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ARTICLE

Aggressivity, Violence, Sociability and Conflict Resolution: What Genes Can Tell Us

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Abstract

Conflicts are inherent to the human condition, as they are for all living beings. Disputes about resources or access to mating partners are among the most common causes of conflict. Conflict is herein defined as a struggle or contest between individuals or parties, and may involve a variety of aggressive behaviours. In humans, aggressiveness, violence and conflicts, including individual predisposal to conflict resolution, have traditionally been said to have deep cultural roots, but recent research in both neuroscience and genetics has shown the influence of genes on such complex behavioural traits. In this paper, recent data on the genetic aspects of these interrelated behaviours will be put together, including the effects of particular genes, the influence of stress and gender on gene regulation, and gene–environment interactions, all of which may influence biological predisposal to conflict resolution. Other genetically influenced behavioural aspects involved in conflicts and conflict resolution, such as sociability, will also be discussed. The importance of taking into account genetic and biological data to provide strategies for conflict resolution will be highlighted.

Keywords

behaviour heritability, aggressiveness, sociability, conflicts, neurotransmitters

INTRODUCTION: GENETIC VARIANCE AND HERITABILITY OF AGGRESSIVENESS

Aggressiveness is a prominent behavioural trait in most animal species including humans, the expression of which must be carefully modulated to assure the success of individuals, small groups and large societies. As it has so many facets, aggressiveness has been studied from a wide variety of disciplines including sociology, anthropology, biology and pharmacology. When taken together, the vast body of work produced to date indicates that the modulation of aggressiveness is influenced by a complex set of biological, psychological and social variables.

In the field of genetics, in order to discuss gene contribution to a particular character or trait, a certain degree of heterogeneity in the expression of that character within

individuals in the analysed population must first be demonstrated. Thus, in order to discuss the genetic and biological contributions to human aggressiveness, it has to be acknowledged that the human population is not homogeneous with respect to the development of aggressive behaviours (Eley et al., 1999, 2003). That is, some individuals may be more prone to aggressiveness or may show different thresholds to violent behaviour. This does not imply that these complex traits are solely determined by particular gene variants, but that some gene variants (alleles) of particular genes have different effects on the overall threshold for aggressiveness and predisposal for conflict resolution, in conjunction with other genes and multiple cultural and educational factors.

For students of conflictology unfamiliar with genetics, it should be noted that a gene is a segment of DNA coding for the synthesis of a particular protein, which in turn has a specific biochemical function in the organism, thus conferring a particular character. Complex traits,



however, such as behavioural traits, are usually influenced by a number of different genes, each contributing to the final character, as well as by the environment. Within this general scheme, each gene may exhibit several different alleles coding slightly different genetic messages, leading to variations in the corresponding trait. Alleles for a particular gene may differ in their coding sequences, producing slightly different proteins that in turn confer a particular trait, and/or they may differ in the non-coding sequences that regulate the expression of that gene, conferring slightly different manifestations of the trait despite exhibiting exactly the same corresponding protein. A discussion of the particular mutations that generate the sets of alleles of the genes discussed below is beyond the scope of this paper but can be found in the cited literature.

Coming back to human population heterogeneity, and in order to demonstrate the genetic contribution to this heterogeneity, the variance and heritability of aggressive behaviours have to be quantified. In genetics, variance measures individual deviations from the mean of the analysed trait, which is mathematically calculated as the mean of squares of individual deviations from the mean. Heritability measures the proportion of total phenotypic variation in a particular trait, at the population level, that is attributable to variation in the genotype. Phenotype refers to the visible, or otherwise measurable, physical or biochemical characteristics of an organism, and the genotype is the precise genetic constitution of an organism; the phenotype results from the interaction of genotype and environment.

In this regard, a detailed evaluation of a meta-analysis of 24 genetics studies concerning aggression concluded that heritability accounted overall for about 50% of the variance of the trait – 44% from genetic effects and 6% from shared environmental factors. The remaining 50% of variance can only be explained by unshared environmental factors (Rhee and Waldman, 2002). From these results it can be concluded that particular genotypes account for some of the individual differences with respect to aggressiveness. It has also been demonstrated that this heritability changes with age; whilst genetic factors and a common environment are equally important in childhood, heritability becomes even more prominent in adulthood (Miles and Carey, 1997).

Another approach that was used to demonstrate the overall contribution of genes to aggressiveness involved the generation of several different rat strains by 50 consecutive selective reproduction cycles, in which, for each generation, individuals showing higher and lower aggressive responses were selectively mated. Comparison of the basal aggressive behaviours between strains under the same environmental conditions clearly showed the heritability of this trait (Rebollo-Mesa et al., 2010). Moreover, experiments in which a particular gene named MAOA (see below) was knocked out in mice (as spontaneously occurs in some humans), causing lack of function of the corresponding gene, showed the contribution of some of its alleles to impulsive

aggressiveness (Scott et al., 2008). Thus, as individual differences in aggressiveness have an important genetic basis, in order to analyze its involvement in human conflicts as well as to increase our understanding of conflict resolution strategies, it is also necessary to consider this trait from evolutionary, physiological and genetic points of view, alongside its cultural, social and educational roots.

AGGRESSIVENESS AND SOCIABILITY AS AN EVOLUTIONARY ADAPTATION

The presence of genes and their variants in populations is the result of long and complex evolutionary processes. They include fortuitous mutation events that generate alleles and new genes, as well as natural selection, not only within our current species but also in our ancestors and the ancestral species of our lineage from which we have inherited our genetic constitution. The various facets of human aggression, as well as of sociability, a behavioural trait of which the genetic contribution will be discussed latter, should be considered as a balance between traits that are evolutionarily advantageous in a competitive world based on social cohesion.

Aggression, particularly for males living in communities, as analysed in a wide range of model species including zebra fish, snakes, dogs, cats, elephants, mice, rats and primates, including humans, provides a competitive edge in securing resources and in intra-sexual competition through combat. High levels of aggression may also compensate for a lack of physical prowess in establishing hierarchy and dominance with respect to reproductive success, one of the key aspects in evolutionary processes.

In females, aggression can help to protect offspring against a range of threats. As this behaviour represents a high-risk strategy, due to the associated possibilities of injury or death, there is a high likelihood of both potentially positive and negative selective discrimination throughout evolution, which may explain why human aggression appears to have a strong genetic underpinning (Maynard Smith et al., 1988). Interestingly, with respect to aggression as a response to threat – reactive aggression – there appears to be a complex relationship in mammals between anxiety and aggression, and strong evolutionary conservation of the brain regions involved in both, including the amygdala circuitry, the anterior cingulate cortex and regions of the prefrontal cortex on the other hand (Lesch, 2005).

AGGRESSIVENESS AND GENDER

It appears that heritability of aggressiveness is also related to gender, although the situation in humans is not completely



clear and there are conflicting data. In humans, very clear cut distinctions between sexes have been made on the basis of crime and a wealth of studies has demonstrated a correlation between testosterone levels and aggression (Archer, 1991), but contradictory observations have also been made (Turner, 1994).

More recently, a meta-analysis of 45 independent studies, reflecting a range of both positive and negative correlations, provided support for an overall weak positive effect of testosterone levels on human aggressiveness (Book et al., 2001). Differences between males and females are likely to be due to the different evolutionary aggression strategies, which result in different proactive and reactive responses in terms of level and frequency, based on the interaction of hormones and neurotransmitters with their receptors and in the subsequent signal transduction mechanisms, as well as epigenetic modifications (see below). Interpretation of the relationship is, however, complicated in humans, not only because of methodological problems but also because of fluctuations in hormone levels in response to environmental conditions and circadian rhythm. Age is also a confounder, with regard to both the changing response and hormone levels.

Despite this, male-associated aggression suggests the possible involvement of genes for androgen synthesis and function, possibly via the Y chromosome, as it contains the gene involved in triggering male development and male-hormone synthesis (named *Sry*). A tendency has been observed in healthy Swedish males for a correlation between particular alleles for the androgen receptor gene and muscular tension and verbal aggression (Jonsson et al., 2001), along with a significant correlation with respect to violent criminal activity in Indian males (Rajender et al., 2008).

However, it appears that not only the Y chromosome is important in contributing to aggression through its role in male determination, but that other genes are also involved. Thus, if the normal male-determining *Sry* gene is deleted from the Y chromosome in mice and is subsequently provided as an autosomal copy, the strains created vary in aggressiveness (Gatewood et al., 2006). This indicates that other candidate genes are required in order to study this trait from the genetic point of view.

THE SEROTONINERGIC SYSTEM: SOME CANDIDATE GENES FOR AGGRESSIVENESS

Research pointing to the key role of the neurotransmitter serotonin in aggression suggests that the genetic control of all aspects of serotonin metabolism, and particularly of its synthesis, its release from neurons, and its action via the various receptors, represents a rich field for the selection of candidate genes involved in aggressiveness. One aspect of this is the observation that the level of arginine vasopressin

(AVP), a peptide hormone in the cerebrospinal fluid (CSF) within brain ventricles, correlates with the life history of aggression, and that a reduced level of the serotonin metabolite, 5-hydroxy-indole acetic acid (5-HIAA), within this fluid is associated with violent behaviour (Coccaro et al., 1997, 1998). These molecules are also present in human and rodent CSF during embryonic and foetal development (Parada et al., 2005 and 2007; Zapatero et al., 2007; Bueno et al., personal communication), possibly contributing to neural pathways for later behaviours. However, the complex composition and the dynamics of CSF make it difficult to determine whether the levels of these gene products are the cause of aggressive behaviour or the consequence, which may be reflected in the composition of the CSF.

Other known candidate genes, reported to be involved in the regulation and/or heterogeneity of aggressiveness, that are also related to serotonin pathways are the serotonin transporter SLC6A4, the monoamine oxidase enzymes (MAOA and MAOB), tryptophan hydroxylases (TPH1 and TPH2), and the serotonin receptors 5-HT1A and 5-HT1B. MAOA and MAOB are two closely related enzymes that play an important role in the metabolism of biogenic amines in the central nervous system, including serotonin, norepinephrine and epinephrine (MAOA) and dopamine (MAOB). An important watershed of the candidature of MAOA followed the above mentioned correlation of null mutations and aggression in both mice and humans (Brunner et al., 1993; Cases et al., 1995). More recently, mutations that modify its level of expression have also been associated with aggression and violence (D'Souza and Craig, 2008), although the results show some inconsistencies due to the complex interactions between functional alleles, exposure to environments and sex hormones.

It has been reported that maltreated males are significantly more likely to develop antisocial behaviour if they had MAOA alleles exhibiting low activity (Caspi et al., 2002), and that the high activity variants conferred some protection against a stressful and abusive childhood (Foley et al., 2004; Nilsson et al., 2006; Widon and Kim-Cohen, 2007). Moreover, a significant correlation between MAOA alleles exhibiting high expression and lower impulsivity has been found, suggesting a complementary role of this gene in the heterogeneity of aggressiveness: MAOA may act on impulsivity, and subsequently on aggressive behaviour (Huang et al., 2004; Nilsson et al., 2007). More recently, a significant interaction between exposure to moderate trauma and the low activity of MAOA, with respect to aggression scores, has been confirmed, although exposure to extreme levels of trauma results in high aggression scores regardless of the gene variant for MAOA expression (Weder et al., 2009).

However, results from studies relating functional variants of MAOA and female behaviour are intriguing. For example, it has been reported that girls with alleles that show high rather than low activity appeared to be at risk of engaging in criminal behaviour in the presence of psy-



chosocial risk (Sjoberg et al., 2007). There is evidence that MAOA transcription may be regulated by both androgens, including testosterone, and glucocorticoids, linking aggressiveness with both gender and stress (Craig, 2007; Ou et al., 2006; Sjoberg et al., 2008). These results make it increasingly obvious that it is necessary to consider the impact of genes not in isolation, but as part of a multifactorial miasma including other genetic factors and the environment.

With respect to other genetic factors that are related to the serotonin pathway mentioned earlier, an interaction between the impact of high adversity in childhood on later-life violence has been reported, though only in people exhibiting low activity alleles for the serotonin transporter SLC6A4 (Reif et al., 2007). On the other hand, as the action of serotonin is mediated by a range of receptors, e.g. 5-HT1A and 5-HT1B, these receptors should also be considered as candidates for generating heterogeneity in human aggressiveness. It has been demonstrated that up-regulation of these receptors in rats is associated with high levels of aggression, behaviour that is further enhanced following victorious aggressive experiences (Caramaschi et al., 2007). In humans, more than 20 correlation studies linking gene variants of these receptors with aggressiveness and antisocial behaviours have yielded varying results (Sanders et al., 2002), ranging from antisocial alcoholism (Hasegawa et al., 2002; Lappalainen et al., 1998; Soyka et al., 2004) to pervasive aggression in children (Davidge et al., 2004), and including a range of behaviours such as psychosis, agitation, aberrant motor behaviour and depression (Prichard et al., 2008).

Finally, alleles for the tryptophan hydrolase 1 and 2 (TPH1 and TPH2) enzymes, involved in serotonin synthesis in the brain, have also been associated with lower levels of 5-HIAA in the CSF in control males, but not in females (Nielsen et al., 1994), producing higher scores for aggression and a tendency to experience unprovoked anger (Henning et al., 2005). In mice, an allele of TPH2 has also been associated with inter-male aggressiveness (Kulikov et al., 2005; Osipova et al., 2009). These results indicate the participation of gene variants in aggressiveness and violence regulation and heterogeneity, although as part of the multifactorial miasma, as argued above.

CANDIDATE GENES IN THE STRESS RESPONSE PATHWAY

As discussed in terms of its relationship with aggressiveness, the influence of MAOA also depends on stress levels. Two separate elements exist in the stress pathway: the neuroendocrine stress response and the autonomic reaction to stressful situations (commonly typified by the *fight or flight paradigm*). Thus, genetic factors interacting with these systems are also candidates for regulating aggressiveness

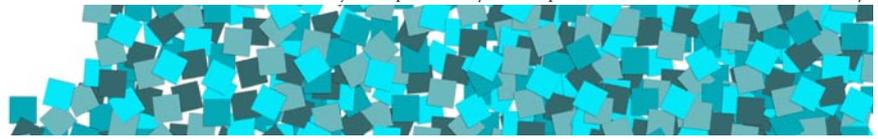
and violence in conflicts. For example, dopamine-beta-hydroxylase (DBH), a key enzyme in the synthesis of norepinephrine, may underpin aspects of antisocial behaviour, including increased neuroticism scores and impulsive and/or aggressive behaviour (Hess et al., 2009).

Another candidate gene is catechol-O-methyl transferase (COMT), an enzyme involved in dopamine and epinephrine metabolism. A lack of COMT function in mice leads to increased aggressive behaviour but only in males (Gogos et al., 1998). In humans, some authors have found a correlation between a particular COMT allele and increased aggressiveness, particularly for males, and frequently associated with schizophrenia. In women, however, this allele correlates with the least aggressive behaviour (Kulikova et al., 2008). The dopamine receptor DRD2 has also been associated with stress disorders, and a particular allele of DRD2 has been recently associated with higher risk of posttraumatic stress disorder in war veterans (Voisey et al., 2009). In rodents and monkeys there is also a positive relationship between noradrenergic activity and fighting/biting behaviour, and a positive relationship between aggressiveness and the CSF level of norepinephrine or its metabolites is also found in most human studies (Craig and Halton, 2009; Placidi et al., 2001).

OTHER CANDIDATE GENES

Other genes have been associated to aggressiveness and violence. This includes genes encoding the enzyme, nitric oxide synthase (NOS1), recently associated with traits relating to impulsivity, including hyperactive and aggressive behaviour (Reif et al., 2009), and the arginine vasopressin receptor (AVPR1A), whose ligand, arginine vasopressin, has been mentioned above as being implicated in aggressiveness (Ferris et al., 1997). In humans, this receptor has been associated with social communication and autistic traits, but no direct relationship with aggression has yet been demonstrated (Bachner-Melman et al., 2005).

Various physiological changes can also promote increased aggressive behaviour. One of the most analysed is the lowering of sugar levels in the blood, which provokes fatigue, dizziness, headaches and irritability. Various studies have attempted to link serotonin mechanisms, insulin levels and glucose metabolism with aggression and impulse control (Linnoila and Virkkunen, 1992; Virkkunen et al., 2007). A variation in the serotonin transporter gene was found to affect nutritional intervention on fasting blood glucose levels in non-diabetic females (Yamakawa et al., 2005). Furthermore, glucose transporters are also thought to have an affect on hypoglycaemia and the resultant behaviour. This is supported by a familial study, in which six out of the eight family members were found to have a mutation in the glucose transporter SLC2A1 gene, resulting in irritability and impulsive behaviour (Weber et al., 2008).



THE ROLE OF EPIGENETICS IN AGGRESSIVENESS AND VIOLENCE

New findings in epigenetics have to be taken into account, as these may help to link environmental conditions with genetic traits and explain the apparently contradictory gender-dependent influence of some alleles. Epigenetic modifications of the genetic material consist of biochemical modifications of particular DNA nucleotides and/or of some of the proteins involved in chromatin structure, such as histones. These modifications, which under certain conditions are reversible and are genetically controlled, may affect the regulation of gene expression.

It has been reported that rat pups deprived of maternal care exhibit an epigenetic modification affecting the glucocorticoid receptor promoter, a particular methylation, which subsequently produces behavioural deficits and increased inter-male aggressiveness (Weaver et al., 2004; Veenema et al., 2007). In humans, an analogous epigenetic methylation of the glucocorticoid receptor promoter has been associated with violent suicide victims who had experienced adverse events early in life (McGowan et al., 2009). Similarly, rat pups raised by stressed mothers exhibit increased epigenetic methylation of the gene coding for the brain-derived neurotrophic factor (BDNF), a neural growth factor in the brain's prefrontal cortex, which tends to reduce the level of BDNF. It has also been reported that this methylation pattern is passed on to the subsequent generation (Roth et al., 2009).

Interestingly, epigenetic methylation of the MAOA promoter region has been reported in females but not in males; a difference that may be related to the different aggressive responses related to gender (see above), although the extent of this remains to be elucidated (Pinsonneault et al., 2006). Epigenetics is a new field that could contribute to our understanding of the association between genetics and behavioural aspects such as aggressiveness and violence, linking the environment with the expression of particular genes.

SOCIABILITY

Although most of the results discussed in this paper refer to aggression and violence, conflicts may be caused by a variety of aggressive behaviours which, in turn, complicate its resolution, so these aggressive behaviours have to, at the least, be taken into account. This is just the "tip of the iceberg" as there are many other behavioural traits that may have some genetic basis, as they originate in the brain, a biological structure that develops and works under the direction of gene networks. These gene networks propitiate neural plasticity, which also depends on a number of environmental factors – although these

will not be discussed here. The other behavioural traits include an inclination to many different degrees of optimism, empathy, sociability, etc.

For example, it is known that the level of neurotransmitters such as serotonin and dopamine is related to depression, and that some pharmacological treatments for depression act on these neurotransmitters. Thus, different alleles of the relevant genes may result in different degrees of optimism in different individuals. Moreover, different alleles of a gene called VMAT2, whose protein product is involved in packing neurotransmitters such as serotonin and dopamine within neurons, have been found to be associated with human spiritual capacity (Zimmer, 2004), which in turn influences many behaviours.

Twin and family studies suggest that uniquely human characteristics such as empathy, altruism, a sense of equity, love, trust, music, economic behaviour, and even politics are partially hardwired (reviewed by Epstein et al., 2010). The leap from twin studies to identifying specific genes engaging the social brain has occurred in the past decade, aided by new insights on social behaviour in lower mammals. Remarkably, genes such as the arginine vasopressin receptor and the oxytocin receptor contribute to social behaviour in a wide range of species from voles to humans (Donaldson and Young, 2008). Several studies have allowed the heritability of social behavioural phenotypes to be determined for a number of traits (Table 1). This implies that although most of the genes and alleles involved in such traits may still be unknown, or at least much less known than those for the abovementioned serotonergic pathway that is associated with aggressiveness, research in these areas is of vital importance to fully understand conflicts, and to more effectively apply conflict resolution.

Table 1. Heritability of social behaviour traits. Modified from Ebstein et al. (2010)

Trait	Genetic effects	Shared environment effects	Unshared environment effects
Prosocial behaviour (boys)	57%	12%	31%
Prosocial behaviour (girls)	55%	4%	41%
Psychosocial stress (males)	57%	12%	31%
Infidelity (females)	50%	0%	50%
Social responsiveness (boys)	50%	25%	25%
Social responsiveness (girls)	39%	42%	19%
Empathy	47%	0%	53%
Political attitudes	42%	23%	35%
Aggression	40%	17%	43%
Leadership	40%	0%	60%
Parental warmth	38%	0%	62%
Risk	37%	0%	63%
Secure attachment	37%	0%	63%
Dictator giving	30%	0%	70%



CONCLUSION

The impressive amount of data available demonstrates that genes play a role in human conflicts: the variety of aggressive and violent behaviours that derive from as well as provoke them. For this reason, and to develop strategies for conflict resolution, it is necessary to consider the impact of genes as part of a multifactorial miasma, including other genetic and epigenetic, as well as environmental factors. In other words, it is necessary to consider not only the cultural, social and educational environment, but also the genetic and other

biological factors related to evolutionary human traits such as aggressiveness and violence, sociability and empathy, altruism and optimism.

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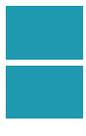
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ARTICLE



Laughing our Way to Peace or War: Humour and Peacebuilding*

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Abstract

In conflict-affected societies, humour has significant potential to contribute to the escalation or reduction of conflicts. This paper provides a multi-disciplinary approach to understanding the social role of humour in conflicted societies, drawing on literature from social psychology, health and conflict resolution. The paper offers an analytical model regarding the role of humour in peacebuilding in divided societies, as well as documenting several examples of the application of humour and the opportunities and challenges to using humour in societies in conflict. Concrete roles that humour can play are discussed, including as a tool to cope with violent conflict, humanizing or dehumanizing the other, bridge builder, mobiliser, etc. Avenues for future research are also outlined.



Keywords

humour, conflict resolution, research, coping, peacebuilding, violent conflict, jokes

“If we can laugh together, we can live together”
 Ray Hanania (2007), Member of the Israeli/Palestinian Comedy Tour

“It’s about releasing psychic tension through laughter”
 Moshe Cohen, Founder of the US Branch of Clowns Without Borders (cited in Wroth, 2009)

INTRODUCTION

Around the world today, the use of humour can play a critical role in building positive relations or potentially inflaming conflicts. There are countless examples of individuals and groups using jokes and humour in conflict settings as a means for survival. Comedy can help people cope with the impact of conflict, be used as a tool for building bridges across the conflict divide, or exacerbate conflict by intentionally or unintentionally demonizing others.

Although humour has long been an important part of conflict and conflict resolution, how it functions in conflict affected societies or the role of humour in conflict resolution around the world has not been well studied until now. This paper is designed to 1) explore what humour is and through which modalities it is expressed, 2) identify relevant findings regarding the use of humour in settings where more research has been carried out, such as health care, and 3) give outlines of a preliminary research agenda and framework for exploring, in more depth, the specific role of humour in conflict resolution.

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Craig Zelizer Laughing our Way to Peace or War: Humour... ■

As a conflict resolution scholar and practitioner for almost two decades, one of the issues that I have experienced in diverse societies around the world, particularly those in the midst of severe conflict or recently emerging from conflict, is the use of black humour. To individuals from outside the conflict regions (and likely to some inside), some of the jokes about violence, death and self-deprecation are shocking to hear. However, from my time in Colombia, Bosnia-Herzegovina, Northern Ireland and other conflict affected areas, making fun of one's own group and the "other" is a frequent rite of passage.

An especially memorable moment was during the Sarajevo Film Festival in the summer of 2001, watching the premiere of the Bosnian Film, *No Man's Land* with a crowd of several thousand in an open-air cinema. The film later won the Academy Award for Best Foreign Film. It provides a humorous account of the Bosnian war, in which all sides, the international community included, are equally the object of ridicule. For example, in the film a UN peacekeeper is dispatched to aid in preventing conflict but explains: "We are here to keep the peace but we are not allowed to do anything or get involved" (Horton, 2006, p. 31). Watching thousands laugh at their own recent and tragic conflict through a film, that made fun of all sides, and the absurdity of war, was quite a shocking and powerful moment.

On another occasion, I attended a comedy show in Belfast where most of the humour was based on everyday aspects of life in the country. It was interesting to watch the audience and listen to the response to the aggressive humour of this performance. At one point the comedian pushed too far and the audience turned against his jokes. His humour had crossed the line that was socially acceptable between making fun of others and being cruel.

Apart from the individual or cultural use of humour in conflict affected societies, there are also countless examples of the use of humour to help break down conflict divisions, to ensure that groups do not take themselves too seriously or to help individuals cope with the tragedy of conflict by being able to laugh at themselves or their group. This in turn can aid the healing process. Although by no means does humour represent a magic solution for transforming conflicts, nor is does it always have benign impacts, the subject deserves additional study.

WHAT IS HUMOUR?

Humour has a number of definitions. For this paper humour is defined as:¹

- a) that quality which appeals to a sense of the ludicrous or absurdly incongruous;

- b) the mental faculty of discovering, expressing, or appreciating the ludicrous or absurdly incongruous;
- c) something that is or is designed to be comical or amusing.

Humour doesn't exist in and of itself, but has to be delivered through a number of possible mediums. These include informal conversations, jokes, plays, cartoons, music, films, and comedy. Humour can be something structured and planned in advance, or something that emerges as a spontaneous reaction.

In general, humour occurs within social interactions, and the context is critically important. According to Rod Martin (2007), a leading researcher in humour studies, humour includes four key components:

- 1) a social context
- 2) a cognitive perceptual process
- 3) an emotional response
- 4) the vocal-behavioural expression of laughter (p. 5)

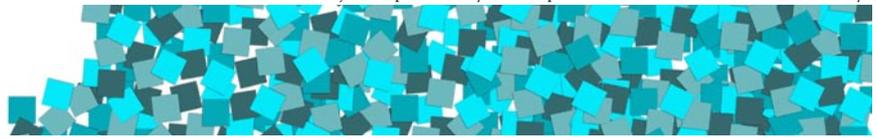
In many ways the process of humour is similar to a standard communication approach where a message is delivered to a recipient who then processes the information based on a particular relational and social context. One of the core aspects of humour and communication in general is that the content of the message is not the only important component in play. The underlying motivation and tone of delivery and how the receiver interprets the materials are also key factors in determining the potential positive or negative impact of humour.

For humour to have an impact and be effective, it generally needs to occur within a context that helps to provide the additional meaning, or a cultural lens through which it can be interpreted. For example, many societies may choose specific professions to tell jokes as a way to try and challenge the power or status that professionals in that sector may have. In the United States, lawyers are often a major target for jokes for a myriad of reasons. While jokes about lawyers in the US may elicit a response from many audiences, a similar joke about lawyers in another cultural context may not elicit the desired response. Similarly in many severely conflict affected societies, joking about war, violence or trauma may be something at least socially acceptable or tolerated, while these types of jokes might be seen as completely insensitive in societies that have not experienced widespread violence.

The stages of humour can be expressed in the following sequence:

- A particular social context exists (social conversation, organisational, family interaction, political settings).

1 Definitions from Merriam-Webster Dictionary. Retrieved: February 9, 2010.



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The context involves a host of cultural norms and embedded relationships that help to define how humour will be expressed. The underlying intention behind the choice of content and tone are important factors.



The humour is expressed by a particular party using a specific means of delivery (a joke, ironic remark, speech, etc.).



The receiving party or group processes the information based on their own perceptions of the humorous expression and context, as well as their own emotional and mental state. Depending on these factors the following may happen:



Often a behavioural response will arise, which traditionally might be smiling or laughter (this can be genuine or feigned).



If the humorous expression is taken to be offensive, the receiving party may respond with another humorous reaction or set up conditions for future conflict.

This sequence provides a simplistic portrayal of the key steps in a humorous encounter. These interactions can be direct where communication is interactive, or through more distant media where the audience is not directly known to the originator of the humour. These indirect vehicles of humour include television, film, and some forms of new media. Regardless of the particular type of relational interaction and means of delivery, how the social relationships are embedded in larger cultural, economic, and political dynamics that often involve power issues are key factors.

In the discipline of humour studies, there are more than 100 theories to explain why humour exists and its role in social interactions. According to McCreadie and Wiggins (2009), three of the dominant paradigms include:

- social (superiority)
- cognitive-perceptual (incongruity)
- or emotional (release) (p. 1080)²

Humour as a form of social superiority involves the demonstration of moral superiority over another group or self-disparagement (Swart, 2009). For example, in many conflicts, a dominant group will create jokes about the group they are seeking to control or influence. Incongruity or cognitive-perceptual humour is when something appears outside normal perceptions or knowledge and through a rapid cognitive process, resulting in a humorous reaction (Martin, 2007). Seeing a clown riding down a street on a unicycle in a neighbourhood where this has

never been done before could generate this type of response. As Beeney (2009) explains “when there is a juxtaposition of incongruous ideas, words, images, etc., humour may be evoked” (p. 5).

Humour can also play an important role in helping to fuel an emotional release. Often when people are nervous, laughter can be used to release anxiety. Or when a person or a group has had a particularly powerful and possibly life-threatening experience, the use of humour or jokes can help to release tension or emotions.

CULTURE AND HUMOUR

A core question in research on culture and conflict (Avruch, 1998) is the extent to which expressions or sources of conflict are universal as opposed to culture specific. Similarly, there has been extensive research regarding the relationship between humour and culture. According to Peter Berger (1997), all cultures in the world have humour. As he explains:

“Humour — that is, the capacity to perceive something as being funny — is universal; there has been no human culture without it. It can be regarded as a necessary constituent of humanity. At the same time, what strikes people as funny and what they do in order to provoke a humorous response differs enormously from age to age, and from society to society” (p. X).

Thus, all groups appear to have the need or capacity to experience humour as a means of creating in-group identity, making sense of unusual situations, and possibly as a coping tool. Berger (1997) has developed the concept of Comic Culture, describing how a particular cultural grouping defines and operationalises humour. Comic culture can be applied to identity groups, but can also be specific to institutional and organizational cultures, as they often develop their own particular forms and expressions of humour. As McCreadie and Wiggins explain (2009), “Any setting, whether oriented to health care, religion, social or family life, will have a unique comic culture related to the combination of personalities and circumstances involved” (p. 1094). For example soldiers often develop their own type of humour, as do humanitarian aid workers, and particularly groups that operate in situations of extreme stress (Zimmerman, 2009).

HEALTH AND HUMOUR

One of the fields in which widespread research on humour has been conducted is within the health sector. Despite the widespread belief that there is a direct link between humour,

2 For a useful overview of humour and various theoretical explanations see L.L. Beeney (2009), *The use and effects of humor in mediation*.



laughter and improved health, to date the research is less than conclusive. Scholars have broken down the possible health benefits of humour into direct and indirect benefits (McCreaddie and Wiggins, 2009).

According to Rod Martin (2004), there are four possible health benefits from humour that include:

- 1) The physical benefits that result from laughing that might include changes in the endocrine or immune systems (direct);
- 2) The positive emotional states that may accompany laughter (direct);
- 3) A moderation of the adverse effects of stress (indirect);
- 4) An increase in one's level of social support (indirect) (pp. 3-5).

Evidence providing strong correlations to direct health benefits is still being debated (Martin, 2004). However, there has been a strong push in recent years to integrate humour into diverse health care settings. These include training health care professionals in humour, using clowns in hospitals, and encouraging the use of humour in the workplace. There are also tangible outcomes for staff working in stressful hospital settings, when the use of humour in the workplace is encouraged. Some of the benefits include building teams, managing difficult emotions and relieving situations (Dean and Major, 2008).

WHY IS HUMOUR IMPORTANT IN RELATIONSHIP TO CONFLICT?

As previously highlighted, humour can play an important role in conflict contexts, in fostering connections, helping groups cope with the affects of conflict, and ensuring groups do not take themselves too seriously. Using humour can sometimes provide a degree of safety for expressing difficult ideas or opinions. Similar to the benefits of using theatre or roles as a safe space to experiment with different perspectives on conflict (Zelizer, 2003), the use of humour can allow a person or group to always claim that they are "just joking" (Swart, 2009) if sensitive topics are being explored.

In the following section, the relationship of humour to conflict is explored in relation to humour as a generator of conflict, as a tool for conflict resolution, as a form of social protest, and as a contributor to healing.

Humour as a generator of conflict

One of the core dynamics of conflicts, which has a strong identity-based component, is that groups have a natural tendency to distinguish between in- and out-groups (Been, 2009; Swart, 2009). Using humour can

help groups to solidify in-group solidarity and exclude others. This can be a healthy form of bonding to some degree, as the process can facilitate a degree of safety and trust among group members. Creating common jokes, humorous stories, rituals and more can help to build group cohesion and a sense of identity. As Srdan Vucetic (2004) explains, "Jokes are ubiquitous social phenomena. Many jokes can be regarded as narratives that provide a way of locating both the narrator within their group and that group's relationship to other groups; that is, jokes serve to situate the self within a particular social and political world."

However, using humour to create in- and out-groups, can lead to the dehumanization of others and justify the belief in the righteousness of one's own group or cause. Similar to hate media, as conflicts escalate, the negativity of the humour used to demonise the other side will likely increase in both formal and informal settings. In the Rwandan genocide and other instances of mass violence, humour has been used against other groups to justify actions of violence. For example, when violence broke out over disputed presidential elections in Kenya in 2007, jokes played a role in escalation of the violence. As Ms. Linda Ochiel, (cited in Quist-Arcon, 2008) Chief Human Rights Officer of the Kenyan National Commission on Human Rights, comments:

"Members of Parliament and campaigners used a lot of hate speech. They dehumanized communities, calling them names, names of animals, or objects, using jokes that were derogatory and making People look like they were not human beings so that the killings - the killings that have been happening went on for a long time. People killing their neighbours because they have been dehumanised. So it's become very easy for them to kill people that they know?"

In terms of monitoring conflict settings, attempts could be made to examine the subject and content of jokes in conflict settings. If there is a noticeable increase in the aggressiveness of jokes, in formal media and on the streets, this could be a sign that conflict dynamics and polarisation are increasing.

Humour as a process tool

This is similar to cognitive-incongruity. The use of humour in conflict settings can play an important role in breaking the conflict cycle. There has been extensive research about the use of humour in mediation settings and in negotiation. Much of this research has focused on the technical use of humour to help interrupt or reframe conflict dynamics between the disputing parties (See Been 2009). Encouraging parties in conflict to laugh at the conflict or provide a humorous perspective on a frustrating situation can sometimes help reframe the dynamics of the



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conflict and allow space for progress to be made. According to Bercovitch (1984) and other negotiation scholars, a sense of humour is also an important characteristic of effective international negotiators.

As Been (2009) summarizes the research on humour and mediation: “Humour can be used to break the ice between strangers, to diffuse tension between agitated individuals, to insult and tease, to remind a group of their shared social experience, to soften the blow of an insult, or it can be used to sting and make a swipe at someone” (p. 9). One of the challenges in using humour as part of a conflict resolution process is to ensure that the timing and context are appropriate.

In addition, humour can play an important role in more traditional conflict resolution processes in developing societies. According to research conducted by Mark Davidheiser (2006) in the Gambia, joking relationships and humour play a vital role in providing a space and process to address social conflicts. As he explains “The ritual space created through joking relations and their social capital make them effective even in cases resistant to other mediation attempts” (p. 848). Thus, in some cultures, humour itself may be an appropriate tool for bringing parties in conflict together.

This type of work can also be done at a macro level, by providing an opportunity for groups to challenge some of the assumptions they hold about the conflict, or about the other side. The goal is often to foster or explore a different approach to understanding conflict, by providing a different perspective. Thus humour can be integrated into a wide variety of conflict resolution processes, such as dialogue, facilitation and negotiations.

Healing humour

Humour can be used to help groups deal with tensions, release frustrations and also heal mental and emotional wounds. The use of humour for releasing emotions that have built up as a result of conflicts can be particularly important to help groups cope and maintain their sanity. Exploring humour, through jokes, using funny skits, movies, films or other media, can be an excellent tool to help groups that have suffered from conflict begin to heal and to laugh again.

One of the most well-known groups promoting this type of activity as a form of creative therapy or artistic intervention is the Clowns Without Borders organisation. The group was founded over 10 years ago and has performed in over 300 locations around the world, and reached over 1,000,000 people (Wroth, 2009). As Moshe Cohen, the founder of the US Branch explains, “It’s about releasing psychic tension through laughter” (Wroth, 2009).

In many war settings, and instances when individuals face dire circumstances, humour can provide a lifeline. Gerald Coffee (cited in Wooten and Dunkelblau, 2001), a

prisoner of war in Vietnam, shares why American soldiers used humour in the Vietnam POW camps: “Laughter sets the spirit free through even the most tragic circumstances. It helps us shake our heads clear, get our feet back under us and restore our sense of balance. Humour is integral to our peace of mind and our ability to go beyond survival.”

Relationship building

One of the challenges in conflicts is trying to create spaces where groups can interact with each other across the divide. There are a host of processes that have been used to foster relationship building, ranging from conflict resolution training, to sports, arts and education. Humour could also be a potential tool for engaging groups.

To date, research in this area has been very limited, while the practice of using humour as a driving tool for bringing groups together is only slightly more widespread.

There are several examples in this area, for example the Israeli-Palestinian Comedy Tour, with four US born comedians from different backgrounds, who have performed in many different countries. Their goal “is to make us laugh, to help us realize the foolishness of violence, and to reflect on our situations” (Batruni, 2009).

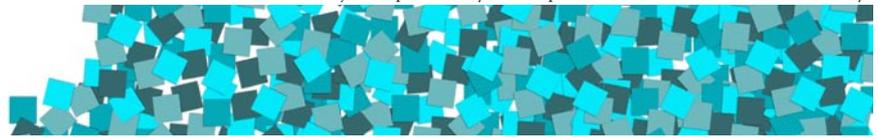
The Cartooning in Conflict Exhibit is a travelling exhibition that questions the conflict that is taking place between the two sides, and has been exhibited in several locations around the world including Israel, Spain, the UK and the US. Robi Damelin (cited in Donnelly, 2009) tells how one of the key organisers describes the work: “Their art illustrates the destructive absurdity of the Palestinian-Israeli conflict and, more importantly, serves as a catalyst for hope by imagining a path to reconciliation and peace.”

Social protest

In addition to those listed above, the fourth possible role for humour is that it can play an active role in resisting oppression and challenging the conflict dynamic. According to Majken Jul Sorensen (2008), the use of humour in the nonviolent Otpor movement in Serbia that challenged the rule of Slobodan Milosevic had a critical role in several areas including:

- a) Facilitating outreach and mobilisation;
- b) Facilitating a culture of resistance within the resistance movement — building solidarity and strengthening the individual’s capacity for participating in resistance;
- c) Turning oppression upside down (pp. 175-181).

There is extensive research indicating that, in times of severe conflict, humour can be used to resist. As humour



researcher Don Nilsen (cited in Hartill, 2005) comments about the Jews in World War II, “The humour used by the Jews in Nazi concentration camps allowed the Jews to take a little bit of control of their own lives.”

POTENTIAL FRAMEWORK FOR HUMOUR IN CONFLICT REGIONS

Based on the exploration of humour and its various roles, a preliminary framework for examining the relationship of humour and conflict in communal settings is provided below.

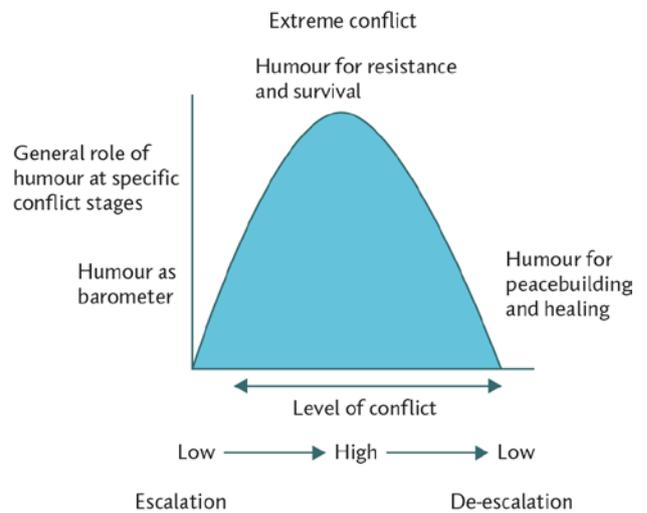
Figure 1. General categories of humour and conflict resolution (adapted from Zelizer, 2003)

Approach	Example	Relationship to conflict resolution
Intervention Based	Use of humour to help explore or challenge assumptions around specific conflict related issues.	Can address substance and/or relationship components of a conflict.
Creating Group Divisions	Using humour to demonstrate superiority or power relations.	Can lead to conflict escalation.
Relationship Based	Use of humour based processes to help facilitate relationship building.	Addresses relational component of peacebuilding.
Social Protest	Use of Humour in social protests against violence, aggression or oppression.	Help to mobilise community to take action, more activist in nature.
Healing Humour	Clowning or other forms of humour based activities.	Individual level healing, help to re-integrate people into community. Provide a safe space.

The categories presented above are somewhat arbitrary and there can be significant overlap between them, as humour based processes that are designed to protest against a conflict may also have an intervention focus. However, they do serve as a useful analytical tool to begin distinguishing the types and purpose of different humour based processes.

The next figure shows the particular roles of humour at different stages of the conflict.

Figure 2. Stages of conflict and humour



FUTURE RESEARCH

This paper is designed to provide a preliminary overview of some of the key aspects of humour and conflict. Given the limited research on the role of humour in conflict, particularly in terms of healing, social protest and relationship building, there are several areas of potential future research that are outlined below.

Humour as a peacebuilding tool

Given the use of humour in conflict regions, what is the potential for humour based interactions to contribute to peacebuilding or positive interactions? Under what conditions will humour facilitate positive change in conflicted parties? When might humour or some expressions of humour be inappropriate and backfire, causing more harm than good? Can comedians or other types of humour-based actors be used within peacebuilding more effectively? How can humour more effectively be integrated into the work of peacebuilders?

Collecting jokes and other expressions of humour

Despite the widespread use of humour as a tool for dealing and coping with conflict, there is a lack of information regarding the types of jokes and humour that are being used in conflict regions. How about: To help facilitate learning across different cases, a finer understanding of humour in conflict regions is needed, of its contents and most frequent uses, and how it varies among groups and depends on power relationships.



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Humour as a healing agent

Within the field of peacebuilding and psychosocial work, humour is being widely used as a tool or process to facilitate healing among groups that have suffered from conflict. What are the tangible short and long-term results from these efforts? When is it appropriate to use humour with groups and when might it cause harm? How can humour also be used as a self-care tool for practitioners?

Training practitioners

Are peacebuilding practitioners and students being taught about the potential role of humour in trainings or the classroom? What are the gaps in curricula and learning?

Developing a greater understanding of the medium of humour in conflict regions

One of the first avenues of research could be to explore the most frequently used medium of humour in conflict regions and collect examples from a number of countries. There is also the question of the degree to which humour processes

by themselves can be an intervention process. Is it possible to have examples of Comedians for Peace, or Humour for Peace that have resulted directly in some type of intervention or behavioural change in a conflict context?

CONCLUSION

This paper provides a brief overview of some of the key dynamics regarding humour in the context of conflict. Although there is extensive literature on the role of humour in society, healing and other sectors, the exploration of humour in peacebuilding and conflict resolution to date is more limited. There is a need for additional research and exploration. The two models outlined in the paper can help to guide future research as a starting point. Humour is by no means a panacea for resolving conflicts, however, it is clear that it can play a positive role in a number of contexts and is worthy of additional exploration. As a member of the audience commented after watching the Israeli-Palestinian Comedy Tour perform in Israel, "Comedy can lighten up dialogue between people who otherwise would not be able to speak in the same way" (Audience 2007). ■

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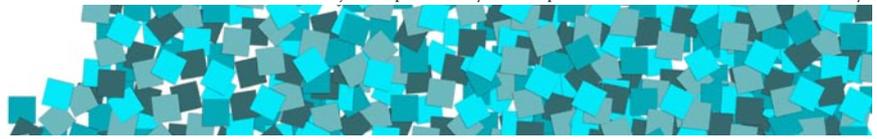
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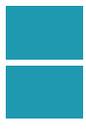


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ARTICLE



Peacekeeping: A Civilian Perspective?*

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Abstract

How effective are peacekeeping operations in preventing and stopping violence? Is there an alternative to UN and regional peacekeeping operations? Would civilian unarmed peace operations be the best alternative? These and similar questions are fed into the ongoing debate on peace operations and the possibility of civilian alternatives to current peace operations. This article presents an analysis of the development of civilian peacekeeping, its relevance in the field of conflict resolution and its autonomy from multidimensional peacekeeping, championed by the UN and regional organizations. Written by a scholar of Peace and Conflict Research with practical experience in both UN Peacekeeping Operations and “civilian peacekeeping” missions, it gives practical and theoretical insights into traditional, multidimensional and civilian peacekeeping.



Keywords

peacekeeping, civilian, peacebuilding, peace enforcement, UN, regional organizations, conflict resolution, third-party intervention

1. INTRODUCTION

In recent years, there has been increasing debate about the efficiency and the relevance of costly and complex peace operations and the “little progress” observed to this effect. The criticism of traditional and multidimensional peacekeeping relates to their capacity to maintain fragile ceasefires, sustain and support the consolidation of peace beyond political transactions and, most of all, protect civilians. United Nations peacekeeping operations have faced many challenges since their inception, ranging from critiques of the very essence of peacekeeping to secondary or tertiary aspects not directly related to operations. Concomitantly, the concept of “civilian peacekeeping” is

increasingly being evoked as an alternative to the current peace support operations.

These alternative peacekeeping operations are envisaged as non-military or unarmed peace operations, strictly civilian and outside the UN system. “Civilian peacekeeping” is being touted as the next generation of peacekeeping, and its advocates argue it is more effective than the current militarized framework developed by the UN. This article examines the perspectives of peacekeeping operations involving unarmed civilians outside the UN or regional organizations. To be able to understand “civilian peacekeeping” and determine whether or not it can develop as an independent field of research, it is important to compare and contrast it with traditional/multidimensional peacekeeping.

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2. PEACEKEEPING

Peacekeeping is generally described as a UN invention and is often associated with two names: Dag Hammarskjöld and Lester B. Pearson. These two eminent figures set forth principles that defined what is referred to as peacekeeping (Woodhouse and Duffey, 2000). The United Nations Organisation was created in order to “save the succeeding generations from another scourge of war” (UN, 2008, p. 8), but its charter does not expressly mention or contain provisions for peacekeeping operations (Carrière, 2010, Liu, 1999, Woodhouse and Duffey, 2000). Despite this, UN peacekeeping has become a critical tool in the maintenance of international stability and conflict management in war-torn countries.

The UN traditionally defined peacekeeping missions as those “involving military personnel, but without enforcement powers, undertaken by the United Nations to help maintain or restore international peace and security in areas of conflict” (UN, 1990, p. 4). Peacekeeping is also understood to involve actions to stop war, stabilize the environment and begin the peace processes during periods of fragile ceasefires (Carrière, 2010). UN peacekeeping was conceived as a purely military affair, armed or unarmed. The term peacekeeping is generally used as an alternative to peace operations, resulting in confusion. Today’s definition of peacekeeping has evolved over time and is the result of flexibility and improvisation (Findlay, 2002, p. 4). It has not been easy to define peacekeeping, as every attempt would limit the scope and flexibility which characterized it from its inception (Findlay, 2002, p. 4). As the term has evolved, so have peacekeeping operations, from strictly military to include multi-dimensional operations involving military, police and civilians. From this perspective, the United Nations define peacekeeping as:

“[...] a technique designed to preserve the peace, however fragile, where fighting has been halted, and to assist in implementing agreements achieved by the peacemakers. Over the years, peacekeeping has evolved from a primarily military model of observing ceasefires and the separation of forces after inter-state wars, to incorporate a complex model of many elements – military, police and civilian – working together to help lay the foundations for sustainable peace.” (UN, 2008, p. 18)

Peacekeeping has also been defined as the prevention, containment, moderation and termination of hostilities, through peaceful third party intervention, organized and directed internationally, using multinational forces of soldiers, police, and civilians to restore and maintain peace

(Diehl, 1993, p. 5). From this definition, peacekeeping can be understood as a strategy used in conflict management, rather than conflict resolution. It aims to maintain the stability obtained through peacemaking and prevent the escalation or new outbreaks of violence, thus creating an environment conducive to peacebuilding. Peacekeeping has evolved from a token presence of observers to a range of highly complex activities and functions that support peace in conflict-torn countries and help maintain international peace and stability.

Peacekeeping has thus evolved from activities that simply monitored the implementation of fragile peace deals in the hope of creating conditions conducive to addressing the roots of a conflict, to include activities such as the protection of civilians, administration of humanitarian assistance and the re-establishment of the rule of law. A peacekeeping operation is referred to as multidimensional when its scope of operations goes beyond the military to include police and civilians, working together but each having specific functions. Although peacekeeping is time-limited, it paves the way to address deeper issues related to the conflict. Technically, peacekeeping should be distinguished from peacebuilding, peacemaking and peace enforcement. In this paper, the terms peace support operations and peace operations will be used alternately for multidimensional and UN and regional peacekeeping.

Peacebuilding aims to transform a conflict by addressing its root causes (Carrière, 2010), and to overcome the contradictions which lie at the root of a conflict (Galtung, 1996 p. 112). It underpins the work of peacemaking and peacekeeping. While peacemaking is a political process involving diplomatic negotiations and mediation leading to peace agreements (Carrière, 2010), peacebuilding addresses structural issues and the long-term relations between conflicting parties (Ramsbotham et al., 2005, p. 30). It presupposes the existence of an agreement between conflicting parties and a base of peace (Darby et al., 2003, p. 195). Tim Wallis (2010), using Galtung’s Conflict Triangle, noted that peacemaking addresses attitudes (A), peacekeeping addresses behaviour (B) and peacebuilding addresses what he calls ‘conditions’, represented in Galtung’s triangle by contradictions (C).

Peace enforcement can be simply understood as a form of imposed settlement by a powerful third party (Woodhouse and Duffey, 2000). Peace enforcement operations are established under Chapter VII of the UN Charter. They tend to forcibly implement the mandate through coercion, either by force or the threat of force, should parties not comply with the agreed or imposed path. Within the UN, the Security Council is the only organ that can authorize such operations. The first was established at the height of the Cold War in the Congo, with the ONUC¹. The ONUC

1 ONUC : Opérations des Nations Unies au Congo.



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was, in effect, the first UN peace enforcement mission (Liu, 1999; Findlay, 2002, p. 51-123). The UN (2008) describes peace enforcement as follows:

“It involves the application, with the authorization of the Security Council, of a range of coercive measures, including the use of military force. Such actions are authorized to restore international peace and security in situations where the Security Council has determined the existence of a threat to the peace, breach of the peace or act of aggression. The Security Council may utilize, where appropriate, regional organizations and agencies for enforcement action under its authority.”

Peacekeeping and peace enforcement belong to what is being called peace operations or peace support operations. Although tempting, this article does not use the generational classification of peacekeeping. It does, however, consider functional activities of multidimensional peacekeeping and examine their applicability in “civilian peacekeeping.”

Figure 1. Linkages and grey areas (Source: UN, 2008, p. 19)



Figure 1 shows how the components of a peace operation – peacemaking, peacekeeping and peacebuilding – interact and connect with each other. The grey areas are where these components cannot be easily discerned. This confusion is particularly important between peacekeeping and peace enforcement, and peacekeeping and peacebuilding. Despite difficulties in categorising them, peacemaking, peacekeeping, peace enforcement and peacebuilding are technically separate, although complementary, components of peace operations. While the political transactions of peacemaking are meant to secure peace agreements, peacekeeping and peace enforcement create a safer environment by limiting violence, paving the way for peace building activities aimed at tackling deep-rooted is-

ues, and act as a deterrent for those trying to disrupt peace, the ‘spoilers’. All four activities converge to secure sustainable peace.

3. CIVILIAN PEACEKEEPING

The term civilian peacekeeper is not new in the field of peace support operations. It has been widely used to describe civilians working in UN peacekeeping missions (Carrière, 2010). The UN first employed civilians and military in their peacekeeping mission in the Congo, known by its French acronym, ONUC (Liu, 1999). Apart from being the most controversial UN peacekeeping mission, due to its use of force and being the largest ever deployed, ONUC set a precedent for multidimensional peacekeeping operations, combining traditional peacekeeping tasks with political and humanitarian activities handled by civilians (Liu, 1999; Findlay, 2002, p. 51-86). Civilians working in ONUC and other missions deployed by the UN were described as civilian peacekeepers, although the term is not commonly used outside the UN system.

Civilian Peacekeeping, also referred to as unarmed peacekeeping (Schirch, 2006, p. 16), is a new term, and involves unarmed individuals placing themselves in conflict situations in an attempt to reduce inter-group violence (Schirch, 2006, p. 16). The term is largely associated with or used in comparison to the UN model of peacekeeping. Advocates of civilian peacekeeping argue that the first observers’ missions deployed by the UN involved unarmed military observers (Wallis, 2010). The Oxford Encyclopaedia of Peace (2009) states:

“Since international observer missions have no military forces to back them up, the deterrent value of such missions (as well as of the more classical peacekeeping operations that did not have a mandate to use force) comes very simply from the fact that they are international and have some authority through their association with the UN (or some other authority), rather than from the fact that they are military per se or have military muscle behind them to force the parties to comply when persuasion fails. In such situations it is clear that (non-uniformed) civilians can play just as valuable a role as do serving military officers or police.”

Civilian peacekeeping works at the grassroots level, offering the possibility of reducing conflict and preventing violence through engagement with communities (Wallis, 2010). The work is undertaken by communities themselves rather than by international peacekeepers, self-proclaimed leaders or government authorities. The aim is to provide open space for local civil society to act (Schirch, 2006,



p. 22). One of the key principles is the 'primacy of those involved'. This principle relegates the role of the international civilian peacekeeper to a supportive one while the lead is taken by communities. It also opens the door to empowerment and building capability of local communities and civil society activists, to enable them to take their destiny in their own hands.

Civilian peacekeeping involves a range of tasks, including:

- Proactive presence (accompaniment and protection);
- Monitoring the compliance to human rights/IHL standards in conflict-affected or vulnerable areas and supporting local human rights groups (civilian protection);
- Monitoring the security situation through community-based early warning mechanisms and conflict prevention; and
- Cross-community dialogue.

The primary objective of civilian peacekeeping is to reduce the incidence and effects of violence on civilians. By placing internationals where violence is likely to occur, providing protective accompaniment² to local human rights activists and other targeted individuals and groups, the safety of these individuals and groups is enhanced, and violence reduced. The presence of foreign observers is a form of silent international pressure to parties involved. To achieve its objectives, civilian peacekeeping uses relationships and communication skills (Schirch, 2006, p. 16). Using relationships implies that civilian peacekeepers use the influence of some individuals and networks to secure and enhance acceptance of their mission. Once their mission is accepted, their safety and that of the communities they intend to protect is enhanced as well. As peacekeepers secure relationships and tap into those of partners, they need to clearly explain the objectives of their mission, mandate and limitations. They are also expected to use diplomacy to persuade and convince all parties concerned to adopt non-violent means of settling disputes and, most of all, to protect civilians in case of escalation of violence. It is believed that the mere fact that internationals are present, visible and actively engaging actors involved, encourages compliance by the abusive parties (Mahony 2006, p. 41). However, international civilian presence can provide protection only if the parties concerned have, or are seeking, legitimacy and recognition. Legitimate actors and those seeking legitimacy do not want to be depicted negatively for noncompliance with international standards or target-

ing civilians. International presence may not always be successful in the presence of radical groups and spoilers. Spoilers and those determined actors who want to carry on fighting, cannot be deterred by unarmed civilian peacekeepers (Wallis, 2010).

Other tasks carried out in civilian peacekeeping are:

- election monitoring;
- ceasefire monitoring;
- establishment and monitoring of peace zones;
- humanitarian and relief assistance; and
- the re-establishment of the rule of law.

All these functions have been undertaken by UN and regional peacekeepers, both civilian and uniformed.

A major drawback to the developing field of civilian peacekeeping is that it defines itself negatively vis-à-vis UN and regional peacekeeping operations. Many of those promoting civilian peacekeeping³ linked its emergence to 'failures' of multidimensional peace operations conducted by the UN and regional organizations. A logical consequence of this is its attachment to perceived failures of a widely used form of peacekeeping. Whether or not UN and regional peace operations have failed is disputable and will not be discussed here. Carrière (2010) pointed out the need for another peacekeeping, referring to peacekeeping operations other than those conducted by the UN and regional organizations. Unfortunately, the negative allusion made to UN peacekeeping in the definition of civilian peacekeeping hinders its development as an independent field of research, as wished by its advocates. Documentaries and articles promoting civilian peacekeeping portrayed UN and regional peacekeeping negatively before promoting unarmed peacekeeping as the best alternative.⁴

4. COMPARATIVE ANALYSIS OF MULTIDIMENSIONAL AND CIVILIAN PEACEKEEPING

Since comparison has been used to promote civilian or unarmed peacekeeping (as being advocated), it is essential to examine points of convergence and divergence between it and peacekeeping in its original framework. This section explores principles, functional activities and characteristics that define both forms of peacekeeping.

2 Protective accompaniment involves literally walking or travelling with a threatened individual, living in threatened communities, or being based at the location of a threatened activity or organizational office (Mahony, 2006, p. 68).

3 Ralph Corriere, Tim Wallis and Lisa Schirch: see references.

4 Report on UN peacekeeping published on PBS on May 15, 2009 available at <http://www.pbs.org/now/shows/520/index.html>



4.1. Principles of peacekeeping

Peacekeeping principles were developed in a context of threat to international peace and security which the United Nations vowed to preserve. Traditional principles of UN peacekeeping were originally enunciated with the deployment of the United Nations Emergency Force (UNEF) in Sinai in response to the Suez crisis. The crisis pitted Egypt against France, the UK and Israel, whose forces invaded the canal. UNEF was dispatched to observe the withdrawal of French, British and Israeli forces. It was not the first UN peacekeeping mission to be deployed, but was the first that involved armed peacekeepers and openly invoked the question of the use of force (Findlay, 2002, p. 20). Key guiding principles for UNEF, which also became the basis for future UN peacekeeping missions, were:

- a) The consent of all parties involved;
- b) Impartiality;
- c) Force is to be used only as the last resort in case of self-defence.

The principle of general consent of parties involved lost its initial importance. Whereas the legitimacy of deployment was justified by the consent of all concerned parties and the resolution of the UN General Assembly or Security Council, current peace operations focus more on impartiality. Thus, the consent of belligerents for the deployment of an operation ceased to be an unconditional requirement (MOD, 1999). Nor is this principle of consent a requirement for the deployment of a civilian peacekeeping mission. Many of these are deployed by invitation, through working with local civil society organizations (Carrière, 2010). Actors may be consulted and may give their endorsement, but they may not be involved until the peacekeepers are operational.

Consent may be compared to acceptance in civilian peacekeeping. The only difference is that consent is obtained from parties to the conflict and acceptance is gained from a range of stakeholders from the community to actors or parties in the conflict. Traditional peacekeeping operates in a top-down framework whereas civilian peacekeeping engages a range of stakeholders and actors at various levels of society, from the grass-roots to top policy-making spheres. To gain acceptance, a mission or project has to win the trust and credibility of the local community and other stakeholders (Schweitzer, 2010). Acceptance not only provides legitimacy to peacekeepers and their mission, but also increases the security for teams on the ground, and the presence of the latter enhances safety for communities threatened by attack. While the notion of consent is diminishing in UN and regional peace operations, the principle of acceptance remains fundamental in civilian peacekeeping: nothing is possible without it.

Another key principle of traditional peacekeeping is impartiality. Peacekeeping forces were to avoid taking sides in the conflict, being dragged into the conflict, by maintaining the fine line of impartiality. Impartiality represents a pillar for consent (Hansen et al., 2004) and has been called the 'oxygen' of peacekeeping (Findlay, 2002, p. 4). There was a general assumption that maintaining impartiality was the only way peacekeepers could deliver their mandate. Tharoor (1995/96) stated: "The only way peacekeepers can work is by being trusted by both sides, being clear and transparent in their dealings, and keeping lines of communication open". Failing to maintain impartiality may turn peacekeepers into an enemy force, leading to attacks from one or more conflicting parties (Findlay, 2002, p. 4).

The principle of impartiality can equate to non-partisanship in civilian peacekeeping missions. Peacekeepers are expected to treat information with equal thoroughness and not to adopt political or ideological views of either of the parties. The close ties with local activism and local civil society organizations make the maintenance of non-partisanship a major challenge. Many activists have strong opinions and might, to a certain extent, be the political or activist wing of one of the parties in the conflict. Working closely with them might be perceived by the opposing party as siding with the enemy, which may affect the mission's credibility and acceptance.

The use of force is not part of civilian peacekeeping but is an essential part of UN and regional peace operations. Initially, the principle was limited to a very strict concept of self-defence. Peacekeepers were lightly armed to protect themselves in the case of attack or imminent attack. It was more a personalized self-defence rather than a general concept (Findlay, 2002, p. 4). The original concept provided grounds for peacekeepers to use force only when their personal safety was directly threatened; later it expanded to include the protection of civilian populations.

Consent and impartiality confer a sense of security that precludes the use of force. Sir Urquhart maintained that the real strength of a peacekeeping force is not in its capacity to use force, but to *not* use force, thereby remaining above the conflict and preserving its unique position and prestige (Urquhart, 1987, p. 178-9). The principal tools of the peacekeeper are negotiation and persuasion, not the use of force (Findlay, 2002, p. 14). These assumptions were justified in UNEF and other missions until the end of the Cold War, with the exception of ONUC.

The use of force in UN peace operations goes back to the ONUC. The controversy surrounding ONUC stemmed from a debate over the interpretation of the mandate, especially regarding the use of force (Abi-Saab, 1978, p. 39-44). The first interpretation held that peacekeeping forces should stick to using force only as a last resort in self-defence (Tshiband, 2009). The other approach sought to ex-



tend the use of force beyond self-defence or to expand the concept of self-defence itself. Traditionally, self-defence was intended to protect peacekeepers and their colleagues if they were confronted by hostile action (Findlay 2002, p. 14). Since ONUC, self-defence was expanded to allow peacekeepers to use force to frustrate attempts to disarm them; to defend their posts, vehicles and equipment against seizure or armed attack; and to support UN troops from other contingents (Findlay, 2002, p. 15, 60). It later covered the protection of civilian personnel as well as civilians under protection. Self-defence is integral to the concept of peacekeeping as originally conceived (Ibid.). Thus, it would not be an overstatement to say that the use of force is linked to the very essence of peacekeeping as it is known today.

Using syllogism, one can say that civilian peacekeeping is not peacekeeping, since it does not use force (unarmed peacekeeping). However, Sir Urquhart's conclusion that the strength of peacekeeping lies in not using force, although it [peacekeeping] possesses the capacity (Urquhart, 1978, p. 39-44), downplays the assertion that the use of force is at the heart of peacekeeping: the essence of peacekeeping is, instead, in the capacity of peacekeepers to create conditions for peace initiatives and efforts through persuasion and negotiation. This is what civilian peacekeeping is all about: creating space for local peace initiatives.

Besides negotiation, persuasion and their international presence, the dissuasive and deterrent effect of armed peacekeepers is due to the fact that spoilers and parties to the conflict are aware of their power and capacity to use force to impose a mandate if required. Once parties to the conflict and spoilers realize that peacekeepers are poorly or not at all equipped to face or stop attacks, and that there is no military power to back them up, they, the parties and spoiler, may be encouraged to carry out attacks against civilian populations or even peacekeepers. Peacekeepers were even branded as toy soldiers because they were not able to dissuade militiamen to stop attacking populations in Rwanda (Prunier, 1995, p. 274). The same happened in the former Yugoslavia. Peacekeepers became part of the conflict background, powerless, as they watched horrible atrocities being committed against civilians rather than using dissuasive force against the perpetrators to protect civilians – the very civilians they were deployed to secure. This situation is more likely to occur with those who are less concerned with international recognition and unaccountable to any formally recognized authority (as with organized criminal groups who kidnap for ransom). The threat of the use of force from multinational forces seems to be the dissuasive element.

Things are even more complicated in civilian peacekeeping missions where peacekeepers face a multitude of security challenges, from petty crimes to kidnappings and armed or targeted attacks. The lack of force to support civilian peacekeepers can be a crippling factor for the successful delivery of their mandate. However, in

some cases, parties to the conflict tend to fill this gap by providing a safe environment for peacekeepers to work. In Mindanao, the Armed Forces of the Philippines (AFP) and the Moro Islamic Liberation Front provide security for foreign military observers deployed for the International Monitoring Team (IMT). They also create a secure environment in which civilian peacekeepers from the Nonviolent Peaceforce, an international non-governmental organization, to work. It is a great challenge for peacekeepers to depend on parties to the conflict for security. Since they are unarmed, civilian peacekeepers do not have the capacity to stop armed encounters. In fact, they are even restricted in their movement in times of encounters, except in some exceptional cases when accompanied by parties to the conflict and, sometimes, uniformed international observers.

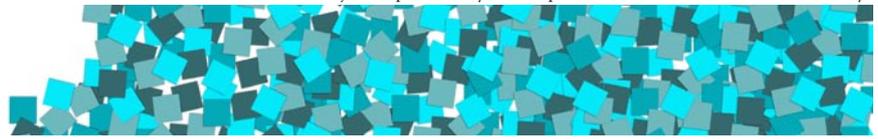
4.2. Characteristics and special functionalities of Peacekeeping Operations

The United Nations Operations in the Congo played a critical role in the evolution of UN peacekeeping operations. It was the first UNPKO to have been established by the Security Council and the first multidimensional operation ever established by the UN, beyond the traditional peacekeeping framework. After this mission, UN peace support operations were not only deployed to secure ceasefire agreements, but to take responsibility for a whole range of activities not envisioned in previous peacekeeping operations. Current peace operations are characterized by the following qualities:

- multidimensional and multifunctional;
- multilateral;
- multinational;
- multicultural.

a) Multidimensional and multifunctional

ONUC was the only multidimensional UN operation during the Cold War. With the end of the Cold War, the UN Transition Assistance Group (UNTAG) in Namibia opened the door to subsequent operations. Multidimensional operations involve civilian, military and police components fulfilling distinct functions (Hansen et al. 2004; Ramsbotham et al. 2006, p. 135-36). Peace operations evolved from a ceasefire maintenance function to a multiplicity of tasks involving security, humanitarian and political objectives (Ramsbotham et al. 2006, p. 135-36). Every component has specific functions and sub-functions created to suit particular needs arising from the context. The political function would combine early warning monitoring, political and governance reforms, electoral assistance (not



election observation), good offices, etc. The table below synthesizes component and associated functions.

Table 1. Functions of multidimensional peacekeeping operations

Component	Function
Military Component	<ul style="list-style-type: none"> • monitoring and verification of ceasefires • cantonment • disarmament and demobilisation of combatants • overseeing the withdrawal of foreign forces • mine-awareness education and mine-clearance • providing security for UN and other international activities in support of the peace process
Civilian police component	<ul style="list-style-type: none"> • crowd control • establishing and maintaining a judicial system • law enforcement • monitoring training and advising local law enforcement authorities on organisational, administrative and human rights issues
Civilian component	<p><i>Political element:</i></p> <ul style="list-style-type: none"> • political guidance of the overall process • assisting in the rehabilitation of existing political institutions • promoting national reconciliation <p><i>Electoral element:</i></p> <ul style="list-style-type: none"> • monitoring and verification of all aspects and stages of the electoral process; co-ordination of technical assistance • educating the public on electoral processes and helping in the development of grassroots democratic institutions <p><i>Human rights element:</i></p> <ul style="list-style-type: none"> • monitoring human rights • investigating specific cases of alleged human rights violations • promoting human rights <p><i>Humanitarian element:</i></p> <ul style="list-style-type: none"> • delivering humanitarian aid (food and other emergency relief supplies) • implementing refugee repatriation programmes • resettling displaced persons • reintegrating ex-combatants

Source: Hansen et al., 2004

Although civilian peacekeeping embraces many functions, its focus remains on civilian functions, mostly creating space for local peace initiatives at the community level, shielding targeted or at-risk groups, linking grassroots with service providers and the policy-making level. It might deliver some of the functions devoted to the civilian component of multidimensional peacekeeping operations, but its scope remains very limited in the absence of supranational mandate.

Civilian peacekeeping, in its current form, is derived from civil society (Schweitzer, 2009). As such, it can only play roles limited to civil society organizations. Reminding the government of its roles in the protection and delivery of basic services as well as channelling some form of assistance and support to vulnerable and conflict-affected populations, civil society peacekeepers cannot access critical governmental functions such as re-establishing the rule of law and law enforcement, cantonment, DDR, SSR,⁵ etc. These roles remain the responsibility of the military, the police or diplomatic and not civil society.

b) Multilateralism and multinational

There are many definitions for multilateralism. However, only a few that are closer to the objective pursued in this article will be referred to. John Ruggie states that: “multilateralism refers to coordinating relations among three or more states in accordance with certain principles” (Ruggie, 1992). Caporaso (1992) in turn explains:

“As an organizing principle, the institution of multilateralism is distinguished from other forms by three properties: indivisibility, generalized principles of conduct, and diffuse reciprocity. Indivisibility can be thought of as the scope (both geographic and functional) over which costs and benefits are spread... Generalized principles of conduct usually come in the form of norms exhorting general if not universal modes of relating to other states, rather than differentiating relations case-by-case on the basis of individual preferences, situational exigencies, or a priori particularistic grounds. Diffuse reciprocity adjusts the utilitarian lenses for the long view, emphasizing that actors expect to benefit in the long run and over many issues, rather than every time on every issue.”

Ramsbotham et al. summarize that multilateralism implies the involvement of several levels of actors in an operation: these could be two or more conflicting parties, as well as the UN and other international actors (Ramsbotham et al. 2006, p. 136). A logical consequence of multilateralism, which can also be mentioned as a principle, is collective responsibility. Any action conducted within a multilateral framework engages the responsibility of all involved parties. The UN, NATO and regional organizations represent multilateralism in their functionality. Peace operations initiated by these organizations engage state parties individually and collectively. By having many states and nations involved, either at the mandating body (Security Council, intergovernmental and regional councils), at the troop contributing level or at the operational level (DPKO, etc.),

5 DDR: Disarmament, Demobilization and Reinsertion; SSR: Security Sector Reform.



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the responsibility for operations is shared by states, both individually and collectively. Multilateral peace operations are also multinational: they involve many countries. Multilateralism in peace operations creates a supra-governmental sense and provides greater diplomatic weight and credibility than an NGO-led operation. The credibility of the operation is based on the moral capital of the multilateral engagement between international, regional and national actors. The UN represents multilateralism and the international community.

UN and regional peace operations present both the multilateral and multinational characteristics, but civilian peacekeeping operations do not reflect either. They are international in their composition, but not multinational, since members of the projects are selected individually and not nominated by their respective government. As a result, actions involving civilian peacekeepers do not engage the responsibility of their respective governments, but their employer. Most civilian peacekeeping organizations are private. They therefore fail to be multinational and multilateral, if these references are attributed with their technical meaning as used in international relations. They also have less diplomatic weight than the UN and regional organizations.

5. THE PEACEBUILDING EDGE

The orthodoxy in peace and conflict research presupposes that peacebuilding is the last link in the chain of peace operations after peacemaking and peacekeeping (or peace enforcement). However, peacebuilding can take place at any stage in a peace process (Darby et al. 2003, p. 195). A range of activities can be performed to augment the potential of success of peace efforts and reduce the likelihood of violence at any stage. While peacekeeping is limited in time, peacebuilding requires a lot of time to address deep-rooted issues and bridge the gap between conflicting parties.

In the list of tasks devoted to civilian peacekeeping, a great deal are in fact peacebuilding activities. Empowering local communities, for example, is a critical function. In essence, capacity building and confidence building aim to empower local communities to take their fate into their own hands. These are long term goals and are addressed by peacebuilding; peacekeeping only creates an environment conducive for these activities to take place.

6. CONCLUSION

Having compared and contrasted peacekeeping and civilian peacekeeping, the time has come to answer some critical questions stemming from this article:

- Can civilian peacekeeping be a peacekeeping operation?
- Can it be an alternative to multidimensional peacekeeping?
- Can it be envisaged separately from multidimensional peace operations?

In light of the analysis, it appears that peacekeeping is not limited to stopping or preventing violence. Law enforcement and armed force, as well as other groups, regularly stop and prevent violence from happening and yet they fail to be peacekeepers. As there are different forms of violence there are different means and methods to stop it. Stopping criminal and targeted violence is different from preventing the escalation of war and related violence. Peacekeeping is a conflict management activity, i.e. there should be an open or pending conflict before making any reference to peacekeeping.

The theory upon which civilian peacekeeping is built is borrowed from peacekeeping and peacebuilding, making it an excellent match to address conflict, reducing the level of violence and addressing deep-rooted issues of conflict-affected societies. Creating space for local initiatives, empowering civil society members and providing international presence to shield targeted groups and individuals is what could be called a magic combination for successful conflict transformation. This combination is unique because it does not incorporate force to support peacekeepers, but relies on the acceptance of all stakeholders, and expects them to take ownership of the concept.

As effective as it looks, civilian peacekeeping has some weaknesses. It is vulnerable to spoilers and determined actors (Wallis, 2010). The lack of dissuasive power exposes peacekeepers to a range of potential malicious and criminal acts, unlike armed peacekeepers and civilians backed by forces. Another drawback is the likely lack of understanding of military strategy. Lacking military experience and military personnel sometimes works against peacekeepers when they are dealing with military and armed groups. *A military man obeys a military man.* The military is often hesitant to receive remarks or advice from civilians, but respect is needed to enable peacekeepers to collaborate effectively with military and armed groups. Additionally, peacekeepers, except former military, would not easily understand security dynamics and essential strategies to control escalation and, consequently, reduce violence. Finally, the military is noted for discipline. This is not the case for civilian operations. Military structures are tight and adhere to strict rules. The observance of these rules is necessary for the successful completion of their mission, whatever it may be. All these weaknesses may affect the effectiveness of operations deployed within the unarmed civilian peacekeeping framework.

This paper does not conclude whether or not civilian peacekeeping, as described here, is a peacekeeping operation.



It is premature to draw conclusions about its status vis-à-vis peace and conflict studies as the concept is still developing and has not yet been clearly defined. Civilian peacekeeping has existed since the UN adopted multidimensional peacekeeping operations. The operations may benefit from closer relationships to the communities they are there to protect rather than with policy-makers. The framework of UN and regional peace operations would have been more effective had they adopted a horizontal rather than a hierarchical structure. Civilian peacekeeping, in general, is not a new concept. It has been part of UN and regional operations.

It would be difficult to say that civilian peacekeeping is the best alternative to current UN and regional peacekeep-

ing. The most judicious thing is to conduct real life experiments, as in Sri Lanka and the Philippines at the moment, and previously Guatemala, where civilian peacekeeping programmes have been conducted or are ongoing. Results of these experiments will determine the path this merging discipline will follow in the future. They will be determined by the operations' capacity (a) to sensibly affect the escalation among warring groups, (b) to protect civilians and (c) to pave the way for longer reconciliation endeavours. However, evaluation will have to be done in consideration of the political, social and security environment, the support received and the resources available. ■

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**CAMPUS
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ARTICLE

The Elements of Culture of Peace in some Multiethnic Communities in Croatia

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Abstract

Peace is mainly a micro-social phenomenon. The concept of a culture of peace, as well as the concept of liberal peace, is designed for studying peace on nation-state level and internationally. In the first part of this paper micro-social foundations of peace are discussed, primarily to explain why the rising participation of women in parliaments is correlated with a decrease in collective violence in societies. In the second part of the paper, De Rivera's analytical concept of the culture of peace is adapted for the sake of studying peace at a local level, i.e. Croat-Serb 'peace enclaves' in the 1990s, and comparing them with Croat-Serb conflict areas. The empirical findings confirm the relevance of the concept of culture of peace. The most important link between micro-peace and macro-peace is recognised in trends towards gender equality and non-dominance over weak, respectively, which are stronger in the peace than the conflict areas. Such results fit a pluralist approach to culture, which maintains that some non- or pre-liberal communities may also preserve peace as their prominent value.

Keywords

peace, war, gender equality, culture of peace, Croatia

INTRODUCTION

"Periods of happiness are empty pages in history, for they are the periods of harmony, times when the antithesis is missing."
 Hegel, 1837/1988, *Introduction to the Philosophy of History*, p. 29

Different positions in the ongoing debate on the evolutionary anthropology and archaeology on the origins of war (cf. Markus, 2008; Gregor, 1996; Sapolsky, 2006; Gat, 2006) are not entirely polarised. For example, some Darwinists along with humanists argue that war and peace are by no means 'natural conditions' of society and that they should accordingly be taken as results of human choice (cf. Gat, 2006, Ch. 1). Basically, peace predominates in the Palaeolithic, i.e. small-scale societies.

This evolutionary format seems to predetermine the extent of peace in civilisations. A stable peace perpetuates in a micro-social sphere as a way of life of countless, although not all, individuals, families, neighbourhoods and local communities in the world. In this sphere, physical violence is rarely or never used as a means for resolving disputes. War, on the other hand, is armed conflict between larger groups or whole societies and is the major mechanism of expansion of civilizations.¹

1 "The most elaborate forms of cultures and the most complex patterns of structure are product of an intense, unremitting, and all too often violent competition for power between rival armies, classes and creeds" (Runciman, 1989, p. 449).



Histories of states and international relations are thus permeated with massive violence.²

Hegel's dictum, cited above, according to which chapters of happiness in history are 'empty', alludes to the discrepancy between the two worlds, i.e. communal/ 'female' and societal 'male' which is also synonymous with world history. Consequently, the 'Founding Wars'³ feature the development of civilisations, whereas peace denotes the power of deterrence between antagonized macro-units. Thus, war is only temporarily off the centre-stage (cf. Cooper, 1996).

Less dramatic and basically detached from the historical narrative, the analytical concept of culture of peace, which will be discussed in the next section, is much more difficult to reintegrate into macro-history. The concept is originally intended for studying nation-states as prospective units of peace. At this level, peace is seen as a propensity of states with relatively small military budgets, inclined to provide more for education and social welfare. The question is, however, whether or how such countries can provide a template for peace for countries less endowed with peace culture elements. Also, contemporary liberal democracies described as 'relatively peaceful nations'⁴ in terms of measured elements of peace culture are not taken as 'champions' of the expansion of peace culture. Likewise, peace culture is not used, or not yet, as an explanatory concept as regards global conditions of peace. On the other hand, one of the most important elements of the concept, which explains the decline of violence in the respective countries, concerns the increasing participation of women in national parliaments, as well as a trend toward gender equality in general (Melander, 2005). However, it is questionable whether this emergence may be attributed to national history as such. Women's participation in parliaments is, indeed, a historical novelty. Yet, women did not live without any active experience with secular peace in pre-national and pre-liberal communities. Many women in traditional communities favoured peace, although they exerted their influence mostly indirectly and informally.⁵

THE CONCEPT OF A CULTURE OF PEACE

Initially designed both as a normative and holistic concept, the culture of peace aims to bridge the gap between the micro- and macro-level of peace. It includes personal virtues such as respect for life and promotion of non-violence in everyday life as much as national values such as principles of sovereignty, territorial integrity and independence of states (cf. Blagescu, 2004; Adams and True, 1997; Adams, 2002; Mitrović, Miltojević and Stevanović, 2006). However, it is questionable whether or how the contrast between peace consolidated in numerous communities and the fragile peace on the macro-level, e.g. in a nation-state consisting of democratic parliament and military headquarters placed next to each other, can be surmounted.

As Boulding put it, "we can point to a few small societies that live in isolated circumstances, indigenous people who have beautiful, peaceful ways. We can say that is a peace culture. But mostly in our very complex society, we identify pieces of peace culture, elements and sectors." (Boulding, 1999, p.1). The 'very complex society' consequently complicates the comprehension of the dynamism of the culture of peace. For instance, how can 'pieces' of peace culture be eventually merged and outgrow a broader or even global peace culture (cf. Presler, Scholz, 2000)? In this regard, it would also be necessary to explain how particular societies or nation-states may interact and interfere, respectively, in the peace process. For example, it is difficult to imagine that wars in the former Yugoslavia in the 1990s could have ever been brought to an end without intervention of the international community. On the other hand, in those wars some multiethnic communities, Croats and Serbs, and Serbs and Albanians, respectively, have preserved peace and tolerance. Practically, they did this without external, i.e. national or international, assistance, amid expanding ethnic violence in their surroundings (cf. Katunarić and Banovac, 2004; Banovac, 2009; Katunarić, 2010). Obviously, macro-social units, whether nation-states or interstate alliances of democratic countries, such as NATO, as carriers of peace culture represent a major conundrum in the articulation of the concept.

2 Democratic polis in ancient Greece and democratically constituted cantons in Switzerland (the 'forest cantons') represent exemptions to the rule. Actually, they never waged wars against each other, but they fought against non-democratic states. In a similar vein, oligarchic republics in ancient Greece and Switzerland, as Hanseatic, Dutch and Baltic cities, were not at war with each other, but they often fought against the democratic republic and cities (Weart 1994, pp. 302-303). On the other hand, the most developed modern democracies are involved in wars in the periphery (Ravlo, Gleditsch and Dorussen, 2003).

3 The core of the (Indo-European) myths of the 'Founding Wars' (Dumezil, 1968) extends to the era of nationalism: the wars accompanied the foundations of virtually all nation-states (Wehler, 2001).

4 In De Rivera's study, the following countries are listed as 'relatively peaceful nations': Australia, Canada, Denmark, Finland, Germany, New Zealand, Norway, and Switzerland (De Rivera, 2004, p. 547).

5 "In many societies women have a traditional peacemaking role, for instance intervening between warring sides as the Naga Mothers' Association in India has done, or, as in Somalia, using their relationships by marriage to bring different clans together." (Francis, 2010, p. 3). For the theoretical background of the feminist anthropological assumption that peace represents a triumph of the specific form of women's power, based on maternity and accompanying endeavors affirming life, see: Kurtz and Turpin, 1999, p. 19).



Among several empirical studies based on the concept of a culture of peace, the study of De Rivera, who defined culture of peace by the means of eight groups of indicators at a national level, comparing 74 nations, is the most elaborate analytical version of the concept of peace culture so far (De Rivera, 2004). In this case-study some of the indicators are taken and modified to adapt them to the local level. In doing so, one must also bear in mind De Rivera's remark that the culture of peace is not an empirically coherent concept. He shows, for example, that although liberalism and economic development are closely linked, they are not sufficient to ensure equality and peace. For instance, the important principle of a culture of peace is that "the strong should not dominate the weak" (De Rivera, 2004, p. 546). Since such a condition, which includes elimination of major inequalities between (developed and underdeveloped) countries cannot be provided without establishing a global culture of peace, the author rightly contends that such an expectation as well as the concept of the global culture of peace by itself is unrealistic (De Rivera, 2004, pp. 545-546).

As a realistic concept, therefore, the culture of peace thus exists only within (some) mature democracies (see footnote 3). Such an understanding infuses the concept of 'democratic' or 'liberal peace' into 'culture of peace'. However, these concepts are not always complementary. The former, for example, stirs up controversies primarily because of its confinement within developed nations (cf. Barkawi and Laffey, 1999; Richmond and Franks, 2007; Richmond, 2004; Richmond, 2009; Sørensen, 2009). On this track, "social development and modernization facilitate a culture of peace and human security, based on individualistic, egalitarian and postmodern values" (Basabe and Valencia, 2007, p. 417). In a similar vein, the increasing presence of women in parliaments is seen as an integral part of liberalism, i.e. freedom of press, respect for human rights, of literacy, life expectancy and gross domestic product combined (cf. De Rivera and Páez, 2007, p. 246). Such an interpretation of the evolution of peace is one-sided inasmuch as the Western attitude towards the rest of the world is motivated by trade rather than strengthening democracy (cf. Galtung, 2002; Silversen and Ward, 2002; McDonald, 2004; Bearce and Omori, 2005; Katunarić, 2007a). This is particularly the case in peripheral countries where majorities reject shock-therapy policies of privatization (cf. Klein, 2007). This is not to say, though, that liberalism thwarts peace endeavours in the periphery, for freedom is indispensable for peace. However, freedom alone is not sufficient for establishing a culture of peace as a profound value for individuals and societies.

The culture of peace concept has at least two characteristics that differentiate it from liberal peace. One is non-usage of arms in major crises. Liberal states often use arms, under whatever pretext. The other characteristic of the peace culture concept is women's influence and the princi-

ple of non-dominance, including sensitivity for the weak. On the other hand, many liberal societies favour competition over consensus or solidarity as a necessary condition for societal development. Both characteristics, thus, are more micro- than macro-social tendencies. Besides, presumably a great number of women in pre-modern, small scale societies were, and they still are, truly interested in peace. Such peace can be understood as a result of the usage of soft power, i.e. persuasion and empathy (cf. the case of reconciliation efforts in Cyprus in: Hadjipavlou, 2007). Eventually, the rising participation of women in democratic parliaments, as well as other public institutions, can be understood as a channel through which the basic propensities for peace in a number of local communities proliferate into the macro-spheres (for Chilean transition to democracy see: Noonan, 1995; cf. Black, 1997).

In this study, conditions for maintaining peace are found akin to some elements of culture of peace. For example, in communities where peace and tolerance between Croats and Serbs were preserved, amid violence in most of the other Croat-Serb communities in Croatia in the early 1990s, a trend toward gender equality prevails, as will be shown later. The tendency for consensus rather than for conflict that eventually leads to dissolution of a community or society, is usually associated with values of cultural 'femininity', including the principle of non-dominance and sensitivity for the weak (cf. Hofstede, 2001).

In the next section, some broader meanings of women's participation in politics will be discussed. Subsequently, attitudes to gender equality and some other elements of culture of peace will be analyzed in selected peace and conflict areas in Croatia.

WAR AND PEACE AS A GENDER ISSUE

"Women have served all these centuries as looking-glasses possessing the magic and delicious power of reflecting the figure of man at twice its natural size. Without that power probably the earth would still be swamp and jungle. The glories of all our wars would be unknown."

Virginia Woolf, *A Room of One's Own*, Ch. 2

In discussions on the effects of participation of women in politics of peace, it is often stressed that merely (rising) numbers of participating women is not sufficient to create peace, unless political style on the whole is changed (Chenoy and Vanaik, 2001; Moylan, 2003). This remark is adequate only in part, as the entry of women into traditionally male activities is not a mechanical shift. Also,



both democratic and non-democratic politics should not be regarded in terms of essentialism, i.e. irrespective of particular decisions by political actors or how the decisions are carried out. In particular, with women who, directly or indirectly, influence communal decisions in favour of peace in the context of pre-democratic politics or with women who participate in democratic parliaments, in both cases the decision-making produces new results. At the same time, other rules of the game must not be altered, such as the growing corporate power in mature liberal democracies or the exclusive power of local leaders in pre-democratic communities, for example in places which preserved peace in the former Yugoslavia in the 1990s.

Most likely, some forms of women's advocacy for peace as well as their active influence have existed for longer in a number of multiethnic areas (cf. Hunt, 2004; Cheng, 2006; Nwoye, 2008). However, this assumption could only be tested indirectly in this particular study, through examining attitudes toward gender (in)equality among members of the present-day communities, as will be shown in the next section.

In the main, wars are results of the escalation of conflict between organized groups of men (cf. Beaver et al., 2010), who are usually supported by most women within conflicting communities (cf. Moser, 2007). Such collective actions are symbolically fostered by a whole set of binary symbols, from a sharp gender dichotomy (Iveković, 1993) to the black-and-white portrayal of the 'arch' friends and foes (cf. Reich, 1976). In turn, binarism is most effectively corroborated by war. Peace, on the other hand, disrupts binarism, most effectively due to the increasing influence of women in the collective decision-making, whether in traditional communities or in contemporary democracies (cf. Harling, 2004; Jayal, 2006). Higher proportions of women in parliament, for instance, reduce the risk of violence in the concerned countries (Caprioli, 2005; Melander, 2005; De Rivera, 2004). This fact can be explained, at least in a part, as a consequence of the dissolution of binarism into multiple choices, which entails rational decision-making varying with different issues rather than pre-emptive beliefs.

Democratic deliberation with participation of women may have had its precursors in local communities traditionally capable of solving conflicts in non-violent ways.

Countless women were/are basically interested in peace, especially because peace enhances the outlook for survival of their children, husbands and other relatives. In this way, unlike women supporting war,⁶ women supporting peace transcend binarism and cut across hardened lines of impenetrable divisions, including ethnic ones.

Hence the core hypothesis of the next empirical analysis: the trend towards gender equality is more strongly manifested in multiethnic areas which preserved peace and tolerance than in multiethnic areas overwhelmed by the violence in Croatia in the 1990s.

IDENTIFYING PEACE AREAS IN CROATIA IN THE 1990S

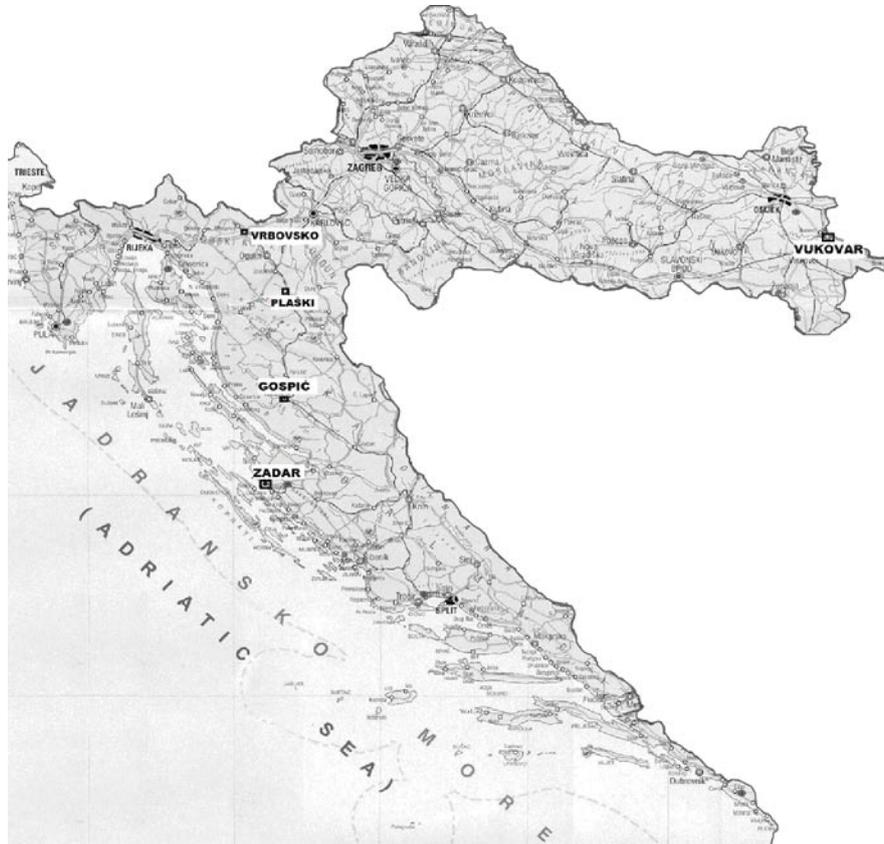
In the first phase of research on which this study is based, two main types of peace in multiethnic areas were identified: the 'peace enclaves' persisting during the war, which are a focus of this study as well, and peace established (in most cases) in the post-conflict processes (Katunarić, 2007b). A series of interviews with experts at the national level were then conducted, mainly to identify places with Croat and Serb residents where peace was preserved (e.g. Moravice, Drežnica, Vrbovsko, Plevlja, Gomirje, Pula, and parts of the Slavonia region, e.g. Moslavina) amid violence and war activities in their vicinity and the rest of the territory of Croatia. After that, local leaders were interviewed in Plaški and in Vrbovsko (see Map 1), the first a conflict area and the second a peace area (Katunarić, 2010). Interviews provided the basis for an oral history of the early 1990s in these areas. From these accounts, the occurrence of peace areas was explained in terms of path dependence. The path dependence approach maintains that collective choices in the past determine subsequent collective actions (cf. Mahoney, 2000). For example, in World War II, after Ustasha⁷ units scorched a Serbian village near Vrbovsko, neighbouring Croats provided shelter in their homes for Serb refugees. This event was implanted in the memory of generations of local Serbs, which probably had an impact on the decision of local Serbs in those places, in the beginning of the 1990s, to not join their compatriots (Serbs) who rose up against the newly elected Croatian government.

6 Why women in warring communities support violence rather than non-violence and peace may, perhaps, have something to do with binarism which presumably induces more frustration among women by preventing them activating their male qualities, i.e. the androgynous nature of every human being. As a result, latent conflict and discontent with (more brutish) men ensue more than in non-warring communities. Hence, women in the conflict areas may find it easier to 'say farewell' to their men (husbands, brothers, fathers...). Of course, this is just a speculative assumption which cannot be empirically tested here, and no such empirical study is known. Nevertheless, although speculative, the theoretical core of the assumption that women are more content with social arrangements in which they can display other, and not only maternal and auxiliary roles, and where they are less, or less directly, exposed to male domination and violence, can reasonably be maintained.

7 *Ustasha* were elite military troops of the pro-Nazi Independent State of Croatia (1941-1945), notorious for their atrocities, especially against Serbs, Jews and gypsies in Croatia.



Map 1. Some areas of peace and conflict between Croats and Serbs in Croatia in the 1990s



Of course, the fates of various areas in Croatia were also influenced by the fortunes of war. For example, the zones of war operations also depended on the erratic movements of the Yugoslav Army (cf. Katunarić, 2010).⁸ Nevertheless, such circumstances do not reduce the relevance of path dependence or the above mentioned (evolutionary) postulate of peace and war as (social) constructions rather than natural conditions. Still, path dependence is not created only by circumstances. The favourable circumstances – both in World War II and during the recent war in Croatia – could also have been created due to the spread of positive attitudes among local people, recalling the elements of peace culture, but could not have all arisen at the same time.

A COMPARATIVE ANALYSIS OF THE PEACE AND CONFLICT AREAS

This analysis was based on a representative sample of 809 respondents, with 422 in peace areas (Vrbovsko,

Rovinj and Daruvar), and 387 in conflict areas (Gospić, Plaski and Pakrac), interviewed between September and November 2008. The main hypothesis proposes that there are statistically significant differences between peace and conflict areas in the terms of culture of peace.

The conceptual framework of culture of peace is taken from the aforementioned study (De Rivera, 2004), with six of the eight groups of indicators adapted to this study. According to De Rivera, the key characteristics of countries which score high on the scale of culture of peace are the following: (1) higher level of education, especially in the peaceful resolution of conflict; (2) sustainable development (including the eradication of poverty, reduction of inequalities, and environmental sustainability); (3) high level of respect for human rights; (4) gender inequality significantly reduced; (5) democratic participation rather than passive citizenship; (6) understanding, tolerance, and solidarity predominates (among peoples, vulnerable groups, and migrants); (7) participatory communication and the free flow of information are secured; and (8) the countries cherish international peace and security, including disarmament.

⁸ The Yugoslav Army, the remnant of the official army of the second Yugoslavia, actively supported the insurgence of Serbs against the Croatian government.



Omitted from De Rivera's research are indicators of freedom of the press (7), as in some of the studied areas – Vrbovsko, Plaški, Saborsko and Pakrac – there are no local media, such as radio or newspapers. Vanhanen's index of democracy (Vanhanen, 2000), used in the original study, which combines percentages of voter abstinence with indicators of competitiveness of various parties in different countries (5), is not applicable either, as the war in Croatia broke out immediately after the first multiparty elections. After that, elections were not held in the occupied or conflict areas of Croatia.

1. Education

The first group of indicators in De Rivera's research concerns education, especially education for conflict resolution. In this study, no significant difference was found regarding the levels of education of respondents in the conflict and peace areas (Table 1). As education for peace, does not exist yet in Croatia, analogous data could not be provided. Also, while De Rivera used the UNDP data on homicide rates by country as an indicator of readiness for peaceful resolution of conflict, here information was sought on the officially registered homicide rate by county in 2007 and 2008 (Ministry of the Interior 2009, pp. 22-23). Data show that the number of homicides is too small for suitable comparisons. Likewise, when taking into account rates of other categories of crimes by county, there is no indication that crime rate is higher in conflict than in peace areas.

Table 1. Levels of school education in peace and conflict areas

School		Peace	Conflict
Elementary	f	55	59
	%	13.1	15.2
Vocational training school	f	23	25
	%	5.5	6.5
Middle vocational school	f	239	213
	%	56.9	55.0
High school	f	7	6
	%	1.7	1.6
Undergraduate	f	43	35
	%	10.2	9.0
Graduate	f	53	49
	%	12.6	12.7
N		422	387
Chi-square			1,427
P			<.92

2. Sustainable development

De Rivera used GDP per capita, along with life expectancy and the Gini coefficient of inequality in income as indicators of sustainable development. In the case of Croatia, there are no data on the GDP of the cities, but only counties (cf. Državni Zavod za Statistiku Republike Hrvatske, 2004),^{www1} which is also inadequate. As an alternative, those interviewed were asked to estimate the local living standards, the level of infrastructure, and the level of social care for poor and unemployed (Tables 2a and 2b). T-test statistical analysis shows that the estimates of the arithmetic means of respondents in the areas of peace and the areas of conflict are significantly different in all measured variables. So, respondents in peace areas are more satisfied with a variety of socio-economic situations in their area.

Table 2a. Respondents' estimations of certain socio-economic situations

	Peace	Conflict	df	t (p)
The level of living standards of most people	2.52 (.97)	2.35 (.98)	807	2.53(<.01)
In the town where you live	3.70 (1.41)	2.93 (1.20)	805	9.34(<.00)
Social care for the poorest people in your community	2.73 (1.19)	2.28 (1.15)	805	5.45(<.00)
Social care for the unemployed	2.27 (1.16)	2.04 (1.14)	807	2.83(<.00)

Table 2b. Percentages of respondents satisfied and very satisfied (combined) with the situations in above table

	Peace	Conflict
The level of living standards of most people	13.99	9.82
In the town where you live	61.61	36.18
Social care for the poorest people in your community	29.62	14.76
Social care for the unemployed	14.93	10.8

3. Respect for human rights

In his study, De Rivera used data from the Amnesty International report on political terror in certain countries. Here, a list of 11 items (statements on the degree of



satisfaction with various categories of human rights) was composed. The perception of the degree of satisfaction with civic rights in two areas differs significantly only in two items: the protection of private property and the right to education. There was no statistically significant difference with regard to the perception of other dimensions (right to information, privacy, freedom of expression, religion, equality in employment, court justice, health care, social security, and retirement) (Table 3). It is reasonable to suppose that differences in perceptions of protection of private property and the right to education concern the characteristics in the areas of conflict. In the first case, there are still unresolved property issues for returnees (e.g. return or restitution of houses), mostly local Serbs. They are also more likely to be dissatisfied with the sluggishness in introducing separate classes for Serb children in elementary schools.

Table 3. Respect for human rights

	Peace	Conflict	df	t (p)
The right to full and true information you are looking for	2.68 (1.17)	2.69 (1.28)	807	-.14(<.87)
Protection of private property	3.26 (1.06)	3.06 (1.22)	803	2.55(<.01)
Free public expression of opinions	3.61 (1.13)	3.50 (1.26)	805	1.25(<.21)
Equal opportunities in employment	2.26 (1.32)	2.16 (1.42)	804	1.06(<.28)
Equality before the judiciary	2.26 (1.49)	2.17 (1.57)	802	.811(<.42)
Health care	3.36 (1.03)	3.25 (1.28)	804	1.31(<.19)
Social security	2.01 (1.61)	2.20 (1.57)	801	-1.7(<.09)
The right to education	3.19 (1.21)	2.99 (1.49)	738.8	2.05(<.04)

The levels of (dis)satisfaction with human rights in both areas, which are very similar for most items, probably

reflect the initial stage of liberal democracy in those areas. At this stage most people encounter similar instances of institutional inefficiency, from health care to employment opportunities. In this regard, peace areas are not necessarily the areas in which, for example, employment opportunities – whether generated by free market or by state provisions – are better than in conflict areas.

