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Negotiation or Mediation? – 2 different paths into the 21ˢᵗ century

by Stuart D.G. Robinson

Editorial comment

In this article, Stuart Robinson firstly examines some of the premises behind the concepts of negotiation and mediation. He cites evidence that a paradigm change is taking place which is causing people in western societies in particular to question their roles when addressing the resolution of conflicts. Such a change in the understanding of roles could help people all over the world - whether weak or strong - to attain better solutions for themselves and for the common good. To adopt this approach, however, would mean abandoning many cherished, deeply-engrained principles and institutionalised procedures. It would also mean looking beyond the western mono-culture of negotiation. In the second part of the article, Stuart Robinson examines in depth a number of the consequences of choosing negotiation as the preferred method of interacting and resolving conflicts. In particular, he explains that much of the world seems to have been forced into adopting the western negotiation principle and he questions not only the appropriateness but also the outcomes of this tendency. In the third and final part of the article, Stuart Robinson examines the consequences of adopting the 'mediation principle' more widely. Whilst explaining how difficult this might be to achieve, he offers compelling arguments for its more widespread adoption in local and global matters.

Introduction

As teams of mediators fly around the world from one 'hot-spot' to yet another, and as the mediation attempts of individuals like Jimmy Carter find their way increasingly into the media, the time has come to ask if we are moving into a new age - the Age of Mediation?

Certainly, the term 'mediation' is being used more and more frequently in newspapers, on radio and on television. Many people question, however, whether 'mediation' really is something new and whether, as occasionally purported, it is something which has originated recently in the USA?[1] Close examination of contemporary usage of the term 'mediation' reveals a broad variety of meanings with crucial differences between them, explaining - as will be outlined below - why there is some confusion about its newness and origins. Before attempting to go into these issues in more detail, it can reasonably be argued that the common thread running through most contemporary usage is as follows:

> *'mediation': a method of resolving differences between parties in conflict by engaging the services of a neutral third party.*

A different approach to resolving differences between parties in conflict, and one which as a concept is more widely known is, of course, that of 'negotiation'. The application of this term has also been increasing significantly during the past several decades. Whereas it was once most commonly associated with interactions between parties in the fields of politics and business, it is also used today in the context of conflict resolution between people in marriage and in other social relationships.[2]

Again, the term 'negotiation', like 'mediation', is used in a variety of different ways. In fact, research at the Institute for Cross-Cultural Communication has revealed that there are at least eight fundamentally different forms of negotiation in use around the world.[3]

Among the various findings of this research so far, it has been established that in several cultures in the Middle and Far East and in Africa, 'mediation' is a traditional and commonly-used form of negotiation, i.e. one of the eight different forms of negotiation to be found around the world.

For the purposes of distinguishing between the two terms in this article, we will initially use the term 'mediation' as defined above, and the term 'negotiation' - in accordance with most contemporary western usage - as follows:

> <u>'negotiation'</u>: *a method of resolving differences between parties, whereby each party - either directly, or indirectly through its chosen advocate - asserts its interests in competition against the other*

In this article, some of the possible causes underlying the increased interest in mediation will be identified and discussed. At the end, we will examine the implications of choosing predominantly either the path of mediation or that of negotiation in the fields of international business and politics.

The Trend towards Mediation: Fashionable buzzword, emergency measure or paradigm change?

1. Fashionable buzzword?

As theories come and go in the field of business-management, many people have learned to approach new concepts and buzzwords with caution. Could it be that 'mediation' is just another new fashionable concept which, like so many others, will disappear again tomorrow?

The answer to this question is difficult, partly because the term is used with such different meanings that one usage or another may quite easily disappear in certain environments very quickly. Another factor concerns the fact that terms and concepts can also disappear in accordance with the 'not-invented-here principle' and there is no reason why this should not also apply to 'mediation'. It is, in fact, very often the case that the brainchild of one person is not applicable in other contexts because of the highly idiosyncratic and/or culturally-bound processes which led to its conception.[4] However, the concept of mediation is traditionally well-established in so

many cultures already that it is unlikely to disappear from the face of the earth in the short or medium term, if ever at all.

Nevertheless, the possibility that mediation is nothing more than a fashionable trend is very real in a different respect. As increasing numbers of people in western societies lose confidence in the teachings of their various traditional religions, one observes a marked increase in the active search for 'surrogate gods', i.e. authorities perceived to be on some higher level. This surrogate function is often fulfilled by psychotherapists, marriage counsellors, business consultants, esoteric gurus and the like, which partly accounts for their booming trade in recent years. It could well be the case that one of the factors underlying the increase in interest in mediation is in fact the same search for the intervention of a higher authority. This search could take on the form, for some people, of calling on a mediator in conflict situations or, for others, of wanting to become a 'surrogate god' oneself and helping others to solve their conflicts. Given the fact that large numbers of people currently say that they lack purpose in life, the mediator may indeed be fulfilling a very real need within the trend towards surrogates for traditional answers to traditional questions, and this need may continue into the foreseeable future.

2. Emergency measure?

In the USA, there has been an upsurge in recent years in the need for 'alternative dispute resolution', i.e. out-of-court conflict settlements. The reason is simple: the courts lack the capacity to handle all the cases which have been filed. As a result, the waiting lists get longer and longer and the parties incur increased financial and emotional pressures. These drain their resources to such a point that a settlement has to found much sooner than the legal procedures can possibly provide.

As a result of the acuteness of the situation, it has become standard practice in a number of states to allocate a proportion of the monies generated from each law-court proceeding into a fund for

alternative dispute resolution. This money is then used to finance the services of mediators who help parties involved in other cases to reach a settlement out-of-court. This primarily reduces the overall burden to the state and, at the same time, alleviates the pressures which the parties would otherwise incur, i.e. by being forced to await their turn in the queue.

This trend towards alternative dispute resolution can be seen to be developing for similar reasons in other countries too, e.g. Germany. This means that mediation can indeed be regarded in certain environments as an emergency measure fulfilling an urgent need.

3. Paradigm change?

Further to the possibility of mediation being nothing more than a fashionable buzzword or an emergency measure, it is possible that its growing appearance in western cultures is indicative of something changing at a deeper level, i.e. that there is a paradigm change taking place.

3.1. The changing world

As the global population is growing year by year, so also is the number of points of interface between the different nations, races and individuals. This trend has been fuelled dramatically in recent years by the technological advances which have made transportation and communication so much easier.

As the number of points of interface increases, people tend to organise themselves into more and more groups. There is a constantly growing number of interest groups, of disciplines, of political fractions and groupings of many other kinds, both within and across national and geographic boundaries.

As the groups each increase in size, in assertiveness or in both, they increase in significance. This can sometimes even create serious challenges or discomfort to those already 'in power'. Groups which may have been non-existent or have constituted insignificant 'minorities' in the

past, today cannot be ignored. This applies - as the media constantly remind us - to states not inside the G7, to ethnic groups not represented in the United Nations Organisation,[5] to groups not represented in management committees or local governments, and so on - a list which is increasing constantly.

In other words, we are conscious today of three interwoven phenomena. Firstly, the actual quantity of interfaces is continuously rising; secondly, the nature of the interfaces is becoming more complex; thirdly, the conflicts which arise at these interfaces are growing in significance and require solutions of increasing quality.

3.2. Winners and losers

Looking at people's abilities to come to terms with these phenomena, one observes, firstly, that some find it easier than others. Those who find it easier have developed different strategies which include ones like the 'analytical-intellectual approach', the 'survival of the fittest approach', the 'normative approach' and so on. Those who find it less easy can often become the victims of the others. In other words, society can naturally end up with a group of winners and a group of losers simply because abilities are distributed differently between different people and because people tend to use their abilities competitively.

It is this competitive element that, among other factors, has led to the common practice in conflict situations of seeking the assistance of a skilled advocate. The advocate can take on the form of a solicitor, professional negotiator and the like. The advocate is generally used to help plead one's case and thereby to strengthen one's position in competition against the other party. In some cases, a party will feel strong enough to do without an advocate and to use its personal 'power' and skills to reach a solution autonomously. Those who have neither the 'power' nor the skills nor the resources to finance an advocate will tend to end up as losers when competing against stronger opponents.

3.3. No-one to turn to

Over the years, most societies have developed various forms of neutral third-party intervention like law-courts and arbitration procedures, partly in order to protect the interests of potential losers. However, there are many parties today who find themselves in new types of conflict and realise that there is no institutional body which has either the status or the competence to intervene. Furthermore, the resolution of one conflict - of whatever type - can often lead to an unforeseen series of adverse, knock-on effects for other parties who are only indirectly involved, i.e. sparking off a new set of conflicts. All this means that the qualitative demands being made on conflict resolution in general, and on third-party intervention in particular, are rising sharply. Too few people possess the skills, knowledge or status to provide competent third-party intervention.

It is not surprising, therefore, that increasing numbers of people inside and outside the legal profession are looking for training in alternative methods of dispute resolution - not only to meet the increased quantitative demand but very much also for qualitative reasons.

The above trends are, however, not sufficient to serve as an indication of a paradigm change. The main evidence comes from the roles which people perceive they should play in conflict situations. These roles appear to be changing.

3.4. The question of autonomy

The expansion of the sciences into an ever-increasing number of realms of human consciousness and human activity has reinforced a certain manner of processing the world around us. One of the components of this manner of processing can most simply be described as 'the objectivity principle'. In essence, there is an external world which exists outside of ourselves and this can legitimately be the object of our attention.[6] In other words, one can distinguish between 'subject' and 'object'. Accordingly, if one applies sufficient scientific rigour, the 'object' can be analysed independently of the 'subject'. The observation of regularities pertaining to the 'object'

permits the deduction of laws and principles which are true, independently of the beholder.

