5-1-2011

Volume 18, Number 1 (Spring 2011)

Peace and Conflict Studies

Recommended Citation

Peace and Conflict Studies

ABOUT PEACE AND CONFLICT STUDIES (PCS)

Peace and Conflict Studies (PCS--ISSN1082-7307) is committed to interdisciplinary explorations on conflict resolution, peace building, humanitarian assistance, and other alternative mechanisms that seek to prevent and control violence. *PCS* is also interested in articles focusing on social change and nonviolence: sustainable development, ecological balance, community revitalization, reflective practice, action research, social justice, human rights, gender equality, intercultural relations, grassroots movements and organizational transformations. Manuscripts may address various human experiences, social issues, and policy agendas that are connected to the research literature, practice, and experiential learning in the fields. As a semiannual academic journal, *PCS* is published in an online format (http://shss.nova.edu/pcs/). Views expressed in articles and other contributions that appear in *PCS* may not necessarily reflect endorsement by the Editorial Board or Staff. *PCS* provides opportunities and forums for dialogs over various ideas, assessments, recommendations, and critiques.

Peace and Conflict Studies is indexed and/or abstracted in Peace Research Abstracts Journal, Public Affairs Information Service, Sociological Abstracts, Psychological Abstracts, PsychINFO, Political Science Manuscripts, International Political Science Abstracts and Worldviews.

Spring 2011
Volume 18, Number 1

PEACE AND CONFLICT STUDIES

Table of Contents

Issue Authors

Mark A. Mattaini is Associate Professor in the Jane Addams College of Social Work, University of Illinois at Chicago, and an affiliate investigator in the UIC Interdisciplinary Center for Research on Violence. His scholarship focuses on community violence prevention and nonviolent social action supporting human rights and social justice. He is currently completing his tenth book, *The Science of Satyagraha: Strategic Nonviolent Power.* Email: mattaini@uic.edu.

Kristen N. Atkinson is a doctoral candidate in the Jane Addams College of Social Work, University of Illinois at Chicago, an affiliate of the UIC Interdisciplinary Center for Research on Violence, a founding board member of the Chicago Freedom School, and an activist in the Venus Collective, the Theatre of the Oppressed, and other progressive causes. Her research focuses on the development of activism and critical consciousness among young people. Email: knatkinson@gmail.com.

Ibaba Samuel Ibaba is affiliated with the Department of Political Science at Niger Delta University, where he lectures on Political Science and engages in research focused on conflict resolution, peacebuilding and development. He can be contacted at: eminoaibaba@yahoo.com or at Department of Political Science, Niger Delta University, Wilberforce Island, P.O. BOX 1529, Yenagoa, Bayelsa State, Nigeria.

Victoria Carty is Assistant Professor of Sociology at Chapman University. She has written several articles on social movements in the United States, Mexico, and broader, transnational movements.   In 2010, her book entitled *Wired and Mobilizing: Social Movements, New Technology, and Electoral Politics* was published by Routledge Press, and she is currently completing another book called *Social Movements and New Technologies* that will be published by Westview Press in 2012. Email: carty@chapman.edu.

Landon E. Hancock is an assistant professor at Kent State University's Center for Applied Conflict Management and Political Science Department. His focus is on the role of identity in conflict and conflict resolution. Recent publications include articles in *Irish Political Studies* (2011), *Conflict Resolution Quarterly* (2011) and *Journal of Peace Education* (2010). His most recent book, with Christopher Mitchell, is *Zones of Peace*, Kumarian Press, 2007. Email: lhancoc2@kent.edu.

Tamra Pearson d'Estrée is Henry R. Luce Professor of Conflict Resolution and Director, Center for Research and Practice at the Conflict Resolution Institute, University of Denver. She has written extensively on the role of social identity in conflict dynamics, judgment, decision-making, problem-solving and evaluation. Also an experienced trainer and practitioner she has conducted workshops and training sessions worldwide. Her most recent book is *Braving the Currents: Evaluating conflict resolution in the river basins of the American West* with Bonnie G. Colby, Kluwer, 2004. Email: Tamra.dEstree@du.edu.

Constructive Noncooperation: Living in Truth

Mark A. Mattaini and Kristen Atkinson

Abstract

Mohandas Gandhi often indicated that nonviolence was "a science," and he appears to have meant this literally. Consistent with this vision, in this paper, we outline and apply principles of behavioral systems science, an emerging data-based approach to understanding the dynamics of complex cultural systems, to the practice of constructive noncooperation (Gandhi's "constructive programme"). Although Gandhi emphasized that constructive action was the most important and potent of nonviolent strategic options, constructive alternatives have been the least developed in the literature of nonviolent struggle. The reconceptualization of constructive noncooperation in behavioral systems terms offered here suggests that rigorous analysis of Havel's "living in truth" and Gandhi's "truth force" may be both possible and practically useful in challenging oppression and supporting human rights.

> "I am but a humble explorer of the science of nonviolence"
> M. K. Gandhi (*Young India*, November 20, 1924)

Vast resources have been dedicated to refining the science and practice of coercion, domination, killing, and war. Revolutionary movements and violent insurgencies, arguably natural responses to societal repression, have often drawn on the resulting knowledge and weaponry. There are, however, strong arguments for seeking

other strategic options for challenging oppression (Ackerman and Krueger 1994;

Cortright 2006). Challenging an enemy with weapons in which he has an enormous

advantage is usually self-defeating; even when such challenge appears successful, violent

resistance commonly engenders a replacement system that is itself rooted in and

sustained by threat of force (Deming 1971; Michnik 1985; Sharp 2005). Václav Havel

(playwright, dissident, and ultimately the last president of Czechoslovakia and the first

president of the new Czech Republic), suggested that should a liberation movement rely

on violent resistance, "the future would be fatally stigmatized by the very means used to

secure it" (1978, 93).

Intriguingly, there are strong scientific arguments that support these observations.

Threat, violence, and other forms of coercion are deeply braided into contemporary

societies. Sidman (2001) integrated decades of research on individual and cultural

behavior to explain why coercive approaches can be so pervasive, so seductive—and so

damaging. Established science demonstrates that extreme coercion, even when it

produces immediate results, predictably and consistently produces grave side effects,

germinating the seeds of its own ultimate failure (Sidman).

Systemic and structural violations of basic human rights cannot usually be

resolved through negotiation processes (Sharp 2002). Fundamental rights ought not be

negotiated away, and appeals to common humanity under such circumstances have

seldom if ever resulted in the ceding of power. There is however one strategic option with

a demonstrated history of adequate power: active nonviolent struggle (Sharp 2005).

Hundreds of examples of nonviolent resistance to serious repression, with varying

degrees of success, have been documented and are available for analysis (see Ackerman

and Duvall 2000; McCarthy and Sharp 1997; and Zunes, Kurtz, and Asher 1999, for examples).

Gandhi asserted that "we need experts to develop [nonviolence] into a science" (2002, 117), but only quite modest resources have been dedicated to such work (cf. Bond 1988). Dedicating only a small percentage of the resources devoted to weapons, war, insurgency and counterinsurgency, and other forms of violence to scientifically designed observational, analytic, and experimental research related to nonviolent struggle might yield enormous benefits (Martin 1997, 2005). Some valuable efforts have been made, particularly drawing on social science theory and methods. For example, Downton and Wehr (1998), drawing on and contributing to collective action theory, have examined factors predicting persistent peace activism. Jasper (1998) presented a detailed analysis of the important but neglected place of emotion in protest movements.

Klitgaard (1971) brought the power of game theory to analysis of Gandhi's tactics, a valuable approach that has some commonalities with the approach taken here. Klitgaard fails, however, to make sense of demonstrably effective methods of nonviolent struggle against "tyrants;" Sharp (2010) has clarified strategic options for such cases. Nakre (1976) studied individual satyagrahi's cognitive understandings of, and commitment to nonviolent norms using survey methods. Wiltfang and McAdam (1991), again using survey methods and multivariate analysis, studied predictors of willingness to engage in high-risk and high-cost activities among activists. Such social science investigations clearly have made valuable contributions. At the same time, the resources committed to such work are dwarfed by those dedicated to violent alternatives.

In this paper we draw primarily on a different body of scientific work, behavior

analysis and behavioral systems analysis (BSA; an approach for studying the dynamics of complex behavioral and cultural systems). Behavior analysis and BSA draw primarily on natural science rather than social science methods, and have more in common with biology, ecology, and astronomy than with the social sciences (Johnston and Pennypacker 1993). The social sciences generally bring statistical approaches to the study of an array of hypothetical cognitive and emotional constructs and conditions grounded in an array of midlevel theories (see, for example, Polletta and Jasper 2001). By contrast, the principles and theory undergirding a natural science approach to behavior have emerged from successive observations of individual organisms and cultural groups over time, typically using experimental methods. Although their origins and usual methods are quite distinct, the two strategic approaches also often draw from each other. Behavior analysis and BSA and the theory emerging from them offer methods for tracing the interlocking processes by which cultural practices and collective actions among individuals and groups function to support oppression or justice (*Behavior and Social Issues* 2004, 2006; Biglan 1995; Mattaini forthcoming; Mattaini and Strickland 2006), and may suggest accessible points for nonviolent intervention.

Nonviolent Resistance to Oppression

Nonviolent struggle is neither passive nor primarily symbolic. Effective nonviolent resistance rather involves "confront[ing] and undermin[ing] oppressive power with forceful action" (Cortright 2006, 121). Understanding this, Barbara Deming, a pivotal figure in the development of nonviolent struggle, called on oppressed groups and their supporters to "pass from protest to resistance, from merely 'symbolic' actions to

'practical ones'" that disrupt an existing repressive equilibrium (1971, 216). Gandhi himself had no patience with mere symbol, championing nonviolent but forceful action (thus his emphasis on *Satyagraha*—commonly translated as "truth force"). Effective nonviolent struggle involves threat or practice of active disruption of the increasingly complex interdependencies of contemporary societies (Piven 2006; Sharp 2010). Nonviolent struggle is not designed to be safe; resistance to serious oppression is always dangerous. It is, however, designed to be powerful.

Gene Sharp, the doyen of nonviolence theory, offers a partial list of 198 methods of nonviolent action, divided into three major classes: (1) nonviolent protest and persuasion, (2) noncooperation; and (3) nonviolent intervention (1959, 1973, 2005). With such extensive possibilities, the choice of strategic and tactical options under varying contextual conditions is challenging (Aspey and Eppler 2001). While some (including Gandhi) have confidently asserted that nonviolent action is potentially a "full substitute" [for armed revolt] (Gandhi 1945, 3), others have strongly disagreed (Rigby 1995). Rigby concludes that nonviolence is not a functional alternative to violence; that certain ends can only be achieved through violence. This argument is based on the author's notion that certain military interventions—such as pacifying a group of people by bombing them—hold no nonviolent alternative. Whether "pacifying" an oppressed people, by bombing or otherwise, is a worthy end is of course a separate question. A scientific perspective requires maintaining an open mind about the issue of substitutability. The extent to which nonviolence can substitute for force, whether in resistance, insurgent, military, or even policing situations, can only be determined through the kinds of rigorous study to which behavioral systems analysis can contribute.

Constructive Noncooperation

Gandhi believed that the central power of nonviolence lay in creating and constructing—rather than in obstructing. What he termed the *constructive programme* focused on building an autonomous healthy society that refused to rely on resources provided by the oppressor, while creating strategic improvements in practical, social, intellectual, and spiritual dimensions of daily life (Gandhi 1929, 1945; Nagler 2004). Gandhi understood the constructive program (or *constructive noncooperation*, Schell's [2003] term which we adopt in this paper) to be the most important strategic option for nonviolent action (Gandhi 1945). Paradoxically, this option is the single major dimension of nonviolent struggle that has been least fully explored and developed.

Gandhi's constructive programme was designed to support "construction of Poorna Swaraj or complete Independence by truthful and nonviolent means" (Gandhi 1945, 5). The core of the constructive programme is "living the social and political order [one] wants to create" (Hettne 1976, 230). Gandhi believed that if the population acted autonomously, the substance of political power would thereby already be gained; the inevitable subsequent takeover of the structures of government would be merely "a shadow, an emblem" (quoted in Schell 2003, 140). He was quite specific as to how independence in the economic, educational and governance arenas could be achieved in the Indian subcontinent; the final (1945) version of his pamphlet *Constructive Programme* was organized into 18 sections, including among others *khadi* (the independent production of local cloth, often symbolized by the spinning wheel), emphasis on local languages rather than the English of the colonial oppressors, and the full incorporation of all groups including Dalits ("untouchables"), peasants, lepers,

women, and aboriginals into society. Gandhi clearly understood that an educational system controlled by the colonial government profoundly strengthened foreign rule, and therefore included both a new approach to the education of children, and liberatory education ("true political education of the adult by word of mouth," p. 15) in his program.

Constructive noncooperation on one level is a route to improving life for an oppressed group or population, but by its very nature is *simultaneously a means of active resistance*. Relationships of dependence and fear are essential to maintaining repressive structures; constructive programs directly challenge both. At its heart constructive noncooperation involves the construction and sustainment of a new, self-reliant and self-determining culture within the shell of—and in resistance to—structural oppression. Havel, who spoke of constructive noncooperation as *living in truth* (see below), noted, "As long as it remains what it is, the practice of living within the truth cannot fail to be a threat to the system" (1978, 112).

Other Views of Constructive Noncooperation

Gene Sharp (2002), whose work has been and is being used by resistance movements in Afghanistan, Myanmar, Palestine, and at least two dozen other countries over several decades, describes a process of "escalating freedom" as a central dimension of defying oppression under a dictatorship. Sharp indicates that the "growth of autonomous social, economic, cultural and political institutions progressively expands the 'democratic space' of the society and shrinks the control of the dictatorship" (p. 58), in time leading to "*de facto* freedom" (p. 59).

Ackerman and Kruegler (1994) view constructive programs somewhat differently:

> Our use of the phrase "constructive work" is compatible, but not precisely synonymous with, Gandhi's usage. In his philosophy, a constructive program was a voluntary effort outside the aegis of the state, which had the dual purpose of redressing material inequalities and training the participants to be more competent and self-reliant. We refer to positive actions that can be taken primarily with a view to improving the material situation in which a conflict may be developed.
>
> (p. 53)

For Ackerman and Kruegler, then, constructive work is primarily a step toward preparing for nonviolent struggles of other kinds—a means toward an end, rather than, as it was for Gandhi, the central strategy for escaping oppression and achieving autonomy. There are many examples of such work to improve the material situation of African America in the century leading up to the civil rights struggles of the 1960s (du Bois 1907; Gordon 1991).

The essential distinction between constructive noncooperation and most other forms of nonviolent social action (e.g., persuasion, protest, disruption, obstruction, or boycotts) is that *the immediate targets for change in constructive nonviolent action are the actions of the resistance community itself, rather than the opponent*. Havel notes, "The primary purpose … is always … to have an impact on society, not to affect the power structure" (1978, 105). Such changes by and within the resistance community are important not just as a means, but rather as the primary end in constructive efforts. Because of the interdependencies between the grievance group and the opponent, however, ultimately the opponent's actions also shift in response.

Strategic Principles Emerging from Behavioral Systems Analysis

Those studying nonviolence have in recent years reached a near consensus that explicit attention to strategic analysis and planning can increase the likelihood of positive outcomes (e.g., Ackerman and Kruegler 1994; Cortright 2006; Helvey 2004; Sharp 2005). For example, Sharp identifies 6 sources of political power (authority, human resources, skills and knowledge, intangible factors, material resources, and sanctions— termed by Helvey "pillars of support", p. 9), and describes strategic approaches for restricting or withholding each in his essential volume, *From Dictatorship to Democracy* (2002) and elsewhere, an analysis that is further detailed by Helvey. As discussed later, established principles of behavioral systems science can help to further refine strategic approaches for effective resistance in politically complex situations.

Studies of dynamic systems and complex phenomena have established that complexity typically is emergent from repetition and continuous self-organization of simple processes and patterns over time (e.g., Granic and Patterson 2006; Wolfram 2002). Behavioral systems analysis, as discussed later, has an austere and parsimonious elegance grounded in experimental history. The approach begins with a modest number of empirically well-established principles explaining the dynamics that shape and maintain actions by individuals and small groups, then moves to study how those simple elements interlock to produce complex cultural-level processes and outcomes (Houmanfar, Rodrigues, and Ward 2010; Mattaini 2008). In the material that follows we begin by outlining a set of key principles established by behavioral research; we then sketch analytic methods for understanding how those principles contribute to explaining the emergence of cultural processes from networks of relatively simple transactions.

Table 1. *Central Principles of Behavior Analysis Contributing to BSA*

- Constructional approaches that shape and sustain desirable actions have significant advantages over approaches that emphasize suppressing undesirable actions.

- Both individual behavior and the processes within and among behavioral systems are selected by their consequences.

- Behavior is allocated to possible alternatives proportionately to how successful those alternatives are in producing desirable outcomes within a specific environmental context (the *matching law)*.

- Extinction (planned discontinuation of previous available cooperation and compliance) is a central dynamic in nonviolent social action, including constructive noncooperation.

- Changes in values and attitudes can occur through shifts in equivalence relations—ways of partitioning the world analogous to set theory.

- Creativity is essential to maintaining individual action and cultural practices over time.

Key Behavior Analytic Principles

A number of well-established principles of behavioral analytic science have particular relevance for higher-level BSA, and therefore for strategic analysis in constructive noncooperation. Several of those principles, listed above in Table 1, are briefly summarized in the material that follows, with reference to their places in

nonviolent struggle. The principles listed are illustrative rather than exhaustive, but each is important for the analysis of constructive noncooperation.

The Advantages of "Constructional" Approaches

One well-established principle with broad applicability to strategic nonviolent struggle is the primacy of *constructional* (Goldiamond 1975) options over suppressive and coercive alternatives (Sidman 2001). Encouraging new, desirable action occurs through providing access to improved personal and group outcomes and conditions, which tend to stabilize the new practices (Goldiamond). Suppression of undesirable actions through coercion and threat typically requires constant surveillance, and tends to evoke resistance, defection, and efforts to exert coercive countercontrol (Sidman). Such coercive repression structures what Havel refers to as a persistent "latent social crisis" (1978, 105), leaving the oppressive system ever fragile and vulnerable to challenge, while increasing overall levels of fear and distrust within a society. And as noted by Kurlansky, "In most of history, people motivated by fear have not acted well" (2008, 97).

Constructional processes can often reduce undesirable actions indirectly, without the need for threats or punishment (Goldiamond 1975). Encouraging a resister to "stand and endure" attack by using constructional approaches produces substantively different outcomes than attempting to suppress "running" or "fighting back" through condemnation, coercion, or threat. Constructing the "stand and endure" repertoire helps prevent escape or counter-aggression, but without the side effects that are likely from such suppressive techniques. Constructive noncooperation is largely a constructional resistance strategy.

Selection by Consequences

Why do people, whether members of resistance movements or those maintaining oppression, do what they do—and how can that be changed? Why do members of groups act in concert? Within the framework of behavioral systems theory, the central process involved is *selection by consequences* (Skinner 1981). Both individual behavior and collective action are shaped and maintained by selective processes closely analogous to natural selection (Biglan 1995, 2003). A selectionist framework emphasizes that, all else being equal, actions that "work" within particular environmental conditions tend to be repeated (those actions are selected by their success in the world), both by individuals and by groups. Actions that produce no effect or negative effects tend not to be repeated, and are typically discouraged by social groups. Selection has some disadvantages. Because selection emerges from historical conditions, it may not produce responses that are effective when conditions changed. Piven (2006) terms this "the drag of the past" (p. 35). Analysis of behavioral systems dynamics present in the moment may help to mitigate this problem. (Other contextual conditions, discussed later, can potentiate or attenuate the power of selecting consequences.) The selection principle, which has considerable face validity, is being actively studied and refined in BSA (Biglan 2003; Houmanfar, Rodrigues, and Ward 2010; Mattaini 2008).

The critical difference in a selectionist perspective as contrasted with more cognitive understandings of human action common in contemporary social science lies in a central emphasis on changes in the environment, rather than in the person. As will be clear in what follows, this perspective offers novel options for social action. Neither the cognitive nor the selectionist approach should be viewed as "truth;" each has unique contributions to make.

Clarification of goals (what actions by whom are desired), the consequences and contexts that select those actions, and shifts in systems dynamics that could restructure consequential and contextual factors is the heart of strategic analysis (Mattaini, forthcoming; see also Helvey 2004, on strategic analysis). After the Stonewall Inn protest by 2000 members of the gay community in New York City in 1969, for example, activists intentionally targeted "coming out" (not only to each other, but to family, friends, co-workers and other contacts) as the desired behavior, and intentionally arranged strong social consequences that were likely to select that action (D'Emilio 1983). In a reverberating process, the increased collective power that resulted encouraged members of the gay community to escalate their efforts to achieve an array of targeted social changes, ultimately with major cultural effects.

The Matching Law

As resistance movements strengthen their internal networks and advance their autonomy, they are concurrently developing an internal culture of mutual reinforcement that can further support both desired actions and autonomy—initiating a self-organizing and self-sustaining collective dynamic. As individuals gain support, resources, and recognition from within the activist culture and the societal changes it initiates, whatever resources and blandishments the oppressor has to offer become less attractive—their relative value is eroded. There is a well-established mathematical formula, the *matching law*, which predicts with surprising precision how human behavior will be allocated among possible choices under such circumstances (McDowell 1988, 2005). In general, the matching research indicates that action is allocated among possible alternatives proportionate to the relative level of reward each offers (Herrnstein 1997). Allocation of

behavior is not precisely proportionate, but the variations are well understood, and the approximation here is close enough for current purposes (McDowell 2005). If participating in the resistance provides the most desirable outcomes (including personal satisfaction and opportunities to act in altruistically valued ways), those actions are likely to occur at high rates.

Significantly, matching also accounts for what often are seen as inconsistencies in behavior. Consider, for example, current discussions of the actions of persons and communities in Afghanistan who may at one moment appear to ally with Western counterinsurgency efforts, and at other times with the insurgents. In part, differences in moment-by-moment context are obviously involved—one tends to agree with the armed man standing in front of them—but each side often has something distinctive to offer. Typically, human beings do not exclusively choose the single option that will maximize overall rewards; rather they allocate behavior between options proportionately to the relative levels of payoffs they each offer, an approach that may have had survival value (Herrnstein 1997; McDowell 1988). If each side offers something of value, some cooperation will be allocated to each where this is possible. Such choices may be a resilient strategy under changing conditions, and should not be viewed as irrational.

The Central Role of Extinction in Nonviolent Struggle

The *extinction* process is perhaps the most common and powerful behavioral dynamic involved in nonviolent struggle (at least two-thirds of Sharp's 198 methods involve extinction). Extinction is also among the best understood processes in all of behavioral science (Kazdin 2008; Malott and Trojan 2008). All else being equal, when a behavior has previously produced a positive outcome, that behavior is likely to be

repeated. If, however, a previously established positive outcome consistently stops occurring, the rate of the associated behavior ultimately will decline. For example, repressive governments commonly maintain their power through threats, intimidation, and violence; they continue to use these strategies because they produce compliance. Most forms of nonviolent action involve withdrawing cooperation and compliance, even in the face of threats, coercion and violence, and such noncompliance has proven powerful (the United States civil rights struggle relied primarily on these strategic options). When their coercive actions no longer produce compliance, however, the typical response is a rapid escalation of coercive efforts. This escalation is technically termed an *extinction burst* (Kazdin 2008; Sidman 2001). Such escalation, from mild threats to fire hoses, dogs, and murder was evident in the U.S. civil rights struggle (Finkelman 2009). Resistance movements need to be prepared to maintain nonviolent discipline until such escalation has run its course, knowing that it eventually will if it consistently fails to produce an effect.

Constructive noncooperation inherently involves a substantial element of extinction in its refusal to be intimidated or cooperate with injustice. Escalation of oppressive actions in response is then to be expected; power lies in maintaining the resistance in the face of such responses. If, however, the resistance movement succumbs to such escalation, they reinforce escalation of coercion. Standing firm even in the face of gunfire (as the Pashtun resistance did at Kissa Khani Bazaar in Peshawar in 1930; Raqib 2005) is a powerful strategic choice. Turning and running, natural as that may be, is usually worse than not engaging at all—it not only gives the opponent a "win" but is also likely to evoke more severe treatment in future campaigns.

Shifting Equivalence Relations

Downton and Wehr (1998) identified attitudinal availability, specifically a set of activist beliefs and values, as central to maintaining activist commitment. Recent advances in behavioral research have contributed to the rigor of our understanding of attitudes, values, and related verbal behavior (Clayton and Hayes 1999). Think, for example, about the shift from imported cloth to that made locally—one strategic element in the American Revolution (homespun), Te Whiti's 1867 campaign to protect Maori rights in New Zealand, and Gandhi's Indian Independence movement (*khadi*), among others. In each case, the colonized people had come to value goods that profit the colonizer more highly than the less expensive locally-made goods, thus reinforcing dependence while sapping local resources. Technically, new *equivalence relations* had been formed: {British cloth≈ high quality ≈ cultured}, and {local cloth ≈ poor quality ≈ primitive}; the "≈" symbol indicating equivalence along one or more important dimensions (Sidman 1995). Equivalent constructs function interchangeably in selective processes (Sidman).

Understanding of the place of such equivalence relations in human behavior and cognition has advanced dramatically in the past two decades, and offers important keys to changing values and attitudes. Equivalence relation theory connects human behavior to mathematical set theory. *Relational frame theory* (Hayes, Barnes-Holmes, and Roche 2001) is a related body of work that differs theoretically in significant ways (Clayton and Hayes 1999), but for our purposes here the differences are not substantive.

Once established, equivalence relations are often quite insensitive to environmental changes (Masuda et al. 2009), and the processes of shifting equivalences

can be counter-intuitive. For example, repeating "local cloth is *not* primitive" multiple times paradoxically is likely to *strengthen* the equivalence between "local cloth" and "primitive"—while repeating and reinforcing a conflicting equivalence like {local cloth≈ support for the resistance} can attenuate the problem equivalence (Dixon, Dymond, Rehfeldt, Roche, and Zlomke 2003; Spradlin, Saunders, and Saunders 1992).

There is also recent related research that may be helpful in supporting courageous action among resisters, based on *acceptance and commitment* theory (Hayes, Strosahl, and Wilson 1999). In acceptance and commitment work, there is no effort to block out fear. Rather, fear is accepted as natural under the circumstances—but fear or not, acceptance and commitment research indicates that commitments to act in accordance with one's values can be made and honored (Biglan, Hayes, and Pistorello 2008). The shift is roughly from, "I'd like to resist, but I am too afraid" to "I accept that I am afraid, and I am nevertheless committed to resisting." Attempts to directly block the experience of fear ("don't be afraid") may have the opposite effect, and often produce immobilization.

Creativity

The importance of creativity, particularly for sustaining activism over time, also emerged clearly in Downton and Wehr's study of persistent activists (1998). The behavioral underpinnings seem clear. The impact of both positive and negative consequences tends to fade over time in a behavioral process termed *satiation* (Malott and Trojan 2008). As can happen with a favorite food, tactics that were once exciting and powerful for participants in a nonviolent campaign become less reinforcing for participants—and less disruptive for the opponent—with repetition. While consistency of

response is essential in strategies relying on extinction, extended campaigns generally require attention to keeping activists interested and opponents off-balance through new initiatives and tactical shifts.

Behavioral Systems Analysis

Behavioral systems analysis clarifies the dynamics of interlocking actions among people and transactions among human groups (Mattaini 2008; Sandakur 2006). Considerable scientific attention is currently being directed toward understanding the behavioral dynamics that shape organizations, collectives, and cultural groups using these methods (e.g., Malott 2003; *Journal of Organizational Management* 2009a, 2009b; *Behavior and Social Issues* 2006). These analyses contribute to a unique and rigorous understanding of how basic behavioral processes are organized into collective action, and therefore have important implications for addressing critical human problems (Biglan 1995; Mattaini and Thyer 1996; Todorov 2009). Applications of BSA for clarifying the exercise of nonviolent power have been almost nonexistent (Mattaini 2003), but the material that follows suggests that there is value in taking this perspective.

Collective nonviolent action by definition requires the coordinated behavior of a group of people. Sustaining such coordinated action requires the construction of culture—patterns of mutual reinforcement for shared practices (Skinner 1984). For example, the history of nonviolent action indicates that *solidarity*, *discipline*, *courage, living in truth*, and the *sharing of power* among members of a movement are among the essential requirements for effective nonviolent struggle (e.g., Ganz 2009; Klitgaard 1971; Sharp 2005). Resistance groups whose internal cultures encourage those practices are likely to survive, and widespread participation in those practices progressively expands

collective power (Sharp 2002). BSA offers a methodology for embedding these dynamics within the activist/grievance group by providing analytic tools for capturing the dynamics of interlocking transactions among multiple classes of actors.

