Practical Impacts of Theoretical Lenses

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Introduction

In the field of dispute resolution, mediators and scholars have invested a lot of time, efforts and ink in the discussion about the neutrality of mediators and arbitrators.

While neutrality may be an ideal to be pursued, it is an unattainable goal. There is no such a thing as a neutral human being. Neutrality would require mediators with no previous history, experience, ideas, and assumptions.

On the other hand, impartiality may be a more reasonable and attainable goal. Impartiality, however, can only be achieved by mediators through the self-knowledge and awareness of the assumptions that inform their decisions and behavior.

In order to achieve such impartiality, mediators must relentlessly pursue knowledge and awareness of lenses he/she uses when intervener in a dispute.

The lenses through which each mediator or arbitrator see the dispute will determine his/her vantage points, and, therefore, will have significant impact on how the dispute and its resolution is managed.

Different lenses will necessarily determine different approaches and perspectives. Consequently, understanding how different lenses will dictate different conflict management approaches and outcomes is critical for successful mediations.

The objectives of this paper are to:

1. Compare the underlining assumptions and principles that inform two different theoretical lenses: Game Theory and Conflict Transformation Theory; and

2. Analyze how the use of different theoretical lenses impacts the mediators' choices in the conduction of mediation.

Game Theory vs. Conflict Transformation Theory

In mediation, depending on which theoretical lenses is adopted by the mediator, the approach, choices, and likely results of the process will be significantly different.

In order to preserve its impartiality and apply the right lenses to the right practical cases, a mediator must understand the assumptions that are conditioning her/his actions.

Comparing two different theoretical lenses is, in this scenario, a useful exercise to exemplify the practical impact of the adoption of different theoretical lenses to the same dispute. To this end, this paper focuses on the comparison between Game Theory and Conflict Transformation Theory.

It could be argued that Game Theory and Conflict Transformation Theory represent two opposite and competing theoretical lenses in the field of dispute resolution. As demonstrated in this paper, these different lenses imply in conflicting assumptions and value that impact and inform the way a dispute is seen, approached and managed.

Game Theory and Conflict Transformation Theory differ in the assumptions related to the conflict vision; the perceived reality; the perception of time; the notion of human nature; the human nature; the motivations and actions; the social interactions; the conflict outcomes; and the effective strategy to manage disputes.

Conflict Visions

Game Theory adopts a problem-solving orientation. In Game theory, a conflict is a fixed problem that calls for a solution that can be found though the application of a one-size-fits-all dispute resolution process. Conflict resolution is, therefore, content centered (Lederach, 2003).

Conflict Transformation Theory, on the other hand, takes the view that conflicts are normal and recurrent in human relations and an opportunity for change and improvement (Lederach, 2003). Conflicts are not a problem to be solved, by rather an elastic, changeable process (Tidwell, 2001).

A natural consequence of this world view is that, since conflicts are a natural consequence of social interactions, conflict resolution process is viewed as relationship centered (Lederach, 2003).

Perceived Reality

Game Theory perceives reality as fixed, objective and measurable. Reality is equally perceived by all the stakeholders involved in the conflict.

Conflict Transformation Theory, on the other hand, assumes that reality is socially constructed; always changing and subjective. Therefore, each of the stakeholders involved in the conflict will perceive it differently.

Time Frame

In Game Theory, a conflict is linear and defined. According to these lenses, it is possible to determine with precision the beginning and the endpoint of a given conflict or dispute (Mitchel, 2002).

A natural consequence of this worldview is that, in Game Theory, conflicts must be resolved within a measurable and defined timeframe in the shortest period of time (Lederach, 2003).

Conflict Transformation, however, adopts a non-linear vision of conflict. The conflict's beginning and endpoint are not determined, precise or objective (Mitchel, 2002). Consequently, conflict transformation is a process with mid to long range time frame (Lederach, 2003), which often is open ended.

Human Nature

Game Theory follows the Hobbesian paradigm according to which the human being is naturally individualistic, rational and self-serving. Human beings will analyze and decide on their course of actions exclusively based upon their individual and quantifiable interests.

In Game Theory, human beings will use language to precisely communicate truth. Game Theory assumes that language is an efficient media to express truth about a fixed reality (Gergen, 2001).

Conflict Transformation assumes that relationships are important and, since reality is socially constructed, rationality will vary with cultural context in which the conflict is inserted.

Human beings, according to Conflict Transformation Theory, have the capacity for both consciousness of the human experience; and for relating to the experience of others (Folger, 1994). Language, in this world view, creates context and shapes reality (Gergen, 2001).

Motivation/Actions

Since, as demonstrated above, human beings are rational, the parties in a conflict, according to Game Theory, will naturally calculate the payoffs of they every move and decide rationally on the basis of the expected payoff (Rigney, 2001).

