Conflict and Nonprofit-Organisations: civil society options of community mediation organisations

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Background

Conflicts are an ubiquitous phenomenon in modern society. Most social scientists agree that conflicts are a part of life and cannot be suppressed.

If there is insufficient tolerance for and institutionalization of conflict, then conflicts become dysfunctional. This leads to the conclusion that it is a society's important task to seek ways of carrying out conflicts and institutionalizing these ways so that integration and stability are ensured.

Regarding the management of everyday's life conflicts, the paper argues, there is a significant state and market failure. Beside the fact that involving the legal system with both state side (courts, judges) and market sides (attorneys, lawyers) requires a lot of social, cultural and economic capital, it can be argued that within this way of conflict management citizens will lose their “ownership” of conflict, if they relinquish it to the legal system. These downsides – incapacitation, inefficiency, access barriers, uncertain outcomes - have resulted in ever-rising amounts of criticism about the court-based conflict resolution. It can be asserted that even in modern societies the need for further development of instruments of conflict management is tremendous – and this is where the innovation function of nonprofit-organisations comes into play.

In recent years dispute resolution alternatives have been developed by social movements as well as by organisations of different origins. Most of them are typical NPOs. Community mediation organisations (CMOs) are located at the forefront of this development and are those organisations, which try to implement methods of constructive conflict management (also referred as alternativ/appropriate dispute resolution) such as mediation on the community and neighborhood level.

Against the theoretical findings that conflicts are at the core of the concept of civil society (Anheier 2007: 11) and that NPOs are the carriers of hope in the field of societal problem solving (Simsa 201: 9) – it is quite astonishing there is very little research on CMOs (an exemption: Gidron 1999).

Research Question

Arguing on a conflict theoretical as well as a NPO-research basis, the paper seeks to examine the emergence, the structure, the goal and, most important, the performance of CMOs.

As for all NPOs, performance measurement in these type of organisations faces specific difficulties (Cutt/Murray 2000: 35). As a part of theoretical reflection and the empirical research, the paper tries to develop and identify specific performance indicators for this organisations, e.g. be able to initiate, encourage and sustain civil societal engagement of volunteers in order to manage community and neighborhood disputes.

Furthermore, the paper reflects and discusses the development options of CMOs. Two general options can be identified: the path of marketisation, that is the reorganization of social services based on principles of business administration or the civil society option, that is the orientation (in this case) towards ideological principles of altruism, voluntarism and self-help.

Methodology:
The first step was a literature based comparative research of the empirical findings in the US, UK and Germany, complemented by qualitative interviews and case studies in the US and Germany. In addition, interviews with focus groups out of experts from umbrella organisations in the field of mediation took place. Second step was quantitative research in Germany, doing telephone based interviews with CMOs. Third step were case studies of prototype-like organisations, chosen out of three clusters builded upon the findings so far.

Key findings

If the caseload would be the main indicator for success – this would be quite low in allmost all organisations. Most organisations face three dilemmas, which can be described as the professionalisation, the effectivness and the strategy dilemma.

Professionalisation: Voluntarism is a key ressource for all organisations. Yet the development tasks of the organisation requires incorporation of professional management techniques – which would clearly lead to difficulties in beeing attractive for the current volunteers. The social entrepreneurs, who have founded the initiatives becoming CMOs later on, have either left the organisations or are content with the limited possibilities of the organisations.

Effectivness: Promotion of a constructive conflict culture (which is hard to measure) is a priority goal for these organisations rather than a big caseload capacity. For external funding, in contradiction, the number of successfull mediated cases as a proof for the need and demand for alternative dispute resolution is key.

Strategy: Those long existing organisations and/or carrying a big caseload have builded successfull relations with network partners such as courts, police, local authorities. This makes them vulnerable for tendencies of isomorphism – and loosing by that their civil society orientation. Without these networks CMOs are not regarded to the same extent as important problem-solving actors in communities.

Conclusions

Civil society orientation of NPOs in the field of alternative dispute resolution can not be taken for granted. It needs organisational development and the incorporation of at least semi-professional management procedures. The remaining question is if the recruitment of "professional volunteers", that are volunteers with a professional background in conflict management issues, could solve part of the problem.

The potential of conflict management procedures done by CMOs is neither recognized enough by the public nor by the organisations themselves.

It is quite uncertain, if the clear option for civil society principles will lead into organisational failure, result in a niche situation or will unfold the potential for societal problem solving. This seams to be the overall future question from a third sector research perspective.

References:

