

## **Understanding Conflict?...Maybe!**

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**Abstract:** *The premise of this paper is the study in the field of conflict and conflict resolution and that conflict and conflict resolution are useful areas of focus in order to better understand human behavior. Additionally, I will present data that will highlight the notion that conflict is not in itself a bad thing and that conflict has the capability to be utilized as a vehicle for understanding the many contradictions that are necessarily present in our efforts to be social beings.*

### **1 Theory of Crisis Killing Civilians intentionally: Double Effect, Reprisal, and Necessity in the Middle East.**

The principle of noncombatant immunity is undoubtedly the linchpin of humanitarian law during armed conflict. Recognizing that warfare takes the lives of civilians and other noncombatants, noncombatant immunity limits the harm that noncombatants will inevitably suffer by prohibiting intentional harm in all but perhaps the most extreme cases. At the same time, the rules of modern warfare permit adversaries to unintentionally take a reasonable framework, however vague and undefined it may be, forms the basis for assessing the morality of killing civilians during war (Michael Gross, *Ethic of Activism: The Theory of Practice of Political Morality*. Cambridge, 1997). As they attack civilians, belligerents sometimes raise the claim that there are no noncombatants in modern war. It is certainly true that a number of ambiguous actors litter the field in the Middle East. These include reserve soldiers and armed settlers on the Israeli side, and uniformed militias, “mature” minors, and civilian accessories to the fighting on the fighting on the Palestinian side. Nevertheless, it is equally clear that many civilians have no role in the fighting. According to the Geneva Convention’s definition (1949) “civilians are people who do not bear arms. They are a subset of noncombatants, that is, persons taking no active

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part in the hostilities.” (Michael Gross, *Ethic of Activism: The Theory of Practice of Political Morality*. Cambridge, 1997). This definition, however, says nothing about innocence, and civilian leaders may bear far more responsibility for war than do simple soldiers in the field.

However, according to Michael Gross, “I am concerned with the status of what may be called ordinary civilians, and although it is true that they may provide succor and support for combatants, they do not bear arms or take an active part in the hostilities.” (Michael Gross, *Ethic of Activism: The Theory of Practice of Political Morality*. Cambridge, 1997). They are, for the most part, also innocent, that is, they are not responsible for prosecuting the war or for the harm befalling enemy soldiers and civilians. Ordinary civilians remain the intended beneficiaries of the principle of noncombatant immunity. (<http://www.icrc.org>, 14 September 2005).

If ordinary citizens ever enjoyed protection from intentional harm, recent events in the Middle East are rapidly eroding this norm and testing the limit of noncombatant immunity. Beginning in 2000, fighting between Israel and the Palestinian Authority (PA) has witnessed the unprecedented use of terror: massive, lethal attacks against civilians for purposes ranging from breaking Israeli morale and wresting further political concessions to destroying the State of Israel. In response, Israel reoccupied the West Bank (and, until 2005, the Gaza Strip), severely curtailed Palestinians who are repeatedly called upon to renounce the use of terror in their struggle for national self-determination and Israel censured for indiscriminate and disproportionate harm to civilians. This discourse stands to radically affect the way in which the international community views the imperative to avoid intentional harm of civilians. (Serge Schmemmann, “*US Peace Envoy Arrives in Israel as Fighting Rages*,” *Ha’aretz*, 15 March 2002).

In its original formulation, the DDE (*the Doctrine of Double Effect*) confronted a rather simple difficulty that

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adversaries faced during war: how could one justify killing civilians who were innocent but inevitably harmed during conflict? The answer turned on intentionality. It was permissible only insofar as one did not intend to harm them on purpose. Early Christian theologians believed that without intent was possible to ally responsibility. It was never entirely clear however, what *intentional harm* meant or how one could determine whether one harmed another intentionally during the war.