Since people and relationships are perceived as belonging to the set of observable phenomena, they automatically conform to the same principles. This has led most people brought up in the scientific tradition to look at their interactions with the people around them in terms of the subject-object dichotomy. In one's relationships, there is an 'I', i.e. a subject, and a number of 'you's, 'he's, 'she's or 'it's', i.e. one or more objects. (It is important to note that 'we' is, in this tradition, composed accordingly of a subject and a non-subject, an issue which will be returned to below.) Universalistic laws and principles have been postulated concerning how people interact and communicate.[7]

What this particular manner of processing relationships has led to is, among other things, the atomistic notion that conflicts arise between independent entities, i.e. between two or more separate objects.[8]

A further significantly related element in many areas of human consciousness in western cultures is 'the autonomy principle'. According to this principle, each individual or group is perceived to be not only independent but also self-directing, i.e. to possess the property of self-determination. Within a number of political and legal systems, the autonomy principle has developed into a right and, in fact, an obligation.

In such societies, people are educated to take responsibility for outcomes by taking responsibility for their actions. What one does today will determine what will happen tomorrow. People who do not act with this sense of responsibility are regarded as either mentally or morally unfit.

The resolution of conflicts in these types of society obviously requires a 'negotiation', as defined above, or some close equivalent. The role of each party is clearly one of asserting its autonomous position in competition against the other.

A strong indicator of this understanding of roles is the currently popular concept of a 'win-win negotiation'. The term itself shows that there is potential competition between the parties involved and that this competition could lead to a win-lose result because of the autonomous assertion of interests on each side. Another indicator is the concept of the 'arbitrator' who has the task of intervening as an umpire and settler of disputes when two independent, competing parties cannot reach a solution on their own.

The principle of autonomy represents, however, only one way of processing the world around us[9] and, like all others, runs into internal and external difficulties. Insights gained in recent years in science and philosophy have been interacting with human consciousness in western societies in such a way as to cause a reconsideration of certain basic premises like that of autonomy.[10] Now, the world's ecological, economic, social and political situations are currently encouraging us to undertake this reconsideration as a matter of urgency. Close examination reveals that the issue of autonomy, for example, lies at the heart of a considerable number of today's major problems and conflicts.

In ex-Yugoslavia, for example, as in so many parts of the world, we have seen people grouping themselves in terms of ethnicity and fighting for their autonomy with little success. Within the European Union, the Commonwealth of Independent States, the United Nations and many other multinational groups, we find one example after another of a 'member' attempting to assert its autonomy. Somehow the institutions which were created in order to safeguard the interests of all members are failing to fulfil their purpose. They seem to have been unable to create anything else than an environment of winners and losers, and this is not for the lack of objective observation, analysis and of acting on their initiative and sense of responsibility.

In a similar way, conflicts between people outside one's own 'umbrella organisation' raise challenging questions for the principle of autonomy. For example, does one respect the autonomy of a country and allow it to find its own solutions to internal problems? What does a country outside the CIS do, when it perceives struggles going on between the Russian and the Chechen people? How should one behave in regard to the Turks and the Kurds, the Chinese and the Tibetans or the Romanians and the Balkan Gypsies? As outsiders brought up in the western tradition we feel, when observing a conflict between others, somehow 'morally obliged to do something'. What forces us into this dilemma is our upbringing within the tradition of the autonomy principle.

Another example of where the principle of autonomy has run into difficulties is in the field of business. The concepts of 'management' and the 'manager' - as we know them - are quite obviously the products in part of the principles of objectivity and autonomy. The 'manager' has evolved to be the 'doer', 'decision-maker', 'organiser of the external world', i.e. the epitome of self-determination. 'Management' is based on the idea that the 'subject' has the function of controlling the 'object'. The 'object' can, of course, be either material, as in 'project management', or human, as in 'people management'. Today, we find 'managers' in all walks of life from their obvious place in the world of business to hospitals, schools and even the Red Cross. The term 'culture management'[11] indicates how far these principles have influenced human consciousness and activity.

However, when we examine the current pressing issues of the world, we see that classical management-type answers lack effectiveness, certainly when viewed from the long-term perspective. We observe that burning issues like the growth of unemployment, the pressures on social welfare systems, the crises in international trade and exchange rates, the negative trends in global health and ecology and the many ethnic struggles around the world can only be addressed adequately if an approach is taken which is not based on the autonomy principle. What is needed is an attitude whereby we see ourselves as interrelated parts of a whole, or better still as 'holograms' of a constantly changing whole of diversity, with a role of joint responsibility for how we as humans affect the planet and the common

well-being.[12] The concept of 'sustainable development', for example, clearly belongs to the latter.

The world of business is, however, far from achieving this attitude. Not only are there immense challenges ahead in reconciling the principles of the economy with those of ecology, but even within the world of business there are innumerable problems caused by how people understand their roles. Experienced international negotiators and senior managers admit repeatedly in informal interviews that many of their biggest mistakes have been caused by their unwitting adoption of a role which, in hindsight, was detrimental to the common well-being. Many report that, instead of being convinced of the need to act personally in crisis and conflict situations, they would have done much better to first stand back, adopt a neutral position in order to listen and then to promote common understanding. Others say that they have learned by bitter experience to concentrate on neutrally observing and understanding processes and to abandon the usual role of seeking solutions and constantly forcing decisions. The promotion of common understanding and concentration on processes require the adoption of a role which contrasts strongly with the 'doer', 'decision-maker', 'organiser of the external world' ethos. The latter, however, forms the basis of almost all managerial education, and so it is understandable that most managers automatically fall into this role and find it very difficult to behave differently.

The most striking examples come from interviews with managers who have been involved in international joint-ventures.[13] They tend to share one of the following insights, or both. Some conclude that they had 'not foreseen how difficult it is to change people in a foreign culture' and 'bring them in-line with the principles of the western market economy'. Had they known beforehand, they 'would never have agreed to a 50:50 shareholding or quite probably not have gone into business with the foreign partner at all!' This conclusion is, of course, less helpful for companies or countries who are dependent on foreign trade for their economic stability. Other managers arrive at the insight that

they were under-equipped with the skills necessary to make joint-ventures work and over-equipped with skills which stem from what is being described here as the autonomy principle. It is invariably the latter, they say self-critically, which cause the problems. They 'find it extremely difficult,' for example, 'to enter into a collective 'we' attitude.' The development of a basis of genuine mutual trust is hindered by their own 'fears about who might win and who might lose.' They find themselves 'guilty, in retrospect, of having felt it necessary to take autonomous courses of action without involving their partners.' To have adopted an integrative collective-'we' attitude (i.e. one which is void of the subject-object dichotomy) and a mediator role would have been much more appropriate for coming to terms with the interface between the two mentalities.[14]

In the legal profession, we find hundreds of lawyers looking outside the limitations of their traditional role for very similar reasons and turning to alternative dispute resolution, i.e. to mediation. They recognize that the principle of acting to strengthen the autonomy of the respective parties is often 'nothing more than a lucrative, self-perpetuating exercise which leads to highly unsatisfactory situations.' They too are looking to take on a different role in conflict situations, and to encourage their clients to do likewise.

The fact, then, that more and more people are recognizing the need for a change in the understanding of roles is perhaps an indication that something is indeed happening at a deeper level of human consciousness and that this may, sooner or later, begin to change some aspects of human activity in a fundamental way.

Negotiation and Mediation: Two fundamentally different concepts

Before examining the implications of taking the path of negotiation or that of mediation into the future, it is necessary at this point to reconsider the definitions of each in the light of the foregoing discussion.

If we regard the western concept of 'negotiation' to have naturally arisen, much like the concept of 'management', within the autonomy tradition, then the term 'mediation' could be meaningfully reserved for an understanding of conflict resolution which corresponds to its traditional use in certain other cultures and simultaneously to the new state of human consciousness and understanding of roles which some western people are currently actively seeking. Accordingly, we can leave the definition of 'negotiation' as formulated above:

> *'negotiation': a method of resolving differences between parties, whereby each party - either directly, or indirectly through its chosen advocate - asserts its interests in competition against the other*

Mediation, however, will need to be redefined along the following lines:

> *'mediation': an understanding of roles in conflicts, whereby those directly involved voluntarily seek the assistance of a neutral party; the latter assists the parties to trace their path from the co-creation of the conflict to the co-ownership of a holistically optimal resolution*

The change from the original definition of 'mediation' as being a 'method' to its revised formulation here as being 'an understanding of roles' is deliberate; it reflects the language used by managers and negotiators to express the inner change they have needed to undergo in order to become mediators. In fact, it could be even more accurate in some cases to modify the latter to 'an understanding of roles in life' rather than restricting it to conflicts. The question of roles seems only to become relevant to people when they look at conflict resolution from outside the mindset of the autonomy principle.

Taking the concept of 'mediation' as now defined, conflicts are regarded as natural phenomena which arise as a result of the inherent diversity in and among people.[15] Parties involved in a conflict automatically understand themselves to be holographic parts of a greater whole, on behalf of which they jointly carry - as primary co-participants - a major part of the responsibility for seeking a holistically optimal solution.

The role of the mediator becomes an essentially non-active one in the sense that he/she can neither intervene without being invited, nor propose any solutions. The reasons lie firstly in the fact that the mediator must be neutral and have no part or interest in the core of the conflict. Secondly, in not having co-created the conflict, the mediator cannot legitimately co-create its resolution. The latter can only be done by the original co-creators. The role of the mediator becomes an 'active' one, paradoxically, only through its passivity and neutrality. The more the mediator keeps out of the active resolution process, the greater his/her contribution since this will enhance the likelihood of the conflict parties fully owning the solution.

