
UNIT 9 PEOPLE'S RESPONSES: CONFRONTATION/ CONCILIATION

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9.1 INTRODUCTION

History is witness to the fact that conflict is built in the very social system man has created since he descended on this earth as the Homo sapiens. There is recurrent feeling of injury and injustice, either because the individuals, groups, and nations feel, rightly or otherwise, their interest injured, or because some individuals, groups and nations consider it their right to rule over others. Thus was born exploitation of other peoples, and rise and fall of many kingdoms and empires. Great souls like Ram, Krishna, Buddha, Jesus, Zoroaster, and Mohammad, all tried hard to dissuade man from the path of violence, and showed him the way to peace and harmony. But man preferred to ritualize their teachings than following them in his day-to-day life. And thus the violence not only continues unabated but has also become more devastating.

Man is not only waging war against his fellow humans but also against nature. He is cutting the very branch on which he is perching. The danger inherent in global warming and conquest climatic change has the potentials of eliminating all life from planet earth. There is therefore a search for new paradigm of development – a paradigm that douses the fire of violence that has gripped human mind. No two humans are alike, think alike, and perceive the world around them alike. In fact that is the beauty of being human being with body, mind and soul. Differences of opinion are, therefore, built in human psyche and society. The question is: should these differences be resolved by fighting as animals do or by understanding each other by love and compassion so that both sides feel being winners leaving no ill feelings behind.

Unfortunately, man has tried to resolve conflicts by brute force with honorable exceptions here and there. Evil cannot be cured by evil; fire cannot be extinguished by fire; and

hatred cannot be subdued by hatred. To extinguish the fire, we need water; to win over the evil, we need goodwill; and to remove hatred we need love.

Aims and Objectives

After reading this unit, you would be able to understand:

- People's responses to conflict resolution; and
- The efficacy of confrontation/ conciliation for conflict resolution.

9.2 NATURE OF CONFLICTS

All the different types of conflict, from the interpersonal to the international, have some elements in common – but there are also major differences between them. Many writers have pointed out that it is neither necessary nor desirable to attempt to encompass various types of conflict under one general theory. They argue that because different types of conflicts have different frameworks, a general theory is inapplicable, and furthermore that “a special theory for a given kind of conflict can provide greater understanding of the relevant phenomena than could be provided by a more general theory.” The examination of interpersonal conflicts and other types of conflict, from the perspective of the individual, will not provide the conceptualisation in one general theory of the way conflicts are resolved. It may however go part of the way towards providing the outline of an effective non-violent process of conflict resolution – one which, by extension, is applicable to conflict generally, regardless of their substance. Focus on the substance of a conflict may be important in determining tactics. However, as the Gandhian ideal of conflict resolution emphasises arrival at truth, rather than at victory in the narrow sense, far more importance will be placed on the processes of conflict rather than the substance.

It should be noted at the very outset that a conflict is not “bad” or “destructive” *per se*. It can be an explicit way to resolve tensions between parties, prevent stagnation, stimulate interest and curiosity; it can be the medium “through which problems can be aired and solutions arrived at”; it can be the root of personal and social change. Conflicts do not necessarily mean either a breakdown within the relationship or community in which they occur- “they are ‘normal’ and are indicative of the fact that ‘real life processes’ continue”. Furthermore, there is possibility of political function and importance of social conflict, because conflict can have a binding and stabilizing effect on the community by eliminating sources of dissatisfaction, providing warning systems that change is required, and ushering new norms.

Living beings everywhere compete for the means of existence. Competition takes the more intense form. We call it conflict or when instead or merely using available resources for production or consumption purposes, contender try to hamper, disable or destroy rivals. Conflict can occur within state as civil wars, insurrection, or terrorism or it can occur among states as wars or outside-supported insurrections.

Conflict may assume myriad forms and may influence a vast array of human activities. In politics, conflict may be over a party's nomination or the votes to win an elected office, or it may arise from rent seeking. Rent seeking involves an agent or collective expending resources to obtain a return that results in no net gain to society, that is, rent seeking concerns actions to gain a transfer of resources.

