

## 1 Introduction

Anyone who has followed the conflict resolution literature over the past forty to fifty years cannot help but notice that certain themes wax and wane. The constellation of ideas that have emerged as part of the contemporary burgeoning conflict resolution industry has a history. In the late 1950s intellectual trends developed in reaction to equilibrium theorists who romanticised consensual and harmonious models or who saw a silver lining in every conflict. There were two opposing schools of thought. In British anthropology the Manchester school led by Max Gluckman (1959) represented the idea that social conflict was functional for the maintenance of social systems. In the United States anthropologists Bernard Siegal and Alan Beals (1960) saw conflict as dysfunctional phenomena, produced by strains and stresses in the social system, by internal and external pressures. In an early review of the literature (LeVine 1961) the sources of conflict as well as patterns of conflict control and resolution were conceptualised in terms of broad-gauged understandings of social organisation, religion, economic interdependence, and political structures. Article titles in that special issue are grounded: 'Land shortage, social change, and social conflict in East Africa', 'Feuding and social change in Morocco', 'Extension of conflict as a method of conflict resolution among the Suku of the Congo'. The approach was holistic and not geared to mechanical recipes for dispute resolution.

In 1968 Ralf Dahrendorf extended the earlier work arguing that social conflict is a creative force. In his words: 'Not the presence but the absence of conflict is surprising and abnormal ... we must never lose sight of the underlying assumption that conflict can be temporarily suppressed, regulated, channeled, and controlled, but that neither a philosopher-king nor a modern dictator can abolish it once and for all' (Dahrendorf 1968:127).

Nevertheless, by the 1970s the dialogue over conflict was shifting once again. In the United States public policy was led by the Chief Justice of the US Supreme Court, Warren Burger. The Alternative Dispute Resolution (ADR) explosion burst onto the scene and was institutionalised (Nader 1989). Conflict, as epitomised by the adversarial system, was now portrayed as

# The Underside of Conflict Management – in Africa and Elsewhere

**Laura Nader**

IDS Bulletin Vol 32 No 1 2001

uncivilised, lawyers were pictured as hired guns, peace not conflict was the goal, harmony not contentious behaviour was extolled. ADR, a response to containing the rights movements of the 1960s, was (among other things) a movement institutionalised at the national level and then exported. By the 1990s, ADR had become a major industry composed of professionals from a wide variety of fields: law, economics, psychology, political science, peace and conflict, therapy groups and religious movements. In spite of early success, the movement was always more attractive to professionals than to its potential consumers, who here and abroad remain generally sceptical about the philosophy and purpose of ADR. By 1996 those interested in alternative conflict resolution had bifurcated into scholars and practitioners, with the latter being in the greatest number.

In Africanist scholarship the trends have followed in much the same direction. The ethnographic and social anthropological schools of structural functionalism contributed an enormous body of scholarship about traditional African societies. For many anthropologists, traditionalism was good or functional and modernism (Westernisation) was disruptive. Today some refer to the work of the colonial period as having been written in the 'noble savage' tradition, noting that anthropologists in their protectionist attitudes had sought to preserve African cultures, which *ipso facto* commits them to preserving the status quo. Although there were exceptions, the structural functionalist orientation laid emphasis on equilibrium, integration, harmony and consensus. African societies were, however, often neither integrated nor harmonious, either in the precolonial days (where they were often embroiled in military conquests), or in the colonial period, which was characterised by economic, political, and racial conflicts.

Anthropologists often portrayed the peoples they studied as if they were culturally homogenous, speaking about peoples without adequate attention to the wide degree of structural variation and cultural pluralism. That is, they essentialised. Still, anthropologists were also among the first to criticise their early work, and often in the lead with correctives. One response to this (self) criticism was the abandonment of the view of society as harmonious and its replacement by a model that

emphasised conflict and dissension in all its complexity and dynamism: new nations, new classes, changing roles for men, women and children, religious transformation, and the transformation of kinship and marriage, nationalism and transnationalism.

The recognition that Africa was undergoing profound and rapid changes, which included indigenous and foreign elements, led to historical ethnography that examined conflicts of interests and values as they have shifted from place to place due to the spread of Islam, of Christianity, due to the result of European conquest, legal transplants and multinational interests. The impact of colonialism was still being felt in the independence and post-independence periods as well as in expressions of pan-Africanism.

