

CONF 840
MEDIATING/TRANSFORMING PUBLIC POLICY
CONFLICTS: ANALYZING AND HANDLING CONFLICT
IN THE PUBLIC SECTOR

Semester: Spring 1996

Class Time: Tuesday 4:30-7:10 pm

Instructor: Dr. Kevin P. Clements

COURSE DESCRIPTION

Politics is about who gets what, when, why and how. Because of this, conflicts over public policy lie at the heart of modern governance processes. Over the past 200 years, Western democratic systems evolved adversarial parliamentary and legal systems to represent the interests of individual citizens and institutional mechanisms for the representation of organized interests. The major problem with these systems is that they tend to be zero sum in their outcomes. Electoral winners take all and the largest corporate and organized interests exercise influence far out of proportion to their size. Public policy, therefore, evolves in the cauldron of local and central bureaucratic and legislative politics, where individual interests (if represented at all) normally take second place to the power of organized private and public interests.

This system worked well when economies were expanding, when there were new frontiers (for nations and economic interests) to expand into and when information was the preserve of a few. There is now a single global economy, however, which, in a variety of important ways is challenging the power of nation states to deliver economic and social well being to their citizens. In addition, modern communications technology has removed much knowledge power from the hands of decision makers. A major consequence of both these processes is that government itself is becoming problematic (witness the paralysis of the United States government in recent months). Politicians and public policy makers are unable to satisfy all the demands placed upon them; most states in the world are facing fiscal crises and the worlds major (economic, social, environmental and political) problems remain stuck and unresolved.

It is clearly time to start thinking of ways and means of moving beyond adversarial power based politics to processes which are more collaborative, participatory, and aimed at solving problems rather than consolidating and enhancing political power. Through the lens of conflict analysis, conflict management, transformation and resolution, this course is aimed at diagnosing and developing creative ways of addressing and resolving public policy conflicts. It is aimed at the development of innovative collaborative processes to overcome impasse and move beyond adversarial and coercive politics. It thus has both analytic practical and normative intent.

COURSE REQUIREMENTS

The class will follow a seminar format. Students are expected to attend all classes, to read the required readings, to participate fully in discussions and to complete all written requirements by the end of term.

ASSIGNMENTS AND GRADING:

There are two options in this course. (We can of course discuss others at the beginning of term). I propose assigning 10% of the grade for contributions to seminar discussions.

Option 1 Four essays each worth between 15-25%. These will be due on February 20 1996, March 19 1996, April 16 1996 and April 30 1996. The first essay will be worth 15% of the grade and the rest 25%.

Option 2 Two essays (worth 15% and 25%) The essays would be due on February 20 1996 and March 19 and a final research paper worth 50% would be due on April 30 1996. (The topic of this paper will be discussed in consultation with the Instructor).

These requirements and the grade weighing are all negotiable.

ESSAY TOPICS:

Topic One (Due February 20 1996) - 15% of the total grade. "Compare and contrast the three traditions of policy research as outlined by Donald Schon and Martin Rein (i.e., The Policy Analytic model, the Pluralist Politics model and Mediated Negotiation model). Indicate what you consider to be the major strengths and weaknesses of the

Schon/Rein Frame/Reflection model for both analyzing political conflict and for devising more creative political processes."

Topic Two (Due March 19 1996) - 25% of the total grade. "Most capitalist democracies are built on competitive economic and political principles. A lot of governmental activity, therefore, is aimed at balancing the interests of the market against the interests of the State. Make cases for and against economic and political competition in relation to the formation of just, efficient, durable and wise public policies. Is it utopic to expect that future governance systems may be based on more collaborative and participatory models?".

Topic Three (Due April 16 1996) - 25% of the total grade. "Identify one public policy conflict based on material interests (e.g., the 1996 budget conflict or debates over welfare entitlement) and one based on values and culture (e.g., the family and/or abortion rights). Compare and contrast the naming/framing processes associated with each and how third parties might have or actually have assisted parties to reframe and reflect alternatives. Which kind of conflict lends itself most easily to this process and which is most resistant?"

