



# Peace Research

The Canadian Journal of Peace and Conflict Studies

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# MULTI-TRACK DIPLOMACY AND CANADA'S INDIGENOUS PEOPLES

*Robert Christmas*

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In 2013, Canada's minority Indigenous population remains socio-economically challenged, living out a legacy of social injustice that stems back to colonization. Domestic and gang violence, substance abuse, and suicide rates are increasing along with population growth that is outstripping the majority mainstream population. Unresolved treaties and land claims stand at the heart of the conflict as a barrier to achieving equality and a unified nation. This article highlights paths towards improved social justice that breaks away from Canada's trajectory of growing social ills. The new reality may be negotiated through renewed sensitivity to the effects of colonization, and through multi-track diplomacy that aims to remove barriers to peace and recreate Canada's governance priorities and discourse about citizen equality.

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## INTRODUCTION

Ongoing conflict exists in Canada between indigenous Aboriginal Canadians and mainstream, European-based society. Canada's post-millennial social milieu is one of disparity and class differences that the average Canadian would denounce in other countries. Yet Canadians often seem indifferent to social injustice in their own backyard. In 2012, Canada's Aboriginal leaders met to form a national plan that would address their rights. Former Assembly of First Nations Grand Chief, Ovide Mercredi, stated, "The option for us is very clear; we have to make our own laws and ignore Parliament."<sup>1</sup> He added that there is little the country can do if First Nations peoples unite. "Parliament," he said, "can pass all the laws they want; we'll just

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ignore them. They'll try to enforce them, but who's going to do that? The RCMP?"<sup>2</sup> Further delay in settling conflicts over unresolved land and Treaty claims, and between Aboriginal peoples and settler society, may only make the issues increasingly difficult to resolve.

In this conflict, two national groups, both defined by distinct histories, cultures, and political paradigms, claim sovereignty within one country's borders.<sup>3</sup> Colonization extracted wealth from natural resources and led to Canada's development into an economically powerful nation. However, it also left an indelible legacy of economic disparity with poor living conditions, inadequate education, and unemployment for many Aboriginal peoples.<sup>4</sup> These class differences contravene the global cosmopolitan principle of international living standards that has gained increasing acceptance in recent decades.<sup>5</sup> Thus contemporary Canada is a case study of how the impacts of colonization span generations, cultures, and geographical and political divides. Trans-generational effects, if uninterrupted, carry the legacy forward, affecting future generations.<sup>6</sup>

This article posits that careful study of our colonial history, and multi-track diplomacy that engages people and resources at all levels, may change the public discourse and opinion on power imbalances that exist between Aboriginal peoples and mainstream society. Better understanding of the impacts of government policies such as the segregation of racial groups onto reserves, and more effective conflict resolution approaches, may allow new perspectives and sensitivity to the root causes of oppression in ways that may point to solutions and help to avert perpetuation of socio-economic disparity into the future. As history is newly understood, we may find paths to greater social justice and may use economic power for the common good rather than to further marginalize some minority groups.

The first half of this article describes how processes of colonization resulted in power imbalances and inequality, how social conditions for Aboriginal Canadians have deteriorated and caused many modern social ills, and how the costs to all citizens will increase if the conflict is not rectified. To resolve this long-standing, intractable conflict, this study's second half proposes intervention through multi-track diplomacy and multi-sectoral approaches that bring all of society together to address complex social problems that are too large for any one agency to transform alone. Louise Diamond and John McDonald's *Multi-Track Diplomacy: A Systems Approach to Peace* is foundational to this perspective.<sup>7</sup>



## THE DEEPENING SOCIAL CHASM

Some Aboriginal communities are economically self-sustaining and successful. The Osoyoos Band in British Columbia's Okanagan Valley, for example, has a winery and numerous other successful businesses. On this reserve there is high employment and fewer social problems than are found in many Aboriginal communities across Canada. While beyond the scope of this paper, there are many lessons to be learned from such financially successful communities. One lesson may be that taking control of one's own fate is the key to overcoming the mantle of structural oppression and marginalization.<sup>8</sup>

Despite this success story, many other Canadian Aboriginal people continue to live in impoverished reserves and poor urban neighbourhoods, with inadequate education and the resulting low employment. Their communities suffer high crime rates and the deepening social problems for these populations compel Canada's attention.<sup>9</sup> The establishment of reserves created intractable problems for modern Canadian society. European settlement changed the land from which Aboriginal people were displaced, so returning it in the same condition is not an option, even if there were a will to do so. We now understand the critical relationships that exist between the land and Indigenous peoples' identities, and why disputed land entitlement is a critical barrier to modern peace.<sup>10</sup> Many testaments exist describing the severe impacts of being displaced from land that is central to ethnic identity. Maria Campbell's *Halfbreed: A Proud and Bitter Canadian Legacy* provides insights into the politics of Canada's settlement from the Aboriginal people's point of view. She describes the distrust of government intentions that existed among many Aboriginal communities, and how, contrary to common belief, many of them did not idly accept being displaced. Many Aboriginal people lobbied the government at the time but to no avail.<sup>11</sup> In *Night Spirits: The Story of the Relocation of the Dene*, Ila Bussidor and Ustun Bilgen-Reinhart gathered first-hand accounts of the Sayisi Dene people who were displaced by a hydro project in northern Manitoba.<sup>12</sup> Poignant accounts highlight the severe impacts on Indigenous people who were forced from their ancestral lands. The hydro dam changed the balance of nature in the area, doing damage that cannot be undone. Similarly, in places where cities and industries have emerged, the land has changed forever, and for generations of Aboriginal people the wounds remain open because their identities and heritage are tied to those physical places.

Canada's Indian Act of 1876 began the government's attempts to

integrate Aboriginal peoples into European-based, settler culture.<sup>13</sup> Aggressive assimilation policies included church-run, government-funded residential schools that separated children from their families and from their home communities.<sup>14</sup> Residential schools and mass adoption policies compounded the impacts of racial segregation while, paradoxically, attempting to force assimilation with the settlers' society.<sup>15</sup> These policies are now understood as having underpinned structural systems that marginalized Aboriginal peoples. Many Aboriginal people are now psychologically lost in a cultural limbo, feeling disconnected from both European-based mainstream society and their Indigenous roots. For many, this identity crisis must be resolved before true healing can begin.

Vamik Volkan has described how trauma is carried forward across generations.<sup>16</sup> The vicarious trauma that many contemporary Aboriginal youth feel, seeing their parents reeling from the impacts of the residential schools and the government seizure and adoption of Aboriginal babies in Canada in the 1960s, coupled with the far too common personal distress of being abused or neglected at home, has contributed to endemic substance abuse, high suicide rates, and increasing criminal involvement.<sup>17</sup> Forging future peace lies, at least in part, in addressing these trans-generational traumas that underlie many contemporary social problems.

As Johan Galtung has noted, societal organization and institutions can result in structural violence in the form of disparity.<sup>18</sup> Both between and within many countries, structural violence in the form of social stratification and economic inequality exists and is deepening. A systemic tendency of modern capitalist economic development in countries throughout the world is that the rich get richer. In 1991, over 85 percent of the world's total wealth was held by 20 percent of the population, and the gap was widening.<sup>19</sup> Ho-Won Jeong wrote in 2000, "Rich industrialized countries have less than a quarter of the world's population but consume over three quarters of the goods produced in the world."<sup>20</sup> Economic class differences continue, in part, because those in power tend to leverage their positions in order to retain and increase their wealth.<sup>21</sup> In 2011 the Conference Board of Canada reported that between 1993 and 2008 the richest Canadians increased their income while low and middle incomes decreased, and Aboriginal peoples remained impoverished.<sup>22</sup> Mainstream Canadian society has a power advantage over Indigenous peoples who make up fewer than 10 percent of the country's population.<sup>23</sup> It is no surprise that these patterns have played out

in Canada. Welfare systems, for example, while providing people with the means for basic living standards, tend to perpetuate dependency. In many cases people choose to live on welfare, or cannot leave it, because their starting job prospects would pay less. While beyond the scope of this article, the answer to this conundrum may be to invest more to help people complete post-secondary education and obtain better jobs.

Aboriginal peoples' average income is significantly lower than that found in the non-Aboriginal population.<sup>24</sup> In 2006, Aboriginal people were four times more likely than non-Aboriginal Canadians to live in crowded and/or dilapidated housing, both on and off reserve.<sup>25</sup> Aboriginal populations continue to increase rapidly with higher birthrates than other Canadian racial groups.<sup>26</sup> The average Aboriginal person's age in 1996 was ten years younger than the average non-Aboriginal Canadian, a continuing trend.<sup>27</sup> This growing population of Aboriginal youth is significant as the intensity of socio-economic disparity and social problems, including substance abuse, street violence, and gang activity, are increasing along with the size of this group. Over the past two decades many parts of Canada have experienced increased street-level violence. Youth gang involvement in Canada is estimated to have increased from seven thousand confirmed gang members in 2002 to as many as fourteen thousand in 2008. Aboriginal youth gangs form a substantial part of this; 22 percent of Canada's gang members are Aboriginal, with two-thirds of them concentrated in the prairie provinces.<sup>28</sup> This street violence is fuelled and exacerbated by the continuous migration of Aboriginal peoples from rural communities and reserves into the economically depressed urban cores of many Canadian cities.<sup>29</sup>

Aboriginal Affairs and Northern Development Canada reported in 2006 that 50 percent of people on reserves were on social assistance, and 90 percent were unemployed.<sup>30</sup> According to Human Resources and Skills Development Canada, in 2006 unemployment among Aboriginal people was 6.3 percent higher than the national average.<sup>31</sup> That is a significant improvement over earlier numbers in some regions, such as Manitoba, where in 2001 Aboriginal unemployment was 311 percent higher than among the non-Aboriginal population.<sup>32</sup>

We should note that investing money without effective strategies is not a viable solution to modern-day socio-economic disparity. Sean Byrne and colleagues analyzed the effectiveness of external aid from the International Fund for Ireland and the European Union Peace and Reconciliation Fund

that was infused into the economy of Northern Ireland. They found a need for more effective planning and control over how the funds are distributed; proper strategies can ensure that peace-building investments are effective.<sup>33</sup> Similarly in Canada, the federal government has invested large amounts of money into Canada's Aboriginal communities, yet many Aboriginal peoples still live in Third World conditions within a country with high overall living standards.<sup>34</sup> Pam Palmeter of the Centre for Indigenous Governance at Ryerson University in Toronto points out that the failed 2005 Kelowna Accord, which would have allocated \$5 billion in new money to Aboriginal needs, addressed the multiple calamities that Aboriginal peoples now face in housing, clean water, and education. More than 100 reserves in Canada do not have safe drinking water.<sup>35</sup> In 2011, the Canadian government reported that 71 percent of First Nations communities' water systems were health risks to the 20,000 people using them; this stark acknowledgement resulted in the enactment of the Safe Drinking Water for First Nations Act in 2012.<sup>36</sup>

Molly McCracken and Claudette Michell have explained the important connection between the education system and the labour force it should be developing, and how ineffective education systems result in workforce shortfalls.<sup>37</sup> The Conference Board of Canada reports that, based on data from 1998 to 2010, 27 percent of Canadians complete university degrees.<sup>38</sup> In 2006, Aboriginal Affairs and Northern Development Canada reported that among Aboriginal adults aged forty to forty-nine who completed high school, fewer than half attained post-secondary certification and only 4 percent completed post-secondary degrees.<sup>39</sup> Throughout the 1990s numerous programs and initiatives were undertaken in efforts to increase Aboriginal completion of post-secondary education. However, the progress seems to be incremental and slow. Some research has found that in recent decades high school completion by Aboriginal people across Canada has improved substantially (except on reserves where completion is very low), and rates of university completion, while slightly improved, still remain low relative to non-Aboriginal Canadians.<sup>40</sup>

The causes of Aboriginal peoples' educational and job attainment challenges must be tied, at least in part, to the persisting impacts of colonization and Canada's assimilation policies. Certainly, headway is being made. In 2012, Wab Kinew, University of Winnipeg's Director of Indigenous Inclusion, stated, "In one generation in my family we've gone from the residential school era, where education was a tool of oppression, to the modern era

where it is a tool of self-empowerment.”<sup>41</sup> As McCracken and Michell point out, for Canada's Aboriginal peoples, and for all Canadians, education is critical to long-term improved access to professional opportunities, reduced criminal involvement, and a more inclusive society. However, the progress in improving education does not seem to be keeping up with workforce demands, and education is hard to achieve in poor living conditions. Many of the reserves where Aboriginal people live are dilapidated and impoverished, and the poor urban neighborhoods they are moving into are not much better. According to Teresa Smith, students living on reserves in Canada currently receive anywhere from \$2,000 to \$7,000 less in government funding per child than students in mainstream society. Eric Howe, Professor of Economics at the University of Saskatchewan, argues that funding that results in better jobs is a sound investment as Canadians recoup the money in higher taxes that Aboriginal peoples would pay with better jobs.<sup>42</sup>

Former Assembly of First Nations Grand Chief Shawn Atleo insists that in addition to the need for improved education funding, Aboriginal communities across Canada have numerous other urgent needs.<sup>43</sup> Poor living conditions explain the lack of hope that many Aboriginal people feel and why disproportionate numbers of Aboriginal people are in conflict with the law.<sup>44</sup> Unique cultural issues have spurred community groups and formal bodies such as the Aboriginal Justice Inquiry of Manitoba,<sup>45</sup> the 1995 Commission on Systemic Racism in the Ontario Criminal Justice System, the 1995 Royal Commission on Aboriginal Peoples, and many others, to call for reforms in education and justice systems affecting Aboriginal peoples.

Increasing poverty in recent decades coincides with higher criminal involvement among Aboriginal peoples. Between 1950 and 2000 the percentage of Aboriginal prisoners in Manitoba's jails increased from 10 percent to 60 percent; over 70 percent of all incarcerated youth in 1997-98 were Aboriginal.<sup>46</sup> Aboriginal peoples continue migrating in increasing numbers from poor rural reserves into equally poor urban neighbourhoods.<sup>47</sup> This transience seems to correlate with criminal involvement for many Aboriginal people. In 2012 the Correctional Investigator of Canada, Howard Sapers, reported that the number of non-Aboriginal federal prison inmates rose 2.4 percent over the past decade, while the number of Aboriginal inmates climbed 37.3 percent.<sup>48</sup> Further, although Aboriginals make up only about 4 percent of Canada's population, they constitute 21.4 percent of the federal inmate population.<sup>49</sup> Randall Sheldon describes the American justice system

as perpetuating existing class, gender, and race hierarchies.<sup>50</sup> This is also occurring in Canada, where Aboriginal peoples are grossly overrepresented in the prison system and are by far, relative to their population size, the most substantial targets and/or consumers of justice system services.

Pikangikum First Nation, a geographically large, isolated Ontario reserve with about 2,500 residents, suffers many issues that are endemic in reserves across Canada. Tragedy struck in 2008/9 when nine youth, aged ten to seventeen, committed suicide in the space of one year. Bert Lauwers, Deputy Coroner for the Province of Ontario, reported that residents of this reserve live in Third World conditions with no running water, outhouses that sometimes infect drinking water, minimal electricity from diesel generators, and extreme substance abuse rates among several generations of residents.<sup>51</sup> It is no wonder that some youth have lost hope in an environment where they have had no chance to develop emotional resiliency. Lauwers added that this tragedy constituted what may be the highest suicide rate of any community in the world. Similar poor living conditions, substance abuse problems, and tragic suicides are seen on other reserves and among many Aboriginal communities across Canada. In June 2012, Aboriginal communities in Manitoba mourned the suicides of five youth that occurred in a period of six weeks.<sup>52</sup> Many of Canada's reserves have become rural ghettos with such poor living conditions that Canada is now being chastised internationally for failing to improve them. The 2007 United Nations Declaration on the Rights of Indigenous Peoples clearly affirms the rights of Aboriginal peoples to land and resources, cultural rights, self-governance, and the many aspects of social justice, including civil, political, economic, and social structures.<sup>53</sup>

The discourse on social justice in Canada is much about what is not said; unsettled treaty claims and poor living conditions for some are often not viewed by non-Indigenous Canadians as their personal problem, but rather, as a challenge for politicians and government bureaucrats.<sup>54</sup> Many Canadians' perceptions of Aboriginal peoples are based largely on the visible urban homeless who often suffer extreme substance abuse. Armed stand-offs, land occupations, and protests have occasionally gained public attention, but they have not motivated major structural change in Canadian governance or society at large.<sup>55</sup> The Idle No More movement that saw organized civil demonstrations across Canada in 2012 illustrates that there is a growing resolve among Aboriginal peoples to take control of their destinies and fight to change what they perceive as social wrongs.

While protests and conflicts raise public awareness, they also run the risk of negatively affecting the public perceptions, potentially polarizing existing mainstream ethnocentric views. Non-Aboriginal Canadians often argue that they are not the ones who committed the original injustice, and that current day Aboriginal peoples are not the ones who were originally oppressed. This ethnocentric perspective illustrates the lack of understanding that many people have of trans-generational trauma, and the connection between modern social problems and past events.<sup>56</sup> We are just now beginning to fully understand the impacts of intergenerational trauma caused by displacement and assimilation. In 2008, Canada's national government formally apologized for the residential school system that left such deep scars in Aboriginal communities. The apology acknowledged unsettled treaty claims, yet little has occurred since then to substantially correct them.<sup>57</sup>

For some modern leaders, contemporary awareness of colonial impacts, compounded by intractable conflicts over expropriated land, has driven Aboriginal rights issues to the forefront. There is a need to acknowledge the impacts of Aboriginal marginalization, and to reduce the resulting economic drain on government medical, child welfare, social welfare, and justice systems.<sup>58</sup> The economic argument alone compels sweeping changes.

Many Aboriginal Canadians are caught between perceived mismanagement and squabbling within Aboriginal governance structures, and federal government programs that are widely perceived as ineffective.<sup>59</sup> In 2010, \$300 million in federal funds were co-managed on reserves by government-contracted accountants.<sup>60</sup> Former Canadian Auditor General Sheila Fraser claimed that these arrangements are ineffective.<sup>61</sup> Recent political movement in Canada has shifted in the direction of better support for Aboriginal self-governance.<sup>62</sup> However, improving autonomy raises debates over the benefits and challenges of developing multiple nation states within one country's borders.<sup>63</sup> While Canada is unlikely to separate into two nations, the tension is growing as the perception of Treaty rights being dishonoured, and resentment over continued natural resource exploration and extraction, are leading to increasing conflict across Canada.<sup>64</sup>

A fundamental challenge for Aboriginal peoples seems to lie in how to become more self-sufficient, and this is the paradigm shift that mainstream Canada may be wise to embrace. Some argue that rather than go to existing services that seek help from outside service providers, government funding should go more to Aboriginal peoples' control so that they can find their

own solutions within their own communities.<sup>65</sup> The 2007 UN Declaration on the Rights of Indigenous Peoples identifies their rights to free, prior, and informed consent over their resources and land, spirituality, and language; and affirms their cultural, civil, political, social, and economic rights.<sup>66</sup>

The fact that Aboriginal leaders met in 2012 to discuss a national strategy of non-compliance with existing mainstream government illustrates that this conflict is becoming more polarized.<sup>67</sup> Intractable conflicts over land and resources may eventually end in a “hurting stalemate,” where sustaining a conflict is so costly or so painful that neither party wishes to continue.<sup>68</sup> Diamond and McDonald describe a growing awareness among modern leaders that collaborative approaches are better for everyone than zero-sum games in which one party must lose in order for the other to win. “Win-lose really means lose-lose” in many conflicts, and win-win solutions are the only reasonable goal when the stakes are so high.<sup>69</sup> This seems best achieved when people are empowered to take responsibility for their own fates. Galtung highlights that autonomy, no matter how small, is self-reliance.<sup>70</sup> Self-reliance requires mutually beneficial arrangements and starts at the grass roots.<sup>71</sup> Supporting Canadian Indigenous people to build resilience, govern themselves, and resolve social problems in their communities may be the best way forward.

Jeong argues that people can overcome resistance to shifting power for positive change by convincing those in power that it is not in their best interest to marginalize others.<sup>72</sup> Referring to the protracted siege of the Mohawk communities near the Quebec town of Oka in 1990, Kiera Ladner, a leading Canadian scholar of Aboriginal politics, stated in 2012 that if the provinces do not address the economic disparity between mainstream Canada and the Aboriginal communities through settlement of the seven treaties in the next twenty years, “it will not be pretty, Oka was nothing.”<sup>73</sup> As Aboriginal social unrest increases, Canadian Aboriginal and mainstream political leaders should be motivated to resolve this potential hurting stalemate.

#### A MULTI-TRACK APPROACH TO ACHIEVING SOCIAL JUSTICE

In 1981, Joseph Montville of the United States State Department defined Track 1 and Track 2 diplomacy. He highlighted the need for informal levels of negotiation in addition to formal government channels.<sup>74</sup> Track 1 refers to formal negotiations between professional diplomats. Track 2 refers to a range of non-state actors who also play important roles in negotiations.



These may include professional and novice conflict resolution practitioners, scholars, advocates, and local grass-roots leaders.<sup>75</sup> This recognition of the importance of non-state actors was a significant change in paradigm from traditional diplomatic negotiation practices. Recent years have seen a growing recognition of the importance of multiple players in different spheres and levels of diplomacy. Diamond and McDonald, in *Multi-Track Diplomacy: A Systems Approach to Peace*, describe nine significant tracks which we now explore in relation to the conflict between Aboriginal Canadians and mainstream Canada.<sup>76</sup>

#### *Government (Track 1)*

Track 1 refers to formal, top-down negotiation through established bureaucratic and political processes. It serves as a command structure, and therefore can potentially lead to abuse of power or loss of opportunity due to rigid guidelines or policies. Diamond and McDonald point out that diplomats operating at this level often have a low level of conflict negotiation skills.<sup>77</sup> This form of negotiation seems to have achieved poor results in Canada in recent decades, considering the aforementioned comments by Grand Chief Mercredi—that Aboriginal leaders are currently frustrated and planning nation-wide resistance to the existing Canadian government. The trust required for effective formal negotiation seems lacking at the present time. Therefore, this form of negotiation is not likely to achieve positive results on its own. It must be involved, however, as the formal authority of government is tied into it, and it is required for implementation of whatever solutions are ultimately negotiated.

#### *Non-Government/Professional (Track 2)*

Track 2 is transformational and is inhabited by experienced practitioners or scholars (often retired Track 1 agents). It is a critical system that seeks to solve problems, mediate, consult, and make peace through analysis and system building. Diamond and McDonald highlight that Track 2 depends on Track 1 to function properly and has historically not included indigenous peacemaking.<sup>78</sup> Track 2 is growing in Canada, as numerous university programs are focusing on Aboriginal studies. A growing body of research and literature focuses on Aboriginal issues, and is slowly increasing public awareness of historical conflicts that must be resolved. Aboriginal scholars such as Taiaiake Alfred add legitimacy to this research by virtue of being

stakeholders and victims of the historical legacy of colonization.<sup>79</sup> A disconnect occurs between scholarship and practice, but this gap is shrinking as researcher-practitioners contribute to the resolution of this conflict.

### *Business (Track 3)*

Business people (Track 3) can build relationships and facilitate joint action. They can create mutual trust through business relationships. These actors are traditionally conservative, profit oriented, and competitive. Their major activity lies in the development of cooperative markets. They have the ability to bridge business interests and various levels of government with the community. Business people can be instrumental in assisting Aboriginal people to become financially self-sufficient, work better with business partners, and, perhaps, work more effectively with government. They are also key players in education and in developing and engaging Aboriginal people for the work force. Diamond and McDonald underline how the business sector often finds it a challenge to distinguish between social responsibility and profitability.<sup>80</sup> Much potential exists in the business sector for improved partnerships and self-reliance for the Aboriginal community. Government (Track 1) could perhaps do more to facilitate business sector support for Aboriginal self-empowerment. Perhaps more could be done to facilitate information sharing between financially successful Aboriginal entrepreneurs and those struggling to get established. Chief Clarence Louie of the aforementioned Osoyoos Band recommends that other bands across Canada go into business. Former Band Chief Manny Jules of Kamloops, British Columbia is now head of the British Columbia Tax Commission. He encourages bands to set up their own tax regimes in order to reduce dependence on the Federal Government.<sup>81</sup> Perhaps this is a key step in establishing better self-reliance and improving self-governance in Aboriginal communities.

### *Private Citizens (Track 4)*

Track 4 focuses on personal relationships of individuals from different cultures and disciplines doing grassroots work.<sup>82</sup> Roger Mac Ginty of the University of Manchester, emphasizing the importance of “everyday diplomacy” conducted by grassroots citizens to transform conflicts, states, “We [tend to] overlook extraordinary skills that ordinary people have.”<sup>83</sup> If we assume that much power is located at the grassroots level, everyone can make a difference and everyone can take responsibility to change the world.

Personal relationships enable us to find our humanity and to see the Other as a friend.

This level of diplomacy engages people from academic, educational, cultural, sports, and arts realms. Most Track 4 members, from middle-class professional backgrounds, engage an informal style and embrace diverse ethnic and philosophical perspectives. They often develop joint projects, offer cross-cultural and leadership training, and encourage learning opportunities such as student and scientific exchanges. Diplomacy carried out by a wide range of civilian organizations includes exchange programs, advocacy or special interest groups, professional interest groups, democracy-building institutions, and independent individuals. Another group of citizen advocates includes government actors who are outliers, working in government but feeling that their organizations, or other government institutions, should be doing more. These people can be outspoken, perhaps whistle-blowers or critics of government inaction.

Private peacemakers come from all walks of life. They practice self-education and often work to educate others. Track 4 provides channels for individuals to get involved and be empowered for social change. On the negative side, Track 4 participants may tend to work separately instead of cooperatively with the other elements in the system.<sup>84</sup> In Canada, some argue that Track 4 is currently the major source of diplomacy and negotiation with respect to Aboriginal issues. Citizen protests are increasing in frequency and the Idle No More movement is seeking to raise awareness and change the discourse on socioeconomic disparity in Canada.<sup>85</sup>

#### *Research, Training, and Education (Track 5)*

Track 5 focuses on the generation of information about conflict and ways to resolve it.<sup>86</sup> The driving assumption is that studying and learning enhances the ability to become active and raise awareness. Think tanks, educational programs, institutions, and professional associations can focus on problems and influence conflict areas. Similar to Track 2, but focused on the educational aspect, this track brings credibility of research and growing science to peace movements. Higher education offers important ethnic perspectives on the issues and is slowly empowering Aboriginal scholars and leaders such as Taiaiake Alfred.<sup>87</sup>

Recent decades in Canada have seen the birth of numerous programs and new research on Indigenous issues. This growing body of literature has

continually increased the legitimacy of reported impacts from colonization that were described in the first half of this article. In particular, new understandings of the impacts of settlement, such as the transmission of social problems from generation to generation, are providing an ever-increasing awareness of the root causes of modern day social problems such as gang violence, substance abuse, criminal recidivism, and suicide.<sup>88</sup> As this literature grows, the public discourse is changing; increasingly, Aboriginal peoples are becoming seen as both victims of injustice and essential to Canada's wellbeing.<sup>89</sup> This growing awareness reinforces the other diplomatic tracks described in this article.

### *Activism (Track 6)*

Track 6 covers peace and environmental activism on such issues as disarmament, human rights, social and economic justice, and advocacy of special interest groups regarding specific governmental policies.<sup>90</sup> It is based in grassroots movements of people seeking to raise awareness and influence government policy on the issues. Through literature, public speeches, gatherings, and protests, activists raise awareness, influence the public discourse, and potentially affect voter behaviour on specific issues. Public protests, gatherings, and marches are increasing with respect to Aboriginal issues in Canada. These protests and blockades have raised awareness but in some cases have worked to further polarize communities.

For example, the death of Dudley George during his 1995 protest at Ipperwash Provincial Park in Ontario was a conflict that scarred both the police and the protestors involved. In a presentation to the First Nations (Policing) Managers and Practitioners Conference in Montreal, 2012, Ontario Provincial Police (OPP) Commissioner Chris Lewis described how, after the Ipperwash incident, police officers involved felt they were unsupported by management after their duties had put them in a difficult position. George's death also increased distrust of police within the Aboriginal community, causing the police approach to conflict management to be revised. As a result of the Ipperwash Inquiry, the Provincial Aboriginal Liaison Team was established in 2007 in an attempt to improve police-Aboriginal relations.<sup>91</sup> In *Conflict in Caledonia: Aboriginal Land Rights and the Rule of Law*, Laura DeVries describes the 2006 occupation of the site of a disputed housing development in Caledonia, Ontario by Aboriginal peoples claiming ownership of the land.<sup>92</sup> The book examines growing tension between the Aboriginal

community, police, local residents, developers, and the courts. This conflict is so protracted that the OPP set up a permanent detachment near the site in order to manage the conflict over a period of years. In April 2012, following a rally in which people were protesting what they allege is a two-tiered justice system practiced by the OPP, three adult members of the Six Nations Band were arrested on charges including assault with a weapon, possession of a dangerous weapon, assault of police officers, assault with intent to resist arrest, and obstructing the police.<sup>93</sup> It will be interesting to see whether the Idle No More social movement, conducting nonviolent protests across the country, will unite or divide Canadian society, or have less dramatic impacts.<sup>94</sup>

Activism and protests are often seen as a last resort, especially by those who feel they do not have a voice in the other forums. This sense of voicelessness may be the main driving force behind groups like the Assembly of First Nations Chiefs meeting in December of 2012 to discuss plans for nation-wide protests and civil disobedience.<sup>95</sup> Here, perhaps more than in any other dimension of multi-track diplomacy, it seems critical that we find win-win solutions.<sup>96</sup>

### *Religion (Track 7)*

Track 7 highlights the importance of religious beliefs and institutions in influencing conflict. Diamond and McDonald describe Track 7 as the heart of multi-track diplomacy, where values of equality and social justice are situated.<sup>97</sup> While there are many players with various religious views, they all have influence over the thinking of their congregations and followers, and can influence conflict. Indeed, everything is tied to spirituality and the land. While this is an area for further study in the Canadian context, there is no doubt that influential leaders are moved by their religious institutions to seek the end to conflicts such as Canada's Treaty disputes. Perhaps a more visible public discourse on the issue of social justice would more quickly alleviate Canada's Aboriginal socio-economic disparity. Here again, empowerment seems key. Leslie Spillet states that for some Aboriginal youth one weekend of sun dancing can do more healing than months of programming.<sup>98</sup> Whether it be traditional Aboriginal ways, Christian beliefs, or any religious or spiritual belief system, connecting with their spirituality appears critical for many Aboriginal youth to find meaning and purpose in life, and a way out of the tough environments into which many are born.

*Funding (Track 8)*

Track 8 refers to the funding community, foundations, and individual philanthropists who support many of the activities undertaken by the other tracks. Here again, as in Track 7 (Religion), a more visible presence could incite the multiple tracks to work together more to end this conflict. Diamond and McDonald emphasize the roles that the broad spectrum of funders play in defining priorities and acting as gatekeepers.<sup>99</sup> The question of how funding can best empower Aboriginal peoples demands serious consideration.

In my role on the Policing with Aboriginal Peoples Committee of the Canadian Association of Chiefs of Police, I attended a meeting of Aboriginal policing leaders from across Canada in October 2012. Funding is a major concern. Many Committee members reported that, nation-wide, good programs are running out of funding and some of the best programs are not funded for the long-term.<sup>100</sup> Further, funds are often taken from some programs in order to keep the more effective ones running. This funding challenge is sometimes tied to political cycles, as leaders want to make announcements at times that are advantageous for elections. If their funding happens to run out in the wrong year, renewed funding can be difficult, even if the program is effective.

Accountability requirements can also cripple small non-government organizations (NGOs), sometimes using up substantial resources in small agencies with only a few staff. In a study of NGOs across Canada, Susan Phillips and Karine Levasseur found that accountability requirements are sometimes so onerous that they drive small organizations right out of business.<sup>101</sup> Clearly, government could seek better funding models to deliver sustainable, effective, culturally appropriate programming.

*Communications and the Media (Track 9)*

While the media (Track 9) often appear to act in the public interest, it is easy to lose sight of the fact that they are profit driven businesses.<sup>102</sup> Further, the various forms of media, print, film, video, radio, and the arts substantially shape and affect public opinion. This is always an area that could be utilized more effectively, and Diamond and McDonald highlight the power that is wielded by people with media access.<sup>103</sup> Track 3 (Business) players, for example, can have significant influence on news and media content. Activists can also have an influence if they can gain media attention. A good example of media influence is Grand Chief Mercredi's public statement that Aboriginal leaders from across Canada are meeting to discuss civil disobedience.<sup>104</sup>

This may be enough to motivate renewed attempts at negotiation to resolve the issues.

Social media is a form of influence through which people can instantly place themselves and their messages around the globe at no cost. People in the twenty-first century are bombarded daily with reams of information and immediate contact through social media. Though its effect is yet to be fully understood and it warrants future research, one thing is certain: social media has increased advocacy groups' abilities to communicate, call meetings, and gather together. As a police officer, I have seen the phenomenon in action. For example, groups have called for protests on Facebook, influenced large numbers of people to attend on short notice, and then posted pictures and statements about the meeting as the meetings are in progress.

#### TYING IT ALL TOGETHER

Many approaches are needed to bring intractable conflicts like Canada's unsettled Treaty issues with Aboriginal peoples to a close. Track 1 (Government) approaches alone will not bring closure for many Aboriginal people for two reasons. First, there are many fractures within and between Aboriginal communities, so the leaders are not always perceived to represent all people in the community. Agreements reached may be perceived as self-serving by at least some members in the community. Track 2 (Non-government/professional) and Track 4 (Private citizen) grass-roots advocacy approaches may help close those gaps throughout the negotiation process so that any agreements reached will have greater consensus. Second, agreements reached at the governmental level may not connect at grassroots levels to address structural violence that has entrenched itself as a result of the original injustice.

The first half of this article described the negative trans-generational effects that have carried forward as a result of Canada's assimilation policies. The residential school program and mass adoptions in the 1960s separated many Aboriginal people from their cultural heritage and damaged their self-identities and abilities to parent. Many disenfranchised Aboriginal youths are being drawn into street violence and gang activity, a problem that is exacerbated by their migration into impoverished urban centers, and stems, at least in part, from the impacts of colonization. Agreements that are reached must address these symptoms that result from marginalization if they are to be effective. This requires multi-sectoral, collaborative approaches as today's social problems are too deep and complex for any one sector to address

effectively alone. Any approach that does not include a wide range of approaches and a spectrum of service providers, such as education, social and child welfare, justice, health, and other relevant sectors, will only bring about partial solutions. One may argue that solving societal problems is beyond the scope of diplomatically negotiated agreements. However, if Treaties and land claims are settled without addressing socio-economic and other problems, the conflict will surely continue to grow. Resolution of multi-faceted conflicts demands multi-track approaches and multi-track solutions.

The Canadian Government has acknowledged wrongs that were committed during colonization, and is continuing to provide programming and support to address the resulting social problems. The challenge of rising Aboriginal youth gang violence is also motivating societal change.<sup>105</sup> Looking to the future, it seems that all Canadians are on a trajectory of disharmony and continued disparity if the legacies of colonization are not corrected. Certainly, our new understanding of the impacts of social injustice can guide our future endeavours. However, before the real work of repairing the symptoms of these problems can begin, we need acknowledgement of the problems and effective resolutions.

Multi-track approaches resonate as the only viable process for truly effective agreements. How can a high-level official resolution (Track 1) that neglects the feelings of people at the grassroots (Track 4) be effective and sustainable? How can advocacy and scholarly pursuits (Track 5) be effective if they are disconnected from official government channels (Track 1) that can implement and reinforce solutions with law and policy? How can business ventures (Track 3) that are so critical to community empowerment be effective if the other sectors create barriers rather than pathways for their success?

The most critical component of successful diplomacy and problem solving is overall coordination of the multiple tracks of diplomacy, and this may be the key to achieving resolution of the most intractable conflicts. Diamond and McDonald provide a comprehensive overview of the nine dimensions of multi-track diplomacy.<sup>106</sup> Within each track, they provide some description of how each sector is affected by the others. A future role for third-party mediators may be to focus on overall coordination of the multiple tracks, attempting to influence their effective work together and looking for ways to keep everyone rowing in the same direction. Through inclusion of all of these critical dimensions, and focusing on the Indigenous experience and the Indigenous perspective, we may create transformative



networks to address these challenging social problems. The discourse must cross all levels and dimensions from official government channels to the grassroots in order to be truly effective. With better cooperation and coordination, we may be able to change the discourse, and create a new legacy for Canada's Indigenous peoples through multi-track diplomacy.

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# A SOLDIER'S RIGHT NOT TO FIGHT: BREACHING THE INSUPERABILITY OF MILITARY OATHS

*Edmund Pries*

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Military conscripts and officers are uniformly required to swear an oath of loyalty, no matter which country they serve. These oaths are commonly interpreted as mandating the unquestioning obedience of soldiers and officers towards all “lawful” orders received. A soldier’s responsibility to discern lawfulness and disobey unlawful commands is normally understood as referring to *jus in bello* (law in war). This paper argues that a careful examination of military oaths in the United States, the United Kingdom, and Canada extends the same discernment responsibility to *jus ad bellum* (justice/law of going to war)—and grants a soldier’s right to determine whether a war is just and whether it is therefore lawful to fight. Moreover, the ancient concept of invincible ignorance can no longer be applied to modern soldiers. Informed soldiers have the right to refuse to fight in unjust wars.

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## INTRODUCTION<sup>1</sup>

Military oaths can be traced back at least 4,000 years to the Bronze Age.<sup>2</sup> They remain the dominant ancient relic still in daily use by militaries today, but they are not treated as a relic. Rather, they are seen, as they always have been, as a living human speech-document and a self-imprecation, granted a critical juridical role and seen as an effective tool in securing the loyalty and obedience of both soldiers and officers. An oath, as a “religious instrument,” is a statement of promise that incorporates a curse of one’s self should the promise not be kept. The words, “so help me God,” appended

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to most oaths of allegiance, including the military oaths examined in this study, are not an appeal to assistance from God in keeping the oath, as often popularly assumed and as current English usage might suggest, but rather a self-condemnation. In other words, it represents a call upon God to smite or punish the oath-taker severely, should one break the promises made therein, as in “may God indeed mete out severe punishment to me (or smite me) should I fail to keep my promise.” Surprisingly, this element continues to be given weight and importance, even in military and legislative discussions about the structure of the oath, despite the existence of a widely accepted option for non-religious persons<sup>3</sup> to omit that phrase,<sup>4</sup> and the simple reality that few persons today would expect God to reach down and smite an oath-breaker.<sup>5</sup>

Although God (or another named deity) was believed, on one level at least, to be effective in exacting retribution on the hapless oath-breaker, it must have been considered an insufficient or unreliable deterrent to the breaking of a military oath because disobeying an order, desertion, or falling short of expectation in battle<sup>6</sup> has always carried severe consequences at the hands of military leadership—from imprisonment to torture to public humiliation or death. More recently, the breaking of International Humanitarian Law (the Law of Armed Conflict), considered a war crime, has also resulted in punitive action, but the consequences for these failings have usually not been quite as severe.

Obedience to a superior’s orders is highly valued within the military, ostensibly to create a unified and effective organization. Similarly, states cherish the obedience of their military organizations to their political masters. The call to abide by the oath, however, is relatively pointless unless there is an understanding of what the oath actually means. While the obedience of soldiers to military orders is considered by most armed forces as being foundational to the functioning of the organization, since World War II and the near-universal recognition of the Nuremberg Principles,<sup>7</sup> there is an expectation that soldiers must obey only “lawful” orders. This is where the debate begins: what is considered lawful and what are justifiable grounds for disobeying orders?

The law about war is usually divided into two categories, *jus in bello* and *jus ad bellum*. *Jus in bello* governs the actions of soldiers engaged in war and is also sometimes known as the *law of armed conflict* (LOAC, a designation used frequently in the United States) or simply as the law of war. What is

permitted and what is illegal when fighting war? The bodies of law applicable to *jus in bello* are the Geneva Conventions and the Hague Conventions along with the Additional Protocols to the Geneva Conventions—and other laws related to or derived from the Geneva Conventions. Collectively, *jus in bello*, or the laws applicable, is also known as *International Humanitarian Law* (IHL), for which the International Committee of the Red Cross (ICRC) serves as guardian. Globally speaking, IHL is a more common term for the laws governing armed conflict than LOAC, largely because of the ICRC's preference for and use of the former.

In contrast to *jus in bello*, *jus ad bellum* refers to the law of going to war and the legal and moral arguments applicable thereto. When is it just or permissible for a country and its soldiers to wage war against another? The applicable laws in this case are primarily a set of moral laws or principles collectively referred to as *Just War Theory* (JWT), although since World War II, specific principles related to wars of aggression (and crimes against peace) have come into being, as will be further discussed below.

It has generally, although not universally, been accepted that soldiers are responsible for their actions regarding *jus in bello*, the acts they commit in war, but not for *jus ad bellum*, the decision to participate in waging war. This paper seeks to challenge that assumption. Some draw the line of responsibility for *jus ad bellum* between civilian government and the military (the civilian government decides; the military follows government decision), while others draw the line between soldiers and senior officers (senior officers are responsible for deciding the justness of a war; soldiers are not). A growing minority is asking, as this paper does, whether that inclusive line of responsibility should not also encompass soldiers themselves. In other words, should a soldier be able to decide whether or not a war is just? Should a soldier then be able to determine whether or not it is legitimate to fight in a particular war? Is then the concept of selective conscientious objection a possibility? Most importantly for this paper, how do these questions relate to the loyalty oaths sworn by soldiers and officers—and since these oaths require lawful obedience, does the legal requirement and definition of lawfulness have a role to play in answering the above questions?

In order to organize the issues underlying this complex set of questions, this study is divided into four main sections. First, it examines the enlistment oaths of the United States (primarily) to determine to which laws, if any, these oaths of obedience are subject. Second, it analyzes the

enlistment oaths of the United Kingdom (UK) and Canada in similar fashion. Third, the study discusses the debate about philosophical doctrines on the Moral Equality of Combatants (MEC) and the closely affiliated concept of Invincible Ignorance, along with the implications for a soldier's responsibility and ability to determine whether wars are just or not just. Fourth, the US Oath of Office for military officers receives separate appraisal, along with its application to a Canadian court case involving a US soldier seeking refugee asylum in Canada—and the legal decision which assessed responsibility based on the soldier-officer distinction. Interestingly, this final section uniquely brings into the same forum the US military oath tradition (the soldier-officer distinction), the expectation of a soldier's Invincible Ignorance, and the principles of Canadian constitutional law—all due to a US soldier's appearance before the federal court in Canada. The lingering question that remains, and which will be deliberated, is whether the federal court of Canada “got it right.”

## ENLISTMENT OATHS AND LAWFUL DIS/OBEDIENCE

### *The United States Enlistment Oath*

The US military's enlistment oath reads as follows:

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God.<sup>8</sup>

This oath has three main features: support and defence of the Constitution (and true faith and allegiance thereto), obedience to orders from superior officers and the President of the United States, and submission to the regulations within the Uniform Code of Military Justice (the concluding religious invocation and divinely appealed self-imprecation have already been discussed above).

### *Lawful Orders and Lawful Obedience*

We address the last point of the oath first: any orders given by superiors, right up to the president of the United States, are subject to the Uniform

Code of Military Justice (UCMJ). The UCMJ prescribes punitive action for disobedience and violation of military orders. Three critical articles in this context are articles 90, 91, and 92. These articles emphasize that punitive action results from disobedience of a “lawful command” (Article 90(2))<sup>9</sup> or a “lawful order” (Article 91(2))<sup>10</sup>—or is applicable to someone who “violates or fails to obey any lawful general order or regulation” (Article 92(1)) or, “having knowledge of any other lawful order issued by a member of the armed forces, which it is his duty to obey, fails to obey the order” (Article 92(2)).<sup>11</sup> The repetitive reference to a “lawful” order or command is not an accident but rather emphasizes the military’s concern that only lawful orders must be followed and that orders must *be* lawful. More importantly, it is inherently incumbent on those receiving an order to determine whether in fact the orders are lawful or not lawful. This suggests that they either have the knowledge to make that judgment or have the responsibility to acquire the necessary information to ascertain the lawfulness of an order.

The focus on *lawful* orders should not be surprising. This became particularly important at the post-World War II Nuremberg Trials (1945-46) where the Nazi party defendants attempted to use the argument that they were following superior orders. This became widely known as the *Nuremberg Defense*. In 1947, the United Nations General Assembly passed resolution 177 (II) to create the International Law Commission and charged them with articulating the *Nuremberg Principles*. These were ultimately presented in 1950.<sup>12</sup> Of the seven principles, the ones most applicable to this study are Principles IV and VI. Principle VI, which deals with crimes against peace, crimes against humanity, and war crimes, is discussed in greater detail below. Principle IV addresses the so-called *Nuremberg Defense* and is directly applicable to the discussion on the definition of lawful orders: “The fact that a person acted pursuant to an order of his government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.”<sup>13</sup>

The Nuremberg Principles have been widely accepted as customary international law, due to their extensive reference in courts of law and post-conflict tribunals around the world. In the US Army’s training manual, *The Law of Land Warfare*,<sup>14</sup> reference is made to Nuremberg Principle IV (without acknowledgement as to source) in Article 509 “Defense of Superior Orders”—as part of the larger chapter on War Crimes.<sup>15</sup> While the applicability of the Nuremberg principles is tacitly acknowledged by their

use, in a rather interesting addition and striking contradiction to the articulated inadmissible defence of “following orders” in the commission of war crimes, the manual also suggests arguments of ignorance regarding the (un)lawfulness of a war crime may be considered an admissible defence, and actions undertaken pursuant to orders will potentially result in the mitigation of punishment. Likewise, the manual allows that rules of warfare may be “controversial,” which clouds issues of legality. Nevertheless, it does finally conclude with a clear acknowledgement that according to UCMJ, Article 92, “members of the armed forces are bound to obey only lawful orders.”<sup>16</sup> Whether soldiers are always able—or indeed should be expected—to ascertain the lawfulness of orders remains one issue at the core of this discussion and is addressed more fully in section II in the discussion on “Invincible Ignorance.” Clearly, however, there is an implicit understanding and expectation within the formulation of the oath, as evidenced by the oath’s explicit reference to the UCMJ, that such discernment of lawfulness should take place.

### *Constitutional Allegiance*

The required definition of *lawful* obedience is addressed, at least in part, by the first statement of the oath, wherein the enlistee pledges “that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same.” A soldier swearing this oath is, therefore, subject to the US Constitution.<sup>17</sup> Significantly, the middle paragraph of Article VI of the US Constitution, commonly known as the “Supremacy Clause,” reads as follows:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.<sup>18</sup>

In his discussion on the oath, J. Joseph Miller has emphasized the significance of the Constitutional supremacy clause: treaties and domestic federal laws passed by Congress are the two types of laws defined as supreme for the United States.<sup>19</sup> He quotes James Madison’s interpretation from 1791: *Treaties as I understand the Constitution are made supreme over the constitutions and laws of the particular States, and, like a subsequent law of the U.S.,*

*over pre-existing laws of the U.S. provided however that the Treaty be within the prerogative of making Treaties, which no doubt has certain limits.*<sup>20</sup>

Miller points out that unlike domestic laws, “treaties cannot be revoked by a single side.”<sup>21</sup> While the United States has signed and ratified numerous treaties, and while those that apply to soldiers and officers are manifold, the ones usually listed first in applicability are all those treaties dealing with the law of armed conflict, *jus in bello*, or International Humanitarian Law. Cited with prominence in this field are the Hague Conventions of 1899 and 1907,<sup>22</sup> and the Geneva Conventions (1929, 1949),<sup>23</sup> as well as the Convention on the Prevention and Punishment of the Crime of Genocide (1948). Many other treaties relating to the law of armed conflict can be listed as applicable, although the Additional Protocols I and II (1977) to the Geneva Conventions cannot, as the United States has chosen not to sign these protocols. It should be added, however, that some of the points within Additional Protocol I and Additional Protocol II are covered, briefly and more generally, by Common Article 2 (relating to armed conflict of an international nature) and Common Article 3 (relating to armed conflict of a non-international nature) in the Geneva Conventions of 1949. Similarly, some points within the protocols have since been adopted into Customary International Humanitarian Law, making them applicable to *jus in bello*.<sup>24</sup> Other treaties related to *jus in bello*, or the laws governing the prosecution of warfare, can also be enumerated; however, it is the primary goal of this study to examine whether any *jus ad bellum* laws might also be relevant to the soldier's oath as defined by the Constitution. Most are agreed that soldiers and officers are required to act lawfully while engaged in war, that is, the “how” of war (*jus in bello*), but to what extent can soldiers be required to decide issues of *jus ad bellum*—whether or not the war itself is lawful and whether or not it is lawful to fight?

Miller proposes that key international laws regarding *jus ad bellum* are found within the *Charter of the United Nations* (UN).<sup>25</sup> The UN Charter, Miller adds, is a treaty to which all UN member nations are subject, since all members have signed and committed themselves to the UN Charter in order to attain membership in the UN. The purpose of the UN, like the goal of its predecessor, the League of Nations, was to create a space for peace between states and to bring an end to war. This was not only a reference to contextual necessity, as described in the Preamble<sup>26</sup> of the Charter, which references the horror of two World Wars, or the aspirational statement of Article 1(1)

(Purposes),<sup>27</sup> which uses the word “peace” or “peaceful” four times in one brief clause and speaks of “universal peace” in Article 1(2); it also represented a commitment to specific actions (or prohibition of other certain actions) demanded of all signatories. Thus, Article 2(3)<sup>28</sup> demands the settlement of disputes by peaceful means and Article 2(4)<sup>29</sup> prohibits member states from using or threatening force against another state. These articles receive further explication in subsequent clauses. Article 33, paragraphs (1) and (2), calls upon parties locked in dispute to “seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.”<sup>30</sup> The exhortation explicitly disallows wars of aggression and exhorts state parties to resolve conflicts peacefully.

Ultimately, if specific punitive action or military intervention is deemed necessary for the maintenance of peace (for example, to stop an aggressor state), that decision is up to the Security Council of the United Nations (UNSC). Only the UNSC is permitted to authorize and implement punitive non-military measures (Article 41)<sup>31</sup> or, should that fail (as determined by the UNSC), take military action (Articles 39, 42)<sup>32</sup> or further determine the nature and extent of such action. This makes it clear that when international relations are the issue, a member state must rely on the guidance, direction, and action of the United Nations. The one exception to this rule is “self-defence”—applicable for situations in which a state has been directly attacked (Article 51).<sup>33</sup> Even this permission is not open-ended, however. Article 51 makes clear that self-defence measures are only permitted “until the UNSC has taken measures necessary to maintain international peace and security.”<sup>34</sup> Furthermore, no action taken restricts the UNSC from taking its own action or imposing limitations or sanctions on those engaged in the conflict—as deemed appropriate by the UNSC. For the purposes of this study, it highlights one *jus ad bellum* lawfulness principle soldiers must consider: wars of aggression and non-defensive wars without UNSC authorization are unlawful.

The UN Charter is not the only treaty made or international law doctrine assented to by the United States which addresses *jus ad bellum* issues, and which an oath-sworn member of the military must take into consideration when considering lawful engagement. Principle VI of the *Nuremberg Principles*, recognized as customary international law and developed under the auspices of the United Nations,<sup>35</sup> addresses the issues of *jus ad bellum*



very directly. While customary law lacks the prescriptive directness of a codified law or treaty, it acquires applicable legal authority when practice demonstrates that it has been recognized by the international community and the individual state where it is being applied. There is ample evidence of such practice in recognition, as will be described below.

Principle VI of Nuremberg refers to three types of war crimes: crimes against peace, war crimes, and crimes against humanity.<sup>36</sup> While the latter two are clearly also *jus in bello* issues, not so the first. Crimes against peace are defined as

- (a) Planning, preparation, initiation, or waging of a war of aggression or a war in violation of international treaties, agreements, or assurances;
- (b) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).<sup>37</sup>

The notion of crimes against peace, now usually referred to as *crimes of aggression*, has been carried over into the Rome Statute and the International Criminal Court (ICC), but the United States has not yet acceded to the Rome Statute, which governs the ICC, and ICC jurisdiction over crimes of aggression has not yet been granted.<sup>38</sup> The United States has, however, ratified a previous treaty, the Kellogg-Briand Pact of 27 August 1928,<sup>39</sup> making it applicable US law. Significantly, Kellogg-Briand figured prominently in the formulation of the Nuremberg Principles, and was also clearly used as a foundation for the formulation of the Preamble and the first two clauses of the UN Charter. The Kellogg-Briand Pact was a direct response to the horrors of World War I, which had ended a mere decade earlier and was, therefore, vivid in the minds of all parties. Paragraph 111 of the commentary on the Nuremberg Principles, as formulated by the International Law Commission, describes the role of the Kellogg-Briand Pact on the formation of Article VI of the Nuremberg Principles. It is worth stating at length for its clarity:

The Tribunal [at the Nuremberg Trials] . . . refuted the argument of the defence that aggressive war was not an international crime. For this refutation the Tribunal relied primarily on the General Treaty for the Renunciation of War of 27 August 1928 (Kellogg-Briand Pact) which in 1939 was in force between sixty-three States. "The nations who signed the Pact or adhered to it unconditionally", said the Tribunal, "condemned recourse to war for the future as an instrument of policy, and expressly

renounced it. After the signing of the Pact, any state resorting to war as an instrument of state policy breaks the Pact. In the opinion of the Tribunal, the solemn renunciation of war as an instrument of state policy necessarily involves the proposition that such a war is illegal in international law; and that those who planned and waged such a war, with its inevitable and terrible consequences, are committing a crime in so doing. War for the solution of international controversies undertaken as an instrument of national policy certainly includes a war of aggression, and such a war is therefore outlawed by the Pact.”<sup>40</sup>

So, Nuremberg proclaims the critical importance of Kellogg-Briand. But what does Kellogg-Briand actually say? The treaty is one of the shorter treaties in the history of treaty-making. It has only three articles, and since the third article concerns itself about ratification process and document deposit location, it really has only two effective articles:

*Article I*

The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

*Article II*

The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.<sup>41</sup>

The language of these articles is breathtaking. It unequivocally rejects war as an instrument of state policy and sounds almost like a rebuke of the oft-quoted (some might say, misquoted) maxim of Carl von Clausewitz, “War is merely the continuation of policy (or politics) by other means.”<sup>42</sup> It commits “the High Contracting Parties” to solve their disputes through peaceful (pacific) means. Clearly, after World War I, people felt they had experienced enough war.

The Kellogg-Briand Pact has never been repealed and, as stated above, was referenced for a foundational argument in the Nuremberg Trials; it influenced the Nuremberg Principles and, as stated above, provided both language and perspective for the formulation of the United Nations Charter.

It is, therefore, still very much alive and in force. In light of World War II only eleven years later after the Pact's signing, whether it was or is effective in preventing warfare is another matter—but not in the way often assumed. When a law is broken, one does not throw out that law. Rather one works harder to make the law effective. This is precisely what was done with the creation of the United Nations and the UN Charter in 1945, whose founders erected its complex foundation and structure not only out of the ashes of the League of Nations, but also on the simple and elegant legacy of Kellogg-Briand.

The recognition of treaties to which the United States is party as US law under the Constitution is not merely a hypothetical interpretation, but has been explicitly affirmed by the US Supreme Court. For example, in *Foster & Elam v. Neilson* (1829), the court declared as follows: "Our constitution declares a treaty to be the law of the land. It is, consequently, to be regarded in Courts of justice as equivalent to an act of the legislature, whenever it operates of itself without the aid of any legislation."<sup>43</sup>

It should be clear, then: a soldier who has made an oath-sworn commitment to uphold the US Constitution is thus required to obey the laws subject thereto, including the Kellogg-Briand Pact and the UN Charter, since treaties signed and ratified by the United States are US law by virtue of their inclusion under the US Constitution's supremacy clause (Clause VI) and as affirmed by Supreme Court decisions like *Foster & Elam v. Neilson*, which affirmed the same. They are also expected to abide by the Nuremberg Principles. As Miller points out, "Given that the Charter expressly forbids unilateral, aggressive wars, it would seem that a soldier's oath binds him to refuse orders to participate in such a war."<sup>44</sup> Miller is correct in his reference to the UN Charter; however, Miller's conclusion also applies to Kellogg-Briand and the Nuremberg Principles, as has been pointed out. Peace via peaceful means is the priority.

The US Army's training manual, *The Law of Land Warfare (LLW)*,<sup>45</sup> speaks rather sparsely to the role of the UN Charter and the customary international law identified in the Nuremberg Principles—and is silent on Kellogg-Briand, perhaps not surprisingly, given the unequivocal statements in Kellogg-Briand and the role of the *LLW*. The UN Charter is mentioned in relation to a state's self-defence (Article 8(a)) but also, albeit briefly, in relation to the Charter's requirement to pursue peaceful resolution to disputes prior to the initiation of conflict (Article 23). The *LLW* also references

the UN Charter when addressing the issue of neutrality in conflict (Article 513) and asks whether it is indeed possible to choose neutrality as a member of the UN, based on the Charter's Articles 42 and 43. The latter permits the UNSC to call on member states to take collective action against an aggressor state, thereby implying that they have potentially lost their ability to remain neutral. Noteworthy herein is the implicit acknowledgement that the UN Charter is effective law for states and their representative actors, in this case the US army, which uses *The Law of Land Warfare* as its manual. It tacitly admits that the UN Charter, thanks to the US Constitution, has the effect of self-reflexive law. Actions taken by the UN are represented as having juridical authority without separate domestic legislation for each action being necessary. The implication, once again, is that soldiers are subject to the UN Charter's provisions—and the provisions of other international laws and treaties. *The Law of Land Warfare* further admits the jurisdiction of international law when discussing a soldier's responsibility for war crimes: "The fact that domestic law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law."<sup>46</sup> Based on other portions of the manual in the same section, it can be assumed that this statement refers primarily to Hague and Geneva Conventions. However, it does acknowledge treaty applicability, as described above, admitting (at least marginally) that the UN Charter should apply.

Strangely, however, despite the minimal and almost inadvertent acknowledgements of the UN Charter elsewhere in the *LLW*, the Charter receives no mention in the manual's list of "Lawmaking Treaties" in Article 5. Included in this list are five Hague Conventions, the two 1929 Geneva Conventions, the four 1949 Geneva Conventions, and the Roerich Pact (Treaty on the Protection of Artistic and Scientific Institutions and Historic Monuments).<sup>47</sup>

As already stated above, *The Law of Land Warfare* is silent on the Kellogg-Briand Pact—and, while not mentioning the Nuremberg Principles directly, it does quote the content of Nuremberg Principle VI (again without acknowledgement, unfortunately):

Any person, whether a member of the armed forces or a civilian, who commits an act which constitutes a crime under international law is responsible therefor and liable to punishment. Such offenses in connection with war comprise:

- (a) Crimes against peace.
- (b) Crimes against humanity.
- (c) War crimes.

Although this manual recognizes the criminal responsibility of individuals for those offenses which may comprise any of the foregoing types of crimes, members of the armed forces will normally be concerned, only with those offenses constituting "war crimes."<sup>48</sup>

The concluding sentence to this clause indicates that soldiers are "normally" responsible when it comes to "war crimes" but exempt from crimes against peace or crimes against humanity. The bigger question is whether the manual is both legally and morally incorrect on this point. The oath, due to its reference to the Constitution, would suggest that it indeed is. The oath requires lawful obedience; the Constitution requires treaties like the Kellogg-Briand Pact to be considered legally binding; the Nuremberg Principles form customary law which US practice has given applicable legal authority, both by referencing it in the behaviour of others and by listing it as relevant for its own actions. Possible reasons for this stance are uncovered more fully in Parts II and III of this paper.

#### *The US President versus the US Constitution*

The oath of enlistment presents the possibility of a conflict of authority between the president of the United States and the Constitution of the United States. On the one hand, enlistees are asked to promise obedience to orders from the president and superiors. On the other hand, they commit themselves to uphold the Constitution. As has already been seen, the Constitution's declaration of the supremacy of international law and treaties, such as the UN Charter and the Kellogg-Briand Pact, prohibits the option of an aggressive war or any war at all without UNSC authorization. Any war that does not meet these standards is considered illegal. One could argue further that the Kellogg-Briand Pact prohibits all war. When the president, as commander in chief of the US armed forces, commands soldiers to fight in an illegal war against another country, a war that lacks the required UN authorization, does a soldier obey the president or the UN Charter? This is not a hypothetical issue; the 2003 war against Iraq was launched without UNSC permission.<sup>49</sup>

Colonel Richard Swain (retired) agrees with statements made above that “The Constitution requires obedience to treaties on the law of war, to which the President has submitted and to which the Senate has given assent.”<sup>50</sup> He seems to indicate that the Constitution and law have priority: “The enlistment oath obliges obedience to the orders of superior officers. . . . The mere fact of the Constitutional oath carries with it the responsibility for strict adherence to the law, which no order can supervene.”<sup>51</sup> However, in the very next sentence, he says, “Let us be clear: The oath and obedience require obedience to superiors, including ultimately the President who is Commander-in-Chief. The ‘true faith and allegiance’ they demand is to the Constitution, which empowers the chief executive.”<sup>52</sup> So, which is it? Which one carries precedence over the other? Is it the obedience to the president or the Constitution? Swain seems to want it both ways.

In 1804, in the case of *Little v. Barreme*, the US Supreme Court ruled that military officers, in this case a navy captain, were liable when they obeyed illegal orders—even if the order was from the president, as it was in this incident.<sup>53</sup> The presidential order contradicted an act of Congress and the plaintiff won his case and was awarded damages in the Supreme Court. The point is clear: even the president is subject to the laws of the US Constitution.

From the perspective of this study also, the Constitution takes precedence; indeed, it must take precedence. Not only is it listed first in the oath—and covers two of the first three clauses of the oath—but the president’s own oath is written into the Constitution, in which the president promises to “preserve, protect and defend the Constitution of the United States.”<sup>54</sup> The president too is subject to the Constitution and its laws. A lawful command is not determined by the one who makes it, whether a superior officer or a president, but rather, by whether it conforms to the constitutional laws of the United States. A soldier, when confronted with a distinction between obedience and law should recognize that law takes precedence over obedience. In other words, obedience is subject to lawfulness—and lawfulness is the key obligation of the enlistment oath.

## THE ENLISTMENT OATHS OF THE UNITED KINGDOM AND CANADA

While scholars such as Miller have studied aspects of the US enlistment oath, this is not true for many other enlistment oaths. For this reason we

examine also the enlistment oaths of the United Kingdom and Canada, in part to determine whether soldiers are likewise obligated to exercise discernment regarding the legality of war, but also to delineate more clearly the oath-sworn obligations of military personnel in the United Kingdom and Canada, which derive from a legal tradition different from those in the United States. Since Canada is part of the Commonwealth and the United Kingdom and Canada share a head of state, we examine their oaths together and scrutinize both for their similarities and their variances.

The enlistment oath for United Kingdom military recruits (except for those joining the Royal Navy or officers in the Royal Marines)<sup>55</sup> reads as follows:

I, \_\_\_\_\_, swear by Almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, and that I will, as in duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown and Dignity against all enemies, and will observe and obey all orders of Her Majesty, Her Heirs and Successors, and of the generals and officers set over me. So help me God.<sup>56</sup>

The Canadian enlistment oath is considerably simpler:

I \_\_\_\_\_ (full name), do swear (or for a solemn affirmation, "solemnly affirm") that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth the Second, Queen of Canada, Her heirs and successors according to law. So help me God.<sup>57</sup>

The Canadian military enlistment oath is identical to the official UK Oath of Allegiance except that the Canadian Oath omits the comma after the word "successors."<sup>58</sup> The official Canadian Oath of Allegiance, strangely enough, omits the words "according to law" from the version used in the United Kingdom's official Oath of Allegiance, but retains these words for the oath sworn by Canadian enlistees into the armed forces (however, without the comma, as explained above).<sup>59</sup>

Why is this seemingly extraneous minutia important? Without the comma, the grammatical implication is that allegiance is owed to the lawful (or legal) heirs and successors to the monarch. This, however, is unlikely to be the intended meaning. With the comma, the implication is that lawful allegiance is expected. It points to the same issue so prominently stated in the US enlistment oath: it is lawful obedience, faithfulness, and allegiance

that are being sworn or promised in the oath. That is why the US military enlistment oath includes “according to law”—a phrase the Canadian Oath of Allegiance did not bother to include, even though it is sworn by members of parliament upon taking office. It must have been a conscious action for the US military to introduce a phrase into the enlistment oath—the only differentiation—that is not included in the Canadian Oath of Allegiance. By omitting the comma, which is present in the UK Oath of Allegiance, the Canadian military enlistment oath was clearly not seeking to make a determination about the legality of the royal heirs and successors, especially when the Oath of Allegiance was not doing so. After all, why would soldiers or officers of the military be more qualified to make a judgment about the legality of an heir or successor to the crown than any other government official? Likely, it is a simple grammatical error, or represents different grammatical usage. The point is this: the Canadian military undoubtedly inserted the clause “according to law” intentionally. It had meaning and purpose for them.

As discussed above, the concept of “lawful obedience” is central to the US enlistment oath. The issue of lawfulness with respect to obedience is no less critical for soldiers swearing the oath in the United Kingdom and Canada. The Army Act of 1955 (United Kingdom) made reference to lawfulness at least twelve times in only the first thirty-seven clauses. Critical to the discussion herein are articles 24(2)(a) and 34, which were adopted into the revised Armed Forces Act of 1971 as follows:

#### 24 Misconduct in action

(2) A person subject to military law shall be guilty of an offence against this section if, being in the presence or vicinity of the enemy, or being engaged in any action or operation against the enemy or under orders to be prepared for any action or operation by or against the enemy, he—

(a) fails to use his utmost exertions to carry the lawful orders of his superior officers into execution.<sup>60</sup>



## 34 Disobedience to lawful commands

Any person subject to military law who, whether wilfully or through neglect, disobeys any lawful command (by whatever means communicated to him) shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.<sup>61</sup>

The person faithfully rendering the oath is yet again faced with the critical question: what is lawful? The US oath appeals to the Constitution as supreme. This is not the case with either the United Kingdom or Canada. Both swear allegiance to a monarch and her "heirs and successors." The first US oath for officers, written by George Washington during the Revolutionary War, specifically rejected the English monarch and required an abjuration of all loyalty to the same.<sup>62</sup> It replaced the king with the Constitution. Perhaps, however, another example can be cited to further illustrate the issue. When, on 2 August 1934, German president Paul von Hindenburg died, military personnel were required to render a new oath of obedience to their *Führer* (leader), Adolf Hitler, who henceforth assumed the offices of president and *Reichskanzler* but was designated "*Führer and Reichskanzler*."

I swear by God this sacred oath, that I will render unconditional obedience to the Führer of the German Reich and people, Adolf Hitler, supreme commander of the armed forces, and that as a brave soldier I shall be prepared at all times to give my life for this oath.<sup>63</sup>

This new oath replaced a military oath (the Weimar Oath of 2 December 1933) which was almost identical, except that the soldier promised to serve the people and the fatherland "faithfully and honestly."<sup>64</sup> Prior to that oath, the Weimar Oath of 14 August 1919 required loyalty sworn to the Constitution (and obedience to the president).<sup>65</sup> Swearing a personal oath of loyalty to a particular political leader carries grave danger and democracies have consistently rejected placing such absolute power in the hands of one person. The current German oath is clearly written with the disastrous consequences of the Hitler oath in mind.<sup>66</sup> How then, does one account for the oaths sworn to the monarch by the enlistees in Canada and the United Kingdom?

The queen (or king) in Canada and the United Kingdom is merely symbolic and represents both the country and the Constitution (in Canada's

case; the United Kingdom does not have a defined constitution)—as a figurehead. The queen acts through parliament “and her ministers in parliament,” but has no legislative power or direct political involvement.<sup>67</sup> One could argue that the monarch is a greater historical relic than the oath itself. She is, however, the symbol of a democratic parliament in which elected representatives undertake legislative functions on behalf of the people. In Canada, the *Constitution Act, 1867* (formerly *The British North America Act, 1867*) and the *Constitution Act, 1982* define the role of parliament; they do so also when it comes to international treaties. For example, Article 132 of the *Constitution Act, 1867* states,

The Parliament and Government of Canada shall have all Powers necessary or proper for performing the Obligations of Canada or of any Province thereof, as Part of the British Empire, towards Foreign Countries, arising under Treaties between the Empire and such Foreign Countries.<sup>68</sup>

The parliament and government of Canada, which control the legislative and the executive power, respectively, are expressly responsible for treaties. When a treaty becomes law by an action of parliament, it too becomes the law of the land. In this respect, it is not vastly different in its effect from the Constitution of the United States, except that the supremacy clause in the US Constitution specifically raises treaties up to the level of supreme US law. However, Canada’s *Constitution Act, 1982*, also contains a supremacy clause (Article 52(1)), in which the following statement is made: “The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.”<sup>69</sup> This is significant because the Constitution specifically prescribes the constitutional relevance of international law in Article 11, meaning that any law which seeks to absolve a soldier from liability under international law is constitutionally inadmissible. Again, international law is described as part of Canada’s *Constitution Act, 1982* as follows:

11. Any person charged with an offence has the right

(g) not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the

community of nations.<sup>70</sup>

The latter phrase clearly includes customary international law, International Humanitarian Law, and any other “general principles of law recognized by the community of nations.” What are the “general principles of law recognized by the community of nations”? Canada is a signatory to the Vienna Convention on the Law of Treaties (1969; ratified, 1980).<sup>71</sup> Although the United States has signed, but not ratified, this convention (but many of its key principles have entered into customary law due to accepted practice by state governments and courts and by international tribunals), Canada's parliament does have the power to sign and ratify treaties and has signed and ratified the Vienna Convention. Two key articles, relevant to this discussion, are found in the Vienna Convention under Article 26 and 27:

*Article 26: “Pacta sunt servanda”*

Every treaty in force is binding upon the parties to it and must be performed by them in good faith.

*Article 27: Internal law and observance of treaties*

A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. This rule is without prejudice to article 46.<sup>72</sup>

Canada's accession to this convention places the treaties it has signed above any domestic law that conflicts with these treaties. It is incumbent upon a state to consult its own domestic laws before signing a treaty and to bring its laws into conformity with a treaty it has agreed to sign. Domestic law is, therefore, subject to agreements Canada has made with other nations as are international principles of law that Canada has subscribed and agreed to.

The “general principles of law recognized by the community of nations” certainly include the Nuremberg Principles, including Principle IV and Principle VI. Soldiers are, therefore, subject to both *jus in bello* and *jus ad bellum* principles (in contrast to civilian citizens who are responsible only for *jus ad bellum*). At the same time, there is no greater symbol of the community of nations than the United Nations—and Canada, like the United States and the United Kingdom, is a founding signatory to the UN Charter. One can add that since Canada is also a signatory to the Kellogg-Briand Pact, it too is applicable law. It is therefore clear that the country cannot act in contravention to these treaties—and its designated military personnel

are required to use their discernment and their judgment and ultimately refuse service when the country's leaders participate in an illegal war (i.e., any war that contravenes the treaties and principles already discussed). It can also be argued that the phrase "general principles of law recognized by the community of nations" to which Canadian soldiers are constitutionally obligated raised the statue of international law to a level even higher than that articulated by the US Constitution.

We may conclude, therefore, that the military oath sworn by Canadian soldiers, which recognizes constitutional law as embodied by the monarch, pledges obedience "according to law." The law in Canada is subject to the Constitution, which recognizes international law—both in treaty form as well as those principles of international law "accepted by the community of nations"—as constitutional law and, therefore, as the supreme law of the land. Thus, the military oath obligates soldiers to refuse to fight in unjust wars—as defined by the UN Charter, Kellogg-Briand, and other treaties which Canada has signed and ratified. It also obligates soldiers to abide by the principles of customary international law (such as Nuremberg).

#### MORAL EQUALITY OF COMBATANTS AND THE "INVINCIBLE IGNORANCE" OF SOLDIERS

The oath-sworn obligation for soldiers to discern the lawfulness of their participation in war runs up against two ancient moral and legal propositions: whether a soldier bears moral responsibility for participating in war (both just and unjust), and whether a soldier has the capability to make judgments about the morality and lawfulness of war. These principles have not been traditionally debated from the perspective of a soldier's oath, but have instead been argued from the perspective of theology and moral philosophy. The argument is rooted in competing perspectives about the role and nature of the soldier. Is a soldier an independent moral agent? Are soldiers capable of moral discernment? Significantly, is there a moral difference between the soldiers on different sides of the war—and does the just or unjust nature of a war have a bearing on a soldier's rights and responsibilities in war?

The moral equality of combatants doctrine (MEC) holds that soldiers are moral equals: each seeks to kill the other and has, therefore, forfeited the right not to be killed. Both are morally equal servants of a greater power: their state. Michael Walzer puts it this way:

The enemy soldier, though his war may be criminal, is

nevertheless as blameless as oneself. Armed, he is an enemy; but he isn't *my* enemy in any specific sense; the war itself isn't a relation between persons but between political entities and their human instruments.<sup>73</sup>

Or, to put it another way, "they are 'poor sods, just like me,' trapped in a war they didn't make."<sup>74</sup> Soldiers themselves have, from time to time in war, come to see themselves as moral equals. How else could one explain the camaraderie of the Christmas Truce of 1914, when Germans, French, and English all stopped fighting to visit, play soccer/football, and celebrate Christmas together—after four months of trying to kill each other?<sup>75</sup> There is, admittedly, something attractive about viewing soldiers as moral equals. It permits soldiers on all sides to be seen as "victims" of war. Walzer again lucidly makes the case: "They are entitled to kill, not anyone, but men whom we know to be victims. We could hardly understand such a title if we did not recognize that they are victims too."<sup>76</sup> Scott Sterling, a military chaplain, similarly argues for the moral equality of soldiers because it helps show "love toward an enemy."<sup>77</sup> He adds that the doctrine of moral equality encourages soldiers to abide by the just war doctrine of right intent (including the restoration of peace) and, as a result, treat the enemy with dignity and respect. The same effect can be argued for the doctrine of proportionality.<sup>78</sup> While the benevolent treatment of other human beings, including "poor sods like me" fighting a war on behalf of leaders who may or may not have "my" interests in mind, is an attractive feature of the MEC doctrine, it has been argued that there are also morally unsustainable aspects to the same.

Traditionally, the sustainability of MEC has been built on two theses, the symmetry thesis and the independence thesis, the clear (re)articulation of which is credited to David Rodin:<sup>79</sup> The *symmetry thesis* maintains that the "the content of *jus in bello* rights and obligations is the same for combatants on both sides of the conflict."<sup>80</sup> This remains the essential definition of MEC. The *asymmetry thesis* proposes the opposite: the rights and obligations are not the same because one side is just and the other is not. Similarly, the *independence thesis* "states that the *in bello* [law in/of war] rights and obligations of a combatant in war are independent of the *ad bellum* justice of the war [whether or not the war itself is just]"<sup>81</sup> with the opposing thesis arguing for the dependence of the former on the latter: one's rights and obligations in war are dependent on whether one is on the just or unjust side of the conflict.<sup>82</sup> The case for the moral *unsustainability* of the MEC theory, and

the consequent adoption of the newer asymmetry and dependence theses, has been most vigorously advanced by Jeff McMahan and David Rodin.

McMahan has set the agenda for the re-invigorated current debate on several aspects related to these issues. His argument relates to the three key principles of both law and Just War Theory: (1) the moral equality of combatants, (2) non-combatant immunity, and (3) the privileged status of prisoners.<sup>83</sup> The first two principles concern the legal and moral requirement of discrimination (or distinction): the first articulates the “permission” (to kill) and the second articulates the “prohibition.”<sup>84</sup> The third principle helps illustrate the first two by defining the transition from the first to the second. It is McMahan’s position that the legal position for the above principles can be defended, but that the moral arguments cannot.<sup>85</sup> For example, it is not true, McMahan argues, that one makes oneself liable to attack simply by being a threat to someone else. This is only the case if one’s actions are unjust; a just party acting justly does not correspondingly make itself liable to attack by an unjust party.<sup>86</sup> McMahan makes many of his arguments based upon a similar situation in a domestic situation; for example, a police officer does not expect to be attacked by acting justly.<sup>87</sup> McMahan sums up his position this way: “a person is morally liable to attack in war by virtue of being morally responsible for a wrong that is sufficiently serious to constitute a just cause for war, or by being morally responsible for an unjust threat in the context of war.”<sup>88</sup> Similarly, McMahan argues that certain non-combatants and prisoners of war can likewise make themselves liable to attack and void their immunity by being a central cause or force in perpetuating harm.<sup>89</sup> Thus, according to McMahan, none of the three principles (moral equality, immunity of non-combatants, and prisoners of war) can be morally supported when considering the justice of war.<sup>90</sup> At the same time, McMahan argues that for pragmatic reasons, the laws governing war rightly uphold the three principles because the alternative would simply be unworkable in the theatre of war. Thus, according to McMahan, there is and must be a distinction between the moral and the legal principles governing war.<sup>91</sup>

Like McMahan, Rodin also takes the position that the symmetry thesis (the moral equality of combatants) is not a just option. In contrast to McMahan, however, Rodin maintains that the independence thesis is, therefore, also not acceptable. According to Rodin, a legal stance reflecting a moral field that distinguishes properly between just and unjust behaviours must have this reflected in *jus in bello* rights.<sup>92</sup> The danger here, however, is

that combatants on the “just side” might arrogate to themselves expanded rights in pursuing conflict. This, Rodin insists, would be the incorrect military response to an asymmetrical moral field. Rather, Rodin argues, the just side would possess normative *in bello* rights, while the unjust side would be accorded lesser rights.<sup>93</sup> This may have philosophical appeal, but the question remains whether this is realistic or workable in the context of conflict since every side accords to itself arguments and convictions of justice and defines the other side as unjust. This is why Christopher Kutz, like McMahan, argues that asymmetry in international law is simply not workable, no matter how desirable it may be according to “any rational aspiration of morality.”<sup>94</sup> Ultimately, Kutz suggests that International Law is governed by fear of the conflict spinning out of control to the point of one’s own destruction. For this reason, he too indicates that a pragmatic reality dictates a necessity for symmetry regarding *jus in bello* rights and the moral equality of combatants.<sup>95</sup>

Henry Shue, carrying the Walzerian flag, challenges McMahan’s insistence on a distinction between law and morality.<sup>96</sup> Shue insists that McMahan’s delineation is not really as McMahan has described it, “a two-tiered morality of war,” but consists rather of a distinction between two different standards—one for ordinary life and another for war. In other words, the context of application for principles of morality and law is different, resulting in differentiated standards. Shue summarizes the point this way: “McMahan’s ‘morality of war’ is not intelligible except as the morality of ordinary life misapplied to the radically different context of war.”<sup>97</sup>

The debate between McMahan and Shue highlights several issues and helps one draw critical conclusions. First, law and morality must be in harmony or law becomes immoral—or at least amoral. It would simply be intolerable and unworkable for law to be greatly divergent from morality because people would quickly lose faith in any law that was at odds with accepted moral principles. McMahan’s contrary proposition that morality is at odds with a law that must nevertheless be upheld for practical reasons suggests that there may indeed be different concepts of morality at work, even in his own conception, depending on the context. There is, after all, a conception of morality that permits the justification of laws specific to the context of war. The necessity for harmony between law and morality may be the reason that Shue concludes, “We do not need a ‘morality of war’ if we can get a morally justified set of laws of war.”<sup>98</sup>

A second point arises from Shue's insistence that there is no shift of morality between ordinary life and war, just a different application based on the context and circumstances. While McMahan argues for different standards of moral guidelines based on the just or unjust nature of the cause, Shue argues for different standards based on ordinary life or war. Consequently, the argument that there is a single morality is difficult to sustain, despite Shue's extensive attempt to do so.<sup>99</sup> For Shue, the context provides the varied moral principles. For example, while Shue emphasizes that war cannot be fought without violating rights—and that the law of armed conflict needs to allow for that—it is difficult to argue that this does not amount to a different morality for war. The only approach that consistently requires the same morality to be applied in war and peacetime and safeguards the same human rights in both contexts is pacifism.<sup>100</sup>

The contextual argument for separate laws and moral codes between peacetime and war follows a long-established philosophical and legal tradition. This is why a party to a conflict may not, according to the doctrines of International Law, derogate from International Humanitarian Law in time of war (following the legal principle of *jus cogens*—norms that are peremptory)<sup>101</sup> but may derogate from some specific items within International Human Rights Law in emergency situations such as war.<sup>102</sup> In any case, in the analysis of the eminent Swiss jurist, Daniel Thürer, it is “neither viable nor sensible to make the applicability of the law of war dependent on the justness of its cause.”<sup>103</sup> His reasoning is simple: “it would be absurd, not to say unjust in the extreme, to make the protection of war victims, who very often have no say in the decision to resort to war, dependent on whether their rulers' decision to go to war was ‘just.’”<sup>104</sup> The question central to this study is whether soldiers have the responsibility and/or the right according to their oath to decide whether a war is just. That case was made above and the conclusion was clear: by their oath, soldiers are required to follow lawful orders only—and to act lawfully. Lawfulness, as demonstrated above, is based upon—and cannot be separated from—morality. This then leads to the most critical question in the debate: are soldiers able to make a judgment about the lawfulness or morality of war—or should they even be considered able to do so?

The moral equality of combatants (or legal equality of combatants, as McMahan prefers) relies heavily upon the concept of the *invincible ignorance* of soldiers—soldiers cannot know whether their cause is just or not



and thus cannot base their participation in war on this knowledge. Credit for first articulating this view usually goes to Francisco de Vitoria in 1529.<sup>105</sup> While Vitoria's delineation of the invincible ignorance theory has remained most prominent, his multiple emphases must be properly understood. Vitoria indeed allowed that princes need not reveal all of the reasons for going to war; this was the business of rulers, not soldiers.<sup>106</sup> After all, rulers had many advisors and experts to counsel them.<sup>107</sup> While this left soldiers not only ignorant, but defined as *invincibly* ignorant (they could not know and were not intended to know), it also meant that they could be excused if they fought in an unjust war. After all, they did not know that the war was unjust.

At the same time, Vitoria insisted that because both sides tended to believe their cause was always just, for both prince and subjects to base their justification for war on their *belief* was inadequate: "It is possible that they act in vincible error, or under the influence of some passion."<sup>108</sup> For this reason the judgment of someone wise was needed to properly verify the cause—and one even needed to listen to the arguments of opponents.<sup>109</sup> Further, Vitoria insisted that if the war "seems patently unjust to the subject, he must not fight, even if he is ordered to do so by the prince."<sup>110</sup> And if one's conscience suggests the war is unjust, one should refuse to fight, even if the conscience is wrong.<sup>111</sup> Finally, Vitoria added that if powerful "arguments and proofs of the injustice of war" existed, even lower class soldiers and subjects could not claim ignorance. He especially condemned wilful ignorance.<sup>112</sup> Nevertheless, Vitoria's definition of invincible ignorance has endured. It was clearly convenient for both soldiers and their rulers. In part, it let both off the hook and each could blame the other; it could also be structurally imposed. More importantly perhaps, it also endured because of its usefulness for the MEC doctrine: if soldiers were all ignorant servants of a greater power (the prince or the state), then one could maintain their status of moral equality and more easily define and circumscribe their behaviour on the battlefield (*jus in bello*). Vitoria's own position, however, was closer to that of Rodin, because Vitoria did not believe that war could be just on both sides and therefore held that the rules for the two sides should be different.<sup>113</sup>

Andrew Sola, in a brilliant and thorough analysis of the invincible ignorance doctrine, also draws attention to Vitoria's insistence that a soldier who knows that a war is unjust must refuse to fight.<sup>114</sup> Sola delineates and discusses ten different types of ignorance (Spiritual, Doctrinal, Formal,

Factual, Submissive, Experiential, Ideological, Ignorance with right intentions, Willful [active], and Structurally Imposed [Passive])<sup>115</sup> available to a soldier and concludes that ignorance is not a legitimate position to take. Sola carefully examines each of these and concludes that ignorance is not invincible and that soldiers have immeasurable resources with which to overcome each of these challenges of ignorance. For example, the questions of formal and factual ignorance should no longer be an issue in twenty-first century society. On average, soldiers today are better educated than the rest of society and have more resources at their disposal for making judgments about the justice of war.<sup>116</sup> This is even more the case for officers. All have extensive resources available that allow them to research the truth regarding claims made about a war. The circumstances are, therefore, substantially different from the sixteenth century—and a doctrine developed for the sixteenth century can no longer be applied in the same way without acknowledging that when it comes to ignorance, the landscape has completely changed. Nevertheless, many theorists continue to insist that soldiers remain in a position of defined invincible ignorance and exercise no discernment on the morality of war, while civilians should be tasked with this work of deciding on the legitimacy of going to war. As a result, submissive ignorance, as Sola defines this (where the just war decision-making work is left to others), seems more like an evasion of moral accountability than a legitimate position. Submissive ignorance is frequently illustrated with the well-known scene in William Shakespeare's *Henry V* in which the king, disguised as an ordinary soldier, asks one of his men, "Methinks I could not die anywhere so contented as in the King's company, his cause being just and his quarrel honorable." One soldier responds, "That's more than we know." Another adds, "Ay, or more than we should seek after; for we know enough if we know we are the King's subjects: if his cause be wrong, our obedience to the King wipes the crime of it out of us."<sup>117</sup> Although Sola's many forms of ignorance are no longer sustainable, as he points out, one might still be tempted to make a partial argument for ideological ignorance. Nationalist patriotic propaganda can be a powerful tool and carries many victims with it. Again, however, the twenty-first century soldier has more tools than at any time in history to research and become informed on the facts of a war and the claims being made. Still, Dan Zupan argues that it is difficult for soldiers to know whether their cause is just. Even "those with time and formal training," he claims, cannot agree on the justice of the cause

or the moral status of a particular war.<sup>118</sup> The question must then be raised whether soldiers should not be tasked with the responsibility to endeavour more earnestly to make such discernment before picking up a weapon and engaging it against others. Surely, if they lack certitude on the just status of their cause, they should not be engaged in war-related acts, lest they act unjustly.

The doctrine of invincible ignorance is primarily responsible for people drawing the line of accountability for determining the justice of going to war (*jus ad bellum*) between military and civilians, as Walzer does—where soldiers are considered invincibly ignorant and civilians are tasked with discerning the justice of war. This is the doctrine that governs the division of responsibility in most democratic countries today.<sup>119</sup> Miller, again, asks a pertinent question: If soldiers are determined to be incapable of making *jus ad bellum* decisions, what argument can be made that they would be able to make *jus in bello* decisions?<sup>120</sup> If they are so completely ignorant about war and its justice, they would have similar struggles truly discerning *jus in bello* issues. Furthermore, if invincible ignorance should be applied to soldiers, should it not also apply to civilian citizens?<sup>121</sup> If it is difficult for soldiers, with all their access to specific information to make a judgment on the justice of war, it is not likely to be easier for citizens—and yet this is apparently their job. Richard Shoonhoven eloquently posits that the doctrine of invincible ignorance “seems to encourage a head-in-the-sand mentality and to be inimical to the idea of democracy.”<sup>122</sup> Miller drives home the appropriate conclusion: “Accepting the argument for ignorance as a default position, an argument that applies both to soldiers and civilians, is tantamount to an admission that a democracy cannot ever formally justify war.”<sup>123</sup> Zupan still insists that this is the role for a soldier because in a community everyone has a role, and the role of the soldier is to let others make the decision: “it is in some sense a moral requirement that I mind my own business.”<sup>124</sup> He adds, “I need to acknowledge my appropriate place in the venture, a place designated . . . by the terms of my employment.”<sup>125</sup> Zupan clearly describes to at least three types of ignorance delineated by Sola: submissive, willful, and structurally imposed ignorance. Zupan's soldiers have also completely surrendered their own moral agency.

The rejection of the invincible ignorance doctrine does carry with it certain consequences. Chief among these is the realization that if soldiers are permitted to make moral judgments about the justice of war, there should

be a consequent permission for selective conscientious objection. (One such case is discussed in the next section.) McMahan and Sola emphasize this point.<sup>126</sup> The refusal of the military to permit selective conscientious objection (CO) is well known; only a total conscientious rejection of all war is considered permissible for CO status and exemption for service in the military. Is the fear of a disintegrating military well-founded? After all, a voluntary military did not cause it to die, nor did the permission of conscientious objection. Would selective conscientious objection be any different?

A second implication to greater discernment between just and unjust wars by soldiers is the consequent distinction between the warring parties not only on *jus ad bellum* but on *jus in bello*, as discussed above. The MEC doctrine serves the interests of International Humanitarian Law exceptionally well. If all soldiers are morally equal (and perhaps also “victims” of war) then it becomes relatively easy to make the case for the humane treatment of injured soldiers and prisoners of war. If soldiers “from the other side” are defined as unjust combatants and their participation is, therefore, seen as akin to criminality and murder, this position is more difficult to promote. As a result, the International Committee of the Red Cross has been publishing studies that argue for the distinction and separation between *jus ad bellum* and *jus in bello* (and that the principles of the former cannot override the latter).<sup>127</sup>

Persons within the military are increasingly championing the rejection of both the moral equality and invincible ignorance doctrines. This is not surprising, as many armed forces dehumanize the enemy as “terrorists” or “illegal combatants,” deliberately placing the combat opponents in a lesser-human or non-human category—especially before soldiers go into battle (it makes it easier to kill someone who is “different”). The objection to these doctrines also arises from the personal views of soldiers and officers themselves. Not only are officers highly educated, but they see discernment of these issues as their responsibility along with other citizens in a democratic society. For example, Peter Kilner, a US army officer with an MA in Philosophy and a PhD in Education,<sup>128</sup> writes a blog on these issues (“Thoughts of a Soldier-Ethicist”) and bristles at the doctrines of moral equality and invincible ignorance. On the issue of moral equality, he says, “Should we accept the idea that enemy combatants are our moral equals? As a soldier, I am offended at the claim that soldiers who fight for human rights and freedoms have the same moral standing as those who fight for Nazi or

Islamist fascism.”<sup>129</sup>

Interestingly, Kilner does not allow, at least in his postings on this subject, that his country might be in error or that a war that his country has initiated (for example, the recent war in Iraq) may be unjust. Instead, he finds it offensive to be placed in the same category as the soldiers he may be fighting against and uses extreme examples (fascism) to make his point. Not all US military actions have been against fascists. Furthermore, since Kilner implies that soldiers can and should make *jus ad bellum* judgments, would he be open to the notion of selective conscientious objection, a logical consequence to a position that rejects the moral equality doctrine and distinguishes between just and unjust wars/warriors, or would he insist that his country's formal justice—a democracy—makes all officially approved wars just?

Closely related to the discussion of invincible ignorance is the principle of moral agency. Some make the point that all citizens, soldiers included, should be expected to act as free moral agents. As Michael Minch explains, soldiers are not heroes when they commit morally wrong actions and when they participate in unjust wars on behalf of their country.<sup>130</sup> Arguing from the philosophical perspectives of Aristotelianism, Christian ethics, deontology, and utilitarianism, he explains that all human beings are free autonomous moral agents and are thereby responsible for making moral decisions. To describe a soldier fighting in an unjust war as a hero is, therefore, a moral contradiction.<sup>131</sup>

In his response to Minch (nine years later), Gordon B. Mower argues against the moral agency of soldiers in determining the justice of war on the basis of the oath of enlistment: “Soldiers take an oath to perform the actions that their country calls them to.”<sup>132</sup> Furthermore,

a soldier's promise ought to have priority over any obligation not to engage in unjust war on three grounds. First, the possibility of civil society rests on the priority of soldiers abiding by their promises. Second, traditional just war theory itself identifies an obligation for soldiers to keep their promise even in unjust actions. Third, the priority of soldiers keeping their promise better satisfies the end of reducing violence than having soldiers opt out of keeping their promises.<sup>133</sup>

All three points of Mower's points are based on unsubstantiated conjecture or are patently false. It is impossible to prove that civil society rests on

the priority of soldiers abiding by their promises (the nature of the promises being defined by Mower as including obedience even to the commitment of war crimes). Rather, as many argue, civil society rests on the primacy of justice—and on all citizens, soldiers and civilians alike, acting justly, obeying just laws—and is further founded on the common humanity of all people and the mutual respect engendered therefrom. Mower's second point is demonstrably false. No matter which code one uses, there is no point in Just War Theory that "identifies an obligation for soldiers to keep their promise even in unjust actions." On the contrary, Just War Theory requires a just cause and the character of the response must also be lawful and just. Just War Theory includes both *jus ad bellum* and *jus in bello* doctrines and requires adherence to the principles of International Law and International Humanitarian Law.

Mower's third point can only be described as illogical: "soldiers keeping their promise" does not reduce violence if the actions by the soldiers are illegal, consist of war crimes, or are otherwise destructive of the dignity of others. Illegal and unjust actions only serve to exacerbate tensions, breed resentment, and sow the seeds for greater or future conflict.

Mower's thesis focuses on keeping oath-secured promises: "What would be the *consequences* [emphasis in original] if everyone violated their promises and thus made the institution of promise-keeping impossible?"<sup>134</sup> He adds, "God as a moral ideal is a God who makes and keeps promises."<sup>135</sup> In an echo of the "submissive ignorance" delineated (and rejected) by Sola, Mower has his soldiers transfer their moral agency and their moral autonomy, central to Minch's moral philosophy, to the state—via the military oath of enlistment (or oath of office)—and promise to do whatever their country asks of them. For Mower, keeping this promise is a moral priority over all other moral obligations—including free moral agency. He concludes: "And so, soldiers keeping their oaths has moral priority over not fighting an unjust war."<sup>136</sup> Even Vitoria, as seen above, would disagree with that—if the soldier knew the war was unjust.

The central problem with Mower's point about the promises of soldiers is that he seems to have no idea what the promise made by soldiers *is* and what the oath actually *says* and *means*. It is not clear that Mower has ever read, let alone understood, the oath.<sup>137</sup> If he had, he would know, as has been argued above, that a soldier has both legal and moral discernment obligations, both for *jus in bello* and *jus ad bellum*. Keeping a promise is

meaningless if neither the persons making the promise nor the persons encouraging them to keep their promise actually know the content and meaning of the promise. It is, however, much worse than that. Mower's understanding of the oath—as requiring soldiers to do whatever they are told to do, including the willingness to fight in unjust wars—is incorrect. He is, therefore, asking soldiers to engage in actions that are contrary to their oath-sworn promises and commit illegal acts. This, it could be argued, is itself crime against peace.

A second problem with Mower's thesis is found in his thrice repeated statement (with slightly altered wording each time), “if violence is not authorized by legitimate government, then it is not legitimate, and if violence is authorized by legitimate government, then it is legitimate.”<sup>138</sup> This is similar to the conversation between a soldier and a chaplain just before an attack quoted (disapprovingly) by Kilner:

“Chaplain,” [the soldier] asked. “We’re gonna kill a lot of people tonight. Is that alright?”

“Of course it’s the right thing to do,” responded the chaplain with confidence. “We’re soldiers. The President has told us to do it. That makes it right.”<sup>139</sup>

This again sounds reminiscent of the soldier responding to Henry in Shakespeare's *Henry V* or the discussion above on whether to obey the president or the Constitution. Mower does refer to legitimate government as “legitimate democratic government” but the point remains the same. Mower has seemingly reduced the entire Just War Theory (JWT), usually consisting of between seven and twelve principles, depending on the version, to one solitary principle: legitimate government. While legitimacy of government is an important principle of JWT, it is not the only one—and for a war to be considered “just” it needs to be legitimate according to *every* JWT principle. Another question needs to be asked of Mower: what happens when both sides claim to be acting on behalf of legitimate government? Throughout history, including recently, each side has made arguments as to why the government of the other side of a conflict may or may not be legitimate. That is still the case. The demonization of the existing “enemy” government and declarations of its illegitimacy have been central features of every recent war, whether the country is democratically elected or not.

While some, as has been shown, draw the line for *jus ad bellum* and *jus in bello* decisions between the military and civilian citizens (*jus in bello*

for the former, *jus ad bellum* for the latter),<sup>140</sup> Mower seems, by his repeated references to legitimate government authority, to push the line to a place where it existed in medieval times—between government on one side and military personnel and civilians on the other, even if he does at one point state, “[Soldiers] have promised to use violence on behalf of the citizenry when the citizens as a whole decide among themselves that the conditions for violence have been met.”<sup>141</sup> It also raises the question whether decisions made by government are always correct, legitimate, or just. In making this argument, Mower, like Kilner and others, appeals to formal justice over objective justice. In other words, if a legitimate government has authorized certain actions—that is, if formal procedures have been followed—then the order (including the call to war) is legitimate. This need not be the case. A formally just decision can be objectively unjust.<sup>142</sup> Many would make the argument, as Miller does, that the second Iraq war (2003) may have had formal legitimacy (from within the US system of government, but not according to the UN Charter, to which the United States is also obligated) but was not objectively just. The argument about formal justice versus objective justice can be extended also to UN decisions: even if all the formal due process decisions have been followed, the result can still be objectively unjust—as is sometimes seen in hindsight. When considering the moral agency of individuals, soldiers included, the ultimate aim should be objective justice, not only formal justice. It is normally the goal of formal justice to ascertain objective justice—which is why formal justice needs to be pursued with the fullest integrity available—but that goal is not always realized and formal justice can be subject to error or manipulation. Every moral agent is responsible for the pursuit of objective justice.

Mower makes at least one more point that bears refuting. He indicates that “individual soldiers as free-standing moral agents are not sufficiently positioned for making these kinds of judgments.”<sup>143</sup> Clearly, despite his comments to the contrary, Mower is no proponent of democracy nor of the perspective that soldiers are citizens with democratic citizenship responsibilities. As indicated above, if soldiers do not have sufficient abilities to discern such matters, how should citizens or their government representatives have the same? Mower falls back on his repeated single-principle Just War Theory: “Their (that is, the soldiers’) best judgment should be that the government is legitimate.”<sup>144</sup>

It has been shown that the oath of enlistment, if properly understood,



calls upon those making a sworn promise to own their moral agency and their responsibility as individuals with a responsibility for moral discernment. Surprisingly, the oath is willing to enlist the consciences to a much greater degree than many thinkers who contemplate the moral role of soldiers in today's society.

#### THE US OFFICER OATH AND *HINZMAN V. CANADA*

Although, as described above, some draw the line of discernment for *jus ad bellum* decisions between the military and civilians, others draw that line between enlisted soldiers and officers—or at least place a heavier burden on officers for such discernment. As a result, the role of officers, distinct from the role of soldiers, bears a closer look. Officers in the US military have a separate oath of office (the enlistment oath is sworn upon entry into military training; the officer oath upon leaving a military academy), which reads as follows:

I, \_\_\_\_\_, [*having been appointed an officer in the Army of the United States, as indicated above in the grade of \_\_\_\_\_*] <sup>145</sup>, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.<sup>146</sup>

The US officer oath has some noteworthy differences from the enlistment oath. The two phrases regarding the Constitution included in the enlistment oath (support, defend; bear true faith, allegiance) are included unchanged. The third phrase of the enlistment oath concerning obedience to the president and to superior officers is absent. Instead, there is a statement that the obligation (towards the Constitution) is taken “freely, without any mental reservation or purpose of evasion.” The reference to taking the oath “without mental reservation” suggests that a significant amount of deliberation and consideration requiring judgment will have taken place or at least can be expected to have taken place. Clearly, Mower's desire for blind and ignorant obedience is simply not something that an officer swearing an oath should subscribe to.

Officers are usually apportioned a greater share of responsibility in

making decisions about the justice of war and carry a greater consequent liability for crimes against peace. After all, they possess the power and authority to set policy and deliver orders to others. Some draw a stark distinction and assign no liability or responsibility to the enlisted (non-officer rank) personnel. This distinction was emphasized in a 2006 Canadian Federal Court case, *Hinzman v. Canada (Minister of Citizenship and Immigration)*,<sup>147</sup> in which Jeremy Hinzman, a deserter from the US Army, was seeking refugee status after fleeing to Canada to avoid being forced to serve another tour of duty in Iraq.

Hinzman enlisted as a soldier in the US Army in November of 2000.<sup>148</sup> After training, he was deployed to Iraq, where he became convinced about the wrongness of war in almost all cases and, in particular, the war against Iraq. Hinzman applied for Conscientious Objector (CO) status, and acknowledged the influence of Buddhism and his association with Quakers in the formulation of his anti-war beliefs. Somehow, after his application was submitted, it became lost. His next deployment was to Afghanistan, whereupon realizing that his CO application had been “lost” by the military, he reapplied. His CO hearing was in Afghanistan on 2 April 2003, where his application was rejected for two reasons: first, because he “opposed war on a philosophical, societal and intellectual level, his beliefs were not congruent with the definition of a conscientious objector set out in the army regulations,”<sup>149</sup> and second, because Hinzman did not argue sufficiently for the wrongness of all war (he allowed for participation in defensive actions). When, after a return to the United States, Hinzman’s unit was ordered to deploy to Iraq once again, he and his family fled to Canada on 4 January 2004. Hinzman argued that he could not participate in the war against Iraq because it was illegal—as was the occupation of Iraq. In his words,

The war with Iraq was the immediate reason for my decision to refuse military duty in its entirety. First, I feel that the war is contrary to international law and waged on false pretenses. Second, I am not willing to kill or be killed in the service of ideology and economic gain.<sup>150</sup>

Hinzman argued further that he would be prosecuted for desertion should he return to the United States, and that any form of punishment he would receive, because it was based on “following his conscience would amount to persecution.”<sup>151</sup>

Hinzman’s appeal was rejected by the judge, Justice Anne L. Mactavish.

For the purposes of this paper, we examine only one set of rulings: her response to Hinzman's arguments about participating in an illegal war. Referring to the issue of "crimes against peace" as defined by the Nuremberg Trials and codified into the Nuremberg Principles, Justice Mactavish ruled (from paragraph 157) that "this jurisprudence establishes that an individual must be involved at the policy-making level to be culpable for a crime against peace."<sup>152</sup> Further, the court decided (from paragraph 158) that

the ordinary foot-soldier such as Mr. Hinzman is not expected to make his or her own personal assessment as to the legality of a conflict in which he or she may be called upon to fight. Similarly, such an individual cannot be held criminally responsible merely for fighting in support of an illegal war.<sup>153</sup>

Lastly (from paragraph 159),

As a consequence, it appears that the legality of a specific military action could potentially be relevant to the refugee claim of an individual who was involved at the policy-making level in the conflict in question, and who sought to avoid involvement in the commission of a crime against peace. However, the illegality of a particular military action will not make mere foot-soldiers participating in the conflict complicit in crimes against peace.<sup>154</sup>

There are several problems with Justice Mactavish's conclusions. First, her decision is rooted in "mere foot-soldiers" being invincibly ignorant and, following the delineation of Sola, submissively ignorant. However, it has been demonstrated that the enlistment oath assumes both a right and a responsibility for foot-soldiers (who all swear the enlistment oath!) to deliberate and discern the justice of the war they participate in. Justice Mactavish's conclusion in this respect seems to be rooted in bygone centuries. Soldiers today are educated, they are required to study, and they do have the ability to understand.<sup>155</sup> Of course, a higher standard and level of education is expected from officers, but that does not change the ability of the average soldier to be engaged in the effects and legalities of their work. Even Justice Mactavish's reference to the work by Francois Bugnion is flawed. Bugnion simply states, "those who prepare, initiate or wage a war of aggression bear personal criminal responsibility for their acts."<sup>156</sup> He does not make any distinction between foot-soldiers and senior officers, the argument for which Mactavish uses this reference. Furthermore, Bugnion's excellent and well-focused argument centres on ensuring that designating the aggressors

in a conflict does not permit such a determination to carry over and effect differential treatment *vis-à-vis* International Humanitarian Law.

One must raise one more significant objection to the court ruling. Not being criminally responsible for crimes against peace is significantly different from being required to participate in crimes against peace—especially if one is aware that they indeed are crimes against peace (an aggressive war; an illegal war). By virtue of her rejection of the Hinzman petition because, she says, soldiers (including Hinzman) will not be held criminally responsible (paragraph 158) or legally complicit (paragraph 159) for fighting an illegal war (because senior officers made that decision), she is condemning Hinzman and others like him to fight an illegal war or suffer persecution when refusing to do so. The act of being expected to participate in an unjust war can by itself be seen as inhumane and a violation of a soldier's conscience—and thereby a violation of the soldier's human right to freedom of conscience.<sup>157</sup> Why should any person be compelled to fight in a war that is manifestly illegal and a crime against peace according to International Law (such as the UN Charter, Kellogg-Briand, and the Nuremberg Principles)? On this basis alone, Justice Mactavish's decision should be ruled unconstitutional. After all, it contravenes the rights guaranteed in Article 11 of Canada's *Constitution Act, 1982*.

*Hinzman v. Canada* does, however, at least illustrate the greater responsibility *officers* have for discerning the justice of war, *jus ad bellum*. In contrast to those who have sought to draw the line of responsibility between the military and civilians, the Mactavish ruling clearly indicates that someone at the "policy-making level" in the military can be held criminally liable for such determinations—even if the ruling allowed that "foot soldiers" were exempt. Officers are not excused from determining the justice of a war and must exercise their agency to determine the just or unjust nature of a war.

This paper, however, has taken the doctrine one step further and included soldiers within that arc of responsibility. Soldiers are no longer necessarily ignorant; they have access to information, knowledge, resources, and counsel and, as a result, have the responsibility, the right, and the free moral agency to determine the just or unjust nature of any war in which they agree to participate. The basis for this position is the very oaths that soldiers swear. They must act lawfully, and determining lawfulness includes discerning the *jus ad bellum* status of the war. This position provides support for practices such as selective conscientious objection, and more flexibility for soldiers

to change their own status in the midst of conflict (for example, due to a change in the war's approach that possibly triggers a revised determination of the lawfulness of the war). Oaths may be considered ancient relics by some, but their wording is not accidental; oaths provide greater flexibility and responsibility for the exercise of a soldier's moral agency than has usually been allowed.

## CONCLUSION

Based on this study, we may conclude the following:

1. Military oaths in the United States, the United Kingdom, and Canada are not as they are often portrayed. They do not call for blind obedience.
  - a. Instead, they all call for lawful obedience. Lawfulness is emphasized in the enlistment oaths and the interpretations of the enlistment oath (and various codes outlining a soldier's responsibility) in the United States (via its reference to the UCMJ), the United Kingdom, and Canada.
  - b. In the US enlistment oath, the allegiance sworn to the Constitution is subject to the supremacy clause of the US Constitution (Article. VI), which holds that treaties to which the United States is a signatory are the supreme law of the land (along with federal domestic law).
  - c. The Canadian Oath may be to the Queen but Canada is a constitutional monarchy; the queen governs through parliament and is a symbol of the Constitution and the rule of law. Canada's *Constitution Act, 1982* also includes the applicability of international law and "the general principles of law recognized by the community of nations."
  - d. For both b. and c. above, the UN Charter and the Kellogg-Briand Pact—both of which call for peaceful resolution of conflict—are applicable for determining *jus ad bellum*. Likewise, the Nuremberg Principles condemn "crimes against peace" (Article VI), and reject the "obeying superior orders" defence (Article IV).
2. The doctrine of Invincible Ignorance is no longer sustainable in the twenty-first century due to education and accessible information

for soldiers. While soldiers can still be victims and victimized and the use of propaganda demonstrates this to be the case, soldiers must have the freedom to adjust their views as they gain additional information.

3. The doctrine of Invincible Ignorance is not sustainable in a modern democracy. Soldiers are citizens and must be permitted to participate in discussions about the largest decisions a country makes—whether a war is just or not. If soldiers are unable to decide the justice of a war, civilians are unable to do so either, especially since in most cases civilians have less information than soldiers do.
4. This does not mean that soldiers should be able to launch a war; being permitted to opt out is not the same as being able to make a decision and fight of one's own volition.
5. There are two potential consequences to the demise of the doctrines of Moral Equality and Invincible Ignorance:
  - a. Selective Conscientious Objection (SCO) will need to be permitted. If soldiers can decide the justice of the war, they will need to be granted permission to opt out of unjust wars. Some might argue that this could make it impossible for units to fight. This could be a good thing; why should units go fight in wars that are unjust? Why should soldiers be compelled to fight in unjust wars?
  - b. The humanity of all persons in war, whether combatants or civilians, needs to be reaffirmed. This means that despite the greater or lesser legitimacy of one side or the other in a conflict, the protections in International Humanitarian Law need to continue to be applied, along with all the applicable penalties for their neglect or transgression.
6. The Federal Court of Canada case of *Hinzman v. Canada* highlights the issues being discussed relative to a soldier's right to decide the justice of war. It also painfully illustrates the difficulties faced by a soldier who has been able to discern the injustice of an illegal war. The court did not disagree with the soldier (Hinzman) about the unlawful and unjust nature of the war, and allowed that the soldier's assessment of the conflict could indeed be correct. However, instead of requiring non-participation in unlawful warfare, the court absolved

Hinzman morally and legally and declared that as a mere foot-soldier he was not morally culpable for a *jus ad bellum* transgression. And then, bizarrely, the court took it a step further and concluded that it still expected and required the soldier to participate in a war that both Hinzman and the court agreed could indeed be unlawful and, therefore, a war crime—a crime against peace.

## ENDNOTES

1. A version of this paper was presented at the Peace Science Society – International Studies Association (PSS-ISA) International Conference at Corvinus University in Budapest, Hungary on 27 June 2013. This revision has benefited from the responses of three reviewers; I offer my sincere thanks to them for their counsel and feedback.
2. Hittite military oaths, found on two ancient cuneiform tablets, described the consequences of military commanders breaking their oath in vivid detail. Their weapons would be broken, and “they would be made women and given women tasks.” They would also “be made blind and deaf women”—as represented by a blind and deaf woman who was paraded before them. As if this was insufficient, they were also told that their bellies would fill with water like a person suffering from ascites, and that the deities to whom they had sworn their oath would eat the offspring in their belly. The consequences consisted, therefore, of both excruciating physical punishment and social humiliation. “Hittite Military Oaths,” *Wikipedia*, last modified 2 March 2013, [http://en.wikipedia.org/wiki/Hittite\\_military\\_oath](http://en.wikipedia.org/wiki/Hittite_military_oath); Norbert Oettinger, *Die militärischen Eide der Hethiter: Studien zu den Boğazköy Texten, Heft 22* (Wiesbaden, Germany: Harrasowitz, 1976).
3. Or those Christian religious traditions (e.g., Quakers, Mennonites) that consider the swearing of oaths contrary to their religious principles.
4. The *Congressional Record* (1961) reveals the following: “For the vast majority of the persons taking this oath, however, this addition will assure a unique degree of personal conviction not otherwise attainable, and will thus prove a welcome source of both personal and national strength.” House, *Armed Forces Oath of Enlistment, Report to Accompany H.R. 218*, 87th Cong., 1st sess., 25 July 1961, 4. Quoted approvingly by Kenneth Keskel, Lt. Col., “The Oath of Office: A Historical Guide

to Moral Leadership,” *Air & Space Power Journal* (Winter 2002), <http://www.airpower.au.af.mil/airchronicles/apj/apj02/win02/keskel.html>. Even Chuck Hagel, the current US Secretary of Defense, in response to the current revelations regarding the “scourge” of sexual assaults in the US military, said, “Sexual harassment and sexual assault in the military are a profound betrayal of sacred oaths and sacred trusts.” See “Chuck Hagel: US military must stamp out ‘scourge’ of sexual assault,” *Guardian*, 25 May 2013, <http://www.guardian.co.uk/world/2013/may/25/hagel-us-military-scourge-sexual-assault>.

5. Nevertheless, the religious element of an appeal to a deity has been retained in most military oaths currently in use. An oath, by definition is both a *juramentum* and a *sacramentum*; both are ancient terms for an oath and were applied when speaking both about its efficacy as a legal instrument and as an *actus religiosissimus*. See Edmund Pries, “Anabaptist Oath Refusal: Basel, Bern and Strasbourg, 1525-1538,” (PhD diss., University of Waterloo, 1995), 4-5. In the words of Cicero, “An oath is an assurance backed by religious sanctity; and a solemn promise given, as before God as one’s witness, is to be sacredly kept,” quoted by Elmar Klinger in “Vows and Oaths,” *The Encyclopedia of Religion*, 1987, s.v. *A sacramentum* did not originally mean “something sacred,” as in a sacrament, which is often the assumed meaning in popular discourse. In Latin, it referred to an oath because something or someone was pledged. It is easy to see how this took on religious significance with the appeal to the deity and entered into religious language. Pries, “Anabaptist Oath Refusal,” 4-5.
6. For example, numerous French (600) and British (306 including 23 Canadian) soldiers were executed for both desertion and “cowardice” during World War I. Rob Ruggenberg, ed., “The Heritage of the Great War: Shot at Dawn,” last updated 8 November 2012, <http://www.greatwar.nl/frames/default-shotatdawn.html>. The total number of Canadian soldiers executed in World War I was twenty-five—twenty-two for desertion, one for cowardice and two for murder, “List of Canadian soldiers executed for military offences,” *Wikipedia*, accessed 27 October 2012, [http://en.wikipedia.org/wiki/List\\_of\\_Canadian\\_soldiers\\_executed\\_for\\_military\\_offences](http://en.wikipedia.org/wiki/List_of_Canadian_soldiers_executed_for_military_offences); see also “Canadians Shot at Dawn,” accessed 27 October 2012, <http://home.cogeco.ca/~cdnsa/>.



7. "Principles of International Law Recognized in the *Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal, with Commentaries, 1950*," United Nations, 2005, [http://untreaty.un.org/ilc/texts/instruments/english/commentaries/7\\_1\\_1950.pdf](http://untreaty.un.org/ilc/texts/instruments/english/commentaries/7_1_1950.pdf); "Principles of International Law Recognized in the Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal, 1950," United Nations, 2005, [http://untreaty.un.org/ilc/texts/instruments/english/draft%20articles/7\\_1\\_1950.pdf](http://untreaty.un.org/ilc/texts/instruments/english/draft%20articles/7_1_1950.pdf); Antonio Cassese, "Affirmation of the Principles of International Law Recognized by the Charter of the Nürnberg Tribunal," *United Nations Audiovisual Library of International Law* 2009, [http://legal.un.org/avl/pdf/ha/ga\\_95-I/ga\\_95-I\\_e.pdf](http://legal.un.org/avl/pdf/ha/ga_95-I/ga_95-I_e.pdf).
8. 10 USC, sec. 502—Enlistment oath: who may administer | Title 10 | U.S. Code | LII/Legal Information Institute, accessed 17 October 2011, <http://www.law.cornell.edu/uscode/10/502.html>.
9. Article 90: "Any person subject to this chapter who—(1) strikes his superior commissioned officer or draws or lifts up any weapon or offers any violence against him while he is in the execution of his office; or (2) willfully disobeys a *lawful* command of his superior commissioned officer; shall be punished, if the offense is committed in time of war, by death or such other punishment as a court-martial may direct, and if the offense is committed at any other time, by such punishment, other than death, as a court-martial may direct" (emphasis added). 10 USC, sec. 890 – Art. 90, "Assaulting or wilfully disobeying superior commissioned officer," accessed 23 May 2013, [www.law.cornell.edu/uscode/text/10/890](http://www.law.cornell.edu/uscode/text/10/890).
10. Article 91: "Any warrant officer or enlisted member who—(1) strikes or assaults a warrant officer, noncommissioned officer, or petty officer, while that officer is in the execution of his office; (2) willfully disobeys the *lawful* order of a warrant officer, noncommissioned officer, or petty officer; or (3) treats with contempt or is disrespectful in language or deportment toward a warrant officer, noncommissioned officer, or petty officer, while that officer is in the execution of his office; shall be punished as a court-martial may direct" (emphasis added). 10 USC, sec. 891 – Art. 91, "Insubordinate conduct toward warrant officer, noncommissioned officer, or petty officer," accessed 23 May 2013, [www.law.cornell.edu/uscode/text/10/891](http://www.law.cornell.edu/uscode/text/10/891).

11. Article 92: “Any person subject to this chapter who—(1) violates or fails to obey any *lawful* general order or regulation; (2) having knowledge of any other *lawful* order issued by a member of the armed forces, which it is his duty to obey, fails to obey the order; or (3) is derelict in the performance of his duties; shall be punished as a court-martial may direct” (emphasis added). 10 USC, sec. 892 – Art. 92, “Failure to obey order or regulation,” accessed 23 May 2013, [www.law.cornell.edu/uscode/text/10/892](http://www.law.cornell.edu/uscode/text/10/892).
12. United Nations General Assembly Resolution 177 (II) created the International Law Commission in 1947 to articulate the Nuremberg Principles. International Law Commission, “Principles of International Law recognized in the *Charter of the Nürnberg Tribunal and in the Judgment of the Tribunal, with Commentaries, 1950*,” reprint, United Nations, 2005, from *Yearbook of the International Law Commission*, 2: 374-78. Hereafter *Nuremberg Principles*, [http://crimeofaggression.info/documents/6/1950\\_Nuremberg\\_Principles.pdf](http://crimeofaggression.info/documents/6/1950_Nuremberg_Principles.pdf).
13. *Nuremberg Principles*.
14. FM 27-10: Department of the Army Field Manual, *The Law of Land Warfare* (Washington: Department of the Army, 1956), <http://www.aschq.army.mil/gc/files/fm27-10.pdf>.
15. *Law of Land Warfare*.
16. *Law of Land Warfare*. The excerpt reads as follows:
  - (a) The fact that the law of war has been violated pursuant to an order of a superior authority, whether military or civil, does not deprive the act in question of its character of a war crime, nor does it constitute a defense in the trial of an accused individual, unless he did not know and could not reasonably have been expected to know that the act ordered was unlawful. In all cases where the order is held not to constitute a defense to an allegation of war crime, the fact that the individual was acting pursuant to orders may be considered in mitigation of punishment.
  - (b) In considering the question whether a superior order constitutes a valid defense, the court shall take into consideration the fact that obedience to lawful military orders is the duty of every member of the armed forces; that the latter cannot be expected, in conditions

of war discipline, to weigh scrupulously the legal merits of the orders received; that certain rules of warfare may be controversial; or that an act otherwise amounting to a war crime may be done in obedience to orders conceived as a measure of reprisal. At the same time it must be borne in mind that members of the armed forces are bound to obey only lawful orders (e. g., UCMJ, Art. 92).

17. This is a point first articulated by J. Joseph Miller, "Jus ad bellum and an Officer's Moral Obligations: Invincible Ignorance, the Constitution and Iraq," *Social Theory and Practice* 30, no. 4 (October 2004): 472. Miller is one of the only persons to have addressed the relationship of the oath to *jus ad bellum* although he focused his emphasis on the responsibility of officers (as opposed to enlisted personnel).
18. Article VI | U.S. Constitution | LII / Legal Information Institute, accessed 12 June 2013, <http://www.law.cornell.edu/constitution/articlevi>.
19. Miller, "Jus ad bellum," 472.
20. James Madison to Edmund Pendleton, 2 January 1791, quoted in Miller, "Jus ad bellum," 472. Emphasis inserted by Miller.
21. Miller, "Jus ad bellum," 474.
22. The Hague Conventions consist of extensive treaties dealing with the permitted methods and prohibitions within armed conflict. The 1899 Hague Conference resulted in four conventions (or treaties) and three declarations (Declarations II and III were not signed by the United States), while the 1907 Hague Conference resulted in thirteen conventions and one declaration. The twelfth convention was never ratified. For the text of the Hague Conference conventions and declarations, see ICRC, "Treaties and States Parties to Such Treaties," accessed 13 June 2013, <http://www.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByDate.xsp>. To view treaties according to US ratification within the same list, see [http://www.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp\\_countrySelected=US](http://www.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp_countrySelected=US). See also "The Avalon Project: Documents in Law, History and Diplomacy," Yale Law School, accessed 13 June 2013, [http://avalon.law.yale.edu/subject\\_menus/lawwar.asp](http://avalon.law.yale.edu/subject_menus/lawwar.asp); "Hague Conventions of 1899 and 1907,"

*Wikipedia*, accessed 13 June 2013, [http://en.wikipedia.org/wiki/Hague\\_Conventions\\_of\\_1899\\_and\\_1907](http://en.wikipedia.org/wiki/Hague_Conventions_of_1899_and_1907).

23. ICRC, "Treaties and States Parties;" "The Avalon Project."
24. ICRC, "Customary IHL," accessed June 13, 2013, [http://www.icrc.org/customary-ihl/eng/docs/v1\\_cha](http://www.icrc.org/customary-ihl/eng/docs/v1_cha).
25. Miller, "Jus ad bellum," 473. I follow Miller's arguments on a number of these points, especially regarding the UN Charter, and am indebted to him for his insight.
26. *Charter of the United Nations* (henceforth *UN Charter*) (Preamble): "WE THE PEOPLES OF THE UNITED NATIONS DETERMINED to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and . . . AND FOR THESE ENDS to practice tolerance and live together in peace with one another as good neighbours, and to unite our strength to maintain international peace and security," accessed 13 June 2013, <http://www.un.org/en/documents/charter/>.
27. *UN Charter*, Article 1(1): "*The Purposes of the United Nations are*: 1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace." Article 1(2) continues in the same vein: "To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace," accessed 13 June 2013, <http://www.un.org/en/documents/charter/>.
28. *UN Charter*, Article 2(3): "All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered," accessed 13 June 2013, <http://www.un.org/en/documents/charter/>.
29. *UN Charter*, Article 2(4): "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any

- other manner inconsistent with the Purposes of the United Nations,” accessed 13 June 2013, <http://www.un.org/en/documents/charter/>.
30. *UN Charter*, Article 33(1), accessed 13 June 2013, <http://www.un.org/en/documents/charter/>.
  31. *UN Charter*, Article 41: “The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.” Accessed 13 June 2013, <http://www.un.org/en/documents/charter/>.
  32. As found in Chapter VII: “Action with respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression.” Article 39: “The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.” Article 42: “Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations,” accessed 13 June 2013, <http://www.un.org/en/documents/charter/>.
  33. *UN Charter*, Article 51: “Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security,” accessed 13 June 2013, <http://www.un.org/en/documents/charter/>.

34. *UN Charter*, Article 51.

35. The Nuremberg Principles arose from United Nations General Assembly Resolution 95(I) on 11 December 1946, on the initiative of the United States delegation, to codify principles from the Nuremberg Tribunals. A subsequent resolution 177(II) in 1947 instructed the International Law Commission to undertake this task. The Nuremberg Principles were finally presented in a report from the International Law Commission in 1950. For a thorough discussion of the role of the Nuremberg principles as principles of International Law, see Antonio Cassese, "Affirmation of the Principles of International Law Recognized by the Charter of the Nürnberg Tribunal," United Nations, 2009, United Nations Audiovisual Library of International Law, [http://legal.un.org/avl/ha/ga\\_95-I/ga\\_95-I.html](http://legal.un.org/avl/ha/ga_95-I/ga_95-I.html).

36. *Nuremberg Principles*. The full text of Principle VI reads as follows: "The crimes hereinafter set out are punishable as crimes under international law:

- (a) Crimes against peace: (i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances; (ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).
- (b) War crimes: Violations of the laws or customs of war which include, but are not limited to, murder, ill treatment or deportation to slave-labour or for any other purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war, of persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.
- (c) Crimes against humanity: Murder, extermination, enslavement, deportation and other inhuman acts done against any civilian population, or persecutions on political, racial or religious grounds, when such acts are done or such persecutions are carried on in execution of or in connexion with any crime against peace or any war crime."

37. *Nuremberg Principles*.

38. The Rome Statute did not define “crimes of aggression” when it was written in 1998 or before it came into force in 2002 but left the definition to future negotiation. A consensus definition was reached at the Kampala Review Conference on 11 June 2010. However, the International Criminal Court will not be able to exercise its jurisdiction over this aspect of its mandate until after 1 January 2017 and a subsequent decision by state parties is taken to activate this jurisdiction. “The Crime of Aggression,” Coalition for the International Criminal Court, accessed 24 July 2014, <http://www.iccnw.org/?mod=aggression>.
39. “General Treaty for Renunciation of War as an Instrument of National Policy,” in *LEAGUE OF NATIONS Treaty Series: Publication of Treaties and International Engagements Registered with the Secretariat of the League of Nations*: 58-64. Hereafter, *Kellogg-Briand*, accessed 28 May 2013, <http://treaties.un.org/doc/Publication/UNTS/LON/Volume%2094/v94.pdf>.
40. *Nuremberg Principles*, 376.
41. *Kellogg-Briand*, 63.
42. Original German: „Der Krieg ist eine bloße Fortsetzung der Politik mit anderen Mitteln.“ Carl von Clausewitz, *Vom Kriege* (Berlin: Dümmler’s Verlag, 1832): Book 1, Chapter 1, Section 24, accessed 26 September, 2014, <http://www.clausewitz.com/readings/VomKriege1832/Book1.htm#1>. This famous aphorism is translated variously, but most commonly as above—the primary dispute being whether “Politik” should be translated as policy or politics.
43. I am indebted to Miller for this reference, “Jus ad bellum,” 475. See also *Foster & Elam v. Neilson*, 27 U.S. (2 Pet.) 253, 314 (1829), accessed 12 June 2013, <http://supreme.justia.com/cases/federal/us/27/253/case.html>.
44. Miller, “Jus ad bellum,” 477, adds, “An order to prosecute an aggressive war or a unilateral war would be equivalent to an order to participate in a coup. Such an order lacks legitimacy; it is, by definition, an illegal order. Since the professional obligations of soldiers demand that they obey both the Constitution and the set of laws predicated upon that Constitution, prosecuting an illegal war constitutes a violation of the soldier’s moral obligation to defend the Constitution. A soldier’s

obligation is clear; he must refuse to wage illegal wars.”

45. *Law of Land Warfare*. Miller, “Jus ad bellum,” 473, laments the absence of the UN Charter in the text of this document. Discussion of the Charter is indeed very limited, considering its importance in global affairs and the increasing power of the UNSC, but not quite as limited as Miller indicates. This may be due to Miller’s focus on a particular portion of the document that addresses a soldier’s actions and criminal responsibility, without similar examination of UN Charter references in other parts of the *LLW*.
46. *Law of Land Warfare*, Article 511.
47. *Law of Land Warfare*, Article 5.
48. *Law of Land Warfare*, Article 498.
49. Miller, “Jus ad bellum,” 477-84, demonstrates in a major portion of his paper that the 2003 invasion of Iraq was illegal and concludes that officers, if true to their oath regarding the US Constitution, were morally obligated to not participate in that war.
50. Richard Swain, Col. (Ret.), “The Obligations of Military Professionalism: Service Unsullied by Partisanship,” National Defense University / Institute for National Security Ethics and Leadership (December 2010): 6, <http://www.mca-marines.org/files/obligations%20of%20military%20professionalism.pdf>.
51. Swain, “Obligations of Military Professionalism,” 6.
52. Swain, “Obligations of Military Professionalism,” 6.
53. *Little v. Barreme* - 6 U.S. 170 (1804), accessed June 15, 2013, <http://supreme.justia.com/cases/federal/us/6/170/case.html>.
54. Article II | U.S. Constitution | LII / Legal Information Institute, accessed 14 June 2013, <http://www.law.cornell.edu/constitution/articleii#section1>.
55. Because the Royal Navy was not formed by an act of Parliament but by royal prerogative (Elizabeth I), members of the Royal Navy are exempt from the oath of allegiance.
56. “Oath of Allegiance (United Kingdom),” Wikipedia, accessed 28 May 2013, [http://en.wikipedia.org/wiki/Oath\\_of\\_Allegiance\\_\(United](http://en.wikipedia.org/wiki/Oath_of_Allegiance_(United)



\_Kingdom)#Armed\_forces. Multiple versions exist; of five surveyed, each includes the identical wording, but each displays a slightly different regime of capitalization and punctuation. This can make a difference for interpretation, as shall be seen in the discussion of Canadian military enlistment oaths. See also “Values and Standards of the British Army,” accessed 14 June 2013, [http://www.army.mod.uk/documents/general/v\\_s\\_of\\_the\\_british\\_army.pdf](http://www.army.mod.uk/documents/general/v_s_of_the_british_army.pdf). This version of the oath reads as follows: “I swear by almighty God that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors and that I will as in duty bound honestly and faithfully defend her Majesty, her heirs and successors in person, crown and dignity against all enemies and will observe and obey all orders of her Majesty, her heirs and successors and of the generals and officers set over me.” The words are the same but there are differences in capitalization and punctuation. Based on the *Promissory Oaths Act, 1868*, the capitalization of the latter and the punctuation of the former is likely correct. Another oath is similar to “Values and Standards of the British Army” but contradicts the other Wikipedia version: [http://en.wikipedia.org/wiki/Oath\\_of\\_office#Military\\_Oath](http://en.wikipedia.org/wiki/Oath_of_office#Military_Oath); another oath in a wall-mounted certificate in an army recruitment office is a hybrid of several versions: <http://www.youtube.com/watch?v=07kGgRVTQTQ>. Yet another permits commercial purchase of certificate and seems more grammatically correct than those versions promoted by the military itself: <http://www.worthpoint.com/worthopedia/british-army-oath-allegiance-166020191>.

57. “Queen’s Regulations and Orders (QR&Os)—Volume I Chapter 6—Enrolment and Re-Engagement,” National Defence and the Canadian Forces,” accessed 27 May 2013, <http://www.admfincs-smafinsm.forces.gc.ca/qro-orf/vol-01/chapter-chapitre-006-eng.asp#cha-006-04>; see also [http://www.europe.forces.gc.ca/Resources/form/rcpo-brpc/RCPO\\_005-Oath\\_b.pdf](http://www.europe.forces.gc.ca/Resources/form/rcpo-brpc/RCPO_005-Oath_b.pdf): “I, \_\_\_\_\_ do swear/affirm that I will be faith and bear true allegiance to her Majesty Queen Elizabeth II, Her Heirs and Successors according to law. So help me God.”
58. “The Promissory Oaths Act 1868: Part 1, Article 2,” accessed 23 May 2013, <http://legislation.data.gov.uk/ukpga/Vict/31-32/72/data.htm?wrap=true>. United Kingdom Oath of Allegiance: “I, \_\_\_\_\_, do swear that I will be faithful and bear true allegiance to Her Majesty,

Queen Victoria, her heirs and successors, according to law. So help me God.” (Note: the name of the sovereign is changed when a new sovereign takes over—as the Act specifies.)

59. “Oaths of Allegiance Act: R.S.C., 1985, c. 0-1,” Government of Canada: Justice Laws Website, <http://www.laws-lois.justice.gc.ca/eng/acts/O-1/page-1.html>. The Canadian Oath of Allegiance: “I, \_\_\_\_\_ (full name), do swear (or for a solemn affirmation, ‘solemnly affirm’) that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth the Second, Queen of Canada, Her Heirs and Successors. So help me God.”
60. “Army Act 1955: 1955 CHAPTER 18 3 and 4 Eliz 2,” <http://legislation.data.gov.uk/ukpga/Eliz2/3-4/18/data.htm?wrap=true>; “*Armed Forces Act 1971* 1971 CHAPTER 33,” <http://legislation.data.gov.uk/ukpga/1971/33/data.htm?wrap=true>.
61. *Army Act 1955*. Article 24(2)(a) above was left without change. The only change to article 34, so far as this author is able to detect, was a grammatical correction—namely, the removal of a comma: “wilfully or, through neglect” (1955) became: “wilfully or through neglect” (1971).
62. “I . . . do acknowledge The United States of America to be Free, Independent and Sovereign States and declare that the People thereof owe no Allegiance or Obedience to George the Third, King of Great Britain, and I renounce refuse and abjure any Allegiance or Obedience to him, and I do swear (or affirm) that I will to the utmost of my Power support, maintain and defend the said United States against the said King George the Third, his heirs and Successors and his and their Abettors, Assistants and Adherents and will serve the said United States in the office of . . . which I now hold with Fidelity according to the best of my skill and understanding.” Quoted from Keskel, “The Oath of Office,” note 9, in *The Writings of George Washington from the Original Manuscript Sources, 1745-1799*, ed. John C. Fitzpatrick, vol. 11 (Washington, DC: Government Printing Office, 1931-1944). See also <http://memory.loc.gov> (Click on “search,” search “George Washington, May 7, 1778, General Orders”), accessed 15 June 2013.
63. Translation mine: „Ich schwöre bei Gott diesen heiligen Eid, daß ich dem Führer des Deutschen Reiches und Volkes Adolf Hitler, dem

Oberbefehlshaber der Wehrmacht, unbedingten Gehorsam leisten und als tapferer Soldat bereit sein will, jederzeit für diesen Eid mein Leben einzusetzen.“ [http://en.wikipedia.org/wiki/Hitler\\_oath](http://en.wikipedia.org/wiki/Hitler_oath), accessed 16 October 2011.

64. Robert B. Kane, *Disobedience and Conspiracy in the German Army: 1918-1945* (Jefferson, NC: McFarland & Company, Inc.) Appendix A, 227.
65. Kane, *Disobedience and Conspiracy*. Appendix A, 227.
66. The oath now states, “I pledge [or swear] to loyally serve the Federal Republic of Germany and to bravely defend the law and freedom of the German people,” accessed 15 June 2013. <http://en.wikipedia.org/wiki/Reichswehreid>.
67. In the UK, but not Canada, the monarch is briefed on legislation by her prime minister quite regularly (and presumably also consulted), so some informal influence and advice can be exercised, though the efficacy and degree of influence is debated. The monarchy is mostly symbolic.
68. *Constitution Act, 1867*, Article 132, Government of Canada: Justice Laws Website, <http://lois.justice.gc.ca/eng/Const/>.
69. *Constitution Act, 1982*, Article 52(1), Government of Canada: Justice Laws Website, <http://lois.justice.gc.ca/eng/Const/page-16.html#h-58>.
70. *Constitution Act, 1982*, Article 11, Government of Canada: Justice Laws Website, <http://lois.justice.gc.ca/eng/Const/page-15.html#h-40>.
71. *Vienna Convention on the Law of Treaties, 1969*, United Nations, Treaty Series, [http://untreaty.un.org/ilc/texts/instruments/english/conventions/1\\_1\\_1969.pdf](http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf).
72. *Vienna Convention on the Law of Treaties*, 11.
73. Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books: 1977), 36. Emphasis in original.
74. Walzer, *Just and Unjust Wars*, 36.
75. Walzer, *Just and Unjust Wars*, 36, also mentions the Christmas truce.
76. Walzer, *Just and Unjust Wars*, 36. Walzer adds: “Hence the moral reality of war can be summed up in this way: when soldiers fight freely

choosing one another as enemies and designing their own battles, their war is not a crime; when they fight without freedom, their war is not their crime. In both cases, military conduct is governed by rules; but in the first the rules rest on mutuality and consent, in the second on a shared servitude” (37).

77. Love for one’s enemy is a Biblical quote from Jesus: Matthew 5:44. Scott A. Sterling, Maj., “Moral Equality among Soldiers,” Baylor Center for Christian Ethics at Baylor University, 2004: 69, <http://www.baylor.edu/christianethics/PeaceandWararticleSterling.pdf>.
78. Sterling, “Moral Equality among Soldiers.”
79. David Rodin, “The Moral Inequality of Soldiers: Why *jus in bello* Asymmetry is Half Right” in *Just and Unjust Warriors: the Moral and Legal Status of Soldiers* ed. David Rodin and Henry Shue (Oxford: Oxford University Press, 2008), 44.
80. Rodin, “The Moral Inequality of Soldiers,” 44; David Rodin and Henry Shue, “Introduction” in *Just and Unjust Warriors: the Moral and Legal Status of Soldiers* ed. David Rodin and Henry Shue (Oxford: Oxford University Press, 2008), 2. Emphasis in original.
81. Rodin and Shue, “Introduction,” 2. Emphasis in original.
82. A coincidental third thesis holds that the moral principles for just war, as outlined most explicitly in Just War Theory, align with the legal codes for war. More than that, some would argue that the laws of war are derived from the principles of Just War Theory, although Jeff McMahan suggests that the reverse is now often true: Just War Theory principles are increasingly derived from the laws governing armed conflict. Jeff McMahan, “The Morality of War and the Law of War” in *Just and Unjust Warriors: the Moral and Legal Status of Soldiers* ed. David Rodin and Henry Shue (Oxford: Oxford University Press, 2008), 20.
83. McMahan, “Morality of War,” 21-22.
84. McMahan, “Morality of War,” 21-22.
85. McMahan, “Morality of War,” 21-22.
86. McMahan, “Morality of War,” 21-22.

87. McMahan, "Morality of War," 21-22.
88. McMahan, "Morality of War," 22.
89. McMahan, "Morality of War," 22.
90. McMahan, "Morality of War," 21-22.
91. McMahan, "Morality of War," 21-22.
92. Rodin, "Moral Inequality of Soldiers," 44-46.
93. Rodin, "Moral Inequality of Soldiers," 44-46.
94. Christopher Kutz, "Fearful Symmetry" in Rodin and Shue, *Just and Unjust Warriors*, 70-72.
95. Kutz, "Fearful Symmetry," 70-72.
96. Henry Shue, "Do We Need a 'Morality of War?'" in Rodin and Shue, *Just and Unjust Warriors*, 87-89.
97. Shue, "Morality of War?" 89. Shue also approvingly quotes Michael Walzer, who articulated McMahan's position this way: "what Jeff McMahan means to provide . . . is a careful and precise account of individual responsibility in time of war. What he actually provides, I think, is a careful and precise account of what individual responsibility in war would be like if war were a peacetime activity."
98. Shue, "Morality of War?" 89.
99. Shue, "Morality of War?" 88-111.
100. This is conceded also by Rodin and Shue, "Introduction," 11.
101. Daniel Thürer, *International Humanitarian Law: Theory, Practice, Context* (The Hague: Hague Academy of International Law, 2011), 50-51, 128-29.
102. The applicability of IHL versus IHRL in each situation is also governed by the principle of *lex specialis*. Thürer, *International Humanitarian Law*, 128-35.
103. Thürer, *International Humanitarian Law*, 44.
104. Thürer, *International Humanitarian Law*, 44. If the purpose of *jus in bello* is to provide constraints on the waging of war, then it is important for both sides to be equally so constrained.