Furthermore, since, according to Game Theory, human beings are individualistic, the parties in a conflict will, according to its theoretical lenses, aim at the maximization of their individual respective payoffs without any concern for the well-being of others. In other words, the decision making process is based on individualistic rational choices (Rigney, 2001).

Conflict Theory uses different paradigms to assess the actions in motivations in a conflict. Its approach is based on two principles (Lederach, 2003): a positive orientation toward conflicts, according to which conflicts are not a problem, but rather may represent opportunities for growth and innovation; and the belief, that the parties may be willing to use the conflict to engage in an effort to produce constructive change and growth.

Consequently, in Conflict Transformation Theory, the focus must always be on transforming relationships at the personal, relational; structural and cultural levels (Lederach, 2003).

Social Interactions

In Game Theory, parties will choose their own moves according to their expectations of the other party's movies in the future. In this scenario, cooperation would only be possible when the payoffs for cooperating are larger than those of not cooperating (Rigney, 2001).

In Conflict Transformation Theory, the parties are naturally social beings whose identity, behavior and culture are shaped by society. Social cooperation, therefore, is part of human nature. Consequently, the key to a satisfactory outcome for a conflict is the relationship between the parties.

Outcomes

In Game Theory, conflict resolution and settlement are synonymous. Conflicts are resolved through settlement with two possible outcomes (Rigney, 2001): (i) win-win, in which the total payoff expands and parties enjoy part of the prosperity; and (ii) Zero-Sum, in which the gain of one party comes at the expense of the other party.

Conflict Transformation Theory could not be more different. According to this paradigm, the conflict resolution objective is the transformation of the relationships, interests, discourses and structures in order to establish a constructive conflict dynamics (Miall, 2003).

Effective Strategy

According to Game Theory, Tit-to -tat, is it the most effective strategy for dispute resolution. In the Tit-to –tat strategy, the party/player (i) cooperates in the first round and imitates the other players/behavior in the next rounds; will cooperate when the other party/player cooperates and punish the other party/player when there is no cooperation (Rigney, 2001).

In Conflict Transformation Theory, on the other hand, a successful strategy contains other requirements (Mitchel, 2002): multi-level participation; empowerment of the disenfranchised; outcomes controlled by those involved in the conflict (self-determination); focus on traumas, hurts and sense of past injustices; interveners must understand cultural and social structures; co-creation of a new understanding of the

conflict; creation of structures that maintain, deepen and continue positive changes; and mutual, inter-active education of the adversaries about the nature of the conflict.

The Differences between the models and their assumptions are summarized in the table below:

	Game Theory	Conflict Transformation
Conflict Vision	• Conflict is a fixed problem that must be solved (Problem solving orientation). • Same conflict resolution processes apply in all cases and social settings. • Conflict resolution is content centered (Lederach, 2003)	• Conflicts are normal in human relations and an opportunity for change and improvement (Lederach, 2003). • Conflicts are an elastic, changeable process (Tidwell, 2001). • Conflict resolution process is relationship centered (Lederach, 2003).
Perceived Reality	• Reality is fixed, objective and measurable.	• Reality is socially constructed; always changing and subjective.
Time Frame	• Linear vision of the conflict with clearly defined beginning and endpoint (Mitchel, 2002). • Conflicts must be resolved within a short term time frame (Lederach, 2003).	• Non-linear vision of conflict where beginning and endpoint are not determined (Mitchel, 2002). • Conflict transformation is a process with mid to long range time frame (Lederach, 2003).
Human Nature	• Individualistic; • Rational; • Selfish; • Amoral; • Self-serving; • Language as a truth bearer (Gergen, 2001).	• Relationships are important. • Rationality varies with cultural context. • Human beings have both the capacity for consciousness of the human experience; and for relating to the experience of others (Folger, 1994). • Language creates context and shapes reality (Gergen, 2001).

Motivation/Actions	• Parties/Players accurately calculate their payoffs and rationally decide based on them (Rigney, 2001).
	• Maximize payoffs through strategy and deception without concern for the well-being of others (Rigney, 2001).
	• Decision based on individualistic rational choices (Rigney, 2001).
		• Approach based on two principles (Lederach, 2003):
		   o Positive orientations toward the conflict;
		   o Willingness to engage in an effort to produce constructive change and growth.
		• Focus on transforming relationships at the personal, relational; structural and cultural levels (Lederach, 2003).

Social Interactions	• Social interaction involving strategic play: parties/players will continuously choose their own moves according to their expectation of the other parties/players´ moves in the future (Rigney, 2001). • Cooperation increases only when payoffs for cooperating are	• Humans are naturally social beings and their identity, behavior and culture are shaped by society. • Social cooperation is part of human nature.

	Game Theory	Conflict Transformation
	larger than those of not cooperating (Rigney, 2001).	

