

Unit E 16: Conflict and ethics

1. Summary

Crucial themes and approaches of responses in conflict ethics are - besides understanding conflict - inclusion and social trust. Both are steps towards an ethics of peace.

2. Conflict and Ethics

As with all **ethical considerations**, ethics and violence, conflict and war in particular involve principles that should be adhered to. These include **depth and conciseness** of the explanations, **fairness in the argumentation** pro and con, **clarity and traceability** of the considerations and conclusions, **professionalism** of the approach, such as methodological correctness, and **relevance or significance** of the results (cf. Kasher in Kasher 2014a:4). This means that on the one hand the complete questions should be elaborated and discussed and on the other hand plausible conclusions for ethical behavior should be drawn - which, by the way, is not always that easy.

In the context of political conflicts, four aspects are of particular importance from an ethical point of view: **first**, the **increase of (military) violence** the danger of wars, **second**, the **phenomenon of social injustice** and hunger, **third**, the **endangerment of the biosphere** and transboundary ecological problems, and **fourth**, the **question of the legitimacy of state and supranational orders** (cf. Nohlen/Schultze 2010:223).

Political conflicts are based on social conflicts, but they have special characteristics: "A social conflict arises when two or more persons or groups have incompatible views about the production and distribution of scarce resources..." (Nohlen/Schultze 2010:485). Political conflicts refer to different conceptions of the organization of the state, the distribution of (political) power, and sociopolitical ideas (sociopolitical worldview)

Berkel (2011:73) points out that conflicts should not only be seen under psychological and sociological criteria, but that ethical aspects are also important. Every solution should

therefore also be measured by the extent to which it is responsible, not only for all parties involved in the conflict, but also for the public. It is only in dealing with conflicts that it becomes clear how "conflict-compatible" or "conflict-capable" a society or a state is.

In the sense of Anatol Pikas (1974), destructive and constructive conflict handling can be assessed on the basis of the following four criteria:

Value	Destructive conflict management is to be rejected	Constructive conflict management is to be applied
Life	<ul style="list-style-type: none"> - Denies physical, mental or spiritual existence - Degrades and subjugates - Exploits, mistreats 	<ul style="list-style-type: none"> - Maintains and expands life possibilities (biophilia). - Preserves dignity, respects
Self-determination	<ul style="list-style-type: none"> - Degrades and subjugates 	<ul style="list-style-type: none"> - Integrates self-determination with social responsibility
Justice	<ul style="list-style-type: none"> - Ignores important human, social and factual concerns 	<ul style="list-style-type: none"> - Considers situational principles of justice: <ul style="list-style-type: none"> + Fairness in work + Equality in basic rights fundamental rights + Necessity in care
Reciprocity	<ul style="list-style-type: none"> - Plays values against each other - Uses resources inappropriately 	<ul style="list-style-type: none"> - Heed the "Golden Rule"

Source: Berkel 2011:74.

Furthermore, antagonistic (insurmountable) and non-antagonistic conflicts can be distinguished:

"Antagonistic conflicts are conflicts in which the conflict partners are completely irreconcilably opposed to each other. Such conflicts cannot be resolved by compromise, but only by the complete defeat of one party to the conflict. In the Marxist view, the class struggle is an example of an antagonistic conflict.

Not antagonistic are all other conflicts, they are basically solvable by compromise. Unlike antagonistic conflicts, they are also not a zero-sum game: the advantage of one side need not necessarily and automatically be the disadvantage of the other."

Source: Pelinka/Varwick 2010:155.

However, experience shows that any (seemingly) antagonistic conflict can also become a non-antagonistic conflict, for instance when the fundamental political or social view changes. For example, the Belgian political scientist Chantal Mouffe (e.g., 2007:22ff. and 118ff.) has suggested transforming antagonistic conflicts into "agonistic" conflicts and thus conducting political debate according to certain rules (cf. in detail ► Unit D 17: "The Modern Liberal and Secular State," chapter 2.1).

Furthermore, a distinction can be made between **symmetrical** and **asymmetrical conflicts**: Symmetrical conflicts are conflicts between two more or less equally strong conflict parties, while asymmetrical conflicts are those between very unequal conflict parties (cf. Pelinka/Varwick 2010:155/156). For example, terrorist acts can arise from asymmetrical conflict situations, in which case terrorism represents the weaker side's weapon, so to speak (for a detailed discussion of the problem of terrorism, see ► Unit C 19: "Terrorism").

Julian Nida-Rümelin (2010:94) has pointed out that the ethics of conflict "calls for a transcendence of one's own standpoint, which may be shaped by personal interests, but also by subjective valuations." According to Nida-Rümelin (2010:94), higher-order rules that structure the behavior of a rational individual who is willing to cooperate and compromise can help in this process. In a democracy, these rules are institutionalized to a large extent and determine the way in which conflicts of interest are carried out (cf. Nida-Rümelin 2010:95).

