

1-1-2019

# “To Gallop Together to War is Simple-- To Make Peace is Complex” Indigenous Informal Restorative Conflict Resolution Practices Among Kazakhs: An Ethnographic Case Study

Ronald Brooks Wiley

This document is a product of extensive research conducted at the Nova Southeastern University [College of Arts, Humanities, and Social Sciences](#). For more information on research and degree programs at the NSU College of Arts, Humanities, and Social Sciences, please click [here](#).

Follow this and additional works at: [https://nsuworks.nova.edu/shss\\_dcar\\_etd](https://nsuworks.nova.edu/shss_dcar_etd)

 Part of the [Asian Studies Commons](#), [Dispute Resolution and Arbitration Commons](#), and the [Peace and Conflict Studies Commons](#)

## Share Feedback About This Item

---

This Dissertation is brought to you by the CAHSS Theses and Dissertations at NSUWorks. It has been accepted for inclusion in Department of Conflict Resolution Studies Theses and Dissertations by an authorized administrator of NSUWorks. For more information, please contact [nsuworks@nova.edu](mailto:nsuworks@nova.edu).

“To Gallop Together to War is Simple-- To Make Peace is Complex”  
Indigenous Informal Restorative Conflict Resolution Practices Among Kazakhs:  
An Ethnographic Case Study

by

Ronald Brooks Wiley

A Dissertation Presented to the  
College of Arts, Humanities, and Social Sciences of Nova Southeastern University  
in Partial Fulfillment of the Requirements for the Degree of  
Doctor of Philosophy

Nova Southeastern University  
2018

Copyright © by

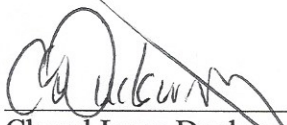
Ronald Brooks Wiley  
August 2018

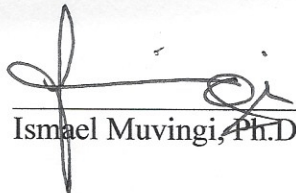
**Nova Southeastern University**  
**College of Arts, Humanities, and Social Sciences**

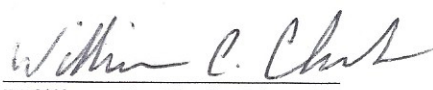
This dissertation was submitted by Ronald Brooks Wiley under the direction of the chair of the dissertation committee listed below. It was submitted to the College of Arts, Humanities, and Social Sciences and approved in partial fulfillment for the degree of Doctor of Philosophy in Conflict Analysis and Resolution at Nova Southeastern University.

**Approved:**

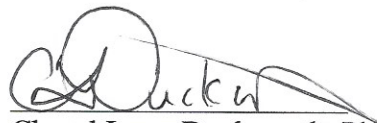
Oct 17, 2018  
Date of Defense

  
Cheryl Lynn Duckworth, Ph.D.  
Chair

  
Ismael Muvingi, Ph.D.

  
William C. Clark, Ph.D.

Oct 17, 2018  
Date of Final Approval

  
Cheryl Lynn Duckworth, Ph.D.  
Chair

## Dedication

For Jeanine: you have stood by my side for over 40 years, and have been willing to go so far as to ride a camel with me o'er desert sands, should that ever become necessary.

For our children, Rachel & Josh, Anna & Luke, Lizzy & Matt, and James: you have celebrated my quest, never once believing that Daddy was too old to take this on.

In memory of Robert Brooks Wiley, Jr. (January 4, 1926 to August 8, 2016) and Rama Lee Graham Wiley (July 23, 1928 to June 9, 2017): you have been my inspiration, and although you are not here with us to see this day, you have joined the great cloud of witnesses that surrounds us, cheering me on in the race to the finish line; you always fixed your eyes on Jesus as you ran the race...and those of us who have come behind you have found you to be faithful. Well done!

## Acknowledgments

I would like to thank Baǵýyla apay, for her countless hours across a table at the university or in her home, patiently drawing me into a facility with and love for the Kazakh language. And for Murat, Janar, Mayra apay, as well as all of our many micro-loan clients in the villages, for the thousands of cups of tea—with milk—as they allowed me to sound foolish at times, but never stopped encouraging me and welcoming me back for more tea and conversation.

Without the able research assistance of Beybit, Birlik, Maqsat, Ūlan, and Ğalim, I likely wouldn't have set foot in many of the homes who welcomed us as guests, nor would I have heard, understood and interpreted half of what is contained in this study. And to the many participants... for welcoming us for tea, for meals, for parties, or as overnight guests...who have proven true the adage that Kazakhs are a *qonaqshil halıq*.

Dr. Wayne Keim was the first to believe that I should pursue a doctorate when I was much too young to appreciate his desire for me to do so; Dr. Christine Wood rekindled that spark of an idea, and helped me to believe that I was capable of doing so even past the advanced age of 50.

Dr. David Landis first opened the door for the possibility of coming as a visiting scholar to KIMEP University in Almaty, and made the essential introductions to those whom I consider colleagues and guides in my research, and when sharing my ideas as a guest lecturer in their classrooms: Dr. Gerald Pech, Dr. Alessandro Frigerio, Dr. Zhenis Kembayev, Dr. Didar Kassymova, Dr. Zharmukhamed Zardykhan, Dr. Federico Dalpane, and Dr. Nicolás Zambrana-Tévar. And special thanks to Dr. Bābyy Toqtar, of Xinjiang University School of Law, and Dr. Bakhytjan Kuandykov, of the Kazakh National

Agrarian University, who each welcomed my questions and showed great generosity in providing me with resource works.

Talim and Dinara are both great longtime friends, who each played a special role in once again placing Dr. Kenesbaev's *Phraseological Dictionary of the Kazakh Language* into my hands exactly when I needed it, and before I even knew that I needed it, for my use both in Almaty and upon my return to Colorado. Where would I be without their help?

My supervisor, mentor and guide, Roderick Beidler, immediate past President and CEO of Resource Exchange International, Inc., threw the door wide open to allow me to incorporate my studies into my work schedule, with just one caveat: "Finish it as quickly as you can!" I don't think that the timetable that I've been on was quite what he had in mind, but here it is!

My committee members, Dr. Ismael Muvingi and Dr. Bill Clark have provided the stream of insights and suggestions, as I've needed them, challenging me to improve greatly on what I've undertaken. Finally, my chair, Dr. Cheryl Duckworth, who has my gratitude for the continual flow of encouragement when my progress would seem to slow to a stop, and for showing me what it means to practice the scholarship of engagement.

## Table of Contents

List of Figures .....	iv
Transliteration .....	v
Abstract .....	vii
Chapter 1: Introduction .....	1
Statement of Purpose .....	4
Researcher's Background .....	5
My Role as Researcher .....	7
Research Questions and Goals .....	8
Significance of the Study .....	12
Chapter 2: Literature Review .....	13
Context .....	13
Historical Background .....	15
Modern History .....	18
Indigenous Dispute Resolution .....	24
Theoretical Framework of Inquiry .....	28
Theory of Subaltern Agency .....	28
Essentialism Theory & Soviet Ethnos Theory .....	32
Restoration of Trust Theory .....	33
Chapter 3: Methodology .....	34
Culture as Shared Understandings .....	34
Research Design .....	38
Field Data Collection .....	41



Study Participants .....	44
Sampling and Sample Size .....	45
Replication .....	46
Bracketing and reflexivity .....	47
Interview questions .....	48
Data Analysis .....	51
Data Processing and Preparation .....	52
Ethical Considerations .....	57
Chapter 4: Presentation of Findings, Part I .....	60
Findings, Part I: Conflict Prevention Processes .....	60
Conflict Prevention: Elders as Moral Educators .....	64
Summary of Conflict Prevention Model .....	87
Chapter 5: Presentation of Findings, Part II .....	89
Findings, Part II: Conflict Resolution Processes .....	89
Elders as Models & Moral Educators in Conflict Resolution .....	90
Elders as Mediators .....	94
The Community Shame Balance—Tipping toward Stigmatization .....	101
The Community Shame Balance—Tipping toward Reintegration .....	116
Summary of Conflict Resolution Model .....	143
Chapter 6: Discussion and Implications of the Study .....	147
Summary .....	147
Research Questions .....	147
Interpretation .....	152

Limitations of the Study .....	163
Suggestions for Future Research .....	166
Conclusion .....	170
References .....	173
Appendix A: Definition of Terms .....	189
Appendix B: Data Categorization .....	192
Appendix C: Interview Protocol .....	193

List of Figures

Figure 1. Major Theme of Kazakh Elders in Conflict Prevention ..... 61

Figure 2. Major Theme of Kazakh Elders in Conflict Resolution ..... 63

Figure 3. Complex Intersection of Kazakh Elders with Conflict Prevention &  
Resolution ..... 64

Figure 4. Circle of Indigenous Informal Kazakh Conflict Prevention ..... 88

Figure 5. Triquetra of Indigenous Informal Kazakh Conflict Resolution ..... 145

Figure 6. Tri-Knot Model of Kazakh Elders in Indigenous Informal Conflict  
Prevention & Resolution ..... 151

Transliteration

Kazak Alphabet	Transliteration	Pronunciation Notes	Russian-Latin and Other Variants
А а	a	(as in English father) <sup>[1]</sup> <sub>[SEP]</sub>	
Ә ә	ä	(as in cat)	
Б б	b		
В в	v		
Г г	g		
Ғ ғ	ğ	(as in the guttural French r: <i>raison</i> )	gh
Д д	d		
Е е	e	(slightly palatalized: ye) <sup>[1]</sup> <sub>[SEP]</sub>	ye
Ё ё	yo		
Ж ж	j	(as in French <i>jeune</i> , English pleasure)	zh
З з	z		
И и	ýy	(schwa + ee as a back diphthong)	i
	iy	(short i + ee as a front diphthong)	
	ī	(as in feet, in words from Arabic)	
Й й	y	(semivowel, as in yellow, boy)	i, j
К к	k	(velar or soft k)	
Қ қ	q <sup>[L]</sup> <sub>[SEP]</sub>	(back-velar or hard k)	
Л л	l		
М м	m		
Н н	n		
Ң ң	ŋ		
О о	o	(with a glide in initial position: wo)	
Ө ө	ö	(as in German but with a glide: wö)	
П п	p		
Р р	r		
С с	s		
Т т	t		
У у	ū	(as in moon, Turkish <i>su</i> )	u
	w	(in initial position, and in foreign words)	
Ү ү	u	(very low, rounded back vowel)	û
Ү ү	ü	(as in German, but closer to ö)	
Ф ф	f		
Х х	ħ	(as in German <i>ich</i> )	kh, ch, h
Һ һ	h		
Ц ц	ts		
Ч ч	ch		tsch
Ш ш	sh		

Щ щ	sch		shch
Ы ы	ı	(schwa, as in Turkish <i>hanım</i> )	y
І і	i	(shorter than English short i)	
Ю ю	yu		
Я я	ya		

Transliteration based on Privratsky (2001, pp. xix-xxi) with modification suggested by Aasland (2012, pp. vii-viii).

All Kazakh language source materials and Kazakh words are transliterated from Cyrillic script using the phonetic transliteration column in the above chart, unless a different convention was used by a cited author within their source material.

## Abstract

Advocates of restorative and transitional justice practice have long drawn from practices of indigenous peoples to form the basis for more sustainable, relational, participatory, community-based approaches to conflict resolution. With the resurgence in Kazakh nationalism since the Republic of Kazakhstan independence, repatriated diasporic Kazakhs, who through cultural survival in diaspora retain more of their ethno-cultural characteristics, influence a revival of Kazakh language and culture. The purpose of this study was to understand the indigenous informal restorative conflict resolution practices of the Kazakh people. The questions that drove this study were: What indigenous informal forms of dispute resolution have been in use among Kazakhs, as reflected in their folklore and proverbs; which have continued in use among diasporic semi-nomadic Kazakh populations; and, which, if any, are restorative in nature? This ethnographic multi-case study incorporates participant observation and semi-structured interviews of participants selected through snowball sampling from among diasporic Kazakhs in, or repatriated from, China. Kazakh folklore and proverb collections were examined for conflict resolution practices and values at the family and kinship levels. Key theories used to explore the topic include Post-Colonial Theory of Sub-Altern Agency, Essentialism Theory, Soviet *Ethnos* Theory, and Restoration of Trust Theory. This study expands the knowledge base regarding indigenous systems of conflict resolution and contributes to the ethnography of the Kazakh people. The existence of indigenous informal restorative Kazakh systems of conflict resolution can inform reassessment and reform of public policy as to alternatives to punitive criminal justice practices.

