Housing Managers as Referrers to Mediation - Conflict Management

in a Housing Company with an Internal Mediation Service

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Abstract

Objective: To examine a conflict management system of a housing company in Finland with an internal mediation service. The focus of the study was on how conflicts are received, intervened in, and referred to mediation by the housing managers, and which kind of conflict management system this created.

Method:. The data were gathered by interviews with 14 managers of the target company and one mediation group. All interviews followed a thematic method and were analyzed using the method of content analysis. The topic is examined through theories of conflict resolution and a conflict management system design.

Results: The main finding was that the managers' approaches to conflicts included the rights-based approach and the problem-solving approach to conflict management. The former entailed systemic disadvantages when implemented preliminary to the mediators' approach. The findings, therefore, reinforce the pre-existing understanding of the hierarchy of the conflict management.

Conclusion: Internal conflict management systems within housing companies benefit from designed systems where the mediators and the housing managers have integrated conflict management roles. The problem-solving approach is one possibility for the role of the housing manager and should be further examined.

Keywords: Conflict management, conflict management system design, housing management, mediation.

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1. Introduction

1.1. Aim of the Study

The aim of the study was to identify how housing managers and internal mediators of a housing company interact in the conflict management of neighbor conflict situations. The study describes the functionality of a particular conflict management system of a target company.

1.2. Central Terms and Background of the Study

1.2.1. Target Company and Conflict Management System

The study describes a conflict management system of a housing company. The target company of the study was a middle size municipal housing provider in Finland situated in the capital area. The company had developed a specific conflict management system where internal company mediators resolved residents' conflicts. The internal mediators were company personnel working with different tasks, such as in housing guidance and administration. They had received a training in mediation and had a permission to allocate working hours to the mediation work. The four mediators had operated one year when the data were gathered.

The internal mediators work in close cooperation with the housing managers. The system operates fully when the housing managers first receive the conflicts and then analyze the cases and select the proper ones to be referred to the mediators, who then apply their mediation process. The aim of the mediation service is to support the housing managers in handling the different complaints and the residents in resolving their conflicts. The service is provided in various neighbor conflict situations. The most crucial requirements are that the housing manager identifies and considers the case proper to be referred to mediation and that residents agree on participating in the mediation.

Conflict mediation regarding community and neighborhood issues in Finland is run by an NGO called the Community Mediation Centre which cooperates with various national housing companies (Community Mediation Centre). Community mediation started in Finland as a project in 2006 focusing on multicultural conflicts in multicultural neighborhoods (Joensuu & Rustanius, 2011). In Finland, interpersonal disputes of neighbors are also mediated in the court-connected mediation and in the municipal mediation offices, also called victim-offender mediation (Ervasti, 2018). However, the mediation service of the particular housing company studied here, as an internal service of a housing institution, is unique and a pioneer in the field.

The aim of the internal service was to lower the threshold for the managers to seek support. The particular housing company had utilized the Community Mediation Centre for about four years before the development work took place.

Indeed, no other internal mediation services exist in housing companies in Finland. Instead, housing companies and other actors working in the field of housing and conflicts refer to outside mediation agencies. This is the case also abroad, at least in France and in the USA, as discussed later. By the time this study was launched, the internal service of the target company had been operating one year and the mediators had had around 40 cases. The regular annual number of referred cases to the Community Mediation Centre from the particular company had been around 15 (Mediation report 2016-2017). This described a clear increase in the referred cases. The internal service was largely used by the managers.

The present study was undertaken in order to gain information of this unique system where the internal housing company personnel mediated neighbor conflict situations. The focus of the study was limited to concern the housing managers and their referrals to mediation. The internal mediators were also interviewed, but from the perspective of cooperation with the managers. Also, at the same time as this study, another study was launched which concentrated purely on the internal mediators and the efficiency of their work. Thus, the aim of these two studies with distinct focuses on the same conflict management system was also to provide a complete tool for the further development of the system.

1.2.2. Housing Manager and Disturbance Management

A housing manager is one who manages the buildings and the various issues related to the residents' living. The housing manager is liable for the maintenance and renovation of the buildings, budget, disturbances between neighbors, and client service. Housing management is a specialist profession where the expertise of the housing manager is used to support the management and the finances of the buildings. The housing management field, which consists of the rental markets and the apartment house companies, is responsible for the 2.7 million residents' fluent housing in Finland. (Kangasluoma, 2018; Isännöinnin ammattilaiset, 2017)

A good housing manager is able to governance major questions and, at the same time, endure the flood of contacts concerning smaller and more detailed issues. Often the housing managers need to operate as housing guidance personnel and guide the residents in self-evident issues, such as disconnecting the outdoor water pipe in the winter. The work is done in different meetings and reviews and in the office by computer. (Kangasluoma, 2018)

The position of the housing manager in the apartment house companies differs from the rental markets in some crucial ways. Housing management providers in the field of apartment houses are often small private enterprises with three to five employees (Isännöinnin ammattilaiset, 2017). A major difference is that a specific contract defines the services which the manager provides and the tasks defined in the contract are chargeable for the apartment house companies. Because the residents of the companies purchase the management service, they can also call for bids and change it (Isännöinnin ammattilaiset, 2017). Instead, in the rental markets the housing provider is completely responsible of providing or acquiring the management service and no competitiveness exists in the same extent.

This positional difference causes certain specific expectations towards the housing management in the apartment house companies. The competitiveness causes that the manager needs to maintain good relations with the board of the apartment house company and with other residents. Also the manager's decision-making position is shared with the board. Some of these factors are further discussed when analyzing the implications of this study.

The traditional disturbance management in housing, both in rental markets and in apartment house companies, relies on the use of a disturbance form. The disturbance form is a form which a resident who experiences a disturbance by a neighbor, such as disturbing noises or a misuse of the laundry facilities, can complete with detailed information of the experienced disturbance. After this, they should collect two other residents' signatures for the disturbance form. These residents should also have experienced the same disturbance and be able to testify to it in court if needed. After this the form is sent to the housing manager.

The housing manager is then responsible to react in proper ways. Traditional reactions to the completed disturbance form include written notifications and written warnings sent to the resident in question. These letters notify the person of the disturbance and warn of possible eviction, which is the ultimate result which disturbance management may bring. Every eviction, however, can be contested in court by the person being evicted and in such cases the housing provider plus the residents behind the disturbance form need to be able to show the rightfulness of their actions and claims. In apartment house companies, the manager operates in closer cooperation with the board and the apartment house company itself has a greater responsibility for the procedure. However, in many ways the role of the housing manager is the same and disturbances between neighbors are dealt in this way relying on the use of the disturbance form.

What is problematic in this framework is when the residents complain with insufficient evidence. Indeed, in less severe cases or in interpersonal conflict situations the complaining resident might be the only one who experiences the disturbance, and therefore collecting the

other residents' signatures is problematic. A resident who seeks help in such a situation might also report multiple complaint issues or inflate issues in order to motivate the third party to intervene (*e.g.* when being angry about a noise of the neighbor, the resident might call the police and report child abuse) (Charkoudian, 2005).

Thus, a major part of the housing managers' disturbance management work is to evaluate situations case by case and to try to find the proper interventions. For example, if a resident complains about neighbor's children playing too loudly in the yard but has no signatures, because other neighbors are not disturbed or do not want to be involved, then the housing manager needs to evaluate whether this particular disturbance calls for action or not. Smaller day-to-day disagreements, such as neighbor and family conflicts, tend to remain as a note in police log books or in landlord association's complaint files (Bonafe-Schmitt, 2012).

Also, even if withdrawing from the actions in the beginning, persistent calling and complaining by residents might result in the manager intervening later. In ambiguous cases, managers can also choose a midway strategy, such as not directly notifying anyone, but putting a general notice on the staircase wall of the building or sending the general house rules to every apartment. The meaning of a general intervention of such is, presumably, more to prove to the complaining party that an intervention has been taken rather than to aim for an efficient solution. In one case study, described by Attias, Ojala and Vuorinen (2019), the manager had put a sign in the staircase prohibiting harassment. That, not surprisingly, was unsuccessful in resolving the complex conflict.

Around 30% of the housing manager's work hours, which is the largest single part of the different work categories, concerns the client service meaning phone calls, e-mails and meetings with residents around various issues (Isännöinnin ammattilaiset, 2017). The acknowledged developmental challenge of the profession concerns, exactly, this part of the manager's work, the client service (Hedvall, Johansson & Kaskinen, 2011). Managers themselves tend to think that residents and the flood of contacts from them are an inevitable trouble in the work and need to be controlled with distance, often resulting in limiting the communication to a minimum with the residents (Hedvall, Johansson & Kaskinen, 2011). The major challenge for the reputation of the profession is to improve client-centeredness (Hedvall, Johansson & Kaskinen, 2011).

There is, unfortunately, no information available of the portion of conflicts and disturbance management but, undoubtedly, it creates a major part of the client service. Having more client-centered conflict and disturbance management would, therefore, serve the reputation of the profession significantly.

1.2.3. Housing Management and Conflict De-escalation

Today, conflict escalation issues are more and more acknowledged and housing managers are guided to provide a soft approach as a primary method in neighbor conflict situations. In the soft approach, warnings and letter notifications are avoided and, instead, phone calls and e-mails are encouraged when approaching the resident who has been complained about. After the call or the e-mail notification, if the case remains unsolved, the housing manager should investigate perspectives and encourage neighbors' mutual communication. (Kangasluoma, 2018)

The aim of the soft approach guidance is, indeed, to diminish conflict escalation (Kangasluoma, 2018). The notified resident, when receiving the notification by email which is a less formal strategy than a traditional letter, experiences the contact less inculpatory and still receives the information of the disturbance which, again, allows them to change the suspected misbehavior. The hypothesis of softness, assumably, is based on this decrease in formalization. Bonafe-Schmitt (2012, 59) has presented that formalism is, indeed, one aspect of a "tendency to juridify social relationships", which does not support genuine conflict resolution.

The guidance is, however, rather ambiguous and evokes a few further questions relevant to conflict escalation. For instance, if using calling to notify, the notified resident, assumably, has an immediate possibility to explain their point of view and to defend themselves against the claims of the notification. The guidance fails to instruct whether the manager should listen to these explanations and investigate the perspectives immediately when they arise, or not. Further question remains that, if the notified resident is not listened to and their perspectives are confined, how soft or de-escalating the approach is experienced in the end.

The soft approach guidance is an up-to-date professional instruction in the field of housing management and achieves to touch the topic of conflict de-escalation by arguing for less formal notifying. However, as said, it fails to provide detailed instructions of the relation of notifying and investigating perspectives. In addition, how de-escalating the decrease in formalization is, or, in other words, how much softer tone the e-mail notification carry in comparison to the letter version, is unstudied.

In the need for an efficient conflict de-escalation strategy the target company of the study did two things. First, the housing managers were instructed on a similar soft approach as described above, where the managers were to intervene by calling or sending e-mails before letters. Second, the company created an internal mediation service, distinct from the housing management but organized internally from the company, to work in close cooperation with the housing managers to assist them in resolving neighbor conflict situations. Therefore, the system

of the target company was partly based on reinforcing the soft approach within their housing management and partly on strengthening it with an additional tool of mediation.