105. Francisco de Vitoria, "On the Law of War" in *Political Writings*, ed. A. Pagden and J. Lawrence (Cambridge: Cambridge University Press, 1991), 306-13.
106. Vitoria, "On the Law of War," sec. 25: 308.
107. Vitoria, "On the Law of War," sec. 20, 21, 24: 306-8.
108. Vitoria, "On the Law of War," sec. 20: 307.
109. Vitoria, "On the Law of War," sec. 20, 21: 306-7.
110. Vitoria, "On the Law of War," sec. 22: 307. Vitoria makes this point so emphatically that it is surprising that it is so often ignored.
111. Vitoria, "On the Law of War," sec. 23: 308.
112. Vitoria, "On the Law of War," sec. 26: 308-9.
113. Vitoria, "On the Law of War," sec. 32: 312-13.
114. Andrew Sola, "The Enlightened Grunt? Invincible Ignorance in the Just War Tradition," *Journal of Military Ethics* 8, no.1 (2009): 50-51.
115. Sola, "The Enlightened Grunt?," 52-61.
116. Sola, "The Enlightened Grunt?," 53-54.
117. Shakespeare, *Henry V*: IV(I), accessed 15 June 2013, <http://shakespeare.mit.edu/henryv/full.html>. This illustration is used frequently by many making this point.
118. Dan Zupan, "A Presumption of the Moral Equality of Combatants: A Citizen-Soldier's Perspective" in Rodin and Shue, *Just and Unjust Warriors*, 214-25.
119. Others, like Vitoria, had drawn the line of accountability between soldiers and their sovereign or between military personnel and government (where civilians, or subjects, were also considered ignorant, along with soldiers, in part because it was civilian subjects who were drafted into military actions on behalf of their rulers).
120. Miller, "Jus ad bellum," 461.
121. Miller, "Jus ad bellum," 463.
122. Richard Shoonhoven, "Invincible Ignorance and the Moral Equality of . . . Lawyers?" accessed 30 May 2013, <http://isme.tamu.edu>

/JSCOPE03/Shoonhoven03.html.

123. Miller, "Jus ad bellum," 465.
124. Zupan, "A Presumption," 221.
125. Zupan, "A Presumption," 221.
126. Jeff McMahan, "On the Moral Equality of Combatants," *The Journal of Political Philosophy* 14, no. 4 (2006): 392-93; Sola, "The Enlightened Grunt?," 62.
127. See Francois Bugnion, "Just Wars, Wars of Aggression and International Humanitarian Law," *International Review of the Red Cross* 84, no. 847 (September 2002): 523-46; also especially Jasmine Moussa, "Can *jus ad bellum* Override *jus in bello*? Reaffirming the Separation of the Two Bodies of Law," *International Review of the Red Cross* 90, no. 872 (December 2008): 963-90.
128. Peter Kilner, Maj., "Thoughts of a Soldier-Ethicist: Rejecting the Moral Equality of Soldiers, October 3, 2005," [www.soldier-ethicist.blogspot.ca/2005/10/rejecting-moral-equality-of-soldiers.html](http://www.soldier-ethicist.blogspot.ca/2005/10/rejecting-moral-equality-of-soldiers.html).
129. Kilner, "Rejecting the Moral Equality of Soldiers."
130. Michael Minch, "When Soldiers Aren't Heroes: An Essay," *Teaching Ethics* (Fall 2004): 31-40, <http://www.uvu.edu/ethics/seac/When%20Soldiers%20Arent%20Heroes.pdf>.
131. Minch, "When Soldiers Aren't Heroes," 31-40.
132. Gordon B. Mower, "Soldiers and Heroes," *Teaching Ethics* (Spring 2013): 121, [http://www.uvu.edu/ethics/seac/Mower\\_Soldiers\\_and\\_Heroes.pdf](http://www.uvu.edu/ethics/seac/Mower_Soldiers_and_Heroes.pdf).
133. Mower, "Soldiers and Heroes," 122.
134. Mower, "Soldiers and Heroes," 124.
135. Mower, "Soldiers and Heroes," 124.
136. Mower, "Soldiers and Heroes," 127.
137. Zupan is a retired colonel from the United States Army and also a professor of philosophy at the United States Military Academy in West Point, New York. He makes the following statement about the oath: "Officers swear allegiance to the Constitution. Enlisted service

members swear that they will obey the orders of officers appointed over them.” Zupan, “A Presumption,” 224. As explained above, it is not only officers who swear allegiance to the Constitution, but also enlisted soldiers: the enlistment oath has the identical wording vis a vis the US Constitution.

138. Mower, “Soldiers and Heroes,” 125. See also p. 126: “. . . if the legitimate government authorizes violence, then it becomes legitimate.”
139. Pete(r) Kilner, Maj., “Thoughts of a Soldier-Ethicist: Moral Justification for Killing in War; January 23, 2010,” [http://soldier-ethicist.blogspot.ca/2010\\_01\\_01\\_archive.html](http://soldier-ethicist.blogspot.ca/2010_01_01_archive.html).
140. Interestingly, Walzer, *Just and Unjust Wars*, 40, suggests that the line had once been drawn between rulers and the interest of the state (national interest); here rulers were considered not responsible for waging unjust wars: “The argument that I have made on behalf of soldiers was first made on behalf of states—or rather, on behalf of their leaders, who, we are told, are never willful criminals, whatever the character of the wars they begin, but statesmen serving the national interest as best they can.”
141. Mower, “Soldiers and Heroes,” 127. As has been explained, Mower’s explanations refer repeatedly to obedience to superior authority—even to the point of following unjust and unlawful orders. In this rather exceptional statement, he defers to “citizens as a whole.”
142. This point is also emphasized by Miller in “Jus ad bellum.”
143. Mower, “Soldiers and Heroes,” 129.
144. Mower, “Soldiers and Heroes,” 129.
145. “Oath of Commissioned Officers,” accessed 9 June 2013; [www.army.mil/values/officers.html](http://www.army.mil/values/officers.html). See also <http://militaryoath.us/>.
146. 5 USC, sec. 3331 – “Oath of Office,” accessed 17 October 2011, <http://www.law.cornell.edu/uscode/5/3331.html>.
147. *Hinzman v. Canada* (Minister of Citizenship and Immigration) (F.C.), 2006 FC 420, [2007] 1 F.C.R. 561, Office of the Commissioner for Federal Judicial Affairs Canada, <http://reports.fja-cmf.gc.ca/eng/2007/2006fc420.html>. Hereafter *Hinzman v. Canada*.



148. *Hinzman v. Canada*. Details of the background are taken from the “Factual background” (para. 6-34) in the court judgment of *Hinzman v. Canada* and, where applicable, from the identified judgment paragraph.
149. *Hinzman v. Canada*, para. 23.
150. *Hinzman v. Canada*, para. 30.
151. *Hinzman v. Canada*, para. 34.
152. *Hinzman v. Canada*, para. 157.
153. *Hinzman v. Canada*, para. 158.
154. *Hinzman v. Canada*, para. 159.
155. I have had soldiers in my university classes. Their academic performance has consistently been well above average. This is why Sola refers to the foot-soldier as an “enlightened grunt.”
156. Bugnion, “Just Wars,” 523.
157. See “The Universal Declaration of Human Rights” (UDHR), especially articles 18 and 30. Article 18 guarantees, among other rights, the freedom of thought and the freedom of conscience, while Article 30 prohibits anyone and any state to violate the other articles in the UDHR, <http://www.un.org/en/documents/udhr/>.



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# THE UNITED STATES AND THE TALIBAN: CHALLENGES FOR EFFECTIVE NEGOTIATIONS

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The current political and security situation in Afghanistan has forced all involved to realize that the war cannot be won through military engagement. It will only come to an end if political negotiations take place between the United States and the Taliban. For negotiations to succeed, mistrust, the prolongation of the war, and unrealistic expectations and demands must first be addressed. Furthermore, efforts should be made to withstand pressure from Pakistan and Saudi Arabia. Once these obstacles are removed, a multi-step approach is needed to move toward the negotiation process. The aim of negotiations should be to reach a comprehensive peace settlement that addresses the grievances of all parties and establishes a lasting peace.

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## INTRODUCTION

The current war, the political upheaval, and the increase and lethality of violence have complicated the political and security state of affairs in Afghanistan since 2001. Even though the United States has scaled up its military presence, and both the United States and the International Security Assistance Forces (ISAF) have used various tactics in their attempts to defeat the Taliban and establish peace, security, and the rule of law, the situation continues to deteriorate. Besides infiltrating the Afghan National Army and the Afghan National Police, the Taliban have used direct attacks and suicide bombs to inflict maximum damage on Afghan and foreign troops. Despite notable gains made by the Taliban, many realize that under current circumstances, the war in Afghanistan cannot be won by military means.

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Meaningful negotiations are needed, but certain factors impede them. Unless these obstacles are eliminated, both the United States and Taliban will continue to act under false pretenses that they will wear each other out and eventually win the war.

This paper argues the following five points. First, there is serious mistrust and suspicion between on both sides. The United States and the NATO countries believe the Taliban will not adhere to the result of negotiations, and see the negotiations as a means to achieve their political and military objectives. Similarly, the Taliban are not convinced that the United States is serious about negotiations, but wants only to promote its military and strategic agenda and legitimize the Kabul government. Releasing more Taliban prisoners, removing the names of Taliban members from blacklists and watch-lists, and releasing from scrutiny the Taliban living in Afghanistan would build confidence and create venues for trust. Conversely, the Taliban could signal their preparedness for negotiations by ceasing attacks on civilian facilities and reducing those on military establishments.

Second, continued prolongation of war as a conflict resolution tactic must end. US ambitions to win “the hearts and minds” of the Afghan people by prolonging the war and initiating some economic and political reforms are misled, as is the idea that the use of heavy force will reverse the Taliban’s momentum and secure a more favorable environment if it comes to negotiations. In reality, the continued emphasis on the war for the past thirteen years and has failed to deliver the desired peace or weaken the Taliban. In the eyes of the Taliban, prolonging the war to the end of 2014 will lead to winning the war and pave the way to defeating the Kabul regime thereafter.

Third, both sides come to the table with unrealistic preconditions that block the negotiations from even beginning. The United States demands that the Taliban lay down their weapons, denounce violence, break ties with al-Qaida, and accept the Afghan constitution. The Taliban’s demand that the United States and its allies withdraw their forces before any negotiations begin is similarly unrealistic. Furthermore, the Taliban’s refusal to negotiate with the Kabul administration in favor of solely negotiating with the Americans further complicates the process. A more productive approach would be to proceed in stages, each building on the last, which would eventually include the Kabul government, Hezb-i Islami leader Gulbuddin Hekmatyar, and other opposition parties.

Fourth, pressure on the United States from the Afghan government,

Pakistan, and Saudi Arabia not to negotiate directly with the Taliban is another factor hindering negotiations. Not only do these countries seek inclusion in the initial proceedings, but more importantly, they want negotiations to take place under their auspices. The Kabul government, Pakistan, and Saudi Arabia seek a major role in negotiation to reassert their importance and power. The Taliban, meanwhile, resist their inclusion to diminish their influence.

Lastly, initiatives must be undertaken to work towards a practical political compromise. Once mistrust and suspicion are reduced, confidence is built, and both sides have agreed to negotiate, the negotiating parties will need to establish a detailed procedural and substantive framework. Negotiations should not be seen as a wholesale initiative, but should be approached as a multi-step and transitional mechanism in which arrangements and agreements between the conflicting parties bring in local institutions for conflict management and result in a lasting peace.

A fuller exposition of these five points appears below. Let us first discuss how the mistrust and suspicion on both sides can be minimized.

#### SERIOUS MISTRUST AND SUSPICION

Negotiations are only possible and successful if the opposing parties seriously analyze the problem, understand the context of the conflict, and evaluate the situation. The United States and the Taliban need to imagine a creative and diverse range of approaches to get out of this stalemate. Their calculations must include the social, political, and cultural elements and values that influence politics in Afghanistan. Thus, negotiations become a continuous learning process, enabling the negotiators to build each subsequent step upon the preceding ones. According to Harvard Professor of Social Ethics, Herbert Kelman, "international conflict is a process driven by collective needs and fears rather than entirely a product of rational calculation of objective national interests on the part of political decision maker."<sup>1</sup> Once the needs and expectations are brought into close harmony with realistic possibilities, the result may be clear and complete communication making negotiations efficient and successful.

Initial and lower-level discussions about negotiations have failed so far because both the Taliban and the United States view them with suspicion and doubt the other's sincerity. Kelman notes, "Conflicting parties display particularly strong tendencies to find evidence that confirms their negative

image of each other and to resist evidence that would seem to disconfirm these images.”<sup>2</sup> This is evident in the US government, which believes that the Taliban are not serious about negotiations and points for evidence to violent attacks and the September 2011 assassination of Burhanuddin Rabani, president of the Afghan Peace Council. Even though the Taliban have not claimed responsibility, the US and the Kabul governments argue that Rabani’s assassination shows that the Taliban want only to use peace negotiations as a pretext to intensify their fighting and gain more ground. The Taliban argue that the US and Kabul governments do not believe in peace, and in reality are seeking the surrender of the Taliban resistance and the legitimacy of the Kabul government.

There is a perception in the United States and ISAF countries that the Taliban want an outright victory: they do not want to share power with others, they wish to institutionalize a central authority similar to the one when they were last in power, they want a radical Islamist rule defined by *Shari’ah*—without rights for women and minorities—, and they want to export Islamism in the region. This fits the observation of International Affairs scholar Robert Jervis: “decision-makers tend to fit incoming information into their existing theories and images. Indeed, their theories and images play a large part in determining what they notice. In other words, actors tend to perceive what they expect.”<sup>3</sup> This is evident in the words of Anthony Cordesman of the Center for Strategic and International Studies: “The Taliban and its Emirate front are not seriously interested in negotiations that would not offer them their political gains in the war or the prospects of victory without fighting.”<sup>4</sup> However, the fact remains that although there are doubts on both sides that negotiations will lead to a political settlement and achieve peace, the alternative is dire.

To eliminate some of the misperceptions and take a major step toward an environment of trust, the United States could release more Taliban prisoners from Guantanamo, Bagram, and other prisons or secret “rendition” facilities and remove their names from blacklists, target-lists, and watchlists. The Taliban leaders must feel convinced that engaging in negotiations and revealing their identity will not lead to their harassment and arrest. This move may be seen by some as a concession, but in the context of international conflict, it is an incentive rather than a concession. In conflicts, both domestic and international, “parties do not change behavior unless presented with a preferable alternative.”<sup>5</sup> Even if it is a concession, properly executed

concessions in international politics “lead the other side to reciprocate rather than, as in the deterrence model, leading it to expect further retreats from the first state.”<sup>6</sup> Furthermore, once the scrutiny of those affiliated with the Taliban living in Kabul and other key urban areas ends, the Taliban in outlying areas and fighting on the front lines may themselves come to believe that the United States is honestly interested in negotiating agreements through compromise.

Some policymakers and analysts in the United States and Afghanistan believe that the Taliban will interpret talking about peace negotiations, while reducing the number of American and International Security Assistance Force forces, as a weakened American position. The Taliban may think that the United States and its allies are reducing aid to Afghanistan, withdrawing their forces, and preparing to cut and run. This suspicion is not completely unjustified. *Armed Forces Journal's* analyst Dan Green writes, “The campaign against the Taliban is increasingly assuming the character of face-saving withdrawal. . . . The U.S. is in decline and, at minimum, will be leaving Afghanistan more quickly than conditions on the ground would have suggested.”<sup>7</sup> To ease these tensions, the Taliban could offer assurances such as symbolic gestures, confidence building measures, and acknowledgments that talking about peace and entering into peace negotiations do not indicate American weakness.<sup>8</sup>

The 2012 message issued in Pashto by Taliban leader Mullah Mohammad Omar on Eid al-Fitr is a good initial step and a positive gesture:

We will make efforts to reach an understanding with the Afghan factions to establish an inclusive Islamic system acceptable to all Afghans. . . . The Islamic Emirate of Afghanistan (IEA) does not seek to monopolize and control power. . . . The IEA considers education as a main factor advancing the Afghan people in this world and a cause of their prosperity in the world to come. . . . We are committed to give women all their legitimate rights within the framework of Islamic principles, national interests, and our noble culture. . . . We will focus on reconstruction, building infrastructure, extraction of mines, rehabilitation of arid land, industrialization, and obtaining technological know-how. . . . Within the framework of the Islamic principles and protection of our national interests, the IEA wants good relationship with the world, particularly with the Muslim World, and the neighboring

countries. . . . The IEA has no intentions to interfere in the internal affairs of other countries nor would allow other countries to interfere in the internal affairs of Afghanistan. . . . The IEA assures the world that it will not allow anyone to use Afghanistan against a third country. . . . The IEA respects all international laws and principles within the framework of Islamic rules and principles and the consideration of Afghan national interests.<sup>9</sup>

This message reflects modified behaviors of the Taliban leadership and signals to Afghans and the international community what type of political system and governing structure the Taliban might establish upon their return to power. It may be that the Taliban have learned from their past and now are capable of reinterpreting their historical experience.<sup>10</sup> It is crucial that the United States and the international community seize the opportunity and commit the Taliban to their declared policies through negotiations and political compromise.

The efforts of the United States and the Kabul government to win some members of the Taliban through political means and offers of money are raising suspicions among the Taliban leadership and rank-and-file that the United States and the Afghan government are trying to split the Taliban. For example, former President Karzai launched an initiative “designed to incentivize ‘moderate’ fighters to abandon insurgency, resolve local grievances, and accept the Afghan constitution.”<sup>11</sup> Human rights consultant Jeffrey M. Bernstein quotes an ISAF statement that “as of October 2011, the \$141 million peace program had turned over 2900 former fighters.”<sup>12</sup> This uncovers a perception shared by the United States and the Kabul Government that if large numbers of people leave the Taliban rank-and-file, they will be left with few fighters, isolated and unable to continue the resistance. There is also a belief that the Taliban are fragmented, which curbs US incentives to negotiate: Why negotiate when there is potential to win the “moderate” Taliban through a “combination of enhanced security, various forms of political-participation incentives; and a healthier basis for sustained, rural economic activity? A substantial reduction of the Taliban’s rank-and-file numbers—and, even better, the organization’s compromised ability to recruit new foot soldiers—would signal the untenable continuation of the leadership’s goal.”<sup>13</sup>

Many in the West and in Afghanistan may not want to accept this, but the fact remains that “there is no organized or recognizable ‘moderate’ (or



any other ‘political’) ‘faction’ in the Taliban—to counterbalance the ‘religious’ hardliners.”<sup>14</sup> These categories do not explain differences of opinion within the Taliban movement. It would be more useful to differentiate between currents within the Taliban leadership and lower level commanders. On one side there are “pragmatic, political thinking, pro-talks Taliban who understand that a political solution is desirable but who still are conservative Islamists.”<sup>15</sup> On the other side are “those who favour a purely military approach, often combined with a hypertrophic recourse to terrorist means.”<sup>16</sup> The United States and its allies continue to rely on the false assumptions that the Taliban are fighting for financial gain rather than ideology, and this misperception, as political scientist Jack Levy observes, contributes “to war through a variety of theoretical linkages.”<sup>17</sup> There will always be individuals on the periphery who seize opportunities to enrich themselves, but those on the periphery and at the core will continue their resistance. There also may be some in the Taliban rank-and-file who do not wholly agree with the policies implemented at the political and military fronts, but this cannot be interpreted as a divide between “moderates” and “radicals.”

The US government also argues that negotiations with the Taliban will eventually mean the implementation of *Shari’ah* law and the subsequent suppression of women’s and minority rights when the Taliban come to power. Even though these concerns are not out of place, “exaggeration of the hostility of the adversary’s intentions is the most common form of misperception.”<sup>18</sup> The past experience of Taliban rule is well known to the Afghans and the international community. These concerns and misperceptions could be reduced in two ways: first, before starting with negotiations, the Taliban could announce their political, economic, educational, and social agendas to the Afghan people and the world community. Second, in a future government borne of negotiations, the Taliban need not be the sole power-holders. During negotiation, the Taliban could agree to a program for Afghanistan’s future that is collectively decided by all conflicting parties. Jervis observes that if both sides of the conflict gain enough information about the conflict setting, they can better explain and predict each other’s behaviors.<sup>19</sup> A good first step is to open a line of communication.

## PROLONGING THE WAR TO BECOME STRONGER

Many observers, scholars, politicians, and military commanders in Afghanistan, the United States, and ISAF countries have concluded that the only

way to end the war in Afghanistan is to negotiate with the Taliban. However, the US government officially resists admitting this reality due to “a conflict between what intelligence at its best can produce and what decision makers seek and need.”<sup>20</sup> Policymakers and war commanders in the United States worry that agreeing to negotiate with the Taliban will signal weakness. Therefore, they refuse to negotiate or even talk about negotiations until US and ISAF forces have a stronger position both politically and militarily. The US government and its allies think that by prolonging the war, they will eventually win, for the Afghans, having been through thirty years of war and destruction, will eventually tire of war and stop supporting the Taliban resistance. This line of thought continues although the latest surge of Taliban’s attacks has proved it wrong. This US policy creates two problems: first, the intensity of war must be escalated in order to achieve the desired position of strength. It is uncertain whether either side will achieve this end, but it will definitely lead to the loss of many more lives and the further destruction of Afghanistan. Second, with this conviction, policymakers and military commanders will not explore the possibility of negotiations in the first place. Negotiations and peace become increasingly distant.

In the past thirteen years, the US government has reiterated that it will win the war and defeat the Taliban. This emphasis has led the United States and its allies to use various military methods and strategies, including chemical weapons and depleted uranium,<sup>21</sup> but their goals have not been achieved. The security situation in Afghanistan has deteriorated and the Taliban, having gained more ground, now control more than 50 percent of the countryside. During my latest trip to Afghanistan, from April to June 2014, I could not travel to places I had visited the year prior. Further, the US and ISAF forces are running out of options to conduct the war and have no clear plan how to deal with the Taliban resistance after 2014.

According to the Obama administration’s strategy for Afghanistan and Pakistan, the overarching US goal is to disrupt, dismantle, and defeat al-Qaida in Afghanistan and Pakistan, reverse the Taliban momentum, and deny them the ability to overthrow the Kabul regime. Obama stated in 2012, “First, we will pursue a military strategy that will break the Taliban’s momentum and increase Afghanistan’s capacity over the next 18 months. Second, we will work with our partners, the United Nations, and the Afghan people to pursue a more effective civilian strategy, so that the government can take advantage of improved security.”<sup>22</sup>

An analysis of the on-the-ground situation in Afghanistan reveals the opposite. The government is still weak and corrupt, the judiciary is not functioning, and the Taliban have actually gained strength in many places—including those that are claimed to be under US and Kabul control. Several attacks have proven that the Taliban have the ability to strike at almost any target they desire: for example, those on the US base at the Jalalabad Airport on 2 December 2012 and on Camp Bastion in Helmand on 14 September 2012; those on a checkpoint in Kunar on 23 February 2014, killing more than twenty border police; those that destroyed more than two hundred oil tankers in Kabul on 5 July 2014; and the attack on the intelligence base in Ghazni on 4 September 2014. The importance of perception and worldview is evident, as they influence decision-makers to accept or, in this case, ignore the reality of the situation. In this case, the result is the continuance of war policies. The United States and its allies reject the idea that their policy is failing because “leaders tend to stay with their first choice for as long as possible. . . . To change their basic objectives will be to incur very high cost, including, in some cases, losing their office if not their lives.”<sup>23</sup> Regardless of their perceptions, the Taliban resistance is very much alive and intact. Even American personnel have doubts about the effectiveness of American warfare and their support of the Afghan government. Matthew Hoh, former US Senior Civilian Representative in Zabul province, confirms this point in his resignation letter to Ambassador Nancy J. Powell on 10 September 2009:

Like the Soviets, we continue to secure and bolster a failing state, while encouraging an ideology and the system of government unknown and unwanted by its people. . . . The United States military presence in Afghanistan greatly contributes to the legitimacy and strategic message of the Pashtun insurgency. In a like manner our backing of the Afghan government in its current form continues to distance the government from the people.<sup>24</sup>

The United States is not alone in seeking to continue the war; the Taliban also persist in this mindset. As expressed in my discussions with the Taliban in Qatar and Afghanistan, they believe that if the war persists until the end of 2014, the Taliban will be able to defeat the Kabul regime and achieve an outright victory thereafter. Against this belief, the current pressure on the Afghan government by the United States and NATO to sign the US-Afghanistan Bilateral Security Agreement (BSA) shows that the

United States has no intentions of leaving Afghanistan. One must ask, why is the United States in Afghanistan? Is it really because of al-Qaida and the Taliban, or is this part of a “New Great Game” that has been laid out?<sup>25</sup> The following factors help show why the Taliban’s line of thinking will fail.

First, the vast amounts of gas and oil reserves in the Caspian region and Central Asia have attracted the security and economic interests of the United States. Policymakers in Washington and US oil magnates have tried to gain control over the production and transport of these gas and oil reserves. American anger after 9/11 notwithstanding, the history of US-Taliban relations and the issue of gas pipelines make it reasonable to conclude that the elimination of Osama bin Laden, his al-Qaida network, and terrorism from Afghanistan were pretenses that masked the implementation of US oil and gas policy in Afghanistan and Central Asia. As author and journalist Andy Rowell notes, “As the war in Afghanistan unfolds, there is frantic diplomatic activity to ensure that any post-Taliban government will be both democratic and pro-West. Hidden in this explosive geo-political equation is the sensitive issue of securing control and export of the region’s vast oil and gas reserves.”<sup>26</sup> After years of negotiations and dealings with the Taliban, who did not cooperate with the United States, it was deemed necessary to replace the Taliban with a government willing to protect US interests in Afghanistan and Central Asia. Both the Clinton and Bush administrations faced the dilemma of finding an alternative that would not only protect American interests but also be accepted by the Afghans. After the September 11 attacks, however, finding a viable alternative became secondary to outright replacement of the Taliban by any government that might follow. The Bush Administration then began dealing with the same actors who were responsible for the lawlessness, atrocities, and civil war between 1992 and 1996.

Second, even if other foreign troops withdrew, the United States would have enough troops in Afghanistan to keep the Kabul regime intact. Even without US troops, the Kabul regime may be able to defend itself against the Taliban for some time, as seen earlier in Afghanistan. When the Soviet Union withdrew from Afghanistan in 1989, the government of Najibullah was able to resist the Mujaheddin’s advance until 1992. It was negotiations with Mujaheddin leaders that brought Najibullah’s government to an end. In addition, according to the BSA, the United States has the responsibility to assist in the defense of Afghanistan, help provide security, and continue

to fight insurgency. More importantly, “the conduct of ongoing military operations [will] continue under existing frameworks.”<sup>27</sup> This means that fighting will continue, more people will die, and there will be no winner. The current military conflict will become a war of attrition for the Afghans. Further, many groups in Afghanistan are heavily armed and defeating them by military means would mean heavy casualties for the Taliban and the Pashtun more broadly.

The American Revolution, the Algerian Revolution against the French occupation, the civil wars in Namibia, El Salvador, and Angola, and the Palestinian-Israeli backdoor negotiations, among others, illustrate that negotiations are only successful when the adversaries realize that they will not be able to achieve their ultimate goal and maximum objectives through perpetual fighting. In the above examples, the warring factions were pushed to negotiate because the alternative was failing. If the United States continues with this policy of war and elimination, it may go so far as to wipe out those Taliban leaders who would be willing to sit down and begin the negotiation process. The United States and its partners should refocus their efforts on achieving a deeper understanding of Afghanistan’s unique and resilient social values and political culture, and shift from military engagement towards the negotiation process.

#### UNREALISTIC DEMANDS AND PRECONDITIONS

So far the approach to negotiations between the United States and the Taliban have been characterized and dominated by demand-concession transactions. Both sides use force to undermine one another and obtain a position of ostensible strength. The United States and the Taliban “exercise influence to induce the adversary to come to the table, to make concessions, to accept an agreement that meets their interests and needs, and to live up to that agreement.”<sup>28</sup>

The demand of the United States and its allies that the Taliban accept the constitution, lay down their weapons, and agree to the disarmament process is an obstacle to negotiations; it is basically soliciting surrender. If the Taliban accepted these conditions, there would be no need for fighting and negotiations, for they would have given up their fight against foreign occupation and accepted the status quo. What is needed is a request that respects the existence of conflict while also taking steps towards conciliation. In this sense, in the words of Bernstein, “negotiation and war fighting must

go hand-in-hand.”<sup>29</sup>

That said, when we investigate how the current government and constitution were constructed, we get a clearer understanding of why the Taliban take such an unbending position. Though three presidential elections have taken place, political power remains in the hands of those who were selected through the undemocratic and unrepresentative mechanism at talks under UN auspices in Bonn. Afghans and international observers know that the groups selected and gathered by the United States to discuss the future of Afghanistan and build an interim government “did not represent the people of Afghanistan either directly or indirectly.”<sup>30</sup> Political scientist Barnett Rubin states that UN diplomat Lakhdar Brahimi, who was chairing the talks, “repeatedly stressed that no one would remember how unrepresentative the meeting had been if the participants managed to fashion a process that would lead to a legitimate and representative government.”<sup>31</sup> Still, the Taliban’s stance of ignoring and abolishing the constitution is as unreasonable as that of the United States. To bring about negotiations, the Taliban need to modify their position to include talks about revision and amendments.

The US demand that the Taliban accept the Kabul staged peace process would require the Taliban’s outright surrender. The occupying force would then continue with its policies and agendas and never agree to negotiate for anything. Thus it is unreasonable to demand that the Taliban stop their attacks. However, once there are real signs that the United States is serious about negotiations, the Taliban should curb their military combative activities and agree to a ceasefire. The Taliban’s demand that American and ISAF forces withdraw before any negotiations take place is equally unrealistic and inhibiting. For the benefit of all, the Taliban need to negotiate with the United States now and not wait for a withdrawal. If the United States and its allies withdraw all their forces, the Taliban may eventually, after heavy losses inflicted on them by the government and other groups, be able to defeat the Kabul regime. However, the withdrawal of foreign forces would transform the national resistance of the Taliban into a civil war for power.

The Taliban’s desire for an outright victory is unrealistically ambitious and will result in many more deaths and the destruction of the country. The Taliban need to recognize this and understand the limits of their capabilities. The emphasis should not be on a zero-sum game, but on a political outcome in which foreign forces leave and the removal process is accepted by all sides of the conflict in a way that every party involved perceives itself as a winner.

## POLITICAL PRESSURE ON THE UNITED STATES

The Kabul administration has lost the minimal support it once had at the beginning of its reign due to its failure to provide political and administrative reforms, viable reconstruction plans, and a sustainable economic development strategy. During the Jihad period (1978-1992), Sibghatullah Mujaddedi and Burhanuddin Rabani's Islamic State (1992-1996), and the Taliban reign (1996-2001), Pakistan and Saudi Arabia had great influence over the Afghan Mujaheddin and the Taliban; they were important players in the shape of Afghanistan's politics. They lost this influence after the United States invaded Afghanistan and Pakistan imprisoned and delivered Taliban members to the United States. In addition, Saudi Arabia's lack of support for the Arab Spring weakened its role as leader of the Arab and Muslim world. Instigating the negotiation process between the Taliban and the United States—and eventually bringing a ceasefire to Afghanistan—would definitely enhance Saudi Arabia's image in the Muslim world and beyond.

The past thirteen years have proven that the Kabul government does not have the political and economic capacity to meet the needs of the people. The state is unable to provide basic public services, support day-to-day economic activities, or institute urgently needed programs with tangible economic and social results. The country continues to be overwhelmed by political conflict, poverty, ethnic tensions, exploitation, corruption, poor governance, neglect of its citizens, and foreign interference. Warlords, drug traffickers, and criminals fill the vacuum left by the state's shortcomings. Deficient reconstruction and sustainable economic development along with an absence of social justice caused by a lack of responsibility and accountability, compounded by corruption, bribery, NGOs, foreign contractors, warlordism, and the drug mafia, gravely undermine the current regime. As noted by Bernstein, "the inability of the administration to extend security to the more remote provinces and villages is undermining [the President's] credibility as a national leader, and forcing more Afghans into the insurgents' camp."<sup>32</sup> In short, the Kabul government does not have legitimacy in the eyes of the Afghan people, but participation in peace negotiations could change this.

To little avail, former President Karzai struggled to create an image of someone who stood against the Americans and other foreigners. In Kandahar he claimed that, in the past, he had been a puppet of foreigners, but now had ended his relationship with them. In Helmand Province, he called the

Americans and NATO invaders and occupiers.<sup>33</sup> Negotiating with the Taliban could be one way to reinstate the Kabul government's public image and political influence. According to Bernstein, "by encouraging the Taliban to participate in the legitimate, peaceful, political process, [the President] may be able to simultaneously erode their authority among their supporters, and impose significant cost on the non-cooperative Taliban for not playing by the rule of the game."<sup>34</sup> The thinking behind this approach is that "rejecting a credible offer that meets most of the Taliban's demands would place them in an awkward position with regard to their Afghan supporters for whom they are ostensibly fighting."<sup>35</sup>

Peace negotiations that exclude Pakistan and Saudi Arabia might enhance create peace and security in Afghanistan and in the region, but would cost both of these countries some of their authority over Afghanistan's affairs. Pakistan, concerned to create a sphere of influence against India, is less concerned to establish peace in Afghanistan than it is about its vital interests and security, which are affected by the Afghan war. Therefore, Pakistan wants a major role in peace negotiations and subsequent political settlements.

When Pakistan realized that it was left out of earlier negotiations processes, it sought to apply direct and indirect pressure on the United States. Directly, it blocked the transport route for the US and NATO supplies to Afghanistan. Indirectly, it tried to gain inclusion in the negotiations through Saudi Arabia. Although "the Taliban declared that they could not ignore Pakistan and would not like to annoy it, even if they sought more independence and less interference by Islamabad in their decision-making,"<sup>36</sup> Pakistan is not satisfied. It wants to influence the Taliban's decision-making and the direction of the peace negotiations.

Saudi Arabia's objectives are twofold. Besides promoting Pakistan's position in the peace negotiations, it wants to reassert its own influence over the Taliban and, more importantly, as an important player in the Arab and Muslim world. Due to its own domestic problems and lack of pluralism, Saudi Arabia failed to promote and assist the Arab Spring and respond to the voices of the people. As a result, it was left behind in the political race for influence.

Saudi Arabia was a close ally of the Taliban, and was one of the three countries which recognized the Taliban government when it was in power. After the September 11 attacks, the Taliban's refusal to officially denounce violence and break ties with Osama bin Laden and al-Qaida created sore



relations between the two countries. According to the many discussions I had in Kabul with Mullah Abdul Salam Zaeef, former Taliban Ambassador to Pakistan, various talks between the two sides to repair relations—which would have allowed Saudi Arabia to move the negotiations from Doha to Riyadh and play a leading role in negotiations—did not succeed. Nonetheless, there is still pressure on the United States and the Taliban to give Saudi Arabia a leading role.

#### APPROACH TO PEACE NEGOTIATIONS

In any domestic or international conflict, parties come to the negotiating table when they realize that political compromise, not escalation, is in their best interests. This happens when it becomes evident that the increasing cost of the war, in terms of both the economy and human life, is without a foreseeable end. In other words, the time and the situation must be ripe. As William Zartman states, “When the parties find themselves locked in a conflict from which they cannot escalate to victory and this deadlock is painful to both of them, they seek a way out.”<sup>37</sup> Given the US, NATO, and ISAF forces’ failure to establish a meaningful level of security or forge a credible plan to proceed with the war in Afghanistan, the United States and its allies must change their perceptions, recognize the realities in Afghanistan, drop their unrealistic preconditions, and concentrate on pragmatic peace negotiations. The Taliban, in turn, need to recognize their own challenges, weaknesses, and strengths, and agree to proceed with negotiations.

One reason why the United States still pursues its military approach goes back to when it invaded Afghanistan on 7 October 2001. After the September 11 attacks, the Bush administration rushed to respond to the event, and for “both political and psychological reasons,”<sup>38</sup> oversold its policy towards the Taliban and Afghanistan. It failed to understand the political situation in Afghanistan, the role of the Taliban, the importance of religion, and the significance of the presence of foreigners, and invaded the country. Information provided to the Bush administration by members of the former Northern Alliance—Afghans in diaspora working with the United States against the Taliban—and the partial intelligence obtained through the CIA and Pakistani Inter-Services Intelligence (ISI) painted a gloomy picture of post-Taliban Afghanistan. The Bush administration failed sufficiently to investigate and analyze the provided information—a necessary step for political leaders to formulate wise policies.<sup>39</sup> Rather, it

was assumed that once the Taliban were removed from power, the Afghans would accept and support the American invasion, the rule of the Northern Alliance, and whichever government the United States installed. It was also assumed that political progress, economic development, and reconstruction in post-Taliban Afghanistan would be doable. The United States and its allies invaded Afghanistan without sufficient plans for the future government, the maintenance of order, and the creation of a stable political system. The policymakers in Washington seemed to believe that with the Taliban's removal from power, the country would return to its normal conditions and civil strife would disappear.

After thirteen years of occupation, hundreds of billions of US Dollars in aid money, and advisors reaching into the thousands, the United States and its allies still have not achieved their objectives. The resistance is getting stronger and the Kabul government, the United States, and the ISAF forces are losing the partial control once they had over parts of the country. Several coalition partners have long recognized this reality and the need for negotiations. British Foreign Secretary David Miliband urged political negotiations in March 2010. In a speech at the Massachusetts Institute of Technology Miliband asserted that "the idea of political engagement with those who would directly or indirectly attack our troops is difficult, but dialogue is not appeasement, and political space is not the same as veto power or domination."<sup>40</sup> In May 2012 the Australian Foreign Minister Bob Carr spoke along the same lines, "Taliban involvement in the coalition would be desirable [and] would make a more sustainable post-2014 ethnic and regional balance in the country."<sup>41</sup>

In the United States, there is a bipartisan consensus that the United States should end the war and withdraw its troops from Afghanistan sooner than later. For example, "Senator Richard Lugar (IN), ranking member of the powerful Senate Foreign Relations Committee (SFRC), has long expressed doubt about the possibility of success in Afghanistan. Secretary of State John Kerry, when he was chair of SFRC, questioned the war strategy in the context of how it all ends."<sup>42</sup> On 10 February 2011, House Representative Woolsey Lynn of California introduced H.R. 651, the United States-Afghanistan Status of Force Agreement Act of 2011, which was co-sponsored by seventy members of the House. The bill prohibits the United States from having permanent bases and military presence in Afghanistan. It also requires the US government to redeploy American troops in a complete,

safe, and orderly manner within one year after the agreement is signed with Afghanistan.<sup>43</sup> On 20 September 2012, Republican Senator John McCain, who was a proponent of the war and promoter of a troop surge in Afghanistan, charged that the Obama administration had mishandled the war in Afghanistan and made the situation very dangerous for American troops. He recommended that all options, including early withdrawal, be considered, “rather than have a continued bloodletting that won’t succeed.”<sup>44</sup> Speaking on the House floor on 12 December 2013, Representative Jim McGovern stated that the United States needed to stop the \$80 billion and get out of Afghanistan.<sup>45</sup>

The public is also putting pressure on the US Government to end the war and bring home the American troops. The Rasmussen Report of 7 February 2012 shows that 67 percent of Americans wished to end the American combat military engagement in Afghanistan by the middle of 2013. Twenty-two percent were opposed to the idea of ending the military mission and 11 percent stated they were unsure.<sup>46</sup> In answer to questions by *The New York Times*/CBS News Poll, 50 percent of the respondents said the war in Afghanistan was not a success and 39 percent of the people considered the war successful. Forty-four percent of the respondents said the United States should withdraw from Afghanistan before 2014 and 33 percent said it should withdraw by 2014. Only 17 percent said the United States should not withdraw from Afghanistan.<sup>47</sup> According to the December 2013 CNN/Opinion Research poll, 17 percent of Americans supported the war in Afghanistan and 83 percent opposed it.<sup>48</sup>

In addition to the public pressure upon the US government to pull out of Afghanistan, the country is facing disarray in its economy and educational system—another reason to shift national priorities. The price of food products, especially wheat, has doubled in the last two years. Funds are diverted from schools, social security, and other public sector programs to finance the war. Considering these economic realities and the political pressure, the US government is struggling to convince the American people to continue the war. The following numbers show the gravity of the situation: the cost of war in Afghanistan and Iraq from 2001 to 2014 is \$4,374 trillion<sup>49</sup> and rising. As of 31 July 2014, the United States is \$17.6 trillion in debt.<sup>50</sup> It would be almost impossible to finance the war without diverting more funds from education, social security, welfare, and other public programs. That said, the death toll is far more concerning than the financial cost. From October

2001 to April 2014, 2,313 US troops, 3,248 US contractors, 13,017 allied military and police, 1,114 other allied troops, 21,000 to 23,000 civilians, 15,000 to 25,000 opposition force members, twenty-eight journalists and media workers, and 298 humanitarian/NGO workers<sup>51</sup> were killed in Afghanistan. In light of these facts, one must seriously question the value of continuing the war.

To end the war successfully and conclusively, US and ISAF forces need to relinquish their goal of reversing the Taliban momentum to secure a stronger negotiation position. They must create an environment in which the Taliban leaders feel safe to initiate negotiations. Before negotiations begin, the following points need to be clear in the minds of the Taliban and the US government. Clarifying these points could act as pre-negotiation preparations important to understand each other's viewpoints and prepare their own negotiation strategies.

1. Does the United States recognize the Taliban as a legitimate resistance and opposition force?
2. Is the United States willing to negotiate with resistance forces, especially the Taliban, without any preconditions, even while they are armed and strong?
3. Are the United States and the Kabul government willing to share power with the Taliban?
4. Are the Taliban willing to negotiate without demanding that foreign troops leave before negotiations can take place?
5. Are the Taliban willing to accept the constitution subject to amendments, changes, and modifications?
6. Are the Taliban willing to put a hold on their offenses and stop attacking military and civilian facilities?

If the answer to any of the above questions is no, war will continue. But if the answer to all is yes, a negotiation procedure must be constructed and negotiations could progress in the following three stages.

First, patient efforts to sustain dialogue should promote direct negotiations aimed at reconciliation. Both the United States and the Taliban should devise clear and realistic courses of action that promote contextually appropriate and integrative discussions and procedures. Accordingly, in this initial stage the United States with its allies and the Taliban must seek agreement on a ceasefire. They need to adjust their expectations considering the

future gains or costs, and should approach the negotiations with an open mind and positive-sum attitude. Thereafter, an agreement between the two sides could be reached through negotiations. With the outcome approved by the Taliban leadership—especially Mullah Mohammad Omar—the rank and file would follow.

After this, negotiations could move to a second stage, which should include the United States, the Taliban, the Afghan government, and Hezb-i Islami leader Gulbuddin Hekmatyar. Since this stage involves intricate negotiations among the Afghans, a non-partisan independent peace team should be put in place to arbitrate. This team should not include members of the government or parties affiliated with the government, nor members of the Taliban or Jihadi parties, groups, and commanders. The objective of this second stage should be to develop a process to create institutions for power-sharing between the conflicting parties. This power-sharing framework could help build momentum toward an enduring peace. This approach would also reduce the role-playing effects that sometimes influence political dialogue: the peace team would provide the context for negotiations and the opposing parties could communicate directly with each other without being influenced by “personalities.” These negotiations should create an environment in which all sides view themselves as able to attain a satisfactory solution, and all can identify with the potential outcome.

The third stage of negotiations should include all of the above mentioned groups plus opposition groups and members of the wider civil society. The first two stages may well be disrupted by groups or individuals not included, and therefore strategies must be in place to mitigate their influence and deflect any violence while simultaneously allowing for their future participation and integration in the third stage. The global community could help develop the institutional foundations necessary for this process. This in turn could support the Afghans in developing the leadership capacities that would enable them to work together, bridge the political divides, start an inter-ethnic dialogue, and amplify the reconciliation process and social cohesion.

## CONCLUSION

Despite the increased number of American forces and the use of various military techniques by US and ISAF forces, violence in Afghanistan has intensified, political and economic progress lags, and there are no signs that

the current US campaign in Afghanistan will defeat the Taliban and establish peace, security, and the rule of law. Similarly, the Taliban's various tactics of direct and indirect attacks and their infiltration of the Afghan National Army and Afghan National Police have not earned them sustainable gain. In other words, the escalation of the conflict by the United States, NATO, ISAF, and the Taliban cannot end the war in Afghanistan. Negotiation, compromise, and political settlements are in the interest of all the parties in conflict—and the Afghan people. Only thus can the war be “won.”

To begin, the mistrust and suspicion on both sides must be reduced and eventually eliminated. Once the United States has released Taliban prisoners from prisons and detention centers, removed Taliban members' names from various lists, and stopped the scrutiny of those associated with the Taliban, confidence will build and venues for trust develop. The Taliban should then proceed to end their attacks on civilian facilities and military establishments. Thereafter, the parties need to establish a negotiation framework and procedure, followed by the actual implementation of the resolutions. The ultimate objective of such a delicate and painstaking negotiation process is not only to settle the differences between the key players—the United States, the Taliban, the Kabul government, and Hekmatyar—but to chart an Afghan course to resolve disputes, strengthen various capacities, promote inter-ethnic dialogue, nourish reconciliation, build trust, and cement social cohesion and cooperation around shared values and a shared future.

