



ALTERNATIVE

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ALTERNATIVE

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Report 2.1

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1. Introduction: aims and issues

This report is the result of one of the initial tasks included in the ALTERNATIVE research project¹ concerning *restorative justice, human security and conflicts in intercultural settings*. Based on a review of the relevant literature and a preliminary presentation of ALTERNATIVE's selected empirical sites of investigation, our aim is to contribute to a theoretical basis and a common platform for consultation for all the partners in the project. This is done through a critical discussion of the concepts of *culture, intercultural contexts, ethnicity, conflict, and conflict transformation* as used or lacking in the *security* discourse and in proposing a potential way to approach their use in our project and in the *restorative justice* discourse in general. Our review will form a primary basis for the comparative analyses of the data from the four study-sites in ALTERNATIVE.

The overarching objective and expected impact of ALTERNATIVE is to provide a new understanding of how to handle conflicts in intercultural contexts within democratic societies. This implies the use of *restorative justice*, as an alternative or a supplement to *criminal justice*. The alternative approach to conflicts in intercultural settings will be based on a deepened understanding deriving initially from theoretical reviews and conceptual clarifications such as this one and subsequently from empirical research in four different geographical sites. The aim is to set up security solutions for communities, which are carried out through the active participation of the citizens. ALTERNATIVE has at its core four intensive case studies (which mainly take the form of action research). They are built around, supported by and mutually feeding into three more theoretically oriented work packages. These parts together produce a spectrum of theoretically grounded and empirically tested models of dealing with conflicts in intercultural settings by restorative justice processes. The theoretically oriented work packages deal mainly with the epistemologies of justice and security; conflict analysis; and the study of restorative justice models and their relevance for European policies. The overall objective of Work Package 2 of the ALTERNATIVE project is to provide a conflict transformation analysis, i.e. to analyse 'conflict' in intercultural contexts, to analyse conflict transformation and security

¹ Task 2.1 within Work Package 2 of the project. The project follows the main objectives of the 'Security Theme Work Programme' and its expected impact is as in the 'Topic SEC-2011.6.5-1 Conflict resolution and mediation': to provide an alternative understanding of how to handle conflicts within democratic societies.

perceptions in intercultural contexts, to investigate the role of dialogical processes in conflict transformation at the individual and societal levels, and to investigate the role of gender, age, ethnicity and class in conflict perception and transformation. In ethnic frontier societies gender, age, ethnicity and class are often trumped by cultural and political identity in political terms (Wright 1988).

This report presents relevant theoretical and descriptive research and text analyses based on social (sociological, social anthropological, and political), psychological and humanities (philosophical, linguistic) research literature on conflicts in intercultural contexts. We entrench this endeavour in the planned action research of the four case studies in ALTERNATIVE, dedicated to conflicts in four selected intercultural contexts:

1. Conflicts between residents with and without migrant background in public/social housing in Vienna
2. Conflicts between Roma and non-Roma inhabitants in a small town in Hungary
3. Conflicts within three multi-ethnic and multicultural regions in Serbia: between Serbs and Albanians, Serbs and Muslims, and Serbs and Croats
4. Conflicts at three different sites in Northern Ireland: between a local community and gangs of youths; between long term residents and recent immigrants; and inter-community sectarian conflicts

We will refer to these four case-studies throughout the report and will in the following give some glimpses of the kind of situation our research partners may expect to meet in the course of their investigations. These glimpses are based partly on media presentations and partly on examples given to us by the partners themselves. They are of necessity both sketchy and preliminary, as the research in these fields has not yet been carried out. The intention is to give this report a direct link with the empirical realities we expect to find, in order to provide a sound basis for research and analyses.

2. Examples of conflicts at the four ALTERNATIVE sites

In order to get glimpses of the contents of our task we will present a case from each area, based upon reports or media presentations. Each case will be followed by a brief contextualisation in order to provide solid empirical grounding for the subsequent discussion of the relevant theoretical tools and concepts.

2.1. Everyday conflicts at an individual level in Vienna

There is a conflict between neighbours in a house with rented flats in Vienna: Herr S. (himself of Slovakian origin and with an academic degree) explains that for a long time a tenant 'that did not fit into the community of this house', obviously of Turkish origin ('ein völlig anderer Kulturkreis') ("a totally different cultural context") had been creating trouble: according to Herr S. there were acts of vandalism and attempted theft, insults of neighbours that had finally escalated when he had attacked and slightly injured Herr S.'s wife. Herr S. who had tried in vain to get an eviction by the council backed up by the tenants' assembly had suffered a heart attack. The judge in the pre-trial phase had proposed Victim-Offender Mediation which Herr S. had decided to decline: 'this is not a bagatelle'! He wanted a conviction of his neighbour. The trial ended in fact with an acquittal of the neighbour; according to Herr S. an 'error of justice'. There the ethnic-cultural cleavage was intensified explicitly by the 'class difference'.²

According to the overall concept of ALTERNATIVE the Vienna research team (IRKS³) will look into conflicts in intercultural settings at the individual and group level and these can be best observed within Vienna's large social housing projects that are located in various districts of Vienna. These are conflicts that accrue about noise and smell, about garbage – all the emanations of different life-styles of the people that live together in these places. Such accusations often come from Viennese people in particular complaining about immigrant Turkish families. This may be connected with increasing xenophobia in some housing areas. In order to deal with these conflicts there are already a number of activities of NGOs or organisations of the City of Vienna that practice conflict resolution, such as 'social mediation' and the like. These will be the partner organisations that the

² Pelikan, C. 2012. Personal communication (Vienna: IRKS).

³ Institut für Rechts- und Kriminalsoziologie.

ALTERNATIVE researchers will work with and the action research will consist in additional local capacity building through training of residents in order to do mediation inspired by restorative justice principles. Previous research (most recently within the European ‘Victims and Restorative Justice’ research project)⁴ has shown that these neighbourhood conflicts despite their apparent triviality can have quite detrimental effects on individual people’s lives as well as on the quality of their living together. IRKS's previous FP project (INSEC)⁵ looked more closely into people’s experience of security. Haller and Stogner (2004) also deal with the social and mediation work that goes on in Viennese housing.

The Vienna case is illustrative of a much larger issue: the future of social housing is a central issue in many member-states in the European Union. Although there are differences in structure and scale of social housing across Europe, many countries seem to be grappling with similar issues, e.g. increasing demands, polarisation, segregation and concentration of social housing in disadvantaged areas. Social housing is the focus of renewed policy in countries such as Denmark, England, Germany, Ireland, the Netherlands and Sweden – in addition to Austria. One of the key findings of a study of the social housing sector in Europe is that: *“Ethnic minorities live disproportionately in social housing, often on large estates – mainly because of poverty, household composition and restricted access to other tenures. The residential patterns of minorities are becoming a political issue in some countries, with concentrations of particular groups being seen as problematic. There is increasing recognition of the tension between providing social housing for long-time local residents, and providing it for those in greatest housing need (often immigrants with few local ties)”* (Whitehead and Scanlon 2007).

Before 2006, only Austrian citizens were eligible for municipal housing. This meant that a large number of immigrants were denied access to the municipal housing stock. In the 1990s Austria saw an influx of naturalised citizens into the social housing market, which led to tensions and conflicts on some estates. In 2006 an EU ruling forced a change in this policy and the municipal housing market was opened for non-Austrian citizens (Whitehead and Scanlon 2007). In Vienna, the region with the highest percentage of

⁴ <http://www.euforumrj.org/Projects/projects.Victims%20and%20RJ.htm>

⁵ http://www.irks.at/assets/irks/Publikationen/Working%20Paper/IRKS_WP04_Hanak.pdf

immigrants, a liberal local naturalisation policy (municipalities are responsible for naturalisation in Austria) and a system of emergency flats has already opened access to municipal housing for an increasing number of immigrants.

2.2. Group level conflicts between Roma and non-Roma in Hungary

A human rights advocate reports in April 2012 from the village Gyöngyöspata, one hour outside of Budapest, that the human rights violations against the Roma in the village are deeply disturbing. Right-extremist groups have long bullied and threatened the Roma population in the village. Roma people are denied work and pupils do not receive the same schooling. “A clear apartheid-regime” the advocate exclaims. There is a physical segregation of children at school. One Roma inhabitant, interviewed in the radio, talked about the problems for Roma in getting work. It is clear that there is popular support for extremist ideologies. There was a political election last summer, and the elected Mayor is trying to calm the situation. He promised to create work for all, without ethnic distinctions. He asserted then that he is working on ‘ridding his community of insecurity and re-establishing civil harmony between all the inhabitants of Gyöngyöspata, while giving everyone who wants to integrate themselves and work the chance to do so.’ Today, the extreme right wing paramilitary militia Véderő (meaning ‘Protecting Power’ in Hungarian) have left but the town centre’s streets are also empty of Roma. Jobbik, Hungary’s main far-right party, has promised to make Gyöngyöspata a town of exemplary governance.⁶

The concepts of culture and intercultural contexts, intercultural or ethnic conflict as defined in Work Package 5 in ALTERNATIVE refer to relationships between majority Hungarian (non-Roma) and minority Roma in a particular local setting in Hungary. There are huge differences among Roma, not just in Hungary, but in all European countries. Such differences are displayed in language, confession, life style, work styles, music traditions etc. Based on her research among Roma in Romania, Ada Engebriksen claims that *gypsiness* is a “mode of existence that implies their relationship to non-Gypsies and the mutual ideas that govern this relationship. Gypsiness as a social form is a creation of

⁶ <http://www.cafebabel.co.uk/article/38734/gyongyospata-roma-right-extremism-hungary.html>

specific social processes in time and space". Thus she does not refer to a community in her field study, but to the particular social form that was created by the interdependence between Gypsies and non-Gypsies – a *"relationship which is flexible, changing and explorative"*. She refers to *gypsy* as *"a vast and diverse category of people consisting of several culturally different ethnic categories and groups... The term Gypsy represents a specific European discourse of power and certain romantic ideas and sentiments of freedom that have been interpreted differently in different times and different places"* (Engebrigtsen 2007, 2). For our project, this means that the definition of Roma should not so much be based on preconceived categories as grounded in local categorisations in the empirical field of study.⁷

Roma have suffered a harsh fate in many European countries as slaves (e.g. Russia, Austria-Hungary and Romania) and serfs and as holocaust victims during the Second World War. They still belong to some of the poorest people in Europe although one finds some of the richest as well as some of the poorest from these groups of people in each country. Of all the groups surveyed by the FRA (European Union Agency for Fundamental Rights)⁸, the Roma emerged as the group most vulnerable to discrimination and crime. The FRA has therefore analysed their situation in a 'data in focus' report, the first in a series of reports on minority groups and issues covered by the survey. The report on the Roma draws a bleak picture of the situation of the estimated 12 million Roma in the EU. Roma reported the highest overall levels of discrimination across all areas surveyed. 66-92% of Roma (depending on the country) did not report their most recent experience of discrimination to any competent authority. 65-100% of the Roma respondents reported lack of confidence in law enforcement and justice structures.