1.2.4. Conflicts and Mediation

A conflict refers to a situation where individuals or groups perceive one another as having negative and harmful effect on their own interests, views or norms. A conflict is a dynamic process where any interaction of the conflict parties, as well as outside interventions, may spread or confine it. Action and reaction lead to outcomes which may escalate or de-escalate the situation. Conflicts often emerge around a certain subject of which the parties have a disagreement of opinion, but always involve also emotional and personal aspects, such as miscommunication or a lack of appreciation. Objective technical solutions which lack the personal level, thus, seldom resolve the conflicts successfully. (Pel, 2008)

Neighbor conflict situations can be straightforward issues relating mostly to noise deriving from, for example, animals, partying or arguments, or they are relational issues consisting of insults, threats and rumors (Bonafe-Schmitt, 2012). In addition to the experienced noise disturbances, practical disagreements can derive from the use of common spaces, such as the laundry facilities and the yard, or from the neighbors' different life schedules (Joensuu & Rustanius, 2011; Ekholm & Salmenkangas, 2008). In addition to apartment buildings, also city homeowners have neighbors and complex relationships with them, where the conflicts concern, for instance, boundary fences and trees that block views (Ellickson, 1994). Although neighbor conflicts can be seen as minor disputes belonging to day-to-day disagreements, because they happen so often, they contribute most to citizens' feelings of insecurity (Bonafe-Schmitt, 2012).

Conflicts have a tendency to escalate (Pel, 2008). Any conflict parties' own action, a third party intervention or simply a passage of time can escalate conflicts (Pel, 2008). Conflict parties tend to escalate the situation with coercivity, for instance, with threats and intimidation, which harden the attitudes of the other party in the situation (Ho-Won, 2008). Third party outside interventions, such as an approach of an adviser or a lawyer of one party, also tend to escalate conflicts (Pel, 2008). A police intervention in neighborhood conflicts can lead to momentary decrease in the confrontation between the parties but, ultimately, the conflict further escalates, because one party feels angry about the other calling the police (Charkoudian, 2005). The police intervention may also have an immediate escalating effect, especially if the interaction is confrontational (Charkoudian, 2005).

Quek (2013) has stated that parties in conflicts are naturally focused on their positions and rights. Positions mean conflict parties' self-generated perspectives or solutions to the situation

which in legal proceedings are called claims and defenses (Pel, 2008). Parties' positions often differ considerably and are incompatible (Pel, 2008). Pel (2008) contrasts interests with positions and presents that interests can be explained as motives behind positions, such as needs, which are compatible.

Mediation is a conflict resolution method where a neutral third party, a mediator, who has no authoritative decision-making power helps the conflict parties to negotiate about the possible solution (Bercovitch & Jackson, 2009). Mediation is sometimes referred to as an assisted negotiating (Ervasti & Salminen, 2017; Bercovitch & Jackson, 2009). Mediation belongs to the field of Alternative Dispute Resolution (ADR), which originates in the traditional societies' non-coercive means of resolving conflicts by practicing consensus building (Fiadjoe, 2004). Mediation is used in various contexts in society and, in Finland, different fields of mediation include, for instance, victim-offender mediation, peer mediation in schools, family mediation, workplace mediation, and community mediation (Ervasti, 2018). In addition to Finland, neighborhood and community mediation is run, at least, in the USA (Charkoudian, 2005) and in France (Bonafe-Schmitt, 2012).

In mediation, the focus is shifted from the positions, such as the requests of being proved right, into the underlying interests (Pel, 2008). Mediation, especially the facilitative mediation, is an example of an interest-based approach to conflict resolution (Pel, 2008). Solutions to problems are searched from the underlying interests of the parties and the mediation process often aims for sustainable agreements (Ervasti, 2018).

This focus shifting or reframing from positions to interests cannot be forced and is, indeed, done through questioning (Pel, 2008). The process is characterized by persistent questioning about interests, even when the conflict parties discuss their positions (Pel, 2008). In the community mediation, the questioning of interests includes questions such as: how has the situation impacted on the resident's life?; what is important for the resident?; what does the resident need or wish for in the situation? (Attias, Gellin, Kaitonen, & Vuorinen, 2017).

In conflicts people tend to focus on finding outside support instead of mutual solutions. The police is often approached in interpersonal conflicts and also different city and state agencies, such as city planning, social services, housing, public schools, human services and health departments, receive invitations to intervene (Charkoudian, 2005). In family disputes, the conflict parties in approaching the social workers and the police desperately search for an authority who would instruct the other party who is not behaving in a reasonable way in their opinion (Haavisto, Bergman-Pyykkönen, & Karvinen-Niinikoski, 2014). The divorcing couples also generate child protection reports, or reports of an offence to the police, which are

exaggerated or false and which burden the service system (Haavisto, Bergman-Pyykkönen, & Karvinen-Niinikoski, 2014).

Quek (2013) defines that conflict parties, when focusing on their positions, want to have external third parties to make determinations of them. Pel (2008) also notes that conflict parties may try to utilize agencies of power to enforce their arguments and positions. Conflict resolution which focuses on positions aims to persuade the other party to make concessions (Pel, 2008).

These third party agencies are also approached having the idea that a solution might emerge with an expert evaluation of the conflict. Neutral legal evaluations and advice can, indeed, serve as successful solutions to certain non-personal conflicts or differences of opinions, but any situation which involves a long-term relationship or an escalation of the situation is unlikely to benefit from an outside evaluation (Pel, 2008). In such a case, the evaluation solely strengthens one side of the conflict which, again, pushes the other party to seek his or her allies and, as a result, the conflict further escalates.

1.2.5. Referral to Mediation

Mediation represents an alternative model and a counter culture in resolving conflicts and, usually, exists alongside more traditional methods in society (Bonafe-Schmitt, 2012). Most people in conflicts still fail to seek mediation services directly and, instead, turn to various more traditional agencies, such as to the police (Bonafe-Schmitt, 2012). Direct requests of mediation are submitted to some extent in the court-connected mediation (Ervasti, 2018; Jagtenberg & Pel, 2011) and in the community mediation (Charkoudian, 2005).

Therefore, often, conflicts need to be referred to mediation by the agencies who are first approached. Referrals to mediation are made by different actors in society, for instance, by judges in courts and by the police and prosecutors (Kressel, 2014; Ervasti, 2018; Charkoudian, 2005). Referral bodies may include also social service agencies, city agencies, community organizations, security personnel and social housing landlords (Charkoudian, 2005; Bonafe-Schmitt, 2012).

The task of the referrer is to present the possibility of mediation to the conflict parties. This is done by having a referral interview. The referral interview may include multiple factors and the referral agency will ultimately decide how profoundly the interview is performed. For instance, judges in courts have limited time and referring is only one of their tasks. However, the following aspects are guidelines for the interview: detecting a conflict, presenting a choice

between conflict management methods and providing information on them, checking willingness to negotiate, answering questions, and dealing with the resistance. (Pel, 2008)

Indeed, conflict parties might resist the idea of being referred to mediation and question the meaning and the purpose of such a suggestion. As discussed, if parties are strictly focused on positions, they might approach the third party with a goal of achieving support for their arguments and, therefore, a suggestion to negotiate with the opponent might appear as surprising. Therefore, referrers need to be convinced that referring is worth the trouble and also to possess the necessary knowledge to deal with the resistance.

Referral agencies' willingness to refer cases to mediation is often facilitated by the realization that intervening in complaints without handling the underlying issues, that is dealing solely with the symptoms, can become costly. For instance, in the neighborhood conflicts one conflict may cause repeated calls for the police and visits for officers and referring these cases to mediation decreases the amount of report calls significantly. Police departments and courts may achieve cost savings by referring to mediation more often and at an earlier phase of the conflict. (Charkoudian, 2005)

In conclusion, referral operation might be challenging because the conflict parties might expect the third party to assist them in their own positions-focused conflict resolution. However, at the same time, social conflicts are difficult to control with traditional means. Bonafe-Schmitt (2012) has stated that an increase in the urban riots in France shows that the state and its traditional conflict resolution increasingly fails to control social conflicts, which also relates to the evolution of social relationships and new kinds of conflicts related with issues of social identity, integration and quality of life. Simply increasing security or the number of social workers has not resolved this kind of social disorganization (Bonafe-Schmitt, 2012). Therefore, the potential referral agencies are facing a dilemma: the fact that social conflicts are persistent and somewhat resistant to traditional means of conflict resolution suggests utilizing alternative means and, indeed, referral to mediation. At the same time, referral to mediation is challenging and requires strength to deal with the resistance.

1.3 Conflict Resolution

1.3.1. Traditional Justice and Rights-based Approach

Traditional criminal justice is based on the idea of general preventiveness, where the belief is that crimes are best prevented by posing the deterrent effect of punishments. Knowing the

punishments, the potential lawbreakers weigh up the pros and cons carefully before committing any criminal acts. The underlying principles have thousands of years of heritage. Today this theory suggests that punishments are also important to teach morals to ordinary citizens. Citizens learn to avoid unwanted behavior because they know it to be morally wrong. (Koskinen, 2008; Tolvanen, 2007)

Gellin (2019) has argued that the traditional school discipline is based on this idea of general preventiveness. In the school discipline, teachers as authorities evaluate the severity of disturbances in reference to school rules and orders and then define the sanctions (Gellin, 2019). The sanctions include a reprimand, detention and, finally, suspension from school. In a reprimand by a teacher, the misbehavior of a student is judged, they are told that misbehavior is not tolerated and that compliance with the school rules is further monitored (Salmivalli, Kärnä & Poskiparta, 2010; Gellin, 2019). Reprimanding is also used by the police, for instance, with youth with substance abuse problems, where the misbehavior is discussed as a crime or being against the rules (Rönkä, 2005).

In the traditional justice orientation, an external authority always has the responsibility to control disturbances and to maintain peace. These authorities are considered as experts of rules relevant to specific situations. Different expert roles are, for instance, the ones of the judge and the lawyer, the police and the teacher. In addition, Christie (1977) discusses the role of a treatment personnel, which would apply to today's health care, and social workers, categorizing them in the same rules-oriented position of authority.

Using reprimand and a threat of sanctions as an intervention is also one form of conflict resolution. One categorization of conflict resolution is one of Ury, Brett and Goldberg (1993), where conflict resolution is divided into rights-based, power- and interests-based approaches. The rights-based approach is based on the pre-established rules defined by a certain organization or society, which specify the just and fair behavior (Poitras & Le Tareau, 2008). Against those rules evaluations are made to determinate who is right and who is wrong (Poitras & Le Tareau, 2008). Authors have also further simplified the categorization, arguing that rights and power are very interlinked concepts and often applied mixed – rules are one form of power – and, thus, the conflict resolution is merely a dichotomy between rights and interests (Poitras & Le Tareau, 2008).

Methodological examples of the rights-based approach to conflict management are, for instance, arbitration, hearing and litigation (Bingham, 2008; Poitras & Le Tareau, 2008). In the rights-based conflict resolution one party loses and one wins (Poitras & Le Tareau, 2008). This win-lose framework always aims to make the other party to make concessions or to abandon

their position (Pel, 2008). Therefore, discussions which follow the win-lose framework are also called positional negotiating (Pel, 2008).

