Article

Conflict resolution in community development: Are the benefits worth the costs?

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Abstract

In the UK, conflict resolution strategies have become increasingly popular within community development practice. Conflict resolution has been used to prevent homelessness, tackle neighbourhood disputes, address family conflict, facilitate community involvement, address discrimination and reduce anti-social behaviour. The promise of conflict resolution is that confidential and informal processes of 'justice from below' might better reconcile community interests, improve relationships and promote social change. Within the field of community development, these promises have been widely vaunted. However, outside community development, conflict resolution has been subject to extensive criticism. This article draws upon debates in legal scholarship to discuss four criticisms in particular: that conflict resolution disadvantages vulnerable groups, undermines social justice, suppresses legitimate grievances and mistreats public issues as private problems. It then considers these criticisms in relation to community development practice and explores potential solutions.

Key words

bottom-up, community work, empowerment, mediation, social justice

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Introduction

Over the last decades, conflict resolution has become increasingly popular within community development. Conflict resolution has been used to prevent homelessness, tackle neighbourhood disputes, address family conflict, facilitate community involvement, address discrimination and reduce anti-social behaviour.

The promise of conflict resolution is that confidential and informal processes of 'justice from below' might better reconcile community interests, improve relationships and promote social change. However, the use of conflict resolution raises significant concerns. Critics argue that it can undermine social justice, harm powerless groups, suppress legitimate grievances and mistreat public issues as private problems.

This article draws upon debates in legal studies to explore the promises and limitations of using conflict resolution in community development practice. It addresses three questions: What are the limitations of using conflict resolution? Can its limitations be overcome? And, when are the benefits worth the costs? The article has three sections. The first section presents the historical context and the promises of conflict resolution. The second section discusses critiques and limitations of using conflict resolution in community development. The third section offers some recommendations to overcome limitations.

The rise of conflict resolution

Communities have long used conflict resolution as an informal mechanism to resolve conflict. It has been used to improve community relationships (Folberg, 1983) as well as an alternative to adversarial interventions and violence (Kurlansky, 2009). However, what was initially considered a marginal practice of peace organisations has now become widely institutionalised. Two movements proved critical. During the 1970s, reformers within the US justice system sought to address court congestion and discontent within the legal process. At the same time, emerging social movements began to communicate popular dissatisfaction with litigation procedures. The aspiration of many communities for self-governance created a demand to include empowering processes in the delivery of justice. Conflict resolution became that promising alternative (Hedeen, 2004; Nader, 1993; Subrin, 2002).

Conflict resolution, broadly speaking, is a facilitated negotiation process in which a neutral third party, called a 'mediator' or 'facilitator', helps disputants reach a mutually satisfactory solution to a conflict (Bush and Folger, 2005; Kressel, 2006; Stulberg, 1981). Conflict resolution in some ways resembles the legal system. Just as judges in a court room are expected to be neutral, so too are mediators within conflict resolution. Neutrality requires mediators to safeguard equal participation and ensure that their own views

neither shape the process nor the outcomes. Conflict resolution, however, may be contrasted with the legal system for its emphasis on informality, confidentiality and compromise. In conflict resolution, there are no publically accessible court rooms or court documents; instead it occurs behind closed doors and outcomes are kept confidential. There are no judges wielding decision-making power; instead disputants make all relevant decisions and mediators only act as facilitators.

The promises of conflict resolution seemed significant. Enthusiasts claimed it would make the legal system more accessible, reduce costs and improve disputants' satisfaction with the legal system. It would also help disputants restore their relationships (Subrin, 2002). Conflict resolution became popular amongst both the establishment and grassroots movements. Politicians, private companies and law firms saw it as a way to save money and ensure confidentiality. Progressive organisations, feminists groups and social activists celebrated the focus on cooperation and empowerment (Nader, 1993; Subrin, 2002). Conflict resolution was established in workplaces, schools, community centres, governmental agencies and private corporations. Institutions providing training on negotiation skills rapidly expanded and mediation was included in the agenda of policy makers (Folberg, 1983; Kriesberg, 2009).

