

The Impact of Culture and Cultural Difference on the Mediation Process.

A thesis submitted in fulfilment of the requirements for the degree of Master of Arts at the University of Canterbury

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Dedicated to my wife Jackie
for her love and support and for
keeping me on track, to my parents,
Bob and Barbara, for their belief
and encouragement and to Jacob
Bercovitch for his guidance
and inspiration and his
indefatigable cheeriness.
Thanks to you all.

Abstract.

This thesis presents a conceptualisation of the impact of culture and cultural difference on the mediation process. The argument is structured according to Jacob Bercovitch's (1984, 1992, 1996) 'Contingency Model' of mediation which views mediation outcomes as contingent on the interaction between the dispute context (nature of the parties, issues, and mediator) and the mediation process.

The conception of culture presented here is sourced from a wide variety of disciplines with special emphasis placed on ideas put forth by Kevin Avruch (1998) and Raymond Cohen (1990, 1993, 1996). Building on these conceptions, this thesis presents a more sophisticated and nuanced conceptualisation of culture as a phenomenon. This conception is then applied to each of the variables in Bercovitch's 'Contingency Model' to create a thorough and systematic understanding of the impact culture and cultural difference has on the mediation process.

This approach is then tested for validity by its application to a case study: the Iranian – United States hostage crisis, 1979-1981 and the successful Algerian mediation that occurred from November 1980 until the eventual release of the hostages on January 20th 1981. The conclusions drawn support the arguments advanced in the first part of the thesis.

This thesis concludes by noting how it is a conceptualisation of the impact of culture and cultural difference on the mediation process, rather than a recipe for mediating between different cultures. Mediators are considered to require a comprehensive understanding of the actual cultures involved in the dispute; this thesis seeks to explain how those cultures may influence the context, process and outcome of mediation.

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Introduction:

Among the characteristics of human society, conflict between groups is undoubtedly one of the most enduring, widespread and prevalent. Since time immemorial, people have organised themselves into different sorts of groups, such as tribal, city or nation-state, religious or ideological, and have for various reasons seen fit to wage war against each other. Although conflict is an inherent aspect of relations at all levels of society, from the individual, through the community to the nation-state and the international system, this thesis is concerned primarily with conflict, and its management and resolution, for which military involvement is a possibility, essentially limiting our focus to those conflicts at the intra- and inter-state levels.

With the development of the modern nation-state, international warfare has increased in sophistication, cost and destructiveness to the point where a full-scale nuclear confrontation would result in the probable extermination of all life on the planet. However, alongside the development of intergroup conflict has been the equally widespread development of conflict management techniques. Ranging in nature from village elders performing arbitrating functions, to various established judiciaries, to the development of international institutions such as the League of Nations and its modern successor, the United Nations, humanity has always sought to design conflict management and resolution techniques suitable for dealing with the range of intergroup conflicts present in society. Just as conflict has evolved over the years, so too has conflict management.

The total warfare that was waged during the first two world wars far surpassed any previous conflict in terms of destructiveness and with the advent of the nuclear age it became apparent that large-scale total warfare between great powers in possession of massive, sophisticated and nuclear-armed militaries was simply untenable. With the end of the Cold War the threat of such a conflict appears to have passed or at least significantly diminished¹. Unfortunately however, while the threat of massive international warfare appears to have reduced, there do not seem to be many signs that militarised conflict in lesser forms has also diminished. While super-power rivalry seems to have passed, we seem to be witnessing in its place more conflicts within states and conflicts for which one or both sides are sub-state or trans-state groups. Nor are these contemporary conflicts proxy wars for a wider superpower conflict such as was the case with the Korean and Vietnam wars, or wars of independence from old colonial masters as was the case with several conflicts around the 1960s. Rather these conflicts frequently appear to be between groups distinguished along ethnic, nationalistic or religious lines, or as is often the case, a murky combination of all three.

In perhaps the most widely discussed and controversial piece of academic literature on the subject of intergroup conflict since the end of the Cold War, Samuel Huntington's (1993, 1996) 'Clash of Civilisations' thesis suggests that the future of international conflict will be characterised by what he has termed as a "clash of civilisations" (1993:22). According to this now famous thesis, the future of international conflict will

¹ The ongoing tension between India and Pakistan, both of whom are in the possession of nuclear weapons, is one conflict that may yet flare into a dangerous confrontation although current signs point to a normalisation of relations.

have a strong tendency to occur along the fault lines between seven or eight² 'civilisations' which are described as essentially large cultural blocs, in the most part defined by a shared religion. It seems as we move into the twenty-first century that culture and cultural differences, especially of a religious nature, are becoming increasingly important factors in contemporary conflict. A cursory look at many of the recent conflicts reveals a cultural dimension that is increasingly becoming an inherent aspect of modern conflict. Episodes such as the bloody break up of Yugoslavia, the terrorist attacks on Western nations and interests in the United States, Saudi Arabia, Indonesia, and Kenya, the corresponding wars in Afghanistan and Iraq, the ongoing protracted conflict between the Israelis and the Palestinians, the myriad civil wars and internal conflicts in the African continent, especially in countries such as the Sudan, in smaller conflicts such as George Speight's coup attempt in Fiji, the crisis in East Timor and the Solomon Islands all serve to illustrate this disturbing trend. On the face of it, international conflict appears to have evolved away from the great ideological wars of fascism, Nazism, and communism versus various forms of democracy, to conflicts that seem frequently to be arranged around, and focussed on, culture and cultural differences, especially those of a religious nature. Even conflicts that are ostensibly about territory and resource disputes often seem to be fought between groups divided along cultural lines.

² Huntington's somewhat arbitrary definition of civilisations leads him to conclude there are seven 'civilisations' in his Foreign Affairs (1993) article *The Clash of Civilisations?* However in his book The Clash of Civilizations and the Remaking of World Order (1996) he has increased the number of civilisations to eight.

With an apparent change in the nature of modern conflict, impetus is generated to evaluate our conflict management and resolution techniques and perhaps modify them to better meet the needs and nature of contemporary and future conflict. One method that is increasingly being used to manage and resolve disputes is the intervention of uninvolved (at least not directly) third parties. Third parties can intervene in the capacity of mediators, conciliators, adjudicators, arbitrators, or by simply providing a neutral venue for discussions (good offices). The most common form of third party intervention however is mediation and this is being increasingly used in our efforts to manage and resolve conflict (Bercovitch and Jackson, 1997).

This thesis is concerned with how culture and cultural difference, as an increasingly salient aspect of modern conflict, affects the mediation process. Given that the consequences of modern warfare can be so devastating, the impetus for conducting successful conflict management strategies is high indeed. Any advantage, improvement or principle that can assist mediators is a welcome addition to the growing but as yet insufficient arsenal of conflict management techniques and strategies available to mediators for dealing with contemporary conflicts. This thesis aims to address a shortfall in the literature concerning mediation, namely the impact that culture and cultural difference can have on the process and its chances of success, and suggest some ideas that may contribute to plugging this important gap. While there has been some work in this direction by other authors, the subject is still fledgling, somewhat disorganised, and often overly simplistic in its treatment of such an important and nebulous a subject as culture and the impact it has on the mediation process.

This thesis is organised into four main chapters. Chapter one, divided into five sections, will survey what literature there is surrounding the issue of culture and the impact it has on conflict and its management. Chapter two endeavours to introduce some conceptual clarity to the term “culture” – what it is and isn’t, how it works and why it is important. Using these perspectives, Chapter Three will tackle the central question this thesis addresses – how does culture affect the mediation process? This analysis will then be applied, in Chapter Four, to the 1979-1981 Iranian hostage crisis and the Algerian mediation between the Iranians and the United States that occurred from November 3rd 1980 until the successful conclusion of the crisis on January 20th 1981.

This case study was selected for a number of reasons; firstly, and perhaps most importantly, because it was a successful mediation process. Lessons can be gleaned from analysing this case by focussing on what went right - what worked, rather than speculating on what went wrong or may have worked better. Speculation can still be directed towards how the process may have been improved but at the end of the day a conflict between a nuclear superpower and a highly belligerent revolutionary state was settled peacefully without resort to arms through the highly praised mediation efforts of a third party³. Secondly, and almost as importantly, because it is difficult to imagine two more different cultures than revolutionary Islamic Iran and the United States at the time, especially as far as their respective leaderships were concerned. Indeed the conflict between revolutionary Iran and the United States could be seen as something of a vanguard of Huntington’s predicted clash of civilisations between Islam and the

³ Excepting the bungled attempt to rescue the hostages by U.S. Special Forces on 25th April 1980.

(Christian) West. Algerian mediation, in this light, can be viewed as something of a potential blueprint for future mediation efforts between disputants of such diverse cultural backgrounds.

Culture is a complex topic, difficult to conceptualise and difficult to apply to other topics such as mediation. The paucity of the literature on this topic is perhaps testimony to that.

As Faure and Rubin state almost with an air of caution,

For the researcher who wishes to embark on a research enterprise that leads along a straight and narrow conceptual line from start to finish, culture is clearly an area to avoid. But for the researcher who is willing to seek out continua rather than dichotomies, circles rather than lines, multiple sources of conceptual interconnection rather than single causal arrows, then the domain of culture is rich indeed. Culture is a woefully complex, maddeningly dynamic phenomenon that does not lend itself easily to causal analysis. But it is also a richly rewarding area to pursue. (Faure and Rubin, 1993:227-228)

Chapter One – Literature Review.

1.1. Literature Review: Introduction.

This review of the literature surrounding the issue of the impact of culture and cultural difference on the mediation process is organised into five sections. The first section will look at existing theories of conflict and mediation and investigate the position of culture within them. This initial investigation will highlight the gap in the literature alluded to in the introduction.

The second section will investigate a body of literature from the social-psychological discipline concerned with social identity, the relationship between the individual and the group and inter-group dynamics. This literature is considered highly relevant because of the appropriately sophisticated manner in which it deals with a subject as nebulous and complex as identity formation and dynamics. Many of the conclusions drawn in this literature are readily transferable to a consideration of culture and the impact this has on inter-group relations.

The third section will investigate a body of literature that can generally be described as that concerning the study of national characters. This line of inquiry has sought to describe national characters, often depicted as ‘cultures’, according to a (usually low) number of dimensions, or continua that are considered to exist in varying degrees in all such national characters. Although this body of literature has received quite a bit of criticism in the last few decades it is included here because it has evolved as an attempt to not just understand cultures but also to empirically dimensionalise, measure and compare

them with conclusions and implications drawn about different cultures and their patterns of interaction.

The forth section will take a closer look at Samuel Huntington's (1993, 1996) 'Clash of Civilisations' hypothesis. Arguably, Huntington's thesis is the most famous - certainly the most controversial - piece of academic literature on the subject of international relations to have been published in the 1990s. Since its initial publication in *Foreign Affairs* in 1993, there have been a great number of papers written exclusively on its claims and predictions, the majority of which have been generally critical. His thesis has been subject to several empirical investigations, again the majority of which have tended to erode its credibility⁴. However Huntington's thesis is discussed here because it is so relevant to the central topics of this thesis – indeed it was Huntington's thesis that first stimulated my own thinking on this subject.

The fifth and final section of the literature review will focus on those few articles and books that directly consider the impact of culture on the mediation process specifically or the conflict management process more generally. Underlining the shortcoming in the literature on this important subject is the very small number of books and articles that do consider these issues with anything like the complexity they require. Special attention will be focussed on Kevin Avruch's (1998) *Culture and Conflict Resolution*, which I consider the leading example in the academic literature on the subject. A number of other authors are also reviewed.

⁴ Although, as we shall see, many of these empirical studies are arguably flawed in their approach to Huntington's thesis producing results and conclusion that are of somewhat dubious validity.

1.2. Conceptions of Culture in Conflict and Mediation Theory.

1.2.1. The Perception of Conflict.

Conflict is an inherent and inevitable aspect of social interaction at every level from the family to the international system. As a phenomenon it has received a great deal of attention in academic literature with theories abounding as to its nature, origins, dynamics and impact on society. Despite differences in how conflict is perceived across the various social science disciplines (Deutsch, 1991), there are a number of attributes of conflict for which there is a general consensus within the literature. Most definitions of conflict focus on the existence of actual or perceived incompatibilities in interests, goals, values or beliefs. Bercovitch and Jackson for instance define conflict as "...a process of interaction between two or more parties that seek to thwart, injure or destroy their opponent because they perceive they have incompatible goals or interests." (Bercovitch and Jackson, 1997:2) Miall *et. al.* echo this conception when they state, "Conflict is an intrinsic and inevitable aspect of social change. It is an expression of the heterogeneity of interests, values and beliefs that arise as new formations generated by social change come up against inherited constraints." (Miall, *et. al.*, 1999:68) Similarly, Sandole describes a manifest conflict process as "a situation in which at least two actors, or their representatives, try to pursue their perceptions of mutually incompatible goals by undermining, directly or indirectly, the goal-seeking capability of one another." (Sandole, 1993:6)

Morton Deutsch highlights the effects of the perception of incompatibility in conflict when he states,

Two parties are actively involved in conflict when they are engaged in incompatible actions that are purposed. The incompatible actions may arise because one or both parties perceived that the existence of the *other's* attributes threatens or weakens the support for *his* own valued attributes. It is not the *objective* incompatibility that is crucial but rather the *perceived* incompatibility. (Deutsch, 1991:30. Italics in original.)

Rubin *et. al.* echo this focus on perception stating, “Conflict means *perceived* divergence of interest, or a *belief* that the parties’ current aspirations cannot be achieved simultaneously.” (Rubin *et. al.*, 1994:5. Italics added.)

One of the central tenets of this thesis is the consideration that perception is one of the fundamental products of culture. Perception is seen as the key to how actors view a conflict, view each other and decide on what behaviour to take in a given situation. Differences in perception often produce a different reckoning on the issues in conflict and their relative importance. They can affect the escalation and de-escalation processes and the transition from latent to manifest status. Perceptions tend to evolve and change during the course of conflict and this can have a further impact on conflict processes (Deutsch, 1969; Mitchell, 1981; Rubin *et. al.*, 1994). Perceptions also influence how a party regards conflict management and resolution processes; what sorts of processes are appropriate, who can and should intervene, what strategies and tactics are appropriate and expedient and what behaviour and decision making will result from the various factors involved.

In considering that conflicts are shaped by perception, it is important however not to over state this point. Daniel Bar-Tal and Nehemia Geva point out,

It should not be inferred that conflicts are fruits of the imagination and political, historical, or other factors are of minor importance. The conflicts are real for the individuals concerned who sometimes suffer immensely in consequence of them. The political, economic, historical, and other factors exist. But their meanings and effects are attributed and inferred by the individuals. The individuals' perceptions are subjective and the beliefs formed constitute "reality" for the individuals involved. (Bar-Tal and Geva, 1986:132)

The key to understanding the role of perception on conflict and conflict management and resolution processes is that perception *influences* these processes, not *determines* them.

Approaches to conflict that focus on the role of perception tend to find their strongest support amongst social-psychologists who are well used to considering the manner in which perception can affect individual and group attitudes and behaviour (See for instance: Avruch, 1998; Cohen, 1996; Deutsch, 1969; 1973; 1991; 1994; 2002; Galtung, 1964; 1971; Mitchell, 1981; Pettigrew, 1978; Rubin *et. al.*, 1994; Smyth, 2002; Stewart, 1998).

1.2.2. The Structure of Conflict.

Perhaps the most famous conception of conflict, and the one that will be used here, is that put forward by Johan Galtung (1971). Galtung saw conflict as being best understood as the product of the interrelation between three main sets of variables: context (situation, environment), behaviour, and attitudes (see Fig. 1.1).

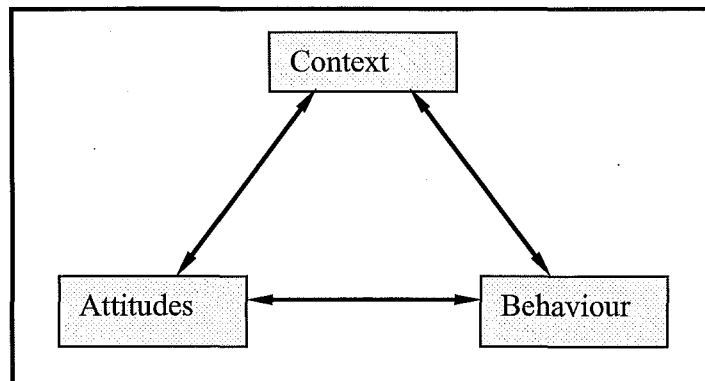


Fig 1.1. Galtung's Conflict Triangle.

The main strength of this conceptualisation is that it shows both the variety of sources of conflict as well as displaying the interrelatedness of those sources (Bercovitch, 1984:6-7). By understanding the interrelatedness of context, behaviours and attitudes according to Galtung's conception we are able to understand how changes in one aspect affect the others. As this thesis is primarily concerned with the manner in which culture affects the mediation process, it is important that we understand how culture affects the conflict process. Galtung's triangle is thus well suited to offer a conceptual account of the way in which culture, through its effects on attitudes (including perception of the conflict issues, history and the other parties involved) and their consequent effects on both behaviour and context, can affect the evolution of conflict. As Deutsch succinctly notes,

...any comprehensive approach to understanding conflict will necessarily include consideration of both objective and subjective factors, whether the conflict participant is a person, group or nation. That is, one will want to know about such subjective factors as the values, goals, cognitions, expectations and perceptions of the participants as well as about such objective factors as the participants' resources, power, skills, allies and enemies as well as the characteristics of the sociocultural-institutional context within which their relationship is embedded. (Deutsch, 1991:28)

1.2.3. The Nature of Mediation.

Because of the “immensity of scope of mediation, the secrecy that normally surrounds it, and the difficulty of studying mediation, and especially international mediation, in its natural setting” (Bercovitch, 1996:2), it is only really in the last two or three decades that this very important topic has begun to receive the serious scholarly attention it deserves (Bercovitch, 1992; Brouillet, 1988; Folberg and Taylor, 1984).

Mediation, as understood here, is a dynamic process producing an outcome that is viewed as contingent upon the interaction between the contextual setting, the issues, the parties involved, including the mediator, and the actual mediation process itself. This conception is based in large part on the contingency model of mediation developed by Jacob Bercovitch (1984, 1992, 1996, see Fig 1.2.).

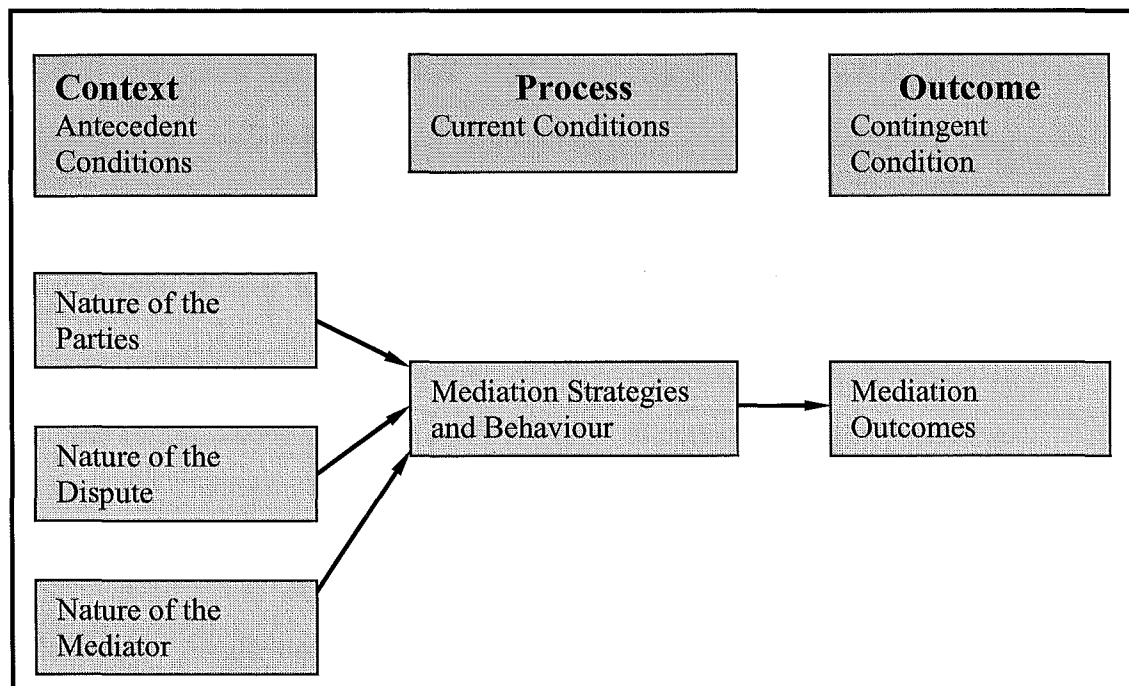


Fig 1.2. Bercovitch's Contingency Model of Mediation.