The function of the mediator is much like that of a mirror. It enables the conflict parties to recognize their part in the co-creation of the conflict and to see more clearly the part of the other. The mirror also reveals the totality of the situation, including the presence of other parties and factors in the background which need to be considered during the solution-finding process. The mirror makes no distinction between the content of the conflict and the relationship, but allows the parties to monitor the multidimensional process as one event.[16] It also enables them to recognize their situation as being embedded in a multidimensional, constantly changing whole. The better the quality of the mirror, i.e. of the mediator's abilities, and the greater the motivation of the parties to look into that mirror, i.e. to seek and value the assistance of the mediator, the more easily they will be able to see and understand the path from the source of their conflict towards the creation of their own solution.

It is clear from this discussion that mediation departs significantly from the principles of the subject-object dichotomy and of autonomy.

Learning to become a mediator also means departure from the mechanistic, 'how to', proactive

methods of managing the external world. The mediator must instead learn to process his/her own interaction with the environment and to recognize the interdependency relationship between the self and the perceived external world, i.e. to recognize that - in the context of interpersonal relationships and conflicts - there is no relevant external world which is independent of the beholder. The reasons for needing to undertake this learning step are twofold. One reason concerns the mediator's neutrality and mirror function. It is only through being highly aware of one's own perception and structuring systems that one can guard against misinterpretations and value-judgements of what one is perceiving. Only then can one begin to attain neutrality. The other reason concerns the fact that the mediator needs to be an expert in recognizing his/her own contribution to the co-creation of conflicts if he/she is going to help others to do the same. It follows that one of the essential qualifications for all mediators is that they readily seek the assistance of another mediator when directly involved in a conflict themselves.

At the beginning of this article, it was mentioned that the term 'mediation' is currently being used in a wide variety of ways, many of them deviating strongly from the definition being offered here. It is common, for example, to find the term 'mediation' being used in a way which corresponds much more closely to the autonomy principle. The mediator here is perceived to have the role, much like a manager, of providing solutions. This type of mediator can sometimes be observed to intervene without having been invited to do so by the conflicting parties. Other mediators even have hidden interests in the conflict, as can be seen in a great number of instances of international political mediation. It is hardly surprising that these attempts to mediate either are often unsuccessful or lead to further problems. Sometimes, the terms 'mediator' and 'negotiator' are used synonymously.

The fact that the term 'mediation' is used so differently indicates that the change in the understanding of roles is taking place very slowly, and certainly not universally. Many of the managers, negotiators and lawyers who undergo training in

mediation experience great difficulties in making the necessary inner role-change. Experience has shown that it is the high levels of solution- and decision-orientation of western managers which constitute one of the greatest hindrances to the development of their intercultural interfacing skills and their mediative abilities.[17] Many seem to have been so conditioned to seek mechanistic, 'how to', proactive methods of managing the external world that a change to a role which is active only through its passivity and its ability to be neutral, to a role which imposes no own structure on the course of events and which requires them to fundamentally rethink their relationship to the external world creates an immense challenge to their identity.[18] Experience in the training of managers of different nationalities shows that those who have the highest levels of material-orientation and self-determination combined with universalistic thinking tend most strongly to avoid modifying their understanding of conflict roles.

When the terms 'negotiation' and 'mediation' are defined as they are above, it becomes obvious that adopting either one or the other will lead to very different situations in the future.

'Negotiation', as defined above,[19] is based on the notion that parties in conflict attempt to reach a solution by each **asserting** their position **in competition** against the other. To be assertive and to be competitive are two well-established notions in many western societies, where they have become preconditions for the survival and success of individuals, groups and organisations of most kinds. This method of interacting and of resolving conflicts will from now on be termed **'the negotiation principle'**.

Nowadays, the application of this principle is no longer confined to western societies and is becoming increasingly important in many other parts of the world, due particularly to the influence of western education and thinking and of forces like the market economy.

A Global Trend towards the Negotiation Principle

Business people report that the international marketplace, in general, is getting tougher and tougher, and that they themselves are having to get better and better at negotiating, i.e. in order to make sure that their companies survive. They say that they feel very challenged by the growing competition between the various economic and political blocs around the world. Each bloc is doing its best to develop its internal strength in order to fight the fierce international competition on all sides.

Within each bloc, countries are increasingly experiencing the need to assert their interests in competition against their co-members, i.e. in order not to lose out in the race towards local economic superiority. Individuals within these countries are experiencing a similar need in relation to their employment security, to their earnings and spending power and to their social status.

In the Far East, too, those societies which have been practising the principles of the market economy for longer periods of time have experienced a marked trend towards increased individualism, personal autonomy and interpersonal competition. The assimilation of market-economy principles into certain of the more collectivistic societies seems to have led individuals to change their ways of interacting with each other and with the group. Each individual becomes a marketable product, as in western societies, and has to compete for survival on the employment market against his/her peers.

Life for many people living in a market-economy environment constitutes a challenging negotiation process on all sides. Those people who do not possess the ability to negotiate successfully in their own interests seldom become as materially and socially advantaged as those who do.

It can reasonably be argued, therefore, that the only way to survive in this type of environment is: a) to become proficient in the negotiation principle and b) to be as assertive and competitive as the rest - if not more so. Those who do not, will fail - and they will have no-one else to blame, but themselves! It is perhaps comforting to think that such a way of life is very close to the principle of the survival of the fittest, a principle which is said to pertain to all living organisms (see Section 3.2). Is it not a fact of life on this planet that the fittest always tend to survive? Is it not self-deceptive to think that the human species lies outside this law of nature? Have we not already done too much to help increasingly weaker specimens of the human race to live longer? Is it not time that we come to terms with the consequences of tampering with nature's laws of survival?

To widely promote a negotiation culture might then constitute a return to the reality and core of human existence, where everyone seeks to assert their own interests in competition against the others.

On the basis of these observations and arguments, a set of postulates can be formulated along the following lines:

> *Postulate No. 1:*
> *to predominantly adopt 'the negotiation principle' as the favoured approach to interacting and to solving conflicts complies not only with contemporary economic trends and proven success factors for the running of societies, but also with certain fundamental principles of natural survival;*

> *Postulate No. 2:*
> *the faster competitive environments can be created and the faster people can be equipped with the necessary attitudes and skills in order to negotiate for themselves, the faster each individual, each organisation and each society will improve its chances of material survival.*

In order to check the axiomatic value of these postulates, certain questions need to be raised and addressed, which include the following:

Question 1:
What are the implications of developing the world's inhabitants to a higher state of competitiveness, assertiveness and negotiating ability?

Question 2:
How realistic and achievable is such an undertaking if one were to decide upon it, and what are the consequences if not?

Question 3:
How have those societies fared which have already been working with the negotiation principle for a long time and what lessons can be learned from them?

These questions are obviously so interrelated that they will often be addressed simultaneously and, for the sake of simplicity, without specific reference each time. Starting with the first question, two contrasting sets of implications can be posited.

Set A (Nos 1-4)

Implication No. 1:
people who have learned how to negotiate well will be more likely to take the responsibility for their individual well-being into their own hands;

Implication No. 2:
a society or world of good negotiators would have less need of a costly welfare state and other benevolent systems to look after them;

Implication No. 3:
there would be less oppression of individuals by institutions since the former would feel more confident and be more skilled in dealing with the latter;

Implication No. 4:
individuals and groups would become increasingly proficient in articulating their needs, interests, preferences, dislikes etc. which would lead to more open discussion, equality and democracy;

This list of implications is by no means comprehensive, but it is already clear from those formulated so far, that a wide promotion of the negotiation principle could lead to a highly desirable state of human co-existence. Accordingly, it can be argued that one would end up with a less desirable state if one were not to enable the world's inhabitants to negotiate more proficiently.

There is, however, a second set of implications which contrast strongly with the first and which will be addressed individually and in detail:

Set B (Nos 5-10)

Implication No. 5:
society in general, and interpersonal relationships in particular, could suffer from an increase in aggression and intolerance;

It was mentioned above, for example, that many business people experience the international marketplace as becoming tougher and tougher as different companies, national economies and economic blocs seek to assert **their interests in competition against the rest**.

There are also indications that aggression and intolerance are on the increase inside countries which have been exercising the negotiation principle for longer periods of time like Britain, the United States and others. This trend is particularly noticeable in schools and among young people. There are signs of growing intolerance in society at large in relation to minority groups and 'foreigners'. A similar phenomenon is to be observed within organisations as competition for jobs becomes fiercer in the face of down-sizing; the currently widespread phenomenon of 'mobbing' is one example.

Whilst Jean Baudrillard[20] attributes the growing phenomenon of racial hatred to the consequences of urbanisation and the information age, and Arno Gruen[21] to the consequences of power being exercised over the growing child, the role played by the development of an increasingly competitive environment needs also to be recognized.

Aggression and intolerance take on various forms. The most readily observable is perhaps that of physical acts like the burning-down of foreigners' homes and street muggings. Less easy to pinpoint, and as a result more difficult to come to terms with, is the more subtle, verbal form of aggression and intolerance which is rife among the 'more educated'.[22] In other words, both aggression and intolerance are to be found at all levels of society, not merely amongst the 'under-privileged', and the increase in interpersonal competition may well be one of the many contributory factors.

In listening to the voices of different countries from different continents, one regularly hears the labels of 'aggressive', 'intolerant' and 'competitive' all being used together to typify the British and the Americans; the word 'arrogant' is also often used. Is it a coincidence that people from other cultures bundle these perceptions together in talking about the British or the Americans? Or is it an indication that these characteristics in fact share a common root, for example at the level of 'deep culture'?[23] Do aggression and intolerance naturally emerge alongside the negotiation principle?