1.3.2. Negotiated Justice and Problem-solving Approach

On the contrary to the traditional justice orientation and its rational-legal logic, the orientation of the negotiated or comprehensive justice is based on a more consensual and less confrontational approach, where communication and social control are highlighted. In the negotiated justice, conflicts are controlled with other means than sanctions and compensations. Conflict parties' mutual communication and conciliation processes are used to increase social control. (Bonafe-Schmitt, 2012)

The Finnish court-connected mediation is an example of development of justice towards negotiation, communication and interaction (Iivari, 2010). Today courts have the traditional role, where judges evaluate the truth and operate as decision makers, and the new one in promoting the negotiated justice, where judges negotiate over compromises or operate as mediators in the court-connected mediation (Haavisto, 2002; Ervasti, 2018). These distinct orientations are different forms of social control with distinct logics, which both are present in today's court practices and the role of the judge (Haavisto, 2002).

Indeed, in the court-connected mediation, where judges operate as mediators, communication skills are more important resource for them than the knowledge of the law. Judges, who operate as mediators, need to be able to create an interaction based on understanding the expectancies and interests of the conflict parties. Judges as mediators focus on interests and use a method of facilitative mediation. (Työryhmämietintö, 2003)

Ervasti (2018) further explains that, in addition to the court-connected mediation, Finnish judges promote settlements using the compromising method. Indeed, in handling of civil cases, judges are required to investigate the possibilities to settle cases and, through this investigation, settlement proposals may be offered. This judges' operation of investigating possibilities to settle is one example of the use of compromising method to conflict resolution. (Ervasti, 2018)

Compromising classically refers to a process where "parties distribute wins and losses" (Ervasti, 2018, 29). Pel (2008) defines that, in compromising, the conflict definition is based on the viewpoints of the parties and the method resembles bargaining and is relatively simple – one simply identifies requirements and differences and "splits" them. The strength is that it is a culturally acceptable, direct and rapid intervention (Pel, 2008).

The theory around conflicts and conflict resolution includes various concepts and models, and the whole is somewhat disorganized. To include the court-connected mediation and the

settlement promotion activities of the courts, Ervasti & Salminen (2017) refer to an approach to conflict resolution which includes methods of compromising, evaluative conciliation and facilitative mediation, which they call as the problem-solving approach. In the problem-solving approach, the focus can be in suggesting quick practical compromises as well as in providing profound interest-based solutions (Ervasti & Salminen, 2017). The term problem-solving is also widely used and with various meanings in the field, where some writers use it, solely, as a synonym for the interests-based approaches (Menkel-Meadow, 1984; d'Estree, 2009).

It is decided to use the rights-based- and the problem-solving approaches to conflict resolution as the defining concepts. The rights-based approach is used in the established sense stated before, where the focus is to prove the rightfulness and the wrongfulness of the behavior relying on positional negotiating. Here the position of authorities is central as enforcers of rules.

The problem-solving approach is used to refer to any type of problem-solving orientation, including both the quick (splitting the requirements) and the high-quality (identifying the underlying interests) solution processes. The focus in the problem-solving approach is, however, on resolving the underlying problems, instead of on evaluating the evidence and truth. The position of authorities is to help to find solutions which relate to the actual problems behind the conflicts.

1.3.3. Coercive Versus Autonomy-supportive Contexts

The self-determination theory (SDT) makes a distinction between coercive- and autonomy-supportive social contexts. In the coercive- or controlling social contexts, people in general feel pressured and might experience themselves as pawns while engaging in certain actions. Interaction consists of either direct or indirect coercive elements. Direct coercivity includes direct expressions of power, such as intimidation or blackmailing. Indirect coercivity or controlling includes, for example, demands for conformity, where someone tries to enforce some sort of harmony or conformity and there is a lack of choice in the interaction. Other elements of indirect controlling include excessive rules and strict prescriptions of behavior. However, if a response carries information which might help the receiver to perform better in the situation and reduces pressure to engage in certain actions, the interaction and context are more autonomy-supportive. (Skinner & Edge, 2002)

The basic assumption of SDT is that people have psychological universal needs of being competent, autonomous and related to others, which affect their motivation and well-being. When these needs are satisfied, people feel motivated and experience greater well-being and, on the contrary, contexts which thwart these needs decrease motivation and cause ill-being.

Experiencing autonomy means driving towards inner organization and self-regulation. In the autonomous behavior, one may still comply with requests made by others and, therefore, autonomy is not the same as independency. However, in such a case one endorses the values or requests made by others, instead of simply conforming them. (Deci & Ryan, 2002)

As discussed earlier, coercive interaction escalates conflicts. Conflict parties' coercivity causes hardening of attitudes, which relates to the psychological decision-making characteristics (Ho-Won, 2008). Indeed, coercivity thwarts the need for autonomy, the need to self-organize and to self-regulate one's own operation, and, thus, decreases motivation and increases ill-being. As a result, in a conflict adversarial feelings towards the coercive person increase and willingness to contribute to in resolving the actual problems decreases and the situation escalates.

In the neighbor relations, direct coercivity, such as intimidation or threatening, can take place directly between the conflict parties, as explained. Police codes for call types in such cases include, for instance, common assault and assault by threat (Charkoudian, 2005). Indirect coercivity is more likely to take place through intermediaries, for instance, when one party calls the police to calm the neighbor down. When a police officer applies reprimanding and discuss the neighbor's suspected misbehavior against the rules, the police enforces harmony. This, in addition to direct coercivity, escalates conflicts.

The aim of the conflict parties, or the third parties, is rarely to escalate the situations. Conflict parties aim to strengthen their own positions, as discussed, as part of their chosen conflict resolution tactics. Third parties try to calm situations down. However, as a result of direct and indirect coercive acts, situations tend to escalate. The decision-making characteristics, namely the need for autonomy, play a central role in how conflicts escalate or de-escalate. SDT gives insight to the dynamics related to third party interventions and their risks in conflict escalation, which topic is central to the institutional conflict management discussed in this study.

1.3.4. Decision-making Position and Negotiated Justice

The transition from the traditional justice orientation towards negotiated justice needs to be profound to be effective. Haavisto (2002) discusses judges' role in promoting settlements in the Finnish courts and gives examples of cases where judges have expressed favor for the parties to settle and parties, as a result, have agreed to the compromise. However, when judges' own ideas of justice have been more traditional, concerning finding the truth, the promotion of settlement has only raised suspicions in the parties and appeared as a controversial operation (Haavisto, 2002).

However, there are also historical traditions and expectancies concerning different roles and practices in institutions, which influence the capacities to implement negotiated justice. Ervasti (2018) explains that judges, when promoting settlements, are restricted from using mediation techniques, such as separate meetings or reality testing, because such an operation would risk the impartiality of the judge and the fair trial. On the one hand, the judges' promotion of settlement should be convincing to be effective, which require internalized negotiated justice orientation in leading the parties towards compromises. On the other hand, judges should be careful not to risk their impartiality, which might be required if the parties disagreed to settle and wanted to resolve the case on trial.

Charkoudian (2005) also discusses the role of the police as being structurally non-neutral. The role of the police entails an authority to make decisions, which causes a lack of perceived neutrality. This lack of perceived neutrality influences the coercion experienced by the conflict parties. Thus, even if the police wanted to promote more profound conflict resolution and had necessary time and skills for it, this experienced coercion related to the role of the police would risk the process and cause, for instance, the underlying conflict issues being left unaddressed. (Charkoudian, 2005)

In the roles of the judge and the police, thus, the decision-making position influences the capacities to implement negotiated justice. The authority to make decisions and pose sanctions causes specific challenges in taking a broader conflict resolution perspective, than the one of evaluating the evidence and truth. Aiming for processes of problem-solving requires particular awareness in these positions.

The position of the housing manager is also that of a decision maker, as discussed. The housing manager is an authority who can sanction the residents. The discussion of the decision-making position influencing the capacities to implement negotiated justice is, therefore, interesting and crucial for this study. Combining decision-making position and mediation directly is non-advisable for many reasons, for instance, because the mediator should be neutral (Bercovitch & Jackson, 2009). Even in the court-connected mediation system, judges do not operate as mediators in their own cases, where they have the decision-making power. However, combining broader problem-solving approach and decision-making is possible. Adopting a compromising-type-of settlement promotion tactic alongside the authority position has been proved as a practical system by the Finnish judges.

Having said that, Haavisto (2002) has stated that variation exists in how efficiently the settlement promotion is performed in courts. The court-connected mediation was partly developed as a response to this variation in implementation also to tackle the aforementioned

risks in loosing the neutrality of the judge (Työryhmämietintö, 2003). Assumably the creation of the internal mediation system supported judges, also, in their task of settlement promotion, when the cases which required separate discussions with the parties and a more profound problem-solving approach, could be referred to mediation.

Also, when an institutional role evolves, it takes time, effort and discussions within the professional field. The everyday implementation of the role of the judge in combining the traditional adjudication and the settlement promotion processes raised a number of discussions when the issue was introduced (Haavisto, 2002). However, the practice of settlement promotion is part of the Finnish courts today and, assumably, all the factors mentioned – discussions among the field, time for the transition as well as the creation of the internal mediation system – have all contributed on the transition process.

Institutional roles, such as the ones of judge, police, teacher, certain roles in health care and social work fields and, indeed, the role of the housing manager, have all their own characteristics. However, the challenge of combining the decision-making authority position with the negotiated justice orientation is shared among these agencies.

1.4 Conflict Management System Design

Karvinen and Pelli (2010) discuss about family mediation in Finland and note that the service system in the field of family disputes tend to escalate conflicts. Professional practices of different agencies in the field, such as family counselors and lawyers, increase adversarial mind-set of the parties, instead of promoting sense of responsibility and involvement. Making settlements is highly important within these settings, already for the benefit of the children, but become ineffective when the mechanisms within the system support culture of accusing and blaming. In addition, these service systems become overloaded when the conflicts escalate. (Karvinen & Pelli, 2010)

Mediation is often ineffective is the surrounding professional practices promote distinct goals. For instance, in providing care and advices for a party of a divorcing couple, a family counselor might diagnose the other party of the couple in a certain way, which causes deepening mistrust and, as a result, more competitive claims, such as sole custody (Karvinen & Pelli, 2010). In addition to the family mediation field, for instance, school mediation projects have emphasized the importance of the institutional culture for the efficiency of mediation (Gellin, 2019; Bonafe-Schmitt, 2012).

The conflict management system design (CMSD) is a field which aims to create designed systems of conflict prevention and resolution in organizational settings, contributing to organizations' decision making on how to prevent, manage and resolve conflicts on a systemic basis. The CMSD, also referred as a Dispute System Design (DSD), was born within organizations and workplaces, where a realization emerged that the traditional administrative and judicial processes did not bring genuine and satisfactory solutions and outcomes to workplace conflicts. CMSD added the awareness of institutional design, not only to introduce certain ADR-methodology, such as mediation, in the existing institutional setting, but also to create a program in which a series of purposefully planned steps and coordination take place to manage the conflicts. (Contantino, 2009; Bingham, 2008)

The core message of CMSD is to maximize the effectiveness of conflict management. Several authors have concluded that, when evaluating the effectiveness of a certain institutional conflict management system, which also entails an interests-focused method like mediation, rights-based approaches should be secondary fallback strategies, instead of being the primary ones (Ury, Brett & Goldberg, 1993; Bingham, 2008; Poitras & Le Tareau, 2008; Pel, 2008). The process should start from "'lighter'" processes, such as mediation, and then, if needed, develop towards stronger ones, such as litigation (Ervasti & Salminen, 2017).

This kind of hierarchy of conflict management is important because rights- and power-based approaches tend to create adversarial climate, which again hinders the efficiency of the interest-focused processes (Poitras & Le Tareau, 2008). The mediator aims to access the underlying interests, as explained. In the adversarial mind-set, the conflict parties are not willing to answer the mediator's questions and to accept their reframing and focus shifting. If they are strictly focused on the evidence and on being right, the parties are not ready to discuss how the situation impacts their life.

