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Managing organizational paradox through conciliation: a metaphorical analysis based on legal conciliation

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Abstract: Because paradox is an integral part of organizational life, it represents a real challenge for organizations – as shown by the many studies that have, since the late 1980s, sought to understand how these paradoxes can be managed. A number of studies in this field consider conciliation as a response to paradox, yet conciliation itself – which actually refers to heterogeneous methods of managing paradox – is not systematically explained. Also noting that there is no definition of the notion of conciliation in management sciences, this article proposes using a metaphor to understand conciliation as a paradox management mode. Our metaphorical process will be used to examine legal conciliation (an alternative dispute resolution method based on the search for arrangements) as a way of shedding light on the mechanisms of conciliation as a response to organizational paradox. The article aims to answer the following question: how does the use of a metaphor based on legal conciliation allow us to explore conciliation as a paradox management method? To this end, we transfer meaning from a known source object (legal conciliation) to the target object we wish to explore (conciliation for paradox management). Ultimately, our exploration of this metaphorical comparison makes it possible for us to draw out the meaning of conciliation as an active response to paradox that allows the coexistence of contradictory forces. The article thus provides managers and their teams with a framework for understanding how conciliation operates, in order to facilitate its implementation when faced with paradox.

Keywords: Management, Paradox, Metaphor, Conciliation

1. INTRODUCTION

Paradox is omnipresent within organizations, whether it sits between autonomy and control, cooperation and competition, collective and individual demands, innovation and conservatism, expansion and consolidation, or integration and differentiation, (Bouchikhi, 1998). Defined by Lewis (2000) as a persistent contradiction between interdependent elements, the paradox is an integral part of organizational life and constitutes a real issue for organizations – as evidenced by numerous studies that seek not only to describe and characterize paradox, but also, and above all, to

identify and understand how paradox can be managed (Guedri *et al.*, 2014). The literature in this field generally distinguishes between defensive responses aimed at eliminating (or even mitigating) paradoxical tensions whose effects are perceived as harmful to organizations, and proactive responses that make it possible to take advantage of the existence of paradox, without trying to make it disappear (Grimand *et al.*, 2018). Unlike defensive responses, these must “recognize paradox as an integral part of organizational life and strive to live with paradoxes rather than seek to suppress them” (Bollecker & Nobre, 2016, p. 48). Furthermore, a number of works in this area (Snellen, 2002; Bovais, 2014; Charue-Duboc & Raulet-Croset, 2014; Jacob & Rouziès, 2014) position the notion of conciliation in the management of organizational tensions and paradoxes. However, a study of this literature reveals that because the meaning of the notion of conciliation is not systematically explained, it is used to refer to heterogeneous mechanisms in terms of paradox management. Insofar as understanding the mechanisms at work in conciliation is essential to understanding the driving forces behind this mode of paradox management, this is a blind spot in research on paradox.

Conciliation opens up new perspectives for paradox management precisely because it allows us to consider the compatibility of poles in tension – a question that has, until now, attracted little attention in the literature. Analyzing the mechanisms of conciliation should also encourage its implementation in organizations, and the exploration of conciliation thus rises to both a theoretical and a practical challenge: by shedding light on the functioning of a singular response that allows opposing poles to coexist, it contributes to the analysis of paradox management while also proposing levers for action that can help managers and teams facing paradox to implement such a response within organizations. We note however that conciliation remains undefined in management science – even though a certain amount of research does study conciliation processes, and in particular the conciliation of personal and professional life, of the economic and social, of private and general interests, and of the individual and the collective (Uzan, 2009).

Given the lack of definition of the notion of conciliation in management sciences and its potential pertinence to paradox management, in this research we propose using a metaphor to explore conciliation as a response to organizational paradox. Legal conciliation is an alternative mode of dispute resolution based on the search for arrangements, and is used in this case to shed light on conciliation mechanisms as a response to organizational paradox, using a metaphorical process. Since the seminal work of Morgan (1980; 1986), metaphor has been widely used in the field of organizational studies, especially to promote the emergence of theoretical knowledge (Tsoukas, 1991; Oswick *et al.*, 2002; Cornelissen, 2005). In this article, the aim of the metaphor is to contribute to analysis of organizational paradox management from the perspective of conciliation. More precisely, the aim is to explore conciliation as a response to paradox in terms of both practice and actors, as a way of facilitating its implementation within organizations. To achieve this, we carry out a “transfer of meaning” (Simbü, 2003) from a familiar source object (legal conciliation) to the target object we intend to explore (conciliation as a means of managing paradox). We then ask: how does use of the legal conciliation metaphor allow us to explore conciliation as a way of managing paradox?

To answer this question, we begin by presenting the current position of work on the management of organizational paradox, in which this research is embedded, showing the usefulness of a conciliation-based response to paradox management (1). Next, we return to the use of metaphor in organizational studies in order to highlight the contributions made by metaphor in the process of creating theoretical knowledge, and to present the models of metaphor functioning proposed in the literature (2). In the rest of the article, we characterize legal conciliation as a mode of amicable dispute resolution, on the basis of a number of legal texts and works in law and sociology (3). Ultimately this allows us to undertake the work of metaphorical comparison with a view to drawing out the meaning of conciliation as a mode of paradox management, while shedding light on its mechanisms. The contributions made by conciliation to organizational paradox management are then highlighted (4).

