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CONFLICT RESOLUTION AS A POLITICAL PHILOSOPHY

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Disputes and Conflicts

Conflict resolution is a recent concept. It is still not part of any consensus understanding. Indeed, the terms *disputes* and *conflicts* are used interchangeably, as are *settlement* and *resolution*. In the emerging literature on conflict resolution these terms have distinctive meanings. "Disputes" involve negotiable interests, while "conflicts" are concerned with issues that are not negotiable, issues that relate to ontological human needs that cannot be compromised. Accordingly, "settlement" refers to negotiated or arbitrated outcomes of disputes, while "resolution" refers to outcomes of a conflict situation that must satisfy the inherent needs of all. Hence we have *dispute settlement* and *conflict resolution*.

I wish to emphasize these precise uses of terms because clarifying their meanings goes to the heart of the problem we are discussing, that is the separate but generic nature of disputes and of conflicts. If there were no differences between disputes and conflicts, if, that is, all human relationships could be regulated and controlled by an authoritative third party, then with sufficient means of enforcement, we could be assured of harmonious relationships domestically and internationally. History shows us that this is not the case: there are situations, both domestic and international, that are not subject to authoritative or coercive settlements.

For example, we are experiencing ethnic and alienation conflicts that are threatening the social stability of even the most developed of societies, including the United States. These are evidence that the person or group, when deprived of some essential human needs, cannot be socialized or induced to behave according to the dictates of law. The greatest military power in history could not in the 1960s subdue a small post-colonial Asian nation that was seeking its autonomy. There are such conflicts at all societal levels, that is situations in which ontological needs of identity and recognition, and associated human developmental needs, are frustrated. These conflicts cannot long be contained, controlled or suppressed, but can be resolved and prevented by the satisfaction of such needs.

Associated with confusion in the use of terms, and the underlying

conceptual confusion, is the tradition of treating domestic and international disputes and conflicts as separate phenomena. Because it has been assumed that there is no distinction between disputes and conflicts, it has been reasonable to treat international situations, often far more devastating than domestic ones, as more serious, inviting the stronger term "conflict". But the two phenomena are generic: there are both domestic and international disputes and conflicts.

The assumptions lurking behind the confusion in terms has led to major policy mistakes. Underlying the assumption that all domestic disputes can be handled by central authorities, which are supposed to have a monopoly of power with which to enforce peaceful relationships, is a hidden assumption that there are no domestic conflicts, as we have defined the term: there are no situations within a nation-state that are not subject to such coercive control. This thinking has reasonably led to attempts to introduce into the international system some form of central authority based on this domestic model. The United Nations Charter reflected this thinking. Under Article 43 there was to be a standing international force at the disposal of the Security Council with which to enforce its decisions. Fortunately members have not contributed such forces. But in its absence some great powers have sought to head the United Nations in this direction, and we had the example of the Korean War.

But now we face the reality that the domestic model was a fiction inherited from a past of false assumptions and coercive central authorities. In so far as conflict was avoided, it was by repression for limited periods of time. The majority of conflicts in the global society are internal ones, in many cases spilling over into the international system. We are forced to the conclusion that conflict is a generic phenomenon that knows no system boundaries. Whether we are dealing with interpersonal, community, ethnic, international relations, we are dealing with the same ontological needs of people, requiring the same analytical processes of conflict resolution. Indeed, the international model of separate entities that co-operate on a functional basis may be a model for many states that have within them separate ethnic and identity groups, each seeking autonomy within a wider system of relationships.

The distinction between disputes and conflicts provides us with two conceptual frames: on the one hand, situations that are negotiable, and, on the other, those in which there can be no compromise. These distinctive conceptions imply two very different means of treatment. The first are subject to judicial and arbitrated processes, but the sec-

and require analytical problem solving. Our language as commonly employed has not as yet provided us with means of making these distinctions. Because we have not made these distinctions we are not able to tackle problems appropriately, and far less are we able to predict conflict situations, and follow policies designed to prevent conflicts occurring.

Power Political Realism versus Behavioral Realism

It is useful to look back a few decades and to see where these different conceptual frames emerged. Among the most perceptive of contributions is an article by Michael Banks, "The International Relations Discipline: Asset or Liability for Conflict Resolution?" (Banks 1986). In it he traces the development of practice and thought from feudal times to the present, noting that what was called "political realism" is proving to be far removed from realities, and what has been termed "idealism" is proving in practice to be less self-defeating and more realistic than the traditional power approach.

What is clear in retrospect is that what was termed "political realism" was realistic only in the limited sense that it was practice. From early feudalism to the present day practice has been to govern through coercion. There was no theory that justified this political realism. Failures, such as revolutions and wars, could not be explained except by failure to employ sufficient power. There being no theory there was no explanation of conflicts, and no basis of prediction of future conflicts. Political realism as practice has now been shown to be unrealistic in behavioral theory, and self-defeating in practice.