Conflict may also involve litigation and legal manoeuvres over the disposition of will or property. In labour markets, conflict is associated with strikes, labour lockouts, and employee-employer remunerations and benefits. Conflicts also concern terrorist campaigns designed to achieve political or cultural objectives, including resource transfers.

During 21st century, conflict will involve earth's natural assets, including its species, water, rivers, oceans, atmosphere, stone shield, and minerals. As populations grow and the Earth's carrying capacity is increasingly exceeded, more effort will be put into the appropriation of needed resources, resulting in conflict and defense growing in importance. Disputes over territories and resources already represent the leading cause of civil war and interstate conflicts.

9.3 THE RESOLUTION OF CONFLICTS

In everyday language conflict denotes overt, coercive interactions in which two, or more, contending parties seek to impose their will on one another. Fights, violence and hostility are the terms customarily employed to describe a conflict relationship. The range of conflict phenomena is, however, much wider than that implied by its physical connection, it is used to describe inconsistencies as well as the process of trying to solve them, it has physical and moral implications, and it embraces opinions as well as situations and a wide range of behaviour. Conventional usage of the term is consistent with the full range of conflict phenomena.

In attempting to analyse conflict phenomena, particular attention has to be paid to the term itself, to the explicit judgments that are made about it (e.g. it 'good' or 'bad') and effort to distinguish it from related, if distinct, events (e.g. tension, war, hostility, etc.). Most perspectives on social conflict are etymological or they may be classified as 'actor-oriented' or 'system-oriented'. From an actor oriented perspective, conflicts are necessary, indeed inevitable; from a system oriented perspective, conflicts may be undesirable because they may interfere with the goal of system maintenance.

Conflict refers to a situation in which a person is motivated to engage in two or more mutually exclusive activities. Motives are important in conflict and for this reason the term motivational conflict is often used. Conflict exists in every society. It may occur on many different levels:

- a) On the overt behavioural levels.
- b) On the verbal level.
- c) On the system level.

Conflict occurs only when the overt, verbal, symbolic or emotional responses required to fulfill one motive are incompatible with those required to fulfill another. Social existence involves a great many conflicts. The individual in society, subject to the pressure of the many groups to which he belongs and the demands of the many roles he must play, often experiences personal conflict. The entire process of socialisation of the child has been viewed as a conflict between the individuals and society.

Conflict is the fundamental form of opposition-oriented relationships and dissociative interaction. The process of conflict goes on in every society. Desire for social prestige, economic benefit, power and defeat or destruction of enemy result in conflict among

individual and groups, usually the people's responses to conflict resolution are either through confrontation or conciliation.

9.4 CONFRONTATION

Man is born a wild animal, and civilised culture can only partially tame him. His instinctive urge to dominate others is coupled with a willingness to yield obedience to the strong when circumstances so require; not merely submission but also allegiance and support; when those divergent trends reach their peak, man may become the most cruel of tyrants or he may become the most long-suffering of beasts of burden. The strife that develops the strong leaders engenders in others the willingness to be led; it is perceived by them that fighting a common enemy is better than fighting each other.

On the basis of an immutable uniformity of human nature no speculations regarding conflict can be justified. Human behaviour differs from one civilisation to another; and in modern times many men seem not to want wars. Hobbes conceived human nature as having inherent tendencies, which sought satisfaction, by seeking pleasure and avoiding pain. The main springs of human conduct, according to Hobbes, are : hunger, thirst, sex, fear and desire for honour. These forces, he believed, are not blind, but depend upon the perception of pain or pleasure which an object or person may give. If left to himself, a man's self-interest to satisfy his own urges would put him into conflict with everyone else; social organisation, Hobbes thought, prevents the chaos, which would result if men were left on their own.

9.5 NEGOTIATION

Negotiation is a form of interaction through which individuals, organisations, and governments explicitly try to arrange (pretend to do so) a new combination of some of their common and conflicting interests. Two types of common interest can be distinguished: (i) an identical common interest in a single arrangement or object, which the parties can only bring about, or more easily, by joining together and (ii) a complementary interest in an exchange of different objects, which the parties cannot obtain by themselves but can only grant to each other. In other words, the term negotiation is used to denote intercourse between States for the purpose of arriving at a settlement of the dispute, or for relaxation of international tension.

