Habermas's Deontological Models and Core Principles of Conflict Management

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Abstract

In this contribution, we attempt to make a case for the fruitful potential of a prospective coordination between the principles of conflict management (particularly Burton's views) and Habermas's two deontological models., the latter being the "ideal speech community" and communicative ethics. Firstly, we will enumerate the similarities between Habermas's observations and those generated from the body of conflict management (CM) scholarship generally. We will secondly analyse the dissimilarities between those of Habermas and Burton in particular. Building on this foundation, we will thirdly assess a number of CM tools in light of Habermas's two models, and will subsequently conclude that only two of them (integrative negotiation and analytical problem-solving (APS) workshops) are sufficiently compatible with Habermas's proposals. By then employing a cross-cultural methodology to triangulate our findings, we will fourthly situate our discussion within the decolonisation debate presently enveloping the South African academic space. Habermas's body of work may indeed be a valuable resource for improving conflict management techniques, even if it has taken quite long for this dialogue to get underway.

Little has been written about Habermas's potentially beneficial influence on the field of conflict management, also known as peace studies. This is especially true of the British social science tradition's overreliance on empiricism during the late twentieth century (Blackburn 1972), which prioritised knowledge derived from field research over speculation on the history of ideas. In this contribution, therefore, we argue that a proper understanding of Habermas's communicative or linguistic post-Marxist turn (as exemplified by his idea of the "ideal speech community" and his communicative ethics model, explained below) has the potential to greatly enrich conflict management in achieving its intended goals of societal peace. We also aim to demonstrate the emancipatory utility of conflict management as an academic discipline.

The purpose of our exercise is similarly to gauge the value of Habermas's thinking for conflict management or peace studies, in view of his post-Marxist, post-revolutionary, non-violent communicative project and of his controversial impact on the social sciences in general. Both of these issues are explored in greater detail below. Then, in order to better conceptualise the topic in question, a number of similarities and dissimilarities between Habermas, on the one hand, and Burton, on the other, are outlined into a theoretical foundation for a constructive interaction between Habermas's deontological models and the core principles of conflict management. The latter we aim to achieve by way of incorporating a cross-cultural criticism, in order to also triangulate our recommendations, as well as to present a good case for the validity of conflict

management in a post-colonial setting (such as South Africa).

Habermas's Theory and Its Contribution

Despite the fact that conflict management is avowedly interdisciplinary (as extolled in the groundbreaking work of Burton, Isard and others), it is curious that Habermas's famous work on communicative action, in contradistinction to revolution, has not fed into this literature concerning itself with peace and conflict resolution. Yet his writing has had an admirable effect on rational choice theory (Dryzek 1995), discourse-historical approach (DHA) to narrative (Forchtner 2020) and the potential democratization of transnational multi-stakeholder initiatives (MSIs [Martens, Van der Linden & Wörsdörfer 2019]) as examples of such beneficial feedback-loops. Habermas is also, without a doubt, the foremost exponent of the Second Generation of critical theorists in the tradition of the Frankfurt School. We argue that Burton is, for our purposes, a prime representative of conflict management scholarship, in particular his views on the pervasive nature of conflict in capitalist societies.

       As for Habermas, David Rasmussen (1995) defines critical theory in the tradition of the Frankfurt School as a particular intellectual orientation towards a critical theory of society with an emancipatory goal and a preoccupation with the relationship between praxis and theory, which found its inspiration in the ideas of Marx and Freud. It had its beginnings in the Frankfurt School with Horkheimer, Adorno and Marcuse as the foremost representatives of the First Generation, and found its contemporary reformulation in the work of Jürgen Habermas. To Rasmussen's definition, one may add that the theories of Freud and Marx are critically appropriated and reconstructed to suit the aims of each of the three generations of critical theory. Additionally, by way of introducing the proposed relevance of Habermas, and in particular his communicative ethics model, to conflict management as a discipline, we identify the following seven similarities between critical theory as a research programme and conflict management as a behavioural science.