In the UK, conflict resolution became widely established from the 1990s. Social workers began to use family mediation to help couples agree on issues concerning their children. School teachers delivered training programmes to enhance pupils' skills to solve conflict. And local authorities relied on community mediation services to address disputes between neighbours (Liebmann, 2000: 19–30). In recent years, conflict resolution has continued to grow in the UK. It is now also used to prevent homelessness (Department for Communities and Local Government, 2015; Pawson, 2007; Shelter, 2007), facilitate the implementation of planning policies (Scottish Government, 2009), address discrimination cases (UK Government, 2016) and reduce offending behaviour (Ministry of Justice, 2014; Scottish Government, 2008). In Scotland alone there are over 40 conflict resolution services provided by charities and local authorities, most of which offer community and family mediation (Scottish Centre for Conflict Resolution, 2017).

In sum, conflict resolution has come a long way. What was considered a marginal practice is now widely delivered. Conflict resolution has been embraced by practitioners, local authorities and third sector organisations, becoming an often employed strategy in community development.

The promise of conflict resolution

Why has conflict resolution spread so quickly? To understand its appeal, one must appreciate three underlying principles: individuality, informality and

cooperation. The principle of individuality involves tailoring the resolution process to meet people's needs and to respond to the particularities of each situation. Understanding the context, experiences and the needs of people is deemed essential to help them build a better relationship for the future (Bush and Folger, 2005: 10). The hope is that by involving 'those who ultimately have the most intimate understanding of the complexities of their situation', conflict resolution will provide more genuine solutions (Hyman and Love, 2002: 159).

The principle of informality involves letting people design the procedure and shape the outcomes. This ties into the conception of conflict resolution as a process of 'justice from below'. People can address any issue they wish, refer to any information they deem important and express themselves free of the constraints of formal justice (Hyman and Love, 2002: 161). Conflict resolution also enables a form of self-determination: people decide their own solutions based on their own conception of justice (Stulberg, 2006).

Finally, the principle of cooperation involves helping people transform disagreements and hostile experiences into a constructive interaction of mutual understanding (Bush and Folger, 2005; Moore, 2014; Susskind and Cruikshank, 1987). Conflict resolution seeks to facilitate collaborative and integrative problem solving to reach win–win solutions. Proponents of conflict resolution claim it is particularly transformative in situations of power imbalances because it helps level the field by allowing 'the weak and the strong address their differences' in a collaborative manner (Barrett and Barrett, 2004: xiii).

Guided by these principles, conflict resolution is thought to provide more equitable access to justice than litigation. In the view of proponents, formal justice offers 'justice from above'. Justice comes from the application of 'properly created standards or rules to "facts" as determined by the adjudicator' (Hyman and Love, 2002: 160). As such, it can fail vulnerable groups because the law itself might not be designed for them to get justice (Gunning, 2004: 88). Conflict resolution, by contrast, provides a form of 'justice that comes from below', from the people involved in the process. It is thought to provide procedural justice: if people are equally treated, participate voluntarily, have access to all information they need and are capable of making their own decisions, then any outcome they mutually achieve and agree upon is just (Bush and Folger, 2012; Hyman and Love, 2002; Stulberg, 2006).

Conflict resolution is also thought to provide a more satisfactory experience than the one obtained in formal justice. Conflict resolution is less formal and adversarial, reducing thus the emotional and economic costs of settlement procedures. In addition, it is more focused on people's needs. Conflict theorists argue that conflict arises when people's needs are unmet (Burton, 1990). Since conflict resolution not only seeks to resolve a dispute but also to meet people's needs, people engaging in conflict resolution

tend to feel more satisfied with both the process and the outcomes (Kressel, 2006; Moore, 1994).

Proponents also claim that conflict resolution advances social progress. It does so by helping people organise around common interests and challenge structural injustices (Ackerman, 2002; Gunning, 2004). For instance, community mediation can encourage joint action to confront housing agencies or to redress power imbalances in environmental disputes (Bush and Folger, 2005: 11–13). Conflict resolution can also encourage a general transformation of social norms and attitudes. In the view of proponents, the emphasis that conflict resolution puts on cooperation helps transform people's view of 'the adversary' and, as such, leads towards more inclusive and peaceful societies (Neves, 2009; Weinstein, 2001).