There are many examples of governments trying in vain to integrate or assimilate Roma people into the majority population through providing or imposing 'normal' education, housing and work. Several Background Notes from the European Union Agency for Fundamental Rights, FRA, refer to the often strong opposition by local non Roma residents to various Roma integration measures. It is seen as essential to develop

⁷ http://fra.europa.eu/fraWebsite/eu-midis/index_en.htm

⁸ http://fra.europa.eu/fraWebsite/eu-midis/index_en.htm

consultative processes directly engaging with Roma and non-Roma, as well as civil society, in order to improve acceptance of policies.⁹

When turning to the description of *gypsiness* in Hungary, this must also be seen as relational so that the situation of the majority, non-Roma population is viewed as central to the situation of the Roma. Stewart outlines a not only post-war but also post communist Hungarian Roma history of poverty, unemployment, racist violence, cruelty, murders and small-scale pogroms. *“Having been the cheap labour of Warsaw Pact communism, Gypsies have often suffered most from the social and economic disintegration that has affected the whole region since 1989. In Hungary in 1994, 65 per cent of Gypsy men were unemployed. The figure rose to an astonishing 90 per cent in one of the northern counties, a former centre of steel production”* (Stewart 1997). Stewart asks what makes the Roma so threatening to their host populations and what makes the Roma, in spite of all this persecution, denigration and cruelty, to continue to go on.

2.3. Conflicts in intercultural settings at group and societal level in Serbia

A Bosnian Muslim leads prayers behind the closed gates of a factory where Muslim men and boys were executed by Serb forces in 1995, in the village of Kravica July 13, 2009. A group of survivors and relatives of victims visited for the first time sites of execution of thousands of Muslim men and boys from Srebrenica on the anniversary of the killings”— A series of dramatic and contradictory developments in the former Yugoslavia could be interpreted as the start of a road to reconciliation, albeit a long and bumpy one. But Balkan analysts warn that reconciliation is neither the motive nor a likely consequence. March began with former Bosnian Serb president Radovan Karadzic opening his defence against war crimes charges at the International Criminal Tribunal for the Former Yugoslavia in The Hague, offering a version of events sure to sour already deeply embittered relations in Bosnia. Another layer of ethnic acrimony was added from the very start of proceedings when Serbia requested the extradition of former Bosnian President Ejup Ganic from the United Kingdom on war crimes charges. Yet, on the very last day of the month, things seemed to mellow when Serbia's parliament narrowly passed a resolution condemning the massacre of 8,000 Bosnian Muslim men and boys in

⁹ http://fra.europa.eu/fraWebsite/roma/roma_en.htm

Srebrenica by Bosnian Serb forces, one of the 11 war crimes for which Karadzic stands accused. It angered many Muslims by shrinking from using the word 'genocide', but was hailed by the European Commission for being a 'step forward'. The week before Serbia passed its Srebrenica resolution, former combatants from Serbia and Croatia showed a degree of neighbourliness. Serbian president Boris Tadic had two meetings with his recently elected Croatian counterpart, Ivo Josipovic, the first in Croatia and the second in Brussels. Apart from posing with broad smiles for the cameras, they agreed to try and settle their genocide suits out of court. But the flurry of activity is no sign of reconciliation, said Denisa Kostovicova, a Balkans expert, as one sentiment shared across the former Yugoslavia is the sense of victimhood. Since the idea of 'reconciliation' suggests a need to accept blame or offer forgiveness for crimes, Kostovicova said, it poses a problem in the Balkans, where there is often no shared recognition that they even occurred. "If you talk about reconciliation you are probably raising the bar so high you won't notice any progress", Kostovicova said. "The countries of the former Yugoslavia live with a false past, screening out all painful events or defending an indefensible past", said Vedran Dzihic of the University of Vienna. "This means we are still facing the situation where trust and reconciliation between the ethnic communities has not been re-established. The past, meanwhile, is still widely misused for political purposes.¹⁰

Interethnic conflicts in Serbia as defined within work package 6 relate to interethnic conflicts between Serbia and other countries of the former Yugoslavia in 1990s, as well as the contemporary conflicts between members of different ethnic groups in Serbia, which are the consequence of 1990s conflicts, nationalistic security discourse and larger politics of exclusion and intolerance toward everyone who was perceived as 'other' ('other ethnic group'/enemy, criminal), and thus, the treat to 'us' ('our ethnic group'/victim). As a result of the large-scale victimisation during the conflicts of former Yugoslavia and the concerns about the effects this would have for the future, specific steps as a response to the atrocities and their denial have been initiated. The main purpose of these efforts was to establish long-term peace in the region and improve the relationships between ethnic groups and political opponents. In addition there are efforts to chart and address domestic violence,

¹⁰ <http://www.globalpost.com/dispatch/europe/100406/balkans-ethnic-conflict>

human trafficking and other kinds of serious violence and victimisation. These efforts, in Serbia as well as in other parts of the former Yugoslavia, include both retributive justice (International Tribunal for the former Yugoslavia and domestic and hybrid courts) and restorative justice mechanisms.

Apart from being victims of different forms of victimisation, the multiplicity of victimisation was also connected to the fact that many people were victims in more than one war (Nikolić-Ristanović 2003). The application of existing models is further complicated in Serbia, where, apart from denial of crimes committed by members of other ethnic groups, the problem is related to the lack of international recognition of crimes committed against both Serbs from Serbia (by both Kosovo Albanians and NATO), and Serbs from the other parts of the former Yugoslavia (who are now living in Serbia as refugees and displaced persons) as well. Also, there is a cover-up of crimes and human right violations, committed within Serbian community itself, against Milosevic's opponents during his dictatorship. Another problem is related to the history of the region, where four national liberation wars (the last one was started in 1991 with the secession of Croatia and Slovenia from what was once Yugoslavia) were waged in the 20th century. All four wars were waged over the political control of territory and in all these wars victimisation of civilians was politically exploited in a similar way. The region also has the history of denials and multiple truths (each ethnic group passing its own truth from generation to generation) as well as the history of exploitation of (their own people's) victimisation. As Ignatieff put it, "*reporters in the Balkan wars often observed that when told atrocity stories they were occasionally uncertain whether these stories had occurred yesterday or in 1941, or 1841, or 1441*" (Ignatieff, as quoted by Minow 1998, 14). These multiple (one sided, partial, which see only their own victims) truths may be best described as 'ghosts in the bottle', who can always be taken out, and/or manipulation of national sentiments and provocation of wars (Pavkovic 2000). An ideology of victimisation was a common denominator of all sides in the wars in the former Yugoslavia. The fact that all sides had chosen very different historical points of reference for their narratives resulted in the creation of many parallel realities (Blagojevic 2000).

The different ethnic groups that live in Serbia today are all Serbian citizens, but defined as of different 'nationality'. Thus relations and conflicts between e.g. Serbs and Bosnians

(Muslims) in Sandzak in south-west Serbia are relations between people who are all Serbian citizens. This is not the same as the relations and conflicts between Serbs from Serbia and Bosnians from Bosnia and Herzegovina. The recent historical events influenced the relations between different ethnic groups who live in Serbia today and the conflicts that arose *after* the 1990s on the territory of the Republic of Serbia. In ALTERNATIVE, we shall deal with the transcendence of the conflicts during the 1990s between Serbia and its neighbouring countries and within Serbia itself, as well as with conflicts that exist between different ethnic groups in Serbia today (the latter will come into focus at a later stage in the project). All these conflicts are interconnected, historically, socially and in peoples' minds.

2.4. Civil conflicts in Northern Ireland

(June 22, 2011): Police in Northern Ireland on Wednesday blamed an outlawed Protestant paramilitary group for starting two nights of rioting that saw hundreds of masked youths hurl bricks, bottles and gasoline bombs and left three people with gunshot wounds. A photographer was shot in the leg during the unrest in the Short Strand, a small Catholic community in a predominantly Protestant area of east Belfast. The Press Association agency said its photographer was in stable condition at Royal Victoria Hospital. The agency did not release his name. Other journalists on the scene said a youthful gunman had shot at photographers covering Tuesday's night's violence. Police said about 400 people were involved, from both sides of the sectarian divide, but that Irish Republican Army dissidents were responsible for the gunfire. Masked and hooded youths threw bricks, bottles, fireworks and other missiles at each other, and at armoured police vehicles. Police fired more than 60 plastic bullets at the marauding youths. Police Assistant Chief Constable Alistair Finlay blamed the Ulster Volunteer Force, a group that declared a cease fire in 2009 and said it had disarmed. 'Their hands are upon this, whether by direction, by omission or commission', he said. Sectarian tensions typically flare in the build-up to July 12, a divisive holiday when tens of thousands of Protestants from the Orange Order brotherhood march across Northern Ireland. Last summer, more than 80 police officers were wounded during four nights of riots in Catholic districts of Belfast. This year's violence is among the most intense in years, but confined to a small and historically tense area of Belfast. Police said the violence started Monday when

masked members of the UVF attacked Catholic homes with bricks, fireworks and smoke bombs. Two people suffered gunshot wounds Monday. None of the injuries was life-threatening. Catholic leaders said the violence was unprovoked, but Protestant leaders said the mob appeared to be retaliating for smaller-scale attacks by Short Strand youths on Protestant homes. The area affected by the rioting is one of more than 30 parts of Belfast where high barricades separate Irish Catholic and British Protestant turf. The barricades, called 'peace lines' locally, have grown in number and size, despite the success of Northern Ireland's 1998 peace accord. Northern Ireland's Protestant First Minister, Peter Robinson, and his Catholic deputy, Martin McGuinness, condemned the violence. 'A small minority of individuals are clearly determined to destabilize our communities', McGuinness said. 'They will not be allowed to drag us back to the past'. Despite a successful peace process that has brought former Catholic and Protestant militants into government together, sectarian violence is stubbornly persistent in Northern Ireland, fuelled by a mix of hard-liners opposed to power-sharing, high youth unemployment and sometimes sheer boredom. Irish Republican Army dissidents opposed to the peace process have launched several bomb and gun attacks, including a car bomb that killed a policeman in April. And despite the UVF cease fire, the Protestant group was blamed for a murder last year. Finlay said officers were holding talks with community representatives to try to prevent further trouble. 'This has got to stop', he said. 'This is a time for cool heads, for people to take a step back, a time for talking'.¹¹

Northern Ireland is on the move from being a conflicted society to an agreed society after 40 years of violent civil conflict. There is a need for an alternative understanding of conflict and its resolution and to develop and design appropriate restorative justice strategies and interventions that strengthen social inclusion, active citizenship and social cohesion in a variety of social contexts. Community activists, political prisoners and ex-combatants may play a significant role in this work. Conflict lines are both on a societal and a group level between local communities and gangs of youths; between long term residents and recent immigrants; and inter-community sectarian conflicts.

