# Conference Proceedings

## Table of Contents

### Session I: Panel 1A

**Environment & Natural Resources**

- Aligning Identity: Social Identity and Changing Context in Community-based Environmental Conflict  
  Todd Bryan, University of Michigan

- Maps, data, story, dance: Using “holistic science spectrum signatures" to enhance coastal ecosystem stewardship  
  Lisa Greber, University of Massachusetts Boston

- Dynamics of Natural Resource Conflicts  
  Ijeoma Monica Njoku, University of Massachusetts Boston

- Conflicting institutional logics in the U.S. Climate Change Debate  
  Jenna P. Stites and Barbara Gray, Penn State University

### Session I: Panel 1B

**Gender and Diversity**

- The evolution in the use of rape in Darfur from 2003 to 2010  
  Prisca Benelli, Tufts University

- What "Tradition"? The Impact of Conflict on Gender Relations in Afghanistan  
  Jennifer Marron, Tufts University

- Diversity Training as Conflict Resolution: A Practitioner’s Guide for Working with Gender and Conflict  
  Omar Masri and Nawal Rajeh, George Mason University

- Transitional Justice and Women: Where Do We Go From Here?  
  Megan Steehler, American University

### Session I: Panel 1C

**Law & Justice**

- Access to Justice in Italy and Mandatory Mediation Statutory Provisions: Is the third wave gaining a new momentum?  
  Federico Antich, Suffolk University

- Nuremberg Precedents, Challenges in Establishing a Legacy for the International Criminal Tribunal for the Former Yugoslavia  
  Cynthia Robin Bernstein, Columbia University

- Judicial review of arbitral awards in the Philippines: A look into the application of the public policy exception under the New York Convention applying United States precedents  
  Mary Jude Cantorias, University of Missouri Columbia

- From Litigation to Mediation: Promoting Access to Justice for Women in the Post-Colonial Nigeria  
  Aminu Gamawa, Harvard Law School
Session I: Panel 1D
Indigenous Systems of Conflict Resolution and Restorative Justice

- Sulha – A Well Orchestrated Mix of Mediation and Arbitration: A Comparison Between Sulha and Western ADR
  Doron Pely, University of Massachusetts Boston

- The demise of culture? “Mato Oput” and the end of the conflict in Northern Uganda
  Marion Mugisha Mutabazi, South Dakota State University

- Implementing Legal Pluralism in Oruro, Bolivia
  Matthew Schultz, American University

- A Restorative Justice Response to Human Trafficking
  Rebecca Metcalfe Stone, Eastern Mennonite University

Session I: Panel 1E
Alternate Approaches to Conflict, Peacemaking & Capacity Building

- History Worth Repeating? Lessons in Cultural Tolerance and Societal Advance from Moorish Spain
  Jamel R. Adkins-Sharif, University of Massachusetts Boston

- Lessons from Canada: Indigenous Peace Building in Aboriginal Contexts
  Paul Nicolas Cormier, University of Manitoba - Winnipeg (Canada)

- Directing “Poverty Porn”: Theoretical Analysis of How “Poorism” Can Shape Ethnic Conflict
  Jason Daniel Fair, Keisha Campbell, and Courtney Milton, University of Baltimore

- Health Diplomacy as a novel tool in regions of conflict
  Shawna Novak, Tel Aviv University (Israel)

- Understanding Kivutien Civil Society and its Potential in Developing Sustainable Peace in the DRC
  Arnila Santoso, American University

Session II: Panel 2A
Media and Conflict

- Blogging as Healing: New Media's Potential in Catalyzing Post-Conflict Reconciliation
  Elise Crane, Tufts University

- Tweet Me to the Streets: The Use of Social Media to Mobilize People in Conflict
  Caitlin Currie, George Mason University

- Looking South: U.S. Media as Gatekeepers of Knowledge About Mexico's Drug War
  Larissa Forster, University of Zurich (Switzerland)
  Katherine Lacasse, Clark University

- Changing Zimbabwe: Representation of the Zimbabwean Elections by the South African Press, ZANU-PF
  Counter-hegemonic Discourse and Conflict Resolution
  Fredrick Ogenga, University of Witwatersrand (South Africa)

- You are what you watch: The role of popular culture in shaping views of conflict resolution
  Michelle E. Ronayne, Suffolk University
  Johnny Nguyen, Boston University

Session II: Panel 2B
Reconciliation and Conflict Transformation

A Disastrous Misperception of the Kenyan IDP Crisis: A Game Theoretic Analysis
Adeline Lo, New York University

Exploring Conflict in Karamoja
Ephantus Muigai Ndoka, Eastern Mennonite University

Session II: Panel 2C
Issues in Mediation

Transformative Mediation, “Strength Injection” and Consent
Zeke Reich, Harvard Law School

The Lift Generated by a Wing: A Call and Response to Questions About Feminism and Mediation
Carina Chun Wine, University of Massachusetts Boston

Session II: Panel 2D
Just War, Military Intervention, and Civil-Military Relations

Fighting the Good Fight: Redemptive Violence as a Perceived Moral Imperative
Maggie Campbell, Clark University

An Exploration of Humanitarian Militarism: Afghanistan in Focus
Jessica Dargiel, King’s College London (UK)

The Relevance of Theories of Violent Conflict to Civil-Military Relations in Post-conflict Burundi
Elizabeth McClintock, Tufts University

The Problem of PMSCs in the Just War Theory Model: Reaffirming Walzer’s Tradition
Alanna Valdez, American University

Session II: Panel 2E
Conflict Management in Organizations

Culture, Identity, and Inclusion in Organizations
Rebecca Anderson Curtis, University of North Carolina at Greensboro

A Split within the Anglican Communion: The Ordination of V. Gene Robinson, the First Openly Gay Non-Celibate Bishop
Amy Melissa Guimond, Nova Southeastern University

By Choice or By Assignment: Levels of Trust, Trust Violation, and Relationship Continuance
Beth Marie Polin, Ohio State University

Clash of Organizational Cultures: AOL and Time Warner
Scott Rolph, Erin Davies, Thuy Le, University of Massachusetts Boston

Creating New Space in University Settings: Conflict analysis as a tool to promote effective teamwork and more successful buildings
Celia Marin Kent, University of Massachusetts Boston

Session III: Panel 3A
Genocide and Lethal Violence

The Cambodian Autogenocide: Understanding Social Death as an Aftermath
Cristina Adriani, Clark University
A Psychological Theory of Violence in Situations of Conflict  
Ethan Finley, George Mason University

Catharsis: The Clashes of the Selves, Analyzing the Functions of Genocide from the Bottom-Up Approach  
Kacey Vu Shap, Nova Southeastern University

America’s Role in Genocide: Our past, our potential  
Heather Wellman, Lauren Marx, and Felice Shekar, Nova Southeastern University

Session III: Panel 3B  
Language and Communication

"Dwogo Paco" and "Formerly Abducted": The Impact of Language on Reintegration in Northern Uganda  
Kiran Bains, The New School University

Jurgen Habermas’ Theories Of Communication  
Shelley Bobb, Marquette University

Trigger Words: Exploring the Core of Conflicting Discourses  
Ali Erol, George Mason University

The Role of Music in Conflict Resolution  
James Filipi, George Mason University

The Role of Face in Negotiation  
Grace Onyema Okoye, Nova Southeastern University

Session III: Panel 3C  
Ideology, Politics, and State Building

Political Shiism: Ideology and Politics  
Jana El Horr, George Mason University

Shi'ite Political Action in Iraq: Emotional Mobilizers  
Daniel J. Madanes, Tel Aviv University (Israel)

Chavez vs. the US: the real conflict beyond the Colombian-Venezuela dispute  
Tamara Yael Souss, Tel Aviv University (Israel)

Post-genocide Justice in Cambodia and Rwanda: The Contextual and Strategic roles of legal institutions in Post-Conflict State Building  
Aditi Malik, Northwestern University

Session III: Panel 3D  
Education and Training

A Targeted Approach to Conflict Resolution in Urban Middle Schools  
Carly E. Holbrook and Gillian Granger, University of Massachusetts Boston

Education and Active Citizenship: Learning From What Works  
Sandra L. Krahm, University of Manitoba Winnipeg (Canada)

Building a sustainable peace: the Burundi Leadership Training Program  
Tina Robiolle, Woodrow Wilson International Center for Scholars

Session IV: Panel 4A  
Intergroup Conflict
The Kurdish Question in Turkey  
Pelin Bas, Sabanci University (Turkey)

Recommendations for US Strategy in Afghanistan  
Kaila Eisenkraft and Jamie Kirsch, University of Massachusetts Boston

An Examination of Identity, Violence, and Terror  
Y. Elaine Stephens, Nova Southeastern University

'Till Death Do Us Part: A Critical Examination of al-Qaeda's Most Successful Alliance  
Erik Michael Iverson, Tufts University

Session IV: Panel 4B  
Reconstruction, Reconciliation & Development

Participatory Development Design in Rural Western Kenya - Using PRA Methodology to Consider Development Options in Ileho, Kenya  
Cynthia Abatt, University of Massachusetts Boston

Immigration Discourses in the United States: A Positioning Analysis  
Gina Marie Cerasani, George Mason University

Culture, Conflict Resolution and the Legacy of Colonialism  
Melissa Gang, American University

Human Rights in Truth and Reconciliation: Amnesty and Reparation in the Liberian Commission  
Allyson Krupar, American University

Session IV: Panel 4C  
Social Psychological Elements of Conflict (Panel A)

Clash of Perceptions: Hostility Perception and the US-Muslim World Relationship  
Rebecca Elizabeth Cataldi, George Mason University

Saving Narrated “We” Before the Emergence of Counter “They”  
Mohammed Cherkaoui, George Mason University

Getting Past Problems of Perception: Confirmation Bias Frames  
Julianne Heck, University for Peace (Costa Rica)

The Sources Of Social Conflict: An Analytical Perspective  
Yevgeniya Ovsiyenko, Sabanci University (Turkey)

Session IV: Panel 4D  
Social Psychological Elements of Conflict (Panel B)

The “Kurdish Question” in Turkey: How Has it Become a “Prisoner’s Dilemma”?  
Ekin Ok, Sabanci University (Turkey)

Cultural Divergence in Northern Ireland: An Analysis of the Socio-psychological Infrastructure during Sthe Troubles  
Jenny Pessolano and David D’Alessandro, University of Massachusetts Boston

Ex-Child Soldiers Self-Perception in Reintegration Program  
Bosede Florence Awodola, University of Ibadan (Nigeria)

It’s all about Trust: How to Assess the Trust Relationship between Conflict Parties  
Mariska Kappmeier, University of Hamburg (Germany)
Session I: Panel 1A
Environment & Natural Resources

Aligning Identity: Social Identity and Changing Context in Community-based Environmental Conflict
Todd Bryan, University of Michigan

Maps, data, story, dance: Using “holistic science spectrum signatures” to enhance coastal ecosystem stewardship
Lisa Greber, University of Massachusetts Boston

Dynamics of Natural Resource Conflicts
Ijeoma Monica Njoku, University of Massachusetts Boston

Conflicting institutional logics in the U.S. Climate Change Debate
Jenna P. Stites and Barbara Gray, Penn State University
Todd Bryan

Aligning Identity: Social Identity and Changing Context in Community-based Environmental Conflict

This research follows the “timber wars” in the Sierras of northern California from 1984 through 1996, including the formation of the controversial Quincy Library Group (QLG). Using a case study approach, the research explores the longstanding divisions between environmentalists, loggers, and the U.S. Forest Service and the role that social identity and context play in perpetuating an intractable environmental conflict and then helping to transform the conflict as the context surrounding protagonists changed. An initial curiosity with the changes that occur when deep-seated environmental conflicts are resolved led to grounded research into one such conflict and to the formulation of the following research question: “What role does social identity play in the transformation of a community-based environmental conflict?” As the research evolved, the research question was revised as follows: "How does a focus on social identity inform our understanding of the transformation of community-based environmental conflict?"

The research has relevancy for identity-based environmental and natural resource conflicts and public policy processes in which multiple users are competing for scarce resources and in which common pool resource dilemmas and “tragedy of the commons” situations exist. In such situations, collective action is required to successfully manage and sustain the resource for present and future generations. The research also raises new research questions relevant to emerging environmental crises where collective action at larger scales is critical to the success of the initiative.
Tajfel (1972) first introduced the concept of social identity and defined it as “the individual’s knowledge that he belongs to certain social groups together with some emotional and value significance to him of this group membership” (p. 31). Similarly, Brewer (1991) defines social identity as “categorizations of the self into more inclusive social units that depersonalize the self-concept, where I becomes we” (p. 476). Organizational psychologists (Haslam and Platow 2001) contend that social identity salience can be seen to provide “the psychological footing for a range of key organizational phenomena including information exchange, consensus seeking, cooperation, trust, empowerment, group productivity, and collective action” (p. 218).

Once individuals establish social identities, they almost immediately perceive themselves as different from members of other groups, frequently evaluating their group more positively. A definition of social identity, therefore, requires some form of social comparison between one’s own group and other relevant groups such that “any behavior displayed by one or more actors toward one or more others… is based on the actors’ identification of themselves and others as belonging to different social categories” (Tajfel and Turner, 1986, p.15).

Social identity theory is further distinguished by the role that context plays in self-categorization. Context provides the frame of reference, social reality, or domain that informs or activates a particular social categorization (Brewer, 1991). Social identity theorists contend that there is a functional relationship between self-categorization and context and suggest that the salience of a given social category will depend on its fit with an environmental reality. According to Turner et al. (1994, p. 458), the individual “gains identity from being placed in context.”
This research is particularly relevant to the role that changing context plays in the transformation of an intragroup conflict. Brewer (2000) suggests that three conditions must be met for cooperation to emerge from hostility and conflict – common fate, common identity, and positive interdependence. Common fate is defined by Brewer (p. 118) as a “coincidence of outcomes among two or more persons that arises because they have been subjected to the same external forces or decision rules” (i.e. a changing context). Residents living in the path of an oncoming hurricane, for example, share a common fate from the hurricane’s potential impact. A common fate, however, does not always translate into cooperation. Residents could still act independently. If they coordinate their efforts, however, then a degree of positive interdependence has been introduced. Thus, a common fate, brought on by external forces, is critical to the emergence of a common identity, which, in turn, enables disputants to recognize and engage in a deliberative process of mutual fate control.

Finally, social identity theory has particular relevance to common pool resource dilemmas. According to Foddy and Hogg (1999),

…as a collection of people increasingly define themselves as members of a common social group, the welfare of the collective should increasingly prevail over self-interest, and their behavior should become more cooperative. If the crux of the conflict in resource dilemmas resides with the level at which identification occurs, then the resolution will rely on finding methods for instilling compatible levels of social identity (p. 313).

What is compelling about social identity theory as it relates to common pool research is that it draws attention to the resource itself as a socializing construct. Kramer and Brewer (1984, p. 1045), for example, suggest that,

…the potential benefits of group identification for solving collective-choice dilemmas require that the salient group boundary correspond fairly closely to access to the common resource. The shared resource, and associated interdependence, must, in effect, form the
basis for a superordinate group identity, which encompasses all of the individuals in the commons.

The basic unit of analysis in my research is the frame, which emerges through the active process of framing various aspects of the conflict. In an expanded assessment of frames and framing, Lewicki and others (Lewicki et al., 2003) identified eight distinct frames that are commonly employed in environmental conflicts and that are believed to contribute to the intractability of such conflicts. Two of the frames - identity and characterization - are the focus of this research and build on the work of social identity theorists who suggest that conflict derives in part from social group comparisons. Consistent with this view, Brewer and Gardner (1996, p. 91) argue that when collective identities are salient, “in-group/out-group categorizations become the most important basis for evaluating others.”

The research also examined the changing context surrounding the local timber wars from four perspectives – changes in the community, the environmental movement, the condition of the forest, and the U.S. Forest Service. The dimensions of a common fate that were produced and made salient by a changing context include, a) economic loss and projections of further suffering, b) the immediate threat posed by modern wildfires in conditions of severe drought, and c) Forest Service paralysis. Contextual changes, I argue, produced three corresponding elements that heightened the saliency of disputants’ common fate and created conditions necessary for a common identity to emerge – a) shared sense of loss, b) shared sense of urgency, and c) a shared sense of institutional abandonment. These elements, I argue, are the fundamental contextual dimensions of local disputants’ common identity and coalesce around a common sense of, and concern for, the fate of forest-dependent community and the forest itself.

Applying Mohr’s (1982) process theory framework, contextual changes described above provided external directional forces that “herded” the disputants and the necessary conditions
into mutual proximity. The research findings support the argument that external directional forces produced a common fate between environmentalists and loggers, which set the stage for identities to align and for cooperation and collaboration to transcend hostility and conflict. Eventual transformation of the conflict, however, resulted from a necessary probabilistic process between adopted leaders on both sides of the conflict, in which a common fate, common identity, and positive interdependence were framed by one side and gradually accepted by the other as external directional forces continued to exert pressure.

References


Lisa Greber

University of Massachusetts Boston

Maps, data, story, dance: Using “holistic science spectrum signatures” to enhance coastal ecosystem stewardship

Can our approach to scientific research help foster conflict resolution? We have tested a holistic science approach in two coastal ecosystem settings: Malibu Bay (Boston Harbor, MA) and Waquoit Bay (Waquoit Bay, MA). The approach uses “holistic science spectrum signatures” – a rubric for organizing a variety of ways of knowing - to incorporate both analytic and intuitive knowledge into understanding coastal ecosystems. It shows promise for supporting conflict resolution by increasing dialog among human communities as well as by developing greater connection to the natural world we are studying.

Coastal ecosystems, in New England as well as globally, are under increasing stress from development, resource extraction, pollution and other causes. Environmental degradation to these ecosystems has included the collapse of many fisheries (Pauly et al. 2005, Worm et al. 2006), as well as the loss of both seagrasses and coastal salt marshes (Bertness et al. 2002, Bromberg and Bertness 2005, Orth et al. 2006, Gedan et al. 2009).

Boston Harbor is not immune from these challenges. In particular water quality issues, direct development losses, and disease have decimated local submerged aquatic vegetation (SAV) ecosystems. Eelgrass (Zostera marina) beds in Boston Harbor are reduced to remnants, while continuing declines have been reported in Maine and New Hampshire (Beem and Short 2009). In addition to subtidal SAV losses, Boston lost 81% of its intertidal salt marshes over the past two hundred years (Bromberg and Bertness 2005). As with eelgrass, losses throughout New England continue (Smith 2006). The loss of SAV is particularly worrisome, as it can provide a
wide variety of ecosystems services, including nekton nurseries and spawning habitat (Minello et al. 2003, Lipcius et al. 2005) as well as erosion control through sediment stabilization (Bos et al. 2007).

In addition to the above stresses, coastal areas face potentially worrisome effects from changes in the climate system (Valiela 2006, Solomon et al. 2007). Coastal areas such as our study sites at Waquoit and Malibu Bays are especially vulnerable, particularly to shoreline erosion and coastal inundation from sea level rise or higher storm surges (Nicholls et al. 1999, Scavia et al. 2002, Webster et al. 2005, Harley et al. 2006, Valiela 2006, Donnelly and Evans 2007, Anthony et al. 2009). Species composition of coastal communities may shift as a result of climate-induced changes in water temperature or water chemistry; in particular, changes in seasonal patterns in plankton growth may have cascading repercussions throughout a coastal ecosystem (Barry et al. 1995, Hays et al. 2005, Harley, Hughes et al. 2006)

These stresses to coastal ecosystems embody current conflicts - both among human communities and between human communities and the ecosystems that sustain us - as well as harbor the potential to lead to increasingly severe future conflicts as ecological conditions worsen. Can our approach to scientific research help foster conflict resolution, particularly in these coastal ecosystem settings?

We have tested one approach, the use of “holistic science spectrum signatures,” in two coastal ecosystem settings: Malibu Bay (Boston Harbor, MA) and Waquoit Bay (Waquoit Bay, MA). The spectrum signatures are a rubric to aid researchers in incorporating both analytic (e.g. salt marsh transects, surveys of beach users, mathematical models) and intuitive knowledge (community stories, images, festivals, dance) into data gathering, synthesis, and presentation. This approach shows promise for supporting conflict resolution by providing a framework that may help increase dialog among human communities as well as by helping researchers,
managers and community members develop greater connection to the natural world we are studying. Through its incorporation of the full range of types of knowledge communities may carry about a coastal ecosystem – perhaps held as ritual, song, or suggestions of best fishing sites in addition to more traditional scientific measurements - it may help communities live more harmoniously within the ecological cycles of the ecosystems we inhabit (Keller and McClintock 1983, Meadows et al. 1992, Frankic 1998, Frankic 2003, Benyus 2006, Harding and Margulis 2006).

These “holistic spectrum signatures” are practical tools that can be used, on the ground, in our daily work as scientists: taking water and sediment samples; talking with community members; designing research protocols; statistically analyzing data; collecting trash on the beach; developing science curricula; and so on. The tools developed here are not meant to be used exclusively but instead are readily complementary to other approaches to foster conflict resolution among coastal communities.

Using the “holistic science spectrum” to foster dialog among human communities

The “holistic science spectrum signatures” were initially developed as a result of a community-based participatory research study with Upper Cape religious communities. The research, conducted for the Waquoit Bay National Estuarine Research Reserve (Waquoit Bay, MA) (2007-2009), sought to understand local religious communities’ views on climate change and other environmental issues, as well as to learn effective outreach strategies for reaching these communities. The study included interviews, focus groups, surveys, and events. The “spectrum signatures” emerged from a categorization of the effectiveness of the various research methods employed (see Figure 1). The methods were categorized along seven vertical divisions, representing more concrete methods (e.g. physical measurements, touch) to more abstract ones.
(e.g. conceptual questions). In addition, the methods were characterized as more analytical (mathematical modeling) or more intuitive (e.g. images).

The “spectrum signatures” provide a framework for identifying likely effective strategies for encouraging dialogue among scientific and religious communities. The reserves themselves may be particularly well-placed to foster such dialogue because of their holistic organizational culture that combines scientific research, environmental stewardship, and education and outreach components.

Using the “holistic science spectrum” to increase connections between human communities and their sustaining ecosystems

The spectrum signatures were used to select research methods and community building activities for an initial environmental and social assessment of Malibu Bay (Boston Harbor, MA) (Summer 2009). The assessment included evaluation of water quality, salt marsh health, and an initial survey of beach day user communities’ support for potential restoration activities. Other activities included attendance at beach clean-ups, a bonfire, and a beach festival. Initial results suggest that the spectrum signatures aided student researchers in developing a more complete technical knowledge of, as well as a deeper connection to, Malibu Bay and its surrounding human communities.

Based on these initial results, it is hoped that the “holistic science spectrum signatures” may prove more generally useful for conflict resolution by encouraging dialogue among scientific researchers, coastal managers, and local communities, and by fostering greater connection to the ecosystems we share.

The coasts, the meeting point between land and sea, are challenging to live in but rich with possibility for the life – barnacles, salt marsh, cormorant and herons - that makes it their home. These ecosystems may also provide useful examples of the equally rich ground found
when we practice a holistic science on the coastlines that connects our analytical and intuitive selves, and connects our human lives with the rest of nature. Such a science may offer guidance and support for our human coastal communities so we may dwell once again in the haven of the sea.
**Figure 2.**
Waquoit Bay study research methods characterized by the holistic science rubric

<table>
<thead>
<tr>
<th>Conceptual</th>
<th>Analytical Math</th>
<th>Vision/Values</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>What are the characteristics of WBNERR that might make it a welcoming place for religious communities?</strong></td>
<td>Possibly Energy, Faith, and Justice event – energy use data</td>
<td>Singing at services, music at watershed block party</td>
</tr>
<tr>
<td><strong>What is the proper relationship between humans and the environment? (values of stewardship)</strong></td>
<td>Participant observer: Listening at services, men's groups, women's groups, taxis, park benches, cafes, council of clergy</td>
<td>Visual math/Patterns/Music</td>
</tr>
<tr>
<td><strong>Research religion and ecology movement</strong></td>
<td>Mapping religious organization locations, environmental factors... Energy, Faith, Justice event (solar panel energy production graphs)</td>
<td>participant observer: Listening at services, men's groups, women's groups, taxis, park benches, cafes, council of clergy</td>
</tr>
<tr>
<td>Maps</td>
<td></td>
<td>Stories</td>
</tr>
<tr>
<td></td>
<td>Mapping religious organization locations, environmental factors... Energy, Faith, Justice event (solar panel energy production graphs)</td>
<td>Posters (some participatory)</td>
</tr>
<tr>
<td>Experimental research (curiosity driven)</td>
<td>Surveys (sometimes); interviews; Energy, Faith, Justice event solar tour</td>
<td>What are the questions important to the community here? (developing surveys, etc.)</td>
</tr>
<tr>
<td>Hands on exploration (curiosity driven)</td>
<td>Hands on block party activities (pinwheels, UV beads, carbon wheels)</td>
<td>Thanking the pond during environmental education at Sunday school</td>
</tr>
<tr>
<td>Direct encounter (curiosity)</td>
<td>Services, time at Waquoit Bay</td>
<td>Services, time at Waquoit Bay</td>
</tr>
<tr>
<td>Direct encounter (relational)</td>
<td></td>
<td>Direct encounter (relational)</td>
</tr>
</tbody>
</table>

Acknowledgements: This work was made possible through a National Estuarine Research Reserve Social Science Fellowship 2007-2009.

References


Ijeoma Monica Njoku
University of Massachusetts Boston

Dynamics of Natural Resource Conflicts

Many conflicts in developing countries revolve around natural resources. They are often agitations over who should control the revenues accruing from such resources and what it means when indigenes of a particular place do not directly benefit socially, politically and economically from them. In this paper, I undertake an analysis of articles that have explained some of the reasons behind resource conflicts. I will investigate an International Crisis Group's report entitled *Nigeria: Ending Unrest in the Niger Delta* (International Crisis Group, 2007), in comparison with *The Construction of Grievance: Natural Resources and Identity in a Separatist Conflict* (Aspinall, 2007) and *Doing Well Out of War* (Collier, 2000).

Aspinall’s (2007) opening question is helpful in beginning this study. He asks: “When and under what circumstances does natural resource extraction give rise to violent conflict?” In response, the authors propose some themes, which I classify as primary and secondary factors in natural resource conflicts. Motivation takes a section of its own because it embodies sub-themes as greed, grievance, or self-determination. Other factors such as violence, social identity, government role, militarization and intractability etc are equally attributed as responsible for the conflicts that sometimes lead to civil or even international wars.

**Motivation**

What drives natural resource conflicts? The authors in this study do not agree on any one major cause of natural resource dispute. Grievance is reported to be at the heart of the conflict in the Niger Delta region of Nigeria. The International Crisis Group (2007) reports that core
grievances and demands from the federal government such as local control of oil and gas resources, greater political representation at the federal level, infrastructure development, economic empowerment and environmental degradation, release of jailed ethnic leaders led to militancy in the Niger Delta. The Niger Delta among other things is characterized as a “deeply impoverished region (p. 1)” and it may appear justifiable that its indigenes should demand justice for the wealth gathered from their territory. The presence of hostage-taking criminals masquerading as militants has tainted the grievance argument.

Collier argues that economic agendas rather than grievance are at the root of most of these violent conflicts. He believes that rebel leaders use grievance narratives to persuade themselves of the need to continue the conflict. Furthermore, in order to win the sympathy of the international community and gain cheaper manpower from the population, rebel organizations will need to emphasize the perceived injustices they suffer at the hands of the mainstream government.

Need for ethnic identity is believed to be the reason for the conflict in Aceh, Indonesia. Aspinall believes that the formation of GAM in the mid-1970s and the development of Aceh’s Arun natural gas fields leading to resource conflicts in that region are only incidental. GAM was the human face for a socially and culturally constructed action frame revolving around identity and entitlement while natural resource exploitation was only one of the issues being disputed. Thus, he postulates that even in conflicts presented as over resources, non-resource factors may actually be the root causes. Despite the discrepancies in identifying the major sources of natural resource conflict, the writers agree that most of these disputes are violent.

**Violence**

The authors view monopoly and legitimization of violence as integral to the success of rebel movements in natural resource conflicts. While the other authors pinpoint violence (viewed
here as armed conflict) as the major threat to restoring peace in natural resource conflict zones, Collier (2000) believes that a reduction in the rebel groups' economic power will ensure the eradication of violence in civil wars. Rebel groups engaged in natural resource exploitation tend to ward off competition because it kills trade predation and profitability. This is the reason why they often fight one another until there is some sort of monopoly or duopoly of violence and control in the region (Collier, 2000). In Collier's context, violence is used to foment chaos and enable predatory economic activities. On the other hand, rebel leaders can use weaponry to raise national and international awareness of their exploited plights as in the case of the Niger Delta and Aceh.

Even though Collier (2000) focuses mainly on the economic profits of civil wars, he shares a few social sentiments with the other authors. He agrees with the ICG report that criminality rises with conflicts as is evident in the Niger Delta and cattle-theft in civil wars. He also shares Aspinall’s (2007) argument that ethnic homogeneity in a hostile region can feed rebellion. Aspinall’s argument is based on his belief that Aceh being an ethnically homogeneous province was more susceptible to violence because its indigenes shared a common cultural toolkit unlike the highly fractionalized East Kalimantan and Riau. The authors all agree that monopoly of violence either by government or rebel groups can prolong conflict.

Government Role

Aspinall and the investigators of the ICG showcase how government actions and inactions either ameliorate or exacerbate these conflicts. Paul Collier does not directly speak of the role of national governments in civil wars. Nevertheless, he gives recommendations to the international community on how to reduce the power of rebel movements and thus end the disputes, which are supported by exportation of primary commodities.

Militarization and Intractability
The authors in this study characterize militarization and intractability of natural resource conflicts in different ways. Aspinall believes that GAM insurgency and government military counterinsurgency sustained the conflict in Aceh. The International Crisis Group believes that government inconsistency, militant irritability, and criminality have prolonged the crisis in the Niger Delta. Paul Collier is the only author who ties natural resource itself to the continuance of conflict in any region. Aspinall believes that military violence “helps to explain how the conflict expanded and became intractable, not how it began (p. 954).”

**Intervention**

**Stakeholders:** All three articles characterize natural resource conflicts as primarily being between central governments and rebel groups.

**Methodology:** Interviews and document analysis in its report on the Niger Delta conflict. Militant leaders, government officials, and militants themselves are some of the people whose opinions are analyzed in the study.

**Audiences:** The Nigerian government, the Nigerian federal legislature, the Rivers State government, and international partners of Nigeria are the target audiences for the Niger Delta article. Even though he does not name his specific audience, I deduce that Aspinall’s article is mostly for social science scholars who must have read the other studies he cites in his paper. Hence, I view the academic community as his market. In a different context, Paul Collier considers which groups benefit from civil wars and what the “international community” can do to help (2000, p. 1).

**Resolutions/Recommendations:** Perceptions of motivators for each natural resource conflict inform suggestions and recommendations for its resolution. For instance, in the Niger Delta, recommendations include formulating poverty eradication policies.
Conclusion

Several motivators initiate and escalate natural resource conflict. There is no one method of studying and resolving these conflicts as certain factors such as violence, government role, militarization, social identity, etc can affect them. However, an attempt at resolving natural resource conflicts should consider the stakeholders, sources of data and methodology of research, audience as well as possible conflict resolution methods.

Ending natural resource conflicts will take the collaborative efforts of local, national and international actors. It will also require the skills and expertise of conflict scholars who will not be restricted to existing theories, but will each time reach the bedrock of the disputes to unravel the “gems” found in them.

References


Conflicting Institutional Logics in the U.S. Climate Change Debate

ABSTRACT

This paper examines the conflicting institutional logics at play in the US climate change legislation debate. We argue that local, community-based logics, especially those associated skepticism and sustainable development, as evidenced by resource extractive industries and protected lands, respectively, will conflict with national political party logic in politicians’ decisions about environmental legislation. Our findings show that local logics predict representatives’ support environmental legislation, over and above national party logics.

Conflict over climate change (CC) mitigation has become a particularly poignant issue within the US, especially in Congress, where legislation is drafted. At the highest level, the CC debate is a transnational conflict because it deals with issues that transcend the boundaries of nation states (Djelic & Sahlin-Anderson, 2006); however, though it is a transnational conflict, the passage of legislation is necessarily local in nature (Kolk & Pinkse, 2007). Hence, it is also an inter-institutional conflict because it is comprised of many “sectors”, each of which embodies “a different set of expectations for social relations and human and organizational behavior” (Thornton & Ocasio, 2008: 104). As a result, there are likely to be multiple, often conflicting institutional logics regarding CC. Institutional logics refer to the “broader cultural beliefs and rules that structure cognition and guide decision making in a field” (Lounsbury, 2007: 289).
In this paper we employ the institutional logics perspective to examine the local conflicting beliefs and actions regarding CC as reflected in national legislation. Understanding CC as a local issue is critical because it influences every locality in one way or another, and “there has been widespread agreement on the difficulty of solving global problems that ignore the local dimension” (Carrus et al., 2005: 238). Accordingly, we consider how local logics interact with national party logics to shape legislative voting patterns. The purpose of this paper is to examine the conflicting logics at play in the CC debate at the local level, and to understand how they affect congressional voting on environmental legislation.

**Conflicting Climate Change Logics**

In addition to traditional party line logics regarding environmental issues – (i.e., Democrats are generally more environmentally supportive than Republicans (Shipan & Lowry, 2001)) researchers have identified additional conflicting logics including a skeptic logic and a sustainable development (SD) logic (Ansari et al., 2010). The skeptic logic casts doubts on scientific claims of CC and decries global warming as a delusion (Giddens, 2009). Conversely, the SD logic acknowledges CC and advocates for its mitigation by meeting “the needs of the present without compromising the ability of future generations to meet their own needs” (Egri & Pinfield, 1996: 465). Thus, these logics are contradictory and are expected to result in differential support for environmentally-oriented legislation. Specifically, we theorize that local factors, as indicators of the skeptic and SD logics, will influence legislative voting behavior.

**Skepticism and resource extraction.** In communities where natural resource exaction is central to the local economy, these material practices and their attendant meanings generate a shared historical reliance on them which leads to the formation of a “collective identity” as well as a shared logic. For example, an ethnographic tale of coal workers quotes: “We think and live coal. If you take our coal from us, we shall go back to the days of bobcats and wilderness. Coal
is our existence” (Corbin, 1990: 1). Thus, extraction carries both a substantive and symbolic meaning associated with the economic well-being and preservation such that communities with substantial employment in extractive industries are more likely to subscribe to the logic of skepticism about CC. Consequently, we expect this to influence legislators’ voting behavior.

_Hypothesis 1:_ The greater the employment in resource extractive industries in a congressional district, the more likely the district will exemplify a logic of skepticism, as evidenced by a representative’s pattern of voting against environmentally-oriented legislation

**SD and local protected lands.** Local geographic factors can also work in favor of environmental causes by generating greater support for the SD logic. Districts with expansive protected areas (such as national or state parks, national and state forests, and wilderness areas), are expected to develop a stronger identification with the logic of sustainability. We expect that legislators in these districts will be more likely to support environmental legislation.

_Hypothesis 2:_ The greater the extent of protected natural areas within a congressional district, the more likely the district will exemplify a logic of sustainable development, as evidenced by the representative’s pattern of voting for environmentally-oriented legislation

**METHODS**

Because we envision the legislator as the medium or vehicle by which the local institutional logics of a constituency (i.e., a congressional district) are represented in Congress, our sample consists of the members of the House of Representatives as well as their congressional districts¹. Two independent variables (resource extractive employment and protected land area), each indicative of local level factors associated with the broader logics at play in the CC debate (skeptic and SD, respectively) were used in this study. The dependent variable was a legislator’s pattern of supporting environmentally-oriented legislation, measured

---

¹ In total, there are 435 Representatives—256 Democrats and 177 Republicans (and 2 vacancies at data collection).
as the proportion of a legislator’s votes on environmental issues that are pro-environmental according the League of Conservation Voters (LCV) panel of experts\textsuperscript{2}. Finally, to account for representatives’ self-interests, we controlled for their demographic characteristics (sex, age and ethnicity), congressional tenure and party unity\textsuperscript{3}.

**RESULTS**

Means, standard deviations, and zero-order correlations are presented in table 1; analytical results are presented in table 2. As shown in table 2, the Tobit analysis by political party shows that hypothesis 1 was supported for both Republicans (Wald $\chi^2 = 14.528, p < .001$) and Democrats (Wald $\chi^2 = 109.812, p < .001$), while hypothesis 2 was supported only for Democrats (Wald $\chi^2 = 9.336, p = .002$). Considered together, our results suggest that local logics have an effect on legislators’ environmental voting behavior that is over and above the effect of political party. In particular, Representatives (Republican or Democratic) whose districts have a higher proportion of people employed in resource extractive industries are more likely to vote against environmentally-oriented legislation. And, Democrats whose districts have a higher proportion of protected lands are more likely to vote for environmentally-oriented legislation.

---

**CONCLUSION**

Our results confirm our predictions that local institutional logics, in addition to national level ones, play an important role in shaping the character of the CC debate in the US.

\textsuperscript{2} In our study, we used the average LCV scores of each legislator in the 108th, 109th and 110th sessions of congress. Because this proportional variable has a limited range (i.e., 0 to 1), the hypotheses were analyzed with Tobit analysis, a censored regression technique (Long, 1997). Tobit analysis is used instead of ordinary least squares (OLS) regression when the dependent variable is truncated at some value because OLS regression can produce biased estimates (Greene, 1997). To test the sensitivity of the results to the analytic technique, we also ran OLS regressions of the same models. The results of the Tobit and OLS regressions were strongly consistent; therefore, we report the Tobit results because it is the most appropriate procedure.

\textsuperscript{3} Our methodology is more fully described in Gray and Stites (2010).
Specifically, we have shown that local logics, as evidenced by districts’ employment in resource extractive industries and protected land, explain variance in representatives’ voting patterns apart from national party affiliation. Our findings demonstrate that we cannot ignore the role of local logics. Further, taking "locally instantiated” logics (Thornton & Ocasio, 2008: 119) into account will lead to a fuller understanding of institutional processes and conflicts. In the debate over CC legislation in the US for example, understanding local logics illuminates the resistance by some local communities (Carrus et al., 2005: 238) to join global initiatives. Understanding the conflict among local logics may help governments, like the US, to take actions to avert global warming.

REFERENCES


Table 1. Means, Standard Deviations and Zero-Order Correlations (n = 311).

<table>
<thead>
<tr>
<th>Variable</th>
<th>Mean</th>
<th>SD</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Representative’s Age</td>
<td>58.24</td>
<td>9.83</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Representative’s Tenure</td>
<td>13.13</td>
<td>8.75</td>
<td>.59***</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Representative’s Sex (Female = 1)</td>
<td>0.15</td>
<td>--</td>
<td>.05</td>
<td>-.08</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Representative’s Ethnicity</td>
<td>0.87</td>
<td>--</td>
<td>-.08</td>
<td>.02</td>
<td>-.11</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Representative’s Party Unity</td>
<td>0.93</td>
<td>0.05</td>
<td>.04</td>
<td>.02</td>
<td>.12*</td>
<td>-.24***</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Representative’s Party (Democrat = 1)</td>
<td>0.52</td>
<td>--</td>
<td>.08</td>
<td>.03</td>
<td>.14*</td>
<td>-.29***</td>
<td>.64***</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. District’s % EREI</td>
<td>0.45</td>
<td>1.01</td>
<td>-.01</td>
<td>.01</td>
<td>-.10</td>
<td>.01</td>
<td>-.09</td>
<td>-.15**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. District’s % EPL</td>
<td>13.91</td>
<td>17.66</td>
<td>-.03</td>
<td>.02</td>
<td>-.05</td>
<td>.07</td>
<td>-.16**</td>
<td>-.11*</td>
<td>-.02</td>
<td></td>
</tr>
<tr>
<td>9. Pattern of Support for Env. Legislation</td>
<td>0.50</td>
<td>0.40</td>
<td>.11*</td>
<td>.07</td>
<td>.18**</td>
<td>-.25***</td>
<td>.53***</td>
<td>.92***</td>
<td>-.25***</td>
<td>-.10</td>
</tr>
</tbody>
</table>

* p < .05
** p < .01
*** p < .001
Table 2. Results of Tobit Regression Analysis for Environmentally-Oriented Voting Patterns by Political Party.

<table>
<thead>
<tr>
<th>Independent Variables</th>
<th>Republicans (Full Model):</th>
<th>Democrats (Full Model):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>SE</td>
</tr>
<tr>
<td>Constant</td>
<td>1.932***</td>
<td>0.254</td>
</tr>
<tr>
<td>Controls:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Representative's Age</td>
<td>0.001</td>
<td>0.001</td>
</tr>
<tr>
<td>Representative's Congressional Tenure</td>
<td>-0.002</td>
<td>0.002</td>
</tr>
<tr>
<td>Representative's Sex</td>
<td>-0.031</td>
<td>0.036</td>
</tr>
<tr>
<td>Representative's Ethnicity (1=White)</td>
<td>0.133</td>
<td>0.068</td>
</tr>
<tr>
<td>Representative's Party Unity</td>
<td>-2.215***</td>
<td>0.263</td>
</tr>
<tr>
<td>Local Logics:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CD’s % Employment in Resource Extractive Industries (EREI)</td>
<td>-0.066***</td>
<td>0.017</td>
</tr>
<tr>
<td>CD’s % Environmentally Protected Land (EPL)</td>
<td>-0.001</td>
<td>0.001</td>
</tr>
</tbody>
</table>

n | 153 | 201 |

-2 log likelihood | -176.615 | -287.360 |

Δ-2 log likelihood (from controls-only model) | -16.241***(2) | -114.673***(2) |

* p < .05
** p < .01
*** p < .001
Session I: Panel 1B
Gender and Diversity

The evolution in the use of rape in Darfur from 2003 to 2010
Prisca Benelli, Tufts University

What " Tradition "? The Impact of Conflict on Gender Relations in Afghanistan
Jennifer Marron, Tufts University

Diversity Training as Conflict Resolution: A Practitioner’s Guide for Working with Gender and Conflict
Omar Masri and Nawal Rajeh, George Mason University

Transitional Justice and Women: Where Do We Go From Here?
Megan Steehler, American University
Prisca Benelli

Tufts University

The evolution in the use of rape in Darfur from 2003 to 2010

Abstract: This paper examines the evolution of gender-based violence as a strategic tool in the context of the conflict in Darfur. The argument herewith is that the Darfur conflict has gone through two different phases since its beginning in 2003, and the use of gender-based violence has been used to achieve different goals in these two different phases. From 2003 to approximately 2005, the main driver of the conflict in Darfur is considered here to be the counterinsurgency that the Government of Sudan (GoS) conducted. Rape in this context is an important element of the wider counterinsurgency strategy, and its main goal was to produce displacement – in order to cut the support that Fur, Masalit and Zaghawa communities were providing to the insurgents. Starting from roughly 2005 until present, the local and ethnic dimension of the conflict has grown in importance and the GoS has been unable to control it. In this context, the livelihood framework provides a better explanation for the use of gender-based violence as a maladaptive livelihood strategy adopted by the pastoralist groups loosely associated with the Janjaweed – Abbala and Baggata Rizaygat nomads-. In this phase, rape has represented a tool to guarantee the possibility of extortion, and the access to land.

This paper aims to contribute to current literature that explores gender based violence in the context of armed conflicts. Given the widespread occurrence of rape in the context of Darfur, and the increasing engagement of the international aid community with such groups, a better understanding of the dynamic justifying this type of practice is warranted.

---

4 The conflict in Darfur is regarded here as “a counter-insurgency campaign gone badly wrong”, in line with the analysis of Flint & De Waal. Mamdani’s interpretation of there being issues driving the Darfur conflict, one local and the other national one, is also embraced (see Mamdani, Mahmood. (2009). Saviors and Survivors. New York, Pantheon Books]
In February 2003, the Justice and Equality Movement (JEM), a mostly Zaghawa (African pastoralists) guerrilla group and the Sudan Liberation Army (SLA), a mostly Fur and Masalit (African farmer) guerrilla group, took arms against the GoS asking for political empowerment.

As the Sudanese army was still engaged in the south of the country to secure the emerging peace process with the SPLA rebels, the government chose to mobilize loyal Arab⁵ tribes in Darfur to fight SLA and JEM⁶.

Valentino's article on the strategic logic of mass thinking may be helpful to explain the actions of the GoS and its logic. The author notices that leaders may consider mass killing as the most rational choice when they “perceive conventional military tactics to be hopeless or unacceptably costly: (...) (in such circumstances) they face powerful incentives to target the civilian populations they suspect of supporting those forces⁷”. In the case of Darfur in 2003, as we have seen, the GoS considered conventional military tactics to be unfeasible, and at the same time, it felt the need to use repression in fear of the possible spillover effect of Darfur rebellions to other regions of the country. In this context, gender-based violence, and more specifically rape through the Janjaweed proxy militias, represented an extremely powerful tool to induce...

---

5 The term Arab is here intended to group the different Abbala and Baggara pastoralist tribes who speak Arabic as a main language, as opposed to the other Darfurian tribes who speak African, Nilo-Saharan, languages. It should be noted that the definition of “Arab” in the case of Darfur has specific connotations and is quite controversial. While acknowledging the imperfection of this word, it has been preferred to the term “pastoralist” to differentiate between the pastoralist groups that speak Arabic and have been associated with the counterinsurgency, and the Zaghawa pastoralists, who are a constituency of one of the two main rebel movements in Darfur. Further, our focus on youth amongst pro-government militia (aka janjaweed) requires some degree of generalization, which is fairly well-founded. It is widely acknowledged that militia recruits hail primarily from ethnic groups associated with the term Arab and more generally associated with livelihoods heavily reliant on livestock rearing; although we also recognize that livelihood categories are not neatly fixed between ‘sedentary farmer’ and ‘nomad’. The terms Abbala and Baggara is a reference to the type of livestock being herded. Abbala are camel herders, Baggara cattle herders; the two groups are further divided in groups and clans, but the differences between the various groups will be overlooked given the scope of this paper.


displacement and terrorize populations. It also, very likely, represented a form of booty to compensate the proxy militias.

Slim's description of rape as a tactic of war is very useful to understand how it was used in this first phase. Slim, in fact, emphasizes that “rape is used as an explicit terror tactic to clear an area and make people flee” in this sense, this goal was clearly achieved, as by October 2008, there were an estimated 2.7 million internally displaced people (IDPs) out of a population of approximately 6.5 million people.

This use of rape appears fully consistent with the methods of war carried by the GoS in different regions of the country: as Macklin recalls, rape, and the menace of rape, was already being used as a weapon of dispersal in South Sudan, to “not only terrorize the victims but demoralize the entire community to the point where the whole village uproots itself and flees.” Rape is an effective method of war because, by dishonoring, humiliating and terrorizing communities, it also “subjugates them into a sense of utter powerlessness in the face of an absolute conqueror” and it destroys the social fabric.

However, the conflict has transformed over time: since 2005, the one in Darfur has been described as a low intensity conflict characterized by huge displacement, banditry and land occupation. Apparently, the GoS now would have a strong interest in the normalization of the situation in Darfur. It keeps, for instance, calling for a return of the population of the IDP camps

---

9 Slim, H. Ibidem, p. 62
10 Source: OCHA, Darfur Humanitarian Profile #34, 2009.
12 Slim, H. Ibidem, p 63
13 Declaration released by Jakob Kellenberger, President of the ICRC, Euro-Atlantic Partnership Council, Brussels, 13 April 2005
to their village of origin. The protraction of the current situation of displacement and violence is increasingly threatening the security and the ability of the GoS to control its territory. The aid community laments the increasing number of vehicles and assets stolen, but the ministries in Darfur are increasingly victims of armed robberies as well.

Indiscriminate beatings, looting and rape, however, are still going on. What is the rationale behind this? The response seems to be that these abusive and illegal behaviors are to a large extent instrumental to ensure a (maladaptive) livelihood strategy adopted by the Arab pastoralist groups in the GoS controlled areas. While considerations about livelihood were not an important driver in the first phase of the conflict, they have become it now. Communities were initially targeted not on the basis of their financial, physical or natural assets, but on the basis of their ethnicity; however, resources are now playing an increasingly important role. Le Billon notes that the types of livelihood opportunities available for groups in a generic political economy of war are limited, and include aid among the legal sources of livelihood and looting, robberies, distortion of aid and extortion among the illegal ones. As aid is almost exclusively available to the IDP community, composed of certain African tribes, the alternatives for the Arab pastoralist groups are almost limited to the illegal ones.

These groups, in fact, have lost their traditional livelihood strategies, namely pastoralism and remittances, as a result of the conflict. They also have traditionally no access to land; in

---


order to cultivate, therefore, they have to occupy the villages abandoned by the IDPs, another illegal act which requires an active effort to prevent the IDPs to return.

As Buchanan-Smith and Jaspars note, therefore, “some members of this group have benefitted from the extortion of, demands for protection money from, and the looting of non-Arab groups”.18

Furthermore, in some areas, Arab pastoralists control the firewood trade, which is an important source of income. In order to be able to implement these livelihood strategies, it is obvious that the interested groups have to maintain a level of threat that both justifies the request of protection (and therefore the payment of protection fees) and represent a valid deterrent to prevent other ethnic groups to engage in firewood collection. It is equally efficient to prevent IDPs from returning to their abandoned villages.

Young notes that “IDPs depend to a large extent on buying their firewood” from the market for cooking, and claim they are prevented by insecurity and the threat of gender-based violence from collecting it themselves.”19 By committing rapes, Arab pastoralist groups can ensure a monopoly over the captive market of firewood, used to cook and to make bricks in the camps. Rape represents an excellent tool in this regard: not only is it highly effective but it is, in fact, unreported and it is ignored by the GoS, who would probably oppose more vehemently to other types of abuses, like killing.

Furthermore, gender-based violence seems to be emerging in new contexts: in fact, also thanks to the widespread impunity, it seems to be a growing features also in the camps: while the negative social stigma for the victims of rape remains highly prevalent in the society, the one for

perpetrators does not seem to be so. Gender violence and rape, often in the domestic realm and sometimes in association with the abuse of alcohol, can probably represent a way for IDPs men to compensate for the frustration of the loss of their traditional manly roles.

In conclusion, gender-based violence and rape, unfortunately, seem to fulfill – and to have fulfilled – different needs over the time and for different groups. It responded to the needs of the GoS in the first phase of the conflict and it is now responding to the livelihood needs of some pastoralist groups as well as the need of the IDP men to reaffirm their masculinity. While important initiatives, such as the promotion of fuel efficient stoves, have been promoted by the humanitarian community to increase the reduce women's vulnerabilities to rape, these findings suggest that alternative fulfillments to at least some of these needs may represent the best solution to reduce this type of violence.

References


Young, H., “Pastoralism, Power and Choice,” in Environment and Conflict in Africa: Reflections on Darfur, ed. Marcel Leroy, University for Peace, 2009
Jennifer Marron

Tufts University

What “Tradition”? The Impact of Conflict on Gender Relations in Afghanistan

INTRODUCTION

In spite of the intense international focus on the plight of Afghan women, their situation remains bleak. Discussions about violence against women centers on tradition and culture and fails to acknowledge the effect of the violent conflict itself on women’s societal vulnerability. Although patriarchal traditions underpin Afghan society, the current violence is arguably a reaction to threatened male identity amid foreign invasions and challenges to reigning power structures.

By disrupting social fabric, protracted conflict in Afghanistan from the early social reforms of King Amanullah in the 1920s through the Soviet and American invasions has challenged the dominant masculinity and provoked violence against women as a way to reassert it. As its male leaders lose power in the geopolitical sphere, they react by exercising dominance over a lower power group: women. While patriarchy and associated tribal affiliations play a role, we cannot examine Afghan culture without also examining how conflict has exacerbated women’s vulnerability.20

VIOLENCE AND THREATENED IDENTITY

20 It is important to highlight that men and women are not monolithic groups defined by a simplistic dichotomy between aggressors and victims. In Afghanistan, as in all conflict zones, men and women share histories, families, communities, and ethnicities that shape their interests and actions (UN Report, “Women, Peace, and Security,” 2002). Women are not merely victims of war, but also agents of resistance and change. Certainly, some Afghan women fought on behalf of the mujahedeen and played a role in the institutionalization of patriarchal gender roles. Acknowledging that women differ from each other, however, does not invalidate a gender analysis that examines how conflict increases women’s vulnerability (Cockburn 2004, 29).
As identity is socially constructed (Laitin 1998, 11), the violence against women in Afghanistan can be seen as intergroup identity conflict between men and women. In normal interactions, group identity remains relatively flexible, but hardens when is it threatened (Duckitt 2003, 575-580). Afghanistan’s patriarchal framework, born of its tribal networks, created a clear set of identities and rules for men and women. Direct violence against women exploded when that framework was threatened (USAID 2000).

Societal upheaval during armed conflict creates a complex dynamic in which women both gain space to assert themselves and become more vulnerable. In Afghanistan, fighting has drastically reduced the male population and has left a disproportionate number of widows and female heads of household. The women have developed survival strategies and taken on leadership roles that were not possible before men left to fight (Shalhoub-Kevorkian 2009, 70).

Between 1979 and 1992, more than six million Afghans became internally displaced. Many landed in camps for internally displaced persons (IDP), in which many women and children had access to education and health services for the first time (Kandiyoti 2005, 9). As IDPs, women have opportunities to work with NGOs and assert leadership in the camp. Therefore, war may briefly open up space for women that did not exist before (Cockburn 2004, 43).

This new space, however, may challenge the authority of men, who concurrently lose power within the camp structure. Based on research in IDP camps in Uganda, the loss of male power as an identity source can lead to increased rates of domestic violence as men punish women who overstep social bounds (Carlson and Mazurana 2006). The opening of space for women may be met by even harsher repression, as it represents a disordering and dislocation of the traditional male identity.
In Afghanistan, idealized masculinity required males to protect females. If the female suddenly takes care of herself, this is seen as a normative and moral crisis “that demands regulation, sometimes through violent and ideological means” (Kandiyoti 2005, 7). For example, rape became common after the Soviet invasion and the war’s devastation of social and political life in Afghanistan (Hans 2004, 237). The Taliban reasserted traditional male roles by rescinding women’s gains under the Soviets (Cockburn 2004, 43). Each time women made gains, either through reforms or through the realities of war, severe violence and repression ensued.

**VIOLENCE AND POWER ASYMMETRIES**

Power asymmetries at the geopolitical level exacerbate the identity crisis. Specifically, having lost power to a foreign occupier, one of the few spheres over which men retain control is women. Unable to control foreign forces, men may instead glorify a repressive patriarchy. As their control is threatened or lost in public space, men may seek to counterbalance the loss by exerting control over the private sphere (Wing 1994, 156).

With its severely restrictive policies, the Taliban have acted like a foreign occupier by undermining men’s roles in decision making and political power. Historically, relations between the sexes were determined at the household level, but the Taliban dictated gender relations centrally (Kandiyoti 2005, 10). In response to this threat, tribal leaders and warlords may have attempted to reassert the power dynamic by exerting more control over women, who possess even less power. Research shows that prolonged powerlessness as a result of foreign invasions may lead to increased control over those in lower power positions. Additionally, the means of exerting control may become increasingly irrational and violent (Coleman 2000, 111). External threats may therefore cause men to use violence to tighten their control over women.

In Afghanistan, conflict has been nearly constant since the coups of the 1970s. This protracted social conflict creates a collective ethos of conflict that affects the very character of
society (Azar 1990, 1-17). In concert, the Soviet invasion, rise of the Taliban, and U.S. invasion triggered a violent backlash against women that has been mapped onto a patriarchal history. As successive generations are socialized amidst high levels of violence, they may internalize violence and perpetuate violence against women as a culturally approved way to handle conflict. Over time, the cycle “dulls us into seeing exploitation and/or repression as normal and natural” (Galtung 1990, 295). Thus, we describe violence against women in Afghanistan as an inherent part of the culture and not as a socially constructed phenomenon.

**CONCLUSIONS AND RECOMMENDATIONS**

Legal approaches to reform fail to address conflict’s impact on identity and power structures; thus, they neither transform the character of Afghan society nor women’s treatment within it. Typical recommendations for women in Afghanistan, most recently echoed in a July 2009 UN report, include affirmative action programs, legal reforms, and heightened participation in public life. While laudable, these neglect the role of men. To mitigate violence against women, men’s fears must be addressed and men must be engaged in processes of change. While seeking to expand space for women, policy makers must avoid creating an adversarial situation in which female empowerment comes at the expense of male power.

In Afghanistan, however, women will not be able to fully participate unless men are engaged as necessary partners in women’s emancipation. Many Afghan men currently prevent women from capitalizing on the educational or economic opportunities that the international community has provided. As part of the U.S. strategy in Afghanistan, U.S. policy makers must support programs that find or create male allies who have societal influence. Women for Women International, for example, launched its Men’s Leadership Training program in Afghanistan in 2008, which creates community leaders who support women’s advancement. Policy makers should support educational programs that target men—including anti-rape campaigns that
emphasize men’s role. These programs can promote an alternative masculinity not premised on violence, redefine men’s protective role of women, and help men to become part of the solution to enduring violence.

REFERENCES


"Theory is usually presented in a way that is overly objectified. There is rarely an "I" in a theoretical treatise...Theory is for some anointed elite, a well chosen few...My own opinion and experience is that we are all theorists, each one of us" - Maire Dugan

Gender, as it relates to conflict and conflict resolution, is growing in importance to both scholars and practitioners in the field. However, as recognition of the importance and weight of gender increases, research and theory are lacking behind. After our own research on several case studies, we came to feel that something was missing. We wanted to acknowledge the diversity of our notions and lenses as reflective practitioners before analyzing a conflict involving women, specifically women of color and offer alternative, non-Western lenses, both which we felt were absent from the current standing on the subject. Our hypothesis lies on the evidence that while conflict affects every part of our world and affects women disproportionately, theories that do not treat women as a homogeneous global group are absent. While there are a great deal of practitioners, especially Western practitioners, working with women of color, there is not much to equip them for this work.

The realization of this gap in research as well as, the realization that just like women, practitioners in the field are not homogeneous groups, led us to create the Gender Diversity Theory (GDT) skill set, which we feel can help people in the field improve the quality of their work. GDT employs the use of diversity trainings prior to analyzing gendered conflicts which benefits the practitioner to better understand their belief systems (reflective practice) and thus
promote better practice. GDT is not a linear skill-set but instead is a process by which practitioners evaluate their own bias before an intervention. GDT can be applied to other conflict theories, as we do later in this paper, but can also stand alone. It is needed by both men and women to evaluate the gender disparities that might exist as well as exposing our socialized notions of self. GDT helps us understand how reflective practitioners can acknowledge the diversity of their notions and lenses before analyzing a conflict involving other women. We believe that this training can also help us evaluate our values and help us assess ourselves to better understand cultural relativism.

**Underlying theories**

GDT asks us to evaluate openly and honestly our own biases. It does this by employing diversity trainings as a form of reflective practice. Diversity training is training for the purpose of increasing participants' cultural awareness, knowledge, and skills. It employs this type of skill because, as Lederach claims, “It is useful to enter conversations with ourselves and others that bring the invisible threads of who we are into the light where we can see them, touch them, and understand them. (Lederach: 1995)”

Victoria Marsick understands that adults shape their understanding of a new situation by looking through the lens of tacit and unconscious belief systems (Marsick: 2000). Using this logic, we can understand that different classes of western women view non western women through a pre-conceived lens.

Furthermore, GDT expresses the relevance of Kevin Avruch’s notion that, “culture is not reducible to behavior; to ‘know’ a culture is not to be able to predict each and every act of each and every member of a group” (Avruch: 1993). In this sense, GDT is not a “how to” or “a + b = c” theory. As practitioners, we know that understanding culture is essential; We also know the dangers of feeling that we can “understand” someone by understanding their culture. Avruch’s
statement reveals that it is important to understand ourselves and the lens we use, while we are evaluating someone’s culture. To be effective practitioners, we must be self reflective. To recognize our own biases is not to degrade ourselves, but shows a commitment to being more ethical in the field of our work.

Through GDT, we employ full rights of ourselves by looking at the “I” in our self reflection, in acknowledging bias, and in promoting better practice. After we have done this we can even employ GDT to other theories. For instance, we will use an example that is connected to a group at our own academic institution. A theater group employed Bernard Lonergan’s “Insight Theory” to do a number of conversations with Muslim women about wearing the veil, among other topics. From this, they created a stage piece to showcase these voices in hopes that they could bridge the gaps of misunderstanding between Muslim and non-Muslims. What they found after their first performance, however, was that they had overlooked Muslim women who choose not to wear the veil. A woman in the audience pointed out to the group that her opinions had not been represented in their piece. The practitioners and actors went back and conducted more conversations in order to incorporate a wider variety of views held by Muslim women. We can see how GDT could apply to Insight Theory in this case, and could help practitioners dig deeper for the gaps in their work that may not be apparent at a first glance.

One last underlying theory worth mentioning is Alice Eagly’s explanation of gender development that is based on socialization. Eagly's social role theory suggests that the sexual division of labor and societal expectations based on stereotypes produce gender roles. Eagly distinguishes between the communal and agentic dimensions of gender-stereotyped characteristics. The communal role is characterized by attributes, such as nurturance and emotional expressiveness, commonly associated with domestic activities, and thus, with women. The agentic role is characterized by attributes such as assertiveness and independence,
commonly associated with public activities, and thus, with men. Behavior is strongly influenced by gender roles when cultures endorse gender stereotypes and form firm expectations based on those stereotypes (Eagly: 2002).

Gender roles and stereotypes affect men and women in other ways. Specifically, men and women may be judged by how well they conform to traditional stereotypes. This theory, as well as other gender theories, help us see how embedded our beliefs about gender are, and offer more incentive to use a process such as GDT before a conflict intervention involving women.

**GDT in Practice**

Using the GDT to a specific engendered conflict, we have to remember a few important points. We have to keep in mind the "I" in Acknowledging bias, the "I" in Promoting better practice, and the "I" in Self-Reflection. Through a few exercises that can be used in groups or privately (questionnaires, reflection points, and spatial exercises) practitioners can examine previous socialized notions that might be considered bias and affect the way they look at a conflict dealing with gender.

**Implications for practice**

While GDT revisits how reflective practitioners start the process to analyze gendered conflicts pertaining to women, it also offers insight on how class, education and other social structures of reflective practitioners affect processes of conflict analysis. Finally, it exposes the diversity of "lenses" that practitioners hold. By applying this practice before an intervention, a practitioner can be more self aware and therefore more ethical and effective in the way they approach a conflict and intervention. Through our presentation, we hope to add to the discussion in our field that pertains to women in subgroups, add to practitioners’ skills-set, and offer a new tool with which to apply to our work with gendered conflict.
References


The TE'A Project. TE'A Television; 2009. www.teaproject.com
Transitional justice efforts intervene in the lives of men and women in the wake of life-changing and often very violent conflict. At its core, transitional justice is any effort that seeks to address violations of law or human rights in a post-conflict situation. Most often, this takes shape as a formal court process or truth-telling commissions. Throughout experiences of conflict, men and women encounter different experiences and are impacted differently by similar experiences of conflict. Transitional justice efforts, specifically the court systems, have been slow to adopt a gendered lens when considering the appropriate methods for handling war crimes. These weaknesses in the consideration of gender have left many gaps for improvement of the treatment of crimes targeting women in transitional justice mechanisms.

One of the key efforts to be made in the field of transitional justice is actually a continuation of previous decisions. The international community should ensure international transitional justice mechanisms continue to apply broad inclusive definitions of war crimes and crimes against humanity in future prosecutions in order to address sexual violence against women. When courts such as the International Criminal Tribunal- Yugoslavia (ICTY) and the International Criminal Court (ICC) broadly interpret the Geneva Conventions to address the concerns of women, the women are by far better served than narrow, limiting interpretations that leave them beyond the scope of that justice. The interpretation of international humanitarian law in favor of the inclusion of crimes against women neither weakens the law nor denies the prosecution of crimes against men. Instead, inclusion of sexual violence during war as a grave
crime can only advance the pursuit of justice and illustrate that crimes against women during war are taken seriously by the international community.

The broad inclusion of women across the many levels of transitional justice mechanisms is an important piece of the improvement in including the justice concerns of women. By having competent women in leadership roles internationally, the concerns of women will be more likely to be integrated into the macro-level documents and decisions, such as peace accords. Having increased representation of women on the national and local levels would also increase the inclusion of women’s perspectives and experiences in conflict. The broad inclusion of women in the process could also increase buy-in of women into the justice decisions made by others since they had input into the justice mechanisms.

The inclusion of sexual violence against women is not the end of the line in the process of improving the realization of human rights for women in transitional justice. Increasing the understanding, acknowledgment and prosecutions of sexual violence against women is an excellent step. From here, courts should work to include women in the crimes committed during conflict outside of sexual violation in order to gain a broader picture of the experience of women and the community as a whole. The manner in which women experience hardships of war such as displacement and torture and new financial burdens post-conflict are different as was illustrated by the Truth and Reconciliation Commission (TRC) in Liberia’s findings. Courts and future TRCs must learn from these findings and work to improve their representation of gendered experience. One step to this improvement would simply be to take the testimonies of women regarding their non-sexual violence experiences during war. By increasing the numbers of women testifying, the broader picture of the conflict can emerge and then be handled properly.

One area of constant struggle for international organizations and courts is the technical development and handling of the case. The Armed Forces Revolutionary Council (AFRC) case
in Sierra Leone resulted in the victims being let down again by the system in their only shot at legal justice due to some mishandling of the legal case. No other courts or cases can pick up the slack for the failure of the AFRC case for victims of sexual violence. A technical fault of the case and the prosecution’s failure to rectify the error in time meant that every sexual violence allegation in the case was dismissed. Realistically, even the greatest care might not be enough to save every future case. Despite this reality, striving to avoid as many technical errors as possible is a vital step in ensuring as many cases as possible end by reaching a “day in court.”

The Liberian TRC worked to highlight and understand the experiences of women during their civil war. Other courts and TRCs should also work to address recognition and acknowledgement of crimes against women. The TRC in Liberia also worked to fight the stigmas society has set up around the sexual violations through education and support for the women victims. Future efforts should provide similar services but also work to include men even more in the process. Both women and men need to grow to understand these violations differently in the society for stigmas surrounding sexual violence to disappear. Justice mechanisms like TRCs have the opportunity to work closely with the community and to impact that community in a very important time of transition.

The ICC’s biggest challenge with gender comes with the follow-through. Thus far, the ICC has been set up in a way that provides opportunities for the prosecution of crimes against women during conflict. The cases that have been developed thus far are actively working to prosecute criminals who targeted women during conflict for sexual violence. For now, only “time will tell whether the ICC or future ad hoc tribunals can institutionalize these protections and prosecute crimes of sexual violence to the fullest extent of their mandate and in ways that fully
recognize the humanity of women.\textsuperscript{21} The ICC must follow through with their beginnings and actually succeed in prosecution of war crimes targeting women in order to provide a measure of justice for women.

Overall it seems that international justice system has increasingly been interpreted and applied to sexual violence crimes against women. Now that women are being included for sexual violence, it is time for all of the international transitional justice efforts to include these concerns when warranted. This is necessary to move beyond sexual violence, to expand their understanding of other crimes during conflict by using a gendered lens to understand the difference experiences men and women have in the face of crimes like torture, forced displacement and other impacts of war. By taking the progress thus far and continuing to expand the inclusion of a gendered point of view, the international community can only improve its justice efforts.

Session I: Panel 1C
Law & Justice

Access to Justice in Italy and Mandatory Mediation Statutory Provisions: Is the third wave gaining a new momentum?
Federico Antich, Suffolk University

Nuremberg Precedents, Challenges in Establishing a Legacy for the International Criminal Tribunal for the Former Yugoslavia
Cynthia Robin Bernstein, Columbia University

Judicial review of arbitral awards in the Philippines: A look into the application of the public policy exception under the New York Convention applying United States precedents
Mary Jude Cantorias, University of Missouri Columbia

From Litigation to Mediation: Promoting Access to Justice for Women in the Post-Colonial Nigeria
Aminu Gamawa, Harvard Law School
For decades in many Western Countries Mediation has played a role in the field of private dispute resolution, offering a concurring alternative to trial in a timely and cost-effective way. Moreover, with its flexibility and confidentiality Mediation has represented a first option in many disputes where the preservation of personal as well as business relationship among the people involved was a major issue at stake and where the needs and interests of the parties were better served through a wisely assisted dialog between them rather than by a binding opinion rendered by a third party neutral, especially when reaching such an opinion would imply substantial risks for the parties in terms of time, costs and uncertainty.

Mediation is typically a voluntary process and such feature is claimed to be maintained in its entirety: from beginning to end. However it is not uncommon to find parties to a dispute who are required to undertake Mediation prior to resort to trial; as a matter of fact, there are numerous provisions in business agreements, court orders or in the law which mandate the parties involved into a dispute to bring it in Mediation before seeking a binding decision from a Court or an Arbitrator.

Thus, is “Mandatory Mediation” a provocative statement? Can the “Mandatory” character be harmonized with the voluntariness inherent in Mediation? How? Moreover, assuming that in legal systems where generally the only way of solving grievances - self-justice being prohibited - is through judicial proceedings and this inherently carries a risk in terms of
time, costs and uncertainty and a large number of people cannot intend (or cannot afford) to take that risk to seek redress to their alleged wrongs, what would be the social impact of not providing a viable alternative? If instead Mediation could represent, at least in certain fields, just such alternative why is it not widely employed? Would mandatory mediation provisions carry a role to promote Mediation to the general public, thus working as a vehicle to spread the word of a justice which is not inherently destructive ("win-loose") but is instead co-existential ("win-win")?

This paper wants to shed some lights and stimulate reflections on the many issues highlighted above by examining how Mandatory Mediation has been introduced and is currently employed; as a term of reference it will be mainly considered the situation currently effective in Italy, due also to the many recent developments occurred in this Country with respect to this topic.

**Mandatory Mediation: a brief overview**

If Mediation as a way to solve a dispute with the assistance of a neutral third party could trace its origins at the early stage of the civilized world, the phenomenon of Mandatory Mediation was probably first theorized in the field of public international law during the 17th Century. Nowadays, it is not uncommon to find in international business agreements a Mediation clause, generally as part of a structured set of dispute resolution clauses including also

---

negotiation and binding arbitration. At national level acceptance by the business community of Mediation clauses is not yet widespread despite the substantial efforts spent in some countries to promote Mediation and ADR tools as a whole. Where no statutory provisions call for Mediation as a pre-requisite to access the court system, court-referred Mediation where parties to a judicial proceeding are invited by the court to try Mediation before going further with the litigation of the case, may be another viable option; this can occur either by way of self imposed procedural rules of a court, generally negotiated with the local Bar Association, or as part of a wider reform on civil justice.

---

23 The recourse to Mediation by way of a contractual agreement is widely sponsored within the international business community by many private and public institutions: for instance, the CPR in New York, CEDR in London, the ICC in Paris as well as the Chamber of Commerce of Florence, which to further promote the use of this ADR tool recently adopted the Rules of the International Business Mediation Service set up by the Chamber of Arbitration of Milan: [http://www.camera-arbitrale.it/Documenti/ibms_florence_office.pdf](http://www.camera-arbitrale.it/Documenti/ibms_florence_office.pdf). International Mediation has also gained further promotional support by the issuing in 2002 of the UNCITRAL Model Law on International Commercial Conciliation ([http://www.uncitral.org/pdf/english/texts/arbitration/ml-conc/03-90953_Ebook.pdf](http://www.uncitral.org/pdf/english/texts/arbitration/ml-conc/03-90953_Ebook.pdf)).

24 This phenomenon has been widely observed in Italy: see De Palo Giuseppe, Harley Penelope “Mediation in Italy: Exploring the Contradictions” Negotiation Journal October 2005, 469.

25 In Italy this effort has been borne by the National System of the Chambers of Commerce. Thanks to specific provisions contained in Law 580/1993, their task in the subject area has been to “spread the verb” of Mediation among the general public and the business community as well; despite the low return occurred on the investment carried out in promoting ADRs, the 105 Chambers of Commerce have gained credibility as Mediation providers and by the turn of this century have established themselves among the major providers of ADRs in Italy; they have also taken charge of the training process of the Mediators, adopting common standards and a uniform Code of Ethics.

26 This is the case of the Project Nausicaa ([www.progettonausicaa.it](http://www.progettonausicaa.it)) recently implemented within the District of the Court of Appeals of Florence in civil and commercial matters: here a judge can during the course of the proceeding refer the parties to a professional Mediation provider (e.g. the Chamber of Commerce); the judicial proceeding is stayed until the Mediation ends. A previous similar approach was introduced within the Court of Appeals of Milan in 2006 with the Project “Conciliamo”: see [http://www.progettoconciliamo.it/root/Downloads/Progetto%20ConciliaMo%2019.01.2006-ING(DN).doc](http://www.progettoconciliamo.it/root/Downloads/Progetto%20ConciliaMo%2019.01.2006-ING(DN).doc).