## Chapter 1: Introduction

*“If conflict falls on the head of a man, he’ll have courage when it leaves; if conflict falls on the head of a judge, he’ll have power when it leaves.” –Kazakh proverb*

The Kazakhs as an identifiable group of nomadic pastoralists emerged from the Eurasian steppe peoples only in the mid-fifteenth century, having descended from Huns, Saks, Scythians, and Mongols who had swept in waves across the steppe for centuries (Olcott, 1995). This coincided with the establishment of a Kazakh Khanate, a confederation of Turkic-speaking nomadic tribes who had descended from the Golden Horde of the Mongols and broken away from the Uzbek Khanate of Abu’l Khayr. Challenged by rivalries from within and threats from without, the Kazakhs existed as a political union with a shared language, economy and culture until they gradually came under the influence and then control of imperial Russia’s expansion eastward and southward into the steppe and deserts of Central Asia.

Through the eighteenth and nineteenth centuries, Russia gradually consolidated control of the three Kazakh umbrella clans, known as the *Kishi Juz* [Small Horde], *Orta Juz* [Middle Horde], and *Uli Juz* [Great Horde] (Olcott, 1995). The overpopulation of European Russia led to waves of Slavic immigrants who claimed Kazakh pastures for farming, which disrupted the nomadic pastoralist economy, and led to conflict and hardship for the Kazakhs across their entire territory. Under the pressure first of imperial Russian expansion throughout the 1800s and then of forced collectivization and sedentarization in the early years of the U.S.S.R. (1920s and 1930s), successive waves of those Kazakhs who could manage migrated eastward into the western regions of China and Mongolia, although as many as one-third of them perished from famine and

oppression (Pianciola, 2017; Olcott, 1995; Dillon, 2004). Pianciola declares that “(n)o comparable disruption occurred among nomadic peoples subject to sedentarization and/or collectivization policies either inside or outside the Soviet borders” (2017, p. 80).

Accordingly to Pianciola, due to both grain and livestock requisitions to feed urban populations:

Eventually, between 1.3 million and 1.5 million Kazakhs died, and the Kazakh livestock population fell by 90% between 1930 and 1933...The Kazakh pastoral economy, and a significant part of the Kazakh population, was knowingly sacrificed in order to feed the social groups at the top of the early Stalinist ‘hierarchy of consumption’” (p. 84).

Estimates of Kazakh emigration to the surrounding countries resulted in a diasporic population as high as five million (Ayıpulı, 2013), which at the time of independence amounted to one-third of the total Kazakh population.

Whereas diaspora studies typically focus on the changes in identity resulting from a people group having been displaced to their current residence location from their original geographic homeland, Jiménez-Tovar (2016) points out that within the post-Soviet context, “‘diaspora’ is usually used to refer to any migration” (p. 390), scholarly definitions notwithstanding. Diener (2008) suggests a broader conception of diaspora within Central Asia, given the continuous migratory movements that have taken place in multiple directions over time. Using Cohen’s typology (2008 [1997]) to characterize the Kazakh diaspora, the most salience would seem to correspond to the victim and deterritorialized diaspora (*vs.* labor, imperial, or trade diasporas), due to the migration of Kazakhs in the midst of war, famine, and Russian colonization.



It has been well documented that diasporic populations preserve culture and cultural practices as a phenomenon of cultural survival when their homeland population is under the pressure of invasion and colonization (Cohen, 2008 [1997]). With the resurgence in Kazakh nationalism since the onset of the independent Republic of Kazakhstan, Kazakhs repatriated from the “near abroad” retain more of their ethno-cultural characteristics (Kalshabayeva & Seisenbayeva, 2013; Diener, 2005a; Diener, 2003). Similar to other diasporic populations, repatriated Kazakhs have “frozen” those characteristics and preserved them in purer form than have those who remained under subjugation to tsarist Russia, the subsequent Soviet rule and the concomitant cultural pressure of colonial practices (Ayıpulı, 2013).

While living as minority populations within western China and western Mongolia, yet afforded the luxury of relative isolation from pressures to assimilate into majority cultures due to a continued semi-nomadic existence, these particular diasporic Kazakhs romanticized and preserved their indigenous practices and beliefs. For example, the Kazakhs of Mongolia are considered to have “preserved the Kazakh language in a purer form (fewer loan words and grammatical corruptions) than any other Kazakh community in the world” (Diener, 2005b, p. 335). Diener (2005b) further asserts that Kazakh repatriates from China and Mongolia are generally considered by Kazakh nationalists to be a welcomed influence in the revival of Kazakh language and culture from the latent effects of Sovietization, which has been demonstrated to be, in fact, russification (Schatz, 2004).

Initially established as an Autonomous Socialist Soviet Republic in 1920, the Kazakh Soviet Socialist Republic (Kazakh SSR) was constituted in 1936, and continued

as one of the fifteen republics in the Union of Soviet Socialist Republics (USSR) until it unexpectedly achieved its independence with the breakup of the Soviet Union in 1991 (Olcott, 1995). However, in the years leading up to independence, the original Kazakh inhabitants had fallen to less than 40% of the population, a trend reversed only in the waning years of Soviet dominance, when they once again became a majority in their own titular nation. As a primary host for much of the Soviet Gulag prison system, the Kazakh SSR had been a dumping ground for the flotsam and jetsam of imprisoned or exiled Soviet peoples, eventually becoming home for over 100 ethnicities from across the entire expanse of the USSR. As the newly emerging democracy now known as the Republic of Kazakhstan struggles to establish itself economically and politically more than 25 years after gaining independence, it also grapples with issues of identity and harmony among its many peoples. Kazakh nationalist intentions are demonstrated through policies, which welcome the Kazakh diaspora from across Eurasia to return to their “homeland,” although these policies have not been without their unintended consequences (Diener, 2005a; Diener, 2005b).

### **Statement of Purpose**

*“The guidance we need...cannot be found in science or technology, the value of which utterly depends on the ends they serve; but it can still be found in the traditional wisdom of mankind.” --E. F. Schumacher (1973, p. 318)*

As a conflict resolution professional with 16 years of experience directly living and working among the peoples of Kazakhstan, and with research interests in indigenous restorative dispute resolution systems, two particular questions come to mind: 1) Are there indigenous forms of informal dispute resolution in use historically and/or currently

in more traditional populations of Kazakhs, particularly among those recently repatriated to Kazakhstan who had led semi-nomadic lives in either China or Mongolia? And, 2) If such indigenous informal dispute resolution practices do exist, are any of them restorative in nature rather than retributive? It is possible to explore these questions through interviews with and observation of repatriated Kazakhs from China and Mongolia, and through an examination of Kazakh folklore and proverbs, as illustrated above.

Assuming that such informal restorative practices have existed historically within Kazakh traditional culture, those practices may have survived indigenously in some form. If so, might not such indigenous dispute resolution practices inform a more restorative alternative to retributive forms of civil and criminal justice practice which Kazakhstan has inherited from its Russian colonial and Soviet past? Might not indigenous Kazakh dispute resolution systems be welcomed by Republic of Kazakhstan nation-builders and the Kazakhstan population as a valuable heritage and resource for peaceful reform of imposed and borrowed retributive judicial practices? It was the purpose of this research to identify any such indigenous informal dispute resolution practices and offer them to the host nation for consideration to that end.

### **Researcher's Background**

As an educator and humanitarian development specialist, I lived and worked among the Kazakhs for sixteen years, but I had taken two cultural exchange/fact finding trips (1991, 1992) prior to our family's move to Kazakhstan (1994). Although initially invited by the Kazakhstan Republic National Academy of Science to study Kazakh language through their International Center for the Training of Scientific Personnel, my grasp and use of the language didn't deepen and mature until our NGO launched a

community-based micro-enterprise development program several years later. My prior role as founder and director of an English school had kept me occupied with young people desiring to learn English so that they could study abroad or emigrate, but my own agricultural roots and training were drawing me to rural villages to use the Kazakh I was learning. While researching micro-credit best practices among NGOs across Central Asia, together with Kazakh, Malaysian and Dutch co-workers I began surveying villages near the former Kazakhstan capital of Almaty, testing the waters as it were in order to determine where we might initiate rural community development work around a group-accountability micro-lending scheme.

The results of our best practices research, our villages survey, and our grant writing came together in early 2001 with the launch of our first business training, review of business plans, and selection of groups of villagers who were to receive micro-loans funded by generous contributors, while our team proceeded to administer the loans and coach the borrowers in developing their micro-enterprises. As the program grew and more villagers were incorporated, members of our team were spending nearly every day meeting with the groups of villagers formed to provide accountability in loan repayment. This usually involved three to four such meetings each day, and as group members took turns hosting the meetings, the inexorable Kazakh penchant for generous hospitality resulted in our team spending many hours daily drinking tea, sharing meals, and engaged in conversation on a wide range of topics.

With the passage of time and growing levels of trust, we began to have more repatriated Kazakhs from China who had settled in our target villages participate in our business trainings and become participants in our program. And within a context of

deepening relationships with our clients and their neighbors, we began to observe forms of conflict, to engage in mediating conflicts, and to hear more and more stories of the inevitable conflicts that arise within any community, particularly where relationships, property, and money are involved. As I began to collect and reflect upon these experiences and their associated narratives, my interest was aroused in learning more about how Kazakhs deal with conflict in their families and communities.

Upon my return to Kazakhstan in early 2016 as a visiting scholar at KIMEP University in Almaty, within the first few days I returned to the villages where we had conducted our community development program, and began connecting with former clients, some of whom were Kazakhs repatriated from Xinjiang province, China. Based on our previous working relationships, despite the seven years that had passed since my move back to the U.S., those contacts became some of my key gatekeepers for introducing opportunities to conduct interviews and participant observation in social settings.

### **My Role as Researcher**

Despite many years of life, work, friendships, and cultural engagement, I am still a relative newcomer and outsider to the Kazakh cultural context—an acceptable outsider, perhaps, from having gained some facility in Kazakh language and some familiarity with certain cultural nuances, but nevertheless an outsider. In order to access communities of repatriated diaspora Kazakhs besides those where I was well known, I was dependent on various gatekeepers to sponsor my presence among them and their neighbors. With only one exception, we were warmly received, mostly due to the introductions by our gatekeepers, but perhaps equally due to a good deal of curiosity on the part of potential

participants...as much curiosity about me as a Kazakh-speaking American researcher as I had about them as repatriated diaspora Kazakhs. And the one exception?—an elderly gentleman whom we had apparently awakened from his nap, and who told us to go away in no uncertain terms.

My research assistants, besides often acting as gatekeepers into homes and communities I would have otherwise been unable to access, did much to keep our interview conversations flowing, and to join me in engaging participants in telling their stories. This allowed me to unobtrusively make a few notes as memory prompts, or to record in writing specific pithy comments or proverb performance in the course of the dialogue. This subordinate role while the research assistants guided the conversations was helpful to reduce the potential disruption of a foreign guest, although that certainly couldn't be avoided altogether.

### **Research Questions and Goals**

A fundamental question to ask, from which the research questions flowed, is “How do Kazakhs resolve conflict informally within their indigenous family and kinship context?” Based on the above, the research questions that drove this study were:

- 1) What indigenous informal forms of dispute resolution have been in use historically among Kazakhs, as reflected in their folklore and proverbs?
- 2) What indigenous informal forms of dispute resolution have continued in use among diasporic Kazakh populations, which have maintained a semi-nomadic way of life, and how are they practiced?

- 3) Of those indigenous informal dispute resolution practices identified, which, if any, are restorative in nature, and why are they chosen over practices along the more punitive end of the dispute resolution spectrum?

Yin (2014) explains that a feature of case study methodology is “the prior development of theoretical propositions to guide data collection and analysis” (p. 17). The proposition, which guided this study, was “indigenous Kazakhs have informal restorative practices for resolving conflict at the family and kinship level, both historically and until the present day.”

Three goals for the study were established. The first goal was to explore indigenous informal conflict resolution practices that have existed historically within Kazakh culture. Past research has focused on indigenous systems utilized historically in the formal realm of dispute resolution, which occurred at the clan or umbrella clan level, rather than within a family or extended family.