To realise an identical common interest the parties must agree on the characteristics of the arrangement (concerning which may they have different preferences) and on the division of gains and costs (where their interests usually conflict). Two nations jointly constructing a dam and two corporations, merging into a single firm are examples of such arrangements. Complementary interests are realised through barter, sales or agreements on mutual tariff concession. Most international negotiations embrace a combination of common interests and complementary interest, whereas business negotiations are predominantly concerned with complementary interests.

The parties may relate their conflicts and common interest explicitly or tacitly. The term "negotiation" usually refers to the explicit process, with proposal and counterproposals. Tacit bargaining occurs if the parties deliberately arrange a new combination of common and conflicting interests through hints and guesswork, without explicitly proposing terms for agreement. Tacit bargaining is of great importance in military confrontations, when negotiation may be difficult because of incompatible war aims, domestic opinion, or the

lack of diplomatic relations. Tacit bargaining can help to keep the area of hostilities limited, restrain the use of force, and prepare the ground for negotiations to terminate hostilities. These functions of tacit bargaining received little detailed attention until the 1950s, when they were analysed in connection with studies of limited war, arms control, and military deterrence. Negotiation, by contrast, is necessary for more complicated forms of collaboration, for most exchanges, and for any arrangement where an explicit agreement is essential.

The process of negotiation can have side effects that do not concern the agreement that is ostensibly being negotiated. In international diplomacy, these side effects are far more important than, say, in business or labour-management negotiations. Indeed, they are sometimes the principal or only reasons why governments participate in an international conference. That is, governments may negotiate not so much to obtain favourable terms of agreement as to spread propaganda, to gather intelligence, to influence third parties, to divert the opponent from the use of force, to device him, or to maintain contact with him in order to communicate on the matters. In areas such as disarmament, where public opinion generally favours negotiation, governments may attend conferences just to appear virtuous. One advantage of private or secret diplomacy when agreement is desired is that it reduces the importance of some distracting side effects.

Negotiation can be analysed in terms of (a) the interaction of some basic choices that the parties, must make and (b) certain basic moves through which each party can influence the opponents' choice. Game theory provides the tools for simplified structure. Like other models in social science, they are, of course, of limited use in the study of negotiation, because they frequently do not represent enough of reality to be relevant and sometimes misrepresent even that part of reality which they address. What a model can easily, represent is the interaction between each party's choice of settling for the opponent's terms or not concluding an agreement, provided each party maintains unchanging evaluations of its gains and losses from each outcome (i.e. provided the utilities of each outcome remain stable for each party).

Obviously, negotiation can result in agreement only if there exists at least one set of terms on which each party would prefer to have no agreement. Frequently, several sets of terms or a range of terms among which the parties have conflicting preferences meet this condition. The question arises, therefore, on which terms the parties will settle-who will get his way.

Commitments and threats are the two basic moves in negotiation. If you make a commitment, you try to alter the opponent's expectations about your future conduct by changing your own incentives; if you issue a threat, you try to alter your opponent's expectations about his payoffs that which results from his making certain choices. A commitment is a move to convince your opponent that will maintain your current position, or implement your prediction, by making it more difficult for yourself not to do so. A threat is a prediction addressed to your opponent (or to those who might influence him) that he will suffer a certain loss if he does not comply with your wishes.

9.6 MEDIATION

When the parties refuse to negotiate, a third State may come forward and tender its good offices for the purpose of conciliation. In making its good offices available, a third State or an international organisation acts as transmitting agency. The term "good office"

connotes the bringing about of the conflicting parties together and the counseling of advice or the suggesting of a settlement without participating in the negotiations. Such suggestions or advices may be disregarded by a party to a dispute without any compunction or breach of law.