4. Gender equality

The fourth set of data deals with gender (in)equality. De Rivera's study provided data representing participation of women in national parliaments. In this case, data on the official results of local elections in 2005 for members of the Croatian national parliament were taken (National Electoral Commission 2009). Figures for elected representatives in the peace areas of Vrbovsko are 16 men and no women, and in both Rovinj and Daruvar, 15 men and 4 women. In the areas of conflict, the corresponding figures are: in Gospić 12 men and 3 women, in Plaški 4 men and no women, and 15 men and 1 woman in Pakrac. Although in the areas of peace the total of number of women (8) was double that in the areas of conflict (4), the numbers and variations are all too small (e.g. in Plaški and Vrbovsko there were no women elected in the local governments) to allow statistical comparisons.

As an alternative, respondents were asked several questions dealing with gender (in)equality, with the degree of acceptance measured as the arithmetic mean between 1 ('I do not agree') and 5 ('I absolutely agree'). Data show that there are statistically significant differences between the areas of peace and conflict. Respondents in the areas of peace are more inclined to gender equality than those in conflict areas (Table 4). For example, the degree of acceptance for the statement 'For a woman it is natural to deal with housework, and for men to work outside the home' for the areas of peace is 2.00 and for the areas of conflict 2.20. In addition, the number of those who absolutely disagreed with this statement was 41.60% in the areas of conflict, and 50.47% in the areas of peace.

These differences cannot be explained by experiences of different, i.e. conflict and peace, situations in these areas

Table 4. Acceptance of gender (in)equality

	Peace	Conflict	df	t (p)
It is natural for women to do the housework, and men to work outside the home.	2.00 (1.25)	2.21 (1.31)	807	-2.3(<.02)
Men are more predisposed to carry out public activities and women to private activities	2.16 (1.61)	2.42 (1.25)	783.2	-3.1(<.00)
Homosexuals are not better than criminals and so should be strictly penalized.	2.03 (1.20)	2.24 (1.31)	777.5	-2.3(<.02)
It is good that women and men are equal, but it is best that men have the last word.	1.83 (1.06)	2.16 (1.26)	753.7	-3.9(<.00)



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in the 1990s. The images of gender roles constitute cultural values on a more permanent basis. Obviously, the tendency to gender equality being stronger in the peace areas than conflict areas is not purely coincidental. Of course, there is no empirical evidence on gender attitudes of important actors in decision-making in both areas in the 1990s. Still, the present-day attitudes of those interviewed may be taken as an indication of possibly prevalent cultural beliefs favourable to peace in the past as well.

Another fact, however, elucidates some of the hardships in the process of women's emancipation: inclination to gender equality in some areas of peace is not manifested adequately on the political scene, where participation of women in politics is not substantially greater than in areas of conflict. This indicates that there is a long way to go between a formally declared acceptance of gender equality and corresponding (democratic) practices. For example, Rovinj and Daruvar are peace areas with a higher proportion of politically active women, and are also economically more developed with more modernized urban infrastructures, than Vrbovsko, another peace area. Besides its relative underdevelopment, Vrbovsko, unlike Rovinj and Daruvar, was very near to the military borderline separating territories controlled by the Croatian government and territories controlled by the self-proclaimed Republika Srpska Krajina in the first half of the 1990s. Thus, in Vrbovsko the 'shock-waves' from the vicinity of the frontline might have produced tensions and frustrations, initial fears which yielded a siege mentality and binarism. Later on, such constraints may have hindered the process of women's emancipation, with a lack of encouragement to take part in local politics. On the other hand, their roles in politics may in principle be appreciated by most locals as something that may happen in the future, i.e. with the advent of peace in the whole country and removal of the nearby frontline, as stable peace provides better conditions for women to participate in politics. Indirect evidence for such a latent preparedness is that people in Vrbovsko are more predisposed to gender equality than people in Plaški, which was a conflict area (see Table 5), although, between 1991 and 1995, both places were equally near to the line separating the territory of Croatia from the territory of the Republika Srpska Krajina.

Table 5. Statistically significant differences in the attitudes toward sex/gender equality in Vrbovsko and Plaški with Saborsko

	Vrbovsko	Plaški with Saborsko	df	t (p)
It is natural for women to do the housework, and men to work outside the home	2.13 (1.31)	2.51 (1.36)	226	-2.1(<.03)
Homosexuals are not better than criminals and so should be strictly penalized.	2.21 (1,26)	2.38 (1.35)	224	-.93(<.37)
It is good that women and men are equal, but it is best that men have the last word.	1.91 (1.09)	2.53 (1.38)	223	-3.7(<.00)

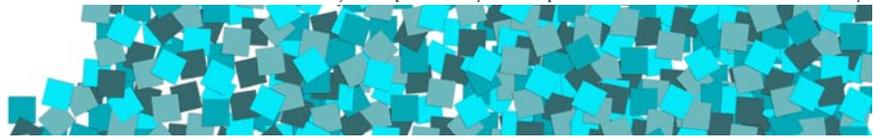
5. Tolerance

In De Rivera's study, tolerance (with understanding of others and with solidarity) was measured indirectly by the number of refugees accepted minus the number of refugees who emigrated from each country. Here, measurement of tolerance was based on statements regarding national identity and relations with others. The results show that there is a statistically significant difference between peace and conflict areas in the degree of acceptance of a set of statements presented (Table 6). Acceptance of mixed marriages and of friendships across ethnic boundaries is higher in peace areas, while those interviewed in these areas are less inclined to accept the uniqueness of one's own nation, and a privileged position of Croats as essential in Croatia. For example, in the peace areas, 66.79% of respondents reject the idea that Croats should have a privileged position while this figure is 57.10 % for those interviewed in the conflict areas.

Another measure of tolerance is the social distance with respect to the Roma ethnic group (Table 7), where chi-square tests showed that there is a significant differ-

Table 6. National tolerance

	Peace	Conflict	df	t (p)
It is not good that members of different ethnic groups are friends.	1.50 (.76)	1.73 (.96)	733.6	-3.7(<.00)
Our nation, like others, has a uniqueness that others cannot understand.	2.55 (1,13)	2.77 (1.21)	806	-2.6(<.00)
In the state of Croatia, Croats should have advantage in all respects.	2.24 (1,27)	2.51 (1.36)	784.9	-2.9(<.00)
Intermarriages are acceptable.	4.04 (1.08)	3.50 (1.27)	758,6	-6.5(<.00)



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ence in the degree of acceptance of a member of this ethnic group as a spouse in the areas of peace and conflict, with respondents in the peace areas more predisposed to marry Roma than those in the areas of conflict. Also, in the areas of peace, 70.85% of the respondents accept Roma as their neighbours, but only 51.67% of the respondents in the areas of conflict. This is interesting insofar as Roma as a group were not involved in conflicts in the 1990s. Their acceptance reflects the amounts of traditional prejudices against them and, indirectly, the level of (in)tolerance in general, rather than situational attitudes: war in this case did not essentially amplify pre-existent prejudices.

Table 7. Marriage with Roma

Would you choose a member of the Roma ethnic group as a spouse?		Peace	Conflict
Yes	f %	217 51.42	144 37.21
No	f %	205 48.53	243 62.79
N		422	387
Chi-square			16.50
P			< .00
Coefficient of contingency			.14
The estimated p			.00

6. Propensity to (non)violence

The last set of indicators in De Rivera's study is named 'international peace and security'. The topics have been changed here, as data showing military spending and extent of using the army in international crises are inappropriate. Nevertheless, the purpose remained very similar: to determine the propensity to violence in peace and conflict areas. This was measured indirectly through the degree of acceptance of authoritarianism (Table 8) where authoritarianism can be understood as preparedness to tolerate or even commit violence if it is demanded by national leaders or superiors, and through the occupation of those interviewed, in business or in the military and the police (Table 9). An attempt was also made to determine possible differences in the degree of authoritarianism in the two types of areas, based on agreement with the two statements in Table 8. There is a statistically significant difference in the response to the statement: 'A nation without a leader is like a man without a head'. In the areas of conflict, 30.74% absolutely agreed with this statement, and in the areas of peace, 23.93% of the respondents.⁹

Table 8. Degree of authoritarianism

	Peace	Conflict	df	t (p)
A nation without a leader is like a man without a head.	3.53 (1.25)	3.82 (1.12)	802.5	-3.4(<.00)
Superiors should be listened to even when they are not right.	2.09 (1.16)	2.20 (1.24)	785.9	-1.3(<.18)

Table 9. Occupational structure

Occupation		Peace	Conflict
Students (in secondary schools and universities)	f %	19 4.5	14 3.6
Unemployed, housewives, pensioners	f %	153 48.9	160 51.1
Blue-collar workers	f %	65 15.4	54 14.0
Administrative personnel and technicians	f %	94 22.3	87 22.5
Executives	f %	2 0.5	6 1.6
Entrepreneurs	f %	22 5.2	10 2.6
Military and police	f %	1 0.2	11 2.8
Other	f %	8 1.0	6 0.7
N		422	387
Chi-square			19.57*
P			< .01
Coefficient of contingency			.15
Estimated p			< .01

* For two cells (11.1%) the expected count is less than 5. The minimum expected count is 3.83.

As regards occupations, the number of entrepreneurs in the areas of peace is significantly higher (22) than in the conflict areas (10), while the number of employees in the army and the police are significantly higher in the areas of conflict (11) than in the areas of peace (1). Of course, the latter may be the result of the post-war situation as well as the fact that mostly Croats have been employed in the army and the police since the end of the 1980s (cf. Katunarić, 1993). Therefore, the 'securitisation' of the areas of conflict cannot be attributed to the continuation of (traditional) militancy of Croats or Serbs. It is also true that the securitisation, (besides strategic reasons such as preventing further insurgency by

⁹ Of course, the lower level of authoritarianism in peace areas, measured by this statement alone, cannot substitute a set of feminine values in a culture, including non-dominance and sympathy for the weak, as measured by Hofstede (Hofstede, 2001; cf. Katunarić, 2007). The reason why such a set of variables was not included in this study is that the principle of non-dominance, although postulated as an important element of the peace culture, was not operationalised in De Rivera's study. Hence, the high association between tendencies to gender egalitarianism and feminine social values such as sensitivity for the weak, is taken for granted.



local Serbs), is accompanied with low, if any, economic opportunities in those areas. Thus, police stations and military build-ups serve as the major source of employment in those areas. At the same time, the relatively stronger tendency towards authoritarianism in the areas of conflict may indicate that the use of weapons in the case of crisis in interethnic relations may be higher than in the areas of peace.

The use of the concept of a culture of peace in the Croatian case has revealed some differences between the areas of conflict and peace. Nevertheless, these differences cannot be used to explain all causes of conflict and peace. Another causal link must be sought in path dependence. In World War II, these areas experienced different fates, but it is still possible that peace areas in World War II might have also been moulded by the elements of peace culture. However, this assumption cannot be empirically tested.

Two characteristics are prominent in this case. Firstly, war and peace are a matter of choice, although not in all stages of inter-communal conflicts, since they are path dependent. Thus, when the choice is made to go to war, it is generally difficult to change the route of subsequent events, except when, mainly broader environment or international community peace becomes more preferable, resulting in a peaceful settlement. Secondly, in peace areas in Croatia in the 1990s as well as in other peace areas in the former Yugoslavia, peace was chosen by local leaders, and supported by the majority of the concerned communities, yet in a pre-liberal political setting.

CONCLUSIONS

Discrepancies between micro-peace and macro-war can be illustrated with situations in Croatia in the first half of the 1990s, where a few communities of Croats and Serbs, preserved peace and tolerance. The occurrence of peace can be explained by combining explanations in terms of path dependency and in terms of culture of peace. Thus, traditional peace in some multiethnic areas can be understood as a result of choice by particular communities,

whose ideas and practices of communal life are informed by some elements of a culture of peace, primarily tendencies to gender equality and the principle of non-dominance. These tendencies upset binarism, i.e. sharp dichotomies and social divides between different people, which are likely to legitimise violence against the others.

In this study, a modification of De Rivera's concept of culture of peace is applied at a local level, preserving two crucial meanings of the concept. The first is avoidance of using arms in conflict situations, and the second is the (proportionally higher) acceptance of gender equality, which is presumably associated with the principle of non-dominance. In both cases, the role of participating women seems to be crucial. These women – unlike women in communities where gender roles are strictly segregated and where violence is more often used to solve local disputes – are less likely to support armament and violence. Likewise, both qualities of peace culture prevail in some, but not all, pre- or non-liberal communities (as shown in this case study), and also in some, but not all, liberal societies (as shown by De Rivera's data).

Another important feature of peace areas in Croatia is that they were not constituted in terms of liberal democracy and economy on the eve of war. Actually, from 1930 to 1991 no multiparty elections were held in those areas. Likewise, the market did not, and has never constituted local economies. However, there are eight countries in De Rivera's study that feature (mature) liberal democracies in which the elements of culture of peace predominate. As such, the results of this study correspond more closely to those of Galtung (Galtung, 2002) and similar pluralist approaches to culture (cf. Cashdan, 2001; Boulding, 1999). These approaches emphasize that some non- or pre-liberal communities may also preserve peace as their prominent value. On the other hand, one must recall De Rivera's caveat that the culture of peace concept is empirically inconsistent, applicable to the global but not a generally international, context. And indeed, how can contemporary international society become peaceful when its evolutionary path so far, notably its 'progress', is unthinkable without violent competition between different macro-units? (Runciman 1989). ■

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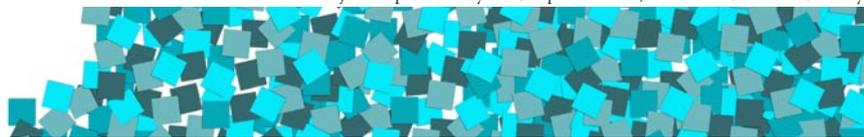
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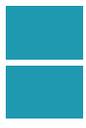
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ARTICLE



Mutual Recognition as a Means of Peaceful Conflict Transformation*

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Abstract

Why do we tend to use violence to deal with our conflicts? This is one of the questions we often ask ourselves when we become aware of this tendency to deal with conflict situations we experience in everyday life. In response, we claim that it is easier to use violence, that there is no other way to do things or that we are simply used to acting that way. But are we right? This paper challenges these claims, arguing that there are several alternatives to regulate conflicts and that we have the capacity and means to do so peacefully. The key is to accustom ourselves to rebuilding our peaceful abilities and to strive to implement new, non-violent habits. To this end, peaceful conflict transformation is presented as the preferred method for positive conflict regulation, and its main characteristics are discussed. Special emphasis is placed on the value of mutual recognition based on an analysis of Axel Honneth's theory of recognition, which reaffirms the role played by recognition in shaping human identity.



Keywords

conflicts, peaceful conflict transformation, mutual recognition, Axel Honneth, human identity

INTRODUCTION

We often wonder about our own identity in the different facets of our lives. Who are we? How do others see us? What are we like in terms of our family or jobs? We require an integral and fully constituted identity and for this, whether or not we are recognised seems to matter. At least, that is the argument put forward by the philosopher Axel Honneth, to whom I will refer in this paper.

My goal in this paper¹ is to study the theory of recognition, especially as espoused by Axel Honneth, in order to determine its importance in peaceful conflict transformation. My starting point is that the experience of mutual recognition contributes in several positive ways to the peaceful conflict transformation process. However, I believe it

is necessary to clarify certain points of Honneth's theory of mutual recognition. Consequently, this paper is divided into two sections: 1) Struggle for recognition and the shaping of human identity; and 2) Contributions of mutual recognition to peaceful conflict transformation.

1. STRUGGLE FOR RECOGNITION AND THE SHAPING OF HUMAN IDENTITY

Our capacity to recognise and our desire to be recognised as individuals are crucial to how human relationships develop. That is why maintaining personal

* Original title: *El hecho de reconocernos recíprocamente para transformar conflictos por medios pacíficos*. All quotes in this article translated into English by the editor.

1 This study is part of the research project "Epistemología e Investigación para la Paz. Necesidad de una nueva fundamentación epistemológica de la investigación para la paz desde una perspectiva filosófica", funded by Universitat Jaume I and Bancaja-Fundación Caja Castellón (P1•1A2009-07).



relationships constantly requires this skill and this desire, regardless of the sphere in which the relationships exist. One might look, for example, at the case of the person who needs to recognise and be recognised to be successful in their career; the wife or mother who has to recognise and be recognised by her husband and her children to ensure the smooth functioning of her family life; the individual who must recognise and be recognised by his or her friends to be respected and form part of the group; or any one of us who seeks to recognise and be recognised in any of our identities. When we cross the street, hail a taxi or buy some doughnuts, we have the need to recognise the people we meet and the desire to be recognised by them.

Etymologically, 'recognition' means to discover or get to know something or someone again, derived from the Latin verb *cognōscere* ("to know", Corominas, 1961, p. 162) and the prefix 're'. Accordingly, this act of getting to know again opens up the possibility of seeing the people we meet throughout our lives with new eyes, focussing on traits and aspects that we had more or less ignored earlier on. That is when we hope to receive the same recognition from the other person, becoming aware of what characteristics we have in common as human beings and what differentiates us. This idea brings to mind the work of the political scientist Hannah Arendt (2005), who emphasised the plurality and equality of human beings when reflecting on the possibility we have to exercise power in a concerted fashion and on new ways to engage in politics in accordance with this power. The act of recognition helps us see what we have in common (*equality*) and what distinguishes us (*plurality*), to understand each other in general terms, as members of the human race, and specifically, as individuals.

This paper aims to take an in-depth look at mutual recognition and not at recognition in any other sense of the term. Ricoeur (2005, p. 29) clearly distinguishes some of these senses when he writes that they can be ordered as if they were a process, running from the active voice (recognise) to the passive voice (be recognised). He proposes a sequence of recognition as identification, recognising oneself and mutual recognition. In my view, the latter is the one that most clearly demonstrates the necessary contact between people, so crucial in shaping our identity as human beings, the value of *intersubjectivity* in our personal and interpersonal fulfilment (Martínez Guzmán, 2005; 2009).

The role of mutual recognition in the shaping of human identity has been studied, in particular, by Axel Honneth, a philosopher from the third generation of the Frankfurt School. Honneth has expressly devoted his work to formu-

lating a theory of recognition, which, for him, must explain many of the social practices responsible for the pathology of human reason (Honneth 2009, p. 7). In fact, this is one of the theses being put forward by the third generation of the Frankfurt School when it claims that certain current social practices are causing a pathological deformation of human reason. Building on this argument, Honneth underscores the value of reciprocal recognition to combat these social practices and argues that 'successful' experiences of mutual recognition could generate a change with a view to redirecting our minds towards a greater understanding of ourselves, of the people around us and of the situations and events taking place in our environment. I believe that the violent events reported daily by the media are examples of these social practices that lead to the pathological deformation of human reason. Our society is full of all kinds of interpersonal and international conflicts, which are proof of the current social injustice resulting from the use of violence in certain actions. According to Honneth's theory, the 'successful' experience of reciprocal recognition allows us to confront these situations using the alternative resource linked to our capacity to look at other people in order to understand them, to recognise them, to see what they are thinking and feeling. Only then can we stop and think about what is going through our classmate's mind before using violence against her; about what our neighbour is thinking before launching an attack against them; and about what our family is feeling before attacking them, even if only verbally. Of course, mutual recognition is not the only resource available to deal with these unjust situations, and it usually needs to be combined with mechanisms such as cooperation, effective communication and accountability. But its presence is necessary to help us see others not as simple objects in front of us, but rather as people who we must learn to share our experiences with, whether positive or negative.²

This means that Honneth's philosophy that reciprocal recognition is the core of social life (Basaure, 2008, p. 62) generates "*al mismo tiempo, una continuidad y una ruptura con los intelectuales de la primera generación de dicha escuela³ y, en menor medida, aunque igualmente evidente, con su antecesor directo, Jürgen Habermas.*"⁴ (Basaure, 2008, p. 59). Honneth attributes the same role to recognition that Habermas attributes to communication. For Honneth, the shaping of human identity depends on the degree to which and the way we are recognised (Honneth, 1997). This is true to the extent that, for him, those social groups that do not feel sufficiently recognised set up social movements to

2 Here, the adjective 'negative' need not be understood as 'violent', but rather as an experience with another person that may not have been favourable for one or both of the parties, but in which violence was not necessarily used. It is well known that we experience displeasure in our interpersonal relationships when things do not go well, even when we have not resorted to violence.

3 The author is using the term 'that school' to refer to the first generation of the Frankfurt School.

4 "a continuity of and a rupture with the intellectuals of the first generation of that school and, to a lesser extent, but equally clearly, with his direct predecessor, Jürgen Habermas."



channel struggles for recognition. This is where Honneth revives the 'struggles for recognition' previously examined by Hegel, placing the quest for mutual recognition at the centre, as it is both the cause and the desired outcome of these struggles. Consequently, according to Honneth, the interpretation of any social demand should be based on the struggle for recognition, even when dealing with a single individual who has the need to enhance the way he or she is being recognised. In accordance with this view, what truly motivates society and its agents is the possibility of being recognised in all one's facets. It is when this does not occur that the need to struggle to achieve the longed-for recognition arises.

I would like to take a brief look at the concept of struggle used in Honneth's theory. Ricoeur, (2005, p. 227) has complemented the use of the concept in this theory with the expression of 'states of peace', to give it a more positive meaning. Thus, he argues that "*la alternativa a la idea de lucha en el proceso de reconocimiento mutuo hay que buscarla en experiencias pacíficas de reconocimiento mutuo*".⁵ It is true that *struggle* can be used with various meanings, but, in a figurative sense, it can be understood as the vigorous effort an individual or group makes to achieve something or make something happen without necessarily using violence. This is how I interpret the word within the framework of Honneth's theory, as I do not believe he is advocating violent struggle to achieve experiences of mutual recognition, but advocates the primacy of experiences of mutual recognition as the core of social life so that struggles can be conducted peacefully without the use of violence. In reality, there have been many social movements that have managed their struggles non-violently and exhibited the characteristics that Honneth cites in his theory.

Having made this clarification, I will now turn to how Honneth structures his theory, which is based on three types of mutual recognition, originating from three types of disrespect (Honneth, 1997).

- 1) Recognition of physical integrity, linked to the attitude of love and the value of self-confidence.
- 2) Recognition of people as members of a legal community with rights and obligations, linked to the attitude of respect and the value of self-respect.
- 3) Recognition of different ways of life, linked to the attitude of solidarity and the value of self-esteem.

Each of the three types of recognition is related to one of the defining facets characterising the human condition. The shaping of human identity depends on fulfilment, that

is, whether a person feels recognised with regard to their physical integrity, as a member of a legal community and with regard to their specific way of life. At least, that is what Honneth (1997) notes when he claims that human integrity owes its existence to experiences of mutual recognition and that, therefore, all people need to feel recognised in all three of the aforementioned ways in order to feel fully realised.

Based on this interpretation of mutual recognition as a shaper of human identity, Honneth classifies the three types of recognition as if he were dealing with a process. He places recognition of physical integrity first, referring to the reciprocal recognition for an understanding of our physical appearance. According to Honneth, these experiences of recognition take place as a result of the attitude of love, although here this is understood not only in the "*sentido limitado que el concepto ha tomado desde la valoración romántica de la relación sexual*"⁶ (Honneth 1997, p.117), but in a broader sense "[...] *el amor representa el primer estadio de reconocimiento recíproco, ya que en su culminación los sujetos recíprocamente se confirman en su naturaleza necesitada y se reconocen como antes de necesidad*"⁷ (Honneth 1997, p.118). Thus, here "[...] *el amor debe concebirse como un ser-sí-mismo en el otro*"⁸ (Honneth 1997, p.118), which is a lifelong need.

The experience of this mutual recognition encourages the value of self-confidence, that is, of people feeling greater confidence in themselves. Needless to say, when we see ourselves physically recognised and valued, we feel better. However, when this is not the case, we find the type of disrespect that prevents the smooth development of this reciprocal recognition and is linked to restrictions in our ability to use our own body freely. This situation occurs when, for example, a woman is prohibited from using her own body due to the control exerted over her by a male.

Second, Honneth (1997) turns to our recognition as members of a legal community with rights and obligations in order to describe the type of mutual recognition that emphasises legal relationships:

"En el 'reconocimiento jurídico', [...], se expresa que todo sujeto humano, sin diferencia alguna, debe valer como 'un fin en sí mismo', mientras que el 'respeto social' pone de relieve el valor de un individuo, en la medida en que se puede medir con criterios de relevancia social. En el primer caso, como muestra el empleo de la fórmula Kantiana, estamos ante el respeto universal de la 'libertad de la voluntad de la persona'; en el segundo, por el contrario, ante el reconocimiento de realizaciones individuales, cuyo valor se mide por el grado en que

5 "the alternative to the idea of struggle in the process of mutual recognition must be sought in peaceful experiences of mutual recognition."

6 "restricted sense that the concept has acquired since Romanticism's revaluation of intimate sexual relationships."

7 "[...] love represents the first stage of reciprocal recognition, because in it subjects mutually confirm each other with regard to the concrete nature of their needs."

8 "[...] love has to be understood as 'being oneself in another'."



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una sociedad las experimenta como significativas."⁹
(Honneth 1997, pp.137-138)

Therefore:

*"[...] en los dos casos un hombre es respetado a causa de determinadas capacidades, pero, en el primero, se trata de aquella cualidad general que le constituye como persona, y en el segundo, por el contrario, de cualidades particulares que le caracterizan a diferencia de otras personas."*¹⁰ (Honneth 1997, p.139)

This form of mutual recognition entails the understanding that all people are entitled to be part of a legal community with the ensuing rights and obligations. That is how the value of self-respect is generated in a person, as individuals clearly also feel more respected and better about themselves when they feel they are part of a given community. Where this is not the case, it is due to disrespect preventing such membership and the subject's exclusion from society becomes clear. For example, these excluding attitudes are present in the ways that certain people and institutions treat people from other countries, especially the poor. In reality, the treatment of those who emigrate from their countries hoping to find better living conditions elsewhere often leaves a lot to be desired, which encourages the type of disrespect discussed here.

