

Conflict Resolution in Organizations

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Abstract

Two meta-theoretical traditions mark research on conflict resolution in organizations: the rationalist tradition, which portrays organizations as goal-directed collectivities and conflict resolution as a threat to efficiency and performance; and the cultural tradition, which portrays organizations as normative collectivities constituted by ongoing social interaction, interpretive dynamics, and institutional environments, and emphasizes the interplay of law and social inequalities in interpersonal and collective organizational conflict resolution. Within these traditions, we distinguish between structural and processual styles of research, noting the empirical methods favored in each tradition, research that blurs the boundaries between the traditions, and vanguard scholarship. Finally, we discuss several potential areas of research that could enhance meaningful intellectual exchange between the traditions.

INTRODUCTION

The rationalist tradition has dominated the study of conflict resolution in organizations since Max Weber (1946) and Frederick Taylor (1912 [1984]) laid the foundations for instrumental-rational organization theory nearly a century ago. From the rationalist perspective, conflict threatens efficiency and conflict resolution comprises specialized tools necessary to control or channel conflict into productive pursuits. The cultural tradition, by contrast, underscores the social construction of conflict resolution meanings and forms in organizations and institutional contexts (Selznick 1980, Barley 1991). The cultural tradition has gained considerable traction in the past two decades, owing to the cultural turn in organization (Morrill 2008) and sociolegal theory (Saguy & Stuart 2008); the introduction of social movement theory to understand organizational conflict and change (Davis et al. 2008); and changes to organizations, specifically the increasing importance of law in organizations (Edelman & Suchman 1999) and postbureaucratic organizational forms that introduce considerable fluidity to formal roles (Scott & Davis 2007).

In this article, we chart the dynamics of the rationalist and cultural traditions in the study of intraorganizational conflict resolution, framing our review around four questions. First, how have organizations, conflict, and conflict resolution been conceptualized in the two traditions? Second, what research methods are favored in each tradition? Third, what are the major research questions and findings in each tradition? Finally, how are changes in legal and other social institutions (e.g., social class, gender, race, ethnicity, and work) implicated in each tradition? As we answer these questions, we examine the structural (e.g., systems, formal procedures, rules, material relations, schemas, social networks) and processual (e.g., social interaction, temporal unfolding, tactics and strategies, emergent meanings) lines of research in each tradition (Donellon & Kolb 1997). Along the way, we also discuss some

of the important intersections between conflict resolution research and practice.

We note at the outset that our metatheoretical strategy paints the literatures on organizational conflict resolution with broader conceptual brushstrokes than those of many reviews and accents the cultural tradition, which is growing in visibility. Previous reviews and edited collections focus on particular techniques, such as negotiation and bargaining (e.g., Bazerman et al. 2000, 2004), styles of substantive theorizing (Kolb & Putnam 1992a,b; Lewicki et al. 1992), or combinations of the two (Wall & Callister 1995, De Dreu & Gelfand 2008). We draw on insights from these sources to take a wide-angle view that enables us to compare the foundational premises and historical trends in the rationalist and cultural traditions, which rarely appear together in single reviews. Nonetheless, we also note that our review, given space constraints, is necessarily limited in the sheer volume of literature we can cover.

Our discussion begins with structural-rationalist approaches that privilege engineering and design solutions to conflict, and moves to processual-rationalist research on the techniques and strategies of negotiation and bargaining, examining research that blurs the boundaries between the rationalist and cultural traditions. We then focus on structural-cultural approaches that draw on early and neo-institutional theory and explore processual perspectives that privilege interpersonal dynamics, discourse, and collective action. We conclude by proposing multiple areas of research that could further cross-tradition inquiry.

THE RATIONALIST TRADITION

Rationalist perspectives portray organizations as instrumental, goal-directed collectivities governed by formalized rules and procedures (Scott & Davis 2007). Conflict results from incompatible goals, interests, values, beliefs, and/or feelings, all of which can interfere with organizational efficiency and effectiveness

(March & Simon 1958, Boulding 1962, Deutsch 1973, Rubin & Brown 1975, Gray et al. 2007). In this tradition, conflict resolution becomes “central to the smooth, integrated functioning of organizations” (Kolb & Putnam 1992b, p. 314).

Early Engineering Solutions to the Threat of Conflict

During the first three decades of the twentieth century, the threat of conflict to workplace efficiency permeated not only early managerial theory, but also the economic policies of many industrialized nations (Guillén 1994). In this context, scholars and policy makers regarded organizational conflict as rooted in collective antagonisms between management and workers, the resolution of which became defined as an engineering challenge (Scimecca 1991). Frederick Taylor (1912 [1984]) developed the best-known engineering approach in scientific management, which operated from the premise that direct observation of work practices could provide the basis for optimal job design and worker productivity. Taylor believed that tightly coupling best practices to piece rates would increase worker compensation (and commitment) while simultaneously increasing profits, and thus prevent conflict by creating a convergence of interests among workers and managers.

Ironically, scientific management produced the opposite of what Taylor expected by helping to accelerate and legitimate the deskilling of workers (Braverman 1974). It also strengthened the hands of managers to continuously drive down piece rates as they pushed productivity requirements higher. These dynamics intensified workers’ strikes in the early twentieth century, and organizational conflict resolution became the province of private strikebreakers, policing agencies, and the U.S. military, all of which led to congressional investigations at which Taylor testified (Montgomery 1979). During this same period, American courts issued 2965 major injunctions against local union leaders, effectively outlawing strikes (Friedman 2002, p. 76).

Beginning in the 1920s, the American Federation of Labor (AFL) began opposing antiunion candidates for elected office and judicial appointments. Although these campaigns met with violent suppression, they ultimately helped lay the political foundations for the passage of the 1932 Norris–La Guardia Act and Franklin Roosevelt’s election, which in turn led to the 1935 National Labor Relations Act (NLRA) that granted workers formal rights to form unions and strike (Friedman 2002). The NLRA drew inspiration both from rationalist concerns about controlling conflict and from the culturally inflected human relations school of management (Stone 1981), which arose in direct opposition to scientific management, yet ironically dovetailed with early rationalist perspectives on the usefulness of formal procedures for preventing intraorganizational conflict (Jacoby 1985). Human relations scholars, exemplified by Mayo (1933), Barnard (1938), and Hawthorne Plant researchers Roethlisberger & Dickson (1947), argued that organizations could be socially engineered as collaborative enterprises and that responsive leadership and formal mechanisms for meaningful employee voice would prevent worker-management conflict.

In the 1940s and 1950s, scholars began to view the NLRA through the lens of interest-group politics bounded by a “web of [legal] rules” (Dunlop 1958). Woven into these rules were assumptions about the legitimate bases of industrial conflict (over wages and benefits but not governance), the formal equality of unions and management, and the binding role of neutral, adjudicatory-like arbitration when routine collective bargaining broke down (Klare 1982). Human relations strategies and liberal legal assumptions thus became integrally linked within the NLRA in the service of rationalist (and capitalist) logic.

Organizational Design

In the aftermath of World War II, structural-rationalist research and practice on organizational conflict resolution split along two lines.

The first consisted of economists, political scientists, and legal scholars who continued to articulate the rules, procedures, and strategies for collective bargaining between management and unions (McPherson 1956, Warren & Bernstein 1949, Weisenfeld 1954). These scholars ignored the cold war and U.S. race relations even as those broader contexts shaped the functions of the NLRA. As the cold war came to dominate American domestic politics and foreign relations, the NLRA, through the passage of the 1950 Subversive Activities Control Act Amendment, evolved into a mechanism for stigmatizing the labor movement as far-left or even Soviet controlled, thus undermining workers' substantive rights to legitimately strike (Stepan-Norris & Zeitlin 2003). With respect to race relations, unions dramatically varied in their commitment to organizing nonwhite workers and in opposing racial segregation of workplaces (Stepan-Norris & Zeitlin 2003, p. 261).

A second line of inquiry used comparative case-study methods to understand the relationships between organizational structures, environments, and performance. Using this methodology, Burns & Stalker (1961) produced what became an oft-cited finding: In volatile industries with high rates of innovation and uncertain technologies (e.g., high-tech industries), successful corporations adopted less hierarchical, more organic formal structures, whereas in stable industries (e.g., food or container production), effective organizations adopted Weberian-like rational-legal bureaucracies. Burns & Stalker (1961) shifted attention to the contingencies of organizational adaptation to broader environments, which ultimately led to the open systems revolution in organization theory (Scott & Davis 2007). Business school researchers added an important ingredient to what became contingency theory—conflict resolution—that they maintained was a key factor in explaining effective and efficient environmental adaptation (Lawrence & Lorsch 1967). Rather than scientifically engineered job design (as in Taylor) or universal law-like procedures (as in Weber), structural-

rationalists of the 1960s and 1970s focused on the design of intermediary, lateral units, including teams and task forces, that could coordinate divergent managerial interests and information flows among different functions and departments, thereby reducing costly conflict (Lawrence & Lorsch 1967, Thompson 1967, Walton & Dutton 1969, Galbraith 1974). Organizations without lateral units tended to experience higher rates of conflict, engage in less effective decision making, and ultimately suffer lower performance in terms of productivity and profitability (Lawrence & Lorsch 1967).

Comparative case studies also opened the way for identifying different resolution models for particular kinds of organizational conflicts (Aubert 1963, Corwin 1969, Evan 1965, Lammers 1969). Pondy (1967) identified three foundational models: a bargaining model for labor conflict, a bureaucratic model for superior-subordinate conflict, and a systems model for lateral conflicts involving coordination problems among organizational subunits. Pondy (1967, p. 319) further argued that the functionality of conflict (Coser 1956) must be evaluated empirically and that the astute manager could use these models to identify pressure points for resolution or to spur conflict toward benefiting organizational performance.

In addition to revolutionizing organization theory, comparative thinking offered a prescriptive basis for how best to prevent conflict via organizational design (Lawrence & Lorsch 1967, Galbraith 1974) and percolated into economics scholarship on the trade-offs between corporate hierarchies and markets as structures of economic governance. Williamson (1975), for example, argued that under conditions of information uncertainty, standardized corporate hierarchies can resolve conflict with fewer transaction costs than market-based, contract-specific bargaining or adjudication because of information access and the availability of authority fiat.

As structural-rationalists spun out ever more complex organizational designs, they began speculating about what the most effective techniques of conflict resolution might be within

those designs. These early forays ultimately joined with social psychology to create a vast industry of research and practice on the processes of organizational conflict resolution.

From Design to Technique in Research on Negotiation and Bargaining

Processual-rationalist researchers hold dear many of the same assumptions as structural-rationalist scholars about rationality, opposed interests, efficiency, and organizational performance. They carry forward the idea of conflict resolution as a discrete tool that can enhance organizational performance, but they depart from structural-rationalist research in two important ways. First, processual-rationalist researchers elevate the social exchange processes of negotiation and bargaining to privileged status (Putnam 2003). This move initially cut off much processual-rationalist research from contingencies scholarship (and the open systems revolution in organization theory) and discussion about social institutions, including law. Second, processual-rationalist researchers pushed away from comparative case studies of actual organizations to adopt laboratory experimentation as their primary method, drawing from research designs in the social psychological study of negotiation. In the 1960s and 1970s, social psychologists produced scores of experimental studies that examined the influence of individual differences (e.g., personality and demographic variables) and situational variables (e.g., presence of third parties, deadlines, and incentives) on negotiation tactics and outcomes (Rubin & Brown 1975, Bazerman et al. 2000). These studies, according to rationalist scholars, suffered from inconsistencies in invoking “clear standards of rationality or optimality against which behavior could be evaluated” (Bazerman et al. 2000, p. 281), which not only led to a lack of cumulative theory and findings, but also constrained the practical application of negotiation research.