The second goal was to explore indigenous informal conflict resolution practices that still exist among diasporic Kazakhs who maintained a semi-nomadic existence in China or Mongolia, but have repatriated to Kazakhstan. Such repatriated diasporic Kazakhs are recognized as having guarded customary practices, which they are reintroducing to their titular nation. This would especially hold true for informal conflict resolution practices at the family and extended family level.

The third goal was to ascertain which, if any, of these indigenous informal conflict resolution practices are restorative in nature, rather than punitive or retributive. Restorative conflict resolution practices have frequently been incorporated into criminal justice reform and can serve as a model of peacemaking practice at multiple societal

levels. Restorative justice has been defined by Zehr as a “process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible” (2002, p. 37). Similarly, after Van Ness, “(r)estorative justice is a theory of justice that emphasizes repairing the harm caused or revealed by criminal behaviour. It is best accomplished through inclusive and cooperative processes” (2005, p. 3). Such practices would necessarily reflect values consistent with restorative justice models as described by Van Ness (2005) in a global review of restorative justice practice.

For definition purposes, the restorative values Van Ness compiled and which were applied are as follows:

***Active responsibility:*** “taking responsibility for one’s behavior. It can be contrasted with passive responsibility, which means being held accountable by others for that behaviour. Active responsibility arises from within a person; passive responsibility is imposed from outside the person” (Van Ness, 2006/2010, p. 12).

***Amends:*** “those responsible for the harm resulting from the offence are also responsible for repairing it to the extent possible” (Van Ness, 2006/2010, p. 12).

***Assistance:*** “affected parties are helped as needed in becoming contributing members of their communities in the aftermath of the offence” (Van Ness, 2006/2010, p. 12).

***Collaboration:*** “affected parties are invited, but not compelled, to find solutions through mutual, consensual decision-making in the aftermath of the offence” (Van Ness, 2006/2010, p. 12).



**Empowerment:** “affected parties are given a genuine opportunity to effectively influence and participate in the response to the offence” (Van Ness, 2006/2010, p. 12).

**Encounter:** “affected parties are invited, but not compelled, to participate in person or indirectly in making decisions that affect them in the response to the offence” (Van Ness, 2006/2010, p. 12).

**Inclusion:** “affected parties are invited to directly shape and engage in restorative processes” (Van Ness, 2006/2010, p. 11).

**Moral education:** “community standards are reinforced as the values and norms of the parties, their communities, and their societies are considered in determining how to respond to particular offences” (Van Ness, 2006/2010, p. 12).

**Peaceful social life:** “Peaceful social life...includes concepts of harmony, contentment, security, and wellbeing that exist in a community at peace with itself and with its members. Furthermore, when conflict occurs it is addressed in such a way that peaceful social life is restored and strengthened” (Van Ness, 2006/2010, p. 11).

**Protection:** “the physical and emotional safety of affected parties is a primary consideration” (Van Ness, 2006/2010, p. 11).

**Respect:** “regarding all people as worthy of particular consideration, recognition, care and attention simply because they are people” (Van Ness, 2006/2010, p. 11).

**Solidarity:** “a feeling of agreement, support, and connectedness among members of a group or community. It grows out of shared interests, purposes, sympathies, and responsibilities” (Van Ness, 2006/2010, p. 12).

### **Significance of the Study**

The subject of this study was indigenous informal restorative conflict resolution practices. Such practices can be applied either for use in the civil and criminal justice system, or in addressing social conflict at various levels (Lyubansky & Barter, 2011; Mac Ginty, 2008). It is my hypothesis that indigenous informal restorative conflict resolution practices existed historically, and still exist and may be identified among diasporic Kazakh populations. Were there to be empirical verification of indigenous informal restorative conflict resolution practices among the Kazakh population, it would bear promise for the implementation of more sustainable and participatory community-based alternative dispute resolution and restorative justice practice, toward building a more just and peaceable society. This study can also contribute to the ethnography of the Kazakh people. Further research of a similar nature could be conducted among neighboring people groups as follow up to this study.

Chapter 2 presents a review of the literature related to this study, incorporating contextual and historical factors associated, along with a theoretical framework from which to conduct the research. In Chapter 3, the qualitative methodology in use for this study is presented, including the research design, field data collection, and data analysis. Chapters 4 and 5 present the findings of the study in two parts, based in two major themes identified within the data, specifically 1) Conflict Prevention, and 2) Conflict Resolution, in complex interaction with a third major theme, Kazakh Elders as Mediators. Chapter 6 presents a discussion of the results and implications of the study, along with the conclusions.

## Chapter 2: Literature Review

### Context

In recent years violent intrastate conflicts costing hundreds of lives have erupted in Kyrgyzstan, Uzbekistan, China, and the Russian North Caucasus, with obvious ramifications for regional conflict and security (Akylbayeva, *et al.*, 2014). In addition, there have been smaller outbreaks of violence occasionally within certain communities in Kazakhstan that are traceable to ethnic or social tensions (Gajanov, 2006). The presence of ethnic minorities with long histories of past traumas within each of the former Soviet states from the surrounding titular nations is an ongoing cause of interstate tension and conflict across Eurasia, with ramifications for Central Asia. At times, these tensions have boiled over into armed conflict, e.g. Russia's invasions of Georgia (2008) and Ukraine (2014), ostensibly to protect Russian minorities and pro-Russia sympathizers in those lands.

Kazakhstan is the most multiethnic of the fifteen national republics formerly constituting the Soviet Union, and while managing to avoid widespread ethnic conflict to date, Kazakhstan remains susceptible to similar violent outbreaks due to the deep alienation of minorities by nationalizing policies which are rendering Kazakhstan as a Kazakh national state (Davé, 2004). Whereas the government frequently touts inter-ethnic peace and harmony as long-term goals within the political and social progress of the nation, practical development of democratic institutions and peacebuilding initiatives to safeguard the interests of ethnic minorities are lacking, if not discouraged (Olcott, 2010). The Kazakhstan government has embraced a vocabulary of post-colonialism, according to Olcott (2010), dividing the country along ethnic lines as colonizers and

colonized, which creates forms of radicalism rooted in ethnicity. Out-migration of Russians since independence in 1991, estimated as high as 2 million between 1989 and 2005 (MRG, 2018), points to a perception among the Russian and other minority populations that unofficially or officially, Kazakhstan is for the Kazakhs (Davé, 2004). Slandering of the Uighur minority as a whole as “terrorists” and the repatriation to the PRC of Uighur asylum seekers (along with their subsequent execution) since the banning of Xinjiang Uighur separatist groups (MRG, 2018; Bukharbaeva, 2005; Davé, 2004), has followed the increased restrictions on Uighur cultural and political life at the behest of Beijing through the Shanghai Cooperation Organization (Maher, 2011).

Although Kazakhstan is well positioned, with its multicultural character and history of relative stability, to provide both a model and a moral force for peace within the broader Central Asian and Eurasian region, peace building will not occur spontaneously. It is imperative that peace builders take the initiative both from within and from outside the region in order to enhance prospects for a peaceful future. Lederach (1997) has documented an “elicitive method of peacebuilding” that draws on cultural cues and patterns to devise strategies of mediation, suggesting “people and their various cultural traditions for building peace are also primary resources” for bringing about sustainable reconciliation in situations of protracted conflict (p. 87). Such resources include both “people and cultural modalities in the setting,” and thus, “considerable attention must be given to discovering and building on the cultural resources for conflict resolution that exist within the context” (p. 97). This study suggests the possibility of indigenous informal restorative conflict resolution practices being identified and reintroduced, as a contribution to Kazakh cultural revival and criminal justice reform,

with an additional potential to influence regional peacemaking and peacebuilding initiatives.

### **Historical Background**

Indigenous customary Kazakh dispute resolution practices will necessarily be informed by the worldview and spiritual perceptions of traditional Kazakhs. The vast majority of Kazakhs self-identify as Muslims of the Hanafi school (Olcott, 2014), and although there has been somewhat of a revival in Muslim religious practice in Kazakhstan since independence in 1991, said practice still lags behind that of their compatriots in China and Mongolia. The government of Kazakhstan is committed to the development of a secular state, as it is “the only state in the region that has not accorded Islam a special legal role” (Olcott, 2010, Kindle loc. 2892). Nonetheless, traditional Kazakh legal culture and practice of *adat* (customary law) are strongly influenced by that Muslim identity and Islamic *Shari’a* law (Martin, 2001). At the same time, folk customs that predate Islam underlie much of what Kazakhs with less religious education believe to be Islamic practice.

Yemelianova (2017) argues that Central Asian Islam is distinctive from Islam that developed in other regions of the former Abbasid territories, due to the “Turco-Mongol and Persian Islamic cultural synthesis” unique to the crossroads of Asia (p. 251). It was the “multi-ethnic and multi-confessional composition of nomadic empires (which) facilitated considerable inter-ethnic and inter-confessional tolerance and the relative political insignificance of religion, ethnicity, and language compared with the dichotomy between nomads and non-nomads” (p. 250). Yemelianova asserts that Central Asian peoples’ cultures and identities are shaped by four major influences, namely (a) the

ancient Sogdians (*ca.* 6<sup>th</sup> century BC to 8<sup>th</sup> century AD), (b) Persianized Sufi Islam (*ca.* 8<sup>th</sup> to 14<sup>th</sup> century), (c) the Turco-Mongol nomads (*ca.* 10<sup>th</sup> to 16<sup>th</sup> century), and finally (d) Russian conquest resulting in Sovietization (19<sup>th</sup> to 20<sup>th</sup> centuries).

The Sogdians introduced alphabets and administrative systems, and “laid the foundation for the culture of religious and ethnic pluralism” which persisted through the centuries at the crossroads of Asia. The Turco-Mongol Genghizid and Timurid rulers legitimized their rule through genealogy and kinship, rather than Islamic requirement for the proper acknowledgement of authority, in addition to “accounting for the tribute-redistributional model between the center and the periphery” (Yemelianova, 2017, p. 250). Yemelianova asserts that there is a connection between Turkic-Mongol dominance and “the persistence of predominantly tribal identities among nomads and territorialized local identities among various sedentary and urbanized Central Asians” (p. 250), not to mention the linguistic Turkicization of the greatest part of the population across the region. The gradual Islamization of the region was marked by the development of two of the six authoritative *hadith* compilations within the region (al-Bukhari and al-Tirmidhi), along with one of the two main schools of Sunni Islamic scholastic theology, namely that of al-Maturidi, which “provided a doctrinal framework for the flexibility, adaptability, and syncretism in Hanafi-based Central Asian Islam (p. 254). The result was “a Persianized, rather than Arabized, understanding of Islam” characterized by “the supremacy of oral and ritualistic Islamic practices over scripture-based Islamic traditions (p. 254). The rise of Russia from Genghizid vassal state to a geopolitical rival of the Ottoman and Safavid empires resulted in military and political domination of Central Asia, more than social and cultural influence, and while Catherine the Great encouraged

Islamic proselytization of the syncretistic nomads by a Tatar-dominated muftiate, Central Asian Islam was not significantly altered from its integration with pre-Islamic influences.

Yemelianova observes that Kazakh and Kyrgyz nomads, despite having come under Russian military and political domination, managed to retain key Central Asian Islamic characteristics, and “remained Muslims in a social-cultural sense, rather than in a religious sense,” noting that the association of “mullahs with misfortune and disaster” (p. 257) among both the Kazakh and Kyrgyz inhibited a deeper integration of orthodox Islamic teaching into the ongoing life of the nomadic community. While each of these four historical influences contributed greatly to the development of the peoples and cultures inhabiting Central Asia, the combination of influences distanced the Central Asian peoples from fully conforming to any single influence, and resulted in the emergence of distinctly Central Asian/Eurasian cultures. Significantly, one of the contemporary out-workings of this historical/cultural mosaic is that like other Central Asian political elites, Kazakh leaders lay claim to historical legitimacy not from real or imagined links back to the Arab Islamicization of the region in the seventh century, but from connections to their pre-Islamic nomadic ancestors (Yesenberlin, 2000).