Conflict resolution is also held to enable transformation at different levels. At the level of individuals, it is said to help people mobilise their own resources, validate their needs and enhance their capacity to provide self-help solutions. Because participants are in charge of making decisions and achieving solutions, conflict resolution helps them develop a greater sense of self-confidence, self-respect and empowerment (Bush and Folger, 2005: 13). At the level of communities, conflict resolution is said to challenge oppressive structures by helping historically adversarial groups understand each other's needs. In doing so, it transforms their social interactions and enables them to rebuild their relationships (Weinstein, 2001).

To anyone working within the field of community development, the promises of conflict resolution will sound familiar. Community development can be broadly described as an approach that seeks to strengthen the capacity of communities and disadvantaged groups to voice their needs, influence policy and promote social change (IACD, 2004). Like conflict resolution, community development seeks to work *with* people, rather than *for* people (Fisher, 2000; Gilchrist and Taylor, 2016; Henderson and Vercseg, 2010). It seeks to empower people to make their own decisions and understand the context in which they live (Craig et al., 2011; IACD, 2004). Also like conflict resolution, community development seeks to make an impact at individual and societal levels. It seeks to enhance people's skills and self-determination, promote capacity building and help address structural inequalities (Gilchrist and Taylor, 2016; O'Brien, 2007). There are, in short, numerous ways that community development and conflict resolution overlap (Beck, 2012; O'Brien, 2007).

Given these similarities, one can understand why conflict resolution has gained popularity amongst community development practitioners. The problem, I argue, is that the use of conflict resolution can also undermine core values of community development. Conflict resolution has been subject to robust criticisms. Thus, before incorporating these strategies, the field of community development must take better note of the risks conflict resolution may pose.

Problematising conflict resolution

Despite the initial promise of conflict resolution, the practice has attracted criticism. Shortly after conflict resolution became widely established in the US, a number of scholars began to question whether conflict resolution, as an alternative to formal justice, was that advantageous. They were concerned that conflict resolution could be used as a tool to increase state control and silence social unrest (Abel, 1982; Fiss, 1983; Nader, 1979). These theoretical critiques inspired several empirical studies looking at the effects of prejudice (Delgado et al., 1985), gender and ethnic diversity (Grillo, 1991; LaFree and Rack, 1996) and conflict resolution's procedures and discourse (Silbey and Merry, 1986). Their findings indicated that conflict resolution was failing on a number of fronts. From this theoretical and empirical work, four main arguments against conflict resolution have emerged: that it is premised on a false conception of neutrality, undermines social justice, coerces harmony and transforms public issues into private problems.

False neutrality

Critics claim that the principle of neutrality that underlies conflict resolution disadvantages vulnerable groups (Delgado et al., 1985; Grillo, 1991; Trujillo, 2008; Wing, 2009). For conflict resolution proponents, neutrality is deemed essential for the integrity to the resolution process (Astor, 2007; Izumi, 2010; Stulberg, 1981). For critics, however, neutrality is something of a charade. Given social prejudice, external pressures and power imbalances, neither the mediator nor the procedure can be genuinely neutral.

Mediators cannot be neutral because they, like everyone, are subject to bias. They are more likely to understand parties with whom they share modes of expression, argumentation and cultural characteristics and overlook, or even misinterpret, the stories of parties of a different gender, class and ethnic identity. Since most mediators are from privileged groups, non-privileged groups are placed at disadvantage (Delgado et al., 1985; Gunning, 1995; Wing, 2008). Bias is also reflected in procedures. Studies suggest that the emphasis placed on 'having rational discussions', 'sequential turn-taking' and 'focusing on solutions' reflects dominant modes of discourse that may restrict the participation of people more inclined to express their emotions and focus on relationships (Grillo, 1991; Wing, 2008). For Delgado and his colleagues (1985), this effect of bias is even greater in conflict resolution than in litigation because of the informality of the process. Evidence suggests that people who hold prejudices are more likely to act upon them in informal settings than in formal settings (Delgado et al., 1985: 1400; see also Izumi, 2010: 104–109 and Press, 2011).

Neutrality also implies that disputants have equal power to participate and make decisions. The hope has been that once the neutrality of the procedure is ensured, the outcome will necessarily be a just one. However, as critics claim, power inequalities, social structures and personal circumstances can limit people's ability to express themselves, participate in discussion and make truly free choices (Wing, 2009). This might explain why in conflict resolution women often choose not pursue their claims (Greatbatch and Dingwall, 1989; Grillo, 1991) and why ethnic minorities tend to achieve less favourable outcomes than those achieved by privileged parties (Delgado et al., 1985; LaFree and Rack, 1996). For critics, the emphasis placed on neutrality leaves mediators unable to challenge or even acknowledge power inequalities (Wing, 2009).

In light of these critiques, some proponents of conflict resolution have changed their views about neutrality. Some consider using conflict resolution only amongst equally powerful parties (Bush and Folger, 2012); others suggest mediators should adopt an activist role to support powerless groups (Gunning, 2004; McCormick, 1997); and some others wonder if it might not be best to abandon neutrality in favour of some more feasible principle such as 'impartiality' or 'reflexivity' (Astor, 2007). Whether or not these suggestions could work to help disadvantaged parties is yet to be determined. Even if they could, there remains a further problem: pursuing social justice at a wider level. It is to this problem we now turn.

Undermining social justice

Conflict resolution does not merely concern those 'in the room'; it has ramifications for society at large. Critics claim that the principle of confidentiality that underlies conflict resolution undermines social justice in two ways. First, it obscures issues of gender, race and power inequalities. Second, it prevents communities from advancing rights.

Confidentiality is a core principle in conflict resolution. It helps people uncover emotions, identify underlying causes of conflict and achieve successful agreements. It also allows people to express themselves without fear that their words will be used against them (Freedman and Prigoff, 1986). However, for critics, addressing conflict privately ultimately hides issues of social injustice. Feminist scholars argue that the rise of family mediation has undermined women´s rights by privately addressing issues of power as if they were a matter of interpersonal conflict (Grillo, 1991; Woods, 1985). Chase and Brewer (2009) conducted a study to assess the impact of conciliation in cases of sexual harassment. Their findings showed that the principle of confidentiality, rather than providing a safe space to communicate grievances, provided a means to keep cases quiet and maintain the appearance that sexual harassment was a

matter of sporadic incidents between workers and not a systemic problem (Chase and Brewer, 2009: 17).

Other studies have also revealed similar results in cases of discrimination, landlord–tenant conflict and consumer disputes (Bush and Folger, 2012; Delgado et al., 1985; Edwards, 1986; Singer, 1994). As Hofrichter (1982) noted, handling conflict privately may feel beneficial for the people involved in a conflict 'but they lose as members of a wider social class interested in preventing a recurrence of the incident or effecting a change of policy' (Hofrichter, 1982: 240).

A further criticism is that confidentiality prevents communities from advancing social rights. For critics, keeping outcomes confidential inhibits the creation of legal precedents needed to generate protective rules (Fiss, 1983; Genn, 2012; Nader, 1993). These legal precedents are particularly important in situations of injustice because they benefit the wider community, not just the disputants. Landmark cases, such as Brown vs. The Board of Education (1954), Griswold vs. Connecticut (1965) and Lawrence v. Texas (2003), have served to end racial segregation, enhance women's rights and decriminalise homosexuality. If disadvantaged communities address problems through conflict resolution, they lose the opportunity to publicly challenge structural inequality (Bush and Folger, 2012; Genn, 2012).

Coercing harmony

The third problem raised by critics is that conflict resolution may have the effect of coercing people into harmony. Nader (1996), a prominent critic, argues that the rise of conflict resolution has been accompanied by the advent of, what she terms, 'harmony ideology'. 'Harmony ideology' is a form of discourse that considers compromise and agreement as intrinsically better than adversarial postures. Under the influence of harmony ideology, Nader claims, public discourse has shifted away from rights, which are considered too adversarial, and has focused on harmony and pacification (Nader, 1996: 79–80).

