Dealing with violent conflicts and mass victimisation.
A human dignity approach

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This chapter looks at the inspiring role that human dignity can play in the aftermath of mass victimisation that occurs during violent conflict. It argues that people should look beyond the classic – and in my view narrow – interpretation of restorative justice. By stating this, I face two challenges. Firstly, I will engage in the ongoing debate of restorative justice scholars as to whether and how the scope and definition of restorative justice should be broadened up (Roche 2001; Villa-Vicencio 2003: 47). And secondly, I will clearly argue that restorative justice principles should be considered when dealing with violent conflicts that result in mass victimisation (Christie 2001; Cunneen 2001; Parmentier 2003).

I will therefore opt for a more integrative and holistic view of restorative justice that aims at promoting change on the individual and community level. At the individual level the objective is to repair harm and thus foster dignity and empowerment for the persons involved. This requires participation of the local community. At the community level, the objective is to promote and strengthen a viable community with empathy and trust.

To date, the most commonly used responses to mass victimisation are deterrence and punishment, and negotiation. The reactions variously called defiance or reactance illustrate that the rationality assumption underlying the deterrence and punishment approach has limited validity. The author calls for a restricted use of deterrence. Negotiation on the other hand – often seen as the alternative to deterrence – leads in turn to unfruitful debates. The author calls for the use of the most important restorative value, dialogue, in negotiations.

And finally the Bougainville case is described as an ideal case of restorative justice in the case of mass victimisation. By describing this peace process in more detail, the positive implications of a human dignity approach will be illustrated. The role of the local culture, the promotion of community capacity, the inclusion of rituals, the timing of a peacebuilding process, and the (complementary) role of international law will be looked at in this regard. In a final note the paper suggests the proposed integrated and holistic view of restorative justice which is in line with Braithwaite’s regulatory pyramid.

Restorative justice, dignity, ubuntu, and empowerment

Restorative justice has been described in different ways. Johnstone and Van Ness (2007: 19) identify three conceptions of restorative justice: the ‘encounter conception’ which they see as more limited than a ‘reparative’ or ‘transformative’ conception. It may, however, be preferable to think in terms of perspectives rather than conceptions.

The first perspective – the encounter perspective – refers to the procedure where stakeholders, particularly those who are most affected by injustice, come together to heal the harm and thus restore dignity and empowerment for all. Such encounters usually have ritual
features which are important both in facilitating and reinforcing reconciliation. The transformative perspective aims at promoting values such as humility and respect, and a non-hierarchical, gentle and peaceful way of life. These values are of basic importance in the present conception of restorative justice since the encounter and the transformative perspectives are best seen as intertwined and supplementary. In the integrative and holistic view presented in this chapter, the encounter perspective has a major focus on the immediate steps towards reparation of harm, whereas the transformative perspective mainly aims at long-term transformative goals. Furthermore, restorative encounters primarily focus on individuals involved in harmful incidents, whereas the transformative perspective aims at structural changes.

To illustrate this intertwinement: a restorative encounter presupposes that the facilitator exemplifies transformative values, both in the preparatory phase as well as in the encounter itself. Furthermore a successful outcome of a restorative encounter should lead to increased ‘transformative behaviour’. When former enemies can be reconciled this facilitates the building of a more viable society. This view implies that restorative encounters should be conducted with an eye on possible long-term consequences. Immediate goals should never have harmful consequences in the long-term. This will obviate any critique that restorative justice is merely cosmetic and really serves to sustain harmful structures. The present view emphasizes restorative encounters as producing micro-changes which – when multiplied – can lead to macro-changes (See Braithwaite and Drahos 2000: 595-600).

Apart from the call for a broader perspective on restorative justice as opposed to the commonly agreed narrow definitions on restorative justice, I would like to introduce three additional values or concepts that should play a more central role in restorative justice practices. They are: dignity, ubuntu, and empowerment.

Dignity is a central concept in the human rights language and should therefore be considered as an important restorative justice value. The Universal Declaration of Human Rights (1948: para 1) states that ‘all human beings are born free and equal in dignity and rights. They are endowed with reason and consciousness and should act towards one another in a spirit of brotherhood.’

Let us describe the significance of dignity by starting with its antonym, namely humiliation. By doing so, we will draw on Lindner who has devoted most of her professional life to the study of human dignity and humiliation. Lindner defines humiliation as ‘the enforced lowering of any person or group by a process of subjugation that damages their dignity’ (2006a: x). She identified four types of reaction to humiliation: (1) accepting a legitimate, lowly place; (2) depression, open anger or planning revenge; (3) mature differentiation; and (4) moderation. Accepting a lowly place is mainly a reaction of the past when hierarchical or feudal structures were taken for granted and accepted, and humiliation meant nothing worse than to lower or humble, or to show underlings their legitimate lowly place, without any connotation that this also might signify a violation, an ‘honourable social medicine’ (Lindner, 2006b: 7,10-11). Anger and depression (or combinations) are typical reactions to humiliation. Mature differentiation is what characterizes Nelson Mandela who succeeded in transforming his feelings of humiliation – after 27 years of prison – into a constructive contribution to social and societal change.
The core of dignity resides in the body and thus e.g. genocide is about humiliating the personal dignity of the victims, denigrating their group to a subhuman level. The Rwandan genocide of 1994 provides a gruesome catalogue of practices designed to bring down the victims dignity. The most literate way of achieving this debasement as I heard described many times was cutting off the legs of tall Tutsis to shorten not only their bodies but ‘bring down their alleged arrogance’ (Lindner and Walsh 2006: 9).