Military conflicts and wars, but also terrorism, are special forms of conflict and therefore require their own ethics. With regard to wars, a fundamental distinction must be made between "ius ad bellum" ("right to war") and "ius in bello" ("right in war") (cf. Jäggi 2017:195ff.). Wars must thus be ethically and morally justified, but they must also proceed according to ethically acceptable rules. Thereby - to follow Hugo Grotius (cf. Rodin 2014b:33) - neither everything is allowed nor everything is forbidden. It must be taken into account that the actions of states are determined by power considerations, security considerations and national interests (cf. Orend 2014:43). In this context, "realist" positions assume that a situation of anarchy prevails at the international level (on the individual political theories -

including those of realism and neo-realism - and the international rules of the game, cf. ► Unit D 30: "Introduction to Political Science").

2.1 The right to inclusion - a conflict resolution approach?

In his essay "Against the Current. For a Secular Republic of Europe," Egon Flaig (2013:45) put forward the provocative thesis that the right to inclusion could lead to discrimination against those who are not discriminated against: "A moral justice correction of inequalities that have no nameable originator requires a totalitarian system such as the world has never seen before. For the discriminations for which nature is to blame can no longer be eliminated by any compensatory mechanism. Perhaps it could? Couldn't beautiful people be deformed so that they no longer differ from the less beautiful ones? In fact, this delusion claims its victims: the non-disabled children are the sufferers of inclusion under such conditions. When school becomes a social therapeutic occupation, it no longer educates. However, children without disabilities have the same human right to the best possible education as children with disabilities. Who denies this, mutilates the human rights for all to special rights for a certain group. And then human rights are no longer human rights" (Flaig 2013:45).

For our question, this means that there is an ethical "right to belong," that is, to inclusion. But this does not mean that all people must be - or worse be made - equal. The right to freedom always means a right to difference, to be different. And the right to equality only means that other people are equal on the level of treatment and rights - inequality or difference must not limit the right to equal treatment. Inclusion, therefore, means: right to procedural equal treatment and avoidance of any discrimination as a result of diversity or specificity. Seen in this light, the right to inclusion is undoubtedly an important tool of conflict ethics.

2.2 The question of trust as a political problem

Trust is a particular ethical problem. Psychologically, "trust" can be understood as the intention to allow one's (own) vulnerability on the basis of positive expectations of the

intentions or behavior of others (cf. Lewicki and Brinsfield 2011:111). Trust is also the willingness to act on the basis of the words or actions of others.

Trust is also a "core component of relationship" (Lewicki and Brinsfield 2011:113). In other words, relationships are not possible without trust.

As a rule, trust sets a common framework for action ("frame"). Lewicki/Brinsfeld (2011:114) also speak of a common "figure" in the sense of Gestalt psychology. Here, a person, event, or process is understood separately from the "background." The "figure" or "frame" places a person, event, or process in a shared context of meaning and disentangles it from what is outside that frame. Trust, then, refers to a kind of bounded space that includes those who belong to that space, but not those who are outside of it.

According to Gunther (2012:177), trust in relationships is essentially based on three agreements:

- Both parties or partners abide by the mutually agreed upon understanding regarding values, ethics, desires, and behavior.
- Neither side makes exceptions to the agreements made without first discussing this with the partner.
- If a partner has broken an agreement, he or she must immediately admit this to the other party, accept responsibility for it and apologize or show remorse. If the parties then agree again, the ground rules must be redefined.

If one or more of these three points is not adhered to, this can lead to an irreparable loss of trust.

Sustainable ethical and political solutions, including the lasting existence of democratic states, are ultimately inconceivable without trust on the part of the population, and at the most diverse levels: Trust in the democratic rules of the game, trust in political institutions and in the judiciary, trust in the personal integrity of politicians and leaders - and ultimately trust in the personal integrity of each and every fellow citizen. Seen in this light, trust is the basic prerequisite, but also indispensable lubricant in a functioning democratic state. This

trust also makes political consensus decisions possible. Unfortunately, growing polarization often leads to an increasing loss of trust via mutual badmouthing of the poles.

But regardless of whether it is a political issue or not, ethical behavior always proves itself in concrete situations of action. Wedig Kolster (2016:77/78) has formulated the following steps for ethics-based action in decision-making situations. He takes the example of an employee of a food company who observes the use of spoiled ingredients:

1. Perceiving and analyzing an issue in a decision situation and evaluating it emotionally.
2. deciding whether to look the other way or to intervene,
3. examining whether there is a general orientation for a possible decision, e.g. in the form of ethical values or rules of conduct,
4. considering possible repercussions of his decision from himself and his environment, whereby looking the other way can also have consequences (loss of job versus loss of self-respect, possible criminal consequences, etc.),
5. definitive decision as to whether the relevant authorities - e.g. superiors in the company, authorities, etc. - should be informed,
6. possible later consequences of the decision: e.g. public recognition or internal ostracism.

