

LBS 3480 Introduction to Conflict Resolution
LBS 5485 Fundamentals of Conflict Resolution

Case Analysis Portfolio

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1.0: Nature of the Conflict

- A. The Conflict I chose to discuss is that of the Death Penalty specifically in the United States and if all States should follow suit and make it unconstitutional and ban this law. The conflict has been expressed from outspoken opinions from both sides both for and against the death penalty. The conflict could be traced back to ancient times when a first known death penalty came into existence however the fight for making it a thing of the past has only intensified as more and more states have abolished this law.
- B. The trigger event that caused this death penalty to be a hot topic debate as of 2016. First studies have shown that numerous inmates have been innocent upon their executions, making it seem a rush of judgement and action was taken to an extreme in many cases. Lastly more pro-death penalty supporters have grown stronger as a result of terrorism in the United States and the thinking that the death penalty is the only way to get a message across and hopefully defer future acts of terrorism.

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- C. This conflict has been gaining national steam over time and has become a hot issue among people and those with the power to make a change. As more and more states have abolished this type of practice it has created increased pressure on other states to follow suit and make the United States seem humane and reasonable when it comes to the justice system and punishments.
- D. Capital punishment will always be an issue just as the electric chair has become associated with the death penalty.
- E. I believe the nature of this conflict has increased in intensity as people want a unified United States in this topic and for some states to be for the death penalty and for many against it paints a picture that the country is unsure of what it wants to stand for. The death penalty is a sensitive issue has so many people are outspoken for and against the use of it and as technological advances have increased over time it has only made way for more and more ways to carry out the death sentence.

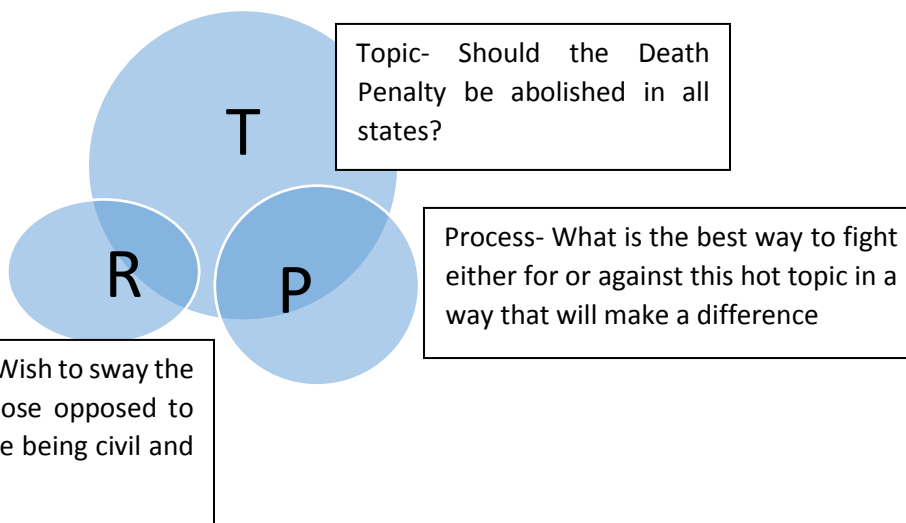
1.1: Element of Conflicts

- A. **Expressed struggle:** This conflict has been expressed in the back and forth between those who still support this practice and those who are against it and point to the states that have already done away with this type of punishment. It has been very overt in nature as people aim to make their opinions known in hopes of swaying a decision one way or another. The Trigger event has been how the states are lopsided in that some don't use this practice anymore while others still use this form of punishment and those who are against it want these states to abolish this rule due to the perceived inhumane nature of the act.
- B. **Interdependent parties:** The parties are those who support the death penalty and the use of it and those who are against it and wish to follow suit as many other countries don't use this form of punishment. The parties in this conflict need each other because it can't be a conflict if only one side exists. If both sides were in agreement either for or against the death penalty, then a conflict wouldn't exist at all and no back and forth would be needed.
- C. **Perceived incompatible goals:** The parties are not both getting what they want as a compromise wouldn't work out in this case. As States with the death penalty still outweigh states without the death penalty and laws and decisions such as these don't come quickly or without some type of backlash that results in an even longer legal process.