The term “mediation” comes from the Latin *medius*, – middle, and refers to the process of stepping between disputing parties in order to settle their differences. It is one of a family to techniques for pacific third-party intervention in conflict. Mediation has existed in various forms throughout history and in most parts of the world, but in recent years, its importance has increased substantially. Its traditional areas of application included disputes within families and between employees and management. Third party intervention as a response to conflict has been used everywhere and in a variety of contexts ranging from neighborhood and personal conflicts, to groups, organisational, environmental and policy conflict. In particular, elective mediation by a third party can help minimize the risks involved in establishing communication between opposing parties to a conflict. These have now been expanded to include community conflicts, ethnic group relations, confrontations between criminals and their victims, and many other areas. In international relations mediation also has a long history, but it has been considerably less successful, and efforts are underway to improve its record.

Traditionally, interstate mediation has been studied and practiced by political leaders, diplomats, and international lawyers; these have now been joined by peace researchers from a variety of disciplines. In the 1970s and 1980s, the academic interest in both domestic and international mediation has produced a substantial body of scholarly literature, especially on the theoretical aspects of the subject. There appears to be a growing belief in the peace research community that the problems of war and injustice in the world could be significantly ameliorated if ways are found to match, at the interstate level, the achievements of intermediaries at the interpersonal and intergroup levels.

The mediator – either on his own initiative or at request of the disputing parties – is entrusted with the duty of looking into the dispute and finding some method of peaceful settlement. He assumes the role of middleman and acts in a conciliatory way to reconcile the opposing claims and appease the feeling of resentment finding place between the states at variance. He deals with the substance of the dispute. The mediation presupposes the active participation of the third state in negotiations; but the mediator’s suggestions have no binding force and the parties are free to accept, reject or modify them.

Mediators, as the word implies, are in the middle. They interpose between the conflicting parties in order to help them in their conflict management effort. This usually occurs when (a) a conflict is long, drawn out and complex, (b) the parties have reached a deadlock with their own conflict management efforts, (c) continuation of the peaceful conflict is seen as an exacerbating factor by all concerned (sometimes referred to as conflict fatigue), and (d) there exists some premise for communication or cooperation between the parties.

What mediators try to do is to act as an instrument to establish or re-establish sufficiently good communications between conflicting parties, so that they can talk sensibly to each other without being biased by such emotions as anger, fear, and suspicion. This does not necessarily resolve the conflict. Mediation must be followed up by skilled negotiation, usually directly between two protagonists. Since the mediators are expected to facilitate dialogue between conflicting parties, they should help them to reformulate their ideas into clearer patterns and more precise (sometimes summarizing statements and asking direct or

indirect questions) or by suggesting a non-threatening or neutral language. Most of all, they help the parties to listen to each other in order to unlock the issues at stake.

9.7 CONCILIATION

Conciliation requires the third party to become involved in the substance of the dispute, although only to a limited degree. Conciliation is an electric process, consisting of whatever steps seem to be appropriate to enable the parties to reach a mutually acceptable settlement of their dispute by themselves. Conciliation is a process of formulating proposals of settlement after an investigation of the facts and an effort to reconcile opposing contentions, the parties to the dispute being left free to accept or reject the proposals formulated. The term implies various methods adopted by a third party to amicably settle the dispute between two or more parties. It involves the formulation of proposals of settlement after an investigation of the facts. The dispute may be referred to a commission for favour of proposals to the parties for settlement. Such proposals have no binding force on the parties to the dispute. The Hague Conventions of 1899 and 1907 provided for the pacific settlement of disputes by means of conciliation commissions. These commissions were set up by agreement of the parties, which, after investigation of the dispute, made their report indicating the way to settle the dispute amicably.

The conciliator, therefore, always stops short of making substantive proposals, while at the same time, assisting the negotiations between the parties in every possible way. The strategies of conciliation are to elucidate the nature of the conflict, which the parties may have difficulty in seeing clearly if they are angry and aggrieved; to clarify the attitudes of the parties to each other, ideally in each other's presence; and to explore with the parties the possible range of options open to each of them.