2. ORGANIZATIONAL PARADOX MANAGEMENT

In this first part, we define the concept of paradox before presenting the typology of paradoxes developed by Smith and Lewis (2011). We also describe the main responses implemented by organizations to manage the paradoxes they face. Then we show the value of adopting a conciliation-based approach to paradox management, which remains insufficiently explored in the literature.

2.1. The definition and typology of paradox

The paradox was first introduced to organizational research in the late 1980s (Cameron & Quinn, 1988; Poole & Van de Ven, 1989). According to Lewis (2000), a paradox refers to elements that are contradictory, yet interdependent – in other words, that have a logic of their own when considered in isolation, but appear contradictory when combined (p. 760). A paradox can, then, refer to a diversity of contradictory and intertwined elements such as perspectives, feelings, claims, interests or even practices. It should also be pointed out that a paradox is more than just a simple contradiction between two propositions; as Poole and Van de Ven (1989) point out, two propositions can be considered paradoxical when each, taken in isolation, is incontrovertible, even though they appear incoherent and incompatible when considered simultaneously (p. 563). Furthermore, the paradox is considered an inevitable and pervasive feature of organizational functioning (Clegg *et al.*, 2002).

Smith and Lewis (2011) identify four types of paradox, corresponding to the main activities of organizations (pp. 383-384):

- 1) the learning paradox appears in times of change as a result of the adoption of new ideas;
- 2) the paradox of belonging results from the existence of competing identities within the organization;
- 3) the organization paradox emerges in the presence of divergent processes used to achieve the goals of the organization;
- 4) the performance paradox is linked to the presence of a plurality of competing strategies and objectives within the organization.

For several years considered a key issue in the field of organizational

management (Smith & Tushman, 2005), the paradox has been the subject of numerous works in management sciences aiming not only to qualify this phenomenon, but also to understand organizational actors' responses when confronted with paradox (Lewis, 2000; Smith & Lewis, 2011; Jarzabkowski *et al.*, 2013; Smith & Lewis, 2022). The paradox perspective focuses, then, on the ongoing management of tensions between opposing elements (Hargrave & Van de Ven, 2017), resulting in different types of responses.

2.2. The main responses to paradox

An initial series of responses is described in the literature as 'defensive' and aims to make the paradox disappear, or at least reduce it, since it is perceived as harmful to organizations. The first of these responses is denial – a refusal to recognize the existence of paradox at work within the organization. In this case, the paradox remains in a latent state, rather than disappearing (Grimand *et al.*, 2018). A second response turns to separation in a bid to avoid the conflict caused by the coexistence of opposing poles; this can be spatial – via a distribution of the poles within the various units of the organization – or temporal – by means of successively privileging one, then the other, of the poles in tension (Poole & Van de Ven, 1989). A further defensive response to paradox is selection, leading to the favoring of one pole to the detriment of the other (Seo *et al.*, 2004). Lastly, compromise seeks to strike a balance between paradoxical forces; this response is however based on concessions that may ultimately lead to a mutual weakening of both paradoxical forces (Bollecker & Nobre, 2016). These defensive responses are generally routinely implemented in organizations (Grimand *et al.*, 2018), though they tend to be motivated by a desire to avoid the potential disruptive effects of paradox in the short term, rather than to provide a sustainable solution.

A second series of responses, described as active, seek to integrate paradox into organizational life, rather than contain it. From this perspective, acceptance must allow people to learn to "live with the tensions", as Ashcraft and Trethewey (2004) suggest, by making adjustments that, instead of seeking to weaken the paradoxical forces, turn them an organizational resource (Poole & Van de Ven, 1989). Another active response to paradox is confrontation, where the poles in tension are allowed to express themselves; the aim here is to encourage debate in order to achieve a better understanding of the paradox (Poole & Van de Ven, 1989; Bollecker & Nobre, 2016). Confrontation is notably advocated by Smith and Lewis (2011), for whom paradox management demands the development of responses allowing for the confrontation of paradoxical forces; the authors note that supporting paradox allows organizations not only to sustain themselves, but also to improve their performance in a sustainable way. Lastly, transcendence involves the transformation of opposing poles into new terms, on the basis of a reframing or synthesis (Smith & Lewis, 2011). Paradox does not necessarily call for the implementation of defensive responses aimed at eliminating it; on the contrary, it can be preserved (or even maintained) through active responses capable of contributing favorably to the dynamics of the organization. The result is a positive view of paradox, with active responses emphasizing the creative potential and learning dynamics associated with paradox (Grimand *et al.*, 2014).