The traditional idealists also lacked a theory. There was a belief system based on a desire for cooperative relationships, but no theory that could explain conflict, still less justify alternative policies.

The result has been an alarming void: power politics has failed domestically and internationally, but no alternative has been articulated and applied as policy. This is the bankrupt state of civilisation at the end of the twentieth century.

From Subjectivity to Theory-based Objectivity

The absence of any theory becomes apparent when, once again, we examine the use of terms. Without a theory or explanation of human behaviours, only subjective meanings can be given to the concepts of the idealists such as "justice", "the social good" and "human rights". Furthermore, the institutional means of achieving these subjective goals reflects ignorance of the nature of justice, the social good and

human rights. "Democracy", for example, has had the meaning of majority government, but when applied to class and ethnic minorities such government is experienced as unjust, not in the social good, a denial of human rights, and, furthermore, a major source of conflict. Only an adequate theory of behaviour can eliminate this subjectivity in the use of important concepts.

We have taken the power political track following Morgenthau (Morgenthau 1948) and Schwarzenberger (Schwarzenberger 1964) in the 1930s, a track still followed by the majority of political scientists and all strategists. We now have to find a theory of behaviour that explains conflicts, and deduce from this theory the appropriate means of handling them.

A start was made in Berlin in 1979 when an international group discussed the nature of the person that would be the subject of analysis if there were no separate constructs such as economic man, legal man, psychological man and sociological man. Their book, published in 1980, was called *Needs Theory*, (Lederer 1980) and they described the essential attributes to this difficult real person whose ontological needs prevent him or her being socialized and coerced into behaviours convenient to political leaders or academics.

This study reflected a growing disquiet in behavioral sciences. In the 1960s scholars had been challenging the assumptions of their disciplines, and discovering the real person. In industrial relations Blake, Shepard and Mouton challenged the assumptions underlying employer-employee relationships (Blake *et al* 1964). In sociology Steven Box challenged the assumptions that were then basic to contemporary thinking about deviance (Box 1971). A few years later Paul Sites focussed on the way in which human needs deprivation forced the individual to act in ways that would otherwise not be chosen (Sites 1971).

There has emerged as a consequence the beginnings of a new conceptual orientation still perceived unclearly, and not yet part of conventional wisdom: a realization that there are human ontological factors to take into account. Because they are ontological they cannot be subjected to authoritative controls. Whether we are dealing with children, with street gangs, ethnic communities or nations of peoples, we are finding that there are human problems to be solved, and that no amount of coercion or repression can for long contain human developmental aspirations. The Department of State Foreign Service Institute refers to "track two diplomacy", the second track being the analytical and problem-solving one (McDonald *et al* 1987). This is at

least an important first step. The second and perhaps vital step is to move toward the second track as the main one.

The alternative to power politics, that is the behavioral approach that assumes certain human needs must be satisfied if conflict is to be resolved, is at long last being articulated and understood at least within that still limited academic population concerned with conflict resolution. A library is emerging (Burton *et al* 1990). Courses are being taught.* We have the beginnings of practice, and the appropriate procedures are being spelled out.

This theory of behaviour does provide us with an objective basis on which to define concepts. "Justice", "the social good" and "democracy" relate to conditions that satisfy human needs of identity, recognition and autonomy, all of which imply equity.

As with any paradigm shift, however, there are resistances from both scholars and practitioners. This is understandable, especially in this case. We are experiencing a paradigm shift, a fundamental one touching on the foundations of political philosophy. It challenges the traditional notion that the person can be socialized into the requirements of institutions, and asserts that institutions must accommodate in a continuing way to certain inherent and universal human needs.

Political Experience

Recent events in Eastern Europe have alerted us to these realities. But as yet we have not been prepared to apply such lessons to our own societies. As yet there seems to be little understanding that what has happened in Eastern Europe is part of an historical process, driven by the ontological struggle of needs satisfaction, that must take place in all societies where authoritative controls and inequitable institutions fail to cater to human needs. Rationalizing policy on the basis of human rights that are defined conveniently to fit existing cultures and institutions cannot for long prevent the assertion of human needs.

We have gone through colonialism and imperialism of various kinds, but societies have as yet not been prepared to apply the lessons of the failure of power to their own internal problems. Drug violence and gang warfare are symptoms of social deprivations, and can be tackled only by dealing such deprivations. Ethnic conflicts are a symptom of lack of recognition and autonomy, and can be avoided only by constitutional and perhaps boundary changes. And there are

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even deeper problems associated with the personalities of leaders whose corrupt and violent behaviours reflect insecurities that require appropriate constitutional safeguards that can ensure limitations on the decision making of all power elites.

