
TABLE OF CONTENTS



Introduction.....	9
C Part One: Agreeing on the framework	21
Chapter 1 : When should conflict be avoided ?	23
Chapter 2 : When is it advisable to avoid eluding?	28
Chapter 3 : Managing conflict without resorting to violence	37
R Part Two: Agreeing on the rules of the game in power relationships.....	49
Chapter1 : Setting the rules of the game	54
Chapter 2 : Adding force to the rules	68
Chapter 3 : Interconnecting fair authority and empathetic understanding	87
Part three: Agreeing on the rules of the game in equal relationships.....	101
Chapter1 : Making a distinction between kinds of violence: a way to voice something or a means to an end?.....	108
Chapter 2 : Preventing the other party from benefiting from power tactics.....	130
Chapter 3 : Leading a discussion without any tactics	151
C Part Four: Combining emotional intelligence and rational thinking to define the problem in depth	181
Chapter 1 : Listening to myself when I am impenetrable or aggressive	192
Chapter 2 : Listening to yourself when you are impenetrable or aggressive	237
Chapter 3 : 'I' to pinpoint the interests at stake and agree on the definition of the problem.....	260
T Part Five: Finding solutions, assessing them, keeping the best one and assessing its results	297
E Chapter 1 : T = Thinking of as many ideas as possible	300
R Chapter 2 : E-R-E = Evaluating the solutions fairly, keeping the best one and E making a Realistic plan accordingly, implementing and Evaluating.....	315
Conclusion :.....	333



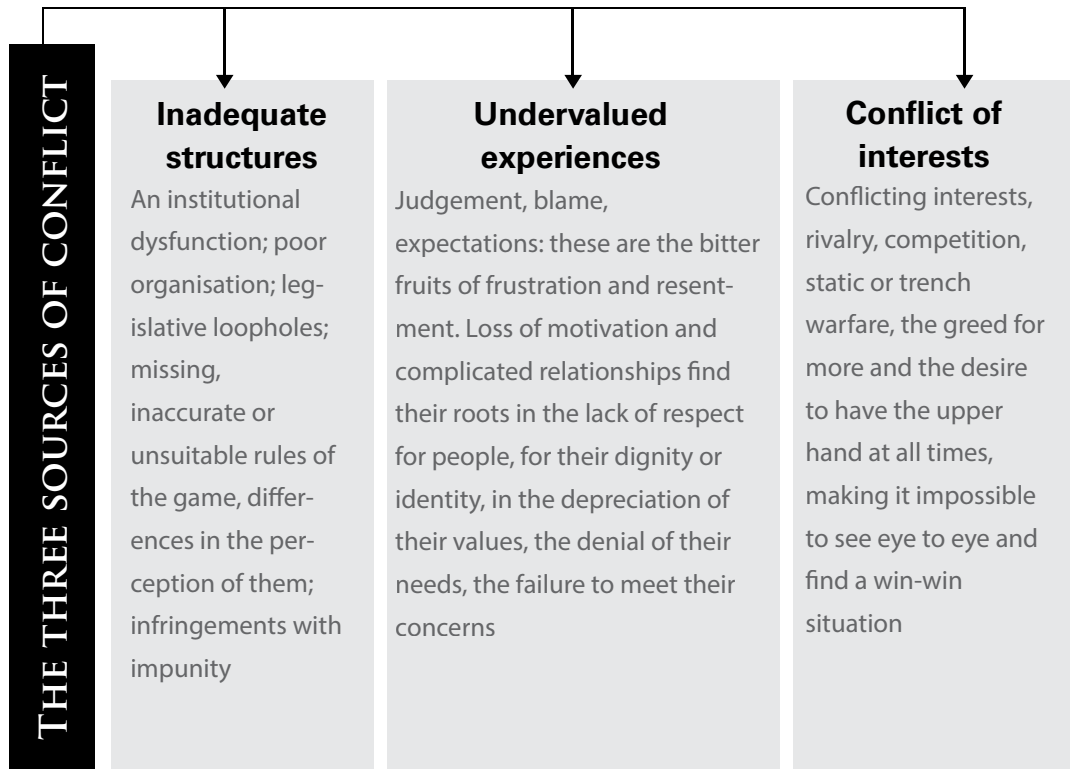
I

Introduction

A FRAMEWORK OF LAW,
AUTHENTIC COMMUNICATION
AND EFFECTIVE NEGOTIATION

In conflict analysis, it is important to make a clear distinction between three different deadlock situations in order to solve each of them appropriately.

3 causes	Inadequate structures	Undervalued experiences	Conflict of interests
3 skills	Establishing a Framework of law	Authentic communication	Effective negotiation
3 effects	Conflict management	Conflict transformation	Conflict resolution



THE THREE SKILLS

to master jointly for better conflict management



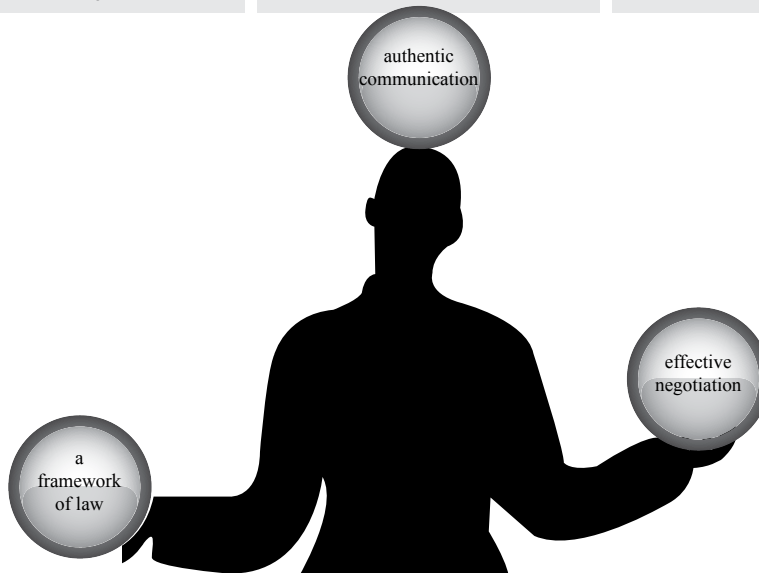
When there is a lack of structure, the framework of law -pre-set and upheld by a strong leadership- outlaws the unacceptable violence and tactics of those who try to get the upper hand. It brings the group closer together, enabling it to defend itself against attempts to be dominated or to be taken advantage of through legislative loopholes.



In the event of differences in experiences, authentic communication calls upon emotional intelligence, capable of untangling burdensome feelings. Its strength lies in empathy and kindness that prevents the use of malicious words, by making us aware of the underlying, unfulfilled feelings and needs hiding behind judgements and accusations. It leads to a fruitful improvement in the relationships.






In the event of conflicting interests, effective negotiation calls upon rational thinking, capable of consistently re-evaluating the exchange so that the best interests of everyone can be met. New solutions can be found. It facilitates free and responsible commitment, a fair agreement -a wise agreement- which best meets all parties' requirements.