The findings of Hampden-Turner and Trompenaars[24] may help in investigating this question. These findings reveal that the British and the American cultures share the deep-culture dimensions of 'atomism', 'individualism' and 'universalism'. Each of these are fairly strongly represented in both cases. In fact, atomism and individualism have already been alluded to in the first part of this article as being at the roots of the negotiation principle (see Section 3.4 'The question of autonomy'). Could it be the case, then, that atomism, individualism, universalism and the negotiation principle are linked in some way? - and that this combination leads other cultures to perceive the British and the Americans not only as competitive but at the same time as arrogant, aggressive and intolerant?

Personal investigations have led the author of this article to the conclusion that universalism may indeed be a natural concomitant of a com-

bination of high individualism and high atomism. It seems that the deep-cultural mindset of processing existence in terms of divisible entities - i.e. atomism - which all belong to an external world outside of the self - i.e. objectivity which, through strictly differentiating between 'subject' and 'object', then leads to individualism - may go hand-in-hand with a manner of thinking which treats all external entities as equable and equably divisible - i.e. universalism. This way of processing the world might lead to something like the following mindset:

1) My environment exists outside of me. ⇒ "You are over there."

2) Existing outside of me is a permanent state. ⇒ "What is, is (so) for always." "Therefore, you are always over there."

3) Whatever objects exist can be divided up into their smallest parts. ⇒ "I can investigate your behaviour and analyse it in terms of its components."

4) My environment, in being always over there, is constant and therefore con-forms to principles of constancy. ⇒ "Your behaviour is governed by certain universal principles." "I have observed and analysed your behaviour." "I know how you behave."

In this very rough attempt at portraying a part of a mindset, one can identify the dimensions of objectivity, individualism, atomism and universalism in combination, and even detect traces of determinism and cartesian dualism.[25] The assertive and competitive components of the negotiation principle follow on quite naturally:

5) My existence, however, is not a permanent state and therefore I am in competition with my environment. ⇒ "You and I are in competition." "This will always be so, unless I cease to exist."

6) My environment is the legitimate object of my actions. ⇒ "Until the day I cease to exist, I will assertively take control over my envi-

ronment for my survival." "All others will assertively take control over their environment for the same reason." "This exercise of control will essentially be autonomous, which will hold for all people."

7) In assertively exercising autonomous control, organisms will carry out actions which will sometimes conform to the principles underlying a situation and sometimes not. ⇒ "There are rights and wrongs about behaviour."

As an interesting addition, we can combine elements from (1), (2) and (6) to obtain:

8) Whatever is not observable (to me) is not a legitimate object for actions (by anybody). ⇒ "There are parts of me which are not open for observation or for outside control."

From these eight points, it is easy to recognize a potential source of the perceptions mentioned above which include arrogance, intolerance, aggression and competition. One can also see how the underlying characteristics might naturally co-occur in a certain type of cultural mindset. Symbiotic relationships would tend to be precluded and concepts like individuation and self-actualisation would stand in their place.[26] These latter points will be returned below in relation to other Implications.

Conclusion

There are many indications that society and interpersonal relationships are indeed showing signs of increasing aggression and intolerance. The contributory factors are numerous and difficult to identify. It has been posited that the growth of assertive and competitive behaviour is one of the major contributory factors. It has also been suggested that there are pre-programmed deep-culture links between the negotiation principle and such behaviour. Accordingly, more research is needed into the true roots of these particular trends in western societies and caution may be called for in promoting the negotiation principle both within western societies and around the world.

Implication No. 6:
a continuation of the attempt to apply the negotiation principle universally could increase the already high failure rates of international business ventures and could lead to a worsening of international politics;

By examining the deep-culture dimension of universalism in relation to the negotiation principle, one arrives at the insight that the more universalistic societies must unwittingly be driven by their deep-culture to apply the negotiation principle universally. In other words, they unconsciously but necessarily expect all people to negotiate in the same way that they do. Simultaneously they must have great difficulty in perceiving resistance to this expectation and in understanding why it should occur. Indications of such a tendency and of resistance to it are perhaps already to be detected between the North-West and both the Middle and Far East, on the one hand, and the South, on the other. This might be what is partly meant by Africans or Asians when they plea - as they frequently do - for a stop to the 'americanisation' or 'europeanisation' of the rest of the world.

The dissemination of the premises implicit in the negotiation principle and all that goes with it politically, legally, psychologically and spiritually into all corners of the globe is clearly, in itself, a task of immense proportions. World history has already shown many times that such undertakings are likely to encounter considerable resistance.

Evidence from international joint-ventures, and mergers and acquisitions indicates a particularly poor performance-record for western companies[27]. Their approach is apparently not as conducive to building symbiotic relationships as are other approaches. If the part-mindset portrayed above is in any way accurate, it is easy to see how symbiotic relationships are precluded by processing one's environment in that particular way. Whatever the reasons, there has been little improvement in the track record of western companies over the last decades and it is, therefore,

reasonable to assume that those western companies which are dependent on international trade will continue to waste considerable amounts of money and effort on such undertakings in future. Studies show that the mistakes made follow a relatively common pattern and that western organisations typically display an inability to adjust their strategies or even to want to learn seriously about how to build symbiotic relationships. Whether such organisations are acting in this way out of a conscious conviction that their way is the right one or because of a blind spot concerning their own deep-cultures, the consequences remain the same.

Perhaps each time Westerners feel appalled when a country or ethnic group refuses to negotiate the western way, as we have seen many times recently in the Balkans and the Middle East, they could take the opportunity to question whether the negotiation principle has any relevance for the people concerned, apart from themselves. The negotiation principle is clearly the product of one type of culture, no more and no less.

This last point raises a host of complex issues to which there are quite probably no straight solutions. In recognising the cultural roots of the negotiation principle, one is automatically led to the conclusion that this principle must be a right way - if not the right way - of interacting for the culture(s) where it originated. The fact that the culture or cultures concerned happen to be highly universalistic leads to the conclusion that it must also be right for such cultures to apply the negotiation principle universally in their dealings with other cultures. This then leads to the dilemma - at least from an outside observer's point of view - that cultures where the negotiation principle did not originate become automatically forced into adopting the negotiation principle if they need to interact with the others, e.g. with Britain or the USA. If they do not adopt the principle they are highly likely to experience a breakdown in communication for which the 'universalists' are culturally pre-programmed to give them the blame. It is precisely this dilemma which is to be found among the roots of breakdowns in numerous international undertakings in

business and politics between the North-West and the rest of the world. It explains much of the frustration which is experienced by the latter in their dealings with the North-West, including what is often perceived to be arrogance on the part of the latter.

Conclusion
Since perceptions are an essential component of reality, it must be concluded that the dilemma outlined here is likely to be exacerbated if the negotiation principle is adopted as the favoured form of interaction in international dealings. International business and political cooperation is likely to suffer even more as a result.

> *Implication No.7:*
> *individuals and groups will be conditioned into thinking more in terms of independence than in terms of interdependence;*

In Section 3.4, it was noted that underlying the negotiation principle lies the atomistic notion that **conflicts arise between independent entities**. The idea of asserting one's interests in competition against another party is not only a natural product of this tradition, but it also serves to reinforce the notion of independence. Going to one's solicitor when in a conflict situation with another party is a natural course of action within this tradition. What is perhaps unwittingly, but nevertheless factually, excluded by exercising the negotiation principle is the notion of interdependence. For this reason, proponents of negotiation models which have been generated within the tradition of the negotiation principle often find the need to stress the concept of 'common interests' and interdependence factors, i.e. because the latter are not contained within the central premises of such models.

The 'white' north-western part of the world has earned itself a reputation for being less able to think in terms of interdependencies than its counterparts, including the indigenous North-American Indians. The cartesian and the scientific traditions are often cited as the cause of this, as mentioned in Section 3.4, and concerted ef-

forts are sometimes made to redress the situation. For example, some North-American children are deliberately sent to school in Japan and Swiss doctors go to China for further training in medicine; both go in order to acquire a mode of thinking which considers interdependencies of a non-linear type.

In the same way, interactions and conflicts involving humans can be viewed in terms of interdependencies which go well beyond the individuals concerned, but this approach is almost precluded in western thinking and in the negotiation principle.

According to many western negotiation models, it is important to distinguish between the 'content' and the 'relationship' levels, i.e. in cartesian tradition. It is even proposed that negotiators should 'be hard on the content and soft on the relationship'. Apart from the dangers of suggesting that this distinction between content and relationship is something universal and universally applicable, the dichotomy is counter-productive if people are to be encouraged to think in terms of interdependencies. As Hampden-Turner points out,[28] atomism and holism are at opposite ends of a continuum, which means that, in being the product of atomistic thinking, the negotiation principle is not intrinsically designed to handle interdependencies.

Conclusion
Even if certain provisions are made for the consideration of interdependencies, the choice of the negotiation principle as the favoured path into the next century will naturally emphasise the autonomy and independence of parties in conflict.

> *Implication No.8:*
> *the quality of agreements and decisions is likely to be lower than is needed for sustainable development;*

As was outlined in Sections 3.3 and 3.4, there are signs in some parts of western societies that people are becoming dissatisfied with the quality of outcomes from the application of the negotiation principle. This is to be expected, given the conclusion to Implication No 7.

Many lawyers, managers and politicians are realising, based on their own experience, that if conflict parties attempt to resolve an issue in the traditional way, it is common for them to fail to consider the 'wider picture' within which they are embedded. Agreements are reached which often constitute no real solutions at all but, at best, bad compromises; and very often neither party is content with the outcome.