Conflicting moral orientations or conflicts of loyalty - e.g., in this case loyalty to the company or to superiors, or responsibility to the public or to customers - can be countered with different strategies. The person concerned can decide for one side or the other - e.g. for silence out of fear of losing one's job, or for disclosure -; he can try to ignore the conflict, but this in fact means a decision to remain silent; he can try to place the conflict in a larger framework (reframing), but this depends specifically on his freedom of action, which may be limited, or he can try to come to terms with the conflict, which in fact again amounts to silence. It also makes little sense to attribute ethical conflicts to a conflict between reason and emotions (cf. Kolster 2016:83), because emotions are also involved in every "reason decision" - and vice versa.

2.3 Non-violent approaches to resolution

A fundamental question in any intervention in a political conflict is the question of the violence used, or the non-violence of the intervention. It is always necessary to weigh a) whether there are also non-violent intervention options, b) what are the effects and unintended consequences of violent and non-violent interventions, and c) which of the two is effective (direct cost-benefit calculation, but also inclusion of indirect consequential damages).

Martin Arnold (2011:31) has placed the following guiding question at the center of his reflections on nonviolence: "How is nonviolent action to be conceived so that it can be effective (also and especially in political and social conflicts) against opponents who are willing to use violence?"

One possible answer is the concept of "kindness power." Wahrig (1992:595) has defined "kindness" as "noble, helpful, big-hearted disposition, selflessness (goodness of heart); forbearance, kindness; complaisance, helpfulness; value, nature, quality (of a commodity)." One could also speak of solidarity and empathy with victims or victims of violence.

Unlike nonviolence, which is defined "negatively" - i.e., as the absence of violence - so to speak, the term "kindness power" is positive: kindness power is an uplifting, constructive force or energy. Kindness can be understood as "noble, helpful, big-hearted disposition, selflessness (goodness of heart); forbearance, kindness; complaisance, helpfulness" (cited in Arnold 2011:89). Accordingly, "kindness power" can be understood as "the ability to make a difference that lies in the (person-bound) human attitude of kindness and the (super-personal) quality of kindness" (Arnold 2011:89). Arnold (2011:89) makes the reference here to Gandhi's "satyagraha." Gandhi translates his concept of satyagrah in the following terms: As soul-force, as truth-force, and as love-force (according to Arnold 2011:89). In English, Gandhi often used "non-resistance" or "passive resistance", often also "non-violence" as a translation for "Ahimsa". In German, the term could also be translated as "non-injury". In terms of content, Gandhi explained "satyagraha" as "the power born of truth and love"

(quoted from Arnold 2011:91). In any case, satyagraha is much more than "nonviolent resistance."

2.4 For a comprehensive peace ethic

Dietrich Bonhoeffer (1989-1999:340), instead of a "static concept of peace," proposed an "evangelical idea of peace" characterized by a "moving relationship to the concept of truth and justice."

Following the great debates about the NATO double decision on 12.12.1979, an "ecumenical peace ethic" developed within a short time, especially in Germany (cf. Langendörfer 2011:99).

In 1981, the Evangelical Church of Germany presented a text (cf. Council of the EKD 1981) that centered on four "peace-ethical points of order": First, that the acceptance of nuclear deterrence and the rejection of nuclear deterrence was not an irreconcilable opposition but a dilemma; second, "Basic Lines of an Evangelical Peace Ethic," wherein the (principled) illegitimacy of war and an analysis to combat the causes of conflict were postulated; third, tracing the path from "just war" to the prohibition of violence in international relations; and fourth, the old question of the relationship of "armed service" to conscientious objection (cf. Council of the EKD 1981).

In 1993, the U.S. bishops published the text "The Harvest of Justice is Sown in Peace." In it, the authors outlined a "vision of peace" that "comprises three central elements: Peace requires, first, structures of supranational sovereignty that provide the international community with steering options not available to nation-state sovereignty. State sovereignty must serve the people and is bound to the common good, i.e. it must not be absolutized. Second, there is a collective responsibility for development progress, because more development will reduce the danger of war. The third element of the peace vision is the strengthening of solidarity among people as 'members of a global community'" (Langendörfer 2011:105/106). In an "Agenda for Peacemaking," the bishops called for a strengthening of global organizations with the UN at the center, respect for human rights,

the need for durable development, structures of cooperative security, and responsible U.S. leadership in the world (see Langendörfer 2011:107/108).

After the fall of the Berlin Wall, the peace ethics perspective shifted starting in 1989. In the Helsinki Document, the CSCE created additional tools to manage crises and prevent the outbreak of violence. In the process, a system of early warning, conflict prevention, and crisis management emerged.