While Martin (2001) has done significant work clarifying the codification and practice of formal systems of civil and criminal justice among the Kazakhs prior to and throughout the period of Russian imperial colonization, informal indigenous dispute resolution is lacking in definition and description in the Kazakh context. Customary dispute resolution practice, along with other aspects of traditional culture, was first coopted, then supplanted by the judicial practices of imperial Russian and Soviet state building (Schatz, 2004; Martin, 2001; Sabol, 1998). Schatz (2004) laments that “while

many of those societies that traditionally had strongly drawn kin divisions also enjoyed informal institutions that successfully mediated conflicts, in the modern context these institutions may have been weakened or eliminated” (p. 9). As Sabol (1998) discovered from the works of Alimkhan Bokheikhanov, an early Kazakh nationalist and social reformer, “the new administrative structure established by the Russians ruined the traditional judicial practices among the Kazaks [sic] as judges were selected by the Russians to settle disputes....Kazaks’ rights were ignored in cases involving Kazaks and non-Kazaks” (p. 144). Thus, whether formal or informal, indigenous institutions of conflict resolution would have lost most if not all of their role and function in Kazakh society, under the pressure of colonial reform. At the same time, in spite of Spivak’s (1988) contention that colonialism eliminates sub-altern agency, the supplanting of Kazakh rights and institutions did not completely undermine the agency of colonized Kazakhs, as will be explained below.

### **Modern History**

Certain practices rooted in the Kazakh cultural heritage have become privileged forms of political speech within the process of independent Kazakhstan’s nation-building, even when that speech serves to critique the government. Dubuisson (2010) reports on the performance of politically charged *aytis* (improvisational Kazakh poetry) being allowed and indeed promoted even when all other forms of political criticism are harshly repressed in a climate of limited freedom of speech and political repression. Salimjan (2017) indicates that in the performance of *aytis* “even the harshest criticism is tolerated, indexed by the proverb that goes, ‘the head can be cut, but not the tongue’ (*bas kespek bolsada, ‘til kespek joq*)” (p. 264). The promotion and sponsoring of *aytis* through



nationwide media by the political elite is due to the perceived value of *aytls* in revitalizing Kazakh language and iconography for the purpose of nation-building, a process described by Dubuisson as “folklorization and retraditionalization” (2010, p. 112). The recovery and development of other forms of traditional and indigenous communication, especially those that promote a culture of peace and harmony in participatory and sustainable ways, are likely to be welcomed and similarly promoted within the political structure of the nation.

Zýymanov (2009), long having conducted research into customary Kazakh law, advocates for the reintroduction of the *býy* courts (*býy* = judge), citing as support the respect shown toward historic Kazakh *býys* in statements by both Dinmukhamed A. Kunaev, Party Secretary of the Kazakh S. S. R. from 1956 to 1986, and Nursultan A. Nazarbaev, who succeeded Kunaev as Party Secretary and who has served as President of the Republic of Kazakhstan since independence in 1991. Mämýy (2009), chairman of the Supreme Court of the Republic of Kazakhstan, concurs by promoting the customary system of *býy* courts as the model for current jurisprudence in Kazakhstan, promoting reconciliation of parties and restitution of damages.

Diener (2005b) reports that there are 4.1 million Kazakhs living outside of the Republic of Kazakhstan. Nearly a quarter of Kazakhs repatriated to Kazakhstan since 1991 have migrated from either China (10.3%) or Mongolia (13.3%) (Kalshabayeva & Seisenbayeva, 2013). The Kazakh diasporic population of China, Mongolia, and other regions outside the Russian Empire was even the subject of an early Kazakh nationalist journal, *Ay qap* (“Ah, Alas!”), published in pre-revolutionary Central Asia (Sabol, 1998). Diasporic Kazakhs, particularly those who have lived in China and Mongolia through

much or all of the Russian colonial and Soviet periods, have been allowed to maintain a semi-nomadic existence (Dillon, 2004). Through the relative isolation from national authorities afforded by a semi-nomadic way of life, these diasporic Kazakhs have not been subject to the efforts of Soviet authorities at cultural assimilation, and have been less subject than their sedentary compatriots to culturally assimilative forces within China and Mongolia. Diener (2005a) maintains that for Kazakhs living in western Mongolia, they have been able to preserve their indigenous Kazakh culture from Russification and Mongolization due to their isolation and insulation from both the USSR and from Ulaan Bataar.

In giving further background to the role of *aytis* in the folklorization and retraditionalization process in Kazakhstan, Salimjan confirms Kazakh cultural survival among diaspora Kazakhs, when she explains that “national policy-makers believe that diaspora Kazakh migrants returning from other states, especially from China and Mongolia, have preserved the cultural tradition of nomadic pastoralism, and that they speak Kazakh as their primary language” (2017, p. 265). In describing an *aytis* competition between a male bard from Kazakhstan and a female bard from Xinjiang, Salimjan relates how the Kazakh from China, through her art, “argues for Chinese Kazakhs’ cultural legitimacy as the preserver of ‘authentic’ language and culture” (2017, p. 275). Cultural preservation and survival has salience in Xinjiang Uighur Autonomous Region of PRC in spite of intensifying assimilative pressures.

Until the end of the 20<sup>th</sup> century, 90% of Kazakh youth in China received their education in their own birth language (Ayıpulı, 2013), and among China Kazakhs the oral literature in various forms were richly preserved. Repatriated diasporic Kazakhs, who

now make up 10% of the Kazakh population of Kazakhstan (Marat, 2016), are known to have preserved certain elements of culture and tradition from generation to generation, and to have renewed those elements that have been forgotten by others who were heavily influenced by russification within the titular homeland during the Russian imperial and Soviet periods (Kalshabayeva & Seisenbayeva, 2013; Schatz, 2004). That having been said, a past (Jacobs, 2010) and current PRC policy of “de-colonization” (i.e., creating a Han majority for the purpose of eventual Han cultural dominance within Xinjiang) has begun to place severe cultural pressure on Xinjiang Kazakhs toward assimilation into the growing Han majority (Ayıpulı, 2013).

Making a case for cultural survival among the rural, seminomadic Kazakhs in no way ignores the plight that has broken upon Xinjiang Kazakhs, particularly from 2016, when the field research for this study was being conducted, to the present day. Kazakhs living in Xinjiang Uighur Autonomous Region (XUAR), like their coreligionists among the Uighur, Kyrgyz, Hui and other Muslim minorities, have come under increasing cultural pressure from the PRC government. This pressure has occurred in waves over the course of the years since the PRC came to dominate the XUAR.

As a result of the collectivization campaign and associated repression and famine of the “Great Leap Forward” in the PRC from 1957 to 1961, over 100,000 Muslims exited from XUAR to the USSR during the “29 May Incident” in 1962 (Clark & Kamalov, 2004). During this event, the Soviets allowed anyone to cross the border at Khorgos Pass who wanted to immigrate, and 60,000 Kazakhs were among those who took advantage of the opportunity (Kamalov, 2005). Our Kazakh family patriarch moved from Xinjiang at that time, along with a number of his relatives, settling near Almaty.

Then again, from 1966 to 1976, Dwyer reports, “(f)or over a decade, during the Cultural Revolution, minority languages were not taught at all” (2005, p. 36).

Beginning again from the late 1980s, “cultural autonomy was progressively restricted: Chinese language instruction was expanded, minority language instruction was curtailed, and minority and Chinese schools were consolidated” (Dwyer, 2005, p. 40-41). This has led to what Dwyer has labeled “linguicide—the forced extinction of minority languages” (2005, p. 39) throughout XUAR. With Chinese language instruction now beginning in the first grade, and no option for Kazakh language instruction in urban areas, most urban Kazakh families are choosing Chinese language schools rather than Uighur language schools, the only other option, for their children. According to Dwyer, “(o)bservers report that those minority students with a Chinese-language education tend to speak, dress and act like Chinese students” (p. 38). Only in the more remote rural areas are Kazakh-language schools still offered to Kazakh families, allowing for some possibility of ongoing cultural preservation.

Far worse than mere linguicide are what some have declared to be a “human rights catastrophe” (Ethan Gutmann, cited in Zeng, 2018, para. 17), if not the early stages of “‘cold genocide’—one taking place slowly over time” against the Muslim population of XUAR (para. 14). The XUAR and PRC governments’ drive against “terrorism, extremism and separatism” has led to the construction of re-education camps across Xinjiang which may already be holding a million or more of the Muslim population of the XUAR, including Uighurs, Kazakhs, Kyrgyz, Hui, and others (Zenz, 2018). According to Zenz (2018), who assembled damning evidence through government

procurement and construction bids published online of the construction of re-education camps across XUAR:

China's pacification drive in Xinjiang is, more than likely, the country's most intense campaign of coercive social reengineering since the end of the Cultural Revolution. The state's "war on terror" is arguably more and more a euphemism for forced ethnic assimilation. (2018, para. 18)

Zenz refers to this program as the PRC's "definitive solution to the Uyghur question" (para. 20). As stated in a letter from Senator Marco Rubio, Chair, and Representative Chris Smith, Cochair, of the Congressional-Executive Commission on China to the U.S. Ambassador to the PRC, Terry Branstad:

Uyghurs and other ethnic minorities in the XUAR have been subjected to arbitrary arrest, egregious restrictions on religious practice and culture, and a digitized surveillance system so pervasive that every aspect of daily life is monitored—through facial recognition cameras, mobile phone scans, DNA collection, and an extensive and intrusive police presence. (CECC, para. 5)

In the words of Thum (2018), a University of Loyola historian who has been conducting research in XUAR for two decades:

Tens of thousands of families have been torn apart; an entire culture is being criminalized. Some local officials use chilling language to describe the purpose of detention, such as 'eradicating tumors' or spraying chemicals on crops to kill the 'weeds.'" (para. 17)

At least in the Xinjiang Uighur Autonomous Region, this looming humanitarian disaster threatens to destroy indigenous vestiges of cultural survival among not only the Kazakhs,

but the other repressed Muslim peoples caught in the vortex of the whirlwind of whatever goal the Chinese government is intent upon achieving.

### **Indigenous Dispute Resolution**

Advocates of restorative and transitional justice practices have long drawn from the dispute resolution practices of indigenous peoples to form the basis for more sustainable, participatory, community-based approaches to conflict resolution and peacemaking (Mac Ginty, 2008; Zehr, 2005). This has led to a revival of indigenous alternative dispute resolution practices in Australia, Canada, New Zealand, and the U.S. (London, 2011; Zehr, 2005; McCaslin, 2005), India (Tamang, 2015), as well as across Africa (Huysse & Salter, 2008). Mac Ginty (2008) lists common features of traditional and indigenous dispute resolution as “consensus decision-making, a restoration of the human/resource balance, and compensation or gift exchange designed to ensure reciprocal and ongoing harmonious relations between groups” (p. 149). Practices such as circle dialogues, *Gacaca* courts, victim-offender mediations, and others are contributing to transitional and restorative justice implementation, and are being incorporated into civil, criminal and post-conflict justice procedures in many societies (Mac Ginty, 2008).

Braithwaite (1999) claims “restorative justice has been the dominant model of criminal justice throughout most of human history for all the world's peoples” (p. 2). The traditional nomadic, communal structure of Kazakh society prior to colonization by imperial Russia was not dissimilar in nature from those of indigenous peoples worldwide, including community-based, participatory means of addressing crime and conflict (Mämýy, 2009). Sabol (1998) declares, “the values Kazaks [sic] attached to their principles of justice were deeply rooted in the nomadic relations between livestock and

kinfolk and the esteem granted to vested elders” (p. 44). At the village level, adjudication of disputes fell to one or more *aksaqaldar* (elders), whereas more complex cases were referred to tribal or clan *býys* (judges) or clan leaders (Martin, 2001; Nüsipoqasulı, 2002). Sabol explains that the “bii [sic] presided over and adjudicated disputes, but individual nomads could use *barimta* (baranta), the taking of livestock by an offended individual or party, to resolve conflicts” (1998, p. 43). Such livestock raids were used to force a recalcitrant opponent who had lost livestock in a raid to agree to join the raiding party before one or more *býys* in order to have their dispute adjudicated formally.

Eventually, such customs were codified into a form of law known as the *Jeti Jarǵı* [Seven Statutes] by Khan Tauke at the end of the 17<sup>th</sup> century (Ibraeva, Yessetova & Umerbaeva, 2012; Martin, 2001). Sabol (1998) states:

Livestock and moveable property constituted the principle source of conflict, resolution, and restitution among Kazaks [sic]. Under the ‘Laws of Khan Tauke’ ... fines and punishment were rendered by blood, execution or mutilation, or *kun* (blood money), a fine of animals to be paid by the accused or his kin” (p. 43).

