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The idea of peace has to be framed cross-culturally. For example, individualist cultures may tend to think of peace in association with justice and fairness notions whereas collectivist cultures may interpret peace in alliance with harmony and face-saving values. In quite subconscious and silent ways (as this is often how cultures operate), the pursuit of peace can mean different things to different people. Furthermore, generally speaking, individualism promotes a transactional style of communication and collectivism favours a relational approach. Such respective communication styles can unconsciously impact upon the peace process. From a cross-cultural perspective, one's religious and/or philosophical leanings play yet another significant role in peace articulation.

The purpose of this Paper is to draw together the meaning of peace in its widest sense, yet give it the most cogent and concise application so as to make the idea of peace a 'walk-your-talk' exercise. For, until then, we can all be armchair critics, and peace will remain on remote horizons.

Keywords
peace, dispute resolution, cross-cultural

Cover Page Footnote
The author acknowledges the able assistance of her Research Assistant, Nitay Levi, a Bond Law undergraduate.

IDEAS OF PEACE AND CROSS-CULTURAL DISPUTE RESOLUTION

By Bee Chen Goh[1]

Abstract

In contemporary times, the idea of peace has assumed a deeper and more urgent meaning. It is not enough just to think about what peace means, and how to go about achieving or maintaining it. Rather, one has to realize it, in the sense of 'actualising' peace, to induce both its content and context. It, therefore, behoves each and every one of us to think and practise peace in a real way.

The idea of peace has to be framed cross-culturally. For example, individualist cultures may tend to think of peace in association with justice and fairness notions whereas collectivist cultures may interpret peace in alliance with harmony and face-saving values. In quite subconscious and silent ways (as this is often how cultures operate), the pursuit of peace can mean different things to different people. Furthermore, generally speaking, individualism promotes a transactional style of communication and collectivism favours a relational approach. Such respective communication styles can unconsciously impact upon the peace process. From a cross-cultural perspective, one's religious and/or philosophical leanings play yet another significant role in peace articulation.

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Introduction: Make 'Peace' A Verb

I would, first of all, like to begin in an unconventional way, with excerpts from John Lennon's much acclaimed song: 'Imagine'.

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'Imagine'- John Lennon

'…Imagine there's no countries
It isn't hard to do
Nothing to kill or die for
No religion too
Imagine all the people
Living life in peace…

You may say I'm a dreamer
But I'm not the only one
Hope someday you will join us
And the world will be as one.'

When I first embarked upon this field of research, like most academic researchers, I thought this was an intellectual pursuit: an attempt at discovering truth, a mission for the planet, and a journey for humanity. What has proven to be a challenge is that this Peace research is a personal one. One that is transformative, experiential, engaging both the mind and the heart. At every turn, I felt that I could not move on to the next enquiry until I could personalize/internalize the peace question I was contemplating upon. For instance, if I say that peace means kindness, this statement is not sufficient conceptually. I must realize its meaning in a practical way. And, if I find myself thinking unkind thoughts, I need to check this facet of behaviour and acknowledge that it is not peaceful. Peace becomes a moment-to-moment preoccupation. As has been similarly observed by Daisaku Ikeda, 'peace is not some abstract concept far removed from our everyday lives. It is a question of how each one of us plants and cultivates the seeds of peace in the reality of daily living, in the depths of our being, throughout our lives'.[2] In this sense, this Peace research has been vastly different from my previous research endeavours. It is deeply engaging. Of course, every researcher has blended some degree of emotional quotient into any research. This type of learning is nothing new. My emphasis, however, lies in the degree of emotional intelligence affecting the various stages of my research findings. My goal is that I hope, in this way, my contribution to the field of Peace research is thus made more real and practical and not just useful as a piece of conceptual analysis. After all, peace is not so much a rational construct as an emotional response. Peace, too, is personal before it is institutional. I have discovered that, essentially, to learn about peace, one has to walk the talk. 'There is no walk for peace; peace must be the walk.'[3] In other words, one must make 'peace' a verb. And, as John Lennon lyrically put it,

2 Daisaku Ikeda, 'Inner Transformation: Creating a Global Groundswell for Peace', www.sgi.org/english/President/peaceproposal/peace2004.htm, at page 19.

3 Thich Nhat Hanh, *Creating True Peace: Ending Conflict In Yourself, Your Family, Your Community And The World*, Rider, London, 2003, at 65.