1.2.4. Mediation and Culture.

While there is now a fairly rich body of literature on mediation there remains very little that discusses the effects of culture, as a phenomenon, on the mediation process itself. Where culture is mentioned, it tends to be discussed in roundabout terms such as the effects it can have on parties' perceptions of the conflict as noted above. Below is a brief summary of the consideration culture has had in the context of discussion of the mediation process.

Several authors have commented on the influence the parties' cultures may have on the choice and utility of mediator strategy. Kriesberg (1998) for instance notes how as one of four classes of factors determining mediator roles, the cultural setting can affect the goals the mediator is trying to achieve. In traditional societies, it is suggested, the aim of mediation is to restore harmony, this function often being carried out by community leaders who know the disputants. This is contrasted with mediation in more modern societies where mediation is often designed to settle a dispute through a mediator who is a professional and generally unacquainted with the disputants prior to entering mediation. In a previous chapter, Kriesberg (1996) notes how some mediator activities and strategies may be suitable in certain cultural contexts, yet not in others, or acceptable in a given cultural context at one stage of a conflict but not in previous or subsequent stages.

Touval and Zartman (1985) note how a party may accept a mediator because this may allow them to reach a settlement of their conflict without having to suffer a loss of face – a price that is suggested as being prohibitively high for some cultures. Hauss (2001)

makes the observation that when there are differences in the cultural attributes of societies at the state level, it can be difficult to achieve resolution.

Americans, for instance, have a legalistic approach that leads them to focus on 'making a deal', whereas many people in Asia and the Middle East focus instead on the relationship that emerges in the discussions, saving face, and obtaining respect. At the very least, it behooves negotiators to know as much about the culture and values of the people they are dealing with as possible, something that all too rarely happens in practice. (Hauss, 2001:62)

Dialdin and Wall (1999) suggest that cultural differences can produce different perceptions of when a conflict is ripe for third party intervention. They refer to studies by Augsburgers (1992) and Wall and Stark (1998) that found that mediators in Eastern societies tend to intervene earlier on in a conflict than do their counter-parts in Western societies. The explanation given for this was that for Eastern cultures, social harmony is an overriding goal of society whereas in Western societies conflict is seen as private and natural – an inherent element of a competitive society (Dialdin and Wall, 1999).

In a slightly different approach, Abu-Nimer (1996) compared mediation practices of Western and Middle Eastern societies, using a case from Cleveland, Ohio about racially oriented community conflict as an example of the former and a dispute between a Christian and a Druze mediated by an Islamic Arab in the latter. In both cases he outlined what were considered to be the assumptions underlying conflict resolution practices and compared them with each other to draw conclusions as to their differences. This differed to many of the considerations of the effect cultural difference has on the mediation process because it was an anecdotal approach based on the comparison of real cases of mediation. The majority of the literature has tended to apply existing concepts of culture, usually gleaned (and often simplified out of the original context) from other

disciplines such as social psychology or anthropology and applied to mediation theory as required.

While Abu-Nimer's approach yields some valuable insights into the differences between Western and Middle Eastern approaches to conflict resolution, it is difficult to extrapolate these conclusions to the wider sphere of mediation between groups possessing different cultural characteristics except to reinforce the notion that culture does make a difference. As he notes in the conclusion of his article, "[A] thorough analysis and study of the disputant's social context has to be conducted and comprehended by the interveners." (Abu-Nimer, 1996:50) This is an important point and one that will be repeated in the context of this thesis: in order to understand the effects of cultural difference on a particular conflict and its mediation effort, scholars, mediators, and ideally the disputants themselves, need to make every effort to try and understand the social and cultural contexts involved and the effects these will have on the disputants, their perceptions of the conflict, each other, and the mediation process. A general theory of the impact culture and cultural difference can have on the mediation process is insufficient without specific knowledge of the cultural contexts involved to significantly enhance the chances of success for the mediation process.

By surveying the majority of the literature on mediation and the consideration it places on culture, what becomes obvious is that there is very little in the way of a comprehensive effort to ostensibly consider the impact of culture on the mediation process. What mention there is tends to follow the pattern of considering a variable, such as mediator

strategy, and mentioning some cultural considerations in the discussion of how this variable may affect the mediation process and outcome. As a result, the literature that deals with culture and mediation is vastly fragmented across the discipline with virtually no common consensus either on what culture is, how it works to affect the various factors involved with mediation, or even how to approach the questions involved. What is required in order to address this shortcoming is the systematic analysis of how culture, through its effects on each of the variables stipulated in the contingency model, works to affect the mediation process as a whole. This is the essential task of this thesis.

1.3. Social Identity Theory and Relative Deprivation Theory.

1.3.1. Social Identity Theory (SIT)

Since the nineteen-seventies social psychologists have concentrated a lot of effort on the subject of social identity, the way we form our identities, the effects these identities have on our social relations and pertinent to this thesis, the impact social identity has on conflict. Without wishing to enter a highly complicated and nuanced discussion of the differences between social and cultural identity, it is sufficient to say that there are many similarities between the two, such that a great deal of the literature that discusses social identity and conflict is applicable to a discussion on cultural identity and conflict also. It is because of social psychology's rich heritage of careful consideration of the manner in which social identity affects our behaviour, especially as concerns inter-group conflict, that a summary of this literature is included here.

As one of the pioneers of SIT, Rupert Brown commented regarding the contribution of SIT to the field of social-psychology, “It offered the possibility of addressing a classic social psychological problem of the relationship of the individual to the group and the emergence of collective phenomena from individual cognitions.” (Brown, 2000:746) Culture, at a minimum, is a feature of societies, and societies are made of individuals. One of the ways individuals experience culture is through the manner in which it affects our perceptions, decision-making and in turn our behaviour. In its quest to address the relationship between individuals and collective phenomena such as social identity and intergroup dynamics therefore, SIT contributes a number of ready-made theories that are easily transferred to a focus on culture and cultural identity.

Social identity theory operates out of three basic propositions. The first of these is the consideration that social identity, like culture, is primarily derived from group memberships. Individuals define themselves, in terms of their social identity, according to the groups they belong to (or at least consider they belong to). These groups may include families and broader kinship groupings, religions, ethnicities, work places, social classes, recreational clubs or any other of the myriad groupings of which society is comprised. The second basic proposition holds that individuals try to maintain a positive social identity. In other words, individuals like to feel good about themselves and the groups to which they belong. Thirdly, and critical to this thesis, SIT proposes that the main way individuals and their groups strive to maintain a positive social identity is by producing favourable comparisons between the in-group and comparable out-groups (Brown, 2000). This desire to view our own groups in a favourable light when compared

with other comparable groups is considered by proponents of SIT to be the root cause behind inter-group bias. From here it is only a short conceptual step from the creation of inter-group bias to the seeds of inter-group conflict.

Leo Smyth (2002) postulates that the development of social identity serves a number of basic psychological functions, namely, the satisfaction of the need for self-esteem, the need for self-efficacy and for the development of self-consistency (I am today who I was yesterday and who I will be tomorrow). Considering what drives this set of basic needs, Smyth suggests that, "...the experienced world is an uncertain and anxiety-provoking place and a sense of selfhood is essential in dealing with it." (Smyth, 2002:149)

Possessing a degree of self-consistency gleaned from our social identities also allows us to maintain schemata "...that obviate the necessity of examining each situation afresh on every occasion." (Smyth, 2002:149) In much the same fashion, our cultural identities allow us to maintain a set of inherited (although not necessarily in the exclusively biological sense of the word; one can become acculturated into another culture over time) perspectives, values, goals and beliefs that serve in no small part to determine our behaviour. Following from the second and third basic proposition out of which SIT operates, the implication for cultural identity is that we strive to see our cultures as better in some (or all) ways than other cultures. Where this motivation is mixed with other human motivations such as the drive to achieve and exercise power over others the seeds of conflict between groups defined by cultural differences are sown.

Smyth's article, while talking about SIT generally, is primarily concerned with understanding identity-based conflicts, and it is in this endeavour that his contribution to improving our understanding of how culture and cultural difference affects conflict is most potent. Hence the effort devoted to understanding the root drives behind the need for the formation of social identity, for as Smyth points out,

The push for the roots of identity-formation is of more than academic interest because these roots have serious implications for negotiation practice. If anxiety-reduction is the ultimate driver of identity-formation (which is the working assumption of this argument), then any proposal in negotiation which threatens that identity is, at best, likely to be ignored, at worst, likely to poison the atmosphere. (Smyth, 2002:150)

In another interesting passage, Smyth makes the observation that, "However useful identifying with ideas may be in forming an identity, the downside of the process is that any criticism of ideas, positions etc. with which I have become identified, can easily be experienced as an attack on my *self*." (Smyth, 2002:151, italics in original) This perspective has some interesting ramifications for relations between groups encapsulating different social identities. Tim Hicks, in an article on identity-based conflicts writes,

Given our need to establish and rely on a reality construct that is confirmable and predictable, the thought that our understanding is inaccurate or incomplete can be deeply unsettling. Because our physical survival and psychological stability are so completely rooted in our ability to assign meaning and make sense of the world, any challenge to our knowing has the potential to threaten the very core of our being. (Hicks, 2001:36-37)

Taken to its natural conclusion, this perspective implies that the natural state of relations between different identities is conflictual – the more so if those different identities are opposing, antagonistic or mutually contradictory. If these perspectives are applied to a consideration of cultural differences and the effects these have on the mediation process a number of implications are created. If, for instance, either one of the parties or the mediator puts settlement proposals forward that, while seeming reasonable to those issuing them, are challenging to the central belief structures of the other party, then not

only will these proposals be rejected but they may also poison the mediation atmosphere. This may not only delay progress and lose momentum toward possible resolution, it may also create an even more hostile conflict situation than had previously existed due to one or both of the parties feeling that their very culture is being threatened. As will be demonstrated by the case study in the final chapter of this thesis, it was precisely this sort of dynamic that threatened to foil negotiations between the United States and the Iranians that was only averted by the intervention of a highly perceptive and skilled Algerian mediation team.

SIT primarily serves to explain the importance of clear communication between disputants, not just with regard to objectives and interests but also with regard to underlying values, norms and perspectives.

Another area of mediation theory where SIT can contribute some useful insights is with regard to mediator bias towards one of the parties. There is a considerable volume of work directed at understanding the effects of mediator bias on the process of conflict management/resolution, especially in circumstances when the mediator shares cultural characteristics with one of the disputing parties but not the other. (Bercovitch and Houston, 1996; Smith, 1994; Smith, 1985; Tome, 1992; Touval, 1975) If Brown is correct in his assertion that individuals will tend to exhibit in-group bias and out-group discrimination as a result of the drive to maintain favourable comparisons of one's own group then mediators need to be aware of this natural tendency as they seek to resolve conflicts. Bias in this light, can be understood not only in terms of favouring one party

for strategic reasons or because of a closer cultural affinity, but also in terms of favouring one party's underlying values and reasoning systems and suggesting or enforcing proposals that favour that party at the expense of the other.

It is important to realize that while SIT may provide a useful conceptual framework for understanding the root causes of conflict, it is certainly neither a panacea offering a full and exclusive account from which adequate solutions can be extrapolated, nor is it a theory without its weaknesses, critics and limitations. Abrams and Hogg note, with regard to the self-esteem hypothesis espoused by SIT, how

...it over-implicates self-esteem in intergroup behaviour; self-esteem can, under some conditions, be incidental or even irrelevant. The posited 'need for positive self-esteem' has no more *logical* link with manifest intergroup behaviour, than does a 'need for nourishment'. (Abrams and Hogg, 1988:322)

As illustrated by this example, most of the criticisms of SIT focus on its limitations as a deterministic theory. In other words SIT is charged with being unable to determine how and why certain behaviours result from certain situations and environments with a high degree of certainty or logical argument – there are too many other factors which SIT does not consider adequately.

Criticism of SIT, while often being quite justified and defensible, can sometimes fail to address the real strength of the theory – its complementarity with other theories and approaches to understanding human behaviour. SIT, in its essence, provides us with a conceptual framework by which we may consider how less tangible factors such as group identity and the corresponding differences this can produce in perception, cognition and behaviour, can affect the process and outcome of social conflict alongside such tangible

factors as power relations and dynamics, access to resources and capabilities. These less tangible factors are important in understanding what is really happening in conflict because, as much as anything else, they help us to understand the parties and issues involved from the point of view of those actually participating in the conflict. Ultimately, for mediators involved with conflict for which culture is a factor, a better understanding of the intangible issues present, coupled with an understanding of the more readily identifiable tangible issues would assist in the formation of strategies for the management and resolution of the conflict that would surely be more effective than an approach that failed to adequately take into account either of these sets of factors. Put in simpler terms, the real value of the contributions of SIT to the field of conflict resolution is in its complementarity with more traditional approaches that have tended to focus mainly (if not entirely) on the tangible issues and consequently developed strategies that address these. With the consideration and application of a more complete and complex picture of conflict, it is hoped that the opportunity for real and lasting conflict resolution is enhanced.

1.4. The Study of National Characters.

The body of literature that has concerned itself with the study of national characters is of considerable interest to the questions raised in this thesis. In its essence, this body of literature has sought to describe what it has considered as national characters, or cultures, according to a set of basic variables. These variables typically form a number of dimensions along which cultures can then be analysed and compared with each other to draw conclusions and in some instances policy implications.

One of the first efforts to do this was by Parsons and Shils (1951) in their book, *Toward a General Theory of Action*. They identified a set of five basic “pattern variables” that were considered to be “a dichotomy, one side of which must be chosen by an actor before the meaning of a situation is determinate for him and thus before he can act with respect to that situation.” (Parsons and Shils, 1951:77) The aggregate of these decisions within a given culture would then represent and characterise that culture.

Building on this precedent, Hofstede (1980, 2001) developed a similar approach using four variables, which was later increased in the second edition of his book, *Culture's Consequences*, to five. Hofstede carried out his analysis on IBM employees in the United States representing forty different modern nations and drew a number of conclusions regarding a variety of issues, including inter-cultural negotiation. It is this approach to analysing culture and considering its affect on conflict and its management that warrants this body of literature's inclusion in these pages. Briefly, Hofstede's five cultural variables and their effect on negotiation are as follows:

1. Power distance – the level of discrepancy in levels of power between those that have it and those that don't. A high level of power distance was found to correlate with a high degree of centralisation in decision-making structures with a focus on the importance of status.
2. Uncertainty avoidance – a high degree of uncertainty avoidance was found to negatively affect toleration for ambiguity, to foster distrust of different others and create the need for a high level of structure and ritual in relationships.

3. Collectivism/Individualism – a high level of collectivism was found to promote the need for stability and clarity in the relationships between negotiators with a focus on the people involved (as opposed to merely their roles) with new relationships needing to be established with any change in the negotiating personal.
4. Masculinity – the degree to which social structures and institutions represent the gender division in societies. A high level of masculinity was found to engender strategies designed to force opponents whereas a high level of femininity was linked to a propensity to seek compromise. Likewise masculine societies were found to have a greater respect for the strong or dominant where as feminine societies were more likely to feel sympathetic to the weak.
5. Short term/Long term focus – the more a society was considered to have a long-term focus, the more it appeared to persevere in its efforts to achieve its aims, the more it was prepared to sacrifice short-term goals for the eventual attainment of long-term goals and the more resources it was prepared to invest in long-term interests. (Hofstede, 2001)

While Hofstede doesn't focus on mediation itself, nonetheless many of his conclusions would apply to mediation as well as they would to negotiation. The main strength of this line of research is that it produces a body of data that essentially codifies cultures into a useable form. Using statistics, predictions, generalisations and policy implications can be suggested and assessed. In mediation settings data of this type could be used to help

mediators design strategies based on the analysis of the parties' cultures and the likely effect various types of strategy would have.

Several authors have noted however, that there is a real danger in reducing something as complex and nebulous as culture into data form, especially along as few a number of variables as is feasibly possible. Inkeles and Levinson note for instance how "...a scheme which is limited to a relatively few, universally relevant variables would necessarily omit much that is important in any one society." (Inkeles and Levinson, 1969:447) They continue on to state how

A standard analytic scheme can, at its best, add to the technical rigour and theoretical value of our investigations. Premature standardisation, on the other hand, may seriously impair the flexibility and inclusiveness of analysis, and at its worst leads to rigorous measurement without concern for the theoretical meaning or functional significance of the variables measured. (Inkeles and Levinson, 1969:447)

In a more contemporary work, Faure comments regarding comparative national character studies such as Hofstede's how,

They offer a kind of "instant X ray" providing a few benchmarks for the practitioner. The work thus achieved has clear merits, but its reach is still somewhat limited because of the arbitrary selection of dimensions or criteria used and their capacity to reflect what is essential in a culture. (Faure, 2003:9-10)

Another major problem with this line of research is that it is very difficult to account for variation within a culture beyond the effects of those variations on the averages produced. Hofstede himself, in arguing for the scientific validity of his approach stated that "Information about a population can be considered scientifically valid only when...it applies, if not to all members of the population, at least to a statistical majority." (Hofstede, 2001:14)⁵ This problematic aspect of the approach could lead to quite

⁵ This was one of four criteria, the others being that "It is descriptive and not evaluative (judgemental). It is verifiable from more than one independent source. It discriminates; that is, it indicates those characteristics for which this population differs from others" (Hofstede, 2001:14)

mistaken implications during the mediation process if the decision makers and/or negotiators have quite a different set of cultural attributes than do the majority of their population. Former Iraqi President Saddam Hussein for instance was by all accounts a secular megalomaniac, yet he ruled a country that was predominantly devoutly Muslim. To have constructed negotiation or mediation strategies based on a consideration of a 'typical' Islamic (not to be confused with Arabic) style and set of values, interests and perspectives as gleaned from this sort of statistical analysis may have been quite erroneous and counter-productive.

As Faure notes, there is undoubtedly merit in this approach to understanding the impact of culture on conflict and conflict resolution yet at the same time there are some quite serious limits. At its best this approach may lend statistical support to the design of mediation strategies and provide something of a contextual framework within which mediators can consider individual cases of cross-cultural mediation. At its worst, this sort of approach can, as Inkeles and Levinson noted, lead mediators to draw fallacious conclusions and strategy implications based on data and analysis that simply fails to capture either the complexity of the cultures in question or the situation resulting from their interaction. Cultures are not static but rather they are dynamic and to an extent reactive; when two cultures interact they may affect each other in ways that statistics would have no chance of predicting (Faure, 2003:10).

Faure raises another important criticism of the empirical approach to describing national characters pointing out how many studies measure one culture's performance according

to the standards of another (usually Western) culture. Adding to this problem is the fact that most of the research is conducted in American universities where the research participants tend to be undergraduate students, mostly of a white middle-class background, which as a sample group represents about one ten-thousandth of the world's population (Faure, 2003). Obviously extrapolating useful conclusions from such a dataset would be fraught with difficulty and would contain inevitable and serious flaws.

As a closing point regarding the utility of the national character approach, there is simply no database anywhere near sufficient to address these shortcomings. The sheer number of dimensions that would need to be measured to capture the complexity of culture as a phenomenon, without even accounting for the serious implications of internal variation or the serious logistical and technical difficulties involved in its generation, precludes this approach from ever being more than a useful tool to be used in concert with other more case-based approaches.

