

**LONDON SCHOOL OF ECONOMICS & POLITICAL
SCIENCES
DEPARTMENT OF INTERNATIONAL RELATIONS**

Ph.D. THESIS

**TITLE: 'TRANSCENDING DISCOURSES ON VIOLENCE'
-PEACE CONSTITUTIVE PRACTICES OF
TRUTH, JUSTICE AND AUTHENTICITY
IN RWANDA : 1998-2002'-
(Nr. of Words: 99.982)**

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Abstract of Thesis

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Title of thesis Transcending Discourses on Violence; Peace-
constitutive Practices of Truth, Justice and Authenticity
in Rwanda: 1998-2002 Degree Ph.D. IR

This thesis is a critical theory based investigation into communicative and normative preconditions for peace. It is a theoretical inquiry into questions of argumentative truth, justice and authenticity and their relevance for conflict resolution and transformative peace-building. Following Habermas, it explores the formal argumentative requirements for peace and examines corresponding cognitive and societal/perceptual prerequisites for its intra- and interpersonal realisation. In this context, it identifies conceptual spaces of violence that impair peaceful interaction. It scrutinizes the communicative dynamics of transformative change and moral actor-hood from a critical theory perspective. It raises questions of communicative and moral learning, reasoning and structural change. It seeks to identify and explain formal-argumentative procedural correlations in the dialogical set-up of truth-seeking, norm-setting and norm-enforcing entities and argues for institutional complementarity and coherence. It calls for a conscious transition of normative and communicative barriers between conflict transformation efforts at community, national and international level and specifies theoretical alternatives to the present functionalist peace-building discourse in the form of a critical theory based model to conflict transformation. Some of these theoretical assumptions will be illustrated by the example of Rwanda.

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CHAPTER I : INTRODUCTION

1.1 -TOWARDS A CRITICAL THEORY BASED APPROACH

TO

CONFLICT RESOLUTION AND TRANSFORMATIVE

PEACE-BUILDING-

i. *The thesis put in a nutshell*

This thesis is a critical theory based investigation into potential universal-pragmatic preconditions for peace.¹ It examines formal argumentative components of perceptual discourses of violence² in post conflict societies . Unlike other

¹ Following Johan Galtung, peace will be defined as absence of violence. Nevertheless, it will be argued that the term peace needs to be defined in greater detail to be of any analytical use. Galtung distinguishes negative peace (absence of personal violence) and positive peace (absence of structural violence/social justice). However, from a quasi-transcendental point of view structural / individual violence can be in as much symbolic/ perceptual than factual.

A peaceful discursive practice would have to be free of any (individual/structural) social and subjective **communicative** distortion in as much as of any objective impairment.

Johan Galtung: Violence and Peace, in: P. Smoker, R. Davies, B. Munske: A Reader in Peace Studies, Lancaster 1990.

² This study will take Galtung's definition of the different dimensions of violence as its starting point and will define the latter in greater details on the grounds of an Habermasian discourse ethics. Galtung initially defined six dimensions of violence: 1) physical and psychological violence, 2) negative /positive violence either by punishment or gratification, 3) direct/ indirect violence (threat), 4) structural and individual violence, 5) unintentional (structural) and intentional (individual) violence and 6) manifest and latent violence.

It will be argued that these sub-dimensions can be ultimately subjugated to one major distinction between an individual and a collective (structural) state of consciousness in a conflict driven society(see Chapter 3). This cognitive definition of violence provides a particular reading of what Galtung conceptualize as the

works in other disciplines such as peace-studies, which are trying to prove or disprove the possibility of common (universal) institutional solutions for reoccurring problems within different cultural contexts (through the establishment and application of lessons learned), this study mainly explores theoretical questions that involve structural **formal** argumentative validity claims to truth, justice and authenticity and communicative interaction patterns. Put differently, this thesis does not wish or intend to contribute to a debate on potential universal **contents** like e.g. common aspects within mandates of truth-commission . Nor does it seek to give a material definition of the universal meaning of reconciliation, truth-finding or promotion of authenticity which would be in the opinion of the author in the light of contextual diversity in any case a futile and impossible exercise . This thesis simply examines formal argumentative structures of speech and their potential relevance for conflict resolution, conflict transformation and peace, not more, not less. Validity claims are **formal** categories in so far as , according to Habermas, they are universally inherent within the structure of speech and human cognition (compare next section and Chapter 3). The **content of validity claims** is mediated through language (life-worlds) and is therefore

difference between the" potential and actual somatic and mental human realization".

Johan Galtung: Violence and Peace, in: P. Smoker, R. Davies, B. Munske: A Reader in Peace Studies, Lancaster 1990, p. 10ff.

cultural specific and open to change. Ideal-typically in a discourse of peace , which is to say in an open and undistorted, hence peaceful, communicative reference frame of a life-world, the content of validity claims to truth , justice and authenticity is never static and always open for discussion. The hypothesis of this thesis is that , like any other communicative process, processes of conflict resolution and transformative peace-building are structured by **formal** validity claims to truth, justice, authenticity and intelligibility. It will be argued that these practices are inevitably embedded in a reference frame (life world/episteme/paradigm) that categorically enables but also limits outcomes and processes by favouring some validity claims of truth, justice and authenticity at the expense of others. (This theme was developed in a different context by post-modern authors like Foucault and Lyotard and signifies a further development of Habermas' approach- compare Chapter 4)

Put differently , by taking a formal communicative turn, this thesis hopes to identify some formal communicative requirements for the transformation of discourses of violence on an institutional, interpersonal and intrapersonal level. In this context , it further develops Habermas theory of communicative competence and systemic violence and Freire's and Lederach's notions of communicative empowerment and transformative peace-building. Clearly,

some might argue that even a formal argumentative approach does not circumvent the multiple content dilemma entirely insofar it still has to decide what is assumed to be distorted and what is not. However, again by solely referring to formal procedural criteria of openness or closeness of an life-world for discussion, participation, coexistence and free individual/collective choices, it becomes clear that within a critical theory based approach to transformative peace-building it is pretty irrelevant whose truth and whose justice does win the argument in the end. The focus lies solely on basic rights of participation and the communicative process and its formal conditions.

Some findings of this theoretical inquiry, which will be summarized in a critical theory based model of peace-building, will be further illustrated by material that was gathered during six months of participatory research in Rwanda and Tanzania. The purpose of this illustrative example is to reconstruct (ideal-typically) potential institutional, interpersonal and intra-personnel communicative perspectives which might have been taken by speakers/ institutions during and after the genocide as a result of their particular position within an institutional discourse or a discourse of violence. Given the cross cultural challenges ,let alone the challenge of introspection (subjective beliefs, unconscious assumptions of victims, perpetrators

etc.), any such exercise can only be ideal-typical and sketch only some potential aspects of many institutional, interpersonal and intrapersonal realities. It obviously can not reproduce a particular speech situation at a particular time or produce an exact roadmap of the human or institutional mind during or after the genocide. However, in the context of highly abstract critical theory based model of conflict transformation -that will be solely presented as a potential incentive for theoretical and practical discussion, and that will be **not** tested as such in light of the empirical material, which would be in any case not possible,- it makes sense to devote some significant space within the argument, to the question how its theoretical assumptions can be illustrated in practice. This does not mean that the model claims to explain all aspects of a discursive reality at one moment in time. It offers one potential explanation among many by offering a new approach that might be able to inform and supplement others. The idea to organise the 'content' of the illustrative example in form of different communicative and discursive perspectives and processes mirrors Habermas' hypothesis regarding the preconditions for discourse, reflexive thought and communicative competence that will be developed in Chapter 3 . The illustrative example seeks to demonstrate how communicative perspectives and (cultural specific/institutional) discursive assumptions influence the

understanding of a conflict situation. In other words, it develops Habermas' /Mead's insight that one precondition for peaceful/open discourse is that speakers are able not to only take their own perspective but also the perspective of other participants and a neutral observer perspective. However, in the light of plural cultural and institutional discourses, it will be argued that this presupposition needs to be modified through a multidimensional life-world (Lebenswelt) perspective. For example, it is likely that even in a relatively undistorted reference-frame (e.g. UN) particular paradigmatic assumptions will influence the choice of perspective and hence reflexivity of thought and any subsequent action taken. Chapter 5 will try to show that as a result of the institutional discourses at the time, no one of the participants was able to successfully take all (including most importantly local) perspectives, develop a comprehensive understanding of the situation and react promptly . In this context, the view of the UN Security Council will be used to sketch the shortcomings of a seemingly neutral international institutional observer perspective (UN). Chapter 5 will further illustrate various other participant perspectives (e.g. the views of the Post 1994 Rwandan government, local victims and perpetrators) which will be developed in different sections. By hypothetically taking present and past perspectives , this thesis hopes to illustrate potential assumptions within discourses of violence

and demonstrate the detrimental effect of unquestioned and/or distorted validity claims within a conflict/post-conflict situation.

The second function of the illustrative example within the text is to examine potential propositional, illocutionary and expressive components of discourses of violence and their latent influence on human action and cognition on local, national and international levels. In this context, assumptions and actions within international expert discourses will be compared with the potential (formal-pragmatic) requirements for cognitive, conceptual and discursive transformation on lower levels. The overall objective of this chapter is to further illustrate some of multi-dimensional training and institutional development needs that are outlined in an earlier section in the form of critical theory based approach to conflict transformation. The overall intent of this thesis is to show how critical theory based model might be able to contribute to a better understanding of the perceptual/discursive dimension of violent conflict in Africa and elsewhere. In this context, it explores the perceptual roots of conflict and those institutional and communicative processes which might be formal-pragmatically required (through human cognition/speech) to truly, justly and authentically rewrite discourse of violence. In other words, one main hypothesis of this thesis is that the inter-connectedness that we intuitively

feel about normative processes promoting truth , justice and authenticity is not arbitrary. It is suggested to us by our formal-pragmatic structure of speech that structures our cognition. Expressive, illocutionary and propositional components of speech (validity claims), so the hypothesis, are the origin of our needs for moral recognition and understanding. Their formulation and expression depends largely on the possibility of free and fair (undistorted) discourse. Discourses of violence are defined by unquestionable exclusive contents. They obstruct inclusive communicative processes and distort perceptions. Unless, these expressive, propositional and illocutionary distortions within speech are remedied speakers are systematically prevented from being themselves or respond adequately to the needs/rights of others. Consequently, a comprehensive approach to conflict transformation requires a communicative dimension. By applying formal communication theory to the wider field of conflict studies this thesis explores in many ways new territory . In addition to a standard theoretical review of practices of conflict prevention, settlement, management and resolution³ (compare Chapter 2 and 3), this

³ Fisher and Abdi distinguish conflict settlement from conflict management, resolution and conflict transformation as follows: " **Conflict settlement** aims to end violent behaviour by reaching a peace agreement. Unlike conflict settlement, **Conflict management** " aims to limit and avoid future violence by promoting positive **behavioural** changes in the parties involved (while) **Conflict resolution** "addresses the causes of conflict and seeks to built new and lasting relationships between hostile groups" by resolving incompatible **goals** of the parties. The most comprehensive approach of **Conflict transformation** addresses the wider social and political sources of a conflict and seeks to transform the negative

thesis examines foremost complementary formal dialogical processes of transformative peace-building that include argumentative truth-finding, restorative and restitutive justice, a dialogic promotion of authenticity and the related notion of forgiveness and discursive reconciliation. However, as mentioned before, this analysis is conducted from a strict formal argumentative point of view. In this context, the cultural and situation specific outcome (content) of any of these communication processes (like e.g. the 'meaning' of truth and reconciliation that was established by the TRC in South Africa) is largely irrelevant as long it is established freely and fairly by all concerned and as long as it does not exclude any other ongoing or future communicative process on either truth or Justice and Authenticity. A critical theory based 'quasi-transcendental' approach to conflict transformation seeks to substantiate this (and only this) position.

energy of war into positive social and political change." It seeks to change structures and frameworks that cause "real" inequality and injustice, improve... relationships ..and develop processes ..that promote empowerment, justice, peace, forgiveness, reconciliation and recognition" (Simon Fisher/L.Abdi : Working with Conflict, p 7.)

This thesis will seek to subsume the first three definitions under the last term by devising an all inclusive quasi-transcendental model to conflict transformation that is comprised of **critical** conflict settlement, management and resolution practices and an interpersonal and institutional transformation approach that can explain and address the symbolical, cognitive and structural roots of conflict that Fisher/Abdi subsume under the term "negative energy of war."

However, unlike in their definition our model of conflict transformation will focus not only on "real" but also on conceptual inequality and injustice. It will seek to combine competing bodies of conflict theory like community relations theory, negotiation theory, human needs theory, identity theory and intercultural miscommunication theory in one critical normative approach.

ii. *A critical theory based approach to conflict transformation in a nutshell*

This thesis applies and develops the categories of Jürgen Habermas⁴ language philosophy in the context of transformative peace-building. Like Habermas' work, its theoretical foundation is **quasi-transcendental** insofar as it advocates a normative but not strictly ontological approach.

Jürgen Habermas argues in his classic 'Theory of communicative action' that formal appeals to propositional truth, illocutionary rightfulness and intentional truthfulness are inherent within our speech. They structure our thought, our perception of others and also find their expression in social institutions that reproduce society.⁵ Every (individual and collective) cognitive assessment is embedded in social-cultural context of meaning – a life-world (cultural language game). A life-world represents an in subject areas (law/politics, science and art) divided reference context of intersubjective knowledge that is mediated (and hence is always present) through language..⁶

Habermas argues that individuals and collective entities evolve and reproduce themselves in everyday interaction through the

⁴ Jürgen Habermas: Vorstudien zur Theorie des kommunikativen Handelns, Frankfurt 1976/ Jürgen Habermas: Zur Rekonstruktion des Historischen Materialismus, Frankfurt 1976./ Jürgen Habermas: Theorie des kommunikativen Handelns, Frankfurt 1981./Jürgen Habermas: Moralbewusstsein und kommunikatives Handeln, Frankfurt 1983.

⁵ Jürgen Habermas: Was ist Universalpragmatik? In: Vorstudien zur Theorie des kommunikativen Handelns, Frankfurt 1976.

⁶ Jürgen Habermas: Theorie des kommunikativen Handelns, Frankfurt 1981.

application of communicative reason – that is to say through a finding of a consensus that is based on force of the better argument and the cultural knowledge that is embodied in life-world structures. He ranks societies throughout history according to the ideological openness or closeness of this collective knowledge that either fosters or impedes critical thought and reflexivity.

In other words, not unlike Kant ⁷, Habermas' analysis of the communicative prerequisites for a rational and presumably peaceful society focuses on the cognitive abilities of its individuals and their willingness to evaluate all arguments including those of their potential critics. However, Habermas attributes even more importance to the ideological preconditions for this judgement through his analysis of open and closed world views/life-world structures. ⁸ According to Habermas the world view that is the least dogmatic and aggressive and most reflexive, self-critical and inclusive will be likely the most truthful and righteous.

Clearly, a peace-building theory that is based on a consensus based model implies quite a few contradictions. It goes without saying that in the aftermath of violence, conflicting parties inevitably will disagree about the actual content of a

⁷ Immanuel Kant, *Kritik der reinen Vernunft*, Frankfurt 1991.

⁸ Compare: Jürgen Habermas: *Zur Rekonstruktion des Historischen Materialismus*, Frankfurt 1976.

conflict and its underlying causes and consequences.⁹ Collective identities will be based on exclusive norms and hostile perceptions of the Other. The latter fuel hatred and impede any factual assessment on both sides. It is this very circumstance that has led most theorists to the belief that peace seeking practices should be freed of every normative content as it could be only counter-productive to the "objective" settlement, resolution or management of conflict. Leading conflict resolution theorists like John Burton¹⁰ and John Mitchell¹¹ would share this view (This aspect will be discussed in Chapter 2.)

However, what is often forgotten is that actors and collectives are not only divided by identity-securing norms and principles. They also invariably share formal normative claims that require adequate interpersonal and institutional

⁹ This thesis will take Galtung's definition of the different dimensions of violence as its starting point and will define the latter in greater details on the grounds of an Habermasian discourse ethics. Galtung initially defined six dimensions of violence: 1) physical and psychological violence, 2) negative /positive violence either by punishment or gratification, 3) direct/ indirect violence (threat), 4) structural and individual violence, 5) unintentional (structural) and intentional (individual) violence and 6) manifest and latent violence.

It will be argued that these sub-dimensions can be ultimately subjugated to one major distinction between an individual and a collective (structural) state of consciousness in a conflict driven society(see Chapter 3). This cognitive definition of violence provides a particular reading of what Galtung conceptualize as the difference between the "potential and actual somatic and mental human realization".

Johan Galtung: Violence and Peace, in: P. Smoker, R. Davies, B. Munske: A Reader in Peace Studies, Lancaster 1990, p. 10ff.

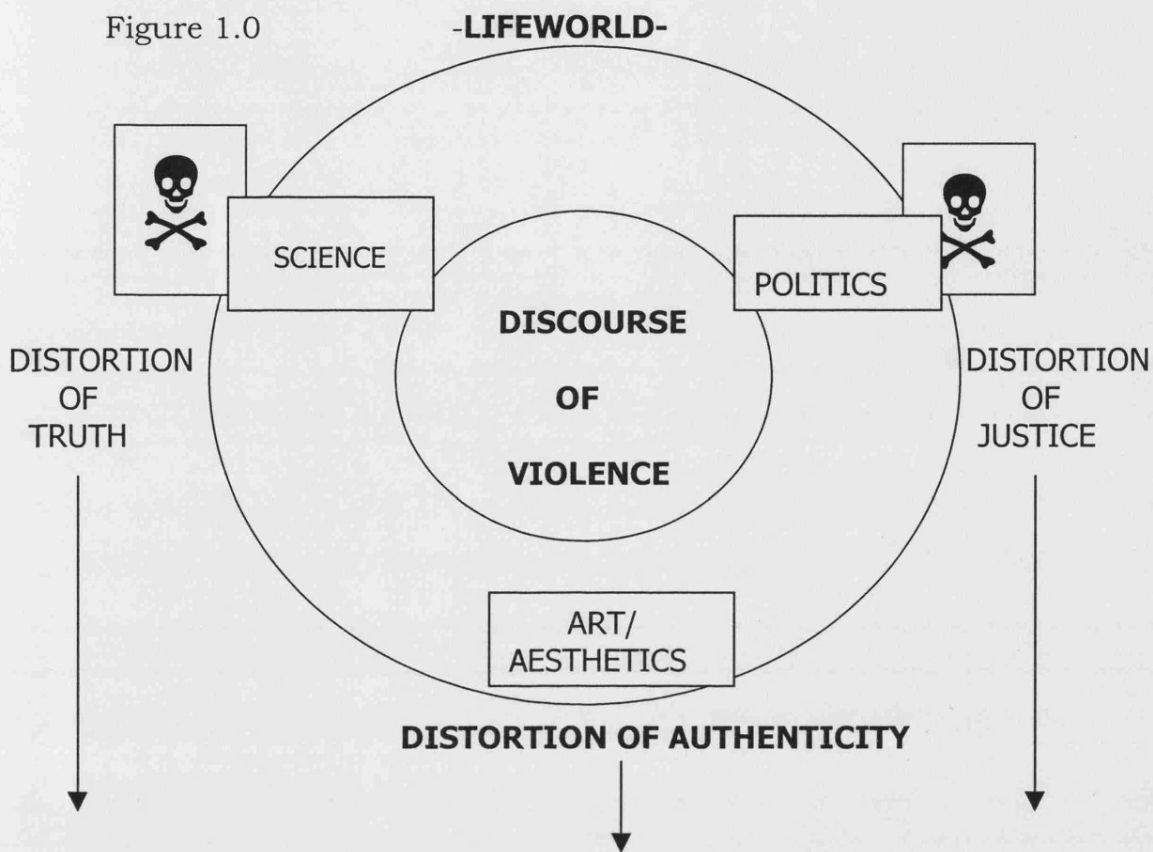
¹⁰ John Burton: Systems, States, Diplomacy and Rules, Cambridge 1968./ John Burton: Communication and Conflict: The use of Controlled Communication in International Relations, New York 1969./ John Burton: Deviance, Terrorism & War: The Process of Solving Unsolved Social and Political Problems, Oxford 1979./John Burton & A. Dukes: Conflict: Practices in Management, Settlement and Resolution, Basingstoke 1990./John Burton: Conflict Resolution: Its Languages and Processes, Maryland 1996./John Burton: Violence explained. The Sources of Conflict, Violence and Crime and their Provention, Manchester 1997.

¹¹ Chris Mitchell: The Structure of International Conflict, London 1981.

management. In every setting, there are at least three re-occurring normative constants that correspond to Habermas' validity claims. Regardless of whether we choose an international, national or local peace process, it is difficult to envisage a situation in which parties will not seek to defend their claims to truth and justice. Like in ordinary communication processes, they will insist that their arguments should be heard and understood and that their contribution to the process should be considered as authentic, regardless of their apparent strategic motivations. Victims, like offenders, share the need to assimilate the past into their context, to justify their deeds or sufferings according to their perceptions of what is just or true and prove to themselves and others that they are no liars. Besides material compensation, they seek foremost acknowledgement or symbolic reparation. (This will be illustrated in Chapter 5 by the example of Rwanda).

In the aftermath of violence, such claims and conclusions will be highly distorted, radical and chauvinistic. Nevertheless, despite their unquestioned bias and consequent irrationality, they can be still seen as quests for rational action, as long as one understands their categories of thought in their reference-

Figure 1.0



**INDIVIDUAL/
SYSTEMIC
CONSEQUENCES:**

Dichotomised narration of history
 Distorted historical science
 Biased Perception of
 or
 "objective" collective/individual
 historical Identities
 values/
 Pseudo-scientific biological discourse
 collective
 Biased perception of race/ cognitive
 abilities & moral qualities

limited possibility of instrumental
 learning

**INDIVIDUAL/
SYSTEMIC
CONSEQUENCES:**

Exclusion of authentic forms
 of expression- either based
 on expressive content or
 ethnicity of the author.
 (like e.g. 'Entartete Kunst')

Obstruction of creative societal
 learning

lack of self-critique

**INDIVIDUAL/
SYSTEMIC
CONSEQUENCES:**

Discriminatory
 judicial/political practices
 like e.g. persecution

impunity
 loss of social moral

brutalization of
 consciousness

limited possibility
 of moral learning

Figure 1.1: - COMPONENTS & CONSEQUENCES OF A DISCOURSE OF VIOLENCE-

frame - their particular social discourse of violence (life-world/language game).¹²

***(Definition of Lifeworld concept)** Figure 1 sketches the dimensions of a distorted life-world -a discourse of violence- that will be further explained in Chapter 3 and illustrated by the example of Rwanda in Chapter 5. It will be argued that a discourse of violence is subdivided in three structural domains of science, politics/ law and art/aesthetics that correspond to the above mentioned validity claims of truth, justice and authenticity. These claims are either reflexive that is to say open for discursive revision and reason or distorted that is to say closed for any reform and ideologically biased. Figure 1 identifies individual and systemic consequences of a discourse of violence. Distortions in the objective everyday usage of language reflect and reinforce mistaken beliefs within science and the theoretical knowledge that is accepted within a society.

Distorted validity claims of truth find their expression in

¹² This thesis will take Galtung's definition of the different dimensions of violence as its starting point and will define the latter in greater details on the grounds of an Habermasian discourse ethics. Galtung initially defined six dimensions of violence:

1) physical and psychological violence, 2) negative /positive violence either by punishment or gratification, 3) direct/ indirect violence (threat), 4) structural and individual violence, 5) unintentional (structural) and intentional (individual) violence and 6) manifest and latent violence.

It will be argued that these sub-dimensions can be ultimately subjugated to one major distinction between an individual and a collective (structural) state of consciousness in a conflict driven society(see Chapter 3). This cognitive definition of violence provides a particular reading of what Galtung conceptualize as the difference between the" potential and actual somatic and mental human realization".

Johan Galtung: Violence and Peace, in: P. Smoker, R. Davies, B. Munske: A Reader in Peace Studies, Lancaster 1990, p. 10ff.

pseudo scientific ideas on race, misperception of cultural history and individual/ collective identities and unjustified feelings of superiority. In this context, the potential for individual and collective learning and understanding (e.g. of the intersubjective root causes of conflict) degenerates.

Distortions within the normative usage of language reflect and reinforce a loss of moral values and facilitate e.g. the de-humanization of the enemy. Distorted validity claims of justice find their expression in cultures of impunity and discriminatory political and legal practices that legitimise amoral behaviour and impede reflexive moral judgement. (Compare Chapter 5) This ultimately leads to a brutalisation of a collective mind- a state of a 'fanaticized' consciousness (Compare Chapter 3) that can lead to ethnic persecution and ultimately genocide.

Distorted validity claims of authenticity result from the above outlined propositional and illocutionary distortions. As a consequence of a lack of objective (theoretical) and sound moral-practical knowledge, actors are unable to engage in a reflected self-critique. Categorical limitations within a discourse of violence influence moral judgement and the intentional use of language. It becomes more difficult for actors to be true to themselves and others.¹³ Furthermore,

¹³ Habermas distinguishes the main stages of communicative learning by the degree in which actors are able to take and uphold communicative responsibilities. Unlike Piaget, he defines interactive competencies not only as individual moral and theoretical problem-solving abilities but as

discourses of violence also suppress any other forms of creative expression or intentional work that might encourage reflection or critical thought. One good example is e.g. the German term 'Entartete Kunst' (degenerated art). It describes virtually all art of the late 19th and early 20th century that was despised and forbidden by the Hitler regime because of its potential subversive content.

A communicative approach to peace-building introduces a life-worldly (Lebenswelt), perceptual dimension into the field that is so far missing. It seeks to understand and transform discourses of violence and their validity claims. Hereby, it hopes to identify discursive and structural impediments for the communicative application of reason and the manifestation of shared *violence-transcending* claims of truth, justice and authenticity within social communication processes that could be constitutive for peace. In other words, a critical theory based approach investigates the possibility of peace through an examination of the **communicative prerequisites for a deconstruction of hostile life-worlds and the peaceful co-existence of plural cultural reference-frames**. By targeting hostile perceptions at their discursive roots, it hopes to reach a deeper structural level of analysis than its functionalist predecessors (compare Chapter 2 & 3). It abandons the

the ability to uphold processes of communication in conflict situations (with the life-world) instead of quitting communication or faking it.

realm of normative neutrality and takes the form of an **ideology-critique**.

From a wider theoretical perspective critical discourse theory challenges the instrumental understanding of language, that still characterises approaches to conflict resolution and (to an even greater extent) other practices of conflict settlement, management and peace-building. It advocates an approach that is critical and self-reflective in its ontological and epistemological terms

Chapter 2 will show how a critical theory based approach to conflict resolution can contribute to a better understanding of present shortcomings within mainstream thought. It will examine existing presuppositions and key-terms in the work of John Burton ¹⁴ - whose theory of human needs informs many of the current approaches - to identify remaining weaknesses in the field. ¹⁵ The broader structural function of this chapter within the thesis is to provide a systematic

¹⁴ John Burton: *Systems, States, Diplomacy and Rules*, Cambridge 1968./ John Burton: *Communication and Conflict: The use of Controlled Communication in International Relations*, New York 1969./ John Burton: *Deviance, Terrorism & War: The Process of Solving Unsolved Social and Political Problems*, Oxford 1979./John Burton & A. Dukes: *Conflict: Practices in Management, Settlement and Resolution*, Basingstoke 1990./John Burton: *Conflict Resolution: Its Languages and Processes*, Maryland 1996./John Burton: *Violence explained. The Sources of Conflict , Violence and Crime and their Provention*, Manchester 1997.

¹⁵ This thesis focuses with conflict resolution on one of the latest developments in the work with conflict. The history of the latter started initially with cultural conflict settlement, that was followed by behaviourist models of conflict management After an interactive and functionalistic turn conflict resolution practices were finally more and more used, although its predecessors are still taking most of the international centre stage. Arguably, conflict resolution processes are time-consuming and there might be situations where other approaches are still needed (e.g. in the immediate aftermath of a war). Nevertheless, there is no reason to believe that the (to be specified) quasi-transcendental argumentative dynamics of peace could not also respected in these settings.

definition of the terms critical conflict resolution, communication, needs and violence for the subsequent chapters, before a critical theory based model to conflict transformation is introduced in Chapter 3. In this context, it is worth mentioning that a critical theory based approach has to be more than a critical reconstruction of the contemporary functionalist discourse on conflict resolution. Even if all methodological short-comings in all other fields are addressed, conflict resolution workshops still suggest (like its theoretical predecessors- conflict settlement and management) that conflict is a problem that can be (re)solved (managed or settled) in a relative short time-frame by a limited group of people. Indeed, one could argue that it is this very illusion that initially brings people to the negotiation table in the first place. However, these measures seem hardly sufficient to explain the whole communicative spectrum that is needed for a factual ending of violence.

A functionalist/problem-solving approach to conflict resolution will always include certain ambivalence insofar as from a sociological point of view a factual and lasting peace presupposes social transformations that require full societal participation and structural change. Hence, solutions will always have to be more a matter of decades than weeks. ¹⁶

¹⁶ Without a profound structural reform, progressive opinion-leaders are likely to be replaced or isolated soon after a settlement has been reached. In the light of on-going structural injustice and altering alliances, the "managed" "behaviour" of the remaining actors will relapse and resolved communicative needs will change.

Consequently, a critical theory based approach has to broaden its time frame and objectives and target a wider group of processes and transformative actors.

John Paul Lederach's concept of sustainable peace takes these considerations into account.¹⁷ Lederach summarises his extensive experience as an educator and trainer in a transformative triangle (see figure 1.1) that describes a long-term, multi-levelled approach to peace building. Lederach argues in this context that conflict can be only resolved or better transformed if it is addressed on various (international, national and community) levels, which have distinct time frames and pose particular objectives.¹⁸ Consequently, short-term, high profile conflict resolution, settlement or management processes only explain one dimension among many.

Unfortunately, Lederach's triangle of conflict transformation concentrates itself mainly on individual training practices of empowerment and does not take other institutional transformation processes like International Tribunals, National Truth-Commissions and local peace communities

¹⁷ John P. Lederach: *Preparing for Peace. Conflict Transformation across cultures*, New York 1995. John P. Lederach: *Building Peace: sustainable reconciliation in divided societies*, Washington 1997./John P. Lederach: *Beyond Violence: Building Sustainable Peace*, in: *The Handbook of Interethnic Co-existence*, London 1998./John P. Lederach: *Just Peace: The Challenge of the 21st century*, in: *People Building Peace: 35 Inspiring Stories from around the world*, Utrecht 1999.

¹⁸ John P. Lederach: *Beyond Violence: Building Sustainable Peace*, in: *The Handbook of Interethnic Co-existence*, London 1998, page 240f.

into account. A critical theory based, life-world-based approach to conflict transformation however can not only focus on selected learning-processes of individuals/leaders. It has to (atleast try to) explore the cognitive prerequisites of all inter-subjective communicative learning on peace and include institutional actors in order to explain the full spectrum of social transformations that are necessary to rewrite a discourse of violence. With this, a critical theory based approach to conflict transformation follows authors like Johan Galtung who has argued that 'peace theory is not only intimately connected with (interpersonal) conflict theory, but equally (on the vertical plane) with (institutional) development theory.'¹⁹

Chapter 5 seeks to illustrate the role of institutional actors by using the examples of :

- a) the International Criminal Tribunal for Rwanda (UN-ICTR),
- b) the National Unity & Truth Commission for Rwanda,
- c) local reconciliation projects in Rwanda

Each of these examples was chosen to illustrate some dialogic aspects on one vertical (international, national and

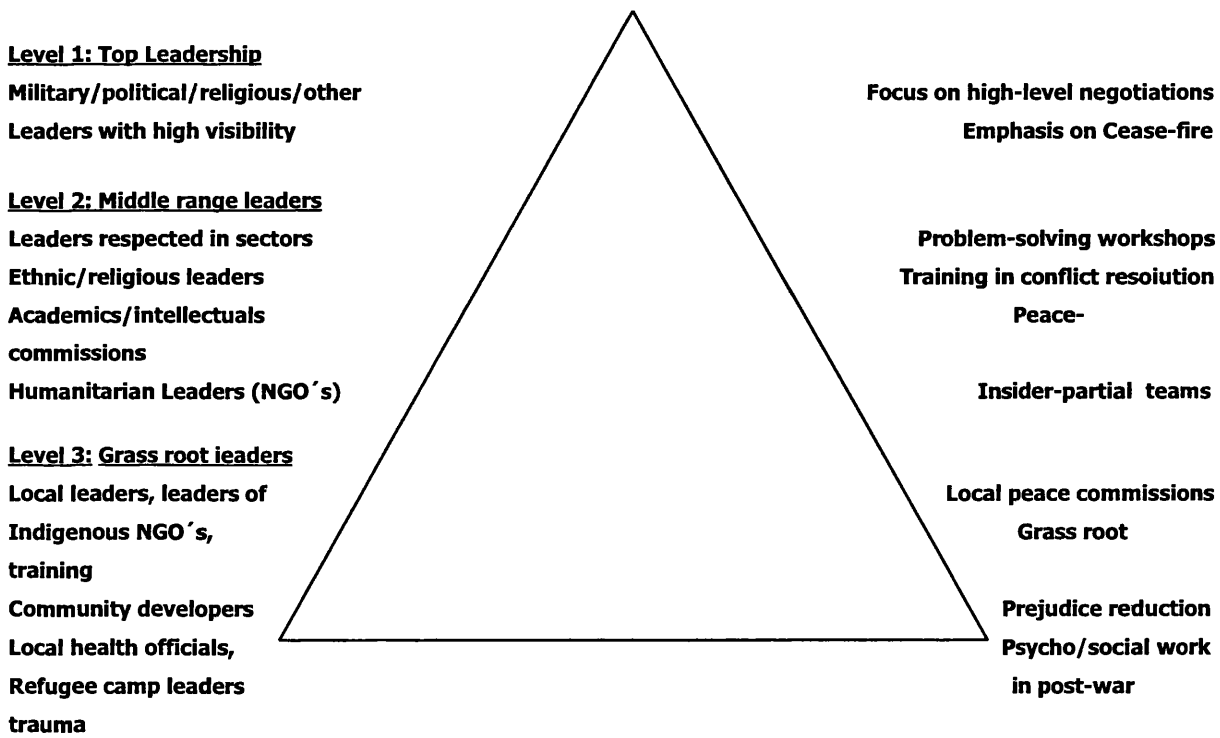
¹⁹ J. Galtung Violence and Peace, in: P. Smoker, R. Davies, B. Munske: A Reader in Peace Studies, Lancaster 1990, p. 10ff



Figure 1.1: Lederach's Triangle of Conflict Transformation

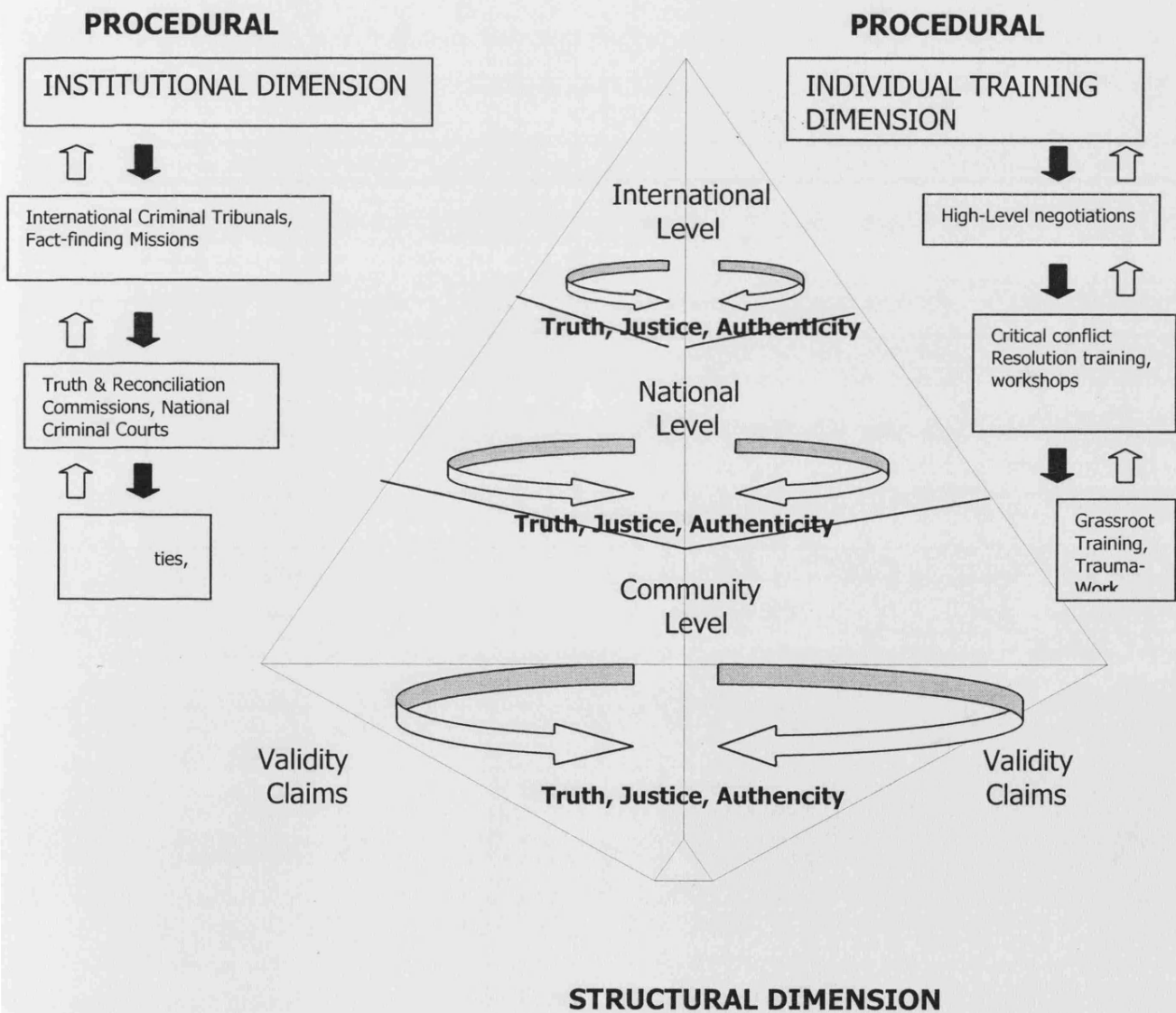
Types of Actors:

Approaches to Conflict Resolution:



(John Paul Lederach 1998)

Figure 1.2: 'Lederach's Triangle Revisited.'
- Dimensions of a critical theory based Approach to conflict transformation.-



community) institutional level in the Lederachian triangle and some aspects on each of the three horizontal normative levels in terms of Habermas' validity claims of truth, justice and authenticity.

By introducing (theoretically) both an institutional and a horizontal normative level into the Lederachian triangle we get a first blueprint of a critical theory based approach to conflict transformation. (See figure 1.2) . Critics might argue that these modifications mutilate Lederach's original approach beyond recognition. However, a closer look shows that this blueprint echoes surprisingly accurately Lederach's intention in his previous work on cross-cultural training .²⁰ Lederach's early writings are mainly based on the work of two authors - the critical pedagogy of Paulo Freire²¹ and Schütz's²² Phenomenology. On these grounds, he develops a critical approach that stresses the importance of cultural resources for conflict resolution. This approach has striking similarities to the model of critical conflict resolution that is used in Chapter 2 to criticise the mainstream thought of John Burton and his followers. Moreover, Lederach's catalogue of objectives for peace-building and reconciliation – that he defines independently from any

²⁰ John P. Lederach: *Preparing for Peace. Conflict Transformation across cultures*, New York 1995. Compare also Chapter 3.

²¹ Paulo Freire: *Pedagogy of the Oppressed*, New York 1970.

²² A. Schütz/ T. Luckmann: *Strukturen der Lebenswelt*, Frankfurt 1979.

language philosophy as an interplay between truth, justice, mercy and peace (forgiveness/authenticity) strengthens the critical theory based argument further. ²³

The fact that Lederach constructs his model according to his practical needs as a trainer helps to relieve a critical approach to conflict transformation (at least, to an extent) from a crucial burden, which is to show that it is actually practicable and not only prescriptive theory. Lederach's model is also quite unique insofar as unlike other authors in the reconciliation and forgiveness literature he does not shy away from theorizing. Nevertheless, strictly speaking Lederach's training approach is still flawed. One reason why Lederach fails to develop an adequate model lies in the general malaise that characterises conflict resolution theory that is functionalism. By mixing Freire with Simmel and Coser²⁴ and an ethnographical approach to conflict resolution, Lederach's approach loses its ideological-critical edge. That is to say, although Lederach chooses initially the adequate theories and finally establishes a so far missing link between sociological theory and the more descriptive discipline of peace studies, he fails to draw the

²³ John P. Lederach: *Preparing for Peace. Conflict Transformation across cultures*, New York 1995, page 16.

²⁴ Via Freire, Lederach adopts the idea of a positive function of conflict ('antagonism maintain systems by establishing a balance between its components'). He also borrows the idea of a dialectic approach from this author. L.A Coser: *Theorie sozialer Konflikte*, Neuwied 1965. G. Simmel: *Schriften zur Soziologie*, Frankfurt 1983.

right conclusions.

A critical theory based 'quasi-transcendental' approach to conflict resolution hopes to address some these shortcomings and restore the critical spirit in Lederach's work in Chapter 3.

(*Definition of a critical theory based 'quasi-transcendental' approach)

A critical theory based approach²⁵ criticizes the current structural-functional discourse on peace-building (that assumes the existence of only one functional reality- see Chapter 2 & 4) and tries to specify theoretical alternatives (Chapter 3) that allow for an inclusion of plural perceptual (life-world) dimensions and an ideology-critique. It follows Cox²⁶ who distinguishes functional problem-solving theories, which take the world as it is, focus on the smooth functioning of relationships and do not choose to question the prevailing social and power relations, from critical theory based models that takes these very power relationships as its ideology-critical starting point. It seeks to explain the potential link between formal pragmatic assumptions (regarding truth, justice and authenticity) within speech and human cognition and transformative peace-building practices in post-conflict

²⁵ Compare Christy Raschdorf - Towards a communicative reform of the United Nations: A critical theory perspective, in: Journal of International Communication . The UN at 60 , Vol 11.2, 2005. /Christy Raschdorf: 'Communicative indicators for the study of Regional Integration : A critical theory perspective ' in: UNU Series on Regional Integration, London (Routledge) 2004.

²⁶ R. Cox; in: Robert O. Keohane (ed): Neorealism and its critics, New York 1986.

situations- like truth seeking and transitional justice. In this context, this thesis argues for a comprehensive institutional approach to normative peace-building that is characterized by conceptual complementarity and a coherence of peace-building practices (promoting Truth, Justice and Authenticity) on local, national and international levels. It suggests that local, national and international peace-building efforts should be seen as equally valid mutually constitutive parts of one (culturally unique!) multi-levelled communication process on the prerequisites of peace in one particular cultural context. It further calls for an active defence of cross-cultural responsibilities. It argues that cultural differences do not exempt the international community (and in particular international courts) from the responsibility to strive for inter-procedural complementarity with local efforts and to ensure an intelligibility of its processes (to guarantee local ownership of international peace-building practices).

The argument of this thesis develops along the following lines.

Chapter 2 highlights some methodological and conceptual short-comings in the contemporary problem-solving discourse on conflict resolution and explains further why a ideology-critical ,communicative approach is needed.

Chapter 3 then outlines a blue-print of a critical theory based approach to conflict transformation by modifying the Lederachian triangle of conflict transformation through the introduction of horizontal normative and institutional levels. It will also sketch a critical approach to conflict resolution training by discussing Lederach's work on Freire. The intent is to first consider the individual practical training dimension of a critical theory based approach to conflict transformation (see figure 1.2) and then to examine some analogue dimensions within the dialogical interplay of institutional processes. Some of these dialogic aspects will be further illustrated in Chapter 5.

Chapter 4 will anticipate possible criticism that could be made on the grounds of other theoretical traditions such as Postmodernism, Functionalism, Neo-realism and Neo-marxism. In four different sections the standard objections against a critical theory based approach will be discussed and assessed. The overall aim of this section will be to show how in the end a critical theory based approach to conflict transformation might be able to go beyond Habermas' theory of modernity and manage to include the critical spirit of postmodernism and its insights on the plurality of reason and moral learning in its core assumptions via a critical

reception of Wittgenstein and Lyotard. Section 4.4 will then further develop a core theme of this thesis by outlining differences between a functional approach to peace-building and a critical theory based approach (compare above). This section will end with a complementary discussion of practical challenges for a critical theory based approach.

The thesis shifts its general theoretical focus, moving to an illustration of some institutional and life-worldly (Lebenswelt) prerequisites for peace and reconciliation in Rwanda in **Chapter 5**. It will reconstruct some illocutionary, propositional and expressive components of the Rwandan discourse of violence in the past and present to exemplify the extent of perceptual violence in Rwanda. It will then provide a short overview of current institutional practices that seek to rewrite some illocutionary, propositional and expressive components of the Rwandan discourse of violence through a promotion of truth, justice and authenticity. It will further look at questions of inter-procedural argumentative coherence and complementary of conceptual definitions of Truth, Justice and Authenticity at local, national and international level. **This discussion does not mean that the author claims that this discussion ultimately ‘proves’ or tests the theoretical assumptions of a critical theory based model.** It only provides one formal-pragmatic reading of already existing normative peace-building

strategies (within one particular language game) that centres around reoccurring argumentative themes of truth, justice and authenticity and their complementarity with other processes at higher levels (e.g. international justice) . A critical theory based approach seeks to interpret the mutual dialogic relationship between these processes. It is not the first model to acknowledge that without truth there can be no justice. However, it might be the first peace-building approach that seeks to explain this proximity through a multi-levelled communication process. The objective of this thesis is to develop an original conceptual approach to conflict transformation that seeks to explain peace-building practices through their argumentative relationship with each other.

Chapter 5 will (ideal-typically) reconstruct some underlying institutional beliefs and diverging perceptions of truth, justice and authenticity on local, national and international level by using the examples of the International Criminal Tribunal for Rwanda, the National Unity and Reconciliation Commission for Rwanda, local reconciliation projects and Gacaca.

Each of these institutional practices will illustrate key aspects of one vertical institutional level and of one horizontal normative claim in the modified triangle. In this context, every procedure will be scrutinised in terms of

other dialogic claims at other levels. That is to say for example the work of the International Criminal Tribunal for Rwanda will be not only illustrated in its own right, but will further be juxtaposed with other cultural-specific (formal-pragmatic) needs for Justice, Truth and Authenticity at other levels. The hope is that by this some dialogic dimensions of a critical theory based institutional approach to conflict transformation can be illustrated in practice.

The latter model stresses the intertwineness of argumentative processes within peace-building. It argues that a transcending of communicative violence requires a full transformation in the nine normative spheres that are **formal**-pragmatically pre-given through the perspective structure within human speech. Put differently, a critical theory based, quasi-transcendental approach seeks to explore the possible link between the **formal** structure of human thought and normative institution-building. It assumes that actors will feel discontent and dissatisfied if some normative claims remain unaddressed at the expense of others. In this scenario, actors will be more likely to resort to violence, in particular when they are still thinking in exclusive categories of intact discourses of violence. It will be argued that unless communicative transformation is sought on all vertical and horizontal levels truth-seeking, norm-setting and norm-enforcing institutional practices will fail to

resolve conflict and will not succeed to rewrite discourses of violence. Short-comings in this regard will lead to discontent and resistance either on national or community or individual level. The importance of a conscious transition of normative and interactive barriers between the community, national and international level will be illustrated by the example of the International Criminal Tribunal of Rwanda. In a preliminary discussion of complementary peace-building processes on national and local levels this thesis will highlight alternative (ideal-typically reconstructed) individual and institutional perceptions of truth, justice and authenticity. On these grounds, it will try to illustrate shortcomings within standard international institutional definitions of truth, justice and authenticity which are only one- and not multi-dimensional. In this context, it will (idealtypically) point at three different institutional meanings of truth, justice and authenticity (that be derived from communicative needs on lower levels and the perspective structure of speech) that influence/ impede the work of truth-seeking, norm-setting and norm-enforcing entities.

There is legal truth that is established through the application of procedural rules in court (normative world view) , there is factual (inter-subjective) truth that is jointly found in a descriptive discourse with reference to the (life-world specific) objective world and there is subjective truth

that is based on one's private experience.

There is restorative justice that responds to community needs, retributive justice that reflects the necessity of the international and national order and subjective justice that is crucial for the emotional well-being of individuals.

There is juridical authenticity that is again determined by a given body of law, there is factual authenticity that manifests itself in a successful interpersonal interaction and there is subjective authenticity that can be promoted through therapy but that is never fully disclosed. These nine validity claims correspond to the nine horizontal dimensions in the modified Lederachian triangle that re-conceptualises conflict transformation as a communication process.

The concluding **chapter 6** will summarize again the findings of this study.

On the whole, this thesis hopes to make a small contribution to the wider project of a comprehensive specification of those communicative and normative practices that could be constitutive for peace. If the general hypothesis of this thesis is correct and the success of any communicative (peace) process is indeed always determined through a correct understanding of its (cultural specific) objectives, the following discussion of the underlying normative goals (validity-claims) of peace-building efforts should lead to further insights in this respect.

Moreover, if this thesis can successfully illustrate that societal discourses/language games and communicative competencies are indeed better starting points for conflict analysis than behavioural and material needs then this discussion would mean an important first step towards a cultural sensitive approach to conflict resolution and transformation.

Furthermore, if the presupposition is correct and peace is indeed a condition that has to be promoted on different structural levels over time, a critical theory based approach would on the whole specify a wider spectrum of peace-constitutive practices and hence provide a more comprehensive approach to long-term peace-building.

On the whole, this thesis seeks to provide an ideology-critique of the discipline in which peace-building is currently equated with finding ways to guarantee the functioning of a state/legal /economic and educative system and not with a recovery of a society (which would require the rewriting of discourses of violence). A critical theory based approach specifies a unique contribution to the field insofar as it questions the normative foundations and theoretical origins of these functional problem-solving orientated practices. It sketches a holistic approach to peace-building in which vertical institutional levels and horizontal normative claims do not only co-exist but are considered as mutually

constitutive components in one communication process on peace.

**1.2 CRITICAL THEORY, DISCURSIVE PEACE-BUILDING
AND THE CASE OF RWANDA
-FIVE CONTRIBUTIONS OF A CRITICAL THEORY
BASED APPROACH TO THE CURRENT
LITERATURE-**

This thesis hopes to contribute to the existing body of IR theory literature in at least five ways.

Firstly, it seek to apply some insights of critical theory into critical praxis by illustrating its practical potential for peace-building. Critical Theory is often misunderstood by other IR theory approaches as a set of desirable but not practicable assumptions. Its wider reception is distorted by profound misunderstandings of Habermas' work that centre normally around a miscomprehension of his idea of an ideal speech situation and his formal-pragmatic language philosophy. As a result, critical theory is in many ways a closed paradigm that is centred on internal theoretical debates and that is perceived by others as prescriptive and entirely detached

from practice. This thesis will try to remedy some of these misconceptions by illustrating its relevance for the understanding of the perceptual dimension of one of the most pressing problems of our time that is ethnic violence and genocide.

Secondly, within the wider field of critical theory there is a lack of approaches seeking to bridge the theory and practice divide. There are very few exceptions to this. This is particularly true for Africa. The only author who to my best knowledge ever tried to rethink 'Gesellschaftstheorie' (Social Theory) in an African context is G. Hauck²⁷ who traces with historical roots of statehood and society, potential origins of current political challenges in a number of African states. By this, he seeks to contribute to a comparative cross-cultural analysis that was initially devised by M. Weber²⁸ in his sociology of religion and further developed by W. Schluchter²⁹, and that also informs Habermas' work. It is certainly interesting to ask how and why African state structures, forms of production and types of governance have evolved differently from western forms and with which consequences. This is especially true if one is interested in establishing what lies beyond the western functional reality

²⁷ G. Hauck: Gesellschaft und Staat in Afrika, Frankfurt 2001.

²⁸ Max Weber: Gesammelte Aufsätze zur Religionssoziologie, Tübingen 1988.

²⁹ W. Schluchter: Die Entwicklung des okzidentalen Rationalismus, Tübingen 1979.

of sovereignty and statehood. IR authors like Der Derian³⁰, Ashley³¹ and Campbell³² have shown that the idea of a sovereign state is a western fiction in itself that confines our perception and understanding of governance and policy making, which is not to say that a comparative analysis of forms of governance could not be fruitful. This thesis, however, is inspired by Hauck's earlier work 'Einfuehrung in die Ideologiekritik' and limits itself strictly to questions that were explored by Marx³³, Gramsci³⁴, Lukacs³⁵ and many others before. This includes questions like 'Do people voluntarily agree to hegemonial discourses/fascism (Gramsci) or are they held hostage by everyday discourses that legitimate structural violence (Marx/Freire³⁶)? As will be shown in Chapter 3, Habermas' model of cognitive learning and decentralisation clearly suggests that people first have to be empowered before they can be mobilized. However, this process is not necessarily uni-linear or irreversible. Freire's term of a 'fanaticized consciousness' (compare Chapter 3) modifies Habermas stage model in an important way by

³⁰ James Der Derian/ M. Shapiro International / intertextual relations : postmodern readings of world politics, Lexington 1989

³¹ R. Ashley: Untying the sovereign state: A double reading of the Anarchy problematique, in: Millenium, 17.2 (1988).

³² D. Campbell: Apartheid cartography : identity, territory and co-existence in Bosnia, Newton, 2001

³³ Karl Marx: Grundrisse der politischen Ökonomie, Berlin 1974.

³⁴ A. Gramsci: Selections from political writings (1910-1920), London 1977.

³⁵ G. Lukacs: History and class consciousness : studies in Marxist dialectics, London 1971.

³⁶ Paulo Freire: Pedagogy of the Oppressed, New York 1970.

showing that under unfavourable structural conditions a cultural consciousness can be radicalized, deteriorate and prevented from full reflexivity.

His analysis exemplifies the need for an ideology critique and a perceptual dimension of peace-building. In his earlier work, G. Hauck pointed out that 'ideology critique means to illustrate in a concrete way which non-argumentative constraints – influences of power or interests- hinder a consciousness to follow the better argument.'³⁷ It is this ideology critical angle that is taken as starting point for this thesis.

This thesis first offers an epistemological and ontological critique of current conflict management practices and identifies communicative distortions that are inherent within the current problem-solving paradigm. Similar distortions have been noted by J. Rothman³⁸, V. Jabri³⁹ and D. Jones⁴⁰. However, because of the centrality of Burtonian⁴¹ thought within the discipline, none of these authors has ever tried to identify the paradigmatic differences between human needs theory and a critical theory based approach. They have tried to combine/assimilate both approaches within the dominant paradigmatic framework rather than seeing these

³⁷ G. Hauck: Einführung in die Ideologiekritik, Hamburg 1992

³⁸ Jay Rothman: From confrontation to cooperation: resolving ethnic and regional conflict, Manchester 1992.

³⁹ Vivienne Jabri: Discourses on violence, Manchester 1996

⁴⁰ Deiniol Jones : Cosmopolitan Mediation, Manchester 1999

⁴¹ John Burton: Conflict and Communication, New York 1969

paradigms as distinct explanatory entities with different knowledge interests. This thesis takes R. Cox's⁴² distinction between problem solving theory and critical theory as its starting point and follows it to its logical conclusion. In his distinction of problem-solving theory and critical theory (that radicalises Habermas' distinction between moral-practical and theoretical knowledge interest), Cox distinguishes the former from the latter as follows. While problem-solving theories take the world as it is, focus on the smooth functioning of relationships and do not choose to question the prevailing social and power relations, critical theory takes these very power relationships as its starting point. This explains why a critical theory based approach to conflict transformation presents such a 'harsh' critique of the discipline in the name of inter-procedural reflexivity. It lies in the nature of an ideology critical approach that it challenges the borders of present thought. This does not mean that authors like Burton are or were not important or were not aware of structural injustice. It only highlights the fact that his approach suggests a particular functional/strategic point of view. The latter prevents a complementary development of a perceptual, life-world based dimension within his model. The communicative framework of Burton's approach precludes (like Foucault or Lyotard would put it)

⁴² R. Cox; in: Robert O. Keohane (ed): Neorealism and its critics, New York 1986.

the expression of alternative (normative) meaning. A critical theory based approach does not seek to 'bash' Burton and its followers nor does it claim to provide the last chapter of an ultimate truth. It just seeks to re-claim the normative domain and contests the right of expression of different conceptual realities. Moreover, only because a critical-based approach to peace-building is new and not fully developed does not mean that it has to be necessarily wrong. It just highlights a general functional malaise within the discipline that unrightfully excludes a perceptual dimension of violence through its negligence of cultural norms and distorted life-world structures. Without noticing it, current models focus solely on structural- functional necessities and systemic stability. As a consequence of the multitude of life-worlds many have grown to believe that only functional universals can be used as comparative benchmarks. Indicators specifying functional necessities such as human needs were the result of this. However, this focus ultimately excludes unrightfully cultural meaning and normative concerns from the agenda (compare Chapter 2) and leaves underlying perceptual discourses of violence largely intact.

The main point this thesis seeks to make centres around this theoretical omission. It seeks to illustrate that a rewrite of a discourse of violence requires a discussion of nine formal validity claims that are not only pre- given within

speech but that might have also institutional equivalents in the form of truth commissions, courts and community projects fostering authenticity. A critical theory based approach to conflict transformation specifies these nine vertical and horizontal dimensions institutionally and as a critical training practice. It draws an alternative picture of decentralisation. It specifies in addition to a functional dimension of differentiation, a perceptual dimension of decentralisation in the context of transformative peace-building. This thesis might be radical and its assumptions might be new and challenge the reader. However, there are clear indications that this is necessary. As will be shown in Chapter 4, peace-building experts experience serious difficulties to promote local ownership and include normative peace-building processes like truth-finding, restorative justice and reconciliation in their institutional agendas because their 'knowledge interests' seem inherently different.

Thirdly, while there is a growing consensus that reconciliation is important notion within peace-building – as a consequence of its normative nature- the objective of reconciliation still seems in many ways different from other more hands-on objectives (like sustainable development) that dominate the present peace-building discourse. This is further worsened by a lack of social theorizing in the

academia. As Hizkias Assefa has put it: ‘..there is not even much understanding of what (reconciliation)... means, especially among social sciences.’ He also notes that ‘religious people and theologians are a bit better equipped to discuss the concept’.⁴³ Via the formal-pragmatic (quasi-transcendental) ideas of Habermas discourse ethics, this thesis seeks explore the idea of forgiveness and reconciliation as ideal-typical assumptions within an ideal speech situation, that is to say **independently from any religious or any other content**. In this context, the possibility of forgiveness and reconciliation is explained within the formal argumentative framework of speech through the speech inherent necessity to raise and discuss validity claims and most importantly the desire to get acknowledgement and to understand the motivations of the violating other. Axel Honneth has developed a similar argument a decade ago in his book ‘Struggle for recognition. On the moral grammar of social conflicts.’ He argues that the human life form is on the whole affected by the fact (that was convincingly described by G.H. Mead) that individuals are only able to become social members of society and develop a positive understanding of their self through a mutual

⁴³ Hizkias Assefa: The Meaning of Reconciliation, in: European Centre for Conflict Prevention: People building Peace, Utrecht 1999.

acknowledgement.⁴⁴ Honneth sees this struggle for recognition as the main moral driving force of history and attributes social unrest a.o to a systemic violation of truthful, rightful and authentic claims for personal, legal and social acknowledgement.⁴⁵ While he sees certain merits of an utilitarian conflict model (that sees conflict as a struggle about scarce resources) , he also notes that the straightforwardness of this collective basic needs approach has resulted in a neglect of a less visible moral grammar of social conflicts which finds its expression not only in breaches of an unspoken consensus that exists between citizen and their leaders but also most importantly in the affirmative space that is given within a society for individual development through three forms of recognition- love (within a family unit), law (within a state) and social appreciation (within a society)) .⁴⁶ Without affirmation in these three spheres an individual is not able to develop the self-confidence, self-respect and self-appreciation that is necessary to assert his/her moral autonomy and also fully respect the rights of others outside his/her in-group. Like Habermas, Honneth considers a differentiation/

⁴⁴ Axel Honneth: *Kampf um Anerkennung* Frankfurt 1992. Unlike Habermas, who would assume an ongoing quest for a mutual acknowledgement of validity claims, Honneth tries to define these inter-subjective notions of recognition further in terms of love, law and solidarity. He derives this notions from his discussion of Hegel and Mead. (p.152) While Honneth's work is fascinating it does not match Habermas work in terms of its language philosophical sophistication.

⁴⁵ Ibidem, p.227.

⁴⁶ ibidem, p. 267.

universalisation of these three spheres (e.g. the independence of law from social membership) as a prerequisite of autonomy and equality. (However, unlike him he attributes transformative change to the development of sub-cultural semantics- that is to say non-mainstream narratives on justice. Still, it goes without saying that any occurring of such narratives is unlikely within intact discourse of violence and its associated distorted forms of identifications. Hence, it is necessary to identify and remedy distortions in all normative spheres of truth, justice and authenticity.) Honneth's analysis points at cognitive and emotive needs for recognition that are pre-given with speech and that also seem vital for our understanding of the inter-subjective (dialogic) dimension of forgiveness and reconciliation. In this context, it becomes clear why a simple apology can change everything by recognizing somebody's pain and giving him/her through this acknowledgement his/her self-confidence, self-worth and self respect back.

The above suggested formal pragmatic point of view is one way to look at reconciliation processes. Clearly, there are many other approaches that are not further developed in this thesis. For example, Sister Genevieve's reconciliation project, which is used to illustrate formal argumentative perspective taking processes, clearly benefits from a Christian ethics . As Galtung has pointed out before all five

world religions teach us a particular lesson with regard to peace and reconciliation and have transformative power in their own life-world (Lebenswelt) contexts and arguably also beyond.⁴⁷ Each of the main five world religions from Buddhism, Hinduism, Taoismus, Judaism, Islam and Christianity acknowledges the value of forgiveness. However, nevertheless, it seem difficult to combine or compare these contents in one terminology, since every narrative creates it own reality that inspires people in a multitude of ways and for a multitude of reasons. The assumption of a formal argumentative dynamics that underlies all these processes seeks to circumvent this dilemma. It starts from the observation that forgiveness is (often, if not always) described through dialogic relationships (either with with one self, God and the other). Strictly speaking, any analysis that seeks to answer questions of content should answer meta-theoretical questions first otherwise it seems unclear how it could legitimise its comparative criteria. P. Hayner's comparison of 21 truth-commissions⁴⁸ is a prime example for this. The positivist reduction that is implied in this exercise becomes evident if one realises that strictly speaking for a concrete assessment of what she means by truth she would have had to compare not only the 'objective'

⁴⁷ Johann Galtung: *The next twenty-five years of peace-research: tasks and prospects*, Oxford 1987.

⁴⁸ P.Hayner: *Unspeakable truths*, New York 2001, p. 72f.

mandate of the commissions, the respective political context, the 'factual' set up of the commissions and the 'real' influence of personalities involved but also the dynamics of 21 discourses of violence and the perceptual place of every truth-commission within it. Her analysis is very useful to point at some common (functional) lessons learned with regard to institution-building but it clearly diverts the attention from the fact that the ultimate reference point for the setting up of normative processes seeking to promote truth, justice and authenticity should be a cultural life-world/language game itself (compare Chapter 3).

This thesis conceptualises reconciliation processes as community-based argumentative encounters in which actors evaluate each other propositional, illocutionary and expressive arguments on the grounds of life-experience and cultural beliefs (what ever they might be). Institutions can formalise and/or facilitate these encounters on all (local, national, international) levels but they can not substitute them, (see discussion of the ICTR) which is why this thesis argues that within the transformative triangle all three structural levels (community based reconciliation, national truth-finding and international justice) have to be linked through vertical and horizontal communicative interaction. Communicative reconciliation processes specify one important precondition for a rewrite of a discourse of

violence. Face to face interactions avoid that peace-constitutive claims of truth, justice and authenticity become solely a part of an institutionalised expert culture and link institutional claims with everyday knowledge and communicative needs.

As Chapter 3 will show most of the debate in reconciliation studies focuses either on a material definition of reconciliation or on the wider reaching question whether any definition can be given at all. From a critical theory based perspective this discussion seems to miss the point insofar as every communicative consensus can change through discourse over time and depends on life-worldly (cultural, social, economic, personal) factors involved. As a consequence, none of these authors provides a suitable starting-point for this analysis (compare Chapter 3).

(*Definition Reconciliation) Following Honneth, this thesis conceptualises reconciliation as argumentative encounter in which validity claims of truth, justice and foremost authenticity are debated as a part of a struggle for recognition and respect. The outcome of this process can be inconclusive. Parties might ultimately just decide to tolerate each other. However, the process nevertheless facilitates perspective taking and the knowledge of the other claims of truth, justice and authenticity. This importance of

dialogic perspective taking for reconciliation processes will be illustrated in Chapter 3 and 5.

d) Fourthly, this study also seek to make a small contribution to the classic debate between modernity and post-modernity. It tries to in-cooperate the best of both 'worlds'. Following Wellmer and Welsch (compare Chapter 4.2), it acknowledges some incommensurabilities and a plurality of life-worldly discourses. It further incooperates findings of cross-cultural cognitive research that suggest (contrary to Habermas' assumption) that adults in all cultures can reach the stage of argumentative reasoning (Chapter 3). Hence, this study is not only critical theory based but also contains post-modern elements insofar as it assumes a plurality of differentiated cultural discourses. Following authors like Kuhn, Foucault and DerDerian, it further challenges Habermas' ideas of an evolutionary linearity of history. It also assumes that world view structures can degenerate again into a less differentiated state during conflict. It argues that the pressure that societies experience during conflict might lead to a centralisation of functional structures and a simplification of meaning (reactivation of exclusive narratives) that is needed to cope with the extra amount of complexity.

At the same time, it still stresses the importance of the socio-historical dimension by pointing at the centrality of cultural

life-worlds and cognitive perceptions for an understanding of conflict. For example, it would argue that in the case of Rwanda the evolutionary development of culturally authentic world view structures -that might have led altogether to a different modern state - were disrupted by colonialism . Previous (arguably latent, low scale) frictions were reinforced by colonial oppression leading to a continuously deepening of a discourse of violence and cognitive misconceptions.

The fifth contribution that this study hopes to make is a (meta-theoretically inspired) illustration of some present realities and institutional challenges in Rwanda. As Peter Uvin has noted:

‘The wealth of facts (of information that was collect by NGOs) has not been connected to social science theorizing. There seem to be two parallel spheres: one is volumes of descriptive micro-level data without scientific hypothesizing and theorizing and the other is theory-informed macro-level analysis. There are too few exceptions of this...Another neglected issue is post-genocide Rwanda. Most scholarship seems interested in explaining the genocide, but fails to look at the stunning challenges faced by the current regime and the inhabitants of the country. There is very little scientific work on post-genocide Rwanda. The field is entirely captured by consultancy reports written by and for development enterprises and human rights organisations, whose

(empirical) function is to document the many abuses but not to explain dynamics. With the exception of legal scholars....the scholarly world appears to be interested in Rwanda only as a case-study of genocide but not as a place whose ongoing political , social (*perceptual?*) and economic dynamics merit research'.⁴⁹

The author is of course aware that there are limitations for this analysis. For example, a study that carries the additional burden of theorizing, it is impossible to trace the idea of gacaca throughout African history or review the whole field of pre-colonial African conflict resolution or contemplate about ritual meaning (material content) of procedures like in a singular case study. A formal-pragmatic analysis of discourses of violence that uses the Rwandan case mainly as illustration of its terminology does not claim to fulfil the criteria of an anthropological case-study, just like a case study would not necessarily aim to provide an ideology-critique or theoretical re-conceptualisation of the discipline. Such a rigid interpretation would be very unhelpful insofar as it would only further reinforce the divide between theory and practice that is already hindering the academic debate. There are clearly also economies of scale for a critical theory based approach that is not concerned with one case study like

⁴⁹ Peter Uvin: *Reading the Rwandan Genocide*, Oxford 2001, p. 99.

anthropological works but that actively seeks to bridge the gap between theory and praxis through the development of a multi-levelled model that does not necessarily have to be falsified or (temporarily confirmed in a particular context, at a particular moment in time) to contribute to a discussion. Obviously, there apply different standards in terms of the representation of contextual complexity and there is a clear need to present certain processes in a reduced and ideal-typical way (M. Weber). Aside from these concerns, a critical theory based illustration of the Rwandan case can contribute to a further specification of two common themes that Uvin uses to differentiate ideal-typical paradigms within the literature on Rwanda- a) the idea of elite manipulation and b) socio-psychological approaches seeking to explain Rwanda's culture of obedience.⁵⁰

This study explores discursive resources that were used in elite manipulation. It sketches the cognitive basis of Rwanda's discourse on impunity and point at ways in which people can be empower to acknowledge own responsibility and question authority. A critical theory based approach clearly does not only focus on the occurrence of the genocide. It is more interested in the perceptual challenges of post-genocide Rwanda- challenges that are, according to Uvin , not well covered within the literature.

⁵⁰ Peter Uvin: Reading the Rwandan Genocide, Oxford 2001, p.79ff.

1.3

-METHODOLOGY-

This thesis utilises three mutually compatible sets of methodological assumptions. In the theoretical chapters 2, 3, 6 & 7 it adopts the philosophical procedure of "Reconstruction" as its method of investigation. In the illustrative chapter 5 it uses in addition a corresponding qualitative methodology and a specific method of textual representation that was suggested by Thomas McCarthy.⁵¹ Initially introduced into the discourse of social science by Jürgen Habermas in his classic "Reconstruction of Historical Materialism"⁵², the philosophical procedure of reconstruction signifies a re-interpretation process of classic key terms of socio-philosophical thought. It is a critical approach that seeks to define basic analytical concepts a-historically, by reconstructing ,through the means of language philosophy, universal procedures and communicative competences.⁵³ Its primary aim is to "transcend" epistemological and ontological problems that

⁵¹ Thomas Mc Carthy: Ideal und Illusionen: Dekonstruktion und Rekonstruktion in der kritischen Theorie, Frankfurt 1993, p.290

⁵² Jürgen Habermas: Zur Rekonstruktion des Historischen Materialismus, Frankfurt 1976.

⁵³ Jürgen Habermas: Vorstudien zur Theorie des kommunikativen Handelns, Frankfurt 1976.

previous approaches were not able to surpass, and to justify the necessity of an unconfined discourse.

Applied to the context of this thesis, the first objective of a reconstructive approach lies in the analysis of the basic concepts that are currently used in mainstream approaches to conflict resolution and their ontological and epistemological foundations. Within the Burtonian framework, there are at least two key concepts and procedures that at first sight seem to be questionable from a Habermasian point of view: a) the ontological concept of universal needs (in particular Burton's assumptions about identity and recognition) and b) the procedure of controlled communication. These notions will be introduced and scrutinised in Chapter 2.

The second objective of a reconstructive approach lies in the detailed provision of alternative theoretical concepts **and practical procedures. While it is not in the scope** of this thesis to fully accomplish these tasks , the immediate objectives of Chapter 2 & 3 will be:

- a) to illustrate why discourse ethics specifies not only desirable but necessary conditions for the resolution of conflicts, that even mainstream thought can not circumvent.

- b)** to outline similarities between a theoretical critical approach to conflict transformation and Lederach's practical cross-cultural training-methodology.⁵⁴
- c)** to incorporate Lederach's findings into a critical theory based model of conflict transformation by reconstructing his model on the grounds of discourse ethics and Habermas' typology of individual and collective communicative learning.⁵⁵
- d)** to modify Lederach's structural approach to peace-building⁵⁶ by introducing a normative and institutional /life-world (Lebenswelt) dimension into his model.
- e)** to outline a critical theory based approach to conflict transformation.

Chapter 5 illustrates some dialogic and institutional dimensions of a critical theory based approach to Conflict transformation. This section includes a discussion of how – and in which normative categories- some international,

⁵⁴ John P. Lederach: Preparing for Peace. Conflict Transformation across cultures, New York 1995.

⁵⁵ Paulo Freire: Pedagogy of the Oppressed, New York 1970.

⁵⁶ John P. Lederach: Building Peace: sustainable reconciliation in divided societies, Washington 1997

national and local actors might perceive the success and failure of given institutional practices. For obvious reasons, an explorative approach, which ultimately seeks to comment on normative assumptions within life-worlds, can not rely on pre-prepared quantitative questionnaires.⁵⁷ The cross-cultural hermeneutic gap requires the reconstruction of dialogic knowledge. Such an investigation can be only undertaken in the context of "social texts" by the hermeneutic means of a qualitative methodology.⁵⁸ A qualitative methodology suggests two possible modes of inquiry for this investigation. The first is the conducting of qualitative interviews. The second is the reading of authentic texts (e.g. transcripts of the proceedings of the International Criminal Tribunal and the Unity & Reconciliation Commission, victim reports collected by local NGOs, letters written by prisoners to genocide survivors and the like). Both modes of inquiry will be used in this thesis. In accordance with the above outlined theoretical model, interviews were conducted on international, national and local levels. This includes qualitative interviews with genocide survivors, prisoners, ICTR witnesses and participants of local Gacaca courts as well as ICTR judges, Rwandan ministers and other opinion leaders including representatives of local NGOs and churches.

⁵⁷ G. King, R.O Keohane, S.Verba: designing social inquiry: scientific inference in qualitative research, Princeton 1994.

⁵⁸ H. G Gadamer: Wahrheit und Methode, Tübingen 1960.

The aim of Chapter 5 is to illustrate the relevance of formal pragmatic ideals of justice, truth, authenticity in a non-western cultural setting. The author of this thesis is very aware of the hermeneutic difficulties that are inherent in every cross-cultural analysis. Wittgenstein⁵⁹ had undoubtedly some good reasons to believe that cultural life-worlds (language games) are mutually exclusive (incommensurable) symbolic universes, which (if at all) can be only entered by a social scientist after a long and thorough communicative socialisation process (which is why this thesis limits itself to a formal-pragmatic discursive analysis- that is to say it focuses on the structural co-existence of normative/communicative practices compare Chapter 4.2).

However, Habermas makes an equally valid point when he stresses that there are some unchanging formal components within speech and similarities within human experience that allow everybody to learn any language and to communicate with others, despite all incommensurability.

The author tried to solve this hermeneutic dilemma that is inherent to any cross- cultural analysis:

- a) in a classical Weberian⁶⁰ way by constantly reminding herself of her theoretical presuppositions.

⁵⁹ Ludwig Wittgenstein: Philosophische Untersuchungen, Frankfurt 1992.

⁶⁰ Max Weber: Gesammelte Aufsätze zur Wissenschaftslehre, Tübingen 1968.

b) by seeking the help and advice of a local translator of the International Criminal Tribunal for Rwanda for her participatory research on community level.

In this context, it is also important to stress that the illustrative component of this thesis is deliberately chosen to disassociate this study from Habermas' hermeneutic method of virtual dialogue ('hermeneutic re-constructivism'), that indeed betrays his very own ideals of equality and undistortedness within the realm of argumentative reasoning.

Instead of taking (like Habermas and Gadamer) a monological reconstructed dialogue with other cultures as its starting point, this thesis includes some local voices in the form of polyphone dialogical texts. The latter are meant to serve as an illustration of the different propositional and illocutionary components of the Rwandan discourse of violence and cultural ideas on truth, justice and authenticity. The method of polyphone representation was introduced in the early 1980's. Polyphone, dialogical texts include besides the final interpretations of an observer (3rd person perspective) also the original arguments that were initially made by the participants (1st and 2nd person perspective). This method seeks to give all actors within a social text -and not only the author of a scientific text- the opportunity to interact with the reader. By

providing a reader with their original point of view, actors are in a position to raise virtual objections against interpretations given by the observer.

For these reasons, polyphone text fulfil far better the perspective requirements of communicative action / discourse and the criterion of un-distortedness than a virtual dialog. The idea to modify Habermas' method of virtual dialogue by polyphone texts was first put forward by Thomas McCarthy⁶¹ who translated Habermas work into English. He suggested that methodological lessons in terms of 'textual representation' should be learned from anthropology. This important 'anthropological' insight of the necessity of textual participation of the researched other led to an inclusion of quotes from ordinary citizen in Rwanda in Chapter 5. This does not mean that the author claims that this strategy solves all problems of textual representation, or that all voices have been included or that even all voices have been correctly understood or that this thesis is an anthropological or historical study in itself. It only seeks to insert some 'anthropological' assumptions into the at times highly ethno-centric body of critical theory.

As noted above, the author is aware of the problems that are associated with translation of meaning and the incommensurability of components of language games. This is why she chosed a formal-pragmatic life-world model (see last

⁶¹ Thomas Mc Carthy: Ideal und Illusionen: Dekonstruktion und Rekonstruktion in der kritischen Theorie, Frankfurt 1993, p.290.

section) that is based on the assumption of a plurality of life-worlds in the first place. The latter allows for an inclusion of different cultural contents and procedures in different contexts. The usage of polyphone texts (regardless from the question however limited it might have within the context of this thesis) is an original and important contribution insofar as to my best knowledge nobody within critical theory including Mc Carthy has ever applied this strategy in the field. Hence, it specifies an important step toward the objective to take critical theory out of its academic ivory tower and to translate it into critical practice.

This is not say that some aspects of these texts that were collected might not be closed for an understanding of an outside observer because of inter-textual incommensurability. However, this difficulty does not a) hinder actors (e.g. Rwandan scholars) on local and national level to respond to what is quoted in this thesis or to attempt to write or re- write their discourses themselves . Any reference to incommensurability should also b) not be misused as a justification for international actors not to listen. The latter should be held accountable and motivated to at least try to acquire a (whatever limited) understanding of what local and national actors are trying to say. The assumption that international bodies like International Courts should limit themselves to the application of supposedly objective international law is based on two illusions a) the primacy of retributive over reparative justice and b) the universality of

western law. Both assumptions will be challenged by this thesis that seeks to make a case for interprocedural coherence and complementary within communication processes on local, national and international level. This necessity of complementarity is also more and more acknowledged in practice. In a briefing for the Security Council delegation to Western Africa in June 2004, the Prosecutor of the Special Court for Sierra Leone, David Crane, highlighted this complementarity as main distinctive factor between first generation and second generation courts. While the ICTR and ICTY insisted on their special juridical status (compare statement of ICTY President Jorda-below), the SCSL acknowledged the equal importance of the Truth and Reconciliation commission, mixed jurisdiction and the location of the court within the country ' ..to make reconciliation a reality' . Other practical lessons that concur very much with the recommendation for a reformed witness protection programme that have been developed by this author elsewhere⁶², have been learned by third generation courts, in particular, the ICC.

Of course under ideal circumstances, it would have been desirable to acquire a knowledge of the local language. However, Kyrwanda is known as the second most difficult language on Earth after Khmer. There are hardly any westerner who speak it

⁶² A.C Raschdorf: Testifying before the ICTR: Towards a communicative reform of the ICTR. Kurt Tucholsky Stiftung Report 2001.

(which is a major problem for the investigators at the ICTR) and the author of this study is no exception.

The author tried to circumvent this problem by relying on the help of a trusted ICTR translator who in the past proved her impartiality through her work as a witness assistant both for the prosecution and the defense. It was agreed that in the interviews would be conducted according to normal UN standards. That is to say, questions and answers were translated word by word. The translator was asked not to her give own interpretation of what was said.

In terms of qualitative methodology an empathic, unstructured narrative approach was used that focussed on what people might think and feel about peace-building processes and why truth, justice and authenticity might matter. These notions were not directly introduced. They were mentioned by the interviewees in their own personal assessment what would be necessary for peace in their country.

The author is painfully aware that in any interview situation there is an unequal distribution of power that hampers communication and that can produce very unjust results. It was this latent unquestioned presence of communicative violence and application of power that she hoped to highlight and remedy through her work. As consequence, every effort was made to limit factors that would contribute to inequality within the interview situation. Interviews were never conducted in the presence of

officials or military personnel. This applies also for my research in the prisons and solidarity camps. Especially in the case of victims, it was of course taken into account that there was a considerable amount of mistrust and trauma. The author tried to overcome this problem by working for the ICTR Witness Support unit. She regularly visited the safe house and accompanied the work of the witness support assistants who were responsible for the well-being of the witnesses and also translated for her. Only after a couple of weeks she began to approach the witnesses and questioned them with regard to their perception of the process. Unfortunately, the office of the prosecutor put very strict limitations on what the author could publish or pass on of the material she gathered.

Through the inclusion of quotes of actors on the ground (e.g. genocide survivors, prisoners and refugees) , the chapter provides in many ways a snap shot of reality (that could have been different in a different place at a different time). However, the hope is that the latter might be also suited to provoke thought, to inspire other authors to take a journey into the theoretical realm of critical theory, and motivate them to contribute to a larger project that is to provide an intersubjective cross-cultural account of why formal-pragmatic ideas of truth, justice and authenticity might indeed structure human thought on peace and herewith constitute necessary procedural prerequisites for its realisation.

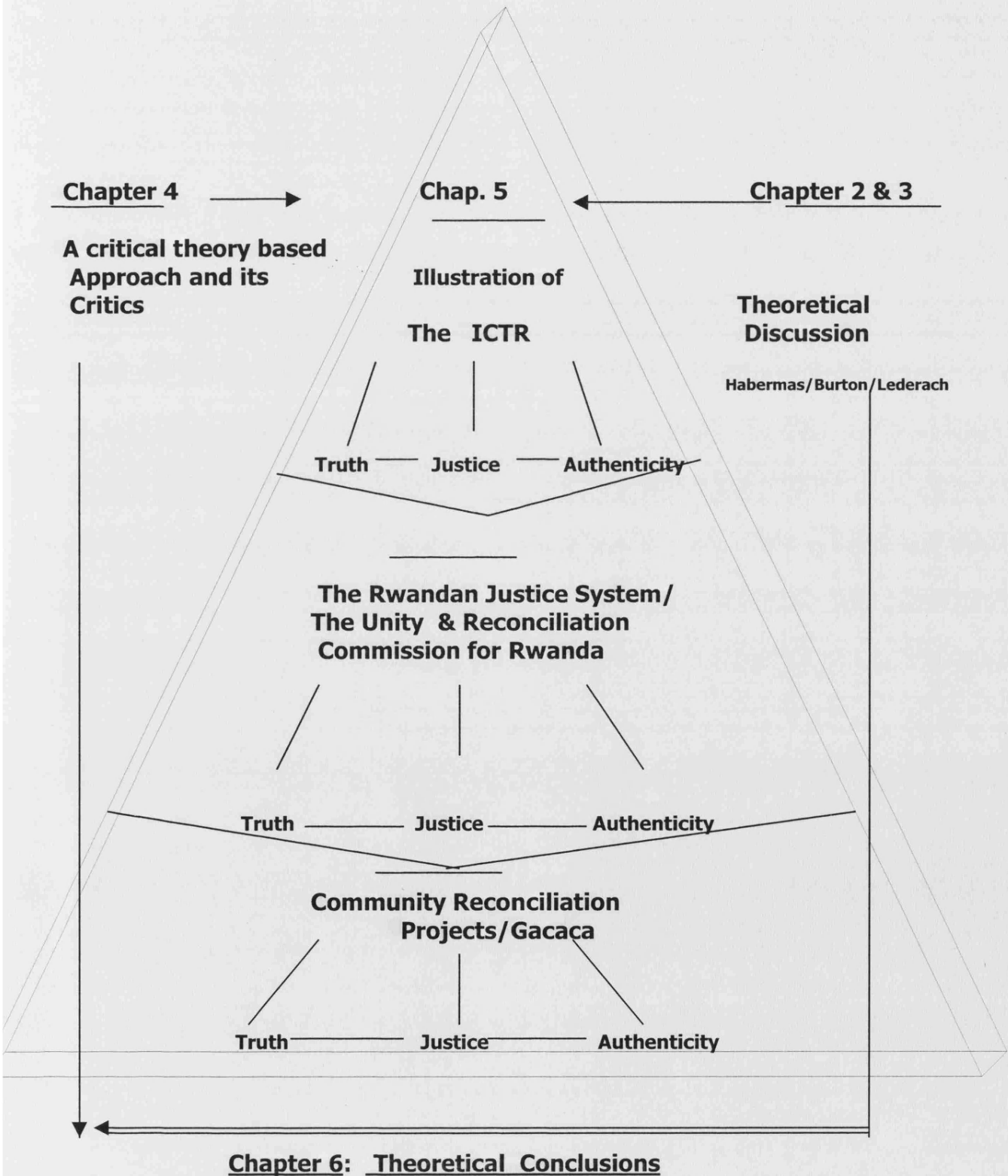
1.4

RESEARCH QUESTIONS

To recapitulate, this thesis seeks to answer the following theoretical questions that should be understood within their particular reference frame of critical theory :

- a) Why are problem-solving theories insufficient for the understanding of the perceptual dimension of conflict resolution and peace-building? (Chapter 2, 3, 5)
- b) What is the contribution of a critical based approach in this context? (Chapter 1, 3, 4, 5)
- c) How can we possibly (by argumentative means) bridge the international/domestic/community divide in normative peace-building? What does procedural complementarity and coherence mean in this context? (Chapter 1 and 5)
- d) Why are material definitions of the term reconciliation problematic and why can the latter only be defined in formalpragmatic terms? (Chapter 1 and 3)
- e) And most importantly , what are potential formal pragmatic/argumentative prerequisites for a transcending of perceptual and conceptual violence? Why does the transcending of a discourse of violence seem to require the discussion of nine validity claims on local, national and international level? (Chapter 1, 3, 5).

