

The Psychological Dynamics in Dispute resolution: the interplay between the ego and apology, which are two sides of a coin when it comes to dispute resolution.

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Introduction

Is there an interplay between ego and apology, which are two sides of a coin when it comes to dispute resolution? I and Esther Ebigbo, a First Class graduate of psychology from the University of Nigeria, who works with persons with disabilities; an inspirational singer, provided a comprehensive insight into the above-stated question. We also dealt with 'whether people can have a subject matter bias'? The reason for this question predicated the 5th Episode of EVA where we discussed that some lawyers are yet to embrace ADR.

Definition of Ego

To have an insight into the above subject matter, we foregrounded the definition of ego.

The ego is a Greek word for eimi.[1] We elucidated that the ego can be described as a person's sense of self, their sense of identity, their sense of importance and self-esteem.[2] We validated the above submission with Sigmund Freud's theory-he is one of the founding fathers of Psychology, psychoanalysis to be précised.[3]

According to Freud, the ego is part of the mind that takes a decision, precisely there are three parts of the mind, which are the id, ego and superego.[4] Thus the ego is the part of the mind that is instinctual, biological is that part of the individual that drives the desires, their wants irrespective of the consequence.[5] However, in order to understand the ego, one needs to understand the id and superego, The ego operates on an unconscious level and the superego, on the other hand, is made up of the individual morals, values, upbringing, social norms and expectations.[6]

We went on to analyse the superego, which has two components the conscious and the ideal self. The conscious is that part of an individual that makes him feel guilty when they do something inappropriate- the ideal self is that imaginary perfect self, of whom one who ought to be. These constitute the superego; it takes decision by negotiating between the id and the superego. For instance, if an individual likes sweet things and he goes past a candy store or an ice cream truck, and he wants to get the ice cream then the superego reminds him that sugar is not good for him. What does the ego do? The ego thinks about what is actually best for an individual.[7] The person's ego might say 'just for today let me have one cone of ice cream that is the ego. It is that part of the mind that thinks and takes decisions. So in psychological terms, that is what the ego is and so when one talks about an apology. An apology appeals to the superego component of the mind where a person's conscious and ideal person lies.

Apology

We delved into how an apology appeals to the superego component of the mind where a person's conscious and ideal person lies-[8] thus the person does not want to be a jerk; he wants to be a nice person. He wants to show compassion and understanding. For example, where a victim of a crime offers the offender an apology especially when it is genuine, the

person's superego will be able to exact influence on the ego, and most times the person's ego will say 'I am going to let it go.'

In view of this, we pointed out that in litigation when people are fighting, they do not hear each other. However, mediation offers that opportunity to sit down with each other, and if they have an excellent mediator, they will be able to listen, hear each other out. A lot of bottled up emotions, aggression, anger and frustration, can let out. Now one party can see the other party and vice versa. They will be able to acknowledge each other and understand where they are coming from, that is important for the ego because when the parties are fighting the ego is bruised, and it is threatened. Thus, the ego pumps itself up and is ready to receive blows and give blows. So when a party has an apology coming is like soothing to the ego, its like release, it disarms that threatened and bruised ego.

Furthermore, even if one cannot achieve an immediate result like settlements or reconciliation but at least they can come to a state where parties are more willing to address the fact. For instance, if Mr XM is arguing blindly, then the person's ego is telling the person if he agrees with let's say, Mr XY, then he is a loser, or he is stupid. He will keep arguing until he comes to a stage where that ego can function a bit more in a healthy way.

In other words, he drops the unhealthy way of reasoning and will be able to let his guard down then he can focus on solving the problem at hand. That goes a long way in making the mediation process a successful one and resolves the matter. So even when they do not resolve or reconcile they have aired their views, they know how their actions have impacted on the other party, and have talked about it and know what happened and they can do better next time, it must not always end in settlement. We used one word to describe it therapeutic -is therapeutic, and it is healing. Hence, in mediation, the mediator and the opposing parties all have all level of emotional maturity however we pointed out, that if the mediator is dealing with a psychopath; it is impossible to achieve success. Reinforcing the view, that there are cases where mediation works perfectly, and there are cases where litigation is the best fit.

Evidently, the above subject matter will be of great help to both the lawyers and mediators in resolving disputes.

The second question raised is ‘Whether people can have a subject matter bias’? The reason for this question predicated the 5th Episode of EVA where we discussed that some lawyers are yet to embrace ADR.

We provided a concise answer to the above question by pointing out that in life in general, there is bias everywhere, especially where someone is not yet familiar with the subject matter they tend to be biased. So the human mind is such that it takes something that it does not know and shoves it into one category in mind, and some times, this knowledge is inaccurate. Hence, the one that takes away bias beyond every other thing is a personal experience.[\[1\]](#) Thus the need to give people the opportunities to experience this new subject matter is through awareness.

However, we noted that social media can be used for reasons that are not so favourably in all circumstances, but it can be used as a platform for good and it can be used to create more awareness on the above subject matter that needs to be heard and learnt because they will have an impact in the society.

Power of Education:

Another point mentioned was education, not just at the tertiary level but also at the primary level- when the kids are tender. They learn about the justice system and how they can get justice by going to court; the need also to include ADR into the curriculum as a compulsory course is vital. Because it creates a balanced story rather than a one-sided story as it is the case in some schools in most jurisdiction.

Training:

Furthermore, we highlighted that if more lawyers train in becoming mediators, then they will also create more opportunities to let their expertise to be known. Moreover, suppose the traditional leaders, religious leaders who have a substantial influence in the society can be able to give words of endorsement towards its usage. In that case, it can go a long way to sensitise the subject matter. Thus this is the enumerated factor that would take away or solve subject matter bias when it comes to lawyers embracing ADR.

Conclusion

To reiterate they are disputes, which are more suited to ADR and not suited to litigation vice versa. However, there is a caveat for potential users –which is that litigation is designed to focus on issues rather than on interest. Though this is not to say or suggest that litigation is bad. Rather the focal point made here is that litigation should not be seen as the only option or as the best option. They are other available options under the ADR mechanism. Hence the psychological and emotional factors should be borne in mind when making a choice.

To hear the full version of this episode, [click here](#).

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[4] Ibid (n95)

[5] Ibid

[6] Ibid

[7] Ibid (n2)

[8] Susan Heitler, Therapeutic Mediation: An Alternative to Costly Litigation (Published by Colorado Lawyer 1998) p.4

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