'Imagine all the people living life in peace…Hope some day you will join us and the world will be as one'.

The Concept of Peace

> 'Peace work means, first of all, being peace.'[4]

We seem to think and conceive of ourselves as an inner world with an outer world. In reality, we are no different from the world outside us. In fact, what we experience inside of ourselves reflects our outer realities. We are, however, not often conscious that this is so. Hence, the cause of the problem. We think in terms of outer realities, and ignore our inner worlds which eventually produce our outer worlds. Peace, for example, becomes so sought after yet so apparently unattainable because we look for peace outside, instead of within.

Take some examples of international conflicts. The Middle East, Sino-Tibetan, Kashmiri, Punjab conflicts are conflicts in the outer world which originated in our inner worlds. They escalated because they have gone unchecked for too long. People vie for the peace out 'there', but if there is no feeling of peace within each one of us, then there is no permanent solution for peace. It is far easier to blame someone else for the ills of the world than to examine the core of our beings for the source of the conflict. You may well ask: what has the Middle East conflict got to do with me *personally*, at the point of where I am, ensconced in the comforts of the Gold Coast going about my daily business? At the physical level, one can dissociate oneself from such conflicts. They only matter if we are thinking of travelling anywhere near the war zone. But, at the metaphysical level, the human race is in *some* sense, responsible for those conflicts. We as human beings have failed in our duties as human beings to act peacefully with one another; we have failed at the level of allowing our consciousness to produce inhumane acts leading to conflicts; we have failed to share in love. The microcosm has produced and reflected the macrocosm: what we have failed to do at the personal level has transmigrated to the inter-personal level to affect negatively the collective consciousness of the human race as a whole.[5]

Peace, simply put, is an external manifestation of an internal dynamic.

To achieve peace, each question has to be asked, and be asked realistically, and be asked in a personal sort of way. There is no use in asking for peace in a 'them' camp. The responsibility begins with 'me', and then 'us', the latter incorporating the 'them'. And, to achieve peace meaningfully, we take small steps to effect change. As Gandhi wisely said, 'be the change you wish to see'.

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4 Thich Nhat Hanh (edited by Arnold Kotler), *Being Peace*, Parallax Press, Berkeley, 1987, at 80.

5 Thich Nhat Hanh has poetically stated it in his poem, 'Please Call Me By My True Names', *ibid*, at 62-64.

It is, therefore, useful and important to have role models in our personal quest for peace endeavours. My own role models are: The Dalai Lama XIV of Tibet, Gandhi, Thich Nhat Hanh and Professor Philip Allott. I shall remark on them briefly in sharing what I have learnt from each.

The Dalai Lama of Tibet, Tenzin Gyatso, winner of the 1989 Nobel Peace Prize, is an internationally well-known figure for his peaceful claim on the return of Tibet by the Chinese. Although a religious figure, he has attempted to suggest that if religion is causing pain and splitting the world apart, it can be dispensed with: but not the underlying spirituality.[6] His Holiness focuses on the ideal of cultivating human compassion.[7] I especially admire his articulation of the Principle of Universal Responsibility.[8] His Holiness exudes peace in every way. He is, truly, peace personified.

Gandhi, made famous by history for his non-violent struggle against the British colonial rule of India, posed another significant peace figure of our times. His principle of non-violence is curiously assertive yet peaceful, and his passive resistance movement which proved to be successful won him the ultimate prize, Indian independence in 1948. Gandhi's conflict resolution method known as *satyagraha* (meaning 'grasping onto principles' or 'truth force') has been widely admired and earnestly emulated.[9]

Thich Nhat Hanh, a Vietnamese Buddhist monk nominated by Martin Luther King Jr for a Nobel Peace award, has resonated with me for his Peace work. At a time when I was researching for Personal Peace as steps leading up to achieving International Peace, his writings appeared on my lap as a God-send. His recent book, '*Creating True Peace: Ending Conflict In Yourself, Your Family, Your Community And The World*'[10] literally articulates my own theory and practice for Peace. His coinage of the word 'interbeing', suggesting the inter-connectedness of all life, should serve as a reminder to all humanity to live peaceably.[11]

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6 His Holiness The Dalai Lama, *Ethics For The New Millennium*, Riverhead Books, New York, 1999, at 22.