Sabol concludes that *adat* [Kazakh customary law] was thus reflective of their nomadic existence, yet strongly influenced by *shariat* [Islamic law]: “Reconciling *adat* and *shariat* practices were a relatively simple process, since the *shariat* recognized the validity of customary law... For example, punishments and fines were dictated by *adat*; although the *shariat* retaliatory ‘eye for an eye’ was evident” (p. 42-43).

Under imperial Russian colonialism, from the late 18<sup>th</sup> through early 20<sup>th</sup> centuries, traditional adjudication was first supplemented and then supplanted by the laws

and the court system of the imperial administration through “an ever-changing legal syncretism of principles, rules, and procedures for resolving disputes, upholding obligations, and punishing wrongdoing within the nomadic community” (Martin, 2001, p. 156). Citing the occasion of a late-18<sup>th</sup> century revolt by Middle Horde Kazakhs against imperial restrictions on their free nomadic movement across land handed over to Russian settlers, Sabol explains that the government decreed, “for courts to be created to resolve land disputes between Russians and Kazaks [sic]. It did nothing to resolve inter-Kazak disputes, however, which left traditional mechanisms of adjudication in place, such as *barymta* or armed force” (1998, p. 57).

Such a hands-off approach to inter-Kazakh disputes was soon replaced by imperial authorities insinuating themselves into all levels of formal dispute resolution. Martin (2001) describes how ethnographic collections of customary laws and practices of Kazakhs made throughout the nineteenth century were sometimes the inventions of Russian officials and scholars intent on elevating imperial law over traditional custom in the dichotomy of colonial discourse. The voice of the Kazakh people regarding their traditional experience of conflict and justice has been crowded out and silenced for the past century (Schatz, 2004).

The Manila Declaration of the International Conference on Conflict Resolution, Peace Building, Sustainable Development and Indigenous People declares “the right to create new systems and institutions of peace making that are sourced in indigenous values” (Manila Declaration, 2000). The participants at the conference agreed that:

Indigenous peoples [sic] systems, methods and practices on peace-building and conflict resolution should be further developed and used by indigenous peoples,



themselves. These should be supported by States, the donor community and international bodies. These indigenous capacities to prevent, resolve and transform conflicts should be developed from the local level upwards. (Resolution 4.3)

For the purposes of this study, “(i)ndigenous conflict resolution mechanisms comprise social, economic, cultural and religious-spiritual dimensions in accordance with the entirety of traditions, customs and world views of a society within the different spheres of societal life” (Bukari, 2013), whereas *informal conflict resolution practice* involves “(r)esolution facilitated...through other means than the formal processes of grievances, investigations and litigation” (Kolb & Putnam, 1992, p. 19).

Unlike many of the indigenous peoples represented at the Manila conference, the Kazakh people, after decades as a minority in their own homeland, have happily found themselves since independence in 1991 to be the majority population within their own emerging democratic republic (Kalshabayeva & Seisenbayeva, 2013). Yet many of the institutions inherited from their Russian colonial and Soviet past are not reflective of their traditional and indigenous values, particularly as related to legal practice and dispute resolution (Zýymanov, 2009; Mämýy, 2009). Sadly, as it relates to criminal justice practice, Kazakhstan has had the highest incarceration rate in Central Asia (Tashkinbayev, 2014). Associated with high rates of incarceration in Kazakhstan are tuberculosis rates among inmates in excess of ten times the rate found in the general population (USAID, 2013), resulting in the highest TB rates among inmate populations in Europe as recently as 2007 (WHO, 2007). Should indigenous dispute resolution practices come to light among the repatriated formerly semi-nomadic Kazakhs, those practices

could provide a restorative alternative to the primarily adversarial processes and punitive sanctions (Zehr, 2005; McCold & Wachtel, 2003) that dominate the present justice system in Kazakhstan. This would expand the realm of alternative dispute resolution available in Kazakhstan, allowing for "...community efforts to settle disputes and conflicts by stealing the property claimed by lawyers" (McKnight, 1995, p. 11), to include practices that will also serve as a celebration of the cultural roots of the nation.

### **Theoretical Framework of Inquiry**

#### **Theory of Subaltern Agency**

Spivak (1988) famously claimed that within the colonial and post-colonial context, "the subaltern cannot speak" (p. 308), meaning that those who are subordinated cannot be heard within the dominant discourse, unless and only inadequately through the mediating commentary of others who are more familiar with functioning within that discourse. This post-colonial Theory of Subaltern Agency would represent that there is in fact no agency available to the subaltern. Schatz (2004), as mentioned earlier, makes a similar claim regarding the Kazakh voice having been silenced with regard to the handling of crime and conflict. However, in contrast, agency can be seen on the part of Kazakhs through the colonial and early Soviet period (Campbell, 2011; Martin, 1996), perhaps as a result of the relative mobility afforded by the nomadic lifestyle relieving colonialist pressure to assimilate. Khalid (2015) has demonstrated from archival research that even within the Soviet Union, Central Asian cadres demonstrated agency by performing an important role in designing the boundaries of their republics along ethnic lines, while Roberts (2017) has shown from Soviet archives that agency was also reclaimed by ordinary citizens in food production during a time of war.

Most discussion of Central Asia's postcoloniality have come from Western scholars rather than from Central Asian scholars (Kassymbekova, 2017). Kassymbekova (2017) claims that an examination of a postcolonial paradigm as related to Central Asia remains controversial among Russian and Central Asian scholars. Nevertheless, Kazakh academician Zýymanov (2009) notes that even tsarist Russian officers and officials in the late 19<sup>th</sup> century reported that the ethnographic work previously published by Russian authors "about the laws in the steppe and Býy courts were incorrect or reflected unreality" (p. 56). Campbell (2011) has shown that these inaccuracies made room for Kazakh subalterns serving tsarist Russian and Soviet colonial administrations as intermediaries to exercise agency in interpreting Kazakh law and custom and culture to the colonial authorities.

Pianciola (2017) has documented that the tsarist administrations actively promoted sedentarization of Kazakh and Kyrgyz nomads through aggressive "peasant colonization as a state-directed technocratic project aimed not only at the economic development of Central Eurasia, but also at its Russification" (p. 76). Sabol (1998) has documented that by 1900, sedentarization of the nomads had become intentional government policy. Different government ministries conducted scientific research both to make immigrant settlement easier, and to ease the burden for nomadic Kazakhs to transition to a sedentary life.

Early in the Soviet period a brief period of "aggressive decolonization measures" took place in the form of expropriation of Slavic settlers' households, followed by their expulsion; however, members of the Bolsheviks' first Duma soon proposed a "new colonization" to advance the region's economic development (p. 77). As Pianciola earlier

described, the devastation of the Kazakh population amounted to colonial exploitation, the “ruthless extraction of resources,” and the sacrifice of the periphery for the sake of a metropole at the top of a hierarchy of consumption (2017, p. 87).

Abashin (2017), as well as Kamp and Zanca (2017), examine collectivization within Soviet Central Asia, and evaluate it as to whether it constituted colonialism. Their conclusion is that to view “collectivization as colonialism, or too strongly emphasizing the theme of resistance, ignores the agency of Central Asians” (Kamp & Zanca, 2017, p. 57). Uzbek political leaders framed Soviet decolonization in Central Asia as indigenous, dramatic socio-economic change, even as the state was employing violence in order to bring it about (Kamp & Zanca, 2017). The ‘decolonization’ narrative was soon lost to shifting priorities, but dominated the propaganda efforts of the Soviet Central Asian cadre, as they sought to supplant the influence of traditional leaders, replace them with kolkhoz chairmen, and advance the collectivization effort (Abashin, 2017).

Hansen (2017) articulates the inherent tension within Soviet nationality policy, which granted ethnic groups “the right to celebrate their history, culture and nationality” while working simultaneously to thwart what was considered “backward” (p. 154). Soviet-era assimilation and acculturation policy, specifically the prosecution of non-Russian ethnic cultural practices as “backward” and even as socially dangerous “everyday crimes,” placed enormous pressures on traditional Kazakh culture (Schatz, 2004, pp. 56-57). This repression of “backwardness,” which intensified post-World War II and into the late Stalin era, included assaults on local cultural practices such as traditional music, traditional celebrations like games, weddings, and circumcisions (Roberts, 2017), as well as “polygamy, feudal-*bai* attitudes toward women, and

observance of religious rites” (Hansen, 2017, p. 160). Although Hansen’s work primarily identified this repression of national culture within Uzbekistan, his preliminary work indicates a similarly repressive battle was waged against “backwardness” in Kazakhstan and throughout Central Asia.

The sedentarization of Kazakh and Kyrgyz nomads was “discursively connected to ‘colonization’” (Pianciola, 2017, p. 78) since the late 19<sup>th</sup> century in the Russian empire, hence the early Soviet narrative of decolonization pushed that debate to the margins. Through most of the 1920s, economists and statisticians working in the various ministries described nomadic pastoralism as “the most rational way of exploiting the steppe’s natural environment” (p. 78). But a shift in Soviet policy toward rapid industrialization, along with the “dekulakization campaign” resulted in the reopening of Kazakhstan to European agricultural migration in 1929. During the forced collectivization of 1930 and 1931, hundreds of thousands of Slavic peasants were deported into Central Asia, and nomadism began to be discursively equated with the “backwardness” that it was imperative for the Soviet cadres to stamp out. From 1929, “‘(n)omadism’ became a socio-economic practice attributed to whole ‘backward’ Central Asian nations that, as such, were the legitimate target of policies of ‘acculturation’ and violent socio-economic transformation” (Pianciola, 2017, p. 79).

In conclusion, although the debate continues to rage among scholars as to whether the Soviet domination and exploitation of Central Asia amounted to imperialism and colonialism, it is clear that in a variety of ways, the Central Asian subalterns did “speak” and exercise agency in the forms of resistance and the exercise of limited degrees of self-determination. Nonetheless, the fact that “entire regions or social groups deemed less

economically beneficial for the state could be sacrificed, in times of crisis, to benefit those considered to manifest a higher level of productivity and usefulness for the state” (Pianciola, 2017, p. 88), meant that the Kazakhs and other “less economically beneficial” groups were ultimately dealt with as sacrificial pawns and scapegoats to the colonial aspirations of the Stalinist state.

### **Essentialism Theory & Soviet *Ethnos* Theory**

The Essentialism identified in Central Asian historiography (Campbell, 2011) and Soviet *Ethnos* Theory (Atabaki, 2003; Voell, 2013) would also deny agency on the part of Kazakhs coming under Russian imperial domination. Yet, as mentioned above, certain early Kazakh ethnographers were known to represent Kazakh life and character in opposition to the dominant discourse (Campbell, 2011). Voell (2013) specifically challenges the predominantly Essentialist claims of post-Soviet ethnographers, whether in reference to the cultural essentialism of Soviet *ethnos* theorists or the economic essentialism of rational choice theorists who insist upon an economic motive behind conflict escalation and violence, choosing rather to promote a move “beyond essentialism” (p. 13). Similarly, Khalid (2015) disputes the conventional assumptions that the Central Asians were subjected to a Soviet “divide and conquer” strategy, which would have removed the possibility of the exercise of agency among them. With regard to describing dispute resolution among Kazakhs under cultural pressure from Russian dominance, a critique of Russian ethnographic discourse (Martin, 2001; Campbell, 2011) validates the likelihood of alternate practices remaining extant within elements of the Kazakh population, which have guarded their agency while in alterity through cross-border migration when under intense economic and cultural pressure.

### **Restoration of Trust Theory**

London's (2011) Restoration of Trust Theory provides a modern framework for explaining how indigenous restorative dispute resolution practices are an attractive complement, if not alternative, to strictly punitive practices in dealing with crime and conflict. London's theory reflects the restorative justice paradigm that true justice will require the repair of harm done through a crime or conflict, and not merely the placing of blame with accompanying punishment (Zehr, 2005; Zehr, 2002). A paradigm of justice that is punitive or retributive generates dehumanization, isolation and social stigma in the interest of societal self-preservation, while a restorative justice paradigm opens the door specifically to the restoration of trust in the offender and in the broader society in which the offense occurred (London, 2011). While maintaining compatibility with traditional criminal justice theories in their commitment to proportionality, equality, and social utility, London explains that the Restoration of Trust model also addresses the needs of victims and the community. Restorative justice practice on the Restoration of Trust model allows for "a more holistic view of the offender, including his entire criminal history, in fashioning a restorative solution" (London, 2011, p. 172), which is in practice similar to dispute resolution utilizing the formal *býy* system customary among the Kazakhs (Mämýy, 2009).