The second restorative justice value that I would include is the concept of ubuntu which is derived from the Nguni languages and captures the essence of participatory humanism (Sparks 2003: 12-13). It is not easily translatable in English, but a popular Xhosa proverb could help us to understand: *Tu ngabanye abantu* means ‘people are people through other people’. Archbishop Desmond Tutu (1999) likes to quote this proverb while explaining how instrumental ubuntu was in the South African Truth and Reconciliation Commission. Hereby he promoted an African alternative to the Cartesian ‘I think therefore I am’.

Ubuntu combines generosity, hospitality and compassion and can be used to describe a personal quality: a person with ubuntu is open and accessible for others, primed with a certainty deriving from the experience of belonging to a larger unity. This unity is diminished when others are humiliated. Harm breaks connections, and ubuntu implies restoring connections. This dovetails with Lindner’s view that ‘losing one’s dignity means being excluded from the family of humankind’ (2006a: 42). The aim of restorative justice is thus the equivalent to restoring dignity and thus includes those harmed in a joint humanity, what I think about as ‘global ubuntu’. Sullivan and Tifft similarly aim for ‘taking steps so as to make us one flesh, one bone, a one-world body’ (2006: 12).

The last element I add to the important restorative justice values is empowerment. Empowerment is closely related to dignity and implies a social process where people believe that their story is worth telling. If nobody will listen to a person’s story, then the dignity of that person is not respected. By telling our story we not only develop a deeper sense of self, but also expand and deepen our connectedness to each other (Sullivan and Tifft 2004: 388).

After having heard the testimony of a victim who took part in a restorative justice conferencing it became clear that this concept of empowerment is of vital importance in restorative justice practices. This particular victim suffered from a longstanding sexual abuse. Upon request of the victim a restorative conference was convened. The perpetrator, both the victim’s and the perpetrator’s family as well as some friends were present. The perpetrator showed no sign of remorse, but even though this conference did not lead to any apology, forgiveness, or reconciliation it was highly restorative for the victim who told the author:

‘I’m free’. Deceit and corruption officially ended that night. I’m free to perceive, decide and behave in a way appropriate to myself and not to the perpetrator of my life. This story illustrates a ‘deeper sense of self’. As for ‘deepen connectedness’. Everything has changed because I have changed. Before the conference friends and family didn’t know how to behave towards me. The conference allowed the best of humanity to come out. [At the social mingling after the main part of the conference] there was euphoria... hugging all over the place... One of David’s sons asked me to keep in touch and gave me a hug (quoted in: Neimeyer and Tschudi 2003)
The story illustrates the importance of an audience who collectively can validate a new and preferred sense of self, and thus create an empowering effect to the victim.

A restorative encounter is a ritual that draws on indigenous customs (See infra, Bougainville: a restorative justice success story). Two aspects of rituals are important to mention in this respect. Firstly, the encounter should contribute to a larger discourse and should not be an isolated event. And secondly, rituals should contribute to group solidarity, collective effervescence (Rossner 2006). Usually these conditions can be established by first allowing displaying negative emotions. This is often followed by feelings of collective vulnerability (Neimeyer and Tschudi 2003) – a recognition of joint humanity of all stakeholders. This condition paves the way for later collaboration and the display of positive emotions. A basic condition for such a process is that the facilitator treats all participants – however obnoxious their behaviour may appear – with utmost respect for their dignity. Violating this prescription is likely to lead to non-restorative outcomes. Preparations for such a ritual may require months of work, furthermore diligence is required in following up any agreement made, and to utilize the created emotional energy for further rebuilding. As mentioned above this work needs to be directed by transformative values, capacity for dialogue, respect and humility.

Dignity as core value of restorative justice

From all values described above, dignity should be regarded as the core value in restorative justice. Others prefer non-domination as the core value (Braithwaite and Pettit 1990; Pettit 1996, 1997). Braithwaite (2006b) writes ‘I prefer non-domination to dignity, though obviously being free of domination increases dignity. One could imagine George W. Bush sincerely believing he stands for human dignity, but he could not conceivably believe he stands against domination’ (2006b).

Looking at the conceptualisation of dignity as laid down in the Universal Declaration of Human Rights (1948), Lindner points out that equal dignity can be interpreted in two distinct ways, namely a Kantian and a Levinasian interpretation. The Kantian interpretation states: ‘Equal dignity means that although you are poor, you can have full dignity ... provided you have political rights such as the right of free speech’.

