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Conflict Resolution: Towards Problem Solving

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CONFLICT RESOLUTION:

TOWARDS PROBLEM SOLVING

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From earliest times human societies, like those which proceeded them, have been subject to rule by the relatively strong. In contemporary legal terms there have been "those who have a right to rule, and others who have an obligation to obey." Feudal societies, then industrial societies, had structures that reflected these we-they relationships based on relative power.

Out of these structures there have evolved our adversarial systems: party politics, prosecution and defense in the legal system, employer-employee confrontations, class-based social conflicts.

These are the systems associated with our conception of democracy. They appear to be democratic because they include legally recognized oppositions to those who previously claimed the exclusive right to rule. This, of course, does not make societies democratic in its true sense. They remain majority or power dominated societies, leaving large proportions alienated.

It seems to be clear now that people generally are fed up with adversarial party politics, and are beginning to have doubts about the confrontational legal system. Industrial relations are undergoing change. Change is required, but its rational directions are not yet clear.

The same power approach has dominated thinking and practice in relations between separate sovereign states. After World War I, the League of Nations was established on the assumption that there could be international law and order based on the observation of agreed legal norms. World War II proved that to be a false assumption. Hans Morgenthau and Georg Schwarzenberger, both international lawyers, whose books were the main texts of the time, came to the conclusion that peace could be ensured only by adopting the coercive approach which characterized domestic politics. To give legitimacy to this approach the United Nations was established. It was to have peace-keeping and peace-making military power at its disposa now these power control or deterrent approaches are failing both domestically and internationally. Police cannot control crime. Great powers and the United Nations are defeated in wars by very small nations. Coercion is no longer an effective instrument in a global system in which weapons are generally available, in which communications have further promoted sympathy for those who are subject to elite control by coercive means, in which "democracy" is being revealed as being little more than a right of majorities to exercise power, in which former colonial expansions have left communities divided by inappropriate state boundaries, and in which many ethnic minorities are excluded from political processes.

Despite the evidence, it is not yet accepted that deterrent strategies do not work. The implications are too far-reaching. The absence of any alternative which protects the interests of power elites, be they the representatives of the relatively wealthy or the less wealthy working class, is currently leading to the advocacy of even more of the same medicine. The rationalization is that more deterrence is required--more prisons, tougher sentences, more weapons of greater

destructive capacity. It presently looks as though civilizations must face yet another major crisis before the shift from power to something else takes place.

What this something else might be can be found only by recognizing the reality of the failure of coercive strategies and, having done that, by asking why they have failed. If deterrence does not always deter, why not, and in what circumstances? When there is a clear answer to these questions the problem of violence can be tackled in a rational way.

In all human relationships there are inevitably constant disagreements over resource allocations, roles and rights. In some cases there can be acceptable compromises and adjustments made. This is usually so when material resources are the source of differences. A little more or a little less of material betable in the preservation of social relationships. In these cases the traditional means of settlement--power bargaining, negotiation, mediation and arbitration -- may be appropriate.

But there are other cases in which it seems that there can be no compromise. These are cases in which there are values and goals, such an group identity and personal recognition, which cannot be divided up as can material resources. Juvenile street gangs become violent in the promotion of their separate identities and the protection of their territories, and in their struggles for recognition as persons. Members of ethnic communities will slaughter others and sacrifice themselves in the preservation of ethnic identity and of the personal recognition and security it provides.

This is empirical evidence. We need to know why it is that compromises and agreements are not possible in some circumstances, and precisely what these circumstances are, before we can discover how this problem is to be treated.

In 1979 a group of scholars from a number of countries met in Berlin to address this problem. When political philosophy was broken down into separate disciplines during the last Century and the early part of this one, the traditional proposition that there are those who have a right to govern and others who have an obligation to obey was, understandably, inherited by the separate disciplines. Law, politics and sociology were based on this proposition, implying that the individual must conform with legal norms. This in turn assumes that the individual is wholly malleable and has the capacity to conform and to adjust to institutional requirements. Even psychology has seemed to assume a capacity for the individual to adjust to the requirements of social institutions. A behavioral component has been missing from behavioral sciences. No social discipline or political philosophy has considered that the individual may have inherent needs requiring institutions to adjust to the person.

These scholars practice was forcing a re-think. Police were not able to enforce law and order. Great powers were being defeated by small nations, and power politics theory could, therefore, no longer be the basis of strategic studies. They published a book in 198O called *Human Needs: A Contribution to the Current Debate*, putting forward the view that there were limits to the human capacity to conform, implying that institutions and social norms had to adjust to human needs.