2.3. Paradox management through the lens of conciliation

Since paradoxes are capable of both hindering and encouraging organizational development (Lewis, 2000), their management seems a decisive issue for organizations. A study of the literature on paradox shows that although several management authors do mention the notion of conciliation, its use refers to heterogeneous ways of responding to paradoxes. Thus, in the field of public management, Snellen (2002) stresses the existence of four forms of rationality (political, legal, economic, and professional) to which public administrations have to respond simultaneously. Since the demands made by these different forms of rationality are incompatible, they have to be reconciled in such a way that each action by the public administration takes into account all four forms of rationality as boundary conditions for each other, while ensuring their balance. Looking at the coexistence of heterogeneous business logics within a hybrid organization, Bovais (2014) shows that the conciliation of logics is made possible not only by the existence of cognitive compatibilities, but also by the emergence of an organizational arrangement that both preserves the singularity of the logics and ensures the effectiveness of the organization. Conciliation is also mobilized by Jacob and Rouziès (2014) in their research on composite teams. The authors note that managers facing difficulties in reconciling team management and the management of workers with differing statuses sometimes develop highly original cognitive strategies – in this case a process of mimetic identification among team members that favors the construction of a shared identity. Lastly, in a study of the work of telecare operators in the health sector, Charue-Duboc and Raulet-Croset (2014) show that the tensions resulting from the coexistence of multiple logics with which telecare operators are confronted (the logic of medical care and the logic of social care) are managed through the development of specific work routines.

On the basis of these different works, conciliation can be seen as a response to paradox that is aimed at rendering heterogeneous and contradictory forces compatible insofar as it refers to “the organizational behavior of the company in its attempts to unify, to integrate the different, the opposite” (Uzan, 2009, p. 64). We have already pointed out that ‘conciliation’, in these works, refers to heterogeneous mechanisms in paradox management, but in addition, the meaning of ‘conciliation’ is not explained. This leads us to extend the observation made by Uzan (2009) that conciliation is studied as an organizational process even though it has been neither defined nor characterized in management science research. Uzan (2009) reminds us that the term ‘conciliation’ comes from the Latin *conciliare*, meaning to unite, to reunite, to assemble – but also to agree. Until the 16th century, the term conciliation was used to describe people who were at odds with each other and needed to be “brought back into agreement“ (later to become ‘reconciled’). From the 17th century onwards, the notion of conciliation takes on the meaning of “agreeing on things that seem incompatible” (p. 64). Finally, in its current meaning, conciliation designates an action aimed at “holding together” separate, contrary, or even antagonistic entities, in order to render them compatible. Yet beyond the etymological origins of the notion of conciliation and its different meanings over time, identifying the mechanisms associated with conciliation is essential to understanding the conditions of implementation of such a response to paradox. To do so, we intend to use a metaphorical process, borrowing ‘legal conciliation’ from the law as a way of shedding

more light on conciliation as a paradox management mode, which first requires clarification of the use of the metaphor in the research.

3. THE USE OF METAPHOR IN ORGANIZATIONAL STUDIES

In this second part, we show the utility of metaphor in organizational studies and present the operating models of metaphor, applied to organizations as a way of transposing an object from a source domain to a target domain. Finally, in a bid to clarify the use of conciliation to manage paradox, we justify our decision to use the domain interaction model (Cornelissen, 2005) to construct the metaphorical process.

3.1. The definition and utility of the metaphor

Organizational studies are making increasing use of metaphors (Cornelissen, 2005), in line with the tradition of humanities and social sciences research, which constantly offers metaphorical figures (Ansart, 2003). Metaphors use similarities between different scientific or empirical domains to promote the construction of theoretical knowledge (Indurkha, 1991). A metaphor involves the “transfer of meaning” (Simbü, 2003) from a relatively known primary domain (the ‘source’ domain) to an unknown domain (the ‘target’ domain). Metaphors are thus based on a logic of borrowing concepts, ideas or theories from other scientific disciplines (Oswick *et al.*, 2002).

The utility of using metaphor to better understand organizations is present in the founding work of Morgan (1980; 1986). Considering that organizational research relies heavily on symbolic constructs, Morgan argues that metaphor favors the emergence of different angles of reflection, and that these allow us to apprehend the multifaceted character of complex organizational phenomena. Metaphor is also said to be conducive to the creation of theoretical knowledge, as emphasized by Schön (1993), who insists on its ‘generative’ purpose as a process through which new perspectives emerge. According to Nonaka (1991), metaphor plays a central role in the creation of new knowledge by enabling us to intuitively understand a phenomenon via imagination and symbols, and thus to express what was hitherto impossible to express. However, though the use of metaphors is presented as a source of renewal for organizational studies and for management sciences in general, which benefit by borrowing from other scientific disciplines (Durand *et al.*, 2009), the transfer of concepts from metaphors also gives rise to debate and controversy around the value of applying metaphor to organizations (Bouilloud, 2003). Bourgeois and Pinder (1983), for example, urge researchers to consider social phenomena independently without resorting to metaphor. According to these authors, metaphor is detrimental to theoretical development because of its imprecision and weak conceptual content, and work in this field should focus on literal language, to the detriment of metaphorical language.

