Chapter 4

Ways to Resolve Inter-religious Violent conflicts

and the Role of Dialogue

In the previous chapters, the phenomenon of religious violence has been defined and explained in terms of most of its manifestations, the various factors – social, political, economic, cultural, religious etc. leading to acts of religious violence were also elucidated and discussed. No act of religious violence, until unless it is perpetrated by a lunatic, may be without a cause – triggering or smouldering for quite some time. In the previous chapter the term conflict was defined and used extensively, now extending the same strand further, we find that various scholars present conflicts as something which first waxes and then wanes. Ramsbotham, Woodhouse and Miall, while presenting a model of conflict escalation and de-escalation, say that conflict starts with the “initial differences” which are part of all social developments, from here “original contradiction” emerges which may or may not remain latent; when it passes through the “process of polarization”, antagonism comes to the surface and violence/war outbreaks; after which de-escalation begins in the form of ceasefire leading to agreement leading to normalisation leading to reconciliation.\(^1\) But the reality is not that simple as the conflicts are very dynamic, they develop and change at “very astonishing speed” and there are certain periods when they remain in hibernation to burst into sudden “overt violence.”\(^2\) In some what similar way Johan Galtung says that conflict begins because “\emph{Self and/or Other pursue incompatible goals}” which leads to blocked goals leading to frustration


\(^2\) Ibid., 12.
leading to polarisation, with “dehumanization of Other removing the aversion humans have against intra-species killing and maiming.”³ He goes on and asks – where do the goals come from? Answer he gives himself – “…from Nature, Culture and Structure. Nature is in us, and around us; Culture is in us as internalized values and norms; and Structure is around us as institutionalized, positive and negative, sanctions.”⁴ For Galtung de-escalation of violence has two discourses: security and peace. In the security approach there are four components – “1 An evil party, with strong capability and evil intention; 2 A clear and present danger of violence, real or potential; 3 Strength, to deter or defeat the evil party, in turn producing 4 Security, which is the best approach to peace;” whereas the peace approach has its own four components – “1 A conflict, which has not been resolved/transformed; 2 A danger of violence to ‘settle the conflict once and for all’; 3 Conflict transformation, empathic-creative-nonviolent, producing 4 Peace, which is the best approach to ‘security’”⁵ So, it is either peace through security or security through peace. In this chapter we shall discuss and evaluate all such efforts ranging from “gun” to “word” to conceptualise and find solutions for containing violent conflicts among people of different religions or sects or denominations and to find out the role of dialogue in such efforts.

Hector Avalos, taking religious violence as a problem, suggests two “logical solutions”: 1. Retain religion in modified form so that scarcities are not created, and 2

⁴ Ibid., 15-16.
⁵ Ibid., 23.
remove religion from human life. First he takes the option of modified religion and says that scarce resources will perhaps always exist along with competing interests in other words, reasons for conflicts can not be wiped out completely; moreover, right to self defence is a legitimate right which can not be surrendered, hence in such situation minimisation or “ridding ourselves from unnecessary violence” may be a practical goal. But the methods he suggests, in the back drop of the three Abrahamic religions – Judaism, Christianity and Islam, emphasises on removing the scarcities created by religions. The Bible, he says, especially the Old Testament, is full of violence and genocides, supports slavery and misogyny hence should be removed from the public domain and so should be other scriptures most of which not only depict violent scenes but approve them on the pretexts of their being words of God, in addition to which the alibis of symbolic representation or their having high aesthetic value are shams. He goes on to suggest that the next religion-created scarcity, that is, sacred space should be desacralised and “[d]esacralizing space is ultimately the best solution.” Citing example of Christianity, he says that it has been around since last two thousand years but its “religious hierarchies and privileges have not brought us any closer to peace”, as the said hierarchies are based on “unverifiable premises”, these should be abandoned. He condemns the idea of salvation due to its unverifiability along with the equally unverifiable belief that Jesus died to show love for humankind as by wasting “millions of person-hours” on saving souls the living bodies are being neglected who face real problems – scarcity of food, shelter, justice, education and opportunities, health – and which demand immediate

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7 Ibid., 359.
8 Ibid., 360-66.
9 Ibid., 367.
attention.\textsuperscript{10} Citing examples of Solidarity movement in Poland and successful struggles by Martin Luther King (Junior) and Mahatma Gandhi, Avalos says that people eulogize religion as the harbinger of peace but “the potential acts of goods caused by religion can never exceed those that cause violence”\textsuperscript{11} and suggests that by eliminating religion altogether from human life the problem of religious violence can be solved.\textsuperscript{12} Avalos is not the first to express such views, before him, such voices have arisen from time to time, one such voice was of Reinhold Niebuhr. Juergensmeyer says that Niebuhr was much concerned about the destructive role that the “‘illusion’ of religion and other moral ideals” as he ascribed encouragement for “terrible fanaticism” to such illusions.\textsuperscript{13}

Now if we go by the alternatives suggested by Avalos and his ilk, instead of peace more chaos will generate for, religion is not such a thing which can be modified as per whims of a person or made to vanish altogether and moreover, who is to perform these more than Herculean tasks? The normative approach with its “should be like that” or “ought to be so” is just a wishful dreaming and nothing more, as we are to deal with the situation as it is, in the real world, and not in some imaginary world. No doubt, religious symbols and narratives are “steeped in blood” but can we think of Shi’ism without (brutal) martyrdom of Hussain, Christianity without crucifixion of Christ and Sikhism without the martyrdoms of Guru Arjan Dev and Guru Teg Bahadur? Cross is not a reminiscent and execution device but a symbol of redemption and the same way the sword for Sikhs is not mere a weapon but symbol of divine power.\textsuperscript{14} Moreover, even if we are able to remove

\begin{flushleft}
\textsuperscript{10} Ibid., 367-68.
\textsuperscript{11} Ibid., 368-69.
\textsuperscript{12} Ibid., 371.
\textsuperscript{14} Ibid., 213-14.
\end{flushleft}
the scriptures depicting violence, can we get rid of all that we describe as violence? Violence is not part of religious discourse only, for it is there in the social, economic and political spheres of human life; moreover, can we wipe out all history because it is full of violent disputes, conflicts and wars; will not such action, if at all possible, leave the humanity amputated of more vital organs than that which it intends to save if not the totality? As we have seen in the previous chapters, religious violence is violence in the first instance, the adjective religious is put before it because the actors invoke religious justifications for their acts and it is easy to identify the antagonising groups on the basis of clear-cut default lines and religion provides one of the clearest ones. It is not always that we can find distinct political, social or economic reasons behind religious violence, there are religious reasons also – violence erupted due to caricaturing of a prophet or a Guru through derogatory cartoons or provocative imitation, debasing an entire religious tradition through a contemptuous film, the desecration of a holy book or place can have immediate explanation in religious terms, though some deeper investigation may lead to a political conspiracy or deeper social polarisation with vested interests behind such acts of derogation or desecration.

In the previous chapters, the problematic nature of religious violence emerged, and we require some way(s) to resolve it which can be done only if we resolve the conflicts leading to religious violence. John Burton suggests different ways to resolve conflicts in the society and says that two conflicting views about the social systems are prevalent – first, that societies are coherent (united, well-knit or stuck together) systems or coherence is the goal for each social system, and the second, that appearance of coherence is misleading and attempts to enforce the same “may be a source of many
unsolved social and political problems and also a reason why they are not solved.”

In the previous chapter we have seen that there are inequalities in societies resulting into power differential and coercion may be used as a natural outcome of such situation to achieve coherence but the society may not cohere whereas the public order, says T.R. Gurr, “can only be maintained [most effectively] when means are provided within it for men to work towards the attainment of their aspirations.” When we talk of conflict resolution, we start with the assumption that the variety of interests and desires among persons or groups of persons generate such contradictions which lead to serious conflicts. The desired objects, whether tangible or intangible, are finite or scarce or at least not in such abundance that whosoever aspires can get them. The cause of such unfulfilled desires is ascribed to the presence of the Other and effects are manifested in distrust and fear of and/or hatred for the Other, tension in relations culminating into the acts of violence. John Burton says that the complexity of social problems requires their study to be interdisciplinary with behavioural boundaries extended. We have seen in the previous chapter that scarcity of resources has given birth to economics which deals with the study of how best the use of scarce resources is made and politics as the authoritative allocation of resources within social expectations and norms of distributive justice to all, but failure to do so gives rise to disputes which if not resolved convert into conflicts culminating into violence. But can we control the human needs and wants at the first place?

Burton says that the conventional thinking considers authority relationships as means of control and quotes Lloyd: “What is entailed in the notion of authority is that

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16 Quoted in John Burton (1979), op. cit. 46.
17 Ibid., 17.
some person is entitled to require the obedience of others regardless of whether those other persons are prepared to find the particular order or rule enjoined upon them as acceptable or desirable or not . . . [and on the part of the subordinate] fundamentally the obligation is a moral one;” and the authority has not merely to expect but ensure obedience by use of deterrence and coercion.\footnote{Ibid., 86.} Despite the fact that the position of authority has generally been attained not through ability or morality but by power and influence, the threat of punishment or “threat of costs greater than satisfaction to be gained” has deterred individuals and groups but on the whole coercion has failed as in the words of Pepinsky, “The harder we try to induce conformity to the law where conformity does not exist, the more we seem to fail.”\footnote{Quoted in ibid., 88.} Then what deters is not coercion but the relationships which can be understood from one example given by Burton when he says that it is not the slap that leads the child to conform but the relationship with the parents or the teacher which works.\footnote{Ibid., 90.} Two other methods, other than coercion, are withdrawal or capitulation.\footnote{Jeffrey Z. Rubin. Editor’s Introduction. Negotiation Journal January 1985. 5.} But these are methods of avoidance and humiliation as running away from field and surrender, both generate deep repugnance not only in the traditional societies but in the modern societies also. Though, there can not be any panaceas in dispute/conflict resolution, however, most of them are soluble – problem is in finding the solutions. Rubin says, “Disputes challenge all interested parties to understand them better, to find out ways of posing wise questions, and to improve thereby the process towards the settlement of disputes.”\footnote{Ibid.}
The modern industrialized society instead of creating relationships breaks them by alienating the parsons from their surroundings and society at large and they go beyond the possibility of being controlled by either threat of coercion or values attached to relationships.\(^{23}\) In such situation the only option remains either to win or lose and the conflict can be ended:

1. by victory of one side and imposition of its terms on the other;
2. by compromise made between the parties may be with the help of a mediator;
3. by acceptance of third-party decision or by third party enforcement of some conditions of settlement.\(^{24}\)

When scarcity makes allocation the main decision-making problem, power decides the norms and many times even arbitration favours the mighty. In the pluralistic societies “the minority has an obligation to observe the ‘democratic’ process by which the majority has a monopoly over decision-making;” however, in case of minority governments (as in case of South Africa during apartheid and Rwanda) different arguments are put forth – the aim is to justify or rationalize power positions.\(^{25}\) Burton divides the means of dispute settlement into two parts:

A. Traditional means –

1. by direct power confrontation (war) and
2. by negotiation (bargaining)

B. Other means required in case of deadlock and its consequences are to be avoided–

3. by judicial settlement,

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\(^{23}\) John Burton (1979), op. cit. 92.

\(^{24}\) Ibid., 95.

\(^{25}\) Ibid., 96.
4. by arbitration,
5. by mediation,
6. by conciliation,
7. by good offices.\textsuperscript{26}

There are some other means of conflict resolution also such as Humanitarian intervention operations,\textsuperscript{27} role of civil society,\textsuperscript{28} and the Gandhian way of Satyagraha.\textsuperscript{29}

1. \textbf{Direct Power Confrontation}

The most common method of resolving violent conflicts has been application of counter-violence. In the direct confrontation there is full participation of the conflicting parties with a little communication, that too in the form of violence itself or abuse and there is no third party.\textsuperscript{30} Here the conflictual relationship is – win or lose and ferocity of violence shows the intensity of communication. Each adversary has its own truth which in Foucault’s words is “a system of ordered procedures for production, regulation, distribution, circulation and operation of statements” and “is linked in a circular relation with systems of power that produce and sustain it, and to effects of power which it induces and extends it – a “regime” of truth.”\textsuperscript{31} In the first chapter, while discussing Fanon and research work by Birinder Pal Singh, it was found that some times violence is used as discourse. Sartre in Preface to Fanon’s \textit{The Wretched of the Earth} wrote, “Will

\begin{footnotesize}
\begin{enumerate}
\item[Ibid., 96-99.]
\item Oliver Ramsbotham, Tom Woodhouse, and Hugh Miall (2011). op. cit. 203.
\item John Burton (1979), op. cit. 97.
\end{enumerate}
\end{footnotesize}
we recover? Yes. For violence, like Achilles’ lance can heal the wound that it has inflicted. Today, we are bound hand and foot, humiliated and sick with fear; we can not fall lower. ... you will have to fight, or rot in concentration camps.”

Here the underlying philosophy is – fight or perish in suffering, it is another thing that the end result of fight may also be annihilation. A recent example is militancy in the Indian Punjab which, in the words of Birinder Pal Singh “started with violence, and also terminated with still greater violence;” though, “the real problem – demands that formed the axis of the struggle – has not been redressed so far.” Violence was the language as well as the message between the two warring parties. Traditionally discourse is limited to speech and writing but it is something more as Roger Fowler states: “‘Discourse’ is speech or writing seen from the point of view of the beliefs, values and categories which it embraces; these beliefs etc. constitute a way of looking at the world, an organisation or representation of experience – ‘ideology’ in the neutral non-pejorative sense.” Tambiah says that discourse is “the aggregate of speech acts, utterances, interactions, and practices that together constitute a shared arena of public conduct for a collectivity of people.”

