ETHICS AND DEONTOLOGY IN SOLVING CONFLICTS

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Abstract

This study tries to present the main sources of the conflicts, but also the ethical and deontological ways of solving them. Thus, I have shown different views on the sources of the conflicts: communication, emotions, values, history, structure, human needs, differences in professional training, differences in perceiving realities and in the value system, equity at the job, communication deficiencies, the difficult behaviors of some people, competition, differences between departments, interdependence, territory, sharing resources, objectives and ideologies, irrational hostilities.

Keywords: conflict, poor communication, values systems, deontological code, solving conflicts.

1. SOURCES OF THE CONFLICTS

Just like the situation when we try to define the notion of conflict, and in identifying the causes that may lead to the emergence of conflictual situations,

there are lots of opinions, but, firstly, we have to see if we are dealing with psychological causes or if there are also other elements characteristic to the organizations.

For example, an advised opinion is that of Bogdan Mândru, who, on his blog destinated mostly to the problem of solving conflicts, identifies as potential causes may lead to the emergence of conflicts the following seven elements: poor communication, values systems, the existence of some different purposes, the managerial styles and organizational ambiguities, limited resources, mutual departmental dependence, social intergroup differences (B. Mândru, available at http://bogdanmandru.wordpress.com/).

The author Bernard Mayer, in his work, The Dynamics of Conflict Resolution: a Practioner's Guide, when he has in mind the nature of conflicts, proposes as the main sources of conflicts the following factors: communication, emotions, values, history, structure, and as a central factor which underlies the outbreak of all conflictual situations, the author places the human needs (B. Mayer, 2010, p. 9).

In fact, in the vision of the same theorist (B. Mayer, op. cit., p. 9), the sources of conflicts, even if they are different, at a certain time they interact with each other. Thus, people's history mainly affects their values, and the values affect the communication styles, the emotional reactions and the structures in which they operate.

At relatively the same problem, Adrian Petelean identifies as potential conflictual causes the following: differences in professional training, differences in perceiving realities and in the value system, equity at the job, communication deficiencies, the difficult behaviors of some people, competition, differences between departments, interdependence, territory,

sharing resources, objectives and ideologies, irrational hostilities (A. Petelean, 2006, pp. 25-35).

Has to be mentioned the fact that between the factors mentioned above, some of them are general and can trigger any kind of conflict (excepting the intrapsychic one), and other like differences in professional training, equity at the job, differences between departments, are most of the time the causes of some conflicts which take place inside the organizations.

The authors of the work called The Communication and Management of the Conflict propose 11 sources which generate the conflict: the differences and incompatibilities between people, the human needs/interests, the failure to comply with explicit and implicit rules, inappropriate behaviors, aggressivity, social competences, the external framework, the status, the prestige, the 'principles' of those who are involved, the use and communication of their culture and information (A. Stoica-Constantin, 2004, p. 43). Next, those who have elaborated The Guide for Trainers and Teachers: The Conflict Management have synthesized the potential triggering factors in the conflict: fundamental needs, different values, different perceptions, different interests, limited resources and psychological needs.

When the air, water and food,which are the vital factors of life, are not enough for the parties that interact, conflicts inherently arise.

Also, concerning the psychological needs as sources of conflict, love, fairness, happiness, to which we all tend, are essential for our peace of mind, and if these needs are harmed, it is triggering what we have called above, the interior conflict, intrapsychic, which can easily lead to other social conflicts.

Generally, there are infinite differences between people, when we talk about opinions, interests, culture, personality features, needs, tastes and

preferences, attitudes, but, as we already said above, this doesn't mean that these differences are the source of the conflicts.

Usually, these incompatibilities are conflict-generating when they become the object of the interrelation, meaning they are expressed in an ostentatious way or one of the parties wants to impose its own values and opinions (M. Bocoş; R. Gavra; S. D. Marcu, 2008, p. 67).

For example, two individuals with different needs: one needs eight hours of rest per night and the other one only six, or one is thermophile, and the other one prefers temperature to be under 20 degrees, they are not in a conflict, only if these differences are not mutual accepted.

However, if these differences lead to a conflict, it should be a mild one, but if we take into consideration the victims of religious intolerance, the conflicts as a result of not accepting differences, they are not harmless at all.

The poor communication may be a factor that can lead into a conflict when one of the parties gives incomplete information, or not enough, or wrong, when channels that are inappropriate for transmitting that message are used, when one of the parties use an inadequate language in the perception of the interlocutor, when the message is not formulated in a clear and concise manner.

At the same time, it's important to notice the fact that a poor communication may be caused by age differences, culture or class. So, two or more individuals may have different perceptions about the same problem, especially because of the fact that, generally, we tend to solve a problem before we understand it. As Aurel Pera was saying, "When two interlocutors support with arguments opposing theses, then appears a conflict of opinion between them, which is a positive act of knowledge, education and communication (A. Pera, 2017, p. 54).

Also, communication can be conflicting when it is completely missing out, individuals accumulate greater tension by passing time and at a certain moment they feel the need to unload and it is impossible for them to do so in an appropriate manner and intensity.

The values systems are considered another factor that lead to conflicts which targets, in general, the ethical aspects of individuals or organizations, the values in which they believe and according to which they guide their existence. More precisely, values represent our beliefs according to which we distinguish what is good and what is bad, what is important and what is less important, divides things into true and false. When our values are incompatible with those of the people we interact with, we are predisposed to conflict, because we feel that our integrity is compromised. In the opinion of specialists, a conflict of values is much deeper and much more difficult to solve because individuals consider that their image and self-esteem is affected.

