

## **CONFLICTS AND COOPERATION IN THE SHIFTING SOCIAL ENVIRONMENT (THE CASE OF LITHUANIA)**

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### **Abstract:**

The paper gives insight into one of the most dynamic aspects of social reality – how social conflicts are interconnected with cooperation and how this influences a quality of social environment. The processes have been observed at the times of Lithuania's society post-socialist transition and many-sided transformations. Radical changes of a political system and economy model in the state, its technological modernization, entrance into global cyber networking, and turbulence of social values, cultural and ethical norms – all of this created the state of fragile stability, which has been undermined by competition and struggle, social clashes and conflicts. The main question we are going to discuss is – how it was treated in a constructive course of reforms, what methods of conflict management were effective in preserving social stability and maintaining social dialogue, and negotiating unity. To describe the presented vector of changes we use such categories as: legal, organizational, cultural, and educational environment, in which social interactions take place, attempts to adopt western methods of alternative dispute resolution (ADR), namely - negotiations and mediation, and limitation of such adoption. Three links have been defined in the chain of conflict solving culture in the process of post-socialist transition – manifestation of conflict, conflict institutionalisation, and conflict management. This outlines the progress of conflict solution and management in society and suggests positive changes in the quality of social interactions.

*Keywords: transformations, Lithuania, conflict management, alternative dispute resolution (ADR).*

The nature of conflicts in the global world, their influence on human relationship is a subject of many outstanding modern studies (Bauman, 1988, 2000; Deutsch, & Coleman, 2000; Webel & Galtung, 2007). They create a framework for specialized research in different social fields, and among others – the analysis of interconnections between post-socialist transformation, democratization processes and conflict resolution.

## 1. THE METHOD

The ways, methods and styles of dealing with conflicts depend primarily of the cultural traditions and the legal environment in the society (Salomon, 2003; Deutsch, 2005; Ross, 1993, 2000; Ma, 2007). M. K. Kozan (1997) describes three conflict management models – harmony, confrontational, and regulative ones which are practiced in societies of different cultural background. This scheme offers a perspective for conceptual reconstruction the continuity of conflict resolution and management culture, as one of the remarkable aspects of post-socialist transition. We mean radical change of attitudes and behaviours of social actors in situation of possible or real conflicts and growing potential of confrontational cooperation in society.

According to Kozan, in the *regulative model* the priority is given to bureaucratic means to minimize the emerging conflict or to aid the avoidance. The roles of third party in managing conflicts are formalized. *Confrontational model* is based on conflict conceptualization by dividing it into sub issues. „A sense of reasonable compromise aids resolution despite a confrontational style“ (Kozan, 1997, p. 338). Confrontational conflict solving model means governing conflicts by norms of mutual concessions and compromises, and an increased role of preventive instruments of dispute resolution - better communication, stronger norms of collaboration, etc.

The centralized socialist administration kept a strict control over every kind of conflict; the bureaucratic means were used extensively to suppress or to avoid publicly resonant conflicts. Such sociocultural environment demotivated people to solve their problems by mobilizing their own energy, experience and knowledge. People have been used to address their conflicting problems to the authorities. Problem solving, decision making, dispute resolution culture as key segment of human capital was underdeveloped on individual and group level (Balcerowicz, 2010; Kuzmickas, 2007; Grigas, 1998). The lack of so important skills restricted individual and group capacities, and deformed a substance and sense of social integrity. When interactions of social actors are scant of liability, they do not create right balance of cooperation and competition. Social integrity is a product of social dialogue and negotiation (Kotler et al., 1997). Societies of socialist past inherited the experience of social unity tied by authoritarian power.

*Conflict management can be defined as forming and using social, economic, organizational and moral factors for the benefit of solving problems, which are or may be a basis for social conflicts as well as motivating participants in a conflict to a mutual agreement.* The most important objectives of conflict management are as follows:

- counteracting and preventing violence;
- positive transforming of conflict energy to solve a problem or to remove its cause;
- encouraging participants of a conflict to counselling, negotiation and mediation;
- neutralizing and eliminating negative fight effects.