Other scholars have come to similar conclusions. Grillo (1991) claims that within conflict resolution, peace is regarded as something akin to a moral imperative. 'Good disputants' are those who cooperate and compromise, while those who express anger or blame are thought to obstruct the resolution process. Such rhetoric persuades people with legitimate claims to compromise rather than resort to formal litigation (Delgado et al., 1985). Genn (2012) claims that a recurrent theme in conflict resolution is to associate litigation with 'traumatic and costly experiences' where lawyers display 'aggressive skills' and people ultimately feel 'disempowered and miserable'. Conflict resolution, by contrast, is portrayed as a civilised manner of addressing conflict (Genn, 2012: 412,414).

Given these effects, a number of critics have even wondered whether the institutionalisation of conflict resolution was a conscious strategy to divert

sensitive political cases from public to private forums (Fiss, 1983; Nader, 1993). Conflict resolution became popular at a time when disadvantaged groups were increasingly using the court system to safeguard rights and publicly combat discrimination. Instead of facilitating the access to formal justice, critics argue, the authorities used conflict resolution as a tool to silence conflict by preventing the expression of discord on issues of structural inequality and civil rights (Abel, 1982; Nader, 1993; Silbey and Merry, 1986).

Transforming public issues into private problems

Critics argue that conflict resolution, by focussing on conflict at the level of individuals, helps transform public issues into private problems. Let me explain this.

Definitions of conflict are often broadly classified as either subjective or objective. Subjective definitions explain conflict in psychological terms, looking at individual characteristics (Deutsch, 1991). Objective definitions, by contrast, explain conflict in sociological terms, looking at economic, political and social factors (see Giddens, 2009). For some critics, conflict resolution has simply assumed subjective definitions. It relates the main causes of conflict to personal traits like anger and a tendency to misperceive the actions of others. As a consequence, practitioners focus on helping disputants enhance their anger management skills or reframe their perceptions (Abel, 1982; Tidwell, 2001: 171–172). Structural causes of conflict are ignored.

For critics, this focus on individuals is unfair. People's capabilities to prevent and address conflict are constrained by living conditions, health, power inequalities, etc. (Abel, 1982; Edelman et al., 1993; Hofrichter, 1982). It may also have negative political consequences. Framing conflict as a problem for individuals may be used to justify the reduction of state responsibilities for addressing structural causes (Mulcahy, 2000: 143). Genn (2012) offers a compelling example: the use of conflict resolution as a justification to cut-down legal aid. Legal aid is essential to ensure that 'the weak and powerless are able to protect their rights in the same way as the strong and powerful'(Genn, 2012: 399). However, for the UK Coalition Government, legal aid was seen as encouraging litigation in a society that was already too litigious. Cutting legal aid, in government discourse, was thus justified as a way of facilitating people's access to more effective and cooperative methods of conflict resolution (Genn, 2012: 413–414).

What do these four lines of criticism have in common? They all point to ways by which conflict resolution might, through various hidden mechanisms and secondary effects, disadvantage vulnerable groups. The principles of neutrality, informality and confidentiality can masque unfair biases, inhibit collective action and prevent the creation of valuable legal precedents. The emphasis placed on individuality and win–win solutions, moreover, can

have the effect of coercing people into harmony and mischaracterising public issues as private problems. In these various ways, the disadvantaged are placed at further disadvantage.

These critiques have received considerable attention within legal scholarship. However, they have been largely overlooked within the field of community development. Academic literature in the field has mostly focused on the potentials of conflict resolution as a set of skills for community practitioners (see for instance Beck, 2012; Daley and Keltner, 1981; Lambert, 2015; Morrison and Branigan, 2007; Phillips and Pittman, 2014; Prokopy and Castelloe, 1999; Verity and King, 2007). Scholars have been excited about the possibility of using conflict resolution to enhance community relations (Abatena, 1997; Drozd, 2017; O'Brien, 2007; Skipper, 2016) or as a tool to promote capacity building (Hamdi, 2010; Rodrigues, 2017; Westoby, 2007). These studies rarely refer to any downsides. Those that do raise practical concerns, such as a lack of effective training or problems with how to measure success. Only a few studies refer to anything like the more fundamental concerns referred to above; I return to these studies below.