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- D. **Perceived scarce resources:** In this case scarce resources would be time and what happens as this continues to drag on in the states that still have the death penalty. As those inmates would still be subject to that punishment as the conflict is still ongoing and the longer the back and forth the longer the punishment will be in effect which is not what those who oppose the death penalty aim to accomplish.
- E. **Perceived interference:** Each party has their stance and it is one of two things for or against the death penalty, as seen from research and other sources both sides have legitimate arguments which makes the other side struggle and work even harder to present information and facts that would again tip the scales in their favor. In this type of conflict one side of the argument will ultimately lose if this ever comes to an end which seems highly unlikely given the magnitude and how long this form of punishment has been in use.

1.2: Topic, Relational, Identity and Process GOALS - (TRIP)



In this instance using a TRIP diagram we see that the Topic or conflict is should the death penalty be abolished or outlawed in all states. This results in the two sides or parties that are for the doing away with this form of punishment and those who wish to keep it in the United States and support the use of it when warranted.

The process in this conflict is each party is trying to sway each other to their cause and lend support in order to gain enough of a following to push lawmakers to make a ruling which would either keep or do away with the death penalty. It is important to keep in mind that the conflict is taking place in those states in the US that have yet to rule against the use of the death penalty.

Relationship in this conflict is important because those who aim to keep the death penalty might not agree that is humane and those who wish to do away with it by any means support what the criminals have don't want to "let them off the hook" in a sense by sparing them this form of

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punishment. A positive relationship needs to be kept between both sides of the conflict because it is dealing with the legal system and the United States law and that is something not to be taken lightly.

1.3 Resource Control, Interpersonal Linkages, Communication, and Expertise (RICE)

- A. In this conflict the two sides are engaged in a conflict for and against the death penalty and both sides will use any means necessary to gain an advantage in the discussions and public opinion of support. Fear can be used to say that if the death penalty is not done away with now it will only get worse as time goes on. Threats can be used to say that if the death penalty isn't dealt with now it will become a problem that will plague the United States for years to come which might intimidate some parties to sway opinion in hopes of getting a faster decision.
- B. I think the side that is for the death penalty has more leverage as both sides have pros and cons on the issue. It is my belief that what tips the scales in this instance is the fact that more states (31) still have the death penalty than states who have abolished use of the death penalty (19). These numbers help the cause of those who are in favor of keeping the death penalty.
- C. The Sources of power come from the fact that each side has legitimate arguments and facts that are either for or against the death penalty use. They can use the statistics of how the states in the US have already followed their stance and have kept the death penalty or abolished it based on which side of the fence they land on. As this is a type of conflict that no matter what the eventual ruling is state to state it can easily be justified based on history and concrete reasons on why it is so important to the justice system or why it can be done away with in favor of more humane options.
- D. The High power moves for this conflict come for the states and parties who want to keep the death penalty active and in use and have high power due to the 31 states that still support this cause. Low power exists with the parties who oppose the death penalty as to date only 19 states have stopped the use of this form of punishment. Over time and throughout many conflicts we see that the party who has the majority is usually in a better position in the long run to sway people to their cause. Majority rules in most things as is true in cases of law and the justice system.

R-(Resource Control) - In this instance since the death penalty conflict is a national debate and it brings national attention from people in all positions of power. This in turn means that resources will be available to both sides of the conflict as they will have supporters who are able to provide them with influence and help bring more attention to the topics at hand and the real issues that are for and against the death penalty in the United States. Resources are readily available to both sides however we see that the law is something not easily changed and that even battles won today won't have an impact for a while however that does not stop the parties from actively engaging their opinions and making sure they have a voice.

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I-(Interpersonal linkages)- This conflict is linked interpersonal because of the fact that they are trying to reach the same audience and ultimately those who have the power to change the law one way or another from state to state in regards to this form of capital punishment. The law and policymakers in this case hold the communication exchange power in this case as the public population is key because it can help pressure those people into action and making faster decisions in an effort to please people. In this case both sides are well educated on the pros and cons of this issue their job is to present in a way that makes their stance seem like a better option for the overall well-being of the United States and the future of the justice system.

C-(Communication skills) – In this battle communication skills are invaluable due to the nature of the audience and dealing with people directly in positions of power and to provide that change each party seeks to happen. If proper communication skills weren't present one side would immediately be at a disadvantage as they wouldn't be able to effectively communicate their reasoning for supporting either for or against the death penalty and therefore wouldn't be taken seriously and lose credibility in not only the eyes of the people in power but also the public who carries the power to help sway popular opinion one way or the other. A critical part of these skills is also the power of persuasion and convincing people that your opinions and reasons are justified and far outweigh the other side of the argument.