Figure 1.3: Thesis Outline



CHAPTER II: TRAINING FOR PEACE
-HUMAN NEEDS AND PROBLEM-SOLVING IN CRITICAL
PERSPECTIVE-

Following Habermas' method of reconstruction, this chapter examines the existing body of conflict resolution theory, its presuppositions and key terms, before an attempt at a reconstruction of a critical resolution-praxis will be made. For this purpose, this section scrutinises the ontological and epistemological foundations of two basic concepts that are utilised by many approaches within the discipline- John Burton's concepts of controlled communication and human needs.

This section questions Burton's frame-work of "controlled communicative intervention" and examines resulting asymmetries of communicative "power" in current conflict resolution training processes. It will show how this procedure re-introduces the realist notion of power into the discipline of conflict resolution and hence contradicts Burton's original intention of reaching beyond the limitations of traditional diplomacy and power politics. Put differently, it will show why

the current discourse of conflict resolution theory cannot live up to its original transformative concerns.

The function of this chapter with regard to a critical theory based model of transformative peace-building is twofold.

- The first task will be to put a critical training approach - that will ultimately describe one procedural dimension in a critical theory based model- into a conceptual context.
- The second task is to respond to recent trends within international relations theory that argue for a compatibility of problem-solving and critical theory based approaches. The intimate link of theory and practice in the work of Burton and Habermas and the different theoretical and practical strengths of their approaches have led to some recent speculation in the literature about their compatibility. Conflict resolution theorists like Rothman⁶³ have argued that Burtonian problem-solving work-shops would be important first steps in institutionalising Habermas' theoretical notion of practical discourse and have developed their own, in spirit more critical, approaches to conflict resolution on its grounds.

⁶³ Jay Rothman: From confrontation to cooperation: resolving ethnic and regional conflict, Manchester 1992.

Assumptions of theoretical comparability and "procedural short-cuts" raise important preliminary questions for this chapter, which ultimately seeks to question the validity of Burton's procedural model along ideology critical lines. In this context, it is important to stress Foucault's⁶⁴ and Kuhn's⁶⁵ insights with regard to a fragmentation of science into different paradigms, which theoretical presuppositions create profoundly different conceptual realities.

This chapter follows broadly a distinction between problem-solving and critical theory based approaches that was first introduced by R. Cox⁶⁶. Cox differentiates the former from the latter as follows. While problem-solving theories take the empirical world as it is, focus on the smooth functioning of relationships and do not choose to question the prevailing social and power relations, critical theory seeks to illustrate and scrutinize unjust power relations in the form of an ideology critique. While Burton undoubtedly seeks to question some power structures, his methodological (empirical) preference for an universal, on functional necessities (human needs) based approach situates his thought still in a problem-solving paradigm. Despite his good intentions, his model (that actively seeks to exclude normative content) is not ideology

⁶⁴ Foucault: *The Order of Things*, London 1974.

⁶⁵ Thomas Kuhn: *Die Struktur wissenschaftlicher Revolutionen*, Frankfurt 1967.

⁶⁶ R. Cox; in: Robert O. Keohane (ed): *Neorealism and its critics*, New York 1986.

critical. Hence, the introduction of a normative dimension to the field requires an alternative approach.

The following chapter is 'critical' in two ways. a) It hopes to provide an ideology-critique of the epistemological and ontological foundations of the discipline and b) it points at the normative-practical consequences of Burton's problem-solving approach. (This problem-solving theme will be taken up again in Chapter 3 in a discussion of Freire, in Chapter 4 in a discussion of key differences that exist between a functional and critical theory based approach to peace-building and in Chapter 5 in the discussion of the international dimension of Rwanda's discourse of violence.)

In other words, as a consequence of the different paradigmatic reference points within reality ('is' and 'ought') this section cannot limit itself to a simple conceptual critique. It has to justify the more far-reaching notion of a theoretical and practical **incompatibility** of both approaches and show conclusively why none of the current critical modifications of Burton's model captures the full spectrum of Habermas' insights on peace and social transformation. Consequently, it will argue for the development of a new communicative paradigm that could open the discipline for alternative **normative** approaches i.e. reconciliation. As will be pointed out below this is not to say that Burton's work is not important or irrelevant. It simply means that some of its

assumptions obstruct the view on other explanations and the development of alternative 'complementary' paradigms that are different insofar as they don't have to operate within a Burtonian terminology and are interested in different (normative) aspects of reality that also matter for what Burtonians are saying. At the end of the chapter three core ideas will have emerged that are of crucial importance for a critical theory based approach- a) the idea that a critical-theory based approach should focus on the development of communicative competencies instead of human needs, b) the corresponding idea of reflexivity and c) the importance to specify an abductive approach.

2.1 -BURTON`S THEORY OF HUMAN NEEDS- SOCIAL NEEDS AS ONTOLOGICAL CAUSES OF CONFLICT

John Burton's contribution to field of conflict analysis lies in a (for his time) sophisticated understanding of peace and violence. In the late 1960's, in response to the dominant realist paradigm within international relations, Burton challenged successfully the assumption that conflict and war are inevitable products of state interactions within a self-regulating, equilibrium-seeking international system by

shifting his focus from the system to the individual, perceptions of causes of conflict and the corresponding prerequisites of peace. Not unlike Johann Galtung⁶⁷, Burton chose to understand peace not simply as the absence of war, but as the absence of systemic violence. He argued quite rightly that realism was of no use for the explanation of most common conflicts of his time like ethnic, race, class and religious conflicts or terrorist warfare. He noted that these types of violence showed great resilience to power and even tended to escalate whenever conventional force by state agents was used.⁶⁸ Burton hoped to change the realist win-lose (or better: lose-lose) scenario of his time into a 'problem-solving' situation⁶⁹ in which both sides to a conflict would gain.

He tried to identify - with the basic requirements of human survival and development - possible "deep-rooted" psychological causes of conflict/violence, which cultural coercion and state interest-based procedures of "dispute" settlement and conflict management failed to acknowledge

Johann Galtung: *The next twenty-five years of peace-research: tasks and prospects*, Oxford 1987.

⁶⁸ John Burton: *Deviance, Terrorism & War. The Process of Solving Unsolved Social and Political Problems*, Oxford 1979.

⁶⁹ The term problem-solving refers to social problems that can not be addressed by force but have to be resolved at their source (through an identification of shared human needs). However, as this thesis will show this term is far from being unproblematic since it implies the possibility of an 'objective' solving of problems by strategic means.

and address.⁷⁰ Burton identified a catalogue of social needs like security, dignity and recognition and identity whose systemic frustration he believed would inevitably lead to a conflict.⁷¹ He argued that these needs are "powerful" motivations of human behaviour as powerful as biological needs for food and shelter. He considered both sets of needs as inherent in human nature. As a consequence, Burton claimed that human needs can not be an object of negotiation or compromise. Actors will pursue their satisfaction by any means available, not excluding the risk to life.⁷² (One his favourite examples in this context was the nexus between the failure of states to satisfy the need for identity and the emergence of ethnic and nationalist struggles.)

Burton concluded that deterrence by military threats or settlement by compromise are inept means to "provent"⁷³ or resolve conflict caused by deprivation of human needs. They

⁷⁰ Burton differentiates between disputes and conflicts respectively negotiable interests and non-negotiable needs. "Conflicts are defined as problems resulting from threats to or deprivations of basic needs." Disputes on the other hand are "confined to situations, usually involving material considerations, that are subject to negotiation and legal processes, and to compromise." John Burton: Conflict Resolution: It language and practices, Maryland 1996, pp. 26 and 47.

⁷¹ Burton follows in his theory of human needs very roughly the work of sociobiologists (for example Maslow's classic "Towards a Psychology of being"). Unlike the latter however, Burton doubts that physical needs are more primary than social needs.

⁷² John Burton: Violence explained, Manchester 1996, page 32ff.

⁷³ Burton uses the term "provention" instead of "prevention" to circumvent the implied meaning of coercion in the latter. Provention processes, unlike prevention processes, tackle possible causes of conflict, before the factual tension occurs. Their objective lies in the promotion of an harmonious environment. Ibidem, page 37f.

are more likely to escalate or reinforce tensions by the use of force or threat than to "solve" the social problems that evoked these frustrations in the first place. As a consequence, Burton moved away from the idea of cultural *conflict management* and developed *conflict resolution* workshops that were designed to address the psychological and structural causes of conflict and were intended to produce win-win situations through joint problem-solving.

a) SYSTEMS, STATES AND NEEDS

If human needs underlie *all* social-political behaviour and beliefs how does Burton explain frustration and deprivation of needs in the first place?⁷⁴ According to Burton, needs are constitutive determinants for the behaviour of any system or supra systemic entity (states). However, states, unlike systems, have at the same time particular needs that derive from the control functions they have to fulfil. The most prominent among these needs are the need of state survival and the need of independence of action.⁷⁵

⁷⁴ *ibidem*, page 37.

⁷⁵ Burton understands states as structures that are constantly in the process of creation. States the product of interactions of societal systems, but at the same time they also exercise supra-system authority over these entities. The ultimate

The possibility of conflict arises when states capacities to respond to environmental change are exceeded and human needs can no longer be satisfied. In this situation, when legitimacy is lost, states are likely to pursue their ultimate functional needs of survival by the use of force or threat, instead of serving the interest of the system by adapting to changes through means of communication.⁷⁶ Problem-solving workshops seek to illuminate conceptual confusion between these needs and their consequences. They try to restore processes of communication to enable new discussion about legitimate goals and means and prevent future violence.

b) HUMAN NEEDS: OBJECTIVE FACTS OR SOCIALLY-SYMBOLICALLY STRUCTURED CONCEPTS?

Burton's concept of human needs gains its strength through its simplicity. By adding a new social dimension to an already well defined and easy empirically verifiable concept Burton evokes the idea that social needs are as universal and as objective as their biological counterparts. Assuming that social

task of states is to respond to change and satisfy needs of their citizen by distributing values and resources. However, because of the functions of control they fulfil, states have ultimately also needs of survival and independence of action, that may contradict individual needs. The consequence of such a discrepancy is conflict. John Burton: *Systems, States, Diplomacy and Rules*, Cambridge 1968, page 27ff.

⁷⁶ John Burton: *Conflict Resolution: Its languages and processes*, Maryland 1996, page 41.

needs are observable phenomena Burton does not see an immediate need to define social needs in great detail. According to Burton " the *empirical* evidence seems to be clear: there are so many examples of frustrated needs leading to alienation or revenge" (*my italics*), that the definition of social needs " is not a major issue".⁷⁷

Burton tries to verify the more far reaching notion that systems can not exercise authority over individuals against their will or their needs. He seeks to show that systematic structural frustration of needs will always end in conflict, can not be settled by the use of force and consequently requires his method of problem-solving.⁷⁸

However, Burtonian human needs theory fails to capture the social and symbolic essence of needs -and hence of conflict- by reducing the former to simple empirical facts. Human needs like identity or recognition, however, are socially constructed. They are created and reproduced in the symbolic and normative structures of states through processes of socialisation and communication. Since these structures alter unquestionably over time, the content of needs can be also subject to change.⁷⁹

⁷⁷ John Burton: *Violence explained*, Manchester 1997, page 37.

⁷⁸ *ibidem*.

⁷⁹ Vivianne Jabri: *Discourses on Violence*, Manchester 1996, page 124.

Habermas' model of acquisition of communicative competence illustrates the complex inter-subjective processes of perspective and role-taking that are involved in identity and language learning processes.⁸⁰ Burton stresses the importance of the same processes of communicative role-taking within conflict resolution work-shops.⁸¹ However, as a consequence of his instrumental conception of language (that solely see language as a tool as not as an intersubjective means of transformation-see below) his model does not allow further reaching explanations in terms of argumentative perspective-taking. Burton's assumptions about universal needs are consequently only valid so long as one does not questions the historical and communicative roots of its ontological origins .

This can be also shown by the related example of the need of individuals or identity groups for recognition . Recognition is undoubtedly a term that is situated in the social-normative domain. It specifies an interactive process in which at least two corresponding perspectives have to be described to understand its meaning.

Yet, by simply locating recognition as a need in the individual , Burton can not provide an explanation why

⁸⁰ Jürgen Habermas: *Moralbewußtsein und kommunikatives Handeln*, Frankfurt 1983.

⁸¹ John Burton: *Conflict Resolution: Its language and processes*, Maryland 1996, p.45ff.

strategic acting individuals should respect the Other and recognise arguments beyond the scope of their short-lived interests . He can not account for implicit normative assumptions being made within his own theory: for example why "recognition is a required social condition to be applied to all members of a society."⁸²

Thus, despite his intensive thought on process Burton ultimately lacks a procedure for recognition of the Other (and their needs) that would be constitutive for a true resolution of conflict. This shortcoming in Burtonian theory results ultimately from its "objective" conflict resolution method, that appeals to "objective" reason (instrumental rationality) and not to moral insight within communication processes (communicative rationality).

Thus, Burton limited notion of theoretical reason prevents the usage of the whole **reflexive** potential of human rationality for conflict management. Conflict resolution theory requires consequently a different inter-subjective, normative starting-point to in-cooperate the full potential of human rationality in its premises- a point of departure that a Habermasian discourse ethics possibly could provide.

The following figures summarize the findings so far:

⁸² ibidem, page 39.

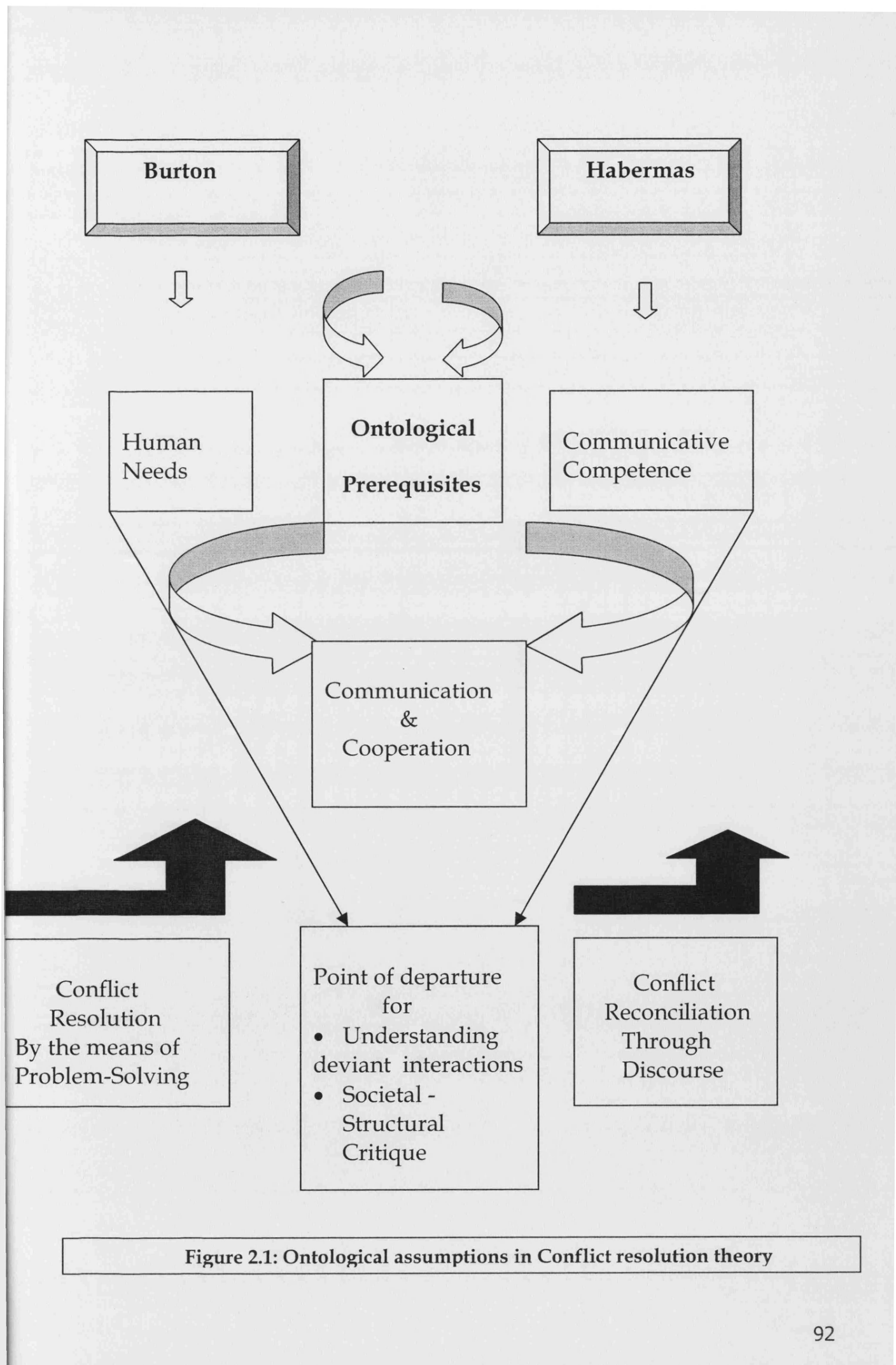
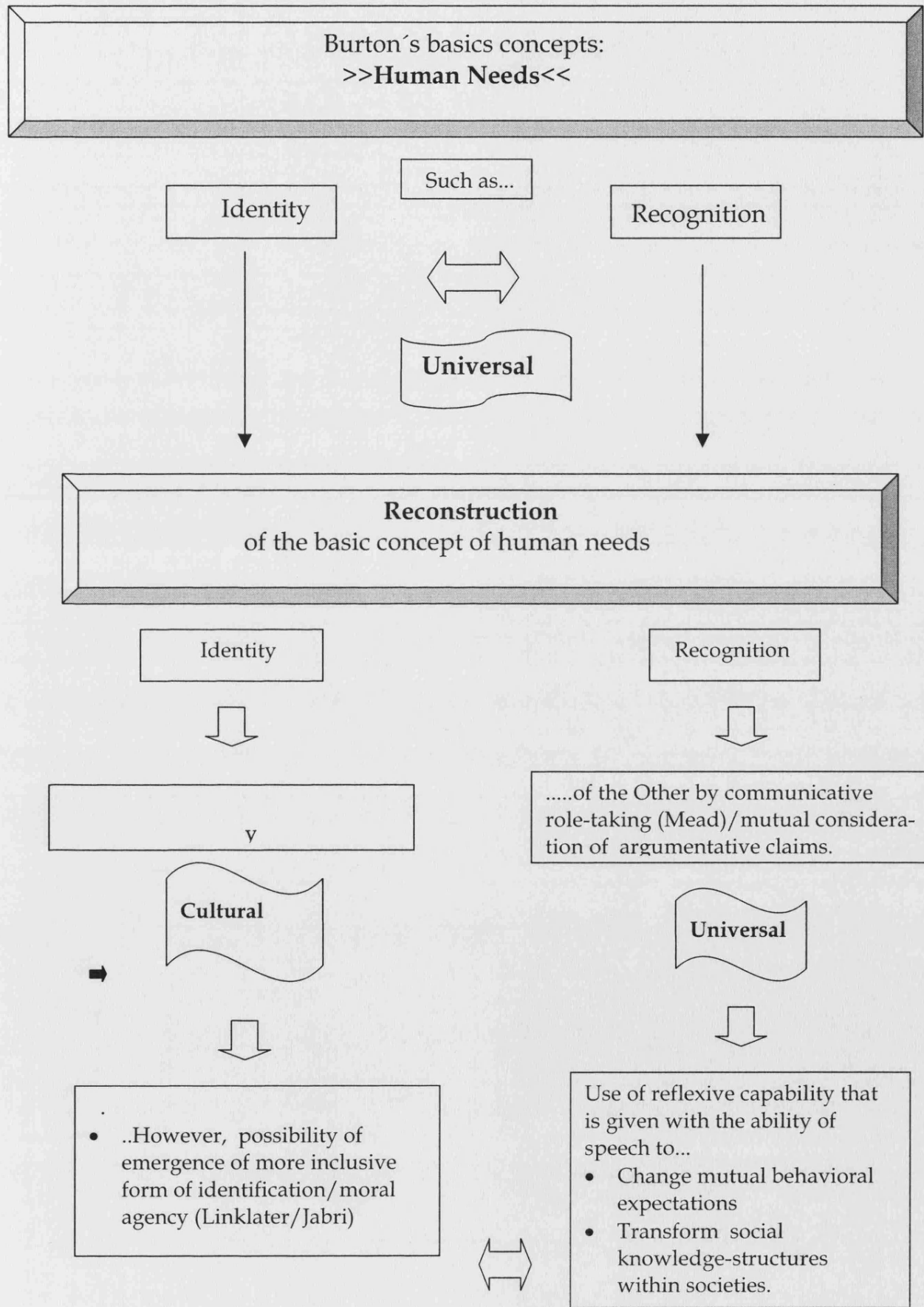


Figure 2.1: Ontological assumptions in Conflict resolution theory

Figure 2.2 : A critical reconstruction of the basic concept of human needs



2.2 -CONTROLLED OR DISTORTED COMMUNICATION?- THE PROCESS OF CONTROLLED COMMUNICATION AND IT'S OBJECTIVES

"The enlightenment of political will can become effective only within the **communication** of citizen. For the **articulation of needs... can be ratified exclusively in the consciousness of the political actors** themselves. Experts cannot delegate to themselves this act of confirmation from those who have to account with their life histories for the new interpretation of social needs and for accepted means of mastering problematic situations (**Habermas**)"⁸³

The method of controlled communication seeks to establish a condition in which an antagonistic relationship is seen by all parties involved as a **problem** that can not be unilaterally settled through means of communications like power or threat, but has to be **solved** through negotiation and cooperation on the basis of common interest and (alleged) equality. ⁸⁴

⁸³ Jürgen Habermas: Faktizität und Geltung, Frankfurt 1992, page 237.

⁸⁴ John Burton: Conflict and Communication, New York 1969, page 62.

Controlled communication- which consequently precedes functional cooperation as a preparatory process of problem-solving- strives to alter adversaries' perceptions with regard to one another and their conflict-ridden past. It aims at a reassessment of exclusive, cultural values in the light of "objective" mutual costs of conflict and shared human needs. Its purpose is to draw attention to alternative goals and different peaceful means to attain the remaining objectives.⁸⁵

Problem-solving theory stresses that once a communication process is effectively controlled - that is to say once perceptions have been corrected and "each party is in a position to perceive the problem from the behavioural point of view of the other"⁸⁶ - bargaining and normative attitudes that prevented a solution from which all could gain, become obsolete. Compromises, that might become the source of future conflict, become unnecessary, and deep-rooted structural problems that have been inadequately addressed by threat and deterrence strategies can be addressed in the form of more "positive policies".

⁸⁵ John Burton: Conflict and Communication, New York 1969, page 214f.

⁸⁶ *ibidem*, page 69.

**a) - THE PROCESS OF CONTROLLED COMMUNICATION
AND ITS ACTORS -**

Starting from the assumption that certain components of conflicts are alterable Burton investigates how the introduction of theoretical knowledge through a third party and discursive experience initiate learning processes that lead to changes in the perceptions of threats, in the selection of goals and in the choice of means of parties within conflict situations.⁸⁷

Controlled communication processes resemble clinical psychoanalytic procedures in which strategies of control are applied to reduce tensions, to restrict communication to the main issues, to facilitate difficult admissions of guilt, to enable introspection and to erode defence mechanisms.⁸⁸ A mediating panel seeks to "influence judgements of the parties"⁸⁹ by the introduction of a scientific reference framework that supposedly explains the origins and courses of conflict.

⁸⁷ *ibidem*, page 62ff.

⁸⁸ *ibidem*, page 69.

⁸⁹ *ibidem*.

Once parties have stated their view on a problem and engaged themselves in discussion, the objective of controlled communication is to encourage abstract (read: not contextually situated) processes of reasoning. For this purpose attempts are made to question the historical uniqueness of conflict narratives by stressing similar features with other conflict situations.⁹⁰ Another strategy that engages mutual accusations and controls hostility lies in the provision of a procedural explanation of courses of conflict. They "allow" moral responsibility for atrocities to be considered as a consequence of processes of escalation, rather than located in the individuals concerned.⁹¹

The procedure of controlled communication justifies itself by the possibility of its "objective" application by experts. Supposedly beyond any value judgement, conflict solutions are not considered to be theoretically imposed on the disputants. They are supposed to evolve out of a facilitated but independent process of dialogue between the parties.⁹² Unlike mediators facilitating expert stress that they do not suggest compromises, they claim only to assist parties in their analysis and consensual transformation of the conflict.

⁹⁰ *ibidem*.

⁹¹ "An explanation of escalation helps parties to justify to themselves their excesses and to see the degree to which escalation is merely the weighty superstructure upon the perception of minor threats." *ibidem*, page 63.

⁹² John Burton: Conflict resolution: Its language and processes, Maryland 1996, page 45ff.

c) - **THE ONTOLOGICAL PREREQUISITES OF
COMMUNICATION-**

Burton's and Habermas' references to similar sociological ideas (e.g. ideas of communicative role-taking⁹³) and the emphasis on discursive practice in both of their work, at first sight suggest comparisons which become after a thorough analysis questionable. The fundamental differences between both approaches illustrates the following quote of Burton :

'Communication is a *tool* (read: a means but not a cause) of conflict as much as it is a *tool* of peaceful relationships. It is an integral part of relationships *and no social value can be attached to it as such.* Whether communication makes for a harmonious or for conflicting relationships depends on its *content* (read: not on process) and the perceptions of its content.'⁹⁴ (* emphasis added)

⁹³ George Herbert Mead: Mind, Self and Society, Chicago 1934.

⁹⁴ John Burton: Conflict and Communication, New York 1969, page 49.

Burton 's instrumental understanding of communication, which reduces language to a mode of transmitting information, results from his disregard for the constitutive socio-cultural prerequisites of speech. Burton can only assume language to be value free, because he fails to investigate the socio-cultural meaning structures ("Lebenswelten" (Habermas-Schütz⁹⁵) "language games" (Wittgenstein)⁹⁶) that concurrently establish and limit the possibility of mutual understanding. (see Figure 1.0)

Burton 's focus on subjective perception of ontological contents (-needs-) precludes further reaching thought on this inter-subjective ontological requirements of communication and on related causes of conflict.⁹⁷ This however is no simple theoretical omission. If these communicative requirements precede ontologically the definition of needs, Burton 's point of departure for the analysis of causes of conflict is questionable. Structural constraints and consequent deprivations could no longer be understood in relation to subjective needs. They would have to be interpreted in relation to societal discourse and equal rights of participation.

Burton 's analysis is not only problematic on ontological , but also epistemological grounds. Starting from the assumption

⁹⁵ A. Schütz/Th. Luckmann: *Strukturen der Lebenswelt*, Frankfurt 1979.

⁹⁶ Ludwig Wittgenstein: *Philosophische Untersuchungen*, Frankfurt 1992.

⁹⁷ Vivienne Jabri: *Discourses on Violence*, Manchester 1992, page 94.

that communication processes refer exclusively to facts in the objective world, epistemological questions -such as how to account for the criteria that ultimately define the **content** of communication (Foucault⁹⁸/ Lyotard⁹⁹)- do not arise.

Burton " **solves** " the question of adequate **content** of controlled communication processes by referring to theoretical "facts" of other "objective" social-functional, socio-biological discourses. However, this reference within Burton 's thought has severe consequences for the design of and possible outcomes of conflict resolution processes:

- Since the technique of controlled communication establishes its own discourse on grounds of abstract criteria, it is likely to produce problem definitions and solutions that have no direct meaning or relevance for actors in cultural-symbolic reference frameworks.

- Far from being "value free", controlled communication introduces asymmetries into the discursive resolution process by insisting on a particular perspective to problems, and by discouraging parties from making appeals or to propose solutions on other grounds.¹⁰⁰

⁹⁸ J. Foucault: Die Ordnung der Dinge, Frankfurt 1992.

⁹⁹ Jean- Francois Lyotard: Das Postmoderne Wissen, Frankfurt 1981.

¹⁰⁰ John Burton: Conflict and Communication, New York 1969, page 45.

•Controlled communication is consequently a process unsuitable for the detection of similar asymmetries and manipulations in societal communicative participation processes, which might have caused the conflict in the first place.

•Because of its subjectivist starting point it lacks the intersubjective dimension that would be necessary to transform deviant interaction structures within a discourse.

d) **-COMMUNICATION IN THEORY AND PRACTICE-**

The previous sections have shown that there are fundamental conceptual differences between Burton's and Habermas' construction of communication processes that preclude, in a strict sense, a theoretical and practical synthesis.

However, from a Habermasian point of view, it is interesting to note how often Burton stresses in his explanation and description of controlled communication processes the difficulties involved in suppressing persistent "appeals to history", to law, to conscience and to humanitarian

values."¹⁰¹ These are, of course, synonyms for Habermas' validity claims in regard to a cultural life-world, the righteousness of norms and a person's authenticity.¹⁰²

Burton considers the control of these appeals as major requirements in enabling communication. However, the persistence of these claims could also be understood as an indicator of the truthfulness of Habermas' presupposition that (even under extreme conditions of hostility) actors are always *obliged* to justify current argumentative claims by reference to objective, normative and subjective worlds.¹⁰³ The following section will develop this idea further by taking a closer look at the ethical grounds of communication processes.

¹⁰¹ *ibidem*, page 63ff.

¹⁰² For a detailed explanation of the normative origins of these claims see Chapter 3.

¹⁰³ Jürgen Habermas: *Theorie des kommunikativen Handelns*, Frankfurt 1981, Bd.1, page 128.

2.3 ETHICS AND THE HUMAN CONDITION : NO NEED TO ARGUE?

a) -NEEDS, HUMAN RIGHTS AND NORMATIVE RELATIVISM-

Burton questions the value of the western concept of political and legal human rights as base for conflict resolution by pointing at other socio-economical , practical and cultural dimension of rights - like the right of employment, the right of subsistence or the right not to be subject of discrimination, which can be derived from rudimental human needs.¹⁰⁴ He argues further that human rights (like political participation) are relative in so far as they are parts of a western tradition of enlightenment. Hence, the observance of such "cultural" rights does not necessarily say anything about the legitimacy of a political system. Independent from any ideological considerations, the decisive indicators for legitimacy of state policies, so Burton, are "universal" human needs. If they are met , the exercise of authority within systems is considered legitimate.¹⁰⁵ The "normative" objective of conflict resolution

¹⁰⁴ John Burton: Violence explained, Manchester 1997, page 35.

¹⁰⁵ By ascribing more importance to socio-economical rights of well- being than

workshops is consequently to create a political understanding of this causal relationship within the leadership of states.

Burton's minimalist thought on ethics can be criticized on various grounds.

Firstly, human needs, such as identity, are as open to redefinition as some human rights. Secondly, political human rights, unlike need-based rights, are formal procedural rights of participation that can be applied regardless of cultural content. Burton would have difficulties showing that these procedural rights are culturally specific, especially since he believes that within his conflict-resolution workshops conflict has to be solved on the basis of common interest and equality.¹⁰⁶

This draws attention to an interesting ambiguity within Burtonian thought. Despite his normative scepticism, Burton still has to refer to some normative necessities for the establishment of communication that guarantee a fair procedure and a just outcome. However, from the perspective of his "objective" approach it is impossible to explain these procedural requirements or decide whether a communication process fulfils these demands. This leads to the highly contradictory situation that Burton asks at the same time in

political rights of participation Burton adopts a similar position like developing countries (e.g. China) in the human rights debate.

¹⁰⁶ John Burton: Conflict Resolution: Its languages and processes, Maryland 1996, page 43.

theory for something which he rules out in praxis by his method of controlled communication. He fails to realise that his workshops like any other discourses within societies can be subject of illegitimate domination and manipulation.

Thirdly, as a consequence of his method ¹⁰⁷ and a missing ideology critical perspective, Burton's notion of equality and (power) symmetry within communication are highly distorted. Burton's argument is that within a conflict both sides share the same responsibilities, in so far as ...

a) the victim state must have given the aggressor state a reason to attack

and in so far as ...

b) in the course of conflict the victim state is likely to have broken humanitarian law as well.¹⁰⁸ However, this line of argumentation is simply incomprehensible from the point of view of any nation that has become subject of "ethnic cleansing."

Procedural explanations of atrocities (e.g. escalation) create 'uncritical objective' realities. They imply that 'factual'

¹⁰⁷ Edward Said criticizes third party facilitation processes as follows:

"One of the most striking features of...attempts at representing the conflict as if from the outside has been the notion that Palestinians and Israelis are equal, symmetrically balanced.. (However) to place the Palestinian and the Israeli sides within the opposition on what appears to be an equal, opposite and symmetrical footing is also to reduce the claims of the one by elevating the claims of the other."

Quoted by: Vivienne Jabri: Discourses on Violence, Manchester 1996, p.155.

¹⁰⁸ John Burton: Conflict and Communication, New York 1969, page 63

explanations could make acknowledgements of guilt and symbolic rites of forgiveness within conflict resolution unnecessary. Like this Burton creates unintentionally an abstract apologetic discourse in which equality between aggressor and victim is not created but enforced "objectively" on unequal grounds.

Moreover, Burton's focus on strategic reason is likely to provoke reactions of the parties within his workshops not unlike the behaviour in past management and settlement procedures, which Burton originally sought to criticize. Aggressor states are likely to acknowledge (at least temporary) mutual needs. Their reasons for cooperation will lie in the costs of their aggression but foremost in the intention to please the international community by acting "constructively". They will hope that this move could put them eventually in a better bargaining position internationally.

Victim states will either resign or agree to participate because they have nothing to lose. Either way, the only authority their claims could have within this process is ruled out by a systematic discouragement of appeals to humanitarian values. This highly abstract, post-conventional form of reasoning, is dismissed on the grounds of more abstract scientific theories. These are introduced by a panel that must not consist of regional experts, since this could jeopardise the "objectivity" of

their judgement, but of general social scientists.¹⁰⁹ Their "knowledge interest"¹¹⁰ will lie in the verification or falsification of abstract theories, but not in a cultural in-depth analysis of the roots of conflict that could provide just outcomes and constructive critique.¹¹¹

Hence, the exclusion of human rights out of the vocabulary of conflict resolution is likely to produce even greater injustice than ordinary settlement procedures within which claim to humanitarian values were at least heard, before they were eventually silenced by force. In conclusion it can be said that, Burton does not transcend the unequal premises and means of the past realist conflict resolution discourse. He simply reproduces them on a different, more hidden "objective" level.

¹⁰⁹ *ibidem*, page 43.

¹¹⁰ Jürgen Habermas: *Zur Logik der Sozialwissenschaften*, Frankfurt 1985.

¹¹¹ Lederach and Wehr argue that Burton's requirement of a deployment of neutral experts is counterproductive to the understanding of the cultural context and trust-building and ask for a methodological expansion of third party model in favour of context-familiar expert.

Avruch and Black make a similar point when they stress that adequate ways of conflict resolution presuppose a local contextual perspective. Considering the fact that no expert can be ever neutral in the strict sense, these suggestions seem fruitful.

Handing over the process to cultural facilitators does not ultimately mean to give in to cultural relativity, since local trainers could be trained by facilitation experts according to their particular methodology (-the so called training the trainer approach).

From the view-point of critical theory however this methodology would have to be framed in a particular way to avoid distorted communication processes.

Here Lederach provides again an interesting approach by utilizing authenticity as a guideline for the behaviour of facilitators. (compare Chapter 3 Training for Peace III)

John Paul Lederach, Paul Wehr: 'Mediating Conflict in Central America', in: Jacob Bercovitch: *Resolving International Conflicts: The Theory and Practice of Mediation*, Boulder 1996. K. Avruch, P.W Black: *A generic theory for Conflict resolution: A critique*, *Negotiation Journal* 3, No. 1 (1987), p.87-96.

b) -DISCURSIVE CONSTRAINTS-

Burton 's suspicions regarding human rights and related normative ideas can be explained as follows. Within the framework of Burtonian thought norms are almost always equated with "human needs contradicting" power elite ideas and consequent structural deficiencies within systems, which are believed to be the main potential source of conflict .¹¹² As a result, Burton believes that within conflict resolution processes "the uses of normative terms , and reference to normative values, have only a propaganda function ; if allowed in analytical discussions they **decrease communication** , and cloud analysis."¹¹³

However , Habermas' formal pragmatic analysis of illocutionary acts shows that this assumption is incorrect. Because of the illocutionary component that is inherent within every single speech act, speakers can not circumvent validity claims with regard to the objective, normative and subjective

¹¹² ibidem, page 19.

¹¹³ ibidem, page 70.

dimensions of their life-world. They have to account for these claims if communication is meant to be successful.¹¹⁴

Hence, communication always presupposes a solution of a normative task. This task differs from a normal reference to particular normative ideas and values of a given life-world or - within a conflict resolution frame- a simple mutual observation of human needs, the core of a Burtonian ethics. Communication presupposes the ability and willingness of its participants to take responsibility for argumentative claims within the context of a life-world .

Discourse (as a further reaching notion of communication) implies on both sides a readiness to re-think non-verifiable claims made within this context, on the grounds of formal moral principles and theoretical reason .¹¹⁵ Thus, it includes as an on-going critical praxis always the possibility of positive change.

Put differently under the conditions of discourse actors have always the possibility to question the normative and objective meaning structures communication was originally based on . Hence, Habermas' concepts of communicative action and discourse show why actors are not simply formed by social-symbolical praxis (or by their needs) but also continuously have the opportunity to create this social- symbolical praxis

¹¹⁴ Jürgen Habermas: *Theorie des kommunikativen Handelns*, Bd.1, Frankfurt 1981, page 189ff.

¹¹⁵ *Ibidem*.

and consequent definitions of the self and the other a new through processes of moral and theoretical reasoning. The evaluation of validity claims entails always the possibility that structural constraints can be questioned and behavioural expectations can be changed.

Burton 's conflict resolution workshops lack this critical quality. They reinforce given meaning structures by focusing their analysis on "non-negotiable" exclusive human needs. Instead of taking the original discourses of conflict and the supra-systemic manipulations of needs within them as their starting point, they rely on an "objective technique that establishes its own (exclusivist scientific) discourse"¹¹⁶, within which a normative critique -of that what is factually given- (e.g. exclusive ethnic identity structures) is in as much impossible as a critical self-reflection on the method itself.¹¹⁷ Put differently, Burton deprives actors in theory and praxis of their **critical-reflexive abilities** they have as communicative acting moral agents. Through his **functional** focus on the satisfaction of needs that are in the 'best interest' of all , human action is reduced to **interest-based**

¹¹⁶ John Burton: Conflict and Communication, New York 1969, page 69.

¹¹⁷ Lederach makes a very similar argument when he argues that any training practice should aim at the opening of unquestioned spaces in history. It should make objective structural oppression visible and subject its causes to dialogical reflection. It should facilitate a critical awareness of latent conflicts and encourage an involvement in a struggle for systemic justice. Unlike Burton 's model that suggest that conflict is something undesirable that needs to be resolved, this approach in-cooperates Coser 's structural functionalist critique and acknowledges the positive power of conflict. See also Chapter 3.

action under structural constraints. Hence Burton ignores the reflexive (moral- practical/ theoretical) potential of actors and their consequent ability to define their environment, themselves and others. As a consequence he fails to explore the plurality of identification forms within societies (Vivienne Jabri).¹¹⁸ He neglects the possibility that suppressed identities could become eventually starting points of opposition against the dominant (e.g. nationalist) identity that is in conflict situation likely to be manipulated by supra-systemic power.

He also ignores the possibility of a development of broader, less exclusive identity structures that could refer to wider post sovereign moral communities (Andrew Linklater). However, conceptual strategies - like the promotion of plural identities on local level and the emphasis of possible broader identifications beyond state level - are necessary preconditions for a re-definition of exclusive concepts of identities, which demarcate the imagined borders of "bounded communities". Only a reformulation of the latter can guarantee a simultaneous redefinition of the conception of the Other, in regard to which the self (of the nation) was originally defined . In the course of conflict it is likely that this Other has been systematically dehumanised to enforce the dominant identity and to justify it as a legitimate target. Unless discursive

¹¹⁸ Vivienne Jabri: *Discourses on Violence*, Manchester 1996, page 120.

dividing lines are re-drawn, new perspectives on identification are introduced and identity narratives are re-written "populations and leaderships (will still be) perceived as one deserving whole."¹¹⁹ Under these conditions conflict can only be temporarily settled but not solved. Conflict will be reproduced through uninterrupted discursive structures.

In conclusion can be said that, Burton 's theoretical attempt of introducing a technique that is not only a means of conflict-resolution but also a practical form of social critique and a method of prevention is unsuccessful because of its functional and behaviourist (biological) starting points that situate his theory inevitably in the realm of instrumental and not communicative rationality . While Burton undoubtedly seeks to question some power structures, his methodological (empirical) preference for an universal, on functional necessities (human needs) based approach situates his thought still in a problem-solving paradigm which take the empirical world as it is, focus on the smooth functioning of relationships and does not scrutinise the prevailing social and unjust power relations in the form of an ideology critique. As a consequence his analysis with regard to ontological causes of conflict is incomplete.

The previous section on Burton has sought to provide a critique of the conceptual roots of main-stream conflict-

¹¹⁹ *ibidem*, page 127.

resolution theory. The subsequent paragraphs will consider how far current conflict resolution scholars have responded to weaknesses within the Burtonian framework. It will briefly review the modifications made by i.e. Joseph Scimecca¹²⁰, Michael Banks¹²¹, Chris Mitchell¹²², and Edward Azar¹²³. It will further investigate critical theory based conflict resolution approach like the problem-solving method of Jay Rothman¹²⁴, the cosmopolitan mediation model of Deiniol Jones and the discursive approach of Vivienne Jabri.

2.3 -THE STATE OF CONFLICT RESOLUTION THEORY AFTER BURTON-

John Burton's problem-solving approach still represents the most dominant paradigm in the discipline. However, undoubtedly, it has undergone some significant changes. Over

¹²⁰ Joseph Scimecca. *Self-Reflexivity and Freedom: Toward a prescriptive theory of conflict resolution* in: John Burton (ed.): *Conflict: Human Needs theory*, Basingstoke 1990.

¹²¹ Michael Banks: *Conflict in World Society. A New Perspective on International Relations*, Sussex 1984 ; Michael Banks, Chris Mitchell: *A Handbook of Conflict Resolution: The Analytical Problem-solving approach*, London 1996.

¹²² Chris Mitchell: *The Structure of International Conflict*, London 1981.

¹²³ Edward Azar: *Protracted Social Conflicts* in: Ronald Fisher: *Interactive Conflict Resolution*, Syracuse, NY 1997.

¹²⁴ Jay Rothman: *From confrontation to cooperation: resolving ethnic and regional conflict*, Manchester 1992.

the last decade scholars in the field have increasingly sought to elaborate Burton's framework by introducing additional explanatory variables into it.

Most notable examples of this strategy are Chris Mitchell's notion of negative needs, Edward Azar's attempt to contextualise needs in a structural concept of underdevelopment,¹²⁵ Jay Rothman ARI approach, Deiniol Jones' model of cosmopolitan mediation, Vivienne Jabri's discursive critique and Joseph Scimecca's notion of reflexivity¹²⁶.

2.4.1 -TOWARD A NORMATIVE, IDEOLOGY-CRITICAL DIMENSION TO CONFLICT RESOLUTION-

a) -AZAR'S "ETHIC" OF DEVELOPMENT-

Edward Azar's analysis of Burton's work is more interpretative than critical in its nature. Azar stresses the instrumental usefulness of a concept like human needs for the

¹²⁵ Edward Azar: Protracted Social Conflicts in: Ronald Fisher: Interactive Conflict Resolution, Syracuse, NY 1997.

¹²⁶ Joseph Scimecca: Self-Reflexivity and Freedom: Toward a prescriptive theory of conflict resolution in: John Burton (ed.): Conflict: Human Needs theory, Basingstoke 1990.

formulation of agreements and consequent policies.¹²⁷ This praxeological value of Burton 's concept is difficult to deny. Even in the context of a critical approach, needs as possible embodiment of general strategical interests could be considered as useful vehicles to address **economic** and corresponding socio-economic inequalities that result from the dynamics of a life-world detached (economic) system that operates in terms of (economic) efficiency and not according to principles of truth, justice and authenticity.

Azar's idea to frame a system- equivalent ethical concept of distributive justice¹²⁸ on the grounds of human needs is compelling. Distributive justice specifies not only a notion that can be understood according to the operational terms of a system (- in terms of means like money, natural resources-) , but also entails- through its normative reference-point- a possibility to transcend it, that is to say to re-link it discursively with the context of the life-world.

Hence, Azar 's approach signifies the most developed functionalist attempt to specify the structural pre-requisites of **free** action and thought in conflict resolution processes. Azar rightly shifts his focus from the individual to collective actors (identities/ pressure-groups) and their claims to needs like

¹²⁷ Edward Azar: Protracted Social Conflicts in: Ronald Fisher: Interactive Conflict Resolution, Syracuse, NY 1997, p.65.

¹²⁸ Ibidem.

development and raises important questions that were previously unaddressed.¹²⁹

However, any compatibility with a critical approach to conflict resolution would depend on the strict condition that a need-based approach would limit its claim of explanatory power strictly to the economic domain and acknowledge the necessity of a complementary moral, psychological and propositional analysis of violence through critical theory. Of course, as a consequence of its Burtonian roots, Azar 's theory in its current state does not meet this condition. That is not to say that Azar 's programme "to explore the relationship between conflict and structural inequalities that characterise underdevelopment"¹³⁰ could not be fruitful.

However, there are a couple of points that should be taken into account. For example, Azar 's definition of underdevelopment is questionable. The frustration of so-called "needs" like recognition, identity and foremost participation has to be seen in the wider frame-work of the underdevelopment of communicative skills.¹³¹

The realisation of any claim -including distributive justice- depends ultimately on the individual capability of political/discursive participation and the political freedom to exercise

¹²⁹ Ibidem.

¹³⁰ Ibidem, p.85.

¹³¹ This is a point that will be further discussed in the context of the work of Paulo Freire in Chapter 3.

this ability. Hence, Azar 's project can be only fully realised within a critical approach to conflict resolution that offers a wider understanding of structural inequality and political participation processes.

b) -MITCHELL`S NOTION OF "NEGATIVE NEEDS"-

Among Burton 's critics Chris Mitchell's ¹³² response is unquestionably the mildest in its kind. Indeed, it might be argued that his approach is in many aspect more controversial than Burton's. It goes without saying, that Mitchell 's overall conceptual shift from the practice of interactive resolution back to a greater involvement of experts (-conflict settlement-) is from a critical theory based perspective-, which *is defined through its critical awareness toward communicative distortions-* highly questionable.

However, Mitchell 's insights regarding the existence of negative human needs -which can promote injustice, dominance and hostile perceptions- clearly reflect a critical potential.

¹³² Michael Banks, Chris Mitchell: A Handbook of Conflict resolution, London 1996, p. 6.

Mitchell derives his "critical" position from an analysis of problems that occur in the process of contextualisation of needs. He argues that because needs are not only universal but also cultural specific in nature their definition can not be strictly ontological. Their meaning has to be established through observations in the "objective" world.¹³³

According to Mitchell these observations should enable facilitators to specify context particular need "satisfiers", that could inform the design of the subsequent resolution processes.¹³⁴

Mitchell seeks to strengthen Burton's weak ontological position by shifting to an empirical approach. However - as the previous discussion in Chap 2.1 has shown - an 'objective' approach cannot provide the answers to the questions on the nature of human needs that Mitchell is raising. If human needs exist- which is debatable but not downright impossible- their cultural meaning can not be simply factually "observed", they have to be "understood" according to the principles that are embodied in the symbolic structures of an inter-subjective world (life-world). It is this meaning structure which ultimately decides about whether needs are counter-productive (negative) to the design of an agreement or not.

¹³³ Christopher R Mitchell: *Necessitous man and Conflict resolution*, in: John Burton: *Conflict: Human needs theory*, Basingstoke 1990, p.167.

¹³⁴ *Ibidem*, p. 163.

In other words, even a further elaboration of the functionalist paradigm of conflict resolution requires the inclusion of an ideology- critical, inter-subjective dimension to produce convincing results. Whether we "believe" in needs or not is a question of theoretical fashion, however the question whether our methodology is reflexive or not (that is to say biased by an instrumental use of language and solely focus on an eternally given functional status quo) is not.

c) **-SCIMECCA`S NORMATIVE NEEDS APPROACH-**

Joseph Scimecca argues that Burton's concept of human needs is flawed insofar as it is genetic. He claims that Burton's catalogue of needs can be subsumed under two universal normative needs: self-consciousness, which results from the individual capability of **self-reflexivity** and the need of freedom, which specifies the precondition for a complete development of **self-reflexivity**.¹³⁵

Scimecca's approach relies- like Habermas- very heavily on Mead's symbolical interactionism And indeed as consequence, he does draw the right conclusions. Freedom and self-

¹³⁵ Joseph Scimecca. Self-Reflexivity and Freedom: Toward a prescriptive theory of conflict resolution in: John Burton (ed.): Conflict: Human Needs theory, Basingstoke 1990, p.208.

consciousness specify indeed the formal preconditions for human rationality and hence hopefully also for a lasting peace. However "**self-reflexivity is (not) an ontological need**" because "all individuals can interpret and think back on actions that have been undertaken and those that have yet to transpire"¹³⁶ as Scimecca suggests, it is an **ontological competence**, which is developed in communicative socialisation processes (see Chap 2.1, figure 2.2).

Freedom is crucial for these processes, however it is not enough to define it simply as the need of freedom of thought and action from social constraints, even if one only wants to name the criteria for needs fulfilment like Scimecca. A correct understanding of freedom of thought and action presupposes a specification of the nature of possible social constraints. Since the development of self-consciousness is situated in processes of language-learning, freedom has to be defined in discursive terms as the freedom of speech, that is to say the freedom to question discursively the contents of a life-world on the grounds of the sincerity of the actors and the truth and righteousness of the assumptions involved.

In other words, although one could argue that freedom is a universal human need, this simple assertion has not much explanatory value if it is not seen in the context of social discourses (life-worlds). Hence, although Scimecca's

¹³⁶ Ibidem, p. 209.

assumption that a theory of Conflict resolution can be formulated on the grounds of **self-reflexivity** and freedom is from an universal-pragmatic point valid, his approach still entails difficulties . Like Burton, Scimecca still relies on the method of 'controlled communication' (see Chap 2.2) that leaves the decision what counts as **reflexivity** and freedom to the experts and their particular theories and not to the parties involved.

Nevertheless, Scimecca 's model is undoubtedly the most promising model for facilitation available.

**d) -ON THE PROSPECTS OF "CRITICAL HURT-
MANAGEMENT: JAY ROTHMAN`S ARI APPROACH-**

Jay Rothman seeks to overcome the epistemological and ontological problems that are inherent within Burton's positivist, uncritical approach of problem-solving by developing a " conflict management training methodology", that stresses the importance of cultural interpretations for the definition of conflict and the necessity of reformulation of meaning structures for its resolution through facilitated discourse. His conflict management training programme "is designed to help parties clarify their own epistemologies and question their own assumptions about conflict in ways that

lead to enhanced creativity and imagination in planning for its management." ¹³⁷

Rothman revises Burton's model of controlled communication in form of a framework that defines conflict resolution through three interlinked processes of adversarial representation, reflexive thought and integration. He hopes to bridge the gap between power-political representation and functional (need-based) integration through a critical reflexive method. According to Rothman this model enables a critical approach to conflict resolution in so far as it contains "a normative component in seeking the transformation of adversarial relations into integrative, mutually reinforcing processes"¹³⁸ .

Rothman 's "adversarial", "reflexive" and "integrative" framework (ARI) modifies Burton's model in important ways. Within Rothman's model solutions to conflict are no longer prescribed and are more likely to originate from parties involved. Existing hostile meaning structures are actively sought to be altered.

However, as a consequence of his Burtonian roots, Rothman 's ideas on how inter-subjective identity and meaning structures could be transformed, are -at best- limited. Within the Burtonian framework Rothman can only explain how actors can achieve a consciousness of inter-subjective need-based identities and how they can utilise these theoretically

¹³⁷ Vivienne Jabri: *Discourses on violence*, Manchester 1996, page 155f.

¹³⁸ *ibidem*, page 156.

prescribed forms of identification in (so-called) "integrative" bargaining processes. From the Burtonian point of view he has no access to the life-world (Lebenswelt) content of identity-structures and intentions and hence can not explain structural distortions and possible transformations in this realm.

The notion of reflexivity makes only sense within a life-world based, discursive approach within which actors have always the possibility to reinvent themselves and others and the structures around them. Therefore it is no coincidence that both Rothman and Scimecca fail to introduce reflexivity convincingly into the discourse of conflict-resolution theory.

As consequence of their different (formal/concrete) ontological starting-points Human needs theory and Critical Theory are incompatible. Only a critical approach to conflict resolution theory that seeks to facilitate the development/ usage of communicative competencies in processes of communicative action/ discourse can ensure the full use of the human potential for reflexive rationality. The development of such a critical approach within the wider framework of a critical theory based model of conflict resolution will be the task of the following chapter.

e) -COSMOPOLITIAN MEDIATION? DEINIOL JONES' MODEL-

Deiniol Jones' book 'Cosmopolitan Mediation. Conflict Resolution and the Oslo Accords' tries to translate insights of critical theory into the field of conflict analysis by reformulating the concept of mediation as a critical praxis. His intent is to respond through a cosmopolitan praxis of mediation to the challenges of a new post-cold war moral order. Jones starts off with a juxtaposition between Burton's problem-solving model and a power political approach to mediation. Jones claims that unlike the realist approach that is obviously based on strategic rationality Burton's approach would foster a 'hermeneutic understanding'. In this context, Jones describes third party intervention as a process where 'a trusted, disinterested and neutral party act to create and maintain a momentum for an emancipatory dialogue',¹³⁹ however he does not specify how and why this dialogue should be 'emancipatory' in a Habermasian sense. He moves on to develop his 'critical' analysis by condemning a power political approach again for its obvious reliance on strategic reason and its negligence of a phenomenology of the moral. In the

¹³⁹ Deiniol Jones : *Cosmopolitan Mediation*, Manchester 1999, p. 157.

end, he alters his previous assessment on problem-solving and concludes that also this approach lacks normative reflexivity and is weakened by its use of an instrumental language and needs to be replaced by a more critical praxis.

Jones' approach confuses the reader in so far as he often fails to make a clear distinction between conflict resolution, facilitation, mediation and critical praxis. He also implies that problem-solving workshops would have an explicit normative agenda, which is clearly not the case (compare last section). This probably results from his unfortunate equation of problem solving with hermeneutics (a praxis that according to Gadamer seeks to reconstruct local structures of meaning and not objective realities structured by a knowledge of an expert culture !) and the assumption of its 'emancipatory' agenda. Jones never really questions the compatibility of a facilitation/mediation/ problem-solving model with a critical praxis, he just assumes it. As a consequence, many categories of the Burtonian frame-work (like the notion of controlled communication/expert intervention) remain unquestioned and are simply added to what Jones believes is a critical praxis of mediation. Clearly, if Jones would have followed Habermas conceptual strategy of de/reconstruction, he would have had to sacrifice his concept of facilitation/mediation in the first place.¹⁴⁰ This being said, Jones does provide a very

¹⁴⁰ Ibidem, p. 159.

interesting interpretation of the Oslo Progress in which he questions the categories of actor-hood and participation in the process by discussing issues like recognition and discursive exclusion and inclusion. Jones clearly has a point when he stresses that 'the accords are part of a socially constructed reality designed to exclude the claims of Palestinian statehood.'¹⁴¹ Clearly, this process requires a normative reading and evidently the solution that was found at the time reflected a conceptual inadequacy and inequality that resulted from its embeddedness in a state-based framework. However, even if this procedural inequality would have been highlighted and remedied in the core assumptions of the process and even if facilitators would have found ways to address this shortcoming (which seems difficult within a mediation framework), it is questionable if this would have lead to an immediate hermeneutic destruction of a discourse of violence. It is likely that other processes that are specified in critical theory based model of conflict transformation are needed to convince not only leaders but also their electorate in the long term (compare an alternative reading of the Israel-Palestinian conflict in Chapter 4).

¹⁴¹ Ibidem, p 161.

f) -VIVIENNE JABRI 'S DISCOURSES ON VIOLENCE-

Vivienne Jabri introduces an important new perceptual dimension into the field of conflict analysis. In her book *Discourses on Violence - Conflict Analysis Reconsidered* Jabri seeks to define “the discursive and institutional processes that reproduce war and violent conflict as aspects of the human condition”.¹⁴² Like Burton, Jabri tries to develop an approach to conflict resolution that seeks to ‘solve’ social problems at their core. However, unlike her former professor, she argues that “developing technical expertise in modes of resolution must remain inadequate in the absence of an understanding of the social processes which generate war and support for violent human interaction”.¹⁴³ Following Giddens, Jabri argues for a structuralist bottom up approach to conflict that moves away from a mere analysis of leadership and decision making and ‘calls for uncovering the continuities in social life which enable war and give it legitimacy, backed by discursive and institutional structures’.¹⁴⁴

¹⁴² Vivienne Jabri ; *Discourses on Violence*, page vii.

¹⁴³ Ibidem.

¹⁴⁴ Ibidem, page 3.

Like this study, Jabri argues that current conflict resolution praxis suffers from a lack of understanding of structural and behavioural cultures of violence that are mediated through language, however she provides an other definition of what these discourses entail. According to Jabri, perceptual cultures (exemplified in institutional continuities of militarism, the just war tradition and the state) legitimise war as an ordinary practice. Through their state- and leader-based focus, these discourses divert attention away from the individual and alternative sources of violence.

Not unlike a critical theory based approach, Jabri argues further that conflict must be understood as lived practice within societies. As a consequence, she shifts her attention to the construction of identities. Like Linklater, Jabri sees a clear link between exclusive identifications that guarantee the structure and unity of a community and declining reflexivity with regard to the use of violence. In this context, she rightly criticizes psychoanalytical¹⁴⁵ and cognitive models of identity development with regard to their lacking ability to explain discursive factors that are crucial for the construction of a social reality (A critique that has been made before by Habermas in his discussion of Piaget and Mead and that will

¹⁴⁵ In this context, she draws an interesting parallel between Freud and Burton: 'Like the basic needs approach, psychoanalytic models of personality development are capable of defining the temporal basis of identity formation in the individual, but remain unsatisfactory on the social construction of reality, *ibidem*, p. 125.

be the starting point of a critical theory based model). She sees similar weaknesses in conflict research.¹⁴⁶

Jabri provides an elaborate model of conflict analysis that modifies Burton's problem-solving approach in important ways and signifies an important step towards a more profound understanding of cultures of violence. However, although her argument concurs with much what has been said in the first sections of this chapter, there are still some conceptual weaknesses in her model that a critical theory based model to conflict transformation seeks to remedy. Some of these shortcomings result from her Burtonian heritage, but the main problem is associated with her theory of structuration. Jabri's book begins with a structuralist/ institutional analysis of discourses on violence and ends with a reference to Habermas discourse ethics in her final discussion of discourses on peace. This creates the impression that her structuralist/ social-constructivist approach equals or is at least compatible with a critical approach to conflict resolution, which is clearly not the case. There is no clear link between Jabri's analysis of the institution of war and her discussion of the prerequisites of a discourse of peace. Obviously, she would argue that the link lies in the nexus between her concept of identification, dialogue and corresponding abilities to question

¹⁴⁶ She notes: Conflict research does not however move beyond the psychological processes which accompany the state of conflict and, indeed, relies on the cognitive underpinning of such processes. It has not, therefore, recognised the discursive and institutional continuities which generate and reproduce the categorisation and differentiation process which reproduce violence as a social continuity, *ibidem*.

the institutional manifestations of violence legitimatising war. But this just one particular aspect of a discourse on violence. Despite her acknowledgement that conflict has to be reconceptualised as a lived praxis, Jabri 's analysis of discourses on violence mainly focuses on the relationship between individual, the state and the institution of war (and not for example on a lack of coexistence between communities, colonial oppression, genocide etc.) **What is missing is a comprehensive definition of the factual, normative and expressive components of 'a discourse of violence'/'discourse of exclusion'/'discourse of peace' on community, national and international level and a concrete model of how to promote social change. (This thesis will illustrate these components by the example of Rwanda. It also provides a critical theory based model of conflict transformation)** Except from a few references to conceptual realities of violence on community level (like her mentioning of exclusive discourses on immigration), Jabri 's approach seems strangely detached from lived praxis. Ultimately, Jabri's book could be reduced to the assertion 'Actors learn to legitimate war as part of their socialization process which supports institutional violence' (which would be mean in the light of her outstanding and well-crafted analysis, but nonetheless true). Jabri 's analysis says next to nothing on the structure of this argumentation or on the normative

reasoning processes that inform ideological manipulation. Consequently, her discussion of a discourse on peace is meagre. According to Jabri, 'a discourse on peace is necessarily a counter-discourse which seeks to understand the structured legitimisation of violence and challenges the militarist order and exclusionist identities which encompass it.' Jabri is clearly just referring to institutional realities and not life-world (Lebenswelt) conceptual realities¹⁴⁷ that enable according to Habermas peaceful interactions. This is best expressed in her various references to the need to transform 'symbolic and institutional orders' and to develop a 'linguistic' concept of peace ¹⁴⁸. It is also interestingly, that she quotes in this context Habermas earlier and less developed concept of a public sphere.¹⁴⁹ It is only fair to note that Jabri acknowledges that her reception of Habermas' work is incomplete, however this omission clearly weakens her argument. It is unfortunate that to a large extent her discursive analysis leaves out the enabling prerequisites of communication.

¹⁴⁷ A life-world represents, in subject areas (law/ politics, science and art) divided, a reference context of inter-subjective knowledge that is mediated (and hence always present) through language.

¹⁴⁸ Ibidem.

¹⁴⁹ Ibidem, p.160. Jabri acknowledges herself that her discussion is limited in this regard, p.162.

g)- CONFLICT RESOLUTION IN THEORY AND PRAXIS-

Michael Banks provides an original defence of Burton's theory that raises important questions for a critical approach to conflict resolution. Following Carr, Banks argues rightly that a general theory of conflict resolution necessarily has to fulfil at least one methodological condition, - it has to be formulated in terms that see theory and practice as inseparable as praxis.¹⁵⁰ Unless this interplay is respected, Conflict Resolution theory remains the subject of either an objective or a subjective fallacy, depending on whether one advocates a deductive theoretical or an inductive empiricist approach.¹⁵¹

According to Banks, Burton overcomes this problem successfully through an abductive design, which he adopts from Pierce. Abduction is defined as " a process by which empirical evidence and theories, frequently reflecting personal prejudices in their selection and interpretation, would be challenged by intuition and insights, which would be derived

¹⁵⁰ Michael Banks: 'The International Relations Discipline: Assets or Liabilities?', in: Edward Azar, John Burton: International Conflict Resolution: Theory and Practice, Brighton 1986.

¹⁵¹ Ibidem.

from all available knowledge." ¹⁵² In other words, Banks challenges the argument of "distorted communication" by referring to Burton's "elaborate dialogic" , abductive methodology.

Banks hits critical theory where it hurts the most, that is in its heavy reliance on a theoretical (deductive) catalogue of multiples "shoulds and coulds" and the general difficulty of its practical application. Indeed, one of the mayor occupations of sociologists since the early 1980's has been to reflect on ways how critical theory could be possibly brought into praxis, and still, not many convincing solutions have been produced so far. How then does a critical approach to conflict resolution respond to Bank ´s methodological critique?

This thesis will develop two strategies. The first- and simpler- strategy is to argue that Banks and Burton fail to produce a convincing solution to the methodological problematique themselves. As shown in Chap 2.2, Burton's framework lacks ultimately an inter-subjective dimension which could substantiate a successful dialogical praxis of shared knowledge seeking. His design of communication processes reflects an instrumental use of language and a limited understanding of communicative (life-world (Lebenswelt)) knowledge and action that betrays the dialogical, exploratory nature of an abductive approach. Hence, despite his assertion, Burton´ s approach

¹⁵² John Burton: *The Sources of Conflict, Violence and System Crime and their Provention*, Manchester 1997, p. 33.

does not reconcile its deductive and inductive elements successfully. Consequently, the criticism of "distorted communication" still applies.

The second more complex task is to illustrate the praxeological superiority of a critical approach to conflict resolution. Such an assumption presupposes the development of an alternative, abductive approach on the grounds of discourse ethics.¹⁵³

Chapter 3 will develop a critical approach to conflict resolution that seeks to correct this short-comings on the grounds of John Paul Lederach and Paulo Freire. As already indicated in Chap 2.4.1, it will seek to develop a discourse-ethical, **non-intrusive** approach to conflict resolution that hopes to fulfil the above outlined requirements of Banks for an abductive model insofar, as it will specify only **formal** procedures within which the definition of the conflict (plus the judgement of the original stimuli that initiate the process) is left to the adversarial fractions themselves.

By developing a formal framework that entails -as a consequence of its discursive nature- always the possibility of its correction in theory and practice Chapter 3 hopes to provide

¹⁵³ Such a strategy has been recently advocated by Lauren Snyder. Unfortunately Snyder concentrates herself very much on the formal specification of discourse-ethical guidelines for facilitation and neglects important praxeological insights that can be drawn from community-based conflict resolution models. Snyder is also not very clear about the degree to which culture should play a role in conflict resolution (e.g. in the selection of third parties).

T. Väyrynen's recent phenomenological analysis of Burton's work is in this regard much clearer, but neglects (as a consequence of its subjectivist starting point - namely Schütz-) further reaching question regarding communicative intersubjectivity and ethics. Lauren Snyder: A Critical Theory of Peace Practice: Discourse Ethics and Facilitated Conflict Resolution, LSE Ph.D. Thesis 2000./ T. Väyrynen: Culture and international conflict resolution, Manchester 2001.

a critical approach according to which theory and practice can be seen inseparable as praxis.

2.5 CONCLUSION

This chapter has argued for the introduction of a normative, ideology-critical perspective to conflict resolution theory. It analysed Burton's key concepts of human needs and controlled communication from a Habermasian point of view. While doing this, it highlighted present structural shortcomings in the exercise of conflict resolution workshops.

- The objective of **section 2.1** was to show that Burton's theory of human needs is problematic insofar as it is based on debatable ontological and methodological assumptions. Needs are socially symbolical constructed and not simply ontological given entities. Hence, causes of conflict can not be explained in form of a simple theory of deprivation of needs. They have to be located in the social-symbolic realm of societies.
- **Section 2.2** highlighted the problematic ontological and epistemological premises of Burton's basic concept of

communication. It sought to criticise his instrumental understanding of language and scrutinised the prescriptive starting-point of his method of controlled communication.

- **Section 2.3** investigated the ethical grounds of communication processes. It revealed a not reconcilable gap between Burton's normative scepticism and the ethical concerns of his theory.
- **Section 2.4** tried to define a critical approach to conflict resolution further through a critical review of recent literature.

**CHAPTER III: 'FOUR GOOD REASONS FOR PEACE'
-A CRITICAL THEORY BASED APPROACH TO CONFLICT
TRANSFORMATION-**

**3.1 A CRITICAL THEORY BASED APPROACH IN LIVED
PRAXIS**

A critical theory based approach to conflict transformation refers to lived peace-making practice that has so far failed to get sufficient theoretical attention. The following section will briefly show how its assumptions reflect everyday knowledge on peace-building and common sense that has been part of life-worlds for centuries. This clarification is important in so far as the subsequent discussion will operate in highly abstract terms of an expert discourse, that seems (at least at first sight) detached from everyday practice.

The importance of normative appeals to Truth, Justice, Authenticity and the ideal of Forgiveness for the discovery and keeping of peace has been echoed in many philosophical writings and rehearsed in non-violent political action throughout time. Sri Mahatma Gandhi's philosophy and exercise of Satyagraha ('Sanskrit for commitment to truth')¹⁵⁴

¹⁵⁴ This non-violent exercise of truth is best exemplified in his famous salt march, but has had many other manifestations. For example, his spare dress code was

is one prominent example for how structural injustice and perceptual distortions (e.g. on race) have been unmasked in praxis by non-violent discursive means. Gandhi was one of the first to realise that conflict results initially from illusions about ourselves, the other, about what is to be considered true, normative right and authentic. As a consequence, he sought to promote peaceful change by highlighting objective and moral contradictions in the dominant colonial discourse on race of his time by indefatigably asserting the truth about the equality of all men and consequent unjustifiable oppression.¹⁵⁵ A critical theory based approach to conflict transformation shares this intention.

Gandhi also never tired of stressing that the establishment of a factual truth (e.g. on systemic violence) is not an absolute end itself that could justify the violation of another normative truth like the brotherhood of all men. Hence, he concluded a true struggle for peace could only rely on non-violent means¹⁵⁶ like discursive persuasion (universal normative and

originally a way to express his boycott of British cotton. His fasting was a protest against unjust colonial legislation and oppression. By sticking to a at times life-threatening fasting regime (a truth of starvation many families in India were facing at that time) , Gandhi developed a quite successful practice of naming and shaming that reminded the colonial government of their moral responsibilities.

¹⁵⁵ Rex Ambler: *Gandhian Peacemaking*, in: P. Smoker, R. Davies, B. Munske: *A Reader in Peace Studies*, Lancaster 1990, p.199f.

¹⁵⁶ Gandhi argued in this context that the normative goals of a movement have to be always expressed in the conduct of the movement itself. Systemic violence must be answered by overt non-violence, injustice by justice, inhumanity by humanity to prevent any future violence.

In this sense, Gandhi considers the process itself actually as more important than the outcome itself. (compare also below Lederach paradox of process and outcome.), *ibidem*, p.200

factual appeals). However, peaceful discursive practices like civil disobedience and non-cooperation are only meaningful insofar as their symbolic content is understood. Hence, Gandhi stressed that every possible effort must be made to explain one's own position and (discursive) action. The response of the other, according to Gandhi, has to be facilitated by providing the "opponent" with all the relevant information about facts and claims at stake.¹⁵⁷

However, ultimately, so Gandhi, the deconstruction of a conflictual illusion would have to start with a self-critical dialogue to exclude the ever present possibility of a mutual projection of "ambition and ill-will" and the consequent subjective application of unequal standards.¹⁵⁸ Hence, opposite to the neo(realist) belief that peace could be only uphold from a position of power, Gandhi argued that peace could be only sought from a modest position of authenticity and openness about own short-comings. Only then would universal appeals to justice not be mistaken inter-subjectively as self-interested action. In this context, Gandhi was also one of the first to recognize that self-interested action is based on two illusions- the denial that all humans are social beings,

¹⁵⁷ *ibidem*.

¹⁵⁸ *ibidem*, p. 202.

and the corresponding assertion everybody could do just as well on their own.¹⁵⁹

Gandhi 's philosophy of 'satyagraha' highlights with cooperation and inter-subjectivity, truth, justice and authenticity and corresponding collective and individual conflict knowledge the very same conceptual and praxeological prerequisites for peace like a critical theory based approach to conflict transformation that will be outline in the following chapter.

This is not surprising insofar as Gandhi bases his method of truth/ peace seeking also on the realisation of the human potential for moral reason, reflection and self-critique. Gandhi shows conclusively in praxis why peace is ultimately only an option if everybody is with himself/herself, the other, the factual and normative world at rest.

A critical theory based approach hopes to substantiate this position theoretically. This is important so far as any metaphysical approach to peace-building (Gandhi 's philosophy is derived from one of the most holy text of Hinduism- the Bhagavadgita) will in a 'scientific' paradigm not get the attention and credit that it deserves.

¹⁵⁹ This insight in the short-livelihood of self- interest and the long-term necessity of some sort of rule based social cooperation is echoed in different theoretical traditions in International Relations that cover e.g. with Critical Theory and the English School a quite diverse left to right spectrum.

This is not to say that the transformative power of norms in peace-building has not been acknowledged by some conflict resolution theorists .

Johann Galtung - who framed the analytical distinction of peacekeeping, -making and- building for Boutros Ghali ´s Agenda for Peace- draws in his research into the constitutive components of positive peace explicitly on religious values and corresponding ideas of truth and forgiveness.¹⁶⁰ Quaker and Mennonite Peacemakers appeal per definition to similar (Christian) normative understandings.

Nevertheless, so far no attempts have been made to introduce these notions formal-pragmatically - that is to say independently from any religious discourse or content - into the discipline.

3.1.1 A CRITICAL- THEORY BASED APPROACH TO CONFLICT TRANSFORMATION – THEORETICAL CHOICES

The following section will **reconstruct** (compare Section 1.2 Methodology) John Paul Lederach´s cross-cultural training approach ¹⁶¹ through the formal quasi-transcendental

¹⁶⁰ Johann Galtung: The next twenty-five years of peace-research: tasks and prospects, Oxford 1987.

¹⁶¹ John Paul Lederach: Preparing for Peace. Conflict Transformation across cultures, New York 1995.

means of Critical Theory and further develop Lederach's definition of conflict transformation and reconciliation. The theoretical focus on Lederach's work is not coincidental. Unlike other reconciliation authors, Lederach embeds his work within a clear defined body of social theory (e.g. Freire¹⁶², Coser¹⁶³, Simmel¹⁶⁴) which opens up his work for a meta-theoretical reflection. This is particularly true with regard to Lederach's reference to Paulo Freire who is, as shown below, writing on very similar issues like critical theory. His concept of a 'fanaticized consciousness' clearly contributes a further understanding of discourses on violence and specifies Habermas/Piaget/Kohlberg's approach in an important way as outlined below. Secondly, unlike other authors, Lederach develops a metatheoretical model that is used as a starting point for this thesis. It allows for a conceptualisation of peace-constitutive argumentative processes (including reconciliation) as a multi-levelled phenomenon. His multidimensional model opens up a theoretical perspective from which the need for argumentative complementarity and coherence on local, national and international level can be exemplified.

(*Formalpragmatic definition of Reconciliation) Thirdly,

¹⁶² Paulo Freire: *Pedagogy of the Oppressed*. London 1971.

¹⁶³ L.A. Coser: *Political Sociology. Selected Essays*. London 1980/*Reflections of social conflict*, Glencore 1956.

¹⁶⁴ Georg Simmel: *Der Streit/Conflict* (transl), New York 1964.

following Honneth, this thesis conceptualises reconciliation as argumentative encounter in which validity claims of truth, justice and authenticity are debated as a part of a struggle for recognition and acknowledgement. Unlike other approaches, Lederach looks explicitly at communicative processes, identifies similar validity claims and the need for recognition like Habermas and Honneth, however independently from any language philosophy. Andrew Rigby writes: "...there is an ongoing tension between the need for truth, the quest for justice, and the desire for peace. The most perceptive exploration of these tensions that I have come across has been in the writings of John Paul Lederach...For Lederach, reconciliation is the process and the place where ...(Truth, Mercy, Justice and Peace) meet."¹⁶⁵ According to Lederach: "Truth is the longing for **acknowledgement** of wrong and the validation of painful loss and experience, but it is coupled with mercy, which articulates the need for **acceptance**, letting go, and a new beginning. Justice represents the search for individual and group rights, for social restructuring, and for restitution, but is linked with Peace, which underscores the need for interdependence, well-being and security."¹⁶⁶ The same themes are developed within the formal-pragmatic framework of a critical theory based approach to conflict

¹⁶⁵ Andrew Rigby: *Justice and Reconciliation*, Boulder 2001, 12f.

¹⁶⁶ John Paul Lederach: *Building Peace*..p.29 .

transformation. The necessity to develop a cultural approach to reconciliation is also acknowledged by Rigby¹⁶⁷. He describes in his stage model the need to first establish security, then truth, before approaching the subject of justice and reconciliation (*This thesis argues for a similar procedural sequence, assuming that any normative (illocutionary) learning process (on justice and reconciliation) is most likely the result of an increase of propositional knowledge in the objective world (truth)) Rigby also recognises the need for a development of ‘a counter-culture that embodies those values that are at the heart of reconciliation: peace, truth, justice and forgiveness.’ In this context, he suggests to work toward the ideal of a culture of non-violence, a culture of truthfulness, a culture of justice and a culture of forgiveness but, like most other reconciliation authors, fails to show how and why exactly this should and can be done.

Rigby refers to the very life-worldly notions that a critical theory based model to conflict transformation seeks to advance by a rewriting discourses of violence through discursive practices promoting truth, justice and authenticity. He stresses the importance of validity claims, however, like most reconciliation authors, he is missing a

¹⁶⁷ Andrew Rigby: Justice and Reconciliation, Boulder 2001.

meta-theoretical reference point that this thesis is (at least trying) to provide.

This is not to say, that there is no noteworthy literature on truth-finding and reconciliation. Many authors have written on the subject of truth commissions and common lessons learned, with the South African case being a favourite example. These authors include Brandon Hamber ¹⁶⁸, P.B. Hayner ¹⁶⁹, P. van Zyl¹⁷⁰, Harry Steiner ¹⁷¹, J. Cochrane¹⁷², J. de Gruchy¹⁷³, S. Martin ¹⁷⁴ and M. Parlevliet¹⁷⁵. These authors discuss the problematique of amnesty, reparation and related questions of justice. Some examine the institutional dynamics of truth commissions which of course also includes in a way communication processes. However, the point is while most seek and succeed to provide an

¹⁶⁸ Brandon Hamber 'From Truth to transformation', London 1998/Brandon Hamber: 'Repairing the Irreparable' www.csvr.org.za /Brandon Hamber 'Remember to forget' www.incore.ulst.ac.uk/Brandon Hamber 'Symbolic closure through memory, reparation and revenge' www.du.edu

¹⁶⁹ Priscilla B Hayner: *Unspeakable Truths. Facing the challenge of Truth Commissions*, London 2001.

¹⁷⁰ P. van Zyl: *Dilemma of Transitional Justice: The Case South Africa'* Truth and Reconciliation Commission, in :*Journal of International Affairs*, 52:2, 1999. also compare South Africa. Committee established to Investigate Violence at Mooi River and the Causes There of. Final report. Cape Town : Commission of Inquiry regarding the Prevention of Public Violence and Intimidation, 1992.

¹⁷¹ Harry Steiner: *Truth Commissions: A Comparative Assessment*, Harvard 1997.

¹⁷² J. Cochrane: *Facing the truth : South African faith communities and the Truth & Reconciliation Commission* / edited by James Cochrane, John W. De Gruchy, and Stephen Martin. Publisher: Athens : Ohio University Press, 1999.

¹⁷³ *ibidem*.

¹⁷⁴ *Ibidem*.

¹⁷⁵ Michelle Parlevliet: *Telling the truth in the wake of Mass Violence: in: People building peace*, Utrecht 1999, p. 46ff.

empirical or comparative analysis of institutional realities, they do not theoretically scrutinize the cultural (life- worldly) roots of truth and justice (validity claims). These texts do not problematise the formal-pragmatic components of discourses of violence. They assume that material ideas of truth and justice are either universal constants in a functional equation that simply has to be institutionalized in a right way to contribute to a rebuilding of a society or so cultural-specific that they can solely be studied in their own cultural context. What is missing in the literature is a clear answer as to why and in which ways potentially diverging ideas on truth and authenticity matter in South Africa , Guatemala or elsewhere and a methodological reflection on whether it is justifiable to compare material definitions at all. This shortcoming has been also noted in passing by some of the above mentioned authors. For example, Hayner acknowledges that information management will affect the 'kind of truth' commissions will produce. She cited Janis Grobbelaar, a practioner, who criticized data-base based approaches for their a-contextualised logical positivism and their failure to ask why and how questions and Daniel Rothenberg, who (likes this thesis) notes a detrimental influence of a legal mind set of practitioners on the establishment of objectives of truth-commissions.¹⁷⁶

¹⁷⁶ Priscilla B Hayner: *Unspeakable Truths. Facing the challenge of Truth*

Unfortunately, Hayner then moves on to outline a positivist (solely quantitative data based) information management strategy herself, suggesting that the right principles of data processing and data entry could establish an 'objective truth'. Unsurprisingly, the question how problematic, qualitative (life-wordly/cultural-specific) data could be included in the analysis remains unanswered.

(*Formal-pragmatic definition of truth) A critical theory based model utilises a formal-pragmatic definition of truth that limits itself solely to the Habermasian idea that truth is merely a notion that two or more people establish within in a context of a life-world with reference to what ever is believed to be factual within the objective world with a particular language game. (How different objective realities can be has been e.g. shown by E. Whorf¹⁷⁷ in his ethnolinguistic studies). ***(Formal- pragmatic definition of authenticity)** It defines authenticity solely by an actor's expressive ability of a making of truthful assertions about his/her inner self and intentions and his/her ability for reflexive perspective-taking. (-For further definitions of truth, authenticity, reconciliation and forgiveness compare below)

In other words, while studies on truth-finding provide undoubtedly important case-studies that help policy-makers

Commissions, London 2001.', p.81f.

¹⁷⁷ B. L Whorf: Language, thought, and reality : selected writings, Cambridge, Mass. 1956.

and the international donor community to identify common lessons learned with regard to institution-building, these comparative studies are embedded in a different (either functional institutional or specific anthropological) reality than a critical theory based approach. They lack a meta-theoretical ideology-critical perspective and do not scrutinize the perceptual components of a discourse of violence as such. They would conceptualise the former as interests that have to be represented. While the contribution of these studies is not contested in their own right, it is difficult to see how these approaches could provide starting-point for a critical theory based analysis. The same applies for the wider literature on reconciliation studies. Authors like Assefa¹⁷⁸, Hamber¹⁷⁹ and Harper¹⁸⁰ provide material definitions of reconciliation. The latter are based on comparative observation and empirical inquiry but not on formal-pragmatic discursive analysis. Like a critical theory based approach these authors often stress the important role of participation but they do not link this idea to any meta-theory. The definitions that are given centre around the same relational themes that are also echoed in the Chapter 5 of this thesis, however with the profound difference that a

¹⁷⁸ Hizkias Assefa 'The Meaning of Reconciliation in: European Centre for Conflict Prevention: People building peace, Brussels 1999.

¹⁷⁹ Brandon Hamber 'From Truth to transformation'/Brandon Hamber 'Repairing the Irreparable'/Brandon Hamber 'Remember to forget'/Brandon Hamber 'Symbolic closure through memory, reparation and revenge'

¹⁸⁰ Charles Harper: *Impunity: An Ethical Perspective*, Geneva 1996

critical theory based approach simply utilises the latter to illustrate the formal-pragmatic necessity of perspective-taking and the discussion of nine validity claims that are according to Habermas and Piaget presumably inherent within human cognition and speech . As a consequence of its plural life-worldly starting-points, a critical theory based approach is very cautious to provide any universal definition. It believes that any concept should be in first instance understood within its own cultural reference-frame. Following Honneth , it only argues that individuals are only able to become social members of society and develop a positive understanding of their self through a mutual acknowledgement.¹⁸¹ Like Honneth, it considers this struggle for recognition as the main moral driving force of social transformation (e.g. reconciliation) and attributes conflict a.o to a systemic violation of truthful, rightful and authentic claims for personal, legal and social acknowledgement¹⁸² . In this context, it follows largely his idea of a moral grammar of social conflicts which finds its expression not only in breaches of an unspoken consensus that exists between citizen and their leaders (of good, responsible governance) but also most importantly in the affirmative space that is given within a society for individual development through three forms of recognition- love (within

¹⁸¹ Axel Honneth: Kampf um Anerkennung Frankfurt 1992..

¹⁸² Ibidem, p.227.

a family unit), law (within a state) and social appreciation (within a society)) .¹⁸³ It argues that without affirmation in these three spheres (through notions of solidarity and rule of law) an individual is not able to develop the self-confidence, self-respect and self-appreciation that is necessary to assert his/her moral autonomy and also fully respect the rights of others outside his/her in-group. (One only needs to think of Rwanda legal discourse of impunity , the hate media at the time , and the fact that genocide was even committed by family members to understand the relevance of these dimensions for mass atrocities as well as for reconciliation) Honneth' analysis points at cognitive and emotive needs for recognition that are pre-given with speech and that hence also seem vital for our understanding of the inter-subjective (dialogic) dimension of forgiveness and reconciliation. In this formal-pragmatic context, it becomes evident why an authentic apology (that is matched by corresponding action and properly embedded in a respective life-world) is so vital. Through an acknowledgement of injustice victims are able to restore their self-confidence, self-worth , self respect and hereby their position within society.

This does not mean that this thesis would necessarily challenge current definitions of reconciliation, forgiveness,

¹⁸³ *ibidem*, p. 267.

truth and authenticity. Desmond Tutu defines reconciliation as a process of creating trust and understanding that cannot be imposed from outside and needs to have **local ownership** to be successful. He further describes it as a long and painful journey, addressing the pain and suffering of the victims, understanding the motivations of offenders, stressing the importance of truth-finding in the South African case.¹⁸⁴ Hizkias Assefa defines reconciliation as 'conflict handling mechanism that entails the following elements:..honest **acknowledgement** of .. harm/injury, ..**sincere** regret and remorse,...readiness to apologize,...readiness ..to let go the anger and bitterness,...commitment...not to repeat the injury, sincere effort to redress.. grievances.. and compensate the damage...,entering into a new...relationship.'¹⁸⁵ David Bloomfield defines reconciliation as a process in which all actors involved in a conflict 'examine and address their previous relationship and their violent past.'¹⁸⁶ According to him 'reconciliation is an overarching process which includes the search for truth, justice , forgiveness and healing.' Luc Huyse defines a reconciliation process through three stages- firstly, the achievement of non-violent coexistence (security),

¹⁸⁴ Foreword of Desmond Tutu in IDEA: Reconciliation after violent conflict, Stockholm 2003.

¹⁸⁵ Hizkias Assefa 'The Meaning of Reconciliation, in: People building Peace, Utrecht 1999, p.19.

¹⁸⁶ David Bloomfield: Reconciliation in: IDEA: Reconciliation after violent conflict, Stockholm 2003 page 11.

secondly the building of confidence and trust through the establishment of functioning state institutions, including an independent judiciary and thirdly through a promotion of empathy in the form of truth-commission. (Huyse is one of the few authors who answers very practical questions with regard to process planning .His idea to link reconciliation with democratic institution-building is compelling, but maybe not always entirely culturally unbiased). All these definitions stress the importance of the relational theme that a critical-theory based approach to conflict transformation seeks to develop further through the taking of a dialogic approach. They further stress the need for local ownership and sincerity of all speakers. A critical theory based approach to conflict transformation translates these concerns into a multidimensional meta- theoretical discursive model, stressing the necessity of inter-procedural complementarity and authenticity.

A critical theory based model also responds to concerns that have been made elsewhere. Donna Pankhurst¹⁸⁷ points at the still prevailing definitional uncertainty of what could be understood as reconciliation. She criticizes that international agencies and national government have instrumentalised and idealised past conflict resolution mechanism like Gacaca for their own purposes. She argues that reconciliation is

¹⁸⁷ Donna Pankhurst 'Issues of Justice and Reconciliation in Complex Emergencies', *Third World Quarterly*, 20:1, 1999., p.239ff.

necessary a fragile internal process in which outside agencies should better not interfere because their potential simplistic understanding of cultural processes. Hence, the international community should focus on the less problematic domain of justice. She stresses that any international intervention in this field should be based on the lessons of `comparative` countries and can not be `rushed`.¹⁸⁸ After what has been said so far, it should be clear that a critical theory based approach would disagree with this assessment in at least six points.

Firstly, it would challenge Pankhurst's assumption of inter-procedural comparability and highlight the necessity to understand and compare peace-processes within one cultural communication process (life-world/discourse of violence) that requires the introduction of a communicative meta-theoretical level. It would argue (like Pankhurst) that reconciliation processes are indeed internal affairs however it would seek to uphold the further reaching hypothesis that any attempt to compare normative processes empirically outside their cultural reference-frame is at best problematic.

Secondly, it would doubt the idea of a value free international justice or to be more specific it hopes indeed to show in Chapter 5 that in the case of the ICTR `the international community, and particularly the UN... is

¹⁸⁸ *ibidem*.

imposing inappropriate values on societies which had no say in their design.’¹⁸⁹The author of this thesis will try to make a case and illustrate why it seems indeed necessary ‘to embark on a reform of international law and the ways in which it is implemented’. A critical theory based approach would highlight the necessary interplay of processes of restitutive and reparative justice that links the notion of international justice with complementary processes on lower levels (compare Chapter 5) and includes the international domain as one important dimension in inter-procedural communication processes seeking to promote reconciliation. Thirdly, a critical theory based approach would point at the value of structural mixtures of restitutive and reparative justice, truth-finding and the promotion of authenticity on local level like Gacaca. While the latter might have been indeed instrumentalised/misunderstood by international and national actors, and aside from the question which function Gacaca has or has not played in the past, which is in any case irrelevant in so far as every process changes inevitably over time, the present combination of transformative processes within Gacaca in Rwanda provides a positive example of how ideas of truth, justice and authenticity can be equally represented within one communicative process. In other words, this thesis argues

¹⁸⁹ Ibidem, p. 254.

that community based approaches like Gacaca (despite its problems and limitations) are the best bet for an achievement of a full communicative complementarity, intelligibility and coherence of processes. Put differently, because of its formal discursive design Gacaca can serve as an useful model for the development of peace-constitutive communication processes elsewhere.

Fourthly, despite the above outlined differences, it seems that both authors share the same intention that reconciliation needs to be built from the ground up. However, this thesis will argue that because reconciliation and justice are mutually constitutive communicative processes they can not be conceptualized independently from each other. Furthermore, a critical theory based approach stresses the importance of moral responsibilities and inter-procedural ideology critique. As will be shown in Chapter 5, an international justice that hides behind formal standards, that does not seek to contribute to reconciliation processes (including those between the Rwandese and the international community) is no intelligible justice (e.g. for witnesses/survivors of genocide)

Fifthly - as pointed out before- with regard to the definition of what reconciliation really is a critical theory based approach would be as cautious as Pankhurst to give any final material definition. However, unlike her, it would point

in this context at the multitude of meaning that is given with a plurality of language games that makes any material definition impossible in the first place and take the notion of a plurality of life-world as its starting point. (compare Chapter 4.2) Put differently, it would agree with Pankhurst but stress the need for meta-theory.

Sixthly, and despite of some incommensurability of standards, a critical theory based approach would also argue that once a reconciliation process is seen within its cultural reference frame, there is always the possibility to understand it from the outside if one is willing to explore (discursively) which criteria are applied and which values are considered important by local actors. It would further hold that any international effort that seeks to make a difference in terms of peace and reconciliation but that resides outside this communication process and does not actively seek to participate in it, can not fulfil its objectives . This is why this thesis, unlike Pankhurst, would insist that a participation of international actors in a dialog on reconciliation is indispensable.

However, and it seems necessary to make this very clear from the outset, **this thesis is not a reconciliation study**, it is a critical theory based thesis that develops Vivienne Jabri discursive critique of Burton further in a Lederachian framework. It is a critical theory based critique of current conflict

resolution and peace-building practices that acknowledges the work and value of authors in the field of peace studies and reconciliation studies and in-cooperates many insights which were developed by Lederach and Galtung work. However, its prime knowledge interest lies in the development of a meta-theoretical frame-work. (Hence, its objective differs significantly from the work of authors like Hamber and Hayner who try to give a detailed empirical account of the proceedings of the TRC in South Africa and elsewhere.) Its main focus lies on a theoretical examination of formal-pragmatic prerequisites for peace-constitutive dialogue. Grass root based reconciliation processes are one example at one particular level (Peace-talks would be another at a national level -compare Transformative Triangle in Chapter 1). Put differently, it seeks to provide some conceptual ideas to spark a meta-theoretical discussion. That is not to say, that there are not many themes that a critical theory-based approach has in common with reconciliation literature. It explores the importance of the relational theme that is cited in many works (compare above) and the notion of participation (which is e.g. an important criteria in Assefa's spectrum of conflict handling mechanism (that reaches from force (conflict suppression) to reconciliation (conflict prevention & transformation)). Like Rigby, it argues for the need to promote cultural counter-

culture and address perceptual violence. To a degree it also reflects concerns mentioned in Charles Harper's cross-cultural critique of amnesty and impunity ¹⁹⁰, by re-conceptualising the latter as a denial of communicative needs. A critical theory based does not disagree with most authors . It simply stresses the need for meta-theory.

This thesis also does not contest any definition that has been made by Christian, Muslim¹⁹¹, Jewish, Hindu, Buddhist, Taoist or any other faith or not faith-based author on forgiveness as long as it reflects concerns of voluntary and informed consent of the victims. As far as the author is concerned anything goes as long as it is authentic (see definition above and below) and does not violate the right of others . A critical theory based approach would understand varying definitions of forgiveness in a neo-Wittgensteinian way by arguing that all definitions probably point all from different angles at the very same truth that is in its whole as such still hidden and probably will always remain hidden because of the multitude of ways to attribute meaning . It is true that most forms of forgiveness seem to require additional ideological- reference points other than the meaning resources of ordinary everyday life-world discourses (something that is bigger than one's self). Depending on

¹⁹⁰ Charles Harper; *Impunity. An Ethical Perspective*, Geneva 1996.

¹⁹¹ According to Islamic studies scholar Dr Amir Ali the concept of forgiveness in islam is embodied in three term afw (pardon), safhu (the turning from sins) and maghfira (the motion to forgive and remit), www.iiie.net.

which narrative is selected by individuals or collectives, there will be likely variations in emphasis and themes. To give an example: Christian ethics gives particular attention the theme of guilt, intention and unconditional forgiveness. These values that might or might not be shared by other ideologies . This circumstance however does not change the conceptual reality of a Christian, who forgives. It also does not alter the fact that all humans are social and communicative beings and that there are common experiences within every human life that enable us to understand others. (compare Chapter 4.2) Moreover, and most importantly, Piaget and Kohlberg have identified structural similarities within human cognition and moral judgement (compare below) which are likely to also influence perceptions of forgiveness. Habermas has developed this distinction further in the form of a stage model of communicative competence (compare below). There are also reconciliation scholars like Hans Kung¹⁹², who maintains that despite all diversity there are moral universals that can be found in all belief-systems citing Kant's categorical imperative as an example (which was reformulated by Habermas in the form of formal illocutionary validity claims). It is likely that the concept of forgiveness is often a reflection of the same emotive and social needs for recognition that

¹⁹² H. Kung /Schmidt: A global ethics and global responsibilities, London 1998.

were described in the context of reconciliation. Indeed, one might be inclined to argue that the ideal of forgiveness is one constitutive component of this very communication process.

This thesis defines forgiveness as follows:

(*Definition of forgiveness) Forgiveness specifies a (at times contra-factual) ideal to which past adversaries necessarily have to appeal in their attempts to transcend the exhausted meaning structures of their old exclusionist discourses. It is a decisive step in the process of rebuilding of relationships on equal terms. Consequently, it has to precede (at least as a contra-factual ideal) any real discursive attempt of conflict resolution. This formal-pragmatic definition highlights the fact that a mutual recognition of discursive claims presupposes (at least in the context of deep-rooted conflict) repentance/forgiveness insofar as the latter restores the willingness to listen to each other arguments and to cooperate. As mentioned above, there are a multitude of ideologies and reasons that could be cited in favour of forgiveness. This is an individual (ideally autonomous) choice. Subjects might choose to forgive because it is reasonable or just because they feel it is right for them e.g. because it is asked from them by their religion . However, it is likely that their decisions will be centred around certain themes that are suggested by their cognition and speech- that are demands for an establishment of (culturally

accepted forms of)truth, justice and truthfulness. As the illustrative example of Martha, the Christian Taylor of Kibuye will show even for christian believers it is often impossible to forgive without additional information regarding the truth of the crime, the truthfulness of a speaker and justice . Perpetrators will argue for forgiveness in the very same formal terms in their attempts to acquire forgiveness, although their real motivation seeking forgiveness are likely as individual, diverse, and cultural specific as the motives of the victims. This exemplifies why it is virtually impossible to find an universal definition of forgiveness, which, like other notions of truth, justice and authenticity, is always already embedded within a cultural reference-framework of a life-world and a subjective world reflecting ideological beliefs and a particular life-experience . Hence, the only option to define it (at least formally) lies in a reference to a medium that ensures cooperation (and herewith survival and progress) within all human societies - that is communication. This thesis argues that forgiveness should be seen (at least in most cases- excluding those cases where people choose to 'offer the other cheek' e.g. as a result of their unconditional faith) as a dialogic reasoning process that is more abstract and demanding than formal justice. While institutional justice (not unlike problem-solving work-shops) only requires a communication process in which the perspectives

of a 1st and 2nd party are understood and judged from a third observer perspective, forgiveness (in most cases) presupposes that parties acknowledge their guilt (through an authentic expression of their subjective world) and comprehend each other through mutual social role-taking and multiple reference to their life-worlds. Hence, judged according to the criteria of reflexivity and symmetrically of communication processes, forgiveness represents a more demanding form of communication, which explains to an extent why it seems so difficult to obtain .

There are of course many other general definition attempts within the literature. Hannah Arendt writes stressing the force of individual moral authorship and spontaneity : "Forgiving is the only reaction which does not merely *react* (read: is not merely behavioural) but acts anew and unexpectedly, unconditioned by the act which provoked it, therefore freeing from its consequences both the one who forgives and the one who is forgiven." ¹⁹³ Like a critical-theory based approach she advocates the idea of an autonomous subject that develops its decisions in communicative interaction with others. Rigby gives a very similar definition: ' Forgiveness, in the sense of relinquishing the quest for revenge, is the prerogative of the victim/ survivor. But in exercising that power, such people can

¹⁹³ Hannah Arendt: The Human Condition, Chicago 1958, pp. 238.

liberate themselves, escape the grasp of the past, and **become more fully human.** Like a critical-theory based approach, he believes that forgiveness (as a form of recognition) can restore a person's place within society. He further considers the ability to distinguish between the perpetrator as a person (subjective world) and his /her deeds (objective/social world) as crucial and see the capacity to **acknowledge/recognize** the humanity of the other as vital precondition for that (notion of a fellow citizen/level of post-conventional ethics-compare below). ¹⁹⁴

Derrida approaches the same subject from a different angle and calls for 'a purity of forgiveness worthy of its name' that is to say ' without power: unconditional but without sovereignty. What Derrida is trying to say is that the notion of the sovereign subject in history (which also informs a critical theory based approach) has done more harm than good, insofar as it has been often misused to legitimise and cover up unjust and unwarranted acts of power. Derrida warns that the notion of sovereignty influences in many cases the authenticity of forgiveness by simply prescribing it and organising it from the top. He stresses the need to think beyond a situation where actors have the freedom to forgive and become more aware of a situation of ' absolute victimisation which deprives the victim of life, or the right to

¹⁹⁴ Andrew Rigby: Justice and Reconciliation, Boulder 2001, p. 191.

speaking, or that freedom, that force and that power which authorises, which permits the accession to the position of 'I forgive' " 195 He further defines the unforgivable as a situation in which 'a victim is deprived **of his right to speech , of speech itself**, of the possibility of all manifestation, of all testimony.' According to Derrida, this situation would specify the absolute crime insofar as it would even rob the victim of his/her elemental right and possibility of virtually considering to forgive the unforgivable. Derrida further criticizes Arendt and others for their belief that forgiveness requires judgement and punishment since this would automatically include a power of a state that is organizing it and hence claiming legitimacy for a process that is not its own. In many ways, this thesis echoes Jacques Derrida's concerns by seeking to define forgiveness within a communication process in which victims are free to choose to participate or not. Nevertheless, while Derrida rightly asserts that a state is not in a position to forgive (and a general amnesty can be an absolute crime) and that more attention should be given to those who are not able to express and communicate their grievances, it goes nonetheless without saying that one crucial aspect within the context of forgiveness is justice. Clearly, there can be community justice and some might even feel that retributive

¹⁹⁵ Jacques Derrida: *On Cosmopolitanism and Forgiveness*, New York 1997 page 58f.

justice is not necessary like the policeman of Kibuye whose story is told in the illustrative example in Chapter 5. In the majority of cases, however victims will strive for recognition and will seek to reclaim their place within society. This includes most likely the seeking of an acknowledgement by courts and the need to receive backing by the state (e.g. through reparations, victim funds etc). Forgiveness is surely a subjective notion, however it is always also embedded within a multidimensional context. To ask for a forgiveness without any sovereignty would limit any analysis merely to a grass-root level approach which would ultimately neglect moral responsibilities of the state and the international community to promote forgiveness and reconciliation on other levels. Such an exclusion would also have fatal consequences for our understanding of the subject itself. Der Derian and Ashley have pointed out that one particularity of the western social science discourse (which they criticise) is that the notion of sovereignty influences not only our understanding of the state but also mirrors our conception of an autonomous subject (The role of sovereign power in an individual context can be seen in the term **empowerment**). If we were to give up on the idea of a sovereign/autonomous subject we would most certainly deprive actors of their possibility to object or to forgive. We could bind any sovereign state action to the consent of the victim, but it is

difficult to imagine how a not sovereign/ autonomous individual should contain actions by a state. Hence, a forgiveness without power and sovereignty would strictly speaking make not much sense. However, Derrida's plea to take the perspective of those who have been silenced or have been always silent and to be vigilant of those who forgive for others is most certainly very valid.

As already mentioned above, this thesis derives its definitions of truth, justice and authenticity from Habermas Theory of Communicative Action. (***Definition of Truth**) Habermas follows Karl Jaspers¹⁹⁶, G.H. Mead¹⁹⁷, J. Austin¹⁹⁸, Searle¹⁹⁹ and L Wittgenstein²⁰⁰ insight that truth is inseparable from communication and inter-subjective interaction.(compare Chapter 4.2) It solely exists through our common understanding of an inter-subjective reality. Hence, in addition to what we believe to be the empirical truth (which naturally varies depending which scientific paradigm we are following) there are expressive and normative claims that reflect an actor's simultaneous embeddedness in a subjective and normative world. Positivist theories solely focus on the first dimension of truth which is why

¹⁹⁶ Karl Jaspers: *Wahrheit und Leben*, Frankfurt 1969. Jaspers argued that be genuinely true, truth must be communicable. Actors only get to know themselves through communication. The same argument was later developed by Charles Taylor, see below.

¹⁹⁷ G.H Mead: *Mind, Self and Society*, Chicago 1934.

¹⁹⁸ J.L Austin: *How to do things with words*, Oxford 1962.

¹⁹⁹ J.R Searle: *Speech Acts*, London 1969.

²⁰⁰ Ludwig Wittgenstein: *Philosophical Investigations*, London 1991.

interpretivist and social-constructivist theories accuse the latter of reductionism.

While there seems hardly any literature in the wider field of peace-studies on how to define authenticity there have been of course diverging philosophical views. The probably most famous work on Authenticity is Charles Taylor's: *The Ethics of Authenticity*.²⁰¹ (*** Definition of Authenticity**) Charles Taylor's definition of Authenticity is in its essence very similar to Habermas'. Like Habermas, he sees an immediate link between identity formation and dialogic interaction. According to Taylor, any form of identity must be conceptualised as a dialogical self (and not as monological consciousness) that finds its expression in dialogical perspective taking. In this context, he argues, like Mead, Jaspers and Habermas, that the communicative we perspective always precedes the authentic I perspective.²⁰² (Following Taylor and Gadamer²⁰³, Charles Guignon defines the self in this context as 'a dynamic multiplicity of relatively autonomous I positions in an imaginary landscape.')

However, Taylor provides an interesting twist to the perspective taking theme by linking self-knowledge and the

²⁰¹ Charles Taylor: *The Ethics of Authenticity*, London 1988.

²⁰² Charles Taylor : *The Dialogical Self in: D.R.Hiley: The Interpretative Turn*, Cornell 1991

²⁰³ According to Gadamer the human condition is intrinsically shaped by social dialog and interaction .Long before we understand ourselves through the process of self-examination, we understand ourselves in a self-evident way in the family , society, and state where we live. H. G Gadamer. *Wahrheit und Methode*, Tuebingen 1960.

ability to live one's life authentically to an interest and an understanding of the necessity of dialogue (that does not necessarily have to increase under modern conditions).

Referring to MacIntyre's idea of a narrative nature of the self²⁰⁴, Taylor argues that in their quest for an authentic self, actors experience their life as a developing story-line within which they can legitimise/understand their present condition and also design and plan their future. To justify who one really is, even autonomous individuals still need a context of values and principles according to which they can define themselves within society – in other words, a life-world.²⁰⁵ This explains why the notion of authenticity is not only associated with the ability to communicate and enforce naturally pre-given individual aspirations, wishes and wants (like Nietzsche or Freud believed) but more importantly with notions of commitment, responsibility and accountability. Guignon writes: In Taylor's view, the embeddedness of identity in a shared context shows that the narrativist conception of the self is inseparable from the dialogical conception...As dialogical and story shaped beings, we are responsible and accountable in a dual sense. First, we are able to give a response to the question of where we stand in

²⁰⁴Alasdair MacIntyre: *After Virtue*, Notre Dame 1984, p. 211.

²⁰⁵ Taylor writes: 'My identity is defined by the commitments and identifications which provide the frame or the horizon within which I try to determine from case to case what is good, valuable, or what ought to be done, or what I endorse or oppose. In other words, it is the horizon within which I am capable of taking a stand.' Charles Taylor: *Sources of the self*, p-47f.

relation to shared concerns of our community. And second we can be counted on by others to take part in confronting the issues facing our community.' (Habermas concurs with this view in many ways, only with the notable difference that he links the first and second point with the formal-pragmatic ideas of validity claims and the illocutive force of speech (the unavoidable necessity to raise validity claims while speaking)) Guignon further argues that authenticity is consequently not just a matter of being true to an 'antecedently given, substantial self' , but should be seen instead as a dialogic process of identifying and embodying commitments that 'first make us into selves' .

In this context , authenticity is best described as the ability 'to take wholehearted stand on what is of crucial importance to you, to understand yourself as defined by the unconditional commitments you undertake..to steadfastly express those commitments in your (*communicative?*) actions throughout the course of your life.' ²⁰⁶ However, referring to Rousseau and Nietzsche, Guignon quickly points out that any such commitment is very different from blind social conformism (the archetypical form of inauthenticity/compare forms of pre-conventional and to an extent also conventional reasoning). He modifies his own definition (that

²⁰⁶ *ibidem*, p. 29.

he derives from Taylor and Bernard Williams²⁰⁷) by stressing an individual ability of reflexive thought, which is a key notion in Habermas model of communicative competence (compare below), to assess what is worth pursuing and what is not. However, also this decision is again preceded by ‘shared historical commitment and ideals that make up a communal lifeworld’. It also depends on freedom of speech and ‘a populace that is committed to discovering the truth through an unrestricted exchange of ideas’.. and that is constantly vigilant to ensure a worth while form of living.’ To ensure the latter, Guignon points at the necessity of a suitable education system and freedom of information. However, most importantly (and this argument will also be made in the context of the illustrative example of Rwanda) , he highlights the necessity ‘to cultivate the character traits of honesty , courage and integrity’ within a society to enable actors to truly reflect on what is at stake in their world and to stand up for and defend , according to their best judgement, what is right.

Guignon’s reception of Taylor’s, Williams’ and Gadamer’s work highlights the very same themes like a critical-theory based approach to conflict transformation. It stresses the pivotal role of a life-world, communication processes,

²⁰⁷ Like Taylor, Williams argues that the authentic self , that is to say the self we refer to when we are authentic is shaped by society. He maintain that introspection and truthfulness are preconditioned by social practices , since only through social interactions our selves can achieve the required degree of steadiness and cohesiveness . p. 200

reflexive thought and dialogical perspective taking for authenticity and a good , that is to say meaningful, life (compare below). And while Habermas and Taylor modernity critique center around different themes (colonialisation of a life-world (Habermas)/ self-absorbness and loss of meaning/dialogic understanding of a good, authentic life through misconceived ideas of equality (Taylor)), they can (at least to an extent- in a western context) supplement eachother. This being said, nevertheless, any idea of a good life clearly favours some contents and values at the expense of others (Lyotard) which is why this thesis will limit itself to the less far reaching, but more formal definition of authenticity of Habermas. It will define authenticity through an actor's expressive ability to make truthful assertions about his/her inner self and intentions and his/her ability for reflexive communicative perspective-taking.

3.2.1 TRAINING FOR PEACE II:

- LEDERACH'S CONFLICT TRANSFORMATION APPROACH-

In 'Preparing for Peace: Conflict Transformations across cultures' John Paul Lederach argues for a radical new

ideology-critical approach to conflict resolution training.²⁰⁸

According to Lederach all current programmes are reductionist insofar as they fail to acknowledge the central role of culture in the understanding of conflict and refuse to reflect on the dominant interests and ideologies underlying the meaning and purpose of their training. Lederach sees these approaches united in their intention to package, present and ultimately sell social knowledge as universal remedies.²⁰⁹

Assuming culture is something that should be controlled and not understood, these models share- according to Lederach- at least three false methodological assumptions:

- 1) they assume a general transferability of conflict resolution processes and suggest only small adjustments to accommodate cultural differences.
- 2) they believe that cultural aspects of conflict can be accommodated through adequate techniques by simply raising the level of sensitivity and skills.
- 3) these techniques are simply seen as additions to the mediator's skills for advanced training.²¹⁰

²⁰⁸ *ibidem*, p.24.

²⁰⁹ *ibidem*, p.24ff.

²¹⁰ *ibidem*.

Rejecting any kind of instrumental knowledge transfer, Lederach develops an alternative, elicitive approach, in which conflict resolution training can be understood 'as a socially constructed educational phenomenon comprised of **purpose, process and content**' that inherently encompasses culture and ideology.²¹¹ Lederach's "social-constructivist" approach (that should not be confused with an approach in International Relations Theory of the same name) derives its methodological insights from Schütz's Lifeworld Phenomenology²¹². Lederach borrows via Freire from Schütz the idea that social conflict emerges and develops on the basis of the subjective meaning and interpretations people involved attach to action and events.

He rightly asserts that the understanding of the **content** of the conflict can only take the form of a contextual exploration and reconstruction of social meaning structures that ultimately decide about how people create, express, interpret and handle conflictous situations²¹³.

For a further specification of the **processes and purposes** of the discipline Lederach names three elements which are constitutive for his framework for the understanding of conflict:

²¹¹ Ibidem.

²¹² A.Schütz/ Th. Luckmann: Strukturen der Lebenswelt, Frankfurt 1979.

²¹³ John Paul Lederach: Preparing for Peace. Conflict Transformation across cultures, New York 1995.

- a) a long term view of conflict, - which he adopts from Curle,²¹⁴
- b) an adequate "descriptive" language
and ...
- c) the incorporation of peace-constitutive paradoxical assumptions- an idea he borrows from Freire.²¹⁵

Put simply, these three elements reflect three insights:

- a) that conflict -as a process- requires at different moments in time different forms of management and hence the pursuit of different (short-term/long-term) objectives,
- b) that the term conflict resolution should be substituted by the broader definition of conflict transformation that allows a wider understanding of the positive and negative procedural dialectic of conflict
- c) that paradoxes should be utilised to explore this dialectic.²¹⁶

²¹⁴ A.Curle: Making Peace, London 1971.

²¹⁵ John Paul Lederach: Preparing for Peace. Conflict Transformation across cultures, New York, 1995.

²¹⁶ Ibidem.

The choice of these elements, in particular Lederach's plea for the appreciation of a constructive interplay of paradoxes in peace-making, appears at first sight a bit enigmatic. It is only when he specifies four pairs of such seemingly irreconcilable ideas that the importance of his three assumptions for the definition of the **processes and purposes** of conflict transformation becomes more obvious.

These four paradoxes are:

- 1) the (classical) paradox of personal and systemic change
- 2) the (normative) paradox of justice and mercy
- 3) the paradox of power
- 4) the paradox of (conflict resolution) process and outcome.²¹⁷

3.2.2 DEFINING THE PROCESS OF CONFLICT TRANSFORMATION - THE CLASSICAL PARADOX OF PERSONAL AND SOCIAL CHANGE

Lederach's first set of ambiguities reflects the classical insight of symbolic interactionism that social change has to be

²¹⁷ Ibidem.

understood in terms of two mutually interdependent processes of personal and systemic transformation.²¹⁸

Lederach draws in this context interestingly on ideas of Paulo Freire,²¹⁹ whose Critical Pedagogy represents one the of few successful attempts to bring Critical Theory into practice.

Freire explores through the preconditions for the promotion of processes of 'conscientization' and contextual self-awareness (literacy) the pedagogical prerequisites for personal and social change in Brazil.²²⁰ Lederach's definition of training praxis reflects Freire's view that the **goals and purposes** (emancipatory interests) of any education process have to be derived from a historically situated context.²²¹

In Freire's and Lederach's terms education is best described as discursive empowerment and awareness-raising on the grounds of local knowledge. Critical educative training seeks to open unquestioned spaces in history by making objective structural oppression and its causes the subject of dialogical reflection. It seeks to facilitate a critical awareness of latent conflicts that initiates an involvement in a struggle for systemic justice and that ideal-typically results in a peaceful systemic transformation. Unlike conventional functionalist

²¹⁸ Ibidem.

²¹⁹ Paulo Freire: Pedagogy of the Oppressed, London 1972.

²²⁰ "...those who in learning to read and write, come to a new awareness of selfhood and begin to look critically at the social situation in which they find themselves, often take the initiative in acting to transform the society that has denied them this opportunity of participation."ibidem,p.9.

models that suggest that conflict is something undesirable that needs to be resolved, this approach in-cooperates Coser's structural functionalist critique²²² and acknowledges the positive power of conflict. Hence, Lederach abandons the term conflict resolution in favour of the better "descriptive" term conflict transformation (assumption b).²²³ Lederach describes this process of conflict transformation (assumption a)- in form of a power/awareness matrix he borrows from Curle.²²⁴ While critical education training is an adequate procedure to address latent conflicts (stage 1), Lederach believes that complementary procedures of (legal) advocacy and mediation have to be included in the model to guarantee development in

²²² Coser describes the positive effects of conflicts within a society as follows: "Conflicts initiate the creation of new societal norms, which produce new social structures. Actors become aware of these norms within the course of a conflict. This is why conflict can be understood as a socialisation process and precondition for social change." L.A Coser: *Theorie sozialer Konflikte*, Neuwied 1965.

²²³ Lederach's assumption - that the term conflict transformation might be more adequate than conflict resolution because of the semiotic connotation of the later, which suggests that conflict is per definition undesirable, - might be valid in the context of conventional practices. However, since critical conflict resolution- which is defined through its critical awareness toward communicative distortions- , reflects Lederach methodological and normative concerns and openly encourages the use of (dialogic) transformation in the pursuit of justice a change in terminology seems unnecessary. Indeed one could argue that the term Critical Conflict Resolution is more adequate since it captures "the dialectic of process and outcome" better. John Paul Lederach: *Preparing for Peace. Conflict Transformation across cultures*, New York 1995,p.45.

²²⁴ Curle's matrix describes different stages of conflict development. These stages are defined through different levels of power and awareness of conflicting interests. His matrix suggests different approaches to conflict depending on the stage of development. For example in a latent conflict situation that is characterised through a level of systemic inequality (stage 1) actors might not be aware of the injustice that is done to them. In this scenario, education and awareness raising is needed. Once this critical consciousness is created other transformative means of advocacy are required to promote a general awareness of the problem and create the political will to set the power imbalance right. (Stage 2) This includes a direct argumentative confrontation with the oppressor and attempts to convince him/her of the legitimacy of the group's needs and interests. Once an awareness is created on both sides party will require negotiation to spell out feasible solutions (Stage 3). A. Curle: *Making Peace*, London 1971.

the stages 2 & 3.²²⁵ Similar to the initial process of education, advocacy and mediation are both defined in dialogic terms as processes that initialise truthful interaction and facilitate the recognition of interdependence of all parties involved.

Freire's influence on Lederach's writings can be also seen in his conceptualisation of the role of third parties. Within Lederach's elicitive training-approach the key contribution of a facilitator lies no longer in his (positivist) knowledge of a particular approach but in his 'skill of providing opportunities for discovery and creation through an educational process that is highly participatory in nature.'²²⁶ In other words, his expertise lies in his ability to facilitate a **self-reflexive** condition within which actors are able to question existing power-structures with regard to their validity.

However, even a progressive cross-cultural training approach still has to cope with the problem of an immediate participation of external experts. In Chapter 2 this circumstance was criticized within the Burtonian model as distorted communication. But is there a practical alternative?

²²⁵ John Paul Lederach: *Preparing for Peace. Conflict Transformation across cultures*, New York 1995, p.55.

²²⁶ "The starting point for organizing the program content of education or political action must be the present, existential, concrete situation, reflecting the aspirations of people...We must never merely discourse on the present situation, must never provide people with program which have little or nothing to do with their own preoccupations, doubts, hopes and fears.. It is not our role to speak to the people about our own view of the world, nor attempt to impose that view on them, but rather dialog with the people about their views and ours." Paulo Freire: *Pedagogy of the oppressed*, London 1972, p.34.

Lederach provides an interesting answer to this dilemma by utilizing **authenticity** as a guideline for the behaviour of facilitators. According to Lederach facilitators have the option to move from a "problem-oriented (Burtonian) to a interdependent process-approach" that is characterized by "the authentic desire to engage in relationships of people who do not think alike."²²⁷ According to Lederach the design of work-shops should not reflect the needs of an elite-based approach to conflict -resolution, it should aim to fulfil the requirements of a cultural bottom-up approach that respects the actual context of a conflict. In this model local conflict resolution workshops would inform the understanding and language on other higher abstract levels.

Lederach develops a corresponding methodology that reflects the intention of seeking an **authentic** transformation from the margin and specifies herewith a way toward a critical resolution praxis . He devises a non-intrusive approach, that aims " to get out (of the process) as quickly as possible" and that seeks to "leave the debate to the actors" once a dialog has been established. This solution accounts not only for concerns of distorted communication but also provides the actors with the necessary discursive freedom to reflect on themselves and others. Lederach's approach suggests a contextual shift in the language of conflict resolution processes from the abstract

²²⁷ John Paul Lederach web cast USIP presentation, Nov 2001

to the concrete. Indeed one could argue that within the Habermasian framework of reflexivity, that can be applied to any act of understanding, this shift is necessary insofar as abstract formal-operational and post-conventional argumentation processes can only evolve out of concrete-operational (factual) and conventional (moral) learning processes.²²⁸

Moreover, a communication-based training approach promotes a qualitatively different set of skills. It fosters not only processes of reasoning but also as Lederach points out rightly the communicative ability to listen. It is an inclusive approach insofar as everybody is sure to be heard. It defies instrumental reason by allowing its actors to simply acknowledge the quality of being with each other, regardless of any strategic gain.²²⁹

²²⁸ This can be easily observed in praxis. Once a conflict resolution model works on community level, usually the interest of high-level politicians is raised and corresponding processes on other levels are initiated. For a detailed description of the stages of Habermas' model compare Chapter 3.2.

²²⁹ In this context, it is important to stress that it is not the trainer who decides what should be considered as objective (individual /collective) truth, justice or authenticity or even as distortion. He/She simply will be there to encourage thought and discussions on validity claims and perceptions. Like that, a trainer will be foremost a guardian of a formal contra-factual ideal known as ideal-speech situation. He/She will seek to minimise threats and guarantee for equal possibilities of participation both in terms of communicative competencies and talk time. There are unquestionably some inherent limitations to this approach in a communicative terms a-symmetrical initial briefing stage and especially in trauma work, which will require an extensive familiarity with the context on the side of trainer. A solution to this problem might be to train local trainers and psychologists according to a discursive methodology.

In any case it should be always kept in mind that the requirement of conflict socialisation applies foremost the critical theorist herself/ himself. A correct and complete assessment of life-worldly/subjective distortion is only possible from a participant (victim/perpetrator) and not an observer perspective. No curriculum can ever teach forgiveness or repentance, and even the most empathic trainer will never be able to re-experience the intensity of pain or hatred in the aftermath of a genocide or war. A trainer has only one option to listen to every party involved to accumulate social knowledge that provide the basis of his/ her (in any case limited)

Nevertheless Lederach's approach is not without weaknesses. As a result of his inductive starting-point Lederach takes Freire's, Coseriu's and Schütz's ideas simply to illustrate his original practical findings. He does not investigate the philosophical roots of the assumptions he utilises for his critique and their shortcomings. This failure can be best seen in Lederach's attempt to explain the dialogic nature of his approach by a very thin discussion of Watzlawick.²³⁰ Habermas' far more developed model of communication and inter-subjectivity that reforms Schütz's life-world approach and Freire's critical pedagogy in significant ways remains unmentioned.²³¹ As a consequence Lederach fails to separate his terminology distinctively from the subjectivist presuppositions of human needs theory. Nevertheless, once these last traces of subjectivism are removed and the normative and communicative components of Lederach's elicitive model are clarified (see next section), his approach provides the missing link for an abductive critical approach to conflict resolution.

communicative competence that will allow him/her later to initiate and follow a debate and detect even subtle distortions like e.g. discursive intimidation.

²³⁰ John Paul Lederach: *Preparing for Peace. Conflict Transformation across cultures*, New York 1995, p.53.

²³¹ Habermas criticizes Schütz and Luckmann for their subjectivist ('bewußtseinstheoretische') reconstruction of life-worlds and their corresponding inductive, intuition based, phenomenological approach. According to Habermas both fail to understand the inter-subjective character of a life-world- that manifests itself through/within language/communication by attributing its existence to the monological experience of a single subject.

Jürgen Habermas: *Theorie des kommunikativen Handelns*, Frankfurt 1981, Bd. 2, p. 198ff.

3.2.3 DEFINING THE PURPOSES OF CONFLICT TRANSFORMATION -THE NORMATIVE PARADOX OF JUSTICE AND MERCY-

In his second set of paradoxes, Lederach addresses the normative dialectic between the demand of justice and the demand of mercy (forgiveness).²³² While most states in the international system share the view that justice is a necessary precondition to rebuild societies, and hence some procedural provisions are being made, demands for mercy and forgiveness are seen as negligible. Statements of international actors such as the remarks by the President of the International Criminal Tribunal for former Yugoslavia Jorda on the occasion of the creation of the truth and reconciliation commission for Bosnia & Herzegovina speak for themselves. Jorda declared in his speech that while he would welcome the establishment of the commission there should be no doubt of the primary responsibility of the ICTR to deal with the genocide and that the Commission was expected to act

²³² Ibidem.

accordingly. There is a clear uncontested consensus regarding the primacy of justice over forgiveness.

What is often forgotten in this context -argues Lederach- is that justice is a demand that has to be met at different systemic levels. Justice in a wider than legal - institutional sense also requires the creation and re-creation of "just communities".²³³ These communities reflect individual abilities to maintain ties of trust and co-operation.

While conflict exceeds these capabilities, mercy and forgiveness describe the very principles that inform the ability to find new forms of societal integration. They specify broader normative ideas that allow regardless of past events for 'support' to persons who have committed injustices, encouraging them to change and move on'.²³⁴ In other words, according to Lederach post-conflict integration rests ultimately on two different but not mutually exclusive set of normative principles. The principle of justice is required for "digesting" the conflictual past, whereas the principle of forgiveness is needed for exploring the possibilities for integration in the present and future.

Unfortunately, Lederach's does not follow up on this question in his later writings. However it is quite obvious how his idea of different "normative needs" on particular systemic levels fit

²³³ *ibidem*.

²³⁴ *ibidem*.

into his long-term view of conflict as it is evident in his later transformative triangle of conflict transformation.²³⁵

Both models assume that the very possibility of peace rest on a successful interplay of "complementary" normative peace building processes on different levels and the fulfilment of their objectives. A critical theory based approach to peace-building will define these reconciliation processes further in terms of communication processes on truth, justice and authenticity.

3.2.4. DEFINING THE PROCESS OF CONFLICT TRANSFORMATION -THE PARADOX OF POWER-

Lederach explores the paradox of power through the classical juxtaposition between individual and societal needs.²³⁶ While individual independence seems to undermine the interdependence, which brings communities together, dependence on the community seems to weaken the individual.²³⁷

²³⁵ John P. Lederach: Building Peace: sustainable reconciliation in divided societies, Washington 1997./John P. Lederach: Beyond Violence: Building Sustainable Peace, in: The Handbook of Interethnic Co-existence, London 1998.

²³⁶ John Paul Lederach: Preparing for Peace. Conflict Transformation across cultures, New York 1995.

²³⁷ A straightforward example for this paradox is the Human Rights debate in the early nineties. Western democracies tried to empower non-western Human Rights

Lederach attributes this paradox -like Freire- to a narrow behaviourist understanding of the term empowerment.²³⁸ According to his transformative contextual approach empowerment facilitates action within and through communities.²³⁹ It fosters besides self-awareness also the insight of mutual interdependence.²⁴⁰ In other words, empowerment does not only transform the individual perception of actors, it also alters the shared perceptions within a society and hence the social order itself.

Unfortunately, Lederach does not account for the underlying argumentative mechanism of these educational processes .He only acknowledges the functional benefit of empowerment within a society. The cognitive learning processes and the corresponding structural changes in the life-worlds remain unexplained. This short-coming is likely to result from Freire's assumption that "every human being, no matter how "ignorant" or submerged in a culture of silence he (or she)

activists by criticising their governments for abuses while the latter criticized the West for interfering in the social equilibrium of their societies.

²³⁸ Unlike a human needs approach that ultimately had to adjust itself to new claims and needs over time, discursive empowerment produces lasting outcomes. It follows a principle that Lederach describes as follow: Show a person how to fish (argue) and they will be not hungry (mute) for a life-time. John Paul Lederach: Presentation held at the United States Institute for Peace (USIP), November 2000 (web-cast: www.usip.org)

²³⁹ Lederach borrows this idea from Paulo Freire, who assumes " that man 's ontological vocation is to be a subject who acts upon and transforms his world, and in doing so moves towards ever new possibilities of a fuller and richer life individually and collectively." Paulo Freire: *Pedagogy of the Oppressed*, London 1972, p.12f.

²⁴⁰ John Paul Lederach: *Preparing for Peace. Conflict Transformation across cultures*, New York 1995.

might be, is (in principle) capable of looking critically at his (objective!) world in a dialogical encounter with others."²⁴¹

From this starting point an examination of the structural prerequisites of learning must seem unnecessary. Habermas' ontogenetic and phylo-genetic model of Life-world decentralisation²⁴² however shows that an understanding of the phenomenon of (cognitive) empowerment (and its limits) presupposes an analysis of different systemic manifestations of power.²⁴³

3.2.5 -THE LEVEL OF ANALYSIS PROBLEM-

The last paradox mentioned by Lederach is the paradox between a commitment to process versus a commitment to outcome.²⁴⁴ In other words, Lederach explores the importance of discursive means and ends. Again, Lederach argues that one can only be fully understood in conjunction with the other. For this purpose, he suggests an understanding of process as a way of life rather than as a meditation technique

²⁴¹ Paulo Freire: *Pedagogy of the Oppressed*, London 1972, p.13.

²⁴² Jürgen Habermas: *Theorie des kommunikativen Handelns*, Frankfurt 1981, Bd.1.

²⁴³ See section 3.2.

²⁴⁴ John Paul Lederach: *Preparing for Peace. Conflict Transformation across cultures*, New York 1995.

and outcome as a normative commitment to truth and sustained restoration rather than as mediated agreements or facilitated results.²⁴⁵ According to Lederach "transformative peacemaking is based on understanding a fair, respectful and inclusive process as a way of life and envisions outcome as a commitment to increasing justice, seeking truth and healing relationships."²⁴⁶ Like Habermas, Lederach stresses procedural equality and again the authentic will to establish truth and justice. Unfortunately his praxeological recommendations prescribe more than they explain. Lederach fails to show successfully why actors would initially choose to cooperate with each other and commit themselves to an equal process that ultimately leads to the establishment of truth and justice. Habermas' model on the other hand explains the very same procedural requirements and objectives by the means of Universal-pragmatics.²⁴⁷ Hence, Lederach's concern for equality and justice can be only defended within the wider framework of discourse ethics.

²⁴⁵ Ibidem.

²⁴⁶ Ibidem.

²⁴⁷ Jürgen Habermas: *Theorie des kommunikativen Handelns*, Frankfurt 1981/
Jürgen Habermas: *Vorstudien zur Theorie des kommunikativen Handelns*,
Frankfurt 1976.

3.2.6.**CONCLUSION**

Despite the above outlined theoretical short-comings, the very fact that Lederach's (inductive) praxis-based approach to training is in its critical intention and discursive design practically identical with a (deductively derived) critical training approach, provides an important indicator for the praxeological validity and applicability of critical theory in the field of conflict resolution. It indicates that Banks' methodological requirement for a general theory of Conflict resolution- to specify a terminology that reflects and respects the crucial interplay between theory and practice - can be met by a critical approach.

3.3. - THE CLASSICAL PARADOX OF PERSONAL AND SYSTEMIC CHANGE REVISITED-

3.3.1. - EMPOWERMENT THROUGH ARGUMENTATIVE LEARNING-

In Theory of Communicative Action, Habermas examines the preconditions of the very processes of individual and systemic change that Lederach summarizes in his terms of transformation, empowerment, advocacy and participatory education. In his joint analysis of Mead²⁴⁸ and Piaget²⁴⁹

²⁴⁸ Habermas examines with Piaget and Mead the anthropological ever present perception and action schemes, that underlie communicative (inter)action. He joins Piaget's competence theoretical model, which explains the accumulation of propositional knowledge and use of good reasons through the reorganisation of cognitive structures, with Mead's communication-theoretical approach, which explains the development of the illocutionary power of assertions through role taking. Hereby Habermas hopes to reconstruct the cognitive processes, that accompany communicative differentiation processes. AC. Raschdorf: Rationalität & Sinnverstehen, Heidelberg 1998, p. 27.

²⁴⁹ Piaget's genetic-structuralist theory of cognitive and moral learning takes its starting point in the assumption of a dialectic, constructivist process of knowledge acquisition that begins practically in the moment of birth. Piaget argues that a subject responds to the world through the reorganisation of its biological given cognitive abilities, constantly seeking to establish a balance between his/her genetically given structural categories of perception and the demands of an objective and social world. Piaget attributes this balance (equilibrium) seeking to the biological human instinct to free him/ herself of the constraints of the objective world. An optimal state of formal-operational adaptation is reached if a subject can anticipate mistakes and consider consequences. Piaget defines the ontogenetic stages of knowledge acquisition in the following order: senso-motoric (pre-lingual) perception (0-2 years) and pre-operational (2-8 years), concrete-operational (8-14 years) and formal-operational thought (from 14 years onwards). Piaget defines cognitive "operations" as reversible cognitive achievements like the classification of objects. While classifications on pre-operational level are visually based and hence not reversible, courses of actions on concrete-operational level are in so far internalised that their reversibility can be understood. Formal operational refer

Habermas specifies the cognitive argumentative learning-processes that are constitutive for a self-reflexive condition that underlies an ideal-speech situation in which actors are able to question every assertion with regard to its validity and take every possible perspective of the parties involved.

Analogous to Piaget's and Kohlberg's empirical verifiable²⁵⁰ ontogenetic distinction between **pre-operational, concrete operational** and **formal operational** cognitive and **pre-conventional, conventional** and **post-conventional** moral stages of learning, Habermas distinguishes with Mead three main stages of argumentative learning and perspectives taking

only indirect (in form of hypotheses) to the material reality. J. Piaget/B. Inhelder: *Die Psychologie des Kindes*, München 1991, S.98ff. According to Piaget/Kohlberg the cognitive liberation process of the subject from the constraints of its environment has also a moral-practical dimension. Social knowledge requires a distanced reflection of what ever might socially predetermine us. It demands emancipation from a pre-given social normative dogma in thought and action. Analogous to the stages of cognitive development subjects learn - while seeking an balance with the social world (other actors)- first the concrete pre-given normative contents of their life-world, before they ultimately reach a state of equilibrium that allows them to counter the life-world from the perspective of an autonomous, principle based self-consciousness, that is based on independent understanding of law. According to Piaget moral development takes three qualitative different forms of action co-ordination- a pre-conventional, conventional and post-conventional stage. In Stage 1 a child is helpless insofar as it is subjected to the authority of its parents. Actions are based on the desire to avoid sanctions. Pre-conventional actions are characterised by a moral realism that does not allow for a distinction between good and bad intentions (lack of subjective world). Actions and norms are not perceived as qualitative different. As a consequence of missing generalised normative expectations, each action is judged according to its material correspondence with the law. The child believes that each violation of a norm leads automatically to a punishment.(inherent justice). Piaget explains the transition to a conventional stage of action co-ordination that allows a differentiation between norm and action, intentions and consequences, through co-operative learning processes with other children. By realising that they follow and respect the same rules, a child acquires an understanding of the meaning of norms and ideas of justice in a wider social context. Finally, in the moment in which a subject learns to perceive itself as an equal among equals, he/she can judge according to post-conventional standards. Material normative contents can be scrutinised according to formal, universal, democratic principles and be devaluated if necessary. J. Piaget: *Das moralische Urteil beim Kinde*, Stuttgart 1983, p.17f.

²⁵⁰ Prof. Anthony Giddens argues that Habermas relies in his theory of communicative competencies on outdated facts that have already become questionable since the early 1970's- compare below A. Giddens: *Reason without Revolution? Habermas's Theorie des kommunikativen Handelns: Critical Review*, in: *Praxis International* 2 (3), p. 318.

that correspond to three qualitatively different forms of communicative interaction:

- a) **-symbolic interaction-** (Stage.1) that characterises processes of communication in very early childhood ,
- b) **-norm-guided interaction-** (Stage.2) that is characteristic for school children and under -further to be specified- conditions also for some adults in cultural²⁵¹ and western societies, and...
- c) **-discourse-** (Stage.3) that is distinctive for mature persons.²⁵²

Habermas differentiates these stages mainly by the degree in which actors are able to take and uphold communicative responsibilities. Unlike Piaget, he defines interactive competencies not only as individual moral and theoretical **problem-solving** abilities but as the ability to uphold

²⁵¹ Compare Michael Cole/Sylvia Scribner: Culture and Thought, New York 1981 or P. Dasen. Cross-Cultural Tests of Piaget 's Theory, in: H.C Triandis: Handbook of Cross-Cultural Psychology, Vol. 4, Boston 1981.

²⁵² Habermas modifies Piaget 's model of subjective biological knowledge genesis through an inter-subjective social learning approach first advocated by Mead. Mead 's symbolical inter-actionism explores the reciprocity of communicative individualisation and socialisation processes, that lies at the very core of Habermas' theory of a decentralisation of world view. Through Mead 's symbolical interactionism, that explains language learning through different processes of communicative role-taking Habermas can explain why decentralisation is the ultimate result of co-operative, communicative action and why and how the development of cognitive structures is embedded in a normative through communication mediated context. Ibidem.

processes of communication in **conflict** situations (with the life-world) instead of quitting communication or faking it. ²⁵³

Moral consciousness is Habermas' key variable for the degree of stability of interactive competence in conflict situations.²⁵⁴

This assessment has to be seen in the context of the normative illocutionary obligations that are - according to Habermas-always **quasi-transcendentally** present in our speech and structure communicative interaction. As a consequence of the inherent structure of language speakers can not circumvent making validity claims with regard to the **objective, normative and subjective** dimensions of their life-world. They have to account for these claims if communication is meant to be successful.²⁵⁵ Hence, communication always presupposes a solution of a normative task based on communicative perspective taking. (see Figure 3.1).

However, individuals are only capable to fulfil moral communicative responsibilities, insofar as they are aware of them. This **consciousness** or self-**reflexivity** (Lederach) is determined by the individual's ability to differentiate between the **objective, social** and **subjective** dimensions of the life-

²⁵³ Jürgen Habermas: Moral-Entwicklung und Ich-Identität, Frankfurt, page 86.

²⁵⁴ Habermas argues that we consider only those persons as morally good, who are able to uphold their interactive competences not only in normal but also in stressful situations instead of subconsciously suppressing **conflict**, ibidem.

²⁵⁵ Jürgen Habermas: Theorie des kommunikativen Handelns, Bd.1, Frankfurt 1981, page 89ff.

world, an ability that Habermas characterises with Piaget as decentralisation of world-views.²⁵⁶

This decentralisation process corresponds to a differentiation of **objectifying, normative, expressive** and **explicative** perspectives/ speech-acts within our language.²⁵⁷

A speaker, (who has reached the highest theoretical and moral level in Piaget's / Kohlberg's model and hence fulfils the cognitive prerequisites of argumentative speech) is forced through the structure of language (that subjects his/ her thought to a performative perspective and a discussion of the different components of speech) to take communicative (social) responsibilities (social perspectives) and argue with reference to the four dimensions of the life-world, which represent **society, the subject, the objective world** and **language** itself.

These dimensions are always inter-subjectively accessible for a critique (based on formal moral and theoretical reason) and

²⁵⁶ Habermas examines the competencies which underlie the rationality of actors in analogy to the **formal-pragmatic determinable nature of reasons**, that can support the validity of assertions.

In the objective world only somebody is rational who possesses a **theoretical knowledge** about the latter and uses this understanding for correct references to facts. In the social world an actor is reasonable, who realizes the illocutionary necessity to justify his actions understandably according to norm or principles. This insight is based on a moral-practical knowledge, that forces actors to take **communicative responsibilities**.

Expressive abilities are attributed to someone, who can express his/her subjective emotions, but does subject the latter to an ongoing **self-critique**. Finally, in the context of a communicative life-world only somebody is rational, who can make valid judgement on the successfulness of assertions on the grounds of corresponding rules of usage, that is to say someone who possesses an **awareness of communicative rules**, *ibidem* p. 37.

²⁵⁷ *ibidem*, p.37ff.

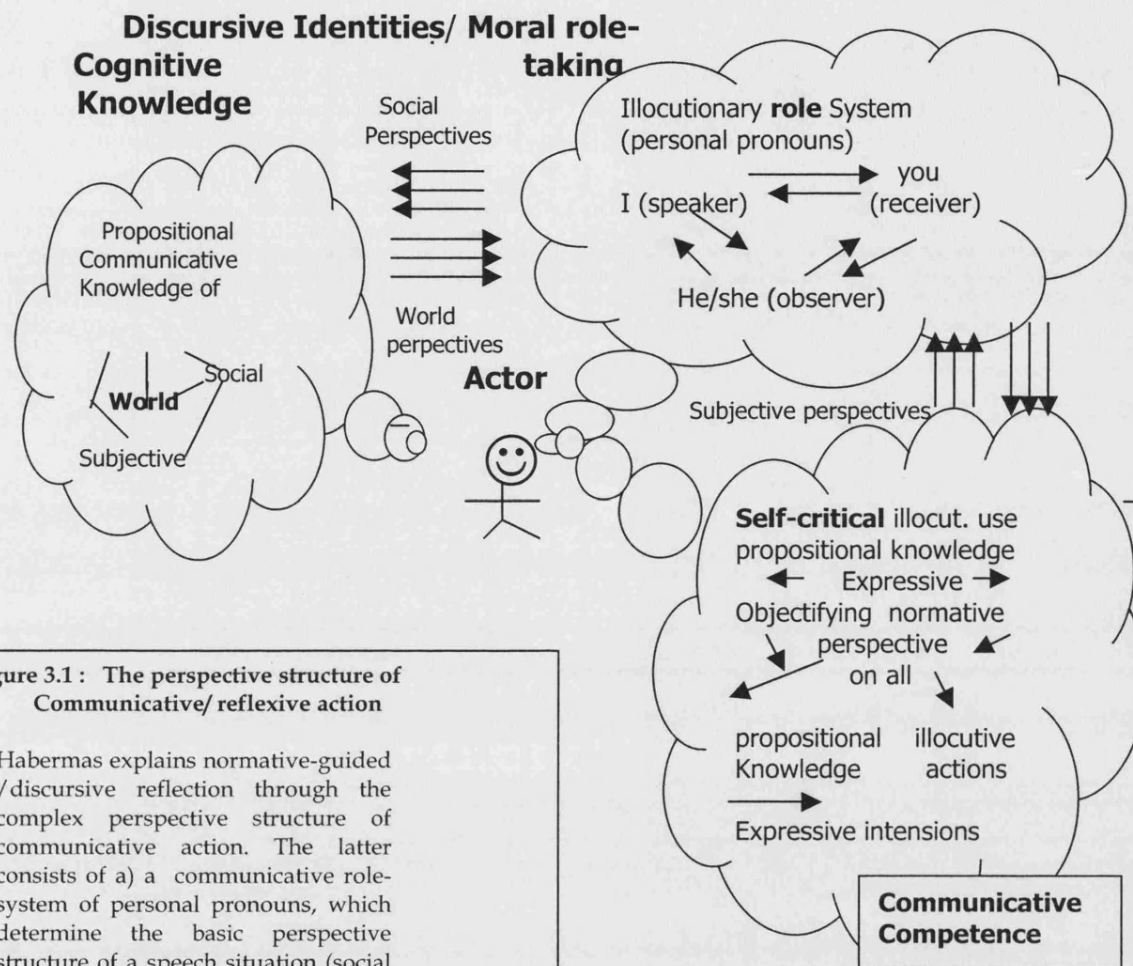


Figure 3.1 : The perspective structure of Communicative/reflexive action

Habermas explains normative-guided /discursive reflection through the complex perspective structure of communicative action. The latter consists of a) a communicative role-system of personal pronouns, which determine the basic perspective structure of a speech situation (social perspectives), b) universal-pragmatically reconstructed formal (objective, social and subjective) world perspectives and c) a basic attitude that is defined as self-critical relationship that manifests itself in form of a performative subjective participant perspective thematising the epistemic, practical and pathic dimensions of subjectivity. The pragmatic preconditions for successful discursive reflection (e.g on peace) are only fulfilled, if each possible dimension of a communicative reality can become subject of communicative mediated knowledge (decentralisation of world-views) , if each possible form of knowledge can be questioned in dialogue from every communicative perspective (speaker, listener, observer) and each subjective usage of knowledge, every illocutive mode of action and each intention can be scrutinized (model of self-critique).

Only if facts are not only examined from a objectifying but also from a normative or expressive perspective, only if the own inner nature is not only thematised from an expressive but also from objectifying and normative perspective, only if society is questioned not only from a normative but also from an objective and expressive perspective, it becomes possible that every assertion can be discursively questioned with regard to all formal validity claims of truth, justice, authenticity and intelligibility. Jürgen Habermas: Theorie des kommunikativen Handelns, Bd.1, Frankfurt 1981.S.117ff.

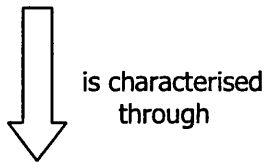
FIGURE 3.2 COGNITIVE STAGES OF PROPOSITIONAL LANGUAGE LEARNING & ILLOCUTIONARY MORAL PERSPECTIVE-TAKING

Level of Speech	Level of Interaction	Level of Perspective Taking	Cognitive Level	World-view
0. Propositional Undifferentiated Speech	0. Symbolically mediated interaction	0. No differentiation between perspective of speaker (I) & Receiver (you)	0. Sensomotoric perception	0. symbiotic
1. Transition to propositional differentiated speech	1. Pre-conventional moral Level characterised through self-interest in as much as blind obedience/ acceptance of authority	1. Differentiation between perspective of speaker/receiver	1. Pre-operational	1. egocentric
	1-2 interest-based interaction with equal peers/objective world	1-2 First signs of an objective observer perspective		1-2 differentiated perception of the objective world "what is inter-subjectively known to be true "
1. Propositional Differentiated Speech	2. Conventional Stage Normative guided interaction =>Acceptance of empirical validity claims (truth/justice)	2. Coordination of participant & neutral observer perspective	2. Concrete-operational	2. Socio-centric objectivist world view conceptual differentiation of worlds
2-3 Transition to argumentative speech	2-3 hypothesis-based strategic interaction	2-3 first signs of an hypothesis based perspective toward objective world.		2-3 Formal perception of objective world
3. Argumentative Speech (Discourse)	3. Post-conventional Stage Orientation according to formal validity claims	3. Conceptual connection of reflexive Speaker- and World-perspectives	3. Formal-operational	3. universal world-view

FIGURE 3.3: COMMUNICATIVE ACTION IN OPEN & CLOSED COMMUNITIES

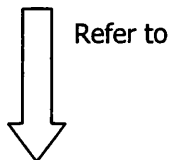
CONFLICT

Normative based interaction

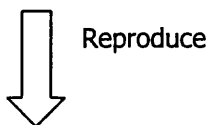


Role-based identities

- * Based on conventional moral understanding
- *Distorted coordination of participant & neutral observer perspective
- *Distorted conceptual link between interplay communicative speaker and world perspectives
- *'fanaticized consciousness' (Freire)



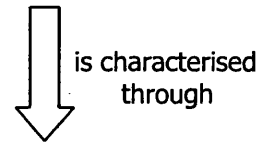
Conflict specific needs & **norms/** validity claims (e.g truth/justice)
 (Conflict based/divided community)
 We vs the Others- perspective



Group specific forms of Identification
 (e.g the good citizen, the enemy...)

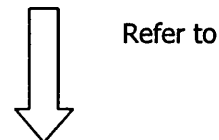
RESOLUTION

Discourse

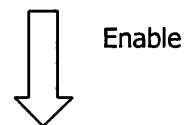


Reflexive, independent I-Identities

- * Based on post-conventional moral understanding
- *Successful conceptual between communicative speaker and world perspectives



Formal **principles/** validity claims (e.g. truth/justice)
 (Community of Mankind
 -We- perspective



Inclusive forms of Identification

hence open for cleansing **conflict** and **peaceful transformations within life-worlds**.²⁵⁸

It is not difficult to imagine failing discursive interaction/latent conflict under less **reflective** conditions . Once the structural cognitive (and other systemic) preconditions of communicative autonomy are no longer given, the amount of subjective, objective and normative knowledge open to discussion and conflict resolution decreases. According to Habermas, normative guided interactions are characteristic for many non-western societies (compare- cross-cultural critique below) and arguably also for other societies that experience- due to conflict- some form of social restraint (like e.g. the restriction of public and personal freedoms in a state of emergency). Normative guided interactions are -unlike discourses- authority based interactions. They are characterised through a socio-centric perception of the world.²⁵⁹

Normative guided interactions are in a particular way **role-based** (e.g. the good obedient citizen, the paternal leader of a nation). These roles claim to prescribe exclusively the right behaviour. They represent intersubjective expectations which obstruct the development of independent, on individual experiences based opinions or actions (or reflexive I- Identities

²⁵⁸ Ibidem.

²⁵⁹ Ibidem.

(Mead)), which could identify sources of latent conflict and initiate positive change.)²⁶⁰

Normative guided interactions only allow the usage of cultural validity claims that legitimate conflict- not their reflection and consequently prevent wider forms of identification beyond the roles of a particular community. Consequently this communicative praxis lacks the quality to transcend conflict.²⁶¹

***(Piaget cross-cultural tests)** While Habermas' line of argument is compelling, there are some conceptual shortcomings that result from evolutionary assumptions within his theory. While Piaget's and Kohlberg's model is generally considered valid in a western context, there has been a vivid discussion whether it applies also to non-western societies. Especially Piaget's phylo-genetic assumption – (which is shared by Habermas) that equates the cognitive stage of tribal societies with the abilities of a 7 to 8 year old western child prompted fierce criticism. According to Habermas and Piaget so called 'primitive' non-western forms of thought are deficient in at least three ways: a) they are based on closed world views, b) they do not reflect the ability

²⁶⁰ Ibidem.

²⁶¹ Validity claims in normative guided interaction are nevertheless differentiated. Symbolic interaction lack this quality. Analogue to the egocentric world-view of a child, actors in symbolic interaction are not able to differentiate between the propositional truth, the expressive truthfulness and performative righteousness of assumptions. Linguistically speaking their language has not reached the stage of propositional differentiation.

to differentiate between validity claims of truth, justice and authenticity and c) they are based on pre-conventional moral assumptions. In the recent years, there have been various debates whether societies on this level still or have ever exist(ed). Although Habermas is on this point at times quite ambivalent there is a broad consensus that the survival of societies requires an extent of cooperation that warrants at least the stage of normative guided interaction. Unless the motivational basis of communication (illocutionary and expressive speech acts) becomes propositionally meaningful, speakers lack the communicative awareness that allows normative coordination of actions, self-expression and communication. It is difficult to imagine any human form of life lacking this ability.²⁶²

Anthony Giddens²⁶³ rightly points out that Piaget's evidence for his phylo-genetic assumptions (concerning non-western societies) has been 'weak' and 'best sketchy' and that too many of his assumptions are based of specific western ideas of reason and do not reflect core insight which were put forward by cultural relativism. Giddens consequently dismisses Piaget and suggests that Habermas should instead

²⁶² Citing Jahoda and Cole, Heron and Dasen write : It can be stated categorically that no society could function without the competence of conservation (which does not exist at the pre-operational level), ' to suggest that a majority of any people are at that level is therefore nonsense almost by definition.' Michael Cole/Sylvia Scribner: Culture and Thought, New York 1981 or P. Dasen. Cross-Cultural Tests of Piaget 's Theory, in: H.C Triandis: Handbook of Cross-Cultural Psychology, Vol. 4, Boston 1981.

²⁶³ A. Giddens: Reason without Revolution? Habermas 's Theorie des kommunikativen Handelns: Critical Review, in: Praxis International 2 (3), p. 318.

turn to Levy –Strauss (whom Piaget criticizes for his cultural relativism) and substitute his idea of validity claims through other ‘gestures of recognition’ and ‘universal appeals to human solidarity.’ Although Giddens’ expresses some very valid concerns , he too quickly dismisses the value of Piaget for Habermas work and his universal- pragmatics. Piaget ´s ontogenetic hypothesis is still powerful. Since the mid seventies there have been quite a number of studies that have actually found formal-operational forms of reasoning in a cross-cultural context ,simply by modifying Piaget’s original test design.

More recent studies in a non-western context have shown that previously assumed cognitive differences can be attributed to short-comings in materials and scenarios (e.g. the use of test stimuli alien to the cultural context, intimidating presence of a foreigner) and the sole focus on test performance instead on competence. ²⁶⁴ Once these short-comings were addressed (e.g through a correct understanding of the principles which underlie cognitive end-states in different cultural contexts)²⁶⁵

²⁶⁴ For example, Feldman found formal-operational thought among Eskimo children after a change in the test design. Cole tried the exactly the opposite, he used leaves and rice as stimuli in North America, with the result that adults suddenly seemed to have lost their formal-operational abilities of classification. Michael Cole/Sylvia Scribner: Culture and Thought, New York 1981 or P. Dasen. Cross-Cultural Tests of Piaget ´s Theory, in: H.C Triandis: Handbook of Cross-Cultural Psychology, Vol. 4, Boston 1981, p. 71 and p. 333.

²⁶⁵ Citing Greenfield, Dasen and Heron write: ‘ One major criticism of Piaget’s theory of development is that his notion of development is really the development of a western scientist...Cross-cultural researchers have failed to follow Piaget’s own demonstration that, to study development, one must first understand the end state toward which the developmental process is veering . An implication of

there were striking similarities between the cognitive stages and competences that were found in non-western settings and those which Piaget described in his initial Geneva based study.²⁶⁶ It is also worth noting that even in a western context a significant number of adults did not reach immediately the highest stage of formal-operational thought and performance differed according to professions (which prompted Piaget to rethink some of his assumptions in a western context). This data supports the idea that Piaget's original test design favours the life- experience and skills of some and neglects the experience and abilities of others- in other words it conceals the fact that all healthy adults develop formal-pragmatic abilities, only in different walks of life. (An insight that is well described by Levy- Strauss' famous statement: "Western man is an engineer, non-western man is a bricholeur"²⁶⁷) It is hence likely that the line between Habermas second and third interaction type is more fluent than he would have imagined and will depend largely on the degree in which perceptual distortions within discourses have been /are still internalised by speakers.

However, the decisive question for defining Lederach's elicitive approach further is **how can we explain and facilitate the transition from normative guided interactions to a peace**

Piaget's example for cross-cultural research is to ascertain the characteristics of an ideal type in a non-Western culture.' Ibidem.

²⁶⁶ Ibidem.

²⁶⁷ Quoted after ibidem, p. 154.

constitutive discursive praxis? The answer to this question is twofold.

The first answer is self-evident. A critical participatory education approach seeks to promote (or better recover) those formal-operational, post-conventional and expressive communicative abilities that Piaget and Kohlberg describe and that Habermas - following Mead- subsumes under the ability of reflexive, argumentative reasoning.

In this context, the decentralisation of communicative world-views (validity claims) on truth, justice and authenticity, multi-dimensional communicative social perspective/ role taking and communicative self-critique specify three qualitative new subject areas for communicative education in post-conflict situations.

They suggest a redefinition of current approaches by **understanding conflict resolution as (re) socialisation process within which communicative competencies have to be (re)discovered and conceptual confusions with regard to validity claims within discourses of violence are clarified.** This critical theory based approach seeks to promote a critical understanding of the individual and social costs and consequences of a particular conflictual interplay between distorted claims of truth, justice and authenticity. It seeks to facilitate post-conventional and formal-operational

reflection on the formal rules/ functioning of discourses of violence and its moral divisions (conflictual roles), while leaving the question of material solutions (the determination of new cultural specific content of validity claims and inclusive/peaceful plural forms of identification) to the participants.

The promotion of literacy and adult education that Freire suggests is in this context the most obvious praxeological move to strengthen/recover (some of) these abilities in cultural/ post-conflict societies. However, on the other hand critical anthropologists are also right to assert that literacy is not a necessary precondition for a person's rationality and his/her ability to interact discursively.²⁶⁸ (compare also statements of illiterate Rwandans in Chapter 5) Despite considerable efforts to adapt its educative tools to local contexts, Freire's model of education still follows (at least implicitly) a western ideal of education.

Other more adequate measurements could include outreach activities like local discussion workshops promoting a peace-constitutive understanding among rural illiterate adult

²⁶⁸ Complex moral textual traditions in non-western, tribal contexts are unquestionably characterised through complex social perspective taking (compare e.g. the structure of lineage system/Levi-Strauss). The same applies to cultural conflict resolution mechanisms at village level like Gacaca in Rwanda (see Chapter 4) or the famous Big man systems in Papua-New Guinea in which mediating leaders in a conflict can be held accountable and selected by practically everybody in the village. Both of these indigenous processes fulfil far better the prerequisites of an undistorted discourse than any problem-solving workshop.

populations through local discussions of history (clarification of truth) , law and current affairs (definition of justice).

This action catalogue would also -most importantly- include intensive trauma-work -both for victims and perpetrators- on the ground, facilitating the re-discovery of (inter)subjective authenticity first in separate and after some time also in joint sessions. Cognitive reflexivity and communicative perspective taking among illiterate populations could be quite easily facilitated by abandoning text-based forms of education through demonstrations using local stimuli or locally contextualized, participatory drama.²⁶⁹

Within the framework of a critical theory based peace education "to empower" people ultimately means to give them their communicative competencies back, to allow them to judge rationally for themselves and to take communicative responsibilities.

3.3.2 - TRANSFORMING DISCOURSES OF VIOLENCE-

The **second part of the answer** to the question´ how can we explain and facilitate the transition from normative guided interactions to a peace constitutive discursive praxis´ is more

²⁶⁹ Such an approach has been for example recently advocated by the Rwandan government. See Chapter 4.

complex and has to be seen in context of what Lederach calls the paradox of power. As mentioned above Lederach's transformative contextual approach defines empowerment as facilitated action within and through communities. However, although Lederach acknowledges the importance of systemic change, in a strict sense he fails to explain it. As a consequence he overlooks the **systemic prerequisites of empowerment** and neglects the more far reaching question of systemic power as such. This short-coming results ultimately from Freire's one-dimensional model of socio - political change.

According to Freire individual development is always possible since " the (*objective*) world (that an actor) relates to is **not** a static and **closed** (*political*) order which man must accept and to which he must adjust; rather, it is a **problem** to be worked on and **solved**." ²⁷⁰

Despite his profound understanding of the dialogical nature of learning and the development of perceptions in the subjective and social world Freire, who is still writing in the subjectivist tradition of Freud and Schütz, still confuses changes in the "objective" /political and subjective world with transformations in the life-world. His conception of inter-subjectivity is limited insofar as it fails to acknowledge that the human ability to speak (or as Freire puts it, the ability to

²⁷⁰ Paulo Freire: Pedagogy of the Oppressed, London 1972, p.15.

say his own word, to name the ("*objective*"/ *political*) world")²⁷¹ depends on shared inter-subjective meaning structures (life-worlds), that can be indeed **closed** after a conflict - even in seemingly **open** democratic political systems.

This short-coming is particularly reflected in his later writings where he is developing an evolutionary model of a reflected understanding of political power. In "Education for Critical Consciousness"²⁷² Freire outlines a practical taxonomy of perceptual competencies -that Lederach does not explore- that still allows interesting parallels to Piaget's and Habermas's stages of cognitive development.

Freire suggests three forms of consciousness in open and closed political regimes.²⁷³

Freire's **Stage 1 of "semi-intransitive consciousness"** resembles Piaget's pre-operational stage insofar as it specifies a consciousness which does not treat the world " as an object" and is entirely subjugated under its context. In closed societies, according to Freire, perceptions and interests focus almost totally on matters of survival. Hence, questions related to the historicity of men and their actions do not arise. This political state of mind was according to Freire

²⁷¹ " To be human is to engage in relationships with other and **the world**. It is to experience that **world as an objective reality**, independent of oneself, capable of being known P. Freire: Education for Critical Consciousness. New York: Seabury, 1973, p.3.

²⁷² *ibidem*.

²⁷³ *ibidem*, p.17ff.

characteristic for the introvert pre-modern colonial society of Brazil and has survived in some remote places on the country side until today.²⁷⁴

Freire's **stage 2** of consciousness is "**naive transitivity**", which is characterized by an over-simplification of problems, nostalgia for the past, a disinterest in investigation, a fascination with metaphysical explanations of reality, and polemics rather than dialogue. It resembles the concrete-operational thought within normative guided interactions and is characteristic for a democratic transition stage. Freire describes the transition between **stage 1 and 2**, which he labels transitive consciousness, as an increased capacity to enter into dialog not only with other actors but with their ("objective" /subjective) world.

Freire's final **stage 3** is "**critical transitivity**" which equals more or less formal-operational thought that is displayed within discourse. It is characterized by in- depth interpretation of problems, by the willingness to test one's own findings and openness to revision and reconstruction , by the practice of dialogue rather than polemics and is characteristic for authentically democratic regimes.

²⁷⁴ Just as a passing remark- Interestingly, Linklater 's characterisation of stage 1 (realism) in his article on the three stages in IR Theory is practically identical with stage 1 in Freire's typology of political consciousness.

However, critical transitivity is just one scenario. Without adequate dialogical education programmes fostering critical **authentic** abilities, according to Freire, individuals are more likely to fall from a condition of **naive transitivity** into a state of **fanaticized consciousness**²⁷⁵ that re-enforces a disengagement from reality and prevents genuine choices. The latter results from a process of political massification that reduces a historical subject to a dehumanised object of domination that is characterized by a false consciousness of freedom and an unauthentic form of being.

Interestingly, like Habermas, Freire initially seeks to explain development in terms of an increased capacity to enter into dialogue with others and their own world- to realize -as he puts it- the possibility of **authentic** being. But unfortunately he then limits this dialogic activity within a learning environment to a method of "**objective**" **conversational problem-solving**" within a (democratic) political system.²⁷⁶

Although there are strong parallels to Piaget's/ Habermas' model, Freire's problem-solving taxonomy lacks not only the

²⁷⁵ *ibidem*, p.19.

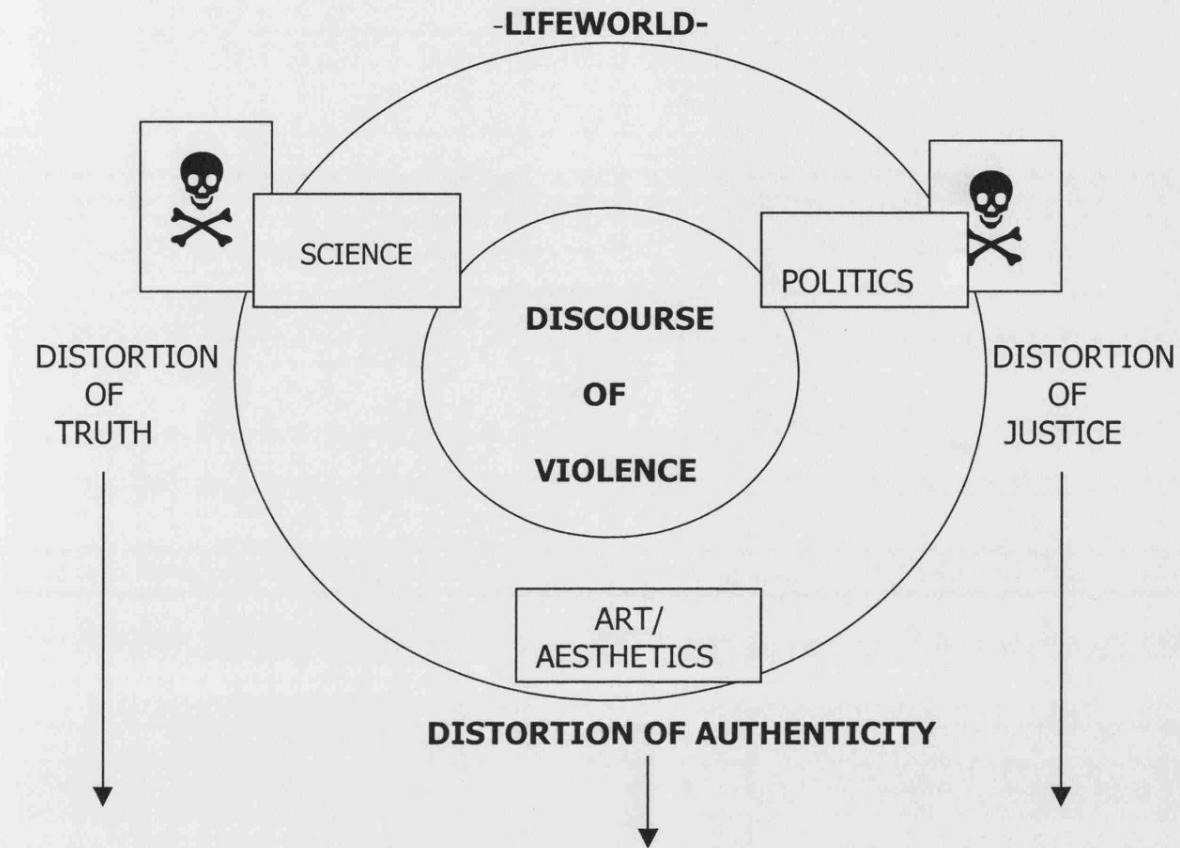
²⁷⁶ Unquestionably Freire's problem -solving does differ in important way from technocratic models. To problematize in Freire's sense is to associate an entire populace to the task of codifying total reality into symbols which can generate critical consciousness and empower them to alter their relations with nature and social **forces**. Paulo Freire: *Education for a Critical Consciousness*, London 1974, p. ix.

Nevertheless, while Freire hopes that curricula/historical reality can be defined or rewritten through discourses he still advocates (not unlike Piaget) a problem-solving approach insofar as he suggest that teacher/trainer should encourage (in Piaget's terms formal-operational theoretical) discussions through the posing of particular problems. This practice however is far from being value neutral since it subjugates a learning discourse again to a particular, not contextual perspective.

explanatory sophistication of Piaget's cognitive psychology and Habermas' language philosophy in terms of world view decentralisation, more importantly, because of its subjectivist starting-point, it does not touch upon the question of social moral development that lies at the very heart of conflict transformation.

Although Freire's critical pedagogy seek foremost to defend moral principles like equal political participation and justice and tries to name and shame systemic oppression in "cultures of silence" his analysis is very much limited to a quasi-marxist model of educational classes and the ideal of an undistorted, class-free society - a concept that is very much echoed in Lederach's writings. However, an "objective", on democratic principles based ideology- critique must be always incomplete insofar as it does not include all inter-subjective given life-worldly factors.

A life-world represents, in subject areas (law/ politics, science and art) divided, a reference context of inter-subjective knowledge that is mediated (and hence always present) through language. It is this context that enables or, more importantly, hinders plural ways of conscious being. (see Figure 3.4). Consequently, a collective consciousness can not only manifest itself in a curriculum or any other social "text"



**INDIVIDUAL/
SYSTEMIC
CONSEQUENCES:**

Dichotomised narration of history
Distorted historical science
Biased Perception of
or
"objective" collective/individual
historical Identities
values/
Pseudo-scientific biological discourse
collective
Biased perception of race/ cognitive
abilities & moral qualities

limited possibility of instrumental
learning

**INDIVIDUAL/
SYSTEMIC
CONSEQUENCES:**

Exclusion of authentic forms
of expression- either based
on expressive content or
ethnicity of the author.
(like e.g. 'Entartete Kunst')

Obstruction of creative societal
learning

lack of self-critique

**INDIVIDUAL/
SYSTEMIC
CONSEQUENCES:**

Discriminatory
judicial/political practices
like e.g. persecution

impunity
loss of social moral

brutalization of
consciousness

limited possibility
of moral learning

Reprint: - COMPONENTS & CONSEQUENCES OF A DISCOURSE OF VIOLENCE-

that legitimates a particular political order and can be rewritten and transformed. It is hidden in the communicative infra-structure of the life-world that expresses itself in particular inter-subjectively shared (open or closed) world views and institutions.

Freire's (and Lederach's subsequent) critique of technological and ideological intrusions in the field of education and biased curricula supporting the status quo is not wrong but lacks a clear definition of inter-subjective knowledge and communicative power in terms of structure and agency.

By examining exclusively the causal prerequisites of a "transformation of people" and not a "transformation of structures", which is understood as a mere effect of the former and initial favourable historical conditions, both authors fail to touch upon the subject of post-conflict life-world discourses, that a critical theory based approach to conflict-resolution takes as its starting point.²⁷⁷

This misconception raises among other things serious methodological concerns. Although exposure to the knowledge of other life-worlds through participatory education might be a

²⁷⁷ Although Freire acknowledges that history is characterized by epochial transformations initiated by elites responding to economic change he does not look at the societal learning processes that preceded this change and focuses entirely on the necessity of the correct understanding of history by the oppressed to consolidate this transformation. In other words, Freire argues that the oppressed have to understand the past first to understand the rules of the new game not that they actually participating in determining the rules. This view is insofar problematic as it requires at least some democratic form of governance to start with. Ibidem, p. 8ff.

way to empower individuals within a closed society, one should be aware that such a process could also end with a major identity crisis or social alienation of particular groups, a more oppressive regime and a subsequent general anomy²⁷⁸.

References to contradictions in an "objective" social world for educational purposes are not value neutral as Freire suggests. They imply the devaluation of one crucial component of a wider meaning structure of another life-world. Unless one accepts social anomy, this gap has to be filled again, often (as in Freire's model) with reference to the dominant "objective" democratic discourse of the educator.²⁷⁹

Intra-societal advocacy and subsequent mediation are only feasible options when both adversaries are still able to communicate with each other on the grounds of shared life-worldly assumptions. In other words, the (discursive) empowerment of a society depends on a corresponding structural (life-worldly) change allowing for new forms of societal integration.²⁸⁰ It presupposes besides an individual

²⁷⁸ Prof. Ralf Dahrendorf defines anomy as follows: Anomy is a condition which is characterized by a loss of faith within society regarding social rules and a general condition of lawlessness. In these circumstances conflict takes no longer its usual (institutionalized) form and becomes itself subject to anomy. R. Dahrendorf: *Der moderne soziale Konflikt*, Stuttgart 1992.

²⁷⁹ See also quasi-transcendentalism and its critics- *The Postmodernist/ Post-structural Critique* in chapter 6.

²⁸⁰ Freire concept of integration is one-sided insofar as it again just stresses the individual plane and not wider structural dynamics. "Integration (unlike adaptation) results from the capacity to adapt oneself to reality plus the critical capacity to make choices and to transform that reality...The integrated person is person as subject. In contrast the adapted person is person as an object." P. Freire: *Education for Critical Consciousness*. New York: Seabury, 1973, p.4.

also an intersubjective re-interpretation of meaning and communication structures.

The ultimate objectives of Freire's Critical Pedagogy -to empower individuals to recreate and remake their own reality²⁸¹ and facilitate recognition of one's historicity²⁸² that is oppressed a culture of silence²⁸³- can therefore not be simply achieved by educating the oppressed and the oppressors about potential "objective"/ material causes of political oppression and equality. Unless (as it was indeed at some point in Brazil the case) a life-world is already open insofar as the dominant political power has a particular interest in co-operating and listening, Freire's approach is doomed to be squashed or to run out of funds (e.g. like in U.S)

This is not to say that Freire's approach - to point at contradictions in the objective world- is necessarily wrong. But his socio-economic analysis of violence -as will be shown below- is rather incomplete. Indeed, Freire's model offers at least three important insights for an critical theory based approach:

²⁸¹ Paulo Freire: Education for critical consciousness, New York 1973, p. 58.

²⁸² Paulo Freire: Pedagogy for Liberation, Basingstoke 1987, p. 221.

²⁸³ . P. Freire: Education for Critical Consciousness. New York: Seabury, 1973, p.4.

- a) Firstly, Freire shows why authentic/ peaceful being within communities requires reflexivity.
- b) Secondly, he introduces fanaticized consciousness as an additional (latent conflictual) sub- stage that can be used to specify further repeatedly failing communicative development from normative guided interaction to peaceful discourse in post-conflict settings. (see Figure 3.4)
- c) Thirdly, he highlights with the socio- economic dimension of conflict a crucial component of a discourse of violence that can not be reconstructed from a mere communicative perspective. ²⁸⁴

Nevertheless, unless the dynamics of social structural/ systemic change remain unexplained it seems difficult to make any valid assertion about the direction and dynamics of individual empowerment.

Habermas' makes this very point in his critique of Kant and subsequent subjectivist models of moral learning arguing that the latter have initially chosen the wrong "subject" of inquiry.

²⁸⁵ According to Habermas **explaining the preconditions of**

²⁸⁴ Compare next section.

²⁸⁵ Habermas examines like Kant the possibility of theoretical knowledge and practical reason. However he alters the original question of Kant on the preconditions of the possibility of subjective experience, by scrutinizing the prerequisites of intersubjective knowledge and examining language as its intersubjective means instead.

Habermas' declared objective is to substantiate the possibility of reason through a formal, discursive procedural praxis in a **non transcendental fashion**. Following

the possibility of processes of rationalisation (in our case peace) ultimately means exploring the intersubjective prerequisites of all cognitive judgement and cooperative action- that are given with the structures of lifeworlds and are embodied in societal world-views (in our case discourse of peace or violence) and corresponding institutional systems (e.g. judiciary/ political systems).²⁸⁶

Habermas defines rationalisation in this context as 'the redemption of all power relations that are inconspicuously embedded in the life-world communication structures, preventing a consciously reflected settlement of conflict and a consensual resolution of conflict by imposing intra-psychological and interpersonal communication barriers'.²⁸⁷

In his joint discussion of Piaget²⁸⁸, Weber²⁸⁹, Durkheim²⁹⁰

Mead's (who initialised the linguistic turn by substituting the categorical imperative through a discursive procedural praxis (ibidem p.142)). Habermas seeks to escape the metaphysical assumptions of a 'Subjektphilosophie' and its substantial, monological usage of reason by scrutinizing with the intersubjective usage of speech the prerequisites of a subjective consciousness. Ibidem.

²⁸⁶ J. Habermas: *Theorie des kommunikativen Handelns*, Frankfurt 1981, Bd. 1, p. 441.

²⁸⁷ Unlike Galtung who conceptualises violence in terms of six different dimensions Habermas introduces with the intersubjective plane of the life-world a concept that specifies not only in greater detail what actual/ potential, indirect/direct, manifest/latent, positive (manipulative)/negative (punitive) and individual/ structural violence could mean, he also explains in terms of the subjective world the psychological and intentional dimension of violence. (compare footnote 1).

Moreover Habermas' assumption of a primacy of structural in comparison to individual violence modifies Galtung conception of positive/ negative peace in important ways, by clarifying the dynamics between these both processes.

J. Habermas. *Zur Rekonstruktion des Historischen Materialismus*, Frankfurt 1976, p.33f. Johan Galtung: *Violence and Peace*, in: P. Smoker, R. Davies, B. Munske: *A Reader in Peace Studies*, Lancaster 1990, p.12f.

²⁸⁸ J. Piaget: *Das moralische Urteil beim Kinde*, Stuttgart 1983.

²⁸⁹ M. Weber: *Wirtschaft und Gesellschaft*, Frankfurt 1981.

and Parsons²⁹¹ Habermas explores the historical evolution **processes** of collectively shared life-world structures from **closed**, undifferentiated world-views to **open** life-world structures, in which cultural, legal, political and scientific spheres are differentiated and open to discussion and critique.²⁹² Following Piaget 's idea of decentralisation, Habermas seeks to explain the cultural development of collective forms of consciousness ²⁹³⁻ in analogy to the above sketched individual stages of development- through communicative decentralisation processes (differentiation of illocutionary validity claims). Following Max Weber, Habermas explains the structural development of world views / life-worlds as process of "disenchantment". This starting point, that ultimately locates the discourse of western modernity (and morality) in evolutionary terms higher than all other cultural discourses is unquestionably problematic.

²⁹⁰ E. Durkheim: Die elementaren Formen des religiösen Leben, Frankfurt 1981.

²⁹¹ T. Parsons: The Structure of Social Action, New York 1949.

²⁹² J. Habermas: Theorie des kommunikativen Handelns, Frankfurt 1981, p.

²⁹³ Collective world- views are seen in this context as reliable indicators for a (in our case peaceful/conflictual) communicative infrastructure. They embody all cognitive, moral, aesthetic and expressive forms of consciousness (that are inherent in speech) within a life-world. They fulfil an identity-building and identity-securing function insofar as they are providing speakers with a basic set of categories that establish particular reference points for action.

These sets of categories can not be revised without affecting the **symbolical identity** of speakers and discursive communities. **World-views are cultural carriers of communicative competencies** because their content and structure ultimately decide about the possibility of succeeding intersubjective references to the objective, social and subjective world.

Although, Habermas never modified his ethnocentric assumptions outlined in 'Reconstruction of Historical Materialism' and 'Theory of Communicative Action' his latest book 'Die Einbeziehung des Anderen' seems more cautious in this regard. One of Habermas' strategies in this context is to develop formal categories like the openness and closeness of life-worlds further. However, even this distinction offers a considerable potential for misunderstandings, since this criterion was originally introduced by no one other than Karl Popper and further developed by Peter Horton who sought to "prove" the superiority of western science in comparison to cultural societies.²⁹⁴

Hence, the term is far from being uncontested. However the concept still has explanatory value provided that one denounces once and for all the idea that non-western modes of thought are generally more closed to reason than modern world-views. Reason is insofar cultural relative as it is rule-based.

The decision whether a system is closed or not has to be found with regard to the rules and principles of a particular language-game. However this does not imply that the formal

²⁹⁴ "...The key difference is a very simple one. It is that in cultural cultures there is no developed awareness of alternatives to the established body of theoretical tenets; whereas in scientifically orientated cultures such an awareness is highly developed. It is this difference we refer to when we say that cultural cultures are closed and scientifically orientated cultures are open." P. Horton: African cultural thought and western science, in: B.R Wilson: Rationality, Blackwell 1970,p.153.)

conditions (e.g participation) in which these rules are debated and modified are not accessible for intersubjective reflection.

In conclusion, it can be said that while some of Habermas' evolutionary assumptions are questionable -(especially the assumption that only the modern world view is propositional differentiated enough in its fields of knowledge (science, law, politic, aesthetics) to allow for a conscious separation between the social validity of cultural norms and values and the universal validity of arguments, his strategy to specify with the preconditions for open and closed modes of communication the prerequisites for structural development of life-worlds seems nonetheless valid. In the context of conflict resolution processes the criteria of open- and closeness provides an useful indicator to describe the life-worldly state before, during and after a conflict and herewith the (at times fluctuating) spectrum of rational discursive action in cultural and conflict prone, democratic societies (weak states).

But how does Habermas finally explain the transition process from closed life-worlds/ world-views (-discourses of violence-) restrained through normative guided interaction to open life-worlds/ world-views (-discourses of peace-) characterised by discursive interaction?

Habermas argues that the openness /closeness of cultural world views can be attributed to qualitative different

conceptual means in the propositional perception of reality.²⁹⁵ His overall phylo-genetic hypothesis is that life-worldly change (e.g. world-view and institutional transformation) requires a collective conscienciation of illocutionary acts (validity claims of truth, justice, authenticity and intelligibility) analogue to the individual development. Not unlike Marx, Habermas attributes normative life-worldly transformations initially to cognitive instrumental learning processes in the objective world, that enable a propositional structuring of illocutionary acts (validity claims) within speech.²⁹⁶ According to Habermas actors acquire propositional knowledge either phylogenetically speaking through labour or ontogenetically through (playful/theoretical) manipulations of the objective

²⁹⁵ According to Habermas the criterion of open- and closeness describes the categorical spectrum given in a life-world for the contestation of contradictions. Habermas refers in this context not only like Horton to contradictions in the objective world but also includes conceptual confusions in the social and subjective world. Habermas develops on the grounds of this distinction his criterion of cognitive appropriateness of world views. World views are according to Habermas cognitive appropriate, if their conceptual structures don't hinder the formulation of true assertions or systematically prevent any other rational orientation of action. *ibidem*, p. 93.

Habermas distinguishes in analogy to the individual stages of decentralisation the following world-views / cultural argumentative stages, which specify qualitative different attitudes towards contradictions. a) the closed mythical world view, which specifies the symbolic basis of pre-operational modes of thought and pre-conventional ritual forms of action coordination, b) the half-closed religious metaphysical world view, which provides a propositional differentiated framework in which empirical validity claims can be raised on the grounds of a conventional and concrete operational knowledge and c) the open, formal, universalistic (scientific) world view, which is based on a formal-operational, post-conventional and argumentative assumption of an abstract world that is detached of all contents. J. Habermas: *Zur Rekonstruktion des Historischen Materialismus*, Frankfurt 1976, p. 14.

However, as mentioned above this evolutionary model is far from being uncontested. Peter Winch would e.g argue that contradictions can be only determined within the frame-work of a life-world itself and not through the reference to an alien (scientific) discourse like Habermas ultimately suggests. (compare Chapter 5: Quasi-transcendentalism and its Critics- One objection from a critical point of view)

²⁹⁶ J. Habermas. *Vorstudien und Ergänzungen zur Theorie des kommunikativen Handelns*, Frankfurt 1984.

world. (In this regard Habermas still concurs with Freire who see the possibility of change given with the technical innovations of the modern world).²⁹⁷ However, the ability of actor to learn through these processes (and here lies the difference to Freire) is considerably determined by the **systemic (not only individual)** attitude toward contradictions - that exist **between** a given set of **rules and practices** and broader cultural specific **principles**.²⁹⁸

Open societies allow (at least theoretically) a principle-based theoretical reinterpretation of rules and practices through everybody, whereas closed societies don't. ^{299*}

Structural life-worldly barriers can initially only be overcome in times of a conscious collective identity crisis, which manifests itself whenever a form of societal organization can not resolve steering problems within its given integrative

²⁹⁷ Paulo Freire: *Pedagogy of the Oppressed*, London 1972.

²⁹⁸ Such a 'cultural-relativistic', quasi-Wittgensteinian reading of Habermas, which seek to cleanse critical theory of 'modern' ethnocentrism, has been put forward by post-post modern authors like Wolfgang Welsch. W. Welsch: *Unsere postmoderne Moderne*, Weinheim 1988. /W. Welsch: *Vernunft: Die zeitgenössische Vernunftkritik und das Konzept der transversalen Vernunft*.

²⁹⁹ Habermas assumes that within closed life-worlds a) contradictions are not subject to reflection and are simply reproduced, that within half-closed life-worlds b) contradictions can be solved by communicative means as long as they don't question the normative (religious) grounding of a society and that within open life-worlds c) all contradictions can be dealt with. Closed and half-closed conditions deprive actors more or less of the opportunity to learn from mistakes, to be self-critical and to acquire new knowledge. Consequently, an open life-world allows for more cognitive appropriate, that is to say more truthful, right and authentic assertions. *Ibidem*, p.93.

* For example, the discussion of Galilee's observations (his validity claim to truth) could have evoked an immediate normative shift in the world - view (and the normative faculty of speech) of his time, if the rules of the religious discourse would have been more open to transformative critique and allowed wider discursive participation (based on a reinterpretation of the principle of equality of all men before God).

means. It is then when previous latent instrumental learning processes of wider section in society, - (that have already learned to accept new societal propositional knowledge (truth) while they were producing it)- , become the centre-stage of systemic attention.³⁰⁰

Like Weber, Habermas explains consequent life-worldly illocutionary transformation processes (the inclusion of objective propositional knowledge and subsequent revision of illocutionary validity claims (e.g. justice)) through extraordinary argumentative achievements of elites.³⁰¹ (This explanation substantiates Lederach's later emphasis on the importance of mid- and high-level training for a discursive change.)

While searching for an optimal state of equilibrium these world view constructing elites include latent propositional knowledge and highlight other not institutionalised aspects of the life-world. As consequence new sets of categories and modes of reference emerge. The symbolic reorganisation of a pre-reflexive normative consensus (communicative structuring of (e.g. conflictual) social knowledge) allows that previously unquestioned facts, norms and self-perceptions become accessible for communicative action. Identity securing

³⁰⁰ E.g. one could argue that divine law was redefined in terms of natural law as a consequence of sophisticated ship-building technique in the late 15th century that ultimately enabled the discovery of the new world and Asia and herewith exposed our ancestors to other life-worlds and modes of thought. Compare D. Rothermund: *Geschichte als Prozeß und Aussage*, München 1994.

³⁰¹ J. Habermas: *Theorie des kommunikativen Handelns*, Frankfurt 1981.

knowledge becomes more formal, abstract norms of interaction come into being that permit new societal forms of integration and higher stages of individual consciousness.

This line of argument shows that societal transformations initially result from practical conclusions reached in everyday situations and (in case of a closed life-worlds) the occurrence of a collective identity crisis. (Again, Lederach seems to have a point insofar as he stresses the positive potential of conflict for societal change)

As seen above, the transition from a closed society characterised by normative guided interaction to an open society based on open (democratic) discourse requires a transformation of a collective consciousness that is an expression of all cognitive and communicative competencies and social texts at all levels. Consequently, it can be argued that random mid-/high-level policies or elite-activity will achieve little if they are not preceded by thorough grass-root consultations. Instead of revolutionary ideologies, learning processes on lower levels should become starting-points for a collective re-writing of the objective and normative foundations of a given life-world.

Random western education programmes on community level are in as much doomed. They always imply an alienation of an identity securing life-world, since they can't provide for

culturally authentic and credible collective visions of joint being and belonging.

Lederach's and Freire's concept of transformative empowerment makes sense only when it is seen in the context of a corresponding intra-societal discussion of (cultural and/or conflict specific) validity claims and a change of communication structures and competencies on all levels (see Figure 1.1: Lederach's triangle of conflict transformation) from the bottom to the top. Transformative empowerment starts initially with the questioning of validity claims to truth on the ground, leading to doubts about conventional normative beliefs and corresponding claims to justice, which become eventually certainty in the light of the other's constant authenticity.³⁰²

Propositional learning-processes on truth can precede other illocutionary processes because their consequences are visible

³⁰² This can be further illustrated by a simple example: As seen above, normative guided interactions are strictly rule-based interactions that exclude the possibility of a discussion of the core presuppositions of a given discourse. Assuming the following assumption is added to a discourse by propaganda. 'All men from group X steal sheep and land, hence all X-men are thieves and have to be exterminated'. Assuming further, years later a new democratic government, which was previously in exile, seeks to alter this prejudice for the purpose of nation-building. Despite the best intentions this government would face the following dilemma. The understanding of the purpose of its policy would require a post-conventional moral understanding and the general ability of discourse of its citizen that would be incompatible with the structures of the given life-world. Unless people of group Z are given the opportunity to see /learn for themselves that the Xs are good neighbours, who are willing to contribute (e.g. in collective house-building projects) to the greater welfare of the community they will not be convinced that their cultural assumptions are wrong. Unless the innocence of the Xs is objectively (that is to say inter-subjectively) established the development of a more inclusive normative understanding will be unlikely.

Hence, the best policy recommendation for any government facing the above described dilemma would be to initiate resettling programmes and provide incentives for villagers to work together in (e.g. building-, sanitary, educational) projects, which would not only rebuild the villages but also the mutual trust between the inhabitants. Once this is achieved the government could hope for a greater understanding of its policy of national unity and the principle of equality of all citizens.

and tangible. For example, factual socio-economic violence can be understood in concrete-operational categories. They specify the first propositional knowledge that enables a critical collective observer perspective and initiates change.

Norms and principles- on the other hand- are only accessible for critique from an hypothetical formal-operational, post-conventional point of view that allows actors to trace factual injustice and alienation back to intra-societal normative shortcomings.

The more propositional truth is known about the factual violence within a society, the more elaborate will be the understanding of illocutionary claims for justice and previously "intangible" normative manipulations. The cognitive and dialogical gap between the stages is closed when the knowledge on factual socio-economic violence is used for a conceptual redefinition of normative categories.

Yet, as long as (closed/exclusive) economic interest groups (e.g. class) serve as transformational reference-points, the real scope of normative violence will remain unknown. As historical examples of socialist states show, the role of victims and oppressors in such a system might change, but systemic injustice will ultimately prevail.

The real extent of inequity within a society will only become apparent, when injustice is perceived as a violation of wider (post-conventional) standards of human identification.

Moreover, on an (inter)subjective plane these standards are also crucial for a successful redefinition of the self (and the Other) and expressive authenticity.

Consequently, a successful transformation of a discourse of violence requires that :

- a) the whole truth on previous structural violence is known
- b) conceptual remedies for past conventional injustice are found, and...
- c) internalised violence can be categorically expressed and overcome.

3.3.3. - PARALLEL SPHERES OF VIOLENCE-
- SYSTEMIC VIOLENCE-

So far, Freire (and Burton) have been criticized for focussing too much on the material dimension of conflict. However, that is not to say that their concerns about deprived needs and economic oppression are not valid.

Hunger, fatal diseases and high child mortality represent some of the worst and most traumatic forms of violence. They are the hotbed of hatred, anger and fear that re-informs distorted identity structures and endemic prejudices.

Clearly, the same applies to institutionalized forms of economic and political violence like unequal access to the job market and to education and systemic corruption. Ideological and material violence interact and reinforce each other. Their causes and consequences are intertwined. Moreover, as seen above, factual socio-economic violence specifies a crucial "objective" starting point for conflict-transcending reflection and dialogical learning with regard to distorted claims to propositional truth and justice. Hence, an analysis of the constitutive components of a discourse of violence would simply not be complete without a complementary assessment of socio-economic violence that lies beyond the realm of a modern life-world. The difference between these two kinds of violence is best described in terms of Habermas' dichotomy of life-world and system.

One of Habermas' most important insight was that the (dys) functioning of a society can not solely be explained through (failing) communicative interaction within a life-world (like Mead's symbolic inter-actionism still suggests).³⁰³ While a life-world guarantees social integration within a society through a symbolic coordination of action orientations, a complementary functional unit- the System- is needed to manage the factual consequences of actions and ensure

³⁰³ G.H Mead: *Mind, Self and Society*, Chicago 1934.

systemic integration.³⁰⁴ Systems reflect the functional steering capacity and complexity of a society. A system is comprised of administrative sub-systems like e.g. an economic system or a state. (compare Parson's AGIL Scheme)

According to Habermas, system and life-world have remained for most of human history structurally undivided.³⁰⁵ However, he argues that in recent times the systemic coordination needs of modern societies have reached such a complexity that they could not be longer met in terms of communicative action. As a consequence, according to Habermas, the system separated itself from the life-world and resorted to non-communicative coordination means like money and power.³⁰⁶ The development and subsequent separation of a system from a life-world is explained through the very decentralisation and communicative rationalisation processes within a life-world³⁰⁷ that inform our critical theory based model of conflict transformation. However, it is important to note that the evolutionary dynamics of a system differ substantially from the above sketched model of communicative rationalisation, insofar as its internal progress is governed by strategic and

³⁰⁴ Habermas pays his tribute to functionalism by including Parson's AGIL scheme in his core presupposition.

³⁰⁵ J. Habermas, *Theorie des kommunikativen Handelns*, Band 2, p.233ff.

³⁰⁶ *ibidem*.

³⁰⁷ Habermas attributes the division of strategic action from communicative action to rationalisation processes in the life-world that create (through a generalisation of motivations and values) not only the possibility of independent moral judgement but also the possibility of goal-orientated action. Jürgen Habermas, *Theorie des kommunikativen Handelns*, Band 2, p.269.

not communicative reason. This is crucial insofar as any systemic increase in rationality is measured in terms of efficiency and not truth, justice or authenticity. The harming influence of the system on the life-world manifests itself when areas of the life-world that necessarily depend on communicative action coordination are invaded and assimilated by economic and administrative sub-systems. Communicative integration mechanisms are substituted through systemic means. Habermas speaks in this context of a 'mediatisation' and subsequent 'colonialisation' of a life-world.³⁰⁸

Once the resistance of cultural forces is overcome, systemic intrusions (in terms of power and money) into cultural heritage, education and other areas of social integration can ultimately lead to a cultural impoverishment and a fragmented collective consciousness.³⁰⁹

It is important to note that in this context fragmented does not imply a cognitive relapse to conventional or pre-conventional thought or normative guided interaction. Post-conventional thought and discursive action prevail at the individual and

³⁰⁸ According to Habermas mediation specifies a process in which systemic coordination means interfere in processes of social integration. The latter results in a colonialization of a life-world whenever a state is reached in which imbalances within material reproduction can be only evaded at the expenses of an identity securing life-world. Jürgen Habermas: *Theorie des kommunikativen Handelns*, Frankfurt 1981, Band 2, p. 452)

³⁰⁹ *ibidem*.

collective level.³¹⁰ However, people might forget what exactly makes a life worth living (Taylor) and what can be an authentic form of living for them.

(Non)communicative means of money and power are suddenly seen as being superior to other reproductive media (cultural and social values) because of their universality. Their quantitative "meaning" can be easily understood regardless of any context. Through universal notions like efficiency and profit the system succeeds to legitimise its (supposedly) neutral stance. Through this notion, it manages to discredit all other expressions of ideology as a potential danger for the smooth functioning of the global system. (Burton's reluctance to utilize norms in the resolution of conflicts shows only too well how good this narrative works even within the fragmented life-worldly remains of expert cultures) Like this the system prevents not only life-worldly forces from reuniting, it also achieves that its own ideological bias falls altogether into oblivion.

Within a technocratized life-world, a cultural collective has not only lost its ideological reference-point that is needed for an understanding of its own identity, it has also renounced with its awareness of unity and solidarity its last chance of defence.

³¹⁰ Habermas does not specify a particular individual stage for this state of consciousness, however after what has been said there are of course interesting parallels to Freire's description of fanaticized consciousness)

The current uncontested, ever-present neo-liberal belief in profit maximisation, the intrusion of globalisation in every realm of life, the systematic rejection of cultural norms in general, and non-western religions (Islam) in particular, on one side, and the violent civic response of anti globalisation groups like ATTAC and terrorist attacks on the other, clearly show that there is something to Habermas' idea of a colonised life-world. Cultural and civic agents seek to defend the right of existence of particular life-worlds against a meaning absorbing system ...and lose. In the end, fanatics and a fanaticized state of consciousness take over.

This response is widely perceived as unjustified insofar as it seems to defend particular "interest" (exclusive claims) at the cost of universal strategic interest (inclusive claims). Their strife is not considered as a fight for cultural survival or in terms of violated cultural identities. In this context , it would be clearly interesting to examine the discourse of universal human rights that has emerged parallel to the system and ask to which extent it has been instrumentalised by the latter and in how far it still can be understood as control mechanism for systemic violence as which it was envisaged after the end of the second world war. Obviously, (despite its claim for universality) this normative discourse has not been uncontested or homogenous. Just to name one example among many, as the movement of third world states for

cultural rights (Banjul declaration) shows there were and are strong tendencies of opposition that might be understood as life-worldly objections to a potential misuse of a norm-setting monopole of the West.

For our purposes it is important to note, that in a systemic scenario of violence, the distinction between local , national and international level becomes more and more blurred. In the light of unequal trade- liberalisation, unfair agreements on tariffs and trade and agricultural subventions, a substantial part of the systemic violence and life-worldly impoverishment (including environmental degradation) that manifests itself on national level must be understood within the context of global developments.

While it is not in the scope of this study to specify all forms of systemic violence on local, national and international level, a correct assessment of the explicatory potential of a communicative rationality based model requires a further analysis of the interplay between systemic and life-worldly violence .

Obviously, if most of the current violence is systemic and results from the application of strategic reason, it is not quite clear how truth, justice and authenticity could be helpful to transcend conflict and why we would need a critical theory based approach to conflict transformation at all.

Hence, after what has been said, there should be at least a tentative answer to why we started off with life-worldly violence in the first place, and how life-worldly agents could be empowered against systemic intrusions, before we can move back again to normative issues like reconciliation and forgiveness that will be addressed in the next chapter.

The choice for a life-world based approach to conflict transformation is not arbitrary insofar it reflects the cultural and historical embeddedness of conflict . A critical theory based approach...

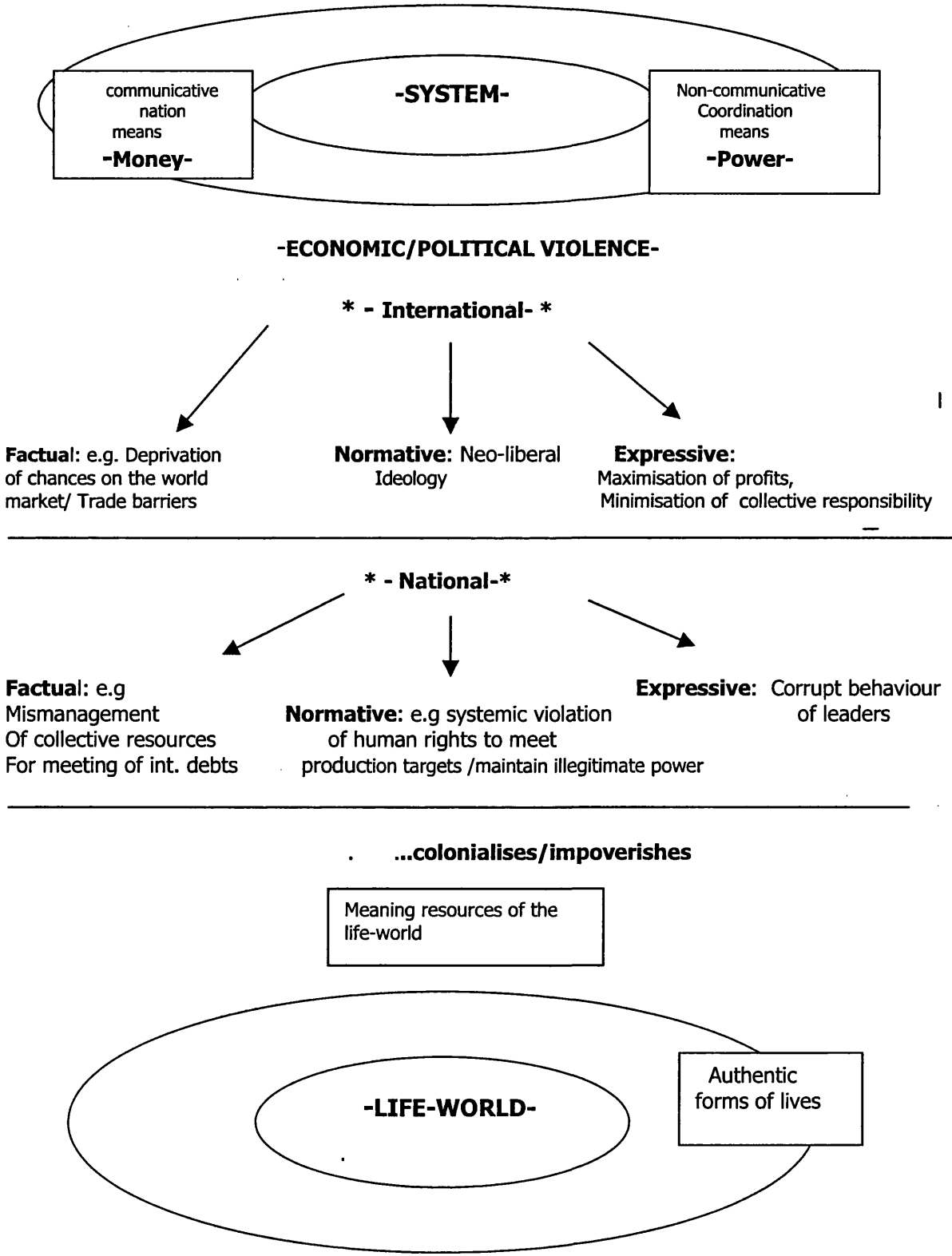
- a) traces current conflicts back to its past (e.g. colonial) conceptual roots.
- b) hopes to re(dis)cover cultural knowledge on peace by building on cultural tradition and (on the basis of latter)
- c) seeks to find potential remedies against new emerging types of (e.g. systemic) violence and promote the development of a solid public sphere.

If we were to devise a time line of conflict transformation (compare Figure 3.6) the first main challenge would lie in a transcending of conceptual violence that still legitimise categorical divisions and dichotomies within a post-conflict society. The main objective in this context would be to raise

the level of cognitive awareness of violence to promote a development of a public sphere and open discourse

However, it should be clear that there is no such thing like the end of history or a state of an uncontested peace. Once the most vicious categories of hate are institutionally and interpersonally deactivated, there will be other more subtle forms of violence that e.g. result from an embeddedness of a state in the international system. These systemic influences might not only reactivate past conceptual dichotomies (e.g. prejudices, envy) and a new conservatism within a society (compare e.g. the response of the Middle East to the forces of globalisation), they probably will have been already a substantial part of the empowerment process (e.g. in form of bilateral military or economic aid).

FIGURE 3.5 : SYSTEMIC VIOLENCE



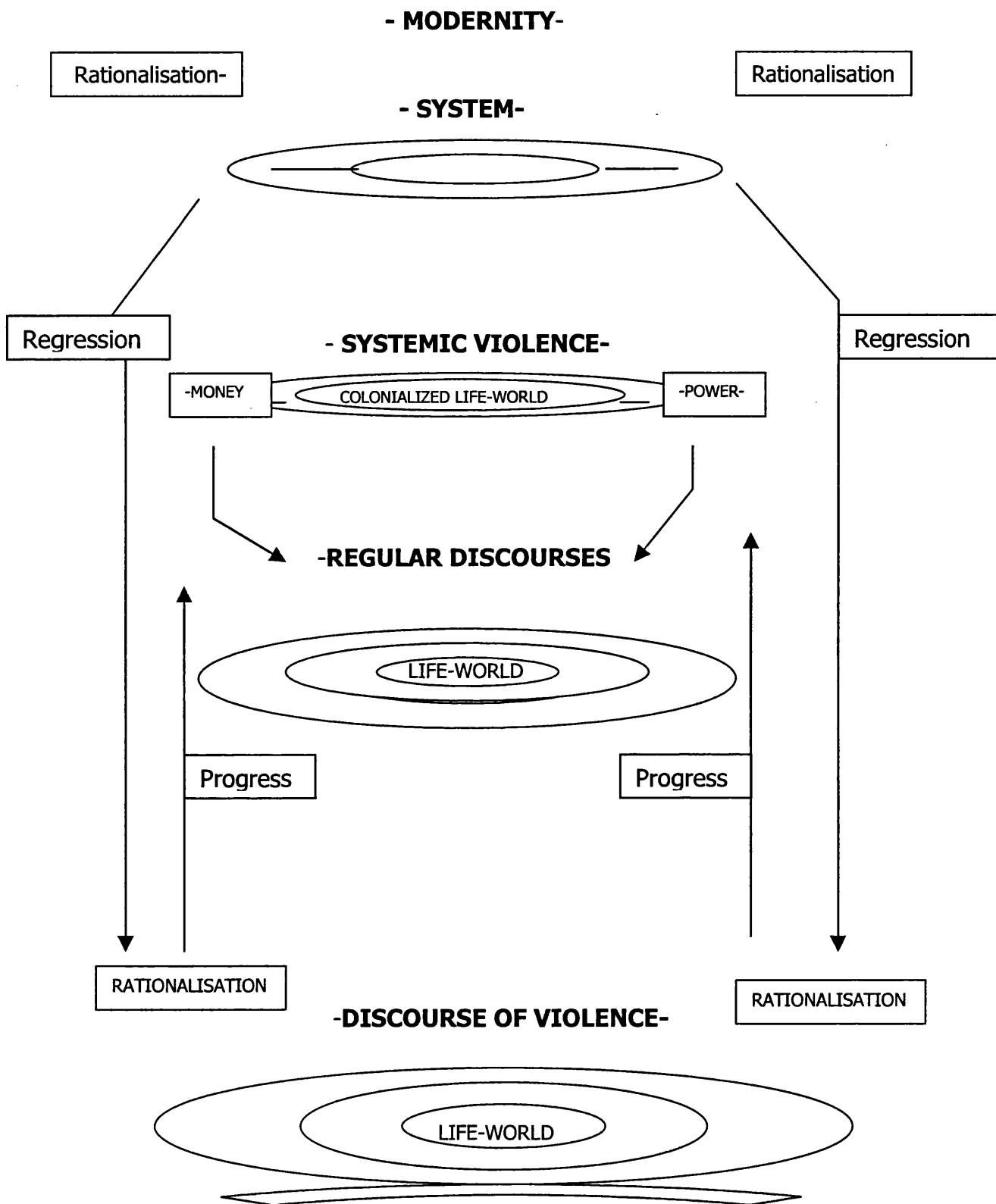


Figure 3.6: - Systemic and Life-worldly violence

While conceptual violence within a life-world is characteristic for transitional (post-conflict) societies, systemic violence is experienced by most societies and endemic in the international system. Despite the profound differences between the ideological contents of a post-conflict discourse of violence and a colonialized, (in terms of meaning) mutilated life-world, there are important similarities. Systemic pathologies still result from conceptual deformations that can be only countered discursively from the position of an open life-world.

Although, Habermas's thought echoes at times Weber's pessimistic characterisation of rationalisation processes within modernity, his approach still leaves hope for change. Weber's original model- that serves as a blue print for Habermas' theory of communicative action explains pathologies within modernity through one monological, and according to Weber only, form of (strategic) action orientation that is chronic can not be transcended.³¹¹ Habermas' approach on the other hand provides a new perspective on the problem by explaining social rationalisation through an evolution of life-world structures.³¹²

In this model, systemic violence can be challenged, but this requires a consequent empowerment and reunion of life-worldly forces. According to Habermas, most of the life-world

³¹¹ Max Weber: *Wirtschaft und Gesellschaft*, Frankfurt 1981.

³¹² Compare previous section.

knowledge in a modern (supposedly peaceful) society has been fragmented into expert cultures (hence "fragmented collective consciousness) that have not only ceased to communicate with each other but most importantly have stopped to interact with people and their every day knowledge at local level. However, once this life-worldly front is re-united, Habermas hopes systemic violence can be (if not be stopped) at least contained. One example for such a joint action are for instance the current efforts of many life-world agents and experts to stop environmental degradation that have produced at least some (although admittedly still modest) results on national and international level (e.g. the Rio and Rio +5 declaration , the Kyoto Protocol, Johannesburg World Summit on Sustainable Development).

In conclusion it can be said that although there are different types of violence in terms of causes and consequences there is only one remedy against all violence that lies in the intersubjective application of communicative reason. The latter necessarily depends on open and intact life-world structures. Consequently, an approach that is based on communicative rationalisation/ transformation processes specifies a valid explicatory model for most types of conflict and societal violence.

This might not convince all critics. Especially not those that seek to explain politics in terms of systemic means of money and power.³¹³

Clearly, there are civil wars or conflicts between states that appear to have started as a mere quarrel on the use of resources and strategic expansion of power (e.g. like the blood diamonds war in Congo and Sierra Leone, or the oil war in Kuwait). Prunier sees a close a relationship between land scarcity and the conflict in Rwanda , while Collins and Karnik attribute the same conflict to failed IMF and WB policies in the macroeconomic dimension after the 1989-90 drought.

But this is only one part of the story. Every form of politics requires not only an international but also local and national ideological legitimisation (a discourse of peace or violence). A reversal of distorted systemic truths, economic injustice and subjugation of authentic forms of life are equally important for both western and transitional societies . In this context, transformative action would mean to foster a) objective knowledge on the factual economic exploitation of human and natural resources, b) normative knowledge on violation of individual rights and the rights of future generations and c) subjective knowledge about alienation.

³¹³ Compare the realist critique in chapter 4.

Today, systemic violence is already challenged in local and national debates but also in global discourses that take the form of international conferences and summits.

However, the biggest conceptual challenge within modernity remains. It lies in the question how all these fragmented communication processes on truth, justice and authenticity and the resulting knowledge could be ultimately united to one strong global voice for peace, that respects plurality and expresses unity at the same time.

**3.3.4 RE- DEFINING THE PURPOSES OF CONFLICT
TRANSFORMATION
-TOWARD A TRANSFORMATIVE COMMUNICATIVE ETHICS
OF PEACE-BUILDING-**

As seen above, Lederach's transformative 'ethics' is mainly based on a description of the interplay of peace-constitutive processes of institutional justice and mercy/ forgiveness.³¹⁴ Within a critical frame-work, the merits of a formal principle-based (post-conventional) justice can be easily explained - for example in terms of equal rights of participation and equality

³¹⁴ John Paul Lederach: Preparing for Peace. Conflict Transformation across cultures, New York 1995,

before the law. However, the notion of forgiveness seems as a consequence of its religious connotations rather misplaced in a theory of enlightenment.

Still, it is difficult to deny that forgiveness is a normative precondition for conflict transcending communication. When German chancellor Willy Brandt kneeled down in Warsaw in 1970 to commemorate the victims of the 1943 revolt in the Jewish Ghetto, he knew that there was no peace without forgiveness. Since then many politicians have resorted to similar symbolic means whenever they were missing words or felt that they were not being heard or understood properly. Bill Clinton's and Kofi Annan's apology to the Rwandese people in 1998/99 are just two more recent examples. The reason for this categorical presence of forgiveness within an otherwise realist international discourse is that forgiveness is perceived as crucial precondition for (a re-commencing of) conflict transcending communication.

Not unlike the ideal speech situation, forgiveness appears to specify a necessary (although often contra-factual) ideal. Consequently, it is not implausible to suppose that this ideal - like other critical theory based notions - can be at least formal-pragmatically defined . It seems that a communicative turn in the field of peace-building and conflict resolution would be incomplete without such a definition. Forgiveness lies as a quasi-transcendental ideal at the very heart of a

communicative ethics of peace building . Indeed, one could argue that Habermas' quasi- transcendental ideal of mutual recognition of discursive claims presupposes (at least in the context of deep-rooted conflict) repentance/forgiveness insofar as the latter restores the willingness to listen to each other arguments and to cooperate.

However, one remaining problem is the difficulty to define the communicative origin of forgiveness. At first sight, forgiveness seems to be an action or conclusion that is reached in inner monologue. Its definition suggests the necessity of introspection into intentions and ideological motivations. In this respect, it seems to demand a therapeutic reconstruction of subjective, contextual knowledge. Many aspects of this knowledge will be inaccessible for social scientific analysis or require explanation on a case by case basis. Consequently, any attempt to define forgiveness might seem like an inadmissible generalisation. This circumstance explains why forgiveness is often perceived as unreal, as something that is not part of the objective world. It is understood as a mere subjective expression of emotion that lies beyond any rational analysis. However, as the discussion of the related subjective notion of authenticity has shown there is no such thing like an entirely subjective perspective. Individual values and beliefs are always embedded within the cultural reference-frame of a life-world. Forgiveness has an everyday meaning

that is mediated through language and associated with (communicative) actions of others. This definition allows us to distinguish forgiveness from other emotive notions like hatred or revenge and regret from scornful behaviour. It allows us to understand (within the rules of a particular language game) why some people choose to forgive while others don't.

Consequently, an illustration of the term forgiveness requires an other, wider conceptual reference point than the subject. To assess the spectrum of available reasons for forgiveness a reconstruction has to include not only the response of the subject and an preceding action of the violating other (e.g. apology), it also has to account for a particular life-worldly resources which both sides are utilising. This is why, forgiveness needs to be embedded in a wider dialogical process. Its definition requires a parallel analysis of complementary communicative processes of reconciliation.

(*Definition of forgiveness) This thesis defines forgiveness as a (at times contra-factual) ideal to which past adversaries necessarily have to appeal in their attempts to transcend the exhausted meaning structures of their old exclusionist discourses and to achieve reconciliation. It is an important ideal-typical assumption in the process of rebuilding of relationships on equal terms. This formal-pragmatic definition highlights the fact that a mutual recognition of discursive claims presupposes (at least in the context of deep-rooted

conflict) repentance/forgiveness insofar as the latter restores the willingness to listen to each other arguments and to cooperate. As mentioned above, there are a multitude of ideologies and reasons that could be cited in favour of forgiveness. This is an individual (ideally autonomous) choice. Subjects might choose to forgive because it is reasonable or just because they feel it is right for them e.g because it is asked from them by their religion.³¹⁵ However, it is likely that most of the time their decision will be centred around certain themes that are suggested by their cognition and speech- that are demands for an establishment of (culturally accepted forms) of truth, justice and truthfulness. Put differently, the ideal of forgiveness does not only precede discourse it is also defined through a dialogic situation (a reconciliation process). An interaction between a victim and a perpetrator is structured through a factual or symbolical exchange of arguments. Although, these assertions can be biased and based on a multitude of ideologies and beliefs , as communicative notions, they are also principle and rule-based and hence open for reconstruction. Our intuitive understanding of why somebody should or should not forgive results from an assessment of these very arguments in their particular context.

³¹⁵ Unlike Habermas who probably would consider the latter as an inferior (conventional) form of reasoning, this thesis maintains that any principle based form of reasoning suffices and deserves equal respect.

Despite the undeniable plurality of arguments, motivations and ideologies, there are (at least some) universal normative constants that reoccur in successful (communicative) reconciliation process. For example, it is difficult to deny the value of an apology, the importance of truth and truthfulness of the actors involved and the significance of justice. We feel that if somebody is truly sorry and offers an apology this should be at least taken into account. We believe that once justice is done somebody deserves a second chance. We assume that once truth is established it will be easier to move on.

The most common demands of victims are expression of these normative claims. After an initial stage of trauma, most survivors will seek for some sort of explanation of the inexplicable. They will feel the need to rationalise the event and re-humanise themselves (and the perpetrators). For this purpose they will appeal to reason. They will refer to normative standards (e.g. their legal rights, solidarity, the duties of their fellow citizen), which distinguish humans as human beings and endow them with inalienable rights. Survivors will demand to know the truth about the whereabouts of their loved ones and the context of a crime to establish exactly what has happened. They will then demand that perpetrators are brought to justice. But foremost they will hope for some sort of authentic expression of guilt and

repentance of the other. A denial of these claims will be felt as yet another violation, since it deprives a victim again of his/her dignity and recognition and prevents other meaningful transitional practices like a burial, reparation or imprisonment.

Following Honneth's insight that individuals are only capable of becoming social members of society and develop a positive understanding of their self through mutual acknowledgement, this thesis conceptualises reconciliation as argumentative encounter in which validity claims of truth, justice and authenticity (and with them forgiveness) are debated as a part of a struggle for recognition.³¹⁶ This struggle is considered as the main moral driving force for social transformation and change. In this context, conflict is seen as a result of a systemic violation of truthful, rightful and authentic claims for personal, legal and social acknowledgement³¹⁷

This thesis further follows Honneth's idea of a moral grammar of social conflicts which manifests itself not only in a violation of a consensus that exists between citizen and their leaders (of good, responsible governance and leadership) but also most importantly in the affirmative space that is given within a society for individual development through three forms of recognition- love (within a family unit), law

³¹⁶ Axel Honneth: *Kampf um Anerkennung* Frankfurt 1992..

³¹⁷ *Ibidem*, p.227.

(within a state) and social appreciation (within a society)) .³¹⁸

It argues that without acknowledgement in these three spheres (through the application of notions of solidarity and rule of law) an individual is not able to develop the self-confidence, self-respect and self-appreciation that is necessary to uphold his/her moral autonomy and is hence also not able to fully recognise and respect the equal rights of others outside his/her in-group. Honneth's analysis points at cognitive and emotive needs for recognition that are pre-given with speech and social interaction, and hence also seem vital for our understanding of the inter-subjective (dialogic) dimension of forgiveness and reconciliation. In this context, it becomes clear why an authentic apology (that is matched by corresponding action and properly embedded in a respective life-world) is so vital. Through an acknowledgement of an injustice, victims are able to restore their self-confidence, self-worth, self-respect and hereby their position within society.

Reconciliation processes seek to overcome the initial irrationality of violence through a peaceful debate of communicative needs, claims and demands, and a creation of affirmative spaces (through law, social acceptance, re-building of communities) on both sides. They seek to promote a change of heart and a mutual understanding. They try to

³¹⁸ *ibidem*, p. 267.

highlight and heal past distortions, violations and misperceptions through peaceful discursive means. J. Morrow, the founder of the Corrymeela Project in Northern Ireland gives a very similar definition of reconciliation when he notes, "...ultimately reconciliation is about people knowing each other in truth and learning to be able to accept each other fully."³¹⁹ This understanding and acceptance is mediated through discourse.

Forgiveness can be further defined in at least two ways. As mentioned above, forgiveness is a result of a (in Austin's sense) "successful" communicative interaction insofar as it signifies a possible reaction of a recipient of a message to a fulfilment of a claim or communicative offer of a speaker or institution (e.g. apology).³²⁰ However, such a quasi-behavioural definition of forgiveness would be too narrow, since it does not acknowledge the importance of forgiveness as a contra-factual ideal in the context of reconciliation processes - both for the speaker and the recipient. As Hannah Arendt once noted:

"Forgiving is the only reaction which does not merely *react* (read: is not merely behavioural) but acts anew and unexpectedly, unconditioned by the act which

³¹⁹ Alf Mc Creary: Corrymeela: Hill of Harmony in Northern Ireland, Avebury 1995.

³²⁰ J. Austin: How to do things with words, Cambridge 1962.

provoked it, therefore freeing from its consequences both the one who forgives and the one who is forgiven."

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It is this dynamic (contra-factual) moment that creates a window of opportunity for communication and possible reconciliation.

A closer examination shows that reconciliation processes (and with them the contra-factual ideal of forgiveness) are -as a dialogic reasoning processes- more abstract and demanding than e.g. the (in a western context developed) concept of formal justice. While institutional justice (not unlike problem-solving work-shops) only requires a communication process in which the perspectives of a 1st and 2nd party are understood and judged from a third observer perspective, reconciliation implies that parties acknowledge their guilt (through an authentic expression of their subjective world) and understand each other through mutual social role-taking and multiple reference to their life-worlds.³²² Hence, judged according to the criteria of reflexivity and symmetrically of communication processes, reconciliation (and with it the contra-factual notion of forgiveness) represent a more complex form of communication than e.g. formal justice,

³²¹ Hannah Arendt: *The Human Condition*, Chicago 1958, pp. 238.

³²² Habermas: *Theorie des kommunikativen Handelns*, Frankfurt 1981, Bd 1.

(which might also explain why it is so difficult to bring these notions into communicative practice)

This applies also insofar as the latter process encourages more strategic than communicative action.³²³ (e.g. authentic expressions of the subjective world are suppressed in the interest of justice because of material rights of the defendant. The contextual understanding of normative expressions is limited by procedural rules of law).

In this context, it is important to note that there is also one fundamental difference between "ordinary" discursive practices and communicative conflict resolution processes. In everyday communication actors share a particular cultural reference-frame of meaning (life-world), that facilitates the solution of ordinary conflicts. Post-conflict communication obviously lacks this reference point. It is characterised by a clash of hostile interpretations resulting from propaganda, historical prejudices and exclusive forms of identification. As a consequence, communicative reconciliation processes have to fulfil stricter standards of intelligibility than ordinary discourses. Before speakers can communicate in a grammatical correct and meaningful form, they have to solve an additional hermeneutic task, which is the understanding the rules of the other sub-discourses in a wider inter-

³²³ Hannah Arendt: *The Human Condition*, Chicago 1958, pp. 236-47.

communal discourse of violence before components of a new discourse can be discussed.

Conflict transformation processes are discursive socialisation practices in which parties have to learn first about different meanings of truth and justice in other conflict contexts, before any ordinary discursive interaction becomes an option and claims can be scrutinized. This requires a willingness to re-think potential exclusive meaning structures in the light of other life-stories and experiences.

Of course, it is highly unlikely that at the end of any such process there will be only one uncontested truth, justice or legitimate form of identification. More probably there will be a mutual understanding that a situation can be perceived and read in various ways. Actors will be in a position to realise that they and others have become the subject of ideological manipulation and will understand their previous relationship was negatively influenced by systemic distortions. However at the same time this understanding must not create just another grand narrative that devalues cultural heritage and beliefs, even if these still suggest diverging interpretations of the past.

Strictly speaking, in communicative reconciliation processes (symbolical fusion processes of divided life-worlds), "unity (consensus) can not come from complete agreement but from

construction of issues of disagreement."³²⁴ Only if this task is accomplished, and a common base of plural understanding is found, can "ordinary" discursive practice begin. This is when parties are able to "go beyond rights and wrongs of the (past) conflict discourse..(and) create (through communicative interaction) a different relationship in a different discourse"³²⁵.

Lederach's transformative ethics specifies with the criteria of mercy / forgiveness the prerequisites for a form of communication, that is not only characterised through the complex cognitive and social perspective taking of discourse but also through the authentic will to question subjective premises in the light of quasi-transcendental ideals of truth, justice and authenticity and the collective need of social integration. In its essence it suggests the necessity of a victory of a cosmopolitan, discursive we' over an exclusive collective' we' or a' monological modern I'. As a Mennonite, it is easy for Lederach to **legitimate** this necessity through his **transcendental** references to **his religious discourse**. A **critical theory based** approach on the other hand has to **explain** this necessity (in terms of rational insight and an understanding of a greater good facilitated through factual

³²⁴ Meryvin Love: Peace-building through Reconciliation in Northern Ireland, Avebury 1995, page 5.

³²⁵ D. Stevens: Some thoughts on reconciliation, Belfast 1988, quoted by: Meryvin Love: Peace-building through Reconciliation in Northern Ireland, Avebury 1995, page 11.

discourse on all levels) by an analysis of the prerequisites of social and individual learning.

In praxis, it has to encourage a reflexive understanding of truth, justice and authenticity that permits a dialogical contention of the structural components of discourses of violence (distortions in science, law, politics, art) and inclusive forms of identification. Unlike common discourses conflict transformation processes require the solution of triple normative task, that consists besides the ordinary (illocutionary) discussion of (e.g. normative) validity claims also of the discussion of the prerequisites of reconciliation (the contra-factual ideal of forgiveness /repentance). Hence, strictly speaking, critical theory based practices of conflict transformation have to be more than a mere discursive praxis. They have to first create the communicative and subjective prerequisites of discourse by promoting authenticity through trauma work, facilitating instrumental learning (on truth) through practices of co-existence and recovering/encouraging communicative competencies through discursive learning and social perspective taking. They have to restore first and foremost the subjective (expressive, normative and objective) dimension of speech before a meaningful discursive praxis between former adversaries can begin.

In case of victims of violence, they have to promote a conscious de-victimisation by looking jointly in dialogue with

the actor for categorical means to express their horror and understand and establish inter-subjectively (illocutionary) their role as a victim. Only through an active deconstruction of previous distorted subjective, normative and objective (illocutionary) perspectives and a generation of qualitative new (propositional) knowledge, victims will be in a position to regain the ability to question internalised discursive violence (e.g. distorted perception of themselves and the perpetrators). Only then, they will be likely to develop the communicative competency that is needed to counter previous injustice and violence discursively and become ultimately able to demand repentance and reparations to restore their human dignity and equal discursive standing in a new society.

In the case of perpetrators, critical theory based conflict resolution has to recover / discover the ability of self-critique by deconstructing previous subjective and inter-subjective discursive certainty. Since most violations in a conflict will be based on a systemic distortion of the other, the first aim will be to re-humanise the victims by introducing new objective, social and subjective knowledge into the subject's reference frame.

The long-term objective will be to enable the actor through the acquisition of this new (propositional) objective knowledge to take an objective observer perspective on the previous

relationship between him/her and his/her social in-group ('I'/'We') and the alleged enemy ('you' / 'they').

Once this stage is reached an actor will be in a position to question also the normative assumption of a previous discourse of violence and his/her particular role in it. He / She will be able to reflect on the objective necessity and normative righteousness of his/her action through an internal dialogue in form of objectifying and normative communicative perspective-taking (compare Figure 3.1).

(***Definition of Authenticity**) Authenticity is restored, when an actor ultimately subjects his/ her previous and current intentions not only to an expressive but also an objectifying observer and normative perspective of the other. Only under these conditions, it will be likely that he / she will ultimately stop justifying injustice and his/her role in it simply by referring to a previous discourse of violence. He/She will refrain from perceiving himself / herself as victim of the rules of a new discourse, he / she simply could not anticipate and understand why he / she is being held accountable by others. This specifies most likely the moment in which he / she will be seeking forgiveness to regain authenticity (dignity) and his/ her place in human society. This is when a successful (that is to say not harmful, exploratory) discursive practice with the other can begin.

Consequently, critical theory based conflict resolution suggests a whole catalogue of long-term measurements rather than one single short-term educative praxis on all three levels. In a way, it explores Zartman's concept of "ripeness of conflict" for mediation further by specifying the "inter-subjective" (propositional, illocutionary, cognitive) prerequisites for a "reopening of communication".³²⁶ In this context, it is important to stress that its categorical terms apply in as much to international and the national as to the community sphere. Although it seems virtually impossible to train opinion leaders at these levels in the way one would train people on the ground, the principle of forgiveness and repentance still applies. Examples like the still on-going quest of Dutch, Chinese and South Korean women, who were forced by the Japanese forces to prostitute themselves as 'comfort women' for an official apology and reparation and the pending Nazi trials nearly 60 years after the second world war has ended as well as the demands for an acknowledgement of a "forgotten" genocide in Armenia at the beginning of the last century, show the power of the moral forces at play.

³²⁶Mitchell simply leaves the question of ripeness to an initial judgement of the mediator on the parties' "objective" willingness to communicate in the light of the high mutual costs of a conflict. Although it might be true that parties might get at some point tired of a conflict, it is rather improbable that this circumstance will lead automatically to anything else than strategic interaction and bargaining, leaving the real causes of conflicts and structural violence unaddressed. Chris Mitchell: Mediation, in: P. Smoker, R. Davis, B. Munske: A Reader in Peace Studies, Lancaster 1990, p. 29.

An injustice can be denied, it can be temporarily silenced but it will never just disappear. It remains a legacy that is passed over to next generations and can accumulate through further structural inequality. Unaddressed it results in distorted, deformed and infected identity structures leading either to collective outrage (e.g. terrorism), exceeded nationalism or depression. However, once a discursive niche is opened, victims' claims for recognition represent a main driving force of social change. Ultimately, victims seek the repentance of others because they want to restore their self-confidence, self respect and self-appreciation and their standing within society and forgive, forget and move on. Yet is it their drive 'not to forget' that ultimately avoids a mere (pathological) collective loss of memory within a society. The antonym to justice, amnesty is derived from the term amnesia ³²⁷that indicates an abnormal pathological medical condition of memory loss. An official denial of an endemic wrong implies always not only yet another violation of the human dignity of victims but also a lost chance for the perpetrators and a society as a whole to come to terms with collective failure, institutional weaknesses (e.g in terms of rule of law and good governance) and other consequences of a fanaticized collective consciousness. On the whole, it should be clear that there can not be any societal

³²⁷ Charles Harper: *Impunity : An Ethical Perspective*, p. viii.

progress or peaceful transformation without reflected self-critique.

3.3.5 -REVISITING LEDERACH `S TRIANGLE-

So far this thesis has tried to show why formal-pragmatic notions of Truth, Justice and Authenticity might specify (via speech/structure of human cognition) cornerstones within the communicative spectrum of normative peace-building practices. In retrospective, however, there remains still one point within the transformative triangle that needs to be addressed. It concerns the institutional dimension of the transformative approach to peace-building that is not mentioned in Lederach's triangle.

In conflict transformation, institutions are (like world-views) reliable indicators for the open- or closed-ness of a given life-world structure. Hence, it is no coincidence that conflict is often described as the 'institution' of war. In this context, transitional institutions like Truth-commissions and functioning national and local courts are strong signs for an initial opening of life-worlds, since they contest the very life-worldly violations of meaning that preceded the conflict. They constitute processes which contribute significantly to the development of new (propositional) ideas and beliefs, which

alter perceptions and conceptual realities (transformation of social knowledge). They also actively promote a wider collective awareness with regard to normative claims within a society (that is to say, illocutionary acts: validity claims of truth, justice, authenticity and intelligibility). Ideally, they facilitate a successful discursive transformation and a corresponding development of collective and individual communicative competencies (which is not to say that some of these processes can not create difficulties of their own e.g. through the illegitimate granting of amnesty). Generally speaking, they provide opportunities for wider procedural interaction, which include besides individuals, different social groups and their ring-leaders as distinct entities. This is crucial insofar as exclusive group identities present a serious obstacle for reconciliation. Inevitably, institutional practices are also open to misperceptions and manipulation. Although, institutional peace-building practices (like truth commissions or international tribunals) provide a forum, in which implicit assumptions of particular discourses on violence can be made explicit and debatable, there is of course always the question of how far all sections within a society are indeed aware of what is going on and are participating, and of how far the institution itself leaves, distorts or intrudes in the realm of a life-world.

This seems in particular true for international institutional efforts like the illustrative example of the International Criminal Tribunal for Rwanda will show. But also national transitional institutions can be ambiguous in this regard, since there will be many competing ideas on how to interpret the past and how to discursively design or institutionalize the future. Moreover, there is also the danger that normative processes on local, national and international will operate with different or even contradictory set of definitions of what is to be considered as true, just and authentic.

Again, these differences can be only solved in the form of communication processes that include all sections of the society at all levels, since only a truly participatory praxis can ultimately ensure procedural coherence and complementarily. Hence, this thesis suggests that any international effort should be preceded by a preliminary discussion of normative necessities and standards. (This includes also the work of international tribunals).

Although, it does not lie in the scope of this thesis to prove it, it is very likely that the institutional evolution of peace-building processes will follow the same communicative dynamics like other societal learning-process that Habermas describes in his Theory of communicative action. (A similar observation with regard to the sequence of institutional steps

promoting truth, justice and reconciliation has been made by Rigby (compare above))

Societal change takes its starting point in instrumental learning processes within the objective world (on truth), that ultimately result in the accumulation of new transformative knowledge that devalues previous validity claims (first on truth, then on justice) and initiates social change (ideally peace). Applied to an institutional context, first truth will need to be defined and established before justice can be done and authenticity can come into the overall equation. It is important to note that this joint definition process is particularly crucial for international practices that operate outside the realm of a particular life-world and seek to defend universal standards. The applicability of the latter cannot simply be assumed. Every norm or principle should be questioned in the light of the normative perceptions and requirements of the people on the ground. If necessary, adjustments should be made and standard procedures and practices should be modified to meet these special requirements.

In conclusion, it can be said that a model of peace-building that solely focuses on individual learning processes is not sufficient to explain the complexity and variety of peace constitutive processes that are required to rewrite discourses of violence. Hence, Lederach's model has to be modified along

the proposed inter-subjective lines. It has to be embedded in a wider conception of social agency that includes both individual and institutional actors. However, there remain institutional challenges. Authenticity was earlier defined as truthful will to establish a dialog on validity claims of truth and justice and subjective intentions. Since the dialogic verification of this authentic will is necessarily based on long-term face - to - face interaction, there is always an inherent dilemma for any short-term institutional effort of discursive peace-building on national or international level. Indeed, as will be illustrated in Chapter 5, many of the short-comings of these processes, that manifest themselves in form of constantly not succeeding communication processes, can be attributed to this problem. Consequently, shortcomings in terms of authenticity (and contextualised truth and justice) provide strong reasons for an institutional bottom up approach to peace-building.

Nevertheless, this does not mean that one can simply ignore the fact that institutions (and meaning constructing elites) are needed at national and international level to promote peace or that community based models also have structural weaknesses. Social meaning structures have to be eventually re-interpreted and implemented through institutions on national level. There is also always the possibility of new inputs on the international level , signifying a more abstract

consensus between cultures of what is considered to be right and wrong or true or false.

Moreover, despite the universal-pragmatic hypothesis that every successful discursive interaction (either on the ground or within a wider institutional context) requires the accomplishment of an inter-subjective reference to all four validity claims, there seems to exist a particular structural predisposition for each validity claim on each socio-political level. While authenticity can be best achieved on community level, justice for example seems to need a broader reference point either (from a conventional moral point of view) in form of national citizenship or internationally (from a post-conventional point of view) in terms of a cosmopolitan ethics that refers to a wider community of 'Weltbürger'.

Unless local justice is sanctioned by a higher systemic authority, it often legitimates acts of vengeance and leads to what is commonly known as 'lynch justice'. Indeed there seems to be a strong co-relation between the institutional level that is reached and our perception of a correct implementation of justice. The higher the authority of an institutional body (e.g. supreme courts, international tribunals) the more justice we normally expect to be done. Hence, justice specifies a notion that is always more (institutionally) de-contextualised than other normative ideas.

Truth and intelligibility on the other hand describe ideals that are mediated and enabled through cultural contexts. These meaning structures are shaped by cultural agents and implemented by governments and other opinion leaders on national level. They are not open to immediate reinterpretation on community or international level, since they enable communication within a particular life-world. In the context of the triangle of conflict transformation this would explain why most truth & reconciliation commissions emerge at national level and why the advancement of justice seems to specify the only accomplishable international task in the promotion of international or national reconciliation. Needless to say, these possible structural dispositions do not imply that there is not a need for locally contextualised truth and justice. They just point at the fact that these notions might be mediated through other levels.

The same applies to Truth & Reconciliation Commissions and International Tribunals. Both discursive processes rely on the idea of the achievement of Truth, Justice, Authenticity and assume Intelligibility. However, both processes have equal shortcomings.

The post-conventional de-contextualisation of Truth and lack of understanding of cultural meaning in international court proceedings is in as much a problem as the subjugation of Justice in favour of truth (e.g. amnesty) in truth commissions.

Unless ideas of truth, justice and authenticity are advanced at all levels, discourses on violence will in one form or the other prevail. Courts, truth-commissions and community based reconciliation efforts specify institutional prerequisites for successful post-conflict communication. While the former require a short- to mid-range time frame the later demand a long-term commitment. Institutionally established Truth and Justice require some sort of consent at community level. It is this moment that specifies the beginning of a real reinterpretation of a prevalent discourse that incorporates institutional findings and altered collective beliefs in a new discursive everyday framework. Consequently, Lederach's bottom-up approach to conflict resolution is a valid description of the dynamics underlying peaceful change.

In conclusion it can be said that each of the processes (promoting truth, justice and authenticity) fulfils a specific function in the wider process of peace-building. Yet, all contributions can be only fully understood through their relationship with the other dialogic processes.

3.4 -CONCLUSION-

This chapter outlined a critical theory based approach to conflict transformation.

It sought to specify necessary (cognitive and societal) preconditions for a) moral learning on peace and b) a coherent and complementary praxis of transformative institution-building. In this context, it examined communicative transformation processes which are likely constitutive for a conceptual re-definition of a collective fanaticized consciousness and a corresponding discourse of violence, and a categorical recovery of a fragmented collective consciousness in a colonialised life-world.

- The objective of the introductory **section 3.1** was to illustrate current strengths and weaknesses associated with normative peace-building in theory and praxis. Despite the undeniable success of some moral initiatives in the past by such leading figures like Sri Gandhi, it was noted that most theorists in the field are still sceptical when it comes to judging the general usefulness of normative concepts for the promotion of peace. Since most

normative peace-making ultimately refers to religious doctrines ³²⁸ valid concerns are often misunderstood as "unrealistic", biased, pseudo religious demands that are unsuited to "solve" problems in the "real" world.

However, it was argued that this "metaphysical" equation is incomplete and wrong. In his powerful critique of the positivist discourse Habermas was one of the first theorists to realise that (despite their systemic reduction) moral practical concerns still have a pivotal place in modernity. The general objective of this chapter was to establish a theoretical framework that (without adding further to the systemic violation of cultural meaning structures) translates cultural/normative concerns within peace-building into a common language of formal-pragmatic categories .

Section 3.1.1 explained the theoretical choices of the thesis and provided (formal-pragmatic) definitions of truth, authenticity, reconciliation and forgiveness.

- **Section 3.2** introduced the Mennonite praxis of transformative peace-making as an alternative cross-cultural training approach to conflict resolution. In this context, John Paul Lederach's model offered a practical

³²⁸ This is not at all surprising since most prophets from Hinduism over Islam to Christianity have been in one way or the other peace- keepers or seekers.

solution to our initial problem of distorted communication. By utilizing authenticity as a bench-mark for successful third party mediation, Lederach has reconceptualised the role of trainers in important ways.

Contrary to standard assumptions on the neutrality and "objectivity" of experts, Lederach stressed that also third parties must be (factually, personally, and morally) held accountable to produce lasting and credible results. Instead of high level expert prescriptions, Lederach suggested a bottom up approach to training that respects local contexts, guarantees wide participation and follows the principle of normative exploration.

This praxis-orientated approach confirmed our initial theoretical critique of Burton in important ways. It was concluded that (after a "communicative turn") Lederach's model provides a suitable blueprint for a critical approach to conflict resolution.

In a second step, Lederach's wider reaching conflict transformation approach was introduced (see figure 1.1. Lederach's Triangle of Conflict Transformation) In this context, Lederach's concept of empowerment, his corresponding definition of personal and systemic change and the procedural paradox of justice and mercy/forgiveness were outlined. Conceptual short-

comings were identified and possible remedies were indicated.

- **Section 3.3.1** tried to overcome the limitations of Lederach's definition of empowerment through a modification of Freire's original model of cognitive learning. Habermas' model of interactive learning was introduced to explain the cognitive and communicative prerequisites for transformative change.
- **Section 3.3.2** addressed the so far neglected problematique of structural change in Lederach's work. It specified the structural prerequisites of empowerment through an analysis of life-worldly structures and a subsequent definition of the constitutive components of a discourse of violence.
- **Section 3.3.3** provided a complementary assessment of the violence that lies beyond the realm of a modern life-world and that is best described in (non)communicative term of money and power as systemic violence.
- **Chapter 3.3.4** defined in greater detail the conceptual components of a transformative communicative ethics of peace-building. It gave a detailed definition of the terms

forgiveness and reconciliation and examined the relationship between these processes and complementary practices of justice.

• **Chapter 3.3.5** revisited Lederach's triangle of conflict transformation that was initially introduced in Chapter 1. It argued that normative institution-building practices should be understood in analogy to individual and collective learning processes that were described in a previous section. It was noted that institutionally fragmented communication processes on truth, justice and authenticity at local, national and international level should be understood as part of one dialogical institutional practice, if they are meant to be successful.

It concluded that a social dialogue on peace can be only fruitful if the complementarity between all processes is respected.

CHAPTER IV- A QUASI-TRANSCENDENTAL APPROACH TO CONFLICT RESOLUTION & ITS CRITICS -

The following sections will try to anticipate criticism that a quasi-transcendental approach might invite from different IR theory schools.

6.1 -FIVE OBJECTIONS FROM A (NEO)-REALIST POINT OF VIEW-

As a consequence from its different level of analysis and state-centric/systemic conception of agency in International Relations a neorealist³²⁹ response to a quasi-transcendental approach to Conflict Resolution would make the following four points:

- 1) It would contest that intrastate violence could be equated with international conflict.

³²⁹ K. Waltz: Man, the State and War, New York 1959/ K. Waltz: Theory of International Politics, New York 1979.

- 2) It would claim that conflict could be mainly explained in terms of conflicting state-interests that are a relative function of the international system and its relative distribution of power and natural resources.
- 3) It would therefore hold that conflict is inherent to the international system confronting states with a zero-sum game - in other words there is no such thing like common interests except survival.
- 4) It would argue that international conflict could be only exclusively managed by states through means of traditional diplomacy like bargaining of interests, economic sanctions, use of threats of force including military intervention and defensive alliances.

-and most importantly-

- 5) It would insist that normative ideas like truth, justice and authenticity do not only not matter, but don't even exist in international system characterised through requirements self-help and preservation.

In a nutshell, (neo)realists would simply contest that a quasi-transcendental approach would have any relevance in the

international realm of conflict resolution and would consider its insights confined to the domestic- if at all.

A sympathetic neo-realist would ask´ But why does power have to be a bad thing? After all it has an ordering function in international affairs and what except a firm ´real-politik´ could save us from terrorism? Has quasi-transcendentalism a place in a post 9/11 world?

However outdated (neo)realism might have appeared after the end of the cold war and in the light of ever growing global co-operation only a few years ago, Bush´s ´real politik´ has been a harsh awakening for all those who thought we finally had left anarchy behind us and we had moved collectively to a higher cognitive level. Clearly, the neorealist argument poses a significant challenge for a theoretical model discussing possible universal prerequisites of peace. Especially after having discussed a case-study dealing with inter-ethnic domestic violence the question is justified in how far can a quasi-transcendental "bottom-up" approach indeed contribute to the field of International Conflict Resolution?

a) A fictional debate between neo-realism and quasi-transcendentalism would find its ultimate starting point in the definition of what should be considered as an international

conflict. George and Stern³³⁰ suggest that with the end of the cold war this very definition has been transformed in so far as the major threat to international peace and security has changed. During the cold war states saw their ultimate interest (survival) endangered through the nuclear threat and sought to minimise the latter through security regimes. In the 1990's however the major players were confronted with a new threat in form of intra-state violence destabilising their periphery that exceeded the explanatory power of conventional realist wisdom on threat management.

Security regimes for mediation and intervention evolved developing new mechanism of international conflict resolution that differed significantly from the traditional means of cold war diplomacy.

The changed mandate of Peace-keeping Operations (that included post 1990 beside the traditional separation of parties and guarantee of border-lines also assistance to refugees, humanitarian aid and the building of infrastructure) is only one indicator of how the meaning of threat and its management has changed internationally.

Although power politics did and does still matter there has been unquestionably a trend from an unilateral use of threat and force to a broader consensus based multilateral action (e.g. Kosovo, Iraq -)

³³⁰ National Research Council: International Conflict Resolution after the Cold War, Washington 2001, p. 2.

With the notable exception of Bosnia, Chechnya and Tajikistan there have been less major unilateral interventions. On the other hand, over the last decades, states have more and more taken advantage of conflict prevention and resolution mechanism provided by regional International Organisations like the OSCE. Their catalogue of alternative means of conflict resolution includes, besides structural (democratic) conflict prevention in terms of electoral system design and legal expertise, community building & governance initiatives and conflict resolution training. In this context, a quasi-transcendental approach to conflict resolution contributes to a vivid ongoing discussion on how to train who. It also provides new insights into possible prerequisites of good governance, institution- and community building. Consequently it has indeed international relevance.

b) Fair enough, the fictional realist would reply, but how does justice, truth and authenticity fit into the international system, which is presumably a norm-free zone?

Obviously regimes like the OSCE that openly promote democratic governance and the implementation of human rights introduce a fair share of norms and principles into the international "power" equation. Already from the mid-seventies onwards other treaty bodies like the Helsinki Act or later the

Vienna Declaration on Human Rights were strong indicators that justice did and still does matter internationally.

Last but not least the creation of the war crime tribunals and the ongoing discussion about the International Criminal Court shows international engagement in terms of Justice. Internationally like domestically truth is sought by UN- led fact-finding missions and investigations, and besides accountability also the importance of authenticity is stressed (e.g. Milosovic, Pinochet).

This is however not to say that traditional means of diplomacy have lost their meaning internationally. Peace-initiatives (like e.g. Dayton) by big global players provide initial starting point for further discussions. The UN Security Council and good offices of the UN Secretary General Chapter as fact-finder, mediator and conciliator are still important means within international conflict resolution. Chapter 6,7 and 8 of the UN Charter of course still apply. But even within this context, in the application of "peaceful means" of conflict settlement like negotiations and mediation a critical approach to conflict resolution -outlined in Chapter 2 &3- can be still of use, changing a zero-sum scenario into a discourse on perceptions and national interests, engaging other mid- /high level actors than states like NGOs, church-leaders or other prominent figures of civil societies.

Consequently, even in terms of threat management (neo)realism seems outdated. Qualitative changes in the nature of international conflict after the end of the cold war have led to a significant redefinition of international institutional approaches to conflict and threat management.

Most models stress now the importance of intra-societal causes for international conflict. In this context a quasi-transcendental approach hopes to contribute to the on-going discussion through its discourse- theoretical analysis of the normative prerequisites for peace.

c) A quasi-transcendental approach seeks to re-open a debate on the definition of power and violence and the power of reason in conflict resolution. It rejects the quick fixes of (neo)-realism and draws a far complex picture about what lies beneath existing and future conflicts and which resources could be used to resolve them. A quasi-transcendental approach gains its explicative power through cultural and its contextual analysis of violence and its non- state-centric conception of agency in International Relations. Both aspects put it in a far better position to explain new forms of international conflict - like for example the terrorist attack on the United States of September, 11th, 2001- than (neo)realism.

6.2 -FOUR OBJECTIONS FROM A POST-MODERN & POST-STRUCTURAL POINT OF VIEW

"For the theorist to assume that **claims are beyond dispute** is to fall prey to the fallacy of speaking in the capacity of the master of **truth** and **justice**." (Foucault 1980b)

Within the heterogeneous discourse of post-modern and post-structural thought there are at least four points of critique imaginable that would all -in one way or the other- result from the particular post-modern/ post-structural textual and genealogical strategies and the corresponding examination of the central ontological presuppositions of a quasi-transcendental discourse.

A postmodernist/poststructuralist would argue that a quasi-transcendental model is biased insofar

- a)as it takes an 'autonomous/ sovereign 'model of man' as its starting-point, that is constitutive for all modern traditions in the theoretical IR discourse, including realism. (Ashley ³³¹). Consequently, quasi-

³³¹ Waltz explicitly dismisses Kant 's idea of a sovereign subject and concludes in "Man, State and War that because man and state can not surpass the objective constraints of the international system , only the anarchical structure can be an object of inquiry in IR Theory. However, Ashley refutes this argument by investigating how within Waltz 's work the (idealist) "narrative of sovereign man" is changed into another realist narrative of sovereign states within an anarchical

transcendentalism would fail to transcend the limitations inherent to western theoretical discourse.

- b) ...as it introduces with the criteria of rationality/irrationality an exclusive modern dichotomy (Derrida³³² /Lyotard³³³) that potentially always suppresses other context specific peace-constitutive meanings and herewith other forms of political life and agency.

A postmodernist would further...

- c) ...criticise other implicit universalistic assumptions within a critical approach and its claims to truth, justice and authenticity by referring to the particularity of historical experience, language games and normative perceptions
- d) ...and contest the key structural function of discursive ideas of truth, justice and authenticity for peace.

system, that still silently presupposes the necessity of an orderer- that is man either in the disguise of a neorealist scientist or the sovereign state. Richard Ashley: *Living on Border Lines: Man, Post-structuralism, and War*, in: James Der Derian /Michael Shapiro: *International/Inter-textual Relations, Post-modern Readings of World Politics*, Lexington 1989, p. 265.

³³² J. Derrida: *Randgänge der Philosophie*, Frankfurt 1976. According to Derrida every definition is always an act of injustice in as much as it presupposes a reduction of another meaning to a mere antithesis (corresponding antonym). The assumption of sovereign entities for example implies through its normative and interest structured inside the existence of anarchy that is to say an a-moral outside.

³³³ J Lyotard: *Das postmoderne Wissen*, Frankfurt 1981.

Post-modernist / Poststructuralist raise in their methodology critique important epistemological and ontological issues that quasi-transcendentalism has to account for if it does not want to be mistaken as yet another suspect modern narrative of human progress. Hence, a discourse theoretical approach to conflict resolution can not limit itself to an analysis of a particular social discourse of violence. It has to scrutinise its own theoretical framework as a discourse of potential conceptual violence.

From a postmodernist/ poststructuralist point of view especially Habermas' and Freire's assumptions about cognitive development and the relation of communicative competence and literacy to rationality are highly suspect since they imply an evolutionary theory that seems to put a western educated man in a historical pool position whereas other less abstract, non-scientific modes of thought, communication and culture (such as oral traditions) are supposedly categorised as inferior.

Despite contrary empirical findings, Postmodernists and Post-structuralists would still argue that this logocentric perspective on the past and culture systematically impedes any real reflection on the ground of other "supposedly contradictory" historical knowledge and human experience.

As long as the idea of a 'sovereign' reasoning actor³³⁴ is present in the discourse of imagination of the trainer and is being sold as the only right answer to the trainees any meaning or explanation of conflict outside this discourse, that could be relevant to its resolution, will be perceived as counter-productive and irrational. In addition, and even more devastating for quasi-transcendentalism, a postmodernist/post-structuralist would hold that the persuasiveness of the idea that truth, justice and authenticity are constitutive for peace would derive from the fact that it recapitulates a dichotomised logic (of rationality/ irrationality) that is inherent in all modern, universalistic thought. Consequently, quasi-transcendental conflict resolution would find evidence for its assumptions all over the place only because its unquestioned discursive categories that direct inevitably the attention to aspects that are constitutive for modern political life and don't reflect the realities on the ground.

The postmodernist/ poststructuralist deconstruction of an allegedly "foundationalist" quasi-transcendental textual regime would conclude with the well-meant advice to leave

³³⁴ " The classical liberal 's "possessive individual man, the welfare liberal 's "man with basic needs", the Marxist 's "labouring man in this sociality", the romantic ecologist 's "man in harmony with nature, the Christian humanist "man of brotherhood", the Freudian "man of basic drives, Habermas 's communicatively competent man", the contemporary pragmatist's "man of ungrounded hope in the possibility of human community"- there are in principle as many possible interpretations of the sovereign man as there are possible historical limitations that might be erected as absolute foundations of free and rational human being." Richard K. Ashley: Living on Borderlines, in: James Der Derian/Michael Shapiro: International/ Inter-textual Relations, Lexington 1989, p.265.

thought on conflict entirely in the textual dimension of its discursive, cultural space and time.

Does this really mean that all the talk about the meaning of culture and context specific claims to truth, justice and authenticity in quasi-transcendental conflict resolution is just window-dressing for a theory advocating a brute dictatorship of western reason?

Postmodernist/ Poststructuralist have a point insofar as quasi-transcendentalism faces initially very much the same hermeneutic problems with regard to knowledge transfer like any other critical theory. On the one hand it seeks to enter and change the practical consciousness of the individuals involved in a conflict through very similar means like "modern" critical pedagogy, on the other it claims to operate mainly in terms of contextual meaning structures.

Obviously, a critical theory can be never value neutral, since it requires standards for its critique. And clearly there is no guarantee that a trainer will be able to master the hermeneutic gap while seeking to establish an initial discussion between the parties or encourage the application cognitive competences, which might express themselves in opaque, seemingly irrational forms. Hence, the relationship

between expert and local knowledge is as problematic as the relationship of the expert and the participants itself.³³⁵

On the other hand can post-modernism/ post-structuralism solve this problem or is it not inherent to all theory and practice to advocate some normative standards and disregard others?

In the end are the limitations of a western theoretical discourse not also the short-coming of post-modern/ post-structural theory and should this really prevent us from theorising and educating about peace at all? Without going into too much detail, it should be pretty clear - at least since Karl-Otto Apel 's famous reply to postmodernism - that post-modern / post-structural thought is based on a performative contradiction insofar as it implicitly still advocates some *universalistic* principles like tolerance for difference it can not account for.

This circumstance has led some recent postmodernist like David Campbell³³⁶ to give up on ethical relativism and to argue instead for an ethic of responsibility. In "Politics without Principle" Campbell introduces with the philosophy of Levinas a possibility to rethink modern ethics into the post-modern

³³⁵ Lederach's advice to go in and out as quickly and stay out of the main dialogue between parties as much as possible has certainly its reasons. It should be also kept in mind that a trainer does not have to necessarily understand everything. Ultimately his/ her aim is to get the parties talking .

³³⁶ David Campbell: Politics without Principles, Boulder 1993.

discourse that presents an interesting challenge for a quasi-transcendental approach to conflict resolution.

Put simply Levinas introduces a notion of a heteronym subject by reversing the hierarchy of ontology and ethics that has been established by Kant (and among many others developed by Habermas). Instead of starting with a reasoning individual that creates his/ her relationship to a community of equals, Levinas begins with "the other" by assuming that the ethical subject is constituted by its obligations and its responsibility for others. Via this reversal Levinas indicates a possible exit of the logo-centric, exclusive modern discourse, and the possibility of an inclusive ethical theory as practice, that does not define itself by referring to an abstract universal truth and is always given.

His thought draws attention to possible future political identities that would define themselves no longer in relation to the other as a threat but in terms of a heteronym responsibility that acknowledges ethical engagement and interdependence.³³⁷

One crucial point Campbell makes in this context in his analysis of the Gulf war is that the US has been always ethical situated in relation to Iraq because of its antecedent behaviour. Campbell claims that if the US would not have felt to be "autonomously free"/"sovereign" to enforce its **discourse**

³³⁷ Ibidem p. 93.

of moral certitude -based on the principle of territoriality- and would have acknowledged its engagement before, the Iraq crisis might have been prevented by the use of diplomatic means such as negotiation.

Campbell does not explore further which sort of negotiation should have been applied. But from a post-modern position it seem rather clear that the choice would probably not fall on traditional realist diplomacy. Could a quasi-transcendental approach to conflict resolution fill this gap? Before we can answer this question we have to ensure the compatibility of ethical assumptions advocated by both models.