Comparison between HABERMAS and BURTON

At the most fundamental level, both are optimistic about the potential of human agency during conflict intervention. Therefore, they both emphasise the importance of understanding the causes of social conflict, as well as any efforts to resolve or manage it. Some critical theorists, on the other hand, are suspicious of many forms of conflict intervention, believing that they undermine the positive role that conflict plays in highlighting injustices in society.

       Burton specifically rejected the theoretical foundation of state legitimacy as it manifested in the 1960s, because it was based on what he saw as 'ideological' construction. In this regard, he was thinking of Marxism, and the contract theories of the state, but, he also criticised constructs in social science, such as 'economic man' and 'legal man' (Burton 1997, 4-5). His search was for a more 'scientific' basis for intervention, leading ultimately to his promotion of the basic human needs framework with which he has now become associated.

       Secondly, both critical theory and conflict management generate knowledge that promotes the development of better methods for lessening deal with the management or containment of societal conflict as a social phenomenon. In the words of Axel Hönneth (1995), "social pathologies" require resolution, while Gavin Bradshaw (2016) argues that conflict management seeks to both understand and resolve social conflict, in order to contribute to greater societal

cohesion. By "social pathologies", Hönneth makes reference to a range of social problems such as poverty, homelessness, crime and inequality.

Thirdly, both employ an interdisciplinary approach. Unsurprisingly, conflict is central to the problematic of the behavioural sciences (which includes the post-Marxist perspectives on conflict, found in critical theory), including their multi-disciplinary perspectives used to try and grasp this phenomenon.

Fourthly, Marxism had a profound influence on both critical theory and conflict management, and both appear to have moved beyond Marx in support of a post-Marxist paradigm.

Fifthly, in their respective attempts to transcend Marx, both critical theory (in its Habermasian mould) and conflict management (as it was conceived by Burton) oppose revolutionary violence as a conflict management tool, and instead favour solutions that utilise and improve communication. For instance, Burton's early work on intervention explicitly proposes what he calls "'controlled communication'" (Burton, 1969, Mitchell 2002).

Sixthly, both Habermas and Burton emphasise the significance of institutions as causal factors in the perpetuation of societal conflict. In this regard, Habermas is critical of all institutions that exclude themselves from rational debate, such as those which maintain the international capitalist system of states, as they are established through power relations, rather than rational consensus (Galtung and Kuur-Sorensen 2007). For Burton, because human beings are 'necessitous' and driven by certain basic needs satisfactions, they have no option, when these needs are frustrated, but to rebel against dysfunctional institutions. In any conflict between humans and their institutions, he claims, humans will ultimately win (Burton, 1988: 53). He also writes critically of prevailing thinking in most political theory, namely: the belief that 'Existing structures and institutions must be maintained, in particular, the economic structures, be they capitalist or socialist' (Burton 1984, 11).

Finally, both critical theory and conflict management insist on the transformative value of theory to help refine the methodologies of activist intervention.

There are, however, two important dissimilarities between Burton and Habermas, exemplified by Jabri's (1997) critique of Burton. Firstly, Burton insists that basic human needs - which cut across cultural and racial lines - motivate conflict and violence, and that the satisfaction of these ontological needs would therefore pre-empt violence and conflict from manifesting. On the other hand, Jabri and Habermas argue that humans have moral agency and that (and this is particularly true of Habermas's position) their capacity for language presupposes the peculiarly human ability to reach consensus. Secondly, Jabri points out that for Burton there remains an insurmountable dichotomy between the interests of power and the necessity of effective problem-solving, based on an understanding that the latter is the *sine qua non* of conflict resolution. Clearly, other mechanisms of intervention, such as mediation, might also be helpful in getting the quarrelling parties to the negotiating table in the first place. Although both Habermas and Burton emphasise communication as the optimal vehicle for sustainable conflict resolution, Habermas's model is deontological, which means that he does not prescribe any tools in advance, but instead evaluates their procedural fairness. Burton, on the other hand, seems to be too fixed on the idea that 'problem-solving' is the paramount exercise for the broader discourse of conflict resolution, a notion that is clearly untenable, as the development of conflict management techniques has manifested further variants, such as peacebuilding, and conflict management systems design.