Finally, Honneth includes recognition of different ways of life, by which he means our capacity to show solidarity towards lifestyles that are different from our own. Not everyone has to live the same way, like the same music or have the same cultural or religious traditions. We must learn to respect, value and understand those who do not live the way we do, but certain minimum standards with regard to respect for basic human rights must be enforced. These are laid down in the Minimum Ethics designed by Cortina (1992), although we must take into account the principles of cordial reason described in one of her more recent books (Cortina, 2007). Acting this way leads to enhanced self-esteem, as we also usually feel better about ourselves when we realise that our way of life is accepted. Otherwise, we show disrespect for other people's habits, which, while different, are just as valid as our own.¹¹

Going through these three states of mutual recognition results in human integrity and, therefore, generates the yearned-for struggle to achieve mutual recognition.

Honneth's philosophical theory on mutual recognition has taken on dramatic importance today, to such an extent that it has been questioned in other studies of this issue. It has even been debated alongside Nancy Fraser's theory of social justice in the book *¿Redistribución o reconocimiento? Un debate político-filosófico* (Fraser and Honneth, 2006). The Spanish edition of this book, which I cite here, clearly shows that Honneth starts from an intersubjective interpretation of mutual recognition, whereas Fraser's work is based on a much more sociological view. For Honneth, people shape their identities based on intersubjective relationships of mutual recognition, whereas in Fraser's view, recognition is linked to social structures from which one must work to encourage the recognition of all people. In this case, to prevent instances of disrespect that give rise to a lack of recognition, one must transform social structures that have already been institutionalised (Zurn, 2003). This is why Fraser notes that social justice also depends on redistribution policies and not just recognition (Fraser and Honneth, 2006), while Honneth, as discussed above, places the full burden on mutual recognition.

2. CONTRIBUTIONS OF MUTUAL RECOGNITION TO PEACEFUL CONFLICT TRANSFORMATION

The presence of conflict in contemporary society was already hinted at in the previous section. We experience all kinds of interpersonal conflicts, constantly featured in the media alongside news about armed conflicts and acts of terrorism affecting hundreds of thousands of people. People appear to be conflictive, even if this does not mean that we are naturally violent. There is no denying the existence of myriad conflicts or the fact that most of them are dealt with violently; however, it is also true that we have the skills and capacity to regulate them through peaceful means (Martínez Guzmán, 2005, 2009). The problem is that we have become used to using violence to regulate our conflict experiences, and it is now quite difficult for us to spend the time required to learn alternative means, even if we understand that it is increasingly necessary to start doing so.

9 "[In] 'legal recognition', the idea is expressed that every human subject must be considered an 'end in itself', whereas 'social regard' emphasises the 'worth' of an individual, insofar as it can be measured according to criteria of social relevance. As the use of the Kantian formulation indicates, we are dealing in the first case with universal respect for the 'freedom of the will of the person', and in the second case, by contrast, with the recognition of individual achievements, whose value is measured by the degree to which society deems them significant."

10 "[...] In both cases, human beings are respected because of certain traits. In the first, however, this is a matter of the general feature that makes them persons at all, whereas in the second case, it is a matter of the particular characteristics that distinguish them from other persons."

11 It should be noted that the validity of the actions advocated here is always subject to the theories of interculturalism and the minimum values entailed in respect for basic human rights.



To implement this change in mentality and lay down new habits, we can begin by considering the thesis put forward by Muñoz (2001), whereby it is not conflict itself that is negative or positive but rather the means we use to address it. If this is true, we only need to use peaceful alternatives to deal with our conflicts and prevent their most destructive consequences. Through the use of peaceful means we can learn to live with our conflicts, without the incessant need to put an end to them and without the fear of experiencing them. I would argue that conflicts can be interpreted as situations inherent in human relationships and that they encourage social changes when they are managed peacefully. Awareness of this interpretation, will not only allow us to accustom ourselves to seeing conflicts as part of our lives and as situations that, with effort and dedication, can be peacefully transformed but, will also prompt us to seek alternative methods to manage them.

Conflict transformation by peaceful means is one of these alternative methods, enjoying considerable success today, as witnessed by its use in most of the studies conducted at different research centres devoted to the study of these issues. Conflict studies previously used the terms 'conflict resolution' and 'conflict management'. The new name emphasises the value of the use of peaceful means for conflict transformation.

Conflict resolution emerged in the 1950s, emphasising the importance of ending conflicts 'at all costs' by underscoring their destructive consequences. Obviously, the fact that this method emphasises the harmful effects a conflict situation can have and presents it in a negative light makes us want to end it by any means. This aspiration gave rise to a host of criticism, beginning in the 1960s, when scholars began to question the need to resolve all conflicts and whether this need might not lead, in many cases, to a disregard for the criteria of justice (Lederach, 1995).

This questioning led to the emergence, in the 1970s, of the term: *conflict management*. This method has not been as successful, apparently heavily influenced by both the theory and practical aspects of business management. This management view proposed a more positive view of conflicts, although it continued to emphasise their destructive consequences. Its ties to business management led to a wide range of criticism beginning in the 1980s.

The theory of peaceful conflict transformation emerged in the 1990s, and has been quite successful from a methodological point of view, as noted above, although less so from a terminological one, as most research centres do not use this expression, but rather talk about conflict resolution.

The field of peaceful conflict transformation has given rise to an understanding of these experiences as situations that can be peacefully transformed, with studies on human beings' capacities and abilities to deal with conflicts in alternative ways, without resorting to the use of violence. The most important thing is to understand the tensions that caused a conflict, firstly to confront them and, secondly, to overcome them, generating new goals with the aim of ensuring the continuity of our relationships in the future (Fisas, 1998). This entails effort, dedication and – why not say it – both physical and psychological suffering, since, even in the absence of violence, people still suffer when they realise that the regulation process is not going smoothly or is dragging on without any agreement being reached (París Albert, 2009). Therefore, peaceful conflict transformation cannot be understood in an idealistic way, where everything goes smoothly, but rather must be interpreted as a difficult path that requires those taking it to contribute with all their willpower and commitment.

This commitment requires the responsibility to act by peaceful means and according to criteria of justice; to understand what other people are thinking and feeling; to see the conflict as a shared problem that must be addressed jointly if the goal is to reach communicative agreement; and to prioritise shared rather than individual interests. In short, I would argue, the responsibility to implement the following values (París Albert, 2009): 1) cooperation with other people (Rapoport, 1992); 2) empathetic perception of what the other parties feel and think about the conflict (Fisher et. al, 1999); 3) the ability to make use of new forms of integrative power, whilst avoiding forms of an authoritarian and subordinating nature (Boulding, 1993); 4) communication based on criteria of equality and freedom to reach communicative agreements leading to linguistic understanding (Cortina, 1985; Habermas, 1987); and 5) empowerment as the reconstruction of our capacity to deal with our conflicts without the need for help from other people¹² (Bush and Folger, 1994). It is important to mention here that Bush and Folger also talk about recognition, emphasizing this mechanism for peaceful conflict transformation. Therefore, these two authors would fit in the framework of the theoretical contents of this article.

Mutual recognition is among these values, as one arising from the commitment to peaceful conflict transformation. I have sought to give it a stronger presence in this paper due to its role in the shaping of human identity, according to the theory of Honneth (1997), and due to the contribution that it can make to the positive regulation of conflict situations.

12 Notwithstanding this proposal of a capacity for empowerment, it must be borne in mind that the peaceful transformation of a conflict may require the assistance of a third party to mediate and serve as a 'facilitator'. In other words, the mediating party does not offer solutions, but rather guides the parties involved in the process. Therefore, the concept of mediation is not contrary to empowerment as proposed here, as it nevertheless involves a reconstruction of powers to allow the affected parties to reach the necessary agreements.



Contribution of recognition to peaceful conflict transformation	
Recognition of physical integrity	1) Revaluation of the body and of its channels of communication 2) Revaluation of feelings
Recognition as members of a legal community and holders of rights and obligations	1) Revaluation of Kant's theory of respect and, to a certain extent, of his cosmopolitan law
Recognition of different lifestyles	1) Revaluation of specific ways of living life, subject to minimum ethical standards and theories of interculturalism

Recognition of physical integrity recalls one of the theses put forward in the phenomenological tradition by, in particular, Merleau-Ponty (1975), in which the human body is the intermediary between the self and the world. It is possible to say that a person observes the things around from the position of their body and that their perception depends on this position. An example might help to clarify this idea. We know that the perception of the world is different between those, for example, in Mexico and Spain. In Europe, many lifestyles found in other parts of the world are not understood: the world is understood based on how it is perceived, which depends on the location of the body. The value of perception again makes an appearance, as we must learn to change the angle of our bodies (change our perceptions) in order to understand what other people think and feel and thereby successfully bring about peaceful conflict transformation.

Two additional aspects allow us to reach this type of mutual recognition. The first is *body language channels*, the external aspect of gestures, eye contact, the sense of touch and distance to other bodies (Borisoff and Víctor, 1991). This implies that the body is also recognised as a source of communication. The second is that of *feelings*, which are beginning to hold a decisive position and cease to be subordinate to reason (Martínez Guzmán, 2005). Peaceful conflict transformation is highly dependent on the way we feel. Furthermore, it is very important to take into account the revaluation of traumatic experiences, which are very physical and produce lots of feelings that will influence our future experiences and our participation in future processes of peaceful conflict transformation.

This means that education in feelings to train us to 'feel positively' is advisable, without allowing ourselves to get carried away by excessively favourable feelings in the face of violence. This education refers to making people more aware of their feelings so that they have the ability: 1) to not be influenced by their feelings, so that they can avoid the negative consequences that these feelings can produce

in themselves, in other people or in nature; 2) to transform negative feelings into positive ones; 3) to realize the relevance of positive feelings in life if we want to have a peaceful world and want to put into practice the methodology of peaceful conflict transformation.

Recognition as members of a legal community and holders of rights and obligations allows us to revive some of the ideas proposed by Kant (1985) in his theory of respect (some have been mentioned in the previous section) and, to a certain extent, his cosmopolitan law, which contains two theses that I would like to mention here. Firstly, that no human being is more entitled to be at any given point of the planet for the mere fact of having been born there; and secondly, that any violation of a right anywhere in the world affects all other points.

Keeping these two theses in mind when implementing peaceful conflict transformation will help to forestall many of the conflicts that arise as a result of disregard for this second type of mutual recognition. For example, it will allow us to deal more easily and peacefully with conflicts relating to migration, already discussed in the second section of this paper.¹³

The recognition of different ways of life will favour the revaluation of those lifestyles that do not match our own. This will allow us to take into account theories of interculturalism, which emphasise learning between different cultures, strengthening the positive aspects of each one. At the same time, it reminds us of the minimum ethical standards that promote certain minimum standards of justice that must always be applied (Cortina, 1992), although without forgetting our sentimental rationality, as already seen in relation to the first type of recognition (Cortina, 2007; Martínez Guzmán, 2005; París Albert, 2009).

CONCLUSION

This paper presents a synthesis of the different contributions mutual recognition makes to peaceful conflict transformation, highlighting some, and taking into account the general characteristics of this method of positive regulation of conflict situations. Honneth's theory of mutual recognition was the starting point, leading to an understanding of these experiences of mutual recognition (human relations) as basic to the shaping of human identity.

The ideas set forth in this paper offer insight into the words of Vinyamata (2003, p. 9):

"La labor de un conflictólogo, aunque resulte paradójico decirlo, se centra en la paz, en la felicidad, no en el

¹³ Migration also involves the third type of recognition proposed by Honneth, although here I have used it only to exemplify the second type of recognition according to his theory.



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*conflicto. El oficio del conflictólogo consiste en facilitar, no dar, la solución a los conflictos, procurando la dignidad, la libertad y el bienestar integral de las personas y de las sociedades; la vida en serenidad y armonía con uno mismo y en relación al entorno.*¹⁴

The value of mutual recognition is implicit in this quotation if we take into account that conflict specialists will need to promote recognition if they want to achieve the “dignity, freedom and comprehensive welfare of people and societies”. ■

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¹⁴ “The job of a conflict specialist, although it may seem paradoxical, is focused on peace, on happiness, not on conflict. The conflict specialist’s job consists of facilitating, not providing, the solution to conflicts, ensuring the dignity, freedom and comprehensive welfare of people and societies; ensuring life in peace and harmony with oneself and in relation to one’s surroundings.”



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ARTICLE

Mediation in Consumer Matters. An Approach in European and Spanish Law

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Abstract

Given the obvious inadequacy of ordinary legal procedures to resolve consumer disputes, it is necessary to look for alternative models which, without excluding administrative and judicial proceedings, are more accessible to consumers. Although arbitration is the most widely used model, consumer mediation is becoming increasingly more important.

Consumer mediation lacks a systematic organisation in Spanish law and the rules on consumer arbitration only refer to mediation, remitting to regulation by the autonomous communities, some of which have exclusive competence in mediation in their Statutes of Autonomy.

Although mediation in consumer affairs often falls within arbitration procedures, the optimal solution would be to separate mediation linked to arbitration procedures (intra-arbitration) from consumer mediation detached from arbitration (extra-arbitration) to offer more alternatives for out-of-court conflict resolution, taking into account that a resolution obtained in a process of mediation will be enforceable if it is in the form of a court settlement or if it is recorded by a notary.

The conclusion is that consumer affairs are especially suitable for mediation, although the rules on consumer arbitration are inadequate for normalisation, making it necessary to introduce specific regulations on mediation for their application in this field.

Keywords

arbitration, mediation, consumption, consumer arbitration procedure, extra-judicial conflict resolution, consumer mediation, European law, Spanish law

1. INTRODUCTION

It is generally agreed that ordinary legal procedures are not the most appropriate way to resolve consumer disputes. Due to the disparity between the economic value of the claim itself and the disproportionate cost and duration of court proceedings many consumers forego claiming their rights through these procedures.¹

Therefore, it was vital to seek alternative models of conflict resolution that would not deter consumers from exercising their constitutionally recognized rights, of course, without prejudice to administrative or judicial procedures.² Although arbitration was, and still is, the most widely used model for resolving consumer disputes, me-

diation is becoming increasingly more relevant, as demonstrated by successive reports published by the National Consumer Institute.³

The special feature of consumer mediation relative to other types of mediation is that the conflict is between a consumer or a user and company or a tradesperson. Both parties need to have that status according to the law (Royal Legislative Decree 1/2007 of 16 November, approving the Revised Text of the General Law on the Protection of Consumers and Users and other complementary laws). The origin of the dispute must be a legal relationship in the area of consumption, for example purchasing a product or contracting a service. The mediator will offer help and guide the conflicting parties to narrow the gap between them and adopt a mutually acceptable agreement.



2. CONSUMER MEDIATION IN THE EUROPEAN UNION

Interest in alternative techniques for dispute resolution in consumer matters is not limited to individual member states and the techniques have also been promoted by the EU.

The need to build consumer and business confidence at EU level, assuring them that their conflicts will be treated equitably and effectively, has led the European Commission to take initiatives. They include the Commission Recommendation 98/257/EC of 30 March 1998 on the principles applicable to bodies responsible for judicial settlement of consumer disputes (OJ L-115/31, 17 April 1998). This recommendation is limited to the procedures which, regardless of their nature, lead to the resolution of the dispute through the active intervention of a third party who proposes or imposes a solution.⁴

A further important reference is the Commission Recommendation of 4 April 2001, on the principles applicable to the extra-judicial bodies for consensual resolution of consumer disputes not covered by Recommendation 98/257/EC (OJ L-109, April 19, 2001). The Recommendation applies to those responsible for bringing the parties together to find a mutually agreed, out-of-court settlement, who must respect the principles of impartiality, transparency, effectiveness and fairness of the proceedings.⁵

More recently, the European Commission Communication of May 7, 2002, on the "Consumer Policy Strategy 2002-2006" directed to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, re-emphasizes alternative dispute resolution as an ideal means for cross-border conflicts.⁶

Finally, mention must be made of Directive 2008/52/EC of the European Parliament and the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters (OJ, 24 May) although it does not apply to the matters under consideration here. This is pointed out explicitly in point 11: "This Directive should not apply to pre-contractual negotiations or to processes of an adjudicatory nature such as certain judicial conciliation schemes, consumer complaint schemes, arbitration and expert determination or to processes administered by persons or bodies issuing a formal recommendation, whether or not it be legally binding as to the resolution of the dispute."

3. CONSUMER MEDIATION IN SPANISH LAW

Currently, consumer mediation lacks a systematic regulation in Spanish law. At state level, consumer mediation is not covered by the Royal Decree 1/2007 of

16 November, approving the Revised Text of the General Law for the Protection of Consumers and Users and other complementary laws. Royal Decree 231/2008 of 15 February, which regulates the Consumer Arbitration System, has 64 articles, of which Article 38 is the only one dedicated to mediation, while noting that "[...] mediation is governed by the applicable legislation on the subject" (Royal Decree 231/2008, Article 38.2). Furthermore, the explanatory memorandum of this Royal Decree states that it does not include regulation "in coherence with competences the autonomous regions have in these matters" (paragraph 9 of the Explanatory Memorandum). It should be noted that most Autonomous Communities have full authority to regulate consumer mediation and, in fact, some of the recent Statutes of Autonomy claim exclusive jurisdiction "to regulate mediation procedures". To cite a few examples:

- The Statute of Autonomy of Catalonia (approved by LO 6/2006 of 19 July) (BOE of 20 July 2006). Article 49.2 establishes that "public authorities must guarantee the existence of instruments for mediation and arbitration in consumer matters, promoting awareness and use, and must support consumer and user organizations."
- The Statute of Autonomy of the Balearic Islands (approved by LO 1/2007 of 28 February) (BOE of 1 March, 2007). This autonomous community has exclusive competences to "protect consumers and users", and in particular, to "regulate mediation procedures" (Article 30.47).
- The Statute of Autonomy for Andalusia (approved by LO 2/2007 of March 19) (BOE of March 20, 2007). The autonomous community of Andalusia has exclusive competences for the "defence of consumer rights, the regulation of mediation procedures, information and education for consumption and claims" (Article 58.2.4º). It also states that "the Andalusian government can develop mediation and conciliation tools and procedures to resolve conflicts in matters within its competence" (Article 150.2).
- The Statute of Autonomy of Aragon (approved by LO 5/2007 of 20 April) (BOE of 23 April 2007). The Autonomous Community of Aragon has exclusive competences in the following areas: "Consumption, which includes the regulation of the protection and defence of consumers and users; promotion of consumer associations, training and education for responsible consumption and the regulation of mediation bodies and procedures" (Article 71.26ª).

Many Autonomous Communities refer to mediation in their Consumer Statutes or autonomous laws on consumer protection. Law 1/2006 of March 7 on Defence of Consumers and Users (BOC 15 March 2006 and BOE of 31 March 2006), of the Autonomous Community of Cantabria, attributes to Municipal Offices for Consumer Informa-



tion the function “to serve, where appropriate, as a channel for voluntary dispute mediation between consumers or users and tradespersons or entrepreneurs” (Article 17.4.d).⁷

As for consumer mediation, according to Article 38.1 of Royal Decree 231/2008, this is attempted, unless the dispute falls within one of the causes of exclusion for arbitration stated in Article 2.2 of Royal Decree 231/2008. Mediation is not possible in conflicts that involve “poisoning, injury, death or those in which reasonable suspicion of crime exists, including liability for damages directly resulting from them, as provided in Article 57.1 of Royal Legislative Decree 1/2007 of 16 November, approving the revised text of the General Law for the Protection of Consumers and Users and other complementary laws”. Similarly, there can be no mediation if any of the parties involved is against it, or when there is a record of the fact that mediation has been tried without results (Article 38.1 and 25.1.II RDAC).⁸

The Consumer Arbitration Boards, according to Article 6f of RD 231/2008,⁹ are entrusted with the task of mediating between businesses and consumers, as was the case when Royal Decree 636/1993, of 3 May was in force, regulating the Consumer Arbitration System.

4. CONVENTIONAL MEDIATION (EXTRA-ARBITRATION) AND ARBITRATED MEDIATION (INTRA-ARBITRATION)

One of the issues raised, upon study of the regulation, is related to whether mediation is conceived as a stage prior to arbitration or forms part of arbitration. According to an important part of legal doctrine, among which the views of Manuel Jesús Marín López can be highlighted, Royal Decree 231/2008 clearly opts for the second interpretation:

“[...] This becomes clear not only from the content of Art. 38 (Mediation in Arbitration), but also from Articles 37.3 and 49.1.I of the RDAC (Royal Decree on the consumer arbitration system). The first because it requires the resolution starting the arbitration process to expressly state ‘the invitation to the parties to reach an agreement through mediation’. Therefore, mediation can occur, if it occurs at all, after the initiation of the arbitration process. And the second because, if previous mediation attempts are made, the deadline for announcing the findings (six months from the initiation of arbitral proceedings) must be delayed, though this period will not exceed one month from the agreement for the start of the arbitration procedure.”¹⁰

Mediation as part of the consumer arbitration procedure explains why the process can only be initiated at the request of the consumer, and this unidirectional functioning is an essential feature of the Consumer Arbitration System. Arbitration proceedings can start only on request by the consumer, not a company, shopkeeper or professional tradesperson, and consumer mediation can only be sought by those who feel their rights have been infringed on purchase of a product or contracting a service, therefore seeking compensation, damages or both.

However, this view of mediation in consumer matters means the full practical potential of the mediation tool is not exploited. By integrating mediation in the arbitration process, the opportunity is lost to offer autonomous consumer mediation, independently from arbitration, for cases in which one or both parties wish to refrain from seeking arbitration. This problem is avoided by distinguishing between conventional and arbitration mediation, or, in parallel with judicial mediation, intra-arbitral and extra-arbitral mediation.

Arbitration mediation could be applied to those forms of mediation that are understood to have been carried out once the parties involved agree to submit to arbitration and some kind of agreement is reached between the company and the consumer or user, thereby ending the dispute. Although there is agreement, submitting the case to arbitration necessarily implies that completion of the procedure requires a judgement by the Arbitration Panel to which the parties are subject.

In practice, the agreement reached by the disputing parties is reflected in a judgement by a single arbitrator who, normally, is one of the accredited arbitrators proposed by the public administration.¹¹

It is clear that, in these cases, the agreement reached through mediation can be considered approved by the arbitrator who gives the formal ruling, which is enforceable. Submission to arbitration is a procedural exception in that the finding does not become part of jurisdiction.¹²

It is possible that the company involved has not joined the consumer arbitration system and, moreover, is not willing to submit to arbitration. This company is, however, willing to make an offer to the user or accept some of the user’s claims. For these cases, the ideal solution would be to offer mediation by the Arbitration Board without having to present the case for an arbitration procedure. This means accepting conventional mediation independent from arbitration and opening a new door to out-of-court settlements. This mediation could be carried out by the Arbitration Board, always guaranteeing independence and impartiality of the mediator, and ensuring they never take on the role of arbitrator in later procedures for the same case.¹³

In the case of conventional mediation, there is no need for a legal ruling but finalisation through agreement (conciliatory ruling) can be sought. In our legal system such an agreement would have the effect of a transaction, insofar



as it is a composition of a case that can be classified under Article 1809 of the Civil Code, and the effect of *res judicata* in Article 1816 for extrajudicial transactions.¹⁴

In the case of a judicial transaction where judicial approval of the agreement exists via Article 517.2.3 of the LEC 1/2000, enforceable status will also be awarded. If there is no judicial approval, Article 517.2.4 of the LEC 1/2000¹⁵ offers the possibility of obtaining enforceable status on registration by a notary.

By making this distinction, it is possible to avoid or obviate the ambiguity as to whether mediation is a stage prior to arbitration proceedings or an actual stage in them. In some cases mediation will be integrated into the arbitration proceedings, and in others it could be offered autonomously, independently from arbitration, to resolve disputes between company and consumer.

5. CONCLUSIONS

The fact that mediation has, at last, been explicitly included in the field of consumer arbitration processes should be seen very positively as a commitment to the introduction of alternative dispute resolution techniques, which is also becoming more widespread in other areas (families, residential communities, at work, organisations, etc.). However, including mediation in the regulation of consumer arbitration can lead to some confusion about the concept and legal framework which should be clarified.

It is necessary to be aware of the fact that the regulation of consumer arbitration is not ideal for regulating mediation, but this new way to resolve consumer disputes should be welcomed. In addition, it makes it perfectly clear that the legal regulation of mediation is not going to be addressed. The explanatory memorandum mentions that this restraint is applied because of jurisdictional issues. Applying a different set of regulations for the legal framework of consumer mediation is something to be grateful for, as it avoids confusion between the two systems of conflict resolution. Any confusion between the two would hinder full development of consumer mediation in practice, undermining effectiveness in many cases in which no party wants to accept the outcome of arbitration. For this reason, this paper has distinguished between what has been called arbitration mediation and conventional mediation.

We can not ignore that the field of consumption is particularly suitable for the development of mediation, because, as experience has shown, the majority of claims made are the result of misunderstandings, limited information or even limited attention paid by the consumers themselves.