In creating consistent conflict management systems, also referral agencies should withdraw from the rights-based conflict resolution. Most conflicts do not arrive into mediation directly, as discussed, and the operation of the authorities who reports conflicts plays an important role in the system. If these authorities make evaluations to determinate who is right and who is wrong and possess the power to enforce or suppress conflict parties' positional claims, and then these positional discussions are tried to be reframed by the mediator implementing interests-based conflict resolution approach, the overall system is ineffective. The client of this conflict management service most likely experiences difficulty in trusting the overall process and might react in many ways, for instance, with having more competitive claims or by withdrawing from the mediation.

1.5 Research Questions

The research questions concerned the roles of the housing managers in receiving and intervening in conflicts, the referrals to mediation, and the impacts of the referral operation on the mediation. The questions were:

1. What type of roles do the housing managers apply when faced with conflicts between

   the neighbors?

2. How do the managers refer cases to mediation?

3. How do the mediators experience the referral operation of the managers?

4. How do the mediators experience their work in mediation in general?

2. Method

2.1. Sample

The sample consisted of 16 interviews of which 14 concerned the housing managers and were one-to-one interviews, one interview was a group interview with the mediators consisting of four persons, and one interview was made with the company lawyer. Only the interviews with the housing manager and the group interview of the mediators were analyzed.

2.2. Instrument

The data were gathered by using a semi-structured interview method called thematic interviewing. In thematic interviewing, the process follows certain themes, which informants are allowed to describe rather openly and freely. In the process, the interviewer first creates the research problems and then define the main categories of the phenomenon and, further, the interview themes and questions. The interview questions are not a detailed list of questions, but more of a list of themes. These themes can be discussed in varying order and length with different informants. (Hirsijärvi & Hurme, 2000)

Often in thematic interviewing, the researcher is interested in studying the underlying nature of complex issues, such as people's intention, argumentation or values, and finding new

hypotheses from these phenomena, instead of aiming for reinforcing certain pre-existing hypotheses (Hirsijärvi & Hurme, 2000). The subject of the study was relatively unknown in the sense that no other internal mediation service existed in the housing sector in Finland or elsewhere, and the study was open for new explorations and findings. The semi-structured thematic interviewing was a suitable method for data collection for this inductive study.

The interviews with the housing managers consisted of three themes. The first theme was the managers' role in the conflict situations and the managers were asked perspectives on the conflict situations and thoughts about their roles in them. The interview questions were: how did the manager view the housing disturbance situations one was dealing with and did one have certain principles or values?; what kinds of different disturbance situations had the manager faced in one's work?; and what did one think about conflicts between neighbors and, in particular, the role of the housing manager in dealing with them?

The second theme was the cooperation with the mediators and the managers were asked perspectives on the mediation, how it worked and what benefits or disadvantages the service had from the managers' point of view and how much the managers utilized it and in which ways. The interview questions were: how did the manager see the system of mediating neighbor conflict situations worked in practice?; did the manager utilize the mediation system and if, or if not, why?; and how did the manager operate in practice if cooperating with the mediators or if handling the conflict situations alone?

The third theme was the communication and the managers were asked about what kinds of communication situations took place between the managers and the residents. The interview question was: what kinds of communication situations did the manager experience taking place when the residents complained about the neighbors or when the manager responded to these situations? The order of the interview questions and the length of discussing each theme varied depending of each informants' emphasis on them.

The group interview with the mediators consisted of similar themes but the questions were asked from the mediators' point of view focusing on the cooperation of the mediators and the managers. Themes concerned the mediation system and the managers' role in it, asked from the mediators' point of view. The interview questions were: what kind of system was there in place in the company to mediate neighbor conflict situations?; what worked best and what did not work in the current system?; what kinds of cases arrived to the mediators and what kinds did not?; were there situations which the mediators consider improper to be mediated and, if so, what kinds of and why?; what kind of role did the housing managers have in the system in the mediators' opinion?; what kind of operation of the housing manager benefitted the mediation

and what kind of operation caused disadvantages?; did the relationship of the residents and the housing managers become visible in the mediation and, if it did, how?

The data were analyzed using a method of qualitative content analysis. In the qualitative content analyses, the data are first examined in detail to identify any information with relevance to the research questions. Then these parts of information are coded or grouped by selected meanings, which relate to the research questions. The method helps to reduce the amount of material when abstracting from specific information into larger codes, groups and categories. It is a systematic and flexible method to analyze qualitative data. (Schreier, 2013; Kyngäs, 2019 a)

In the inductive content analysis of qualitative data, after forming the sub-categories or themes, the researcher carefully compares the coded data to identify any similarities and differences. The very first step in the analysis, and the most sensitive as the researcher may interpret the data subjectively, is to form open codes from the raw data. The open codes should strongly derive from the concrete information of the data. These codes are then further abstracted and combined to form the sub-themes and the main themes. (Kyngäs, 2019 b)

The raw data were first coded and then the codes were combined to form larger categories. An example of the coding of the managers' interviews is provided in the appendices (Appendix 1). Because the data included distinct groups of professionals working in cooperation to improve the overall conflict management, the choice to focus on the system level and on the referral operation was, in the end, genuine and natural.

2.3. Procedure

The study process started in May 2019 with a meeting in the target housing company. In this meeting, the managers were informed about the coming interviews and they were explained the idea of the study. One aim of the meeting was to give the housing managers a chance to become familiar with the interviewer to diminish the possible distrust towards the process.

Almost all of the managers' interviews were held during one week in autumn 2019 and they took place in the office of the housing company. The schedule was arranged so that every interview had one hour reserved and three interviews were held in a row. All the managers were interviewed. Before this intensive interviewing in the autumn, one manager was interviewed in June. The purpose of this one early interview was to test the interview themes and to improve them. Eventually, the themes were kept original although some additional assisting questions were added to support the flow of the discussion.

The mediators' group interview was held in may before the managers' interviews. This was mainly practical reasons. In the spring, when the study was launched, there was only little time before the summer holidays and only a few interviews could be held. Thus, the mediators' group interview and the one manager interview were chosen. After conducting all the interviews, the analysis was run in autumn 2019 and spring 2020.

2.4 Ethical Considerations

All the interviews are described anonymously in the study and also the company itself. Before every interview, the interviewee was informed about the use of the data anonymously. In addition, the informants were told that if they described some particular well-known situation, which might put them at risk of being recognized within the company or possibly outside of it, or some other sensitive issue, it could be censored from the study when requested.

The number of the housing managers, 14 altogether, was considered providing them rather good anonymity both inside and outside the company. This was, however, untrue for the mediators who were four and, thus, the subject was discussed with them beforehand. The mediators acknowledged the risk of being recognized but, at the same time, thought that this study was an important part of the overall development work of the company around the subject. The mediators were the main developers of the system and motivated to improve it. Thus, they were not very concerned about the risk of losing anonymity and spoke quite openly about the issues.

The researcher's position entailed a double role. The researcher worked as a mediator in the Community Mediation Centre, which cooperates with this and other housing providers in Finland in mediating conflicts between neighbors. The agency had assisted the particular company in the development of the mediation system, for instance, by providing training in mediation for the mediators. Thus, the familiarity and the cooperation relationship between the agency and the company imposed a risk for the data being biased.

The researcher, however, had been active mainly in other cities and with other companies than the particular target company when doing the mediation work. Thus, the familiarity with the managers or with the internal mediators was not an obstacle. The double role was also openly told to the housing managers in the preliminary meeting when the study was initially introduced. Eventually, only one interviewee referred to the researcher's role as a mediator during the interview sessions.

3. Results

3.1. Manager and Mediator Roles in Conflicts between Neighbors

3.1.1. How Managers Receive Notion about Conflicts

In the chapters below, the complaining resident is systematically called the resident. Similarly, the person, whom the resident complains about, is called the neighbor. The housing managers of the company first described how they received notion about conflicts from the residents. They could receive written – e-mail or the official disturbance form – or oral – phone call – complaints from the resident concerning the neighbor's behavior. The MA code after the quotations in this chapter refers to a housing manager.

The company managers first described the history. Before the development work in 2018, when the mediation service did not yet exist, conflicts were processed solely by legislative means. This meant that e-mail and phone call complaints were not accepted. Instead, the disturbance form accompanied with other residents' signatures was requested as a necessity, as described by the informant below.

"We waited that more people would experience the problem as disturbing. Perhaps we acknowledged that it was (a conflict) between these two but, like, so what, what chances there was to intervene with legislative means, we needed other people's signatures" (MA11)

Another informant stressed that, although realizing that requesting the evidence only managed to deepen the competitiveness of the parties, the residents were systemically directed towards collecting signatures for the disturbance forms.

"It was like a race, the one (of the neighbors) who had more forms or names was winning, until the other collected more. I mean it was stupid but there was nothing else we could do" (MA6)

Out of need to be and appear as neutral, when residents complained without signatures in the disturbance form, the company managers experienced that their only choice was to withdraw from interventions. Highlighting neutrality was crucial, even if realizing that it could deepen the conflicts. Neutrality was achieved by having a strict legislative role.

Similarly to the neutrality requirements of the judge and the police, an ability to use power to sanction caused the managers to highlight their neutrality and equality. As judges needed to be able to run a fair trial, similarly the managers wanted to be able to give fair decisions of

sanctions, if needed. Contacting the neighbor without the evidence entailed increased risk of appearing as partial in the situation.

Today, the roles of the company managers in receiving conflicts are divided into three, depending on how the managers described their operation concerning the use of the disturbance form. These roles were named the Representatives of the Law, the CEO and the Caring Leader. The table below describes these different alternatives in the operation.

Table 1

Housing Managers' Roles in Receiving Complaints Based on the Factors of Asking for the Disturbance Form and Taking Action

	Representatives of the Law ($N = 3$)	CEOs ($N = 5$)	Caring Leaders ($N = 6$)
Ask for Form	always	always	selectively
Take Action	selectively	always	always

4.1.1.1 Representatives of the Law

Three managers asked for the disturbance form, still, automatically. This role, which was named the Representative of the Law, meant that, when the resident complained by a non-formal means, by using phone calls or e-mails, the manager requested the disturbance form as a necessity. No actions were taken unless the complaint was accompanied with the evidence, as the manager below described.

"It is not enough to say that lately someone has acted badly, that is not a real reason, I need to have a concrete thing to intervene to, instead of an opinion that the neighbor is mean --- I cannot force them to fill it (the form), but it would be good to fill, because it is kind of a concrete thing where I can see what has happened and when, if I call the neighbor --- I cannot just call and say 'hey you know, the resident doesn't like you'" (MA10)

These managers requested the evidence to prove the disturbance was real and not just an opinion, as the informant explained. The operation was reasoned with requirements of concreteness and realness. Another informant further reasoned that concreteness was important for avoiding difficult standoff situations.

"I have the principle that I always ask for it (the complaint) written and then there needs to be, at least, one other resident's signature to prove that the disturbance is real, because otherwise it is a standoff situation – word against word – which I don't want to worry about" (MA4)

Similarly to the descriptions of the past operation, these three managers operated by highlighting the neutrality requirement of their role. The experience of lack of choice in receiving complaints in any other way than by requesting the evidence still directed their operation. In the past, the company managers had no help in resolving conflict situations and, therefore, the need to prevent the risk of being seen as partial was more shared. However, today the help of the mediators was available and, therefore, the role of the Representative of the Law appeared as a historical layer of the past. It was applied only by the minority of the managers.

