Education in Conflict Resolution as an Element of Organizational Management

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Abstract

This paper examines some problems of educating people in alternative dispute resolution. The social, economic and political changes give rise to a greater level of conflict and inequality within any society that is undergoing transformation. We suggest that education in conflict management and resolution, and particularly with the respect to consensus-building techniques and collaborative interest-based approaches to conflict, can play an important role. Individuals who are used to alternative dispute resolution (ADR) better perceive their values and achieve their needs and are more active in decision making process. The better one can use consultation, negotiation and mediation the more society acquires the features of self-regulation and self-governance and the more efficient is counterweighing of social relations sharpened by modernization. Teaching and training the society in peaceful practice brings to people certitude that the best way of interacting with adversaries is to communicate and cooperate with them in solving problem which contradistinguished individuals or organisations.

Modern conflict resolution development in Lithuania takes place in a wide legal, administrative, cultural and social environment. Actual conflict resolution curricula may be found in some university programs and postgraduate studies. The next stage will ensure the development of classes and programs in the fields of law, social psychology, political science, public administration, and sociology. Some corrections with elements of dispute resolution and peace education   may be incorporated into the curricula of primary and secondary schools. Also certificate programs have to be designed for professionals solving commercial, social problems, dealing with extreme situations, and others, to meet their specific needs in conflict resolution skills.

Long-term purposeful efforts while forming positive thinking, approach towards constructive activities and assertive behavior, that is the whole mental and cultural heritage, should be followed constantly in order to make negotiations, mediation and other alternative dispute resolution methods a part of public life and problem solution.

Keywords: Education, alternative dispute resolution, mediation, Lithuania

1.Introduction

A concept of this paper comes from the evidence that heavy and intensive conflicts arise in the society and its separate segments while moving through the transitional processes. We suggest that education in conflict management and resolution, and particularly with the respect to consensus-building techniques and collaborative interest-based approaches to conflict transformation, can play an important role in strengthening the organizational culture and efficiency.

Some introductory ideas may be helpful in mapping this projection. Post-communist transformation of the countries of Central and Eastern Europe has come in many profiles. As the most complicated are noticeable: radical changes of the political system; movement towards a free market; integration into the European Union; multidimensional modernization, and entry to the global cyber networks. As Dürrschmidt&Taylor stress, East-Central Europe "face simultaneously the challenges of globalization and rectifying the problems associated with an undeveloped technological and communicative infrastructure. In other words, these societies have to deal with problems of First and Second Modernity in the unique conditions of post-socialism"[1]. They mark an increase in social dissatisfaction, a new polarization of "winners' and "losers", the misfit between 'new' institutions and 'old' everyday cultures.

There are many reasons to suggest that the countries of post communist transformation have to be characterised as more conflictual than they used to be formerly. This suggestion refers to M.H.Ross investigation, why some societies are more conflictual than others. "There is a great variation from society to society in both the amount of conflict and what people do when it occurs"[2]. Usually "objective" bases for conflict might be described as such – "she (he) took my toy (land, water, women, and cows)". "What is extremely important is the number of different cultural patterns of response to the same supposedly provocative action"[3] (Ibid.10-11).

There are some aspects of this issue when talking about post-socialist transformation. Firstly, it is reasonable to suggest, that the social actors become more prone to conflict (or at least to certain forms of it). Secondly, the transition from socialism to parliamentary democracy involves a significant change in the way in which social conflicts are experienced and understood within the society. Thirdly,

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[1] Dürrschmidt J., Taylor G., 2007. *Globalization, Modernity&Social Change*. Palgrave Macmillan, Houndmills, Basingstoke, Hampshire RG21XS, England, p. 50.
[2] Ross M.H., 1993. *The Culture of Conflic.* Yale University Press, New Haven and London, p. 2.
[3] Ibidem, p. 10-11.

along transition process myriads of new conflicts (previously unknown) emerged. Society became highly splintered, suspicious, and dismembered.