## Chapter 3: Methodology

### **Culture as Shared Understandings**

It was a thoroughly considered choice to use a qualitative ethnographic case study design to explore the research questions of this study. I discuss the theoretical framework that supports this design in this chapter; the contexts, settings, participants, and the qualitative research data sources and collection methods are explicated. I then discuss the limitations of the study, as well as the role and impact of the researcher as data collection instrument.

In order to analyze and interpret culture, the researcher may choose to assume that people in a given group share, to greater or lesser extent, understandings of the world that have been learned and internalized in the course of their shared experience, and that individuals rely heavily on these shared understandings to comprehend and organize experience, including their own thoughts, feelings, motivations and actions, and the actions of other people. (Quinn, 2005, pp. 2-3.)

Quinn describes this view of culture as “shared understandings based on shared experience,” and explains that the tacit nature of these shared cultural understandings is best reconstructed methodologically through the cultural analysis of discourse. This particular school within cognitive anthropology is referred to as cultural models or cultural schema theory. Quinn and her colleagues regard discourse analysis to be “the best available window into cultural understandings and the way that these are negotiated by individuals” (p. 3). She further identifies that while the interview is frequently the method of choice for gathering a wealth of discourse for analysis, another excellent



source of discursive materials can include folktales or other narratives involving oral culture.

Recognizing that culture also consists of “the visible, but always partial and often cryptic, manifestations of these shared understandings that people produce” (Quinn, 2005, p. 4), invites one to include participant observation, among other research methods. But what people say is, according to Quinn, “simply the fullest and most decipherable record available” of their shared understandings (p. 4), for the researcher whose goal is “reconstructing the cultural meanings that inform and organize talk and other discourse” (p. 6). Hence, I selected discourse analysis of semi-structured interviews and oral culture contained in records of proverbs, adages, folktales and other literature, as complemented by participant observation.

My research objectives were to explore Kazakh culture for indigenous informal restorative systems of conflict resolution, utilizing an ethnographic multi-case study approach (Atkinson, Coffey, Delamont, Lofland & Lofland, 2001; Ó Riain, 2009). Muvingi and Duckworth (2014) make the point that “(i)t is not unusual for both ethnography and case study to be used in unison” (p. 94). Furthermore, both ethnography and case study employ thick description (Welty, 2014; Muvingi & Duckworth, 2014; Willis, 2007) “to illustrate complex and often subtle social dynamics” (Welty, 2014, p. 127).

Welty (2014), in describing the advantages of ethnographic research into conflict resolution, states “(p)ease and conflict studies attempts to understand and value approaches to conflict resolution and reconciliation that are grounded in the local context of the actors” (p. 128). In addition, as Welty (2014) avers, a “focus on alterity and

magnifying the experiences of the subaltern can be reinforced by an ethnographic approach which takes seriously the validity of the lived knowledge of individuals” in this study—namely, the Kazakhs within and following the colonial Russian tsarist, Soviet, and Communist Chinese contexts. The study described here involves just such an ethnographic approach, due to conflict resolution being understood as a sociocultural process (Taylor & Bogdan, 1998), and thus requiring thick description of the context in which the practices under study take place.

At the same time, I chose to approach the research as a case study. Yin (2014) has defined a case study approach as “an empirical inquiry that investigates a contemporary phenomenon (the ‘case’) in depth and within its real-world context, especially when the boundaries between phenomenon and context may not be clearly evident” (p. 16). This represents the scope of a case study, but the features of this approach, as defined by Yin, are equally important:

A case study inquiry copes with... many more variables of interest than data points, and as one result relies on multiple sources of evidence, with data needing to converge in a triangulating fashion, and as another result benefits from the prior development of theoretical propositions to guide data collection and analysis. (p.

17)

Case study was appropriate, since the Kazakh family or kinship group is a bounded system that can be researched utilizing multiple sources of information through collecting data from detailed, in-depth interviews, participant observation, and documentary sources (Creswell, 2007).

Muvingi and Duckworth (2014) declare “within ethnography, cases can be defined by spatial location, through imagined social ties based on moral, political, cultural integration or combination thereof” (p. 95), among other bounding factors. This case was bounded by the imagined social identity ties of the subjects and by place—namely, repatriated diasporic semi-nomadic Kazakhs from China, currently living within Kazakhstan, or still resident within China—which made “the research project...reasonably defined and doable in terms of scope” (Muvingi & Duckworth, 2014, p. 102). In addition, case study was chosen to provide an in-depth description of informal conflict resolution practices (Yin, 2014). Muvingi and Duckworth (2014) explain that case study research “is able to cope with the multiplicity of factors relating to the distractive phenomenon that constitutes the case...because the case is the focus and all factors that impinge on the case can and should be included” (p. 94).

As in any ethnographic study, description and interpretation of any social process, dispute resolution included, is only possible within context, and therefore requires an awareness of context (McKee, 2011). This study required an analysis of the specific aspect of conflict situations within the family or kinship group context (Yin, 2014). A distinction was drawn between dispute resolution practices that are informal, and engaged in primarily within families and kinship groups *vs.* dispute resolution practices that are formal or judicial in nature, engaging *býys* [customary judges] to adjudicate as per Martin’s (2001) description, with the focus of this study on the former.

According to Parthasarathy (2008), ethnographic case study research can be conducted over a shorter span of time than a full-fledged ethnography, while retaining the key feature of contextualizing the problem in question within a wider context. Tursunova

(2012) incorporated ethnography and case study among other methods of research in providing a comprehensive analysis of conflict resolution strategies primarily among Uzbek and some Kazakh women in contemporary Uzbekistan. Simons (2009) summarizes the value of ethnographic case study as follows: “ethnographic case studies focus on a particular project or programme [sic], though still aspiring to understand the case in its socio-cultural context and with concepts of culture in mind” (p. 23). Ethnographic case study was thus an appropriate, indeed preferred approach to this study.

### **Research Design**

Yin (2014) elucidates five components of case study research design: a) the research questions; b) any propositions; c) the unit of analysis; d) the logic linking the data to the proposition(s); and e) the criteria for interpreting the findings. The research questions stated previously were as follows:

1. What indigenous informal forms of dispute resolution have been in use historically among Kazakhs, as reflected in their folklore and proverbs?
2. What indigenous informal forms of dispute resolution have continued in use among diasporic Kazakh populations, which have maintained a semi-nomadic way of life, and how are they practiced?
3. Of those indigenous informal dispute resolution practices identified, which, if any, are restorative in nature, and why are they chosen over practices along the more punitive end of the dispute resolution spectrum?

The next component of case study research design would be to articulate any proposition(s), by which to guide the data collection and analysis. The proposition, which guided this study, was “indigenous Kazakhs have informal restorative practices for

resolving conflict at the family and kinship level, both historically and until the present day.”

The unit of analysis defines the case under examination for a particular phenomenon occurring within a bounded context (Miles, Huberman & Saldana, 2014; Muvingi & Duckworth, 2014). In this case, the phenomenon under study was the process of conflict resolution among Kazakhs. But embedded units of analysis within that process were a) restorative conflict resolution practices within b) the informal practices of families and kinship groups within c) indigenous populations less impacted by colonial systems, e.g., elders from among semi-nomadic diasporic Kazakhs of China and Mongolia. By sampling from among Kazakhs from both China and Mongolia, the multi-case design allowed for greater robustness of results (Yin, 2014). The embedded units of analysis and sources of data collection are summarized in Appendix B. As will be explained below, attempts to sample from among Kazakhs from Mongolia failed, but the opportunity arose to sample from among Kazakhs still living in Xinjiang, China, which provided the multiple cases intended in the design.

As the first unit of analysis was restorative conflict resolution practices, it was necessary to evaluate the data, particularly any data related to conflict and its prevention or resolution, through a restorative lens. Van Ness (2005), in an overview of restorative justice processes, outcomes, and values across the world, provides a broad range of concepts and definitions from which to analyze the data as to *restorativeness*. Particularly useful for this analysis, although not limiting in their use, are the values that Van Ness selects as either normative to restorative justice practice, representing the ideal or “the way things ought to be” (Van Ness, 2006/2010, p. 11), or else operational values that

function to restore the ideal, or that express the way that restorative practices and processes should function. Hence, coding of the data included, but was not limited to, the normative values of peaceful social life, respect, solidarity, and active responsibility, as well as the operational values of resolution, protection, inclusion, empowerment, encounter, assistance, moral education, collaboration, and amends. (See either the Introduction or Appendix A for definitions of each of these values.) At the same time, with the emergence and identification of any practices, processes, values or outcomes within the data, which are clearly not restorative in nature (e.g., retaliation, revenge, exclusion, or others), codes were added to the analysis accordingly.

The conducting of interviews with selected participants allows the researcher to identify how a process happens while exploring the participants' perception of the process (Muingi & Duckworth, 2014), thus enhancing triangulation of data and the verification of findings (Welty, 2014). Quinn explains that the interview is "a special form of conversation" that is one-sided in the control granted to the interviewee (2005, p. 7). Although several reasons validating interviews as a research method are cited, Quinn focuses on "the pragmatic difficulty of assembling a sufficient corpus of spontaneously occurring discourse on a given topic" in spontaneous conversation (p. 10). Whether the interview is conducted with an individual or in a group setting, the structure it provides ensures an explanation of topics that may not arise in the course of typical conversation. However, engaging in these casual conversations can readily serve as a supplement to organized, structured or semi-structured interviews, as a valuable source of discourse for cultural analysis.

Quinn (2005) reports on the challenge of utilizing interviews in cultural situations in which interview may not be a natural form of discourse. She addresses the reality that some researchers who advocate for the interview as a naturally situated genre of talk have been engaged in interviewing English-speaking Americans. But Quinn concludes that “(l)anguage evolved...for the purpose of communication, and something akin to an ‘interview’ in format appears to be one of the modes of linguistic communication, along with narrative and conversation” (p. 12), while at the same time urging caution in transferring the interview method across cultural settings in which class or educational disparities may exist.

Thus, Quinn (2005) sets out to explore local or indigenous discourse genres that can accomplish the purpose of an interview, without appearing too obvious in the process. She cites examples of research in which songs, prose stories of life events, and presentation of folk tales as an introduction to topics of necessity for the researcher. Quinn then recommends that “(r)esearchers working in places where interviewing is an unfamiliar genre must...do early and extensive ethnography of speaking to identify local genres...that can provide entrée into topics or deepen and expand knowledge of them” (p. 13). Consequently, as explained below, I explored the use of folklore, proverbs and adages—elements of the indigenous oral culture of rural Kazakhs—as entrées into the desired topics of the interviews I had planned.

### **Field Data Collection**

Fieldwork was conducted in several locations in southeastern Kazakhstan and northwest China between April and July 2016, while attempting to secure as near a representative sample of participants as possible. Data collection included informal

conversations, participant observation, semi-structured interviews, and documentary evidence. The documentary evidence was in the form of collections of proverbs, adages, and folktales, as well as certain historical and literary publications. Welty (2014) recommends the usefulness of existing contacts for gaining access and entry in order to engage in lengthy ethnographic observation. Our family was informally adopted over twenty years ago by an extended family of Kazakhs repatriated from China during the “29 May Incident” in 1962. We’ve been negotiating our relationship as “acceptable outsiders” with this extended family over that time and with several generations. Our access and entry for observation and informal conversation were assured, as in the past we had spent days and weeks on their farms and in their homes, and with them in ours, sharing chores, meals, celebrations and conversation on a host of topics. In addition, several research assistants collaborated as gatekeepers to provide me with access to a number of other communities of participants, while also providing support in translation and interpretation.

During participant observation, I functioned primarily within the participant community as a “participant-as-observer,” from which I acted as an “acceptable outsider” while conducting research observations (Gold, 1958). My secondary function was as “observer participant”, with research as a primary role while engaged in more limited participation socially. These are not discrete roles, and the movement between them was quite fluid.