E-(expertise)- Knowledge of the law and how that system works will provide invaluable insight and allow the parties to focus and push for changes that are actually possible given the circumstances. Each side of the conflict would benefit from people with knowledge of the history of the justice system and the use of the death penalty over the course of history in the United States specifically. Known facts both positive and negative as well as studies supporting or exposing it as a potential problem in our society are needed to help strengthen arguments and provide the key separation in hopes that one view on the issue will eventually emerge as dominant and the right changes will be made for the right reasons that have been presented over the course of this conflict which has drawn out over time but is just recently becoming a big national debate that has resulted in widespread attention and debate on the issue.

1.4: Conflict Styles and Emotions

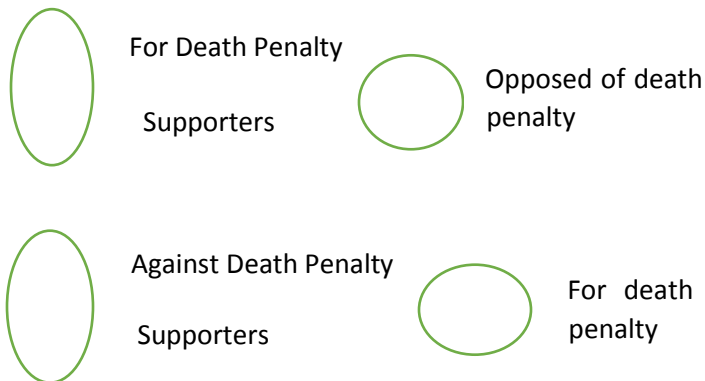
In this conflict the conflict style that both parties exhibit characteristics of includes that of dominating behavior which is defined as "being highly concerned for yourself but have only a low level of concern for the other part involved. You have a "go for it" regardless of the desires of the other. The emotions in this conflict play an important role in how this conflict has been progressing over the years as more and more attention has been brought on to the topic of the death penalty. Increased scrutiny from both sides of the argument leads to high emotions and feelings of wanting to get your point of view across in a way that makes it seem like the only viable option available. Positive emotion is occurring from both sides as they aim to make the best cases on why their views should be chosen and put into action as people are putting in the time and resources necessary to generate awareness on the issues at hand concerning this form of

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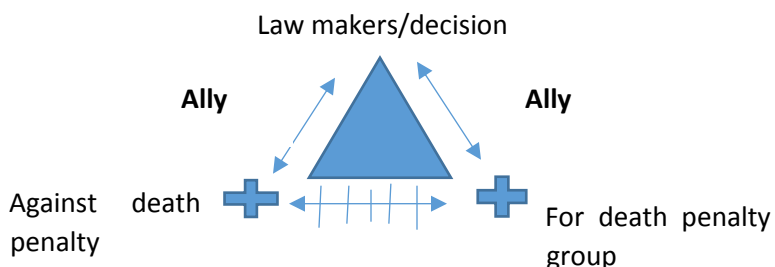
punishment. Negative emotions are always a part of conflict and that is what makes it a conflict and not just a normal discussion. As ultimately there will be a winning and losing side and one party within the conflict will feel defeated which will result in feelings of anger against the winning group and sadness as they feel the laws aren't going in the right direction in terms of capital punishment and how the death penalty should be handled.

1.5: Mapping the Conflict

Coalitions



These coalitions are easily explainable as each group those who are pro death penalty have a group of supporters who become close to the initial conflict group who support the issue at hand. Those supporters feel they are "in" by providing supporting and backing the opinion either for or against the death penalty. These coalitions can be easily reserved to show each side of the conflict and show how each group has their own set of supporters who feel closer while the opposite opinion group that is opposed is seen as on the outside of the coalition who are kept at arm's length. Both of these coalitions do have something in common however in the fact they are both trying to convince the people in the position of power in a court of law to either uphold the law or do away with it. Both sides of the conflict want that authority to side with them and they will do whatever it takes to strengthen their argument to entice more support and talk in their favor.



In this conflict triangle we see that those who are for the death penalty have conflict with those who oppose the use of it as a form on punishment within the justice system. Both have perceived high power because they both have convincing arguments and facts that support each side of the conflict they both believe that ultimately they will be successful which occurs when a ruling is made either for or against the

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use of the death penalty with the remaining states that are still using it to date. At the top of the conflict triangle which is seen as an ally to both sides of the conflict, is the people with the power to enact changes in the law and the decision makers who ultimately have the final say and have the authority to rule on this issue.

