

Conflicts in works councils as a learning opportunity: Drawing a connection between learning processes and intersubjectivity

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Abstract

This empirical study is based on my dissertation and focuses on the connections between collective learning processes and intersubjectivity in works council conflicts. 47 members of works councils are interviewed in eight group discussions to analyze strategies and learning processes in conflicts.

Works councils are bodies to promote democratic processes in organizations. Their work comprises different fields of conflict, they have to deal with. Conflicts arise between employers and employees, among employees as well within the works councils. Conflicts within works councils are considered as process, which opens room for acting and learning. Individual, partial and collective strategies are practiced in this process as well as individual and cooperative/collective learning processes.

The theoretical foundations are based on subject-scientific learning theory of Klaus Holzkamp and the understanding of collective learning processes of Max Miller. Connections between restrictive/generalized agency and defensive/expansive learning are deduced by analyzing and systematizing strategies and learning processes. Possibilities and limitations of collective learning in works council conflicts are discussed. Intersubjectivity facilitates collective learning and collective learning facilitate intersubjectivity at the same time. This mutual connection is discussed in the conclusion. The implications and the relevance for further promotion of the intersubjectivity in education are drawn.

Keywords

works councils, learning processes, conflicts, collective learning

Works and staff councils are institutions with the purpose of democratising companies. As actors of the German participation system,¹ they ensure that the citizen status does not end at the company door and the interests of employees are enforced. The German Works Constitution Act (BetrVG) provides the legal framework for the work of works councils.² The works council represents the interests of employees in the company to management. In doing so, works councils are confronted with various areas of conflict, which do not only appear in relation to management or between employees, but also within the committee of the works council itself. Albeit acting and learning in conflicts is of great importance for an effective representation of interests, there is a tendency for internal conflicts to remain taboo, as these can weaken the council's enforcement power towards management. Further, the capacity for action of works councils is also influenced by the possibilities of the conflict management within the committee. If works council bodies are restricted in their capacity to act due to missing or destructive conflict management and therefore can satisfy interest groups only in a limited manner, effective participation becomes an issue. Regarding this, conflicts within works council bodies present an unexplored area to a great extent. Against this backdrop and considering the socio-political function of works councils, I set out to investigate conflicts within works council bodies with the aim to free these from taboos and to demonstrate approaches concerning education and consulting within the scope of my dissertation (Hocke, 2012).

The problem statement and findings of this research lead to the topic of the present paper. On the basis of Critical Psychology (Holzkamp, 1985), Holzkamp's (1995) Learning Theory as well as an extension of this towards collective learning processes (Miller, 1986), strategies of action and cooperative/collective learning processes of works councils are presented here. The focus will be on potentials and hindrances linked to these learning processes. Eight group discussions with altogether 47 works council members from different bodies and industries serve as the empirical foundation for the discussion. The evaluation of the data was based on the analytical steps of grounded theory (Glaser & Strauss, 2005). Based on the empirical findings, the relation between collective learning processes and intersubjectivity is explored in

¹ The German participation system exhibits a "dual control structure": Two different areas of representation and conveyance of collective interests have distinguished themselves functionally. In the one – free collective bargaining – unions, and in the other – works constitution – works councils are responsible for the representation of employees (Müller-Jentsch, 1999, p. 9).

² In the further course of the text, I exclusively examine works councils since the empirical results only relate to this kind of workforce representation.

order to formulate a number of consequences for the education and consulting practice with works councils.

1. Subject-scientific links to conflict learning of works councils

The category system of Subject Science or Critical Psychology (Holzkamp, 1985), respectively, is fruitful for the analysis of conflicts within works councils bodies, since their activities take place under given social conditions which find expression in operational conditions. Works councils act on the basis of the Works Constitution Act while the individual works council members also act from their individual situations and positions. The objective living conditions are not conveyed to the subject in a direct manner but rather through meanings and conceptual connections. Meanings represent certain possibilities for action while the available meanings and possibilities for action determine the specific space of possibility. Within this space of possibility, works councils are given the twofold opportunity of acting: on the one hand, within the given conditions by the subject accepting and moving within these (restrictive capacity for action) and on the other hand, through an extension of the conditions by the subject trying to expand the existing possibilities for action (generalised capacity for action) (Holzkamp, 1985). Based on the normative objective and tasks of a works council, the activities of a works council aim at the improvement of working conditions in the interest of the employees. For this purpose, the available conditions need to be extended in order to expand the possibilities for action and the participation of employees. At the same time there are always good reasons for acting restrictively due to the given conditions and the subjective premises.