Violence is related to the concepts of justice and injustice or the perception of being subjected to injustice. Judith Shklar says that being victim is principally a degrading situation and exposes vulnerability which is indicative of powerlessness, in this way injustice becomes a manifestation of power relations between the dominant and the

34 Ibid., 21.
subordinate. 37 Girard declares: “Only violence can put an end to violence” 38 but subsequently improvises when he says: “There is no universal rule for quelling violence, no principle of guaranteed effectiveness,” and what is effective at one time and place may “heighten the fever it is striving to abate” at the other. 39

We take the case of militancy in Punjab in the last quarter of the previous century, as a case study for direct power confrontation. The violence in the beginning of the militancy phase in Punjab, though started with the clash between Nirankaris and the Sikhs under the leadership of Sant Jarnail Singh Bhindranwale on April 13, 1978 at Amritsar during a convention being held by the Nirankaris, leaving three Nirankaris and a dozen Sikhs dead, had the well thought of political agenda in its background as Congress (I) had been ousted not only on national level but wiped out completely in Punjab Assembly elections also and the outcome was Akali-Janata Party coalition government under Parkash Singh Badal. 40 Robin Jaffrey explains, “the technique developed was to encourage dissatisfied Akali factions to start a campaign ‘for complete autonomy of Punjab’ and to accuse their own government of failure to look after Sikh interests. This would anger Hindus in the Janata Party, put Akali ministers in the position of having to qualify their devotion to their religion and thus divide Parkash Singh Badal’s Government. In the ensuing disarray it might be possible to ‘bring in a Congress (I) government.’” 41 But was it a “struggle” initiated in such simple way or did these acts and intentions on the part of the political game-players acted merely as catalyst as the

39 Ibid., 32.
41 Quoted in ibid. 105.
ingredients were already there? This question has been pondered over by numerous scholars and outcomes indicate that the situation was more complex than visualized by Jaffrey. In any case, the incident of April, 1978 unleashed a long chain of violence – Killing of Nirankari Head Gurbachan Singh on April 24, 1980 followed by killings of Nirankaris in Punjab, Gunning down of Lala Jagat Narain, head of the Punjab Kesari chain of newspapers on September 9, 1981 and subsequently, killing of eight people in police firing at Chowk Mehta during the arrest of Bhindranwale, massacre of Hindu Bus passengers on October 5, 1983 just name a few.\(^{42}\) Khushwant Singh writes, “It was Bhindranwale’s guns that began to do the actual talking” as the rest of the Sikh leadership was cowed by fear.\(^{43}\) But the response of the government was not sane either, all this culminated into attack of Indian Army on the Golden Temple on June 5-6, 1984 in an operation code named “Operation-Blue Star” in which more than a thousand people including Bhindranwale and his associates were killed and extensive damage was caused to this holiest place of Sikh religion.\(^{44}\) By this time the battle lines had well spread out of Punjab and next came the murder of Indira Gandhi, the then Prime Minister of India on October 31, 1984 at her official residence by her Sikh Guards. This incident was followed by what was unprecedented in the independent India – there were one sided riots by non-Sikhs who attacked “the Sikhs and damaged, looted and burnt their properties, ... [and] Gurudwaras, and killed few thousand of them”– and the motive was to teach the Sikhs a lesson – as “the violence in Delhi was premeditated, organized and was perpetrated methodically ... the task was without doubt performed with the complicity, connivance and active involvement of the administration as well as the

\(^{42}\) Ibid., 106-07.


\(^{44}\) Stanley J. Tambiah (1996), op. cit. 108.
members of the ruling party.\textsuperscript{45} During these four-five days, rumours such as 1. Sikhs were distributing sweets and lighting lamps to celebrate Mrs. Gandhi’s death, 2. train loads of hundreds of Hindu dead bodies had arrived at Old Delhi Station from Punjab, 3. water had been poisoned by Sikhs etc. were spread to intensify hatred for them and Sikhs were dragged out of buses and trains, beaten to death and were set on fire, in many cases they were even burnt-alive; as per official figures 2307 persons were killed in Delhi and 586 in other parts of the country; 180 Gurudwaras in Delhi had been subjected to arson, looting and burning.\textsuperscript{46} The immediate reaction of the new Prime Minister, Rajiv Gandhi on this pogrom a fortnight after it on November 19, 1984 (being birthday of Indira Gandhi) can be gauged from what he said: “But, when a mighty tree falls, it is only natural that the earth around it does shake a little,”\textsuperscript{47} and it created quite a flutter. Inderjit Singh Jaijee expresses his doubts: “when Mahatma Gandhi was shot dead by a Maharashtrian Hindu assassin, the “earth” didn’t tremble for Maharashtrian Hindus. Was he a smaller “tree” than Indira? When Tamil separatists killed Rajiv Gandhi no riots broke out either.”\textsuperscript{48} Mitta and Phoolka say that the there were a large number of Rape cases also which were not reported either due to social stigma attached or the changed social status of the victims – most of them had either been orphaned or widowed as well as without any shelter; they express their astonishment as to how the grieving, slogan shouting males could be sexually aroused, indulge in gang rape to express their “krodh (intense anger) [at the death of their leader].”\textsuperscript{49} The “rampaging mobs” were not confined

\textsuperscript{45} Ibid., 109-11.
\textsuperscript{46} Ibid., 118-19.
\textsuperscript{47} Manoj Mitta, and H.S. Phoolka. \textit{When a Tree Shook Delhi}. New Delhi: Roli Books, 2007. 3.
\textsuperscript{49} Manoj Mitta, and H.S. Phoolka (2007), op. cit. 67-68.
to the capital of India, the carnage was extended to other cities such as Bokaro, Daltonganj, Hazribagh, Dhanbad, Ranchi, Kanpur, Lucknow, Ghaziabad, Ratlam, Rewa, Sonepat, Panipat and scores of other cities. The worst part was the telecast of “Khoon ka badla khoon!” (“Vengeance of blood by blood”) shouts during the live telecast of the cremation of the slain leader by Doordarshan on November 1, 1984.

In the period from 1984 to 1992 was the darkest in the recent history of Punjab. Now the discourse between state and the militants was through violence only. Birinder Pal Singh says that violence is “a different mode of carrying out discourse in an altogether new way, and at a different plane. ... The discourse breaks off when one of its constituting elements is subjugated finally. ... Such a communication through violence does not use words and figures but real life actions whose nature and types could be deciphered in a given socio-cultural context.” This was true of Punjab during militancy period. For example, police started picking up the relatives of the militants and kill them so that the militants could be pressurised; the same strategy was adopted by the militants – they started abducting family members of the police officials and kill them which nullified the police strategy. The militants killed 54 members of families of policemen in a single day in the districts of Patiala, Sangrur, Ludhiana and Bathinda. Lederach says that at the height of conflict, due to increased tension, direct communication comes to a minimum; “[m]oving from word to gun, from verbal disagreement to antagonism to overt mutually destructive hostility ... [social alliances are polarized] ... with consequence of less accurate understanding of the other’s intentions and decreased ability to clearly

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50 Inderjit Singh Jaijee(1995), op. cit. 32.
51 Stanley J. Tambiah (1996), op. cit. 117.
52 Birinder Pal Singh (2002), op. cit. 32.
53 Ibid., 151-52.
articulate one’s own intentions ... nearly institutionalized images of the enemy prevail and dominate perception.” In Punjab during that period, the “other” for militants was the state represented through police and other forces. The intentions of the government to curb the militancy by brute force became clear when “Ribeiro [as DGP who had earlier tackled militant violence with force] was retired but appointed advisor to the Governor Sidharth Sahnkar Ray who had the reputation of crushing the Naxalites in West Bengal. K.P.S. Gill was called on deputation from the CRPF and appointed as the Director General of Police. He also enjoyed the reputation of dealing with the Assam movement diligently in his previous posting. The three aces had let loose the reign of terror but still militancy could not be curbed.” In December, 1991 army was called and in the ensuing Operation Rakshak (protector) most of the militants were killed which was largely due to intensive use of force by the military, bickering among the militant organisations, infiltration of lumpen elements (on behest of police) in their cadre and this happened between July and September, 1992. Now the government could claim having crushed the militant movement completely, which proved not fully true and the underground activities continued as was evident from the killing of the then Chief Minister of Punjab, Beant Singh in 1995 by a human bomb, the incidence and its aftermath with recent turn of events has already been discussed in Chapter 2 while discussing the concept of human bombs (suicide bombers).

The second case we take of Sri Lanka where the Sri Lankan government [of Buddhist Singhalese] did an extensive armed forces attack on rebel [Hindu] Tamil

55 Birinder Pal Singh (2002), op. cit. 147.
56 Ibid.
guerrillas in 2009 and crushed them ruthlessly. After the operation at home, the Sri Lankan President Rajapaksa had declared at the G-11 summit in Jordan, “... I am proud to announce that my government, with the total commitment of our armed forces, has in an unprecedented humanitarian operation, finally defeated the LTTE [Liberation Tigers of Tamil Eelam] militarily.” But B. Muralidhar Reddy wrote, “[i]t would be a fatal mistake to see the military death of the LTTE as a demise of the cause that gave birth to the Tigers. The cause, the legitimate grievances and aspirations of the Tamils and other minorities in the island nation is not only alive but kicking.” Therefore, crushing any antagonistic faction or group by force may bring respite for a short while, as the real problem still remains there and feelings of disgruntlement remain smouldering in the hearts of people and may re-emerge as a challenge to the power that be, again and again. This phenomenon is most conspicuous outcome of our third case and what has been called “war on terrorism” by the U.S. declared immediately after the September 11, 2001 attacks in New York and Washington and fought extensively thereafter along with its European allies, though seen by some Muslims as attack by Christian West on the Muslim world. The initial success was cause of celebration as the Taliban government in Afghanistan was toppled in no time there after and the regime of Saddam Hussein in Iraq was crushed in a short war in 2003. The killing of Osama bin Laden in his Pakistani hide out in May, 2011 was seen as end of the war. However, the ground realities are very different than the intended outcomes despite the sustained use not only of the military power but of “air-power and precision-guided munitions” in the tribal areas of Pakistan,

Afghanistan, forced regime change in certain other Muslim countries in the name of
establishing democratic value by ending “long tyrant despotic rules.”\textsuperscript{61} Roger says that
“the original war aims” could be explained in the backdrop of “the horror of the attacks”
the consequences have been unexpected for:

A brief war in Afghanistan is shortly [as in 2011] to enter its second
decade, seven years of war in Iraq have yet to bring a lasting peace, and Pakistan
remains deeply unstable. Meanwhile, groups linked loosely with the al-Qaida
movement make progress in Yemen, Nigeria, Algeria and the Horn of Africa. ... It
has become increasingly clear over the last decade that the United States and its
partners must learn from the evident failure of the “war on terror” by paying more
attention to the underlying causes of the conflicts, especially the factors
motivating young paramilitaries to take extreme action.\textsuperscript{62}

The war cry given by the U.S. in 2001 has reverberated in the shape of attacks
on American citizens, embassies and symbols time and again since then. So much so that
many times it appeared that ruthlessness of the “war on terror” has completed the work of
the terrorist outfits like Al Qaeda. The questions which Bin Laden raised in his 15 April
2004 broadcast (audiotape): “Which religion considers your killed ones innocent and our
killed ones worthless? And which principle considers your blood real blood and our
blood water? Reciprocal treatment is fair and the one who starts injustice bears greater
blame;”\textsuperscript{63} appear appropriate and relevant not only to the conflict under reference but also
confirms that the end result of the use of force is usually the unending blind alley.

\textsuperscript{61} Ibid.
\textsuperscript{62} Ibid.
Numerous other examples from other places can be given which may show that the use of force is no solution to the violence and that too where the religious idiom is dominant.

2. Negotiations

In the previous section we have seen that in violent conflicts the, the use of force eliminates all communications for the time being and violence becomes medium as well as discourse. But “when the hope of winning the war on the battlefield fades” or only Pyrrhic victory after too long protracted conflict is anticipated, parties on both sides are unable to “muster or deploy their armies or militia in order to change the facts on the ground” in such situations, negotiation “becomes a more desirable option.” 64 Negotiations involve both, participation and communication and no third party; however, some times it is just “transferring conflict from battlefield to conference table” and instead of settlement, there is further escalation of conflict. 65 Ramsbotham, Woodhouse and Miall say, “Negotiation is a process whereby parties seek to settle or resolve their conflicts.” 66

But so are the other processes or methods and it is not uncommon for conflicting parties to proclaim that the crushing or annihilation of the Other will end the conflict once for all, therefore, we need to know the meaning of “negotiation” first. The word negotiate means “to deal or bargain with another or others, as in the preparation of a treaty or in preliminaries to a business deal” and its etymological origin is from Latin negotiatus which is past participle of negotiari – to trade 67 and the meaning of trade

65 John Burton (1979), op. cit. 96.
66 Oliver Ramsbotham, Tom Woodhouse, and Hugh Miall. (2011), op. cit. 32.
68 Ibid.
being (primarily) process of buying and selling or exchanging commodities\(^6\) hence negotiation involves bargaining which is also used as synonym of negotiation and as in commercial bargaining the aim remains to get more by paying less. In distributive bargaining even using force or the threat of force to get more concessions is not ruled out. \(^7\) But negotiation uses arguments more. This is also perhaps a method contemporaneous to direct power confrontation discussed earlier and some times taken as extension of battlefield to the table for the vocabulary used – manoeuvre (also maneuver) which is a clever or skilful handling of affairs, often one involving deception or inventiveness,\(^8\) strategy (a long term plan for future success or development)\(^9\) and tactics (skill in or the art of using whatever means are available to achieve an end or aim)\(^10\) – owes its origin to the armed combats. The first question is when and which parties come forward for negotiations? The occasion for it arises when battles fail to decide the contentious issues and are dragged for quite some time and sometimes it precedes violent conflicts where failure in negotiation may lead to use of force. In negotiations, all the parties concerned want to save at least their present position and get as much as possible by bargaining in good faith, and give concessions to gain the opponent’s trust.\(^11\) Earning the opponent’s trust may not be a moral issue but a strategic one and some time, negotiation becomes a façade to earn more time for decisive battles.\(^12\)

\(^6\) “trade.” in ibid., 1501.
\(^9\) “strategy.” in ibid., 1398.
\(^10\) “tactics.” in ibid., 1439.
\(^12\) Ibid., 275.
Ray Fells says, “Negotiation is a process where two parties with differences which they need to resolve are trying to reach agreement through exploring for options and exchanging offers – and an agreement.” 76 He further elaborates and says that negotiation is a process – a sequence of activities which is neither mechanical nor deterministic; at least two parties are needed for a negotiation; the parties must have differences because only then there can be some conflict and competition; the parties must need to resolve their differences; negotiation is an attempt to resolve conflict, it may or may not succeed; reaching a good agreement takes some effort, easily achieved agreement must have some serious flaws; agreements can be achieved in two ways – by exploring possibilities and developing options that might possibly resolve the issue, and by exchanging offers around and between the stated positions of the parties and it involves compromise and competitiveness; and finally, the outcome – the agreement, but the real test always remains how the agreement is implemented. 77 Podder, while taking negotiation as a communicative process says that in the context of conflict termination, the primary aim of negotiations is to change the behaviour of conflicting parties so as to engender a conflict settlement, which in turn can pave the way for conflict resolution. 78 Henry Kissinger, the American statesman and negotiator, defined negotiation as, “a process of combining conflicting positions into a common position, under a decision rule of unanimity.” 79 Whereas one of the leading theorists in the field, William Zartman, extended Kissinger’s definition further when he defined negotiation as “a process of

77 Ibid., 4.
79 Quoted in Tanya Alfredson, and Azeta Cungu (2008), op. cit. 6.
combining conflicting positions into a common position”, under “a decision rule of unanimity”, a phenomenon in which the outcome is determined by the process.”