For example, even a relatively simple (but enormously courageous) campaign like that of the Mothers of the Plaza de Mayo (Buenos Aires, 1977-1983) involved intra and intergroup transactions among mothers of the "disappeared," the military junta, functionaries of the civilian government, paramilitaries, and ultimately workers and the middle class (Paulson 2005a). Strategically, it seems evident that being able to analyze the matrix of interlocking factors contributing to current undesirable actions, as well as those that could encourage desired actions within and between these groups could be of value. Both retrospective analyses of former campaigns and proactive analysis for current campaigns may be valuable. The material that follows describes some of the analytic methods and tools on which BSA draws. (For fuller presentations, see Mattaini 2008, and Mattaini, forthcoming.)

Analytic Diagramming

The education of women and girls in Afghanistan is widely recognized as crucial in terms of both human rights and development (Yacoobi 2008). Despite severe threats and punitive violence, in a contemporary example of constructive noncooperation, many Afghan women girls continue to attend schools (Maron 2009; Wiseman 2010). A sample diagram analyzing the practice of attending school among Afghan girls (the class of actors) is shown in Figure 1. Visualization tools have proven useful for BSA, as they have for other sciences dealing with complexity, because their wide bandwidth enables concurrent attention to multiple variables (Mattaini 1993).

Motivating Antecedents	Practice: **Attending School**	Positive Consequences

A practice diagram with three boxes:

Motivating Antecedents
• Exposure to models of educated women
• Availability of family encouragement
• Peers attending school
• Previous positive exposure to schooling
• Recognition of deprivation & oppression
• Experiences of humiliation
• Equivalence relation: {Education ≈ Liberation}
• Equivalence relation: {Education ≈ Resistance to oppression}
• Trusted assurances of safety

Practice: Attending School

Class of Actor: Young Afghan Woman

• Accessible school
• Well-prepared teacher
• Supplies (e.g., books)
• Transportation
• Adequate nutrition
• Adequate health

Structural Conditions

Positive Consequences
• Pride in achievements
• Experiences of learning
• Pride in participation in acts of resistance
• Recognition of potential for community change
• Family approval
• Teacher approval
• Peer approval
• Tribal and community approval

Aversive Consequences
• Threats & violence
• Threats to family
• Family disapproval
• Peer disapproval
• Tribal & community disapproval

Figure 1. A practice diagram, simplified for presentation, tracing key antecedent, structural, and consequent factors associated with attending school for a young Afghan woman. To encourage attendance, levels of motivating antecedents might be increased, adequate levels of structural antecedents assured, levels of positive consequences increased, and levels of negative consequences decreased. Nearly all such changes involve the practices of interlocking groups. (Note that for very young girls, the primary emphasis would be on practices of parents, although the courage of the very young should not be dismissed.)

Note that such *practice diagrams* are nomothetic representations of factors relatively common to multiple individual cases; what is being analyzed is not one person's behavior, but a practice shared by a class of actors. Examples of motivating antecedent variables are shown on the left, structural variables below the practice, and consequences (both positive and aversive) to the right. Such diagrams can be developed from observations, experiences of and interviews with those who know the situation on the ground most intimately, archival information, and field experiments. Factors selected

for inclusion in such analyses are determined in significant part by application of basic behavioral principles, particularly those discussed earlier. From this kind of analysis, a variety of possible interventions (antecedent, structural, or consequential) can commonly be derived. This, however, is only the first level of analysis. The practices of other classes of actors (parents, tribal and religious leaders, NGOs, the Taliban, and others) constitute the behavioral and cultural field within which school attendance occurs. The principle value of BSA therefore lies in aggregating multiple analyses to explore the interlocks between multiple practices among multiple classes of actors, as discussed below.

Force Field Analysis

Before turning to aggregational analysis, one additional useful tool should be briefly noted. *Force field analysis* was first developed by Kurt Lewin (1951), and variations have been widely used as analytic tools in organizational and community change efforts (Brager and Holloway 1993; Hanson 2007). On a force field diagram as used in BSA, motivating ("driving") factors that support a desirable practice are displayed in a single column on the left of the page, and factors that restrain that practice by a particular class of actors (e.g., young women, religious leaders) in a column on the right, with a vertical line between the two. Arrows are drawn from each motivating or restraining factor toward the middle line; the relative weight (width) of each arrow is determined based on the strength of each factor. Conceptually, motivating forces "push" the line toward the goal state, while restraining forces push away. Possible action points include increasing the strength of motivating forces, adding additional motivating forces, decreasing the strength of restraining forces, or some combination of these. Force field diagrams can be developed with members of the activist or grievance group, and can be

helpful in ensuring completeness of analysis. Data from these diagrams can be used to refine the practice diagrams discussed earlier. It is important to note that actually drawing such diagrams, and not just thinking about them, typically produces a more complete analysis (Mattaini 1993).

Aggregating Practice Diagrams

The full power of BSA emerges from analysis of the transactional interlocks among the practices of multiple classes of actors. There are always reciprocal interlocks between oppressors and the grievance population, but the actions of other classes of actors (military, police, paramilitary, religious, business, non-governmental, tribal, consumers locally and globally, and many others) may be involved in maintaining structural violence and oppression, and may also play roles in challenging those conditions. Multiple groups may be involved in structuring or weakening Sharp's pillars of support, in shifting attitudes and beliefs, and in supporting cultures of resistance.

Take as an example a (conceptually) simple case of a powerful dictator, and an oppressed population undertaking a campaign of constructive noncooperation. BSA would examine factors for motivating constructive action by progressively larger numbers of resisters (diagramming and force-field analysis could be part of that work). The analysis would also, however, use similar tools to analyze factors shaping the reactions of the dictator. Such analysis would involve looking at the classes of actors who could affect his actions, e.g., police, bureaucrats, workers, and how they might do so. Antecedent, structural, and consequential factors that might affect the practices of each of those groups can also be examined. Where BSA offers its full power is in integrating all of this. It is possible to aggregate practice diagrams that clarify in a single graphic the

most powerful factors scaffolding the practices of each of the groups that structure the current matrix of exchanges, and in a separate graphic the interlocks that might characterize the desired end state. Such diagrams might clarify, for example, the impact of weakening cooperation of civil service workers with the dictator, the possible impact of religious practices to support that shift, and the practices of the resistance movement that might motivate religious leaders to do so. The same figure might include practices of industrial workers required to support the economy, offering additional strategic options. Although drawing on the best available information, such analyses would necessarily be fluid and dynamic, based on shifts in conditions and events as well as further information as it emerges. (For an example of such aggregated diagramming, see Mattaini and Strickland 2006.)

Levels and Examples of Constructive Noncooperation

Successful nonviolent struggle emerges from action at multiple levels, based on strategic analysis of existing interlocking systems dynamics. For heuristic purposes, we discuss here three levels of constructive noncooperation as resistance: (a) "living in truth"; (b) the development of parallel institutions; and (c) the broad emergence of cultures of constructive resistance. These manifestations support each other, and commonly blend seamlessly at their borders.

Living in Truth

Nakhre stated, "Gandhi derived the word Satyagraha, from the words 'Satya' meaning truth and 'Agra-ha' meaning grip taking. Literally it means 'holding on to the truth'"—even in the face of pressure to submit (1976, 186). Living under oppressive conditions as if all is well—"living within the lie" in Václav Havel's (1978) terms—does

tremendous personal and collective damage. As Havel notes, in addition to damaging themselves, in living the lie "individuals confirm the system, fulfill the system, make the system, *are* the system" (quoted in Schell 2003, 196). A seemingly counterintuitive reality widely recognized by nonviolence practitioners and theorists of resistance movements is that oppressive systems require the cooperation of the oppressed to survive (Freire 1972; Gandhi 1945; Piven 2006; Sharp 2005). The behavioral dynamics are clear: The oppressor threatens and coerces; the population cooperates to avoid further coercion, living as well as appears possible within the narrow confines involved. Because of the interdependencies present, only if social institutions and the general population continue to cooperate can coercive power be maintained.

Noncooperation begins with individual acts of truth. Havel indicates that most expressions of truth are "elementary revolts against manipulation: you simply straighten your backbone and live in greater dignity as an individual" (1978, 85). He further states:

> The point where living within the truth ceases to be a mere negation of living with a lie and becomes articulate in a particular way, is the point at which something is born that might be called the "independent spiritual, social and political life of society" … living within the truth becomes articulate and materializes in a visible way. (p. 85)

For Havel, living in truth may begin with acts as small as placing a poster in a window (or refusing to do so) or circulating the script of a play that cannot be publicly produced through an underground network. Typically, actions taken are one step closer to those that would occur in an autonomous society, but not enough to evoke consequences for which the person is not prepared.

Living in truth for Havel is a form of resistance—but it is more. As Schell (2003) notes:

> Living in truth—directly doing in your immediate surroundings what you think needs doing, saying what you think is true and needs saying, acting the way you think people should act—is a form of protest, Havel admits, against living in the lie, and so those who try to live in truth are indeed an opposition…. But [for Havel] that is neither all they are nor the main thing they are. Before living in truth is a protest, it is an affirmation. (p. 196)

As Havel notes, in acting in this way, "something is born" (p. 85); or as noted by Horton and Freire, "We make the road by walking" (1990). The critical question here is what initiates and maintains such individual action. Here the power of selection is clear; while individual action may and often does emerge immediately as a reaction to coercive conditions, constructive action over the longer term must produce positive results for those involved, or extinction will occur. Although some individuals can sustain long periods of autonomous action, for most, continued resistance in the face of threats or pain is most likely when social, material, spiritual, and other supports are provided. Given the challenges, living in truth is most likely to be sustained, then, within parallel structures and cultures of resistance.

Parallel Structures

A key strategic option in campaigns of constructive noncooperation is the creation of what the Czech activist Václav Benda termed *parallel structures*—a step toward constructing a new society within the shell of the old as populations move toward living in truth. Those structures may be cultural, economic, educational, labor, political,

religious, legal, medical—historical examples are extensive, each emerging from local realities. In each case, parallel institutions take on necessary communal responsibilities while denying the government legitimacy. Havel (1978) notes:

> These parallel structures, it may be said, represent the most articulated expressions so far of "living within the truth." One of the most important tasks the "dissident movements" have set themselves is to support and develop them … For what else are parallel structures than an area where a different life can be lived, a life that is in harmony with its own aims and which in turn structures itself in harmony with those aims? (p. 102)

During the Vietnam War, the construction of *hiérarchies paralléles* (Fall 1967), arrangements that structured autonomous political, economic, and social governance, were the core of the ultimately successful National Liberation Front (NLF or Viet Cong) strategy (Schell 2003). These parallel structures, "the true innovation of the Indochina war" (Fall, p. 133), organized the population into networks of interlocking associations and governing groups (the *Lien-Viet*) by which the NLF took and maintained control of countryside ostensibly occupied by the enemy. This dynamic, popularly supported underground system gradually assumed responsibility for supporting and directing the lives of the population. For individuals and for communities, the consequences of allying themselves with the NLF were more reinforcing than allying themselves with the government—a clear example of selection. The matching law suggests that some cooperation with the government would also continue, particularly when surveillance was present or something was immediately to be gained, and that too occurred. Ultimately,

the *Lien Viet* strategy, rather than military action, was largely responsible for the outcome of the struggle (Fall; Schell).

There are many other examples of the development of parallel structures throughout the history of resistance movements. Alternative institutions were an important component of the resistant movements in South Asia and South Africa (Easwaran 1999; McCarthy and Sharp 1997). Barred from dominant society opportunities, key segments of African America have from the earliest days in the New World constructed independent Black media, women's associations, churches, and political and civic associations, building the financial, human and social capital on which survival, resistance, and liberation rely (Finkelman 2009; Gordon 1991). Black Nationalist and Black Power movements (both violent and nonviolent) emphasized self-reliance including the construction of parallel structures and institutions (Breitman 1994; Robinson 2001). These parallel structures also provided a grounding for the eventual obstructive campaigns working for social and economic justice. In indigenous communities in Canada, New Zealand, and the U.S., parallel justice systems based in traditional practices are emerging (Ross 2006; Sawatsky 2009). Grounded in communal and restorative processes, these systems remove Native (and in some cases non-Native) offenders from the Western criminal justice system, which is experienced as both oppressive and counterproductive.

The behavioral systems dynamics of parallel institutions explain their power. Building an autonomous resistance community functions as a constructive challenge that is difficult to effectively combat even as it offers important resources and experiences for the community, thereby selecting continued and increasing participation. For example,

prior to the American Revolution, colonists often refused to serve as jurors in British courts (Schell 2003). Independent colonial justice arrangements were established as needed, however, to maintain public order. Furthermore, the coercive efforts of the British government could not bring the colonists to cooperate—those efforts were put on extinction. Parallel structures often offer better outcomes from the perspective of participants (more responsive justice, or land reform, for example), selecting participation. Furthermore, parallel institutions come to participate in equivalence relations with autonomy, freedom, and resistance for the grievance population. At the same time, parallel institutions by their very existence deny important consequences that have previously selected the actions of the oppressing group, destabilizing and disrupting the interdependencies that have maintained the power of the oppressor.

Strengthening Civil Society as a Culture of Constructive Resistance

Constructive noncooperation ultimately involves the progressive shaping of an autonomous civil society or culture that functions largely independently of official or accustomed arrangements (Gandhi 1945; Havel 1978; Schell 2003). Such civil society is built through the development of interlocking, independent organizations and institutions, but most importantly through the emergence of self-organizing *associations* and *communities* (Havel), which by their very nature reduce dependence on oppressive power structures. What we know about emergence in many contemporary scientific disciplines including physics, biology, and behavioral systems analysis suggests that once such self-organizing systems appear, they may under the right conditions initiate self-amplifying processes that lead to progressively greater differentiation and complexity—so a small beginning may ultimately lead to cascading and irreversible changes (Mattaini 2008).

According to behavioral systems science, culture (a set of common values and actions) emerges from interdependencies within a group. Recognizing this, a culture of resistance can be consciously created in which actions supporting autonomy are selected through shifts in consequences members of the group provide for each other, as well as through shifts in equivalence relations. Such actions as maintaining nonviolent discipline, living in truth, and constructing valued parallel institutions can be constructed intentionally based on an analysis of the specific interdependencies present in the situation. In Havel's Czechoslovakia, for example, the Charter 77 movement supported and sustained the actions of dissident leaders, and inspired further individual and collective action, progressively weakening the communist government.

The emergence of cultures of constructive resistance was central to the revolutions in Czechoslovakia, Poland and Hungary, and ultimately brought down the Soviet Union (Schell 2003). Leading activists—Havel in Czechoslovakia, Adam Michnik in Poland, and Gyorgy Konrád in Hungary in particular—agreed that it would be a mistake to try to directly overthrow the system (Schell). Rather, they believed that the focus of resistance should be on "achieving immediate changes in daily life," strengthening autonomous civil society (Schell, p. 193). Schell indicates, for example, that "Konrád wanted society to 'absorb' the regime in a 'ripening social transformation.' He wanted the 'iceberg of power … melted from within'" (p. 198).

The Polish people resisted occupation and oppression first by the Nazis, and later by the Soviet Union. This resistance included both violent and nonviolent elements. The first substantial rebellion against the Soviet Union, which was ruthlessly suppressed, occurred in 1956, and a number of further periods of major unrest by labor and

intellectuals followed over the next 25 years. By the 1970s, it was clear to Polish activists that efforts to directly challenge the Communist government (with its Soviet support) could not succeed at that time—but also that beginning to make improvements in people's lives did not require such a challenge. In 1976, Michnik called for the construction of a "post-totalitarian" society, in which society rebels against the totalitarian government by setting up its own institutions, and "giv[ing] directives to the people on how to behave, not to the powers on how to reform themselves" (quoted in Schell 2003, 195). The government would thus become increasingly irrelevant. An important beginning in Poland was the Committee for Defense of Workers, established in the mid-1970s by intellectuals to help establish unofficial labor organizations; provide assistance to workers—which was labeled "social work" (Schell 2003, 195); and support independent, underground press and publishing efforts, among other activities (Paulson 2005b; McCarthy and Sharp 1997).

In another example, in the 1930s, Badshah Khan, the Pashtun "Frontier Gandhi," formed a militantly nonviolent Muslim army (the *Khudai Khidmatgars* or Servants of God) 100,000 strong at its peak (Banerjee 2000) to resist the British in the tribal areas between present-day Pakistan and Afghanistan. Most of the work of the Khudai Khidmatgars consisted of constructive work in educational, economic, and community development, and the development and support of local youth leagues, councils, and a newspaper, in close alliance with Gandhi's efforts to the south (Easwaran 1999; Raqib 2005). Those developments clearly contributed to the end of the British colonial era—and suggest that even in this conflict-torn area, nonviolent action and the construction of cultures of constructive resistance have serious potential.

The growth of queer cultures, both within the U.S. and abroad, can also be viewed through the lens of constructive noncooperation. Barred from full participation in civic life, queer-identified people have created independent communities and institutions in response to systemic discrimination (Boyd 2003; Ingram, Bouthillette, and Retter 1997). Queer activists have established health care and social service systems, and have promoted economic self-reliance through the establishment of a variety of thriving queer-owned and queer-friendly businesses, foundations and scholarship programs. The efforts of queer activists to resist oppression and improve their lives through tactics of constructive noncooperation has helped foster a sense of cultural self-determination and expand options for self-expression in family life, relationships, gender identity, art forms and consumer power. These queer communities have served as the foundation for establishing political power (D'Emilio 1983) through a wide variety of political groups and associations, including Parents, Families and Friends of Lesbians and Gays, Lambda Legal, the Human Rights Campaign, Gay and Lesbian Alliance against Defamation, American Civil Liberties Union, Stonewall Democrats, Log Cabin Republicans, and the Gay Lesbian and Straight Education Network, to name a few.

Conclusion

During the late twentieth century, campaigns of resistance became increasingly intentional and strategic. It has become clear that those who lead nonviolent campaigns need both extensive knowledge of the principles of strategic nonviolent struggle and deep personal grounding in the local context (G. Sharp, personal communication, April 9, 2009). We suggest here that supplementing these with knowledge of behavioral systems

science has potential for refining strategic analysis. A personal commitment to *Satyagraha* or living in truth can be an important start, but a sophisticated scientific understanding of the dynamics of individual and collective action is likely to offer substantive help in supporting collective nonviolent struggle. At the same time, not every activist can or should be expected to become a scientist. A next step forward, therefore, is to extract practice principles from this science that could become part of the core knowledge needed by those designing campaigns of nonviolent struggle (Helvey 2004), an effort that we are currently pursuing (Mattaini, forthcoming).

Constructive noncooperation is a powerful but largely neglected area of nonviolence practice. To be useful, much of the research required must be participatory, conducted in partnership with those who are intimately involved in nonviolent struggle. How might indigenously driven constructive noncooperation help in long-troubled areas like the borderlands of Afghanistan and Pakistan, in East Africa, or in the most neglected urban areas in the U.S.? And what might "living in truth" look like for the privileged, in an interdependent world in which the luxury enjoyed by some produces utter devastation for many others (paraphrasing Juan Segundo, as discussed in Farmer 2003)?

We simply do not yet know the power of constructive strategies on their own or in combination with other strategic nonviolent options, although the existing examples appear promising. If scientific analysis can offer additional knowledge to guide constructive action for human rights and justice, pursuing such analysis appears to be a moral imperative.

References

Ackerman, P. and Duvall, J. 2000. *A Force More Powerful: A Century of Nonviolent Conflict.* New York: Palgrave.

Ackerman, P. and Kruegler, C. 1994. *Strategic Nonviolent Conflict: The Dynamics of People Power in the Twentieth Century.* Westport, CT: Praeger.

Aspey, L. S. and Eppler, K. 2001. *Transforming Power for Peace.* Philadelphia, PA: Quaker Press of FGC.

Banerjee, M. 2000. *The Pathan Unarmed.* Oxford: Oxford University Press.

Behavior and Social Issues 2004. Special Issue: Complexity and Selection. *Behavior and Social Issues* 13(2).

Behavior and Social Issues 2006. Special Issue: Advancing Cultural Analytic Science. *Behavior and Social Issues* 15(1).

Biglan, A. 1995. *Changing Cultural Practices: A Contextualist Framework for Intervention Research.* Reno, NV: Context Press.

---------. 2003. "Selection by Consequences: One Unifying Principle for a Cross-Disciplinary Science of Prevention." *Prevention Science* 4:213-232.

Biglan, A., Hayes, S. C., and Pistorello, J. 2008. "Acceptance and Commitment: Implications for Prevention Science." *Prevention Science* 9:139-152.

Bond, D. G. 1988. "The Nature and Meanings of Nonviolent Direct Action: An Exploratory Study." *Journal of Peace Research* 25(1):81-89.

Boyd, N. 2003. *Wide Open Town: A History of Queer San Francisco to 1965.* Berkeley, CA: University of California Press.

Brager, G. and Holloway, S. 1993. "Assessing Prospects for Organizational Change: The

    Uses of Force Field Analysis." *Administration in Social Work* 16(3/4):15-28.

Breitman, G. (ed.). 1994. *Malcolm X Speaks: Selected Speeches and Statements.* New

    York: Grove Press.

Clayton, M. C. and Hayes, L. J. 1999. "Conceptual Differences in the Analysis of

    Equivalence Relations." *Psychological Record* 49:145-161.

Cortright, D. 2006. *Gandhi and Beyond: Nonviolence for an Age of Terrorism.* Boulder,

    CO: Paradigm Publishers.

D'Emilio, J. 1983. *Sexual Politics, Sexual Communities.* Chicago: University of Chicago

    Press.

Deming, B. 1971. *Revolution & Equilibrium.* New York: Grossman Publishers.

Dixon, M. R., Dymond, S., Rehfeldt, R. A., Roche, B., and Zlomke, K. R. 2003.

    "Terrorism and Relational Frame Theory." *Behavior and Social Issues* 12:129-

    147.

Downton, J., Jr. and Wehr, P. 1998. "Persistent Pacifism: How Activist Commitment is

    Developed and Maintained." *Journal of Peace Research* 35(5):531-550.

du Bois, W. E. B. 1907. (ed). *Report of a Social Study Made by Atlanta University,*

    Under the Patronage of the Carnegie Institution of Washington, D.C., Together

    with the Proceedings of the 12th Conference for the Study of the Negro Problems,

    Held at Atlanta University, on Tuesday, May the 28th, 1907. Retrieved from:

    http://docsouth.unc.edu/church/dubois07/dubois.html

Easwaran, E. 1999. *Nonviolent Soldier of Islam: Badshah Khan, a Man to Match His*

    Mountains. Tomales, CA: Nilgiri Press.

Fall, B. 1967. *The Two Vietnams.* New York: Praeger.

Farmer, P. 2003. *Pathologies of Power.* Berkeley, CA: University of California Press.

Finkelman, P. (ed.). 2009. *Encyclopedia of African American History, 1896 to the Present: From the Age of Segregation to the Twenty-First Century.* New York: Oxford.

Freire, P. 1972. *Pedagogy of the Oppressed.* New York: Continuum.

Gandhi, M. K. 1929. "Backward and Untouchable Classes." *Annals of the American Academy of Political and Social Science* 145(Part 2):181-182.

Gandhi, M. 1945. *Constructive Programme: Its Meaning and Place.* Ahmedabad, India: Navajivan Publishing House.

Gandhi, M. 2002. *Essential Writings: Selected with an Introduction by John Dear.* Maryknoll, NY: Orbis.

Ganz, M. 2009. *Why David Sometimes Wins.* Oxford: Oxford University Press.

Goldiamond, I. 1975. "Toward a Constructional Approach to Social Problems: Ethical and Constitutional Issues Raised by Applied Behavior Analysis." *Behaviorism* 2:1-84.

Gordon, L. 1991. "Black and White Visions of Welfare: Women's Welfare Activism, 1890- 1945." *The Journal of American History* 78(2):559-590.

Granic, I. and Patterson, G. R. 2006. "Toward a Comprehensive Model of Antisocial Development: A Dynamic Systems Approach." *Psychological Review* 113:101-131.

Hanson, M. 2007. "Social Work with and in Organizations." In *Foundations of Social Work Practice: A Graduate Text* (4th ed.), edited by M. A. Mattaini and C. T. Lowery, 355-384. Washington, DC: NASW Press.

Havel, V. 1978. *Living in Truth*, edited by J. Vladislav. London: Faber & Faber.

Hayes, S. C., Barnes-Holmes, D., and Roche, B. 2001. *Relational Frame Theory: A Post-Skinnerian Account of Human Language and Cognition.* New York: Kluwer Academic/Plenum Publishers.

Hayes, S. C., Strosahl, K. D., and Wilson, K. G. 1999. *Acceptance and Commitment Therapy.* New York: Guilford.

Helvey, R. L. 2004. *On Strategic Nonviolent Conflict: Thinking about the Fundamentals.* Boston, MA: The Albert Einstein Institution.

Herrnstein, R. J. 1997. *The Matching Law: Papers in Psychology and Economics*, edited by H. Rachlin and D. I. Laibson. New York and Cambridge, MA: Russell Sage Foundation and Harvard University Press.

Hettne, B. 1976. "The Vitality of Gandhian Tradition." *Journal of Peace Research* 13:227-245.

Horton, M. and Freire, P. 1990. *We Make the Road by Walking.* Philadelphia: Temple University Press.

Ingram, G., Bouthillette, A. M., and Retter, Y. (eds.) 1997. *Queers in Space: Communities, Public Places, Sites of Resistance.* Seattle, WA: Bay Press.

Jasper, J. M. 1998. "The Emotions of Protest: Affective and Reactive Emotions in and around Social Movements." *Sociological Forum* 13(3):397-424.

Johnston, J. M. and Pennypacker, H. S. 1993. *Strategies and Tactics of Behavioral Research.* Hillsdale, NJ: Lawrence Erlbaum Associates.

Journal of Organizational Behavior Management. 2009a. Special Issue: Behavioral Systems Analysis, 29(2).

--------. 2009b. Special Issue: Behavioral Systems: Understanding Complex Contingencies in Relation to Cultural Contingencies, 29(3/4).

Kazdin, A. E. 2008. *Behavior Modification in Applied Settings* (6th ed.). Long Grove, IL: Waveland Press.

Klitgaard, R. E. 1971. "Gandhi's Non-Violence as a Tactic." *Journal of Peace Research* 8(2):143-153.

Kurlansky, M. 2008. *Nonviolence: The History of a Dangerous Idea.* New York: Modern Library.

Lewin, K. 1951. *Field Theory in Social Science.* New York: Harper & Row.

Malott, M. 2003. *Paradox of Organizational Change: Engineering Organizations with Behavioral Systems Analysis.* Reno, NV: Context Press.

Malott, R. W. and Trojan, E. A. 2008. *Principles of Behavior* (6th ed.). Prentice Hall: Upper Saddle River, NJ.

Maron, D. F. 2009, May 1. "Home Schooling." *Newsweek*. Available: http://www.newsweek.com/2009/04/30/home-schooling.html

Martin, B. 1997. "Science, Technology and Nonviolent Action: The Case for a Utopian Dimension in the Social Analysis of Science and Technology." *Social Studies of Science* 27:439-446.

---------. 2005. "Researching Nonviolent Action: Past Themes and Future Possibilities." *Peace and Change* 30(2):247-270.

Masuda, A., Hayes, S. C., Lillis, J., Bunting, K., Herbst, S. A., and Fletcher, L. B. 2009. "The Relation between Psychological Flexibility and Mental Health Stigma in Acceptance and Commitment Therapy: A Preliminary Process Investigation." *Behavior and Social Issues* 18:25-40.

Mattaini, M. A. 1993. *More Than a Thousand Words: Graphics for Clinical Practice.* Washington, DC: NASW Press.

--------. 2003. "Constructing Nonviolent Alternatives to Collective Violence: A Scientific Strategy." *Behavior and Social Issues* 12:148-163.

--------. 2008. "Ecosystems Theory." In *Comprehensive Handbook of Social Work and Social Welfare, Volume 2: Human Behavior in the Social Environment*, edited by B. A. Thyer, 355-377. Hoboken, NJ: Wiley.

--------. (forthcoming). *The Science of Satyagraha: Strategic Nonviolent Power.*

Mattaini, M. A. and Strickland, J. (2006). "Understanding and Reducing Collective Violence: A Scientific Strategy." *International Journal of Psychology* 41:500-513.

Mattaini, M. A. and Thyer, B. A. 1996. *Finding Solutions to Social Problems: Behavioral Strategies for Change.* Washington, DC: APA Books.

McCarthy, R. M. and Sharp, G. 1997. *Nonviolent Action: A Research Guide.* New York: Garland Publishing.

McDowell, J. J. 1988. "Matching Theory in Natural Human Environments." *The Behavior Analyst* 11:95-109.

--------. 2005. "On the Classic and Modern Theories of Matching." *Journal of the Experimental Analysis of Behavior* 84:111-127.

Michnik, A. 1985. *Letters from Prison.* Berkeley, CA: University of California Press.

Nagler, M. N. 2004. *The Search for a Nonviolent Future.* Maui, HI: Inner Ocean.

Paulson, J. 2005a. "Mothers of the Plaza De Mayo, Argentina—1977-1983." In *Waging Nonviolent Struggle* by G. Sharp, 217-222. Boston: Porter Sargent Publishers.

--------. 2005b. "Poland's Self-Liberation—1980-1989." In *Waging Nonviolent Struggle* by G. Sharp, 223-229. Boston: Porter Sargent Publishers.

Piven, F. F. 2006. *Challenging Authority: How Ordinary People Change America.* Lanham, MD: Rowman & Littlefield.

Polletta, F. and Jasper, J. M. 2001. "Collective Identity and Social Movements." *Annual Review of Sociology* 27:283-305.

Raqib, M. 2005. "The Muslim Pashtun Movement of the Northwest Frontier of India— 1930-1934." In *Waging Nonviolent Struggle* by G. Sharp, 13-134. Boston: Porter Sargent Publishers.

Robinson, D. E. 2001. *Black Nationalism in American Politics and Thought.* New York: Cambridge University Press.

Ross, R. 2006. *Returning to the Teachings.* Toronto: Penguin Canada.

Sandakur, I. 2006. "How Should Behavior Analysis Interact Effectively with the Social Sciences?" *Behavior and Social Issues* 15:81-92.

Sawatsky, J. 2009. *The Ethic of Traditional Communities and the Spirit of Healing Justice.* London: Jessica Kingsley Publishers.

Schell, J. 2003. *The Unconquerable World: Power, Nonviolence, and the Will of the People.* New York: Metropolitan Books.

Sharp, G. 1959. "The Meaning of Non-Violence: A Typology (revised)." *The Journal of Conflict Resolution* 3(1):41-66.

--------. 1973. *The Politics of Nonviolent Action: Part Two: The Methods of Nonviolent Action.* Boston: Porter Sargent Publishers.

--------. 1990 *Civilian-Based Defense: A Post-Military Weapons System.* Princeton, NJ: Princeton University Press.

--------. 2002. *From Dictatorship to Democracy.* East Boston, MA: Albert Einstein Institute. Also available online at:

http://www.aeinstein.org/organizations/org/FDTD.pdf.

--------. 2005. *Waging Nonviolent Struggle: 20th Century Practice and 21st Century Potential.* Boston, MA: Porter Sargent Publishers.

--------. 2010. *Self-Liberation: A Guide to Strategic Planning for Action to End a Dictatorship or Other Oppression.* East Boston, MA: The Albert Einstein Institution. Available at: http://www.aeinstein.org/selfLiberation.html

Sidman, M. 1995. *Equivalence Relations and Behavior: A Research Story.* Boston: Authors Cooperative.

--------. 2001. *Coercion and its Fallout.* Boston: Authors Cooperative.

Skinner, B. F. 1981. "Selection by Consequences." *Science* 213:501-504.

--------. 1984. "The Evolution of Behavior." *Journal of the Experimental Analysis of Behavior* 41:217-221.

Spradlin, J. E., Saunders, K. J. and Saunders, R. R. 1992. "The Stability of Equivalence Classes." In *Understanding Verbal Relations*, edited by S. C. Hayes & L. J. Hayes, 29-42. Reno, NV: Context Press.

Todorov, J. C. 2009. "Behavioral Analysis of Nonexperimental Data Associated with Cultural Practices." *Behavior and Social Issues* 18:10-14.

Wiltfang, G. L. and McAdam, D. 1991. "The Costs and Risks of Social Activism: A Study of Sanctuary Movement Activism." *Social Forces* 69:987-1010.

Wiseman, P. 2010, May 28. "Afghan Girls Stay in School Despite Attacks." *USA Today*. Available: http://www.usatoday.com/news/world/afghanistan/2010-05-27-afghanistan-girls_N.htm

Wolfram, S. 2002. *A New Kind of Science.* Champaign, IL: Wolfram Media.

Yacoobi, S. 2008. "Building a Better Future for Afghanistan through Female Education." In *Girls' Education in the 21st century: Gender Equality, Empowerment, and Economic Growth*, edited by M. Tembon and L. Fort, 183-199. Washington, DC: World Bank.

Zunes, S., Kurtz, L. R. and Asher, S. B. 1999. *Nonviolent Social Movements: A Geographic Perspective.* Malden, MA: Blackwell Publishing.

Nigeria's Niger Delta: Militia Violence, Amnesty and Energy Security

Ibaba Samuel Ibaba

Abstract

This paper discusses the interface between violence in the Niger Delta, global energy security and amnesty granted to armed groups by the Nigerian government. The author notes the impact of the violence on energy infrastructure and brings to the fore how the violence endangers energy security. Thus far, a major concern is that the amnesty program will fail because it was not preceded by negotiations between the government and combatants. The author questions this view and points outs that before the amnesty proclamation, several negotiations through committees and commissions involving stakeholders had been done. The paper thus argues that it cannot be entirely correct to conclude that there were no negotiations before the amnesty program was proclaimed. Further, it argues that the issue of negotiation cannot be as important as the failure of government to tackle the fundamental issues which triggered the conflict. The deepening of the country's democracy to ensure that votes count at elections is seen as the most likely option to guarantee the success of the amnesty program and secure the region and energy security.

Introduction

The Niger Delta, Africa's largest delta (World Bank 1995) and home of Nigeria's oil industry, has in the past two decades been characterized by protracted oil-related

violent conflicts. The conflicts began as agitations against oil-producing companies by oil-producing communities in the 1970s, and centered on demands for development attention, environmental protection, and payment of adequate compensation for damages caused by oil company activities such as oil spills. The conflict witnessed several transformations, and this elevated the agitations to political demands (such as restructuring of the Nigerian federation, resource ownership and self-determination) and finally burst into full blown insurgency in 2005 (Osaghae, Ikelegbe, Olarinmoye, and Okhomina 2007; Watts 2007; Ibaba and Ikelegbe 2009).The literature on the Niger Delta has shown concern for the threat the conflicts pose to energy security. One such study concludes:

> The oil based struggles for resource benefits and associated conflicts, illegal economy and violence has raised security concerns over world oil output, shipment and supply. Several times, the economy has led to shortfalls in national oil production, world oil supply and consequently sporadic increases in world oil prices. There is the fear of terrorists attackers, latching on to the social turmoil and illegal and underground economy to disrupt world oil supplies. There is also the fear that the economy may afflict the West African and Gulf of Guinea oil production and existing and potential supplies. To the United States which imports about 17 percent of its oil needs from Sub-Saharan Africa and mainly from Nigeria, and to whom a stable and diversified oil supply is vital to national security, the illegal economy is a serious security concern. (Ikelebge 2006, 49)

Although the above reference highlights the impact of the conflict on United States energy security, just as some other studies have done (Lubeck, Watts, and Lipschutz 2007) probably because the United States is the largest consumer of Nigerian oil, the implications

are wider. The Niger Delta accounts for almost all of Nigeria's gas and oil production (Bassey 2010, 3) and this makes it strategic to global energy needs. It is clear that there is a convergence of interest between securing the Niger Delta and the stability of energy needs of several countries, including Nigeria. It is also noteworthy that energy and economic growth are inexorably linked, and this linkage interfaces with conflict resolution and peacebuilding.

The energy and economic threats posed by the insurgency in the Niger Delta partly led to the Nigerian government's amnesty program, which granted pardon to members of militia groups (Niger Delta based non-state armed groups engaged in armed struggle against the Nigerian State) whose attacks on oil infrastructure and disruptions in oil production led to a drop in Nigeria's oil production from 2.6 million barrels per day in 2005 to 1.3 million barrels per day in June 2009 (Obi 2009). The acceptance of the amnesty program which ended on October 4, 2009, and the subsequent surrender of arms and cessation of attacks on oil infrastructure, have witnessed a rise in oil production to 2.02 million barrels per day in December 2009 and 2.20 in April 2010 (Central Bank of Nigeria 2010).

The objective of this paper is to highlight the importance of the success of the amnesty program to global energy security. Concerns have been raised by scholars on the success of the amnesty program, and the major one thus far is the lack of negotiation between ex-combatants and the state, noted to be a deviation from conventional Disarmament, Demobilization and Rehabilitation (DDR) procedure (Ikelegbe 2010; Davidheiser and Kialee 2010; Adeyemo and Olu-Adeyemi 2010). But this article makes a case that it cannot be totally correct to conclude that the amnesty policy was not preceded

by negotiations, noting that the argument ignores the Niger Delta context. Furthermore, the issue of negotiation cannot be as important as the failure to address the fundamental factors which instigated the violence.

The remaining part of the paper is divided into 5 sections. The first, "locating the Niger Delta conflict," examines theoretical explanations for the conflict and highlights the trend. The second section, "the conflict and energy security," reflects on Nigeria's potential and actual strategic role in global energy needs and the implications of the violence on energy security; while the third, "reflections on peacebuilding in the Niger Delta," examines efforts by the Nigerian Government towards peace in the region. The forth section, "interrogating the amnesty program," examines the concerns and challenges of the amnesty program. The fifth section concludes the study by noting the centrality of democratization to the success of the amnesty program, security of the Niger Delta and energy security.

Locating the Niger Delta Conflict

The conflict in the Niger Delta has been linked to the oil and gas resource which is found in the region. Over the years, the conflict has been explained from the perspectives of greed, grievance, and frustration-aggression. The greed explanation follows the stand point of Collier and Hoefflier (2002) who blame conflict and violence on conflict entrepreneurs who are driven by economic gains, particularly in the face of the availability of capturable natural resources. The grievance perspective, however, blames violence on grievances resulting from deprivation. The three strands of the grievance theory, relative deprivation, polarization and horizontal inequality (Murshed

and Tadjoeddin 2009, 96-99) are reinforced by the psychology-based frustration-aggression theory which sees conflict as the outcome of frustration caused by the gap between aspirations and achievements or what it refers to as "want-get-ratio," "expected need satisfaction" and "actual need satisfaction"(Faleti 2006, 47).

It is clearly difficult to explain the conflict in the Niger Delta from one theoretical standpoint, given its multidimensional nature and transformations. Thus conflict analysis in the region has witnessed an interface of interpretations by scholars in respect to the different conflict settings or phases. Collier (2008, 31) has pointed out that the conflict in the delta has evolved from grievance to greed in the last decade, and attributes this to competition for the huge inflow of oil revenues by politicians and illegal payments made by oil companies to secure production and kidnapped personnel. Watts (2007 and 2008) agrees with this by noting the politically motivated struggles for access and control over oil wealth and the criminalization of the conflict through oil theft or bunkering. The commoditization of violence in the electoral process has encouraged the proliferation of arms and cult/militia groups (Joab-Peterside 2005), a viewpoint supported by available data which indicates the stealing of $75.1 billion by oil theft syndicates between 2003-2008 (Gilbert 2010, 59). Ikelegbe (2006) isolates this from the conflict and blames it on what he describes as an "economy of conflict" created by conflict entrepreneurs who have taken advantage of the disorder created by the violence.

Ukiwo (2008) sees this as a diversion meant to acquit the Nigerian State from the violence, which he blames on horizontal inequalities and socio-political injustices. This view is widespread and hinges its position on Nigeria's centralized federalism and ethnicity-based political domination. The explanation is that in Nigeria, national

resources and revenue is placed under the control of the federal government, which is expected to direct it to the benefit of all the constituent units of the federation. But because the state is ethnicized, and the custodians of power use it to pursue their ethnic interests, the ethnic groups who are outside the control of political power are denied equitable share of national resources. It further argues that the Nigerian State is controlled by the major ethnic groups while oil and gas are produced in the homelands of the minority ethnic nationalities of the Niger Delta.

Thus, the oil wealth has been transferred for the benefit of the major groups, and this explains the development plight of the Niger Delta that has motivated the conflict. The transfer was facilitated by the reduction of the derivation component of revenue allocation from 50 percent in 1960 to 1.5 percent in 1984. National revenues in Nigeria are paid into a single pool called Federation Account, from where revenue is distributed to the three tiers of government (federal, state, and local government) based on prescribed criteria. One of these is derivation, which stipulates that a percentage of federally collected revenue from natural resources should be paid to the states of origin. At independence in 1960, derivation was 50 percent, but this was later reduced to 45, 20, 2 and later 1.5 percent. Protests in the Niger Delta made the government increase it; first to 3 percent, and later 13 percent (Jega 2007; Mbanefoh and Egwaikhide 1998).

The reductions which began in 1970 coincided with the ascendance of oil as the mainstay of the Nigerian economy (Mbanefoh and Egwaikhide 1998), which until then relied on agricultural products based in the homelands of the majority ethnic groups. This deprivation is linked to the grievance which is central to the conflict (Naanen 1995; Okoko, Nna, and Ibaba 2006; Adeoye 2010). This is further linked to the paradox where

the Niger Delta which accounts for 80 percent of government revenue and 90 percent of

foreign exchange earnings (Bassey 2010, 3) lacks development. For example, Akinola

(2010, 56) has noted that:

> In spite of its strategic economic importance, the demographic picture of
> the region as shown by the Human Development Index1 (HDI) is
> deplorable. The HDI of the region is as low as 0.564… Average life
> expectancy in the Niger Delta is 46.8 years. There is also a high mortality
> of young children – of every 1000 newborn, 200 die by the age of 5.
> Access to health was estimated to be available to only 56.5% of the
> population and population per one hospital bed was as high as 1,277
> people…. there is one doctor for every 150,000 inhabitants of the oil rich
> states of Bayelsa and Delta. Similarly, educational attainment at primary
> and secondary levels suffers from a high teacher-pupil ratio – 1:42,
> compared with the national average of 1:36. This, invariably, resulted in a
> large number of drop-outs. At the same time, unemployment is about 30%
> of the available labor force in the region.

The point is that the huge oil revenues have barely benefited the population living

in poverty (United Nations Development Program 2006), thus leading to anger and

protests. The frustration-aggression theory reinforces this position. Ibaba (2007) explains

from this standpoint that dashed hopes of improved living conditions have resulted in

despair, disillusionment and pent up anger which have motivated the conflicts. But this

ethnicity-based political domination or horizontal inequality grievance perspective fails to

explain the different conflict settings adequately. For example, it does not explain the use

of violence to contest for political power among the political elites in the Niger Delta;

neither does it explain inter-community and intra-community conflicts. Also, it cannot be a

useful explanation for inter-ethnic conflicts, intra-cult/militia group and inter-cult/militia

group conflict over contests for oil theft/bunkering space and pervasive corruption in the region and the interface with development inadequacies and conflict. This suggests that grievance cannot explain the totality of the conflicts in the Niger Delta, but it can be argued that greed underlies the exclusion of the minority groups from the oil wealth by the majority groups, as the oil wealth has not impacted the poverty of the northern region whose political leaders have dominated governance in Nigeria. Available data shows that despite the rule by the majority Hausa-Fulani ethnic group of northern Nigeria, and the perception that they have used the oil wealth for the benefit of their people, the Northern States are the poorest in the country. The 2004 poverty profile in the country listed the 6 Northern states of Jigawa, Kebbi, Kogi, Bauchi, and Kwara as the poorest. Similarly, no Northern state was listed among the states that had the lowest incidence of poverty (Ibaba 2010, 51).

One fundamental reason advanced by Akinola (2010, 57) for deprivation of citizens, is the domination of the public sphere by a few elites with "particularistic" concerns that results in exclusion of the people. I agree, and note that one consequence of this is corruption, which is possibly driven by greed. But corruption which also results in deprivation (Ibaba and Ebiede 2008) can be a source of grievance, frustration and aggression. Significantly, corruption is pervasive at all levels of governance in Nigeria, a federation of 36 states and 774 local government councils. From the above, it is discernible that the causes of conflict in the Niger Delta are multidimensional. Table 1 provides some insight into conflict trends and conflict drivers in the region.

Table 1: Conflict Trends in the Niger Delta Indicating the Motivating Factors and Actors

Type of Conflict	Motivating/Causal Factors	Actors of Conflict
Intra-Community Conflict	Triggered by disagreement community factions over ownership of land, and equitable distribution of oil industry benefits such as scholarships, employment, contract awards, and monies paid as compensation for damages	Community factions such as youths, chiefs, urban and local elites, engaged in a struggle for access and equitable share of oil benefits
Inter-Community Conflict	Caused by inter-community struggle over benefits of the oil industry such as award of contracts, employment and payment of compensation for damage done to property.	Community youths and chiefs engaged in a struggle for access and equitable share of oil benefits
Inter-Ethnic Conflict	This caused by inter-struggle for over benefits of the oil industry such as employment, contract awards and payment of compensation for damages, ownership of land, title of traditional rulers and political appointments	Community youths and chiefs engaged in a struggle for access and equitable share of oil benefits and political leaders who manipulate the situation to score political gains
Oil-Company/Community Conflict	This is motivated by factors such as delay in the payment of compensation for damage to property, breach of Memorandum of Understanding by the oil companies and the patronage of community factions by the oil companies	Community youths and chiefs engaged in a struggle for access and equitable share of oil benefits and Security personnel who are invited by the oil companies to maintain order but get involved due to their excesses
State-Community Conflict	This is caused by perceived deprivation, neglect and exclusion from the oil wealth	Youths, chiefs, political leaders civil society organizations and militia groups engaged in a struggle for access and equitable share of oil benefits
Intra-cult/Militia Group Conflict	Struggle for supremacy over oil theft/bunkering space, and leadership succession	Youth groups engaged in illegal oil bunkering

Inter-Cult/Militia Group Conflict	Struggle for supremacy over oil theft/bunkering space	Youth groups engaged in illegal oil bunkering
Political Conflict	Struggle for access and control of political power	Armed political thugs, mainly youths and politicians who engage in a desperate struggle for political power due to the personalization of the state which encourages corruption and accumulation of wealth

Source: Ibaba 2009, 565-566; Joab-Peteside 2005; Ibaba and Ikelegbe 2009, 7

The Niger Delta conflict has experienced several phases and turned towards insurgency from 2005; resulting in the formation of numerous militia groups such as the Movement for the Emancipation of the Niger Delta (MEND), Niger Delta People Volunteer Force (NDVF), Niger Delta Volunteers (NDV), among many others (Okonta 2006; Ibaba and Ikelegbe 2009, 9). The operational strategy of these groups, which had the capacity to directly confront the Nigerian Military (Watts 2007), include attacks on oil infrastructure, disruption of oil production, kidnapping/hostage taking of oil company personnel and oil theft/bunkering (Ikelegbe 2006; Watts 2007; Ibaba and Ikelegbe 2009). These actions led to a decline in oil production and disruptions/delays in the development of oil and gas infrastructure, thus undermining energy security.

The Conflict and Energy Security

The security of energy sources in terms of production and supply is not only important to production, but also to national security. This explains the concerns for energy security threats, which include high oil prices, instability in exporting countries and threat of terrorism (Yergin 2006). Thus Nigeria's actual and potential prominent role in global

energy needs and supplies, and the concentration of oil and gas production in the Niger

Delta, draws attention to the implications of the conflict on energy security.

Nigeria is ranked the largest oil producer in Africa (Akinola 2010, 1) and is also

noted as the 15th world oil producer, and 7th top oil exporter in the world (USEIA 2008).

Again, Nigeria exports oil to 21 countries in Africa, Europe, Asia and America as shown in

Table 2.

Table 2: Percentage Export of Nigerian Oil

Country	Percentage Exported
United States of America	42
Canada	3
South Africa	3
Cote-d'Ivoire	3
Italy	4
Spain	5
France	6
Brazil	6
India	13
Others(Netherlands, American Virgin Islands, Japan, Ghana, Chile, China, Germany, Cameroon, South Korea, Portugal)	16

Source: Nigeria, Country Briefs, 2009, p.5

Significantly, 10 of these countries, the United States, China, Japan, India, Germany,

Brazil, Canada, South Korea, France, and Italy, are among the top oil consumers in the

world (USEIA 2008). Related to this is that fact that whereas the depleted oil and gas

reserves in the North Sea of Europe stand at 15 billion barrels and 155.6 trillion cubic feet,

the reserves of Nigeria are 35 billion barrels and 185 trillion cubic feet respectively.

Further, the country's light sweet crude is easier to refine into petrol than the crude

produced in the Persian Gulf, Russia and Venezuela (Africa's Oil Giant Enters Global League www. entrepreneur.com/tradejournals).

Further, the country is ranked the 10th producer of natural gas, and the "estimated 17.2 billion cubic meter of gas it flares every year is noted to be one quarter of the power consumption of Africa and 45 percent of the energy requirement of France, the world's fourth largest economy" (Onyekonwu 2008, 17). Similarly, it is estimated that the gas flares in the Niger Delta "can provide 75 percent of the energy requirements in Sub-Saharan Africa, including South Africa" (Tell 2008, 84). The proposed West Africa pipeline project is expected to convey gas from the Niger Delta to Ghana, Togo and Benin Republic, and is expected to have a full capacity of 450 cubic meters of natural gas per annum, on completion (Nigeria, Country Briefs, 2009, p.7).

Similarly, the Trans-Sahara gas pipeline project is designed to supply 20 billion cubic meters of gas per annum to Europe by 2016 (Afrik-News 2010). Significantly, Europe imports 57 percent of its gas requirements, making it the largest importer of gas. Significantly, it is also estimated that gas consumption "would increase by 1.7 percent annually from about 104 trillion cubic feet in 2005 to nearly 158 trillion cubic feet in 2030" (Niger Delta Standard 2009, 9). Nigeria also supplies electricity to neighbouring African countries such as Niger, and is also involved in electricity integration projects in the West African sub-region. One such project is the proposed 330-KV transmission line from Lagos (Nigeria) to Togo and the Republic of Benin (Madamombe 2005). Significantly, gas piped from the Niger Delta is a major source of electricity generation in Nigeria. Indeed, Nigeria's energy sources depend on the Niger Delta, as natural gas

contributes 34 percent, and oil 58 percent. Hydro contributes a meager 8 percent (Nigeria, Country Briefs 2009, p.2).

Attacks on gas pipelines, including six incidents between May and August 2009 alone (Daily Champion 2009, 1; Nigerian News World 2009, 16), disrupted gas supply to the country's electricity power plants, and the West African Pipeline Project (Adeoye 2010, 9-10). The violence also led to drastic cuts in crude oil production and export. Available data shows that attacks on oil pipelines increased from 497 in 1999 to 895 in 2004, leading to an increase in product loss from 179,000 metric tons in 2004 to 396,000 metric tons in 2004 (Watts 2007, 639). Also the year 2006 recorded 14 militia attacks on oil infrastructure, as well as oil company and security personnel. This increased to 23 in 2007 and 29 in 2008. These attacks led to an estimated loss of 25,200,000 barrels of crude oil valued at $56,646,424,000 (Niger Delta Technical Committee 2008, 120-121). Also the county's oil exports dropped from 1.84 million barrels per day in December 2006 to 1.45 million barrels per day in October 2009, when the amnesty offer ended. The export volume has since risen to 1.51 million and 1.57 million barrels per day in November and December 2009 respectively, and 1.76 million barrels per day in June 2010 (Central Bank of Nigeria 2010). The disruptions in oil supplies and the development of oil and gas production infrastructure vindicate the concern shown for the threat the violence poses to energy security. One of the intentions of the amnesty program is to address this concern.

Reflections on Peacebuilding in the Niger Delta

Before the 2009 amnesty declaration by the Nigerian government, several attempts located at three broad levels had been made to restore peace in the Niger Delta.

First, is development intervention by the government through the establishment of ministerial and extra-ministerial agencies. One such attempt was the 1.5 percent presidential committee which was established in 1982 to manage the 1.5 percent Mineral Producing Areas Development Fund. This was succeeded by the Oil Mineral Producing Areas Development Commission (OMPADEC), created in 1992, and the Niger Delta Development Commission (NDDC) established in the year 2000. The creation of the Ministry for Niger Delta Affairs is also part of this intervention. The mandate of these agencies included the provision of social infrastructure and services for environmental management, particularly in the remediation of oil spill and gas flare impacted areas (OMPADEC 1993; Okoko, Nna, and Ibaba 2006). The neglect of the oil-producing areas of the Niger Delta resulted in the absence of basic social infrastructure and amenities such as health facilities, schools, electricity, and potable water. This condition was exacerbated by oil spills and gas flare which undermined the local economies largely based on farming and fishing. These agencies, however, had little success in addressing these problems, and this meant that the objective conditions which motivate conflict were sustained. The failure has been blamed on factors which include poor management of funds, poor development planning, corruption, political interference, and inadequate funding (Ibaba 2005; Adeyemo 2008).

At another level of analysis, the failure of these establishments to promote peace and development is attributed to their inability to address crucial issues such as centralized federalism, political restructuring, and reforms in revenue allocation which are fundamental requirements for the resolution of the conflict (Tamuno 2000). Ibaba (2009) agrees with this view but insists that they are not as important as the lack of

democratization, which appears to have hindered the success of other aspects of the federal government's response to the conflict. As part of this response, the federal government increased the derivation component of revenue allocation from 1.5 percent to 3 percent in 1992, and from 3 percent to 13 percent in 2000. These increases, which partially met demands for increase in the derivation formula to 50 percent, improved on the finances of the Niger Delta states. Available data shows for instance that revenue received by the Niger Delta state from the Federation Account rose from $866.2 million in 2000 to $7.1 billion in 2008. The data further indicates that the Niger states received $7.1 billion out of $16.5 billion allocated to the 36 states of the federation (Ibaba 2009).

However, the increase in revenue inflow brought with it manifestations of elements of "resource curse" such as short-sightedness of policy makers, the weakening of state institutions through corruption, and the inhibition of democratization through political patronage, which discourages demands for democracy and political repression (Center for Strategic and International Studies 2008; Ross 1999). Budgetary allocations neglect social infrastructure and social services such as education, health facilities and potable water, whereas projects such as stadia, airports, and new lodges for political office holders are given priority. Travel allowances are inflated, and thus consume a substantial part of budgetary allocations. Enweremadu (2008, 448) cited the case of Rivers State where legislators received $5.4 million as travel allowances alone in a year. Ibaba (2009, 562) has also cited the case of Bayelsa State where over $92.8 million was budgeted for miscellaneous expenses while $5 million was set aside for Governor's tours and travels in 2008. In the same year, health was allocated $84.2 million, water $3.6 million and education $78.4 million.

Corruption and political patronage are also pervasive in the region. The Economic and Financial Crimes Commission (EFCC), Nigeria's anti-graft agency, has accused 4 of the 6 governors who served from 1999-2007 of financial impropriety. Chief D.S.P. Alamieyeseigha, the first executive governor of Bayelsa State, was arrested in London in September 2005 on money laundering charges to the tune of 1.8 million pounds (Watts 2007). He was later convicted by a Nigerian high court in 2007, after his dramatic return from London in November 2005. The effect of corruption in the region is that only a small proportion of the huge oil revenues have trickled down to the poor population. Despite this, the population can hardly demand democracy and good governance, partly because of the patron-client politics, the commoditization of violence in the electoral process and the associated repression and electoral fraud (Joab-Peterside 2005). Election fraud which is perpetrated through patron-client politics and violence has hijacked the power of the people to vote out corrupt and inefficient governments. Thus the region is denied the development and peace benefits of democracy such as the enhancement of development and reduction of structural violence, open and fair competition for power, provision of avenues for rational political discourse and settlement of conflicting social interests, checks and balances of governmental powers which reduce discontent, political participation, income re-distribution, production and funding of pubic goods, rule of law, and accountability and transparency in governance (Ake 1996a and 1996b; McGuire and Olson 1996; Brown and Hunter 2004; Diamond 2004; Samuels 2005; Ross 2006).

Another approach to peace which preceded the amnesty program was the 2004 cash for arms policy of the Rivers State government (one of the six state governments in the Niger Delta), meant to retrieve arms from cults/gangs and militias. In the build up to

the 2003 general elections, several groups were mobilized and armed by politicians to secure election victory (Human Rights Watch [HRW] 2005; Joab-Peterside 2005). But the events which followed created deep-seated insecurity as inter and intra cult/gang, intra-community and inter-community conflict became frequent. The waterways became unsafe and attacks on oil infrastructure increased. Having linked the violence to the availability of arms, the government decided to retrieve arms from circulation. Those who had arms were motivated with compensatory payments in cash, rehabilitation, training, and forgiveness. The response was shocking, as a total of 1,675 assorted firearms were submitted. These included assault rifles, AK-47 rifles, Czech SA Vz 58,HK C3, shotguns, light machine guns, Baretta 125, revolvers, craft weapons, pistols and Czech model 26 (Osaghae, Ikelegbe, Olarinmoye, and Okhomina 2007, 20). Although the number of submitted arms was huge, the general feeling then was that only an infinitesimal proportion of available arms were surrendered, just as other reports indicated that old arms were returned to claim the monies paid, while the new arms in the possession of the violent groups remained intact (Human Rights Watch 2005, 20).

Events which followed later tend to vindicate these claims, although it can be argued that new arms were bought. The sources of arms in the Niger Delta, identified by Osaghae, Ikelegbe, Olarinmoye, and Okhomina (2007, 20-21), include weapons brought in from war-ravaged countries such as Liberia and Sierra Leone by Nigerian soldiers who had gone to those countries for peace keeping, and who then sold the arms to willing buyers such as chiefs, politicians, and criminal gangs/cult groups; weapons exchanged for oil by oil bunkering syndicates; weapons seized from or bought from security operatives; and weapons brought into the country illegally by smugglers.

This suggests that the accessibility to arms and their availability are central to the conflict. Although information on payments for arms under the program is sketchy, one report indicates that $2,000 was paid for each AK-47 rifle that was surrendered (Africa News 2009). Human Rights Watch (HRW) also reported in 2005 that the Rivers State government offered $1,800 for each assault rifle that was turned in. However, it is estimated that arms were purchased for between $570 and $2,150, (Osaghae, Ikelegbe, Olarinmoye, and Okhomina 2007, 19), suggesting that firearms can easily be acquired with monies received from government in return for surrendering arms. It can be argued from this standpoint that the arms for cash program ended up in mobilization rather than demobilization, and this partly accounts for the high intensity of resurgence in the later years. Further, the fundamental factors which led to the emergence of the armed groups, such as the manipulation of youth groups by politicians, desperate struggle for traditional political authority induced by payments to communities by oil companies, the use of youths by oil theft/ bunkering syndicates, arms leakages, and the culture of impunity which undermined the punishment of perpetrators of violence (HRW 2005, 4-10), were not addressed.

It is deducible from all of the above that the failure of the government to tackle the fundamental issues which triggered the conflict, sustained it until it was shaped by arms to a dangerous point. Whereas the Chief Olusegun Obasanjo government was more militaristic in its approach to the conflict, the Alhaji Musa Yari'Adua government, after seeing the futility of that approach decided on the amnesty program after several consultations. The amnesty proclamation which was made on June 25, 2009, came into effect on August 6, 2009, and ended October 4, 2009, offered forgiveness to militants in

return for withdrawal from the creeks, arms surrender, re-integration and provision of source of livelihood (Adeyemi-Suenu and Inokoba 2010, 8). Unlike the cash for arms program of the Rivers State government, the amnesty program made provisions for those who accepted the pardon to be registered and camped for training, rehabilitation and reintegration. In addition, they were paid allowances to provide for their feeding and other needs. The government budgeted $63 million for this (Africa News 2009). At the end of the amnesty period, the amnesty implementation committee reported the surrender of about 15,000 militants, 2,760 assorted arms and 287, 445 variety of ammunitions (The Nation 2009). Since the end of the amnesty, attacks on oil infrastructure and oil company personnel are almost non-existent while oil production in the region has become reasonably stable.

Interrogating the Amnesty Program

The amnesty program has been criticized on a number of grounds. The most prominent is the contention that it did not follow disarmament, demobilization and reintegration (DDR) procedures. One such critique has noted:

> DDR is typically adopted in post conflict societies, where peace agreements have been forged among ex-combatants who have signified a willingness to return to civil life. Interestingly, Nigeria offers an exception from the standard approach. … The conceptualization of amnesty underlies the structure of pre-amnesty peace negotiations, and ultimately defines the strategy of disarmament and the design of post-amnesty demobilization. It shows that the conception of amnesty as a "gift handed down to militants perceived primarily as criminals" is the major challenge to the amnesty initiative. This is evident in the non-inclusion of a specific strategy for addressing the roots of militancy in the amnesty program. This

suggests that the amnesty initiative does not differ markedly from the
state's preferred peace strategy of win/lose, which has underscored
constant agitations, and the evolving dynamics of complex insurgency in
the region. (Davidheiser and Kialee 2010, 1)

The above reference emphasizes the absence of pre-amnesty negotiations and the
signing of a peace agreement with the ex-militants as a major flaw that may truncate the
program. The contention is that negotiations with the ex-combatants were necessary to
define a comprehensive peace agreement which would serve as a framework for the
implementation of the amnesty program. Adeyemo and Olu-Adeyemi (2010) and
Ikelegbe (2010) agree with this, and note that the absence of negotiation has created a
vacuum described as "the lack of participation and sense of ownership of the program by
ex-combatants" (Davidheiser and Kialee 2010, 13). This is seen as a major threat to the
program. However, it cannot be completely correct to conclude that there were no
negotiations before the amnesty was proclaimed. Whereas negotiation is conventional in
DDR, it would be wrong to ignore context when insisting on its application.

Although the insurgency in the Niger Delta has been championed by several
groups, their demands have been congruent as evidenced in the petitions made to the
federal government by the different ethnic nationalities. The Ogoni Bill of Rights (1990),
the Aklaka Declaration (1999), Bill of Rights of the Oron People (1999), Resolutions of
the First Urhobo Economi Summit (1998) the Warri Accord (1999), and The Kaima
Declaration (1998) are all unanimous on the demands for resource control, self-
determination, increase in derivation, and environmental protection as remedies and
strategies for the development of the region. Essentially, the lack of development is the
prime motive for the agitations which turned violent. Further, numerous commissions of

inquiry and committees have been established to investigate the issues and recommend policy options. The work of these commissions and committees has been done by stakeholders and in consultation with stakeholders, and in many cases, decisions were reached by consensus.

In September 2008, the federal government constituted the Niger Delta Technical Committee (NDTC) to review all past reports on the region, including the report of the Willinks Commission established by the colonial government in 1957. The NDTC was given the mandate to determine policy options that can "help the government to achieve sustainable development, peace, human and environmental security in the Niger Delta." The NDTC submitted its report in November 2008, and made recommendations which center on governance and rule of law (disarmament, decommission, reintegration, reforms in governance and institutions), regional development (transportation, water and power, economic development, reclamation, environment and sustainable development), and compact with stakeholders. Two things are noteworthy here. First, amnesty was a key recommendation of the NDTC. Second, the recommendations of the NDTC were based on the reports of previous committees and commissions (such as the Belgore Report 1992; the Etiebet Report 1994; the Poopola Report 1998; the Ogomudia Report 2001; the Presidential Panel on National Security 2003; the National Political Reform Conference Report 2005; and the Report of the Presidential Council on the Social and Economic Development of the Coastal States of the Niger Delta 2006) and the different petitions of the various ethnic nationalities of the region, and thus, it was unanimously accepted in the Niger Delta as the road map to peace and development in the region.

Given this, I argue that the issue of negotiation is not as important as the failure to address the fundamental issue of development neglect which triggered and sustained the conflict. Importantly, the promise by the federal government to address the development of the region and related issues ensured the acceptance of the amnesty by the armed groups. Thus the government has only implemented one aspect of the Committee's recommendations which emerged by consensus. The implementation of the other policy recommendations will most likely prevent the resurgence of violence in the region and thus secure energy needs and supply.

This view is predicated on addressing the challenges posed by the lack of democratization and capacity on the part of the political leadership to pursue the common good. Corruption, the lack of transparency and accountability in governance, the desperate struggle for political power, commoditization of violence in the electoral process, political repression and the neglect of development, which have contributed to the conflict, are consequences of the lack of democracy and good governance. This is also true of ethnicity-based political domination and irresponsive governance. The Willinks Commission Report (1958, 30) made this point when it noted that "the best protection for a remote territory against governmental neglect or discrimination is the voting power of its inhabitants…the development of democratic institutions… can strengthen this safeguard." Election rigging, which makes votes not to count, has robbed the country and the Niger Delta of these benefits. Significantly, election rigging has become an integral part of the Nigerian electoral process (Alapiki 1995; Ibrahim 2006; Bratton 2008).

One concern for the amnesty program is speculation that militia groups withheld some of their firearms, thus making the region prone to the resurgence of violence. But even if this speculation is true (as the assassination of Soboma George, former militant commander in Rivers State, on August 24, 2010 and the October 1, 2010 Abuja bomb blasts suggest), the use of the arms can only be encouraged by undemocratic conditions. The crisis plaguing the national economy is also a major challenge to the success of the amnesty program. Corruption and the associated poor management of funds and resources, the energy and infrastructure crisis, and the global economic recession have knocked down the Nigerian economy. The country generates only 3.7 megawatts of about 20,000 megawatts of its electricity needs, imports refined petroleum products even though it is OPEC's 6th largest producer, the poverty rate is over 70 percent, and youth unemployment is about 49 percent (Channels Television 2010).

This condition threatens the success of the education, training and rehabilitation components of the amnesty. The question is, Will the educated, trained and rehabilitated militants operate in a different economy? The answer is obviously no, and herein lies the problem. The lack of employment for these repentant militants may incite them to violence. Further, the high youth unemployment put at 49 percent (Channels Television 2010) indicates that there are several other youths who may be prone to violence. Significantly, present policies are not addressing this effectively, just as the education, training, and rehabilitation components of the amnesty program have thus far neglected the youths who did not carry arms against the state. This tends to create a perception that it pays to be violent, and may instigate further violence if not attended to. It is proper to argue here that the economic crisis may have created a "frustration-aggression trap" that

tends towards a cycle of violence. Escaping this trap is therefore essential for the success of the amnesty program.

In an earlier section, the paper noted the application of the greed and grievance explanation of violence to the Niger Delta conflict. The discussion here underscores the relevance of these theories in the analysis of the Niger Delta conflict, and draws attention to the fact that the resolution of greed and grievance is central to peace building in the region.

Conclusion

This paper examined the interface between militia violence in Nigeria's Niger Delta, the amnesty granted the armed groups by the Nigerian government, and energy security. The objective of the paper was to highlight the importance of the success of the amnesty program to global energy security. The study reviewed the theoretical explanations of the conflict and noted that a single theory can hardly explain the different settings of conflicts in the region. Thus the paper emphasized the integration of the greed, grievance and frustration-aggression theories that have dominated conflict analysis in the Delta. Thus the variations of conflict such as oil company-community conflict, intra-community conflict, inter-community conflict, community-state conflict, intra-cult/gangs and militia conflict and inter-cults/gangs and militia conflicts were located in these contexts, and the analysis highlighted the resolution of greed and grievances as a major requirement for peacebuilding in the area.

Nigeria's strategic role in global energy needs was discussed, and Nigeria's potential and actual importance to gas needs in Europe and Africa, the countries supply of

crude oil to 21 countries in Europe, America, Asia and Africa, and electricity supplies to some African countries were emphasized. The paper reflected the impact of the violence on energy infrastructure and brought to the fore how the violence endangers energy security. The disruptions of gas supplies to energy plants in Nigeria and the West African gas pipeline and the drastic cuts in oil production and exports were cited as examples of the implications of the violence for energy security.

The amnesty program was initiated to restore peace and ensure unfettered oil and gas production in the region. It set out to retrieve arms from the creeks of the region, provide means of livelihood and forgiveness to individuals who took up arms against the state and attacked and destroyed energy infrastructure such as oil and gas pipelines. The 60 day amnesty which ended on October 4, 2009, has brought relative peace to the region as evidenced by the near absence of attacks on oil and gas production infrastructure and kidnapping/hostage taking of oil company personnel, and increase in oil production and export. But the program has been criticized for not adhering to the principles of DDR, particularly for not being preceded by a negotiation framework. This is seen as a vacuum that can undermine its success. While I agree with this, I make a case that the argument ignores the Niger Delta context. My contention is that it cannot be entirely correct to conclude that there were no negotiations before the amnesty program was proclaimed by the federal government.

The point is that before the amnesty was proclaimed, several negotiations through committees and commissions involving stakeholders had been done. Further, the different nationalities had documented petitions to the federal government. Meanwhile, the recommendations of the Niger Delta Technical Committee, which included the amnesty

program and which was widely accepted as a road map to conflict resolution and peace-building in the region, consulted and reflected issues raised in the committees and commissions which preceded it, in addition to the petitions of the ethnic nationalities. Given this, the issue of negotiation cannot be as important as the failure of the government to tackle the fundamental issues which triggered the conflict. The lack of democratization, lack of capacity of political leaders to pursue public good, and the crisis plaguing the national economy are challenges to the success of the amnesty program. To enhance the success of the amnesty program and secure the region and energy security, the deepening of democratic practice to ensure that votes count in Nigerian elections is the most likely way out of the conflict.

References

Adeoye, A. 2010. "Niger Delta Crisis: The Nexus between Militants' Insurgency and Security in West Africa." Paper presented at the International Conference on Natural Resource, Security and Development in the Niger Delta, Organized by the Department of Political Science, Niger Delta University, in Collaboration with the Centre for Applied Environmental Research, Department of Geosciences, University of Missouri Kansas City, USA, Yenagoa, Bayelsa State, Nigeria, March 8-11.

Adeyemi-Suenu, W. and Inokoba, P. 2010. "Armed Rebellion and the Future of Self-Determination in the Niger Delta." Paper presented at the International Conference on Natural Resource, Security and Development in the Niger Delta, Organized by the Department of Political Science, Niger Delta

University, in Collaboration with the Centre for Applied Environmental

Research, Department of Geosciences, University of Missouri Kansas City,

USA, Yenagoa, Bayelsa State, Nigeria March 8-11.

Adeyemo, A. M. 2008. "Environmental Policy Failure in Nigeria and the Tragedy of

Underdevelopment of Niger Delta." Inaugural Lecture, No. 63 University of

Port Harcourt, Nigeria.

Adeyemo, D. and Olu–Adeyemi, L. 2010. "Amnesty in a Vacuum: The Unending

Insurgency in the Niger Delta of Nigeria." In *Checkmating the Resurgence of*

Violence in the Niger Delta, edited by V. Ojarokotu and L. D. Gilbert.

Johannesburg: Delta Book.

Africa's Oil Giant Enters Global League (Nigeria)

www.entreprenuer.com/tradejournals/article/156137521.html

Africa News, August 5, 2009: online.wsj.com/article/SB 12494226930505875.html

Afrik-News, July 12, 2010, www.afrik-news.com/article/16513.html

Ake, C. 1996a. *Democracy and Development in Africa*. Ibadan, Nigeria: Spectrum

Books.

--------. 1996b. *Is Africa Democratizing?* Lagos, Nigeria: Malthouse Press.

Akinola, S. R. 2010. "Restructuring the Public Sphere for Social Order in the Niger

Delta through Polycentric Planning: What Lessons for Africa?" *Asian and*

African Studies 9:55-82.

Aklaka Declaration, Resolutions of the Egi Ethnic Nationality at the end of a

conference on January 10, 1999, at Aklaka, Rivers State;

Alapiki, H. E.1995. "Election and Party Preference Index in Nigeria: Analysis of the

    1979 and 1983 Elections." *Journal of Nigerian Affairs* 1(1):89-97.

Bassey, C. 2010. "The Armed Forces and Security Challenges in the Niger Delta."

    Africa Peace Review 10(1):1-18.

Bill of Rights of the Oron People, made on June 25, 1999, at Oron, Akwa-Ibom State.

Bratton, M. 2008. "Vote Buying and Violence in Nigerian Election Campaigns."

    Afrobarometer Working Paper No. 99.

Brown, D. and Hunter, W. 2004. "Democracy and Human Capital Formation."

    Comparative Political Studies 37(7):842-864.

Center for Strategic and International Studies. 2008. "The Political Economy of

    National Resources." Workshop Report, Jakarta, Indonesia, July 28 and 29.

Central Bank of Nigeria. 2010. Data and statistics.

    www.cenbank.org/rates/crudeoil.asp

Channels Television News, August 4, 2010, Lagos, Nigeria.

Collier, P. 2008. *The Bottom Billion: Why the Poorest Countries Are Failing and

    What Can Be Done About It.* New York: Oxford University Press.

Collier, P. and Hoeflier, A. 2002. "On the Incidence of Civil War in Africa." *Journal

    of Conflict Resolution* 46(1):13-28.

Daily Champion Newspaper, August 10, 2009, Lagos, Nigeria.

Davideheiser, M. and Kialee, N. 2010. "Demobilization or Remobilization? The

    Amnesty Program and the Search for Peace in the Niger Delta." Paper

    presented at the International Conference on Natural Resource, Security and

    Development in the Niger Delta, Organized by the Department of Political

Science, Niger Delta University, in Collaboration with the Centre for Applied Environmental Research, Department of Geosciences, University of Missouri Kansas City, USA, Yenagoa, Bayelsa State, Nigeria, March 8-11.

Diamond, L. 2004. "Moving Out of Poverty: What Does Democracy Have to Do With It?" Center on Democracy, Development, and the Rule of Law (CDDRL), Stanford Institute for International Studies, Working Paper No.4.

Enweremadu, D. U. 2008. "The Vicious Circle: Oil, Corruption and Armed Conflicts in the Niger Delta." Conference Proceedings, International Conference on the Nigerian State, Oil Industry and the Niger Delta, Organized by the Department of Political Science, Niger Delta University, in Collaboration with the Centre for Applied Environmental Research, Department of Geosciences, University of Missouri Kansas City, USA, Yenagoa, Bayelsa State, Nigeria, March 11-13.

Faleti, A. S. 2006. "Theories of Social Conflict." In *Introduction to Peace and Conflict Studies in West Africa: A Reader*, edited by S. G. Best. Ibadan, Nigeria: Spectrum Books.

Gilbert, L. D. 2010. "Youth Militancy, Amnesty and Security in the Niger Delta." In *Checkmating the Resurgence of Violence in the Niger Delta*, edited by V. Ojarokotu and L. D. Gilbert. Johannesburg.

Human Rights Watch. 2005. "Rivers and Blood: Guns, Oil and Power in Nigeria's Rivers State." A Human Rights Watch Briefing Paper.

Ibaba, S. I. 2005. *Understanding the Niger Delta Crisis*. Port Harcourt, Nigeria: Amethyst and Colleagues Publishers.

--------. 2007. "Understanding Oil Company-Community Conflicts in the Niger Delta (Nigeria)." *Peace and Conflict Studies* 14(1):1-18.

--------. 2009. "Violent Conflicts and Sustainable Development in Bayelsa State." *Review of African Political Economy* 36(122):555-573.

--------. 2010. "Education and Peace Building in the Niger Delta." *Africa Peace Review* 10(1):43-66.

Ibaba, S. I. and Ebiede, T. 2008. "Corruption and Governance in Nigeria: The Implications for Millennium Development Goal One." *Journal of Research in National Development* 6(2):158-165.

Ibaba, S. I. and Ikelebge, A. 2009. "Militias and Pirates in the Niger Delta." Paper Presented at Institute of Security Studies (ISS) South African, Workshop on Militia and Rebel Movements – Human Insecurity and State Crisis in Africa, Pretoria, South Africa, April 20-21.

Ibrahim, J. 2006. "Transforming Elections in West Africa into Opportunities for Political Choice." Keynote Address, Nordic Africa Institute Conference on Post-Conflict Elections in West Africa: Challenges for Democracy and Reconstruction, Accra, Ghana, May 15-17.

Ikelegbe, A. C. 2006. "The Economy of Conflict in Oil Rich Niger Delta Region of Nigeria." *African and Asian Studies* 5(1):23-56.

Ikelegbe, A. 2010. "Resolving the Niger Delta Conflict: A Critical and Comparative Analysis of the Amnesty and Post Amnesty Challenges." Paper presented at the International Conference on Natural Resource, Security and Development in the Niger Delta, Organized by the Department of Political Science, Niger

Delta University, in Collaboration with the Centre for Applied Environmental

Research, Department of Geosciences, University of Missouri Kansas City,

USA, March 8-11.

Jega, A. M. 2007. *Democracy, Good Governance and Development in Nigeria*.

Ibadan, Nigeria: Spectrum Books.

Joab – Peterside, S. 2005. "On the Militarization of Nigeria's Niger Delta: The

Genesis of Ethnic Militia in Rivers State." *African Conflict Profile* 1(2):30-51.

Lubeck, P.M. Watts, M.J. and Lipschutz, R. 2007. "Convergent Interest: U.S. Energy

Security and the 'Securing' of Nigerian Democracy." Internal Policy Report.

Washington: DC, Center for International Policy.

Madamombe, I. 2005. "Key to Africa's Prosperity: Challenges in West Africa's Quest

for Electricity." *Africa Renewal* 18(4).

Mbanefoh, G. I. and Egwaikhide, F. O. 1998. "Revenue Allocation in Nigeria:

Derivation Principle Revisited." In *Federalism and Political Restructuring in*

Nigeria, edited by A. Kunle, R. Suberu, A. Agbaje, and G. Herault. Ibadan,

Nigeria: Spectrum Books.

McGuire, M. C. and Olson, M. 1996. "The Economics of Autocracy and Majority

Rule: The Invisible Hand and the Use of Force." *Journal of Economic*

Literature 4(1):72-96.

Murshed, S. M. and Tadjoeddin, M. Z. 2009 "Revisiting the Greed and Grievance

Explanations for Violent Internal Conflict." *Journal of Internal Development*

21:87-111.

Naanen, B. 1995. "Oil Producing Minorities and the Restructuring of Nigerian

  Federalism: The Case of the Ogoni People." *Journal of Common Wealth and*

  Comparative Politics 33:46-78.

Niger Delta Standard Newspaper, May 19, 2009, Port Harcourt, Nigeria.

Niger Delta Technical Committee Report. 2008. Committee established by the

  Nigerian Government to Determine Policy Options for the Resolution of the

  Niger Delta Crisis. November, 2008.

Nigeria, Country Analysis Briefs. 2009. www.eia.de.gov

Nigerian News World Magazine. July 6, 2009, Abuja, Nigeria.

Obi, C. I. 2009. "Structuring Transnational Spaces of Identity, Rights and Power in the

  Niger Delta." *Globalizations* 6(4):467-481.

Ogoni Bill of Rights, Adopted by general acclamation of the Ogoni People on August

  26, 1990, at Bori Rivers State.

Okoko, K., Nna, J., and Ibaba, S. I. 2006. *The Politics of Oil and the*

  Underdevelopment of Underdevelopment in the Niger Delta. Choba, Nigeria:

  University of Port Harcourt Press.

Okonta, I. 2006. *Behind the Mask: Explaining the Emergence of the MEND Militia in*

  Nigeria's O*il–Bearing Niger Delta.* Niger Delta Economies of Violence

  Working Paper, No. 11.

Oil Minerals Producing Areas Development Commission (OMPADEC). 1993.

  Quarterly Report 1(1): October.

Onyenkonwu, M. 2008. "The Nigerian Oil and Gas Industry: Policy Problems." *Port*

  Harcourt Petroleum Review 1(1).

Osaghae, E., Ikelegbe, A., Olarinmoye, O. and Okhomina, S. 2007. "Youth Militias, Self Determination and Resource Control Struggles in the Niger-Delta Region of Nigeria." Research Report, Consortium for Development Partnership Module 5. http://www.ascleiden.nl/Pdf/cdpnigeriaRevisedosaghae%5B1%5D2.pdf

Resolutions of the First Urhobo Economic Summit, Organised by the Urhobo Foundation on November 27-28, 1998, at Effurun, Warri, Delta State.

Ross, M. 1999. "The Political Economy of the Resource Curse." *World Politics* 51:297-322.

--------. 2006. "Is Democracy Good for the Poor?" *American Journal of Political Science* 50(4):860-874.

Samuels, K. 2005. "Stability and Peace Building: A Key Challenge." *Development in Practice* 15(6):728-736.

Tamuno, T. N. 2000. *The Niger Delta Question*. Port Harcourt, Nigeria: Riverside Communications.

Tell Magazine, February 18, 2008, Lagos, Nigeria.

The Belgore Report, 1992. The Report of a Judicial Commission of Enquiry set up by the Nigerian Government to Identify the Causes of Fuel Shortages in Nigeria

The Etiebet Report, 1994. The Report of and Inter-Ministerial Fact Finding Committe set up by the Nigerian Government to Identify the Grievances of the Niger Delta and Recommend appropriate Policy Options to Deal with the Conflict Problems of the Region

The Kaima Declaration, Resolutions of the All Ijaw Youths Conference, held at
    Kaima, Bayelsa State, December 11, 1998.

The Nation Newspaper, October 9 2009, Lagos, Nigeria.

The Ogomudia Report, 2001. The Report of a Special Security Committee Established
    by the Nigerian Government to Ensure Security in the Niger Delta

The Poopola Report, 1998. The Report of a Member Committee Established by the
    Nigerian Government to Determine Policy Options for Niger Delta
    Development

The Presidential Report on National Security, 2003. Report of the Panel on National
    Security set up by the Nigerian Government to Explore Strategies for Securing
    the Niger Delta

The Report of the National Political Reforms Conference, 2005. The Conference was
    convened by the Nigerian Government to Discuss and Reach National
    Consensus on Ways to Improve Governance in order to Strengthen National
    Unity

The Report of the Presidential Council on the Social and Economic Development of
    the Coastal States of the Niger Delta, 2006. The Council was set up to Provide
    Policy Options to Ensure Security and Development of the Niger Delta

The Warri Accord, the Warri Declaration adopted after deliberations between Warri
    families at the Warri National Conference held on June 25-27, 1999, at Benin
    City, Edo State.

The Willink Commission Report: Report of the Commission Appointed to Enquire
    into the Fears of Minorities and the Means of Allaying Them, Presented to

Parliament by the Secretary to State for the Colonies by Command of Her

Majesty, Her Majesty's Stationery Office, London, 1958.

Ukiwo, U. 2008. "Horizontal Inequalities and Insurgency in the Niger Delta."

Conference Proceedings, International Conference on the Nigerian State, Oil

Industry and the Niger Delta, Organized by the Department of Political

Science, Niger Delta University, in Collaboration with the Centre for Applied

Environmental Research, Department of Geosciences, University of Missouri

Kansas City, USA, Yenagoa, Bayelsa State, Nigeria, March 11-13.

United Nations Development Program (UNDP) 2006. Niger Delta Human

Development Report, Abuja, Nigeria.

Watts, M. J. 2007. "Petro-Insurgency or Criminal Violence? Conflict and Violence in

the Niger Delta." *Review of African Political Economy* 114:637-660.

--------. 2008. "The Rule of Oil: Petro-Politics and the Anatomy of an Insurgency."

Conference Proceedings, International Conference on the Nigerian State, Oil

Industry and the Niger Delta, Organized by the Department of Political

Science, Niger Delta University, in Collaboration with the Centre for Applied

Environmental Research, Department of Geosciences, University of Missouri

Kansas City, USA, Yenagoa, Bayelsa State, Nigeria. March 11-13.

World Bank. 1995. "Defining an Environmental Development Strategy for the Niger

Delta." Report, Vol. 1. http://www-

wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2000/11/10

/000094946_00082605382641/Rendered/PDF/multi_page.pdf

Yergin, D. 2006. "Ensuring Energy Security." *Foreign Affairs* 85(2):69-89.

The Coalition of the Unwilling: Contentious Politics, Political Opportunity Structures, and Challenges for the Contemporary Peace Movement

Victoria Carty

Abstract

The Bush Doctrine, which was installed after the 9-11 attacks on the United States under the guise of the war on terrorism, postulated a vision of the United States as the world's unchallenged superpower and the invasion of Iraq became one of the central fronts of this war. After failing to get approval by the United Nations for the invasion, the Bush Administration's attempt to assemble a coalition of the willing became critical to the battle for public opinion to back the war. While the administration was able to garner some support, the coalition eventually unravelled and all troops are expected to depart by 2011 in what is perceived by many as a failure of U.S. foreign policy. This article discusses how different strands of social movement theory, including resource mobilization and the political process model, can be combined to examine how the coalition of the unwilling emerged and what effect it had on the failure of the United States to sustain support for the Iraq war. It contributes to the literature on social movements by assessing the ways in which structural- and micro-level mobilization efforts are often interconnected in order to explain both the how and the why of social movements, usually treated separately in much of the extant research.