Of the two differences between conflict management and critical theory, the first lies in the former addressing social (even deep-seated) conflict, while the latter aims to both identify actors

for emancipation and to create a platform for such emancipation ("emancipatory interests", in Habermasian jargon). As such, critical theory, positioned halfway between philosophy proper and empirical social sciences, is a critical, emancipatory 'science.' The second difference lies in the fact that, whereas conflict management seeks to both understand conflict and develop conflict management systems that incorporate conflict management techniques (such as negotiation, mediation and workshop intervention initiatives), Habermas's ideal speech community and theory of communicative ethics are both procedural models. In other words, whereas conflict management is essentially a teleological or substantive approach to conflict resolution, critical theory (and here we refer specifically to Habermas's work) is a purely procedural or deontological model. We argue below that it is precisely this distinction between conflict management and Habermas's two deontological models that provides the space for a beneficial enrichment of conflict management, both as an academic discipline, and as an activist enterprise.

Habermas's Procedural Models and Conflict Management Techniques

We will now identify Habermas's particular position within critical theory in the tradition of the Frankfurt School, after which we will proceed to outline his two procedural models. Habermas's project has remained fairly consistent since the late 1970s, and yet it is important to appreciate how it has been substantiated and reinforced with sociology, political science, Anglo-American (analytical) philosophy and developmental psychology. Since his inaugural lecture "Knowledge and Human Interests: A General Perspective" in 1965 at Frankfurt, Habermas's interest in emancipatory concerns expanded into a study of communicative competence, acting as a prelude to the publication of his two-volume *magnum opus*, *The Theory of Communicative Action* (1981/1984, 1987). The latter is the culmination of his thoughts on the original Frankfurt School's interdisciplinary (and in Habermas's case, even transdisciplinary) agenda of the 1920s (White 1995, 17), as well as the formulation of what Dryzek (1995, 117), in a slightly different context, calls an interpretive (procedural) "normative grid." These two important elements of his project are especially relevant to the goals of conflict management. Habermas insists that strategic action (manipulation, deceit, agenda), as opposed to communicative action, is only possible because, as humans, our very ability to speak is ingrained in the ability to reach consensus. In fact, for Habermas (1983), consensus is the criterion for truth, an insight which certainly taps into the soul of conflict management/ transformation.

With this theoretical context now in place, we are ready to compare the five conflict management techniques discussed by Bradshaw with Habermas's two theoretical models, the ideal speech community and his communicative ethics. It is our argument that Habermas's work is valuable for the study of conflict management because, among other considerations, it provides guidance on how to procedurally test the extent to which each of the aforementioned conflict resolution techniques approximates the counter-factual 'ideal' position portrayed in his two models (Dryzek 1995, 104). In Dryzek's (op. cit.) words, Habermas's model of communicative ethics (which encompasses communicative action, communicative rationality and systematically distorted communication) is very helpful for "specifying a procedural threshold for the recognition of a situation as truly collegial." Stated differently, neither of Habermas's models is actually achievable, but allows for an appreciation of how far substantive models fall short of the ideal position.

Meanwhile, according to Bradshaw (2008, 116), the discipline of conflict management seeks

to both understand the cause(s) of societal conflict and to develop effective conflict resolution techniques. This summation holds even if, as Burton maintains, such strife is healthy, on the one hand, and conflict management practitioners are not always able to eliminate the source of such disturbances, on the other. In any case, Bradshaw (1994, 3-4) defines a conflict management system (CMS) as

> a permanent, rather than a once-off intervention, which is substantially "owned" by the parties to the conflict. It includes structures and institutions, and ongoing activities in pursuit of peace. It should be self-sustaining and accessible to the community at the point of need. Because conflicts shift and change, the CMS needs also to change and grow, constantly adapting to the needs of the changing conflict. The system should have built-in procedures for accessing resources, especially expertise and opportunities for planning.