The Levinasian interpretation argues: ‘You are poor and live under circumstances that violate human dignity. To ensure your dignity, you must be supported by an enabling environment that gives you the chance to work yourself in to a more dignified quality of life’ (Lindner 2006a: 66)

Lindner (2006a: 52) has coined the term egalisation to signify a movement towards equal dignity in our global village. Egalisation is about whether we use fear as the glue for coercive hierarchies or prefer to live in creative networks held together by mutual respect [and] equal dignity. If we take equal dignity to imply an enabling environment and fight against coercive hierarchies this should have sufficient bite to be an ideal for restorative justice. Does this, however, take us beyond the ideal of non-domination? Domination implies that someone has the power to subjugate or restrict choices for someone else, freedom can be conceptualized as anti-power, and ‘maximization of anti-power should generally involve its equalization’ (Pettit 1996: 595). There are several strategies for equalization of resources as for instance:
- having fair laws and – as far as possible – equal access to law;
- regulating the resources of the powerful, e.g. regulations against unfair dismissal in workplaces, minimal wages, and safe working conditions;
- enhance capacities, empowerment, by supplying universal education, welfare state initiatives as social security, medical services etc.

In a society without domination you do not have to live either in fear of that other or in deference to the other. You are a somebody in relation to them, not a nobody. You are a person in your own legal right’ (Pettit 1996: 595). Pettit’s concept equalisation is thus identical with Lindner’s egalisation, and non-domination is equivalent to equal dignity in Lindner’s interpretation. Pettit sees domination as the capacity for more or less intentional interference – with impunity – in choices another person is in a position to make. This can take place either by imposing restrictions or withholding assets. For instance, environmental harm will – even if it comes about inadvertently, or as the aggregate outcome of individually innocent actions – be an assault on at least the range of undominated choices, and thus ‘count as a loss in the ledger book of republican liberty’ (Pettit 1997: 137-138). This interpretation seems related to the concept of structural violence coined by Galtung (1969). Structural violence is seen as the discrepancy between actual and potentially possible conditions of life. An simple example might clarify: the degree of damage of a tsunami that could be prevented by sophisticated warning techniques could be counted as structural violence. In my opinion restorative justice rituals might be appropriate in this context. Technicians with access to resources to construct appropriate warning systems could visit places damaged by a tsunami, and extend their regrets at previous negligence. Some local survivors could be invited to assist in constructing maximally efficient warning systems, and in line with good restorative traditions a celebration could end the ceremony. Such a happening might foreshadow a global ubuntu. All of us are in some sense stakeholders with the potential to contribute to set things right again, to exhibit ‘moments that reframe the macro-community’ (Braithwaite 2002: 69).

Restorative justice has sometimes been criticized for ignoring larger social issues. The present account on dignity and closely related concepts hopes to foster the debate for a broader conception of restorative justice so that more general social issues may be included (Villa-Vicencio 2003: 47. Before describing applications of this broader conceptualisation of restorative justice in response to mass victimisation, I first describe some of the problematic counter forces that prevent a human dignity approach to come about.

Failure of deterrence measures in response to terrorism

In the post 9/11 era terrorism is a popular and widely discussed threat of our human security. Less evident is a generally accepted definition of the phenomenon. This has been a major obstacle in the development of meaningful international countermeasures. Usually ‘terrorism’ is used to refer to violence towards civilians (victims of terrorism) by a group that does not officially represent a state (author’s definition). A common feature of acts labelled as terrorism is that these are actions directed against a relatively powerful state who can command much bigger resources than the so-called terrorists. The often disproportionate responses to terrorism by states often result in the killing of innocent civilians (victims of collateral damage). From a victim’s perspective – be it a victim of terrorism or a victim of collateral damage – one might rightly question the usefulness of the label ‘terrorist’. The rationale for most responses to terrorism is that they have a deterrent effect on terrorists. This assumption is too often taken for granted by the states being attacked. Perhaps it is related to
a belief that those with less power will show acquiescence as it was previously taken for granted that humiliation would work. An important question is whether or to what extent this assumption is warranted.

It is interesting in this respect to have a look at the enormous literature review conducted by Lum et al. (2006) of more than 20,000 articles on deterrence measures. The general conclusion is that most deterrence measures fail to achieve their goal of compliance. This is also supported by Harvey (1999) who has critically studied the successes and failures of coercive threats. The only possible applicability of the deterrence theory that Lum et al highlight is the use of metal detectors for passengers in airports. This has been shown to have a deterrent effect on hijacking, but this is restricted to hijacking for other purposes than terror. Drawing on the above literature review, LaFree et al. (2006) point out that a common accepted assumption has been that actors are ‘rational’ in the sense of responding to punishment or construction of barriers with compliance, i.e. decreased offending/harmful behaviour. Their general conclusion, however, is that this assumption of rationality has limited if any validity as interventions may be associated with increase in the likelihood of subsequent attacks. A general tendency for government responses to terrorism is to mobilize sympathies of would-be supporters. ‘When such supporters are enraged and energized the likelihood of further terrorist strikes may increase. Responses to terrorism can be more dangerous than terrorism itself’ (LaFree et al. 2006: 4-5). In my view the feeling of ‘being enraged’ can be related to anger as a response to humiliation (supra). LaFree et al. (2006) further elaborate on the psychological literature of reactance (See also: Brehm and Brehm 1981). Reactions such as defiance, stigmatizing shaming, and reactance show that deterrence and punishment often result in the opposite of the intended effect. The crucial variables identified (in Lum et al. 2006) that distinguish between reactions of conformity and reactance or defiance are:
- Perceived fairness: high level of fairness increases chance of conformity;
- Salience of the regulation of freedom: low level will increase chance of conformity;
- Social bond between sanctioning agent and the sanctioned: strong social bonds increases chance of conformity.