¹¹ <http://www.foxnews.com/world/2011/06/22/northern-ireland-police-blame-paramilitary-group-for-riots/#ixzz1sUBQH04e>

The youth gang picture of Northern Ireland seems unclear, according to Covey (2010, 94): *“In a climate of on-going political and religious disputes, the civil strife in Northern Ireland masks the true nature and extent of Irish street gangs.”* In referring to the near past, they were often very young and impoverished, and kicked out of school at the age of 14 and out of control of their (mostly Catholic) families. They were involved in stealing cars and driving recklessly, causing harm and serious risk. In recent years there has been an increase of immigration of foreign worker, to Northern Ireland. This has seen an increase in hate crimes directed at immigrants from young people, such as graffiti, arson, assaults and vandalism. The migrants particularly suffering such attacks are Chinese, Pakistani, Ugandan and Romanian. In Protestant neighbourhoods, youth have borrowed a term from the wars in the former Yugoslavia and called their own attacks ‘ethnic cleansing’. There is a certain degree of cooperation between youth gangs and paramilitary groups. Covey and Roche (Covey 2010) also describe how illegal vigilante groups from communities take over “law enforcement” in order to punish criminal and antisocial behaviour, as is shown in other countries when the state withdraws.

Inter-community sectarian conflicts in Northern Ireland seem to comprise several convoluted issues, e.g. religion, class, political loyalty and urban-rural settlement. Some of these issues are displayed in the introductory case from Northern Ireland.

2.5. The study-sites

Two main types of intercultural settings are represented in these four study-sites: firstly, settings that have been perceived as historically intercultural, such as the Hungarian site, the Serbian interethnic site and the Northern Irish communitarian site; secondly settings that are perceived to have become intercultural through recent immigration, such as the immigrants who now are allowed to take residence in the social housing areas in Vienna and the long term resident/recent immigrants shared site in Northern Ireland. Most, if not all, urban areas in today’s Europe are characterised by culturally diverse communities. There is a myriad of different people, with different religious and cultural affiliations, people with different backgrounds, worldviews and values living together in the same neighbourhoods. The demographic changes in relatively culturally homogenous parts of Europe into multi-ethnic communities have led to a number of challenges for individuals,

local communities and states in adapting to this diversity. In many areas, however, cultural – or ethnic – diversity is old news. More than four decades ago, the social anthropologist Fredrik Barth wrote:

... where there is less security and people live under a greater threat of arbitrariness and violence outside their primary community, the insecurity itself acts as a constraint on inter-ethnic contacts. In this situation, many forms of interaction between members of different ethnic groups may fail to develop, even though a potential complementarity of interests obtains. Forms of interaction may be blocked because of a lack of trust or a lack of opportunities to consummate transactions. What is more, there are also internal sanctions in such communities which tend to enhance overt conformity within and cultural differences between communities. If a person is dependent for his security on the voluntary and spontaneous support of his own community, self-identification as a member of this community needs to be explicitly expressed and confirmed; and any behaviour which is deviant from the standard may be interpreted as a weakening of the identity, and thereby of the bases of security. In such situations, fortuitous historical differences in culture between different communities will tend to perpetuate themselves without any positive organizational basis; many of the observable cultural differentiae may thus be of very limited relevance to the ethnic organization. The processes whereby ethnic units maintain themselves are thus clearly affected, but not fundamentally changed, by the variable of regional security (Barth 1969, 7).

Barth here puts into words several of the concerns of the ALTERNATIVE project: insecurity and mutual lack of trust as major obstacles to inter-ethnic contacts, the question of power and political leadership which is often based on inter-ethnic conflicts, and the related coining of all sorts of conflicts of interest as primarily issues of ethnicity and culture. With the initially described cases in mind, Barth's comments are strikingly pertinent.

Our aim in presenting these cases has not been to anticipate the findings of ALTERNATIVE researchers. Rather, we have intended to provide a preliminary image of each of the four settings in which the research will be conducted. In the following, we will refer, describe and analyse theoretical and descriptive research relevant to such realities, with the above descriptions as background information to illustrate and understand the concepts. In our review of the selected literature we will in particular focus on definitions of concepts, situations and actors and other central parts of a cross-cultural approach with an aim of analysing *how notions of peace and security emerge or do not emerge from the texts*. Other key items for analysis are descriptions on the participatory and the dialogical

content in texts. In the selection of studies for review, there will be a particular focus on the fields and of empirical examples in the ALTERNATIVE project, i.e. public housing in Vienna, Hungarian community with Roma, ethnic groups in Serbia and communities in Northern Ireland.

3. Concepts central to defining the project

In the following section, we shall review the concepts of culture, intercultural contexts, ethnicity, and conflict, as they are used or lacking in the security discourse and propose how they may be used as a common ground in our project. Concepts of conflict, culture and intercultural contexts or settings and ethnicity are building blocks in the project and must be defined at the outset. We shall briefly review the current state of the art within the research fields framed by these concepts, and then suggest definitions for the purposes of ALTERNATIVE.

We base our review on two levels of *knowledge*. The epistemic level stems from e.g. the French theorist Michel Foucault and his view of *knowledge*, always dependent on the discourse within which knowledge was created. The notion of *discourse* does not only refer to knowledge as ideas and texts/books, but also to the socio-historical context in which the ideas and texts came into existence, and to their practices. The relations between a certain body of knowledge, e.g. the disciplines of medicine, law or theology, and their institutions (hospitals, court rooms, churches etc.) as well as the leading persons and practices related to these disciplines will always entail relationships to power, social control and social possibilities. Thus, the second level is the knowledge level, as we refer to certain empirical and theoretical investigations relevant to our study focus. This epistemological approach is in accord with the analytical viewpoints of several of the central authors we will refer to in the following text (Avruch 1998, Bakhtin and Holquist 1981, Sen 2009, Sommers 2012). To our understanding, they all agree to the necessary conclusion when one takes this approach, that notions of truth and reality will always depend upon the socio-historical context of the person(s) or groups who pro claims *the* truth, *the* reality, etc. Conceptions of truth and reality will always be situated and vary according to specific contexts.

3.1. Culture

3.1.1. Concepts of culture

The word ‘culture’ originates from the Latin verb ‘colere’, which means to cultivate in a wide sense, including the cultivation and inhabitation of the land as well as worship or cult and the nurture of children and animals, and the noun ‘cultūra’, which means cultivation in a correspondingly wide sense. Hence, the scientific study of ‘culture’ means acquiring knowledge about what humans cultivate. Throughout the past century, ‘culture’ has been one of the most contested words in the social sciences, as it has been described as one of the two most complicated words in the English language (Williams 1981, as quoted in Eriksen 2001, 3). In 1952, Alfred Krüber and Clyde Kluckhohn (1978) presented 161 different definitions of culture. Today, there are more than 300 definitions. It is not possible within the scope of this paper to make an overview of all these definitions, but we will try to clarify some of the most relevant uses of the concept and propose an understanding of culture which is in line with the state of the art in the social sciences, and that may be fruitful for ALTERNATIVE.

To begin with, there are four main types of definitions and uses of the word ‘culture’ (Eriksen 2001, 2010, Norvoll and Thorbjørnsrud 2009, Riches 1986, Sert 2010):

1. as a sector in society (ministry of culture, youth culture, fine culture etc.)
2. as a life form (American culture, farmer culture, child culture etc.),
3. as in various sub-cultures (immigrant culture, women’s culture, student culture etc.),
4. as ideas and values that enable human agency and communication.

It is the last category of culture-definitions which is based on the definitions used in the social sciences. Eriksen points out that ‘culture’ carries with it a basic ambiguity: on the one hand, every human is equally cultural (Eriksen 2001). In this sense, the term refers to a basic similarity within humanity. On the other hand, people have acquired different abilities, notions, etc., and are thereby different because of culture. Consequently, ‘culture’ refers to both “*basic similarities and to systematic differences between humans*” (Eriksen 2001, 3). In the 1960’s and 1970’s Clifford Geertz (1973, 1974) had great influence of the understanding of culture in social anthropology as both an integrated whole with distinct

borders, as a puzzle where all the pieces were at hand, and as a system of meanings that was largely shared by a population. However, this influential understanding was criticised throughout the 1970's and 1980's since in many cases it could be said that national or local culture is neither shared by all or most of the inhabitants, nor sharply bounded, nor an integrated 'puzzle' where all the pieces fit together (Eriksen 2001). Alternative conceptualisations of culture were proposed as 'unbounded cultural flows', or as 'fields of discourse', or as 'traditions of knowledge', whereas others even wanted to get rid of the culture concept altogether. Today one may organise the scientific uses of the concept of 'culture' into two main types of definitions, one that emphasises historical continuity (e.g. Klausen 1999, Sen 2009), and another that emphasises "*that which enables communication*" (Eriksen 2010, Riches 1986). The first kind of definition implies cultural inheritance and is more bounded and exclusive than the second, which claims that if two persons are able to have a meaningful communication they share certain aspects of culture no matter their origins or backgrounds. Nevertheless, these two ways of defining 'culture' should be regarded as complementary, since historical continuity (for instance through primary socialisation) will always be an important dimension of culture, while at the same time communication across cultures of origin is always a possibility.

Gerd Baumann also identifies two ways of talking about culture: on the one hand, "*culture is comprehended as a thing one has*", on the other "*as a process one shapes*" (Barth 1993, 83). The former version entails a reification of culture, an understanding which may be misleading since understandings of culture as a 'thing' is the product of a cultural process which may be invisible to the actor itself. Nevertheless, Baumann underlines that both ways of talking about culture capture some of the complexities to which the term refers: both are necessary and choosing one at the expense of the other is a fallacy. Similarly Margaret Archer argues from a critical realist perspective that the culture-agency problem needs to be examined in its empirical manifestations because individual agency and cultural constraints interplay in different ways in different contexts (Baumann 1996, 1999). While scholars emphasise differently the ways in which culture may constrain or facilitate individual agency, there is general agreement that it is a fallacy to regard culture as a social agent or as a 'thing'. The task of scholars is, however, not to condemn lay

discourse that imbues culture with agency, but to analyse such reifications of the concept of culture in terms of wider contexts of power and inequalities.

The social anthropologist Kevin Avruch is one of the few scholars who have published to a wider extent on the issues of culture in context of conflict, violence and war. He discusses and conceives culture in a socio-historical perspective as something which is derived from individual experience, something learned or created by individuals themselves or passed on to them socially by contemporaries or ancestors (Avruch 1998).