The National Security Strategy document, or the "Bush Doctrine," which was installed after the 9-ll attacks on the United States postulated a vision of the United States

as the world's unchallenged superpower. It defended the preemptive use of U.S. military power, refusal of the United States to be bound by any international treaty or organization, the ability to violate international laws and disregard international institutions such as the United Nations (UN) when expedient to do so, and explicitly linked U.S. economic and military policy (Peter 2007). Critics charge that it served to accelerate the process of imperial globalization in the name of providing security to U.S. citizens and its allies under the guise of the "war on terrorism" (Gitlin 2005). The war on terrorism, as spelled out by the Bush administration, is defined as the military, political, and legal actions in response to 9-11 with the objective of countering terrorist threats, preventing terrorist acts, and curbing the influence of terrorist organizations (whitehouse.gov).

Former President Bush consistently referred to the 2003 invasion of Iraq as one of the central fronts in the war on terrorism (Peter 2007). After failing to get approval by the United Nations (UN) for the invasion, the administration's attempt to assemble a "coalition of the willing" became critical to the battle for public opinion to back the war. Shortly before the Iraq war began the U.S. government announced that nearly forty countries had joined the coalition. However, only four contributed troops—Britain, Poland, Australia and Denmark, and more than 95% of the committed combat troops were American or British (Ripley 2008).

Key countries on the UN Security Council, most notably France and Russia, did not support the coalition from the onset, and as the conflict dragged on politicians and citizens in countries that originally supported the invasion began to question the war and dropped out of the coalition. As global networks of individuals pressured their

governments to cooperate in a coalition of the *unwilling,* the coalition eventually

unravelled and all combat troops are scheduled to leave Iraq by 2011 in what is perceived

by many as a defeat for the United States (Farrell 2008). Consequently, this raises

questions regarding the ability of the United States to operate unilaterally in the future,

and what factors were responsible for the demise of the coalition. In the past the United

States' success as sole superpower depended on a system of alliances with other powers

and a division among those who would challenge it (Owens 2006). However, this has

been altered on two fronts. First, at the core of the Bush Doctrine is the replacement of

international cooperation with a world order based on direct U.S. assertion that it will act

alone if necessary. Second, there emerged a collective opposition to the U.S. invasion

even among former allies as public opinion increasingly turned against participation in

the war on terrorism.

This article discusses how different aspects of social movement theory can be

combined to examine how the coalition of the unwilling emerged and what effect it had

on the failure of the United States to sustain support for the Iraq war. Resource

mobilization and framing theories can explain how the contemporary peace movement

forged a sense of transnational collective identity as groups organized to utilize resources

and attempted to influence public authorities through contentious politics. Other theories

that employ the political process model, and the focus on political opportunity structures

(POS) in particular, illustrate that the collapse of the coalition was also due in part to a

"revolution at the ballot box." The political process framework draws attention to the

importance of working within the formal arena of institutional and electoral politics. Its

emphasis on potential shifts in governance discourse, which allow activists to question

states' legitimacy and manipulate competition between political elites, helps to clarify *why* mobilizations emerge. Incorporating both resource mobilization and political process theories further illuminates how activists and politicians took advantage of the process of blowback—the unintended consequences that resulted in their countries due to their governments' support of the U.S. mission. I argue that neither resource mobilization nor structural theories on their own can sufficiently explain the demise of the coalition and ultimate defeat of the United States' efforts in Iraq. This analysis contributes to the literature on social movements, much of which relies on a particular theory that focuses exclusively on either the *how* or the *why* of social movements, by assessing the complex ways in which structural- and micro-level mobilization efforts are interconnected.

Social Movement Theory

One central component of social movement theory is resource mobilization. This branch examines the tactical and strategic repertoires that activists use in specific campaigns as well as organizational dynamics, leadership, resource management, and the construction and legitimation of collective identities (Tilly 2001; McAdam, McCarthy, and Zald 1996). Collective identity refers to the association of the goals and values of a movement with one's own, and these can be a perception of a shared status or relationship rather than an exclusively concrete one (Polleta and Jasper 2001). Key to forging collective identity is how organizers "frame" their issues to resonate with potential recruits and they do this by linking participants' grievances to mainstream beliefs and values (Snow and Benford 1992). Framing thus helps explain the articulation

of grievances, the dynamics of recruitment and mobilization, and the maintenance of solidarity and collective identity. Frames are influential when organizers persuade large numbers of people that the issues they care about are urgent, that alternatives are possible, that there is a worthiness (or moral standing) of the activists' demands, and that the constituencies they seek to mobilize can be invested with agency (Tarrow and Tilly 2006; Cress and Snow 2000). For a frame to go from understanding to motivating action it must have the elements of injustice, identity, and agency (Gamson 1992).

Keck and Sikkink's (1998) work describes types of global mobilizing strategies as Transnational Activist Networks (TANs). TANs emerge when social movement actors form alliances and coalitions with activists outside of their state to put pressure on their governments when they are unresponsive to their demands. These have been effective in the global solidarity network for the Zapatista struggle in Mexico (see Olsen 2006); indigenous struggles against the Guatemalan government for its involvement in the slaughter of thousands Guatemala citizens during the civil war of the 1980s (see Stewart 2006); and in the labor organizing efforts in the maquila industry in Mexico (see Carty 2006).

Such networks demonstrate how movements with transnational ties can help cultivate movement identities, shape new activist frames, transcend nationally defined interests, and build solidarity with a global emphasis. Though these networks are flexible and are made up of various coalitions that often work on different issues, the main bond between them is that they maintain similar values and visions. One of the primary goals of TANs is to create, strengthen, implement, and monitor international norms (Khagram and Sikkink 2002). These international norms are sometimes part of the resources social

movement actors use to draw in new recruits and to develop their collective beliefs, as appealing to pre-existing international norms helps to legitimate local grievances. Another goal of TANs is to transform their collective beliefs into new international norms by using persuasion and moral pressure to change institutions and governments (Khagram and Sikkink 2002).

One of the most common repertoires for the peace movement has been utilizing local and international networking in the form of street protests and rallies. Though single protests rarely have direct or immediate results, they are effective in a number of other ways. For example, they serve the function of dramatizing the legitimacy, unity, numbers, and commitment of groups supporting the social movement goals (Tilly 2004; McAdam et al. 2001). They also help to consolidate activist identities among new recruits and long-term members by dramatizing conflict and creating "us-versus-them" identities as they develop an oppositional consciousness (McAdam 1996).

While resource mobilization can explain the *how* of social movements, Touraine (1985) notes some of the shortcomings due to the neglect of the *why*. Most notably he argues that this framework tends to overlook structural problems and define actors by their strategies and not by the social relationships, especially the power relationships in which these actors are involved. It also pays little attention to hegemonic forms of power and the multiplication of points of antagonism. Additionally, the ability of social movement activists to engage successfully in contentious politics relies to a large extent on political opportunity structures (POS). These are defined by Tarrow (2001) and Gamson and Meyer (1996) as institutional initiatives in the form of a shift in governance configurations toward more openness or closure of institutions and policy arenas, and/or

a shift in governance culture or discourses. In other words, they refer to the perception of what are legitimate forms of social engagement in a certain political context at a certain point in time when institutional politics appear to be unresponsive to activists' concerns. Another major factor that can enhance the potency of collective action is a division among those that the challengers are opposed to because this allows them to manipulate the competition between political elites (Meyer and Staggenborg 1998; Jenkins and Perrow 1977).

Following up on this contention, Smith (2002) and Keck and Sikkink (1998) suggest that states can become more vulnerable to activists when they are divided because it creates new spaces in which to question state agendas and create alliances with powerful actors outside the domestic political arena. Therefore, states can at times serve as movement allies on particular issues or promote their strategic interests by aligning themselves with movement opposition to other governments' polices. Though these may only be small steps in the larger struggle, as Keck and Sikkink's findings support, when activists effectively shape individual state decisions international campaigns have a better chance of changing international policy. These dynamics further underpin the work of Marks and McAdam (1996) who argue that while nation-states remain a focus, challengers face an emerging system of multi-level governance, whereby the relations among states become resources or obstacles to movement goals.

The Contemporary Peace Movement and Contentious Politics

The war on terrorism has sparked a re-emergence of the peace movement on an international scale. Clearly, this movement is incredibly diverse and ranges from groups

that are strictly anti-war (United for Peace and Justice, Win Without War, Vote Vets, Military Families Speak Out, Bring Them Home Now, Stop the War Coalition, and Peaceful Tomorrows) to others that advocate for a variety of social justice issues (ANWSER, Code Pink, Global Exchange, Global Justice Movement, and MoveOn). Each of these groups will be discussed in more detail below. The first major protests organized immediately after 9-11 were sponsored by ANSWER (Act Now to Stop War and End Racism) which is one of the largest U.S.-based transnational peace organizations, and were held in San Francisco and Washington D.C. (Simonson 2003). UFPJ's (United for Peace and Justice), another leading U.S.-based and transnational peace organization was established one year later in response to certain frustrations with ANSWER. While initially the two groups held joint protests and rallies, because of disputes over issues of framing and agenda the two had a very public split and currently hold separate events (for a full description of the discrepancies between the two organizations see Coy, Wohrle and Maney 2005). In terms of leadership, organizational dynamics, and utilization of resources this has been a hindrance to the peace movement within the United States, but international momentum and activism in other countries has helped to sustain the overall mobilization.

Globally, between January 3rd and April 12th of 2003 thirty-six million people across the globe took part in almost 3,000 protests against the war in Iraq (Callincos 2005). The power of protest mobilization was most clearly evident on February 15, 2003, when the world experienced the largest international mobilization for peace ever. This was coordinated simultaneously in seventy-five countries with estimates ranging as high as fifteen million people across all six continents (bbc.com 2003). One of the

largest gatherings took place in London, where over two million people protested in Hyde Park alone (Bowley 2004). In Germany 500,000 protested, 300,000 rallied across France, and tens of thousands demonstrated in Melbourne; the largest peace march the city had witnessed since the Vietnam War (cnn.com). The international protest was one of a series of demonstrations organized by UK-based Stop the War coalition (the UK's largest antiwar organization which serves as an umbrella organization that networks with dozens of other peace, labor, Muslim and other groups) before and after the invasion of Iraq.

This international mobilization demonstrated the efficacy of global solidarity through grassroots protest as thousands of independent yet interconnected groups organized to challenge U.S. foreign policy as well as the role of their own governments in supporting the war. As resource mobilization theory suggests, through massive demonstrations activists dramatized the legitimacy of the cause and fostered a sense of solidarity and collective identity that served to enhance the commitment to a singular vision of impeding the invasion. In its aftermath, former assistant secretary general of the United Nations, Robert Muller stated, "Now there are two superpowers: the United States and the merging voice of the people of the world. All around the world, people are waging peace" (Hoge 2004). Also following the protest the *New York Times* described the global peace movement as "the world's second superpower," and it was immediately after this global demonstration that the governments of nine countries backed out of the coalition of the willing (*New York Times* 2003).

After the February 15th demonstrations other numerous events and coordinated actions took place to capitalize on the momentum of the protest. On the 16th of February

an estimated 400,000 protested in Milan and more than 300,000 took the streets in

Barcelona in response to the governments' participation in the coalition of the willing

(*New York Times* 2003). On that same day more than 6,000 candlelight vigils for peace

were held in more than 100 countries (MoveOn.org 2003). Protests against state visits by

President Bush also drew thousands to the streets globally. In November of 2003,

200,000 people protested in Trafalgar Square when President Bush made a state visit to

the United Kingdom (*Agence French Press* 2004). When he visited Ireland in 2005,

50,000 citizens protested the use of Shannon Airport as a stopover point for U.S. troops

bound for Iraq (*Organization Trends* 2005). When Bush left Shannon for Turkey and

then later traveled to Canada he encountered similar scenes of hostility. Some of the

most popular signs at protests that questioned the motive for the invasion and displayed

resentment toward Bush included slogans such as, "Drop Bush Not Bombs," and

"Regime Change Begins at Home" (*Agence French Press* 2004). Ultimately, the target

of these protests was the Bush Doctrine and in particular the concept of preemptive war.

Many other activist organizations mobilized via the Internet as the numerous

antiwar protests, speaking tours, vigils, and teach-ins were arranged primarily through

cyberspace (Carty and Onyette 2006). Online activist groups such as Peaceful

Tomorrows, Bring Them Home Now, Military Families Speak Out, and VoteVets are

specifically comprised of military families, veterans, active duty personnel, and reservists

and are organized mainly through wired networks. While traditional resource

mobilization theories have analyzed mobilization efforts based on face-to-face contact,

contemporary social movements such as the peace movement call for an expansion of

these analyses to demonstrate how, through cyberactivism, individuals and coalitions can

foster a sense of collective identity and solidarity using new information communication technologies. Similar to traditional forms of collective action, what brings activists together in the virtual world is a shared sense of urgency, and though originally forged online these relationships often spill over into face-to-face interaction in the form of contentious politics (Carty 2009). In terms of framing, the online mission statements of each of these groups reflect a demand for justice in accordance with the principles of international law, opposition to the doctrine of unilateral military preemption, and promotion of U.S. foreign policy that places a high priority on internationally recognized principles of human rights, democracy, and self-rule. Similar to the rhetoric present at UFPJ-sponsored demonstrations of "Let the Inspections Work," these groups view international institutions such as the UN as pertinent to securing peace (Coy, Woehrel and Manye 2005).

Win Without War (a coalition of dozens of national organizations opposed to the invasion of Iraq) and MoveOn.Org (which works on a number of progressive campaigns and one of the foremost issues of peace) are exclusively online organizations, and the two held one of the most prominent acts of online civil disobedience in the form of a virtual march to protest the imminent invasion of Iraq. Using email connections to coordinate and organize a protestor base, one month before the U.S. invasion 200,000 individuals signed up and made more than 400,000 phone calls and sent 100,000 faxes to every senate office in the United States with the message: DON'T ATTACK IRAQ! (withwithoutwar.org). It was also MoveOn that organized the thousands of vigils across the globe on the 16th of February before the March invasion. This again demonstrates how cyberactivism and contentious politics in the material world often spill over into

communities in material forms of action. The framing that both organizations employ

also supports the policy of following international law and working in synch with global

institutions. It further questions the notion of terrorism itself.

For example, prior to the invasion of Afghanistan MoveOn sent an online petition

to congress stating, "If we retaliate by bombing Kabul and kill people oppressed by the

Taliban, we become like the terrorists we oppose" (MoveOn.org). Once the invasion of

Iraq was underway it organized a massive transnational email drive to enlist signatures

for a citizens' declaration which was delivered to the UN Security Council that read: "As

a U.S.-led invasion of Iraq begins, we the undersigned citizens of many countries

reaffirm our commitment to addressing international conflicts through the rule of law and

the United Nations. We pledge to redouble our efforts to put an end to the Bush

Administration's doctrine of preemptive attack and the reckless use of military power"

(MoveOn.org). This was also displayed in a full-page ad in the *New York Times*.

In sum, the framing used by UFPJ, Win Without War, MoveOn and other sectors

of the peace movement in the forms of signs, slogans, petitions, mission statements, and

advertisements in newspapers incorporate a sense of injustice, identity and agency. By

framing their concerns in moral and ethical terms through forms of contentious politics

these groups questioned the validity of the claims for the retaliation for the events of 9-11

and the invasion of Iraq, exposed the contradictions of government officials ignoring

international norms, and subsequently challenged the framing of the issues by those

promoting the war. They also problematized the notion of terrorism itself by equating

retaliation against Afghanistan and Iraq as acts of terror. For these organizations

international cooperation, global norms, and international institutions such as the UN

figure centrally in their vision of a preferred world order. As Keck and Sikkink (1998) suggest, one of the primary goals of TANs is to frame their concerns in a way that petitions for the strengthening, implementation, and monitoring of international norms, and certain segments of the peace movement clearly mobilized to achieve this. Through contentious politics they sought to influence public opinion and alter the discourse of the debate by questioning the notion of preemptive war under the rubric of the war on terrorism, and pressured governments to act on moral principles that adhere to international standards of justice.

Relatedly, activists were also able to tap into mainstream beliefs and values to gain support by appealing to the moral worthiness of their grievances, which as Snow and Benford (1992) argue is critical for social movements. Both within the United States and abroad, leading up to the conflict public opinion supported letting the inspections work and/or UN approval before the United States and its partners in the coalition invaded Iraq. For example, a poll conducted by the *New York Times* and CBS News showed that two out of three respondents in the United States wanted the government to wait for the UN inspections to end before it invaded, and only 31% supported using military force immediately (cbsnews.org). Internationally, in most countries, including those that were most closely aligned with the United States, over 70% of the public opposed U.S. military action against Iraq without UN approval (Pew Research Center 2003). With such strong international opposition to the war activists were able to appeal to third parties by tapping into these common sentiments.

On the other hand, TANs sometimes use framing to try to transform their collective beliefs into new international norms by using persuasion and moral pressure to

change, rather than appeal to, institutions, laws or governments, as noted by Khagram and Sikkink (2002). ANSWER and its member groups are more supportive of this approach. Some of the most popular slogans at its rallies and demonstrations are "No Blood for Oil," "End all Occupations Now" and "Who's the Biggest Terrorist in the World Today – Bush, Cheney and the CIA" (ANSWER.org). This framing indicates an attitude that opposes imperialism, highlights the link between militarism and capitalism, and similar to MoveOn's petition question how governments framed the concept of terrorism. As opposed to other organizations in the struggle for peace, ANSWER perceives international law to be a codification of the dominant capitalist states with no popular democratic source, and it is viewed as a creation United States' national interest in particular (ANSWER.org). Thus, through transnational mobilizing it seeks to establish a new world order that bypasses the present international institutions in the hopes of creating new ones that are more democratic.

This framing of linking militarism to capitalism and superpowers invading weaker nations for imperialist reasons can be traced back to Lenin in the early twentieth century. He argued that because capitalism must always acquire new markets, new sources of raw materials, and new outlets for investment ultimately results in market competition that pushes the world superpowers try to rearrange who owns and/or controls what in terms of goods, markets and geopolitical influence (1916). This ideology has been manifest throughout the history of U.S. foreign policy. For example, after WWI Woodrow Wilson stated, "Since trade ignores national boundaries and the manufacturer insists on having the world as a market, the flag of this nation must follow him, and the doors of the nations which are closed against him must be battered down. Concessions obtained by

financiers must be safeguarded by ministers of state, even if the sovereignty of unwilling nations be outraged in the process" (Williams 1972). Several decades later the "Clinton Doctrine" during the 1990s dictated that Washington had the right to use military force to defend vital interests such as "ensuring uninhibited access to key markets, energy supplies and strategic resources" (Klare 2004).

Summarizing the link between war and the pursuit of profit, social critic and journalist for the *New York Times*, Thomas Friedman (2005), elaborates

> The hidden hand of the market will never work without the hidden fist. McDonalds cannot flourish without McDonnell Douglas. The hidden first that keeps the world safe for Silicon Valley's technologies to flourish is called the U.S. army, air force, navy and Marine Corp. (p.36).

Though the fist is no longer hidden, the framing used by ANSWER signifies the necessity of war for capitalism to sustain itself and particularly with its "no blood for oil" rhetoric. It views the war on terrorism as a justification for controlling markets and for U.S.-based corporations to profit in the name of securing U.S. citizens. This framing process differs from other segments of the peace movement that endorse more of a globalist perspective. Its Marxist orientation, focus on the United States as empire, and rejection of international institutions and international law as fair arbiters of justice set it apart from other actors. However, despite the friction between UFPJ and ANSWER there is consensus among the various international factions of the peace movement that the United States is an occupying force that must leave Iraq and allow Iraqis to establish their own form of self-governance.

As numerous and large as they were, mobilization efforts in the form of contentious politics by themselves were insufficient in preventing the war against Iraq

and failed to deter several governments from joining the coalition of the willing. Despite demands for restraint through the vast global networks of activists, the Bush Administration invaded Iraq without UN approval, thus disregarding both international law and public opinion. In response to the global protests President Bush stated he would not base policy on the opinions of a "focus group" (Stevenson 2003). In addition, some of the most prominent nations that joined the United Sates—Britain, Spain, Italy and Australia—also went against the demands of the majority of their citizens. Thus, while resource mobilization theory is helpful in explaining how the mobilization emerged, the various tactics and strategies it used, and how a shared sense of collective identity was established, on its own it cannot adequately explain how the peace movement was ultimately able to affect state decisions regarding whether or not to join, and later remain in or drop out of the coalition. Therefore, social movement theories that focus on institutional politics such as the political process framework are a necessary accompaniment because they explore how activists can use leverage at the ballot box, manipulate divisions among elites, and take advantage of phenomena such as blowback to force their opponents to address their demands.

The Political Process Model, POS and the Revolution at the Ballot Box

Political process theory can help refine our understanding of *why* the mobilization was eventually successful by focusing on structural dynamics that include hegemonic forms of power and the various and sometimes interconnected of points of antagonism as suggested by Touraine (1985). Also, as Tarrow (2001) contends, a shift in governance discourse can assist activists in their ability to alter the debate and consequently open up

spaces for them to make demands on their governments. This oftentimes occurs when there is a division of political elites either on an international or domestic scale, and this proved to be essential to the development of the coalition of the unwilling.

President Bush's inability to garner international support from key members of the Security Council and other powerful nations to form a credible coalition of the willing resulted in a conflict between political leaders; some significant allies initially and vocally declined and most others eventually rescinded after originally agreeing to participate. From the onset key Security Council members including France, Germany, China, and Russia all demanded that the UN inspectors be given more time to locate the alleged weapons of mass destruction. On the other hand, the United States, Britain, and Spain claimed that the Iraqi government was not cooperating and that an immediate assault was therefore justified (cnn.com). While there was wide support for the U.S. attack on Afghanistan two years earlier, this was in large part due to the sympathy the United States enjoyed given the magnitude of the 9-11 attacks. However, the original outpouring of sympathy quickly faded as many close allies became alienated due to the indignation that the Bush Administration displayed toward nations that were questioning its foreign policy on the issue of Iraq. For example, U.S. Defense Secretary Donald Rumsfeld referred to France and Germany as the "old" Europe when they refused to participate in the coalition, and in retaliation for Germany's reluctance to support the invasion Bush threatened to withdraw U.S. military bases from the region. Both Germany and France were also threatened with the loss of U.S. contracts for defense-related goods and services (Aguera 2003). And Bush's statements regarding the United

Nations as "irrelevant" when it refused to authorize the war obviously led to a division between the Bush Administration and the leaders of other powerful nations.

Among the countries that did participate in the coalition, almost all went against the will of their citizens (Bowley 2004). Whether their decisions were based on genuine support for U.S. policies, on fear of possible retaliation following President Bush's statement in a post 9-11 press conference that you are "either with us or with the terrorists," or on individual state decisions to pursue their own military, economic, and/or political interests are critical questions to explore. For example, the Institute for Policy Studies (IPS) compiled an analysis of the thirty-four nations that publicly supported the United States and found that most were recruited through coercion, bullying, and bribery (ips-de.org). It exposed that some countries were trying to get into NATO at the time (Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, Macedonia, Romania, Slovakia, and Slovenia) and of course were cognizant of the fact that the United States can veto nations vying for membership. Also, many new European countries that signed on were former Warsaw Pac nations which have historically viewed the United States as their key post Cold War international protector (Poland, Hungary, the Czech Republic, and Georgia). And finally, some nations were receiving foreign aid from the United States and had to consider opportunities for trade and investment on the one hand, or the threat of sanctions on the other (Mexico, Turkey, Costa Rica, and the Philippines). The United States has a long history of retaliating against countries that vote against its interests. One of the most blatant examples was when Yemen, the sole Arab country on the Council, voted against the resolution authorizing the 1991 Gulf War. A U.S. diplomat

told the Yemeni ambassador, "that will be the most expensive 'no' vote you ever cast." Three days later the United States cut its entire aid budget to Yemen (Bennis 2003).

This coercion substantiates ANSWER's perception of the UN as dominated by the United States and its argument that such international institutions do not always operate on the basis of neutrality. The IPS analysis further noted that although the United States has used bribes and threats to manipulate the UN in the past, the scale of the pressure was new because governments faced such massive opposition at home. Therefore, the mobilization efforts by citizens in the countries that joined the coalition were variables that elected officials had to at least consider when deciding whether or not to participate. However, these were weighed against political and economic ramifications given their standing vis-à-vis the United States. This highlights the significance of Tourrain's (1985) contention that activists cannot only be defined by their strategies, but also by the power relations in which they are involved. In many cases public opinion was secondary to governments' decisions to align themselves with the world's sole superpower. These dynamics also illustrate the various points of antagonism that social movements often face, especially when dealing with international issues and systems of multi-level governance, which, as suggested by Marks and McAdam (1996), allow for relations among states to become resources or obstacles to movement goals. Clearly, the position of those countries that abstained from supporting the United States for various reasons strengthened the efforts of the peace movement, while those that disregarded public opinion and participated in the invasion impeded the activists' efforts.

Though dozens of countries decided to back Bush in the war on terrorism initially, many of these were eventually pressured to back out or experienced regime change of

their own. Some of the staunchest allies, Britain's Tony Blair, Italy's Duce Silvio Berlusconi, Spain's Jose Maria Anzar, Poland's Jaroslaw Kaczynski, and Australia's John Howard all suffered losses in elections following their decision to back the Bush Doctrine. As Smith (2002) argues, divisions among those that challengers are opposed to can enhance their ability to question states' legitimacy and to manipulate the competition between political elites. Thus, states or politicians can serve as movement allies on particular issues or promote their strategic interests by aligning themselves with movement opposition to other governments' policies. These dynamics played out in each of these countries as actors pursued electoral reform to empower politicians that supported their cause.

The revolution at the ballot box was fueled by a number of factors: the initial hesitancy among citizens in most countries to support the war, protests that helped to raise consciousness regarding the reasons for the war and violations of international law, a division among elites within and across countries, and the process of blowback. Protests in several countries where political leaders originally cooperated with Bush helped lead to their defeat as activists dramatized the conflict and demanded accountability. For example, on the first anniversary of the invasion one million people protested against Berusconi's complicity with Bush and demanded the withdrawal Italian troops (Ross 2004). His challenger and now new Prime Minister, Romano Prodi, pledged to withdraw the troops in his first speech to the senate (Beeston 2005). In Poland Karzynski was replaced by Donald Rusk, who used his first speech to parliament to announce a withdrawal. In February of 2006 Blair was voted out of office for his determination to stand "shoulder to shoulder" with Bush, which put him at odds not only

with British public opinion but also with his own Labor Party (which voted against their own party), several members of his cabinet (who resigned over the Iraq issue), and members of British intelligence and the military (Kershaw 2007). Furthermore, Australian Prime Minister John Howard, one of the first coalition partners to send troops to Iraq, was the first Australian prime minister to be voted out of parliament since 1929 as his eleven year old government was swept from power (Fullilove 2007). The new Prime Minister, Kevin Rudd, had promised to withdraw combat troops from Iraq.

Using the ballot box to oust leaders that went against the demands of their citizens therefore served to ultimately shape state decisions and change the discourse about the war by questioning the legitimacy of the Bush Doctrine as it pertained to preemptive war. By manipulating the divisions among political leaders internationally and domestically, social movement actors created new alliances to oppose states' agenda and ultimately pressured them to pull out of the coalition. Thus, political process theory is useful in clarifying how, in addition to the mobilization of resistance and use of contentious politics, activist in the peace movement were able to affect change by also utilizing institutional politics.

Activists also took advantage of public anxieties regarding the possibility of future terrorist attacks in order to broaden the challenge to their governments' collaboration with the United States. They argued that the possibility of blowback for participating in the coalition was putting citizens at a greater risk. The most serious episodes occurred in Spain and the UK. Three days before the Spanish general elections in March of 2004 five Madrid commuter trains were bombed, killing 190 people and injuring 1,400 (Elliot 2007). Voters elected Jose Luis Rodriguez Zapatero who fulfilled

his campaign promise by swiftly removing Spain's troops from Iraq. As mentioned earlier, in March of 2003 preceding the invasion hundreds of thousands had protested in Barcelona against the government's support for the Bush Doctrine. Despite the claims by the Spanish government that the separatist Basque fraction was responsible, the official investigation by the Spanish judiciary determined the attacks were directed and carried out by an al-Qaeda-inspired terrorist cell (*The Times* 2007).