Issues like ecology, or third parties who are not directly involved in the conflict, get inadvertently overlooked, and it is these who then suffer as a consequence of the solution reached by those parties who were directly involved. Sometimes, the ecology or these third parties are in fact quite deliberately overlooked, but principally for the same reason, i.e. because of an understanding of roles based on the 'autonomy principle'. It is clear that one of the lessons which is being learnt from a predominant application of the negotiation principle is that the latter is not in itself conducive to achieving agreements and decisions of the highest quality, i.e. seen from a holistic point of view. The level of quality reached by the negotiating parties is determined by their respective abilities and willingness to integrate the surrounding 'whole' into their conflict and its resolution; in fact, it is probably mainly determined by the party with the lower level of ability and willingness. In general then, the negotiation principle leads conflict parties to aim for solutions which satisfy their own interests to the best possible extent, and the outcome is, in truth, measured by most parties according to this one criterion alone.

Sustainable development, however, places a different set of criteria on the outcomes of negotiations and conflicts. The interests of individuals are subordinate to the survival of the planet and of all living organisms on it.

Conclusion
As the world moves into a phase of requiring increased levels of responsibility towards future generations of species of all types, the outcomes of conflicts and decisions generally need to be of

a higher holistic quality. The negotiation principle does not appear to offer the means by which this can be achieved.

Implication No.9:
the number of losers in society is likely to increase;

It is a fact in countries which have been practising the negotiation principle for longer periods of time that at least two classes have emerged: the more successful negotiators and the less successful ones (see Section 3.2). On the one hand, it may be the case that the less successful negotiators in such societies have not been instructed in the skills of negotiation; this places further very serious question marks, of course, on the feasibility of a worldwide implementation of the negotiation principle. On the other hand, the emergence of these two classes is a natural result of the principle itself, since competition is all about winning and losing.

This problem is exacerbated by the fact that power is currently not distributed equally within such societies. It is a fact that negotiations are predominantly won by the more powerful, i.e. by those with the greater financial resources, the greater influence, the greater knowledge, or the greater abilities etc.

Conclusion
Obviously, an equalling-out of power in society would alleviate part of the need to negotiate, but it is hard to see how a continued trend towards a predominant application of the negotiation principle will lead to anything else than a more uneven distribution of power than already exists.[29]

Implication No. 10:
the non-industrialised majority will unleash its aggression on the industrialised minority for pursuing its own material improvement at the expense of mankind's greatest resource, intercultural learning.

A set of considerable challenges lie ahead for countries which feel themselves compelled to develop their economies. They would be forced to borrow the principles of the market economy and all its premises and concomitants in order to achieve a state which will allow them to begin seriously competing with their counterparts. Simultaneously, they would need to strive for sustainable development and to reconcile industrial with environmental issues, a challenge which even the industrialised nations cannot yet master.

The first challenge of all is to decide - for reasons which truly correspond to their own culture and ways of processing their interactions with their environment - whether they want to develop their economies and compete, or not. Some cultures lack not only the attitudes and skills, but also the desire to negotiate with industrialised world; some attempt to refuse to negotiate, as discussed above. However, they seem increasingly to have no choice as a result of the dilemma outlined earlier in relation to universalism (see Implication No. 5).

It is well-known, of course, that any organism which is forced to do something which does not correspond to its nature reacts. Reactive behaviour can take many forms, a common one being aggression, as discussed above. Everyday, national and international news shows that human beings and human societies which perceive themselves to be 'in a corner', or to have been misused, have a strong tendency to react aggressively. Reactive behaviour is highly unpredictable and can lead to chaotic and 'uncontrollable' situations.

Reactions also lead to counter-reactions and events show that the industrialised world has a strong tendency to restore order, i.e. to get things back under control. The application of power in such instances is undeniable. It is typically the USA, being the most 'powerful' nation at present, which bears controlling influence on unrest. The restoration of order, for reasons which are generally declared to involve economic matters, has two questionable consequences. One consequence is the fact that the party exercising the control does this in its own typical way, a way which is highly likely to be unfitting for the foreign environment where it is applied - unless the

world in this case subscribes to universalism. The second consequence is that learning is strongly inhibited on all fronts, i.e. between the parties in-conflict and between the restorer of order and the rest of the world. These two consequences then unleash a second wave of reaction and counter-reaction; a dynamic spiral of perceived oppression and aggression are the result.

Conclusion
The fact that dynamic spirals like this lead to a loss of life may - although it seems a harsh statement - be the lesser of two negative outcomes, when viewed from a holistic point of view. The more serious negative outcome may, in fact, turn out to be the perpetuation of non-use of the potential in true learning between cultures.

Is the Negotiation Principle a Viable Path into the 21st Century?

If one were to decide in favour of the negotiation principle, it is clearly rather difficult to imagine a scenario where all the people of the world have been developed to an equal level of proficiency in assertiveness, competitiveness and negotiating ability. The people of the world are currently so diverse in their attitudes, in their levels of literacy and in their values that it is virtually impossible to conceive of a state where everyone would want and be able to be developed to an equal level of negotiating proficiency.

It follows that, for those cultures for which the negotiation principle is 'their right way' of interacting, a responsibility offers itself for having co-created - whether by design or by chance - numerous inequalities of opportunity.

Having discounted the potential solution of educating the rest of the world in the skills of negotiation, cultures which wish to accept this responsibility have only a few alternatives.

One might be for the more-advantaged societies to set up institutions and funds to counteract the inequalities arising around the world and to provide the less-advantaged with protection and aid of various sorts. Whilst this type of assistance is already well in place through organisations like UNO, international courts, watch-bodies and charities, there are many questions concerning both its effectiveness [30] and the hidden motivations behind it; some even suspect an admission of guilt in this type of aid. Whatever the motivations, it is highly unlikely that this way of handling global inequality will change very much in future decades, which means that the perceived need for such institutions will increase dramatically and so will the costs. In other words, this solution appears to be lacking in 'cost-effectiveness'.

Another possible solution would be to question one's adherence to the negotiation principle. Perhaps it is necessary to be open for other forms of interaction and to explore ways of achieving communication in a non-parallel fashion. It is this solution will be explored in greater depth in the remainder of this article.

'Mediation' was defined above as:

> *an understanding of roles in conflicts, whereby those directly involved seek the assistance of a neutral party; the latter assists the parties to trace the path from the co-creation of the conflict to the co-ownership of a holistically optimal resolution.*

This definition differs in several significant aspects from the one offered for 'negotiation' (see above). The most significant aspects are:

1. *'understanding of roles';*
2. *'co-creation of the conflict';*
3. *'neutral party';*
4. *'co-ownership of a holistically optimal resolution'.*

1. Understanding of roles

Mediation departs significantly from negotiation in terms of the roles that people are understood to play in conflicts.

Essentially, a person who subscribes to mediation does not view conflicts as phenomena which

arise between independent entities, but rather as natural consequences of the interactions of very many parties, or factors, all of which are interdependent. Each party owes its existence to the co-existence of others. No party, or factor, has an identity or a role which is independent of others. The phenomenon of multi-level interdependence is something which is valid at all times, i.e. whether the interaction between two or more of the multiply-related parties is in a conflict phase or not. This means, firstly, that it is inappropriate to address the resolution of conflicts using premises which involve role-independence. Secondly, it means that interdependence is seen to extend well beyond the actual conflict phase.

Since the roles are viewed as being interdependent, as opposed to being autonomous, it is inappropriate - from a mediation point of view - for any party to assert its own interests in competition against another. [31]

In everyday life, of course, there is often a very strong element of competition between parties in conflict. It is seldom that a party wants to risk losing - and equally seldom that conflict parties recognize their fundamental interdependence. In reality, few people turn to mediation on the grounds that they believe in the role-understanding which has been portrayed here. More often than not, people in business, in politics and in social life turn to mediation because they have reached a deadlock or have found no other way of resolving their conflict. In all cases, however, it is crucial that the person who has been selected to mediate does possess this particular understanding of roles, regardless of how the conflict parties view their respective roles at the outset of the resolution process.

2. Co-creation of the conflict

In context, this phrase carries the premise that any person or group which is involved in - or is affected by - a conflict has de facto co-created it. The co-creation of a conflict, in this sense, has nothing to do with being 'at fault' or 'in the right',

since conflicts are seen to arise as natural phenomena resulting from interactions between interdependent, diverse elements.

The co-creation of conflicts is seen as being part of the same phenomenon as the co-creation of harmony. Conflict and harmony are interdependent forms of the interactions which take place between organisms in a world of similarity and diversity. Without harmony there can be no conflict, and vice versa.

3. Neutral party

People who spontaneously choose mediation as the preferred way of resolving their own conflicts are not only open to the assistance of a neutral third party, they regard it as being a necessity in most cases.

The primary reason lies in their recognition of the fact that the human perception system has significant limitations. Whilst existing in a world of interdependencies, each human being is the originator and interpreter of its perceptions. In this respect, the world of the human being is largely constructed of self-generated mental representations of what it perceives. In other words, the human perception system is a closed system which - through its inherent subjectivity - cannot on its own adequately access the truth of its interactions with other human beings. Its perceptions of itself and of its own actions are circular and self-perpetuating, and so also are its perceptions of others and of their actions. The human being is, on the one hand, the co-creator of each interaction with others, but it has difficulty, on the other hand, in perceiving its own contribution in a way which is not self-referential.

In conflicts, each party's self-generated mental representations of themselves and of the other[32] create a hindrance for perceiving and understanding all aspects of the co-creation process in a non self-referential way. The only way to achieve this is to employ a neutral third party who has no self-interest in the conflict or its resolution. The third party offers both conflict parties a means of checking their respective perceptions of themselves, of each other and of each

other's actions. The quality of this third party contribution is dependent on the degree of its neutrality and its lack of value judgements. The absence of value judgements on the part of the third party is particularly important since it allows the conflict parties to free themselves of any existing, self-generated value judgements and to concentrate primarily on checking their perceptions. The checking process then leads to a revision of previous mental representations. This process is what is referred to in the definition as 'tracing the path from the co-creation of the conflict'. It functions optimally when the conflict parties go through the process simultaneously, i.e. in each other's presence.