This definition highlights the role of fairness (provision for access to expertise and resources, as well as the importance of the process being 'owned' by the parties to the conflict) and the need for achieving (if at all feasible) a lasting solution. We therefore argue that an emphasis on fairness is essential for any attempt at conflict resolution (Bradshaw 2016). Habermas's two models could then provide the procedural validity necessary for identifying the potential fairness of a prospective conflict resolution strategy, the latter being the substantive framework for our purposes. Habermas (1987, 375) himself is of the view that his work is not meant to replace extant methods used in the social sciences, but rather to assess their benefits and limitations.

Both of Habermas's models are vital components of his account of 'discourse-based morality.' Moon (1995, 143) explains that

> Jürgen Habermas has presented one of the most powerful accounts of a discourse-based morality; it is grounded in an understanding of practical reason which explains how the validity of norms can be tested, thereby demonstrating their cognitive character. According to Habermas, valid norms can be freely accepted by all the individuals who are affected by them. Thus, a society whose institutions and practices were governed by valid norms would instantiate the ideal of a moral society.

According to Moon, it is this aforementioned "cognitive character" of these norms that makes it possible for all affected to access, test and freely agree to their implementation. Since, therefore, Habermas's models are eminently fair on procedural grounds, they are, by the same token, equally applicable to judge the validity claims of the conflict management techniques (negotiation, mediation, arbitration, etc.) generated by CMS, the latter having been previously defined by Bradshaw in the quotation given above. Dryzek (1995, 97) also very ably explores the contention that Habermas's theory of communicative action "stands out […] in its ability to engage empirical science in fruitful dialogue."

Next for our analysis is Habermas's ideal speech community, which preceded his communicative ethics model. Together these two models provide an effective criterion by which to gauge the emancipatory justification for any methods developed by the social sciences (including those pertaining to conflict management.). Habermas (1975, 113) defines this ideal speech community as follows:

> [H]ow would the members of a social system, at a given stage in the development of

productive forces, have collectively and bindingly interpreted their needs (and which norms would they have accepted as justified) if they could and would have decided on the organization of social intercourse through discursive will-formation, with adequate knowledge of the limiting conditions and functional imperatives of their society?

For Habermas, the members of this community are driven by a desire to adopt and implement whichever are the best arguments, and although this attitude is often a rarity around negotiation tables, where each participant has their own agenda it obviously functions as a methodological exemplar. His communicative ethics ideal, as noted above, consists of three moments, and we will briefly consider each of these before moving on to our proposed application of his two models to the five conflict management instruments explored by Bradshaw. Habermas (1984, 20) further describes communicative action as "reasons or grounds [advanced which] are meant to show that a norm recommended for acceptance expresses a generalizable interest," and communicative rationality in these terms:

> In contexts of communicative action, we call someone rational only if he [or she] is able to put forward an assertion and, when criticized, to provide ground for it by pointing to appropriate evidence, but also if he is following an established norm and is able, when criticized, to justify his actions by explicating the given situation in the light of legitimate expectations. We even call someone rational if he [or she] makes known a desire or an intention, expresses a feeling or a mood, shares a secret, confesses a deed etc., and is then able to reassure critics in regard to the revealed experience by drawing practical consequences from it and behaving consistently thereafter. (Habermas 1984, 15)

The ability to think through one's position and to justify it with accessible rational motivations is therefore the key presupposition of Habermas's communicative rationality. McCarthy (1978, 132-133) argues that his 'systematically distorted communication,'; being the result of the ideological disruption of meaningful communication, is of great significance to the emancipatory agenda of critical theory, since its elimination holds out the promise of collective political will-formation. Following the suggestion put forward by Dryzek (1995), therefore, we will now subject each of the following five conflict management tools to Habermas's two models, in order to assess its structural compatibility with a certain spirit of fairness.