As Tsoukas (1991) points out, even though the first stream of research initiated by Morgan (1980; 1986) clearly encourages the use of metaphor to explain organizational phenomena, while the second (represented in particular by Bourgeois and Pinder (1983)) actively discourages it, none of this research explicitly sets out

the metaphorical process. More generally, Oswick *et al.* (2002) note that work in this field has focused more on identifying the contributions made by metaphor than on understanding how it works. Cornelissen (2005) stresses the need to better document the models of metaphor functioning – and in particular the methodology used to apply metaphor to organizations.

3.2. The operating models of the metaphor

In the absence of a clearly defined methodology, transfers between source and target domains take various forms in the application of metaphor to organizations. In response to this issue, an initial model of metaphor functioning was developed by Tsoukas (1991) to clarify its use in organizational studies. This model presupposes an acknowledgment that the use of metaphorical language can be encouraged in the pursuit of literal language; indeed, according to Tsoukas (1991), the two forms of language are complementary, rather than antagonistic. Tsoukas (1991) develops a model of metaphor aimed at using deductive inference to identify similarities between source and target domains. This is a comparative model that allows the transposition not only of objects from a source domain to a target domain but also of the logical structure associating the objects; the transposition is thus based on pre-existing similarities between domains. This model of how metaphor works implies a complete match between source and target domains, which must be empirically verifiable. The challenge in using a metaphor is to conceptually develop the source and target objects so that they reveal their correlations in terms of identity. This model of comparison was completed by Oswick *et al.* (2002), who specify that the construction of the metaphor focuses on similarities and overlaps, discarding dissimilarities between source and target domains.

However, given that there might not be any pre-existing similarities between source and target domains, and that it is the metaphor itself that allows the two to be linked via the establishment of similarities, a second model of metaphor was subsequently developed by Cornelissen (2005). This is a model aimed at responding to the limitations of the comparison model (which fails to take into account dissimilarities between the source and target domains). In this second model, the basic mechanism of operation of the metaphor is the creation of a new meaning beyond an existing similar meaning (rather than the selection of pre-existing attributes of the joint terms, as had been the case in the comparison model). In other words, the metaphor generates a similarity where none had necessarily existed beforehand (Indurkha, 1991). This model, known as the domain interaction model, relies on the observation that the characteristics of the source domain are rarely directly applicable to the target domain, since the similarities between the two domains are generally only metaphorical (Cornelissen, 2005). Moreover, the connection between the features of the source and target domains is not in itself sufficient in the construction of metaphor. Metaphor demands the conjunction of entire semantic domains, incorporating both similarities and dissimilarities, and the correspondence between source and target objects is constructed, rather than deciphered. The metaphorical process is the source of the creation of a new meaning of the transposed objects, and will ultimately lead to a correspondence between the objects.

The model of domain interaction developed by Cornelissen (2005) has three stages:

- 1) development of a generic structure which first identifies the structural correspondences of the source and target domains of the metaphor;
- 2) development and elaboration of the blend, which then allows the transfer of new information between the source and target domains of the metaphor by associating them;
- 3) emergence of a new meaning of the transposed object, this one resulting from the mixing of the source and target domains of the metaphor (p. 758).

3.3. The construction of the conciliation metaphor

As we mentioned earlier, in order to explore conciliation as an organizational paradox management mode, our proposal in this research is to use a metaphor borrowed from legal conciliation (which is an amicable mode of conflict resolution). In other words, it is a question of carrying out a “transfer of meaning” (Simbü, 2003) from a source domain (in this case, law) to a target domain (in this case, management sciences). The source object of the metaphor is legal conciliation, which seems relatively well known and documented, and the target object is conciliation as a paradox management method, which we wish to clarify so as to understand its implementation in organizations, given the theoretical gaps identified above. The use of this metaphorical process is therefore aimed at the construction of theoretical knowledge (Indurkhya, 1991) insofar as this transposition of conciliation from the field of law to that of management sciences should make it possible to propose a model for understanding conciliation as a response to organizational paradox.

We also decided to build this metaphor using the model of domain interaction developed by Cornelissen (2005); indeed, we consider that the source (law) and target (management sciences) domains present similarities at the metaphorical level (particularly in terms of the objective of regulating a conflict) as well as a number of dissimilarities that can scarcely be ignored in the construction of the metaphor. These differences can be explained by the heterogeneous nature of the domains involved: conciliation being a legal procedure in the source domain that allows for a formal agreement between conflicting parties, whereas in the target domain, it is an organizational and potentially tacit practice for paradox management. This is why the metaphor of conciliation cannot be established on the basis of a correspondence between pre-existing similarities between the source and target domains (Tsoukas, 1991). However, as Cornelissen (2005) suggests, it can be achieved by associating the source and target domains of the metaphor so as to bring out the meaning of the transposed object – in this case, conciliation as a response to paradox. Before we can apply this model, it is necessary to identify the characteristic features of legal conciliation as the source object of the metaphor.