As social cognitive research displaced social psychology, negotiation and bargaining

research moved off center stage in the discipline of psychology to emerge as a mainstay of conflict resolution research at graduate professional schools, especially in business (e.g., the Dispute Resolution Research Center at Northwestern University’s Kellogg School of Management) and law schools (e.g., the Program on Negotiation at Harvard Law School). One direction that researchers took followed game theory in which bargaining was mathematically modeled as a series of strategic choices under strong assumptions about consistent and well-specified negotiator preferences, outcomes, and rationality (Luce & Raiffa 1957, Raiffa 1982). The other direction resonated with behavioral decision making, appearing initially in Walton & McKersie’s (1965) behavioral theory of collective bargaining and, secondarily, in Blake and Mouton’s (Blake et al. 1964, Blake & Mouton 1984) typologies of managerial conflict resolution.

Walton & McKersie (1965, McKersie & Walton 1992) drew from several sources, including small-group research (Cartwright & Zander 1960, Heider 1958) and Follett’s (1942) early work on the integrative functions of organizational conflict, to theorize collective bargaining as comprising two primary tendencies: distributive and integrative bargaining. In distributive bargaining, disputants competitively divide up what they regard as a fixed stake, thus producing win-lose outcomes. In integrative bargaining, by contrast, disputants collaborate based on mutual interests to enlarge what is at stake, thus producing win-win outcomes. Blake et al. (1964) used surveys of managers to empirically identify five methods of resolving interpersonal conflict in organizations: withdrawal, smoothing over differences, coercion, compromise, and problem solving. Blake & Mouton (1984) further argued that the most effective process for reducing conflict in organizations is problem solving because it simultaneously addresses underlying themes and builds meaningful social relationships among the parties involved. Contingency theorists (including Walton himself, who made key contributions to both contingency theory

and negotiation research) agreed with these arguments, also favoring integrative problem solving in organizational conflict (Lawrence & Lorsch 1967, Walton 1969, Walton & Dutton 1969, Thomas 1979).

In the 1980s, these ideas came together in Roger Fisher and William Ury's (1981) best-selling *Getting to Yes*. The heart of *Getting to Yes* follows along in the footsteps of Walton & McKersie (1965) and Blake et al. (1964) by elevating integrative/problem-solving (principled) bargaining to a mantra that can be applied to any conflict, ranging from international arms control to workplace disputes. In tandem with their integrative mantra, Fisher & Ury (1981) offered multiple strategies to handle conditions that constrain win-win outcomes. These strategies include separating disputants from their positions (typically, but not always, ideologically constructed) to focus on underlying interests (which, presumably, can be integrated); developing "Best Alternative(s) to Negotiated Agreement" (BATNAs) in the event exit is necessary from negotiations with more powerful parties; and revealing patterns of and underlying rationales for dishonesty by opposing negotiators.

As *Getting to Yes* informed, if not constructed, much of the popular consciousness about conflict resolution, behavioral decision approaches deepened the consolidation of rationalist negotiation and bargaining research around questions of bounded rationality (Simon 1955) and information processing (Kahneman et al. 1982). This development relaxed the strong rational actor assumptions in game theory (Luce & Raiffa 1957, Raiffa 1982) and provided analytic windows into the biases and assumptions that negotiators hold, including how negotiators can and should assess utilities, make strategic choices, and process information to maximize outcomes (Bazerman & Neale 1983, Neale & Bazerman 1991, Neale & Northcraft 1991, Lewicki et al. 2006). Despite the popularity of *Getting to Yes* and the ascendancy of behavioral decision research, scholars from inside (Greenhalgh & Chapman 1995, Kramer & Messick 1995) and outside

the rationalist tradition (Barley 1991, Nader 2002) criticized rationalist negotiation and bargaining research for largely ignoring context and social power. These omissions, so the critics argued, compromised the explanatory and practical efficacy of processual-rationalist insights and helped usher in research that blurs the boundaries between the two traditions.

Blurring the Boundaries Between the Rationalist and Cultural Traditions

Negotiation researchers have blurred the boundaries between rationalist and cultural traditions by introducing numerous contextual variables on (a) social relationships, especially how the properties of dyads influence negotiation and bargaining (e.g., Valley et al. 1998); (b) emotion both as a constraint and as a strategic resource in negotiator effectiveness (Barry et al. 2004, Thompson et al. 2004, Shu & Roloff 2006; see the review in Druckman & Olekalns 2008); (c) linkages between group performance, different types of diversity (e.g., Jehn et al. 1997), types of conflict (e.g., Jehn & Mannix 2001), and effective conflict resolution (e.g., Murnighan & Conlon 1991); (d) social identity and accountability in bargaining (Kramer et al. 1993); (e) the dark side of negotiation, especially intergroup paranoia and social power (Kramer 2004); and (f) gender stereotyping and negotiator performance (Kray & Thompson 2005).

The introduction of contextual variables to processual-rationalist research also led to questions about the meanings of negotiation to negotiators, particularly mental models, which represent negotiation as contests of strength, sequences of rational choices in games, interpersonal relationships, or shared problem-defining and -solving processes (Thompson & Lowenstein 2003). By investigating mental models, scholars can locate negotiators' cognitive biases and assess how negotiators alter their preferences before, during, and after bargaining (Thompson & Hastie 1990, Pinkley & Northcraft 1994, Van Boven & Thompson 2003). Meaning also figures prominently in the

study of procedural justice in organizational conflict resolution (Thibaut & Walker 1975, Colquitt et al. 2001), including findings that perceptions of fairness and disputant control (which validate group membership) can outweigh perceptions of outcomes in determining satisfaction and compliance with negotiated agreements (Lind & Tyler 1988, Lind et al. 1993, Tyler et al. 1997). Another area of research that blurs the boundaries of the rationalist tradition uses case studies and insights from procedural justice research to address the effectiveness of complementary disputing systems composed of third party and dyadic conflict techniques (Bendersky 2003, 2007). Such systems operate well in decentralized workplaces with diverse workforces, offering disputant control in conflict resolution and signaling to employees that their organizations value fairness and employee voice (Bendersky 2003).

The processual-rationalist research most attentive to context concentrates on the cultural shaping of negotiators' interests, strategic choices, preferences for bargaining styles (e.g., integrative or distributive), and outcomes (Brett & Crotty 2008). Much of this research links national cultural traits and bargaining styles using self-report surveys and experimental designs to study collectivism and individualism (Hofstede 1980). The findings from this research are mixed and may, when applied too broadly, treat whole societies or regions as monolithic entities, portraying individuals as passive dupes of deterministic cultural norms (Brett & Crotty 2008). To answer these challenges, processual-rationalist researchers turned to social constructivist approaches that treat negotiators as active agents drawing on cultural repertoires in particular bargaining contexts (Hong & Chiu 2001, Morris & Fu 2001).

Taken as a whole, rationalist researchers have produced important insights into the effectiveness of organizational design and techniques in conflict resolution and have increasingly introduced contextual variables and dynamic perspectives into their work. Nonetheless, processual-rationalist scholars continue to study conflict resolution largely

within the experimental paradigm as specialized social interaction isolated from the everyday complexities and social institutions that constitute contemporary organizations, especially law and structural inequality. The cultural tradition, by contrast, begins with different assumptions about organizations, research methods, and how context matters in conflict resolution.

THE CULTURAL TRADITION

Much of the cultural tradition in conflict resolution research can be traced back to Philip Selznick's (1948, 1949, 1957, 1969) early work on law and organizations. He argued that organizations comprise both formal (bureaucratic) and informal relations and must be understood in their broader sociocultural contexts because they are "inescapably imbedded in an institutional matrix" (1948, p. 25). From this perspective, organizations comprise collectivities in which members pursue multiple lines of meanings and interests that are not solely or consistently determined or accounted for by bureaucratic rules and goals (Gouldner 1959, Hallett & Ventresca 2006). How organizational members define situations as conflict becomes an important topic of inquiry and is linked to multiple conditions, ranging from cultural orientations and interpersonal breaches to bureaucratic entanglements, legal endowments (rights), and structural inequality (Emerson & Messinger 1977; Kolb 1983, 2008). The bandwidth of conflict resolution similarly expands to include subtle actions couched in everyday activities (e.g., remedial exchanges, avoidance), as well as formalized negotiation and law, quasi-legal structures (e.g., arbitration, mediation, and employee grievance mechanisms), and collective action.

To "know the score" when studying an "organizational situation charged with conflict," Selznick (1948, p. 27) observed, one must understand both formal and informal relations. This observation eventually evolved into separate lines of inquiry. The first became the object of structural-culture research on changes in formal conflict resolution structures across

American organizations, ultimately leading to the legalization thesis (Selznick 1969), multiple styles of critical institutional theorizing, and analyses of the spread of alternative dispute resolution (ADR) through American organizations. His insights into informal relations also inspired an early generation of researchers to study the interactional bases of conflict, which set the stage for processual-culture approaches that place a premium on the emergent meanings of conflict, including negotiated order and discourse approaches.

Legalization, Critical Institutionalism, and ADR

Selznick (1969, p. 32) argued that, in democratic societies, managerial problem solving inside organizations increasingly draws on the public legal order for procedures to manage problems, resulting in organizations becoming legalized. This observation might seem a restatement of the web of rules argument by legal scholars and labor economists about how law envelops American industrial relations (Dunlop 1958). For Selznick, however, legalization carried a much deeper meaning. Legalization refers to widespread beliefs in the values of fairness, universality, and due process by organizational members of all statuses, as well as in the legitimacy of formal organizational procedures operated according to those beliefs. Based on survey, in-depth interview, and historical studies across various industries, Selznick (1969) claimed that legalization transformed American organizations from instrumental tools (grounded only in rational, technical concerns) to normative “polities” guaranteeing “substantial citizenship rights” for all organizational members (Edelman & Suchman 1999, p. 946).

Selznick’s work helped lay the foundations for the institutional approach in organization theory (Stinchcombe 1997, Scott 2008). However, scholars did not specifically analyze organizational legalization and its relationships to conflict resolution until the 1980s and 1990s, as increasing standardization, as well as the proliferation of law-related offices

and programs, became apparent in multiple domains, including personnel administration and the organizational mediation of civil rights law (Edelman 1990), education (Yudof 1981, Scott & Meyer 1991), environmental regulation (Hawkins 1984), and health and safety (Bardach & Kagan 1982, Rees 1988).