1.6 Integrative Techniques

Balancing power- this is used to construct “an even playing field” if leveling the table is not always possible it often results in one side of a conflict disengaging or avoiding as they know they are already facing a disadvantage or uphill battle to gain ground in the argument. In this case a level playing field likely exists due to the fact that law makers and people in position of authority hold the true power to make the final decisions regarding the death penalty in this county and both sides for and against have equal opportunity to state why they believe support should be granted for their view alone.

Suggesting new rituals- this technique is used when sides are at an impasse and suggestions are made that will help leads conflict parties into productive discussion. In this case talk can be about what might be in place of the death penalty that would make those who still support that form of punishment equally satisfied with the fact that justice is still be served just in a more humane way.

Expand the pie- This technique is useful because it takes the approach of the glass is half full and leaves room for more opportunities and new ways to look at things from a different perspective. In this way the actual perceived conflict might not be as severe as once thought when looking at things through a different lens and expanding the pie allows for new resources to be discovered that can impact in positive ways leading to more constructive discussions taking place.

Cost cutting – In this form of integrative technique , the costs need to be cut so that one group of people won’t experience any discomfort or backlash for showing support either for or against this specific conflict. It is saying that if you show support and back our side of the conflict you won’t experience any negative repercussions as a result. In this case it would make for more people taking the sides they truly agree with without fear of the consequences which will allow for the conflict to reach its intended purpose with an ultimate resolution in the end.

Bridging- The bridging techniques invents new creative ways to meet the other parties needs despite the disagreement that exists between the conflicting parties. Bridging however might help soften the damage and allow one party most often the losing side will still gain something in the end. For example in this conflict case if the banishment of the death penalty wins and it is outlawed in all of the United States, those who support some form of capital punishment might be reassured that new programs and ideas are being used in the place of this form of punishment and the seriousness of their crimes won’t be forgotten just because there is no longer a death penalty.

We see that integrative techniques to conflict don’t always apply to every conflict and don’t always guarantee a workable solution to occur. However these techniques can be used in some or all situations where they can be applied and be effective based on a situation by situation basis. Integrative techniques can also be customized to work for specific instances where certain factors are present and would best be handled by the use of the techniques discussed in the textbook and just by seeing these

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ideas helps people and those involved in conflict make a more sincere effort to work out differences and try to find a solution that is best for all involved.

1.7: Intervention

A. In this case I believe a form of mediation already exists in the form of the law makers and people in positions of power who will ultimately be making the decisions based on findings and facts from both sides of the conflicts. I think however that arbitration is also present in this type of conflict as a result of it being a legal battle and having to do with the justice system. Advantages of arbitration is that a third power is used to decide the outcome and in a conflict such as this, the best solution is having the decision resting in the hands of another party who is unbiased. Both parties voluntarily present their side of the argument and each wants the solution where the majority thinks will provide the best benefit. Also arbitration helps avoid using techniques that would make the other party angry such as forcing adjunction or using threat or power to intimidate one party from giving in without just cause.

As far as disadvantages, it operates on a content only basis and does not weight in things such as the impact this would have on future generations and just based a decision solely on what is presented right in front of them at the current time and place. Arbitration reiterates the fact that problems weren't able to be resolved without the use of a third party, which would always be the desired course of action to solve things amongst each other. Arbitration will always come as a result of some type of escalation in the conflict as a result of having to take the next step up from simple mediation between the parties as the decision no longer rests in the hands of the conflicting parties.

We see that intervention in certain conflicts are necessary however the ideal way would be for parties to solve things without third party help. In a case of law or where legal decisions are needed to be it isn't a bad thing that the steps are skipped as mediation and making one's own decisions are already taken out of the equation and the fact and arguments for a point of view stages are in full effect as both parties want to convince a ruling in their favor.

1.8: Reconciliation and Forgiveness

In the case of this specific conflict forgiveness and reconciliation don't really come into play however things can be examined from the perspective of can those who are in favor still of the death penalty can they forgive those guilty enough to look past their reasons for still wanting to use this form of punishment and instead grow to support the idea of alternative punishment methods for these who were previously sentenced to the death penalty. It is apparent that forgiveness and thoughts about making peace with the idea of no longer having a death penalty in the United States will bring about both positive and negative feelings as expected from people in all different areas of society and also those who are against the death penalty from the start might believe that all these people who were sentenced should be forgiven and be given a chance to select other sentencing options while still respecting the justice system and punishments that would be appropriate.