In situations of asymmetric warfare these variables most often lean towards reactance. The perception of fairness is low, there is a high salience of freedom (self-determination, respect for religious traditions etc.), and there is a weak – if any – social bond between the conflicting parties.

Moreover escalating deterrence measures are likely to have severe side effects. A useful metaphor might be to compare terrorism with malign diseases. In the medical sciences doctors are careful to check whether attempted treatments may have unfortunate side effects, or even make the health condition worse. Such considerations are practically unknown in the literature on terrorism.

**Dialogue, humility, and respect versus egocentrism**

As mentioned before negotiation is an alternative approach to the deterrence approach. It often happens, however, that when the negotiation process fails the parties revert to the deterrence measures. This paragraph will look at the possible weaknesses of the negotiation approach and will argue for dialogue and restorative justice as a viable alternative to negotiation and deterrence.
In many cases peace building can be characterized as neither deterrence nor restorative justice but simply as negotiations. However, it is not sufficient to get the contesting parties around the table, and quite often these negotiations do not solve conflicts. They often lead to adversarial situations where parties seek the support from third parties, or where unsatisfactory compromises are reached, or where opposing views and interests are only confirmed. A typical reason for failure of negotiations may be that restorative values such as humility and respect are not present in the process. A widespread assumption which is contrary to restorative values is that we are in direct, unmediated contact with reality and see things the way they really are. This assumption is the core of naive realism and leads to poor communication when we encounter others who see people and events quite differently from us. Ross and Ward (1996: 110-111) describe how the layperson will regard her social attitudes, beliefs, preferences, and the like as dispassionate, unbiased apprehension of the evidence at hand. This gives their own perspective a privileged epistemological position vis-à-vis the other’s perspective. Tschudi and Rommetveit (1982) have labelled this attitude cognitive imperialism. When a naive realist encounters another party with a radically different interpretation of an event, there are two ways to interpret the failure of getting to a common understanding. Firstly, the other party may be uninformed, and has no sufficient access to the same information as you have. Or secondly, the other party may have an irrational, biased or distorted view.

This concept of naive realism is well grounded in psychological traditions. Piaget is in this respect an important source of inspiration. He describes a development from an ‘ego-centric’ to a ‘de-centred’ construction of the world (Piaget 1954). During the course of his development a child will gradually see the world from the point of view of the other and recognise that there are several viable perspectives. However, the social development of a person that tries to understand the social world is a never ending process. A classic example in the social psychology shows how two opposing parties can have a totally different interpretation of the same event. Ross and Ward (1996: 118) quote the classic article They saw a game. This was a movie of an American football game between Dartmouth and Princeton. It was as if the two sets of partisan viewers saw different games. The Princeton fans saw a continuing saga of Dartmouth atrocities and occasional Princeton retaliations, whereas the Dartmouth fans saw a hard-hitting contest in which both parties contributed equally to the violence.

With this knowledge in mind and looking at violent conflicts again, there seems to be little hope for fruitful interchanges if egocentrism persists among conflicting parties. Moreover there is a pronounced risk that interchanges will even increase the rifts while conciliatory proposals may be interpreted as devious manoeuvres that show the bad will of the other party. Fostering restorative values provide a valuable contrast to egocentrism. Humility implies a profound awareness of the limitations of one’s own knowledge and openness to the value of insights from the other (Johnstone and Van Ness 2007: 19). This fits well with David Bohm’s (1996) emphasis on the importance of dialogue. He deplored the tendency to lose understanding of a basically interconnected reality, and not be aware of how hidden intentions, assumptions, and values - as for instance our egocentrism – control our behaviour. Bohm further discusses the distinction between dialogue and discussion or debate. The etymological meaning of dialogue is helpful to understand the difference. The Greek word

In I. Aertsen et. al. (Eds.), *Restoring Justice after Large-scale Violent Conflicts.* Kosovo, DR Congo and the Israeli-Palestinian Case. Willan Publishing. Devon, UK

δια (dia) means ‘through’ and λόγος (logos) means ‘the meaning of the word’. Dialogue represents thus the image of a river of meaning flowing around and through the participants. This is in stark contrast with ‘discussion’, a word that shares its root meaning with ‘percussion’ and ‘concussion’, which refers to breaking things up.

