

Positive attributes

Reaching resolution can be problematic when clients have an ingrained, negative view of the situation, but you can help change their thinking, says **Louise Palmer**

A client's approach to dealing with conflict is often deeply ingrained. From an early age, we find ourselves in conflict situations which we need to resolve, and we learn what works well and what not so well; what is acceptable and what is not so acceptable.

The learning process takes place through both trial and error, and through watching others' behaviour, from influential people in our lives like our parents, to actors on TV and film. The same sources influence our perceptions of conflict itself – such as whether a couple arguing is healthy or damaging.

For lawyers, this often means clients have a fixed mindset when dealing with conflict. Understanding your client's reasons for approaching conflict in the way they do means you can, if necessary, help them change their way of thinking.

THINKING BIAS

In conflict situations, the parties often de-humanise each other, seeing each other as an evil enemy. This is, of course, a difficult

starting point for any negotiation. If your client feels angry and that an injustice has occurred, or is about to occur, they will, more often than not, wish to 'punish' the other person. This translates to a need to win at all costs, to make sure the other person loses and gets their 'just deserts'.

about the situation, but they then sift through it for everything that supports their argument or their view of the other person, and reject, often without even realising it, anything that does not.

ATTRIBUTION THEORY

In a conflict situation, a person might also try to guess what the other person is thinking. When we are in relationships, we attribute explanations as to the other person's behaviour. It is as if we are trying to read their minds.

Attribution theory was developed by Fritz Heider in 1958, and posits the idea that, when we are in negative relationships, we 'attribute' explanations negatively, while when we are in positive relationships, we 'attribute' explanations positively. An example of a situation in a marriage which might be attributed with different explanations could be the husband not calling his wife during the day to arrange who is going to pick up the children from school as promised. In a negative relationship, the wife might think: "He has

deliberately not called me, so I have to pick up the children – he always leaves everything to me," or perhaps: "He never does anything I need him to; he couldn't even be bothered to phone me."

result of her negative explanation of her husband's behaviour, is going to end up feeling stressed, angry or upset. This may well lead to an argument as soon as she does get in touch with her husband, moving another step towards negative relations in the future. In the case of the positive relationship, the feelings of the wife would be neutral – the same as they were before. Relationships are built on a series of situations like these, and on our reactions to them, so a negative relationship can be self-perpetuating – each new event 'spikes' the negative emotions and anger each person feels, and therefore builds new negative attributions in the relationship.

'INTERNAL' AND 'EXTERNAL' ATTRIBUTIONS

This theory also helps to describe why we offer different explanations for our own behaviour than we do for that of others.

If, for instance, you pass an exam, you might think: "I worked really hard; I put the hours in; I'm clever; I deserved to pass because I did the work." But if you had failed the exam, your explanations might be more along the lines of: "It was really hot that day; I didn't have time to revise properly; I was looking after my mother a lot at the time; I had a really busy work schedule; there was lots of noise during the exam and I couldn't concentrate; I didn't feel very well", and so on.

When people are in this frame of mind, they display a specific type of thinking bias – a kind of mental sifting process. They may receive a wide variety of information

deliberately not called me, so I have to pick up the children – he always leaves everything to me," or perhaps: "He never does anything I need him to; he couldn't even be bothered to phone me."

In short, if you are successful, you offer explanations or 'attribute' internally; it was what you did that made you pass, and you are the reason for your own success. However, if you fail, you might provide explanations or 'attribute', both to yourself and others, externally; it was because of reasons beyond your control that you failed. It is very rare for someone to pass an exam and say: "Well, everything went perfectly that day; I felt well; it was a quiet

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room; I had lots of time to study; nobody needed me”, and not think it was because of themselves and their hard work! This is a psychological way of protecting oneself, and is quite healthy and normal.

The way we ‘attribute’ in relation to others is, however, very different. If your friend had passed an exam, you might ‘attribute’ internally, as you would for yourself in the example above – you might think he was very clever and had worked hard. However, if he failed, your first thoughts might be “he wasn’t clever enough”, or “he did not put the work in”. You also ‘attribute’ internally for his failure – you don’t consider the other factors that might have affected his performance, as you would if it was your own exam.

The same thought processes could be taking place with your client. They might feel their own successes are because of their own actions, but blame their failures on the other party; meanwhile, they feel the other party’s failures are down to their own weaknesses. Or they might acknowledge that their own behaviour was unfair or unreasonable, but attribute that to external factors, while attributing such negative behaviour from the other party as internally motivated – due to negative characteristics in the person themselves.

This type of thinking can lead to further unfair thinking in the naturally combative atmosphere of a formal dispute – your client might feel entitled to ‘win’ because they attribute their success to themselves and see any negative behaviour in the relationship as not their fault, and they might have no compunction

about losses for the other party, as they ‘deserved it’.

CHANGING NEGATIVE THINKING

Finding a middle ground or win-win situation between two parties can be difficult when the relationship is negative and these types of negative attributions have become the norm. So how can negative thinking be turned around?

HIGHLIGHT THE POSITIVES

Is there anything that can offer a glimmer of something positive in the other party’s actions? It can be something really small that seems quite irrelevant – a nice comment, a bit of empathy shown, a

response that was not as bad as your client had envisaged. Positive comments breed positive comments, just like aggression breeds aggression.

CHALLENGE THE NEGATIVES

If your client is making assumptions as to the other party’s thoughts, make it clear that they cannot presume to know why other people do what they do; they will often be wrong. Your client might respond with: “I know him.” But even if the parties do know each other well and have a

relationship which considerably pre-dates your involvement, challenging your client’s negative explanations can help to break the negative habits formed in that relationship. Encourage them to work with the facts, and avoid guessing games.

ENCOURAGE FAIR INTERNAL AND EXTERNAL ATTRIBUTION

When clients make external attributions for their own negative behaviour, while attributing the other party’s negative behaviour internally, the result is anger, stress and irritation. Challenge these assumptions and encourage your client to think rationally about possible explanations for others’ behaviour.

CONCLUSION

These three tactics can help your client to begin to see things more realistically and develop a more positive mindset about the situation. This can then lead to the client beginning to attribute more positively. He or she can relax as the anger starts to dwindle, and, instead of wanting to win at all costs, will begin to want to find win-win solutions and to play fair. Reaching this stage in a client’s thinking can simplify the process for practitioners, because it is much easier to reach a conclusion that satisfies all parties, and which lasts if clients can show empathy and express rational, fair thoughts.

Practitioners can also learn a lot by being aware of how their own behaviour fits in with attribution theory. They can better recognise how a client feels about

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conflict and what approach they are likely to take in dealing with it. They can then guide clients away from negative thinking and encourage them to work with the facts, to promote positive relations and easier, calmer conflict resolutions, benefiting not only the parties, but also themselves. ■

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