The categories of Critical Psychology provide the following links for the exploration of conflicts within works councils: a concept of the subject which is embedded in social conditions; a socially conveyed and specific life situation and in which subjects are positioned; a factual-social world, conveyed through meanings with certain possibilities for action; a justified acting subject with, respectively, available premises, a specific subjective space of possibility for personal capacity for action, as well as the twofold opportunity of the restrictive and generalised capacity for action (Holzkamp, 1985).

Further links can be found in the learning theory of Klaus Holzkamp (1995). Thus, learning difficulties result from difficulties for action. Conflict situations present themselves as problems of action for subjects. The failure of prior routines with respect to dealing with conflicts can evoke an experience of discrepancy: The conflict cannot be managed by the available knowledge and abilities which can develop into difficulties of learning.

Learning takes place within the area of tension between defensive and expansive learning reasons. Defensive reasons for learning particularly exist if the learning demands are imposed on the subject from outside and a negative impact of the quality of life is impending in case of omission or denial of learning (Holzkamp 1995, p. 191). Expansively caused learning is understood as a degree of liberty in learning as well as learning for an enhancement of disposition. Works councils can decide on the basis of the Works Constitution Act independently if and what they learn. They can choose from an available offer of advanced training or determine the contents through in-house training courses themselves. They resolve as a body which path is selected and who goes to which seminar. At best, they learn in order to be able to master their tasks better. Therefore, their learning aims at a generalised capacity for action, which is why insofar, the objective of expansive learning is given. Simultaneously, there is a twofold opportunity considering learning: Learning can be caused defensively and repel primarily threats. Even if in practice, the learning of works councils is exposed to various restrictions, a legally protected space of training possibilities is generally provided (Ludwig, 2002, p. 11). Insofar, the subject-scientific learning theory offers a useful framework and an interpretation transparency for the understanding of learning processes within works council bodies.

2. Cooperative/collective learning processes – potentials and hindrances

Works councils are groups, which act jointly in accordance with democratic rules. As a result, this paper will specifically deal with cooperative and collective learning processes. In the following section, the aspects of subject-scientific understanding of cooperative learning processes (Holzkamp, 1995) as well as the concept of collective learning by Miller (1986) are discussed.

2.1 Cooperative learning

Holzkamp (1995, p. 509ff.) defines cooperative learning as interpersonal learning without the personalisation of the knowledge and ability. The learning subjects stand beside each other without any teaching, interpreting, assessing and know-all person between themselves and the learning topic. There exists a reciprocal relationship. In order to be able to learn cooperatively, the subjects have to make an agreement about the common learning difficulty.

“Individuals must, if they learn cooperatively, have defined their respective personal learning difficulties/learning topics (referring to their common exterior

reference point) as (at least) so similar or as so clearly relatable to each other that their cooperation during their attempt to overcome their own learning difficulty by learning approximation of topics seems possible and reasonable” (Holzkamp, 1995, p. 510; translated from German).

Holzkamp assumes that common learning issues do not really exist but are only agreed upon. According to him, potentials and “divergences of personal perspectives” (ibid., p. 512) of cooperative learning result exactly from that. Different perspectives are related to each other within the cooperative dialogue while the own point of view is questioned. These contradictions must be decided within a cooperative learning process. Divergences of perspectives push the process of learning forward but only if they can be cushioned under the premise of a common learning topic. If this back reference is not possible anymore, the cooperative learning relationship is to be given up in favour of personal-autonomous learning since learning is hindered otherwise (ibid., p. 513).

Here, the narrow limits and the preconditions of cooperative learning become quite clear. It requires an open relationship, which nobody is excluded from, which challenges the commonly defined learning issue and in which no peer pressure is exerted if individuals want to leave the learning group. Further limits result from hierarchies within the groups: If a group spokesperson or a member, who is held in high esteem, evolves, then this person can informally act as a master while a shift towards participative learning takes place (Holzkamp 1995, p. 514). If, however, a jointly declared perspective establishes within the group, which is either accepted by the individual members or leads to an exclusion of members, then a hidden teaching-learning-relation has developed. The doctrinal instance is represented by those who claim the preconceived perspective for themselves and enforce it through majorities and a position of power (ibid.). Holzkamp points out that also beyond the institutional teaching-learning-relations “by no means the opportunity for unhindered expansive learning” (ibid., p. 521) is guaranteed. The unauthorised divergences of content within self-determined groups result in the formation of factions, suspicions, hidden sabotage attempts and tendencies of exclusions, and therefore to learning hindrances.