27 For instance in England after the 1999 Civil Justice Reform Act (the s. c. “Woolf Reform”). Lord Woolf’s approach to reform was to encourage the early settlement of disputes through a combination of pre-action protocols, active case management by the courts, and cost penalties for parties who unreasonably refused to attempt negotiation or consider ADR: see Civil Justice since the Woolf reforms - how useful is ADR? 2009 ASA, [http://www.asauk.org.uk/go/MiscPage_31.html](http://www.asauk.org.uk/go/MiscPage_31.html). This article provides also some interesting insights about the impact of the Woolf reform on civil justice in the UK. See also: The Halsey Case 2004, 2009 ASA, [http://www.adrnow.org.uk/go/SubPage_73.html](http://www.adrnow.org.uk/go/SubPage_73.html) for a discussion about the major judicial precedents about the limits to court compelled Mediation; for some further reflections on this subject see also Randolph, Paul, “Compulsory Mediation?” New Law Journal, 2 April 2010 at [http://www.newlawjournal.co.uk/nlj/content/litigation-v-Mediation](http://www.newlawjournal.co.uk/nlj/content/litigation-v-Mediation). For an interesting application of the ruling in Halsey outside of the UK (Hong Kong) see Kwan, James “Dangers of unreasonable failure to engage in Mediation” 10 August 2010 at [http://www.internationallawoffice.com/Newsletters/Detail.aspx?g=e8f73eb7-6cf8-499b-a287-4bed37a89d66&utm_source=ILO+Newsletter&utm_medium=email&utm_campaign=Litigation+Newsletter&utm_content=Newsletter+2010-08-10](http://www.internationallawoffice.com/Newsletters/Detail.aspx?g=e8f73eb7-6cf8-499b-a287-4bed37a89d66&utm_source=ILO+Newsletter&utm_medium=email&utm_campaign=Litigation+Newsletter&utm_content=Newsletter+2010-08-10).
With the possible exception of Argentina, which was probably the first country to have passed a law providing for a generalized Mandatory Mediation in civil and commercial disputes\(^{28}\), in many countries there are legal provisions requiring a Mediation attempt but limited to certain areas\(^{29}\).

In Italy Law 249/1997 instituting the National Authority on Communications (AGCOM) is significantly relevant. Among its scopes there is that to administer mediations in b2c disputes in the field of telecommunications which are mandatory by law; such task may be delegated to sister Authorities operating at regional levels, the Regional Commissions on Communications (CoReComs). The CoReCom Mediation\(^{30}\) is a mandatory process administered by a public body which provides the service of a trained mediator and assures confidentiality\(^{31}\). Moreover the entire proceeding is fast\(^{32}\) and it is free of charge to both parties\(^{33}\). In the last five years, due to the increasingly high number of complaints and despite the limited scope of operations to the

---

\(^{28}\) Ley 24573 - Mediación y Conciliación of 27 October 1995: [http://www.portalbiocceanico.com/re_legnat_sociedad_mediation_ley24573_docs02.htm](http://www.portalbiocceanico.com/re_legnat_sociedad_mediation_ley24573_docs02.htm). The law applies to all disputes except those expressly indicated in article 2: among them, divorce, matrimonial and parental disputes (with the exception of the issues of an economic nature which should be separated by the mainstream litigation and assigned to the mediator), labour disputes and those over successions as well as disputes against the State and its territorial entities. For a comment (in Spanish) about the implementation of such Law in Argentina, see: [http://www.mediadoresenred.org.ar/publicaciones/nato.html](http://www.mediadoresenred.org.ar/publicaciones/nato.html).

\(^{29}\) E.g. Divorce and Child custody where Mandatory Mediation is provided for in several US States, for instance in California: Cohen, Lester “Mandatory Mediation: A Rose by Any Other Name” Mediation Quarterly, vol. 9. no 1. Fall 1991 Jossey Bass. Labour Law disputes as well are commonly subject to Mandatory Mediation before trial in many countries and in Italy: see Legislative Decree 80/1998; furthermore, see Law 192/1998 on Subcontracting.

\(^{30}\) Reference here goes primarily to CoReCom Tuscany where the Author has served for five years as an outside Consultant and Mediator: to date he has mediated more than 2,500 disputes on behalf of that Institution.

\(^{31}\) The CoReCom Mediation should not be confused with other form of dispute negotiations carried out in Italy in even larger numbers by Consumer Protection Associations under agreements signed with several Telecom Carriers: these ways of handling disputes, though interesting and sometimes very effective (at least in quantitative terms) cannot be assimilated to mediation since the bargaining is conducted by a representative of the carrier and another appointed by the Association in representation of the customer; no third party neutral is present and quite often the same claimant is not present to the negotiation. Then, it would probably be more appropriate to call them “delegated negotiation”.

\(^{32}\) It should be concluded in no more than 30 days (though in practice it is not uncommon to see mediations lasting for 60 days or more).

\(^{33}\) The process is subsidized both at National and Regional level.
telecom sector, CoReComs have established themselves as the major providers of mediations in Italy\textsuperscript{34}.

**Towards a generalized system of Mandatory Mediation in Italy**

With the entry into force of Legislative Decree 28/2010 Italy has recently introduced new legislation\textsuperscript{35} requiring parties to civil and commercial disputes to attempt to resolve their differences through Mediation before the matter can be heard by a court. The new law also aims at implementing the EU Directive 2008/52/EC\textsuperscript{36} thus covering both domestic and cross-border disputes. Decree 28/2010 carries a number of interesting topics but for the scope of this paper the analysis will be limited to the provisions pertaining to the subject of Mandatory Mediation.

The Decree introduced two kinds of Mediation procedure:

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{chart.png}
\caption{Chart showing data on the number of applications received and mediations carried out over the years.}
\end{figure}

\textsuperscript{34} For an overview of the ADR phenomenon in Italy, with data collected about all the major players in the field of Mediation, both public and private, see the Third Report about the Diffusion of ADRs in Italy issued (in Italian) by ISDACI and other major Institutions, which covers data until 2008: \url{http://www.isdaci.it/images/pdf/ebook_terzo_rapporto.pdf}. As an interesting example, see Charts 1 (Statistics about CoReCom Tuscany over the number of applications received (in yellow) and the mediations carried out (in blue) and Chart 2 (CoReCom Tuscany overall performance during the period 2004-1\textsuperscript{st} Semester of 2010: Agreements in blue, partial agreements in red, no agreements in white); it is noteworthy to say the huge increase in the number of mediations administered apparently has not influenced the overall performance by the Institution, which instead has seen a sudden increase in the number of agreements reached especially in the last one and a half year where about eight out of ten cases were successfully mediated.


\textsuperscript{36} The European Mediation Directive (2008/52/EC) of the European Parliament and of the Council of May 21st 2008 on certain aspects of Mediation in civil and commercial matters is part of a European-wide initiative to promote and regulate the development of Mediation throughout the EU. The Directive relates to cross-border disputes in civil or commercial matters and Member States were given three years in which to implement its terms.
- a Mandatory procedure\textsuperscript{37} which according to Article 5 of the Decree applies to any possible litigation in relation to condominium rights, insurance, banking and financial agreements as well as other matters such as joint ownership, property rights, division of assets, hereditary and family law, leases in general, gratuitous loans, leases of going concern, compensation for damages due to car/nautical accidents, medical liability or libel; and

- a non-Mandatory procedure which applies to any civil and commercial litigation regarding matters other than those listed above.

Mandatory Mediation provisions under Article 5 of the Decree will become effective as of March 20, 2011. All other provisions in the Decree are already in force since March 20, 2010\textsuperscript{38}.

The Mediation procedures established under the Decree may be brought before any of the Mediation organizations mentioned in Article 16 of the Decree and the applicable procedure shall follow the rules applied by the body chosen by the parties\textsuperscript{39}.

**Mandatory Mediation and access to justice: a burdensome limitation?**

If the term “Mandatory Mediation” may be interpreted as an oxymoron, it should be clear in all the provisions mentioned above such terminology is always employed to define a process where mandatory is considered only the attempt the parties undertake to solve their grievance with the assistance of a mediator, whereas the outcome of the mediation always remains under parties’ control: the mediator even when requested by the parties or required by law to issue a

\textsuperscript{37} It is Mandatory in the sense that from that date all plaintiffs will have to try to settle disputes falling within this "Mandatory" category by Mediation.

\textsuperscript{38} including those involving legal advisers who under its provisions will have a duty to thoroughly inform their clients about Mediation: failing to do so may bring the professional agreement to be declared void by a Court (Article 4 para. 3 of the Decree).

\textsuperscript{39} Many of the provisions set forth in the Decree, including those mentioned in the text, will need to wait the issuing of one or more Minister’s Decree to be fully implemented: such decrees are expected by September 2010.
settlement proposal has no power to impose his/her findings upon the same parties who will keep the final word on whether to agree or not\(^{40}\).

Notwithstanding that, the potential contrast with the fundamental right of access to justice of law provisions calling for Mediation as a pre-requisite to access the court system has been the subject of much debate; such provisions have also been challenged several times in Italy but they have always passed the scrutiny provided the Mediation process was designed in a fair and timely fashion and did not prevent the recourse to courts\(^{41}\).

A further and authoritative endorsement of the use of ADR in Italy was recently given by the European Court of Justice in a ruling issued on 18 March 2010\(^{42}\). The Court held that EU directives and general principles do not prevent national law from providing for Mandatory Mediation as a condition of admissibility to court proceedings, provided that such procedure:

---

\(^{40}\) Mandatory Mediation cannot be confused with a sort of “Binding Mediation” which more than an oxymoron would be a *contradictio in terminis*, a pure distortion of the concept of Mediation. The mediator’s role cannot be confused with that of an arbitrator and this even when it is highly evaluative, like in the case provided for by Article 11 of the Decree 28/2010 where the neutral may, upon a joint request or even *ex officio*, submit a written settlement proposal to which the parties have to state their acceptance or refusal and on what grounds. What just said is not affected even by the further dispositions of the Decree which says the mediator’s proposal and the parties’ statements may then be reviewed by the judge in the following trial who may decide on the allocation of expenses taking into account the degree of correspondence between the mediator’s proposal and the outcome of the trial proceedings; the judge can even sanction the winning party who refused a similar or near-to-the-judgement proposal by the mediator imposing on her the costs and legal fees of the loosing party.

\(^{41}\) The Italian Constitutional Court which is exclusively competent to hear issues of judicial review of constitutional issues, has been called to decide whether Mandatory Mediation provisions contained in the Code of Civil Procedure (Articles 410, 410 bis, 412 bis) in labour law disputes violated fundamental rights guaranteed in the National Constitution like those affecting access to justice (Article 24 and 25 of the Italian Constitution) and equal treatment (Article 3). The Italian Constitutional Court has always rejected such contentions (see for instance Decision 276/2000). See further under Note 22.

\(^{42}\) Case Law C-317/08, C-318/08, C-319/08, C-320/08 (03-18-2010). For the text of the decision, see [http://www.europeanrights.eu/index.php?funzione=S&op=2&id=1404](http://www.europeanrights.eu/index.php?funzione=S&op=2&id=1404); for comments see also Cutolo, Daniele - Shalaby, Mark A. “Mandatory Mediation and the right to Court Proceedings” in Dispute Resolution International, Vol. 4 No. 1, 131, May 2010; Dundas, Hew R. “Court-Compelled Mediation and the European Convention on Human Rights article 6” in Arbitration, Vol. 76, No. 2, 343 - May 2010. As it has been noted, this preliminary ruling “shows the European Court of Justice's attitude to the introduction of alternative dispute resolution procedures in member state legislation. This is particularly relevant to the implementation of the Mediation Directive (2008/52/EC), of which Article 5 states that: “This directive is without prejudice to national legislation making the use of Mediation compulsory or subject to incentives or sanctions, whether before or after judicial proceedings have started, provided that such legislation does not prevent the parties from exercising their right of access to the judicial system.” The ruling clearly indicates the criteria that the ECJ will follow in examining instances of Mandatory Mediation enacted by national legislation in implementing the directive”: see De Berti Giovanni, “ECJ finds Italian rules on Mandatory Mediation consistent with EU law” 29 April 2010 at [http://www.internationallawoffice.com/Newsletters/detail.aspx?g=67936473-4b4e-4c33-b070-89f73ee38a6d](http://www.internationallawoffice.com/Newsletters/detail.aspx?g=67936473-4b4e-4c33-b070-89f73ee38a6d).
• does not result in a decision that is binding on the parties;
• does not cause a substantial delay in bringing legal proceedings;
• stay the statute of limitations;
• does not give rise to more than minimal costs for the parties.

The issue stemmed from a case where several Italian customers of telecommunications services brought separate actions against two telephone companies, seeking damages for breach of contract for telephone services. The companies claimed that the actions were inadmissible because the plaintiffs had not first attempted to settle the dispute out of court through Mediation according to the rules of AGCOM.

In its judgement, the court noted that Italy had implemented the directive by enacting the Electronic Communications Code, which required the authority to adopt transparent, simple and inexpensive out-of-court procedures for the fair and timely resolution of disputes involving providers and end users. In 2007 the authority adopted dispute resolution rules whereby court proceedings are inadmissible unless the parties have first sought to settle the dispute before certain mediation bodies. The court considered that the directive does not limit member states’ powers to provide for Mandatory out-of-court dispute resolution procedures; rather, the only condition is that such procedures may not obstruct access to justice before the courts.

43 It is noteworthy a challenge similar to that brought to the ECJ by the Italian Magistrate in the instant case was already brought in the past before the Italian Constitutional Court: in all instances, the issue was the Mandatory character of the Mediation attempt set up by Law 249/1997; the constitutional provisions allegedly violated were those affecting access to justice (Article 24 and 25 of the Italian Constitution) and equal treatment (Article 3). The Italian Constitutional Court has always rejected, on various grounds, these complaints (see Orders 125/2006 and 268/2006: complaints declared inadmissible; Decision 403/2007 and Order 51/2009: the constitutionality challenge of Article 1 Law 249/1997 declared groundless).

44 Legislative Decree 259/2003.

45 Deliberation 173/2007 Cons.

46 These are usually the CoReComs, at least in the 17 Regions where they are currently operating under the delegation of powers granted by the National Authority; in the other regions the Chamber of Commerce and certain other Mediation bodies are entitled to carry on the procedure.
Conclusion

The inherent ability of Mediation to allow parties to design an agreement for their own mutual benefit with the assistance of a trained third party in a timely, economic and effective way has already attracted many potential or current parties to a judicial dispute; it is also employed ever more widely by the Legislator who, like in Italy, has seen Mediation as a way to ease the workload of the judiciary and has set up rules calling for the use of such instrument in disparate fields of law, recently providing for Mandatory Mediation in large areas of civil and commercial law.

Besides such deflationary role of Mediation there is another noteworthy phenomenon: where it may be too cumbersome to access the Courts for people involved in e.g. small value commercial claims or b2c disputes where cognitive asymmetries may affect the parties involved, Mediation may represent the only viable alternative; otherwise the parties would not recur to Courts to redress their grievances, in this being prevented by the time, costs and risks related to traditional litigation. This may well justify the funding efforts to set up and maintain permanent administrative structures to provide Mediation procedures on a large scale to the general public with the fundamental support of well trained professional mediators47.

The role of Mediation as a method to surface sometimes very hard issues which otherwise would remain latent if not unresolved, when coupled with statutory provisions calling for Mandatory Mediation attempts and the growth of institutions, both public and private, devoted to administer mediations in a professional manner, may well represent a significant phenomenon to observe in light of the “third wave” metaphor about access to justice developments successfully

47 To this respect, the example of Regional Committee on Communications and that of CoReCom Tuscany in particular may well provide ground for reflection given its proved efficacy and remarkable overall performance.
coined by Professors Cappelletti and Garth in 1978 within the Florence Access to Justice Project⁴⁸.

To this respect, Italy’s recent developments in the Law and in the judicial attitude towards this phenomenon represent a privileged observatory to bench-test a widespread application of Mediation and its impact not only on the judiciary but on the legal profession, the business community and the citizens at large.

⁴⁸ Cappelletti, Mauro “The Florence Access to Justice Project” Vol. I-IV, Alphen aan den Rijn, The Netherlands and Milan, Sijthoff and Noordhoff Int., 1978. To better describe the access to justice movement the Authors minted the suggestive metaphor of the three “waves”: the first waive started in the 60s consisted of instruments of free legal representation and aimed at overcome the economic obstacles to access to justice; the second waive started at the beginning of the 70s aimed at creating standing for collective rights and interests through the introduction of the *class action*; the third waive began at the end of the 70s and brought ADR tools as a response to the inadequacy of traditional judicial methods of settling disputes.
Cynthia Robin Bernstein

Columbia University

Nuremberg Precedents, Challenges in Establishing a Legacy for the International Criminal Tribunal for the Former Yugoslavia

The International Criminal Tribunal for the Former Yugoslavia was created in response to the horrors of mass killing and violence unfolding before the eyes of the world in Bosnia-Herzegovina. Yet, while ICTY proceedings built off of certain precedents established at Nuremberg, vast differences in political climate created challenges for the ICTY not encountered at Nuremberg. These factors contribute to the difficulty of the ICTY establishing a legacy of its own and evoke the criticism that today’s tribunals will not serve to deter conflict.

The Nuremberg legacy established principles that “human rights of individuals and groups are a matter of international concern” and that “individuals can be held accountable under international law for their role in genocide and other atrocities.” Yet the Nuremberg trials did not provide the degree of deterrence that had been hoped for, and occurrences of mass ethnic killing and genocide have since occurred undeterred.

Political circumstances rendered the crisis in Yugoslavia worthy of an international tribunal. Since the Soviet veto power in the Security Council had prevented any attempts at establishing international tribunals during the Cold War, the crisis in Yugoslavia was the first opportunity since the World War II tribunals for the international community to establish such proceedings. Moreover, images of concentration camps in Europe evoked in the international community sentiments of the “never again” promises they had made after the Nazi Holocaust. Critics of the Security Council also note that the ICTY was a cheaper alternative than military
intervention, and its establishment a way to deflect attention from the failure of the United Nations to halt atrocities in the region.

The general consensus was that ICTY could create a precedent of international military tribunals for this post-communist new era and the manner through which ICTY would actualize its goals was vital in establishing frameworks for future war crimes tribunals. However, as Nuremberg functioned in an entirely different political context, it was impractical to assume that the framework for the ICTY could function in the same manner.

Significantly, former ICTY President Judge Theodor Meron stated “except in the case of a total defeat or subjugation – for example, Germany after WWII – prosecutions of enemy personnel accused of war crimes have been both rare and difficult.” Even post war Germany was able to resist allied demands to try Nazi criminals after WWII and thousands were tried by local courts. Though the “supreme authority” of allies over Germany facilitated the capture of many Nazi criminals and needed evidence, even in that context many thousands evaded the allies and were tried by local courts.

As the Dayton Accords were brokered by international diplomacy and not axis surrender, the political climate in Bosnia rendered great challenges regarding state cooperation, transfer of witnesses, and accumulation of evidence. This is aggravated by the fact that the ICTY prosecution remains at the whim, cooperation and assistance of member countries, many of whom resent the tribunal and its jurisdiction.

Perhaps the foremost challenge facing the ICTY prosecution has been finding the means to arrest fugitives and try them. As many members of the old regime are still in power, the court has been ineffective in apprehending the highest-ranking indictees, which has fostered cynicism of the trials. Even Milosevic post-indictment was not deterred from perpetrating the ethnic cleansing of Kosovor Albanians in 1998.
Another key difference is lack of concrete evidence for ICTY prosecution. In contrast to the Nazi’s, those who perpetrated atrocities in the Balkans were not meticulous or paper-bound and orders were often given through encrypted telephone messages. In the instances where documents do exist, the governments of the former belligerents have refused to hand over evidence that could compromise other persons of power. To compensate for lack of paper documents, the defense is forced to bring in victim-witnesses. Once at The Hague, these victim-witnesses are asked to sit for lengthy periods of time and then repeatedly recount their horrors, often with their aggressor present. Though various measures have been undertaken to provide for the protection of the witnesses, many have since rebuilt their lives and are therefore reluctant to travel to The Hague to testify. The Tribunal has no subpoena power over these people and a witness is therefore at liberty to refuse the ICTY request to testify.

Moreover, in contrast to Nuremberg, the location of the ICTY at The Hague has caused many Bosnians to view the courts as very much removed from their reconciliation and rebuilding process. They do not view the courts as “part of a broader social and political project that aimed to rehabilitate the occupied countries.” Instead ICTY proceedings are simply seen as means through which to decide guilt or innocence. It was found that the decreasing lack of local support for the ICTY stemmed from a lack of local understanding of the tribunals and proceedings. To address this, the ICTY has embarked on a variety of endeavors with locals to establish an ICTY legacy on a national level. The ICTY has also worked towards capacity building within the regional courts of the Balkan countries to further local integration and enable these courts to handle war-crimes cases. In 2009, ICTY published The Practice Manual to aid and inform the work of national courts in Bosnia-Herzegovina.

In conclusion, despite some of the noted shortcomings of the ICTY, its creation has served as a precedent and catalyst for the establishment of the International Criminal Court. The
ICC now serves as a mechanism for establishing international criminal accountability and justice, and obviates the need for creating temporary tribunals. It is therefore the hope that with Nuremberg and the ICTY as its legacy, the ICC will serve to deter individuals who contemplate to incite conflict and perpetrate the heinous acts that necessitate these proceedings.
As commercial transactions become increasingly complex with the expansion of international trade, it became practical to include dispute resolution mechanisms in contracts. Arbitration is one such mechanism. By agreeing to arbitrate, parties submit their dispute to a private tribunal, under substantive and procedural laws chosen by the parties, resulting in a binding and final award reviewable only on limited grounds; it is a private dispute resolution process that produces legal force and effect through an award that courts of most countries will likely enforce. Arbitration is considered domestic if it has no international element and deemed

---

49 The author thanks her former professors at MU-Columbia, Prof. SI Strong and Prof. Ilhyung Lee for their comments to the draft. Any error, of course, remains hers alone.


international when it does have an international element, e.g. the agreement relates to more than one country.

Parties to international trade need their transactions to be unhampered by disputes; should a dispute arise they want such to be resolved speedily, with outcomes that are predictable and certain. Resorting to the national courts of one country or another may defeat speed, predictability and certainty as parties may be unfamiliar with the vagaries of the rules of domestic court systems. By utilizing the autonomous process of international arbitration, the uncertainty brought on by a foreign law and forum to resolve disputes may be lessened if not altogether avoided. Thereafter, enforcement of an arbitral award is greatly facilitated by the

53 “For the purposes of recognition and enforcement one has to distinguish between foreign awards and domestic awards. While the enforcement of domestic awards is solely regulated by the national arbitration laws, foreign awards are primarily enforced under the New York Convention. In general there are no great differences between the enforcement regimes for national and international awards. The (UNCITRAL) Model law and some other laws actually adopted a unified system for the enforcement of foreign and domestic awards.” (Julian D.M. Lew; Loukas A. Mistelis; Stefan M. Kröll, Comparative International Commercial Arbitration (Kluwer Law International 2003))

54 Article 1, paragraph 3 of the UNCITRAL Model Law on International Commercial Arbitration (Model Law) states that:

An arbitration is international if: (a) the parties to an arbitration agreement have, at the time of the conclusion of that agreement, their places of business in different States; or (b) one of the following places is situated outside the State in which the parties have their places of business: (i) the place of arbitration if determined in, or pursuant to, the arbitration agreement; (ii) any place where a substantial part of the obligations of the commercial relationship is to be performed or the place with which the subject-matter of the dispute is most closely connected; or (c) the parties have expressly agreed that the subject-matter of the arbitration agreement relates to more than one country.

The Model Law has been adopted by some countries into their national arbitration law, like the ADR Act of the Philippines (ADR Act). The ADR Act streamlines procedures and effect consistency with recent international developments in arbitration, particularly with the New York Convention and the Model Law.


56 Supra Note 2.
New York Convention, with the growing liberality of judicial interpretation favoring enforcement.\textsuperscript{57}

An arbitral award is generally easier to enforce than a court judgment, largely due to most states’ accession to the New York Convention.\textsuperscript{58} The Convention has become a primary instrument providing for a uniform standard by which an international arbitral award may be enforced,\textsuperscript{59} i.e. institutionalizing a system where an arbitral award issued in one signatory state may be recognized in another signatory state.\textsuperscript{60} However, to protect “fundamental interests of the parties, society and the rule of law,”\textsuperscript{61} the Convention recognizes certain grounds that may be

\textsuperscript{57} Ibid.


\textsuperscript{59} Supra Note 2.

“According to one report, as of 1996 more than 95% of cases where enforcement was sought the awards were enforced by the courts. In another survey the figure for voluntary enforcement or enforcement by state courts is 98%.” (Julian D.M. Lew; Loukas A. Mistelis; Stefan M. Kröll, Comparative International Commercial Arbitration (26-2), (Kluwer Law International 2003) pp. 687 – 732, citing Van den Berg, “The New York Convention: Its Intended Effects, Its Interpretation, Salient Problem Areas”, in Blessing (ed), The New York Convention of 1958, ASA Special Series no 9 (1996) 25).


\textsuperscript{61} Ibid.
raised before the courts to oppose enforcement of an arbitral award. These grounds are laid down in Article V\textsuperscript{62} of the Convention.

This paper focuses on the “public policy” exception under Article V (2)(b)\textsuperscript{63} of the Convention; public policy here is said to be that which reflects “the fundamental economic, legal, moral, political, religious and social standards of every state”\textsuperscript{64} where enforcement is sought.\textsuperscript{65} It explores how United States courts treat the public policy defense; and drawing

---

\textsuperscript{62} The grounds under Article V of the New York Convention are the same grounds that may be invoked by a party to oppose enforcement of a foreign or international arbitral award under the Philippine ADR Act and the Special Rules of Court on ADR. Art. V of the New York Convention provides that: Article V-

\textsuperscript{63} Article V (2) “Recognition and enforcement of an arbitral award may also be refused if the competent authority in the country where recognition and enforcement is sought finds that: xxx (b) The recognition and enforcement of the award would be contrary to public policy of that country.”

\textsuperscript{64} Supra Note 7 at para 17-32.

\textsuperscript{65} “There is some scholarly authority for also considering the public policy of the State where the award was rendered. See Lalive, Transnational (or Truly International) Public Policy and International Arbitration, in Comparative Arbitration Practice and Public Policy in Arbitration 257, 261 (Sanders, ed. 1987). Nevertheless, the prevailing view considers only the public policy of the State where enforcement is sought.” (A. van den Berg, The New York Arbitral Convention of 1958, 369 (1981); cited by Christopher B. Kuner, The Public Policy Exception to the Enforcement of Foreign Arbitral Awards in the United States and West Germany Under the New York Convention, Journal of International Arbitration, (Kluwer Law International 1990 Volume 7 Issue 4) pp. 71 – 92)
therefrom, how the Philippines’ developing arbitration “civilization” can build upon US precedents in approaching public policy defenses.\footnote{The US jurisdiction is chosen for comparison because of the close tie between the two countries as reflected in their historical link, the Philippines having been ceded to the US by Spain under the 1898 Treaty of Paris. (Francisco Ed. Lim, Commercial Arbitration in the Philippines, 46 Ateneo LJ 394 (1978), p.397.) During the presence of the American regime in the Philippines, US Judges presided over the Philippine Supreme Court. In the case of Allen v. Province of Tayabas 38 Phil. 356 (G.R. No. L-12283), decided in 1918 and penned by Justice Malcolm, the Philippine Supreme Court first recognized arbitration as a method of settling a construction dispute.}

\footnote{“Building a civilization of arbitration thus implies seeking high achievement, while maintaining cross-cultural encounters as a constituent (not peripheral element). xxx The civilization of international arbitration should thus have a unifying global vision and coherent legal system, yet maintain exchange with other external or national legal systems.” (Christopher S. Gibson, Arbitration, Civilization and Public Policy: Seeking Counterpoise Between Arbitral Autonomy and the Public Policy Defense in View of Foreign Mandatory Public Law, 113 Penn St. L. Rev. 1227 (Spring 2009), citing Catherine Rogers, The Vocation of the International Arbitrator, 20 Am. U. Int’l. L. Rev. 957, 1020 (2005).}
The US is recognized as a leading jurisdiction for international arbitration, influencing arbitral laws around the world;\textsuperscript{68} insofar as the Philippines is concerned, US case laws have persuasive effect.\textsuperscript{69}

The concept of public policy, as it applies to enforcement actions in international arbitral

\textsuperscript{68} Supra Note 2.

\textsuperscript{69} Philippine courts cite US jurisprudence as having persuasive effect in court decisions, as for instance, where the Philippine Court of Appeals cited the United States case of Wilko v Swan (346 U.S. 427 (1953)) interpreting “manifest disregard of the law” and equated this legal principle with “violation of public policy,” as happened in 2006 case of Luzon Hydro Corporation vs. Hon. Rommel O. Baybay and Transfield Philippines, Inc (CA-G.R. Sp. No. 94318, November 29, 2006). Wilko was eventually superseded but this has not prevented the Philippine Supreme Court from citing it as authority. In Asset Privatization Trust v. Court of Appeals, et.al., GR No. 121171, December 29, 1998, the Philippine Supreme Court reversed the Court of Appeals, which affirmed the decision of the Regional Trial Court confirming the domestic arbitral award rendered by an ad hoc arbitration committee formed after parties agreed to submit their pending court action to arbitration. Said the Philippine Supreme Court in Asset:

It should be stressed that while a court is precluded from overturning an award for errors in determination of factual issues, nevertheless, if an examination of the record reveals no support whatever for the arbitrators’ determinations, their award must be vacated. In the same manner, an award must be vacated if it was made in “manifest disregard of the law.” Against the backdrop of the foregoing provisions and principles, we find that the arbitrators came out with an award in excess of their powers and palpably devoid of factual and legal basis. (Citing Storer Broadcasting and Wilko cases, and the US Uniform Arbitration Act).

Subsequent to Wilko, the US second circuit court held in the case of Merill Lynch, Pierce, Fenner & Smith, Inc. v. Bobker (808 F.2d 930 (2d Cir. 1986)) that to consider an error as a “manifest disregard of the law,” an error: must have been obvious and capable of being readily and instantly perceived by the average person qualified to serve as an arbitrator. Moreover, the term ‘disregard’ implies that the arbitrator appreciates the existence of a clearly governing legal principle but decides to ignore or pay no attention to it. The “manifest disregard of the law” doctrine is a creation of the US courts and for the most part applies only to domestic arbitration cases. It has been at times touted as a myth in some ways because it rarely succeeds to vacate an arbitral award when invoked, even in the domestic arena. Furthermore, it is incompatible with the grounds for resisting recognition and enforcement under the New York Convention. Nonetheless, it would be prudent for international arbitration practitioners to be aware of this doctrine and its implications as US Courts have extended the reach of this doctrine to international arbitration awards rendered within the US, especially when considering the U.S. as the place of arbitration. (The Myth of the ‘Manifest Disregard of the Law’ Doctrine: Is this Challenge to the Finality of Arbitral Awards Confined to U.S. Domestic Arbitrations or Should International Arbitration Practitioners be Concerned? Stephan Wilske and Nigel Mackay, ASA Bulletin, Kluwer Law International 2006, Volume 24 Issue 2, pp. 216 – 228)
awards, is not well established in the Philippines. Nonetheless, it has made efforts to harmonize its rules with existing international instruments to which it is a signatory, in hopes of obtaining a competitive advantage as arbitration seat. Recognizing this need, congress passed the Philippine Alternative Dispute Resolution Act of 2004 (ADR Act), regulating the enforcement of awards in international commercial and foreign arbitration, in an effort to reflect the country’s pro-arbitration policy.

Understanding the interplay of varying interests of nations involved in an international arbitration, a national court enforcing or setting aside an arbitral award must endeavor to balance and harmonize these interests when applying its domestic public policy limitations. To date,

70 Domestic arbitration and domestic arbitral awards are not discussed in this paper. The term “domestic arbitration” is defined in Section 32 of the ADR Act simply as “an arbitration that is not international” pursuant to the UNCITRAL Model Law. The grounds to refuse confirmation of a domestic arbitral award are not only different from the grounds for refusing recognition of a foreign or international arbitral award, but they appear to be wider in scope. However, where public policy is concerned, by international standards a “narrower concept of public policy should apply to foreign awards than is applied to domestic awards.” Thus parties must determine carefully that their arbitration is considered “international” or “foreign” to ensure a narrow scope of judicial review and to limit defenses that may otherwise defeat recognition and enforcement if it were a domestic arbitral award.

71 “The arbitral situs or seat is the place where the arbitral award will formally be made and the jurisdiction whose laws will ordinarily govern the arbitral proceedings and actions to vacate the arbitral award. It is also the place where many or all of the hearings in the arbitration will be conducted, although the tribunal may generally hold hearings elsewhere for reasons of convenience.” (Gary B. Born, International Arbitration and Forum Selection Agreements: Drafting and Enforcing (2006), pp. 37 – 95 (2009 Kluwer Law International BV)

72 Republic Act No. 9285.

73 Philippine arbitration law distinguishes between international and foreign arbitration. Under Rule 1.11 of the Special Rules on ADR, a foreign arbitral award is defined as one made in a country other than the Philippines.

there is no Philippine Supreme Court\textsuperscript{75} case law that specifically refers to non-enforcement of foreign arbitral awards on grounds of violation of public policy.\textsuperscript{76} This scarcity of case law in the Supreme Court adds to the difficulty for lower courts in finding guidance when faced with the public policy defense against enforcement, especially so that adherence to judicial precedents is embodied in Article 8 of the Philippine Civil Code;\textsuperscript{77} hence, the need to develop an arbitration civilization by looking to well-evolved jurisdictions like the US.

Reference to US case law is however not without its difficulty. This is a controversial area of the law, and the US has struggled with it from time to time;\textsuperscript{78} but Philippine courts may still benefit from US arbitration

\begin{flushright}
\textsuperscript{75} Only decisions by the Supreme Court are considered case law, hence precedents, in the Philippines. “The doctrine of \textit{stare decisis}, embodied in Article 8 of the Civil Code, is enunciated, thus: The doctrine of \textit{stare decisis} enjoins adherence to judicial precedents. It requires courts in a country to follow the rule established in a decision of the Supreme Court thereof. That decision becomes a judicial precedent to be followed in subsequent cases by all courts in the land. The doctrine of stare decisis is based on the principle that once a question of law has been examined and decided, it should be deemed settled and closed to further argument.” (\textit{Cristinelli Fermin v. People of the Philippines, GR No. 157643, March 28, 2008}).

\textsuperscript{76} Supreme Court website and Kluwer arbitration websites have yielded negative results for search of Supreme Court decisions on vacating or setting aside foreign arbitral awards specifically based on public policy grounds. This may be reflective of statistics showing that despite the establishment of an international arbitration center in the Philippines since 1996, i.e. the Philippine Dispute Resolution Center Inc. (PDRCI), the Philippines has yet to evolve as a first choice for place or seat of international commercial arbitration. To highlight the point, in 2009, there were 114 international arbitration cases administered by the Singapore International Arbitration Center (SIAC). The Philippine Dispute Resolution Center, Inc. did not have any international case in that same year. (Statistics and Profile of Cases: http://www.siac.org.sg/cms/index.php?option=com_content&view=article&id=204&Itemid=73)

\textsuperscript{77} Article 8. Judicial decisions applying or interpreting the laws or the Constitution shall form a part of the legal system of the Philippines.

\textsuperscript{78} “Yet it is still far from clear just how a violation of international public policy would differ from a violation of domestic public policy. It has been stated that there are two major ways of viewing international public policy; first as the application of essentially domestic public policy, narrowed somewhat; and second as the application of particular rules especially designed to be used in cases involving international commerce. If this is so, then United States courts have essentially taken the second, more liberal approach, measuring public policy in the area of international arbitration not by the yardstick of domestic public policy, but by the needs of international commerce (despite the worrisome exceptions of \textit{Laminois} and \textit{Ardra}).” (Christopher B. Kuner, \textit{The Public Policy Exception to the Enforcement of Foreign Arbitral Awards in the United States and West Germany Under the New York Convention}, Journal of International Arbitration, (Kluwer Law International 1990 Volume 7 Issue 4 ) pp. 71-92)
civilization given its courts’ wealth of experience in deciding complex international arbitration issues\textsuperscript{79} and the now recognized pro-arbitration stance of the US Supreme Court\textsuperscript{80}.

The seminal US case in this area of law is \textit{Parsons v. RAKTA},\textsuperscript{81} where the Second Circuit Appeals Court affirmed an arbitral award despite claims of public policy violation on the ground that diplomatic relations between Egypt (the respondent's state) and the US had been severed. The court held that the public policy defense is not meant to merely protect national interests; an action that violates American public policy may not necessarily violate international public policy.\textsuperscript{82} This defense should be narrowly construed, especially so where the public policy allegedly violated is not well defined and dominant, taking into account one of the overriding purposes of the Convention to unify the standards by which arbitral awards are enforced in signatory countries. These parameters are consistent with the pro-enforcement bias of the New

\begin{itemize}
\item \textsuperscript{79} Christopher B. Kuner, \textit{The Public Policy Exception to the Enforcement of Foreign Arbitral Awards in the United States and West Germany Under the New York Convention}, Journal of International Arbitration, (Kluwer Law International 1990 Volume 7 Issue 4 ) pp. 71-92)
\item \textsuperscript{82} Notwithstanding the fact that the enforcing courts must necessarily draw from public policy notions of “that State”— that is “essentially national (\textit{i.e.}, it is considered in a national context, namely in the national legal system of the forum)”, a distinction must be made where public policy is invoked in the field of international commercial arbitration, i.e. beyond mere contravention of [domestic] law. The public policy contemplated under Article V (2) (b) are those which essentially pertains to matters that have international connection or application, taking into account the possible lack of any direct connection to the forum where judicial recognition is sought. (Gary B. Born, \textit{International Commercial Arbitration} (Kluwer Law International 2009) pp. 2730 – 2872, p. 2837))
\end{itemize}
The court concluded that refusal to enforce a foreign arbitral award should only be premised on violation of the enforcing state's "most basic notions of morality and justice."

In subsequent cases, US Federal courts have likewise narrowly interpreted the public policy defense. The Seventh and Ninth Circuit Court of Appeals, respectively, upheld the narrow construction of the public policy defense. In *Baxter v. Abbott*, the court affirmed the arbitral award despite claims of violation of US antitrust laws, i.e. the award itself created an anomaly that required Baxter to violate the antitrust law. In *Northrop v. Triad*, the court enforced the arbitral award despite the illegality, under Saudi Arabian Regulations, of paying

---

83 Supra note 30.

84 Supra Note 4.


86 *Baxter International Incorporated v. Abbott Laboratories*, 325 F.3d 954 (7th Cir. 2003).

87 The United States District Court for the Northern District of Illinois, Eastern Division dismissed Baxter's contention that the award violated US public policy (Art. V(2)(b)) because the award-preventing Baxter from selling in the US market the 3-step process produced sevoflurane, a fluorine-based inhalation anaesthetic- as opposed to the one-step process which Abbott is under licensed with Baxter to sell, created an illegal market allocation agreement in violation of the Sherman Act, which forbids every agreement “in restraint of trade”. The district court found that the non-competition covenant in this case was ancillary to a valid transaction originally entered into between Baxter and Maruishi (the Japanese company to whom Baxter granted worldwide rights to its sevoflurane one-step process patents and reasonable in its scope and thus valid under Illinois law. Finding no violation of public policy the district court denied the motion to set aside the award and granted the motion to confirm it. On appeal, the United States Court of Appeals for the Seventh Circuit affirmed the lower court's decision. First the court held that Baxter cannot reargue before the enforcing court an issue that was already decided conclusively by the arbitral tribunal, i.e. antitrust issues are arbitrable. Baxter cannot do indirectly what it cannot do directly, i.e. since the arbitrators had already ruled that the Baxter-Maruishi license does not violate the Sherman Act and Baxter cannot now argue that the award preventing its sale of the 3-step process produced sevoflurane created antitrust law violation. (16 January 2003 – United States Court of Appeals, Seventh Circuit in Albert Jan van den Berg (ed), Yearbook Commercial Arbitration Volume XXVIII - 2003 XXVIII (Kluwer Law International 2003) pp. 1154 – 1164)

88 *Northrop Corp. v. Triad International Marketing S.A.*, 811 F. 2d. 1265 (9th Cir. 1987).
commissions by Northrop to Triad for soliciting government contracts with the Saudi Arabian Air Force. The court ruled that the “relevant public policy” in this case was that of the country of enforcement (US) and not that of the country of performance (Saudi Arabia), bearing in mind that the parties agreed to conduct arbitration in California, the laws of which governed the arbitration. These two rulings, consistent with the principles laid down in Parson, reflect US courts embracing international, and not domestic, public policy as applicable in cases involving Article V (2)(b).

In rare instances though, US courts may refuse enforcement of an arbitral award for being contrary to public policy. In Laminoirs v. Southwire Co., a US Federal District Court sitting in Georgia enforced the arbitral award rendered under French Law but struck down the portion imposing additional interests for delay in the payment of award. The court, taking heed

---

89 Homayoon Arfazadeh, In the Shadow of the Unruly Horse: International Arbitration and the Public Policy Exception, 13 Am. Rev. Int’l Arb. 43, citing Northrop.

90 Supra Note 2.


As of this writing, the Laminoirs case is the first and seminal case involving international commercial arbitration where the court accepted the public policy defense to set aside an arbitral award, or at least a portion thereof. (Christopher B. Kuner, The Public Policy Exception to the Enforcement of Foreign Arbitral Awards in the United States and West Germany Under the New York Convention, Kournal of International Arbitration, (Kluwer Law International 1990 Volume 7 Issue 4) pp. 71 – 92)
of the state of Georgia’s public policy, deemed this portion as penal in nature and not merely compensatory, therefore contrary to public policy.\textsuperscript{93}

Likewise, the approach of Philippine court decisions interpreting national public policies should be consistent with the objectives of the Convention and the public policy interests of other Contracting States, not merely advancing “parochial, local interests.”\textsuperscript{94} Philippine court decisions should add to the growing development of an “arbitration civilization” in the Philippines by providing guidance in defining this area of law and recognizing what is merely frivolous opposition clutching at the public policy “straw”. Finally, it may be an interesting innovation to have specific Supreme Court justices tasked to oversee the development of Philippine jurisprudence in the arbitration field. Such expertise will help in the speedy disposition of arbitration matters brought to court, helping the Philippines emerge as a sophisticated international arbitration hub.\textsuperscript{95}

\textsuperscript{93} Although the Laminoirs case may appear as an anomaly at first glance, striking down the penalty interest provision has been done in other US cases, citing Laminoirs as authority. In \textit{Brandeis Intsel Ltd. v. Calabrian Chemicals Corp.}, 656 F. Supp. 167, 170 (S.D.N.Y. 1987): “Where a party resisting an arbitration award can demonstrate that the foreign law pursuant to which the arbitrators awarded interest ‘is penal only and relates to the punishing of public wrongs as contradistinguished from the redressing of private injuries’, the arbitrators’ award of interest is unenforceable as contrary to the public policy of this country. \textit{Laminoirs v. Southwire Company, supra} 484 F. Supp. at 1069.” (Christopher B. Kuner, The Public Policy Exception to the Enforcement of Foreign Arbitral Awards in the United States and West Germany Under the New York Convention, Journal of International Arbitration, Kluwer Law International 1990 Volume 7 Issue 4 pp. 71 - 92)

\textsuperscript{94} Supra Note 3.

\textsuperscript{95} In Singapore, for instance, three High Court justices were appointed specially tasked to oversee the development of Singapore's case law jurisprudence in the field of arbitration, with the end view of training a group of judges in the High Court that has the necessary depth in terms of knowledge and experience in arbitration matters. It is believed that such expertise will help in the speedy disposition of arbitration matters brought to the High Court and will significantly impact Singapore's continuous aim to make itself as primary choice of arbitration seat in the Asia Pacific region and beyond. (Warren B. Chik, Recent Developments in Singapore on International Commercial Arbitration, SYBIL 259 (2005)
Aminu Gamawa

Harvard Law School

From Litigation to Mediation: Promoting Access to Justice for Women in the Post-Colonial Nigeria

[INSERT PAPER HERE – CAN’T FIND]
Session I: Panel 1D
Indigenous Systems of Conflict Resolution and Restorative Justice

Sulha – A Well Orchestrated Mix of Mediation and Arbitration: A Comparison Between Sulha and Western ADR
Doron Pely, University of Massachusetts Boston

The demise of culture? “Mato Oput” and the end of the conflict in Northern Uganda
Marion Mugisha Mutabazi, South Dakota State University

Implementing Legal Pluralism in Oruro, Bolivia
Matthew Schultz, American University

A Restorative Justice Response to Human Trafficking
Rebecca Metcalfe Stone, Eastern Mennonite University
Whereas Western ADR diverged over the years into several approaches, central among which are mediation and arbitration (Barrett & Barrett, 2004:1; Abu Nimer, 1996: 37), Sulha, a widely practiced inter/intra communal, traditional Middle Eastern dispute resolution process, employs an mix of variants of mediation and arbitration approaches, used interchangeably in a purposefully synchronized manner designed to accommodate the region’s unique cultural, ethnic, religious and political realities.

Abu-Nimer (1996), and Irani (1998) provided valuable insight into the essential need to recognize and be familiar with the difference between the approaches, but they stopped short of parsing Sulha’s task-specific transformation stages, and analyzing the exact similarities and differences between Sulha’s stages and Western ADR, and demonstrating the indispensable mix of mediation/arbitration tools in Sulha. This level of description may be essential when attempting to examine possible modes of interaction between practitioners of Muslim and Western-style dispute management, and resolution methods.

In an attempt to add to existing knowledge, this paper compares between Western Mediation and Arbitration tools, and the mix of mediation/arbitration approaches used in the Sulha tradition. Further, this paper explores, describes and explains the exact location, theoretical underpinning and utilization of this mediation/arbitration mix within the Sulha’s six transformation stages (Pely, 2009).
Introduction

ADR is a generic term referring to a collection of various means of settling disputes outside of the courtroom, such as conciliation, facilitation, negotiation, neutral evaluation, mediation and arbitration, among others (Abu Nimer, 1996: 37; Barrett & Barrett, 2004: 1).

In Western ADR, arbitration and mediation evolved into distinct and separate approaches. Disputants who choose (or are instructed) to seek a solution outside the courtroom, usually make use one of these available modalities.

On the other hand, Sulha, a traditional alternative Middle Eastern inter/intra-clan dispute resolution process, dating back to pre-Islamic period (100 AD) (Jabbour: 1993: 13), makes use of a unique mix of local variants of mediation and arbitration techniques, to facilitate the transformation of inter and intra communal disputes from desire for revenge, to an honorable willingness to forgive, a process that effectively terminates the conflict between the disputants’ broad kin groups (Hamulas) (Gellman, Vuinovich, 2008: 134).

The central difference between Sulha and Western ADR is the use by Sulha of an interchangeable mix of mediation and arbitration practices. The Sulha does not recognize the western-based differentiation between mediation and arbitration, and instead, it is using them when and where needed, in recognition of the fact that each practice alone will not suffice to achieve the goals of the Sulha.

Practitioners of Western-style ADR have been proffering their theories and practices of mediation and arbitration as possible platforms for dispute resolution efforts in the Middle East and elsewhere in the Muslim world (Abu Nimer, 1996: 35; Irani, 1998:1). Often, such practitioners find that despite the similarity of terms, and what appears to be a similarity of
functions between elements of western ADR and those in Sulha, are in name alone. For example, similarly-named tools, such as venting, neutrality and confidentiality, are actually used differently in the two practices (Sulha and Western ADR).

A detailed examination of the Sulha’s task-specific transformative stages (Pely, 2009) revels several distinct similarities and differences between the Sulha and Western ADR - some are definitional, some structural and some functional. Some of the differences are nuanced and some are accented; so are the similarities. This paper argues that understanding these similarities and differences is key to effectively conducting dispute resolution/management activity across Muslim-Western cultural lines.

Further, this paper examines in detail the use of mediation and arbitration techniques in Sulha, and demonstrates the need for an interchangeable mix of tools from both approaches.

**Comparison Between Sulha and Western-Style Mediation**

Like Western mediation, the Sulha is essentially a voluntary process, requiring the agreement of the disputants for it to take place at all. Still, unlike Western-style mediation, the disputants in a Sulha are pressured, at times strongly, to participate in the process and help put a stop to a potential cycle of vengeance and retaliations.

In Western-style mediation, there are substitutes, such as arbitration or even adjudication. The Sulha is the sole available accommodation to a more complex conflict, if only because it involves not only the direct disputants, but their entire extended clans. While the legal systems, or even the religious legal instances (where each is available) may provide a mechanism for dealing with the direct disputants conflict, the only mechanism designed to handle the concurrent inter/intra clan dispute is the Sulha, making it indispensable, and mandating relentless pressure from community and community leaders to subscribe to the process and start moving the community toward a resumption of normal life.
The mechanics of the mediation elements used in both processes are also somewhat different. Whereas in Western mediation, some disputants conduct face to face meetings (caucus), and some opt for a private caucus with the mediator(s), in a Sulha, for a variety of reasons, central among which is the anger level between disputants (Interview, Author with Sheikh Ichye; 2007), the process involves exclusively private caucus meetings between the Sulha Committee and each of the disputants’ representatives (Abu-Nimer, 1996:46). With the Sulha, this allows the Jaha to reframe disputants’ narratives, remove the potentially inflammatory parts and retain the parts which are conducive to fostering a climate of reconciliation. On the other hand, the lack of joint caucus denies the disputants the possibility of witnessing first hand the amount of frustration, sense of victimization and injustice that each party tends to perceive as its exclusive state of mind.

The major similarity between Sulha and Western-style mediation is the guiding principle of the process, namely: reconciliation. With Sulha, Muslaha (reconciliation) is a core principle, so much so that Sulha is sometimes called Musalaha (Jabbour, 1993: 56).

Overall, although there are “narrow”, problem-solving, functional definitions of mediation as a process designed to help solve a technical problem (e.g., “Who pays how much to whom”) (Riskin, 1994: 111), many definitions of Western-style mediation are “broader” in that they assume that the parties want to move beyond the technicalities to a process of reconciliation (Victim-Offender Mediation Programs (VOMP), also known as Victim-Offender Reconciliation Programs (VORP)), and even transformation (Bush, Folger, 1994: 46). The Sulha’s general aim is more in tune with the “broader” definitions of Western-style mediation.

The similarities and differences between Sulha and mediation regarding mediation elements such as neutrality, confidentiality, and venting are described in detail in separate sections below.
Some of the techniques used by the Sulha Committee, such as: comparing alternatives, reframing, and venting (Matz, 1996: 3), are similar to those used by Western-style mediators. Suha makers make extensive use of blunt alternative-comparison techniques, sometimes painting the alternatives to no agreement in very realistic terms. Venting will be described in detail separately, whereas the differences and similarity in the use of reframing was described above.

The major differences between Sulha and mediation are that the Sulha Committee acts at crucial points of the process more like an arbitrator, negotiating with the disputants’ representatives, evaluating and often coercing the disputants to reach an agreement – all the time, with the understanding (by all involved) that once the Jaha reaches a verdict, it is final, enforceable, and irrevocable. Elias Jabbour describes such an instance when he writes: “Sometimes, we offer the Diya money and people say: “This is not enough”. But this attitude is not acceptable, since once the Diya is set [by the Sulha Committee DP] it cannot be changed. There is no room for further bargaining….The minute the Jaha has ruled, Diya cannot be changed – it is too late. (Jabbour, 1993:43)”

The instruments of coercion in the case of the Sulha are mostly social. Loss of face by both disputants, Jaha members, and even the community at large is a major tool of coercion (Interview, Author with Farage Khneifes, 2007). The ramifications (loss of face) may seem trivial to a Western observer, but in a tribal (clan-based) culture, where honor, shame and respect are central elements (Abu-Nimer, 1996:44), issues associated with shame or loss of honor yield considerable leverage.

Such social tools are reinforced by the written and verbal commitments (Tawafith) the disputants are obliged to give the Sulha Committee, committing the disputants to abide by the Jaha’s decision. Occasionally, such commitments are further reinforced by bond deposits (Interview, Author with Sheikh Ichye, 2007).
Comparison Between Sulha and Western-Style Arbitration

The Sulha contains a robust element of binding arbitration, the practice of which is interspersed with mediation steps throughout the process, and expresses itself in several distinct ways.

Like Western-style binding arbitration, the Sulha’s disputants commit themselves to accepting the ruling of the arbitrator. The path to commitment, however, is different.

When the Sulha Committee meets the offender’s family (not the offender), the Sulha Committee (Jaha in Arabic) says to them: “You requested that we intervene. We, as a Jaha, want to hear your authorization and to receive it in writing.” (Jabbour, 1993: 31). The authorization (Tafwith in Arabic, an irrevocable writ of authorization to act on the family’s behalf) includes two parts. In the first part, the family asks and authorizes the Sulha Committee to intercede on their behalf with the victim’s family, and to conduct the Sulha. In the second part, the family takes it upon itself (as a family) to abide by whatever verdict the Jaha reaches (Interview, Author with Farage Kheneifes, 2007).

The text of the Tafwith’s authorization is as follows: “I [the offender’s family representative] accept that my case will be in your hands, and that it is now on your conscience, and I will accept any ruling you issue in this case.” (Jabbour, 1993:32). On occasion, the offender’s family has to deposit an Atwa (token of good will); this is, essentially, a bond which provides an additional guarantee to the family’s agreement to abide by the Sulha Committee’s ruling.

Only after securing at least the Tafwith, and sometimes the Atwa, does the Sulha Committee representatives have the authority to go to the victim’s family to try to obtain their agreement to participate in the Sulha. Here, the approach is totally different. The Jaha uses a low-key, supplicating tone to “invite” the victim’s family to participate. They (Jaha) say: “We were
sent and are authorized as Jaha by the killer’s family, and we invite you to consider us.’” (Jabbour, 1993: 32). This different approach is used because the victim’s family is still smarting from their loss (both of life, material, and honor), and are quite unlikely to respond to a commanding tone – particularly one that is designed to recruit their participation in a process that precludes revenge.

In western ADR, disputants’ commitment to abide by the arbitrator’s ruling (in a binding arbitration) is enforced rigidly. Essentially, this commitment is the core component of the arbitration process, and absent it the entire practice is redundant. For that reason, an arbitration ruling has the power of a court ruling in most instances.

In Sulha, the enforcement is less rigid in the sense that despite having a sole authority to decide and to enforce its decision, the Jaha will still combine a mediation element of persuasion, discussion and lobbying, and will do all in its power to avoid coming up with a ruling that is not accepted by both disputants. The result is a cross between arbitration and mediation, where the Sulha Committee arms itself with the tools to enforce a decision, but will continue patient negotiations with the disputants until it actually receives at least tacit agreement of both disputants to the Sulha agreement (Interview, Author with Farage Kheneifes, 2007; Jabbour, 1993: 51).

Yet, despite the patience usually demonstrated by the Jaha (also, a sign of respect for the disputants), all parties know that once the Sulha Committee reaches a verdict, it is not open to appeals, refusals or denials by the disputants. Jabbour is very clear about this when he writes: “The minute the Jaha has ruled, Diya cannot be changed – it is too late.” (Jabbour, 1993:43).

And again, since the Sulha is an informal extra-judicial process, the enforcement mechanisms are similarly informal, but no less binding. In a tribal society, the honor of a family

---

96 The approach is described in detail in Step 2 of the Sulha, below.
is crucially important (in their, and the community’s eyes), and clan elders will think long and hard before refusing to abide by a Jaha’s verdict, a step that will damage the standing and respectability of the entire clan in the community. So the threat of being shamed is quite a potent one (Abu-Nimer, 1996:44).

In Western-style binding arbitration, an arbiter’s verdict has the force of a judicial verdict, and the same enforceability.

So, in the Sulha, we meet a sort of “Arbitration-light” flavor of this approach, compared to its Western-style counterpart. Such a difference is mandated both by the difference between the function of the Sulha and that of Western-style arbitration, and because of the totally different cultural context within which the two approaches take place.

Comparing Confidentiality in Sulha and Confidentiality in Western-Style ADR

There are several levels of confidentiality associated with the Sulha process:

The first level is the obligation of Sulha Committee members to not make public information collected by the Jaha as it makes its rounds, visiting and interviewing witnesses, members of disputants’ families and other interested parties (Interview, Author with Farage Khneifes, 2007). Obviously, without the understanding and enforcement of confidentiality in this instance, it would be difficult to rely on reasonable cooperation of persons interviewed by the Sulha Committee.

Courts will often invite a member of the Sulha Committee to testify about the agreement presented to court. The accepted convention (not in law) is that the Sulha Committee member can testify only about the Sulha Agreement, not about the process, deliberation or testimonies heard by the Sulha Committee. The exception is that a Sulha Committee member may agree to testify to “positive” (non-incriminating, reconciliation promoting) aspects of the testimonies and deliberations (Interview, Author with Farage Khneifes, 2007).
This is partially similar to the confidentiality requirement that we find in Western-style mediation. Here, a mediator is sometimes obliged to maintain the confidentiality of information regarding the process, both from the public and from the judge (in the event that the mediation terminates without an agreement and reverts to court), but can (indeed should) reveal the agreement, when/if one is reached.

But things are sometimes more complicated and nuanced. In some cases, the Sulha Committee submits a Sulha Agreement to the judge prior to the court’s decision (detention, verdict or punishment). This creates a strange mix of a judge reviewing a mediation/arbitration agreement before making a legal ruling on the same case. This can cause complications since, in some cases, Sulha Agreements may contain incriminating information, and other evidence which may influence the court’s decision (Interview, Author with Sheikh Ichye, 2007). Tsafrir writes: “In the eyes of the court, the Sulha may express the accused admission of having committed those deeds…Furthermore, the Sulha agreement presented to the court sometimes contains details of the injury caused by the accused.” (Tsafrir, 2006:88)

The second level of confidentiality has to do with the decision-making process of the Jaha as it contemplates its verdict (Jabbour, 1993:37). Since it is reasonable to assume that different Jaha members may have different opinions as the process evolves, it is crucial to maintain confidentiality about the Jaha’s deliberations, the members’ positions and opinions, so as to minimize their exposure to possible pressures or possible retaliation following a verdict which is perceived to be unfair by one or more disputant(s).

Similarly, mediator(s) in Western-style mediation are obliged to maintain confidentiality from public disclosure regarding the mediation process (Bush, 1994: 400-401).

Another confidentiality element that Sulha shares (albeit with local variants) with Western-style mediation is that the Sulha Committee will not reveal to the other disputant(s)
information and/or remarks made by the other party in private caucus. The main reason for this private caucus confidentiality rule is the desire of the Sulha Committee to increase the harmony and decrease possible friction between the disputants. As described by Sheikh Farage Khneifes: “Why on earth should we go and tell one side bad things that the other side said about it? What good does it do the process or the parties, or the desired agreement and reconciliation?” In Western ADR, the main reason for the private caucus confidentiality rule is to enable the disputants to experience a reasonable sense of liberty as they express themselves in front of the mediator, and tell her/him aspects of the case that they may not be so eager to discuss had they thought that the other disputant(s) might be privy to and hence may use as leverage during the negotiations process. So here we have similarity of functionality, but divergence of reasoning.

The Sulha twist in this case is that the Sulha Committee does not feel universally bound to confidentiality in private caucus; if the Jaha feels that a comment by one disputant’s group may help further the crafting of an agreement, the Jaha may divulge this information to the other disputant(s). Also, the Jaha feels, on occasion, a need to reframe, sometimes with significant poetic license, the utterances of one disputants’ group in private caucus, again in the service of furthering an agreement (Interview, author with Farage Khneifes, 2009).

This comparative flexibility in questions of confidentiality, on the part of the Jaha, reflects a general difference between Western-style ADR and Sulha, where in Sulha, mediators/arbitrators have a broad mandate to do pretty much anything they wish, as long as it furthers an equitable agreement and drives the process further along the revenge-to-forgiveness road. This reflects a broader difference in perspectives between the two approaches, where Sulha abides much more by the “whatever works” rule, whereas mediation and arbitration in the West have become much more regimented and (self and externally) regulated.
Comparing Venting in Western-Style ADR and Venting in Sulha

Venting is a recognized and well-described practice in both Western ADR (Matz, 1996: 9) and Sulha (Jabbour, 1993: 45). But whereas venting is not universally accepted as a legitimate and/or constructive tool of conflict resolution within some strands of Western ADR (Grillio, 1990: 1545), it is a permanent and indispensable part of Sulha.

The similarity between venting in Sulha and venting in Western ADR is that both approaches see venting as an important path-maker for reconciliation, since it helps the disputants get beyond the immediate grief, anger, sense of victimization, and frustration, and helps them to agree to give reconciliation a chance.

In Western-style ADR, venting (where it is accepted as a legitimate tool of mediation) serves a dual purpose: It allows the parties to vent their anger and frustration, and it allows each party to become exposed to the realization that the other party also feels similar anger and frustration. Sometimes, venting is even seen as a therapeutic process (Silbey, Merry, 1986:19). Both purposes coalesce into one single super-purpose – helping the parties become “unstuck” as a prerequisite to starting a move toward a possible solution (Matz, 1996: 3). Working toward this goal is possible because, in many cases, at least part of the venting process takes place when the two parties are in the presence of each other, usually during the early stages of the mediation/arbitration.

It is also important to note that there is a strand in Western ADR, called Transformative Mediation (Bush, Folger, 1994: 46), where conflict is looked at not as a problem but as an opportunity for growth and transformation, and where anger and venting are seen as contributing to empowerment, recognition and the making of outcome-related decisions (Bush, Folger, 1994:59).
With the Sulha, venting this is seen as an indispensable part of the process. As Elias Jabbour writes: “Grief work, in many cases, must be enabled by the Jaha to make way for peace.” (Jabbour, 1993: 47) The victim’s and perpetrator’s families usually do not meet at all during the mediation/arbitration process, definitely not until a Sulha Agreement is decreed by the Jaha. Traditionally, the families first meet during the Sulha ceremony, and even then only under strictly regulated and formal terms.

To allow for proper venting by the victim’s family, the Sulha Committee members must be patient and ready to tolerate considerable abuse, sometimes even physical by the victim’s side (Jabbour, 1993: 47)97.

Comparing Neutrality in Sulha to Neutrality in Western-Style ADR

Neutrality is central to the Sulha process (Interview, Author with Farage Khaneifes, 2007, Jabbour, 1993: 38-39), much as it is central to Western ADR (Bush, 1994: 385). In a way, the perception of neutrality, even more so than neutrality itself is essential to the success of a Sulha, since the Sulha Committee actually imposes – arbitration-style - a settlement on the disputants, making it crucial that all sides to the dispute feel that the Sulha Committee is completely neutral in its approach to the arbitrated/mediated dispute.

Yet, similar to Western-style ADR, the requirements for neutrality in the case of a Sulha are sometimes difficult to uphold (Grillo, 1990:1585, Interview, Author with Shiekh Ichye, 2007). In the case of the Sulha in Israel, the fact that Israel’s Arab community is small and lives in concentrated areas is sometimes a cause for difficulties, since it is likely that the members of the Sulha Committee will be from the same geographical area as the disputants, making the appearance, and practice of neutrality, by the Sulha Committee, a hard act to carry out. Still,

97 This process is described below in further detail, as part of the analysis of the use of mediation/arbitration techniques within the Sulha’s task-specific stages (Stage 2, in this case).
members of the Jaha spend their life time constructing a persona of unbiased, even-handed approach, and their desire to maintain that posture in the eyes of the community is the best incentive to neutrality.

One special aspect of neutrality in Sulha is known as “Location Neutrality”. The Sulha Committee makes sure always to meet at neutral venues (locations which are not associated in any way with any of the disputants, or could be construed by either side as giving even the appearance of advantage to one of the disputants (Jabbour: 1993: 38)). This is not always easy in a community where everybody literally knows everybody, but the Sulha Committees are aware of such potential difficulties and do their best to accommodate them. One common solution is to meet at the home of one of the Sulha Committee members.

Another neutrality-helping tool is the veto power given the disputants. Disputants and their families (i.e., leaders of the families), have a veto power over the makeup of the Sulha Committee (at the early stages of the process). In the event that one (or both) disputants feel that any member of the Sulha Committee is likely to be less than neutral, they can veto his participation, and the Sulha Committee is obliged to respect the veto, and replace the Sulha Committee member with one that is acceptable to both sides (Interview, Author with Farage Kheneifes, 2007).

This aspect is similar to the veto rights available to disputants in a Western-style mediation/arbitration. In such a case, also, the disputants may refuse participating in a process that they believe is prejudicial to their cause for any reason. The system is, then, entrusted with providing a suitable and acceptable substitute, although the system is sometimes arranged so as to make changing a mediator/arbitrator difficult (Grillo, 1990: 1585).

Since honor and respect-based sensitivities are of significant importance for the Sulha process (Jabbour, 1993:41), Sulha Committee members make sure that during meetings with the
disputants, even the sitting arrangements do not create the appearance of favoritism to one side. (Jabbour, 1993:39).

Remuneration is another aspect that might put a strain on the appearance of neutrality. In Western-style mediation/arbitration, paying the interveners for services rendered is considered acceptable and does not necessarily raise questions of neutrality. With the Sulha, on the other hand, the issue of remuneration is non existent. Jaha members do not ask and will never accept payment for services rendered – doing so will sully them permanently in the eyes of the community and would also be the cause for severe loss of honor. As a result, they perform all their work voluntarily, sustaining sometimes significant expenses and loss of income (Jabbour, 1993: 47, Interviews, Author with Farage Khneifes, Sheikh Ichye, 2007).

Mediation and Arbitration Mix Within The Sulha’s Six Transformative Stages

In order to shift a group of grieving, angry and provoked disputants from a focused desire to wreck revenge on the kin group of the perceived offender, Sulha makers take the disputants through a 6-stage, task-specific, process that uses a unique mix of arbitration and mediation tools to take the disputants, separately, yet together, on a transformative and restorative journey that gradually introduces the concept of forgiveness as a communally-preferred option to the conflict (preferred to revenge).

In this section we describe the interchangeable use of mediation and arbitration tools within the context of this transformative 6-stage process. This approach will enable students, researchers and practitioners a high-resolution perspective, and hopefully the ability to understand both why each stage makes use of the tools it selects, and how these tools are used interchangeably.

*Stage 1 – Recruiting the Offender’s Family to the Sulha*
Traditionally, the first step in initiating a Sulha process is for representative(s) of the family of the offender to contact at least one member of the local Sulha Committee (Jaha), assume initial responsibility for the deed of their family member, express regret on behalf of the offender and the family, and sue for reconciliation with the victim’s family (Interview, 2007, author with Sheikh Saleh).

The reason for what seems like a rush to assume responsibility and its associated culpability is that the period of time immediately after the eruption of the dispute is ripe with potential for attempted retaliatory action by the victim’s family members. From the offender’s family perspective, the sooner the Sulha process kicks in, the sooner they will be able to avail themselves of the Sulha’s protection (initially of the process itself, and later of formal ceasefire agreements, which will be described later on).

At this stage, the process is meditative. The disputant side (offender’s) approach the Jaha voluntarily, and ask for intervention. The intervener(s) act at this point as facilitator(s).

But the process turns arbitrative very fast. When the Jaha\textsuperscript{98} meets the offender’s family, the Jaha representative says to them: “You requested that we intervene. We, as a Jaha, want to hear [sic] your authorization and to receive it in writing.” (Jabbour, 1993: 31). The authorization (\textit{Taffawth} in Arabic), is an irrevocable writ of authorization to act on the family’s behalf, and it includes two parts: In the first part, the family petitions and authorizes the Sulha Committee to intercede on their behalf with the victim’s family, and to conduct the Sulha. In the second part, the family takes it upon itself (as a family) to abide by whatever verdict the Jaha reaches (Interview, 2007, author with Farage Kheneifes).

\textsuperscript{98} More accurately, the Jaha’s tentative representative, since the parties have not yet agreed on the process itself or on the makeup of the Jaha.
If the offender’s family agrees to provide the Taffawith, it provides a document whose “actionable” text (aside from the ritualistic part) is as follows: “I [the offender’s family representative] accept that my case will be in your hands, and that it is now on your conscience, and I will accept any ruling you issue in this case.” (Jabbour, 1993: 32).

On occasion, the Jaha asks the offender’s family to deposit a bond as an additional demonstration of its willingness to abide by the Sulha Committee’s ruling. Only then does the Sulha Committee have the authority to go to the victim’s family to try to obtain their agreement to a formal temporary ceasefire (Hodna). Sometimes it takes days to reach the stage where the Sulha Committee is authorized to go to the victim’s family. (Jabbour, 1993: 32)

In some cases, the offender’s family does not step forward promptly, and it is left up to the Sulha Committee members themselves, or to the village’s elders, to assess the gravity of the situation, and to decide whether to act or wait. If the situation is deemed dangerous (i.e., there is an imminent danger of a revenge killing), it is acceptable for the Sulha Committee or one of its members to contact the offender’s family and to cajole them to start a Sulha process. Here, again, we see a meditative move of intervention, combined with negotiations and the starting edge of conciliation.

This is a first, and mandatory, step on a long road to reconciliation and forgiveness. It formalizes the start of the process, but it also signals the community, and even more so, the victim’s family, that the offender’s family is sincere in its commitment to take proactive steps to heal the gaping wound in the relationship between the two families, and sometimes in large parts of the community (where non-family males may align themselves with either disputant group).

Stage 2 – Recruiting the Victim’s Family to the Sulha – Posturing, Venting and Beyond

Recruiting the victim’s family to the Sulha may be much harder than recruiting the offender’s family. This is mainly due to the fact that the victim’s family has just suffered a loss,
and their current perspective as to their role in the dispute is that they should now strive to restore their honor by avenging the infraction.

Armed with the signed Taffwith, the tentative Sulha Committee now moves to the house of the victim’s family. Here, the arbitrative posture that characterized the contacts with the offender’s family, gives way to a clearly meditative mode. The Jaha stands in front of the victim’s family home and say: “We were sent and are authorized as Jaha by the killer’s family, and we invite you to consider us.” (Jabbour, 1993: 32). The Sulha makers, despite their elevated position, are not using direct authority, and in no way try to imply that they are instructing the victim’s family to join the Sulha process; on the contrary, the Sulha makers mask their elevated social position, and plead with the family.

This role reversal is designed to enhance the victim’s family sense of control, reduce their sense of helplessness, but at the same time channel them, with ample cultural support, away from the desire to revenge, and into the culturally-preferred option of conciliation and ultimate forgiveness - something that is unthinkable at this stage, but still figures in the grand scheme of things.

At this preliminary point, the dignitaries of the Jaha may find themselves called upon to act as targets for the victim’s family sense of rage, helplessness and frustration. When this happens, the members of the Jaha can be abused verbally, sometimes in quite an aggressive manner, by the victim’s family members – particularly women and youngsters. This is a behavior that goes beyond all accepted norms in a strict patriarchal environment, and is designed to provide the victim’s family with another meaningful outlet for their rage, together with an acknowledgment of their suffering, and their need to find a way to recover their lost honor. This venting process is quite necessary, for without it, it is unlikely that the victim’s family will be
able to bring themselves to accept the initial request to join the Sulha process (and the tacit agreement to forego revenge).

Sharon Lang provides an excellent description of the venting process and its underlying social rational. Lang calls the process "Reverse musayara" (Musayara means “playing by the rules”). This refers to the practice whereby the “notables constituting the Jaha, while negotiating with the injured family, treat the victim’s family, from beginning to end of the process, with the elaborate respect and consideration normally reserved for persons of high status. This process may usefully be regarded as a performative reversal of the standard patron-client relationship prevalent in Arab society. In relationships of patronage (wasta), the client's request for a favor is flattering for the patron, and each wasa favor can be seen as a transaction wherein sharaf (honor DP) flows from the client to the patron. The jaha - the most reputable men in the community - symbolically turn this relationship on its head (reverse musayara) by beseeching an ordinary family (currently reeling under the humiliation of a killing) to be so kind as to grant them a favor - to make peace rather than to avenge themselves. This reverse positioning is extraordinarily flattering for the injured family; the weakened party is placed in a (temporary) position of "patronage" over society's most esteemed men. Such treatment helps to assuage feelings of humiliation further and to effect a partial restoration of lost sharaf.” (Lang, 2002: 55)

If the Jaha succeeds in recruiting the victim’s family to the Sulha, the family must formally accept and authorize the intervention, in public. This may not happen immediately. On occasion, time is needed for emotions in the victim’s family to calm down before they can give their agreement to start the process (Interview, 2007, author with Sheikh Ichye). On the other hand, the Sulha committee should not take too long to start discussions with the victim’s family, as this too may appear to be a sign of disrespect.
At this stage, no formal temporary ceasefire has been agreed upon between the disputants, and the potential for revenge killing is high. Therefore, the Jaha should decide whether the situation between the disputants is volatile enough to merit the institution of a “Tarhil” (exile) – a compulsory relocation of the offender’s family, also called sometimes “Jala” (Arabic for “departing under duress”). This is an ancient practice, originating in nomadic times, where in the event of a dispute, the family of the offender would pack their tent and move it far away from the tent of the victim’s family, to reduce irritation and the subsequent potential for additional acts of belligerency (Interview, 2007, author with Farage Kheneifes).