As we see, formal definitions vary but one thing is common and that is the assumption that each of the parties concerned is convinced that “their respective purposes will be better served by entering into negotiation with the other party.”

And this conclusion for dependence on the Other, even for a moment leads to the conclusion that unilateral attempts to achieve goals are futile and the goals can be better achieved through agreed upon solutions. But Alfredson and Cungu warn that some times the willingness for negotiation may be just a façade to buy time or get some political advantage but despite that such move may bring outcome in the due course as at least some ice is broken.

When theorizing about negotiation, different people adopt different approaches and typology. I. William Zartman summarises them into five – the structural, the strategic, the behavioural, the processual and the integrative. In the structural approach outcome of each negotiation is considered to be the function of its characteristics or the structural features defining it which include number of parties, issues involved in the negotiations, composition of each side – whether monolithic or motley, and the relative power of each party and above all the tactics, because otherwise might will be always right. Here the negotiation skill is neglected which plays a great role in many negotiations. The other weakness of this approach is insistence on sticking to positions by the parties which lead to long-term frustration in the party whose interests are undermined and the legitimacy of the negotiation is challenged as in Rwandan Genocide of 1994 was backlash of such

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80 Quoted in Sukanya Podder (2006), op. cit. 577.
81 Tanya Alfredson, and Azeta Cungu (2008), op. cit. 6.
82 Ibid., fn. 4, 6.
83 Ibid., 9.
84 Ibid., 9-10.
positioned negotiation when Rwandan Patriotic Front (RPF) had adhered blindly to a position that the Hutu-extremist party, the Committee for the Defence of the Republic (CDR) was excluded from the new coalition government and got across the negotiations with this position even though there were indications that such agreement would be untenable – the result was cataclysmic violence.\textsuperscript{85}

In the strategic approach, the emphasis is on the ends (goals/gains). In pursuit of maximizing the gains, each party believes that there is one best solution to every negotiation problem and in the words of H. Raiffa, they try to do “what ultra smart, impeccably rational, super-people should do in competitive, interactive [i.e. bargaining] situations.”\textsuperscript{86} In this approach, as in negotiation in general, the question of mutual trust is of great importance as Thomas Schelling wrote, “Trust is often achieved simply by the continuity of the relation between the parties and recognition by each that what he might gain by cheating in a given instance is outweighed by the value of tradition of trust that make possible a long sequence of future agreement.”\textsuperscript{87} In real situations, option for negotiation does not come when the relations are good but when the parties concerned have exhausted themselves in fight; therefore, the level of mutual trust is usually very low. In this regard Ramsbotham et al describe a test known as the Prisoner’s Dilemma (PD) which was first carried out by Melvin Dresher and Merrill Flood at the RAND Corporation in America in January 1950, and subsequently conducted by some other scholars like Raiffa independently and called a game also. In this game there are two prisoners who have the choices – in case neither confesses, both get two year’s prison, if

\textsuperscript{85} Ibid., 10.
\textsuperscript{86} Quoted in ibid. 11.
\textsuperscript{87} Quoted in Fen Osler Hampson, Chester A. Crocker, and Pamela R. Aall (2007), op. cit. end note 3, 47.
one gives evidence against the other and the other remaining silent, the other gets full five years and the first is acquitted, in case both testify against each other, both get four years each. Now the prisoners have to take decision in ignorance of what the other will do and the best course for both of them is if both keep quite (win-win position), but individually, getting free immediately by testifying against the other is the best course (win-lose position) and worst course for both is if they both testify against each other (lose-lose position). In real world, tit for tat policy prolong the conflicts, and the real solutions are in co-operation and mutual trust which can be developed by becoming worthy of trust of the other by each party which takes long periods to happen in protracted conflicts.

In the Behavioural approach, the course of negotiation is determined by the personalities of the negotiators and their individual characteristics. There are always the hard liners who want to get all their demands by fighting it out ruthlessly, and the soft liners who want to concede to some of the demands of the opposite party to make the agreement possible so that peace is maintained. This dilemma leads to what has come to be known as the “Toughness Dilemma” or what Zartman called the “Negotiator’s Dilemma” – though the negotiator with tough stand may end in getting more but due to such tough stand, the negotiation may not conclude. Some personality types are given as individualistic (concerned for one’s own demands only), altruistic (caring for the other’s demands more), cooperative (concerned with beneficial outcome for both the parties) and competitive (concerned for maximizing one’s own gains by out doing the other). Zartman says that in processual or concession exchange approach, the process of negotiation is looked at “as a learning process in which parties react to each others’

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88 Oliver Ramsbotham, Tom Woodhouse, and Hugh Miall (2011), op. cit. 19.
89 Tanya Alfredson, and Azeta Cungu (2008), op. cit. 13-14.
90 Ibid., 14.
concession behaviour ... (also) use their bids both to respond to the previous counteroffer and to influence the next one; the offers themselves become an exercise in power."\textsuperscript{91} The process here becomes regressive and both the parties end up in fewer gains.

The approaches discussed so far are based on the zero-sum view, that is, there is a fixed amount of what is contended for by the conflicting parties, the gain of one party is corresponding loss of the other and generally represented through a pie chart dividing the “fixed amount of pie”, but in the Integrative approach options of “expanding the pie” or option of creating more value are explored through principled negotiations. The integrative approach considers negotiation as process consisting of phases as Zartman and Berman proposed three stages: “a Diagnostic phase, a Formula phase and a Details phase.”\textsuperscript{92} The diagnostic phase involves evaluation of – the issue area, whether the negotiation is appropriate solution, willingness and sincerity on both sides; the formula phase is the search for a frame of reference in the shape of mutually agreed principles and commonly shared values and here the open mutual sharing of information increases the chances of the success of a potential agreement; and the details phase involves rest of the work. From the above discussion, integrative approach of integration comes out to be the best of the negotiation methods of resolving conflict; therefore, it needs to be examined in some more details. Fisher and Ury identified seven elements in the integrative approach to negotiation: interests, people, alternatives, options, criteria/legitimacy, commitments and communication.\textsuperscript{93}

Positions are often problematic as most of the time they are diametrically opposed but the interests and needs may have potential to be reconciled. Ramsbotham,
Woodhouse and Miall give example of dispute between Egypt and Israel over Sinai – claim for sovereignty by each appears to be irreconcilable. But where the main interest of Egypt is “in national territorial integrity” that of Israel lies in security, therefore, some political space was there and Camp David settlement was possible.⁹⁴ People are the second element which implies that the parties should not forget that the other side also consists of people who, “just like themselves, are subject to human frailties such as emotions, potential for misunderstandings and mistaken assumptions.”⁹⁵ This implies that the “principled negotiator” has to separate the people from the problem so as not to be distracted by personal traits of the opponents. But this is possible only when both the parties know more about each other – informal talks before or after actual negotiation can be of some help – for such communication will reinforce the humaneness of the Other and care will be taken that no party has to make a compromise at the cost of self respect or losing face, failing which the negotiation has much probability of being dishonoured by the humiliated party at any subsequent stage.⁹⁶ But balance between losing face and losing the more vital and tangible issues from the negotiation has to be made and nothing can help more than honesty and trust in such situation. But developing mutual trust and maintain it is not an easy task because sometimes small act, actual or perceived on the part of the Other may wipe out hard earned trust.⁹⁷ Communication, to know the other more, is must but sticking to one’s stand (i.e., not changing it frequently) and honouring commitments can convey it in deeds.

⁹⁴ Oliver Ramsbotham, Tom Woodhouse, and Hugh Miall (2011), op. cit. 21.
⁹⁵ Tanya Alfredson & Azeta Cungu (2008), op. cit. 19.
⁹⁶ Ibid., 20.
⁹⁷ Ibid.
The next element is “alternatives” which implies that the negotiator must know what alternatives are available in case the negotiations are not through or if the other party does not cooperate. In the distributive negotiation, the parties have their own reservation points or bottom lines beyond which they can not go even it means scuttling of the negotiation process, but in the integrative approach what is crucial for both the parties is to know, what Fisher and Ury call, the Best Alternative to a Negotiated Agreement (BATNA) which is not fixed like reservation point or bottom line, but can be assessed and revised before and even during the negotiations.\footnote{Ibid., 20-21.} BATNA can give strength or power to the negotiators because it provides “a measure for agreements that will protect you against both accepting an agreement you should reject and rejecting an agreement you should accept.”\footnote{Roger Fisher, and William Ury. \textit{Getting to Yes: Negotiating an Agreement Without giving in}. (Second Edition). Ed. Bruce Patton. Random House Business Books. (1991). 51.pdf. <www.nine-iq.net> 18 Dec. 2010.} But sharing it with the opposite party may be detrimental to the interests of the party. Generating options means finding possible ways “of meeting as many of both parties’ interests as possible;” and for this, use of techniques such as brainstorming can be made where all parties involved are asked to put whatever ideas come to mind in a list without initiation of any preliminary critical scrutiny.\footnote{Tanya Alfredson, and Azeta Cungu (2008), op. cit. 21.} Legitimacy implies that none of the parties feels left cheated at the end of negotiation and this is possible only if the fair standards and procedure are adopted and decision making process is based upon objective criteria.\footnote{Ibid., 22-23.} The outcome of a negotiation can last only if the concerned parties honour their commitments and only those commitments should be made which can be honoured. The trust broken in the past can be regained only if
positive gestures are shown in the present. Fisher and Ury say, “Good communication is an especially significant source of negotiating power. Crafting your message with punch, listening to the other side, and showing that you have heard can all increase your persuasiveness;” they quote John F. Kennedy who had said during his inaugural speech on January 20, 1961: “Let us never negotiate out of fear. But let us never fear to negotiate.” Misunderstandings due to cultural and linguistic differences should be properly taken care of. Fisher and Ury give one example:

“...in Persian, the word "compromise" apparently lacks the positive meaning it has in English of "a midway solution both sides can live with," but has only a negative meaning as in "our integrity was compromised." Similarly, the word "mediator" in Persian suggests "meddler", someone who is barging in uninvited. In early 1980 U.N. Secretary General Waldheim flew to Iran to seek the release of American hostages. His efforts were seriously set back when Iranian national radio and television broadcast in Persian a remark he reportedly made on his arrival in Tehran: "I have come as a mediator to work out a compromise." Within an hour of the broadcast his car was being stoned by angry Iranians.”

They suggest that the negotiators should listen actively and acknowledge what is being said, they should speak to be understood, they should speak about their respective selves and about the Other, instead of saying “You’re a racist,” better option is to say, “We feel discriminated against” rather than and last but not the least there should always

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103 Ibid., 21.
be purpose when one speaks – “before making a significant statement, know what you want to communicate or find out, and know what purpose this information will serve.”¹⁰⁴

But keeping the normative aspect apart, Murray says that the actual negotiation setting consists of two competing theories: competitive and problem-solving. The competitive theory has its basis in the legal or management professions which see the situation as traditionalist war-strategists as James J. White commenting on a draft of the new Model Rules of Professional Conduct for lawyers wrote:

A final complication in drafting rules about truthfulness arises out of the paradoxical nature of the negotiator’s responsibility. On the one hand the negotiator must be fair and truthful; on the other he must mislead his opponent. ... The critical difference between those who are successful negotiators and those who are not lies in this capacity both to mislead and not to mislead. Some experienced negotiator will deny the accuracy of this assertion, but they will be wrong. ... To conceal one’s true settling point, is the essence of negotiation.¹⁰⁵

In support of problem-solving, Roger Fisher and William L. Ury wrote while concluding Getting to YES:

In most instances to ask a negotiator, “Who’s winning?” is as inappropriate as to ask who is winning a marriage. If you ask that question about your marriage, you have already lost the more important negotiation – the one about what kind of

¹⁰⁴ Ibid., 21-22.
game to play, about the way you deal with each other and your shared and differing interests.\textsuperscript{106}

Murray says that in the competitive model, the negotiator tries to maximize tangible resource gains, makes high opening demands and remain slow in conceding, uses even threats, confrontation, argumentation, manipulates people and the process, is not open to persuasion on substance, is oriented to quantitative and competitive goals whereas in the problem solving model, the negotiator tries to maximize returns including any joint gain available, focuses on common interests, tries to understand the merits as objectively as possible, uses non-confrontational debating techniques, is open to persuasion on substance, is oriented to quantitative goals: a fair/wise/durable agreement which is efficiently negotiated.\textsuperscript{107} Both models have their respective risks which Murray enumerates as under:

1. In the competitive model there is strong bias towards confrontation, encouraging the use of coercion and emotional pressure as persuasive means; it may hit the relationships, breeding mistrust, feeling of separateness, frustration and anger, resulting in more frequent breakdowns in negotiations, and may distort communication, producing misinformation and misjudgement. In the problem solving model on the other hand, there is strong bias toward cooperation, creating integral pressures to compromise and accommodate and it avoids strategies that are confrontational because they risk impasse, which is viewed as failure;

2. The competitive model guards against responsiveness and openness to opponent (is defensive), thereby restricts access to joint gains, here brinkmanship is encouraged.

\textsuperscript{106} Roger Fisher, and William Ury (1991), op. cit. 71.