Subsequently these people met with other scholars who had been concerned with the theory and practice of conflict resolution, and who had made a distinction between "disputes" and "conflicts." Disputes were those confrontations that could be settled by traditional means of negotiation or arbitration, while conflicts had to be resolved by analytical processes. These required a facilitator who could help the parties to reveal the hidden behavioral realities of a complex conflict situation. They were still searching for an explanation of the empirical evidence that had led them to make this distinction between conflicts and disputes.

This joint meeting between those concerned with the direction of social sciences and those concerned more specifically with the handling of conflicts led to the publication in 1990 of a book called *Conflict: Human Needs Theory*. The implications were clear and far-reaching. Theory was explaining empirical evidence. If there were limited human capacities to adjust and to conform, then in some circumstances deterrence would not deter. Threat and coercion would not be effective instruments.

The task then was to deduce an alternative, and to test and spell out relevant processes. In practice it was soon found that in a facilitated conflict analysis the more "powerful" party was helped to perceive behavioral realities, in respect of which there cannot be compromise, and was able to reassess the costs of the employment of power and its likely failure. Other options could then be explored. "Conflict Analysis and Resolution."

"Conflict Resolution" sounds like some well-meaning, but probably impractical, approach to the national and international problems which are now a major concern in most countries, including developed countries. Quakerism, Networking, religious and voluntary support endeavors all have a place in communities, especially in helping to offset damage done to people by system failings, such as unemployment or poverty. "Conflict Resolution" is not of this order. "Conflict Analysis and Resolution" has emerged over the last several decades to describe a major shift in decision making theory and practice from power theory to problem solving. To repeat, "Conflict Analysis and Resolution" is a decision-making process which avoids the necessity to rest on power or enforcement by getting to the source of problems and resolving them to the satisfaction of all parties. The empirical evidence is that this is realistic and practical for once parties to a conflict have been able to define it in basic terms of shared human needs, there can be a realistic costing of options and a practical exploration of means by which all concerned can ensure their satisfaction.

The general interest in Conflict Resolution is in relation to particular cases. It is an effective means of resolving the particular case. But resolving one conflict makes little contribution in the longer term unless insights gained as to the roots of a problem are used to anticipate and to prevent further conflicts. Conflict Analysis and Resolution has become, therefore, an approach to policy, a basis for decision-making in all social science areas. For this reason a new term has been introduced, "provention" to distinguish this decision-making role from "prevention" by which is usually meant merely more police in the streets without a concern for causes or for policies that remove the sources of problems. With crime and violence increasing nationally and globally, policies of provention have become the study of conflicts, as distinct from disputes, is a beginning to have consequences in all behavioral disciplines. International Relations can no longer be based on Margenthau's "Power Politics." Sociology can no longer be the study of

conforming behaviors. The Westminster system of adversarial party government and authority over unrepresented minorities is no longer an example of democracy and no longer an effective instrument. Conflict Resolution has a special contribution to Management studies and decision making in all fields. Conflict Resolution provides the opportunity to return to a more holistic approach: Economics can take into account the social consequences of using unemployment as a means of inflation control, Law can focus more on sources of problems, Politics can redefine democracy, Psychology can examine the consequences for the individual of structural violence.

Centers or Institutes of Conflict Resolution have begun to emerge in many countries and are becoming a meeting place for those in different disciplines concerned with the same social problems. Teaching in the area has spread to many disciplines. In many universities an a-disciplinary approach has began to re-emerge as a political philosophy. It is still inhibited by the traditional administrative separation of disciplines. But student responses are such that more and more universities are expanding in this area. Governments are beginning to see the need for their own Centers to deal with local problems and to train facilitators. The United States Institute of Peace is an example. The ACT has a Center for Conflict Resolution which deals with local problems and trains mediators.

Australia has a special problem which requires this approach. Australia has embarked on an irreversible experiment in its multi-culturalism. It has not as yet perceived or defined its problems, let alone adopted policies necessary for success. Ethnicity is not understood and ethnic conflict must emerge unless steps are taken to promote a pralism. Already there are examples of identity-seeking youth joining gangs. The political approach seems to be one that ignores the problem rather than defining it and treating it in advance of overt conflict. Universities have their part to play. Conflict Analysis and Resolution is a study that should be available to all students.

Societies remain power-elite dominated. The diversion of resources to provide education and other services on an equitable basis is being increasingly resisted. Funds are being cut. There is a retreat to specialization, and a holistic approach to problems is politically unpopular. But if civilizations are to survive the contemporary trend towards increased crime and violence at all social levels has to be dealt with by means which eliminate it, rather than merely contain it within less privileged regions. Civilizations must, if they are to survive, move from power-elite politics to problem-solving. It is the responsibilities of universities in particular to bring these issues to attention, and to give students in all disciplines the opportunity to question, to explore and to innovate. This new a-disciplinary study, Conflict Resolution, provides an opportunity.

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