Specialised literature, outside academic journals, has been equally uncritical. Books on conflict resolution directed to community practitioners have invariably been written by proponents. A few examples are Barsky (2014) on the use of conflict resolution in social work, Crowfoot and Wondolleck (2012) on the potentials of community involvement in environmental disputes and Hopkins (2009) on the use of restorative justice in care settings. Evaluation reports of conflict resolution services, carried out by both providers and external research bodies, have raised issues of service efficiency (i.e. marketing, waiting lists, availability of funding, training, etc.) but failed to address broader questions (see for instance Brown et al., 2003; Dore, 2012; Kane et al., 2007; Morton et al., 2014; Sacro, 2017). In their review of community mediation in England, Gray et al (2002) found that third sector organisations providing conflict resolution services were largely unaware of the criticisms raised in other fields (Gray et al., 2002: 78). Kovach (2015) thus seems to be right when she speaks of a tendency among those outside legal studies to be overwhelmed by the promises of conflict resolution when they are first introduced to it (Kovach, 2015: 762). There is a critical need to consider the implications of the criticisms of conflict resolution for community development. This is the task I turn to in the next section.

Potential implications for community development practice

Community development is grounded on the values of equality, social justice, collective action and empowerment (EUCDN, 2014; Gilchrist and Taylor,

2016; IACD, 2004; Phillips and Pittman, 2014; Popple, 2015; SCDC, 2012). If critics are right, conflict resolution is a threat to these values. Indeed, those working within community development have particular reason to be concerned given three characteristics of their field.

First, community development involves working with disadvantaged groups in situations of power imbalance. Work often occurs at the intersection between the powerful and the powerless; between the interests of markets, local authorities and policy makers, and the interests of individuals, groups and communities (Craig et al., 2011; Emejulu, 2015; Popple, 2015; Shaw, 2013). Community development work that has employed conflict resolution is no different in this regard. Conflict resolution has been used to help young people avoid homelessness (Dore, 2012; Morton et al., 2014), to address conflict between communities and local authorities (Crowfoot and Wondolleck, 2012; Scottish Government, 2009) and to solve landlord–tenant disputes (Gray et al., 2002). All these are cases involving power inequalities. Young people at risk of homelessness do not have the power to negotiate that their carers possess. Communities, particularly the most vulnerable ones, do not have the decision-making power of private corporations or local authorities. Tenants lack the power of landlords, particularly when the local authority is the landlord. The use of conflict resolution in these cases lends the impression that there is an 'even field' in which everyone is equally able to discuss, express and make decisions. However, as critics have shown, this is rarely the case (Wing, 2009).

Second, community development works at the level of the public not the private sphere (Hoggett et al., 2009; Ledwith, 2011). Community development relies on transparency and contestability. By making decisions, outcomes and procedures visible, communities 'are provided with the basis for contesting them, for criticising them or for posing alternatives' (Hoggett et al., 2009: 24). Conflict resolution, by contrast, rests on the principle of confidentiality. Using conflict resolution, under this principle, could thus weaken the capacity of community development to promote collective actions and publicly challenge power inequalities, a core aim of its practice (Ledwith, 2011; Shaw and Martin, 2000).

Third, community development seeks to connect people's problems with economic, political and social structures. It is interested not only in what people and communities can change by themselves but also in achieving the necessary structural changes (Emejulu, 2015; Ledwith, 2011; Shaw, 2011). Conflict resolution, by contrast, is mostly focussed on individual disputants. As we have seen, this focus on the individual invites the objection of misidentifying public issues as private problems. Such a misidentification can encourage people to unfairly blame the victims of social injustice for the problems they face (Frost and Hoggett, 2008) and aid in the justification of austerity policies (MacLeod and Emejulu, 2014; Mulcahy, 2000; Tidwell, 2001). In

the UK, the rise of conflict resolution has coincided with welfare reforms, increased austerity measures and the idea of 'the big society'.