\textsuperscript{107} John S. Murray (2001), op. cit. 6.
which becomes hurdle in many opportunities whereas, in the problem solving model the focuses on being sensitive to other’s perceived interests increases vulnerability to deception and manipulation by a competitive opponent, and increases the possibility that settlement might be favourable to the other side than fairness would warrant;

3. In the competitive model reliance being on manipulation and confrontation to control the whole process, difficulty in predicting responses of opponent increases whereas, in the problem solving model reliance on qualitative (value-laden) goals, increases difficulty in establishing definite aspiration levels and bottom lines;

4. In the competitive model, focus being on a relatively objective analysis of substantive merits as the standards for resolution, the possibility of returns through alternatives such as courts is overestimated. Whereas, the problem solving model requires substantial skill and knowledge of process as well as the strong confidence in own assessment powers (perception) regarding interests/needs of other side and other’s payoff schedule. From the above comparison we find that the problem solving model, though has also certain risks but it has edge over the competitive model.\textsuperscript{108}

While discussing conflict and dispute in the previous chapter, it was observed that the groups of people, whether religious denominations or otherwise are not monoliths as there are always diverse intra-group interests. Therefore, in negotiation different factors such as – who is representing the group and what is his acceptance level by different faction having different expectations of, whether the negotiator is able to keep his house intact etc. – have great impact on the whole process and the success of the out come. In any negotiation, the roles of sceptics and spoilers are very important. Sceptics are those sub-groups who while rejecting the terms of the proposed settlement are not against a

\textsuperscript{108} Ibid., 11.
settlement in principle, as such, they can be managed by involving them in the process whereas, the spoilers are principally against any kind of agreement and always try to scuttle it and as they can not be managed, the only solution to manage them is to make them “marginalized, rendered illegitimate or undermined.” Negotiations simply are not what happen at the negotiating tables but always the very important first thing is coming of the antagonizing groups to the negotiating table, and as we have already seen, the most important part of any negotiation is its implementation.

Ramsbotham, Woodhouse and Miall say that interest based negotiations are possible only if people are separated from problem with an effort to make good working relationship which can be possible only by listening to each other rather than telling each other what to do so that communication is facilitated and mutual trust is built, keeping the focus on underlying interests and core concerns, not demands and superficial positions (which may include concealed interests as well as those yet to be realised) and zero-sum traps can be avoided by brainstorming and exploring creative options without commitment to see if legitimate interests on both or all sides can be accommodated by using objective criteria for evaluating and prioritizing options in returns in terms of effectiveness and fairness and throughout the process hurdles should be visualised so that they are overcome effectively.\textsuperscript{109}

We again have a case from Punjab in the mid 1980s to see how the negotiations actually work. After the Blue Star operation, almost all the Akali leaders were in jails and the state was under the control of armed forces. In the centre, the congress under the leadership of Rajiv Gandhi had come with an unprecedented majority and in his first

\textsuperscript{109} Oliver Ramsbotham, Tom Woodhouse, and Hugh Miall (2011), op. cit. 186.
\textsuperscript{110} Ibid., 52.
nation-wide broadcast on January 5, 1985, the new Prime Minister declared that settlement of Punjab problem was his top priority. But the antagonism between the Sikh leadership and the Congress government was at its worst due to the incidents in the recent past which we have discussed in the previous section. On March 7, 1985, the Akali Dal and the S.G.P.C. gave ultimatum upto Baisakhi (April 13) for acceptance of their demands, the two major being – judicial enquiry into 1984 killings and release of all Akali leaders, failing which they would start an agitation, on the other hand Rajiv Gandhi did not want to repeat the mistakes of his mother who had brought Bhindranwale on forefront by continuously ignoring the Akalis. As goodwill gesture, eight top Akali leaders including Sant Harchand Singh Longowal and S.S. Barnala, except Parkash Singh Badal and Gurcharan Singh Tohra were released, censorship was relaxed, army was withdrawn from certain districts and on April 11, 1985, the government announced its willingness to institute judicial enquiry into the November, 1984 killings, lifted ban on All India Sikh Student Federation. Earlier on his maiden visit to Punjab on March 23, 1985 at Hussainiwala, Rajiv Gandhi declared certain economic measures including set up of a rail coach factory at Kapurthala. Surrendering tamely by the Sikh leaders before the army during the Operation Blue Star had not gone well with the Sikh people, but Sant Longowal had been leader of the Dharam Yudh Morcha, therefore, now he on one hand criticised central government and army action, praised Indira Gandhi’s assassins and on the other he condemned terrorism, opposed secessionism and pleaded for harmonious

112 Ibid., 393.
113 Ibid., 394.
relations between Hindus and Sikhs.\textsuperscript{114} Subsequently, Badal and Tohra were also released. Meanwhile Jagdev Singh Talwandi played a game and brought, Joginder Singh, octogenarian father of Bhindranwale to take over Akali Dal and asked all office holders to submit their resignations to pave way for Panthic unity. Sant Longowal immediately tendered his resignation and declared his retirement from politics and went to his village. Now, all the senior leaders of Akali Dal approached him beseeching him to come back and take control, the Sikh masses had shown more confidence in the Sant than the extremists.\textsuperscript{115}

Meanwhile on June 27, the government set up a commission under Justice Rang Nath Mishra of the Supreme Court to investigate the anti-Sikh violence in 1984 and by mid July 1700 detainees were released by the new Governor, Arjun Singh. Still there was all probability that who so ever started any dealing with government was bound to be labelled as its agent. Rajiv Gandhi sent a secret letter to the Sant on July 2, 1985 “on the feasibility of re-opening negotiations,” now the problem was of the consensus among the Akali leadership, whereas Balwant Singh and Barnal advised to go ahead, Badal and Tohra had their reservations and the situation was not any better with Rajiv Gandhi, his privy was Arjun Singh only and Minister Buta Singh and ex-Chief Minister Darbara Singh were kept in dark, even President Zail Singh was away on the days of meetings. All major issues were resolved and on July 24, 1985 a promising accord was signed between Sant Longowal and Rajiv Gandhi.\textsuperscript{116} The sceptics on both sides were silenced for the time being, but the spoilers on the Sikh side were infuriated to the extent the on August 20, 1985 the Sant was shot dead at the gurudwara in Sherpur by “an unidentified

\textsuperscript{114} Ibid., 394-95.
\textsuperscript{115} Ibid., 395-96.
\textsuperscript{116} Ibid., 396-97.
young man presumed to be an extremist Sikh Youth.”¹¹⁷ In this way we see that negotiations done with great efforts and sincerity had come to naught.

Now we take another case, the Palestine-Israeli conflict. The Oslo Accord signed between Palestine Liberation Organisation Chief, Yasser Arafat and Israeli Prime Minister Yitzhak Rabin in 1993 after much negotiations, appeared to have brought a new dawn as the two state theory had been accepted by the both sides for the first time.¹¹⁸ The spoilers on the Israeli side were infuriated upto the brim, and by November that year the hardliners declared the accord null and void and “without legal or moral force” and on November 4, 1995, Rabin was assassinated by Yigal Amir who claimed to have acted under the Jewish law.¹¹⁹ The situation was not better on the other side and violence continued unabated. There were allegations of “sell out”. The Jews do not want to vacate even an inch of occupied land being promised by God, the Palestinians feel suffocated in their own home. In this way we find that negotiation though is used extensively to resolve conflicts but the success rate is very low.

3. Judicial Settlements

Justice is said to be “the first virtue of social institutions,”¹²⁰ for, in a just society “the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject of political bargaining or to the calculus of social interests.”¹²¹ Rawls says that although society is a cooperative venture but “it is typically marked by a conflict as well

¹¹⁸ Oliver Ramsbotham, Tom Woodhouse, and Hugh Miall (2011), op. cit. 194.
¹²¹ Ibid., 4.
as by an identity of interests,” because the gains are to be distributed against varied claims. But it is not only distributive justice which is operative, the criminal and penal provisions have equal role. Vengeance is perhaps the oldest mode to meet the ends of justice. Mayer says that there are three attitudes towards vengeance in the Judeo-Christian tradition: “[its] glorification as a deserved punishment of offenders; condemnation for its brutality and attendant unending cycle of willful violence; and appropriation and mastery of it for purpose of social control.” The Hebrew Bible is replete with “the proverbial avenging principle – eye for eye, tooth for tooth, foot for foot, life for life.” Mayer says that the New Testament’s underlying principle appears to be offering the other cheek (Matthew 5:38-39) and “vengeance is mine, I will repay” (Romans 12:9 and Hebrews 10:30) is not only pledge of intervention by God but also prohibition on retribution or retaliation by man; but whereas, church was lenient to the individual sin, the collectivities such as Jews, Muslims, and Protestants were punished harshly being termed as apostate and heretics. Earlier, Aristotle had not only justified but eulogized vengeance when he said: “to take vengeance on one’s enemies is nobler than to come to terms with them; for to retaliate is just, and that which is just is noble.” Even Mahatma Gandhi had said, “Vengeance is any day superior to passive effeminate and helpless submission.” Francis Bacon characterised “[r]evenge ... [as] a kind of wild justice ... the more man’s nature runs to [it], the more ought the law to weed it out . . .

122 Ibid.
125 Ibid., 129.
126 Quoted in ibid., 130.
[except] for those wrongs which there is no law to remedy.” Nietzsche said that justice
as fairness “originates among approximately equal powers” and he termed its character as
barter and that “revenge belongs initially to the realm of justice: it is an exchange.” Max Scheler says that for the individual, “vengeance” restores “damaged feeling[s] of
personal value, ... injured ‘honor,’ or ... ‘satisfaction’ for ... endured ... wrongs.”

But the fires of revenge are quenched by revenge itself which makes it an
unending process because “the last blow” has potential to invite the next blow from the
adversary, therefore, societies have evolved judicial system which “rationalizes revenge
and succeeds in limiting and isolating its effects in accordance with social demands ... [t]he judicial system never hesitates to confront violence head on, because it possesses a
monopoly on the means of revenge.” Wolin says that from the long experience of men
have evolved certain political and social institutions which perform the same functions
which were earlier performed by the use of force. The emergence of codified law and
legal system is part of that effort as the end of law is said to be “institutionalized social
control.” But it has more functions to perform such as: “(1) regulating social
institutions, (2) settling competing claims and disputes, (3) reinforcing key social norms,
(4) facilitating voluntary transactions and arrangements, and (5) harmonizing the
satisfaction of wants and desires within the social group.” The legal rules are codified
to rule out doubts and misinterpretation, adapting to the changing circumstances, to

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131 Rene Girard (2005) op. cit. 23.
132 Sheldon S. Wolin. “Violence and the Western Political Tradition.” Violence: A Philosophical
133 David Little, and Sumner B. Twiss. Comparative Religious Ethics. New York: Harper & Row,
1978. 75.
134 Ibid., 76.
define the violations clearly and even some customs are re-institutionalised and elevated to legal status.\textsuperscript{135} Little and Twiss define law as “a statement expressing the acceptance of an action-guide that claims superiority and that is considered legitimate in that it is justifiable and invokes a notion of sovereign authority that is at once both normative and effective (acknowledged and enforced by officials).”\textsuperscript{136} The legal system should be in general effective to be valid law. One more aspect is what H.L.A. Hart calls “sanctions” which “are therefore required not as the normal motive for obedience, but as a guarantee that those who would voluntarily obey shall not be sacrificed to those who would not.”\textsuperscript{137}

In the matters of religion, religious customs and beliefs get precedence over legal provisions. In case titled Gurleen Kaur And Others vs State Of Punjab And Others decided by the Punjab and Haryana High Court on 30 May, 2009, the court had heavily relied on the religious sources to decide the case vetting the stand of the Shiromani Gurdwara Parbandhak Committee (SGPC) that keeping hair unshorn is an important fundamental tenet of the Sikh religion. (Para 144)\textsuperscript{138} The ultimate legal sovereign in India are the people through the Constitution of India, as such, though the contents of the decision are based on the religious sources, its recognition as legal and legitimate was determined by the ultimate sovereign. Effectiveness of a legal decision depends on authority and legitimacy of coercive enforcement.\textsuperscript{139} But Pascal said: “Justice without force is impotent ... force without justice is tyrannical. Justice without force is contradictory, as there are always wicked; force without justice is accused of wrong. And

\begin{footnotesize}
\begin{enumerate}
\item \textsuperscript{135} Ibid., 77-78.
\item \textsuperscript{136} Ibid., 80. (Italics in original text).
\item \textsuperscript{137} Quoted in ibid., 89.
\item \textsuperscript{139} David Little, and Sumner B. Twiss (1978), op. cit. 80.
\end{enumerate}
\end{footnotesize}
so it is necessary to put justice and force together; and, for this, to make sure that what is just be strong, or what is strong be just ... And so, since it was not possible to make the just strong, the strong have been made just.”¹⁴⁰ But then what is justice? Pascal says: “... one man says that the essence of justice is the authority of the legislator, another that it is convenience of the king, another that it is current custom; and the latter is closest to truth: simple reason tells us that nothing is just in itself; everything crumbles with time. Custom is the sole basis for equity, for simple reason that it is received; it is the mystical foundation of its authority.”¹⁴¹ Montaigne made the things amply clear when he said that law is not obeyed because it is just but because it has authority.¹⁴² Derrida says that there is juridical ideology, “a desedimentation of the superstructure of law that both hide and reflect the economic and political interests of the dominant forces of society.”¹⁴³ This way the institutionalized legal judgment contains “masked structural violence” in it.¹⁴⁴ The justice is more concerned with individualistic concerns but generally ignores “impersonal systemic processes and of structural relations among differentially advantaged social groups;” moreover, in any judgment cultural assumptions play an important role but this again work “to the disadvantage of subordinate social groups.”¹⁴⁵

Judicial settlement is an option for ending disputes and conflicts involving religious violence. As we have seen, in the legal procedure, there is a dominant third party (court) before which the case for settlement is filed. There is little actual

¹⁴¹ Quoted in ibid., 81.
¹⁴² Ibid.
¹⁴³ Ibid., 82.
¹⁴⁵ Ibid., 87.
participation by the conflicting parties, the respective claims/stands are put up in writing, and decision is based on legal norms and not on the basis of “goals, interests and responses of the parties” as such the process is often not acceptable to the parties lest it is prejudicial to their “wider behavioural and environmental needs;” moreover, the decision is not known to the parties till it is pronounced.\textsuperscript{146} The courts take their own time to decide such issues, especially in the developing countries where the courts are overburdened with work-load; it takes years to arrive at some decision. The aggrieved parties can again go to litigation by way of filing appeals before some higher judicial authority. The above referred judgment dated May 30, 2009 by the Punjab and Haryana High Court has been challenged in the Supreme Court of India.\textsuperscript{147} One of the most recent and famous judicial settlement was the verdict dated 30 September, 2010 of the Full Bench of Allahabad High Court at Lucknow in Ram Janam Bhoomi Babri Masjid wherein the disputed site was divided into three equal parts among the three litigants i.e. Bhagwan Sri Ram Virajman and Others, The Sunni Central Board of Waqfs U.P., Lucknow & others and Nirmohi Akhara & Others. The judgement itself was split as the third judge, Hon’ble Justice Dharam Veer Sharma gave the verdict in favour of Hindus on the plea that the Muslims can perform Namaj at any place, even in open but the birth place of Bhagwan Sri Ram was a distinct place for Hindus, hence their fundamental right to worship him there was superior to that of the Muslims to perform Namaj. The gravity of the matter can be fathomed from what Hon’ble Justice Sibghat Ullah Khan wrote in the Prelude of his order: “Here is a small piece of land (1500 square yards) where angels fear to tread. It is full of innumerable land mines. We are required to clear it. Some very

\textsuperscript{146} John Burton (1979), op. cit. 98.
\textsuperscript{147} “Sehajdhari issue: Patits can’t claim voting rights, SC told” \textit{The Tribune} [Jalandhar]. 1 Sep. 2012.
sane elements advised us not to attempt that. We do not propose to rush in like fools lest we are blown. However we have to take risk. It is said that the greatest risk in life is not daring to take risk when occasion for the same arises.” Tracking the origin of the dispute, his Judgement further reads: “Rival claims of both the parties over the premises in dispute have been judicially noticed in 1885. The dispute had earlier also been noticed in the records of different government officers since 1855 when a riot took place between Hindus and Muslims. It is mentioned that on a nearby temple known by the name of Hanuman Garhi, Muslims had some claim asserting that to be previously a mosque. The riot started at Hanuman Garhi and Muslims were repelled by the Hindus. The retreat and the fight are stated to have continued till the premises in dispute whereat several Muslims were killed. They are said to have been buried around the disputed premises.”