7 His Holiness The Dalai Lama of Tibet, *Compassion And The Individual*, Wisdom Publications, Boston, 1992 Reprint. An interesting account can be found in Scott Hunt's 'The Dalai Lama and the Power of Compassion' in *The Future of Peace: on the front lines with the world's great peacemakers*, HarperSanFrancisco, 2002, at 52-90.

8 His Holiness The Dalai Lama of Tibet, 'Compassion And Universal Responsibility' in Eddie Shapiro (ed), *Voices From The Heart: Inspiration for a Compassionate Future*, Random House, Sydney, 1998, at 3-9.

9 Mark Juergensmeyer, *Gandhi's Way:A Handbook of Cconflict Resolution*, Oxford University Press, New Delhi, 2003, at 3.

10 See note 3 above.

11 Ibid, at 62.

Professor Philip Allott, Professor of International Public Law at the University of Cambridge, is an intellectual genius beyond proportion. His deep and piercing reasoning is both a joy and an awakening. In him I find a kindred soul who embarks upon Peace research bravely as an International Law academic combining the wisdom of the ages and civilizations and concocting, as in apothecary, the various sources of intellectual knowledge as influencing and contributing to Law.[12]

Peace and Cross-Cultural Dispute Resolution

Effective communication is essential to peace. Yet, how often do we realize if what we say is what is heard by the listener? Words are susceptible to subjective interpretation and perception. What one means to say may be perceived by another in completely different, sometimes opposite, ways. This kind of error in communication can occur in mono-cultural settings. When seen in light of cross-cultural environments, the pitfalls tend to abound. Cultural behaviour shapes our respective ways and the danger with cross-cultural communication mishaps lies in the way that culture operates silently and unconsciously.[13] Unarticulated assumptions can lead to a communication breakdown because an item of communication may be obvious to the speaker, but not to the listener. For instance, a student recently recounted the following story. Her family immigrated to Australia from Italy and the neighbours organized a barbeque in the park and asked the family to 'bring a plate'. The new migrants literally brought a plate to the social gathering, not realizing that they were meant to bring some food to contribute to the party. They left the party immediately, feeling rather embarrassed, and might one say, humiliated. The local Australians' goodwill was erased by the misunderstanding. On the speaker's perspective, no one thought to clarify when the invitation was issued – it had been all so obvious – and on the listener's part, no one thought to ask for an explanation because the words, at their literal value, were clear even though they felt it was a strange request. This is exactly how cultural norms operate: their existence is supposed to be taken for granted! They function at a subconscious level. They are the silent partners in communication. That is why it is so easy to make mistakes when one is engaged in cross-cultural communication. It is always better to err on the side of caution, risk appearing foolish and ask for clarification, rather than subsequently making mistakes which may offend. As has been remarked, 'it takes a second to hurt and a lifetime to heal the wound'. In peace endeavours, one has to be conscious of cross-cultural communication lest peace be disturbed.

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12 See his works: *Eunomia: A New Order for a New World,* Oxford University Press, Oxford, 1990; *The Health of Nations*, Cambridge University Press. Of notable interest is his 1989 lecture for the Josephine Onoh Memorial Lecture Series, at the University of Hull, entitled 'International Law and International Revolution: Reconceiving the World'

13 See Edward T Hall*, The Silent Language*, Greenwood Press, Westport (Connecticut), 1959.

In the study of behavioural sciences, two major cultural dimensions have been identified: individualism and collectivism.[14] Individualism is practised by cultures whose ideals place the individual as the central functionary, giving primacy to such values as competition, freedom, creativity and independence. Collectivism, on the other hand, sees the group as the dominant player, focusing on values such as co-operation, harmony, tradition and inter-dependence. Individualism is evidenced in most Western cultures, the most notable being Anglo-Saxon cultures. Collectivism can bee seen in most Asian cultures. A good example of a collectivist culture is provided by the Chinese.

Given that this is so, the communicative patterns would tend to reflect the respective underlying values. As such, individualists tend to be transactional in their way of communicating and collectivists appear to be relational.[15] A transactional style is deal-oriented, direct, efficient and paper-centred. In contrast, a relational approach is friendship-driven, heavily reliant on indirect communicative skills, seeks to maintain harmony and is person-centred.