1.5. Huntington's Clash of Civilisations Thesis.

As was stated in the introduction to this chapter, Huntington's Clash of Civilisations thesis was arguably the most controversial piece of academic literature in the field of international relations since the end of the Cold War. Most of the controversy over this thesis focused on its central theme: "that culture and cultural identities, which at the broadest are civilisational identities, are shaping the patterns of cohesion, disintegration and conflict in the post-Cold War world." (Huntington, 1996:20)

1.5.1. Conceptual Criticism of the Clash of Civilisations Thesis.

One of the main criticisms of Huntington's thesis is over the arbitrary nature of his civilisation classification scheme (Russett, *et. al.*, 2000). Fox for instance notes the difficulties of classifying Buddhists, Israelis and Indigenous peoples (including most of the Pacific Islanders) within the seven or eight civilisations Huntington recognises⁶ (Fox, 2002). Similar criticisms regarding the arbitrary delineation of civilisations have concerned themselves with the issue of why religion is the defining characteristic according to Huntington, noting that religion is only one component of culture alongside others such as ethnicity, history or language (Roeder, 2003). Huntington gives the following as the reason for religion's prominence in his definitions of civilisations:

Of all the objective elements which define civilisations, however, the most important usually is religion...To a very large degree, the major civilisations in human history have been closely identified with the world's great religions; and people who share ethnicity and language but differ in religion may slaughter each other, as happened in Lebanon, the former Yugoslavia, and the Subcontinent. (Huntington, 1996:42)

Seul essentially agrees with Huntington's focus on religion as a defining characteristic when he comments,

In all their multifarious expressions and dimensions, the world's religions answer the individual's need for a sense of locatedness – socially, sometimes geographically, cosmologically, temporally, and metaphysically. Religious meaning systems define the contours of the broadest range of relationships – to self; to others near and distant, friendly and unfriendly; to the non-human world; to the universe; and to God, or that which one considers ultimately real or true. No other repositories of cultural meaning have historically offered so much in response to the human need to develop a secure identity. Consequently, religion often is at the core of individual and group identity. (Seul, 1999:558)

⁶ As noted in the introductory chapter, Huntington concludes there are seven 'civilisations' in his Foreign Affairs (1993) article *The Clash of Civilisations?* However in his book *The Clash of Civilizations and the Remaking of World Order* (1996) he has increased the number of civilisations to eight.

This is not to suggest however that civilisations are only defined by religion. For Huntington a civilisation is,

...the highest *cultural* grouping of people and the broadest level of *cultural identity* people have short of that which distinguishes humans from other species. It is defined both by common objective elements, such as language, history, religion, customs, institutions, and by the subjective self-identification of people. (Huntington, 1996:43, italics added)

Religion, to Huntington, has tended to be the *common* element of culture that has led to civilisations rather than a *defining* or *requisite* element.

1.5.2. Empirical Analysis of the Clash of Civilisations Thesis.

Since its initial publication in *Foreign Affairs* in 1993, several authors have sought to test the validity of Huntington's thesis empirically, most of whom have found little support for its predictions. Fox (2002) for instance found only a temporary increase in ethnic conflict after the Cold War and certainly no evidence of a shift toward a pattern of inter-civilisational conflict. In a previous study, Fox (2001) found that although there was little support for Huntington's hypothesis generally, there was a significant increase in the level of intra-state conflict between sub-national groups representing the Islamic and Western civilisations post-Cold War⁷. This seemed to offer some validation of Huntington's major claims regarding Islam's "bloody borders" (Huntington, 1996:254) and one of the predicted major civilisational clashes – that between Islam and the (Christian) West.

⁷ Fox found that 55.9% of post-Cold War inter-civilisational conflict involving the West was with Islamic groups compared to 39.4% during the Cold War.

Chiozza (2002) also found little support for Huntington's thesis in his study of inter-state conflict but did note that relations between civilisations tend to be characterised by a dynamic whereby the

...lack of trust, the difficulties in mutual understanding, and the indivisibility of the issues under dispute make jointly satisfactory settlements of controversies improbable. Moreover, should a crisis occur, it is likely to spiral to higher levels of violence. (Chiozza, 2002:714)

This perspective seems to support Huntington's contention that inter-civilisational conflicts are more likely to escalate into violence and to escalate faster than intra-civilisational conflicts. Tusicisny (2004) found that while there seems to be empirical support for Huntington's prediction that inter-civilisational conflicts occur more frequently and with more intensity than do intra-civilisational conflicts, there was little support for the predicted increase since the end of the cold war. Tusicisny found that although there did seem to be an increase in the frequency of inter-civilisational conflicts, "...a closer look reveals that the increase in relative frequency is significant only as part of a longer upswing starting in the early 1980s." (Tusicisny, 2004:497)

In another study, Russett *et. al.* considered inter-state⁸ conflicts from 1950 to 1992 and found little to support the notions that civilisational difference increased the likelihood that two states will become involved in conflict or that the end of the Cold War has led to an increase of inter-civilisational conflict (Russett *et, al.*, 2000). Challenging Huntington's theory they state, "Civilisations do not define the fault lines along which international conflict occurs. More relevant are the common bonds of democracy and economic interdependence that unite many states, and separate them from others." (Russett *et, al.*, 2000:602) This study however, while subjecting the data used to a wide

⁸ Pairs of states were considered, to the exclusion of conflicts for which only one actor was a state.

variety of empirical analyses is of questionable applicability because of the serious and artificial limitations placed on the data to begin with. Most obvious is the problem of using a dataset that ends in 1992 to explore a possible shift in the trends of inter-civilisational conflict with the end of the Cold War - which ended as recently as 1989⁹. Further as Huntington himself points out in a replying article "It includes only interstate conflicts, which are a small, and possibly quite unrepresentative, sample of the violent conflicts in the world. They also appear to be decreasing in frequency compared with intrastate conflicts." (Huntington, 2000:609)

Huntington's thesis is interesting because it considers culture as the *defining* characteristic of groups that are predicted to shape the new world order and the patterns of conflict within it. Although there has been much criticism of his thesis both from an empirical and a theoretical point of view, nonetheless it retains a certain degree of intuitive plausibility and even attractiveness (in terms of seeming to offer a conceptual explanation for many of the trends in international relations and conflict we are witnessing today; rather than being attractive in the desirable sense of the term!) In reality, it may be as yet still too early to adequately and authoritatively test the validity of Huntington's thesis, certainly if datasets ending in the early 1990s are used. Culture and cultural differences *do* seem to be important factors in many contemporary conflicts; the real importance of Huntington's thesis is in establishing a pioneering work that seeks to explain why this may be so. In the conclusion to his article, Tuscisny sums up well the contribution Huntington has made stating, "...the civilisational approach cannot represent

⁹ The end of the Cold War, by the earliest reckoning was in 1989; the formal dissolution of the USSR did not occur until 31st December 1991 giving no more than one year of post-Cold War data from which to draw conclusions.

the Holy Grail of the post-Cold War quest for a new paradigm, but it might complement other concepts.” (Tusicisny, 2004:497)

1.6.1. Some Shining Lights.

In all of the literature that considers the impact of culture on the mediation process, either implicitly or explicitly, Kevin Avruch’s (1998) book, *Culture and Conflict Resolution* stands out as the best example of a thorough, systematic and suitably complex discussion of this important topic. The real strength of this book lies in Part One which is dedicated to an excellent discussion of what culture is, and isn’t.

Avruch begins his discussion by describing and dismissing antiquated notions of culture. The first of these is the idea that culture is something that is possessed by one portion of society (“the cultured few”) that the rest do not (“the great unwashed”). Culture in this sense is more about aesthetics, intellectualism, art and notions of etiquette than it is about such things as the consideration of why humans behave as they do or as a source of potential conflict. Avruch also rejects Edward Tylor’s (1871) contrasting idea that although all people possess “culture” it can nevertheless be expressed along a continuum between savagery and civilisation (Avruch, 1998). The political baggage such a definition intrinsically carries with it (rationale for racial superiority, missions to “civilise” etc,) is of no use when we are trying to understand culture as an innate aspect of human societies. Further, the implication that some societies possess more culture than others makes it very difficult when studying the impact of cultural difference on a conflict between two societies that are both considered to be lacking in culture!

Surveying the literature on culture, Avruch describes what he identified as two main problems with most of the contemporary and historical conceptions of culture. The first main problem is that many definitions have tended to oversimplify culture, often resulting in its broad and uniform application to entire social groups based on an assumption of internal coherence and sameness. This criticism would be applicable to many of the studies on national character as noted above. The second main problem is that there seemed to be a sense of confusion and vagueness concerning the locus of culture. Some conceptions view culture as a quality of individuals, others as a quality of societies while others gently sidestep the issue preferring not to cast their bet in either direction.

Following from these two main problems with conceptions of culture, Avruch identifies six problematic assumptions that he considers “inadequate” (Avruch, 1998:14). The first of these is that “*Culture is homogeneous*,” that it “...is free of internal paradoxes and contradictions such that it provides clear and unambiguous behavioural “instructions” to individuals – a program for how to act.” (Avruch, 1998:14) The second inadequate assumption is the idea that “*Culture is a thing*”, (Avruch, 1998:14) something almost independent of individuals rather than as an expression of the whole raft of social and individual cognitive processes of which it is constituted. Related to the first two assumptions is the similar notion that “*Culture is uniformly distributed among members of a group*.” (Avruch, 1998:14) Intra-cultural variation, in these conceptions, is considered as deviance. Built upon the first three assumptions is the flawed notion that

individuals only possess one culture. Again, the national character approach is often guilty of this assumption. The fifth assumption equates “culture” with “custom”, thereby reducing culture to “a sort of surface-level etiquette.” (Avruch, 1998:15) The sixth and final of Avruch’s inadequate assumptions is the perspective that culture is static - that it is timeless and unchanging.

In seeking to redress these shortcomings in the literature on culture, Avruch makes a number of statements concerning the nature of culture that help to capture the complexity missing from so much of the other literature reviewed in this thesis. Building on Theodore Schwartz’s definition whereby,

Culture consists of the derivatives of experience, more or less organised, learned or created by individuals of a population, including those images or encodements and their interpretations (meanings) transmitted from past generations, from contemporaries, or formed by individuals themselves. (Schwartz, 1992, quoted in Avruch, 1998:17)

Avruch makes the critical point that each of the myriad groupings to which individuals belong “*can be a potential container for culture.*” (Avruch, 1998:18, original in italics) This statement addresses many of the problematic assumptions mentioned earlier. Because no two people are members of exactly the same set of groups, no two people have exactly the same culture. Certainly this perspective would find support among social identity theorists who also promote the multiple group membership perspective.

Avruch concludes his discussion of the nature of culture by making the claim that culture of itself *cannot* cause conflict. He qualifies this important statement by explaining how cultural representations (in others words schemas, patterns, values etc.) are, to varying degrees internalised by individuals, which according to the level of affectivity and

emotional investment attached, motivate their action. It is the level of affectivity and emotional investment individuals associate with various culturally derived interpretations of situation, environment and context that lead to action, not the culture itself. This not only removes what Avruch describes as the “reification” (Avruch, 1998:14) of culture from the equation, it also accounts for individual variations readily observable within cultures – the differences between the way people act who for most intents and purposes, possess essentially the same cultural makeup (at least as far as the main groups to which people can be said to belong such as religion, nationality or language).

With regards to the issue of culture and its effects on conflict and its management and resolution then, Avruch has essentially charged that culture is not a cause of conflict, rather its effects are limited to affecting the processes involved in conflict, individuals’ and groups’ perceptions of conflict and in determining, to a certain extent, their behaviour. As he states in Part Two of his book, “The mere existence of cultural differences is rarely a cause of conflict. This hardly diminishes culture’s importance to conflict analysis or resolution, however, because it is *always* the lens through which the causes of conflict are refracted.” (Avruch, 1998:30)

Having established his conception of what culture is and how, in a general sense, it influences behaviour, Avruch addresses some of the sceptics’ contentions that culture doesn’t matter in international negotiation (this being the ubiquitous example of international conflict resolution)¹⁰. The chief protagonist of this view, according to

¹⁰ Although these arguments are focussed on negotiation, much of the dialogue is just as valid for a discussion of mediation and hence is of value in being repeated here.

Avruch is I. William Zartman, and he directs his attention toward three arguments that Zartman has used to defend his position - that ultimately questions of power determine negotiation outcome, trumping any effect culture may have. The first of these is the contention that negotiation is universal, consisting of a finite number of behavioural patterns and that cultural differences represent nothing more than a difference in style and language. Indeed Zartman defines the effect of culture on negotiation (in this case) as being "...practical impediments that need to be taken into account (and avoided)." (Zartman, 1993:19) Avruch contends that even if this was all that the effects of culture amounted to in the international negotiation setting, this still possesses the potential for very serious consequences. A recurring theme of the literature on both negotiation and mediation is the importance of clear and accurate communication channels – indeed in the case of mediation this is one of the most important functions of the mediator (Kriesberg, 1998).

Zartman's second reported argument focuses on the familiar claim of the existence of a universal diplomatic culture. While this is undoubtedly true, and Avruch certainly agrees it is, in many ways its existence reinforces the idea that culture, in this case the culture of the international diplomatic corps, *does* matter in that it contributes to some extent in the smoothing of communication and relations between state entities. Revisiting his earlier claim of the inadequate assumption that individuals possess but one culture, Avruch points out how even seasoned diplomats possess multiple "cultures" which will manifest themselves in different ways to different extents depending on the context. Raymond Cohen, another excellent advocate for the perspective that culture does matter, makes a

similar point suggesting "...the diplomatic community in itself constitutes a sort of subculture whose members are more like each other than their own fellow countrymen." (Cohen, 1990:14) Cohen also notes in another book-chapter how in many ways the development of the international diplomatic corps was in response to the difficulties of cross-cultural negotiation. (Cohen, 1996:111) However, reporting on comments made by the experienced diplomat-turned-academic, Glen Fisher, Cohen addresses this argument stating "...it is simply not true that diplomats can sever themselves from the "mindsets" of their parent societies." (Cohen, 1990:14)

There is also a second, more salient reason why the existence of a universal diplomatic culture doesn't remove the influence cultural difference can play. Put simply, it is because diplomats are seldom given the responsibility of designing foreign policy; they generally merely execute and/or communicate it. Those charged with designing foreign policy and making decisions are usually the national leadership, who, although considering the advice (sometimes) from the foreign ministry do not always follow a policy the diplomats would advocate. As Avruch states,

...in political or commercial negotiations, diplomats, regardless (or because?) of their cosmopolitan sensibilities, rarely get to shape foreign policy. Instead, the settlements they reach must be acceptable to the political (civilian or military) leadership and regime. The leadership is more or less responsible to the prejudices of the masses or to public opinion. Even if less than fully responsible to public opinion, the leadership is more likely reflective of the culture of the masses than is the diplomatic corps. (Avruch, 1998:46)

In a similar fashion, Cohen reinforces this perspective restating Fisher's opinion that "...decision-makers are constrained by the general sense of what is sensible and acceptable. They cannot stray beyond "the public's tolerable limits of morality or national self-image"" (Fisher, 1988:68-69, quoted in Cohen, 1990:14)

As the case study in Chapter Four will demonstrate, the proclivity of the culture of the masses to affect foreign policy is strong indeed – it was, after all, a student demonstration that escalated into the storming of the U.S. embassy in Tehran and the taking of the hostages and it was questionable whether even the Ayatollah Khomeini, had he wished to, would have had the power to have ordered their release once the momentum of the situation had taken hold. Indeed, it is during crises such as this when an emotional public is involved and when the political stakes are high, that culture makes its presence felt most strongly (Avruch, 1998).

It is important to note however, that although convincing arguments can be constructed supporting the notion that culture does matter and that its effects temper power and realist politics, there are limits to these effects. As Cohen notes,

“It is unreasonable to suppose that cross-cultural differences are salient in all situations...it is likely that where vital national interests come into conflict, no effort at cultural comprehension will make any difference. The gap is an objective and not a subjective one – a product of genuine and not merely apparent differences...A further limiting case of *force majeure* might be a situation where the power discrepancy between two states is so great that the weaker has no choice but to comply with the will of the stronger.” (Cohen, 1990:15)

Finally with regard to the realist contention that power does trump everything, culture included, Avruch makes the astute observation that,

We also need to acknowledge that power is never fully divorced from questions of legitimacy, and the bases of legitimacy are always cultural ones. Moreover, we need to acknowledge that the decision to project power is always part of a culturally constituted process of decision-making, as are the forms of and rationale for its projection. (Avruch, 1998:54)

Avruch concludes his book not by suggesting a range of context-specific lessons or with a detailed taxonomy of the effects of culture on specific aspects of the mediation process,

but rather by seconding a notion first introduced by Cohen (1993) promoting what he termed “Model C” actors. The following is Cohen’s description:

First, these individuals are aware of the gamut of cultural differences and do not naively assume that “underneath we are all pretty much the same.” Second, they perceive the potency of religious and other cultural resonances. Third, Model C actors grasp that Western rationality is based on culture-bound values and assumptions. Finally, they do not take for granted that an expedient (such as face-to-face negotiation) that works for one culture necessarily works for another. (Cohen, 1993:35-36)

Avruch’s book stands as a serious attempt to conceptualise culture, and the impact this has on conflict resolution, in a manner that accords with reality. As such it doesn’t attempt to package culture into convenient bite-sized chunks that are easily applied to an analysis of negotiation or mediation, rather it describes culture as the complex, nebulous phenomenon it is. This sort of conceptualisation doesn’t lend itself well to empirical analysis yet it allows us to more succinctly understand the manner in which it can affect processes such as mediation.

Raymond Cohen, whose name has been mentioned several times above, has written an excellent book-chapter entitled *Cultural Aspects of International Mediation* that seeks to address the issue of whether culture does affect the international mediation process. While there have been a few authors that have considered culture and conflict resolution, such as Avruch above, or culture and negotiation, such as Faure and Rubin (1993), this chapter represents the first attempt to consider the issues this thesis is concerned with (Bercovitch and Elgström, forthcoming).

This chapter takes as its starting point the premise that “in international disputes the “rules” cannot simply be taken as common knowledge, and that significant cultural

differences between rivals may exacerbate conflict and complicate its resolution.” (Cohen, 1996:108) Promoting the “Model C” mediator as detailed above, Cohen suggests three additional roles a mediator can perform alongside the more traditional roles of communication/ facilitation, formulation and manipulation/directive approaches (Bercovitch and Elgström, forthcoming). The first of these is the interpreter, whereby the mediator interprets the *meaning* of communication and statements from the disputants to each other, including, critically, the cultural nuances and underlying assumptions and values that are frequently present. As will be seen in the case study, this is certainly a role the Algerians undertook with considerable success. The second additional role mediators may perform is as a “buffer” who helps “to protect high face-salient disputants from painful and unwelcome confrontation” (Cohen, 1996:111). Again this is a role the Algerians performed with much success. The third of Cohen’s additional roles is that of the “coordinator” whose function is “synchronising the discordant negotiating conventions of the rivals and enabling coordinated solutions to emerge at each of the various stages of the talks.” (Cohen, 1996:112)

Cohen’s chapter contributes a well thought out perspective on the manner in which culture can effect mediation and in the way, as suggested by his additional mediator roles, that the mediator to a dispute can seek to diminish the negative effects of cultural difference on the chances for successful resolution. Like Avruch, Cohen places mediation as an important variable that needs to be considered seriously in any dispute between parties possessing different cultures. Cohen concludes his chapter with the important observation that “Rather than treating culture as a secondary influence on

players' performance within the game, it deserves to be recognised for what it is; the metasystem of significance that assigns meaning to the game in the first place. (Cohen, 1996:125)

1.6.2. Some Other Shining Lights.

In the concluding chapter to their co-edited collection, *Culture and Negotiation: The Resolution of Water Disputes* (1993), Guy Faure and Jeffery Rubin make a number of insightful comments based on both contemporary theoretical perspectives and the case studies their book present that although focussed on negotiation, are salient for the consideration of mediation also. As they explain,

The conclusion we reach is not that culture is the *only* explanation of outcome, nor necessarily the *determining* element of the process. Rather the diverse cases invite the observation that any reasonable explanation of what happens in international negotiation must include the cultural aspects of the negotiation relationship. (Faure and Rubin, 1993:212, italics in original.)

This is an important point and one that mirrors my earlier comments regarding SIT and how it is not a panacea offering a full and exclusive account from which adequate solutions can be extrapolated. In the same fashion it supports Avruch's perspective that culture cannot cause conflict in and of itself but rather that it is a moderating or mediating factor influencing the conflict and conflict management and resolution processes.

