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THE ETHICS OF CONFLICT RESOLUTION IN SOUTH-EAST SIERRA LEONE

Agnes Caroline DontinaMackay
Nanjing University of Aeronautics and Astronautics, Nanjing 210016, China.

Abstract

Most conflict resolution literature focuses on strategic and tactical considerations, generally leaving aside psychological, and especially ethical, ones. Rapoport's Fights, Games and Debates is the notable exception and will be used to introduce satyagraha as a method of conflict resolution. The literature on law and society and the Gandhian literature are generally interlinked in political theory concerning civil disobedience but not in other areas such as interpersonal conflicts or the role of the legal system as a general mechanism of conflict resolution. This study aims at exploring these areas specifically and to look at the phenomenon of conflict and conflict resolution in the light of Gandhi's moral and ethical thought.

The Gandhian technique of conflict resolution is known by its Gujarati name of satyagraha which has variously been interpreted as "passive resistance", "nonviolent resistance", "nonviolent direct action", and even as "militant nonviolence".

"Satyagraha", Gandhi explained, is "literally holding on to Truth and it means, therefore, Truth-force. Truth is soul or spirit. It is therefore known as soul- force." The word was coined out of felt necessity. The technique of nonviolent struggle that Gandhi had evolved in South Africa for the conduct of the Indian indentured labourers' disputes with the government was originally described by the English phrase "passive resistance". Gandhi, however, found that the term "was too narrowly constructed, that it was supposed to be a weapon of the weak, that it could be characterised by hatred, and that it could finally manifest itself as violence." [1] He decided that a new word had to be coined for the struggle:

But I could not for the life of me find out a new name, and therefore offered a nominal prize through Indian Opinion to the reader who made the best suggestion on the subject. As a result,Maganlal Gandhi coined the word Sadagraha (sat: truth; Agraha: firmness) and won the prize. But in order to make it clearer I changed the word to Satyagraha.[2].

Satyagraha means, in effect, the discovery of truth and working steadily towards it, thus converting the opponent into a friend. In other words, satyagraha is not used against anybody but is done with somebody. "It is based on the idea that the moral appeal to the heart or conscience is . . . more effective than an appeal based on threat or bodily pain or violence." [3]

Over the years an enormous body of literature concerning satyagraha has developed. Generally the writings concern themselves with an examination of the various campaigns led either by Gandhi or his disciples, and, in the main, these writings clearly identify the main elements of the technique as truth (satya), nonviolence (ahimsa) and the relationship of ends to means. Most have realized that the use of the techniques of satyagraha as a policy, that is, a method to be brought into play in a given situation where it is considered effective in securing a victory, is contrary to its primary teaching. It must be a creed, a way of life, to be truly effective.

This work examines the ethics of conflict resolution in south-east Sierra Leone using the Gandhian ethics resolution framework. Chapter One deals with the theoretical framework of conflict, it defines conflict and

examines its causes and the way it is generally handled. It also illustrates the behavior that leads conflict onto either productive or destructive paths as defined.

Chapter Two discusses the analytical framework for resolution generally and satyagraha specifically. It further examines satyagraha as a productive method of conflict resolution. Satyagraha is distinguished from other methods of nonviolent action and its main precepts are examined from the standpoint of the individual.

Chapter Three gives a background of the research work, giving a geo-linguistics breakdown of the people and the community. This work further examines the practical application of satyagraha in the light of the first two chapters.

Chapter Four briefly elucidates Gandhi's philosophy in action in the realm of interpersonal conflict in south-east Sierra Leone, while Chapter Five examines in some depth the possible practical application of satyagraha within our main institutionalized method of conflict resolution, namely the adversary legal system. It also examines industrial conflicts from the perspective of satyagraha.

Keywords: Conflict Resolution; Ethics; Community Conflict; Gandhian Ideal; Satyagraha; Sierra Leone.

1. INTRODUCTION

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 a greater understanding of the relevant phenomena than could be provided by a more general theory."1 The examination of interpersonal conflicts and other types of conflicts, from the perspective of the individual, will not provide the conceptualization 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 nonviolent process of conflict resolution—one which, by extension, is applicable to conflicts generally, regardless of their substance. A focusing on the substance of a conflict may be important in determining tactics.

However, as the Gandhian ideal of conflict resolution emphasizes an 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 abreakdown within the relationship or community in which they occur—"they are'normal' and are indicative of the fact that 'real life processes' continue".