Langendörfer (2011:109) lists three desiderata for today from a peace ethics perspective: **first, guaranteeing freedom of thought, conscience, religion, and belief; second, minority rights and obligations; and third, the right of peoples to self-determination**, which is closely related to the first two points. Personally, these three concerns seem to me to be formulated too generally and too abstractly to be given any force. Rather, it must be a matter of arriving at agreements and common solutions on the basis of these concerns, which are hardly disputed in themselves, but which are highly controversial in their concretization.

According to Haspel (2011:135), a legal ethics approach has become established in Germany's Protestant peace ethics in recent years; the EKD, for example, speaks of a "legal compliance ethic" and a "law-preserving force" in exceptional situations. According to Haspel (2011:136), three phases can be distinguished in the development of the legal ethics paradigm in peace ethics: First, a so-called **ethics of legal compliance** between the 1970s and into the 1990s, which was related to the framework of the Cold War; second, an intermediate phase of **combining the ethics of legal compliance with the criteria of the Just War** doctrine immediately after the end of the Cold War; and third, an **ethics of law-preserving violence**, which was aligned with the increasing foreign deployments of the Bundeswehr since the 1990s (cf. Haspel 2011:136/137). If this is true, then the peace ethic is not much more than a very limited reaction to cyclical political developments and shifts.

The second phase of peace ethics is particularly interesting. After the fall of communism in 1989, the question of whether the Bundeswehr should participate in blue-helmet peacekeeping and peacebuilding missions became acute for Germany (cf. ► Unit C 24:

"Peacebuilding and Peacekeeping"). At that time, combat operations such as those in Yugoslavia in 1999 or in Afghanistan after the turn of the millennium were unthinkable (cf. Haspel 2011:138). Because international law could only offer formal criteria for this, Wolfgang Huber (1993, 1994, and 1996) and Hans-Richard Reuter (1994, 1996a, 1996b, and 2000) supplemented the ethics of compliance with law with substantive criteria of the doctrine of just war, namely legitimate authority, just cause, proportionality of goods, ultima ratio, etc. (cf. Haspel 2011:138).

The approach of the "ethics of law-preserving violence" is explained in a document of the Evangelical Church of Germany "Living from God's Peace - Providing for Just Peace" (cf. Council of the EKD 2007). In it, the ethics of law-abidingness is explicitly abandoned because an independent ethics of peace alongside international law is no longer necessary. In this context, law is seen as a crucial instrument "with which conflicts can be civilized and power can be contained" (Haspel 2011:140). As principles of law-preserving violence, the Church named: reason for permission, authorization, right intention, utmost means, proportionality of consequences, proportionality of means, and principle of distinction, i.e. those not directly involved in violence are to be spared (cf. Haspel 2011:141).

However, this approach reaches its limits in cases - such as Afghanistan - where power and violence are not bound by law, or where the state has lost or never achieved its monopoly on the use of force. In such countries, what are legitimate authority, legitimate actors, and legitimate legal systems?

3. Control Questions

1. Which five principles should also be observed in conflict ethics?
2. Which four points from an ethical perspective are important in political conflicts?
3. How do Nohlen/Schultze define social conflicts?
4. According to Pikas, which four criteria can be used to distinguish between constructive and destructive conflict management?
5. What are antagonistic and non-antagonistic conflicts?
6. What are the characteristics of asymmetric conflicts?

7. Why does an ethics of conflict according to Nida-Rümelin require superior rules of the game?
8. Explain the terms "ius ad bellum" and "ius in bello".
9. How does Flaig argue against the right to inclusion - and what are the counter-arguments?
10. Why is (social) trust necessary?
11. On which three agreements is trust in social relations based according to Gunther?
12. Which three questions arise in the case of violent interventions?
13. What is meant by "kindness power"?
14. What three points did the peace ethic adopted by the protestant church of germany in 1981 contain?
15. What three elements did the peace vision of the U.S. bishops contain?
16. Which three desiderata of peace ethics did Langedörfer list?
17. According to Haspel, which three phases can be distinguished from the perspective of legal ethics?

4. Links

Definition Ethik

<http://wirtschaftslexikon.gabler.de/Definition/ethik.html>

Entscheidfindung im ethischen Dilemma

http://www.pflegeportal.ch/pflegeportal/pub/entscheidungsfindung_im_ethischen_dilemma_1188_1.pdf

Gott mit der Bundeswehr!

Die Konfliktethik des früheren Militärseelsorgers von den Steinen

<http://www.faz.net/aktuell/feuilleton/politik/gott-mit-der-bundeswehr-1439338.html>

Aufgaben zu Ethik, Interessen und Konflikte

<http://www.e-hausaufgaben.de/Ethik/T4466-Interessen-und-Konflikte.php>

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