2. Theoretical framework

Explosive social situation made it extremely important and desirable strengthening the culture of cooperation, social dialogue and partnership. This indicates the conflict management and conflict resolution (CM&CR) as a problem of strategic weight for organization managers. As I.Shapiro stated „conflict resolution... may assist in analyzing dysfunctional and nonfunctional institutions and policies, recognize and legitimize the needs and truths of a multiplicity of groups, and facilitate the envisioning of acceptable alternatives for organizing new structures. Social conflicts, then, are not viewed as a threat to any development program but as an opportunity to design functional institutions and policies based on the needs of different population"[4]. Thus conflict resolution scholars and practitioners have to translate CR theory and analysis into practical applications and recommendations for decision makers.
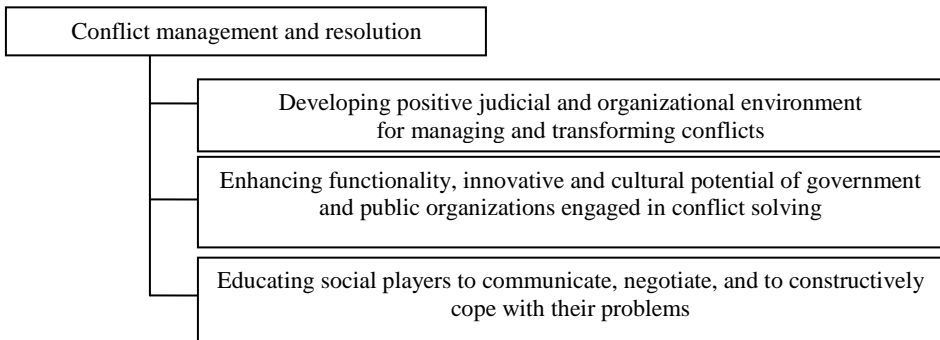

Fig. 1. Conflict management dimensions

While development of legal and organizational environment creates incentives for preventing and transforming conflicts (conflict management), teaching and training of the society brings to people knowledge and skills how to interpret con-

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[4] Shapiro I., 1997. *Beyond modernization: Conflict resolution in Central and Eastern Europe*. The Annals of the American Academy of Political and Social Science 552, p. 25.

structively conflicts and to deal with the others and otherness (conflict resolution) and with our feelings and emotions as well.

What could do an educator to positively influance conflict resolution and collaboration culture in the society? What are his possibilities? Are there limitations of educating impact? To create a theoretical framework for analitical insights we had to find some supporting conceptions.

Kurt Lewin, a world known social psychologist and experimenter, analysed in 1943 the problems of democratization of German society after expected clash of nazist regime. He stated, that real changes of cultural patterns are possible through participation, i.e. involving every individual in some democratic activities. Elaborating this idea Lewin had written about the complexity of democratization process. When someone is going to transform one cultural aspect, he has to be conscious that there is a thousand and one other aspects of the same system, and all of them will be resistant to any changes. New leaders, and every generation beginning the youngster to the elderly people, have to be involved into democratization activities. Also changes of ideological, judicial and social environment are of great importance[5]. Reconstruction of postwar West German political sistem and social relationships witnissed, how productive were these ideas.

Today education in CR correlates with peace education (PE). Both directions have similar mission - to build positive and constructive relationships between social actors (real or potential adversary). PE activities are targeted on the most acute contradictions of the modern world while CR concerns about everyday problems. Both directions are aimed to achieve positive changes in long time perspective, and this is hardly measurable. Some authors note that many controversial issues of the modern time (for example, a need to fight for the rights of ethnic or sexual minorities) are hardly compatible with the main PE and CR ideas and its social mission[6].

To quote Salomon "we do not really know what works in peace education and what does not, why it works and why it does not. The field is rich with intuitions and good Samaritans, but there is far less empirical evidence of success"[7]. This ironical statement has a sense in the field of conflict transformation.

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[5] Levin K., 2000. *Разрешение социальных конфликтов*. Речь, Санкт-Петербург, с.156,164,171.

[6] Gur Ze'ev I. *Philosophy of Peace Education in a Postmodern Era*. Educational Theory 51(3).

[7] Salomon G., 2003. *The Essential Nature of Peace Education and Some of the Dillemas That Accompany It.* (in:) Social and Psychological Factors in Conflict and Its Resolution. European Comission Research, p. 97.