This more than 150 years old dispute which was pending more than twenty years was when finally decided, the judgement itself was split. Even the two judges who had concurred on the outlines and the major issue had differences on many issues. The outcome of the judgement was not the settlement but further litigation in the Supreme Court of India as none of the parties was satisfied with the verdict. In religious violence cases, most of the cases in courts pertain to the criminal proceedings for trial of the perpetrators of such violence. But the outcome of such trials is most of the time disappointing due to deficient investigation which is evident from what Mitta and Phoolka write: “The big picture is, for the 2,733 Sikhs officially admitted to have been massacred in Delhi in the 1984 carnage, the legal system has so far imposed punishment on just thirteen persons in

half a dozen murder cases. In all other cases, either the police have closed the file or the courts have acquitted the accused. Symbolism assumes greater significance, given the gap between the rhetoric and reality of the rule of law in India.\textsuperscript{149} Mitta and Phoolka have given instances where the judicial procedure was allowed to be influenced deliberately by the culprits with impunity.\textsuperscript{150} The judicial process in cases like Gujrat riots of 2002, three key judgements came from the trial courts – in Sardarpura riots there were 33 deaths and 31 people have been convicted in November, 2011 judgement; in Ode there were 27 deaths and 33 people have been convicted in April 12 and May 4, 2012 judgements; and in Naroda Patiya there were 97 deaths and 32 persons have been convicted in August 29, 2012 Judgement.\textsuperscript{151} But it is very clear that such judgements, which have to pass through many subsequent appellate stages, may work as deterrents as vengeance of the deeds of the culprit is taken by the law but they can not bring reconciliation between the antagonistic groups as the root cause in the most of the cases is still there.

4. Arbitration

Arbitration is a sort of private adjudication used mostly in the commercial disputes as it has the following advantages: cost savings, shorter resolution times, a more satisfactory process, expert decision makers, privacy and confidentiality, and relative finality.\textsuperscript{152} If we go by simple dictionary meaning, arbitration means the hearing and determination of a dispute between parties by a person or persons chosen or agreed to by

\textsuperscript{149} Manoj Mitta, and H.S. Phoolka (2007), op. cit. 204-05.
\textsuperscript{150} Ibid., 147-155.
\textsuperscript{151} “After the Verdict” Hindustan Times [Jalandhar]. 16 Sep. 2012. p.10
them. Arbiter means 1. a person empowered to decide matters at issue; judge; umpire. 2. a person who has the sole or absolute power of judging or determining. Etymologically, the word arbitration (noun) is in usage since late 14th century in the sense of “absolute decision,” stemmed from Old French word arbitraction, which in turn came from Latin word arbitrationem (nom. arbitratio) “judgment, will,” noun of action from past participle stem of arbitri “to be of an opinion, give a decision,” from arbiter. Meaning “settlement of a dispute by a third party” is in vogue from 1630s. Arbitration is the decision in a matter of dispute by a person called arbitrator and the law relating to arbitration is contained in the Arbitration Act e.g. Ramsbotham, Woodhouse and Miall say, “In arbitration, the disputing state parties voluntarily agree to a free choice of arbitrators (typically each party chooses two, who then together choose a fifth), jointly determine the legal or other rules that apply (the initial compromis), and undertake a voluntary obligation to abide by the outcome.” Perhaps the most comprehensive definition of arbitration is “[a] form of international adjudication that involves the referral of a dispute or disputes to an ad hoc tribunal—rather than to a permanently established court—for binding decision. By agreement, the parties define the issues to be arbitrated, the method for selecting arbitrators, and the procedures for the tribunal. Because the parties have committed in advance (often by treaty) to accept the results, most states comply with arbitral awards. Perhaps the best-known recent example of conflict-related arbitration concerned control of the Brcko area, in Bosnia and Herzegovina, as part of the

153 “arbitration.” The Random House Dictionary of English Language. 76.
154 “arbiter.” Ibid.
156 Oliver Ramsbotham, Tom Woodhouse, and Hugh Miall (2011), op. cit. 277.
Dayton Peace Agreement. Arbitration differs from mediation, in which a third party helps
the disputants develop a solution on their own.”\(^\text{157}\)

In most of the contemporary commercial contracts there is generally an arbitration
clause. For example there is Convention on the Settlement of Investment Disputes
between States and Nationals of Other States (the “ICSID Convention”) establishes the
most widely used institutions for those arbitrations in the matters of bilateral investment
treaties and free trade agreements.\(^\text{158}\) Article 53(1) of the ICSID Convention says that:
“The award shall be binding on the parties and shall not be subject to any appeal or to any
other remedy except those provided for in this Convention. Each party shall abide by and
comply with the terms of the award except to the extent that enforcement shall have been
stayed pursuant to the relevant provisions of this Convention.”\(^\text{159}\) But in the matters of
religions there can not be any such convention what to talk of any binding provisions of
arbitration. In traditional societies, the tribal arbitrators such as \textit{qadis} and \textit{hakams} in
Islamic society possessed “experience, wisdom and charisma” the disputants normally
accepted their findings, though these were not binding in a modern legal sense.\(^\text{160}\) Hallaq
says that in the pre-modern tribal law and custom the boundaries of arbitration and
mediation overlapped, “giving the mediator a certain authority to arbitrate ... and, more
importantly, to bestow on arbitrator meditative powers.”\(^\text{161}\)

\(^{158}\)Edward Baldwin, Mark Kantor, and Michael Nolan. “Limits to Enforcement of ICSID Awards”
\(^{159}\)Ibid., 3.
\(^{160}\)Wael B. Hallaq. \textit{Sharia: Theory, Practice, Transformations}. New Delhi: Cambridge University
Press, 2009. 36.
\(^{161}\)Ibid., n.2, 159.
Arbitration is a quasi-judicial process which suffers from more or less the same defects as those suffered by the judicial settlement, though here the arbitrator is nominated by the parties and they have comparatively more participation and communication but they don’t have any control over the final decision. Village Panchayats (from traditional gathering of five (panch) elders) in India have acted as courts for arbitration in disputes among villagers, different castes or other groups.\footnote{162} A concept of individual arbitrator is found in northern India in the term “salis/sals” borrowed from Arabic.\footnote{163} The role of Pashtun Jirgas in conflict resolution in the Federally Administered Tribal Areas of Pakistan has been commendable.\footnote{164} In religious disputes, especially the violent ones, arbitration usually has no place as there is no prior contract between various communities having provisions for such arrangements or there is no such common third party which can decide the matter for the warring communities, however, in small disputes of local nature arbitration may work.

5. Mediation

Mediation involves a third party who suggests compromise and its outcome. Mediation means act of mediating between parties as to effect an agreement or reconciliation.\footnote{165} The root word, mediate means – to bring about (an agreement, peace etc.) as an intermediary between parties by compromise, reconciliation, removal of misunderstanding etc.\footnote{166} Etymology of the word mediation (noun) shows its origin in the late 14\textsuperscript{th} century, from Medieval Latin word mediationem (nominal mediation) meaning

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\footnote{165} “mediation.” \textit{The Random House Dictionary of English Language}. 890.  
\footnote{166} “mediate.” Ibid.
“a division in the middle,” whereas, mediate (verb) is in usage since 1540s in the sense of “divide in two equal parts.”\textsuperscript{167} This shows that mediation was originally employed in the disputes where division of property or some tangible assets was involved. A very exhaustive definition of “mediation” is given as “[a] mode of negotiation in which a mutually acceptable third party helps the parties to a conflict find a solution that they cannot find by themselves. It is a three-sided political process in which the mediator builds and then draws upon relationships with the other two parties to help them reach a settlement. Unlike judges or arbitrators, mediators have no authority to decide the dispute between the parties, although powerful mediators may bring to the table considerable capability to influence the outcome. Mediators are typically from outside the conflict.”\textsuperscript{168}

Mediation is part of the process to sort out a conflict; in itself it is not solution. There are also disputes regarding whether it is an art – an inborn quality of certain people or any body can learn the techniques; whether there is a period of ripeness when parties are most likely to be open to negotiation, “usually due to conditions of a mutually hurting stalemate ... [a] situation in which neither party thinks it can win a given conflict without incurring excessive loss, and in which both are suffering from a continuation of fighting,”\textsuperscript{169} or conditions under which conflict can be solved can not be determined for “conflicts [are not] like the common cold [which] will cure itself, making the mediator irrelevant;”\textsuperscript{170} and such like questions have no definite answers as all conflicting situations are not the same, still there may be some pattern common to some conflicts. Whether impartiality and neutrality of the mediator should be a pre-condition is also

\textsuperscript{168} “Mediation.” Dan Snodderly, ed. (2011), op. cit. 35.
\textsuperscript{169} “Ripeness” and “Mutually hurting stalemate.” in ibid., 46 & 36.
\textsuperscript{170} John Burton (1979), op. cit. 120.
questioned, as some times they may be so or in other situations “they [may] have a strategic interest that motivates them to promote a negotiated outcome.” The mediator is often engaged in such situations when the conflicting parties do not want face to face meeting, such process is termed as proximity talks or shuttle diplomacy (a phrase from the diplomatic parlance). But in such situations, there is all probability that the parties in conflict may identify the mediator’s stance with that of the opponent’s and feel their own interests being compromised, however, such process is useful to diffuse the highly tense situations. The mediators played important role during violent conflict between the Sikhs and the followers of Dera Sacha Sauda, a Sirsa (Haryana) based sect, which started in May, 2007. On May 13, 2007, after a coloured advertisement titled “Dera Sacha Sauda de ‘Insan’ layee Niyam” (Rules of Dera Sacha Sauda for human) appeared giving forty seven of such rules (ironically the 26th rule prohibits hurting religious feelings of anybody) along with a full portrait photograph of the Dera head who had not only suffixed “Insan” to his already long name but had also donned an heavily embroidered dress and headgear which resembled to that of Guru Gobind Singh, the tenth Guru of the Sikhs. The lines above the bold title could be translated as: “Rejuvenating the dying humanity “reverend saint Gurmit Ram Rahim Singh Ji Insan” of Dera Sacha Sauda Sirsa with his holy grace made “Insan” out of lacs of people by offering them “spiritual drink.”” The resemblance in dress and over-all setting of the whole scenario presented by the advertisement, compelled the Sikh imagination to take it as an initiation ceremony through administering of some “spiritual drink” which appeared analogous to Amrit (nectar), a spiritual drink Guru Gobind Singh administered to the first five initiated ones (Panj piare) and that

171 “Mediation” Dan Snodderly, ed. (2011), op. cit. 35.
172 “Proximity talks.” in ibid., 43.
initiation ritual continues till today. The very next day, there were violent clashes between the Sikhs and the Dera followers in Bathinda area which spread to other parts of Punjab immediately.\textsuperscript{174} Photographs of a turbanless elderly Amritdhari Sikh being beaten with sticks by two (dera) youths appearing on the front page of Ajit\textsuperscript{175} added oil to the fire, the next day newspapers reported more incidents of clashes with a number of people injured on both sides, stone pelting and damage to property in more areas, protests by the Sikhs were reported from other states like Uttar Pradesh, Uttarakhand and Madhya Pradesh also.\textsuperscript{176} The main demand of the Sikhs was that as the dera chief had hurt the feelings of the Sikh community, he should tender unconditional apology, meanwhile Giani Balwant Singh Nandgarh, jathedar, Takht Damdama Sahib, had given a call to assassinate the chief of Dera Sacha Sauda however, later he justified that he had done so with intention of “defusing the situation at the cremation of Kanwaljit Singh, who was killed in the firing at Sunam (Sangrur), since the agitated mourners were out to kill the “premis” (followers of Baba Gurmit Ram Rahim), apart from setting their properties on fire.”\textsuperscript{177} Fire was being used to douse fire! On May 19, the dera issued an unsigned press release expressing its regret (not apology).\textsuperscript{178}

After a meeting of the Sikh clergy at Akal Takht a “Gurmata” (a consensus resolution) was passed which was pronounced by the Jathedar of Akal Takht – the regret of the dera (chief) was rejected, call was given for (a) Punjab bandh (closure) on May 22, (b) closure of all branches of dera by May 27 and (c) intensification of efforts for speedy