Bradshaw (2008, 76-110) identifies the following techniques that are used in conflict management: negotiation, facilitation, mediation, arbitration and analytical problem-solving workshops.

CRITIQUING CONFLICT MANAGEMENT TECHNIQUES
USING HABERMAS'S MODELS

Negotiation can be understood as "a voluntary communication process between a number of individuals or groups, intended, through a process of give and take, or creative problem-solving, to arrive at a mutually acceptable agreement" (Bradshaw 2008, 76). Conflict management practitioners identify two distinct approaches to negotiation. Distributive negotiation, otherwise known as positional negotiation, or power bargaining, is characterised by the actors in the conflict exhibiting extreme and inflexible positions, as well as by their engaging in strategic maneuverings to get the better of other parties. The reconciliatory efficacy of power bargaining is appraised as

follows:

> Although it is familiar to most of us, and produces agreements, experience shows that the distributive approach to negotiation very often leaves parties dissatisfied with the negotiation outcome, and therefore with a settlement which is not durable in the long term. Relationships between the negotiating parties may also suffer long term damage, as a result of the power tactics that they use. (Bradshaw 2008, 77-78).

The second negotiation approach to conflict resolution is called integrative bargaining. Its main features are "preserving the working relationships among the parties to the conflict," an emphasis on "satisfying the interests of all the parties, and finding win-win solutions to common features" of potential resolutions (Bradshaw 2008, 79). Bradshaw (op. cit.) provides the following assessment of integrative negotiation:

> Fairness is an important guiding principle throughout. Because [of] the importance of maintaining good working relationships in a country as fraught with conflict as South Africa, it would be advisable to use integrative negotiation techniques as far as possible. Most recent research work on negotiation also supports the fact that integrative approaches are usually far more effective [than power bargaining].

This integrative bargaining comprises five central features of which we highlight four: 1.) focusing on the issues in question rather than the opposing parties (since the actors' guiding concerns create incentive for both greater investment in the relationship and for more quickly reaching a viable conclusion to the dispute)., 2.) identifying common interests and gains likely to benefit all actors, 3.) maintaining a standard of fairness (to which all actors can relate and will agree), and 4.) having alternatives to a negotiated settlement (Fisher and Ury 1991).

Now, after applying Habermas's two models to negotiation as a conflict management tool in order to gauge its procedural fairness, there is little doubt that power bargaining fails greatly according to this criterion Its encouragement of the exploitation of power relations during negotiations invalidates the conflict resolution agenda in question and its processes, as well as exacerbates the conflict's pre-existing systematic communicative distortions, since there is no real desire to reach the other actors and perhaps accommodate their concerns (however legitimate). Even if agreement is reached (as often happens), simmering tensions remain and such agreements are at best of a temporary, uneasy nature.

All five principles of integrative negotiation, on the other hand are very compatible with both of Habermas's models. By focusing on the pertinent issues of the conflict, rather than on personal concerns, integrative negotiation better promotes more responsible consideration of the stakes in the dispute. Its commitment to achieving a win-win result for all actors also improves goodwill, which will lead to a greater durability of any agreements made and, if problems arise later (regarding issues such as interpretation or implementation), these are likely to be settled in the same spirit of congeniality. Recall too that Habermas values consistency as the highest measure of communicative rationality, and this is bound to add to the credibility and acceptability of the prospective arrangement to all actors concerned. Its emphasis on even-handedness and strengthening relationships are universal trademarks of healthy and sustainable negotiation. Systematic communicative distortions, however, such as power- plays, uneven access to resources or information pools, and interference with the agreed agenda, are almost certainly likely to

overshadow integrative negotiation, since (as the name denotes) the process is as necessary as the results. After all, a culture of fairness, as Bradshaw (2016) points out, is vital for social cohesion. Nevertheless, integrative negotiation receives full marks from a Habermasian perspective. At the outset of this paper, we also indicated our intention to argue that conflict management has emancipatory merit as an academic discipline according to a cross-culturally post-colonial perspective.