Selznick (1969) approached organizational legalization from the inside-out, but contemporary structural-culture scholars—critical and neo-institutionalists—approach it from the outside-in to demonstrate how social institutions constitute organizational structures. For Marxists and feminists, for example, the sources of legalization lie in the cultural contexts of institutionalized hierarchies based on capitalist domination and patriarchy, respectively. Marxists situate legalization as an inevitable historical outgrowth of monopoly capitalism in which class conflict channels into ostensibly universal rules and procedures, and the same socioeconomic inequities that render civil rights protections impotent in the public legal order are reproduced in the private, legalized handling of conflict inside organizations (Edwards 1979, Gordon et al. 1982). Feminists argue that patriarchy constitutes the central institutional principle of social life (Kolb & Putnam 1997) and, despite the many contemporary gains by women, patriarchy still constructs and blunts the substantive meanings and capacities of organizational structures to deliver just outcomes for women (Abrams 1989). Not surprisingly, legalization is less developed in occupations where women are most prevalent (Gwartney-Gibbs & Lach 1994). Neo-institutionalists have also been skeptical about the substantive effects of legalization (Edelman & Suchman 1997, 1999; Sutton et al. 1994), observing that legalization became intertwined with the increasing development of personnel offices and the perceived requirements of the 1964 Civil Rights Act, especially affirmative action policies (Baron et al. 1986; Edelman 1990, 1992; Edelman et al. 1993; Hirsh & Kornrich 2008; Dobbin 2009). Legalized internal structures do not necessarily guarantee rights for members in organizational polities, as Selznick (1969) argued, but signal

the legitimacy of organizational structures for managing organizational conflict in particular institutionalized fields (Edelman 1990, 1992; Sitkin & Bies 1993; Bies & Sitkin 1994; Edelman & Suchman 1999).

For neo-institutionalists, a key development in organizational legalization over the past three decades is the widespread adoption of ADR (e.g., arbitration, mediation, ombuds offices, and other grievance-handling mechanisms). ADR emerged out of both rationalist and cultural critiques of adjudication as incapable of resolving social conflicts in efficient and effective ways that can sustain relationships, organizations, and communities (Menkel-Meadow 1984, Moore 1986, Harrington & Merry 1988, Westin & Felu 1988, Bush 1989, Morrill & McKee 1993). Although originally pitched during the 1970s as a panacea for so-called minor disputes (involving families, neighbors, or small businesses) that were popularly believed to be clogging the lower courts (Galanter 1983), as well as some forms of urban unrest and crime (Danzig 1973), ADR came to be seen as a more general solution for handling conflicts of any kind. An important turning point in the historical development of ADR occurred in 1976 when the Pound Conference brought together elite judges, attorneys, law professors, and social scientists to consider contemporary problems besetting American courts (Menkel-Meadow 2004). The Pound Conference put ADR at the forefront of legal reform with a proposal that courts should be restructured into multidoor courthouses to provide different dispute-handling mechanisms (adjudication, mediation, community facilitation, etc.) depending upon the type of conflict at issue (Sander 1976). Two years after the Pound Conference, a group of corporate attorneys formed the Center for Public Resources (CPR), which took the lead in promoting ADR for organizational conflict resolution in the United States (Edelman & Suchman 1999) and ultimately across China, Europe, Russia, and South America (<http://www.cpradr.org>).

From these origins, ADR diffused widely through private (Ewing 1989, Westin & Felu 1988) and public organizations (Moon & Bingham 2007), spurred on by the CPR working with ADR's chief organizational champions—human resource professionals and corporate counsel—who promoted ADR as responsive managerial practice in the context of protecting civil and other rights in the workplace, and as a way to avoid costly litigation (Rowe & Baker 1984; Edelman et al. 1999; Bingham 2004; Dobbin 2009; L.B. Edelman, manuscript in preparation). National surveys reveal that the proportion of U.S. organizations with ADR-like structures rose sharply during the 1970s and 1980s (Edelman et al. 1999, Dobbin et al. 1993, Sutton et al. 1994). By the early 2000s, more than 90% of the largest 1,000 American corporations reported routinely using some form of ADR (operationalized as mediation, arbitration, ombudsperson, fact finding, peer review, or mini-trial) for commercial or employment conflicts (Lipsky et al. 2003). Despite the widespread adoption of ADR, few definitive assessments of its efficiency or effectiveness in organizations exist (Edelman & Suchman 1999), although it generates satisfaction rates approaching 80% to 90% among survey respondents who use it in private (Lande 1998) and public organizations (Moon & Bingham 2007).

The spread of ADR through organizations brought with it efforts to create a professional field and market for conflict resolution, including the founding of multiple professional organizations that, in 2001, merged to become the Association for Conflict Resolution (ACR). The ACR had, as of 2009, more than 6,000 members, and it holds conferences and training meetings throughout the United States and other countries (<http://www.acrnet.org>). Other markers of ADR professionalization and market growth include the development of industry-based, private ADR systems (Talesh 2009) and the dramatic expansion of law and dispute resolution firms offering conflict resolution services, stand-alone university degree

programs, and state-level certification (Morrill 2009).

At first glance, the ADR movement and attendant structural changes in organizational conflict resolution might seem antithetical to legalization since ADR emerged as a critique of adjudication. Yet, ADR has become a quasi-legal part of formal organizational structures and fields, enjoying many of the same procedural trappings as law. In this sense, it is a component of legalization (Edelman & Suchman 1999). ADR also has explicitly been incorporated into legal policy. For example, in the 1990s, the Equal Employment Opportunity Commission (EEOC) implemented a nationwide ADR program to relieve its backlog of cases in civil rights–related workplace disputes and in 2000 required all federal agencies to make ADR (mediation or arbitration) available to disputants. Congress also passed the Administrative Dispute Resolution Act (ADRA) in 1990 as an amendment to the Administrative Procedure Act, requiring each federal administrative agency to adopt a policy on ADR (Bingham & Wise 1996).

Despite the close marriage of organizational ADR with public legal orders, it still largely unfolds without the “formal enunciation, vindication, and enforcement of publicly mandated legal rights” (Edelman & Suchman 1999, p. 953). Apart from the protections afforded by the public legal order, ADR can become managerialized in that it reflects managerial prerogatives and power (Edelman et al. 2001), thus leading away from social justice to the pacification of aggrieved parties (Nader 2002, p. 149; Hensler 2003). Moreover, legal decision makers—judges—increasingly defer to the legitimacy of ADR procedures without carefully scrutinizing the substantive outcomes they produce (Edelman et al. 2009).

Taken together, structural-culture researchers highlight how social institutions and fields influence organizational conflict resolution structures, thus reconstructing what it means to manage conflict legitimately, effectively, and efficiently. But structural-culture researchers only tell part of the story,

leaving the day-to-day social interactions that constitute efforts to resolve conflict in and out of the shadows of these structures (Mnookin & Kornhauser 1979) to processual-culture researchers.

Organizational Conflict Resolution as Everyday Social Interaction and Discourse

Sociologists in the 1950s and early 1960s used Selznick (1948) as a point of departure and imported ethnographic techniques from anthropology and urban sociology to understand how ongoing social interaction constitutes the processes and meanings of conflict resolution in organizations (Blau 1955, Gouldner 1956, Dalton 1959, White 1961, Mechanic 1962). As represented in these studies, organizational conflict resolution rarely unfolds in the rationalist image of formalized, specialized negotiations. It occurs behind the scenes, strongly influenced by informal relations, although organizational members often camouflage such processes by making it appear as if formal channels and forums play primary roles. Gouldner (1956), for example, found through his team field study in a gypsum mine that workers drew on their informal social ties for covertly settling scores against managers all the while appearing to conform to bureaucratic rules. Dalton’s (1959) ethnographic study of a Midwestern corporation likewise revealed the importance of mobilizing well-placed informal social cliques in managerial conflict resolution.

These studies set the stage for the development of the negotiated order perspective on organizations and organizational conflict resolution, which emerged out of team field research conducted by Strauss and colleagues (1963) on the division of labor and conflict at a large psychiatric hospital. Strauss’s team observed that nurses, doctors, and other personnel engaged in “processes of give-and-take, of diplomacy, of bargaining” to manage interpersonal conflict and forge informal agreements about task coordination (Strauss et al. 1963, p. 148). Strauss (1978) later argued that negotiated orders

characterize all organizational life, and conflict resolution must be regarded as an everyday accomplishment, shifting with situational meanings and interactional ploys of actors, their social relationships and formal roles, and broader institutional contexts. Researchers have drawn on the negotiated order approach to understand everyday conflict resolution in community organizations, schools, hospitals, and professional firms (Martin 1976, O'Toole & O'Toole 1981, Kleinman 1982, Levy 1982, Barley 1986, Morrill 1992, Hallett 2003, Grant et al. 2009).

The negotiated order approach situates meaning and social interaction at the center of the study of organizational conflict resolution, substantially informing both discursive (Jacobs 1994, Conley & O'Barr 1998, Kolb & Putnam 1997) and feminist approaches (Martin 1990, Kolb & Putnam 1997). Discursive studies of interpersonal conflict—often based on tape-recorded interactions or carefully observed sequences of interaction—reveal the communication processes through which organizational members come to define what is and is not trouble (Emerson & Messenger 1977, Emerson 2008). Negotiations, whether in bracketed forums or on the fly, become interactional accomplishments in which instrumental goals and discrete outcomes are secondary to the transformation of disputes via the co-construction of mutual understanding and respect (Putnam 1994). Feminist approaches to conflict discourse, however, underscore how language and discourse in gender hierarchies both constitute conflict and suppress its resolution. To illustrate, Martin (1990) analyzed a single tape-recorded story told by a male corporate executive in a public forum recounting how his corporation insisted that a female executive colleague stay home for several months following the birth of her child. Martin (1990) argues that the story reveals hidden conflicts and contradictions in institutionalized expectations surrounding gender, motherhood, and work. Another illuminating example comes from Kolb's (1992) analysis of behind-the-scenes informal peacemaking by women in organizations, which

often goes unseen and is undervalued by male organizational members.

The Disputing Turn

Until the 1990s, processual-culture researchers framed organizational conflict resolution as a form of explicit or tacit negotiation. With the turn to the field of law and society and the explicit framing of organizational conflict as a disputing process, researchers greatly expanded their conceptual vocabularies for representing the range of actions that lie beyond negotiation (Kolb & Putnam 1992a,b). The disputing perspective shares with negotiated order and discursive approaches a primary concern with how social context influences both definitions of conflict and redress (Macaulay 1963, Felstiner 1974, Nader & Todd 1978, Starr & Yngveson 1975, Felstiner et al. 1980, Miller & Sarat 1980), and, in some variants, focuses on both the processes and structures of conflict resolution (Black 1976). Much of this work has been ethnographic or interview based, following the methodological leanings of anthropologists who first studied disputing in non-Western settings (Nader & Todd 1978), although the Civil Litigation Research Project (CLRP) is a notable exception. In the late 1970s, scholars working on the CLRP used a national random survey of 5,147 Americans to determine how people mobilize law to handle disputes (Miller & Sarat 1980). The CLRP revealed that people generate a broad range of grievances, ranging from community and consumer problems to rights-based breaches involving workplace discrimination, but that legal mobilization is relatively rare. Of all of the grievances recorded by CLRP, only about 5% reached trial (Miller & Sarat 1980). This winnowing effect became known as the dispute pyramid to underscore how few grievances reach resolution by law or other means (Miller & Sarat 1980). So rare is conflict resolution that some scholars prefer the term conflict management (Black 1984).