\textsuperscript{175} Ibid.
\textsuperscript{177} “Nandgarh’s statement may echo at Sikh clergy meeting.” Ibid., 20 May, 2007.
\textsuperscript{178} “Dera chief offers regrets.” Ibid., 20 May, 2007.
trial of the dera head in the cases he was already facing. Meanwhile, the dera rejected the above edict on the very same day. There appeared an advertisement by SGPC for Punjab Bandh on May 22, 2007. The bandh passed peacefully but the tempers ran still very high; meanwhile, The Tribune in its editorial on May 23, 2007, hinted at some positive development: “[h]opefully, the back channel efforts to resolve the dispute will bear fruit in the next few days.” Back-channel negotiations are the “[c]ommunications carried out in secret, usually as a part of a larger negotiation, so as to avoid public disclosure of especially sensitive matters.” A delegation of non-Sikh religious leaders under the leadership of Swami Agnivesh assuming the role of mediators visited dera on May 23; they were in touch with Sikh leadership also. The immediate effect was softening of stand by both sides; a dera spokesman was quoted to have said: “The misunderstanding between the Sikh high priests and the dera could easily be solved with dialogue.” Meanwhile, the Swami’s (premature) disclosure to the media regarding the proposed apology by the dera chief irritated the dera people to such an extent that “they decided to keep the process of finding solution on hold and also terminated the communication with the religious leaders.” The final date of closure of all branches of dera as given by Akal Takht was approaching fast. Swami Agnivesh sought help from the Prime Minster Manmohan Singh, also a Sikh, for intervention, meanwhile, the two separate petitions filed by dera against the Akal Takht edict had been rejected by the

\[\text{180 } \text{“Dera rejects Akal Takht edict.” The Tribune [Jalandhar]. 21 May, 2007.}\]
\[\text{181 } \text{“Punjab Bandh da sadda.” Ajit [Jalandhar]. 21 May, 2007.}\]
\[\text{182 } \text{“Luckily Peaceful.” The Tribune [Jalandhar]. 23 May, 2007.}\]
\[\text{183 } \text{“Back-channel negotiations.” Dan Snodderly, ed. (2011), op. cit. 11.}\]
\[\text{185 } \text{“Dera followers blame Agnivesh for stalemate.” The Tribune [Jalandhar]. 26 May, 2007.}\]
Supreme Court of India. Tarlochan Singh, member of Rajya Sabha had also been playing active role and had meetings with Swami Agnivesh as well as the Chief Minister of Haryana. On May 27, there was a large congregation at Sangrur on the Bhog of one Kanwaljit Singh, killed few days back in dera firing at Mansa and the whole of Sikh leadership including ruling Shromani Akali Dal were there. Kanwaljit Singh was declared martyr and it was decided that his photograph would be placed in the Sikh museum at Amritsar beside those of killed in Nirankari firing in 1977, in addition to monetary help of more than Rupees twenty five lacs, jobs were promised by SGPC for his wife and brother. On the other end, the dera again issued a brief press note (in Hindi) in which the apology was expressed to Guru Gobind Singh. The day of ultimatum to close dera branches, the execution of which, as the editor of Ajit wrote, was “perhaps not practically possible” passed this way. The diplomatic move on the part of dera left the Sikh leadership in a quandary over the whole issue for a while. Some factions out rightly rejected it, although Akal Takht did not give any immediate reaction and subsequently adopted a middle-path. The copy of the apology was handed over by Swami Agnivesh along with other religious leaders to the Jathedar Akal Takht on May 29 and they urged the Sikh clergy to accept the apology. A “Gurmata” was drafted with the active involvement of hardliners and it described the dera chief as “mischievous” who had sent a deceitful apology. “However, the Guru to whom the apology was addressed was empowered to pardon but such acts are unacceptable (to Guru) if not made with pure heart.”

The Sikh High priests declared to continue agitation against the dera till victory and also directed the Sikhs to abide by the May 17 announcement by the Jathedar of Takht Damdama Sahib to annul all religious, social, communal and political relations with the dera, the Sikhs who had become followers of dera were called upon to revert back the fold of Sikhism and a protest march on May 31 from Fatehgarh Sahib to Chandigarh to give memorandum to the Centre government through the Governor of Punjab was also called. We stop here for the time being and the further sequence of events will be narrated in brief under “Good Offices” below. The efforts by “Sarb-Dharam” the mediators appear to have failed as they were what Ramsbotham, Woodhouse and Miall call powerless and non-coercive mediators. But some ice had been broken – the Sikhs were not ready to recognise even the identity of the dera, for them dera was a non entity – to which they themselves were capable of teaching a lesson. The call for the assassination of the dera chief by none other then the Jathedar of one of the five Takhts indicates such feeling. The closure of all branches of the dera in Punjab was not closure of some secular institutions, it was a call for closure of places where the emotions of lacs of people were linked, though not recognised or accepted by the majority religion. Here, the Sikh being the stronger party (in Punjab), majority of the leadership as well as populace foresaw solution only in coercion and not giving any concession and this is what Jones calls as the crushing of the aspirations of the “weaker party.” The reaction of the dera was no less aggressive as it had issued counter instructions to its followers to not to be cowed down by threats but hold satsangs

193 Oliver Ramsbotham, Tom Woodhouse and Hugh Miall (2011), op. cit. 22.
194 Ibid., 193.
(discourses) more times than prescribed – “10 times a month in place of once a month.”

Though subsequent developments forced dera to issue directives for confining “namcharcha” only to the houses of the premis in sensitive areas. But the initial response to the efforts of mediators from the dera was very positive and possibility of even some sort of dialogue was also being anticipated, which perhaps, materialised (as secret parllance), at one subsequent stage though not with intended results as we will see below in the next section. Though, the role of spoilers on dera side was not that open but on the Sikh side the presence of hardliners and different factions was there from the very beginning. The Sikh clergy had a very difficult task at their hands; any lapse on their part could give opportunity to the hardliners to hijack the agitation.

6. Conciliation

Conciliation is another way in which the antagonist parties are brought together by an intermediary. The word “conciliation” is a noun, derived from conciliate which means – 1. to overcome the distrust or hostility of; placate; win over: to conciliate an enemy. 2. to win or gain (regard or favour): He conciliated the respect of his associates with his cooperativeness. 3. to make compatible; reconcile. Its etymology goes to Latin root cociliat(us) which is past participle of conciliare to bring together, unite. The word conciliation is in usage since 1540s, from Middle French conciliation, from Latin conciliationem (onomnative conciliatio) “a connection, union, bond,” figuratively “a making friendly, gaining over,” noun of action from conciliare whose past participle conciliatus is root of conciliate in the sense “to bring together, unite in feelings, make friendly,” from concilium “council” which stems from early 12th century, from Anglo-

French *cuncile*, from Latin *concilium* “group of people, meeting,” from *com-* "together" + *calare* “to call”\(^{198}\) Some scholars like Dan Snodderly take the term “conciliation” as a synonym for mediation.\(^{199}\) But Ramsbotham, Woodhouse and Miall equate conciliation to facilitation and find it close in meaning to “pure mediation” for it “refers to intermediary efforts to encourage the parties to move towards negotiations.”\(^{200}\) In the Israeli-Palestinian conflict “Norwegian facilitation” was able to bring a breakthrough in the long stalemate and as a result Oslo Agreement with proposals of recognition of independent state of Palestine by Israel with 1967 status with certain mutually agreed concessions was signed in 1993; however, “the prospects of conflict resolution were destroyed by spoilers on both sides” power differentiation (asymmetry) between the two sides.\(^{201}\) But still the result can not be said to be insignificant in as much as for the first time, Israel could accept the idea of Palestine as a nation, though Yasser Arafat was ridiculed by his own people and Rabin was assassinated by a hardliner Jew.\(^{202}\) At the Camp David talks in 2000, America tried to play role of a mediator, but the open and unconditional support to Israel by the USA as its Middle-East strategy since long stalled this move. The solution to this conflict may be feasible only if, as suggested by Galtung, this dispute is put “within a wider Middle Eastern community” in other words the role of outsiders like the USA is no more there.\(^{203}\) Conciliation is perhaps an effort by a third party which is in between mediation and good offices. Where mediation is involvement of the third party in negotiation between the conflicting parties, the good offices of the

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\(^{200}\) Oliver Ramsbotham, Tom Woodhouse and Hugh Miall (2011), op. cit. 32.

\(^{201}\) Ibid., 193.


\(^{203}\) Oliver Ramsbotham, Tom Woodhouse and Hugh Miall (2011) p. 196
third party just help them to coming together and does not participate further. Conciliation involves preparing the (reluctant) conflicting parties for negotiations.

7. Good Offices

The dictionary meaning of good offices is given as: 1. service rendered by a mediator in a dispute. 2. influence, especially with a person in a position of power. Good offices is defined as “[t]ypically, low-key actions by a third party to bring opposing parties to dialogue or negotiation. Good offices may include informal consultations to facilitate communication; offer of transportation, security, or site of venue; or fact-finding. The third party may suggest ways into negotiations and a settlement but usually stops short of participating in negotiations.” Norway’s role in the 1993 Israeli-Palestinian Oslo Accords is cited as a classic example of good offices. Mediation and conciliation tend to be more active roles than good offices. Thomas M. Franck says that though this term is used in relation to the working of the UN Secretary General, however, its use is found in context of other international bodies such as the commonwealth and Non-Aligned Movement (NAM) etc.; the term “good offices” refers to the conflict prevention and resolution work and “has at its roots the 1899 and 1907 Hague Conventions. Articles 2 and 3 of both instruments stipulate that “before an appeal to arms” states shall “have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly Powers,” moreover, “friendly Powers” are further authorized to take the initiative “to offer good offices or mediation even during the course

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204 “good offices.” The Random House Dictionary of English Language. 609.
206 Ibid.
of hostilities.” 207 The term evolved with passage of time depending upon the assertiveness and personality of the person at the helms, but those who used their positions beyond the mandate sometimes had to face opposition of the influential members who had vested interests in perpetuation or continuation of conflicts, but undaunted, of late, the good offices of the UN Secretary General has been found engaged in “preventing or mediating conflict among, and more recently within, States.” 208 The good offices role has been used to find peaceful solutions some times with success and some times with disappointment, but the role is confined mostly to the political conflicts.

In the Sikh-dera conflict mentioned above the good offices of the Chief Minister of Punjab and of the ruling Shromani Akali Dal (Badal)’s working President had been successful in impressing upon the clergy to limit the proposed march from Fatehgarh Sahib to Chandigarh to a symbolic march between two historic gurudwaras at Fatehgarh Sahib only, “lest it should be “hijacked” by hardliners.” 209 The good offices of the Chief of Delhi Sikh Gurudwara Management Committee (DSGMC) was instrumental in new developments and the dera sent a duly signed new apology (again in Hindi and titled “Press Note”, this time to the Sikh Panth (community) also. Whereas in the first apology word guru was used for the dera head, this time he was mentioned as sant (saint). 210 The fresh apology under sealed cover was received at the residence of the Police Chief of Sahibzada Ajit Singh Nagar (Mohali) by the SGPC and DSGMC chiefs, there were also

208 Ibid.
unconfirmed reports regarding meeting with the dera representatives. It is another matter that the said apology was again rejected by the Sikh clergy in the meeting at Akal Takht on June 27, 2007 and some quarters including Jathedar Nandgarh condemned DSGMC chief for his “mediation efforts” and even hinted at taking action against him for “opening a channel with the dera against whom a “boycott call” had been given to Sikhs.”

Burton says that in good offices a third party is there to intervene but its position is not strong, there is a lot of communication and participation. This process is successful only in small conflicts where the parties have no reluctance in meeting but it can not deal with serious conflicts. But in the Sikh-dera row, the good offices used were having administrative power and political say, though their role was not to bring the antagonistic parties closure but to curtail aggressiveness on the part of the Sikh hardliners.

The Sikh-dera row continued with intermittent skirmishes with one more death at Dabwali (Haryana) in July, 2008; Akal Takht renewed it directive to the Sikhs to snap all ties with the dera; meanwhile, the radicals hijacked the stage and proposed direct action to get the dasras closed, but the Jathedars of the Akal Takht and Takht Sri Damadama Sahib distanced themselves from it and even advised to cancel the said program. The dera chief made a new move that he was “ready to apologise at Akal Takht, if a negotiated deal” was made. Then came the Parliamentary elections and

213 John Burton (1979), op. cit. 96-99.
217 “Ready to apologise at Akal Takht, if a negotiated deal.” The Tribune [Jalandhar]. 20 April, 2009.
politicians vied for dera support; and after the elections the issue died out of public memory only to be revived during January, 2012 Assembly elections in Punjab when candidates cutting across the party lines made a beeline at the dera to seek blessing (read votes) much to the charging of Jathedar of Takht Damdama Sahib. If we analyse this conflict we find that there was much rhetoric from the very beginning against the dera and even (some other) deras but the questions such as why deras emerge, which (human) deficiencies (or needs) they cater to, why some of them appearing to have gone astray still have appeal to a substantial part of the masses, how they reinforce blind-faith etc. which demand serious consideration; along with deep retrospection for change in basic approach from inclusive to exclusivist were perhaps never put as agenda before the community (here Sikh) as a whole. Ridiculing other people’s religious practices, feelings and beliefs, and calling their faith “blind-faith” is certainly something which needs critical and unbiased examination. However, in the dera-Sikh row, on the whole, the basic thrust by the dominant party through out remained on ignoring the other (dera) as non-entity, hence no need for mutual communication was ostensibly displayed, though there appeared always some sort of wait for genuine apology from the dera. The good offices were helpful in containing and some what defusing the tension, however, being biased, they could not be expected to be harbingers of peace coming out of the solution of the underlying problem(s).

218 “SAD, Congress vie for dera support.” Ibid., 22 April, 2009.
221 See fn. 116 in Chapter 3.
8. Humanitarian Intervention

In recent times some, the thinking about conflict itself has changed, for example a new concept of “responsibility to protect” has recently been developed in which it is felt that every state is morally and legally responsible for the protection of her people from “genocide, war crimes, crimes against humanity, and ethnic cleansing,” however, in case a state displays its inability or reluctance to do so, then that responsibility automatically passes on to the international community “which may [even] intervene militarily in extreme cases.” But as Anderson says the intervener has “effects on the conflict dynamics” as the good intentions may not bring good outcome; even if invited, there are certain questions which are bound to be raised: who invited them and why, what is their locus-standi, how well they perceive their own “motives and role” and what will be the outcome – will it improve the situation or deteriorate it further.