A *Bohmian* dialogue group is not designed to solve specific problems. The aim is rather to become aware of implicit assumptions. It is then helpful to suspend immediate impulses as much as possible, and to give space to expose these reactions so that others can reflect on them. This form of dialogue requires respectful listening and it is argued that this form will lead to greater mutual understanding, and possibly also towards a shared culture. A good example is a prison setting where inmates, staff and ‘prison friends’ regularly meet together. In many occasions this interactive process has led to a pronounced increase in mutual understanding. Is it realistic to transfer this model of *Bohmian* dialogue to the international scene of violent conflicts? Is dialogue applicable to ease tensions between warring parties? At least we might hope that dialogue groups between e.g. Israeli soldiers, Palestinian civilians, and observers who report on possible cases of humiliation of Palestinians can lead towards a certain level of mutual understanding.

Some mutual respect is a necessary precondition to start a dialogue group. At the same time, (increased) respect is also an outcome in most dialogue processes. This process of gradual increase in mutual respect can facilitate joint problem-solving. While a dialogue aims at increased mutual understanding, the purpose of a debate is to defeat the opponent. A good metaphor is a boxing match. Galtung (2006) has deplored that Bohm mainly distances his approach from discussion rather than debate. A discussion refers to many interchanges not necessarily marked by any belligerence, whereas a debate clearly implies antagonism.

We can see the nature of interchanges as a continuum ranging from a war with words on the one end, then fierce debates, everyday conversations (neutral), friendly discussions, and finally dialogue on the other end of the continuum. Concomitant with this continuum there is Martin Buber’s (1958) celebrated I-it relation at the debate-pole. Here the other is regarded as an object to be eliminated or moulded. On the dialogue-pole of the continuum there is the almost mystical union which Buber describes as an I-Thou relation, where we are part of each other, yet retain our separate identity.

**Overcoming some limitations of dialogue**

Galtung (1996) convincingly argues that deep-seated conflicts usually have a bliss point which will give a better future for all parties in the conflict. Finding such a possibility, however, requires creativity. Participants in debates, however, tend to be single-minded; the aim is to defeat the other. Dialogue requires a much broader focus, willingness to enter the world of the other and broad interest which is one of the basic positive emotions. Studies of emotion have increasingly come to recognize widespread beneficial effects of positive emotions (Fredericsson 2001). Negative emotions, however, will go with single-mindedness, which is typical for debates.

In some cases it may not be fruitful to try to start a dialogue between adversaries. Shuttle diplomacy is then an alternative. A relevant TRANSCEND approach is described by Galtung and Tschudi (2002). In this process the contesting parties are visited separately and the conflict worker brings back to the other party only whatever the first party agrees should be shared. The focus of the dialogue between conflict worker and one party is to explore hopes.
and fears in order to probe deeper into goals, and also to map advantages and disadvantages of both previous state and possible future states. The kernel is to ‘open cognitive space to new outcomes not envisaged by the parties’, and such new outcomes usually requires reframing of the conflict, or ‘dies-embedding and re-embedding’ (Galtung and Tschudi 2002: 154).

With deep-seated conflicts there is a risk that attempts at dialogue may backfire. An alternative is to emphasize building of personal relations by having the participants work together on concrete tasks. The Middle East Project for Young Leaders (2007) (MEP-project) with participants from Israel, Palestine, Jordan and Norway is good example in this regard. Building viable relations requires mutual resonance, the rediscovering of joint humanity, and global ubuntu. The use of music can be a facilitator by releasing positive emotions. Music has proved its positive influence in the MEP-project where a musician at some point found the right melodies (Føyen 2005). Jordanger (2006) has also reported success by using music in dialogue groups in the Caucasus region. The theoretical framework was inspired by Neimeyer and Tschudi (2003). In this regard the suggestion to hold a large Middle East peace concert could be worthwhile to consider. Suggesting this idea once to a Palestinian singer in Ramallah, the author noticed an intense feeling of joy at the possibility of giving a unique Palestinian Arabic accent its own song voice. Unfortunately this idea was never given any serious attention.

Bougainville: a success story

Dialogue only is not sufficient. The examples above illustrate some supplementary ways of building viable relations characterized by transformative values. This part describes how these transformative values have contributed to the remarkable peace process in Bougainville (Papua New Guinea). There are two good reasons for using Bougainville as a restorative justice example when dealing with cases of mass victimisation.

First of all, the seriousness and the massive scale in which the conflict unfolded, shows the potential of restorative justice to operate in cases of serious crimes. Few, if any recent wars, can match the cruelty and devastation of the civil wars in Bougainville from 1988 to 1997. Comparing these wars with the genocide in Rwanda, Braithwaite (2006c) wrote: ‘in one sense worse in that it was a slow war, so a whole generation have never seen the inside of a school’. From a population of about 200,000 estimates of the number killed in war range from 15,000 to 20,000.