A further reason why some people deliberately choose mediation lies in their recognition of their place in life's interdependencies. They are keen to ensure that any conflicts which they have co-created are resolved with maximum consideration of the various interdependent factors. In engaging a mediator, the parties seek to improve their access to the totality of the situation and thereby to identify as many of the relevant interdependent factors - within and outside themselves - as possible. Once these various factors have been identified, the role which each of them has played in the co-creation of the conflict can be traced back to a point before the conflict ever became noticeable.

Even when conflict parties resort to mediation without this understanding of the limits of the human perception system and of their interdependencies, it is important that the mediator at least has this understanding.

4.   Co-ownership of a holistically optimal resolution

This part of the definition indicates that when conflict parties trace the path of the various interdependent co-creator roles - including their own - from the past to the present, they are necessarily co-involved in the web of interdependencies from the present into the future. Recognition of personal involvement from the past into the future automatically constitutes factual co-ownership of the conflict and its resolution.

Once the parties recognize their co-ownership status, they accept responsibility for the co-creation of an interdependent future.

The role of the mediator is not to lead the co-creators in any pre-determined, or self-chosen, direction towards the future. The mediator makes no recourse to moral principles, to desired outcomes, to precedents or to any preferred conflict-resolution method. Even the application of a solution-orientated approach by the mediator is precluded - hence the use of the term 'resolution' as opposed to 'solution'. A holistically optimal state can only be achieved by the co-creators themselves, and only they can determine which is the most appropriate manner to achieve this state for all involved. Since a mediator cannot simultaneously be one of the co-creators, the mediator has no ownership of the resolution and therefore no active determining role to play in the resolution process.

A holistically optimal resolution may turn out to be anything at all. An extreme example of such a resolution might be for all co-creators 'to do nothing' and let the conflict take its own course without any proactive interference on the part of any party.

For the remainder of this article, this concept of interactions and conflicts involving human beings will be referred to as the 'mediation principle', i.e. in contrast to the 'negotiation principle' which was focussed on above.

Challenges in adopting the Mediation Principle

To solve a conflict by way of mediation can, in many cases, present a formidable challenge to people who have been brought up in the negotiation tradition and who have learnt to assert and protect their own interests in a way which is fundamentally competitive. This applies not only to the parties in conflict, but also to those asked to mediate.

For those in conflict, mediation offers, on the one hand, a way of resolving the conflict whereby there is no danger of being 'judged', or

of 'losing'; on the other hand, it overrides the reflex which most people have been preprogrammed to adopt, i.e. to manoeuvre themselves into the best possible position against their opponents. This reflex can take on various different forms like gathering arguments and/or people to support one's own position, going to a solicitor, working out one's strategy and alternatives in advance, applying one's creativity and rhetorical skills in the course of a negotiation or conflict etc. To realise that these reflexes are neither necessary nor appropriate can leave people with a feeling of insecurity about what the outcome of the resolution process will be. In other words, if the paradigm of 'winning & losing' is a deeply engrained part of their mindsets, it is difficult for people to enter into a mediation process without experiencing some very real anxiety about what their position will be afterwards. Whilst many can subscribe to the mediation principle in theory, and fully accept its ideological foundations, to actually adopt mediation in the resolution of their own conflicts is often not so straightforward and requires a considerable amount of courage.

For those asked to mediate, it is a matter not only of internalising the principle of mediation as outlined above, but also of creating an atmosphere where people's anxieties become quiescent. The competitive undercurrents which may be present at the start of the resolution process need to be neutralised, and this can only happen if the mediator does not perceive the parties as autonomous opponents and is otherwise sufficiently skilled in the practice of mediation. For many mediators who have been brought up in the negotiation tradition, it also applies that to mediate between others is easier than to adopt mediation in the resolution of their own conflicts: if this is the case, they have probably not yet been able to fully internalise the principle of mediation. There is a significant difference between people who like to mediate between others and those who fully subscribe to mediation in all their interactions with other people.

A Trend towards the Mediation Principle

Since the purpose of this article is to compare the principles of negotiation and mediation and evaluate their respective potential consequences for international business and politics, the postulates, the central questions and the two sets of implications developed above will serve as the implicit starting point for many of the arguments presented below.

At the beginning of this article, observations and arguments were offered to support the idea that a trend towards the mediation principle is taking place in some parts of western societies. Contributory forces are coming both from within western society and from outside.

1. Internal forces

Whilst the central concepts of mediation which have been outlined above present a challenge to the self-understanding and the security-reflexes of the majority of people living in western societies, internal tensions are increasing in quantity and intensity to such an extent that a number of people are urgently seeking alternative methods of conflict resolution.[33]

Both in personal and business matters, traditional methods like litigation are, of course, renowned for costing vast sums of money and time, and for sometimes leading to sub-optimal results. This state of affairs has led, among other things, to the development of the concept of alternative dispute resolution, commonly known as 'ADR'. In the United States, for example, there has been a strong movement towards ADR and there is already a wealth of literature on this practice alongside its well-anchored position in social, political and business contexts. However, many of the conflict resolution methods which have been developed along these lines over recent decades have failed, perhaps not surprisingly, to escape from the basic parameters and premises upon which the traditional methods are also based. In fact, the principle of autonomy[34] underlies the vast majority. Concepts like 'getting to yes', 'getting past no', 'win-win' and 'best alternative to negotiated agreement'[35] all play

on the competitive elements which people have been conditioned to experience when they find themselves in negotiations and in conflicts. Such concepts and methods, in fact, generally endorse the premise of autonomy, a premise which lies at the very root and cause of many conflicts and which hinders their satisfactory resolution. For this reason, it is important to recognize a significant distinction between those approaches to mediation which are based on the negotiation principle and approaches like the one which is being described here. It is equally important to recognize that any approaches to mediation which are overtly or covertly based on the negotiation principle constitute a major counter force to the development and widespread adoption of a truly different approach to conflict resolution.

The various methods which approach conflict resolution and mediation from the perspective of negotiation may, therefore, be of limited value to the development of a new contribution to the field. In particular, the training of mediators using the premises of the negotiation principle is a practice which could need careful questioning.

Perhaps it will be necessary in future to use different terms for these two fundamentally different approaches. In international politics and business, for example, one notices many cases of third party intervention which are conducted under the banner of 'mediation', but where it is readily apparent that the mediator is applying the negotiation principle from the outset, has self-interests in the resolution of the conflict and has, in many cases, co-created the conflict in the first place.

The concurrence of numerous developments resulting from a consistent and broad application of the negotiation principle in many spheres of life may have led to the need for something fundamental to change. It was suggested that this change may involve a critical review of the principles of 'autonomy' and 'objectivity',[36] thereby causing people to revise their understanding of their roles in conflicts, and in interactions in life generally.[37] The insights which have been gained in recent decades in psychology, in sociology, and in science generally, support the need

for a paradigm change as discussed above and are exerting increasing pressure from within the system for a number of basic premises to be revised. Today, we are becoming increasingly aware of the immense limitations of human perception; we are conscious of the far-reaching consequences of people's idiosyncratic ways of structuring and judging what they perceive; we are aware of the dynamics of group behaviour and of how animosities between groups can lead to tragic outcomes for all involved. At the same time, we are aware that diversity and interdependence are essential to survival. These insights tell us that few individuals or groups have the faculties with which to autonomously resolve a conflict in which they are directly involved in a holistically optimal way, but that an improvement in the quality of conflict outcomes is urgently needed. Something fundamental has to change in the way we address and resolve conflicts.

Another internal force is that of power and aggression in society.[38] We know that power and aggression, which commonly find their expression in conflicts, are highly complex phenomena which involve the interaction of behaviour and perception. Each conflict party perceives the other to have been exercising power, being manipulative or aggressive and thereby causing the breakdown in the relationship. This phenomenon arises within and between groups and organisations of all kinds. Left to their own devices, the conflict parties mostly engage in an open feud, in subtle personal revenge or in a long, drawn-out court case where power in all its various forms is the key to winning or losing. The consequences are seldom advantageous for the parties themselves or for others indirectly involved because - in resorting to power - they get caught in the trap of the autonomy principle. Even within academic institutions fights can arise with consequences which are as destructive as battles on the streets or in the courtroom. Each conflict party resorts to asserting its own interests in a power game in competition against the other.

The fact that people in business and politics, and also in society generally, continue to approach conflict resolution autonomously, but know in

advance that they are going to feel unsatisfied with the process and the outcome, is a reflection of our unconscious adoption of a set of premises which may indeed be inappropriate for solving the conflicts of the present and the future. Examples of these premises were laid out above. The consequences of so many people continuing to adhere to the negotiation principle are evident in the high proportion of solutions which are not holistically optimal and in the multitudes of negative knock-on effects for society as a whole, the origins of which are today extremely difficult to retrace. Conflicts which were not optimally resolved in the past have created a legacy of immense complexity which urgently demands in-depth attention and a different approach.

A further internal force which is at work in creating a need for a major change in approaches to conflict resolution involves the shortcomings of the legal system itself. These go further than the long waiting lists caused by a lack of capacity, further than the absence of appropriate laws and judicial bodies in a rapidly evolving society and further than the anachronisms of legal jargon. They reach as far as the inadequacies which result from addressing conflicts with the linearly structured logic which has dominated the legal profession since Aristotle.[39] For centuries people whose thinking-styles are less linearly structured - and therefore differ from the norm established for legal proceedings - have been penalised. People still walk away from courtrooms today with the feeling that the main issues were either seriously distorted or not discussed: the reason is that the core issues can often not be handled within the accepted mode of processing information. As the research into the thinking-styles of human beings shows, jurisprudence is based on only one of many different styles of thinking.[40] This means, firstly, that a number of people have difficulty in interacting in a satisfactory way with the legal system and with its representatives; consequently, such people are at a significant disadvantage both in relation to the system itself and to any counter-party whose thinking-style happens to match that of the legal system. Secondly, since a very large number of conflicts between individuals are in fact caused by differences in thinking-style, it means that the

legal system is ill-equipped to handle them. Thirdly, it means that the legal system is itself the co-creator of further conflicts, i.e. with those people who do not share its thinking-style.