This way of understanding culture differs from the one that dominated colonial anthropology and has later, through a 'time lag' (Stewart 1997) dominated most of the other social sciences, especially in security discourse and conflict resolution studies. Avruch's book on conflict resolution was, as viewed from within social anthropology, part of a paradigm shift carried forth by the better known works of e.g. James Clifford and George Marcus (Marcus 1986).

In line with the paradigm shift, Avruch in his work on culture and conflict moves away from the previously dominating view of culture as a stable or homogenous entity, focuses less on patterns and structures, and more on social and cognitive processes than had previously been the case in social anthropology. This understanding of culture is now part of the theoretical mainstream in the social sciences, and encompasses the diversity of social and experiential settings that individuals encounter. Although Avruch is within mainstream and general contemporary anthropology, he is one of the few who has made explicit the issues of culture and conflict. Thus his outline may act as an example of the kind of cultural understanding that we are aiming at.

Avruch is one of the many scholars active in the 1980s and 1990s who expand the scope of reference of culture to include not just quasi- or pseudo- kinship groupings (tribe, ethnic group and nation) but also groupings that derive from profession, occupation, class, religion or region. He highlights the fact that culture is always psychologically and socially unevenly distributed in a group: all members of a group do not see the world in the same way. This also brings into view the dimension of power often missing in more conventional or everyday usage of 'culture': if the members of a group have different understandings of

the world, how do the world views of some members seem to represent the world views of the group as a whole?

Avruch discusses how difficult the concept of culture is, and reviews different historical understandings of the term, demonstrating how the concept has evolved through the history of social anthropology. His aim is to fashion a working definition of culture for both theory and practice in conflict resolution, and he emphasises the need to focus on the implications and dynamics of the local – that is, on variability and diversity – rather than searching for the universal and homogenous characteristics of any culture.

Avruch (1998, 14-15), in line with most contemporary anthropologists, points out six pitfalls when it comes to understanding culture:

- Culture is not homogenous (it is not free from internal paradoxes and contradictions).
- Culture is not a thing (it cannot act independently of human actors, ‘clash of civilizations’ is a good example of this sort of perception. It is easy to overlook intracultural diversity and the fact that culture changes over time).
- Culture is not uniformly distributed among members of a group (this idea imputes cognitive, affective, and behavioural uniformity to all members of the group).
- An individual can, and usually does, possess more than one culture (a person possesses and controls several cultures).
- Culture is not just customs (to see culture as merely custom or tradition you again downplay individual agency).
- Culture is not timeless (related to “culture is custom” and all of the above views).

As noted above, culture is not an actor, but is often spoken about as such for various, often political reasons, e.g. in nationalistic, ethnic or racialising discourses. Hence, the word ‘culture’ may not mean the same in everyday language as it does in academic analyses. In lay usage of the term ‘culture’, scholars argue, cultural phenomena and practices are often ‘reified’ and endowed with a mystical agency of its own in ways that hinder constructive dialogue and promote orientalism (Anthias 2001, Barth 1969, Børtnes 2001, Covey 2010, Csordas 1990). Kinship categories and concepts are important for many different groups in

our case-sites, both literally and symbolically – as terms or metaphors for ‘friends’ or ‘enemies’, close or distant, known or unknown. Such ways of ordering people may be viewed as expressions of a basic human need to order the world. Researchers within the social sciences and the humanities have during the last century been concerned with why and how people order social and other phenomena, and several ordering principles have emerged, especially within the religious, literary and philosophical fields of science. A view of symbolism as a universal human activity is a common denominator for all these researchers, whereas the emphases in analyses of ordering systems vary from cosmological (Derrida 2001) to genealogical (Keesing 1990) to bodily systems (Csordas 1990, Douglas 1984, Keesing 1990, Lakoff and Johnson 1999, Merleau-Ponty 1996). Roger Keesing (1990) points to new approaches within cognitive science concerning the cross-cultural knowledge of categorisation. The linguist George Lakoff described his “theory of natural categorisation” as “*a logic of mind ... in which categories are defined not in terms of necessary and sufficient conditions for class membership, but in terms of central and prototypic cores of meaning, extended outward on the basis of shared features and relationships or metaphor and metonymy*” (Eriksen 2010, 162).

The above examples on theoretical approaches to *ordering of experience*¹² are likely to be useful to the ALTERNATIVE project. The researchers, the professionals (lawyers, social workers, mediators...), and the lay people, from the different case-sites certainly belong to different ‘ordering groups’ (language, ethnicity, religion, class, gender, age, education...). Ordering implies valuation, i.e. moral knowledge. There is thus a need for great care in the selection of terms in the ALTERNATIVE project, in order to find a constructive common language to express and create understanding. Furthermore, the terms should be chosen as a result of critical and explicit discussions in order to prevent misunderstanding and ensure that the project proceeds on a common ground.

3.1.2 Intercultural settings

Terms like ‘ethnicity’, ‘culture’ and ‘religion’ are often used to refer to socio-cultural differences in the population. However, in conflict situations the uses of these terms may

¹² Douglas’ ordering of experience (Douglas 2002) may be seen in accord with Foucault’s notion of discourse (Foucault and Rabinow 1997): peoples’ ordering of experience will always rely upon and reflect the socio-historical conditions for their ordering.

sometimes not only result in confusion, but also maintenance and escalation of conflicts. In ALTERNATIVE we have deliberately chosen to use as a central term 'conflicts in intercultural settings' rather than 'intercultural conflicts'. These terms are often confused with each other, yet they mean quite different things and have very different implications for our research in ALTERNATIVE. Looking into the different conflict contexts in ALTERNATIVE, the contexts or settings are defined or described as intercultural, but the conflicts may comprise as their central aspects e.g. gender, age, class, income or injustice from the outside or the aftermaths of war which is transferred to new generations. 'Intercultural settings' is the broader concept – it includes conflicts around issues other than those pertaining to 'culture', and does not presuppose that difference in 'culture' is a primary problem in itself. In an intercultural setting like the Vienna housing projects, the example above shows that a conflict about perceptions of noise and littering was framed as an intercultural conflict, a conflict of 'native Viennese' vs. 'Turkish immigrant'. Another possible interpretation or framing of that particular conflict could be to say that it was an intergenerational conflict, but this does not appear to have happened. Hence, conceptions of 'culture' related to conflict and polarisation become part of the study object of the project, rather than an analytical point of departure. It is our job as researchers to ask: how could this conflict be alternatively interpreted in terms of other social variables such as generation, gender, politics, class, etc.? This is not to say that conflicts cannot be of an intercultural character; rather, that other frames of interpretation are usually at least as relevant and almost always more constructive.

Intercultural settings are the loci of our research interest. The conflicts that come into view have to be analysed in order to find out about the societal structure and especially the power relations that are 'behind' the conflicts and might go beyond differences of 'culture'. Ideas about 'culture' are often mobilised during the escalation of a conflict between people from different backgrounds and perceived as representative of 'cultural differences', whereas the root of the conflicts may not have anything to do with differences in culture in itself. This is an empirical question and that makes it important to pay attention to the way in which these conflicts are framed by those involved. This is where 'intercultural conflicts' will come into focus, as the view from 'inside' the conflict. The case-exposés show this already, at least this holds for Austria, Hungary and Serbia and probably also for Northern

Ireland – but then the comparison will give information why and how such surface-framing eventually has been overcome.

To sum up: we are working on conflicts in ‘intercultural settings’ (the view from ‘outside’, i.e. from the analyst’s point of view) – with insider concepts of ‘intercultural conflicts’ as a critical focus of interest. This interest makes it especially important to look at societal and political forces that lie beneath the surface of conceptions of so-called ‘intercultural conflicts’.

The term ‘intercultural’ also appears in a less descriptive and more ideological and academic form: ‘interculturalism’. In the following, we will take a closer look at this concept and its political surroundings, as it is likely to be encountered as part of the empirical contexts of study.

3.1.3. Interculturalism and multiculturalism

Multiculturalism and interculturalism are contested and competing terms in scholarly debates. Whereas both terms refer to policies aimed at dealing with, or organising, differences or diversity in plural societies, the definition of each concept varies a good deal, from country to country, from politician to politician and from scholar to scholar. Multiculturalism may be seen as a term referring to state policies of plural societies with e.g. indigenous peoples and migrants (e.g. one is allowed or not allowed to keep two citizenships and thus two passports; or minorities are accepted to have their own political rights within the nation state, e.g. their own parliament). As part of a current wave of critique of the multiculturalism concept, Robert Wilson has even suggested that it is little more than a continuation of the colonial concept of ‘indirect rule’: it presupposes that the ‘others’ of Western nations constitute distinct ‘cultural groups’ with a leadership that may be useful for Western governments in controlling and ruling their ‘others’ (Wilson 2012). The concept of interculturalism has been more strongly linked to the idea of ‘intercultural dialogue’ and communication, and thus contrasted to multiculturalism by the assumption that it stands for something more mutually enriching than mere peaceful coexistence. Interculturalism is also, in extension, assumed to be more synthesising, i.e. more committed to a stronger sense of the whole, to social cohesion and also to open and constructive criticism of illiberal cultural practices (Modood and Meer 2012). Within the

ALTERNATIVE project, these connotations of interculturalism find more resonance than the more structural or organisational versions of multiculturalism, and the project itself is also defined through an emphasis on ‘intercultural’ dialogue. However, it should be noted that proponents of multiculturalism argue that this concept encompasses the aspect of dialogue (Modood and Meer 2012).

The term multiculturalism generally refers to an applied ideology of racial, cultural and ethnic *diversity* within the demographics of a specified territory or organisation. The term is variously used; for instance, many prefer the terms cultural or ethnic or religious *difference*, plurality, or *diversity*. One of the leading scholars on multiculturalism, Will Kymlicka, points out that the political reason behind the current multiculturalism vs. interculturalism discussion is that there is a need to find an “*alternative strategy for addressing popular discontent with diversity*” (Kymlicka 2012, 215). In other words, there is a widespread perception especially among European politicians that their electorates are not happy with immigration, and in an attempt to “*tell a story that can revive the flagging political commitment to diversity*” (Kymlicka 2012, 214) the rhetorical solution is to find a new word for policies to deal with ‘multicultural populations’, interculturalism being the answer.

As a response to this critique, but time wise in advance, Marie Louise Seeberg (2004) explored in her article “Anthropologists and multiculturalism in Norway and beyond” the potential of critical realism¹³ as an approach to debates about multiculturalism. She claims that “*there is a need to renew the closely interrelated academic and political discussions about multiculturalism. Constitutive of national versions of multiculturalism are images of a national self, as transmitted by each nation-state to its citizens. Multiculturalisms as social phenomena, thus formed by nationalisms, are intertwined with anthropological concepts of multiculturalism, which depend on concepts of culture that are often contradictory or essentialising*” (Seeberg 2004). She suggests that a manifold but not totally defined concept of culture may provide a more fruitful point of departure: “*Such a concept also reflects empirical complexities more adequately and at the same time*

¹³ Critical realism is a term within the field of science theory developed by the British philosopher Roy Bhaskar, emphasising the social developments and constructions of science, both social and natural sciences (Bhaskar 1975). This is much in line with the French science theorist/anthropologist Bruno Latour. Both emphasise the importance of the social in the different scientific practices.

enables us to think in new ways about organising society” (Seeberg 2004, 215). This is compatible with Sen’s notion of a justice with many dimensions, which we describe below in this report (Sen 2009).