Today, for social and practical reasons (it is difficult to uproot and move large families), Tarhil is practiced only under extreme circumstances of anticipated, imminent violence (Jabbour, 1993: 36, Interview, 2007, author with Farage Kheneifes). Families (particularly women) are increasingly less willing to accept such decrees without protest (I’adat, Ha’aretz, 2008).

**Stage 3 – Brokering a Ceasefire (Hodna) the First Practical Act of Non-Belligerence**

Having recruited the disputants, agreed with them about the makeup of the Jaha, and received the disputants’ commitment to abide by it ruling, the Jaha is ready to move on expediently to capitalize on the momentum and start the disputants and the community on the road to forgiveness.

The next, tentative, yet crucial step, is the formalization of non-belligerence, through the instrument of Hodna (temporary ceasefire). Agreeing to a Hodna, the disputants commit themselves to abstain from any belligerent acts against each other for the agreed duration. The Hodna is achieved through a mediation-like set of consultative steps, requiring disputants’ consensus. To reach a Hodna, the Jaha shuttles between the disputants, conveying the good will of each party to the other (and reframing less helpful expressions) (Interview, 2007. Author with Farage Khneifes).
In cases of murder, it is important to move fast and try to establish a Hodna before the victim’s family has an opportunity to carry out or to attempt a blood revenge act of retaliation against a male member of the offender’s family. (note: Sheikh Saleh said that there are three days after a murder when it is impossible to set a Hodna, because of “boiling blood”, but this was disputed partially by other Sulha Committee members. They explained that the three days are the traditional Muslim mourning period, during which discussing a Hodna is more difficult, but in reality, Sulha Committees regularly insist on achieving even a short term Hodna before the “Hitme” (Arabic for “end of mourning period”).

When the victim’s family agrees to a Hodna, the offender’s family usually pays it an Atwa (A Given Tolken). The Atwa is a sum determined by the Sulha Committee, designated to show the offender family’s initial remorse and respect, and to cement the Hodna\(^99\).

In murder cases in the central region of Israel, the Atwa is usually about 40,000 New Israeli Shekels (~$10,000) (Interview, 2007, author with Sheikh Ichye), usually paid in cash. In the West Bank, the Negev and in Israeli Arab villages near the West Bank, the Jordanian Dinar is also a legal tender for such payments. Considerations of possible implication of guilt are not a significant element here, since responsibility was already established by the offender’s family inviting the Sulha Committee to intercede on its behalf (Taffwith), and is assigned formally in the Sulha Agreement, along with the actual level of guilt, and the accompanying monetary fine (among other terms); Blood Money fine (paid in cases that involve the death of a person) is called Diya.

The symbolism of the Atwa/Hodna is important for both disputants and the community; it demonstrates the willingness of the offender’s family to assume formal responsibility, and more

---

\(^99\) The terms Hodna and Atwa are often used interchangeably; there is no Atwa without Hodna, so the two terms are, in a sense, one.
so their willingness to take restorative steps toward repairing the damage to the honor of the victim’s family, and toward convincing the victim’s family in the validity and power of the process (put their money where their mouth is, so to speak). The Hodna conveys the willingness of both sides to forego belligerence in favor of a serious attempt at some non-violent agreement.

Here, again, the Jaha uses a mix of mediation and arbitration tools. The goal is to get the parties to agree to a Hodna, fast, before the situation is complicated further by an act of revenge, or attempted revenge. If the disputants appear to be in no rush to sign on to the proposed Hodna (proposed by the Jaha), the members of the Jaha will often use blunt interventionist tactics, threaten the disputants with dire consequences, and even threaten to abandon the Sulha process (and, by implication, let the disputants battle it out). The disputants’ signed obligation to accept the Jaha’s rulings (Taffwith) is brought up to remind the disputants that although they ostensibly have control of the process (mediation), their control is predicated on the good will of the Jaha (arbitration).

As soon as the victim’s family takes the Atwa (it is usually a cash payment), a Hodna goes into effect. Sometimes, when the Sulha Committee attempts to hand over the Atwa soon after a murder, the victim’s family may decline the payment, but accept a Hodna without Atwa. This is called “Honor Hodna”, and is considered less effective than a fully paid Hodna. Sometimes, to preserve the dignity of the victim’s family, the Sulha Committee determines a “Honor Hodna” for a week, followed by an acceptance of the cash Atwa by the victim’s family and the initiation of a full-size Hodna.

With the Hodna achieved, the disputants start a gradual journey of habituation towards the non-violent option, a sort of a prelude to forgiveness (it is too early to mention real forgiveness at this stage). The fact that through the Hodna, the disputants’ families can resume something close to normal lives, without either having to consider defensive or offensive
measures as a matter of daily concern, reduces the tension, enhances the quality of life for both sides, and thus creates additional positive incentives away from revenge. Without the Hodna, the disputants remain steeped in the “routine” of revenge planning, or counter-revenge defense, and their ability to experience first hand the positive affects of non-belligerence is less than optimal.

Thus, the Hodna habituation marks another gradual shift in the course of the conflict, as it moves from revenge to forgiveness. Hodna is, for the purpose of the Sulha, a “forgiveness training wheel”. Again, we see here a mix of meditative behavior (process), in the service of an arbitrative outcome (resultant, Jaha-originated, agreement).

The length of the Hodna depends on the judgment of the Sulha Committee, and the sentiments of the disputants, and may last from several days to several years. Usually, the initial Hodna is for a short period (several weeks or a few months), and when/if the Hodna expires before an agreement is reached, the Sulha Committee requests extensions, and so on, until an agreement is reached (Interview, 2007, author with Sheikh Ichye).

**Stage 4 - Determining Culpability Without Dishonoring**

So far, the Sulha process has achieved one major goal: the disputants moved away from the revenge – counter-revenge option, and recognized the existence of other, non-belligerent options – a huge meditative step. With the disputants publicly and formally subscribed to the transformative process (Stages 1-2), and under the umbrella of the temporary truce (Stage 3), the Jaha is ready to proceed, using its mediation/arbitration toolbox in an effort to move the disputants all the way to forgiveness and reconciliation.

The Jaha’s primary tool in this process is the honor-boosting private caucus. The Jaha shuttles between disputants’ representatives, witnesses and just about anybody who could help in leveraging the process to a successful conclusion. Throughout the entire process, it is the role of the Jaha to nurture reconciliation that will lead to eventual forgiveness; to that end, the Jaha does
everything in its power to increase the sense of honor and respect of both disputant groups (Gellman and Vuinovich, 2008: 133). This is done through gestures and language (e.g., the Jaha will travel to the meeting place of the disputant’s choice; it will act as simple facilitators whose role is but to make sure a respectable resolution is presented to all involved).

Yet, in another meditative move, the same demure Jaha will constantly compare alternatives, reminding the disputants the social and personal cost of failing to agree – chief among them a significant loss of face to all – disputants and mediators (Interview, 2007. Author with Farage Kneifes). Gradually, the disputants start to internalize the new “menu” of options that is on offer through the process: revenge as the “instant gratification” option, with its associated aftertaste of social displeasure, and a huge loss of face to all involved, as opposed to a forgiveness option, promoted constantly as the “honorable” thing to do, hugely increasing the face of the forgiver(s), and universally supported by both community, dignitaries and of course the Jaha (Interview, 2007. Author with Farage Kneifes).

Despite the fact that in order to start the Sulha process, one side in the dispute has to basically admit culpability (when it invites the Sulha Committee to mediate/arbitrate on its behalf), and another side is marked as the victim (when it agrees to the mediation/arbitration), the Jaha is still charged with determining the level of guilt, magnitude of culpability, and consequent liability and responsibility. These will be used later in the determination of the terms of the Sulha Agreement, and within it the size of the compensatory payments (in the case of murder, such payment is called Diya) (Jabbour, 1993:41).

There is no hard and fast rule about who the Jaha talks to first, but again - in line with the general attempt to gradually buttress the bruised honor of the victim’s family, the Jaha usually

---

100 See Section “Determining the Verdict”
starts with them, demonstrating empathy and compassion, boosting honor, and getting the other disputant family used to its position as the offending side.

During the deliberations with each side, the Jaha members listen to the narrative of the disputants, work with them to create a uniformly agreed version of the dispute, and, most importantly, describes to the disputants similar events from the past, with detailed descriptions of the evolution of the dispute(s) and the evolution of the resolution(s) of the dispute, again, always in a direction away from revenge and toward eventual forgiveness. This is done to establish precedence, which is a central tool of the Sulha Committee, and also to establish common ground for discussion (parameters) (Interview, 2007, author with Farage Kheneifes). Most of the information delivered during these exchanges comes from the memory of the Sulha Committee members, from their own experiences, and from narratives of early Sulhas as recounted by other Sulha Committee members.

One such example is the case of Farage Khneifes, whose father, Sheikh Saleh Khneifes, was the head of Northern Israel’s Sulha Committee for the better part of 40 years. Farage Khneifes served for about 30 years as his father’s escort and driver, and as such got to sit in on the Committee’s deliberation (without the right to contribute), and to listen and absorb the precedents and narratives of earlier generations. Farage relies on, and refers to, this accumulated knowledge now in his capacity as a member of the Sulha Committee (Interview, 2007, author with Farage Kheneifes).

Following a meeting with one disputant’s group, the Jaha moves on to the other disputant’s group. The meetings with each side take place in a different location. During the meetings, the Sulha Committee tries to skirt around honor-hurting statements, reframe aggressive gestures and utterances made by the other disputants, and to use any positive and/or conciliatory statements made by disputants to reinforce an increasing framework of conciliation. For
example, if one disputant’s group describes a history of good relations with the other disputant’s group (prior to the dispute), the Sulha Committee will try to use this memory of amicable relations as a proof of an existing legacy of peaceful collaboration between the families, an indication that there is already a foundation of good will between the disputants, and that this foundation can now serve as a platform for the reconstruction of future reconciliation tissue between the disputants (Interview, 2007, author with Farage Kheneifes).

Another tool that the Jaha uses extensively is one that is also used sometimes in Western ADR, and that consists of periodically highlighting to the disputants in vivid colors the advantages of reaching an agreed resolution, as opposed to the obvious disadvantages, and dangers associated with a failure to reach the desired solution.

This process may take as little as a day and one meeting with each party, or as long as several years and dozens of meetings with each side, with witnesses, and with any other party interested in contributing to the process.

**Determining the Verdict**

After listening to all the parties involved, interviewing witnesses, visiting the site(s) of the event(s) and discussing all the issues among themselves (when there is more than one Sulha Committee member), the Jaha determines a verdict, which it then puts down in writing.

The verdict, receives formal expression in the Sulha agreement (Stage 5).

The Jaha debates the final verdict in total seclusion. The leader of the process is the head of the Sulha Committee; he moderates the discussion, and formulates the evolving verdict. Every once in a while a vote is taken. Once a majority is achieved within the Jaha, there is no need to continue discussions (Interview, 2007, author with Farage Khneifes) - a decision has been reached and it will be represented as the uniform decision of the entire Jaha. Confidentiality is crucial in such circumstances, primarily to avoid “post factum” pressures, and even possible
demonstrations of belligerency, against members of the Jaha whose opinions and/or voting records do not suit one or both disputants. (Jabbour, 1993: 37)

As in other stages, in this part of the process, the Sulha combines elements arbitration and mediation. The determination of the verdict does not require the disputants’ consensus, and is confined to the Sulha Committee members, who are playing the role of arbitrators, by deciding the verdict and informing the disputing parties of that verdict. But at the same time, the purpose of the verdict is to leverage the disputants’ evolving and hopefully growing disposition toward forgiveness and reconciliation, so it (the verdict) has to avoid aggravating any party, or causing anybody to feel “picked upon”, “singled out”, or overly burdened with disproportional part of the guilt.

The members of the sulha committee act, therefore, also as mediators, as they present the evolving verdict to the disputants, and work to recruit their support, before things are cast in stone, in an effort to avoid unfortunate reversals and relapses at this delicate and advanced stage of the process.

The language and presentation of the verdict are similarly coached to achieve this delicate balance. The verdict includes two elements: Honor and Rights. The Honor part contains non-monetary considerations, such as a formal assignment of guilt and liability. The Rights section includes monetary aspects (fines, compensation). This is in line with the basic elements of the Sulha which are rights and honor (Jabbour, 1993: 41).

In murder cases, the monetary consideration of a Sulha agreement is called Diya (or Diye), and it is a determined “blood money” compensation payment from the offender’s family to the victim’s family. In all other cases, the monetary part of the verdict is called Taawir (Arabic for “compensation”).
Formally, the amount of the Diya is a constant, known to all, and it must be adhered to, since under Sharia law, each soul is the same and there are no exceptions for people of position or wealth. In reality, the Jaha has a number of tools that allow it to play with the Diya, and revise it to fit the economic realities of the disputants and other factors (Interview, 2008, author with Farage Kheneifes).

Each geographical region in Israel (and also across the Middle East) has a Diya/Taawir “menu” or “price list” which provides guidance regarding the general amount of the Diya/Taawir that would be considered “proper” (e.g., in the North of Israel, the Diya for a dead man is about 300,000 – 400,000 New Israeli Shekels (~$75,000 - ~$100,000). In the Center and South of Israel, the Diya for a similar infraction is about 250,000 New Israeli Shekels (~$65,000). Similarly, there is a “price list” for different levels of physical disability (Taawir) (e.g., loss of limb, loss of mobility, loss of working ability) (Interview, 2007, author with Farage Kheneifes). In general, there are three different levels of Diya, depending on the severity of the offence and its resulting damage to the victim:

**Diya** – This is the “standard” payment level for the type of offence at a given point in time.

**Diya Mechafafa** (Reduced Diya) – This level of Diya is set in cases where there are extenuating circumstances, such as extended aggravation, or self-defense. The general level of compensation in this case is about half the “standard” Diya’s sum.

**Diya Mezaraafe** (Doubled Diya, sometimes also called Diya Morazala – Double Diameter) – This is an increased (sometimes doubled) Diya, designed to compensate for particularly offensive crimes such as the killing of a woman or a child.

If the crime did not result in permanent handicap, the Sulha Committee can determine that no or little Taawir will be paid.
If the crime resulted in a physical handicap, the Sulha Committee in some cases consults experts (e.g., medical professionals) to determine the severity and impact of the handicap and the consequent size of the Taawir.

The responsibility, according to Sharia always rests with the men folks of the family, and they have absolute responsibility for their women folks.

The Sulha verdict along with its accompanying Diya/Taawir are binding for all sides in the dispute, and if one side does not accept it, the Sulha collapses, resulting in a grave loss of face to the side that rejects the agreement, and in a severe infraction of the traditional rules of the Sulha, together with an insult to the members of the Sulha Committee. In some cases the disputants that reject the verdict may also lose the bond that they deposited when the Sulha process started, as an indication of their willingness to abide by the Sulha Committee’s decision (Sometimes, the families only sign an obligation to abide, and money does not change hands). (Interview, 2007, author with Sheikh Ichye). In this sense, the Sulha is far from being a mediation-like process, and is using strict arbitration tools.

Stage 5 – The Sulha Agreement - Setting the stage for a formal ritual of transition from revenge to forgiveness

The Sulha Agreement concretizes and acknowledges the transformation from revenge to forgiveness; it originates in the privacy of the Jaha, but already in preparation for bringing it to the public domain, and in preparation for receiving public, quasi-official and official approval, escort and endorsement of the transition – on behalf of the entire community, during the Sulha ceremony (Interview, 2009, author with Farage Khneifes).

The Sulha agreement has both a formal and a symbolic meaning, and both are leveraged in support of the ultimate goal of restoration (enhancement where possible) of honor, and of forgiveness (individual and communal) (Gellman, Vuinovich, 2008: 134).
These ambitious goals are tackled by a composition that tries to balance the disputants’ need to see both justice done and honor preserved and even enhanced (meditative goals), with the community’s demand to see the dispute transcended, so all can move forward with life (arbitrative goals) (Jabour, 1993: 95).

The Sulha agreement is issued by the Sulha Committee, and is binding for all disputants. The enforceability of the Sulha Agreement resides in the fact that it was hammered out by people of major clout within the community (arbitration), but also in the disputants’ understanding that their honor will suffer a great loss if they decline the agreement (mediation); they (disputants) may also feel that they must respect the Taafwith (authorization) they had given the Jaha at the start of the process, and they may also loath the possible loss of the Atwa money (Interview, 2007, author with Farage Kheneifes). From this perspective, the agreement appears to be more of an arbitration agreement, although the process that brings it about includes elements of both mediation and arbitration (see details above). For example, the reconciliation ritual that follows the Sulha agreement is more of a mediation process (Shapiro, 2006: 437).”

The Sulha Agreement is a document detailing the conditions under which reconciliation will take place. It settles for the record (historical, communal, and formal) essential questions such as: Who is guilty? (arbitration) Of what? and to what extent? who pays whom? how much? When? in what currency? (mediation/arbitration mix). The apology takes place during the public ceremony and is not part of the written agreement. The Sulha agreement never contains names of disputants (perpetrators) who are not already known to the police.

Copies of the written agreement are kept by the disputants and the Sulha Committee, and will be referred to in the event of a dispute regarding the implementation of the Sulha agreement.
At this point, the disputants have largely gotten used to the fact that this dispute will be solved through forgiveness and not through revenge. They actually feel pretty magnanimous, and are as “pumped up” with honor as can be. They are ready for the final act: public forgiveness.

**Stage 6 - Sulha Ceremony - Formalizing the Forgiveness**

When all the elements of the proposed settlement are agreed upon, the Sulha Committee determines a date for the Sulha ceremony; they also determine the exact place, the list of participants from each disputant’s group, and the list of invited community dignitaries. The dignitaries are invited to lend moral support and a seal of communal approval to the agreement (Jabbour, 1993: 51).

If a person was killed, the family of the victim has the right to determine the place of the ceremony. Also, if the Sulha is over a death, the Sulha Agreement includes a specific ritual designed to officially mark the end of hostility and conflict between the disputant families (Jabbour: 1993: 52).

The Sulha ceremony is an elaborate set of rituals, that include the pre-ceremony ritual, the Sulha ceremony and the post-ceremony ritual. All three sub-rituals are designed to create in disputants and community alike a critical mass of personal and communal commitment and goodwill that will secure the young reconciliation.

The pre Sulha ceremony ritual belongs to the victim’s family. Now, after all the discussions, negotiations, re-framing, and other steps designed to build up the victim’s family honor, confidence and respect, essentially, it is up to them to launch the practical act of forgiveness and conciliation out of their own free will (of course, with the help and accompaniment of the sulha committee and other dignitaries).

On the ceremony’s day, at an agreed time, the sulha committee travels to the home of the victim’s family, where a line of dignitaries forms in front of the residence, awaiting the victim’s
family representatives. When they appear, the sulha makers greet them, thanking them for their honor and bravery in taking this courageous step towards healing their painful wound. The leader of the Sulha ceremony then produces the Riya – the Sulha flag. This rudimentary flag consists of a simple wooden pole, and a white linen sheet. The Sulha leader invites the most senior representative of the victim’s family to tie the first knot in the Sulha flag. This is a delicate moment in the proceedings, because this is the first real test of the victim’s family actual willingness to go through with the act of reconciliation beyond declarations.

In order to ease the burden of the victim’s family, this ritual is performed in the privacy of their own home, and only in the presence of the Sulha committee and selected dignitaries. The offender’s family is absent at this stage for two reasons: not to aggravate the victim’s family, and more importantly, only the actual knot in the Riya provides the offender’s family the protection they require to conduct themselves safely into the physical presence of the victim’s family. The public is absent so that in the unfortunate event that the victim’s family fails to initiate the proceedings, the resultant loss of face would not be in full view of the entire community, and will enable the dignitaries some private time with the victim’s family to try to put the process back on track (Interview, 2007. Author with Farage Khneifes).

Having secured the victim’s family willingness to grant the offender’s family safe passage to the sulha ceremony under the Riya flag, the retinue of sulha committee members, and dignitaries proceed to the home, or gathering place of the offender’s family. Once there, a procession is formed, led by a sulha committee member carrying the Riya, escorted by the offender’s family representatives, surrounded by the dignitaries and the rest of the sulha committee members. This procession then moves toward the area selected (by the victim’s family, most of the time) as the site of the sulha ceremony. In the meantime, while the procession forms and makes its way, the victim’s family representatives arrive at the ceremony site and
arrange themselves in a reception line. This is when the sulha ceremony moves into the public domain and gradually acquires a more pronounced communal character. It is no longer a ritual of conciliation between two families; it is now a ritual of conciliation between two components of the same community, under the sponsorship of their community.

The core of the sulha ceremony is the forgiveness by the victim’s family. This is the ultimate enabler of the process, and is constructed to maximize the honorific “return on investment” so to speak for the victim’s family. Forgiveness, of course comes as a response for plea for pardon (from the offender’s side), an act that somehow ends up also as an enhancer of honor and respectability – this time for the offender’s family. Overall, sulha manages to culminate disputes with a win-win situation. Zero-sum arrangements are unthinkable in this context. Raymond Cohen puts it succinctly and accurately (Cohen, 2001: 41): “The appropriate response to the plea for pardon from the injured party, now in a position of moral superiority, is a magnanimous grant of forgiveness.”

This is where the Sulha ceremony proper starts. The ceremony consists of three sub rituals:

**Musafacha** – A hand shake between the families of the offender and victim. If the father of the killer and the father of the victim are available, they shake hands, further stressing the reconciliation aspect of the agreement.

This is a ritual rife with emotions and eagerly watched by the community. One by one, behind the Riya flag, the representatives of the offender’s family walk past the reception line of the victim’s family, shaking hands, exchanging somber words of mutual consolation and hope for a better future. Sulha committee members are always on hand to deal with any last moment crisis or emotional outbursts.
Having passed the first ritual of the ceremony, the entire congregation moves into the sulha ceremony area (either an open air auditorium with seating for hundreds and a long table for dignitaries, or an auxiliary hall in a church or a mosque.

The leader of the sulha ceremony, a senior member of the sulha committee, now reads the sulha agreement. This is usually a fairly short document, outlining the infraction, the sorrow of the offenders family, the suffering of the victim’s family, the verdict (monitory and otherwise), and the assertion that this agreement holds true for all members of the disputants’ clans, both past, present and future.

If the offender’s family was sentenced to pay a fine or blood money to the victim’s family, this is the time for the exchange. The representatives of the offender’s family hands over the fine, always in cash, to the most senior representatives of the victim’s family.

This is time for the victim’s family to execute the second pillar of the sulha:

Musamacha – A declaration by the victim’s father (if available, otherwise the closest relative) that he forgives the killer. This is usually the most emotional moment of the ceremony. The chosen relative usually says a few words about the virtue of the victim, extols the virtue of forgiveness as opposed to revenge, and declares clearly and un-ambiguously that the offender and his family are all forgiven.

In some cases, the victim’s family uses this part of the ceremony to further enhance their honor by handing the Diya back to the offender’s family. This is accompanied by an explanation that no money in the world will bring the victim back or undo the wrong, and that the victim’s family does not need the money as a proof of good will, only the willingness to give it. Such a gesture is usually greeted with general approval and applause by the gathered congregation.

Sometimes, there are tacit “refund” agreements prior to the sulha ceremony, but sulha makers claim that the victim’s family is always entirely free to do with the money as it wishes, and can
never be coerced into paying it back if it does not want to (Interview, 2009. Author with Farage Khneifes).

Now it is time for the disputants, the mediators and the dignitaries to sign the Sulha agreement in the presence of the community. This is usually an extended ritual, since there are usually multiple signatories to a Sulha agreement (often more than 20). This serves a dual purpose: it demonstrates to the disputants the level of commitment of their community in achieving and maintaining the Sulha, and it serves as a public warning to the disputants that should the idea of breaking the agreement ever cross their minds, they ought to know that they would be causing a substantial loss honor to many community, civic, governmental and religious leaders – a gambit that is not likely to be taken without hard and long considerations of the ramifications.

Each signatory accompanies the signing with tying a knot in the Riya flag. The white sheet is gradually transformed into a line of knots around the flag’s pole. Some of the signing dignitaries use the occasion to say words of praise and encouragement for the process and the participating disputants, providing as it were the final gloss of honor on the already shining standard of reconciliation.

Copies of the signed Sulha agreement are kept by the disputants and by the Sulha Committee.

It is important to note that the victim’s family *always* gets to tie the last knot in the Riya. There are symbolic and practical reasons for this: On the practical side, the first knot, also tied by the victim’s family, is usually tied in the confines of the victim’s family compound, and not in the public domain, and certainly not before the community, dignitaries and all disputants. Tying the last knot gives the victim’s family an opportunity to demonstrate their acceptance of the reconciliation principle in the broadest public forum. On the symbolic front, this is another
opportunity to empower the victim’s family with a sense of control over the proceedings: they get to initiate the ceremony with the tying of the first knot, and they get to close the proceedings and symbolically bring the conflict to its end by tying the last knot, almost the last ritual in the ceremony, and a gesture rife with symbolism (Interview, 2009. Author with Farage Khneifes).

The Sulha ceremony is sealed by a meal – the Mumalacha. The offender’s family is supposed to invite the victim’s family for a ceremonial meal, or at least for a cup of bitter coffee. The victim’s family is obliged to accept and come and sit down at the table, but it is not obliged to eat. If only coffee is offered, the victim’s family is obliged to sip. Breaking bread in this context is the ultimate symbol of conciliation, and of termination of belligerence.

Creating a Durable Forgiveness

The durability of the forgiveness achieved by the Sulha, rests of several elements

**Bilateralism** – All sides to the dispute declare and manifest forgiveness.

**Repentance** – The offender’s side expresses specific and detailed repentance for the wrong(s) inflicted on the victim and his family. The victim’s side accepts the repentance and through the act of acceptance expands its honor-based standing within the community.

**Admissions** – Disputants jointly own up to the facts of the conflict. This component deals with the basic need for justice, that is important to disputants and community alike.

**Commitment to the Future** – Disputants express their commitment to actively maintain the reconciliation, with deeds, symbolism and solicitation of public participation, endorsement and sponsorship. Furthermore, the agreement specifically binds past, present and future disputants.

So, we see here a set of rituals, reflecting a deep meditative strain, but wrapped, nonetheless, with a layer of arbitrative prerogative, designed to keep the process on track through its more delicate stages, and to provide as stable a sendoff as possible to the young agreement.
The Jaha plays the role of a facilitator, helping the sides mediate their own reconciliation, but in reality, the role of the Jaha is much more of a mix where arbitration occupies a central place.

Conclusion

We have shown here that Sulha and Western ADR differ from each other in one major aspect, which is the Sulha being an amalgam of mediation and arbitration tools, used interchangeably, whereas within Western ADR mediation and arbitration had evolved into separate approaches, practiced differently for different reasons and to achieve different results.

In addition, this paper explored in depth several additional differences and similarities between similarly-named functions within Sulha and within Western-style mediation and arbitration practices. Such differentiation is essential if we want to explore ways of generating successful communication between Muslim and Western ADR practitioners.

To further our understanding of the similarities and differences between Sulha and Western-style ADR, this paper provided a detailed analysis of the use of mediation and arbitration techniques in each of the Sulha’s six task-specific transformative stages. This analysis is designed to give students of Sulha in particular and traditional ADR practices in general additional insight into the internal mechanisms of the transformative process, where mediation and arbitration tools interact constantly to facilitate a durable outcome.

It is reasonable to assume that the difference in approaches between Sulha and Western-style ADR, arise from deep philosophical difference between the two. Whereas Western-style ADR is predicated on the premise that resolution is always an available option, the approach of the Sulha is based on the premise that sometimes disputes are irresolvable by the disputants themselves, and as such require the intervention of community leaders and dispute resolution experts, who take into consideration not only the dispute and the disputants, but the entire
surrounding community. Such a “broad” view probably mandates the application of a mixed mediation/arbitration toolbox, as seen in Sulha.

References


Birzeit University Institute of Law, 2006. Informal Justice, Rule of Law and Dispute Resolution in Palestine, National Report on Field Research Results.


Interview, 2007, author with Sheik Hamis Mahmud Abu Saaluk (Abu Ichye), Translated from Hebrew by author.


Lang, Sharon, Sulha Peacemaking and the Politics of Persuasion *Journal of Palestine Studies XXXI, no. 3 (Spring 2002), pp. 52-66.*


Abstract

The conflict in Northern Uganda has ebbed off. However, notwithstanding many proposals on how to deal with its perpetrators, they have not been brought to justice. *Mato Oput*, an *Acholi* cultural mechanism of justice has largely been ignored due to its incompatibility-philosophically and practically- with western-modeled mechanisms of justice favored by government. Does this signal the demise of this aspect of culture? Available evidence suggests that although cultural practices matter and must be given a chance; they require selective incorporation of international human rights practices. The two ought to reinforce, rather than supplant each other.

Introduction

For over two decades, most parts of Northern Uganda have been devastated by the Lord’s Resistance Army (LRA) war characterized by extreme savagery and egregious crimes like abductions, maiming and massacres, destruction of property and culture, and internal displacement. Despite the fact that the war has ebbed off, its perpetrators have not been brought to justice. In fact, the culturally grounded justice mechanism of *Mato Oput* has been disregarded in attempts to deal with the conflict. Instead, the government has promoted options based on western systems of justice such as the local war crimes court, amnesty and International Criminal Court (ICC). This paper addresses the following questions: Does the sidelining of *Mato Oput*
mean the demise of this regulatory mechanism of Acholi culture? How robust is Mato Oput vis-à-vis modern systems of justice in the context of a society hemorrhaged by years of conflict?

**A comment on Mato Oput**

*Mato Oput* is a process aimed at reconciling, ending bitterness, forgiveness, and compensation among Acholi clans faced with violence by examining the hearts of protagonists and ascertaining their willingness to forgive and reconcile, so as to restore social equilibrium which has been destabilized by the social infraction culminating in death. Although there are slight variations among clans (CTA 2009), its core elements include negotiation, compensation, mediation, sharing/exchanging food, drink and the liquid of a bitter herb known as *Oput*. Accountability is central and is a basis of reconciliation. Advocates of this option argue that these qualities make it superior to the western system of justice which targets the individual as opposed to society and aims at exacting punishment in a process far removed from the actors. Thus, *Mato Oput* is seen as a better way of dealing with the situation of generalized violence such as engulfed Northern Uganda. Sidelining it would be done at great peril of Acholi culture and peoples.

Brigg and Muller (2009) argued that culture is the most important issue of all. It furnishes the software of life-ways of doing things, acting, interacting, feeling, and reacting. Culture remains one of the most enduring frameworks for social order. But, it is not immune to the vagaries of time. Soon, it develops aberrations either from within or without (such as violence) that disarm it of its ability to cushion its benefactors. Brigg and Muller warn that in terms of conflict resolution, it is important to be mindful of the fact that cultural claims can easily overstate or devalue human differences. It is in this context that I seek to weigh *Mato Oput* vis-à-vis the western model.
Framing the response

While the LRA war has been a complex conflict, it has not been helped by the plethora of solutions advanced to deal with it, which unfortunately have ignored *Mato Oput*. Not only is *Mato Oputa* time-tested cultural practice among the *Acholi*, it is still considered portent to heal and repair the damaged soul of their society. Ending a conflict where the perpetrator and victim are one\(^{101}\) requires local tools that can deal with internal rupture. Retribution and pursuit of individualized human rights crafted in western justice philosophy may not help as this has no meaning for *Acholis*. This argument strikes at the notion of universalizing western cultural constructs and presenting them as the only form of justice.

Experiences from Rwanda, Mozambique, South Africa and Uganda show that culturally situated traditional justice is relevant in societies hemorrhaged by prolonged conflicts. Unlike modern systems which focus on individual accountability, punishment and rights, traditional systems understand justice in collective terms, are flexible, quicker, (re) socialize ‘outcasts’, cleanses them, adjudicate, mediate, arbitrate, compensate and use retribution as the last resort. As such they have the capacity to prevent recurrence of violence. The goal of justice is to restore balance; repair damaged relationships, social interactions, and institutions, facilitate forgiveness, trust, reconciliation, participation, civic engagement, generation of social capital and cohesion (Longman 2010; Quinn 2007; JRP 2007; Graybill 2004).

Modern justice systems lack sensitivity to the primordial, historical and social bases of conflicts in Africa such as ethnicity, violence, inequalities, exclusion and poverty. For example, it is no secret that since assuming power in 1986, Museveni’s regime has been dominated by some

---

\(^{101}\) This is not to say that the only perpetrator of the violence was the LRA. Reports abound that implicate the national army, the Uganda Peoples Defense Forces (UPDF) in gross violations of human rights in the course of the war and in concentration camps (Internally Displaced People’s camps); in other conflicts one may find two or more ethnic groups opposed to each other.
ethnic groups from western Uganda from where he comes, which has led to political tensions in the country.

It is estimated that 30,000 children were abducted, forcefully recruited into LRA ranks, and turned into killing machines. They had one choice: to kill or be killed. This socialized them into violence. Why anyone would want to subject such victims of violence to retributive justice remains a challenge. At the risk of sounding naïve, I argue that children picked from school, gardens and village paths (JCR 2007) are not culpable. Instead of standing in the dock, they should be cleansed and re-united with their families.

Despite its great promise, *Mato Oput* is slow, is used when the killer and killed are known, compensation would be difficult amidst extreme poverty and its success depends on willingness by the perpetrator of violence to assume responsibility (Harlacher et al. 2006). It is also likely to be abused by corrupt local leaders bent on consolidating their power which, may create insecurity and fail to promote restoration (Graybill 2004) and could become retributive and promote political repression. It has limited scope, thus it may not help in bringing to book elites in the diaspora, members of the military and government officials who had a hand in the conflict. *Mato Oput* cannot address political injustices or change the culture of violence that has become the *sine qua non* of governance and politics of Uganda. Thus it is not robust enough to deal with large-scale conflicts. Yet, modern legal options do not carry much promise for societies hemorrhaged by internecine conflict. And, if applied singularly, they would only serve to embitter the population and sow seeds for more conflict (Quinn 2007; Longman 2010 and Jackson 2009).

I contend that a combination of the best elements of the two systems be adopted, in the view of the social, cultural, political and economic context of Uganda with a goal of re-establishing a ‘negotiated social equilibrium’ (see Pimentel 2010). I posit that *Kony* and his top
commanders face the war crimes court created by government. Lastly, I propose that the international community investigates and brings to justice elites in the diaspora behind the conflict. At the same time, bring pressure to bear on government to investigate and prosecute members of the military and officials complicit in all human rights violations associated with the conflict.

References

Brigg, Morgan & Muller, Kate (2009), *Conceptualizing Culture in Conflict Resolution*, Journal of Intercultural Studies, Vol. 30, No. 2, pp. 121-140.


Matthew Schultz

American University

Implementing Legal Pluralism in Oruro, Bolivia

Introduction

The issues of intra-state conflict, divided societies, and decentralization have gained a growing international importance as localized diversity struggles to the surface in our continually globalizing world. How these issues play out in Bolivia are discussed in this paper within the context of 2009 constitution’s recent recognition of “original” indigenous justice as of equal hierarchy with “ordinary” state justice. Bolivia has had a long history of ethnic tensions and marginalization since the arrival of the Spanish 500 years ago and to this day remains as the Latin American country with the largest proportion of indigenous population at about 55%.

(Central Intelligence Agency, 2010)

To assist with the implementation of this recognition of indigenous justice in the constitution, Programa Contruir of the Red de Participación y Justicia convened dialogues in Bolivia to develop the cooperation and coordination processes between the indigenous and ordinary state justice systems. This paper discusses these dialogues as part of this implementation process. The research was conducted in the department of Oruro, Bolivia in January 2010; just one year after this new constitution was ratified. This focus specifically on Oruro is due to the diversity of contexts and practices throughout Bolivia as well as the success of the dialogues in Oruro.

The guiding question in the research for this paper was: “What is necessary to make the implementation process of the legal pluralism effective in preventing conflict over jurisdiction and preventing corruption in the justice systems?” The research was thus designed to test the
hypothesis that the effectiveness of the implementation process will rely on the incorporation of stakeholders throughout both systems into the dialogue process, mechanisms to insure the systems’ integration, and mechanisms to prevent corruption.

Prior constitutional and legal reforms in the 1990s had allowed for some recognition of indigenous practices but merely as a marginal alternative to the ordinary state justice system. (Republic of Bolivia, 2005) The 2009 constitution greatly expand the prior recognition of indigenous justice and legal pluralism by: defining indigenous justice as being of equal hierarchy to ordinary state justice; defining the right of indigenous justice to operate with its own principles, cultural values, norms and procedures; requiring all public and private authorities to honor the decisions of indigenous justice; requiring all the organs of the state to cooperate with any requests for help made by indigenous justice; and requiring the inclusion of both indigenous justice authorities and ordinary state justice authorities in the plurinational constitutional tribunal. (Plurinational State of Bolivia, 2009)

**Dialogues**

The two main goals of Programa Construir’s dialogues were identified at the beginning as: 1) overcoming the distrust between leaders in both justice systems and 2) sustaining an agenda of intercultural dialogue in the justice system. (Mendoza & Rivero Molina, 2009) While meeting the first goal of overcoming the distrust between leaders in both justice systems was important, Programa Construir’s second goal of sustaining an agenda of intercultural dialogue was a much more difficult. One important success of the dialogues was the creation of the Permanent Coordination Commission of the Oruro Justice System the day after the Declaration of Chuquisaca that came as a result of dialogues in that town. The president of the superior court of Oruro, then took this model of the Permanent Commission to the National Supreme Court to
present it as a model that could be replicated in other departments of the country. (Mendoza, 2010)

**Stakeholder Inclusion and Follow-Through Mechanisms**

The relative success of the establishment of the Permanent Commission is not merely the inclusion of stakeholders in the right positions in the justice systems (i.e. high-level indigenous leaders and the President of the Superior Court) but people who then worked on the implementation process itself. This work includes a joint drafting of a version of the Law of Jurisdictional Delineation that codified the how different jurisdictional conflicts should be resolved. (Mendoza, 2010)

The character of the people in those in the positions of power to form the Permanent Commission was also important. For example, unlike many other judges, Zanobio Calizaya, the President of Oruro’s Superior Court, had been visiting indigenous communities on his own for the last 20 years as part of his role as a judge. (Calizaya Volasquez & Campos, 2010) His predisposition in favor of cooperation with indigenous justice must have certainly helped encourage the judges below him to take interest and participate.

Another aspect was a diversity of processes with different groups as well as at levels of society. Dialogues were held at the local, departmental, and national levels between the justice systems and the public, between the leaders of both original and ordinary justices, and among leaders of various social organizations with varying methodologies to address their different contexts. (Mendoza & Rivero Molina, 2009)

The follow-up mechanisms could be improved, however, by a continuation of the dialogue process to include more people. It seemed that the people interviewed for this research who had participated in the dialogues had a good amount of knowledge of the legal pluralism and the other systems but those that didn’t participate didn’t have that knowledge. Even if the
dialogue participants are successful in their follow-through at drafting and passing all the necessary laws and coordination practices, the awareness of those laws and practices need to reach everyone in both systems as well as society as a whole.

**Ability to prevent corruption**

Due to the history of corruption within the ordinary justice system, efforts to prevent corruption are important both in the original and ordinary systems. (Campos, 2010) In original justice, different communities have different ways of addressing the corruption issue. In some communities authorities cannot be removed from their year-long holding of a position. Instead community members are allowed to take their cases to any of the authorities of the other neighboring communities if they feel that their own local authority is corrupt in any way. (Ramirez Mollo & Campos, 2010) In other communities, the communities themselves and higher original justice authorities have the power to expel leaders that had grown corrupt. The structure of original justice is designed to prevent corruption by limiting authorities to one year in their position and the integral role of the community in the decision making process. (Campos, 2010)

Reforms in the ordinary justice system are also part of the new constitution. An example of these reforms is the work being done by NGOs to encourage ordinary justice judges to keep Personal Notebooks of Jurisdictional Decisions as a public record of all their proceedings to prevent any practices that may be corrupt. This also creates legal continuity by allowing judges to observe how other judges have ruled on similar decisions and dispels the myth that all judges are corrupt. (Amuzquivar, 2010)

**Conclusions**

In conclusion, establishing a legal pluralism of equal hierarchy thus requires not only a law but also an extensive amount dialogue, coordination, and collaboration. The interest of higher leaders in the original and ordinary justice systems is important to support dialogue and serve as champions for the reform as well as an active community of people from the justice
systems and NGOs to participate in and work on integration. Additionally, the incorporation of
dialogue participants who are also primary actors in the process and are later involved in such
things as writing the relevant laws greatly helps ensure follow-through on commitments. Finally,
long-term commitment and funding is needed to sustain the implementation and dialogue process
so as many stakeholders can be involved as possible.

References

(M. Schultz, Interviewer, & M. Schultz, Translator) Oruro, Oruro, Bolivia.

Calizaya Volasquez, Z., & Campos, J. L. (2010, January 18). President of the Superior Court of
Oruro. (M. Schultz, Interviewer, & M. Schultz, Translator) Oruro, Oruro, Bolivia.

Campos, J. L. (2010, January 14). Lawyer and NGO worker: Interview 1. (M. Schultz,
Interviewer, & M. Schultz, Translator) Oruro, Oruro, Bolivia.


Hoekema, A. (2002). Hacia un pluralismo jurídico formal de tipo igualitario. El Otro Derecho ,
26-27.

Lugala Juolina, D., & Campos, J. L. (2010, January 18). (M. Schultz, Interviewer, & M. Schultz,
Translator) Oruro, Oruro, Bolivia.


Bolivia. Compaños de las Américas; Programa Construir, La Paz.

Retrieved April 27, 2010, from Political Database of the Americas: http://pdba.georgetown.edu/
Constitutions/Bolivia/bolivia09.html

Construir: http://www.participacionyjusticia.org/construir/Principal1/untitled/QUIENES
%20SOMOS%201.html


Rebecca Metcalfe Stone

Eastern Mennonite University

A Restorative Justice Response to Human Trafficking

Human Trafficking is an endemic crisis, currently enslaving between 12 and 27 million people worldwide (Clinton, 2009, Free the Slaves, 2010). While there is little dispute over the seriousness of the issue, overcoming human trafficking has proven to be exceedingly difficult. In its current form, the overarching international approach is unable to adequately respond to human trafficking. A restorative justice framework proposes an added dimension to current interventions through its mission to address harms, needs, and subsequent obligations that arise in consequence to crime (Zehr, 2002). This paper seeks to explore how restorative justice can augment current practices and provide a complimentary process in responding to human trafficking that more fully addresses victim needs, offender accountability, and community engagement.

International Response to Human Trafficking

Human trafficking comes in many forms including forced and bonded labor, sex trafficking, debt bondage among migrant laborers, involuntary domestic servitude, forced child labor, and child soldiers (United States Department of State, 2009). The causes for human trafficking are complex; factors that increase vulnerability towards trafficking include poverty, human rights violation, population displacement, and conflict zones (United Nations Office on Drugs and Crime, 2008). The prevalence of human trafficking is expansive and unquantifiable; its causes are countless, and its effects extend to people far removed from the actual exploitation.
In recent years, international attention has started to address human trafficking. The UN, the US State Department, and other organizations have embodied a strategy to address the needs of victims and to hold offenders accountable. This approach has made some progress, yet it is inadequate in its current state. The plan includes three distinct components: prevention, prosecution, and protection (United States Department of State, 2009).

The prevention component widely focuses on addressing the root causes of human trafficking. Additionally, it advocates for raising awareness through media campaigns aimed at educating both potential victims and the international public about ways to prevent trafficking (2009).

Prosecution aims to strengthen national criminal justice systems in their approach towards human trafficking through the creation and enforcement of laws (United Nations Office on Drugs and Crime, 2010). Many countries are creating laws against human trafficking, yet enforcing existing laws has proven to be extremely problematic. Of countries outlawing human trafficking, forty-one percent made no human trafficking convictions over a one-year period, and only 29% made at least ten convictions (United States Department of State, 2009).

Finally, victim protection is fundamental in the form of identification, care, confidentiality, and reparations. To start, proactive identification acknowledges the need for systems to help identify victims. Because of fear and psychological damage, victims should not be expected to identify themselves. Secondly, rescued victims need temporary assistance including shelter, medical care, and counseling. Thirdly, to ensure safety, victims must be protected and their identification kept confidential. Finally, repatriations should include safeguards and measures to reduce the risk of reprisal or re-trafficking (2009).

Reintegration presents many challenges as victims re-entering communities may experience shame, rejection, illness, and trauma (United Nations Office on Drugs and Crime,
A Restorative Justice Response to Human Trafficking

While international efforts to combat human trafficking are positive, current approaches are not adequate. Restorative justice can add to the current intervention framework through its emphasis on addressing the harms, needs, and obligations that arise due to human trafficking. It sees crime and wrongdoing as a violation of relationships and recognizes that violations create obligations. Above all, restorative justice emphasizes the necessity to “put right the wrongs” (Zehr, 2009). It recognizes the role of justice as holding offenders accountable and meeting the needs of victims.

Harms

Restorative justice stresses the importance of understanding the harms that result from crime. In the context of human trafficking, this emphasis better addresses the many layers of damage than do current protection interventions. In addition to addressing the psychological, sociological, economic, physical, or emotional harms experienced by victims, restorative justice also looks to understand who else is affected in crime, including families and communities. The experience of having had a loved one taken, or guilt for having sold a child, also creates deep psychological damage within communities. Communities may feel violated, unsafe, and distrustful in the event of human trafficking.

Needs

Needs surface in response to the harms caused by crime, and it is essential to respond to those needs. In addition to utilizing conventional intervention strategies (rehabilitation, reintegration, and restitution), restorative justice puts particular emphasis on understanding other
aspects of victims’ needs. Zehr explains that the victim experience often progresses through several stages ranging from shame to blame. Throughout these stages, commonly experienced needs include: compensation for losses (financial, material, symbolic); answers to questions; opportunities to express and validate emotions; empowerment; a sense of control; an experience of justice; assurance that what happened to them was wrong, unfair, undeserved; and space to be heard and affirmed (Zehr, 2005). For many victims, addressing these additional needs is critical for them to begin the healing process. Communities too, often experience similar needs to that of victims. They may also need a sense of restored safety, answers as to why and how human trafficking occurred, and assurance that justice has been served. These needs often must be addressed in order for communities to feel that they too can start to heal.

Obligations

Finally, restorative justice believes that when someone has been harmed, an obligation is created to acknowledge the wrong and to work to make it right. Accountability requires that offenders accept consequences and take responsibility for actions. Traffickers need to work to make right and repair damage (Zehr, 2005). Accountability starts with the strengthening of legal and policing systems to improve offender apprehension and victim release. Jail time and fines are important mechanisms for punishing traffickers, but neither one is sufficient. True accountability requires offenders to acknowledge wrongdoing, admit their actions hurt others, and offer formal apologies (2005). The US is the only country in which financial compensation is automatically part of trafficking proceedings recognizing the restorative power of restitution (US State Department, 2009). While this mandate is a start, accountability needs to be carried much further.

One way in which restorative justice offers a unique process for offenders to accept responsibility and begin to fulfill obligations to their victims is through Victim Offender Conferences (VOC). In a VOC, victims, offenders, and members of the community come
together in a safe space. These conferences provide an opportunity to ask and answer questions, express feelings, tell stories, and develop mutually beneficial outcomes (Zehr 2009). Often after such conferences, victims experience more empowerment and feel that the harms have begun to be repaired.

Communities also have obligations to the victims. Victims may feel overwhelmed returning home due to the circumstances of their enslavement. Rather than focusing all reentry attention on victims, communities need to be included in the process as well. Preparation for reintegration through counseling, training, and dialogue are all examples of ways to encourage community involvement. In this way, communities learn how to support victims in the healing process who may otherwise feel that they are returning home alone.

In conclusion, a restorative justice response to human trafficking considers the harms, needs, and obligations that crime creates. While legislation and governmental interventions demonstrate partial capacity to support victims of human trafficking, restorative justice offers the potential to expand and transform the current system. Restorative justice embraces a holistic approach, addressing complex problems, and it focuses on assisting victims, offenders, and communities on their journey towards transcendence.

References


Session I: Panel 1E
Alternate Approaches to Conflict, Peacemaking & Capacity Building

History Worth Repeating? Lessons in Cultural Tolerance and Societal Advance from Moorish Spain
Jamel R. Adkins-Sharif, University of Massachusetts Boston

Lessons from Canada: Indigenous Peace Building in Aboriginal Contexts
Paul Nicolas Cormier, University of Manitoba - Winnipeg (Canada)

Directing “Poverty Porn”: Theoretical Analysis of How “Poorism” Can Shape Ethnic Conflict
Jason Daniel Fair, Keisha Campbell, and Courtney Milton, University of Baltimore

Health Diplomacy as a novel tool in regions of conflict
Shawna Novak, Tel Aviv University (Israel)

Understanding Kivutien Civil Society and its Potential in Developing Sustainable Peace in the DRC
Arnila Santos, American University
Jamel Adkins-Sharif

University of Massachusetts Boston

History Worth Repeating? Lessons in Cultural Tolerance and Societal Advance from Moorish Spain

O Mankind! We created you from a single pair, of a male and a female, And made you into nations and tribes, that Ye may know each other.

Seek knowledge, even if it be in China.

- The Holy Qur’an

Moorish Spain or Al-Andalus, is an example of racial and religious tolerance under the stewardship of an Islamic government. The precepts of the religion as articulated in the Qur’an and as practiced by the Muslims of the era lay the foundation for racial and religious tolerance, and promoted intellectual inquiry, exchange and refinement of ideas, and technological advance. In such an environment, science and technology are developed to serve and advanced humanity. Under the Almohad and to a lesser extent the Almoravid rulers, Jews and Christians were free to worship, build and maintain churches and synagogues. Non-Muslims participated in the administration of government and leadership. People of all races could be found in all levels of society, and prior conditions of servitude were not a barrier to moving through the social ranks within the society. Under Moorish rule, public works and the health and welfare were advanced beyond what had previously existed in much of Middle Age Europe. Agricultural practices were improved, as was food storage and transportation of drinking water. Public baths were instituted as well as sanitation systems, which reduced filth and disease among the populace. A system of public education was instituted in some cities to promote intellectual development. These opportunities were open to all including women, whose status had been elevated by the advent of Islam. In these institutions of learning, the knowledge, theories and philosophies of the
Egyptians, Chinese, Greeks, and Indians, was translated into Arabic, disseminated and expounded upon. Advances in medicine, geography, mathematics, navigation, urban planning and the arts all occurred in Moorish Spain. The cities of Al-Andalus became well known and were visited by scholars and knowledge seekers from around the known world. This further promoted an exchange of ideas and information between Muslim society and other civilizations.

Modern society is plagued with misconceptions about Islam as incompatible with civilized and progressive society. This is due to ignorance, misinformation, racism, and fundamentalist and extremist agendas on the part of some Muslims, and ultraconservative Americans and Europeans. Conflicts grounded in economic and political struggles have become articulated through and justified on religious grounds. Politicized Islam developed in response to tyrannical rule and unequal distribution of resources; extreme social conditions have led some to extreme measures to resist occupation such as the Palestinians in Israel, establish more equitable government such as the Iranian Revolution, or assert influence in the political arena, such as took place in Egypt. These struggles have been intensified as different ethnic groups and religious sects fight over their perceived power share. Western powers have responded to these conflicts and tensions in a variety of ways. In some instances they have supported despotic regimes, at the expense of the people’s aspirations for greater freedom. Other times the West has supported popular movements it believed were in sync with its own aims, such as the United States’ support of the Mujahedeen in its independence struggle against Soviet occupation. Then there were historical anticolonial struggles such as the Algerian war against French occupation, where radicalized Islam served to rally the population around a common moral cause. These issues become contextualized and propagandized for the populations within these Western societies, in a manner designed to gain support for government policy and action. The media and the Western
intellectual community codify these narratives for consumption within these societies, and thus competing interpretations of reality are established.

These constructs are promoted internationally, and exacerbate conflict and mistrust. It is from this backdrop that young people within the United States are at a disadvantage in terms of their ability to distill truth from propaganda, and are not equipped to engage constructively in debate about social transformation and improved interreligious, interethnic and international relations. This is ultimately an impediment to human progress for the following reasons:

• Unresolved politico-religious conflicts worldwide are contextualizing the debate within the United States political arena, and hardened ideological positions are being presented as unassailable truths without sufficient critical analysis on any side of the political spectrum.

• The United States is internationally regarded as a (if not the) leader in fostering and promoting reconciliation, mutual constructive engagement and peaceful resolution of conflict. The debate over the past decade and the resultant policies around combating Muslim extremism, as well as the politico-military response to the attacks of September 11, 2001, have damaged our standing in the world as a moral authority capable of objective engagement for the common good. Absent that standing, it is doubtful that the formidable resources this country can bring to bear in such an effort will be utilized or accepted.

What I believe is required for constructive improvement is:

• Young people in the United States need an opportunity to engage in dialogue about the real character of the religion of Islam, its positive historical impact and current potential for the same. This is possible through historical study of a medieval Muslim civilization that at various periods was able to grapple successfully with differences in ethnicity and
religion, in a tolerant atmosphere of technological advancement. I propose that such a study begin in upper elementary school and intensify in middle school grades; such a curriculum would

- involve historical study of the time period, as well as individual personalities who contributed to tolerance and exchange of ideas in Muslim Spain. Dialogue developed out of actual inquiry into historical sources, rather than the recycled propaganda of the day, would allow for a dispassionate and reasoned understanding of what is possible, through the arms length of history. Looking at history rather than present issues lowers perhaps the emotional stakes involved in reinterpreting reality.

- A related benefit is that this inquiry helps reveal the black/African contribution to Islam and civilization. This serves to provide balance to the current paradigm, already erroneously construed, which presents the breadth of Islam and Islamic society of the past as primarily Arab, and the current political dilemmas as primarily within the context of Arab and South Asian realities.

- A commitment from educators and their young charges, in the belief that Muslims, Jews, Christians, blacks, whites, Arabs and Asians can live together in peace and harmony. This harmony is achieved through elevating the practices of inquiry, historical study and dialogue. The exchange of ideas should promote human understanding, as well as spur inventiveness and creativity in solving problems so as to improve life conditions. The United States (or some other stable nation) may have to be the laboratory for the exploration of these ideas, beyond the confines of a think tank, so that they might be put into practice and publicly examined and refined.

Such a social experiment has the potential, over time, to reconfigure the constructs by which young people understand Islam and its potential for human uplift, past and present. What is
currently defined as a clash of civilizations in some quarters can be instead, an opportunity to redefine civil society. We may well need to learn from the past in order to preserve any real hope for a just an equitable future.

References


Lessons From Canada: Indigenous Peace Building in Aboriginal Contexts

Land is the root cause of every conflict involving Indigenous people (Cormier, 2009). For Indigenous Peoples, land is the principle means of satisfying their needs for identity, justice, participation, and control (Burrowes, 1996), and Indigenous Peoples’ traditional lifestyles, living close to the land, render them particularly vulnerable to unhealthy and/or unsafe environments (Westra, 2008). These statements take on new meaning as the global village continues to shrink and the fight for control over natural resources due to resource scarcity (Gleditsch, 2007; Levy, 2007; Stewart & Brown, 2007) increases the pressure on nations to maintain access to natural resources.

Beginning with definitions of Indigenous Peoples, Aboriginal Peoples, and contextualized in the Aboriginal world view known as “holism”, this paper will propose factors to consider when implementing peace building activities involving Indigenous Peoples. Are there unique factors to consider when conducting peace building activities in areas where Indigenous Peoples are affected by direct and/or indirect conflict?

Who are Indigenous Peoples?

Ronald Niezen (as cited in Warry, 2007) defined Indigenous peoples as, “people with primary attachments to land and culture, traditional people with lasting connections to ways of life that have survived from time immemorial”. Similarly, Indigenous peoples have been described as descendants of the original inhabitants of a territory that was conquered and is now occupied by an alien and dominant culture. They hold a different world view that includes a custodial and non-materialistic attitude to land and natural resources. Self-identification of a
group as Indigenous or tribal is regarded as a fundamental criterion (Burrowes, 1996; Westra, 2008).

Aboriginal people are the Indigenous people of Canada. In Canada, there are three Aboriginal groups defined by the Canadian Constitution Act 1982: “Indians, Inuit, and Metis” (Imai, et al., 1993, p. 5). It is important to note that Indian is a misnomer for the native peoples of America and Canada and many contemporary Aboriginal people find the term offensive – even though it still remains the term used in the Canadian constitution. Indian is also used to identify those people the government recognizes as having Indian status — people who live or were born on a reserve, have an identifiable band, and are recognized under the Indian Act. They are known as First Nations. There also exists non-status Indians who are not recognized by the government because their parents or ancestors lost their Indian status (Warry, 2007).

**What is the Aboriginal World view?**

*Holism* is the Aboriginal worldview and constitutes the essence of Aboriginal identity (Kenny et. al, 2004; Anonymous, 2002; Wa’na’nee’che’ and Freke, 1996; Bopp, Bopp, Brown, and Lane, 1985; Benton-Benai, 1988). It is looking at the connection between four parts — physical, mental, emotional, and spiritual. “At the core of this concept is the connection beyond the individual to family, community, nation, and Mother Earth (The world) which includes the environment – land, water, air, and spirit (Cormier, 2009, p. 16). The concept of holism has been discussed in a number of disciplines including lands and resource management (Borrini-Feyerabend, 2004; Davidson-Hunt, 2003; Westra, 2008; Thoms, 1996; Berkes and Davidson-Hunt, 2006), child welfare (Foxcroft, 1995; Bennett, 2008; Simard, 2009), peace and conflict

---

102 For further discussion on the subject of labels of Aboriginal people in Canada and their application see Kulchyski (2005), Warry (2007), Alfred (1999).
studies including restorative/traditional justice (Crowshow & Manneschmidt, 2002; Edossa, Babel, Gupta, & Awulachew, 2005; Turner, 2004; Yazzie, 2004), policy development (Kenny, Faries, Fiske, and Voyageur, 2004; Warry, 2007), and research (Tuhiwai-Smith, 1999; Wilson, 2008; Atleo, 2004).

Fixico (2003) as cited in Turner (2008) describes Aboriginal thinking as “seeing things from the perspective emphasizing that circles and cycles are central to the world and that all things are related within the universe. For Aboriginal people who are close to their tribal traditions and native values, they think within a native reality consisting of the physical and metaphysical world” (p. 101-102). As an example, the Gitxsan people of British Columbia believe that, “the ownership of the territory is a marriage of the Chief and the land. Each Chief has an ancestor who encountered and acknowledged the life of the land. From such encounters comes power. The land, the plants, the animals and the people all have a spirit – they all must be shown respect. That is the basis of our law” (Turner, 2008, p. 66-67).

Lessons for Consideration

It is critical to consider that every land dispute in Canada involves and impacts Indigenous Peoples. The peaceful settlement of these disputes plays a critical role in the future health and well being of Aboriginal Peoples in contemporary Canadian society and the existence of future peaceful relations between the First and Second Nations of the country. “The tragic experience of colonization is a shared experience, and the oppressors as well as the oppressed need healing if the cycles of external aggression and self-destruction are to be discontinued” (Daes, 2009, p. 6). In facilitating understanding and partnership development between Aboriginal and non-Aboriginal Peoples, I have found it useful to consider the following principles contextualized in the Aboriginal “world view” defined above, the importance of land in that world view, and the legacy of living in a colonial country:
• For Indigenous Peoples, peace and peace building is not a separate process to be applied when conflict occurs. It is a lived, continuous process of applying balance and harmony to all aspects of one’s life. It is embracing complexity and change as constant, and analyzing the patterns of change to understand how it is connected to every aspect of our lives (Bopp, Bopp, Brown, & Lane, 1985). Inherent in this lens is learning;

• In Indigenous contexts, land and the health of the land are intimately linked to the health of the people. Thus, if the land is unhealthy, the people are unhealthy and vice versa;

• In Indigenous contexts, peace can only be achieved with external groups once peace is achieved within. This can equally be applied within an individual, a family, a community, a nation, or internationally;

• In Indigenous contexts, historical connection to the land is essential for community health. Rediscovering these connections through development of a community narrative about the land will increase resiliency and facilitate community health. A healthy Indigenous community is predicated on a strong attachment to the land;

• Action research can be used as a culturally congruent process for peace building in Aboriginal contexts.

Conclusion

Current research in Peace and Conflict Studies suggests that Indigenous Peoples’ have been largely forgotten in the fight over territory between nations and the assertion of sovereignty within claimed boundaries (Ewan & The Native American Council of New York, 1994; Abu-Saad, 2008).

Similar to Indigenous research, Indigenous peace building must leave behind dominant paradigms (Wilson, 2008) and follow an Indigenous paradigm for building peace based on the Aboriginal / Indigenous worldview defined as “holism”. The challenge then is to embrace what
Reardon (1992) called, inter-relational and holistic process ensuring methodology is not separated by purpose. “Clearly, peace studies must begin to pursue holism as the framework, process as the primary method, and peace in its widest sense as the goal, if it is to energize the intellectual transformation necessary to a paradigm of peace” (p. 402). Thus, research and the research process, when viewed through the Indigenous worldview, is in fact a peace building process. It is *Kinoo’amaadawaad Megwaa Doodamawaad* -“They are learning with each other while they are doing”: The Theory of Indigenous Living Peace.
References


Directing “Poverty Porn”: Theoretical Analysis of How “Poorism” Can Shape Ethnic Conflict

Background

What is “poorism?” As an industry, most researchers have traced poorism’s origins to small extemporaneous-turned-entrepreneurial tours given in the late 1980s to “gringo” tourists in the favelas of Rio de Janeiro. Brazil, geographically close but linguistically mysterious to many North Americans, became all the more intriguing as stories of notorious drug crime comingled with popular romantic tales of Rio’s beach scene. Of similar popularity has been the Dharavi squatter settlement in Mumbai, India. Dharavi—about half the size of Central Park—is home to an estimated one million residents. South African townships, the Kibera slum in Kenya, and even American public housing projects make the list as well.

The existence of the tours has been decidedly polemical. On one side, many tour operators have proudly hailed their craft as righteous—showcasing a “human” side to poverty. Alternatively, gainsayers have classified the tours as exploitative of and offensive to residents. Regardless of one’s assessment of the tourist’s altruistic or voyeuristic state of mind, poorism is impacting communities around the world. News media attention and films like Slumdog Millionaire and City of God are fueling the industry as well. This growth—or persistence at least—has been subject to relatively little theoretical or analytical scrutiny outside of journalistic
communities. For this reason, the following analysis seeks to provide a framework for understanding poorism from a conflict-theory perspective.

**Scope**

The theory of poorism offered here is both comprehensive and elicitive. That is, the discussion herein attempts to take into account the scope of the international operators, tourists, residents, and other actors participating in the field. Similarly, in an effort to be of utility to those hospitality business owners, vacationers, and epistemic communities, the theory explicates specific business and itinerant (read: behavioral) practices.

For the sake of parsimony, the intent of this study is to address the impact tourism has on conflict in ethnic communities—distinctly removed from the intrapersonal conflicts of tourists, tour providers and their perceptions of the tours. Thus, the residents’ perspectives are the cardinal perspective from which the theory is developed. A practical (business) theory is then extracted and established from multiple cases of poorism in the US and the world—eventually establishing that tourism (if carefully crafted) can be a vehicle for resolving ethnic conflicts. The theoretical considerations of this theory largely hinge on considerations of Burton’s Basic Human Needs theory, Avruch’s cultural errors underpinnings, relative deprivation and structural violence premises, and conflict transformation strategies.

**Further Considerations**

To test this theory, this study then examines a mostly forgotten civil rights conflict in Cambridge, Maryland and proposes a tour as a possible resolution technique. Cambridge serves as a strong model for this test—not only has the propitious propinquity of Cambridge to Baltimore allowed for novel group primary research opportunities there, but Cambridge’s high-degree of geographic isolation on Maryland’s Eastern Shore also has allowed for an application
of this new poorism theory towards a conflict that is simultaneously well-established and yet unresolved.

The Cambridge Conflict research is discussed chiefly during the conference.

**Research Findings**

In the context of slums or ad-hoc poorism, where residents are faced with a security dilemma, one should expect a heightened sense frustration of basic human needs and perhaps a lower threshold for considered societal norms (Kim & Pruitt 2003). In this light, the Basic Human Needs model provides a path through which the residents’ experiences can be operationally understood. That is, conflict can be said to likely increase if poorism tours frustrate the basic needs of residents (read: exploitation).

These concerns about psychological effects suggest both a short-term and long-term effect from the tours. In observing a tour, a resident may experience relative deprivation. That is, where the resident feels unfairly deprived of one or more of their basic human needs as a result of viewing themselves differently in the presence of a new comparison group (Kim & Pruitt, 2003). This deprivation is distinct from any material disadvantages the residents might face.

**Neutralizing Recommendations**

Poverty-tourism providers can likely neutralize micro-tourism’s inherent conflict-exacerbating tendencies elucidated above. While conflict resolution theory is limited in its application to specific conflicts without a complete mapping of each conflict, parties should be able to control their contribution to local conflicts by specifically modifying their tours to dampen their impact on residents’ relative deprivation and structural violence.

Of particular note, tourists seeking to limit their impact to relative deprivation would be wise to give heed to the mode of transportation and size of the group in which they will be
touring. Touring methods outside of the norm of transportation in a town might satisfy be perceived as an ostensible displays of power if a cultural or racial difference already exists and thus reinforce relative deprivation through stereotyping (Avruch, 2003). To reduce inherent structural violence, tour operators must—as a part of that structure—presumably change their role in their local society. That is, the most direct way to neutralize the potential racial, cultural, and class-related obstacles of micro-tourism is to offset those qualities through direct empowerment of the community. In other words, and in keeping with what many micro-tourism outfits have already done, micro-tours that reinvest a portion of tour proceeds into the local community can potentially increase their communities’ ability to militate organic change that is derived from local resources.

**Conflict-Reducing Recommendations**

Achieving the neutralization of micro-tourism’s intrinsic noxious qualities subsequently creates a tourism product that theoretically has no inherent positive or negative impacts on local ethnic conflicts. Is this a worthwhile business venture?

While direct neutralization of poverty-tourism’s deleterious facets may be practically unsustainable, leveraging separate unique features of micro-tourism may actually be able to slake ethnic conflicts.

Poorism exhibits two traits which may satisfy a high degree of basic human needs. First, these tours have the opportunity to arrange intergroup encounters. These cross-cultural encounters generally lower prejudices (Pettigrew & Tropp, 2006). On such tours, residents and tourists are apt not only to experience lowered prejudices in the moment, but likely develop more positive attitudes towards all members of the other group (including residents not involved in that contact). These changes can be expected due to the transient and grassroots nature of the tours.
Thus, poverty-tourism’s introduction of this bottom-up approach to intergroup relations should increase locals’ basic human needs beyond their preexisting level—notionally reducing their baseline level of conflict.

The following diagram demonstrates such potential effects of managed poverty-tourism on an existing communal conflict:

![Diagram](image)

**Industry Applications**

Now that the conflict theory has dredged out the specific methods in which micro-tourism may reduce ethnic conflict, this researched proffers the idea of classifying such tours. Establishing this nomenclature—as distinct from poorism, dark-tourism, or scale-based micro-tourism—would allow practitioners and consumers to identify tours that operate in-line with the abovementioned conflict-reduction theory. Given that properly managed poverty-tourism has been established as a potential force for change both during ethnic conflicts as a neutral mediating tool and afterwards as a vehicle for reconciliation, this study suggests the name “Human Perspective Tourism (HPT)”.
Shawna Novak

Tel Aviv University

Health Diplomacy as a Novel Tool in Regions of Conflict

[INSERT PAPER HERE – CAN’T FIND]
Arnila Santoso

Understanding Kivutien Civil Society and its Potential in Developing Sustainable Peace in the DRC

This research examines the construct of civil society in the Kivus and the roles it has played in the Congolese peace process. Before describing Kivutien civil society it is important to understand the development of civil society in the West because international organizations involved in the Congolese peace process have tended to tailor their peace accords with the framework that civil society in the Kivus mirrors its western counterpart. Therefore, we will begin with a brief description of western civil society as a comparative foil for Kivutien civil society. Civil society in its western roots developed from the Greek concept of polis: or an “association of associations’ founded on bonds of friendship and religious loyalty to the homeland and oriented by nature if not always in practice toward the cultivation of virtue”. From there it evolved into Machiavellian republicanism later infused with Aquinas’s notion of societatis civilis a society that pursued good governance and rule of law in order to attain peace. Locke, Rousseau, Montesquieu and Hume later added the notion of a social contract between the state and society. This created a system of accountability between the people and the state in which ‘civil society’ represented the needs of the people to the state and kept the state accountable to the people. In America Peter Berger and John Neuhaus reiterated the notion of civil society as a ‘mediating structure’ between the state and the people. So we see in the Western tradition a notion of civil society as independent associations that represent the people to the state and act as an accountability structure for the actions of the state.103

While this may be the case for Western civil society it does not translate into structures present in the Kivu provinces. Civil society in the Kivus developed quite apart from its western counterparts due to the vastly different historical development of the region. Kivutien civil society was shaped by colonial powers, which left behind distinctive postcolonial social structures. These post-colonial bureaucratic structures developed into a neopatrimonial bureaucracy which I term tier one civil society. This sector of civil society exists as a hierarchical network of national, regional and provincial entities, which are no more than one of many branches of patron client networks prevalent throughout the country.\textsuperscript{104} What I term tier two civil society developed into two branches: The influx of international aid and humanitarian intervention throughout the conflict, developed into ‘transnationally local’ NGOs. Local associational NGOs and groups that are in fact run by international actors, and at times do not necessarily take into account the needs of the local population.\textsuperscript{105} However a grassroots branch of tier two exists of local NGOs which address local needs and are primarily funded by their own members from income generated by second or third jobs.\textsuperscript{106} John Paul Lederach’s model of multi-level peacebuilding offers a particularly helpful framework for examining the phenomena of civil society in the Kivus.

In his seminal work Building Peace: Sustainable Reconciliation in Divided Societies, Lederach discusses three levels of peacebuilding: level one or top-level leadership, level two or middle-range leadership, and level three or grassroots leadership. Level one comprises the top political and military leaders in a conflict. They are often the highest representative leaders of the


government and opposition movements. Level two leaders often hold positions defined in ways that are not necessarily connected to or controlled by official authority structures (such as formal government or opposition movements), and they often have contacts that cut across lines of conflict. Level three leaders represent the masses or base of society. This sector is often characterized by survival and consists of leaders involved in local NGOs carrying out relief projects to the local population or refugee camps.

Lederach and a variety of other scholars contend that civil society as it has been defined by Western standards falls within the purview of mid-level leaders. However, Congolese civil society does not necessarily fall neatly into this framework. One could contend that what I have called tier one civil society in the Kivus constitutes a hybrid between Lederach’s top level and mid level leaders. Their patrimonial networks grant them access to elite circles from which sectors of tier two civil society are excluded. Internationally connected NGOs in tier two civil society share some similar power capacities as tier one civil society because of their international linkages. Localized civil society groups within tier two are more clearly connected to Lederach’s notion of grassroots leaders who are most deeply linked to the general populace. In sum, Kivutien civil society constitutes a mixture of leaders from each level of Lederach’s peacebuilding model.

This distinctive nature of kivutien civil society has influenced the peace process in significant ways. International organizations have brokered agreements that sought to include what they believed to be a civil society connected to the felt needs of the population because they

---


made the assumption that civil society in the Kivus was a mirror image of its Western counterpart. However, in reality they only included members of civil society from tier one and transnationally connected NGOs in tier two, both of which were disconnected from local populations and represented the interests of political elites at the head of neopatrimonial networks or international actors. Grassroots tier two civil society members were marginalized and had little access to the peace process, even though they were the most important stakeholders in the process.