Conflicts are managed by using the instruments like:

- The creating laws which legalize counselling, negotiation, mediation, other activities and procedures for the benefit of solving conflicts;
- The establishing and supporting institutions, other organisational entities, non-state organizations whose mission is to solve or prevent conflicts (e.g. institutions for minorities rights or consumer rights defence etc.);
- The teaching and training of a society in peaceful practice, supporting culture of cooperation.

*Cooperation predicts agreed activities of social subjects in striving to achieve separate, sometimes contradictory goals, reaching the most favourable result by each party.* The culture of cooperation is achieved by consultancy practice, negotiations, and social dialogue between interested parties.

The culture of cooperation, as an integral part of the culture of human relationship, is based on positive attitude of an individual or a community towards *others and different ones*, their determination to solve existing conflicts, misunderstandings by mutual efforts, using legal and moral means. Cooperation in social life refers to such characteristics as trust, mutuality, complementarities, that make up social capital. This is a base which moves a fight, extortion, forcing decisions to a side track and keeps reasonable balance between collaboration and competition (Ghaye, 2011; Deutsch, 2000; Vigoda, 2003).

## 2. TRANSFORMATION AND CONFLICTS

Post-socialist transition of the countries of Central and Eastern Europe has many profiles - radical changes of the political system and turn towards a free market, integration into the European Union, technological modernization and entering into global cyber networks. As Dürschmidt and Taylor stress, East-Central Europe “societies have to deal with problems of First and Second Modernity in the unique conditions of post-socialism”(Dürschmidt & Taylor, 2007, p. 50). They mark an increase in social dissatisfaction, the misfit between ‘new’ institutions and ‘old’ everyday cultures.

Firstly, it is reasonable to suggest, that living in totally shifting environment makes social actors 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 (along the vector fight-competition-collaboration). Thirdly, along transition process myriads of new, previously unknown conflicts emerged. „The more change we experience, the more conflict we will have“(Adizes, 2010, p. 166).

Privatization, social distances, constituting of new social groups may provoke this kind of conflicts. As a rule, society become highly splintered, suspicious, and dismembered. And the last circumstance: governing and self-governing structures experience a lack of competence to manage the outcomes of political and social transformation and primarily social conflicts (Elgström & Jönsson, 2005; Balcerowicz, 1997–2010; Grigas, 1998).

Approach to a conflict as a common problem, which has to mobilize interested parties for correlated actions, has been underdeveloped during transiting period (Ohanyan, 1999; Grigas, 1998; The Annals, 1997). These circumstances brought on the list of priorities the need to nurture a modern approach to conflict and its resolution “as a means of establishing viable

intergroup and multicultural relations in which the fundamental needs of individuals and groups are effectively addressed” (Fisher, 1990, p. 109).

The post-socialist transition of a society is seen as progressive transformation of regulative methods for dealing with conflicts into a confrontational model which is based on dynamically balanced competition and cooperation in business interactions. This change is tightly interconnected with other transformation vectors, such as modernizing national law according to the needs of democratization, reforming educational and public administration systems.

### **3. APPLICATION OF ADR IN LITHUANIA – COPING WITH THE HERITAGE, CULTURE, AND HUMAN NATURE**

Political leadership and administration of the transitional countries and of Lithuania as well, was lacking conflict management skills in radically changing environment. At the beginning of the transition process, its heralds – new political leaders, worked for the preparation of strategic guidelines and plans, but not for long-lasting social outcomes of the political and economic reforms. There was a striving for a goal; while subsequent social changes have been weakly represented on the list of priorities for that period. At the same time, the possibility of accessing the European Union inspired some new activities, for example, the adopting national legal and administrative systems to commonly accepted rules, procedures and principles.

#### **3.1. Contradictions of the past decade, which are still persistent**

The acceleration of transition was achieved by the weakening of certain professional, age and other social groups and followed by new social disparities. In the case of Lithuania inequality became many folded. It shaped the hierarchy of wellbeing of regions and villages, and even of districts inside the towns. For example, at-risk-of poverty rate for cities was 9 %, for rural place 35 % in 2005 (At-risk-of poverty rate after social transfers, 2007).