Modern legal methodologies and moral theorists wrestled with similar difficulties and often limit the exculpatory power of good intentions. Good intentions may at best, mitigate punishment; they do not necessarily however, redeem the badness of the act itself. “We may judge the bomber pilots differently,” writes Robert Holmes, “if we believe that one acted with good intentions and the other with bad intentions. But the fact of their different intentions would not affect the moral assessment of what they did. (<http://www.icrc.org>, Sept. 2005). H. L. A. Hart for example describes the case of an Irish National who inadvertently kills civilian bystanders while blowing out a wall to free his friends from prison. IN did not intend to kill anyone; the deaths he caused were not a means to his end but only according to H. L. A. Hart “an undesirable byproduct of his actions.” (H. L. A. Hart, *Punishment and Responsibility, Essays in the philosophy of Law*. Oxford: Oxford University Press, 1968. 119-120). The argument from supreme emergency is perhaps the last Palestinians and other insurgent groups may raise defense of intentionally targeting civilians. The doctrine of supreme emergency, articulated most famously by Michael Waltzer, remains exceptionally controversial and extraordinary difficult to apply in practice.

According to Michael Waltzer “it is an extension of the necessity defense common to municipal law and anchored in Unitarianism.” (Michael Waltzer, *Law and Philosophy* 20 (January 2000): 1-30).

Necessity demands five conditions: (1) the threat of grievous, (2) unavoidable harm, (3) proportionate, (4) effective, and (5) last resort response. The term exempt is subject to

conflicting interpretations. Most legal scholars agree that the necessity defense excuses rather than justifies one's actions so that the law overrides the name of necessity retains some measure of force. This force exerts itself in the form of mitigated punishment, regret and restitution. In 2008, this theory resonates stronger still. A material disadvantage does not exempt an adversary from norms of conduct during armed conflict as long as the stronger nation respects humanitarian law and pursues a limited war rather than a total war of annihilation against the weaker nation. Should the stronger nation abuse civilians and pursue a genocidal war, then, and only then, might the weaker nation consider setting aside humanitarian law. There is nothing in the current conflict, however, to suggest that this is the case.

Conversely, it is ironic that an occupying power should find itself in such a position successfully pleading self defense and military necessity against a far weaker adversary. Two points, first, Israel advantages are limited, even as it fights terror. Neither the DDE nor reprisal theory can justify all aspects of current Israeli policy. Second, the moral asymmetry currently in Israel's favor will reverse once terror is abandoned.

Once Palestinians or any other insurgent group renounces terror and restores the principle of noncombatant immunity, they may find it possible to reenter the community of nations and successfully press their claims for national self-determination (<http://www.icrc.org>, 14 September 2005).

## **2 Theoretic Review: America We (Used to) Trust: U.S. Hegemony and Global Cooperation.**

The United States said that it would invade Iraq if Saddam Hussein remained in power, and when he did, the United States invaded. Other states can now believe that if a similar threat is made in the future, it is likely to be carried out. Deterrence theorists view credibility of this kind of

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threat as a key foundation of global order. International hegemony like the United States maintain stability by issuing credible threats that those who violate the rules will be punished, and then backing up these threats with action. In the view of the Bush administration at the time of the invasion of Iraq reinforced American credibility, and strengthened world order. (Thomas Schelling, *Arms and influence* (New Haven CT: Yale University Press, 1966), 35. Unfortunately, much of the rest of the world took on a different perspective. The inability to find weapons of mass destruction or related manufacturing facilities indicated to many observers that twelve years of sanctions and the United Nations inspections, along with the U.S. and British military pressure presented before the war was thin at best and did not support the claims being made about them. (*The National Security Strategy of the United States of America* (Washington DC: The White House, 2002), 13-16).

Political scientists and economists have long argued the hegemony, defined as the presence of a predominant power, promotes international cooperation. In the nineteenth century, Great Britain presided over a relatively open and cooperative international economic and trading system. In the second half of the twentieth century, the United States took up the reins and facilitated an even more institutionalized and stable system of cooperation in both economic and military affairs.

These eras are contrasted with the interwar period of the Great Depression, in which according to Charles Kindleberger, "Great Britain could no longer and the United States would not yet take on the role of stabilizer." (Charles Kindleberger, *The World in Depression, 1929-1939* (Berkeley: University of California Press, 1975), 291-292. But why does hegemony promote cooperation? The two most common answers are often known as *benign* and *coercive* theories of hegemony. *Benign hegemony* is based on the theory of public goods. Public goods, like clean air or radio broadcasts, can be consumed without either paying for them or diminishing anyone else's ability to consume them. Various types of international cooperation, such as low tariffs, fixed exchange rates, and collective security systems, are sometimes

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thought of as analogous to public goods, and the public goods game invoked to explain why hegemony is needed to produce them. In the public goods game, each state has a chance to cooperate in the production of the public good, or to not cooperate that is a free ride. The key assumption behind the public goods game is that most states are too small to have significant impact on how much of the public good is produced.