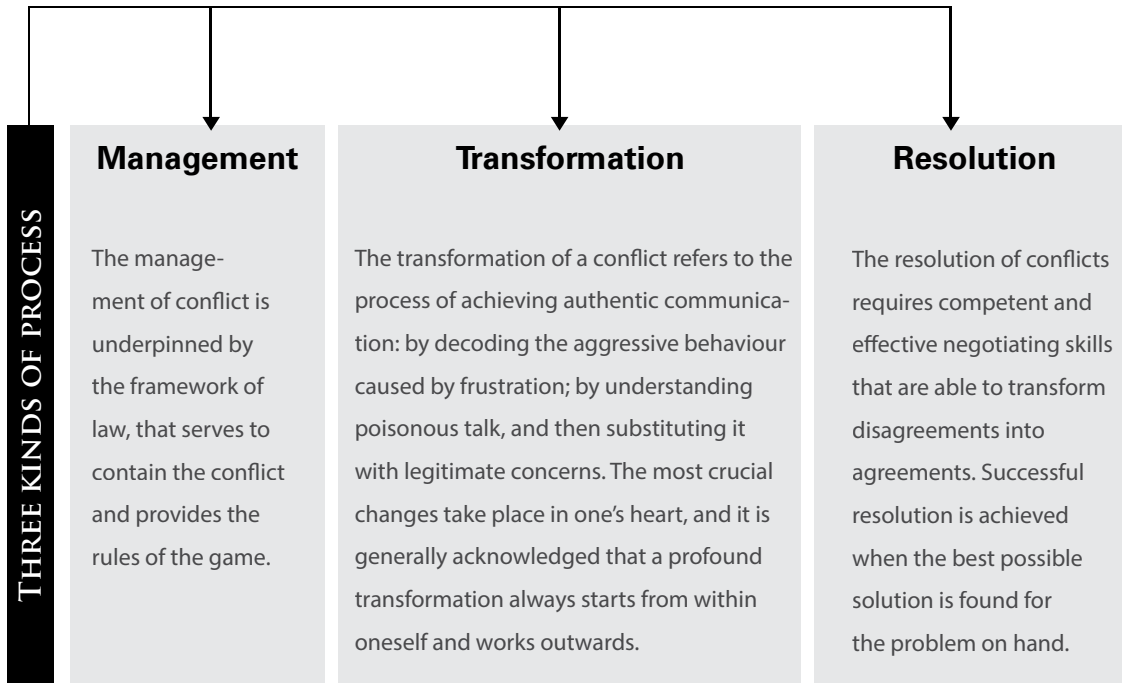


The **CRITERE** method is based on the clear interconnection of these three skills.

The scope and relationships between the three 'know-hows' will take shape gradually as the course progresses. They work when used for the right job like tools such as hammers, pliers and screwdrivers. When a hammer is used to loosen a bolt, it comes as no surprise that it doesn't work very well. Further features of these three fields to keep in mind throughout the unfolding of the **CRÛTERE** methodology include:

		
<p>The binding law, the ability to improve the framework and rules of the game each time the dialogue is disrupted by a tactic, a dispute about how to play, or by cheating.</p>	<p>Empathy and kind-hearted generosity, the ability to understand each other when it comes to needs, values, behaviours, cultures, religious beliefs, ways of thinking, perceiving the world, worries.</p>	<p>Achieving results, the ability to turn 'interest against interest' confrontations (I either win or lose) into finding the best possible outcome for each of the participants.</p>
<p>How do we talk to one another? The exchange process</p>	<p>Who talks? The parties involved</p>	<p>What do we talk about? The root of the problem</p>
<p>Respect and ensure the respect of the framework, and of the rules of the game. Enforce penalties for cheating that are exorbitant.</p>	<p>Respect the individuals and nurture the relationship. Pay particular attention to past experiences by listening in an appropriate manner, without passing judgement or putting the blame on others.</p>	<p>Respect all the interests at stake. Consider the fact that the other parties may exhibit or have different interests, and that these should be taken into account.</p>

Some people talk about managing conflict, others about transforming it and still others about solving it. Some authors mention these three standard notions without referring to either one of them as being the most important. In my approach, each of these three notions fully and rightfully plays its part. There is no need to choose amongst them since each one is specific.



The method is considered effective when these three levels of deadlock and their treatments are clearly distinguished. On the other hand, making use of only one of these skills leads to a stalemate. When the scope of each skill is understood, a meaningful connection between them can be forged. The goal is neither confusion nor separation but total complementarity. I shall use various examples to illustrate the synergy that allows each skill to fully bear its fruits. The alchemy of these three strengths can be compared to making a mayonnaise. To make mayonnaise correctly, a knowledgeable cook understands how to carefully combine the eggs, oil and mustard, so that at the critical moment, it thickens. **CRITERE** is a method which provides us with the ingredients and the conditions that enable us to challenge our differences. It also prevents participants developing power-enhancing mechanisms, which lead to violence.

No one learns to juggle with three balls at the same time. One starts with two, practising simple repetitive sequences: from right to left, and then from left to right. This book is based upon similar principles. It teaches how to juggle the three skills effectively. One learns to coordinate effectively by breaking down the movements, and by practising two by two: the framework of law with authentic communication, the framework of law with effective negotiation and authentic communication with effective negotiation.



The **CRÛTERE** method

How can disagreements be turned into agreements?

Even if these three skills are being used simultaneously, they each have a turn during the different stages of the **CRÛTERE** method to be the driving force.

The art of progressing from disagreement to agreements	7 STEPS	C	Context & Conditions of the dialogue are to be agreed upon
		R	Refine the Rules of the game
		Û	Intelligence: both rational and emotional to be used to understand the problem
		T	Think of as many ideas as possible
		E	Evaluate the alternatives
		R	Retain the best idea and make Realistic plans
		E	Evaluate, at the end, the results obtained

The acronym **CRÛTERE** suggests seven chronological steps¹: we cannot move on to the next step until we have reached an agreement. The first step is to set up the most favourable conditions for a dialogue. The management, transformation and resolution of conflicts requires time, calm, composure and energy. Managing a conflict properly is a bit like untangling a knot. The trick lies in resisting the temptation to pull on the knots, but rather to patiently look for a way to untangle the different parts of the rope.

C(Context and Conditions) and **R** (Refine the rules of the game) are the initial steps prior to discussion and can be compared to the prerequisites of a successful football match:

- demarcating the field (the side lines across the length and the goal lines across the width), and dividing it into different areas (the goalkeeper's area, the penalty area, the midfield line);

¹These steps are in a logical order and have been endorsed by many schools and were laid out by John Dewey at the beginning of the 20th century in his book *How we think?* (1910), published by Alcan. He outlines six steps: 1) clearly define the problem 2) Express solutions freely 3) compare the solutions 4) choose the best solution 5) carry out, implement 6) assess

- sharing the same rules of game and a referee, or at least pre-set procedures in the event that a problem arises. Conflict or even fighting will inevitably occur if the football players do not abide by the same rules. A difference of opinion about the framework and the rules generally results as primary source of conflict. A basic grey-area is often enough.

In the "*Two lessons about brotherly dialogue*", the Belgian Father Dominique Pire, the Nobel Peace Prize winner in 1958, declares that "positive peace is achieved by creating an atmosphere of mutual understanding. It is brotherly dialogue (...) which enables each individual to set aside what he (*) is, and how, and what he thinks, in order to try and understand favourably the point of view of the other/s, even if he doesn't necessarily share the other points of view"².

This quality of non-judgemental listening presents the perfect scenario. However, individuals involved in conflict have a long and often difficult path to follow. **CRÛTERE** aims to guide us with distinct markers along the way. People in conflict cannot commence authentic dialogue before they have formulated and agreed upon the **Framework** and **Rules** of the games together. This can take many months to refine.

1) Start initially by establishing a framework which securises a place, a time and rules for dialogue, whereby the players can truly listen to one another.

2) Remove all unacceptable behaviours by demonstrating another power besides that of using force against others.

These are also key steps when working in lawless zones such as some playgrounds, town suburbs, or in areas secretly manipulated by the Mafia or under the control of armed gangs. Establishing and strengthening the framework of law is a priority for situations in which people or groups have taken the law into their own hands.

C and **R** include all the actions necessary to prepare for a dialogue of quality. The framework of law clears the space for communication, knowing that, to bear its fruits, empathy needs to evolve at a safe distance from power games and strategies.

"The day of departure is not the day to get ready."

Nigerian saying

² PIRE Dominique and VAN DER ELST Raymond, *Vivre ou mourir ensemble*, Brussels, Presses académiques européennes, 1969. The "two lessons on the Fraternal Dialogue" are in p. 41 to 84

(*) Translator's note: For the reader's convenience, generic masculine pronouns will be used to refer to persons whose gender is unspecified.

Authentic communication depends upon effective negotiation in step **C**, when with emotional intelligence and rational thinking we are able to identify the various issues involved. This is the core of **CRÛTERE**. A well-defined problem is half solved while an ill-defined one leads to invalid solutions. Before looking for any solutions, we need to agree on the definition of the disagreements. At this stage, emotional intelligence plays a crucial role: it clarifies painful experiences by listening to the anxieties and motivations of each person. An emotional experience –passionate or seemingly irrational- is not to be ignored: we can remove it by finding out what need has caused the initial frustration. We take the necessary time to allow the heart and guts to express its meaningful reasons. This process of authentic communication eliminates the resentment and bitterness that would otherwise ruin further discussions. Individuals are prepared to carefully consider the conflicting interests at stake as long as they feel that the group is respecting their own feelings and principles. These interests should be listed since they are what really matters, when the time comes to find a solution: "How to proceed so that.....and ..., and ...and ...?".