Mediation, as defined above, constitutes a significant alternative to currently practised forms of conflict resolution and a response to the growing need for a fundamental change of approach. In particular, mediation is suited for those cases of conflict which for one reason or another cannot be catered for within present systems. Mediation is ideal, for example:

- **when conflicts arise in management teams, or project teams, e.g.**
  between individuals with different thinking-styles or
  between groups with different cultures;

- **when cooperation breaks down, or stalemates arise, between fundamentally different systems, e.g.**
  between companies with different corporate and/or ethnic cultures or
  between different political ideologies

- **when the issue of autonomy lies at the very root of a conflict and hinders its satisfactory resolution, e.g.**
  between parent companies and their subsidiaries or
  between partners in mergers and acquisitions or
  between partners in joint ventures

It is worth noting that mediation can be used at all stages in a relationship, which includes the very early stage of relationship-building, the stage of team-development and the optimisation of cooperation, as well as in negotiations and conflicts.

2. External forces

Western societies are also having to yield to the pressure they are experiencing from other parts of the world.

Perhaps one of the most central issues is the dilemma facing the countries of the North-West in

their interactions with the rest of the globe. As was pointed out above, the universalistic bias of certain north-western cultures clashes with the deep-cultures of other peoples.[41] For a long time, countries in the South and in the East have been expressing their resistance to the 'americanisation' or 'europeanisation' of the world. Many feel powerless against the 'take-it-or-leave-it' outcomes of universalistic thinking. Others resort to fundamentalism, to sabotage, to terrorism, to the extinction of other victims weaker than themselves and even to self-destruction.[42] On the other hand, the universalists who are trying to improve the lot of all peoples encounter unsurmountable difficulties in trying to communicate and deal with non-western cultures. Business-ventures and governments notoriously find true international cooperation extremely difficult to attain. Among other things, the reasons lie in deep-cultural differences. Instead of having their intentions properly under-stood, they are accused of being arrogant and of trying to dominate the world. The contracts and agreements which they negotiate and sign in good faith are violated without apparent remorse the next day, and their well-meant investments often misappropriated. How this impasse between the various parts of the world will develop in future is uncertain.

Whatever way it develops, there will be numerous interface conflicts in business and politics and each will require a resolution process of a much higher quality than has hitherto been the case. The same is true of the resolution of global issues concerning the world's ecology, food, energy, health, transportation, employment, pensions, terrorism and so on.

The mediation principle constitutes a meaningful way of meeting many of the challenges raised by these external and or global forces since it focusses on interdependencies and seeks holistically optimal resolutions. It would seem then that there are both internal and external forces at work which are creating a need for, if not a trend towards, the mediation principle.

This being the case, a set of postulates can be formulated, as was done in relation to the negotiation principle above:

> *Postulate No. 3:*
> *to predominantly adopt the mediation principle as the favoured approach to interacting and to solving conflicts complies much more closely with the true human condition of interdependence than the negotiation principle does, which is based on competitiveness and survival of the fittest;*

> *Postulate No. 4:*
> *the more readily human beings learn to recognize the non-autonomy of their place among the inherent interdependencies and diversities of life, the sooner holistically optimal resolutions can be reached - by way of mediation - to local and global conflicts in business and politics.*

Just as with Postulates Nos 1 & 2 (laid out above), these also beg several questions including the following:

> *Question 4:*
> *What are the implications of the world's human inhabitants developing their self-understanding and their approach to interactions and conflict resolution along these lines?*

> *Question 5:*
> *How realistic is such a development and what are the consequences if such a development does not take place?*

As above, these questions are so interrelated that they will be addressed simultaneously and, for the sake of simplicity, without specific reference each time. The implications fall again into two different sets:

Set C (Nos 11 - 16)

Implication No. 11:
the more often conflicts are resolved by way of mediation, the more people will be able to recognize their co-creation roles in conflict cycles and their co-ownership of holistically optimal resolutions;

Implication No. 12:
people who increasingly turn to mediation will decreasingly act in competition with or exploit others; energies will consequently be channeled towards finding optimal ways of cooperating and co-existing;

Implication No. 13:
there is likely to be less oppression of individuals and minority groups since interdependence and diversity will be valued more highly than survival of the strongest;

Implication No. 14:
local and global aggression and intolerance are likely to decline;

Implication No. 15:
sustainable development of all kinds will be easier to attain;

Implication No. 16:
intercultural cooperation and learning will accelerate, thus improving true global development and reducing the current inequalities around the world;

Whilst this set is again far from being comprehensive, it is clear that a wide acceptance of the mediation principle could lead to a highly desirable a state of life - yielding a different set of outcomes to those predicted for the negotiation principle. However, there are other implications which follow on from this set and which present significant challenges to the human species. Two of these will be addressed below:

Set D (Nos 17-18)

Implication No. 17:
decreased competitiveness in the world of business - both within and between organisations - could lead to economic decline; similarly, in politics, decreased competition could lead to a loss of critical debate and to a decline of democracy;

An implication like this would be disastrous for businesses, for governments and for western society as a whole. Much of the market economy, for example, functions in the way it does because of the principle of competition. To eradicate this principle would quite probably mean catastrophe.

On the other hand, a lack of cooperation, an inability to create and to own holistically optimal solutions, low levels of group learning are all phenomena which are created in environments where competition levels are high. These phenomena can cripple businesses and political organisations just as much as a lack of competition.

It seems that in business and politics there is always a critical tension between competition and cooperation, i.e. between the status of the individual and the status of the group.

Contemporary trends indicate that it is highly unlikely that competitiveness between people - certainly those in north-western cultures - will decrease in the coming years because of the high levels of individualism and autonomy which currently exist. It is questionable - given the implications discussed above - whether it is desirable to promote competitiveness even more by widely reinforcing the negotiation principle. It can be argued that, instead, a greater balance between competition and cooperation - and between the individual and the group - is called for. In fact, many large business organisations are currently undergoing restructuring and other measures in order to create the necessary balance.

Conclusion

The current levels of competitiveness which exist within north-western cultures are unlikely to decrease in the near or mid term. At the same time, internal and external forces are creating a need for levels of cooperation to increase and for many types of conflict to be resolved differently. The mediation principle offers an alternative approach which is suited for certain types of conflict inside these cultures and at their interface with others.

> *Implication No. 18:*
> *a greater recognition of the interdependencies between human and other beings could mean that the activities and interests of individuals or groups would eventually have to be abandoned in all cases where they do not comply with global sustainable development.*

In the search for holistically optimal resolutions by way of the mediation principle, people in conflict will learn to recognize more and more of the factors which underlie and co-create the various interactions in which they are involved. Whilst being able to free themselves of the concept of personally 'being at fault', they will realise that that co-ownership of a holistically optimal future involves much more than their own individual well-being.

This process of realisation will not take place immediately, but as the quality of resolutions gradually increases, the faster each individual or group will become aware of the implications of its interdependence with other people and with other aspects of the environment.

If people become aware of these implications, they may well choose not to adopt mediation in the resolution of their conflicts, but will turn to the negotiation principle instead. This means that it is unrealistic to propose that everyone would really be prepared to adopt the mediation principle, even though many are fully aware that their current activities are in conflict with global sustainable development. This same dilemma is to be found in the contemporary stalemate between environmentalists and economists. It is precisely

at interfaces like this one, however, that the principle of mediation can offer a major contribution. At such interfaces, two diverse ways of thinking and of processing information meet. Viewed from the outside, neither of them is right and neither is wrong. In truth, they are interdependent, despite the fact that they are often perceived to be in competition. Whether either of the parties voluntarily subscribes to the principle of mediation or not, mediation constitutes one of the few means of overcoming this type of conflict. This means that whilst it is unrealistic to propose that the inhabitants of the world should be educated to adopt the principle of mediation, it is essential that there is a very large resource of highly skilled mediators who are capable of being active at such interfaces.

In the same way, mediation has a major contribution to make at the interfaces between the different religious, political and economic ideologies of the world.[43]

Conclusion

Whilst the mediation principle represents so serious a challenge to some of the forces which hinder the attainment of global sustainable development that its chances of wide adoption are low, it is highly suited for resolving some of the major conflicts which at some point will have to be addressed in a better way than has hitherto been the case.

Is the Mediation Principle a Viable Path into the 21st Century?

Until this point, the two principles have been represented as being alternatives. Obviously, as has been pointed out, it is unrealistic to think that the whole world can be educated to adopt either one or the other. It has been argued that it may in fact be unwise to do so. It is also unrealistic to think that these are the only principles which can be adopted in relation to interactions between people. It is more in keeping with the reality of the world to suggest that both principles should co-exist. The advantage in placing a greater focus on the principle of mediation - certainly in north-western cultures at this point in time - lies

in the insight that the widely adopted negotiation principle:

a) tends to make people view conflicts as being dualistic and as involving a form of competition between autonomous entities;
b) carries accordingly a major responsibility for the creation of a multitude of dualistic interfaces and impasse situations which it is now unable to resolve itself and which can only be resolved by using a different set of premises.