With these historical highlights in mind the present interdisciplinary scholarship can be seen to be of a more partial sort. Ethnographically rich descriptions of conflict resolution *in situ* have given way to description of conflict resolution *techniques*, work that comes closer to a shreds-and-patches style of reporting. Today, the bias of scholarship is narrower, more practical, and more specialised. In addition, interdisciplinary searches for recipes for peace stem from political considerations that are bipartisan, nationalist, pan-African, religious or internationalist.

If colonialism was basically ignored as part of the anthropological work a half century ago, today neo-colonialism and globalisation are also inadequately incorporated in Africanist scholarship on conflict resolution even though development is sometimes linked with alternative dispute resolution. But the reflexivity that developed as a result of the self-critiques of the sixties and earlier also means that now we can use our critical sense to examine scholarship, ours and others, Euroamerican and African, with attention to such mundane questions as whose funding, whose questions, whose benefits. We can also question whether disciplinary concepts have contributed to 'ethnographic error' and inadequate scholarship.

In what follows I talk about what mostly is not talked about in relation to dispute resolution in Africa: the problem with terms like 'traditional' and

'modern', the problem with thinking about dispute resolution in terms of mechanisms or techniques that are specialities, the ingenuousness of speaking about conflict resolution without speaking to and about power, without speaking about arms dealing, its source and its distribution,<sup>1</sup> without speaking about multinationals and resource competition – to at least round out the picture of 'internal' dissensions in Africa that are thinly portrayed on the media's front burner.

There is a tendency to write and speak about conflict resolution without mention of root causes, or to contrast customary with state law without adequate mention of European implants, without thought to the consequences of short-term objectives versus long-term solutions to problems. Underlying much of this writing has been an avoidance of the hegemonies that ride on law or alternative dispute techniques, in order to introduce yet another reason for future conflicts. There is also avoidance of the ideological basis of conflict management paradigms.

## 2 Tradition and Power

The symbolic uses of tradition for purposes of legitimisation have been widely discussed. Peter Worsley in *The Three Worlds: Culture and World Development* summed it up:

Culture traits are not absolutes or simply intellectual categories ... They are strategies or weapons in competition over scarce social goods. What is mistakenly often seen as tradition – attachment to the past as a value in itself – is better viewed as a way of maintaining title to power, wealth and status in the present, or as a nostalgic spiritual contrast to present privilege. (1984:249)

Thinking about tradition and power in the African context is tricky. Some years ago, Martin Chanock (1985) documented what some had articulated before him, the European source of what anthropologists had been calling customary law. Chanock drew attention to the role of Christian missionaries in the establishment of local courts, a blend of English procedural law and Christian rules of behaviour drawn from Biblical scriptures. Thus, alongside political colonialism, European

Christianity spread the harmony legal model in a manner that resembles the modern ADR movement – with its emphasis on compromise and consensus as a preferred way of decision making, peace over justice being a mandatory result (Nader 1990). Missionary purpose was twofold: to address the 'civilising mission' by teaching the 'savages' about peaceful resolution of conflict through law courts, and by teaching them the rules of a good Christian life, which among other things excluded polygyny and included the turning of the other cheek – acquiescence, or the opposite of militancy, something which probably suited the colonial powers.

Today, 'tradition' is up for grabs by any person or group interested in garnering power. In the Native American context federal officials and native advocates actively use linguistic, ethical, moral, and cultural and political traditions to sell nuclear waste disposal to Native Americans by means of ADR (Ou 1996). In Africa and elsewhere traditional symbols and institutions are regularly used by politicians to reach both rural and urban populations. If politicians can manipulate tradition or reinvent tradition, so might strategists in conflict management. A central dilemma revolves around the observation that experts look for standardised solutions while traditional conflict resolution is particularistic or situational.

In a recent note 'Are Alternative Dispute Resolution (ADR) programmes suitable for Africa?' anthropologist Laurel Rose (1996) addresses some of the conceptual problems of reinvented tradition by comparing contemporary American ADR with conflict resolution in African communities. She points out that modern mediators are formally trained, are strangers to the disputants, are expected to be neutral, are private, formal, and structured. African communities use mediators with informal training through 'life experience', are insiders and known to the disputants, not expected to be neutral, operate collectively within a council of elders in a public setting. While the American ADR specialists operate with a limited range of relevancy, the African process is characterised by a wide range of relevancy, with full communication and public disclosure. Consensus between the parties is not what is sought, rather they want an outcome which satisfies the community, usually

placing community interests before the disputants' personal interests.