We can agree on the problem at hand when together we successfully identify the various interests at stake: 'and.... and...and =?'. Only then may we proceed to the following **T** step: Think of as many ideas as possible, without trying to find the solution right away, but rather a maximum of solutions to the problem. A creative atmosphere is important so that the imagination can prevail through *brainstorming*, which makes us more flexible and accommodating. The challenge is to look at the problem with a different and fresh perspective. The **T** step is introduced after **C** and must be clearly distinguished from the later steps meant for assessment, decision and commitment: Evaluate the various possible solutions, then Realistically make plans using the best idea (**E** and **R** of **CRÛTERE**). The resulting solution must be recorded with its various practical applications clarified to avoid a deficient and unclear agreement. It remains to be tried out in a practical situation. Finally, before leaving, schedule the next meeting's purpose to together Evaluate the results (the last **E** of **CRÛTERE**).

CRITERE is all about the art of taking the small steps which Gandhi and Henry Kissinger often mentioned. One cannot 'move a mountain' of problems without dissecting it into small pieces beforehand. That's the second Descartes' principle in its *Discourse on the method*: "to divide each of the difficulties that I will be examining into as many parts as possible and necessary for its adequate solution".

The training programme offered by CommunicActions

This book essentially forms the teaching material for the training sessions organised by the International School of *CommunicActions* (see our site <http://www.communications.org>). The standard training programme is split into ten weekly sessions. The story of *CommunicActions* commenced in Mauritius in 1999. I was then asked to develop the programme "Learn how to manage conflicts³" in relation to multi-religious and multi-racial groups, based on our human story shared by all: Hindus, Christians, Muslims, Buddhists and atheists as well as white, yellow, dark and black people. The main concern was to train facilitators who could then conduct these workshops in extremely diverse groups. The movement is registered as a non-profitmaking organisation, and has since spread across three continents. In 2009, it was operating with 60 facilitators. Our aim is to spread these amazing tools to a maximum number of civil society players so that they can be used to better operate social structures such as families, schools, associations and in our professional lives to mention just a few areas. In Africa, we are proud to be disseminating current knowledge regarding communication and negotiation to people who often have never before heard about assertiveness, Carl Rogers, Thomas Gordon, non-violent communication etc. Our educational work spreads to the widest possible audience cutting-edge research, explained in simple terminology, and our method is ready to use in everyday life.

The method reconciles principle and experience

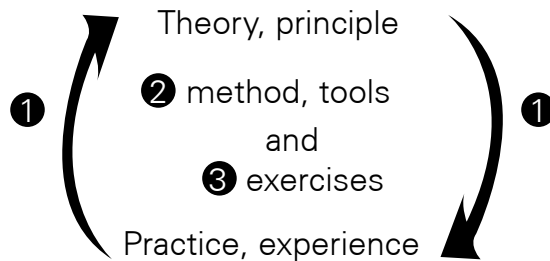
The three procedures provide the entire book with its structure: its strength lies a) in the **method** (the analysis cannot be concluded with good ideas only) and

³ This book is an up-date of the book *Apprendre à mieux gérer nos conflits*, 330 pages A4, published in Mauritius in 2005 in 4.500 copies (two editions sold out).

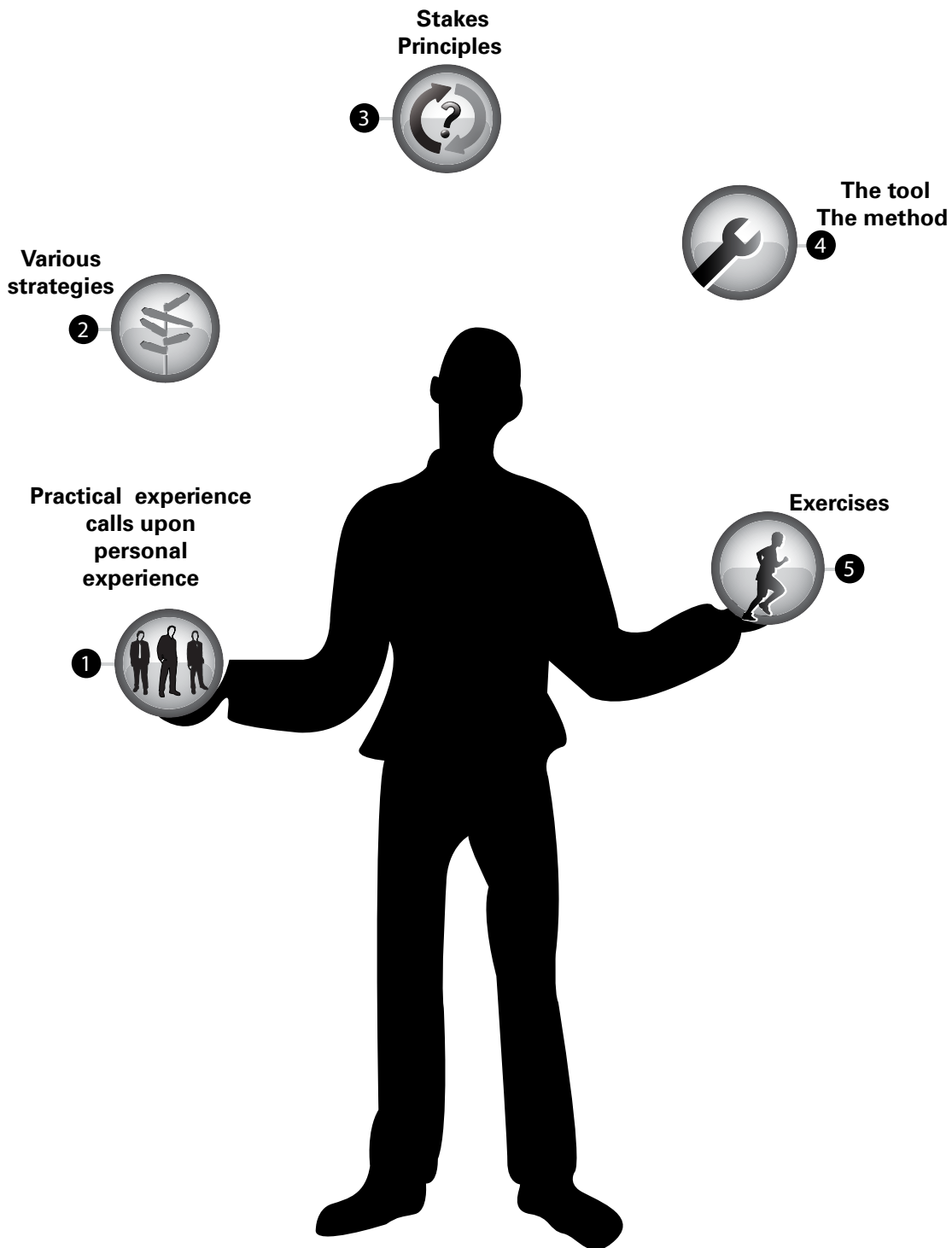
- b) in the **exercises**,
 c) which must progress from the **simplest** to the more complex.

Each chapter is built on the same three-step plan:

- ① Why adopt this strategy and not an alternative? What to do? This step deals with issues, fundamental principles and the clarification of principles.
- ② How to proceed? How to remove bad habits and refine a more appropriate strategy?
- ③ How to practise and train during the coming days?