Faure and Rubin found that besides the demonstrable effects culture has on distorting communication and interpretations of adversaries' agendas and behaviour, culture also affected the negotiators' range and choice of strategy and the manner of its implementation (Faure and Rubin, 1993). One of the general conclusions they drew from the cases presented was that "culture is multifaceted; it finds more than one way to have

an impact on negotiation process and outcome.” (Faure and Rubin, 1993:214, original in italics.) This again supports the complex nature of culture as described by Avruch, lending impetus to the idea that the effects of culture and cultural difference are far-reaching and diverse – a recurring theme of this thesis.

Two more general conclusions were drawn from the cases involved. Faure and Rubin summarise these as being that “culture’s effects on international negotiation are least prominent when structural factors are strong; and culture exerts its most powerful effects when structural factors are in remission.” (Faure and Rubin, 1993:216, original in italics.) Structural factors in this case refer to what might be understood as objective issues (an example here being the overwhelming concern with water pollution in the Black Sea), as opposed to subjective issues such as conflicts that are primarily focussed on subjective issues (an example here being an identity struggle between Iraq and Syria). The second general conclusion strongly echoes that found by Avruch regarding the effects of culture on conflicts that have a high saliency and emotive content for a population. Faure and Rubin thus state, “...as conflict increases [in intensity], so does the role of culture in international negotiation.” (Faure and Rubin, 1993:216, original in italics.)

Like many authors on this subject, Faure and Rubin highlight the influence of culture on perception noting how “Perception organizes itself from cultural lenses that cannot be modified at leisure.” (Faure and Rubin, 1993:224) They warn how “...failure to understand one’s own cultural biases and stereotypes can create serious difficulties in negotiation.” (Faure and Rubin, 1993:224) Like Cohen’s promotion of “Model C”

mediators, it is important not merely to try and understand the “other’s” cultural differences but to realise that our own perceptions are focussed through the lens of our culture and that what we consider self-evident or normal is just as culturally derived as that which we consider strange or alien in other cultures.

In another approach to the effects of culture on mediation, Russell Leng and Patrick Regan conducted what was the first empirical study that directly tested the effects of culture on the mediation process itself. Culture was operationalised according to two dimensions: social culture and political culture. Following from Huntington’s *Clash of Civilisations* thesis as outlined above, Leng and Regan focus on religion as their indicator of social culture. Political culture is defined according to a state’s political system. Mediation is defined in this study as “...a form of outside intervention in which third party attempts to assist the parties to a dispute in settling the dispute by mutual agreement.” (Leng and Regan, 2003:431)

Like Russett *et. al.* (2000), Leng and Regan did not test conflicts for which one of the disputants was a non-state actor effectively excluding most civil wars¹¹. This is an inherent weakness in the study because many civil wars are fought across civilisational lines as conceived by Huntington. Further, as Huntington observed in his reply to Russett *et. al.*, intra-state war seems to be becoming more frequent than inter-state wars (Huntington, 2000).

¹¹ Although this study used Bercovitch’s International Conflict Management (ICM) dataset that includes both inter- and intra-state conflicts involving at least one state actor, all conflicts for which one party was a non-state actor were removed from the sample.

Criticism of the self-limiting nature of their approach aside however, Leng and Regan did find a positive correlation between both social and political culture and mediation outcomes. One interesting result that challenged Huntington's choice of religion as the defining characteristic of civilisations was that inter-Arab disputes (Arabic countries being predominantly Islamic) followed the general trend of being more amenable to mediation than conflicts between civilisations, however inter-Islamic dispute, when the disputants were not both Arabic did not. Regarding this finding, Leng and Regan comment that,

The significance of this distinction, which is based not on sectarian differences, but on regional cultural factors related to the use of mediation, raises questions about Huntington's (1996:452) identification of religion as the most significant cultural attribute, and points toward a more complex notion of culture than heretofore considered in the empirical literature. (Leng and Regan, 2003:448)

It seems that a more comprehensive and complex approach to operationalising culture for empirical research is required before any authoritative comments can be made regarding its effects on mediation (or anything else for that matter). This is not to say that projects such as Leng and Regan's are without their worth, rather it is to make the point that there remains much work to be done in this field. The results gleaned thus far, while offering useful perspectives are insufficient of themselves to describe culture's effects on the mediation process.

Another empirical investigation into the effects of culture on the international mediation process is that conducted by Jacob Bercovitch and Ole Elgström (forthcoming) using the same dataset as Regan and Leng. Building on the work of Cohen and Avruch, Bercovitch and Elgström tested the effects of five variables considered to "offer the most promise in assessing cultural uniformity or diversity." (Bercovitch and Elgström,

forthcoming) These variables were geographical proximity, type of political system, level of political rights, level of civil rights and religion. Although the authors were aware of the complexity of culture and the inherent danger of reducing it to a few variables, they nonetheless felt that these variables represented a few realistic dimensions on which cultures could be measured and assessed. These variables do, however, appear to be more focussed on political culture than social culture, with the exception of religion, which could be considered to inhabit both camps. While these variables, when analysed against the dataset on militarised international conflict do yield some interesting results, it would be interesting to add a number of dimensions more relevant to social culture such as those used by Hofstede (1980, 2001) but which Bercovitch and Elgström felt were more suited to comparing individual differences and thus of limited use to studies at the international level. Arguably, a different treatment of the data whereby conflict parties were grouped into like-cultures (perhaps along Huntington's civilisations arrangement) may have made the application of Hofstede's variables more viable.

When the effects of culture according to the dimensions selected were analysed however, Bercovitch and Elgström found that "cultural differences between parties lead to fewer successful cases of conflict management."¹² (Bercovitch and Elgström, forthcoming).

This study, like that conducted by Regan and Leng is important because it is another step towards the building of a body of literature, backed up by empirical analysis, which seeks to understand and explain the effect of culture and cultural difference on the mediation

¹² One result that surprised the authors was the lack of correlation between parties' political systems and mediation outcome.

process. Although both of these studies have unavoidable short comings, chiefly as a result of the number of variables used and size of the dataset available (ending as it does in 1995), they point the way forward for subsequent studies that will inevitably seek to fill the gaps and expand our understanding of this difficult subject.

1.7. Literature Review: Conclusion.

Each of the five sections in this literature review has presented a different approach and each of these approaches has had both strengths and weaknesses.

The first section presented a brief overview of contemporary thinking on conflict and mediation. This approach has the strength of several decades of serious scholarly attention producing solid and well-conceptualised understandings of these processes. What they have both tended to lack however, particularly with regards to mediation, is an equally solid and systematic conceptualisation of the impact of culture on these processes. This thesis aims to take the conceptualisation of mediation, as presented by Bercovitch's contingency model of mediation, and apply, in a thorough and systematic fashion, a conceptualisation of the impact of culture on each of the variables stipulated in order to present a more ostensibly focussed account of this important phenomenon.

The second section, considering social identity theory has the strength of a suitably complex consideration of social identity as a phenomenon and the impact this can exert on social relations, particularly with regards to this thesis on social conflict. From the perspectives advanced here, very useful lessons can be applied to the consideration of

culture and cultural identity and the impact these can have on perception, attitudes and behaviour in the conflict and conflict management and resolution processes.

The third section presented the body of literature that concerns itself with the study of national characters. Several problems with these approaches were identified which where possible ought to be avoided in considerations of the impact of culture on the mediation process. However this body of literature has made some valuable contributions especially with regards to the construction of theories that lend themselves to empirical testing, from which some useful, contributory lessons can be gleaned.

The fourth section presented a brief overview of Huntington's now famous clash of civilisations thesis as well as the perspectives of some of its main critics. As was noted, while there are indeed several flaws with Huntington's theory, it is a pioneering work and as such has given impetus and direction for further studies on the role that culture plays on international relations and intergroup conflict, this thesis itself being inspired by Huntington's work.

The fifth section held up some of the few shining lights that have directly considered the role culture can play in the mediation process, with different works possessing different strengths. Avruch's excellent conceptualisation of culture and his approach to applying this to real world phenomenon such as intergroup conflict and conflict resolution stands as an example of how to deal with such a complicated phenomenon in a mature and scholarly fashion.

What hopefully has been indicated however, is the lack of a single work that deliberately and systematically considers the role and influence of culture and cultural difference on the mediation process as a whole. Although Cohen's (1996) chapter did deal with these issues, it focussed more on mediator roles and the description and promotion of the "Model C" mediator rather than on the impact of culture on the process itself. This thesis aims to address this shortcoming by expanding on and applying the perspectives highlighted here to a consideration of the mediation process to produce a useful and in its own way, pioneering consideration of this most contemporary and important topic.

Chapter Two – Culture.

2.1. Introduction:

Raymond Williams once wrote, “Culture is one of the two or three most complicated words in the English language.” (Williams, 1983:87) As the review of the relevant literature has shown, there have been numerous applications of this complicated term to the consideration of a raft of issues, mediation being but one of them, without a great degree of consensus as to what it represents. Culture, as a concept, has been described in many ways. Indeed Kroeber and Kluckhohn, when considering the history of the usage of the term “culture”, found 164 different definitions! (Kroeber and Kluckhohn, 1952)

Building on the work of Kevin Avruch introduced in the previous chapter, this chapter seeks to expand and clarify what is meant by culture as a phenomenon. In other words, we are trying to understand what culture is and how it works as a behavioural and cognitive influence on individuals and the societies they create. With conceptual clarity regarding what culture is and how it serves to influence society the way will be paved to consider how culture influences the mediation process – the subject of the next chapter.

This chapter will present four central tenets that together seek to capture and present the complexity of culture. Before these are presented however it is necessary to draw distinction between what has been termed local and generic culture (Avruch, 1998) and to briefly investigate the relationship between culture and identity.

2.2. Generic and Local Culture.

Kevin Avruch (1998) drew a useful distinction between what he termed as *generic culture* (human culture as an aspect of the species *Homo sapiens*, essentially adaptive to environmental factors) and *local culture* (the variations in the complex systems of meaning that are created, acquired, shared and transmitted by individuals within social groups). For the purposes of this thesis we are concerned with local culture and henceforth this will be referred to merely as “culture”. This distinction may seem fairly obvious at first glance but it implicitly challenges a number of perspectives such as the notion of a finite number of universal negotiation (and by extension mediation) behaviours as espoused by Zartman (1993) in his book-chapter, *A Skeptic’s View*, as mentioned in the preceding chapter. This distinction also holds a challenge for the realist paradigm that would seek to explain behaviour according to “rational” calculus that is constant and universal (especially at the level of the international system) and beyond the influence of such factors as culture.

2.3. Culture and Identity:

The terms culture and identity are sometimes confused and their misuse can lead to confusion and ambiguity over what is being said. A simple way of conceptualising the difference between culture and identity is to consider identities as being akin to labels on containers and cultures as being akin to the contents of those containers. The statement, “I am a Cantabrian,” is an identity statement. It informs others that I am from Canterbury but it doesn’t say what a Cantabrian is. As a statement of cultural identity, it tells others I possess a Cantabrian culture but again it says nothing of what Cantabrian culture is. If I

was to state however that, “Cantabrian culture consists of sets of particular attitudes, values and norms, ways of conceptualising the world and certain patterns of behaviour,” and describe these aspects, then I have produced a statement describing Cantabrian culture. Hence the identity statement, “I am a Cantabrian,” may have implicit in its meaning a description of Cantabrian culture, however, one would either have to already know what a Cantabrian culture consisted of, or one would need to have it explained.

Essentially, identity serves to differentiate people, to define the “us” and “them”, and to demarcate the group(s) to which we belong (identify with). Our sense of identity tells us which sets of norms, values, behaviours and ways of perceiving the world we internalise and consider to be ours. In other words, our social identity tells us which culture(s) we belong to, and those cultures influence the way we think, perceive and act.

2.4. Culture, Experience and Time:

One of the most commonly cited definitions of culture is that put forward by Kroeber and Kluckhohn in the 1950s. Many of the ideas these authors put forward are still widely used today so it is worth quoting in its entirety.

Culture consists of patterns, explicit and implicit, of and for behaviour, acquired and transmitted by symbols constituting the distinctive achievement of human groups, including their embodiment in artefacts; the essential core of culture consists of traditional (i.e., historically derived and selected) ideas and especially their attached values; culture systems may, on the one hand, be considered as products of action, on the other as conditioning elements of future action (Kroeber and Kluckhohn, 1952:181).

The concept of “culture systems” is of particular interest and the starting point for one of the central tenets of culture this chapter presents. One of the fundamental aspects of a system is that it is dynamic. So too a “culture system” is dynamic, as implied by the beginning of the quotation “Culture consists of patterns...of and for behaviour, *acquired*

and transmitted by symbols”, and reinforced at the end of the quotation by the comment that culture is both a “*product of action*” and a “*conditioning element of future action*”. Further, the idea that the “essential core of culture consists of *traditional ideas*” implicitly links culture to a notion of time and history. In other words, culture is, as much as anything else, a product of time, which leads directly to the implication that culture, like history, is linked to shared experiences. Gustav Jahoda notes that the idea that culture is acquired by people through their membership in societies is one of the few aspects of the many definitions of culture that is widely agreed upon. (Jahoda, 1993:5) Constituting one of the central tenets of this thesis, it can thus be stated that *culture is a product of the shared experiences of groups of people over time*.

This is a deliberately broad position, allowing us to place a ‘peg in the ground’ from which to build a useful definition without limiting it to particular types of groups (for example states, nations, communities, ethnicities etc.), particular types of experiences (for example religion, art, heroes, folklore), or certain lengths of time (for example decades, centuries, millennia). In not wishing to limit this definition to a particular type of group or experience or a certain period of time, many of the problems of arbitrariness associated with the national character approach, and other attempts at empirical investigation, are avoided. Of course in so doing, other problems are created, not least of which is the near-impossible task of designing some sort of measuring or qualifying system with which to compare different cultures. If cultures are to be empirically compared in any fashion, some form of arbitrary distinction is unavoidable. This approach highlights the main problem with attempts to empirically investigate the effects

of culture on processes such as mediation. To overcome both the problems of arbitrariness inherent in empirical approaches and the difficulties in comparing different cultures according to the approach being promoted here, some form of compromise is necessary. Building on Raymond Cohen's (1993) "Model C" mediator concept, it is suggested that comparison between cultures needs to be done very carefully through the considered application of appropriate dimensions that are relevant to both the cultures involved and the type of comparative information the researcher wishes to establish. In other words, like the Model C mediator, the researcher needs to familiarise themselves with the cultures concerned, rather than simply operationalising cultures along arbitrarily defined dimensions.

2.5. Culture's Complexity:

Responding to a tendency in much of the literature to consider culture in terms of "...quasi- or pseudo- kinship groupings" (Avruch, 1998:5) Avruch expands the understanding of culture (although by no means exhaustively) to include "...groupings that derive from profession, occupation, class, religion, or region." (Avruch, 1998:5) This expansion of the term to include historically unorthodox sources of culture is echoed and continued here because it offers a conception of culture that seems more complete, more experientially accurate and consequently more reflective of the real world of human experience and interaction.

Thomas Pettigrew, writing about ethnicity (being one type of group to which individuals belong), noted with regard to a shared sense of culture that,

...the existence of a common culture is best seen as a result rather than a criterion of an ethnic group; to make it a definitional requisite is to ignore cultural change over time and the shaping of the diverse cultural forms by diverse ecologies within the same ethnic group. (Pettigrew, 1978:26)

The “diverse ecologies” referred to here can be understood as representing the variety of groups to which individuals belong and the variation between individuals within a group as a result of their memberships in other groups. This perspective reinforces the earlier notion that culture is a product of the shared experiences of groups of people over time and also promotes the concept that culture is complex and varied within any given society. One consequence of Avruch’s conception of the sources of culture is that, as we shall see below, these sources are not always relevant, or, to put it another way, the salience of these different sources varies according to context.

It was noted above how the first “central proposition” was deliberately broad as a response to inadequate singular definitions of culture that usually arbitrarily delineate and limit what a culture is, or indeed, what cultures are. Edward Tylor’s original definition of culture (rejected by Avruch as noted in the previous chapter) described it as “...that *complex whole* which includes knowledge, belief, art, morals, law, custom, and any other capabilities and habits acquired by man as a member of society.” (Tylor, 1871:1, italics added.) In rejecting this singular notion of culture, I am also, by extension, rejecting the “whole” aspect of Tylor’s definition. The term “whole” has, implicit in its meaning, the notion of boundaries and edges (this is part of the whole; that lies outside it). The concept of culture that is being promoted here, while certainly being considered complex,

is considered to be blurred and vague at the edges. In this sense, individuals, and societies, are considered to have certain aspects that inform their culture with a high degree of centrality. These may be aspects such as religion, a shared sense of history, ethnicity, and language - aspects that are often considered as cultural indicators. Ideology may also constitute a central aspect of individual and group cultures, especially where ideology is the main focus or *raison d'être* for a group's existence (as was the case for instance in the communist Soviet Union).

However other aspects inform individuals' cultures too but are not necessarily central, perhaps even peripheral. These other aspects may include things like geographical affinity (within a larger geographic unit such as a state, for example as a South Islander of New Zealand, as opposed to a North Islander or rural as opposed to urban, or even at the suburban or street level), occupation (blue collar vs. white collar), age, gender (perhaps the differences between men and women are cultural!). Even more peripheral may be aspects such as etiquette preferences, which sorts of music and art one enjoys. These peripheral cultural components are considered to be more contextual than the more central components that will tend to influence perception and behaviour to a greater, wider and more constant extent. They will be more or less salient to one's perceptions and behaviour depending on situation, environment and personality. Whether or not one was brought up to have their elbows on the table is not going to have any bearing for instance in a disagreement over religion or theology. This is an important point because, it will be argued presently, the same is true at higher levels of society than merely that of the individual.

In some contexts however, these peripheral cultural differences may seem more salient than the more central cultural similarities. To illustrate this, imagine a white collar, suit wearing, urban dweller walking into a bar in rural New Zealand and asking for a Martini – shaken, not stirred. The other patrons would likely look up from their pints and turn to look at the “stranger from the city” who has entered their bar and stood out from the crowd. Although the urban dweller may share many central similarities with the rural bar patrons (for instance the belief in, and experience of, institutions such as state education, participation in a democratic political system, language, ancestry, a shared sense of history etc.), the more peripheral differences in this context stand out and label him as possessing a different culture. However, a few minutes later, a couple of Japanese ladies enter wearing Kimonos and proceed to order a couple of shots of Sake (however unlikely it is for a rural New Zealand bar to stock Sake). In this example, where once the cultural differences were focussed on peripheral aspects such as dress (within a broader class of Western dress), preferred drink, occupation and geographical affinity (rural vs. urban), now it is focussed on more central aspects like ethnicity, appearance, dress, language etc. Further, the urban dweller would likely to be included in the “us” in the comparative views of the bar patrons compared to the “them” of the Japanese ladies because the differences are less central in comparison.