William Uri enumerated total ten roles for the third party, first three: witness, referee, peacekeeper are the conflict containing roles, next four: mediator, arbitrator, equalizer, healer are the conflict resolving roles, and the last three: provider, teacher, bridge builder are the conflict preventing roles. Corresponding to these roles multi-track conflict resolution (again borrowed from diplomatic vocabulary) was suggested in which, Track I includes negotiations, peacekeeping, arbitration, peace support, mediation with muscle power and here exchange and threat powers dominate; Track II involves good offices, conciliation, pure mediation, problem-solving, here the approach is integrative and exchange power dominates; and Track III involves peace constituencies within the conflict, building social cohesion and common grounds; this approach is again

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222 “Responsibility to protect (R2P or RTP).” Dan Snodderly, ed. (2011), op. cit. 30.
223 Oliver Ramsbotham, Tom Woodhouse and Hugh Miall (2011), op. cit. 317.
224 Ibid., 28.
integrative and exchange is there but here the needs of the other are also realised.\textsuperscript{225} Intervention or involvement has been used by the U.S. and its allies to vanquish the earmarked enemies. John Cherian says that “[i]nstead of analysing the deep rooted causes that lead to the alienation of the Arab, and Muslim, world from the U.S., the Bush administration preferred to use the September 11 attacks to advance short-term geostrategic goals.”\textsuperscript{226} The “intervention” first in Afghanistan, then in Iraq and other Arab-African countries which lead to deaths of more that ten lac innocent citizens and displacement of many more, have left more deep wounds in the collective psyche of the people in these regions; the tacit support to the ever expansionist Israel in Palestine has done more damage not only to the American hegemony but to the world peace as these factors together have been the primary motivating factor for the terror groups who have increased their attacks manifold instead of diminishing the same.\textsuperscript{227} Moreover, most of the conflicts have got Islamic, Christian and Judaic labels not only for the conflicting parties, but the neutrality of the intervening forces is under cloud. As such the intervention, though used with the superlative “humanitarian” remains a deceptive method which is doing more harm than bringing any long term solution to the protracted conflicts involving global religious antagonisms.

9. Civil Society

When the conditions are very harsh and the normal way to resolve conflict fail, then “the civil society actors engage in dialogue processes capable of working through differences, developing common ground, and transforming perceptions distorted by fear,

\textsuperscript{225} Ibid., 29.
\textsuperscript{227} Ibid., 6.
misunderstanding and hatred.” 228 The term “civil society” is the private or non-
governmental or non coercive dimension of the organisation or administration of the state
which is coercive.229 It was used by Locke and Rousseau to describe civil government as
differentiated from natural society or the state of nature; Hegel contrasted civil or
bourgeois society with state or political society; whereas Marx said that civil society
arose from the destruction of medieval society as earlier the individuals were parts of
many different societies such as guilds or estates which had their separate political roles
as such there was no separate civil realm but with breaking of that old system, the
individuals became all important and the only links between them were provided by the
law which is followed just because of the threat of punishment.230 Italian Marxist scholar
Antonio Gramsci insisted on “its complex organisation, as the ‘ensemble of organisms
commonly called “private”’ where hegemony and ‘spontaneous consent’ are
organized.” 231 It is generally in contrast to the political society i.e., coercive and
governmental dimension of the state, but such separation is artificial as Gramsci argued
that in reality state comprises of both “coercive and consensual apparatus” and the
standard elements of civil society include “trade unions, workers cooperatives, and
mutual aid societies.” 232 The United States Peace Institute includes in it the civic,
educational, trade, labour, charitable, media, religious, recreational, cultural, and
advocacy groups, as well as informal associations and social movements and says that

228 Catherine Barnes. “Weaving the Web: Civil Society Roles” Working with Conflict and Building
Peace. Paul van Tongeren, Malin Brenk, Marte Hellema, and Juliette Verhoeven, eds. (2007), op. cit.
11, 7-24.
231 Ibid.
232 Ian Buchanan, ed. (2010), op. cit. 85.
though “[i]n theory, its institutional forms are distinct from those of the state, family, and market, though in practice, the boundaries are often blurred.”\(^{233}\)

Most definitions do not include commercial enterprises but do include business associations. Some definitions do not consider the media, most of which is for profit, to be part of civil society but rather a tool that can promote civil society. Barnes includes religious institutions and faith based organisations, traditional structures and councils of elders, youth unions and student organisations, women’s groups and associations, social environmental and human rights movements, political parties and movements, business associations, trade unions and professional bodies, cooperatives and self help initiatives, private foundations and philanthropy, media: state and non-profit, educational research institutions, and arts collectives & cultural associations in civil society.\(^{234}\) Diversity strengthen capacities of the societies to manage conflicts peacefully and as the individuals are members of diverse civil society organisations, this leads to what Barnes calls ““bridging social capital”: the dense networks that are a powerful force integrating society and minimizing the potential for polarization along any specific divide.”\(^{235}\) She includes the movements by Mahatma Gandhi to end colonial rule and Martin Luther King Jr. against racism and for civil rights for blacks as the civil society movements.\(^{236}\)

From the above details, we get confusion about definition and role of the civil society in conflict resolution. Lederach may be of some help here, he says that the conflict resolution and conflict management, both are not sufficient hence should be avoided, as resolution implies that “conflict is undesirable and should be eliminated or at

\(^{234}\) Catherine Barnes (2007), op. cit. 8.
\(^{235}\) Ibid., 10.
\(^{236}\) Ibid., 11.
least reduced ... but if there is ongoing relationship, conflict remains.”  

Conflict management, he says connotes the emphasis on affecting the “destructive consequences” but we can not manage human actions as we manage “things in the physical world.” Therefore, he prefers conflict transformation instead, because, “the idea of transformation does not suggest we simply eliminate or control conflict, but rather points descriptively towards its inherent dialectic nature.” He says that social conflict being a human creation is reflected in relationships and it transforms not only the events and relationships but the creating actors themselves. The dialectic approach to conflict helps in getting rid from “either/or” frame of reference, now in stead of choosing either of the two, both can be held together as two sides of coin, thus enhancing the energy of such ideas.  

Lederach suggests an integrative framework in which i) people are the key resource, not merely recipient; ii) true meaning and appropriate action can be taken only through the indigenous knowledge; iii) the local people’s participation is central; iv) self sufficiency and sustainability is built from the local resources; and v) empowerment involves awareness of the self which is validated through “reflections and actions.”  

Transformation is reflected in the creation of Islamic extremist groups in most of the countries with Muslim population in Asia after the initiation of the U.S. led war on terror. Religious violence in general and terrorism in particular are treated as only security and law and order problems and force is used for correction without putting any

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237 John Paul Lederach (1996), op. cit. 16.
238 Ibid., 16-17.
239 Ibid., 17.
240 Ibid.
241 Ibid., 19.
242 Ibid., 31.
effort to understand the underlying problem. It is not that communication is not there, rather in the era of internet there more communication than required. This communication instead of making bridges, sometimes creates great fissures among different communities. We can know almost anything through internet and also can tell anything to the wider world, but in this communication the message is conveyed and received without some relationship between the communicator and the audience and the chances of miscommunication may be more. In September, 2010 Terry Jones, a Pastor of a small church, the Dove World Outreach Centre in Gainesville, Florida vowed that on the ninth anniversary of the September 11, 2001 attacks in the U.S., he would burn two hundred copies of the Qur’an and the irony was that the police of the U.S., a country that can boast of having capabilities to attack any place with precision munitions on slightest suspicion killing innocent citizens of Pakistan, Afghanistan, or any other country was restrained by her law to act before he actually torched the copies of the holy book. This plan got wide circulation first through internet, and then after the pre-emptive retaliation in the Muslim world, through other means of communication. There were attacks on persons and property and the whole matter could be controlled only after the date of threat passed.  

Now turning to civil society, we have to describe an act which was pole opposite to that of Terry Jones. In Malerkotla, a small town in the Indian state of Punjab, with dense Muslim Population, some miscreants damaged a church in the aftermath of Jones threat, however, it was immediately got repaired by a local Muslim industrialist who ascribed his work to the teaching of a Hadith, “If anyone is weak near you, it is your responsibility to take care of his life.” This incident was reported in the press, but the

244 “US SLAMS Koran-torching plan, but pastor defiant.” The Tribune [Jalandhar]. 9 Sep., 2010.
civil society philanthropic could not get even a fraction of the attention grabbed by a bigoted maniac.

The ultimate goal of conflict resolution has to be – “restoring broken relationships, and learning to live non-violently with radical differences.”246 But what is the priority – peace or justice? Amnesia (forgive and forget), Justice (deal with the past publicly and collectively) or retaliation (cleaning the slate by vengeance)?247 We limit the resolution paradigm in limited questions toeing the assumptions adopted by the “western” scholars, but Paul Salem says that the “western” assumptions for the conflict resolution may not be universally applicable.248 It is a fact that we can not detach conflict or its resolution from the cultural background of the parties involved in it. The above said example of repair of a damaged church by a Muslim shows that religion can become an instrument of harmony in the hands of the members of civil society, however, solving serious antagonisms between warring religious factions successfully may not be possible until the other is known.

10. Gandhian way of Satyagraha

Satyagraha was Mahatma Gandhi’s answer to the totalitarian and oppressive South African government way back in 1906 when on September 11 the Indian minority in Johannesburg “resolved to disobey the drastic Asiatic Law Amendment ordinance by means on non-violent defiance.”249 Gene Sharp says that today the widely assumed “peaceful alternatives” to violence include “negotiations, dialogue, diplomacy,

246 Oliver Ramsbotham, Tom Woodhouse and Hugh Miall (2011), op. cit. 246.
247 Ibid., 250-57.
248 Ibid., 6.
compromise, conciliation, and such other tools of conflict resolution” but the Gandhian Satyagraha in the form of “non-violent struggle in social, economic, political and international conflicts” is ignored as it does not “fit smoothly into established modern thought and practice.” 250 In 1920, Gandhi had written, “[w]here there is only a choice between cowardice and violence, I would advise violence.” 251 But he preferred fighting without violence that is what Krishanlal Shridharani called “war without violence.” 252 Most of the scholars generally make Gandhi’s concept of non-violence absolute but for Gandhi it was not so as is clear from what he wrote in August, 1940 in an article appearing in Harijan:

If a man fights with his sword single-handed against a horde of dacoits armed to teeth, I should say he is fighting almost non-violently. Haven’t I said to our women that, if in defence of their honour they used nails and teeth and even dagger, I should regard their conduct as non violent? She does not know the distinction between himsa and ahimsa. She acts spontaneously. Supposing a mouse is in fighting a cat tried to resist the cat with its sharp snout, would you call that mouse violent? In the same way, for the Poles to stand valiantly against the German hordes vastly superior in numbers, military equipment and strength, was almost non-violence. I should not mind repeating that statement over and over again. You must give its full value to the word “almost.” 253

When “moral principles, human rights and justice are at stake” and compromise is not possible, in such situation the oppressed are to be assisted to be empowered

250 Ibid., 76.
251 Quoted in Mark Juergensmeyer (2005), op. cit. ix.
252 Gene Sharp (2007), op cit. 76.
through Satyagraha or non violent struggle.\textsuperscript{254} Ironically, this is the background from where suicide bombers are also produced, actually, to cause immediate collateral damage to the powerful enemy such shortcuts are preached by leaders who either do not know the peaceful alternatives or lack patience as the way of Satyagraha is long and requires stubbornness, it is not like pushing a button by someone on suicide mission as is clear from when Gandhi called Satyagraha as “the vindication of truth not by infliction of suffering on the opponent but on one’s self.”\textsuperscript{255}

Satyagraha is said to work by changing minds and bringing about peaceful resolution to conflict as Gandhi called it “‘grasping onto principles’ [or] ‘truth force’”\textsuperscript{256} which is the “process of looking for the truthful aspects of each side’s position, trying to find a broad resolution that includes them all, and cling to it.”\textsuperscript{257} Juergensmeyer gives process of Satyagraha as follows:

1. Recognise the truthful and untruthful elements in each side;
2. put the truthful elements from each side together;
3. form a new side and adopt it while struggling with your opponent;
4. revise the new side even as the fight continues; and
5. End the struggle only when both sides agree to occupy the same side.\textsuperscript{258}

But how to find truth and untruth? He has not mentioned ethics, non-violence, non-cooperation, disobedience etc., the means employed by Gandhi in his struggle and freedom and justice the goals to be achieved.\textsuperscript{259} He had rejected the idea of resolution of

\textsuperscript{254} Gene Sharp (2007), op cit. 76.
\textsuperscript{255} Quoted in Robert Payne (1997), op. cit. 477.
\textsuperscript{256} Quoted in Mark Juergensmeyer (2005), op. cit. 3.
\textsuperscript{257} Ibid., 18.
\textsuperscript{258} Ibid., 21.
\textsuperscript{259} Gene Sharp (2007), op. cit. 82.
issues between India and Britain through conference as he wrote in a letter to Lord Irwin on March 2, 1930:

It is not a matter of carrying conviction by argument. The matter resolves itself into one of matching forces. Conviction or no conviction, Great Britain would defend here Indian commerce and interest by all the forces at her command. India must consequently evolve force enough to free herself from that embrace of death.²⁶⁰

The force was that of defiance and of civil disobedience. Regarding civil disobedience he had already written (in 1920): “... [N]o Government, much less the Indian Government, can subsist if the people cease to serve it.”²⁶¹ He was against complicity of the victims; he felt that participation empowers the weak and that is why he made his movement a mass movement.²⁶² Sharp summarises his struggle as “primarily based on human stubbornness, refusal to do what one is supposed to do and doing what is forbidden;” and says that non-violent actions had been used (even before Gandhi) in “colonial rebellions, international political and economic conflicts, religious conflicts, and anti slavery resistance.”²⁶³ Gandhi was against killing or assassination or terrorism of any kind but he was not whimsical as he wrote, “The only way to deal with violence is to understand what is the root cause of that violence. Trying to cut the hands that strike me is not going to help. It may only postpone violence to another day, but if I can understand why in the first place he was motivated or propelled to violence and I can deal with these causes, then perhaps I can indeed work towards a non-violent form

²⁶⁰ Ibid., 81.
²⁶¹ Ibid.
²⁶³ Gene Sharp (2007), op. cit. 85.
of peace building and, of course ultimately a democratic society.”

The communal atmosphere during the last days of the British Raj was volatile and in October, 1946 a massacre of Hindus on an unprecedented scale occurred in which “men were murdered in cold blood and their houses set on fire, their women raped or mutilated or thrown into wells, their children hacked into pieces.” Gandhi toured the area village to village spreading his message of peace but was always apprehensive of being killed by some Muslim or Hindu assassin. But it appears that he did not find anything wrong in the social antagonism – between the Muslim labourers and Hindu landowners to find the root cause of violence. Then there was a massacre in Bihar where the Hindus had behaved in the same inhuman manner to the Muslims. Gandhi could not stop the partition of India and the ensuing mutual butchering among various religious communities. It is not that Gandhi’s Satyagraha did not work. The method was used successfully and independently by the Sikh masses. In the Sikh Gurudwara reform movement non-violent method of peaceful protests was successful. The Sikhs remained peaceful and stubborn even before the “volley of fire” from the mahants and the police/army and were victorious in the end.