As the Congolese case shows, the existence of varied contextual constructs for civil society has important practical implications for inclusive peace processes. The primary goal of including civil society in any peace process is to ensure that the peace process addresses the roots of the conflict and the needs of those most affected. However, building such a peace process entails a more nuanced approach to civil society inclusion. It involves distinguishing whether or not civil society representatives are truly connected to the population, or simply puppets for political elites or international organizations. This is evident in the Congolese case where latter forms of the Congolese peace process tried to create mechanisms of inclusion for civil society, but failed to include grassroots tier two civil society groups. This in turn created a peace process that catered to the elites in the country and had little effect on realities on the ground. As Susan Collin Marks (2009), Senior VP of Search for Common Ground contends, peace processes need to occur both from the top - down and bottom - up. In the Congolese context, the peace process has met with little success not only because it faces a number of immense challenges, but also because it has primarily existed in top - down form and failed to integrate bottom up processes. The Congolese case points to the need for individuals shaping the peace process to take into account the historical development of civil society within a country to create a truly inclusive peace process. Essentially, it is important not only to include the right members of civil society,
but also to ensure that the shape of the peace process matches the society to which it hopes to bring peace.
Session II: Panel 2A
Media and Conflict

Blogging as Healing? Examining Participatory New Media's Potential to Fill Communication Gaps in Fractured Societies
Elise Crane, Tufts University

Tweet Me to the Streets: The Use of Social Media to Mobilize People in Conflict
Caitlin Currie, George Mason University

Looking South: U.S. Media as Gatekeepers of Knowledge About Mexico's Drug War
Larissa Forster, University of Zurich (Switzerland)
Katherine Lacasse, Clark University

Changing Zimbabwe: Representation of the Zimbabwean Elections by the South African Press, ZANU-PF
Counter-hegemonic Discourse and Conflict Resolution
Fredrick Ogenga, University of Witwatersrand (South Africa)

You are what you watch: The role of popular culture in shaping views of conflict resolution
Michelle E. Ronayne, Suffolk University
Johnny Nguyen, Boston University
Blogging as Healing: Examining Participatory New Media’s Potential to Fill Communication Gaps in Fractured Societies

Media’s potential to perpetuate hate and incite unimaginable brutality has been canonized in human catastrophes from Rwanda to Bosnia. Mainstream media, too, can worsen conflict by entrenching group stereotypes, promoting one commercially appealing narrative above all others, and omitting critical context. Although less studied than its hate and mainstream counterparts, peace media—here defined as efforts to foster peace and identify common ground between divided parties—is a promising field that new technologies seem poised to catalyze. By transcending a monolithic presentation of “the other,” the cumulative effect of exposure to differences and gradations may reduce stereotypes and change perceptions of other groups.110

The nexus of participatory new media technologies and peace journalism presents a new space in which divided societies—often denied physical contact—can begin to learn about the other side.

A recent Berkman Center/USIP report asked if new media could enhance cross-community communication in post-conflict environments;111 although much work remains to be done on new media’s role in such situations, it is a direction worth pursuing. What Yochai Benkler has coined the “networked public sphere”112 seems well placed to bolster contact across traditional divisions and give all a potentially equal voice.113 Blogs and discussion forums offer benefits to individuals working through conflict-related trauma and to groups long divided by

---


113 Ivan Sigal. Personal interview by author, August 9, 2010, Washington, DC.
conflict but open to new information about—and a new way to connect with—the “other,” which could have significant implications for eventual reconciliation.

The Power of Blogs and Discussion Forums

Although Search for Common Ground and similar organizations have laid an excellent foundation for peace media efforts, there remain acute limits on participation in radio- and television-based programming. New media, conversely, opens the door to anyone with access to an Internet connection and a story to tell. By enhancing the “possibility of access,” new media can provide a platform for people-to-people connections and empower a process of reconstructing broken relations in the wake of conflict. Hisham Khribchi, an Arabic-language blogger in Morocco, suggests that “citizen media” symbolizes a paradigm shift toward increased transnational understanding. While some claim that new media’s anonymity inspires vitriol, Global Voices Director Ivan Sigal sees empowerment in privacy; with a virtual identity, discussants feel free to speak their mind. Intergroup dialogue in virtual spaces may bolster intergroup understanding and solidarity, undermine stereotypes, and catalyze a grassroots reconciliation effort.

Literature on Working Through Trauma and “Breaking the Isolation”

Gina Ross argues that media can combat the “trauma vortex” of post-conflict environments, which is only deepened if we cogitate only on our traumatic narrative, by channeling a “healing vortex” that spans the gap between individual and societal levels by

---

115 P. Meyer in Mythen, 50.
117 Ross 2003, 27.
118 Ibid., 36.
representing human ability to process trauma and reestablish social connections. This forum provides a way to air national distress and implicitly validate each party’s wounds, she says.\textsuperscript{119} Marie Breen Smyth believes “access to the ‘other’ and to particular conflict-related discourses and accounts is severely constrained by patterns of spatial and ideological segregation.”\textsuperscript{120} Ross sees “breaking the isolation” as the crucial first step in reestablishing connections after trauma;\textsuperscript{121} arguably, new media provides a channel.

Martha Minow quotes a Salvadoran truth commissioner testifier who saw witnesses experiencing a “healing emotional release” from the “mere act of telling what had happened.”\textsuperscript{122} Barbara Kirschenblatt-Gimblett writes that in the wake of September 11, blogs featuring “the expression of individual experience and feeling have proven to be a powerful medium for dealing with the collective trauma of 9/11.”\textsuperscript{123} When the “rules of engagement” are defined, she says, blogs’ inclusiveness make their collective healing capability significant.\textsuperscript{124}

In a process coined To Trust and Reflect (TRT), Daniel Bar-On and Joseph Albeck employed storytelling to unite individuals from different groups to share their personal experiences, regain their voices, and discover commonalities with and empathy for the “other.”\textsuperscript{125} Although the new media context is clearly different, as is the nature of

\textsuperscript{119} Ross 2003, 55 and 19.

\textsuperscript{120} Marie Breen Smyth, \textit{Truth Recovery and Justice after Conflict: Managing violent pasts} (London: Routledge, 2007), 8

\textsuperscript{121} Ross 2003, 150.


\textsuperscript{124} Ibid., 33.

\textsuperscript{125} Eileen Babbitt, “Healing and Reconciliation: Narrative Processes” (lecture, The Fletcher School, Medford, MA, March 11, 2010). Discussion based on readings by Daniel Bar-On and John Paul Lederach.
participation, the TRT process highlights the empowerment that stems from public truth telling and increased inter-group understanding. Blogs and discussion forums could provide another avenue toward this empowerment by complexifying the “other” and enriching the tapestry of available truths. As David Becker notes, it is possible to move past hatred toward harmony by “confronting the various truths and by recognizing and accepting different subjectivities.”

John Paul Lederach suggests that contact is critical in post-conflict situations. “Reconciliation-as-encounter suggests that space for the acknowledging of the past and envisioning of the future is the necessary ingredient for reframing the present,” he says. “For this to happen, people must find ways to encounter themselves and their enemies, their hopes and their fears.” When physical contact is not feasible, it seems reasonable that new media could provide a viable alternative.

Although this study is in its early stages, it posits that intentional design can help harness the potentially destructive aspects of online dialogue by defining rules of engagement, moderating comments, and providing a safe space for intergroup contact. In such frameworks, third-party moderation presents an opportunity for media personnel with training in technology and conflict sensitivity to play a critical role in bringing people together and encouraging constructive dialogue. Baumann and Siebert emphasize facilitators’ potential to cultivate “active listening” by emphasizing the “common human space where healing can start.”

---


John Paul Lederach coins “insider-partials”\textsuperscript{130} may best fulfill the moderator role, rather than a wholly detached third party that may appear ignorant to conflict parties.

\textit{Case Studies}

Two case studies were selected to highlight the potential of harnessing new media technologies to encourage constructive engagement between divided groups. Although these case studies admittedly addresses an elite subset of the world population—those who are literate, have Internet access, and write in English—they seem worth examining to determine best practices for later, and wider, application of “editorial frameworks.” In each case study, the author interviewed the site creator, as well as 6-10 regular contributors.

Sri Lanka’s 	extit{Groundviews} presents an excellent example of a fully moderated site with clear content submission guidelines.\textsuperscript{131} In founder Sanjana Hattotuwa’s words, 	extit{Groundviews} seeks to provide a “two-way communicative architecture” that allows contributors from all sides of the conflict to share their thoughts on the past, present, and future of Sri Lanka. One contributor said emphatically that 	extit{Groundviews} has helped her better understand and engage with “all sorts of people with very diverse views.”

\textit{Caucasus Edition}, an equally moderated site that encourages both analyses and less formal blog posts from both Armenians and Azeris, seeks to address the Nagorno-Karabakh conflict by promoting open, rational discourse between bitterly divided parties.\textsuperscript{132} Through this public self-affirmation, individuals can develop self-awareness and complexify their thinking.

\textsuperscript{130} According to Eileen Babbitt, Lederach’s conception of the “insider partial” indicates that the mediator is affiliated with one of the parties yet is committed to advancing the dialogue process. This embodies the notion that insiders can be peacemakers and may bring to the table a more complete understanding than outsiders of the various dimensions at stake, including time, resources, conflict level, and other considerations.


\textsuperscript{132} See \url{http://caucasusedition.net/}
about the “other.” One Armenian contributor noted that her postings had changed “some negative perceptions about the Azerbaijanis among my friends who could hardly imagine how it was possible to communicate and even make joint projects with the “enemies.”” Another Armenian contributor emphasized that in the “Frozen Conflict,” the two societies “have no idea about each other;” she cited social media as “the only tool for breaking the strong stereotypes they have about each other.” An Azeri contributor said that her experience “made me understand that there are more similarities within [the] two nations than anyone can even imagine.”

Conclusions and Next Steps

Contributors cited both individual benefits and improved inter-group relations stemming from these frameworks, though many emphasized that social media cannot change the world overnight. Because human input ultimately determines whether media of any form promotes peace or conflict, editorial frameworks may help curb destructive impulses, particularly at the beginning of an online dialogue process. New technologies allow framework creators and moderators to block users who violate terms of usage, including comment policy, and thus take measures to induce civility. Although many contributors from each case study choose to post under their real names, several cited anonymity as a critical option, bolstering Signal’s argument that anonymity may empower more free speech, particularly in the early stages of dialogue.

Certainly this new technology is not a silver bullet; in some cases, it may even entrench existing stereotypes about the “other.” But at its core, new media—when approached intentionally—may provide an opportunity for otherwise impossible people-to-people interaction and open a path toward expanded participation. There are certainly questions about the scale-up potential of this interaction, but contributors to Caucasus Edition highlighted the demonstrative power of their participation on friends and colleagues; the effect of constructive Azeri comments

---

133 Ross 2003, 121.
on an Armenian-written post should not be underestimated. More research must be done on measurement tools, the individual and collective effects of virtual interaction in post-conflict environments, the impact of training programs, and ultimate scale-up potential. Despite the challenges, however, it seems that new media technologies can be harnessed to facilitate people-to-people interaction in fractured societies, in divided groups would otherwise remain in isolation from the unknown “other.”

**Figure 1:** Word Cloud generated from *Groundviews* post on 7/30/2008, using [www.wordle.net](http://www.wordle.net)
The printing press is not dead, the phone is not obsolete and the television is not irrelevant. We are, however, beginning to experience a new form of media, which is more adept than previous forms at creating communities and networks without the constraints of place, boundary or territory. Social media is having a profound effect on domestic and international social mobilization practices.

Social media technology is unique in its ability to rapidly transmit large amounts of diverse information over great distances to varied groups of people. Users are now able to create global networks and communities, who share a common goal and objective without necessarily having a common frame of reference or place. Facebook alone has over 400 million users, 70% of which live outside the United States and approximately 280 million Facebook users engage in Platform application on a monthly basis. And Twitter has changed the social mobilization landscape, in that platform speeches are now contained to 140 characters, and symbols like “@” and “#” indicate relationship, location and interests.

Globally, grassroots social movements are using social media technology and networks to target specific audiences, engage with others, and extend their reach beyond the borders and limitations of traditional media. The most widely documented examples of these movements are, the Iranian “Twitter Revolution” of June 2009 and the recent surge of social media use to garner support during the aftermath of the Haitian earthquake.

---

134 FaceBook, “Statistics | Facebook.”
The power of social media has been able to eclipse that of traditional media because these social networks have been able to adapt to the new global reality of what Zygmunt Bauman has coined a liquid modern world.135 This new, liquid modern world is characterized by a new reality based on rapid changes that force actors to continually adjust and change to circumstances no longer reliant on solid frames of reference or place. The use of social media technology allows the actor to adapt and operate in this seemingly chaotic liquid modernity. Social media technology on the one hand compresses time with its ability to transmit information globally in seconds, while on the other hand demolishing the sequence of time as it compresses what is past, present and future all into one channel. Social media technology, much more than traditional media, has been able to expand the space of flows,136 allowing actors to function without a sense or constraint of time.

Social media has also abolished the physical constraints of traditional media. Social media use, allows actors to engage in social practices without the need for geographical continuity. The traditional territorial dimension of social mobilization is being replaced with a technological infrastructure that is able to connect people regardless of physical constraints. Thus providing opportunity for actors to expand their network and broadcast their message beyond borders and to take advantage of the deterritorialization aspects of liquid modernity.

Aside from social media’s ability to operate outside of time, and territorial constraints, it’s power rests most heavily in its ability to create temporary spaces for social networks that dissolve the traditional hierarchy of communication streams. These networks are able to temporarily disregard traditional media hierarchy by bypassing traditional power centers, and

---


136 Castells, “Materials for an Exploratory Theory of the Network Society.”
transmitting data through nodes outside the traditional framework.\textsuperscript{137} In any given moment, the “power of flows takes precedence over the flows of power.”\textsuperscript{138} Information is contained in the hypertext, and interpreted by the individual. The ability to make meaning rests outside the hands of those who have control over traditional forms of media; power then resides in the individual interpretation of information. This momentary shift in power makes social media an attractive platform for actors and social movements worldwide.

Social media technology has greatly impacted social mobilization with its ability to assist the actor in bypassing hierarchical power while establishing relationships based on connectedness, forged by those who are drawn to content and linked together through the invisible lines of the Internet. Social movements are rooted in the will of the actors to acquire the fundamental cultural resource of knowledge and combine it with the will to become the subject.\textsuperscript{139} Social media technology provides the means through which social actors are able to use technology, space of flows and the speed of change to define a central cause and resist opponents in the name of cultural values.

Some of the most well documented examples of social media’s impact on social mobilization come from conflict zones around the globe. For example: April 2009, social media fueled Moldova’s election protests, as information was rapidly dispersed and participants were summoned using Twitter. The 2008 Tibetan unrest – also referred to as the 3-14 Riots – achieved global reach through social media technology, and during the 2010 Thai Riots in Bangkok, social media use surpassed traditional media’s capabilities in social mobilization despite the lack of 3G commercial capabilities. The most well documented example has to be what has been coined as

\textsuperscript{137} Ibid.

\textsuperscript{138} Ibid., 595.

\textsuperscript{139} Touraine, “The Subject and Societal Movements.”
the “Twitter Revolution” in Iran. Not only were individuals within Iran actively engaged in the movement and it’s social media components, but also the movement’s reach was felt internationally. The potential impact of this social movement had such a global reach that the US State Department got involved. As reported by TIME Magazine, the US State Department reached out to Twitter asking the company to delay it’s routinely scheduled maintenance for that day in June because it wanted to help protect the interests of the Iranian twitter users, while they engaged in protests of the presidential election.\footnote{Grossman, “Iran Protests.”} This example shows the power of social media technology to overcome certain forms of power and constraint in conflict.

The potential impacts of social media in social mobilization are vast and globally relevant. But it is with caution that we as conflict resolution practitioners must move forward. While social media has the ability to be a tool to mobilize groups, it is also available to anyone with an Internet connection. And even more so, it is vulnerable to the will of government. Social media is reliant on the infrastructure that carries the message to and from each user. And in many cases, this infrastructure is at the control of government, and has also been targeted by dissident groups. For example, the United Arab Emirates has recently proposed a policy to ban the use of BlackBerry mobile technology. Governments in the U.A.E and India have proposed the ban because they are unable to access the encrypted data transferred to and from the devise. For all the promise social media technology has, we must also remember that the devices, and channels, through which social media technologies operate, are still the domain of forces outside the individual actors control.

There is no doubt that social media technology has immense potential to impact the way in which groups mobilize in and through conflict. The global reach of social media technology has changed the way in which actors are able to gather information, reach one another and
ultimately choose to become the subject for social mobilization. But it is with caution that practitioners must proceed. Because, in this, a liquid modern world, the field on Conflict Resolution and it’s practitioners must understand the complexity of not only defining issues as individual actors view them but also of understanding the collective mobilization of groups.

References


Looking South: U.S. Media as Gatekeepers of Knowledge About Mexico’s Drug War

Introduction

Everyday, journalists report on conflicts and essentially function as gatekeepers, by deciding both what to publish and what not to report on. According to Galtung (1998), journalists can write about conflicts in two ways: they can take the “low road” or the “high road”. The “low road” describes the conflict as a battle, usually between two warring parties, struggling to impose their goals on the other with winning portrayed as the only way to end the conflict. This type of journalism is also called “war journalism” and concentrates on four aspects: violence, propaganda, the elites, and victory (Lynch & McGoldrick, 2005). Galtung (1998) criticizes the clear dominance of war journalism in media coverage of conflicts and argues that a new form of journalism, “peace journalism”, will present the audience with a better portrayal of conflicts. Peace journalism recognizes the journalist’s power in constructing a reality that impacts the readers’ attitudes and beliefs, and covers conflicts with the following four subjects in mind: peace and conflict orientation, truth, humanity, and solution-orientation.

In this paper, we address the usage of peace journalism in covering the current drug war in Mexico. Mexico’s fight against drug trafficking and the cartels intensified when President Calderón took office and launched an initiative to end the illegal drug trade. As the drug war persists along its northern border and throughout Mexico, it has already claimed nearly 18,000 lives in a little more than three years (Ellingwood, 2010). Because of its close proximity, the
U.S.A. is deeply entwined in many of the causes, consequences and prolonging factors of the
drug war. In the context of the drug war occurring in Mexico, this paper explores how U.S.
border-state newspapers differ in their use of war and peace journalism frames from prestigious
newspapers with national U.S. circulation.

Past research has shown that contact with outgroup members can increase liking and help
people overcome stereotypes (Pettigrew & Tropp, 2006), however, other research shows that it is
more difficult to stay open-minded and not demonize other groups when people are in close
proximity (Tajfel & Turner, 1978). Thus, we were unsure whether local newspapers in closer
proximity to Mexico and the conflict will present the drug war using more peace journalism or
war journalism frames, and we conducted a content analysis of local and national newspapers
articles regarding the drug wars to investigate this question.

Methods

Three newspapers were chosen to represent nationally circulated news (The New York
Times, USA Today, and The Washington Post.), and three were chosen to represent news local to
the U.S.-Mexico border (The Houston Chronicle, The Arizona Republic, and The San Diego
Union-Tribune). Each newspaper was also rated for its political ideological leaning (Ho &
Quinn, 2008).

“Mexico” or “Mexican” and “drug” and “war” were the keywords used to search for
news articles. A total of 221 articles were collected, beginning from December 11, 2006 when
President Calderon declared war with the drug cartels until October 29, 2009 when coding
began. To make their numbers comparable, 20 articles were sampled from each newspaper.

The stories were content analyzed and coded by two raters. Inter-rater reliability on 50%
of the news articles was indicated as excellent by Cohen’s Kappa, $\kappa = .80$ (Fleiss, 1981). The
specific peace and war journalism coding scheme from Lee & Maslog, (2005) was used, with
two categories removed. Each article was coded on the 11 frames of peace and war journalism (see Appendix 1 for specific frames and coding manual).

Results

Out of 120 articles, 46 (38%) contained more war journalism than peace journalism frames, 63 (53%) contained more peace journalism than war journalism frames, and 11 (9%) includes equal amounts of both. When measuring the number of peace frames or war frames used by each article, national newspapers used equal amounts of peace and war journalism frames ($t = 0.14, p = \text{ns}$) while local papers used marginally significantly more peace than war journalism frames ($t = -1.92, p = .06$). Out of 11 possible frames, local papers used one more peace than war frame on average per article (see Appendix 2, Figure 1).

Many of the individual war and peace journalism frames significantly differed between local and national papers. Local newspaper articles had significantly less problem-focused frames than national newspapers ($\chi^2 = 5.5, p = .02$), however, this did not give local news a significantly larger solution-focus ($\chi^2 = 1.01, p = \text{na}$). Local articles used significantly less demonizing language ($\chi^2 = 7.35, p < .01$), and emotive language ($\chi^2 = 3.75, p = .05$). However, local news articles were more likely to focus on elites as sources of knowledge ($\chi^2 = 5.57, p = .02$), while national news articles were more likely to include common people’s views and action ($\chi^2 = 7.87, p = .01$). There was also a trend for local papers to frame the conflict as only including two parties ($\chi^2 = 3.17, p = .08$), while national news more often mention other parties involved (see Appendix 2, Figure 2).

Discussion

In conclusion, local newspapers in areas of closer proximity to the drug war in Mexico used more peace journalism frames than national newspapers reporting on the same conflict. Since local newspapers are less problem-focused and use less demonizing and emotive language,
it seems that proximity has had the effect of limiting an overly negative presentation of the drug war and the parties involved. This fits well with the psychological literature which finds that proximity breeds liking, or in this case, at least leads to a less negative viewpoint taken by the newspaper articles. However, local papers also rely more on elites as sources of knowledge, and are more likely to present the conflict as involving only two-parties. In this way, local papers are oversimplifying the conflict as compared to national news. Thus, the effects of proximity seem limited to avoiding overtly negative framing in the news articles, but the positive effects of proximity do not expand into a greater understanding and concern for the many parties and common people involved in the drug war.

Although our findings fit with the past research indicating that proximity increases liking and decreases prejudice, they are still somewhat surprising given that the three national newspapers ranked higher on liberal political ideology than any of the three local newspapers. However, these results are conducive with Lynch’s (2006) research which found that left-leaning U.K. newspapers used more war journalism frames than similar right-of-the-center newspapers. It is often assumed that *The New York Times* and *The Washington Post* are some of the most liberal as well as prestigious newspapers in the United States, and with the findings of these two studies combined, it seems it would be useful for future research to discover how peace journalism relates to liberal and conservative political values. It is particularly surprising that the nationally-circulated U.S. newspapers use more of the negative language frames, since this powerful and emotion evoking language is more often associated with tabloid news than elite journalism. Future research should investigate if demonizing and emotive language is more common in prestigious papers on a variety of issues, or if this difference is unique to the border issues in which the local papers are more even-handed.
References


Appendix 1: Frames and Coding Manual

War Journalism and Peace Journalism Coding Categories, based on Lee & Maslog (2005)

<table>
<thead>
<tr>
<th>WAR JOURNALISM</th>
<th>PEACE JOURNALISM</th>
<th>POSSIBLE CHOICES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visible Effects of War: casualties, dead, wounded, etc.</td>
<td>Invisible Effects of War: emotional trauma, damage to society, property, and culture. This is effects happening NOW, not to be confused with past causes or future consequences.</td>
<td>War, Peace, or Both</td>
</tr>
<tr>
<td>Elite-Oriented: leaders and elites as actors and sources of information (count both when they are acting AND when their information is reported). The terms ‘authorities’ or ‘officials’ are not counted as elites.</td>
<td>People-Oriented: common people as actors and sources of information. Can also include leaders of small, local groups.</td>
<td>War, Peace, Both or Neither</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Problem-Oriented: the enormity of the problem is emphasized, seems hopeless or impossible to solve. The report leads to more conflict.</td>
<td>Solution-Oriented: possible ways of overcoming the problem are examined, with an end in sight. Report leads to common ground or to a solution.</td>
<td>War, Peace, Both or Neither</td>
</tr>
<tr>
<td>Focus on Here-and-Now: reporting on the time and place of the war arena.</td>
<td>Causes and Consequences of War: reporting on the causes and the future effects. These are time dependent, causes are from the past before current event, and consequences in the future.</td>
<td>War, Peace, or Both</td>
</tr>
<tr>
<td>Dichotomize Good and Bad: Good guy v. bad guy OR victim and villains. They do not need to specifically label the groups in this way.</td>
<td>Avoid Labeling Good and Bad: Points out when parties are not acting all that differently. Explains differences in action without labeling good or bad.</td>
<td>War or Peace</td>
</tr>
<tr>
<td>Two-Party Orientation: Only discusses two opposing actors, or splits all actors into fitting into one of two sides.</td>
<td>Multi-Party Orientation: voice to many parties involved, disaggregate parties into many groups with different motivations and actions.</td>
<td>War or Peace</td>
</tr>
<tr>
<td>Partisan: biased, spends most space discussing one side of conflict without giving adequate voice to others.</td>
<td>Non-Partisan: neutral not taking sides, all sides equally newsworthy, and give equal space to discussing the occurrences on all sides presented.</td>
<td>War or Peace</td>
</tr>
<tr>
<td><strong>Zero-Sum Orientation:</strong> the only goal is to win and defeat the other side. “Lose-lose” or “hopeless” orientations are coded as ‘Neither’.</td>
<td><strong>Win-Win or Alternatives:</strong> examines the many goals and possible solutions without one side defeating the other or offers alternative creative solutions w/o violence.</td>
<td><strong>War, Peace or Neither</strong></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Victimizing Language:</strong> language like devastated, defenseless, tragic (about people)</td>
<td><strong>Avoids Victimizing:</strong> or shows what has been done or could be done by the people</td>
<td><strong>War or Peace</strong></td>
</tr>
<tr>
<td><strong>Demonizing Language:</strong> language like vicious, brutal, barbaric, savage, ruthless (about people)</td>
<td><strong>Avoids Demonizing:</strong> reports what they know about wrong, cautious about what they do not know. Call people what they call themselves.</td>
<td><strong>War or Peace</strong></td>
</tr>
<tr>
<td><strong>Emotive Language:</strong> reporting on “the horror” or a situation. Sensationalizing something which could be reported more even-handedly. (about things and events not about a person)</td>
<td><strong>Avoids Emotive:</strong> only use the words by their exact definition. Ex. ‘massacre’ – deliberate killing of defenseless people, ‘systematic’ – is it really organized and have there been many events?</td>
<td><strong>War or Peace</strong></td>
</tr>
</tbody>
</table>

**Appendix 2: Graphs**

*Figure 1.* Difference in the number of war and peace journalism frames used by national and local newspapers.

*Figure 2.* Differences in war journalism frame usage among national and local newspaper articles.
Fredrick Ogenga

Fredrick Ogenga
University of Witwatersrand

Changing Zimbabwe: Representation of the Zimbabwe Elections by the South African Press, ZANU-PF Counter-hegemonic Discourse and Conflict Resolution
You Are What You Watch: The Role of Popular Culture in Shaping Views of Conflict Resolution

It has been estimated that the television is on for at least 7 hours every day in the typical American household making it a huge part of our contemporary lifestyle. Much has been made of the impact of media in our lives. Countless news reports discuss the degree to which children’s and adolescent’s exposure to violence in video games, music or television has increased their aggression. When the Columbine massacre occurred in the 90s there was a rush to blame the violence on the games the teens played, the music they listened to and the movies they watched. When something bad happens we look to the media. While it is certainly difficult to find a causal relationship between such things as media and actual violence, there is a certainly an influence. It seems that there is little doubt that the media serves to reinforce and perpetuate ideas and beliefs. Social psychology gives us good evidence to support such views.

Social cognitive theory (Bandura, 1986, 2004) indicates that we learn from observation. That is, what we watch on television and other forms of media can alter our behavior. There have been studies investigating the impact of media violence (Bushman, BJ, & Anderson, 2001), mental illness stigma (Diefenbach, D.L. & West, M., 2007), the way we presume norms based on fictional characters (Shapiro, M. A., & Chock, T. M., 2003) and the extent to which we can empathize with fictional characters (Andersen, S. M., Downey, G., & Tyler, T., 2005).
Conflict resolution is an important skill that for adolescents to learn as it can certainly prevent problems from escalating. The way that people behave or should behave can have an impact on conflict and prejudice (Crandall & Strangor, 2005) and therefore it could be assumed that watching individuals in the media could have an impact on the extent to which teens and young adults feel that they should behave in a similar way.

Given the important role of media in influencing adolescent and young adults and the importance of conflict resolution skills, we wondered to what extent popular media demonstrated the resolution of conflict, demonstrated it being active (direct), power based (power assertive statements being used, Ronayne & Harkins, 2009) and which individuals would be more likely to resolve conflict. We expect that there will be fewer resolved conflicts, fewer conflicts will be resolved by teens and that men and white individuals will be shown resolving conflict more often than women and minorities. We also anticipate that qualitative analyses will find that women and minorities (even those that are shown resolving conflicts) will be found to be less power assertive (Ronayne, M. & Harkins, D., 2009). Thus, the purpose of this paper is to explore the dynamics of conflict as it is explored in a popular television show and to discuss the possible implications for teens and young adults as a result.

**Method**

*Content Analysis Methodology*

*Sample:* The content analysis sample included 6 episodes of the television show Glee which features a diverse range of characters across age, sexuality, gender, race and ability. The show aired on the Fox television network in the 2009-2010 season.

*Procedure:* The programs were viewed by 2 individuals with advanced degrees in psychology. Raters designed the coding process and used this in determining how many and what types of conflict occurred. Conflict was defined as either active, direct statement made towards another
individual or group where the problem is clearly defined (ex. I am going to ruin you) and power assertive statements are used (Ronayne, M. & Harkins, D., 2009), or passive where an individual suggests a problem but does not directly or clearly state what it is (ex. Character asking questions about how much Glee club costs without indicating why). Additionally, we determined if conflicts were resolved (someone indicates a clear action) or not resolved (person simply storms off). Conflicts were also analyzed for qualitative themes related to diversity examining how individuals with less power (minority, female, homosexual or disabled) are discussed and treated during the conflict.

**Findings**

**Content Analysis**

There were 87 conflicts found in the 6 episodes of Glee that were viewed. Conflicts were more often active 77 percent and resolved 49 percent of the time. Each episode (excluding the first which had 23) averaged 12 conflicts per episode.

**Active vs. Passive Conflict**

<table>
<thead>
<tr>
<th></th>
<th>Active</th>
<th>Passive</th>
<th>Resolved</th>
<th>Not Resolved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conflicts (87)</td>
<td>77 %</td>
<td>23 %</td>
<td>49 %</td>
<td>51%</td>
</tr>
</tbody>
</table>

The conflicts were most often resolved by men, those that had more power (either because they initiated the conflict or may be target of conflict but based on older age, hierarchical status, male gender or white race they were determined to have more power), and those that were white. It was rare to see a conflict resolved by anyone within a minority, specifically those that were Black, Asian (except when apologizing), Homosexual or Disabled. Teens were able to resolve conflicts as often as adults and most conflicts were resolved within the dyad or group. Conflicts
were also more likely to be directly resolved (within conflict 79%) rather than requiring intervention (outside conflict 21%).

Differences in Conflict Resolution

<table>
<thead>
<tr>
<th></th>
<th>Males</th>
<th>Females</th>
<th>White</th>
<th>Minority</th>
<th>More Power</th>
<th>Less Power</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resolved Conflicts</td>
<td>63%</td>
<td>37%</td>
<td>86%</td>
<td>14%</td>
<td>85%</td>
<td>15%</td>
</tr>
<tr>
<td>(43)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Conflicts were also viewed from a thematic perspective in terms of what went on during the conflict. We noted various themes of minorities being silenced (there are several minority characters that are part of the Glee Club that are always in the back), minorities playing to a certain stereotype (Mercedes, black character, often angry or Tina, Asian character, playing a submissive and apologetic female) and less affluent school being mostly black or Deaf school needing group to join in and sing rather than simply being allowed to perform. Additionally, when minority characters or women were involved in resolving conflict there were still instances of power assertion from others involved in the conflict. It would seem that when women or minorities are displayed as powerful there is often a need to temper that power.

Discussion

Many of our findings were in line with our expectations. We did find that minorities and women were shown less often resolving conflict and that when they did they were more likely to be the target of a power assertion or a stereotypical response. For example, when a male student is confronted by a female because he had lied, his response was “I’m a dude, what do you expect?” We were surprised to find that so many conflicts were resolved and believe this is a
good thing for viewers. It is good to see that there is a model out there indicating that conflicts need to be resolved. Teens were also involved in the resolution of conflict more often than we anticipated. When conflicts were resolved we were just as likely to see a teen as an adult.

The troubling finding, as expected, was that males (particularly white males) are shown as the powerful resolvers of conflict which may send a message to teens and young adults that they are less capable of solving their problems. Further, it may indicate that they need saving. We saw examples of this in an episode that featured visits from glee clubs at other schools. Both were represented in terms of their stereotypes and as needing assistance from the Glee Club at the traditional high school. It is particularly noticeable that despite the presence of a range of diverse characters it was very unlikely to see anyone that was not either white or male resolving conflict.

This study is small in scope and we plan continued evaluation of conflict in additional episodes of Glee and in other television shows and films. It is also necessary to break down the conflicts in terms of what is being said looking at the content of the conflict. A deeper analysis will help us to discover more in terms of how conflict is resolved in media. We are encouraged to see that teens and young adults have a model that indicates conflict needs to be resolved and hope to demonstrate a need for more diversity in that resolution as a potential source of learning material for today’s youth.

References


**Unpublished Measure**
Session II: Panel 2B
Reconciliation and Conflict Transformation

A Disastrous Misperception of the Kenyan IDP Crisis: A Game Theoretic Analysis
Adeline Lo, New York University

Exploring Conflict in Karamoja
Ephantus Muigai Ndoka, Eastern Mennonite University
A Disastrous Misperception of the Kenyan IDP Crisis: A Game Theoretic Analysis

This paper suggests that insight can be gained regarding the protracted Kenyan internally displaced persons (IDP) situation by employing a game theoretic analysis of the strategic game as perceived by the Kenyan government and the game in actuality. After the 2007 elections, and the violence that ensued, Kenyans were displaced, with numbers topping 300,000 and with over 1000 killed. I apply the theory of moves (TOM) to both games to illustrate the strategies of the Kenyan government and IDPs. In particular, I show that while the government perceives the country to be on a stable route to peace and reconciliation, the true situation might be a perfect recipe for the renewal of violence.

The Models

The Kenyan Government has two options in the wake of the 2007 violence: 1) provide adequate levels of government aid and begin fulfilling promises of constitutional change that the Kibaki-Odinga coalition was meant to ensure, or 2) maintain the status quo of limited government intervention in the displaced persons’ lives. IDPs have two options as well: 1) remain in the status quo of non-rebellion, or 2) rebel against the Kenyan government.

We can assume that IDP groups, as rational actors, would prefer to obtain their goal of long-term political peace and full resettlement without having to take up arms—assuming that ‘doing’ anything would take up more resources and involve more risk than ‘not doing’ anything. The Kenyan government also believes that it is effectively dealing with the IDP situation. It gives

---

141 The United Nations High Commissioner on Refugees (UNHCR) defines IDPs as individuals who have been forced from their homes for many of the same reasons as refugees, but have not crossed a border.

142 Poster, Emily.
IDPs 35,000 shillings (roughly $500 dollars) per family so that they can leave their camps and set up permanently elsewhere.

Four states are possible in this scenario:

I. **Rebellion**: (2,1) The government goes through the motions of reconciliation and provides cash aid, and the IDP groups take to violent means to express their desire for change. IDP groups are at their worst state since they risk being perceived as an illegitimate militia responding to a benevolent government. The Kenyan government is legitimized, but must deal with the violence.

II. **Transition to Peace/Reconciliation**: (3,4) Kibaki’s firm adherence to closing down IDP camps and the coalition with the opposition lead to a conciliatory political atmosphere. Additionally, the government is aiding IDP relocation. Cash and food aid strap government coffers.

III. **Complete Conflict**: (1, 3) The Kenyan government does not provide adequate aid or deliver on political promises and Kenyan displaced persons launch an offensive. The government fails to maintain the peace while IDPs are legitimised in their call to arms.

IV. **Protracted Humanitarian Crisis**: (4, 2) The government fails to provide adequate aid, and Kenyan IDPs do not rebel.

**Kenyan Government’s understanding of the situation**:

<table>
<thead>
<tr>
<th>Kenyan Government</th>
<th>Refugees/IDPs</th>
<th>Rebel</th>
<th>Don’t Rebel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aid</td>
<td>(2, 1)</td>
<td></td>
<td>(3, 4)*</td>
</tr>
<tr>
<td></td>
<td>[4,2]</td>
<td></td>
<td>[3,4]</td>
</tr>
</tbody>
</table>

Transition to Peace/Reconciliation

---

143 Game 46 from Brams, Steven. *Theory of Moves*, 218.
Don’t Aid

<table>
<thead>
<tr>
<th>(1, 3)</th>
<th>(4, 2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>[3,4]</td>
<td>[4,2]</td>
</tr>
</tbody>
</table>

Complete Conflict
Protracted Humanitarian Crisis

Key: \((x, y) = (\text{Kenyan government rank ordering, IDP rank ordering})\). 4 = best, 3 = next best, 2 = next worst, 1 = worst. NMEs are in [ ] brackets and Nash Equilibria (NE) if any are underlined. Status Quo cell is marked with an * asterisk.

The nonmyopic equilibria (NME) states here are (4, 2) and (3, 4). The game is strongly cyclical in a clockwise direction.

Since the government believes the starting state is (3, 4), the NME, given TOM, is still (3, 4)—a transition to peace.

I argue that the Kenyan government misunderstands the game. It perceives that there is enough aid directed towards eventual reconciliation of the conflict, while reports and on-the-ground reporting have indicated that this is not the case. In this alternative model I show that the eventual outcome is actually that of a protracted humanitarian crisis.

Given the lack of change on the part of the Kenyan government with regard to either aid or political reform, many IDPs, who have already begun arming themselves in fear of more violence, would rather be perpetrators of the next wave of violence rather than be victims of it.

Analysts within Kenya and studies of ethnic conflicts throughout the world have shown that if crimes go unpunished and changes are not made, violence will break out again.

I. **Rebellion**: (2, 2) The government provides adequate aid but IDPs rouse to rebellion regardless. The government retains some credibility internationally and among factions

---


because of its efforts towards resolving the conflict. IDPs are catalyzing change in the current regime, but this is shadowed by the fact that they are rebelling against a government that has made efforts for reconciliation and adequate aid.

II. **Transition to Peace**: (3, 4) The government provides more adequate levels of aid and Kibaki makes greater political concessions for IDPs.

III. **Complete Conflict**: (1, 3) The government does not provide enough aid, leading to a civil uprising similar to the aftermath of the 2007 elections. IDPs ride on a wave of legitimate outrage over the squalid conditions they have been forced to live under and general frustrations over the corrupt political climate and the Kibaki government is placed under a much harsher spotlight.

IV. **Protracted Humanitarian Crisis**: (4, 1) Lack of government support in providing for the welfare of IDPs is paired with no rebellion on the part of IDPs.

**True Situation**: 

<table>
<thead>
<tr>
<th>Kenyan Government</th>
<th>Refugees/IDPs</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Rebel</td>
<td>Don’t Rebel</td>
<td></td>
</tr>
<tr>
<td>Aid</td>
<td>(2, 2)</td>
<td>(3, 4)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>[3,4]</td>
<td>[3,4]</td>
<td>Transition to Peace/Reconciliation</td>
</tr>
<tr>
<td>Don’t Aid</td>
<td>(1, 3)</td>
<td>(4, 1)*</td>
<td>Protracted Humanitarian Crisis</td>
</tr>
<tr>
<td></td>
<td>[3,4]</td>
<td>[3,4]</td>
<td></td>
</tr>
</tbody>
</table>

The game is strongly cyclical in the clockwise direction.

The initial state is still where the government is neither providing enough aid nor giving political concessions, while IDPs are not rebelling, (4,1). From this initial state we see that, should the Government move first:

---

147 Game 12 Brams, Steven, 217.
While if IDPs move first:

\[(4, 1) \rightarrow (1, 3) \rightarrow (2, 2) \rightarrow (1, 3) \rightarrow (4, 1)\]

The status quo is highly unstable – it is preferable for IDPs to move from \((4, 1)\) towards \((2, 2)\) by rebelling.

Interestingly, we can see that if the Kenyan government, upon realizing that it faces \((2, 2)\) if the IDPs move, can take a magnanimous approach to the game. It can forgo \((4, 1)\) by moving now switching to ‘provide (adequate) aid’, ending the game at the NME, \((3, 4)\). This is particularly important to note, as, given the conjectures of potential violence by IDPs in the upcoming time to the elections, the Kenyan government thus still has the opportunity to ‘set things right’ and avoid more violence. The NME with a game starting at \((4, 1)\) is thus \((3, 4)\) – a transition towards peace.

**Conclusion**

The conclusions from these models provide an important insight towards not only better understanding the situation Kenyan IDPs face and the strategic choices they have, but may also help forecast what could happen if the Kenyan government continues to employ its current policies. The ‘true’ model shows that, without considerable overtures on the part of the government, IDPs are willing to transition towards violence to change the political atmosphere. Considering the epic dimensions of the post-election violence in 2007, this is an important warning that needs to be underlined for the Kenyan government.

**References**


Exploring Conflict in Kenya

Abstract

African pastoral communities have become synonymous with high levels of armed violence and severe under-development. In the 20th century, state led development and violence reduction policies by government and international agencies alike have failed due to a fundamental incompatibility of the pastoral lifestyle with the state, malfunctioning conflict mediation systems within pastoral communities, and the apparent contradiction of the pastoral mode of production to agrarian economies etc. (UNDP, 2007). The Karamoja pastoralists, located in East Africa, are among numerous pastoral communities that inhabit over 21 countries on the African continent.

While there is a pool of literature that explains the Karamoja conflict from a resource based conflict to Karamoja’s cultural variance from other groups, little has been written on the impact of external groups’ perception and their subsequent engagement in the Karamoja conflict. This research triangulates the evolving ‘tensions’ between Karamoja groups and external groups.

Guiding research question

How have perceptions about pastoral people contributed to evolving tensions in Karamoja?

Definitions

Karamoja groups denote pastoral and agro-pastoral ethnic groups, most of whom share a common language, culture and geographical location. Turkana, Karamojong and Jie are some of the prominent ethnic groups in the cluster.
External groups denote the state and civil society organizations that are active in Karamoja as development, humanitarian and peace agents, etc.

Tensions denote experienced worldviewing strain between Karamoja pastoral groups and external groups as a result of direct engagement through development and conflict mitigation efforts.

Worldviewing is defined as the social ‘lenses’ through which communities make sense of their world.

Major Causes of Conflict and Insecurity in Karamoja

Culture, Poverty and political isolation

Indeed the culture that revolves around cattle is not unique to the Karamoja, as it is shared by the other pastoral groups in East Africa. Yet, while conflict is endemic in virtually all areas occupied by pastoralists in the region, the Karamoja situation stands out in terms of its persistence and severity. Cultural practices which are perceived to bring about conflict include cattle raiding, bride price and warrior phenomenon. Likewise, the harsh Karamoja ecozones make cattle keeping a pragmatic ideology, although there are many risks such as drought and epidemics that decimate the herds of pastoral groups.

Political, social and cultural isolation of the Karamoja goes hand in hand with the absence of effective government and the absence of a clear, consistent and enforced government policy on conflict and insecurity in Karamoja. From colonial times to date, Uganda has tended to treat Karamoja as a war zone, where the principles of democratic governance do not apply. Instead ad hoc crisis management mechanisms are used in governing the Karamoja. Consequently, hostility and resentment characterize the Karamoja experience of government. This hostility undermines the authority of the government in the area, as well as the capacity of government to catalyze the transformation of the society.
Guns, collapse of traditional authority, and ineffectiveness of modern institutions of governance

A full grasp of the significance of the AK-47 era requires one to explore the cultural discourse induced by automatic weaponry and surrounding its diffusion. From a cultural point of view, AK-47s transformed the warrior ethos and created a significant shift in the status quo that made young warriors instantly powerful while at the same time undermining the authority of elders. This eroding of respect for authority led to less controlled raiding and increased violence. Furthermore, there was a shift from the proscribed intertribal raids to intra-tribal raids.

Additionally, the absence of effective government at the local level in Karamoja has serious implications for the maintenance of law and order such as ensuring the security of the people, and protecting them from criminal elements within the society, as well as threats from external forces. The people need to feel that the government protects them, so that they can in turn see the need to support it and its initiatives.

Evolving tensions between the State and Karamoja

Threats to Identity

The primary cultural identification of Karamoja pastoralists is as pastoralists, and it is determined by the possession of cattle. Cultural identity is therefore contingent on the preservation of the pastoralists’ subsistence base. Not surprisingly, pastoralist families identify themselves primarily with their herds, and insofar as other associations promote the survival of those herds they may identify themselves secondarily with groups at different levels of the territorial hierarchy (Broch-Due 1999, Gray 2000, 2003). On the contrary, the establishment of Uganda as a state came at the expense of Karamoja authority structures, where the pastoral groups were involuntarily incorporated and expected to conform in the new state. The Karamoja
were pushed to conform to the state value system and to adopt a new Identity (state Identity) that was foreign to them. Hence, the introduction of a new governing structure by the state over an existing Karamoja structure sparked tensions as the two competed to organize and re-organize Karamoja’s social order.

**Conflict resolution structures**

Before the advent of contemporary conflict resolution mechanisms, pastoralist communities had developed and refined, over time, their own mechanisms for resolving local level disputes, both within their communities and with others. Community members shared common values that defined ‘wrongdoing’ and provided for adequate punishment that allowed the re-establishment of peaceful relations among society. These local value systems are not relics from the past, but reflect the way community members perceive and order their world. On the contrary, the colonial state introduced policies such as disarmament, coercive administration and forcible settlement of pastoralists in the north to bring to order the chaotic, economically unproductive, and environmentally destructive Karamoja’s way of life. The ‘shared common values’ espoused by the pastoral group were upset by state’s order that were guided by a western worldview. Hence, literature notes that the Karamoja have had a long history of resisting external rule against both colonial and postcolonial governments that have attempted to control them. The tensions exhibited by the ‘two world orders’ are a result of incompatible value systems driven by their worldviewing lenses.

**Conflicting worldviewing lenses**

There is a *diverging perception on security between the two camps* (Karamoja and Government). Whereas the Karamoja’s outlook on security is guided by a ‘council of elders’ that establishes strategic relationships with other groups for survival, the government’s outlook on security is guided by state policies drawn from its law making organ. Needless to say, the
Karamoja relationships are temporary in nature and they are frequently distressed by factors such as famine, drought and diseases that decimate their herds. During these stressed times, the pastoral group practice of cattle raiding becomes prevalent, resulting in the state tagging the region as ‘insecure’. But a closer look at the practice reveals that it was at one time an adaptive and integral component of a profoundly contingent, flexible, and successful subsistence strategy. Hence, this practice provided a means to recover livestock losses and to redistribute people and herds quickly in response to abrupt fluctuations in the resource base (Halderman et al 2002, Gray 2003). The state interrupted a long standing tradition of interethnic cattle raiding among pastoralist by carrying out military expeditions to quell the chaotic raids. Consequently, security policies for Karamoja were misguided by the state’s interpretation about Karamoja’s cattle raiding practice.

In conclusion, this paper highlights another dynamic to the Karamoja conflict that needs to be examined when numerous stakeholders analyze, program and tailor policies aimed at mitigating the conflict. The ‘perception’ piece calls external groups to self examine their guiding narratives about pastoral groups and their contribution to the conflict.
Session II: Panel 2C
Issues in Mediation

Transformative Mediation, “Strength Injection” and Consent
Zeke Reich, Harvard Law School

The Lift Generated by a Wing: A Call and Response to Questions About Feminism and Mediation
Carina Chun Wine, University of Massachusetts Boston
Zeke Reich

Harvard Law School

Transformative Mediation, “Strength Injection,” and Consent

When is it legitimate for conflict interveners to use tools that foster individual transformation? This paper sketches a framework for thinking about the question and applies it to the best-known such tool, Bush and Folger's "Transformative Mediation" approach—after carrying out a more nuanced reading of that approach than is usually found in these debates.

Transformative conflict interventions can be defined as interventions that aim to change something about the parties in order to affect the conflict constructively. On their face these interventions raise a serious concern about self-determination. If parties come to a mediator for help with a conflict, they do not expect to have their own selves changed, and if the mediator tries to change them without their consent we should see this as illegitimate. At the same time, we can imagine that a transformative intervention becomes less effective if it is described to the parties in advance (Moffitt 1997). So if the mediator intends to do transformative work, he or she may be reluctant to get fully informed consent for the intervention, and thus risks disregarding the principle of self-determination.

This concern has been widely raised about the work of Bush and Folger (hereafter B&F), who in their first book together (1994) famously encouraged mediators to "chang[e] people, not just situations" (1994: 81). Faced with criticism (e.g. Menkel-Meadow 1995), they have retreated somewhat from this approach, recommending in the book's revised edition (2005) that mediators aim to change not people but the "conflict interaction" itself (53). This new articulation would overcome the self-determination concern if the "conflict interaction" were an entity distinct from
individuals' psychological states—but in fact, it is hard to see how this is the case. On B&F's model the conflict interaction can only change when the individuals involved make inner shifts, so in some sense "changing the people" still seems to be on the table. At the same time, though, there are other reasons to see the self-determination concern as less pressing than B&F's critics have thought. To see exactly how, we reconstruct the essential aspects of B&F's revised approach.

B&F's theory of conflict and intervention begins with a simple model of individual psychology. They identify two key axes along which an individual's psychological state can vary: the axes of strength/weakness and of openness/self-absorption. (They now define their well-known terms "empowerment" and "recognition" as constructive movement along each of those two axes, respectively.) The axes are related to each other in the following way: if a person begins to feel stronger, they will thereby become more open, and if they feel weaker, they will become more self-absorbed (49-51).

This model leads to a theory of conflict interaction. In a relationship between person A and person B, the "natural" state is that both people will be both strong and open (51). But sometimes something will happen that makes at least one of them, say A, feel weaker. And as just described, A's feeling of weakness causes A to become more self-absorbed. But A's self-absorption will be experienced as hostile by B, who will thus feel weaker: this in turn, as above, causes B to feel more self-absorbed, which leads to A feeling weaker, and so on in a negative feedback loop (49-51).

Given this model, the mediator's aim can be described as helping to reverse the destructive cycle by promoting either strength or openness in one or both parties. If A starts to feel stronger, A will become more open, and the feedback loop will continue in this constructive
direction (55). The mediator's intervention can thus target any moment in the cycle and anticipate that the constructive effects will be self-reinforcing.

Looking carefully at this model shows that the self-determination concern is not adequately dispelled by B&F's recommendation to work on "conflict interactions." Not only do they explain interactions with constant reference to individual psychological states without mention of any independent "relational state," but the only authorities they cite to support their claims are two theorists of individual psychological change (Beck 1999, Goleman 1995). No matter the "relational" philosophical underpinnings of the approach (2), it still has a species of individual change in view.

But at the same time, the mediator's intervention may not actually rise to the level of illegitimate person-changing. B&F are clearly mindful of the self-determination concern (67) and do not openly advocate any mediator strategies that violate it. Rather, their primary instruction to the mediator is simply to "support" shifts towards strength and openness that are already being created by the parties, by e.g. restating and checking in (221-1).

If this is only form of intervention that B&F recommend, it seems hardly objectionable on self-determination grounds. On B&F's model, A and B themselves naturally want to move towards strength and openness, and their positive feedback loop will kick in as soon as constructive movement begins. The mediator only needs a light touch and the parties can do the rest. Thus, even though this intervention is transformative, and even though the mediator evidently does not name it explicitly to the parties, we should conclude that this kind of intervention is legitimate even without fully informed consent.

But at this point we face something of a puzzle. With such minimal intervention from the mediator, can we really expect that the conflict spiral will be reversed? Doesn't the powerful
destructive feedback loop suggest that the initial moment of constructive movement will be hard to generate?

This question helps us see a further kind of intervention that lies just under the surface of B&F's approach. To see its importance, consider that the constructive spiral depends on A's feeling strong, which leads A to be open, and so on. But note that it does not matter what force causes A to feel stronger. In particular, B does not need to be open in order for A to feel stronger, as long as the mediator him/herself is doing independent work to strengthen A. Listen to B&F's fictional mediation party, "Susan": "it was like [the mediator] was holding up a mirror...to let myself see and hear what I was saying....So I began to get clearer, calmer, less desperate, and less frustrated....I could even listen differently to Jim" (63). The destructive cycle is reversed when the mediator independently "injects strength" into the dynamic, allowing Susan to open to Jim and beginning the constructive feedback loop.

This "injection of strength" seems like a necessary, if underdescribed, part of B&F's approach. But since it is a somewhat more active move by the mediator than simply "supporting natural shifts," we have to examine the legitimacy of the move. And here we should see the intervention requires consent to in order to be legitimate. The intervention is still aimed at individual transformation: the mediator causes someone to feel stronger, expecting that this will make them feel more open. But now the mediator can no longer say that the parties are doing all the work. If the mediator does not alert the parties to the nature of this intervention, it should be seen as illegitimate. We conclude that B&F's mediator should be required to say something at the start of the mediation to the effect of, "I aim to be a strengthening presence to both of you rather
than merely a detached facilitator.” This may be a minor disclaimer, but it seems crucial in order to preserve the parties’ self-determination.\textsuperscript{148}

References


\textsuperscript{148} Comments welcomed at zekereich@gmail.com. Earlier versions of this paper were supervised by David Hoffman and Martha Minow. Special thanks to Michelle Sternthal, Lawrence Susskind, Howard Gadlin, Ran Kuttner and Martha Minow for helpful challenges along the way. Thanks also to the libraries of the Program on Negotiation and the Harvard Mediation Program for reference help.
Leah Wing titles her feminist critique on current standards of neutrality: *Whither Neutrality?* In this article she deconstructs the definition of neutrality from a feminist perspective and asks the reader to actively consider both the pervasive and personal definitions of neutrality. Her title is especially evocative in the use of the word *whither*. *Whither* has several definitions which wonderfully capture both the scope and nuance of the question she is asking.

(*whith-er*)

1. adverb: *to what place, result, or condition*
2. adverb: *to what end, point, action, or the like? to what?*
3. conjunction: *to which place*
4. conjunction: *to whatever place*

What is striking about these definitions is that all of them could beget a different response when appended to the word and the concept of neutrality. What result or condition is *neutrality* taking us? *Neutrality* to what end point or action? In the slightly more metaphorical consideration: which place does *neutrality* lead us to? (And possibly just as important: what does a *neutral* path look like?) Finally, the most sinister question of all the possible definitions: is *neutrality* a whatever place?

Before exploring and expanding on the implications of feminism on neutrality raised by Wing, we must first see what she defines as neutrality. First, she is referring to a definition
specific to the practice of mediation. Wing puts forward the common and widely accepted
definition of mediation as “a neutral process for resolving conflicts in which a neutral third
party--someone not involved in the dispute--facilitates communication and resolution of a
conflict.” Within mediation, she argues, neutrality has several meanings. Neutrality is a process.
A neutral process strives to give all parties equidistance and procedural fairness. Rather than a
pre-existing condition, a neutral process is an active calibration of both the personal and
situational designed to give conflicts and disputants a just resolution. Feminism has no problem
with this first definition of neutrality.

However, the latter two definitions of neutrality beg a closer look under the lens of feminism. Neutrality as a classification is problematic when scrutinized with feminist principles. The definition of a “neutral third party” in mediation is “someone not involved in the dispute”, but Wing argues that this has the effect of making practitioners of mediation take too much for granted. As a classification, neutrality is a forgone conclusion just by a mediator not being directly involved in the specific dispute. Wing wants us to understand that mediators do not spring from the divine like Athena, wise and aware. Mediators are grown in the same soil as the disputants they are granted temporary accountability of. Thus, purportedly neutral third parties come with their own prejudices, histories, baggage and up-bringing. Rather then delve into the personal nuance that accompanies each individual mediator (or disputant) the classification of neutrality offers a blanket statement and an assumed credibility that is problematic under the lens of feminism.

With classification comes an implied authority, and feminists are all too aware of the perils that result from unquestioned positions of power. Neutrality should insure that mediation contains no power imbalances. By not scrutinizing the power imbalances inherent in the parties-
including the neutral third party- we create false advertising by misrepresenting neutrality as a
classification, *as a trademark*. Feminist thinking means that you need to constantly questioning all of the labels that are endorsed by someone trying to sell you something. Nestle branded its infant formula as better then breast-milk and babies in developing countries starved, sickened or died. Feminist ask the questions: who has the authority that has the power to produce widely accepted classifications that impact so many? *Nestle* is a multi-billion dollar corporation, but *mediation* is... well, largely unregulated in the public sphere... decentralized... with self-governed standards by a small public and private agencies each with their own agenda. *Whither* our formal accountability? Does decentralization equal more opportunity for equality, or create an even more pressing need oversight and vetting?

Mediation is a new and emerging field whose scholarship and academic foundations are still being laid. As righteous believers in self-determination, we are doing it ourselves! However, Wing finds that the mediators themselves “are from racially privileged backgrounds; (further, we find that most who are published and practicing in the U.S. are White adults who are middle-class, able-bodied, and Anglophone, for example)” The people writing, publishing, and practicing mediation (and the current definition of neutrality) are essentially privileged white males. Before Feminists can get behind the current practice of neutrality as a *classification*, there needs to be much more serious examination as to who wrote the book(s) on it, and what social location they inhabit. *Whither* the authors?

Neutrality as classification becomes neutrality as a *conclusion* when we stop challenging the prevailing standards. Neutrality as a conclusion means acceptance of the classification which shuts down dissent and devalues alternate perspectives. The conclusion, or assumption, of neutrality to exist without reexamination means that the accepted definitions *are* the new reality. This is a dangerous place to be for women and the disenfranchised as it insures a reality that replicates the structural violence already ensconced in larger patriarchal society. Wing calls this
the “masternarrative” and wants us to understand how hard personal agency can be under this hegemonic outsider value system. “Therefore, many of the counternarratives attempted by parties in mediation will not reflect the life experiences of a mediator nor resonate with the masternarrative.” Neutrality as a forgone conclusion in mediation does not serve all participants equally.

The conclusion of neutrality, perpetuated as reality, becomes internalized every time a mediator gives his or her introduction, “The purpose of mediation is to help you resolve your disputes in a neutral environment with the help of a neutral third party.” The parties nod unsmiling, but consenting. The psychological contract the mediator had entered into with the disputants does not usually involve those parties questioning the neutrality of the proceedings or the personification of neutrality in the mediator. Yet, by agreeing to the mediation the parties have become implicit in the conclusion of neutrality perpetuated by forces larger than them, and decided before they ever sat down at the table. Never does the mediator ask the parties for their help in creating neutrality. The mediator is just expected to uphold neutrality by his or her actions and presence. The process, the parties, and the outcome are assumed neutral under the coverture of the mediator. Coverture was the Western legal doctrine up to the 19th century where a woman lost her legal rights upon marriage. Her husband was expected to cover her in the eyes of the law; it was his judgment that was valued and he took responsibility for her actions, rights and status. By taking responsibility for neutrality the mediator has annexed true self-determination of the parties by virtue of his or her assumed expertise in the conclusion of neutrality.

We now must ask, is this line of questioning all philosophical meandering or does this have a practical application to mediation as a practice and a discipline? Surely, expertise is the very raison d’être for the existence of mediation, as it is for the deployment of professionals in
any context. Additionally, we must remember that participants in mediation are not passive by any means. Mediation is perhaps the form of dispute resolutions that allows the most direct access to empowerment and personal responsibility. A mediator who operates outside of the best interests of the disputants will not be in operation for long. Still, all members of a mediation should be aware of the framework that governs their participation, and in no case is this more vital than within the mediators themselves. Refinement of technique, execution of strategies, investigation of governing principles, and continued quest for learning should all be equally important goals for the practicing mediator. *To what result or condition* does the current definition of *neutrality* mean? By not continually questioning the nature of neutrality we cannot make it grow to reflect the reality of the parties and make room for new growth on the part of the mediator.

*Neutrality to what end, point, action, or the like?* Wing covers some hard facts in her article that would not be a surprise to feminist scholars: “In 2007 as I write, U.S. society---similar to all time periods throughout its history---continues to be stratified, with resources differentially distributed based on socially constructed social group memberships such as age, ability, class, gender, race, sexual orientation, and religious heritage and affiliation. Access to housing, employment, bank loans, educational opportunities, and healthcare are unevenly divided among social groupings.” This social reality is painfully tangible to any member of a minority group; something that pervades your perception weighs on the self. How much damage can be done in mediation if the largely privileged mediator is not aware of the realities of others?

The “damage” can be relatively benign: perhaps a missed opportunity for greater understanding or an avenue left unexplored. In small claims mediation, or other mediations that operate in the orbit of the legal system, certainly there will be limitations to the scope of the agreements. How much structural violence can even the best intentioned mediator really
compensate for if the mediation operates in the shadow of the judicial system? It could be argued that mediation in courts is doing so within the *coverture* of the legal system, which feminists would say is already a great perpetrator of structural violence. However, it could also be understood that true neutrality is more important than ever when operating in such an environment. Interjecting alternative-narratives into the court based system would be a great way to seize every opportunity to balance the dominant-narrative. A mediator could create pockets of micro-neutrality not usually available to participants in the court system.

The fallout of a mediator being blind to the perspective of the disenfranchised could also be severe. A lack of awareness of disparate levels of education, cultural norms, and the products of structural violence can also mean that the mediator replicates the inequalities of larger society which lead to impediments toward true neutrality within a mediation. Lack of awareness can be extremely damaging to already vulnerable parties who become increasingly disenfranchised within mediation. Lack of multiple perspectives can also risk the mediator promoting decisions that only offer false empowerment, and not the true empowerment from fully actualized self-determination. A powerful example of the necessity of alternate-perspectives is when Wing describes how the master-narrative does not incorporate the reality of racism: “Telling a story about the reality of racism is a counternarrative and in order to be seen as legitimate and resonant with the master narrative, such a story must provide proof of intentional race-based harm and a violation of a law.” In other words, we have laws already in place to deal with racism, and any racism not seen in violation of a law would not be considered legitimate within the master narrative.

Racism can be a very hard concept for privileged white mediators to confront. First off, a very comforting fiction that many privileged people carry around is how racism is not *relevant*. If they cannot find an incident where they caused harm to someone intentionally out of racial
prejudice, then many privileged white people feel that racism is not something they are guilty of. Contained within this viewpoint is the belief that racism can only be active, it cannot be passive. Therefore, white mediators operating from a privileged background may not be able to recognize any manifestation of racism outside of their own realities. Much harm can come to minority disputants from the simple perpetuation of racist principles in mediation. If racism is never addressed, then racism cannot be acknowledged. Unacknowledgement is not the same as neutrality.

Wing understands that feminism and racism are intrinsically linked. Both are products of a patriarchal system, and both movements struggle to make the dominant narrative aware of their existence. Racism and sexism are both hugely complex and thorny issues. For this reason they are often seen as “too big” of an issue to tackle on a personal level. A mediator may feel that racism or sexism is outside the scope of mediations which are not expressly about racism or sexism; that bringing in these enormous “social issues” are just muddying the waters and making resolution more complicated then it needs to be. The exclusion of issues such as racism and sexism can be especially problematic within court based systems of mediation. The mediator may ask him or herself: what does racism and/or sexism have to do with <insert clearly defined legal issue here> ? The mediator may feel that since our society already has laws in place to deal with issues of racism and sexism, any issues the disputants raise which bleed over into those areas are the result of their own misconceptions. Not a misconception of the issues- the mediator and the disputants could agree that racism and sexism exist and should be confronted- but rather what the appropriate venue is for addressing racism and sexism. The parties may not feel enabled to raise these issues within a mediation if they do not feel they will be acknowledged or accepted. The mediator may be eager to classify such issues as outside of the scope of mediation
due to their own unwillingness to grapple with them. Bypassing any issue the parties deem appropriate to discuss is not true self-determination, and it is certainly not neutrality.

Feminists know that only does racism and sexism pervade almost every social stratum, passivity about these issues can hurt just as much as their active cultivation. It would be a great shame and a large disservice to equal opportunity if unwillingness to confront these larger issues in forms of dispute resolution processes like mediation lead to their propagation in systems where neutrality is trumpeted. Equality and engagement should not only be the province of advocates, but rather of all humans. People who desire to be mediators are already educated and socially aware individuals. Mediation and other forms of alternate dispute resolution were crafted by people who saw deficits in the systems of social justice and endeavored to carve a new and improved course. These are the same people that would be ripe and open to exposure of alternate discourse and new ways to achieve parity. However, questions remain. How do you hand the reigns of true empowerment over to the people in the best position to take them? What can be done right now to begin to fix the myriad of inequalities apparent in mediation and concepts of neutrality?

Advocates have always known that action is required for change, and the most immediate form of chance is that of personal change. Personal change dovetails quite nicely with the mediation principles which make up “emotional intelligence”; or the way in which a mediator understands and enacts their role as an active participant. Emotional intelligence is extremely important to the concept of “micro-neutrality” where the role of the mediator encompasses the whole person and allows for personal growth and change. Emotional intelligence is an internal calibration of neutrality, situational and in the moment. Mediators are encouraged to recognize their emotions as a way to better understand and empathize with the parties and not wall them off in service to a rigid standard of neutrality. The emotionally intelligent mediator can feel
frustration, sympathy, as well as disappointment, and uses those internal emotions as part of the external mediation process. Chances are the parties are also feeling similar sensations and a skilled mediator can use the increased understanding to better serve the needs of the disputants.

The most important aspect of emotional intelligence to feminist concept, as well as the reexamination of neutrality, is the supposition that neutrality is not an outside standard, but instead comes from within. The current standards for neutrality are well thought out, rationalized, and researched, but they are not a complete approach. The addition of emotional intelligence allows the mediator to be flexible in addressing each mediation as a unique experience. Emotional intelligence encourages the mediator to question neutrality each and every moment of the mediation. Neutrality can be created such an environment; one that welcomes full acknowledgement and participation from all parties. The process of constant internal questioning opens the door to more varied action throughout the mediation process. All parties, including the mediator, are better served when the choices are widened for all participants.

Emotional intelligence is the constant act of learning, and the continued desire to discover and expand perceptions is a core tenant of feminist philosophy. Feminists have always needed to create and identify places for themselves within the larger structure of patriarchal society. A part of feminist scholarship comes from revisiting existing bodies of knowledge though the lens of equality and empowerment for all. Mediation is a rather young discipline, and yet would already benefit from increased feminist scrutiny. Mediators themselves need to be empowered to make intelligent decisions and continually strive to expand their skill set and proficiency. The growth of mediation within dispute resolution and its place in larger society will depend on the people that drive it. Only though increased understanding of all human perspectives will mediation be
able to craft itself as a viable and desirable way to address and resolve the myriad manifestations of conflict.

Now we can begin to address the final question posed by Leah Wing’s query: *Whither neutrality? To what place neutrality? Or is neutrality a “whatever” place?* What does a society look like that creates an unquestioned definition of neutrality? If mediation is allowed to replicate the existing power imbalances inherent in a patriarchal society then our definition of neutrality will suffer accordingly. Neutrality will be a “whatever” place if we allow ourselves to be lead unquestioningly into rigid definitions without pause for true examination. A place for true neutrality does not exist yet, but can yet be created. True neutrality can only exist if we are prepared to acknowledge and change the manifestation of large societal problems like racism and sexism which also exist in mediation. Racism and sexism are pervasive systemic issues, but in mediation we are allowed the unique opportunity effect change at a micro level. Micro, in this case, does not have to mean small. Rather, micro opportunities like these provide an immediate, personal and urgent way to touch lives.

Mediators and practitioners of dispute resolution need to discard the “straw-man” of idealized neutrality by understanding that neutrality is a product of a larger society based around inequality; a wished for reality, instead of the actual one. Only then can we be sure that our place as *neutrals* is one that we created with investigation, empathy, honesty, understanding, and awareness. There cannot be true self-determination without a true acknowledgment of the whole self. To make neutrality *our* place and not a *whatever* place, we need to constantly push for a path of empowered and informed action toward true ownership. The definition of neutrality, needs to be *embodied* by the mediator, but the *ownership* of neutrality is the responsibility of all of us.
References

_Emotionally Intelligent Mediation, Four Key Competencies_ by M.E. Johnson, S. Levine and L.R. Richard. _In Bringing Peace Into the Room._ Pages 151-164


Session II: Panel 2D
Just War, Military Intervention, and Civil-Military Relations

Fighting the Good Fight: Redemptive Violence as a Perceived Moral Imperative
Maggie Campbell, Clark University

An Exploration of Humanitarian Militarism: Afghanistan in Focus
Jessica Dargiel, King’s College London (UK)

The Relevance of Theories of Violent Conflict to Civil-Military Relations in Post-conflict Burundi
Elizabeth McClintock, Tufts University

The Problem of PMSCs in the Just War Theory Model: Reaffirming Walzer’s Tradition
Alanna Valdez, American University
Fighting the Good Fight: Redemptive Violence as a Perceived Moral Imperative

Moral justification is one of the mechanisms that allow ordinary people to commit or support atrocities in the name of “righteous” ideologies (e.g. Bandura, 1999). One form of moral justification may be the endorsement of so-called “redemptive violence”, i.e. violence that is viewed as both righteous and necessary in order for good to overcome evil (Wink, 1992). This “myth of redemptive violence” appears to be widespread in the U.S. (and other nations) (Wink, 1992). Thus, the present study aimed to examine this belief as a potentially important psychological mechanism that may promote and sustain violence.

Endorsement of redemptive violence may be associated with a dichotomized and inherent view of good and evil within people. If good and evil are viewed as essential personal characteristics of human beings, then those endorsing this view may believe that the only way for the “good people” to triumph over the “evil people” is to obliterate them. If evil is viewed as a quality of actions or circumstance rather than inherent in people, then options other than violence may be seen as possible for dealing with evil in the world.

It is unfortunate that this “myth system” and its focus on perceptions of good and evil have been largely ignored in psychological literature, as it is replayed daily in various forms of entertainment media and in the framing of social and political issues. From fairy tales and cartoons to the second President Bush’s calls to violent action against “the axis of evil”, our culture is replete with oversimplified references to the “good guys” and the “bad guys.”

Redemptive violence beliefs were even expressed in parts of Barack Obama’s (December, 2009) recent acceptance speech for the Nobel Peace Prize. While most of Obama’s speech
emphasized the important and efficacy of non-violence, some of the statements still exemplify the ideas of redemptive violence: “There will be times when nations—acting individually or in concert—will find the use of force not only necessary but morally justified…Evil does exist in the world. A non-violent movement could not have halted Hitler’s armies. Negotiations cannot convince al Qaeda’s leaders to lay down their arms.” If the endorsement of redemptive violence can even be found in a Nobel Peace Prize acceptance speech, it seems like a powerfully embedded idea about the utility and necessity of violence that warrants investigation.

In sum, the decisive lines separating good and evil, as well as the resulting ideas of redemptive violence, appear to be prevalent in our society. Moreover, these ideas are often appealed to in order to garner support for violence. It is with these ideas in mind that I sought to investigate people’s ideas regarding good and evil, their endorsement of redemptive violence, and their political and social opinions concerning acts of violence and diplomacy.

It was hypothesized that there would be a positive correlation between dichotomizing good and evil and endorsing redemptive violence, and that both of these constructs would predict supporting political violence: endorsement of the death penalty, sending more troops to Afghanistan, US possession of nuclear weapons, and the interrogation techniques used at Guantanamo Bay. Further, it was expected that the good and evil and redemptive violence constructs would predict less support for a Department of Peace. It was also hypothesized that the effect of endorsing dichotomized beliefs of good and evil on support for political violence would be mediated by the endorsement of redemptive violence.

**Method**

**Participants:** 349 participants were recruited through a variety of online resources (listservs, social networking sites, etc.) Most of the participants were American citizens living in America. The sample was 68% female ($N = 238$) and 26% male ($N = 89$), with the remainder of the
participants not reporting gender. Participants ranged in age from 18 to 87 years old with a mean age of 27.5 ($SD = 11.19$). The sample was liberally skewed, with 70.5% of participants describing themselves as liberal and roughly 15.5% of participants self-identifying as conservative. 41% of participants reported that they belonged to a religious group (mainly Christian), while 51.6% reported that they did not.

**Procedure:** This survey study was conducted online. Participants were informed that the survey concerned ideas about good and evil as well as social and political opinions. After giving informed consent, participants responded to the Good vs. Evil and Redemptive Violence items (see below) and were asked about 5 political and social issues. They also answered some demographic questions and then submitted their email addresses to be included in a raffle for gift cards.

**Measures:**

**Good and Evil:** An exploratory factor analysis (EFA) with principal axis factoring and direct oblimin rotation was conducted with 12 items designed to assess a dichotomized view of good and evil. Six items were dropped due to low communalities, low factor loadings, and cross-loading. The 6 remaining items loaded on one factor (Cronbach’s α = .82; see Table 1.)

**Endorsement of Redemptive Violence:** EFA with principal axis factoring and direct oblimin rotation was conducted with 11 items designed to assess endorsement of redemptive violence. Three items were dropped due to low factor loadings and cross-loading. The 8 remaining items loaded on one factor (Cronbach’s α = .90; see Table 2.)