Also with respect to self-organised learning groups, Holzkamp traces hindrances of expansive learning back to instrumental learning formations, in which the interests of the rulers and the ruled are interwoven in such a manner that they partly converge, “so that the power does not have an influence from the outside but can come into its own through the concerned individuals” (Holzkamp, 1995, p. 523). The evolution of the other threatens the own capacity for action and “consequently, the violation of his interests is inevitable in my own interest” (ibid., p. 526). Holzkamp considers instrumental learning

formation as a manifestation of a restrictive capacity for action. According to him, the overcoming of the mental figure of restrictive capacity for action lies in the generalised capacity for action and following up on that, the overcoming of instrumental learning formation by intersubjective learning formation takes place. Within intersubjective learning formations, it is comprehended “that the learning expansion and deepening of the approach to the world and by this achievable enhancement of disposition/quality of life is not only in the interest of the person who has just gained it but also in the common interest” (ibid., p. 528). This requires a fundamental trust in the argumentative justifiability of own views, the possibility of discursive exchange and the revision of the own position due to differentiating perspective of others. The distinction within instrumental-intersubjective learning formations reveals the learning hindrances, which also appear in potentially cooperative learning relations.

The possibilities and restrictions of interpersonal learning relations and the conceptual interpretations of instrumental and intersubjective learning formations are instructive for the reflection of common (non-)learning of works councils concerning body-internal conflicts. Yet, Holzkamp (1995) distinguishes intentional from incidental learning (learning along), while intentional learning processes form the core of his concept of cooperative learning. Apart from that, the subject generally stays in the center of the learning process even if socially embedded. However, learning processes which concern a group as a whole and take place rather incidentally are not determinable. The concept of collective learning by Miller (1986) rather offers starting points for this.

2.2 Collective learning in and through reasoning

Miller (1986, 2006) puts “collective learning” in the center of his learning concept.³ He hypothesises that collective learning is essential for certain learning processes and requires knowledge of the world as well as self-knowledge. According to this, collective learning processes are a kind of social and communicative acting and take place in a form of collective reasoning. Individuals learn to reason and learn by reasoning. Arguments are results of statements of various speakers which serve as a clarification of a controversial question and are coordinated in such a way that this is generally possible (Miller, 2006, p. 16). Further, argumentations are constituted through mutual objection, agreement and accepting; this enables the elaboration of collectively valid and controversial, of consent and dissent. Three principles of cooperation form the

³ In the further development of his theory, Miller (2006) uses the terms discursive and systematic learning. With respect to the work at hand, the terminology of collective learning is considered as the more accurate one for this topic and therefore kept.

“transcendental a priori” for the reflection process: 1. The principle of generalisation – the common knowledge about shared knowledge, hence collectively valid; 2. the principle of objectivity – the dimension of experience, in which the structural limitation of subjective knowledge horizon can be transcended; 3. the principle of truth – the essential communicative urge for the resolution of contradictions (Miller, 1986, p. 427).

Central to Miller’s learning concept is the ability to solve problems, in particular the collective resolution of interpersonal difficulties triggered by normative or moral dissent (Miller 1986, p. 247). This also includes a conception of incidental learning processes.

The success of a collective practice of argumentative reasoning does not mean that a consent about controversial questions is achieved but rather that a “subjective certainty” is affirmed or shaken, that indicators for structurally new solutions are discovered and that there is a communicative force for the advancement of the knowledge (ibid., p. 256). From a collective point of view, first, it is about achieving a “rational dissent”, i.e. to gain an understanding about what the parties disagree about. In so far, the measure for collective learning processes is if and how far a progressing agreement about differences can be achieved.

Miller divides collective learning into “learning in a collective” and “learning of a collective”. The learning of an individual within a collective comprises the social learning mechanisms of argumentative dialogue and the possibility of basic reorganisation of systems of knowledge. “The learning of a collective and therefore forms of a social change require the learning of an individual within a collective” (Miller 1986, p. 211; translated from German). According to Miller, the “learning of a collective” exceeds individual learning and is more than the mere sum of the learning processes of individuals.