Many intraorganizational disputes involve informal, behind-the-scenes processes, such as avoidance, lumping (not doing anything), or

on-the-fly negotiations, rather than either ADR or legal intervention (Kolb & Bartunek 1992; Kolb & Putnam 1992a,b; Van Maanen 1992; Morrill 1995; Tucker 1999; Fuller et al. 2000). Social hierarchies, networks, and local cultures influence disputing in much the same way as they do outside of organizations. For example, outside of organizations, socially disadvantaged individuals are less likely than higher-status persons to define their grievances in ways that lead to legal mobilization (Mayhew & Reiss 1969, Black 1976, Miller & Sarat 1980) and, when they do, often find courts unreceptive to their claims (Katz 1982, Merry 1990). Socially subordinated persons in organizations—whether based in formal authority, race, ethnicity, gender, age, or other social markers—are similarly less likely than are more advantaged persons to mobilize either law or internal ADR mechanisms to pursue grievances (Bumiller 1988; Gwartney-Gibbs & Lach 1994; Morrill 1995; Morrill et al. 2000, 2010; Hoffman 2003). Where organizational hierarchies are not pronounced, however, intraorganizational disputing can take on cooperative (Hoffman 2001) or therapeutic orientations (Tucker 1999).

At the tops of social hierarchies, repeat players can mobilize law such that the “haves come out ahead” (Galanter 1974). When such haves are organizational defendants (rather than individuals), they will more likely be able to reduce their liability in comparison to individual, lower-status defendants (Black 1987). Analogous patterns occur in intraorganizational disputing. Morrill (1995), for instance, found in his comparative ethnographic study of 13 corporations that executives use formal authority to obscure their responsibility and legal liability in intraorganizational disputes with lower-level managers.

In addition to social hierarchy, social networks play important roles in shaping disputing in organizations (Nelson 1989, Morrill 1991b, Morrill & Thomas 1992, Harrison & Morrill 2004). Much of this work follows Macaulay’s (1963) path-breaking, in-depth interview study of corporate managers in which he found that managers often handle interor-

ganizational business disputes according to industrial customs and normative commitments in social relationships without explicit reference to contracts and law. Hoffman (2005) goes one step further by examining how gender hierarchies and networks influence the use of quasi-legal ADR in organizations in her ethnographic and interview study of an employee-owned taxicab company. She found that male cab drivers develop extensive social networks and handle disputes via informal negotiations, whereas female drivers develop sparser social networks, which leads them to rely on internal ADR mechanisms.

Researchers also combine insights from studies of extra-legal disputing cultures (e.g., Merry & Silbey 1984, Ellickson 1991) with Black’s (1993) theoretical framework to examine conflict management in organizations. Black (1993) argues that conflict management is isomorphic with fundamental properties of its sociocultural context. Black’s framework has proven useful for understanding conflict management in several organizational and nonorganizational settings across contemporary, historical, and cross-cultural contexts (Baumgartner 1988; Cooney 1998, 2009; Horowitz 1990; Senechal de la Roche 1996; Tucker 1999), and more recently has been extended to understand the temporal shaping of conflict (Black 2011). Morrill (1991a, 1995), for instance, used this approach to ethnographically examine conflict management in multiple corporate settings, finding that distinctive organizational cultures and structures tend to produce particular mixes of conflict management. In organizations characterized by unilateral chains of command (as in traditional manufacturers and banks), conflict tends to be defined as breaches of norms regulating vertical social interaction, and is referred upward to superiors for settlement. However, in organizations with cross-cutting formal authority (matrix or project structures, as in high-tech and engineering firms), conflict management tends to be understood and handled as vengeance-like status competitions between groups of managerial allies. At the tops of professional firms characterized by relatively

flat formal authority (as among partners in accounting, law, or architecture firms), partners frame conflict in minimalist ways, and avoidance and lumping are commonly used to handle conflict.

That routine conflict management is isomorphic with its sociocultural context resonates with earlier observations from the negotiated order approach about how organizations can simultaneously experience conflict and stability. In British police agencies, for example, off-site drinking among rank-and-file and commanding officers become occasions for subordinates to express displeasure with their superiors without challenging the legitimacy of formal authority (Van Maanen 1992). In labor negotiations, the building of mutual trust between negotiators on the backstage helps sustain bargaining that threatens to careen out of control on the front stage as negotiators publicly symbolize the intense antagonisms between the groups they represent (Friedman 1994).

Organizational Conflict Resolution as a Collective Dynamic

Recent research on organizational conflict resolution in the cultural tradition has evolved in multiple directions due to further engagement with conceptual frameworks centered on the collective dynamics of organizational conflict. The first of these directions—the study of legal consciousness—focuses on collective discourses of rights, power, and conflict that people draw on to constitute the routines of daily life and to handle conflict (Merry 1990, Ewick & Silbey 1998, Engel & Munger 2003, Nielsen 2004, Silbey 2005). Organizational research from this perspective has focused on workplaces, universities, public organizations, and schools. Marshall (2003), for example, uses in-depth interviews and surveys to demonstrate how women in nonsupervisory positions draw from legal and social movement frames (Snow et al. 1986) to define unwanted sexual attention as harassment and link these frames to broader struggles for gender equality. Albiston (2005) draws from in-depth interviews with workers

attempting to mobilize formal rights within the 1993 Family and Medical Leave Act (FMLA) to explore how rights discourses can disrupt structural inequality in workplaces. Abrego (2008) shifts the analytic terrain to education and ethnicity by ethnographically studying how California Assembly Bill 540, which qualified long-term undocumented California residents for exemptions from nonresident tuition in California public colleges and universities, reconstituted nonwhite undocumented students' public identities as "AB 540 students," thus enabling them to openly celebrate their achievements as full participants in the American discourse of meritocracy. Maynard-Moody & Musheno (2003), although not using the concept of legal consciousness explicitly, use stories from police officers, teachers, and therapists to examine how street-level workers navigate tensions between law and personal moral orientations in working with clients. Finally, Morrill et al. (2010) combine ideas from the legal consciousness and mobilization literatures to study the influences of ethnoracial identity on high school students' responses to rights violations involving discrimination, sexual harassment, freedom of expression, and school discipline.

The legal consciousness literature resonates with research on collective challenges to institutionalized authority in organizations, including resistance to abusive authority (e.g., Baumgartner 1984; Jermier et al. 1994; McFarland 2001, 2004; Ewick & Silbey 2003; Morrill et al. 2003; Mumby 2005) and collective action in organizations and organizational fields (e.g., Zald & Berger 1978, McCann 1994, Dezalay & Garth 1996, Scully & Segal 2002, Edelman et al. 2010). Much of this research uses qualitative methods, owing to the need to tease out the interactional nuances and meanings of such challenges, as well as access barriers for surveys or other quantitative techniques (Roscigno & Hodson 2004). Resistance scholars in particular demonstrate the persistence of subtle forms of sabotage and subversion by subordinates of all types, even under harsh forms of organizational authority, such as slavery (Baumgartner 1984, Morrill et al. 2003) or

tyrannical capitalist bosses (Bies & Tripp 1998). Although often officially viewed as isolated opportunism, malfeasance, or incompetence, many of the underlying motives for resistance to authority involve grievances over institutionalized injustice, autonomy, and categorization (Fleming & Spicer 2008) or the achievement of dignity and self-realization (Hodson 2001). Indeed, some sociolegal scholars theorize resistance and institutionalized authority (including law) as mutually constitutive (Ewick & Silbey 2003).

The decorum and civility of institutionalized authority in contemporary organizations would seem to constrain collective challenges to authority to covert resistance (Zald 2009). Nonetheless, given the right mix of organizational opportunities and ideological resources (McAdam et al. 2001), intraorganizational collective action can emerge in forms analogous to social movements in the broader society—such as bureaucratic insurgencies and mass mobilizations—with the capability of producing significant changes in organizational leadership, work practices, and technologies (Zald & Berger 1978). More recently, researchers have brought together organization and social movement theory to investigate how organizations and fields shape the emergence and efficacy of intra- and interorganizational collective action (Davis et al. 2005, 2008; Edelman et al. 2010; King & Pearce 2010). From this perspective, organizational conflict resolution becomes less a process of individualized or dyadic settlement within the contours of institutionalized authority than provisional agreements between collective challengers and status quo defenders about the character and meaning of new organizational policies, strategies, and structures. Poignant examples of such work include Kurzman's (1998) comparative historical and ethnographic research on the organizational opportunities for activist mobilization within religious organizations in Burma, Iran, South America, and the United States; Raeburn's (2004) multimethod research (surveys, in-depth interviews, and case studies) on the collective framing of gay-inclusive politics

in American corporations as “good business,” thus leading to the adoption of domestic partner benefits without dramatic legal changes; Wilde's (2004) historical research on mobilization by priests to overcome authoritarian cardinals resistant to Vatican II reforms in the Roman Catholic Church; and Kellogg's (2009) multisite ethnography of the collective efforts by surgical interns to challenge their brutal work and training regimes in U.S. hospitals.

Such dynamics also occur in and across the boundaries of organizational fields with the emergence of new organizational forms (Rao et al. 2000) and collaborations between fields with different underlying logics, such as among open-source and for-profit software organizations (O'Mahony & Bechky 2008). In these contexts, scholars explore how the rules of the game, so to speak, crystallize in emergent and established fields following periods of collective upheaval and conflict. At issue are the conditions under which actors in fields can pursue “orderly lines of action with a reasonable degree of certainty about the consequences of their actions” (Armstrong 2005, p. 164). Conflict resolution from this perspective becomes tantamount to institutionalization.

CONCLUSION: IMAGINING FUTURE RESEARCH

Since the 1980s, processual scholars have dominated rationalist research and introduced innovative strategies for theorizing and operationalizing sociocultural variables, especially with respect to information processing and strategy in negotiation. The normative side of rationalist research continues to be especially successful, significantly contributing to university-based training and research programs, and professionalization of the field of conflict resolution, more generally. The cultural tradition in both its structural and processual variants continues to establish a visible presence in conflict resolution research, capitalizing on theoretical developments in organizational, sociolegal, and social movement scholarship. Cultural researchers have pursued topics

largely ignored by rationalist scholars, especially the relationships between organizational conflict resolution, law, social inequality, and the collective dynamics of institutional change. In our view, all these developments signal the continued health and vitality of research on organizational conflict resolution. Regardless of these positive signs, we also note that rationalist and cultural researchers conduct much of their work without meaningful cross-tradition contact because of dramatically divergent orientations along substantive, methodological, and normative lines. These differences may explain the parochialism that inheres in much organizational conflict resolution research (Sheppard 1992).

Despite this parochialism, we are optimistic about the possibilities for intellectual cross-traffic between the traditions. These possibilities may not be opportunities to build a universal theoretical or normative language, but rather places to create scholarly trading zones (Galison 1997) organized around particular analytic problems that cannot adequately be identified or solved without boundary spanning. We believe trading zones are useful for thinking about cross-tradition research because it involves small, focused steps toward meaningful engagement, rather than utopian leaps necessitating whole-cloth reorientations within and across research programs.

For some time, rationalist and cultural researchers have investigated the cognitive-cultural underpinnings (e.g., information processing, mental models, schemas, frames, discourses, etc.) of conflict resolution systems and practices in organizations. One trading zone, therefore, could focus on the interplay between broader institutional changes (including law) and the cultural-cognitive landscapes on which disputants make sense of and act on conflict. How do changes in law or institutionalized assumptions about work, for example, alter the cognitive schemas and other resources available to organizational members for managing conflict (e.g., Albiston 2005)? How do such cognitive schemas alter organizational members' preferences, choice sets (with respect to conflict

resolution options), mental models of cause-and-effect relationships, perceptions of rationality, and/or what is legitimate in conflict-charged situations? How do the interactional ploys of disputants and organizations aggregate or diffuse outward to become institutionalized in organizational fields? To study such dynamics would require research designs capable of linking multiple levels of analysis (from the individual to the organizational to the field), and could incorporate data sets derived from quasi-experimental scenarios embedded in self-report surveys, story-based strategies, and/or institutional sources (including legal cases) that could measure organizational- and field-level properties.