3.1.4. Culture and other differences: gender, class, ethnicity

‘Ethnicity’ has long been a contested term, not least because it was during recent history of different scientific fields – and not least politically – related to ‘race’. This usage is now obsolete. The term has been developed especially within the field of social anthropology. A common anthropological understanding of the term is ‘ethnic identity’, consisting of ideas of common ancestry, language, history, belief system, and world view (religion) shared by a group of people. According to mainstream anthropological thought (Eriksen 2010, Guild 2009, Takle 2012) ethnicity is a relational term, i.e. it emerges as relevant only in the encounter with another group of people who are conceived to be ‘different’ concerning such cultural characteristics. ‘Ethnicity’ in this perspective refers to dynamic relations – such as communication, conflict, cooperation or adaptive co-existence – between ethnic groups. Thus ‘interethnic’ refers to communication in one way or another between, among or involving people from different ethnic origin and perceived as belonging to, and often as representative of, different ethnic groups.

Often, the use of terms such as ‘ethnic’ conflict may refer to conflicts that are not caused by different ethnicities as such. Other circumstances, such as differences in access to material or political resources, may have a large part in such conflicts. In these cases, conflict lines often follow ethnic lines, often through manipulative political discourse, but the differences between the groups are not the only or original sources of conflict. When discussing conflict, we may refer e.g. to the Austrian case, where not only ‘generational conflict’ as we suggested above, but also ‘class conflict’ seems to be just as relevant as ‘ethnic conflict’. Cultural as well as material aspects of conflicts may relate to ethnic differences, but this is not necessarily so. In many cases, other dimensions of difference are at least as relevant to understanding and hence to transforming conflicts. Class is one such dimension that should not be underestimated. The cultural dimension of class relates closely to education and what Bourdieu (1986) called ‘cultural capital’, while the material dimension is rooted in differences in income and economic capital. In our times, appealing

to voters on the basis of class solidarity appears to be less politically opportune than using ethnic or national belonging as a common platform.

Another example of the need to carefully examine underlying causes of violent conflict was displayed in an anthropological youth study from Oslo (Sundnes 2004). The focus was on young male ideals in how to address each other, in particular profane name-calling and offending and insulting verbal practices which sometimes cause aggressive reactions. These reactions were interpreted as part of cultural differences. However the study shows that reactions are “*shaped by subtle processes of interpretation, and that conceptions of honour may be more related to marginalized positions than to cultural differences*” (Sundnes 2004). In this case, the root conflict was neither culture (honour based) nor ethnicity (a group with honour-based culture), but rather negotiations of marginalised identities.

Consequently there is a great need of caution when applying terms such as ‘interethnic conflict’ or ‘intercultural conflict’, and the close empirical investigation of the role and status of ethnicity and culture in any conflict line must be considered in the project. In addition to class, one may also have generation (as in Austria, Northern Ireland or in the case above from Oslo), gender (as in Serbia), labour, food and housing shortage (as in Hungary, Austria as well as in Northern Ireland) – not necessarily related to differences in history, religion, ancestry or language at all. In addition the problem may not be difference in itself but the hierarchisation of difference which is implicit in the conflict: someone or something is valued above or below the other.

3.2. Conflict and security

The conceptions of conflict as well as security, which may be said to be two sides of the same coin, varies in the different social scientific fields. In this report we will discuss the concept and conceptions of conflict in relation to the closely intertwined conceptions of security. Security is often understood in relation to a certain, sometimes implicit, threat to security issues. Hence, these two conceptions must be treated in the same breath and discussed in relation to one another. Particularly in the fields of international relations and

political science, these concepts have changed significantly from the end of the Cold War¹⁴ to the post-Cold War period, both in theory and practice. Within these fields there has been a growing focus on the relationships between democratic development, privatisations of former ineffective and corrupt policies and state enterprises as well as banking systems towards an overall economic and civil society development with emphasis on free speech, free press and publishing rights, free organisational rights *and* a growing focus and knowledge of environmental and ecological threats and disasters. Thus there is a growing turn towards new ways of looking at conflicts and security, due to these political and environmental turns. Adding to this comes the now growing documentation of globalisation processes, both related to environmental, economic and political changes and not the least the role of the new (social) and old media and their subsequent developments. The power-knowledge complex is rapidly changing, in practice as well as in theory. The social scientist Manuel Castells is one of the most renowned researchers to address this turn.¹⁵

Different levels of conflict (armed conflict, societal conflict, violent conflict, ethnic conflict, cultural conflict, religious conflict, political conflict, interpersonal conflict, group conflict, international conflict, etc.) have thus been subject to new investigations in the different fields of social scientific research. New approaches have developed both concerning security and conflict. The levels that we deal with in our project relates to all that are mentioned above, seen from a particular angle, the restorative and dialogical process angle, involving stakeholders at a local or at a representational (i.e. thus often symbolic) level.

The relation of conflict and crime may be present, direct or indirect – or there may be no relationship at all. Often this relates to the stakeholders interpretation of what has

¹⁴ Often dated to 1988/1989 with Glasnost and the end of the Soviet and Comecon era, thus changing e.g. the political and economic situation of the eastern European countries, the tensions to a certain degree between Russia and US. Europe has undergone significant changes after the end of the Cold War. Dramatic and cruel breaches of the international human rights and an extreme inhuman behaviour as part of new interstate and intrastate wars in the Balkans and the Caucasus has been exposed to public knowledge. The EU and a significant numbers of human rights and civil rights organisations, in addition to NATO, OSCE etc. have worked hard to cease the killings, torture and systematic genocidal acts in several countries, with more or less success. The situation for millions of people in these areas is still oppressive and insecure at various levels.

¹⁵ See e.g. <http://www.holbergprisen.no/en/manuel-castells.html>

happened, if it was legal or justifiable – or understandable. The approaches to these questions may vary between the social scientific fields, some more based on national or international laws or conventions (the view from above), some more on empirical studies among participants and stakeholders ‘in the bush’ (the view from below).

Accordingly, the different terms that are used in security and conflict discourses, e.g. mediation, conflict resolution, conflict management, conflict transformation, conflict prevention, and peace/peace building, may be due to the eye of the beholder.

A growing concern is that a view from below changes the notion of security from a question of e.g. military and police surveillance to a question of mechanisms for social integration as well as local abilities to handle conflicts peacefully and that this may push for a democratic and human development at a larger societal level (see e.g. the reports from the European Bank of Reconstruction and Development¹⁶ and the Societal Impact Expert Working Group of EC DG ENTR from February 2012¹⁷).

There is a growing conscience and a focus on seeing social events from below in context of the above level, i.e. contextual political factors. That is why we here take a closer look at the security discourse with a basis in contemporary restorative justice literature. This is to a certain extent a normative view, but in our project the approach will be empirical. Thus the outcome of our research is not a given.

3.2.1. Conceptions of security and human security

In the last *Human Security Report* from the UN Secretary General Kofi Annan, the issue of wars and human suffering as consequence of war is at stake: “*Many challenges remain, but the central message of this latest Human Security Report is that the system of global security governance that has evolved over the past two decades really does have the potential to help new generations avoid the scourge of war.*”¹⁸

¹⁶ <http://www.ebrd.com/pages/homepage.shtml#&panel1-3>

¹⁷ <http://www.forskningsradet.no/servlet/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobheadername1=Content-Disposition%3A&>

¹⁸ <http://www.hsrgroup.org/docs/Publications/HSR20092010/20092010HumanSecurityReport-Foreword.pdf>

However, the term human security seems to encompass many more aspects than war. As the political scientist Deniz Sert writes concerning peace in Cyprus, with the change from interstate to intra-state warfare, the concept of security is changing, and what is at issue in relation to property, return and reconciliation is 'human security', defined by Roland Paris as “*a label for a broad category of research in the field of security studies that is primarily concerned with non military threats to the safety of societies, groups and individuals*” (Paris 2004, Sert 2010).

For our purpose of using the human security term, we will approach the following questions: *Security for whom, by whom, against what (threats) and with what kinds of tools?* In other words, 'security' has both an objective and a subjective dimension. The objective dimension is related to statistical risks of violence and abuse whereas the subjective is related to the subjective experience of trust, control and safety. These two dimensions can be related to the universalist versus the particularistic understandings of justice as Sen (2009) explores it and as we have seen this in a restorative justice context.

The political scientist Elspeth Guild¹⁹ analyses the intersection between *critical security studies*²⁰ and *critical migration studies*²¹ (Guild 2009) and how this intersects with the construction of 'migrants' or 'foreigners' as a threat to security (e.g. whose security?). She proposes to move away from a state centred approach and look into the causes by which an individual or a group of people becomes categorised as a threat to state security. This direction of studies is mainly developed within feminist theory, e.g. studying the relationship between female migrants and patriarchal statist structures.

Security and migration studies are linked together as subcategories of International Relations, a branch of political science, but also of other research fields in law, geography, and social anthropology. Bigo (2002) and Takle (2012) describe how immigrants increasingly become nested in state-determined categories and complex, interrelated data control regimes, referring to insecurity. Guild writes: “*The allocation of 'immigrant' or*

¹⁹ Guild's book came about as one of the results of the FP 6 research projects CHALLENGE (Changing Landscape of European Liberty and Security)(<http://www.ceps.eu/project/changing-landscape-european-liberty-and-security-challenge>).

²⁰ Where the term security can only be understood in relation to power.

²¹ Where migration can only be understood as the contested relationship between the individual, resisting the state categorisation (as a threat to security) - and the state.

'migrant' is not neutral. In many circumstances, particularly in Europe, it is already normatively loaded with a security related content" (Guild 2009). She sees the interrelationship between in/security, migrant and boundaries: *"Boundaries exist, but instead of encircling state territory, they are more and more frontiers of human rights law and jurisdiction"* (Guild 2009). The time dimension, e.g., of the official identity as a migrant is important in this respect and varies considerably throughout European jurisdictions. It is culturally and socially also related to notions of foreign or alien, of 'Other'. The term 'second- or third generation immigrant refers to this: when does one stop being an immigrant? When does a person transcend from immigrant to denizen, or to citizen? Migrants may not only be viewed as threats to security, but as persons in need of protection and security. In e.g. Hungary interpretations of 'traditional minorities' may have security implications. Citizenship may not help, because the security challenges connect to ethnicity and social status.