They pay a price for support, and their support moves the group a little bit closer to full cooperation (Richard Cornes and Todd Sandler, *The Theory of Externalities: Public Goods and Club Goods* (Cambridge, UK: Cambridge University Press, 1996). *Benign hegemony* also explains why the hegemon cooperates, and why any of the other states cooperate? Although the smaller states in the system may prefer to ride free, the hegemon coerces them into cooperating by offering additional incentives or threatening additional cost of noncompliance.

This perspective is a favorite of Marxists and realists alike. Revisionist historians of the Cold War portrayed U.S. foreign policy as driven by its economic interests. Realists such as Robert Gilpin have argued that “great powers establish international orders to their liking after they prevail in hegemonic wars.” (Robert Gilpin, *War and Change in World Politics* (Cambridge, UK: Cambridge University Press, 1981, 9-15). These orders serve security interests of the reigning hegemon at the expense of lesser powers, until one of them, by dint of economic growth, rises to a position where it can challenge the hegemon in a new great-power war. *Coercive hegemony* is the Mafioso view of hegemony as an offer you cannot refuse. Credibility is important in the sense envisioned by deterrence theory. Coercive hegemons enforce their ideology on reluctant followers and would rather be feared than loved. (Robert Gilpin, *War and Change in World Politics* (Cambridge, UK: Cambridge University Press, 1981, 9-15).

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*Credibility* is conceived of differently in the third view of hegemony because the hegemonic assurance is perspective! This view is based on the tipping game. The tipping game is like the public goods game except for one critical assumption: *in the tipping game, the payoff for the cooperation eventually exceeds the payoff for free riding if enough others are expected to cooperate.*

The role of credibility in the hegemonic assurance perspective is therefore very different from that in coercive hegemony. Although each view is important and explains some instances of cooperation under hegemony, the hegemonic assurance perspective has recently been undervalued, and its historical importance is underappreciated. The most recent factor exacerbating this mistrust was, of course, the invasion of Iraq. In a survey global attitudes a year after the invasion of Iraq the Pew Research Center for the People and the Press asked respondents in nine nations, including the U.S. whether they had more or less confidence that the United States was trustworthy after the war. In America, 58% had more confidence that the U.S. is in fact trustworthy. Majorities in every other country surveyed however, had less confidence. Even in *Great Britain*, 58% were less confident that the U.S. is trustworthy; in Russia, the figure was 63%; in Pakistan, 64%; and in Germany, a country with some experience in matters of trust and reassurance, 82% had less confidence that the U.S. is trustworthy as a result of the war. In 2008 and beyond mistrust is again threatening to prevent cooperation against common threats, and the degree of cooperation achievable will depend on whether a better balance between the two understandings of trust under hegemony can be found in the world.

### **3 Are Middle East Conflicts More Religious? A Theoretic Perspective.**

If, as many believe and scholarship confirms, religion is particularly important in ethnic conflicts involving Muslims, how does this affect the nature of conflict in the

Middle East? This is a simple question, but finding an accurate answer is not at all simple. It is complicated by two interrelated factors. First, due to differing perspectives and differing political agendas, interpretations of events in the region vary wildly, and accuracy is often lost. This problem is not limited to the study of the Middle East and candidly speaking, has been a central issue in political science since its inception.

For instance, Karl Deutsch points out that “comparative methodology, which consists of analyzing cases using introspection, intuition, and insight, while a powerful tool for analysis, is limited by our imaginations and preconceived notions.” According to Jonathan Fox “a researcher who uses the method of familiarizing himself with as many facts as possible as well as with the insights of other scholars can easily be influenced by his own preconceptions.” (Jonathan Fox, "The Effects of Religious Discrimination on Ethnic Protest and Rebellion," *Journal of Conflict Studies*, Fall 2000, pp. 16-43). This ideology can be insufficient because due to such *preconceptions* we often think we see relationships that we expect to see even if they do not exist, which in turn fail to view relationships that do exist but was never expected to exist or even imagined might exist. (Jonathan Fox, "Is Islam More Conflict Prone than Other Religions? A Cross-Sectional Study of Ethno Religious Conflict," *Nationalism and Ethnic Politics*, summer 2000, pp. 1-23).