Topic Four (Due April 30 1995) - 25% of the total grade. "Critically analyze the roles and responsibilities of facilitators, mediators, and other change agents in relation to current public policy conflicts. Whose side are they on? Whose interests do they serve? Are the current tools in the conflict resolvers toolbox, e.g., integrative bargaining, dispute systems analysis and design, collaborative decision making, etc., empowering or disempowering? Do they facilitate change or enhance the status quo? Do they really help solve the problems facing nations and peoples at the end of the 20th century?"

REQUIRED READINGS

Donald Schon and Martin Rein, 1994, Frame Reflection: Towards the Resolution of Intractable Policy Controversies, New York: Basic Books.

Lawrence Susskind and Jeffrey Cruikshank, 1987, Breaking the Impasse: Consensual Approaches to Resolving Public Disputes, New York: Basic Books.

Roger Fisher et al, 1994, Beyond Machiavelli: Tools for Coping with Conflict, Harvard University Press.

SOME ADDITIONAL READING:

Susan Carpenter and W.J.D. Kennedy, 1991, Managing Public Disputes: A Practical Guide to Handling Conflict and Reaching Agreements, San Francisco: Jossey Bass.

Alfie Kohn, 1992, No Contest: The Case Against Competition, Boston: Houghton Mifflin.

James Davison Hunter, 1991, Culture Wars: The Struggle to Define America, New York: Basic Books.

Peter Bachrach and Morton Baratz, 1970, Power and Poverty: Theory and Practice, New York: O University Press.

James O'Connor, 1973, The Fiscal Crisis of the State, New York: St. Martin's Press.

Ralph Milliband, 1973, The State in Capitalist Society, London: Quartet Books.

There are literally hundreds (if not thousands) of other books in this area. These are some of the ones that I have found useful when thinking about these issues. Readings will be assigned in class for each of the topic areas.

COURSE SYLLABUS

WEEK 1 Introduction to the Course and Administrivia

- Negotiate assignments/grades
- What are public policy conflicts?
- How are they distinguished from other kinds of conflicts?
- What is the difference between a disagreement, a dispute, a controversy and a conflict?
- What are the particular problems of these disputes being public, multi-party, complex and high stake?

WEEK 2

- Interpretative Frames for Public Policy Disputes
- The Policy Analytic Model
- Pluralistic Politics Model
- Mediated Negotiation/Consensus Model

READ: Susskind and Cruikshank, Breaking the Impasse, Chapters 1 -2; Schon and Rein, Frame Reflection, Chapter 1; Robert Dahl and Charles Lindblom, 1953, Politics Economics and Welfare, Harper Books; Chapter 1 pp 3-25.

WEEK 3

- Policy Controversies as Frame Conflicts - Rationality, Reframing and Frame Reflection
- Socio-Economic/Structural Absences in the Framing Model

READ: Schon and Rein, Chapters 2 and 3; Susskind and Cruikshank, Chapter 3; Ralph Milliband, The State in Capitalist Society, Chapters 1-3 pp 3-46; Terrell A Northrup, "The Dynamic of Identity in Personal and Social Conflict"; Chapter 4, pp. 55-82 in L Kreisberg et al (Eds.), 1989 Intractable Conflicts and their Transformation, Syracuse University Press; Carpenter and Kennedy, 1991 Managing Public Disputes; Chapter 1 "Understanding Public Disputes" pp. 3-18 and Chapter 9, "Paying Attention to Underlying Dynamics: Values, Trust Power" pp. 197-224.

WEEK 4: Case Study. The point of this session is to take a specific case study of a public policy conflict (which will be determined by the interests of the class). We will want to discern how the conflict has been named, framed, and the

dominant metaphors (institutional and meta-cultural) used to describe it. Who are the key primary and secondary stakeholders? Who is present and who is not present? How might we analyze their interests in an objective fashion? How do we deal with those who are not present whose interests are still being represented at the table? What opportunities exist for communication/reflection between the parties? How is it unfolding? What are the likely consequences of existing or old conflict trajectories? How do we get past no to yes?

WEEK 5: The analysis of public policy conflicts and situation assessment. Who are the parties? How are they organized, what political and economic resources do they have at their disposal? How is power being exercised and by whom? What are their stated and unstated interests and values? What is the status of the relationships between all the parties? What historical social and economic context are we talking about?