Society of Lithuania suffers from inequality of income – more than 7 times between two upper decimials (20 %) and two lower decimials of population (Lazutka, 2011). At-risk-of poverty rate stays one of the highest among the EU member states: one fifth of population was assessed depending to this group. A significant number of low income population de-facto belongs to the deprived (Eurostat Yearbook, 2011, pp. 270–272).

Difference between the most and the less developed counties by GDP (Gross domestic product) per capita was 3.1 times by 2006. The ratio of investment in the most dynamic and the less dynamic county made 3.95 times (Gross domestic product, 2007). Inequality became significant in consumption, health care, transport and education. Strata of impoverished groups emerged. They alienated from civil participation and were weakly represented.

The authorities have not reacted to the appearance of marginal groups and inequalities. The programme of poverty reduction has been approved only after 10 years of social transformations, when this phenomenon apparently started to make obstacles in stabilization of a social life. At that time experts recorded that anti-poverty policy was ineffective, focused on distribution of financial resources rather than on creating conditions enabling and encouraging people to social activity. The same is to be said about rapidly increasing

disparities between regions. The National plan of social economic development of the regions was announced with a marked slippage.

The social policy of Lithuanian authorities in the first decade after regaining independence cannot be characterized as pro-active, based on predicting the effects of changes and counteracting the effects of undesired aspects, but as reactive one, reacting on ensuing disproportions.

As Lithuania case shows, the tensions were not always expressed openly, it had, however, affected a lot of processes in society. In comparison to other countries conflicts between big social groups in Lithuania were nondurable and nonviolent. Massive outbreaks of violence were prevented.

However the lack of self-expression and self-defence culture produced such forms of social destruction as alcohol abuse (one of the highest indicators of alcohol consuming in Europe), suicides (one of the highest indicators in Europe for some years), intensity of publicly expressed pessimism and unhappiness, suspiciousness and hostility in mutual relationship (Psichologija Tau, 2009; Kuzmickas, 2007).

A number of suicides increased several times (30,4 per 100 000 population in 2007), mortality caused by alcohol abuse (14,3 per 100 000 population in 2007), and more than 2.4 times increased a number of murders (Demografijos metraštis, 2008, p. 91). Public poll shows that delinquency, drug consumption and alcoholism were acknowledged as the most dangerous to Lithuanian society (Matulionis, et al., 2005).

The social distances and disparities obstruct the process of social integration and distort optimal balance of competition and cooperation. A tensed social situation made it look for means to strengthen the culture of cooperation, social dialogue and partnership.

### **3.2. Integrating ADR into sociocultural environment of Lithuania**

Ohanyan (1999) has described the conflict resolution and negotiation dynamics in one of the former Soviet republics namely - Armenia. The author discerns three stages of that process. A proposed scheme seems to be acceptable for analysing similar process in other post-soviet states.

Three links have been defined in the chain of conflict solving culture in the process of post-socialist transition – *manifestation of conflict, conflict institutionalization, and conflict management*. These links outline the progress of conflict solution and management and suggest positive changes in quality of social interactions. Conflict manifestation is the first achievement in post-socialist democratization process: people learn how to express their disagreements in words and civilized actions in an open and peaceful way. After a long period of bureaucratic regulation and oppressing of any disturbance, conflicts emerge as a subject of public discussions, manifestations, and negotiations.

Lithuania became independent as the first Soviet republic and initiated by this a downfall of the whole super state. The achieving of desired independence was possible in the only way – by peaceful manifestation of disagreement with existing status quo. Numerous and crowded meetings and demonstrations took place in almost all cities and other settlements and so

called the Baltic Road manifestation as culmination with millions participants educated people how to peacefully realize even seemingly non-realistic intention.

The experience gained may be seen as starting point in nurturing conflict manifestation culture. People became free to declare their problems or to demonstrate their troubles. According to Ross the way of one's reaction and answer to provocative situation indicates his cultural maturity (Ross, 1993, p.11). In respect of a unique nature of post-socialist transition we have to answer some questions, which indicate the conflict manifestation culture:

- How do social actors react to countless challenges in the environment of turbulent changes?
- Do they try to get an insight into a provoking problem or do they look for somebody who is on the opposite side of their trouble?
- Do they react aggressively or do they use a language of negotiations?