Campbell seeks to deconstruct the **subjectivist** modern "meaning imposing" ethical discourse of certainty by an inclusive ethics of responsibility that expresses itself in the **inter-subjective** respect and responsibility for the other. Following Habermas critique of Kant's subjectivist conception of ethics quasi-transcendentalism seek to establish a mutual **inter-subjective** understanding based on the respect of other ethical claims and the responsibility toward the other to account for one's ethical arguments. Where do both approaches differ? Quasi-transcendentalism starts obviously with a reasoning individual that creates his/ her relationship to communities of equals on the grounds of his/her particular life-worldly moral discourse of certainty. Campbell

would consequently argue that the latter would exclude an ethics of responsibility.

However, put into practice, how should Campbell's model of heteronymity operate? Unless an individual is consciously aware of the ethical existence of the other he/ she won't be able to act ethically. He / She will have to undergo a process of moral learning. This learning about the other will be ultimately mediated by the process of language learning/ perspective taking in a particular life-world, like Mead's impressive account of the acquisition of the concept of Other has shown. Unless one's thought lacks reflexivity the other will be excluded.

As seen above, quasi-transcendental conflict transformation is all about the promotion of reflexivity and mutual perspective-taking. Although Campbell's idea of responsibility is in theory more far-reaching than the conception a critical model can offer, both concepts concur very much when it come to defining what this would mean in praxis. As seen above Campbell advocates the development of inclusive political identities that would define themselves no longer in relation to the other as a threat but in terms of ethical engagement and interdependence.

Following Linklater, a critical-theory based, quasi-transcendental approach to conflict resolution seeks to promote the very same inclusive forms of identification to

bridge ideological divides in a post-conflictual political community and create some common ground for post-conflict forms of social and political life. Hence, in the light of the current options available, quasi-transcendental conflict transformation is as close as it can get to a post-modern management of conflict.

Moreover, and quite ironical, Levinas' "universalist" ethics of responsibility provides quasi-transcendentalism, that ultimately has to cope with a multitude of ideas on truth, justice and authenticity, with an additional normative reference-point which could be indeed used to consolidate its project.

The concept of the contextual other is very similar in its normative claim and intention to the transformative idea of reflexivity and the ideal speech situation that were discussed in the previous chapters. Indeed, one might argue that Levinas' contextual vision might describe the ideal-speech situation maybe better than Habermas does.

(* Incommensurability of language games) Which leaves Wittgenstein's idea of an incommensurability of language games. Wittgenstein understands language, in analogy to a game, as rule based practice. Like the playing of a game, the ability of speech reflects a knowledge about the meaning of words (figures in a game) and the rules for their application.³³⁸

³³⁸ Ludwig Wittgenstein: *Philosophische Untersuchungen*, Frankfurt 1977, p 17& 33.

Put differently, language solely exist through its application in a particular rule-based context . Hence, it does not provide one final interpretation of 'objective' facts. Through its rules it creates a reality,that could be always different. Like Habermas, Wittgenstein sees every form of human action embedded in these (historical) contexts of meaning, which is why he does not differentiate between the term life-form and language game.³³⁹ (As a result, it seems permissible to equate and compare Wittgenstein's notion of a language game with Habermas' concept of a life-world) However, unlike Habermas, he assumes that as a result of different objectives and rules every context produces a magnitude of diverging meaning that remains unintelligible for anybody who does not play by the same rules. Hence, he believes in an incommensurability of language games and a multitude of parallel (equally valid) discourses. According to Wittgenstein, a language game can be only assessed and studied (after an extensive cultural socialisation processes) in terms of its own rules and logic to delineate the thinkable from the unthinkable and define with the inexpressible the expressible.³⁴⁰ In other words, Wittgenstein assumes an incommensurability, but also sees an option to overcome it through references to shared human experience and a common logic of speech.

Wittgenstein's ideas were further developed by other

³³⁹ *ibidem*, p. 20.

³⁴⁰ *ibidem*, p. 47.

postmodernist thinker like Derrida³⁴¹, Lyotard³⁴² and Foucault³⁴³, who all stress the necessity to be aware of subjugated and suppressed meaning structures and their dialogic exclusion in mainstream discourses. However, unlike Wittgenstein, authors like Lyotard suggests to leave the logical realm for good, focus on paralogical (irrational) elements of discourses and promote an ongoing dissensus (disagreement) , to ensure that paralogies (the unsaid) are expressed and identified. Lyotard assumes that every speech act/validity claim /consensus (social convention) is an expression of violence in so far as it suppresses other forms of meaning .³⁴⁴ He further seeks to defend a more rigid position with regard to a complete incommensurability of discourses, doubts the universality of the perspective system within language and considers the practice of a defending of validity claims as a particularity of a western discourse on truth that does not apply for e.g. moral discourses, where the authority of a speaker can be always taken for granted. He further seeks to illustrate this by the example of the Cashinhua.³⁴⁵ He argues that this language game is characterized by a narrative pragmatics that solely reflects the social standing, authority and knowledge of a speaker within a society and does not

³⁴¹ Jacques Derrida: *On Cosmopolitanism and Forgiveness*, New York 1997

³⁴² J-F. Lyotard: *Das postmoderne Wissen*, Wien 1993.

³⁴³ Michel Foucault: *The Order of Things*, London 1974.

³⁴⁴ J-F. Lyotard: *Das postmoderne Wissen*, Wien 1993, p.13f.

³⁴⁵ J-F. Lyotard: *Der Widerstreit* , Muenchen 1989, p. 254.

include a discussion of the content of speech acts, however forgets to mention that his example focuses solely on a particular ritual practice of the Cashinhua, not on every day speech practice. (Similar examples of seemingly unquestioned textual authority can be also found in a western or Islamic context (etc. reciting of holy texts, performing of a christening etc. compare also Austin). However, even within a ritual , communication depends on the competent usage of language (application of rules). It is most likely that regardless of the authority one speaker would have within a society, any alteration of a holy practice (and with it the validity claims of the discourse) would automatically prompt objections. The recipients would try to hold the speaker accountable with reference to the established rules of the discourse, who would then have to justify himself within the context of a particular life-world.)

Lyotard further challenges Habermas' ideal-typical assumption of an unconfined discourse. He questions the grand narrative that informs Habermas thought (the emancipation of man-kind), which according to him (like any other narrative) unrightfully suppresses alternative meaning and paralogies.³⁴⁶ As a result, he gives up on the project of modernity and with it the idea of a reasoning subject and communicative reason. So far, so good. Lyotard' line of

³⁴⁶ J-F. Lyotard: Das postmoderne Wissen, Wien 1993, p.14.

argument is based on the following assumptions: In his theory of dissensus, there are no subjects left who are utilising language. Different kind of discourses suggest particular semantic connections by themselves.³⁴⁷ Hence, there is no reconciling everyday usage of language or a life-world. Lyotard cannot answer the question where these kinds of discourses originate from, but measured by his own standards he does not have to do that since any such activity would again entail an act of violence.

While post-modernists raise many important points with regard to conceptual violence that a standard critical theory based approach simply overlooks (e.g. the question who has been silenced by whom for what reason), its line of argumentation does have serious flaws, the biggest being what Apel has called performative contradiction (compare above). If everything goes, how do we know what violence is and why do we feel the need to remedy it? Not many post-modernists can answer this question (with the notable exception of Levinas and Campbell- compare above) While Lyotard's line of argument seems at times compelling he overemphasises discontinuities and underestimates the need for intelligibility within a society. Lyotard's analysis contradicts one core insight that was put forward by Wittgenstein that is that no utterance can be understood

³⁴⁷ *ibidem*, p.52.

outside the logical context of its application (rules of a language game/life-world). Communication is not as arbitrary as Lyotard believes. Complex societies could never ensure the necessary degree of cooperation if this would be indeed the case. While the creation of new idioms (expressing the unsaid) is not only possible but also desirable, their establishment requires a creative argumentation of a subject (Wittgenstein: critical application of rules and principles) who is able to leave the realm of his/her language game (drawing on common human experiences and alternative logical patterns of reasoning in other forms of thought) to understand the logic (rules and principles) of the paralogical and call for its recognition (which implies the raising and the defending of validity claims). Moreover, if it was indeed the case that all language games are incommensurable it remains unclear how could Lyotard understand and discover paralogies outside his own western reference frame.

A similar point is made by Rorty who argues that while there might be cultural concepts (e.g. theories or poems) that can not be easily translated from one language game into an other, this not mean that there could be a language game whose method we could not eventually grasp through a study of its grammar and life-worldly similarities.³⁴⁸ Put differently, it is likely that there will be temporary or partial

³⁴⁸ Richard Rorty: Habermas and Lyotard on Post-modernity, in *Praxis International*, Vol. 4, No. 1, 1984, 32ff.

incommensurabilities ,which however can be always (at least to a degree) mediated through an identification of structural parallels between language games (Wittgenstein).

Lyotard's critique of Habermas, that seeks to establish that every communicative consensus specifies an act of violence within one particular narrative and hence needs to be substituted by an on-going dissensus exploring paralogical dimensions, is flawed insofar as it genuinely misunderstands Habermas' project. Habermas' work might be embedded in a particular paradigm (the grand narrative of modernity), but so is Lyotard's work. Lyotard is unable to give up on the idea of reason as long as he is still seeking to defend the communicative rights of the other (paralogical suppressed meaning structures). Habermas is not promoting an absolute consensus. Within the framework of his theory, the legitimacy of a localised consensus is derived from the fact that it has been questioned before and can be always put into question again. This also includes (in processes of post-conventional/formal-pragmatic reasoning) the content of principles within a language-game. Habermas fulfils with the identification of formal logical similarities (his universal-pragmatics) in a way Wittgenstein legacy.

That is not to say, that Habermas work does not entail some questionable premises . Wellmer rightly stresses that certain evolutionary assumptions within Habermas' work prevent him

from developing the idea of a plurality of cultural life-words and with it the idea of plural (equally valid and principle-based) claims of truth, justice and authenticity further. This omission might also result from Habermas' own attempt to identify and combat communicative violence (in the form of systemic violence and the de-colonisation of the life world)that clearly is focussed on the analysis of a particular modern scenario. However, as Wellmer³⁴⁹ and Welsch³⁵⁰ have pointed out before, this does not mean that his formal-pragmatic assumptions could be not be further developed in a cross-cultural context. Instead of repeating western solutions, it would be highly desirable study the plurality of ideas regarding truth, justice and authenticity to transcend the present status quo and learn from others- (which is why a quasi-transcendental critical-theory is stressing the need to in-cooperate different life-worldly perspectives at national and local levels to improve peace-building practices promoting peace, justice and authenticity at higher levels). As Wellmer has noted, a discourse on plural forms of truth and justice is possible. However, its success necessarily depends on the degree in which language games are tolerant and accept each other as (equally valid) rule based form of reasoning and alternative forms of cultural consensus, and are **open** for revision to allow for a 'self- transcending' of reason

³⁴⁹Albrecht Wellmer: Zur Dialektik von Moderne und Postmoderne, Frankfurt 1993.

³⁵⁰ Wolfgang Welsch: Unsere postmoderne Moderne, Weinheim 1988.

(Selbstüberschreitung der Vernunft). (This revision echoes also many of Lyotard's concerns, insofar as an encounter with different language games will most likely also include a discussion of many paralogies , which might however make perfectly sense in an other rule-based system) Put differently, Wellmer applies Habermas criteria of openness and closeness in the context of language games. He reformulates Habermas' idea of an unconfined discourse , by stressing the simultaneous right of all cultures to play language games and attribute meaning and hence provides a wider conception of discursive inclusion/justice.³⁵¹ (These assumptions are reflected in a quasi-transcendental, critical theory based model to conflict transformation)

Moreover, as W. Welsch³⁵² has pointed out, the fact that different language games highlight different aspects of truth, justice and authenticity does not necessarily mean that the contents of these notions are incompatible. There is for example the possibility that cultural view-points are like spotlights that illuminate bits and pieces but that they never reveal the whole picture of truth and justice that is under constant revision and reflects a constantly changing human experience.

In conclusion it can be said that, a quasi-transcendental,

³⁵¹ Albrecht Wellmer: *Zur Dialektik von Moderne und Postmoderne*, Frankfurt 1993.

³⁵² Wolfgang Welsch: *Unsere postmoderne Moderne*, Weinheim 1988.

critical-theory based model of conflict transformation is aware of and seeks to in-cooperate the post-modern challenge. Like Lyotard and Habermas it aims to combat and remedy communicative violence but also seeks to promote plurality.

6.3 -TWO OBJECTIONS FROM A (NEO-)MARXIST POINT OF VIEW

From a marxist point of view a quasi-transcendental approach to conflict resolution would be flawed insofar as it fails to examine the main causes of conflict- that are conflicting material interests.³⁵³

Neo- marxist (e.g. Dependencia theorists) would argue that the only truth -that really matters- lies in the exploitation of particular classes or nations at the periphery through the current economic system. Justice would equal in this context material equality, e.g. fair prices for natural resources including labour and structural change.

From a (neo) marxist point of view authenticity would be irrelevant insofar as actors would be assumed to act according to strategic interests and not according to the principles of communicative action. However, authenticity would of course

³⁵³R. Cox : Social Forces, States and World Orders, in: R. Keohane: Neo-realism and its critics, NY 1986., J. Galtung: A Structural Theory of Imperialism, Journal of Peace research, 8 (1), Gerhard Hauck: Einführung in die Ideologiekritik, Hamburg 1992.

still matter, since an actor would be considered as authentic in her/his expressions insofar as he/she would have overcome her/his false consciousness resulting from her/his material circumstances. In any case, every form of communication between different interests group with mutual exclusive agendas would be regarded as suspicious insofar as (neo)-marxists (-not unlike post-modernists-) would assume that appeals to truth and justice (unless they are their own) would be only made for the purpose of ideological manipulation.

Identity structures would be only considered as undistorted/ not manipulated under the condition that classes / structural inequality within and between nations would ultimately disappear.

A (neo) marxist critique raises an important point for a quasi-transcendental approach insofar as it stresses the importance of conflicting material interests and possible ideological bias. It is undeniable that the advocated life-worldly approach to conflict resolution concentrates itself on the content of ideological superstructures and neglects unjust and hence potential conflictual forms of production and resource distribution.

It is of course irrefutable that material factors do matter. In 1994 in Rwanda scarcity of means of production- in this particular case land- was one major factor contributing to the genocide. Another example in this context is Israel 's water

policy towards the Palestinians. While Israeli officials have decided to maintain large golf courses over the dry season for decades, Palestinians hardly have had enough water to survive- a circumstance that probably contributed to the timing and number of protests in the region.

While large co-operations profit from low prices for basic goods, farmers in the third world face starvation. Is that just? Hardly. Is there anything a quasi-transcendental approach can do about it? Hardly. So why is it still relevant? Moreover, current regimes on truth and justice (e.g. human rights) do serve the interest of the big global players insofar as they legitimate the current political and (more importantly) economical order and the wider process of globalisation. How can these ideas still claim moral authority?

A response to this critique would go as follows. A quasi-transcendental approach does not seek to provide a 'material' content analysis of conflict or of what should be considered as true, just or authentic. It should be seen as a discourse-theoretical attempt to specify the formal prerequisites of peace. In other words it is looking at formal procedural preconditions of successful communication and intersubjective learning processes that can ultimately transcend conflict.

Hence, a quasi-transcendental approach is not contesting a (neo)marxist definition of truth, justice and possibly

authenticity. It respects it as one among many voices in an on-going discourse. Indeed, by taking Habermas and his 'Reconstruction of Historical Materialism' as its starting point it acknowledges the profound contribution of (neo)marxism to the wider field of ideology critique. Unequal/ unjust modes of production and resource distribution can be seen undoubtedly as causes of conflict.

However, for various reasons the neo-marxist ideology critique does not reach far enough. Conflict does not only equal the structural violation of economic interests that is comparatively easy to detect and discuss. The denial of means of survival is something that can be understood universally independent from a particular cultural context. The detection and healing of symbolic violence however requires an ideology critical discussion of different life-worldly levels of analysis that are not accessible from a neo-marxist point of view.

Consequently, from a neo-marxist perspective a quasi-transcendental approach should be seen as a necessary, complementary process that facilitates agreements on material interest through a quasi-therapeutic dialogical rewrite of mutual exclusive perception structures. Hereby it also incorporates and accommodates a broader spectrum of interest (like e.g. considerations raised by neo-marxist feminist).

4.4 -ONE OBJECTION FROM A PRACTITIONERS STRUCTURAL- FUNCTIONAL POINT OF VIEW- DISCURSIVE VERSUS FUNCTIONAL PEACE- BUILDING-

Finally, one last objection could be raised against a critical-theory-based approach from a practitioner's point of view:

- What is the praxelological value of a critical theory based approach to conflict transformation? In which way does it differ from current models and how would it contribute to a reform of peace-building practices e.g. of the United Nations.?

This question takes us back to the problem-solving and critical theory theme that was introduced in Chapter 1, 2 and 3. So far it has been noted that a critical theory based approach is different from current models insofar as it points at the necessity of a perceptual recovery of a society. The following section will explain this distinction further.

Following Habermas, this thesis argues that discourses of violence are divided in a propositional dimension of truth

(that manifests itself in an understanding of science/history), an illocutionary dimension of justice (that find its expression in politics/law) and an intentional dimension of authenticity (that is a result of cultural socialisation and can be promoted through art/education). A further distinction between a system and a life-world was made in a previous section. Habermas embeds the above mentioned dimensions in a wider social theoretical context in his theory of communicative action. In this context, Habermas' discussion of Talcott Parsons³⁵⁴ system theory is pivotal insofar as it links his language philosophy with social theory. Parsons' work provides an interesting perspective on how a typology of discourses on violence could be further developed in the context of transformative peace-building.

Put simply, Parsons argues that all social systems have to fulfil core functions of adaptation, goal attainment, integration and latent pattern maintenance to ensure their survival . These functions are fulfilled in economic, political, social and cultural sub-systems that correspond to the scientific, social-political, economic* and cultural dimensions of a life-world in Habermas model.

³⁵⁴ Talcott Parsons: The Structure of Social Action, New York 1949.

Figure 3.3. -Talcott Parsons's AGIL Scheme-

According to Parson's AGIL scheme social systems reproduce themselves through the fulfilment of four core tasks

- **Adaptation:** This task is derived from the necessity of a system to acquire/reproduce adequate material resources. This function is fulfilled by the economic subsystem of a social system.
- **Goal Attainment:** This task corresponds to the necessity of goal setting and implementation. This function is fulfilled by the political sub-system .
- **Integration:** This task highlights the necessity to maintain solidarity and coordination among the subunits of the system. This function is fulfilled in all (economic, political, cultural) sub-systems and (cultural, personal, behavioural) action systems by the social and legal system.
- **Latency:** This task stresses the necessity to create, uphold and transmit the system's particular cultural norms and values. This educative function is fulfilled by the cultural subsystem

Each of these sub-system operates either in terms of directive (systemic) or communicative media :

- (a) **money** in the economic domain
- (b) **votes** in the political domain
- (c) **normative influence/legitimacy** in the social domain
- (d) **value commitment** in the cultural domain.

This distinction between systemic and life-worldly resources is crucial for Habermas' critique of Parsons. Habermas argues that Parsons' model (like any other functional approach including Burton) can not explain normative change and regression. It can not account for the fact that present communicative integration processes are more and more disrupted by systemic forces.³⁵⁵ As a consequence, it supports complacency while meanwhile, directive media (money/votes) silently undermine and replace communicative media and shared understandings (on Truth, Justice and Authenticity) and colonialize life-worlds (compare also above). Habermas speaks in this context of a 'legitimation crisis' that is common to all modern societies and that adds another systemic dimension to a typology of discursive violence.³⁵⁶ Systemic priorities (money/power) alienate actors from their cultural and normative values and turn them into agents of

³⁵⁵ Jürgen Habermas: *Theorie des kommunikativen Handelns*, Frankfurt 1981.

³⁵⁶ *ibidem*.

the system. Actors become either clients of the welfare state, and global consumers with misconceived needs, or disillusioned anarchist who might turn against the system but without any normative reference point (Think of anarchic opposition or violent protests at World Summits or Attac). In the long run, the growing normative anomy also threatens the survival of the system insofar as the latter loses its normative foundations and hence its integrative powers. The system has to compensate for this through an increased systemic and administrative effort in which it tries to appease its citizen through further concessions of a welfare state. This required a renewed intervention into the life-world (and on the periphery if one thinks for example of the on-going changes in immigration and asylum policies). As a result the public sphere - that is for Habermas the mechanism through which agents of the life-world can engage in discursive will formation, that is to say can give expression to their real needs and influence policies- is again reduced and fragmented. Like this, the faith in the normative foundations of the system (e.g. human rights) and hence its legitimacy is eroded. Culturally shared feelings of a common purpose and shared visions (e.g. UN) that have safeguarded processes of social and cultural integration are lost. This process results ultimately either in moral anomy and blind consumerism or extreme conservatism and violence. Current phenomena like terrorism and weak

states can be (among other things) explained through an inadequate integration of (local/national) social systems in the current world order. It can be argued that these counter-movements that challenge the merits of globalisation seek to assert and open lost public spheres that could legitimate and control the process. Habermas' argument suggests that a stable international order (based on successful integration processes) requires participation processes in all dimensions of the public sphere that is to say on local, national and international level. Hence, any international, regional, national or local system that is not based on shared normative understandings ultimately undermines itself and produces conflict.

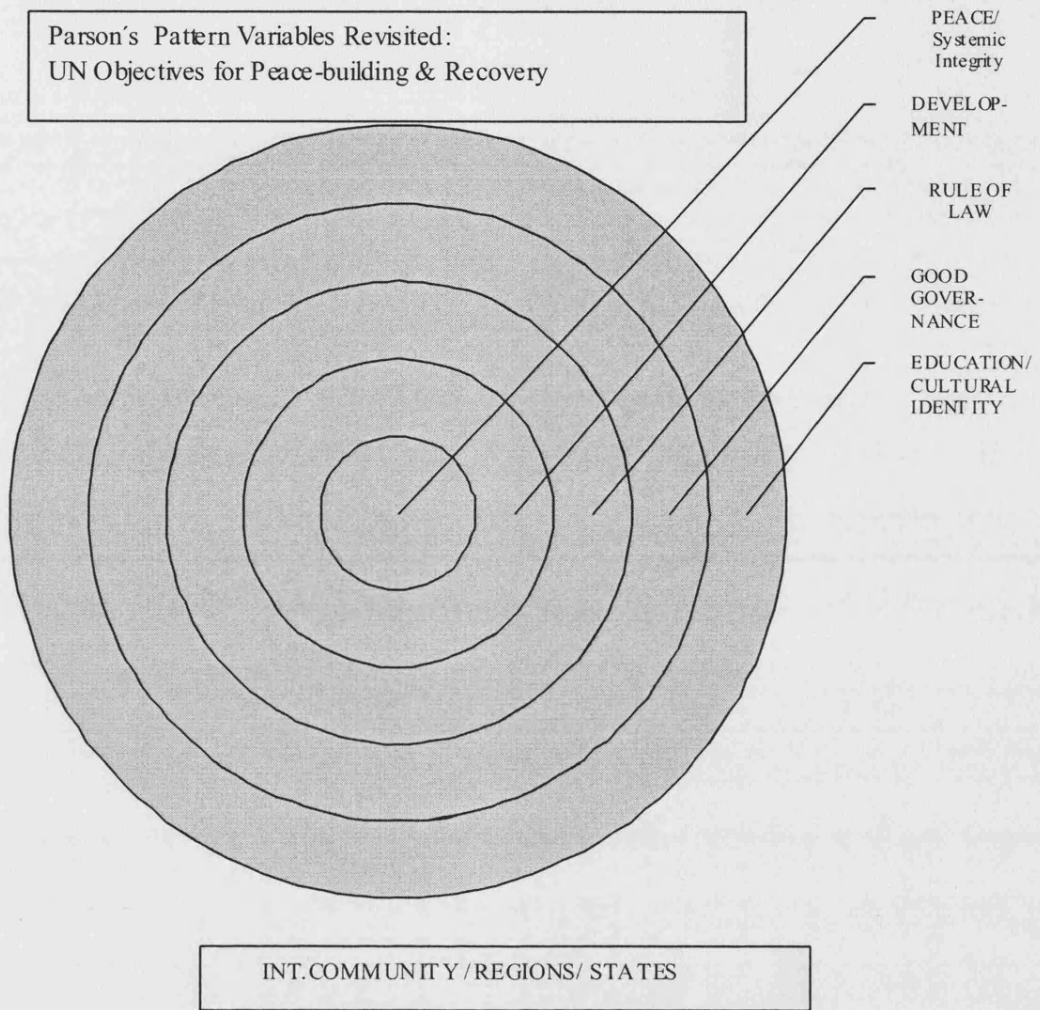
The praxeological value of a critical theory based model becomes evident if one realises that most UN programmes for action (that hope to promote a peaceful integration/inclusion of failed, rogue or post-conflict states in the world community) still follow Parson's interpretation of integration. They reiterate Parson's catalogue of functional necessities of an integrated system. The optimum systemic condition is in this instance a peaceful international order that reproduces itself through free markets and economic globalisation, democracy and access to western education. These international discourses are replicated in national and local social, political/juridical and economic systems, the education

system and last but not least in expert discourses on peace-building. A functional approach to peace-building is based on the meeting of structural needs for systemic survival. Objectives like the promotion of rule of law, good governance, sustainable development and (western) education are aimed at the reproduction and maintenance of economic, social, political and educational sub-systems. (See Figure 4.1)

However, although, these processes contribute to a functioning of a social system, it is debatable in how far they are locally accepted and contribute to a transformation of hostile perceptions within a society. They can safeguard structural stability and legitimise a systemic status quo but can not promote culturally authentic transformation.

In other words, current weaknesses in UN peace-building strategies (e.g. in terms of local ownership of the process, local empowerment, development of non-western models of democracy) can be attributed to conceptual short-comings of a functionalist agenda. Present strategies can facilitate order but they have difficulties to explain and promote genuine normative change.

Figure 3.7



They are aimed at the structural reproduction and maintenance of a systemic status quo (e.g. global economy/ western democracies) but not at a genuine recovery of a society.

A functional agenda has its corresponding indicators. Poverty is measured as an income under one dollar a day, economic success is determined by a state's share in the world market. Indicators for good governance like leadership and participation are quantified through elections, the number of votes and the quota of minority representatives. Even social and cultural progress is operationalized in numeric terms like number of people with internet access /literacy rates. Obviously, these indicators are focused on quantifiable outcomes that can legitimise 'result-orientated' processes. They are modelled in analogy to quantifiable media of the economic and political domain (money and votes) since normative variables like normative influence, legitimacy and value commitment (that would be crucial variables for local ownership and non-western types of governance) are difficult to operationalize, quantify and measure. They create their own scientific/instrumental realities that are used to legitimise systemic narratives while the knowledge of local actors and life-worldly resources are systematically impoverished.

A critical theory based approach to peace-building introduces a life-worldly, perceptual dimension into the field that is so far missing. It seeks to understand and transform distorted

discourses that are associated with economic, political, social and cultural spheres. It identifies communicative preconditions for individual and collective normative learning and institutional reform. In this context, a critical theory based approach can provide a unique normative/life-worldly perspective on interrelated questions of peace and development. Its explanatory value results from its conceptual ability to bridge the gap between the domestic and the international and its capacity to overcome the system / life-world divide. Ideas like empowerment, local ownership and participatory practice are all communicative terms that depend on the application of communicative reason. Following Habermas, a critical approach suggest the introduction of a life-worldly perspective to peace-building that respects cultural knowledge and diversity. It argues for structural reform through communicative and moral learning instead of simple adaptation. It seeks to highlight those unjust and unequal power structures that the term globalisation seeks to conceal and offers an ideology critique.

Current static models of peace-building leave no or not much room for normative adjustments. They can neither explain transformative change nor ideological distortions as such. Some theorists have suggested remedying this condition by understanding functional outcomes in their procedural context. However, this does not solve the initial problem

insofar as systemic processes assign structural functions to different actors that reproduce outcomes. This is why, the current peace-building discourse requires a life-worldly perspective.

4.5 COMPETING MORAL DISCOURSES AND PROTRACTED CONFLICT- PRACTICAL CHALLENGES FOR QUASI-TRANSCENDENTALISM

This thesis has conceptualised conflict so far as a very clear cut problem. It suggested that at one particular moment in time we are faced by one or more intra or inter-societal discourses of violence that are all - in normative and factual terms, in one way or the other distorted and in need of a categorical change. While, this is properly true for most conflicts, there will be, however, undoubtedly also cases of protracted conflict that can not be explained through causal linearity and ethical certainty. There will be inevitably situations in which conflicts are not exclusively defined through an interactive relationship between party A and B. For example, tensions between B and C might result from an unresolved trauma of B its relationship with A that is simply projected on C. In this scenario, it is possible that both sides have equal valid and competing moral or factual claims that

are **not** based on the relationship with each other and hence seem not open for discourse. If such a protracted conflict happens to occur on inter-ethnic or inter-religious lines, each party will find different international audiences to support their moral claims and the conflict will be internationalised and used to define the side-lines of ideological grand narratives. These cultural and political paradigms will exist in their own right and will not specify discourse of violence simply because they are advocating different norms and values. Nevertheless, their exclusive categories will ultimately reinforce divisions on the ground by alienating the conflicting parties even more from the original roots of the conflict.

One example for such a notorious grand narrative and its detrimental effects is Huntington's thesis of an imminent clash of civilisations between Islam and Western culture that harshly divides humanity and undermines any effort of global community-building. This narrative informs one of the most protracted conflicts of all- the Israeli-Palestinian Conflict. The latter fits the above described type of an interactively and discursively divided conflict. Both sides have competing but valid claims for a homeland that are based on completely different moral discourses that can ethically but not practically coexist. Centuries of collective persecution culminating in the Holocaust have not only led to the just creation of the state Israel. They also resulted in a collective

trauma that still haunts the Israeli society. This shock has lead to an increased need for security and the constant fear of a total exodus on the Israeli side that violates Palestinian rights to property, sovereignty and their right to a just solution of the conflict. Abbas of the Palestinian NGO Peace and Democracy served as negotiator in the Madrid Peace Process and various encounter projects at community level.³⁵⁷ According to him the greatest fear and obstacle in conflict resolution efforts so far was the Israeli fear that any agreement would not be final and lead only to new and stronger claims. His Israeli co-negotiators have confirmed this. In this context, Israel's President Sharon's policy of shattered earth can be seen as an attempt at weakening and containing the Palestinian position and possible claims to a minimum to ensure that "they" can never get back on Israel and force it to renegotiate. The Israeli fear is not unjustified insofar as many Palestinians feel that any agreement would ultimately be the first step to get back what is theirs and was unjustly taken by force from them. However, the Likkud policy of "illocutive containment" is short-sighted insofar as renewed injustice leads to only stronger moral claims that are not claims for power based on power but not containable claims based on ideas of a shared humanity.

³⁵⁷ Interview with Abbas Mehrin, UPMRC, Ramallah 14/01/03

Moral claims are highly emotional and motivational claims that need to be expressed and satisfied. A denial of discursive remedies leads either to a non-violent repression of feelings resulting in depression and chronic feeling of helplessness or in violent expressions of despair and fatalism. The deadly consequences of the latter psychological state are well-known. They are feared and misused for political propaganda on both sides. The current Israeli leadership is wrong to believe a solution with the lowest territorial costs for Israel will add to its inner security and protect it from its many enemies. Peace does not follow the rules of the market. It is not a low cost transaction and can be acquired at the best price. It requires transformation that depends on the willingness for sincere dialogue and mutual sacrifice. Shifting borders and violation of Palestinian property rights are major concerns, however these issues are consequences not causes of the conflict. They conceal what is feared most by the Israeli leadership – that are the symbolic costs of giving in – the admittance of weakness and the assumed resulting vulnerability of the state. The Israeli lack of courage for transformative leadership weighs much higher than any unresolved land issue. It reinforces a deep mistrust and insecurity within its electorate and by this – quite sadly – only expands further the voter base of the Likkud. There were many hopes that the current leadership would lead to a ‘ripeness of conflict’ that were all betrayed. This just

shows that the individual and collective costs of conflict are not sufficient criteria to explain the ending of a conflict and the willingness to negotiate, if the stronger party is haunted by irrational fears and collective trauma.

In recent times there have been various attempts to bring a solution of the Israeli Palestinian conflict into being through the application of communicative reason. So far these entire attempts were lead ad absurdum by re-newed political violence. As a consequence, the conflict became a favourite example for those realist and functionalist theorists who (like Burton) believe that norms are a too dangerous territory to be seen in. However, what is often forgotten in this context is that ideologically motivated terror is more than a simple violation of inner security of a country, the well-being of its citizen and their right to life. It is at the same time also a desperate symbolic response to a short-sighted realist policy that seeks to contain just normative claims and that is committed to a status quo that is not open to peaceful discussion. However, if both sides have indeed legitimate but contracting claims how could there be a discussion at all?

So far every attempt of interactive conflict resolution failed because both parties have had equally valid claims for a homeland. These claims were based on different incommensurable but nevertheless still valid moral discourses that could not be reconciled in praxis. At the same time, also

all problem-solving effort have been unsuccessful. Even though there was a shared need for peace, there were incommensurable needs for security for which no practicable solution could be found.

The problem-solving approach was doomed because it could not explain and address the differences in the allegedly universal need for security. The interactive model was unsuccessful because it was solely based on communicative reason and lacked a socio-structural meta-level that could explain why and how incommensurable claims to justice can co-exist.

Both approaches failed to acknowledge that the (re)solution of protracted normative conflict can not lie within the realm of one life-world but only within a new reference system that is based on authentic collective experiences in both. Although, this framework can not be built right away on firm grounds of truth, justice and authenticity, it can take shared collective experiences of injustice, denial of truth and lack of authenticity as common ground for communicating pain and acknowledging the pain of others. By taking collective trauma as a reference point for dialogue, both parties can re-learn the meaning of empathy. This technique reflects the psychoanalytical insight that only an actor who is in touch with his/her own pain and fears can also have empathy for others.

The reflexive self-knowledge and understanding of the other is enhanced by changing the formal to an informal agenda that is based on communicating fears and other repressed emotions. This psychological approach to conflict resolution would stress the private over the objective and give more importance to everyday experiences as mothers, fathers or children. Since every party will be familiar with this role-system, reflexive role -taking will be facilitated and the perspective of the other will be more comprehensible.

In the Israeli/Palestinian conflict it would be important to explain to Israelis and Palestinians the dynamics of the ongoing trauma and insecurity that haunts and weakens the allegedly "stronger" Israeli state and leads to renewed irrational action against the Palestinians. Both sides should find answers to the following questions: Why and how did the formerly oppressed become oppressors and how has the inevitable Palestinian response contributed to the spiral of violence?

It would be important to show that both sides have become victims of other colonial / racist and geopolitical discourses that have no real reference to their present relationship. Common experiences outside the present discourse e.g. as refugees should be stressed.

However, at the same time, it will be also important to work towards a shared understanding of the historical uniqueness

of the situation of the other that prohibits any simple equation of past and present violence. Drawings of the Star of David on the houses and streets in the Palestinian territories send very wrong and dangerous messages. There are symbols of a hate speech that perverts the just Palestinian cause and adds a new dimension to the already existing discourse of violence.

It is impossible to equate Israeli occupation with the Holocaust. It is impossible to deny the Holocaust. And it is impossible to refute that any denial is a cheap strategy within in larger normative warfare. Nevertheless, this narrative warfare is on-going and characterizes not only in Palestine but the whole region.

If a study on the perception of Israeli history and Holocaust would be undertaken in all Arab countries, the results would be not only alarming but downright shocking.³⁵⁸ The Palestinian conflict is a key component to a counter-narrative that plaques and destabilizes the whole region and adds further to the sense of insecurity of the Israeli people. Only solution of the conflict and a consequent deconstruction of its discourse could invalidate the regional discourse of violence, promote mutual trust and guarantee regional stability.

An empathic approach that seeks to foster understanding for the other is built on faith in the Israeli people, their empathy

³⁵⁸ An analysis and reform of school text-books and curricula in this regard would be strongly desirable, however probably not always effective in the light of the high illiteracy rates and the level of resentment.

and among all nations their leadership role in the advocacy for moral learning. It advocates a very simple message:

Security starts with justice for the other. Justice begins with empathy. Empathy requires self-knowledge. And, self-knowledge equals the knowing of all hidden trauma and fears.

This section examined the applicability of a critical theory based quasi-transcendental model to protracted conflicts. It discussed a protracted scenario in which both sides have equally valid and competing moral or factual claims which are **not** necessarily based on the relationship with each other and hence seem not open for discourse. It was argued that, despite the plurality of claims, the promotion of self-knowledge and discursive awareness are the only feasible strategies to create the common ground for mutual empathy and a shared sense of security.

CHAPTER V: - 'RWANDA' -
-PEACE-CONSTITUTIVE PRACTICES OF TRUTH,
JUSTICE AND AUTHENTICITY: 1998-2002 -

5.1 - CHAPTER OUTLINE AND PURPOSE OF THE
ILLUSTRATIVE EXAMPLE WITHIN THE CONTEXT OF
THE THESIS

The following chapter will further develop and illustrate some dialogic dimensions of a critical theory based model of peace-building, which was introduced in the previous chapter, through material that was gathered during six months of participatory research in Rwanda and Tanzania. The purpose of this Chapter in the overall context of the thesis is to illustrate the potential usefulness and explicative value of some dimensions of the proposed model. In this context, this thesis will ideal-typically reconstruct some communicative perspectives which might have been taken by observers/participants/ institutions during and after the genocide as a result of their assumed position within a particular institutional discourse or a discourse of violence. Given the cross cultural challenges ,let alone the challenge of introspection (subjective beliefs, unconscious assumptions of

victims, perpetrators etc.), any such exercise can only be ideal-typical and sketch only some potential aspects of the many institutional, interpersonal and intrapersonal realities. It obviously can not reproduce a particular speech situation at a particular time or produce an exact roadmap of the human or institutional mind during or after the genocide. However, in the context of highly abstract critical theory based model of conflict transformation -that is solely presented as a potential incentive for theoretical and practical discussion, and that will be **not** tested as such in light of the empirical material, which would be in any case not possible,- it makes sense to devote some significant space within the argument, to the question how its theoretical assumptions can be illustrated in practice. This does not mean that the model claims to explain all aspects of a discursive reality at one moment in time. It offers one potential explanation among many by offering a new approach that might be able to inform and supplement others.

The idea to organise the 'content' of the illustrative example in form of different communicative and discursive perspectives and processes mirrors Habermas' hypothesis regarding the preconditions for discourse, reflexive thought and communicative competence that was developed in Chapter 3 . This Chapter will seek to demonstrate how communicative perspectives and (cultural specific/institutional) discursive

assumptions might influence the understanding of a conflict situation. In other words, it develops Habermas' /Mead's insight that one precondition for peaceful/open discourse is that speakers are able not to only take their own perspective but also the perspective of other participants and a neutral observer perspective. However, in the light of plural cultural and institutional discourses, it will be argued that this presupposition needs to be modified through a multidimensional life-world (Lebenswelt) perspective. For example, it is likely that even in a relatively undistorted reference-frame (e.g. UN) particular paradigmatic assumptions will influence the choice of a perspective and hence the reflexivity of thought and any subsequent action taken. Chapter 5 will try to show that as a result of the institutional discourses at the time, no one of the participants was able to successfully take all (including most importantly local) perspectives, develop a comprehensive understanding of the situation and react promptly. In this context, the view of the UN Security Council will be used to sketch the shortcomings of a seemingly neutral international institutional observer perspective. Chapter 5 will further illustrate various other potential participant perspectives (e.g. the views of the Post 1994 Rwandan government, local victims and perpetrators) which will be developed in different sections.

The second function of the illustrative example within the text

is to examine potential propositional, illocutionary and expressive components of discourses of violence and their latent influence on human action and cognition on local, national and international levels. In this context, it explores the perceptual roots of conflict and those institutional and communicative processes which might be formal-pragmatically required (through human cognition/speech) to truly, justly and authentically rewrite discourse of violence. It further seek to illustrate one main hypothesis of a critical theory based approach to conflict transformation that is that the inter-connectedness that we intuitively feel about normative processes promoting truth, justice and authenticity is not arbitrary. It is suggested to us by our formal-pragmatic structure of speech that structures our cognition. Expressive, illocutionary and propositional components of speech (validity claims), so the hypothesis, are the origin of our needs for moral recognition and understanding. Their formulation and expression depends largely on the possibility of free and fair (undistorted) discourse. Discourses of violence are defined by unquestionable exclusive contents. They obstruct inclusive communicative processes and distort perceptions. Unless, these expressive, propositional and illocutionary distortions within speech are remedied, so the hypothesis, speakers are systematically prevented from being themselves or respond adequately to the needs/rights of others. Consequently, a

comprehensive approach to conflict transformation requires a communicative/life-worldly dimension.

The following sections will take a look at some existing communicative peace-building processes that are already promoting a conceptual and factual recovery of truth, justice and authenticity at national and community level, before the international contribution of the International Criminal Tribunal for Rwanda (UN-ICTR) will be discussed. Each chapter will be preceded by a separate discursive section that will ideal-typically reconstruct some potential illocutionary (normative), propositional (factual/intersubjective) and expressional (intentional) components of Rwanda's discourse of violence. The hope is that by this key aspects of a critical-theory based, formal-pragmatic terminology can be illustrated in practice. This chapter will further seek to demonstrate the importance of discursive procedures for peace-building (see reprint figure critical theory based 'quasi-transcendental' approach to conflict transformation and reprint of Dimensions of a Discourse of violence).

To recapitulate, overall this thesis hopes to:

- a) sketch some ideal-typical dimensions of Rwanda's **discourse of violence**. It will illustrate how initially distortions in truth (propositional, identity securing

knowledge) might have prompted plural distortions in justice and a decay of individual and collective moral consciousness.

- b) outline some dimensions of the **current educative and moral discourse** and dialogic efforts that are being made to reverse conceptual violence symbolically, communicatively and discursively.
- c) illustrate difficulties that can be expected to occur within **future discourses** and communication processes.

On the whole, it is important to stress that the following example should not be understood as an attempt to prove the validity of a critical-theory based model to conflict transformation or provide a comprehensive case-study of the Rwanda genocide . It simply illustrates some theoretical assumptions of a critical theory based model to conflict transformation –most notably the idea of a (in propositional, illocutionary and intentional dimension divided) discourse of violence and the need for corresponding **complementary and coherent** institutional/dialogical practices seeking to promote truth, justice and authenticity.

With regard to the contribution that a critical theory based approach could make to the literature on Rwanda, two of the

three idealtypical themes that Peter Uvin³⁵⁹ has identified will be taken up : The theme of elite manipulation and in particular the social-psychological theme of obedience and cultures of impunity.

In this context, a critical theory based approach provides two insights :

- It can illustrate some discursive (propositional, illocutionary and intentional) resources that were used by the elite for a manipulation of the masses and identify present perceptual obstacles for peace.
- It can highlight cognitive (communicative competence related) aspects that have been so far not discussed by socio-psychological approaches and (although this is not the main objective of this thesis) provide at least some ideas how communicative competencies might be restored and actors could be (formal-pragmatically) empowered to recognize own responsibility, question authority and acknowledge honest regret.

By this, it addresses two aspects within the literature on Rwanda that ,according to Peter Uvin, are in need of further development (compare Chapter 1) :

³⁵⁹ Peter Uvin: *Reading the Rwandan Genocide*, Oxford 2001, p. 79f.

- a) The bridging of the gap between descriptive analysis and meta-theory (through the development of a theoretical model and the discussion of an illustrative example)
- b) The examination of some current institutional challenges in Rwanda.

In other words, this thesis hopes to contribute to the wider task of a provision of a (whatever limited) meta-theoretical but still praxis-related understanding of past and present realities and institutional challenges in Rwanda.

However, and most importantly and in its own right it illustrates some vertical and horizontal dimensions of a critical theory based approach to conflict transformation. In this context, the following main argument will be put forward for future discussion and empirical research by other authors:

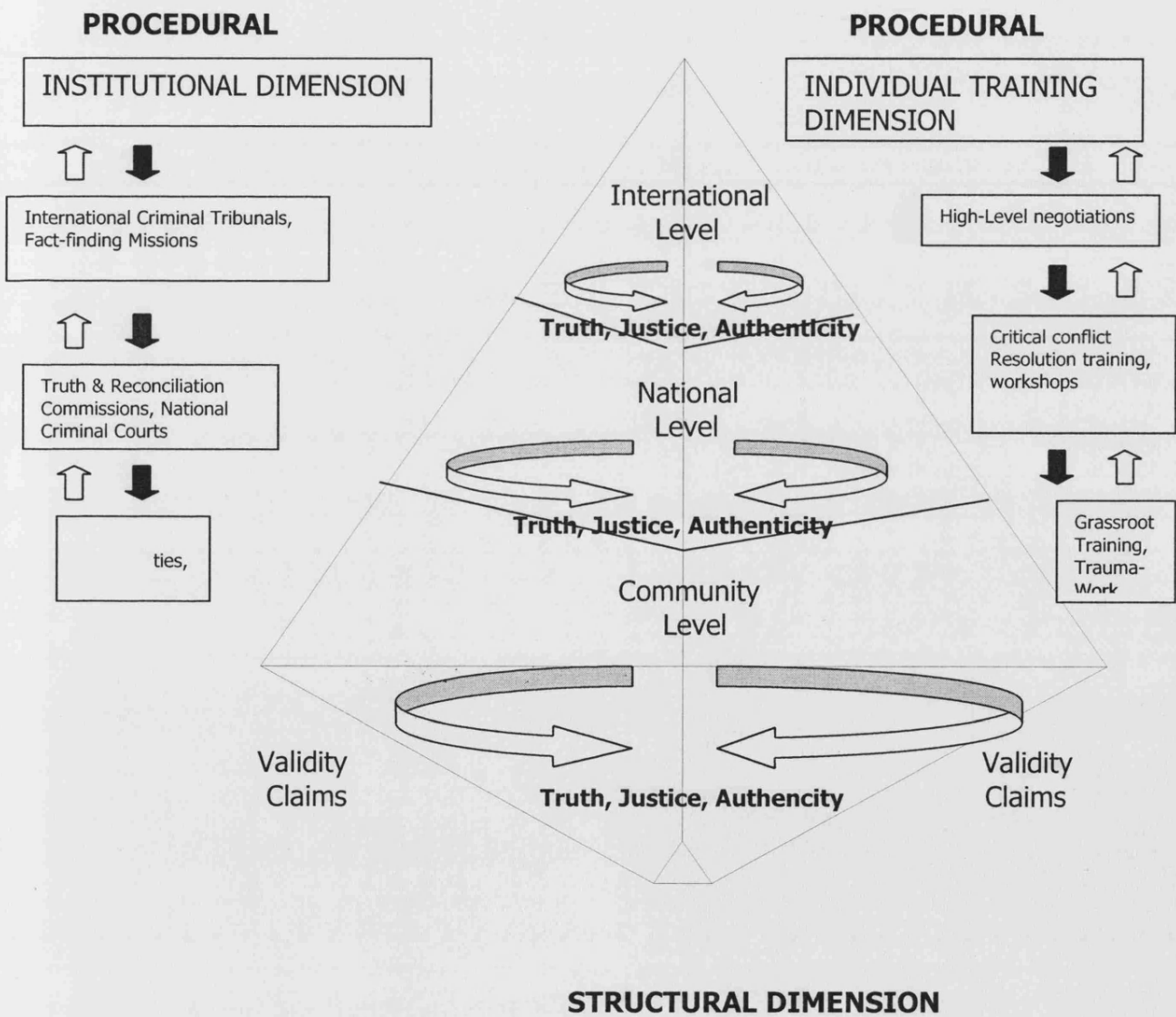
Analogue to the nine different communicative (formal-pragmatic) perspectives that can be taken by actors/institutions within reasoning processes on local, national and international level there are in total nine notions of truth, justice and authenticity (three each) that are competing with each other within one larger communication process on peace. Assuming this starting point is correct (which can be to a certain extent illustrated but not be proven in the context of this thesis) than the communicative successfulness (intelligibility) of any

normative peace-building process (promoting truth, justice and authenticity) would necessarily depend on a comparative formal-pragmatic consideration of the discursive outcome of alterative argumentative procedures at other levels to ensure inter-procedural coherence and complementary of conceptual definitions of Truth, Justice and Authenticity. Put differently, it would require a dialogic engagement of all concerned participants. Exactly this (and only this) is suggested by a critical theory based model to conflict transformation. Now it goes practically without saying that the perception of a rural farmer of justice and an ICTR judge do not always go together well. However, assuming the recent cross-cultural findings of cognitive psychologists and the few (as such undoubtedly not representative) data samples that were collected by the author are correct, and both speakers would argue on a formal argumentative level, who could or should decide who is wrong and who is right except from the participants themselves? . A critical theory based approach is not the first transformative peace-building approach to acknowledge that without truth there can be no justice. However, it might be the first one to believe that there equally valid competing ideas on truth, justice and authenticity that are coexisting within one larger communication process on peace (that is comprised of an international as well as a local and national

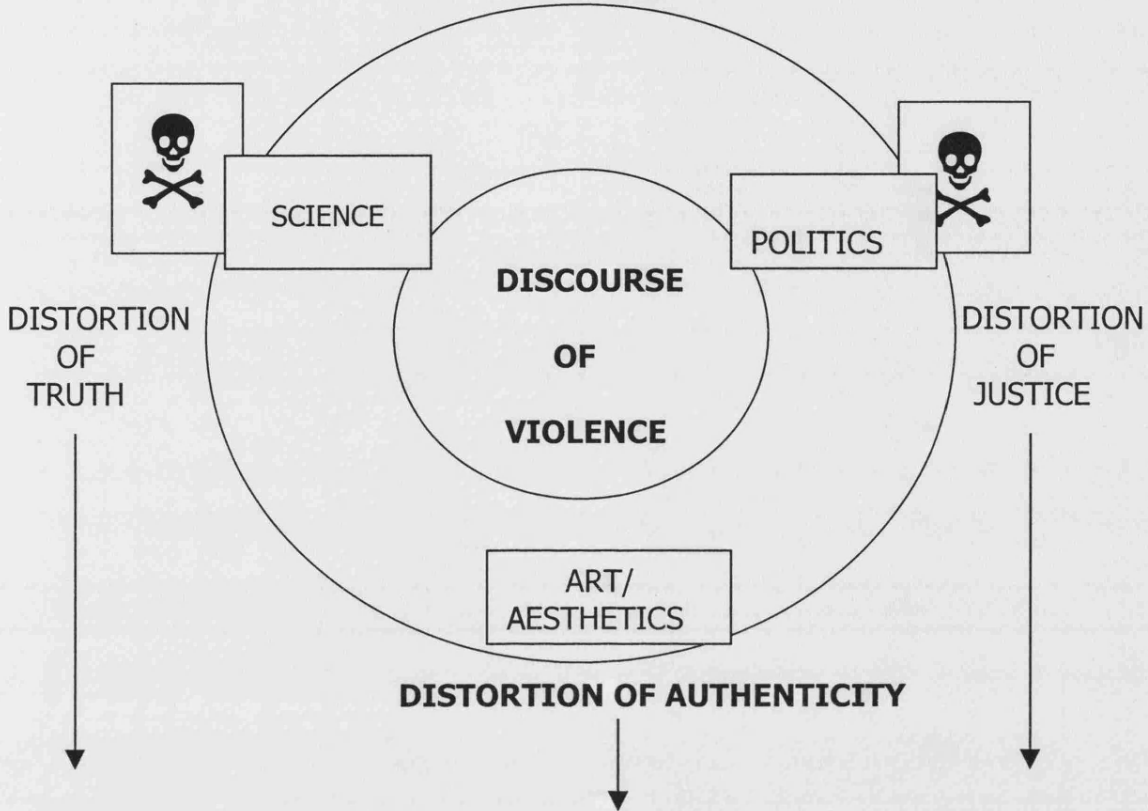
dimension). It assumes, that like any other discourse this communication process entails inter-procedural discursive responsibilities. The main being to listen and evaluate other arguments, not only based on one's own premises but also and most importantly through reference to the particular life-worldly discourse of the other. Put differently, a critical theory based approach would remind the institution of the ICTR of its discursive and practical responsibilities (e.g. in term of intelligibility of its processes of truth, justice and authenticity) Clearly, in this context, arises the question in how far the different discourses are incommensurable and hence categorically closed for any discussion. However, if one is really prepared to argue that each language game is postulating exclusive/cross culturally not debatable formal pragmatic claims of truth , justice and authenticity, it is difficult to see how and most importantly why there should be an international dimension to peace-building at all. To avoid the often repeated accusation that international tribunals are solely serving the international community and not the people in post-conflict states to whom its justice is not intelligible, some of their assumptions have to be contextualised and opened up for discussion. The same applies for the UN. Now, this thesis does not claim to specify the procedural content of any of those processes.

Re-print: Lederach's Triangle Revisited.

- Dimensions of a critical theory based Approach to conflict transformation.-



-LIFEWORLD-



**INDIVIDUAL/
SYSTEMIC
CONSEQUENCES:**

Dichotomised narration of history
 Distorted historical science
 Biased Perception of
 or
 "objective" collective/individual
 historical Identities
 values/
 Pseudo-scientific biological discourse
 collective
 Biased perception of race/ cognitive
 abilities & moral qualities

limited possibility of instrumental
 learning

**INDIVIDUAL/
SYSTEMIC
CONSEQUENCES:**

Exclusion of authentic forms
 of expression- either based
 on expressive content or
 ethnicity of the author.
 (like e.g. 'Entartete Kunst')

Obstruction of creative societal
 learning

lack of self-critique

**INDIVIDUAL/
SYSTEMIC
CONSEQUENCES:**

Discriminatory
 judicial/political practices
 like e.g. persecution

impunity
 loss of social moral

brutalization of
 consciousness

limited possibility
 of moral learning

REPRINT- COMPONENTS & CONSEQUENCES OF A DISCOURSE OF VIOLENCE-

It only provides one possible formal-pragmatic reading of already existing normative peace-building strategies that centre around reoccurring argumentative themes of truth, justice and authenticity. It hence does not offer, suggest or test practical strategies. It just seeks to interpret the mutual relationship of these processes through a reference to formal language philosophy. (* **Purpose of illustrative example**) To recapitulate, the purpose of the illustrative example within the context of the thesis is...

- a) To illustrate possible illocutive , propositional and expressive components of a discourse of violence (dimensions of truth, justice and authenticity)
- b) To illustrate some consequence of a discourse of violence and corresponding distortions of truth, justice and authenticity regarding individual/ collective communicative competence and moral judgement
- c) To illustrate the importance of discursive strategies in the fight against discourses of violence on local, national and international level
- d) To illustrate the need of procedural complementarity of discursive procedures promoting truth, justice and authenticity on local, national and international level.

5.1.1 -TRUTH AND HISTORY IN RWANDA: THE ACADEMIC DISCOURSE-

The notions of truth and history are far from uncontended in the literature on Rwanda. Like elsewhere, historical discourses are used for the legitimisation of political agendas of certain groups and have been vigorously contested by others. A particular good example for this dichotomisation of history is the classic Belgian academic discourse (that includes Filip Reyntjens³⁶⁰) which interpretations differ significantly from a new mainstream social-constructivist discourse that follows authors like Jean-Pierre Chrétien³⁶¹ and Gerard Prunier³⁶². The classic discourse claims that systemic ethnic divisions have been always a reality in Rwanda ³⁶³ due to the different origins of both groups and the unjust division of power

³⁶⁰ Filip Reyntjens, *L'Afrique du grand lac en crise, Rwanda, Burundi :1988-1994*, Paris 1994.

³⁶¹ Jean-Pierre Chrétien: *Rwanda: Les médias du génocide*, Paris 1995/ Jean-Pierre Chrétien : *Le Défi de l'ethnisme : Rwanda et Burundi, 1990-1996*, Paris 1997.

³⁶² Gerald Prunier: *The Rwandan Crisis: History of a Genocide*, New 1995

³⁶³ Reyntjens notes: 'The political system had inevitably one day to be confronted with evidence on the part of the Hutu that they were excluded from power and with their claim to access to it.' The origin and persistence of the Rwandan problem were also of an ethnic nature'.(p. 21) There was 'age-old fear of the Tutsi' among Hutus.(p. 131) Filip Reyntjens, *L'Afrique du grand lac en crise, Rwanda, Burundi :1988-1994*, Paris 1994. As a result, Reyntjens also sees the pre-genocide political Hutu regime largely positive and the role of the RPF within the conflict naturally as negative insofar as its intervention prompted the failure of democracy in Rwanda.

between Tutsi and Hutu (Tutsi monarchy) while the new discourse points at post-independence elite manipulation and colonial distortions, the inclusiveness of pre-colonial clan structures, openness of pre-colonial social categories and the fact that both Tutsi and Hutu had to suffer from the at times exploitative pre-colonial Tutsi monarchy. The former position is mainly taken by older scholars that have worked on Rwanda during and before the Habyarimana regime and hence have been part of a particular historical reality in which members of the Hutu government were not necessarily perceived as 'the bad ones' but more likely as trusted research contacts. As Peter Uvin points out this has been especially the case for the Flemish academic community that 'historically...identified (itself) with the oppressed Hutu masses, seeing a parallel between Hutu and Flemish disenfranchisement from ruling aristocracies.'³⁶⁴ This relationship was further strengthened by the fact that Flanders catholic government had very strong ties to the Rwandan church that was strongly affiliated with the Habyramana regime. This connection suggested a particular perspective on historical realities. This view is shared by Rwandan scholar and ICTR expert witness Jose Kagabo. He notes: Many of the Belgians writers have a great difficult to think a society out of dichotomy. In particular ' Filip Reytjens

³⁶⁴ Peter Uvin: Reading the Rwandan Genocide, Oxford 2001, p.77.

is prisoner of his own Belgian history which divide the Belgians into two sorts of "tribes": the Wallons and the Flamish.³⁶⁵ This relationship has been scrutinized by young social constructivist Belgian/French scholars like Florence Bernault³⁶⁶ and Gauthier de Villers³⁶⁷. Helen Hintjes³⁶⁸ even argues that even the decolonisation process of Rwanda was ignited by the internal ethnic conflicts in Belgium. However, that is not to say that only Reytjens and his followers write in a particular context. Both key actors in the debate on ethnicity, Filip Reytjens and Jean-Pierre Chrétien have their own history with the respective regimes. While Reytjens was significantly involved in writing the constitution of J. Habyarimana's regime, J.P Chrétien was also very close with Tutsi regime of Burundi in 1970s and 1980s.³⁶⁹ Nevertheless, J.P Chrétien provides with his post independence analysis of the public discourse in Rwanda probably the of one the best account of how a Hutu social racial ideology developed over time, how it poisoned the collective consciousness and became part of the social life until it was considered as normal. In his analysis of the 'media of genocide' he traces the first instances of propaganda back to 1961. Like few other authors before,

³⁶⁵ Interview with Prof Kagabo see bibliography

³⁶⁶ Florence Bernault : La communauté africaniste française au crible de la crise rwandaise, *Africa Today* 45, No.1, 1998.

³⁶⁷ Gauthier de Villers: L'africanisme belge et le Rwanda, *Politique Africaine*, No. 59 (1995), p. 121-26.

³⁶⁸ Helen Hintjes: Explaining the 1994 genocide in Rwanda. *Journal of Modern African Studies* 37, No. 2, 1999, p.254.

³⁶⁹ Interview with Prof Kagabo see bibliography

his work clearly pointed at the importance and social constructedness of a Rwandan discourse of violence. An other more recent but not less important take on the discursive theme is the book of the linguist Josias Semujangas 'Origins of the Rwandan Genocide' in which he reconstructs and compares the historical and respective textual realities that have been created by missionaries , colonial authorities , the post 1959 Hutu regime and humanitarian discourses. ³⁷⁰ Semujangas' approach is particular interesting in so far as it is in many ways conceptualised as a multidimensional ideology-critique that traces dichotomies and inequalities through various textual realities. (In addition to the local discourse of genocide he also identifies similarities between past missionary narratives and the international humanitarian discourse at the time of the genocide. (compare below)) Like other authors (see above) , Semunjanga attributes shortcomings in the overall understanding of the question of ethnicity to unjustified parallels between Rwanda and Belgium's historical experience. However, he also points at related ideological distortions that derive from this particular historical understanding. He writes : (According to Reyntjes) 'all the country' s evils came from exiled Tutsis: "the destabilisation and the freezing of political parties", the exacerbation of "ethnic problems", the "fragmentation of the

³⁷⁰ Josias Semujanga: Origins of the Rwandan Genocide, New York 2003.

political image”, the “culture of violence”, etc... (T)he attack of armed guerrillas..was at the root of the failure of democracy, although the country had been governed by one single political party since 1965.³⁷¹

Semujanga attributes Reyntjes largely positive perception of pre- genocide political Hutu regime not only, like e.g Uvin, to his communicative interaction with the respective regime, but more important to an other grand narrative - Marxism . He writes: ‘ From the 1950’s until the present, many studies, using a triumphant Marxist point of view, have repeated the Hamitic myth..where the Hutu is eternally oppressed by the Tutsi. By an other magic trick , the Belgian colonialist becomes the defender of Hutu against Tutsi colonialism.’ Semujanga compares further so called Hegelian authors like de Lacger³⁷² and Kagame³⁷³ who explained the supremacy of Tutsis in pre-colonial Rwanda through their superior ability to rule with Marxist assumptions in Reyntjes’ and Ferdinand Nahimana’s work³⁷⁴ and argues that they both stand in the

³⁷¹ Josias Semujanga: *Origins of the Rwandan Genocide*, New York 2003, p. 126f. With to reference to Filip Reyntjes, *L’Afrique du grand lacs en en crise*, Rwanda, Burundi :1988-1994, Paris 1994, p.256.

³⁷² Lous de Lacger : *Le Rwanda*, Kabgayi 1939.

³⁷³ Alexis Kagame: *Un abrege de l’ ethno-histoire du Rwanda*, Buture 1972.

³⁷⁴ Ferdinand Nahimana: *Le Rwanda: Emergence d’un etat*, Paris 1993. Semujanga argues that Nahimana’s thesis, which basically points at the pivotal role of Hutu in Rwandan state-building is yet another version of the Hamitic myth. (Semujanga criticizes this lack of textual reflexivity (regarding the Hamitic myth) also in relation to many other authors including most notably Prunier). He argues that by negating the role of Tutsi in the founding of Rwanda and insisting on the existence of an independent Hutu kingdom in the North, he is repeating two well know but not historically well supported ideas that Rwanda is originally a Hutu country that was invaded by the Tutsi and that there is a natural supremacy of Hutus from the

tradition of dialectic philosophy and rationalism and provide idealist and material versions of the same ethno-centrist grand narrative. He notes, 'It is not the Tutsi's aptitude for command anymore that explain their supremacy in pre-colonial Rwanda, but the economic system based on cattle herding. ..The history of Rwanda appears as a narrative with a single motif: class struggle between Tutsi and Hutu...The Tutsi become sly nobles who colonised a mass of somewhat simple Hutu farmers by tricky bondage contracts where they entrusted them with cows in usufruct, in exchange for infinite chores (the ubuhake system)...The cow, the symbol of richness in pre-colonial Rwanda, is considered to be the opiate of the people... In these texts the future is predicted Tutsi feudalism must collapse , because the enslaved majority will rebel'³⁷⁵

Clearly, Semujanga's reading of events and the work of other social-constructivist writers that includes Prunier, Gourevitch³⁷⁶, C. Vidal³⁷⁷ and de Forges³⁷⁸ have their own shortcomings. There are limited in terms of time and space insofar as those scholars are also researching and writing within a particular context and hereby are reinforcing some conceptual realities at the potential expense of others. The

North compared to other Hutus that can be derived from the active resistance against the original invader. Josias Semujanga: *Origins of the Rwandan Genocide*, New York 2003, p.123.

³⁷⁵ *ibidem*.

³⁷⁶ Philip Gourevitch: *We wish to inform you that tomorrow we will be killed with our families*, New York 1998

³⁷⁷ C. Vidal: *Le genocide des Rwandaia Tutsi*. *L'Homme* 145, 1988, Page229-37.

³⁷⁸ Alison des Forges: *Leave none to tell the Story. Genocide in Rwanda*, New York 1999.

present mainstream discourse supports in many ways the official point of view of the current RPF government, which stresses that there have been no major ethnic divisions in the pre-colonial past and that ethnic frictions were mainly manufactured by the German and Belgian colonial regimes. This again suggests a particular reading and potential simplification of history that is undoubtedly handy when it comes to develop a shared vision of nationhood considering the horror of the genocide. Reytjens has a point when he notes that the new discourse ignores some historical realities and for example is too uncritical of the role of the past Tutsi monarchy, the involvement of RPF in mass atrocities and legitimacy of the power base of the current regime.

(*Problematization of the history of Rwanda (its pre-colonial and early colonial phases)) Like in many other cases it is likely that the truth is complex and probably lies somewhere in the middle. According to Prunier, there is evidence that during the second half of the 19 th century Hutus were already systematically excluded from higher functions in the administrative system. L Minear and Kent note that it was Tutsi king Kigeri Rwabugiri (1860-95) who tried to turn Rwanda into a Tutsi dominated structure to consolidate his own power.³⁷⁹ However, they also stress like

³⁷⁹ R. Kent/ L. Minear : Rwanda's Internally Displaced: A Conundrum within a Conundrum. In R. Cohen and F. M. Deng (eds.), *Forsaken People: Case Studies on the Internally Displaced*. Washington D.C. 1998, p.60.

Prunier that before this it was mainly clan hierarchies rather than ethnicity that characterized Rwanda's social structure. Other authors question the importance of the terms Hutu and Tutsi for the definition of the social self in some regions of the country prior to Rwabugiri . Catherine Newbury³⁸⁰ sees a direct linkage between the proximity of a region to the royal court and the categorical distinction between Tutsi and Hutu. She uses the example of the inhabitants of Ijwi island, who were , according to her research, despite close links with their neighbours on the mainland, not aware of the term Hutu and referred collectively to all Rwandans as Badusi (Abatuutsi). The latter group only made individual distinctions through reference to clan structures. Mamdani³⁸¹ comes to a similar conclusion in his analysis of forms of identification in the north western region, which was according to him largely independent from the royal court at the time. In this region, locals called themselves Kiga or Bakiga, not Hutu, until the 1960's. In the remaining provinces however there seems to have been a clear link between Rwabugiri's efforts of centralization and administrative reform and a newly evolving, hierarchical Hutu and Tutsi dichotomy. During Rwabugiri , each term became a clear indicator for a person's proximity to

³⁸⁰ Catherine Newbury: *The cohesion of Oppression: Clientship and ethnicity in Rwanda (1860-1960)*, New York 1988, p.11.

³⁸¹ Mahmood Mamdani: *From conquest to consent as the basis of state formation*. *New Left Review* 216, 1996, p.14.

the central court and power.³⁸² Newbury describes this development as follows. Lineage heads (both Hutu and Tutsi) who had worked previously not only for the government but also for the common good of their communities were replaced by Tutsi provincial and hill chiefs from the central region who misused their power to extract extra revenues for the government.³⁸³ In the light of this new Tutsi dominance, the term Hutu came to be associated with and eventually defined by inferior status. Newbury further argues that this development explains why many of her research contacts dated the arrival of the first Tutsi in their region to the time of Rwabugiri, even though the latter had already arrived in the area a hundred years before.³⁸⁴ However, it is worth noting this distinction was not necessarily intended nor systematically enforced. Linden argues that Rwabugiri's policies solely reflected power interests and not an ethnic agenda since he did not differentiate between his Tutsi enemies and others.³⁸⁵ He argues that only after the arrival of the new colonial masters these social categories were redefined into ethnic categories.

This account is supported by Semunjanga. He argues that until the late 1890, at the beginning of the German conquest of

³⁸² The cohesion of Oppression: Clientship and ethnicity in Rwanda (1860-1960), New York 1988.p. 51

³⁸³ *ibidem* p. 108

³⁸⁴ *ibidem* p. 52.

³⁸⁵ Ian Linden: Church and revolution in Rwanda, Manchester 1977, p. 20.

Rwanda, political structures were still flexible and textual realities were inclusive. He refers in this context to the tripolar structure Rwanda's founding myth of Gihanga³⁸⁶-the common royal ancestor-, who according to the legend had three sons- Bahutu, Batutsi and Batwa. The same narrative introduces three types of political chiefs whose council ensured that 'the king followed the rules of the kingdom' regarding the army, the court and administration. These were the prefect of the soil (Hutu), the prefect of pastures (Tutsi) and the army chief (Hutu or Tutsi). Semujanga argues that only after 1926, when the triple structure was suppressed by the Belgians and subchieftaincies run by Hutu were given to Tutsis tensions began to emerge and textual realities began to change. A new bipolar colonial discourse changed the historical memory of pre-Christian Rwanda and fatefully reinterpreted and reinforced previous hierarchies. (Semunjanga holds that this bipolarity provided the starting point for the Parmehutu discourse and also explains certain shortcomings in the humanitarian discourse at the time of the genocide.)

However, it is worth noting that this founding myth can be also read differently. Linden³⁸⁷ and Lemarchand³⁸⁸ argue that the very same narrative was used by the royal monarchy to legitimise its rule long before colonialism. According to the myth

³⁸⁶ Josias Semujanga: *Origins of the Rwandan Genocide*, New York 2001, page 32.

³⁸⁷ Ian Linden: *Church and revolution in Rwanda*, Manchester 1977, p. 17

³⁸⁸ Rene Lemarchand: *Rwanda and Burundi*, London 1970, p.33.

, after the common ancestor had descended from heaven, he asked his three sons, Gatutsi, Gahutu and Gatwa, to look after a cup of milk. In the morning, only Gatutsi still had the milk, Gatwa had drunk it and Gahutu had spilt it. Hence it was clear that only Gatutsi had the ability to rule. According to Rennie³⁸⁹ many of the assumptions of colonial historians were not mere imaginations but were initially derived of a royal court version of history, which attributed the introduction of pastoralism, cultural achievements and centralised government to the Tutsi rulers who had migrated to Rwanda in the 10th century.

Nevertheless, there is a broad consensus in the literature that suggests that at least before the colonial days, potentially even until the 1920's, a reclassification of a Hutu into a Tutsi was possible and merely depended on his/her status and economic success. This suggests a categorical differentiation between land- and cattle-holders (economic status) and in terms of proximity to the royal court (social status) but no systemic ethnic differentiation.³⁹⁰ Gourevitch writes "With time Hutu and Tutsi spoke the same language, followed the same religion, intermarried, and lived intermingled, without territorial distinctions, on the same hills, sharing the same social and political culture in small chiefdoms. The chiefs were called mwamis, and some were Hutu, some Tutsis..through marriage

³⁸⁹ J. K Rennie : The precolonial kingdom of Rwanda, *Transafrican Journal of History*, 2,2. 1972, p. 12.

³⁹⁰ Catherine Newbury: *The cohesion of Oppression: Clientship and ethnicity in Rwanda (1860-1960)*, New York 1988.

and clientage , Hutus could become hereditary Tutsis (and vice versa).. Because of all this mixing, ethnographers and historians have lately come to agree that Hutus and Tutsis cannot properly be called distinct ethnic groups. ³⁹¹ Rennie ³⁹² argues that both terms were sole expression of social and economic status since Hutu could be adopted into Tutsi lineages. Catharine Newbury³⁹³ confirms this account in her study of the Kinyaga region where the term 'Tutsi' was associated with power and prosperity (in particular in the form of cattle) and connections to the royal court and not with ethnicity. Kagame argues along similar lines. "According to pastoral law, whoever possesses many heads of cattle is called Tuutsi, even if he is not of the Hamitic race,"³⁹⁴

Maquet ³⁹⁵ also sees a degree of mobility within the Rwandan social system and argues that a Rwandan could be "socially recognized as a Tutsi without having been begotten by a Tutsi father". Meanwhile, David Newbury³⁹⁶ stresses the inclusiveness of clan structures in Rwanda that are comprised of Hutu, Tutsi and Twa members.

In conclusion it can be said, that it appears that while the term Hutu and Tutsi existed in most of the regions of Rwanda that

³⁹¹ P. Gourevitch: We wish to inform you... p. 48

³⁹² J. K Rennie : The precolonial kingdom of Rwanda, *Transafrican Journal of History* , 2, 2, 1972, p. 33.

³⁹³ Catherine Newbury: The cohesion of Oppression: Clientship and ethnicity in Rwanda (1860-1960), New York 1988, p.254

³⁹⁴ Alexis Kagame: Un abregé de l' ethno-histoire du Rwanda, Buture 1972.

³⁹⁵ J. Maquet: The premise of inequality in Rwanda, Oxford 1961, p. 135.

³⁹⁶ D. Newbury: The clans of Rwanda , *Africa* 50.4, 1980, p. 390.

terms referred more to loosely defined and open social identities than racial/ ethnic identities which seemed to matter mostly in the realm of the royal court.

The probably best definition that has been found so far as to who was who is the following. There is reason to believe that group membership in Rwanda was in constant flux and 'differed over time and between regions, a function of power and ideology.' This position is developed by Danielle de Lame and Catherine Newbury.³⁹⁷ It stresses the immediate link between historicity, context-specificity and power and seeks to escape the necessity to give timeless yes or no answers. It takes an argument into account that was made earlier by David Newbury. He argues that any reduction of the historical debate to the question of whether there have been ethnic divisions or not is also not helpful insofar as it simply repeats and explores old dichotomies. David Newbury³⁹⁸ rightly points at the historical constructedness of meaning and warns that both supporters of the ethnic and followers of the non-ethnic argument commit a fallacy insofar as they either assume an unchanging meaning of the term of ethnicity or chose to forget what the terms Hutu and Tutsi have meant at

³⁹⁷ Compare Peter Unvin: *Reading the Rwandan Genocide*.p. 78/ Danielle de Lame: *Une colline entre mille ou le calme avant le tempete*.Tervuren 1996/ Catherine Newbury: *The cohesion of Oppression: Clientship and ethnicity in Rwanda (1860-1960)*, New York 1988

³⁹⁸ David Newbury: *Irredentist Rwanda*. *Africa Today* 44.2, 1997, p.211f.

different moments in time. Mamdani ³⁹⁹ argues that both arguments have been used to 'subvert the factual history' of Rwanda for different purposes.⁴⁰⁰

The following illustration of potential dimensions of a discourse of violence follows in many ways Chrétien's, Gourevitch's, De Forge's and in particular Prunier's mainstream social constructivist reading of Rwandan history. The latter concurs in many points with the interpretation of the RPF government whose main interests (in inclusive history writing) lies clearly in the appeasing of a Hutu majority and consolidation of its power. Nevertheless, the by-product of this strife for power- the quest for national reconciliation- seems like a legitimate purpose, so does the anti-colonial narrative that seeks to avoid further pitfalls in terms of the Tutsi/ Hutu dichotomy. This version of history might be not the most sophisticated one and might simplify at times complex historical truths, however it provides one reading that could be constitutive for a more inclusive vision of citizenship and nationhood and also targets particular aspects of oppression that have found their manifestation during colonial times and after. Hence, it is in many ways a lesser evil that will be undoubtedly questioned and need to be revised in future- after it has fulfilled its purpose. This simplified reading

³⁹⁹ Mahmood Mamdani: *From conquest to consent as the basis of state formation*. *New Left Review* 216, 1996, 234ff.

⁴⁰⁰ However, strictly speaking, also Mamdani is writing for a particular audience with a particular objective in mind. The term 'factual' history suggests that there is only one true reading of events, an assumption that is difficult to substantiate.

allows to re-conceptualize present relationships through a reference to an alien other and manages to locate a major share of responsibility outside present , severely strained inter-ethnic relations. The social constructivist version of the truth (that happens to concur the RPF's view on history) has a clear potential to heal the damage that was done by the hate propaganda and colonial inequality that have been a painful reality for most Rwandans. However, it also clear that this approach can only go as far. If this new narrative is indeed utilized to cover up RPF atrocities, certain dimensions of the Rwandan discourse of violence will remain unaddressed. These concerns are outlined in Mamdani's vision of a contextualised truth. Mamdani demands that the truth of the genocide is seen in the context of the civil war, regional constraints, historical roots of Tutsi power (aka Rwabugiri), colonialism , imperialist history writing , the shortcomings of the 1959 revolution (Hutu power) .⁴⁰¹

The same applies for unjustified parallels between past colonial and present international (human rights) discourses (e.g. ICTR). As Semujanga pointed out there might be some dichotomies which were translated from a past colonial paradigm into the humanitarian discourse at the time of the genocide, however this must not be taken as a pretext for attributing the genocide solely to the failure of Belgium,

⁴⁰¹ Mahmood Mamdani : When victims become killers, Princeton 2001., p.268.

France and the international community or to discredit any on-going international effort to help Rwanda to come to terms with its legacy. Undoubtedly, as predicted, there are many competing claims as to whose version of history is true, just, virtuous and authentic. As shown before literature on Rwanda largely fall into two camps the classicists and constructivists . The extreme poles of these historical paradigms are quite compellingly described by Prunier as those ‘ones who dig obsessively in the piles of corpses and use genocide as a political resource designed to protect the RPF from criticism, ‘which are the supporters of a Tutsi reading of events and those ones’ who minimize the enormity of the crime.. and ask whether there truly was a genocide or only some violence’ and provide a Hutu reading. The thesis does not wish to contribute to either of these paradigms, although admittedly its research questions locate it in a greater proximity to the first than the second . As a discipline critical theory has the clear advantage over historical studies that it does claim or wish to be comprehensive. It has sacrificed comprehensiveness in favour of an ongoing ideology-critique that provides and seeks to reconstruct snapshots of reality and poses questions with regard to its composition.

Foucault argued many years ago that history must be seen as a social construct within paradigmatic boundaries that change over time.⁴⁰² This also includes discursive limitations. In the early 1950s, Germany was unable to address the dubious role of many judges, lawyers and university teachers during the Nazi regime, because a persecution of all would have ultimately resulted in a systemic standstill. It was up to a later generation, which grew up with the privilege of a stable democratic system and an open political sphere, to pose uncomfortable questions. It is likely that with a growing sense of security, unity and stability, also the RPF government will allow at least for some critical introspection, allowing for a better understanding of past historical realities and political reform along the lines that authors like Mamdani are suggesting. (see also below)

There are also other reasons why the reconstruction of past discourses of violence will always remain an ideal-typical exercise. For example, for an inclusion in everyday life-world discourses, historical contents will always have to be streamlined and simplified. This interpretation process is constantly ongoing. It is influenced by actors in the public sphere, personal life-experiences etc.

⁴⁰² Foucault argues that systemic discourse structures are largely arbitrary. They reflect assumptions regarding relationships between different discursive components that result from a particular constellation of knowledge and power interests at one moment in time. They are open to change and hence have to be studied archeologically. Michel Foucault: *Archeologie des Wissens*.

In the context of this thesis , a particular and conscious radicalisation of a historical narrative (that will be presented as a discourse of violence below) has an analytical value insofar as it ideal-typically (Weber) illustrates dimensions that might be constitutive for our understanding of reality that would remain otherwise unnoticed . The following discursive section should be understood as part of such an exercise that seeks to illustrate via a radicalisation of history propositional (truth), illocutionary (justice) and expressive (authenticity) dimensions of a discourse of violence and resulting institutional, intra- und inter-personnel challenges for transformative peace-building.

5.1.2 METHODOLOGY

This following chapter will include a discussion of how –and in which normative categories- some international, national and local actors might perceive the success and failure of given institutional peace-building practices. For obvious reasons, an explorative approach, which ultimately seeks to comment on normative assumptions within life-worlds, can not rely on pre-prepared quantitative questionnaires.⁴⁰³ The cross-cultural

⁴⁰³ G. King, R.O Keohane, S.Verba: designing social inquiry: scientific inference in qualitative research, Princeton 1994.

hermeneutic gap requires the reconstruction of dialogic knowledge. Such an investigation can be only undertaken in the context of "social texts" by the hermeneutic means of a qualitative methodology.⁴⁰⁴ A qualitative methodology suggests two possible modes of inquiry for this study. The first is the conducting of qualitative interviews. The second is the reading of authentic texts (e.g. transcripts of the proceedings of the International Criminal Tribunal and the Unity & Reconciliation Commission, victim reports collected by local NGOs, letters written by prisoners to genocide survivors and the like). Both modes of inquiry will be used in this thesis, although it might be worth noting that the author does only wish to illustrate her model with the collected data and not wish to test her model- which would be in any case impossible. A small number of arbitrary (not representative) interviews were conducted on international, national and local levels. This included qualitative interviews with genocide survivors, prisoners, ICTR witnesses and participants of local Gacaca courts as well as ICTR judges, Rwandan ministers and other opinion leaders including representatives of local NGOs and churches.

The aim of the following chapter is to illustrate the relevance of ideas of procedural justice, truth, authenticity and reconciliation in a non-western cultural setting. The author of

⁴⁰⁴ H. G Gadamer: *Wahrheit und Methode*, Tübingen 1960.

this thesis is very aware of the hermeneutic difficulties that are inherent in every cross-cultural analysis. Wittgenstein⁴⁰⁵ had undoubtedly some good reasons to believe that cultural life-worlds (language games) are mutually exclusive (incommensurable) symbolic universes, which (if at all) can be only entered by a social scientist after a long and thorough communicative socialisation process.

However Habermas makes an equally valid point when he stresses that there are some unchanging formal argumentative components within speech and similarities within human experience that allow everybody to learn any language and to communicate with others, despite all incommensurability.

The author tried to solve this hermeneutic dilemma that is inherent to any cross-cultural analysis:

- c) in a classical Weberian⁴⁰⁶ way by constantly reminding herself of her theoretical presuppositions.

- d) by seeking the help and advice of a local translator of the International Criminal Tribunal for Rwanda for her participatory research on community level.

⁴⁰⁵ Ludwig Wittgenstein: Philosophische Untersuchungen, Frankfurt 1992.

⁴⁰⁶ Max Weber: Gesammelte Aufsätze zur Wissenschaftslehre, Tübingen 1968.

In this context, it is also important to stress that the illustrative component of this thesis is deliberately chosen to disassociate this study from Habermas' hermeneutic method of virtual dialogue ('hermeneutic re-constructivism'), that indeed betrays his very own ideals of equality and undistortedness within the realm of argumentative reasoning.

Instead of taking (like Habermas and Gadamer) a monological reconstructed dialogue with other cultures as its starting point, this thesis seeks to include some local voices in the form of polyphone dialogical texts. The latter are meant to serve as an illustration of the different propositional and illocutionary components of the Rwandan discourse of violence and cultural ideas on truth, justice and authenticity. The method of polyphone representation was introduced in the early 1980's. Polyphone, dialogical texts include besides the final interpretations of an observer (3rd person perspective) also the original arguments that were initially made by the participants (1st and 2nd person perspective). This method seeks to give all actors within a social text -and not only the author of a scientific text- the opportunity to interact with the reader. By providing a reader with their original point of view, actors are in a position to raise virtual objections against interpretations given by the observer.

For these reasons, polyphone text fulfil far better the perspective requirements of communicative action / discourse and the

criterion of un-distortedness than a virtual dialog. The idea to modify Habermas' method of virtual dialogue by polyphone texts was first put forward by Thomas McCarthy⁴⁰⁷ who translated Habermas work into English. He suggested that methodological lessons in terms of 'textual representation' should be learned from anthropology. This important 'anthropological' insight of the necessity of textual participation of the researched other led to an illusion of quotes from ordinary citizen in Rwanda .