Problem-Solving Conflict Resolution

Academia now faces a major challenge. We must go back to fundamental assumptions and reexamine them. In particular we must move from institutions to persons as the units of analysis, and deduce a political theory on this basis. From such a political theory we must deduce policies, and then move to application. At this stage, if we encounter problems, there is new material to be fed back into our consideration of hypotheses. This is the course of problem-solving conflict resolution. As a result it is now beginning to come up with theory and policy, and the testing of practice.

The procedures are readily deduced. First there must be a careful analysis of parties and issues. Second it is necessary to bring those two parties whose relationships are most affected into a facilitated interactive situation in which relationships are analysed in depth. Other parties and issues are dealt with in due course in the same way. At this stage no proposals are entertained, nor is there any bargaining or negotiation. When there is an agreed definition of the problem, and a full assessment of the costs of existing policies based on a knowledge of responses to the denial of human needs, there can be exploration of possible options. These steps are set out in detail in a handbook devoted to the subject (Burton 1987).

Conflict Prevention

Resolving one conflict, however, does not prevent the next one. Conflict resolution, unlike dispute settlement, is not primarily or even mainly concerned with particular cases. Its processes are analytical and problem solving, and its approach is within a theoretical framework or explanation of conflict. Its main thrust is, therefore, in conflict prevention, in isolating and removing the sources of conflict.

In this sense conflict resolution is a fundamentally different exercise from any settlement processes: it is concerned with prediction and with policy formation based on a political philosophy that asserts that the satisfaction of human needs that are universal must be the ultimate goal of survivable societies.

Let us take as an example the situation in South Africa — or Fiji, or

Sri Lanka, or Cyprus, or Northern Ireland, or the USSR. In South Africa there is a minority of whites concerned to maintain their autonomy just as the minorities in these other cases seek to achieve their separate identity. One-man-one-vote in South Africa would place minorities in the same situation as are these other minorities now seeking separation. Why then should we be supporting one-man-one-vote rather than some altered constitutional form that satisfied the concerns of the minority?

In a power bargaining situation, and with foreign support, it could be that this form of "democracy" could be forced on the whites in South Africa. Most would leave the country with whatever resources they could take with them. Their presence could in other circumstances be valuable to the development of the economy. A problem-solving process could lead to constitutional relationships that could preserve their legitimate needs, and also those of other minorities, including some African groups which wish to achieve their separate autonomy. This would not be a federation, for federation also rests on the numbers game. It would be a functional arrangement amongst equals, not unlike the international system.

The same considerations apply at all societal levels. Studies of members of "gangs" show very clearly that members are persons deprived of relationships, desperately seeking them in what appear to be the only means available. The works of sociologists like Box and Sties demonstrate that behaviours that are illegal and blatantly anti-social are adopted frequently, if not mostly, in the absence of viable alternatives.

Alternative Dispute Resolution

At this stage I wish to make some comments on what has come to be known as "Alternative Dispute Resolution" or ADR, and to separate problem-solving conflict resolution from it.

By "alternative" in this context is meant alternatives to courts. Indeed, institutionally many ADR practices are an adjunct of courts, and sometimes required by courts before cases are referred to them. The assumption is that if disputes cannot be arbitrated or mediated, then they must be adjudicated. Underlying this assumption is the unstated one referred to above: that all situations, whether disputes or conflicts, can be managed by reference to legal norms or by some form of negotiation.

It is true that ADR is confined usually to disputes over compensation or some negotiable issue. But frequently there are hidden

elements touching on non-negotiable human needs. In Australian recently there has been an air pilot strike. It was assumed to be over wages. Courts, politicians and unions could not bring it to an end. In fact it was about status, and the changing status of pilots. No longer are they the rare and respected captains of former times. There were non-negotiable issues involved that required careful analysis and treatment. So it is with many, if not most, industrial and other matters with which ADR deals. What are required are not adjuncts to courts, but real alternatives that can provide the analytical problem-solving approach that courts cannot provide.

The danger is that ADR will be captured by the more powerful whose influence in the creation of the legal system has waned, and who could more readily manipulate this emerging adjunct alternative.

Having made this observation one must go further. If problem-solving processes are to be institutionalized they must impinge upon judicial processes. If legal norms based on precedents cannot resolve problems, then there must be changes in legal norms. Courts must also move toward an understanding of the realities of human needs. Legal processes are well established, and there cannot be a solution to domestic or international problems just by by-passing them or finding alternatives. The legal fraternity itself must play its part in bringing about the paradigm shift that is required if civilizations are to cope with escalating conflicts and violence.

Members of societies globally, even those of the most affluent, are demonstrating by protest, by the deviant behaviours of their members, by exposing deprivations of minorities and underprivileged sections, the need for changes in institutions and policies designed to provide for the satisfaction of human aspirations and needs. If legal processes, ADR or others, were to pursue problem solving rather than coercive or deterrent strategies, in time there could be knowledge of adjustments required. But such a shift in orientation would require a substantial change in professional training and practices in many fields, as well as in perceived longer-term interests.