Given the characteristics of community development, then, we have reasons to suspect that the problems raised by critics within legal studies, concerning power inequalities, will also apply to the use of conflict resolution in community development. But is there any empirical evidence to support this conclusion? As noted above, the community development literature has not paid sufficient attention to the critiques from legal studies, so it is perhaps unsurprising that there is little empirical work on whether they apply within community development settings. Nevertheless, three studies – by Pawson (2007), Gaynor (2016) and Ramnarain (2014) – do find evidence that the application of conflict resolution within community development can disadvantage vulnerable groups. Pawson's study looked at the use of conflict resolution by local authorities in England as a means of homelessness prevention. Pawson (2007) found that local authorities often offered mediation as a pre-requisite for having a person's homeless application assessed. In this sense, conflict resolution acted as a gatekeeper. If a person did not want to engage with mediation, they risked the possibility of having their case closed (Pawson, 2007: 876).

Gaynor's (2016) study of community-based conflict resolution in the Ituri district, north-east Congo, offers us another example of how conflict resolution can disadvantage vulnerable groups. Gaynor conducted a series of interviews and focus groups discussions with local people, development agencies and local authorities to explore the role that community groups played in addressing decades of civil violence and instability. In line with the critiques from legal studies, Gaynor found that the conflict resolution initiatives placed significant emphasis on cooperation and on finding solutions, an emphasis that hindered disadvantaged groups in raising grievances. People were encouraged to be reconciled with 'their world rather than to contest and transform it'(Gaynor, 2016: 277). This, in Gaynor's view, was further reinforced by a framing of conflict as an individual responsibility, leaving community groups with no opportunity to question more structural causes of conflict, such as mineral extraction and unequal land ownership.

Finally, Ramnarain's (2014) study discusses the implications of devolving peace work responsibilities to women. She examined an experiment in Nepal in which women were trained in conflict resolution strategies with the hope that they would help sustain peace in local communities after the Maoist uprising. Ramnarain conducted interviews and focus group discussions with the women directly involved in this experiment. Her findings suggest that women were expected to perform a 'nurturing' role as peace builders without the social infrastructure needed to ensure their equal participation and decision-making power. Participants lacked opportunities to include discussions of gender inequalities and the structural causes of conflict. The

overriding narrative was that of 'helping them [the women] help themselves' (Ramnarain, 2014: 688). Women were charged with new responsibilities but without the power or the means to fulfil them. Ramnarain concludes, then, that initiatives aimed at including women in conflict resolution tend to reflect the inequalities of power and impose further burdens upon the disadvantaged.

These three studies provide some empirical evidence of the limitations of using conflict resolution strategies within community development settings. Does this mean conflict resolution should be entirely rejected? I do not think so. Its use within community development, under certain conditions, could also bring important opportunities. The final section discusses how these opportunities could be realised.

When might the benefits be worth the costs?

Proponents of conflict resolution have been sensitive to the criticisms identified above. They have responded with suggestions for how these problems might be overcome. Perhaps their suggestions could work within community development. I will consider three.

One suggestion has been to renounce the principle of neutrality. Proponents holding this view argue that conflict resolution should play an active role in challenging inequalities and ensuring that justice is delivered (Gunning, 2004; McCormick, 1997; Susskind and Cruikshank, 1987; Wing, 2009). To do so, they encourage mediators to help people identify how their viewpoints might be shaped by social norms and how their conflict might be influenced by structural power dynamics (Harper, 2006; McCormick, 1997). A related proposal is that mediators not only see their work as pursuing procedural justice, but also 'substantive justice', i.e. what the disputants are legally entitled to. To better achieve substantive justice, mediators are encouraged to advise people to seek legal advice before making any final agreement (Weckstein, 1997). In community development, where situations of power imbalances are frequent, these suggestions might help address problems with mediator neutrality.