4.1.1.2. CEOs

Five managers constituted to the role named as the CEO. These managers asked for the disturbance form automatically, similarly to the Representative of the Law managers, but, despite of whether the form came or not, they always took action. Therefore, the form was requested but not insisted on as a necessity, as the informant below described

"We ask for the written one always (the disturbance form) --- but I've been in contact (to the neighbor) even if I didn't get it" (MA11)

One ideological factor described a clear difference to the previous group of managers. This was an understanding that all situations, also conflicts, belonged to one's work as a manager, as the informant below described.

"They (situations) do belong to me. I mean, I am or, at least, in my previous workplace, when I was a manager of an apartment house company, I was the CEO of the apartments. They do belong to me those situations and then I refer them forward if it is, for example, about conflict issues --- but one needs to figure out the starting point" (MA5)

This manager had an understanding that all complaints, up to the point that the initial investigation was done, belonged to one's work. If then different expertise was needed, and this included conflict situations, as the informant explained, the case was referred forward. The informant had worked in the apartment house company sector, where they had experienced being a CEO of the houses they were managing. Aspects of this role were still present and this role, which applied to five company managers, was accordingly named as the CEO. These managers wanted to guarantee that complaints put before them received an ending in one way or another and, thus, they always took action.

However, categorizing these managers was also complex. Three of the CEO managers informed the resident about their aim of investigating the situation but two did not explain whether they informed the resident of taking action or not. Therefore, these two CEO managers

could appear to the resident as highlighting their neutrality, similarly to the Representative of the Law managers, although, they always intervened. Despite of this possible controversy, all five managers understood their role with high responsibility over residents and their situations and they had a low threshold in taking action.

As the informant above explained, after investigating the starting point, conflicts were referred forward. To be able to refer conflicts forward, conflicts needed to be first identified and separated from other disturbances. Indeed, the CEO managers discussed the task of conflict identification as not always being easy, as the following informant reflected.

"It doesn't necessary become clear in the moment (whether it is a conflict or a disturbance) but instead it might take one or two complaints from one or both of the parties" (MA11)

Although investigating situations, conflict identification was experienced as challenging. In conclusion, the CEO managers, who constituted roughly one-third of the company managers, operated with a low threshold towards the resident asking for the disturbance form but not insisting on it. The orientation derived from understanding their role as a CEO-type-of authority position, where they had a responsibility to guarantee that matters brought to their table were handled. The disturbance form, although not insisted on, was nevertheless automatically brought to discussion and the conflict identification was experienced as challenging.

4.1.1.3. Caring Leaders

Six managers responded that they asked for the form selectively, often not in the beginning, and took action automatically. These managers' were categorized to a role named as the Caring Leader. The Caring Leader managers were aware of the confrontation the form-request was causing. One of the managers described how the disturbance form, when it was requested as a necessity, was causing difficult communication situations, where the resident usually got angry and judgmental.

"The resident criticizes me when I ask for the form. They have an opinion that they will not do the work, which they think belonging to me --- it is often very negative the response" (MA13)

Awareness of the confrontation seemed to be the core reason for asking for the form selectively and not automatically. The Caring Leader managers requested the form only sometimes for a particular reason. The same manager described that high complexity could be one reason.

"Sometimes I just say that now I need it, that I cannot do anything before you send me the disturbance form with two other residents signatures, this way I also give myself more time to think what to do next" (MA13)

In addition to the awareness of the confrontation aspects of the form-request, another reason was a willingness to follow the caring values of the company, as another informant described.

"---I understand that there (discussing about the manager investigating non-formal complaints) is this kind of theme of caring---" (MA3)

The name Caring Leader was named according to the caring values and the managers' willingness to integrate them to their work. In conclusion, the Caring Leader managers, who also constituted roughly one-third of the company managers, operated with a low threshold similarly to the CEO managers, but carried higher awareness of the possible confrontational consequences of requesting the disturbance form. They, primarily, did not discuss about or request the disturbance form but investigated the situations straightforward.

3.1.2. How Managers Intervene into Conflicts

The managers' roles in intervening to conflicts divided into the Educators and the Problem Solvers. These two roles differed from each other in the nature of discussions with the neighbor and in the interventions. In the following chart, these roles and their main characteristic are presented.

Table 2

Roles of Housing Managers in Intervening based on the Complaints and the Style of Discussion and Intervention

	Educators ($N = 9$)	Problem Solvers (N = 5)	
Discussion Style	Incoherent: Ask for Perspectives but Overrule Them	Coherent: Ask for Perspectives Authentically	
Intervention Style	Instruction based on rules (reprimand), possible notification or warning	Solution proposal: social instruction (based on reasonability in behavior) or technical re-arrangement	Encouragement to discuss mutually

4.1.2.1 Educators

When discussing with the neighbor, nine of the managers operated from the role of the Educator. Although the Educator managers said they were investigating the cases, this investigation happened through instructing the neighbor in behavior in relation to the suspected wrong-doing. Discussion of the neighbor's perspective on the situation was incoherent and

adversarial. One informant, for instance, said that they investigated perspectives, but no matter about the discussion, they also sent written notification afterwards.

"I call this (the neighbor) who has possibly caused disturbance and ask for their opinion on the issue ---however, in the phone I say, there is coming a written notification afterwards" (MA8)

Indeed, in the informants' reflections came very clearly visible that the purpose of calling was not to investigate the neighbor's perspective but, instead, to notify of the suspected disturbance. One informant gave an example of a complaint about children and noises.

"We call (the neighbor) and tell that we have received these (complaints), that there has been a bit too loud music in your place in the night, or there has been smoking, or kids, and so on and, although we do not directly prohibit that kids are not allowed to play, we do tell that we have received complaints about the situation and instruct (the neighbor) to pay attention to it" (MA9)

The Educator managers' most used phrasings in discussing with the neighbor were 'to pay attention to it (the disturbance)', described by the informant above, and 'rules must be followed', visible in the following description.

"---basically it (the discussion) is guiding and instructing, that this is not just some guidance paper but, instead, the rules, the common house rules, which we give to every resident and which need to be followed, and we have them in 12 or 14 language so they cannot say they don't understand" (MA4)

As discussed earlier, teachers and the police used reprimanding as an intervention strategy in disturbance situations. The incoherent investigation of perspectives with the Educator managers, where they expressed their assumption of the neighbor's wrong-doing and instructed them of the house rules, reflected, similarly, reprimanding. Managers' use of reprimanding was, in fact, an adaptation of the past operation. Indeed, the Educator managers told that, before the current development work started in the company, they did not call the neighbor at all but, instead, sent written notifications directly. According to the informant below, the past procedure was upside down so that, in the end, the neighbor called the manager.

"--- in the old times, when we didn't call (the neighbor), after receiving the letter (the disturbance form), they could call us back and say that 'hey this is wrong'. Then we asked for to write a plea and it always came --- then we bunched the two papers (the disturbance form and the plea) together and filed it" (MA6)

Indeed, before, managers did not call the neighbor, but sent the form directly. Then, the neighbor called the manager and complained about the notification they had received and these

discussions were confined by requesting a plea. Today, calling came into the beginning, which replaced the direct formal notification of the past. However, the content of the message was still the same – to notify of the suspected disturbance. Today, when taking the initiative of calling the neighbor, the managers, assumably, were restricted to request a plea in case the neighbor had a different opinion. Therefore, the Educator managers confined the neighbor's perspectives directly in the phone, which reprimanding was serving. Discussions with the neighbor could be always returned back to the house rules. Reprimanding was, therefore, an adaptation of the past operation and the current requirements.

Most of the Educator managers also considered that, in the case the complaining continued after the reprimand-call, written notification or warning was a second intervention. The Educator managers explained that they wanted to utilize mediation and refer cases, but that they also wanted to apply their own means of intervention first. Written notifications or warnings were often applied prior or alongside of mediation. The following manager described how a warning was sent to the neighbor, while also referring the case to mediation.

"In the latest case, one had messed up another one's door, but denied it. He received a warning and now we follow up the situation --- there is also a long-term dispute in the background between these gentleman, which I suggested to mediation --- it can be that the official process goes alongside the mediation process" (MA11)

In conclusion, the Educator managers intervened into conflicts by using reprimanding. In reprimanding, they asked for the neighbor's opinion, but continued discussing about the house rules and the suspected wrong-doing, instead of authentically investigating the perspective. Most of the managers used written notifications or warnings to proceed with the interventions and considered these means as inclusive with the referral to mediation.

4.1.2.2. Problem Solvers

Five managers operated from the role named as the Problem Solver. The Problem Solver managers used calling towards the neighbor, first of all, to investigate perspectives. The questioning towards the neighbor was authentic in finding out their perspective on the issue, as one informant explained.

"I call (the neighbor) and tell we have received this information and ask for whether it is true or what is their perspective on the issue --- The issue can turn upside down when one discusses with both of the parties, so it is good to remember to investigate it --- and not to take either one's side at that point" (MA2)

These managers discussed with the neighbor having the aim of delivering information of the complained issue and gaining information of the possible other perspective on it. By investigating different perspectives, their approach also aimed for maintaining impartiality, as the following informant described.

"The first thing I do is that I start to investigate the other party's perspective, so I call both of the parties or, if there is more parties, I call everyone --- I try to be quite impartial, I investigate the big picture" (MA7)

The further steps of the Problem Solvers divided into two. Either the managers generated solutions, or they actively encouraged the residents' mutual discussion. When the managers generated solutions, it was explained as 'operating in between', as the following informant described.

"--- One can investigate them (complaints) and operate in between so that the life would continue in the building and bigger conflicts could be avoided in the future. --- I could ask for generally, that is it reasonable to bounce the ball so much in the upstairs, that the sound goes to downstairs, and ask for if they could go outside playing --- and (to downstairs) say that --- one should not go to the staircase to shout and fight" (MA3)

Operating in between encompassed passing information to both sides and trying to come up with a solution proposal to be suggested. The proposals could be general instructions on reasonable and fair behavior directed to both sides, as in the example above. In another example, brought up by the same manager, after investigating the case, the manager had encouraged the neighbor to show their medical certificate as a proof of their loss of sight to the resident. The case was about a disturbance experienced by the resident because of the neighbor using an invataxi to drive in to the yard. The manager thought that, once hearing the reason behind the behavior, the resident would calm down and the situation would settle.

In addition to encouragements and instructions on reasonable behavior, the nature of these third party solutions could also be technical. In the cases where certain technical solution was available, it was often used. These solutions were seen as efficient in their potential capacity to evaporate the whole conflict. One application concerned conflicts in the laundry facilities, as one informant explained.

"In buildings with electronic locking system, if there has been a problem with the laundry times, without asking for anyone, I have resolved the case by ordering limitations of accesses, so that they (the resident and the neighbor) cannot use the facilities in the wrong times. It has resolved the conflict immediately without anyone needing to discuss and instruct them " (MA12)

The other strategy of the Problem Solvers was to actively encourage the conflict parties' mutual discussion. This strategy connected strongly with the referral to mediation. Indeed, the managers described how the parties were first encouraged towards mutual discussions and, if solution was not found this way or the parties were not willing to talk with each other, then the case was referred to mediation. One informant described a straightforward operation.