And secondly, the Bougainville case was more or less a success story from which we can obviously draw some important lessons. After 1997 there has not been any outbreak of renewed civil war. After a recent visit to Bougainville, Braithwaite (2006a) reported that there have been thousands of reconciliation ceremonies, and that the lesson from Bougainville is that ‘what may be required to return a society to peace … may be restorative processes that are historically sustained, deep and broad’.

In an impressive dissertation Peter Reddy (2006) gives a comprehensive account of restorative justice, specifically as applied to today’s wars. To illustrate the potentiality of restorative justice he compares the operations in Bougainville and Somalia where the former illustrates a successful approach and the latter a failure. The reason for comparing Bougainville with Somalia was that there are several similarities between the backgrounds in the two countries so that difference in the peace operations can be related to differences in
outcome. Unlike Somalia which received considerable media attention in the West, Bougainville is practically unknown to most Westerners. For both countries there had been inequitable treatment by remote and powerful interests, and boundaries imposed by colonial powers.

People in Bougainville were strongly dissatisfied with the central government in Papua New Guinea (PNG). Part of the reason was that the PNG government had violently evicted local landowners in the process of developing a large open-cut copper mine in the Panguna valley. The mine opened in 1964 but in 1988 the installations were destroyed ‘in a wave of sabotage’ (Reddy 2006: 215) Not only did this start a war with the military forces of PNG, there were also several factions in Bougainville engaged in internecine wars.

Somalia had a repressive dictatorship. In both countries there were cruel civil wars marked by irregular militias fighting, gangs of armed youth cut off from restraints of family and community with free reign to rape and rob, old clan rivalries revived, rapid urban growth with concomitant social disruption, etc.

There were several unsuccessful peace attempts in the period 1988-1997. At that times there was a widespread war fatigue, and at the same time an offer from New Zealand to host peace talks. These peace talks – taken place in Burnham (New Zealand) – were accepted by the major fighting parties. This led to the establishment of a Truce Monitoring Group (TMG), later to be followed by a Peace Monitoring Group (PMG) in November 1997. They were scheduled to operate for a six-year period, but ‘a peace process is still unfolding – regularly reinforced by indigenous restorative processes’ (Reddy 2006: 228). For Bougainville the mission was defined as encouraging reconciliation, providing education and boosting confidence, whereas for Somalia the mission was merely concentrated providing humanitarian aid. In Bougainville the peace workers were invited, whereas in Somalia the interventions were imposed on the people.

**Respect for cultural tradition**

The main difference between the peace operation in Bougainville and in Somalia is the high level of respect for the local culture that was present in Bougainville and the lack hereof in Somalia. A unique feature of the PMG was that the participants – composed of people with both military and civilian background – were unarmed. ‘The very presence of an unarmed peace force was a reminder that trying to solve conflict with the barrel of a gun is not the answer’ (Reddy 2006: 236). One of the former rebel leaders ‘believes that had the peace monitors been armed this would have aroused suspicion that the rebels were to be fought with, their political leaders killed and the mine reopened. In short it would have inflamed the situation. So the crucial element, it seems, was trust’ (2006: 236).

In Bougainville the peace workers got to be acquainted with and respect the local culture. This was facilitated by the fact that the multicultural PMG was from the Pacific area, and the closer the cultural background the easier it was for the members ‘to pick up local vibes’. A major task for the PMG was to ‘encourage a space in which life could begin to return to normal’ (2006: 231). The processes in Bougainville were, however, largely driven by the inhabitants themselves. In this bottom-up approach they had the ownership of the process. Local capacity was mobilized in finding paths to reconciliation and the roots for societal renewal. In Somalia on the other hand, the process was almost exclusively a top-
down approach, emphasizing the imposition of coercion from outside and thus illustrating disrespect.

**Training local experts – promoting restorative values**

In Bougainville some 10,000 people received some form of training in restorative justice – combining local traditions with Western influences (Howley 2003). An illustration of how indigenous skills were integrated in the courses is the fact that much of the training was group work with tasks where the trainers had no fixed answers. The group often found creative solutions which amazed the trainers. These courses lasted two to three weeks and took place in public meeting places. Several of the students would be teachers to the next group.

It was a careful but well-considered approach to include also as many as possible of the former community leaders. Some of them had been quite authoritarian, not good at listening to others, and also dominant in their private life. Howley reports cases where such persons markedly changed as a result of the courses, e.g. stopping beating their wife, or women restricting yelling at their children. When they learned good listening skills this had the effect of encouraging people who had usually been quiet to be active participants. Generally people learned to speak their mind and become assertive without having to resort to being subservient or aggressive (Howley 2003: 218).

Empowerment of women was another important aim of the training program. This way women became a normal and accepted part of the emerging group of local leaders. There was a growing willingness to see women as worthwhile and equal participants, rather than a threat to men’s traditional position of power and influence (Howley 2003: 251-252). Furthermore women played a crucial role in getting opposing factions to come together for reconciliation meetings.

Getting less authoritarian community leaders and a more active role for women clearly illustrate the ground work for post-conflict regeneration, and the fostering of restorative values as empowerment, empathy and listening skills.