Rather than culture being, as Tylor considered, a “complex whole”, the concept being promoted here views culture as consisting of a complex variety of components that vary both in nature, centrality and salience. These varying aspects of culture will divide

people in some instances, but less so or not at all in others. Hence, while this view sees culture as complex, it does not necessarily see it as a whole, at least not in the sense that Tylor described it. People thus possess a number of core aspects or informers of their culture such as religion, language or ethnicity and these aspects may be present and salient for most, if not all of the time and will carry a greater influence over cognitive processes and behaviour than will the more peripheral aspects that will only be salient some of the time depending on context. This discussion leads to the second central proposition of this thesis: *culture is complex and multi-layered and the salience of its component aspects varies according to context.*

The two principles of culture offered thus far can be extended to imply there will be variation in the cultural makeup of individuals within a society. As Thomas Meyer notes, “A shared cultural tradition will have a variety of meanings in everyday life for the different milieus of which a society is composed. Therefore substantial internal differentiation is the inevitable feature of cultures.” (Meyer, 1997:29) Kevin Avruch echoes this principle and also addresses the problem of ascribing singular descriptors of culture when he states,

The more complex and differentiated the social system, the more potential groups and institutions there are. And because each group or institution places individuals in different experiential worlds, and because culture derives in part from this experience, *each of these groups and institutions can be a potential container for culture.* Thus no population can be adequately characterized as a single culture or by a single cultural descriptor. (Avruch, 1998:18 – Italics in original)

This is a product of both the psychological variation within human beings and of the variation in the societies (or the different strata, subgroups etc. within societies) individuals inhabit. Because groups are comprised of individuals and these individuals are all different, and because groups themselves occupy different environments and roles

in the broader society, we can consider that all groups possess different cultural make-ups to a greater or lesser degree, to each other. Thus it can be further stated that, following from the first two central propositions: *there will be variation in the cultural make-up of all individuals and groups such that no two individuals or groups can be thought of as possessing exactly the same culture.*

Following from the notions of culture being “a product of the shared experiences of groups of people over time” and culture as being “complex and multi-layered” it can be argued that each attribute that contributes to an individual’s cultural make-up that they share with another individual (for instance religious belief, taste in music, kinship etc.) serves to create a group to which those individuals belong. In the case of religion for instance, those groups may be large, well defined, organised and central to their member’s self-identity. In the case of individuals’ tastes in music, those groups may still be large yet be unorganised, vaguely defined and perhaps peripheral to those individuals’ sense of self-identity. Other groups may be small to the point where perhaps they encompass only members of a family or small kinship group, people who have travelled together or participated in some event of significance to the individuals involved. As W. G. Runciman notes; “Everyone is, of course, in some sense a member of an almost infinite multiplicity of groups, for every attribute which a person shares with others makes him by definition the joint member, with them, of at least this one group.” (Runciman, 1966:12-13)

While being theoretically interesting, this notion of the propagation and multiplicity of groups is not particularly applicable to the real world of social relations. Trying to understand the interplay between “an almost infinite multiplicity of groups” and the effects this may have on social relations such as inter-group conflict would surely be an exercise in frustration. With this in mind, Runciman follows his original point a few pages later with the observation, “...that despite the enormous multiplicity of possible reference groups, the number habitually used by any one person is small, and particular reference groups are likely to be specified in the context of particular problems.” (Runciman, 1966:15) These points are made in the context of a discussion of Relative Deprivation Theory where reference groups refer to the groups that we consider we are able to compare ourselves with (i.e. displaying a certain degree of similarity), in this case in terms of the level of felt relative deprivation. The point is well taken however to imply that although we may well be able to think of ourselves as belonging to an “almost infinite multiplicity of groups”, in reality we usually only focus on a few, essentially dictated by context. For instance in a debate over which sports team is superior it is unlikely that one’s membership in a certain religion is going to possess much salience in the discussion. Likewise in a conflict between two ethnically or nationally divided factions, whether or not various members of the two opposing ethnicities happens to share the same taste in music is not likely to be a relevant form of group membership.

The notion of salient group membership may seem something of a truism but there are some important ramifications for the conflict management and resolution processes. Several authors have for instance, proposed that one way to reduce intergroup conflict

might be to reduce the usefulness of certain group memberships (i.e. those that are in conflict) by replacing them with supersumming or cross-cutting group memberships (Brown, 2000). This strategy has certainly enjoyed success with mediation efforts by the Vatican, for example when the disputing groups have both been predominantly Catholic as is the case in much of South America. These aspects and functions of group identity as they relate to conflict and conflict management/resolution will be more fully explored in Chapter Three

2.6. Culture and Behaviour.

In trying to understand culture as a phenomenon we are, as has been noted above, trying to understand what culture is and how it influences the cognitive process and behaviour. These two terms, “the cognitive process” and “behaviour”, are inextricably linked. All behaviour is the result of thought; one simply cannot act without deciding how to act first (even if sometimes we are accused of doing just that!).

Social psychologists have for several years addressed themselves to the question of how phenomenon such as culture and identity influence the way in which we as individuals and societies think and act. Explaining the underlying proposition adopted by social psychologists, Ron Fisher states,

The social-psychological approach is based on the philosophy of phenomenology, which maintains that we develop our picture of the world through our senses and that our subjective experience thereby provides the reality out of which we operate (Fisher, 1991:6).

One useful way of conceptualising the influence culture maintains over our cognitive processes is to think of culture as being like a lens: just as a lens doesn't change what one

is looking at, merely the way one sees it (for example, by altering focus, distorting images etc.), so too does culture not change what we observe, merely the way in which we observe it and the understanding thus generated from our observations. From a certain angle, a square may look to one who views it through a lens like a rectangle, and to another who also views it through a lens but from another angle or with a different shaped lens, like a trapezoid. One implication of this metaphor is that if one or both of the parties are unaware that they are looking at a square through a lens or are unaware of the effect the lens they are looking through has, or they are unaware that the other party has a different shaped lens, or that there could even be more than one shape of lens, then the possibility of conflict over the description of what they are looking at is enhanced. If we project this scenario onto the real world of inter-group relations then it is easy to see how cultural differences can lead to an increased likelihood of issues, relationships, norms, and values being perceived differently which thus enhances the likelihood of conflict. Tim Hicks echoes this relationship between culture, perception and conflict stating,

The connection of a conflict to issues of identity and reality constructs is one of the elements that can make the logjams of conflict difficult to break up. As parties see their positions tied to their identity or their picture of what is right, good, true or real, it is difficult for them to shift from those positions. Many conflicts that are or appear to be rooted in one source or another are floating on an undercurrent of identity and reality-perception issues (Hicks, 2001:38-9).

If we consider that culture has some influence on the cognitive process, then by extension we are also saying that culture has some influence over behaviour since all behaviour is the result of cognitive processes. This is certainly not a new proposition, however the ramifications are often not fully realised. Gustav Jahoda considers that,

...culture and mind interpenetrate each other, so that all behavior is inescapably cultural. It is therefore futile to try and decontextualize behavior in an attempt to get at universal variants, for humans without culture are inconceivable. (Jahoda, 1992; quoted in Lonner and Adamopoulos, 1997:56)

This statement certainly challenges the realist perspective, which has tended to consider behaviour (at least at the state level) as being the result of rational cost-benefit calculations. At the very least this statement implies that there are different rationalities based on different cultural perspectives. Perhaps the realist perspective is nothing but an approach to understanding intergroup affairs that is in fact itself a culturally derived approach!

If we consider that culture, as a phenomenon, is a feature of both individuals and the social groups they create, then we ought to be able to extend Johoda's quote to include the perspective that all relationships between social groups, and thus all intergroup behaviour needs to be understood with reference to the cultural contexts within which it occurs. In other words, what is being proposed is that *all behaviour, at all levels of society, from the individual to the international level, has to some degree, a cultural component*. This represents the fourth central proposition of this thesis.

This proposition that all behaviour has a cultural component ties in nicely with Kroeber and Kluckhohn's conception whereby, "Culture consists of patterns, explicit and implicit, *of and for behaviour...*" (Kroeber and Kluckhohn, 1952:181, italics added). What is being proposed here, in other words, is that to be considered as a source of culture, or as a component of an individual's culture, the contents of the attribute in question must contain information, usually in the form of values, norms and perceptions, that influence

and inform behavioural patterns in a way that is essentially unique (although they may be similar to other cultural influences). A difference between two individuals (for instance physical differences, taste preferences etc.) would not thus be considered a *cultural* difference if that difference did not produce a difference in behaviour patterns.

2.7. Conclusion.

This chapter has presented four central propositions that this thesis is advancing regarding what culture is, how it works and how it influences human individual and social behaviour. To reiterate:

- Culture is considered to be a product of the shared experiences of groups of people over time.
- Culture is presented as complex and multi-layered with the salience of its component aspects varying according to context.
- It is proposed that there will be variation in the cultural make-up of all individuals and groups such that no two individuals or groups can be thought of as possessing exactly the same culture.
- It is further proposed that all behaviour, at all levels of society, from the individual to the international level, has to some degree, a cultural component.

Taken together, these four propositions ascribe to culture a more important role in influencing human individual and social behaviour than do many past and present theories. Culture, in this consideration, is a fundamental aspect of the human experience that affects all social relationships. Culture is presented as being akin to an environment

within which all other factors operate. Where two different cultures interact (that is, according to this argument, during all social interactions) then the environment within which their interaction takes place is characterised by the interaction of those cultures.

It is not the intention of this thesis to discredit, dismiss or diminish the importance of objective factors such as territory, resources, power or any other of the myriad tangible factors that are usually present in, if not at the heart of most conflicts. In many cases these tangible factors may be far more pertinent to a given conflict than is the impact of culture and cultural difference, especially in conflicts between two parties that have very similar cultural make-ups. The aim of this chapter has been rather to promote the idea that these factors all exist within the realities that our cultural make-ups provide us with. Thus, to accurately assess the impact of the various factors in conflict, both tangible and intangible, we need to be aware of the ways in which culture can affect their meaning, their salience and their impact on our cognition and behaviour and the effects that cultural difference can have on the conflict process.

Chapter Three – The Impact of Culture on the Mediation Process.

3.1. Introduction.

The review of the relevant literature that constituted the first chapter of this thesis concluded with the observation that there is a “lack of a single work that deliberately and systematically considers the role and influence of culture and cultural difference on the mediation process as a whole”. This is the essential task of this thesis. Having developed a conception of what culture is in the preceding chapter, the aim of this chapter therefore is to apply this conception to the understanding of the mediation process as conceptualised by Bercovitch’s contingency model. (1984, 1992, 1996, see fig. 1.2. on page 14)

Bercovitch’s contingency model of mediation views mediation outcomes as contingent on the dispute context and the process employed by the mediator. This chapter is organised according to this model, beginning with suggestions as to how culture and cultural difference affect each of the context variables (nature of the disputing parties, nature of the dispute/issues and nature of the mediator), followed by suggestions as to how culture may affect the process variables including such aspects as the strategies used by the mediator, the initiation and timing of intervention efforts and the venue(s) used. Finally some comments will also be made on how culture and cultural difference can affect the evaluation of mediation outcomes. With this analysis in place, a more complete picture of the influence culture and cultural difference exerts on the mediation process will have been established, going some of the way to plugging an important gap in the literature.

3.2. The Impact of Culture and Cultural Difference on the Context Variables.

3.2.1. The Nature of the Disputing Parties.

Jacob Bercovitch, in presenting his Contingency Model of mediation describes a number of variables that represent the nature of the parties. These variables tend to represent objective aspects of the parties, such as the type of political system they use, the level of power they possess and the previous relationship they have had with the other parties in consideration (Bercovitch 1984, 1992; Bercovitch and Houston, 1996). While these factors are conceptually useful, certainly for the sort of comparative empirical analysis Bercovitch has produced, they offer a limited opportunity to understand the effects of culture on the nature of the party. Subsequent operationalising of the nature of the party variable done by Bercovitch and Elgström (forthcoming) that sought to measure the impact of culture on mediation outcomes (as discussed in Chapter One) again chiefly utilised objective variables that were more focussed on political culture than social culture (one exception was the comparison of religion as a variable). What these studies have generally shown is that culture, as conceptualised, does have some impact on mediation outcomes. What these studies have not shown is *how* culture, or more specifically cultural difference, has *produced* the effects it has on mediation outcomes.

Culture, as suggested in Chapter Two, is a product of the shared experiences of groups of people over time. Cultures build, and are built on (remembering the dynamic nature of culture) shared values and beliefs that produce various ways of perceiving, interpreting and understanding the world, giving rise to sets of behavioural norms and ways of

relating to both in-group and out-group members. Culture provides us with a feeling of connectedness with others considered to share the same culture or cultural attributes and a feeling of security and stability essential for understanding and dealing with the uncertain world in which we live. In this sense culture has a pervading, omnipresent effect on the nature of the parties such that all behaviour, including that related to conflict and conflict resolution processes such as mediation, has to a certain extent a cultural component, as proposed by the fourth tenet of culture introduced in Chapter Two.

This is not to suggest however that culture is omnipotent. We are able to rise above cultural “programming”; indeed it could be argued that our perception and corresponding behaviour, at the individual level, is always a product of the interaction between cultural systems and individual personality and cognition. Further, as suggested by the third of the four central tenets this thesis has suggested, there will be variation in the cultural make up of individuals within any given party, such that the effects of culture on the creation of values, norms and perceptions will vary within a party and may even produce cross-cutting values, norms and perceptions between different parties.

Perceptions, values, beliefs and norms are closely related. We derive our values and beliefs largely from the cultures we belong to, which in turn influence our behavioural norms and our perception of the world around us. Other groups are judged according to the sets of values, beliefs and norms we possess and our perception of the extent and direction that they deviate from them.

Where groups are culturally different, different values and beliefs are likely to exist and these may lead to conflict. Where conflicts are the result of, or exacerbated as a result of cultural differences, these issues will most likely be transferred to the mediation process.¹³ Below we consider how differences in behavioural norms and perceptions can influence conflict and our attempts to manage and resolve it, with suggestions as to how mediators can attempt to overcome these difficulties. The internal composition of the parties in terms of their power/governing structures as well as variation in the cultural composition will also be discussed.

Behavioural Norms:

Where the parties to a conflict have different established norms with regards to acceptable, or “normal” conflict behaviour, further conflict issues may be created as a result that supplement and perhaps even eclipse the original issues. Consider for instance the current protracted conflict between the Israelis and the Palestinians. Ostensibly this conflict is about territory and the right to statehood but with the prolonged use of suicide bombing by various factions within the Palestinian side – a behaviour considered illegitimate and unacceptable by the Israelis (and most of the rest of the world), the conflict has taken on another dimension whereby the Israeli government feels obliged (and indeed is generally expected by its people) to respond with strong reprisals. In turn, because of what many Palestinians feel are disproportionately harsh reprisals, their sense of honour and retribution (cultural norms that are strongly held in Arab societies) lends impetus for yet more suicide bombings (this considered one of the few avenues available

¹³ Diplomatic culture, as discussed in Chapter One, may alleviate the tendency for conflict-inducing cultural differences to be transferred to the mediation process, although as was previously noted, this may be somewhat limited.

for Palestinians to cause physical damage and effect retribution). This draws repeated harsh reprisals resulting in a conflict spiral that at the time of writing shows little signs of abating. Issues generated by different perceptions of what constitutes legitimate conflict behaviour and appropriate responses have supplemented the original issues of territory and statehood, complicating and worsening the conflict thereby reducing its chances of resolution.

The propensity of different behavioural codes to affect conflict and mediation is not restricted solely to conflict behaviour however. Conflict can arise when one party considers that *any* behaviour is for whatever reason “bad” or somehow unacceptable, and that its existence and continuation is perceived to be causing negative affects on the party that objects. One example of this that has been widely reported across Islamic nations, especially by those who adhere to an absolutist or fundamentalist version of Islamic belief, is the objection to the export of what is perceived as degrading and corrupting images of women and the female body in many Hollywood films. This gives impetus to anti-Western sentiments and fuels the Islamic fundamentalists’ calls for *jihad* against the West and Western interests.

There are few avenues available to mediators to address the issue of conflicting behavioural norms resulting from cultural differences, beyond merely assisting the parties to understand each other’s reasons for their respective behaviours. Mediators can educate parties about each other’s behavioural norms and the values and beliefs behind them in

order to reduce confusion, thereby increasing understanding and avoiding the unintentional causing of offence as a result of ignorance.

Within the actual mediation setting, mediators, where possible, can establish and enforce norms and codes of behaviour that can sidestep these issues to a certain extent, as President Carter did during the Camp David negotiations between Egyptian President Sadat and Israeli Prime Minister Begin. By enforcing such aspects of the mediation process as the nature and content of language used, the order of speaking and etiquettes to be observed, a mediator can establish a common behavioural code that although perhaps differing from both of the parties' native behavioural codes, nevertheless allows dialogue and progress without running aground on the reefs of offence and misunderstanding that seem so prevalent in the sea of intercultural relations.

Perception:

A great deal of the literature cited in this thesis has concerned itself with the role perception plays on how parties conceive themselves, each other, the conflict and conflict issues, the appropriate means of dealing with conflict and the nature of the broader environmental context within which it occurs (Avruch, 1998; Bercovitch, 1984, 1996; Deutsch, 1969, 1973, 1991; Faure, 2003; Lonner and Adamopoulos, 1997; Mitchell, 1981; Sandole, 1993).

Discussing the perception of conflict in the first chapter of this thesis, it was suggested that "perception is one of the fundamental products of culture" (p. 11). Social

psychologists such as Deutsch (1991) and Fisher (1991) have suggested that our perceptions constitute the reality out of which we operate. Considering the effects of parties' perceptions of conflict Deutsch further suggests that subjective factors, such as the parties' perceptions, expectations, values and aspirations need to be understood by the mediator if they are to address the issues in conflict with the sort of comprehensiveness required to achieve real and lasting conflict resolution (Deutsch, 1991).

As far as culture can be said to affect parties' perceptions, cultural difference can be said to generate a difference in those perceptions - a difference that when discordant can lead to a range of conflict-exacerbating and resolution-impeding situations. Chris Mitchell for instance notes how "Subjective elements creep into even such a basic process as the parties defining what the conflict is about. Misperceptions and confusions, particularly about the goals of the adversary, can often lead to widely differing views about the issues at stake." (Mitchell, 1981:46) It is precisely this sort of issue that Louis Kriesberg addresses in suggesting a number of mediator strategies designed to overcome communication and misperception problems such as facilitating the establishment of "facts" that both sides can agree on and providing objective information on perceptive differences (Kriesberg, 1998). Like Cohen's already-discussed "Model C" mediator (Cohen, 1996), Kriesberg's taxonomy of mediator roles is based on the realisation that different cultures do perceive conflict in different ways and these discordant perceptions can affect the mediation process.

Internal Composition:

The first central tenet of culture as presented in the previous chapter held that culture is a product of the shared experiences of groups of people over time. There are a number of implications from this statement that are relevant to a consideration of the nature of the parties. Firstly, one could predict that the longer the “shared history” of a group of people, the stronger their cultural affinity and similarity with each other ought to be. Nationhood is a good example of this - especially when it is lacking. Consider for example contemporary Iraq or Lebanon or any other of the myriad states which, having been demarcated into state boundaries comparatively recently (often cutting through previous ethnic, religious or other types of historical boundary), appear to lack a strong sense of nationality. These states often reflect sectarian differences and tensions which would be argued here as constituting the population’s most central and salient form of group membership, superseding a sense of national identity - at least in the context of inter-group relations at the state or sub-state level. These states appear to slip into civil turmoil more easily than do states whose borders have historically evolved alongside a common sense of ethnicity and nationality such as France or England.

Mediators, when dealing with states for whom this situation applies, may need to bear in mind the different responses and perspectives of relevant groups comprising the parties. Producing proposals that suit one faction of a society but are unacceptable to another may be futile and merely prolong or shift the conflict. Mediators need to be aware how different perspectives within a party influence that party’s behaviour, range of options, perspectives of the conflict and the opposing parties and the various processes involved.

A mediator may find they are dealing with more parties to a conflict than was first apparent and that some of these parties, although relevant to the conflict, are not directly involved either in the conflict or its management processes. Situations where this is the case would give rise to another of Kriesberg's mediator roles – representing parties that are not present (Kriesberg, 1998).

A second implication of the proposition that culture is a product of the shared experiences of groups of people over time is that when some of these experiences are shared across groups that are otherwise culturally different, opportunity may exist to utilise this shared experience in the creation (or recognition) of some form of supersuming cultural component. This may act as a “bridge” between conflicting parties. Inter-cultural sports exchanges for instance may allow parties who are unable to sit at the negotiating table to meet on the sports field establishing at least some form of contact and mutual recognition of cultural similarity. In this vein the Olympic Games have long been held up as a paragon of inter-cultural interaction uniting disparate cultures and nations of the world and providing an opportunity to celebrate the common pursuit of sporting excellence, mutual respect and fair (and generally non-violent) competition.

A similar type of exchange that has served to bridge divisions between culturally distinct groups has been academic and scientific exchange and cooperation. The commonalities of these fields can be understood according to the perspectives offered here as representative of the existence of supersuming groups, based on the shared culture of the

academic or scientific worlds. The similarities here may be more relevant to the participants than the political, ethnic or religious differences that may exist or at least may allow them to sufficiently transcend those differences in the interests of seeking a peaceful resolution to the conflict. Academics especially have enjoyed success along these lines using an approach commonly referred to as Track Two diplomacy (Miall *et al.*, 1999) whereby they have facilitated the exploration of issues and possible solutions with individuals from disputing parties meeting in an unofficial capacity. Perhaps the most famous of this type of approach was the Oslo Peace Process that ultimately led to the signing of the Declaration of Principles in September 1993 between Israeli President Yitzhak Rabin and the leader of the PLO, Yasir Arafat (Aggestam, 2002; Bercovitch, 2002; Kriesberg, 1992, 1998).