It is certainly good to promote the possibilities for the parties involved to resolve their dispute in accordance with their own interests, and not to have a solution imposed by a court of law or arbitration body. This contributes to voluntary compliance with the agreement and reduces strain on legal bodies. ■

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■ Endnotes

- 1 This is how MARÍN LÓPEZ (2007) puts it in "Consumidores y medios alternativos de resolución de conflictos" [...]. It is not sufficient to 'grant' rights to the consumer. It is necessary to establish appropriate mechanisms to enable consumers to 'enforce' their rights. It is clear that they can exercise these rights through courts of law. However, this approach is unsatisfactory for the consumer, for several reasons. On the one hand, legal procedures are generally not suitable for resolving disputes for small claims. Consumers will not seek their rights through legal channels when they are certain that the costs involved are higher than the amount in dispute, with the inferior position of the consumer as compared to companies evident. Companies sign contracts en masse, being able to prepare in advance for any claim, usually advised by lawyers and able to include the cost of possible claims in the price of their end products. In contrast, for consumers the threat to their interests is unknown, requiring a prompt reaction and the need to seek advice from third parties. Overall, courts of law are slow and can cause financial costs to consumers".
- 2 As already noted, free choice is what distinguishes these methods of alternative dispute resolution from legal proceedings. Therefore, these methods can not be imposed on the parties, so preventing their right of access to courts of law.
- 3 <http://arbitrajedeconsumo.msc.es/webconsumo/memoria.html>
- 4 The European Commission recommends that all who have responsibility for out-of-court settlement of consumer disputes respect the following principles: independence, transparency, the adversarial principle, effectiveness, legality, liberty and representation.
 - a) *Independence*: The independence of the decision-making bodies must be ensured in order to guarantee the impartiality of their actions, maintaining a neutral position towards the conflicting parties. A measure to guarantee this independence is that the person appointed possesses the abilities, experience and competence, particularly in the field of law, required to carry out his function. When the decision is taken by a collegiate body, the independence of the body responsible for taking the decision must be ensured by giving equal representation to consumers and professionals.

b) *Transparency*: Awareness of the procedure and of the activities of the bodies responsible for resolving the disputes must be guaranteed and parties must have knowledge of how the procedure will develop. Therefore, parties must be informed of the kinds of lawsuits they can be involved in, procedure norms, the possible cost of the procedure for the parties, the type of rules serving as the basis for the body's decisions and the legal force of the decision taken.

The transparency principle also alludes to the need to inform the public of the results, as a way to strengthen confidence in the system. A requisite is the publication of an annual report setting out the decisions taken, enabling the results obtained to be assessed and the nature of the disputes referred to it to be identified.

c) *The adversarial principle*: This is a basic guarantee that the body's decision will represent a view that overcomes opposing positions after they have been clearly stated. The possibility to state the facts, put forward particular viewpoints on them and define legal consequences must be guaranteed, although this does not imply holding a hearing to comply with this requirement. Adversarial defence of the respective interests may be made in writing, without thereby violating the adversarial principle or constituting an impossibility to make use of the legal tools for the defence.

d) *Effectiveness*: Because these systems are an alternative to the judicial system and seek resolution of disputes by overcoming some of the problems with the civil procedures, they must be appropriate to the objectives they were meant to reach and effectively fulfil their function, overcoming the inconveniences of slowness, inflexibility and the cost of a legal procedure. The aim is to ensure effectiveness, while keeping it free of charge or setting moderate fees, setting short periods for resolution or eliminating the obligation to appear in court using legal representatives. In addition, the role of the decision-making body is strengthened, presenting a model of an active body and allowing it to take into account any factors conducive to resolving the dispute.

e) *Legality*: As the bodies for dispute resolution may base their decisions on grounds of fairness, and not necessarily on legal norms, guarantees must be made that the consumer is not offered less protection than that would be obtained by going to court, under EU law. Therefore, the consumer may not be deprived of the protection afforded by the mandatory provisions



of the law of the State in whose territory the body is established. In the case of cross-border disputes, the decision taken by the body may not result in the consumer being deprived of the protection afforded by the mandatory provisions under the law of the Member State in which he is normally resident in the instances provided for under Article 5 of the Rome Convention of 19 June 1980 on the law applicable to contractual obligations.

f) *Liberty*: The consumer may never be deprived of his right to bring an action before the courts for the settlement of the dispute, as it is an essential right to be able to turn to legal bodies to resolve disputes arising from his commercial activities. There has to be a conscious will, freely formed and expressed after the materialisation of the dispute to engage in an out-of-court procedure. Any commitment prior to the materialisation of the dispute, where such commitment has the effect of depriving the consumer of his right to bring an action before the courts for the settlement of the dispute, is not valid.

g) *Representation*: The procedure does not deprive the parties of the right to be represented or assisted by a third party at all stages of the procedure.

- 5 a) *Impartiality*: Referring to the person or group of persons responsible for carrying out the procedure, and whose objective is for the parties to trust their work.

Impartiality should be guaranteed by ensuring that those responsible for the procedure are appointed for a fixed term and shall not be liable to be relieved from their duties without just cause.

Also, the third party, helping both sides to find solutions that are satisfactory and acceptable, may have no perceived or actual conflict of interest with either party. Impartiality must prevail in its action, not acting on behalf of any party and without seeking to impose any particular agreement.

b) *Transparency*: This principle highlights the need for information to be readily available to the parties so that they know about the functioning of the procedure: the types of disputes that can be dealt with by the body, preliminary requirements, languages in which the procedure will be conducted, procedural rules, effectiveness of the reached agreement, costs to be borne by the parties, etc.

c) *Effectiveness*: If the aim is to offer a true alternative to lawsuits, the inconveniences of lawsuits must be overcome. Therefore, the first thing that must be achieved is ease of use, recommending the possibility of use through electronic means, regardless of place of residence. This allows, in the case of cross-border disputes, alternative resolution to be an appropriate means to cover large distances, taking advantage of electronic communication.

In addition, the brevity of the resolution, the reduction of costs (it is recommended that it be free of charge for consumers, or that costs be moderate and in proportion to the value of litigation), representation not being required, and review of conduct of the parties, contribute to achieving efficiency of the system.

d) *Fairness*: The need to ensure fairness in the procedure not only requires a balance in the position of the parties, but is an expression of an ideal that is prevalent in the use of such al-

ternative methods. Therefore, the right to information on the voluntariness of the system and the possibility to abandon the procedure at any time are foreseen: ease in submitting of statements or presentation of evidence, information on the possibility of accepting or rejecting the proposed solution and warning about the status of the decision.

Being voluntary clearly distinguishes these methods from judicial proceedings. This means that the methods cannot be imposed on parties if they do not freely consent, and that parties may take back consent at any time. This principle of voluntary participation requires that consent is given freely and consciously, without the will of the individual parties having been forced or imposed. Moreover, the abandonment of the procedure or rejection of the proposed solution may not imply negative consequences if it is decided to turn to the judicial system.

Mention is also implicitly made of a principle of confidentiality, noting that the parties may submit arguments, information or evidence in their favour in a confidential manner, unless each party has agreed to pass such information to the other side. Discussions held during mediation to reach an agreement, must be confidential and can not be used later, unless otherwise agreed by the parties. This ensures greater freedom for the parties, and makes it possible to achieve better results. But this idea of confidentiality should not refer mainly to the withholding of information to the opponent, but rather to the private nature of the procedure, i.e. that the information exchanged is confidential. Thus, the information exchanged during the procedure should not be admitted as evidence in possible later lawsuits if the alternative method is not successful.

- 6 The aim of this Communication is to:
- Establish a high common level of consumer protection. It means harmonising, by whatever means is most appropriate (framework directive, standards, best practices), not just the safety of goods and services, but also those aspects of consumer economic interests that give consumers the confidence necessary to conduct transactions anywhere in the internal market. Under this objective, the chief actions will guarantee a monitoring of problems related to commercial practices addressed by the Green Paper on EU Consumer Protection and on the safety of services.
 - Effective enforcement of consumer protection rules so that in practice they will have the same level of protection throughout the EU. The priority actions, under this objective are the development of an administrative cooperation framework between Member States and of redress mechanisms for consumers.
 - Participation of consumer organisations in EU policymaking: in order for consumer protection policies to be effective, consumers themselves must have an opportunity to provide an input into the development of policies that affect them. Consumers and their representatives should have the capacity and the resources to promote their interests under the same conditions as the other parties involved. To achieve this objective, the main actions consist in the review of mechanisms for participation of consumer organisations in EU policymaking and in the setting up of education and capacity-building projects.



- 7 For further reading consult MARÍN LÓPEZ (2007). "Consumidores y medios alternativos de resolución de conflictos".
- 8 In literal accordance with Article 38.1 of Royal Decree 231/2008: "Where there are no grounds for rejection of the request for arbitration, mediation will be undertaken to enable parties to reach an agreement to end the conflict, except when any of the parties states explicit opposition, or when there is a record that mediation has been tried without effect."
"The entrepreneur who makes a public offer of adhesion to the Consumer Arbitration System may reject the possibility of mediation at this body, but silence is taken to imply consent" (Article 25.1.II RDAC, Royal Decree on the consumer arbitration system).
- 9 The Article states literally that "Consumer Arbitration Boards perform the following functions: f) Ensure the use of mediation prior to knowledge of the conflict at arbitration bodies, except when mediation does not apply as stated in Article 38."
- 10 MARÍN LÓPEZ (2008). "Análisis del Real Decreto 231/2008, de 15 de febrero, que regula el Sistema Arbitral de Consumo".
- 11 Article 19 of Royal Decree 231/2008 states with regard to Arbitration Panels that they may consist of one single member if parties so agree or if the head of the Arbitration Board decides, provided that the amount in question is less than 300 euros and the lack of complexity justifies it.
- 12 Article 48.2 of Royal Decree 231/2008 deals with this possibility, stating that "if during the arbitration proceedings the parties reach an agreement to end, in whole or in part, the conflict, the arbitration body will terminate the proceedings with respect to the points agreed, adding the reached agreement to the ruling, unless reasons for opposing have become clear."
- 13 On this point, Royal Decree 231/2008 states that the mediator should act with independence, impartiality and confidentiality in the same terms as arbitrators (Articles 38.3 and 41.2 RDAC). It also states that those who have acted as mediators cannot act as arbitrators in the same case or any other that is closely related to it (Article 22.1 RDAC).
We hope this supposition answers the question raised by Fidalgo López who wonders "whether it would be better to provide a single step of mediation as part of arbitration procedures" as he understands that "multiple routes generate an unnecessary delay in resolving arbitration" (FIDALGO LÓPEZ, 2009).
- 14 According to Article 1809 of the Civil Code, the transaction is a contract whereby each of the parties, giving, promising or withholding something, avoids the need for a lawsuit or put an end to already initiated procedures. Article 1816 states that, for the parties, the transaction has the status of res judicata, however, it will not follow final demand proceedings but compliance of a judicial transaction will be sought.
- 15 Through this rule, procedural law establishes that judicial findings will be enforceable if they endorse or approve judicial transactions and agreements reached in the process, and, if it is considered necessary to record the concrete details, accompanied by relevant evidence of the proceedings. Public deeds are enforceable, provided they are originals. In the case of second copies, issued under a warrant and a summons for the person affected, or the person responsible, or issued with the agreement of all parties.

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PIONEERS

Redemption and Resistance: Lessons in Non-violent Action from Early Aotearoa/New Zealand*

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Abstract

This article provides a brief account of the non-violent resistance of two Maori chiefs, Te Whiti and Tohu, in 19th century New Zealand. Each example of non-violent or passive resistance is unique to its historical and cultural context, but at the same time there is tangible common ground between these and other examples, such as Martin Luther King and Gandhi. This article will also build a link between the politics of acts of resistance – in this case, resistance to the acquisition of Maori land by force – and faith-based justifications. In conclusion, it is suggested that, despite the apparent failure of resistance, because of the arrest and imprisonment of those who resist, resistance succeeds in a number of key ways.

Keywords

passive resistance, New Zealand, non-violence, redemption

INTRODUCTION

The aim of this article is to introduce international readers and students of peace activism to an example of passive, non-violent resistance that long predates familiar names such as Gandhi and Martin Luther King. This is not triumphalism, suggesting some kind of virtue in being early movers in this form of activism; rather the point is to see that all who have carried the torch of passive resistance are part of a long and global tradition. Indeed, the fact that passive resistance has flourished in very distant places at different times, suggests that there is a powerful and transcultural core to the idea and practice.

The article also suggests that there may be common threads in the religious traditions that have been the basis for various versions of passive resistance. While the

early leaders of this activism were heavily influenced by missionary Christianity, their faith and teaching was also shaped by the deep roots of Maori spirituality. The linkage of acts of resistance with a belief in redemption is explored – as indicated by the article title – in all its forms. Faith in redemption is also linked with a belief – as held by Gandhi and King – that “right” will prevail and that the source of oppression (colonialism, slavery etc.) will be overcome by the force of good.

The idea of “redemption” is used in this setting for two reasons. Firstly, the leaders of the passive resistance themselves tended to use language derived from a mix of Old Testament and traditional Maori spiritual sources, with the common theme of a hoped-for salvation from the oppression of colonial rule and the restoration of the Maori people to their rightful place. Secondly, from the perspec-

* The name Aotearoa/New Zealand combines the Maori and English names, and is in increasing common and official usage. The name Aotearoa is popularly translated as “Land of the Long White Cloud” and probably goes back to early navigation by migrating peoples to New Zealand. See <http://www.teara.govt.nz/en/1966/aotearoa/1>. New Zealand’s national anthem is now typically sung in both English and Maori – with each name appearing in the respective versions. I am grateful for the comments of the anonymous reviewer whose suggestions, I trust, have resulted in some greater clarity in this paper.



tive of contemporary observers of this example of passive resistance, it does not strain our interpretation to also see this as a precursor to current thinking on conflict transformation. That is, the expectation of those leading the acts of resistance was not only that land acquisition and occupation would end and the source of conflict removed, but also that the relationship between Maori and colonial settlers would be radically transformed. In the same way that conflict transformation theory and practice seek to look beyond settlement and resolution to a greater vision of changed perceptions and relations, so it seems that the Maori leaders of passive resistance adopted a sacramental language of redemption to express a comparable vision. Redemption was, in this sense, the language for conflict activists in 19th century New Zealand.

HISTORY AND CONTEXT

Parihaka is the name of a village that carries a particular resonance in New Zealand's colonial history and contemporary Maori cultural renaissance. It was the first location of Maori passive resistance to the English colonists' forceful acquisition of land. Parihaka remains a Maori village, at the centre of the lands of one of the Maori tribes of the Taranaki region, on the west coast of New Zealand's North Island.¹ Yet while it is a *marae*, a meeting ground at the heart of one tribal territory, it has also acquired something of pan-Maori symbolism. It has become the location for annual peace and music festivals that go well beyond purely Maori participation and reflect more of the post-colonial and post-assimilationist integration that is still being shaped in New Zealand.

For readers who have not grown up with the strange festivals and traditions of English heritage, one of the strangest, and hardest to explain, is the annual "Guy Fawkes" celebration. In countries where it is celebrated – principally England, Australia and New Zealand – it usually takes the form of major fireworks displays on 5th November and, occasionally, the symbolic burning of an effigy of Guy Fawkes on large bonfires. The oddity of this celebration, now increasingly funded by civic authorities as a means of reducing the injuries and house fires resulting from private fireworks and bonfires, is that it commemorates the capture and execution – by burning at the stake – of a Catholic conspirator who had planted barrels of gunpowder under the Houses of Parliament in London.

This celebration is mentioned only because of a further connection with the emerging importance of Parihaka. In

recent years there has been increasing pressure to abandon the Guy Fawkes commemoration and instead commemorate a form of resistance to the government of the day – that is to mark the first example of passive resistance in New Zealand. While there is growing momentum for this change, we can also expect conservative resistance, not because of a symbolic preference to commemorate the foiling of a Catholic plot but because of an abiding reservation about the collective celebration of Maori history, especially those events in history which are reminders of our indigenously-colonial conflict.

Quite apart from any politically contentious shift to a "Parihaka Day", which is not likely to be seen as a vote-catcher, the symbolism of Parihaka remains powerful and is maintained with an annual Peace Festival and recent and thoughtful rewriting of that period of history. There is an important shift in new historiography, in that the period of conflict, in the 1860s and 1870s, is now written less in the dominant and colonial voice, and more with an understanding of the power and legitimacy of Maori resistance.

Parihaka was founded as a village and model settlement by Te Whiti o Rongomai and Tohu Kakahi, who are described as both Maori chiefs and Maori prophets. The hierarchical structure of Maori society – which is still important in modern times – gives the two chiefs their status as leaders. But an important addition to that status is for them to be seen, in the context of conflict with the English colonists, as prophets. Here we see an indication of the overlay of Old Testament Christianity over traditional Maori norms, social structure and cosmology. In this cultural setting, at the least, passive resistance reflects a complex epistemology of Maori rejection of colonial rule based not only on the secular norms of autonomy of an indigenous people, but also on the moral ground – indeed, the moral high ground – of prophesy and millenarian faith.

The passive resistance of Te Whiti and Tohu stands out not only as an example on an international stage of this form of opposition, but also in sharp contrast to the very vigorous and armed resistance shown by the majority of Maori who faced the dispossession of their lands and undermining of their culture and autonomy.

For readers not familiar with New Zealand history, or with the period of land confiscation in the 1860s and 1870s, a very brief background may be helpful to provide a context for these acts of resistance.

The Treaty of Waitangi, signed in 1840 between many – but not all – of the Maori chiefs and the representatives

¹ For a map, see <http://www.zoomin.co.nz/map/nz/south+taranaki/rahotu/-parihaka+pa-0/>



of the British Crown is one of New Zealand's most important constitutional documents. It is also one of the most contested. This is not the place to review the troubled 170-year history of the Treaty; but it can be noted that, while the intention was to settle the relationship between the Crown and the Maori, the process has been slow and still continues. Major obstacles to effective implementation of the Treaty are the facts that:

- Not all of the chiefs signed on behalf of their tribes, so many claimed then – and now – that they were not subject to its terms;
- There are two versions of the Treaty, in English and Maori, and they do not, even with a generous translation, say the same thing;
- There was disagreement from the outset as to whether, by signing the Treaty, the chiefs ceded sovereignty to the Crown or – as Maori argue – a less high-ranked institution;
- There was and is disagreement as to whether there was any deliberate cession of ownership of land;
- There was a core question in constitutional and international law as to whether a “Treaty” could be signed by chiefs who were not in any conventional sense representatives of a nation (this remains a major subject of discussion in those countries where negotiations continue between the State and “first nation” peoples).

There have been, after the 1930s, and then again from the 1970s, a number of attempts to resolve some of these questions in courts of law, with results ranging from the judicial assertion that the Treaty was a “mere nullity”² to a contemporary political and judicial view that the Treaty forms a core part of New Zealand's jurisprudence.

Without going into the extensive details of the process of negotiations and mediations still under way in New Zealand, we can say that the grounds for the claims which are the subject of negotiations fall broadly into two categories. Firstly, there are claims arising from the historical injustices involved in the land confiscations of the 1860s, and secondly, there are claims against the allocation of resources (fisheries, marine farming, forestry, and the contentious issue of the foreshore and seabed) based on the principle and policy of Maori entitlements as the indigenous “partners” in the bicultural political and eco-

nomic arrangements. Both of these are, on the face of it, matters for negotiation and settlement, but there is also a major sub-agenda. The basis for the claims is not solely the fact of historical wrongdoing but also the status of the claimants as a people who have sovereignty over resources, land and their own lives, and who were wrongfully deprived of it.³

RESISTANCE

In the years after the signing of the Treaty, there was relatively peaceful coexistence through to the mid 20th century. Thereafter, the rapidly increasing settler population led to a growing demand for land. The shadow of the Treaty's various interpretations meant that there was an abiding lack of certainty as to the status of Maori ownership of and sovereignty over their land. Added to that was a colonial indifference to the niceties of legal interpretation and a perception that the authority of the colonial government prevailed – along with its military power.

In 1863 The Suppression of Rebellion Act was passed, stating that any Maori fighting to retain their land were rebels and therefore could be detained indefinitely without trial. Three million acres of prime arable land were seized from Maori owners in the Taranaki region, on the West Coast of the North Island. This was the trigger for the start of the Land Wars.⁴

Te Whiti and Tohu took no part in these wars. Instead, when his own village was destroyed by fire in 1865, Te Whiti founded Parihaka as a model village and seat of Maori passive resistance to the colonial land-grab. Both Te Whiti and Tohu believed that the Maori and the European settlers could live in peaceful coexistence – but not on the basis of Maori submission to European. Te Whiti also insisted that there should be no selling of land to – and certainly no confiscations by – settlers.⁵

Over the next decade, Parihaka became the centre and symbol of Maori passive resistance to land acquisition. The conflict was exacerbated by the colonial government's plan, in 1878, to undertake surveys of land, including that still owned by Maori, before selling it off in parcels to settlers newly arriving from England. At the same time, the colonial and political attitude was perhaps exemplified by the comment of a Member of Parliament, Major Harry Atkin-

2 *Wi Parata v. Bishop of Wellington* (1877) 3 NZ Jur (NS) (SC) 72, per Prendergast, J.

3 The preceding summary of the Treaty process was taken from Ian Macduff (2008). “Negociar la memoria, la historia y la ciudadanía: comentario y estudio de caso Nueva Zelanda”.

4 It is worth noting that at least through to the 1970s, these wars were typically referred to as the “Maori Wars”. The change in name was a mark of the radical shift in perception of this period of colonial history, and the result of new accounts of the period, many of them written by Maori scholars.

5 For an excellent history of this period of land acquisition, see Richard Boast (2008), *Buying the Land, Selling the Land*.



son who hoped, if war broke out, that the Maori would be exterminated.

When the surveying began, Te Whiti and his followers embarked on an active (rather than passive) form of non-violent resistance: as soon as surveyors' pegs were in place, Maori would remove them. This story is still recounted at gatherings at Parihaka with considerable pleasure – the pleasure of simple, effective and annoying disruption of the plans of others. But Maori unease grew as the surveying continued with little sign of the promised Maori reserves of land being set aside. The surveyors also trampled Maori crops and showed almost complete disregard for the integrity of Maori settlements.

In further actions – perhaps showing some nice Biblical parallels of “swords to ploughshares” parables – Te Whiti's followers ploughed the fields of the settlers who had already begun farming on confiscated or purchased⁶ land.⁷ The immediate consequence of this activity was that a number of Te Whiti's followers were arrested, removed to the South Island, and held without trial.

In 1880, the Native Minister, Bryce, insisted that a road was built north towards Parihaka. Te Whiti's first response was to offer beer and hospitality to the road builders and to attempt to dissuade them from going ahead. Bryce, however, maintained his stance. He also ordered that it be built through the heart of cultivated fields, while refusing to fence the road off from those fields, thus allowing wandering livestock to destroy crops. In response, Te Whiti ordered that fences should be erected and the road blocked. The fences were immediately demolished by the road builders – and immediately reconstructed. As a result of this protest, 420 ploughmen and 216 fencers were arrested.

Despite those arrests and the deaths in prison of many of those arrested, the protests continued and, in 1881, the government responded by sending 1,500 troops to quell the ‘rebellion’. The troops were met by around 200 young boys who performed the haka – the challenge that is still used today on ceremonial and sporting occasions. Following that line of ‘welcomers’, the troops were met by a group of young girls skipping. Around 2,500 villagers, who had baked bread for the troops, sat awaiting their arrival. Te

Whiti's invocation to his followers was “If war comes, what can we do but look on and laugh?” Te Whiti and Tohu were both arrested and imprisoned until 1883. Their trial was aborted, by legislative act, as politicians feared that they would not be found guilty. Parihaka was demolished, and the remaining inhabitants were driven away by the troops.

While this confrontation was taking place on the west coast, scenes of violence – and violent resistance – were taking place elsewhere. On the east coast, for example, in the area around Gisborne, emissaries of a new Maori religion – Pai Mariri – led the resistance against acquisition of Maori land, from 1865. The government's response to these ‘acts of rebellion’ was to attack the Pai Mariri defensive position where some 800 people were living, including around 300 women and children. As a result of that attack, around 70 Maori were killed.⁸

In 1883, after the British Governor of New Zealand had pleaded Te Whiti and Tohu's case before Parliament in London, the two leaders were released and returned to the remains of Parihaka. They rebuilt the village, again with a view to it being a model village and, built in a mix of Maori and European styles, an example of possible peaceful co-existence.

The conflict also saw the emergence of a significant difference in response and strategy between Maori leaders. On the one hand, Te Whiti and Tohu persisted with their non-violent strategy, and on the other, leaders such as Titokowharu and Te Kooti advocated armed resistance.⁹ In both cases, however, the visions of the leaders were based on a mix of Maori sovereignty, traditional Maori spiritual beliefs (especially related to the sanctity of land) and Old Testament prophesies of redemption, liberation and salvation, in this case salvation from the scourge of colonial invasion.

REDEMPTION

Three interlinked belief systems underpin these acts of resistance. First, there is the deep Maori spiritual tradition which – to risk simplification of a rich cosmology – rests

6 It should be noted that the “purchases” of Maori land do not all withstand contemporary and historical legal scrutiny. In addition, a ‘sale’ assumes a title to sell, which was not consistent with Maori concepts of land ownership.