Now, it is our argument that integrative negotiation, mediation and Analytical Problem-Solving Workshops (the latter two more fully considered below), being particularly prominent tools in communitarian societies (unlike power bargaining), are vastly preferable to the spirit neo-colonial interests (which thrives on power bargaining). Communitarian societies are defined as comprising the following three elements: "1) densely enmeshed interdependency, where the interdependencies are characterized by 2) mutual obligation and trust, and (3) are interpreted as a matter of group loyalty rather than individual conscience" (Braithwaite 1989, 86). Examples of communitarian societies are found in the Far East, but also in traditional African societies where the relationship between actors to a dispute is considered to be of far greater concern and import than short-term gain, the latter of which is the primary consideration of power bargaining. Burton predominantly used the term 'power-bargaining', and saw negotiation as part of the power framework that he emphatically rejected. He remained largely suspicious of negotiation's ability to provide lasting solutions for deep-rooted social conflict, due to its reliance on the central mechanism of compromise, which he felt to be ineffective, or even dangerous, when basic human needs frustration was at the root of conflict.

Burton also specifically favoured the term 'facilitation' for the intermediary role in his problem-solving workshop. Facilitation is defined as efforts solely directed towards "improving the communication process among the parties as they seek to handle their own conflicts" (Bradshaw 2008, 89). The task of facilitators is to streamline the conflict resolution process, rather than to urge the actors on towards specific outcomes. From a Habermasian perspective (both the ideal speech community and his communicative ethics), any effort towards the clarification of systematic communicative distortions is to be welcomed. By asking questions in order to illuminate issues, or by suggesting means of achieving greater transparency, facilitators can do considerable justice to both his models' aims, namely fairness and democratic confidence.

In the public imagination, there is probably no better-known conflict resolution mechanism than mediation. Moore (1986, 6) defines mediation as an "intervention of an acceptable, impartial, and neutral third party who has no authoritative decision-making power to assist contending parties in voluntarily reaching their own mutually acceptable settlement." Both Moore (op. cit.) and Bradshaw (2008, 89) treat mediation as complementary to the negotiation process, and the latter is also of the view that a mediator may especially add value to a negotiation process that has become undone, or where the conflict in question may be particularly complex. As far as Habermas's models are concerned, we would advise of this conflict resolution mechanism the same remarks as we did to facilitation; namely that any technique that incentivises greater communicative rationality and action, will receive a Habermasian nod of approval. For example, according to Rubin, Pruitt and Kim (1986), particularly effective is a mediation intervention that aims to alter the social and physical dimensions of the dispute, as well as the format of the conflict resolution process, and finally to encourage a quicker resolution of the dispute. In the case of mediation in particular, the introduction of an acceptable, impartial and independent party to aid the actors in reaching an agreement of their own making, could be particularly effective. One is reminded of the valuable mediation work done by H. W. Van der Merwe (2000) during South

Africa's transition into democracy. His acceptability to all actors, which improved both the smoothness of the process and the palatability of the results, was noteworthy.

Mediation could also be immensely valuable for identifying systematic communicative distortions, the latter of which are almost always major stumbling blocks during negotiation efforts, especially if one or more of the actors involved engage(s) in power bargaining (or 'strategic action,' in well-known Habermasian jargon). Bradshaw (2008, 94-95) also argues that "information-gathering and research" (especially if these resources or findings are made available on an equal footing to all the actors in the dispute) are often done if a mediator is brought in to assist with a particularly complex situation or deep-rooted problem. John Burton remained sceptical of the utility of mediation in instances of deep-rooted social conflict, as it is simply an extension of negotiation, with its central reliance on compromise, as mentioned above. He was particularly critical of some aspects of mediation, such as caucusing, where it opens the process up to manipulation by a mediator. Arbitration differs from mediation, however, in that the former may impose a binding ruling on the parties even in the absence of agreement between the parties themselves.