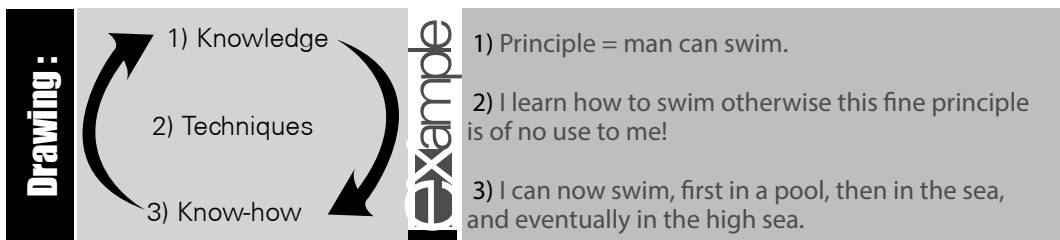
- ① It is by going back and forth between experiences and principles that the 'what for' at stake and the issues of 'why' are clarified. A scenario based on personal experience exposes the various possible strategies. In facing these, individuals become more aware of their own thought processes when they are reacting spontaneously. The various possibilities bring into question those habits that are irrevocably ineffective.
- ② It is not sufficient to know what to do; one must use the method (odos in Greek = path), which will offer the right tools to change strategy. This entire chapter is focused on acquiring the operational tools that will enable the user to adopt the most suitable strategy. Our deficiency with regards to conflict is not idealistic but real. To be translated into action, a theory needs a method, a procedure that illustrates the steps needed for its implementation. The method itself is based on techniques and tools. It is the method and its tools that provide the knowledge its practical application.
- ③ The chapter concludes with exercises that help us assimilate the tools. No one but ourselves can link the theory to our own unique reality, and this strictly personal effort requires us to make tremendous changes in our daily life! It is the difference between knowing the path and walking the path.



“We are not provided with wisdom. We must discover it for ourselves after a journey that no one can take for us, or spare us.”

MARCEL PROUST

Agreeing with principles is not enough. For example, it is true to say that a man is capable of staying on the surface of a body of water. However, of what use is this principle to a man who cannot swim? He cannot test the truth of this principle as, in his case, he has not learnt the techniques of swimming. **It is method that links principle to experience.** If a man falls off a boat and drowns, his death does not invalidate the principle, but instead highlights his lack of swimming skills. The conclusion will be that he was 'inexperienced'. On the other hand, had he been a better swimmer, he would have been able to cope in even more dangerous waters. An efficient educational method teaches a beginner how to swim in a pool first, not in the open sea. It is all about learning to apply the tools to simple situations in preparation to being able to tackle more complicated situations. The same applies to conflict resolution. There is no point trying to immediately assess how to best use the method to solve our most inextricable conflicts. Let us begin by applying them in ordinary, everyday situations.



In all art, what seems difficult initially for the beginner becomes easier with practice. Take, for instance, learning to drive: at first, a high-level of concentration is required from the new driver. After a few months of practice, he can perform a hundred times better than on the first attempts. And yet, his brain is working with less effort, as proved by the neuroscientists who have compared the brain scans of both groups.

This book is intended to examine interpersonal conflicts. The ability to address an injustice at a socio-political level forms the second step, which comes after having learnt how to clean up one's own backyard and having developed the basic skills for communication and negotiation. I address the socio-political aspect in another session that completes the basic course by using the D-I-A-P-O-S⁴method.

⁴ I briefly introduce this method in the third section of this book, in chapter 1, when dealing with anger fighting against injustice

Family, school and business form the three social fields covered in this book. In order to tackle the mountain on its most accessible side, I always start with the domestic field, as it offers the most contained group, and can be most easily mastered by a parent. Usually, if one does not master the tools we offer in the family, there is little chance of being able to apply the methodologies at school or at work. It is, however, also true that certain individuals prefer to start with their professional environment, but the principle of starting with the simple and progressing onto the more complex remains the same. That illustrates as to why I shall refer back and forth to the realities of family life, and to those of working life, each world demonstrating key lessons to teach the other.

*It is the assiduous practice of exercises
that reconciles theory and savoir-faire*

We are not born as good communicators or mediators, we are developed through experiences to become them. This book is full of examples, testimonials and practical tasks⁵ relating to this personal growth. Certain tasks are to be put into practice in our home life, others are to be performed at work (we suggest the use of a personal notebook to take notes and keep records of tasks). Taking a quick glance at the exercises will only result in a theoretical framework of efficiency. Reading this book and/or attending our sessions is not the objective; the aim is to get personally involved, to listen to what you say and do in your everyday lives. I hope that with each moment spent reading this book, you will be empowered to return to your life with strengthened skills in communication. Its main purpose is to coach an effective method rather than to teach content, in the spirit of teaching someone how to fish rather than giving the person a fish. **Successful training equals the transformation** of our behaviour thanks to us applying the method in our personal everyday lives.

⁵ Various sayings illustrate the text: "proverbs are the children of experience" according to a Burundian saying.

C

Conclusion



Let us revert back and consider the main steps of this course. In the first section, we questioned a limited pattern with only two options (p. 42):

on the one side, violent conflict,
a sign of failure of a relationship,



on the other side, the absence of conflict
which equates to peace, tranquility.

We added a third option due to the fact that avoidance of conflict can be detrimental, though less damaging than conflict which is out of control and becomes violent, but still more harmful than a successful confrontation without power games between the parties.

This figure distributes a two-term problem where in fact, there are three:

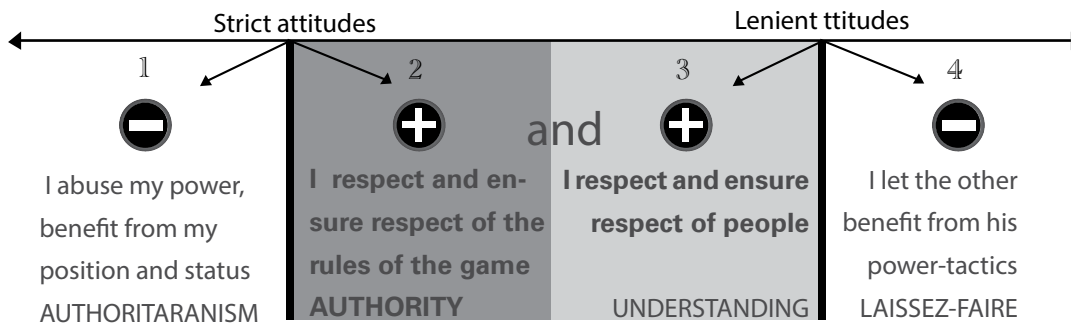
1) unmanaged conflict
which destroys,

2) well-managed conflict
which is constructive,

3) avoidance of conflict which
gives an appearance of peace.

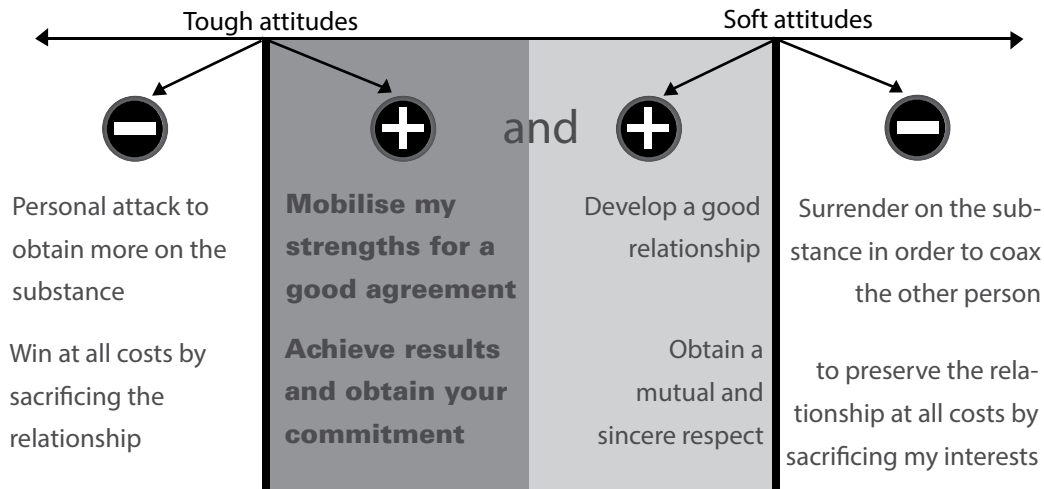


Thanks to a study on power relationships within a hierarchy, the figure shows up to four notions (p. 51). The middle column has been subdivided: a parent/educator/boss manages a conflict properly when he shows both a fair and firm authority (respect and ensuring that the rules are respected) WHILE at the same time showing a deep feeling of empathy (respect and ensure that people are respected). On the contrary, he shows poor management of the disagreement if showing authoritarianism (obtaining results by maintaining a stronghold of power over others) or by being submissive (suffering under the power of others).