3. Multiplicity of education in CR

Education in conflict resolution might be seen as a response to controversies which accompany the transitional processes. It is a multiple process covering many activities: a systematic educating of all groups of the society on how to constructively interact with each other and how to deal with conflicts; youth educating on emotional control, tolerance, and nonviolent behaviour; reflective rethinking one's own experience when conflict occurs. Many human activities are based on conflict resolution knowledge and skills, for example, they are needful for every manager, especially to those who manages people and organizations[8]. Strategic planning, decision making processes have conflict prevention and resolution projection. To create a positive atmosphere of official relationship a leader has to be trained on mediation skills[9]. Every individual has his own baggage which "has been developed over a lifetime, influenced by many factors, such as various individual differences, skills, and competences…, as well as salient cultural and identity groups norms and values…, and situational roles and hierarchies"[10].

S.V. Sandy and K.M. Cochran underline the importance of social-emotional learning and conflict management in early childhood. "How we learn to handle a conflict determines the positive or negative role it has in constructing our feelings, our intellect, and our personality"[11].

Learning through reflection on experience is of great importance for men through all his life. "Reflection is central to every phase of learning from experience, although not everyone always uses reflection consciously to its fullest potential. Reflection sensitizes people to surprises and mismatches that signal the inadequacy of their prior stock of knowledge. Through reflection-in-action (Schön, 1987), people adjust their course of action and learn while they are carrying out the solution. Reflection after the fact helps to draw out lessons learned that are useful for the next problem-solving cycle."[12]. We obtain the power of reflection by looking at the positive results of our actions and by devoting our energy to amplify what went well and "to get rid of the negative feelings"[13].

Education in CR isn't free from some incompatibilities and limitations. The mission of an educator in CR is to induce and encourage every actor to behave

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[8] Deutsch M., Coleman P. T. (eds.), 2000. *The Handbook of Conflict Resolution. Theory and Practice.* Jossey- Bass Inc.Publishers, San Francisco, p. 15.
[9] Ibidem, p. 539.
[10] Ibidem, p. 499-500.
[11] Ibidem, p. 317.
[12] Ibidem, p. 382-383.
[13] Ghaye T., 2011. *Teaching and learning through reflective practice.* Routledge, p. 2.

positively and constructively when he meets the others having different interests, values, and perceptions. Didactics is effective when disputing parties are empathic and assertive towards each other, and are ready to build their relationship with at least minimum reciprocity and trust. Otherwise the knowledge gained might be used for dirty tricks and fighting.

An educator has to deal with individuals and groups belonging to different social and cultural milieu, and this makes them dependent on group memory, statements, and stereotypes. Furthermore they may experience aggression, hostility, and other negative emotions. Thus, a model and method of education might be not congruous to real social, cultural and emotional situation of every given trainee, and this disadvantage might be hardly to overbear. Therefore the effect of learning is largely limited. Moreover, as K. Lewin noted - it is unlikely to built democracy by lecturing every particular individual about democracy. The progress is achievable by involving social actors into democratic movements, and it is strictly dependent on the scope of the processes occurring in the society[14]. This statement is applicable to conflict management and transformation – education in CR supported by practical exercising brings expected results.

M.Deutsch (1994a, 1994b, 2000) was developing theory of cooperation and competition, which "provides insight into the conditions that give rise to constructive or destructive processes of conflict resolution. When conflict is under constructive control its dynamics is marked by transforming competitive statements of the parties to certain extend of cooperative relationship"[15].

Education helps to recognize and comprehend the values of cooperative actions. Generally speaking teaching and training of the society in peaceful practice brings to people certitude that the best way of interacting with adversaries is to communicate and cooperate with them in solving problem which contradistinguished individuals or organisations.