Furthermore, Coser has pointed to the possible political function and importance of social conflict when he observed that 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 in new norms. This observation also holds true for national relations and especially interpersonal relationships.

1.1 Conflict and its Causes

Conflicts have been described as existing "whenever *incompatible* activities occur", when two people wish to carry out acts which are mutually inconsistent, when there is "a state of tension between two actors irrespective of how it has originated or .how it is terminated", when there is "the active striving for one's preferred outcome which, if attained, precludes the attainment by others of their own preferred outcome, thereby producing hostility", and "when one individual, community, nation, or even supranational bloc desires something that can be obtained only at the expense of what another individual or group also desires".

Conflicts can occur between many varying combinations of parties and for a great many different reasons. And they may also take various forms: from personal quarrels, through family, clan and community disagreements; disagreements between individuals and larger groups; disputes betweenpolitical parties or workers and management; religious and ideological conflicts; to various forms of international disputes. Conflicts "may arise from differences in information or belief... may reflect differences in interests, desires or values . . . may occur as a result of a scarcity of some resource such as money, time, space, position [which includes success, pride, authority, status, recognition, etc.] …or... may reflect a rivalry in which one person tries to outdo or undo the other"

The diversity of parties to, and motivational reasons for, conflicts make a precise definition of this expression difficult, if not impossible. For these reasons, Fink suggests that a broad definition is used. Although he was specifically dealing with social conflicts, his definition is useful for personal as well as national disputes. A conflict, according to this definition, is

any "situation or process in which two or more social entities are linked by at least one form of antagonistic psychological relation or at least one form of antagonistic interaction."

In Fink's definition, "psychological antagonisms" include such things as incompatible goals, mutually exclusive interests, emotional hostility, factual or value dissensus and traditional enmities; while "antagonistic interactions" "range from the most direct, violent, and unregulated struggle to the most subtle, indirect and highly regulated forms of mutual interference." In other words:

> A conflict emerges whenever two or more persons (or groups) seek to possess the same object, occupy the same space or the same exclusive position, play incompatible roles, maintain incompatible goals, or undertake mutually incompatible means for achieving their purposes.

Conflicts need not have obvious causes, such as a precipitating incident. In all relationships, whether interpersonal or otherwise, there occasionally occurs some form of behavior which annoys, causes tension too, or engenders resentment in, one of the parties involved. These feelings or the behavior patterns causing conflicts generally pass with little notice. Occasionally, however, they do lead to open conflicts. The term "conflict" implies a situation in which both actors, or groups of actors, are aware of the incompatibility.

2. REVIEW OF LITERATURE

2.1 The Ethics and Dispute Resolution Equation – The Gandhian Ethics of Conflict Resolution

Approached with a limited understanding of the psychology of the disputing process, violence appears to be a superior technique for solving conflicts to nonviolence because it has obvious and tangible strategies and weapons.

Nonviolent means are far more difficult to visualize. Also, skepticscan and often do, present moral dilemmas as ways of debunking nonviolence as a method of resolving conflicts. Neither ignorance as to these techniques nor the criticisms of them prove that conflicts cannot be solved creatively by nonviolent means.

Given that conflicts and clashes of interests will always occur, nonviolent ways of resolving these conflicts have a far greater chance than other methods of falling within Deutsch's definition of "productive", rather than "destructive". Conducting a conflict in a nonviolent non-threatening way prevents the opponent" from reacting out of fear in mindless reflex action".' Violence in any of its many forms also has the tendency to become self-perpetuating through the cycle of vengeance and counter-vengeance. A productive resolution of the conflict is more likely to be achieved if it is based on nonviolence (and this is further increased if conversion is successfully carried out) because, in the words of Gregg, it leaves "no aftermath of resentment, bitterness or revenge, no necessity for further threats or force".

What has been said about violence begetting violence also applies to behavior that humiliates the opponent? Such humiliation is likely to produce the hatred that may turn to violence. There are, however, other reasons for not using violence or threatening actions in conflict situations besides their self-perpetrating characteristics. Naess claims:

> It is ethically unjustifiable to injure an opponent if it is not verified that he is wrong and you are right. Now, it is always more or less unverifiable that he is wrong and you are right. Therefore, it is always unjustifiable to injure an opponent.