Arbitration may be the result of a prior agreement between the parties, and amounts to either compulsory or voluntary interaction between the actors and a mutually acceptable judge in the form of an arbiter. The main difference between traditional litigation and arbitration is that the arbiter's ruling is final and not appealable, and an arbitration award will be subjected to judicial review if irregularities, which also resulted in a prejudicial outcome, can be proven (Schellenberg 1996, 195, 193). Arbitration is widely used in labour/management disputes and commercial agreements (such as those governed by shipping law and building management legislation), which often contain arbitration clauses (as is generally well known). The reason for such preferences for arbitration proceedings over that of conventional litigation is that the former is viewed as both cost and time effective. After all parties have had an opportunity to put their respective cases to the arbiter, and after they have questioned each party in order to gain sufficient clarity on their positions in the dispute, the arbiter adjourns. They are obliged to hand down a ruling within a specified period.

According to Bradshaw (2008, 102), the other crucial difference between mediation and arbitration is the practice of the arbiter suggesting a resolution to the parties after hearing their statements. Only if this is not acceptable to the parties, will the arbiter adjourn the proceedings for the purpose of bringing out an award. In the case of both arbitration and mediation, all parties have the benefit of an independent, and informed opinion.

From a Habermasian perspective, arbitration does not rank very high, even though, as noted above, it makes good sense in commercial disputes where time and cost may be as important as the award itself. The ideal speech community, however, is meant to be a space where all actors in a dispute are free from power manipulations and strive to find a solution on the basis of a unanimous concern for the best argument (a methodology which could be compromised if legal representation is permitted to play a role, as it does, in arbitration proceedings). Nevertheless, the three components of his communicative ethics model (systematic communicative distortions, communicative rationality and action) reveal arbitration to be a practical, if not ideal, arrangement for the management of disputes.

Systematic communicative distortions present during the arbitration hearing (such as time limitations, insufficient access to information or resources to invest in resolving the dispute, or power manipulations bearing on extraneous issues) will identify how far this conflict management instrument falls short of the ideal. However, incorporating Habermas's communicative action and

rationality into the arbitration process is likely to produce high levels of compliance from the impacted parties. Firstly, as noted above, in commercial arrangements time (such as the timeframes of concluding the proceedings and handing down the award) and cost considerations are paramount, and likely to rank close to the value of the actual award itself. Secondly, arbitration proceedings inhibit the development of any generalisable interest for the parties involved. Thirdly, in commercial matters the parties are also likely to arrange their future affairs in such a way as to avoid peripheral issues. Fourthly, arbitration is often unlikely to have much or any lasting impact on the underlying discontent driving the conflict. Mediation and other conflict management tools (notably problem-solving workshops [Bradshaw 2008, 102]) are more equipped for identifying and meaningfully addressing the root causes of the strife.

John Burton (1984, 1990) presented a particular critique of what he called traditional methods of conflict management, being negotiation and mediated negotiation. He believed that these techniques always required compromises to be made, and in real conflict; deep-rooted social conflict; where basic human needs were at stake, agreements based on compromise would simply not hold. Instead, Burton is most closely associated with the conflict management technique known as analytical problem solving (APS) workshops. APS workshops, as instruments for conflict management, are defined as interventions aimed at confronting deep-rooted social conflict, though this tends to limit the role of mediation and negotiation (as complementary or elementary forms of conflict management). Although instrumental and process interventions are known to conflict management practitioners, APS workshops provide a well-structured process that can ensure "outcomes which are both legitimate and self-sustaining" (Bradshaw 2008, 105). In order to achieve this level of overall satisfaction, however, Burton (2001) insists that no participant or relevant issue involved in the dispute is excluded from the proceedings. The aim is to encourage the exploration of non-violent options to resolve or manage the conflict (De Reuck 197, 74; Hill 1982, 121). Additionally, in order to keep systematic communicative distortions to a minimum, the process is entirely confidential (Tidwell 1998, 162; Burton 1987, 50-55). Burton (1987: 54) also favours holding workshops in a neutral venue in comfortable surroundings. As Bradshaw (2008, 106-107) observes, everything possible is done to avoid the power dynamics with which traditional negotiation and mediation are bedeviled. Furthermore, Burton (1997, 122) argues that the extensive arrangements made around the processes involved in APS workshops "enable [sic] the parties to a conflict to perceive more accurately the issues that are usually hidden in a power bargaining situation." This requirement is essential as power-driven settlements, as mentioned above, might lead to agreements which are short-lived and leave the real discontent smoldering and undisturbed. Facilitating the parties' attempts at "classification of [their] interests, values, needs, goals, and tactics [… in this way will] help [to] deduce possible outcomes on the basis of this analysis" (Fisher 1997, 33).