Outcomes	• Conflict is resolved by achieving a settlement:
	   o Win-win: the total payoff expands and all parties/players enjoy part of the prosperity;
	   o Zero-sum: the gains of one party/player come at the expense of the other players (Rigney, 2001).
		• Objective is the transformation of the relationships, interests, discourses and structures in order to establish a constructive conflict dynamics (Miall, 2003).

Effective Strategy	• Tit-to -tat, where (Rigney, 2001):
	   o The party/player cooperates in the first round and imitates the other players/behavior in the next rounds;
	   o The party/player will always cooperate when the other party/player cooperates and punish the other party/player when there is no cooperation.
		• Successful strategy must contain (Mitchel, 2002):
		   o Multi-level participation;
		   o Empowerment of the disenfranchised;
		   o Outcomes controlled by those involved in the conflict (self-determination);
		   o Focus on traumas, hurts and sense of past injustices
		   o Interveners must understand cultural and social structures;
		   o Co-creation of a new understanding of the conflict
		   o Creation of structures that maintain, deepen and continue positive changes;
		   o Mutual, inter-active education of the adversaries about the nature of the conflict.

Practical Consequences of Theoretical Lenses

Ultimately, the success in mediation is defined by the mediator's ability to work with the parties in order to resolve the dispute that brought them to the mediation table. In order to do so, the mediator will apply his/her expertise to each case.

Although the dispute resolution techniques and theoretical orientation typically claim to be effective in all disputes, it seems to be a fact of life that, in dispute resolution, once size does not fit all. The choice of the right approach is, therefore, critical to mediation's success.

Definition of Conflict: Problem Solving vs. Relationship Building

A mediator adopting Game Theory approach will necessarily believe that the dispute before him/her is a finite problem, objective problem with defined beginning and ending points. According to this worldview, the best path to resolve a conflict is to focus on the content and substance of the dispute.

A mediator adopting Conflict Transformation Theory would, in contrast, see the conflict as a natural result of human interactions. Conflicts are not a problem to be resolved, but rather an elastic process that has no clear beginning or ending point. Therefore, according to this worldview, the best path to resolve a conflict is to focus the mediation on relationships and context.

Two practical consequences follow from these differences. The first consequence is that the use of Game Theory will be more effective when applied to cases that are low in conflict and objective in nature. Conflict Transformation Theory, on the other hand, will be more effective when values, identity, culture and emotions are important factors in the dispute.

The second consequence is that mediators using Game Theory will most likely believe that all aspects of the dispute can be resolved during the mediation sessions, whereas mediators using Conflict Transformation will have a more open ended approach to the dispute. Such differences will significantly impact the mediation dynamics and time management.

Dispute Resolution Process: Rationalize Emotions vs. Include Emotions

A Game Theory paradigm will prompt the mediator to attempt to rationalize every step of the process. His/her actions will be underlined by the belief that the parties are rational and, therefore, resolving a dispute is just a matter of finding a solution that maximizes each party's objective payoff. Consequently, emotions are obstacle to reaching resolution and, therefore, should be rationalized in order to make settlements possible.

Conflict Transformation Theory paradigm, on the other hand, will prompt the mediator to believe that emotions not only are an integral and natural part of the process, but also that they should be incorporated in every step of the dispute resolution. Rather than being an obstacle, emotions may be an important tool in mediation.

Consequently, given these differences, mediators using Game Theory will adopt processes that define the dispute in narrow terms and will address it using rational and objective approaches; whereas mediators using Conflict Transformation will address dispute in broader terms and assume that a conflict will be transformed into a more productive form of human interaction that can improve the parties' relationships.

Outcome: Settlement vs. Transformation

Different theoretical orientations necessarily lead to different ideas on the successful outcome of mediation. Consequently, Game Theory and Conflict Transformation Theory have different standards for mediation success.

A mediator adopting a Game Theory paradigm will equate success with the achievement of a settlement. It is a natural consequence of Game Theory's problem solving orientation. If conflict is a problem to be resolved with a clear beginning and ending points, the settlement is the evidence that the conflict has been resolved.

The use of Conflict Transformation Theory lenses, on the other hand, will define success using different standards. According to this worldview, conflict is not a problem and, therefore, does not call for resolution. The relationships, interests and structures should not be transformed in order to eliminate conflict, but rather to make conflict a more productive form of constructive interaction that creates opportunities for the parties' growth.

Conclusions

As demonstrated above, different theoretical orientations have a decisive impact on the way the conflict is approached, defined and addressed by the mediator. Overall, it is the features of each dispute that will determine the best and/or most effective theoretical approach.

It is incumbent upon the mediator to choose the right approach for each conflict and conduct the mediation with impartiality. In order to do so, a mediator must both know his/her theoretical assumptions when addressing a conflict and, at the same time; and be able to identify the best theoretical lenses to be used in each case.

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