READ: Roger Fisher et al, Beyond Machiavelli, Chapters 1-2; Howard Raiffa, 1982, The Art and Science of Negotiation, Harvard University Press, pp. 119-163; Susan Carpenter and W.J.D Kennedy, 1991, Managing Public Disputes, Chapter 4, "Analyzing the Conflict," pp. 71-91.

WEEK 6: Consciousness Raising, Organization and Advocacy. This session will determine when it is or is not appropriate to utilize conflict management, resolution and transformation processes in relation to all public policy disputes. Are there occasions, (e.g., where there is enormous structural disparity between parties) when the application of integrative or collaborative processes may simply result in pacification and a confirmation of the status quo? To apply conflict resolution principles in such circumstances may be not only inappropriate but irresponsible. In such circumstances social and political movements, or the organizing of resistance may result in just and fairer outcomes. How do analysts and practitioners know when and how to choose between different socio-political processes?

READ: Adam Curle, 1971, Making Peace, London the Tavistock Institute (especially pp 186-189); John Paul Lederach, 1995, Preparing for Peace: Conflict Transformation Across Cultures, Syracuse SUP, Part One, pp. 3-25; Anthony Giddens, 1993, Sociology, Oxford, Blackwells, Chapter 19 "Revolutions and Social Movements" pp. 618-648; Susskind and Cruikshank, Chapter 6 "Taking Action," pp. 186-236.

- WEEK 7: - Unassisted Integrative and Consensual Negotiating Processes
- More on BATNA's, WATNA's, Non Zero Sum Consensus Building Processes
 - Inventing Options for Mutual Gain

READ: Susskind and Cruikshank, Chapter 4; Cathy Costantino and Christina Merchant, 1996, Designing Conflict Management Systems, Jossey Bass, Part One, pp. 3-49; R. Fisher et al, 1995 Chapters 2 and 3, pp. 3-67.

WEEK 8: Facilitation, mediation, arbitration and other forms of assisted negotiation. This week's discussion will focus on identifying those occasions when advocacy is unhelpful and parties to conflict cannot generate creative solutions to problems and require some third party assistance. It will focus attention on such matters as:

- Diagnosing the Impasse
- Entry Problems
- Getting Parties to the Table
- The Roles and Functions of an Intermediary
- Third Party Ethics and Responsibilities

READ: Susskind and Cruikshank, Chapter 5, pp. 136-185; Costantino and Merchant, Chapters 5-7, pp. 69-133; Michael Doyle and David Strauss, 1985, Making Meetings Work: The Interaction Method, Berkeley Publishing Group, pp. 3-124; Christopher Moore, 1986, The Mediation Process: Practical Strategies for Resolving Conflict (particularly "How Mediation Works," pp. 13-43); Carpenter and Kennedy, Chapters 5-7 pp. 92-137.

WEEK 9: Multi-Party Conflicts and Negotiations. This session will focus attention on the particular complexities of multi-party, single and multi-issue negotiations and how these complicate theories based on dyadic exchanges.

READ: Roy Lewicki and Joseph Litterer, 1985, Negotiation, Erwin Publishing, Chapters 3 and 4; Howard Raiffa, 1982 The Art and Science of Negotiation, Harvard University Press, pp. 119-163.

WEEK 10: Negotiation Game. Depending on the numbers of people in the class we will play one of the Harvard P.O.N. multi-party, multi-issue negotiation games. If the class is not large enough for such a game we will do a multi-party public policy conflict case study. The aim of both these exercises is to understand something of the strengths and weaknesses of integrative bargaining, principled negotiation, consensus building, coalition formation and the particular problems of escalation and obstructionism.

WEEK 11: Discussion with a Federal or State bureaucratic and legislative policy maker (e.g., from the EPA, or the Department of Education) on the theory and practice of policy making. This will provide an opportunity to test some of our theoretical concerns against political realities.

WEEK 12: Discussion with a conflict resolution practitioner who has mediated public policy conflicts.

WEEK 13: Discussion with policy advocates from two sides of a public policy dispute, e.g., a nuclear disarmament with someone from the military or pro-choice/pro-life advocates from the abortion debate.

WEEK 14: Review of course, lessons learned, evaluation.