This does not mean that the author claims that this strategy solves all problems of textual representation, or that all voices have been included or that even all voices have been correctly understood or that this thesis is an anthropological or historical study in itself. It only seeks to translate some 'anthropological' insights into the at times highly ethno-centric body of critical theory. As noted above, the author is aware of the problems that are associated with translation of meaning and the incommensurability of components of language games. This is why she chosed a formal-pragmatic life-world model (see last section) that is based on the assumption of a plurality of life-worlds (language games) in the first place. The latter allows for an inclusion of different cultural contents and procedures in different contexts. The application of the method of polyphone texts (regardless from the question however limited it might have within the context of this thesis) is an original and important

⁴⁰⁷ Thomas Mc Carthy: *Ideal und Illusionen: Dekonstruktion und Rekonstruktion in der kritischen Theorie*, Frankfurt 1993, p.290.

contribution insofar as to my best knowledge nobody within critical theory including Mc Carthy has ever applied this strategy in the field presumably because critical theorist rarely go to the field. This is not say that some aspects of these texts that were collected might not be closed for an understanding of an outside observer because of inter-textual incommensurability. However, this difficulty does not a) hinder actors (e.g. Rwandan scholars) on local and national level to respond to what is quoted in this thesis or to attempt to write or re- write their discourses themselves . Any reference to incommensurability should also b) not be misused as a justification for international actors not to listen. The latter should be held accountable and motivated to at least try to acquire a (whatever limited) understanding of what local and national actors are trying to say. The assumption that international bodies like International Courts should limit themselves to the strict application of international law (without any contextualisation) is based on two illusions a) the primacy of restitutive over reparative justice and b) the unquestionable wisdom of western law. However, court proceeding are communication processes whose success depends on their intelligibility, that is to say on the inter-procedural coherence and complementary within communication processes on local, national and international level . This necessity of complementarity is also more and more acknowledged in practice. In a briefing of the Security Council delegation to

Western Africa in June 2004, the Prosecutor of the Special Court for Sierra Leone David Crane highlighted this complementarity as main distinctive factor between first generation and second generation courts. While the ICTR and ICTY insisted on their special juridical status (compare statement of ICTY President Jorda) the SCSL acknowledged the equal importance of the Truth and Reconciliation commission, mixed jurisdiction and the location of the court within the country ' ..to make reconciliation a reality' . Other practical lessons. that concur very much with the recommendation for a reformed witness protection programme that have been developed by this author elsewhere, have been learned by the third generation court the ICC.

Of course under ideal circumstances it would have been desirable to acquire a knowledge of the local language. However, Kyrwanda is known as the second most difficult language on Earth after Khmer. There are hardly any westerner who speak it (which is a major problem for the investigators at the ICTR) and the author of this study is no exception.

The author tried to circumvent this problem by relying on the help of a trusted ICTR translator who in the past proved her impartiality through her work as a witness assistant both for the prosecution and the defence. It was agreed that in the interviews would be conducted according to normal UN standards. That is to say, questions and answers were translated word by word. The

translator was asked not to her give own interpretation of what was said.

In terms of qualitative methodology an empathic, unstructured narrative approach was used that focussed on what people might think and feel about peace-building processes and why truth, justice and authenticity might matter. These notions were not directly introduced. They were mentioned by the interviewees in their own personal assessment what would be necessary for peace in their country.

The author is painfully aware that in any interview situation there is an unequal distribution of power that hampers communication and that can produce very unjust results. It was this latent unquestioned presence of communicative violence and application of power that she hoped to highlight and remedy through her work. As consequence, every effort was made to limit factors that would contribute to inequality within the interview situation. Interviews were never conducted in the presence of officials or military personnel. This applies also for my research in the prisons and solidarity camps. Especially in the case of victims, it was of course taken into account that there was a considerable amount of mistrust and trauma. The author tried to overcome this problem by working for the ICTR Witness Support unit. She regularly visited the safe house and accompanied the work of the witness support assistants who were responsible for the well-being of the witnesses and also translated for her. Only

after a couple of weeks she began to approach the witnesses and questioned them with regard to their perception of the process. Unfortunately, the office of the prosecutor put very strict limitations on what the author could publish or pass on of the material she gathered. However, much of what the victims have said was in-cooperated in a study for the German Kurt-Tucholsky foundation on how the ICTR could make its proceedings more witness friendly that is referenced in the text. Although, there are (practical) limitations to this approach, chapter 5 uses as many quotes of actors on the ground (e.g. genocide survivors, prisoners and refugees) as possible to give at least (a limited) intersubjective account of why communicative practices promoting truth, justice and authenticity might indeed constitute procedural requirements for peace.

5.1.3 WHY RWANDA? SELECTION CRITERIA FOR THE ILLUSTRATIVE EXAMPLE

As a result of the original starting point of this thesis, which seeks to explore different international, national and local normative and communicative dimensions of a critical theory based model to conflict transformation, the author required an example of a post-conflict state that was not only engaged

in normative transformation processes on local and national level but that also had exposure to processes at the international level. At the time, when the author had to choose her topic, there were only two post-conflict countries with an international tribunal- Rwanda and Bosnia. Since critical theory is often criticised for its western philosophical roots and African realities are often severely misrepresented by so called evolutionist theories, the author opted for the Rwandan case.

5.1.4 WHY RECONCILIATION? AN IDEALIST READING OF RWANDA'S REALIST POLICIES AFTER 1994

Any illustration of the Rwandan case would be incomplete without a preceding description of present political constraints and interests that influence current and potential communicative peace-building processes on all levels. There are many, mainly international critics, who attribute the malfunctioning of the UN- ICTR and the Rwandan Justice system to the (non) actions of the current Rwandan government. These critics would undoubtedly challenge the authenticity of official speakers and the normative and factual adequateness of the measures being taken and consider justice and reconciliation as nothing else but normative

window- dressing of an oppressive undemocratic regime. These writers would highlight current limitations of discursive and political freedom in Rwanda and rule out the possibility of inclusive participation. Some might even argue that the past discourse of violence has been just substituted by yet another narrative that applies a more politically correct language but that signifies still a symbolic framework of oppression. One of the fiercest critiques in this context has been put forward by Mahmood Mamdani. He compares the current RPF attempts to restore justice with a so-called victor's justice in Israel :...a Zionist state (is built) on the ashes of the genocide. This is indeed what is happening in contemporary Rwanda.' ⁴⁰⁸He distinguishes three dominant convictions on which this victor's justice is allegedly built: a) a sense of moral responsibility towards surviving Tutsis, b) the belief that only Tutsi power/ a Tutsi state can ensure Tutsi survival and c) the only possible peace between Tutsi and Hutu is an armed peace. Mamdani further alleges : ' Thus even the moderate opposition to the RPF complains that not only are structures of power in Rwanda being Tutsified, civic organisations- from the media to non-governmental organisations- are being cleansed of any but a nominal Hutu presence...⁴⁰⁹ He continues: 'The founding ideology of Tutsi power in post genocide Rwanda is the memory of the genocide and them

⁴⁰⁸ Mahmood Mamdani :When Victims becomes Killers, Princeton 2001, p.270 f.

⁴⁰⁹ *ibidem*.

moral compulsion never to let it happen again. The pursuit of the genocidaires is the *raison d'être* of the post-genocide state, the one permanent part of its agenda. He then hypothesises: 'In the real world of state politics, however, the word *genocidaire* may be used to label any Hutu seen as opponent, or even a critic, of Tutsi power. Arrests can be made on the basis of denunciation, not investigation,' just to then take his assumption as a present reality and to allege 'even if crowded jails in Rwanda take a daily toll of the lives of those incarcerated within, this does not disturb moral sensibilities.' Mamdani's conclusion is that this so-called victor's justice will spark inevitably a new circle of violence if the RPF does not shift its paradigm to the pursuit of a survivor's justice that does not only include Tutsi survivors (like allegedly in Rwanda today) but 'all those who continue to be blessed with life in the aftermath of the civil war.' He argues that the government of Rwanda should use its power benevolently and reach out to its past opponents and transcend past dichotomies by redefining by all surviving groups as survivors of the civil war.⁴¹⁰

While Mamdani's plea clearly reminds the reader that there are always two sides to a story, he does not discuss the effect that a categorical confusion of war and mass murder might have on the self-perception of genocide victims (both Tutsi

⁴¹⁰ Ibidem.

and Hutu) and their place in history. Mamdani becomes a victim of the very dichotomy he seeks to transcend. As will be shown below, he overemphasizes the paranoia of the RPF government and underestimates their will and their understanding of the necessity to move past dichotomies. By trying to make everybody (victims and perpetrators) equal, Mamdani violates rights on both sides. He deprives the perpetrators (Hutu and Tutsi) of their right to learn from moral insight and he infringes on victims' needs (Tutsi and Hutu) for acknowledgement.

The first section is based on in-depth interviews with Rwandan officials and NGOs. It will try to show that- (despite many short-comings in terms of governance, rule of law and accountability that Rwanda shares with many other transitional states⁴¹¹) the present RPF government is clearly working towards an ideal of reconciliation. It seems that much of Mamdani's analysis focuses only on the immediate political realities of 1994 to 1997 when indeed (as mentioned below) key ministries were given to the RPF. However, even in those days matters were not always as clear-cut. Prunier writes e.g. that at the time' ..the former opposition parties, now in government protested so strongly against the RPF grabbing all MRND ministerial posts (foreseen in the Arusha agreement)

⁴¹¹ That is not to say that the Rwandan case has not its particularities, one important being that, unlike in many other African countries conflict arose ...' not because the state was weak, but on the contrary because it was so totalitarian and strong that it had the capacity to make its subjects obey absolutely any order. Gerald Prunier *The Rwandan Crisis*, London 1995, page 354

that the Front dared not to repeat the manoeuvre for the seat in the national assembly.' Prunier also cites in this context an interview with the former Foreign minister Ndagijimana after he left Rwanda. While the ministers complains that he was constantly sidelined in favour of his RPF colleagues he did not attribute this to a Hutu-Tutsi divide in politics. Instead he also accused RPF Hutu ministers of meddling in his affairs indicating that the political discourse had already in many ways moved to party politics.⁴¹² However, in the light of the non-party based presidential elections in 2003 (and the high profile arrests prior to it- compare below), one might argue that in many ways the transitional government of 1994 was more progressive than the present status quo. But then again Prunier's 1995 analysis of the political scene is enlightening insofar as he traces the idea of non party politics to 'idealist Tutsi moderates' from Uganda, where this model was highly successful. While Prunier cautions that this was 'an ambiguous recipe' which could be seen as an attempt of avoiding ethnic politics but also a convenient disguise for Tutsi domination, it proves to an extent what RPF officials have been saying a long time- that they felt the necessity for the intellectual construction of a political 'Sonderweg' (contextualised politics) that was appropriate for Rwanda's situation. While the legitimacy of the current government

⁴¹² Gerald Prunier *The Rwandan Crisis*, London 1995, page 330.

surely matters for reconciliation, it is beyond the scope of this thesis to establish whether the current regime is more legitimate than any other form of governance. Much of such an analysis would be crystal gazing any way. It can only –from a limited perspective of a westerner- comment on some institutional/educational steps that were taken to promote reconciliation.

In a later chapter, this thesis will argue that many shortcomings in the current reconciliation process can not be solely attributed to the failure of the RPF government policies. They are of a perceptual and inter-procedural nature and reflect not only obstacles on local and national but also on an international level. At the same, this paper does acknowledge that the will to (remain in) power and political interests are forceful motivations and clearly, like for most governments, power-sharing is not the first objective of the current RPF government. Mamdani has a point when he stresses the necessity of a political justice that reopens spaces for participation for all on national as well as on local level through a thorough inclusive reform of state structures but also so far unquestioned ‘customary’ executive, legislative, judicial and administrative practices that often centralise power and hence fail to make it accountable. ⁴¹³ Political justice is indeed more than a criminal justice that holds

⁴¹³ Mahmood Mamdani :When Victims becomes Killers, Princeton 2001, p.270 f.

perpetrators accountable. And undoubtedly the latter, entails the danger of a reinforcement of past divisions. However, without a reflected understanding of individual and institutional guilt and manipulation an important lesson of history would be lost. No one could guarantee that an 'sacrifice' of power by the RPF in favour of the majority (which Mamdani suggests) would prompt ' a juridical and institutional reform that ceases to make a distinction between two kinds of citizen: one indigenous the other not' unless the previous discourse of violence and its exclusive categories are fully understood. Prunier gives a powerful description of what majority rule meant in 1959 when the revolution failed to address the perceptual roots of both colonial and Tutsi oppression. It was not the ' perfect democracy' ..'Once the obsolete oppressors were liquidated , new once were immediately put in place, without leaving the oppressed much time to breathe.'⁴¹⁴

On the whole, and Mamdani would have difficulties to contest this, a responsible transitional minority led government will more likely look for and stress similarities with the other and move away from dichotomies that put it in a vulnerable position in the first place (to secure its own future). It will be most certainly more thorough when it comes to dealing with the legacy of the past. Although, inevitably, it will be also to

⁴¹⁴ Gerald Prunier *The Rwandan Crisis*, London 1995, p.348.

certain extent selective with regard to their involvement in crimes. In the wider context of this thesis, this section seeks to highlight a classic insight of critical theory that is that even strategic policies depend on communicative action and have communicative outcomes.⁴¹⁵ Put differently, even if the RPF's interest in reconciliation is purely strategically motivated it will have (at least some) communicative results upon other generations can built their discussions in future.

The author is fully aware, while many might agree with this interpretation, there will be others that might feel victimized. As Prunier puts it ' When one is confronted by an event of such massive evil as the 1994 genocide, there is an enormous (and largely unconscious) temptation to present in a favourable light any social or political force which can provide some sort of a moral counter-poison.'⁴¹⁶ Critical theorists, one as the last defenders of idealism in IR theory, are naturally especially vulnerable when it comes to an assessment of those who seemingly seem to fight a true, just and authentic battle for the common good of all. However, unlike historians they benefit from the assumptions of their own theory which assumes that nothing is set in stone and every honest attempt of communication is useful. The following illustration is such an attempt.

⁴¹⁵ Juergen Habermas: *Theorie des kommunikativen Handelns*, Frankfurt 1981.

⁴¹⁶ Gerald Prunier *The Rwandan Crisis*, London 1995, p 356.

5.1.5 DISCURSIVE CATEGORIES AND THEIR REALITY-

The Genocide Memorial Site of Nyamata - a church a one hour drive outside of Kigali- resembles most other sites commemorating the approximately 800.000 victims of the genocide that ravished the country in only 100 days from April to July 1994. Empty and eerie . Filled with a depressing stench and stories of unspeakable horror.

In Nyamata , a discourse of violence manifests itself suddenly as a paralysing reality that seems to have no conceptual equivalent in our imagination. Without a reference point, it appears unthinkable, detached from all human experience. Only the theoretical term fanaticized consciousness gains a new genuine and very disturbing practical meaning.

At first sight Nyamata seems to teach the visitor a straightforward lesson in the economics of death. The black bullet holes in the ceiling of the entrance hall seem like reliable indicators for a quick collective termination. But they are deceiving.

Nyamata's devastating meaning can not be expressed and remembered in numeric terms.

A little coffin in the middle of the church reminds the visitor of the suffering of a 4-year old girl that was found with a spear

pierced through vagina right through her head, while the remains of her family and of approximately 12.000 brutally mutilated others rest in two open mass graves in the backyard. The slaughter went on for days. Children watched how their parents were killed before they were chopped into pieces and left to bleed to death. In the end, there was nobody left to mourn or identify them, only a pile of bloody machetes.

In Nyamata many ordinary things have gained a special meaning. Like the high metal fence right next to the burial side, that once separated the missionaries from the desperate crowd. It remained as a last sad monument of "western courage".

Nyamata - arguably one of the last places on earth where one would start a journey in the hope to find answers to reconciliation- a place that seems to lie beyond any reflection of truth, justice or authenticity- a place where any moral argument would seem indeed out of place and self-defeating and any appeal for forgiveness would be a blatant insult to the memory of the victims.

But still, right on the gateway of horror hang a sign-post of hope (Picture 1.1)

It reads : **"If you would have known me and would have known yourself, you would have not killed me."**

After the initial shock in July 1994, that was followed by deliberate acts of vengeance, various initiatives have been taken to explain this and similar messages to a (in every possible terms) divided nation. Indeed, it is fair to say that eight years after the genocide, Rwanda's government has launched with the help of the international community one of the largest collective peace (re)-education campaigns of recent times. Much of this educative activity can be understood in terms of collective learning on a) truth, b) justice and c) authenticity.

Appeals to reconciliation can be found everywhere in Rwanda- on T-shirts, tea cups, posters, in schools, churches, sport and women clubs, in school and university curricula and last but not least on the web-sites of the Rwandan government and its ministries. The reconciliation theme is ever present in most speeches and newspaper interviews of Rwandan officials, regardless whether they are commenting on rural poverty, agriculture, elections or gender equality. However, reconciliation is more than just a slogan or a message that should be remembered. In the past, the idea of reconciliation has had a real, measurable effect on the work of the constitutional commission and other core institution building efforts (e.g. the National Unity & Reconciliation Commission and the Human rights commission). In our study , officials named reconciliation before the eradication of poverty and

corruption as main challenge for Rwanda in the 21st century.

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This goal setting may seem quite unusual for a government that includes former rebel army members, who belong to the once persecuted Tutsi minority. And indeed, it would be wrong to explain this policy in the current political climate solely through moral insight and good will and not also in terms of political interest.

Nevertheless, Rwanda's current leadership seems more committed to inter-ethnic peace than any of its predecessor, including the colonial powers. Since July 1994, the RPF has established a power sharing regime with most political fractions. The current government has been very cautious to avoid the impression of a military dictatorship. In 1994, as consequence of its role in the genocide, only the MRND was excluded and forbidden by law.⁴¹⁸ In July 1994, a coalition government was formed that resembled the blueprint of an authority that was initially planned by President Habyarimana in 1992. Like the latter, the Government of National Unity was also based on the Arusha accords. To avoid further friction all political party campaigning activities were banned until the constitutional referendum in May 2003. The commitment to diversity has remained relatively stable. In late October 2002,

⁴¹⁷ For interviewees please see bibliography.

⁴¹⁸ Martin Ngoga, Special Envoy of Rwanda at the ICTR, Arusha- Arusha, Tanzania, 30/05/01.

8 political factions were represented in parliament. 6 of these parties were represented in the government. Out of 74 representatives 13 were from the RPF.

The initial appointment of the moderate Hutu politician Pasteur Bizimungu, as a Rwanda's first President in 1994 was also seen a positive indicator for interethnic reconciliation and a sensible political agenda of the new state.⁴¹⁹ Bizimungu, who stems from the same clan and province like President Habyarimana, joined the RPA while being in exile in Uganda. The young intellectual who got initially in trouble with the regime after marrying a Tutsi, had left the country after his cousin was murdered and he had received numerous death threats. His political connection to the RPF goes back to 1982 (only 3 years after the group was founded, and 5 years before it reorganised itself as a military entity) when he was involved in a petition in favour of the RPF at French Summit meeting⁴²⁰ (an organisational entity comparable to the Commonwealth). The former president, who is today Rwanda's most famous political prisoner, was seen as a living proof that the RPF did not define itself along ethnic lines.

However, it is no secret that over the years, and not only since Bizimungu's imprisonment in 2002, the political dialogue between other parties and the RPF has proven to be difficult.

⁴¹⁹ Ibidem.

⁴²⁰ It was at this very meeting when President Chirac, who was asked to mediate, allegedly concurred with Habyarimana's statement on the RPF 'you are not Rwandese'. A circumstance that is still today vividly remembered by RPF supporters in Rwanda.

Already in 1999, a UNCHR report on the human rights situation in Rwanda criticized that 'the government demonstrated a lack of interest in establishing a broad political power base and in processes leading to power-sharing. Instead, gradual exclusion of Hutu opponents from the top political levels, as well as in the administration and in the judiciary, added to the current conflict potential.'⁴²¹

The report referred to the fact that some Hutu politicians were falsely accused of sympathising with the insurgents that terrorised the northern border area of Rwanda in 1998. In December 1998, the Secretary of State to the Minister of Interior, a Hutu post-1994 returnee, fled the country after her brothers were arrested in connection with the insurgency. A couple of months later, also the Minister of Justice, who also belonged to the ethnic group formerly known as Hutu, resigned and went into exile, after a dispute with the RPF about military interference in judicial decisions.⁴²²

On 27th February 1999 the previous MDR party chairman Bonaventure Ubalijoro was placed under arrest. In April 1999, three Rwandan MPs, Eustache Nkerinka, Jacques Maniraguha and Jean-Léonard Bizimana of the Mouvement démocratique républicain (MDR), who were critical of the government, were

⁴²¹ UNHCR Report : Background paper on the Human rights situation in Rwanda. UNHCR Centre for Documentation and Research, Geneva, January 2000.

⁴²² There were also some allegations that he would have been involved in the insurgency. Nevertheless, after some years in exile, the former minister returned and is today Vice-governor of the Banque Nationale du Rwanda!

expelled from parliament.⁴²³ Since 1999, there has been a growing number of accusations of government corruption and participation in the genocide. In February 1999 and again in January 2000, the government was rebuilt. At the end of 1999, one third of the National Assembly members were newly appointed by party leaders. In 1999, the President and the Prime Minister were charged with participation in the genocide. However, both politicians stayed at first in power and were not brought to trial.

On 17th April 2000, President Bizimungu resigned after an internal dispute with members of the RPF about his presidential competencies. Bizimungu was unhappy about his scope for action and the fact that all important political decisions were (and are presumably still today) taken by consensus of the RPF leadership.

Bizimungu's successor was the then vice-president of Rwanda Paul Kagame, who has been the chief commander of the RPA since 1990. Kagame, who once fought against Idi Amin in Uganda and helped Museveni to gain power, is today renowned for being a moderate politician with a high international exposure and excellent negotiation skills. Nevertheless, his relationship with the army and the police (that consists mainly of RPA forces) has remained a reason for concern. This has been especially true in the run up to the

⁴²³ Round Table Rwanda , Issue No. 2, April 1999 ,Barred from Parliament - Politician Arrested

2003 presidential elections, when several of his political opponents (in particular supporters of Faustin Twagiramungo) were put in jail or interrogated on charges of divisionism and betrayal of the national ideal of 'unity and reconciliation'.⁴²⁴ Bizimungu is currently held on very similar charges. He was probably the most serious contender for the presidential elections before he was put into jail in 2002. Bizimungu was imprisoned when he tried to set up his own 'Ubuyanja' party that allegedly also followed a divisive ideology.⁴²⁵ The imprisonment of Bizimungu and the abolishment of the MDR in November 2002 are only two recent example of a strategic use of the idea of reconciliation In Rwanda. In this scenario, reconciliation fulfils clearly the strategic function to contain and discredit any opposition. Contrary to its real meaning, the ideal of national unity is used to substantiate allegations of divisionism.

It is yet unclear how the RPF will ensure an open and free political participation that does not threaten the current status quo in future. The recent elections came as a surprise to many observers. In April 2001, it was still reported in the Rwandan media, that the government considered conducting

⁴²⁴ Only three (of the initially six nominated) candidates took part in the election- the former president of the reconciliation commission and tourism minister Nayinzira (formerly PDC), Twagiramungo (formerly MDR/Amiziro party) and Kagame (RPF).

⁴²⁵ In 2002, the Rwandan Supreme Court confirmed that Bizimungo 's arrest was formally correct. However, so far it has not ruled yet and it is unclear if and how long Bizimungu will remain in prison.

the first multi-party election in 2008.⁴²⁶ The first national local elections after 37 years⁴²⁷, that took place on the 7 th March 2001, were contested only by independent candidates (Special quota provisions were made for women and young people) but not by parties. It is likely that the government eventually responded to its international critics who were unhappy about its recent style of governance. Good /democratic governance is an international concern that needs to be addressed in a convincing and open manner to attract and secure further development aid.

Although, there are currently eight political parties in the run for the parliamentary elections in September 2003 and political campaigning is no longer forbidden by law, the imprisonment of Bizimungu, the abolition of the MDR, the systemic intimidation and discrediting⁴²⁸ of Twagiramungo supporters and the resignation of Kagame's closest contender Alivera Mukabaramba (formerly MDR/PPC) 24 hours before the presidential elections⁴²⁹ took place, are clear indicators that despite all international pressures, Rwanda is not ready

⁴²⁶ Compare Report: The New Times, Kigali, 4 th May 2001.

⁴²⁷ In March 1999, there have been some basic elections at the two most local levels, Cell and Sector.

⁴²⁸ Radio reports on Twagiramungu were extremely negative. His supporters were accused of fraud and many Rwandan felt insecure about what to do on election day. In various radio talk shows and press conferences people asked the same questions again and again, like what will happen to those who vote for Twagiramungu or what would happen to those people who would not vote at all.

⁴²⁹ Although the term 'close' might be misleading in this context. A poll predicted that she would have got approximately eight percent of all votes.

for a free election. The fact that no party representative and only independent candidates contended the presidential election proves an ongoing suspicion towards political campaigning and a multiparty system. It is likely that this problem will lead to even more friction during the parliamentary elections. So far, Twagiramungu and Kambanda were hindered to register their Amizero party. Both missed the deadline because they were held and interrogated at a local police station.

Kagame won the presidential elections in August 2003 with 95 percent. It is doubtful that this result or the oppression of opposition will contribute to the national goal of reconciliation. However, it is understandable why the Rwandan government feels that it has to defend the ideal by all means.

While there can not be any doubt that the current government uses the notion of reconciliation strategically in its favour, it is important to note that this does not necessarily imply that the current leadership instrumentalizes reconciliation and forgiveness or is not interested to promote communicative goals. Rwanda's policy of national unity is primarily a conflict prevention strategy that is driven by classical national security interests.

To Rwanda's leadership, reconciliation is not only a distant normative ideal (like e.g. political human rights, freedom of speech and freedom of the press), that one might aspire to

once more urgent matters in the real world are resolved. In Rwanda, reconciliation is considered as a "national matter of survival",⁴³⁰ that is domestically enforced at any costs.

Obviously, there are many unresolved individual emotional, perceptual and juridical issues that foster instability, mistrust and political unrest within the country, that need to be reconciled. However, most importantly, in addition to these system-threatening misgivings, there is still the ever present threat of a new genocide, that may be sparked (like the events of 1994) by an external force- only this time not by an Tutsi army but by returning Hutu rebel forces from DRC Congo.

This external risk has not decreased since the 1998 insurgency. It is very present and real. It is no secret that after the July 2002 peace agreement that officially ended Rwanda's occupation of large parts of DRC Congo, remaining Hutu forces were not disarmed by the Congolese government. They have re-assembled and have started moving towards the Rwandese border waiting for their chance to strike back.⁴³¹

It is mainly for this reason that Rwanda's current leadership "aggressively" engages in reconciling its citizen and imposes strict limits to political campaigning. Its policy of national

⁴³⁰ Interview with Hon. Justice Minister Muyco, Kigali July 2001.

⁴³¹ There have been recent statements of Rwanda's President Kagame in which he is not excluding the possibility of a renewed attack on the DRC Congo in near future, which would destabilize the region once more and potentially could isolate Rwanda on the international stage and deprive it of important allies. Unlike in 1998 when the world had a large sympathy for Rwanda and its RPF government and the US and UN issued humble notes of apologies about their failures in 1994, this time it would be quite likely that a renewed intervention would be not condoned and the country could become at some point very vulnerable to external aggression. Compare President Paul Kagame's statements on BBC Hard Talk, Nov 2002

unity tries to prevent internal instability and seeks to secure the home front from within. (This strategy even leads in some places to positive discrimination. According to some reports, there have been cases in which Tutsi were pressurized to give up their farm land for Hutu returnees.)

The legitimacy of the current regime obviously depends on its acceptance by both ethnic groups. This approval depends on the success of its re-integration / reconciliation policies. Standard transitional remedies like free democratic elections and a multi-party system create substantial difficulties for a government that is run by an ethnic minority that could (and would) be easily outnumbered by the ethnic majority once the issue of ethnicity would be used for political campaigning. In other words, the continued reference to reconciliation and the strict policies towards the opposition must be seen in this context. The Rwandan government was urged by its donors to have elections. These elections posed a serious challenge to the fragile inter-ethnic balance they managed to establish over the last 8 years.

And although, this policy is clearly strategically motivated its objectives are still of a communicative nature. The transformation of previously distorted perceptions and communication structures depend on the development of inclusive discursive strategies.

In chapter 3, it was noted that strategic thinking precedes communicative action and that the acquisition of propositional knowledge specifies the first step for communicative learning. Any elite activity (in Weber's sense) will be initially based on strategic interests insofar as political and intellectual groups will seek to maximise their influence on newly emerging world-views of a society. In this context, the new ideological content demarcates the border of the immediately available new discursive space within a society that is enforced by the new regime.

However, the sudden devaluation of cultural knowledge will always result in (at least) temporary chaos. The questioning of one realm (the cultural life-world) will lead to the opening of other spaces for reflection. There is no guarantee that people will necessarily agree with the elite's solutions. The latter will have to convince the people of its policies- either by force or argument. This latter process is known as participatory democracy. While Rwanda clearly does not fulfil the latter criteria, there can not be any doubt that the RPF is at least trying to seek and construct an alternative dialogue (e.g. through grass-root consultations) ⁴³² with its people and the international community despite limitations in the freedom of speech and political activities. Today, Rwanda (not unlike China) is a laboratory for participatory governance in which

⁴³² Unity & Reconciliation Commission: Nation-wide grass-root consultations report: Unity & Reconciliation Initiatives in Rwanda, Kigali 2001.

the leadership seeks a formula that legitimates its rule but at the same time does not threaten its existence. It is unlikely that this recipe will be ever found, however there is a clear difference between an authoritarian regime that give orders and silences people by terminating them and a semi- elected government that listens (at least sometimes).

Of course, despite all reforms, there are many justified complaints about the application of double standards of those who want to prescribe repentance and forgiveness.⁴³³ This is particularly true for the RPA. RPF officials (including Paul Kagame) are very reluctant when it comes to acknowledging and apologizing for the war- crimes that were committed by the RPA after the defeat of the Hutu forces in July 1994.⁴³⁴

Although, Rwanda's firm opposition to a trial of its forces before the International Criminal Tribunal in Arusha is understandable⁴³⁵- since such a process would equate crimes that were committed in affect with planned genocide- the failure of a comprehensive national investigation still indicates that reconciliation is prescribed for everybody in the country except the military forces, which certainly does not contribute to the confidence building process in the Hutu community.

⁴³³ Interview Witness BI, Arusha, May 2001.

⁴³⁴ There have been quite a number of reports of atrocities. For example on July 14, allegedly thousands of Hutus lost their life. when the RPF gained control of the MRND stronghold in Ruhengeri. Compare also President Paul Kagame's statements on BBC Hard Talk, Nov 2002.

⁴³⁵ Martin Ngoga, Special Envoy of Rwanda at the ICTR, Arusha- Arusha, Tanzania, 30/05/01.

The recent conduct of the RPA in DRC Congo and the lack of an official investigation into murder, theft and rape charges show that there are clear structural weaknesses with regard to supervision and application of the rule of law within the armed forces.⁴³⁶

Reconciliation (which includes an active cooperation with the UN- ICTR) is a crucial component of the RPF strategy for political survival both domestically and internationally.⁴³⁷ This ideal might be cherished for the wrong reasons, however it does not lose any of its transformative power as long as it enables and recovers interaction and interpersonal relationships within a society. Limitations of discursive liberty do not necessarily rule out dialogical engagement all together. And although the idea of an ideal speech situation seems in Rwanda even more distant than usual, there are good reasons to believe that the authenticity of official speakers should be at least given the benefit of a doubt.

⁴³⁶ BBC Hard Talk Nov. 2002.

⁴³⁷ Section 4.5 will show that recent difficulties in the cooperation with the ICTR result more from procedural short-comings at the ICTR in terms of victim support and witness protection than Rwandan malpractice.

**5.1.6 DETERMINING THE PARAMETERS OF
RECONCILIATION -
SYMBOLIC AND ECONOMIC RECONCILIATION**

The interactive phase model of Chapter 3 suggests that reconciliation can be pursued in at least three different ways: symbolically, communicatively and discursively. While communicative and discursive reconciliation require an inter-subjective rethinking of exclusive validity claims within complex discursive learning processes, symbolic reconciliation seems like a straight-forward task, assuming that symbols are visible signs or expressions that can be immediately removed by the state or other agencies.

(Of course, there are obvious limits. There is always the question in how far this symbolic discourse is indeed accessible. This becomes very clear in the private sphere where it is virtually impossible to control the use of those symbols that are used in hate language)

Over the last 8 years, the Rwandan government has launched various symbolic initiatives that tried to restore Rwanda's battered collective consciousness. Besides changes in the design of Rwanda's new flag and the composition of a new

anthem, new holidays commemorating a shared history (like the hero day in which historical figures from both ethnic groups are honoured) have been created to promote national pride and unity among all Rwandese.⁴³⁸

The abolishment of an official statistic on ethnicity, the registration of all citizen as Rwandans and the issuing of new identity cards are further practical steps to deconstruct imaginary borderlines and to create an inclusive vision of citizenship.⁴³⁹

Other symbolic measurements have also included economic provisions. Such gestures are undoubtedly important, especially in a poor country like Rwanda where a chronic lack of access to/fear of loss of means of production (land) has undoubtedly contributed to the fierceness of the conflict. Initiatives like the resettlement of former Hutu refugees in their home village and just land re-distribution schemes (in which villages are rewarded financially by the government if they agree to share their land with or return land and houses to Hutu returnees) as well as the creation of new mixed villages⁴⁴⁰ send important messages of reconciliation.⁴⁴¹ (The

⁴³⁸ Interview Peace Uwineza, Director- Community-building Initiative Programme- National Commission for Unity and Reconciliation, Kigali, Rwanda, 21/06/01

⁴³⁹ Ndoba Gasana, President - National Human Rights Commission, Kigali, Rwanda, 15/06/01

⁴⁴⁰ Jules Ntaganzwa, Coordinator, National Commission for Unity and Reconciliation, Kibuye Province, Rwanda, 6/08/01.

⁴⁴¹ Although, this seems to be a quite recent trend. Initially, Rwanda's systemic relocation of returnees (villagisation) invited much criticism, especially since many relocations were not consensual. Human Rights Watch: World Report 2000.

same applies to attempts of restorative justice compare Chapter 4.3)

However inevitably, peaceful coexistence necessarily depends not only on the appeasement of economic interests but on the solving of deeper communicative tasks. In the every day life of villages, common (categorical) ground has to be found, new communicative socialisation mechanisms have to be established (old beliefs have to be disregarded) and new non-violent (national) identity structures have to evolve.

Obviously, symbolic action specifies just a first step in the wider process of the rebuilding of communicative interaction structures and the restoring of discursive competencies. The key to any development in these fields is of course education. Over the last few years, Rwanda's government has launched a major educational campaign on peace and reconciliation that has targeted all sections of the society. These campaigns seek to deconstruct various myths and narratives that are associated with the genocide. The following sections will illustrate and the educative efforts to transcend them.

5.1.7 THE RWANDAN DISCOURSE OF VIOLENCE- PROPOSITIONAL DISTORTIONS OF TRUTH

Gisenyi is a northern province of Rwanda at the border to Congo. Most of Rwanda's post 1973 Hutu leadership including President Habyarimana's wife and her (in)famous 'akazu' family circle originate from this region. Gisenyi was the main stronghold of the MRND regime and the last region that was taken by RPF soldiers in 1994. Literally a stone throw away from Gisenyi town on the other side of the lake Kivu in Goma, Congo and its surrounding forests, lie some of the largest refugees camps in Africa. It is here where a refugee "Hutu army" waits for its return.

Clashes in the region in summer 2001 between Hutu forces and the Rwandan army on both sides of the border were so fierce that NGOs in Kigali started to issue evacuation plans for their staff. At that time, (at least according to international perceptions) the possibility of a re-occurring conflict was clearly there. But what about the perceptions on the ground seven years after year zero?

On a Thursday morning in August 2001 in Gisenyi province, we were waiting in front of Rwanda's first solidarity camp for "infiltrators" from Congo. Although we had a permission by

the local National Unity & Reconciliation representative, who was officially in charge of the solidarity camp, to visit the site, the RPA deputy military commander, who claimed that he would run the camp, disagreed, which meant we had to wait.

It was there where we had an encounter with a young boy who was at the time maybe 5 or 6 years old and hence born after the genocide. After an initial examination through our car window, he looked closer at my Tutsi friend from Burundi and then at me and concluded that I must be also a Tutsi because I have a nose like a Tutsi'. A tutsi mzungu.

The first victim in a discourse of violence is truth. The ways in which we name and categorise our reality are the ways in which we perceive it and act in it. A language of hatred is in many ways like a virus. It is easy to contract but is very hard to exorcise, simply because it operates at a subconscious level that we can not easily access. And it is contagious.

The systematic distortion of truth in Rwanda began initially with the introduction of racist categories of an alien, western discourse. ⁴⁴²

The Hamitic myth originated in 19th century ⁴⁴³ and was first formulated by J. H. Speke. His theory of 'conquest of inferior

⁴⁴² Although there is historical evidence suggesting that Hutu, Twa and Tutsi were distinct social entities and that there was some discrimination against Hutu (and Tutsi who were not affiliation with the royal court) under Rwabugiri (compare above Chap 5.1.1), there is a broad consensus that racist categories were introduced by late nineteenth-century anthropological thinking. G. Prunier : *The Rwanda Crisis*, London 1995, p. 5.

by superior races' provided a narrative for colonial powers who tried to find a rationale for the (in European terms) 'well-organized' state of some African societies at that time.⁴⁴⁴

The overall conclusion was that these societies must have their origin outside Africa. In the case of Rwanda it was argued that while the ethnic minority of the Twa and the Hutu (who were supposedly "the true Negroes" who originated from Chad and Cameroon) have been the first inhabitants of Rwanda, it was the superior race of the Tutsis of Indo-European Origin, the pastoralist invaders (that arrived four centuries before from Ethiopia) that had built the complex kingship and state system and had brought order to Rwanda⁴⁴⁵, (an assumption that was highly simplified insofar as there is evidence for peaceful decentralised forms of governance long after the first Tutsi arrival and pastoralism

⁴⁴³ J. Henning Speke: *Journal of the Discovery of the source of the Nile*. London 1969. J Speke was an English explorer who was at this time famous for his Africa expeditions. In his book he decribed the alleged 'physical and moral ugliness of Africa's "primitive races" in whose condition he found "a strikingly existing proof of the holy scriptures" the myth of Ham, in which Noah condemned his son Ham to be a slave among slaves, after he was ridiculed by him. P. Gourevitch: *We wish to inform you..* London 1998, p.52.

⁴⁴⁴ ' In Chapter IX of his *Journal* ..he (Speke) presents what he calls his 'Theory of conquest of inferior by superior races . After observing the 'foreign' origins of some ruling groups in several..kingdoms , he 'deduced from the fact ' a 'theory' linking the monarchic institutions .. with the arrival of a 'conquering superior race, carrier of a superior civilisation'.. (The Tutsi) were the Galla of Southern Ethiopia.' G. Prunier : *The Rwanda Crisis*, London 1995, p.7. A similar account id given by Des Forges (Des Forges 1999, 36).

⁴⁴⁵ The Hamitic hypothesis created a scientific narrative that attributed biological and cultural supremacy to the Tutsi as a group. As a result, it was irrelevant that many of the physical characteristics and cultural practices that were cited were unique and peculiar to members of the royal court, who accounted for no more than 10% of all Tutsi in the country (Newbury and Newbury 2000, 839). Mamdani points out

among Hutu before a migration of Tutsi took place, as Mamdani has pointed out ⁴⁴⁶).

While orderly government and efficiency of a Tutsi governing elite was one criterion why some Africans were more equal than others, aesthetics was arguably an even more important factor within the European racist discourse. The facial and physical features of some Tutsi appealed very much to western aesthetic ideals at the time. The latter were misused to justify quasi-scientific theories and define group boundaries of God's chosen people. Within the narratives of the time both factors, leadership and aesthetics were fatefully intertwined. Prunier quotes colonial officials who write: 'The Batutsi were meant to reign . Their fine presence is in itself enough to give them great prestige vis-à-vis inferior races which surround..' and 'The Mututsi of good race ... is usually very tall..his features are very fine ..Gifted with a vivacious intelligence ..he is a natural-born leader , capable of extreme self-control and of calculated good will. ⁴⁴⁷ Speke writes: The Tutsi had kept' a high stamp of Asiatic features, of which a marked

⁴⁴⁶ Mamdani, who argues that Hutu and Tutsi identities are political constructs that have changed over time, writes: 'The identification ..of the well-born Tutsi , as colonial and Church officials used to say- with all Tutsi was erogenous ,for it ignored the poor Tutsi.. Similarly, the notion that the Hutu /Tutsi difference is really a division of labour does not hold in the light of the evidence that pastoralism was really a local development in the region and that the equation of pastoralism with a Tutsi migration needs to be rejected .' He further's point at arguments for a weak migration hypothesis see migration as a gradual infiltration. Quoting Vasina, he notes, that 'there was evidence of peaceful coexistence between pastoralist and agriculturalists ..The was little raiding, no system of vassalage and no state formation to in-cooperate both groups.' M. Mamdani: *When Victims become killers...*p. 57f.

⁴⁴⁷ G. Prunier : *The Rwanda Crisis*, London 1995, p.6& 11.

characteristic is a bridged instead of a bridgeless nose'. He sees him 'as a lost Christian (Noah's lost son Ham) who with a little education could be 'superior in all things', 'just like an English man, as Gourevitch notes.'⁴⁴⁸

Since every form of colonial rule derives its legitimacy from the notion of racial superiority, it is not surprising that colonialists of that time believed that also 'the natives' would "naturally" organise themselves according to this principle of selection.

The subsequent divide and rule policy can be understood as 'quasi-rational' attempt to take advantage of this 'natural order'. Every discrimination and dichotomisation can be derived from this invalid projection that ultimately results from a western misconception of themselves and others, rigid /racist Christian beliefs and corresponding distorted claims of moral authority.

But while these racial hypotheses are considered nowadays as part of Europe's darkest history, the symbolical divisions that were once introduced into Rwanda's life-world discourse have (as seen above) not healed until today. As Gourevitch writes, although "few living Rwandans have heard of John Henning Speke..few Rwandans would deny that the Hamitic myth is

⁴⁴⁸ P. Gourevitch: We wish to inform you.. London 1998, p.52.

one of the essential ideas by which they understand who they are in this world".⁴⁴⁹

The distortion of historical truth still proves to be fatal in various ways.

Firstly, the Hamitic myth states that Hutus and Tutsis are initially of a different origin. This distinction dichotomises both groups in terms of invaders and attacked /aggressors and victims which ultimately implies that both parties have not and will be never able to live peacefully together⁴⁵⁰-an assumption which is historically untrue (compare section 5.1.1 and Footnote 438) Between April and June 1994 Hutu militias rehearsed this very message by throwing ten thousands of death bodies into the streams and rivers with the remark that they would send the Tutsis back to Ethiopia to where they came from.⁴⁵¹

Today, many Hutus who are still waiting in refugee camps outside Rwanda perceive the victory of RPA forces as a renewed invasion and see the Hamitic myth and their fears of subjugation only once again verified.

Secondly, the Hamitic myth provided the Hutu elite with an ideology that legitimised its post- 1959 rule and cyclic

⁴⁴⁹ P. Gourevitch: *We wish to inform you..* London 1998, p.52.

⁴⁵⁰ Unity & Reconciliation Commission: National Summit on Unity& Reconciliation Kigali, 18-20 October 2000, Kigali 2000

⁴⁵¹ As Gourevitch notes: In 1992 'the Hutu Power ideologue Leon Mugesera delivered a famous speech , calling on Hutus to send the Tutsis back to Ethiopia by way of the Nyabarongo River, a tributary of the Nile that winds through Rwanda. Hedid not have to elaborate. In April of 1994, the river was choked with dead Tutsis, and tens of thousands of bodies washed up on the shores of Lake Victoria. P. Gourevitch: *We wish to inform you..* London 1998, p.53.

revenge, including acts of genocide. The 1957 Hutu Manifesto that called for democracy in the form of majority rule 'embraced the Hamitic myth' (and its racist categories) instead of negating it.⁴⁵² (compare below- Section 5.1.9)

Ultimately it gave the leadership a rationale why the Hutu revolution was necessary and why Tutsis had to be perceived as a constant threat. This ideology is not only used today to mobilize young expatriate Hutus to participate in still ongoing minor attacks, it is also the main obstacle for their return.

Dieu Doune Habarurema- a 23 year old Sergeant Lieutenant of the Hutu refugee army, who was caught in one of these attacks, described this dilemma as follows.

'There is not much information about Rwanda in the forest (Congo). We did not know how people live here today. We heard only about death. They said if you are captured you get killed. I was very surprised I was not killed. That is what all people think who are still suffering in the refugee camps.'⁴⁵³

Thirdly, the Hamitic myth introduced systemic inequality that was reproduced and reinforced by an inferiority complex of the Hutu population. The tragedy of a discourse of violence is that not only oppressors are suffering from a distorted self-image.

⁴⁵² *ibidem*, p. 58.

⁴⁵³ Solidarity Camp Detainees/Interviewee 3, Dieu Donne Habarurema, Sergeant Lieutenant, Solidarity Camp for Expatriate Soldiers & "Infiltrators" from Congo - Gisenyi Ville, Gisenyi Province, Rwanda.

Also the oppressed internalise deformed propositional categories and learn to define themselves accordingly.

From colonial days onward many Hutus applied western aesthetic criteria to themselves and felt inferior in the light of dubious western standards of success and beauty.

One reason why there were so many rapes during the 1994 genocide and before, was that Tutsi women were often perceived as unattainable for ordinary Hutu men and it was said that they would look down on them and despise them.

Indeed, one common feature in the testimonies of rape victims at the UN-ICTR is that most of the perpetrators were referring to how they have been scorned by their victims in the past, even if (like in most of the cases) they had never met them before.

Attacks on female Hutu opposition members - who allegedly had the same haughty attitude and hence "were also Tutsi" were justified along the same lines.⁴⁵⁴ Hence, the term 'Tutsi' referred to more than an ethnic origin, it also specified a state of mind, that was a projection of fear and inadequacies that was felt within certain Hutu circles and reinforced by the fact that wealthy and influential Hutus had Tutsi wives.

On the whole, the in-cooperation of the western Hamitic myth into the social worldview of the post 1959 order led to a

⁴⁵⁴ Interview Protected Witness BI, Arusha (Date withheld following request of the ICTR Prosecution).

paranoid fear of the majority of the minority that allowed in 1994 for only one conclusion, kill them before they kill us.

Anastase Shinyimana, an illiterate farmer and confessed genocidaire, explains this paranoia in his home village in Gitesi, Kibuye in 1994 as follows: "... why I killed, the government, it is because of the propaganda. We were living in the country side. We found grenades. They were telling us Tutsis are attacking. We were told to protect ourselves. About what happened in 1994: we heard stories from old people. How Tutsis were mistreating them . This came into my mind. To us it seemed it was allowed to kill. No one will persecute you. It was like we had a permission to do this"⁴⁵⁵

However, it was not only the old people who remembered the Hamitic myth. From 1959 onward it was taught in every primary and secondary school in the country. It also survived astonishing long in the scientific discourse of the time . Speke's line of argument was not questioned until Jan Vansina's essay *L'Évolution du royaume rwanda des origines à 1900* which was published in 1962.⁴⁵⁶ Prunier notes that even in 1970 a former French ambassador to Rwanda could still present Tutsi stereotypes in front of an academic audience, without inviting any criticism.⁴⁵⁷

⁴⁵⁵ Prisoner 2 Kibuye Ville Prison, Anastase Shinyimana, , Kibuye Province, Rwanda, 6/08/01.

⁴⁵⁶ Ian Linden: *Church and revolution in Rwanda*, Manchester 1977.

⁴⁵⁷ G. Prunier : *The Rwanda Crisis*, London 1995, p. 8.

Some progress was made in 1973, when Kayibanda was succeeded by the allegedly more moderate Habyarimana , insofar as the curriculum changed and some local scholars in Rwandan history tried to expose the Hamitic myth as racist nonsense. However, with all history teachers remaining in their position the general tenor in the schools and universities stayed the same.⁴⁵⁸ A school teacher from Kibuye described this dilemma and the effects on her later life as follows: While being in primary school her best friend in school was a Tutsi. One day her school teacher asks all Tutsi in the class to stand up. She did not know what was the difference, however when her best friend and neighbour stood up, she did too. The teacher shouted at her for not knowing the difference and embarrassed her in front of the class. The women said that this experience had hurt her very much and that from this very day she started to perceive her friend as being different. When she became a teacher she copied this behaviour and started to remind her students of their ethnic origin. In retrospective, the woman clearly regretted what she had done and claimed to have been not aware of the consequences of her action at the time. ⁴⁵⁹

Colonial distortions of truth and subsequent perceptual distortions have been a vivid part of the life- world in Rwanda

⁴⁵⁸ Unity & Reconciliation Commission: National Summit on Unity & Reconciliation Kigali, 18-20 October 2000, Kigali 2000.

⁴⁵⁹ NURC, Nation-wide grass-root consultation Report: Unity & Reconciliation in Rwanda, Kigali 2000, p.8.

in 1994 and are arguably still there today. They have moved from the colonial discourse to the present discourse. They survived the normative ruin of the colonial social order and have been re-interpreted and in-cooperated in a new post-independence discourse of violence, leading eventually to the moral ruin of a whole society.

By adopting the language of their oppressors and its categorical dichotomisation, the post 1959 Hutu leadership failed to develop propositional categories that were truthful and culturally authentic that is to say based on factual historical experiences within the Rwandan political community that could have provided starting points for collective moral learning and inclusive modes of identification. However, by copying alien standards, the racist colonial world-view remained always present. It specified latent propositional knowledge that could be easily activated, like in 1994 through the notorious propaganda of Radio Television Mille Collines (RTLM)

5.1.8 RWANDAN`S DISCOURSE OF VIOLENCE-
THE ILLOCUTIONARY DIMENSION OF JUSTICE-

"Nobody ever said it was wrong to kill a Tutsi. There was no punishment. So we thought we could kill and take things we needed. But afterwards we told it was wrong... We are children. They are parents. If you steal something normally parents would punish you. They didn't."

(Emmanweli Bucyendare -Prisoner, Kibuye)⁴⁶⁰

Emmanweli is a man in his late thirties, early forties, a genocidaire who describes himself as someone who had in 1994 'the heart of an animal', who killed and looted. And still he looks seriously lost in his pink prison pyjama. And while he talks about his inmates and 'them', the government, without making much difference between the present and past leadership, leaving me sometimes puzzled of what sort of "big fish" he is actually talking of, I can't help wondering:

⁴⁶⁰ Of course there is a difference between an acknowledgement of guilt and a mere reference to ideological manipulation. This difference is measured in terms of authenticity (compare next section). To avoid misunderstandings and injustice in textual representation the author like to stress that Emanweli`s quoted statement was made in a wider context (see next section) and that he has stated on various other occasion his regret and acknowledged his guilt.

Did he and his inmates become prisoners of a culture of impunity and blind obedience? Was the state of their consciousness really so fanaticized and/ or child-like that they could not tell right from wrong like most of them claim or am I just about to become another theoretical victim of what 'historical revisionists' like Barrie Collins have called the western myth of a Rwandan killer culture?⁴⁶¹

There can not be much doubt that there has been a serious abuse of the moral discourse in Rwanda that dates (like the distortions of truth) back to the days of colonial rule.

The Belgians highlighted for the sake of their divide and rule policy with the term Hutu and Tutsi a qualitative distinction, that had previously existed in many areas as a social category, but that had never been perceived in rigid racist terms.⁴⁶² Many Rwandans argue today that in pre-colonial days it was mainly social-economic factors that decided who was who. Tutsis were often cattle holders whereas, Hutus were mainly farmers. If a Tutsi sold his/her cattle she/he could become a Hutu and vice versa. Many Rwandan experts agree.⁴⁶³ Kagame argues that according to pastoral law, whoever possesses many heads of cattle is called Tuutsi, even if he is not of the Hamitic race,⁴⁶⁴ Catharine Newbury

⁴⁶¹ Barry Collins: *Obedience in Question: A Critical Question*, Sheffield 1998.

⁴⁶² Peace Uwineza, Director- Community-building Initiative Programme- National Commission for Unity and Reconciliation, Kigali, Rwanda, 21/06/01.

⁴⁶³ (compare Section 5.1.1)

⁴⁶⁴ Alexis Kagame: *Un abregé de l' ethno-histoire du Rwanda*, Buture 1972.

confirms this account in her study of the Kinyaga region where the term 'Tutsi' was associated with power and prosperity (in particular in the form of cattle) and connections to the royal court and not with ethnicity.⁴⁶⁵ And, while some of the Tutsis were the ruling elite (roughly 10%) there were also poor Tutsi and rich Hutu who could be adopted into Tutsi lineages.⁴⁶⁶ And while there is evidence that the last pre-colonial king Rwabugiri did discriminate against local Hutu chiefs by taking their land and replacing lineage heads with trusted Tutsi administrators from the Central region, his policies seemed not primarily ethnically motivated. They were designed to centralised his power, subjugate the last independent Hutu controlled areas and to extract more taxes.⁴⁶⁷ Ethnic distinctions e.g. on the grounds of particular facial figures (that e.g. were measured by a nose index !) that suggested a supremacy of all (not only royal) Tutsi were

⁴⁶⁵ Catherine Newbury: *The cohesion of Oppression: Clientship and ethnicity in Rwanda (1860-1960)*, New York 1988,

⁴⁶⁶ David Newbury: *The clans of Rwanda*, Africa 50.4, 389ff.

⁴⁶⁷ Citing Catherine Newbury, Mamdani writes: 'For so long as lineages controlled the land , the lineage head..was appointed as land chief.. This is how one got to the point where many land chiefs in early Rwanda were Hutu...It is the loss of land rights by the mass of cultivators that explains the introduction of uburetwa, a form of clientship , that was almost entirely without an element of reciprocity.. In contrast to ubuhake, a form of clientship that attracted all those with an interest in a cow, usually Tutsi more than Hutu, uburetwa was a form of clientship that was only imposed on the Hutu..under Rwabugiri: it was imposed on Hutu lineages by hill chiefs, who replaced lineage heads and took their land by right of occupation. ..While Rwabugiri imposed a harsh rule on the formerly semi-autonomous Hutu and Tutsi lineages, Rwabugiri imposed corvee-type labour obligations only on the Hutu, hereby polarizing the social difference between Hutu and Tutsi. As a result , more than at any other time in its history, the state ..appeared as a Tutsi Power under Rwabugiri.' M. Mamdani: *When Victims become killers...*p. 66. This practice of uburetwa was intensified during the colonial regime.

introduced much later and were a product of absurd colonial racial fantasies not the royal court. ⁴⁶⁸ (compare: Truth section- Hamitic myth).

It was the Belgians (and previously for a short period the Germans) who implicated the Tutsi elite for most of its reign in a deeply exploitative, unjust regime that made not only some changes in terms of profit maximisation (like under Rwabugiri) but that transformed the entire social interaction system in terms of material reproduction and communicative cooperation by providing a reinterpretation of previous social identities in exclusive racist terms. This categorical devaluation of past forms of co-existence opened the door for a systematic misuse of power, oppression and abuse (e.g. through a more general and extensive application of exploitative production practices like 'uburetwa' (compare Footnote 457 and below). It affected Hutu and Tutsi in every walk of life and introduced division into a before loosely hierarchical society. It was this collaboration of the Tutsi leadership that provoked resentment, stripped it of its divine status and (in a way) negated the narrative that had supported the Tutsi regime and its legitimacy for centuries. The king was no longer seen as a father and guardian of the common good of all Rwandan the country, he was seen as a guardian of Tutsi. Suddenly, social difference within society

⁴⁶⁸ . P. Gourevitch: We wish to inform you.. London 1998, p.52.

was no longer explained through the binary of a royal centre and a non-royal periphery, it was described through the dichotomy of Hutu and Tutsiness.⁴⁶⁹ This distinction became more forceful the more it was institutionalised. After an initial and natural resentment of all that was colonial, the Tutsi leadership decided eventually to embrace western education, a move that was welcomed by both the colonial power and its church. In 1925, the Belgian colonial power decided to grant access to main government schools only to Tutsi.⁴⁷⁰ By the end of 1928, also the church had issued guidelines for missionary schools that discriminated against Hutu, restricting access to French and administrative skill lessons only to Tutsi.⁴⁷¹ This education policy clearly reflected and enforced racist beliefs. Even for the very few Hutu who did attend school their future remained bleak since they were not allowed to take any position within the administration except those of low clerks.⁴⁷²

This development was also mirrored in other dimensions of the social-economic domain where previous forms of production like *ubuhake* that were initially based on a notion of reciprocity (a farmer traded access to a cow and protection by his patron for some hours of agricultural work) were turn

⁴⁶⁹ Catherine Newbury: *The cohesion of Oppression: Clientship and ethnicity in Rwanda (1860-1960)*, New York 1988, p. 113.

⁴⁷⁰ Ian Linden: *Church and Revolution in Rwanda*, Manchester 1977, p.156

⁴⁷¹ Catherine Newbury: *The cohesion of Oppression: Clientship and ethnicity in Rwanda (1860-1960)*, New York 1988, p.115

⁴⁷² *ibidem*.

into forms of forced labour without compensation .⁴⁷³ But according Newbury this practice, which also affected poor Tutsi, was a minor evil in comparison with to the further development of uburetwa, which only concerned Hutu and whose 'exploitative character' under the colonial regime was difficult to exaggerate. ' ..It symbolized the servitude of the Hutu vis-à-vis the dominant minority'. ⁴⁷⁴ (compare also Footnote 456) Put differently, while before both Tutsi and Hutu were subjected to unjust policies of the royal court, Hutu were more and more singled out as the pariah group. This inferior status was constantly legitimised by the colonial narrative of race and ethnicity. Prunier writes: ' The transformation of various forms of contracts linking economic and personal dependence played an important role. Their hardening from forms of complex social interactions to the simplifications of quasi rural proletarian relations were a product of the need for 'a respect of the African tradition', as seen by the colonial eye. This does not mean that the Tutsi and Hutu categories were invented by the Belgians; these were integral to Banyarwandan society. What the Belgians did invent were forms under which they were supposed to relate

⁴⁷³ Catherine Newbury: *The cohesion of Oppression: Clientship and ethnicity in Rwanda (1860-1960)*, New York 1988 p.135.

⁴⁷⁴ *ibidem*, p. 141.

to each other in order to fit in with the ideological fantasies and practical needs of the European.⁴⁷⁵

Finally, by issuing ethnic based identity cards to facilitate their administration the Belgians determined officially, often completely arbitrarily, who was a Tutsi or Hutu and hereby the education and employment prospects of all Rwandans. It was this absurd system of social injustice- of first and second class citizen- that survived the 1959 Hutu Revolution, was turned on his head and proved to be fatal in 1994 (and in the widespread atrocities before) for hundreds of thousands of Tutsi, who could have been easily mistaken for a Hutu but were unmistakably marked by their identity card as Tutsi.

While elsewhere in the third world ethnic and/or ideological divisions were (at least temporarily) overcome in joint struggle against western oppressors, that offered a starting point for subsequent nation-building, even the prelude to the bloody 1959 revolution in Rwanda was systemically orchestrated by the Belgian colonial power and strictly organized along ethnic lines.

In the early 1950's -with a booming decolonisation movement and visible signs of a disintegrating world-order- it was not long before it became apparent for the Belgian administration

⁴⁷⁵ Gerald Prunier: *The Rwandan Crisis*, London 1995, p. 347

that Rwanda's Tutsi leadership were contemplating joining other African states in their quest for independence.⁴⁷⁶

The Belgian government responded again by applying its divide and rule policy (not unlike the British in India and with the same disastrous consequences) by educating and promoting Hutu counter-elites with the help of the Catholic Church. The deal between the Hutu elite and the Belgians was simple. Rwanda would not immediately seek independence and limit its claims to power initially to mere self-governance.

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After having found a new ally in its previous oppressor, there remained only one party for the Hutu leadership to blame for past sufferings and injustice. Consequently, the 1957 Bahutu Manifesto attributed the deplorable situation of the masses not to the phenomenon of class but to race, which ultimately meant a revival of the Hamitic myth from a different point of view.⁴⁷⁸ The consequences were dire. Instead of learning from the past and advocating policies that address social-economic injustices the new Hutu policy simply repeated old dichotomies and re-constructed an exclusive Hutu identity. The chance to discover the truth about an alien unjust racist regime and to recover an inclusive Rwandese identity was

⁴⁷⁶ G. Prunier: *The Rwandan Crisis: History of a Genocide*, London 1995.

⁴⁷⁷ *Ibidem*.

⁴⁷⁸ According to the Bahutu Manifesto: 'The problem is above all a problem of political monopoly which is held by one race, the mututsi.' Catherine Newbury: *The Cohesion of Oppression: Clientship and ethnicity in Rwanda (1860-1960)*, New York 1988, p. 191

irretrievably lost. Prunier writes: 'The problem with myths is that once created, they have a tendency to live a life of their own..Tutsi and Hutu conformed to the images which had forcefully been projected upon them...Tutsi even those who wore rags- had become haughty lords and the Hutu mass felt.. oppressed. This is why the 1959 revolution was a fake , it was nevertheless a fake based on truth ... there were two basic contradictions ..this was a racist revolution where aristocratic oppressor were seen as race rather than class.. once the tall, thin guys were eliminated everything would be alright..(the second problem) has to do with its sponsors.. usually the very concept of authority is questioned... (but here) the white fathers told the revolutionaries what to do. '479

The revolution in 1959 brought what many Tutsis consider the first genocide. It became clear, that the new Hutu government not only condemned the previous Tutsi leadership, they blamed all Tutsis for the injustices of the past. None of the atrocities at the same time were persecuted, it was what Rwanda's Justice Minister would later call the beginning of a culture of impunity.

Even for historical revisionists like Barry Collins who argue that the 1994 genocide was nothing more than a "rational" expression of communal violence resulting from material deprivation and a threat to order and inner security, is very

⁴⁷⁹ Gerald Prunier: *The Rwandan crisis*, London 1995, p. 348

difficult to deny that arbitrarily killings of women and children in 1959 and after could not be considered as rational actions unless one understands them within the conceptual framework of Rwanda's racist discourse of violence, that explains **why all** Tutsi were guilty and not only the ruling elite.

This is not to say that this discourse has not been subject change over time. In the beginning the conceptual and structural violence against Tutsis was not yet fully propositionally defined and institutionalised. However, after Rwanda's independence from Belgium in 1962 this circumstance quickly changed, when the Hutu government sought to legitimate its rule by being tough on the previous oppressors. Tutsi were excluded from any official positions and discriminated against in all walks of life- like the Hutus before- one might argue. However, there is one significant difference. While there have been no reported atrocities against Hutus or any other sort of "clashes" under the colonial regime or before, Tutsis were right from the beginning of Kayibanda's regime systemically targeted, persecuted and killed. ⁴⁸⁰

Indeed, it is widely argued that the 1994 genocide was only a continuation of massacres perpetrated in 1959, 1963, 1973, 1990 and 1992. Each of these massacres led ten thousands of

⁴⁸⁰ Interview: Ndobu Gasana, President - National Human Rights Commission, Kigali, Rwanda, 15/06/01

Tutsi to flee mostly into the neighbouring countries of Uganda (where the RPF was founded), Zaire and Tanzania. Many returned after an initial period of calm, were (after 1973) readmitted to universities and took their old jobs, just to fall prey to the next cyclic wave of violence in the early 1990's and after. Most of these crimes went unpunished,⁴⁸¹ leading to an ongoing distortion and erosion of the illocutionary (moral) dimension of the life-world discourse.

According to Tutsi sources, many of those who masterminded these killings were even socially and politically awarded. This culture of impunity ultimately distorted the moral judgement of all citizens. Besides initial distortion of the historical truth that produced already paranoia, systemic lack of justice deprived not only many Tutsis of the most basic human rights to life and property but also many Hutus of their moral consciousness with regard to those who lacked the protection by the state and were fair game.⁴⁸² Consequently, the genocide was not only an arbitrary product of lived experience in a civil war and consequent rational action like Collins and others believe, it expresses the intertwined interplay of a gradual loss of discursive objectivity and morality that ultimately leads to the dehumanisation of the other on the one side and paralysing fear on the other.

⁴⁸¹ *ibidem*.

⁴⁸² *Ibidem*.

From a Marxist point of view it remains inexplicable why Hutus not only killed Tutsi, but took pleasure from torturing and murdering them in the most gruesome way and why Tutsi- very much like the Jews in Nazi Germany- resigned before the unspeakable terror and lined up to be killed. To understand this we have to scrutinize the normative foundations of these irrational actions and perceptions. This does not necessary mean to condemn one side (on the whole there have been far more Hutus hiding Tutsi, than Germans Jews) and denounce them all as criminals, which should be deprived of international aid or their refugee status, as Collins is rightly asserting.⁴⁸³

However, as Semujanga as pointed out before (compare Chapter 5.1.1) instead of legitimising the violence in quasi-Marxist terms (e.g. as a legitimate class struggle) it is necessary to scrutinize latent ideological misconceptions that still pose a threat to peace insofar as they are conceptual and hence present in everyday speech and human cognition .

To conceptualise peace as inter-subjective moral learning (socialisation) process means indeed to look at lived everyday experience like Collins suggests. However, distorted normative perceptions precede and shape this 'factual' lived experience. They allow for practical conclusions and solutions that are beyond our moral imagination and human reason.

⁴⁸³ Barry Collins: *Obedience in Question: A Critical Question*, Sheffield 1998.

In 1994, Hutu militias have not only fought against an invading expatriated army that threatened their natural resources or their present form of production. They have been foremost fighting a colonial ghost- a mythical battle that was seen as the fulfilment of a prophecy. The prediction of this final battle lingered within world view structures over nearly a century. As shown above, this narrative was simultaneously developed with unjust forms of production during the colonial area . However, the former cannot be explained through the latter, since the main actor of narrative was not an oppressed class but an oppressed race, whose inferiority complex could not be remedied or reconciled by any form of production. This narrative of race and the corresponding propaganda plus a pathological moral indifference that resulted from a culture of injustice and impunity magnified a simple civil war into disaster.

If one take one step back, and looks at the evolutionary dynamics that Habermas describes in his Universal pragmatics and Reconstruction of Historical Materialism, there are certain parallels between his model and the above ideal-typically sketched scenario.⁴⁸⁴. As mentioned before Habermas argues that societal progress is sparked by instrumental learning (through labour) and acquisition of propositional knowledge (Truth in the objective world) which

⁴⁸⁴ This is just an observation. It does not mean that this illustration is suitable 'to prove' or illustrate as a whole either Habermas' theory or a critical theory based model to conflict transformation.

leads to a propositional restructuring of illocutive (validity) claims. However, as a result of his uni-linear understanding of history , there is no need for him to describe what would happen if distorted notions of truth, that are alien to a cultural context (language -game) and its form of production are introduced and which effect they would have on a cultural consciousness and illocutive claims within a language game. However, this can be (to a degree) illustrated by the above Rwandan example that demonstrates how- through the introduction of new quasi- scientific and Christian narratives (propositional knowledge) and unequal forms of production the whole rules of the previous cultural language game were forcefully rewritten, how they were institutionalised e.g. in the education and administrative sector and how colonial conceptual violence begot post-colonial conceptual violence and led to a culture of impunity . The above mentioned example shows how propositional historical distortions (that were reinforced in the realm of production) were translated into distorted illocutive validity claims (of truth (Hamitic myth), justice (culture of impunity) and authenticity (loss of moral judgement/inferiority complex) and became the cornerstone of the Rwandan discourse of violence. The above sketched argument, that would need to be further developed in an other context, demonstrates in a way why postmodernist critics of Habermas might have a point, since

his model (in its original form) does not take note of the types of communicative violence that might be entailed in non-western evolutionary processes.

5.2 'PROMOTING RECONCILIATION THROUGH TRUTH THE UNITY & RECONCILIATION COMMISSION OF RWANDA (URC)' TASKS AND OBJECTIVES

The initial plan to set up a Rwanda's Unity & Reconciliation Commission dates back to the pre-genocide Arusha Peace Accord of October 1992. This shows that the scope and nature of Rwanda's problems was internationally known long before the actual genocide.

Today, the institution sees its main objective in the establishment of "truth" on the historical/colonial roots of the genocide and the documentation of human rights violations during and after the events of 1994.

Its activities include besides the development of curricula for the standard peace and human rights education in schools, also the planning and conducting of re-education ("solidarity") camps. Solidarity camps generally last from 14 days to 3 months depending on the training needs of the participants and the particular training context.

Officially, solidarity camps have been put in place to ensure that all sections in society are aware of the nation-wide task of reconciliation.⁴⁸⁵

"Citizen workshops" have a quite interesting clientele insofar as they include not only returning refugees and captured "infiltrators" (members of Hutu refugee rebel armies) from Congo but also teachers, government officials and other groups that exercise significant influence on civil society and might have missed their training in school or might be in need of additional leadership training. All aspiring university students have to attend a six week training course on reconciliation before they are allowed to commence their studies in any field.⁴⁸⁶ In other words, solidarity camps try to institutionalise a dialogic practice that is aimed at all sections within Rwanda's society

The URC curriculum combines a teaching of history, politics, the state & justice system, gacaca, the work of the reconciliation commission, human rights (including the work of the ICTR), health education (especially on AIDS) with quite extensive religious practice (e.g. chants and every day prayers). Classes are taught either in form of lectures or group discussions. Depending on the professional group there are also special training programmes to help people to start a

⁴⁸⁵ M. Bakuzi, Director - Conflict Mediation Programme - National Commission for Unity and Reconciliation, Kigali, Rwanda, 21/06/01.

⁴⁸⁶ Regina A.M Ntaganda, Trainer Solidarity Camp, Peace and Leadership Programme - National Commission for Unity and Reconciliation, Kigali, Rwanda, 13/06/01.

business or perform better in their job. There are programmes in carpentry or microfinance projects for returnees. Prospective university students and officials attend additional courses in conflict resolution and philosophy (see full Curriculum below - Social Texts 1 &2).

The idea of solidarity camps is very straight- forward and simple. The training camps seek to convey one main message that is that all Rwandan have eventually become victims of an alien colonial manipulation. URC officials believe, that a joint learning about the truth of the external, alien roots of ethnic division will eventually allow all Rwandans to come collectively to terms with their own misconceptions and Rwanda's violent history.

There is the hope that:

- through a reference to a common colonial enemy, previous roles of genocidaires and survivors can be re-conceptualized and unity is restored.
- through a knowledge of common achievements of the Rwandese people throughout history national pride can be promoted.

- through a thorough knowledge of state practices/politics anxieties of Hutu returnees and opposition members are reduced and trust can be built.
- through a socio-political and philosophical training programme for university students and officials of both ethnic entities, a critical attitude towards authority will emerge in the lower and middle ranks of the state bureaucracy. The URC says it seeks to avoid future manipulation and blind obedience by “allowing people to think for themselves and make their own judgement.”

Put differently, the URC hopes through a participatory knowledge transfer, that all Rwandans will be able to develop the communicative and moral competence to judge a situation according to more universal norms and question authority. Peace Uwineza, Director of the Community-building Initiative Programme of the National Unity and Reconciliation (URC), ⁴⁸⁷ sees a strong link between a missing critical attitude in Rwanda and the violence that has paralysed in the past not only illiterate peasants but also most of the urban population. According to her the main objective of the URC is to address this short-coming and foster a more critical spirit among Rwandans ‘All people have to learn to think for themselves’

⁴⁸⁷ Peace Uwineza, Director- Community-building Initiative Programme- National Commission for Unity and Reconciliation, Kigali, Rwanda, 21/06/01.

**Social Text 1: -Excerpt of a Curriculum of a URC Solidarity
Camp- Leadership training**

(Translation by Evelyn Batamuliza)

I. History

- Pre- colonial History
Where we came from. How we shared everything in the past.
- Colonial history
How colonialism has had an effect on this coexistence
- After Colonialism
About the leadership in Rwanda . How we used to live together/apart then.
About the genocide.

Instruction: All participants should explain to the group the difference between genocide and massacres, their consequences. How genocide was prepared and executed. They should be able to differentiate genocide from other crimes and think about ways how to stop genocide. What is Genocide? How can we prevent it from happening again?

II. Justice and Human Rights

- Human Rights as explanatory variable. How to teach and explain HR to the population?
- (!) Identify obstacles for development of HR and those who do everything to destroy our country.
- Why are justice and HR so important for reconciliation?
- Fundamental Human rights
- History of Rwanda and the building of justice
- How justice will contribute to reconciliation?
- How should we build a constitution?

III. Gacaca

- Gacaca and its contribution to reconciliation
- Objective to learn why gacaca is set up , to explain it.
- What do we expect of gacaca?
- How can we instruct and prepare people to speak the truth about Genocide? How can we prepare them to hear the truth and then motivated them to participate in reconciliation through Gacaca

(....)

IV. Union & Reconciliation of Rwanda

- Objective: To explain how the Rwandese Union was destroyed by bad leadership.
- To explain why the Rwandan share same language, life style, education, culture.

- To explain the role of everybody in the reconciliation process/unity process.
- To show that Rwandans can be united .Question history of Rwanda and ethnic background of Rwandans. Stress the role of everybody to rebuild the country.
- Difficulties of unity and reconciliation. How can we believe that there will be reconciliation?

V. **Democracy and Good leadership**

- How to understand democracy. How to differentiate between a democracy and a multiparty system (!)
- Difference between Democracy and Good Leadership (!)
- How to be able to explain good leadership
- What does it mean to have a political party?
- What is good leadership?
- Emphasis on Decentralisation, getting together with population
- Participation, accountability, transparency, stopping of corruption

Further topics included:

- **International Politics** (IMF, WB),
- How to promote **Patriotism?**, (How can we teach to love this country. What leaders are allowed to do and what not and how they can protect the country. United we can do everything)
- **Rwanda and the Nation** (e.g. difference between nationality and ethnic origin, citizen rights)
- **Conflict management** (types of and causation of conflict. Consequences of conflict How can we resolve conflict? The role of leaders and gacaca to stop conflict.
- **Development/Economics**
- **Constitution/Structure of the state**
- **Philosophy** (see full text below)
- **Internal Security** (how to guard security. Causes of insecurity. How to address population.)
- **Geography**
- **Entrepreneurship**
- **Agricultural techniques**
- How to promote **house /land sharing** among Rwandans (Development of Housing/Relocation schemes/Mixed population)
- **The role of a) women and b) youth in development**
- The role of style of living (**Health**)
- **The role of the media**
- **Health and sanitation**
- **HIV**
- **Malaria**

Social Text 2: Solidarity Camp Training Material: Philosophy

(written by Alexis Rusagara, Director, URC Conflict resolution programme)

'Quote Socrates: The unexamined life is not worth living i.e. it is undignified, not really honourable...To be truly and completely human each man and woman must subject his or her life and convictions to the critical test of self-examination.'

A. R: 'Philosophy is a special way of looking at life. I imagine you participants to be intelligent, naturally curious, but *SKEPTICAL* I believe you are willing to listen to different ideas. Most of which are new, but not to accept them merely on the authority of the teacher.

My job in this discussion is to present philosophy as an activity that sensible, intelligent people would want to engage in. It is not enough for me to explain in a certain uncluttered way what the philosophers said, why they felt compelled to think about their moral, scientific, political, social and economic problems as they did.

Accordingly this discussion is intended to evoke you into *CRITICAL* analysis of the problems of our country that has gone through so that having identified the *REAL* problems and their underlying *CAUSES* we can together prescribe adequate remedy because we shall have undertaken adequate diagnosis. Rwandans must look at reality and not shadows of reality.

Philosophy is an activity whose guiding principle is *REASON* and whose goal is a *CRITICAL UNDERSTANDING*. If this discussion can prod, guide, assist or provoke you into entering into that activity of self-examination within the context of demand pressed upon us by our history, I will indeed have achieved the aim.

There is no doubt that a critical and collective examination of our reality and the subsequent collective effort in search of a solution will be the basis of true unity and reconciliation, lasting peace and development (.....)

The various definitions, concepts and description so far seen suggest that any philosopher ought to have some philosophical attitude as given below.

1. A Philosopher is a perplexed person. Philosophy begins in wonder or perplexity in the relation to the problem that exists. This awareness of the problem becomes the starting point of the philosopher's examination.
2. A Philosopher is reflective. The problem which bothers the philosopher must be thought about and pondered over, he seeks for a reasonable solution, i.e. rationally defensible solution.
3. A philosopher is tolerant. He has an open mind ready to listen to every opinion. He does not condemn without reason (tolerates views even those he does not share)
4. A philosopher is doubtful. There are no final answers, or absolute statements in philosophy. Everything is subject to doubt. Thus, a philosopher doubts not only the beliefs and positions held by others, but also those held by a philosopher himself. The dynamism of philosophy originates from this doubt.
5. A philosopher lives by uncertainty. When there is no sufficient evidence to reach a conclusion, a philosopher must be able to suspend a judgement.
6. A philosopher is persistent. The quest into the understanding of reality very often meets difficulties. He is never discouraged but obstinately persists in the effort to understand reality.
7. A Philosopher is *GUIDED BY REASON*. Philosophical positions are reached through logical reasoning. A philosopher is therefore unemotional or passionless in the process of examination and evaluation of reality.

Note: This training was given to government officials, prospective university students and chiefs. Philosophers that were covered in the sessions were Marx, Engels, Kant, Hegel, Feuerbach, Copernicus, Galileo and Descartes. **Interestingly, the URC said that the main purpose of this training was to encourage independent thought, a questioning of authority and reflexive perspective taking- In other words, it stressed the necessity to develop some of the very cognitive, moral and communicative abilities that are spelled out in a critical theory based model.**

and question things. Only this will prevent new violence and bring reconciliation. We are trying to educate and provide them with the crucial information. I believe our training will help people to take other perspectives⁴⁸⁸ While it lies in the critical spirit of the western mind to suspect yet another violent form of ideological indoctrination, it is fair to say that the Unity & Reconciliation Commission has tried its very best to establish a nation wide consensus on what reconciliation could ultimately mean for Rwanda, and hence what should be taught.

There have been national conferences and local grass-roots consultations (the Urugwiro village discussions in 98/99 and a URC study in 99/00) on what Rwandans see as the most pressing issues with regard to reconciliation.⁴⁸⁹ There has been a national summit on unity and reconciliation in October 2000 in which all different sections of the Rwandan society were represented. (Hutu leaders in exile were invited and some were granted a temporary amnesty for their stay at the conference)⁴⁹⁰

The grass-root studies and the summit concluded that Rwandan unity was systematically prevented in the past

⁴⁸⁸ Ibidem . See also Social Text 1&2: URC Training material- Philosophy

⁴⁸⁹ Jules Ntaganzwa, Coordinator, National Commission for Unity and Reconciliation, Kibuye Province, Rwanda, 6/08/01.

⁴⁹⁰ Peace Uwineza, Director- Community-building Initiative Programme- National Commission for Unity and Reconciliation, Kigali, Rwanda, 21/06/01.

through bad governance and colonial leadership which created a culture of impunity and poverty.⁴⁹¹

While some of the findings were indeed “astonishing” (like the alleged popular demand to conduct elections without the interference of political parties..) most recommendations seem to reflect true needs (like a more active participation of the people in decision making, the need for ethnic equality, the fight against corruption and nepotism, the importance of sustainable development/ alleviation of poverty for reconciliation and so forth).⁴⁹²

It is hence not understandable how a recent Human Rights Watch report on solidarity camps could come to the conclusion that solidarity camp would be military re-education camps of the RPA in which people would be indoctrinated and trained on guns, especially since the HRW author seemed to have never visited a site.⁴⁹³ Although it is true that some of the camps (for expatriate soldiers and refugees) are under military command, it is important to remember that the actual training is conducted by the URC and that all trainees regardless of their training performance are eventually granted an amnesty. And although some camps (obviously not for expatriate soldiers and members of the rebel army) include a

⁴⁹¹ Unity & Reconciliation Commission: Nation-wide grass-root consultations report: Unity & Reconciliation Initiatives in Rwanda, Kigali 2001.

⁴⁹² Ibidem.

⁴⁹³ Human Right Watch Report (web-site): Solidarity camps in Rwanda, 21/06/01

half-day training course on weapons and self-defence⁴⁹⁴ this can hardly be called military indoctrination, otherwise all Swiss citizen (who are obliged by law to a similar and far more extensive training) would be seriously indoctrinated as well.⁴⁹⁵ (For a typical training day at a solidarity camp see footnote⁴⁹⁶)

Admittedly, there are some short-comings in the organisation and the logistics of some solidarity camps (that were renamed 'citizen workshops' to avoid further bad publicity).⁴⁹⁷ There is far too less space for all trainees. The first solidarity camp for expatriate soldiers that was held at Mudende, Gisenyi (that was indeed at some stage a military training camp but also a refugee camp and university!) was envisaged to have no more than 1000 trainees. After a series of attacks and subsequent arrests in a nearby area that had been a popular target of militant activity since 1997, this number spiralled suddenly to 3000 (Notable 1711 were under the age of 18. There were 250 children. The youngest detainee was 7 years old!) Still, the

⁴⁹⁴ Evode Ntagwera, Trainer- Solidarity Camp for Expatriate Soldiers- Gisenyi , National Commission for Unity and Reconciliation, Gisenyi Province, Rwanda, 8/08/01.

⁴⁹⁵ The official position on this issue is as follows: According to a URC representative in 1994 many people hurt themselves through an improper use of small arms that were left behind. To avoid this in future the URC has included this training in its curriculum.

⁴⁹⁶ A day in a solidarity camp . 6.00 wake up call. 7.00 Breakfast, 9.00 Prayer, 10.00 teaching begins- History/ the state system, 12.00- 14.00 lunch, 14.00-16.00 teaching resumes Micro-finance/Health, 16.00 Sports, 19.00 Supper (Sunday free: Visitors day)

⁴⁹⁷ M. Bakuzi, Director - Conflict Mediation Programme - National Commission for Unity & Reconciliation, Kigali, Rwanda, 21/06/01.

morale was good since the participants knew they would not go to prison and return home soon.⁴⁹⁸

The involvement of the military was certainly not perceived as a positive factor in the confidence-building process and there might have been also some profound misunderstandings. However, the involvement of the military has had for some also a positive side. It opened up for many ex-soldiers a new career. The Chief Commander of the Camp stressed: 'If they have a clean record (are no genocidaires) they are welcome either in the army or the police'.⁴⁹⁹ Participants confirmed that such offers were made and accepted.⁵⁰⁰

Solidarity Camps are a straightforward and simple mechanism for a peaceful re-integration of refugees and ex-combatants. At the end of the camp, every participant receives – in addition to a short professional training in areas such as microfinance – also a completion paper that he/she can present to the elders in their home villages. URC members try to help participants to find out whether they are still welcome in their villages. This process seems to work reasonably well. There have been no reports of any violent incidents or lynching and all interviewees felt reassured by the information that was given to them in the training and were hopeful that they could return home safely.

⁴⁹⁸ Solidarity Camp interviews , Gisenyi Province, 08/08/01.

⁴⁹⁹ Interview with Chief Commander, Solidarity Camp , Gisenyi Province, 08/08/03.

⁵⁰⁰ See Social Texts 1.

(* **Analysis**) Solidarity camps for returnees are interesting illustrative examples for peace constitutive dialogic practices. Their training programme relies on simplified knowledge transfer regarding historical truth and seek to promote inclusive forms of identification and post-conventional notions of citizenship (full illocutionary perspective taking). The content of the programme is not prescribed by a western expert or the government and is the direct result of other decentralised communication processes - grass-root consultations and normative needs assessment which were conducted by the URC in early 2000. The results might have been vetted by the government with regard to certain points. On the whole, however, it was an offer of communication that was accepted by many ordinary Rwandans who were asked to participate. The URC also consulted exiled Rwandans some of which visited a work-shop in Kigali. (This included a.o. some ICTR witnesses- see above) While their participation was low, it was still a move in the right direction.