Another political scientist, Gunhild Hoogensen (2012), describes how the leading conceptions of security within the field of international relations vary *"from those stating that the concept can only be employed by the state with regard to immediate, existential threats, to those that see security as the foundation of social life or as a human good."* She argues for *"positive security perspectives, which rely on non-violent measures, ensure an emphasis upon contexts, values, and security practices that build trust."* By the use of a multi-actor security model, she shows the dynamics between state and non-state actors in the creation of security (Hoogensen 2012).

Adding to the complexity of the security term, one may understand *negative security* as 'security from' and *positive security* as 'security to' in an enabling sense. The enabling feature of positive security demands an examination of how security is produced, and more importantly, by whom. The 'who' must be further supplemented by three variables – the nature of the *practice* of security, the *context* of the security practice, as well as the *values* lying behind these practices (Hoogensen 2012). Research concerning public confidence in policing adds to this view: *"people think about policing and private security in ways that have less to do with 'risk' and 'fear of crime' and more to do with a sense of place – the own place, or other places – and with concern for that place's 'moral architecture', its social status, and its distinctive 'security aesthetic'"* (Garland 2001a, 2001b). One may

further distinguish between subjective and objective security. Subjective security belongs to the area of *feeling* safe and secure in a specific situation or environment whereas objective security belongs to the area of e.g. risk assessment according to public and standard criteria, laws and regulations concerning public and private risks (fire, electricity, traffic, ...), policing, and military surveillance. The rhetoric of security can be seen as part of both areas, depending upon the argument and situation. Within this framework we see restorative justice as a tool to navigate through challenges of both objective as well as subjective security issues. Restorative processes may have the potential for conflicting parties to 'interpret' between the 'objective' and the 'subjective' in many aspects, such as in the sense of justice, truth, security, safety etc. Thus restorative justice may be seen as a general 'transferring' tool while searching for the ways in which these subjective feeling of security, justice, truth etc. are linked to their respective objective interpretations.

Human security development, human rights and restorative justice approaches to the handling of small or large conflicts may go hand in hand. For instance, the Hungarian case illustrates how a human rights advocate intervened in the village conflict in order to provide a safer community for the inhabitants. This may be an argument for a tighter link, practically and theoretically, between these until now different areas of justice and security laws and policies. An advance within one of these areas may not reach far without involving the others. But there are obvious obstacles: A human rights advocate may also act according to the general adversarial and non-dialogical, rule of law. This also happens in Hungary when the (mostly justified) responses to segregating and discriminative measures are based on litigation by human rights advocates and the result is always a win-lose outcome. This may perhaps (but not necessarily) be better for the affected minority, but not helping the divided society to move towards more peace and cohesion. The difference between restorative justice and a human rights approach is the difference of understanding norms: A human rights approach has statements about what is right, while restorative justice has a balanced and dialogical approach to what the norm should be according to the affected parties. Again this refers to the objective versus the subjective

understanding of norms. From this point of view, a human rights approach is closer to the formal justice approach than to restorative justice.²²

Human security as conception and paradigm for understanding global vulnerabilities emerged from a post-Cold War, multi-disciplinary, people-centred understanding of security. The UNDP definition (1994) of human security includes personal security, community security and political security among target areas.

The ALTERNATIVE project has security as a central issue and field of study. It rests to see how our empirical results will comply with or oppose to our theoretical discussions from the beginning, as in this report.

3.2.2. Concepts of conflict

The uses of the term *conflict*²³ in contemporary restorative justice literature (see e.g. Lederach 1997, Liebmann 2007) could be understood in line with Avruch's definition: "*Conflict occurs when two related parties – individuals, groups, communities, or nation-states – find themselves divided by perceived incompatible interests or goals or in competition for control over scarce resources*" (Avruch 1998, 24). 'Resources' in this perspective can be understood both as material resources, and as immaterial resources such as social and symbolic capital (Bourdieu 1986). In restorative justice this is often referred to as the 'root conflict'. At this level, the conflict can normally be resolved by dialogue and creativity by the parties themselves. However, the need for restorative justice approaches is normally present when the conflicts escalate from this basic level. Harm and devastating acts can be inflicted without any previous conflict as cause or explanation. The conflict may thus be defined or felt as a result or consequence of the act. Whether the relationship itself, or an aspect of the relationship, is defined as a *conflict* depends on the point of view. Realist and cognitivist views are inadequate in that they do not refer to the emotional sides, i.e. the felt and/or unmet needs of people and the hurt feelings of people on all sides of a conflict. In this perspective, hurt feelings are a consequence of unmet

²² This is also why e.g. anthropologists and lawyers may have different discursive i.e. epistemological and thus practical opinions concerning the universal application of human rights. While human rights are based upon the (socio-historically defined) discipline of law, e.g. objectivity and essential values, the discipline of social anthropology has an inbuilt epistemological ethos of subjectivities and cross-cultural comparison.

²³ *Conflict* may be defined according to a variety of criteria, but in our approach it remains to experience and analyse the local variations in peoples' interpretations in the four study-sites.

needs. Hurt feelings may lead to acts that contribute to the polarisation and escalation of conflicts. Any material or rational root of the problem may be forgotten and drowned in the hatred and fear of enemy images. Reflecting critically on how such enemy images are produced and maintained is central to our work in ALTERNATIVE.

The main approach of restorative justice is to address the hurt feelings and unmet needs of the parties in conflict, where they themselves define these needs and feelings. Following this logic, a conflict involving negative feelings cannot be resolved by a cognitivist approach alone, such as a rationalistic negotiation about scarce resources, without also addressing the feelings and needs in question. The explicit tools of restorative justice are oriented towards the handling of feelings and unmet needs, by the explicit and systematic use of dialogue and creativity, transforming interpretations and images into new and different ones.

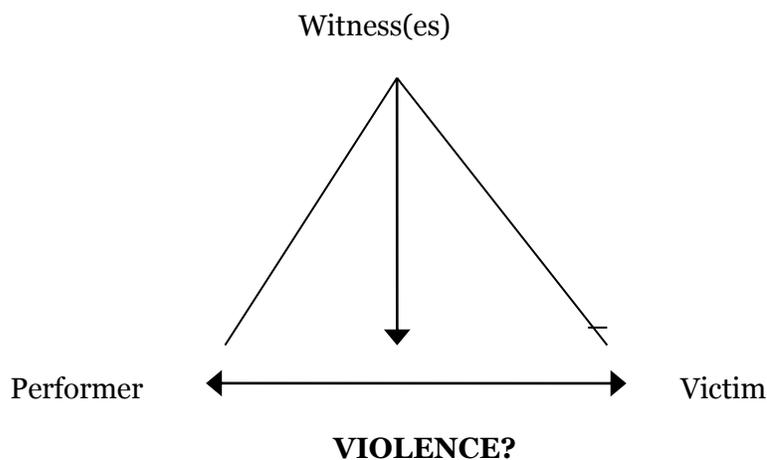
A further escalation of conflict normally implies that the dialogue between the parties ends at a certain level, hence the need of a neutral third party facilitator/mediator. Further up the 'conflict escalator', polarisation and enemy images come into play, legitimising violence and destruction of 'the other'. Here 'culture', religion, ethnicity and other identity markers are mobilised as legitimizing means in physical, psychical, cultural or structural violence. People mobilised into a polarised conflict on a higher conflict level may be unaware of the former 'root-conflict', hence adopting the enemy images and concerns of the conflicting groups. The ultimate aim of a restorative process in such high-level conflicts is, by the means of conflict analysis and various means of facilitated dialogue, to help the parties to narrate and interpret their differences and similarities in terms of needs and feelings in order to transform the conflict into a sustainable agreement with a basic level of co-operation. However, whether this will be a possible outcome of the action research in the four sites will still have to be an empirical question. There are many possible outcomes of restorative processes, for instance 'agreeing on disagreeing', which may serve various needs and security issues. Such possible outcomes will necessarily be part of the study object of ALTERNATIVE itself.

3.2.3. Violent conflict

In this project not only culture, ethnicity and conflict are at stake. In all four case sites violent acts are committed due to conflict, or committed violence, leads to conflict. Violence was not really an issue for culture studies until the 1980s, with the anthropologists David Riches (1986) and Paul Heelas (1982) as some of the main authors. The anthropologist Krohn-Hansen has done fieldwork in two different Latin American countries. He focuses directly on the issue of interpersonal violence (Krohn-Hansen 1995) underlining the problems with the definition of violence. He concludes in the article “A cross-cultural approach to violence” (Krohn-Hansen 1994) that ideas about violence must be integrated in a comprehensive and general social theory because violence is intimately linked to the social construction and reproduction of societies.

In the context of ALTERNATIVE, in those cases where we encounter violent conflicts or conflicts arising after acts interpreted as violent, emphasis should be not only on the directly involved parties but also on the professional expertise, the ethnicity, nationality or whatever relevant descriptive category of the actors, and thus the multiplex interpretations of facts, truths and realities. Victimological research has also shown that symbolic (e.g. threats, directly or indirectly) or mental (mobbing, degrading etc.) violence may be as destructive and devastating as physical violence. Riches discussed in the book “The anthropology of violence” (Riches 1986) the relation between the performers of violence, i.e. perpetrator, and victim, and (the) witness(es). He generated a dynamic and relational model “*which captures the fundamental tension in this basic triangle of violence*” (1986, 8). In order for researchers to see violence as a cross-cultural phenomenon, the focus must be put “*on the act of violence itself, rather than separately on the roles of performer, etc.*” He claims that violence must be seen as an act in a relationship involving at least two persons, which is deemed legitimate by the performer and illegitimate by (some) witnesses. “*Once the tension in the relationship between performer, victim and witnesses is drawn out, the vital question of the potency of violence as an act and as an image can be approached*” Riches wrote (1986, 9). The basic triangle of violence can be illustrated by the following figure (Fig. 1):

Fig 1.