For mediators who are attempting to assist culturally divided parties to reach a settlement of their conflict, the recognition and promotion of cultural similarities, whether they be sporting, academic, religious, artistic or ideological, may provide a vital bridge between the parties allowing them to begin moving toward normalised relations. Again, in common with many of the issues raised thus far, what is required on the mediator's part is a fairly comprehensive understanding of the actual cultures involved (as opposed to merely understanding inter-cultural dynamics). Thus they are able to identify, emphasise and promote cultural attributes that are held in common in order to build bridges and lay the foundations for successful conflict management and resolution. By establishing an understanding of the nature of the parties through a comprehensive analysis of their cultural attributes and variables, better processes and resolution proposals can be

designed by mediators that more fully and accurately address the needs, interests and goals of the parties concerned.

3.2.2. The Nature of the Dispute.

The nature of the dispute, unsurprisingly, has a significant impact on the mediation process. Again, like the 'nature of the parties' variable cluster, this thesis seeks to depart from many approaches that have tended to select a number of variables relating to culture and the nature of the dispute and sought to empirically test them for their effects on mediation outcomes. Here the intention is to once again consider *how* culture and cultural difference can affect the nature of the dispute. Like the 'nature of the parties' variable set, there are a number of factors that need to be considered.

Issue Saliency:

Deutsch (1973) considered that conflicts could be described according to their size, the centrality of the issue(s) to the actors involved, the rigidity of those issues, the number of issues and their interconnectedness and the degree of consensus regarding the acknowledgment of the conflict and the salience of the issues both between the parties and within the parties themselves. Conflict size, according to Deutsch, "...might be defined as being equal to the expected difference in the value of the outcomes that a person would receive if he (*sic*) wins, compared with the values that he would receive if the other wins the conflict." (Deutsch, 1973:369)

Deutsch goes on to define the centrality of an issue as being

...determined not only by the substantive significance of the issue, or by what values are perceived to be at stake, but also by the perceived vulnerability of the person [or for our purposes a group such as a state]. The more vulnerable a person considers himself (*sic*) to be in a given area, the more likely it is that he will view an issue bearing upon that area as a central one. (Deutsch, 1973:371)

The degree of consensus regarding issue saliency within a given party may be closely related to the degree of internal homogeneity that a party possesses and as such could, in a similar fashion, affect the process and outcome of mediation efforts. Especially in conflicts that have a number of issues involved, designing agreement proposals that reflect different perspectives on issue saliency may prove difficult to the extent that a proposal that may satisfy some members of a party may remain totally unacceptable to others. An excellent example of this sort of complicating dynamic is in the contemporary debate in Israel as to whether or not to concede land to the Palestinians in exchange for peace. While some factions of Israeli society are prepared to countenance such proposals, to others the suggestion is entirely repugnant to the extent that when in 1995 Prime Minister Rabin was in the process of exploring such options hard line members of his own society assassinated him (Kriesberg, 1998). The current Israeli Prime Minister, Ariel Sharon, almost ten years later faces many of the same issues. This is an indication of how difficult it can be to establish any sort of foundation for the resolution of conflict when each side has such severe internal division over the salience of conflictual issues.

Whether or not the issues in conflict represent vital interests, or even actual needs of the parties involved, or whether they are interests that may be more readily compromised on will exert a considerable influence on the ability of the parties to entertain suggestions for resolution. If a party feels its vital interests such as territorial integrity, important

resources such as water and oil, security, or control over the population are being threatened, it will be much harder to compromise or find a middle ground than if the conflict is over lesser issues such as ideology, a border clash or diplomatic wrangling. Again, like issue centrality, the perception of what constitutes “vital interests” may vary within parties and between parties, further complicating the issues.

Ultimately issue salience will be dictated according to how the population within a given party perceives the issues, who stands to win or lose what and to what extent those concerned or affected have the ability to influence decision making with regards to issue compromise and resolution. Different sub-groups will perceive the issues differently and accordingly have different sets of interests and preferences for dealing with them. Some groups within the broader disputing party, such as (big) business, political and/or social elites or the military may possess more influence over decision makers than will other sub-groups. Thus observers could expect to see this power difference reflected in settlement and resolution processes such as mediation.

If parties are represented by democratically elected governments and the governing party makes concessions over issues that their constituencies do not support or are outright opposed to then they may stand to lose re-election. This suggests that democratic parties may more actively seek to deal with the conflict according to the will of the population than would authoritarian governments who are less likely to fear the ballot box or popular discontent. Parties however, be they democratic, authoritarian or religious are ultimately constrained by what their constituents will tolerate, beyond which, decision-makers run

the risk of some form of popular uprising, such as a *coup d'etat*, various forms of civil disobedience, terrorism etc.

These complex relationships concerning who defines issue salience and how it is defined are built on the complex fabric of society reflecting factors such as the internal composition and distribution of power, the place of various sub-groups within the authority structures, the degree of representation of the general population etc. For a mediator to attempt to tamper with these relationships is dangerous ground indeed. In attempting to satisfy all, or even particular sub-groupings within a party through force (in the circumstance that directive/forcing strategies are available to the mediator), a mediator may ultimately be unleashing more conflict-inducing forces. This may ultimately have a destructive influence on the very parties they are seeking to assist. At a minimum, mediators who consider it prudent to attempt to effect this sort of internal manipulation would need to have a thorough understanding of the parties concerned, their internal composition including their cultures and sub-cultures and the complex web of relationships that exist both internally and externally. Where necessary mediation of this type would need to be underwritten with the resources and the commitment for their mobilisation to ensure that any destructive forces unleashed are met and contained in order to prevent a repeat or worsening of the situation.

Dispute Intensity:

Another relevant factor in the consideration of the nature of the dispute is the level of intensity, including such aspects as the extent and rate of physical and economic damage

and the number of casualties suffered and all too frequently, the number of refugees and internally displaced persons created (Bercovitch and Houston, 1996). Dispute intensity varies with the passage of time so mediators need to be aware of the history of the conflict and of the protagonists' relationship within which it is situated. They must also be aware of the intensity of the dispute at the time of mediator intervention. Different cultures may perceive dispute intensity differently or they may consider different responses appropriate to intensification (or de-intensification) of the dispute by the other. Parties may also adjust their aspirations and willingness to compromise or sacrifice objectives according to dispute intensity differently. Different mediation strategies may be required in response to different levels of intensity, as thresholds such as the use of military force are crossed, in response to different stages in the evolution of conflict and, importantly for this thesis, in response to how different cultural perspectives effect the perception of the conflict, its intensity and the appropriate manner for dealing with it (Kriesberg, 1996, 1998).

A variable related to conflict intensity is the controversial issue of conflict ripeness or readiness for mediation. Broadly there are two major schools of thought on this issue; one posits that intervention is best, in terms of achieving the desired objective of conflict management and/or resolution, when the conflict is in the early stages, preferably before such thresholds as military activity are crossed. Frank Edmead (1971) for instance, describes the processes of entrapment and sunk-cost that can become dominant when parties' attempts to attain their valued goals are frustrated, noting how this can enhance the rigidity of parties' aspirations and reduce their flexibility when considering

compromise proposals. Discussing the difficulty parties may have in entering mediation following a period of high expenditure in the pursuit of an objective, Edmead notes,

Even when he sees no alternative [to entering mediation], considerations of domestic and foreign policy often make it difficult for him to abandon the pursuit of an object after he has tried to involve component parties and perhaps allies in his own high valuation of it. (Edmead, 1971:16)

Contrary to this perspective, the other main school of thought holds that intervention is best when the protagonists have gone through some “test of strength” (Bercovitch and Houston, 1996:23). Kriesberg notes how one factor relevant for the appropriate timing of intervention is the support of the parties’ constituencies for the de-escalation of conflict (Kriesberg, 1996:220). Following a “test of strength” from which casualties result, impetus may be generated in the constituencies for de-escalation, especially if continued conflict would necessarily mean more casualties. On the other hand, some societies may react in the opposite manner pressuring decision-makers to seek revenge and retribution suggesting that in this area too, culture and cultural difference may play an influential role.

Touval and Zartman (1985) consider that mediation is most likely to succeed when parties are locked in a mutually hurting stalemate that they both wish to exit, again suggesting that the occurrence of some previous or ongoing test of strength enhances the likelihood of mediation success. Pruitt suggests that mediation becomes an attractive option to parties who perceive themselves to be in a deadlock, the more so if accompanied by high time pressure (Pruitt, 1981). Certainly this is one area where cultural difference may have some bearing on parties’ calculations regarding whether to enter mediation or not, especially with regards to domestic pressures.

Accurately understanding the nature of the dispute, the way in which the disputing parties perceive the dispute (which may be quite different from the way in which an uninvolved third party may more objectively perceive it) and the differences that may exist in their respective perceptions both internally and vis-à-vis one another is of obvious importance to the enhancement of mediation success. Like the 'nature of the parties' variable cluster, this is best achieved through the systematic analysis of the factors mentioned above. In considering the impact of culture and cultural difference on the mediation process an understanding of the dispute needs to be generated from a nuanced understanding of the parties involved (including distinct sub-groups within the main parties to the dispute). It is imperative to understand what the dispute means to them, in other words how *they* perceive the dispute, the saliency of the various issues within the dispute and what sorts of resolution proposals will be acceptable for consideration.

3.2.3. The Nature of the Mediator.

Who mediates and what characteristics they possess are important factors with regards to both their acceptability to the parties as a mediator and in terms of what sorts of strategies they will have available to them. Like 'the nature of the parties' and 'the nature of the dispute' variable clusters, the nature of the mediator can be described according to a variety of attributes. These attributes can be divided into two classes - personal attributes and representative attributes.

Personal Attributes:

Personal attributes relate to the set of personal qualities that mediators as individuals possess. Among these, various attributes have been suggested as being highly desirable, even essential, for the successful conduct of mediation such as stamina, intelligence, originality, patience and perseverance, energy, a sense of humour, knowledge of the parties involved (including an understanding of the relevant cultural perspectives as emphasised here) and of the conflict itself (Bercovitch and Houston, 1996; Touval and Zartman, 1985). Pruitt suggests, “The most important mediator characteristic is *rapport* with the two disputants. Both parties must feel comfortable with the mediator and trust him or her to be concerned about their interests and willing to keep confidences.” (Pruitt, 1981:215) These desirable personal attributes are certainly not unique to mediators; many are desirable in all walks of life, yet they are worth mentioning because they indicate the sort of challenges mediators are likely to face, especially in conflicts that are resistant to resolution.

It would simply be fallacious to suggest that certain cultures would be more likely than others to produce mediators who more closely conform to these ideals - such is the degree of individual variation with cultures (noting again the third tenet of culture presented in Chapter Two). However it may be the case that certain cultures may prize certain mediator qualities over others and that the pairing of mediators possessing those qualities to disputes involving those cultures may yield a higher chance of mediation success. Again, like so many other aspects surrounding the impact of culture on the mediation process, a comprehensive knowledge of the cultures in question would be

required before decisions regarding which mediator would be most suited to which conflicts would be possible.

Representative Attributes:

Representative attributes refer to the nature of the group, organisation, state etc. that the mediator is representing. This will dictate such critical factors as the type and level of resources at their disposal including such resources as financial rewards and punishments, military capabilities, diplomatic resources such as access to important organisations such as the United Nations and regional organisations, access to and influence over local and international media and influence over the parties involved – in other words their ability to wield carrots and sticks.

Several commentators have posited that the influence a mediator is able to wield over the parties is the essential ingredient in the many documented cases of acceptance of what is perceived to be a biased or partial mediator (Bercovitch and Houston, 1996; Smith, 1985; Tome, 1992; Touval, 1985). Particularly with regards to international mediation by a mediator who is a representative of a state, the acceptability of mediators considered to be biased or partial to one side (for instance U.S. mediation of the Israeli – Palestinian or the Israeli - Egyptian conflicts, Algerian mediation during the U.S. – Iranian hostage crisis 1979-81) has been suggested as stemming from the existence of the on-going and inescapable relationships characteristic of the international arena. This relationship creates a bi-directional leverage – the mediator has a degree of leverage over the parties who in turn possess a degree of leverage over the mediator (Pruitt, 1981). As Smith

notes, "In short, a mediator is accepted by each adversary because of the mediator's power over the opposing party, and the adversary's own power over the mediator." (Smith, 1985:367)

There are of course, limits to the degree of partiality, beyond which mediator acceptability diminishes. Discussing the issue of partiality and credibility, Tome points out that,

The partial mediator must keep his (*sic*) partiality within certain bounds. A mediator who is too partial toward one side or too biased against another side cannot remain credible. How much is "too partial" or "too biased" is a matter of perception that makes the bounds of partiality somewhat nebulous. (Tome, 1992:287)

Credibility is perhaps the essential element a mediator must possess. Because mediation is a voluntary process, disputants need to feel that the mediator is at least capable of effecting a positive change in the conflict situation. Mediator's credibility is sourced from a combination of personal skill, experience and reputation, the level and type of resources they have available to them, including the mediator's leverage over the parties involved and the perception by the parties of their ability to wield leverage over the mediator. As Folberg and Taylor note, the aim of mediation is to change a win-lose conflict situation into a win-win situation (Folberg and Taylor, 1984). If the parties in a dispute wish to change their conflict into a win-win outcome¹⁴ then their belief in the mediator's ability to assist or facilitate this change, in other words their perception of mediator credibility, is an essential requirement of their acceptability for the mediator role.

¹⁴ Sometimes a party may simply wish to stall the conflict in order to create space and time to regroup and reinforce their position with little or no intention of actually seeking resolution.

If a party perceives the potential mediator to be of the same, or of a similar enough level of cultural similarity to the other party, then the perception of the mediator's ability to exert influence over the other party may be enhanced. As will be illustrated with the case study of the Algerian mediation between Iran and the United States, the Algerian cultural similarity to the Iranians certainly enhanced their acceptability as mediators from the perspective of the United States.

If a party perceives the potential mediator to be of the same, or of a similar enough level of cultural similarity to themselves, then again their inclination to accept their services may be enhanced by virtue of that party considering (or hoping) that their shared cultural characteristics may induce the mediator to perceive the conflict in the same fashion. It may further be envisaged that by viewing the conflict issues and the nature of the other party in a similar fashion, the mediator, especially if they are using (or at least have the ability to use) directive strategies heavily imbued with carrots and sticks, may seek to influence the settlement of the conflict along the lines favoured by the party they are most similar to. Especially in situations of conflict between markedly different cultures where the mediator shares one of the parties' cultures, such aspects as the already discussed issue of behavioural norms and issue salience may weigh quite heavily on the process as it unfolds.

These arguments for the relevance of culture as regards mediator acceptability parallel contemporary discussions on the acceptance of biased or partial mediators as noted above. The discussion raised here does not wish to challenge this contemporary

discussion, rather the aim is to highlight another dimension of this phenomenon, that of culture and cultural similarity. Culture, as conceived here, is not posited to *necessarily* correlate with parties' acceptance of mediators on the basis of the existence or lack of cultural similarity but it is suggested that it will (or ought) to be one of the considerations parties undertake, in concert with other, perhaps more objective considerations such as the potential mediator's access to resources and membership in various relevant organizations. Cultural similarity, in other words, is suggested as contributing to the perception by both parties that the mediator possesses some leverage over the culturally similar party and that this will tend to operate in the same fashion as more objective sources of leverage such as defence arrangements, economic involvement or political relations.

The nature of the parties, the dispute and the mediator constitutes the context within which the mediation process occurs. By breaking down the mediation context into its component aspects we are able to understand the interrelation between the various factors present. Bercovitch's contingency model postulates that mediation outcome can be understood as contingent upon the nature of the mediation process and the context, as described above, in which it occurs. We turn now to an examination of the various types of mediation strategy, constituting the process or current conditions as termed in the contingency model.

3.3. The Impact of Culture and Cultural Difference on the Mediation Process.

In their consideration of the mediation process, Bercovitch and Houston (1996) propose three main variables involved with the mediation process: the initiation of mediation – whether the process is initiated by one or both of the parties or a third party, the mediation environment – whether the mediation occurs on one of the parties' territory, a neutral territory or a combination (for instance during multiple mediation sessions), and the strategies used by the mediator. This section will consider the impact of culture and cultural difference on these three variables.

3.3.1. The Initiation of Mediation:

Parties in conflict may not always have a choice about entering into mediation - some more powerful actor such as the United Nations, regional organizations, or another interested state may force it on them. Who initiates mediation, how “voluntary” participation really is and whether or not initiation and commitment to the process is unilateral or bilateral are all aspects that can affect the mediation process.

Some cultures may view the entering of a third party to a conflict as humiliating, as an invasion of a private process of conflict and conflict management (negotiation), as a sign of weakness, as a sign of strength, as a recognition of and deferment to a hegemon's (such as a powerful patron state) power and interests or as a welcome reprieve from a conflict they no longer wish to be a party to. Some cultures may find concession making very difficult, especially directly to the opposing parties during bilateral negotiation, even untenable in the face of their constituencies. With the addition of a mediator, this may

allow parties to more readily explore options for compromise. Saving face has been suggested as offering significant incentives for parties to seek or accept offers of mediation. Touval and Zartman note for instance “The parties may accept mediation in the hope that negotiation through an intermediary will help them reduce some of the risks that compromises entail, by protecting their image and reputation when making concessions.” (Touval and Zartman, 1985:9) In a similar vein, Kriesberg suggests that,

Once in a fight, each side finds it difficult to appear to accept the ideas of the enemy. If an idea is voiced by an intermediary, it can be accepted without seeming to yield to the adversary. Furthermore, the idea may be accepted out of respect for the intermediaries or in deference to the relationship with them. An adversary, recognizing these considerations, rather than offer an idea on its own sometimes suggests that the intermediary make it...Similarly, a commitment can be made to an intermediary, without appearing to bow meekly to an opponent's demands. (Kriesberg, 1998:226)

The way in which parties view the initiation and conduct of the mediation process and the role(s) they perceive the mediator as providing will inevitably influence their behaviour within that process. Mediators who are aware of the cultural characteristics and proclivities of the parties involved will be able to better understand parties' behaviour with regards to the mediation process and its initiation.

3.3.2. The Mediation Environment:

Whose territory the mediation session(s) are conducted in is the most obvious variable concerning the nature of the mediation environment. Aside from the practical consideration of such factors as logistics and safety/security of the parties involved there are a number of aspects related to territory that have been posited as having an influence on mediation outcome such as the presence and influence of the media and parties' constituencies (Bercovitch and Houston, 1996; Hauss, 2001; Kriesberg, 1998).

Whether or not there is media coverage of the process, what type of media is present and what controls over their coverage is maintained by the mediator and parties are important aspects of the mediation environment that can exert a considerable influence on parties' behaviour. In a similar vein, the presence of parties' constituencies, especially when mediation is occurring on one or both of the parties' territory can exert considerable pressure on the parties. Representatives may find it difficult to consider compromises or to freely explore options for resolution if their constituencies are opposed to such moves. The general consensus within the literature is that mediation success "is best achieved when the parties' conflict management takes place in a neutral environment, free from the external pressures and influences of constituents and media." (Bercovitch and Houston, 1996:29) The Camp David Peace Process conducted by President Carter is one example where a neutral environment was considered a necessity for the achievement of any resolution (Kriesberg, 1998).

Different cultures are likely to apply a different evaluation of such factors as public opinion and the role of the media. Likewise different cultures are likely to place different emphasis on the maintenance of face, the preservation of relationships and considerations regarding the mediation setting. Again, this perspective behoves mediators to understand the cultures of the parties they are attempting to assist so that appropriate arrangements and procedures can be designed that will maximise the chances for successful resolution and not come unstuck on what may well be avoidable snags.

3.3.3. Mediation Strategies:

It has been suggested that the type of strategies used by the mediator is the most important determinant of mediation success (Bercovitch and Houston, 1996). It is suggested here that mediation strategy needs to be designed with an appreciation of the cultural characteristics of the parties involved as well as in accordance with other relevant factors such as the mediator's ability to provide incentives and punishments for the parties. The disputing parties' cultures, as explained in Chapter Two, will always influence their behaviour to a certain extent, and this includes their reaction to the strategies employed by the mediator.