7 “Maori protested but, true to a new policy of peace, did not resort to arms. Despite every provocation and dire consequence, they maintained peaceful roles. Protest came after no less than 12 years, when, with the whole of their lands confiscated and their habitations given over to settlers, they were still waiting for promised reserves. The protest that then came took the form not of arms but of ploughing settler land. The weapon was the tool of peace – the ploughshare. Protest ploughing soon spread throughout Taranaki.”

Waitangi Tribunal's Taranaki Claim Report, §1.4, <http://twm.co.nz/tar3.html>

8 See the Executive Summary of the Waitangi Tribunal Report, in which they reach the clear conclusion that the acts of the colonial government and troops were illegal, and the actions of the Maori were not ‘rebellion’. <http://www.waitangi-tribunal.govt.nz/scripts/reports/reports/814/0E7FB456-C4FE-4305-91EB-2EC15B12A9D0.pdf>

9 As a personal aside, when I was taught rudimentary New Zealand history at school – some years before the new histories were written – the only Maori leaders we heard of were those who led the armed rebellion. The peaceful leaders did not feature in those school lessons.



on the belief in the unity of all things. The key elements of this are:

- 1) The belief that all living things are descended from gods.
- 2) The corresponding belief that all living things are imbued with life force; essence, *mana*.
- 3) The significance of place – for example, of one's river or mountain. All Maori who still claim a strong link to their *iwi* (tribe) of origin, will also claim their *turan-gawaewae*, that is, the place where they are entitled to stand and be heard. This factor is of particular relevance to the historical resistance to land sale and confiscation and to contemporary claims for compensation and rectification. It was not so much a matter that the land was taken from the people, but that people were taken from their land. We can also note that the Maori word *whenua* means not only 'land' or 'place', but also 'placenta' – and the tradition was that the afterbirth was buried on the land to which the individual could trace his or her ancestry.
- 4) The core concepts of *tapu* and *noa* – meaning, respectively, that which is sacred and restricted, and that which is blessed or has had the restriction lifted. All aspects of traditional Maori life and cosmology were invested with one or other of these.
- 5) Reciprocity not only in the sense of a return of obligations but also in the larger sense of the importance of a balance and order in relations. It is important precisely because it is a way of maintaining or restoring a balance.

In conjunction, we can see some of the origins of non-violent resistance as a strategy that restores the imbalance created by violence. A strategy that seeks to preserve the sacred from the profane and that reflects the centrality of the land, seeing it not only as a place where people live but, in a very tangible sense, as the place to which they belong. This vision imbues the actions of the resisters with the *mana* and life force of standing their ground.

Second, the period of confiscation and resistance coincides with the emergence of millenarian movements, grounded in a vision of redemption and liberation, drawing not only on those Maori spiritual traditions but also on Old Testament prophecies. Among the 'prophets' of this Maori millenarianism was Te Ua Haumene, who has been described as the founder of the Maori non-violent resistance movement, along with the Maori king, Tawhiao, also known as Matutaera. Te Whiti and Titokowharu also be-

came prophets in this line of resistance – the former taking the non-violent path, the latter more willing to engage in armed resistance.¹⁰ In the same way that Dr Martin Luther King could say a century later that he had a dream of the redemption and liberation of his people, so too these Maori leaders had a vision of their liberation from the yoke of colonial rule – and a vision of the potential of peaceful coexistence.

Third, as mentioned before, there is a strong overlay of Old Testament theology in these 19th century Maori resistance movements, the main one being Pai Mariri, the faith founded by Te Ua. The name Pai Mariri means "goodness and peace"; and the Church emerged directly from the conflict over land and settlement, in the 1860s. Te Ua's Church was named Hauhau because Te Hau – "the breath of God" – carried word of deliverance to the faithful.

However, though founded on the principles of goodness and faith, in the face of acts of colonial land-grabbing the movement was quickly subverted by more violent elements. As the prophets of Hauhau travelled through North Island they rapidly became drawn into the conflict and, in accounts of the 19th and early 20th century, the name of Hauhau became synonymous with armed violence.

It was this subversion of the peaceful aspirations and visions that led Te Whiti and Tohu to take the path of non-violent resistance – though still retaining the vision of redemption.¹¹

"When the war ended, Te Whiti was already formulating his own doctrines. Although he cloaked these in mysticism, the fundamental ideas were relatively simple. His first assumption was that the Maoris should be left alone to work out their salvation in their own way. This was not so much an assumption as a proven fact, as had been shown by the experience of the Waikato missions before the war. As a second assumption, Te Whiti accepted the Maori Land League's principle that no land should be sold to Europeans. In this connection he asserted that, because the Government had done nothing about the lands confiscated in south Taranaki, that policy had been abandoned. Te Whiti's third assumption concerned the attitude which Maoris should take against encroachments by Europeans. He argued, quite correctly, that, as direct negotiation and rebellion had failed, the Maoris should meet further incursions peacefully, by civil disobedience, and by passive obstruction. As a policy, passive obstruction

¹⁰ See James Belich (1989), *I Shall Not Die: Titokowharu's War; New Zealand, 1868-1869*.

¹¹ Encyclopedia of New Zealand.



appealed to the Maoris' sense of humour and proved very difficult for the Government to counteract. To these assumptions Te Whiti added a peculiar myth, which was based partly upon his studies of the Bible and partly the teachings of Hauhauism. This looked forward to a special 'Day of Reckoning' when all the Europeans would voluntarily leave the country."

In another curious twist of theological syncretism, Te Whiti also identified with the Jewish people and their struggle for liberation (recall this is well before the events of the modern Middle East). The identification was such that the source of Maori migration in the Pacific, a thousand years earlier than Hawaiki, was also called (by Te Whiti) "Kenana" or Canaan.

The moral high ground that was thus gained also became the basis for passive resistance, in the belief that, like the Old Testament prophets and their followers, redemption would follow from suffering and persecution. It was also based on a powerful belief that liberation not only would come through suffering, but also that non-violent acceptance of that suffering would demonstrate the moral superiority of those who suffer. Thus Tohu's orders to his followers at Parihaka were not to answer war with war, but with dignity and resistance, through which they would overcome.

CONCLUSIONS: THE POWER OF NON-VIOLENT RESISTANCE

It is argued by those who favour more direct and forceful responses to oppression that non-violent and passive resistance is ineffective. For them, history shows that Parihaka was destroyed; supporters of Te Whiti and Tohu were imprisoned, many without trial, for years; women were raped by the attacking forces; and, in the end, lands were still taken. This is an argument that is still heard today in New Zealand, especially by some of the more radicalized and disillusioned Maori who take the view that they are still dispossessed of their lands, still do not have the sovereignty over their own lives that the Treaty was said to promise, and Maori are disproportionately represented in crime and prison statistics. In short, the peaceful processes of debate, of politics and of following the rule of law have not worked.

However, without seeking to revisit the whole field of non-violent citizen action, I will comment on just three

constructive aspects that emerge from a reading of the history of Te Whiti and Tohu, and how these are threads that run through most, if not all, of the examples of non-violent resistance.

The first factor in the effectiveness of non-violent resistance is the fact that it typically provokes an overreaction on the part of the authorities or those being resisted, which seems an ironic success. It is one thing for opposing armies to confront each other, whether or not acting within the confines of international conventions on the conduct of war. But where there is a radical asymmetry in arms and attitude, as at Parihaka, the reaction is typically not to match the passive response with a reciprocal laying down of arms, but rather to escalate the force. What the military and psychological explanation for this might be is beyond the scope of this paper; but what we do see is the conventional power of arms and authority confronted by an unexpected nemesis wielding a very different kind of power.

Sceptics of the non-violent strategy would say, again, that this proves the point: non-violence is only met by violence and the unrestrained exercise of power. However, this issue of the typical overreaction in the use of force must be read alongside two other issues to be raised later. Acts of military and legal overreaction exemplify the asymmetry of actions and of power, reinforce resistance, and in due course evoke a sympathetic response that undermines the legitimacy of the authority being opposed.

A more formalised aspect of the typical overreaction is not on the field of battle but in the legal system. We have seen in this case, as in perhaps all examples of non-violent resistance, that those engaged in opposition can expect to be arrested and imprisoned. If they could then expect an open and fair legal process, that would be one thing, but Te Whiti, Tohu, and many of their followers did not face full trial, because of the perceived risk that they might be acquitted, which would be seen only to encourage more of the same resistance.

There were, of course, some trials:¹²

"The first 40 ploughmen brought before court, meanwhile, were charged with malicious injury to property, sentenced to two months' hard labour and ordered to pay £200 surety for 10 months good behaviour following their release. Because none could raise the surety, all remained behind bars for 12 months. The Government declined to lay charges against any of the remaining 180 protesters, but also refused to release them."

¹² <http://en.wikipedia.org/wiki/Parihaka>



In response to this abuse of legal procedures, it was claimed that “bending the law” was necessary in the circumstances, not so much because those imprisoned without trial were an actual risk (after all, their resistance was passive, not violent)¹³ but rather because, if the cases went to the Supreme Court, there would be a good chance of acquittal.

Not only was the law manipulated; there were also rapid legislative responses both to legitimise the actions of the militia and to further criminalise acts of resistance. Legislation was passed to make the acts of the soldiers retrospectively legal and beyond review, and to stop the trials of Te Whiti and Tohu to ensure their continued incarceration at the will of the Government, not subjecting them to judicial review.

It may strain the notion of “success” to suggest that the violent and illegal treatment of protesters as somehow favourable for the protest, and that those who were defeated in some sense emerged triumphant. But the point here may be that this asymmetrical conflict needs to be measured in unconventional terms. The asymmetry was of at least three types: the sheer numbers of forces ranged on each side; the modes of combat (violent vs. non-violent); and the available power of the legal system to legitimise the actions of the government forces.

There is also a parallel in contemporary legal theory which – at least in liberal democracies – acknowledges a right to resist, though it hedges that entitlement with the expectation that those involved can expect to bear the cost of their resistance. Though this might seem a risky trade-off, the underlying principle is that the act of resistance, even if punished individually, serves to test the legitimacy of specific laws or even of governments in the courts. And this can cut two ways: the acts of resistance might be found justified by some overriding principle of constitutional legitimacy, and the resisters vindicated; or, – as in the Te Whiti case – the legal and political systems may close ranks against the resistance and, in confirming the illegality of resistance, reveal, at least to the historical record, the inconsistencies of apparently civilized legal systems. In this way, resistance and its punishment reveal the frailties of law and authority in their own terms.

In response to non-violent resistance, a government responded through its military, the use of excessive force and through the abuse of its legal process. The legal and political overreaction certainly serves to contain the immediate rebellion, but it also serves to undermine the legitimacy of the very system claiming this authority to act.

The second, and related, aspect of non-violent resistance that illustrates its power is the fact that here, and in all well-known examples, those resisting authority use and articulate the standards of those they are opposing. Whether it is Maori resisting forceful land acquisition in the name of the primacy of the legal process and the value placed on the integrity of property ownership, or South Africans resisting apartheid in the name of human dignity, or African-Americans calling for civil rights in the language of the American Constitution and Bill of Rights, or Indians calling for independence in the name of the rights of peoples to autonomy and self-government, they are all, in effect, holding up a mirror to those they are resisting, and calling on the authorities to act as though they believe in what they espouse. This is particularly the case here in the Parihaka example, where the leaders of the resistance relied on expressly Christian values and virtues, so could hardly be dismissed as relying on alien or “primitive” principles.

The third and final element illustrated by this 19th century example of passive resistance is the power of doubt. This is not doubt on the part of those resisting, for they act in the name of the very principles that are supposed to be upheld. But it is the doubt that can be seeded in the minds of those being resisted, especially where there are people willing to face the force of arms, to offer bread and hospitality to the attacking soldiers, to put their children at risk, because of the force and justice of the claim they are making. These were not times when the protesters could claim, as they do now under the spotlight of CNN cameras, that “the whole world is watching”. But the power remains in the dignity of resistance. That this is the case in the Parihaka example is clear from two examples already mentioned: the doubt on the part of Parliamentarians that the arrests and imprisonment of the leaders of the resistance would withstand judicial scrutiny; and the doubt illustrated by the fact that the Governor of New Zealand (the representative of the British Crown) went to plead for the case of Te Whiti and Tohu before the House of Parliament in London.

Each example of passive resistance reflects its own cultural and geographical background and the story of Te Whiti and Tohu is now central to revisions of New Zealand history of the 19th century. Also, contemporary Maori will find common ground with others who have resisted oppression and will find in their avatars of passive resistance, considerable common ground with those who have taken the same path in different places and different times. There is, we might say, a common language in

¹³ Te Whiti was, however, described at his trial as “a wicked, malicious, seditious and evil-disposed person” who had sought “to prevent by force and arms the execution of the laws of the realm”. See Scott (1975), *Ask That Mountain: The Story of Parihaka*.



this form of symbolic and practical action that transcends time and place.

Simple acts of resistance and collaboration also lie at the heart of this example, in the offering of hospitality, the act of baking bread to share, the welcoming of invading troops. They can all be seen as symbolic acts and gestures of practical ways in which peaceful coexistence might be possible. The hoped-for redemption might not have been

attained by this early act of resistance, but the legacy can be seen in the renaissance of Maori society, language and political voice in the past 50 years, and in the process of restoration of at least some of the lands forcefully taken in the nineteenth century. If not in the lifetime of the resisters, and even if not in the form hoped for by them, redemption has become a process of political, cultural and social recognition. ■

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**CAMPUS
FOR PEACE**



**PROFILE**

A Brief History of the Rotary Centres for International Studies Program*

Dick Hazlehurst

Rotarians have long dreamed of creating a Rotary-sponsored academy to promote world understanding and peace. Over the past 25 years, a variety of initiatives have been proposed to make this dream a reality. In 1996, consideration was given to the concept of an educational centre, institute or university dedicated to Paul Harris, as a way of commemorating the 50th anniversary of his death in 1947. The outcome of much deliberation was the creation of Paul Harris Centres for International Studies at several universities worldwide. At these centres, fellows would obtain a graduate degree focusing on issues related to international relations, conflict resolution, and peace studies. The Trustees of the Rotary Foundation adopted this proposal in principle and, in 1999, approved the plan to partner with universities to establish the Rotary Centres for International Studies in peace and conflict resolution. The centres were so named to increase public awareness of Rotary's commitment to peace and because Paul Harris's name is not well known outside the Rotary world.

The Rotary Centres Committee considered more than 100 universities and based their final recommendations to the Trustees on such specific criteria as geographic diversity, the university's willingness to work with The Rotary Foundation, superior faculty, and an established degree programme with a core curriculum in international relations, peace, and conflict resolution. Rotary Peace Fellows began travelling abroad to pursue a master's degree at the Rotary Centres for International Studies in 2002.

In 2006, a short-term peace studies pilot programme was launched that would serve as an alternative to the Rotary Centres for International Studies programme. The programme would enhance Rotary's existing work to support international peace studies. This second peace studies programme would attract middle- to upper-level professionals who could arrange to be away from their employment for just a few months. It would also provide a lower-cost option to The Rotary Foundation and more immediate returns on Rotary's investment in world understanding and peace.

In 2008, The Rotary Foundation Trustees approved the short-term option, at The Rotary Centre at Chulalongkorn University in Bangkok, Thailand, as a permanent offering within the Rotary Centre for International Studies programme, thereby providing interested applicants with a variety of courses and durations.

PURPOSE OF THE PROGRAMME

The Rotary Centres for International Studies programme supports the mission of The Rotary Foundation for improving health, supporting education and alleviating poverty by

- Supporting and advancing research, teaching, publishing, and practical field experience on issues of peace, goodwill, causes of conflict, and world understanding,
- Inspiring people to work for a culture of peace and tolerance while enhancing their capacity, knowledge and skill, by generating interaction between practitioners and academics,

* The content of this article has been taken from the website of Rotary International (www.rotary.org). The author does not in any way claim credit for the information in the article.



- Providing advanced international educational opportunities in the area of peace and conflict resolution,
- Providing a means for The Rotary Foundation and Rotarians to increase their effectiveness in promoting greater tolerance and cooperation among peoples, leading to world understanding and peace.

Up to 50 Rotary Peace Fellowships for master's degree study and up to 50 Rotary Peace Fellowships for professional development certificate study are offered annually, on a world-competitive basis for study at the six Rotary Centres. Rotary Peace Fellows obtain a master's degree in international relations, peace studies, conflict resolution and related areas, or a professional development certificate in peace and conflict studies. Through their unique and diverse interdisciplinary programmes, the six Rotary Centres provide academic and practical training to better equip peace fellows for leadership roles in solving the many problems that contribute to conflict around the world.

THE ROTARY CENTRES UNIVERSITY PARTNERS

Six Rotary Centres for International Studies operate in partnership with seven universities. Each Rotary Centre university partner has a unique curriculum focusing on various aspects of international studies related to peace and conflict resolution. Programmes vary by university and include peace studies, conflict resolution, international relations, international development policy, journalism, environmental studies, public health, education and public administration, among others. The programmes are designed to provide Rotary Peace Fellows with a broad range of academic experiences.

Chulalongkorn University, Bangkok, Thailand

Up to 25 mid-career professionals in fields related to conflict resolution and peace-building participate in an intensive three-month certificate course, held twice annually at Chulalongkorn University, and earn a professional development certificate in peace and conflict studies. Led by experts in the field, the programme balances theoretical and practical learning while capitalising on the diverse experiences of both lecturers and participants. The customised curriculum helps promising leaders expand their global outlook, strengthen their negotiation abilities, and ultimately work toward making a positive impact on future peace and conflict resolution efforts worldwide.

Duke University and University of North Carolina at Chapel Hill, North Carolina, USA (Both universities jointly host one Rotary Centre.)

Rotary Peace Fellows at Duke University study International Development Policy - an interdisciplinary training programme in policy analysis and sustainable development, emphasising conflict prevention through poverty reduction, improved governance, human rights, environmental management and cooperative processes.

Rotary Peace Fellows at UNC can access a wide range of two-year master's programmes, including (but not limited to) Anthropology, City and Regional Planning, Education, Geography, History, Journalism, Political Science, Public Health and Social Work. Fellows take required courses in the department to which they are admitted and link their specialised studies to the objective of peace and conflict resolution.

Fellows at both UNC and Duke can also obtain the Centre for Global Initiatives (CGI) Graduate Certificate in International Development and the CGI Graduate Certificate in Peace and Conflict Resolution.



International Christian University, Tokyo, Japan

The Rotary Centre programme at ICU resembles an interdepartmental major, drawing from course work in the graduate school divisions of Public Administration, Education and Comparative Culture. Fellows enrol in the Division of Public Administration and pursue a Master of Arts. Applicants must have sufficient competence in English to carry on academic work and understand lectures. However, Japanese proficiency is an advantage, as it allows fellows to access a full range of course offerings at ICU.

Universidad del Salvador, Buenos Aires, Argentina

The Rotary Peace programme at USAL introduces the most important theoretical, empirical, and methodological developments in international politics, with an emphasis on Latin America and an orientation in International Security, Conflict and Peace, or International Economics, Cooperation and Development.

University of Bradford, West Yorkshire, England

Rotary Peace Fellows at the University of Bradford are enrolled in the Master of Arts programme in the Department of Peace Studies. The department offers master's courses in Peace Studies, Conflict Resolution, African Peace and Conflict Studies, International Politics and Security Studies, and Conflict Security and Development studies. Bradford's staff and research students work in three broad areas: the International Security Group, Politics and Social Change Group and the Centre for Conflict Resolution.

University of Queensland, Brisbane, Queensland, Australia

Rotary Peace Fellows at the University of Queensland are enrolled in the Master of International Studies (Peace and Conflict Resolution) programme in the School of Political Science and International Studies. In addition to international relations and conflict resolution, Rotary Fellows have the opportunity to pursue a wide range of topics including human rights, ethics and world politics, arms control, peace-keeping and global women's issues.

Because the universities, their admissions requirements and their curricula vary, applicants are expected to research their university preferences thoroughly before completing the *Rotary Peace Fellowship Application*.

For detailed information on each university partner and its Rotary Peace Fellow curriculum, go to the Rotary Centers Web page at <http://www.rotary.org/en/StudentsAndYouth/EducationalPrograms/Rotary-CentersForInternationalStudies/Pages/ridefault.aspx>

AVAILABILITY OF ROTARY PEACE FELLOWSHIPS

Rotary Peace Fellowships are offered on a world-competitive basis. All Rotary Districts are encouraged to recruit qualified applicants for the fellowship and nominate candidate(s) for the annual world competition. ■



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**CAMPUS
FOR PEACE**





Agenda

Associazione Italiana
di Conflittologia



The Italian Association of Conflictology, with the sponsorship of the University of N'Zérékoré and of the National Observatory on family law, organizes in Benevento (Italy) the MASTER

**“Managing interpersonal conflicts
and family mediation”**

accredited by the European Forum Training and Research in Family Mediation for the biennium 2010-2012.

6th ICC International Commercial Mediation Competition

The unmissable mediation event of 2011!

What is the ICC International Commercial Mediation Competition?

As the world's only moot devoted exclusively to international commercial mediation, the Competition gives students a unique opportunity to exercise their problem-solving skills in mock mediations conducted by professional mediators. Universally recognized for its contribution to nurturing best practices in cross-border business mediation and best practice sharing, the Competition enjoys the support of academics, law firms and corporations worldwide. The 2011 Competition is expected to attract no less than 50 competing universities and 100 dispute resolution professionals.

The Competition offers mediators a unique opportunity to **share their knowledge and experience** with the next generation of dispute resolution professionals, to **exchange best practice**, to engage in a cross-cultural and cross-generational **dialogue** about international commercial mediation and to **participate in training sessions and social events** with other dispute resolution professionals from all around the world.

How does it work?

Competitors are required to apply the ICC ADR (Amicable Dispute Resolution) Rules to solve problems set by a drafting group of international mediation specialists. After brief written submissions, the competing teams participate in oral mediation sessions. Each session involves two student teams, one acting as the requesting party and its counsel and the other as the responding party and its counsel. Each session is facilitated by an experienced mediator, while two Judges score the students' performance.

When will it happen?
From Friday 4
to Wednesday 9
February 2011

Where will it take place?
In Paris, at ICC's
headquarters and
selected venues in
France's capital city

More information at
www.iccadr.org

Who can participate?

Dispute Resolution Professionals with mediation training, experience and interested in judging/mediating mediation sessions.

How do professionals apply?

Applications can be made online from 18 June 2010 through the [Competition Intranet](#).



Past experiences

"The principal value of the competition is the chance students have to blend their advocacy and negotiation skills with the experience of working with professional mediators, and to do so in the setting of the international and professional body that is at the heart of this commercial mediation work. While other student competitions clearly bring in professional expertise, it's a rare thing for students to be able to work so closely with those for whom this is also their daily bread". **Ian Macduff, Coach**

"In the steady world of dispute resolution this competition is pure dynamite – it's challenging and huge fun. This was my first visit and the rumors of its growing stature and its excellence have proved true. All the mediators who come here to help want to come back the following year and that now includes me." **William Wood, QC, Mediator and Arbitrator**

"Just one of the great things about the ICC mediation competition is the invaluable contribution that it is making to international dispute resolution. The students learn and demonstrate mediation and negotiation skills that they will use throughout their careers for the benefit of the global business community." **Christopher Newmark, Mediator and Arbitrator**

"This competition is the most important competition of its kind in the world. It draws international participation from universities with a strong commitment to developing ADR expertise and provides opportunities for students to engage in challenging mediation scenarios in the presence of some of the foremost mediation professionals in the world." **Rosemary Howell, Coach**



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Unrest Magazine engaging systems of violence

Announcing Unrest Magazine!

Unrest Magazine is a new web-based hybrid magazine and academic journal dedicated to advancing critical conflict theory and expanding the general discourse within the field of peace and conflict studies. Its aim is to explore the structures responsible for human discontent and cultures of violence. It seeks to address the failures of both neo-realist and relativist theories to understand the complexity of contemporary conflicts and to work for solutions free from exploitation and coercion. Unrest is founded on the belief that the seeds of discontent and violence are sown by the structures of domination. Unrest covers a range of subjects including: world politics; the global and political economy; contemporary social and political theory; philosophy, history, and art. Unrest is edited and managed by graduate students at the Institute for Conflict Analysis and Resolution at George Mason University in Arlington, Virginia.

Interested parties can check out Issue Zero (June 2010). It features an interview with longtime conflict resolution scholar and practitioner Richard E. Rubenstein on his forthcoming book *Reasons to Kill*, Derek Sweetman's article the "Benign Subjugation of Conflict Resolution" and reflections on US foreign policy from Michael D. English and Sarah Rose-Jensen to name just a few of the articles featured. Issue One is slated to appear September 2010. Unrest Magazine is interested in collaborating with scholars, practitioners, artists, writers and others looking to critically engage with the field of peace and conflict studies.

Check out www.unrestmag.com or email unrestmag@gmail.com for more information.



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EcoUniversitat, the Campus for Peace's new online journal on environmental issues is published biannually in Catalan with the collaboration of specialists in environmentalism and sustainability. Check out ecouniversitat.uoc.edu.

Universidad Complutense de Madrid

El Magíster aborda el tratamiento multidisciplinar de este recurso desde la metodología de la Gobernabilidad, aportando un modelo holístico de gestión a largo plazo que prevea la aparición de conflictos e incorpore a todos los actores implicados en el uso del **Agua**.



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