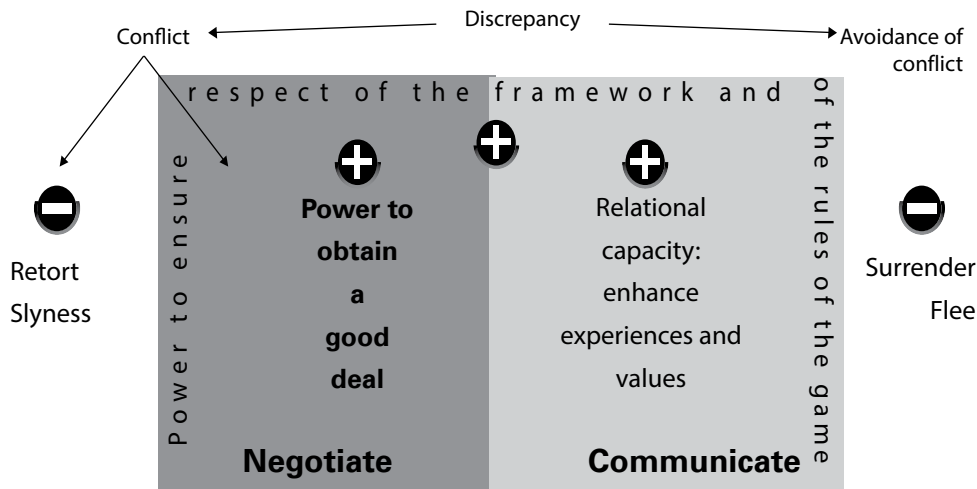


Those who attend the *CommunicActions* sessions learn to deal with their daily conflicts in the same manner that one learns how to juggle. Nobody begins with three balls at once; the movements have to be broken down to allow the coordination to be mastered with two balls, first from right to left and then from left to right. In the second section concerning authority and understanding, a combination of the framework of law and authentic communication was mainly utilised. The third section of the book regarding the power-play in equal relationships involved the combination between authentic communication and effective negotiation (reaching a suitable agreement AND improving the relationship), as well as the combination between framework of law and effective negotiation (how to put power strategies offside). In the fourth section, we were immersed in controversial dialogues. We intensified the combination between authentic communication (expansion of emotional intelligence when facing J-R-E: Judgements, Reproaches and high Expectations) and effective negotiation (making use of rational thinking to detect the interests at stake and solve the related problem efficiently). On page 106:

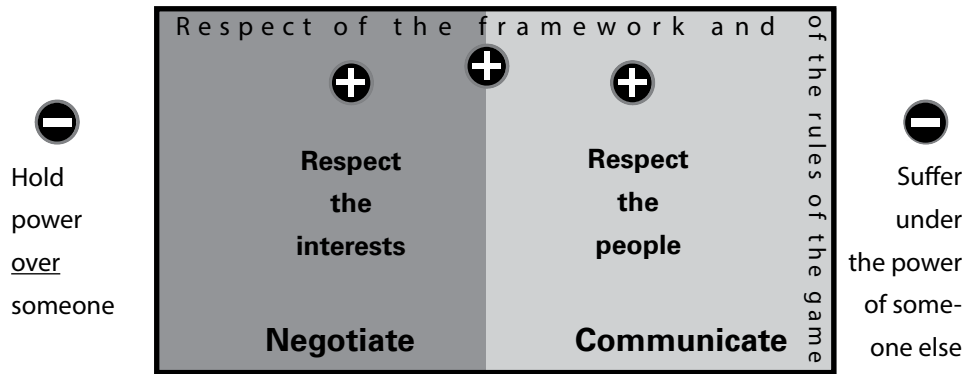




These two by two series taught us how to juggle with the three creative powers 'for', their alchemy producing 1) a good agreement AND 2) a good relationship 3) within a quality framework, enabling a secured dialogue (p. 164):



We obtain the following figure by identifying the three creative powers 'for' which take root in 'respect' and refer to powers other than those held 'over' individuals:



The more individuals can secure a framework of law, communicate authentically and negotiate effectively,

- the less they are willing to give up (column 4),
- the less they resort to plans to gain control over others (column 1),
- the more they succeed in defeating tactics to gain the upper-hand, the more they can obstruct violence,
- the more they develop relationships based on truthfulness and mutual respect (column 3),
- and the better will be the outcome in terms of finding solutions and reaching a wise agreement (column 2).

The following table provides a brief synopsis of these three powers and their different aspects. Consider the prospect of three colourful balls that you can roll between your fingers in order to best visualise them, so that they may be considered from various angles.

<p>The power of law. Legal sphere, based on ethics. Standard process (Legislative and judicial power) based on an inflexible severity, on the principles of law and on basic rules.</p>	<p>The power of empathy and love. Psychological and spiritual areas (grease in the machinery, the "soul" of any positive approach): be unconditionally open to others.</p>	<p>The power of cooperation. Can result in a long-lasting agreement for parties to commit to. Socio-political and economical spheres (executive power): strong determination to succeed.</p>
<p>Obstacle: the might of those on top of the social pyramid (temptation to rule).</p>	<p>Obstacle: ideologies and the belief that you alone possess the absolute truth (temptation to know-it-all).</p>	<p>Obstacle: rivalries, competitions, strict profit-orientation and selfishness (temptation to possess)</p>

<p>Punish all misdemeanours. Resort to law against acts of violence that fall under statutory violation, without any arbitrary power nor emotional interference.</p>	<p>Detect the 'violent-ways-to-say-something', the aggressiveness resulting from an inability to manage one's emotions and to express one's needs.</p>	<p>Clearly thwart the 'violent-ways-to-earn-more', the power games, the strategy boasting. Remain focused on the fundamental issues.</p>
<p>'Poncer' - Scrape (scrape in order to remove the facade before redecorating).</p>	<p>'Panser' - Heal (pay attention to past experiences).</p>	<p>'Penser' - Think (create, innovate).</p>
<p>How to take advantage of space, to transform the play-field and its environment.</p>	<p>How to create an atmosphere promoting a respectful dialogue where everyone has a place.</p>	<p>How to promote an effective win-win cooperation: and... and..., rather than.... or....</p>
<p>The group process is considered a dynamic one, with everyone participating, all thanks to the quality of the status, the roles, the functions and the decision-making procedures: the ability to create structures that will facilitate an individual assumption of responsibility.</p>	<p>People feel accepted. The relationship is allowed to grow thanks primarily to the quality of the bond, the acceptance of suffering and joy, the sense of trust, the feelings, the complicity: everyone is unique and has a sacred story...</p>	<p>Each party finds the discussion worthwhile as profit grows bigger. Problems raised are solved. A task and production-orientated operational rationality generates results.</p>
<p>In the absence of the two other powers, there is a serious blockage risk.</p>	<p>If not coupled with the two other powers: risk to become naive.</p>	<p>In the absence of the two other powers, we risk die-hard opportunism.</p>
<p>Stick objectively to the law, to its rules and procedures. Should an injustice be spoken out, seek the truth within the structural situation. Reassess the framework of law through a standard process and, in the event that a law that is unfair be maintained by those in</p>	<p>Be totally lenient with everyone's experience. Do not be afraid of mere subjectivities since 'everyone has their own absolute truth'. Feel comfortable with the depth of experiences and with the backgrounds that influence people's</p>	<p>Express concrete assertions. Rely on objective facts and equate the interests. Solve the dispute thoughtfully, step-by-step, rationally, as if it was an x equation with x being unknown.</p>

power, challenge it in a non-violent way.	attitudes (gender, education, beliefs, story, culture, etc.).	Refocus on the problem, devise an effective solution, and then implement it accordingly.
---	---	--

Interconnect powers that do not result in power over people.

Gather these powers collectively **against** all attempts of interpersonal domination.