Individuals and social groups change, develop fundamental beliefs and progress in their objective thinking only if their learning processes are an integrative component of a specific social process, of a discourse, triggered by a dissent and carried out by the involved with the intention of identifying and solving the dissent jointly. (Miller, 2006, p. 219)

Conflicts carried out discursively might cause collective learning processes (ibid., p. 227). At the same time these learning processes can be blocked by hidden strategic actions (ibid., p. 229). According to Miller, the primary objective within a discourse during strategic acting is not the clarification of a controversial question but of secondary individual operational objectives such as the increase of own economic or social capital. The discourse is instrumentalised for that purpose while both objectives are present within discourses. As a result,

it requires a systematically distorted and hidden strategic discourse for a blocking of learning. Concerning this, he mentions two discursive mechanisms:

1. The discontinuation of potential collectively acting premises: This can take place by focusing on consent (within social groups) or on dissent (between social groups). An intensification of consent and dissent has the consequence that an understanding about differences is not possible anymore and learning processes are blocked (ibid., p. 236ff.).

2. The undisputed validity of the discontinuation of the premises within the social group is enforced through referring to an authority: In doing so, discontinuations are legitimised. Legitimising authorities can be individual or cooperative actors as well as institutions or ideas. By appealing to a common consent or dissent legitimised by an authority, discourses could be distorted as they “at least temporarily do not allow an effective discursive resistance” (ibid., p. 238) and therefore block collective learning processes.

The escape from discursive learning blockings is only possible if they do not become apparent during the argumentation. This would occur if a reasoning about difference is impossible over a longer period of time and instead, an increasing complexity sets in. This experience can be applied to initiate a discourse about the discourse and to reflect about the mechanisms of discontinuation and legitimisation (Miller, 2006, p. 250).

Holzkamp’s concept of cooperative learning offers explanation approaches for intentional learning processes within conflicts and their limitations, among other things through instrumental learning formations. Miller’s concept of collective learning provides an understanding of incidental learning processes in social groups such as works council bodies and draws the attention to argumentations taking place during conflicts and their blockings by discontinuations. On the basis of the presented theoretical concepts, the action strategies and learning processes during works council conflicts are concretised empirically. The leading questions are:

- Which action strategies do works councils use during conflicts?
- How do cooperative/collective learning processes take shape in connection with body-internal conflicts?
- Which limitations and learning resistances become apparent?

3. Action strategies and learning during conflicts

Activities of works councils are a political element in Germany, which is executed during working hours. The works council members are elected by the employees every four years. The size of the bodies depends on the number of

employees, e.g. a body consists of seven members when there are 200 employees. If different lists compete against one another, a list election is conducted. The body constituted after the election is composed of various factions, which can be part of various unions or not have any union connection. Further, the composition of the body should mirror the variety of employees and among other things consist of different groups of employees, levels of hierarchy, sex and parts of the company. The works council elects a chairperson and his representative among its own members. The decisions of the works councils are made with a majority vote by members present. The decisions made establish the basis for action for the activities of the works council whose framework consists of a number of structural conflict potentials (Hocke, 2012). The conflict potential may develop into concrete difficulties of action at the expense of works councils and more and less into escalating conflicts.

3.1 Practices for action during conflicts

The further presentation refers to empirical results of my study considering conflicts within works councils.⁴ The works councils describe practices for action and strategies, which follow deviant objectives and assume different participants:

- a) Partial strategies which are carried out by groups within the body for enforcing their interests.
- b) Collective strategies aiming at cooperating and restoring the common capacity for action of the body.
- c) Individual strategies of dealing with conflicts.