Mediation strategies can be measured in terms of their level of intervention or "directiveness" (Moore, 1996:54). Low intervention strategies, which could also be considered as strategies with a low level of mediator coercion, are often termed communication/facilitation strategies (Bercovitch and Houston, 1996; Bercovitch and Rubin, 1992; Raymond and Kegley, 1985; Touval and Zartman, 1985). This type of strategy is directed primarily toward facilitating and assisting the parties to communicate effectively with one another. As was mentioned earlier, one of the frequent consequences of the initiation of conflict between states is the expulsion of each other's diplomatic representatives and the severing of communication channels. The aim of this type of strategy is to reopen those lines of communication and to assist (perhaps force) the parties to begin dialogue. The methods for achieving this include the provision of good offices and neutral territory for meetings, shuttle diplomacy where face-to-face communication is untenable, the establishment of facts and the provision of information.

As the name suggests, mediators using these sorts of strategies provide a facilitative role – they assist the parties in their own efforts to manage their conflict and as such exert little control over the process or the content of the mediation process (Bercovitch and Houston, 1996).

Where parties are culturally dissimilar, mediators may need to provide interpretation of the parties' perspectives, concerns, interests and positions, acting, in Raymond Cohen's language, as "cultural interpreters." (Cohen, 1990:9) It will be demonstrated in the case study comprising the next chapter of this thesis that this was one of the vital tasks the Algerians performed in their mediation between the Iranians and the United States. Arguably this function of the Algerians was *critical* to the success of this particular mediation effort, suggesting Bercovitch and Houston are correct when they contend that mediation strategies are the most important determinants of mediation success.

Another type of strategy available to the mediator involving a higher level of intervention and coercion is the formulative approach (Touval and Zartman, 1985). Essentially this involves the mediator taking an active role in the formulation of resolution proposals. One virtue of this strategy is that it can allow the parties to save face or avoid humiliation or embarrassment in front of their constituencies. Some cultures, particularly Arabic and Asian cultures, place a very high value on saving face and preserving honour such that this sort of strategy may be essential if any progress toward peace is to be achieved in conflicts for which issues of honour and face are especially pertinent.

Reporting on the impact of the Egyptian preoccupation of saving face during the negotiations between the Egyptians and the Israelis in 1979, Raymond Cohen makes the observation that “Nothing is guarded more jealously than the Arab’s reputation in the eyes of the group. No gain can compensate for a loss of face; no price is too heavy to regain it.” (Cohen, 1990:118) This sort of culturally derived calculation can have serious effects on the mediation process and mediators need to be aware of the importance accorded to issues such as the preservation of face in different cultures. It would be a waste of time for instance for a mediator to suggest proposals to a party whose culture placed a high emphasis on face-saving that would involve a degree of humiliation such as the issuing of a public apology for an act deemed appropriate and justified by their constituency. Such a proposal would be untenable to such cultures whereas other cultures that were more concerned with economic gain for instance may quite willingly suffer the humiliation of a public apology in order to secure a favourable economic outcome. Indeed the issuing of an apology by a party with the intention of restoring the lost honour of their adversary may at times be sufficient in itself to break a deadlock in the mediation process. Again, mediators need to be aware of the cultures in question, the impact these cultures have on the calculus involved in considering resolution proposals and to adopt strategies that reflect these sensitivities wherever possible.

Bercovitch and Houston describe a similar type of strategy to the formulative approach, in terms of the level of intervention, which they term “procedural strategies” whereby “a mediator exercises more formal control over situational aspects or the process of mediation” (Bercovitch and Houston, 1996:29). As has been mentioned with regard to

behavioural norms (see point 3.2.1. Behavioural Norms, p. 70), mediators using procedural strategies can direct the mediation process according to an appreciation of the cultural characteristics of the parties involved in ways that seek to avoid causing offence or forcing certain types of negative behaviour (such as posturing to save face), enhancing the prospects for achieving a favourable outcome.

The third of the main types of strategy available to the mediator are known as “directive strategies”, whereby, “the mediator sets out to affect the content and substance as well as the process of mediation. A mediator may achieve these goals by providing incentives, offering rewards and punishments, issuing ultimatums, and introducing more proposals.” (Bercovitch and Houston, 1996:30) A mediator requires a certain amount of leverage or power over the parties for these strategies to be available; the more power over the parties the mediator possesses the freer they are to pursue directive strategies.

Touval and Zartman (1985) however, wisely caution potential mediators in the use of this strategy. It is important for any agreements reached to remain, despite the use of directive strategies, the property of the disputants themselves. If the disputants are unhappy with the agreement reached or retain significant grievances that remain unresolved or inadequately addressed, then there is little to prevent further episodes of conflict in the future (Moore, 1996). Judicious use of directive strategies is required in order to ensure that the strength of the agreement, as well as the ownership referred to by Touval and Zartman, rests with the disputants rather than the mediator so that the conflict does not simply re-emerge when the sticks and carrots - which are the currency of

directive strategies - are no longer present or when their potency has diminished. The astute mediator needs to base their application of mediation strategy on a thorough understanding of the nature of the parties and the nature of the dispute, including the cultural aspects described here, in order to ensure that the strategies used are appropriate and the outcomes reached are of an enduring nature.

The initiation of mediation, the nature of the environment within which the process is carried out and the strategies used by the mediator themselves together account for the mediation process. The effects of culture and cultural difference can be observed to affect each of these aspects of the process. Like the consideration of the effects of culture and cultural difference on the context variable cluster, the suggestion repeated here is that in order to enhance the chances of a successful mediation process, mediators need to be aware not just of the potential for culture to affect the process but also of the particularities of the parties' cultures so that appropriate environments and strategies can be tailored to meet the specific dynamics present. A comprehensive knowledge of the cultures in question would constitute a valuable resource for a mediator involved with disputes between culturally diverse parties. The careful and considered application of this knowledge would, it is suggested here, contribute to an enhancement of the mediation process' potency and its chances for success.

3.4. The Impact of Culture and Cultural Difference on Mediation Outcomes.

Mediation outcome is often more complex than can be captured by the terms "success" or "failure". Even allowing for gradation between these two poles with terms such as

“partial settlement” or “ceasefire signed”, as used by Bercovitch and Jackson (1997:36-38), this terminology only captures the objective aspects of mediation outcomes. While these are useful for the sort of empirical analysis Bercovitch and Jackson present, they fail to account for what those outcomes *mean* for the parties involved. It is in the meaning for the parties involved that the impact of culture and cultural differences are felt.

One of the main problems in describing mediation outcomes is that the parties involved may have a different perspective on just how “successful” the mediation was – one party may consider a mediation outcome as a great success, while the other party may be less enthusiastic. For instance if a party is prevailed on by a mediator using various carrots and sticks to accept what the mediator feels is a fair proposal - but one which the party itself is less inclined to consider fair, then the party may not feel the mediation has been particularly successful from their point of view.

Although mediation in theory is a voluntary and non-binding process, the reality in the world of international relations can at times be quite different. The number of conflicts such as the civil war that has been waged in the Sudan for over two decades that have had many agreements and ceasefires signed under pressure from regional and international organisations, only to flare up again over the same issues, is testament to the fact that often what is described as a successful mediation outcome is merely a pause in the conflict and doesn’t represent a resolution from the point of view of the participants.

The issue being highlighted here is essentially the difference between conflict *settlement* or *management*, and conflict *resolution*. As John Burton describes it, “Settlement is when the outcome involves win-lose or some compromise in which all or some parties are to some degree losers – and probably feel somewhat aggrieved...Resolution is when there is an outcome which fully meets the felt needs and interests of the parties.” (Burton, 1986:94) Conflict settlement can be more easily described in concrete terms such as success or failure, often being accompanied by the signing of a treaty, ceasefire agreement, declaration or memorandum of understanding etc., whereas resolution is a more nebulous and subjective term that implies a far wider measure of success or failure than the mere signing of a document or disengagement of combat forces.

Essentially, to achieve resolution of a conflict, the issues in contention need to be addressed and resolved to the satisfaction of all parties involved (including, in the international arena, the mediator as well as any other interested parties). As with the consideration of the impact of culture and cultural difference on the issues in a conflict, there is considerable scope for culture and cultural difference to affect the evaluation of mediation outcomes in terms of how the parties perceive those issues have been resolved.

This understanding of conflict resolution however inescapably leads to the conclusion that ultimately there is no such thing as total resolution of conflict. Because parties, as suggested in Chapter Two, possess significant internal variation such that no two members of a party will share exactly the same culture and because our cultures inform our perspectives, goals, interests and values, what constitutes a resolution of the conflict

for some members of a party will almost certainly not *entirely* resolve the conflict for other members. However this argument is something of a caveat to discussions of conflict resolution and management, rather than an argument seeking to discredit the notion of resolving conflicts. Parties in conflict will generally have enough internal cohesion and commonality such that resolution of the issues in conflict would be possible, even if some members still have grievances or issues they feel are unresolved.

In order to achieve the maximum chances for conflict resolution (as opposed to its management), mediators need to understand what would constitute resolution from the parties perspectives, what differences exist between the parties' consideration of what constitutes resolution and whether there is the capacity within these conceptions for a common ground that would satisfy both (all) parties involved. In common with understanding the issues, the parties and the process of mediation, in order to equip themselves with this sort of knowledge, mediators require a comprehensive understanding of the parties, their cultures and the impact these cultures have on their evaluation of mediation outcomes.

3.5. Conclusion.

This chapter has sought to demonstrate the variety of avenues through which culture and cultural difference can affect the mediation process. Indeed the conception of culture here is presented as being omnipresent in all social relations whether between individuals or states. Culture is not conceived as being omnipotent - far from it. Rather, it is suggested that its presence is always felt, further, that it always influences our

perceptions, behaviours, our goals, aspirations and values and that this transfers to the mediation process.

The point of this chapter, and indeed of this thesis, is not to offer a recipe for the resolution of conflict between culturally disparate group, but rather to offer a consideration of how culture and cultural difference can affect each aspect of the mediation process as it attempts to manage and resolve conflicts. The common observation that has emerged has been the requirement for a comprehensive knowledge of the disputing parties' cultures in order for the mediator to design processes and adopt strategies that effectively deal with the conflict at hand. Cultures and their effects are so varied that it would be a fruitless task to try and describe a set of rules that informed mediators as to what sort of strategies would work best. Specific knowledge of the cultures involved is suggested here as being the key ingredient, complementing an appreciation and understanding of the manner in which culture can affect the mediation process.

The next chapter presents a case study investigating the Algerian mediation of the United States conflict with Iran over the embassy hostage crisis 1979-1981 to examine whether the suggestions presented here accord with reality as evidenced by this particular conflict.

Chapter Four - Case Study: The Algerian Mediation of the U.S. – Iranian Hostage Crisis, 1979-1981.

4.1. Introduction.

On November 4th 1979 a group of radical students protesting the United States' granting of asylum to the ousted Shah of Iran stormed the United States' embassy in Tehran taking the inhabitants hostage and beginning an occupation that was to last 444 days. The final release of the hostages on January 20th 1981 was the result of intense and skilful mediation by an Algerian team that managed to succeed where a number of previous efforts had failed.

This chapter investigates the Algerian mediation process, using the conception of culture developed in Chapter Two and the impact that culture and cultural difference were suggested to have on the mediation process as presented in Chapter Three, drawing the conclusion that cultural differences really did impact on this conflict and that it was only the Algerians' careful attention to the effects of these differences that facilitated their success in their mediation effort.

This chapter is organised, as in the previous chapter, according to Bercovitch's Contingency Model of mediation (1984, 1992, 1996, see fig. 1.2. on p. 13). The dispute context will first be presented with attention focussed on how culture and cultural difference affected the nature of the parties, the issues in conflict and the mediators themselves. This will be followed by an examination of the process as employed by the Algerians, highlighting the impact of culture on the strategies used that ultimately led to a

successful outcome. The outcome itself, as the dependent variable, will also be considered with regards to the impact that culture and cultural difference had on its evaluation.

4.2. The Dispute Context.

4.2.1. The Nature of the Parties.

There were two main parties to this dispute - the Iranians and the U.S., however within these parties, particularly the Iranian party, there were a number of sub-groups that can be thought of as distinct.

On the U.S. side there was President Carter and his administration that, during most of 1980, were concerned with the presidential elections (subsequently lost to Ronald Regan) held on November 4th 1980. Aside from the Carter Administration, there was the banking and financial establishments who were naturally concerned with the vast sums of money involved with this conflict and the wider U.S. government and public who were concerned for the hostages and the wider strategic implications (especially the Cold War) while not being concerned with the presidential elections per se (in terms of their employment). It is not the contention of this thesis that these groups within the U.S. side were culturally distinct as such, but there were variations between these groups that resulted in different issues being accorded a different saliency and thus a number of different interests involved, all of which had some bearing on the broader U.S. position. The U.S. did have a clear, if somewhat convoluted decision-making apparatus under the executive leadership of President Carter and this allowed them to negotiate as one entity,

to conduct foreign affairs effectively and to coordinate the different objectives of the different groups within the U.S. so that a unified and mutually satisfactory position could be presented and pursued.

Within the Iranian side, the divisions between groups were more pronounced and more serious and, it is argued here, more culturally distinct. There were three main groups in Iran: the radical clergy and students following the Ayatollah Khomeini, the Western-educated, basically secular politicians, and the financial and banking establishments. These groups all saw the issues in different ways and had different objectives in the conflict. Following the revolution that had deposed the Shah in February 1979, Iranian politics was somewhat splintered with the result that, at least in the early stages of the conflict, for the U.S., as the head of their negotiating team, Warren Christopher stated, "One of the most challenging and frustrating problems of the crisis was trying to figure out who within Iran would be influential in a decision to release the hostages and what might motivate them to act favourably." (Christopher, 1985:6)

The Ayatollah Khomeini and his followers were devout, fundamentalist and radical Shiite Muslims. They were a group built upon a strongly held religious belief that supplied them with a world-view, a code of conduct and a set of objectives that were distinct from the other groups within the Iranian side. Khomeini saw the world as being divided between the oppressed and the oppressors, with both the United States and the Soviet Union as the principle oppressors. Within this world view, Khomeini believed he was "the instrument of a divine plan and must lead a movement toward the resolution of that

conflict favourable to the oppressed.” (Cottam, 1985:135) Khomeini himself once said “America is the enemy of God, the enemy of Islam, and the enemy of mankind.” (Rubin, 1985:99), and it was Khomeini who originally coined the term “the Great Satan” to describe America. Khomeini and his followers wanted to consolidate the gains of the revolution in Iran and ultimately to export their revolution to their neighbours and the rest of the world. In order to bestow their revolution with the sort of credibility required to achieve this it was strongly in their interests to display to the rest of the world, especially the rest of the Arabic and Muslim world, that they were capable of standing up to the U.S., that they had no fear of the U.S. and to present the U.S. as impotent and nowhere near as powerful as they, and others, considered themselves to be.

The secular politicians in Iran, although Muslim as well, did not have the same revolutionary, fundamental fervour as Khomeini and his followers, viewing the world of international relations in a different light. United with the radicals in the popular revolution that deposed the universally despised Shah, they nonetheless were concerned at Iran’s political isolation resulting from the hostage crisis. Many of these politicians, such as the Foreign Minister Sadegh Ghotzbadeh, were educated in the West and consequently possessed a similar understanding of international relations as their Western counterparts. In the initial contacts before the inclusion of the Algerians as interlocutors it was these politicians that the U.S. tried to negotiate with as the similarities in the understanding and interpretation of events seemed to hold more promise than did negotiation with the radical clerics. Ultimately however, these politicians simply didn’t

have the power to negotiate for Iran: power that eventually was recognised as resting in the clerics' hands.

Aside from the secular politicians and the radical clerics, there was another group in Iran who participated in negotiations from the start of the crisis to its resolution. These were the bankers and financial establishments. The negotiations surrounding the financial aspects of this crisis were enormously complicated and will not be discussed here. However what is interesting in terms of the themes this thesis has presented is that there was little reported difficulty in the communication between the banking and financial establishments in Iran, the U.S., Germany or Algeria (all of whom were involved in the financial negotiations). There seems to have been what would be argued here as a common culture that facilitated relatively smooth communications between the different establishments. International banking and finance is a very interwoven and truly "international" establishment built on a common understanding of international finance, norms of behaviour, perception, and arguably, to an extent, common values. Certainly there was much haggling and bargaining over the settlement details, but they were playing the same game according to the same rules. Indeed the financial negotiations were conducted separately to the hostage negotiations, brought together only at the end, and were handled "in-house" using private channels who were all members of the international financial community.

The situation as it emerged therefore, was one where there were a number of groups within the two main parties that had quite distinct cultural characteristics and

consequently different perceptions of the conflict, different values and different objectives. By the time the Algerians had been employed as mediators, it had become clear that “By the end of August, the prolonged struggle for the control of the revolutionary movement seemed to have achieved a new centre of gravity, with the Islamic Republican Party more firmly in control and the secular leaders diminished.” (Saunders, 1985:289) The two most culturally dissimilar groups therefore, the U.S. under the Carter Administration and the Islamic Republican Party (I.R.P.) under the direction of the Ayatollah Khomeini, represented the negotiating sides between which the Algerians were charged with mediating in the search for resolution.

4.2.2. The Nature of the Issues.

Complicating this crisis was the fact that there were seven identifiable and interconnected issues. The main issue, and the focal point of this conflict, were the hostages taken in the storming of the U.S. Embassy. This issue was supplemented by two additional issues of central importance to the main parties involved (being the U.S. and the I.R.P.). The U.S. at that time was strongly focussed on the Cold War which constituted a paradigm for U.S. strategic thinking and all events, the hostage crisis included, were considered in this light. The I.R.P. on the other hand was centrally concerned with the consolidation and export of their revolution and fundamentalist Islamic beliefs (Moses, 1996). The hostage crisis was considered according to how it served this agenda first and foremost.

Additional to these three issues were at least another four issues of significant importance. There was, as has been mentioned, the U.S. presidential election on November 4th 1980 and this was a highly important consideration for the Carter Administration. Certainly the Iranians were well aware of this and used this issue to their advantage where possible, ultimately destroying Carter's re-election campaign.

Of central importance to the Iranians was the issue of the Shah's possible extradition (although he subsequently died of cancer under American care) and the return of the substantial portion of the national wealth he was considered to have stolen when he fled the country. The Iranians were very keen to have him returned to Iran where he could face trial and punishment for the crimes of his regime.

When the revolution had initially deposed the Shah's regime, it set about cancelling many billions of dollars worth of orders that had been placed with U.S. firms for various goods and services and seized American assets in Iran. This had the effect of creating hundreds of claims from U.S. companies for compensation against Iran and was one of the main motivations for Carter's executive freeze order of some US\$14 billion worth of Iranian assets held in U.S. banks. For the financial establishments, this was the paramount issue but it was important to the other parties as well and ultimately had to be resolved alongside the other issues before a final resolution could be achieved.

As mentioned, in September 1980 the war between Iran and Iraq broke out which, aside from the problems for Iran associated with the substantial frozen assets and the banning

of military imports into Iran, highlighted the diplomatic isolation and the problems this brought the regime as a result of the hostage crisis. The U.S., being one of the world super-powers, had an enormous amount of diplomatic weight and the reality of this hit hard on the Iranians when they were unable to muster any international condemnation of Iraqi aggression, let alone any form of material assistance when they took their case before the United Nations in New York. Harold Saunders, one of the five-man negotiating team representing the U.S., makes the observation,

The consequences of Iran's international isolation were brought home to Prime Minister Rajai when he flew to New York to present Iran's case against Iraq at the United Nations October 16-19 and learned first hand the lack of sympathy for Iran as a result of its holding the hostages. We could say that, in part, our long campaign to build international opinion had paid off. In addition, during long talks in New York, the Algerian ambassadors in Washington and at the United Nations apparently discussed with him the consequences of what Iran had done for its role as a revolutionary nation on the world stage...These contacts led Rajai subsequently to ask the Algerians to serve as the channel for exchanges on the conditions for releasing the hostages. (Saunders, 1985:291)

The cultural perspectives of the revolutionary Islamic radicals led them to view the world in a way that didn't accord with the reality of the international situation and what this meant for Iran. When these issues became apparent to Iran and they realised that they needed to find a solution to the hostage crisis they requested that the Algerians mediate the conflict. This can be understood as indicating that the salience of the different issues in the conflict had been reviewed with the diplomatic isolation becoming more pertinent vis-à-vis the continuation of standing up to the U.S. as far as the credibility and potency of their Islamic revolution was concerned.