We envision a second trading zone constituted around conflict resolution in postbureaucratic organizational settings, including heterarchies with dynamic horizontal coordination and distributed authority (Powell 1996); transnational networks of highly skilled, temporary contractors, and consultants (Barley & Kunda 2004); emergent collaborations between corporations, nonprofit production communities, and/or public agencies (O'Mahoney & Bechky 2008); and online enterprises constantly adapting to changes across vast geographical and cultural distances (Hinds & Mortensen 2005). Scholars working on the rationalist-cultural borders (e.g., complementarities research; Bendersky 2003) and cultural researchers working deep in specific traditions are already developing new avenues toward understanding the dynamics of conflict resolution in postbureaucracies (Kellogg et al. 2006). Here, we advocate research that specifically addresses the challenges of coordination, efficiency, and fairness in emerging online systems of conflict resolution where disputants may only encounter one another virtually (e.g., Lodder & Zelezkinow 2005, Pitt et al. 2008, Victorio 2000–2001). In this trading zone, key research topics might intersect with research questions about legalization and the interactional bases of conflict resolution, including how online communication media alter social interaction in conflict management processes

(Kiesler & Cummings 2002); how ambiguous legal safeguards regarding privacy are being developed and contested in technological systems (Nissenbaum 2009); or how the virtualpolitik of state policies and laws constitutes and regulates online institutions and discourse (Losh 2009). Another set of questions could address how conflict dynamics matter for ongoing organizational change unfolding in work routines in such settings (Feldman & Pentland 2003). Yet another area of analysis could investigate points of contestation in the creation and management of online conflict resolution systems, particularly across cultural and national boundaries, for it is in these contexts that the challenges of online systems and the complexities of culture and legal consciousness will play out.

A third trading zone could form around research on the relationships between conflict resolution and outcomes, especially with respect to social inequality (Stryker 2007). Although debates exist as to the positive and negative functions of conflict in organizations (De Dreu 2007/2008), most rationalist research defines appropriate conflict resolution outcomes as the suppression of conflict, which, in turn, can enhance individual and organizational performance (cf. Pondy 1967). Cultural scholars, however, call attention to the elusiveness of conflict resolution and how conflict resolution structures and processes can both reproduce and challenge institutionalized inequalities. The conditions under which intraorganizational rights mobilization and/or collective action can produce significant organizational change remain unclear. Institutional and organizational opportunities (Kurzban 1998, Scully & Segal 2002, Raeburn 2004) or free spaces (Polletta 1999) can facilitate the efficacy of rights mobilization and collective action in and across organizations, although internal activists can also operate as tempered radicals to simultaneously pursue social justice and corporate agendas (Meyerson 2003). Future research should identify the conditions under which such activism is possible and the kinds of changes it produces. This research becomes especially important in economic downturns,

which may exacerbate the reproduction of inequality in conflict resolution, and militate against some change initiatives while facilitating others. Again, multiple methods could tease out such dynamics, including self-report and factorial surveys, story-based designs, participant observation, and institutional data on macroeconomic conditions.

As is clear from our brief descriptions, each of the forgoing trading zones aims at particular sets of empirical phenomena with multiple methods. At present, rationalist and cultural camps cluster around particular methodologies: predominantly experimental designs (with some survey and modeling techniques) in rationalism and mostly qualitative (ethnography, in-depth interviewing, story-based techniques, and occasional uses of comparative historical methods) mixed with some quantitative strategies (descriptive and factorial surveys) among cultural scholars. Each proposed trading zone signals the added virtue of mixing different methodologies and perhaps compelling researchers to become more reflexive in their methodological choices given the theoretical questions they ask. In these contexts, methodological interlanguages could develop, as well, which would aid in identifying and sorting out new analytic challenges in each trading zone.

The final trading zone we contemplate involves conflict resolution practice. This zone could draw not only from rationalist orientations toward effective and efficient performance in negotiation, for example, but also from cultural ideas on the broader meanings of conflict resolution involving collective efforts at institutional change. Some leading rationalist and cultural scholars already incorporate insights about cultural contexts and gender relations into their negotiation research and practice (Kolb & Putnam 1997, Kolb 2000, Menkel-Meadow 2000, Lewicki et al. 2006), but these ventures could be expanded beyond negotiation as the default to include the collective dynamics of conflict resolution and organizational change. In this and other trading zones, our hope lies in future generations of researchers and practitioners to regard the rationalist and

cultural traditions as complementary, rather than as tribal commitments, which could then lead to unanticipated innovations in organizational conflict resolution research and practice.

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LITERATURE CITED

- Abrams K. 1989. Gender discrimination and the transformation of workplace norms. *Vanderbilt Law Rev.* 42:1183–248
- Abrego L. 2008. Legitimacy, social identity, and the mobilization of law: the effects of Assembly Bill 540 on undocumented students in California. *Law Soc. Inq.* 33:709–34
- Albiston CR. 2005. Bargaining in the shadow of social institutions: competing discourses and social change in workplace mobilization of civil rights. *Law Soc. Rev.* 39:11–49
- Armstrong EA. 2005. From struggle to settlement: the crystallization of the field of lesbian/gay organizations in San Francisco, 1969–1973. In *Social Movements and Organization Theory*, ed. GF Davis, D McAdam, WR Scott, MN Zald, pp. 161–87. Cambridge, UK: Cambridge Univ. Press
- Aubert V. 1963. Competition and dissensus: two types of conflict and conflict resolution. *J. Confl. Res.* 7:26–42
- Bardach E, Kagan RA, eds. 1982. *Social Regulation: Strategies for Reform*. San Francisco: Inst. Contemp. Stud.
- Barley SR. 1986. Technology as an occasion for structuring: evidence from observations of CT scanners and the social order of radiology departments. *Adm. Sci. Q.* 31:78–108
- Barley SR. 1991. Contextualizing conflict: notes on the anthropology of disputes and negotiations. In *Research on Negotiation Research*, ed. MH Bazerman, RJ Lewicki, BH Sheppard, 3:165–99. Greenwich, CT: JAI
- Barley SR, Kunda G. 2004. *Gurus, Hired Guns, and Warm Bodies: Itinerant Experts in a Knowledge Economy*. Princeton, NJ: Princeton Univ. Press
- Barnard CI. 1938. *The Functions of the Executive*. Cambridge, MA: Harvard Univ. Press
- Baron JR, Dobbin FR, Jennings PD. 1986. War and peace: the evolution of modern personnel administration in U.S. industry. *Am. J. Sociol.* 92:350–83
- Barry B, Fulmer IS, Van Kleef GA. 2004. I laughed, I cried, I settled: the role of emotion in negotiation. See Gelfand & Brett 2004, pp. 71–94
- Baumgartner MP. 1984. Social control from below. In *Toward a General Theory of Social Control*, ed. D Black, 1:303–45. Orlando, FL: Academic
- Baumgartner MP. 1988. *The Moral Order of a Suburb*. Oxford: Oxford Univ. Press
- Bazerman MH, Curhan JR, Moore DA. 2004. The death and rebirth of the social psychology of negotiation. In *Applied Social Psychology*, ed. MB Brewer, M Hewstone, pp. 268–300. Oxford: Blackwell
- Bazerman MH, Curhan JR, Moore DA, Valley KL. 2000. Negotiation. *Annu. Rev. Psychol.* 51:279–314
- Bazerman MH, Neale MA. 1983. Heuristics in negotiation: limitations to dispute resolution effectiveness. In *Negotiating in Organizations*, ed. MH Bazerman, RJ Lewicki, pp. 51–67. Beverly Hills, CA: Sage
- Bendersky C. 2003. Organizational dispute resolution: a complementarities model. *Acad. Manag. Rev.* 28:643–56
- Bendersky C. 2007. Complementarities in organizational dispute resolution systems: how system characteristics affect individuals' conflict experiences. *Ind. Labor Relat. Rev.* 60:204–24
- Bies RJ, Sitkin SB. 1994. Law without justice: the dilemmas of formalization and fairness in the legalistic organization. *Empl. Responsib. Rights J.* 6:271–75
- Bies RJ, Tripp TM. 1998. Two faces of the powerless: coping with tyranny in organizations. In *Power and Influence in Organizations*, ed. RM Kramer, MA Neale, pp. 203–19. Thousand Oaks, CA: Sage

- Bingham LB. 2004. Mediation at work: transforming workplace conflict at the United States Postal Service. In *Human Capital*, ed. JD Bruel, NW Gardner, pp. 199–248. Lanham, MD: Rowman & Littlefield
- Bingham LB, Wise CR. 1996. The Administrative Dispute Resolution Act of 1990: How do we evaluate its success? *J. Public Adm. Res. Theory* 6:383–414
- Black D. 1976. *The Behavior of Law*. New York: Academic
- Black D. 1984. Social control as a dependent variable. In *Toward a General Theory of Social Control*, Vol. 1: *Fundamentals*, ed. D Black, pp. 1–36. Orlando, FL: Academic
- Black D. 1987. Compensation and the social structure of misfortune. *Law Soc. Rev.* 21:563–84
- Black D. 1993. *The Social Structure of Right and Wrong*. San Diego, CA: Academic
- Black D. 2011. *Moral Time*. New York: Oxford Univ. Press
- Blake RR, Mouton JS. 1984. *Solving Costly Organizational Conflicts*. San Francisco: Jossey-Bass
- Blake RR, Shepherd HA, Mouton JS. 1964. *Intergroup Conflict in Organizations*. Ann Arbor, MI: Found. Res. Hum. Behav.
- Blau PM. 1955. *The Dynamics of Bureaucracy*. Chicago: Univ. Chicago Press
- Boulding KE. 1962. *Conflict and Defense: A General Theory*. New York: Harper & Brothers
- Braverman H. 1974. *Labor and Monopoly Capital*. New York: Mon. Rev. Press
- Brett JM, Crotty S. 2008. Culture and negotiation. In *The Handbook of Cross-Cultural Management Research*, ed. PB Smith, MF Peterson, pp. 269–84. Thousand Oaks, CA: Sage
- Bumiller K. 1988. *The Civil Rights Society; The Social Construction of Victims*. Baltimore, MD: John Hopkins Univ. Press
- Burns T, Stalker GM. 1961. *The Management of Innovation*. London: Tavistock
- Bush RAB. 1989. Mediation and adjudication, dispute resolution and ideology: an imaginary conversation. *J. Contemp. Leg. Issues* 3(1):1–36
- Cartwright D, Zander A, eds. 1960. *Group Dynamics: Research and Theory*. New York: Row Peterson
- Colquitt JA, Conlon DE, Wesson MJ, Porter C, Christopher OH, Ng KY. 2001. Justice at the millennium: a meta-analytic review of 25 years of organizational justice research. *J. Appl. Psychol.* 83:425–45
- Conley JM, O’Barr M. 1998. *Just Words: Law, Language, and Power*. Chicago: Univ. Chicago Press
- Cooney M. 1998. *Warriors and Peacemakers: How Third Parties Shape Violence*. New York: New York Univ. Press
- Cooney M. 2009. *Is Killing Wrong? A Study of Pure Sociology*. Charlottesville: Univ. Va. Press
- Corwin RG. 1969. Patterns of organizational conflict. *Adm. Sci. Q.* 14:507–20
- Coser L. 1956. *The Functions of Social Conflict*. New York: Free Press
- Dalton M. 1959. *Men Who Manage*. New York: Wiley
- Danzig R. 1973. Toward the creation of a complementary, decentralized system of criminal justice. *Stanford Law Rev.* 26:1–54
- Davis GF, McAdam D, Scott WR, Zald MN, eds. 2005. *Social Movements and Organization Theory*. Cambridge, UK: Cambridge Univ. Press
- Davis GF, Morrill C, Rao H, Soule SA. 2008. Introduction: social movements in organizations and markets. *Adm. Sci. Q.* 53:389–94
- De Dreu CKW. 2007/2008. The virtue and vice of workplace conflict: food for (pessimistic) thought. *J. Organ. Behav.* 29:5–18
- De Dreu CKW, Gelfand MJ, eds. 2008. *The Psychology of Conflict and Conflict Management in Organizations*. New York: Erlbaum
- Deutsch M. 1973. *The Resolution of Conflict*. New Haven, CT: Yale Univ. Press
- Dezalay Y, Garth BG. 1996. *Dealing in Virtue: International Commercial Arbitration and the Construction of a Transnational Legal Order*. Chicago: Univ. Chicago Press
- Dobbin F. 2009. *Inventing Equal Opportunity*. Princeton, NJ: Princeton Univ. Press
- Dobbin F, Sutton JR, Meyer JW, Scott WR. 1993. Equal opportunity law and the construction of internal labor markets. *Am. J. Sociol.* 99:396–427
- Donellon A, Kolb DM. 1997. Constructive for whom? The fate of diversity disputes in organizations. In *Using Conflict in Organizations*, ed. CKW De Dreu, E Van De Vliert, pp. 161–76. Thousand Oaks, CA: Sage
- Druckman D, Olekalns M. 2008. Emotions in negotiation. *Group Decis. Negot.* 17:1–11