The power to ensure the framework of law is a structural and normative dynamic that succeeds in withstanding someone else's upper hand over me by means of a quick response, however not synonymous of me maintaining the upper hand over the other.	An authentic communication prevents the spread of poisonous words (for example, judgments, placing the blames on others, making someone feel guilty) by using a power with people, so that a confrontation may potentially turn into a side-by-side, fight into a duo.	Effective negotiation prevents struggles for position as well as high expectations by exerting power that helps refocus efforts on the problem between us, allowing it to be tackled together, as opposed to attacking one another.
Law is not negotiable. No one has the right to change the rules during the game. Should the rules be inadequate, the decision-making authority alone is allowed to improve them. The process may otherwise be interrupted until an agreement is reached.	Listening to distressing experiences, to the needs and worries of others will be all the more successful when it occurs outside of any power strategy, without any decision-making issues, with no real intention to change the other person , and away from any pressure.	Flexible and mobile negotiation requires freedom and responsible behaviour from both parties. They therefore get involved in an agreement in which they commit themselves. It short-circuits power game struggles and stubbornness in which one tries to impose one's word as law.
A piercing and watchful eye prevents us from unresponsive and collusive behaviours each time we turn a blind eye.	A warm heart that makes life flow from head to stomach softens our hardheartedness.	A cool head that thinks clearly and a spirit determined to reach a solution.
The ideal of equality , the requirement of institutional consistency.	The ideal of fraternity , channeling love and beginning with tolerance.	The ideal of freedom , in a political struggle respectful of the democratic rules.

War is sure to begin when factors such as **law, kindness** and **imagination** are defeated. War is the desertion of civilisation, heart and spirit. Civilisation consolidates the institutional areas of peace; the creative genius of mind organises its wheels and the heart transports the required grease to the gears.

Managing conflicts by making use of the framework of law, **transforming** conflicts by using authentic communication and **solving conflicts** by using effective negotiation are three different but essential processes to each other, so that the **CRÛTERE**¹ 'mayonnaise can set'. At each step, I explained how confusion between these three fields generates inefficiencies on our part. We have learnt how to detect them within their own fields. We have also learnt how to combine them, since resorting to one competency without the others leads to a dead-end.

As the three **levels of deadlock** are generally mixed up in open and latent conflicts, the first challenge is to untangle what results from **inadequate structures, undervalued experiences** and **conflicting interests**. The three steps to open a door with two locks are: a) locate each lock, b) find the right key for each one and c) find the right way to open each one. The lock 'violence used as a dramatic way to express experience' requires delicacy. Forcing it will not make the empathy-key turn: this key has to be inserted appropriately in the lock, not too little nor too much. On the other hand, the lock 'power game to obtain something' requires a confident power management key: this one has to be turned firmly, whilst lifting the handle and pressing strongly against the door.

¹ I am very grateful to have been enriched by the following schools of thought:

The language of change according to Jesus in the Gospels, that of the Palo Alto school (Gregory Bateson, Paul Watzlawick, systemic therapy, brief therapy), school of non-violence (Gandhi, Martin Luther King...), institutional pedagogy (Fernand Oury, Jacques Pain), NLP, assertiveness introduced in France namely by Dominique Chalvin,

Carl Rogers' person-centered approach, Thomas Gordon's No-Lose Conflict Resolution method, Marshall Rosenberg's Non-violent Communication, Eric Berne's Transactional Analysis, Jacques Salomé's E.S.P.E.R.E. method, Daniel Goleman's Emotional Intelligence, Isabelle Filliozat's emotional and relational/social intelligence, Roger Fisher

and William Ury's interest-based negotiation and their Harvard Program on Negotiation, the European Negotiation Centre (Michel Ghazal and Yves Halifa), the School IRENE (Institute for Research and Education on Negotiation in Europe), Patrick Audebert-Lasrochas' negotiation-creativity (LEARN in ESC- Lille). l'ESC- Lille).

The C-R-I-T-E-R-E method consolidates its strength in combining the best of these approaches. Its originality lies in the conceptual framework that I coined and in the training course pedagogy in combining these three skills in pairs.

Too often the door remains closed because we make use of the wrong key. Not only are we sceptic about having the right key, but we also remain ignorant of its properties: how to operate this bolt? It requires dexterity to apply pressure in the right place, at the right time and in the right way! Some manage to open the door after fifteen minutes of effort. Others give up after having feverishly shaken the bunch of keys, grumbling about "this lock having a problem, or perhaps is it the right key that is missing". After having called the locksmith to the rescue, they are flabbergasted to see him open it instantly. It is difficult for them to hear him say: "What are you talking about? The lock works very well! "

It is therefore no wonder that the door remains closed when:

- we try to solve the problem logically in front of an interlocutor who can hardly swallow or with a stomach tied in knots,
- we use the empathic communication instead of whistling an offside,
- we conversely punish an offence by underestimating traumatic experiences,
- we try to open the door of power with the key of love or vice versa,
- we confuse the respect of the rules with confidence.

When facing a difficult interlocutor, some will automatically limit their claims on the content in order to preserve the relationship; others will spontaneously lessen their kindness in order not to lose ground. It is however not recommended to sacrifice the relationship in assigning priority to goals, or vice-versa. The challenge consists in lessening **inflexibility on the content and openness to others**. Gilbert Cesbron writes: "I believe in mankind. Mud is a misleading mixture of unspoiled water and good soil... It can take quite a lot of sand sifting before finding a speck of gold". In conflict management, it is easy to find a speck of gold (the agreement that rescues a disagreement) as there is no mixing of good soil and pure water, of respect for the rules and respect for the people.

The consolidation of the **framework of law** must take place far from any personalisation, any subjectivity and any focusing that turns a controversy into a potential conflict between individuals.

The **authentic communication** drives deep into the subjectivity of experiences. At the beginning of a conversation, empathy is required so as to understand the principles and motivations of everyone. It is a mistake to be tough and inflexible when positioned in the relational sphere.

The **negotiation** runs smoothly when subjectivity of the stakeholders cannot ruin the rational process of solving the real inconsistency on the profound differences. An agreement is precise when it is wise. That is to say, if it satisfies the interest of all involved. To rely on good will and trust could result in dangerous levels of confusion with interpersonal communication tools.

Knots will appear if these **three strings** are confused. They must however be braided into a rope.

This **interconnection without confusion** guarantees the success of **CRÛTERE**. The framework of law without kindness is intolerable. "Because we know how to use a hammer, we instinctively believe every problem looks like a nail". The worker having only the framework of law in his toolbox is a dangerous man. Likewise the person using only the communication pliers because, as a matter of fact, kindness alone cannot successfully solve a conflict: it would dangerously weaken the person. We observed that a battered spouse presenting patience and forgiveness becomes tragically complicit with the violence endured if he/she does not make any positive move to condemn the criminal aspect of this domination. He/she has to learn how to use legal recourse at a domestic level to hinder unacceptable behaviours. On the other hand, kindness deserves to be unlimited, if properly combined with both the binding law and assertiveness³.

² GODET Michel, *L'art et la méthode. Manuel de prospective stratégique*, tome 2, Dunod, 2001, p. 2.

³ For that reason, the "powers of love" are fundamental but not sufficient. Without the framework of law relying on justice, kindness might be blindness as much as a master is full of indulgence for his slave, or the tender kidnapper with the little girl he holds captive, or the Westerner who focuses on humanitarian work only in the South, or the North-African who turns a blind eye to the excision of his cherished daughter.

The interconnection of productive strengths reminds me of the following challenge: one hand makes circular movements on the belly, the other makes vertical movements on the head. The coordination of such a challenge requires a little, initial training, but motions become easier once the correct reflex is produced. Conflict management has to be learnt like a foreign language or a sport. A person practising golf for the third time in his life is much less 'likely' to get the ball in the hole, than a professional player would. As a matter of fact, it has nothing to do with luck. "Research is 5 % inspiration and 95 % perspiration", said Einstein. Before calling into question the quality of the tools, we must first educate ourselves, for instance by attending the session detailed in this book (cf. www.communicactions.org).

“What people commonly call Fate is, as a general rule,
nothing but their own stupid and foolish conduct.”

ARTHUR SCHOPENHAUER

This book would have reached its intended target if you feel you wish to expand its concepts and begin daily training. "**Live as if you were to die tomorrow. Learn as if you were to live forever**", said Gandhi. It is the only way for true peace in our families, schools, businesses, and countries all over the world. All learning processes have to pass through four basic steps: unconscious incompetence, painfully conscious incompetence, challenging conscious competence and blissful unconscious competence. The road has its ups and downs, but the most important thing to consider is to be on our way.