"In two-sided (conflict situations), I try to get them (the conflict parties) to talk to each other, but if they do not comply with that, then it goes to mediation" (MA1)

Another said that the information of the mediation was brought up already at the early stage and the referral was, similarly, straightforward.

"--- if that (directing the conflict parties towards mutual discussions) doesn't resolve the case, since I've already informed in the first phone calls, that if solution is not found this way, this will go to mediation, (then) I refer it forward" (MA7)

Some of these managers encouraged only the neighbor towards mutual discussions and some encouraged both of the parties starting, already, from the resident. The same manager than above, even explained how they viewed the situations in principle as both-sided.

"I think it has never been only one-sided, I mean, if one is jumping upstairs, then the other (in downstairs) is hitting the roof with something --- I have instructed both parties in a similar way to stop (causing disturbance)" (MA7)

This informant was, in fact, using the two strategies of the Problem Solvers, the solution proposals and the encouragements towards mutual discussions, mixed. This was common for the other Problem Solver mangers as well. Use of these two intervention strategies mixed or separately constituted the role of the Problem Solver.

In conclusion, the Problem Solver managers investigated all situations and, either proposed solutions based on reasonable and fair behavior, or on technical re-arrangements, or encouraged the residents to discuss mutually to search for solutions. These strategies were implemented mixed by the Problem Solvers, although some of the managers leaned more towards the solution proposals and some more towards encouraging the conflict parties' mutual discussions.

3.1.3 Analyses of Manager Roles

In this chapter, the managers' roles are analyzed against conflict resolution theories. The following picture visualizes how the roles presented above divide into two different conflict resolution approaches with distinct goals.

Table 3

Roles of Managers and Conflict Resolution Approaches

Manager Roles	Conflict Resolution Approach and Method	Goal of the Process
Representative of the Law	Rights-based Approach	Promotion of Positional Withdrawal
CEO		
Caring Leader	Reprimand	
Educator	Problem-solving Approach	Promotion of Settlement
Problem Solver	Compromising	

3.1.3.1 The Rights-based Approach

As explained in the theory of the study, the rights-based approach basis on the pre-established rules, against which evaluations are made by an authority. Especially the role of the Representative of the Law, where the managers evaluated the realness and the rightness of the complaints requesting the evidence, and the role of the Educator, where the managers applied reprimanding and evaluated the suspected misbehavior of the neighbor against the house rules, constitute the principles of the rights-based approach to conflict resolution.

As discussed, the managers' reprimanding was an adaptation of the past operation, where the neighbor was directly notified of the suspected disturbance with a letter, and the current requirements, where the neighbor was to be called and informed about the complaints. When the managers applied reprimanding, the neighbor often expressed their different opinion against the claims, which again the managers tried to confine by discussing the rules. When the managers force their reprimand despite of the neighbor's defense, the interaction suggests the neighbor to give up their position of being right. The managers engage with enforcing harmony by requesting compliance with the rules. The Educator managers' reprimand, therefore, aims to resolve the situation by promoting a positional withdrawal of the neighbor. This is the goal of the rights-based approach as visualized in the Table 3.

As discussed earlier, also the police and other agencies could be approached in neighbor conflict situations. The aim of the conflict parties was often to strengthen their own positions of being right. Therefore, in the neighbor conflict situations, where the resident cannot or does not want to collect other residents' signatures for the disturbance form, the resident chooses, assumably, to persuade authorities, centrally also the housing manager, to favor their position of being right. The manager is tried to be used as to enforce harmony.

Indeed, in relation to the resident, the manager, then again, could argue for their position of neutrality, as the Representative of the Law managers did. These managers hold on the neutrality requirements of their role, the ability to give neutral sanctions later if needed, and tried to withdraw from taking action. This can be seen as a positional negotiation situation. The neutrality argument is these managers' intermediary and administrative position, which they strengthen and reason by requesting the evidence. The resident tries to use the manager to enforce harmony. The resident and the manager, therefore, negotiate about the situation using the rights-based approach, which aims for enforcing their own positions.

Therefore, on the one hand, the managers' rights-based approach promotes positional withdrawal in relation to the neighbor, that they accept the reprimand despite of having different opinion on the matter and, in the other hand, in relation to the resident, that they accept the managers' argument of neutrality. Discussion of the house rules predominates the interaction when insisting on the evidence and when requesting the correct behavior.

The CEO managers are also included to this group because they asked for the disturbance form automatically. It is, however, reasonable to acknowledge that, because they took action anyway, the tone of their request possibly had a less persuading nature. Also, within the role of the Educator, variation existed in how directly or indirectly the compliance with the rules was requested. Thus, the group which applied the rights-based approach was not homogenous but, instead, entailed variation in the ways of operation.

In conclusion, the managers in this group applied the rights-based approach to conflict resolution. They constituted the majority of the managers in the company – slightly less than two-thirds of the managers belonged to this group. Facts, rules and legislation formed the content of the discussions and all actors in their own way – the resident, the neighbor and the managers – supported this exchange pursuing positional withdrawal.

3.1.3.2 The Problem-solving Approach

When the managers received the non-formal e-mail- and phone call complaints with low threshold without requesting the evidence, then researched the other perspective to the situation and either instructed both residents on the reasonable behavior, or alternatively encouraged the parties to discuss mutually, they reflect a problem-solving approach to conflict resolution. This approach was applied by the Caring Leader and the Problem Solver managers, who constituted slightly more than one-third of the managers in the company.

When arguing around reasonability and fairness in behavior, managers search for compromises-type-of quick solutions to settle the situations. Compromising referred to the

fairly simple operation of splitting the requirements or sharing the losses, where neither of the parties got exactly what they wanted, as discussed in the theory. Indeed, the problem-solving managers investigated perspectives and suggested quick solutions based on general and normative aspects of behavior, which refer to the use of compromising method. The residents were encouraged, for instance, to behave in the reasonable way and not to bounce the ball inside or to shout at one another. Often the behavioral instructions were directed to both sides.

The managers' problem-solving approach differs considerably from the rights-based approach. Although in the both approaches, the conflict parties could be instructed in behavior, the rights-based approach was based on the rules, whereby, the problem-solving approach is based on general norms and values, such as what would be reasonable behavior in the situation, as discussed above. Indeed, none of the Problem Solving managers highlighted the rules when requesting the behavioral changes. Importantly, the managers in this group authentically investigated perspectives before applying their intervention strategies.

Whereby the rights-based approach promoted withdrawal of position, the problem-solving approach promote settlement. In doing compromising, the Problem Solving managers offered settlement-proposals for the residents and, if the residents were not willing to engage with these proposals, similarly to judges and their use of compromising in courts, the Problem Solving managers promoted the referral to mediation as a natural second option. The residents were first encouraged to engage with the simple solutions and then, if needed, directed to seek more profound solution with the help of the mediator.

In conclusion, the housing managers divided into two groups: one using the rights-based approach to conflict resolution, which pursued positional withdrawal of the residents, and another using the problem-solving approach and the compromising method, which encouraged settlements. Referrals to mediation actualized from both approaches.

3.1.4 How Mediators Intervene to Conflicts

In this chapter, the company mediators' operation is shortly described and analyzed. The mediators' work was not the focus of this study and, thus, the perspective is limited only to describe a few aspects of their work, which are relevant for broader analyses later. The ME code after the quotations in this chapter refers to a mediator.

One of the mediators shared a memory of the case where the resident was complaining about the disturbing noises of the neighbor. In the first separate discussion with the resident, the resident argued that the neighbor was behaving against the house rules and requested someone to tell them the house rules. The mediators told the resident that their task was to operate as

impartial mediators in the case. The resident was first frustrated with them and insisted on that someone from the company, someone with a proper expertise of the rules, would just come to clarify the common house rules for the neighbor.

Although this rules-telling was denied from the resident, they ultimately agreed to meet the neighbor in the joint meeting. The joint meeting was arranged, and the case got resolved. One of the mediators reflected about the key aspects of the discussions and the resolution as follows.

"The neighbor said 'I work in the pizza delivery and, when I come home from the work, I need to take a shower before going to bed', and the resident had told in our separate meeting, that the neighbor was unemployed --- The narrative of 'I work in the pizza delivery, once our baby got sick, and that's about the noises' would have been invalidated, if we had started to instruct that at ten o clock there is the silent time --- I think the appreciation increased, once she (the resident) got to hear that the neighbor was, for her surprise, employed" (ME2)

This story highlights key aspects of a facilitative mediation, which was the intervention method of the mediators. The facilitative mediation focuses on facilitating discussions of parties' underlying interests. The story above describes how the mediators focused on the resident's interests, such as the need for appreciation, even when the resident requested them to discuss about positions, such as who is right and who should be punished. The mediators thought that the discussion between the resident and the neighbor enabled a creation of a new narrative which, otherwise, if rules-telling had been applied, would had been lost. The mediators also thought that this narrative of employment helped the parties, finally, to settle.

The story also discusses the topic of enhancing willingness for dialogue. The resident's preliminary willingness for dialogue with the neighbor was low, but through a motivational work, they agreed to engage with the process. Pel (2008) states that mediation does not sell itself, meaning that the dispute parties' willingness to engage with mediation is preliminary quite low. Kressel (2014) has stated that getting mediation started is challenging – only one-third to two-thirds of all interpersonal disputes offered to mediation from courts get started.

Conflict parties' resistance towards mediation is a sum of multiple factors. Partly their positional and adversarial mind-set is something natural, as argued in the theory, and belongs to the mediators' professionality to overcome. However, partly, it is something which gets strengthened with an inconsistent hierarchy of conflict management. The aspect of enhancing willingness for dialogue came visible in the mediators' reflections, which topic relates centrally also to the housing managers and the overall efficiency of the conflict management system of the company, which is discussed in the next chapter.

The positions-focused mind-set was also brought up as a separate experience causing more work and unsustainability of settlements, as one of the mediators described.

"In situations, where one party does not see, no matter how much it is discussed (in the mediation), any reason to change their thinking, operation or behavior --- one feels oneself quite powerless there and the mediation agreement might be more unsustainable" (ME4)

When conflict partied are not ready to reflect their own thinking and operation at any level, their minds are positional. Quek (2013) has stated that parties' positionality within mediation might create tension which influences their willingness to continue. Engaging with the discussion of feelings, needs and interests is then challenging and parties merely stick with being right, which might lead to the miscarry of the process.

One of the mediators brought up also evaluative aspects. In a conflict about the use of the laundry facilities, the mediator had experienced a need to inform the conflict parties about the general laundry rules. Whereby in facilitative mediation the mediator carefully respects parties' ability to define their thoughts and make decisions, and the mediator is there to support the discussion, but not to propose solutions, or to offer perspectives, in the evaluative mediation, the mediator might inform the parties of certain rules, technical issues or such, of which the mediator possess professional expertise (Pel, 2008). The idea is to not advice but to provide so called objective criteria against which parties may evaluate their settlement and give so called informed consent for it (Pel, 2008).

Which ways the mediators informed about the rules could not be studied in this research. It is assumed that the mediators' role as the company's internal mediators aiming for impartiality, still being the company representatives, influences their choices in the mediation styles. However, full exploration of the mediators' operation was not the focus of this study and is left for further research to explore. In conclusion, the mediators had a strong facilitative awareness, where they assisted the creation of narratives to access the underlying interests which then helped the parties to settle, whereby, they still experienced sometimes a need to add evaluative aspects to their operation.