In my opinion theorists can use empirical methods to provide a perspective on the issue different from the comparative approach. While the empirical method has its limitations...primarily, it can analyze only what can be measured and measurements of social, political, and economic factors are often imperfect. It also has three advantages. First, it allows us to test and perhaps falsify theories. Secondly, it makes clear what factors produce its results, and anyone analyzing the same data will get the same results.

Third, it often produces surprising findings that would have never resulted from the comparative approach because no one would have looked for them. This analysis proceeds

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in two stages. Stage 1: the results from previous empirical analyses are summarized, Stage 2: we examine data on ethnic conflict to assess the extent and nature of the influence on religion in the Middle East (Jonathan Fox, "Do Religious Institutions Support Violence or the Status Quo?" *Studies in Conflict and Terrorism* 22 1999: 119-139).

Empirical analyses, have established that the relationship between religion and conflict in general can be summed up as follows: Religious differences make conflict more likely and more intense. The more multicultural a country's religious population, the more violent its domestic conflicts tend to be. Similarly, when religious issues are imperative in ethnic conflicts, political, economic, and cultural discrimination, and rebellion, all tend to increase. Religious differences also make international wars more likely. Religious issues influence the dynamics of conflicts. When religious issues are important in an ethnic conflict, religious institutions tend to facilitate unrest; but they tend to suppress conflict when religious issues are not important. Religion shapes discrimination against ethnic minorities. Religious and non-religious discrimination is more likely in states where it is legitimate to use religion in political discourse and in conflicts where religious issues are important. Religious discrimination is likely against minorities that are otherwise culturally similar to the majority group that is, where religion is the chief differentiating characteristic between the majority and the minority. Autocratic regimes are more likely than non-autocratic regimes to discriminate against religious minorities. Autocracies engage in higher average levels of discrimination against ethno-religious minorities than do democracies, but it is those regimes that are somewhere between full autocracies and full democracies (and that are known as semi-democracies), that discriminate the least. Regimes in Muslim states are more autocratic. One study finds that Muslim states are the most autocratic states in the world, based on a measure of the extent to which a state is a liberal democracy as well as on a separate measure of institutional democracy. However, there is no relationship between Islam and a third measure which focuses on political rights. Some theorists use the measure for institutional democracy and discover these trends particularly pronounced in the Middle

East. Religion is more important in Middle Eastern ethnic conflicts than elsewhere. Religion is important in the ethnic conflicts of all Muslim states, and it is more important in the Middle East than in Muslim states outside the region.

This means that while Islam may provide a partial explanation for the particular importance of religion in the region, it cannot provide a full explanation. One potential explanation for this is according to Karl W. Deutsch "the historical importance of religion in the Middle East is a region that gave birth to three of the world's major religions." (Karl W. Deutsch, "On Nationalism, World Regions, and the Nature of the West," *Mobilization, Center-Periphery Structures, and Nation Building*, ed. per Torsvik/ Oslo: Universitetsforlaget, 1981, p. 51-93). On the other hand, this historical importance may also mean that whatever it is that makes religion particularly important in the Middle East is not a new phenomenon, and the findings presented are simply the latest manifestation of an age-old phenomenon. (Rudolph J. Rummel, "Is Collective Violence Correlated with Social Pluralism?" *Journal of Peace Research*, 34 (2): 163-175.).

The Middle East is the most autocratic and least democratic region in the world. Muslim states outside of the Middle East are found to be more autocratic than other non-Middle Eastern states but less autocratic than Middle Eastern states. Again, Muslim states outside the Middle East are more often autocratic than their non-Muslim counterparts but considerably less often autocratic than those in the Middle East. Thus, Islam may provide no more than a partial explanation for the autocracy of the region. In this case, history may provide an alternate explanation because democracy and the liberal ideologies upon which it is based were developed in the West.