Partial enforcement strategies

Partial enforcement strategies are exercised by subgroups or factions within works council bodies. Linguistically, this mostly becomes apparent by the distinction between “we” and “they”, by which works council members are allocated to the own or the other group. At the same time groups pursue own interests while they can also claim to represent the general interests of the employees. Within the works council, however, the strategy serves as the enforcement of partial interests, which are not shared by the whole body. Regarding this, it is attempted to marginalise the opposite side and to prevent their participation. These strategies usually aim at a winner-loser-situation, including the enforcement of the own perspective against the others and if

⁴ In the study, eight group discussions with 47 works council members of different companies were carried out.

necessary at their expense. This way, conflicts tend to escalate.⁵ Concerning this, the strategies of works councils are situated on different levels of escalation. They range from dominant behaviour to legal proceedings, e.g., procedures of exclusion or challenging an election. Majority groups partly make use of the way of majority vote in order to employ strategically relevant working committees with exclusively own members. Minorities can deny the active participation for tasks, in which they command relevant competencies or subvert the majority votes by spreading opposite views among the employees. Subgroups/factions hold back important information. Here, the level of social and political identification is not established by the body but rather the faction. The impression arises that the opposed individual sits within the own works council body and spies resulting in desks being locked. Caucuses serving as an exchange of union-related information are used to hide internal differences of opinions from the other factions and to appear as unity to the outside. At the same time majority factions can exclude minority factions from the opinion-forming process this way.

Collective action strategies

Collective action strategies are not directed against the others but aim at a joint collaboration and resolution within the body. Therefore, collective strategies have the purpose of not excluding the „other side“ but rather include them in tasks and the responsibilities. Further, a divided assumption of responsibility has also the consequence that minorities do not remain in the role of the rebellious audience (Sofsky & Paris, 1994) but participate actively. It is pursued to dissolve winner-loser-constellations by creating transparency, providing access to information for everyone and negotiate about working objectives together. Before making a decision, it is discussed extensively in order to reach a consent. At the same time rules for discussion are agreed upon for ensuring the culture of discussion. New works council members are given the opportunity to be noticed within the body and experienced guides to their sides. Further, their creativity and engagement are encouraged and used for the activities of the works council. Potentials of conflict can already be prevented with the help of these strategies. During conflict situations which the body cannot solve external support is made use of for the clarification and resolution. This means agreeing that a conflict

⁵ While during the first three stages of Glasl's escalation model (1999) the chance prevails that the participants are able to resolve the conflict themselves and to reach a compromise or an integration (the so-called win-win-situation), the development into the direction of "winner or loser" increases during the stages four to six. During the stages seven to nine, it is most likely that all of the participants end up as losers (Glasl, 1999, p. 216).

exists and that it is supposed to be processed jointly. In addition, some works council bodies strengthen the social cohesion by common activities such as Christmas parties. The collective action strategies are not as numerous and various as partial strategies of the questioned works council members. This might probably be traced back to the fact that the works councils were rather questioned about conflicts in bodies than them not being available. In case of predominantly collective strategies, conflict potentials less likely develop into conflicts.

Individual action strategies

Individual action strategies are strategies that the works council members describe for themselves or for other individual members while individual actions might indicate a collective practice. On the one hand, there are strategies which rather aim at enforcement. This includes holding back information or the deliberate passing on of information to specific actors to influence them and make coalitions. This way, individual participants of the conflict develop into groups while the conflict expands. Rumours are spread within the company and others are “denigrated”. Losing one’s face as a result of this impacts the conflict. Talking openly about the situation is significantly complicated due to the hidden actions of the participants. Concerning these individual enforcement strategies, works council members almost exclusively talk about others while presenting themselves exclusively as victims. This leads to the conclusion that the protection of the own group “we” makes it possible to admit that means considered illegitimate and immoral are instrumentalised while oneself does not reveal this publicly.

On the other hand, interpersonal processing strategies are mentioned such as addressing conflict situations openly. However, this is an important strategy with respect to the chairpersons while it is expected from these as well. This is scarcely brought up as a possible strategy of works council members.

But relief strategies play a substantial role in context of subjective descriptions. Such strategies are selected by works council members to minimize the own mental burden during conflicts. This way, it is not interfered directly in the conflict events while the own, modified acting has still an impact on the course of the conflict. This ranges from mental strategies of retreat to the actual withdrawal or even the so-called sitting out of conflicts. Moreover, there are strategies which are supposed to strengthen resources: to ensure one’s own support among the staff or making oneself aware of the social function of the activities of works councils. At the same time it helps some to gain a positive attitude towards conflicts and consider them as challenges. “Moaning” in the private sphere can relieve emotionally while conversations resulting from that

may stimulate new perspectives. Mental and social support can present major resources during conflicts.