Gandhi himself summed up this position when he remarked that violence is to be excluded "because man is not capable of knowing absolute truth and, therefore, is not competent to punish". This reminder is essential since, as Erikson notes, when we are tempted to violence we parade as the other's policeman, convincing ourselves that regardless of the quality of their actions the other "has it coming to him". However, those who act on such righteousness implicate themselves in a mixture of pride and guilt which undermine their position both "psychologically and ethically".[5]

2.2 Types of Nonviolent Action

In conflict situations success through nonviolent action can be achieved in three separate ways: (1) accommodation, where the opponent does not believe in the changes made but nevertheless believes that it is best to give in on some or all points to gain peace or to cut losses; (2) nonviolent coercion, where the opponent wants to continue the struggle but cannot because they have lost the sources of power and means of control; and (3) conversion, where the opponent has changed inwardly to the degree that they want to make the changes desired by the nonviolent activist6 (or indeed, the nonviolent activist themselves has so changed). Although preferable to coercion based on physical force or threat, the first two modes of nonviolent conflict resolution are based on power that the respective parties can exert on each other. Powerlessness of one party to a conflict means by necessity that a truly productive outcome will rarely be arrived at. Conversion, on the other hand, operates outside the framework of the interplay between power and powerlessness—the touching of the conscience involves a totally different dynamic.

All three of the forms of nonviolent action in Sharp's typology may succeed in "solving" a conflict. As noted in the previous chapter, accommodation in its common forms of "lumping it" and avoidance has its problems. Both

accommodation and nonviolent coercion may resolve conflicts productively in the long term however, because behaviour change may lead to changes in attitude. In the case of nonviolent coercion especially, the opponent may be induced to re-examine their attitudinal position. The coercion will force them to decide about whether to comply and perhaps further, whether they should have complied. The more the coercion, however, the more likely it becomes that the opponent will comply without rethinking his position.

The Gandhian technique of satyagraha rests on the belief that the striving for conversion is the most effective method of conducting a struggle on a pragmatic assessment of the outcome, but more than that Gandhi believed that it is the morally correct way to conduct conflict because only through a dialectical process can truth be arrived at, or at least approached, and such quest for truth is, according to him, the aim of human life.

2.3 The Principles of Satyagraha

Satyagraha is far more than a set of actions. It is also an attitude, for example, a boycott may be part of a satyagraha campaign but if the underlying principles of satyagraha are not present then a boycott alone cannot accurately be described as satyagraha. It becomes what Bondurant has termed "duragraha".

Unlike satyagraha, duragraha starts off with prejudgements aimed at overcoming and destroying the position of the opponent. [7] It is not concerned with the initiation of a dialectical process.

The basic precepts and rules of a satyagraha, as opposed to a duragraha, the campaign can be systematized in these points: [8]

i) Violence is invited from opponents if they are humiliated or provoked. "It is never the intention of a *satyagrahi*to embarrass the wrong-doer. The appeal is never to his fear; it is, must be always to his heart." [9]

ii) A violent attitude is less likely on the part of a would-be satyagrahi if they have made clear to themselves the essential elements of their case and the purpose of the struggle. The sincere undertaking of a conflict along Gandhian lines requires an affirmative answer to the question: "Is my motive when starting this new direct action unmixed—is it just to realize the goal of the campaign, and not *also* to wish to injure the opponent or due to another deviant motive?"

iii) Opponents are less likely to use violent means the better they understand the satyagrahi's case and conduct. As a satyagrahi I must always allow my cards to be examined and re-examined at all times and make reparation if an error is discovered... an essential ingredient of nonviolent persuasion is the honest and straightforward dissemination of information... the withholding of information, the making of unsubstantiated charges ...the packaging of an issue, and appeals to greed, prejudice and hatred cannot under any circumstances be reconciled with the philosophy of nonviolence.

iv) The essential interests which opponents have in common should be clearly formulated and cooperation established on this basis. This is an extension of Rapoport's idea of "debate"—it explicitly avoids his definition of the "game" mentality. Pelton notes that disputes between friends differ from those between strangers or between those who have enmity towards each other. In the former case, the dispute occurs within a framework of the much mutual agreement, ties, and friendship. In the latter case, the disagreement itself becomes the most salient source of information that one party has of the other. This can "become the primary base of development of inferences and constructs by and about the disputants". Unchecked by further information from other sources "they can balloon into undifferentiated negative images that can only generate fear and distrust." One way of avoiding this is through personal contact. Many times, when Gandhi found himself in a deadlocked position, be tried to interview his critic or antagonist personally. In all cases, whether the dispute is between friends or strangers, whether the parties meet face to face or not, the most important principle in satyagraha is to attempt to see the validity in the opponent's position: Immediately we begin to think of things as our opponent thinks of them, we shall be able to do them full justice. I know that this requires a detached state of mind, and it is a state very difficult to reach. Nevertheless, for a *satyagrahi*it is absolutely essential. Three-fourths of the miseries and misunderstandings in the world will disappear if we step into the shoes of our adversaries and understand their standpoint. We will then agree with our adversaries quickly or think of them charitably.