One has to acknowledge the fact that dispute resolution systems are culture-specific, whether the participants are conscious or not of their driving force. Generally speaking, Western individualistic culture has always pursued democratic rights, individual justice and for this purpose, has used the communicative tools of open debate and confrontation to achieve its goals. Individualistic ideals promote the establishment of legal institutions as private guardians. The formal law is viewed with supremacy and power. As a necessary corollary, the prime and primary system of dispute resolution is via litigation. In contrast, a collectivist culture such as one afforded by the Chinese culture presumes the importance of political stability and social harmony. Emphasis is, therefore, placed upon subtle persuasion and conflict avoidance techniques in communication. Quite appropriately, the Chinese may be described as 'litigation averse'.

Take mediation, for example. Mediation in China and in the West do bear different connotations: the former is intuitive and informal and exhibits collectivist tendencies whilst the latter is recognizably more formal or structured, and stems from individualistic principles.[16] In this connection, Hsu has aptly

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14 William Gudykunst, *Bridging Differences: Effective Intergroup Communication*, Sage Publications, Newbury Park (California), 1994 (2nd edn); Harry Triandis, 'Cross-Cultural Studies of Individualism and Collectivism' in John Bergman (ed), *Nebraska Symposium on Motivation 1989: Cross-Cultural Perspectives*, University of Nebraska Press, Lincoln and London, 1990.

15 GOH Bee Chen, *Negotiating with the Chinese*, Dartmouth, Aldershot, UK/Brookfield, USA, 1996.

16 GOH Bee Chen, *Law Without Lawyers, Justice Without Courts: On Traditional Chinese Mediation*, Ashgate, Aldershot UK/Burlington USA, 2002; an excellent

remarked that the problem for the Chinese 'has always been how to make the individual live according to accepted customs and rules of conduct, not how to enable him to rise above them'.[17]

Additionally, since time immemorial, the Chinese have absorbed Confucian culture and believed in the cosmology of heaven, earth and humanity linking the natural order and the human order. It is also believed that a disturbance of the natural order can cause chaos in human society. Confucian ethics regard legal promulgation as indicative of a moral decline. According to Confucius, 'the thing is we should make it our aim that there not be any lawsuits at all'.[18] Law, to the Chinese, is best seen as an instrumentality of the state, for the purpose of dispensing punitive measures for official transgressions rather than a keeper of private rights. Social cohesion is thus achieved through family bonds and closely-knit extended networks with social sanctions in the form of shame and ridicule acting as effective control agents.

In contrast, modern Western mediation is seen more as a creature of expediency than a product of cultural aspiration. Hence, Boulle has remarked that mediation in the West is a practice in search of theory.[19] Because Western mediation inherently reflects individualistic values, it is constantly preoccupied with issues of party autonomy, consensual submission to mediation, mediator impartiality and the role of the mediator as facilitator rather than adjudicator. Significantly, individualism imbues in one the quest for justice, and Western mediation, in this regard, uneasily embraces compromise solutions. In this connection, research has shown that the individualistic Westerner exhibits 'less tolerance for compromise'.[20]

In the context of Peace, individualists and collectivists will unconsciously articulate different goals, without realizing that culture acts as the silent shaper. Peace, to the individualist, may come across as championing justice and fairness, which represent the foremost values in individualist cultures. Peace, to the collectivist, may mean harmony and face accommodation, as these ideals are regarded sacrosanct by collectivists. Such respective underlying values will tend to influence and dictate the diverse directions which each will take, depending on who is advocating the cause unconsciously, in the name of culture. A failure to

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comparative (Sino-Western) account is provided by Wenshan Jia, 'Chinese Mediation and its Cultural Foundation' in Guo-Ming Chen and Ringo Ma (eds), *Chinese Conflict Management And Resolution*, Ablex Publishing, Westport (Connecticut), 2002, at 289-295.

17 Francis Hsu, *Americans and Chinese: Passage to Differences*, The University Press of Hawaii, Honolulu, (1981 3rd edn), at 135.

18 *The Analects*, XII:13.

19 Laurence Boulle, *Mediation: Principles, Process, Practice*, Butterworths, Sydney, 1996, at page v.

20 Harry Triandis, note 14 above, at 80.

recognize such a cross-cultural divergence may yield unintended results. This may explain why in international conflict resolutions, the collectivist Chinese looks at the issue of Taiwan and calls for a Greater China solution (pursuing peace with harmony and face concerns) whilst the reaction by the West to 911 is a classic and simplistic example of confrontation and attack, a consequence of 'Peace=Justice + Fairness'.