**Support for Peace vs. Political Violence:** Participants were asked to rate their level of support on a 7 point scale (Strongly oppose to strongly support) of 5 political issues; the use of the death penalty for Nidal Malik Hasan, sending more troops to Afghanistan, US possession of nuclear weapons, the interrogation techniques being used at Guantanamo Bay; and finally the creation of a Department of Peace. Because the responses to these different issues did not create a
reliable scale, they were analyzed separately as single-item measures. Participants were also given the opportunity to explain their opinions in open-ended responses

**Results and Discussion**

Tables 3-7 show variables regressed on each of the issues questions. Each of the models was significant at the $p<.001$ level. Endorsement of redemptive violence predicted each of the issues, controlling for political ideology, gender, education level, and whether or not someone is part of a religious group. Likewise, controlling for the demographic variables, scores on the good and evil scale predicted opinions of the issues, with the exception of sending more troops to Afghanistan. Bootstrapping meditational analyses (Preacher & Hayes, 2004) were conducted for each of the issues questions. As evidenced in the figures, redemptive violence mediated the effects of beliefs in good and evil on support for all five of the issue questions. In sum, these results suggest that dichotomized views of good and evil and endorsement of redemptive violence all directly influence people to be more supportive of violent policies and less supportive of peaceful policies. Further, the results suggest that dichotomized views of good and evil in human beings indirectly influence political and social opinions through increasing endorsement of redemptive violence.

These findings provide initial empirical support for the role of redemptive violence and beliefs in good and evil as psychological mechanisms that legitimate the utility of violence and thus may help to sustain violence. Future studies will focus on replications among more diverse populations, particularly in regards to religion and political ideology. Refining the measure of good and evil will also be a focus of future studies. Conceptions of good and evil is an important area of study, as it could be one of the major underlying phenomena to constructs that serve as motivators for violence. I hope that a better understanding of this mindset and how it affects support for violent political and social interventions can lead us to investigate different
ways of framing issues that will promote the implementation of more peaceful means of dealing with potential and actual conflicts.

References


Appendix A
Tables

Table 1   *Items of the Good and Evil Measure, Their Means and Standard Deviations, and Their Loading on Two Factors*

<table>
<thead>
<tr>
<th>Measure Item</th>
<th>Descriptives</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><em>M</em></td>
<td><em>SD</em></td>
</tr>
<tr>
<td>There are people in this world who are evil.</td>
<td>4.86</td>
<td>1.84</td>
</tr>
<tr>
<td>There are political leaders in this world who are evil.</td>
<td>5.03</td>
<td>1.67</td>
</tr>
<tr>
<td>There are societies in this world that are evil.</td>
<td>3.61</td>
<td>1.99</td>
</tr>
<tr>
<td>It is impossible to classify people as essentially good or evil. (R)</td>
<td>3.02</td>
<td>1.70</td>
</tr>
<tr>
<td>There are people in this world who are completely incapable of any type of goodness.</td>
<td>3.11</td>
<td>1.97</td>
</tr>
<tr>
<td>I believe all people can generally be described as either good or evil.</td>
<td>2.79</td>
<td>1.66</td>
</tr>
</tbody>
</table>

Factor correlations

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Redemptive violence</td>
<td>1.00</td>
<td>.64</td>
</tr>
<tr>
<td>2. Good and evil</td>
<td>.64</td>
<td>1.00</td>
</tr>
</tbody>
</table>
Table 2  Items of the Redemptive Violence Measure, Their Means and Standard Deviations, and Their Loading on Two Factors

<table>
<thead>
<tr>
<th>Measure Item</th>
<th>Descriptives</th>
<th>Factor</th>
<th>Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>M</td>
<td>SD</td>
<td>Redemptive violence</td>
</tr>
<tr>
<td>The moral people are responsible for eliminating moral corruption, even if it sometimes requires brute force.</td>
<td>3.33</td>
<td>1.60</td>
<td>.821</td>
</tr>
<tr>
<td>It is our duty to deal with evil in the world, even if this means using force and violence.</td>
<td>3.30</td>
<td>1.61</td>
<td>.818</td>
</tr>
<tr>
<td>The use of violence is justified when it allows good to prevail over evil.</td>
<td>3.76</td>
<td>1.65</td>
<td>.801</td>
</tr>
<tr>
<td>An orderly and safe world can only be obtained through the use of morally righteous violence.</td>
<td>2.53</td>
<td>1.49</td>
<td>.725</td>
</tr>
<tr>
<td>Morally justifiable violence is the natural way for humans to deal with evil in the world.</td>
<td>3.28</td>
<td>1.66</td>
<td>.706</td>
</tr>
<tr>
<td>Sometimes violence is necessary in order to get rid of evil leaders and evil political systems.</td>
<td>4.54</td>
<td>1.61</td>
<td>.632</td>
</tr>
<tr>
<td>Destruction of evil people is necessary to preserve what is good in the world.</td>
<td>2.88</td>
<td>1.59</td>
<td>.623</td>
</tr>
<tr>
<td>There are adversaries in this world that must be totally annihilated; it would be immoral to negotiate with them.</td>
<td>2.65</td>
<td>1.53</td>
<td>.491</td>
</tr>
</tbody>
</table>
Table 3  Regression Analysis Summary for Variables Predicting Support for the Death Penalty

<table>
<thead>
<tr>
<th>Variable</th>
<th>Final model before entering Redemptive Violence</th>
<th>After including Redemptive Violence (mediator)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$B$</td>
<td>$SEB$</td>
</tr>
<tr>
<td>Political Ideology$^a$</td>
<td>.27</td>
<td>.09</td>
</tr>
<tr>
<td>Gender$^b$</td>
<td>-.46</td>
<td>.24</td>
</tr>
<tr>
<td>Education Level</td>
<td>-.15</td>
<td>.08</td>
</tr>
<tr>
<td>Religion$^c$</td>
<td>-.32</td>
<td>.22</td>
</tr>
<tr>
<td>Good and Evil Redemptive Violence</td>
<td>.116</td>
<td>.02</td>
</tr>
<tr>
<td>Adjusted $R^2$</td>
<td>.27</td>
<td></td>
</tr>
</tbody>
</table>

$^a$higher scores indicating higher levels of conservatism

$^b$0=male, 1=female

$^c$0= does not consider self part of a religious group, 1= does consider self part of a religious group

*p < .05; **p < .01; ***p < .001
Table 4  *Regression Analysis Summary for Variables Predicting Support for a Department of Peace*

<table>
<thead>
<tr>
<th>Variable</th>
<th>Final model before entering Redemptive Violence</th>
<th>After including Redemptive Violence (mediator)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$B$</td>
<td>$SEB$</td>
</tr>
<tr>
<td>Political Ideology$^a$</td>
<td>-.41</td>
<td>.06</td>
</tr>
<tr>
<td>Gender$^b$</td>
<td>.64</td>
<td>.17</td>
</tr>
<tr>
<td>Education Level</td>
<td>-.05</td>
<td>.06</td>
</tr>
<tr>
<td>Religion$^c$</td>
<td>-.02</td>
<td>.16</td>
</tr>
<tr>
<td>Good and Evil Redemptive Violence</td>
<td>-.03</td>
<td>.01</td>
</tr>
<tr>
<td>Adjusted $R^2$</td>
<td>.23</td>
<td></td>
</tr>
</tbody>
</table>
Table 5  Regression Analysis Summary for Variables Predicting Support for Operation Enduring Freedom

<table>
<thead>
<tr>
<th>Variable</th>
<th>Final model before entering Redemptive Violence</th>
<th>After including Redemptive Violence (mediator)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$B$</td>
<td>$SEB$</td>
</tr>
<tr>
<td>Political Ideology$^a$</td>
<td>.32</td>
<td>.08</td>
</tr>
<tr>
<td>Gender$^b$</td>
<td>-.69</td>
<td>.22</td>
</tr>
<tr>
<td>Education Level</td>
<td>.20</td>
<td>.08</td>
</tr>
<tr>
<td>Religion$^c$</td>
<td>.21</td>
<td>.21</td>
</tr>
<tr>
<td>Good and Evil</td>
<td>.01</td>
<td>.01</td>
</tr>
<tr>
<td>Redemptive Violence</td>
<td></td>
<td>.07</td>
</tr>
<tr>
<td>Adjusted $R^2$</td>
<td>.11</td>
<td></td>
</tr>
</tbody>
</table>

$^a$ Political Ideology: 0 = Republican, 1 = Democrat, 2 = Independent
$^b$ Gender: 0 = Male, 1 = Female
$^c$ Religion: 0 = Christian, 1 = Jewish, 2 = Muslim, 3 = Other, 4 = Nonbeliever
Table 6  Regression Analysis Summary for Variables Predicting Support for US Nuclear Weapons

<table>
<thead>
<tr>
<th>Variable</th>
<th>Final model before entering Redemptive Violence</th>
<th>After including Redemptive Violence (mediator)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$B$</td>
<td>$SEB$</td>
</tr>
<tr>
<td>Political Ideology$^a$</td>
<td>.37</td>
<td>.08</td>
</tr>
<tr>
<td>Gender$^b$</td>
<td>-.79</td>
<td>.21</td>
</tr>
<tr>
<td>Education Level</td>
<td>-.04</td>
<td>.07</td>
</tr>
<tr>
<td>Religion$^c$</td>
<td>-.20</td>
<td>.19</td>
</tr>
<tr>
<td>Good and Evil</td>
<td>.06</td>
<td>.01</td>
</tr>
<tr>
<td>Redemptive Violence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjusted $R^2$</td>
<td>.24</td>
<td></td>
</tr>
</tbody>
</table>

Table 7  Regression Analysis Summary for Variables Predicting Support for Guantanamo Bay
<table>
<thead>
<tr>
<th>Variable</th>
<th>Final model before entering Redemptive Violence</th>
<th>After including Redemptive Violence (mediator)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$B$</td>
<td>$SEB$</td>
</tr>
<tr>
<td>Political Ideology$^a$</td>
<td>.50</td>
<td>.07</td>
</tr>
<tr>
<td>Gender$^b$</td>
<td>-.50</td>
<td>.19</td>
</tr>
<tr>
<td>Education Level</td>
<td>-.06</td>
<td>.06</td>
</tr>
<tr>
<td>Religion$^c$</td>
<td>-.20</td>
<td>.17</td>
</tr>
<tr>
<td>Good and Evil</td>
<td>.07</td>
<td>.01</td>
</tr>
<tr>
<td>Redemptive Violence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjusted $R^2$</td>
<td>.34</td>
<td></td>
</tr>
</tbody>
</table>
Figures 1-5  Mediation models for the Support for Peace vs. Political Violence Issues

Redemptive violence

Good and evil

Death Penalty

.59***

.47***

.28***

.33***
Redemptive violence

Good and evil

Departments of Peace

Good and evil

Operation Enduring Freedom

Redemptive violence

UMass Boston Conflict Studies Conference 2010
Redemptive violence

Good and evil

US Possession of Nuclear Weapons

Guantanamo Bay

Good and evil
An Exploration of Humanitarian Militarism: Afghanistan in Focus

In 2000 Kofi Annan asked, ‘if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how should we respond to a Rwanda, to a Srebrenica – to gross and systematic violations of human rights that offend every precept of our common humanity?’¹⁴⁹ Ten years later, this question is still being asked. This paper explores the debates surrounding the emerging concept of humanitarian militarism and examines the United States’s strategy in Afghanistan, which employs humanitarian aid as part of an overarching counterinsurgency strategy to determine if the military can be considered an effective component of humanitarian relief services in new wars.

Humanitarian militarism was coined to describe the concept whereby military interventions are staged on humanitarian grounds, generally in the absence of Security Council authorization, as in Kosovo. Humanitarian militarism embraces the principals of ‘new humanitarianism’, which downplay the traditional importance of impartiality and neutrality in the delivery of humanitarian aid, instead focusing on more protracted human rights based solutions. Additionally, such an approach tends to advocate the confluence of strategic state and international aid with traditional humanitarian relief attempting to integrate the two under the rubric of ‘ethical’ foreign policy.¹⁵⁰ Proponents of this interpretation of humanitarianism argue that while technically illegal, there are cases in which intervention on humanitarian grounds may be morally and politically justified.

¹⁵⁰ Chandler(2006),pp.22-23
Within the camp supporting humanitarian militarism, there are three divergent stances. The first is led by Michael Ignatieff. In his view, the protection of human rights is morally compulsory and thus trumps the need to closely abide by international law norms. This group sees the Westphalian system as an archaic structuring of international relations and downplays the importance of sovereignty.\footnote{Zolo (2010) p.562} The second group, led by Michael Glennon and Antonio Cassese, argue that there is an overwhelming necessity to update international law to reflect the new norms regarding intervention. Finally, the last group is led by Jane Stromseth. This group advocates a flexible interpretation of international legal norms.\footnote{Ibid.}

There has been a continuing shift to humanitarian militarism since the Kosovo intervention; This raises two main concerns. First, there is growing concern as to how these changes may affect international law. The continuation of humanitarian militarism in any one of aforementioned mentioned forms could create precedent for the unilateral and asymmetric use of military force by great powers. Ultimately, this could lead to the erosion of the current multilateral system of collective security.

Second, many critics of humanitarian militarism argue humanitarian militarism can erode traditional humanitarianism. As David Chandler explains, ‘once humanitarian intervention is conflated with rights-based strategic ends, the political ends are redefined as ethical and used to justify the denial of humanitarian principals.’\footnote{Chandler (2006), p. 48} By using supposed humanitarian rhetoric to justify military intervention the distinction between aid organizations and the military has become blurred.\footnote{Weissman (2004) p.8} As a result, aid workers have found increasing levels of insecurity in conflict
zones since they are perceived to be co-opting with the military. By minimizing humanitarian operational space, or even removing such impartial actors from complex emergencies would unjustly condemn an innumerable number of people to needless suffering or even death.

Generally Kosovo is the case cited when one talks about the challenges of humanitarian intervention, however, the case of Afghanistan, while not a straightforward case of humanitarian militarism, provides an interesting case study of how humanitarian motives can be used to justify invasion. From the outset, the U.S.’s self-defense justification was framed in rights language. ‘U.S. leadership emphasized that the September 11 attacks warranted a military response not only because of the scale of the carnage, but because the attackers purposefully had targeted innocent civilians.’ This framing of the war in terms of the humanitarian benefits of war indicates that policy-makers believe humanitarian assistance can be partial and exist as a tool of diplomacy and foreign policy in areas deemed of strategic importance.

Afghanistan is particularly significant because not only were humanitarian principals used to garner support for the invasion, the conflict also marks the first time humanitarian goals have been fully integrated into a military strategic project. This approach has continued now that the war has been deemed one of counterinsurgency (though initially a war predicated on counter-terrorism measures). The dispersal of humanitarian aid is the very linchpin of the ISAF counterinsurgency (COIN) strategy in Afghanistan as it fundamental to winning ‘hearts and minds’.

The first phase of COIN operations in Afghanistan requires that humanitarian relief services be provided and that the local populace is secured. Although the military typically reserves for humanitarian organizations the task of physically providing aid, it is the military

---

155 Saunders (2001)

156 Chandler (2006), p. 50
strategists that decide where aid should be sent. (This is a drastic departure from humanitarian
principals that dictate aid should be distributed based on need alone.) Only after basic services
have been provided and security has improved can military resources be redirected to full combat
operations and support for government reforms and reconstruction projects.\textsuperscript{157} From the
military’s perspective, this approach has proven very effective.

From a humanitarian perspective such a strategy is actually quite troubling, as relief aid is
now essentially being used as a tool of warfare -a complete perversion of traditional
humanitarianism. In Afghanistan, there is no humanitarian consensus and very little humanitarian
space. ‘Both have been trampled by political expediency and by the disregard by all parties to the
conflict for the plight of civilians.’ \textsuperscript{158} As aid workers and the military occupy the same
operational space in conflict zones, they are often mistaken to be closely associated. The
objectives of these two radically different actors thus appear muddled to the local populace,
causing them to conflate humanitarian relief aid with politically motivated stabilization
programs. Thus, NGOs are perceived to have lost their independence, impartiality, and neutrality,
henceforth loosing the trust of the local populace. When aid workers are no longer trusted to be
neutral actors, they are restricted from operating in certain aid arenas, ultimately depriving the
populations most in need of the assistance they so desperately require. Furthermore, the safety of
aid workers in conflict zones is compromised when aid workers are perceived to have consorted
with the military. \textsuperscript{159} There have been several cases of aid workers becoming deliberate targets as
a consequence of their believed association with the military.\textsuperscript{160}

\textsuperscript{157} U.S. Army/ Marine Corps (2007). pp. 54
\textsuperscript{158} Donini (2009),p.2
\textsuperscript{159} Steering Committee for Humanitarian Response(2010),p.9
\textsuperscript{160} A Taliban spokesperson explained ‘Organizations like Médecins Sans Frontières work for American interests and
are therefore targets.’ Weissman(2004),p.1
This paper takes an exploratory approach to the topic, ultimately concluding that although it is important that the military make humanitarian considerations when developing strategy, the newly accepted system of humanitarian militarism must be reworked, as ‘the role of the associated humanitarian activity has actually become the pursuit of national policy by other means,’ as exemplified by the conflict in Afghanistan. While the intervention was staged on humanitarian grounds, it appears that aid is being used as part of a grand political strategy to essentially rebuild the state. Ultimately, the muddling of terminology has eroded the ability of traditional humanitarian aid workers to meet the needs of civilians in conflict zones, while setting precedent for future military interventions in the name of humanitarianism.

References


---

161 Zajtchuk(2003), p. 776


The relationship of the military to the other organs of the state structure is considered to be a defining aspect of the nation-state. In democratic regimes, this relationship is particularly important and the primacy of civilian control of the military is seen as one of the hallmarks of an effective democracy. As Huntington (1995), Kohn (1997), Hutchful (1997) and others have outlined elsewhere, the underlying ‘tenants’ of this civil-military relationship are quite specific.

First and foremost, civilian control of military means that civilians control the decisions pertaining to the military and its use at all times, including, most importantly the decisions of when and how to prosecute a war. The institution of the military is not financially or conceptually independent from the other institutions of the state, except perhaps for the decisions that could be considered to be internal to the military such as the design and implementation of career paths, benchmarks for promotion, and criteria for recruitment. Although even these last need to be approved by the civilian oversight mechanism in a democratic system.

Second, the military is to be subordinate to all branches of government, not simply one part of the government, (e.g. the executive). This is meant to prevent the instrumentalization of the military by one branch for its own purposes. Another critical tenant is that the military be a professional corps, with specialized training and education, a clear chain of command, and clear promotion and sanction structures. This is linked to a fourth tenant, having a clear role and mission. In general, the military is meant to defend against external threat, rather than keep order internally (which, in most countries, is generally in the purview of the police). The
establishment of a clear role and mission by the civilian oversight mechanism is a key to effective civil-military relations. Finally, the military is meant to be apolitical and republican, both reflecting the composition and serving the interests of the citizens, not simply the leader or a small minority.

Claude Welch (1985) offers a critique of this approach to structuring civil-military relations. He contends that the approach outlined above is a ‘Western’ and biased one, which does not take into the account the political-cultural context within which the military exists in a given country. In his view, this context is influenced by factors such as the role of military as an agent of change; perceptions of legitimacy of the military as an actor on the national stage and of its choice (or not) to intervene in politics; and the status of military as a profession vis-à-vis other professions. Welch’s critique is not meant to be culturally relativist – i.e. he is not condoning the actions or abuses of the military because they are uneducated or lack capacity – rather he insists on situating the military within the socio-political-institutional context of which it is a part and understanding how that context influences its relationship to the civilian branches of government.

Welch’s critique is especially relevant, in that it forces us to test certain assumptions underlying concept of “civilian control”. Assumptions such as: that the civilian branches of government function and function effectively; that there is a true balance of power between the branches of government; that the military is not used simply as an instrument of executive power; and that there is agreement on the role and mission of the military amongst these other branches. In a non-Western context and particularly in a post-conflict context these assumptions need to be tested and they will be informed by the factors outlined above.

The paper now turns to a discussion of the theories of violent conflict that can, in part, explain conflict in Burundi and highlight their relevance to the nature of Burundian civil-military
relations. Perhaps one of the most relevant theories is Galtung’s (1969) theory of structural violence. While sometimes labeled an ethnic conflict (although, thankfully this is less and less common), the war and the history of violence in Burundi is in fact intimately related to the structures of the state; a state that excluded a majority of the population from access to resources, livelihoods, and dignity. While an incredible amount of personal violence was also perpetrated, it is the *structural* violence that underlies the conflict in Burundi. The Burundian military has played an important role in perpetuating this structural violence through mechanisms such as recruitment, decisions about who it protected and who it victimized, and its participation in a culture of impunity.

A second important theory of conflict that can help us to understand the Burundian context comes from the social-psychological school. Kelman (1997) describes how the “collective fears” suffered by each community – fears of exclusion, of violence, and of annihilation – can inspire violence. The military has played a particularly important role in perpetuating or allaying those fears, which in turn informs how they are perceived institutionally and by the population in the aftermath of violence.

Finally, understanding the role of ethnicity in the violence in Burundi is critical. As Eriksen (2001), Horowitz (1985), King (2004) and others have underscored, ethnicity is not fixed and ethnicities evolve over time as group borders change and identities are re-imagined. At the same time, ethnicity has been made salient in Burundi through structural violence and through violent conflict, becoming one the primordial determinants of identity. This is particularly important in our discussion of civil-military relations, first because of how ethnicity was made salient through the institution of the military and how it prosecuted its mission and second in how ethnicity influences the reform process.
There are several ways in which these theories of violent conflict inform perceptions about civil-military relations. First, and perhaps most importantly, it is how the institutions of the state contribute to or mitigate the causes of conflict. In Burundi, as in many countries, there is an extremely tight link between the civilian institutions of government and the military. However, given that the institutions of the state are (and have historically been) weak, civilian oversight may not be considered a positive thing unless and until these other branches of government are strengthened (e.g. the judiciary is currently incapable of addressing issues of impunity and the legislature does not function effectively to control costs, nor does it fully participate in the decision-making process regarding when and how the military is called to act). Thus, even in the best-case scenarios, the military is perceived to be the more powerful institution and the civilian branches unable to exercise effective oversight.

A second factor is the role that the military is being asked to play in peacetime. Neither the citizens nor the state have much positive experience with this. Indeed, the military is better known as a contributor to personal and structural violence. Thus, imagining a new role and mission for a military that is not as a participant in this violence is challenging. In a classic civil-military relationship, the force is not bigger than is necessary to deter an external threat. In the Great Lakes region today there are few external threats (although the conflict in DR Congo is problematic, there are few armed incursions across the border and the size of the Burundian army is vastly greater than is necessary to manage this problem) and external peacekeeping operations don’t employ a substantial number of Burundian soldiers. Downsizing the military is one part of the solution, but that process may contribute to conflict as decisions about who stays in and who is demobilized, which factions retain the largest numbers of troops, etc. are deeply political –

---

162 The African Great Lakes region is generally considered to include Burundi, Rwanda, DR Congo, Tanzania, Kenya and Uganda.
raising renewed fears about the army’s potential role in conflict – and potentially economically
destabilizing – as the military is one of the largest employers in the country.

Third, the cultural context is significant. In Burundi, the military has historically had a
strong role in an authoritarian state rooted in an extremely hierarchical social culture. Theories of
violent conflict can inform how the reform process should be designed, implemented and
evaluated within this context. Citizens seem to want and appreciate the need for a professional,
apolitical corps. However, despite its troubled past, there seems to be an expectation that the
army will continue to play a role in politics, to prevent the excesses of the civilian government.
For example, in 2008, a cadre of five military generals worked behind the scenes to ‘moderate’
the debate when the ruling party, the CNDD-FDD, split and this subtle but clear intervention was
welcomed by many as a signal to the civilians that the dispute had to be resolved peacefully.\textsuperscript{163}

In addition, the reform process is seen by many as a means of redressing some of the causes
of conflict (e.g. exclusion, historic victimization). The army is meant to be truly ‘republican’ –
reflecting the demographic of the Burundian population. However, if the corps were purely a
professional one, where recruitment and promotion were based on merit, then the reform process
would not serve the purpose of redressing the causes of conflict, as currently the talent and
military education lies predominantly with the minority Tutsi.

Finally, while Burundians do want a republican army and do want (eventually) a professional
and apolitical force, they want one that meets their own definitions of these terms – an army that
looks like them, that is not a purveyor of violence but of security, which curbs both the excesses
of the political class and creates “the container” for daily life to continue relatively unhampered
by violence. This last role is particularly challenging for the army and in principle, should not lie
predominantly with them. However, given the politicized role of police – a new institution that

\textsuperscript{163} Personal research by author during her tenure in Burundi.
has not yet attained professional standards nor assumed its mission of maintaining internal public order – the two institutions, instead of acting as peaceful countervailing forces, are in ‘competition’ for resources and power, raising fears of further violence.

Theories of violent conflict are absolutely relevant to the deeper determinants of civil-military relations, particularly in post-conflict contexts. These theories inform our understanding of the role of the military in conflict, both as an individual institution and as part of the larger structure of the state, and consequently inform our perceptions of their potential role in peacetime. Given that the military reform processes are generally driven by a desire to clearly outline the nature of civil-military relations, our understanding of the causes of conflict will inform how that reform process should be evaluated and its prospects for mitigating or preventing renewed violence.

REFERENCES

Books and Reports


**Organizational Publications**


**Security Sector Reform Monitor – Burundi No. 1** (November 2009). The Centre for International Governance Innovation (CIGI), Waterloo, Canada.

**Security Sector Reform Monitor – Burundi No. 2** (April 2010). The Centre for International Governance Innovation (CIGI), Waterloo, Canada.
The Problem of PMSCs in the Just War Theory Model: Reaffirming Walzer’s Tradition

With an increase of contracting private military and security companies (PMSCs), there is an ongoing discourse regarding how these non-state actors threaten the statist foundations of Michael Walzer’s just war theory. Some argue that these actors prove that just war theory is ill-prepared for the new forms of modern warfare that our world faces today. This paper will look at this critique through the main example of PMSCs and will argue that the solution to the problem of non-state actors is found within just war theory itself with the reaffirmation of the state as the main arbiter of force.

This paper examines just war theory by analyzing PMSCs and the problem they pose as non-state actors for Walzer’s tradition. I first outline how PMSCs do not fit the state-centric framework through the three examples of jurisdiction, punishment, and legal protection. I then argue that these complications can be clarified when states reaffirm their role as the primary arbiter of force.

A major critique of just war theory is displayed through the problem of holding non-state actors, such as PMSCs accountable. This is exemplified by three main problems which focus on the issues of jurisdiction, prosecution, and legal protections. The issue of jurisdiction highlights ambiguities in regards to non-state actors. PMSC employees reside in an unclear zone where their definition as combatants or noncombatants varies in certain jurisdictions. Herbert Wulf states, in regards to PMSC employees, “Since the definition of their activities is neither clear nor uniform and since the international norms against mercenary activities do not apply to formally
registered and government licensed companies, their operations are largely unregulated” (Wulf, pg. 52). Also, it is even more difficult to regulate said individuals under jurisdictions without developed laws that prosecute extraterritorial crimes and hold accountable foreigners on foreign soil. Pragmatically speaking it has been difficult to gather enough evidence from overseas (especially in times of war and conflict) in order to establish a solid case against an offender. There is also a certain level of legal ambiguity as to how one can hold someone accountable for actions performed on foreign soil with rules set by another nation.

Another complicating issue with PMSCs and their employees is difficulty in implementing punishment. Certain PMSC contractors who violate laws or military procedures are oftentimes bound to no formal code of conduct and thus evade punitive systems. Since international and domestic legal systems do not have laws that clearly define the status of PMSC employees, it is difficult to hold them accountable to specific military codes. One example of a disciplinary success is that of the Uniform Code of Military Justice, a code by which PMSC contractors hired through the Department of Defense (DOD) have to abide. There still exist however, PMSC contractors who are hired by other non-DOD divisions, thus leaving them without formal codes of conduct to follow. Companies that lack such codes leave room for actors to perform without worrying about any penal repercussions. This deficiency of punitive control has become extremely problematic as more and more states have to deal with PMSC scandals due to employee misbehavior.

Not only are there concerns regarding the negative impacts of PMSC employees, but it is important to note that these non-state actors (PMSCs) are comprised of people who often need legal protection from a state. State obligations for legally protecting PMSC employees are vague, resulting in ambiguities for international versus domestic protection. Although most contractors work in a variety of positions, from consulting and logistics to providing technical repairs, those
who work in close proximity with combat forces find themselves in a gray zone. Unclear definitions of status lead to unclear notions of protection. Are PMSC employees mercenaries, non-combatants, or civilians? It is difficult to highlight the obligation of the state to protect PMSC employees, since language is lacking in the Geneva Conventions. Renee De Nevers calls for modernization of the Geneva Conventions to provide such legal clarifications. “The Conventions’ protections for civilian contractors supporting military operations have proven problematic in practice because contractors may fall through the cracks in terms of legal jurisdiction” (De Nevers, pg. 103). Oftentimes one government can refer to an inmate as a prisoner of war, while another views them as a citizen having committed a crime on their own. Article 47-1 of the Additional Protocol I of the Geneva Conventions states that “1. A mercenary shall not have the right to be a combatant or a prisoner of war.” This notion of protection leads to a larger problem of defining where contractors reside in international and domestic law. For once a proper categorization is in place, governments could be legally bound to protect these individuals.

If these problems of jurisdiction, punishment, and legal protection continue, how does just war theory as a theoretical framework survive? Do these challenges render this theory obsolete? This section will argue that since the problem of PMSCs is partly because the state has forfeited its monopolization of the use of force, (which is a main tenet of Just War Theory) then we can reaffirm the centrality of the state’s role if it unilaterally controls its authorization of force.

Although countries are utilizing the resources of PMSCs more and more, the use of force is still in the domain of a system of states. How can we imagine a new system of private warfare if laws and regulations remain entrenched in an international society comprised of sovereign states? It is impractical to think that states can shed themselves of these companies upon which
they heavily rely. But while governments criticize PMSCs for lacking accountability, governments themselves are hiring these entities and voluntarily forsaking parts of its authority. States share a part of the responsibility by hiring companies that require them to forfeit control and regulation of policies. This deregulation threatens state power, allowing PMSCs to exist as proxies pushing government agendas. Human Rights First, a non-profit, nonpartisan international human rights organization, states in a report on PMSCs, “When the United States or any nation deploys armed forces in conflicts abroad—even private armed forces—it has the responsibility to ensure that those forces comply with the law” (HRF, pg. 3).

The nation state and state sovereignty continue as operating mechanisms in the international community. When rights groups and international organizations argue that PMSCs lack accountability or regulation, they look to the state to check the powers of the PMSC. Calls for accountability are elements that are delivered best by the mechanism of the state. Since the state is the primary actor which can address the international and domestic community’s disdain for certain PMSC actions, then the state must exist as the utmost model of control. The international community’s repugnance to some of PMSCs violations of international law has called on the state to institute some forms of regulation and accountability through systems of justice. It is through this reliance on the state that Walzer’s just war theory can prevail.

For just war theory to remain a strong theoretical framework, the state needs to better consider with whom it contracts its authorization of force. PMSCs should pose less difficulty as non-state actors, because PMSCs should not operate as a complete non-state entity. Governments need to regain control of PMSCs and reauthorize themselves as the primary arbiter of force in military purposes. Perhaps more stringent methods need be applied to PMSCs for better control.

Just war theory is founded on the main tenet that the state is to have a monopolization on the use of force and that aggression can only be an act between states. Although just war theory
is challenged by non-state actors that fall out of these boundaries, it remains a viable theoretical framework for international ethics because the state, in hiring them, remains responsible for these non-state actors. Overall, this is relevant to why we are here today and the mission of this conference, in that a reaffirmation of just war theory, and thus the state’s role as the main arbiter of force, influences conflict studies in that it changes the role of intervention, interpretation of international standards, and implementation of international law. In terms of intervention, if states are held more accountable for the work of the PMSCs with which they contract, perhaps the nation would be less likely to engage in interventions in the first place. Also, a renewed sense of state control over PMSC employees could lead to a clearer interpretation of said groups in the Geneva Convention as combatants or noncombatants and thereby clarify treatment of prisoners of war.

If states are going to continue to fund military operations through privatized contractors in a removed manner, a cycle of lacking accountability will continue. Although conflicts themselves are oftentimes chaotic and unpredictable, this renewed sense of responsibility on behalf of the state as the main arbiter of force, will perhaps pave the way for conflicts that are more controlled and defined in a clearer manner by international laws and regulations.

References


Miller, Richard B. "Justifications of the Iraq War Examined." Ethics & International Affairs 22.1


Session II: Panel 2E
Conflict Management in Organizations

Culture, Identity, and Inclusion in Organizations
Rebecca Anderson Curtis, University of North Carolina at Greensboro

A Split within the Anglican Communion: The Ordination of V. Gene Robinson, the First Openly Gay Non-Celibate Bishop
Amy Melissa Guimond, Nova Southeastern University

By Choice or By Assignment: Levels of Trust, Trust Violation, and Relationship Continuance
Beth Marie Polin, Ohio State University

Clash of Organizational Cultures: AOL and Time Warner
Scott Rolph, Erin Davies, Thuy Le, University of Massachusetts Boston

Creating New Space in University Settings: Conflict analysis as a tool to promote effective teamwork and more successful buildings
Celia Marin Kent, University of Massachusetts Boston
The United States (U.S.) is comprised of diverse cultures. Respecting diversity while supporting inclusion results in complexity from dynamic relationships. Diversity in the U.S. has been increasing over the last decade. There are more minority births than ever before (El Nasser, 2010). In order to accommodate this diversity, organizations need to review their current practices. The U.S. is not only a country of complex diversity but also employs people from all over the world. It is necessary for the organizations to reflect the diversity in the workforce. The only way we can acknowledge, appreciate, and encourage the strengths of all people involved in organizations is to have more inclusive practices.

Organizations that are effective reflect this diversity in their practices and relationships. Because the market is not stagnant, organizations cannot afford to be either. Competitive organizations are adaptive ones, which practice inclusion in all areas. People have different strengths and when combined can make an even stronger team. Having diversity allows organizations to problem-solve from multiple perspectives. There is no way that one type of person can consider all aspects of an organization, especially when serving a diverse population. By reflecting the diversity of the community and market, an organization can accommodate the needs of a rapidly changing and increasingly global society. A welcoming organization is sensitive to cultural and identity diversity and welcomes everyone to participate equally in the organization.

**Individual and Organizational Identity**

People’s jobs are a part of their identity (The Transnational Foundation for Peace and Future Research, 2004). People should be respected for spending quality time at the organization.
and investing a part of their lives there (Clark, 1994). By acknowledging, respecting, and integrating cultural identity, all employees feel more welcomed which helps to reduce high turnover rates and burnout. Cultural inclusivity will then be reflected through the organization’s identity.

Within an organization there are both individual and group identities. Because the two cannot be separated, the two must be considered together. It is unrealistic to expect someone to disregard their individual identity to join a new group work identity. Every individual carries their personal identity to the workplace. The opposite is true as well. The work group in not merely a sum of everyone’s individual identity, but a new identity entirely. In order to provide an inclusive work environment, both of these identities have to be respected and accepted (Alderfer, 1998).

Ernest Dunn (1998) argues that many problems organizations face today are not because we have diversity, but because we have handled the diversity through systemic racism. We need to think outside of the box in how we are structuring our organizations. In order to integrate more pluralism into organizations, debates and dialogue must be started to replace isolation and racism. Allow employees to share their ideas from their different cultures. By allowing each person a voice, prejudices have a chance to fall away. If the system is too rigid, it cannot allow for creative problem solving and increased communication. Without this flexibility, the systemic racism continues to oppress minority employees.

In order to ensure all employees have a voice, everyone should be included in the creation of the mission statement of the organization. Allowing this level of input insures personal values are reflected in the organizations values which insures a stronger sense of belonging for the employees (Kouzes & Posner, 2007). By including everyone, respect and autonomy are infused throughout the organization. This mission statement should not be
stagnant, but rather dynamic and ever changing to the diverse needs of the organization. By creating this flexibility, the needs of all employees can be considered equally.

A New Model

There are considerations in three main areas to investigated and maximize to promote organizational inclusivity. These include the physical environment, cultural identity, and personal and professional needs. The needs of all people are complex. This model reflects some of the main areas of concern and how they overlap with each other.

Physical Environment

An inclusive physical environment is a key and includes strategic planning about office layout. Office space needs to be considered. Some employees need a quiet, private space while others prefer to work in a group environment. Another consideration is the placement of the leader’s office. By strategically planning where offices are located, personal preferences can be respected as well as accessibility can be enhanced (Kouzes & Posner, 2007). Communal areas such as break rooms and large rooms should be stocked to welcome and accommodate the needs of all employees. It is necessary to set up the physical space in the office to welcome and encourage people and interactions of all types including private space for personal needs such as nursing or religious considerations.

Cultural Considerations

Just a few cultural factors to consider include support for cultural dress and hairstyle, accommodation for ableness, gender, age, and mindfulness of the holidays celebrated at the office (Kivel & Wells, 1998; Howard, 1998). Allowing flexible schedules to accommodate religious and personal needs is key. If all employees do not need to work a strict 9 to 5 schedule, then let them deviate and restructure their work day to accommodate their needs. Because all needs may not be met by the physical environment, flexibility can be infused in daily life within
the organization. For example, if a private space cannot be provided for a nursing mother, then
her schedule can reflect more flexibility so she can locate her own private space and get her work
done (Tropman, 1998). A large part of a culture is language, dress, and food. Organizations
should encourage the expression of these differences.

*Personal and Professional Needs*

Personal and professional needs are different for each member and also core to the
environmental inclusiveness. Considerations include accommodations for diverse learning and
teaching styles, flexible holiday schedules, and empowering people to share their ideas and
concerns so they feel a vital part of the organization (Tropman, 1998). With differing interaction
styles, it is important to consider that some people like more personal interaction with
supervisors and peers while some are more reserved. It is important for people to feel
comfortable and respected to allow for growth at the office. When these areas are taken into
considerations, employees can develop their identity both inside and outside of the office.

*Figure 1: Organizational Inclusivity*

*Future Considerations*

As diversity increases the need for organizations to have a more culturally inclusive
environment only grows stronger and more necessary. Without thoughtful development, having
people from multiple backgrounds can cause conflict because of the diversity. Diversity is
needed to reach adaptable and complex solutions to complex issues and conflicts. If everyone
thought the same or only one voice was heard, people are not invested in the outcome or the
process. By including everyone in the process of the resolution, one voice does not speak for
everyone. Through the assessment of the work environment conflict can be used to construct a
positive organizational identity that includes everyone in the organization.
By rethinking how diversity is defined and accepted, organizations can begin to allow diversity to work for them. It is only with diversity that a problem can be dissected and viewed in multiple ways. By allowing these differences, the organization is displaying to others in the community that diversity is accepted and encouraged in this organization. This will help people feel more welcomed by the company and perhaps more likely to buy their products or request services. Everyone enjoys feeling welcomed and understood when receiving a service or purchasing a product. In order to insure this acceptance for a diverse community, diversity needs to be reflected in the staff of the organizations.

References


A Split Within the Anglican Communion: The Ordination of V. Gene Robinson, the First Openly Gay Non–Celibate Bishop

Introduction

The conflict over where homosexuality fit within church doctrine was raging long before V. Gene Robinson was ordained bishop by the New Hampshire Diocese of the Episcopalian Church, but his ordination served as catalyst for future generations in moving towards reconciliation between groups which seem to want the same thing out of life: acceptance and love. Homosexuals have had the difficult task of reconciling their sexual identities with their religious identities and this paper will explore that identity struggle within Christianity, the struggle within the Anglican Communion to find a place for homosexuals, and the split within the Anglican Communion when the attitudes of authority shift toward those which are more accepting of homosexuality. In this paper I define worldview theory, discuss the worldviews of homosexuals and Christians, and use these worldviews to analyze this conflict.

Worldview Theory

Docherty (2001) posits that worldview is comprised of four interrelated elements which are paramount to its understanding and development: 1) ontology (our understanding about nature and our interrelatedness), 2) a theory of world-order (our understanding of what exists and how it relates to the world), 3) axiology (our understanding of the universe based the importance of certain parts in relationship to others), and 4) epistemology (philosophy about the extent we are able to know what exists in the world) (Docherty, 2001). Docherty posits that conflict is ever-
changing, therefore changes that occur within varying social contexts cause parties to reshape and redefine their individual worldviews.

A large component of worldviewing is metaphorical storytelling. This compounds worldview conflicts due to disagreements over the meanings of shared metaphors, disputes over which metaphors apply situationally, and confusion over whether interpretation should be literal or figurative (Docherty, 2001).

Finally, Docherty (2001) cautions against focusing purely on worldview differences between conflicting groups, suggesting that analysts also look at worldview similarities of the parties. When groups bring similar worldviews to a conflict, while bringing differing interpretations, the conflict is fueled because each party sees themselves as the “defender of truth” (Docherty, 2001).

**History of the Anglican Communion**

The Anglican Communion is the second largest Christian community, with self-governing churches in 38 countries and nations. The Archbishop of Canterbury holds moral responsibility and maintains moral codes within the Anglican Communion, but the practices of the different branches of Anglicanism vary worldwide (Tu, 2007). In the United States, the Anglican Communion is represented by the Episcopal Church.

Anglicans believe in the Holy Trinity, that God revealed himself through Jesus Christ, and that Christ is the key to eternal salvation. Further, Anglicans believe that God inspires faith, justice and truth to the people of the world (Church, 2009).

**Homosexuality within the Anglican Communion**

As sexual awareness has increased, so has the controversy about homosexuality in relation to Christianity. The General Convention for the Episcopal Church of the United States of America (ECUSA) of 1976 addressed homosexuality, resolving to take steps in helping their
parishioners who were struggling with the place of homosexuality within the church’s worldview, including the proposal that the diocese should conduct a study relating to all issues of sexuality (Kaye, 2008). Official statements from the ECUSA indicated that homosexuals were children of God, entitled to the same treatment that other children of God were entitled.

Later, the report from the Human Affairs Committee (HAC) declared that it was inappropriate for anyone to be ordained who was having sexual relations (homosexual or heterosexual) outside of the sanctions of marriage. In response to the HAC’s declaration, twenty-one bishops publicly broke away from the church (Kaye, 2008).

**History of V. Gene Robinson**

Robinson earned his Bachelor's of Arts from The University of the South and attended General Theological Seminary in New York City. Robinson was ordained Deacon at the Diocese of Newark, and later ordained Priest (Adams, 2006). Robinson married in 1973, moved to New Hampshire and had 2 children. He and his wife divorced when it became too difficult for Robinson to deny his sexuality. Robinson was ordained as Canon to the Ordinary and began serving as the Bishop's right-hand man in 1988.

On June 7, 2003, at St. Paul's Episcopal Church in Concord, New Hampshire, Robinson was elected incumbent Bishop by the diocese when he received 58 clergy votes and 96 laymen votes (Adams 2006). This overwhelmingly positive vote would have been unremarkable except that Robinson was openly homosexual and living with his life-partner.

Shortly after Robinson's appointment, 19 bishops, led by Bishop Duncan of Pittsburgh warned of the impending schism within the Anglican Communion (Williams, 2006). Between Robinson's ordination and when Janet Tu wrote her article for *The Seattle Times* in 2007, 47 congregations had already split from the Episcopal Church to realign themselves with more conservative churches overseas (Tu, 2007).
Analysis

Docherty (2001) stressed the importance of metaphors in the maintenance of worldviews, and The Bible is one such tool for spreading these metaphors. Many people who oppose homosexuality do so citing references to The Bible (Gomes, 1996). According to these people, The Bible is clear about the roles of homosexuals, and leaves no room for ambiguity. Although there is no legitimate evidence to prove that the intention of these passages was to indicate that homosexuality should be deemed unacceptable, religious individuals allow their own prejudice to influence religious interpretation, thus allowing their own religious views to perpetuate prejudice. There are only twenty passages which have been interpreted to condemn homosexuality, and when homosexuality is referenced is only through inference and interpretation based on the reader's personal beliefs (Gomes, 1996). The term *homosexuality* was not coined until the late 19th century, so it could never have been used in any original translation of The Bible (Gomes, 1996).

Christianity maintains a basic understanding and meaning of sexuality as only being morally sound when approached within the confines of a heterosexual, monogamous marital union (Hasbany, 1989). Megan Marshall is a 29 year-old bisexual Catholic woman who works at Loyola University. She candidly explained how young homosexuals find their spiritual guidance saying:

> We look for communities that support us, individuals and relationships that will validate who we are and who will celebrate us. Sometimes people change denominations to find this kind of support. People leave the Catholic Church and join the Quakers or Episcopalians. Some just denounce church in general. (personal communication, November 4, 2009)

If homosexuals realign themselves towards denominations which are more accepting of their sexuality, can this be compared to the way that some Anglican Parishes are realigning
themselves with other denominations? Interestingly, not only are entire congregations splitting from the Episcopal Church to realign themselves with more conservative churches overseas (Tu, 2007), but parishioners are turning their backs on the Anglican Communion due to unprofessional way that the church has addressed this controversial issue. According to the National Church, as of 2007, approximately 60 of the more than 7,000 Episcopal parishes have either split off or suffered critical membership losses (Zoll, 2007), and this number steadily increases as this conflict is mishandled.

In the wake of these conflicting worldviews a new denomination has emerged, based on theology instead of geographic location. As of 2008, The Anglican Church of North America (ACNA) had approximately 100,000 members (Goodstein, 2008), and its creation could lead to further defection from the Episcopal Church.

Conclusion

If attitudes of the church do not change with their parishioners, the church will lose membership, and Robinson’s ordination does more than split the Anglican Communion. His ordination also creates hope that the homosexual community can find acceptance within the church. The formation of the ACNA will alleviate some of the confusion over whether the Episcopal church will be conservative or liberal in terms of homosexuality but this construction/reconstruction period for Anglicanism could lead to increased conflict between denominations as they navigate their worldviews. Only time will expose the true implications of this conflict.

References


Marshall, Megan (2009, November 4). Personal communication and interview.


The presence of perceived choice is an important contextual feature of situations that is very much felt in everyday life yet has not received the attention it deserves among management scientists. From the social psychology literature, we know that choice affects our behaviors (Thibaut & Kelley, 1955; Jones et al., 1965; Zuckerman et al., 1980; Mitchell, 2005) as well as our perceptions (Luginbuhl, 1972; Woodside, Sertich, & Chakalas, 1987; Fleming & Darley, 1989; Ogden, Daniells, & Barnett, 2009), but the effects of choice on trust have not been explored. Based on whether a work partnership is chosen or assigned, different thought processes are activated in the trustor and different consequences arise when a trust violation occurs. The purpose of this study is to examine how the presence of initial perceived choice influences views of others in a work partnership, and how the presence of initial perceived choice to enter into a relationship moderates the decision to continue the relationship after a trust violation occurs.

It is first hypothesized that levels of trust will be higher in choice situations as opposed to no-choice situations. Trust can be defined as an expectancy held by an individual or a group that the verbal or written word or the anticipated cooperation of another individual or group can be relied upon (Kramer, 1999). Whether or not a trustor knows the trustee with whom they are forming a partnership, some level of trust or distrust will be present, as individuals or groups rarely enter a relationship with a “blank slate” of trust (Lewicki, 2006). More often than not, especially in organizational settings, something is known about the person with whom we must
work either through prior personal experience or knowledge about the interactions others have had with the individual. If, however, we are entering into a relationship with an individual unknown to us, research shows that we are more likely to have high initial levels of trust. This trust may be personality-based due to the way the trustor was treated during developmental years; it may be institution-based, or formed through the security of knowing one’s surroundings and the context of the situation; or finally it may be cognition-based, or trust based on instincts or first impressions (McKnight, Cummings, and Chervany (1998).

Choice is considered to be present when different options are equally attractive (Steiner, Rotermund, & Talaber, 1974). Choice affects how we see the other person in a partnership. We often idealize a relationship that we have chosen to form. Feelings of confidence in a choice can cause individuals to idealize an imperfect relationship through the creation of idealized self-perceptions, exaggerated perceptions of control, and unrealistic optimism (Murray & Holmes, 1997). If a trustor chooses to enter into a partnership with a trustee, with full knowledge of alternatives and drawbacks, then the trustor should feel confidence in their decision. In sum, it is hypothesized that trust levels will be higher in partnerships a trustor chose to form as opposed to partnerships the trustor felt no choice in forming.

Second, choice affects not only whether we remain in a partnership after a trust violation occurs, but more importantly why we remain in that partnership. That is, choice will moderate the relationship of a trust violation and the decision to remain in the partnership. If a trustor chooses to enter into a partnership with a trustee with full knowledge of the characteristics of and alternatives to the trustee, they should feel some personal responsibility for an occurrence of a violation of trust. Personal responsibility is a necessity for the arousal of dissonance as long as the first party understands the consequences of their actions of choosing the second party and cannot attribute consequences to outside forces (Cooper, 1971). According to cognitive
dissonance theory, an individual experiences feelings of dissonance if their beliefs do not match their actions or behaviors (Festinger, 1957). It is thus hypothesized that after a trust violation occurs, a trustor will choose to remain in the partnership and make it successful in order to alleviate dissonance caused by the failure of a chosen partnership. Furthermore, if a trustor viewed the trustee as the proper choice, the trustor may feel that the violation of trust reflects negatively on them and their judgment capabilities. According to image theory, decisions will be made that are compatible and profitable in terms of a party’s goals and future plans (Beach & Mitchell, 1990). Thus, the trustor will also decide to remain in the partnership in order to maintain their self-image.

Finally, it is important to consider investment—financial, psychological, or social—in a partnership, as this will also affect the decision to remain in a partnership after a trust violation occurs. The more investment in a partnership, the more incentive there is to remain in the partnership.

Two laboratory studies are being designed to test these research questions. The first study tests whether perceived choice in a partner influences the amount of trust in that partner. The second study tests whether an individual remains in a partnership after a trust violation occurs, given they perceived high choice in the formation of the partnership. Reasons for remaining in or exiting the partnership will be measured and analyzed. Preceding these studies, a series of vignettes will be distributed as a baseline test of the hypotheses.

Studying the influence of choice in situations of trust is important. After completing the proposed studies, questions can be answered about initial levels of trust in choice vs. no-choice situations, and the cognitive processes used in deciding to remain in a partnership after a trust violation depending again on initial choice vs. no-choice situations. Academically, this study adds to and bridges multiple literatures in the fields Organizational Behavior, Social Psychology,
and Conflict Studies. Practically speaking, the understanding that will come from the study of this issue can provide insight to individuals and groups who are entering into a relationship, either with high or low perceived choice. Furthermore, to outsiders, the decision to remain in a relationship may appear illogical on the surface, but if the external forces of alternatives are investigated, perception of the decision may change. Finally, the results of this study will remind leaders in organizations of the potential consequences of forcing individuals to work together on projects.

References


Clash of Organizational Culture: AOL and Time Warner

The AOL-Time Warner merger represented an ambitious attempt to combine two highly successful organizations in separate business realms to form a conglomerate uniquely poised to succeed in an era of globalization and emerging digital media. Announced in 2000, the merger held the potential to combine the time-tested media capabilities of Time Warner with the aggressive entrepreneurial characteristics of AOL. Instead, AOL Time Warner lost over $300 billion in value in its troubled nine-year existence and failed to capitalize on the combined skills, assets, and product offerings of the two organizations. AOL Time Warner removed the acronym AOL from its name and spun off the AOL organization in 2009. The unsuccessful union of AOL and Time Warner stands as a case study for the impact on business performance of merging organizations failing to acknowledge and manage corporate culture and cross-cultural conflict.

In this paper we draw from cross-cultural conflict theories to pinpoint the seeds of conflict at AOL Time Warner, to understand why the merged company failed, and to propose how the merger might have succeeded. We adopt Gelfand et al.’s (2008) conflict culture theory to assess the respective cultures. We draw from Sarala’s acculturation theory (2009), Schein’s work (1990), and Ross’s identity theory (2007) to consider what went wrong during the merger process. We draw on those theories as well as Tajfel & Turner’s contact theory (1986) and the
work of Hewstone & Greenland’s (2000) to identify measures that could have eased culture clash, facilitated the merger, and better positioned AOL Time Warner to succeed.

**Time Warner Culture**

Time Warner began with the establishment of Time Inc. in 1923 by Henry Luce and Briton Hadden as an organization committed to journalistic integrity. The culture of Time Inc. at the peak of its success was that of a collegial old boy's club, consisting primarily of privileged Ivy-League white males. Complex organizational behaviors emerged over the years as Time acquired other companies. In the years leading up to the AOL merger, Time Warner was shaped primarily through mergers with Warner Communications and Turner Broadcasting System. During these mergers, questions were raised but ignored about the cultural compatibility of the companies. After the mergers, it was observed that the combined company did not operate as a whole, but more like a collection of divisions run by division heads and overseen by dictatorial CEO Jerry Levin (Munk, 2004). Under Levin, the division heads squabbled and engaged in petty power struggles consistent with a dominating conflict culture (Gelfand et al., 2008). When dealing with Levin, however, they turned passive aggressive (Gelfand et al., 2008) for fear of losing their jobs. Consequently, at the time of its merger with AOL, Time Warner had no unified corporate culture.

**AOL Culture**

AOL had its roots in Control Video Corporation, a video gaming company founded in the 1980s (Klein, 2003). After a fitful existence and several incarnations during the 1980s, the company became American Online Inc. (AOL) in 1991 and emerged in the developing online services market. Throughout the 1990s, under the leadership of CEO Steve Case, AOL was a premier player in that market. The organizational values present through the history of AOL were typical of those embraced by startup firms at the center of the digital economy. The organization
emphasized innovation, competitiveness, and the enrichment of stakeholders. It exhibited an almost religious zeal in pursuit of its mission, a tendency to play fast and loose with facts, and a disregard for laws and customs concerning the treatment of business partners, employees, and competitors (Klein, 2003). AOL's culture fit the dominating conflict culture model (Gelfand et al., 2008). In such a culture, leadership encourages conflict in order to create energy and performance. Group members routinely shout and issue threats at each other and are reluctant to give in when pushing for ideas or proposals. All these traits were evident at AOL (Klein, 2003).

What Went Wrong

Many factors led to the failure of AOL Time Warner. Foremost, senior management failed to account for the cultural differences between AOL and Time Warner. Their focus during the merger was primarily on how to leverage the strengths of each organization in order to capture market share. In keeping with identity theory, however, individuals on each side of the merger based their identity on membership in their respective groups. The imposed union threatened those identities. Because AOL and Time Warner employees held different work ethos, neither side viewed the other as an "attractive partner." Further, because the "merger" was in reality an acquisition, with AOL holding a 55% interest, Time Warner staff, who were generally older and more experienced than their AOL counterparts, resented the attitude of the brash, young AOL staff. The effect of these factors was pervasive negativity, fear, and conflict during the merger (Ross, 2007; Sarala, 2009; Schein, 2003).

After the merger, both groups held to their divergent organizational styles (Gelfand et al., 2008): AOLers kept their "dominant conflict culture"; Time Warner staff became more passive aggressive. Preservation of the subgroups led to consistent conflict, as each undermined the "out-group" (Ross, 2007; Schein, 2009). Acculturative stress led to employee resistance, management turnover, lost synergy realization, and poor performance in stock price and
profitability. The failure to create a unified identity negated the expected capabilities of the new company (Sarala, 2009).

**Measures That Could Have Improved the Prospects for AOL Time Warner**

Based in cross-culture conflict theory, the following measures could have helped move the AOL Time Warner culture from an “us versus them” environment to that of an integrated, productive “we” culture.

**I - Leadership**

1. Schein suggests that strong organizational cultures develop over time, and joint norms solidify based on “critical incidents” experienced as a group that “survives” together (1990). Case and Leven could have portrayed the merger as a “critical event” for both companies that would create a foundation for a new joint history and successful future.

2. Schein (1990) suggests that group members tend to follow their leader’s guidance. As such, Case and Levin could have unfrozen the old cultures, defined the new culture, and “refrozen” that new culture through a system of positive and negative reinforcements (Schein, 1990).

3. A consultant could have helped manage the human dimension of the merger, eliminating employee dysfunctional behavior and distressed psychological responses and fostering synergy on an interpersonal level. (Sarala, 2009).

**II – Pre-Merger**

Employees on both sides could have had a sense of “voice” in the process through a joint “transition team” of influential members. This combined group would have provided the following benefits:

a. Influential members of both sides would have learned “commonalities,” which would have moved them from a polarized sense of self and in-group identity towards that of
the “other.” Prior categorization and harsh boundaries would have softened (Tajfel & Turner, 1986).

b. Collaboration on super ordinate goals would have created a positive view of the “other” (Hewstone & Greenland, 2000).

**III - Post-Merger Strategies**

a. Continued contact would have softened group boundaries and created a “combined identity group.”

b. Joint social events may have helped create shared organizational rituals and symbols and solidified a “new” organizational culture with which all employees could identify. (Ross, 2007)

**Conclusion**

In this paper we contend that the ambitious merger of AOL and Time Warner failed in part because of conflicting organizational cultures. The merger process and the prospects for AOL Time Warner would have been improved had senior managers applied organizational culture conflict theory in order to soften cultural barriers and foster a new, shared organizational identity.
Creating New Space in University Settings: Conflict Analysis as a Tool to Promote Effective Teamwork and More Successful Buildings

A work of architecture is a social artifact arising from a great number of transactions in which conflicts are resolved.

(James Ackerman, 1974, p. 239)

Because planners and designers work in the midst of many interested parties, they inevitably work in the face of conflict. To do that...they must often act as both negotiators seeking desirable ends and mediators managing the conflictual planning or design process itself.

(John Forester, 1999, p. 61)

I am interested in how to insure we build successful buildings. In this paper I suggest how conflict analysis can be a tool to promote effective teamwork for building design teams on university projects. I have participated in the building planning and design process for twenty years while working as a space planner at Harvard University. Most buildings on university campuses are built to address a problem or to resolve a conflict over insufficient resources or inadequate facilities that fail to support what the university deems are its priority activities. But the design process itself opens the door to new opportunities for conflict. Within the client organization, the conflicts can be over roles and decision-making authority, over exactly whose interests are being served and how much of the new resource each potential user will get. Conflicts may also occur among the client and consultant team members over different valuations of time, money, and harder-to-measure design goals. I interviewed nine building design professionals (architects, engineers, planners, and project managers) and developed a list
of seven conflict patterns which can be used by team members as a kind of early warning system to assess the potential for conflict. Labeling these patterns so they can be identified and discussed gives team members a powerful analytical tool. Moments of conflict are less likely to derail a project and more likely to be opportunities for creative engagement when there is a shared vocabulary that provides a way to talk about seemingly incompatible goals.

Defining Conflict

The interviews offered me an opportunity to ask about the nature of conflict people had experienced on their projects. At the beginning of each interview I offered a definition of conflict borrowed from Kolb’s and Putnam’s (1992) discussion of conflict in the workplace: “Conflict may be said to exist when there are real or perceived differences that arise in specific organizational circumstances and that engender emotion as a consequence.” John Forester (1999) explains how emotion is not only a marker of possible conflict but also a tool for engagement. He profiles one Planning Director who uses sketches to ask questions and clarify stakeholder issues. A key question is, “What is really burning you if you look at this sketch?” (p. 76). Forester explains:

[If we can learn about what is ‘burning’ someone, we are likely to learn more about what really matters to them, more about what else they may care about, as well as what they are likely to fight to protect or resist…..learning through emotion, we can learn about aspects of solutions and options that might yet be changed, fine tuned, altered, and re-designed (p. 80).

Paying attention to this kind of conflict, then, is a form of learning that should lead to better designed buildings.

The University Culture
Certain general characteristics of universities are likely to impact the kinds of conflict that arise during building design. Several interviewees discussed the multi-headed nature of university clients. One architect commented, “You can’t develop a patron relationship in a university setting since there are so many constituencies involved.” Another consultant said, “I think the biggest thing that you see in a university setting is that you often have a multi-headed client and you’re not sure who you should be listening to.” In his discussion of organizational culture, Schein (1990) refers to the design of physical space as one of the secondary articulation and reinforcement mechanisms of any given culture (p. 115). In this way, space is not only a resource that supports the functioning of a given group, but it is also a message or symbol about the nature of the group and its role within the organization. Schein further describes culture as shaped by “underlying, taken-for-granted assumptions” (1985, p.127). This understanding of culture highlights challenges in the design process where the client (insider) doesn’t know what assumptions should be made explicit to the architect in order to insure an approach to the task that truly matches the need. The architect is an outsider with deep training in issues of building design, but not necessarily in the analytical skills which an organizational consultant brings to the task of deciphering culture. The latter’s goal is to understand the culture in order to correctly diagnose problems and offer recommendations for change. The task for the architect, however, is often presented as fulfilling a prescription; the client has already diagnosed its problems and determined that they need more space. The client and architect don’t always understand that a joint investigation of the current culture is still needed to support the work they are about to undertake.

**Conflict Patterns**

I identified seven conflict patterns within the interviews which I organized into a checklist so that conditions which may lead to conflict can be evaluated directly. Clients and
their consultants will be more able to use the checklist productively if they approach the design project in the spirit of inquiry and joint investigation rather than of dispensing expertise. A pre-emptive discussion of the patterns at the beginning of a project may facilitate a collaborative approach. Below I offer a brief summary of the conflict pattern list:

1. Miscommunication

   Building team members come from different professions, each with its way of thinking and tools for communication which are not readily understood by people outside the field. This makes it difficult for architects to confirm agreement to design approaches or for clients to participate as equal partners in design meetings.

2. Unrealistic Expectations

   a) Client or architect misunderstand contract intentions
   b) Client sets unrealistic budget

3. Conflict Avoidance

   Failure to probe, to fully test what is really needed, because questioning is uncomfortable and often resented.

4. Failure to respect architect/client scope boundaries

   a) Clients tell architect how or what to design rather than what they need.
   b) Clients allow their interests to be represented by someone who doesn't fully understand the project goals
   c) Architect doesn’t listen to client

5. Not making decisions in a timely fashion

6. Discontinuity

   a) A major change in leadership for the client organization results in questions about building design direction
b) New leadership finds it politically strategic to criticize design work to date in order to establish their credentials.

c) New people join the team and what's documented on paper is an insufficient record of the history of decision-making for a project still in process.

7. Failure to build effective working relationships

    a) Relationships are characterized by blame, distrust, or hostility.

    b) When there's no expectation of a future relationship

Summary

I believe that paying attention to process, moment to moment interactions, can lead to profound change. Suggesting a better process leads to a better building is not the same as saying an easier process will produce good results. It’s often easier to stifle debate or otherwise narrow the considerations at stake, and that could lead to much worse buildings. Design team members who understand the forms conflict can take and recognize their own accountability in nurturing constructive conflict and thwarting its more destructive forms will be better prepared to insure our future is built with care.

References


Session III: Panel 3A
Genocide and Lethal Violence

The Cambodian Autogenocide: Understanding Social Death as an Aftermath
Cristina Adriani, Clark University

A Psychological Theory of Violence in Situations of Conflict
Ethan Finley, George Mason University

Catharsis: The Clashes of the Selves, Analyzing the Functions of Genocide from the Bottom-Up Approach
Kacey Vu Shap, Nova Southeastern University

America’s Role in Genocide: Our past, our potential
Heather Wellman, Lauren Marx, and Felice Shekar, Nova Southeastern University
The Cambodian genocide, was the exacerbation of a war already in progress, a thirty year war that would result in a genocide related death toll of 1.5 to 1.7 million between 1975 and 1979 (Kiernan 1996; Charney 1999). These numbers represent one fifth of the Cambodian population. Deaths were the result of violent beatings, torture, starvation, and exhaustion from working in labor camps. This genocide is situated within a context of political unrest: the overturn of Sihanouk by Lon Nol, then the overturn of Lon Nol by the Khmer Rouge. The US’s significant bombing of Cambodia led to one third of Cambodians losing their homes, and a mass influx of rural inhabitants to Phnom Pehn, which was then completely evacuated in 1975 by the Khmer Rouge who forced its citizens into farming brigades (Quigley 2007).

This image of chaos, violence, disruption and national upheaval generates questions as to the aftermath of such genocide. This paper aims to explore only one of the many aspects of post-genocide transitions. Using a trauma lens, I will examine Patterson’s concept of social death – the inability to adequately transmit culture and social practices within a group – and its applicability in the case of the Cambodian genocide refugees (Card 2003). I will do so by using an in depth interview of one child survivor who was rescued by a humanitarian aid organization and brought to the United States. I will place his testimony in context of other testimonies of survivors who immigrated to the United States, and discuss the central theme of separation that arises within their stories.
Before the Khmer Rouge took power, Cambodia was 80% peasant, 80% Buddhist, and 80% Khmer (Kiernan 1996: 5). Buddhism provided the ideology for the highly hierarchical structure of the society. Hierarchy was determined by birth, gender, class, and ethnicity (Jackson 1989; Hinton 1998). The family was the core of social structure. Hierarchy was not fixed, and could be transitioned through one’s acts, thus honor and face saving were also integral aspects of Cambodian culture (Hinton 1996).

In the Cambodian genocide, traditional leaders were eliminated, those at the bottom rose to the top, and Khmer attempted to destroy the concept of personal interest (Jackson 1989). Cambodian social life and values were transformed – family life, language, religion, and work habits: “Khmer Rouge deprecations drove Cambodia’s ancient culture to the brink of extinction” (Etcheson 2005: 10).

Between 1980 and 1990, over 150,000 Cambodians immigrated to the United States, largely as a result of the autogenocide (Sack, Clarke, and Seely 1996). Socio-psychological research studies examining Cambodian refugees in the United States depict the ongoing struggles that survivors face: “loss of homeland, loved ones, property, savings, cultural underpinnings, and former status” (Sack, Clarke, and Seely 1996: 107). For Cambodian survivors who fled to the United States, the trauma was not just one of the autogenocide, but also one of loss, one of radical life change, and one of having to adapt to a new environment, language and identity.

Here I will borrow from Claudia Card’s work on genocide and social death (2003), in which she uses Patterson’s concept of “social death” – the loss of cultural heritage that results from lost family ties, dislocation, and transformations caused by genocide. She claims that the survivor’s ability to sustain connections to traditions is affected. Natal alienation is the birth of children to subsequent generations in which the community has been destroyed and ties to past generations have been severed through separation and death.
Sang was born in Battambang, Cambodia, the second of four children in 1967. His father was a doctor, and his mother, a farm girl who got married at age sixteen through a traditional arranged marriage. Sang was nine when the Cambodian autogenocide started. His father was killed, although he does not know how exactly, he watched his maternal grandparents starve to death during the war, and his sister die of illness.

Seventeen other testimonies used for this paper are oral histories are of survivors of the Cambodian autogenocide who immigrated to the United States. All have lost family members during the war, witnessed atrocities, experienced hunger, were overworked in the rice fields, and eventually escaped to refugee camps beyond the Cambodian border to safety.

The theme of separation, is defined by several levels of separation: at the societal level through systematic categorization and the labeling of new and old people, at the community level in the separation of communities from their homes and belongings, as well as the selection of suspected informers within communities for execution, and at the family level in the categorization of labor units by gender and age groups, and the deliberate separation of children from their parents. Separation described by survivor testimonies also includes separation by death, and during escapes in which the confusion and chaos causes survivors to lose track of loved ones.

The theme within the testimonies is very much reflective of social death as defined by Claudia Card (2003). On the societal level, “social vitality is destroyed when the social relations – organizations, practices, institutions – of the members of a group are irreparably damaged or demolished” (Card 2003: 69).

In childhood Sang and his family were displaced, his father was killed, and he was taken out of school. As an adult, through the process of acculturation, Sang lost many of his
Cambodian practices. He speaks of his life in Cambodia as very different from his life in America, “like night and day”:

“It was always discipline and the Asian rules too, always respect your elderly, no matter what they say or do, they’re always right, you have no right to talk back to the elderly, so that’s pretty important, you know respect your parents respect your elderly, that was taught... Here in America it’s different you can’t do that. So, so you know, that’s how the [Cambodian] culture is… you know people, more like a easy, relaxed, easy life, not much stress, we, we do things that are different, we survive by just eating and there’s no stress, there’s no class, there’s no um you know airplanes, trains, it’s all like cows and horses, probably like the old days over here so that’s our lifestyle, it’s different.”

Other testimonies corroborate Sang’s experiences of change. The transition to the United States reflects suffering and loss of culture and practices on a societal level of social death, but also a community level loss. The other testimonies depict a variety of indecent deaths from starvation, exhaustion, suffocation, torture, or even at the hands of relatives.

As Cambodian survivors strive to assimilate to the American culture in order to succeed, children growing up within the new culture lose touch with the Cambodian values and traditions:

“You know there’s not much temple, also if you raise your kids Buddhist, in school they probably feel different, you know, and Christian is big here in America and I have no problem with that.”

Life stories of survivors who immigrated to the United States demonstrate a multi-phase transition into social death – the death is slow and gradual, initiated by the Khmer Rouge regime in its attempt to gain control in 1975 by eradicating the cultural foundation of Cambodia, continued in the transition of survivors from Cambodia to the United States, and finally, children of these survivors experience natal alienation: they are born into a family that no longer can provide them with the community and contextual cultural support that will maintain the cultural support and protection necessary to maintain traditions.
References


The Documentation Center of Cambodia. Survivor’s Stories. http://www.dccam.org/Survivors/Survivors_Story.htm

Ethan Finley

George Mason University

A Psychological Theory of Violence in Situations of Conflict

Relations between Conflict and Violence

There is a prevailing belief in the conflict studies field that, far from being inherently destructive, conflict has the potential to create constructive change and positive outcomes. The key factor determining the overall destructiveness of a conflict is the extent to which it becomes violent. Though violence can be defined in many ways, for the purpose of the present paper I will consider violence to be human behavior intended to inflict harm on another person or group, often in pursuit of further goals.

Despite an unfortunate lack of conceptual clarity distinguishing the two ideas, conflict and violence are by no means the same thing. Violence is but one of almost innumerable potential tactics employed in conflict situations in pursuit of goals. Hence, some researchers and practitioners in our field see our primary task less as conflict resolution, per se, and more as violence prevention within contexts of conflict. Preventing violence makes constructive conflict possible, and dramatically reduces the human suffering that is intimately associated with violent conflict.

While conflict is ubiquitous in human relationships, the truth is that (despite popular notions) it only rarely becomes violent. Theories created to explain conflict itself are not, by themselves, sufficient to explain when, how, and why some conflicts turn violent while others do not. Additional factors and hypotheses are needed to illuminate this. What makes the difference

---

between nonviolent and violent responses to conflict? How can we prevent violence from occurring, and encourage more constructive forms of conflict engagement? This paper proposes a theory to begin answering these vital questions.

This theory, drawing upon a multidisciplinary array of literature, is divided here roughly into two halves: the first is a general theory of conflict, which details how social actors find themselves in opposition, and how such opposition provokes an action potential, preparing them to act in pursuit of their goals. This, however, by no means leads necessarily to violence. The second half is a general theory of violence in conflict that attempts to explain the movement from a motivation to act to the choice of violence as the preferred behavioral response to the conflict situation.

**Part I: A Generic Theory of Conflict**

In order to understand the use of a specific approach to conflict, such as violence, it is first vital to know something about how conflict unfolds more generally. The first components of this theory aim at explaining the sources and basic dynamics of social conflict in general.

**Basic Human Needs and Structural Violence**

Human existence is characterized by the presence of certain basic human needs that people are driven to fulfill in order to sustain a meaningful human life.\(^{165}\) When relationships or social structures prevent or threaten the fulfillment of the needs of some people, a condition sometimes called structural violence,\(^{166}\) conflict is born because individuals and groups will struggle fiercely to meet these undeniable needs.\(^{167}\)

**Dangerous Emotions: Frustration, Threat, and Humiliation**


Many theorists link unfulfilled basic human needs to the emergence of a variety of painful emotions.\textsuperscript{168} Three of these emotions in particular—frustration, fear (or threat), and shame (or humiliation)—have further been linked, theoretically and empirically, to human aggression.\textsuperscript{169} However, while all of these emotional states may be risk factors for violence, they are also feelings that are common to all of humanity. In other words, neither painful emotions nor the unfulfilled needs that provoke them are sufficient conditions to explain violence, though they are necessary. However, these painful emotions do create an action potential in the human organism, that is, a motivation.

**Tactical Choice**

What shape this action will take, and why, are key questions to answer in order to understand violence in situations of conflict. A wide variety of tactics are available to us in pursuit of our goals in a conflict. These actions, sometimes organized into hierarchies of contentious tactics or repertoires of contention,\textsuperscript{170} vary from mild (e.g. persuasive argument) to more aggressive (e.g. threats or even violence). Which action we choose depends on a wide array of variables, including the political opportunities and constraints we face, which may favor some tactics while mitigating against others.\textsuperscript{171} Not all of these factors, however, are external, and the rest of this paper will explore a small set of psychological variables that may heavily impact on an individual’s choice to use (or not use) violence in a conflict.