v) Opponents should not be judged harder than the self: The golden rule of conduct... is mutual toleration, seeing that we will never all think alike and we shall see Truth in fragment and from different angles of vision. Conscience is not the same thing for all. Whilst, therefore, it is a good guide for individual conduct, the imposition of that conduct upon all will be an insufferable interference with everyone's freedom of conscience. We must refrain from crying "shame, shame" to anybody, we must not use any coercion to persuade other people to adopt our way. We must guarantee to them die same freedom we claim for ourselves.

3. BACKGROUND OF THE RESEARCH

SoroGbema chiefdom, in Pujehun District of Sierra Leone, is adjacent to the southwest Liberian border. Pujehun District was the scene of the Ndogboysoi War in 1982. Election manipulations and armed intervention triggered this conflict by the ruling All People's Congress (APC) government against supporters of the Sierra Leone People's Party (SLPP) candidate. The conflict ended when the people surrendered to the Sierra Leone army, though the issue was never satisfactorily resolved. When the RUF - with the support of Charles Taylor's National Liberation Front of Liberia (NPFL) forces -invaded Sierra Leone in 1991, many children of the chiefdom joined the rebellion at the behest of their parents who saw it as an opportunity for revenge. This was the incursion that launched Sierra Leone's war [5].

Terror tactics in the civil war have devastated hundreds of towns, villages,and hamlets throughout Sierra Leone. The war has been marked rapes and amputations, the targeting of community leaders and their traditional symbols of authority, the desecration of sacred sites, hostage-taking or forced recruitment of men, women,and children into both rebel and pro-government ranks. Women and girls have been the victims of rape and other forms of violence. Child soldiers have been recruited or forced into service by all fighting forces. The elderly have also been victims of gross abuses and continued between the RUF and the NPRC government and between the rebels and the civilian government of Ahmad TejanKabbah elected in March of 1996. This led to the signing of the Abidjan Peace Accord between the government of Sierra Leone and the RUF on November 30, 1996. However, six months later, the Kabbah government was overthrown in a coup d'etat and forced to into exile in Guinea [3]. The junta, an alliance consisting of disaffected military officers and men and RUF rebels, held on to power for eleven months. During this time southern Pujehun was the scene of heavy fighting as the junta sought to wrest control of the Mano River Bridge linking Sierra Leone to Liberia from the Civil Defence Force (CDF) locally called Kamajors, who controlled the area.

The southern province had been protected mainly by local CDF units, composed of local hunters who had undergone a special initiation, knew the terrain and were more mobile in the bush than the army, initially established to protect local communities. The Kamajors were the response of Mende society to general insecurity. However, with the prominence of the CDF in positions of power, civilian and civil authority became dominated by the CDF authority often creating problems for the community. In SoroGbema, because the Paramount Chief had died long before the war and many sections and village chiefs died during the war, civilian authority was weak when the people returned to their chiefdoms.

At present, roughly half of the pre-war population of the chiefdom has returned home. The border between Liberia and Sierra Leone was closed on numerous occasions; refugees were unable to return home. As a result of the war, there are no permanent structures in the chiefdom. People have constructed temporary structures made of sticks, mud,and thatch. Tarpaulins are a luxury [6]. With the onset of the "hungry season" — the tail end of the rainy season -- there was a lot of anxiety in the chiefdom as the staple food, rice, was largely unavailable. People were eating breadfruit and mangoes, which had also become scarce because of the sudden demand [7].