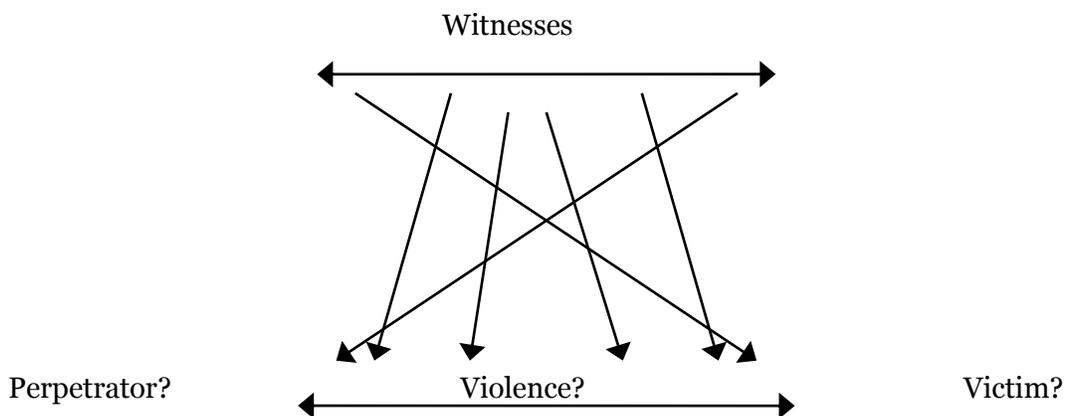
The triangle's lines symbolise the relationships between performer, victim and witness(es). The line between performer and victim is seen as the relationship in which the act is committed. The witness(es) look(s) into this relationship in judging the act as 'violent', 'accidental', 'deserved', 'legal', 'illegal' etc. Riches accentuates these relations as consisting of two elements: "*an element of political competition and an element of competition from the fact that the act of violence never fails to be one of contested legitimacy*" (1986, 9). Once legitimacy is brought into the discussion, naming an act violent will always be dependent upon someone's, the witness', moral judgement. Legitimacy, however, is also a contested term, not least when the context is a criminal court, or when a military or police force exerts violence, causing physical pain or otherwise restricts peoples' actions by threats of physical force.²⁴ Thus, there is a need to break down this complexity of the term into '(acceptable) reason', 'according to the law', and 'grounds for' which all may have different connotations. Violence has a moral dimension. Naming an act violent is in itself a moral act. There is no space outside morality in which one might take refuge from the concept of violence. Or as the English literary scholars Armstrong and Tennenhouse wrote: "*To regard certain practices as violent is never to see them just as they are. It is always to take up a position for or against them*" (Armstrong and Tennenhouse 1989, 9).

²⁴ 'Physical hurt' is by no means an uncomplicated term: persons may feel themselves physically hit also by words and texts, (e.g. speech acts). Within biomedical reasoning, mental pressure may exert more bodily harm than physical hurt. The whole Cartesian discussion of body vs. mind lies in this problematic division.

As a consequence for the project we will have to take into consideration that conceptions of what is a ‘violent act’ to a certain extent may be culturally relative. For instance, parents shouting at a child can be perceived as ‘normal’ and acceptable by some children, while it can be experienced as highly violent for others, depending upon their socialisation and other background issues. Hence, restorative justice understands violence in a subjective and relative way.

Referring to Riches’ model, a violent act is sometimes, but not always, seen, heard or otherwise perceived and interpreted – by different witnesses. Among witnesses there are also those who indirectly perceive and interpret this event, among others all the professionals that later step onto the scene. In such cases there is therefore a need to adjust Riches’ triangle. The term witness consists of a large group of people, people who do not always agree on who is the perpetrator and who is the victim, on why and how. Thus Riches’ one ‘witness-corner’ of the triangle may be enlarged to a scale along one side of a ‘square’, see Fig. 2:

Fig. 2



The figure enlarges Riches’ ‘witness’ to a range of witnesses along a scale where the scale is twofold (referring to the arrows): 1. The positioning of the witnesses themselves, and 2. Where/when in the relation between the perpetrator and the victim they receive their insight.

These models and discussions may lead into questioning pivotal issues as truth, right and legitimacy. The perspective for evaluating violence can be continued into a distinction

In a restorative justice process, however (fig. 4), the conflict or violent act will be handled differently. The mediator's or facilitator's task is neither to decide nor judge upon what has happened or how different witnesses have interpreted an act but base her or his invitation to dialogue upon the eventual or possible understanding of reconciliation and restoration the parties themselves may arrive at. In particular cases, 'guilt' or 'cause' may be shared between the two parties as they have not been recognised as adversaries. It is the agreement (not the disagreement) between the two that is the starting point for mediation. They may agree upon the act of illegitimacy but they may disagree upon the degree of it, which is not, however, relevant to the issue of agreement. The two conflicting parties express themselves: they have no representatives (they have a mediator) and no judge. The concepts at stake in restorative justice will be further elaborated during the ALTERNATIVE project, in practice and in theory.

3.2.4. Conflict transformation

Turning to terms such as conflict resolution, mediation, negotiation or transformation in a scholarly understanding of culture, these are all differently understood and defined and have different connotations for different people, not least when it comes to the sense of the terms in different languages.²⁵ In order to clarify such different positioning and interpretations we turn again to the anthropologist Fredrik Barth who intends, in part, to model the "*characteristically shaped, disordered system containing emergent events and discrepant worlds, in a flux generated by identifiable processes*" (Barth 1993, 354). He models the ordering and analysing of the various actors' interpretations of manifold, partly hidden, partly known sequences of e.g. a conflict or an act of violence: "*To the actor, the event of own behaviour is an act by virtue of the intent that shapes it, i.e. what the actor sees herself/himself as doing, and why that is desirable and feasible; this is the 'meaning' and, to a large extent, determines the form. To other parties, on the other hand, event becomes act through interpretation, through the way its purposes and entailments are understood at the time of its manifestation*", writes Barth. He works out his analysis in

²⁵ E.g. in Norway there is a marked resistance of using the term 'megling', i.e. 'mediation' when in a case of murder or rape, because most people are of the opinion that 'megling' has the connotation of 'equality' and balance between the parties in the case (the perpetrator and the victim) and this seems morally and factually unjust, unfair and wrong. There is therefore now a general turn away from 'megler' ('mediator') to 'tilrettelegger' ('facilitator') in all cases, not just in serious violence cases, handled by the Norwegian Mediation Service (*Konfliktrådet*).

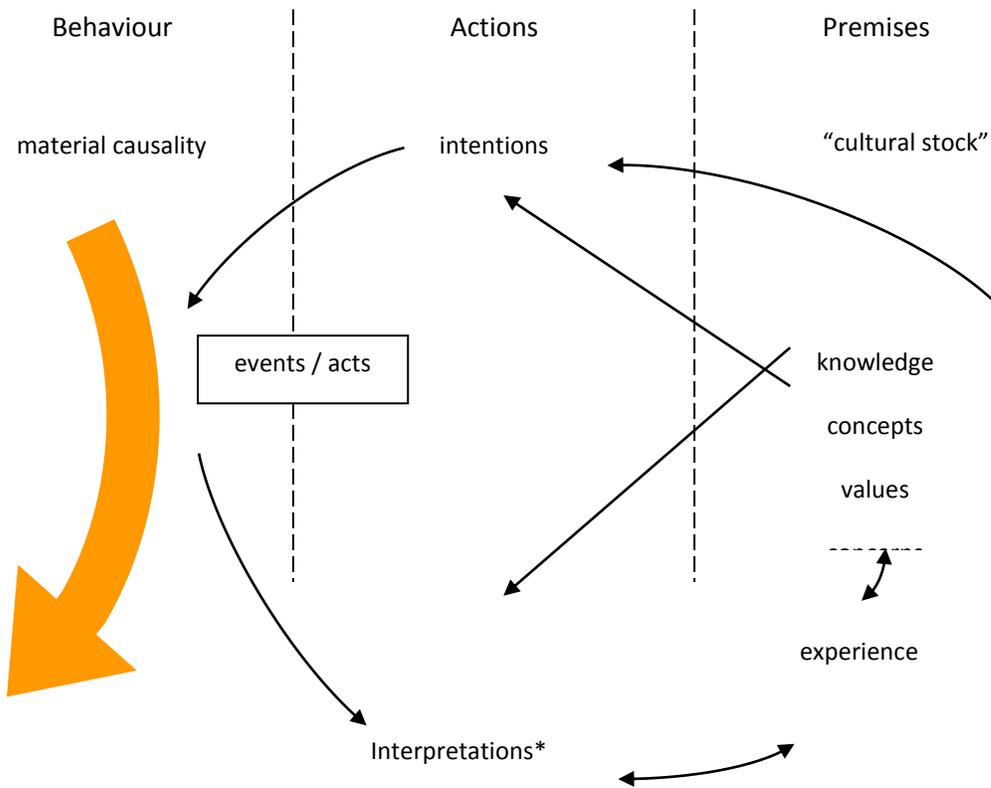
complex, multiplex societies by using “Weber’s distinctions between (1) events, or behaviour - the objective, perceptual things that happen - and (2) acts - human behaviour as interpreted, or understood, within a cultural framework of meaning” (Barth 1993, 158).

Barth emphasises the need to transcend the level of formal rules and institutions “to depict their structure and function in any realistic manner.... I am in no way arguing that formal organisation is irrelevant to what is happening - only that formal organisation is not what is happening” (Barth 1993, 157). Barth adds: “when observing human interaction we must identify correctly the keys that the parties to such interaction they themselves are using, as the events unfold, to be able to give an account of what is going on” (Barth 1993, 158).

The keys of interacting parties in the ALTERNATIVE context of conflicts will often be the depiction of a motive, e.g. self-defence, unintentional, intentional and deliberate in order to describe and possibly explain an event that was caused by or initiated a conflict. More often researchers will not be present when the event takes place, but only enter the situation afterwards. Thus our object of study is mostly not an event as such. But our presence will be in the direct and concrete reconstruction of the event, e.g. narratives, restorative justice processes or even court proceedings. The reconstruction where the event is interpreted into an act is our study-object. The form or procedure of the reconstruction, namely a restorative justice process, gives the event a special content. If the form had been another, e.g. a court case or a witch-hunt, the ‘act’ would have been construed differently.

Our analytical challenge lies in drawing upon Weber’s distinction between events and acts, in order to recognise the processes that contribute to the transformation giving meaning and understanding between them and to describe the preconditions and the consequences of the event. Knowledge, concepts, values and concerns belong to people’s ‘cultural stock’ in addition to their experience and are premises for interpreting intentions (‘motives’) as well as interpretations, both of what was intended and what was effected.

Fig. 5 (Barth 1993, 159):



* i.e., interpretations both of what was intended *and* what was effected.

Barth underlines the “*compelling in that any change in any part of such a model should affect the totality of what the model generates.*” Barth is asking for the “*exploration and modelling of the whole circuit*” in a venture which he calls an “*anthropology of knowledge - which largely remains to be developed*” (Barth 1993, 160).

Our researchers will be present at the reconstruction of the event and the process of transforming the event into act. We will not be separate, but active in the processes through action research. This makes it critically important to explicitly integrate the researcher, in the ‘researched’, as part and participant of the field and object of study defined above as ‘the whole circuit’. Rather than taking on the traditional role of detached objectivity, the scholar in this context will be actively engaged. In order to include our own engagement in the analysis, we need to view the object of study as part of an open system,

where we and other people enter and exit, bringing with us our particular models of the world – our ‘cultures’ in interpreting the event and the whole circuit (Sayer 2010).