- Dunlop JT. 1958. *Industrial Relations Systems*. New York: Holt, Rinehart & Winston
- Edelman LB. 1990. Legal environments and organizational governance: the expansion of due process in the American workplace. *Am. J. Sociol.* 95:1401–40
- Edelman LB. 1992. Legal ambiguity and symbolic structures: organizational mediation of civil rights law. *Am. J. Sociol.* 97:1531–76
- Edelman LB, Earlander HS, Lande J. 1993. Internal dispute resolution: the transformation of civil rights in the workplace. *Law Soc. Rev.* 27:497–534
- Edelman LB, Fuller SR, Mara-Drita I. 2001. Diversity rhetoric and the managerialization of law. *Am. J. Sociol.* 106:1589–641
- Edelman LB, Krieger LH, Elliason SR, Albiston CR, Mellema V. 2009. *When organizations rule: judicial deference to institutionalized employment structures*. Work. Pap., Cent. Study Law Soc., Sch. Law, Univ. Calif., Berkeley
- Edelman LB, McAdam D, Leachman G. 2010. Law, social movements, and organizations. *Annu. Rev. Law Soc. Sci.* 6:653–85
- Edelman LB, Suchman MC. 1997. The legal environments of organizations. *Annu. Rev. Sociol.* 23:479–515
- Edelman LB, Suchman MC. 1999. When the ‘haves’ hold court: speculations on the organizational internalization of law. *Law Soc. Rev.* 33:941–91
- Edelman LB, Uggen C, Erlanger HS. 1999. The endogeneity of legal regulation: grievance procedures as rational myth. *Am. J. Sociol.* 105:406–54
- Edwards RC. 1979. *Contested Terrain*. New York: Basic Books
- Ellickson R. 1991. *Order Without Law: How Neighbors Settle Disputes*. Cambridge, MA: Harvard Univ. Press
- Emerson RM. 2008. Responding to roommate troubles: reconsidering informal dyadic control. *Law Soc. Rev.* 42:483–512
- Emerson RM, Messinger SL. 1977. The micro-politics of trouble. *Soc. Probl.* 25:121–34
- Engel DM, Munger FW. 2003. *Rights of Inclusion: Law and Identity in the Life Stories of Americans with Disability*. Chicago: Univ. Chicago Press
- Evan W. 1965. Conflict and performance in R&D organizations. *Ind. Manag. Rev.* 7:37–46
- Ewick P, Silbey S. 1998. *The Common Place of Law*. Chicago: Univ. Chicago Press
- Ewick P, Silbey S. 2003. Narrating social structure: stories of resistance to legal authority. *Am. J. Sociol.* 108(6):1328–72
- Ewing DW. 1989. *Justice on the Job*. Cambridge, MA: Harvard Univ. Press
- Feldman MS, Pentland BT. 2003. Reconceptualizing organizational routines as a source of flexibility and change. *Adm. Sci. Q.* 48:94–118
- Felstiner WLF. 1974. Influences of social organization on dispute processing. *Law Soc. Rev.* 9(1):63–94
- Felstiner WLF, Abel RL, Sarat A. 1980. The emergence and transformation of disputes: naming, blaming, claiming. . . . *Law Soc. Rev.* 15(3/4):631–54
- Fisher R, Ury W. 1981. *Getting to Yes: Negotiating Agreement Without Giving In*. Boston, MA: Houghton Mifflin
- Fleming P, Spicer A. 2008. Beyond power and resistance. *Manag. Commun. Q.* 21:301–9
- Follett MP. 1942. *Dynamic Administration: The Collected Papers of Mary Parker Follett*. New York: Harper
- Friedman LM. 2002. *American Law in the 20th Century*. New Haven, CT: Yale Univ. Press
- Friedman RA. 1994. *Front Stage, Backstage: The Dramatic Structure of Labor Negotiations*. Cambridge, MA: MIT Press
- Fuller SR, Edelman LB, Matusik SF. 2000. Legal readings: employee interpretation and mobilization of law. *Acad. Manag. Rev.* 25:200–16
- Galanter M. 1974. Why the “haves” come out ahead: speculations on the limits of social change. *Law Soc. Rev.* 9:95–160
- Galanter M. 1983. Reading the landscape of disputes: what we know and don’t know (and think we know) about our allegedly contentious and litigious society. *UCLA Law Rev.* 31:4–71
- Galbraith JR. 1974. Organization design: an information processing view. *Interfaces* 4:28–36
- Galison P. 1997. *Image and Logic: A Material Culture of Microphysics*. Chicago: Univ. Chicago Press
- Gelfand MJ, Brett JM, eds. 2004. *The Handbook of Negotiation and Culture*. Stanford, CA: Stanford Univ. Press

- Gordon DM, Edwards R, Reich M. 1982. *Segmented Work, Divided Workers*. Cambridge, UK: Cambridge Univ. Press
- Gouldner AW. 1956. Explorations in applied social science. *Soc. Probl.* 3(3):169–81
- Gouldner AW. 1959. Organizational analysis. In *Sociology Today*, ed. RK Merton, L Broom, LS Cottrell Jr, pp. 400–28. New York: Basic Books
- Grant D, Morales A, Sallaz JJ. 2009. Pathways to meaning: a new approach to studying emotions at work. *Am. J. Soc.* 115:327–64
- Gray B, Coleman PT, Putnam LL. 2007. Intractable conflict: new perspectives on the causes and conditions for change. *Am. Behav. Sci.* 50:1415–29
- Greenhalgh L, Chapman DI. 1995. Joint decision making: the inseparability of relationships and negotiation. See Kramer & Messick 1995, pp. 166–85
- Guillén M. 1994. *Models of Management: Work, Authority, and Organization in a Comparative Perspective*. Chicago: Univ. Chicago Press
- Gwartney-Gibbs PA, Lach DH. 1994. Gender and workplace dispute resolution: a conceptual and theoretical model. *Law Soc. Rev.* 28:265–96
- Hallett T. 2003. Symbolic power and organizational culture. *Sociol. Theory* 21:128–49
- Hallett T, Ventresca MJ. 2006. Inhabited institutions: social interactions and organizational forms in Gouldner's *Patterns of Bureaucracy*. *Theory Soc.* 35:213–36
- Harrington C, Merry SE. 1988. The ideology of community mediation: the making of community mediation. *Law Soc. Rev.* 22:709–35
- Harrison T, Morrill C. 2004. Ombuds processes and disputant reconciliation. *J. Appl. Commun. Res.* 32:318–42
- Hawkins K. 1984. *Environment and Enforcement: Regulation and the Social Definition of Pollution*. Oxford: Oxford Univ. Press
- Heider F. 1958. *The Psychology of Interpersonal Relations*. Hillsdale, NJ: Erlbaum
- Hensler D. 2003. Our courts, ourselves: how the alternative dispute resolution movement is re-shaping our legal system. *Pa. State Law Rev.* 108:165–97
- Hinds P, Mortensen M. 2005. Understanding conflict in geographically distributed teams: the moderating effects of shared identity, shared context and spontaneous communication. *Organ. Sci.* 16:290–324
- Hirsh CE, Kornrich S. 2008. The context of discrimination: workplace conditions, institutional environments, and sex and race discrimination charges. *Am. J. Sociol.* 113:1394–432
- Hodson R. 2001. *Dignity at Work*. New York: Cambridge Univ. Press
- Hoffman EA. 2001. Confrontations and compromise: dispute resolution at a worker cooperative coal mine. *Law Soc. Inq.* 26:555–96
- Hoffman EA. 2003. Legal consciousness and dispute resolution: different disputing behavior at two similar taxicab companies. *Law Soc. Inq.* 28:691–716
- Hoffman EA. 2005. Dispute resolution in a worker cooperative: formal procedures and procedural justice. *Law Soc. Rev.* 39:51–82
- Hofstede G. 1980. *Cultural Consequences: International Differences in Work Related Values*. Beverly Hills, CA: Sage
- Hong Y-y, Chiu C-y. 2001. Toward a paradigm shift: from cross-cultural differences in social cognition to social-cognitive mediation of cultural differences. *Soc. Cogn.* 19:181–96
- Horowitz AV. 1990. *The Logic of Social Control*. New York: Plenum
- Jacobs S. 1994. Language and interpersonal communication. In *The Handbook of Interpersonal Communication*, ed. ML Knapp, JA Daly, pp. 231–39. Thousand Oaks, CA: Sage
- Jacoby SM. 1985. *Employing Bureaucracy: Managers, Unions, and the Transformation of Work in American Industry, 1900–1945*. New York: Columbia Univ. Press
- Jehn KA, Chadwick C, Thatcher SMB. 1997. To agree or not to agree: the effects of value congruence, individual demographic dissimilarity, and conflict on workgroup outcomes. *Int. J. Confl. Manag.* 8:287–305
- Jehn KA, Mannix E. 2001. The dynamic nature of conflict: a longitudinal study of intragroup conflict and group performance. *Acad. Manag. J.* 44:238–51