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THE MILITARY AND INTERNAL SECURITY OPERATIONS IN  
NIGERIA'S FOURTH REPUBLIC: RETHINKING SECURITY FOR  
POSITIVE PEACE IN MAIDUGURI, NIGERIA

*Gbemisola Abdul-Jelil Animasawun*

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The deployment of the military for internal security operations in (post)conflict communities comes with its own peculiar challenges which are often locale-specific, as in the case of victims of alleged military excesses in the Maiduguri metropolis in northeastern Nigeria. This article posits that, given accusations of human rights abuses and extra-judicial killings levelled against members of the military force by civilians as the military strives to enforce its mandate of the “Right to Protect” in the city, the type of peace resulting from prolonged military occupation in Maiduguri constitutes negative peace or a “victor’s peace.” The article argues that military deployment to (post)conflict spots should be conceived, not as an end in itself, but as a means towards an end—positive peace.

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## INTRODUCTION

Despite divergent views on the newness or oldness of the world’s armed conflicts since the end of the Cold War, armed conflicts today appear primarily as intra-state; there were thirty-six cases of reported intra-state armed conflicts in 2009 alone.<sup>1</sup> These sources of instability subvert democratization processes and result in the increased presence of the military on the streets in the affected areas. This is the case in Nigeria. Here the widening fault-lines of inter-group and state-society relations have combined to put the state in perpetual crisis. As such, argue Ebenezer Obadare and Wale Adebaniwi,<sup>2</sup> Nigeria is a metaphor for post-colonial African state crises; understanding

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Nigeria offers understanding of how the continent's socio-economic and political realities undermine its potentialities.

Since independence on 1 October 1960, Nigeria has had eight military regimes, five elected regimes, and one unelected civilian regime. By the time the fourth republic was inaugurated on 29 May 1999, the military had ruled the country for twenty-nine out of its thirty-nine years as a sovereign state. The current republic represents the fourth time Nigerians have seen a transition from a non-democratic to a democratic regime. The first republic lasted from 1960 to 1966. The second republic, from 1979 to 1983, was interrupted by a military putsch from 1983 to 1985. A third republic from 1985 to 1993 transformed the state from a military system to a diarchy when the Head of State transitioned into a military President atop democratically elected governors with a bicameral federal legislature and unicameral state legislatures. Rotimi Suberu and Adigun Agbaje describe Nigeria's post-colonial history as a study of military rule that can be divided into two epochs. The first epoch (1966-79) was that of "hegemonic exchange," when the country's military rulers encouraged the military governors in the states to exercise relative autonomy derived from the suspended constitution and the infusion of civilian politicians into the structure of military rule. The second epoch (1984-99) was defined by abusive personalization of power.<sup>3</sup> Nigeria's transitions from military rule to democracy have been difficult. The country experienced a civil war from 1967 to 1970, and reached the brink of another civil war over the annulment of the 12 June 1993 presidential election. Won by the late Chief Moshood Kashimawo Olawale Abiola, a Yoruba from the country's southwest, many considered it the most credible election in the country. The dissatisfaction and frustration of the Yoruba people over the annulment nearly led them to secede from the Nigerian state.

In most of sub-Saharan Africa, armed conflicts have arisen in the context of power struggles along identity lines, border disputes, and controversies on the role and limitations of religion in public life. The post-colonial state's failure to manage its affairs constructively and adhere to the spirit and letter of the constitution combine as cogent reasons for Africa's unending conflicts. According to Richard Joseph, these ideologically empty conflicts render post-Cold War African states as perpetually in crisis,<sup>4</sup> and with Olawale Albert, raise deep questions about the mantra, "African Solutions to African Problems."<sup>5</sup> As seen in places like Rwanda, Burundi, Sudan, Algeria, Sierra Leone, Liberia, and Côte d'Ivoire, when these contestations

degenerate into full blown civil wars, like the proverbial grass in a clash between two elephants, the hapless civilians bear the brunt of it.

In the face of such crises, the military is often pressed into what Bayo Adekanye describes as internal peace- or order-keeping.<sup>6</sup> This creates a serious dilemma for civil-military relations and democracies: while the military must not be so strong as to constitute a threat to democratization in transitioning countries, it must also not be made to pose a threat to the state and citizens in nascent democracies like Nigeria. This dilemma is more compelling in the face of protracted and violent conflicts that threaten the internal security of states. Jorge Cockel notes that in many cases the military faces the following challenges: "demilitarization of militias, control and seizure of heavy and light weapons, protection of humanitarian aid zones, deterrence of anarchy and crime in cases of state collapse, prevention of violence, control of porous and/or contested borders."<sup>7</sup> When the breakdown of law and order is imminent, the civilian authority is often torn between the inevitable violations of human rights that accompany military deployments and doing nothing. The near predictability of elections as precursors of protracted internal crises has called into question the relationship between democratization and peace.

#### MILITARY PRESENCE IN NIGERIA'S CONFLICT THEATRES SINCE 1999

Building on the work of Johan Galtung, David Barash and Charles Webel distinguish between negative and positive peace. Negative peace reflects the realist view on war and peace: "peace is found whenever war or other direct forms of organized state violence are absent."<sup>8</sup> It tends to favour the status quo and, like Oliver Richmond's realist "victor's peace" that holds that peace will be sustainable if premised on military victory or the hegemony of a victor,<sup>9</sup> equates the presence of peace with the absence of war. Positive peace, in contrast, is "a social condition in which exploitation is minimized or eliminated, and in which there is neither overt violence nor the subtle phenomenon of underlying structural violence."<sup>10</sup>

In Nigeria, the scourge of conflicts conceptualized by Hugh Miall as deep-rooted, protracted, and intractable<sup>11</sup> has continuously compelled the deployment of the military to communities that are affected or threatened by these conflicts. As anticipated by Samuel Huntington,<sup>12</sup> the problem of terrorism and insurgency have become stark realities since the 1999 inception of Nigeria's fourth republic. Frequent and brutal inter- and intra-ethnic

and religious conflicts, militancy in the Niger Delta, and Islamist terrorism in the core north have been major peace- and security-related challenges that have kept the military on the streets. Fifteen years after democratization started in Nigeria, there is no geo-political zone in the country where the military has not been deployed. Such places include Idi-Araba in the southwest; Aguleri-Umeleri in the southeast Bauchi state; Borno state and Yobe state in the core north; Ataba, Tombia, Choba, and Ogoniland in Rivers state;<sup>13</sup> Ilaje in Ondo state; Afiesere in Delta state; Odi in Bayelsa state; and Zaki-Biam in Benue state.<sup>14</sup> The military has emerged as a permanent feature on the streets in anticipation of—and in reaction to—public disorder or violent conflicts. This reliance on military models, methods, concepts, doctrines, procedures, and personnel gives a military character to public safety and public space issues.<sup>15</sup> Unlike the past, when the military constituted a threat to democratization, its presence on the streets has become—paradoxically in a democratic regime—inevitable as a state response to preserve order, stability, peace, and security. Unfortunately, as seen in the invasion and destruction of communities such as Zaki-Biam and Odi, the militaristic handling of conflicts is laden with the flagrant abuse of human rights.<sup>16</sup> While the presence of the military remains the surest way to guarantee public order and secure the state's vital interests in conflict-prone and post-conflict communities, in all of these places it has left behind many widows and orphans. Thus, although in a number of places the military has sustained public order through reliance on hard-power (negative peace), it has not produced or sustained positive peace. Given the many unintended victims of such military deployments, especially women and children, this must not escape intellectual inquiry.

## BOKO HARAM

Nigeria's fourth republic is now threatened by *Jamaatu Ahlil Sunna Liddawati wal Jihad*, otherwise known as Boko Haram, and its insistence on the Islamicization of the country. The state's anti-terrorism campaign against Boko Haram has informed the deployment of troops to northern states such as Borno, Bauchi, and Katsina. While the amnesty programme meant to initiate a process of demobilisation, disarmament, and reintegration in the Niger Delta was still fragile, the extra-judicial killing in Maiduguri of Boko Haram's leader, Mohammed Yusuf, in July 2009, sparked even greater clashes in the north. Since then, Boko Haram has designated security personnel and

their offices as its prime targets in an ongoing wave of retaliation against the police violence that led to Yusuf's murder.

Boko Haram's terrorist activities assumed an international dimension when it bombed the United Nations headquarters in Abuja, Nigeria's capital, on 26 August 2011.<sup>17</sup> Territorially, Boko Haram's violent activities have largely been localized in the northern part of the country, where it insists that full *Shari'ah* is required. Despite views that Boko Haram is a fictitious group,<sup>18</sup> its fierce confrontations with the military and other isolated attacks confirm that the sect constitutes a menace to public and state peace and security.<sup>19</sup>

In Galtung's comparison of Peace Studies and medical science, diagnosis is a key element in making a sick state well.<sup>20</sup> To diagnose the Boko Haram sect, we may consider two broad categories of insurgents or rebels conceptualized by Morten Boas and Kevin Dunn—roaming and stationary. While roving rebels are always on the move, relying on predation and pillaging,<sup>21</sup> stationary rebels or guerrillas have physical enclaves and rudimentary structures of governance. They rely heavily on the local communities in their "liberated zones" and usually station themselves in a place in order to secure control over it.<sup>22</sup> Boko Haram combines traits of both, while not ruling out its transnational links. This is because it has a hierarchy of control and rudimentary structures while its exact physical enclave remains unknown. It could also be described as a roving rebel movement because it robs banks for money.

Boko Haram's violent conflict with the Nigerian state emerged in a milieu of anti-Americanism in northern Nigeria and radical Islamism.<sup>23</sup> Anti-Americanism in Nigeria has a wide social and global source. Unaware of the growing American Muslim community, most in northern Nigeria believe that anything from the West is American and Christian. Also, many Muslims have the impression that most Christian evangelists receive financial and logistical support from the United States just as the Christians believe that Muslims get huge financial support from Saudi Arabia. This was reflected in the Pew Global Attitudes Project of 2007 which revealed that 89 percent of Nigerians who were Christians viewed the United States favourably while only 11 percent of respondents who were Muslims viewed the country favourably.<sup>24</sup> Radical Islamism has accompanied revivals of Islam and Christianity throughout the country, but in most parts of northern Nigeria, political, physical, and spiritual power is constructed and legitimized

by Islam that dates back to the Jihad of Othman Dan Fodio of 1804, which was a radical movement to purify Islam of the desecrations existing during that time and to create an Islamic state. This quest has continued in post-colonial Nigeria because of the determination to give Nigeria's northern region an Islamic identity. The revival of *Shari'ah* in 2000 fits into this struggle.<sup>25</sup> The conflict involving Boko Haram has produced Nigeria's version type of what Scott Appleby calls "ethno-religious nationalists" who are striving to make their religion the centre of the society,<sup>26</sup> and it has become a major threat to peace and security in Nigeria.

The federal government's military responses to combat Boko Haram have heightened insecurity in the affected states. According to Alice Hills, (post)conflict communities face many challenges that prevent the military from achieving peace, order, and security in conflict-ridden cities. These include inadequate knowledge of the environment by the deployed force; difficulty distinguishing combatants from non-combatants or terrorists from bystanders; and difficulty in gaining intelligence from the citizens, many of whom are suspicious of state representatives. A consequence of this is the erosion of trust between the military and the residents of the city.<sup>27</sup> This is the case in Northern Nigeria.

For example, to stop the menace of Boko Haram in Maiduguri, in June 2011 the federal government established a military Joint-Task-Force (JTF) comprised of the Army, Navy, Air Force, Department of State Security, and Nigeria Police.<sup>28</sup> Contrary to the deployment's official objective, citizens allege that when the men of the JTF engage in house-to-house hunts for Boko Haram members, all residents stand the risk of being abused, maimed, or killed by either the military or the rebels. Innocent citizens are killed, and the numbers of widows and orphans increase. With this have come two instances of the imposition of State of Emergency, first only in fifteen local government areas and then in Nigeria's three northwestern states of Adamawa, Borno, and Yobe.<sup>29</sup>

Despite the insightful findings of Chris Alden, Monica Thakur, and Mathew Arnold<sup>30</sup> on activities of militias, Nigeria's security establishment seems unable to control Boko Haram's use of both guns and Improvised Explosive Devices. In a recent study carried out by Gbemisola Animasawun in areas affected by Boko Haram activities in Bauchi State, indoctrination, bitterness over the extra-judicial murder of its leader, and poverty were found to be constant narratives of grievances used by the sect to recruit and



toughen members.<sup>31</sup> These challenges, present also in Nigeria's many post-conflict communities, raise the question, is there any alternative to military deployment?

#### MILITARY RESPONSE TO BOKO HARAM IN BORNO STATE

Since 2009, when open confrontations between Boko Haram and military forces started, there has been consistent documentation of unlawful killings by men of the JTF in Borno state. Recent events lend credence to the 2011 Amnesty International report that the JTF threatened to kill residents if they failed to report future Boko Haram attacks.<sup>32</sup> Also, in a report by Reuters International on 3 August 2012, Boko Haram denied JTF claims to have killed twenty Boko Haram members; spokesperson Abu Qaqa told reporters, "They only succeeded in killing civilians. Twenty of us cannot risk sitting in a volatile place to hold a meeting."<sup>33</sup> Adam Nossiter of *The New York Times* provides a vivid account of survivors of an April 2013 military invasion in the town of Baga following the killing of a soldier. According to survivors, senior relief workers, civilian officials, and human rights organizations, over 200 civilians were killed. The governor of Borno state, Kassim Shettima, stated,

This Baga is just on a bigger scale, but they have been doing this for ages. They've not adhered to the rules of engagement. When you burn down shops and massacre civilians, you are pushing them to join the camp of Boko Haram. We are in a Catch-22 situation. Boko Haram is a deadly insurgent force that needs to be confronted but not by a military that terrorizes its own people. We need them to carry out their duties in a civilized manner.<sup>34</sup>

In the words of a resident, Mohammed Muhammad, who survived the invasion, "Many people died running into flames; I saw that. If they didn't run into the flames the army will shoot them. As flames enveloped the houses they used petroleum." Another survivor, Isa Kukulala, said, "They poured petrol on the properties. At the same time they are shooting sporadically into the fire. They took a small child from his mother and threw it inside the fire. This is what I have witnessed."<sup>35</sup>

Military and civilian claims on the number of casualties differ widely. The military spokesperson, Brigadier General Austin Edokpaye, absolved the JTF of any wrongdoing. He claimed that "one soldier was killed while

30 Boko Haram terrorists lost their lives and unfortunately six civilians were killed and ten other civilians were injured in the cross-fire.”<sup>36</sup> Similarly, the federal government claimed that only 36 lives were lost. It also released a signed statement by the president’s spokesperson that “houses/properties destroyed were far less than 1,000.”<sup>37</sup> This, however, may be less than accurate as it is a standard practice in official circles to understate mortality statistics. According to John Campbell’s incisive analysis, official statistics should be multiplied by five to approximate the actual number of victims.<sup>38</sup> If this is true, unofficial figures corroborate Campbell’s observation. Against the military’s spokesman’s claim, Nwakpa O. Nwakpa of the Nigerian Red Cross stated,

Another 77 people are receiving medical care there in the ruins of a town where some 300 homes burned down . . . . Local residents blamed angry soldiers for burning down neighborhoods where they knew civilians were hiding. Our volunteers are on standby . . . . We are yet to be provided clearance. . . . By the time Borno state officials could reach the city . . . a local government official said at least 185 people were killed, something not disputed by a brigadier general who attended the visit.<sup>39</sup>

After a two-day on-the-spot assessment, the Senator representing the area recounted that he saw 228 bodies distributed along these lines: “Makabartar Waya graveyard 130, Makabartar Arewa 60 and Budumari 30, 6 other bodies buried in town and over 4000 thatched houses torched.”<sup>40</sup> Analysis of satellite imagery of Baga by United States-based Human Rights Watch revealed that a total of 2,275 houses, mostly residential, were destroyed while 125 houses were damaged.<sup>41</sup> Even UN Secretary-General Ban-Ki Moon expressed “his firm conviction that no objective sought can justify this resort to violence,” and demanded that all involved fully respect human rights and ensure the safety of civilians.<sup>42</sup>

These deaths of unintended victims come from both the military and Boko Haram. The International Society for Civil Liberties and the Rule of Law<sup>43</sup> presents a detailed diary of over 300 deaths from January to April 2013 occasioned by the activities of Boko Haram insurgents and the military. The citizens are caught in the middle.

## BOKO HARAM, JTF, CIVILIAN VICTIMS, AND NEGATIVE PEACE IN MAIDUGURI

In Maiduguri, the capital of Borno state, Boko Haram carried out a series of attacks following the murder of its leader and many of its members by men of the Nigerian police. Out of forty-four recorded attacks carried out by Boko Haram from 27 July 2011 to 26 January 2012, fifteen took place in Maiduguri.<sup>44</sup> These attacks raised calls to deploy the military or establish a force comprising both the military and the police in order to preserve public peace and security. While the military has had some success in staving off the attacks, it has also sparked a row between it and sections of the community over alleged abuses of human rights and wrongful killings of innocent residents.

In an apparent retaliation for the bombing of the Kaleri Ngomari Custain area on 9 July 2011 (when Boko Haram members allegedly targeted JTF operatives and injured some soldiers),<sup>45</sup> the JTF cordoned off the area and went from house to house using what Hills describes as vicious and illegal tactics against the residents.<sup>46</sup> Prior to that, there had also been allegations of extortion, unlawful killings, dragnet arrests, arbitrary and unlawful detentions, and intimidation.<sup>47</sup> In the retaliatory attack, the JTF allegedly killed at least twenty-five people, with many more men and boys reported missing.<sup>48</sup> According to eyewitnesses, the JTF burnt down many houses, forcing their occupants to flee, and badly beat many people including women and children.<sup>49</sup> Although the JTF claimed that only eleven people were killed and all were Boko Haram members, a group known as the Borno Elders and Leaders of Thought (BELT) claim that over forty innocent people were killed.<sup>50</sup> According to Tajudeen Suleiman,

Residents have complained that the soldiers break into their homes and kill innocent young men in the name of looking for Boko Haram sect members. The soldiers have also been accused of indiscriminate burning of houses and cars in areas where bombs were dropped by members of the sect. The morgue of the University of Maiduguri Teaching Hospital is filled with corpses of young men killed in military operations.<sup>51</sup>

A widow named Saudi reported, "After he was dragged out, I started crying and asked them to kill me too since they have killed my husband."<sup>52</sup> Here is another widow's experience:

Talatu, another widow who is also an orphan, claimed the soldiers

broke into their home and shot her husband, Audu Fulani in her presence and those of their five children. Her husband was 38 years old. She alleged the soldiers also made away with the sum of N250,000.00 from their bedroom. They say my husband is Boko Haram, but he was not a Boko Haram.<sup>53</sup>

Six other women—Hauwa Adamu, Saudatu Mamman Kurshe, Jamila Kiri Kanumbu, Binta Usman, Mairo Dahiru, and sixty-four-year-old Hajja Maira—likewise became widows when JTF personnel killed their husbands. Eighteen-year-old Hajara Mohammed lamented, “We have all lost our husbands recently as a result of the crisis in Maiduguri; all of us have children and have dependents. Most of us are fulltime housewives. So, do you foresee any happiness coming to us?”<sup>54</sup> Another widow gave a detailed account of the circumstances surrounding the killing of her husband by men of the JTF:

On that day (Saturday), he was in his car, on his way back home from his place of work. What delayed him reaching home was that he branched at the place of a mechanic to pick our generator because we have serious problem of electricity here. He had picked the generator and before he arrived, a bomb exploded and the soldiers had cordoned our houses, looking for the Boko Haram members. I told them my husband was not one of them and even showed them some of his papers but they did not listen. They chased us away and set the house ablaze.<sup>55</sup>

Another woman, Jamila Kiri Kanimbu, said she lost her husband and that she is now battling to care for eight children. “Our only solace,” she said, “is that our house was not burnt but despite pleas, the soldiers killed my husband.” For Binta Usman, it was a terrible Saturday. Shortly after the bomb blast,” she reported, “some soldiers came to our house and asked the whereabouts of my husband and when my husband, who was in the bedroom, heard strange voices, he came out.” She said he was interrogated for a while and then was shot in the hand: “He did not die but I saw him bleeding. . . . They took him away and up till today, we have not seen him. We have gone to all the hospitals but we didn’t see even his corpse.” Her husband left behind six children. “Our predicament,” she said, “is how to survive but we believe God has reasons for everything.” Mairo Dahiru said her husband was also killed by the military operatives even though he was not a member of the Boko Haram: “My husband was a driver. I have two

other co-wives and he left behind eleven children." All of them, including the children, she said, were present and their breadwinner was forced out of his room and shot dead.

Another widow who recounted her ordeal was sixteen-year-old Hajara Mohammed. She said she got married at the age of fourteen and became a mother at fifteen. Her husband was also killed at home. "He tried to explain to them but they did not listen. My husband left me behind with another pregnancy," she said. Fatima Baba, eighteen years old, said her husband was also felled on that fateful Saturday. In tears she said, "It is sad that he is gone. We got married two years ago and I have only one son." Most of the women said their houses were burnt and therefore called on the federal and state governments to help them.<sup>56</sup>

The JTF spokesman in Maiduguri justified the house-to-house searches because some of the population were shielding Boko Haram members, and because the sect was using teenagers to place bombs around its targets. Boko Haram insisted that those killed in such processes were innocent members of the public while the military maintained that they were members of the sect. The alleged wrongful killings led the Borno Elders and Leaders of Thought to call on the federal government to withdraw its troops from Maiduguri. In response, the government demanded that the elders suggest tangible and sustainable security alternatives.

As much as military deployment to Maiduguri illustrates a fulfillment of the Nigerian state's responsibility to protect its citizens, it has produced two types of victims: the intended victims—members of Boko Haram—and unintended civilian victims. Thus an enemy image for the army is constructed in the minds of these widows and orphans.

Hills points out the complexity and difficulty of ensuring security in troubled cities like Maiduguri that represent both religious identity and ethnic nationalities, and sanctuaries and battle spaces for terrorists and insurgents. This combination makes cities in conflict-prone and post-conflict communities insecure. Although forces deployed for internal security operations are to be neutral, cities such as Maiduguri are not neutral spaces because they harbour factors that can worsen tense situations, such as proximate ethnic neighbourhoods, territoriality, economic interdependence, symbolism, and centrality.<sup>57</sup>

In most parts of the country, especially northern Nigeria, insecurity is traceable to fear and want because of the high level of poverty, government

corruption, and risk to cherished values and lives. When we examine these contextual factors that precipitated the rise of Boko Haram, it is evident that reliance on the military alone will not bring about positive peace in the affected areas, including Maiduguri. The extent of corruption and exploitation in the relationship between the governors and the governed is glaring. Despite the military's presence, the citizens do not feel protected from rape, robbery, kidnapping, mutilation, torture, or death. Although in a number of places military deployments have sustained public order through reliance on hard-power, they have often been counter-productive to the restoration of peace and security, and have not yielded the desired dividends of positive peace. The accompanying enemy image of the state can make community residents empathize with terrorist organisations and it provides an avenue for people to be recruited into their ranks.<sup>58</sup> This is confirmed by David Wilson and Gareth Conway, who demonstrate that military operations alone are insufficient to effectively respond to domestic or international terrorism,<sup>59</sup> and by Jonathan Stevenson, who, with Iraq as a reference point, insists that a sole reliance on force in counter-terrorism or counter-Islamism has little potential for success.<sup>60</sup>

The varied allegations and exchanges involving the residents, the military, the Borno elders, and the Borno state government point to deeper and clashing perspectives on the notion of peace and security and how to pursue it. In Bayo Adekanye's analysis, the attendant violence and the experience of the unintended civilian victims in the ongoing conflict call for fresh thinking. The pursuit of security and peace must protect the vulnerable and deliver help without hurting the inhabitants or creating an enemy image of the state in their minds. In the face of insecurity in a setting whose conception of physical, political, and spiritual power run contrary to that of the state, continued reliance on a militaristic approach in combating terrorism has little potential to make citizens safe. Therefore, the pursuit, design, and content of security promotion in Maiduguri must be premised on positive peace and a mind-set of constructive peace research.<sup>61</sup> With this understanding, we may see order, security, and peace in a progression or continuum. On this continuum, the security provided must ensure that citizens not only feel safe but actually are safe.

## HELP WITHOUT HURT: TOWARD A POSITIVE PEACE IN NORTHERN NIGERIA AND MAIDUGURI

At the end of the Cold War the United Nations Development Programme articulated an alternative to the realist, state-centred conception of security, namely, "human security." Human security has a universal concern, (particularly for individuals); it encompasses safety from chronic threats including include hunger, disease, and repression, and protection from sudden and harmful disruptions in the patterns of daily life.<sup>62</sup> According to Matt McDonald, the concept's workability, which centres on the security of individuals, is the strongest counter-argument against the realist school of security. Discussion on human security has raised three main issues. First, operationalising the concept requires human security proponents to move from a descriptive to a prescriptive use of the system.<sup>63</sup> Second, some scholars caution against universalizing the concept because it may abstract the individual, and the concept rests on the principles of Western democracy and the free market.<sup>64</sup> Third, states may benefit from the concept by "talking the talk" and not "walking the walk," as when Iraq used the exigencies of human security due to the drying up Euphrates River to solicit international assistance despite continued oppression of the people by the regime.<sup>65</sup>

Given the complex and inchoate nature of many post-colonial African states, neither "orthodox" nor "new" conceptions of security precisely capture their nuanced security challenges. There is need to contextualize security and insecurity in the light of local and external vulnerabilities that threaten to bring down or weaken state structures.<sup>66</sup> These vulnerabilities include (1) the threats states pose to each other, (2) the threats institutions of organized violence (formal and informal) pose to each other, (3) the threats institutions of organized violence (formal and informal) pose to states and regimes, and (4) the threats those who control the means of violence pose to citizens and society. All four areas of concern must be addressed to ensure that the activities of the JTF in Maiduguri result in positive peace. For this paper, the major focus is on the fourth vulnerability. Clearly, the JTF as an agency that controls the means of violence poses a significant threat to the citizenry, especially women and children. Therefore, any conception of security must take into account the need for measures to restore the citizens' confidence in the JTF as a state security apparatus. The premise of this should be the need to deliver help without hurting the recipients of that help.

Even if military operations are considered inevitable and justifiable,

given the negative images of the military formed in the minds of many in these places, the military must ensure that the pursuit of security not alienate Maiduguri's citizens from their government. The pursuit of security must be not only for the State but also for the citizens, and the two can cooperate to achieve this security and pursue positive peace. To deliver help without hurting the recipients of that help, first, the pursuit of positive peace must prioritize the prevention of human rights abuses. Further, the military must establish an interface with the community to maximize the potential of civil-military cooperation, especially in the area of intelligence gathering.

Promoting such a cooperative relationship must account for the complexity of the terrain. As John Paul Lederach notes, complexity entails multiplicity, interdependency, and simultaneity.<sup>67</sup> Simultaneity is required both to combat Boko Haram and to establish positive peace in the community. Interdependency is equally needed between the military and residents, and this can only come when the military shows itself to respect the residents' right to life and when they are not (un)wittingly punished for acts committed by Boko Haram. This can be achieved by deterrence, education, and interaction. If military men found culpable of human rights infractions are properly disciplined, others are deterred and/or restrained from repeating such acts. Also, education on weapons handling and human rights for the men to be deployed can promote restraint in the use of firearms. In addition, as illustrated by Lederach's leadership pyramid,<sup>68</sup> a multi-level engagement of the grassroots, middle-level, and top leadership of the community can go far to restore the confidence of residents in the military. Frequent interaction with different levels of community actors can help clarify and correct perceptions and help construct a shared meaning of peace and security. Eventually the residents will begin to see Boko Haram as an existential threat to their collective security.

In *Peace by Peaceful Means*, Galtung elaborates an eightfold path to peace equally divided between positive and negative peace. To consolidate his argument that peace is not utopian, he identifies political, economic, cultural, and military routes to peace that can serve curative and preventive purposes.<sup>69</sup> These are determined by macro and micro-determinants that must be factored into the long-term pursuit of positive peace. In this context, the macro-determinants speak broadly to Nigeria's national integration, good governance, and security, while the micro-determinants concern Borno state and Maiduguri in particular.



At the micro level, Obafemi Awolowo rightly describes northern Nigeria as a universe “housing a large peasant mass enslaved by ignorance, poverty, superstition, antediluvian methods of cultivating the land, and with a hopelessly unorganized system of marketing their products.”<sup>70</sup> In his view, “an educated citizenry is indispensable to the satisfactory and successful practice and working of democracy.”<sup>71</sup> While these challenges are not unique to the region, its residents are indisputably the worst affected compared with other parts of the country. Addressing these challenges requires both political and economic interventions rooted in good governance, which is largely absent in Nigeria. Many international financial institutions (IFI) identify this absence as a prime cause of conflict and insecurity.<sup>72</sup> Accordingly, says Robert Rotberg, good governance must be “the effective provision of political (socio-economic) goods to citizens.”<sup>73</sup>

Further, the activities of the military in northern Nigeria must become part of the solution (positive peace) and not part of the problem. As Ekaterina Stepanova notes, “Despite the state’s continuing conventional superiority—in terms of power and status—over non-state actors, the critical combination of extremist ideologies and dispersed organizational structures gives terrorists many comparative advantages in their confrontation with the state.”<sup>74</sup> This implies that, where the military is deployed, winning the battle in the long run must be based on the support of the local population. Soldiers must see themselves as deployed and obliged to restore the liberty and sense of security of the populace which Boko Haram has taken away. This recalls words of George Washington, which, though spoken in a different context, can be instructive for the military’s pursuit of internal security:

When we assumed the soldier we did not lay aside the citizen and we shall most sincerely rejoice with you in that happy Hour, when the Establishment of American Liberty on the most firm and solid Foundations, shall enable us return to our private Stations in the bosom of a free, peaceful and happy Country.<sup>75</sup>

In words that echo Galtung’s four paths to positive peace (political, economic, cultural, and military), Alex Bellamy argues that peace or security operations must not only create spaces and atmospheres for negotiated conflict resolution but must also actively contribute to the construction of polities and economies that are life enhancing.<sup>76</sup> This point was eloquently made by Obafemi Awolowo during Nigeria’s 1967-70 civil war:

It is important and crucial to win the war. But it is equally

important and crucial, if not more so, to win the peace. For if we lost the peace, we would have fought the war in vain, and our sacrifices would have been colossal and criminal waste . . . . One of the potent means of winning the peace was to correct the economic and social ills—that is, abject poverty, preventable diseases, squalor, and ignorance—which had in the past, plagued, and, for the present, continue to torment this country, without immediate respite.<sup>77</sup>

Nigeria's war against terrorism requires more than reliance on force. It requires the cooperation of both citizens and the state in order to consolidate the legitimacy of the Nigerian state and ensure that the Nigerian army's mandate of the "Right to Protect" is strengthened and legitimized in Maiduguri. Mindful of the fact that the *raison d'être* of the modern state is security, security will be secure if there exists a shared conception of security between the state and citizens who receive the service provided. In order to achieve this, security must be both *subject-specific* (citizens) and *situation-specific* (social environment), and about *feeling* (impression) and *being* (reality). This premises the legitimacy of the state on the safety of the people. An aggregate of all these can constitute the foundation for the achievement of positive peace.

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# RECONCILIATION FROM BELOW: INDONESIA'S RELIGIOUS CONFLICT AND GRASSROOTS AGENCY FOR PEACE

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Since the downfall of Suharto's New Order dictatorial regime in 1998, Indonesia has witnessed a range of sectarian violence and religious intolerance. Rather than examining the nature and dynamics of the communal violence and acts of prejudice among some ethno-religious groupings, this article addresses the phenomenon of "grassroots peacebuilding," namely, various attempts at peacemaking and reconciliation made by local activists and actors of peace from both state and civil society across Indonesia. It discusses ways, strategies, and challenges of building civic peace and intergroup harmony, and of connecting conflicting parties on the ground. Finally, it suggests that those concerned with the establishment of global peace need to go beyond liberal and secular frameworks of peacebuilding that emphasize only the roles of international and national actors and of secular groupings; also important are the contributions of grassroots peacemakers, and religious actors and institutions. Strategic peacebuilding requires intense collaboration between religious and secular actors, state and society agencies, and national and local players.

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## INTRODUCTION

This article discusses religious violence and attempts at peacemaking and reconciliation in contemporary Indonesia. The bulk of this article, however, is to examine the phenomenon of so-called "grassroots peacebuilding," namely, efforts at building peace, maintaining harmony, and creating

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mutual understandings and respect among differing ethno-religious groups by grassroots peace activists, conflict resolution practitioners, interfaith dialogue activists, local government officials, and ordinary religious believers in post-New Order contemporary Indonesia.

Focusing on grassroots agency for peace, this article aims to introduce to the outside world the work and practices of little known “ordinary people” in Indonesia who have conducted extraordinary activities in bridging gaps between conflicting groups and establishing peace that, in turn, can be used as paragon examples of peacebuilding and nonviolent actions. More specifically, this article emphasizes the significant role of religiously-inspired local peacebuilders, either government officials or non-government individuals, particularly within Islam and Christianity, in their remarkable attempts at building “religious peace.” This is a peacemaking process that has been influenced, shaped, and reshaped by religion that, according to Bruce Lincoln, includes discourse, practice, community, and institution.<sup>1</sup>

Indonesia’s grassroots peacebuilding demonstrates that interpretations and reinterpretations of religious narratives and discourses that have been produced and reproduced by grassroots peacemakers can inspire and sustain civic peace and social stability. That is, despite having inspired, legitimized, radicalized, and exacerbated violence, religion can also be expected to contribute consistently to its peaceful resolution.<sup>2</sup> In Indonesia, “religious peacebuilding” has taken—and continues to take—shape on the ground in and across local communities plagued by sectarian conflicts.

David Little and Scott Appleby define the term “religious peacebuilding” as the “range of activities performed by religious actors and institutions for the purpose of resolving and transforming deadly conflict, with the goal of building social relations and political institutions characterized by an ethos of tolerance and nonviolence.”<sup>3</sup> Religious peacebuilding hence involves a collaborative, fruitful effort to build intergroup reconciliation and peace promoted by religious leaders and ordinary believers. Moreover, as Gerard Powers has noted, religious peacebuilding includes the beliefs, norms, and rituals that pertain to peacemaking, as well as an array of actors “from religious institutions, faith-based voluntary organizations that are not formally part of a religious institution, and individuals and groups for whom religion is a significant motivation for their peacebuilding.”<sup>4</sup>

Notwithstanding numerous peacebuilding endeavours by Indonesian grassroots peacemakers, scholarship on this issue is surprisingly rare. As

Indonesia's post-Suharto collective violence has hit international headlines, many scholars, policy makers, international observers, and social scientists have paid attention to this new form of human violence. There is a long list of studies by both Indonesian and foreign scholars on conflict and violence, while peace-related issues have been largely neglected. Typically, scholars have paid attention to the gruesome episodes of communal violence that broke out in a number of provinces and districts, and overlooked the positive picture of tolerant, peaceful, and nonviolent societies in the rest of the country.

Overall, the collective violence in the archipelago is highly locally concentrated at the regency levels. Research studies on the patterns of collective violence in contemporary Indonesia in the 1990s to 2000s indicate that the mass violence in the final years of and following the Suharto era occurred only in fifteen regencies (*kabupaten*), which contain only 6.5 percent of Indonesia's total population (and ironically accounted for 85.5 percent of all deaths in collective violence); the rest remained remarkably peaceful or witnessed merely minor acts of violence.<sup>5</sup> The Indonesian case hence shows that human nature is not only inherently conflictual and aggressive but also intrinsically cooperative and emphatic. Unfortunately, however, as Ashley Montagu has rightly noted, people have long believed that the "disposition to violence is an inborn trait of human beings, and that therefore the attainment of peace remains an unrealistic dream."<sup>6</sup> Perhaps it is this Hobbesian belief that drives today's scholars and social scientists to be more interested in the study of human conflict than human peace.

This article aims to fill these gaps in the existing scholarship, particularly on Indonesia's peacebuilding and reconciliation. Exploring grassroots initiatives for reconciliation also means that this article goes beyond well-established concepts of peacebuilding that emphasize national state actions, political and legal approaches, and the role of international agencies. This "liberal peace" model holds that peacebuilding is about how to stop conflict and violence but not how to reconcile and build trust between the warring parties or to establish sustainable peace.<sup>7</sup>

This article thus challenges the dominant notions of peacebuilding and at the same time takes into account the contributions of religiously-inspired grassroots agency for peace and reconciliation in a society ravaged by social clashes and intergroup tensions. More specifically, this article focuses on the work of grassroots peacemakers in the "fragile islands" of the Moluccas

(Maluku and North Maluku) and Poso of Central Sulawesi, where massive violence between Christians and Muslims took place from 1998 to 2002 (except in Ambon, where collective violence between these two groups continued until 2004 and recurred in 2010 and 2011), and in Central Java, a region that is relatively stable notwithstanding the occurrence of small-scale religious tensions in a number of areas in the post-Suharto New Order era.

#### PARADOXES OF INDONESIA: DEMOCRACY AND MILITANCY

The 1998 collapse of Suharto's thirty-two-year dictatorial regime<sup>8</sup> left Indonesia with two contrasting features and developments: democracy and militancy.<sup>9</sup> On one hand, post-Suharto Indonesia has been marked by the growth of steady democracy, the transformation of the military and the demilitarization of governments, the rise of many independent political parties, the increasing participation of women in public affairs, the widespread presence of civil society organizations, the production of many pro-people laws, the increase of civilian governments, the expansion of free press, and the implementation of free elections at both national and local (provincial, regional, and village) levels, all of which had been "expensive features" during the authoritarian Suharto's New Order. Post-Suharto Indonesia's economy, as noted by Michael Buehler, has also made a remarkable comeback from being Southeast Asia's least economically viable country in 1998 to an emerging market whose economy has been growing annually at more than 6.1 percent for several years, driven by both a commodity boom (with a doubling of palm oil prices and tripling of gold prices) and by domestic consumption.<sup>10</sup>

Moreover, since the fall of Suharto, this archipelagic country has been smoothly and peacefully transformed into stable decentralization. It is worth noting that when Suharto resigned, Western observers of Indonesian politics quickly predicted that Indonesia, the world's largest Muslim-majority country, would soon become the next Balkans. With over seventeen thousand islands, making the country the world's largest archipelagic state, and nearly 250 million inhabitants from hundreds of ethnic groups who speak more than seven hundred living languages, Indonesia seemed ungovernable following the end of Suharto's New Order authoritarian rule.

In this country hit by the Asian economic crisis in the mid-1990s, the crumbling of Suharto's regime, followed by the rapid spread of political mobilization and communal violence, some of which took a separatist

form (such as Aceh and Papua), seemed to open a Pandora's box of state disintegration resembling that of the previous Soviet Union and Yugoslavia. Surprisingly, however, unlike these two countries in which the decentralization processes led to more than twenty-five independent states, Indonesia, except for East Timor (Timor-Leste), escaped separatism while implementing a decentralization policy. What happened in Indonesia, astoundingly, was not a state disintegration but rather a solid democratic integration.<sup>11</sup>

More importantly, perhaps, Indonesian Muslims today are generally more in favour of "secular democracy" than "Islamic monarchy." After more than a decade of democratization, in which three national parliamentary elections (1999, 2004, 2009), two direct presidential elections (2004, 2009), and hundreds of provincial and district/municipality executive elections have been held since 2005, there is increasing and compelling evidence that neither anti-democratic Islamist (pro-Islamic state) parties nor Turkish-style "Muslim democracy" have won the hearts of Indonesian Muslims. Instead, the political democracy that is being consolidated in the country is a secular democracy in which Muslim parties of all kinds—Muslim Brotherhood-inspired urban parties, rural patron-client parties, programmatically secular parties with Muslim organizations as their mass bases—have lost support to fully national, secular-based political parties.<sup>12</sup> The most recent elections, held on 9 April 2014, once again show the shrinking of Islamic parties that support the implementation of *Shari'ah* and Islamic ideology such as Partai Bulan Bintang (1.6 percent), Partai Persatuan Pembangunan (5 percent), and Partai Keadilan Sosial (6 percent).

This empirical evidence of Indonesian politics could provide a solid foundation for the future of democracy, pluralism, and civil coexistence; accordingly, the realization of an Islamic state in Indonesia is only a remote possibility. Unfortunately, however, these positive features and developments of post-New Order Indonesia have been damaged by a series of sectarian conflicts and ethno-religious bigotries, some of which have resulted in massive destructions, deaths, and injuries, such as the Christian-Muslim wars in the Moluccas and Sulawesi or the interethnic violence in Kalimantan (Sambas and Sampit) from 1998 to 2002.<sup>13</sup>

Although in some regions, violent conflicts have been gradually transformed into a democratic and peaceful solution,<sup>14</sup> locally-based inter-group violence, particularly inter- or intra-religious riots and Islamic radicalism against religious minorities, continued to persist in some urban areas of Java,

Madura, Lombok, Aceh, and South Sulawesi, among others.<sup>15</sup> Religiously-inspired anti-pluralist actions, vigilante attacks, Islamist extremism, and terrorism, as well as belligerent civilian groupings or paramilitary groups, whether ethnically, regionally, or religiously-based, have figured in the scene of Indonesian politics and cultures since the reformation “opened the door” for this nation.

Furthermore, post-Suharto Indonesia is also marked, among other things, by hundreds of inter- and intra-religious clashes, and numerous incidences of religious intolerance and intimidation in the name of Islam. The cases have included, but are not limited to, attacks against some churches, a synagogue, Sufi groups, followers of Ahmadiyah, local sects, and minority Shiite Muslims. Dutch anthropologist Martin van Bruinessen characterizes the post-Suharto era in Indonesia as one of conservatism and radicalism, typified by the growth of radical Islamic organizations and hard-line Muslims.<sup>16</sup> A number of research and advocacy centres such as the Setara Institute for Peace and Democracy (Jakarta) and the Institute for Social and Religious Studies (Semarang) have well documented cases of religious intolerance and religious freedom violations in contemporary Indonesia.<sup>17</sup>

The data from these institutes show that the Muslim hardliners not only targeted Christians and other religious minorities but also members of local sects and certain groups of Muslims. Unfortunately, the government rarely acts firmly against those who commit violence or human rights violations, nor does it adequately work to prevent discrimination or the fomentation of religious hatred. Worse yet, this lack of government action and the absence of a security apparatus have bolstered sectarian religious groupings. In some regions of the country the ongoing sectarian clashes and religious tensions are in large part due to the failure of the central government (and some provincial and district rulers) and state authorities to bring perpetrators to justice and to prevent or effectively prosecute incitement and intimidation committed by radical groups against religious minorities.

As long as the rulers remain silent, the social drama will continue in the years to come, and genuine peace will never develop in this deeply pluralistic archipelago. Moreover, the disinclination on the part of government and state apparatus to punish those involved in the violence has contributed to a growing use of the country’s blasphemy law to put on trial local sects, beliefs, or religious groups that have recklessly and erroneously been labelled deviant. Indonesia’s “Blasphemy Law” (i.e., the Presidential Instruction of

1965 that inserted Article 156A into the nation's Criminal Code) provides further "legal legitimacy" for the vigilante actions of some Muslim extremist groupings. As Melissa Crouch has observed, this law creates a bleak outlook for "deviant" groups, "leaving religious minorities vulnerable to convictions for blasphemy and the risk of violence in the future."<sup>18</sup>

Certainly not all cases of religious clashes are rooted in non-religious factors (i.e., socio-economic and political roots) as described by some scholars, analysts, and religious moderates.<sup>19</sup> Looking at inter- or intra-religious conflicts worldwide, one will find that such cases are about more than merely political economy. In large part, radicalism is not even rooted in poverty. Many poor people in Indonesia and other parts of the world do not hold extremist views, and many poor areas in this nation have no record of communal violence whatsoever. Conversely, as a recent study by van Bruinessen shows, Islamic radicalism and militancy in Indonesia is an urban middle class phenomenon.<sup>20</sup> Accordingly, those concerned with interfaith dialogue and peacebuilding need to stop focusing merely on poverty and economic issues—simply because such frameworks are unfair, biased, and, for the most part, misleading.

The post-New Order communal riots and extremism sketched above have led a number of observers, social analysts, and political commentators to judge Indonesia as a "failed state" that cannot ensure the religious freedom of its citizens. For instance, Phelim Kine, Deputy Director of Asia Division at Human Rights Watch, writes in the *Huffington Post*, "Across Indonesia, religious minorities, including several Protestant groups, Shia, and the Ahmadiyyah, who consider themselves Muslims but are considered blasphemers by some other Muslims, are targets of harassment, intimidation, threats and, increasingly, acts of mob violence."<sup>21</sup> Kine's oversimplification was intended to criticize the building of the Indonesian government-sponsored statue of Saraswati, the Hindu goddess of knowledge and a symbol of religious freedom and harmony, on Washington's Embassy Row. Kine also said, "While the symbolism of religious harmony [as represented in the sculpture of Saraswati] in Washington is encouraging, the reality on the ground in many parts of Indonesia is starkly different."<sup>22</sup>

I neither confirm nor rebuff Kine's statement. I certainly acknowledge these distasteful phenomena. But stories of religious intolerance and sectarian conflict are not the only stories of Indonesian societies. Looking merely at violent cases will miss other facts of harmonious, peaceful relationships

among diverse local societies. It is true that in some urban areas, particularly those where Muslim hardliners have a strong base such as West Java or Lombok, a number of religious minorities, Muslims or not, have been objects of religious hostility, and they have found it difficult to live side by side with their co-religionists. However, not all areas of the country have experienced sectarian violence, and certainly not all Indonesian Muslims are fanatics or zealots.

More importantly, Muslim radicals are not the only actors of conflict. For example, in the case of Christian-Muslim tensions in some parts of West Java, one needs to take into account the rivalry between Christian evangelicals and Muslim hardliners who compete for largely the same souls: migrant workers, urban populations, and street children. Conservative-militant Muslim groups have contributed to the exacerbation and escalation of interreligious tensions, but hard-line Islamists are not the only agents of clash. Some Christian evangelical groupings, many of which are supported by US-based evangelist churches and organizations, also have played crucial roles. US-based evangelical groups that have supported Christianization and missionary activities in Indonesia include the Joshua Project, Partners International, Frontiers, and Campus Crusade for Christ.<sup>23</sup>

The harsh competition between Muslim hardliners and Christian evangelicals, and intensive proselytization efforts by both groups, has indeed led to violent conflicts between the two religious communities in this region. Government officials, moderate religious leaders, and peace activists need to find productive ways to solve the increase of Islamic vigilante groupings and various like-minded alliances that have become a public order menace, as well as aggressive Christian proselytizing in Muslim strongholds. This is to say that sweeping statements about Indonesian societies miss the dynamics of local actors (e.g., extremists and peacemakers) and the plurality of local cultures and social groupings in maintaining intergroup relations, keeping interreligious peace, and protecting minorities.