Conversely, ethno-religious conflict in the Middle East is unique but not in the way many believe. Yes, religion is disproportionately important in the region's ethnic conflicts and the region is the most autocratic in the world. But neither of these findings is explained by Islam. Furthermore, most Middle Eastern ethnic conflicts are otherwise similar to ethnic conflicts elsewhere.

## 4 Implicit Theories and Conflict Resolution.

Prejudice is at the root of many intractable conflicts. Whether prejudice was born out of the dispute or existed before and contributed to the dispute, exaggerated beliefs about the character and motives of the other party often make reconciliation extremely difficult to achieve. I argue that this relationship between prejudice and inflexible turmoil may have its origins from individuals' ideology about the spirit of human capabilities.

There are two theories that have been identified that people can hold about the nature of human qualities. Those who hold an *entity theory* believe that human qualities such as goodness or intelligence are fixed. Those who subscribe to this theory not only believe that people have immutable traits, but also that the goal of knowing others is best accomplished by identifying which set of fixed traits they possess. The other view which are called and *incremental theory*, instead posits that human qualities are malleable and can be developed. This theory implies that everyone has the ability to grow with education and effort. Those who subscribe to this theory, the goal of knowing others is best accomplished, not through judging their fixed traits, but through understanding their psychology, their needs and goals, through process and their culture.

*Entity theory* lends itself to rather rapid and rigid judgments of others which in contrast to *Incremental theory* leads to more tentative and flexible initial assessments, ones that are subject to revision as others change (Carol S. Dweck, M. Deutsch, and Joyce Ehrlinger *The Handbook of Conflict Resolution*, vol.2. San Francisco: Jossey-Bass, 2000). People holding an entity theory demonstrate a willingness to label others as good or bad, or as moral or immoral, on the basis of evidence for example, in a study by Chiu, (1997) entity theorists were far more likely to report that even insignificant behaviors were a good basis for judging moral character. Beyond that, entity theorists were more willing to decide that a man was guilty of murder based on his appearance. Unfortunately, pinning a label on the whole group has the effect of dehumanizing the group member. In the research by Levy and Dweck (1999), they found that

children with an entity theory decided that they had nothing in common with the group members once they decided that a group was bad. No longer were the group members regular children with the usual needs and preferences. Instead entity theorists believed that children in that group did not like the same toys and games that they themselves did and did not share the same worries and concerns. In other words, those children now belonged to a separate (and inferior) class of people with which they had no desire to interact. In contrast, the children who held an incremental theory did not see the group as all bad, even though they were certainly not pleased with the children who acted in negative ways.

The tendency for entity theorists to base consequential decisions on rapidly formed judgments is particularly problematic because, once formed, entity theorists are less likely to revise their judgments even in the face of substantial contrary evidence. In contrast, incremental theorists updated their impressions in step with the information they were receiving. In addition, incremental theorists sought to hold accurate views about others, as evidenced by their heightened sensitivity to both positive and negative changes in people's behavior.

Entity theorists do not merely fail to seek out information that might disconfirm their views. Instead, according to Plaks (2001) "entity theorist went so far as to *block out* evidence that contradicted their initial impression. On the other hand, the openness that incremental theorists demonstrate toward new information is particularly conducive to promoting understanding between parties and resolving conflict." The theories people have about *themselves* can also play a key role in how they deal with conflict. Research shows that people with an entity theory, believe that their traits are fixed and have recurrent concerns about proving those traits. They devote considerable attention to showing that they are the intelligent ones and/or the good guys. This concern with how they will be judged can interfere with the conflict resolution process, since resolving often involves both sides admitting error and working together toward a solution. In all, changing people's theories about themselves also brings

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about changes in outlook that can lead to more effective conflict resolution.

In closing, implicit theories create powerful frameworks that people use to organize and interpret their worlds. Implicit theories affect three main areas that are important to conflict resolution:

- The rapidity and rigidity with which label others as well as the ways in which these labels distance and dehumanize others.
- The conflict resolution strategies people use and the effectiveness of these strategies for bringing about successful solutions.
- The willingness of people to reveal deficiencies and admit fault in order to solve problems and learn.