4. LEGAL CONCILIATION - AN ALTERNATIVE DISPUTE RESOLUTION METHOD

In this section, we focus on the source domain of the metaphor, i.e. legal conciliation, which we characterize on the basis of legal texts and of research in law and sociology. We show that legal conciliation, as an alternative mode of conflict

resolution, is a transactional practice that leads to the construction of solutions that are well adapted to situations (Gorchs, 2006).

4.1. A transactional practice based on the search for arrangements

According to Article 1530 of the French Code of Civil Procedure, legal conciliation is understood as a “structured process by which two or more parties attempt to reach an agreement, outside of any legal proceedings, for the amicable resolution of their disputes”. Conciliation is therefore an alternative dispute resolution method not requiring the initiation of legal proceedings (Chevalier *et al.*, 2003). Legal conciliation must make it possible to resolve a conflict (opposition of interests) between two natural or legal persons (Desdevises & Suaud, 2001). It is aimed in particular at resolving such everyday disputes as neighborhood conflicts, landlord-tenant problems, debt collection difficulties or cases of disputed invoices. Moreover, the conciliatory approach results directly from the will of both parties to put an end to the dispute; the solution to the conflict results from the agreement between the parties and is therefore not imposed by any judicial authority. In this respect, conciliation differs from other alternative dispute resolution methods such as arbitration, in which the parties agree to submit their dispute to an arbitration tribunal, which then makes an award that is binding on the parties in conflict. Legal conciliation appears to be a response to the criticisms leveled at legal procedures, because conciliation has developed in the context of a justice system increasingly criticized for its cost, slowness and complexity (Coulon, 2001). Because its objective is to de-institutionalize conflict regulation, conciliation can be understood, according to Kitamura (1999, p. 805) as “another way of doing justice”.

This method of dispute resolution is designed to resolve a dispute between the parties, and the purpose of conciliation is to determine how to settle the dispute through an agreement between the parties in conflict, by defining the terms of the compromise. Conciliation must lead to a contract. This is the result of a search for an arrangement between the parties that allows them to put an end to a conflict between them according to the terms they accept in an agreement (Desdevises & Suaud, 2001). Conciliation is therefore a transaction in which both parties express willingness to put an end to the dispute between them by mutual concessions, as specified in Article 2044 of the French Civil Code: “a transaction is a contract by which the parties, by mutual concessions, terminate a dispute that has arisen, or prevent a dispute from arising”. The parties must then either renounce a part of their claims or subscribe to other obligations (Jarrosson, 1997). For the parties in conflict, it is a matter of finding common ground through the adoption of a compromise solution. Conciliation as a mode of conflict resolution involves negotiation, discussion and debate. According to Gorchs (2006), it consists of seeking the agreement of the parties, which should lead to a “transactional solution” that puts an end to the dispute between them. Thus, “conciliation, as an alternative dispute resolution method, expresses the process of reaching an agreement and the transaction, the agreement reached between the parties” (p. 233). In this regard, Serverin *et al.* (1987) refer to legal conciliation as “transactional practice”. However, as noted in the French Code of Civil Procedure, conciliation as a method of amicable dispute resolution must be understood as a “conciliatory attempt” whose fulfillment remains uncertain

(Conus, 2020).

4.2. An imaginative approach that allows us to build solutions on a case-by-case basis

Conciliation is also characterized by a complex dynamic of interactions between divergent interests, such that any conciliation expresses power relationships (Desdevises & Suaud, 2001). Conciliation generally implies the intervention of a third party in charge of facilitating the search for an amicable solution to the disputes referred to it. The conciliatory process can be conducted either by a judicial conciliator whose role is to facilitate the amicable settlement of disputes, or by a judge – which confers “a judicial nature” upon conciliation (Conus, 2020), as mentioned in Article 128 of the French Code of Civil Procedure: “the parties may conciliate on their own or on the initiative of the judge, throughout the proceedings”. During a conciliation procedure, the conciliator brings the parties together; he/she listens to the parties and compares their points of view in order to find a solution to the conflict. The conciliation results in proposed settlements between the parties. As Desdevises and Suaud (2001) write: “Conciliation is a complex game in which two parties interact (each having their own interests and culture), and the conciliator, who is also an actor, brings in his/her own vision of the world and the dispute” (p. 163). This dynamic of interactions aimed at obtaining an agreement between parties focuses on encouraging the evolution of their disparate positions, and does not involve the imposition of any rules.

Desdevises and Suaud (2001) also stress that while conciliation practices are organized within the boundaries imposed by the justice system, they form an open configuration of the confrontation between the parties, and that this results in variability in the solutions arising out of conciliation procedures. According to these authors, then, “what characterizes conciliation is that the individuals involved, starting with the conciliator, are looking less for compliance with a formal and universal rule than for the invention of a common agreement that has to be imagined on a case-by-case basis” (p. 165). In this respect, conciliation is unlike the conventional judicial procedure in which the judge is to a greater extent bound by legal rules that can force him or her not to choose the solution best suited to the situation. Gorchs (2006) points out that when the judge rules on a dispute on the basis of law, without taking into account the parties’ concerns, the solution will necessarily be ill-suited to the conflict as experienced by the parties. Conciliation must allow for the “invention of solutions” to conflicts: up against blockages caused by application of the law, the conciliatory approach enables the development of an innovative solution that goes beyond the framework of the conflict (Blohorn-Brenneur, 1998).