People were gradually re-engaging in farming activities and have prepared large farms near the roads. However, rice seeds were lacking and even cassava stakes were hard to find. Women are still walking on average 36 miles from villages in the interior to Sulima, situated on the coast, to buy fish to sell in their villages. There is no public transport in the chiefdom.There are no formal health care facilities available in the chiefdom. A pregnant woman had to walk over 15 miles and cross the Moa river to be attended to.Schools have re-opened in some villages, although only about 20 percent of the school-age children is attending. This is due to the food insecurity throughout the chiefdom. In these villages, temporary school buildings have been built and SFCDP has supplied them with school benches. Others have constructed temporary buildings but need benches.

These tactics and the destruction of homes and the despoiling of crops drove about half the country's population from their home areas. (About two million people are now living in relatively secure urban areas or camps for the internally displaced within Sierra Leone and refugee camps outside the country.)SoroGbema chiefdom was a major RUF base for more than five years of the war. As a result, there was a mass exodus of people into exile.Some headed across the border into Liberia; others fled into Guinea, others towards Freetown, the capital of Sierra Leone, or to the Southern Province center of Bo. The population of Sulima town was approximately 2,400 people before the war. The surrounding 18 villages had an estimated population of about 4,000. Eight years on, many of the chiefdom's fishermen, farmers, traders, and craftspeople, and the surviving members of their families were concentrated in Freetown, Gondoma displaced camp outside Bo, in refugee camps in Guinea and in Liberia [8] [9] [10].

Despite the human misery and devastation of the community caused by the war, SoroGbema civic leaders maintained as best they could communal decision-making practices and a self-help structure based on what remained of the Village Council Development Committee (VCDC), covering the 19 villages in the SoroGbema area. Community leaders were also involved in face-to-face dialogue with units of the RUF near the Liberian border to establish communications between family members on both sides in the conflict and to encourage rebel forces to engage in peacemaking [11][12].

In anticipation of recent progress made towards a national peace accord between the civilian government and the RUF and the possible implementation of a national process of demobilization, reintegration,and reconstruction getting underway, community leaders have developed a local process of community peacebuilding, family reunification, and economic revival. These activities are a means to restore social cohesion and hope for a better future within the community in the near-term and to begin reconstruction in and around the chiefdom.

The first peace initiative in Sierra Leone's civil war took place on the Liberia-Sierra Leone border at the Mano River Bridge [13] in December 1994, when the SoroGbema leaders, acting with the approval of the military National Provisional Ruling Council (NPRC) government, met with RUF field units. The talks failed for various reasons but especially because of a government radio announcement that threatened to bomb the rebels should they be recalcitrant. High-level negotiations

4. METHODOLOGY

4.1 Community Conflict Resolution: A Case Study

The nature of conflicts resolved by the peace monitors vary, but most involve individual conflicts such as property ownership and social behavior. Some of these problems result from looting and unlawful claiming of property [14]. There were numerous conflicts of this nature in which people were looted and their properties sold to others. In the course of resettling, most people went to retrieve their looted or unlawfully seized properties. Social misbehavior was another reason for the high number of conflicts, most of which affected youths. Youths became drug abusers and traffickers; traditions and customs were ignored as they engaged in the cultivation of drugs and destroyed sacred places. Their parents or local authorities had no control over them.They became lawless and disloyal.

The Wai section of the chiefdom had two inter-linked problems that were potentially explosive. A leadership crisis had erupted, creating chaos. People were not prepared to listen to the section chief. And this problem could not be resolved because of a related incident. Neither the paramount chief nor the section chief could resolve the leadership question because they did not appreciate the presence of an underlying problem [12].

A specially convened meeting provided a forum for all in the section, including women and youth, granting all equal opportunity to tell the entire community what was on their mind. A grievance committee was established comprising the paramount chief, tribal authorities, peace monitors and other elders to consider any matters that required resolution. During this process of resolving the leadership crisis, an issue that was complicating the problem was revealed. This issue had to be resolved before the leadership problem could be decided as explained below.

4.2 Leadership Crisis

Makpele River evenly divides the 12 villages in Wai section. The people on the west side of the river believe that the people on the east side -- who are closer to the road -- feel that they have the right to be the section's headquarter town, with a clinic and other facilities. The east side, with the headquarter-town of Wai, has traditionally controlled all leadership positions in the section. Customarily they believe that the Feika family should provide the Imam and the Kawa family should provide the chiefs and the other families in the section with surnames such as Swaray and Konneh etc. should pray for them–the Feikas and the Kawas. This was the traditionally accepted arrangement and practice. In recent times people became dissatisfied with this arrangement. During the course of the war, people took on leadership roles in various locations they found themselves: displaced and/or refugee camps, bush hideouts, etc. From that experience, people developed a new awareness that everyone could play leadership roles in the community. The six villages on the west side of the river, historically underrepresented at both the section and chiefdom levels, wanted their own representatives within the section's leadership hierarchy. They want to share power [15]. They proposed that if the section chief comes from one side of the river then his deputy should come from the other side. Before returning home, the returnees had resolved that no leadership position would be offered to anyone who lived in the chiefdom during the rebel occupation, as they were likely to be rebel collaborators.