On July 7, 2005, fifty-two people were killed in London when bombs exploded on various public transportation systems, and there was another failed bombing attempt on July 21 (Cowell 2007). The London bombings also seem to have been conducted in retaliation for Blair's involvement in the coalition of the willing, as both were linked to Islamist terrorist cells funded and aided by al-Qaeda. The Secret Organization Group of al-Qaeda of Jihad Organizing in Europe claimed to be behind the July 7 events. In a statement posted on an Islamic website, the group said the attacks were "in revenge of the massacres that Britain is committing in Iraq and Afghanistan" (hindustantimes.com). In a press conference in 2007 Bush stated that the United States and United Kingdom "are fighting these terrorists with our military in Afghanistan and Iraq and beyond so we do not have to face them in the streets of our own countries" (whitehouse.gov). Yet, the bombings in London and Madrid allowed an opportunity for the peace movement to shift the debate by arguing that citizens were increasingly vulnerable to attacks precisely *because* they were attempting to fight al-Qaeda in Afghanistan and Iraq. By framing grievances in this way, peace activists once again questioned the very notion of terrorism and challenged leaders' own use of framing in their attempt to gain public support for contributing to the U.S. invasion.

Consciousness-raising was another tactic that segments of the mobilization against the war used to highlight the connection between the al-Qaeda attacks and the alliances between their leaders and the United States. For example, following the bombings Stop the War Coalition proclaimed, "Every day British troops stay in Iraq the more, in the eyes of millions of people across the world, the people of this country are taken to be implicated in a murderous occupation. By associating this country with the U.S. puppet regime in Iraq, Blair increases the threat to everyone who lives there" (swp.org). This boomerang effect created openings for activists to align themselves with domestic politicians who sided with the movement and questioned the current administrations' position regarding the war on terrorism. It also served to solidify divisions among politicians which translated into resources for social movement actors to secure their goals as suggested by political process theories.

Finally, groups and individuals were able to take advantage of pragmatic failures as the war dragged on and dissatisfaction among the general public increased. The lack of an achievable goal or exit strategy, the exposure of the erroneous reports of weapons of mass destruction, the infamous "Downing Street Memo" that disclosed that a U.S. invasion of Iraq was inevitable and that the facts and intelligence were being "fixed around the policy" to invade Iraq by the Bush administration all helped to strengthen opposition to the war (Fielding 2005). Additionally, scandals of torture in violation of international standards at the Abu Ghraib and Guantanamo Bay prisons, and the recent indictment of Blackwater Corporation for the fatal shooting of Iraqi citizens further damaged the image of the United States both domestically and abroad. These incidents helped to once again shift the discourse and framing from one based on the United States

attempting to defend its citizens to one that focused on lies, deception, mishandling of the war, and disregard for the rules established under the Geneva Convention. These all helped to bolster the movement's ability to tap into and increase public opinion against the war and question U.S. foreign policy.

The Future of the Peace Movement

ANSWER's framing of the invasion Iraq as a culmination of imperialism and the project of neoliberalism, as forged by the United States to remold the Iraq economy under the guise of the war on terrorism is sound. For instance, two months after the invasion Paul Bremmer (director of reconstruction and humanitarian assistance to Iraq), when asked if the United States was in Iraq as liberators or occupiers responded, "It is a difficult word, but, yes, we are here as occupiers" (Masri 2003). The link between the war and the underlying agenda of forcing Iraq to pursue a path toward neoliberalism was also clear in his orders that included: the full privatization of public enterprises, full ownership rights by foreign firms of Iraqi businesses, full repatriation of foreign profits, the opening of Iraq's banks to foreign control, national treatment for foreign companies, and the elimination of nearly all trade barriers (Ackerman 2008). Later, in November of 2008 Bush and Iraq's prime minister, Nouri al-Maliki, signed a "Declaration of Principles" which stated that the United States would reject congressional legislation that restricted funding to establish any military installation or base for the purpose of providing for the permanent stationing of U.S. armed forces in Iraq or to exercise U.S. control of the oil resources (Korb 2008). The connection between U.S. corporations profiting from oil revenues and the war also became increasing evident as no-bid

contracts written by oil corporations such as Exxon, Shell, Total, Chevron, and BP (all are U.S.-based except BP which is British) to renew the oil concessions they lost to the nationalization of the industry prevailed over offers from more than forty other countries (Van Auken 2008).

Although, as the Bush Doctrine dictates, the United States can flex its military muscle with or without domestic and international support, it is important to acknowledge the strategic interests of other major players in the international struggle for profit and political power. It is naïve to assume, as some factions of the peace movement such as ANSWER sometimes do, that focusing exclusively on the United States as empire activists can end illegitimate invasions and the economic/political interests that drive them. As Lenin argued, globalization creates a system whereby numerous countries vie for economic leverage over their adversaries, sometimes engaging in forms of alliances, and sometimes resisting such alliances for their own purposes and agendas. The war on terrorism and the Bush Doctrine are merely one of the latest examples of these geopolitical strategies. Support for the Iraq war among political elites, as previously noted, almost always ran contrary to the sentiments of their citizens and was in many cases based on economic and political reasons as the IPS study revealed. This did not occur only among weaker or smaller nations that are vulnerable to retaliation by the United States. For example, Blair's close alliance with the United States, though overwhelmingly unpopular with British citizens, was supported by dominant sections of Britain's ruling elite, and particularly the Conservative Party because they perceived that this allegiance would allow them to regain a share of Iraqi oil (Kershaw 2007).

On the other hand, although much of the discord over the war stemmed from moral or legal concerns among citizens, at the state level governments' criticisms were part and parcel of economic rivalries and the fear that Washington's use of militarism would arrange world policies and economics to its benefit. Although refusal among world leaders to contribute support for the invasion may have been influenced in part by their citizens' attitudes as expressed through contentious politics, strategic economic considerations undoubtedly also played a role. For example, both France and Russia had negotiated large oil contracts with Iraq when Saddam Hussein was still in power; these business arrangements were clearly jeopardized by the U.S. invasion. Also, historically and for tactical reasons France and Germany have tried to establish an alliance that would ensure autonomy against both the United States and Britain, their key European competitor (Shribman 2002). Russia perhaps had the most to lose from the U.S. invasion as its ability to earn billions of currency from its oil and gas sales would certainly be at risk if Washington was able to take over the oil reserves in the Caspian Sea region—home to two-thirds of the world oil reserves (de Rooiji 2007).

Thus, political and economic arrangements between states, which can serve as harbingers or impediments to social movements' goals, are critical. Given the multiple and interwoven relations among countries, the use of framing that simplistically views the United Sates as empire is myopic. Rather than building a movement around the lowest common denominator—opposing U.S. foreign policy—the mobilization should pivot to offer an alternative response by realizing that imperialist ambitions are as diverse as the peace movement itself. An acknowledgement of this multi-imperialism is essential because the empire framing allows other countries to be misrepresented as a counter

power while what they are doing geopolitically is often much the same as the United States.

In addition to reframing the struggle through more cosmopolitan thinking and understanding, the movement could benefit by establishing more transborder coordination, and coordination that goes beyond merely synchronizing annual days of protest. Much of this re-energizing is taking place between peace organizations and the Global Justice Movement (GJM), which seeks alternatives to the present system of neoliberalism and the institutions which support it that are more democratic, transparent, and represent the will of the citizens. At global gatherings such as the World Social Forum (WSF) members of the GJM have begun to redirect their attention to issues of war and this eventually led to the development of the Global Antiwar Movement (GAWM). In fact, it was at the 2002 social forum in Europe that activists set February 15th as a global day of mobilization (Della Porta and Diania 2006). Subsequently, every year GAWM has served as the main coordinator of protests on each anniversary of the U.S. invasion of Iraq. ANSWER is one of the most committed members of the GAWM, and many of the national organizations that constitute ANSWER were originally groups in the GJM.

Groups working within the GAWM have engaged in consciousness-raising efforts to highlight the current disconnect between citizens' aspirations and the individuals, parties, and institutions that purportedly represent and defend them and their interests. Originally, in coordinated efforts they undertook campaigns against U.S. military interventions that they perceived to be safeguarding the business interests of the elites at the expense of local political and economic development (Della Porta and Mosca 2007).

In addition to sponsoring antiwar rallies and demonstrations, they organized protests outside of the offices of some of the largest U.S.-based corporate contractors in Iraq such as Bechtel, Halliburton, Black & Veatch, and Carlyle Group across the United States (Sanger 2005). More recently, however, they have expanded their vision and tactics to incorporate a broader perspective on the relationship between militarism and capitalism that does not focus exclusively on the United States. At the 2005 WSF the GAWM put together a declaration that supports efforts to stop the economic occupation of Iraq by *all* foreign corporations and international financial institutions, escalates the campaign against war profiteers on an international scale through boycotts and direct action, and calls for the passage of legislation that addresses the lack of effective oversight in the Iraq contracting process (focusweb.org). This marks the emergence of a more globalist peace movement that combines the best of the aspirations of the different segments of the mobilization; one that acknowledges the link between forms of imperialism and militarism and the need for sovereignty of all nations against the threat of preemptive war, and a call for global institutions that are more democratic and do not exclusively represent the interests of elites.

Perhaps the most comprehensive approach that goes beyond the U.S. as empire discourse has been the establishment of Occupation Watch, a project led by UFPJ, Code Pink (another prominent U.S.-based organization in the peace movement), and Global Exchange (a San Francisco-based NGO that works on many progressive issues). Among its goals are monitoring the role of *all* foreign companies in Iraq, advocating for Iraqis' right to control their own resources, acting as a watchdog over the military occupation and U.S.-appointed "governing council," working with Iraqi movements that resist the

occupation, supporting the creation of independent Iraqi civil society organizations, and monitoring the physical impact of the invasion (International Crisis Center). These concrete steps toward assisting Iraqis in their effort to regain self-determination, holding foreign companies operating there accountable, and keeping a critical eye on military, business, and governmental operations represent a promising start to a broader and more encompassing understanding of the intermingling between economic, political and military agendas and ways to resist them on multiple fronts.

Conclusion

The peace movement that emerged in the post 9-11 environment deserves credit for raising fundamental doubts in the public and political spheres over the efficacy and political wisdom of states' participation in the coalition of the willing and the concept of preemptive war as articulated in the Bush Doctrine. Resource mobilization theory can explain how social movement actors solidified a sense of solidarity and collective identity as they strove to influence public opinion and elected officials using contentious politics in a variety of ways. Through the framing process some activists identified, interpreted and attributed their grievances to international standards of justice as embodied by the UN to appeal to mainstream values. Other members of the mobilization highlighted the relationship between economic and political pursuits and militarism, and are skeptical of international law and institutions in their present form. These different framing schemas illustrate that the peace movement is by no means homogenous, although it shares a common goal of Iraqi sovereignty and rejection of unilateral action through preemptive war as executed under the Bush Administration.

More structural-oriented theories, such as the political process framework illustrate that the collapse of the coalition was also due in part to a revolution at the ballot box as leaders of key U.S. allies were replaced by politicians sympathetic to the demands of the peace movement. This was enhanced by a shift in political discourse as the motivations for, and handling of the war, were increasingly questioned which allowed activists to manipulate competing positions held by political elites domestically and internationally. However, to further empower and revitalize the peace movement activists must raise consciousness about how the political economy of war influences government decisions, and perhaps more so than public opinion. Since political representatives are often impervious to popular will, a key focal point of the movement should be to expose how the continual game of chess played among the major national powers informs state decisions and actions and how the corporate-dominated global economy often gives rise to war in the first place. They must simultaneously and systematically challenge the system of war and neoliberalism and offer alternatives such as sovereign global institutions that can bolster local forms of sovereignty.

Whether or not recently elected President Obama will veer from the principles of the Bush Doctrine will become evident in the following years. While campaigning he promised to pull troops out of Iraq and claimed that he is committed to pursuing diplomatic and political solutions ahead of military ones. In a debate with Senator Hillary Clinton during the primaries he stated: "I don't want to just end the war but I want to end the mind-set that got us into war in the first place" (Ackerman 2008). Later, in his inaugural address he elaborated on this by saying, "Our power alone cannot protect us, nor does it entitle us to do as we please. Instead, our power grows through its prudent

use; our security emanates from the justness of our course, the force of our example, and the tempering qualities of humility and restraint" (*New York Times* 2009). While this hinted at a constructive diplomacy-oriented foreign policy, as president he has wavered in backing up these statements. Once in office, he pushed back the withdrawal timeframe to August 21, 2010, and while he has taken more than 90,000 troops out of Iraq and announced the end of the American combat mission in Iraq, 50,000 troops remain to train Iraqi forces (*CBS News* 2010). Additionally, Afghanistan has replaced Iraq as the main focus of American military efforts as more troops are sent to support the "surge."

References

Ackerman, S. 2008. "The Obama Doctrine." *American Prospect*, March 24, p.12.

Agence France Press. 2004. "Tens of Thousands Throng to London to Protest Iraq War." October 17, p. A1, 7.

Aguera, M. 2003. "Collateral Damage?" *Defense News*, Feb. 17, pp. 1-8.

Answer.org. Available at: http://www.anwer.org.

Beeston, R. 2005. "Coalition of the Leaving." *The Times UK*, March 12, p. 37.

Bennis, P. 2003. "Going Global: Building a Movement against Empire. *Transnational Institute for Policy*. May 14.

Bowley, G. 2004. "Anger Against Blair over Iraq War. *Herald Tribune*, June 12, p. B6.

Callinicios, A. 2005. "Anti-war Protests Do Make a Difference." *Socialist Worker*, March 19.

Carty, V. 2010. "Bridging Contentious and Electoral Politics: MoveOn and the Digital Revolution." In *Research in Social Movements, Conflicts and Change* 30:171-196.

Carty, V. and Onyette, J. 2006. "Protest, Cyberactivism, and New Social Movements: The Reemergence of the Peace Movement Post 9/11." *Social Movement Studies* 5(3):229-249.

cbsnews.com. Available at http://www.cbsnews.com/stories/2003101/23/opinion/polls/man5377739.shtml. Various years.

cnn.com. "Democrats Follow at a Dividing Day at the UN." Available at http://www.cnn.com/2003/US/0215/sprj.irq.protests.

Cowell, A. 2007. "London Bomb Plot Trial Begins." *International Herald Tribune*, January 15, p. 11.

Coy, P., Woehrle, L., and Maney, G. 2005. "Harnessing and Challenging U.S. Hegemony: The U.S. Peace Movement after 9/11." *Sociological Perspectives* 4(3):206-228.

Cress, D. and Snow, D. 2000. "Mobilization on the Margins: Resources, Benefactors and the Viability of Homelessness SMOs." *American Sociological Review* 61:1098 – 2007.

De Rooij, P. 2007. "Humanitarian Wars and Associated Delusions." August 12. *Counterpunch*. Available at http://www.counterpunch.org/rooij08142007.html.

Della Porta, D. and Diani, M. 2006. *Social Movements: An Introduction*. Oxford: Blackwell Publishers.

Della Porta, D. and Mosca, L. 2009. "Searching the Net: Web Sites' Qualities in the Global Justice Movement." *Information, Communication, and Society*, 12(6):771-792.

Elliot, A. 2007. "Where Boys Grow up to Be Jihadis." *New York Times Magazine*,

    November 25, pp. 69-74, 98-100.

Farrell, S. 2008. "US Combat Troops would leave by 2011 Under Draft Agreement."

    Herald Tribune, August 22, p. 21.

Fielding, N. 2005. "MI6 Chief Told PM: Americans 'Fixed Case for War," March 20, p.

    26.

Focus.web.org. Available at http://focus.web.org/global-anit-war-movement=93.

Friedman, D. 2005. *The World is Flat*. New York, NY: Farrar, Straus and Giroux.

Fullilove, M. 2007. "Ally with Attitude." *New York Times*, November 29, p. A23.

Gamson, W. 1992. *Talking Politics*. New York: Cambridge University Press.

Gamson, W. and Meyer, D. 1996. *Comparative Perspectives on Social Movements*.

    Cambridge: Cambridge University Press.

Gitlin, T. 2005. "America's Age of Empire: The Bush Doctrine." *Mother Jones*.

    January 1. Available at http://www.motherjones.com.

hindustontimes.com. Available at

    http://www.hindustantimes.com/news/181_1448119,001301780003.htm.

Hoge, W. 2004. "US and UN are Once Again the Odd Couple Over Iraq." *The New*

    York Times International, November 14.

International Crisis Group. 2004. "What Can the United States do in Iraq?" December

    22. Available at http://www.internatianlcrisisgroup.org.

International Policy Studies. 2003. Available at www.ips-dc.org.

ivaw.org. Available at http://www.iraw.org.

Jenkins, C. and Perrow, C. 1977. "Insurgency of the Powerless: Farm Worker

 Movements (1946-1972)." *American Sociological Review* 42: 249-296.

Keck, M. and Sikkink, K. 1998. *Activists Beyond Borders: Advocacy Networks in*

 International Politics. Ithaca, NY: Cornell University.

Kershaw, I. 2007. "Blair Blew the 'Special Relationship.'" *Los Angeles Times*, May 16,

 p. A-21.

Khagram, S. and Sikkink, K. 2002. *Restructuring World Politics: Transnational Social*

 Movements, Networks and Norms. Minneapolis, MN: University of Minnesota

 Press.

Klare, M. 2004. *Pax Americana: Exposing the American Empire*. New York: Monthly

 Review Press.

Korb, L. 2008. "Celebration of Principles." Center for American Progress. March 4.

 Available at

 http://www.americanprogress.org/issues/2008/03/Korb_testimony.html.

Lenin, V. I. 1916. "Imperialism and the Split in Socialism." *Sbornik Sotsial-Demokrafa*

 (2). Translated by J. S. Levin.

Marks, G. and McAdam, D. 1999. "On the Relationship of Political Opportunities to the

 Form of Collective Action: The Case of the European Union. In *Social*

 Movements in a Globalizing World, edited by D. della Porta, H. Kerisi, and D.

 Rucht, 97-111. London: Macmillan Press.

Masri, R. 2003. "Re-Constructing or De-Constructing Iraq?" July 14. ZNet. Available

 at http://www.zmag.org/view/10134.

McAdam, D. 1996. *Freedom Summer*. New York: Oxford University Press.

McAdam, D., McCarthy, J., and Zald, M. 1996. *Comparative Perspectives on Social Movements: Political Opportunities, Mobilizing Structures, and Cultural Framings*. New York: Cambridge University Press.

McAdam, D., Tarrow, S., and Tilly, C. 2001. *Dynamics of Contention*. New York: Cambridge University Press.

Meyer, D. and Staggenborg, S. 1996. "Movements, Countermovements, and the Structure of Political Opportunities." *American Journal of Sociology* 101:1628-60. MoveOn.org. 2003. Available at www.moveon.org.

New York Times. 2009. "Barack Obama's Inaugural Address." Available at http://www.nytimes.com.2009/01/20/uspoltics/20text-obama.html.

---------2003. "The Citizens and Responses: News Analysis." Feb.7, p. A1.

Organization Trends. 2005. Available at http://www.capitalresearch.org.

Owens, W. 2006. *Lifting the Fog of War*. Baltimore, MD: Johns Hopkins University Press.

Peter, T. 2007. "National Intelligence Estimate: Al Quaeda Stronger and a Threat to US Homeland." *The Christian Science Monitor*. July 19, pp. 22-26.

PEW Research Center. 2003. Available at http://pewresearch.org/pubs/432.

Polleta, F. and Jasper, J. 2001. "Collective Identity and Social Movements." *Annual Review of Sociology* 27:283-305.

Ripley, N. 2008. "What Happened to the Coalition of the Willing? Available at http://www.watchdog.org.

Ross, J. 2004. "Bush Tells the World to Drop Dead." Available at http://www.counterpunch.org/roos03272004.html.

Sanger, D. 2003. "President Says Military Phase in Iraq has Ended." *New York Times* May 2, p. A1.

Shribman, D. 2002. "Russia, France Offer Gauge for Iraq Policy." *Boston Globe* March 12, p. A6.

Simonson, K. 2003. "The Anti-war Power: Waging Peace on the Brink of War." Center for Applied Studies in International Negotiations.

Smith, J. 2002. *Globalization and Resistance: Transnational Dimensions of Social Movements.* Lanham, MD: Rowman and Littlefield Publishers.

Snow, D. and Benford, R. 1992. "Master Frames and Cycles of Protest." In *Frontiers in Social Movement Theory*, edited by A. Morris, 133-156. New Haven, CT: Yale University Press.

Stevenson, R. 2003. "Bush: Ten Million People is a 'Focus Group." *New York Times*. February 19, p. A4.

swp.org. "A Cycle of War and Despair." July 13, p. 23. Available at http://www.swp.org.uk/aftermath.php.

Tarrow, S. 2001. "Transnational Politics." *Annual Review of Political Science* 4(1):1-20.

Tarrow, S. and Tilly, C. 2006. *Contentious Politics*. Boulder, CO: Paradigm Publishers.

Taylor, V. and Van Dyke, N. 2003. "Get Up, Stand Up: Tactical Repertoires of Social Movements." In The *Blackwell Companion to Social Movements Reader*, edited by D. Snow, S. Sole, and H. Kriesi, 262-293. Oxford:Blackwell Publishers.

The Times. 2007. "Spain Furious as US Blocks Access to Madrid Bombing." February 15.

Tilly, C. 2001. *Dynamics of Contention.* Cambridge, MA: Cambridge University Press.

--------2004. *Social Movements*. Boulder, CO: Paradigm Publishers.

Tourraine, A. 1985. "An Introduction to the Study of Social Movements." *Social Research* 52:749-88.

Van Auken, B. 2008. "Big Oil Cashes in on Iraq Slaughter." *World Socialist Website*. June 20. Available at http://www.wsws.org/articles/2008/jun/oil-jwo.shtml .

Whitehouse.gov. Available at http://www.whitehouse.gov/news/releases/2007/05/print/20070524.html.

Williams, A. 1972. *The Tragedy of Diplomacy*. New York: W.W. Norton & Company.

WinWithoutWar.org. Available at: http://winwitoutwarus.org/html/mission.html.

Culture and Procedural Justice in Transitioning Societies

Landon E. Hancock and Tamra Pearson d'Estrée

Abstract

In any transitional justice mechanism there are tradeoffs between the search for retributive justice and the practical limitations on what can be accomplished. To date, this tension has been discussed in reference to internationally established norms of justice, which the authors argue are limited in the extent to which they can explain why certain mechanisms—such as the South African Truth and Reconciliation Commission or Rwanda's gacaca courts—have been considered successful. We argue that mechanisms that have a high overlap between local culture and elements of procedural justice are perceived as more fair and just, even to those who may not benefit—or indeed may be burdened—by their operation.

Introduction

Though justice mechanisms seek to hold wrongdoers accountable and deter future wrongdoing, societies transitioning after violent conflict may have multiple goals for their justice processes. Transitional justice refers to efforts made by states and/or the international community to address criminal acts and human rights abuses of former regimes during a transition from one regime to another (Gloppen 2005; Teitel 2000). Individual mechanisms of transitional justice differ greatly, from tribunals to truth commissions or even including indigenous forms and informal processes (Biggar 2003;

Minow 1998). The reputed success or failure of these differing mechanisms has much to do with the overall perceptions of the local populace. But what are the sources of these perceptions? In any transitional justice mechanism there are often tradeoffs between the search for retributive justice and the practical limitations on what can be accomplished in the post-conflict arena (Biggar 2003; Minow 1998; Teitel 2000). To date, this tension has been discussed in reference to internationally established norms of distributive justice; such norms are limited in the extent to which they can explain why mechanisms outside formal tribunals—such as South Africa's Truth and Reconciliation Commission (TRC) or Rwanda's gacaca courts—have been considered successful (Sriram 2007; Uvin and Mironko 2003; Wilson 2003).

In order to understand perceptions of success or failure of particular transitional justice mechanisms at the local level, this article will examine the nexus between local cultural traditions and the perception of procedural justice embodied in those particular mechanisms used. We argue that where there is a high overlap between local expressions and perceptions of procedural justice, individual mechanisms will be perceived as more fair and just, even to those who may not benefit—or indeed may be burdened—by their operation.

Goals of Transitional Justice

What are the goals of transitional justice? The primary goal of transitional justice is to allow a country that has been plagued by human rights abuses to address them in a manner that allows the country to move forward into a time of peace and development rather than to stay trapped in a past characterized by violence and hatred (Amstutz 2005; Hayner 2002; Minow 1998; Teitel 2000; Quinn 2009; Nolan 2007; Gloppen 2005).

Within this overarching goal are a number of assertions about how to successfully draw a line in time and move into a new future. One is the argument that in order to address the past, justice must be served and punishment must be meted out to all perpetrators of human rights abuses. Set against this argument is the idea that—for a variety of reasons—justice is often unobtainable and the goal should instead be a full accounting of the past in order to validate the experiences of the victims and to bring as many of the crimes as possible out into the light of day. Additional goals include the sanctioning of officials of the former regime—possibly through lustrations or fines—and the repair of harm to victims, possibly through official apologies and/or reparations or restitution.

Perceptions of Success & Failure

Societies attempt to address or meet the multiple goals of transitional justice through using one or more of a variety of mechanisms available, including tribunals, truth commissions and local mechanisms. As we begin our analysis of perceptions of success or failure for individual transitional justice mechanisms it is important to establish our method for measuring those perceptions. Overall three generally recognized elements go into a perception that a particular transitional justice mechanism is fair. The first two are focused on the outcomes; retributive justice, which is focused on adequate sanctions, and distributive justice, which is typically focused on the allocation of resources. The third is known as procedural justice and focuses on the fairness of how decisions are made (Tyler and Smith 1998). Psychological research in procedural justice has shown that people are often more concerned with how they are treated during a judicial proceeding than with whether or not they receive their desired outcomes, showing that individuals are more likely to accept adverse outcomes if they believe that the procedures used to achieve

those outcomes were fair (Tyler 2000). Rather than relying upon legal definitions of procedural justice, we will be applying international and local cultural criteria to recognized elements of social psychological frameworks of procedural justice; these criteria will be fleshed out in more detail below.

Like many complex issues, the determination of success or failure for individual transitional justice mechanisms depends upon the perspective of those standing in judgment. Expanding on Mertius' (2000) concept of different constituents for transitional justice mechanisms we could define potential constituents whose perspective on justice we need to consider to include the following: the victims of the human rights abuses, those accused of perpetrating the abuses, local elites, local populations not directly affected by the abuses, and the international community as represented by international legal organs, non-governmental organizations and international governmental organizations. It is clear that each of these constituencies might have a different perspective on whether or not an individual mechanism meets their standards for success and how well they do so.

For the international community, and for many legal scholars, the perceptions of success for any particular transitional justice mechanism not only rely upon the outcomes in terms of individuals prosecuted or people reconciled, but they also focus on the fairness of the procedures used. Social psychological research confirms that justice judgments include both outcome and procedural components, with procedural concerns at least of equal, if not more, importance than outcomes. For example, some legal scholars critique Rwanda's gacaca system because it does not provide adequate legal protections for both the accused and for prosecution witnesses (Corey 2004; Daly 2002; Lahiri 2009;

Rettig 2008). These critics use what they consider to be a universal standard for fair procedures, which seems to also include the assumption that courts are needed to channel the natural desire for revenge (Jacoby 1983).

By contrast, to outsiders it may appear that grassroots support for, or condemnation of, a particular transitional justice mechanism may have more to do with its outcomes, either retributive or distributive, than its procedures. The question of whether perceptions of outcome fairness or procedural fairness dominate a "folk" conception of what is important to local populations, local elites, victims and bystanders is an important one in helping to determine what has worked in transitional justice, why it may have worked, and how multiple mechanisms may be integrated to address both procedural and outcome needs where possible.

Culture and Procedure in Transitional Justice

The issue of culture as expressed through legal traditions is one that has been largely ignored by the academic community in its study of transitional justice. With the exception of a few scholars (Falk 2003; Fletcher, Weinstein, and Rowen 2009; Miller 2006), questions of the fit of transitional justice mechanisms with local legal traditions are rarely asked. Many argue that retributive justice is the universal preference, with restorative mechanisms used only when conditions prohibit the use of trials and other forms of retributive justice. Others have argued that restorative justice provides benefits for the victims of these crimes that retributive justice cannot; with the retributive justice argument often framed as a moral dilemma and the restorative justice argument as a

method of achieving the goals of transitional justice alongside the recognition of political necessity (Hirsch 2007; Leebaw 2003; Minow 1998).