Victimology

In order to understand the peace process, I have also come to realize that it is equally important to understand and delve into the mind of the victim. How do victims perceive themselves as victims? In the field of social sciences, especially criminology, recent research attempts have been made to study victimology.[21] However, much of it has focused upon the traditional understanding of victims and offender behaviour in a criminal sense. I am more inclined towards comprehending victimology in the ordinary psychological or perceptual sense as an essential step in learning about the peace process. I am of the opinion that contemporary international problems, terrorism in particular, is a failure by the international community to recognize victim mentality in its true form. To quote Einsten, 'we can't solve the problems of today with our thinking of yesterday'.

Victims may see themselves as victims due to their own overly sensitive nature or vulnerable sensibilities. They may also perceive the notions of right and wrong from an angle different to that of their offenders. In order to understand Peace, we, therefore, owe it to the cause of humanity to understand where the victims see themselves coming from. International terrorism is now a syndrome of victims fighting back. The victim is now the aggressor. The victim, who has felt suppressed for too long, no longer is content to sit back and take it all in. As Silke has observed, 'one of the most important keys to understanding the psychology of why people become terrorists is to understand the psychology of vengeance'.[22]

Interestingly, we ourselves have felt victimized in particular situations. However, on occasions when we thought we were the victims, the offenders might not have had any idea that they were acting as offenders. The latter may have been perfectly legitimate in carrying out their tasks, not intending and not realizing that their actions were causing grief to the recipients who eventually felt like they were the victims. The following personal anecdote by Nils Christie illustrates this point. Christie recounted an event in Finland which happened a long time ago. It

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21 Katherine S. Williams, Chapter 5 on 'Victims, Survivors and Victimology' in *Textbook on Criminology* (5th ed), Oxford University Press, Oxford, 2004; Ian Marsh, Chapter 4 on 'Victimology' in *Criminal Justice: An Introduction to Philosophies, Theories and Practice*, Routledge, London.

22 Andrew Silke, 'Becoming a Terrorist' in Andrew Silke (ed), *Terrorists, Victims And Society: Psychological Perspectives on Terrorism and its Consequences*, Wiley, Chichester, 2003, at 39.

was a blue summer night and his colleague issued a running challenge to thirty or so of the criminologists present. Christie was the only one who took up the challenge. He lost the race. At that time, he felt like a loser. Later, he discovered that the colleague who proposed the race was a Swedish champion in running. He proceeded to perceive himself, instead, as a victim.[23]

Arising from that personal situation, Christie reflected on victimology thus: first, a victim may be one because of a subjective experience; secondly, a victim may be one due to one's personality traits and the social systems one belongs to.[24] The latter sociological analysis is one that prevails in the literature. My research preference is of the former type, investigating the subjective sense of victimology in the intellectual quest for Peace. I believe the relevance of such an enquiry will take us deeper into understanding and propounding peace solutions of a more lasting nature. Otherwise, we may just skim the surface, treating the symptoms but not the root cause.

Conclusion

The human family is in urgent need of peaceful co-existence. No amount of legal promulgation can achieve this aim. Peace has to come from within, i.e. from within each and every one of us. There needs to be a spiritual revolution.[25] From the perspective of International Law, Professor Allott has similarly called for a mental revolution: 'The necessary revolution is a world revolution. The world revolution is a revolution not on the streets but in our minds'.[26] Peace is a collective responsibility originating as a personal duty. Permanent peace is only possible if and when we consciously act humanely, compassionately and lovingly with one another. Peace does not mean the absence of conflicts. Rather, it means that we recognize there are conflicts but we equally recognize that the way to resolve conflicts is through non-violent participation. It means that we observe human dignity, uphold mutual respect and treat one another as if we were that other. The time-tested golden rule rings true: 'do unto others as you would others do unto you'. Peace work is then not only possible, but a workable reality.

In truth, humanity's choice is obvious: in peace or in pieces.

As I began, so shall I end, with John Lennon: 'Give peace a chance'.

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23 Nils Christie, 'The Ideal Victim' in Ezzat A. Fattah (ed), *From Crime Policy To Victim Policy: Reorienting the Justice System*, MacMillan, 1986, at 17-18.

24 Ibid, at 18.

25 His Holiness The Dalai Lama of Tibet, note 6 above, at 23.

26 Philip Allott, 'International Law and International Revolution: Reconceiving The World', note 12 above.