Under the auspices of the US AID programme, Rose visited post-war Rwanda in 1994 to conduct research into the local justice system (customary institutions known as the *gacaca*) as preparation for a larger ADR research team. The long-term goal was a programme aimed at a Rwandan ADR initiative to train mediators in the (temporary) absence of courts. Rose found that the *gacaca* survived the war, that people were seldom without operational *gacaca*, and that they adapted to circumstances of refugee camps or other temporary or permanent circumstances. Rose also noted that the *gacaca* took on wider functions beyond dispute resolution such as the resettlement of large numbers of displaced persons. Those *gacaca* implicated in war-related events suffered a loss of legitimacy; nevertheless Rose makes the point that Rwanda's 'customary institution' had risen to the challenge of their war-ravaged country and an ADR initiative, even should they make use of traditional institutions like the *gacaca*, would serve to weaken local self-management or customary law.

Rose is referring to the cultural baggage that travels with American ADR, even when or especially when it is tied to a restructuring of indigenous systems. Tradition and power is what she is addressing, and an ADR American style that has much the flavour of earlier missionising efforts of religious evangelising. The other side of the coin appears when local peoples desire to keep control by means of customary proceedings in the light of external powers against whom they may be complaining. This is a condition where strong national law with international appeal capacities cannot be substituted for by localised forums such as the ADR.

### 3 The Power Dimension

If there is any single generalisation that has ensued from the anthropological research on disputing processes (Nader and Todd 1978) it is that mediation and negotiation require conditions of relatively equal power. In other words, negotiation and mediation cannot be used for all disputes and all conflicts. The adversary model deals with uneven playing fields, made even by each party having an advocate in a court of law. In real life

things are not so neat. In Africa and elsewhere we may have courts where mediation predominates or at least where a third party can judge whether to mediate, negotiate, or adjudicate a case.

In Euroamerican societies, harmony law models have been valorised recently over adversary models; the opposite was true earlier. But history is clear on one point. During the heyday of European colonialism, courts were valorised over moots, and the colonised were reminded regularly that the *rule of law* was a most important sign of civilised society, its presence indicating the right to participate in the international law of nations. The presence of courts was a sign of development and social complexity. The World Court was a standard of civilised behaviour. Yet, in the latter part of the twentieth century, harmony legal models are now thought to be more civilised than courts. Now that the 'primitives' have courts, ADR or international negotiations are valued as more 'civilised'. Now the 'civilised' first worlders who wish to go to court are 'barbarians', and 'primitives' and the natives are considered the model of what it is to be truly human (Nader 1994).

In a piece called 'Dispute Resolution Notes from the Kalahari', anthropologist William L. Ury (1990) declares that the Bushman of the Kalahari 'may have been more peaceful than we who call ourselves "civilised"'. In a concluding comment he articulates an imaginary purity devoid of the power dimension:

The Bushman of the Kalahari are a truly interdependent society: they are socialised from birth to be acutely aware of and sensitive to one another's needs ... In these people's lives – and presumably in our ancestors' lives as well – cooperation more than competition becomes the order of the day. In our modern economies, based as they are on competition among individuals and groups, it is easy to see the human adventure as a struggle for survival in which you must win at all costs at the expense of others. Our way of life is a few centuries old; the Bushman's has lasted tens of millennia. Life may in fact be about the 'survival of the fittest', but what makes people truly 'fit', as the Bushmen remind us, is their ability to cooperate and to settle disruptive disputes.

As if to prove the illusory nature of such a biased picture, the board of anthropological advisors to Odyssey's South African documentary *Nisa* in the late 1970s resigned after viewing the film because it included shots of not so peaceful Bushmen who did not fit the idyllic picture portrayed by Ury and other anthropologists.

The most serious illusions and delusions about conflict management are evident when we examine the history of what really happens when disputes are mediated or negotiated. In an article on 'Civilisation and its Negotiators' (1994) I trace the history of international dispute resolution from the World Court to International Negotiating Teams in the settlement of international river disputes. Lon Fuller argued that disputes that can be reasoned through logical argument are appropriately adjudicated (Fuller 1978:368–69), yet only a few international water disputes have been settled by adjudication. Before Fuller's article appeared, two international law specialists argued his same point specifically in reference to international river disputes (Laylin and Bianchi 1959) – that without the possibility of third-party decision makers, the more powerful disputant can use ADR negotiation to greater advantage.