---


Part II: A Generic Theory of Violence in Conflict

Many people find themselves in conflicts where their needs go unmet, where they experience painful emotions, and where they are prompted to act in pursuit of their goals. Relatively few, though, resort to violence. It is my contention that those factors already explored above only bring us 50% of the way to understanding violence. In what follows I consider three additional psychological variables – beliefs and perceptions – which I argue are critical to turning people violent.

“I have no choice”: Perceived Lack of Alternatives and the Utility of Violence

The first factor is a perceived lack of options that would be as good as or better than violence for achieving one’s goals vis-à-vis an adversary. Too often we hear accounts of violence that include statements such as “I had no choice but to kill him” or “they forced us to fight.” Behind these statements are beliefs that constraints on action are many, opportunities for nonviolent conflict resolution are few, and violence remains the best (or the only) path toward our goals. The ‘reality’ of this restriction is unimportant; if an individual or group perceives that violence is their only choice, then it becomes a far more likely (though not inevitable) outcome.

However, even in these cases there are still factors mitigating against the use of violence. For instance, a person might get to the point where she believes fully in its utility or necessity, but she may still feel that she is not justified in using it. Hence, another psychological transformation is necessary to bring her one step closer to employing violence.

“I demand justice”: Perceived Victimization and Justification for Violence

A famous aphorism holds that no one ever sees himself as a villain. It is telling that the personal narratives of many violent offenders paint them not as aggressors but, rather, as victims.
A distorted way of thinking can develop that provides a logic for retribution. This logic connects a perceived personal loss or threat to the intentional violation of a rule or norm by an adversary. If someone violates us, but this act is somehow excusable or justified, violence on our part is unlikely. However, if we perceive his act as a ‘sin’ of either commission or omission, we find it blameworthy, and these thoughts provoke anger, hostility, and a desire to retaliate. Furthermore, since our response was ‘provoked unfairly’ by an infraction on the part of our enemy, we consider ourselves justified in retaliating.

Still, a person might get to the point where he believes he is fully within his rights in using violence, but is still be prevented by a key mitigating factor: empathy. The ability to experience another person’s suffering, both cognitively and emotionally, is a strong disincentive to hurting others, and it appears to be natural for most people. Hence, overcoming the revulsion most people feel at the thought of seriously injuring or killing another person is the last, essential step that makes the commission of violence possible.

“They are not human”: Psychological Distance and Dehumanization

If identification, the ability to see ourselves in others and to connect cognitively and emotionally with their experience, is necessary for the cultivation of empathy, then psychological distance is a decisive factor in overcoming this natural capacity and clearing the way for violence. Empirical studies show that killing becomes easier as the physical distance between the aggressor and his target increases – for instance, it is typically easier to kill with a gun than

---


with a knife, and easier still to kill at a longer range – but “there is also an emotional distance process that plays a vital part in overcoming the resistance to killing.”174

The most potent form that this psychological distance can take is as dehumanization, a process in which adversaries are transformed in our heads into something less than human (or something superhuman and malevolent).175 Not only are all lovable features eradicated from their psychological portrait, any vestige that they might have shared with ‘us’ is also obliterated. With that, the tie of identification is broken, and empathy fails. In such a case, violence becomes relatively easy to commit.

**Summary and Conclusions**

In summary, I would like to briefly trace the outline of the theory presented in this paper from start to finish in the simplest of terms. A mismatch between social structures and basic human needs leaves a certain portion of a society, or particular individuals in a community or relationship, with unfulfilled needs. This provokes painful emotions within them, such as frustration, fear, and shame. They are primed to act in pursuit of their goals (i.e. needs fulfillment), and they have various tactics at their disposal, but which behavioral response they choose will depend upon their perceived opportunities and constraints. When people come to believe they have few alternatives for effective nonviolent conflict resolution, violence may come to be seen as the best or only option. Even still, inhibitions may prevent violence at this stage. If, however, a person comes to believe that he has been unfairly victimized by his adversary and is, thus, justified in punishing him, violence is far more likely. The last step toward violence is taken when the image of the adversary is radically transformed and

---

174 Ibid., 158.

175 Beck, *Prisoners of Hate*, 17.
dehumanized, amplifying psychological distance between the potential aggressor and his target, diminishing the protective force of empathy, and making violence tragically easy.

Based upon the factors specified in this theory as important predictors of violence, a key next step for conflict resolution and violence prevention practice would be to identify and, where necessary, innovate practices that can help 1) expand parties’ arrays of alternatives to violence (e.g. training in negotiation skills and nonviolent action), 2) diminish perceptions of victimization and justification for violence (e.g. cognitive-therapeutic forms of intervention), and 3) enhance humanization and compassion (e.g. interactive conflict resolution practices, like dialogue, and empathy training). Research would ideally empirically test the efficacy of such intervention with respect to whether or not they have the desired effect, namely the reduction and prevention of violence in situations of conflict.

REFERENCES


Catharsis: The Clashes of the Selves, Analyzing the Functions of Genocide from Bottom Approach

In analyzing the disposition of “evil,” scholars are confronted with the predicament: whether to define evil as an extension of nature or as a byproduct of an individual’s disposition. Biologist would contend for the former by highlighting the prevalence of human-like behaviors as seen in the Animal Kingdom, showcasing that animals too can rape, murder, commit adultery, and steal. Nevertheless, others have advocated for the latter by suggesting that humans have a unique element that emancipates them from the chains of animal bondage, and such a component is the Soul. If individuals have a Soul, then, as the argument assumes, they have freewill. However, freewill becomes problematic in regards to mass genocide as it becomes the gold standard for assessing evil. More specifically, freewill is diffused in the form of intent (i.e. the intent to kill, to murder, and to rape). Consequently, by only looking for the intention of evil, society has effectively negated the environmental factor that may have contributed to such atrocities.

In that regard, genocide is the byproduct of the natural environment, and the habitat that determines and constrains the decisions one makes and ultimately leads to genocide. Individuals engage in heinous actions when their society is polluted, thus resulting in the pull of the lower consciousness, and violence in forms of genocide becomes all but unavoidable.

Social Homeostasis

At the heart of social stability rests two internally opposing forces that underline our behaviors, our mental and emotional states, and our psychological drives; these opposing forces
are the higher and lower selves. The contrasting selves are not fixed entities per say but rather are an individual’s state of being. Individuals often toggle between the higher and lower state of consciousness, and the degree to which the exchange occurs is contingent upon the social context, the individual’s disposition, and the environment.

The higher self is by definition the desire to attain our human potentials; it is the yearning to find our purpose in life. To be in the higher self is to be in a state of empathy, rationality, and compassion, and one thus enters into this state through the medium of self-awareness and enlightenment.

Conversely, the lower consciousness is defined by its impulses, irrationality, fears, anxieties, displeasures, and aggression. To be in this state of the lower consciousness is to be in the killed-or-be-killed mentality where the individual is driven by pure instincts and aggression, turfs and dominion, and respect and shame. Unlike the higher self, the lower self is irrational, unstable, and emotionally apathetic as it fails to understand the higher emotions such as empathy, compassion, and love.

Regarding the society, the higher self is but a reed in the river, bending under the flow of the current but nevertheless standing its own grounds with strength and flexibility while the lower self is but a twig floating in the commotion of the water, drifting aimlessly with its fate always determined by the current. In other words, where as the higher self is somewhat impervious to the external social order, the lower self is but a slave to external conditions.

Social homoeostasis (under normal conditions) is present when there is a sufficient mass of actors who hold "trust" in the system: they believe in the laws, norms and values; they believe in self-determinism; and they believe that they have “control” over the outcomes. Yet, the sense of control is an illusion because it is the society—through its laws, norms, and justificatory systems—that determines the venues and dictates the degree of control that the individual
maintains. Genocide becomes all but unavoidable as the state fails to ensure trust within the system, thus causing the actors to feel a loss of self-control and disempowerment. For individuals to lose faith in society there must be a strong push from external forces.

**Along Comes the Big Bad Wolf**

There are certain forces to challenge the social hegemony, and these external factors may include war, famine, economic depression, natural disasters, political upheaval, nationalism, and the depletion of natural resources (Wood, 2001; Lemarchand, 1975; Harff, 2003; & Ross, 2004). Such forces are effective in overthrowing the social institutions because they convince a substantial portion of the populace to forfeit their faith in the institution and succumb to fear, particularly the fear of the unknown. In losing faith in the institutions, individuals come to realize that the future is marked by uncertainties, and that they are no longer the masters of their destiny, but rather puppets of the natural, animalistic order. Thus, as the external forces push on the gates of society, more and more individuals come to lose trust in the system and regress into the lower state of consciousness on a semi-permanent basis.

It is important to note that the external factors do not cause genocide nor disassemble the social institutions, but rather it is the fear produced by the external forces that creates such circumstances.

**Pathways toward Genocide**

Just as you can categorize the selves into two types (low and high consciousness), there are two types of leaders as well. High consciousness inducing leaders are more likely to stray from the mass genocidal direction, as they are more likely to encourage the masses to reconnect with their higher selves and to advocate trust in the established social institutions. Low conscious inducing leaders on the other hand, lean in the genocidal direction since the crux of their authority rests upon fear-base energies. Consequently, the same force that empowers the low
conscious leaders can simultaneously contribute to his demise due to the natural tendencies of fear-based societies.

Fear exerts a strong presence and can readily manipulate the community-at-large; by the same token, the identical force that generates such power consumes a substantial reservoir of psychological energies. For this reason, fear tends to be ephemeral. While a low conscious leader harness fear to gain power, that leader must be keenly aware of the fact that if he does not secure his foothold, society can lose faith in his legitimacy and replace him with another. A brilliant and intuitive leader must understand that a society dominated by fear is also governed by the rule of irrationality, instability, temperaments, and lesser emotions. To succeed, such leaders can either (1) eliminate vocal adversaries or (2) manipulate the legal system to support or legitimize their sovereignty.

Low conscious leaders who successfully employ psychologically coercive tactics (i.e. obedience to authority, group pressure, and group think) effectively reduce society to a blank slate enabling the leader to then supplant his ideological values, ethics and morality. The society effectively trade liberties for securities. This is accomplished through group pressure and fear. In a sense leaders create a stereotype of “us” versus “them” mentality. Stereotypes are highly effective because they promote the ideological values of the in-group by contrasting it against the out-group, thus fostering a sense of unity through separation (Stephen et al, 1993; Stroebe and Insko, 1989; and Koblinksy et al., 1978). In effect, the leader has made the “source” of oppression tangible to the public in attributing the root of their problems on the “nonconformist others” or traitors. Once the source has been identified, the solution becomes simple, complete annihilation. Thus, the deletion of the “problem” becomes the means to an end. The logic for genocides are articulated as the following: (1) the mere presence of the “problem” impose
oppression on the mass; (2) the nonconformists are the “problem”; and thus (3) to eliminate the problem, one must eliminate the oppressors.

References


Genocide—the word has existed for a short time, but the act it describes has been taking place for thousands of years. In modern times, our instant news sources report on human rights violations and genocide around the globe; and, Americans demand sanctions, intervention, and prosecution. However, despite outrage over such events, America’s history is deeply rooted in genocidal acts and our future holds immense potential for continued genocide. In fact, the founding and expansion of America was built on the genocide of Native Americans. While the extermination of Native Americans is widely accepted, there are other genocidal acts that fall in a more gray area such as the forced sterilization of minorities. Even if we accept responsibilities for these past genocidal acts, our future potential for genocide is not negated. America continues to explore new technologies that offer the potential to expand on attitudes of hatred.

Emerging research indicates that the United States is currently propagating genocide against homosexuals and new technologies such as genetic selection of embryos hold great potential for expanding a homosexual genocide. While America may be one of the most powerful nations on Earth and many hold the belief that America subscribes to the highest levels of freedom and human rights protection, the history of the nation shows the genocidal nature of the country and the current attitudes toward “out groups” such as homosexuals show great potential for future genocide.
The first genocide on American soil occurred before the United States was conceived. Beginning with the discovery of the “New World,” the systematic extermination of native people was policy. According the UN Convention on Genocide, genocide is any act that aims to kill or destroy any group of people through death or acts meant to destroy a people’s way of life. ("Convention," 1948). Getting an accurate population of North America prior to the arrival of Europeans is difficult, but by best estimates the area now known as the United States has a population of more than 12 million. In 400 years, more than 95% or 11 million natives were exterminated. Granted, some of the deaths were related to disease brought by Europeans and were not purposeful; however, even disease was used as a method of murder when items purposefully infected with small pox were traded to the natives. In addition to disease and outright murder, the near elimination of buffalo populations also contributed to the extermination of the natives. (Trabich, 1997).

Perhaps what is more incriminating than the startling numbers of Native Americans killed is the cover up of the genocide after the fact. While history books may include tales of the Cherokee Trail of Tears and select other acts of violence, the overwhelming evidence of genocide is excluded. What is not mentioned in history books are the tactics and an accurate portrayals of events. The genocide is often represented as a byproduct of manifest destiny. However, the truth is policy dictated the murder of Native people including women, children and the elderly and other genocide tactics were used such as rape and forced relocation. In fact, Americans politicians knew the policy toward Native Americans was a genocidal policy, and many argue that this knowledge led to resistance to having the 1948 United Nations Convention on the Prevention and Punishment of Genocide and the Declaration of Human Rights passed because Americans did not want to be held accountable for past actions. (Churchill, 2002).
Many would say the Native American Genocide is a relic of a less enlightened government. However, there is evidence that our policy toward Native Americans continues to be genocidal. Native Americans still experience the highest rates of poverty in the United States, the lowest life expectancies, and the lowest education rates. (Strickland, 1985-1986). Not only are Native Americans now living in substandard conditions, but the United States also continues to employ a policy of genocide through the systematic poisoning of the natives’ environments. Native Americans currently are at the highest risk for and exhibit the highest level of toxic poisoning and exposure. One of the primary reasons for this exposure is the location of toxic waste sites on Native American land. (Brook, 1998). America’s genocidal past extends past Native Americans and includes other minority populations as well. Some scholars argue that the forced sterilization of minorities, the birth control, and abortion rates among African Americans is tantamount to genocide. However, these assertions are not as widely accepted but they accusations still persist and tarnish America’s policy record on genocide. (Weisbord, 1973).

While there is little question of America’s past genocide behavior, the potential for another genocide on American soil debatable. The current attitude toward homosexuals leaves open the potential for future genocide and some argue genocide is already underway. The potential is presented in the discrimination of homosexuals and the seeming desire to eliminate or relegate homosexuals as subclass citizens. One example of the potential homosexual genocide is the suicide rate of homosexuals. Part of the United Nations definition of genocide is creating conditions that seek to eliminate a way of life. This could mean creating conditions which end a culture; however, in the case of homosexuals, it could mean creating conditions in which members of the group seek to kill themselves. Remafedi, French, Story, Resnick and Blum (1998) found that nearly 25 percent of homosexuals/bisexuals below the age of 18 attempt suicide. This rate is almost three times that of the heterosexual population. While the suicide
rate is evidence that conditions for homosexuals are difficult, the future could hold a far worse fate. Horton (1995) suggests that homosexuality genes have been isolated in some animals and suggests that a gene could be isolated in humans as well. While work is continuing to isolate a gene linked to homosexuality, there is increasing work being done in the area of embryo selection. Currently embryo selection is used to identify fetuses that fit a genetic profile that could aid in curing disease in a sibling or other relative. However, homosexuality was classified as a disease for much of the 20th century, so it is reasonable to assume that genetic selection could be employed in the case of homosexuality. While we are not near this point in science, today, there is no guarantee that we won’t be there soon; and, given attitudes toward homosexuality in the United States, it could be reasonable to assume that homosexuals could be the next victims of genocide on American soil.

Genocide is an unconscionable act—one American’s don’t want to identify with. However, one of the first acts of the United States was to perpetrate a genocide against native people, and that policy, while less overt, continues today through the environmental exposure to toxins and the living conditions of Native Americans. Following the Native American genocide, the genocides in the United States are less clear cut including forced sterilization, birth control use, and abortion rates of minority populations as a way to reduce and move toward elimination of African Americans. Even though genocide is now looked at as being in direct violation with American values, the discrimination against homosexuals has created an environment that more than triples the suicide rate for homosexual people which could arguably be tantamount to a genocide; and, those same attitudes coupled with technological advancements make the United States ripe to engage in a full scale genocide of homosexual people. Americans would like to pride themselves on being the champions and protectors of human rights, it is only with diligence that genocide won’t become America’s legacy.
References


Convention on the prevention and punishment of the crime of genocide, Resolution 260 (III), United Nations General Assembly (1948).


Session III: Panel 3B
Language and Communication

"Dwogo Paco" and "Formerly Abducted": The Impact of Language on Reintegration in Northern Uganda
Kiran Bains, The New School University

Jurgen Habermas’ Theories Of Communication
Shelley Bobb, Marquette University

Trigger Words: Exploring the Core of Conflicting Discourses
Ali Erol, George Mason University

The Role of Music in Conflict Resolution
James Filipi, George Mason University

The Role of Face in Negotiation
Grace Onyema Okoye, Nova Southeastern University
Tens of thousands of children and adults abducted by the Lords Resistance Army/Movement in northern Uganda have returned by escaping or being released, rescued or captured. Various words and phrases have been used to refer to these returned children and adults. My experience working in northern Uganda and engaging with formerly abducted persons led me to question the potential use of language to strengthen and sustain reintegration efforts. Through a peace studies and critical sociolinguistic framework, I will analyze the lexicon representing LRA-related actors (i.e. rebels, abductees, returnees) in the Lwo and English discourse on formerly abducted persons.

Lexicon, a linguistic micro-structure, refers to the word choices a language offers. Based on a value system, people consciously or unconsciously choose a word in their lexicon to talk or write about people, groups, and social issues. The peace sociolinguistics literature has consistently illustrated the dual ability for language to create and strengthen the enemy image and/or deconstruct the Other. The literature has not, however, explored what factors cause language to be instrumentalized negatively or positively, nor has it moved passed the instrumentalization to appreciate language as part of the conflict experience and therefore a conceptual tool to reveal the causes of ongoing violence.

---

176 This study speaks to the larger region of northern Uganda, while acknowledging that the majority of formerly abducted children and adults that have passed through reception centers come from the districts of Gulu, Kitgum, and Pader. I will not differentiate between the dialects of Lwo (i.e. Acoli, Lango).


178 I am indebted to Mihaela Racovita for her insight on John Paul Lederach’s discussion of language.
The central research question of this study asks—what potential impact do the word choices used in Lwo and English have on the reintegration of formerly abducted persons? I argue that over time, people’s language-use in Lwo and English has revealed a dichotomous identification of victims (formerly abducted persons) and perpetrators (LRA/M rebels). The either/or identification complicates reintegration efforts by failing to capture the needs of those who are both victims and perpetrators. The discourse analysis will further point to spaces in which language-use may serve as conceptual tool by which to address the causes of cultural violence which hinder the reintegration of formerly abducted children and adults.

Background

Since the 1980’s, several groups emerged to fight the Museveni-led government, culminating in the LRA/M led by Joseph Kony. Over the course of these decades, the LRA/M has abducted and used tens of thousands of children and adults as porters, soldiers, and sexual and domestic servants. The line between victim and perpetrator is blurred because of the nature of the war, in which abductees are conscripted into the LRA, many becoming commanders, and forced to inflict violence against their own communities and/or families. After a succession of futile efforts to militarily defeat the LRA, the Ugandan Government passed the Amnesty Act of 2000 “to promote the law, grant amnesty, demobilize and disarm formerly abducted persons, and reintegrate and resettle formerly abducted persons to communities of choice.”179 The Act was amended in 2006 to give the Ugandan Government authority of deeming any individual ineligible for amnesty.180

Methodology

---


Two government-owned newspapers of Uganda (Rupiny and New Vision) serve as the medium by which to analyze Lwo and English language-use. All articles pertaining to formerly abducted persons for every weekly newspaper of Rupiny were collected from July 2003 through June 2006. I also searched New Vision daily for every sixth month in the same time period\textsuperscript{181}. In total, database includes thirty-one (31) Rupiny articles and 188 New Vision articles.\textsuperscript{182} The timeframe, mid-2003 to mid-2006, represents the sharp spike and fall in abductions and returnees in 2003, as well as the Amnesty Act of 2000 and 2006.

Results and Discussion

What does the lexicon of Lwo and English reveal about victims and perpetrators in the discourse on formerly abducted persons?

The discourse analysis reveals a dichotomous identification of either victim-based identities (former abductee, former captive) or perpetrator-based identities (ex-combatant, rebel), and rarely a conflation of the two or a neutral-based identity (returnee). The articles consistently depict victims as ‘rescued’ or ‘saved’ and perpetrators as ‘captured’. The either/or dichotomy leads to a perception of false homogeneity within each category, and a neglect of the overlapping experiences of victims and perpetrators. The either/or dichotomy can be unpacked by looking more closely at who is called a victim and who is called a perpetrator based on age/gender/experience and exposure to violence.\textsuperscript{183} With this lens, a pattern emerged among abductees exposed to LRA commanders.

Has the lexicon been used to create or deconstruct an enemy image and if so, of who?


\textsuperscript{183} These correspond to the sub-categories of formerly abducted persons as defined by Tulane and Berkley, 2007, 2.
The discourse most frequently addresses former abductees, with relationships with LRA commanders, as perpetrators. On July 1, 2004, *New Vision* reported, “Two captives were rescued. … the UPDF intercepted another group of rebels at Nyono Hill near River Pager and captured six of them. Among those captured was … a wife to a rebel commander called Kapere.” Using the word “captured” further illustrates the rebel commander’s wife as a perpetrator. Likewise, in a list of LRA rebels that surrendered (“*guloke*”), *Rupiny* included a widow (“*dako pa lyeli*”) of an LRA commander (*Rupiny*, May 5 – 11, 2004). Former abductees with familial ties to Kony were also consistently “captured” rather than “rescued” or “saved.” Children of all ages and adults with familial ties to Kony are also consistently labeled as perpetrators. The discourse repeatedly referred to their return as a “capture”. A language-use, which homogenizes an either/or categorization of victims and perpetrators of the LRA, also jeopardizes who receives support as "LRA war victims” and “victims of this rebellion” (*New Vision*, July 12, 2005), further hindering reintegration efforts.

*Can the discourse analysis of the lexicon database serve as a conceptual tool by which to identify and address the causes of current structural violence hindering reintegration and if so, how?*

The analysis of language-use can further serve as a conceptual tool by which to address the causes hindering reintegration of formerly abducted children and adults. The language potentially strengthens mistrust and suspicion in the community of potential rebels and the mis-administration of the Amnesty Act and Commission over confusion of and among victims and perpetrators, all of which serve to hinder reintegration efforts.

The pattern of abductions for forced conscription into the LRA/M blurs the line between victim and perpetrator, whereby most of the combatants were once abducted. The blurred lines

---

184 See also *New Vision*, January 24, 2005.
have led to suspicion within the community of potential LRA rebels. A dichotomous lexicon-use fails to provide the necessary language to identify community members beyond their status as victim or perpetrator.

Furthermore, articles refer to rebels suspected as falsely claiming that they were abducted: "former LRA rebels" were “accused of forging letters as "former LRA captives" (New Vision, July 22, 2005). Similarly, "One of the rebels called Beatrice Aloyo has been captured… The Resident District Commissioner said Aloyo said she was abducted by the LRA two years ago” (New Vision, July 1, 2003). This suspicion has led to mistrust within the affected communities, and a confusion of how to identify abductees.

With a largely victim-versus-perpetrator classification of LRA returnees, the amnesty has struggled with whom to provide amnesty to.

Continued Research

The discourse analysis serves as a conceptual tool for understanding ongoing violence against formerly abducted persons by breeding mistrust and suspicion in the community through language-use which fails to capture complexities and adding confusion to the goals of the Amnesty Act and work of the Amnesty Commission. The analysis necessitates a dialogue on the importance of language in peacebuilding (specifically word choices available in the lexicon of Lwo and English in addressing formerly abducted persons) both for the existing population of former abductees and the possible influx.
This paper examines the connections between philosopher Jurgen Habermas and mediation practices.

Habermas “moves from a theory of ‘monological’ (individualistic) communication to considering all viewpoints.” For Habermas, conversation should be “uncoerced” so that all members of a group have freedom to speak.

Habermas describes three principles for discourse ethics. The first principle notes that it is important to set the conditions for impartial judgment because without it “constrains all affects to adopt perspectives of all others in the balancing of interests.”

The second principle states that “moral norms” can only be valid if they are approved by all who participate in the discourse.

The third principle is that a consensus can be achieved only if all participants participate freely.

Habermas is explicit in rules for “ideal speech situations:”

1.) Every subject with the competence to speak is allowed to take part in a discourse.
2a.) Everyone is allowed to question any assertion.
2b.) Everyone is allowed to introduce any assertion into the discourse.
2c.) Everyone is allowed to express his attitudes, desires, and needs.

---


3.) No speaker may be prevented, by internal or external coercion, from exercising his rights as laid down in 1 and 2.\textsuperscript{187}

Habermas acknowledges that “these procedural rules must further be complemented by a sense of solidarity between participants.”\textsuperscript{188}

The conditions that Habermas sets up in “ideal speech” situations “establish the legitimacy of pluralism.”\textsuperscript{189} In “ideal speech situations” where dialogue is “free and uncoerced,” a fair outcome has a better chance at being achieved.

This sets the stage for one of Habermas’ most imaginative possibilities: “the unforced force of the better argument.” This proposal enables participants to state a “truth claim,” have another participant build on it, make additions, clarifications, refutations, have the original speaker – or someone else - change or reduce it, taking all the new information into account, thereby building on each other’s claims to create something new. Result: the end result is better than the original thought.

Another aspect of Habermas’ proposal for creating discourse includes “quasi-transcendence.” Habermas knows that decisions happen not by “aggregating individual preferences, adding votes, or finding commonalities; rather each participant begins with his or her interests, and through the course of deliberation transcends these interests to seek the good of all.”\textsuperscript{190}

The last piece of Habermas’ discourse theory this paper will explore is that of the notion of “lifeworld.” Habermas uses “lifeworld” to refer to the stock of implicit assumptions, intuitive


\textsuperscript{188} Ess, “The Political Computer: Democracy, CMC, and Habermas,” p. 221.


knowhow, and socially established practices that function as a background to all understanding.\textsuperscript{191}

**HABERMAS AND THE PRACTICE OF MEDIATION**

This section will examine prominent practices in dispute resolution and how Habermas’ theories might provide a deeper understanding of them.

One of the direct links in Habermas’ theory of discourse to dispute resolution is recognizing one of the basic goals of mediation: to creating an environment where the participants are free to explore the concerns and address problems that might not be otherwise considered outside of mediation. The “directive” and “nondirective” approaches offer unique tools that are tied to Habermas’ thesis.

In the directive approach the mediator asks the participants direct and clear questions. Parties still have the authority to make decisions about the issues to be addressed, however, the mediator leads each participant to reach an understanding that their own feelings are only part of the whole truth and that that specific truth will likely be quite different for other people. This central key for Habermas “demands that we participate in discourse where all are fully aware of other’s interpretations and perspectives.”\textsuperscript{192} This encourages participation and self-determination, which is a central value of mediation.\textsuperscript{193}

In the non-directive approach, the mediator is less of a problem solver and more of a third party neutral who creates an environment for open communication. Habermas believes that


\\[\text{\textsuperscript{192} Ess, “The Political Computer: Democracy, CMC, and Habermas,” p. 197.}\]

“uncoerced” dialogue is the central way for good discourse to take place. “All are free to come together and discern, through dialogue and ‘communicative action.'” 194

The four points of interest based bargaining fit well within Habermas’ idea of promoting open dialogue: 1.) Separate the people from the problem; 2.) Focus on interests, not positions; 3.) Invent options for mutual gains; 4.) Insist on using objective criteria. Keeping the problem central shares Habermas’ focus on consideration of all viewpoints.195

Focusing on interests leads the participants to recognize that conflict lies not in conflicting positions, but “in the conflict between each side’s needs, desires, concerns, and fears.”196 This can only be achieved by recognizing the interests of each participant, which Habermas and mediation share.

Inventing options for mutual gain is linked with Habermas’ discourse theory. The main points of the mutual gains approach support acknowledging the concerns of the other side, accepting responsibility, admitting mistakes, and sharing power, acting trustworthy at all times, and encouraging joint fact finding.197 Discovering new options that would promote mutual gains is central to Habermas’ notion of the “ideal speech situation” that stresses equality and freedom of speech.

The five points of ideal speech situations that Habermas uses dovetail well into mediative practices. Using objective criteria, reason has an opportunity to level the conversation and provide a mutually objective standard that has been “used by both parties in the past.”198

194 Ibid.
198 Fisher, Ury, Patton, Getting to Yes: Negotiating Agreement Without Giving In, p. 83.
Habermas’ idea about “competency” invites the speaker to test or give reason for claims advanced, which in turn allows others to critique “unsubstantiated or unconvincing claims,” distinguishing between better or worse claims, thereby vetting objective criteria.\(^{199}\)

Habermas’ theory of the “unforced force of the better argument” could be an imaginative way to consider how the Best Alternative to a Negotiated Agreement (BATNA) is reached. Each participant builds on and makes additions, clarifications, or refutations – building on each other’s claims to create something new - *better than the original thought*. If the BATNA is something that is produced through mediation that is “better than the results you can obtain without negotiating” then Habermas’ theory of the “unforced force of the better argument” fits within meditative practice – and could help create a better settlement than any one person could imagine.

Habermas’ universal appeal of “quasi-transcendence” theory is important for mediation because it recognizes that movement takes place during communication. For Habermas, ideally decisions are formed within the course of the mediation a shift from each participant beginning with his or her own interests and through the course of “deliberation transcends these interests to seek the good of all.”\(^{200}\) When Habermas takes his theory further and notes that communicative power has a power of its own, that does not mean that it has cannot be captured in mediation and invite reflection. A skilled mediator has the tools to facilitate or evaluate this within mediation. It is doubtful that dialogue would normally follow this beatific course on its own with the lion seeking the welfare of the lamb: sheep often become lunch for the lion.

The last theory of Habermas to examine in the meditative context is the “lifeworld.”

This important understanding of culture recognizes within each culture a particular


understanding of critical communicative processes must be dealt within discourse. Mediators understand this truth: norms must be recognized for conversation to flow and bonds of solidarity should be acknowledged. “Knowing the shared experience of the lifeworld” is the particular world for participants is critical to communication having any meaning.

Habermas’ theories offer a way to make a hopeful difference in communication that can shape not only mediation, but our world. As Socrates says in the Republic, “we are discussing no trivial subject, but how we ought to live.”
With our every sentence, word, utterance, silence and gesture, we cannot but communicate. As Watzlawick adequately puts it, behavior cannot be thought of in a dialectical fashion as behavior and its antithesis, that is, “there is no such thing as nonbehavior, or to put it even more simply: one cannot not behave” (1967, 48). This is especially true of conflicts. Conflicts are, in essence, a way of communicating ones discontents with a given situation. Like everything else in the human world, conflicts take place within the “context of conversationally developed relationships” (Shotter, 2002, 4). Conflicts develop discourses and narratives. These dynamics, in turn, effect the conflict behavior of a person or a group.

If different conflicting discourses are examined, there are certain linguistic patterns one can come across. One of these patterns is, what I like to call, trigger words. This article is concerned with developing the idea of trigger words and trying to understand the place they hold within conflicting discourses. Part of this article will consist of defining the concept of trigger words. Then I will argue that trigger words are the core of conflicting discourses.

Trigger words do “trigger” emotions when they are used. In psychology, this is called “word emotionality:” words “capacity to elicit a feeling” (Wear, 200, 11). Trigger words are very contextual. Understanding a trigger word needs certain intuition that goes beyond known list of words, such as curses. “Cockroach,” for instance, is not a curse. It signifies a type of insect that carries a negative connotation in most cultures. That word, however, causes quite a controversy
if one uses it within the context of Rwanda. It doesn’t only cause controversy; that word perhaps was the most important weapon that murdered hundreds of thousands of Tutsis and Hutus alike.

Since “any communication implies commitment and defines the sender’s view of his relationship with the receiver,” (Watzlawick, 1967, 51) what sort of a relationship do trigger words imply? To answer, we turn to positioning theory. Harré defines positioning as “the assignment of fluid ‘parts’ or ‘roles’ to speakers in the discursive construction of personal stories that make a person’s actions intelligible and relatively determinate as social acts” (1999, 17). Such positioning implies a specific one-up or one-down relationship which amplifies the difference between individuals (Watzlawick, 1967, 70). By this virtue, they end up framing each other in a convenient way. They both “magnify or shrink elements of the depicted reality to make them more or less salient” (Entman, 1991, 9). Furthermore, Entman proposes that individuals associated with the ‘self’ are humanized throughout the narrative while persons of ‘the other camp’ are not given the chance of the same humanity (1991, 15).

Trigger words’ contribution to framing and positioning mean they are imposing a position on the nature of the relationship. By this imposition not only they define the conflict in terms of the nature of the relationship as opposed to the core of the discontent of the parties, but they also impose an endless and cyclical debate about this very nature of the relationship—which in some cases ended with genocide.

What trigger words also do is to supply a mode of a self and Other image by using positioning and framing as aforementioned. It would be very convenient for me as an extremist Hutu to dismiss a Tutsi as a “cockroach.” It would also be in sync with the conversations I engage in day to day basis, vis a vis my repertoire based on what I have learned from other extremist Hutus. In other words, I have been told “those” people are “cockroaches.” I do not
need to think about why, how and since when. Trigger words sum everything up and save me from the urge of trying to find answers on my own.

Trigger words have all the answers for me and so they embody the entirety of a narrative in themselves. In the context of Rwandan genocide the word “cockroach” not only belongs to ‘a camp’, but also it is the representative of that camp, an embodiment, a perfect manifestation. If I use the word “cockroach” around Rwandan people, that word makes people around perceive and understand me in a very specific way.

Trigger words are blaming speech acts. It is a Hispanic persons’ fault to be “illegal” or a Tutsi’s fault to be a “cockroach.” If they are positioned, framed and named that way, it is because they have deserved it and because there was something inherently wrong with them.

Such a blaming speech act leads to certain consequences. After a blame is made, it is no longer ‘a Hutu have killed a Tutsi,’ where causality lays on the hands of ‘Hutu’ as the agent. Now it is ‘a Hutu have killed a Tutsi because Tutsi was a cockroach.’ While in the first sentence the “state of affairs is labelled by the verb,” in the second sentence there is a different mechanism: “the person or thing considered responsible for bringing it about in the world that the action or state labelled by the verb came to happen” (Harré, 1995, 93). In other words, a Tutsi brings his or her “cockroachness”—defined by the blaming discursive act—to this world and this mere expression burdens me as an extremist Hutu with the obligation for consequent action, not because I am a murderer or I want to kill a Tutsi in particular. Thus the responsibility is lifted and agency is gone. In addition, if we take the definition of an excuse as “avoiding responsibility” (Harré, 1995, 123), then the sentence “they were cockroaches” will be enough.

Being functions of conflicting discourses, they have several functions within them. Trigger words are a way of positioning the Self and the Other. With just one word, they signify the entire narrative. Their existence and use denies a narrative space to reflect and debate on
the meaning of violent behavior or intention. They also are a blaming speech act and have significant role in lifting the responsibility and agency from the shoulders of perpetrators and serve as an excuse for such an act. Through these mechanisms, they serve as positive feedback to constantly moving the conflict towards escalation and closer to a violent closure.

I do believe changing the meaning of a trigger word has the power to change the course and nature of an entire conflict. Since trigger words are central to the conflict and is sustained at the grassroots level, to alter the meaning of the trigger word means nothing more than engaging people on the street in day to day conversations and taking them out of their comfort zone in regards to the meaning and emotion they attach to the trigger word. If such an attempt is made, it is my impression then the conflict will have a little to hold on to discursively.

In this article, I have attempted to construct what I believe to be a very important framework within the narratives of conflicts. Trigger words, it seems, are the hearts and souls of conflicts and if we can alter, reframe or change them, we will make a great leap towards achieving peace and preventing violence. Further research, obviously, must include an actual trial of this framework. This article relied heavily on the analysis dimension and the actual intervention dimension needs to be explored.

References


James Filipi

The Role of Music in Conflict Resolution

There is the belief that “music expresses that which cannot be put into words and cannot remains silent,”\(^{201}\) and that somehow music has the ability to uplift, unite and express in unique ways. As E. Y. Harburg put it, “words make you think a thought. Music makes you feel a feeling. A song makes you feel a thought.”\(^{202}\) Evidently, E. Y. Harburg believed in the power of music and song. Clearly, society has woven music into its very fabric. However, is music as powerful as we want believe? Is music uniquely situated to influence hearts and minds (feel a thought)?

Plato believed that: “Music and rhythm find their way into the secret places of the soul.”\(^{203}\) In fact, Plato’s belief in the influence of music was so powerful, that in the Republic, he prescribed that music “be preserved in [its] original form, and no innovation made…for any musical innovation is full of danger to the whole State…[w]hen modes\(^*\) of music change, the fundamental laws of the State always change with them.”\(^{204}\)

A critique launched by Marxist ideologues, is that music has become a commodity for the masses to buy and for industry to sell. The belief is that “commodification and mass production

---


* In Plato’s time, *modes* were more than just the scales that modern musicians use. Modes were also thought to be rhythms and the ‘proper’ way of playing songs and scales. David Binning Monro, *The Modes of Ancient Greek Music*, Oxford, 1894, page 10.


effectively denude culture of its political role or potential, even as commodities are deployed as tools with which to control the “stupefied and consuming masses.” Furthermore, “The fact that culture as commodity is frequently produced and circulated through global circuits and interests is often thought to endow it with a troubled, even treasonous, relation to national interests and struggle agendas.” Therefore, mass production and easy availability of music is an attempt to sedate the masses; even more, in a global market popular culture is not only marginally influential, but also potentially treasonous!

There is a worldwide belief that music is an agent of change: In Central Europe, the anti-communist movements of the Velvet Revolution were greatly influenced by the Punk Rock and other arts; the more the state tried to oppress the musicians the more political they became and the more concerts were held in non-traditional venues at no cost; In Europe was Estonia, which is known as the “Nation that sang itself free;” In Brazil, a Hard Core Metal band, Sepultura (later Soulfly), used the band's public platform to raise awareness on indigenous people’s rights; In Africa, “musicians and poets along the Swahili coast and throughout East Africa have historically accepted and served the roles of organic intellectuals (Gramsci 1971:15), actively challenging the status quo and vigorously pursuing alternatives;” In Asia, the people of Singapore are taught their national identity through songs. These songs are written in all four national languages and encapsulated in the project *Sing Singapore*. The United States has its

205 Ibid., pages 7-8.
206 Ibid., page 8.
own examples: The underground railroad; Industrial Workers of the World (IWW) movement; Civil rights; 1960s anti-war movement; hip-hop.

Currently, music is used as a tool for social change, resistance and ideology across the Middle East, and notably Israel and Palestine. Artists use hip-hop to “enunciate pressing issues facing Palestinian-Israelis—including issues of Israeli-Jewish racism, lack of economic and educational opportunities and rampant drug use in their communities.”

“Societies are constituted of multiple overlapping and intersecting sociospatial networks of power.” Variables were selected to describe the “sociospatial networks of power.”

The variables were organized along one axis of a chart. The other axis will featured conflicts where there was significant participation by musical actors. Once the matrix was set up, journals, newspapers, and magazine articles were used to collect information regarding each event.

Once the data was collected, it underwent statistical analysis in order to test for relevance. To conduct the statistical analysis, the data will be entered into STATA and analyzed.

The first set of relationships run will be testing variables with outcomes. This should provide a base and general understanding of what variables most generally contribute to specific outcomes. Second, a multivariate analysis will be conducted creating a regression curve testing strength of outcome.

This first wave of data represented what large and non-categorical relationships were present. Understanding some of the general factors involved might help practitioners to design

---

210 Rebecca Stein and Ted Swedenberg, Popular Culture, Relational History and the Question of Power in Palestine and Israel, Journal of Palestine Studies, Vol. 33, No. 4. (Summer, 2004), 11

211 Michael Mann, The Sources of Social Power: Volume 1, A History of Power from the Beginning to AD 1760, page 1.
and rally support in situations where there may be limited understanding, or widely divergent groups.

After the Chi-Squares were run, there were a number of variables that gave statistically improbably results, which for the purpose of general understanding in mind, was $Pr = 0.2$.

Surprisingly few variables yielded results with a probability $> 0.2$, these variables were:


Table 1: Regression Table

| Outcome       | Coef.  | Std. Err.| T     | P>|t|  | [ 95 % C o n f . Interval] |
|---------------|--------|----------|-------|------|---------------------------|
| Violent       | 0.641  | 0.159    | 4.04  | 0.000| 0.319 - 0.963             |
| Non Violent   | 0.477  | 0.121    | 3.95  | 0.000| 0.232 - 0.722             |
| Democratic    | 0.092  | 0.095    | 0.97  | 0.340| -.101 - 0.285             |
| Regime        | 0.193  | 0.122    | 1.58  | 0.122| -0.054 - 0.441             |
| No Symbolic   | -0.734 | 0.247    | -2.98 | 0.005| -1.131 - 0.184             |
| Language      | -0.474 | 0.324    | -1.46 | 0.152| -1.131 - 0.184             |
| Mid Age       | -0.260 | 0.095    | -2.74 | 0.009| -0.452 - -0.068            |
| Group         | -1.064 | 0.225    | -4.72 | 0.000| -1.521 - -0.607            |
| Low Status    | -0.394 | 0.098    | -4.02 | 0.000| -0.594 - -0.195            |
| Unclear       | 0.128  | 0.117    | 1.10  | 0.281| -0.109 - 0.364             |
| Religion      | 0.331  | 0.182    | 1.82  | 0.077| -0.038 - 0.6999            |
| Caribbean     | -1.064 | 0.225    | -4.72 | 0.000| -1.521 - -0.607            |
| Region        | -0.394 | 0.098    | -4.02 | 0.000| -0.594 - -0.195            |
| Dominant      | 0.128  | 0.117    | 1.10  | 0.281| -0.109 - 0.364             |
| Minority State| 0.331  | 0.182    | 1.82  | 0.077| -0.038 - 0.6999            |
| State Adoption| 0.128  | 0.117    | 1.10  | 0.281| -0.109 - 0.364             |
| _cons         | 0.331  | 0.182    | 1.82  | 0.077| -0.038 - 0.6999            |
Therefore, to begin our regression, the dependent variable will be success (defined as most of the espoused goals could be reasonably interpreted as met) with the independent variables of violence and non-violence. With this simple setup we find that violence has a 75% chance of being successful (with 91.7% goodness of fit), whereas non-violence has 43.75% chance of success (with 98.5% goodness of fit), and ambivalence towards violence not being effective. Furthermore, when we regress either violence or non-violence with a variable that stands for ambivalence to violence, we find the success rate for either plummets. This means that ambivalence to violence is truly a spoiler variable in regards to success, and a movement either needs commitment to violence or commitment to non-violence.

The final model provides us with ten variables to keep in mind. The model that was created has an adjusted r-square of 64.26%, there were positive correlations with violence (64%), non-violence (47%) (with ambivalence being left out), democracy (9%) (with authoritarian and mixed political regimes not contributing), symbolic language (19%), adoption (12%) (whereas other forms of state response not contributing) and negative correlations with middle aged (73%) (and no significant correlation for other age demographics), high income low status (47%) (with no significant correlation with other SES brackets), non-religious (26%) (religious and unclear religions not contributing to final outcome), dominant minority (39%) was the only category within the minority/majority variable with any significance.

Both the bivariate analyses and the regression model showed us that violent movements had a greater chance of success than those that were non-violent. However, what the regression model showed us is that the ambivalence to violence is the truly damaging aspect. We were also able to glean from the models that variables such as regime type played a limited role in the
outcome, while emotion and spirituality (providing it at least existed) played no role in outcomes, whereas symbolic language did have an effect.

While preliminary and largely descriptive, there is evidence here enough to prove that music does have some of the power the folk has imbued it with. We now have a better understanding of some of the variables that directly contribute to successful social movements that regard music as an important aspect. Furthermore, while the model created is currently a crude tool for assessment, there is promise for further refinement.

References


Aidi, Hisham, “Jihadis in the Hood: Race, Urban Islam and the War on Terror.” Middle East Report, No. 224 (Autumn, 2002), pp. 36-43


Alridge, Derrick P. and James B. Stewart, “Nitmiluk: Place and Empowerment in Australian


Frith, Simon, “Rock and the Politics of Memory.” Social Text, No. 9/10, The 60's without Apology (Spring - Summer, 1984), pp. 59-69


Heartbeatofjerusalem.org. Last accessed 6/21/09

Heath, Chip and Dan Heath. “Made to Stick Why Some Ideas Survive and Others Die.”


Jackson, Mark Allen, “Is This Song Your Song Anymore?: Revisioning Woody Guthrie’s ‘This Land Is Your Land’” American Music, Vol. 20, No. 3 (Autumn, 2002), pp. 249-276


Mann, Michael. “The Sources of Social Power: Volume 1, A History of Power from the Beginning to AD 1760.”


Modirzadeh, Hafez, “Aural Archetypes and Cyclic Perspectives in the Work of John Coltrane


Pierson, Steven J. “A Nation that Sang Itself Free.” Christianity Today, October 25, 1999


Rosenberg, Jessica and Gitana Garofalo. “Riot Grrrl: Revolutions from within. Signs”, Vol. 23, No. 3, Feminisms and Youth Cultures (Spring, 1998), pp. 809-841


Sandole, Dennis J.D. “Capturing the Complexity of Conflict: Dealing with Violent Ethnic Conflicts of the Post-Cold War Era.” Pinter, 1999. (RED)


Shaffer, Deboarah and Stewart Bird, director. The Wobblies. 1979


Sponheuer, Bernd. “Reconstructing Ideal Types of the “German” in Music, Music and German National Identity.” University of Chicago Press, 2002 38-41

Staff, “Rock the Vote.” www.rockthevote.com/about/press-room. Last accessed 3/12/10


Tétreault, Mary Ann, “Deconstructing the Other: Teaching the Politics of the Middle East.” PS: Political Science and Politics, Vol. 29, No. 4 (Dec., 1996), pp. 696-700


Wahl, Greg, “‘I Fought the Law (And I Cold Won!): Hip-Hop in the Mainstream” College Literature, Vol. 26, No. 1, Cultural Violence (Winter, 1999), pp. 98-112


The Role of Face in Negotiation

Introduction

Face is an identity-based resource that can be threatened or enhanced in cross-cultural negotiations. Face is a crucial aspect of culture, and plays a fundamental role in shaping the style, process, and content of negotiations. Face is a social self-construct that deals with people’s self-claim on individual or national levels. On the national level, face is portrayed in a nation’s sovereignty, as the position the country presents in negotiations to make the nation appear in control and competent. To challenge such a position to any degree undermines the face or sovereignty of that nation.

Negotiation processes that have an undertone of face concerns can be referred to as “face negotiation.” Notions of face are embedded in culture, representing the non-negotiable positions which underlie a party’s decision, and constitute the primary obstacles to negotiation. In cross-cultural settings, face negotiation borders on issues of pride, status, sovereignty, and human rights, which are all non-negotiable (Cohen, 1997). The sensitivity of face in cross-cultural negotiations calls for the deployment of an integrative model in interactions in business and diplomatic negotiations, in conflicts, and interpersonal relationships. This paper examines the role of face in negotiations and the applications of face strategies in an integrative negotiation model.

Theoretical Framework of Face

Face is the sense of self-worth that individuals claim when they experience feelings of embarrassment, shame, reproach, acceptance, pride, or humiliation (Ting-Toomey and Kurogi,
Face concerns can be attributed to cultural value-differences that promote conflict escalation and polarization between parties through miscommunication, differences in power/status, and hierarchies in individualist or collectivist cultures. The value dimension of the individualist/low-context culture, and the collectivist/high-context culture, provides a framework for explaining differences in face expectations and concerns (Ting-Toomey, 2005).

Miscommunication occurs when parties in intercultural settings use familiar conflict patterns arising from process, relational, substantive, and incompatible identity issues. Face negotiation is about losing face and saving face. Because issues of loss of face are “among the most troublesome kinds of problems that arise in negotiation” (Folger et. al., 2009, p. 182), it is important to employ “culture-specific lenses” regarding face issues in intercultural negotiation (Ting-Toomey and Kurogi, 1998, p. 188).

**Strategies of Face**

There are two identifiable face strategies in negotiation - face-saving and face-giving. Face-saving is what a party does to regain the self-worth he believes has been diminished or ignored. Face-saving strategies are moves to support one’s own image or identity claims (Folger, et al., 2009). According to Ury, “face-saving is at the core of the negotiation process” (Ury, 1993, p. 120). Face-saving drives behaviors in communication and, in goal-incompatibility settings like negotiations, increases the tendency towards defending self-interest and honoring or resisting the other’s goals (Ting-Toomey and Kurogi, 1998). Face-saving tactics involve a party’s sense of honor, dignity and self-worth, and supersedes ego boosting, conveying to the other the intent to look good, and to be seen as principled and consistent, all of which may be threatened if a party’s position changes.

Face-giving strategies, on the other hand, are “moves that support the other party’s image or identity claims” (Folger et. al., 2009, p. 192). Folger presents two types of face-giving
strategies: “preventive practices” and “corrective practices” (Folger et al., 2009, p. 192).

Preventive practices are undertaken to avoid threats to face and could be defensive, involving strategies to prevent threats to one’s face, e.g. by using a disclaimer. Preventive strategies could also be protective, involving strategies that prevent/minimize threats to the other party’s face, e.g. by providing normative accounts for the other party. Corrective practices are undertaken after loss of face or face-threatening acts, and constitute efforts to resolve differences between conduct and norms. Corrective strategies include excuses, accounts, justifications, apologies, disclaimers, counterclaims, and remedies (Folger et al., 2009).

Obstacles to Face Negotiations

When face needs are not dealt with in interaction, as in where a party’s identity-claims are overlooked or questioned, the party may experience loss of face, a situation that could cause conflict escalation, or an impasse in negotiation. Face-saving can hinder a party’s flexibility in negotiation, as its relational emotional involvement can often generate destructive escalation or conflict avoidance. The motivation to save face is difficult to alleviate in conflicts and can foster interactions that tend towards stalemates and standoffs.

Several factors contribute to the tendency of face negotiations to head towards impasse. One factor is parties’ perceptions and patterns of interaction which can transform a potentially resolvable, substantive issue into an unmanageable conflict, bordering on relationships, and the images the parties hold of themselves (Folger et. al., 2009). Cross-cultural differences significantly impact negotiations, with severe implications on failure to acknowledge such differences (Cohen, 1997). The success of a party in persuading the other’s collaboration in negotiation is highly dependent on the party’s ability to help the other save face. Also contributing to an impasse is the individual’s unwillingness to accept that his/her image or self-ego has been threatened, causing face-saving strategies to remain elusive and intangible.
Yet another impasse-contributing factor is the win-lose bargaining scenario. For example, in resistance to unjust intimidation, a party may refuse to step back from a position, therefore threatening constructive interaction and stalling negotiation (Kriesberg, 2007). A party may refuse to give in on a position if the party perceives that reversing his position may be unsafe or his credibility/self-worth will suffer.

**Applications of Face**

Maintaining face or face-saving is essential in integrative or breakthrough negotiation through all stages of the negotiation process. Cohen (1997) identifies four stages of the negotiation process: preparation, beginning, middle and end phases. In each phase, the role of face will be examined to determine its effects on negotiations in high- and low-context cultures.

At the preparation stage, a party strategizes on face-saving or face-giving tactics in cross-cultural negotiation to achieve collaboration with the other party. In the beginning phase of negotiations, high-context negotiators tend to be interdependent, focusing on relationship-building, while low-context negotiators tend to be independent, seeing substantive issues over personal relationships. To maintain face and avoid face-loss, high-context negotiators curtail uncertainties to avoid surprises, confrontations, and crisis. Low-context negotiators without such face concerns are more open to surprises, confrontation, and competition (Cohen, 1997).

At the middle phase, differences in expectations in negotiation and timing arise, with low-context cultures such as the United States tending to quickly reach agreement and close the deal, while high-context cultures such as China tend to haggle and draw out this phase. Finally, at the end phase, low-context negotiators’ tendencies to urgency and time-consciousness can overlook the need to proffer face-saving options to high-context counterparts. Also, once informal and unwritten agreements are recognized as no longer feasible, they can be easily repudiated. These constitute face-saving in high-context cultures at the end phase, unlike
explicitly written agreements. Hence, high-context negotiators prefer informal, unwritten agreements to safeguard against losing face, while low-context negotiators use written agreements (Cohen, 1997).

**Conclusion**

Face is all about relationships. It is a key component for conflict resolution in the negotiation process. Social relationship intertwines with self-image. While distributive negotiation involves win-lose, integrative negotiation calls for face-saving strategies that begin with relationship-building before the start of negotiation. These strategies can be used to address differences in the value of face in high-context and low-context cultures. Breakthrough negotiation strategies of face-saving and face-giving can shift a confrontational distributive model to a cooperative integrative model, and agreements can be presented in forms that ensure face is preserved for both parties.

**References**


Session III: Panel 3C
Ideology, Politics, and State Building

Political Shiism: Ideology and Politics
Jana El Horr, George Mason University

Shi'ite Political Action in Iraq: Contemporary Emotional Mobilizers
Daniel J. Madanes, Tel Aviv University (Israel)

Chavez vs. the US: the real conflict beyond the Colombian-Venezuela dispute
Tamara Yael Souss, Tel Aviv University (Israel)

Post-genocide Justice in Cambodia and Rwanda: The Contextual and Strategic roles of legal institutions in Post-Conflict State Building
Aditi Malik, Northwestern University
Political Shiism: Ideology and Politics

Introduction

The last decade witnessed heightened tensions between Sunnis and Shiites in the Arab world. The war in Iraq in 2003 brought the world’s attention to an old-scourge divide between two major Islamic sects and global implications of its political manifestation and ethnic violence. Prior to 2003, the international community looked at the Muslim world as monolithic where Sunni majority dominated, and Shiite presence was reduced to the Islamic Republic of Iran. Changes in political dynamics in Iraq, and shifts of power from Sunni minority to Shiite majority, accompanied with the rise of Hizbullah’s power among Arab population after the war of 2006 brought Shiite rise to power to the fore front of politics in the Arab world. This paper highlights the particular relationship between current Shiite violent movements in the Arab world and the debate of Shiite ideologies that took place in the latter half of the twentieth century. I conclude that examining current Shiite rise to political power cannot exclude the transformation of Shiite political thought in the last century, and interventions in violent Shiite conflicts should take into consideration the ideological frame of Shiite movements.

Framework for Ethnic Violence

To avoid confusion, I will use Kaufman’s definition of ethnicity meaning “a group sharing five key traits: a group name, a believed common descent, common historical memories, elements of shared culture such as language or religion, and attachment (even if only historical or sentimental) to a specific territory.” Kaufman suggests a new lens to examine ethnic conflicts that does not follow a rational lens, but instead a lens that falls within cultural and social mores.
which is rooted in myth-symbol constructs. Based on the work of Murray Edelman on symbolic politics, he considers the leadership in violent conflicts to be engaged in symbolic politics where leaders use symbols that stem from ethnic myths to manipulate feelings and emotions of the masses for the leadership political purposes, rather than for the purpose of the national interest.

Kaufman considers every ethnic group to have (1) a set of mythologies that are celebrated through ethnic rituals to allow the emergence of emotionally laden symbols and (2) ideas that justify fears of extinction and provide the group with a new goal. The myths help identify who belongs to the group, define the in-group and the out-group, and point out the enemy. As for the ideas of fears, they are justified by ideologies that leaders use to mobilize the masses, avoid losses, and pursue victory. According to Kaufman, ideologies are developed by historians, religious people, and/or knowledgeable and informed individuals about the history, the struggles, and the myths of the group.

This paper focuses primarily on development of Shiite ideologies and its implications on the rise of movements and mobilization of Shiite masses in the Arab world.

**Shiism from passivism to activism**

Up to the mid of the twentieth century, Shiism was a religion of consolidationism: there would be no true Islamic rule on earth because political authority can never escape imperfection; hence Shiite theologians will keep their faith separated from political power until the 'Hidden Imam'—the twelfth Imam, descendant of the prophet who is believed in Shiite theology to be in hiding since 922—surfaces to take over the political power and to bring a true justice to the world under an Islamic State. However, changes in global political ideologies after World War II, the birth of independent nations in the Arab world, and the fight between the free world and communism with spillovers in the Middle East led to the change of the face of Shiism. Iran,
being a safe haven for marginalized Shiites in the Muslim world in previous centuries, witnessed the first change in Shiite political ideology.

Ruhollah Khomeini, one of the most prominent theologians in Qom at the time, revealed in a series of lectures presented between 1963-1965, his ideal of the structure of a Shiite Islamic state. (2005) Contrary to previous Shiite scholarship of waiting for the Hidden Imam to bring justice to earth, Khomeini believed that God gave reason to people so they can take control over their own lives to enhance their livelihood while waiting for the Imam. Khomeini urged to end Shiite quietism by highlighting the need for an Islamic state where religious jurists rule because they are the most theologically educated people who can help develop a just society while the Hidden Imam is still in hiding. He called this form of governance Wilayat e Faqih—meaning Guardianship of the Jurists, where the Guardianship is the Ayatollah—elected by the jurists, will have the final decision on all state matters.

Abu Al-Qasem Al Khoei disagreed with Khomeini’s scholarship and was one of the most vocal theologians against his new advocated form of political Shiism. Al Khoei strongly believed that only an Imam, a descendant of the prophet has the knowledge to lead an Islamic State because people, no matter how theologically advanced they are, can only make assumptions about God’s wish on earth; therefore, it is only the infallible Hidden Imam who will know the wish of God on earth and hence has the ability to lead an Islamic State. Due to his open conflicts with Khomeini, Al Khoei left Iran and took refuge in Najaf, Iraq to teach Shiite theology away from politics.

The evolution of political Shiism did not only happen on the clergy level. Many academics, close to the clergy, believed in the need for a revolution to change the status quo in Iran. One of the most prominent academics of that time is Ali Shariati, educated in France and highly influenced by Karl Marx and Frantz Fanon. Shariati pressed the Shiites to engage in a red
revolution where they would embrace martyrdom in order to change their political system, fight for social justice, and accelerate the return of the Twelfth Imam. He regarded Hossein and Ashura as the example that all Shiites should look up to, given Hossein sacrificed his life for Shiite justice. Shariati is best known for the slogan ‘everyday is Ashura, and every place is Kerbala’ which was a contrast with the quiet attitude of the clergy that was present in Iran in previous centuries.

This debate of ideologies in Iran broke through in the Arab world in different regions. In Iraq, in late 1970s, Muhammad Baqir Al Sadr, a leading theologian, borrowed from Khomeini the idea of Shiites’ self governance despite the hiding of the twelfth Imam; however he envisioned the Governor to be elected democratically by the people and not through religious jurists. Ideas of Al Sadr have been revived after the Iraq war in 2003 with the political rise of his nephew, Muqtada Al Sadr, and formation of a militant wing, the Mahdi army.

In Lebanon, Khomeini’s ideas and movement of theologians from and to Iran, helped form two militant movements, Amal and Hizbullah, who are key players in today’s Lebanese and Arab politics.

**Interventions in Shiite violent conflicts**

In previous years, addressing conflicts in the Arab world required interventions with leaders in predominantly Sunni countries like Saudi Arabia, Egypt and Jordan. Rise of Shiites to power and growth of Shiite militant movements like the Mahdi Army and Hizbullah require new ways of interventions based on deep understanding of the history of the region, injustices and exclusion of minorities such as the Shiites, and the power of ideologies of the new Shiism.
Daniel J. Madanes

Daniel J. Madanes
Tel Aviv University

Shi’ite Political Action in Iraq: Contemporary Emotional Mobilizers

The collective construction of emotional symbols are systemic to the structure of conflict in the Middle East. The capacity of cultural symbols to instigate, perpetuate, and restrain conflict in the region is evident from examples such as: the Nakba\textsuperscript{212}, the lineage of Muhammed, the Holocaust, the martyrdom of Husayn, and the submission of Ali. Such symbols, whether modern or rooted in a time immemorial can both precipitate and perpetuate conflict. For the Shi’ites, culturally rooted emotional symbolism plays an overwhelming role in the formation of the Shi’ite world view and politics. The lack of understanding or integration of emotions into conflict resolution or management processes with the Shi’ite communities will lead to unsustainable solutions. Today Iraq is the the most pertinent example of Shi’ite conflict in the world. Interventionists who seek to attain sustainable management or resolution initiatives must account for and integrate emotional symbolism into their approaches towards the sectarian conflict in Iraq.

In its infancy, Islam was subjected to a pervasive internal struggle over the succession of Muhammad’s position as the leader of the Islamic community. The internal struggle over succession of the caliphate is fundamental to the identity and infidelity of the divergent sects. Forefathers of the Sunni’s, drawing from their tribal roots, believed that the caliphate should be designated by a “council of elders”; however, many muslims close to the prophet argued that Muhammad designated his cousin and son in law, Ali, as the rightful leader of the Islamic

\textsuperscript{212} Nakba- The meaning of the word is coasatrophe. In the arab world it is used synonymously with the defeat of the arab armies or the refugee crisis following the refugee exodus following the Israeli War of independence in 1948.
community but to no avail: The caliphate was bestowed upon Abu Bakr. Ali briefly inherited the caliphate as the fourth caliph following the assassination of Uthman only to be assassinated himself, leading to the usurpation of the prophet’s family from the caliphate and the establishment of the Umayyad dynasty. It was during the Umayyad period that the Shi’ites distinguished themselves from the rest of the Muslim community not only because of their propensity towards political agitation against Umayyad, but also because of their persecution as followers of Ali. Though the succession struggle laid the groundwork for the divide and differing collective identities of the two sects, it is around Ali’s son, Husayn, that the Shi’ite collective memory and identity coalesces.

In 680, Husayn, at the behest of residents of Kufa, set out to challenge the tyrannical reign of the Umayyad caliph Yazzid. On the way to Kufa, without the assistance of the Kufan instigators, Husayn was surrounded by a numerically superior Umayyad force, bringing about the battle of Karbala. The battle, and more importantly the martyrdom of Husayn, has forever been engrained into the collective identity of the Shi’ite ulama. Karbala still affects the Shi’ite community as a result of the strong emotional connection that Shi’ites have to the battle which is paramount to their collective identity and is a utility for understanding contemporary circumstances: “The memory of Husayn’s martyrdom serves as an everlasting exhortation to the

---

213 Nasr 35

214 Modarressi 3-4

Nasr 36-37: An essential of the precursors to the political character of Shi’ism was the dissent that emerged as a result of the Umayyad accession of the caliphate. “Ali’s murder, the transformation of the caliphate into a monarchy, and the de facto separation of religious and political authorities under the Umayyads led a minority of Muslims to regard the that what had come to pass was the fruit not of God’s mandate but of Man’s folly.”(Nasr 36) It was the belief of these dissenters that the succession process had been tainted from its onset. The dissenters believed Ali should have been the chosen ad the first Caliph and that “[Muhammad’s family] were the true leaders of the muslim community[,]”(37 Nasr)

215 Nakash 5, 2006

Nasr 40: “Yazid I, Massacred Ali’s son Husayn along with seventy two of his companions and family members”
Shi’is of all time to brave their numerical [and political] inferiority in the face of firmly established majorities,”\(^{216}\) Shi’ite collective memory is passed down through various traditions and rituals--most notable are the Ashura and pilgrimages commemorating Shi’ite saints. Husayn’s and Ali’s shrine are located in Iraq which has been a historical incubator of Shi’ite-Sunni conflict. Today in Iraq, the Shi’ite community is emerging from a long history of oppressive regimes and is the focal point of “the Shia revival”\(^{217}\). The Shi’ite community has been a victim of Sunni domination from a time immemorial. In recent history, up until the fall of Saddam, the Shi’ite community has been marginalized and oppressed. Influenced by the martyrdom of Husayn, they look to their historical past for guidance in times of oppression; deriving guidance and understanding from the actions of the Imams. Political action in Shi’ism is exhibited in two forms: “activism has its roots in in the wars of ‘Ali and the rising of Husayn against Yazid, [while] its quietest strand is equally well founded in Ali’s acceptance of the rule of the first three caliphs[.]”\(^{218}\) Shi’ite political mobilization can be fomented by a number of devices; however, if conflict is framed in the same vernacular surrounding the narrative Karbala, then Shi’ite reaction derived from a high sense of emotion and collective oppression may be a force to be reckoned with.

The Shi’ite collective identity of oppression and dissent is ubiquitously re-enforced by the event surrounding the Battle of Karbala. The narrative of Karbala, one of oppression and martyrdom, has been embedded into the Shi’ite identity. Husayn’s martyrdom, reinforced through Shi’ite rituals and traditions, is a cornerstone of Shi’ite identity and political action: “The martyrdom of [Husayn] at Karbala has become a central component of Shi’a identity, and

\(^{216}\) S.H. Nasr 66
\(^{217}\) Nasr 241
\(^{218}\) McEoin 18
has bestowed an emotive notion of martyrdom upon Shi’a awareness. Yann Richard remarked that the martyrdom of [Husayn]—the only living grandson of the Prophet—“has become the prototype of every struggle for justice, every suffering.”

The events surrounding Husayn’s martyrdom at Karbala whether framed in the larger context of a social struggle or an individual oppressive event can provoke powerful call to action. Evoking the image of Husayn fighting against the illegitimate Umayyad dynasty for his right to the Caliphate or for the rights of his Kufan followers is highly emotional for the Shi’ites as a result of its centrality to faith and contemporary circumstance. The emotional attachment to the events of Karbala are reinforced through ritual and tradition, these rituals and traditions can work as affective catalyst for spontaneous political mobilization.

Though for the greater majority of the Major Occultation the principle of Shi’ite quietism prevailed, in the second half of the 19th century various militant strands of Shi’ite tradition emerged and reach their primacy in the late 20th century--such as in Iran and Iraq in the 1970s. The insurgency of 1977 may be one of the most prevalent examples of Iraq Shi’ite political mobilization in recent history. The Shi’ite revolt of 1977 was catalyzed by a Ba’thist ban on the al-Arba pilgrimage, “like other rituals, this pilgrimage has transformative effects.” Emotional impact of rituals have propensity to mobilize sociopolitical movements in the Shi’ite community. The mass political mobilization of 1977 that occurred in Karbala and Najaf had no previous precedent. Though there had been tribal insurrections, political dissent from religious groups, and quietest movements; never in Iraqi history had there been such widespread urban

---

219 Moghadam 129
220 McEoin 20-21
221 Aziz 214
222 Jabar 197
based political demonstrations—“the movement was totally spontaneous with no organized leadership or political vision.” Emotionally rooted, the ban on the pilgrimage was more than the Shi’ite surface tension could bear. Key agitators of the masses were in fact ritual leaders.

Oppression is within the understanding of the Shi’ite vernacular, but so is revolt. The source of the 1977 uprising is rooted in both the contemporary decisions of the Ba’thist regime in 1977 and in the cultural, not temporal, interpretation of events by the Shi’ite community.

Shi’ism, from its advent, has been distinguished from Islamic community as a whole through its political tendencies. The collective identity of the Shi’ite community has become culturally engrained and can be an unpredictable emotive force. Shi’ite understanding through the lens of its cultural past can lead to quietist or activist movements. However, one must recall that Shi’ism has had a political character since its inception it was defined as community, which fights the tyranny of the majority. Conflict resolution practitioners working with the Shi’ite community should utilize emotional aspects of Shi’ite culture to facilitate sustainable conflict practices.

References


223 Jabar 208-209

224 Jabar 210


Tamara Yael Souss

Chavez vs the US: the Real Conflict Beyond the Colombian-Venezuela Dispute

Abstract

This study explores Venezuela`s foreign policy against the United States (US) by analyzing the personal war leaded by Hugo Chavez supported by those external parties who are behind his revolution in Latin America. The paper focuses on discussing Washington’s goal to destabilize and isolate the Chavez regime via unilateral measures on arms embargos and regional approaches. It also compares Chavez`s and Obama`s two-track approach policy to gain power in the region. While Chavez strategy is based in strengthening ties with the far-right Colombian and its paramilitary force as a platform for launching a military confrontation; Obama`s tactic is oriented toward a diplomatic track through dire threats and support of a military-civilian coup which could overthrow Chavez from government. Finally it describes Chavez regime responses to US through domestic moves, regional countermoves and global realignments; and it does so by analyzing the mediation attempts, the manipulation of the media and the Off-table developments in negotiation.

Introduction

Following the 9/11 terrorist attacks, President Bush`s declared the “global war on terrorism”, triggering a turning point in relations with President Chavez, who opposed the statement and accused the administration of "fighting terror with terrorii" during the war in Afghanistan. From that point in time tensions among both players escalated resulting in a conflicting relation. Moreover this scenario suffered a setback in April 2002 when a coup d’état
temporarily removed Chavez from office who consequently blamed the US. Simultaneously, Colombia got involved in the dispute as a proxy for the US by increasing its role in undermining Chavez’s government.

In October 30, 2009, the joint sign of the Defense Cooperation Agreement (DCA) among US and Colombia provoked a sharp reaction from Chavez who accused President Álvaro Uribe of allowing the superpower to open military bases in its country. While the US claimed that those bases were needed in order to restore security in the area; Chavez accused Obama of aiming to attack Venezuela. Hence, a dispute emerged in a hostile context where strong opposition from other regional Latin America’s leaders emerged while also isolated Colombia from the region.

Complex negotiations and mediation efforts

The ongoing dispute is of multi-dimensional, multi-causal and multi-party characteristics. Thus, progress is intended to be done via hemispheric and regional organizations, such as the Organization of American States (OAS) and the Union of the South American Nations (UNASUR). UNASUR leaders organized a summit in Argentina with the aim of pressuring both Presidents Chavez and Uribe to negotiate and debate (the Venezuela Information Office, 2009). Also concerns over US threat had been expressed particularly regarding to sovereignty of all nations in the region with the goal of constructing a “Zone for Peace”. During the meeting, Uribe stated his position by saying that the agreement aimed at fighting drug trafficking and terrorism. On contrary, Chavez opted to lobby for international condemnation of the military alliance with the US, but was secretly negotiating arms deals to protect Venezuela against an unlikely but feared US invasion. Consequently, the Brazilian President Lula da Silva offer to mediate, but as identified by Schultze (2010), failed to get both parties to formally settle their differences. Therefore, Brazil’s foreign affairs adviser, Marco Aurelio Garcia, was sent to
Venezuela to restore trust among parties.

Noticeably there was no sign of Track-two diplomacy efforts or any informal interaction with influential unofficial actors from civil society, business or religious communities. Instead local politicians are those brokering the talks between the parties since they are considered to be experts in the area or issue being discussed. For instance in December, 2009 the Dominican Republic's president Leonel Fernandez Reyna, was asked by Uribe to mediate the conflict due to its geographic position and friendly relations with neighboring countries. Thus, he was perceived to have real opportunities to mediate regional conflicts and to reach a solution. Nevertheless Venezuela did not respond to his mediation proposal, letting Fernandez approaching only one side of the dispute: Colombia's foreign minister and trade representatives. Indeed, negotiations have being done under Track-one diplomacy without implementing any kind of non-traditional methods such as facilitating dialogue mechanisms and meetings among participants from government and non-government institutions. To illustrate this point, President Fernandez called for a summit in Ecuador where all leaders of the Río Groupix (the main regional policy coordination forum) were present with the aim of reaching reconciliation. However, President Chavez showed his unstable personality when opening doors for resolution and dialogue but simultaneously announcing the increase of armed forces and Venezuela's fleet of tanks in coordination with the purchase of new military equipment from Russia. This latter alliance has being justified by Chavez’s claims of being himself “The US target”; however the expansion of a client-supplier relationship to effective cooperation, tangibilized in the Moscow-Caracas partnership had the hidden intention of empowering Venezuela’s government with technology sharing, joint maneuvers and closer military ties. Chavez explained the partnership on the weekly television broadcast, “We can guarantee Venezuela’s sovereignty, which is now threatened by the United States.”
Chavez’s contradictory discourse was shown when immediately after disapproving the Costa Rican President Oscar Ariasx as the head of negotiations; proposed to establish a “Peace base” in Costa Rica as a response to the US military presence in Colombia. This peace base was to be part of an initiative to inspire reflection and dialogue over the future of the Americas (Long, 2009). However it was seen by Arias as an opening door to an unwelcome alliance and denied it, reflecting the shared uneasiness among many countries in the region with the Venezuelan leader’s politics.

There is no “reality check” analysis from mediators and therefore many mistakes are taken place. For example, mediators offer themselves to solve the crisis instead of being chosen by the parties; and they do not focus on the core issues of the conflict. Such is the case of the Colombian President Juan Manuel Santos who recently asked to mediate among Ecuador and Venezuela (La Nacion, 2010). Furthermore, mediators do not consider the “Off-table developments” that influence the process, such as Venezuela’s military arms purchases, its relations with Cuba and Iran, its efforts to export its brand of populism to other Latin American countries, Chavez diplomatic visits to Fidel Castroxi, Saddam Husseinxii, and Muammar el-Qaddafixiii, the military actions, the public criticism of wars in Afghanistan and Iraq and finally the manipulation of the media as a source of power.