## RELIGION AND GRASSROOTS PEACEBUILDING: THE MOLUCCAS AND POSO

Grassroots peacebuilding takes place throughout Indonesia. Even in areas previously beleaguered by lethal turmoil such as Ambon, North Maluku, Poso of Sulawesi, and Sambas and Sampit in Kalimantan, grassroots efforts at peacebuilding have occurred since the initial conflict erupted in the late



1990s. This challenges the “common belief” or “conventional wisdom” of Indonesia’s brutality, religious intolerance, and Islamist radicalism that have coloured reports in the media, policy studies, and many scholarly publications. The following are just few examples of peaceful civil coexistence, religious harmony, and grassroots peacebuilding, and how local actors and communities have managed their tensions and differences in fruitful ways that, in turn, could protect them from violent conflicts.<sup>24</sup>

In the Moluccas, both Maluku and North Maluku provinces, where deadly interreligious violence between Muslims and Christians broke out from early 1999 to 2002, resulting in tens of thousands of deaths and injuries,<sup>25</sup> some religious leaders, communities, and peace activists from both groups have contributed constructively to efforts at conflict transformation and peacemaking after the initial outbreaks of communal violence. Their endeavours in the reconciliation process were genuine and purely local, initiated by actual people who were affected by the strife. In many cases, there were no large-scale peacebuilding initiatives such as those supported by international agencies.<sup>26</sup> As Birgit Brauchler has noticed, many Moluccans from various backgrounds and places confirm that many peace efforts in the region were initiated by local people, community leaders, and ordinary adherents of Christianity and Islam.<sup>27</sup>

Local groups such as the Peace Provocateurs, the Baku Bae movement, the 20 Team of Wayame, the Concerned Women Movement, the Genuine Ambassadors for Peace, and the Young Ambassadors for Peace, among others, are just some examples of the religiously-inspired grassroots action for peace that played a tremendous role in efforts of reconciliation during and after the mayhem in the Moluccas. Local religious leaders and activists such as Rev. Jacky Manuputty, Sr. Brigitta Renyaan, Rev. John Sahalessy, Helena Rijoly-Matakupan, Thamrin Ely, Abidin Wakano, Hasbullah Toisuta, and Hadi Basalamah have been among the main advocates of local peacebuilding and reconciliation efforts by leading peace civic institutions and interfaith collaborations and by running programs and activities concerned with nurturing interreligious trust, harmony, and conditions that could possibly sustain peace in the future.

In attempts at peacebuilding and reconciliation, some Christian and Muslim groups in the areas used religious narratives of peace and tolerance, and mobilized church and Islamic institutions to boost peacebuilding work.<sup>28</sup> Others called for the revitalization of various types of *adat* (customary law)

that had been traditionally used for reconciling warring groups or individuals and preserving social harmony. The Moluccas, comprising hundreds of islands and thereby known as “Thousand Islands” (*Seribu Pulau*), are blessed by an abundance of local wisdoms, traditions, and cultures, some of which are indigenous means and practices of dispute resolution.<sup>29</sup> As elsewhere in the world, such as Afghanistan with the *jirga*, the Middle East with the *sulha*,<sup>30</sup> or Timor-Leste with the *nahe biti*, the Moluccas, particularly the islands of Ambon, Central Maluku, and Southeast Maluku, have numerous traditional institutions of solidarity and indigenous mechanisms of dispute resolution and reconciliation. These include *baku bae* (“be good to each other”), *gandong* (“uterus,” meaning treating others like our siblings), *famili* (“family,” meaning taking care of others like a family), *masohi* (working together in the spirit of communalism and solidarity), *makang patita* (“communal feasting” aiming at reconciling the warring parties and strengthening social bonds), *larvul ngabal* (a customary law containing mechanisms to govern social relations in Southeast Maluku), and *pela* (a pact of relationship between two villages in central Maluku).<sup>31</sup>

*Pela*, the most famous and widely practiced mechanism, is a traditional alliance system in the Central Moluccas that brings two or more villages together in pacts, irrespective of their religions, to help each other in times of crisis (economic or political), to build religious buildings, and to organize big events or meetings such as ritual festivities. Over a long period, the people of the Moluccas had built and managed various social institutions to enable practical cooperation between individuals and communities.<sup>32</sup> Moluccan *adat* institutions, moreover, had previously provided mechanisms for dealing with and controlling disputes and promoting reconciliation between different villages, individuals, and religious affiliations.<sup>33</sup> Unfortunately, the growth of anti-*adat* Dutch-Reformed Protestantism, non-Moluccan Islamic modernism, and Salafism has in many areas damaged these traditional social institutions; as a result, peacemakers need to invigorate these indigenous systems to help recreate the social ties between Christians and Muslims destroyed by the previous interreligious violence.

Efforts at grassroots peacebuilding and reconciliation also take place in the province of North Maluku, where, as in the southern regions of the Moluccas, violent conflicts also occurred between Christians and Muslims.<sup>34</sup> Anthropologist Christopher Duncan, who conducted research on Christian-Muslim conflict and peace in North Maluku, states that the lack

of serious government attempts to stop the fighting in the area or to foster reconciliation in its aftermath left it to NGO and local communities to work on peace.<sup>35</sup> In some parts of North Maluku, Duncan says, Christian and Muslim groups established local organizations to facilitate interfaith gatherings and discussions, which occasionally led to formal declarations of reconciliation.

Moreover, local leaders in the region of Jailolo in the island of Halmahera established a group called Team 30, consisting of both Christian and Muslim representatives, to work on conflict resolution and to improve relations between these two religious groups. Eventually they signed a formal sixteen-point agreement, focusing largely on agreements to stop religious harassment and provocation, to guarantee the peace. Other communities in North Maluku made similar arrangements. Although individuals may have had a multiplicity of reasons for taking part in reconciliation efforts, religion nonetheless provided the filter to translate those motives into actions and to explain or justify them after the fact. Indeed, as Duncan makes clear, the master narrative of religion continued to dominate post-violence social reconstruction and peacebuilding.<sup>36</sup>

Grassroots peacemakers have also long been working in the Poso district of Central Sulawesi, where Christians and Muslims were involved in a vicious cycle of interreligious violence beginning in late 1998 and lasting for a period of more than three years, leading to thousands of casualties.<sup>37</sup> The violence had left trauma, rancour, hate, mistrust, and suspicion among local Christians and Muslims so that any attempt at reconciliation met with resistance and threats from both warring groups, particularly the extremists. Regardless of the difficulties of reconciling the conflicting parties, however, grassroots efforts at peacemaking always take place even in time of conflict, not just in its aftermath. Two leading grassroots peace activists deserve special mention: Lian Gogali and Arianto Sangaji, each of whom have played significant roles in efforts at preventing violence, reconciling warring factions, healing traumatized victims, bridging an almost impossible divide, and transforming fragile conflict into productive peace.

Lian Gogali, a Christian woman activist whose house was burned down during the violence, has been engaged in the peacebuilding work since completing her Master's thesis (at the Duta Wacana Christian University in Yogyakarta) on the implications of the violence in Poso toward local women and the roles of female youths and mothers during and after the

turmoil. She established an interfaith school for women named the Sekolah Perempuan Mosintuwu (the Mosintuwu Women's School), aiming mainly at (1) reuniting the broken relationships between Christians and Muslims, (2) awakening a gender awareness of the vital role of women in domestic and public affairs, and (3) creating mutual understanding and respect between the two religious groups. All courses taught in the school emphasize Christian and Islamic teachings and the ethics of peace and tolerance as well as theological and moral obligations for Muslims and Christians for establishing just-peace on earth. Students are also encouraged and invited to visit churches and mosques and other sacred places of both faiths and to take part in the religious services and activities of the other group.

One of the difficult primary tasks of the school, Gogali says, is to transform "common misunderstanding," such as the beliefs that both Christianity and Islam teach violence and prejudice and encourage or justify attacks and killings of members of the other religious groups, into "mutual understanding." Gogali, who lost a leg due to a car crash, also built a bookmobile, a van with shelves of books serving as a mobile library, named Project Sophia after her daughter's name. This mobile bookstore aims in particular to heal trauma and rehabilitate "social wounds" due to previous violent conflicts, especially for children.<sup>38</sup> Gogali's peacebuilding and reconciliation endeavours have been fruitful. The Mosintuwu Women's School has been able to transform its graduates from "religious extremists" and conservatives to religious peacemakers and pluralists who have become ambassadors for peace across the region. She has received numerous peace awards including an award from US-based Coexist Foundation, a non-profit organization creating understanding across divides.

Another local peacebuilder in Poso of Central Sulawesi is Arianto Sangaji, a human rights activist, anti-corruption advocate, and conflict resolution practitioner. A recipient of the Maarif Award, Sangaji has been engaged in peace and reconciliation processes since the initial conflict broke out in the region in 1998. In his work to build interfaith conciliation and post-violence recovery, Sangaji established a forum called Kelompok Kerja Resolusi Konflik Poso (the Working Group for Conflict Resolution in Poso), and initiated and merged the region's nongovernmental and mass organizations under the banner of Jaringan Poso Centre (Poso Centre Network), all with the aim to unite grassroots elements to envision global peace, prevent violence, and defuse extremist potentials in the society. In addition,

Sangaji established Badan Rehabilitasi Konflik Poso, an agency of conflict rehabilitation in the area, to watchdog financial aid from governments and foreign donors, and to ensure that it is implemented rightly rather than being corrupted by government officials and those in charge of distributing or implementing the financial assistance.<sup>39</sup>

## RELIGION AND GRASSROOTS PEACEBUILDING: THE CASE OF CENTRAL JAVA

Not only in outer Java, such as the Moluccas and Poso, where a large-scale communal conflict occurred, but also in Java Island, particularly Central Java, grassroots peacemakers have played important roles in defusing conflict and building communal ties across religious lines. Although there has been no massive violence in this region aside from the 1965/66 anti-Communist campaigns and the 1998 anti-Chinese riots, post-New Order Java has been coloured with numerous incidents of small-scale religious tensions and conflicts. Moreover, unlike the Moluccas and Poso, where religious warfare pitted Christians and Muslims against each other, or Sambas and Sampit in Kalimantan, where massive ethnic violence took place between Madurese and Dayaks, Central Java's violence, religious intolerance, and anti-pluralist actions were mainly committed by hard-line Muslim groups against followers of local religions and sects.

It should be noted, however, that such religious conflict and bigotry only occurred in some areas, while the rest remained peaceful. The violence has tended to decrease from year to year. In its 2013 Annual Report on Freedom of Religion and Belief (*Kebebasan Beragama dan Berkeyakinan*), for instance, the Semarang-based Institute for Social and Religious Studies reported only seven incidents of anti-religious freedom. Most featured the closure of local worship places or religious centres, and one man accused of religious conversion was murdered.<sup>40</sup>

Despite these incidents of religious violence, Central Java has witnessed many examples of peacebuilding work and civic coexistence in which people from various religious groups have been able to live side by side and manage their lives peacefully. Stories of Christian-Muslim tolerance and interreligious harmony can be easily found in such regencies as Jepara, Solo, Kebumen, Purwokerto, Salatiga, Semarang, Kudus, Kendal, Blora, Wonosobo, and many others.

We begin with the regency of Solo. Since its founding in the seventeenth

century, Solo has served as a melting pot of diverse ethnicities, social groupings, cultures, and religions, which drive the region to both intercommunity pacification and infrequent clashes between ethno-religious groups. Besides serving as a rich cultural centre, Solo is also notorious as a “home ground” of Islamist and terrorist groups. In this area, Abu Bakar Bashir, a conservative-militant Muslim leader of Hadhrami-Arab descent and the “Supreme Leader” of Jamaah Islamiyah, which the US government has dubbed Southeast Asia’s axis of global terrorism, built a *pesantren* (Islamic boarding school) as a centre for seeding strict forms of Islamic teachings, including anti-Christian sentiments.

However, Solo is also home to courageous peacemakers such as KH Muhammad Dian Nafi and Rev. Paulus Hartono. These two religious leaders and peace activists have long established a solid friendship and a collaboration for humanitarian services, interreligious dialogue, and peacemaking activities, not only in Solo but also throughout the country, particularly in areas plagued by political, religious, and collective violence. Dubbed an Islamic cleric of reconciliation, Nafi is the leader of Pesantren Al-Muayyad Windan in Kartasura, and deputy supreme leader of Central Java’s provincial branch of Nahdlatul Ulama, the country’s largest Islamic organization. He has long been working for peace and reconciliation not only in his area in Java but also in the “conflict zones” of Aceh, Sampit, Sambas, Poso, North Maluku, Ambon, and Papua.

A recipient of numerous awards for his peacebuilding work, Nafi uses Pesantren Al-Muayyad (a Java-type Islamic seminary) as a learning centre to train students to become peacemakers and Islamic scholars of peace and nonviolence. For Nafi, Islam is a “peace builder” that teaches Muslims to live in harmony and tolerance by engaging other religions and ethnicities and by acknowledging their spiritual beliefs, cultures, and traditions. The Qur’anic injunction of *ta’arruf* (“knowing each other”), according to Nafi, calls on all Muslims to be pluralist and tolerant to all people regardless of their faiths, races, and ethnicities.<sup>41</sup> Nafi also calls for building contact and communication to “extremist” or hard-line individuals or groups in order to achieve constructive future peace. Together with Hartono, a pastor of a Mennonite<sup>42</sup> church in Solo and a director of Mennonite Diaconial Services, Nafi built the Forum for Peace across Religions and Groups as a cultural medium for interfaith gatherings, with the aim to transform destructive conflict into productive peace.

Interestingly, for years these two Mennonite and Muslim leaders have also befriended and worked together with some members of Hizbullah, a Solo-based Islamist paramilitary group not related to Lebanon's Shiite Hezbollah. Previously involved in various sectarian conflicts, many members of this group have now become peace activists and humanitarian workers. The basis of this now solid friendship is the transformation of destructive conflict into productive peace. For years, Hartono and Mennonite communities in Central Java have worked together with members of the Hizbullah and other extremist groupings, members of Nahdlatul Ulama, non-Mennonite Christians, and other elements of local society for humanitarian services, post-disaster relief, interreligious dialogue, and peacemaking activities. Hartono believes that at the most basic level militia members are no different from anyone else; they are, above all, human beings who share the same brains and hearts, minds and feelings, hates and loves. "Before building peace," the pastor told me, "one needs to build trust first, and establishing trust among 'enemies' is unlike flipping our hand palms;" it is not easy.<sup>43</sup> Peacebuilding is long and complex, and trust-building is central to the process.

During the 2004 Indian Ocean tsunami, members and leaders of Hizbullah joined a Christian team to work in the post-tsunami reconstruction in Aceh, the hardest area hit by this calamity. This program was supported by the Mennonite Central Committee, a North American relief and development agency. For months this unique group of volunteers worked together to rebuild broken houses and public facilities. They also ate together and slept together in tents. Aceh did not mark the end of this interfaith relief effort. When huge earthquakes and volcanic eruptions, which claimed thousands of lives and destroyed tens of thousands of homes, hit Yogyakarta and parts of Central Java, they worked together again, assisting thousands of people and preparing sites to rebuild one hundred Christian and Muslim homes. They also collaborated to rebuild damaged mosques and churches.

The religious engagement with radical groups as practiced by Hartono and Nafi provides a sharp critique of those who often hold interreligious meetings and dialogues by only involving moderate factions without engaging the "foot soldiers"—the real actors of religious violence or the extremists. Strengthening the moderates, while at the same time marginalizing the militants, is not the best strategy. In order to become successful, such interfaith meetings must bring leaders of conservative-militant groups of both sides to the table. This does not have to be an official gathering; it can also be a series

of informal meetings. In many cases, such an informal approach is more productive than the formal one. Cases of interreligious violence across the globe, from Mozambique and Northern Ireland to the Moluccas and Poso, have ended in peace after a series of regular, untiring interfaith engagements involving opposing groups.

Stories of inter- and intra-religious collaborations also can be found in the regency of Wonosobo in the southern highlands of Central Java. In this region, Shiites, Ahmadis, and followers of Islam Aboge,<sup>44</sup> a Javanese form of “local Islam,” as well as adherents of Christianity, Buddhism, Hinduism, and local beliefs, have lived peacefully and tolerantly for years with mainstream majority Muslims in the region. Located in the southern highlands of Central Java, Wonosobo, with some 771,000 inhabitants, is home to Nahdliyin, followers of Indonesia’s largest Islamic organization Nahdlatul Ulama (NU). Whereas in some regions, Muslim hardliners were involved in harsh attacks against Ahmadis and Shiites, whom they dubbed blasphemers of Islamic teachings and the Prophet’s companions, Wonosobo’s Nahdliyin and Muslim villagers have maintained friendships with Shiites, Ahmadis, and followers of Islam Aboge for generations. In addition, these groups have customarily participated in joint, secular and religious programs and activities, such as *kerja bakti* (community service), *kenduri* (ritual feasts), and *tahlilan* (communal prayers and ceremonies to venerate the deceased).

Ahmadiyah has existed in Wonosobo since 1924, when it was introduced by the preacher Sabitun. At present, Wonosobo is home to some 6,000 Ahmadis, 250 Shiites, and some 200 Islam Aboge followers. This achievement of interreligious peaceful coexistence is evident in the work of the Wonosobo regent, Kholiq Arif, who is also a local leader of NU. Regent Arif often states that religious minorities are also Indonesian citizens under the 1945 Constitution; their political, cultural, economic, and religious rights must therefore be protected. He maintains that no person, political party, or religious grouping in the country has the right or privilege to eliminate the fundamental rights of its citizens. Responding to a fatwa issued by the Indonesian Council of Ulama in Jakarta that condemned Ahmadiyah as a deviant sect, Arif replies that the job of the government is to safeguard the rights of its citizens and preserve the peace and harmony of its people, regardless of their beliefs.

To guard interreligious relations, uphold interfaith peace, and build trust among religions, Arif has involved all religious elements in the



region—such as Christians, Hindus, Buddhists, Taoists, Confucians, Sunnis, Shiites, Ahmadis—in the local government-sponsored Forum Komunikasi Umat Beragama (Forum for Communication for Religious Adherents). This Forum serves as an avenue for engaging in intensive interfaith meetings and dialogues among religions. Moreover, Arif proposes a regional law that regulates interreligious relationships aiming at protecting religious minorities' rights.

Arif is concerned not only with the creation of harmonious, peaceful interreligious relations. He protects not only the rights of religious minorities but also those of political minorities, such as ex-members of the Indonesian Communist Party or victims of the 1965-66 national tragedy, and of gender minorities, including gay, lesbian, bisexual, and transgender people. To smooth his “civilized, liberal governmental programs,” Arif has engaged state and non-state actors (e.g., military, police, village leaders, *adat* chiefs, street hoodlums) in order that they have a sense of belonging to guard security and calm in the area. Religious leaders from Ahmadiyyah, Shia, Islam Aboge, and non-Islamic communities also recognize his role in creating and sustaining the peace and religious tolerance in Wonosobo.<sup>45</sup>

Wonosobo does not stand alone. The region of Jepara in the northern coast of Central Java is another example of how local religious communities have been able to transform their differences into productive ways of civil cooperation. Whereas in some areas of the country such as Sampang, Bogor, and Lombok, Shiites have been targets of violence and hostilities primarily by Sunnis, in Jepara, as in Wonosobo, the two religious groups have long maintained good relationships. Conversions from Sunni to Shia Islam do not arouse sectarian rage in the region.

As elsewhere in Indonesia, Sunni Muslims, most of them members of NU, have been the dominant group in Jepara, widely known as a wood-carving town. Although only hundreds of Shiites live in this region, they feel safe to practice their beliefs and traditions. In addition, Shiites also built a Java-typed Islamic seminary named Pesantren Darut Taqrib in the village of Banjaran. The leader of this *pesantren*, Miqdad Turkan, said, “We have a good friendship between Sunni and Shia followers. We respect each other regardless of our beliefs. We also frequently arrange social activities such as blood drives, helping disaster victims, etc.”<sup>46</sup> Sunni and Shiite leaders in the region such as Achmad Zaelani and Abdul Qadir Bafaqih said that people in Jepara have understood plurality not only as a unique feature of this area

but also a *rahmah*, a blessing from God, that everyone needs to esteem and safeguard.

Jepara is also home to Christian-Muslim harmony. The narratives of Christian-Muslim peace and tolerance can be found, for instance, in the districts of Pekoso and Tempur, where Christians and Muslims live in peaceful coexistence. Muslims and Christians here work together both in everyday affairs and in religious activities such as celebrations of religious holidays such as Christmas and Eid al-Fitr. Widely known as a model of religious harmony, these areas are home to Christians linked to the Gereja Injili Tanah Jawi (GITJ), a Javanese Mennonite Church, and Muslims. The regions became well-known because the GITJ church is fittingly located in front of the Asyuhada mosque. Both church and mosque were built together by Christians and Muslims. At Christmas, Muslims, including village officials and religious figures, attend the church, greet their Christian friends, and help cook for the Christmas celebration. The Christians do the same thing for their Muslim friends during Eid al-Fitr.

Christians freely go to the mosque to attend prayer sessions and Muslims freely go to the church to attend religious services. To avoid time conflict in religious services and prayer sessions of both groups, the church and mosque officials always discuss schedules of worships and religious activities. Interestingly, not only can the residents visit and help each other in everyday life and during the holidays but, in sharp contrast with West Java, they are able to freely convert without fear. A local village leader said, "Converting to another religion is a common thing at the moment here. Muslims can convert to Christians, Christians can convert to Muslims. No one will attack them. We believe in the principle of 'be to you your religion and be to me my religion.'"<sup>47</sup> As an outcome of free conversion, a family in the region can consist of Christians and Muslims. The village chief, Sutoyo, a Muslim, said that keeping the peace and harmony, which he believes is a sanctioned mandate from the village's ancestors, is much more significant and fruitful than being involved in discord and violence.<sup>48</sup>

Moreover, in the provincial capital of Central Java, Semarang, a group of Muslims and non-Muslims (Catholics, Protestants, Buddhists, Hindus, Confucians, and even agnostics and atheists), built a House of Peace (*Pondok Damai*), an informal forum of interfaith gatherings for peace and friendship, most of whose members are youths. The House of Peace was initiated by three grassroots peace workers: Tedi Kholiludin, a Muslim activist; Rev.

Ronny Chandra Kristanto, a Pentecostal pastor; and Lukas Awi Tristante, a Catholic priest. Kholiludin said that the main aims of this forum are to create genuine companionship, air tensions, avoid misunderstanding, and build mutual trust and understanding across religious lines.

To achieve these goals, members of this group have created interfaith informal activities including, among others, (1) “live ins” for several days in a particular site or a camp to share stories—pleasant and unpleasant—regarding their experiences of engagement with other faiths, (2) informal interfaith dialogues to discuss issues facing religious/non-religious communities and to find productive solutions, (3) joint social activities to strengthen comradeship, and (4) religious visits to sacred sites associated with certain religious groups. According to the founders of the House of Peace, all of these activities are called “practical dialogue,” which is more fruitful than formal interfaith gatherings among elite members of religious groups. They said, “We need to unearth or implement the ‘genuine religious dialogue’ by engaging with and involving ordinary believers in inter- or intra-faith meetings, conducting activities or programs that deal with imperative issues facing religious communities, and bringing people in the edges to the centre since they are the ‘real actors’ of peacebuilding and dialogue.”<sup>49</sup>

Many interfaith initiatives are formal, ceremonial conversations, often taking place in luxurious hotels. With few exceptions, such interfaith meetings are little more than “feel-good talk-fests” that do not fully grapple with real problems of interreligious relations and intergroup tensions on the ground. In many cases, an informal approach is more productive than a formal one. This is the essence of dialogue: an ongoing communication process to understand thoughts, minds, worldviews, teachings, belief systems, and philosophies of life of other communities. Dialogue should be a cultural bridge to tackle deadlock, to enhance mutual awareness, to foster joint activities, and even to transform relationships between members of conflicting groups.

To be an effective communication tool to create mutual understanding and mutual trust among warring parties, interfaith dialogue requires commitment and willingness to seek other truths, not to force our truth onto others.<sup>50</sup> Leonard Swidler terms this type of dialogue “Deep-Dialogue,” which means, in his words, “I want to talk with you who think differently from me (on religious or other matters) so I can learn what I cannot know from my own perspective. After all, nobody knows everything about

anything.” Swidler adds,

Interreligious dialogue is a very broad tool to be widely and deeply employed when there is mutual ignorance and long before there is the build-up of tension edging on violence. It is fundamentally a tool of education in the broadest sense: in schools, universities and the like, but also in various groups, media, the arts, in fact, all the culture-shaping institutions of society. It is long term, not at all a quick fix. I have been at it for over fifty years, and it is only just beginning to catch on!<sup>51</sup>

By engaging in a series of informal practical dialogues, members of the House of Peace have been able to understand the depth and complexities of each religious tradition, change mutual distrust to common trust, strengthen communal ties, and transform their “inner conflict” to “inner peace.” “Before joining the House of Peace,” a Christian member of this group said, “I thought all Muslims are hardliners and Christian haters. But now, I realize there are many good Muslims who are willing to promote peace, protect minority rights, and advocate religious freedom. I am grateful to be part of this group.”<sup>52</sup>

In addition to the House of Peace, Semarang is also a base for an interfaith/ethnic group called Kopi Semawis. Coordinated by Harjanto Halim, a Chinese philanthropist and interfaith activist, the group has played a great role in keeping the region free from radicalism and intolerance. The metropolitan city of Semarang, despite its complex ethno-religious diversity, remains stable and peaceful; this had led civic and religious leaders and scholars in the city to call Semarang one of Indonesia’s calm regions and its citizens have been dubbed “tolerant societies.” Historically and culturally, the religious believers of Semarang favour socio-political stability and economic solidity over religious militancy. In Semarang, it is easy to find a bloc or area that is populated by various religious groupings. In many ways Semarang has been able to maintain calm, forbearance, and open-mindedness. Here actors from state and society, religion and the secular world, play vital roles in keeping peace and harmony and preventing violence.

## CONCLUSION

The depiction sketched above is only a small example of interfaith grassroots peacebuilding in the Moluccas, Poso of Central Sulawesi, and Central Java. This Indonesian case teaches us that religious groupings and grassroots

actors have undoubtedly made great contributions toward the achievement of social stability and civic coexistence. Unfortunately, however, many religious scholars, social scientists, and political analysts tend to neglect—and fail to appreciate—the remarkable endeavours of local social actors at the provincial or regional/village levels in building trust and peace across ethno-religious lines, while at the same time favouring, if not exaggerating, cases of religious hostilities.

As elsewhere in the world, Indonesia is not immune to or free from tensions, conflicts, and violence. Some of these have been triggered by the appearance of transnational Islamist groups, and others provoked by state apparatus and locally-based Muslim conservatives and hardliners as well as some Christian groups (as in the case of West Java and the suburbs of Jakarta). However, a single-minded focus on the facts of sectarian conflict will miss the phenomenon of “sectarian peace”—a vibrant alliance in society for peacebuilding across religious and ethnic divides.

Even though grassroots peacemaking is vital and necessary, it is nonetheless not enough to create a stable, enduring peace in society. The future of interfaith relations and intergroup peace in this archipelago will heavily depend on the serious, positive collaborations between state and society actors, religious and secular agencies, national and local experts, and practitioners of peacebuilding. In other words, synergy between these multiple forces is a key for future strategic peacebuilding not only in Indonesia but also in other parts of the world.

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## ENDNOTES

1. Bruce Lincoln, *Holy Terrors: Thinking about Religion after September 11* (Chicago: University of Chicago Press, 2006).
2. See, for instance, Scott Appleby, *The Ambivalence of the Sacred: Religion, Violence, and Reconciliation* (Lanham, MD: Rowman & Littlefield, 2000); Daniel Philpott, *Just and Unjust Peace: An Ethic of Political Reconciliation* (New York: Oxford University Press, 2012); Nukhet Ahu Sandal, "Religious Actors as Epistemic Communities in Conflict Transformation: The Cases of South Africa and Northern Ireland," *Review of International Studies* 37 (2011): 929-49; Katrien Hertog, *The Complex Reality of Religious Peacebuilding: Conceptual Contributions and Critical Analysis* (Lanham, MD: Lexington, 2010).
3. David Little and Scott Appleby, "A Moment of Opportunity? The Promise of Religious Peacebuilding in an Era of Religious and Ethnic Conflict," in *Religion and Peacebuilding*, eds. Harold Coward and Gordon S. Smith (Albany, NY: SUNY Press, 2004), 5-6.
4. Gerard Powers, "Religion and Peacebuilding," in *Strategies of Peace: Transforming Conflict in a Violent World*, ed. Daniel Philpott and Gerard F. Powers (Oxford and New York: Oxford University Press, 2010), 322-23. The term "religious peacebuilding" includes not only conflict management and resolution efforts on the ground, but also the attempts of people working at a distance from actual sites of deadly conflict. Peacebuilding thus entails conflict transformation, the replacement of violence with nonviolent means of settling disputes. See also Coward and Smith, "Religion and Peacebuilding."
5. See, for instance, the study of Ashutosh Varshney, Rizal Panggabean, and Mohammad Zulfan Tadjoeddin, *Patterns of Collective Violence in Indonesia (1990-2003)*, UNSFIR Working Paper 04/03 (Jakarta: United Nations Support Facility for Indonesian Recovery, 2004). Post-Suharto Indonesia was marked by decentralization in which many regions demanded *pemekaran* ("blossoming" or "administrative fragmentation"), namely the subdivision of existing provinces and districts to create new units. Due to this *pemekaran* trend, in only a few years, the number of provinces increased from twenty-seven to thirty-three while the number of districts (*kabupaten*) increased from 300 in 1999 to 440 in 2004. See Henk Schulte Nordholt and Gerry van

- Klinken, eds., *Renegotiating Boundaries: Local Politics in Post-Soeharto Indonesia* (Leiden: KITLV, 2007).
6. Leslie E. Sponsel and Thomas Gregor, eds., *The Anthropology of Peace and Nonviolence* (Boulder: Lynne Rienner Publishers, 1994), xiv.
  7. See, for instance, Daniel Philpott and Gerard F. Powers, eds., *Strategies of Peace: Transforming Conflict in a Violent World* (New York: Oxford University Press, 2010); Birgit Brauchler, ed., *Reconciling Indonesia: Grassroots Agency for Peace* (London: Routledge, 2009).
  8. The long-ruling Suharto (1967-1998) was toppled by an alliance of secular Muslims and non-Muslims, middle class societies, democracy activists, students, and some political elites, following the economic crises that hit Indonesia and other Southeast Asian countries beginning in late 1997. The key role of this political reformation was played by a new class of intellectual Muslims intent on providing solid Islamic bases for democracy, pluralism, egalitarianism, liberalism, and civil society. See Robert W. Hefner, *Civil Islam: Muslims and Democratization in Indonesia* (Princeton and Oxford: Princeton University Press, 2000).
  9. See Robert Pringle, *Understanding Islam in Indonesia: Politics and Diversity* (Honolulu: Hawaii University Press, 2010).
  10. Michael Buehler, "A False Hope? Indonesia's Economic Miracle," *The Diplomat*, 5 February 2013.
  11. There are certainly numerous significant factors contributing to this political achievement. The first key factor that could prevent separatist movements and, in turn, foster steady democracy, was the prompt implementation of state policy of regional autonomy by post-Suharto governments and parliaments that devolved finances and authority to the sub-provincial level of 495 county-like districts and municipalities throughout the nation. Such a state policy and political strategy was able to avert "reincarnation" of provincial-based pro-independence sentiments and political movements (as in Aceh, South Sulawesi, Maluku, and Papua) that historically, since the country declared its independence in 1945, had unsuccessfully challenged the integrity of the Indonesian unitary state. See Mirjam Kunkler and Alfred Stepan, eds., *Democracy and Islam in Indonesia* (New York: Columbia University Press, 2013); Azyumardi Azra, *Indonesia, Islam, and Democracy*:

*Dynamics in a Global Context* (Denver: Soltice, 2006).

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13. See, among others, Gerry van Klinken, "The Maluku Wars: Bringing Society Back In," *Indonesia* 71 (2001): 1-26; Gerry van Klinken, *Communal Violence and Democratization in Indonesia* (London: Routledge, 2007); Jeroen Adam, "Communal Violence, Forced Migration and Social Change on the Island of Ambon," PhD diss., Ghent University, 2009; John Sidel, *Riots, Pogroms, Jihad: Religious Violence in Indonesia* (Cornell: Cornell University Press, 2006); Jacques Bertrand, "Legacies of the Authoritarian Past: Religious Violence in Indonesia's Moluccan Islands," *Pacific Affairs* 75, no. 1 (2002): 57-85; Jacques Bertrand, *Nationalism and Ethnic Conflict in Indonesia* (Cambridge: Cambridge University Press, 2004); Sandra Pannell, ed., *A State of Emergency: Violence, Society, and the State in Eastern Indonesia* (Darwin, Australia: NTU, 2003).
14. Brauchler, "Reconciling Indonesia"; John Pieris, *Tragedi Maluku: Sebuah Krisis Peradaban* (Jakarta: Yayasan Obor, 2004).
15. Charles A. Coppel, ed., *Violent Conflict in Indonesia: Analysis, Representation, Resolution* (London: Routledge, 2006); Damien Kingsbury, ed., *Violence in Between: Conflict and Security in Archipelagic Southeast Asia* (Singapore: Institute of Southeast Asian Studies, 2005).
16. Martin van Bruinessen, ed., *Contemporary Developments in Indonesian Islam: Explaining the Conservative Turn* (Singapore: Institute of Southeast Asian Studies, 2013).
17. See the reports of the two institutes on issues around anti-pluralist acts and religious intolerance at <http://www.setara-institute.org> and <http://elsaonline.com>.
18. Melissa Crouch, "Indonesia's Blasphemy Law: Bleak Outlook for Minority Religions," *Asia Pacific Bulletin* 146, 26 January 2012, 1-2.
19. This kind of reasoning—looking at the political economy of conflict—has been dominant since the rise of so-called modernism or secularism. Religious moderates, liberal skeptics, and secular-minded scholars and policymakers have shared and echoed this argument, albeit for different reasons and objectives. While the "secularist-liberals" dismiss the



positive function of religion, dubbing it as a pre-modern, undemocratic, intolerant, and violent worldview, the religious moderates think of it in opposite terms: a source of peace, justice, tolerance, and democracy.

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21. Phelim Kine, "Washington's Statue of Hypocrisy: Putting a Smiley Face on Indonesia's Religious Intolerance," *The Huffington Post*, 20 August 2013, [http://www.huffingtonpost.com/phelim-kine/washingtons-statue-of-hyp\\_b\\_3785936.html](http://www.huffingtonpost.com/phelim-kine/washingtons-statue-of-hyp_b_3785936.html).
22. Kine, "Washington's Statue of Hypocrisy."
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24. For the contributions of "grassroots peacemakers" in keeping the peace in their areas, accessed 21 August 2013, see, among other locations, <http://edsus.tempo.co/Perekat-republik>.
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26. See, for instance, Tonny Pariela, "Damai Di Tengah Konflik Maluku: Preserved Social Capital Sebagai Basis Survival Strategy," PhD diss., Universitas Kristen Satya Wacana, 2008; Christopher Duncan, *Violence and Vengeance: Religious Conflict and Its Aftermath in Eastern Indonesia* (Ithaca, NY: Cornell University Press, 2013).
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- 1961; Dieter Bartels, "Guarding the Invisible Mountain: Intervillage Alliance, Religious Syncretism, and Ethnic Identity among Ambonese Christians and Moslems in the Moluccas," PhD diss., Cornell University, 1977; Barbara Dix Grimes, "The Pursuit of Prosperity and Blessing: Social Life and Symbolic Action on Buru Island, Eastern Indonesia," PhD diss., Australian National University, 1993.
30. Mohammed Abu-Nimer, *Nonviolence and Peacebuilding in Islam: Theory and Practice* (Gainesville, FL: University Press of Florida, 2003).
  31. Dieter Bartels, "Your God Is No Longer Mine: Moslem-Christian Fratricide in the Central Moluccas (Indonesia) After a Half-Millennium of Tolerant Co-Existence and Ethnic Unity," 128-53, in *A State of Emergency: Violence, Society, and the State in Indonesia*, ed. Sandra Panell (Darwin: Northern Territory University Press, 2003); Sylvia Huwae, "Divided Opinions about Adatpela: A Study of Pela Tamilou-Siri-Sori-Hutumori," *Cakalele: Maluku Research Journal* 6 (1995): 77-92.
  32. Brauchler, "Reconciling Indonesia"; Pariella, "Damai."
  33. Hermien L. Soselisa, "Sagu Salempeng Tapata Dua: Conflict and Resource Management in Central Maluku," *Cakalele: Maluku Research Journal* 11 (2000): 67-82.
  34. Chris Wilson, *Ethno-Religious Violence in Indonesia: From Soil to God* (London: Routledge, 2008).
  35. Duncan, *Violence and Vengeance*.
  36. Duncan, *Violence and Vengeance*, 105-27.
  37. Lorraine V. Aragon, "Communal Violence in Poso, Central Sulawesi: Where People Eat Fish and Fish Eat People," *Indonesia* 72 (2001): 45-79; Van Klinken, "Communal Violence."
  38. For more detailed information about Lian Gogali and her peace activities, accessed 21 August 2013, see <http://edsus.tempo.co/Perekat-republik>.
  39. For information on Arianto Sangaji's work, accessed 07 April 2014, see <http://ernash.wordpress.com/2008/02/26/arianto-sangadji-dan-perdamaian-di-poso/>.

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41. For KH Muhammad Dian Nafi's interview with Koran Sindo, accessed 8 April 2014, see <http://www.koran-sindo.com/node/322647>.
42. Mennonites are Christians in the Anabaptist peace church tradition, which has a membership of more than 1.3 million worldwide. Based on the 2006 census of the Mennonite World Conference, there are 72,624 Mennonites in Indonesia, making it the world's sixth-largest Mennonite concentration.
43. Conversations with Paulus Hartono in Solo, 14 June 2013.
44. Aboge is an acronym for "Alif Rebo Wage," a Javanese form of local Islam (sometimes called "Kejawen"), which is mostly organized under an organization named Paguyuban Tunggal Sabdo Jati.
45. For the role of Regent Arif in maintaining the peace in his territory, accessed 21 August 2013, see <http://edsus.tempo.co/Perekat-republik>. Regent Arif is an example of a "civil state" ruler, namely a political ruler who governs societies by establishing democratic rules and conducting tolerant, pluralist acts.
46. On the Sunni-Shii harmonious relations in Jepara, accessed 5 March 2014, see [http://khabarsoutheastasia.com/en\\_GB/articles/apwi/articles/features/2012/11/28/feature-03](http://khabarsoutheastasia.com/en_GB/articles/apwi/articles/features/2012/11/28/feature-03).
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## PEACE STUDIES AND THE PEACE MOVEMENT

*Antonino Drago*

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The aim of this paper is to describe a set of philosophical underpinnings and thereby to suggest a foundation for Peace Studies or Peace and Conflict Studies programs. To develop and understand this position fully, we suggest two intellectual tools. The first is a list of peace definitions rooted in ethical values. On the basis of these definitions, we discuss several proposals for Peace Studies curricula, with particular attention to that of Johan Galtung. The second tool is Galtung's notion of four models of development, which we define in structural terms through their two originating options of social organisation and social development. This notion points to the heart of the matter in this study, namely, the intrinsic pluralism of peace education. These two tools suggest at least a quartet of disciplines that characterize Peace Studies in each model of development. The result is a pluralist Peace Studies curriculum based on the multiple meanings we attribute to peace.

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### INTRODUCTION

In 1948 the first course on Peace Studies was introduced at Manchester College, a small liberal arts college in North Manchester, Indiana, USA. There was a subsequent proliferation of such courses, with the number reaching some hundreds in the United States and Northern Europe. Celebrated intellectuals such as Johan Galtung, Kenneth Boulding, and Anatol Rapoport improved upon this academic innovation. However, most academics saw its introduction more as an emotional reaction by students and scholars to crucial war events such as the Vietnam War than as a legitimate program

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of studies to be added to the traditional university curricula. Even now its intellectual status is highly debated.

This article presents an intellectual framework that combines several contributions of the last fifty years in order to gain more recognition for this kind of academic study. This framework describes the basic disciplines of a Peace Studies curriculum as well as its main intellectual characteristic, a pluralist view of reality. My aim is to achieve a more authoritative course of Peace Studies in line with the two goals suggested by José Manuel Pureza and Teresa Cravo: “the qualification [in the academic milieu] of intended peace as sustainable peace . . . [and] the epistemological decolonization of Peace Studies [from oppression by traditional study programs].”<sup>1</sup>

### A NAÏVE APPROACH TO PEACE STUDIES

Let us recall that in the past, the State understood making peace as a process that could lead, as a last resort, to waging war. The military academies had a well-defined task, namely, to teach how to apply force against an enemy’s force in the most efficient possible way. Intellectually, the universities provided the study of International Relations for the practice of diplomacy, and Strategy was a specific field of study for military leaders.

For a century now, however, workers’ unions, feminists, pacifists, and nonviolent activists have claimed that peace can be achieved through completely different processes. Further, the promotion of a world politics by the UN and its several agencies (such as International Courts, agencies for food and health) led people to expect civil actors such as grassroots movements and international nongovernmental organisations (INGOs) to play a greater role in the promotion of peace initiatives, including those on the battlefields. Thus both the UN and the peace movement have initiated a transition towards a new political situation.

At the same time, scholars have introduced new theories of peace processes that challenge the military monopoly on the intellectual field of Peace Studies.<sup>2</sup> What is Peace Studies according to this new attitude? Carolyn Stephenson, an American professor of Political Science with expertise in alternative security systems, offers a minimum-level definition of Peace Studies:

Peace Studies is an interdisciplinary field encompassing systematic research and teaching on the causes of war and conditions of peace. It focuses on the causes of increases and decreases in

violence, the conditions associated with those changes, and the processes by which those changes happen. While there is disagreement on the exact content of the field, and even over the definition of peace, most would agree that Peace Studies began to be identified as a separate field of inquiry during the first decades after World War II.<sup>3</sup>

Stephenson's definition presents Peace Studies as merely one new complex of disciplines among many. While admitting that the field struggles with some fundamental internal disagreements, she stresses that it rests upon solid subjects of study. Most teachers of Peace Studies will likely share this definition.

Maire Dugan and Dennis Carey offer a definition that considers Peace Studies to be a means of finding a new intellectual perspective: "Peace Studies is an academic field which identifies and analyzes the violent and non-violent behaviors as well as the structural mechanisms attending social conflicts, with a view towards an understanding of those processes which lead to a more desirable human condition."<sup>4</sup> Although the academic community may attribute naïveté and imprecision to the notions of conflict, nonviolence, and social processes linked to values, this definition courageously asserts that these so-called naïve notions play a central role in Peace Studies.

From quite an opposite direction, voices within the peace movement criticize most attempts to define Peace Studies on the grounds that they include only the "study" of peace but not peace activity. Charles Webel's definition reflects this perspective:

It was and is considered an inter- or multi-disciplinary inquiry into human conflict, aggression and violence, as well as their causes, consequences, and alternatives to violent conflict and war. Peace Studies was and is in a complex and somewhat contested relationship with Security (or Conflict) Studies, which has tended to be more "mainstream" and statist in orientation, the "hard-minded" or "realpolitik" approach to the same species-wide problems. . . . Like engineers, scholars and practitioners of Peace Studies attempt to build bridges—between people, between communities, and between sometimes hostile nations and political elites. Accordingly, Peace Studies is ultimately a kind of applied field training for the practitioners and researchers of the 21st century. . . . And like medical doctors and public health

workers, Peace Studies theorists and activists seek to assess and diagnose the sources of social “illness” in order knowledgeably and effectively to “intervene” and “treat” the “disorders.” This implies that Peace Studies is a “committed” worldly activity, as well as an historical and analytic scholarly enterprise.<sup>5</sup>

Here Webel, after delineating Peace Studies subject matters and method, recognizes a conflict within the academic milieu. Despite the attraction the course contents have for teachers and students, their recognition in traditional academic circles is contested. Due primarily to their explicit value orientation, the new courses in Peace Studies are even in opposition to some well-established fields of study. With regard to traditional courses, Webel emphasizes the progressive nature of the new studies. For him, the continued academic suspicion of their explicit value orientation corresponds to a somewhat primitive scientific worldview, particularly regarding the concept of peace; he suggests comparing Peace Studies to the more traditional academic fields of medicine and public health.

We might begin our attempt to achieve a comprehensive view of a Peace Studies program by first considering what subjects it should include. Since political, economic, cultural, and social relationships are an integral part of the study of peace, these surely need to be included. But we are also talking about a much wider range of subjects than those taught in an International Relations program, for the definition cited above suggests activities whose motivations rely on the examination and comparison of value-orientations.

Given this, what connections empirically exist, or should exist, between the suggested subject-matters and values? Let us consider the historical experience of such programs. A 1972 investigation by the Consortium on Peace Research, Education and Development (COPRED) of bona fide Peace Studies courses showed that they usually combined values and a scientific outlook, although a “dichotomy between the two cultures” might occur.<sup>6</sup> One scholar noted in 1985 that, although the number of courses on Peace Studies might decline due to the lack of financial support or student grants, their numbers were relatively stable over time, so this dichotomy did not destabilize or thwart the ongoing presence of university Peace Studies courses.<sup>7</sup> Thus, a group of teachers, although heterogeneous in their values and orientations, may, on the subject of “peace,” reach a cultural agreement on which to base a valid university curriculum. Encouraged by this academic situation, we tackled the following problem: how might the



supporters of several quite different mindsets on matters of Peace Studies reach this cultural consensus?