Lastly, legal conciliation involves a flexible relationship to the rules and a free search for a negotiated agreement (Desdevises & Suaud, 2001); in other words, it is an imaginative approach that requires both knowledge of the rule of law, but also the ability to play with it. As Gorchs (2006) points out: “the solution lies in devising an application of the legal rules in question that satisfies the respective interests of both parties” (p. 234). Legal conciliation is established at the edge of the legal rules, following a logic of adjustment; to do this, the conflict must be allowed to express itself in all its dimensions, the better to regulate it (Gorchs, 2006). Conciliation thus

also carries a risk of failure: if the judge or court conciliator fails to concile both parties, he or she must rule on the dispute between them. The agreement reached by the parties at the end of the conciliation procedure is then formalized, as set out in Article 130 of the French Code of Civil Procedure: “The content of the agreement, even if partial, shall be recorded, as the case may be, in a report signed by the parties and the judge, or in a report signed by the parties and the judicial conciliator. Lastly, we must specify that legal conciliation does not aim to reconcile the parties (i.e. re-establish a social bond). Indeed, conciliation implies work of mediation aimed at re-establishing dialogue between the parties which, unlike conciliation, does not operate in the legal field.

5. CONCILIATION AS A RESPONSE TO ORGANIZATIONAL PARADOX

Having characterized legal conciliation as the source object of the metaphor, we focus in this last part on constructing the meaning of conciliation as a response to paradoxes, which constitutes the target object of the metaphorical process. The emergence of the meaning of conciliation according to the interaction of domains model (Cornelissen, 2005) allows us both to position conciliation in relation to other responses to paradox identified in the literature, and to highlight its contribution to the analysis of organizational paradox management.

5.1. The meaning of conciliation as a response to paradox

In order to bring out the meaning of conciliation as a response to organizational paradox, we follow the model proposed by Cornelissen (2005), which is based on iterations between the metaphor’s source and target domains. In Step 1, we draw on the generic characteristics of the transposed object (that is, the origin, process and result of conciliation), and in Step 2, we associate the source domain and its object (that is, the law and conciliation as a mode of alternative conflict resolution) with the target domain and its object, (that is, management sciences and conciliation as a mode of paradox management). In accordance with the interaction of domains model (Cornelissen, 2005), we then integrate both the similarities and the differences of the domains. This is Step 3, which ultimately establishes the meaning of conciliation as a response to organizational paradox, and this result is summarized in Table 1.

First, with regard to the origin of conciliation, though conflict appears to be a premise common to both conciliation as an alternative mode of conflict resolution and to conciliation as an organizational paradox management mode, the nature of this conflict diverges between the source and target objects of the metaphor. Indeed, while the origin of legal conciliation is a conflict between physical and moral persons (Desdevises & Suaud, 2001), its transposition to paradox suggests that, in the organizational domain, conciliation unfolds in the event of a conflict between incompatible perspectives, feelings, claims, interests or practices, according to Lewis’s (2000) definition of the paradox. It does not however necessarily take the form of a conflict between organizational actors. While legal conciliation only applies to certain disputes, our use of metaphor does not allow us to restrict the paradox management through conciliation to only certain types of paradox. This is why we

consider that all four types of paradox identified by Smith and Lewis (2011) – namely the learning paradox, the belonging paradox, the organization paradox and the performance paradox – can be managed through conciliation. Finally, we highlight the fact that any attempt at legal conciliation arises out of the will of the parties to put an end to the conflict between them, rather than being imposed by any judicial authority. Transposition to the organizational domain suggests that the search for a conciliatory response is the direct responsibility of the actors facing the paradox, rather than of the manager as an authority figure within the organization.

Second, our use of metaphor sheds light on the process at work in conciliation as a response to paradox. Legal conciliation requires that the conflict be expressed in all its dimensions, to allow for its regulation (Gorchs, 2006). From an organizational paradox management perspective, this implies acknowledging the emerging paradox and encouraging its understanding at the various levels at which paradox is wont to develop: inter-individual, intra-organizational or inter-organizational (Guedri *et al.*, 2014). It then becomes a matter of developing dialogue around paradox to build a shared understanding of it that is as comprehensive as possible. We have also shown that legal conciliation involves a flexible relationship with the rules, in order to adjust solutions to conflicts (Serverin *et al.*, 1987); this invites us to consider the autonomy of organizational actors in playing with the prescribed rules in order to manage paradox through conciliation. Furthermore, according to Desdevises and Suaud (2001), conciliation is an imaginative approach that allows solutions to be found on a case-by-case basis. This idea proves particularly stimulating in the transposition of legal conciliation to organizational paradox management in that it suggests the implementation of situated responses to paradox. The result is a potentially infinite variability in responses imagined by the actors in pursuit of paradox management through conciliation – which are always unique, precisely because they are tailored to each situation. Similarly, the fact that legal conciliation generally involves the intervention of a judge or a judicial conciliator to facilitate resolution of the conflict introduces the perspective of third-party actors to paradox management through conciliation. These actors may be organizational actors not directly exposed to the paradox, or they may be managers. As with legal conciliation, the intervention of third-party actors can be envisaged at any moment in the process of conciling the paradox: from initial understanding of the paradox to the search for a solution, through to its implementation. Lastly, legal conciliation expresses power relationships and gives rise to discussion and negotiation between the parties in conflict (Gorchs, 2006); this is to be encouraged within organizations and collectives as a way of enabling the search for conciliatory solutions in response to paradox. Discussion of paradox can be encouraged and facilitated by third-party actors, who may also play a mediating role in the conciliation process, facilitated by their external perspective on the paradox.