A second suggestion is to weaken the strict principle of confidentiality to allow for some level of disclosure. Mediators could keep information about participants and the contents of discussion confidential, but make the final agreement public. This could help community development promote social justice at the wider level. Imagine, for instance, that a community successfully uses mediation to challenge a corporation that is polluting its neighbourhood. Even if the outcome of mediation is not legally binding, merely publicising it could help draw attention to the kinds of problems communities are facing and discourage other corporations from engaging in similar polluting activities elsewhere. Making outcomes public, moreover, could help communities

advance rights that might be difficult to pursue, at the time, through formal justice. Sometimes laws are outdated and do not represent the aspirations of the wider community. Conflict resolution, in these situations, might offer a more progressive outcome (Stulberg, 2006: 234).

A third suggestion is to use conflict resolution as a platform to highlight the structural causes of conflict and demand a more active role of the state in ensuring social justice. Mulcahy (2000) argues that conflict resolution is in a privileged position to transform interpersonal disputes into processes of collective action. In her study of community mediation, she found that conflict resolution can serve to stress the state's responsibility for addressing structural injustice. For instance, neighbours arguing over noise may, by engaging in conflict resolution, come to regard their local government as ultimately to blame for failing to provide appropriate insulation. In her own words, mediators can 'depersonalize disputes by suggesting to the parties that they were both in dispute through no fault of their own. This [can have] the effect of facilitating compromise and raising consciousness about the responsibility of the state.' In these situations, despite the fact that details of the process are kept confidential, 'mediators [can] report collective concerns about poor insulation [and] …act as conduits for the collective voicing of dissatisfaction' (Mulcahy, 2000: 149). In this sense, conflict resolution could help to make the connections between the changes that people can make by themselves and those that can only be achieved collectively (Craig et al., 2011; Shaw and Martin, 2000).

These three suggestions are welcome responses to the criticisms of conflict resolution in community development. It is unclear, however, whether community development practitioners would be able to implement them given the constraints and pressures they face. For instance, helping parties reflect upon structural power imbalances requires a degree of pedagogical skills that not all practitioners may have. Conflict resolution services that depend on public funds might be reluctant to pressure local authorities to address structural causes of conflict. Parties that are mindful of their reputation (e.g. corporations and local councils) might only get involved in conflict resolution under the condition that outcomes are kept confidential, and so on.

Should then community development practitioners avoid the use of conflict resolution? It depends on the situation. Sometimes conflict resolution, even with its limitations, might be the best option available. Courts can be overwhelmed and legal aid is not always available. Discrimination cases may never get to court. Even when legal justice is obtainable, some parties might nevertheless prefer to pursue their complaints through a cooperative process with the hope of improving their relationship. In these cases, the use of conflict resolution might be valuable in promoting cooperation and mutual understanding, even if it fails to realise justice. What we can say for certain is that community development organisations and practitioners wishing to use conflict resolution need, at least, to be well aware of its limitations.

Conclusion and further reflections

Drawing upon debates in legal scholarship, this article has discussed the promises and limitations of using conflict resolution in the field of community development. Three criticisms have been considered: the claim that conflict resolution can be detrimental for powerless groups, that it can undermine community development values and that it can serve to minimise state responsibilities to address structural inequality. We have found that there may be ways that conflict resolution practitioners might overcome these problems. Practitioners might assume an activist role to reduce power inequalities and safeguard people's rights, make outcomes public so that communities can benefit from them and reframe conflict as a public issue to pressure governments into assuming responsibilities for addressing structural causes of conflict. Without adopting these policies, the use of conflict resolution could undermine social justice, which is a core aim of community development.

This article has raised some questions and suggested solutions. Yet, to critically assess whether the promises of conflict resolution are worth the costs or whether the solutions suggested can deliver what they promise, empirical research is required. Anecdotal evidence and theoretical hypotheses is not sufficient information. A wider range of studies, including experimental and comparative field work is necessary (Wall and Dunne, 2012). Until then, community development organisations and practitioners wishing to use conflict resolution should at least be mindful of the extensive debate conflict resolution has been subject to in other fields.

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