- Jermier J, Knights D, Nord WR. 1994. Resistance and power in organizations: agency, subjectivity and the labor process. In *Resistance and Power in Organizations*, ed. J Jermier, D Knights, WR Nord, pp. 1–24. London: Routledge
- Kahneman D, Slovic P, Tversky A. 1982. *Judgment under Uncertainty: Heuristics and Biases*. Cambridge, UK: Cambridge Univ. Press
- Katz J. 1982. *Poor People's Lawyers in Transition*. New Brunswick, NJ: Rutgers Univ. Press
- Kellogg KC. 2009. Operating room: relational spaces and micro-institutional change in surgery. *Am. J. Sociol.* 115:657–711
- Kellogg KC, Orlikowski WJ, Yates J. 2006. Life in the trading zone: structuring coordination across boundaries in post-bureaucratic organizations. *Organ. Sci.* 17:22–44
- Kiesler S, Cummings JN. 2002. What do we know about proximity and distance in work groups? A legacy of research on physical distance. In *Distributed Work*, ed. PJ Hinds, S Kiesler, pp. 57–80. Cambridge, MA: MIT Press
- King BG, Pearce NA. 2010. The contentiousness of markets: politics, social movements, and institutional change in markets. *Annu. Rev. Sociol.* 36:249–67
- Klare KE. 1982. The private/public distinction in labor law. *Univ. Pa. Law Rev.* 130:1358–422
- Kleinman S. 1982. Actors' conflicting theories of negotiation: the case of a holistic health center. *Urban Life* 11:312–27
- Kolb DM. 1983. *The Mediators*. Cambridge, MA: MIT Press
- Kolb DM. 1992. Women's work: peacemaking in organizations. See Kolb & Bartunek 1992, pp. 63–91
- Kolb DM. 2000. More than just a footnote: constructing a theoretical framework for teaching about gender in negotiation. *Negot. J.* 16:347–56
- Kolb DM. 2008. Making sense of an elusive phenomenon. See De Dreu & Gelfand 2008, pp. 425–34
- Kolb DM, Bartunek JM, eds. 1992. *Hidden Conflict in Organizations: Uncovering the Behind-the-Scenes Disputes*. Newbury Park, CA: Sage
- Kolb DM, Putnam LL. 1992a. Introduction: the dialectics of disputing. See Kolb & Bartunek 1992, pp. 1–31
- Kolb DM, Putnam LL. 1992b. The multiple faces of conflict in organizations. *J. Organ. Behav.* 13:311–24
- Kolb DM, Putnam LL. 1997. Through the looking glass: negotiation theory refracted through the lens of gender. In *Workplace Dispute Resolution: Directions for the 21st Century*, ed. SE Gleason, pp. 231–57. East Lansing: Mich. State Univ. Press
- Kramer RM. 2004. The “dark side” of social context: the role of intergroup paranoia in intergroup negotiations. See Gelfand & Brett 2004, pp. 219–37
- Kramer RM, Messick DM, eds. 1995. *Negotiation as a Social Process: New Trends in Theory and Research*. Thousand Oaks, CA: Sage
- Kramer RM, Pommerenke P, Newton E. 1993. The social context of negotiation: effects of social identity and accountability on negotiator judgment and decision making. *J. Confl. Res.* 37:633–54
- Kray LJ, Thompson L. 2005. Gender stereotypes and negotiation performance: an examination of theory and research. *Res. Organ. Behav.* 26:103–82
- Kurzban C. 1998. Organizational opportunity and social movement mobilization: a comparative analysis of four religious movements. *Mobil. Int. Q.* 3:23–49
- Lammers C. 1969. Strikes and mutinies: a comparative study of organizational conflicts between rulers and ruled. *Adm. Sci. Q.* 14:558–72
- Lande J. 1998. “Failing faith in litigation? A survey of business lawyers' and executives' opinions. *Harvard Negot. Law Rev.* 3:1–70
- Lawrence P, Lorsch J. 1967. *Organization and Environment*. Boston, MA: Harvard Univ. Press
- Levy JA. 1982. The staging of negotiations between hospitals and medical institutions. *J. Contemp. Ethnogr.* 11:293–311
- Lewicki RJ, Barry B, Saunders D. 2006. *Negotiation: Readings, Exercises and Cases*. New York: McGraw-Hill. 5th ed.
- Lewicki RJ, Weiss SE, Lewin D. 1992. Models of conflict, negotiation, and third party intervention: a review and synthesis. *J. Organ. Behav.* 13:209–52
- Lind EA, Kulik C, Ambrose M, Park M. 1993. Individual and corporate dispute resolution: using procedural fairness as a decision heuristic. *Adm. Sci. Q.* 38:224–51

- Lind EA, Tyler TR. 1988. *The Social Psychology of Procedural Justice*. New York: Springer
- Lipsky DB, Seeber RL, Fincher R. 2003. *Emerging Systems for Managing Workplace Conflict: Lessons from American Corporations for Managers and Dispute Resolution Professionals*. San Francisco: Jossey-Bass
- Lodder AR, Zeleznikow J. 2005. Developing an on-line dispute resolution environment: dialogue tools and negotiation support systems in a three-step model. *Harvard Negot. Law Rev.* 10:287-337
- Losh E. 2009. *Virtualpolitik: An Electronic History of Government Media-Making in a Time of War, Scandal, Disaster, Miscommunication, and Mistakes*. Cambridge, MA: MIT Press
- Luce RD, Raiffa H. 1957. *Games and Decisions: An Introduction and Critical Survey*. New York: Wiley
- Macaulay S. 1963. Non-contractual relations in business: a preliminary study. *Am. Sociol. Rev.* 28:55-67
- March JG, Simon HA. 1958. *Organizations*. New York: Wiley
- Marshall AM. 2003. Injustice frames, legality, and the everyday construction of sexual harassment. *Law Soc. Inq.* 28:659-89
- Martin J. 1990. Deconstructing organizational taboos: the suppression of gender conflict in organizations. *Organ. Sci.* 4:339-59
- Martin WB. 1976. *The Negotiated Order of the School*. Toronto: Macmillan
- Mayhew L, Reiss AJ Jr. 1969. The social organization of legal contacts. *Am. Sociol. Rev.* 34:309-18
- Maynard-Moody S, Musheno M. 2003. *Cops, Teachers, Counselors: Stories from the Front Lines of Public Service*. Ann Arbor: Univ. Mich. Press
- Mayo E. 1933. *The Human Problems of an Industrial Civilization*. New York: Macmillan
- McAdam D, Tarrow S, Tilly C. 2001. *Dynamics of Contention*. Cambridge, UK: Cambridge Univ. Press
- McCann MW. 1994. *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization*. Chicago: Univ. Chicago Press
- McFarland D. 2001. Student resistance: how the formal and informal organization of classrooms facilitates everyday forms of student defiance. *Am. J. Sociol.* 107:612-78
- McFarland D. 2004. Resistance as social drama: a study of change-oriented encounters. *Am. J. Sociol.* 109:1249-318
- McKersie R, Walton R. 1992. A retrospective on the behavioral theory of labor negotiations. *J. Organ. Behav.* 13:3:277-85
- McPherson WH. 1956. Grievance mediation under collective bargaining. *Ind. Labor Relat. Rev.* 9:200-12
- Mechanic D. 1962. Sources of power of lower participants in complex organizations. *Adm. Sci. Q.* 7:3:349-64
- Menkel-Meadow C. 1984. Toward another view of legal negotiation: the structure of problem solving. *UCLA Law Rev.* 31:754-842
- Menkel-Meadow C. 2000. Teaching about gender and negotiation: sex, truths, and videotape. *Negot. J.* 16:357-75
- Menkel-Meadow C. 2004. Roots and inspirations: a brief history of the foundations of dispute resolution. In *The Handbook of Dispute Resolution*, ed. ML Moffit, RC Bordone, pp. 13-31. San Francisco: Jossey-Bass
- Merry SE. 1990. *Getting Justice and Getting Even: Legal Consciousness Among Working-Class Americans*. Chicago: Univ. Chicago Press
- Merry SE, Silbey SS. 1984. What do plaintiffs want? Reexamining the concept of dispute. *Justice Syst. J.* 9:151-78
- Meyerson DE. 2003. *Tempered Radicals: How Everyday Leaders Inspire Change at Work*. Cambridge, MA: Harvard Bus. Sch. Press
- Miller RE, Sarat A. 1980. Grievances, claims, and disputes: assessing the adversary culture. *Law Soc. Rev.* 15(3/4):525-66
- Mnookin RH, Kornhauser L. 1979. Bargaining in the shadow of the law: the case of divorce. *Yale Law J.* 88: 950-97
- Montgomery D. 1979. *Workers Control in America*. Cambridge, UK: Cambridge Univ. Press
- Moon Y, Bingham LB. 2007. Transformative mediation at work: employee and supervisor perceptions on USPS REDRESS program. *Int. Rev. Public Adm.* 11:43-55
- Moore CW. 1986. *The Mediation Process: Practical Strategies for Resolving Conflict*. San Francisco: Jossey-Bass
- Morrill C. 1991a. Conflict management, honor, and organizational change. *Am. J. Sociol.* 97:585-621
- Morrill C. 1991b. The customs of conflict among corporate executives. *Am. Anthropol.* 94:871-93

- Morrill C. 1992. The private ordering of professional relations. See Kolb & Bartunek 1992, pp. 57–70
- Morrill C. 1995. *The Executive Way: Conflict Management in Corporations*. Chicago: Univ. Chicago Press
- Morrill C. 2008. Culture and organization theory. *Ann. Am. Acad. Polit. Soc. Sci.* 619:15–40
- Morrill C. 2009. *Institutional change through interstitial emergence: the growth of alternative dispute resolution in American law, 1965–1995*. Work. Pap., Cent. Study Law Soc., Sch. Law, Univ. Calif., Berkeley
- Morrill C, Adelman M, Yalda C, Musheno M, Bejarano C. 2000. Telling tales in school: youth conflict and culture narratives. *Law Soc. Rev.* 34:521–66
- Morrill C, Edelman LB, Tyson K, Arum R. 2010. Legal mobilization in schools: the paradox of rights and race among youth. *Law Soc. Rev.* In press
- Morrill C, McKee C. 1993. Institutional isomorphism and informal social control: evidence from a community mediation center. *Soc. Probl.* 40:445–63
- Morrill C, Thomas CK. 1992. Organizational conflict management as disputing process: the problem of social escalation. *Hum. Commun. Res.* 18:400–28
- Morrill C, Zald MN, Rao H. 2003. Covert political conflict in organizations: challenges from below. *Annu. Rev. Sociol.* 29:391–415
- Morris MW, Fu HY. 2001. How does culture influence conflict resolution? A dynamic constructivist analysis. *Soc. Cogn.* 19:324–49
- Mumby DK. 2005. Theorizing resistance in organizational studies. *Manag. Commun. Q.* 19(1):19–44
- Murnighan JK, Conlon DE. 1991. The dynamics of intense work groups: a study of British string quartets. *Adm. Sci. Q.* 36:165–86
- Nader L. 2002. *The Life of the Law: Anthropological Projects*. Berkeley: Univ. Calif. Press
- Nader L, Todd HF. 1978. *Disputing Processes—Law in Ten Societies*. New York: Columbia Univ. Press
- Neale MA, Bazerman MH. 1991. *Rationality and Cognition in Negotiation*. New York: Free Press
- Neale MA, Northcraft GB. 1991. Behavioral negotiation theory: a framework for conceptualizing dyadic bargaining. *Res. Organ. Behav.* 13:147–90
- Nelson RE. 1989. The strength of strong ties: social networks and intergroup conflict in organizations. *Acad. Manag. J.* 32:377–401
- Nielsen LB. 2004. *License to Harass: Law, Hierarchy, and Offensive Public Speech*. Princeton, NJ: Princeton Univ. Press
- Nissenbaum H. 2009. *Privacy in Context: Technology, Policy and the Integrity of Social Life*. Stanford, CA: Stanford Univ. Press
- O’Mahony S, Bechky BA. 2008. Boundary organizations: enabling collaboration among unexpected allies. *Adm. Sci. Q.* 53:422–59
- O’Toole R, O’Toole AW. 1981. Negotiating interorganizational orders. *Sociol. Q.* 22(1):29–41
- Pinkley RL, Northcraft GB. 1994. Conflict frames of reference: implications for dispute processes and outcomes. *Acad. Manag. J.* 37:193–205
- Pitt J, Ramirez-Cano D, Kamara L, Neville B. 2008. Alternative dispute resolution in virtual organizations. *LNAI* 4995:72–89
- Polletta F. 1999. “Free spaces” in collective action. *Theory Soc.* 28:1–38
- Pondy LR. 1967. Organizational conflict: concepts and models. *Adm. Sci. Q.* 12:296–320
- Powell WW. 1996. Inter-organizational collaboration in the biotechnology industry. *J. Inst. Theor. Econ.* 152:197–215
- Putnam LL. 1994. Productive conflict: negotiation as implicit coordination. *Int. J. Confl. Manag.* 5:284–98
- Putnam LL. 2003. Dialectical tensions and rhetorical tropes in negotiations. *Organ. Stud.* 25:35–53
- Raeburn N. 2004. *Changing Corporate America from the Inside Out: Lesbian and Gay Workplace Rights*. Minneapolis: Univ. Minn. Press
- Raiffa H. 1982. *The Art and Science of Negotiation: How to Resolve Conflicts and Get the Most Out of Bargaining*. Cambridge, MA: Belknap
- Rao H, Morrill C, Zald MN. 2000. Power plays: how social movements and collective action create new organizational forms. *Res. Organ. Behav.* 22:237–81
- Rees JV. 1988. *Reforming the Workplace: A Study of Self-Regulation in Occupational Safety*. Philadelphia: Univ. Pa. Press