**Indigenous rituals**

Reconciliation meetings took place in about half of all the local villages. The issues dealt with ranged from: theft, rape, burning of houses, but torture and murder. To the extent possible all the meetings were facilitated by locally trained persons. In serious cases there might be several days work just to get the persons involved to participate in the meeting. Sometimes the facilitators would use shuttle mediation. Preliminary deliberations and negotiation might take days or weeks.

At the meeting gifts are exchanged but the symbolic aspect of the gifts is far more important than the material value. Howley (2003: 241) describes it as follows: ‘A gift is intended to wash away the tears, and in no way is it intended as a payment for the loss incurred’. Furthermore there is often *tarout* which translates as ‘vomiting’. This was done at the Burnham talks in New Zealand and may last for hours. *Tarout* is where unrestrained emotional outpourings are allowed to happen. Here anything that any relevant party feels needs to be said, shouted or cried out is expressed. As with physical vomiting, where toxins are purged, this verbal equivalent gives vent to internal emotional and psychological poisons. But in either case some movement along the path to feeling better has commenced (Reddy 2006: 227). He further quotes a delegate:
The vomiting sessions united us and from then on we stood back as one... The women played a very important role, they would say: ‘Look, I am here, there is my son over there…and all of you, you are all our sons’. During this time there was no agenda, and it was so important to vomit it all out (228).

This ceremony produces wan bel which means one stomach, and is a metaphor for reconciliation. ‘When two people are of wan bel they share one good feeling’ (Reddy 2006: 232). A common feature of all such meetings is that telling what happened is necessary, whatever needs to be said is ‘vomited out’. The process is not professionalized and it is the people themselves, victims, offenders, and their communities of care who carry out these restorative ceremonies (2006: 248). Other important ceremonies were to bury a rock to symbolize the departure of the weight of sorrow and bad experience, or to plant a tree to symbolize a new future (2006: 245). Usually the ceremonies are followed by admission of responsibility and explanations of the events. Apology is made, and gifts and compensation are given to survivors or victim’s relatives. When forgiveness has been asked for, it is rarely, if ever refused (2006: 245). Reconciliation closes the meeting. An important feature of reconciliation ceremonies is that they are carried out at different levels, both a community level and an individual level.6 Braithwaite (2003) does not regard forgiveness and reconciliation as necessary for a restorative outcome, but this idea ‘was greeted with bemusement and almost derision’ (Reddy 2006: 248). This extends to persons where one had been tortured but could say ‘today this man is my brother and I have reconciled with him’ (Reddy 2006: 247).

Time perspective
Both in Bougainville and Somalia the people had a much longer time perspective than what is dominant in the West. For some of the groups sent to Somalia the time perspective for the operation was three to four months. By way of contrast the Bougainville mission was tentatively set to three years, but acknowledging a more open-ended process. The UN sponsored peace talks in Somalia were driven by an unseemly haste to conclude discussion and agree on peace. An end date had precedence over any desired end state. In Bougainville no timetable was imposed. One NGO worker informed a group of Bougainvillian leaders that his organization might be in Bougainville for several years. The leaders responded: ‘Why are you not committed to us for a hundred years. Why is there not a hundred years plan to right all wrongs and put in place all the things that should be?’ (Reddy 2006: 278)

The relationship with international law
Reddy (2004, Chapter 8) emphasises that in order for restorative justice and reconciliation to provide a foundation for more successful social and political processes it must be carried out at several levels. For Bougainville we mentioned three levels, major fighting leaders first met in New Zealand, then there were reconciliation ceremonies both at local community and at individual levels.

The South African Truth and Reconciliation Commission (TRC) is often portrayed as an ideal model of peace building after serious conflict. Both Rossner (2006) and Makhalemele (2004), however, emphasize that while the peace process was successful at the national level
In I. Aertsen et. al. (Eds.), *Restoring Justice after Large-scale Violent Conflicts.*
Kosovo, DR Congo and the Israeli-Palestinian Case. Willan Publishing. Devon, UK

– starting with reconciliation between former De Klerk and Mandela – the TRC was rather unsuccessful at the individual level. In the wake of this struggle for numerous victims and survivors of political violence the *Khulumani Support Group* was established in 1995 as a strong party to advocate for the inclusion of victims’ needs and concerns in the process of the TRC. The TRC had promised to heal wounds at all levels, but it turned out that many victims felt ignored. The priority was given to national coverage at the expense of many victims who felt that their dignity was not respected. They were given promises of reparation which were not fulfilled. Many victims did not even get a chance to ‘wash away the tears’ as was the case in Bougainville. The deep disappointment of Khulumani on behalf of the many victims has led them to continue the struggle for victims to receive reparation.

As said before, in Bougainville reconciliation was carried out at different levels without any serious conflict between individual and community considerations. Furthermore, local persons were always in charge of the reconciliation process, whereas in South Africa the TRC – as an institution – had always a firm grip on the process. This suggests that the peace work in Bougainville should be studied more closely as it may provide important lessons for post-conflict situations.