Wai's leadership problem erupted as more people returned to the section and new leaders had to be chosen. The section chief, from Wai on the east side of the river, survived the war, while the deputy died.

Two deputy section chiefs existed and controlled one half of the section respectively [16]. The west side, which had felt historically underrepresented, preferred their own candidate who had served as deputy section chief in the displaced camp.

From the east side, a deputy was appointed temporarily until an election could be held. But he had stayed in the chiefdom during the rebel occupation. Both men were vying for the same position. But the returnees did not want the acting chief. Both men were backed by their constituencies on either side of the river. The section chief, elected before the war, was unable to control the people. When he called for communal labor to brush the road or fix the school, the community refused to do it. The paramount chief was asked to intervene and he was not listened to.After discussions with each of the

representative groups with time allowed for each side to provide insights into their thinking, they agreed on a process: They would hold an election by secret ballot for a deputy section chief. Both sides agreed to support the outcome.

However, during the course of the consultation, it became apparent that there was an underlying problem that needed to be resolved before the election could be held. This problem was first addressed and concluded amicably. And the incumbent Deputy Section Chief KandehLuckily, who had remained in the chiefdom during the war, won. It is significant to note that although the returnees had vowed not to accept "collaborator" accepted the results, some even voted for him. In the end, the conflict revolved around power sharing and equal representation. We will now look at why the second incident had to be resolved first before the leadership question.

4.3 Theft Issue

A village, Tindor, on the east side, claimed that another village, Borborbu, on the other side of the river, had stolen their property from where they hid it during the war. Prior to being displaced, the people of Tindor hid their property including money- nearly 50 million leones-and other valuables deep in their forest. The people from Borborbu did not run away and were moved by the RUF from their own village to a village on the road during the rebel occupation. As the government soldiers moved closer to the area and the rebels started panicking the Borborbu villagers moved away from the road and crossed the river to stay in Tindor, which is actually on an island. When the Tindor people came back home, they found that all their property hidden in the forest was missing and they accused Borborbu people of theft.

The Tindor people, as the aggrieved ones, were allowed to explain their story first — accusing the Borborbu people of stealing. They said that their property, including shoes and country cloths, were seen with some people from Borborbu.Now the Borborbu people's spokesmen recounted that because of the pressure from government soldiers fighting the rebels they moved to Tindor and eventually found the property of the Tindor people where it had been hidden in the forest. They said they were concerned that others could easily find this property just as they had found it, so they called on a relative of the Tindor people to come and remove the money and valuables. The woman said that she was afraid that if she moved the money the rebels would know about it and things could get difficult for her [17]. So they reburied the things in the same place. Later on, the Borborbu spokesmen explained that one of them, a popular fellow who was the only literate person in the village of Borborbu, was seen with items from the cache in the forest. But because he was a member of the RUF, his family was afraid to ask him why he had stolen the items, so the matter was left unresolved.

The group then asked the alleged thief to defend himself. He started explaining with a long-winded story that was clearly fabricated. He was warned that this was his only opportunity,to tell the truth without retribution. Everyone appealed to him to help resolve the matter. At this point, he threw himself on the ground, a considerable feat for an aged man, and begged for the people's forgiveness. He went to the grievance committee members and begged each one of them individually. Then he again fell on the floor to beg the people of Tindor. They accepted his apology.The conflict was resolved because the Tindor people were able to hear and accept the explanation of the Borborbu people, who actually accused one of their own people in the process. This resolved the issue between the two communities.

5. CONCLUSION

The word "dispute" commonly conjures up images of either a courtroom battle or an industrial confrontation. It is proposed here to examine these two forms of conflict from the Gandhian perspective. Fortunately, there is a wealth of material left by Gandhi of his personal accounts of resolving these types of disputes—he was after all an active lawyer in his earlier years (as well as being a defendant at regular intervals throughout his life) and, in 1918, shortly after his return to India from South Africa, he became deeply involved in the Ahmedabad labour dispute out of which grew the Ahmedabad Textile Labour Association—"the most powerful labour union in the country".