It is doubted whether the method of Satyagraha could ever be used against Hitler or any other tyrant. Reinhold Niebuhr criticised Gandhi for his support to the British during war on moral grounds. He alleged that Gandhi used psychic coercion to get his

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265 Robert Payne (1997), op. cit. 519.
266 Ibid., 520, 526.
ways and said, “[p]sychic coercion is as dangerous, as all coercion is. Its ultimate value depends upon the social purpose for which it is enlisted.” But still Gandhi remains relevant, though, today in the times of precision munitions and suicide bombs when instead of making any effort to understand the “why” on the other’s part, short-cuts are preferred to find the situation becoming more entangled by each such step. We may not agree with Burton who says that in religious spheres, there may not be an “objective” conflict of interests because “images of reality tend to create their own reality. An image of a party as a threat leads to defensive attitudes that finally persuade that party to adopt its postures – and the validity of the original image appears to be confirmed” as we have living human beings on both sides of the conflict with their own tangible as well as intangible realities. Here knowing the other more, listening to the other more can help in correcting the blurred vision as precision is required to understand better and not to eliminate the other.

In the above discussion so far, we find that none of the ways is without pitfalls. The use of force or violence is destructive for all the parties involved in the conflict and the annihilation of one party does not guarantee the solution as the underlying problems still persist; in negotiations there is no guarantee whether the parties will honour the outcome, a lot of mutual-faith is required to be developed, bargaining power is more important than truth and even justice, and above all the hard earned solutions become null and void due to the sceptics and spoilers. The success of judicial settlement is illusive as the process is very long and the finality of the issue remains elusive, moreover, the aspirations of the contending parties may not get proper attention or be simply

270 Ibid., 161.
271 John Burton (1979), op. cit. 111.
overlooked in the process; the most stringent laws fail to dissuade people from committing atrocities on the hated and villainous other. Arbitration is suitable for small disputes or in the commercial disputes where there are written contracts and arbitration provisions are in-built in such contracts or the warring groups have faith in a third agency/person which is very rare in violent religious conflicts. Mediation has its own pit falls, most of the times the mediators have their own vested interests or the parties involved have such doubts, therefore, in such circumstances, faith building is very important but very difficult also. Conciliation and good offices are, most of the times, not independent processes but part of some other efforts and therefore, have very limited scope for success on their own. Humanitarian intervention smacks of being a façade to get hold of strategic locations or natural resources by the powerful and ambitious third party which gets exposed in no time in most of the cases. A large number of civilian casualties and destruction of resources and property in Afghanistan and Iraq are the recent examples of the failure of the “humanitarian” intervention by the U.S. and its allies. The role of civil society organisations and Gandhian way of Satyagraha perform their respective parts, but the religious tolerance for the other remains elusive. The increase in the number of instances of street justice, provocation at the slightest instigations making the clashes and retaliation deadlier show that intolerance is on increase. So let us now examine what is lacking? In the above said methods of conflict resolution, except in case of use of force (where violence is the discourse), we have seen that there is need for mutual trust in each method, people come together but the issues and conflicts remain there unresolved. This makes it imperative that there is an acute need of true communication or an effective discourse.
Communication: a Solution?

The natural corollary of the discussion so far appears to be: there should be substantial of communication between the antagonistic parties. In the last quarter of the previous century there was great revolution in the means of transport and communication and globalisation has made the world very small. People can now travel very fast; mobile phone has made every body accessible anywhere, anytime. Radio and television have not faded away and are still used by a large chunk of populace; however, internet with World Wide Web not only has revolutionised the way people interact with one another but has also brought plethora of information only a mouse click away. Social sites bring a large number of people “together”. But reality is different; a person with five hundred face book friends may be lonely, because in such media, venting of emotions may be there but no empathy.272 David Bohm had echoed such predicament when he said:

... in spite of this world-wide system of linkages, there is, at this very moment, a general feeling that communication is breaking down everywhere, on an unparalleled scale. People living in different nations, with different economic systems, are hardly able to talk to each other without fighting. And within any single nation, different social classes and economic and political groups are caught in a similar pattern of inability to understand each other.273

Bohm calls it “the problem of communication” which defies any effort to solution as the people are not “actually able to listen to each other” and the end result is not mutual understanding and trust but aggression and violence.274 Etymologically the word communication is traced back to 14th century from old French “comunicacion” from

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274 Ibid., 2.
Latin “communicationem” (nominative communicatio), noun of action from “communicare” “to share, divide out; communicate, impart, inform; join, unite, participate in,” literally “to make common.” ²⁷⁵ Bohm says that the problem of communication is because everyone tries “to make common” what is known to him and in the process, each person tries to hear the other through “the screen of his own thoughts, which he tends to maintain and defend, regardless of whether or not they are true or coherent.”²⁷⁶ This blockade help people to retain the ideas dear to them instead of “the confrontation of contradiction” in them and the communication remains incomplete; to make it complete one has to be aware of such “blocks” in oneself and listen freely.²⁷⁷ This is possible when each person does not attempt to make common something known to him but they work in concert to make “something in common” or in other words create “something new together.”²⁷⁸

**Dialogue**

This need to remove the “blocks” and create something new through meaningful communication brings dialogue on the centre-stage. But before going further, let us see what dialogue is. The Chamber’s 21st Century Dictionary gives the following meanings of the word dialogue: “1 a conversation, especially formal one. 2 the words spoken by the characters of a play, book etc. 3 a discussion or exchange of ideas and opinions, especially between two groups, with a view to resolving conflict or achieving agreement.”²⁷⁹ It is the third meaning that we are using the word dialogue in this research, however, it is not necessarily between two groups or person as we will see below. To

²⁷⁶ David Bohm (2007), op. cit. 3.
²⁷⁷ Ibid., 5.
²⁷⁸ Ibid., 3.
make the nuances of its meaning more clear, we try first to find out what the etymology of this word has to reveal. The word “dialogue” originated from old French *dialoge*, from Latin *dialogus*, from Greek *dialogos* “conversation, dialogue,” related to *dialogesthai* “converse,” from *dia-* “across” + *legein* “speak”. Mistaken belief that it can only mean "conversation between two persons" is from confusion of *dia-* meaning “through” and *di-* meaning “two”. The scholastic enterprise has made the meaning more rich as Bohm says that it is neither discussion nor debate which is “like ping-pong game, where people are batting ideas back and forth and the object of the game is to win or get points for yourself. ... In dialogue everybody wins.” Paul F. Knitter defines dialogue as “the exchange of experience and understanding between two or more partners with intention that all partners grow in experience.” Knitter is referring to what Raimundo Panikkar calls “two of the most fundamental pillars for dialogue: *language* and *praxis*. Paul Mojzes elaborates that dialogue is neither negotiation nor debate nor disputation nor parallel monologue, nor practical cooperation nor proselytizing nor mutual accommodations, nor merger nor involuntary exchange of ideas nor antagonistic confrontation; rather it “is a method, a path, a way, by which one person or group relates to another. Views differ. Differences are not to be removed, but are to serve as mutual enrichment. Both partners must be open to insight gained in the joint endeavour. Tension,

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281 David Bohm (2007), op. cit. 3.  
dissent and even conflict are seen as part of the process. No attempt should be made to camouflage differences for the sake of the appearance of a superficial agreement.  

Sometimes people claim to be in dialogue whereas, what they are really involved in is debate i.e., to out do the other. Bohm differentiated between the two to elucidate the concept of dialogue, on the basis of which, Frank Boulton developed the following list:

1. Dialogue is collaborative as the two sides work together towards common understanding, whereas, debate is oppositional where two sides oppose each other and attempt to prove other wrong.
2. In dialogue, the goal is to find common ground whereas in debate winning is the goal.
3. In dialogue one listens to the other in order to understand, find meaning, and find agreement. In debate one listens to the other side in order to find flaws and to counter its argument.
4. Dialogue enlarges and possibly changes a participant’s point of view; debate affirms a participant’s own point of view.
6. Dialogue causes introspection into one’s own position. Debate causes critique of the other’s position.
7. Dialogue opens the possibility of reaching a better solution than any of the original solutions. Debate defends one’s own position as the best solutions and excludes other solutions.

8. Dialogue creates an open-minded attitude – an openness to being wrong and an openness to change. Debate creates a closed-minded attitude, a determination to be right.

9. Dialogue calls for temporarily suspending one’s beliefs and assumptions. Debate calls for investing wholeheartedly in one’s beliefs.

10. In dialogue, one searches for basic agreements, while in debate one searches for differences.

11. Dialogue involves a real concern for the other person/s and seeks neither to alienate nor to offend. Debate involves a countering of the other position without focusing on feelings or relationship and often belittles or deprecates the other person.

12. Dialogue assumes that many people have pieces of the answer and that together they can put them into workable solution. Debate assumes that there is a right answer and that someone has it.²⁸⁵

Now we come to interreligious dialogue which is though dialogue between religions (or faiths as many scholars use the word “inter-faith”) but is possible through the respective followers, the human beings. Leonard Swidler says that “the very essence of our humanity is dialogical, and a fulfilled human life is the highest expression of the cosmic dance of dialogue.”²⁸⁶ He says that in the beginning the humanity spread from Africa to the other parts of the world and that was the period of divergence, but now we encounter one another more frequently and convergence is dominant; during the era of divergence we could live in isolation and on encounter with the other, often violence was

²⁸⁵ Oliver Ramsbotham, Tom Woodhouse, and Hugh Miall (2011), op. cit. 57.
used to make the other “into likeness of ourselves”, but in the era of convergence, the way is dialogue which creative in position to destructive violence; as such the humanity has “a stark choice: dialogue or death.” 287 He defines dialogue as “a two-way communication between persons who hold significantly differing views on a subject, with the purpose of learning more truth about the subject from the other.” 288 Swidler has formulated a Decalogue, which he calls the following ten grand rules for interreligious, interideological dialogue on the analogy of Ten Commandments in the Old Testament:

1. The primary purpose of dialogue is to learn, that is, to change and grow in the perception and understanding of reality and then to act accordingly.

2. Interreligious, interideological dialogue must be a two sided project – within each religious or ideological community and between religious or ideological communities.

3. Each participant must come to the dialogue with complete honesty and sincerity ... Conversely, each participant must assume a similar complete honesty and sincerity in the other partner.

4. In Interreligious, interideological dialogue we must not compare our ideals with our partner’s practice.

5. Each participant must define himself [or herself]. Conversely – the one interpreted must be able to recognise herself in the interpretation.

6. Each participant must come to the dialogue with no hard-and-fast assumptions as to where the points of disagreement are.

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287 Ibid.
288 Ibid., 11.
7. Dialogue can take place only between equals. None is superior and non inferior. (Vatican II had preached universal fraternity\textsuperscript{289}).

8. Dialogue can take place only on the basis of mutual trust.

9. Persons entering into interreligious interideological dialogue must be at least minimally self-critical of both themselves and their own religious or ideological traditions.

10. Each Participant must attempt to experience the partner’s religion or ideology “from within.”\textsuperscript{290}

Swidler says that interreligious and interideological dialogue operates in three areas and has three phases. The areas he gives are: the practical – where partners collaborate to help humanity; the spiritual – attempt to experience the partner’s religion or ideology from within; and the cognitive – where understanding and truth is sought; the three phases are: the phase of unlearning of misinformation about each other and begin to know what the each other truly is; the second phase is the beginning to discern values in each partner’s tradition and wish to imbibe them; and the third phase is the joint exploration of new areas of reality, of meaning, and of truth.\textsuperscript{291} Scholars generally use interfaith dialogue and interreligious dialogue interchangeably, however, Michael Barnes makes distinction between the two and says, “the former has inter-personal, the latter more inter-systemic connotations.”\textsuperscript{292} But as we have seen in the first chapter the usage

\begin{footnotesize}
\begin{enumerate}
\item \textsuperscript{290} Leonard Swidler (2008), op. cit. 20-23.
\item \textsuperscript{291} Ibid., 23.
\item \textsuperscript{292} Quoted in Ryan C. Urbano (2012), op. cit. 150.
\end{enumerate}
\end{footnotesize}
of faith and religion is made interchangeably similarly the usage of the above phrases is more or less a matter of choice, however, we will use “interreligious dialogue”.

Can some deadly conflict be resolved by talking only? Mohammed Abu-Nimer gives answer: “Dialogue is not a substitute for social action. Protest and resistance to oppression are still needed for social and political change to occur. However, dialogue provides an additional path on which to accomplish such changes. It is a path that is full of positive and constructive joint energy and that is based on creativity and trust.”

Marc Gopin clarifies further when he says, “Dialogue is considered often to be the main or only means of conflict resolution. Many people use “dialogue” as the equivalent of “peacemaking” and “conflict resolution.” But this is a mistake.”

Jaco Cilliers says that when in general discussions among people from different ethnic and cultural backgrounds, it is advised that the topic of religion should be avoided and quotes Hans Küng who said, “most fanatical and cruellest political struggles are those that have been colored, inspired, and legitimized by religion.”

One more problem in interreligious dialogue is that some times the aggressive hardliners influence the total situation more than a moderate religious leader and the hardliner will never come for dialogue, whereas, dialogue with the moderate will be ineffective. When the opposite parties themselves are faction ridden, at that stage who is proper representative becomes a big question. In interreligious dialogue also, the first thing is how to bring the parties to the dialogue?

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Marc Gopin leaving the anti dialogue aggression expressed above, says that every major religion of the world, at one point or the other, has expressed a commitment to the value of peace; even in international conflicts, the religious actors are playing increasingly important and valuable roles. The complexity of the matter can be sensed from the fact that while some “believers creatively integrate their spiritual tradition and peacemaking, many others engage in some of the most destabilizing violence...”

But it is surprising that even militant or hardliners express their desire to engage in dialogue with their opponents. During militancy in Punjab on April, 1986, the most powerful five-member Panthic Committee had declared, “We are not in favour of creating any upheaval and in shedding blood unnecessarily. And, we expect the same from others too. We express our determination in resolving all issues through dialogue with India’s Hindu majority and the Government...” Muhammad Yasin Malik, the Jammu & Kashmir Liberation Front Chief instead of confrontation preferred dialogue between the West and the Muslim world.

With this it can be said that though, meaningful communication is essential part of all the means of conflict resolution discussed above, and even the “Use of Force” may not be an exception as sometimes it becomes the last resort only because of communication failure; however, dialogue is need of the hour. It may or may not come out as an independent means of conflict resolution as this will be examined in the next chapter when we critically examine interreligious dialogue.

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297 Ibid.
298 Quoted in Birinder Pal Singh (2000), op. cit. 64.