In the process of conflict transformation, we are all, in our different ways, looking for a truth. The world can only be understood in terms of those conceptual resources that are available to each one of us, yet “*Truth is neither absolute nor purely conventional and relative, but a matter of practical adequacy*” (Sayer 2010, 83-84). Dialogue is a way of sharing such resources and making our common quest more likely to succeed and come as close to a truth as possible.

3.3. Conflict, justice and alternatives

3.3.1. Notions of justice

The term *justice* is neither evident nor interpreted as a universal concept according to the Nobel laureate in economics, Amartya Sen (2009). He formulates an alternative to the existing interpretations of justice, which, he argues, stem either from a “grand universalist” or a “national particularistic” approach. His conception of “plural affiliation” becomes central for the formulation of this third alternative. He sees that there is a “range of multiple identities accessible to individuals and makes “justice” applicable to a corresponding diversity of socio-political realities, independent of the idea of national frameworks.²⁶ Sen understands justice not as a monolithic ideal, but as a pluralistic notion with many dimensions and claims that sets of arrangements and rules can never be perfectly just and fair for everyone. He draws upon western epistemologies and from Indian literature and history. Hence, the concept of ‘justice’ may claim either universalistic or particularistic status, where the two may be contradictory in practice. We will later discuss this approach because it informs issues related to restorative justice as diverse practices across national, legal and cultural borders.

The ALTERNATIVE project relates to restorative justice as an approach that will vary according to local concepts of security, conflict resolution and democratic participation. Restorative justice may be seen as both a theory and a practice of conflict handling within civil and public societal sectors, aiming at the involvement of people in democratic

²⁶ <http://them.polylog.org/3/fsa-en.htm>

processes for conflict resolution, resting on a certain ritual for the direct and non-violent involvement. This ritual has many versions, e.g. victim-offender mediation, circles, family group conferencing, etc. These ritualised methods have in common some core questions about what happened, who were affected/harmed, what their needs are, whose responsibility it is to fulfil those needs, and how this may best be handled. The aim in restorative justice or restorative processes is to arrive at an agreement that is acceptable and fair to the stakeholders and the local community.²⁷ The stakeholders who are directly involved may themselves play an active role in the proceedings, including coming up with proposals for how the matter can best be solved. Settlement can be reached directly, either in the form of payment, work carried out in lieu, or in any way the parties agree. The directly involved stakeholders (victim and offender) as well as those only indirectly involved (family, friends or others) are all part of the conflict and thus also of the solution. In certain community contexts we might not be able to apply restorative justice as a whole, but we can introduce its components as restorative principles in resolving certain situations, fostering the dialogue process between the parties in alternative ways.

3.3.2. *The organisation of justice, dialogue and restorative ethics*

Turning to the institution and formal rules of restorative justice, the criminologist George Pavlich (2001a) launched the idea of *hospitality* as the key term for restorative ethics in his opening address to the Fifth International Conference on Restorative Justice:

... ethics appears as a meta-discourse on how specific instances of hospitality produce ethical subjects who imagine ways to be with others in the future. This vision of restorative ethics does not claim to be universal, or assume a naturally defined ethical subject (e.g. victim, offender, etc.).

The idea of hospitality refers e.g. to the philosopher Emmanuel Levinas' hosts and guests who are constituted by given forms of the welcome (Pavlich 2001a, 13). As a mediator or facilitator one acts as a host wishing the participants at conflict welcome to sort out the conflict by her/his assistance. The task is to strengthen and make their agreements more specific and concrete, as a method for them to learn about each other's feelings, frames of reference and goals for the future. While in the restorative justice process, they are treated

²⁷ The agreement may also be that the parties disagree, but one may well disagree and still be in peace.

as guests. Instead of a meal, what is offered to the guests is an intense aiming for peace and negotiation based upon agreements – or, if need be, on agreements upon disagreements.

The mediator's witness position in the model of the anthropologist David Riches may be further elaborated by the "dialogic imagination" of the literary scholar Mikhail Bakhtin (Bakhtin and Holquist 1981). His theoretical and analytical approach to 'dialogicality' embraces wide fields of knowledge (philosophy, literary theory, linguistics etc.) and concerns ethics and aesthetics, which are closely linked. Every dialogue, be it between persons or between persons and texts, will always imply dissimilarity at one or more points. This difference is the key to creativity, to "creative understanding". The difference in itself is signified or symbolised by a "witness", a third part (according to the literary scholar Jostein Børtnes' interpretation of Bakhtin: "*each dialogue takes place as if against a background of the invisible, but present a "third's" (super addressee's) responsive understanding. This "third" is a quality of the word itself, thus the dialogue contains not just the two, but three instances*" (Børtnes 2001, 10). The third instance is indivisible from the dialogue, as are the two parts, sides (person or text) creating the dialogue. This "third" instance defines the dialogical relation: in addition to I-for-the-other and the-other-for-me comes a "third" which relates to both and which by its invisible presence yields the dialogical word its open and infinite perspectives of meaning (Børtnes 2001, 11). Bakhtin's musicological terms polyphony and monophony (as metaphors) refer to his studies of literary texts, especially the novels of Dostoyevsky. Bakhtin extends his thoughts e.g. concerning dialogicality in literature, texts and especially novels, towards a social theory, i.e. human interaction (or the philosophy of action).²⁸ Truth will always depend upon an agreement within the reference of polyphonic dialogue – or as Bakhtin said: "*Truth is not a given, but a task.*"

In Bakhtinian terms, criminal justice corresponds to a "monophonic" monologue (of the legal masters) whereas restorative justice may be seen as a polyphonic dialogue (of the various actors in the event or conflict, possibly interpreted as a criminal act). These differences may be crucial as we seem to find ourselves in a time and place in which there is a growing critical conscience among people concerning criminal justice (McCold 2001).

²⁸ This is basic to some theoretical and empirical directions within both linguistics (ex. Per Linell), psychiatry/mental health work (ex. Jaakko Seikkula) and action research (ex. Yrjö Engeström).

This critique poses a threat to the contemporary state of the art of (western/post-colonial) criminal justice of most nations. By the use of Bakhtin’s ideas as the pedagogues Iglan and Dysthe have interpreted them for the classroom (Dysthe 2001), one may reformulate the above model to a model of monologically versus dialogically, organised *justice*:

The organisation of Justice

Monological/Civil or Criminal court		Dialogical/Restorative
Paradigm	professional (legal) government(ality)	(non-professionalised) discussion
Communicational model	transmission of legal knowledge	conversion of insight, comprehension
Epistemology	objectivism: Legal knowledge is taken for granted	dialogism: Knowledge is something which is created through interaction between dissimilar voices
Source for appreciated knowledge	EXCLUSIVE: lawyers and legal textbooks as authorities, excluding the litigants/owners of the conflict	INCLUSIVE: including the interpretations and the personal experiences of the participants, the owners of the conflict

Pavlich (2001b) divides conceptualisations of restorative justice into two main fields; process conception and value conception. According to a Bakhtinian dialogical perspective the one is needed for the other, there is no value without a process. One may take the two terms guilt (representing a criminal domain) and responsibility (representing a restorative domain) as examples of two different terms belonging to the monological vs. the dialogical imaginations: regarding guilt as a ‘one-way-term’ – there is no way out of it. The word *response*²⁹ however *exemplifies* a word which itself implies a dialogical (reflective) relation. There is a question, comment, utterance – and an answer – a response as an example of the third instance’s invisible presence “*which always exerts itself to be heard, always*

²⁹ Which we define as a feeling or an act answering to some stimulus or influence.

searches for responsive understanding and which does not stay by the immediate understanding, but makes its way continuously forward (boundless)” (Børtnes 2001, 10).

Herein lay perhaps some answers to why the dialogical relation between participants in restorative justice processes may foster fundamental transformations within conflicting relations. Persons who seemingly oppose each other, come through the dialogue offered by the mediator(s) or the conferencing facilitator(s) to a common understanding of the interpretation of the act or event – on their own terms, with their own wording and their own rhythm of talk, with repetitions, with anger or anxiety, fury or sadness – and with the possibility of forgiveness as an act of the future (Derrida 2001). Thus *restorative* can be taken to mean *restoring justice*, both in the sense of *restorative* justice and *restoring justice*.

In the Vienna example a restorative dialogue did not take place. The conflict was taken over by the criminal justice system. In order for us to understand or assess the potential for such a dialogue we would need to know what the case story does not account for: the other party’s views, feelings or experiences. The recent criminal court procedure in the Norwegian terrorist (Behring Breivik) case (2012) may serve as an example of the possible influence of restorative justice ON the criminal court procedure. The victims and the bereaved family members were as witnesses given much more time and space than ever before in the Norwegian criminal court process. It remains to be seen if this represents a systemic shift in the court process for the future.

4. Conclusion and way forward

In summing up the perspectives, the analyses and the discussions: what are the points of entry into the four case sites in ALTERNATIVE? Which research questions do this leave for the fieldwork? What does ‘conflicts in intercultural settings’ mean?

Returning to Amartya Sen, he proposes another level of problem definition and empirical approach by questioning the concept of justice. He bridges the world of ideas with the world of policy by asking whether the ideal of social justice might leave us with practical decisions. There are social, economic and political *injustices* as well as *justices*. Sen takes a pragmatic approach to justice as he reasons about “as much justice as possible” taking

participation, democracy and human rights into consideration. How to reduce injustice and advance justice: “*Practical concern, no less than theoretical reasoning, seems to demand a fairly radical departure in the analysis of justice*” (Sen 2009, xii).

In this introduction to the work to come in the ALTERNATIVE project we have scrutinised the main terms and assumptions which form the basis of the aims and issues of the project. The concepts of *culture, intercultural contexts, ethnicity, conflict, and conflict transformation* are discussed as they are used or lacking in the *security* discourse. The discussion ends up with a potential way to approach their use in our project and in the *restorative justice* discourse in general. The handling of diversity seems to emerge as an overarching challenge in the four project sites. This goes well with a proposal for an alternative approach to justice, *relative justice*, acknowledging exactly what is at stake: cultural diversity, free will and moral responsibility (Sommers 2012). The philosopher Sommers develops a new way of thinking about culture, will and morality which takes cultural diversity into account. Like Sen, he acknowledges that there are no objectively correct answers to basic questions on justice and morality, free will and responsibility. The answers may best be, as Bakhtin suggested, not given, but seen as tasks.

Restorative justice takes many forms in different contexts, depending upon e.g. jurisdiction, whether criminal or civil cases, conflict lines and conflict area.

The question of transformation of conflicts into positive participation locally by people who thereby enhance the grounds for safety and security is an empirical question. Nevertheless, the ALTERNATIVE project will provide “*opportunities to consummate transactions*” to quote Barth (1969, 36), for and with people within and across the four conflict case sites. The deliverables that will follow in the ALTERNATIVE project throughout the next four years will discuss these issues based on practical interventions, empirical findings and theoretical analyses.

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