Within the interviews, the research assistants and I explored not only the participants’ current experiences of conflict and conflict resolution processes, but also how current experiences relate to how they had experienced conflict while still at their



previous homes in China, for those who had repatriated to Kazakhstan. It was also important during the interviews to explore the values that shape the participants' conflict resolution practices, toward identifying restorative values and practices, if any. An interview protocol was developed to act as a guide for the semi-structured in-depth interviews (see Appendix C).

Historical and literary documents, Kazakh folklore collections, and Kazakh proverb/adage collections were examined for representations of informal dispute resolution practices. Folklore—including proverb and adage content—as an expression of what a culture values, is “best understood in its social and cultural contexts” (Crane & Angrosino, 1992, p. 111). Whether legends or witty, pithy statements, such oral folk art represents ethically acceptable behavior within the culture, and can be coded for statements of approved values within the society, even if the associated behavior has not been verified by direct observation (Crane & Angrosino, 1992). I have been in possession of several Kazakh proverb and folklore collections (Turmanzhanov, 1993; Turmanzhanov, 1997; Smaylova, 2002; Qaidar, 2004; Aqkoziyn, 2007), and through further resource acquisition, as well as library access at my host university—I negotiated and signed a contract to study and lecture as a visiting scholar at KIMEP University in Almaty—I was permitted to review additional materials.

As further documentary sources, the epic novel, *The Nomads*, by Ilyas Yesenberlin (2000), and the classic collection of poetry and essays, *Book of Words*, by Abai Kunanbaev (1995), perhaps the most important Kazakh cultural and literary figure of the 19<sup>th</sup> century, were included for analysis. *The Nomads* tells the story of the roots of the Kazakh nation from the vestiges of the Mongol Empire in the 14<sup>th</sup> century, through

the unification of the three Kazakh hordes, the Great, Middle and Small, the establishment of a Kazakh khanate in the late 17<sup>th</sup> and early 18<sup>th</sup> century, and on through the divide and conquer strategy of colonization by the Russian Empire throughout the 19<sup>th</sup> century. Yesenberlin generously sprinkles Kazakh proverbs and adages throughout the dialogue of his novel, along with cultural explanations, providing context for the use of that oral form. The works of Abai, as collected in his *Book of Words*, also include a number of proverbs and adages, as well as his own social commentary on the state of the Kazakh nation as it was slowly subjugated by the Russian imperial juggernaut.

### **Study Participants**

The research population was diasporic Kazakh elders, both male and female, from a range of geographic origins within China, who have lived as semi-nomads over a significant period, most of whom repatriated to Kazakhstan. The Almaty oblast is home to more than 133,000 of these repatriates (Kalshabayeva & Seisenbayeva, 2013), and provided the primary geographical base for selecting participants for the study and conducting interviews from April through June 2016. In addition, an invitation to travel into rural areas in Xinjiang opened a door of opportunity, and with IRB approval, I was allowed to conduct interviews among semi-nomadic Kazakhs still living and working within China. Initial semi-structured interviews were conducted with persons residing within villages in the Almaty oblast in which I previously conducted community development activities, and am well recognized, although snowball sampling led to interview and participant observation opportunities in additional villages both in Almaty oblast and in Xinjiang. Multiple attempts were made to identify populations of Kazakhs repatriated from Mongolia, and an invitation from a gatekeeper provided promise that

interviews with Kazakhs of Mongolia would be forthcoming. However, after repeated delays, and health issues within the extended family of the inviting gatekeeper, my time and visa ran out, without having ever interviewed a single such Kazakh, apart from the gatekeeper himself, who did not meet the specified criteria for interview participants.

### **Sampling and Sample Size**

Potential participants were identified from among extended familial and relational networks of Kazakhs with whom my research assistants or I were acquainted, with a goal to interview 20 to 30 Kazakh elders. As stated earlier, participants were primarily repatriated diasporic Kazakh elders, both male and female, from a range of geographic origins within China, who have lived as semi-nomads over a significant period. In addition, ten participants meeting the same criteria were interviewed either within Xinjiang or while visiting Kazakhstan from China. Kazakh elders who originated from within the former USSR were excluded from the study, as having been subject to significant colonial and assimilative pressures during the formative years of their lifetimes.

Chain or snowball sampling assisted in locating additional participants, once the initial participants had been interviewed. Sampling was purposive, as subjects were selected due to “their history with (the) particular experience under study” (Muvingi & Duckworth, 2014, p. 102), namely informal conflict resolution and the practices involved. Eventually, forty-four participants were interviewed, either individually, or in group settings.

Observation locations, as described above, pertained to extended family activities of our Kazakh adoptive family and other subjects, primarily in Djambul region, along

with other regions of Almaty oblast, Republic of Kazakhstan, and as mentioned, in Xinjiang, China. Further observation locations were afforded through relationship development with additional gatekeepers identified in the course of the study.

As mentioned above, over 12,000 proverbs and adages from several collections were reviewed, and a sample of over 400 were selected for translation and coding. In addition, 56 Kazakh folktales were read, and 22 selected, summarized and coded. In addition to sampling several books, which explained elements of Kazakh history and culture, the classic collection of essays and poetry by Abai Kunanbaev, *Book of Words*, and the classic historical epic by Ilias Yesenberlin, *The Nomads*, were read, with selections collected and coded.

### **Replication**

Replication in this multi-case study was to have been from those who have experienced indigenous informal conflict resolution practices differently, having lived in different host countries, i.e. China vs. Mongolia, as these are the two primary sources of non-assimilated repatriated diasporic Kazakhs, as well as in different locations within the host countries. Although the interviews with Kazakhs of Mongolia never materialized, an unexpected opportunity to travel to Xinjiang, China arose during the course of the fieldwork period, and following submission of an amendment for IRB approval, which was granted, the trip to Xinjiang provided interviews with additional participants currently residing in China, to go along with interviews with repatriates to Kazakhstan from China and visitors to Kazakhstan still living in Xinjiang. As mentioned previously, since the other primary places of origin among repatriated diasporic Kazakhs are former

Soviet republics, where residents were subject to colonial and assimilative pressures, elders repatriated from those republics were excluded from the study.

### **Bracketing and reflexivity**

While examining the case of repatriated Kazakhs, I chose to approach the multi-case study ethnographically. In doing so, I am acknowledging that my life has already intertwined to a great degree with certain of my research participants, through the many years of living among them and their kin. Thus, the ethnography we mutually produced resulted from the deeper dialogic engagement we experienced as we explored their lived experience of dispute resolution within their indigenous informal contexts. Such an ethnographic approach necessarily required reflexivity on my part, in order to avoid inserting my personal bias to the degree possible.

I also took into account my positionality (Welty, 2014, p. 116), which included my social location and multiple identity categories. My research was influenced by my identity demographics (i.e., gender, age, marital status), as well as by my identity phenomenology (i.e., education, training, religious background, previous experience working in Central Asia). Welty explains that this positionality can affect “access, interactions with informants and analysis” (2014, p. 116). As a white educated American of Christian background among post-colonial Asian Muslim Kazakhs, yet as a Kazakh-speaker adopted into a Kazakh family and with sixteen years of experience directly working among Kazakhs, similar to Welty (2014) I have both insider and outsider status, allowing for a certain degree of both *emic* and *etic* understandings of my participants (Yin, 2014; Creswell, 2007). Although the perceived wealth of being an American can represent privilege to rural Kazakhs, my status as an American in the role of Kazakh

language learner is to be preferred to the social location of a Russian (representing the privileged status of the dominant colonial power) who expects Kazakhs to speak only in Russian. Since Kazakhs from China do not generally speak Russian well if recently repatriated to Kazakhstan, and struggle to engage with the significant portion of the population that cannot converse in Kazakh, interactions with a Kazakh-speaking foreigner were proven to be considered novel, and relatively welcomed.

At the same time, it is important not to overstate the depth of any insider status, which I have been privileged to receive. Indeed, it would be more accurate to describe my status as that of an “acceptable outsider” who has been sponsored and welcomed into communities, homes, and relationships by the good graces of our adoptive family, our former loan clients, and by my research assistants. Not only was I welcomed back and warmly received almost without exception, but we were regularly provided room and board during our visits with no expectation of remuneration, as well as being given introductions to other potential research participants, providing the snowball sampling opportunities needed to complete the data collection.

### **Interview questions**

The intention was to engage in interviews as a dialogical process, rather than as interrogation. Thus, I planned to approach each interview through an initial exchange of folktales and proverbs that illustrate conflict and conflict resolution, followed by soliciting oral history of the participant’s own conflict and conflict resolution experiences. In dialogue, it was possible to explore the participant’s impressions, motivations, and feelings about conflict and conflict resolution practices, as well as values expressed in those processes.

In the initial interviews, I introduced examples of Kazakh folklore that relate to familial or kinship conflict resolution. I shared a story from Kazakh folklore, which directly addressed a conflict issue with the participant, and then asked them to recall and share a tale from their folklore as well. It had been intended that after the exchange of folktales, I would ask the participants, “Were you ever told stories by your elders of an incident of this sort that happened within your own family or extended family? Or, do you recall any incidents of this sort that happened within your own memory?” From these priming folktales and questions, the participant’s oral history of conflict and conflict resolution practices were to be accessed and recorded in handwritten notes and post-interview with a recording device.

However, this attempt at “priming the pump” failed to result in reciprocal sharing of folktales, despite multiple attempts. The reciprocal sharing of folktales was apparently not a local genre that could assist in easing the interview discourse into the participant sharing further stories from their lives or the oral history they had received. Nevertheless, early in my study of Kazakh proverbs and adages, I came across one proverb in particular with which I had not previously been familiar, yet which seemed to hold potential as a prompt for further conversation: *Oñ qolıñ urıs bastasa, sol qolıñ arashashı bolsın* [If your right hand begins to form a fist, may your left hand be a mediator] (Mentebaeva, 2012, p. 125). After testing the familiarity and comprehensibility of this specific adage on research assistants and friends, I proceeded to introduce it into the informal social interaction preceding my specific interview questions. Without exception, upon hearing this particular adage shared, the participants almost immediately began sharing stories of conflict, mediation and resolution, and answering further questions as they were asked. I

had stumbled upon a “primer” for the pump, which would draw up the riches of the stories from the participants’ wells of experience, memory, and oral history.

Weiss (1994) explains how in spite of several advantages to recording, such devices can be deterrents to candor, especially if there is danger to the informant. Quinn (2005) confirms that suspicion can be aroused by tape recording, since the use of a recording device can be too invasive, and that “an historical association of recording equipment of any kind with government surveillance has made people in some nations very jumpy about its use in any context” (p. 19). Yemelianova (2017) cites the “practical, logistical, and political difficulties...of conducting both historical and contemporary empirical research on Islam in Present-day Central Asia” including in Kazakhstan, “due to the authorities’ tight control over the religious sphere and the local people’s apprehension about any form of engagement in externally funded research on Islam-related topics” (p. 245). With that in mind, I sought and received IRB approval to conduct interviews without the use of consent forms, and without the use of recording devices.

Weiss (1994) also suggests that it can be even better to minimize note-taking, and to write down as much as possible immediately upon leaving. The decision not to use recording devices during the interviews was made to reduce distractions and to avoid intimidating the participants who have lived their entire lives in repressive societies. Thus, I employed a research assistant to make notes of each interview in writing, while I was engaged in encouraging the story-telling by the participant, or *vice versa*. Following each interview, the research assistant and I consulted together as soon as was practical and polite, and reconstructed the balance of the interview conversation. The research assistant and I took as careful and detailed field notes as possible in the absence of



recording devices during the interviews, but utilized recording of our recollections as mp3 files on my telephone following our departure from each interview. I also kept a research diary, which was stored in a secure, password protected location throughout all phases of the research project, in order to benefit from a continual process of reflection.