4. Changing an approach to conflict and collaboration (Lithuanian case)

Historical heritage has shaped a Lithuanian as a determined individualist who on his/her own solves various problems of life. However, risky and dangerous situ-

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[14] Levin K., 2000. *Разрешение социальных конфликтов*. Речь, Санкт-Петербург, с.176.
[15] Deutsch M., Coleman P. T. (eds.), 2000. *The Handbook of Conflict Resolution. Theory and Practice.* Jossey- Bass Inc.Publishers, San Francisco, p. 15.

ations instead of challenging to search for fairness, may force to give in to the will of the stronger or to withdraw from dangerous situation. In a situation when he/she is confronted by another similarly determined individualist the conflict usually is addressed to local administration or public management institution.

The most complex conflicts led to the court.

Societies of communist past have some vestiges in dealing with conflicts. According to ideological model of that times there were any antagonisms and consequently any social conflicts in socialist countries. It was said that the conflicts occur when struggling with the enemies of socialism. This simple formula played a significant role in everyday life as enabling authorities to keep under control all potential clashes, social protests and other actions which were seen as potentially undermining "socialist values". In the run of time individuals and groups, and organisations in order to keep loyalty to political system used to avoid open discussions of the controversial social issues, negotiating different interests, and using other conflict transformation means. Any public manifestation of conflict had been supressed; those, who tried to publicly protest in any form, were at risk to be called as enemies of socialist system.

Several post-war generations of the society of Lithuania rose in the spirit of ideological cliché "united Soviet people" now appeared far behind the orientations towards human commonality, trust, and cooperation with others and with different people. They never have been trained how to express themselves in an unrestricted manner, how to compete in a civil way, and how to deal with conflicts.

The parties very rarely solve conflicts by practicing interest-based negotiations. Usually, compromise is reckoned as the best way of resolve the dispute in public sector or in labor relations. According to public opinion, the approach when both parties pulling common efforts try to solve problem and reach decision, sometimes even better than a compromise, is rather vulnerable. That is why there were more in use the stereotypes like mafia, thieves, and specific Lithuanian beetroots to name opponents.

Summarizing his impressions after visiting Lithuania professor Neal Sargent from Canada noticed: "If I were afraid that I might become one of the losers in a conflict situation, then I might be very resistant to conflict, and seek to repress conflict, to prevent it occurring openly" (author's private archive, J.L.).

Approach of conflict as a common problem, in which are involved interested parties and which they have to solve, has been underdeveloped for many years of transiting period[16]. This brought on the list of priorities the need to nurture a mod-

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[16] Grigas R., 1998. *Socialinių įtampų laukai Lietuvoje*. VPU ir Lietuvos filosofijos ir sociologijos institutas, Vilnius; Lakis J., 2009. *Social conflicts and the culture of cooperation in transitional*

ern approach to conflict and its resolution "as a means of establishing viable inter-group and multicultural relations in which the fundamental needs of individuals and groups are effectively addressed"[17].

Following Glen's (1981) and Kozan's (1997) models of conflict management we could define the transition from so called socialistic way of life with its specific feature of mentality and culture of collaboration to modern life in global networks with its myriads of differences and controversies as substituting the regulative model of problem solving by the confrontational model. According to Kozan when the bureaucratic means are used extensively to minimize conflicts it ought to be the regulative model of conflict management. In the confrontational model the adversaries are the main players. They behave assertively and this makes it possible to transform confrontational nature of their relationship to cooperation in solving disputed problem. Conflicts are governed by norms of fair play, exchange of information, mutual concessions, and compromise[18].

5. Education in CR: adopting alternative dispute resolution knowledge and skills

The main dimension of education in the transitional society is undoubtedly alternative dispute resolution (ADR).

Theoretical framework of alternative dispute resolution emerged in the 1970s in the USA as a way of building friendly, trustworthy relationship in community and neighbourhood[19]. J.Scimecca describes it as "non coercive processes which are alternatives to the formal legal or court system"[20]. The main mechanism of ADR is solving controversial problems or disputes (in some cases conflicts as well) by inducing interested parties into conciliation procedure based on mutual interactions. There are some formats of this procedure: arbitration, conciliation, facilita-

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society. Baltic Journal of Management 4 (2); Ohanyan A., 1999. *Negotiation culture in a post-Soviet context: an interdisciplinary perspective*. Mediation Quarterly 17 (1); Targamadze V., 2006. *Konfliktų kontūrų brėžimas: ugdymo realybės kontekstas*.Vilnius, VPU.