With regard to the conditions of activities of works councils and the presented action strategies of these, the two-fold possibility of restrictive and generalised capacity for action arises. A restrictive capacity for action is particularly obvious concerning partially action strategies as well as enforcement strategies. These intend to increase the power to the expense of other members or to challenge one's own powerlessness. In contrast, collective strategies aim at common action. This kind of cooperation and communication makes room for intersubjective relationships within bodies. Generalised capacity for action then means to work out common interests within bodies discursively and to expand the disposal possibilities with respect to the own living conditions as employees. Regarding the embedment of the works council in the works council and social area and the tasks relating to that, the objective is to expand spaces of possibility and to improve chances of participation. One may assume that this would be achievable through a generalised capacity for action within a body. At the same it should not be overlooked that contradicting conditions and premises oppose that, which certainly increase the level of attractiveness of a restrictive capacity for action.

3.2 Missing possibilities for action

Besides the presented possibilities for action, there are also portrayed conflicts during the group discussions, which works councils cannot find any action approaches in. The experienced incapacity for action during conflict situations develops since previous solution approaches – regardless in which direction they are aimed at, if against the others or in favour of the others – failed as no possible alternatives are available.

The perceived incapacity for action might arise from political action barriers in majority or minority faction within the body. Certain possibilities for action of the minority are restricted due to the political power structures within the body. There is a discrepancy between the desire and ability of works council members. However, it is not only about a personal (in-) ability but also about a political (in-)ability, among other things due to insufficient legal regulations. On the one hand, the lack of possibilities for action comes along with burdens and emotions, such as helplessness, insecurity, frustration and powerlessness. The consequences which works council members can conclude from this may be withdrawal or giving up. On the other hand, works council members describe that they “still” do not know any solution. They assume that there is a solution

for the conflict, which they still have to figure out. Regarding this, the difficulties of action in terms of Holzkamp might turn into learning difficulties.

„The assumption of the given subjective learning difficulty implies the transition from the („intended“) »learning« as a certain attitude [...], through which I consciously decide to not to continue as before (as this has not been fruitful in any way) but first try to gain direction so that I find indications where there is something to learn for me in a certain way and this way I am able to adopt the difficulty of action deliberately as a learning difficulty (or to create one for myself) (Holzkamp, 1995, p. 184).

First and foremost, conflicts present themselves as difficulties of action and are dealt with various action strategies. If possibilities for action are missing, learning difficulties might arise from conflicts.

3.3 Aspects of conflict learning

An individual or collective learning difficulty develops if learning seems to be the best alternative for action or, due to lacking other possibilities for action, seems like the only option for action to work council members. But the perception of a learning difficulty does not mean that an actual learning process is going to take place. This can be opposed by learning resistances which are based on restrictions and barriers of learning. Barriers of learning can be missing temporal resources, the family situation and professional biographical communities of origin. At the same time restrictions of learning develop from political and micro-political relations within a body. Therefore, conflict management processes might be prevented by a majority in the body as such a process might mean giving away power. Learning resistances or missing reasons for learning become evident particularly through the depictions about others by the questioned works councils, for example when employees describe their business colleagues within the works council as “education resistant” and complain about their lack of participation in the seminars. It can be assumed that these business works council members perceive the learning requirements imposed on them as an unreasonable demand. As a consequence, body-internal conflicts do not only result in difficulties of action, which might turn into learning difficulties, but also in learning resistances: „Resistances which by any means are generated only through individual dispositions but also through existing structures in the living environment, particularly of the employment and further training system (Faulstich, 2006, p. 19; translated from German).

If a works council member or a body excludes a learning difficulty, this may occur through different thematical dimensions and ways of learning. Therefore, as an example, professional further training is preferred for the

learning of legal knowledge, externally accompanied consultation processes for the improvement of collaboration within the body⁶ as well as conflict and communication seminars for the further development of the individual conflict ability. But conflict learning does not only take place intentionally but also incidentally within and from specific conflict situations. In the following, I will go into detail about to facets of conflict learning as they imply potentials for cooperative/collective learning:

a) learning in consultation processes and b) learning in negotiation processes.