### TEN CONCEPTIONS OF “PEACE” AND THEIR IMPLICATIONS FOR PEACE STUDIES

The most serious problem concerning both Peace Studies and peace research may be the lack of a unanimous and authoritative definition of “peace.”<sup>8</sup> In order to portray most of the likely implications that arise from the notion of Peace Studies, I have listed in Table 1 ten rather different meanings of peace. These are an attempt to represent a full spectrum of interpretations of peace. They are ordered according to personal motivation, ranging from neutral and purely intellectual to ethical and religious.<sup>9</sup>

In the second column of Table 1, I have listed the short conceptions of peace with their proponent’s name in parentheses. The first column consists of a short-hand categorization—with letters whose meanings are explained in the legend—for the type of definition. In the third column we find the corresponding subject matter or “kind” of Peace Studies. In the last column we find the matching (or hoped for) social institutions (in political, labour market, educational, and/or religious fields) whose personnel would hold to the corresponding conception of peace.

*Table 1: Cultural Attitudes to Peace Studies with Respect to Various Meanings of the Word “Peace”*

|              | <b>PEACE</b>   | <b>KIND OF STUDIES</b>                         | <b>SOCIAL APPLICATION</b>   |
|--------------|--|--|---|
| 1. <i>N</i>  | <i>A generic subject of study (Bouthoul)</i>         | <i>On War and peace, neutral</i>               | State intellectual bureaucracy, in particular of military studies centres         |
| 2. <i>D</i>  | <i>Diplomacy—Realist UN (K. Boulding)</i>            | <i>On Peace: New interdisciplinary subject</i> | Diplomats   |
| 3. <i>D</i>  | <i>Inspired by the Einstein-Freud correspondence</i> | <i>On Peace: New cultural perspective</i>      | Teachers with a critical attitude to culture                                      |
| 4. <i>Pr</i> | <i>Inspired by the Einstein-Russell Manifesto</i>    | <i>For Peace: New historical perspective</i>   | Responsible scientists; trade union representatives for international cooperation |

|        |  |   |   |
|--------|--|---|---|
| 5. Pr  | <i>Inspired by the vision of a new anthropological era—UN as world democracy (Kant, Maritain)</i>            | For Peace: Human rights, new political practice in international relationships  | Movements against the arms race and oppressive states; movements for peace  |
| 6. Pr  | <i>UN Agenda for Peace (Boutros-Ghali)</i>   | For Peace: New political practice in tackling international crises  | ILM: new officials for solving interstate conflicts through PM, PK, and PB interventions  |
| 7. Pr  | <i>Supporting also a new rationality (UNESCO, Naess, Muller)</i>   | For Peace: Toward a general theory of conflict management and conflict mediation  | ILM: As in #6 above<br>NLM: new professionals for intrastate conflicts  |
| 8. Pr  | <i>Supporting a paradigm shift (La Pira, Nagler, Sharp)</i>  | For Peace and justice together: as in #7 above, plus a new philosophy of knowledge, a paradigm shift in each subject matter | ILM: As in #6 and 7 above, plus Track 2 diplomats<br>NLM: As in #7 above, plus social operators for peace (e.g., teachers for conscientious objectors in civilian service)            |
| 9. Pe  | <i>Ethical commitment to win-win solutions of all conflicts (Lanza del Vasto, Don Milani, Galtung)</i>       | For Conflict transformation, grassroots, non-Machiavellian, non-violent politics  | ILM: As in #6, 7, and 8 above, plus NGO professionals for international conflict transformation and nonviolent interposition<br>NLM: As in #7 and 8 above plus nonviolent politicians |
| 10. Pe | <i>Religious commitment to positive conflict resolution (Gandhi, Capittini, M. L. King, Thich Nhat Hanh)</i> | For Peace: New politics resulting from a non-violent religious attitude   | As in #9 the above, plus professionals for religious institutions and inter-religious relationships   |

Legend: N: Negative Peace; D: Descriptive Peace; Pr: Prescriptive Peace; Pe: Persuasive Peace; PM: Peacemaking; PK: Peacekeeping; PB: Peacebuilding; CS: Civilian Service; NLM: National Labour Market; ILM: International Labour Market.

The many and varied conceptions of peace in Table 1 shows the complexity of the choices to be made by those envisaging a Peace Studies program. It also shows how difficult it may be for a consensus to be reached among teachers

who normally hold quite different views of what constitutes “peace.”

#### PROPOSALS FOR PEACE STUDIES PROGRAMS ACCORDING TO THESE MEANINGS OF PEACE

Let us now analyse what designs for a Peace Studies program the conceptions in Table 1 imply. The first meaning conceives of peace in terms of security, both personal and national—what we have come to know as the absence of threat or war, or “negative peace.” Although the second and third meanings enhance this first meaning of peace, none of them introduce new values compared to the pre-existing dominant ones. The Peace Studies in line with these first three meanings are appropriate for the training of military and diplomatic officials, whose professional roles in present society are already defined by a corpus of law. With these definitions Peace Studies can effectively serve the ends determined by States. Here Peace Studies differs little from the domains treated in Political Science and International Relations; indeed, International Relations programs might include these Peace Studies if they are open to innovation.

A second group of three meanings (4, 5, and 6) gives the conception of peace a prescriptive and persuasive character. These different ways of understanding peace call for new social roles and challenge the political system’s resistance to persuasive notions of peace. These new perspectives stem from movements that believe they must promote peace in the world. An early example of this, seen in the fourth meaning, is the Western workers’ movement, which in international relations consistently pursued a policy of peace since its supporters knew very well that they gained nothing from a war. War, in their view, tended only to serve the aims of the bourgeoisie. However, such a far-reaching strategy for peace is ancillary to the broader political aims of Western leftists such as social justice and the defence of workers.

A second major movement, also seen in the fourth meaning, was that of scientists for peace, whose guiding light was Albert Einstein. Einstein’s Manifesto, produced together with Bertrand Russell and other Nobel Prize winners, is still the most impressive warning so far about the future of the human species in the face of the nuclear threat. The manifesto argues that only radical changes in the very nature of society can ensure that disastrous wars will be avoided. Regarding the arms race, the Einstein-Russell Manifesto was the first conception of peace to insist on a radical change in the

structure of society by ending the construction of the very weapons the scientists themselves had invented.

The fifth meaning of peace offers guidance and inspiration to the United Nations Organization. While it is true that the UN is an institution created by sovereign and even absolutist States, it is nonetheless an agency designed to promote human rights and international law for and in all countries. By attempting to fulfill this mandate, the UN also meets some central expectations of the larger peace movement.<sup>10</sup> The social implications of this particular understanding of peace are vast, given that the United Nations for the first time created a whole new world-wide bureaucracy to deal with the peace question in relation to its many interrelated issues.<sup>11</sup>

One proposal for Peace Studies based on meanings 3, 4, and 5 of peace comes from Stephenson, though with little reference to the UN. Listing five items pertaining to negative peace and four pertaining to positive peace, Stephenson marks all the intersections where the traditional disciplines and the specific subjects of Peace Studies meet.<sup>12</sup> In her view, the innovative substance of Peace Studies may be added to the existing set of college disciplines without a radical change in the latter's contents.

In line with what Galtung and others calling for more peaceful relations had previously asked,<sup>13</sup> in 1992 the UN *Agenda for Peace* decisively introduced new UN functions—a multiple peace intervention program (meaning 6) far beyond that of preventive diplomacy and promoting human rights.<sup>14</sup> In the legal language of the then UN Secretary-General Boutros Boutros-Ghali, peacemaking, peacekeeping, and peacebuilding in international conflicts must be enlarged to include unarmed intervention by civil personnel. This legal proposal promotes NGOs' international interpositions launched from below at the institutional level, and places the actions of civil personnel on a par with military action and personnel. In other words, the UN started a civil kind of international peace force that anticipates an alternative to the solely military defence of sovereign states. This enhancement of UN policy for resolving international conflicts represented an enlargement of its political support, now coming not only from States but directly from citizens of the world. To be able to carry out these kinds of UN interventions, new civil professionals would be required in the field of international relations (meaning 7). These new professionals would best be trained in Peace Studies courses that embody the new value orientations.

None of the proposals illustrated thus far weakens the teacher's freedom

in teaching his or her own subject. However, from the sixth meaning of peace onward, the new value-oriented ways of understanding peace include a philosophy of how to solve conflicts positively. Here, the teacher's attitude cannot be neutral because it must be consonant with the subject matter, and to further this aim, the teacher may have to question the received culture and consider how to change it.

In line with this new perspective, in 1987 Chadwick Alger put forward a proposal for Peace Studies specific to the eighth meaning of peace. He summarized the proposal as follows:

Peace Studies should be in the midst of four crossroads. First, Peace Studies must be at the crossroads of peace research, peace education, and peace action. . . . Peace Studies must be at the second crossroads, between approaches of negative peace—stopping violence—and those of positive peace—overcoming social injustice. Peace Studies must also be at the crossroads of a growing array of grass root movements, a challenge to more traditional peace-research methodologies. Peace Studies should endeavour to create a new crossroads, between grass-roots movements and global organizations [UN as the first]. Only through grass-roots practice can the peace efforts of global organizations acquire legitimacy.<sup>15</sup>

Alger's suggestions call for a new interplay between the UN and "the Peace Movement," in particular grassroots movements promoting both peace and justice through a list of major issues including human rights, self-determination, the international economic system, communication, ecology, and the common good. But a translation of these issues into a list of disciplines to be studied is lacking. Alger did not specify more precisely the intellectual means to achieve this brand of Peace Studies. His proposal seems especially ambitious if we look at the present academic culture, for it appeals to those intellectual spheres (engagement in peace, the positive meaning of peace, a new methodology of social studies, and a vision of the world from both the bottom and the top) that are rarely present in the current academic milieu.

In 1972, fifteen years before Alger's paper, COPRED had specifically examined experiences in this field of studies. To constitute Peace Studies programs, COPRED suggested recognising four cultural areas:

1. a futurist or world order approach (based on an alternative system design in order to ensure a set of world order values to bolster such

a system);

2. a conflict regulation/management approach (based on reducing conflict tensions, mostly through existing systems and structures);
3. a nonviolent values and lifestyles approach (focused on the personal dimension and on personal solutions);
4. a war/peace systems approach similar to International Relations; it concerns the structure and dynamics of the current world situation.<sup>16</sup>

Implicit in COPRED's proposal we recognize a scientific attitude (areas 2 and 4, the former including nonviolent conflict resolution) considered essential by academia, and a values attitude (areas 1 and 3) pertaining to the more ethically involved meanings of peace (meanings 8, 9, and 10). COPRED's proposal suggests combining them and in this way gives specific content to the kind of studies that Alger only locates in broader social dynamics. The conclusion of Ho-Won Jeong's *Peace and Conflict Studies*<sup>17</sup> offers further specification. It lists nine topics for Strategies for Peace: (1) control of military power; (2) conflict resolution and management; (3) human rights; (4) self-determination; (5) development; (6) environmental politics; (7) global order and governance; (8) nonviolence; and (9) peace movement. The last two topics explicitly take a stand on behalf of specific values.

#### GALTUNG'S PROPOSAL FOR UNIVERSITY PEACE STUDIES

Let us turn to Galtung's proposal for Peace Studies located in meaning 9 of Table 1. Galtung sees Peace Studies as an application of peace research in order to resolve (or, more accurately, transform and transcend) conflicts, much as medical studies are concerned with the health of people and society. In his view, Peace Studies can help people resolve conflicts by nonviolent means in much the same way as the spread of hygienic practices throughout society over the last two centuries has eliminated many diseases.<sup>18</sup> This analogy between peace and health has much pedagogical value; it makes simple, easily grasped, and suggestive a field of studies that otherwise the mass media all too readily depict as utopian. Notice that with this analogy Galtung emphasizes the similarity of their basic values (that is, the active search for peace on one hand and human health on the other) and the extension of the scientific endeavour to control not only health but also violence and wars.

However, Galtung does not reduce peace issues to personal notions such as health and illness.<sup>19</sup> In a paper at the 2006 International Peace

Research Association (IPRA) biennial gathering in Calgary,<sup>20</sup> Galtung presented a proposal on the professionalization of peace. In his concluding section, he laid out his conception of Peace Studies in ten points. The title of this section and Galtung's first point both state the peace-health parallel. Then follow more suggestions as to what constitutes a complete or productive Peace Studies program. Galtung's ten points on Peace Studies may be summarized as follows:<sup>21</sup>

1. Viewing peace as parallel to health;
2. Viewing conflict theory as the epistemological point of departure;<sup>22</sup>
3. Overcoming the tenets of studies that reiterate the conceptual mistakes of declining post-industrial States, and fostering a new form of studies centred on social sciences;
4. In any analysis of conflicts, including many more fault-lines (conflict formations of long duration, such as gender, generation, race, nation, class, environment);<sup>23</sup>
5. Specifying the major purpose of theory and practice, namely the avoidance of massive category killing;
6. Counterbalancing security studies, which are more concerned to justify militarization and state secrecy than to reduce societal suffering;
7. Overcoming a professionalism detached from basic human needs;
8. Co-opting more disciplines such as peace psychology, peace mathematics, and macro-history;
9. Overcoming the old Westphalian diplomacy with its intrinsic confusion of "national interest" and peace;
10. Linking Peace Studies with peace action, understood as conflict resolution and mediation expertise.

Several items here call for attention. First, Galtung's proposal radically changes the common view of Peace Studies, for rather than only linking them to other proposals, it links them to peace action. Second, in order to avoid the characteristic academic way of studying violence (that is, cultural violence), Galtung's proposal requires inter- and transdisciplinary studies. It also questions the adequacy of the received epistemic and philosophical underpinnings of the conventional social science disciplines including history, journalism, psychology, and economics. Third, it imagines Conflict Theory

as an epistemic innovation, quite different from the usual conceptual approaches to conflict analysis, which normally focus on phenomenology and behaviouristic aspects at the expense of effective conflict resolution.

Galtung's proposal so radically revises the foundations of traditional academic culture that it actually generates an intellectual conflict between the old studies and the new. Indeed, in Galtung's view, all analysis and study of social events and conflicts in particular aims at the active transformation of violence, suffering, pain, discrimination, marginalization, exploitation, and alienation into interaction patterns marked by mutual and equal benefits.<sup>24</sup> This is not surprising, since he explicitly supports Peace Studies based on values. We should note that these values are not accepted by the supporters of the traditional studies, which, they claim, are value-free, while, in fact, they accept the political orientation of existing States as an absolute value. Regarding values, Galtung recalls his well-known epistemological conception:

Without rejecting empiricism linking data and theory, and criticism linking data and value as basic modes of intellectual activity, the focus [of the mind of a peace professional, hence also of Peace Studies] will be on the third possibility: Constructivism, linking values and theory. The values emerge from the legitimate goals of the parties to a conflict, and the theory from the viable realities.<sup>25</sup>

Galtung's proposed guidelines for new Peace Studies programs in this paper are innovative and courageous. However, a number of unsolved intellectual problems arise. He does not here suggest how to select from among the great variety of values those suitable for a specific conflict. But elsewhere, he clarifies that these values must be legitimised "on the basis of Human Rights, International Humanitarian Law, Basic Needs and local systems of law." Further, he names the values that constitute the foundation of his peace ethics: "the sanctity of life is central, killing is not legitimate."<sup>26</sup> To this, however, he adds,

But I face a problem in not forcing this attention to legitimate goals into a pre-judgement. We are not allowed to pre-judge the other's "truths" or terms of reference, but when we legitimise on the basis of Human Rights, International Humanitarian Law, Basic Needs and local systems of law, we are already formulating a strong judgement. I do not feel comfortable using outside



frameworks, except with the killing-not killing model.<sup>27</sup>

The novelty of this proposal directly concerns the professional role of one who teaches courses in this kind of a Peace Studies program. Let us recall that teachers make a personal, cultural synthesis of their intellectual activity and their deep values. They answer in a personal, specific way the following questions: What is the reason for acquiring the knowledge included in a specific subject matter? What connections exist with other subject matters? To what ethical hierarchy do they belong? In what ethical perspective should Peace Studies be set notwithstanding the variety of its subject matters?

Their resulting cultural and ethical choices shape the teaching activity and, moreover, bring them into conflict with the basic beliefs of other teachers, thus influencing the global orientation of the program. As a consequence, at the eighth meaning of peace in Table 1, different teachers inevitably have to look for mutual agreement on their educational activity, although such agreement is not easy to achieve. What cultural agreement should there be among different intellectual stances? Further, how should we circumscribe a set of the common values that can be shared by a group of teachers? What kind of pluralism is possible?

In my opinion, Galtung's proposal constitutes a sure way to overcome tradition, for it constructs something new on several levels, including the methodological level; however, it is not enough to establish a new tradition.

## SUGGESTIONS FOR CURRICULA IN PEACE STUDIES

Let us compare the Peace Studies proposals based on the first five meanings with the proposals based on the last five meanings. Whereas the first ones are consolidated by a long tradition of intellectual and academic experience, the latter ones attempt something new, namely, the joining of values to formal studies through a list of subject matters belonging to complex subjects such as political studies.<sup>28</sup>

Let us illustrate this point in each of the latter proposals. Alger's proposal for Peace Studies (in the eighth meaning) suggests changing much more than a single discipline—International Relations—or the contents of old disciplines of the traditional academic culture on peace. But his identification of four crossroads concerns simply the social premises, that is, the actions to be performed by the peace movement in order to support a correct Peace Studies curriculum. Certainly, putting Peace Studies at the crossroads of peace research, peace education, and peace action suggests the method

these new studies should follow. But the other three crossroads (negative and positive peace, various grassroots movements, grassroots movements and global organizations) concern not so much the studies as the type of political action that could provide them with a political basis. Alger did well to recall these methodological aspects since they constitute the premises for a curriculum in line with the peace movement's political aims, but they do not suggest a specific academic discipline.

COPRED suggests how to balance the different contents of Peace Studies among four cultural areas, but it says little about the specific disciplines. Stephenson's proposal is more detailed. She suggests four subjects to be studied as "Conditions of [positive] Peace": Basic Needs, Human Rights, Equity, and Peaceful Processes of Conflict Resolution. Although they begin to illustrate a panorama of studies, they do not claim to exhaust all conditions for positive peace; moreover, they are not translated into a set of recognized, specific disciplines.

Galtung's proposal explicitly changes the disciplines of traditional academic studies. Inspired by his analogy of Peace Studies with health care, in points 2 to 5 of his ten points he lists several disciplines: Conflict Studies, (Peace) Psychology, Anthropology, (alternative) Economics, and studies on all the causes of conflicts (the fault-lines of gender, generation, race, nation, class, environment). Moreover, says Galtung, all these disciplines have to converge and contribute to preventing the various forms of mass killing, just as medical disciplines as a whole work to prevent epidemics. Further, Galtung also rejects respected academic subjects (security studies, traditional social sciences) while including the new and crucial discipline of conflict theory—and peace psychology. Through Galtung's proposal the panorama of Peace Studies is now clearer, but it does not translate studies of the fault-lines—whose number is potentially very great—into specific disciplines.<sup>29</sup>

From Parts 3 and 4 of Barash and Webel's *Peace and Conflict Studies* (2008) we can extract a list of subjects that approach the definitions of some disciplines. In Part 3, under the title "Building Negative Peace," the authors discuss several subjects: Diplomacy Negotiations and Conflict Resolution, International Cooperation, Disarmament and Arms Control, International Cooperation, International Law,<sup>30</sup> Beyond Peace Movements, Peace through Strength, and Ethical and Religious Perspectives.<sup>31</sup> Barash and Webel view all these items under "Building Negative Peace" as problematic. Under the title "Building Positive Peace" they list Human Rights, Ecological Wellbeing,

Economic Wellbeing, National Reconciliation, Beyond Nonviolence, and Towards a more Peaceful Future.<sup>32</sup> Here we have an overview of some disciplines, but without a definite list or a clear demarcation between them. The same may be said of Jeong's proposal, although its list of subjects is different from Barash and Webel's. In conclusion, none of them provides an exhaustive list of disciplines, and none of them suggests the core disciplines of a university degree course in Peace Studies.

#### THE FOUR MODELS OF DEVELOPMENT

In order to strengthen the previous proposals, we first need to clarify two basic questions for a Peace Studies curriculum: how to be more accurate about values and how to represent pluralism in society. For this purpose, I turn to Galtung's Model of Development (MoDv). Forty years ago, Galtung obtained this notion while investigating the basic interactions of society: (1) "is the basic social theme inequity or equity? Is it predominantly vertical or horizontal?" (2) "Is the basic social theme uniformity or diversity? Is it predominantly collectivist or individualist?" By combining these dichotomies, Galtung obtained four models of social structure: Model 1: Conservative (inequity vertical plus uniformity collectivist); Model 2: Liberal (inequity vertical plus diversity individualist); Model 3: Communal (equity horizontal plus uniformity collectivist); and Model 4: Pluralist (equity horizontal plus diversity individualist).<sup>33</sup>

Notice that these themes or variables are of a subjective or relational nature. Let us consider two corresponding variables that are structural in nature and more suited for defining a MoDv. Galtung's two dichotomous variables present two basic structural options: (1) a social organization based on either (a) freedom of social initiative for the cleverest or (b) justice for all (in Parliamentary terms, ruled by either the political right or the political left); and (2) the main social values a given population holds, either (a) development aimed at super-goals or (b) development primarily concerned with interpersonal relationships.

If we translate these options into social structural terms, they become (1) a kind of *social organization* (either the Authoritarian Organization [AO] present in the traditional State organization, or the Problem-Based Organization [PO], such as the organization of the peace movement wanting to solve a problem such as the achievement of peace); and (2) a kind of *social improvement* (either Absolutist Improvement [AI], as with the introduction

of nuclear power, or a Personal Improvement [PI], such as the development of new methods for non-violent conflict resolution). The pairs of choices concerning the two options create a total of four MoDvs. I preserve Galtung's characterisation of them by means of four colours which allude to present States or movements in the World: blue for AO, red for PO, yellow for AI, and green for PI.

Galtung rarely used the notion of the four MoDvs as an interpretative category; indeed, after the revolutionary events of 1989 he seems to have dismissed it.<sup>34</sup> But in my opinion, this MoDv interpretive category, representing four ideal types of models of development, survives historical changes. For example, the collapse of the USSR did not cancel the Red (PO) model in history. The model survives whenever a people or a movement joins the two basic choices of a self-reliant social organization and social improvement with super-human aims (such as a historical mission, collectivist economic plans, a never-ending arms race). I also consider this notion crucial in order to characterize nonviolent political theory in accurate, structural terms.<sup>35</sup>

Notice that each choice is exclusive in nature; one cannot develop an authoritarian society and at the same time a grassroots organization; nor can one improve society by relying on both nuclear power and renewable sources of energy. In other words, the two different choices in each option represent a division so deep that basic notions have radically different meanings. For example, brotherhood is understood in two different ways by a military man and a conscientious objector. The same applies to notions such as force and love. The conflict between a pair of MoDvs may be so deep and radical as to become mutually untranslatable, a phenomenon that pacifists and military personnel often experience in their interactions. Thus a pair of MoDvs differing in at least one choice represents a case of incommensurability.<sup>36</sup> This implies that no higher viewpoint is possible; to plan to unify human culture into a single worldview is to follow a mythical hope.

Together the four MoDvs represent a conflictual political reality that can survive only if a continuous effort is made to resolve the conflicts arising among them. The green MoDv (PI), at least, implies just this effort, and this, in turn, produces an essentially pluralist political life.

#### THE FOUR KINDS OF PEACE STUDIES AS SUGGESTED BY THE FOUR MODVS

The four MoDvs also constitute a compass that can orient a mind tackling a crowded panorama of intellectual constructions. Let us verify the orientation-function of this structural notion by applying it—together with its associated notions such as options, choices, incommensurability, radical variation of meaning, and pluralism—to the complex theme of Peace Studies, in order to characterize their fundamentals.

As a first step, let us define four educational system models corresponding to the four MoDvs. By taking into account the main variations in meanings of the basic elements pertaining to peace education, we have the following table:

*Table 2: Variations in Meeting of Peace Studies According to the Four Models of Development*

| <b>MoDv</b>      | <b>Value-free or not</b>     | <b>On / For Peace</b>                          | <b>Kind of motivation</b> | <b>Professional profile</b>   | <b>Professional role</b>   |
|------------------|------------------------------|--|---------------------------|---|--|
| <i>AO Blue</i>   | Value-free                   | On Peace as subject of outside study           | Individual                | Already designed by scientific criteria   | Officials subordinated to the military strategy (civilian support to military strategy)          |
| <i>PO Red</i>    | Value-oriented               | On Peace for collective politics               | Collectivist              | Already designed by scientific criteria (but put in relation with the movement) | Officials to link both State and left political party with peace movement and its peace politics |
| <i>AI Yellow</i> | Value-free                   | For Peace as a means to enter a new profession | Individual                | In progress, through cultural research  | New national and international profession  |
| <i>PI Green</i>  | Value-oriented <sup>37</sup> | For Supporting peace in society                | Communitarian             | In progress, through research/ action within the peace movement                 | The leaders of peace movement, educated at the first semi-public institution                     |

Legend: MoDv: Model of Development; AO: Authoritarian Organization; PO: Problem-Based Organization; AI: Absolutist Improvement; PI: Personal Improvement.

We know, for example, that in present-day society, corresponding to the four MoDvs, at least four professional roles of peace operators exist; they are briefly illustrated in the last column of Table 2. When Galtung suggests the parallelism between a peace operator and a physician, he usually has in mind the social role of a physician as it was played at the beginnings of the

modern profession in the late nineteenth century. But now a physician, like the four possible roles played by a peace operator, assumes very different roles. Indeed, a physician operates in one of four basic health systems, which correspond to the different four MoDVs:

1. a (substantially) private health system (as in the USA) (AO, blue);
2. a public health system (as in the former USSR and now in the UK, Italy, and Canada) (PO, red);
3. a movement aimed at promoting health in society (such as the movement of physicians voluntarily operating in under-developed countries) (AI, yellow);
4. a local, communitarian or village system (such as the system that employs practitioners of “alternative” medicines such as acupuncture, chiropractic, and herbal medicine) (PI, green).

Now let us take a second step in order to construct an accurate proposal for Peace Studies. The co-existence of four different MoDVs fits with the essential plurality of meanings of the word “peace.” Peace plays a central role in the politics of each MoDv, but it undergoes radical variations in meaning when passing from one MoDv to another. Its main variation is between the meaning of “negative peace” —pertaining to the Blue and Red MoDVs, whose numerous social institutions allow the individual to delegate the solution of all conflicts to these institutions—and the meaning of “positive peace” —pertaining to the yellow and green MoDVs, in which personal commitment leads the individual actively to construct a peace process. In Table 1 this distinction separates the first five meanings from those following.

Further, the ten meanings of peace in Table 1 may be approximately divided into four overlapping groups, corresponding to the four MoDVs. The first two meanings pertain to the blue and red MoDVs; but these models may also accept the third, fourth, and fifth meanings.<sup>38</sup> Meanings three to eight pertain to the yellow MoDv and the last five meanings pertain to the green MoDv.

One more case of radical variation in meaning appears in the notion of “Peace Studies.” Its main variation is between “studies *on* Peace,” namely, on a cultural subject that is external to the students because it is a competence of specific institutions (blue and red MoDVs); and “studies *for* Peace,” namely, studies that are oriented towards a personal project of transformation of reality and explicitly value-oriented (yellow and green MoDVs). The proposals of COPRED, Stephenson, Alger, Jeong, Galtung, Barash, and Webel all

more or less share the latter meaning.

## A PLURALIST CURRICULUM IN PEACE STUDIES THROUGH A QUARTET OF SUBJECT MATTERS

Since the word peace is a poly-semantic word and thus implies an essentially pluralist attitude, Peace Studies cannot be reduced to a single discipline. Indeed, Galtung often stresses that Peace Studies constitute an inter- or transdisciplinary field.

Supporters of a green (PI) MoDv for a Peace Studies curriculum might first respond to the military academies, which at present offer a dogmatic curriculum according to the blue (AO) MoDv. Indeed, a curriculum that responds to a military academy's curriculum according to the green (PI) MoDv may be both a defensive act and a proclamation of the opposite viewpoint's intellectual capabilities. As each student in the blue (AO) MoDv is trained to be a one-dimensional professional, as military cadets are, this curriculum leaves this conflict unresolved at the social level. The exclusive nature of education in the present military academies reflects an outdated educational attitude, and the only solution, corresponding to the pluralist nature of the green (PI) MoDv, is a pluralist curriculum.

We conclude that although students must have the opportunity to develop their specific professional motivations, Peace Studies according to the green (PI) MoDv must suggest a non-partisan curriculum. At the same time, the pluralist nature of Peace Studies is an essential premise for any kind of professionalization of peace operators that the State will provide.

Certainly, scholars may question this pluralism as new within their Political Sciences and Social Sciences curricula. However, at the university level it is not new; in Architectural Studies, for instance, it is recognised that a personal choice is decisive. Therefore, the curriculum ensures that students are prepared in the basic disciplines of the profession, but it allows them to compose the curriculum creatively, according to several artistic orientations. Likewise, Peace Studies implies a creativity factor, provided that one does not delegate the exercise of its profession to an all-encompassing institution, as the State might be.

Let us start from the four possibilities listed in columns 2 to 5 of Table 2. First, let us consider the teacher's role. Let us remember that the educational aim of a pluralist curriculum cannot be imposed on teachers from above; teachers cannot teach in a pluralist way, but only present a subject



matter in agreement with their own convictions, which are visible to the students. Therefore, in the following we will consider a unity composed of a subject-matter and its specific teacher.

The next step is to ask the questions: Which curriculum? Or better, what is the core group of subjects of the curriculum? As noted above, a suggestion comes from COPRED's investigation on the historical experiences of the variety of curricula. It summarises their disciplinary contents in four broad areas: (1) a futurist or world order approach based on an alternative value-based system; (2) a conflict regulation/management approach; (3) a nonviolent values and lifestyles approach; (4) a war/peace systems approach similar to International Relations. This suggests that four disciplines may constitute the fundamental intellectual basis of a Peace Studies curriculum. In the fourth area we easily recognise the characteristic discipline of the Blue (AO) MoDv (International Relations), while in the third area we recognise the characteristic discipline of the Green (PI) MoDv (theory and praxis of non-violence). These two disciplines relate to the world of the great institutions and the peace movement. The characteristic disciplines for the red (PO) and yellow (AI) MoDvs respectively may be considered Economics and Political Science. Economics becomes more characteristic of the red (PO) MoDv when it is taught according to the principle of the international solidarity of the workers' movement; and Political Science becomes more characteristic of the yellow (AI) MoDv when it is taught according to the national context in which the students live.

As a result, an intellectual conflict is openly presented to the students through a set of drastically different disciplines. This conflict implies that each student is called by the pluralist nature of the curriculum to choose his or her own motivations among a well-defined set of possibilities. This involvement in a choice is the best premise of an educational process in Peace Studies that is based on value-explicit teachings and is developed in a pluralist spirit. In order to compose the entire curriculum, further disciplines can be added according to each of the four orientations represented by the above disciplines.

One may object that the four disciplines named are too mutually divergent to constitute a consolidated basis on which a student may construct a professional viewpoint. But, in fact, this educational situation is shared by two scientific curricula which have been developed by teachers over the last century—Physics and Chemistry. Here, where one would expect an

intellectual basis without divergences, both Physics and Chemistry offer four disciplines as a fundamental basis. High school Physics, for example, features a scheme of four theories, namely Newton's Mechanics, Electricity and Magnetism, Thermodynamics, and Geometrical Optics. In a more complex way, university studies of Physics also rely on four theories.<sup>39</sup>

## CONCLUSIONS

In this analysis I have tried to show that programs for Peace Studies are not merely a cultural *élan*, motivated by noble values but lacking in both scientific bases and substantial contents for their professional roles. Instead, this description of Peace Studies programs highlights the following main aspects:

- A variety of motivating meanings of peace, ranging from the private realm (subjective motivations) to the public realm (all social structures, both traditional and future), and from theoretical neutrality to the highest ethical involvement that we find in the movement for peace;
- Different educational processes according to four foundational viewpoints that I call Models of Development;
- The old paradigm for Peace Studies;
- An innovative way to teach Peace Studies, which *per se* are of a highly conflictual nature, according to a basic pluralism.

Thus it is possible formally to create Peace Studies programs which, within the consolidated programs of academic culture, are well recognized in a specific set of foundational disciplines so that they can advantageously compete with the more accredited academic programs. The values and scientific prerequisites commonly associated with them are a valid basis for the training of new professionals working for peace. The main obstacle faced by Peace Studies in the academic milieu is pluralism. If this obstacle is overcome, several innovations result, introducing into universities a new kind of intellectual work whose main feature is to cultivate intellectual pluralism.

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I gratefully acknowledge David Braithwaite for much more than improving my poor English, and Laurence Fisk, Erika Degortes, and Naakow Grant-Hayford for their numerous improvements to my paper.

## ENDNOTES

1. José Manuel Pureza and Teresa Cravo, "Critical Edge and Legitimation in Peace Studies," in *Multidisciplinary Perspectives on Peace and Conflict Research. A View from Europe*, ed. Francisco Ferrándiz and Antonius C. G. M. Robben (Bilbao, Spain: HumanitarianNet, 2007), 77.
2. Popular readers on the subject are Joseph J. Fahey and Richard Armstrong, eds., *A Peace Reader: Essential Readings on War, Justice, Nonviolence and World Order* (Maryknoll, NY: Paulist, 1992); Ho-Won Jeong, ed., *Peace and Conflict Studies* (Aldershot, UK: Ashgate, 2000); David Barash, ed., *Approaches to Peace*, 2nd ed. (Oxford: Oxford University Press, 2010). See also Charles Webel and Johan Galtung, eds., *The Handbook of Peace and Conflict Studies* (London: Routledge, 2007) and *The Oxford International Encyclopaedia of Peace*, ed. Nigel Young (Oxford: Oxford University Press, 2010).
3. Carolyn M. Stephenson, "Peace Studies: An Overview," in *Encyclopaedia of Violence, Conflict and Peace*, ed. Lester Kurtz (London: Macmillan, 1999) 2: 809. Its content agrees with Hikki Patomäki's widely-accepted, short definition in "The Challenge of Critical Theory: Peace Research at the Start of the New Century," *Journal of Peace Research* 38 (2001): 732: "The main subject of Peace research [is] the transformations from politics to violence and *vice versa*."
4. Maire A. Dugan and Dennis P. Carey, "Towards a Definition of Peace Studies," in *Proceedings of the IPRA IX Conference*, ed. Yoshikazu Sakamoto and R. Klaassen (Orillia, ON: International Peace Research Association, 1981); and Maire A. Dugan, "Peace Studies at the Graduate Level," in *Annals of the American Academy of Political and Social Sciences* (July 1989), 72-79.
5. Charles Webel, *Learning Guide for Peace Studies* (San Francisco: Saybrook Graduate School, 1999, 2000), 9-10. Recently, a textbook on Peace Studies received great attention: David Barash and Charles Webel, *Peace and Conflict Studies*, 2nd edition (London: Sage, 2008). It offers the following definition of Peace Studies: "Peace and Conflict Studies do, where possible, seek to develop new avenues for cooperation, as well as to reduce violence, especially organized state-sanctioned violence and the terrorizing violence perpetrated by and against non-state actors" (12).

6. COPRED, "Questionnaire on Peace Research and Education: A Report," *Peace and Change* 1, no. 1 (1972): 62-67. In 1972 UNESCO also promoted an investigation of 140 Institutes and Peace Studies programs; see Philip P. Everts, "Developments and Trends in Peace and Conflict Research, 1965-1971: A Survey of Institutions," *Journal of Conflict Resolution* 16, no. 4 (1972): 477-510. This investigation, however, did not sever the many individual Peace courses from a Peace Studies program. Of course, a single course is influenced by the general curriculum and so it is not as relevant as an entire programme; for instance, a single course rarely includes a practical part, such as peace action. See also the PJSA and IPRA Foundation's *Global Directory of Peace Studies and Conflict Resolution programs*, 2007. It profiles over 450 undergraduate, master's, and doctoral programmes and concentrations in over 40 countries and 38 US states. For interesting comments on earlier situations, see Ian M. Harris, Larry J. Fisk, and Carol Rank, "A Portrait of University Peace Studies in North America and West Europe at the End of Millennium," *International Journal of Peace Studies* 3, no. 1 (1998): 91-112; [http://www.gmu.edu/programs/icar/ijps/vol3\\_1/Harris.htm](http://www.gmu.edu/programs/icar/ijps/vol3_1/Harris.htm).
7. George A. Lopez, "A University Peace Studies Curriculum for the 1990s," *Journal of Peace Research* 22, no. 2 (1985): 117-28.
8. Anatol Rapoport, "Definitions and Concepts of Peace," in Kurtz, *Encyclopaedia of Violence, Conflict and Peace* 2: 669-78.
9. Wolfgang Dietrich, "Beyond the Gates of Eden: Trans-rational Peaces," in *The Palgrave International Handbook of Peace Studies: A Cultural Perspective*, ed. Wolfgang Dietrich et al. (London: Palgrave MacMillan, 2011), 3-23, suggests five meanings of "peace": "energetic," "moral," "modern," "post-modern," and "trans-rational." The last three meanings appear to be the dominant ones; they reveal a viewpoint of the current modern culture without questioning the notions of both modernity and rational progress.
10. Chadwick Alger proposed a table showing the extent of this advance with respect to both the history and the expectations of the peace movement. Chadwick Alger, "Peace Studies at the Crossroads: Where Else?," in *Annals of the American Academy of Political and Social Sciences* (July 1989), 120.

11. The number of UN Agencies is 54; they deal with a wide variety of issues such as Human Rights, Development, and University, but unfortunately not peacekeeping.
12. Stephenson, "Peace Studies," 811.
13. Johan Galtung, "Three Realistic Approaches to Peace Defence: Peacekeeping, Peacemaking and Peacebuilding," in *Impact of Science on Society* 26, nos. 1-2 (1986): 103-14.
14. Boutros Boutros-Ghali, *An Agenda for Peace* (New York: UN, 1992).
15. Alger, "Peace Studies," 117. See also Chadwick Alger, "Peace Studies as a Transdisciplinary Project," in Webel and Galtung's *Handbook of Peace and Conflict Studies*, 299-318. Here he provides "the reader with concrete examples of the vast range of involvements in activities that have an impact on peace and conflict conditions" (300).
16. COPRED, "Questionnaire."
17. Jeong, *Peace and Conflict Studies*.
18. Johan Galtung: *Peace by Peaceful Means* (London: Pluto, 1996).
19. One might erroneously consider this parallel between health and peace a negation of the structural notions that form the fundamental problematic of peace issues at the interpersonal, meso-social or macro-political level (e.g., social stability, war as a confrontation between two armies). An exclusive focus on Galtung's analogy would radically reduce the breadth of Galtung's inherently structuralist thinking.
20. Johan Galtung, "What Does Professionalization Mean in Peace Research?," Inaugural speech to XXI IPRA Conference, Calgary, 1 July 2006. The same points are illustrated in a previous paper by Johan Galtung: "Peace Studies: A Ten Point Primer," Nanjin University, China, 4 March 2006; see <http://www.transcend.org/tpu/>.
21. Currently, the ten points outlined in Galtung's "Peace Studies: A Ten Point Primer" are being implemented within the Galtung Institute for Peace Theory and Practice founded in 2011 in order to train Conflict Resolution Specialists along the very lines Galtung elaborated in Calgary in 2006.
22. Johan Galtung, *50 Years: 25 Intellectual Landscapes Explored*

(TRANSCEND University Press, 2008) and Johan Galtung, *A Theory of Conflict—Overcoming Direct Violence* (TRANSCEND University Press, 2010).

23. A fault-line according to Galtung is a “conflict formation of long duration, pitting the parties against each other; with incompatible goals, negative attitudes and negative behaviour. Like prejudice and discrimination, the issue often is access to power and privilege. . . . Peace Studies worthy of the name would focus on all fault-lines and violences.” Galtung, *50 Years*, 20.
24. Galtung, *50 Years* and Galtung, *A Theory of Conflict*.
25. Galtung, “What Does Professionalization Mean.”
26. Johan Galtung, “If You Want Peace, Abolish Hunger,” *Nepali Times*, 12 October 2012.
27. Galtung, “If You Want Peace.”
28. Several curricula join live experiences in international crises with classroom and table studies and even role-playing exercises. But the academic milieu give to such experiences no more than a supplementary or even lateral role with respect to intellectual activities. In the following I will not deal with these experiences since the present confrontation with the academic milieu focuses on the intellectual activities only. That said, according to an investigation of the *desiderata* by INGOs and public institutions looking for Peace operators, foreign experiences constitute the first *desideratum*. Craig Zelizer and Linda Johnston, *Skills, Networks & Knowledge: Developing a Career in International Peace and Conflict Resolution* (Alexandria, VA: Alliance for Conflict Transformation, 2005), sect. 1 E, table 7.
29. Although Galtung founded a number of post-doctorate schools, he did not suggest a detailed curriculum. However, he actualised his proposal with post-graduate Master’s studies in peacekeeping, as in the European University Centre for Peace Studies (EPU, affiliated with the Austrian Study Center for Peace and Conflict Resolution [ASPR] in the Austrian town of Stadt Schlaining), the advanced online courses of Transcend Peace University (see <http://www.epu.ac.at> and <http://www.transcend.org/tpu/>), and the recently instituted nine-month full time Master’s program in Basel (2010) by the World Peace Academy in

- cooperation with Basel University.
30. By International Law they mean the present effort to change the international system of States and their relationships.
  31. Barash and Webel, *Peace and Conflict Studies*, vii-viii.
  32. Barash and Webel, *Peace and Conflict Studies*, viii-ix.
  33. Johan Galtung, "Social Structure and Science Structure," *International Journal of Critical Sociology* 1, no. 1 (1974): 63; also in *Ideology and Methodology* (Copenhagen: Ejlers, 1976), 13-40, 247-51.
  34. Galtung, "Peace Studies: A Ten Point Primer" sect. 1.6, final sentences of point 1.
  35. Antonino Drago, "The Birth of Non-Violence as a Political Theory," *Gandhi Marg* 29, no. 3 (2007): 275-95. In addition, my studies of the history of science, physics in particular, discovered a similar notion, i.e., four models of scientific theory, as determined by the two options on the organization of theory and mathematical infinity. Of course, the four scientific choices are not exactly the same as the social choices because the social sciences are not the same as the natural sciences; but the two kinds of sciences may be interpreted from a common philosophical viewpoint, according to which their basic notions change in meaning according to the field of application. This philosophical viewpoint is arguably to be found in the diplomat Gottfried Leibniz (1646-1716), a committed worker for peace in Europe; he recognised "two labyrinths of human reason," i.e., "laws or free will" and "potential infinity or actual infinity" (we easily recognise in them the two basic options); the former labyrinth expresses (in subjective terms) the option concerning the kind of the social organisation; the latter labyrinth expresses, in social terms, the kind of development. From this philosophical viewpoint the MoDvs and the models of scientific theory have the same structure. Antonino Drago, "I quattro modelli della realtà fisica," *Epistemologia* 13 (1990): 303-24; Antonino Drago, "A Gandhian Criticism to Modern Science," *Gandhi Marg* 31, no. 2 (2009): 261-76.
  36. The notions of "radical variation in meaning," "incommensurability," and "untranslatability" were first introduced by both Paul K. Feyerabend, *Against the Method* (London: Verso, 1975) and Thomas S. Kuhn, *The*

*Structure of Scientific Revolutions* (Chicago: Chicago University Press, 1969). Kuhn related these notions to the mutual conflict between a pair of paradigms. I agree with this notion of paradigm inasmuch as it represents the dominant model with respect to the others; but I maintain that in history (or even science) a co-existence at the same time of two or more models is the rule; as a result, my view interprets history not along a single line, but along four independent lines of development, mutually interacting in various ways.

37. In section 4 of “Peace Studies: A Ten Point Primer,” Galtung depicted a new “Peace worker.” In opposition to the present professionals of peace, Galtung takes up structural notions of his philosophy of science, which he presented three decades earlier in “Empiricism, Criticism, Constructivism,” *Synthese* 24 (1972): 343-72; they support his celebrated definition of a conflict as a triangle A-B-C (Attitudes, Behavior, Context). A new “Peace worker” is a person who (as one belonging to the Peace movement) rejects violence (hard facts), is inspired by the idealism of the heart (values), and combines this idealism with the hard-headed realism (theory). In other words, the new Peace worker espouses empiricism—which joins “theory” to “data”—and (ethical) criticism—which joins “data” to “values”—and therefore focuses on the third attitude, constructivism—which joins (ethical) “theory” and “values” (here recognised as the only two basic options). In this view, the aim of the work of a “Peace worker” is both the resolution of past conflicts (which implies creating the prospect of something new) and the mediation of current conflicts by assuming a conflict theory conceived as a triangle A-B-C, which agrees with the above tripartite methodological vision. One may add the suggestions that Luc Reyckler draws from the experience of graduates in some Peace Studies programs and from questionnaires regarding students’ aspirations. Luc Reyckler, “Researching Violence Prevention and Peace Building,” in Ferrándiz and Robben, *Multidisciplinary Perspectives on Peace and Conflict Research*, 147-95.
38. Of course, we cannot expect a comparison between a set of structural notions and a set of subjective notions in all cases to result in sharp relationships or distinctions.
39. Regarding the four theories of Newton’s Mechanics, Electricity and



Magnetism, Thermodynamics, and Geometrical Optics, some high school physics textbooks substitute Statistical Mechanics or Gas Kinematics for Thermodynamics in order to be more representative of the fundamental theories of the twentieth century. These theories, like Thermodynamics, are also at variance with Newton's Mechanics, given that they are based on the notion of velocity and energy instead of the notion of trajectory, acceleration, and force. University studies of Physics also rely on four theories, plus other theories that link or support some of the previous ones. See Antonino Drago, "Lo schema paradigmatico della didattica della Fisica: la ricerca di un'unità tra quattro teorie," *Giornale di Fisica* 45, no. 3 (2004): 173-91. Even university studies of Chemistry agree on this fourfold scheme. See Carlo Bauer and Antonino Drago, "Didattica della chimica e fondamenti della scienza," *Atti del XI Convegno Nazionale di Storia e Fondamenti della Chimica, Accademia Nazionale delle Scienze XL*, vol. 29 (2005): 353-64.