Learn to walk, before running for a better world. But even prior to that, when hurt, learn to stand upright, without losing balance, and without applying pressure on someone else. At an age of six months, our main aim was to sit up before standing up. What a wonderful trip it's been since we've started, and what a long and pleasant journey lies before us!

“Change yourself and so change the world around you.
Be the change that you wish to see in the world!”

GANDHI



BASIC BIBLIOGRAPHY

On authentic communication:

ARTAUD Jean, *L'écoute. Attitudes et techniques*, Chronique sociale, 2000.

BANDLER Richard and GRINDER John, *Les secrets de la communication. Les techniques de la PNL*, Éd. Le jour, 1982.

BERNE Éric, *Des jeux et des hommes*, Stock, 1966.

BERNE Éric, *Analyse Transactionnelle et Psychothérapie*, Payot, 1971.

Collectif, *Communication ou manipulation*, Éditions Empirika, 1982.

d'ANSEMBOURG Thomas, *Cessez d'être gentil ; soyez vrai ! Être avec les autres en restant soi-même*, Éditions de l'Homme, 2001.

DOLTO Françoise, *Tout est langage*, Gallimard, 1994.

FILLIOZAT Isabelle, *L'intelligence du cœur. Rudiments de grammaire émotionnelle*, Éd. Jean-Claude Lattès, 1997.

FILLIOZAT Isabelle, *Que se passe-t-il en moi ? Mieux vivre ses émotions au quotidien*, Éd. Jean-Claude Lattès, 2001.

FILLIOZAT Isabelle, *Au cœur des émotions de l'enfant*, Marabout, 2001.

GOLEMAN Daniel, *L'intelligence émotionnelle. Accepter ses émotions pour développer une intelligence nouvelle*, J'ai lu, 1995.

GORDON Thomas, *Parents efficaces*, Marabout, 2000.

GRAY John, *Mars et Venus. Les chemins de l'harmonie*, J'ai lu, 1993.

GRAY John, *Les hommes viennent de Mars, les femmes viennent de Vénus et Les enfants viennent du paradis*, J'ai lu, 2000.

MILLER Alice, *Abattre le mur du silence*, Aubier, 1991.

ROGERS Carl, *Le Développement de la personne*, Dunod, 1968.

ROSENBERG Marshall, *Nonviolent communication*, PuddleDancer Press, 1999.

ROSENBERG Marshall, *Un modèle pour la communication non-violente*.

SALOMÉ Jacques, *Si je m'écoutais, je m'entendrais*, Éd. de l'Homme, Montréal, 1990.

SALOMÉ Jacques, *Papa, maman, écoutez-moi vraiment*, Albin Michel, 1989.

On the framework of law:

BOUR Alfred, *Oser la non-violence active, une force au service de la paix*, Éd. SAT, Butare (Rwanda), 1998.

CHALVIN Marie-Joseph, *Prévenir conflits et violence*, Nathan-pédagogie, 1994.

Collectif, *Conflit. Mettre hors-jeu la violence, Non-violence Actualité*, Chronique sociale, 2000.

GABERAN Philippe, *Éduquer les enfants sans repères - Enquête sur une politique de l'éducation*, ESF, 2003.

GERBER Jeanne, *Pour une éducation à la non-violence. Activités pour éduquer les 8/12 ans à la paix et à la transformation des conflits*, Chronique sociale, 2000.

GODDING Jean-Pierre, *Un chemin de paix, introduction à la non-violence, Commission Justice et Paix*, Bruxelles, 1997.

Goss Jean et Hildegard, *Une autre révolution, violence des non-violents*, Le Cerf, 1969.

GUILLOU Sophie, *Pour une nouvelle autorité des parents : sans le retour du bâton*, Éditions Milan, 1999.

KOURILSKY-BELLIARD Françoise, *Du désir au plaisir de changer*, InterÉditions, 1995.

MAUREL Olivier, *La fessée. 100 questions-réponses sur les châtiments corporels*, Éditions La Plage, 2002.

MULLER Jean-Marie, *Strategy of nonviolent action*, Seuil, 1981.

OURY Fernand and VASQUEZ Aida, *Towards an institutional pedagogy*, Éd. Matrice, Vigneux, 1991.

PAIN Jacques, *Society starts at school. Prevent violence or prevent school?*, Éd. Matrice, 2002.

PATFOORT Patricia, *Defending without attacking. The power of nonviolence*, Jeugd & Vrede/ Baeckens Books, Mechelen, 2004.

On effective negotiation:

AUDEBERT-LASROCHAS Patrick, *Bien négocier*, Éditions d'Organisation, 1995 (3e éd. 2005).

AUDEBERT-LASROCHAS Patrick, *La Négociation, Applications Professionnelles*, Éditions d'Organisation, 1999.

BELLENGER Lionel, *La boîte à outils du négociateur*, Éditions ESF, 2004.

BELLENGER Lionel, *Les fondamentaux de la négociation*, Éditions ESF, 2004.

BOWER Sharon Anthony & BOWER Gordon, *Asserting yourself, a practical guide for positive change*, Addison Wesley, Amsterdam, 1976.

CHALVIN Dominique, *L'affirmation de soi. Mieux gérer ses relations avec les autres*, 14^e réédition par ESF, 2009.

Collectif, *Négociation : Théories versus "pratiques"*, IRÉNÉ, ESSEC Centre de Recherche & LEARN, ESC-Lille Cergy, 1999.

CRARY Elizabeth, *Kids can cooperate*, ParentingPress Inc., 1984.

CRÉVECOEUR Jean-Jacques, *Relations et jeux de pouvoir*, Éditions Jouvence, 2000.

DELIVRÉ François, *Le pouvoir de négocier. S'affronter sans violence : l'espace gagnant-gagnant en négociation*, Dunod, 2003.

DUPONT Christophe, AUDEBERT Patrick, *La Négociation. Applications et exercices*, Éditions Dalloz, 1994.

FAURE Guy-Olivier, MERMET Laurent, TOUZARD Hubert, DUPONT Christophe, *La négociation : situations, problématiques, applications*, Dunod, 2000.

FISHER Roger et URY William, *Getting To Yes*, Houghton Mifflin Company, Boston, 1981.

GORDON Thomas, *Enseignants efficaces*, Éd. Le jour, 1981.

GORDON Thomas, *Cadres et dirigeants efficaces*, Belfond, 1990.

GHAZAL Michel, *Circulez, y a rien à négocier*, Seuil, 1997.

GHAZAL Michel, *Mange ta soupe et tais-toi ! Une autre approche des conflits parents-enfants*, Seuil, 1992.

NIERENBERG Gerard, *All should be winners in negotiation*, Boca Raton News, 1983

OSBORN Alex, *L'imagination constructive*, Dunod, 1959.

PEKAR LEMPEREUR Alain et COLSON Aurélien, *Méthode de Négociation*, Dunod, 2004.

ROJOT Jacques, *La négociation*, Vuibert, 2006.

SELVA Chantal, *La programmation neuro-linguistique appliquée à la négociation*, ESF, 1991.

URY William, *Comment négocier avec les gens difficiles. De l'affrontement à la coopération*, Seuil, 1993.

WALDER Francis, *Saint-Germain ou la négociation*, Éditions Gallimard, 1958.