Many trainees are illiterate and probably will stay illiterate for the rest of their life, hence most of the programme relies on alternative and participatory forms of teaching like group discussions. In the company of their peers, former ex-combatants and refugees learn to communicate their fears and experiences, communicative skills that will be undoubtedly helpful when they return home and meet those they might

have wronged. By receiving a letter of completion, participants undergo a rite of passage and move one step closer to normality. They can at least claim to have made an effort to understand why they were wrong. Clearly, this understanding depends on the quality of the knowledge transfer. As the above mentioned curriculum shows, the programme of solidarity camps actively seeks to achieve at least two things . To move beyond past dichotomies and provide with the trainee with a cultural/economic vision for his/her future (which also includes an on the job training). Both aspects are crucial for the development of self-worth of the participants. They learn to perceive themselves as self-determined subjects and members of a community at the same time. Participants are not singled out or blamed. In the group they received piecemeal and simplified information with regard to propositional distortions in Rwanda's discourse of violence which is discussed in a group. The common theme that is constantly present is the appeal to the unity of all Rwandans and the 'Rwandanness' of all participants.(To assert this theme further and aid perceptual nation-building the old dichotomy between Tutsi and oppressed Hutu is temporary substituted by an other – the narrative of the just, oppressed Rwandan and the oppressing colonialist) New options are outlined in terms of equal citizenship and democracy. At the same time, the participant is given practical skills with which they can

contribute to the community. Put differently, instead of simply threatening returnees into obedience and undermining their self esteem , solidarity camps try to win over their past enemies by affirmative communicative practice through the stressing of similarities and common goals. They open a dialogic space for recognition and acknowledgement. By recognizing past misconceptions participants are given the chance of an acknowledgement of their equal Rwandan roots within the new society. And while this model clearly seems unsuitable for perpetrators of mass-violence and minors, it does seem like a step in the right direction to convey propositional knowledge that might be used by some to articulate new illocutive validity claims . (see below)

Social Text 3: Voices from the Ground- Solidarity Camp –Gisenyi

This is what some arbitrarily chosen trainees of the solidarity camp for expatriate soldier and ‘infiltrators’ from Congo said with regard to the training in the solidarity camp, their perception of the past, of themselves and others and reconciliation. The questioning took place out of a hearing distance of the guards and with the help of a ICTR translator. No official was involved in the selection of the interviewees.

Josphine Nyirabunani, a 20 year old illiterate refugee and detainee who has spent the last 7 years in a forest in Congo says:

‘I have been here for 40 days. I was there (in an attack on a village) with other soldiers who tried to fight to get our country back. They fled but I did not have the strength to go with them. I was scared but now I have been at the solidarity camp and know **what they were telling us was not true. Here is security. The subjects that we are taught are useful. Particularly history.** After the training I believe in living together. There will be no obstacle for reconciliation. The place is for cleaning up the ideology we had. Now we really understand the history and the government.’

S. Ndindirijimana a 13 year old child soldier says:

‘I have been here for 37 days. I came here alone without my parents. When we were fleeing I was separated from my parents. I was alone. Then some people from the army came and helped me and ask me to stay with them (a passing soldier stops and says ‘no they did not help you they kidnapped you.’) Yes, but they were good to me (soldier shakes head goes away). I helped them carrying things, I searched for food and cooked for them. I went along with (pause) ‘the invaders’ when they started fighting but then we were

captured. About the camp. Now we know exactly what is going on and **we believe that we are Rwandese like others (points at the interpreter who is a Tutsi lady). We were living in the forest like we were not ordinary Rwandese, but we are.** They also promised to help me to find my family.

Dieu Donne Habarurema a 23 year old former Sergeant Lieutenant of the expatriate army says :

I have been here for 1 month. I was fighting the regime from Congo. I am originally from Butare province. It is important for me to come back to our country. **I have missed our country.** There is not much information about Rwanda in the forest (Congo). We did not know how people live here today. We heard only about death. They said if you are captured you get killed. I was very surprised I was not killed. That is what all people think who are still suffering in the refugee camps. I expect no problems in my village because I know others who have gone back did not have any problems. Before I believed it would be difficult. **I was scared to live with them. Reconciliation means that we have to get rid of the obstacles which segregate people. Reconciliation means that you forget what made the segregation between people in the first place.** This will bring reconciliation and then unity and then we will live in peace.

Paul Zigiranyirazov a 33 year old former Lieutenant of the expatriate army agrees:

I have been here for 1 month. I came here after being captured after fighting in the Gatonde District. Where we were living it was very difficult (Congo). We attacked the province in May and many refugees and soldiers were arrested. They are all here. What I am expecting from the training. This training will help me to change. My ideology has changed. **I see people living together without any problem. Of course I was scared. I did not know the whole truth.** I was scared because they told me I might get killed. What we thought? I wanted to visit my family but was scared about what they might think of me. I was scared of my neighbours what they might do to me. But everything they say here is different from what

they told us in the forest. Victims won't take revenge. To me reconciliation is that all those people who have committed crimes have to ask for forgiveness.'

Interestingly , all these people –even the youngest- refer to themselves as Rwandans. They acknowledge the relationship between distorted/ incomplete knowledge and unfounded fear. They share the hope of reconciliation and believe that they have a future in Rwanda. These voices are strong indicators that the first educative phase of reconciliation might be successful. Now much will depend on how much room for participation (through advocacy and negotiation) will be given by the government to the returnees. However, what is important is that, unlike before, this group might seek its rights as citizens of Rwanda and not as a member of an ethnic majority. Hence, there is reason for hope, if the practice of solidarity camps prevails, that Rwanda might become one day a successful example for the dialogic development of inclusive identity-structures that transcend (through the critical application of knowledge) historical and ethnic dividing lines.

One precondition for this transformation is already made. The insight that foremost the new elites need a solid education about past historical divisions (and the fateful shortcomings of past administrations) is crucial for the building of an impartial state, civil service and a new society. The philosophical

training programme that is cited above seeks to empower the new leaders of tomorrow by giving them the confidence and rhetoric skills to say no if required. In this context, in particular the emphasis that is given to dialogic perspective taking seems like a step in the right direction to build communicative competence.

The grass-root consultation based curriculum of the URC illustrates that ideals of Truth (ukuri), Justice (ubutabera), Authenticity (umunyakuri), forgiveness (kurabarira) and reconciliation (ubwiyunge) are seen as constitutive elements for peace in Rwanda. In Rwanda, there even exists a special word for someone who is authentic/ does not lie (Umunyakuri).

And like anywhere else, it seems that in Rwanda there is a lively debate among literate and illiterate people (who appear as able to articulate and differentiate validity claims as their literate countrymen - see below) as to what these notions could really mean. The below cited voices are just very few randomly selected opinions within a much larger discourse that is still developing. Dialogic practices like URC grass root consultations and URC workshops collect these views to build and communicate a new vision of a shared future. They bridge every-day discourses with expert policy making discourse and hence are an important example for a decentralised peace-constitutive communicative practice.

“ Truth and Justice are two things. But there can be no justice without truth. But Truth comes first“

(Agnes Ugiriwabo, illiterate Farmer) ⁵⁰¹

”Those who have committed crimes have to be punished, but if somebody is sorry he should be punished less.” .. “Reconciling people means for me that people know that people have been punished and the truth is known and that they are asking for forgiveness.”

(Clotilde Musabyimana, illiterate Farmer) .⁵⁰²

“Without truth there is no peace. At the moment we don’t know whom to punish. Why truth and justice are important? For reconciliation. When truth is established and justice done, everybody will be able to forgive.”

(Celeste Kankwanzi, illiterate Farmer).⁵⁰³

“I personally don’ t care if he is punished or not if he is sorry. If I would, I would have not forgiven him.”

(Faustin Tugirimana- semi-literate police man) ⁵⁰⁴

“I see people who know the truth, but they don’t speak. It is difficult to establish the truth and get justice. But it will help victims if they see people convicted... Truth and Justice are the only ways of reconciliation. If I tell the truth I bring justice. I believe honesty is a good thing.”

(Theodore Kalisa- illiterate farmer)

⁵⁰¹ Gacaca Interviewee 6, Agnes Ugiriwabo, Farmer, Ndaró, Kibuye Province, Rwanda, 7/08/01.

⁵⁰² Gacaca Interviewee 4, Clotilde Musabyimana, Farmer, Ndaró, Kibuye Province, Rwanda, 7/08/01.

⁵⁰³ Gacaca Interviewee, Celeste Kankwanzi, , Ndaró, Kibuye Province, Rwanda, 7/08/01.

⁵⁰⁴ Gacaca Interviewee 8, Faustin Tugirimana, Kibuye Province, Rwanda, 7/08/01.

5.2.1

- CONCLUSION-

The work of the URC provides one good example of how a counter narrative to a discourse of violence can be constructed and put into practice by a (in Weberian sense) world view constructing elite in consultation with communities on the ground.

Obviously, historical simplifications and dichotomisations are always problematic and it is true that the genocide can not be simply attributed to neither poverty or impunity or colonial rule alone. However, it lies in the nature of a nation state that its identity has to be defined in juxtaposition to an other segregated entity. A 'we' always requires a 'they'. (While it seems difficult to escape this binary, this does not mean that given interactions between what is being perceived as internal and external can not be improved and group categories can not be opened , however this entails a clear demarcation of who we are and what is considered to be 'in' or 'out' in the first place. Collective self-knowledge precedes but also depends on the knowledge of the other (Mead)).

Unity also requires shared reference points in history. A shared colonial/ oppression experience might be not the worst starting point since there seem to be clear indications that

before the colonial rule ordinary Rwandans lived for most of the time in peaceful coexistence with each other. This applies regardless of the historical fact that both fractions have collaborated/fought against the colonial power at different times. The anti-colonial narrative gains also some credibility through the tangible effects of neo-colonialism and the present dynamics of current international economic order (some authors see a direct link between the occurrence of the conflict and a drop in commodity prices (e.g tea/coffee) on the world market in the beginning of 1990's. And in a way, this interpretation shifts the problem of division from a national to an international level, for the sake of nation-building.

The results of the grass-root consultation show that this (admittedly very simplified) message is widely accepted by all sections of society and is easily absorbed into the everyday discourse that is still characterised by suspicion and ethnic prejudices. The same applies for economic explanations like poverty (need for economic reconciliation) and impunity (need for punishment and apology). Both concepts are firmly grounded in a shared everyday experience.

In conclusion it can be said, that solidarity camps and grass-root consultations set important precedents for social learning on peace insofar as they seek to include all current and past (expatriate) members of society into the social discourse. The dual focus on individual and leadership training ensures not

only the complementarity and coherence of measures being taken on national and community level but also highlights the necessity of on-going peace education in all sections of society. It ensure that the past discourse is scrutinised from multiple perspectives at the same time.

This discursive section hoped to provide some insight into the dynamics of distorted truth and collective efforts to transcend them. The next discursive section will look in greater detail at the question of distorted justice that ultimately derives from a misconceived truth about the humanity of the other.

5.2.2 'PROMOTING RECONCILIATION THROUGH JUSTICE' -THE RWANDAN JUSTICE SYSTEM- NATIONAL JURISDICTION

In the past, Rwanda's Justice Minister Jean Dieu Muyco has been one of the strongest advocates for an end of Rwanda's "culture of impunity".⁵⁰⁵ For Muyco, a genocide survivor, a general amnesty for returnees (like in South Africa or Chile) was never an option for Rwanda . According to Muyco it was clear that in addition to cultural remedies of reparative justice like truth-commissions, other retributive strategies were

⁵⁰⁵ Once Rwanda's people will understand their history and the colonial and ethnic manipulations of the past, so Justice Minister Mucyo, history will stop repeating itself and the country be at rest.

needed to restore a general understanding of right and wrong and an overall faith in justice system on local and national level.⁵⁰⁶ Muyco's policy has sought a categorical change of normative discourse through strict and uncompromising action. Rwanda's overcrowded prisons send a clear message. All those who have been accused of mass murder and rape will be brought to justice without exception. This is convincing insofar as it has set a precedent for the future. It has also – more importantly- prevented lynching and further violence in the villages.⁵⁰⁷

Obviously, at the same time there is an intimate tension between victor's justice and reconciliation. Like truth, justice is open to misuse and manipulation. Today, the Rwandan government acknowledges that there were and still are ten of thousands of innocent prisoners who have been arrested without any proper charge and investigation merely on the account of a jealous neighbour who wanted their land or blind revenge in the aftermath of the genocide. In 2001, most of the cases that were raised during the initial Gacaca trial phase were detainees without an investigation file or witness record.⁵⁰⁸ There have been sessions in which a quarter of those participating in the process were immediately cleared by

⁵⁰⁶ Interview with Hon. Justice Minister Muyco, Kigali 19/06/01.

⁵⁰⁷ Interview with Jean Louis Ndahigwa, Coordinator of Gacaca Project MINJUST/UNICEF- Ministry of Justice, Kigali, Rwanda, 19/06/01.

⁵⁰⁸ Interview with Zebedee Ruramira, Prosecutor - Province Kibungo, Kibungo, Rwanda, 19/06/01.

their communities and could instantly go home, cheered by their neighbours and families.⁵⁰⁹

Local and international human rights groups have been criticizing the Rwandan legal apparatus on many accounts and have drawn attention to serious human rights violations in the prisons. This critique applies particularly to the rights of the defendant with regard fair and prompt trial and their living condition in the prisons. In 1994, Rwanda had only a few poorly equipped detention centres that could not cope with the amount of people that were arrested. The situation deteriorated so massively that the United Nations for the first time in its history decided to assist in the building of prisons as a form of humanitarian aid.

In the early days, prisoner had to sleep while standing because there was literally no place for them to lie down. The sanitary system broke down, illnesses spread. Violence broke out as there was not enough food for the prisoners, who had to be fed by their relatives from outside who had at that time barely food for themselves. There was no medical service available and a large number of people died.⁵¹⁰ There can not be any doubt that these conditions have significantly improved over the last few years. According to Eugene Ntambara, Director of Nsinda Prison, Kibungo, today there are sufficient

⁵⁰⁹ Interview Jean Louis Ndahigwa, Coordinator of Gacaca Project MINIJUST/UNICEF- Ministry of Justice, Kigali, Rwanda, 19/06/01

⁵¹⁰ Ibidem.

funds for basic provisions and every detainee can be fed by the state.⁵¹¹ While physical space is still a problem the sanitary system has been put in place and there is also a basic health system. Over the years, a prison culture has evolved in which trusted elders and prisoners who are assumed to be innocent were asked to look after others and different tasks were assigned. Some prisoners are allowed to leave the prisons for community work over the days. However, these improvements are just a little comfort to those innocent Rwandans who have been waiting for a trial for over 8 years. According to the Rwandan legal watchdog LIPRADHOR the number of people who are held on insufficient or wrong charges is likely to be very high. After the creation of the new Rwandan state in 1994 trials were held under appalling conditions and without a counsel.⁵¹² In 1994, most lawyers and judges were either dead or had fled the country. Prosecutors and judges often did not have a law degree but only would have received some legal emergency training of three months. As a consequence they were also not prepared for the challenges of the job. The number of death sentences spiralled.

⁵¹¹ However frequent visits of relatives that turn prison courtyards in a vivid market place clearly show most detainees prefer to receive food from their families if they can afford to do so. This provision of services seems without limits. According to prisoners reports in not K prison a prominent detainee from a wealthy family had even brought his cook with him into the prison (who was not accused of anything).

⁵¹² Aloys Habimana, Coordinateur de Centre d'Information et le Documentation sur le Procès de Genocide, LIBRADHOR, Kigali, Rwanda, 20/06/01. Benoit Joannette, Director - Réseau de Citoyens Network, Kigali, Rwanda, 22/06/01

It is fair to say that most of the procedural allegations that were of a technical, infrastructural nature have been addressed today, although not many cases have been re-opened on formal grounds. After the initial juridical chaos resulting from the severe lack of legal professionals, shock, horror and sometimes vengeance the judiciary system has - critically observed and logistically assisted by local NGOs like LIPRODHOR or international legal aid groups like the Belgian Reseau Citroyen⁵¹³- started in the last years to made its own contribution to a peaceful future of the country.

Even if international legal standards are still not always met, (trials are still conducted without a prosecutor and defender on municipality level where civil law cases are trialled and sometimes without a council on county level where criminal cases are held) there have been huge improvements in the basic conduct of trials.⁵¹⁴ Defendants are more likely provided with a defender. Their case is likely to be presented to a judge who is a graduate of Butare university. Most emergency judges were forced to “retire”.⁵¹⁵ If they are facing a major charge there is a quite high likelihood that their case will attract NGO attention. And most importantly now all residents of all counties have the possibility to challenge a ruling at one

⁵¹³ Interview: Benoit Joannette, Director - Reseau de Citoyens Network, Kigali, Rwanda, 22/06/01.

⁵¹⁴ Ibidem.

⁵¹⁵ Interview: Jean Louis Ndahigwa, Coordinator of Gacaca Project MINIJUST/UNICEF- Ministry of Justice, Kigali, Rwanda, 19/06/01

of the four county appeal courts. Such an appeal mechanism for criminal cases was missing until very recently. Today genocide cases are trialled in special chambers in all 12 counties. Also their rulings are open for appeal. Although people are still sentenced to death it is worth noting that very few death sentences (in total 33) have been actually executed and that this capital punishment is seen more as symbolic necessity than something that has to be enforced.⁵¹⁶ This ambivalence clearly results from competing priorities in the government's normative agenda. Obviously, it would be difficult to uphold the idea of reconciliation if a large number of sentences were indeed enforced. So far, approximately 6000 cases were held over the last 8 years (April 2002). This record is not too bad compared with the International Criminal Tribunal for Rwanda that has - with an annual budget of more than 90 million US \$ - concluded 9 cases (October 2001)-) Alarming, but not unexpectedly a relative high number (a quarter of the 6000 defendants) were found innocent.

However, despite the recent increase in judgements, there are approximately 115.000 people (April 2002) still awaiting a trial in hopelessly overcrowded prisons. With a trial average of 750 cases per year normal proceeding would have taken over 150 years. In the light of this immense task, the government was forced to make concessions and re-consider cultural ways of

conflict settlement and restorative justice that might be compatible with their demands for retributive justice.

5.2.3 GACACA: STRUCTURE & PROCESS

The official introduction of a parallel community based cultural justice system of Gacaca⁵¹⁷ in October 2001, that added more than 10.000 tribunals and 200.000 judges from the local population into the equation, was such a compromise.

The Gacaca act leaves it to these *inyangamugayo* (persons of integrity) ⁵¹⁸ and the people of the home villages of the accused to decide whether their claims of innocence or their regret are authentic and to determine -if found guilty- the length of the punishment. Gacaca courts add two additional juridical micro- levels to the current juridical system . Gacaca begins with a village cell of 50-200 inhabitants who are asked

³⁰⁹ Martin Ngoga, Special Envoy of Rwanda at the ICTR- Arusha, Tanzania, 30/05/01.

⁵¹⁷ The idea to use Gacaca as a reconciliation mechanism dates back to an informal meeting of state officials in 1995 in which alternative paths of development were discussed.

⁵¹⁸ Like the emergency judges in 1994, the people of integrity have received a basic legal training for a period of 3 months. The great success of legal capacity building in recent years can be seen in number of local trainers that were used. In comparison to 50 lawyers that were counted in whole Rwanda by Norwegian People 's Aid in 1997, in 2002 nearly 800 legal professionals were available to conduct the training on code of conduct and procedures. Interview: Jean Louis Ndahigwa, Coordinator of Gacaca Project MINJUST/UNICEF- Ministry of Justice, Kigali, Rwanda, 19/06/01

to compile a list of victims, of perpetrators and of people that have left the village. The cell elects a council of 19 members who serve as judges and also represent the cell on sector level. The same mechanism applies to the municipality and county level. The county level Gacaca court is the appeal court for the other assemblies.⁵¹⁹ Nearly every proceeding is followed by local authorities and observers.

Like in the regular Rwandan legal system cases are treated according to the seriousness of the crime on different juridical levels. Manslaughter is trialled at municipality level, minor criminal offences that have resulted not in death will be examined on sector level and civil charges like theft or destruction of property will be considered on cell level.

While in the preliminary Gacaca trial phase⁵²⁰, prisoners, who were either children at the time of the genocide or who were held without a proper charge, were brought in front of the whole village community and everybody had a say in the final vote on whether somebody was innocent or not, the actual Gacaca has become more formalised. In Gacaca courts today, the elected 19 committee members (5 judges/14 coordination committee members) have to decide about a prisoner's fate based on the evidence that is provided by their communities. A

⁵¹⁹Interview: Geraldine Umugwaneza, Coordinator-Gacaca Commission, Kigali, Rwanda, 11/04/01.

⁵²⁰ This preliminary trials have been quite successful. For example: In a Minijust project that was run in cooperation with Unicef, 898 minors were released and successfully reintegrated in their communities over a two-year period.

Gacaca process is characterised through 7 steps that fulfil broadly three functions: 1. initial information gathering, 2. categorisation of the crime and 3. judgement. Every step consists of 1-4 hearings. In the Steps 1-5, the committee meets on a weekly basis with the villages to establish how many people and who exactly had lived in the village before and during the genocide, how many have died in the village, how many have been murdered outside the village area and much property was lost. Subsequently, delegations are sent out to check who of the villagers is sitting in which prison.⁵²¹ In the verification stage of step 6, witnesses are heard and prisoners are interviewed to refute or substantiate prior claims and accusations. Finally, in step 7 evidence is considered by the committee. In a closed session, the nature of the crime is categorised. Based on the verdict, it is decided whether a crime falls in the jurisdiction of the court on cell level or has to be dealt with on Sector or District level.

Gacaca trials include Category 2 charges like ordinary man slaughter but exclude Category 1 cases of- Planners of Genocide and perpetrators of sexual violence that are trialled before the Special chambers.⁵²² In conjunction with the Gacaca act that was passed by the national assembly on 12 October 2000, it was decided that to solve the prison crisis

⁵²¹ Interview: Charles Kayitana, Director of Communications, Department of Gacaca, Supreme Court, Kigali, 29 August 2003.

punishment should ideally consist about 50 % of prison and 50% of community work to minimize the burden on the prison infrastructure and facilitate re-integration. The highest penalty within the Gacaca system is still a life-sentence. However, Gacaca encourages prisoners to admit to their crimes . The rewards (after having served a major part of the punishment anyway) for such an admission are high (many think far too high). A confession before conviction decreases the punishment for the most capital crime of manslaughter to 7-11 years of which at least 8 years have to be spend in prison. A major part of all prisoners have been arrested shortly after 1994.

Hence, an admission before the trial would mean they could immediately join the community service programme. A subsequent confession still pays off with 12-15 years , again even those detainees would be likely send into the reintegration programme.⁵²³ Interestingly, this authenticity principle applies also for those who have masterminded the genocide. In case of statement of regret even a leading genocidaire can avoid the death penalty in a regular court, which is a strong and crucial indicator for the sincerity of Rwanda's reconciliation policy, that might be in the light of the incentives given for Gacaca easily been misunderstood as

314 Interview: Geraldine Umugwaneza, Coordinator-Gacaca Commission, Kigali , Rwanda, 11/04/01.

523 Interview: Rafael Ngrambe, Procecuter Kibuye Province, Ndaró, Kibuye Province, Rwanda, 7/08/01.

strategic normative exist strategy that instrumentalises forgiveness and reconciliation.

More problematic however is the ministry of justice 's decision to trial at first only those people who are willing to confess and testify against others who are refusing to do so. This strategy is likely to promote false admissions and untruthfulness as detainees will try to jump the queue and get out of prison as soon as possible. Ultimately, innocent prisoners might find themselves in a situation when it might be more beneficial for them to admit fictional crimes than to stick to their claim of being not guilty.

Interestingly, Gacaca courts rulings can be only made by a unanimous consensus. Cultural Gacaca courts have used this discursive provision in the past to ensure objectivity/ intersubjectivity.⁵²⁴ This was necessary in so far as small communities were (and are still) deeply interlinked through family ties and it was not uncommon that one family member would have to judge an other. Discourse was understood as a necessary counter-balance to possible bias. The preliminary Gacaca trials have shown that this provision works both ways. In this setting (that was facilitated but not controlled by a local prosecutor) it was difficult for relatives to testify in favour of their family members, since the credibility of the speaker was immediately questioned by the crowd on the grounds of

⁵²⁴ Interview: Prof Kagabo, ICTR, Arusha 5/04/01.

his/her origin.⁵²⁵ In the committee, however it is likely that both fractions will have their representatives that will not only debate their differences but will have to eventually come up with a solution. Although, the content of cultural Gacaca jurisdiction has significantly changed as consequence of the nature of the crime of genocide –the communicative set-up of Gacaca courts has remained the same since pre-colonial times. And although today only minor offenses are solely healed through cultural means of apology and reparation at cell level, modern equivalents to cultural punishments (e.g. community work) have been found on other levels. On the whole , there has been only one major change in the composition of the panel with regard to the participation of female judges.

**SOCIAL TEXT 4: EXAMPLE OF A TESTIMONY GIVEN
BEFORE A PRELIMINARY GACACA COURT IN NDARO,
KIBUYE PROVINCE**

Prosecutor: What we expect from you is the truth. Prisoners confess and say the truth and tell us about the places and the killings. For those in the village be correct in your testimony and

⁵²⁵ The following scene happened at a preliminary Gacaca court in the Kibuye province: A man testified on behalf of an accused child soldier. He was speaking for about 15 minutes talking about the whereabouts of the boy and providing details. Everybody in the village listened until somebody screamed.. but he is his nephew. The crowd signed and the boy was sent back to prison.

Careful while testifying. Wrong testimonies will be persecuted and can mean 3 years in prison. These are the rules for Gacaca.'

Prisoner: 'I have committed a mistake. I have come to tell the truth. They (the audience) should help me telling all details. I ask for forgiveness . I ask for forgiveness and I know I am telling the truth. You, he has been with me there you (he identifies somebody in crowd who turns pale. Local police is alerted. Some man start leaving the scene. He approaches a man in the crowd who turns out to be his neighbour.) Did you find a grenade in my house. Do you know how we attacked a family? (he continues) A man came to our house he told us they killed my father and therefore we sought revenge and went with them. I saw a woman in the crowd you saw me there she should come forward and testify. I confess I have killed (a man called) Moniteka . I killed him with a spear. I am telling you the truth, so far just a few who are guilty are detained. The rest is still in the village. I know them very well (more people start leaving). We have burned the church. My wife (!) was in the church as well. She should come forward and testify as well. I know she was in there as well, but she escaped.

Prosecutor: (to the audience) We have now 60% of the truth, now it is your turn to come forward and tell us the other 40 %.

(Silence- Prosecutor gets impatient)

So we know what he did. I must warn you, you will be punished if you collaborate with the killers. If you want unity and reconciliation you have to establish the truth. If you still see a person with another nose, you still do not respect unity. Why can people not say who watched? We need the evidence to bring it before the judge..

Again silence- a very old woman comes forward, followed by an old man, the process starts...

SOCIAL TEXTS 5: LOCAL PERCEPTIONS OF GACACA

In the following paragraphs some reactions of people witnessing a Gacaca court in Ndaró, Kibuyé province are cited.

Celeste Kankwanzi, a 75 years old illiterate farmer and respected elder says: 'Gacaca is a good justice. It is a justice of old times- in these days we had peace. Therefore I believe that Gacaca will be a good thing. It will help our village very much. That is how we finally will establish the truth in our village. Why? Without truth there is no peace. At the moment we don't know whom to punish. Why truth and justice are important? For reconciliation. When truth is established and justice done, everybody will be able to forgive. (She adds) Please write I am ashamed of what has happened.

Laurent Ugezékure, a 80 years old illiterate farmer and also respected elder agrees: 'Gacaca is a good thing . It is helping us to reconcile our country. It is helping us with our serious security problems. Before we were afraid to testify before the local authorities. I came here to testify. Now I believe that those will be acquitted we are innocent and those who are guilty, will be found guilty. Gacaca is bringing peace because nobody can abuse and beat our village anymore. Therefore Gacaca is a good thing.

Clothide Musabyimana, a 27 year old farmer thinks similarly:

'I finally expect that they will succeed to establish the truth about the genocide and the massacres in our region. To me Gacaca is a good thing because it helps who identify who is innocent and who is guilty. It will help our village very much. There are also many witnesses in this region who have not testified yet. This is very important for the truth. Reconciling people means for me that people know that people have been punished and the truth is

known and that they are asking for forgiveness. Gacaca is the only way of knowing the truth and reconciling the people so that people can live peacefully together again and respect each other.

Theodore Kalisa a 54 years old illiterate farmer is a bit more cautious:

I came here to see the prisoners and to testify. Gacaca is a good thing, but it is still too early to judge about it. I see people who know the truth, but they don't speak. It is difficult to establish the truth and get justice. But it will help victims if they see people convicted. It will relieve their heart. It will also relieve the heart of the families of those detainees who are innocent and then they can stay together. Truth and Justice are the only ways of reconciliation. If I tell the true I bring justice. I believe honesty is a good thing. If he says he was collaborating it is important.

Agnes Ugiriwabo a 30 year old illiterate farmer is more optimistic:

I came here to testify about those who have committed crimes in my region. Gacaca is a good thing. It will bring unity and reconcile the Rwandan people. Why? To establish the truth what happened, how they murdered our parents and relatives. In the end we will know the truth. Yes it is very necessary to know where they are buried. When we know what has happened, then the authorities can punish them and then there will be reconciliation. It will help people in the village to trust each other again. Then I will live in peace with my neighbours, better than now.

Emmanuel Ukujjabo a 20 years old illiterate farmer has other reasons:

I came here to see my relatives who have been detained. Gacaca is a good thing because the innocent will be released. Truth will be established by the population of the genocide. Yes I believe it is good to take the accused to the place and judge them there. That is a good justice. It brings justice to our area. I don't see any negative effect of Gacaca in the village. I believe it will bring reconciliation

between families. If they ask for forgiveness, they will be able to forgive them. ⁵²⁶

Random (as such not representative) Interviews with the local population conducted in June and August 2001 (see above) indicated that the reaction to Gacaca seems to be overall positive among all ethnic groups and age groups, although there appears to exist still some understandable scepticism among survivors of the genocide. These concerns have to be heard and addressed separately (e.g. through the planned victim trust-fund). ⁵²⁷ Nevertheless, it appears that Gacaca is widely accepted as a valid means of conflict transformation. None of the arbitrarily selected 20 interviewees was concerned that the provision of justice was no longer centralised by the state although there were some voices who feared that not all people would be willing to testify and take part in the process. ⁵²⁸ Nevertheless, there was a clear faith that justice could be entrusted to the people in the villages. (see Figure: Social Texts 5)

Villagers argued that Gacaca :

⁵²⁶ Note: Of all people I interviewed at two Gacaca courts in Kibuye and Kibungo province only one had accidentally heard about the UN-ICTR on the radio!

⁵²⁷ Compare next section.

⁵²⁸ In the meantime, his fear has been addressed by the government through some drastic provisions. Anybody who does not disclose evidence against better knowledge and gets caught has to serve a minimum of 3 years in prison.

- will establish truth and justice if everybody choose to be truthful
 - will rebuild trust through the participation of everyone in the village.
 - will facilitate forgiveness and reconciliation through the direct encounter between victims and perpetrators.
 - will add to internal security in the village through the identification of those criminals who have been not caught yet.
 - and hence bring peace
-

Research studies (e.g. by the John Hopkins University in 2000) showed similar findings. In August 2003, one year after Gacaca proceedings had begun, each of the 106 districts in Rwanda had at least one Gacaca court on sector level. In the preliminary Gacaca phase there had been only one Gacaca hearing in the 12 Provinces at a time, which shows that a significant progress has been made. According to official sources, there will be even a greater effort made to expand the process to every sector after the parliamentary elections in October 2003.⁵²⁹ During the referendum in May 2003 and the presidential and parliamentary elections in August/October 2003, Gacaca hearings have been temporarily suspended. The committee members (who are often the only literate people in the communities) were needed for voter's education and the preparation of the elections. Nevertheless, in

⁵²⁹ Interview: Charles Kayitana, Director of Communications, Department of Gacaca, Supreme Court, Kigali, 29 August 2003.

most of the trials that were held since June 2001, proceedings have already reached the categorisation stage of step 7. Many prisoners have been either released or their cases have been referred to other instances. Despite initial international scepticism, the Gacaca process is running and has already reached many Rwandan villages without sparking any new violence.

5.2.4 GACACA- MATERIAL AND PROCEDURAL CONCERNS

The process of Gacaca entails also difficulties . These can be explained in terms of procedural inadequacies but foremost by demographics.

The main problem with Gacaca is that the composition of villages has significantly changed after 1994 due to extermination, migration, internal displacement or (in case of perpetrators that still have not been caught) intended absence. In many places, there are no villages with a mixed Tutsi/Hutu population.⁵³⁰ Moreover, as a consequence of the country 's demography most of the Gacaca judges are Hutu. ⁵³¹ It will be likely that problems will occur if there is no guarantee that in each and every panel there is at least a group of judges of a

⁵³⁰ Ndoba Gasana, President - National Human Rights Commission, Kigali, Rwanda, 15/06/01.

⁵³¹ Interview Jean Louis Ndahigwa, Coordinator of Gacaca Project MINIJUST/UNICEF- Ministry of Justice, Kigali, Rwanda, 19/06/01

mixed origin. However, it is difficult to see how they could be brought in from outside. The same applies to witnesses. In a poor country like Rwanda many areas are not accessible by public transport. People are forced to walk for hours from one village to the other. It is unlikely that victims and witnesses will be able to go back to their home villages to testify if they do not live in proximity of the venue of the crime. In most cases the fact that they have not returned so far will be also a clear indication that they will be too afraid to get there anyway. Still, there have been already some cases in which former refugees who have settled in different provinces were summoned before local courts. For this purpose special transport provisions were made. There are even some trials known in which soldiers based in DRC Congo have been called back to their home villages to testify.⁵³²

There is also some growing resentment because of the lengths of the sentences.⁵³³ Some people feel the sentences that are given do not correspond to the severity of the crimes that were committed and are horrified by the idea that they will have to face the people so soon again that have exterminated their families. Interestingly, such admissions are quite rare and take time. People prefer not to be quoted on this issue. It

⁵³² Interview: Charles Kayitana, Director of Communications, Department of Gacaca, Supreme Court, Kigali, 29 August 2003.

⁵³³ Interview Jean Louis Ndahigwa, Coordinator of Gacaca Project MINIJUST/UNICEF- Ministry of Justice, Kigali, Rwanda, 19/06/01

seems that many feel such statements are inappropriate because they are perceived as statement against the state and national unity. Others say that they experience a clear contradiction between their feelings and their faith and do not wish to be considered as bad Christians by their communities. The Rwandan government has tried to address potential difficulties through the creation of a national Gacaca coordination committee that supervises the process. Local and international NGO like LIPRODHOR and Reseau Citroyen serve as observers of the process.⁵³⁴

While Rwandan observers are mainly concerned about the people within and the outcome of the process, international critics like Human Rights Watch or Amnesty International have mainly focus on the formal side of the proceedings. Like all regular courts on cell and most court on sector level Gacaca courts do not provide a defendant with council . The role of the prosecutor is limited insofar as he/she will just read out the charges. The main responsibility lies with the judges who assess the information that has been previously collected on cell level and consider the testimonies of all people in the audience who wish to comment on the case. While the right to council is a universally recognized human right, it should be also clear that there would not be any Gacaca if the country would have the right number of defence councils

⁵³⁴ Aloys Habimana, Coordinateur de Centre d'Information et le Documentation sur le Proces de Genocide, LIBRADHOR, Kigali, Rwanda, 20/06/01. Benoit Joannette, Director - Reseau de Citoyens Network, Kigali, Rwanda, 22/06/01

and judges in the first place and retributive justice could have been enforced in an ordinary way. This criticism might be not wrong but it is clearly very detached from the realities on the ground.

A more serious concern that has been so far rarely voiced is the question what will happen when the prisoners are indeed released, where will they go and will they be welcome?

Over the last eight years, prisons have served a dual function – they have protected the outside from those on the inside but also vice versa. From a western point of view, it is astonishing to see that in Rwanda most of the prisons have hardly any guards. Few people are - if at all - armed with sticks. Officers are virtually overrun twice a week by the prisoner's relatives during visiting hours, who could easily take over the prison and take people hostage if they would like to do so, but they don't. There also very few fences. Many well respected detainees (mainly those who are expected to be innocent) are guards themselves. Despite some reports of torture and other human rights violations within the prisons many seem more afraid of what awaits them outside than inside. A prisoner in Kibungo prison described his situation as follows 'yes I could escape but where could I go, where can a Rwandan go? If I would meet the wrong people they kill me.'⁵³⁵

⁵³⁵ Visit Nsinda Prison, Kigungo Province, Rwanda, 19/06/01.

What is often forgotten is that besides the procedural costs of retributive justice both in terms of time and human resources , the national legal system requires the restorative mechanism of Gacaca to ensure a safe return. Gacaca is foremost a rite de passage in which a village has to agree to invite somebody back into their community. The problem is that while many might agree with Gacaca in principle or do not dare to voice their opposition, there will be few willing to give away land, houses and live stock that have been taken unless they will be order to do so by an other enforcement mechanism (e.g. civil Gacaca trials). This however will be very unlikely and will add to the frustration of those who have been innocently arrested and their perception of justice. While there is clearly a danger that those who have been violent in the past might become violent again, another completely unaddressed issue is how will those be compensated who have 8 years of their lives innocently in prison? Like anywhere else in Africa there are no jobs and most prisoners are facing a very bleak future. There is also the threat that those genocidaires who still walk free will threaten the life of returnees to avoid persecution.⁵³⁶ Again, this applies mostly to innocent returnees who will be more willing to testify.

Hence, there are many variables within the equation of justice that still seem difficult to control. In addition to current efforts

⁵³⁶ Interview Eugene Ntambara, Director - Nsinda Prison, Kibungo, Rwanda, 19/06/01.

to help victims of the genocide it will be also important to restore the faith in justice of those who might consider themselves as victims of a victor's justice. However, there are indications for hope.

Faustin Tugirimana was innocently held in prison for 7 years. 5 minutes after he was released by a Gacaca court he was crying and laughing at the same time. He said the following:

I am thanking god. I was expecting that I would be released because I knew I did nothing wrong. But there are so many who are innocent in the prisons. I am going back to my home village. I do not expect any problems. There is of course the problem of poverty but I still have some of my family there. Gacaca will help us very much if the population is willing to tell the truth. But there is no love between the Rwandan people. Therefore they are not willing to tell the truth. I know that they are scared to tell the truth and many still need to be educated about Gacaca. *I am not feeling bitter. I know that everything has its own time.* And I know this was the plan of god. *Until now I don't know who turned me in but if I would know I would forgive him.*⁵³⁷

Generosity must be an African term...

⁵³⁷Interview Faustin Tugirimana , Kibuye Province, Rwanda, 7/08/01. (Released after being acquitted by a Preliminary Gacaca Court)

5.2.5 RETRIBUTIVE AND RESTORATIVE JUSTICE

Gacaca puts huge demands on Rwanda's society and the current government is taking a huge gamble on it indeed. The success or failure of Gacaca will be the ultimate bench mark for its policy of reconciliation and arguably the survival of the current regime. The investments of the Rwandan government in the process are correspondingly high. Rwanda just created recently a genocide victim trust fund that reserves 5% of the national BNP for compensations for victims of the genocide. The establishment of this fund reflects the insight that in most cases the reparations that will be ordered in court will not be paid by perpetrators or their families because of their chronic lack of financial means. In the light of the number of widows, orphans, handicapped and aids/rape victims it is more than likely that this fund will be able to respond to just a fraction of demands that will be made. Nevertheless, the engagement of the government in this field is crucial for the overall credibility of the process. Besides the fact that survivors often belong to the poorest of the poor and need any help they can get, they will also understand any symbolic payment as a symbolic acknowledgement of their claim to

victim-hood and as a point where they can reach some closure.

Redistributive Justice –which specifies one aspect of restorative justice- is indispensable for the wider process of reconciliation because:

- a) It addresses the symbolic and material needs of victims and makes justice 'tangible'.
- b) It refers to cultural African ideas of justice and conflict settlement that have been always a constitutive component of people's lives.

Hence, it is a necessary supplement to the classic idea of retributive justice that

- a) ...rebuilds the respect of the rule of law that is crucial for the overall stability of a political and social order and
- b) .. serves as a guarantee and re-affirmation of a moral order.

While retributive justice hopes to promote accountability and respect of a moral order by punishing individual perpetrators and excluding them from their communities, restorative justice is a transitional mechanism that heals frictions within communities and seeks to relate punishments into a lived praxis of reconciliation.

In other words, restorative justice is a necessary complement to retributive justice. While the latter seeks to ensure that normative necessities for the smooth functioning of a society

are met, restorative justice addresses the needs of communities and individuals. Retributive justice seeks to transcend with cultures of impunity a particular discursive aspect of violence where restorative justice aims to transcend an entire discourse.

Interestingly, attempts to bring about restorative justice have been so far mostly associated with truth and authenticity (e.g. truth-commissions) and not so much with justice. This ambivalence can be explained through the special relation between justice and reconciliation. Both terms specify two normative ideals to which we necessarily aspire in the resolving of ethnic conflicts. They suggest the necessity of the re-establishment of just and equal relationships within post-conflict societies. In this respect justice is unquestionably an indispensable precondition for reconciliation. However, despite this interconnectedness, in their essence the procedural means and ends of formal justice differ considerably from those of reconciliation. Indeed, at times they seem to deeply contradict each other. This can be best seen by the dilemma of impunity and amnesty. National Truth & Reconciliation Commissions, choose to grant amnesty in exchange for truth and authenticity to foster future forgiveness. Retributive justice is based on the idea that law must be enforced at any costs. Although concessions are not generally ruled out retributive justice will stress that these favours were granted

in the interest of law and order. The interests of the victim and defendant are secondary. In juxtaposition to this, restorative justice suggests that people matter more than principles.

Truth & Reconciliation Commissions promote restorative justice by giving offenders the chance to apologise and to admit to the wrongfulness of their action in public. They seek to facilitate communal rites of forgiveness by providing a forum within which victims and offenders can interact, both sides of the story can be heard and reparations can be offered.

Truth & Reconciliation Commissions seek to operate in a non-adversarial framework that allows the disclosure of the complete truth and the reconceptualisation of the hostile other. Retributive Justice lacks this mechanism. However, truth-commissions are at the same time in a constant danger of being manipulated by fading elites.⁵³⁸ Since restorative Justice is entirely based on communicative action, it requires the complementary mechanism of retributive justice that can deal with strategic intent and systemic interest to ensure that communication won't be instrumentalised and compromised by power.

Gacaca is a unique procedure insofar as it combines not only restorative ideals of truth and authenticity but also retributive beliefs in one dialogic process. It shows that discursive sub-dimensions do not have to be institutionally differentiated in

⁵³⁸ P.Hayner: *Unspeakable truths*, New York 2001.

expert cultures to enable a discourse. Gacaca fills two structural normative gaps on national level. It serves as at the same time as a decentralised truth- commission and a court that can grant amnesty or refuse it. A verdict is reached discursively through the participation of all and is based on arguments of truth, (restorative & retributive) justice and authenticity. Unlike in ordinary legal practice, all these claims are perceived as equally valid. The willingness to testify (truth) and the repentance of the perpetrator (authenticity) weigh as much as the need of communities and victims for retributive and restorative justice. In other words, the individual, communal and national planes are equally represented in this process.

The provision of equality is also better met since the process will not be distorted by different rhetoric skills of the parties (e.g. council, prosecutor, defendants, and witnesses). In this scenario strategic reasoning becomes less likely and arguments are more likely to be taken for their real face value. It is in this scenario, where the transformative power of reason can be seen at its best. Without the formal rules of procedure and evidence everybody in the room can speak his/her mind including the victims and the defendant without being manipulated either by the prosecution or defence. Many of the distortions within ordinary legal practice can be attributed to the fact that retributive justice is based on the idea that

witnesses have not the same communicative competence as legal experts and hence have to be guided through their testimony. In the interest of the public (read: state) they can be even forced to testify. In Gacaca participatory concerns are better respected- everybody has a say. In case a victim is really missing words or can not bear the idea to speak about his/her experience a relative or friend can speak on their behalf without violating his or her privacy. There will be not only one expert judge who is obliged to consult a given body of law and embed his judgement in this reference frame even if this is against his/her own conviction, but a group of lay judges that might be not fully aware of all provisions of the law but will know very well the needs of their communities. They will use their everyday competence to assess whether they are being told fibs or whether there is some substance to the argument that is brought before them. They will have to justify their judgement not so much through reference to the law but before their communities, the families of the victims and perpetrators and most importantly before their fellow judges. Their consensus will reflect this diversity. As pointed out above there will be still some room for manipulation, but this misconduct will be most likely of a material and not formal nature that is easier to remedy before a court of appeal. This to say while it seems easily possible to appeal on the grounds of the ethnic composition of a court at an appeal

chamber (that is likely to be monitored by higher authorities) it is nearly impossible to reopen a case e.g. because of an intimidation of the witnesses or defendant by the defence council/ prosecutor (because he/she is just doing her/his job).

Gacaca facilitates discourse on all sides and does not fall in any normative extreme (e.g. amnesty or death sentences) and hence does not leave any side bitter or discontented. It bridges successfully a gap that can not be bridged on national level because of the institutional division of the life-word and independent and differentiated expert cultures.

On a national level transformative efforts of truth and justice will co-exist but will necessary have to compete with each other in the quest for legitimacy since they seek to cover the same normative ground by different procedural means. Since retributive goals of law and order are very closely interconnected with the interest of a state it is not surprising that commissions seem to have been mostly created in places where either a) a status quo did not have to be longer maintained and was open for renegotiation like in South Africa or where b) change was imminent and leaders priorities had shifted from political to personal survival (like in South America).⁵³⁹ In both cases suddenly the national plane became the playing ground of communal or individual

⁵³⁹ P.Hayner: *Unspeakable truths*, New York 2001, compare Appendix.

concerns. It was infiltrated by interests that were formerly located on structural sub- levels.

The work of truth commissions seems to generally subside when solid state structures (re-)emerge.⁵⁴⁰ Interestingly, they are not used as a further control mechanism of the new state. This domain is generally reserved for the courts. This speaks (to an extent) in favour of our earlier hypothesis that justice manifests itself on an institutionally higher level than truth or authenticity.

Rwanda is a special case in so far as a stabile continuum has not been found yet and standard legal remedies have not had the desired effect. The government could not rely on rule of law simply because it could not afford to enforce it properly. This might explain the late creation of the National Unity & Reconciliation commission in 1999 and Gacaca in 2001. Restorative justice was needed to 'restore' among other things also the proceeding of the ordinary retributive system. Hence, far from being an achievement in innovative policy-making, Gacaca in its current form was more a last resort after the process of retributive justice had reach its limitations.

Nevertheless, Gacaca provides a good illustrative example for the interplay of peace-constitutive dialogic practices of truth, justice and authenticity in a real world setting. It provides a community perspective that opens up a view from the ground

⁵⁴⁰ P.Hayner: *Unspeakable truths*, New York 2001.

up. It highlights clear short-comings in current practices in peace-building where the interest of the state for law and order (security) is favoured over individual and community needs for truth, authenticity and restorative justice. It is the negligence of the latter that seems to contribute to chronic trauma, bitterness and lost faith in justice- all factors that will eventually lead to renewed violence- either in families, community, countries or regions. Today, the most costly misunderstanding in domestic politics and international affairs (that is just another version of the realist security and power theme) is that it is commonly believed that a just order (and hence peaceful change) can be based solely on the provision of retributive justice. The normative agendas of those INGOs that criticize Gacaca are characterised by the same misapprehensions as the strategies of states.

It took a weak state like Rwanda to break with this procedural practice simply because it could not afford to implement it.

5.2.6

-CONCLUSION-

Gacaca has all attributes of a communicative process that can be constitutive for peace. Gacaca 'de-chants' the formal juridical process and makes it accessible and comprehensible

for the public. It encourages the participation of all , it operates in terms of consensus and is built on a peaceful tradition of conflict settlement. It clearly facilitates the establishment of truth and authenticity and upholds the ideal of collective forgiveness and herewith fosters reconciliation.

Gacaca proves that the use of discourse for peacemaking is as old as mankind. It illustrates further why a stable moral order has to be built from the ground up. It demonstrates how co-existence can be facilitated through simultaneous processes of restorative and retributive justice, truth and authenticity.

The ideal of participation lies at the very core of a just moral order. Its provision can be only realised if all claims are heard and taken into consideration. Retributive justice might be an adequate means to eradicate a culture of impunity and rebuilt state structures, however it is not a sufficient means to build a culture of peace. The latter requires structural and perceptual changes in all life-worldly domains and on all levels of social interaction. Complementary ideas of restorative justice, truth and authenticity are needed to re-write a discourse of violence in all subjective, normative and objective areas of life. Gacaca in-cooperates all these ideas in one process.

As result of Rwanda's special situation – both in terms of governance and demographics- Gacaca will likely face many challenges. Much will depend on the faith people will have in

the process. However, the most important prerequisite of procedural intelligibility is already met. In future all will depend how convincingly the community courts will rule on the grounds of truth, justice and authenticity.

**5.2.7 - PROMOTING RECONCILIATION THROUGH
AUTHENTICITY-
'THE PURSUIT OF "HONESTY OF THE HEART'**

Letter of Apology
By Benoit Usabyumureyi
Cellule Bwishyura, Sector Bwishyura
Commune Gitesi
C/o Kibuye Prison
Kibuye 5/05/99
Objective: To ask forgiveness from genocide survivors
Through: The director of the prison in Kibuye

" Dear Genocide Survivor,

I am writing to you asking for forgiveness for the shame crimes which I have committed. I participated in the death crimes of your relatives during the genocide.

Dear Genocide survivor, I want to assure you that now I have changed, because I have been feeling guilty in my heart. And my heart has been convicting me of these crimes I have committed. This is why I am writing to you, asking for forgiveness. I am asking the forgiveness of your heart. I have been asking for forgiveness from God. I hope you are going to forgive me.

Thank you very much for taking this into account."

Benoit Usabyumureyi

CC: to Bourgmestre Gitesi , Conseiller of sector Bwishyura , Prosecutor of the Republic , Parquet Kibuye - (Translation by Evelyn Batamuliza)

Benoit Usabyumureyi is desperate. He has not been as successful as his other inmates . He has waited for a response to his letter of apology for over two years but has not had a reply yet. Silently he passes his letter over and insists that we should keep it.

After a while he says under tears, " I don't understand, why they did not respond. I wrote what I was told to write..."

This response seems utterly wrong to us, because Benoit does not seem to have spoken with his own voice in his apology. Hence, he seems not to "fulfil" the criteria of authenticity. But does this lack of reflexive rhetoric and skill in letter writing necessarily mean that he is not sorry or that he is not hearing the same screams of his victims at night like his other more eloquent inmates? Does he not speak with (like one of his fellow prisoners puts it) with the same "honesty of the heart"?

Benoit's answer shows that he agrees and tries to follow the rules of the new game. But he does not fully speak its language. In norm-guided interaction self-critique is only possible in terms of the rules that were provided by a discourse of violence. But Benoit is not trying to justify himself he just does not know how to express his regret. Would you know what to say if you would have exterminated somebody's family?

Convincing a survivor of one's authenticity is a complex argumentative process that requires psychological assistance.

Benoit needed help to express his feelings. The non-reaction of his victims might have been that there was not enough guidance given (compare below). The most likely reason however is that they probably felt that this was just not enough.

This discontentment is described by Martha Mukaniabana , a 32 year old tailor, who runs a little shop just opposite the Kibuye prison.⁵⁴¹ Martha had lost two of her relatives and her best friend during the attacks and was approached by one of the genocidaires in her local church. The prisoner had been baptised before and confessed his guilt before god. Then he kneeled in front of her and the whole congregation but did not say much. The whole incident left Martha furious. She felt that his apology was staged and was unable to say that she had forgiven him. 'I do not think it came from his heart. He was not addressing my family directly.' She adds that she is a Christian and wants to forgive but that this was not enough. She also said 'I believe in Gacaca. Gacaca will contribute to Justice very much. It will establish truth and bring justice. Truth and Justice are equally important for reconciliation. Those who really feel guilty in their heart should be punished less.' Martha 's inability to accept the prisoner's apology was not ethnically biased. During the interview, one of her friends who was just released by a Gacaca Court a day before, entered

⁵⁴¹ Interview: Martha Mukaniabana, Tailor/ Shop-keeper, Kibuye Ville, Kibuye Province, Rwanda.

the shop and received a cordial welcome. She only felt that there should be more, that could not be rushed and required time, something that is best expressed by her repeated statement that “ she did not know him”

Alphonse Muhayimana a genocide survivor is a local Police-man in Kibuye Ville.⁵⁴² He “knew” the man who killed his whole family- “father, mother and the rest” since he was a child. “ I was until 1996 in Congo, he said, I don’t know how he traced me down. “ He said he was pleased when he received the letter since he never understood why all this happened. “It was a good letter, “he said and he was happy that he received it because he did not know what exactly happened. He replied. After a while he agreed to visit him in the prison and they talked about what had happened. He added ‘I had to visit the prison as proof of forgiveness, just writing back is not enough for forgiveness. It made me feel better.’ ‘Yes, doing this has help me to come to terms with everything. He added ‘True if he would have denied everything, I would have been very upset but when admitted everything and asked for forgiveness..’ Alphonse said his neighbour told him every detail about the crime. He told him what he thought and how he felt at that time and now and convinced him that he was sorry. Alphonse said he believed him and agreed to forgive him.

⁵⁴² Interview: Alphonse Muhayimana, Local Police-man- Kibuye Ville, Kibuye Province, Rwanda. (Villager/Genocide Survivor involved in Sister Genevieve’s Reconciliation Project)

I believe from my heart that he is regretting because we were friends and neighbours and shared the same church. I don't know why some Rwandans changed for a couple of minutes as animals. I don't trust anybody anymore in Rwanda .

At that time he knew that his statement would help to reduce his neighbour's time in prison considerably and probably grant him immediate access to gacaca, but Alphonse said he did not care. He said, If I would care I would not have forgiven him. He added I know that is not the reason he is sorry. To me forgiveness comes from the heart from the person of a family (that had been killed). I don't think much about Gacaca but if somebody asked forgiveness from me, I forgive him. That is independent from justice. When I would be upset when the government would release him, what kind of forgiveness would this be? For forgiveness somebody has to come to me. The first step has to come from them. If they do this then a living together is again possible. What upsets family of the victims is that sometimes the accused deny. If you testify against them in court and they ask you if I have killed your family, how could you have survived? It is upsetting when they deny even if you have seen them. Truth is equally important to justice. If truth is established, justice can follow and then reconciliation.

In chapter 3 it was argued that one of the most common demands of victims is to get to know the truth and see that justice is being done.

Alphonse was glad that he was offering some sort of explanation of the inexplicable. He knew the truth now. The process empowered him in so far as he was in a position to decide whether he felt it was appropriate to say he had forgiven his perpetrator or not. He was not a victim anymore, he was in control of the process, whereas Martha was clearly not and hence refused to cooperate. Alphonse had the chance to meet his neighbour again in private. He found him broken and could envision and rehumanise him in a different setting. Clearly, justice had been done. This clearly contributed to his ability to forgive him. Martha was missing any of this reference data. She did not know how the murderer of her brothers and best friend behaved before or after the crime, where he was now and why he did it. She just knew that he robbed her of something he could not give back to her. Martha's case shows why communicative interaction is an indispensable precondition for forgiveness. Although symbolic acts (e.g. like the kneeling in front of Martha) have undoubtedly a value, it is impossible for a victim to assess whether somebody is speaking with 'the honesty of their heart' if they are not speaking at all. The prisoner did not explain himself. With his apology he could have meant anybody in the room. What was

missing was a direct dialogic exchange between him and Martha. Hence, his request was denied.

While there have been clearly mistakes in the past with regard to wrongly accused detainees that have been held in prison without a proper charge or file until today, most prisoners have still to come to terms with their guilt and understand their past behaviour.

Although there have been visits by government officials in the prisons promoting Gacaca, encouraging authenticity about crimes and the naming and shaming of collaborators, there is an open official consensus that most of this consciousness building and initial healing should be left to the "authority" of the catholic church, that plays still despite its fatal involvement in the genocide a major role in Rwanda.⁵⁴³

After an initial report of the Synod of the Rwandan Catholic Church in 1999 on the issue of national reconciliation various educative projects have been put in place that all seek in some way to establish a dialogue between the perpetrators and the families of the victims.⁵⁴⁴ This dialogue mostly starts in the form of education campaigns in prisons that encourage an exchange of information (e.g. by letter writing) and empower prisoner herewith to initialise a process of forgiveness.

⁵⁴³ Interview : Jacques Muhizi, Prison Director - Kibuye Ville Prison, Kibuye Province, Rwanda, 7/08/01

⁵⁴⁴ Interview Sister Genevieve, Coordinator Reconciliation Project, Eglise de St. Jean, Kibuye Ville, Kibuye Province, Rwanda, 8/08/01

Benoit, Martha and Alphonse have all been part of a reconciliation project of Sister Genevieve, a catholic nun who runs a small reconciliation project in Kibuye Prison. Sister Genevieve started her programme by preaching in the prison church. She asked prisoner to come forward and reconcile with god. In order to do that prisoners were requested to start first with their families, friends and neighbours. Emmanuel Niyonsaba, a prisoner who is assumed to be innocent explains 'The Sister preached before all prisoners. She said to get back to the state that we had before the genocide people have to ask forgiveness from their neighbours. She asked them to write letters and promised that then we could live like we used to live before.' Francois Xavier Manyurane, Anastase Shimyimana, Alphonse Musemadera and Emmanweli Bucyendare followed this appeal and were lucky.⁵⁴⁵ The families of the victims did respond. Some even decided to visit them. Francois says 'To me after the genocide I felt guilty, I did something to people we did not have any problems with.' He said hearing Sister Genevieve's preaching was 'a golden chance' to step forward and do something about it. 'In my letter I explained (to the man whose children and uncle were killed) how I was among the killers, how I looted, how I stole, the killings.' His fellow inmates did the same. Alfonse says 'I

⁵⁴⁵ Interviews with Prisoner 1 Kibuye Ville Prison, Alphonse Musemadera, Prisoner 2 Kibuye Ville Prison, Anastase Shimyimana, Prisoner 3 Kibuye Ville Prison, Emmanweli Bucyendare, Prisoner 4 Kibuye Ville Prison, Francois Xavier Manyurane, Kibuye Province, Rwanda, 6/08/01.

wrote that I was among those who killed a family. I explained (the relatives) how we killed them, how we buried them. They wrote back and visited me.' He will be now able to participate in Gacaca. Alphonse adds 'I wrote to a family who lost 13 members. I explained the death of these family members. The relatives visited him and he was relieved not only because of the likely reduction of punishment but also because they have said they really forgiven him. Emmanweli explains 'Following the crime we felt guilty, no one was preaching and could relieve our heart, now this has changed our living.'

Being asked what has changed since then, Alphonse answers 'In 1994 we thought that a Tutsi is somebody who is bad. Now we know if you pierce a skin with a needle there is blood. We all bleed. We are all the same. If you beat somebody there is the same pain and suffering. We are all the same. It was a big mistake, we are all the same.' Anastase adds 'I believe in 1994 we were animals. We were intermarried. We had the same culture. Now I believe we have changed. If I see know people and intermarriage and the living together in villages, I see that I was wrong.' Emmanweli agrees 'We have changed. Before Tutsis were enemies and we have had a heart of an animal. When I see a Tutsi now I see him as a human. In 1994 the government was supporting the hate of the other. Now this is different. Now we are equal. Authority and government are very important in this.'

Francois Xavier disagrees ' yes for me it was also first for the government. It is true that they not anything to prohibit the crimes. The government and the propaganda this comes to the mind of everybody but this is not all. To me we did something bad. We were against God even before we have been arrested.' The others silently nod and agree. Francois did not wait until they came to get him. He turned himself in voluntarily and committed all his crimes immediately. He could not simply bear the thought to be alone with his guilt.

It is worth noting that the prisoners felt themselves that this is not enough. They approached Sister Genevieve and ask her whether they could do more for the survivors. Anastase said 'We like to rebuild what we have destroyed. We can not do anything in here, why should we not go out there and help them. This would help the reconciliation.'

Why have these four prisoners been successful with their apologies? In Chapter 3 it was noted that victims refer to three inalienable rights. Survivors will demand to know the truth about the whereabouts of their loved ones and the exact context of a crime. They will demand that perpetrators are brought to justice and expect real regret. Unlike in the above cited letter all four prisoners have been very specific about the nature and the context of their crime and the nature of their feelings. They said they were asked to describe as accurately as possible what had happened and how they were involved so

that the whole truth could be established. All four prisoners stressed that they dictated their letters themselves and have done their best to give a full account of what had really happened. All stressed in their letters their desperation and true regret and made various references to ideals of an inclusive moral community (e.g. neighbour, member of the same village) or religion. Although probably a bigger sample of cases would be needed, it is likely that there is a strong correlation between authorship and authenticity and the ability to communicate convincingly all elements that are being seen as constitutive elements of a good/true/authentic/intelligible = adequate apology. In this respect, Freire is right and literacy is important, however as seen also illiterate actors can circumvent this problem by dictating letters.

The statistics of Sister Genevieve's are encouraging. Out of over 150 letters of apologies 30 have been successful and were followed by a visit, which is compared to the nature of the crime an astonishing number. Sister Genevieve says sometimes it is difficult to trace survivors and she is still trying to find relatives. Often physically getting to them is a problem but she is still on their case.⁵⁴⁶

While this project is comparatively small it does have clear advantages in comparison to Gacaca as it embeds forgiveness

⁵⁴⁶ Interview Sister Genevieve, Coordinator Reconciliation Project, Eglise de St. Jean, Kibuye Ville, Kibuye Province, Rwanda, 8/08/01

in a personal interaction in which (like in the Chapter 3 quoted Leader of the Corrymeela project in Northern Ireland puts it) 'get to know each other in truth.' Reactions of genocide survivors like Alphonse show that the re-establishment of a personal relationship is crucial for forgiveness. Gacaca can be a first step in the right direction but ultimately people will need to sit down together in private and talk about what has happened and why. As Alphonse said it is crucial that perpetrators take the initiative in this process. To achieve this it will be important to guide and provide them with psycho-social assistance. This is not to say that after Rwanda has focused all efforts on legal capacity building now it should breed ASAP a generation of psychologists. It only means that in addition to Gacaca thought should be given how other community mechanisms can be used to reintegrate former prisoners into society and how structures can be built to support them without raising new concern within the villages. The follow up work of the NUC for returnees clearly points in the right direction.

5.2.8**-CONCLUSION-**

In Chapter 3, it was said that authenticity can be only restored, when an actor ultimately subjects her view of the past and present not only to an expressive but also an objectifying observer and normative perspective of the other.

It was noted that only under this condition, it will be likely that she will ultimately stop justifying injustice and her role in it simply by referring to a previous discourse of violence and will refrain from perceiving herself as victim of the rules of a new discourse, she simply could not anticipate. The defendant will understand why he is being held accountable by others. It was said that this is most likely the moment in which he will be seeking for forgiveness to regain authenticity (dignity) and his place in human society.

It would be wrong to assume that the interviewed confessed genocidaires in Kibuye Prison do not understand themselves as victims of a discourse of violence. They still think they have been manipulated and to a certain extent this is true. Even their victims would probably agree with that. The crucial difference however lies however in their acknowledgement of their personal responsibility that has followed the above

described process of discursive perspective taking. The prisoners know now that objectively and normatively speaking they have been wrong. Although they have not acted against the 'moral order' at that time, they have acted against their communities, principles of humanity (and God). They also agree that they have been blind to see the obvious (e.g. that Tutsi and Hutu are made out of the same flesh and bone). The fact they acknowledge these facts show that their reference points for identification and reasoning (objective/normative world) have changed. Instead of justifying violence from the inside of one particular ethnic discourse, the detainees are exploring the outside of a new moral discourse that stresses equality. This new reference point allows them to look back and confront step by step the objective horror of their deeds. Obviously their regret will never equal the pain of their victims, but it will help them to understand them better and anticipate what they might need to hear. As the illustrative example has shown survivors are very aware of the difference of an authentic apology and a constructed excuse. In a way (and interestingly in complete contradiction to the Christian paradigm of unconditional forgiveness) it seems that in the real world perpetrator have to pass a stage of justification to be forgiven. However, once this stage is successfully passed it is astonishing to witness how quickly people (at least in Rwanda) seem to forget and move on. It would be interesting

to explore in an other context how much of this healing power within the society can be attributed to religion and community (e.g. family) values. If there is indeed a co-relation, one might also like to look further into the question- what this might mean for conflict transformation in modernity and more individual orientated cultures. However, assuming that there will be at least one most common normative denominator -the post-conventional idea of a shared humanity- it is likely that the above outlined dynamics of forgiveness and authenticity could be also relevant for other conflicts. The same applies to the dialogic interplay of truth, justice and authenticity.

5.2.9 FINAL CONCLUSION

This Chapter has examined institutional practices aiming at a conceptual and factual recovery of truth, justice and authenticity on national and community level in Rwanda. It has tried to highlight a dialogic interdependence between truth-seeking, norm-setting and norm-enforcing entities and their efforts to transcend discourses on violence.

Based on in-depth interviews with Rwandan officials and NGOs, section 5.1.4 illustrated political constraints and interests that influence communicative reconciliation processes in Rwanda. It was shown that the ideal of

reconciliation lies at the very core of the RPF strategy for political survival. Although it is debatable in how far the intentions of the current leadership are of a communicative or strategic nature, it was noted that even the pursuit of strategic goals still requires the transformative use and application of communicative reason and the solution of communicative tasks that are crucial for the transcending of conceptual violence.

Section 5.1.6 looked at alternative efforts of symbolic and economic reconciliation. It was noted that although both signify important components of a comprehensive strategy of conflict transformation, they cannot guarantee the transformation and rebuilding of communicative interaction structures and the solution of communicative tasks that are required to transcend conceptual violence.

Section 5.1.7 demarcated the propositional dimension of a discourse of violence by looking at historical distortions of truth in Rwanda. Section 5.2 assessed the work of the Unity & Reconciliation Commission and its contribution to a deconstruction of a discourse of conceptual violence. It also analysed views of ordinary Rwandans, who commented on the role of truth for the establishment of peace and transcending of violence.

Section 5.1.8 described the illocutionary dimension of a discourse of violence through a discussion of past distortions

of justice in Rwanda. Section 5.2.2 discussed the contribution of the national justice system in the fight against Rwanda's culture of impunity. Section 5.2.3 and 5.2.4 dealt with the cultural community justice system of Gacaca, its procedural strengths and shortcomings. Section 5.2.5 discussed the related issue of retributive and restorative justice. It was shown that the reparative juridical procedure of Gacaca fills two structural normative gaps within the national retributive justice system in terms of truth and authenticity. In addition to its retributive function, Gacaca serves also as decentralised truth-commission and court "of consciousness" that can reward authenticity by granting an amnesty. By advocating a holistic vision of justice, Gacaca can respond to reparative and retributive necessities on the ground. Through the inclusion of all claims and perspectives, it contributes like no other juridical process to sustainable peace and reconciliation.

Section 5.2.7 described the intentional dimension of a discourse of violence and provided an analysis of the Kibuye prison reconciliation project. This section included both perceptions of victims and perpetrators on intentional violence and the preconditions of forgiveness and reconciliation. It was noted that there seems to be an intimate link between forgiveness, justification and authenticity. This circumstance explains why reconciliation requires a direct, not mediated interaction between victim and perpetrator. It was stressed

that , unless a victim is given the opportunity to assess the credibility and sincerity of a apology, it will be unlikely that he/she will be able to forgive a perpetrator and any attempt of reconciliation will be unsuccessful. It was noted that reflexive perspective taking in reconciliation processes requires not only the fulfilment of cognitive but also of argumentative prerequisites.

Grass-root based efforts highlight clear challenges for national reconciliation policies with regard to the meeting of communicative needs on community level.

These procedural challenges are surprisingly well met in Rwanda.⁵⁴⁷ While the national justice system can rely on the complementary mechanism of Gacaca to introduce ideals of reparative truth and authenticity in its equation, the work of the national URC is complemented by grass-root consultations on truth and local re-education projects promoting authenticity. Local reconciliation projects also benefit from the national Gacaca legislation, retributive justice and national reintegration policies. This interplay ensures a procedural

⁵⁴⁷ This is not to say that there is no room for improvements. The situation of prisoner and victims in Rwanda is still grim. There is an urgent need for trauma counsellors, reparations for victims and innocent prisoners and medical aid. Some Gacaca processes might turn out to be biased and the work of URC and the Human rights commission might suffer from intervention by the RPF dominated government. It would be desirable if solidarity camps would no longer be guarded by the military. However, at present it would be difficult to come up with an alternative solution since even most of the country 's police forces are RPA dominated. Undoubtedly, Rwanda's reconciliation reality differs from an ideal textbook scenario. However, given the country 's financial and political constraints , what has been realised so far is still impressive. And while it is difficult to anticipate the future, it is fair to say that Rwanda follows (at least on paper) the right strategy.

complementarity and coherence between Level 2 and 3 of the critical theory based triangle of conflict transformation (Figure 1.2) insofar as procedural validity claims on higher (national) level are also measured in terms of claims on lower (community/individual) level. The remaining question is how well does Level 1 (the international dimension) fit into this equation in terms of procedural coherence and complementary. How do international actions complement transformative efforts on other levels? Are the prerequisites of inter-procedural intelligibility met? In other words, are all actors using the same definitions and are they embedding their actions in the same contexts? Are there any indicators for alternative (international) discourses of violence? Is there room in the international realm for reparative justice and factual authenticity? Or in other words can the United Nations and international justice contribute to reconciliation?

The following section seek to provide answers to these questions.

5.3 -RWANDA`S DISCOURSE OF VIOLENCE- - THE INTERNATIONAL DIMENSION-

This chapter will sketch some dimensions of the international diplomatic and systemic discourse at the time of the Rwandan crisis. In a second step it then shifts its focus to the proceedings of the International Criminal Tribunal for Rwanda (UN-ICTR).

The international dimension of the Rwandan discourse of violence is twofold. There is a) the international diplomatic discourse of the United Nations that has influenced the negotiations on Rwanda in the Security Council and there is b) the international systemic discourse that demarcates the conceptual space of all international communication.

The first section explains the first dimension a) through a repeatedly failing institutional communication process.⁵⁴⁸ It argues that all communications – both between the UN-HQ and its agents in the field and the UN-Secretariat and the members of the Security Council- suffered from an un-

⁵⁴⁸ Chapter 2 has shown that an instrumental use of language and a positivist method limit Burton's understanding of violence and communication. Similar observations with regard to the perception of reality and conflict will be made the following chapter. For example: The UN Secretariat believed that it could resolve conflicts by asserting the principle of objectivity and neutrality, that are also key assumptions of third party mediation. However, this strategy proved to be fatal in a situation of an unfolding genocide. Compare next section.

reflected application of institutional dogma, an instrumental use of language and a lack of flexibility and reflexivity in conceptual and moral thinking. It claims that much harm was done by a 'positivist' institutional agenda that was based on a-moral notions that were detrimental to the whole process and outcome. This agenda was misleading because of the very same strategic illusion (of two equal strong parties that share the same 'objective' interest in the involvement and mediation of the UN) that was identified and criticized in Chapter 2. Its conceptual framework limited the scope for (communicative) action in the moral domain. Actors were trapped by considerations of neutrality and hence could not respond effectively to the unfolding genocide. This resulted in an unwillingness (or inability?) of actors to listen to their counterparts in the field and to take action on moral grounds. This circumstance was further aggravated by other factors like the 'iron cage' of UN bureaucracy. However, this is just one side of the story. The second international dimension b) of the Rwandan discourse of violence lies within more far reaching structural constraints in the international order.

In a second step, this section will look at these structural constraints within the international system. It will argue that despite a very thorough establishment of truth on past failings, the acknowledgement of guilt and the reorganisation and restructuring at HQ level ,through the most recent UN

reforms, the prospects for a future prevention of genocide e.g. by international early warning systems are at best meagre.

This is not necessarily the fault of the UN leadership. It is a result of the normative context that it is operating in. The quality of the work of the UN depends on the commitment of its member states and a reform of the international system- both of which are still pending.

The section will argue that the transformative power of Truth (best expressed in (cultural) lessons learned and official apologies) necessarily depends on the Authenticity of political leadership and the strict adherence to the principle of Justice. Authentic international leadership is based on integrity and accountability. It depends on the credibility of the actions that are taken by the most powerful state parties. It manifests itself in the consistent and unbiased application of universal rules of international governance. Justice expresses itself in form of an equitable and accountable order. Since none of these preconditions are currently given it is not surprising that we are still faced by constantly failing dialogue between the centre and the periphery and its agents (in particular the UN).

However, this does not mean that the principles of truth, justice and authenticity would not also apply on the international level as realists like Kissinger and Bush⁵⁴⁹ seem

⁵⁴⁹ Although, Bush is somehow an ambivalent case. In April 2003, a joint protest note by all main churches was issued that criticised that Bush – through his constant and blatant references to religion in his war speeches- would misuse the name of God and insult peace-loving Christians around the globe. This shows,

to believe. Currently, there is just no credible lobby of states that could enforce them. However, this is not to say that a transformative process can not start “from the ground up”, if the discursive participation of local NGOs and pressure groups is further strengthened.

Another hope lies in the establishment of international norm enforcing entities. The third section will examine with the UN-ICTR one of the few normative institutions in the international system that has been created to promote (at least on paper) reconciliation, peace, justice but also truth and authenticity.

The section first describes and assesses the work of the ICTR in its own right within its framework of retributive justice before it then shifts its focus to complementary notions of reparative truth, restorative justice and factual authenticity and normative/communicate needs of genocide survivors and perpetrators.

obviously, norms do matter internationally even for a hard core realist, they just have to suit his agenda. The churches obviously criticised him like many others in first instance for his lack of **authenticity** in his belief and its misuse for strategic action. A similar attempt to use **justice** (e.g. human rights violations that were perpetrated under Hussein 's regime) to justify his realist policies was also widely perceived as **unauthentic**. A deep disregard of **truth** was shown by the manipulation of the media during the second Iraq war. Still the creation of the fiction of embedded journalism was used to manipulate public opinion. Consequently, truth, justice and authenticity do matter for realists. They specify exactly the areas of manipulation that are needed to win over (**convince by communicative means**) the public.

5.3.1 DISTORTED COMMUNICATION: AN UN CASE-STUDY

‘The responsibility for the failings of the United Nations to prevent and stop the genocide in Rwanda lies ...in particular with the Secretary-General, the Secretariat, the Security Council, UNAMIR and the broader membership of the United Nations.

This international responsibility is one which warrants a clear apology by the Organization and by Member States concerned to the Rwandese people.

‘Establishing the **truth** is necessary for Rwanda, for the United Nations and also for all those, wherever they may live, who are at risk of becoming victims of genocide in the future.

In seeking to establish the **truth** about the role of the United Nations during the genocide, the Independent Inquiry hopes to contribute to building renewed trust between Rwanda and the United Nations, to help efforts of reconciliation among the people of Rwanda, and to contribute to preventing similar tragedies from occurring ever again.’

(Report by the Independent Inquiry into the Actions of the United Nations during the 1994 genocide in Rwanda, 15 December 1999; NY)

“We will not deny that in their greatest hour of need, the world failed the people of Rwanda” (Kofi Annan)

The probably most famous communication failure in UN history, that prompted a later inquiry, is commonly known as

the 11th January 1994 incident. However, as shown below it was just one among many failures of those seeking to navigate the maze of the United Nations.

On 11th January 1994 Kofi Annan, at that time Under-Secretary General and Head of the Department of Peace-keeping Operations received notice of a telegram by General Dallaire- Head of the United Nations Assistance Mission for Rwanda (UNAMIR) that had been sent to Military Adviser to the Secretary-General, Major-General Maurice Baril.

Dallaire requested to protect an informant who had reliable information that a plot against the Arusha peace-accords and a planning of mass atrocities by Hutu extremist forces of the Interahamwe was on its way. The informant was himself a senior member of the group. The contact had been established by the later Prime Minister, Mr Faustin Twagiramungu, who is today one of the most controversial political figures in Rwanda.⁵⁵⁰ The contact said that he had been asked to register all Tutsis in the capital. The informant added that he thought that this information was sought for their extermination. He predicted (quite accurately) that the forces were able to kill up to 1,000 Tutsi in 20 minutes.⁵⁵¹

According to the source, 1,700 men were trained for this purpose and based in Kigali. The informant stressed that the

⁵⁵⁰ Twagiramungu was a contender in the recent presidential election in August 2003 . Many of his followers were arrested. He was also hindered to register his party for the parliamentary elections in October 2003.

⁵⁵¹ Michael N. Barnett: *Eyewitness to a Genocide: The United Nations and Rwanda*, NY 2002.

distribution of weapons for a later genocide was just about to begin. He offered UNAMIR that he would lead its officers to the storage sites if he and his family would be granted full protection. He also reported that UNAMIR personnel were in danger and that there were concrete plans to kill Belgian peace-keepers to provoke a withdrawal of UNAMIR forces (this happened on 9 April 1994).

Dallaire was alarmed and asked for permission to take immediate action. However, Annan famously answered "No reconnaissance or other action, including response to request for protection, should be taken by UNAMIR until clear guidance is received from Headquarters." On the following day, a second telegram by Dallaire stressed the credibility of the informant and the urgency of the matter- The distribution of the weapons was just about to begin.⁵⁵²

Again, Annan stressed the neutrality principle over the necessity to prevent genocide and to protect UN staff and reiterated that no action should be taken that was not covered by the UNAMIR mandate. Annan advised the General to inform President Habyarimana about the reported activities and to request a report by Habyarimana on the action that was taken 48 hours after the meeting had taken place. The visit was made. Not unexpectedly, Dallaire never got a response by the President. Dallaire noted afterwards only how surprised

⁵⁵² Romeo Dallaire Shake Hands With the Devil: The Failure of Humanity in Rwanda Vintage 2004.

Habyarimana was that so many details had been disclosed to UNAMIR. The subject never occurred on the HQ agenda.⁵⁵³

UNAMIR was established by SC resolution 872 to supervise the implementation of the 1993 Arusha Accords for a transitional period that should have not exceeded 22 months. The Mouvement Révolutionnaire National pour le Développement (MRND) government and the RPF had jointly requested the establishment of such a mission in a letter to the Secretary-General on 14 June 1993.⁵⁵⁴

According to the Arusha Peace Agreement, UNAMIR was supposed to supervise the re-integration process of the armed forces of the two parties. It also should have fulfilled far reaching security tasks. Theoretically it was planned that UNAMIR should have been responsible for the provision of the security and the maintenance of law and order in the whole country. It should have supervised the delivery of humanitarian assistance and ensured the security of civilians. Its original mandate foresaw powers to enforce the collection of small arms, mine clearance operations and the establishment of a neutral security zone for Kigali. UNAMIR also should have had the power to follow up any violation of the cease-fire.

Obviously, all this had been wishful thinking. On 5 October, the Security Council established with resolution 872 (1993)

⁵⁵³ Ibidem.

⁵⁵⁴ Ibidem.

UNAMIR with a very limited mandate. The latter did not include the recovery of small arms at all. It was envisaged that UNAMIR should operate, within a weapons-free area established by the parties in and around the city of Kigali.⁵⁵⁵ The mission consisted of a little more than 2500 forces.

In the light of a deteriorating political situation, Dallaire had tried to modify this mandate on 23 November 1993. He had sent a draft of new rules of engagement to the Headquarters. The document included a clause that would have enabled the mission to act and to use force, in response to crimes against humanity and other atrocities. Dallaire noted at the time "There may also be ethnically or politically motivated criminal acts committed during this mandate which will morally and legally require UNAMIR to use all available means to halt them. Examples are executions, attacks on displaced persons or refugees". Dallaire's efforts were made in vain. He never got a response of the Headquarters.

⁵⁵⁵ The mandate included the following points: to monitor observance of the cease-fire agreement, which called for the establishment of cantonment and assembly zones and the demarcation of the new DMZ and other demilitarization procedures;- to monitor security situation during the final period of the transitional government's mandate, leading up to the elections;- to assist with mine clearance, primarily through training programmes;- to investigate, at the request of the parties, or on its own initiative, instances of non-compliance with the provisions of the Protocol of Agreement on the Integration of the Armed Forces of the Two Parties, and to pursue any such instances with the parties responsible and report thereon as appropriate to the Secretary-General;- to monitor the process of repatriation of Rwandese refugees and the resettlement of displaced persons to verify that it is carried out in a safe and orderly manner- to assist in the coordination of humanitarian assistance in conjunction with relief operations, and- to investigate and report on incidents regarding the activities of the gendarmerie and police

Further requests in February and March for a broader mandate of UNAMIR (e.g. with regard to the recovery of small arms) were also ignored, despite Dallaire's reports on a growing number of death lists, violent demonstrations, grenade attacks, assassination attempts, political and ethnic killings and stockpiling and distribution of weapons that threatened also UN staff.

At this point there were already many other reports of severe human rights violations. Only a week after the signing of the Arusha Accords on 4 August 1993, a report of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions was published. Waly Bacre Ndiaye had visited Rwanda from 8 to 17 April 1993. In his report, he drew attention to massacres and serious human rights violations in Rwanda. He noted that "that the victims of the attacks, Tutsis in the overwhelming majority of cases, have been targeted solely because of their membership of a certain ethnic group and for no other objective reason." He added this could be considered as genocide. Also Ndiaye's requests for measurements to prevent massacres and other abuses were not taken into account by the Secretariat.⁵⁵⁶

The reluctance of the Secretariat to take action contributed undoubtedly to a disaster. On April 6, President Habyarimana,

⁵⁵⁶ Ibidem.

who was returning from a regional peace summit in Dar es Salaam was killed in a plane crash just outside Kigali airport. At the same time extremist Hutu groups took control of the country. Within an hour of the plane crash, roadblocks were put in place and the killings began.

Members of the Government including Rwanda's acting Prime Minister, Mrs Agathe Uwilingiyimana and leading opposition members were either murdered in the presence of their UNAMIR guards or even worse left alone. (There have been reports of members of Ghana's forces who at some stage decided just to run away without warning anybody.) Another shameful incident happened at the Ecole Technique Officielle (ETO) where the Head-quarters of the Belgian UNAMIR forces were based. Approximately 2,000 civilians were left behind by the troops in the knowledge that they would fall prey to the genocidiars who were already waiting outside the camp.

Belgium's decision to withdraw its troops, after ten of its soldiers that were guarding the prime minister, were tortured and murdered, had even more fatal consequences since it prompted a further reduction of UNAMIR's mandate.

Belgium evacuated the last members of its forces on 19th April. This reduced the total number of UNAMIR troops from 2,165 to 1,515, and the number of military observers from 321 to 190. On 21st April, the Security Council adopted resolution

912 (1994) that changed UNAMIR 's mandate and altered its character to a mere observer force. The number of UNAMIR troops decreased to 270 from 2,539 troops.

This fatal decision was reached because the UN and its member states felt that the original reason for the deployment- to implement the Arusha peace accord- was no longer given. It was argued that any further involvement would discredit the UN even more. (No state was at that time willing to send in additional troops) Hence, it was decided that only a minimum presence should be kept that could be used to bring the warring parties to the negotiation table and mediate a cease-fire. Again state parties followed the recommendations of the Secretariat and chose to 'manage' and not to 'resolve' the unfolding events.

This strategy reflected the findings of a report of a UN commission that had analysed the events in Somalia and that had been published while the debate on a possible strengthening of UNAMIR forces was still ongoing. The report concluded that "the UN should refrain from undertaking further peace enforcement actions within the internal conflicts of States".⁵⁵⁷ At the same time, the Clinton administration had already indicated that it would withdraw its support from

⁵⁵⁷ Ibidem.

further peace-keeping missions. As a consequence, troops were sent home.

However, only a week later, on 29th April, in the light of deteriorating reports from Rwanda, the Secretary-General wrote a letter to the President of the Security Council asking the Council to re-consider its position. Boutros Ghali noted that the revised mandate had made UNAMIR incapable to take any action to prevent the massacres. On the 17th May, the Security Council adopted resolution 918 that expanded UNAMIR mandate to a maximum of 5,500 forces and UNAMIR II was created. It was classified as a Chapter VI peacekeeping operation for humanitarian reasons (to protect IDPs, refugees and civilians and to support relief efforts). However, no member states (except some African states that requested funding) were willing to deploy personnel. A month later on June 18- at the height of the killings- UNAMIR consisted only of a total force of 503 people.