A review of the role of adjudication and negotiation in international river disputes (the Ganges, Jordan, Colorado, Duoro, and Danube rivers) characterised by power asymmetry and upstream–downstream issues reveals preference by the less powerful nations for World Court adjudication while the more powerful countries prefer negotiation (Nader 1994). It is reasonable in this light to understand why, for powerful parties, negotiation and ADR are preferred over the International Court of Justice.

The US joined the Court in 1946 after congressional debates over whether national sovereignty would be threatened. Since 1946 there have been changes in the Court's composition and in the types of cases it considers. In 1946 two-thirds of the judges were either Americans or West Europeans. With the addition of over one hundred states, many of them 'third world' states, judges reflect changed composition; newer judges may be sympathetic to the causes of the newer nations. Indeed, this change was reflected in a number of decisions which ruled in favour of third world nation plaintiffs such as in

the case of Nicaragua against the US in 1984. In 1985, the Reagan administration withdrew the US's 1946 agreement to voluntarily comply with the jurisdiction of the World Court. As I put it: 'The Soviet Union in the mid-1960s and the US in the mid-90s ... both withheld dues, thereby abdicating their financial responsibility and evincing a mood of indifference to international law' (Nader 1994: 44). There has been a gradual divergence between the Court's decisions and the national interests of the developed countries. Interestingly, the trivialisation of international adjudication came at the height of the ADR explosion in the US and national attacks on domestic adjudication.

We need to think about some of these things before recommending policies, national or otherwise, for the peoples of Africa or elsewhere. If ADR is born of a contempt for law and if the International Court is replaced by international negotiation, and if the justification is efficiency or stability, what hope is there for the justice issues that arise at the base? Take, for example, the case of famine (Lappe and Atkins 1978; Schusky and Abbott n.d.). One of the shocking facts that came to light in the research on the Sahel famine was the extent of food exports from the Sahel. In the peak period of drought and famine, peanuts, cotton, vegetables and meat were being exported. Sixty per cent of the food exports went to Europe and the United States. Food corporations made vast profits in the height of famine. California-based agribusiness (the world's largest iceberg lettuce growers) had in 1972 established subsidiaries in Senegal. The Senegalese Government supplied police to clear away villagers who presumed the land was theirs to grow millet and other needed food. All the alternative dispute mechanisms in the world will not replace the rule of law in such a situation.

Nor can dispute resolution replace the rule of law in a country like Mozambique, which in 1992 agreed to a settlement that put an end to war. But peace did not bring prosperity; it brought poverty, which some say was caused by IMF-imposed stabilisation policies (Hanlon 1996). Some Mozambicans call this economic colonialism, different from earlier colonialism because it does not have a face. In face-to-faceless conflict the indigenous paradigm of face-to-face dispute resolution has no place. On the

contrary, 'In trade negotiations, dispute resolution proceedings are conducted in complete secrecy with all documents unavailable to the public except through leaks to the press' (French 1993).

One last aspect of power dimensions in Africa has to do with military power, which is not commonly reported in academic writings on conflict management. The topic was highlighted in an issue of *Harpers Magazine* in a piece titled 'An army of one's own – in Africa, nations hire a corporation to wage war' (Rubin 1997). The author writes about a corporation that provides clandestine warfare, combat air patrol, battle handling and sniper training. The company – Executive Outcomes – in exchange for \$15 million and a share of Sierra Leone's diamond mines was able to do what no one else had been able to do: 'No one – not the United Nations, not the Organisation of African Unity, not the international-conflict-resolution experts who filled up the abandoned tourist hotels in Freetown, Sierra Leone's capital – was able to bring the fighting under control' (ibid: 45). According to Rubin, Executive Outcomes was to 'combat and destroy the "terrorist enemies of the state"; to restore internal security; and to help build and maintain an economic climate where new investment could be attracted and allowed to flourish' (ibid). Sierra Leone, long viewed as a disaster, became for a short while a West African 'success', so much so that the mercenaries became respected heroes because they had replaced banditry with security. Such occurrences are more than a shift in the nature of war, they indicate a shift in the nature of law. As in the premodern period, military and economic functions will be reunited by means of the booming security business, which in the case of Sierra Leone and other African countries is taking over the state, or at least recolonising, with private armies clearing the way for business firms – the 'privatisation of violence'.