One method to address the question of cultural fit of transitional justice mechanisms with existing legal traditions is to examine them within a framework of procedural justice. Procedural justice provides a promising avenue for inquiry because research has shown that people are often more concerned with how they are treated—how fair they perceive the process to be—than they are concerned about outcomes. In other words, individuals are more likely to accept sub-optimal outcomes for themselves if they believe that the processes used to achieve those outcomes were fair (Tyler 2000). In the psychological realm procedural justice is characterized by the study of the extent to which individuals have control over or an impact on judicial processes and the extent and nature of control over decisions made in the judicial context (Thibaut and Walker 1975). Several sets of criteria have been enumerated for the study of procedural justice, however, work done by social psychologist Tom Tyler (1988, 2000, 2006, 2009), widely recognized as an authority on the subjects of procedural justice, trust and legitimacy, focuses on four interlocking concepts of the neutrality of the forum, the trustworthiness of the authorities, treatment with dignity and respect, and the opportunity for participation or voice.

Tyler considers procedural justice concerns to be universal, although studies show that the meaning of justice can "vary depending on the nature of the dispute or the allocation involved" (Tyler 1988, 107). While the work done by Tyler and others focuses on basic settings—formal versus cooperative—one could reasonably extrapolate that, like distributive justice, the meaning of procedural justice could also depend upon the local

traditional context within which it is embedded. Tyler looks at courts versus police to create his typology of more formal to less formal—or more cooperative. This work seeks to shift the contextual debate to examine forums based upon folk or traditional conceptions of procedural justice as opposed to more formal conceptions of procedural justice usually characterized by formal court settings and the trappings recognizable by most readers from industrialized states.

Procedural justice concerns seem to be shared at the level of the society, as norms, rather than determined by individual preference. Tyler's work showed that individual characteristics had no impact upon criteria used to assess procedural justice, suggesting "definitions of the meaning of justice within particular settings may be part of the cultural beliefs shared by members of [that] society" (Tyler 1988, 132). This cultural congruity within a context also facilitates acceptance of decisions made in these settings since it is likely that parties will share a conception of procedural justice. Shared conceptions of a just process will lead to shared acceptance of the outcomes as just.

Although one could argue that comparing transitional justice mechanisms like South Africa's TRC and Rwanda's gacaca courts is a bit like comparing apples to oranges, we feel that the use of procedural justice criteria, when viewed through the lens of cultural congruency, can tell us something about why those who accepted these venues as valid did so, as well as shed light on why these venues were rejected by others. Overall we understand that, even though each transitional justice mechanism was designed to promote reconciliation to a greater or lesser degree, it is difficult to measure both mechanisms by the same standards of retributive or distributive justice because they were each designed to have different outcomes; with one focused on storytelling and the other

on restitution and punishment. However, as outlined by Thibaut and Walker, Leventhal, Tyler and those in alternative dispute resolution (ADR), the process by which parties attempt to resolve their differences may in fact be more important than the outcome of winning or losing (Tyler and Smith 1998, 601; Vidmar 1992, 224). Koh found that Tyler's and Leventhal's criteria were present in mediation, noting that "[p]rocedural justice is immeasurably important in both mediation and litigation in determining the participating party's satisfaction and likely adherence to the results" (Koh 2004, 176). We argue that if one can successfully compare judicial and non-judicial forums by using procedural justice criteria as Koh has done, then it should be eminently possible to do so with transitional justice forums like the TRC and gacaca.

International or Formal Conceptions of Procedural Justice

Most studies of procedural justice have been undertaken in Western societies and have largely concerned themselves with the interactions of individuals with criminal justice systems—either in formal court settings or in more informal interactions with law enforcement (Hauenstein, McGonigle, and Flinder 2001, 40-41)—or with group decision-making in organizational settings (Paese, Lind, and Kanfer, 1988). Individuals within a given society are usually aware of society's norms of procedural justice and use these norms to assess their own or other's interactions with decision groups or authorities (Tyler 1988, 132). Given the dominant legalistic and individualistic culture of the West, particularly the United States, Western norms tend to place high value on formal processes that stress the neutrality of decision-making forums and the protection of civil rights for the accused (Vinjamuri and Snyder 2004). Criticisms of alternative forums such as gacaca most often come from political and legal arenas and are largely concerned with

the unwillingness or inability of these forums to provide for an adequate defense for the accused, a lack of legal training for judges, prosecutors and the like, and a possible lack of equality in punishment for offenders (Amnesty International 2002; Betts 2005; Brown 2010; Clark 2010; Corey 2004; Uvin 2000; Megwalu and Loizides 2010). These legal criteria for justice processes are not the same as what social psychological research tells us is important to most participants in justice proceedings. There the priorities are those identified above, the neutrality of the forum, trustworthiness of the authorities, perception of treatment with dignity and respect, and the opportunity for participation or voice. In addition, while the importance of procedural justice can be found across cultural contexts, the shape of what is considered to be procedurally just may vary according to particular context (Lind and Earley 1992; Morris and Leung 2000).

Folk or Local Conceptions of Procedural Justice

Morris and Leung's (2000) review of social psychological research in justice shows that while cultural dimensions of a society (collectivist vs. individualist) can have an impact on perceptions of distributive fairness, cross cultural evidence suggests that procedural justice perceptions are determined by the same, or similar, perceptions of fairness that characterized Thibaut and Walker's original studies. Their review points out that in diverse, largely northern societies, criteria of having a voice in the process, perceiving concern by the authorities, and receiving treatment with dignity and respect all played important roles in the perception of procedural justice felt by disputants in public and private settings (Morris and Leung 2000, 115). Given these findings we believe that a fruitful starting point for our analysis is to examine the cultural expressions of Tyler's four elements of procedural justice, outlined above, in each of our case studies. As an

example, one of the defining features of South Africa's TRC was its provision for public hearings, which, in Hayner's estimation helped shift the TRC's "focus from *product* (its final report) to *process*, engaging the public as an audience and encouraging press coverage of its issues over a longer period of time. A transparent process also helps to assure the public that there is no cover-up of the evidence, nor a blatant political bias in the commission's work" (Hayner 2002, 225, emphasis in original). Such a transparent process encouraged trust in the authorities, provided voice to victims, and showed parties being treated with dignity and respect. We will engage in similar investigation with two transitional justice mechanisms: Rwanda's gacaca and South Africa's Truth and Reconciliation Commission.

Culture and Process in the TRC

South Africa experienced thirty years of armed resistance against its Apartheid regime and during this process the country suffered from massacres, killings and severe discriminatory policies against its majority non-white population. After the election of Nelson Mandela in 1994, with the considerable input of civil society members, the South African Parliament passed the *Promotion of National Unity and Reconciliation Act* in mid-1995 and with the lead of Archbishop Desmond Tutu the South African Truth and Reconciliation Commission was inaugurated in December 1995 (Hayner 2002, 40-41). The goals of TRC were to grant amnesty to those who made a full disclosure of their crimes, to give both victims and perpetrators a say in determining the truth, to restore the human dignity, to make recommendations to Parliament on rehabilitation and reparation issues; and in the long-run to help heal the victims, society and to create a new culture of respect for human rights (Borris 2002, 165; van Zyl 1999, 654). To assist in meeting

these objectives, the legislation established three committees within the TRC: the Human Rights Violations Committee (HRVC), the Amnesty Committee (AC) and the Reparation and Rehabilitation Committee (RRC) (van Zyl 1999, 654). Although the TRC did not have the power to punish people, it did not provide a blanket amnesty to all human rights violators. Since hearings were public, embarrassment, shame, remorse and marginalization from society became a sort of punishment under the exercise of the TRC (van Zyl 1999, 662).

The three committees each had a different mandate and each approached its mandate in a different fashion regarding those procedural justice elements that were incorporated into its processes. However, all three committees were informed by the tenets of restorative justice and used an adaptation of a Xosa proverb known as *ubuntu*.

The meaning of ubuntu comes from the root of a Zulu-Xhosa word, or proverb, which means that "a human being is a human being only through its relationship to other human beings" (Marx 2002, 52). Essentially it is a description of humans as belonging to a community and defining individual good within communal good. Marx is skeptical about the origins of ubuntu and whether it does actually represent a truly African way of being, as opposed to what he describes as its original meaning, a sense of hospitality and the welcoming and integration of strangers (Marx 2002, 52). Regardless of its etymology, the fact remains that ubuntu has been presented as an African mode of thought that places community harmony above individual self-interest, based on the notion—whether real or mythologized—that citizens of the New South Africa should think of the nation as a larger community. The downside, as Marx sees it, is that by focusing on communal good over individual good, ubuntu enforces conformity, and legitimizes the policies of

addressing reparations through structural changes to society rather than through help to individual victims (Marx 2002, 54).

In contrast to Marx' skepticism regarding ubuntu, Antjie Krog insists that it is not just a belief in communal harmony that enforces conformity, but is instead provides the cultural foundation upon which rests the popular understanding of the use of and need for reconciliation as a central part of the TRC. Krog's view of ubuntu is one that focuses on the interconnectedness of individuals, describing the feeling of ubuntu as "interconnectedness-towards-wholeness" in order to argue that the TRC rested on a foundation of a desire towards wholeness which led to a willingness by many victims to offer forgiveness as a step towards restoring humanity to perpetrators and to themselves (Krog 2008a, 2008b).

The question remains as to the precise role of ubuntu: was it a foundation of the TRC, generating and sustaining a desire towards wholeness and forgiveness? Was it an instrument that the TRC used to build a new nation, squashing, in the process, the natural desire of victims for retribution? Or was it a cultural embodiment for elements of procedural justice; a manner though which the TRC could show its respect for the parties who came before them and give voice to their pain while, hopefully, engendering trust and respect for both the TRC itself and the new dispensation at large. Before attempting to answer this question, we turn to Rwanda's gacaca courts.

Culture and Process in Gacaca

Violence between Hutu and Tutsi groups peaked in 1994 with a genocide of Tutsis in Rwanda that left over 800,000 dead and over 130,000 in prison on suspicion of committing acts of genocide. Even though there was a desire to bring justice to the

victims and to hold the perpetrators accountable, a sense of impunity persisted in Rwanda. "With [its] judicial infrastructure destroyed and most prosecutors and judges killed in 1994, there was no chance that [Rwanda's] national court system could prosecute all those responsible for such crimes" (Tiemessen 2004, 57-58).

Gacaca courts were established as a response to the ineffectiveness of the International Criminal Tribunal for Rwanda (ICTR) and national court system to address this backlog of untried genocide cases. In 2001, Rwandans elected approximately 255,000 people to act as judges in these courts. "The process of Gacaca is derived from traditional Rwandan community courts, in which the elders would sit on the grass—Gacaca is the Kinyarwandan word for grass—and resolve community conflicts" (Daly 2002, 356). Village elders and community members gather together on a patch of grass to discuss civil disputes and elders present a resolution to the issue in an effort to salvage social peace and cohesion in the village. The primary aim of traditional gacaca was to restore social harmony and secondarily to mete out punishments (Nagy 2009, 99). Traditional uses were for resolving personal, land, marital and inheritance disputes (Betts 2005, 743). Apuuli notes that the type of justice practiced in traditional gacaca was an unmediated folk or popular justice that depended upon a "common sense understanding rather than upon law;" modern gacaca represents a mediated form of this type of justice wherein the participants are more constrained by the apparatus of the state (Apuuli 2009, 14-15).

The modern gacaca process differs from its traditional forebears in three key aspects: The traditional process was voluntary, the traditional process was concerned with local civil and community issues and the traditional process gave community leaders

more leeway to decide individual punishments (Corey 2004, 82). Modern gacaca is a state-sponsored program, with attendance required by all community members. Unlike its traditional brethren, modern gacaca addresses criminal and civil crimes associated with the genocide. Under its initial inception, modern gacaca was concerned with what were known as category 2, 3 or 4 crimes under the 1996 Organic Law—category 1 crimes were largely reserved for those who plotted or mastermined the genocide with the other categories reserved for those who committed murder, serious nonlethal assaults or property offenses (Lahiri 2009, 323). Initially the judges were given wide latitude in sentencing and were allowed give life sentences for some crimes. A 2004 amendment from the law combined categories 2 and 3 and limited the maximum penalty to thirty years imprisonment (Corey 2004, 82-83; Lahiri 2009, 325-326).

Traditional and modern gacaca share some clear similarities, including the participation of the whole community in the process, a focus on community healing rather than just punishment, and the use of a plea bargaining mechanism to encourage truth telling with the goal of reconciliation rather than just punishment (Vandeginste 2003, 271). Additionally, much of the modern gacaca process derives from its traditional forebear. This includes the open-air setting where, unlike a formal court proceeding, everyone in attendance is allowed to fully participate. This means that judges, the accused, accuser(s) and all those present can speak out, question those giving testimony and otherwise interject their opinions. Any of the testimony can be used in determining guilt or innocence and there was no initial requirement for physical evidence (Corey 2004, 83). Recent changes in procedure have meant that the gathering of evidence is based less on hearsay and more on information gathering by local administrators assigned

to assist the gacaca judges. This information is then verified by the assembled

populations, although individuals are still allowed to speak against or in defense of any

person as well as ask questions (Nagy 2009, 93-94).

Another important aspect of gacaca are the extensive provisions made for plea

bargaining. Provisions have been written into the gacaca law that allow for major

reductions of sentences for those who confess either before the trial begins or before a

verdict has been reached. Clark argues that the gacaca system facilitates reconciliation

through its plea bargaining system, which reintegrates perpetrators back into the

community through service—often alongside and in service of survivors and victims—as

well as direct compensation to victims and survivors (Clark 2009, 315).

Overall, modern gacaca was designed by Rwanda's government to largely

resemble its traditional forebear, with processes rooted in traditional gacaca and, thus,

highly recognizable to the local population (Betts 2005, 743). However, as we will see

below, there are serious critiques of both gacaca and the TRC processes as being unfair to

defendants and/or victims. As we move to the next section, we will begin analyzing both

the practices of gacaca and those of the TRC in order to determine the extent to which

they correspond to established categories of psychological procedural justice.

Judging Success Based on Process

We are examining cultural expressions of transitional justice in order to determine

the extent to which they correspond to established categories of psychological procedural

justice. Our argument is that the higher the overlap between the processes of transitional

justice mechanisms and local cultural expressions of procedural justice, the more that

such mechanisms will be perceived as fair and just by local populations, even by those who may not benefit—or indeed may be burdened—by their operation. Our analysis relies primarily upon Tyler's four criteria to examine both the South African TRC and Rwanda's gacaca in order to determine the extent to which their culturally-based processes fulfill the criteria of procedural justice.

The four criteria identified by procedural justice research outlined above and used in this analysis are neutrality, the trustworthiness of the authorities, treatment with dignity and respect, and the opportunity for participation or voice. In each case, these criteria are examined at two levels; the formal/international and folk/local. When we operationalize these concepts at both levels we are generally looking for different indicators. At the formal or international level we are generally looking for indicators that are usually present in judicial systems based on a "Western" notion of fair procedures and protections for the accused. At the folk or local level we might be looking for something slightly different. As opposed to a Western conception of justice, which concentrates on the rights of the accused and views criminal actions as harming the state, we might find indicators that community harmony would be more valued or that group norms might lead people to accept processes that are based more on informal understandings of fair treatment and less on codified rules of evidence, disclosure or procedure (Barton et al. 1983; Nader and Todd 1978; Zartman 2000b). Our understanding is that informal procedures which place a higher value on community cohesiveness and collective good over individual rights *may* be more acceptable when those procedures are embedded within or derive from cultural constructs which are highly valued in the local culture. This does not imply that everyone will be satisfied, but it is more likely that larger

portions of the local population will find these processes acceptable because they derive from local traditions.

Neutrality

We use Tyler's definition of neutrality, which is focused on participants' "judgments about the honesty, impartiality, and objectivity" of those in charge of the decision making mechanism in question, in this case, the transitional justice process. Tyler's research showed that participants believed that these authority figures should not be swayed by personal values and biases (Tyler 2000, 118, 122). This criterion appears to converge with Leventhal's criteria of the ability to suppress bias, the quality or accuracy of the decisions made, the ability to correct unfair or inaccurate decisions and the degree to which the process meets standards of fairness and morality (Leventhal 1980).

Neutrality as viewed through formal or international conceptions of procedural justice is most embodied by the sets of rules and procedures that ensure that the accused have the ability to mount the best defense possible and have some likelihood of being acquitted of their charges, especially if they are not guilty. The Nuremberg Tribunal is often cited as one of the best examples of a transitional justice mechanism where the authorities, in this case the judges, acted with a high level of neutrality; largely because they found three defendants innocent of the charges brought against them.

Neutrality at the folk or popular justice level, by contrast, is much less clear in terms of the procedures that traditional institutions should undertake in order to assure claimants or defendants that the judges or arbiters will treat all sides equally. Much as in the difference between acceptable mediators in Western societies requiring some sort of training or certification and mediators in traditional societies requiring some sort of social

position, either elected or not, in order to be acceptable to the parties (Moore 2003), it appears that the difference between judges in formal systems and judges in informal systems depends, on the one hand, the training and knowledge of the individual and, on the other hand, the social acceptability of the individual. While this is not exactly analogous it appears that informal—folk or popular justice systems—tend to rely more upon the social acceptability of the individual arbiters than upon codified procedures that protect the rights of individuals. Instead these arbiters are assumed to have the best interests of the community at heart and, unless they prove otherwise through their actions, they will generally be accorded a level of trust that goes along with their presumed neutrality (Barton et al. 1983; Zartman 2000a).

We found that the South African TRC has somewhat strong indicators for neutrality of the forum and its commissioners, but there were a few problems. Two possible standards can be applied: Western procedural justice standards on the one hand, and cultural procedural justice standards based on ubuntu on the other. By Western standards the emphasis of the Amnesty Commission on granting amnesty, particularly the preference for witness testimony favoring amnesty over that favoring prosecution, calls into question the neutrality of the forum and of the commissioners. However, when judged through the lens of ubuntu, with its preference on social restoration over individual retribution, one could reasonably argue that the AC's neutrality was focused on communal over individual good. Despite this argument, however, the fact that ubuntu—as popular as it might be—was not universally accepted as a standard by which justice should be measured, gives rise to survey evidence that showed most South

Africans felt that the amnesty provisions of the TRC were unfair to victims (Gibson 2002).

The Human Rights Violations Commission (HRVC), through the explicit focus of its creating act on the needs of victims, was seen as partial to their needs, leaning more heavily towards providing voice, dignity and respect to victims than towards presenting an image of neutrality (Chapman and Van der Merwe 2008; De Lange 2000; Garkawe 2003). In this arena the ideals of ubuntu required fidelity to compassion for victims of Apartheid and to healing the community through affirming their individual experiences. By eschewing a legal-forensic definition of the truth and distancing themselves from formal conception of neutrality, the HRVC adhered to those elements of procedural justice that were more congruent with the characterization of ubuntu as focusing on the interdependence of healing and forgiveness as cornerstones of reconciliation (Krog 2008b). Unlike the issues raised by the AC's emphasis on amnesty, the relative lack of importance accorded to neutrality by the HRVC was not seen as a major problem by most in South African society, who indicated that they overwhelmingly felt that the TRC had done a good job of helping victims by letting families know what had happened to their loved ones (Gibson 2005, 346). However, as will be seen below, the necessity for a level of selectivity did give rise to issues around equal access and the ability of all who wished to tell their stories having the ability to do so, somewhat damaging the perception of neutrality of the Commission's choice of stories to hear publicly.

Shifting to consider the procedural justice criteria in the gacaca courts of Rwanda, there are several deficiencies that lead to low perceived neutrality regardless of whether we use a Western or local lens. First, despite its prominence on the local level, gacaca is

still a state-sponsored process and was perceived to be subject to state pressure. Second, it has been seen by some as a form of victor's justice, especially when one considers that Tutsi members of the Rwandan Patriotic Front (RPF) accused of massacres are excluded from the possibility of prosecution (Corey 2004, 86; Tiemessen 2004, 65). In addition to this danger, Uvin and Mironko argue that many genocide survivors do not testify for fear of revenge and victims of rape refuse to testify because such issues are not made public in Rwandan culture (Uvin and Mironko 2003, 227). Additionally, where there were few available survivors, people gave false testimony without fear of being exposed by other witnesses, and when survivors did testify they often ran the risk of re-traumatization (Uvin and Mironko 2003, 227). Other critiques of gacaca stem largely from the international perspective and the expectation that any trial system should provide justice based upon Western standards such as the rights to representation, a speedy trial, reasonable detention times and conditions. Uvin contends that the failure to meet these conditions violates the defendants human rights, although he observed that "many people among the general population seem…in favor of the Gacaca system" (Uvin 2000, 6).

Daly (2002) notes that, at least in 2002, there was widespread support for gacaca, with a number of independent surveys reporting support as high as 80 percent and higher among Rwanda's prison population, the people who would be the most directly affected by the new courts. However, as with other aspects of criticism of gacaca there are some concerns that opponents would not be willing to express their opposition. In a public statement issued on January 23, 2006, Amnesty International criticized the Rwandan Government and expressed concerns over the intimidation and harassment of Bonaventure Bizumuremyi, editor of the independent newspaper *Umuco*, who had used

his paper to criticize the government for tightly controlling the judiciary. A colleague of Bizumuremyi's, Jean Léonard Rugambage was arrested and accused of being a *génocidaire* after he authored an article alleging that gacaca judges had used their positions for personal gain and to "settle personal feuds." These critiques lead one to question the neutrality of the forum and the extent to which opposition to gacaca, both within and without the actual process, is allowed free expression. An indicator of falling support for gacaca, and perhaps the perception of its reduced neutrality, is the fact that recent studies have shown that forced attendance and information campaigns are now required to increase participation, whereas attendance and support was initially quite high (Nagy 2009, 95).

In Longman's eyes one potentially serious problem with the neutrality of gacaca is the dual role played by judges at the lowest (category 4) level who serve both as judges and as investigating prosecutors. This is most serious during the pre-trial phase when the investigating judges have some technical assistance from the state that the defendant does not (Longman 2006, 219). However, he counters that there are two factors that mitigate against this preventing an adequate defense on the part of the accused. The first is that, like the defendant, the judges are not legal experts; meaning that the court would be tipped too far in the defendant's favor if he or she was allowed to hire an attorney while no one else had access to one. The second mitigating factor is the inclusion of the entire community in the process where, presumably, supporters and family members of the defendant would be able to speak on his or her behalf (Longman 2006, 218).

To summarize, each of these critiques, especially when placed alongside the concerns that Tutsi crimes are not being brought to trial along with the contention that

gacaca is being used to cement the power of the RPF government, violate Tyler's criteria for procedural justice, namely, they contravene the perceived neutrality of the forum and the trustworthiness of the authorities.

As noted, attendance at some sessions has been diminishing, with various reasons being given for the loss. Some reasons center around procedural justice issues, namely the sense that gacaca is not neutral because it only addresses Hutu crimes and not Tutsi ones, particularly those carried out by the RPF. Other issues raised have to do with the time required of people who would otherwise be tending their farms or engaging in the labor necessary to live. Clark notes that community-level gacaca sessions often take up a whole day and that some survivors still feel too traumatized to participate or fear retribution if they speak out (Clark 2009, 318). Part of this may be due to an initial lack of communication by the government about why prisoners were being released, generating confusion, uncertainty and fear; leaving some Rwandans feeling that the government is asking too much of them and providing too little in the way of a supportive environment for their participation (Clark 2009, 319).

In overall terms we can see that the TRC does well in terms of neutrality of the forum, though not without its detractors. The perception that both the AC and HRVC were neutral depends largely upon viewing them through the lens of ubuntu as a foundation for South African (or at least black South African) society (Krog 2008a, 2008b). The alternative view of ubuntu, that it was largely a nation-building exercise designed to convince black South Africans to give up their rights (Coertze 2001; Marx 2002; Wilson 2001), could be characterized as a Western view of ubuntu, parallel to a Western or formal view of the TRC as failing to meet legal criteria of procedural justice

rather than psychological criteria. In shifting our view of the TRC to one characterized by ubuntu we can, as Krog intimates, see that some subsequent disappointment with the TRC may come from a failure of those pardoned to abide by the tenets of ubuntu rather than disappointment that they did not receive adequate punishment (Krog 2008a, 218-219).

By contrast we can see serious deficiencies in the perceived neutrality of Rwanda's gacaca courts whether we view them through a formal lens or through a folk lens which, presumably, values this traditional method of resolving disputes and places less importance upon the legal criteria of procedural justice. From the unwillingness of the Rwandan government to consider Tutsi crimes to allegations that defendants were browbeaten or not allowed to cross-examine witnesses, it appears that the neutrality of the gacaca forum was seriously compromised (Amnesty International 2002, 24-25). That these issues were seen as serious by ordinary Rwandans could be deduced from the need to shift from voluntary attendance to mandatory attendance, often requiring authorities to round up community members who were either unaware of the gacaca session or, more likely, had chosen not to attend (Amnesty International 2002; Clark 2009). The additional problems alluded to above, the dual role of some judges, the lack of legal representation for defendants, and the pressure to plead guilty in return for lesser sentences, are more of a concern to the international community with its formal conception of procedural justice. However, these problems may also take on a more serious role to ordinary Rwandans given the problems with neutrality at the folk level.

Trustworthiness

According to Tyler people judge the trustworthiness of authorities by "whether the person is benevolent and caring, is concerned about their situation and their concerns and needs, considers their arguments, tries to do what is right for them, and tries to be fair" (Tyler 2000, 122). A key indicator of trustworthiness is the willingness of authorities to justify their decisions by giving an account of how they reached them. In this sense those arbiters that move from mere neutrality to having their decisions respected as authoritative have, in Tyler's estimation, established some trust with those whom their decisions affect. In some cases it appears that this trustworthiness can be applied to a category of people while in others it is applied to those who have "particularized personal connections" such as a neighborhood police officer, pastor or tribal elder (Tyler 2000, 122). Here we can see a potential differentiation between the Western conception of an arbiter who is trustworthy because of his or her position and a traditional conception of someone who is trustworthy because of his or her personal characteristics (Moore 2003). When authorities have established this sort of legitimacy, people no longer feel the need to inspect every decision, every outcome, because they trust the process and the authority to do right.

In the case of the TRC the commissioners needed to appear trustworthy to victims, survivors and to those who applied for amnesty. In particular, Archbishop Tutu appeared to be genuinely concerned and caring for the welfare of those victims and survivors who testified before the HRVC, often sharing their emotional pain and affirming their willingness to speak to the commission and share their stories (Shore and Kline 2006). As Tyler notes a key element of appearing trustworthy for authorities is the

justification of their decisions (Tyler 2000, 122). Given that the HRVC did not make decisions except in regard to selecting cases for public hearing, it seems that the justification of decisions is less relevant in this case. However, the AC did justify its decisions to grant or deny amnesty to those applicants who testified in public before it, strengthening the trustworthiness of that committee.

It is difficult to measure the effectiveness of the Reparations and Rehabilitation Committee (RRC) in terms of trustworthiness because they were relegated to an advisory body and held no public meetings. The contention that the South African Parliament showed little care for the troubles of survivors with their one-time payment of 30,000 Rand is one that cannot be laid directly at the feet of the RRC, which had recommended a wide range of reparations including the urgent interim reparations, individual grants, symbolic reparations, community rehabilitation programs and institutional reforms. Although mostly not implemented, this wide variety showed concern with the well-being of both victims and the wider society that—because of its inability to implement directly—may or may not have affected the RRC's level of trustworthiness.

Many from the international community criticize gacaca based on its procedural faults, most notably the lack of counsel for defendants and the minimal training given to the elected judges. According to Amnesty International the "competence of the *gacaca* judges is questionable" noting that their training is "grossly inadequate" and, more relevant to the consideration of trustworthiness, this lack of legal training may make them easier to manipulate by government officials and local power brokers (Amnesty International 2002, 38).

In the case of Rwanda's gacaca courts the trustworthiness of its authorities is different depending on the lens used to examine it. Examining gacaca with a more formal, or Western, conception of trustworthiness of the authorities is problematic both for the RPF political leadership and for the gacaca judges themselves. Regarding judges, the charges brought forth by Amnesty and others that their lack of legal training may make the judges susceptible to manipulation by government officials, reduces one's sense of their trustworthiness, as does the accusation that individual judges used their positions for personal gain; which, if true, violates both the judges' trustworthiness and the sense that gacaca itself was a neutral forum, free from personal biases (Amnesty International 2002). Looking through our informal folk lens gives a similar picture of the trustworthiness of RPF officials, namely that perception that the government is using gacaca to consolidate its hold on power and, at the same time, to shield themselves from prosecution. However, when using a local cultural lens to examine the trustworthiness of gacaca judges a different result appears. Arguments that gacaca judges lack legal competence are countered by the argument that judges have what is known as 'contextual competence' meaning that their deep understanding of the local context and the goals of gacaca in promoting reconciliation alongside meting out punishment call for a different standard for evaluating judges. Clark notes that in terms of assessing gacaca some communities have come together to address the issues behind the genocide and to support one another, while other communities have experienced an increase in tension and acrimony following the sessions. The key difference for Clark is that in the former cases there was adequate mediation from the judges that was often lacking in the latter (Clark 2009, 317). Therefore, trustworthiness in this context has more to do with the personal

qualities of the judge in question, their willingness and ability to intervene in a manner which engages the trust of the community and less to do their level of legal acumen or ability to follow the rules of gacaca procedure.