On the June 22, after an offer made by France and Senegal, the Security Council adopted resolution 929 , authorising Member States to conduct a multinational operation for humanitarian purposes until UNAMIR II was ready to operate. Operation Turquoise began. In the beginning of July, 2,330 French and 32 Senegalese forces were on the ground.

However, by July 18, the RPF had already effectively taken control of most of the country (except the territory that was held by Operation Turquoise) and had unilaterally declared a cease-fire. On July 31, France started to withdraw its troops again.

During the months of April to June, while the Security Council was debating, 800.000 people were killed.

What had happened?

1) Kofi Annan's assessment of the information that was provided by Dallaire was obviously wrong. It was based on invalid assumptions of a diplomatic discourse that suggested a specific, 'objective' use of normative categories.

a1) Annan believed that the neutrality principle of the UN had to lie at the core of any judgement since it legitimated the presence of the UN in Rwanda in the first place. The assumption that President Habyarimana was unaware of the actions of the extremist forces was the logical consequence of the application of this principle. Annan encouraged his staff to prove the good will of the organisation through information sharing despite contrary indications.

a2) Annan further assumed that Habyarimana would never take the risk of alienating the UN and endanger UNAMIR that were safeguarding his transitional government and his strategical interest to remain in power-, which was true. However,

Habyarimana was not the only actor. His leadership depended on many other factors. Annan forgot to take into account that the latter was contextually embedded in a discourse of its own. There was for example the very powerful akazu extremist circle of Habyarimana's wife who had brought him initially into power. This group strongly influenced his actions.

a3) There was no clear distribution of communicative roles. Annan answered requests of Dallaire but did not sent them back to him. The answers were received by the Special Representative Booh Booh and vice versa which added to the confusion on the ground. This was aggravated by the fact that there were already some personal differences between Booh Booh and Dallaire. Since there was no face to face interaction there was a large scope for misinterpretations. The practice of not answering requests at all was even more fatal. The lack of a formal protocol on how to deal with inquiries and suggestions enforced the hierarchy between the Headquarters and the field and paralysed any action on the ground.

b1) The failure of UNAMIR resulted from serious short-comings in its first mandate and the few resources that were given to it. Especially the decision of the Security Council, that UNAMIR was not given the right to enforce the collection of small arms (and was merely asked to supervise the actions that were taken by the interim government) proved to be fatal.

b2) While there have been some shortcomings in the analysis and recommendations of the Secretariat, it is clear that it was mainly the considerations of states that led to the prescription of an unrealistic and ineffective mandate in the first place.⁵⁵⁸ This initial lack (or loss) of political will (after Somalia) was highlighted by a later inquiry into the events that was headed by the former Swedish Prime Minister Carlsson in 1999.⁵⁵⁹ According to the report, member states had exercised pressure on the Secretariat to limit in its recommendations the proposed number of troops.

Since diplomatic practice suggests in its essence the finding of ways to accommodate the wishes of everybody (at the lowest cost for everyone) the Secretariat (not surprisingly) chose to act strategically and not discursively. Competing normative principles and ideals of conflict prevention of the UN, expressed in the 1948 Genocide Convention, were not taken into account and debated. Analysts focussed –as usual– their analysis on the management of difficulties within existing political processes.

Any references to normative ideals, like Dallaire's telegram of 23 November 1993 were judged within the limited framework of the mandate that is to say on the grounds of a strategically and not

⁵⁵⁸ The Secretary-General ended his non-paper appeal in April 1994- when it had become clear that already 200.000 people had lost their lives- with the bitter remark that he knew an extension of UNAMIR's mandate would require a commitment of human and material resources on a scale which Member States have so far proved reluctant to contemplate."

⁵⁵⁹ Report by the Independent Inquiry into the Actions of the United Nations during the 1994 genocide in Rwanda, 15 December 1999; NY.

communicatively achieved consensus. Since its arguments did not fit the rules of the game, the request was found to be invalid and any form of consideration or communication was denied.

b3) This analytic fault -that was rehearsed again and again in the later debates in the Security Council - was highlighted by the Nigerian Ambassador on the 28th April. Ibrahim A. Gambari stated in the Council his concern ' that the discussion on Rwanda during the whole month of April 1994 had little to do with atrocities, but was only centred on a debate on cease-fire.' As a consequence of the application of the strategic rules of the formal UN discourse instead of the normative rules of a legal discourse of genocide prevention, it seemed that the UN was more concerned with saving the Arusha agreement than saving lives.⁵⁶⁰

This emphasis on UNAMIR's role in the monitoring of the accord was completely irrational since the shortcomings of the process were already obvious a few weeks after its arrival. The question is why despite contrary indications were UNAMIR's rules of engagement still solely perceived in terms of a provision of ceasefire? UNAMIR's scope for action was based on a classic pre-1990 definition of peace-keeping without a humanitarian and conflict prevention component.

⁵⁶⁰ Carlsson wrote in his report ' " The Inquiry finds it disturbing that records of meetings between members of the Secretariat, including the Secretary-General, with officials of the so-called Interim Government show a continued emphasis on a cease-fire, more than the moral outrage against the massacre...."

Its mandate stood in direct juxtaposition to the comprehensive approach of peace-keeping that was devised by Boutros Boutros Ghali in his Agenda for Peace in 1992. (* This phenomenon might be an indication that Boutros Boutros Ghali's concept of embedded peace-keeping was actually never put fully into practice and existed mostly on paper.)

In other words, after Somalia there was a discursive relapse on what sort of measures the concept of peace-keeping could and should entail. However, at the same time, normative expectations of a role of the UN in a post-cold war order were still high. As a consequence, concepts did not match realities anymore. The UN was taking up conflict prevention tasks without an adequate methodology. Forces went back to applying the same rules they had used to monitor a truce and were encouraged by the headquarters to do so.⁵⁶¹

b4) Gambari's remark must have been an eye-opener for Boutros Boutros Ghali who wrote the very next day a letter to the Security Council that signified an important shift in argumentation of the Secretariat. In its essence the letter saw no longer the United Nations in the role of a **neutral mediator** but acknowledged the need to enable UNAMIR to take a **proactive role** and to stop the killings. By then an estimated

⁵⁶¹ The trouble was, the power of Boutros Boutros Ghali's ideas got lost on its way into praxis but was- because of its conclusiveness- still remembered as an institutional ideal. This example clearly shows why some theorists see a potential of uncontrollable danger in prescriptive theory. If an ideal is not put properly in practice, its force can be deluding. It will suggest non-existing realities and unjustified expectations. This is yet another reason why any theory that is not linked with practice is no theory at all.

200,000 people had been killed. This was the first time when the question of justice entered the institutional equation.

b5) However, Bhoutros' letter did not have its desired effect. The members of the Security Council were very cautious. They welcomed the letter, but only requested – a couple of days later - the Secretary General to prepare a non-paper on the issue. One reason for this further inaction - that Carlsson identified in his report - were other communications problems within the Council. The discourse between the member states on the unfolding events was seriously inhibited through the fact that Rwanda had itself become a non-permanent member of the Council on 1st January 1994.

The report highlighted that this circumstance had significantly influenced the debate in its favour. The mere presence of the MRND representative in the Council certainly influenced state parties that remained long in denial and refused to be explicit about the scope of genocide. The diplomatic discourse required certain formalities in terms of language and phrasing of "truth" that were detrimental to the cause of justice.

A good example for this is Bhoutros Ghali's non-paper. While the Secretary General requested in his first draft that UNAMIR II should be empowered "to take effective and speedy measures to stop the killings of innocent civilians", the final version presented to the Council on 9 May 1994 used a more neutral phrasing. It said, the mission was to "ensure safe conditions for

displaced and other persons in need, including refugees ...".

Again, the Council was in denial, which explains why it was so difficult for Boutros Ghali to rally troops behind his cause. The dilemma of genocide, that has not been 'solved' until today, is that any action against it requires solid evidence. The Rwandan case was no exception in this regard. Only when it became clear that over half a million people had been killed, state parties were inclined to acknowledge the necessity to take action.

b6) Carlsson's report criticises the Secretariat for a not 'sufficient focus and institutional resources for early warning and risk analysis.' It argues that 'much could have been gained by a more active preventive policy aimed at identifying the risks for conflict or tension, including through an institutionalized cooperation with academics, NGOs and better coordination within different parts of the United Nations system dealing with Rwanda.'⁵⁶² While this is undoubtedly true, this assessment still misses the point. Ultimately, even the best analysis can not

⁵⁶² Carlsson recommended in his report that the Secretariat "should" develop an action plan to prevent genocide involving the whole UN system. He suggested that early warning and preventive capacities should be made more effective in this regard. He also noted that special training programmes should be devised to identify warning signs for genocide, to analyse them, and on how to translate warnings into appropriate action. Carlsson hoped that networking with NGOs and Academia might provide new inputs. He also suggested that peacekeeping personnel should undergo a similar training (in terms of rules of engagement –e.g. when to disregard the neutrality principle) and noted that operations should be planned accordingly with adequate resources. He also hoped that through an establishment of situations in which states and staff have a responsibility to act many shortcomings could be overcome in future. However, his catalogue of action did leave the most crucial questions unaddressed. In the end, also Carlsson could only appeal to states to be better prepared and refrain from employing different standards. How unlikely this is shows one of Carlsson's more harmless recommendations (to suspend participation of a state in the Security Council) Any such plan would be subject to insurmountable difficulties given through the diplomatic code of conduct, cultural sensitivities and the actual difficulty to prove allegations.

provide the world community with the ultimate proof that a large number of people are actually going to die and that it is absolute necessary to engage in costly action. In other words, in the currently prevailing discourse, states need to know a problem needs to be resolved. For this they need 'objective evidence'.

b7) Of course also Carlson was aware of this when he wrote 'The political will of Member States to send troops to peacekeeping operations is of course' a key to the United Nations capacity to react to conflict'. He also warned that the stand-by arrangements initiative is a good beginning 'but equally dependent on the will of the Member States'. However, unless this consensus is secured, much of what is being said by the report on conflict prevention is prescriptive theory that can not be brought into practice. In the past there have been too many similar appeals. ⁵⁶³

⁵⁶³ For example, in a report on the events of Srebrenica, that was published in November 1999 by Kofi Annan, it was said that "a deliberate and systematic attempt to terrorize, expel or murder an entire people must be met decisively with all necessary means, and with the political will to carry the policy through to its logical conclusion"

5.3.2 A STATE BEYOND REPAIR?- THE STATE OF THE INTERNATIONAL SYSTEM

Carlsson recommended structural reforms within the UN in field of early warning and conflict prevention and an official apology by the UN to the Rwandese people which was made by Kofi Annan in 1999 (see above) . This apology was reiterated by President Clinton and also the Belgian government expressed its regret.

Only the French refused to apologise. In December 1998 , a parliamentary inquiry came to the conclusion that despite of the French support of the genocide regime and French intelligence reports on the planning of the genocide dating back to late 1993, it was mainly the UN and the US that were to blame at that time.

Despite this international acknowledge of guilt, some of the most pressing questions remain. To name a few:

- Have recent UN reforms really had an effect or are the very same structural impediments that prevented an international intervention in Rwanda still in place?

- Would any western power react differently today?
- In other words, are these apologies authentic expressions of regret or helplessness or are they well-calculated PR actions?

There are multiple answers to these questions. Their content would probably depend on the level of cynicism of the observer and the political context of the time (Unfortunately, since the second Iraq war there are not many believers left).

However, even a strong advocate for the UN, who still trusts in a (at least limited) moral commitment of states and the potential for learning in the international community has to acknowledge that are assumptions ingrained within the international discourse that are expressions of ideological violence and affect the security and well-being of citizen. This applies especially to citizen in states of the periphery like Rwanda.

Some popular assumptions in this international discourse of violence are:

- Civil war and weak governance are endemic in Africa . There are expression of transitional change and best left alone.⁵⁶⁴
- The First World lacks resources to promote good governance in all African states and has to concentrate its prevention efforts (e.g. EU Rapid Intervention force) on its immediate periphery to safeguard international security.
- A peaceful international order is based on the principle of the sovereignty of states and non-interference in internal affairs.
- Individual are subjects of states, they do not have an international legal standing. ⁵⁶⁵
- Human rights violations are deplorable, but- unless they are systematic and planned (and there is credible

⁵⁶⁴ One of the research findings of the Carlsson inquiry was that many parties felt that only because Rwanda was not of strategic interest to third countries there had be no intervention. Especially African leaders noted that the international community had taken far greater risks before and was exercising double standards.

⁵⁶⁵ The European Court for Human Rights, the ICC, ICTY and ICTR seek to address this short-coming. However, especially the ICC suffers from lack of political support. 3 of 5 permanent Security members have still not ratified the Rome Statute (US, Russia, China). The US even passed a law by the Congress that allows that special forces could be send out to Den Hague to free possible US citizen that would held in ICC detention facilities!)

evidence that a large number of people have been already terminated) - they have to be addressed internally through the application of national law to avoid a violation of the principle of non-interference and a consequent threat to the international order.

- However, once there is a threat detected that affects the security interests of a large state- and with it allegedly the whole international order- , “universal” human rights can be used a narrative supporting intervention.
- States have to retain their rights to send, command and withdraw their seconded forces, to avoid a conflict of security interests. As a consequence, the goal of an UN army/rapid intervention force as envisaged in Chapter 7 is unattainable.⁵⁶⁶

Obviously, there are counter-movements underway, however unless these efforts receive a constant support by the big players, current structures will remain intact.

⁵⁶⁶ This was a very painful lesson Boutros Boutros Ghali had to learn in 1993. Ghali had initially received large support for his idea of a rapid intervention force that he advocated in his Agenda for Peace . Many states agreed to second troops. However, when Ghali eventually requested their support for Somali , not a single state was willing to meet their commitment and the idea of an UN army was shelved yet another time. It will be interesting to see how the EU rapid intervention force that practically has come into being in 2003 will cope with this problem)

The quality and scope of the work of the United Nations necessarily depends of the political will of its member-states – (some would even say solely on the support of the U.S administration). No UN reform can ever address this problem. It can just remind world leaders of their responsibility with regard to a just, accountable, responsible leadership and assist national pressure groups in their work to open up further space for political participation and facilitate the evolution of ideas like e.g. global citizenship.

It goes without saying, that the evil of the current international system is the absolute concept of state sovereignty / power. However, since it is believed that both the UN and the stability of the international order depend on these principles, it seems for most policy maker impossible to reform them. The victims who suffer the most from the repercussions of the current system are citizen of weak states. They have to carry not only burden of unjust intervention of big players in their country (e.g. Afghanistan/Iraq) but suffer also from human rights violations by their own state agents.

Hence, nearly a decade after year zero the prospects for preventive mechanism against genocide are regrettably poor. The authenticity of world leaders is at an all time low.

Truth is severely manipulated by the international media (e.g. CNN's decision to broadcast footage of cheering Palēstinians on 9/11 that was shot 3 months earlier or BBC reports on a revolt

in Basra during the second Iraq war that has never taken place).

And justice seems to have lost its universality (the US accuses the Iraq of the violation of the Geneva Convention, while it continues to keep people imprisoned without a trial in Guantamo Bay).

It is difficult to see how this world could prevent another Rwanda. Hence Rwandans are not to blame if they question the credibility and authenticity of those who are asking for their forgiveness.

The need for a just and equitable world order and accountable and just leadership will remain. However, leaders are not the only ones who can prevent genocide. Their inability to promote peaceful change is only another reason to promote a preventive, participatory approach that starts from the ground up. The growing presence of local NGOs at international conferences adds new voices of truth, justice and authenticity to a chorus of power. Over the last years they have become a constitutive component of a formal diplomatic discourse in which their contribution to fact-finding has been acknowledged and appreciated. Their presence has changed communications between states that have started to compete with each other for good publicity at international venues. The naming and shaming of injustice has worked reasonably well. State leader were not amused to be confronted with their victims at

conference receptions (e.g. landmine victims) and to lose their face before their peers. NGOs were the first to realise that we are currently faced by not only one but by at least two normative discourses that can coexist, reinforce and (at least sometimes) contradict each other. There is the formal diplomatic discourse that embodies the principles of the United Nations and their application. This discourse is characterised by rituals of acknowledgement and appreciation. And there is the factually ruling realist/systemic discourse. Astonishingly- and this shows again the power of moral forces that are at play- every state wants to be associated with the former despite contrary realities. Like humans, states do not only wish to be feared, they foremost want to be respected. To achieve this acknowledgement (of authenticity) they are forced to reason (in terms of truth, justice and authenticity) and this is where hope comes into the equation. Much will depend on the ability of the United Nations to strengthen and facilitate this communicative trend and its capability to open up additional spaces for NGO participation. (The recent reform of the UNDP in-country UNDAF framework is e.g. one step in the right direction)

**5.3.3 -PROMOTING RECONCILIATION THROUGH
INTERNATIONAL JUSTICE´ -
-THE INTERNATIONAL TRIBUNAL FOR RWANDA
(ICTR):
TASKS & OBJECTIVES-**

The creation of the International Criminal Tribunal for Rwanda (ICTR) was an immediate reaction to the failures of the world community to prevent the genocide.⁵⁶⁷ On 30 June 1994, the report of the Special Rapporteur of the Commission of Human Rights recommended either a new establishment of an international tribunal for Rwanda or an extension to the mandate for the existing international tribunal for former Yugoslavia. One of the strongest advocates for an independent ICTR was US Foreign Secretary of State Madeline Albright. She argued that the world community should at least ensure that the main architects of the genocide were not left unpunished and should seek to contribute through their prosecution to the

⁵⁶⁷ The 1948 Convention on the Prevention and Punishment of the Crime of Genocide lays down the criteria for what acts are to be considered a genocide, one of the most heinous crimes which can be committed against a human population. Essentially, the Convention requires both that certain acts have been committed, and that they be done with a particular intent: that of destroying, in whole or in part, a national, ethnic, racial or religious group, as such. The Security Council used the same criteria in outlining the mandate of the International Criminal Tribunal for Rwanda (ICTR), contained in resolution 955 (1994). The ICTR has determined that the mass killings of Tutsi in Rwanda in 1994 constituted genocide. It was a genocide planned and incited by Hutu extremists against the Tutsi' Report of the Independent Inquiry into the actions of the united nations during the 1994 Genocide in Rwanda, New York, 15 December 1999.

reconciliation process in Rwanda. The UN- ICTR was formerly established on 8 October 1994. In the following Security Council resolution 955 of 8 November 1994 ‘reconciliation’ was listed beside ‘the maintenance of peace’ as one of the main objectives of the Tribunal, although the term was not further specified.

The creation of the UN-ICTR in Arusha was clearly a political motivated move. After the establishment of the ICTY there was already a precedent set and any international non-action would have evoked further accusations of humanitarian and legal bias in the international community. A non intervention would have been the ultimate proof that the interest to preserve human rights is not universal but results primarily from security interests that seek to enforce legal accountability only in the western hemisphere. Hence, it is fair to say that UN-ICTR was created more in the interest of humanity and the ideal of “universality” of human rights than for the Rwandan people.

Interestingly, many of those serving at the ICTR today happily agree with this interpretation. For example, all members of the office of the prosecutor in Arusha - including the interim deputy prosecutor- that were interviewed for this study in March 2001 were not aware of the reconciliation provision. They said that the main function of the UN-ICTR was to establish and create international legal practice and that reconciliation in Rwanda was desirable but not an immediate

objective of their work. Reconciliation was mainly perceived as a goal of NGOs. Others stressed the importance to be detached from a context to judge it appropriately.

The ICTR is an interesting example insofar as it was the first tribunal in which a domestic conflict was judged on the grounds of international law. This practical application of the Genocide Convention of 1948 has set a precedent for the later creation of the Special Court in Sierra Leone, the court in Cambodia (that is still in a planning stage) and most importantly the International Criminal Court in Den Hague.

In legal terms, its mission has been clearly a success. The work of the ICTR has without any doubt helped to establish the principle of individual accountability in international law. It has had a preventive role insofar as heads of states and military leaders face the prospect that they can be held responsible for their action. The ICTR has been the first court to convict a Prime Minister - PM Jean Kambanda - for his actions. Also future historical revisionists in Rwanda will have to deal with the fact that Kambanda acknowledged the nature of his crimes and pleaded guilty (and that the ICTR still decided to give him a life-sentence). The principle of accountability of political leaders has also been reinforced by the ICTR on regional and community level by the trial of Prefet Clement Kayishema and Bourgmestre Jean Paul Akayesu, setting clear examples for all sections in society at sector and

municipality level. The decision of the ICTR to trial besides political and military leaders also members of the media, the intellectual elite and clergy enforced accountability in every walk of life. This investigation strategy has ensured that all main authors of Rwanda's discourse of violence were identified and prosecuted .⁵⁶⁸

The ICTR was the first court to conclude that rapes constitute genocide and a crime against humanity on the evidence that rapes were perpetrated with the intent to destroy one particular ethnic group. This decision was not only welcomed by all women groups but also in particular by survivor organisations like IBUKA in Rwanda.

In September 2002, the ICTR had forty-seven detainees in its custody. By then 9 people had been put on trial and were sentenced. Only one was found innocent. Three detainees decided to confess. 17 cases were on trial and 30 others were waiting for their trial.⁵⁶⁹

Among the accused and convicted is virtually the entire Rwandan political leadership of 1994. Still Chief prosecutor Carla del Ponte said in 2001 she was planning to arrest another 111 genocide suspect, including members of the RPF. This was however questioned by many in Arusha, who

⁵⁶⁸ As a marginal note: Interestingly, the deputy prosecutor who claimed to have devised this comprehensive investigation strategy was fired in May 2001. His position was still vacant in late 2002.

⁵⁶⁹ Compare ICTR website www.ictr.org.

estimated that the court would exist for another 4-7 years,⁵⁷⁰ before the international interest would have faded. This forecast proved to be correct . After a severe row with the Rwandan government about the trial of RPA forces, del Ponte announced in late 2002 that the tribunal will conclude its work in 2008.

By 2000, the tribunal had run up costs of over 400.000.000 USD and has become more expensive ever since. In 2001 it spent nearly 100.000.000 USD, while the 2002 budget was close to 200.000.000 USD. The reason for this massive increase in spending lies mainly in the fact that in the first 4 years of its creation the Tribunal was a sleeping beauty. Hardly any cases have been trialled. With a rising number of cases trialled (and the creation of the third trial chamber) costs spiralled . Since then many people have started asking whether it is really worth it.

⁵⁷⁰ Interview Tom Kennedy, Chief of Press and Public Affairs Section- ICTR, Arusha, Tanzania, 28/03/01.

5.3.4

COMPETING MORAL AGENDAS:

INTERNATIONAL JUSTICE & RECONCILIATION

ICTR rulings are final and can not be contested in Rwandan courts. This provision is accepted by the Rwandan government.⁵⁷¹ However, except from this general understanding there have been many disagreements between both entities that date back as early as October 1994. Although it had requested the creation of the court, Rwanda - who was at that time still member of the Security Council - voted against its creation. This U turn can be explained through a contrary normative priority setting that has hindered the process ever since. Rwanda felt that the tribunal must be based in Rwanda to contribute to national reconciliation.⁵⁷² The world community felt that this might compromise its international independent legal standing. Rwanda argued that the mandate of the Tribunal should cover all act of genocide since 1990 to fight its culture of impunity. This view concurred with an early report of the UN Special Rapporteur for Rwanda that had indeed argued that these acts could be considered as genocide by law . However, the other

⁵⁷¹ Interview Jean de Dieu Mucyo, Minister of Justice and Institutional Relations, Kigali, Rwanda, 19/06/01.

⁵⁷² Ibidem.

council members felt that there should be a clear distinction made between mass atrocities and genocide- again for the sake of the conceptual clearness of international law. Hence, the jurisdiction of the tribunal was limited to the period from January to December 1994. However, after this time frame was set (and a spatial reality of genocide was created) , conceptual confusion just began. Another legal question emerged -that has resulted in serious trouble ever since- if all violence during this time was associated with genocide should not also the RPA be trialled? This idea did upset the Rwandan delegation and led to its refusal to accept the tribunal in the Security Council. Other obvious points of disagreement included the death penalty, although this difference was- as Rwanda's Justice minister puts it- predictable.⁵⁷³ The subsequent cooperation has had its high and lows.

The ICTR has complained on various occasions that Rwanda would not cooperate enough in the field of witness transfer and hinder herewith the proceedings . The Rwanda government was outraged to find that former genocidaires were on the payroll of the ICTR and working for the defence team, which means they had access to closed proceedings and witnesses that should have been protected from the public. They were also (quite rightly) irritated by the treatment of prosecution witnesses in cross-examination in court. (see

⁵⁷³ Ibidem.

next section). Carla del Ponte's plans to prosecute RPA forces (that hit headlines whenever the ICTR felt that the RPF was not meeting its demands for cooperation) and the failure of the Tribunal to develop witness sensitive procedures have cast a long shadow on the relationship of Rwanda with the ICTR. Over the last few years, Rwandan officials have more and more failed to see how the ICTR has responded to their country's normative needs and contributed to reconciliation. It seems that they were just about to understand that reconciliation was never really on the ICTR's agenda.

**5.3.5 -JUSTICE AND JUSTIFICATION-
 THE PROCEEDINGS OF THE ICTR**

While the tribunals of Nuremberg and Tokyo served as precedents for the general set up of the ICTR and ICTY, there were no existing provisions for the treatment of genocide witnesses. As a consequence, ordinary criminal court procedures were adopted. The Witness and Victim support unit was created to meet logistic needs like facilitation of the witness transfer, however – like in criminal courts- there were no special provisions made for professional psychological

support.⁵⁷⁴ Hilarie Mukamazimpaka coordinator of AVEGA a victim organisation of widows and survivors of the genocide was one of the many who criticised the Tribunal in this regard. She noted that most female victims she spoke to were very unhappy with the process. Many seemed more traumatised after their testimony than they had been before. She predicted it would be difficult in future to find witnesses if this matter was not addressed.⁵⁷⁵ There have been indeed several severe flaws in the proceedings. In the name of international justice (and truth) victims were asked to be specific about the most horrific details. For example a witness was asked by a defence council in court: So if parts of your father's body were put in the toilet, how could you actually see that he was missing his sexual organs? This question like many others was admitted in court and not refused in the best interest of the victim. Being asked about this particular episode and others, the Vice-president of the Tribunal Judge Mose said in July 2001 while he could not remember this particular incident, he is confident that the courts provision for the protection for witnesses are sufficient.⁵⁷⁶ He added, he had never experienced that a witnesses was not able to live up to the

⁵⁷⁴ Interview Saleem Vahidy, Chief of Witness Support Section- ICTR, Arusha, Tanzania, 28/03/01.

⁵⁷⁵ Interview Hilarie Mukamazimpaka, Coordinatrice - AVEGA (Association des Veuves du Genocide), Kigali, 18/06/01 /Vennite Bigirimana, Coordinator - Asoferwa (Association for Solidarity between Rwandan Women), Kigali, Rwanda, 20/06/01 Anastase Nabahire, Secretaire Executif, IBUKA (Network of Survivors of the Genocide), Kigali, 14/06/01

⁵⁷⁶ Interview Judge Erik Mose, Acting President of the ICTR, International Criminal Tribunal for Rwanda, Arusha, Tanzania, 18/07/01.

challenges in court. By coincidence, two days later a rape victim who was questioned, suffered from a nervous breakdown and had to be taken away by an ambulance. At this stage, the lowest point had not been reached yet. There were still ongoing talks with IBUKA and other Rwandan NGOs like ASOFERWA and AVEGA (that were initiated by Carla Del Ponte) regarding the psycho-social support of victims and witnesses and serious thought was given on how this gap could be filled.⁵⁷⁷ Despite the dedicated work of the staff in the witness and victim support unit, there was still no psychological support by expert practitioners before, during or after the process. IBUKA agreed to assist in the preparation and de-briefing of witnesses and received a small grant of the tribunal for this work.⁵⁷⁸ However, this invited immediate criticism of senior staff at the Tribunal who felt that this would compromise the neutrality of the court. The same people felt that (unless a victim would be too sick to testify) no medical provision for suspected AIDS patients should be made. If possible, witnesses should not be tested for the disease – given that this might create unwanted moral responsibilities – since a treatment might be understood as a reward for testifying. (This internal recommendation was made although detainees were treated with the latest AIDS drugs). Again this

⁵⁷⁷ Anastase Nabahire, Secrétaire Exécutif, IBUKA (Network of Survivors of the Genocide), Kigali, 14/06/01.

⁵⁷⁸ Ibidem.

decision was back up through a reference to principles of international justice. It is surprising that the ultimate breaking point was only reached six months later in January 2002 when 3 judges laughed out loud at a victim while she was cross-examined by the defence (Butare case). Witness DA had been gang raped at the age of 15. Understandably, the woman felt humiliated and devastated.⁵⁷⁹ IBUKA reacted immediately and seized its cooperation with the Tribunal. The women organisation, that had been until then one of the strongest allies of the ICTR in Rwanda (where on the whole, there were not many supporters left) advised genocide survivors in their own interest to boycott the tribunal. Over the last months, this has meant a serious set-back for the ICTR proceedings that naturally depend on witnesses. From September to December 2002 no witness could be brought to Arusha. This has also put a serious strain on the relationship with the Rwandan government,⁵⁸⁰ not only because Rwanda felt that the rights of its citizens were violated, but also because the ICTR accused Rwanda after that incident that the

⁵⁷⁹ Witness DA still had to continue her testimony before she could leave the court after 3 weeks of cross-examination. However, her ordeal in Arusha continued when she got home. Because of the publicity that her case attracted her cover as protected witness was blown. As a consequence she experienced serious difficulties in her home community. Her fiancée, who had been unaware of her ordeal, left her because of her tarnished reputation and she could not find a job. Today she is still unemployed and alone.

⁵⁸⁰ However, this cooperation was never seriously questioned. Although, Rwanda did withdraw its Special Representative from the tribunal for a short period of time in protest he did return quickly. Carla del Ponte's plans to trial RPF soldiers however did provoke a more serious crisis. In November 2002, Kagame reportedly left a meeting with the Chief Prosecutor after 5 minutes, after she had raised the topic. In the end, del Ponte had to give in. It was agreed that no RPF members should be prosecuted until every Hutu genocidiare has been brought to justice.

slowing down of the proceedings was not due to its own faux pas but resulted from Rwanda's lack of cooperation in the transfer of witnesses.

Obviously, it was not the intent of the judges to hurt the witness or question the authenticity of her statement. Their explanation of the incident clearly highlights yet again the problem of different normative agendas and priorities. The judges said they laughed because from a legal point of view the defence council clearly did not have a clue what he was doing. His line of argumentation was completely hopeless and hence very funny- from an 'insider' perspective. Their normative reference-frame was the code of conduct and the provisions of international justice. Hence, they focused mainly on the behaviour of the person whom they saw as the main actor in this interaction- the defence council. As a consequence they were not taking the normative expectations and needs of the witness for restorative justice into account. Obviously, if their normative reference-point would have been reconciliation they would have concentrated on the victim and would have refrained from showing any reaction. From the witness perspective, they would have considered the council's behaviour at best as a nuisance. This is also why the judges failed to convince IBUKA or the Rwandan government with their apology ever since. They simply could not embed their argument convincingly in the framework of Rwandese

expectations for justice. Since October 1994, Rwanda's position on the ICTR has not changed. It still believes- despite all contrary indications- that the ICTR should contribute to reconciliation and is disappointed again and again by its failure to do so.

In interviews, prosecution witnesses stressed that they decided to testify because they were hoping to feel better and relieved after justice was done. They also indicated that this maybe might help them to forgive others.⁵⁸¹ After the testimony many were disappointed and said that , instead of the defendant, they were put on trial by a defence council in the name of international justice. A communication process had failed . A main reason for the failure is that the emotional well-being of witnesses or their forgiveness is not an immediate objective of the process. Either witnesses believe in the particular post-conventional ideals of the international agenda, that are completely detached from their own life-experience and personal needs, or not. An ICTR official who – for obvious reasons- does not wish to be named put it like that ‘witnesses are treated like oranges. The information is squeezed out of them and then they are thrown away.’⁵⁸² It is difficult to explain to ordinary people the necessities of international justice, says also Rwanda's Justice minister

⁵⁸¹ Interviews Protected Witnesses, Safe-House Arusha- Dates withheld on Request by the Office of the Prosecutor.

⁵⁸² The source is listed in the bibliography.

Muyco.⁵⁸³ Many are not well-prepared. Still also he hopes that the tribunal will contribute to reconciliation though a trial of those who have masterminded the genocide and its ideal to document and establish truth. There is undoubtedly some truth in this assertion and this fact is reiterate in every official ICTR statement justifying its 200 million USD budget. The ICTR is necessary to set the relationship right between Rwanda and its former leaders and prevent revisionism. The ICTR is needed to trial those who would otherwise live in exile and who would have been never extradited to Rwanda because of its death penalty. The ICTR is needed to facilitate the reconciliation process within Rwanda by showing why and how other ordinary Rwandese have become victims of their corrupt leaders. However, unfortunately not much thought was given to the question what shortcomings in the proceedings of the ICTR could mean the ongoing reconciliation process between the ordinary Rwandese and the international community, whose failure to take action in 1994 , was still well remembered . Many grievances of victims remained unheard. Nobody at the court wondered how quickly words would spread in rural communities until it became clear that it is quite difficult to establish retributive justice if suddenly everybody fails to cooperate because they do not feel that their interests are well represented .And still no action is

⁵⁸³ Interview Jean de Dieu Muyco, Minister of Justice and Institutional Relations, Kigali, Rwanda, 19/06/01.

taken. There many pressing questions for the ICTR that need to be answered. Is its work understood? Is it respected? Is its concern considered as righteous and truthful?

Rwanda's new travel regulations for protected witnesses, that prompted a complaint of Carla del Ponte before the Security Council in July 2002, are problematic however they are not the main reason why there are currently so few witnesses at the ICTR. It is the exclusive normative focus on retributive justice and the exclusion of restorative justice that is harming the proceedings beyond repair. Truth (according to the rules of procedure) and authenticity (...a defendant has the right to remain silent..) within the provision of international law differ quite considerable from a reparative truth (full disclosure) and authenticity (honest regret). Unfortunately, most witnesses do not know this and agree to testify without knowing the process. They are not aware that in a worst case scenario their testimony might endanger their life and the life of their families. There is hardly any witness protection after the trial and many perpetrators still walk free in Rwanda. (It is interesting that so far not many have considered the possibility that Rwanda's new travel regulations might be not a ploy against the tribunal but could be a measurement to ensure greater witness protection) The Tribunal does seem to have the power to address this. In March 2002, the registrar of the tribunal -who has been one of the few advocates for

reconciliation at the ICTR in the past- failed to establish an investigative commission into the 'laughing incident' that should have comprised Rwandan and ICTR representatives and might have shed some light on the existing different expectation for justice.⁵⁸⁴ His proposal faced such a strong opposition that soon after it was made it was withdrawn.⁵⁸⁵

This is not to say that the issue of restorative justice has not been raised before at the highest level.

In mid- 2001 there was for example a growing consensus between ICTR and ICTY Judges on the question of reparations, a trend that was strongly supported by the ICTR President Judge Pillay. The judges requested the Security Council to consider the needs and rights of victims to compensation for their injuries and their right to participate in the proceedings.⁵⁸⁶ The issue of compensation was considered by many of the judges (but not all) as fundamental for reconciliation in Rwanda and the Former Yugoslavia. The judges based their opinion on the 1985 General Assembly Declaration of Basic Rights for Victims of Crimes and Abuse of

⁵⁸⁴ Compare various Press releases Feb 2002, ICTR website www.ictr.org.

⁵⁸⁵ Interestingly, in 2001 there were rumours that one of the previous registrars was fired because he allegedly did not get along with the judges. The same was said about seven attorneys that were fired by Carla del Ponte in April 2001 and the deputy prosecutor that mysteriously vanished at the same time. Since all of those who were made redundant were from a non-western background the race card was played and the case made international headlines. A former employee who wanted to collect his personal belongings out of his office and but had handed his ID card in before, was led in hand-cuffs from the compound when he refused to leave and added to the feeling of reality TV drama. Other all time favourites include the story of eight African lawyers that were given on a capacity building grant to Rwanda but were send home because lack of qualification. A couple of months later, they reappeared again as ICTR employees. The list is endless. In short, the tribunal has been so busy with itself that many issues are either ignored or obstructed.

⁵⁸⁶ Internal letter to the SG regarding victim issues.

Power, which provides a guide for establishing legal rights for victims under international law. Interestingly this initiative was accompanied by a similar discussions like the in the debates of the Security Council in 1994. There was some dissent among the judges in how far any aid given to survivors might influence the neutrality (!) of the legal process. The results of these initiatives were in 2002 still pending even though the question of access to justice by victims and witnesses has been raised successfully in an other context. The International Criminal Court has addressed this shortcoming in its statute and created a Victim Trust fund.⁵⁸⁷ In addition to unresolved questions with regard to the treatment of genocide survivors in court there are also other impediments for reconciliation that are associated with the more straightforward ideal of penal justice . One key problem of the ICTR is that its rulings are not seen as a punishment that could fulfil the victim´s need for retributive justice. Many Rwandans would agree with Martha (the tailor from Kibuye whom we met in the last chapter) who said ´why don´t they bring them here. This would be a real punishment. In Arusha they live in a hotel.´ The maximum penalty for those who have masterminded the genocide is a life sentence while their subordinates still can be sentenced to death in Rwanda. Prisoners have access to good food, health care and even

⁵⁸⁷ Compare the Rome statute www.icc.org.

internet and television and one prisoner even has set up his own web-site. Interestingly, those few Rwandans who have actually heard of the ICTR claim all to have a perfect knowledge of the facilities of the detention centre in Arusha. While the latter is as (un)comfortable as any western prison and it is also completely untrue that prisoners have free telephones and televisions in their cells,⁵⁸⁸ the difference to Rwandan prisons is of course considerable. This adds further to feeling of victims that no justice is done. Again, as a consequence of the different contexts the tribunal has serious problems to communicate the results of its work to ordinary Rwandese. One might argue this would not matter much anyhow since an estimated 80 % of the population are still not aware of its existence. However, this does completely contradict the self-perception of the tribunal and the rationale for its existence.

Aside of problems in the definition of punishment, it is difficult to see how the ICTR could have any effect if people don't know that their former leaders are trialled in Arusha. Again this clearly indicates that the ICTR does not give enough thought to its own relationship with the Rwandese people. It is worth noting that , in order to promote a better understanding of and confidence in its work, the Tribunal started an

⁵⁸⁸ Visit UN Arusha Detention centre, 10/05/01.

Outreach programme in Rwanda since 1998.⁵⁸⁹ The only trouble was that this programme targeted mostly people that would have known about the ICTR anyway. The Outreach Programme started initially as a cooperation programme between the ICTR and the Rwandan Press, which has been a problem since most Rwandans are illiterate and the newspaper that has done so far the most coverage on the ICTR is English speaking. As a consequence also Radio Rwanda was invited and has been present at the Tribunal since the very first trial of Jean Paul Akayesu, reporting live on all its proceedings and judgements from its office on the premises of the ICTR. Since 1998 the Tribunal has facilitated visits of various agents of the Rwandan civil society. Members of the Rwandan National Assembly, journalists and NGO representatives of victims associations have been invited on a continuous basis to study and report on proceedings and judgements. In 1999 the Tribunal launched a special internship & scholarship programme for Rwandan law students, which however created problems of its own ⁵⁹⁰ It also began a series of training seminars for Rwandan

⁵⁸⁹ ICTR Press & Public Affairs: Bringing Justice to the Rwandan People, (unpublished), 22/03/99. ICTR Press & Public Affairs: Summary of Outreach Programme Projects (unpublished), 2/04/01. ICTR Press & Public Affairs: Outline of an Outreach Programme for the ICTR (unpublished), March 2000. ICTR Press & Public Affairs: ICTR Information Policy in Rwanda and the Outreach Programme (unpublished), April 2001. ICTR Press & Public Affairs: Strategic Public communication - ICTR outreach Programme for Rwanda (unpublished), March 2000.

⁵⁹⁰ Interestingly, it was quite a problem to find a placement for them since every section worried that would comprise 'their neutrality'. In the end most of the students ended again in the Press & Public Affairs section who invited them.

journalists to promote an in-depth understanding of the organization and proceedings of the Tribunal in the press. Nevertheless, while intellectuals clearly enjoyed their frequent trips to Arusha- the message was often not passed further than Kigali . After severe criticism the ICTR Information Office (Umusanzu mu Bwiyunge- Contribution to reconciliation) was opened in a Kigali suburb in September 2000. Besides leaflets and documentation material in Kinyarwanda , videos of court proceedings were made available to the general (read: middle class, in Kigali living) public, explaining the purpose and proceedings of the Tribunal. (The Centre became a very popular place for students to surf the internet) The problem that remained is how to reach people in remote villages? The ICTR press & public affairs unit had tried to set up an outreach programme before the information centre was created. There were plans to diversify its spectrum of outreach activities with mobile presentations of the Tribunal's work in the country-side. However with a change in the US administration a promised grant for a project using participatory drama and audio-visual aids in the country-side was not paid out and the project was shelved again.⁵⁹¹ Instead of this Internews got involved and has produced so far 4 videos on the proceedings of the tribunal which were screened

⁵⁹¹ Tom Kennedy, Chief of Press and Public Affairs Section- ICTR, Arusha, Tanzania, 28/03/01.

in selected villages and prisons.⁵⁹² While this work is an important first step, its coverage is still small and it would be desirable that the ICTR would get involved more. (The ICTR is probably the only UN body who has outsourced a major part of its public relations) Besides from that, it is likely that also this well meant approach of Internews will fail to have the desired effect since it is based on a monologue model of instruction (film) .

The work of the ICTR might be an “objective” reality. But the question remains- has it also a place in a “normative” reality for the Rwandan people? The reason for the reoccurring failure of communication between the ICTR and the Rwandans on the ground is very simple. The ICTR has constantly refused to listen. Instead of instructing others about how “real” justice is done it would be advisable to engage in a more inclusive discourse on what the Rwandese really expect from the process. Which procedural modifications are necessary? How could the ICTR really fulfil its original mandate to promote reconciliation and bring peace to the torn country.

The Internews programme might increase the number of people who have heard about the Tribunal, however this does not mean that its work will convince them of the necessity of the ICTR. The Tribunal should take a learning position and try to understand the various dimensions of and needs for justice

⁵⁹² Wanda Hall, Country Director - Internews, ICTR, Arusha, Tanzania, 7/06/01.

from the ground up . All actors (not only Rwanda) should acknowledge the necessity to question their premises on the grounds of competing ideals and open them up for discussion. This also applies for international justice, at least as long as it claims to have a jurisdiction over domestic affairs. A justice that is no justice for people is no justice at all and is just an idle reflection of itself. One might argue that these discursive requirements are set too high to have any relevance in the current international order. However, (and as an immediate result of the above outlined dialogical short-comings) even within its own monological agenda the ICTR has failed to achieve its objectives. The Report of the International Crisis Group⁵⁹³ (that irritated many at the tribunal- especially since it was also discussed in the Security Council) clearly showed that the Tribunal has failed to live up to its ideal to document and establish 'objective' truth for reconciliation . The ICG pointed out correctly that 7 years after the ICTR 'has not been able to shed light on the design, mechanism, organisation, chronology and financing of the genocide.' It had neither established who was behind the genocide or who shot down Habyarimana 's plane. One reason for this is clearly that it failed to build trust and interact successfully with Rwandan society and realities on the ground. There might have been also short-comings in the qualification and the selection of

⁵⁹³ ICG Report 2001, www.crisisweb.org

tribunal's investigators but at the end of the day the main reason for the failure to answer these question lies clearly in the self-perception of the tribunal. The tribunal believes its mandate is to establish an objective 'juridical' truth in which there is room for doubt and interpretation. This truth is not a restorative truth that requires a full disclosure of facts and authenticity of speakers. It is a truth that serves justice. It is not a claim of equal importance. When the ICTR speaks of its contribution to truth- finding, it clearly refers to truth in a legal frame-work. It lies in the nature of legal inquiry that its investigative work sets different priorities let say like a truth-finding commission that might lead to later legal action but that has a quality in itself. The ICG reiterated an argument that was echoed in above cited quotations of ordinary Rwandans who participated in Gacaca . They stressed that first a common truth has to be established before there can be justice. However, this normative demand can not been met by international justice in its current form. The ICTR tries to compensate for this by stressing the principle of equality in an other domain. Carla del Ponte's emphasis on the necessity to trial RPA forces is an attempt to establish the full juridical truth. What is forgotten is that unless a common truth is established, it won't be possible to decide whether anybody in the RPA has been guilty of genocide. A brief glance at the definition of genocide suggests that such an equation of

crimes would be in any case inappropriate. Saying the RPF is guilty of genocide is about as rational as equating the war-crimes (and mass rapes) of Russian soldiers after the second world war in Germany with the genocide in Nazi Germany or the US bombing of Cambodia with Pol Pot's regime. Some of these cases might be eventually trialled before the ICC in Den Hague but they definitely should not fall under the jurisdiction of a tribunal that judges the Rwandan genocide. Why then does the Chief prosecutor still insists on a trial? The reason is that she needs a reference point to uphold the principle of procedural equality that is constitutive for legal truth. She likes to say we established the full truth and left nothing to prosecute and does not realise the harm she is doing while she is asserting this principle. Truth is not necessarily governed by the rules of formal justice, it precedes in many ways justice and sometimes even contradicts justice if justice is let astray and subjected to strategic reason (like e.g. when a defendant exercises his/her right to remain silent). It lies in the nature of the procedural code of justice that it favours strategic over communicative action. Hence truth becomes often a victim of justice, but this does not change the need for its establishment. The ICTR can only fully accomplish this mission in cooperation with the Rwandese government and the Rwandan people.

5.3.6

-CONCLUSION-

The establishment of the ICTR in its present form has had its reasons. According to Rwandese History scholar Prof Kagabo the ICTR might not be important for witnesses. However, it clearly fulfils its function for the families of the defendants and their followers to ensure that no victor's justice is done. While there might be some truth in this assertion, it is difficult to justify the tribunal's 200 million USD budget by referring solely to the needs of the defendants and their families. The ICTR can do more than relieving Rwanda of the burden to trial those who have masterminded the genocide.

Although, it is clear that the following suggestion will raise eye-brows at the tribunal and will probably be not considered, it is still important to state the obvious – the ICTR can and should learn from Gacaca. There are many related questions that need to be raised and answered. Why is hardly any effort made to convince detainees (if necessary after the trial – to avoid self-incrimination) to acknowledge their guilt and ask for forgiveness? Is it immoral to give incentives for an admission of guilt? Why was Kambanda still imprisoned for life after his admission of guilt? Was it because the judges doubted his regret? Did he have any opportunity to prove it?

What did this decision mean for other detainees? Were they not facing a zero sum scenario? Would it be rational to plead guilty and jeopardise the only change of acquittal they have? How would a defence council advise their clients? Is it surprising that no one has pleaded guilty ever since? Which effect does this have on the people in Rwanda? Does this continuing denial not contribute to revisionism in the Hutu and frustration in the Tutsi communities? What does this mean for the achievement of the ICTR 's own objectives? Can it really rewrite a discourse of impunity like this? What does all this mean for reconciliation?

The main problem of the ICTR in its current form is that not enough thought is given to reparative justice. Retributive justice needs reparative provisions to have any effect on healing. This healing requires communicative interaction. It is not correct to say that this can not be done in the framework of international justice. For example, there could be provisions for victim-offender programmes (after the trial is being held) or for additional processes in which victims could speak with their own undistorted voice without any interference either by the prosecution or defence. If this is too contentious, why are not moral spaces being opened up for the defendant? For example why can he/she ask to meet the witnesses after the trial and apologise? Why can we not leave it to the victims to decide whether they want to accept the

apology and agree that this should be considered by the judges in their final verdict or not? Would it not be possible that witnesses could also consult their communities (if this communities still exist and they are no protected witnesses) and ask other victims how they feel about this? Which effect would have such a simple provision have for the perception of the work of the tribunal in the public sphere of Rwanda? Could this not bridge (at least to an extent) the normative gap between the international, national and community level?

International Criminal Justice is still in its formative years and with the recent creation of the ICC there is a clear window of opportunity for normative change. Much of its success will depend on the inclusion of normative demands of victims and their communities.

5.3.7 FINAL CONCLUSION

Section 5.3 argued for a comprehensive approach to international justice. It stressed the need for institutional complementarity and coherence. It emphasized the importance of a conscious transition of normative and institutional barriers between the international, national and community level.

It questioned standard definitions of truth, justice and

authenticity. Its analysis showed that unlike common belief of one common truth and justice there are at least three different forms of truth, justice and authenticity that influence/ impede the work of truth-seeking, norm-setting and norm-enforcing entities.

There is legal truth that is established through the application of procedural rules in court, there is factual (inter-subjective) truth that is jointly found in discourse with reference to the objective world and there is subjective truth that solely based on one 's exclusive experience.

There is restorative justice that responds to community needs, retributive justice that reflects the necessity of the international and national order and subjective justice that is crucial for the emotional well-being of individuals.

There is juridical authenticity that is again determined by a given body of law, there is factual authenticity that manifests itself in a successful interpersonal interaction and there is subjective authenticity that can be promoted through therapy but that is never fully disclosed.

A critical theory based approach argues unless a full transformation in all these 9 normative spheres is sought on all levels truth-seeking, norm-setting and norm-enforcing institutional practices will fail to resolve conflict and fail to rewrite discourses of violence. Short-comings in this regard will lead to discontent and resistance either on national or

community or individual level.

International efforts to help states with their normative legacy like the ICTR will not be successful or credible if they fail to acknowledge parallel normative realities and corresponding needs.

The example of the ICTR has illustrated why international tribunals have so far failed to convince their critics. No alternative normative provisions were made. Obviously, the work of an international tribunal will always significantly differ from the work of a truth commission or a reconciliation project. However, this does not mean that there is not a necessity for cooperation between these processes and complementing procedural provisions.

The statement of UN-ICTY President Claude Jorda on the occasion of the creation of the Truth & Reconciliation Commission in Bosnia-Herzegovina clearly shows that this need is systematically ignored. Jorda declared in his speech that while he would welcome the establishment of the commission there should be no doubt of the primary responsibility of the ICTR to deal with the genocide and that the Commission was expected to act accordingly. It is about time to realise that justice is not open to competition. There might be a competing jurisdiction between courts in some places. However, this does not apply to complementary claims of reparative truth and restorative justice. The disclosure of

the full truth is seen as a precondition for justice and its contribution to reconciliation. Retributive justice will result in denial , revisionism and trauma if no alternative procedural provisions are being made. All dimensions of truth, justice and authenticity are of equal importance and have to be treated accordingly.

Section 5.3.1 has illustrated why the current international discourse lacks normative reflexivity and awareness. It demonstrated how an instrumental and positivist use of language limited the room for decision-making and contextual understanding in the Security Council and reduced international action to strategic problem-solving. The unquestioned enforcement of an “objective” neutrality principle resulted in the slighting of the most fundamental international norms. Peace cannot be solely built on an objective/ formal institutional ethics. A more comprehensive normative vision is needed.

Section 5.3.2 examined the normative foundations of the current international order and asked whether 8 years after the Rwandan genocide, following admissions of guilt and a comprehensive UN reform, actors would react differently. Structural impediments were highlighted and normative shortcomings identified. The section concluded that it is unlikely that (at least in near future) nation states will be major agents of normative change. It is more likely that an

increased participation of NGOs and other pressure groups will coerce states into action. This however does not exclude the possibility of a reoccurring genocide.

Section 5.3.3 summarized the positive record of the ICTR in terms of retributive justice. This included the establishment of the principle of individual accountability and the conclusion that rape constitutes genocide and a crime against humanity.

Section 5.3.4 examined the different normative priorities of the ICTR and the government of Rwanda with regard to international justice and reconciliation.

Section 5.3.5 highlighted short-comings in the proceedings of the tribunal and attributed them to a limited understanding of the importance of reparative justice, restorative truth and factual authenticity for international justice and reconciliation. It criticized the procedural detachment of the Tribunal from Rwandan realities and absent-mindedness with regard to the needs of genocide victims and witnesses. It questioned the success of the tribunal outreach strategy and its ability to convince Rwandans of the ICTR's necessity. It also criticized the communicative attitude of the Tribunal towards the Rwandan government and the people of Rwanda.

CHAPTER VI EPILOGUE

This thesis developed and illustrated potential dimensions of a new critical theory based approach to conflict transformation. In this context, it scrutinized a possible communicative dynamics of transformative (perceptual) change . It looked into questions of communicative and moral learning and reasoning and tried to establish why a comprehensive approach to conflict transformation requires a communicative dimension.

Following Juergen Habermas' Universalpragmatics, it was argued that processes of conflict resolution and transformative peace-building are structured by same validity claims to truth, justice, authenticity and intelligibility like ordinary communication processes . In other words, the main hypothesis of this thesis was that the inter-connectedness that we intuitively feel about normative processes promoting truth , justice and authenticity is not arbitrary. It is suggested to us by our formal-pragmatic structure of speech that structures our cognition. It was argued that expressive, illocutionary and propositional components of speech (validity claims) are the origin of our needs for moral recognition and

understanding. Their formulation and expression depends largely on the possibility of free and fair (undistorted) discourse. Discourses of violence are comprised of exclusive contents which obstruct inclusive communicative processes and distort perceptions. It was argued that unless, these expressive, propositional and illocutionary distortions within speech and life-world structures are (institutionally/interpersonally) remedied speakers are systematically prevented from being themselves and can not respond adequately to the needs/rights of others.

The argument of this thesis was developed along the following lines. The first section introduced the key themes. Following Habermas and Cox, it distinguished two approaches to peace-building: A functional problem-solving and communicative approach (a theme that was further developed in Chapter 2 and in particular in Chapter 4.4)

- 1) A functional approach to peace-building is based on the meeting of structural needs for systemic survival. The later are best described by Parson's pattern variables. Most of the current UN peace-making, peace-keeping, peace-building and conflict prevention strategies (and Burton problem-solving approach) can be understood within this framework. These strategies are aimed at the reproduction and maintenance of economic, social, political and cultural sub-systems. Although, these processes contribute to a functioning of a society, it is

debatable in how far they are locally owned and contribute to a transformation of hostile perceptions within a society. They can facilitate order but they have difficulties to explain and promote genuine normative change.

- 2) A communicative approach to peace-building introduces an ideology-critical perceptual dimension into the field. It seeks to transform distorted discourses that are associated with the economic system and are inherent in political, social and cultural spheres. It seeks to identify communicative preconditions for individual and collective normative learning and institutional reform.

In this distinction, it followed Cox who distinguishes problem-solving theories, that take the world as it is, focus on the smooth functioning of relationships and do not choose to question the prevailing social and power relations from a critical theory based model that takes these very power relationships as its ideology-critical starting point. The distinction between a critical theory-based model and a functional approach highlights a common misunderstanding in peace-building that is that peace-building is often only equated with finding ways to guarantee the functioning of a state and not with a recovery of a society (which would require the re-writing of discourses of violence which is described by a

critical theory based approach).

The perceptual (Life-world) dimension of a critical theory based model was further specified in the form of a discourse of violence. A discourse of violence was defined as cultural reference system that is subdivided in three structural domains of science, politics/ law and art/aesthetics that inform validity claims of truth, justice and authenticity. It was argued that distortions in the objective everyday usage of language reflect and reinforce mistaken beliefs within science and the theoretical knowledge that is accepted within a society. Distorted validity claims of truth find their expression in pseudo scientific ideas on race, misperception of cultural history and individual/ collective identities and unjustified feelings of superiority. Meanwhile, distortions within the normative usage of language reflect and reinforce a loss of moral values and facilitate e.g. the de-humanization of the enemy. Distorted validity claims of justice find their expression in cultures of impunity and discriminatory political and legal practices that legitimise a-moral behaviour and impede reflexive moral judgement. Distorted validity claims of authenticity result from the above outlined propositional and illocutionary distortions. As a consequence of a lack of objective theoretical and sound moral-practical knowledge, actors are unable to engage in reflected self-critique.

Categorical limitations within a discourse of violence influence moral judgement and the intentional use of language.

The chapter then briefly pointed at some of Habermas' main ideas on formal-pragmatics and social change (that were further developed in Chapter 3) and linked them with work of peace theorists like Lederach and Galtung. It hinted at potential similarities between the development of alternative (normative) peace-building processes (e.g. truth-finding commissions and community justice systems and associated notions of recognition, acknowledgement, forgiveness and reconciliation) and the structure of human cognition and speech (validity claims of truth, justice and authenticity) . In a second step, it then modified Lederach's triangle of conflict transformation (through the introduction of validity claims and an institutional dimension) in the form of a critical-theory based model to conflict transformation. The second and third section then explained the possible contribution (see also below) and methodology of the thesis.

Chapter 2 examined the existing body of conflict resolution theory, its presuppositions and key terms. It scrutinised the ontological and epistemological foundations of basic concepts that are utilised by most approaches within the discipline- in particular John Burton's notion of controlled communication and human needs. It questioned Burton's approach of "controlled communicative intervention" and illuminated the

resulting asymmetries of communicative "power" in current problem-solving workshops.

In a second step, it looked at more recent developments in the field. It was noted that over the last decade, scholars have increasingly sought to elaborate Burton's framework by introducing additional explanatory variables into it. As most notable examples Chris Mitchell's notion of negative needs, Edward Azar's attempt to contextualise needs in a structural concept of underdevelopment, Jay Rothman ARI approach, Deiniol Jones's model of cosmopolitan mediation, Vivienne Jabri's discursive critique and Joseph Scimecca's notion of reflexivity were mentioned. While many of the proposed modifications appeared useful within a Burtonian framework, it was argued that none of these approaches had really solved the problems associated with communicative intervention or human needs. The section concluded with a call for a re-evaluation of key explanatory variables in conflict resolution theory and suggested that the notion of communicative competences should replace the idea of human needs within an alternative critical theory based model of conflict resolution, that acknowledges and questions communicative asymmetries and unequal relationship of power.

Chapter 3 explained the various theoretical dimensions of a communicative approach to conflict transformation. It began with a short review of alternative approaches to peace-making

from Gandhi to Galtung and then further explained its theoretical choices and provided a formal-pragmatic definition of truth, authenticity, forgiveness and reconciliation. Following Honneth, reconciliation was defined as an argumentative practice in which formal-pragmatic validity claims of truth, justice and foremost authenticity are debated as a part of a struggle for recognition and respect. Following Habermas, forgiveness was defined as a (at times contra-factual) ideal to which past adversaries have to appeal in their communicative attempts to transcend the exhausted meaning structures of their old exclusionist discourses. Following Habermas, Taylor and Guignon, authenticity was defined as the ability to take wholehearted stand on what is of crucial importance to one, to understand oneself as defined by the commitments one undertakes (*as a member of society*)..to steadfastly express those commitments in one's (*communicative*) actions throughout the course of one's life within the enabling boundaries of a cultural life-world . Following Habermas, the following addition was made: Authenticity is defined by an actor's expressive ability of a making of truthful assertions about his/her inner self and intentions and his/her ability for reflexive perspective-taking with regard to the social and objective world.

Following Habermas' interpretation of Carl Jaspers, G.H. Mead, J. Austin, Searle and L Wittgenstein but also

acknowledging observations made by Wellmer, Honneth and Welsch, truth was defined as a notion that two or more people establish within in a context of a life-world with reference to what ever is believed to be factual within the objective world within a particular language game. Truth is inseparable from communication and inter-subjective interaction. It solely exists through our common understanding of an inter-subjective reality.

The subsequent sections showed how John Paul Lederach's work offers a practical solution to the previously noted problem of distorted communication. It introduced Lederach's conflict transformation approach (that serves as a blueprint for a critical theory based approach) and explained his notion of empowerment, personal and systemic change and justice. In a second step, it embedded Lederach's definition of empowerment in Habermas' model of interactive learning. It then linked Habermas's concept of closed life-worlds with Paulo Freire's notion of a collective fanaticized consciousness to describe a collective state of internalised violence. In a third step, it then specified the structural prerequisites for individual and collective empowerment through an analysis of hostile life-world structures. It further reviewed some cross-cultural findings with regard to Piaget's ontogenetic hypothesis (that is constitutive for Habermas' idea of communicative competence) and concluded that it is likely

that formal-operational forms of reasoning can be found in all cultures. It further stressed the necessity that these argumentations have to be understood within their own cultural reference frame and with reference to cultural specific objectives and interests.

Section 3.3.3 provided a complementary assessment of the violence that lies beyond the realm of a modern life-world and that is best described in (non)communicative terms of money and power as systemic violence. Section 3.3.4 defined in greater detail the conceptual components of a transformative communicative ethics of peace-building. It further commented on the terms forgiveness and reconciliation (for definition compare above) and examines the relationship between these dialogic processes.

Chapter 3.4 argued that institutional peace-building processes should be understood as part of the very same normative and communicative process that structures inter-subjective learning practices. It maintained that institutionally fragmented communication processes on truth, justice and authenticity should be understood as part of one dialogical institutional practice, if they are meant to be successful.

It concluded that a social dialogue on peace can be only fruitful if the complementarity between all processes is respected and the wider dialogical coherence of each sub-process is guaranteed. In this context, it was argued that

institutional practices that seek to end conflict on national and international level should also include local knowledge and customary practices.

Chapter 4 anticipated possible criticism that could be raised against a critical approach on the grounds of other theoretical traditions such as Postmodernism, Functionalism, Neo-realism and Neo-marxism. In four different sections the standard objections against a critical theory based approach were discussed and assessed. One aim of this section was to show how in the end a communicative approach to conflict transformation manages even to transcend Habermas' theory of modernity and includes the critical spirit of postmodernism and its insights on the plurality of reason and moral learning (through a reception of Wittgenstein, Wellmer, Welsch and Lyotard) in its core assumptions. An other objective was to further juxtapose theoretical assumptions of a functional problem-solving approach (that was criticized in Chapter 1 and 2) with a critical theory-based model of conflict transformation. This chapter ended with a complementary discussion of practical challenges. It examined the applicability of a communicative model to protracted conflicts. It discussed a protracted scenario in which both sides had equally valid and competing moral or factual claims, which were not an immediate result of their relationship with each other, and hence seemed not open for discourse. It argued

that, despite the plurality of claims, even in this scenario, the promotion of self-knowledge and discursive awareness were the only feasible strategies to create a common ground for mutual empathy and a shared sense of security.

In chapter 5, the thesis shifted its general theoretical focus, moving to an illustration of some assumptions within a critical theory based model of conflict transformation regarding the (formal-pragmatic) origin of normative peace-building processes . It first illustrated some (idealtypical) components of the Rwandan discourse of violence in the past and present, before it took then a look at some current institutional practices aiming at a conceptual and factual recovery of truth, justice and authenticity at international, national and community level.

The illustrative example sought to demonstrate that mutually constitutive dialogical processes (at local, national and international level) are needed to rewrite a discourse of violence. It identified some illocutionary, propositional and expressive components within the Rwandan discourse of violence and illustrated corresponding short-comings in terms of individual/ collective moral judgement, perception of history and communicative competence. It further illustrated some communicative needs for recognition (of victims) and empowerment (of perpetrators). On the whole , it sought to demonstrate how communicative perspectives and (context

specific/institutional) discursive assumptions influence the understanding of a conflict situation. The structuring of the illustrative example in form of some (ideal-typical) communicative and discursive perspectives (at local, national and international level) mirrored Habermas' hypothesis regarding the perspective preconditions for discourse, reflexive thought and communicative competence that was developed in Chapter 3 . In other words, the Chapter sought to illustrate Habermas' /Mead's insight that one precondition for peaceful/open discourse is that speakers are not only able to take their own perspective but also the perspective of other participants and a neutral observer perspective. Chapter 5.3 demonstrated that even in a relatively undistorted reference-frame (like the UN) particular paradigmatic assumptions suggest the choice of a particular (in this case neutral observer) perspective at the expense of other point of views. This choice influences the reflexivity of thought and any action that is taken. Chapter 5.3 tried to show that as a result of the institutional discourses at the time, no one of the UN member states was able to successfully take all (including most importantly local) perspectives, to develop a comprehensive understanding of the situation and react promptly . In this context, the view of the UN Security Council was used to sketch the shortcomings of a seemingly neutral international institutional observer perspective (UN). Chapter 5 further

(ideal-typically) illustrated various other participants perspectives (e.g the views of the Post 1994 Rwandan government, local victims and perpetrators) and expectations which were sketched in different sections. By hypothetically taking present and past perspectives , this thesis hoped to illustrate potential assumptions within past and present discourses .

Section 5.1.1 reviewed a.o. the work of historians like Prunier, Reyntjens, Chretien, Catherine & David Newbury, Semunjanga, Mamdani and Gourevitch . It juxtaposed arguments of the classic and social-constructivist school on (existing/non-existing) pre-colonial ethnic divisions in Rwanda and concluded with Danielle de Lame and Catherine Newbury that group membership in Rwanda was in constant flux and 'differed over time and between regions, a function of power and ideology.' While acknowledging the historical complexity of Rwandan history, it largely followed the social-constructivist view that was in a later section for analytical purposes (ideal-typical description of the propositional dimension of a discourse of violence) simplified and streamlined.

Based on in-depth interviews with Rwandan officials and NGOs, section 5.1.4 illustrated political constraints and interests that influence communicative reconciliation processes in Rwanda. Unlike Mamdani, who compares the policies of the RPF

government with an alleged victor's justice of a Zionist regime, this thesis argued that the ideal of reconciliation lies at the very core of the RPF strategy for political survival. Although it is debatable in how far the intentions of the current leadership are of a communicative or strategic nature, it was noted that even the pursuit of strategic goals still requires the transformative use and application of communicative reason and the solution of communicative tasks that are crucial for the transcending of conceptual violence.

Section 5.1.6 discussed alternative efforts of symbolic and economic reconciliation. It noted that although both processes signify important components of a comprehensive strategy of conflict transformation, they cannot guarantee the transformation and rebuilding of communicative interaction structures and the solution of communicative tasks that are required to transcend conceptual violence. These tasks can be only fulfilled by dialogic practices of truth-finding, justice and promotion of authenticity.

Section 5.1.7 demarcated the propositional dimension of a discourse of violence by looking at (ideal- typically reconstructed) historical distortions of truth in Rwanda. Section 5.1.8 described the illocutionary dimension of a discourse of violence through a discussion of past distortions of justice in Rwanda. Section 5.2 illustrated the work of the Unity & Reconciliation Commission (URC) and its dialogic contribution to a re-writing of the

propositional dimension of Rwanda's discourse of violence. It also included some views of the local rural population on the role of truth for the establishment of peace and the transcending of violence.

Section 5.2.2 discussed the dialogic contribution of the national justice system in the fight against Rwanda's culture of impunity and illocutionary distortions within its discourse of violence .

Section 5.2.3 and 5.2.4 dealt with the community justice system of Gacaca, its procedural strengths and shortcomings. Section 5.2.5 discussed the related issue of retributive and restorative justice. It showed that the reparative juridical procedure of Gacaca fills two structural normative gaps within the national retributive justice system in terms of truth and authenticity. In addition to its retributive function, Gacaca serves also as decentralised truth-commission and court "of consciousness" that can reward authenticity by granting an amnesty. By advocating a more holistic vision of justice, Gacaca can respond better to reparative and retributive necessities on the ground. It was concluded that despite its shortcomings, through the communicative inclusion of all claims and perspectives, it can , better than any other currently available juridical process, dialogically contribute to sustainable peace and a transformation of Rwanda's discourse of violence .

Section 5.2.7 described the intentional dimension of a discourse of violence and provided an illustration of the Kibuye prison

reconciliation project. This section included both perceptions of victims and perpetrators on intentional violence and some of their views on the preconditions of forgiveness and reconciliation. It was noted that there seems to be an intimate dialogic link between the contra-factual idea of forgiveness, processes of recognition and justification and the notion of authenticity. This dialogic relationship illustrated why reconciliation requires a direct, not mediated interaction between victim and perpetrator. This assertion had far-reaching consequences insofar as it illustrated the necessity of a bottom up approach to reconciliation. It argued that institutional peace-building practices at national/international level need to meet interactive requirements for truth, justice and authenticity on community level to ensure a full transformation of dialogic relationships. In other words, it sought to illustrate that national and international reconciliation policies also depend on the fulfilment of communicative tasks (promotion of authenticity) on community level.

Some of these dialogic preconditions were surprisingly well met in Rwanda. While the national justice system could rely on the complementary mechanism of Gacaca to introduce ideals of reparative truth and authenticity in its equation, the work of the national URC was complemented by grass-root consultations on truth and local re-education projects promoting authenticity. Local reconciliation projects also benefited from the national

Gacaca legislation, retributive justice and national reintegration policies. This interplay ensured to a certain degree a procedural complementarity and coherence between Level 2 and 3 of the quasi-transcendental triangle of conflict transformation insofar as procedural validity claims on higher (national) level were also measured in terms of claims on lower (community/individual) level. The remaining question was how well does Level 1 (the international dimension) did fit into this ideal-typical equation in terms of dialogic/procedural coherence and complementary and how did international actions complement transformative efforts at other levels?

Chapter 5.3 sketched the international discourse at the time of the Rwandan crisis. In a second step, it then shifted its focus to the proceedings of the International Criminal Tribunal for Rwanda (UN-ICTR).

The first section explained shortcomings within the international diplomatic discourse through a repeatedly failing institutional communication process. It argued that all communications – both between the UN-HQ and its agents in the field and the UN-Secretariat and the members of the Security Council- suffered from an un-reflected application of institutional dogma, an instrumental use of language and a lack of flexibility and reflexivity in conceptual and moral thinking. It claimed that much harm was done by a functional institutional agenda that was based on a-moral notions that were detrimental to the whole

process and outcome. This agenda was misleading because of the very same strategic illusion (of two equal strong parties that share the same 'objective' interest in the involvement and mediation of the UN) that was identified and criticized in Burton's model in Chapter 2. Its conceptual framework limited the scope for (communicative) action in the moral domain. Actors were trapped by considerations of neutrality and hence could not respond effectively to the unfolding genocide. However, this is just one side of the story. The second international dimension of violence consisted of more far reaching structural constraints in the international order. It was argued that despite a very thorough establishment of truth on past failings (e.g. through the UN Carlsson commission), the acknowledgement of guilt (Kofi Annans apology to the Rwandese people) and the reorganisation and restructuring at HQ level through the 1999 UN reform, the prospects for a future prevention of genocide e.g. by international early warning systems are at best meagre. However, it was noted that this does not mean that structural constraints can not be challenged. Again, it was argued that a communicative approach can offer structural remedies e.g. through the communicative inclusion of weak states and non-state actors and their validity claims.

The second part of the chapter began with an enumeration of the UN-ICTR's achievements in terms of retributive justice (its contribution to a re-writing of Rwanda's discourse of violence).

These included the establishment of the principle of individual accountability and the conclusion that rape constitutes genocide and a crime against humanity. It then analysed the different normative priorities of the ICTR and the government of Rwanda with regard to international justice and reconciliation. The importance of a conscious transition of normative and interactive barriers between the community, national and international level was in particular illustrated by dialogic shortcomings within the court proceedings. In this context, some international institutional definitions of truth, justice and authenticity were juxtaposed with potential local and national communicative needs at lower levels. The example illustrated that the intelligibility and credibility of the work of tribunal necessarily depends on an inclusion of complementary claims of truth, justice and authenticity at lower levels. Section 5.5 highlighted serious short-comings in the proceedings of the tribunal and attributed them to a limited understanding of the importance of reparative justice, restorative truth and authenticity for international justice and reconciliation. It criticized the complete procedural detachment of the Tribunal from Rwandan realities and the absent-mindedness with regard to the needs of genocide victims and witnesses. It questions the success of the tribunal outreach strategy and its ability to convince Rwandans of the ICTR's necessity. It also criticizes the communicative attitude of the Tribunal towards the Rwandan government and the people of

Rwanda. It argued for a reform of the ICTR's proceedings that would allow for a reconciling of the objectives of international justice with other procedural/dialogic demands in the wider process of discursive transformation, including the communicative needs of witnesses.

In this context, it further illustrated challenges arising from the procedural interdependence between truth, justice and authenticity based processes on local, national and international level. It stressed the necessity to respect institutional complementarity and ensure communicative coherence on the horizontal and vertical levels which were identified by a critical theory based quasi-transcendental approach to conflict transformation.

Assuming that all actors (individuals, states, international organisations) at all levels can take an expressive, normative and objective perspective with regard to validity claims, it was argued that there are (at least) nine different perspectives on dialogical needs for authenticity, justice and truth within every communication process on peace. Or put differently, since every validity claim can be questioned in terms of other validity claims at local, national and international level there are (at least) nine normative points of view.

There is legal truth that is established through the application of procedural rules in court, there is factual (inter-subjective) truth that is jointly found in a descriptive discourse with

reference to the objective world and there is subjective truth that is based on one's private experience.

There is restorative justice that responds to community needs, retributive justice that reflects the necessity of the international and national order and subjective justice that is crucial for the emotional well-being of individuals.

There is juridical authenticity that is again determined by a given body of law, there is factual authenticity that manifests itself in a successful interpersonal interaction and there is subjective authenticity that can be promoted through therapy but that is never fully disclosed. A critical theory based approach sought to illustrate that unless a full transformation in all these 9 normative spheres is sought at all levels truth-seeking, norm-setting and norm-enforcing institutional practices will fail to resolve conflict and fail to rewrite discourses of violence. Short-comings in this regard will lead to discontent and resistance either on national or community or individual level.

This thesis sought to answer the following questions:

a) Why are problem-solving/functionalist theories insufficient for the understanding of the perceptual and communicative dimension of conflict resolution and peace-building (Chapter 1, 2, 4)? Which direct

**consequences does this have on peace-building practices and how can these practical consequences be illustrated ?
(Chapter 5)**

Following Cox, it was argued that as a result of its particular knowledge/research interest a functionalist approach to peace-building is mainly focused on problem-solving. It seeks to specify the pre-conditions for a functioning of a society/peace process (e.g. meeting of human needs) and not the prerequisites of a perceptual recovery of a society. As a consequence it does not scrutinize relationships of power (pose normative questions with regard to legitimacy and value commitment – compare Chap 4.4) and the perceptual origins of violence. This negligence of discourses of violence leads to short-comings in the normative domain and prompts problems with regard to local ownership of a process and sustainability of a peace-process. Latent perceptual violence can easily be reactivated and spark new violence. Assumptions of neutrality (that are associated with the functional discourse and its claim of universality) influence the normative judgement of actors (compare 5.3 – the action of the Security Council and also to an extent the ICTR example) and delay a consequent enforcement of normative principles (e.g military intervention in a genocide/ ensuring the mental and emotional well-being of witnesses)

b) What is the contribution of a critical based approach in this context? (Chapter 1, 3, 4, 5)

A critical-theory based approach to conflict transformation seeks to question prevalent power relationships and identify perceptual distortions associated with institutional discourses and/or discourses of violence. Via language philosophy and cognitive psychology, this thesis defined formal-pragmatic components of a discourse of violence, communicative and cognitive competencies, which are needed to transcend conceptual violence and illustrated some (existing) dialogical processes which might be suitable to inter-subjectively and institutionally rewrite some illocutionary, propositional and expressive components of discourses of violence.

c) How can we possibly bridge the international/national/local divide in normative peace-building? (Chapter 1, 3 & 5)

This thesis suggested to understand all peace-building efforts at local, national and international level as part of one communication process on peace. It noted that while it will be likely that there will be many diverging ideas regarding truth, justice and authenticity, it is important to understand dialogic

practice from the ground up to ensure that local (cultural specific) discourses of violence are indeed rewritten and not simply covered up temporarily by some form of economic or democratic aid . In this context, it was stressed that it is of vital importance that international actors understand and respect the rules and principles that inform (equally valid) notions of truth, justice and authenticity in other cultures and are also knowable about possible perceptual short-comings that result from (cultural specific) historical and normative distortions (e.g. culture of impunity). It was further argued that any action taken should seek to include as many local claims and concerns as possible (e.g. through grass-root consultation) always keeping the necessity of a complementary and coherence of dialogic peace-building practices in mind. It was noted, that wherever this might be not possible, there should be at least a space for discussion where concerns can voiced and addressed.

d) What could be potential formal-pragmatic preconditions for peace and how would they look like? Why does according to a critical theory based approach the transcending of violence require the discussion of nine validity claims on local, national and international level?

This thesis argued that speech structures not only our cognition but with it also our ability to think , to desire and to demand peace. It suggested that the current development of normative peace-building processes in the form of truth commissions, international and community courts and reconciliation/ co-existence projects is not arbitrary. It mirrors formal-pragmatic validity claims of truth, justice and authenticity that are inherent within the usage of language. Following Wittgenstein, this thesis further argued that these validity claims are cultural-specific and crucial for an understanding of a conflict and the preconditions for peace within one particular context. It was noted that any attempt to build peace at a higher (international) level that does not (at least) take these ideas into account is likely to be unsuccessful since it will neither intelligible nor of any relevance at lower levels. Every institutional entity (state/ international organisation) creates in a way though its constitutive rules (e.g. constitution/ international law) its own reality. However, unless this reality corresponds in one way or the other to realities on the ground, efforts to promote peace will be futile. This is why a striving for dialogic complementarity and coherence of practices promoting peace is so important. Taking the local, national and international divide as its starting point this thesis argued that there are (at least) nine different perspectives

and validity claims with regard to peace-building. They specify the cornerstones of a dialogical space that ideally should be always open for debate.

This thesis hoped to contribute to the existing body of IR theory literature in at least five ways.

Firstly, it sought to demonstrate the praxelological value of Critical Theory by showing its practical potential for peace-building. Secondly, it tried to illustrate the explicatory value of a Critical Theory based model in comparison with a functionalist approach to peace-building.

Thirdly, by introducing a formal pragmatic point of view it indicated one possibility for a development of meta-theory with regard to communicative reconciliation processes.

Fourthly, following Wellmer and Welsch, it sought to contribute to the classic debate between modernity and post-modernity, by modifying Habermas' model along cultural-relativist lines by introducing the idea of plural life-worlds.

Fifthly, through the (meta-theoretically inspired) illustration of some aspects of present realities and institutional challenges in Rwanda, it sought to respond to Uvin's plea to connect at least some facts to social science theorizing.

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- **Jean Louis Ndahigwa**, Coordinator of Gacaca Project MINIJUST/UNICEF- Ministry of Justice, Kigali, Rwanda, 19/06/01.
- **Martin Ngoga**, Special Envoy of Rwanda at the ICTR, Arusha- Arusha, Tanzania, 30/05/01.
- **Rafael Ngrambe**, Procecutor Kibuye Province, Ndaru, Kibuye Province, Rwanda, 7/08/01.
- **JMV Nkurunziza**, Bourgmestre, Kibuye Ville, Kibuye Province, Rwanda, 6/08/01.
- **Jacques Nsensusumurenyi**, Director - Sensibilisation Programme, National Human Rights Commission, Kigali, Rwanda, 13/06/01.
- **Regina A.M Ntaganda**, Trainer Solidarity Camp, Peace and Leadership Programme - National Commission for Unity and Reconciliation, Kigali, Rwanda, 13/06/01.
- **Jules Ntaganzwa**, Coordinator, National Commission for Unity and Reconciliation, Kibuye Province, Rwanda, 6/08/01.

- **Evode Ntagwera**, Trainer- Solidarity Camp for Expatriate Soldiers- Gisenyi , National Commission for Unity and Reconciliation, Gisenyi Province, Rwanda, 8/08/01.
- **Eugene Ntambara**, Director - Nsinda Prison, Kibungo, Rwanda, 19/06/01.
- **Antoine Ntibilingi**, Trainer- Solidarity Camp for Expatriate Soldiers- Gisenyi , National Commission for Unity and Reconciliation, Gisenyi Province, Rwanda, 8/08/01.
- **Francois Xavier Nzabamwita**, Mayor- Muhazi District, Kibungo, Rwanda, 19/06/01.
- **Abe Phocas**, St. Michel Church, Kigali, Rwanda, 21/06/01.
- **Prisoner 1 Kibuye Ville Prison, Alphonse Musemadera**, Kibuye Province, Rwanda, 6/08/01.
- **Prisoner 2 Kibuye Ville Prison, Anastase Shimyimana**, , Kibuye Province, Rwanda, 6/08/01.
- **Prisoner 3 Kibuye Ville Prison, Emmanweli Bucyendare**, Kibuye Province, Rwanda, 6/08/01.
- **Prisoner 4 Kibuye Ville Prison, Francois Xavier Manyurane**, Kibuye Province, Rwanda, 6/08/01.
- **Prisoner 5 Kibuye Ville Prison, Emmanuel Niyonsaba**, , Kibuye Province, Rwanda, 6/08/01. (pleading innocent)

- **Prisoner 6 Kibuye Ville Prison, Faustin Tugirimana** , Kibuye Province, Rwanda, 7/08/01. (Released after being acquitted by a Preliminary Gacaca Court)
- **Prisoner 7 Kibuye Ville Prison, Benoit Usabyumuremyi**, Kibuye Province, Rwanda, 7/08/01.
- **Prisoner 8 Jean Baptiste Twagirakigeri**, Kibuye Province, Rwanda, 7/08/01.
- **Injaikariwong Raharisoaseheno**, Investigator - International Criminal Tribunal for Rwanda, Kigali, Rwanda, 20/06/01.
- **Kaiser Rizvi**, Investigator - International Criminal Tribunal for Rwanda, Kigali, Rwanda, 18/06/01.
- **Zebedee Ruramira**, Prosecutor - Province Kibungo, Kibungo, Rwanda, 19/06/01.
- **Silas Sinyigaya**, Executive Secretary- CLADHO- (Federation of Human Rights Associations in Rwanda), Kigali, Rwanda, 21/06/01.
- **Solidarity Camp Detainee/Interviewee 1, Josiphine Nyirabunani**, Farmer, Solidarity Camp for Expatriate Soldiers & "Infiltrators" from Congo -Gisenyi Ville, Gisenyi Province, Rwanda.
- **Solidarity Camp Detainee/Interviewee 2, S. Ndindirijimana**, Child Soldier, Solidarity Camp for Expatriate Soldiers & "Infiltrators" from Congo -Gisenyi Ville, Gisenyi Province, Rwanda.

- **Solidarity Camp Detainees/Interviewee 3, Dieu Donne Habarurema,** Sergeant Lieutenant, Solidarity Camp for Expatriate Soldiers & "Infiltrators" from Congo -Gisenyi Ville, Gisenyi Province, Rwanda.
- **Solidarity Camp Detainee/Interviewee 4, Paul Zigiranyirazo,** Lieutenant, Solidarity Camp for Expatriate Soldiers & "Infiltrators" from Congo -Gisenyi Ville, Gisenyi Province, Rwanda.
- **Emmanuel Tuyrsenge,** Deputy Prosecutor - Province Kibuye, Ndaró, Kibuye Province, Rwanda, 7/08/01.
- **Noella Umuhoza,** Witness Support Officer- ICTR,Kigali, Rwanda, 13/04/01.
- **Geraldine Umugwaneza,** Coodinator- Gacaca Commission, Kigali, Rwanda, 11/04/01.
- **Peace Uwineza,** Director- Community-building Initiative Programme- National Commission for Unity and Reconciliation, Kigali, Rwanda, 21/06/01.
- **Saleem Vahidy,** Chief of Witness Support Section- ICTR, Arusha, Tanzania, 28/03/01.
- **Witness ABW,** International Criminal Tribunal for Rwanda (ICTR), Arusha, Tanzania.
- **Witness BI,** International Criminal Tribunal for Rwanda (ICTR), Arusha, Tanzania.
- **Witness LCC,** International Criminal Tribunal for Rwanda (ICTR), Arusha, Tanzania.

- **Witness LCI**, International Criminal Tribunal for Rwanda (ICTR), Arusha, Tanzania.
- **Expert Witness Prof Jose Kagabo**, International Criminal Tribunal for Rwanda (ICTR), Arusha, Tanzania.

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