Rubin ends her story by noting that Executive Outcomes is accountable to no nation and no legal body. The marketplace is the law. This is the underside of conflict management in Africa and elsewhere. It is what eventually happens when we abandon the hope for a rule of law in exchange for international negotiation based on efficiency or feel-good principles of psychology. It is what happens when the frame is narrow.

ADR specialists have defined their domain in too limited a frame. They need to enlarge the scope. And when they do they will also realise that it is not possible to have a universal paradigm for conflict management. One of the cleverest propaganda concepts invented after colonialism, whether consciously or not, was the term 'post-colonial'. It is, as with 'tradition', a concept up for grabs. When we say traditional was followed by colonial and that was followed by post-colonial, it appears as if discontinuities prevailed over continuities. Yet, if we look at the factors presently destabilising the world at an accelerated rate, we find many of the same economic interests that fuelled the colonial regimes still in the lead. This article is not the place to review the sources of destabilisations, yet specialists in dispute resolution would be able to develop more realistic frames for specific disputes or conflicts if they understood the message of increasing numbers of businessmen who are speaking about and writing about globalisation and destabilisation by means of such activities as global free trade, intensive agriculture, energy policies, management's bottom line or market-place ideology (Korten 1996; Goldsmith 1994; Estes 1996; Soros 1997).

#### **4 The Power of Ideology**

The process whereby ideologies that are forces of change are shaped in modern nation states goes beyond the law to include the links between law, business, and community constituencies. However, the principal vehicle for the transmission of ideological forces has been and continues to be by means of law, state or international law in the contemporary period, for good or for bad.

Historian Jerold Auerbach (1983) details this progression for the United States as part of the transformation of American society dating at least from the end of the last century. He notes that: 'Amid the social dislocations that accompanied the rapid concentration of wealth and power in the age of industrial expansion, the full force of law was asserted to protect the new social order' (Auerbach 1983:139–40). Auerbach continues to note that competing pockets of authority originating in tribalism, religion, ethnicity and class were stripped of dispute settlement processes that had contributed to internal cohesion, but that now competed

with the legal supremacy of the state. He explains the current enthusiasm for delegalisation as an effort to deal with the legitimacy dilemma: the law is designed to protect the Haves as well as the Have-Nots. The problem is that the ideal of equal justice is incompatible with the social realities of unequal power so that, as I have said elsewhere, disputing without the force of law is doomed to failure (Nader 1979).

Other scholars during the early 1980s iterated the same line of criticism and elaborated the problems with ADR (Abel 1982; Harrington 1985; Hofrichter 1987). Nevertheless ADR marched on to become institutionalised and internationalised, despite continued critiques that more recently stress the irreconcilability between problem-solving mediation and transformative mediation (Milner 1996; Bush and Baruch 1996). Scholars have by now documented the ills of problem-solving alternatives that do not address social justice issues, since the core feature of most alternative processes is that they address and resolve individual cases on individuated criteria. Some, like Sally Merry (1993), unselfconsciously argue that 'popular justice introduces a new ideology of conflict resolution based on nonviolence and opposition to the violence of law' (Merry and Milner 1993:62). Others think that one can tinker with present alternatives to make them more responsive actors in issues of social transformation.

While scholars meditate on the possibilities of popular justice, the real consequences of ADR policies are harsh. The most hard-hitting critique of American ADR is that of the late Trina Grillo (1991), a law professor and mediator, who understood better than most the ideological nature of ADR mediation in family cases, and the ADR process dangers for women. Grillo's points revolve around the notions that mandatory mediation abridges freedom because it is often outside the law, eliminates choice of procedure, removes equal protection before an adversary law and is generally hidden from view. In spite of growing awareness of its consequences, ADR ideology is intact and diffusing worldwide.

There is more to American ADR ideology than the obvious congruencies between trade ideology and harmony ideology (i.e. harmonising), or even the

missionising and pacification of indigenous peoples. There is in American culture such a yearning for an idealised equality that the very ideology of equality creates a denial of unequal power. This in itself inspires the 'soldiers' of movements like ADR, those that make it happen: the experts, the practitioners, even the scholars who feed the narrative. But try to imagine what happens when the 'soldiers' of a movement like ADR go abroad with such ideological baggage to deal with different sets of legal ideologies amongst different people with different histories.