3.2 The Conflict Management System

3.2.1. Position of Referral

The managers' cooperation with the mediators concerned particularly the referral operation, which is the starting point for the conflict management system analysis presented in this chapter. The managers referred cases to mediation and, thus, operated as referrers.

In the following figure, it is described the managers' different operations and the position of mediation referrals within them. The referrals to mediation are visualized as silver arrows in the picture. On the left is the starting point, the arrival of the complaint to the manager, and on the very right the different variations of the results which occurred based on the different processes.
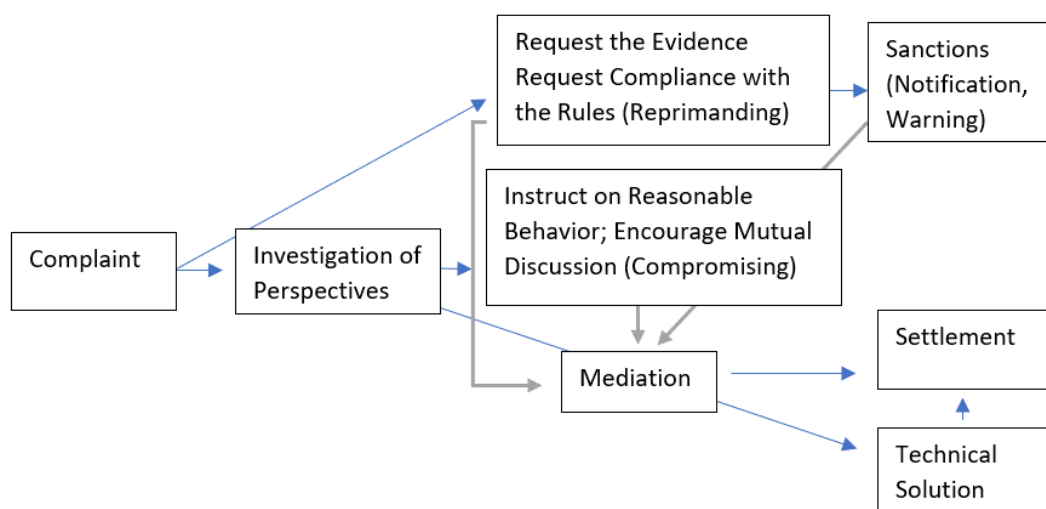

Figure 1. The conflict management system and the referrals to mediation. Figure adapted from Fig 1. in Ervasti (2018).

3.2.2. Mediators' Experiences of Referral Operation

The mediators experienced that there was variance in the ways how the managers referred cases to mediation. Some managers referred cases shortly and clearly by having prepared the residents for the process, as one mediator described.

"Some managers tell very clearly the topic of the conflict and that they have contacted the parties who also have given their compliance with the process, which makes it a lot easier to begin with." (ME4)

When a clear compliance with the process was prepared by the managers, it was experienced providing an easier starting point for the mediators. As described before, conflict parties were not always willing for dialogue but, instead, requested the mediators to tell rules and to sanction

the other party. Motivating parties and getting their compliance with the mediation process required work. Therefore, sharing this task with the managers served the mediators' needs.

Challenges were several and included, first, time involvement and intensified adversarial feelings in the residents.

"Sometimes the situation has been going on for so long, people have three years listened to the music, for example, and endured the situation and then, at certain point, the nerves break down. At that point they are not willing to engage with the mediation anymore but, instead, request an immediate eviction" (ME1)

The mediators experienced that sometimes the situations were prolonged which challenged the task of motivating the residents to engage with mediation. Pel (2008) explains that timely referral is crucial for successful mediation because time is one factor which escalates conflicts.

Another challenge concerned the use of sanctions. The mediators experienced that, if approaching after the manager had applied sanctioning, including written notifications, their approach came very ambivalent.

"If warnings or notifications have been sent, the mediation is not anymore a genuine option, people are not very receptive anymore" (ME4)

The mediators experienced that written notifications and warnings were a clear message of the company taking a side in the issue. After such a message, the neighbor was feeling, not only frustrated, but hurt, as one mediator described.

"I remember one case where the neighbor engaged with the mediation, but was all the time during the process feeling so hurt about the warning one had received that, in the end, no matter how we tried to motivate and say that it is history and now we look into future, the mediation didn't carry" (ME2)

In addition, the mediators experienced that the managers' requests of the disturbance form made their approach appear as awkward.

"Especially in the beginning, we had cases where the manager had said that the resident needs to fulfill the disturbance form and get witnesses --- and after all this came the referral to mediation. I mean, one get slightly ridiculed there" (ME4)

As discussed before, in mediation the focus is shifted to future and to the shared interests, but this reframing is something that the parties need to accept and is done by using questioning. The mediators' experiences of being ridiculed when approaching after the requests of the disturbance form refer to conflict parties' increased unwillingness to accept the mediators' approach and their reframing. The mediators' questioning of interests, for instance, if asking

for the impact of the situation on the conflict parties' life, appeared as awkward, when presented after the housing managers' requests of the evidence.

In conclusion, the mediators' experiences of the challenges in the managers' referral operation were the conflict escalation through time involvement and the parties' increased unwillingness to accept their approach after the use of sanctioning and the requests of the evidence. Experiences of the beneficial referral operation included preparing the residents for the process regarding their compliance and motivation.

3.2.3. Analyses of Conflict Management System

The managers' rights-based approach, which focuses on the promotion of positional withdrawal, is interpreted to connect with those negative referral experiences that the mediators described. The discussion of the evidence and the applied sanctions increases positionality which, again, causes unwillingness towards dialogue. The mediators' questioning of interests appears as awkward when applied after the discussion of rules and the evidence.

In addition, Pel (2008) suggests that formalism in receiving the conflicts might hinder the conflict diagnosing and cause time-involvement. Most of the managers in this group asked for, or insisted on, the disturbance form from the resident and this formalism hinders the conflict diagnosing which, again, prolongs the situations and causes the adversarial mind-set. The CEO managers reflected difficulties in identifying conflicts from the complaints.

As a result, the mediators need to work longer for the conflict parties to accept their work and their reframing, which then involves more resources and decreases the efficiency of their work. The inconsistency in the hierarchy of conflict management is clearly identifiable within the system where the managers pursue positional withdrawal and refer to mediation from this setting.

The figure below is a reconstruction of figure 1 presented above. Figure 1 visualized the different operations in the conflict management system and the positions of the referrals. Figure 2, below, re-visualizes this system based on the understanding of the consistent hierarchy of conflict management.
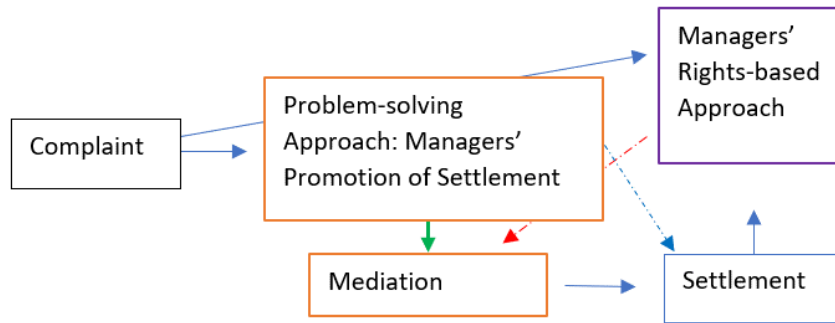
Figure 2. The conflict management system based on the consistent hierarchy of conflict management. Figure adapted from Fig. 1 in Ervasti (2018).

In the consistent hierarchy of conflict management, the rights-based management should come last in the hierarchy of approaches, which several authors discussing the theory of conflict management system design (CMSD) have confirmed. The rights-based approaches should not come before the interest-based approaches in the hierarchy, as discussed in the theory. However, if the settlement promotion and the interests-based approach fails, the rights-based approach and the related decision making by the authority can be applied as the last means. This is visualized in Figure 2 having the rights-based approach positioned to the very right as the ultimate solution. The rights-based approach consists of the managers' requests for the evidence, their reprimanding and further sanction procedures.

An arrow in Figure 2 leads also directly to the rights-based approach from the complaint. Assumably, the nature of some of the complaints, the most severe disturbances, might require direct sanction procedures. Importantly, however, referral to mediation from the rights-based approach is inconsistent and non-advisable. This is visualized in Figure 2 as a red dashed line. Therefore, consideration is required from the manager to apply direct rights-based management, because returning to the lighter process of mediation causes difficulties in the overall system.

On the contrary, the referral from the problem-solving approach is argued to connect with the mediators' positive referral experiences and to entail several advantages. First, when the conflict parties are encouraged to negotiate with one another, it decreases positionality, promotes participation and prepares the residents' compliance with the coming dialogue processes. Also, through the search for quick solutions in compromising, the promotion of settlement reframes parties' mind-set in relation to rules and wrong-doing. Indeed, in compromising, the interaction lacks the discussion of compliance with rules and, instead, concerns the compliance with social norms. This reframes the rules-centered positional thinking of the parties and is a less coercive operation.

Silbey and Merry (1986) have argued that compliance with social norms cannot be demanded but only encouraged. Also, Deci and Ryan (2014) argue that simply when authorities acknowledge the perspective or feelings of their subordinates, it supports the subordinates even to internalize regulations that are not inherently interesting. Autonomy-supportive operation in relationships with power-inequalities is done by taking the subordinate's perspective as the fundamental element of the interaction (Deci & Ryan, 2014). Thus, the Problem Solving managers' responses were more informative and less demanding and coercive and, therefore, also supported residents' autonomy and decision-making.

Thus, the interaction preserves the core value of autonomy also consistent with the mediation. In case the managers' promotion of settlement proves unsuccessful to settle, referral to mediation appears as consistent continuation in the services. This is visualized as a green referral arrow from the problem-solving approach towards the mediation in Figure 2. The managers' compromising can also produce a settlement on its own, as visualized as a dashed blue line.

The problem-solving approach and the promotion of settlement, thus, support a more consistent hierarchy of conflict management. In this system, the rights-based approach is not preliminary to mediation but, instead, the problem-solving with compromising. The discussion of interests appears as a harmonious continuation of the conflict resolution services when referring from compromising to facilitative mediation.

3.2.4. Summary of Analyses

The majority of the managers apply the rights-based approach to conflict resolution, which promotes the positional withdrawal of the conflict parties. Referrals to mediation actualize from these grounds and the residents who arrive to mediation, when they first receive the rights-based and then the interest-focused service, experience a sharp contrast in the approaches. This inconsistent hierarchy of approaches influences adversely these residents' mind-set and again negatively the mediators' work.

The other group of the managers applies the problem-solving approach which utilizes the promotion of settlement process. While aiming for problem solving and settlements, this approach decreases residents' positional mind-set and preserves their autonomy. This supports the consistency of the conflict management system. When residents arrive to mediation from the managers' compromising, they are more ready to participate in the joint problem-solving and to deepen the narratives. Discussion of interests, introduced in the mediation, is a consistent continuation of the conflict resolution services within this system.

4. Discussion

4.1 Summary of Findings

In the study, three roles were recognized with the housing managers in receiving conflicts: the Representative of the Law, the CEO and the Caring Leader. The Representative of the Law referred to a high threshold operation where the manager, if receiving an e-mail or a phone call complaint, requested the official disturbance form as a necessity. These managers experienced that it was important to highlight the neutrality of their position and, therefore, they requested concreteness, factuality and the evidence and withdrew from investigating all situations, which lacked the official form. The CEO referred to a lower threshold where the managers asked for the disturbance form, but did not insist on it, in order to take action. These managers called the neighbor despite of whether the form came or not. The Caring Leader referred to an operation where the disturbance form, in principle, was not requested from the complaining resident and situations were investigated with a low threshold.