[17] Fisher R. J., 1990. *Needs Theory, Social Identity and an Eclectic Model of Conflict*. (in:) J. Burton (ed.), 1990. Conflict: Human Needs Theory. St.Martin's Press, New York, p. 109.

[18] Kozan M. K., 1997. *Culture and conflict management: a theoretical framework*. International Journal of Conflict Management 8 (4).

[19] Herrman M.S., 1989-1990. *ADR in context: linking our past, present and a possible future*, Journal of Contemporary Legal Issues 3, p. 35.

[20] Scimecca J.A., 1993. *Theory and alternative dispute resolution: A contradiction in terms?* (in:) D. Sandole, H.van der Merwe. *Conflict Resolution Theory and Practice*. Manchester University Press, p. 212.

tion, fact-finding, negotiation, and mediation. They difference mainly by two attributes: by involvement in the process of the third party, and by a nature of final agreement.

There are some reasons why a focal attention has to be paid to this aspect of CR. The countries   which are in the process of post-communist transformation should be characterised as highly combative regarding intensity of conflict creating, the lack of rational approach and constructive attitude towards conflicts, poorly developed culture of representation of interests and values of groups, and egocentric orientations. They are still dependent on regulative model of problem solving and have to move to the confrontational model which is inherent in developed democracy[21] (Dürrschmidt&Taylor, 2007, Kozan, 1997, Ohanyan, 1999, The Annals, 1997).

The main stream of transformation is how people and groups change behavior in conflicting situations:

a. do they traditionally combat with each other and direct their problems to court (to administrative institution)?

b. are they tend to solve their problems in some form of cooperation with other parties?

In other words – a) do they tend to be cooperative? or b) do they take the offensive? These questions mark out the transition from point a) to point b).

Today ADR practices are widely known all over the world. They are more or less adapted to a local cultural environment and have been in use in the broadening context. ADR have brought some benefits into community and public life. It means solving contentions by attempts of the parties involved or by assistance of a neutral (third party). Thousands and thousands of disputes instead of being directed to overworked court system are being dealt directly by interested parties and give them agreed outcomes. To quote Ch.Picard ADR "was praised for its administrative efficacy. It could offer equal access, act quickly, and allow all citizens to participate in decision making. It was claimed to be faster, less expensive, more accessible and approachable, less coercive and less oppressive, and better suited to tailoring outcomes to the needs of those involved than traditional justice. Informal justice was directed at maintaining relationships, not determining legal right or wrong. It was thought to result in greater satisfaction with resolutions, higher levels of compliance than with adjudicated decisions"[22].

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[21] Dürrschmidt J., Taylor G., 2007. *Globalization, Modernity&Social Chang.,* Palgrave Macmillan, Houndmills, Basingstoke, Hampshire RG21XS, England; Ohanyan A., 1999. *Negotiation culture in a post-Soviet context: an interdisciplinary perspective*. Mediation Quarterly 17.
[22] Picard Ch., 2002. *Mediating Interpersonal and Small Group Conflict*. The Golden Dog Press, Ottawa, p. 12.

ADR integration into the sociocultural context of the post totalitarian societies appears to be not simple and easy. Such society is still divided into those who are supposed to speak and those who are supposed to listen, into friends and enemies[23]. People continue to look at a conflict as a matter to be passed to someone who has a power for decision making. Fighting, using dirty tricks in attempt to win as much as possible is evident attribute of dealing with complicated problems. These limitations and traps do not disappear offhand. Long-term purposeful efforts while forming positive thinking, approach towards constructive activities and assertive behavior, that is the whole mentally and cultural heritage, should be followed constantly in order to make ADR methods a part of communication culture and problem solution.

The first ADR projects introducing modern conflict resolution were implemented in Lithuania at the beginning of 1990-th. However, due to the above mentioned obstacles they have not brought radical changes into a nature of cooperation. Therefore adopting ADR needs some more time and has to be understood as the complex process of social, judicial, institutional, and educational changes. American, Canadian and Scandinavian non-governmental organizations and agencies, which took on the function of education, could only introduce the philosophy of ADR methods and their application ways. It is exactly what was done.