Conclusions

Despite the conflict that emerged around this dispute, Chavez real ambitions go beyond security issues for Venezuela and the opposition to the US` influence in Latin America. His intentions of regional cooperation and integration are supported by a personal desire of controlling the oil market as well as the Venezuelan population under an authoritarian regime which is also supported by external key players such as Russia and the Arab World. Maybe these are not visible but serve as a platform from which Chavez can revolve the region without
damaging his political position. However he is in a fragile political position since his decisions should meet these key actor's interests, hence becoming dependant of the external leadership. Because the Venezuelan population is subjected to this regime by force, the core issue of the conflict could be resolve with the ascent of a new government; specifically one with real intentions of restoring democracy in the country and the conditions under Venezuela's population is living today.

Since his first election Hugo Chavez has encouraged and continues to encourage his Venezuelan and other Latin American followers to pursue a confrontational "defensive", populist, and nationalistic agenda that will supposedly liberate Latin America from the economic dependency and the political imperialism of the US. His arguments of liberation, “New Socialism”, and “Bolivarianismo” (the dream of a Latin American Liberation Movement against US hegemony) will only be achieved by (1) radically changing the traditional politics of the Venezuelan state to that of "direct" (totalitarian) democracy; (2) destroying North American hegemony throughout all of Latin America by (3) conducting an irregular and asymmetric "Super Insurgency," to overthrow the illegitimate external enemy; and, 4) building a new Bolivarian state, beginning with Venezuela and extending to the whole of Latin America.

This is the rhetoric of an individual who is envisioning on developing an operational plan for gaining revolutionary power; hence in pursuit of this Bolivarian dream, Chavez is encouraging the imaginations of the poor society of many Latin American countries and other influential leaders around the world.

REFERENCES


**APPENDIX**


**NOTES**

i Hugo Chavez was elected president of Venezuela in 1998 and took office in February 2, 1999. As a career military man formed a revolutionary force within the Venezuelan army and led a failed attempt to overthrow President Carlos Andres Perez in 1992. After two years in prison, Chavez was pardoned by President Rafael Caldera and made the transition from soldier to politician. He was elected to the presidency as a leftist reformer and modern-day Simón Bolívar - his reforms are named “The Bolivarian Revolution”. He has shunned US and European support and focused on South American and Third World solidarity. He is an economic and political supporter of Fidel Castro and a sharp-tongued critic of George W. Bush. His presidency has provided some topsy-turvy times for Venezuela: Chavez survived a kidnapping and coup attempt in April of 2002 and withstood a recall referendum in August of 2004, and news accounts from Venezuela often report both pro-Chavez and anti-Chavez rallies. A parliamentary election in late 2005, boycotted by some opponents, gave Chavez supporters control of the National Assembly, and on 3 December 2006 he was easily re-elected to another six-year term.

ii For further details refer to Hugo Chavez’s profile at [http://news.bbc.co.uk/2/hi/americas/](http://news.bbc.co.uk/2/hi/americas/)
In April 2002 Venezuela was embroiled in a general strike when Hugo Chavez was pushed from office - as a result of his attempts to take control of the world's fifth-biggest oil industry. But just two days later, after his supporters - mainly Venezuela's poor - took the streets, he was back in the presidential palace.

For further information refer to http://news.bbc.co.uk/2/hi/americas/1925236.stm and http://www.guardian.co.uk/world/2002/apr/22/venezuela.duncancampbell

iv U.S Department of State – Diplomacy in action - U.S.- Colombia Defense Cooperation Agreement
The agreement facilitated US access to three Colombian air force bases –located at Palanquero, Apiay, and Malambo–, to two naval bases –located in Cartagena and Málaga– and two army installations under Colombian control.

v Born in Medellin in July 1952, Alvaro Uribe is a Harvard and Oxford University-educated lawyer. He is described as a workaholic and a disciplined scholar. He was elected mayor of Medellin in 1982 and was Antioquia governor between 1995 and 1997. Alvaro Uribe came to power in May 2002 in a first-round election victory and secured a second, four-year term in May 2006.

vi Organization of Americas (OAS) – Democracy for peace, security and development.

vii Refer to the Andean Community official Website at http://www.comunidadandina.org/endex.htm
The 28 August 2009 UNASUR Bariloche Summit agreed to devise a multilateral strategy to fight drug trafficking, illicit arms trafficking, terrorism and other transnational criminal activities in the region. UNASUR”s South-American Council for the Fight against Drug Trafficking was charged to draw up an action plan.


ix Permanent mission of Brazil to the United Nations.

x Oscar Arias Sánchez was born in 1940. After studying in the United States, he read law and economics at the University of Costa Rica in the capital, San Jose. As a student he engaged actively in the work of the National Liberation Party.
In the 1978 elections, Arias was elected to the Legislative Assembly but withdrew in 1981 to work for his party's presidential candidate, Luis Alberto Monge, who won in 1982. Arias was elected President in 1986, and as such intervened against the activities of U.S.-backed Contras on
Costa Rican territory. Arias has concentrated on engaging Nicaragua and the other Central American states in a peace-making process. In May 1986, he met the Presidents of Guatemala, El Salvador, Honduras, and Nicaragua to discuss the proposals for a peaceful solution that had been worked out by the Contadora group. They did not reach full agreement, but early in 1987 Arias succeeded in calling a new meeting at which he submitted his own peace plan, departing in some respects from the Contadora plan. The accord approved by the five Presidents in Guatemala on August 7 was based on President Arias's plan.

xi Fidel Alejandro Castro Ruiz is a Communist leader born August 13, 1926, on a sugar plantation in eastern Cuba. Known for his long-winded anti-American rhetoric. He received a Jesuit education, and graduated from Havana University as a lawyer who due to the contrast between his own comfortable lifestyle and the dire poverty of so many others, he became a Marxist-Leninist revolutionary. By the late 1950's, he was leading a large guerrilla force based in Cuba's Sierra Maestra Mountains, in the southeastern part of the country. Victory over Batista's forces finally came in January 1959, and his victorious guerrillas, many of them bearded and wearing fatigues, marched into Havana. His victory and triumphant entry into the Cuban capital captured the world's attention. He soon steered the country toward communism - collectivizing farms and nationalizing banks and industries, including more than $1 billion worth of U.S. properties. Political liberties were suspended and government critics jailed. His revolutionary ideals attracted support in Cuba and in 1959 his forces overthrew Batista, whose regime had become a byword for corruption, decadence and inequality. In April 1961, the US attempted to topple the Castro government by recruiting a private army of Cuban exiles to invade the island. At the Bay of Pigs, Cuban troops repulsed the invaders, killing many and capturing 1,000. President Castro has used US hostility as a reason to reject democratic reforms to his one-party state. The Soviet Union poured money into Cuba. It bought the bulk of the island's sugar harvest and in return its ships crammed into Havana harbor, bringing in desperately needed goods to beat the American blockade. Despite his reliance on Russian help, President Castro put Cuba at the head of the newly emerging Non-Aligned Movement.

xii Saddam Hussein was dictator of Iraq from 1979 until 2003, when his regime was overthrown by a United States-led invasion. Hussein had joined the revolutionary Baath party while he was a university student. He launched his political career in 1958 by assassinating a supporter of Iraqi ruler Abdul-Karim Qassim. Saddam rose in the ranks after a Baath coup, and by 1979 he was Iraq's president and de facto dictator. He led Iraq through a decade-long war with Iran, and in August of 1990 his forces invaded the neighboring country of Kuwait. A US-led alliance organized by George Bush (the elder) ran Hussein's forces out of Kuwait in the Gulf War, which ended in February of 1991 with Saddam still in power. Hussein came under renewed pressure in 2002 from George W. Bush, the son of the first President Bush. Hussein's regime was overthrown by an invasion of US and British forces in March of 2003. Hussein disappeared, but US forces captured him on 13 December 2003 after finding him hiding in a small underground pit on a farm near the town of Tikrit. Late in 2005 he went on trial in Iraq for the 1982 deaths of over 140 men in the town of Dujail. On 5 November 2006 he was convicted and sentenced to death by hanging. The sentence was upheld after appeal, and Hussein was executed by hanging in Baghdad on the morning of 30 December 2006.
Muammar Gaddafi was born in the desert near Sirte, Libya in 1942. In his youth he was an admirer of Egyptian leader and Arab nationalist Gamal Abdel Nasser, taking part in anti-Israel protests during the Suez crisis in 1956. He is the longest-serving leader in both Africa and the Arab world, having ruled Libya since he toppled King Idris I in a bloodless coup at the age of 27. He first hatched plans to topple the monarchy at military college, and received further army training in Britain before returning to the Libyan city of Benghazi and launching his coup there on 1 September 1969. He laid out his political philosophy in the 1970s in his Green Book, which charted a home-grown alternative to both socialism and capitalism, combined with aspects of Islam.
I. Introduction:

This paper explores the following question: what is the role of legal institutions, both transitional and international, in building states after genocide? Stated differently, does peacebuilding contribute to state building, and if so, how? I define genocide according to the 1948 Convention as “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.” Simultaneously, I draw on Soloman Gasana’s positive notion of peacebuilding as post-conflict activities undertaken to promote conditions marked by “something that is more than just the absence of war” (Gasana, 145; emphasis added). However, unlike the existing post-conflict literature, in this paper, I challenge the assumption that peacebuilding results (or should result) in the birth of democratic post-genocide states. Specifically, I argue that when peacebuilding is incomplete, as it has been in Cambodia and Rwanda, the resulting state tends to be authoritarian.

II. Incomplete peacebuilding at the ECCC:

In post-genocide Cambodia, establishing political institutions prior to building peace has resulted in an unfortunate state of affairs—as Duncan McCargo argues, Prime Minister Hun Sen is “‘getting away with’ authoritarianism” (McCargo, 106). Furthermore, prospects for achieving
justice and reconciliation through the ECCC or the Khmer Rouge tribunal are bleak.²²⁶ As Dicklitch and Malik report, in their interviews with Cambodian high school and university students, and NGO workers, 63.6% of their respondents felt that the tribunal had been established too late (nearly three decades after the end of the genocide), that it had only been established to signal to powerful Western states that the Cambodian government cares about human rights and national reconciliation, and that it would not actually be able to achieve any justice for the Cambodian people (Dicklitch and Malik, 8-9). Simply put, incomplete peacebuilding in Cambodia has not contributed to democratic state building; instead, Hun Sen’s regime has been untouched by the presence of the ECCC. Indeed, his authoritarian regime was in place long before the ECCC was established in 2006.

Additionally, it is important to give some notice to how and by whom post-genocide justice is defined in Cambodia. I submit that post-genocide justice in Cambodia is an elite-led enterprise, one that Hun Sen initiated to legitimate his own rule. The contribution and participation of local Cambodians in defining and shaping post-genocide justice has been minimal at best, especially given the fact that the ECCC has been established as a hybrid court in Phnom Penh, with limited outreach to other provinces.

Given this context, the ECCC has not affected the nature of the post-genocide state; instead, the court is simply an instrument for Sen to maintain his political power. Indeed, setting up the court in Cambodia serves a similar purpose to holding elections under a dictatorial regime—“to reap the fruits of legitimacy without running the risks of democratic uncertainty” (Cox, 4). The tribunal also metes out justice based on how Cambodian elites have defined justice to serve their self-interests—only prosecuting former senior Khmer Rouge leaders and those “most responsible” for carrying out the genocide (“An Introduction to the Khmer Rouge Trials,” ECCC

²²⁶ ECCC stands for the Extraordinary Chambers in the Courts of Cambodia.
Thus, the structure, power(s) and mandate of the ECCC are a reflection of the interests of Hun Sen and his colleagues, not the Cambodian people.

B. “Peoples’ Justice” at the Gacaca courts?

Interestingly, post-genocide state building in Rwanda has also been authoritarian. However, in so far as the link between post-genocide courts and the nature of the Rwandan state is concerned, the Rwandan case differs in some key aspects from the Cambodian one. First, in Rwanda, there are two institutions meting out justice—the Gacaca courts and the ICTR.228 Consequently, the Rwandan case study affords an apt opportunity to make within-case comparisons between the contributions of transitional justice courts and international criminal tribunals to post-genocide state building. Second, in contrast to Cambodia, in Rwanda, peacebuilding and state building have been simultaneous processes. However, the mere existence of these courts in Rwanda should not be taken to imply that the purported objectives of unity and reconciliation have been achieved.

Theoretical challenges to Gacaca call into question its efficacy. There is a lack of consensus on what reconciliation is, or even on what it should be, within the post-conflict literature. David Crocker (2000) demonstrates how definitions of reconciliation lie anywhere on the spectrum between “simple co-existence” at one extreme, to “a shared comprehensive vision, mutual healing and restoration, or mutual forgiveness” at the other end (Crocker, 108).

Given these varying definitions of reconciliation, the Gacaca process may satisfy one account but not others. Thus, the specific version of reconciliation that these courts can achieve is unclear. During fieldwork in Rwanda, I found that despite the regime’s investment in fostering

---

227 It is important to note that although he defected from the Khmer Rouge in its early days, Hun Sen was once a Khmer Rouge cadre himself. However, since only the senior Khmer Rouge leadership is being targeted by the ECCC, Sen will not have to face the court at all.

228 ICTR stands for the International Criminal Tribunal for Rwanda.
“unity and reconciliation,” Rwandans’ own definitions of reconciliation ran the gamut from simply obeying the rule of law to renewing friendship between formerly divided groups.

Not only is there a lack of consensus on what reconciliation means, but also, this vision is limited in scope by the authoritarianism of the Rwandan regime. *Gacaca* courts are restricted to trying genocide crimes and thereby exculpate the war crimes the RPF committed towards the end of the genocide.

**VI. Strategic Use of the ICTR:**

On the challenge of achieving post-genocide justice in Rwanda, William Schabas has praised the post-genocide regime for acting quickly to imprison over 120,000 persons by 1997 for participating in the massacres (Schabas, 499). In this section, I challenge Schabas’ optimism by illustrating how, like the ECCC and *Gacaca* courts, the ICTR has also become an instrument that the ruling regime controls and manipulates.

First, because the ICTR has been established in Tanzania rather than in Rwanda, *which and to what extent* Rwandans are able to participate in these trials has been severely curtailed. Second, by supporting the establishment of two, rather than only one court in post-conflict Rwanda, President Paul Kagame signaled to international organizations, donors, and the Rwandan citizenry that justice and reconciliation were important goals to him. Consequently, Kagame has maintained his political status and, to an extent, deferred criticism of being another African dictator.

**VII. Implications for Post-Genocide State Building: Is Authoritarianism Inevitable?**

In sum, the question of post-genocide state building is an unwieldy one, with numerous possible variables including international aid and humanitarian intervention (or the lack thereof) implicated in the causal narrative. In this paper, I have concentrated on how legal institutions can

---

229 To put this number in context, it is important to note that the genocide in Rwanda came to an end in July 1994.
influence the nature of states that emerge after genocide. Specifically, through cross-case and within-case comparisons between Rwanda and Cambodia, I have demonstrated that a post-genocide state could be authoritarian if peacebuilding is incomplete, as it is under the following conditions:

(1) If post-genocide legal institutions pursue justice without reconciliation (ex. ECCC) and/or;
(2) If elites define post-genocide justice with their self-interest in mind rather than the demands of the people. This condition results in the birth of a post-genocide authoritarian state even if justice and reconciliation are pursued concurrently, as they are in Rwanda.

This is not to say that post-genocide states are inevitably authoritarian. The case of East Timor offers a useful negative case, where a democratic state has emerged after genocide. In light of these facts, scholars should tread lightly when framing theories about the nature of post-genocide states. First, given how many variables are implicated in the process of post-genocide state building, perhaps one should concentrate on one of the key causal variables, as I have done here. Second, scholars would be well-served if they analyze cases of state building after genocide free of presuppositions of what this state building should look like. As demonstrated in this paper, the post-genocide Rwandan and Cambodian states are indeed states even though they perhaps cannot be located within the existing literature. Indeed, I argue that the reason for this omission is precisely that current research agendas are too narrow.

References:


Session III: Panel 3D
Education and Training

A Targeted Approach to Conflict Resolution in Urban Middle Schools
Carly E. Holbrook and Gillian Granger, University of Massachusetts Boston

Education and Active Citizenship: Learning From What Works
Sandra L. Krahn, University of Manitoba Winnipeg (Canada)

Building a sustainable peace: the Burundi Leadership Training Program
Tina Robiolle, Woodrow Wilson International Center for Scholars
A Targeted Approach to Conflict Resolution in Urban Middle Schools

Introduction

Violence and bullying are major issues in schools that often garner attention only after a tragedy. Conflicts among students arise on a daily basis, thus it is important for teachers, administrators, and school counselors to be armed with relevant research and effective techniques for diffusing these disputes. After reviewing the current literature on conflict-resolution training for adolescents, the author and a partner designed a conflict resolution counseling group for 7th grade boys in a school setting.

This group-based approach targets students who are having trouble mastering conflict resolution skills. Psychoeducational or guidance groups are used to teach new skills and prevent problems through role-playing, problem-solving, and skills training (DeLucia-Waack, 2006). In this group, the students learn about conflict and various methods for dealing with differences, including ways in which other cultures mediate disputes. The group teaches conflict management skills, the feelings associated with conflict, and ways to calm down. Conflict resolution is a very important skill for middle school students to learn, because adolescents who engage in antisocial behavior are more likely to drop out, abuse drugs and alcohol, be arrested, hospitalized, or die (Van Acker, 2007).

Importance of Conflict Resolution Group Counseling

This program is needed because violence is a growing problem in schools and it adversely affects learning. Although juvenile crimes are down from their peaks in the mid-1990s, juveniles are still responsible for one in eight violent crimes (Puzzanchera,
Sickmund, & Adams, 2009). The highest rates of aggressive and bullying behaviors occur in middle schools. Although girls are becoming more aggressive, boys are still more likely to be both the aggressor and the victim of physical fights. Aggressive behavior has negative consequences for both the victim and the aggressor (Horne, Stoddard, & Bell, 2007)

According to social learning theory, children learn behaviors from their family and environments: if their communities resort to violence to resolve conflicts, children will learn to use similar violent strategies (Brinson et al., 2004; Horne et al., 2007). Several studies have demonstrated that counseling and psychoeducational groups provide a statistically significant benefit to students compared to control groups (Wilson & Lipsey, 2007; Horne et al., 2007; McGannon, Carey, & Dimmitt, 2005). Groups specifically designed to reduce aggression and bullying have been proven to be equally helpful and more cost-effective than individual counseling (Horne et al., 2007).

**Cross-Cultural Conflict Resolution**

In “Cross Cultural Conflict Resolution in the Schools: Some Practical Intervention Strategies for Counselors,” Brinson, et al. (2004) discuss the problems that arise from only thinking about conflict from the perspective of a Western, industrialized nation and how the family environment affects a child’s conflict-resolution development through the social learning theory. Families in economically depressed areas often inadvertently teach self-destructive attitudes and behaviors to their children. The authors write that teaching students how other cultures deal with conflict helps group members see how violence is embedded in some cultures, and will help school counselors “think more creatively, proactively, and decisively about what can be done to prevent and address violence in schools” (Brinson, et al., 2004, p. 300).

**Method**

**Population**
The group counseling program is designed for seventh grade boys at an urban middle school. In seventh grade, most students are not yet deeply involved with gangs or the juvenile justice system. The group size is eight, which is the high end of the recommended size for preteen and teen groups, but potential members have a high rate of absenteeism, and we want to have a “critical mass” for each session (DeLucia-Waack, 2006, p. 19).

**Goals**

Our program’s main goal is to reduce violence in the school. Our intention is that program participants will have fewer suspensions, detentions, and disruptive episodes after the intervention. Research has shown that it is hard to measure the long-term effects of anger management groups (Snyder et al., 1999). However, we hope that learning productive ways to resolve conflicts will help the group members to stay out of trouble and stay in school. Multiple studies have found that participants in anger-management and aggression-reduction groups reduce negative behaviors while participants in control groups actually show increased signs of antisocial behavior (Horne et al., 2007; Snyder et al., 1999).

**Procedures**

This program consists of seven sessions, each lasting 45 minutes. Research suggests that groups for children older than nine should last forty to seventy-five minutes (DeLucia-Waack, 2006). Each lesson includes a warm-up, working stage with activities, processing of the activities, and a closing stage. Ideally, this group will be run after administering a universal conflict resolution classroom guidance curriculum to the entire seventh grade (Horne et al., 2007; Wilson & Lipsey, 2007).

Respecting cultural differences will be an important part of this group. Specifically, we will have one session which focuses on the methods different cultures use for resolving conflicts.
Addressing multiculturalism is essential because as diversity in schools increases, there are value clashes and behavioral differences that further aggravate cultural conflicts, leading to strained relationships between groups and further increasing conflict and violence in schools (Brinson et al., 2004). Graham & Pulvino (2000) (as cited in McGannon et al., 2005) found that school counselors who educated students on multicultural conflict resolution helped to build related skills and increased students’ positive views on conflict (p. 15).

Assessment

This program follows a pre-test/post-test design using the Conflict Orientation Pre-Test Survey and the Conflict Orientation Post-Test Survey. Another assessment method is the number of suspensions and detentions they received in the month prior to the group compared with the number received in the month after the group ended. A crucial aspect of our assessment of the program is our follow-up procedures. Although research has shown that adolescents have the ability to learn new behaviors such as anger management skills in a controlled environment, there is a dearth of evidence that adolescents are able to maintain these new skills in their natural environments (Snyder et al., 1999). This program tracks the students through eighth grade and requests a follow-up interview with the student and a parent/guardian to find out if the student was able to generalize the skills he learned in the group to other areas.

Conclusion

As Horne et al. (2007) wrote, “the current literature suggests that psychoeducational and counseling groups specifically developed to reduce aggression and bullying in schools and families do, in fact, work, and they seem to have outcomes similar to individual levels of intervention for problems of aggression in schools” (p. 270). Our program is designed to reduce conflict that can lead to violence and educate students about appropriate techniques to use when dealing with conflict. It is our hope that this program will reduce school violence and also
benefit students both in and outside the classroom. By reducing the number of fights they are involved in, students will be suspended less often and be more likely to graduate high school. In addition, being able to apply different conflict-resolution and stress-reduction techniques and understanding conflict resolution from a cross-cultural perspective will benefit group members throughout their lives.

Ideally, students who participate in psychoeducational groups similar to the one we designed will take the skills they have learned and apply them outside of school. However, more research is needed into the ability of students to generalize those skills. If our program were to be implemented, the suggested assessment methods would help contribute to the research on the effectiveness, generalization, and long-term maintenance of conflict-management skills.

References


Training evaluation tool #2: Conflict orientation survey. Retrieved from Wayne State University Conflict Resolution Services website: http://www.campus-adr.org/CR_Services_Center/content/trainingeval_2/


This paper describes two educational programs and how they use dialogue, creativity, and agency to address social issues in their communities. The first is the Loreto Day School in Kolkata that houses and educates 300 street children called the Rainbow Home. The second is the Winnipeg International Storytelling Festival that provides storytelling and workshops to over 10,000 students each year promoting peace and community. The analysis presented is the result of a larger study of nine different educational programs actively involved in their local communities. The educational programs include: the Human Rights Clinic at Al-Quds University, Free the Children Canada, and Alashanek Ya Balady at Cairo University, and four programs from the book *People Building Peace II: Successful Stories of Civil Society*. Although these programs are extremely diverse they have several threads in common with include open dialogue, creativity, and agency. These programs demonstrate that students are not simply passive consumers of education but can become active participants in their education and world.

The Loreto Day School in Kolkata successfully integrates students from a wide range of socio-economic backgrounds into the schools daily activities. Each student at the school plays several roles in their local and school community. The rainbow home on the roof of the school houses street children who participate in the student body of over 1,400 students from kindergarten to grade twelve. The rainbow children work by delivering food to elders living on the street. The children’s experience and skills from living on the street make them uniquely qualified to enter area’s that would not be safe for other children. Students, above grade five, tutor the children that live on the roof until they are able to attend school at their grade level.
Students in grade five and six make posters to inform children in the surrounding community of a CHILDLINE that provides support for children in need. The simple tasks of tutoring, making posters, and delivering food illustrate how easy it is for students to become involved in their local communities. All students, no matter what their living situation, contribute to the success of the school.

Another educational program that involves students working in their community is the Winnipeg International Storytelling Festival that occurs annually in the middle of May. The programming for the 2010 festival included a large group session with young activists and small group workshops. University students from the Mauro Centre for Peace and Justice had the opportunity to apply their skills by facilitating discussions with grade seven to twelve students during the festival. University students who took part in a course on youth violence were able to speak with youth about power, social issues, and student action. Facilitators, students, storytellers, and teachers discussed issues important to them in their local and global communities. Students and teachers from over twenty junior high and high schools developed action plans for how they could become involved in their communities. The festival runs in conjunction with a summer institute which provides training for teachers on how to use storytelling to address human rights and social issues. The program provides students and teachers the opportunity to connect with individuals from around the world. The next section highlights the importance of dialogue in these programs.

Dialogue between educators, students, and community members is an important part of the continuing development and success of these programs. The dialogue observed in each of these programs is unique because it provides individuals from different age, economic, and social groups an opportunity to share life experiences with each other. These conversations would not normally occur in the social structure of the student’s local community. At the Loreto Day School
students develop relationships with elders living on the streets, when an elder is experiencing poor health students inform the school, which can then take action. The act of delivering food creates nurturing, caring relationships between children and adults that have little family support. Facilitators at the storytelling festival were able to answer questions and direct school groups towards concrete actions in facilitated discussions. Student feedback also provides information to festival planners that direct the development of program themes and practices for the next year. Dialogue is an important tool to help individuals understand local issues, context, and cultures. To address the issues, which arise through discussion, the next factor that is important in these programs is creativity.

Social issues are a complex mixture of social, economic, cultural, and political factors, therefore creativity is needed to address each unique situation. Thinking creatively is what Sister Cyril Mooney did when she invited children to live on the roof of the school she manages. Sister Cyril saw children without safe homes and used the resources she had available to address the issue. At the Storytelling Festival students heard from Craig Kielburger and Hannah Taylor, two young activists that have use creative problem solving to help alleviate poverty in Canada and around the world. Both of these young people challenged social norms and looked for new ways to reach out to disadvantaged members of their local and global communities. While many social issues are complex, local knowledge and the ability to address issues creatively can result in simple solutions that create win-win situations. A student tutoring street children, not only helps these children reach their grade level, but also provides space for nurturing relationships between children from different socio-economic groups. Dialogue and creativity are extremely important but the examples above also illustrate the importance of action, which is the third factor that ties these educational programs together.
Relationships nurtured by dialogue motivate individuals to reach out to each other through actions. Surrounded by a support network these actions can initiate change in the larger community. All of these programs provide structures that support individual agency. Students at the Loreto Day School are taught to identify children in their neighbours that are working in domestic labour. Students then go to the homes, invite these children to play, which provides them an opportunity to speak with them, and advocate on their behalf to attend school. A school that attended the Storytelling Festival had been raising funds for Free the Children for two years and were able to present Craig Kielburger a cheque for over ten thousand dollars at this event. The opportunity to meet Craig was significant for the students, as his work had inspired them to raise money to build a school overseas. The more support organizations provide for student action, the more experience and confidence students will gain as they move into their future. Each community and individual is unique therefore structures that provide opportunities for students to become active citizens are also unique.

All of these organizations have used dialogue to understand their social environment, creativity in problem solving, and agency to address specific issues and obstacles. While the Storytelling Festival and Loreto Day School have some similar traits, their growth and development are unique to the individuals, situation, and cultural context. Each of these projects recognizes the dynamic nature of communities and the need to be flexible when responding to community needs. These cases also demonstrate the creative ability of individuals to adapt to new and challenging situations and the need to become actively involved in improving the lives of others. Education as a tool for building community is important for the future of our societies and the development of active citizens.

Organizational Links

http://www.loretosealdah.com/
http://www.freethechildren.com/
http://www.freethechildren.com/whatwedo/local/
http://www.tufts.edu/talloiresnetwork/?pid=286
http://www.tufts.edu/talloiresnetwork/?pid=279
http://www.ayb-sd.org/?home#history
Tina Robiolle

Woodrow Wilson International Center for Scholars

Building a Sustainable Peace: the Burundi Leadership Training Program

“The training came at the right time when the country is coming out of a period of great crisis. The citizens have torn each other apart. Thus, it is high time to sit down and, together, look at the past, manage our present and plan the future of our country.”

– A workshop participant

Introduction

When a country emerges from a long civil war, many challenges must be addressed in order to create the conditions for lasting peace. Burundi is no exception. In 2000, the Arusha Peace Accords, despite their deficiencies, did succeed in establishing ‘transition institutions’ (Government, Parliament and Senate).[1] Institutions, however, cannot work if the individuals who head them are not able to work together. In 2002, Howard Wolpe and Steve McDonald, later to head the Africa Program at the Woodrow Wilson International Center for Scholars (WWICS), launched the Burundi Leadership Training Program (BLTP) [2] after identifying four conditions imperative to create a cohesive and collaborative postwar leadership able to pursue democracy, development and economic recovery agendas:

− renunciation of the winner take-all mindset induced by war;
− restoration of trust and relationships among key leaders;
− rebuilding of leaders’ communication and negotiation skills;
− establishing consensus on the ground rules for sharing power and making decisions.[3]

Created by the Wilson Center as a local NGO, the BLTP originally began with these four crucial imperatives in mind. The immediate goal was to build a cohesive network of key leaders able to work across all lines of ethnic and political division in order to advance Burundi’s
reconstruction. Ninety-five strategically selected Burundian leaders received training in a broad range of leadership skills. This training process helps rebuild trust and communications to allow participants understand the importance of inclusive decision-making processes. It is a forum for hands-on learning through interactive exercises designed to enable the participants to learn and build upon their skills.[4]

The early success of the BLTP with mixed leadership groups led to several requests that this initiative be expanded. A number of spin-off activities have been implemented including workshops with the heads of political parties, the newly elected government of 2005 and the high commands of both the army and the new police.[5] The BLTP project was designed to address key leaders because, without their commitment to work together, sustainable peace was not possible. Leaders were chosen who had significant grassroots constituencies, including youth leaders, but, the organizers were not oblivious to the need for a grassroots-focused effort.[6] In this regard, the Community-based Leadership Training Program (CBLP)[7] offered an opportunity to extend BLTP’s training model to the task of community reintegration.

Thanks to these successful programs, the Wilson Center and the BLTP considered the time had come to launch a program with a new dimension. The purpose of this paper is to present BLTP’s latest initiative targeted at youth, a new step towards long-term development and lasting peace. This paper will explore the first results of this program in an effort to determine the lessons learned.

**Building the Capacity of Burundi’s Future Leaders**

The key to the consolidation of Burundi’s tenuous peace lies with its youth which comprises more than 32% of Burundi’s population. Inheriting a country still beset with division and uneven resource distribution, Burundi’s youth will be at the forefront of the transition from
post-conflict peace consolidation to sustainable economic development. In 2007, in order to
prepare future leaders, the BLTP developed a program designed to instill a culture of dialogue
and non-violent conflict management among the youth.

In 2008, the then Minister of Education [8] agreed to support this program targeted at
secondary schools. It was formally launched in 2009.[9] A program focused on secondary
schools is particularly important in Burundi given that schools were often the sources of the
recruitment of child soldiers and served as the incubators of ethnic polarization and outbreaks of
inter-communal violence during the war.[10]

The main goal of the program was to create a conflict resolution curriculum that would be
integrated into the Ministry’s civic education course. Students would learn how to view conflict
differently, not only to manage conflicts but also to prevent them through improved
communication and problem solving skills.

The program had three main components. First, was the reinforcement of relationships
amongst the main stakeholders – teachers’ unions, parliamentarians and Education Ministry’s
key officials – through a training module on collaborative decision-making as they would be
involved in curriculum development and evaluation. Second was the development of the
curriculum itself. Through interviews with teachers, students, unions and Ministry’s officials,
consultations with education experts at UNESCO and other international school systems, and an
extensive research effort on existing conflict resolution programs, the needs and means of all
concerned were identified. This resulted in two products – a teacher’s manual and a student
guidebook. The third component was a training program in the methodology, facilitation
approach and content of the curriculum. Twenty-two teachers from eleven schools were chosen
to be part of a pilot program (with emphasis placed on the ninth grade). This summer training
yielded feedback on the teaching materials. They were then tested successfully in September 2009.

During the pilot phase, the main difficulty in teaching this curriculum was overcrowded classrooms. In many Burundian schools, the average number of students reaches sixty. It is not unusual to find teachers struggling with more than one hundred students. Therefore the curriculum has been adapted to reflect this fact.

In December 2009, during an official meeting with the Ministry of Education, the curriculum was presented and validated for use in the three grades of high school. It was decided that it should become the introduction of the national civic education course. At the request of the meeting participants and the Minister, the BLTP was not only asked to extend the program to every high school but also to develop a similar curriculum for the middle and primary schools and for out-of-school children.

To address the Minister’s first request, the Wilson Center and the BLTP developed a proposal for a two-year program that they are seeking to get funded. The stated goals are 1) to train two teachers in every high school by September 2012 on the content of the civic education course, and 2) to develop and print a single document for the civic education course that will fully integrate BLTP’s conflict resolution curriculum as the introduction.

The teacher training and the final document that will be a result of this proposal will include the whole content of the civic education course as it has a great potential for peace education in general. Indeed, the Wilson Center and the BLTP have observed that this course suffers from a lack of coordination among the various actors involved in its implementation and are convinced there are interesting synergies to explore.[11]

Indeed, developed in 2005, the civic education course covers eight themes developed by different organizations. However, there has been no coordination on the teachers training on
these various themes as no joint training has been organized so far. As a result, only a few teachers were trained and almost none received training on all the themes. Moreover, no single document has been made available yet; and due to a lack of financial resources, only a few copies of the teaching materials can be found at the headquarters of the Ministry. As new contributors to the civic education course, the Wilson Center and the BLTP believe they should bring these organizations around a table with the Ministry of Education and work on joining their efforts in order to give the teachers and students access to the full content of this important course.

**First evaluation of the impacts of the conflict resolution curriculum**

Six months after the pilot phase, the BLTP had the opportunity to train sixty additional teachers and to follow up with the pilot schools’ teachers. Their feedback indicated that the curriculum is having a positive impact.

First, there is an effect on the students themselves. The teachers observe improved attitudes toward conflict as students become better skilled at nonviolent problem solving and communication. Prior to learning these techniques, many students were afraid to answer questions, for fear of being wrong or being made fun of. Thanks to the brainstorming technique used in the curriculum, which fosters a greater acceptance of their answers, the students feel more at ease participating. This was observed in all areas of school studies. Moreover, outside of the classroom, students start using the terms and tools of the curriculum amongst themselves. Now when there are tensions in the school, these students belong to the group who seeks a solution through dialogue.[12]

The second impact is a positive change in the relationship between teachers and students which affects positively the classroom climate. The teachers have been taught that they should have an answer to every question. If they did not know how to answer a student’s question, they
often replied they would get to this point later. One teacher realized that before using the participative method offered in the curriculum, when a student did not give the right answer, the teacher tended to dismiss him or her. This teacher explained that now he listens to the answers to his question and tries to guide the students especially by reframing his question.

Another example of this impact is seen in the story a teacher related. He explained that there was a student who had an important issue with some other students. He went to see the school director but was not satisfied with his answer. He then thought of organizing a hunger strike, but before doing so, he went to see this teacher – who did not even teach in his classroom. This teacher listened as the student described the situation and told him the option he was considering. The teacher talked with him and showed him that a hunger strike was not a good alternative as it would not satisfy his interests and could get him expelled from school. The student calmed down and realized that there were other options. This mediation was successful as the issue was resolved. Thanks to the content and method used in this curriculum, the students are more at ease to communicate with the teachers as they consider them more open minded and potential mediators.

Another impact was that the teachers reported an improvement in the academic results of the students of these pilot classes. Apparently, this conflict resolution curriculum seems to have an impact on the grades of the students in the other areas of school studies. They are more concentrated and show a greater interest in the classroom. One teacher explained that before the test, the ninth grade students were the ones with the weakest results in the school. Now, according to these teachers, these students obtain better results than the students of the other grades and they are the most interesting students to work with.
We credit much of the program’s achievements to these two essential elements: the Burundian teachers' wholehearted motivation; and the effective collaboration between key contacts at the Ministry of Education and the BLTP.

A hope for the future

“This conflict resolution curriculum really comes timely and is necessary in times of war experienced by African countries, particularly Burundi. It is very important we work with schools as the students of today are the leaders of tomorrow.”

– A teacher trained by the BLTP

According to Howard Wolpe, "the BLTP is designed to be a long-term process. We hope and expect that BLTP participants, for years to come, will collaborate with one another in stabilizing the Burundian transition and in guiding the country's post-war economic, social and political reconstruction".[13] With this new program targeted at youth, the BLTP is achieving its principal mission more than ever. It is not only necessary for a post-conflict reconstruction process but it will also help to imbed conflict prevention capacities in the demographic that will assume the mantle of Burundi’s future, the youth. Working with youth is really fulfilling as they represent the future of a country and the positive impacts of the program are already being felt. The next step is to strategically coordinate among all the peace-building organizations involved in order to make sure that these efforts will be coherent and fruitful.

There is a great hope that youth will develop a new way of thinking and seeing conflict, a new behavior that will give them the ability to work better together and enjoy a sustainable peace and development in their country, Burundi.

Notes & References

Mark For more information about the Burundian Peace Process, see Henri Boshoff et al. “The Burundian Peace Process, from civil war to conditional peace” in the ISS Monograph Series No 171, (June 2010).
2 The BLTP was originally launched with the support of the World Bank's Post Conflict Fund and the Office of Transition Initiatives (OTI) / US Agency for International Development (USAID).


4 Partnering in this initiative with the WWICS were ESSEC Institute of Research and Education on Negotiation in Europe (IRENE) and CMPartners. For a more comprehensive description of the BLTP training strategy and techniques, see Howard Wolpe, et al., “Rebuilding Peace and State Capacity in War-torn Burundi,” in *The Roundtable*, Vol. 93 (July, 2004): pp. 457-467.

5 These various workshops resulted in a number of identifiable and significant breakthroughs for all the participants which are reported in documents which can be found on the WWICS website page called the “Burundi Leadership Training Program Reports and Articles”: http://www.wilsoncenter.org/index.cfm?topic_id=1417&fuseaction=topics.documents&group_id=92370


7 CBLP is an OTI/USAID program developed in partnership the NGO African Strategic Impact (ASI) and with PADCO (Planning and Development Collaborative International). The BLTP was asked to train Burundian trainers in order to build local capacity for handling the issues and conflicts involved in the reintegration of returning refugees, displaced persons and ex-combatants. In all, almost 7,000 provincial, “colline”, and community leaders, both formal and informal, were trained. For more information on the results of the CBLP program, see Sommers Marc. “Final CBLP Field Evaluation Report”, (July 2006), p. 32. The report is available on the website of the Africa Program of the WWICS on the page presenting the “Burundi Leadership Training Program Reports and Articles” or accessed via: http://www.wilsoncenter.org/topics/docs/Final%20Field%20Evaluation%20of%20CBLP%20for%20Burundi-2006.pdf

8 Meeting of January 25th, 2008, with the Minister of Education, Saidi Kibeya, who stated “the schools can become the incubation unit of a new culture in Burundi; one without violence and one [that privileges] dialogue”.

9 This program has received the funding support of USAID East Africa.
The BLTP and the Ministry of Education did not forget the primary schools as less than 30% of the children get to secondary schools; they decided this program would be a first step towards a broader future implementation.

Based on author’s personal involvement in this initiative as a researcher, facilitator and trainer of trainers.

Another sign of the interest raised by this curriculum is the fact that students from other classes which were not part of the test have even trying to attend this course after having heard about it. Moreover, there was a strike in the schools during the pilot phase, most of the teachers were not working and most of the students were at home. Though, the teachers trained for this curriculum decided to maintain their participation to the test and their students were so interested in the content of this course that they attended every session.

See the article “Breaking Down Barriers in Burundi” on the WWICS Africa Program website page that presents the Burundi Leadership Training Program: http://www.wilsoncenter.org/index.cfm?topic_id=1417&fuseaction=topics.item&news_id=44130
Session IV: Panel 4A
Intergroup Conflict

The Kurdish Question in Turkey
Pelin Bas, Sabanci University (Turkey)

Recommendations for US Strategy in Afghanistan
Kaila Eisenkraft and Jamie Kirsch, University of Massachusetts Boston

An Examination of Identity, Violence, and Terror
Y. Elaine Stephens, Nova Southeastern University

'Till Death Do Us Part: A Critical Examination of al-Qaeda’s Most Successful Alliance
Erik Michael Iverson, Tufts University
The Kurdish Question in Turkey

INTRODUCTION

Ever since Kurdish question emerged in the process of nationalization and independence movements in Ottoman Empire, it has been one of the most challenging issues for Turkey. In different decades, it has been identified with different issues. In 1980s, it was a terrorism problem for Turkey, which created the idea that it was a domestic problem that had to be taken care of through military means. By the end of 1990s, it emerged as an issue of human rights and cultural rights of minorities, especially with the recognition of Turkey as a candidate for European Union. Today, as the issue is being discussed under “Turkish Opening”, referring to the democratization process, it is now being considered as an issue of rights. Throughout this process, with the changing identifications, the matter of discussion has also changed, evolved, and the issues mushroomed. With the ongoing discussions about the “opening process” started by Turkish government, whether it is sincere and effective or not, it is possible to see the involvement of international actors too. In fact, it has been a long time since Kurdish question transformed itself from a domestic issue to a conflict where international actors are involved.

In order to be able to discuss the current process, this paper will identify the key issues through historical process, actors and stages of the conflict from a conflict resolution perspective.

The Issues, Stages and Actors

- Issues

Starting in early periods of the establishment of Republic of Turkey, Kurdish question has been identified with different stages and issues. To start with the issues that have been discussed
until now, we can name them as independence demands, autonomy issue, human rights, political rights and cultural rights. In the times when Kurdish question started to be discussed, Kirişçi and Winrow argues that it was named as a “terrorism problem” by many state officers and military personnel of Turkish Military Forces and the response had to be through militaristic means. According to some other officials, in the best case, it could be named as “southeastern underdevelopment problem”. Yet, all in all, as the issue was perceived to be a separatist movement and the response was militaristic, for a long time, solution was considered to be attained through organizing military operations. However, with the internationalization of the conflict, changing perspectives and involvement of European Union in the conflict, many government officials acknowledged that it was not an issue that could be solved by military operations. In October 2004, for the first time, the European Commission defined the “situation of the Kurdish minority”, instead of referring to the cultural rights of the minorities, like they had done until then. After 2004, with the effect of European Union Progress Rapports and especially with the capture of Ocalan in 1999, Turkey also started to acknowledge the human rights issue to be related to the conflict. Broadcasting in Kurdish by TRT-6, and the establishment of Living Languages Institute are signs of enhancing rights. In fact, the topic of “Turkish Opening”, meaning the political and social developments, also brought a human rights based perspective to the issue. As Mesut Yeğen puts it, today, “Turkey’s Kurdish problem is a national, international, regional, political, sociological problem, contributed by economical progresses and globalization, experienced as an ethno-political issue until 1990s.”

• Parties to the Conflict

The primary actors of the contemporary phase of the conflict can be named as Turkish State, Turkish society, Turkish security forces, PKK, BDP (Peace and Democracy Party) which was established to replace the closed DTP (Democratic Society Party), Turkish and Kurdish
citizens of Turkey. However, when we have an overall look towards the conflict, we see the actors may vary. To give an example, before BDP, there were other Kurdish parties like People's Democracy Party (HADEP), banned in 2003 and People’s Labor Party (HEP) banned in 1993. In addition, even though military can be named as a significant party for now, between 1999 and 2004, when PKK declared a ceasefire, military’s significance was in decrease.

On the other hand, when we look at the involvement of the secondary and third parties in the process, the most significant ones are European Union, United States of America, NATO, NGOs, and sometimes we can also see the involvement of the neighbor countries. We can see that according to processes, the roles and significance of parties had also changed. Therefore, at that point, looking at the stages of the conflict is essential.

- Stages of the Conflict

Kurdish question has been through many different stages starting with different events. When the conflict became an armed one, with formation of PKK, it also started the early stage of the conflict in 1984 until 1987. The term between 1987 and 1991 is the escalatory stage of the conflict, starting with the declaration of emergency rule by Turkish state. The years between 1991 and 1999, represents the peak point of the conflict with the highest rate of death and military operations. The year 1999 is significant with the capture of Ocalan and Turkey’s acceptance as candidate to EU. It is also the year when PKK declared ceasefire for five years. Therefore, it is appropriate to name the term as negative peace term. However, in 2004, the conflict has entered to the escalatory process with the end of ceasefire and frequently launched military operations. Still, it is too early to define the contemporary situation, since the military operations and attacks are considerably frequent, deaths are common and the tension is high, it may be a part of the escalatory process or bring the beginning of the de-escalation process.

CONCLUSION
In the beginning of 1980s, Kurdish question was considered to be a terrorism problem, yet, through the years, it is now acknowledged that the problem can’t be solved by military means. On the one hand, Turkey’s nomination as a candidate country to European Union and Turkey’s capture of PKK leader Abdullah Ocalan had started a comparatively peaceful period, though the recent attacks damaged that. While the political developments offer opportunities to establish more peaceful relations, the spoilers’ attacks and polarization are considerably alarming. Because of long-lasting conflict, the effects of the conflict are deep and to start a peace process, a comprehensive agenda on human rights should be adopted and followed properly. If not, that process which can result in developments would be named as a significant missed opportunity and it would take a long time to have the necessary conditions to take a step like that in the future.
For decades, the transfer of power in Afghanistan has been beset by conflict, both domestic and inter-national (Blood, 2001; Dietl, 2004). Under UN and USA auspices, Afghanistan organized itself into a constitutional democracy in 2004 and instituted elections through which its citizens could select government officials (Bratton, 1999) and effect an orderly transfer of power. Second elections are critical for consolidating democracy (Bratton, 1999). Afghanistan’s second election of 2009, however, effectively illustrates how the efforts of one group to disseminate its norms to another group are undermined by incongruities between cultural norms (Ting-Toomey, 2002; Huntington, 1993). Instead of legitimizing democracy, Afghanistan’s 2009 election has proven problematic due to the dissonance between the individualist-based model of the election process and Afghanistan’s culture of collectivist decision-making. Sensitivity to Afghani group decision-making norms on the part of the USA and the UN might have prevented the 2009 electoral shortcomings.

While the process for reaching group decisions may vary according to the power structure within the group, decision-making in Afghanistan remains rooted in the collective. Authoritarianism is the rule for groups made up of dominant and subordinate members. The dominant individual will make decisions for the group and for its members. Afghani social structure consists of a network of qaums based on the patriarchal family (Blood, 2001; Wilbur, 1962) where the eldest male’s authority over the family is unchallenged (Wilbur, 1962). Variations on this authoritarianism permeate Afghani society to produce an autocratic and
oligarchical power structure (Wilbur, 1962). Afghan tribes – formed by closely related families – are led by chiefs (Wilbur, 1962). Among Tajiks (Afghanistan’s second-largest ethnicity) and in settled communities and cities, powerful families retain their leadership status as landlords (Wilbur, 1962). In villages, the headman makes decisions for the community (Wilbur, 1962). The rule of warlords contributes an additional dynamic to the authoritarian mix of Afghan society (Peake, G., Gormley-Heenan, C., & Fitzduff, M., 2004). Moreover, authority is of utmost importance in Islamic societies like Afghanistan’s (Wilbur, 1962).

In the case of groups of equals, decisions emerge from a consensus that coalesces out of group discussion. A democratic spirit is evinced in gatherings of elders or leaders in that they reach decisions for the larger group through consensus. Village councils or shuras, which are composed of the heads of families as family representatives, mediate internal and external disputes regarding honor, contracts, property, etc. and decide about relations between individuals, villages and tribes (Pejcinova, 2008). When an issue arises, shura members are summoned to discuss the matter until a decision is reached. Although in some areas of the country, the ascent of warlords has impinged upon the operation of shuras (Pejcinova, 2008), they continue to function up to the present (Perkel, 2009, September 28). Tribal councils or jirgehs operate in a similar fashion as shuras. They are assemblies of tribesmen that take decisions by consensus (Blood, 2001). Accordingly, authoritarian and democratic norms about collectivist decision-making co-exist in Afghan culture.

When legitimization of national issues is in question, a loya jirga, or grand council of influential leaders representing all Afghan protagonists and communities, is convened. Thus, in 2002, a loya jirgeh met to recognize the Karzai administration as a transitional government (Dietl, 2004). A loya jirgah met again to debate and ratify the constitution by consensus on January 4, 2004 (Peake et al, 2004; Afghans endorse, 2004, January 4). However, Afghanistan
did not use the mechanism of a *loya jirgeh* to address the national issue of selecting a president and parliament. Western-style elections were held instead.

The choice of an election over a *jirgeh* amounts to the selection of an individualistic over a collectivist decision-making process. Western-style elections, like Afghanistan’s 2009 election, take the individual as the basic decision-making unit. An election proceeds on the assumption that the individual citizen will show up at the polling site to record his or her vote. Thus, the fingers of Afghani voters were marked with purple ink to insure that each vote was linked to a single individual (Ghani & Lockhart, 2008; Filkins, 2009, October 22). In contrast, the basis for group decision-making Afghani-style is a social unit. The Afghan decision-making process, be it by the family head, the *shura* or the *jirgeh*, is essentially a collectivist process that springs from the family, not the individual. The dissonance between the individualist-based 2009 election and the Afghan decision-making culture arguably distorted the election outcome.

The initial results of the 2009 election indicated that the incumbent, Hamid Karzai, won (AFP, Afghani vote, 2009, September 29). Allegations of fraud, including vote buying, washable “indelible” ink used to prevent repeated voting, ballot stuffing and proxy voting over whole districts, the existence of 800 fictitious polling sites and unanimous balloting, led to a United Nations vote audit (Ghani & Lockhart, 2008; Filkins, 2009, October 22). About one-million of Karzai’s votes and 200,000 votes for his closest rival, Abdullah Abdullah, were rejected (Filkins, 2009, October 22). A run-off was averted when Abdullah withdrew from the race, and Karzai became the winner by default (Rubin, 2009, October 23). Although Afghanistan’s electoral crisis was resolved, the election has been roundly criticized as tarnished (Karzai’s tattered victory, 2009, November 7).

Voting anomalies, such as proxy voting, unanimous balloting, and absent voters, are violations of the individualistic one-person-one-vote standard of western elections. Their
meaning in a culture like Afghanistan’s, where the basic decision-making unit is a social one, is murkier. It may be that these irregularities arose from discomfort with the election’s unfamiliar decision-making process that made Afghanis turn to their familiar collectivist protocols instead. Some portion of the phenomena of unanimous ballots, proxy voting, or even absent voters at ‘ghost’ poll sites may have been the expression of collective decisions that were made at tribal and village meetings by shuras or jirgas. President Karzai’s suggestion that “Afghanistan is a tribal society where “people vote collectively”; it is not odd for everybody in a district to support him” deserves some credibility (Re-rigging Hamid Karzai, 2009, September 12). Thus, it remains possible that the voting irregularities did not thwart the will of the Afghani electorate regarding the election. Nonetheless, the tension between the individualist orientation of the 2009 election and Afghanistan’s collectivist culture reveals that the election was not an organic outgrowth of the country’s cultural norms.

The passage of time does not change this assessment. In 2010, Afghanistan had its second parliamentary election. It too was based on an individualist model of group decision-making and was accompanied by violence and allegations of widespread voting fraud (Rubin, 2010, October 17). At the same time, Afghanistan’s shura/jirga institutions remain alive and well. A loya jirga was convened in June to decide whether the government should negotiate with the Taliban (Afghan’s peace jirga, 2010, June 4)

Serious consideration should therefore be given to capitalizing on Afghanistan’s democratic elements by inserting the Afghani decision-making system into the election format. One possibility for the next election would involve summoning shuras/jirgas to debate about the candidates before each reaches a consensus about which candidate to support, how to rank alternatives to the preferred candidate, and whom to send to represent the group at the loya jirga, called to choose a winner through consensus. With the addition of ranked alternatives to the
choice of candidate, the *loya jirga* representative will be able to stay true to the will of his *shura* or *jirga* yet still have room to advocate and negotiate during the consensus-formation process. The use of these familiar decision-making mechanisms is more likely to gain Afghani cooperation and trust in the selection of government officials while the likelihood of spoilers emerging from a losing minority will be reduced through consensus decision-making (Treatment List 1). Yet, the drawbacks are real: women and younger men are effectively disenfranchised in the *shura/jirga* system and consensus-making can be time-consuming. Nevertheless, cultural sensitivity requires that Afghans be allowed to identify and address problems according to their own norms and expectations. The lesson for interceding powers is that sensitivity to local cultural norms may prevent tensions and misunderstandings about their interventions.

REFERENCES


An Examination of Identity, Violence, and Terror

Rooted in most every ethnic group is a sense of identity. One’s identity can help explain much about who a person as an individual, but also in relation to others. Identity is one way individuals (and groups) know who is similar and who is different. Efforts to sustain identity are created as “boundary maintenance” (Bornstein, 2002:17) against other individuals and groups and may resort to dehumanization and violence to provide rationale for their positions. Besides physical violence, spiritual, administrative, structural, political, and economic violence can do just as much damage psychologically, emotionally, sociologically, and economically. Over time, violence becomes ritualized for the victims, and the perpetrator. The consequence is a community conditioned to accept violence and terror as commonplace, and subsequently becomes part of a community’s culture. Ritualistic violence and terror have been used by individuals, such as the Unabomber (Mamdani, 2004) and groups, such as the Euskadi Ta Askatasuna (ETA) in Basque country (Zulaika and Douglas, 1996) and Ireland’s Unionist and Loyalists (Jarman, 1997).

While some forms of terror and violence are obvious (beatings, kidnappings, and bombings), structural violence “can work through the fear and trauma it produces” (Bornstein, 2002: 6-7). The use of material objects to establish identities is used to divide and depict others as inferior. Material objects (visual images, icons, parades, and murals) are used to create a uniform and easily recognized identity creating an us-versus-them environment furthering the notion of Other by creating exclusion of those with opposing sentiments. This leads to a systematic degradation of the Other making individuals (and groups) conditioned to inflict or receive these types of terror. By mythologizing the past through imagery transferred onto
material objects, the past is reshaped and reconciled with the present to pave the way to a desired future. The reenactment of rituals via parades, mural paintings, and other venues results in the systematic erosion of communities divided—along with degradation of one’s identity and glorification of another. Discussed here are: different types of violence and terror; the role material objects play in conditioning behavior; how material objects are used in conflicts to ritualize violence; and finally, the role material objects play in the establishing and sustaining of identity.

**Violence and Terror**

There are different types of violence: physical, structural, economic and administrative violence. Gillman (1997:1) defines structural violence as “physical and psychological harm that results from exploitive and unjust social, political and economic systems”. Bornstein (2002:6-16) outlines how structural violence permeated Palestinian life through activities that prevent one from getting a job (much less getting to their job), and makes individuals incapable of participating in society on the same level as those imposing the structure. For Palestinians, structural violence includes a ‘geopolitical border’ (2002:16). Borders can lead to structural violence by impacting the flow of the production and consumption of goods and services through the control of commodities and capital flow (2002:16). Structural and economic violence in the area surrounding the **Green Line** (Bornstein, 2002) has created a culture of rituals for essential everyday living. Color-coded identification cards create ethnic, geographic, and economic distinctions among Palestinians and Israelis (Bornstein, 2002). Palestinians are cautious about when and where they go; sneaking across checkpoints to get to jobs that earn very little (2002:1-17). These and other forms of systematic (2002:6) erode the Palestinian community by keeping people oppressed and preventing them from participating in the community and economy on an “equal playing field” (2002:6). Moreover, inadequate living conditions, under-
representation in the political system, overpopulated communities (i.e. refugee camps) compound negative impacts on the prosperity of Palestinians. Although all ‘residents’ and Israeli citizens are required to always carry their identification, Palestinian men can be asked to present their identification in its orange color-coded identification holder anywhere, anytime at the request of a Israeli policeman or soldier (Jarman, 1997:2). This results in long-term conditioning of a society living in fear with an overwhelming sense of inferiority.

Structural violence began in Ireland (circa 1690) with Anglican and Protestant colonizers settling the home to native Irish Catholics (Republicans). In the 1700s, parades were used to voice Protestant (Loyalists) middle-class demands of economic affluence into “political capital” (1997:37). Parading eventually became an institution expressing “cultural identity and difference”. From 1985-1995, the Loyalists parades outnumbered Republican parades by almost ten to one (1997:119). For Northern Irish and Palestinians, the historical and current state of affairs, as well as long-term effects has resulted from political, structural, and economic violence.

**Sand through the hourglass**

The effects of political, economic, structural violence become ritualized and thus part of the culture and psychological conditioning for perpetrators and victims (Linstroth, 2005). Like sand in an hourglass, unless one looks carefully, the societal damage may go unnoticed. To be effective, rituals need to be repeated over time to have meanings; such as identity and continuity for individuals and the group (Jarman, 1997:9). For Palestinians, never leaving home without identification, being cautious not to run away from or toward an Israeli policeman are subtle changes to daily routines to get through the day without being killed. For Israelis, the terrorizing of Palestinians at random becomes accepted practice and the ‘normal’ way of interacting with Palestinians. After an extended time with a Palestinian family (and brush with Israeli law), Bornstein (2002) recounts changes to his daily routine that included a heightened sense of
caution when walking at night and resisting a knee-jerk reaction to run with the sounds of an on-
coming car. He explains how personal experiences and community accounts take over the mind
and lead to victim compliance—the effects persist long after an incident has occurred (2002:8).
Rituals of constant persecution of a group creates “space of death” (Taussig, 1987: 121) used to
control and oppress another. Over time, visual imagery and material objects can be as effective
in conditioning oppression, or create a unified sense of identity among oppressors.

**Material Objects**

Shared meanings are achieved through social memory and validate meanings for groups
(Jarman, 1997:13). Visual displays like parades and murals serve to promote nationalism, but
also as a way of linking the mythologized past to the perceived political reality of the present in
an effort to promote the desired state of the future (Jarman, 1997: 3-5; 107). Jarman (1997) notes
the color of King William’s horse portrayed in Loyalist’s commemoration paraphernalia as being
white. There is no historical contexts noting the color of King Billy’s horse, dated paintings have
Billy mounted on a dark horse. Yet, it is the white horse that serves a symbol of “spiritual purity
of the heroic subject” used in parades and murals (1997:173-77). Such symbols serve as
commemoration for Unionists. These traditions and symbolic realism of icons work to keep
each side entrenched in their positions. Both sides used murals to keep the spirit of the parade
long after the parade season has ended (1997:18). As of the mid-1980s paramilitary images
became predominate visual displays (1997:209). In Belfast, murals reinforce “distinctive local
explains how ETA members are memorialized in portraits as well-lit focal points in gathering
places; similar to Loyalists and Unionist of Northern Ireland using murals to elevate heroes and
martyrs to icon status. Conversely, images held in low regard by the Spanish, (i.e. burning the
Spanish flag by Basques) serve as powerful representation of contempt of the Spanish
government and its position of Basques, but also provides as a symbol of their political cause.

Ironically, the same material object can have multiple, and often opposing meanings. In
Northern Ireland, parades are viewed by Unionists as expressing their culture and civil rights, as
well as affirmation of their constitutional status. On the other hand, the Unionists parades serve
only as cue that Nationalists are merely second-class citizens (Jarman, 1997:129). Moreover, the
Spanish flag is a powerful symbol with very different interpretations. For the Basque, the
Spanish flag is a sign of oppression and the government denying sovereignty. The same flag is a
symbol of pride for the Spanish, linked to their long and proud history (Linstroth, 2002:215).

Conclusion

Both oppressors and victims seek desperately to cling to identity as well as use that sense
of identity to differentiate those who differ. Physical violence is one way groups attempt to
oppress, dehumanize, and victimize one another; structural, economic, and political violence can
also be used to divide communities and erode a society. This division is demonstrated between
Unionists and Loyalists in Northern Ireland, Palestinians and Israelis in the West Bank, as well as
the Spanish and Basques. Barring geographic boundaries, these groups use visual images and
material objects to make powerful statements about their respective group’s political positions.
These images and material objects include flags, mural paintings, and parades. Through
glorification of the past these material objects and images they depict, serve as constant
reminders to the positive sentiments the groups have of themselves and negative sentiments of
each other again fortifying a sense of solidarity regardless of side of the fence one may be on. In
all three cases the result has been the same; an erosion of communities. It is difficult to say what
is the best step for any of these groups to repair the psychological, sociological, and economical
impacts of violence, it is important to remember that at the root of their political positions, is
their desire to preserve their identity—which lies at the heart of their actions. Perhaps here the
discourse can begin.
Since at least 2001, al-Qaeda has diversified away from a traditional hierarchical structure and grown increasingly dependent on two types of collaborative arrangements: affiliation with other non-state armed groups and the mobilization of unaffiliated “self-starter cells” across the world. While much of the literature since September 11, 2001, has examined the vexing threat posed by “self-starter cells,” this paper will examine the relatively understudied phenomenon of inter-group affiliation and alliance.

In the wake of the global counterterrorism campaign sparked by the 9/11 attacks, al-Qaeda has shifted its strategy and organizational form. As a matter of necessity, it now depends more on exhortation and ideological suasion than direct control to execute operations and implement its strategy. Today, the core element of al-Qaeda, commonly referred to as “al-Qaeda central,” leads a network of dozens of alliances of varying strength.[1] Al-Qaeda is allied with a variety of actors including insurgents, terrorists, militias, and criminal organizations. Policy-makers are profoundly interested in understanding what types of organizations are likely to collaborate with al-Qaeda, under what circumstances, and why. The current discourse regarding the strategic relationship between al-Qaeda and the Afghan and Pakistani Taliban is emblematic of a broader knowledge gap regarding inter-organizational collaboration among non-state armed groups.

To begin to answer these questions, it is important to examine the history of al-Qaeda’s relations with its peer organizations. What characteristics distinguish the organizations that al-Qaeda has allied with in the past? More to the point, what attributes make some alliances
particularly successful? Must allies share a common ideology, espouse the same goals, or employ the same strategy and tactics? To this end, it is instructive to examine one of al-Qaeda’s most successful alliances in order to identify those factors that are likely to shape the type and trajectory of the organization’s strategic alliances in the future.

Al-Qaeda’s alliance with Egyptian Islamic Jihad (EIJ) presents a uniquely appealing case study. Al-Qaeda and EIJ have now interacted for over 20 years. They have progressed from independent co-existence to strategic alliance in 1998 and eventually an outright merger in 2001. To date, they have completely integrated functions ranging from organizational leadership to finance to field operations. This case study will present the al-Qaeda/EIJ alliance as an extreme test of the organizational attributes associated with alliance success among Salafi jihadist groups. This paper summarizes the findings of a structured comparative analysis of each organization according to the Shultz-Farah-Lochard non-state armed group analytic framework.[2] Detailed comparison of each organization’s leadership; rank and file membership; organizational structure, functions, and resources; ideology and political code of beliefs; strategy and tactics; and linkages with other state and non-state actors will suggest which organizational attributes are essential to successful al-Qaeda alliances and show more conclusively which attributes are not necessary for alliance success.

Although external matters of historical context were an indisputably significant factor motivating EIJ and al-Qaeda to ally and eventually merge, the attributes of each organization would ultimately determine the success of this unification. This paper summarizes the congruence of EIJ and al-Qaeda’s attributes along six axes: leadership; rank and file membership; organization, structure, functions, and resources; ideology; strategy and tactics; and links to external actors. Each of these variables will be assessed from the late 1980s through the EIJ/al-Qaeda alliance of 1998.
Key Analytic Considerations

On balance, structured comparison of the organizational attributes of EIJ and al-Qaeda reveals greater similarity than distinction. At the most basic level of analysis, EIJ and al-Qaeda were most different from one another in the areas of strategy and tactics and rank and file membership. This alone indicates that terrorist organizations are capable of overcoming asymmetries in both of these areas to forge successful alliances.

However, a more thorough analysis of the six variables considered in this paper must take account of four complicated dynamics. First and most obviously, certain variables may be significantly more important than others. For example, analysis of the literature on EIJ and al-Qaeda would suggest that ideological agreement can have a cascading effect that eventually generates convergence in other areas including strategy and tactics. Second, the degree of similarity between organizations with respect to a single variable can fluctuate. For example, EIJ and al-Qaeda ideology was remarkably similar while their organizational structures were comparable but not identical. Third, different combinations of variables may generate entirely distinct outcomes. In other words, interaction effects among the variables considered suggest that certain variables may be necessary for alliance success given a set combination of variables but unnecessary in another context. Lastly, the variables considered are dynamic over time. Any assessment of the similarity between variables must generalize the status of each variable over the period assessed. In the case of this paper, variables were assessed over the period 1980-1998.

Summary Conclusions

In this case study, three variables emerged as the most powerful contributors to alliance success: ideology, leadership, and external linkages. The shared Salafi jihadi ideology of both groups enabled convergence in other areas. The leaders of EIJ and al-Qaeda espoused a common ideology and worldview, were all charismatic, and enjoyed direct relations with one another.
across organizational boundaries. As a result, they both grew adept at collaborating with external actors in their space.

EIJ and al-Qaeda were most similar with respect to ideology and approach to external linkages. They were most distinct in the realm of strategy and, to a lesser extent, tactics. On most other variables, EIJ and al-Qaeda were generally more similar than distinct.

The research supporting this paper suggests strong interaction effects among the variables studied. In particular, the combination of leadership similarity and ideological agreement appears essential to achieving strategic and tactical symmetries in the long run. This would suggest that although tactical and even strategic collaboration cannot be ruled out in the absence of leadership and ideological agreement, it is unlikely to stand the test of time. Similarly, early dissymmetry between EIJ and al-Qaeda recruit profiles may actually have facilitated sustainable collaboration between the organizations’ respective leadership. In its own history, EIJ maintained an acrimonious relationship with some other groups, in large part, due to the fact that they were competing for the same pool of recruits.

Naturally, elements of EIJ and al-Qaeda evolved and changed at different rates over time. The strategy and tactics of both organizations changed most dramatically in the years preceding their alliance. It is not coincidental that this is precisely the variable that initially proved most distinct between the organizations over the time period in question. Direct ties between the organizations contributed to a process of convergence in this area and others that would eventually result in the broader alliance that became the backbone of the global al-Qaeda network.

Notes

1 Al-Qaeda, Jane’s Insurgency & Terrorism, Group Profile, Posted 12-October-2009.

**Bibliography**


Harmony Project, *Harmony and Disharmony: Exploiting al-Qa’ida’s Organizational Vulnerabilities*, (Combating Terrorism Center at West Point: West Point, NY, 2006).

Harmony Project. *Al-Qa’ida’s Structure and Bylaws*, United States Military Academy at West Point: Combating Terrorism Center, Harmony Database, Document ID AFGP-2002-600178, Date unknown.


Zimmerman, John C., “Sayyid Qutb’s Influence on the 11 September Attacks,” *Terrorism & Political Violence* (Summer 2004), 223
Session IV: Panel 4B
Reconstruction, Reconciliation & Development

Participatory Development Design in Rural Western Kenya - Using PRA Methodology to Consider Development Options in Ileho, Kenya
Cynthia Abatt, University of Massachusetts Boston

Immigration Discourses in the United States: A Positioning Analysis
Gina Marie Cerasani, George Mason University

Culture, Conflict Resolution and the Legacy of Colonialism
Melissa Gang, American University

Human Rights in Truth and Reconciliation: Amnesty and Reparation in the Liberian Commission
Allyson Krupar, American University
Participatory Development Design in Rural Western Kenya – Using PRA Methodology to Consider Development Options in Ileho, Kenya

Introduction:

It seemed like a relatively straightforward idea, perhaps even an inspired one. Rather than follow the traditional thinking in development design I would go and survey the community on what kind of development projects they wanted.

Collaborating with my long time Kenyan colleague, Oscar Siema Mmbali, I designed a 37-question survey for people about development needs for the village of Ileho in Western Province, Kenya. I went during May and June of 2010 to administer it.

Background:

The forest village of Ileho, pop. 65,000, has a high level of illiteracy and a shortage of resources. Many have chronic food insecurity and there are a large number of orphans to feed and care for. Education is beyond the reach of many rural families. Most of the respondents live on far less than a dollar a day.

The objective was to ask the villagers what development initiatives they would like to participate in then determine the capacity to implement these initiatives. We would use this to write proposals and apply for funding. The survey was 37 questions for women and 29 for men, mostly qualitative.

Implementation:

I arrived in Nairobi with the survey in digital form. Coming with them printed didn’t seem in keeping with the PRA nature of the project. Oscar assured me we would have no
problem getting printing services in Ileho. I soon met Halema, owner of the local photocopy shop. There were going to be pagination and printing challenges. I had to lower my standards quickly or I would have no project at all.

It took six days to make 500 copies, never mind the 1,000 I had originally wanted. As the surveys were done we started talking to people and as it turned out, this one action fed the rumor mill wildly. Oscar originally wanted to administer as many as possible in one day and I didn’t understand his reasoning. I thought it unrealistic to try to do 500 surveys that way. After all, it was taking some of the less literate people three hours to complete. Oscar had been partly right because as soon as word of this project spread, the misinformation about me and about the survey was right there with it. What was this white person really doing in the village?

Some of the answers came out after long after I left Ileho.

<table>
<thead>
<tr>
<th>What causes unequal treatment by the council?</th>
</tr>
</thead>
<tbody>
<tr>
<td>38% Favoritism</td>
</tr>
<tr>
<td>49% Bribery</td>
</tr>
<tr>
<td>13% Tribalism</td>
</tr>
</tbody>
</table>

Challenges, One by One:

On the questions about local leaders in particular, answers were erased and re-written by a couple of the survey assists in what I later decided was an exercise in either mindless
corruption or small politics. I had to find a tactful way to start taking the surveys away immediately after they were finished, not in keeping with a PRA process. This was the beginning of my personal conflict between taking more control of the project to insure some measure of quality or delegating it as planned and changing my expectations. Our understanding of science and capacity was different, to be sure. In the end the product and quality I got was more a measure of people’s willingness to take the time to think, albeit together, about what they thought was most important. As far as those surveys with erased answers were concerned, when entering the data later if I could read what had been erased I used that, or I noted and eliminated the suspect answers altogether.

I presented a challenge to the villagers because I the first white person that most had seen up close and I was a woman wearing shorts in the village. I held a digital camera, drank bottled water and used ‘something like lotion’ (sanitizer) on my hands. When presented with the survey they struggled to find the right answers, the ones they thought I wanted to see. This spilled over into copying answers. Later I learned that I was up against a long-standing cultural practice,
that not all people speak in all places or on all occasions. In fact sometimes if people are asked their individual opinions, they often ask the group what their opinion should be.

The other challenge was being an American. Two of the beliefs in the village about Americans are that we made the HIV/AIDS virus to kill Africans, and that condoms from abroad are poisoned in order to indirectly reduce fertility among Africans.

My appearance and persona was enough to stop many people from being able to discuss their real concerns.

**The Power of Myth and Misinformation**

When President Obama visited Ghana in October of 2009, local radio stations reported that he refused to visit Kenya. More recently the International Criminal Court sent investigators to Kenya to look into the post-election violence of 2007/2008; both the village of Ileho and the neighboring town of Kakamega had been affected by this violence. These two events together were enough for some people to decide that I must be either a detective or a spy for Obama. They were not going to ask me what they really wanted to know.

Then there were the rumors about the project itself. The first group of people I met with spread the wrong information about the research. They said a muzungu had come from America with forms for people to fill out so they could get what they needed. Consequently, villagers walked as far as 12 miles to come and participate. Some people refused to answer the questions, not believing it was a voluntary exercise. Others demanded that the research assistants give them something in exchange, since they heard that muzungus bring things for people.

These were some of the conflicts that affected my project. Some I had expected and some neither I nor Oscar would find out about until later. People were comfortable with giving answers they had discussed beforehand and knew the community would approve of.
Fear is probably the most difficult of the social adversaries. When presented with a situation so different from their daily experience, some are just at a loss for words and actions.

**Conclusions and Recommendations:**

This project was as much a window into the lives of the people in this village as it was the collection of information. People talk a lot about the social context when developing research projects, this is the reality of that social context. Myths, preconceived notions and misinformation are dangerous to a community in insidious ways. If I had gotten discouraged and given up, those myths, rumors and misinformation would have taken on real power and had a direct impact on development progress in the community.