Learning in consultation processes

Works council bodies partially make use of external support in order to address conflicts and process them. These consultation processes are given different designations: moderated closed meeting, team building, conflict moderation or according to a works council, “group finding whatnot”. Regardless of its designation, learning processes may take place along them – as it becomes clear during the group discussions. Guided feedback sequences, the elaboration and agreement of common communication rules, possibilities for addressing conflicts openly and their structural processing are mentioned as learning possibilities. The learning setting beyond the present activities of the works council and the liberation from the immediate need for action makes room for reflection and the joint testing of other action strategies. In a best-case scenario, a common dialogue capability and the implementation of methods of constructive conflict resolution are the learning possibilities. These may offer chances for the future conflict management and prompt further learning processes.

During consultation processes both individual and cooperative/collective learning processes arise. The learning occurs intentionally and can be captured by Holzkamp’s learning theory (1995). The body must come to an agreement and take a decision prior to the consultation process. This can be understood as a communication about difficulties of action and learning, which is followed by the specific planning of the learning activity. From the perspective of the works councils, a successful collective learning process is determined by the subsequent implementation of the results and the agreements in the daily activities of the works council. Apart from that, not only options are described for the learning in consultation processes and the transfer but also specific limitations. For example, support processes may be blocked due to the political power relations within the

⁶ Here and in the following, consultation process refers to reflective forms of consultation, such as mediation, supervision, conflict-(moderation) and team building (Tietel & Kunkel, 2011).

body since the majority faction does not perceive any conflict or there is no interest in the clarification of the conflict (for further details, see Hocke, 2011).

Learning in negotiation processes

When works council members remain in contact during conflicts, the various views on the conflict issues emerge. In these situations, learning takes place through discussions and negotiation processes. Learning processes become apparent, which concern both the works council members as well as the body as a whole. Collective learning processes are based on argumentation processes, which are not only characterised by convincing and enforcing but by the desire for mutual listening and understanding of varying points of view. The works council expand their views on the conflictual issues and try jointly to find the best objective for all parties. A contentual and social development of the group takes place, which strengthens their common capacity for action. Learning in negotiation processes takes place through the given thought and interaction processes during the course of conflict. The action does not particularly aim at learning but rather at overcoming the issue of acting and therefore resembles incidental learning (learning along). Only a later reflection makes the parties concerned aware that something was learned during the process. Thus, Miller's (1986) concept of "collective learning" provides an insightful explanation approach for the occurring learning processes as well as for their blockings. Learning processes can be blocked if the exchange about varying views is not possible since for example different factions are working against each other within the body (partial enforcement strategies) and a "party whip" is executed. Regarding this, the limitation of possible collectively valid arguments and positions is realised by focusing on consent within the own faction and focusing on dissent between the factions. An intensification of consent or dissent during conflicts makes a communication about different views in the whole body impossible and blocks learning processes. The presented cooperative/collective learning opportunities and their limitations, respectively, as well as their blocking within internal works council-related conflicts are interrelated to the categories of instrumental or intersubjective learning formation. This connection is outlined in the following section.

4. Collective learning processes as a characteristic of towards and away from intersubjectivity

Cooperative (Holzkamp, 1995) and collective learning (Miller, 1986) refer to interpersonal learning relations. Regarding this, individual learning is not only supported by the group – in terms of “learning in a collective” – but also means further the “learning of a collective”. These learning processes become apparent in the collective implementation of the lessons learnt in the daily practice. Therefore, collective learning is more than the sum of individual learning processes as it only reveals itself in the capacity for action of the body as a collective. The possibility of cooperative/collective learning is, as presented above, specifically located in consultation and negotiation processes.

Limitations of learning can develop from an instrumental formation of learning (see section 2.1). Instrumental formation of learning is based on the restricted capacity for action. Cooperative/collective learning is limited insofar that the works councils endanger each other by their learning processes. By the learning of one group, the others feel themselves limited and “put these in their place” due to the existing power relations. When works council members learn to represent their point of view argumentatively and find followers, they limit the possibilities of disposition on the parts of others potentially according to this way of thinking and acting. If members learn by means of conversational rules to listen to each other, others who are not supposed to be heard will be heard as well. Thus, works councils are interested in restricting and controlling the learning of others within an instrumental formation of learning. At the same time this is not separated from the structural conditions under which activities of a works council take place as well as from the conflicts within a body, which due to a subjectively good reason suggest an instrumental formation of learning.