In north-western cultures, we have witnessed in recent decades that the principle of negotiation has been widely accepted and practised. On the one hand, it conforms with many of the deep-cultural premises of these cultures and is therefore an appropriate and accurate reflection of interactions between individuals or groups within these cultures. On the other hand, it does not conform with the deep-cultural premises of all cultures of the world, nor with all premises which exist even within north-western cultures. Both internal and external forces are calling for the incorporation of other principles into interactions in general, and into conflict resolution in particular. It has been suggested that the negotiation principle and the mediation principle are significantly different and that to attempt to combine them is less meaningful than to promote their co-existence. In order to compensate for the contemporary dominance of the negotiation principle both in north-western cultures and in international business and politics, considerably greater focus now needs to be placed on developing the mediation principle and on adopting it increasingly in the resolution of the major and minor conflicts which lie ahead.

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Bibliography and Notes

(1) 'Mediation - A New Concept of Reconciliation from the USA' was the title of a speech held at the University of St Gallen, Switzerland on 22nd June 1995 by Michael J. Schless, Attorney at Law and Mediator, Austin, Texas

(2) See Pruitt, D.G. & Carnevale, P.J., *Negotiation in Social Conflict*, Open University Press, GB-Buckingham, 1993

(3) This research was carried out over a period of five years by members of the Institute for Cross-Cultural Communication AG, CH-Zug

(4) See Robinson, S.D.G., *Warum bringt MbO nicht immer den versprochenen Erfolg?*, Barometer 4/92

(5) See Robinson, S.D.G., *Does a culture have to share territory as well as values?*, Paper delivered at 7th Annual Congress of the World Futures Society, Washington DC, 1993

(6) See the work of the behaviourist scientists, e.g. John B. Watson or Burrhus F. Skinner

(7) In fact it is here that one can recognize some of the major roots of the atomistic-universalistic types of culture like the USA. See also Hampden-Turner, C. & Trompenaars, F., *The Seven Cultures of Capitalism*, Doubleday, London, 1993

(8) When the beholder is involved in the conflict, then the independent entities are a 'subject' and one or more 'objects'.

(9) See for example Mathew, T., *It's My Life*, Barometer 2/95

(10) See the works of Thomas Kuhn. See also Penrose, R., *Shadows of the Mind*, Oxford University Press, Oxford, 1994 and Maturana, H.R. & Varela, F.J., *Der Baum der Erkenntnis*, Scherz Verlag, Bern, 1987

(11) See *Handbuch KulturManagement*, Raabe, Stuttgart, 1992

(12) See Quinn, D., Ishmael, Bantam Turner, 1993, e.g. p. 129 'Diversity is a survival factor for the community itself.'

(13) See Morosini, P., *The Importance of Cultural Fit in Cross-Border Merger and Acquisition Deals*, Barometer 4/93; also Robinson, S.D.G., *Why have 70% of all Joint-Ventures with Eastern Europe failed?*, Barometer 2/93

(14) See Robinson, S.D.G., *Interkulturelles Management - die Kunst, Konflikte zwischen Kulturen zu bewältigen bzw. zu vermeiden*, in Handbuch KulturManagement (12,1995), Raabe, Stuttgart

(15) It follows that the search for harmony is a futile one and that one should perhaps rather concentrate on viewing conflicts as learning situations. Conflicts offer those involved a unique opportunity for gaining insights about themselves, each other and diversity in general, provided they approach resolving them in an open, non-defensive way.

(16) See Mindell Ar. & Mindell Am., *Riding the Horse Backwards, process work in theory and practice*, Arkana, GB-Harmondsworth, 1992; compare also with Fisher, R., Ury, W., Patton, B., *Das Harvard Konzept: sachgerecht verhandeln - erfolgreich abschliessen*, Frankfurt, 1991

(17) See Robinson, S.D.G., *Learning to Interface: serious deficits and encouraging trends in management development*, Barometer 3/94

(18) For a discussion on the identity issue in relation to international negotiators, see p. 226, Faure, G.O. & Rubin J.Z. eds, *Culture and Negotiation*, Sage, London, 1993

(19) There are, of course, many different definitions of the term 'negotiation', as has been stressed to the author in conversation with Ueli Egger and Constantin Peer, both international negotiation specialists based in Switzerland. The definition offered in this article is clearly not intended as a 'universal' definition, for reasons which are made clear in the course of the text. It is rather an attempt to contribute to the field of conflict resolution by creating a clear and meaningful distinction between the terms 'negotiation' and 'mediation'.

(20) See Baudrillard, J., *Interkulturelle Verständigung oder Interkultureller Hass?*, Barometer 3/95

(21) See Gruen, A., *Identität und Unmenschlichkeit*, Barometer 2/95

(22) See Robinson, S.D.G., *Racial prejudices: Can we learn how to reduce them?*, Barometer 2/94 and *Who's afraid of intercultural competence?* Barometer 1/93

(23) For an explanation of 'deep-culture', see See Robinson, S.D.G., *Interkulturelles Management - die Kunst, Konflikte zwischen Kulturen zu bewältigen bzw. zu vermeiden*, Barometer 1/95 & Handbuch KulturManagement, Raabe, Stuttgart, 1995

(24) See Hampden-Turner, Ch. & Trompenaars, F., *The Seven Cultures of Capitalism*, Doubleday, London, 1993

(25) Exactly the same is true, of course, of the approach adopted by the author in the writing of this article.

(26) This point reflects the differences which have been identified between the goals of psychotherapy as practised in the West and in the East: the autonomy of the individual in the former case contrasting with symbiosis with the environment in the latter (to use terminology from the present article). For a detailed account of these differences, see Wilber, K., Engler, J. & Brown, D., *Psychologie der Befreiung*, Scherz Verlag, Bern, 1988

(27) See Morosini, P., *The Importance of Cultural Fit in Cross-Border Merger and Acquisition Deals*, Barometer 4/93

(28) See Hampden-Turner, Ch. & Trompenaars, F., *The Seven Cultures of Capitalism*, Doubleday, London, 1993

(29) See De Leener. P., *Hot conflicts and cold conflicts*, Barometer 3/95; also Schafer, P., *Cultures and Economies - Irresistible forces encounter immovable objects*, Barometer 3/94 & 1/95

(30) See Tschudin, P., *Embargopolitik: Das Dilemma der Mitverantwortung*, Barometer 1/94

(31) In philosophical terms, mediation in this sense probably constitutes a departure from Descartes' dictum of 1637: *cogito, ergo sum*.

In contrast to the latter, and also to the mindset offered above for the negotiation principle, mediation requires an understanding of roles along the following lines:

1) As humans we share the faculty of consciousness. This faculty causes us to create mental representations of our experiences.

2) Such mental representations differ from sensations produced by other faculties in that they can cause us to distinguish ourselves from our environment, i.e. to create 'subject' and 'object'.

3) The subject:object distinction causes us to differentiate between concepts like 'mind' and 'body', 'rational thought' and 'irrational behaviour' and 'creator' and 'created'. In the context of conflicts, we differentiate between 'cause' and 'effect', 'me' and 'you', 'me' and 'other' etc..

4) Other organisms in our environment exist in our consciousness as 'other' organisms as a direct result of the subject:object distinction. Outside of our consciousness, they are not 'other'; nor is there a distinction between 'cause' and 'effect', 'me' and 'you' etc.

5) These 'other' organisms do not appear to possess the faculty of consciousness in the same form as we humans do - if at all. We share other faculties with these organisms which allow us to interact with them - and them with us - in ways which lie outside the faculty of consciousness.

6) Since - outside the faculty of human consciousness - there are no dualistic distinctions between 'me' and 'other', between 'cause' and 'effect', or even between 'conflict' and 'harmony', life is a complex of interdependencies.

7) The concept that individuals can autonomously cause - and also autonomously resolve - conflicts is a product of our consciousness.

8) It is self-deceptive to think that we can resolve conflicts autonomously. Our mental representations are not only insufficient, but intrinsically inequipped, to provide us with the information to act in unison with the true (human) condition of interdependence.

(32) For the sake of simplicity, 'the other' is used in the singular form although conflicts do, of course, occur between more than two parties.

(33) The Institute for Mediation in Zürich, Switzerland is one example. Here people from different disciplines, particularly from the legal profession, are seeking alternative methods of conflict resolution.

(34) See Section 3.4.

(35) See for example Fisher, R., Ury, W. & Patton, B., *Getting to Yes: negotiating agreement without giving in*, Penguin, London, 1991

(36) See Section 3.4.

(37) See Havel, V., *The End of the Modern Era*, in The Hi-Tech Executive Report, ISSN 1077-0852, Summit NJ Vol. 3, No. 2; also Damasio, A.R., *Descartes' Error*, Picador, London, 1995; also Schafer, P., *Cultures and Economies - Irresistible forces encounter immovable objects*, Barometer 3/94 & 1/95

(38) See Gruen, A., *Identität und Unmenschlichkeit*, Barometer 2/95; also Baudrillard, J., *Interkulturelle Verständigung oder Interkultureller Hass?*, Barometer 3/95

(39) See Aristotle, *The Nicomachean Ethics of Aristotle*, translated by D.P. Chase, Dent, London, 1920

(40) See Herrmann, N., *The Creative Brain*, Brain Books, N. Carolina, 1988; also Robinson, S.D.G:, *The Selection, Training and Coaching of Managers for Cross-Cultural Projects and Business Ventures*, Barometer 4/93

(41) See Robinson, S.D.G., *Interkulturelles Management - die Kunst, Konflikte zwischen Kulturen zu bewältigen bzw. zu vermeiden*, Barometer 1/95

(42) See Gruen, A., *Identität und Unmenschlichkeit*, Barometer 2/95

(43) Interestingly, mediation is also suited for handling the interface between adherents to the negotiation principle and adherents to the mediation principle, particularly to avoid competition arising between these two approaches to conflict resolution.