1.9: Conclusion

A. In my opinion this is a national conflict that will only gain in attention until a true decision is made on what becomes of the states that still use the death penalty and are they justified. The events that have escalated this conflict have been identified as studies have shown that more and more innocent people have been put to death as a result of the death penalty and also the fact that a rise in terrorism has pushed those who have always supported the death penalty to be more outspoken and point out that these types of acts warrant the use of this type of punishment for crimes committed.

B. Opportunities to change this conflict don't really exist in this case because ultimately a decision will be made on the death penalty. However opportunities do exist to not really make it into such an intense debate but instead a discussion that would please both sides of the topic. By bringing up new ideas and ways that a form of punishment could replace the death penalty that would be equivalent in severity but would stop the unnecessary cruel and unusual punishment as labeled by those who don't agree with the death penalty practice. Changes are necessary within the justice system and topics and discussions like these are necessary to help open the eyes of those in power who can make changes that would help shape the justice system of the future in the United States. As both sides of the conflict speak their minds and state the facts for and against this can result in more talks that create change. This is often the case in that certain conflicts help open the doors for change to occur as a result of being made aware of problems that groups and organizations bring to the mainstream of society.

In my opinion as anything with the legal system it will take years before any change is made for or against the death penalty despite being one of the trending topics of conflict for the year 2016. As we have often heard the stories of inmates being sentenced to the death penalty but something waiting decades for it to happen as a result of legal proceedings that are drawn out and serve no purpose and just adds unwanted attention to the carrying out of a sentence. As the United States is in the minority of nations that still allow the use of the death penalty and over time that has been aimed at changing as we see that 19 states have completely outlawed the use of this form of capital punishment. This is an important national issue due to the fact that so many people in prisons are being and still are sentenced to this penalty and what would become of all those should the death penalty ultimately be outlawed. The question also comes to mind, does a form of comparable punishment exist and is life in prison seen as worse than a death sentence as said is true by those who support the death penalty no longer being in effect. The truth is long lists of pros and cons exist for each side of the argument and just because this ruling and discussion doesn't directly affect us it does not mean we need to tune it out. As more and more people being aware might eventually skip the scales in one way or the other that could result in a great change for the United States and the justice system.

2.0: Group Personal Reflections

A. I learned that no conflict is too small or even too large to pursue if you truly have a strong opinion about an issue let your voice be heard and you never know the impact you might have on a person or a

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group that might feel the same way but was previously hesitant to speak up due to a fear of failure or being met with resistant. Conflict and arguments vs other parties aren't always easy but effective progress can be made. I learned that conflicts that are now on a national stage and the center of debate all started as a result of people talking and probing at different smaller things that ultimately related to this larger issue for example the studies that showed innocent people being sentenced to the death penalty and how terrorism has been used as a proponent to keep the death penalty in effect as a form of leverage.

B. Effective communication skills are everything when it comes to being effective and framing your opinion, and type of message you wish to convey to those who already share your opinion or those who you are trying to persuade to join your cause or point of view. Communication can be the difference between winning and losing a conflict battle and can also result in people interpreting things in the wrong way as a result of poor communication skills. It is important to be open and honest up front about hopes and expectations and be able to commutate thoughts and ideas that are practical and relate to the discussion at hand. Communication is often used as a bridge tool to connect different parties and help generate ideas and methods to promote change and progress. When communication breaks down that often indicates a problem and signals a need for mediation too take place in order to help get things progressing in the right direction once again.

2.1: Reference List

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3. Death Penalty Poll Results. (n.d.). Retrieved April 27, 2017, from <https://www.isidewith.com/poll/49841143>
4. Messerli, J. (n.d.). BalancedPolitics.org. Retrieved April 27, 2017, from https://www.balancedpolitics.org/death_penalty.htm

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2.2: Support Documents

APPENDIX

Attached videos on death penalty and the history of in the United States and various reasons on why it has been thought to be unconstitutional.

1. https://www.youtube.com/watch?v=W_mb7tuNJS0
2. <https://www.youtube.com/watch?v=LOWcyNTsaZ4>
3. <https://www.youtube.com/watch?v=D9DtjJFQnmY>
4. <https://www.youtube.com/watch?v=D9DtjJFQnmY>