## **5 The Dynamics of Conflict Resolution.**

We are all two minds about conflict. Many of us say that conflict is natural, inevitable, necessary, and normal, and that the problem is not the existence of conflict but how we handle it. But we are also loathed to admit that we are in the midst of conflict. The ambivalence about conflict is rooted in the same primary challenge conflict resolvers' face coming to terms with the nature of conflict (Bernard S. Mayer, *The Dynamics of Conflict*, 2000). As conflict resolvers, we may think of conflict on many different levels. How we view conflict will largely determine our attitude and approach to dealing with it.

Conflict may be viewed as a feeling, a disagreement, and a real or perceived incompatibility of interests, inconsistent world views or a set of behaviors. A framework for understanding conflict is an organizing lens that brings a conflict into better focus.

There are many lenses we can use to look at conflict, and each of us will find some more amenable to our own way of thinking than others. Conflict may be viewed as: 1. *occurring along cognitive, (perception)* 2. *emotional feeling* and 3. *behavioral (action) dimensions*. This three-dimensional perspective will aid us in understanding the complexities of conflict and why a conflict sometimes seems to proceed in contradictory directions. As a set of *perceptions*, conflict is a

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belief or understanding that one's own needs, interests, wants, or values are incompatible with someone else's. Conflict also involves an *emotional* reaction to a situation or interaction that signals a disagreement of some kind.

The emotions felt might be fear, sadness, bitterness, anger, or hopelessness. Conflict also consists of the *actions* that we take to express our feelings, articulate our perceptions, and get our needs met in a way that has the potential for. Can social organizations, countries, and communities as well as individuals be in conflict, particularly along the emotional or cognitive dimensions? Although, there are some significant dangers to attributing personal characteristics or motivational structures to systems, practically speaking, I think systems in conflict often experience that conflict on all three dimensions. By considering conflict along the cognitive, emotional, and behavioral dimensions, we can begin to see that it does not proceed along one simple, linear path.

Conflict has many roots, and there are many theories that try to explain these origins. Conflict is seen as arising from basic human instincts, from the competition for resources and power from the structure of the societies and institutions people create, from the inevitable struggle between classes. *Human communication* has inspired a large literature and multiple fields of study and the main issue to consider here is how hard it is for individuals to communicate about complex matters, particularly under emotionally difficult circumstances. Conflict frequently escalates because people act on the assumption that they have communicated on the basis of different information and *assumptions* that what they often attribute to bad faith deviousness and not to mention imperfections of human communication (Bernard S. Mayer, *The Dynamics of Conflict*, 2000). Emotions are the energy that fuel conflict. If people could always stay perfectly rational and focused on how to best meet their needs and accommodate the needs of others, and if they could calmly work to establish effective communications, then many conflicts would either never arise or would quickly deescalate.

Emotions are generated both by interactions and/or circumstances and previous experiences. Emotions fuel conflict, but they are also a key to deescalating it.

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Many emotions can prevent, moderate, or control conflict. *Values* are our beliefs about what is important, what distinguishes right from wrong, good from evil, and what principles should govern how we lead our lives. Though values are often a source of conflict and an impediment to its resolution, they can also be a source of commonality and a restraint on conflict escalation. The *structural*, that being...*the external framework, in which an interaction takes place or an issue, develops into another source of conflict.* The elements of structure may include available resources, decision-making procedures, time constraints, communication procedures, and physical settings.

Additionally, there are three dynamics that the wheel of conflict model does not include, because they cut across all the sources and are often best analyzed in terms of those sources. They are: 1. *power*, 2. *culture*, and 3. *data*. According to Bernard S. Mayer, “*culture* affects conflict because it is embedded in the individuals’ communication styles, history, and way of dealing with emotions, values, and structures.” (Bernard S. Mayer, *The Dynamics of Conflict*, 2000). *Power* is a very elusive concept, one that can confuse our thinking or help us understand an interaction. Some theorists do not view *Data* as a source of conflict, but how data is handled and communicated can lead to conflict. Individual interests are the needs that motivate the bulk of people’s actions, and they can be viewed simple, superficially or in great depth. A challenge we face in the practical understanding of conflict is to determine what level of needs or interests’ best explains a conflict.

Finally, the premise of this study and the field of conflict studies in general is that conflict and conflict resolution are useful areas of focus in order to better understand human behavior. Conflict is not in itself a bad thing. Understanding conflict becomes a vehicle for understanding the many contradictions that are necessarily present in our efforts to be social beings.

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