Table 1. The construction of the meaning of conciliation as a response to paradox

Characteristics of the transposed object	Source domain: law	Interaction between source and target domains	Target domain : Management Sciences
	Source object: conciliation as amicable dispute resolution	(Cornelissen , 2005)	Target object: conciliation as a paradox management method
	1. Origin		
	a. Applies to disputes between natural or legal persons	↔	a. Applies to all types of paradox at inter-individual, intra-organizational and inter-organizational levels
	b. Results from the will of the parties in conflict		b. Arises out of the initiative of the actors facing the paradox
	2. Process		
	a. Expression of the conflict in all its dimensions		a. Recognition and understanding of the paradox
	b. Flexible relationship to legal rules	↔	b. Autonomy and room for maneuver with the prescribed rules
	c. Intervention of a judge or judicial conciliator to promote dialogue and the search for a solution		c. Role of third-party actors in paradox management to encourage both dialogue around paradoxes, and finding solutions
	d. Imaginative approach and case-by-case solutions		d. Innovative responses appropriate to the situation
	3. Result		
	a. Brings the parties in conflict together to reach a transactional settlement		a. Renders opposing forces compatible so that they can coexist in action
	b. Evolution of the points of view of the parties in conflict	↔	b. Transformation of the poles in tension, new organizational dynamics
	c. Solution not imposed by judicial authority		c. Solution not imposed by managers
	d. Attempt at conciliation, possibility of failure and recourse to the court to rule on the conflict		d. Possible failure of conciliation to manage the paradox, implementation of other responses and role of arbitrator played by managers



relates to all points of

Third, in terms of the results achieved by conciliation, we have shown that legal conciliation seeks to bring together the parties in conflict in order to reach an agreement; Serverin *et al.* (1987) describe this as a “transactional solution”. Transposed to organizational paradox, conciliation can thus be seen as a response designed to render opposing poles compatible, so that they can coexist in action by overcoming the initial state of conflict. Like the reciprocal concessions inherent to transaction (Jarrosso, 1997), conciliation gives rise to a transformation of the poles in tension so as to enable them to hold together in a new organizational dynamic. Furthermore, as with legal conciliation in which the solution is not imposed by judicial authority (Desdevises & Suaud, 2001), we believe that as a response to paradox, conciliation should be imagined by those actors within the organization facing the paradox, rather than imposed by a manager. Management can then be seen as supporting the implementation of conciliation in order to manage the paradox. Lastly, just as the outcome of the legal conciliation process is always uncertain (Conus, 2020), conciliation can fail to manage organizational paradox. This characteristic of conciliation invites us to think about the implementation of alternative responses to paradox in the event that the poles in tension remain irreconcilable. When an attempt at conciliation fails to resolve a conflict in the legal domain, the parties have the option of going to court to have the judge settle their dispute; in the organizational domain, this arbitrator role could be played by managers, in the event that conciliation fails to manage the paradox.

5.2. Conciliation as a way of managing organizational paradox

The emergence of the meaning of conciliation as a way of managing paradox that is rooted in the use of a metaphor ultimately allows us both to position it in relation to the responses to paradox identified in the literature, and to underline the contributions made by this notion to the analysis of paradox.

We consider conciliation an active response to paradox, insofar as it aims to integrate it into the life of the organization in a sustainable way in order to allow the coexistence of contradictory poles, rather than to make them disappear in order to avoid disruptive effects (Grimand *et al.*, 2018). Conciliation is thus distinct from defensive responses, especially denial, in that it results precisely from organizational actors’ recognition that paradox is omnipresent. Similarly, because it seeks to make opposing poles compatible in order to hold them together, conciliation is opposed to any strategy that entails selecting one pole to the detriment of the other (Seo *et al.*, 2004). Neither is conciliation the same as compromise, since the poles in tension are modified so as to adapt them to each other without weakening them. Conciliation does however borrow from the various active responses to paradox. Like confrontation – which entails allowing the poles in tension to express themselves in order to encourage debate (Poole & Van de Ven, 1989; Bollecker & Nobre, 2016) – negotiation and discussion appear inherent to conciliation, though without seeking to deliberately maintain the paradox, as some authors suggest (Grimand *et al.*, 2018). Like acceptance, conciliation seeks adjustments in the form of simultaneous transformation of the poles in tension, whose legitimacy is not questioned (Jarzabkowski *et al.*, 2013). Conciliation is thus based on a particular form of adjustment, one that should lead to a transaction allowing the compatibility of