Unlike the psychoanalytic relationship (so highly valued by Habermas as a methodological model), Burton (1987, 44) discourages expert input that would be detrimental to the parties generating their own analytical insights. Interestingly, Suzy Orbach (2000) remarks that the analyst's facilitation of the patient figuring out and reaching their own insights is vital to the psychoanalytic relationship. The rationale is that these self-generated (and thus self-owned) insights are so much more meaningful to the analysand, and so the analyst will go to considerable lengths to hold back on verbalising those insights to allow the patient to arrive at conclusions by and for themselves.

Finally, Bradshaw (2008, 109) explains that APS workshops are not considered an alternative to the negotiation process, but rather a prelude or necessary precondition to the actual negotiation

processes to follow. Tidwell also (1998, 162, 163) points out that APS workshops attempt to generate new and creative ways of looking at the dispute in question. Building on Burton's observation, therefore, analytical problem-solving aims to unearth and re-examine the roots of the problem, in order to affect a lasting impact towards resolving the dispute.

From a Habermasian perspective, APS workshops score high in their compatibility with both of his deontological models. With its accent on holistic inclusivity, this technique very strongly resonates with the spirit of the 'ideal speech' community. The premium that Burton (1987; Groom and Webb, 1987, 273-275) places on trust and trust-building exercises, as well as skills development for all involved (Doob and Foltz 1973, 496), also goes a long way to satisfy Habermas's requirement for the values integral to validity claims inherent during debating. Habermas is, however, bound to take umbrage with Groom and Webb's (1987, 264-267) suggestion that 'weaker' actors should not be empowered to level the playing field (an idea central to traditional mediation). In any event, APS workshop advocates have justified this approach by insisting that APS is an essential prelude to the actual negotiation processes (Burton 1990, 16). Finally, the importance that Habermas places on rational consistency in behaviour is quite complementary to the APS workshop framework as a whole, which greatly encourages non-judgmental, supportive and (open, approachable) questioning behavioural patterns.

Conflict Management in South Africa

In conclusion, two of the conflict management instruments outlined by Bradshaw, and briefly considered above are satisfactorily compatible with both of Habermas's two deontological models. These two instruments are integrative negotiation and Analytical problem-solving (APS) workshops. Integrative negotiation, as we argued above, is eminently justifiable within a cross-culturally post-colonial (and perhaps even developmental) context, as power bargaining reinforces power relations in a similar fashion to traditionally racist and individualistic Western societies, while integrative negotiation (with its deep concern for the welfare of beneficial relationships) is more compatible with communitarian values. As noted above, communitarian societies include many traditional societies living in the Global South. APS workshops, which prepare all the parties of the dispute for negotiation and/or mediation, are also very communitarian events.

In the context of the current decolonisation debate raging across the present South African scene (Olivier 2018), we submit that Habermas's body of work validates two of the conflict management instruments outlined by Bradshaw as credible in a post-colonial setting. It is noteworthy that Habermas is only now making an impact on a discipline such as peace studies/conflict management. We have attempted to triangulate our findings by considering the matter from a cross-cultural perspective.

It is therefore our argument that Habermas's work enriches and validates the findings of scholars in this field devoted to the exploration of communicative, non-violent mechanisms of dispute resolution. This belated insemination might be the result of what Max Weber referred to as the fracturing of the sciences in the modern world, but the divisions between the disciplines are lamentable all the same.

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