The procedures of conciliation, therefore, are supportive, non-directive, and facilitative. The most important part of the task consists of listening to the parties' own accounts of their shared problem. But some more active tactics may also be employed. If the dispute is between individuals or small groups, conciliation may include personal and psychological counseling, as in marriage guidance and probation work. If the dispute is between occupational groups, organisations, or political groups, conciliation may extend to fact finding or 'inquiry' together with authoritative interpretation and advice about legal arrangements which may apply to the matters under dispute. However, these more active steps continue, under conciliation, to serve the purpose of assisting the parties rather than directing them. The highest achievement of the technique is "reconciliation" whereby the conflict between the parties is completely resolved and their relationship is restored to normality. If conciliation is insufficient, then the third party's next step is mediation. A mediator employs all the basic techniques of conflict management up to and including conciliation. But in addition, the mediator goes beyond supportive activities into the formulation of proposals, is restricted to clarifying the views of the parties and providing technical advice on attitudes or on the implications of a particular option, the mediator takes the further step of suggesting various ways around the obstacles to the path towards a settlement. And in all pacific party activities, the mediator seeks to maintain absolute neutrality in this delicate process, because the rule of impartiality is easily violated when proposals about the outcome of a conflict are being laid on table. To be acceptable to the parties, the mediator's role must be perceived not only as disinterested but also as legitimate and expert. For this reason, there is now much emphasis in the United States

where the study and practice of mediation is most advanced, on the development of training schemes and codes of conflict. This has led in turn to the emergence of an independent profession of mediations with the work based on the discovery that mediation is ideally suited to polycentric dispute and conflict those with a continuing relationship, since it minimizes intrusion, emphasizes cooperation, involves self-determined criteria of resolution, and provides a model on interaction for future disputes.

However, if both conciliation and mediation fail, it may be possible for the management process to move, via mediation, to the strongest end of the spectrum of available methods: for legal settlement. This requires the parties to the dispute to abide by the decision of an impartial mediator, such as an arbitrator, a panel of Judge, or an independent commission. At this end of the continuum, conflict management technique merges into the executive process of government. Government consists of the authoritative allocation of values, which are in dispute between individuals or groups, and is made possible by a mixture of coercion, tradition, and the general consent of the governed. Both the political process (whereby issues are identified and personnel selected for government) and the mental process (making policies and laws, enforcing them, and adjudicating them) involve continual conflict management. On the political or input government, the usual techniques are conciliation and mediation, as when a political party leader persuades an assortment of conflicting groups to consensus and merge into board coalition executive or output side of government, the usual techniques are coercive, carried out by agencies which are backed by the power to compliance.

Conciliation differs from mediation in as much as the former denotes references of a dispute to a body of persons for ascertaining the facts and suggesting terms of settlement, while the latter denotes negotiations between the parties through the agency of a third party. Conciliation also differs from arbitration as in the former the parties to a dispute are free to disregard the result of the negotiations, but in the latter, there is a legal decision of the arbitrator in the form of an award binding on the parties.

9.8 SUMMARY

In the world society as a whole, the picture is very different. Extensive machinery for most forms of pacific intervention in conflict does exist in international relations, notably direct negotiation through diplomacy, along with a considerable array of procedures and institutions for legal settlement. However, it is traditional in both the theory and practice of international relations to lay the greatest weight on the procedures available at the extreme ends of the spectrum: negotiation (bilateral or multilateral) on the one hand, and legal settlement on the other. The assumption, traditionally, has been that where good offices and negotiations fail, arbitration and other quasi-governmental process are the next significant step. The success rate of legal settlement however is extremely poor. If negotiations cannot solve a problem, then it is common practice in world affairs either for the problem to remain unsolved, or to be dealt with by force. It is, of course, the case that the intermediate stages of peaceful conflict management, conciliation, mediation, are provided for in the institutions and practices of international relations. But they are frequently used by comparison with their rate of employment in domestic society; they have been little studied until recently, and they have really been successful.

9.9 TERMINAL QUESTIONS

- 1) Discuss the main responses of people for conflict resolution.
- 2) Examine the efficacy of confrontation for the resolution of conflicts.
- 3) How is conciliation better than confrontation as technique for conflict resolution?

SUGGESTED READINGS

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