Dignity and Respect

The definition of treatment with dignity and respect seems quite simple and straightforward. According to Tyler, it means that when dealing with authorities, people feel that "their dignity as people and members of society is recognized and acknowledged" (Tyler 2000, 122). Tyler further notes that since being treated politely and with respect are essentially unrelated to outcomes, this aspect of procedural justice is "especially relevant" because it affirms an individual's status in a manner that does not rely upon a positive outcome to have a positive effect on perceptions of fairness (Tyler 2000, 122).

When examining the criterion of dignity and respect we need to examine the perceptions of all parties, victims and witnesses as well as the perpetrators or the accused, in order to determine the extent to which they felt they received adequate recognition of their dignity and respect. In addition we need to do this using both our Western and "folk" cultural lenses. Overall, we see that the TRC appears to have done a fairly good job in meeting the dignity and respect criterion in the case of both victims and of the accused, whether examined through our Western justice lens or a local, traditional lens as illuminated by ubuntu. Victims and survivors testifying before the HRVC were showered with empathy by the commissioners, especially by Archbishop Tutu, and had the satisfaction of acknowledgment of the serious crimes that they had suffered from (Graybill and Lanegran 2004, 6; Minow 1998, 71-74). The AC as well, in its own way,

met the criterion of being treated with dignity and respect. Defendants before the committee were afforded counsel and, even though they were cross examined, they were not required to profess contrition for their acts (Shore and Kline 2006, 316-317). This last point was a sore spot with many victims and some of the general public, but on the whole, as Govier (2002) notes, repentance cannot be demanded, nor forgiveness, but neither are possible without acknowledgment of the original wrong done.

In terms of treating the victims who did testify with dignity and respect, the HRVC did quite well in some respects. The appointment of Archbishop Desmond Tutu as the chair of the commission created a space within which he infused the HRVC process with Christian practices drawn from local customs. From opening prayers to exhortations and other comments, Tutu "intentionally created an environment that fostered practices that bore a resemblance to recognizable ceremonial practices" (Shore and Kline 2006, 314). In fact, the proceedings of the HRVC—the committee that Tutu chaired—differed greatly from the AC, with the former adhering to a "religious redemptive" formulation of truth while the latter concentrated on what is known as a "legal-forensic" definition of truth (Shore and Kline 2006, 313). Shore and Kline note that the overt use of religious language and symbols in the HRVC was, in fact, comforting to many of the victims and survivors. The role of religion in South Africa—whether the Black churches or the Dutch Reformed Church—has never been private nor solely concerned with the salvation and spiritual well being of just individuals (Shore and Kline 2006, 310, 315). The cultural credibility and fit of the use of religious symbolism by Archbishop Tutu and other members of the HRVC gave the proceedings the air of comfort and support, particularly with their respect for deeply-held religious values. Further, the ability of those victims

who were called to testify to tell their stories to a sympathetic and official audience also contributes to the sense that they were treated with dignity and respect, as did the lack of cross examination by perpetrators. While those who were excluded from giving testimony might have lost some sense of voice—and possibly some level of trustworthiness and respect for the process—evidence from studies by the Centre for the Study of Violence and Reconciliation showed that many who did participate likely felt that telling their stories in front of a respectful institutional body was the most useful part of the process; indicating that this criteria for procedural justice was likely met (Hamber, Nageng, and O'Malley 2000).

For gacaca the criterion of being treated with dignity and respect could be said to have been partially met. Like the TRC, the gacaca process allowed victims and survivors to tell their stories in their words (Clark 2010). In addition, the accused were also supposed to be able to tell their stories and any member of the community was allowed to speak out, ask questions or make statements about the case at hand. As noted above, Amnesty officials assert that in the pilot phase of gacaca there were instances wherein the defendant's right to speak was abrogated and that a presumption of guilt existed which, if true, would seriously impinge upon the defendant's perception of treatment (Amnesty International 2002). However, according to Clark, this interpretation of gacaca fails to take into account the local view of gacaca as something more than a legal institution with larger aims of communal reconciliation rather than just punishment (Clark 2010, 96-97). It is through this local view of gacaca that we can see some measure of success, from a communal standpoint, of gacaca in meeting the criterion of dignity and respect.

Again what we see with this criterion is that the TRC's efforts appear to be much more in line with satisfying a perception of treatment with dignity and respect, whether viewed from a formal perspective or through the folk perspective of ubuntu. By contrast, gacaca again only meets this criterion partially, and only if we view gacaca through a folk lens where communal good outweighs individual rights. Unfortunately, the other indictments of gacaca covered above do much to mitigate this communal good and to make it appear to be more in the service of the government than of individual communities.

Opportunity for Voice

In Tyler's research, participation, or the opportunity for voice, is a key element of procedural justice. He notes that individuals "feel more fairly treated if they are allowed to participate…by presenting their suggestions about what should be done" (Tyler 2000, 121). This power is the key that motivates alternative dispute resolution processes like mediation, but is not limited to arenas where individuals believe that their process participation will affect outcome. Tyler and his colleagues indicate that there is a value for people even when their influence is noninstrumental. In these cases the impact of being able to give voice and be listened to attentively reinforce an individual's sense of self-esteem and personal worth (Lind, Tyler, and Huo 1997, 769; Tyler 1987, 343). Like treatment with respect, the opportunity for voice is something that can be incorporated into many different fora; but unlike treatment with respect, the opportunity for voice may be harder to implement, particularly in fora that are based on more formal conceptions of procedural justice, such as court settings that allow for only limited participation by victims or defendants (Mertus 2000).

The TRC sought to incorporate the narratives of all who testified before it, whether they were victims and survivors or applicants for amnesty. Whether examined from a formal or folk conception of procedural justice, it appears that the opportunity for voice was met for all who sat before the HRVC or the AC. However, this opportunity for voice was lessened somewhat in terms of the HRVC's selection process for those who gave it testimony. Although it was not possible for all to tell their stories, there were just too many and the process for choosing who would appear and who would not was less than transparent. So too was the process for determining who would appear before the AC, which was problematic because of a lack of equal opportunity for applicants in prison to make their best case to the committee.

The HRVC was the most visible committee and conducted its work throughout the country, holding around eighty hearings across the country where victims were called to tell their stories. Following this the commission investigated a number of "significant" or representative cases to gather more detail. Unfortunately, with over 22,000 cases brought forth by victims or their families, the commission was unable to investigate, or even highlight them all (van der Merwe 2003, 106). What this meant was that, despite commendable outreach to the populace, the HRVC's consultations with communities were usually quite limited and the process of taking testimony in one location might last only a single day. Further, the TRC retained control over the selection of cases for public testimony, at times selecting cases more for their dramatic effect or notoriety; and in effect reducing the level of control that victims might have felt within the process (van der Merwe 2003, 111). This meant that victims who applied to the TRC had an unequal opportunity to give public testimony, though the commission summarized all of victim

statements in a "victim's volume" (South Africa. Truth and Reconciliation Commission. and Tutu 1998, 576-577). Despite all of this, the cultural lens put forth by ubuntu may have lessened the impact of selectivity for the HRVC *if* those who were not able to testify felt that the stories that were told represented them in some way and, more importantly, assisted the country at large towards reconciliation.

The gacaca process was designed to allow the maximum amount of voice for all participants through the purported ability of all present to give testimony or to ask questions. However, when viewed through a formal procedural justice lens we can see that the exclusion of RPF and Tutsi crimes lessened the amount of possible voice for those who had been their victims. The perception of victor's justice lowers the level of voice and opportunity for participation, perhaps endangering gacaca's goal of engendering reconciliation in Rwanda. However, when we limit ourselves to the process within gacaca instead of its institutional constraints we find, especially when looking through our folk lens, that the opportunity for voice is relatively strong with some exceptions (Clark 2010). These are, namely the early reports that Clark points to wherein defendants were not given equal opportunity to speak and the Amnesty International reports that defendants and witnesses were harangued (Amnesty International 2002; Clark 2009).

Still, despite the fact that actual participation in gacaca is lower than indicated by many of its proponents, Clark argues that gacaca has "unquestionably" afforded the population a "rare opportunity" to participate in Rwanda's national reconstruction and rebuilding processes (Clark 2010, 153). Furthermore, he argues that it has empowered many marginalized groups, such as women and youth, and has the potential expand

participation if the planned extension of gacaca to everyday crimes after the genocide cases are complete takes place (Clark 2010, 153).

Overall it appears that both processes have had some success in providing the opportunity for voice, though not without some criticisms. Examining both gacaca and the TRC through a local conception of procedural justice expands our ability to see potential opportunities for voice in the sense of being able to tell one's story to a sympathetic audience at the TRC or engage in a messy dialog about issues critical to individual and communal well-being in gacaca. Expanding beyond the formal view of procedural justice allows us to see these positive elements while recognizing that each process still has its shortcomings.

Conclusion

Our initial question of whether a nexus of procedural justice and cultural context could tell us more about why some transitional justice mechanisms are seen as more successful than others has only been partially answered. Rettig's analysis of gacaca in Sovu province showed that confidence in the process fell from 51 percent in 2006 to 38 percent in 2008 while 65 percent indicated that they had confidence in gacca, rising to 67 percent in 2008 (Rettig 2008, 37). These findings are similar to Clark's data, which indicate that support for gacaca is generally strong, but that participation has fluctuated based on security concerns, economic need and on interest in specific aspects of individual cases (Clark 2010, 148). By contrast, Gibson's data shows a steady support for the work of the TRC, even though there is evidence of anger and disappointment in the lack of reparations made by South Africa's government (Gibson 2002, 2005). These

findings are similar to our analysis of procedural justice criteria for these two cases, finding some support for the argument that higher levels of procedural justice—defined either formally or locally—corresponds to others' findings of more support for the transitional justice mechanism in question. Gibson's findings of higher support for the work of the HRVC than the AC correlates with our findings that the HRVC paid more heed to the procedural justice needs of victims than did the AC, which focused its procedures more on the perpetrators. Likewise, Rettig's findings of initial high levels of support for gacaca that later fell correspond to our analysis that shows that while some attention was paid to procedural justice criteria at the local level, this was undermined by decisions at the national level which undercut gacaca's perceived neutrality and independence from the political process (Rettig 2008, 40).

Turning in more detail to the TRC, we note a series of processes that have an interesting mix of success in terms of procedural justice as viewed both formally and locally. The HRVC seems to have had the most inventive use of local conceptions of procedural justice through its use of the ubuntu worldview to characterize both its approach to its witnesses and position on the role of reconciliation (cf Coertze 2001; Krog 2008b, 2008a; Marx 2002). In doing so, it fulfilled an informal conception of the criteria for voice and participation for those who testified, as well as trustworthiness, dignity and respect. By contrast the AC's reliance upon a more formal conception of procedural justice may have been wise from a legal perspective, but when viewed through an informal, ubuntu-based, conception of procedural justice, it left many in South Africa with a sense that the amnesty process was unfair to victims (Gibson 2002, 2005). This sense of unfairness may be best characterized by Krog, who argued that it was not

the failure of retributive justice that created anger at the amnesty process, but the failure of those who were granted amnesty to abide by the tenets of ubuntu, washing their hands of the forgiveness that they had received and not acknowledging their interconnectedness with the victims that angered many South Africans (Krog 2008a, 218-219). Despite this, the AC did largely fulfill formal criteria for neutrality of the forum and, despite problems of access, opportunity for voice. The only clear indicator of failure for the TRC is the failure to date of the RRC to provide what is viewed as adequate levels of restitution for those who suffered under Apartheid. However, the discontent that this has generated might be more directed at the Parliament than the TRC as a whole—because in the end it was the Parliament's decision to alter the RRC's recommendations.

As with the TRC, Rwanda's gacaca courts do well in meeting some aspects of procedural justice criteria and poorly in others. When examined through an informal procedural justice lens, gacaca appears to have higher levels of opportunity for voice and participation, as well as, theoretically, high levels for trustworthiness of the authorities— given that they come from the local region. However, more formal conceptions for trustworthiness, treatment with dignity and respect, and opportunity for voice show that, by Western standards, the lack of legal training for judges, the lack of legal counsel for defendants and the willingness of the gacaca courts to admit hearsay evidence creates problems for the international community. Despite this, gacaca has continued to receive some support, though declining, from Rwandans; indicating that the view of procedural justice adopted by the tribunals resonates at some levels with the population. Unfortunately, both for Rwanda and gacaca, the neutrality of the forum has been compromised both formally and locally by the government's decision not to allow

charges to be brought against RPF or former RPF members, tainting the courts with the perception that they are merely offering victors' justice. The question of how much damage this perception will have on Rwanda's ability to achieve some level of reconciliation is uncertain at this time, but it seems likely that this choice will breed resentment that may taint future communal relations.

We would be remiss if we failed to note that the findings with regards to the use of procedural justice as a measurement of success or failure of specific transitional justice mechanisms must be taken with a few grains of salt. Just as we caution against viewing procedural justice criteria only through the lens of formal processes and Western justice, we should also caution against adopting informal cultural conceptions wholesale. It seems relatively clear from the mixed records in each of our cases that there are those who are relatively satisfied with the work that these institutions have done, and in particular, the manner in which they have done it. But there are also many who disapprove of the restorative nature of the TRC and of gacaca, feeling that their needs for justice have been abrogated and that attempts to achieve reconciliation have only brought more pain (Oppelt 1998; Wilson 2001; Kayigamba 2009). While it is useful to examine procedural justice through multiple lenses along the notion of legal pluralism, it is also useful to highlight where perceptions of procedural justice diverge as well as where they converge.

As a final note, we must pay attention to the fact that this is a preliminary study that has explored a possibility for examining transitional justice mechanisms using well-recognized criteria from the field of procedural justice and incorporating ideas about how these criteria might be viewed in different cultural and contextual settings. In order to test

these propositions more fully it is necessary to do several things. The first of these would be to either conduct field research or a field experiment, or to rely upon much more primary data than was available for this paper. This is needed in order to collect information that is more precise and focused on the criteria of procedural justice rather than having to extract information from multiple sources or to extrapolate from existing materials. The second recommendation is to attempt to study multiple transitional justice mechanisms in a single cultural context as an attempt to minimize the variation that exists between cultural settings.

Overall we believe that this research provides a way to show that not only are there many mechanisms available to implement transitional justice, but there are many methods of measuring that justice; methods which are not limited to formal conceptions of procedure or established methods of punishment. Allowing for this diversity in justice and how we view it only gives more options to those who face the hard questions and the hard choices of how to address the human rights violations of a former regime.

References

Amnesty International. 2002. Rwanda: Gacaca: A Question of Justice. Amnesty International.

Amstutz, M. R. 2005. *The Healing of Nations: The Promise and Limits of Political Forgiveness*. Lanham, MD: Rowman & Littlefield Publishers.

Apuuli, K. P. 2009. "Procedural Due Process and the Prosecution of Genocide Suspects in Rwanda." *Journal of Genocide Research* 11(1):11-30.

Barton, J. H., Gibbs, J. L., Jr., Li, V. H., and Merryman, J. H. 1983. *Law in Radically Different Cultures*, *American Casebook Series*. St. Paul, MN: West.

Betts, A. 2005. "Should Approaches to Post-conflict Justice and Reconciliation be Determined Globally, Nationally or Locally?" *European Journal of Development Research* 17(4):735-752.

Biggar, N. 2003. *Burying the Past: Making Peace and Doing Justice After Civil Conflict*. Expanded and updated. ed. Washington, DC: Georgetown University Press.

Borris, E. R. 2002. "Reconciliation in Post-Conflict Peacebuilding: Lessons Learned from South Africa." In *Second Track/ Citizen's Diplomacy Concepts and Techniques for Conflict Transformation*, edited by J. Davies and E. Kaufman, 161-182. Lanham, MD: Rowman & Littlefield Publishers, Inc.

Brown, S. 2011. "The Rule of Law and the Hidden Politics of Transitional Justice in Rwanda." In *Peacebuilding and Rule of Law in Africa: Just Peace?*, edited by C. L. Sriram, O. Martin-Ortega and J. Herman. Abingdon, UK and New York: Routledge.

Chapman, A. R. and Van der Merwe, H. 2008. *Truth and Reconciliation in South Africa : Did the TRC Deliver?*, *Pennsylvania Studies in Human Rights*. Philadelphia: University of Pennsylvania Press.

Clark, P. 2009. "The Rules (and Politics) of Engagement: The Gacaca Courts and Post-Genocide Justice, Healing and Reconciliation in Rwanda." In *After Genocide: Transitional Jjustice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*, edited by P. Clark and Z. D. Kaufman, 297-320. New York: Columbia University Press.

———. 2010. *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice Without Lawyers*. New York: Cambridge University Press.

Coertze, R. D. 2001. "Ubuntu and Nation Building in South Africa." *South African Journal of Ethnology* 24(4):113.

Corey, A. and Joireman, S. F. 2004. "Retributive Justice: The Gacaca Courts in Rwanda." *African Affairs* 103(410):73-89.

Daly, E. 2002. "Between Punitive and Reconstructive Justice: The Gacaca Courts in Rwanda." *Journal of International Law and Politics* 34(2):355.

De Lange, J. 2000. "The Historical Context, Legal Origins and Philosophical Foundation of the South African Truth and Reconciliation Commission." In *Looking Back Reaching Forward*, edited by C. a. W. V. Villa-Vicencio. Cape Town: University of Cape Town Press.

Falk, R. 2003. "Doubting the Unconditional Need for Retribution." *Public Culture* 15(1):191.

Fletcher, L. E., Weinstein, H. M., and Rowen, J. 2009. "Context, Timing and the Dynamics of Transitional Justice: A Historical Perspective." *Human Rights Quarterly* 31(1):163-220.

Garkawe, S. 2003. "The South African Truth and Reconciliation Commission: A Suitable Model to Enhance the Role and Rights of the Victims of Gross Violations of Human Rights?" *Melbourne University Law Review* 27(2):334-380.

Gibson, J. L. 2002. "Truth, Justice, and Reconciliation: Judging the Fairness of Amnesty in South Africa." *American Journal of Political Science* 46(3):540.

———. 2005. "The Truth About Truth and Reconciliation in South Africa."

    International Political Science Review 26(4):341-361.

Gloppen, S. 2005. "Roads to Reconciliation: A Conceptual Framework." In *Roads to*

    Reconciliation, edited by E. Skaar, S. Gloppen and A. Suhrke, 17-50. Lanham,

    Md.: Lexington Books.

Govier, T. 2002. *Forgiveness and Revenge*. London, New York: Routledge.

Graybill, L. and Lanegran, K. 2004. "Truth, Justice, and Reconciliation in Africa: Issues

    and Cases." *African Studies Quarterly* 8(1):1-18.

Hamber, B., Nageng, D., and O'Malley, G. 2000. "'Telling it Like it is...': Understanding

    the Truth and Reconciliation Commission from the Perspective of Survivors."

    Psychology in Society 26:18-42.

Hauenstein, N. M. A., McGonigle, T., and Flinder, S. W. 2001. "A Meta-Analysis of the

    Relationship Between Procedural Justice and Distributive Justice: Implications for

    Justice Research." *Employee Responsibilities and Rights Journal* 13(1):39-56.

Hayner, P. B. 2002. *Unspeakable Truths: Facing the Challenge of Truth Commissions*.

    New York: Routledge.

Hirsch, M. B.-J. 2007. "Agents of Truth and Justice: Truth Commissions and the

    Transitional Justice Epistemic Community." In *Rethinking Ethical Foreign*

    Policy: Pitfalls, Possibilities and Paradoxes, edited by D. Chandler and V. Heins,

    184-205. Abingdon, UK; New York: Routledge.

Jacoby, S. 1983. *Wild Justice: The Evolution of Revenge*. New York: Harper & Row.

Kayigamba, J. B. 2009. "Without Justice, No Reconciliation: A Survivor's Experience of

    Genocide." In *After Genocide: Transitional Justice, Post-Conflict Reconstruction*

and Reconciliation in Rwanda and Beyond, edited by P. Clark and Z. D. Kaufman. New York: Columbia University Press.

Koh, H. J. 2004. "'Yet I Shall Temper so Justice with Mercy' Procedural Justice in Mediation and Litigation." *Law & Psychology Review* 28:169-176.

Krog, A. 2008a. "'...If It Means He Gets His Humanity Back...': The Worldview Underpinning the South African Truth and Reconciliation Commission." *Journal of Multicultural Discourses* 3(3):204-220.

———. 2008b. "'This Thing Called Reconciliation...' Forgiveness as Part of an Interconnectedness-Towards-Wholeness. *South African Journal of Philosophy* 27(4):353-366.

Lahiri, K. 2009. "Rwanda's 'Gacaca' Courts A Possible Model for Local Justice in International Crime?" *International Criminal Law Review* 9(2):321-332.

Leebaw, B. 2003. "Legitimation or Judgment? South Africa's Restorative Approach to Transitional Justice." *Polity* 36(1):23-51.

Leventhal, G. S. 1980. "What Should be Done with Equity Theory?" In *Social Exchange : Advances in Theory and Research*, edited by K. J. Gergen, M. S. Greenberg and R. H. Willis, 27-55. New York: Plenum Press.

Lind, E. A., and Earley, P. C. 1992. "Procedural Justice and Culture." *International Journal of Psychology* 27(2):227.

Lind, E. A., Tyler, T. R., and Huo, Y. J. 1997. "Procedural Context and Culture: Variation in the Antecedents of Procedural Justice Judgments." *Journal of Personality & Social Psychology* 73(4):767-780.

Longman, T. 2006. "Justice at the Grassroots? Gacaca Trials in Rwanda." In *Transitional*

    Justice in the Twenty-First Century: Beyond Truth versus Justice, edited by N.

    Roht-Arriaza and J. Mariezcurrena. Cambridge, UK; New York: Cambridge

    University Press.

Marx, C. 2002. "Ubu and Ubuntu: On the Dialectics of Apartheid and Nation Building."

    Politikon: South African Journal of Political Studies 29(1):49-69.

Megwalu, A. and Loizides, N. 2010. "Dilemmas of Justice and Reconciliation: Rwandans

    and the Gacaca Courts." *African Journal of International and Comparative Law*

    18(1):1-23.

Mertus, J. 2000. "Truth in a Box: The Limits of Justice through Judicial Mechanisms." In

    The Politics of Memory: Truth, Healing, and Social Justice, edited by I.

    Amadiume and A. An-Na'im, 142-161. London; New York: Zed Books.

Miller, B. G. 2006. "Bringing Culture in: Community Responses to Apology,

    Reconciliation, and Reparations." *American Indian Culture & Research Journal*

    30(4):1-17.

Minow, M. 1998. *Between Vengeance and Forgiveness: Facing History After Genocide*

    and Mass Violence. Boston: Beacon Press.

Moore, C. W. 2003. *The Mediation Process: Practical Strategies for Resolving Conflict*

    (3rd ed.). San Francisco: Jossey-Bass.

Morris, M. W. and Leung, K. 2000. "Justice for All? Progress in Research on Cultural

    Variation in the Psychology of Distributive and Procedural Justice." *Applied*

    Psychology: An International Review 49(1):100.

Nader, L. and Todd, H. F. (eds.). 1978. *The Disputing Process: Law in Ten Societies*. New York: Columbia University Press.

Nagy, R. 2009. "Traditional Justice and Legal Pluralism in Transitional Context: The Case of Rwanda's Gacaca Courts." In *Reconciliation(s): Transitional Justice in Postconflict Societies*, edited by J. R. Quinn. Montreal: McGill-Queen's University Press.

Nolan, M. 2007. "The Elusive Pursuit of Truth and Justice: A Review Essay." *Radical History Review* (97):143-154.

Oppelt, P. 1998. "Irreconcilable: The Healing Work of My Country's Truth Commission Has Opened New Wounds for Me." *The Washington Post*, Sept. 13, Outlook C01.

Quinn, J. R. (ed.). 2009. *Reconciliation(s): Transitional Justice in Postconflict Societies*. Montreal: McGill-Queen's University Press.

Rettig, M. 2008. "Gacaca: Truth, Justice, and Reconciliation in Postconflict Rwanda?" *African Studies Review* 51(3):25-50.

Shore, M. and Kline,S. 2006. "The Ambiguous Role of Religion in the South African Truth and Reconciliation Commission." *Peace & Change* 31(3):309-332.

South Africa. Truth and Reconciliation Commission., and Desmond Tutu. 1998. *Truth and Reconciliation Commission of South Africa report*. Cape Town: The Commission.

Sriram, C. L. 2007. "Justice as Peace? Liberal Peacebuilding and Strategies of Transitional Justice." *Global Society: Journal of Interdisciplinary International Relations* 21(4):579-591.

Teitel, R. G. 2000. *Transitional Justice*: New York: Oxford University Press.

Thibaut, J. W. and Walker, L. 1975. *Procedural Justice: A Psychological Analysis*.

Hillsdale, N.J. New York: L. Erlbaum Associates; distributed by the Halsted Press

Division of Wiley.

Tiemessen, A. E. 2004. "After Arusha: Gacaca Justice in Post-Genocide Rwanda."

African Studies Quarterly 8(1):57-76.

Tyler, T. R. 1987. "Conditions Leading to Value-Expressive Effects in Judgments of

Procedural Justice." *Journal of Personality and Social Psychology* 52(2):333-344.

———. 1988. "What is Procedural Justice?: Criteria used by Citizens to Assess the

Fairness of Legal Procedures." *Law & Society Review* 22(1):103-135.

———. 2000. "Social Justice: Outcome and Procedure." *International Journal of*

Psychology 35(2):117-125.

———. 2006. "Restorative Justice and Procedural Justice: Dealing with Rule Breaking."

Journal of Social Issues 62(2):307-326.

———. 2009. "Procedural Justice, Identity and Deference to the Law: What Shapes

Rule-Following in a Period of Transition?" *Australian Journal of Psychology*

61(1):32-39.

Tyler, T. R. and Smith, H. J. 1998. "Social Justice and Social Movements." In *The*

Handbook of Social Psychology, edited by D. T. Gilbert, S. T. Fiske and G.

Lindzey, 595-631. Boston: McGraw Hill.

Uvin, P. and Mironko,C. 2003. "Western and Local Approaches to Justice in Rwanda."

Global Governance 9:219-231.

Uvin, P. 2000. "The Introduction of Modernized Gacaca for Judging Suspects of

    Participation in Genocide and the Massacres of 1994 in Rwanda." In *Discussion*

    Paper prepared for the Belgian Secretary of State for Development Cooperation.

van der Merwe, H. 2003. "National and Community Reconcilaition: Competing Agendas

    in the South African Truth and Reconciliation Commission." In *Burying the Past;*

    Making Peace and Doing Justice after Civil Conflict: Expanded and Updated

    Edition, edited by N. Biggar. Washington, D.C.: Georgetown University Press.

van Zyl, P. 1999. "Dilemmas of Transitional Justice: The Case of South Africa's Truth

    and Reconciliation Commission." *Journal of International Affairs* 52(2):647-667.

Vandeginste, S. 2003. "Rwanda: Dealing with Genocide and Crimes against Humanity in

    the Context of Armed Conflict and Failed Political Transition." In *Burying the*

    Past; Making Peace and Doing Justice after Civil Conflict: Expanded and

    Updated Edition, edited by N. Biggar. Washington, D.C.: Georgetown University

    Press.

Vidmar, N. 1992. "Procedural Justice and Alternative Dispute Resolution."

    Psychological Science 3(4):224-228.

Vinjamuri, L. and Snyder, J. 2004. "Advocacy and Scholarship in the Study of

    International War Crime Tribunals and Transitional Justice." *Annual Review of*

    Political Science 7(1):345-362.

Wilson, R. 2001. *The Politics of Truth and Reconciliation in South Africa: Legitimizing*

    the Post-Apartheid State. Cambridge; New York: Cambridge University Press.

Wilson, R. A. 2003. "Justice and Retribution in Postconflict Settings." *Public Culture*

    15(1):187.

Zartman, I. W. 2000a. "Conclusions: Changes in the New Order and the Place for the

    Old." In *Traditional Cures for Modern Conflicts: African Conflict "Medicine"*,

    edited by I. W. Zartman, 219-230. Boulder, CO: Lynne Rienner Publishers.

———, (ed.). 2000b. *Traditional Cures for Modern Conflicts: African Conflict*

    "Medicine." Boulder, CO: Lynne Rienner Publishers.