## 5 Discussion

To move forward we need epistemological models that allow us to understand the interaction of law, power, and tradition (Hobbsbawn and Ranger 1992), 'true' or invented, and accompanying ideologies that characterise social conflict. No matter how autonomous we may wish the dispute resolution process to be, it is not autonomous. It is completely intermingled with political and economic issues. When policies are being engineered from Western or Westernised ideas, the impact of Western notions of autonomous systems and the importance of individual (rather than that of collective-centred perspectives) cannot be forgotten.

Clearly any ADR scheme needs careful study of the social conditions in which it may operate. The rhetoric of harmony law models is attractive. But the idea that in a conciliatory model people do not fight but rather harmoniously agree about a common solution is fiction. So also is the belief that such a harmony model exists in 'primitive' and idyllic societies. Once again we need to understand the real dynamic of power that is at play.

In another context, Nader and Shugart (1980) concluded that practitioners of dispute management need to think in terms of a *complaint chain*, one that moves from negotiation to mediation, to arbitration and adjudication, in a chain of referrals in which the least powerful gain as they move up the chain, thus giving incentive for parties to move towards an outcome. 'Disputing without the force of law' (Nader 1979) will not work unless the force of law is available as a last resort. It is not possible to divorce law and power.

ADR devices have been around long enough (at least twenty-five years) to merit a thorough evaluation of their efficacy and consequences. ADR, as Chief Justice Burger noted, is a legal revolution, one with many ramifications. Yet, a good portion of the attempt at dialogue with the ADR 'legal revolutionaries' has remained unanswered, ignored, or dealt with by means of unscholarly think-tank reports. It is long past time for a real dialogue by serious scholars willing to examine evidence for or against plentiful assertions of success. Such scholarship might eventually lead us in the direction of the extended case method pioneered by Elizabeth Colson in 1953 for African ethnography, or in the direction of excellent extended case stories, such as the recent work of Jonathan Harr (1995) who documented the story of water and the Woburn leukaemia cluster. Both models are empirical. The result is methodologically similar; in both instances one finds a wide-angled lens, a broadening of scope and comprehensive understandings of conflict.

The underside of conflict management includes more than a study of techniques of conflict resolution. It includes nationalism and its consequences and its actors – politicians, businessmen, arms dealers, mercenaries, ethnics and above all victims. We know that the causes of war and conflict are not necessarily endemic. An integrated perspective on policy directions for conflict management in the face of more grounded contexts will undoubtedly favour constraint over consensus, and law over lawlessness.

## Notes

1. For an excellent discussion of arms dealing and the African continent see *Lethal Commerce: The Global Trade in Small Arms and Light Weapons*, edited by Jeffrey Boutwell, Michael T. Klare, and Laura Reed, 1996. As the authors note, President Mandela of South Africa is well aware of the relation between the global flow of arms and the causes of ethnic conflict and repression. His position on banning weapons sales to countries engaged in civil conflict, however, is opposed by his regime's practical commitment to South Africa's arms industry, by the socio-economic pressures of post-Apartheid reform.
2. The dispute resolution style that Laurel Rose describes for Africa greatly resembles practices in pre-industrial Protestant New England villages of the seventeenth and eighteenth centuries.

## References

- Abel, Richard (ed.) (1982) *The Politics of Informal Justice*, Vols. 1 and 2, New York: Academic Press.
- Auerbach, Jerold (1983) *Justice Without Law?* New York: Oxford University Press.
- Boutwell, Jeffrey, Michael Klare and Laura Reed (eds) (1995) *Lethal Commerce: The Global Trade in Small Arms and Light Weapons*, Cambridge: The Committee on International Security Studies.
- Bush, Robert and A. Baruch (1996) 'The unexplored possibilities of community mediation: a comment on Merry and Milner', *Law and Social Inquiry*, 21 (3) Summer: 715–36.
- Chanock, Martin (1985) *Law, Custom and Social Order: The Colonial Experience in Malawi and Sabia*, Cambridge: Cambridge University Press.
- Colson, Elizabeth (1953) 'Social control and vengeance in Plateau Tonga society', *Africa*, 23: 199–212.
- Dahrendorf, Rolf (1968) *Essays in the Theory of Society*, Stanford: Stanford University Press.
- Estes, Ralph (1996) *Tyranny of the Bottom Line: Why Corporations Make Good People Do Bad Things*, San Francisco: Berrett-Koehler Publishers.
- French, Hilary F. (1993) 'Costly tradeoffs: reconciling trade and the environment', *World Watch Paper*, 113, March.
- Fuller, Lon (1978) 'The forms and limits of adjudication', *Harvard Law Review*, 92 (2): 353–409.
- Gluckman, Max (1959) *Custom and Conflict in Africa*, Glencoe, IL: Free Press.
- Goldsmith, Sir James (1994) *The Trap*, New York: Carroll and Gray Publishers, Inc.
- Grillo, Trina (1991) 'The mediation alternative: process dangers to women', *Yale Law Journal*, 100: 1545–610.
- Hanlon, Joseph (1996) 'Strangling Mozambique: International Monetary Fund "stabilization" in the world's poorest country', *Multinational Monitor*, 17 (7 and 8), July/August:17–21.
- Harr, Jonathan (1995) *A Civil Action*, New York: Vintage.
- Harrington, Christina B. (1985) *Shadow Justice: The Ideology and Institutionalization of Alternatives to Court*, Westport: Greenwood Press.
- Hobsbawm, Eric and Terence Ranger (1992) *The Invention of Tradition*, New York: Cambridge University Press.