At the first stage of structural reforms in Lithuania both left-wing and right-wing parties did not treat the social dialogue as a way to integrate the society. They undervalued the needs of those social groups, which were mostly affected by changes, and which had weak capacity of democratic expression in order to be heard. The ruling political powers were oriented towards the strongest business players. The process of privatisation and the legal reforms were in correlation with expectations of the richest groups consisting mostly of former communist figures.

All of these created an atmosphere of distrust, aggressiveness and polarization to „losers and winners“. The cult of power became evident in the conflicts manifestation. Complexity and the uncharted character of transformation (Dürschmidt & Taylor, 2007, p. 51) made it extremely complicated strengthening the culture of conflict resolution.

There was one more circumstance that did not stimulate conflict manifestation culture either. In Lithuania, like in other countries of communist past, there were not effectively functioning democratic mechanisms for citizen's self-expression, problem solving and negotiating their problems. For some years of the first stage of transition (until privatization were accomplished) conflicting interests of social actors were expressed predominantly in provoking way. Almost every challenge was met like a signal for a fight. The interested parties approached their conflict on the scale of win/lose continuum. Words of an eminent German politician and social activist Johannes Rau stating that we live in the age of culture clash, when much less efforts are devoted to mutual co-existence than to elbow exercises, are especially meaningful in the context of discussed topic (Rau, 2002/2005, p.28). Some assumptions may be formulated to interpret this situation.

Firstly, the governing mentality of that time has been based on the expectations and belief that the democratic reforms and emerging market economy will steer social interactions in the right way and give them a right balance between cooperation and competition.

Secondly, conflict resolution as a part of strategic management presupposes proactive, complex peace-making strategy, outcomes of which are tangible in a long perspective. It is reasonable to highlight a general presumption that *in time of transition the possibility to drive social changes is very limited.*

And finally, the new political and social institutions were insufficiently sensitive towards social controversies and lacked competence for social analysis and diagnoses.

The next two stages - conflict institutionalization and conflict management - take much more time and have a meaning as a set of judicial, organizational, and educational efforts to legitimate conflict expression and to create juridical environment for constructive conflict resolution by using negotiation, mediation and other ways of problem solving (Ohanyan, 1999; Marsh, 2007).

Some circumstances were of great importance after the initial stage of transition. With the progress of reforms some disparities and conflicts became more and more evident and destructive in their expression and outcome. Cooperation, social dialogue and consolidation emerged as a leading topic of political and public discussions.

The process of accession of the new democracy countries to the European Union formed a new approach to the conflict. Following the politics and practices of the European Union and striving for improvement of the quality of social interactions and to strengthening the culture of negotiation and mediation (Elgström & Jönsson, 2005), newly accessed countries have developed national laws in respect to social partnership, negotiation and mediation.

The main dimension of conflict policy in the societies of emerging democracy was the adoption of western patterns of alternative dispute resolution (ADR). The potential of ADR methods is based on some effects. Practicing one of the conciliation procedures - arbitration, negotiation, or mediation – presupposes that social actors retreat from formerly preferable passive statement towards conflicts by avoiding them or addressing them to administration or somebody else, which has decision-making power. A new social and cultural environment required constructive activities, positive thinking and behaviour from every individual. The disputes instead of being directed to overworked courts are being dealt with by interested parties directly.

Scholars engaged in post-socialist development studies note a deficit of above mentioned attributes (The Annals, 1997; Balcerowicz, 1997–2010; Dürshmidt & Taylor, 2007). Hence, implementation of the ADR methods needs complex and coordinated efforts and long-term political and administrative incentives as well as citizen initiatives (Ohanyan, 1999; Ross, 2000; Marsh, 2007).