In a similar fashion, the Americans' preoccupation with the Cold War and their suspicion of the revolutionaries' communist proclivities demonstrated their basic ignorance of what the Islamic revolution was all about. Russell Moses notes that the United States' "first

and primary objective...in the Middle East was the containment of the possible expansion of Soviet influence that has been traditionally perceived by American decision makers.” (Moses, 1996:4). Moses contends that since the restoration of the Shah to political power in Iran in 1953, U.S. administrations had been uninformed and generally naive with regard to Iran’s internal situation and as a result simply failed to understand the nature of the party they were dealing with (Moses, 1996). Had they understood Khomeini and his regime’s perspectives, they would have been aware that they hated the communists nearly as much as they hated the U.S. Certainly there was no chance of the Soviets gaining influence with the I.R.P. – indeed Iran was covertly assisting the Afghan resistance to the Soviet invasion of their country from 1979 onwards (Moses, 1996).

4.2.3. The Nature of the Mediator.

Algeria, as a nation, had a number of aspects to commend themselves as mediators to both the Iranians and the U.S. For a start they were a Muslim nation that, although Sunni whereas Iran was Shiite, nonetheless placed them in a favourable light from the perspective of the Iranians. As religion has been discussed as forming one of the most central characteristics of a culture, this in effect gave them a very important and powerful cultural component in common with the Iranians that inevitably contributed to their acceptability as mediators. Indeed it was the Iranians themselves who nominated the Algerians as the sole channel for communication with the U.S. (Christopher, 1985:9)

The Algerians had themselves thrown off the shackles of French colonial domination some twenty-five years earlier, giving them further credit in the eyes of the Iranians.

Russell Moses explains,

The motivation behind the Iranian decision to employ Algeria as an intermediary at this particular point in the hostage crisis seems clear. Many Iranians had looked to the Algerian revolution as a model for their own opposition to the Shah and the United States. Tehran had also maintained close contact with Algiers since the fall of the Balchtar government...The chief Algerian diplomatic representatives in contact with Iran and the United States...had both a revolutionary tradition and experience in negotiating in a post-colonial situation. (Moses, 1996:292)

The Iranians saw Algeria as independent from the manipulative sphere of the U.S. and thus able to be trusted. This was an important factor in understanding Iranian thought processes. As Ervard Abrahamian explains, the Iranians, especially Khomeini and his followers were deeply paranoid seeing grand conspiracy and foreign manipulation behind every door and causing many of Iran's ills. Indeed the Iraq – Iran war was seen by many in Iran as the U.S. and the Soviet Union attempting to punish Iran for its challenge to their hegemonic power. Abrahamian explains,

Although the paranoid style can be found in many parts of the world, it is much more prevalent in modern Iran than in most Western societies. In the West, fears of plots, both real and imaginary, emerge in times of acute insecurity – during wars, revolutions, or economic crisis. In Iran, they have been pervasive throughout the last half century. In the West, they have tended to be confined to fringe groups, causing more ridicule than concern in the mainstream. In Iran, however, the paranoid style permeates society, the mainstream as much as the fringe, and cuts through all sectors of the political spectrum – royalists, nationalists, Communists, and, of course, Khomeinists. (Abrahamian, 1993:112)

From the U.S. point of view there were also a number of factors to commend the Algerians as mediators. Perhaps foremost among these was the fact that it represented the opportunity to begin serious negotiations aimed at ending the conflict. With the outbreak of the Iran – Iraq war, it had been six weeks since there had been any contact with the Iranians and the one possible line of communication, through Sadeq Tabataba'i,

the Brother-in-law of Khomeini's son, had ceased to be an option because of his inability to leave Iran. The U.S. was very anxious to secure the release of the hostages as quickly as possible so finding an intermediary acceptable to both was a significant step in that direction.

The Algerian diplomatic corps enjoyed an excellent reputation as hard-working professionals (Owen, 1985:307) and were perceived by the Americans as not being motivated out of self-interest to act as mediators, aside from the enhancement of their prestige (Christopher, 1985), therefore further enhancing their credibility. Sharing many cultural similarities with the Iranians would assist the Algerians to understand and communicate to the Americans what would be necessary to secure the release of the hostages and hopefully allow for smoother and more accurate communication.

4.3. The Nature of the Process.

During the negotiating process, the Americans and the Iranians never met face to face. The entire process was conducted through Algerian shuttle diplomacy. The Algerians would meet the American negotiating team first in Washington, then in Algiers, with a visit to Tehran in between (Owen, 1985).

Essentially, the strategy the Algerians followed was a combination of communication/facilitation and formulative approaches. Lacking any ability to wield either carrots or sticks directive strategies were not an option. The Algerians, through their shuttle diplomacy, were able to facilitate communication between the parties, not

just in terms of relaying messages, but also by helping the parties to understand each other's perspectives, views and agendas - in essence to assist the parties to understand the cultural perspectives that each party was operating from. Given the profound cultural differences between the parties, this ability of the Algerians was crucial to the progress and ultimate success of the mediation effort.

Of the meetings with the Algerian mediating team, Robert Owen (one of the American negotiators) described how,

One of the most productive elements in this procedure, which was repeated many times during the next two months, was the Algerian "cross-examination". Our Algerian interlocutors were highly intelligent and essentially impartial individuals who were studying our positions with care and questioning us, in a most courteous but thorough way, to find out exactly why the U.S. position was constructed as it was. They were making sure that they fully understood the problems, partly in order to make a clear presentation to the Iranians. (Owen, 1985:309)

In the very hostile and culturally divided environment within which this conflict existed, the opportunity for misunderstanding and offence was very high. As much as anything else the Algerians did, it was assisting the parties to formulate communications and settlement proposals in such a way as to minimize this propensity for miscommunication that arguably was their greatest contribution to the settlement of this conflict. As the Algerian Ambassador to Washington and one of the Algerian mediating team members, Redha Malek described of their role, "We are not actually mediators. We are conducting seminars in each capital to educate the other side on the realistic limits of negotiation." (Moses, 1996:299)

Being aware of the difficulties involved in mediating between such profoundly different parties, the Algerians insisted on absolute secrecy and privacy with total media exclusion

believing that “Finding an acceptable formula would be neither a facile or pretty process.” (Moses, 1996:298) With regard to the media in the U.S., the head of the American negotiating team, Warren Christopher, remarked, “In a society where the press is both free and zealous, it inevitably influences events, through the character and extent of its coverage, even as it describes them.” (Christopher, 1985:25) The press in Iran, in contrast, was tightly controlled and, not being used to the nature of the press in the U.S., the Iranians frequently ascribed press views to those of the government, views that were often quite different to official positions or poorly characterised thus further compounding the misperception and poor communication already characteristic of this conflict (Christopher, 1985). The mediation that occurred through the Algerians was serious and fully aimed at finding a mutually acceptable solution to the hostage crisis – the exacerbation of misperception and misrepresentation of each other’s positions by the media would have made this all but impossible.

The Iranians were significantly internally divided, as noted above (point 4.2.1.) further complicating the mediation process because proposals put forth by the Americans had to satisfy a range of different objectives within the Iranian party. Through close consultation with both the Americans and the Iranians, the Algerians were able to suggest settlement proposals to each of the parties that would be better matched to the interests of the other than would have been the case without their assistance. Warren Christopher described this as an “indispensable function,” provided by the Algerians “interpreting two widely disparate cultures and reasoning processes to each other.” (Christopher, 1985:9) As Harold Saunders, another of the American negotiating team notes,

For the diplomats in Christopher's group, the issue was whether a formulation could be presented to win political support in Tehran...It was the highly competent Algerian mediating team, selected in November as the channel for the final negotiations, who sharpened our understanding of what would be useful in Iran. (Saunders, 1985:290)

A good example of this was the Algerian suggestion that an international arbitration tribunal be set up to handle the claims by U.S. firms against Iran for cancelled contracts and defaulted payments (Moses, 1996). This satisfied both the American desire for a formal legal process to deal with their claims, and the Iranian refusal to deal with American courts.

Another serious procedural difficulty that had to be dealt with was the American desire to deal with the hostage crisis and the financial aspects of the crisis separately and the Iranian desire to deal with them together. For the Carter administration particularly, the hostage crisis was by far the most important issue and the one they were most keen to resolve - and resolve quickly, whereas the financial aspects were of less concern and could be dealt with subsequently (Moses, 1996). On the Iranian side however, it was reported how "Increasingly...signals of various kinds began to emerge from Iran that appeared to indicate that these two issues were linked and that one might not be resolved without a solution to the other." (Moses, 1996:304) Given the complexity of the issues, it certainly seemed prudent to treat them separately, although ultimately they would need to be recombined in the form of two final agreements - one concerning the arrangements surrounding the hostages release and the simultaneous release of a substantial portion of the frozen Iranian assets and the other concerning the arrangements to process the financial claims.

The Algerians helped the Americans understand not just that the Iranians wanted the issues resolved simultaneously, but also why they wanted this and what interests on the Iranian side were operating to create this desire. Of these underlying interests, one of the most important was the issue of face-saving – certainly something important to most peoples of the Middle East and an aspect often under-appreciated by Westerners. There was no way the Iranians could countenance simply releasing the hostages in the face of threats or out of concern for the loss of diplomatic prestige. One of the central driving forces of the revolution was the ideal of standing up to the “great oppressors” (Cottam, 1985:135) and illustrating how little power they really had. Even though the reality of the situation dictated that it was in Iran’s best interests to release the hostages, no settlement proposal would have been acceptable that didn’t contain provision for the Iranians to exit the situation with their honour essentially intact. Russell Moses quotes Roberts Owen, another member of the American negotiating team as remarking,

The approach to finding an acceptable formula eventually focussed on “handling the political problems for the Iranians” and “allowing them to save face.” According to this official, in the early days of the hostage crisis, the Iranians “had obtained an enormous amount of domestic political mileage from the crisis, but it began to dawn on them as early as the summer of 1980 that for international political reasons they needed to find a way out.” (Roberts Owen quoted in Moses, 1996:302)

Finding a solution to this problem was difficult because the Americans were certainly not prepared to cede additional compromises or to offer a formal apology for “U.S. crimes against humanity in Iran” (Taheri, 1988:130) merely in order to facilitate the saving of Iranian face. The creative solution advanced by the Algerians that was eventually accepted by both sides was a statement on the front page of the agreement to be signed that, while providing Iran with some political rhetoric that could be used to indicate they had achieved their aims, nevertheless had no substantive effect on the agreement already hammered out (Moses, 1996; Owen, 1985). The Americans were prepared to accept the

Iranians' pronouncements of victory in Iran, having a lot less concern for the preservation of their honour and face there, so long as substantially they achieved their aims and secured the release of the hostages that would satisfy the American public and constitute a victory in the U.S.

Another aspect of the mediation that was influenced by cultural differences was in the actual bargaining behaviour of the two parties and the lack of understanding of each other's behaviour as a result of that difference. The best example of this was in regards to the negotiations concerning how much of the frozen Iranian assets could and would be returned to the Iranians upon the hostages' arrival in Algeria following their release from Iran. Having initially offered to release approximately US\$5.5 billion worth of frozen assets, the Americans were shocked to see the response to this offer demanding US\$24 billion. The Americans had reached their figure through calculating what they could legally release through executive channels without having to involve long, drawn-out and complicated judicial processes. The Iranians however had taken this figure to represent a starting point in negotiations and had replied with a high figure. As the American expert on the Middle East and also a member of the American negotiating team, Arnold Raphel stated at the time however, "Yes, this is an outrageous opening position proffered by people used to haggling at the bazaar and the probabilities are that it will change significantly if we press on." (Owen, 1985:310) In the end, the figure agreed on was US\$ 9.5 billion – a lot closer to the Americans' position than the Iranians' and representing the absolute maximum the U.S. could provide without having to involve the judiciary. According to those involved however, the Iranians simply could not understand the U.S.

separation of powers principle (having no such tradition themselves and being subject to various forms of authoritarianism for most of their history with absolute power resting in the hands of one or at most a few at a time) and it was up to the Algerians to repeatedly try and educate the Iranians so that they understood the limits of the U.S. bargaining position rather than merely seeing it as a ploy or strongly held position but one that was ultimately up for negotiation (Moses, 1996; Owen, 1985).

Language too was a factor in the mediation process that was influenced by cultural differences. Being a highly legalistic culture, the Americans were used to long-winded, very precise and technical legal documents as the form of their agreements. The Iranians on the other hand were a lot simpler with their contracts and simply would not have had the expertise to comprehend what they were reading had it even been advanced. As it was, the Algerians were well aware of this aspect of the cultural difference that existed between the two parties, as was Raphael, the American Middle East expert, and they counselled the Americans to design far simpler and straightforward agreements than they were used to (Owen, 1985).

4.4. The Nature of the Outcome.

In some respects it is very difficult to say who enjoyed the more successful outcome from this conflict. In material terms the Iranians got virtually nothing they demanded except for the return of their frozen assets, which after all, were theirs to begin with, where as the Americans got the return of the hostages, the claims against the Iranian government heard by an international arbitration tribunal, the retention of the Shah's wealth and the

diplomatic isolation and hostility against Iran that is still in evidence today. On the other hand, The Iranians can claim that the incident brought down a U.S. presidency (Carter was not re-elected, a fact generally attributed to the unresolved hostage crisis at the time of voting), diminished the hegemonic power of the U.S. in the Middle East by displaying the limits of their power and their inability to act as they pleased, held up the revolution as being capable of standing up to both the U.S. and the Soviet Union simultaneously whilst also fighting a major war of attrition with Iraq (that consequently ended in what was in effect a lose-lose result). As Warren Christopher himself stated,

...the difficulty and anguish caused to the United States and its total estrangement from Iran were in themselves an achievement. In this view, the isolation created and the inability of the Americans to find or force a solution for fourteen long months gave the Iranians a psychic satisfaction that outweighed the tangible disadvantages, at least for the most radical elements. In view of the Iranian obsession about "the Great Satan," one cannot completely dismiss this viewpoint. (Christopher, 1985:14)

The evaluation of the outcome of this mediation effort depends very much on the perspective from which one is looking. The profoundly different cultures involved in this conflict viewed the issues, the behavioural norms, themselves and each other in markedly different ways. So too did they view the outcome. Perhaps the Algerians truly did achieve a win-win outcome in this situation.

4.5. Conclusion.

The Algerian mediation of this dispute demonstrates that culture can impact on the mediation process. It is hard to imagine two more culturally dissimilar parties as America and revolutionary Islamic Iran at that time and this no doubt accentuates the impact culture had on the mediation of their conflict. However this case study is useful because it highlights the variety of ways in which culture can affect the mediation process

as well as demonstrating how skilled mediators such as the Algerians can deal constructively with these differences.

Coming from profoundly different cultural backgrounds, the Americans and the Iranians viewed the world, themselves, each other and their relationship in very different ways. These differences carried over into the way in which they view the conflict and the saliency accorded to the different issues within it. The different values and norms of behaviour possessed by the parties also had their effect on the process, especially with regards to the bargaining process and the nature of the agreements ultimately signed. Although the Americans and Iranians never met face to face, it would have been interesting to analyse the effects of their cultural differences on their behaviour within the mediation setting - certainly this would have posed additional challenges for the Algerians.

What became apparent through analysing the Algerian mediation of this conflict was the manner in which their efforts validated the precepts of Raymond Cohen's "Model C" mediator (Cohen, 1993). The cultural awareness of the Algerians, the understanding they possessed of the differences between these two parties and the strategies they employed to minimise the negative effects these differences had on the parties' interactions displayed a keen appreciation for the power that cultural difference can exert. The care they took to ensure, through the process of thorough cross-examination, that they understood the American positions and the reasoning behind them, including the culturally derived values, assumptions, norms of behaviour and perspectives, enabled

them to work as very effective interlocutors. It is quite likely that the strategy of shuttle diplomacy, although insisted upon by the Iranians, was the best approach as it seems reasonable to assume that the atmosphere between the Iranians and the Americans would have been so hostile and poisoned as to have made productive discussion exceedingly difficult. Facilitating the accurate and effective communication between the parties and assisting them to formulate settlement proposals allowed the Americans and Iranians to develop and maintain momentum towards settlement and ultimately agree on a mutually satisfactory outcome, which, ultimately, is the aim of mediation.

The Algerian efforts in this case can be thought of as something of a blueprint for the mediation of disputes between culturally disparate parties. This was a complex conflict by any standards, involving a number of difficult and inter-connected issues involving two very culturally different parties. In what is perhaps the greatest indication of Algerian success in this regard is the impression left that both parties felt they had achieved their aims. Not only was there a settlement of this conflict, but from the parties' perspectives it was a win-win outcome.

Conclusion:

Surveying the world as it stands in September 2004, one cannot fail to notice the seriousness of many of our contemporary conflicts that seem, on the face of it, to possess a cultural dimension. The conflict in Iraq between the U.S.-led “Coalition of the Willing” and what appears to be a never-ending supply of insurgents flowing in from other Arabic and Muslim nations ready to die in the struggle against the West appears to resemble Huntington’s ‘Clash of Civilisations’ predictions (Huntington, 1993; 1996). This resemblance is continued in the Sudan, in Indonesia and Afghanistan. Cultural differences, it seems, especially those focussed on religion, remain a serious focal point of conflict.

As conflict has become more deadly and complicated, so too have the techniques employed in its management. Mediation, as one technique that is increasingly being used to manage and resolve conflict, has become more sophisticated as scholars and practitioners work to improve their understanding of how it works and what factors influence its success.

This thesis has endeavoured to present a conceptualisation of the impact that culture and cultural difference can have on the mediation process. Culture, as presented in Chapter Two, is postulated to affect all behaviour, including conflict and our efforts to mediate its resolution. However culture is an exceedingly complex and nebulous term, rendering the consideration of its effects on processes such as mediation very difficult indeed.

Many considerations of the impact that culture has on human relations are overly simplistic, based as they are on a limited and narrow conceptualisation of what culture, as a phenomenon, is. This thesis has sought to present a more nuanced and sophisticated conception of culture, building on the work of such authors as Kevin Avruch (1998) and Raymond Cohen (1990, 1993, 1996). By applying this expanded conception of culture to Jacob Bercovitch's 'Contingency Model' of mediation (1984, 1992, 1996), a description of the possible effects culture and cultural difference can exert on each aspect of the mediation process has been generated. This has been the essential task of this thesis.

It is not the intention of this thesis to present a recipe for mediating conflicts between culturally diverse parties. Indeed one of the main themes of this thesis has been that mediators, when dealing with conflicts involving different cultures, need to understand those cultures thoroughly and comprehensively if they are to develop strategies that best reflect the values, perspectives and aspirations of the parties involved. The aim of this thesis, rather, has been to present a systematic consideration of the manner in which culture and cultural difference may influence each aspect of the mediation process.

The four central tenets of culture presented in Chapter Two, together suggest that the idea of specific, delineated cultures may be misleading (offering something of a challenge to 'national character' approaches). This perspective adds further impetus for mediators to develop a comprehensive understanding of the cultures present in conflicts, rather than relying on some previously generated taxonomy of cultures and their characteristics. Such approaches may be useful to the mediator, but they will be insufficient of

themselves because they will be unable to account for the cultural variation within groups, in the dynamics between groups and for the vast array of contexts within which relations such as conflict exist. The perspectives advanced by this thesis provide the flexibility necessary to consider how culture, as a *phenomenon*, may affect the mediation process.

Applying the conceptions developed here to an analysis of the Algerian mediation of the Iranian – U.S. hostage crisis illustrated the flexibility of this approach. By breaking the mediation process into its component aspects and looking at the nature of the parties, issues and mediator, the mediation process itself, and the outcome reached, the impact of culture and cultural difference could be clearly demonstrated. Further, by virtue of the success of the Algerian efforts, the strategies they used in mediating between these most profoundly different cultures could be highlighted, offering something of a blueprint for future cross-cultural mediation.

Intercultural relations are fraught with difficulty at the best of time. When parties possessing diverse cultural make-ups are in conflict with each other, the tasks facing mediators in their efforts to bring those parties to a mutually satisfying resolution can be formidable indeed. By utilising a framework such as the one presented here, mediators can begin to develop strategies to deal with conflicts of this nature, that, when coupled with an understanding of the cultures involved, can optimise the chances for mediation success.

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