Crises in Capitalism and Communism

I am led to my final observation. Civilizations are at a critical stage, perhaps more critical than at any past stage. The past, from feudal times to modern industrial society, has been a consistent one of power politics. Indeed, even in the United States there has not been as yet the movement required to abolish the essence of slavery. It has merely

altered in form. There is no need any more for entrepreneurs to own and lock up slaves. They are there in their thousands in ghettos throughout the country, available at rates far below that which would be required to avoid malnutrition. They cannot run away, there is nowhere to go. Those who try to break out of the ghetto, by stealing or as entrepreneurs peddling drugs, are locked up in prison. It is important to place present conditions in a human perspective: serfdom in one of its many forms is still with us. Until we can get rid of it there will be violence and conflict.

Capitalism has in this sense failed us. It has constructively provided incentives for personal gain, and these have led to major exploitations of resources and developments as measured by GNP and resource use. But unrestrained capitalism has led entrepreneurs to undervalue the social good: gross inequalities of income have give rise to serious social and economic problems. They have also undervalued the longer-term ecological good: resource exploitation has been at the expense of the future. Attempts to curb these trends by so-called "left wing" governments have been impossible because any success would destroy the system. The degree and type of government intervention within a free-enterprise system remains a contentious issue. Projecting into the future there is no reason for optimism about quality of life even in the most affluent of private enterprise societies. The future of societies that are not yet economically developed is no less bleak than that of the underprivileged within affluent societies.

Communism has also failed as can clearly be seen. The idealist anticipation of an individual capacity to be motivated, not by reward, but by promoting the social good, has proved to be limited. While there is a demand for consumer goods, there is resistance to work-rewarding demands made on people to provide these goods.

Both systems have necessarily been authoritarian systems with their privileged classes in control. Given the inherent problems of each this is inevitable. In capitalist societies demands for unearned social and economic benefits have to be resisted. In many cases the problems within the free enterprise system have stimulated revolt, leading often to military dictatorships. In communist societies demands for consumer goods and services, and freedom to choose occupations, have had to be repressed.

Both make the same assumption, that the person is wholly malleable and can be socialized or coerced into required behaviours. No increase in courts, police or alternative dispute settlement processes can make up for the inherent deficiencies of these systems.

Neither has means of dealing with its problems or the conflicts they create within or between nations. This seems to be the common failing of both systems, and of any others that have been tried, such as fascism. The reason is that political systems so far experienced have rarely had means of system change, other than system overthrow by violent means. Conflict is a symptom of the need for system change. Conflict resolution processes and conflict prevention policies could be the means for peaceful change.

Conflict Resolution as a Political System

The question I wish to pose is whether, and to what extent, can analytical problem-solving processes, widely applied, promote the means of continuing change and contribute to an alternative political system?

This may seem a strange question to ask in the context of a discussion on conflict resolution. But let us look again at the nature of the problem of conflict and its resolution.

Disputes that are over negotiable interests will always exist, as will problems of management amongst persons who have common goals and values. But both can be dealt with by applying consensus norms, and by management techniques. Here ADR has an important contribution to make. Quite simple training can lead to greatly improved management techniques, and appropriate institutional forms of mediation can deal with interest disputes if there are no other underlying issues.

When we come to conflicts, however, it is not sufficient to deal with particular cases and institutionalize means of dealing with them. There must be policies that prevent situations of conflict arising. Prevention becomes the main task. Conflict resolution thus is part of the field of political philosophy. It is relevant to all systems, capitalist, communist and others. Problem-solving processes and conflict prevention policies are the missing ingredients in dealing with systems as we have experienced them, inadequate and subject to crisis and failure.

Such problem solving is outside any ideological concept. It is neither right nor left. It is applicable to all systems, and it is a process and philosophy that brings systems together.

A Summary

Let me summarize. Management problems and disputes over negotiable interests are not a major problem. Too little has been done

about them in the past because systems have been elitist and authoritarian, but good progress has been made in recent years in dispute settlement techniques. In due course courts and legal processes can be expected to alter norms and procedures to involve far more the parties in dispute.

Conflict resolution, on the other hand, has been a neglected subject. It is a challenge to all existing societies — capitalist, communist, or other. It is a process that can deal with complex situations, national and international. Its interactive analytical problem solving processes have been tested and show enormous promise. But the resolution of particular conflicts is just a small beginning. While it helps to provide insights into the nature of conflict and conditions that stimulate conflict, by itself it does not deal with the problem of conflict. Conflict prevention is the goal. Both are part of a process of system change, and their theoretical framework points political systems in the directions required.

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