- Hofrichter, Richard (1987) *Neighborhood Justice in a Capitalist Society: The Expansion of the Informal State*, New York: Greenwood Press.
- Korten, David C. (1996) *When Corporations Rule the World*, West Hartford, CT: Kumarian Press.
- Lappe, Frances M. and J. Atkins (1978) *Food First: Beyond the Myth of Scarcity*, Boston: Houghton-Mifflin (revised edition).
- Laylin, J. G. and R. L. Bianchi (1959) 'The role of adjudication in international river disputes: the Lake Lanoux case', *American Journal of International Law*, 53 (1): 30-49.
- LeVine, Robert A. (ed.) (1961) *The Anthropology of Conflict, Special Issue, Journal of Conflict Resolution*, 5 (1), March.
- Merry, Sally E. and Neal Milner (eds) (1993) *The Possibility of Popular Justice: A Case Study of Community Mediation in the United States*, Ann Arbor: University of Michigan Press.
- Milner, Neal (1996) 'Mediation and political theory: a critique of Bush and Folger', in *Law and Social Inquiry*, 21 (3) Summer: 737-59.
- Nader, Laura (1979) 'Disputing without the force of law', *Yale Law Journal* (Special Issue on Dispute Resolution), 88 (5): 998-1021.
- (1989) 'The ADR explosion: the implications of rhetoric in legal reform', in *Windsor Yearbook of Access to Justice*, University of Windsor, Ontario: 269-91.
- (1990) *Harmony Ideology: Justice and Control in a Mountain Zapotec Village*, Stanford: Stanford University Press.
- (1994) 'Civilization and its negotiators', in P. Caplan (ed.) *Understanding Disputes: The Politics of Argument*, Oxford: Berg Publishers.
- Nader, Laura and Harry Todd (1978) *The Disputing Process: Law in Ten Societies*, New York: Columbia University Press.
- Nader, Laura and Christopher Shugart (1980) *No Access to Law: Alternatives to the American Judicial System*, New York: Academic Press.
- Ou, C. Jay (1996) 'Native Americans and the monitored retrievable storage plan for nuclear waste: late capitalism, negotiation, and controlling processes', in L. Nader (ed.) *Essays in Controlling Processes, Kroeber Anthropological Society Papers*, 80: 32-88.
- Rose, Laurel L. (1996) 'Are Alternative Dispute Resolution (ADR) programs suitable for Africa?' Ithaca: *Cornell University Africa Notes*: 5-7.
- Rubin, Elizabeth (1997) 'An army of one's own: in Africa, nations hire a corporation to wage war', *Harpers Magazine*, February: 44-55.
- Schusky, E. and D. Abbott (n.d.) 'Misperception and misdirection in the Sahel', paper presented at a Symposium on Hunger, Work, and the Quality of Life, ICAES Postn Plenary Session, Hyderabad, December 1978.
- Siegal, Bernard and Alan Beals (1960) 'Conflict and factionalist dispute', in *Journal of the Royal Anthropological Institute*, 90: 107-17.
- Soros, George (1997) 'The capitalist threat', in *The Atlantic Monthly*, February: 45-58.
- Ury, William L. (1990) 'Dispute resolution notes from the Kalahari', in *Negotiation Journal*, 6 (3), July: 229-38.
- Worsley, Peter (1984) *The Three Worlds: Culture and World Development*, Chicago: University of Chicago Press.