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THE FACES OF PEACE: NGOs, GLOBAL EDUCATION, AND  
UNIVERSITY CURRICULA

*Warren Haffar and Sandra Crenshaw*

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This article outlines a conceptual model that integrates foundations in international education with conflict resolution and discusses implications for a synergy with university field study courses. The paper explores an integrated relationship between international education, collaboration with NGOs, and peace and conflict resolution curricula. It discusses core principles in each of the areas, explores parallel foundations in service learning, and envisions integrative models for their application via project-based learning with non-governmental organizations as partners in curricular experiences. Examples are drawn from collaborative work with Heifer International and the Peace Corps preparation. The paper concludes with suggestions for a path forward in what are viewed as collective goals for the three areas of interest.

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In 2010, The United States Institute of Peace produced a Special Report addressing the correspondences between the curricula of graduate academic programs in peace and conflict and the needs of organizations which hire individuals to work on conflict resolution and peace building. Their findings were rather surprising: “All employers rated overseas work and direct applied experience (preferably working on development or conflict-related initiatives) as the most valuable qualification for positions related to international peace and conflict activities. Despite its efforts, academia has not kept up with the needs and expectations of employers.”<sup>1</sup> The Special Report concludes by suggesting that one of the primary gaps in peace and conflict

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curricula is the widespread absence of practical, global training in graduate programming, and that the primary solution to this gap is to develop strong relationships with practitioner organizations through which students might gain practical experience and field knowledge. Despite the hurdles to such a solution (financial, curricular, regulatory), such experience would prepare the students for the global experience and perspectives of innovative peace efforts around the world.

This article outlines the parameters of a conceptual model that joins foundations in international education with conflict resolution and discusses implications for that foundational synergy in university field study courses. The fundamental aspiration for the model is to explore a more integrated relationship between international education, collaboration with nongovernmental organizations (NGOs), and peace and conflict resolution curricula. In the following pages we outline core principles in each of the areas and explore parallel foundations in service learning. Then we look toward integrative models for their application via project-based learning where we include NGOs as partners in curricular experiences.

## FOUNDATIONS OF PEACE AND CONFLICT RESOLUTION

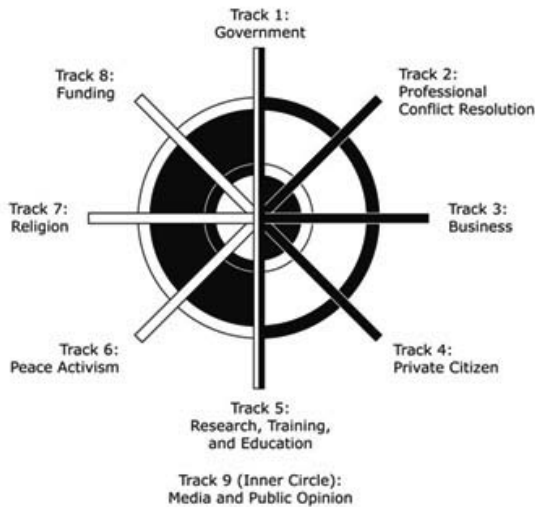
Historically, the field of peace and conflict resolution has employed two broad approaches in the university setting. One is historical, focusing on the causes of war and peace. These programs are typically undergraduate majors or minors and are more often than not labeled “Peace Studies” programs. A second offering of the curricula is usually found at the graduate level and focuses more directly on the practical and applied side of conflict resolution, either at the local, national, or international level. We take the view that at the Master’s level, peace and conflict resolution is an applied field, and that programs have the broad goal of educating and training practitioners for careers in the field. This means covering content areas relevant to peace and social change, including sustainable development, health and human rights, mediation and conflict resolution practices, international law, and participatory approaches to policy and state building. These areas are sometimes coupled with a curriculum whose aim is to deliver to students a skill set that includes program design, implementation, and evaluation. This combination gives graduates a powerful knowledge base of peace and conflict resolution *and* applied skills that will ultimately provide students with a job that will enable them to make a difference in the NGO, private

sector, or public sector. The origins of the curricular outcomes for graduate programs outlined above emerge from many of the touchstones of the field of peace and conflict resolution itself and have curricular implications that are compelling for programming.

The conceptual roots of this proposed approach are drawn from prevailing definitions central to the discipline, notably *peacebuilding*, defined “as measures aimed at reducing the risk of lapsing into conflict, by strengthening national capacities for conflict management, and laying the foundations for sustainable peace,”<sup>2</sup> and *sustainable peace*, defined by John Paul Lederach as peace that is lasting and durable, becoming the dominant state of world we live in.<sup>3</sup> The two concepts point to a goal state for the graduate programs field, meaning that conflict resolution does embrace peacebuilding as one of its mandates. While conflict resolution aspires to be effectively prescriptive in responding to conflict, it also encourages conflict analysis that focuses on understanding the causes of conflict or describing the drivers of conflict. Ideally, the two sides of the equation are inseparably linked, with prescription following an accurate analysis of the conflict. Within the various sets of descriptions or explanations for conflict, we find the linkage to contingency theory to be the most useful for serving as the theoretical foundation for the curricular model presented here. Contingency theory is a broad class of theory that explains conflict as a product of environmental conditions. Emerging from Marxist tradition and its derivative offshoots of relative deprivation from Ted Gurr, the theory points to inequalities as the root causes of large scale social and political conflict.<sup>4</sup> These root inequalities are the focal touch-points for many NGO projects, and also constitute an important emphasis shaping the goals of global education.

With this basic orientation to some of the macro level forces that give rise to and drive conflict, this prescriptive link within conflict resolution points toward an implied set of skills for graduates that empower them to engage the full spectrum of conflict issues, from working with high-level political elites to grassroots basic needs and capacity building with community partners. Such an approach also fits squarely into the rubric of Track Two diplomacy in Louise Diamond and John McDonald’s framework for Multi-Track Diplomacy.<sup>5</sup> The framework outlines nine tracks to categorize conflict resolution efforts, ranging from state diplomacy to grassroots development efforts. Of the nine tracks, Track Five focuses on educational components as a system that connects theory to practice and the classroom to the field in

university degree programs. Ultimately, this is the realm that has potential to link academia with grassroots field efforts to build sustainable peace. Linked with Track Two, which focuses on NGO and professional conflict resolution efforts, clear curricular implications emerge for field study courses in peace and conflict resolution. Specifically, Diamond and McDonald refer to Track Two diplomacy as having three broad goals: (1) to reduce or resolve conflicts between groups or nations by improving communication, understanding, and relationships; (2) to decrease tension, anger, fear, or misunderstanding by humanizing the face of the enemy and giving people direct personal experience of one another; and (3) to affect the thinking and action of Track One [Governmental diplomacy] by addressing the root causes, feelings, and needs and by exploring diplomatic options without prejudice, thereby laying the groundwork for more formal negotiations or for reframing policies.<sup>6</sup>



The argument of this paper builds on the notion of Track Two Diplomacy. It asserts that both notions of peacebuilding and sustainable peace have implications for university curricula: they point the way forward toward developing program objectives which generate a student skill set that works toward capacity building in the NGO sector and the communities they serve. Next, we explore the opportunities at the grassroots level and opportunities for collaboration with the non-governmental sector.

## INTERNATIONAL EDUCATION

The goals of global education complement and overlap with goals of many peace and conflict resolution programs. Since the early 1980s, global education has been a developing and evolving objective in university-level academic conversations. It acknowledges a need for student learning goals to instill empathy for communities of difference and to impart skills to students that enable them to navigate these differences in an effective and collaborative way. In recent decades universities have implemented these objectives in many ways, including changing the requirements of the general education curriculum to include cross-cultural experiences, developing greater emphasis on study abroad, and developing new academic approaches to community service as global experiences.

The desired skill set generated by the objectives of global education, however, is rather imprecise compared to the more defined skill set for the peace and conflict resolution curricula because the core of the global education content knowledge is significantly broader. The scope of skill-based objectives resulting from any university-wide initiatives toward global education reside in the development of communication connected with emotional intelligence and in the self-reflective introspection that enables empathy toward others.<sup>7</sup> By contrast, though not in any way by exclusion, the skill set resulting from peace and conflict programs specifies the applications of those skills gathered from global education in specific environments linked to applied areas such as capacity building and sustainable development and empowerment. The output and desired learning outcomes that stem from global education are remarkable here because, at their core, both areas share desired learning outcomes. Moreover, the experiential learning aspect central to global education is one that is particularly adaptable to university level peace and conflict resolution programs.

## SERVICE LEARNING

One additional layer is important for the proposed model: service learning. Service learning is a method of teaching that offers formal instruction in the context of community service, and results in student skill sets that benefit the individual and the community. The seminal work of Robert Sigmon details the objectives of service learning along three principles: “those being served control the services provided; those being served become better able to serve and be served by their own actions; those who serve also are learners

and have significant control over what is expected to be learned.”<sup>8</sup> In essence, useful, deep advantages occur when both the servers and the served (students and NGOs) enter into a relationship in which both parties learn from each other: both students and NGOs work together in staying abreast of new theoretical thinking in the field and work together to test those theories with immediate results. A large part of the call for service learning is for students to make a difference by using the academic understanding they have begun to develop in the service learning model that NGOs find most effective.

What is significant to the model considered here is that the peace and conflict resolution-based goals of community, engagement, and empathy discussed above are central to service learning’s goals, all of which begin in the broad curricular goals of global education:

1. competence in perceiving oneself in a global society;
2. competence in making decisions with clear perception of consequences;
3. competence in reaching judgments supported by analysis and empathy;
4. competence in exercising influence through effective and responsible participating in community activities.<sup>9</sup>

Since the objectives of global education echo the core competencies of peace curricula, the objectives listed above constitute viable foundations for a model of both university-wide and discipline-specific application.

### RESULTING PARAMETERS OF THE INTEGRATED MODEL

With the clear overlapping of objectives and desired outcomes between peace and conflict resolution studies, international education, and NGOs, a model emerges in which student development through international engagement is at the center.





This model threads student experiences, global perspectives, and an applied skill set in peace and conflict resolution throughout. The utility of the model is that it upholds the necessary skill-building required of peace and conflict students while fostering the empathy of global education in real-world settings. Moreover, the parameters of the model have direct implications for, ironically, the very same things that in the end point to how peace and conflict programs contribute to peace, namely, in program design, implementation, and assessment through experiential learning specific to sustainable peace and peace building.

The crux of the three areas is the applied skill set which makes practitioners effective, regardless of their specific discipline. This skill set includes the overlapping global education and service learning competencies listed above, taken together under the guiding disciplinary umbrella of peace and conflict studies. With this curricular focus, the competencies are achieved in dynamic environments, and are supported by theory, high-impact learning experiences, and practical experience in real-world settings.

#### CASE STUDY: ARCADIA UNIVERSITY AND HEIFER INTERNATIONAL

The implications of the model outlined above are significant. In Glenside, Pennsylvania, Arcadia University's International Peace and Conflict Resolution (IPCR) program, along with broader campus-based efforts, has bridged that gap and created significant linkages between its curriculum, the pedagogies of global education, and its relationships with high-impact study abroad experiences for its students. As of 2014, we have found that the depth of the relationship between NGO partners and the peace studies curricula, while it is determined by willingness to engage in collaborative curricular efforts, results in graduating students who are not only proficient in practical skills which NGOs desire, but are also more cognizant of their places as global citizens.

Arcadia's IPCR program seeks to educate and train effective practitioners for careers in the field, broadly covering content areas relevant to peace and social change, including health and human rights, international law, sustainable development, participatory approaches to policy and state building, and mediation and conflict resolution practices. These areas are coupled with a skill set that includes program design, implementation, and

evaluation. The graduates' knowledge base combines peace and conflict resolution and applied skills in way that qualifies them in the job market and enables them to make a difference in the NGO, private sector, or public sector.

In 2001, Arcadia University constructed its Master's in International Peace and Conflict Resolution, focusing its curriculum on "developing an area of concentration within the discipline, building an international network of contacts, and gaining practical experience."<sup>10</sup> Already established as one of the top study-abroad programs in the United States<sup>11</sup> and gaining later inspiration from the United States Institute for Peace Special Report on "Graduate Education and Professional Practice in Peace and Conflict,"<sup>12</sup> Arcadia University's IPCR program became one of the few programs in the field of peace and conflict studies that contains a built-in study abroad component, commonly fulfilled through student internships abroad with NGOs and government organizations. As part of the overall University initiative to incorporate internationalization and project-based learning through the curriculum, Arcadia University has been actively involved in the identification and development of international student opportunities worldwide.

In 2011, Arcadia University launched a partnership with Heifer International, a global NGO based in Little Rock, Arkansas. Heifer International has a long history of working with communities to end hunger and poverty and promote sustainable development by providing appropriate livestock, training, and related services to small-scale farmers and communities worldwide. The majority of Heifer's field offices are located in developing economies, post-conflict areas, and other locations where economic and political peace is either new or tenuous. Since 1944, Heifer has donated livestock and agricultural training to local participants in over forty countries and has supported the creation of agricultural co-ops and community savings organizations to support local entrepreneurialism.

## PARTNERSHIP GOALS

The goals of the Arcadia-Heifer partnership are to develop the capacity of students, faculty, and the NGO itself (via their local staff in Sierra Leone—the initiative's initial site location), and the initiative has worked toward those goals through a joint research and internship program. For Arcadia University, the partnership provides professional opportunities for students

who have completed most of their course work and need to connect theory to applied practice in the field. For Heifer International-Sierra Leone, this program provides a skilled human resource pool to assist in the identification, design, assessment, and implementation of livelihood enhancement initiatives for resource poor farmers. Overall, this program offers an opportunity to enhance the student experience as well as strengthen the ability of Heifer International to do good work. Specifically, the partnership aims to

- provide students with the opportunity to work professionally with a global NGO and apply their skills locally;
- provide skilled human resource support for Heifer International;
- enhance assessment skills for interns and provide assistance to Heifer International and/or other NGOs;
- conduct research on best practices in community conflict resolution in Sierra Leone;
- design, implement, and assess training workshops that promote community linkages and regional capacity building;
- support Heifer International's organization-wide goal of encouraging between 1 and 1.5 million individuals to take social action in support of Heifer's mission;
- promote an exchange of knowledge in development and community conflict resolution;
- contribute to the success of Heifer International's projects and programs.

During the internship period, students are exposed to a series of learning and experience-sharing exercises that complement and build on the foundation program at Arcadia. Through first-hand exposure to the economic, social, and environmental challenges faced by smallholder farmers in Sierra Leone, students learn more about issues of cultural diversity and global interconnectedness in programs such as (1) Heifer International's "Participatory Self Review and Planning" process which focuses on program evaluation, (2) the "Passing on the Gift" readiness assessment, (3) the "Cornerstones for Just and Sustainable Development," and (4) the "Sustainable Livelihoods Assessment" which entails problem identification, priority ranking, and project design.

Perhaps more significantly, students are challenged to apply theories of development in a real setting. They emerge with an appreciation for

the limitations and the complexities which constrain and restrict capacity building as well as a richer understanding of the linkage between peace and development. The same is true for the NGO, where the local staff are exposed to students who bring compelling theoretical perspectives to real-world practices. Clearly, this experience is beneficial to all involved.

#### BROADENING THE IMPACT OF THE MODEL

Exploring the broader applications of the model, we find that each of the three areas of the model—service learning, global education, and the peace curriculum—which Arcadia has developed with Heifer International are transferable to other programs in a number of ways. In the transfer, one or more of the three areas may predominate, but all three aspects of the model maintain positions of clarity.

First, the model has been applied to other NGOs in other subsets of area specialties in the Arcadia Peace and Conflict Resolution curriculum. With the goals of global education underpinning the applied focus of the IPCR curriculum, the transfer of outcomes has been easily adapted to any NGO setting with minor adaptations according to the involvement of the NGO in academic development. For example, Arcadia has developed dual degree programs in IPCR with Counseling Psychology and Public Health, transferring the tripartite model to required internships at NGOs such as Search for Common Ground, American Friends Service Committee, and many others. In these programs, students complete a required internship in which they not only apply academic theory in context, but also develop nuanced, applied skills in the NGO setting. Such a transfer is quite smooth because the model speaks to the NGO's goals and interests in service learning—the practical education of informed, theoretically adept global citizens. Second, Arcadia University has also applied the model in other academic disciplines by developing relationships similar to its partnership with Heifer International with other global NGOs such as the Peace Corps, Global Brigades, and Heart in Motion. Students and faculty from a variety of disciplines, such as the education and the physician's assistant programs, go on short-term programs which combine service learning with projects in health care, education, and sustainable development. Thus the peace curriculum is woven into both the disciplinary courses and the class time used to prepare the students for the trip abroad. In the short-term field study courses, student and faculty participants cultivate their understanding of

global citizenship while discerning and developing practical skills necessary for both continued work with NGOs in developing countries and for domestic careers in which peace studies are crucial.

The flexibility of the model when applied to other disciplines, other NGOs, and even both graduate and undergraduate programs is remarkable. Where one of the three areas of the model has been developed and applied, the other two areas quickly and naturally follow.

## FUTURE DIRECTIONS

As is apparent from the directions both internal and external to the IPCR curriculum, faculty members from a variety of disciplines play a key role in making project-based learning sustainable through a strategy of NGO partnerships. Accordingly, Arcadia University is moving forward with NGO-based projects which seek to instill the shared goals of peace studies and global education through faculty service learning and faculty involvement in student preparation for work in NGOs, both in study abroad experiences and in careers following graduation.

In 2012, Arcadia introduced a yearly Faculty Development Initiative which sought to support faculty from US colleges in the pursuit of both academic and service projects with international partners. In 2014, Arcadia, along with twenty faculty from five schools, partnered with Heifer International-Sierra Leone to initiate an applied development project in Freetown, Sierra Leone, as a means of advancing cultural competency through field- and project-based learning. The project focused on the development efforts specific to this area of West Africa (education, post-conflict relief and development, and public health), and the challenges which such efforts face in their effective design and implementation. Participants left the field-based seminar with a deeper understanding of West African culture, the needs and challenges that development efforts faced, and the specific knowledge of applied project-based learning. Arcadia intends to develop further NGO-based faculty cohort programs using this model in 2015.

Although the program's goals shift their focus from student to faculty participants, they speak directly to the tripartite model. The program seeks, first, to further the globalization of faculty members in an effort to infuse participating schools' curricula with a broader range of global insights and experiences. Second, it aims to develop interdisciplinary approaches to teaching and research by developing problem-based learning opportunities

for interdisciplinary groups of faculty. Dealing directly with on-the-ground issues related to economic development in Sierra Leone, for example, has implications for faculty members from a variety of fields in the social sciences, humanities, health sciences, business, and education. Third, the program aims to deepen the understanding of US faculty about this specific location in Africa as well as more general processes, such as post-conflict recovery and economic development. Finally, it aims to broaden the networks of faculty by developing linkages between participating schools in an effort to spur innovative teaching and research projects. Faculty in the program experience the tripartite model and bring both the construct and the connection with Heifer back to their home institutions. The result is larger intercollegiate networks of development opportunities in service learning for both faculty and students, and service-based relationships with the global/peace curriculum at their core.

In addition to directions which incorporate new faculty connections and expand the usage of the model beyond the walls of the university, Arcadia has used the model to underpin the curricular development of its specialized programs which prepare students for work in global and peace-related careers. Arcadia's Peace Corps Prep program, endorsed by the Peace Corps and intended to prepare students academically and practically for the demands of service in NGO careers post-graduation, encourages students to engage in study-abroad experiences connected through NGOs, during which they may complete a required internship for their majors and take classes that help them develop cultural empathy.

Faculty advising in the Peace Corps Prep program plays a key role in establishing the present model as the basis for student experience because not all students are majors from peace studies or related fields. The Prep Program requires students to complete (1) four semesters (or the equivalent) of foreign language study; (2) four courses in area studies/peace studies/international studies; (3) at least three courses from their Education Department for students interested in teaching overseas, with course work in English as a Second Language also recommended; and (4) at least one of the following:

- off campus study in an international program or in a local urban education program;
- volunteer service in a community development project;
- management or accounting internship;

- agriculture, forestry, construction, or skilled trade work experience;
- tutoring/teaching experience; or
- health care/health education experience.

Advisors guide students toward minors in fields related to peace studies and encourage students to participate both academically and through service in local NGO projects in their required experience abroad. In discussion forums sponsored by the Prep Program participants, prospective participants, students involved in service learning both domestically and abroad, and alumni who serve in NGOs or have continued to graduate school in the Arcadia IPCR program discuss the model on campus.

## DISCUSSION

A tripartite model that joins the common elements of peace and conflict resolution with international education through an applied linkage brings IPCR programs and peace studies out of the sidelines and into the forefront in a time of globalization. The advantages are many. First, the approach lays a conceptual framework that provides an applied backdrop to abstract theory. Second, it guides students who are looking for relevant and much needed skills that both NGOs and employees need. Third, it provides a roadmap for comprehensive internationalization on university campuses that is both purposeful and relevant to the world in which we live. This is significant because campus-wide internationalization efforts often lack intellectual depth beyond study abroad programming that is often isolated and superficial. By tethering internationalization to a disciplinary anchor, students gain applied, practical, and relevant knowledge that makes them competitive in the job market upon graduation. NGOs benefit in that they get much needed support in terms of human resources to help them fulfill their mission, and they have access to staff development through the University connection, an aspect of the partnership that is often highly valued by in-country staff.

The linkage of NGO placements also enables NGOs to connect to larger campus activities by getting students involved in fundraisers and global issues, which are often first addressed by NGOs. With an NGO presence on campus, the campus discussions of global education and global empathy together with the peace curriculum's learning goals become true teaching moments in the relevant campus activities. Bringing the tripartite model to extracurricular activities on campus strengthens the university-NGO

connections in a sustainable way, and helps deepen academic connections between the students, the NGO, and the issues they are working on.

The true potential impact of the model on a university campus, however, does not end with the students. In order to create a truly “global” campus, a university must also offer the same or similar learning and skill development opportunities to its faculty. When faculty development includes the model’s focus on peace studies, global education, and partner NGO goals, it becomes an applied experience parallel to that of the students, and this supports faculty involvement, understanding, and support of the model in their students’ learning experiences. In this way, even if individual students do not participate in an applied NGO service learning field experience, they gain the second-hand benefit of the model through the faculty’s incorporation of their own experience in course topics and assignments.

Ideally, this integrated model brings a convergence of theory and practice to students in a real and compelling way by engaging students in the global challenges of the day. This is the realm that NGOs typically occupy, particularly those that work on the frontlines of international development. What NGOs often lack is the conceptual and theoretical underpinning that guides their work. Because this model incorporates the needs of the university (student learning goals, service learning experiences, and purposeful contact with the goals of peace studies) with the needs of NGOs (applied global experiences, practical skills derived from those experiences, and cultural empathy), all those involved gain the benefit of an integrated structure that produces students whose skill sets are valued by both universities and NGOs.

One area that stands out as a goal for students in all three areas—global education, service learning, and peace and conflict resolution—is cultural empathy. International experiences are necessary, though not sufficient, to achieving this goal. While field experiences, whether through short-term faculty-led programming or semester-based study abroad programming, often hope to impart cultural empathy to students as an aside, project-based learning through NGO partnerships is better poised to deliver it in a tangible way because there is little gap between the content area and the experience of field work. Specifically, embedding NGOs into peace curricula provides a focal point for delivering academic content and learning opportunities. That is, the NGO experience provides an anchor for IPCR programs—and for global education efforts—that is applied, relevant, and aligned with the



larger objectives of IPCR. It has the added value of serving as a laboratory for effective intervention strategies. This element is particularly helpful because peace and development efforts require such a large set of interdisciplinary skills that they often lack focus and relevance.

A key component of the model's success is the selection of appropriate NGOs as partners in offering quality curriculum and experiences. The NGO world is full of organizations large and small. While NGOs are often able to support inputs from a variety of disciplines, they can also just as often suffer from staffing problems, a lack of focus, and haphazard application of their mission and method. While these are often the various elements that a strong university partnership can help to solidify, the shortcomings of partnering with ill-equipped NGOs are significant. However, well-established NGOs with a clear mission and clear lines of delivering their charge can add significant value to universities concerned to develop students' cultural empathy and foster experiential learning in international settings. NGOs often have in-country networks that can significantly assist in providing students with meaningful experiences. Everything from housing, orientation, and programming can ease the universities' burden of placing students in safe and productive field placements that support both the goals of the peace curriculum and the goals of global education.

## CONCLUSION

The model outlined in this paper holds much promise for universities and NGOs alike. For the university, and for peace and conflict resolution programs in particular, the partnership with NGOs provides a sterling opportunity to augment and enhance the theory provided in the classroom. By examining the goals of global education, service learning, and peace and conflict resolution, the shared space of all three benefit and strengthen each other. For conflict resolution, a field that often suffers from being too broad and scattered in its focus, the model offers a clarity of intent and purpose that prepares students to be effective practitioners of peace and conflict resolution. The model has the added benefit of being firmly tethered to producing graduates with a marketable and transferable skill set upon graduation. For the field of international education, the model gives sharp definition in a way that is true to the tenants of the field and offers fresh relevance to an increasingly practically minded and outcome-focused constituency. For the NGOs, which are increasingly looking toward partnerships with universities

to assist them in their mission, the benefit is equally great. Perhaps the greatest gain, however, is for the students who emerge from such experiences with a relevant and compelling skill set and the theoretical underpinnings which will make them both effective practitioners of peace and conflict resolution, and competitive on the job market.

## ENDNOTES

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## BOOK REVIEWS

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Sean Byrne and Jessica Senehi. *Violence: Analysis, Intervention and Prevention*. Athens, OH: Ohio University Press, 2012. ISBN-13: 978-0896802858 (Hbk). Pp. 274.

This book is ambitious in its aims and broad in its scope. It is ambitious because it mingles analyses of violence as a phenomenon in many contexts with running discussions of possible interventions to promote peace and, further, suggests how violence can be prevented. This is a demanding task, and the authors have provided fine academic analyses, condensed case histories from around the world, and positive suggestions about what to do in problem areas. These include, for example, youth violence, violence against women and domestic violence generally, hate crimes (xenophobia, racism, soccer hooligans, anti-GLBT, and neo-fascist violence), corporate violence, and abusive behavior in the workplace. These analyses are complemented by general discussions of war, ethnopolitical conflict, peace and conflict studies, social justice and human rights issues, and building cultures of peace.

The authors use a Peace and Conflict Studies lens to examine violence (5). Their approach is holistic, interdisciplinary, and multilevel, with emphasis on power, consciousness raising, story-telling, empowerment, and a philosophy of nonviolence in conflict settlement. Another concept used is “the violence prism” (15). Although the authors do not concisely define this concept, they refer to the complexity of violence phenomena and the many ways of looking at it, using the complex refractions of violence when it passes through a “prism” of perception. Their approach is ecological. The model encompasses eight interacting frames: psychology, sociobiology, structural theory, human needs theory, socialization theory, feminist theory, anthropology, and international relations (18). This is an interdisciplinary approach writ large, and may raise the question in the reader’s mind whether all these approaches can indeed be successfully combined. For all that, the

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general idea here is laudable. We need as many angles as possible from which to view the bands of interpretation that can be struck from the prism of analysis.

The authors disavow an aim to make a general survey of the theme of violence, referring to works by other authors that do this (10-11). Instead, they prefer to concentrate on a set of instructive cases. Nevertheless, they do include generalizations of an incontestable sort (e.g., "Not every person in society behaves aggressively or violently," p. 8), as well as statements that are limited to some societies or contexts rather than to all cases (e.g., "Girls spend more time in intimate relationships and interdependent activities and communication," p. 46, cf. p. 77).

An interesting feature is that the authors intersperse case histories from many areas. There is tension in their reliance on biologically based universals and recognition of cultural variability (for the latter, see p. 97 on gender). Expositions take the form of running case commentaries, as when soccer violence and skinheads are tied together, and skinheads are linked in the UK to the National Front and then to the Ulster Volunteer Force in Northern Ireland (111-12). There may be parallels here, but the Northern Ireland situation has to be studied fully in its own historical context. The authors do this in another passage, when they comment on the deeper issues involved there (149). Witchcraft and sorcery as sites of fear and aggression would seem to be obvious candidates for inclusion, along with rumor and gossip (see our *Witchcraft, Sorcery, Rumors, and Gossip*, 2004).

There are innovative discussions of important themes not often given weight in studies of this sort, such as workplace bullying and corporate violence (129-34). The authors correctly note that bullies "use rumors, threats, and other malevolent actions to stir up fellow employees" (130) and to get rid of victims they target. They note further that employers generally "have a duty of due diligence to create a zero-tolerance policy regarding workplace violence" (133). Included here must be mobbing and insults by factions within an academic department, where jealousy against a high-performing colleague may lead to severe bullying and intimidation that can also negatively affect students.

Finally, the authors make valiant efforts to discuss and promote peace-building initiation (chapters 9 and 10). They invoke nonviolence, social justice, and human rights as goal-setting aims for the creation of peace. They suggest values of interdependence, mutual respect, honesty and openness,

and personal responsibility should be cultivated in peace-building, citing here among others the well-known works by Johan Galtung and John Paul Lederach. They conclude with a well-grounded observation that “the first step to reducing violence is to understand what has produced it and what needs to be done to resolve, transform, and end it” (224). They also recognize, in the same passage, that community-based transformations have to occur for conflicts to be resolved.

In this regard, we observe, first, that the authors draw widely on a great range of ideas in the social sciences but relatively little on what anthropologists have contributed to the topic. Second, two of our own works can be adduced here as examples of ethnographic and local approaches to conflict resolution (*Violence: Theory and Ethnography*, 2002; *Peace-making and the Imagination: Papua New Guinea Perspectives*, 2011). In these studies we stress what can be learned from local examples such as peace-making through compensation payments in the Highlands of Papua New Guinea. Borrowing from linguistic theory and mindful of the importance of language in generating and settling conflicts, the further concept of “meta-pragmatics” (the conscious exercise by actors of their own local models and ways of doing things to solve their own problems) are adduced rather than reliance on external or internal force.

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Susan Gelber Cannon. *Think, Care, Act: Teaching for a Peaceful Future*.  
Charlotte, NC: Information Age Publishing, 2011. ISBN 978-1-61735-  
426-7 (Pbk). Pp. 213.

Susan Gelber Cannon has been a middle school teacher for over twenty-five years. *Think, Care, Act: Teaching for a Peaceful Future* is Cannon’s personal account of teaching for peace: her beliefs, practices, and prognosis. Cannon’s perspective is grounded in years of classroom teaching and enriched by encounters with peace educators from around the world. Cannon sees

her teaching quest as crossing subject disciplines and transcending the particulars of curricula. Her views on peace are influenced by her father's war experiences, and her classroom illustrates practice informed by critical philosophy. *Think, Care, Act: Teaching for a Peaceful Future* serves at once as an interdisciplinary teaching resource, a vocational biography, and an introduction to peace pedagogy.

The book is organized around the thematic imperatives of thinking, caring, and acting. To create a peaceful culture, Cannon says, teachers need to do three things: first, teach students to think critically, particularly in the face of ubiquitous warlike public discourse; second, help students care for humanity, beginning by getting them to know their classmates at deep levels; and third, help students cultivate a sense of agency so that they can act positively, honourably, and productively. For each imperative, Cannon provides a philosophic accounting which necessarily underpins a culture of peace, describes teaching activities that nurture peace, and shares student evaluations of those approaches. Cannon is inspired by the democratic pedagogy and peace perspectives of people like Howard Zinn, Paulo Friere, Nel Noddings, Parker Palmer, Elise Boulding, and Peggy McIntosh.

As a high school peace educator of over twenty-five years—teaching classes, writing curricula, and facilitating practica experiences—I was deeply affected by *Think, Care, Act*. Cannon deftly interweaves peace philosophy and pedagogy with teaching practice, doing so with a nuanced humility that only a reflective and practicing teacher can. The book reveals the deep wisdom of a thoughtful, caring, and experienced practitioner. I recommend the book to any teacher who worries about the impact they have on the lives of their students and who is seeking practical, innovative, and pedagogically sound means of teaching and living peace in the classroom.

But there exists a critical and growing challenge in teaching for peace as envisaged by Cannon. Immanuel Kant's *Education* (1960) foreshadowed it three hundred years ago. When writing about educating youth for the betterment of humankind he said that the greatest impediments were parents who worry that their children may not make their way in the world, and sovereigns who look upon their subjects as tools for their own purposes. Today, according to the very people to whom Cannon appeals for philosophic and pedagogic guidance, those pressures are manifest in the rationalistic, restricted approach to education as epitomized in the growing standards and accountability movement. People like Elise Boulding, Peggy McIntosh, and

Paulo Friere claimed that this movement jeopardizes the objectives of peace education, promoting war-like states of mind and culture. Why? Because it dehumanizes teachers and students, it is authoritarian and prescriptive, and it promotes a culture of fear and competition. As Rose Wu concludes in “A Pedagogy for Building a Justpeace Global Civil Society” (2007), “no longer are knowledge and learning connected to the products, traditions, and efforts of a collective search for wisdom and lessons in life. Rather, schools nowadays are shamelessly aiming at training students to treat knowledge as commodities they consume at one stage in their lives and expect to yield a return at the next” (21).

However, Cannon shows otherwise. Her classroom, her vision, and her teaching practice serve as a counter-argument, demonstrating that “good” education necessarily begins and ends in the minds, hearts, and actions of students. And it can be done, still. Unfortunately her prescription for peace education and her (our) freedom to teach accordingly are increasingly imperiled. And perhaps herein lies Cannon’s greatest offering: her story is a testament to a means of teaching that is central to one of the most noble aspirations of education—creating a thinking, caring, and engaged citizenry. Her book is a timely reminder to parents that educating for peace is essential to help children “make their way in the world.” And it is a call to sovereigns that educating for peace is an indispensable means of democratizing our society.

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Joseph S. Nye, Jr. and David A. Welch. *Understanding Global Conflict and Cooperation*, 8th ed. New York: Longman, 2011. ISBN-13: 978-0-205-77874-4 (Pbk). Pp. 338.

Joseph Nye and David Welch have written a relatively brief and excellent undergraduate text on international relations that will prove a fine choice for many instructors. The book is rightly premised on the idea that actors simultaneously engage in both conflict and cooperation in world affairs. Theirs is a “traditional” approach to the subject which mixes theory and history in



ways that makes both relevant to contemporary issues. These are enlivened by Nye's wide personal experience in the US foreign-policy establishment and that experience gives the book a policy focus that is lacking in most competing texts. Its policy relevance is further enhanced by the authors' use of counterfactual analysis and treatment of erroneous assumptions of "inevitable" outcomes. In addition, the authors' assessment of the uses and misuses of theory is to the point, and will prove helpful to readers. Owing to the book's relative brevity, however, it necessarily gives short shrift to some of the substantive topics and theoretical perspectives that it does include, especially in its initial chapters.

Nye and Welch focus on three principal theoretical perspectives: realism, liberalism, and constructivism. They briefly touch on Marxism but largely ignore post-positivist approaches to the field as well as debates concerning quantification. Their description of realism and liberalism is lucid although they skim over neorealism and its contribution. The authors' treatment of normative theories, especially the just war perspective, and their application to decision-making and policy is remarkably useful and well done. Their application of the three theoretical perspectives to policy issues, normative approaches, and levels of analysis to the historical development of the modern international system, the world wars, and the Cold War, if not comprehensive, is systematic and thoughtful and fulfills their promise to remain focused on the relationship between theory, history, and practice. The authors' description of the Peloponnesian War as a case study, and repeated reference to it throughout the book, is a wonderful touch.

In addition, the authors provide a thorough and lively description of traditional liberalism and neoliberalism and are imaginative in their application of constructivist ideas to real-world situations. They also recognize and ably defend why explanations of events necessitate the use of multiple levels of analysis and how globalization increasingly blurs the distinction between the foreign and domestic arenas while enhancing the role of transnational actors. Not surprisingly, the book pays considerable attention, especially in later chapters, to Nye's own path-breaking contributions to the field involving complex interdependence and soft power.

The least satisfying chapter in the book is "Post-Cold War Conflict and Cooperation." Its treatment of international law and organization is cursory, and the cases it addresses under the rubric of interstate conflict, with the exception of the Middle East case, are relatively shallow. Thus,

issues like nuclear proliferation, international terrorism, and a rising China merit greater analysis. Some of the problem is due, of course, to the authors' effort to keep the book relatively short, but the problem is also one of organization. Thus, their treatment of weapons of mass destruction in chapter 9 would have been improved if it had integrated the cases of Iran, North Korea, and perhaps Kashmir in chapter 6. Finally, key contemporary issues like the Arab Spring and Syria's sectarian civil war get no mention, although I anticipate that this will be remedied in later editions of the book.

On the whole, *Understanding Global Conflict and Cooperation* is an excellently written and well-crafted work that provides a remarkably broad and eclectic approach to the many topics it addresses. The authors are among the leading scholars in contemporary international relations and foreign policy, and the text is a succinct and clear contribution to those fields.

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Scott R. Garrels, ed. *Mimesis and Science: Empirical Research on Imitation and the Mimetic Theory of Culture and Religion*. East Lansing, MI: Michigan State University Press, 2011. ISBN 978-1-61186-023-8 (Pbk). Pp. xii + 259.

This volume, developed from the editor's observation that humanities and scientific scholars who are studying the phenomenon and implications of imitation—despite areas of resonance in their research—had rarely brought their insights into conversation. A process of dialogue began in 2002 when philosophers and scientists met in France to discuss their mutual interests and to produce a significant set of conference proceedings. However, those conversations failed to focus on the contributions of René Girard and Girardian thinkers to mimetic theory, religion, culture, and violence. With the purpose of remedying this gap in the literature and generally improving academic understandings of imitation, Scott Garrels secured funding for three conferences in the US and France (2007-8), which brought together scholars working on Mimetic Theory with other academics engaged in empirical research on imitation. Notably, thinkers already bridging the gap

between these fields of study and Girard were in attendance at all three events. *Mimesis and Science* is one result of those conferences.

With an introduction, nine individually-authored chapters, and an interview with Girard, this edited volume serves to amplify Girardian themes, mainly by discussing them in relation to recent research in the empirical sciences. Along with other contributors, Girard emphasizes that this dialogue should not be conceived as an attempt to prove Mimetic Theory through empirical means. Rather, he characterizes his theory as a systematic set of insights, and it is on this level of insight where he locates all great advances in human knowing.

With frequent reference to features of Girard's system, Garrels's *Mimesis and Science* paints a picture of psychological, social, and biological research as it supports Girardian thought. The claim that humans are the most mimetic of creatures plays a central role. *Mimesis's* biological basis in mirror neurons and features of imitation in other members of the animal kingdom are recurring themes. Also prominent are discussions of how our mimetic abilities relate to conflict. Noteworthy here is the consideration of the period when humans first emerged on the planet, understood by Girardians as a time when mimetic desire could no longer be kept in check by dominance, threatening to destroy the species. Girard locates the genesis of culture and religion in that crisis, with the scapegoating and the killing of a single victim ritualized into religious sacrifice that served to revitalize peace at intervals.

Of further interest to those concerned with issues of peace will be Girardian reflections on the importance of understanding mimesis's potential to fuel rivalry while remaining obscure. According to this view, notions of originality and uniqueness that inform individual and conflicting parties' self-concepts are illusionary. In sum, we learn that for Girardians, human reality is "interdividual"; however, our mimetic nature links us together with both peaceful and violent results.

There are some essentialist, sweeping, gendered statements in *Mimesis and Science*, yet one feature of multiple voices in this particular volume is that these are problematized over the course of the book. Nonetheless, it is noteworthy from a dialogically-oriented peace research perspective that a number of the contributors adopt (imitate?) a marked dialectical style that is a feature of Girard's work. Further, it becomes clear that the majority in this group of authors is much more interested with how mimetic processes

relate to violence rather than to peace. A telling example of this feature occurs in the interview portion of the book, where Girard is given a chance to comment on the peaceful implications of his theory and only responds by emphasizing that mimesis is a process that cannot be segmented. Regrettably, the interviewer did not follow up with his original question.

Another frustration with this section comes when it is revealed that “an interview” with Girard is really a thematically reorganized transcript-style reporting of two interviews conducted by Garrells, and also of Girard’s interactions at the conferences. Yet, a choice was made for simplicity’s sake to always identify the second voice as that of Garrells. This will make it a problematic source for researchers seeking to cite insights that occur at a few points in this section as Girard converses with his interlocutors.

More substantively, as Garrells mentions in his introduction, prominent tensions with Girard’s contributions include the notion that his interdisciplinarity has stretched him too thin to enjoy favour in any discipline and that the religious content of his work, in particular a certain Judeo-Christian normativity, has made his mimetic theory unpalatable for a number of academics. This volume, by its very nature, enters into those tensions. However, those who remain open to divergent insights and have an interest specifically in research on imitation, or in more general issues concerning religion, culture, or violence, will find *Mimesis and Science* to be cogent reading.

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Erica Chenoweth and Maria J. Stephan. *Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict*. New York: Columbia University Press, 2011. ISBN 978-0-231-15683-7 (Pbk). Pp. xvii + 296.

“Our study therefore concludes that nonviolent civil resistance works, both in terms of achieving campaigns’ strategic objectives and in terms of promoting the long-term well-being of the societies in which the campaigns have been waged. Violent insurgency, on the other hand, has a dismal record on both counts” (222).

Erica Chenoweth and Maria Stephan have done the field of Peace Studies a significant service with the publication of *Why Civil Resistance Works*. Perhaps more importantly, Chenoweth and Stephan have provided those working for social change around the world with research that increases the arguments that can be made for nonviolent rather than violent campaigns, and with data that demonstrate what creates the most effective forms of civil resistance.

The authors present a cogent argument in this well-researched and thoroughly documented book. They have analyzed 323 campaigns, both violent and nonviolent, that occurred around the world between 1900 and 2006 (6). The authors' work is rigorous, and puts nonviolent action to the test: only the most demanding cases of civil resistance have been included in the data—those involving regime change, secession, or liberation from a foreign occupying force (7-10). The outcome of their research and analysis shows that nonviolent action has a significant strategic advantage over violence. Nonviolent action has a success rate of 57 percent (compared to c. 25 percent by violence), an additional partial success rate of c. 23 percent (c. 12 percent by violence) and a failure rate of only c. 20 percent (whereas violence fails over 60 percent of the time) (9). Chenoweth and Stephan go on to analyze the results of their research, examining and refuting possible alternative analyses of the data, and providing useful insights into the advantages that nonviolent resistance has over violence.

Chenoweth and Stephan's research suggests that one advantage for nonviolent action is that it is able to attract more participants per capita than violence, and that the number of participants involved has substantial bearing on the outcomes of campaigns, both violent and nonviolent (40). Nonviolent campaigns have lower "moral, physical, informational, and commitment barriers to participation" (10) than do violent campaigns. That is, while armed insurgent campaigns consist largely of able-bodied young males, nonviolent campaigns can include a wide cross-section of a population. We think, for instance, of the pivotal role that schoolchildren played in the South African anti-apartheid campaign. Those involved in nonviolent action can also continue their daily lives with their families and work, unlike those whose commitment to violence usually entails removal to remote or clandestine environs. Moreover, the usually underground nature of violent resistance leads to difficulty in dissemination of information for recruitment and activity, while nonviolent action can be openly or relatively openly

organized. The involvement of greater numbers of participants leads to a number of factors that positively contribute to success, including a greater pool of people from which to create a wider and more creative array of options, and a larger social network. The network therefore could include ties to those in the regime, which may increase the possibility of shifts of alliance of sectors within the regime. Mass numbers of participants, for example, mean that military personnel are more likely to have friends or family involved in the resistance, may be less willing to carry out repression of the activists, and also may be more likely to join them. Such shifts in allegiance are often instrumental in creating regime change, as Chenoweth and Stephan explore in depth in the useful and compelling section of the book devoted to analysis of four case studies (87-197). Finally, Chenoweth and Stephan's research shows that regimes that shift through nonviolence are more likely to be stable than those created through violence (201-2).

While an excellent book, *Why Civil Resistance Works* is not without flaws and limitations. The authors acknowledge that it is difficult at times to simply categorize campaigns as "violent" or "nonviolent" given that so many campaigns have elements of both strategic approaches (12). They then tell us that the distinction that they make is "based on the primacy of nonviolent resistance methods" (12) but it is not clear how this primacy is determined. There remain, also, campaigns that are arguably both violent and nonviolent, and which do not adequately fit a binary designation, but whose implications are not fully explored. A similar lack of clarity is evident in the important discussion of the impact of sanctions and state support on both violent and nonviolent campaigns which the authors assert work "best when they support the activities of local opposition groups: but they are never substitutes for local participation. At the same time, outside support for local nonviolent groups is a double-edged sword that is often used by regimes to delegitimize local nonviolent groups and movements" (225). It seems, then, that the impact of sanctions/state support is not clear. The authors would do well to acknowledge more openly that this is an area where more study is needed to be able to make conclusive findings. Lastly, I would wish that this book—given its broad potential appeal and importance to activists around the globe—were more accessible. Tables and figures provide important research data—but are either so complicated as to exclude all but a select few from understanding them, or they are simplified to the extent that the data is slightly unclear. For example, the statistics of success and

failure cited above are only given in a table with incremental units of 10 percent, leaving the reader to guess at exact figures.

Overall, *Why Civil Resistance Works* is a welcome addition to research on nonviolent action, providing as it does quantitative data in a field which has been largely lacking such data. Additionally, Chenoweth and Stephan have included useful and significant analysis of the data. Intriguingly, the authors completed their work prior to the events of the “Arab Spring,” yet their research holds up under the scrutiny of these additional new case studies. Chenoweth and Stephan show that nonviolent resistance has been least successful in the Middle East (75). The events that began in December 2010 and continue to date provide an alternative end to that story.

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