- Roethlisberger FJ, Dickson WL. 1947. *Management and the Worker*. Cambridge, MA: Harvard Univ. Press
- Roscigno VJ, Hodson R. 2004. The organizational and social foundations of worker resistance. *Am. Sociol. Rev.* 69:14–39
- Rowe MP, Baker M. 1984. Are you hearing enough employee concerns? *Harvard Bus. Rev.* 62:127–36
- Rubin JZ, Brown BR. 1975. *The Social Psychology of Bargaining and Negotiation*. New York: Academic
- Saguy AC, Stuart F. 2008. Culture and law: beyond a paradigm of cause and effect. *Ann. Am. Acad. Polit. Soc. Sci.* 619:149–64
- Sander FEA. 1976. Varieties of dispute processing. *Fed. Rules Decis.* 70:111–34
- Scimecca JA. 1991. Conflict resolution in the United States: the emergence of a profession? In *Conflict Resolution: Cross-Cultural Perspectives*, ed. K Avruch, PW Black, JA Scimecca, pp. 19–40. Westport, CT: Greenwood
- Scott WR. 2008. *Institutions and Organizations: Ideas and Interests*. Thousand Oaks, CA: Sage. 3rd ed.
- Scott WR, Davis GF. 2007. *Organizations and Organizing: Rational, Natural, and Open System Perspectives*. Upper Saddle River, NJ: Pearson Prentice Hall
- Scott WR, Meyer JW. 1991. The organization of societal sectors: propositions and early evidence. In *The New Institutionalism in Organizational Analysis*, ed. WW Powell, PJ DiMaggio, pp. 108–40. Chicago: Univ. Chicago Press
- Scully M, Segal A. 2002. Passion with an umbrella: activists in the workplace. *Res. Sociol. Organ.* 19:125–68
- Selznick P. 1948. Foundations of the theory of organizations. *Am. Sociol. Rev.* 13:25–35
- Selznick P. 1949. *TVA and the Grassroots: A Study in the Sociology of Formal Organization*. Berkeley/Los Angeles: Univ. Calif. Press
- Selznick P. 1957. *Leadership in Administration: A Sociological Interpretation*. New York: Harper & Row
- Selznick P. 1969. *Law, Society, and Industrial Justice*. New York: Russell Sage Found.
- Selznick P. 1980. Jurisprudence and social policy: aspirations and perspectives. *Calif. Law Rev.* 68:206–20
- Senechal de la Roche R. 1996. Collective violence as social control. *Sociol. Forum* 11:97–128
- Sheppard BH. 1992. Conflict research as schizophrenia: the many faces of organizational conflict. *J. Organ. Behav.* 13(3):325–34
- Shu L, Roloff ME. 2006. Strategic emotion in negotiation: cognition, emotion, culture. In *From Communication to Presence: Cognition, Emotions and Culture: Towards the Ultimate Communicative Experience. Festschrift in Honor of Luigi Anolli*, ed. G Riva, MT Anguera, BK Wiederhold, F Mantovani, pp. 169–88. Amsterdam: IOS
- Silbey S. 2005. After legal consciousness. *Annu. Rev. Law Soc. Sci.* 1:323–68
- Simon HA. 1955. A behavioral model of rational choice. *Q. J. Econ.* 69:99–118
- Sitkin SB, Bies RJ. 1993. Social accounts in conflict situations: using explanations to manage conflict. *Hum. Relat.* 46:3:349–70
- Snow DA, Rochford B Jr, Worden SK, Benford RD. 1986. Frame alignment processes micromobilization, and movement participation. *Am. Sociol. Rev.* 51(4):464–81
- Starr J, Yngvesson B. 1975. Scarcity and disputing: zeroing-in on compromise decisions. *Am. Ethnol.* 2:3:553–66
- Stepan-Norris J, Zeitlin M. 2003. *Left Out: Reds and America's Industrial Unions*. Cambridge, UK: Cambridge Univ. Press
- Stinchcombe AL. 1997. On the virtues of the old institutionalism. *Annu. Rev. Sociol.* 23:1–18
- Stone KVV. 1981. The post-war paradigm in American labor law. *Yale Law J.* 90:1509–80
- Strauss A, Schatzman L, Ehrlich D, Bucher R, Sabshin M. 1963. The hospital and the negotiated order. In *The Hospital in Modern Society*, ed. E Freidson, pp. 147–69. New York: Free Press Glencoe
- Strauss AL. 1978. *Negotiations: Varieties, Contexts, Processes, and Social Order*. San Francisco: Jossey-Bass
- Stryker R. 2007. Half empty, half full, or neither: law, inequality, and social change in capitalist democracies. *Annu. Rev. Law Soc. Sci.* 3:69–97
- Sutton JR, Dobbin F, Meyer JW, Scott WR. 1994. The legalization of the workplace. *Am. J. Sociol.* 99:944–71
- Talesh SA. 2009. The privatization of public legal rights: how manufacturers construct the meaning of consumer law. *Law Soc. Rev.* 43:527–61
- Taylor FW. 1912 (1984). *Scientific Management*. New York: Harper & Brothers

- Thibaut J, Walker L. 1975. *Procedural Justice: A Psychological Analysis*. Hillsdale, NJ: Erlbaum
- Thomas KW. 1979. Organizational conflict. In *Organizational Behavior*, ed. S Kerr, pp. 151–81. Columbus, OH: Grid
- Thompson JD. 1967. *Organizations in Action*. Chicago: McGraw-Hill
- Thompson L, Hastie R. 1990. Social perception in negotiation. *Organ. Behav. Hum. Decis. Process.* 47(1):98–123
- Thompson L, Loewenstein J. 2003. Mental models of negotiations: descriptive, prescriptive and paradigmatic implications. In *Sage Handbook of Social Psychology*, ed. MA Hogg, J Cooper, pp. 494–511. London: Sage
- Thompson L, Medvec VH, Seiden V, Kopelman S. 2004. Poker face, smiley face, and rant ‘n’ rave: myths and realities about emotion in negotiation. In *Emotion and Motivation*, ed. M Brewer, M Hewstone, pp. 70–94. Oxford: Blackwell
- Tucker J. 1999. *The Therapeutic Corporation*. New York: Oxford Univ. Press
- Tyler TR, Boeckmann RJ, Smith HJ, Huo YJ. 1997. *Social Justice in a Diverse Society*. Boulder, CO: Westview
- Valley KL, Moag J, Bazerman MH. 1998. A matter of trust: effects of communication on the efficiency and distribution of outcomes. *J. Econ. Behav. Organ.* 34:211–38
- Van Boven L, Thompson L. 2003. A look into the mind of the negotiator: mental models in negotiation. *Group Process. Intergroup Relat.* 6(4):387–404
- Van Maanen J. 1992. Drinking our troubles away: managing conflict in a British police agency. See Kolb & Bartunek 1992, pp. 32–62
- Victorio RM. 2000–2001. Internet dispute resolution (iDR): bringing ADR into the 21st century. *Pepperdine Dispute Resolut. Law J.* 1:279–300
- Wall JA Jr, Callister RR. 1995. Conflict and its management. *J. Manag.* 21:515–58
- Walton RE. 1969. *Interpersonal Peacemaking: Confrontations and Third Party Consultation*. Reading, MA: Addison-Wesley
- Walton RE, Dutton JM. 1969. The management of interdepartmental conflict: a model and review. *Adm. Sci. Q.* 14:73–84
- Walton RE, McKersie RB. 1965. *A Behavioral Theory of Labor Negotiations*. New York: McGraw-Hill
- Warren EL, Bernstein I. 1949. The mediation process. *South. Econ. J.* 15:441–57
- Weber M. 1946. Bureaucracy. In *From Max Weber: Essays in Sociology*, ed. HH Gerth, CW Mills, pp. 196–244. New York: Oxford Univ. Press
- Weisenfeld A. 1954. Mediation or meddling? *Ind. Labor Relat. Rev.* 7:288–93
- Westin AF, Feliu AG. 1988. *Resolving Employment Disputes Without Litigation*. Washington, DC: Bur. Natl. Aff.
- White HC. 1961. Management conflict and sociometric structure. *Am. J. Sociol.* 67:185–99
- Wilde MJ. 2004. How culture mattered in Vatican II: Collegiality trumps authority in the council’s social movement organizations. *Am. Sociol. Rev.* 69:576–602
- Williamson OE. 1975. *Markets and Hierarchies, Analysis and Antitrust Implications: A Study in the Economics of Internal Organization*. New York: Free Press
- Yudof MG. 1981. Legalization of dispute resolution, distrust of authority, and organization theory: implementing due process for students in the public schools. *Wis. Law Rev.* 891–923
- Zald MN. 2009. *Institutions, institutional change and collective action potential profile: comparative statics and historical dynamics*. Presented at John D. McCarthy Award for Lifetime Achiev. Study Soc. Mov. Collect. Action, Cent. Study Soc. Mov. Soc. Change, Univ. Notre Dame
- Zald MN, Berger MA. 1978. Social movements in organizations: coup d’etat, insurgency, and mass movements. *Am. J. Sociol.* 83:823–61



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Errata

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