Also, two roles in intervening to conflicts were recognized: the Educator and the Problem Solver. The Educator referred to an operation where the discussion with the neighbor, whom the resident had complained about, took the form of a reprimand. The discussion concerned the common house rules and the manager requested compliance with them. In addition, a written notification was often applied, if proceeding with the interventions. The Problem Solver, instead, referred to an operation where the manager investigated the neighbor's perspective on the situation, suggested a compromise solution or encouraged conflict parties' mutual discussion. Referral to mediation was often the second intervention, when proceeding.

The roles of the Representative of the Law and the Educator, as well as the role of the CEO to a certain extent, constituted the rights-based approach to conflict management. The discussion of the evidence and the house rules were the key features of this approach. Applying this approach, the managers promoted withdrawal of positions. Towards the complaining resident, the managers argued for their position of neutrality, enforcing the resident to abandon their requests of the manager taking action in the situation. Towards the neighbor, the managers enforced harmony with reprimanding and suggested them to abandon their point of view on the matter. Around two-thirds of the managers operated using this approach to conflict resolution.

Slightly more than one-third of the managers, those with the roles of the Caring Leader and the Problem Solver, implemented the problem-solving approach to conflict resolution. Here all perspectives to the situation were investigated and quick solutions were encouraged using the compromising method. For instance, both parties were instructed on reasonable behavior arguing on general values and norms, such as fairness in neighboring. One compromising strategy was also to encourage residents' mutual discussions. These strategies were used mixed.

The mediators applied the interests-based approach to conflict resolution using the method of facilitative mediation. In applying this method, the mediators deepened the parties' perspectives, helped the parties to create narratives based on their underlying needs and motives and assisted to search for solutions. The mediators received the situations from the housing managers. The housing managers' approaches and the mediators' approach functioned alongside of each other and formed a specific conflict management system.

Primarily, this study reinforces the pre-existing understanding of the hierarchy of conflict management where the rights-based approaches should be secondary fallback strategies instead of being the primary ones. When the housing managers received the conflicts using the rights-based approach, they strengthened residents' positionality and adversarial mind-set, prolonged referral to mediation and increased conflict escalation. The residents' willingness towards dialogue suffered because of these factors actualizing in the interaction with the managers preliminary to mediation. On the contrary, when the referral to mediation was actualized from the managers' problem-solving approach, the referral was straightforward, the discussion of the interests could be naturally introduced by the mediators and the residents were more ready to discuss the possibilities of resolving the situations.

The surprising finding was that, although the mediation service was in use with the managers and most of them considered referring cases actively, the majority of the managers responded to conflict situations with the rights-based approach discussing the evidence, the rules and the threat of sanctions. Only one-third of the managers had started to diminish the discussion of the evidence and rules and, instead, to search for compromises. Rather widespread non-awareness existed of the systemic dysfunctionalities of the managers' operation towards mediation.

However, having said that, only a minority of the managers operated from the pure legislative role highlighting their neutrality and, instead, a majority had adapted their operation to serve the cooperation with the mediators. For instance, the CEO managers operated from the middle ground, when asking for the disturbance form from the complaining resident, but not insisting on it. Most of the Educator managers, even if relying on the reprimand, called the neighbor, instead of sending written notifications directly. Also, this reprimanding model of operation

was in line with the up-to-date professional instruction of the housing managers and, therefore, further development should be considered as a groundbreaking work in the field.

Therefore, the interpretation of these findings is that a transition process is evolving within the role of the housing manager in this company. The transition from a simple legislative authority role towards a promoter of a settlement and a problem solver has started and is evolving in different phases with different managers. Some still operate by requesting the evidence and highlighting their neutrality, while others have found more flexibility to this aspect, but remain strictly discussing the rules, when intervening in conflicts. Yet, some managers have actively chosen the problem-solving approach, where they promote settlement as their primary intervention to neighbor conflict situations. In case their settlement promotion prove unsuccessful, they refer to mediation. These managers have transitioned from both the neutrality aspects of the role in relation to the complaining resident and the rules-centeredness in relation to the neighbor, of whom the resident complains about, when intervening in conflicts.

4.2. Limitations of the Study

The data were collected from a housing company which solely operates in the rental markets. Therefore, limitations concerning the roles of the housing manager, as well as the conflict management system design in institutions, may exist. When discussing the applicability of the results in the field of housing management in apartment house companies, these aspects should be considered.

The role of the housing manager in apartment house companies differs from the rental markets in that a specific contract defines the services which the manager provides. When analyzing the development possibilities of the manager's role in neighbor conflict situations in apartment house companies, this aspect of contract-based operation between the residents and the housing manager needs further discussion and research.

For instance, if the complaining resident, especially if the resident is in a decision-making position, for instance, a chairman of the board in the apartment house company, approaches the manager with a request to sanction the neighbor and, if the manager identifies a conflict and withdraws from sanctioning and reprimanding and, instead, applies the promotion of settlement processes, a risk emerges that the chairman interprets the situation as disadvantageous for oneself and the results could be fatal. The risk of the contract being ended and the enterprise changed is, perhaps, too big for the private housing management providers to start experimenting the settlement promotion on a large scale.

Another issue is that housing management providers in the field of apartment house companies can be small private enterprises which have fewer possibilities to create internal conflict management systems. Utilizing an outside mediation agency in neighbor conflict situations, such as the Community Mediation Centre, is more likely an option for them than creating an internal system. The company of the study, however, had an internal conflict management system and, therefore, further study is needed to examine how the managers' problem-solving approach functions when the company does not have an internal system but, instead, refers to outside mediation agencies.

4.3. Implications of the Study

The study reinforces the importance of system thinking in achieving successful conflict management in institutions. A single methodological development, such as introducing mediation service, has few possibilities of success, if the surrounding operation culture does not support the logic of the new service. This is the basic argument of the conflict management system design (CMSD), which in this study is reinforced in the field of housing.

The study adds an idea of a broader problem-solving approach as beneficial for the authorities operating as referrers to mediation. The managers' problem-solving approach, which utilizes the method of compromising and aims for quick solutions, benefits the overall conflict management system, even if having little in common with the interest-based approaches. A consistent hierarchy of conflict management is, still, achieved, because the problem-solving approach does not promote the positional withdrawal of the conflict parties but, instead, settling the situations. Instead of managers enforcing harmony as intermediaries, the promotion of settlement with compromising preserves party-autonomy and, therefore, the operation contributes on preventing further conflict escalation.

Often, the requests for mediation are not direct within the institutional settings, but, instead, different agencies operating as referrers play a central role in directing conflicts to mediation. The approach which the referrers apply may influence centrally on the overall conflict management system, especially if they apply rights-based conflict resolution prior to referral. Then again, for the referrers, focusing on interests can be an irrelevant or an un-inviting option partly because of practical questions, such as time and resources, and partly because of specific role questions, such as the perceived lack of neutrality of the decision-making position. This kind of role setting is equivalent, at least, to the roles of police, judge, teacher and housing manager.

This study suggests that referrers in such settings can apply a broader problem-solving approach where methods, such as compromising and evaluative conciliation, become available. The conflict management system can start from applying compromising by the person with the decision-making position, then referring it to the interest-based mediation and, lastly if needed, the case can be returned back to the original authority for the rights-based approach to be applied as the ultimate solution, if needed. The consistent hierarchy of conflict management is preserved, even if the compromising method is applied as the primary method.

This is most of all a practical perspective to conflict management system design in institutions, where authorities are involved with conflicts. An example of a housing company is used in this study but, as said, applications of this notion may be broad including the police in the neighborhoods, teachers in schools and judges in courts. Much of a similar work has already been done in the Finnish courts. In addition, any client-service task where some administrative personnel receive complaints, disturbances and conflicts and have a possibility to refer them to mediation – for instance, family counselors working with divorce conflicts – may benefit from the type of conflict management system design presented in this study.

4.4. Suggestions for Future Research

Further research is needed in the field housing management and conflicts. The study describes a social climate of housing management in rental markets, which might differ considerably from the one of apartment houses and, therefore, one research area would concern the field of apartment house companies. Differences might include broader questions of managers' roles, such as how widely the roles found in this study are shared and how many new roles exist within the housing management in apartment houses. In addition, the same comparisons should be made with other rental housing companies to gain knowledge of the validity of the findings concerning the roles. When achieving an established picture of the roles in the field, further designing of conflict management systems in the field of housing would become genuine.

Also, more specific differences between the field of rental markets and the field of apartment houses might exist, such as the competitiveness and related risks, as discussed. Further research would be needed to identify the risks and the possibilities of the promotion of settlements in the field of apartment houses. In addition, new possibilities might exist, for instance, because the service is contract-based, the promotion of settlement could be defined as one of the manager's tasks in the contract, a service which the apartment house company purchases, and the background support for the work would be well established.

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Appendices

Appendix 1. Identification of Manager Roles

Example A of the analysis describes the theme of "requesting the disturbance form":

MA10: *"--- in general, we would like to get the disturbance form --- if it (the complaint) comes by an e-mail, I --- request to do the disturbance form"*

MA5: *"--- because that kind of form exists, I want it to be fulfilled and returned --- and then we can do something --- (however) by calling or sending an e-mail I do check if it (the disturbance) is justifiable"*

MA2: *"--- (discussing about how to respond to the resident who have complained by an email or a phone call) we just say we have this principle of always contacting (the neighbor) first by calling. I also inform that if the official form comes, we proceed to the notification ---"*

MA10 and MA5 requested the form, whereby, with MA2 the form was discussed as a piece of information. MA2 contacted the neighbor anyway and returning the form was optional. Categorization was done based on the factor of requesting the form and, therefore, using content analysis the theme was coded accordingly: MA10 asks for always, MA5 asks for always, MA2 asks for selectively. As explained in the study, also MA5 investigated situations and, therefore, their categorization was difficult to perform.

Example B of the analysis describes the theme of " involvement in conflicts" from the same informants:

MA10: *"It is not our business, the residents need to be able to handle such situations, it doesn't belong to us, it doesn't belong to the housing"*

MA5: *" They do belong to me those situations and then I refer them forward if it is, for example, about conflict issues --- one needs to figure out the starting point"*

MA2: *"Yes they do belong to this manager's work --- this kind of easier and not so complicated cases are quite possible to figure out and settle"*

MA10 clearly thought that conflicts were residents' own businesses and did not concern the manager. MA5 thought that conflicts belonged to the manager up to the point that the initial investigation was done and, after that, the manager's task was to refer the cases to the specialists, the mediators. MA10 thought that promoting settlement in small disagreements belonged to the manager's role and was, even, a quite manageable task. Using content analysis,

the theme of involvement in conflicts was coded accordingly: MA10 no involvement, MA5 involvement, MA2 involvement. Analysis of this theme further specified the role of the MA5 distincting it from the role of the MA10.

Based on the coding of these two themes, requesting the disturbance form and involvement in conflicts, MA10 was grouped to the role named as the Representative of the Law (requests the form always, takes action selectively), MA5 to the role named as the CEO (requests the form always, takes action always), and MA2 to the role named as the Caring Leader (requests the form selectively, takes action always). The names originated from the informants' expressions. The table 1 in the results summarized these categories.