Today some non-governmental organizations, many schools and every university have included into their education and study programs teaching and training of mediation, negotiation and conflict management.

This trend of education forming certain approaches towards possible conflicts performs their prevention function. Due to such a context, a new approach towards trust and cooperation is growing. In this meaning, modernization of the society equals to the ability of its members and groups to have confidence in themselves in the face of social controversies and determinable resort to ADR methods in the conflict situations.

Neither negotiation nor mediation can be forced, or introduced in some other way, provided the parties are not interested in it. Education and teaching of society could speed up the process of ADR development and application.

Actual conflict resolution curricula may be found in some university programs and postgraduate studies. The next stage will ensure developing classes and pro-

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[23] Bianchi G., 1997. *Training in Skills for Coping with Democracy.* The Annals of the American Academy of Political and Social Science 552.

grams in law, social psychology, political science, public administration, and sociology.

Some corrections with elements of dispute resolution and peace education may be incorporated into the curricula of primary and secondary schools. Also certificate programs have to be designed for professionals solving commercial, social problems, dealing with extreme situations, and others, to meet their specific needs in conflict resolution skills.

Investigations conducted for many years suggest that programs of special teaching have been extremely and are helpful for developing such practices as interest expression, representation and democratic way of decision making. Long-term purposeful efforts to strengthen positive thinking, constructive activities and assertive behavior, that is basics of social capital, should be followed constantly in order to integrate mediation and other ADR methods into communication culture and problem solution.

6. Conclusion: some indications of and for progress

Some experimental projects have been conducted lately to probe mediation as a way of conciliation bypassing a litigation procedure. Recently one of the regional court offices initiated the mediation program. Some judges and their assistants were trained in providing mediation services as an alternative to litigation. There were mediated the cases estimated as proper for reconciliation. After successful accomplishing the project the rules of judicial mediation was approved by the Council of Courts of Lithuania. The provisions determine the principles of voluntary participation, cooperation, equality, confidentiality, mediator's neutrality, honesty. Peace treaty as a positive outcome of the process has to be approved by judge and become enforceable. The European Code of Conduct of Mediation proclaimed as obligatory for mediator.

Recently one of Vilnius universities got certification enabling to start master's program in judicial mediation. Hence we may suggest that one kind of mediation – judicial mediation - has moved. It is a question of the time when this experiment will grow into the regular practice.

There are some obstacles in the way of developing mediation institution and other ADR tools: the lack of competence of public administration and the stonewalling of some groups interested in keeping things out of changes.

Investigators from culturally different regions of the world refer to public administration potential in managing different kinds of conflicts. Almost twenty

years ago American scientist David Rosenbloom concluded that in a post-industrial age conflict resolution is destined to be the mission of public administrators. Today public administrators are confronted with more and more complicated and multi-form conflicts. New conflicts include environment protection, social wealth, cultural diversity, protection of local cultures, minority groups, and many others. According to Zhiyong Lan "the mixed functions of public administrators as conflict resolvers, observers, and parties to conflict often confuse public administrators themselves as well complicate the public's expectations of them"[24].

The cultural heritage of Lithuania indicates a public administrator as a figure which could take a role of godfather of mediation in public issues. From generation to generation a person having administrative power has been approached as a peacemaker or arbitrator. This role has to be legalized and developed according to the rules of mediation. To meet these expectations public administrators have to be trained as conflict resolvers. Conflict resolution literature adds an analytical tool to assist contemporary public administrators to muddle through their world of conflicts with sensitivity and self-awareness.

Despite of radical changes while adopting public administration in Lithuania to the requests of the European Union, the system remains insensitive to tensions and disputes in the public field. Officialdom traditionally avoided becoming involved in any public conflict or hesitated to go through the conciliation process except for the cases when it is forced to act under the pressure of some power.

Continuous efforts are necessary for the improvement of legal and institutional mechanisms, so that the regulation of various types of conflicts and crises became an inseparable part not only in legal practice but also in public life, institution and organization management and interactions.

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