Just as for the different purposes of individuals, and for the values, their incompatibility is not necessarily a conflictual source, but, if we strictly refer to the organizational context, then, indeed, if the goals or values of the employees are different, considering only their own interests and values and ignoring others, then this incompatibility can easily cause the outbreak of a conflict. As we already mentioned above, emotions can represent the cause of a conflict. In terms of their role in the emergence of a conflictual situation, they are seen as the "fuel" that ignites the conflict, especially because they are generated by our previous experiences (B. Mayer, op.cit., p. 10). Because of the emotions, people cannot think and act rationally anymore, representing a source of energy that helps the parties to have the courage, power and perseverance necessary in a conflictual situation. In my opinion, the most powerful conflict trigger factor are the limited resources: time, money and other material resources, the human

resources, and because the fact that we live in an informational society, also the information can enter in this category of limited resources.

When these material resources are not enough for both sides to be able to achieve their goals, they begin a conflict.

When Mayer tries to identify the factors that most often impel us to a conflict, he stops over the interests, on our practical concerns, which can be: temporary or permanent, conscious or unconscious, individual or group, and recommends that, when we try to understand a conflict and find solutions in order to be solved, to focus mainly on the interests of the parties (Idem). Regarding to other causes from which a conflict may arise, Ion-Ovidiu Pânişoară proposes for analysis the following: the previous conditions that individuals have lived, the affective states, like: stress, tension, cognitive states and styles of individuals and the existence of conflicting behavior which is, often, difficult to identify (I.O. Pânişoară, 2004, p. 141). Thus, if we take into consideration these four elements characteristic of a conflictual situation, a conflict may arise when one of the protagonists of the conflict perceives the other as having said or acted in a frustrating manner in relation to him.

As we have been able to notice with the help of what we mentioned above, the causes that can lead to a conflictual situation are multiple. From these sources, frequently arise many conflicts with ourselves, with our friends, at school, at work. Importantly, when trying to solve a conflict, is first to identify what were the sources behind it; thus, identified and solved, the conflict itself is solved.

2. ETHICS AND DEONTOLOGY IN SOLVING CONFLICTS

First of all, through ethics, we understand the science that deals with moral principles, representing the set of norms and rules of moral behavior,

about the ideology of a class or society, deontology is a behavior of ethics, that has the power to impose, while a deontological code involves a set of strict norms and rules that must be respected by those who practice a particular profession, so doctors, lawyers, journalists carry out their work on the basis of such a code (E. A. Botezat; E. M. Dobrescu; M. Tomescu, 2007, p. 59).

When we refer to ethical behavior, we think about a behavior guided by certain principles, an irreproachable conduct, an impeccable image.

Thus, any profession implies the respect for certain principles and norms of conduct contained in a deontological code, and in solving conflicts through alternative techniques of justice, compliance with ethical standards is particularly important because it helps us to inspire confidence and professionalism.

For example, in negotiation, when it comes to two known organizations, ethics play an important role from the point of view of those negotiating on behalf of these social entities, if they are not concerned about ethical compliance, then their image may suffer.

Thus, regarding to issues concerning ethical issues in solving conflicts, there are opinions which argue that ethical behavior in negotiation, mediation or arbitration reinforces the identity of these techniques, ethics having the power to direct the behavior of the people involved in the conflict in order to solve it, its functiond being one of adjustment (A. Petelean, op.cit., 192).

Due to the fact that negotiation is a dynamic process, it is not based on a specific regulation that negotiators have to take into account when seeking to reach an agreement, but, in order to ensure an ethical framework for the negotiating session, the participants must nevertheless take into account some commonly agreed norms, called by Adrian Petelean conventions, which take into consideration how the negotiation will take place (Ibidem, 192-196).

Thus, some of the conventions that must be respected in negotiation, in order to resolve the dispute between the parties, in an ethical manner, are regarded to: maintain consistency, the nature of the information used, the credibility of the negotiators, 'placing all cards on the table', eliminating tricks during and at the end of the negotiations. There are people who, when in a negotiation process, are left to dominate by their interests by adopting unethical behavior. Thus, in order to achieve their objectives, negotiators turn to 'vicious' forms of negotiation, such as: force, threat or deception. Those who choose not to have ethical behavior during the negotiation can indeed be successful, but it will certainly be for a short amount of time, because in the following negotiating contexts his image will be negative, partners looking at him with suspicion and mistrust. In terms of ethics in mediation, The Code of Ethics and Professional Deontology of Mediators has as its main objective the defense of the public interest and the promotion of trust in mediation, as the alternative method for solving the conflicts.

This code also sets out the general principles according to which all mediation processes take place, such as: the principle of the parties' freedom to resort to mediation and to take a decision, the principle of non-discrimination, the principle of independence, neutrality and impartiality, the principle of trust in moral integrity, the principle of professional secrecy, the principle of conflict of interest, the establishment of fees, the mediator's responsibility , incompatibilities and the quality of the mediation process (The Code of Ethics and Professional Deontology of Mediators, available at www.cmediere.ro).

Therefore, as Constantin Coadă says, according to these principles, the mediator should not be confused with an arbitrator and in no case with a judge; the role played by the mediator in the mediation process is that of facilitating communication between the two parties, which, firstly, at the mediation

briefing, they appear as two enemies and go as two friends, due to the fact that the communication between them was restored, understanding amiably, on the settlement of the conflict (C. Coandă, 2013, p. 15).

Thus, during a mediation process, the mediator has the obligation to observe all the above principles, in order to ensure an ethical framework for the mediation session, by providing quality services, maximum safety and trust, based on mutual respect and equality of chances of the parties.

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