formerly opposed poles. Conciliation also reflects a reframing of the paradox by organizational actors (Smith & Lewis, 2011) in order to bring about an innovative solution through a new organizational dynamic. By seeking to satisfy contradictory requirements jointly, conciliation implies, to quote Koenig (1996), “showing creativity in reformulating the problem” and “transforming the situation in which the contradiction is created” (p. 129). Lastly, conciliation achieves a synthesis of the various active responses to paradox: paradox management through conciliation is thus characterized more by the aim of rendering the poles in tension compatible than it is by any single modality of response to paradox. Indeed, the coexistence of paradoxical forces that is the goal of conciliation may demand recourse to a number of modalities in order to manage the paradox.

Our research also sheds light on the various aspects of conciliation as a paradox management mode.

Conciliation relies on the role played by third-party actors not directly confronted with the paradox, yet whose actions facilitate both the emergence of a shared understanding of the paradox and the search for and implementation of a conciliatory response to the paradox. In organizations, these third-party actors may be employees or managers not involved in the paradox who play a supportive and accompanying role, encouraging and organizing discussion and debate around the paradox and facilitating the development of a response. In the event that an attempt at conciliation fails to manage the paradox, these third-party actors can also play the role of referee – on condition that they are recognized as having organizational legitimacy. Thus, in continuity with management sciences work on the third-party actor (Geindre, 2005; Gadille, 2008), conciliation opens up a new perspective on their role as mediator and interface in organizational paradox management – an aspect not taken into account until now.

This research also suggests that conciliation, rather than considering paradox management in a generic way, is based on an analysis of situations that allows the development of specific conciliatory responses. Each attempt at using conciliation to manage organizational paradox is therefore unique, in that it adjusts to situations that are always singular in nature (Journé & Raulet-Croset, 2008). The notion of management situations (Girin, 1990) would thus benefit from being brought closer to research on paradox management. This would make it possible to understand the link between the responses implemented in addressing paradox in organizations and the managerial constraints of these situations, in which the outcome of a collective action has to be evaluated within a given time frame (Journé & Raulet-Croset, 2008).

Lastly, use of the metaphor also suggests that conciliation cannot be considered an idealistic solution that allows us to respond to every paradox situation encountered within organizations. As we have shown, attempts at conciliation can fail to manage paradox. When the poles in tension prove irreconcilable, organizational actors may have to implement other responses to the paradox and these may, for example, take the form of arbitration. Such a response would be consistent with a strategy of separation (Poole & Van de Ven, 1989) in which one or other of the poles in tension is momentarily prioritized (temporal separation), or the

two poles are compartmentalized within different organization units (spatial separation). This perspective invites us to consider the necessary articulation of responses to paradox – and in particular recourse to a combination of defensive and active responses in order to adjust responses over time, depending on the nature of the paradox within the organization (Grimand *et al.*, 2018). The implementation of conciliation as an active response can therefore constitute a first step in dealing with a paradox, while not excluding the possibility of turning to more defensive responses such as temporal or spatial separation. In this context, conciliation leads to rethinking the classic opposition between defensive and active responses, as it appears in the literature on paradox (Guedri *et al.*, 2014). Instead, a form of complementarity emerges between the various responses to paradox, which are not implemented simultaneously in organizations: a defensive type of response can thus intervene where an active response such as conciliation comes up against limitations. Our research thus invites us to pay particular attention to the causal relationships that may exist between different responses to organizational paradox, whereas work in this field generally considers paradox management modes to be relatively autonomous of one another (Bollecker & Nobre, 2016; Valette *et al.*, 2018).

6. CONCLUSION

In conclusion, and upstream of suggesting how this work might be extended, we are keen to emphasize the practical and managerial implications of our research. Beyond the theoretical contributions mentioned above, our use of a metaphorical process borrowed from legal conciliation to explore conciliation as a paradox management method is a valid response to important managerial and organizational challenges. In the face of the paradoxes encountered in organizations, conciliation opens up new perspectives on actors' ability to render opposing poles compatible. This research thus provides an active response to paradox that allows contradictory poles to coexist. The analysis model we propose characterizes conciliation in terms of origin, process and result, and should allow us to prepare and train organizational actors (both teams and managers) by providing them with a framework for understanding how this response to paradox works, and thus to facilitate its implementation. Furthermore, since this research proposes a metaphorical construction that is not based on a field study, it calls for work that allows us to both test the model for understanding conciliation and empirically observe the modalities of conciliation in organizations. In order to respond to this inherent limitation to our research, it would be appropriate to conduct empirical studies in different organizational contexts. We have in mind dual organizations simultaneously pursuing heterogeneous and potentially contradictory objectives, such as social enterprises exposed to tensions between social and economic objectives, or organizations in the health sector responding to both a managerial logic and a logic of care and medicine.

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