). *Ethics and values across the curriculum: A developmental approach for social work professionals*. New York: Oxford University Press.
- Bush, R. A. B., & Folger, J. P. (2005). *The promise of mediation: The transformative approach to conflict* (2nd ed.). San Francisco: Jossey-Bass.
- Cohen, M. H. (2004). Negotiating integrative medicine: Framework for provider-patient conversations. *Negotiation Journal*, 20, 409–433.
- Congress, E. P. (1999). *Social work values and ethics*. Belmont, CA: Brooks/Cole-Cengage.
- Corey, G., Corey, M. S., & Callanan, P. (2007). *Issues and ethics in the helping professions* (7th ed.). Belmont, CA: Brooks/Cole-Cengage.
- Csikai, E. L., & Chaitin, E. (2006). *Ethics in end-of-life decisions in social work practice*. Chicago: Lyceum.
- Dolgoff, R., Loewenberg, F. M., & Harrington, D. (2005). *Ethical issues for social work practice* (5th ed.). Belmont, CA: Brooks/Cole-Wadsworth.
- FindLaw (n.d.). Terri Schiavo case: Legal issues involving healthcare directives, death, and dying. Retrieved April 16, 2007 from <http://news.findlaw.com/legalnews/lit/schiavo/#docs>
- Fisher, R., Ury, W., & Patton, B. (1997). *Getting to yes: Negotiating agreement without giving in* (3rd ed.). New York: Penguin.
- Institute for the Study of Conflict Transformation (n.d.). The transformative framework. Retrieved April 17, 2007 from <http://transformativemediation.org/transformative.htm>.
- Linzer, N. (1999). *Resolving ethical dilemmas in social work practice*. Boston: Allyn & Bacon.
- Mayer, B. (2004). Facilitative mediation. In J. Folberg, A. Milne, & P. Salem (Eds.), *Divorce and family mediation: Models, techniques, and applications* (pp. 29-52). New York: Guilford.
- National Association of Social Workers (NASW). (1999). *Code of ethics*. Retrieved April 16, 2007 from <http://www.socialworkers.org/pubs/code/code.asp>.
- Reamer, F. G. (2006). *Social work values and ethics* (3rd ed.). New York: Columbia University Press.
- Strom-Gottfried, K. (2007). *Straight talk about professional ethics*. Chicago: Lyceum.