Despite all limitation of cooperative/collective learning processes, these are possible and take place, both incidentally during argumentations within a body and encouraged by educational and consultation processes. Concerning this, the enabling of an intersubjective formation of learning is essential, i.e. the learning expansion of the space of possibility in the common interest. For this purpose, trust in the conveyance of views and interests needed to be established and also trusting them to be mutually capable of arguing. The own views needed to be scrutinised due to the other perspective, which would make the works council bodies develop further by learning. Against the background of the empirical analysis, it can be assumed that the path to intersubjective communication leads through cooperative/collective learning processes and that intersubjective communication facilitates collective learning processes.

If one assumes that during escalated body-internal conflicts relations of mutual instrumentalisation tend to dominate, the double context reveals itself here as well: Mutual instrumentalisation limits collective learning processes while missing collective learning processes intensify mutual instrumentalisation. This means that the possibility of collective learning processes is or should be, respectively, a fundamental reference point of the further education and consultation practice including works councils. As a result, it is the obligation of educational and consultation work to create a framework, in which a movement towards intersubjective learning relations is made possible. A concept of learning relations as intersubjective learning relations requires a communication of the participants, which can be supported methodically in the way presented subsequently.

4.1 Dialogue procedure for encouraging intersubjective learning relations

The application of communicative procedures oriented towards dialogue and therefore towards mutual understanding are able to encourage intersubjective learning relations. Divergences of participants' perspectives are included while particularly the understanding of the different views facilitates collective learning processes. Further, dialogue procedures are strongly oriented towards the achievement of a common consent. This way, they offer works councils an alternative to the established majority decisions within escalated conflicts to the expense of minorities within a body. Impulses to this are provided by proven procedures within the employment policy context such as the "concept of democratic dialogue" (Gustavsen, 1994). Designing communication processes oriented by the dialogue is able to increase the reflectivity of groups and contribute to the recognition of conflict lines and power centres besides subjecting them to discussions (Modrow-Thiel, 1999, p. 207).

In my opinion the application of dialogue procedures during the processing of body-internal conflicts, on the one hand, lays the ground for understanding while it enables a movement towards intersubjective formation of learning within the present setting. On the other hand, the establishing of such a procedure in a body can also create a point of departure for intersubjective relation during the daily cooperation. At the same time it is no simple process to realise a democratic culture of dialogue. For this purpose, it is necessary to thematise the contradictions within the activities of works councils and the limitations concerning acting and learning in the area of activity of body-internal conflicts.

4.2 Addressing inconsistency in acting and learning

It has become clear that contradictions and limitations are inherent in the body-internal conflicts: This means that they may not be excluded in the educational and consultation practice but must rather be made a subject of discussion. It should be looked at the previous acting and learning during the conflict. If works councils are in the middle of an educational or consulting context, they have always been learning during and from conflicts. It is necessary to address the already learnt in retrospect and become aware of it. Particularly during escalating conflicts, the consequences from the experiences may also be distrust and speechlessness. With respect to “learning effects”, works councils mention for example that they “sit out” conflicts better or “act secretly” in the future. Since the classification of previous experiences and learning results derived from these have an impact on future actions, these experiences should be addressed during educational and consultation processes while their subjective classification should be questioned.⁷

But here it is not about the normative assessment of an experience but rather about the breakdown in terms of a “premises-reasons-relation” (Markard, 2000, p. 20). Therefore, the processing of the previous conflict experience within the works council body is linked with the question which requirements justify the actions. Contradictory and opposite point of views become the subject of reflection and are referred back to diverse life situations and working contexts. Contradictions can be made visible while existing limitations of actions and learning can be made subjects of a dialogue by elaborating on the “premises-reasons-relations”. At the same time the elaboration of existing limitations of action and learning establish a foundation for the consideration of future options for action. These can be reviewed through the commonly developed understanding or be discussed with respect to the possibilities of expanding the capacity for action.

But cooperative/collective learning processes do not immediately mean a removal of “dissolution”: Existing contradictions may be addressed during educational and consultation processes, which contributes to a common understanding, but they cannot necessarily be dissolved. It is rather about encouraging intersubjective understanding and offering contextual knowledge in order to enable a constructive conflict management as well as a successful handling of conflicts within a works council.

⁷ Subject-scientific considerations with regard to the relation between experience and notions assume that experiences are made directly but not without conveying world knowledge by adults. “Authenticity and theoreticity of an individual experience are no opposites but rather a contradictory unity, two sides of the same coin” (Markard, 2000, p. 18; translated from German).

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