Differently from Western countries implementation of alternative methods of dispute resolution and integrating them into social and cultural context of Central and Eastern Europe depended on political support. As Marsh speaks about mediation: while in the United Kingdom has been essentially a “free-market” approach to mediation, in Western Europe it is “viewed primarily as an issue of *legal* reform, and Ministries of Justice play the central role” (Marsh, 2007, p. 389). Indeed, creation of a legal environment for negotiation and mediation is the most evident vector of ADR implementation. Let say in Lithuania some experimental projects have been conducted at first by NGO’s which probed mediation as a way of conciliation. Some initial training didn’t push the new methods of ADR into practice until one of the regional court offices initiated the mediation program. The initiative had been supported by the influential Council of Courts. The code of judicial mediation was approved. Later this process had been forced by Lithuanian Parliament adopting The European Directive on Certain Aspects of Mediation in Civil and Commercial Matters. The provisions of domestic law determine the principles of voluntary participation, cooperation, equality, confidentiality, mediator’s neutrality, and honesty. Peace treaty as a positive outcome of the process becomes enforceable after it is approved by judge.

After two decades of reforms the legal system of Lithuania might be seen as consisting of three packages of laws regulating conflict resolution: those creating common rules of action of conflicting parties, ordaining their rights and obligations in different kinds of conflicts (labour, public sector, family, workplace). To second group belong the law regulating the use of negotiation, consultation, other pacifying procedures, and the ways how they are executed. A separate package makes the provisions which obligate to keep confidentiality of the conciliatory process, ensure voluntary participation and support the legal status of reached agreement.

Today numerous non-governmental organizations, many secondary and high schools, and universities include into their programs courses and trainings on communication, negotiation and mediation. Recently one of Lithuanian universities got certification enabling to start master's program in judicial mediation. It means de-facto a high level of interest to conflict management and appears as the introduction of a special service to the labour market. Education and teaching of society motivate people to look in-depth and to behaviour rationally when a conflict occurs, so it is a powerful factor of ADR application and development. Moreover using the methods of ADR brings to people such skills like a rational behaviour in controversial situations, a proper expression of interests and a respect for the interests and opinions of the others.

ADR integration into the sociocultural context of the post-totalitarian societies appears to be not simple and easy. Such society is still divided into „winners“and „losers“. People continue to treat a conflict as a matter to be passed to someone who has a decision making power. Fighting, using dirty tricks in attempt to win at any cost is an evident attribute of dealing with complicated problems. These limitations and traps do not disappear offhand.

Thus new models of interactions are not that „material“ which can simply be transported from one to another particular environment. As Dürshmidt and Taylor pointed out “developments in East-Central Europe highlight the extent to which mentalities, attitudes and habits have their own cultural logic and persistence”. Shortly speaking, “the cook book” style transfer has serious limitations (Dürshmidt & Taylor, 2007, pp. 49–51).

Lithuania like other post-socialist countries has achieved some progress in strengthening conflict resolution culture. However over two decades of restored independence and democratization there are still notable inclinations to use power, one-sided decisions, and coercion in social interactions. Some other problems emerge on the way of developing ADR tools: the lack of competence of public administration as well as the stonewalling of some professional groups and politicians in keeping things unchanged.

#### **4. CONCLUSION**

The process of post-socialist and in fact post-totalitarian transition and many-sided transformations appeared to be far from rebuilding one of the existing capitalism models. Looking from the perspective of the Central and Eastern Europe the states located behind the former iron curtain have their own afflictions which not necessarily have to be a sample of success. The frame of conflict management and resolution system acquires here quite different shapes than those in the United Kingdom or in the USA.

The activities of conciliation and conflict transformation in newly accessed the EU member states become a matter of justice and public administration, and much less they are viewed as



a commercial service. Some peculiarities in dealing with conflicts may be dependent on community traditions which are strong in many regions of that part of Europe.

There is no doubt that big international companies while doing their business in the CEE will rapidly develop commercial mediation over state borderlines. The authors of the book on European mediation are persuaded that „there will be an inevitable need for corresponding dispute resolution systems“, and for harmonization of them within the EU (Newmark & Monaghan, 2007, pp. 386–387). So the question is how and where will local conflict resolution culture and the global trend meet?

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