The relationship between restorative justice practices and international criminal justice, and more in particular the newly established international criminal court (ICC), is an unresolved issue. In the context of mass victimisation and crimes against humanity, Robertson (2006) strongly argues that all such cases should be subjected to international prosecution. He sees such crimes as ‘by definition, unforgivable’ (2006: 327), and argues for the unacceptability of amnesties. There is a place for a truth commission but as ‘a prelude to trial’ (2006: 312). On the other hand we should be open to the possibility that the insistence on bringing in international law procedures may be a contemporary example of the sin of Western hubris, carrying forth an imperialistic agenda. This is currently an urgent issue in Uganda. There is a dispute whether Joseph Kony – leader of the Lord’s Resistance Army or LRA, and accused of mass murder, rape, mutilation and abducting children to become soldiers – should be tried before the ICC or not. McGreal (2007) reports that African governments believe that trials should be subordinated to local peace deals and reconciliation, and further quotes local people who rather prefer to end the war and allow people to return to their homes. Furthermore, others see the claim for prosecution as an ICC grandstanding.

In line with the claim of Western hubris, Bloomfield et al (2003: 46) describe a tendency, especially among Western and Northern interveners, to export conflict management mechanisms from the developed world and try to impose them in novel contexts. This form of cognitive imperialism may lead to failure when the models are not culturally appropriate and will thus be seen as alien, irrelevant and imposed from outside[17], and the tendency to put a one-sided emphasis on retributive justice by NGO’s (such as Human Rights Watch and Amnesty International) is seen as dangerous (Huyse 2003: 107).

The experience from Bougainville shows that local procedures and peace workers trained in universal, transformative values may accomplish much more than what is possible by criminal procedures. Whereas the latter mainly leads to exclusion, reconciliation leads to inclusion in a joint community. This is not a question of universal values versus local customs but how universal values may be locally adapted. This is not to say that ICC is useless but it should not be imposed. Peace workers should be thoroughly familiar with the communities in
need of reconciliation, and may draw inspiration from ICC and NGO’s as guidelines for the development dialogue.

Conclusion

Regardless of all attempts to get to fruitful dialogue in conflicts the world is such that there will always be situations where one must admit that dialogue will fail. This is where deterrence measures may have to be brought in. The theory of responsive regulation and a regulatory pyramid (Braithwaite 2002) prescribe that one should always start at the bottom of a pyramid, and this implies restorative, dialogical approaches. If these fail one should move up the pyramid, which implies bringing forth a tailor-made set of deterrence measures, e.g. mild to extremely pointed warnings before going to such a strong measure as boycott. If furthermore all attempts at the deterrence fail incapacitation (change of regime, withdrawing licence to operate in cases of serious business crimes etc.) is called for. The basic point in the responsive regulation theory is that at the smallest sign of compliance one should ‘scale down’ in the pyramid, i.e. go back to basic dialogic approaches. One should always be reluctant and slow in scaling upwards and fast in scaling downwards. ‘Talk softly and carry a big stick’ is one of Braithwaite’s favourite quotes.

From this point of view, Joseph Kony from the Lord’s Resistance Army (LRA) might get the choice of restorative encounters where it could be worked out how he could participate in constructive rebuilding of the war-torn country. The alternative to this dialogic approach would be to face ICC. Steinberg (2005: 234) is sharply critical of restorative justice and prefers realpolitik, where ‘power balance and mutual deterrence relationships are the prime determinants of stability (and peace)’. From the point of view of the regulatory pyramid, dialogue vs. deterrence is not necessarily a question of either/or, but rather of and/and. At the stage where dialogue seems to fail, realistic critique of dialogic approaches is highly called for. This can serve to highlight undue optimism, and thus lead to more efficient procedures.

Notes
Milder forms of humiliation might still be seen as ‘social medicine’ – ideally to be gracefully received. Unless explicitly mentioned humiliation will here refer to the strong forms, where today ‘humiliation [has been] redefined as a mortal wounding of one’s very being’ (Lindner 2006b: 10).

This victim, named Cathy, took part in programme lead by the police officer and restorative justice pioneer Terry O’Connell in New South Wales (Australia). The personal communication between Cathy and the author is described in more detail in Neimeyer and Tschudi, 2003.

It should be noted, however, that much of the research under Lum’s review was of considerable low quality.

The MEP-project has been going on for three years, and a preliminary report is compiled by Breivik (2006). For more detailed information on the project, see also the website of the Middle East Programme for Young Leaders: http://mep.abildso.org.

We also draw on the work by Pat Howley (2003) who was leader of Peace Foundation Melanesia, PFM, which was responsible for much of the training of local peaceworkers.

This is beautifully and forcefully illustrated by the UN Peace Award winning film ‘Breaking Bows and Arrows’. See also the website of the documentary: http://www.firelight.com.au/break1.html).

References


Middle East Project for Young Leaders (2007) <http://mep.abildso.org>