Much of the real truth came out well after the fact. Oscar and I email or Skype a couple of a times week, as we always have, and we discuss these problems candidly and frankly. Ultimately summoning some grace, tact and diplomacy in confronting the problems worked well.

One of the projects we thought of out of this experience was to address the power myths have in keeping people from living better lives. An educational project to compile and dispel myths that affect their quality of life is our next topic of conversation.

In the end I had little choice but to be myself and look upon this as survey process as a foundation upon which a future relationship can be built.
Introduction

Positioning Theory, developed by Rom Harre, rejects the static idea of ‘roles’ assumed by individuals in favor of more dynamic ‘positions’. The theory explains the development of positions as the emergence of an individual’s sense of self, “constituted and reconstituted through the various discursive practices in which they participate.”

Positioning is constructed through discourse and changes continually due to the dynamic nature of discourse. Positions themselves are revealed through discourse, socially significant acts, and the meanings attached to such actions. As such, discourse analysis is the means through which the positions of individuals and groups can be discovered.

This paper will employ positioning theory to explore the formation of social identity, particularly the identity of those who live in communities in the United States that have experienced recent large influxes of Latino immigrants. In the Washington, D.C. metropolitan area, the community of Prince William County in Northern Virginia offers a well-documented case of such discourse. The film “9500 Liberty,” initiated as an “interactive, online documentary” on YouTube, follows the immigration debate in Prince William County.231 This paper analyzes the remarks (from “9500 Liberty”) of one prominent community member, and

---


231 9500 Liberty. http://www.youtube.com/user/9500Liberty
shares the positions they reveal. Furthermore, it analyzes the relationship between these positions and the social identity of this community.

**Positioning Theory, Positioning Systems, and Discourse Analysis**

Through conversation and other discursive practices, positioning theory proposes that a “social reality” is constructed through acts, including “speech-acts.”\(^\text{232}\) Harre explains that the act of positioning “refers to the assignment of fluid ‘parts’ or ‘roles’ to speakers in the discursive construction of personal stories that make a person’s actions intelligible and relatively determinate as social acts.”\(^\text{233}\) Within a positioning system, positions, acts, and storylines are linked to one another and influence one another. As Figure 1 depicts, such a system is created when these phenomena interact with one another.

![Positioning System Model](image)

**Figure 1: Positioning system model**

Storylines are created as a pattern emerges in discourses regarding a socially significant act. The act in this system consists of both the actor doing something (acting) and the meaning society gives to the action. Positions are sets of rights and obligations based on morality and/or political, cultural, religious, familial, or other types of order.

Individuals and groups position both themselves and others, referred to by Harre as self and other positioning. Both positionings occur simultaneously, as when “somebody positions

---

\(^{232}\) Harre, 15.

\(^{233}\) Harre, 16.
him/herself, this discursive act always implies a positioning of the one to whom it is addressed.” For example, in the case of the immigration conflict in the U.S., those who refer to themselves as law-abiding citizens whose ancestors came in the “front door” (using that term to indicate they entered the U.S. lawfully) simultaneously position undocumented, and perhaps all, immigrants as lawbreakers.

It is also important to note the distinction between first and second order positioning. Second order positioning can best be recognized in cases which first order positioning is challenged. Harre offers an example in which one party asks the other to do something, thereby establishing that the first party has the authority to direct the second party to complete a task. If, however, the second party questions the authority of the first and does not comply with the direction, a second order positioning has been established.

**Formation and Transformation of Social Identity**

Identity is relational and revealed in reflection upon encounters with others. Without these encounters and the reflection on their meanings, it is not possible to recognize identity because it does not exist as an entity divorced from social contact. Individual and group identities are revealed through positioning systems. The salience of identity is contextual, however, and one identity may become more or less salient in a different context.

Social identity theory “assigns a central role to the ‘natural’ human tendency to partition the world into comprehensible units”. Ibari explains:

An individual’s social identity is clarified through comparison with other individuals and groups, the individual’s desire for positive self-evaluation providing the motive for differentiation between the in-group and the out-group. Categorisation produces the search for distinguishing features through social comparison, where the need for positive

---

234 Harre, 22.

235 Harre, 22.

236 Ibari, 124.
identity or self-esteem is generated through selective accentuation of inter-group differences that favour the in-group.\textsuperscript{237}

The distinction in the immigration discourse between “legal” and “illegal” immigrants in the United States is an example; these categories help us make sense of the world and provide those in the “legal” category with a positive social identity. Ibari contends that problems emerge “when inter-group differences are ‘highly institutionalized and ideologically legitimated’” and “discriminatory practices may become ritualized and habitual: an unproblematic background to daily life which attracts little attention.”\textsuperscript{238}

In Prince William County and several other communities across the U.S., inter-group differences have become institutionalized through local ordinances and other similar regulations. Through these institutionalized practices, one group in a community is positioned as criminals, and this categorization seeps from those who are in the U.S. without documentation to those who look like they may be “illegal” immigrants because they have dark hair, brown skin, and/or speak Spanish.

**Discourse Analysis in Prince William County**

The aim of this discourse analysis is to offer a glimpse of the positioning system in Prince William County, revealed through remarks made to the County Board of Supervisors (on October 16, 2007) by an individual in a leadership position with the self-proclaimed anti-illegal immigrant group, Help Save Manassas. In a portion of the meeting dubbed “Citizens’ Time,” several county residents expressed their opinions to the Board of Supervisors regarding a “rule of law” resolution that would deny certain county services to undocumented immigrants, as well as

\textsuperscript{237} Ibari, 124.

\textsuperscript{238} Ibari, 126-27.
require police officers to check the immigration status of anyone in their custody they suspect is in the U.S. without legal documentation.

**Remarks to PWC Board of Supervisors:** It’s not about economics. I’m going to tell you right now what it’s about. It’s about an invasion of this country. This country is being invaded no less than if hordes of armed people came across its borders. This invasion is not armed, but they’ve got weapons. The weapons they use are their anchor babies and your empathy, your sympathy for people. That’s what they use against you. Those are their weapons. This invasion is being funded by foreign governments. It’s being encouraged by foreign governments. We are being invaded. We’ve been left alone by the federal government, by the state government, and by you. And if you haven’t paid attention to anything anyone today has said to you, if you don’t remember, mark these words, mark these words: We are going to repel this invasion. One way or another, it will be repelled. You can either be part of that repulsion or you can be part of the other side.\(^{239}\)

**Analysis:** He positions immigrants as dangerous and a threat to America. “Invasion” is a forceful word that conjures up images of Latinos marching across the border. He positions himself and others who share his views as victims of an incompetent government. He also counters that notion, though, by positioning himself as a fighter, as evidenced by his statement, “We are going to repel this invasion.” Furthermore, he creates a clear us/them dichotomy when he tells the Board of Supervisors (and presumably the rest of the community), “You can either be part of that repulsion or you can be part of the other side”.

**Storyline:** This is a war, started by the act of migrants crossing the border. We will fight against those who cross the border, those who have already crossed and are living in this country, and those who sympathize with them.

**Conclusion**

Through discursive practices, individuals and groups position themselves and others, thereby creating in-groups and out-groups, and forming and transforming their own social

\(^{239}\) [9500 Liberty. http://www.youtube.com/watch?v=KuvFhB1k3x0]
identity. Identity is relational in nature, and thus is formed and transformed through episodes that include encounters with other people, and the meaning that is created from those encounters upon reflection. Through the practice of discourse analysis, one can reveal the positions that are frequently hidden. These discourses often expose the categories and stereotypes that fuel a community conflict.

References


Melissa Gang

Culture, Conflict Resolution and the Legacy of Colonialism

This paper argues that due to the momentum of the influence of Western conflict resolution systems during colonization, cultural values of the indigenous people in Cameroon and Vanuatu were altered such that their traditional conflict resolution methods are rendered no longer applicable. Cameroon and Vanuatu share a number of interesting characteristics, including dual colonization (jointly colonized by France and Britain), a history of subsistence agriculture, and rural areas based on a village system even today.

African scholar Mahmood Mamdani argues that despite claims of democracy, the governing systems created and employed by colonial state are examples of decentralized despotism. This term covers both indirect rule and the locus of power among key figures in the colonial and native authorities who were granted the ability to dispense justice or determine law at will. The system was designed to racialize civil power and tribalize customary power to enable universal control by and favoritism of the colonizing body (Mamdani, 1996). It was regrettably effective not only in sustaining political influence and economic control long after its conclusion, but also in crippling the local chiefly governing system.

Decentralized despotism was based on a dual legal system that incorporated both the political establishment of the colony and the customary authority for dealing with traditional native matters. From this dual court system sprung further discrimination and systemic oppression; the values of the 'preferred' system quickly superseded those of the original.

Oppression woven into the institutionalized fabric of society, such as the dual court system, is a form of structural violence, a term originally credited to conflict resolution theorist
Johan Galtung (1969). Structural violence is a form of violence based on the systemic ways in which a society will employ structure or social institutions to prevent people from meeting basic needs.

The customary courts contributed to the dissolution of real customary tradition. The institutionalization of customary practices invalidated their very customary aspect. Customary courts today are not known for the level of confidence or satisfaction they instill in the local population, but rather for bias, tribalism and corruption.

Colonialism taught natives through policy and behavior that as people they were inferior, that their cultures were primitive, and that their social infrastructure was substandard. Native groups internalized their victimization through a denial of their identity and heritage and an absence of security and participation (Fisher, 1993). Self-hatred bred mistrust and a sense of powerlessness among indigenous populations still visible today.

Conflict resolution theorist Edward Azar proposed that the deprivation of basic human needs was among the main factors influencing certain conflicts (Azar, 1986). "The source of protracted social conflict is the denial of those elements required in the development of all peoples and all societies, and whose pursuit is a compelling need in all" (Azar, 1986: 29). Though most physiological needs of natives were still met during colonialism, human needs such as safety and identity were in constant peril.

Cultural values also clashed on a deep, subconscious level; standards of conduct set by law or fashion, immediately visible on a superficial level, changed rapidly. The values underlying these standards of conduct have been distorted since colonialism, reeling from the force of the cultural collision. The most salient feature of the traditional societies of both countries, collectivism, was apparent in conflict resolution as well as in everyday life. The collectivistic nature of conflict resolution centers on the restoration of social relationships, an end in which all
in the community holds a stake. The need for social harmony is a central tenet of informal conflict resolution. Justice acts as a means of restoring broken relationships and repairing the social fabric of which all society is built.

Britain and France are, and were at the time of colonialism, much more individualistic societies, evident also in their respective justice systems. Justice focuses upon the perpetrator, frequently disregarding the context of that person's actions. Formal courts function and decide cases on the individual efforts of a few key participants such as the barristers and the judge. It is barristers' ability to articulate and argue their case that to a large extent determines the outcome.

Another mechanism for cultural contrast is Edward Hall's concept of high- and low-context cultures. Context is the "unspoken, unformulated, unexplicit rules governing how information is handled and how people interact and relate" (Hall, 1976: 112). These are representative of what information people take in, either consciously or unconsciously, information that gives meaning and structure to experience (Hall, 1976).

People in high-context cultures value and process information that people in low-context cultures would find irrelevant at best. The high-context nature of village culture demands that circumstantial information, relationships, and other details are taken into account when considering a criminal or civil case. Traditional conflict resolution forums in Cameroon and Vanuatu are replete with examples of the high-context nature of these cultures.

The low-context nature of Western conflict resolution tends to prioritize verbal counterpoint over symbolic gesture. Such a preference for linguistic discourse can be uncomfortable for high-context people. "A fixation on the exchange of the word tends to frustrate and disempower those who engage in reconciliation through gestures, symbols, emotions, and shared work" (Gopin, 2002: 37).

Nowhere is the impact of the cultural collision between colonist and colonized more
evident than in the deterioration of local conflict resolution systems. In Cameroon, traditional
councils which had formerly fulfilled the responsibility of resolving conflicts were now untrusted
and untrustworthy. Recent assessments done in Kumba, Cameroon indicated that most
community members recognized the main function of the village council was to maintain peace
(58%), but also noted that the council did not treat everyone equally, mostly due to favoritism
and tribalism.

Kumba, Cameroon, 26 June 2009.

A significant portion (39%) of the village councilors themselves cited lack of faith in council
process as the main reason that community members would take a dispute to an alternate forum.

Kumba, Cameroon, 26 June 2009

One councilor stated that he thought people wouldn't take a dispute to the village council if they
thought the council wouldn't handle the matter well (Bombe Village needs assessment, personal
communication, 24 June 2009).

Traditional conflict resolution systems in Vanuatu are currently suffering from the same
lack of effectiveness, most likely due to the evolution of cultural values from restorative justice
to retributive justice. Sori ceremonies still happen with regular frequency, but the recurrence of
conflict and continued strife imply that these ceremonies failed to restore relationships as
planned.

The formal courts in Cameroon are perceived as more just than the traditional system, in
part because of perceived fairness, and legal and institutional power by association with the state.
The idea that the formal courts can provide justice through power was echoed by some of the
people who brought cases to the court. One of these people related that she came to the high
court to see an official who had "the power and authority to command people to give
justice" (High Court Interview F2, personal communication, 12 August 2009). In reality, the
formal court cannot effectively command people to attend any more than the traditional councils could do.

The dominating, oppressive force of colonialism superimposed a system of justice premised on completely different social values. British and French judicial systems embodied disciplined, unbiased, regulated social institutions built to guarantee retributive justice. The resulting collision of these two opposing cultural perspectives on conflict resolution left post-colonial societies with functioning but inadequate options.

References


Allyson Krupar

American University

Human Rights in Truth and Reconciliation: Amnesty and Reparation in the Liberian Commission

Truth commissions and transitional justice are controversial in terms of human rights promotion due to the duplicity of amnesties and the frequent inability to repair, through compensation or other means, individuals and communities who suffered during conflict. The following section looks at the impact of the Liberian Truth and Reconciliation Commission (TRC-L) on human rights promotion. While it is too early to make generalizations, with the TRC-L’s final report published in December of 2009, the process and findings signify that the continual impunity of perpetrators hinder the expansion of human rights in post-conflict Liberia. The case presents important lessons that create a precedent in transitional justice and rebuilding.

The recommendations of the TRC-L establish that those in power today are complicit to crimes committed in the past. The final report elaborates on the divide throughout Liberia’s history between the few privileged elite, the Americo-Liberians and the majority indigenous population. The privilege of the minority fueled the war and now fuels the silence in response to the TRC-L report.240 Government officials, many of whom were named as those who should be prosecuted for war crimes and crimes against humanity, and more still as those who should be censured from public office, have much to lose by honoring the report’s findings. The use of public sanctions against current politicians raises a dilemma for human rights activists. Applying public sanctions to an individual who has not been tried by a judicial body is a violation of the ICCPR that states that: “Every citizen shall have the right and the opportunity […] to take part

in the conduct of public affairs, directly or through freely chosen representatives.” In terms of the promotion of human rights, the TRC-L’s use of public sanctions contradicts human rights treaties of which Liberia is a signatory.

The duplicity of amnesties in the TRC-L undermines the recommendations for prosecutions. Perpetrators who testified before the court, regardless of their crimes, were granted amnesty if requested. In the final report, the TRC-L lists the perpetrators who are not recommended for prosecution, regardless of the fact that these individuals committed violations of international humanitarian and human rights law. One violator, Joshua Milton Blayir, confessed to killing 20,000 people during the war. Blayir, a factional leader in the ULIMO-J, testified that he led a group of children into combat. He was granted amnesty for his full confession. However, the popular opinion of Blayir presents a more nuanced picture to the amnesties:

Blahyi – preening and evidently proud of himself – behaved less like a contrite sinner than a hero seeking a national platform. […] he was embraced by passers-by, and the 37-year-old saluted everyone who recognized him in triumph.

Amnesties such as Blayir’s present a dilemma for the promotion of human rights in the future of Liberia. Individuals who ordered children to kill and terrorize go free in the country they helped


243 Id. At 359.


245 id. At 458.

246 id. At 458.
destroy. On the other hand, Prince Johnson, a current Liberian Senator, described the silver pistol he used to execute any individual believed to be against his authority.\textsuperscript{247} Johnson, as a former warlord of the INPFL, did not have the same amnesty as Blayir and the final report recommends his prosecution. The juxtaposition between Blayir and Johnson foreshadow the tension inherent in trials.

As the Government of Liberia stays quiet in response to the TRC-L report, “ordinary people will never have to come to terms with the impulses that caused many among them to pillage and kill.”\textsuperscript{248} Even the commissioners have been accused of “giggling when victims narrated unusual forms of atrocities,” reflecting the reality that many Liberians have been desensitized to cruelty.\textsuperscript{249} The TRC-L also reports that most witnesses preferred to “forgive and forget” as a reconciliation attempt rather than to seek reparations, equal rights and opportunities, retributive justice, or peace programs.\textsuperscript{250} This attitude is detrimental to the promotion of human rights and the pursuance of justice in Liberia and the onus of action falls on the Liberian government to find a balance between the needs for justice and the needs for peace.

The TRC-L final report suggested several steps to end the culture of impunity. The Palava Hut and the Extraordinary Criminal Court (ECC) would fill the gaps from the TRC-L’s hearings. While the use of Palava huts, a cultural institution in many Liberian ethnic groups, is a step towards local ownership of trials for perpetrators, the program put forward by the TRC-L does not explicitly state whether any oversight by state authorities would be carried out. The Palava Hut forums are vague and no matter the intentions, the legislature must clarify the

\textsuperscript{247} Id. at 122.

\textsuperscript{248} id. Steinberg. Supra note 1. At 10.

\textsuperscript{249} Id. Gberie. Supra note 5. At 459-460.

\textsuperscript{250} Id. TRC Final Report. Supra note 3. At 344
program before any action can be taken by the state. The government of Liberia should, as agreed under the TRC Act, take all necessary measures to ensure that these courts move forward, all the while bearing in mind the lessons learned from the initial TRC process.

States have a responsibility to promote human rights, no matter the constraints of resources and the context of post-conflict. The TRC-L final report states that “both individual and community reparation is a duty and obligation of the state, to promote justice and genuine reconciliation.” The concept of reparations, however, is not clear, as many respondents to the TRC-L’s survey favored reparations over education assistance and job opportunities as “potential needs to restore [witnesses] to a full social and economic life.” Reparations and other alternative forms of human rights promotion, such as educational programs, are critical to ending the cycle of abandonment of Liberians by their state. However, the resource constrained Liberian government will need the support of international donors and organizations to ensure that the reparation plan of the TRC-L is carried out.

The TRC-L’s findings, while promising in light of the history of the conflict, neglect to promote human rights in post-conflict Liberia, in terms of the use of amnesties and reparations. The structure of amnesties, still unclear for the potential ECC, glosses over human rights violators who were bold enough to confess to their wrongdoing. The general attitude of indifference and even acceptance of human rights violators and violations hinders the possibility of justice for the victims of the war. Attention ought to be paid to peace agreements when a transitional justice mechanism is included, in how to most accurately deal with human rights

---


252 *Id.* At 343.

violations that will build a lasting peace including the promotion of human rights and induce
signatories to commit to disarmament.
Session IV: Panel 4C  
Social Psychological Elements of Conflict (Panel A)  

Clash of Perceptions: Hostility Perception and the US-Muslim World Relationship  
Rebecca Elizabeth Cataldi, George Mason University  

Saving Narrated “We” Before the Emergence of Counter “They”  
Mohammed Cherkaoui, George Mason University  

Getting Past Problems of Perception: Confirmation Bias Frames  
Julianne Heck, University for Peace (Costa Rica)  

The Sources Of Social Conflict: An Analytical Perspective  
Yevgeniya Ovsiyenko, Sabanci University (Turkey)
Role of Perceptions in Conflict

Perceptions play a critical role in conflict. It has been said that people “are not motivated by facts, they are motivated by their perceptions of the facts”\(^\text{254}\), while conflict itself has been described as “perceived divergence of interest.”\(^\text{255}\)

Much has been written on the impact of perceiving the other negatively on exacerbating conflict (e.g. the impact of dehumanization or viewing the other as evil or inferior). However, there has been less exploration of the impact of perceiving that the other has negative perceptions of or attitudes toward oneself or one’s own group. What I call the hostility perception theory states that the perception that the other is hostile toward oneself or one’s own group, identity, or culture tends to exacerbate conflict and conflict behavior. This occurs through framing the lens through which actions by the other are viewed; perpetuating self-fulfilling cycles of negative and escalatory behavior; and creating significant obstacles to problem-solving, relationship-building, and reconciliation. Hostility perception can create significant obstacles to addressing the substantive issues of conflict by obscuring the real interests and needs of the parties. Attributing negative actions of the other to hostility or malice can prevent one from understanding the actual root causes, interests, and needs that may be driving those actions—such as fear, lack of security, economic need, or identity. Without this understanding, it will be very difficult to address these


issues in a way that meets the underlying interests and needs of the other, making change unlikely.

Conversely, addressing and ameliorating perceptions of hostility can increase the likelihood of problem-solving and conflict transformation by enabling a clearer understanding of the real needs and interests of the other and a belief in the possibility of a cooperative, mutually-acceptable solution. It can also reduce the sense of threat and fear that can lead to aggressive reactions and consequent escalation of conflict, and can contribute to the process of healing and reconciliation.

Hostility Perception and the US-Muslim World Relationship

One area in which hostility perception plays a role is in current relations between America and the Muslim world. Conflicts in areas such as Iraq, Afghanistan, and Israel/Palestine, as well as issues like terrorism, human rights, and government policies, have contributed to tensions between the United States and many Muslim-majority societies. Such issues will need to be substantively addressed in order to improve and transform the US-Muslim world relationship. The intent of the focus on hostility perception here is not to suggest that addressing hostility perception is a substitute for addressing these issues, but conversely, to suggest that it is an integral part of addressing them.

Akbar Ahmed’s field study of perceptions in the Muslim world demonstrates strikingly that that the issue of perceived hostility is a contributing factor to current tensions between people from the United States and the Muslim world: “[T]he distorted perception of Islam in the West…was uppermost in the minds of Muslims when asked what they thought was the most

---

256 Here the term “Muslim world” refers to those countries and societies in which Muslims form the majority. While recognizing the vast diversity among Muslim-majority countries and in the individual relationships of their governments and people with America, the collective term is used here in light of the discussion of widespread trends and issues which have been found to be affecting American relations with a large number of Muslim-majority societies.
important problem facing Islam. The expected answers—Israel, the plight of the Palestinians, the situation in Iraq—were all overshadowed by the idea that Islam was being maligned in the West. Yet in both the Muslim world and America, the perception of hostility seems to have a stronger impact on relations than actual hostility. The following opinion poll data proves informative:

**Muslim World Perceptions of American Hostility:**

- Gallup polling of the world’s Muslims in 2007 found that “hatred of Muslims” was one of the top three answers to what they resented most about the West.

- Polling by WorldPublicOpinion.Org found that large majorities in Muslim countries believe America has goals hostile to Islam and Muslims—79% of those polled believe it is a goal of US foreign policy to “weaken and divide the Islamic world.”

- This same poll also found that when asked what they felt was the “primary goal” of the US war on terrorism, respondents from Muslim-majority countries overwhelmingly chose “achieve political and military domination to control Middle East resources” (36%) and “weaken and divide the Islamic religion and its people” (34%), while America’s actual stated goal—“protect itself from terrorist attacks”—was believed by only 16% as the primary goal.

**American Perceptions of Muslim World Hostility:**

---


According to another 2007 Gallup poll, 80% of Americans believe that people in Muslim countries have an unfavorable opinion of them.\textsuperscript{261}

A top American response to what they least admire about Muslims is that “Muslims are not motivated to be part of, or have relations with, the rest of the world.”\textsuperscript{262}

\textit{Muslim World Actual Sentiments:}

- The Gallup poll data shows that “one of the statements Muslim respondents most frequently associate with their own societies is ‘eager to have better relations with the West.’”\textsuperscript{263}

- In the same poll, Muslims acknowledge that they admire things about the West, including freedom, human rights, democracy, equality, justice, hard work, and open-mindedness. Those who say they admire nothing about the West are significantly fewer—including 6.3% in Jordan and 1% in Egypt.\textsuperscript{264}

\textit{American Actual Sentiments:}

- Polling by the Gallup/Coexist Foundation MuslimWest Facts Project found that the majority of Americans—57%—report that they have “no prejudice at all” against Muslims, while those who say they have “a lot” of prejudice are only 9%.\textsuperscript{265}

- Gallup polling also found that “[A]lthough many Muslims believe that the West does not show concern for better relations with them, only 11% of Americans say that


\textsuperscript{262} Ibid, 158.

\textsuperscript{263} John L. Esposito and Dalia Mogahed, \textit{Who Speaks for Islam?: What a Billion Muslims Really Think} (New York: Gallup, 2007), 158.

\textsuperscript{264} Ibid, 140-141.

better relations between the West and the Islamic world do not concern them, contradicting the popular Muslim notion of ‘apathetic Americans.’”

The values and interests, particularly with regard to resolving conflicts in places like Iraq, of America and the Muslim world are not as different as many perceive them to be. Most Americans and most Muslims do not harbor hostility or ill-will toward the other, but many believe the other harbors hostility and ill-will toward them, leading not to a clash of civilizations but a clash of perceptions. To transform conflict, it is necessary to transform this clash of perceptions.

**How Addressing Hostility Perception Can Help Improve US-Muslim World Relations**

Citizen diplomacy can play a powerful role in addressing hostility perception on a widespread level. Fieldwork with dialogues and professional/educational exchanges which engaged people from America and the Muslim world in places like Syria, Pakistan, and online forums indicates that these interactions can greatly shift hostility perception:

- “At first I thought American people hate or dislike Arabs… I now know that Americans don't hate us, even if they may have misunderstandings about us.”
- “One of the biggest fears we had when we came here was how Americans would receive us—we thought they would have anger and hatred toward us, but that feeling has been completely changed. We realize Americans are loving and kind toward us… I have felt respected here… When I go back I intend to tell the people of Pakistan that

---


268 This was a quote from an Arab participant in American-Muslim world dialogue through the Soliya Connect Program.
we should not look at the US government and policy only, but we should understand
the mindset and the goodness of the American people as well…”

• “There’s an image that America hates us, we hate them…this is a wall of fear. To tear
down this wall, we need to get to know each other—each time we do this, we take
down a piece of the wall.”

As perceptions of hostility change, specific conflicts like those in Afghanistan, Iraq, and
Israel/Palestine can be seen for what they are—not part of a larger American-Muslim war, but
individual mutual problems to be solved cooperatively.

---

269 This was a quote from a Pakistani madrasa leader (who was also a former Taliban supporter) who visited the
United States for a professional development and exchange program through the International Center for Religion &
Diplomacy (ICRD).

270 This was a quote from a Syrian who interacted with American graduate students during a citizen diplomacy
program in Syria facilitated by the Institute for Conflict Analysis and Resolution’s Center for Religion, Diplomacy
and Conflict Resolution (George Mason University).

Unpublished, 2009).
Mohammed Cherkaoui

Saving Narrated “We” Before the Emergence of Counter “They”

"Every human individual stands at a unique intersection of human discourses and relationships.”
Rom Harré and Grant Gillet, 1994

"Each individual is in constant negotiation with the world.”
Lawrence Pervin, 1970

“I was targeted because my name is Omer. The Mahdi Army is arranging a campaign in Baghdad to kill people with such names. I know many people who are using different names to avoid the killing or who have two IDs. My Shi’a friends advised me to change my name to Ammar, but I preferred to leave.”272 This personal story of a displaced young Sunni inside Iraq in 2006 does not only reveal a sectarian soft cleansing fueled by a new asymmetry of power, but also captures the collision of two projects of hegemony since Iraqis no longer perceive each other as ‘Iraqis’; they are either ‘Sunnis’ or ‘Shi’as’. Kaldor argues that the new identity politics is about the claim to power on the basis of the label. Also, the reconstruction of the Self, with its related subjective meaning making, gets its stimulation from the disturbed identification of Omer/Ammar. This social split seems to be, as Eriksen put it, an “expansion and contraction of the focus for identification.”273

The fragmentation of the original 'we' - into another 'we' and 'they' - has become frequent:
Serbs versus Croats versus Bosniaks, Hutus versus Tutsis, and Hamsawis versus Fathawis],
Sunnis versus Shiites, and recently Reformers versus Conservatives after Iran’s controversial


elections of June 12, 2009. Subsequently, conflicts have been on the rise over many issues, namely the waning influence of the state ideology, contested ‘legitimacy’ of leadership, emergence of distant political agendas, and, above all, significant counter narratives of some ethnic, religious, or cultural particularism. Parsons reduced his notion of the fundamental ordering principles of societies to the cultural, and considered the ultimate cultural values as the “topmost controlling component of the social system.”

Despite the narrative turn and identity paradigm triumph in the social sciences, neither has group split gained its fair share of scholarly interest, nor has it liberated itself from the colonization of the overshadowing spillover. It remains embedded in a simplified conceptualization of ‘spillover’ of protracted conflicts as an aftereffect issue of interconnectedness between internal/external dynamics and drivers of conflict, or within the framework of complexity theory. Existing literature does not address group split specifically or directly as a generic framework in the study of social transformation before the group implosion. Despite the advocacy of various models of peacebuilding, conflict prevention, and John Burton’s popular notion of provention, Conflict Resolution remains a reactive exercise of restoring peace and stimulating relational empathy, rather than a pro-active diagnosis of the group dynamics and the source of enmity. One can argue for an overdue shift from a reactive to a pro-active mode, à la narrative analysis, in addressing social change in terms of the ultimate goal of provention. If we know how and why certain individuals reject their identification with their original ‘national’ group, and shift their support toward one particular sub-group at any point in time, we may reveal some causality that drives the fragmentation of social groups, and energizes individuals’ exit from the universalistic norms of the collective toward the norms of exclusion of sub-groups.

Splitting the Collective Self

The shared assumption between Locke, Rousseau, and Kant about legitimate social norms, as perpetuated by social cooperation, seems to have exhausted its system of enforcement and undermined the utility of the coercion theory. Hardy argues that when people confront conflict, “they have a ready-made and culturally acceptable narrative structure with which to explain and tell it, although this choice is likely not a conscious one.”

Within the interconnectedness of individuals, collectivities, and structures, there are fluid processes of self-construction through narratives in conjunction with social actors and their capacity of collective action. Even the process of framing a powerful narrative has become semi pre-packaged within the culture of advocacy groups, civil society, globalization, and technology-based mass communication. Individuals have become “the product of modern structural intricacy, characterized by a high degree of diversity as well as a high level of overlap in social ties.”

Wodak et al. argue that social identities are “produced and reproduced, as well as transformed and dismantled, discursively.” Sara Cobb, a leading practitioner of narrative analysis, implies a similar contextualized emergence of core narratives that "have to do with how we understand who we’ve been and who we are going to become and how that related to other important people around us.”

This transformation triggers a parallel level of stigmatization between sub-groups as a process of creating differences that lead to social separation, moral denigration, and criminal culpability of new Other through media public narratives. The outcome is sometimes a triangular

---

275 Hardy, Samantha. Mediation and Genre, Negotiation Journal July 2008


revolving structure of the enmity system (e.g. Hamas versus Fatah versus Israel; Serbs versus Croats versus Muslim Bosniaks)

**Social Groups as Temporal Strategies:**

The growing wave of civil wars has triggered growing skepticism about the claim of societies as ‘coherent systems’ and the analogy of social systems as ‘organisms’. Giddens argues that this tendency to suppose that societies, as social wholes, are easily definable units of study has been influenced by “several noxious presumptions in the social sciences.” The contribution of structural Sociology has been undermined by the way it interprets social change. The emerging ‘We/They’ duality as locus of antagonism within societies now more than ever entails a ‘failed structural identity’ (Laclau). Social groups can be reduced to mere social processes of strategizing the Self within the Collective, while negotiating the legitimacy of the political system. From this perspective, split-Iraqis and split-Palestinians have engaged in violence against each other defending their new identification and exclusive morality. The togetherness of the old ‘we’ could not survive the emerging norms of exclusion, and revealed the weakness of all assumptions of integrative or harmonious elements within societies. One may argue that these intra-group conflicts are an indication of a post-ideology and post-democracy era since more societies have moved away from the nation-state ‘consensus’ toward contesting the dominant culture and politics. In short, social groups are periodic constructs, and often serve as strategic collectivities for globalized citizens migrating from dysfunctional ‘national’ societies.

**Containing Verbal ‘Weapons’ Before the Battle**

The study of circulating narratives within any group can play a preventive role in maintaining its social fabric and solidifying the confidence of the individuals in their

---

membership. Underneath the interaction of master narratives and counter narratives resides a fundamental challenge for third-party interventions to seize the window of opportunity before the 'We/They' divide becomes rigid. This kind of scenarios proved to be a missed opportunity for benefiting from the narrative approach to conflict prevention as an early warning system.

Rothberg explains how conflicts depend on narratives, and in some senses, cannot exist without a “detailed explanation of how and why the battles begun, and why one side, and only one side, is the right.” 280 The attempt of resolving any conflict should not wait till the perimeter of differences is completely defined between sub-groups.

Conclusion:

Narrative analysis of group dynamics can serve as a CAT scan in detecting early signs of the fading harmony among group members. It can also indicate the point in time when emerging groups activate a new we-ness/they-ness nexus, and load their new system of enmity against the original group. In doing so, the gap can be bridged by addressing the nuances of ‘being positioned’ and ‘positioning oneself” in the collective, while providing leaders with a self-correcting process to avoid the breakdown of the group’s vitality and mobilization for its common beliefs, values, and shared goals. Accordingly, peace and conflict studies can become pro-active not only in detecting the negative transformation of group dynamics, but also in maximizing the potential of preventing deadly conflicts, and saving its energy in restoring malignant relationships and re-humanizing brother-turned-enemies.

Francis Bacon famously wrote, “The human understanding when it has once adopted an opinion… draws all things else to support and agree with it.” (Bacon, Spedding, Ellis, Heath, & Rawley, 1869) Intractable conflicts are the focus of much of peace and conflict studies. This essay explores the idea that there may be a benefit to analyzing confirmation bias as a barrier to resolving conflicts. A cognitive frame provides advantages in studying and designing strategies for overcoming entrenched biases which perpetuate conflict and prevent positive peace.

What are cognitive biases and what is confirmation bias?

Cognitive biases, are a collection of predictable errors in thinking which are the normal tendency of human brains. For the purposes of this article the word bias is used in terms of cognitive bias, to mean a predictable mental process of judgment, or heuristic, rather than the colloquial sense indicating prejudice, though the two meanings are closely related. Commonly categorized as attribution errors, biases that consistently place preferential value on certain attributes over others can often lead to errors in judgment and perception. (Baron, 2000)

Confirmation bias in particular describes the cognitive attribution error in which new information is weighted or interpreted to support existing conclusions. Sometimes described as one type of selective information processing, belief-confirming bias, or even self-fulfilling expectation, confirmation errors reinforce perceptions and opinions, often even in the face of contrary evidence. (Fiske, Gilbert, & Lindzey, 2010) In the simplest sense, we see what we
expect to see. We are often unaware that we are molding our perception of the facts, and this less than conscious tendency is the focus of this paper. (Nickerson, 1998)

**Why use a cognitive frame in analysis of conflicts and in intervention efforts?**

It is important to note that we are all subject to confirmation bias; it is a ubiquitous feature of human perception. (Nickerson, 1998) One advantage of studying cognitive bias in relation to conflicts and interventions is that the cognitive frame may provide a value-neutral, arguably universal, platform of understanding from which to examine biases. Simply put, if it is normal for the human brain to weight information in ways that lead to errors in perception, then one may use this understanding to examine and dismantle problems of perception in specific situations – without laying blame on or seeming to imply the condemnation of any party for ignorance, misunderstanding, or prejudice.

Confirmation bias is extremely relevant to Anti-Other prejudices in situations of conflict or where mediation is being attempted to resolve a conflict. In conflict, whether we are Israel and Egypt or two neighbors fighting over a fence, we expect negative things of our opponent. “If Other behaves in a nasty way, this is taken as a true indicator of Other’s hostile intentions, or belligerent disposition. If Other turns the other cheek and displays friendly behavior, this is explained as a temporary fluke.” (Pruitt & Kim, 2004) This means we will be likely to dismiss any word or action as based on hostile, self-serving, or deceptive intentions, which obviously impedes progress toward building trust and correctly assessing positive developments. Misinterpretation can lead to escalation and stalemate, therefore it is important to understand this effect of negative expectations and deal with it implicitly or explicitly when attempting to resolve or transform conflicts. (Nickerson, 1998)

Further advantage in the cognitive perspective lies in research that shows that while human minds are predisposed to these errors, we are not bound by them. Actively open-minded
analysis of such errors has been shown to mitigate their effect. The ability to overcome attribution errors and to remain vigilant against them is a learned skill. (Baron, 2000)

**Applications in Mediation and Beyond**

Relatively little has been written on cognitive biases or confirmation bias that is specific to mediation, with a notable exception in the article, *Attribution bias: Challenges, issues, and strategies for mediation*. It describes, among several, a similarly defined heuristic termed *negative impression bias* and makes some simple suggestions, while noting that empirical research is sorely lacking. (Ng & Ang, 1999) A decade later, it seems this is still the case. This paper too, is merely exploring the tip of the iceberg, and seeks mainly to suggest areas for experimental research. Beyond that, a few potential applications for utilizing the understanding of confirmation bias can be suggested.

Frames are an essential tool in mediation and conflict resolution processes. By establishing a non-judgmental cognitive frame, one might, in effect, establish a common psychological ground. Thus one strategy could use a cognitive frame that establishes subjective, self-confirming perception as a normal, ubiquitous and understandable human process. Parties can acknowledge the difficulty of considering alternate viewpoints as shared by all parties, and perhaps even work together to strategize ways to overcome this. Discovery and ownership is vital to solving intractable problems, (Pascale, Sternin, & Sternin, 2010) while shared experience and cooperative tasks also reduce prejudice. (Fiske, 2002) In this strategy, one can turn the difficulty itself into an immediate shared task. Joint exploration of these concepts could be used to set up a thoughtful, analytic tone and a modicum of shared interest. During difficulties one can then refer to the concept of selective information processing to re-examine or mitigate emotionally-charged interpretations of other party actions or statements.
Of course, it is also possible that direct discussions of the concept of bias may prove ineffective or disruptive to the conflict resolution process. Words like bias and prejudice surely have the potential to be off-putting and other descriptors may well be warranted. Certainly in cross-cultural or non-native language situations the challenges will be even greater because subtle connotations become harder to communicate. While it can privately inform a mediator or party’s thinking, careful study and situational judgment will be required to determine how and when to apply the understanding of confirmation bias in an explicit manner.

Improved understanding of how and why biases are continually reinforced may inform efforts to address prejudice in post and pre-conflict situations. Two strategies for addressing biases are education and intergroup contact (given equality and shared experience during contact) which are two accepted methods of reducing prejudices against out-groups. (Fiske, 2002) Teaching active open-mindedness as a discipline for thinking and perceiving more justly might be one strategy for reducing the conflict effects of bias, and disciplined thinking seems to be correlated to good outcomes in international crises. (Baron, 2000) A study on reducing prejudice in Rwanda concludes that perceptions of social norms are linked with behavior, and more easily affected than personal beliefs. (Paluck, 2009) The confirmation bias frame or teaching active open-mindedness could be used to shift social norms toward tolerance, thus affecting behavior and encouraging a virtuous circle even when deeply held personal beliefs or mistrust are slow to change.

**Conclusion**

“If one were to attempt to identify a single problematic aspect of human reasoning that deserves attention above all others, the confirmation bias would have to be among the candidates for consideration.” (Nickerson, 1998) If we are not practiced in dismantling flaws in our perception we risk tremendous and needless misapprehensions and failed resolution processes.
Confirmation bias is so pervasive and well known a phenomenon, yet we have little in the way of evidence-based techniques to directly address and move past its detrimental effects. More research is needed to integrate this knowledge into the strategic and methodological toolkit of mediators, educators, and conflict specialists.

References


The question about the essential causes of social conflict is one of key debates in conflict analysis and is the focus of the present essay. Two main thought currents are specifically considered: the contingency and the inherency theories. Both have considerable influence and are rooted in intellectual traditions; at the same time, their findings can ontologically be combined to increase their explanatory power.

This essay intends to look specifically at social conflicts, as opposed to individual. In “Conflict Resolved”, Tidwell conceptualizes the basic differences between interpersonal and social conflicts in a clear and coherent way. Widely accepted within the scientific community is the initial statement: the behavior of people is different when in groups. Other specific features of social conflict include its increased breadth in scope and consequentially, greater complexity; as a result of both, social conflict tends to be more institutionalized than the interpersonal one281.

It seems that this definition of social helps little in explaining the underlying sources of conflict themselves. However, it touches upon the idea of conflict institutionalization which is unavoidable in the discussion between contingency and inherency theories proponents. Both agree that there are ways in which state and/or society deal with conflicts; yet while for inherency theorists the institutions are believed to perform a positive function of ‘absorbing’ potential conflicts (as in Hobbesian social contract), contingency theorists sometimes see these
very institutions as an oppression mechanism actually causing social conflicts (see the term “structural violence”). Thus, let us look at the arguments from both sides in detail.

Contingency theories are defending the position that “aggression is not innate, but its expression depends upon factors external to the person” 282. Historically first model to illustrate this trend is the frustration-aggression model, originally claiming frustration to be a necessary precondition to aggressive behavior. Its simplicity has been criticized, mainly because of possible responses to frustration other than aggression, and also because the causal link is impossible to assess.

Nevertheless, it served as basis for more sophisticated contingency theories, most noticeably “structural”. The term “structural violence” was first introduced by Galtung in 1969; it is based on the recognition of possible discrepancy between the actual and the potential status of certain group comparing its status to the mainstream. Therefore, social movements, liberation wars and other manifest and latent forms of conflict can easily be ascribed to structural violence. Rubensteins singles out three main structures capable of imposing structural violence: state, class and culture; thus the theory is appealing because of its wide applicability 283.

It is important to notice that theories emphasizing the structural sources of conflict may have additional justification. Indicating structural factors of injustice automatically attributes the responsibility for improvement to the state or ‘system’; thus the proponents of structural violence theories can claim to be struggling for a more just social order. In any case, structural theories, though broad in scope, could logically be traced down to the frustration-aggression theory as an underlying principle.

282 Ibid. p. 48

Now let us turn to another set of theories: the inherency theories. The tradition of viewing human nature as essentially evil can be traced to Hobbes and his conception of a social contract. Obviously, the word “social” still emphasizes a special kind of human behavior, different from individual; however, in his theory the ‘social’ (in the form of state) emerges as a mere rational response to the initially aggressive human behavior, driven by will of power and resulting in war of all against all. This legitimizes the appearance of a social contract in the form of state control, law and custom which is the only way of preventing bloody chaos. Although Hobbes’ theory did not have empirical justification, it earned considerable intellectual influence and is widely used in academic discussion.

Inherent sources of conflict have also been the focus of psychology. The essential cause of conflict in society has been studied by many disciplines; among those, psychology holds strong positions and is able to provide insights for the role of human psyche in conflictual behavior. In some psychological studies, the focus is narrowed, and it is not even the higher nervous activity but the neurocognitive aspects of human body that are held responsible for aggression. Yet, these are mostly referring to interpersonal conflicts; for our analysis of social dimension of conflict, we again have to address more complex theoretical explanations in psychology.

An important figure to be mentioned is Freud and his analysis of thanatos, or death instinct. Being initially directed at oneself, it is threatening to one’s self-preservation; as a result, an external object is subconsciously substituted for one’s own self. Such phenomena as will for destruction, exploitation, dominance, or competition are projected outwards; the drive for
aggression is inevitable because it is vital and serves the self-preservation instinct. It is interesting to compare the predicted social outcomes with the one described by Hobbes. According to Hobbesian reasoning, the need for self-preservation implies (conscious) sacrifice of one's rights to Leviathan, i.e. the state takes over the function of control. Unlike Hobbes, Freud believes the control mechanisms over conflicts are not handed in to the state but internalized; and the aggression comes up in socially acceptable forms. Some of these mentioned above are not only acceptable but often rewarding (e.g. competition).

When discussing Freud's contribution to inherent explanation of social conflicts, his ideas about the suppression and defensive mechanisms should be mentioned. Not being able to either address the direct source of dissatisfaction or take the blame, a person is likely to transfer aggression onto another object. Basic examples of such aggressive manifestations can easily be found in interpersonal conflicts, yet these can also be found at a higher level: here, Jungian analysis of collective subconscious is worth mentioning. The works of neo-Freudian researchers link individual psychology to societal level: for example, Jungian analysis of collective subconscious provides insights about how a hidden guilt or anger can be shared by a number of people, and militarism can be a result of reactionary aggression.

Preference for one of the frameworks can be a matter of choice, where the criterion of practicality can be adopted. Again, moral considerations are inseparable from the discussion. It is significant that in 1989, based on the results of a conference, UNESCO officially denied

scientific acknowledgment to evolutionary or human nature-related explanations of conflicts. Apart from establishing scientific clarity, it can be interpreted both as moral and practical imperative: instead of blaming the nature, people should address the societal causes of conflict. Also, excluding ‘natural reasons’ for conflict allows for more resolution strategies. There is place for both structure and agency in contingency theories, if we were to use this dichotomy: the actor is considered capable of independent actions that in their turn could produce a change in the structure. This dynamic vision is more promising than accessing the effectiveness of a state or society based on its capacity for containing intrinsic human aggression.

Finally, an integrated approach could have considerable explanatory power. For instance, such outbursts of violence as the ones in the Darfur genocide can be interpreted as triggered by potential for aggression inherent in human psyche but preconditioned by structure. One of the two – human nature or external influence – could be placed beside the other in the role of cause, effect or concomitant factor to increase the validity of the explanation. Alternatively, interactionist theories – an attempt to overcome the inherent-contingent opposition – can be used. They recognize the needs of a human being, these being either inhabited or learned, as bases for conflict.

---


Session IV: Panel 4D
Social Psychological Elements of Conflict (Panel B)

The “Kurdish Question” in Turkey: How Has it Become a “Prisoner’s Dilemma”?  
Ekin Ok, Sabanci University (Turkey)

Cultural Divergence in Northern Ireland: An Analysis of the Socio-psychological Infrastructure during the Troubles  
Jenny Pessolano and David D’Alessandro, University of Massachusetts Boston

Ex-Child Soldiers Self-Perception in Reintegration Program  
Bosede Florence Awodola, University of Ibadan (Nigeria)

It’s all about Trust: How to Assess the Trust Relationship between Conflict Parties  
Mariska Kappmeier, University of Hamburg (Germany)
The “Kurdish Question” in Turkey: How Has it Become a “Prisoner’s Dilemma”?  

The so-called “Kurdish question” in Turkey is nothing but a novel phenomenon. In spite of its obstinate history, it is hard to claim that an agreed-upon definition exists about the nature of the issue. Whether it is a matter of oppression and denial of the rights of Kurdish minority by the state, or an issue of secessionist terrorist movement, or a socio-economic backwardness problem of the southeast region, it can be asserted with more confidence that it is the most critical internal crisis that the Turkish republic is facing since its establishment in 1923.

The rise of Kurdish ethno-nationalism especially in the 1980s and 1990s and the presumable mismanagement of the issue by the Turkish political elite resulted in an armed conflict between the Kurdish guerilla movement PKK (Kurdistan Workers’ Party) and the Turkish state army, which is a clash that has failed to cease for more than two decades. It is a very dynamic case, which is observed by the news one comes across every day in every single tool of Turkish mass media. This paper aims to analyze the dynamics of this issue in reference to the prisoner’s dilemma model for its escalation phase, as well as mentioning the socio-psychological and structural aspects of conflict that shed light on the reasons for its perpetuation.

Before going on with an analysis, it is crucial to identify the parties to the conflict. Identifying the parties is somewhat problematic; on the one hand, there is Turkish army and PKK, fighting on the battlefield. On the other hand, there is the Turkish state with its policies and the Kurdish population of Turkey, who have been suffering from these policies. I believe it is important to distinguish the Kurdish population from the PKK organization, in the sense that
their positions, interests, goals and needs are different, although the latter is seen as an extension of the former by some people. Actually, the Turkish state and Turkish army were not very different from each other in the beginning phases of conflict, which can be traced back to the late 1980s, though nowadays the government’s and the army’s perceptions of and solutions to the issue seem to diverge to a great extent, which can be observed in the criticisms of the army toward the recent actions of the government. For the benefit of making the analysis easier to handle, I prefer to identify the parties distinctively for each model I will explain.

As the prominent scholar Herbert Kelman points out, conflict is a multifaceted process of mutual influence, whereby “each party seeks to protect and promote its own interests by shaping the behavior of the other.” (Kelman, 1997, p.202) In relation with this statement, if we identify the parties as PKK and the state/ Turkish army, it is practical to use the model of Prisoner’s Dilemma for following reasons: Just like the nature of the game assumes, the outcome of the conflict is dependent upon the actions of both parties. Their actions feed each other; and the conflict is unsolvable in a win-win fashion by neither of the parties alone. Another point is, little is known to the parties about their opponents future actions; there is a lack of surety, characterized by lack of healthy communication ways. Hence, each party expects the worst possible action, and prepares themselves accordingly, which results in the escalation of conflict. Until very recently, it was unimaginable to consider a healthy dialogue between the state and the PKK about the demands of each side, and the needs behind their positions, so the lack of communication and trust between the parties increased the intensity of the conflict over the years. (Whether state’s consideration to engage in a dialogue means its acknowledgement of a party whom it sees as a terrorist organization is acceptable or not is another point, which will not be discussed in this essay.)
Prisoner’s dilemma model also illustrates role of perceptions in the development of conflict. Both parties have the self-image that they are fighting for a righteous and legitimized cause with strong ideological bases; one for the freedom to self-determination to establish a new nation for its people, the other for protecting its unitary character and territorial borders, and preventing further harm to its citizens. The concept of the “dehumanization of the enemy” is observable for both parties. For example, it becomes nearly impossible for a Turkish mother who is about to send his son to obligatory military service to realize that just as herself, a Kurdish mother who also has a son in the PKK is experiencing the same emotions of fear of losing his beloved son, because of the dehumanization phenomenon. Both parties may be more than willing to put an end to the violent conflict, yet, they may fail to do so. Perceptions create the escalatory, self-perpetuating dynamic of conflict to a large extent.

Whilst the armed conflict is relentlessly going on between the state’s armed forces and the PKK especially in the southeast region of Turkey, the Turks and Kurds are continuing to live side by side throughout the country. People of Kurdish ethnicity constitute approximately 18 per cent of Turkey’s population (CIA World Factbook, 2008); and the security concerns, accompanied by the worsening living conditions, caused by the continuous conflict in the area, resulted in the large-scale emigration of Kurdish people to the western parts of the country. Albeit the resultantly increased contact between Turks and Kurds in especially metropolitan cities, it is claimed by Yavuz and Özcan (2006) that “today, Turkey is more polarized along ethnic lines than a decade ago.” They suggest that the Kurdish problem has shifted from the military sphere to the social and political spheres, and it is not only the Turkish state that is confronting the Kurdish guerillas any longer, but Turks and Kurds confronting each other, as well. Hence, if we change
the parties to Kurdish and Turkish population of Turkey, we are faced with another dimension of the conflict, this time not in the military sphere but in the social sphere.

When we look at the four-stage model of conflict escalation as suggested by Rubin and Pruitt (1995), we see that in the first stage, during which conflict is not significantly escalated, perceptions of “the other” are moderately accurate, not stereotyped and a healthy communication is likely to exist between the parties. However, when conflicts advance to the second stage, which is polarization, “trust and respect are threatened, and distorted perceptions and simplified stereotypes emerge.” (Olczak and Pruitt, 1995, p.81). In this stage, enemy images are formed, even to the point that dehumanization phenomenon may occur, which is quite dangerous for the well-being of a society as a whole, because it may result in the de-legitimization of the necessity of fair treatment and lead to the next phase, during which the goal of the parties becomes destroying each other.

In order to relate this model with the current situation in Turkey, let us refer to some works written on the subject of in-group and out-group divisions in contemporary Turkish society. During the 1990s, Turkey witnessed the rising consciousness and politicization of the Kurdish identity. The category of Kurdishness within the mainstream public-political discourse became more visible, and the ascent of Turkish nationalism that viewed the Kurdish rebel movement PKK and Kurdish nationalism in general as the major antagonists gained popularity. For instance, a well-known Turkish scholar, Yeğen states that “Kurds are no longer seen as a loyal and assimilable Muslim community, but instead they have been perceived as the primary “Other” of the Turkish nation.” (Yeğen, 2006) Similarly, Bora (2006) points out to the emergence of an anti-Kurdish discourse in Turkey recently, which regards to Kurds as illiterate, culturally backward, violent and separatist people. In his recent study, Saracoglu (2009) refers to the in-
group / out-group perceptions in Turkish society between Turks and Kurds as ‘exclusive recognition’, a term which is characterized by the exclusion of Kurds on the basis of the perception that Kurds have been distinguished by negative traits, while the roots of these negative stereotypes stem from the contacts with and observations of Kurdish migrants in the everyday life of Turkish cities.

The abovementioned social polarization between Turks and Kurds point out to a socio-psychological outcome of the Kurdish question by analyzing its reflections on the perceptions of the individuals, which is again, intimately linked with the prisoner’s dilemma model and the perpetuation of the conflict on the societal level.

References


We discuss how the sociopsychological infrastructure (Bar-Tal, 2007) developed by the Unionists and Nationalists in Northern Ireland contributed to a conflict that lasted thirty years and claimed more than 3,500 lives. We examine how the Troubles in Northern Ireland contributed to different sociopsychological infrastructures. These sociopsychological infrastructures escalated the conflict, as two cultures that appear to be more similar than different, were perceived by the respective groups as incompatible.

*The Development of a Sociopsychological Infrastructure*

Bar-Tal (2007) claims that several challenges exist for a society in an intractable conflict: (1) The society must find a way to fulfill the basic needs of the people; (2) Individuals and collective groups must develop coping mechanisms to deal with the constant threat of violence; (3) A society needs to develop psychological conditions to successfully defend against the emotional and personal attacks of the rival culture (Bar-Tal, 2007). To meet these challenges, the society develops a sociopsychological infrastructure with three features.

Narratives are constructed that portray a coherent and meaningful picture of the group’s history. This picture is not objective but serves the present situation, and is viewed as truthful by group members. These narratives create a collective memory formed around chosen traumas. The collective memories serve four functions for the group: (1) justification of the group’s
actions, (2) promotion of a positive group image, (3) delegitimization of the opponent, and (4) perceived victimization of one's own group (Bar-Tal, 2007).

The second feature of the sociopsychological infrastructure, the ethos of conflict, works in tandem with the collective memory. Each side in the conflict holds incompatible versions of collective memories and ethos of conflict contributing to the intractability of the conflict. The final feature of the sociopsychological infrastructure is the collective emotional orientation. These are common emotions created by the collective memories and ethos of conflict (e.g. fear, collective hatred) (Bar-Tal 2007).

The sociopsychological infrastructure is developed over years. It is formed from separate narratives that account for why the societies were divided and in dispute (Bar-Tal, 2007). These narratives become shared memories that the members of each group view as actual accounts of, and reasons for, conflict between them (Ross, 2009). As centuries pass, only their respective in-groups educate new generations. Part of this education is intended to connect current with past members of the group, creating intergenerational cultural ties (Ross, 2009). This is accomplished through narratives, stories, and songs, which help solidify the collective memory.

**Understanding Collective Memory: The Role of History**

The collective memories of historic events are the foundation for the ethos of conflict, which provides the justification for violence, the delegitimization of the opponent, and the overall sectarian understanding of the conflict during the Troubles.

The Unionists’ fear of losing the city of Londonderry symbolized the historical fear of losing the entirety of Ulster to the Irish Republic, as heard in popular Unionists songs. The Nationalist collective memory highlights the importance of securing a unified Ireland free from British influence, as shown in many songs as well as in the Irish Declaration of Independence.
Throughout centuries of turmoil, the Catholics and Protestants created collective memories, which established the ethos of conflict during the Troubles.

**Ethos of Conflict: A Mirror-Image of Victimization & Violence**

As the Troubles got underway, Loyalist paramilitarism responded to the "sense of siege" the Protestants felt because of the IRA campaign (Hennessey, 1997) and equated the entire Catholic community with violent republicanism. The Loyalists dehumanized their opponent, describing Nationalists as individuals "whose sole purpose is to destroy anything or anyone who is not Protestant" (Hennessey, 1997). The Loyalist narrative throughout the Troubles reveals that "force, or the threat of force, is a legitimate and historically sanctioned political activity" (McKittrick, 1989). In these narratives, Loyalists present themselves as victims of IRA violence while condoning UDA paramilitary violence.

Alternatively, the Republican movement sought "the restoration of the Irish" (Hennessey, 1997) as Catholics believed that the British government wanted to suppress them. In January 1970 the Provisional IRA declared its offensive paramilitary strategy (Hennessey, 1997) and Nationalist volunteers agreed that the IRA had the moral strength and authority to remove the British element in Northern Ireland. Therefore, the Nationalist group identity was constructed around the notion of protecting itself from British occupation in hopes of creating a unified Ireland (Hennessey, 1997).

The Nationalist and Loyalist narratives each delegitimized the opponent and claimed moral authority. We will now examine how the event called "Bloody Sunday" highlights the separation between the two cultures’ sociopsychological infrastructure; Specifically, the Protestants' fear of Nationalist rebellion and the Catholics' feelings of oppression.

**Collective Emotional Orientations: An Analysis of Bloody Sunday**
On January 30, 1972, fifteen to twenty thousand Nationalists marched in Derry to oppose the British implementation of internment (Dawson, 2005). The year before, Westminster declared all Nationalist marches to be illegal, and the British brought in army personnel, including the Parachute Regiment (Paras), to arrest participants and ensure safety for the Unionist occupants of the city (Dawson, 2005). The march was intended to be a peaceful civil rights protest, but during the procession, factions of Nationalists broke away from the main crowd and began throwing bricks and stones at the guards behind barriers (Blaney, 2007). The Paras rushed the crowd and during the attempt to control the demonstration, thirteen Nationalists were killed (Blaney, 2007). The reaction to this event highlights the separate collective emotional orientations of the two cultures.

The Catholic Nationalists viewed the killings as an example of British oppression, claiming that none of the people killed were armed (Dawson, 2005). The day is remembered in Nationalist narratives as Bloody Sunday (Blaney, 2007), and became a chosen trauma (Volkan, 2007) and cry to arms for many Nationalist youth. Enrollment in the IRA increased markedly (Dawson, 2005).

The Protestant Unionists and British viewed Bloody Sunday as justified, necessary, and inescapable (Kennedy, 1973). A tribunal under Lord Widgery found no fault in the actions of the Paras (Dawson, 2005). Lord Widgery claimed that the organizers created an illegal march in which violence was inevitable (Kennedy, 1972). The British government and the Loyalists felt that the demonstration was about security, and that the action was necessary for the safety of the citizens of Londonderry.

In the reaction to Bloody Sunday, we can see the distinct lines drawn between the sociopsychological infrastructure of the two groups. For Catholics, Bloody Sunday enforced
their collective memory and ethos of conflict convincing them that their lands had been taken from them, and that they were living under an oppressive government as ethnic minorities (Hennessey, 1997). The Protestant collective memory and ethos of conflict led them to “see themselves as a frontier community facing wily and violent enemies, and backed only by half-hearted friends” (McKittrick, 1989). Thus, the actions of the Paras on January 30, 1972 were justified in the defense of security and freedom for the Protestant Loyalists against the savage rebellion of the Nationalists. However, they both shared similar collective emotional orientations; Both sides had collective fear and hatred for the other.

**Conclusion**

The centuries long history of conflict between Unionist Protestants and Nationalist Catholics led to three decades of intense violence called The Troubles. During this time, both sides had a sociopsychological infrastructure that separated the two groups along secular lines and contributed to the intractable conflict. The Good Friday Agreement in 1998 helped quell the violence, establish political equality and economic opportunity; however, paramilitary attacks have not ceased completely. A new social identity as Northern Irish needs to be developed and the amelioration of current reconciliation efforts in Northern Ireland is necessary.

**References**


126.


Ex-Child Soldiers Self-Perception in Reintegration Program

INTRODUCTION

Child soldiering in contemporary armed conflict has raised international concern as an unacceptable act that must be dealt with collectively. Thousands of children have participated and are still fighting in armed conflicts particularly in Africa where the problem is most severe. Statistics indicate that of over 300,000 child soldiers worldwide, about 120,000 of them are in Africa and, of these over 8,000 were fighting on the sides of various armed groups including government forces in West Africa as at 2005. These are children below eighteen years, who Coalition to Stop the Use of Child Soldiers define as a member of or attached to government armed forces, or any other regular or irregular armed forces or political group. Child soldiers perform a range of tasks including participation in combat, laying mines and explosives, scouting, spying, acting as decoys, couriers or guards, training, drill or other preparations, logistics and support functions, pottering, cooking and domestic labour, and slavery or other recruitment for sexual purposes. In the course of their engagement and association with armed groups, child soldiers’ personalities are maladjusted and they acquire negative values. It is important that positive action be taken towards supporting these children psychologically, while

288 Coalition to Stop the Use of Child Soldiers,’ Child soldiers and disarmament, demobilization, rehabilitation and reintegration in West Africa,’ November 2006
also instilling accepted societal or community norms and values in them. This, however, can be achieved through a systematic and well focused reintegration program, an aspect of Disarmament, Demobilization and Reintegration (DDR), which is an integral part of peacebuilding support activities especially for ex-soldiers.

Reintegration is a long-time process in which soldiers transit to civilian life, achieving a viable civilian role and identity. It is an intensely social process of gaining acceptance, becoming functional in the social context, and developing appropriate relations in families, peer, and civic groups, and niches of work. Far from an individual process, it entails reciprocal growth, a combination of individual and group change. The objectives of reintegration are to help ex-soldiers to reconcile with their family and community, become productive member of their community, prevent re-recruitment by armed groups and reducing their ability to disrupt peace processes. Over the years, the above objectives are hardly attained in countries transiting from armed conflicts, as various factors constitute challenges to reintegration of ex-soldiers, and child soldiers in particular.

**Ex-Child Soldiers Self-Perception and Reintegration**

In Liberia, one of the factors that have constituted challenge to reintegration of former child soldiers was the way ex-child soldiers perceived themselves within the context of the reintegration program. In a study conducted in 2006, effort was made to assess how different segments of the Liberian society perceived reintegration. Generally, central to the reintegration process is the issue of the public perception of ex-soldiers, including child soldiers whose social

---

290 Wessells M., cited in Lindsay Stark,' The Reintegration of Former Child Soldiers: Literature Review and Summary Analysis,' Mailman School of Public Health Program on Forced Migration and Health, Columbia University (2005)

construction is based on the assumption that they are devoid of internalized controls. In which case, child soldiers are seen as lacking in such beliefs that can make each of them to be personally responsible for his or her good conduct. But more crucial to the success of reintegration is how child soldiers perceive themselves, especially after some years of participating in the reintegration program.

The study revealed that while intervention institutions approached the target population as children and framed their program within such conceptual domain, child soldiers, in most cases, questioned the appropriateness of the child typology as an inclusive category. Majority of them in 12 different Focus Group Discussions (FGDs) i.e. 67 out of 96 participants representing 70% took exception to being called child soldiers. These ex-soldiers, though by chronological age fell within the child categorization, found reference to them as child soldiers unacceptable. They saw the labelling as ploy to underestimate their roles in the Liberia war. Mohammed Kamara was 17 years old at the time of the study and indeed started fighting at the age of 10 years. But he objected to being called a child soldier. According to him:

But let me tell you, not all child soldiers you see are child soldiers. What do they mean calling us child soldiers? As for me, anything you expect me to use, I can use it, so I am not a child soldier. Where you feel a big man will reach, I am first to reach there, am not happy they call me child soldier. If I know about gun, I am not a child soldiers. Someone who fought from the beginning to the end is not child soldiers. In fact I go to the hottest spot where big men cannot go. I go there without being hurt. So I am not child soldier.292

From the above, it is not only apparent that many of the ex-child soldiers in Liberia considered themselves to have outgrown the child typology even though it was observed that the desire of some of them to be treated as adults was not supported by the behaviour they exhibit. Kamara’s outburst raised so many issues that border on the definition of a child soldier. In his view, all his

292 Mohammed Kamara, personal communication, June 2006
exploits removed him from the category of a child, more especially that in comparative terms he
and his mates competed on equal ground with the so-called “big men”.

For Kamara and his cohorts, therefore, the appropriateness of intervention measures was
seen from the viewpoint of the treatment accorded adult combatants. Since the reintegration
support they were offered in most instances differed from what the adult combatants got, they
regarded themselves as not touched by the program. Here, the dilemma of reintegration exists in
the extent to which those programs meant for “child soldiers” can actually meet the needs of the
“adult-child soldiers”.

Conclusion

This finding is of particular significance to reintegration process as it challenges the
conceptualisation of child soldier which is central to the program. This conviction called for
scrutiny, the attempt to evolve a universal definition of child as could be seen from the effort of
the UN Declaration of the Rights of a Child. The relativity in the child concept should be brought
to bear on plans and program for reintegration. As it were, a faulty conceptualization of the child
will definitely not place in the right direction the steps taken in respect of reintegration. If one of
the objectives of reintegration was to reduce the ability of ex-soldiers to disrupt the peace
process, it follows that the special needs of child soldiers in the above category should be well
defined and addressed.
Mariska Kappmeier
University of Hamburg

It’s All About Trust: How to Assess the Trust Relationship between Conflict Parties

Abstract

There is consensus in the field of conflict resolution that trust is a critical component for parties to engage in conflict resolution measures. Kelman (2005) summarizes this notion in his quote: „Parties cannot enter into a peace process without some degree of mutual trust, but they cannot build trust without entering into a peace process.“

There seems to be the assumption that the trust relationship between conflict parties are by default non-existent or very low and that it can be improved through interventions. In spite of this assumption instruments are missing that allow researcher and practitioner to measure the trust between antagonistic groups prior to interventions. While there are instruments developed for measuring trust between dyads in mostly non-conflict interactions, no instrument has yet been developed to measure the more complex trust relationship between groups in conflict. In a pre-study the “Trust Map Questionnaire” (TMQ) was developed that identified not only which conditions lead to trust, but also allows one to measure and systematically improve the trust relationship between conflict parties.

The TMQ was applied in the framework of a qualitative trust assessment and tested for applicability in a field study in the frozen conflict between Moldova and Transdniestria. In the field study interviews were conducted with influential representatives from both sides. The article describes this as a systematic method to measure trust and reports some results in the real-world conflict in the Republic of Moldova.
No Peace without Trust

Trust is a component of human behavior and can be seen as “…the glue that holds relationships together“ (Lewicki et al., 2000). This holds true for dyadic relationships as well as for inter-group relationships. One important condition for trust is the willingness to take risks (Luhmann, 2000). This understanding aims toward a core problem of any interventions of conflict engagement: The willingness to take risks and to trust the other party. It’s assumed that this willingness is per se very low between conflict parties, who share a common history of mostly hostile interactions. To engage with each other in their conflict is a risky and difficult act for the parties. Agreements to enter into peace processes depends on numerous factors, among other trust. Trust can be based on the perception of the other side as being generally trustworthy and that they “keep their word”, or on some observed behavior of the other side – how did they act in the past? And last, trust is determined by the circumstances in which the engagement takes place. Do the parties feel assured, that they will not be hurt throughout the process?

This explanations highlights an important characteristic about trust: trust is a multi-dimensional construct. Trust itself consist out of different conditions which determine the overall trust-relationship between parties. A deeper understanding about these condition is crucial to assess successful conflict interventions. Independently of the chosen intervention the success and efficiency is influenced by the correct understanding of the conflict- and trust-relationship. Hence before any intervention the trust-relationship should be assessed to ensure the fit and success of the intervention. Unfortunately instruments are missing that allow to measure the trust conditions in a systematic manner. This research is aimed at closing this gap and providing a systematic way to assess and measure trust conditions between antagonistic parties. An instrument was developed that combines qualitative interview techniques with quantitative
questionnaire, the TMQ (Trust Map Questionnaire). The tool was tested for its applicability in the large-group conflict between Moldova and Transdniestria.

The case of Moldova – Transdniestria conflict

The former Soviet Socialist Republic of Moldova (Moldovan SSR) was formed in its border in 1940. The region Transdniestria was separated from the rest of the Moldovan SSR by the river Dnister. After the collapse of the Soviet Union, Transdniestria declared unilateral independence. Shortly afterwards Moldovan SSR also declared its independence as the Republic of Moldova, including Transdniestria in its borders. The tensions between the both sides intensify into a military conflict that ended with a ceasefire. Since then all attempts to settle the conflict have failed. It’s now called a “Frozen Conflict” that manifests, among others aspects, in the separation of the land and the civil society. Transdniestria has developed into a de facto State, with its own currency and government but is unrecognized by the international community.

The study

The objective of the study is to create a ‘Conflict Map’, that assessed through interviews the impact of the frozen conflict on the civil society and to explore avenues for possible conflict intervention. As an integrated part of the ‘Conflict Map’, a Trust Map got developed. It included the Trust Map Questionnaire (TMQ) and combines qualitative with quantitative data. A total of 40 interviews took place in 2009 and were conducted with representatives of the civil society on both side.

Selective Findings regarding the Trust-Relationship

293 The instrument was developed through an expert interview study and intensive literature study. The exact development cannot be reported in this article but will be published in final PhD dissertation

294 The study was sponsored by the German Academic Exchange Service (DAAD)

295 The Conflict Map also contains information about the perceived stakeholder, their interest in the conflict, conflict themes, possible solution and main obstacles to a settlement.
The combination of the interview with the TMQ displayed that the trust relationship is indeed complex and multi-layered. The statement that the trust-relationship between the conflict parties is per se low could not be confirmed. Qualitative as well as quantitative data of the TMQ suggest that the trust relationship is good in some conditions but low in others. The data of the TMQ however have to be treated with cautions, due to a small sample size, that doesn’t allow significant results.\textsuperscript{296}

Trust conditions, which measure the personal relations between the parties, such as “Compatibility” (perception to share the same values), are well developed between the parties. Both sides repeatedly pointed out, that the conflict is not between people but between the political elites, going so far that even on the issue of safety, a core trust dimension, is seen as good between the civil society. A Transdniestrian politician stated: “[…] we don’t have and they don’t have, […] anything to be afraid of.”. While the civil societies can trust each other, this trust is not extended to the political decision makers. Hence there is a good base of trust in at least two conditions (Compatibility and Safety) which can be used for conflict intervention on the civil society level but not so much on for political level intervention.

There is more complexity to the trust relationship: Frequently the interview partner pointed out that the new generation, children born after the civil war, grew up separately from each other. This differentiation manifests on multiple levels: “There exists a big difference between the mentality of the young people from Transdniestria and young people from Moldova […] the language is different etc.” (Transdniestrian Lawyer). Hence a possible resource of the trust

\textsuperscript{296} The smaller number of TMQ is due to the time restriction of some of the interview partners, who could not participate for 2 hours. In such cases they were not asked to fill out the questionnaire but whole time for used to collect the qualitative data.
condition is not shared by the next generation – a resource for peace intervention is likely to disappear.

As an integrated part of the interviews, the TMQ allows to visualize and compare in quick manner the trust profiles of the parties (figure 1).

The TMQ highlights conditions in which the trust remains but also where trust is threatened, such as in the condition “Loyalty” (belief that the other side won’t take advantage of one). The scores indicate that both sides are afraid that the other side will take advantage of them. This information can also be found in the interviews, but in a more hidden manner. The interview partner didn’t speak to openly about it. Hence the TMQ added to the understanding of the trust dynamics. Many conflict intervention depend on the willingness of the parties to open up to each other. This can be hindered if, the parties are afraid if for example that shared information could be used against one. Therefore it is critical that the lack of the trust condition ‘Loyalty’ improves
throughout the interventions. Better developed trust condition could be a possible resource for this.

The extracted results in the condition Compatibility, Loyalty, and Safety show examples of the interplay between the interviews and the TMQ and provided a deeper understanding, what trust means between conflict parties. The combination of qualitative and quantitative data allowed drawing a comprehensive trust map. The qualitative input provided some in-depth insight and explain more subtle dynamic. The TMQ was applicable and also provided additional information to the qualitative interview data. It helps to direct attention to low-trust condition and well developed trust conditions.

**Conclusion**

The multi-dimensionality of trust makes conflict interventions more complex, since they have to meet different conditions. But it also allows more entry points for the interventions.

To react appropriate to the trust relationship a pre-assessment is crucial. If time allows it, a qualitative assessment in combination with the TMQ is recommended, since it gives a depth to the complex relationship that can be easily lost in the quantitative data. However, if circumstances prevent an extensive pre-assessment, the TMQ by itself is a good alternative to gather in a more timesaving manner crucial information about the trust between the conflict parties.

**References**