TABLE OF CONTENTS

Introduction.....9
 A framework of law, authentic communication and effective negotiation.....9
 The C-R-I-T-E-R-E method. How can disagreements be turned into agreements?....13
 The training programme offered by *CommunicActions*.....16
 The method reconciles principle and experience.....16
 It is the assiduous practice of exercises
 that reconciles theory and savoir-faire20

Part one: Agreeing on the framework21
 The four possible scenarios when avoiding conflict.....21

Chapter 1: When should conflict be avoided?.....23
 1. Five criteria that help determine when conflict should be avoided23
 2. The tool: STOP23
 3. Exercises24

Chapter 2 : When is it advisable to avoid eluding?28
 1. Avoiding is costly28
 Hidden violence29
 Postponed violence29
 The relationship comes to a standstill30
 Modifying our dream for a conflict-free world30
 2. The tool: Avoid eluding by structuring meetings whereby each person feels
 safe enough to dare to say what is wrong to the right person,
 at the right moment and in the right place33
 3. Exercises35

Chapter 3 : Managing conflict without resorting to violence37
 1. Neither violent conflict, nor conflict that is avoided,
 but conflict that successfully resolves the disagreement.....37
 The conflict does not have to be violent37
 Conflict is to be taken seriously, right from the start39
 The 4-way N rule: the conflict is Natural, Normal, Neutral and Normative40
 The choice is not between violent conflict and the avoidance of conflict42
 The image of the released energy43
 2. The tool: A secured and regular framework for dialogue
 should be established before a crisis can arise44
 3. Exercises45



Part two: Agreeing on the rules of the game in power relationships.....49

 The framework of law is stronger than individual domination.....49

 A 4-column conceptual framework that identifies what is at stake.....50

Chapter 1 : Setting the rules of the game.....54

1. The need for a firm and clearly defined framework.....57

 A framework to be adjusted according to the child's age.....60

 The involvement of the members.....62

 The need to make rules evolve.....63

2. The tool: How to establish and adjust the framework of law?64

 Before the meeting.....64

 During the meeting.....65

3. Exercises66

Chapter 2 : Adding force to the rules.....68

1. Penalty-compensation does not mean punishment-repression.....70

 What does punishment-repression aim to achieve
 and what are the actual results?.....74

 Four reactions of 'power over'.....76

 The explicit border between authority and authoritarianism.....81

2. The tool: How to establish the penalty-compensation?.....84

 Prior to the meeting: intelligent framework and rules.....84

 During the meeting.....85

3. Exercises86

Chapter 3: Interconnecting fair authority and empathetic understanding87

1. And... and...88

 Thesis: Firm authority and empathetic understanding
 are two separate skills89

 Antithesis : Unfortunately, we tangle them together when put into practise...89

 Synthesis: Let us learn how to untangle authority and understanding92

 Thesis: The deadlocks of using only one skill.....94

 Antithesis: Let us learn to interconnect them again,
 without sacrificing one for the other97

 Synthesis: Combine authority and understanding.....98

2. The tool: Use this four-column conceptual framework as an evaluation tool99

3. Exercises99



Part three: Agreeing on the rules of the game in equal relationships101
 The 4-column conceptual framework that clarifies what is at stake101

**Chapter 1 : Making a distinction between kinds of violence:
 a way to voice frustration or a means to an end?108**
 Violence-experience and violence-power in the couple.....111

1. The three types or dimensions of anger113
 Anger-frustration.....114
 Anger-power game.....116
 Anger as a means to fight against injustice.....120

2. The tool: How to distinguish manipulative emotion
 from unmeant emotion?.....121

3. Exercises123

Chapter 2 : Preventing the other party from benefiting from power tactics.....130

1. Just like in Aikido, block the kick by wrong-footing the opponent.....131
 Tricks and psychological manipulation.....132

2. The tool: Various methods to disrupt power games.....136
 1) Refocusing on the problem137
 2) STOP on the substance to agree on the form: Negotiating the negotiation.....141
 3) STOP143

3. Exercises146

Chapter3: Leading a discussion without any tactics.....151

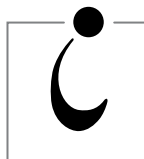
1. Our deep reflexes towards gaining power151
 The traps of confrontation.....151
 The adverse effects of takeover tactics.....156
 Illegitimate power 'over' < > legitimate power 'for and with'.....160
 Assertiveness.....165
 Creating cooperation within competition.....168
 Getting out of the trap of reciprocity.....170

2. The tool: Self-esteem as remedy to defensive aggression172

3. Exercises178



Part Four: Combining emotional intelligence and rational thinking to define the problem in depth.....	181
The 4-column conceptual framework	182
Chapter 1 : Listening to myself when I am impenetrable or aggressive.....	192
1. Replace judgement-reproach-expectation (J-R-E) by a feeling and a need.....	196
1) From judgement to listening to the hidden hardship.....	196
The useful role of feelings	196
This cut-off mechanism from one's self generates judgements and criticisms.....	198
To disconnect from one's self may produce illness: the 'ill-spoken'	203
2) From making feel guilty to responsibility	205
The other's action is only a triggering factor	205
Connecting our painful experiences to our thoughts, needs and values.....	206
Making others feel guilty is a strong but powerless weapon	209
Guilt is not a solution either.....	210
From guilt to responsibility for our deeds, words and experiences.....	212
Wise gardeners are not lucky gardeners.....	214
Our unresolved past conflicts affect our present conflicts	215
3) From high expectation to expecting something respectful of liberty.....	217
The ineffective expectation.....	217
By contrast, the unexpressed demands.....	219
Distinguishing foundation and solution, means and end.....	221
2. The tool: A dashboard for preparing the exchange through an inner dialogue.....	222
1) STOP. Focusing on myself.....	224
2) Getting my J-R-E out and face them.....	224
3) Observing.....	226
4) Listening to the feeling blinking inside me.....	227
5) Focusing on myself to acknowledge my need.....	228
6) Taking concrete action and initiative.....	229
3. Exercises	230



Chapter 2 : Listening to yourself when you are impenetrable or aggressive.....237

1. Start by listening to yourself.....237
 Uncluttering oneself and becoming more available to others.....237
 Removing barriers to listening.....240
 Consider an inferior person as a full partner.....244
 Do not decide for someone else what is off topic.....246
 Focus on the person who has a problem rather than on the problem.....246

2. The tool: Five ways to listen. From passive to active listening.....249
 1) Passive listening.....249
 2) The acknowledgements, confirmations, interjections.....250
 3) Invitations to speak.....250
 4) Rephrasing.....251
 5) Active listening through a question, in case of J-R-E252

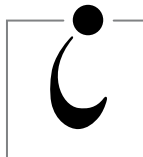
3. Exercises255

**Chapter 3 : 'I' to pinpoint the interests at stake
and agree on the definition of the problem.....260**

1. Moving from experiences and positions to interests at stake.....260
 1) From experiences to interests.....260
 Moving softly from 'I' to 'You'.....260
 Creating or restoring the relationship whenever it is required.....261
 Authentic communication may resolve some conflicts.....264
 2) From emotional intelligence to rational thinking.....266
 Making the difference between moments of empathy and
 moments when an agreement is being drafted.....267
 Distinguishing between the different aspects of a problem
 and tackling them one by one.....269
 Getting rid of experiences that will generate interference at a later stage...273
 3) From positions to interests at stake.....274
 Negotiating on Interests and not on Positions.....274
 The win-win criteria and the modelling.....278
 Distinguishing between I (Identify the interests) and
 T (Think of as many ideas as possible).....279

2. The tool: How to make and ... and ... happen?.....280
 1) Extracting interests from experiences280
 2) Moving from positions to the level of underlying interests.....281
 3) Questioning.....283
 4) Leaving my position to consider things from yours285
 5) Ensuring steadily that I understand your point of view286

3. Exercises287



**Part Five: Finding solutions, assessing them,
Keeping the best one and assessing its results297**

Chapter 1 : T = Thinking of as many ideas as possible.....300

1. Imagination and creativity.....300
 Sharing my wealth of ideas pays off301
 Being on the move and consider the problem from alternative point of view.....303
 Being confident that one's advantage is not necessarily to the other's disadvantage.....304
 Finding a way to create a bigger cake before sharing it304
 Finding solutions that are of low cost for one
 and of high profit for the other305

2. The tool: Brainstorming.....306
 1) Identifying as many ideas as possible.....307
 2) Saying whatever comes to mind307
 3) Daring to voice everything, even the craziest of ideas.....307
 4) Using and transforming the ideas of others308

3. Exercises311

**Chapter 2 : E-R-E = Evaluating the solutions fairly, keeping the best one
and making a Realistic plan accordingly,
implementing and Evaluating.....315**

1. Realistic solution and a fair, long-lasting, agreement.....315
 Venturing further into the most promising ideas
 and find the best criteria representing fairness.....315
 Agreeing, planing, noting down, committing.....319
 Subsequently implementing and evaluating the outcomes.....323

2. The tool: The funnel and final techniques.....324
 The art of conveying the best solution to the foreground.....324
 The art of making somebody see reason without putting forward my reasons...325
 The art of inducing by suggestion.....326
 The art of overcoming reluctance.....327

3. Exercises.....329

Conclusion.....333

Basic bibliography343

Table of contents347