A. The Adversary System of Legal Dispute Settlement

In this section two areas will be examined in detail: (1) alternatives to courtroom adjudication in simple civil cases and (2) the position of the defendant facing a criminal charge. Some clues as to the conduct, along Gandhian lines, of such traditional areas of court disputes as the issue of conflicts between consumers and manufacturers, or disputes arising between individuals and large organisations can be inferred from the areas examined and from the general rules of satyagraha as outlined in Chapter Two. Our legal system is one of the major methods of nonviolent conflict resolution between individuals where die main techniques— bilateral negotiation, intervention by an interested third party, petty squabbles or avoidance—are not, or are no longer, applicable. It is our primary institutional solution to problems of conflict. The Gandhian process of conflict solving sees the appearance of a civil case in court as a failure of the parties to settle the dispute and emerge as the friends the model aims at [18]. The court stage generally precludes the Gandhian dialectic from ever coming into play between the opponents.

B. Industrial Conflict

In any zero-sum dispute the object is victory rather than truth. For Gandhi the reverse is always the aim. His approach to industrial conflict is, ideally, not one of zero-sum, or even of compromise, but one leading to the truth through mutual problem solving [19].

Conflicts within industry that often lead to strikes have been seen as having economic and/or social determinants. Gandhi in his role as a union organiser dealt particularly with the former, but as a social critic he addressed himself to the latter explanations also[20] [21]. These social determinants include changes in the social structure of the plant or changes in management policies, frustrations that result from a lack of communication with the management, a feeling of powerlessness resulting from the lack of opportunity in having an effective voice in the running of the industry, and basic conflicts of interests between workers and management[14].

These determining characteristics of industrial conflict need not, of course, lead to overt disputes between the two groups involved. They may result in an increased turnover of staff or absenteeism. Where overt conflicts do occur, they may serve to reduce tension and provide a solution to conflict-producing situations.

As workers and management depend on one another for their existence, industrial disputes must have as their outcome a continued viable modus vivendi. The likelihood of industrial conflict could be lessened by a greater involvement of employees in the affairs of their workplace. Gandhi likewise believed that if conflict between labour and capital is to be avoided "labour should have the same status and dignity as capital". For him workers were coowners in industry and as such "their organization should have the same access to the transaction of the mills as the shareholders". Desai, Gandhi's secretary, in his account of the Ahmedabad Textile Labourers' struggle also put the ultimate goal of labour as securing co-ownership of the means of production "on a footing of equality with the so-called owners". This should only happen, according to Gandhi, after the workers had realised their own strength. The class war, in reality, he believed, was one between intelligence and unintelligence[22].

The conflict between monied classes and labourers is merely seeming. When labour is intelligent enough to organize itself and learns to act as one man, it will have the same weight as money if not much greater.

Satyagraha is a dialogue; therefore, listening to the other, treating them as a reasonable and reasoning equal is essential. This is an extremely important consideration in conducting conflicts along productive lines—-that is, along lines that help to ensure that the resolution of any dispute leaves all the parties satisfied with the outcome. If a party feels that they have been heard and coerced, this is far more likely. Because satyagraha is based on the aim of seeking the truth in any given situation and employs only nonviolent means to arrive at this goal, the probability of productive resolutions is greatly enhanced.

It appears that satyagraha "works" within this framework, but it also does far more—it gives the individual mastery over their own life, provides them with a mode of conflict resolution that does not rely on expert and institutional methods over which their control is lost. The legal system "takes over" the conflicting process and decreases the probability of productive outcomes.

Gandhi believed that to a large degree individuals were masters of their own destiny, that they could transcend their social conditioning and that biological and psychological forces acting upon them did not leave them a machine that acted its life out according to a set plan. Most of all, however, Gandhi was convinced that people were not innately violent. The Gandhian individual has a choice. This choice includes the ability to attempt the resolution of conflicts by nonviolent cooperative means even where this is not the background mode of operation within the social structure to which the person belongs. More than that, ways of behaving that go towards making the nonviolent action that satyagraha depends upon second nature can also be learned.

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Author's information

The author is a graduate business administration student at Nanjing University of Aeronautics and Astronautics. Her research interests align with workplace and community interrelationships such as teamwork, conflicts and their resolution, workplace productivity.