### **Data Analysis**

Archival research was conducted into literature currently in my possession and through interlibrary loan prior to departure for Kazakhstan, as well as into that literature which I purchased, or borrowed from host institutions, during the period of field research. I began analysis of the data concurrent with data collection, as this enabled me to generate additional strategies for data collection as a corrective against possible blind spots (Miles, Huberman, & Saldana; 2014). Indeed, a stated caveat within this research proposal was that although plans for research and data analysis had been specified, much of the actual pattern the research and analysis would take was expected to emerge throughout the process, as Willis (2007) suggests. Case study analysis was conducted on transcriptions of the interviews, participant observation field notes, and a review of pertinent historical documents, including but not limited to, collections of folklore and proverb literature. Triangulation of the data collected from the multiple data sources identified allows for stronger conclusions as confirmed by the various sources (Muvingi & Duckworth, 2014). When several of the data sources supported similar concepts or themes, those concepts and themes were granted greater salience concerning the research questions under study. As key findings were replicated from multiple data sources, patterns and “unpatterns” were tested for their viability by identifying contrasts,

comparisons, outliers and extreme cases, among other tactics (Miles & Huberman, 1994, p. 263).

In the course of the analysis, I relied on the theoretical proposition that “indigenous Kazakhs have informal restorative practices for resolving conflict at the family and kinship level, both historically and until the present day” as a general analytic strategy (Yin, 2014). This proposition guided the case study analysis, helping me to organize the data collected. As for analytical techniques, Yin’s suggestion of pattern matching and cross-case synthesis was applied. For example, emergent patterns of elder-taken initiative in resolving conflict, as well as elder-imposed arbitration were observed repeatedly in the analysis of interview transcripts, and then matched to proverbs and folktales communicating similar values. Cross-case synthesis was applied in comparing and contrasting the interviews conducted among repatriated Kazakhs *versus* those still living in Xinjiang, China.

### **Data Processing and Preparation**

Following Creswell (2007), the beginning step of analysis for both ethnography and case study requires the preparation of a detailed description of the case(s), which includes contextual factors. When this detailed or “thick” description is used in concert with the multiple analytical techniques described below, triangulation of the multiple data sources can lead to more robust conclusions. The use of thick description in ethnographic case study research can advantageously be used to identify the complex social dynamics and localized contextual detail involved in conflict and conflict resolution processes (Muvingi & Duckworth, 2014; Welty, 2014).

The oral interview transcripts, the participant observation notes, field and research diary notes, and the oral folk and other literature selected for analysis was coded according to conflict, conflict resolution processes, and cultural values, particularly although not limited to those which are restorative in nature. I reviewed in excess of 12,000 Kazakh proverbs and adages from multiple collections, and selected over 400 of these, which were translated, entered and coded in NVivo. As for folktales, I reviewed fifty-six, and selected twenty-two, with key elements translated, entered and coded in NVivo. Field notes collected during observations and interviews were expanded and written up as texts for coding and analysis. I utilized NVivo software as a tool to assist in the coding and analysis process. *Codes* are “labels that assign symbolic meaning to the descriptive or inferential information compiled during a study” (Miles, Huberman & Saldana, 2014, Kindle loc. 2291), and applying the codes to data, whether a single word or an entire paragraph, is the first stage of analysis (Muvingi & Duckworth, 2014; Miles, Huberman & Saldana, 2014). First cycle codes, which were assigned to the data, corresponded to the respective research questions and propositions, and the associated conflict resolution processes and social values identified. Such codes may include descriptive, In Vivo, process, emotions, values, and dramaturgical codes (Miles, Huberman & Saldana, 2014). I used this coding process to link values elicited from oral folklore literature to information gathered in the field, on topics such as shame, reconciliation, and others.

In second cycle coding, I identified patterns as the codes repeated and placed them into categories. From the patterns, themes emerged, providing more meaningful units of analysis. According to Miles, Huberman and Saldana (2014), these “(p)attern

codes usually consist of four, often interrelated, summarizers: (1) categories or themes, (2) causes or explanations, (3) relationships among people, and (4) theoretical constructs” (Kindle loc. 2713), all of which were explored in second cycle coding in this analysis.

Regarding the process of identifying codes and moving from codes to patterns to themes, I began with the understanding that I would be looking for the presence of restorative values within the processes to be identified in the data. This made it a simple choice to code the data for the restorative values defined above as supplied by Van Ness (2005). At the same time, throughout the processing of the data for entry other concepts appeared with frequency, such as entire sections of the proverb collections on the topics of shame and honor associated with conflict, which suggested those as additional codes to apply to the data. In the course of coding all of the textual data according to the codes which were either preselected or had emerged in the course of data collection and processing, it became apparent that not only was there a collection of codes that applied to the category of conflict resolution, as expected, but that many of the stories told by study participants, and many of the proverbs and folktales spoke of what is necessary for the prevention of conflict. This had not been a category predicted prior to the collection and coding of the data, yet had emerged from the data in the course of analysis.

By way of illustration, in the course of one semi-structured interview, in which the topic of conflict and conflict resolution was being discussed, one participant began to describe how she and her husband had always been very careful to avoid gossip about their children and their mates when talking with others in the family. She felt that following this principle had enabled them to avoid or prevent numerous conflicts...in fact, she was quite adamant that there were never any problems in their family as a result.

This participant's comments were coded for unity and peaceful social life, but as I continued coding I encountered several similar stories, and noted that a pattern was emerging of practices that allowed the participants to avoid or prevent conflict. After running across a number of these cases, it became clear that the participants often were focusing their responses not only on what it took to restore unity and a peaceful social life through conflict resolution practices, but that several of them were quite intentional in their efforts to sustain and maintain a peaceful social life and unity in their family or community. Although I hadn't intended to code for conflict prevention, this story and a number of others with similar concepts led to the emergence of the theme of conflict prevention, which I then compared and contrasted to the intended category or theme of conflict resolution.

As appropriate, I applied the additional analytical tools of jottings and analytic memoing to capture insights and ideas that formed throughout the course of the coding and analysis process (Miles, Huberman & Saldana, 2014). These jottings and memos were entered into the NVivo software, and then coded as well. Through an iterative process, use of these tools and processes contributed to my development of assertions and additional propositions associated with the research questions and/or propositions, in order to summarize and synthesize observations made in the course of the analysis. Ultimately, I applied within-case and cross-case analysis, in order to increase generalizability across the multiple-case study, as well as to identify how the conflict resolution processes identified respond to local conditions.

A key resource used in the translation and interpretation of metaphorical meanings contained within Kazakh language sources was the *Phraseological Dictionary*

*of the Kazakh Language*, compiled during the Soviet era by I. Keñesbaev (1977), a Kazakh academician with the Language Education Institute of the Kazakh SSR Academy of Science, who made this monumental two-volume dictionary his life work. Keñesbaev compiled over 10,000 phrases, with explanations as to their literal and metaphorical meanings, as exemplified from selected source materials derived from Kazakh oral culture, ancient literary texts, classical literature, contemporary sources and academic writings, as well as from colloquial speech. Keñesbaev's dictionary was intended to "fulfill the purpose of (providing) explanations, etymology, a paremiological dictionary" of the Kazakh language (Keñesbaev, 1977, p. 3), which has made it a particularly valuable reference work in the analysis of the metaphorical meanings contained within folktales and proverbs (paremiology- the study of proverbs). This dictionary was compiled "for all people who revere their mother tongue, for teenagers who have a passion for language acquisition, for teachers giving lessons in Kazakh language and literature, for writers, journalists, students and graduate students" (p. 2). My own Kazakh language study took place formally as a graduate student through the International Center for the Training of Scientific Personnel, also within the Kazakhstan Republic (no longer Kazakh SSR) Academy of Science over a period of three years (1994-1997), and less than 20 years following the publication of the *Phraseological Dictionary*. As the dictionary has been out of print for some time, I was very fortunate to have obtained a copy of Professor Keñesbaev's dictionary early in my language studies, and to have it available as a reference throughout the period of this research. Keñesbaev's explanations are rooted in the millennia of traditional nomadic lifestyle engaged in by the Kazakhs and their forefathers. Extensive explanations of the centering of the nomadic life around the

four types of livestock—camels, horses, sheep/goats, and cattle—and the richness of metaphorical meanings associated with that life (pp. 514-518), gave tremendous insight into livestock associated terms and phrases, which I encountered during the data collection and analysis.

### **Ethical Considerations**

A researcher must adhere to high ethical standards before, during and after conducting a study. The participants' anonymity, human rights, dignity and safety must be preserved throughout the study and into the future. Participants must provide informed consent, and therefore must be briefed by the researcher as to the confidentiality and ethical standards that will be maintained. At the same time, without violating the above stated ethical requirements, certain practical considerations can render informed consent impracticable. As recent repatriates from China or current residents of the same, the participants I focused on would feel especially vulnerable were I to request consent forms with their signatures, regardless of any assurances I might give regarding the protection of those documents. From my development work among rural Kazakhs, including repatriates, I am aware that rural Kazakhs are suspicious of requests for signatures in general, and are likely to refuse participation rather than consent to sign a form. This would be even more the case among recent repatriates, who often feel more excluded and vulnerable than those who are "local" and familiar with such forms and procedures. I conducted my research by using snowball sampling beginning among the group of people who had experienced and grown used to our presence among them, and then expanding out from them to others in their networks. Interrupting such natural settings to request, explain, and obtain informed consent would have been socially disruptive, in contrast to

my presence and participation in those settings without any form of audio or video recording, followed by the taking of field notes of my observations after each occasion. It was determined by the IRB that the principal risk to the study participants would be from a breach of confidentiality, with the consent document being the only record linking the participants to the research, and the research itself presenting no more than minimal harm to the participants. For these reasons, I was granted a waiver of informed consent from the IRB for both the interviews and the participant observation.

Like Welty (2014), I did not pay for participants' time as a matter of principle. But due to the status entrusted to me as a visiting scholar and guest lecturer at KIMEP University, my research has the potential to benefit Kazakhstanis by "making an intellectual contribution to the education of university students" (p. 123). At the same time, it is customary to present gifts of flowers, fruit or chocolates when arriving as a guest in Kazakh homes, and it would have been rude to fail to observe this convention when conducting interviews and participant observation. Consequently, in every situation in which we conducted an interview or participant observation, as well as when a part of general social engagement, my research assistants and I gave gifts of fruit, flowers, or other small items upon entering the home, or similar setting.

The transcripts of participant narratives and all collected data are stored securely on a flash-drive and an external hard drive, in order to ensure participant confidentiality. While actively working with documentation, these items are secured under lock and key and labeled "Privacy Act Protected". The external hard drive and flash drive used for backing up the data will subsequently be secured in a safe deposit box at Ent Federal Credit Union, Pueblo, CO. Upon completion of the research and conclusion of the



dissertation process, stored items will be reviewed for redaction to ensure preservation of the privacy and security of participants. As mentioned, having received exemption status from the IRB, no consent forms were required. However, the research ethics and standards which were followed were according to standards established by the Nova Southeastern University Institutional Review Board (IRB), which exceed the research ethics and standards establish under the laws of the Republic of Kazakhstan and of the People's Republic of China.

## Chapter 4: Presentation of Findings, Part I

### **Findings, Part I: Conflict Prevention Processes**

The data of this study were acquired via qualitative research methods, specifically interviews, observations, and document review, and results from the data were interpreted as a series of themes obtained from the analysis of the data (Creswell, 2007). The research questions addressed by this study relate to the informal forms of dispute resolution indigenous to the Kazakh people:

- 1) What indigenous informal forms of dispute resolution have been in use historically among Kazakhs, as reflected in their folklore and proverbs?
- 2) What indigenous informal forms of dispute resolution have continued in use among diasporic Kazakh populations, which have maintained a semi-nomadic way of life, and how are they practiced?
- 3) Of those indigenous informal dispute resolution practices identified, which, if any, are restorative in nature, and why are they chosen over practices along the more punitive end of the dispute resolution spectrum?

The themes and supporting evidence for those themes are presented within an explanatory schema, which was developed during the process of analysis. Two higher-level themes emerged while in the process of second cycle coding: conflict prevention and conflict resolution. Cross-case analysis demonstrated that another common theme that intersected the themes of conflict prevention and conflict resolution was the role of elders in both modeling and transmitting *moral education* within the community with an intention of preventing conflict, and modeling and mediating within the community for the purpose of resolving conflict. The general explanatory schema is illustrated in Figures

1 and 2. Figure 1 presents the conflict prevention theme as a circle, which represents the moral education of the community provided by its elders—the *aqsaqaldar* [white beards] and *kempirler* [old women]—that helps to impart and maintain the honor of the community’s members and of the community as a whole. A community’s elders occupy the center of the space formed by the community as a whole, and from this location provide the moral education to guide the community toward a peaceful social life. This moral education is an ongoing, iterative process, which the image and metaphor of the circle well represents.

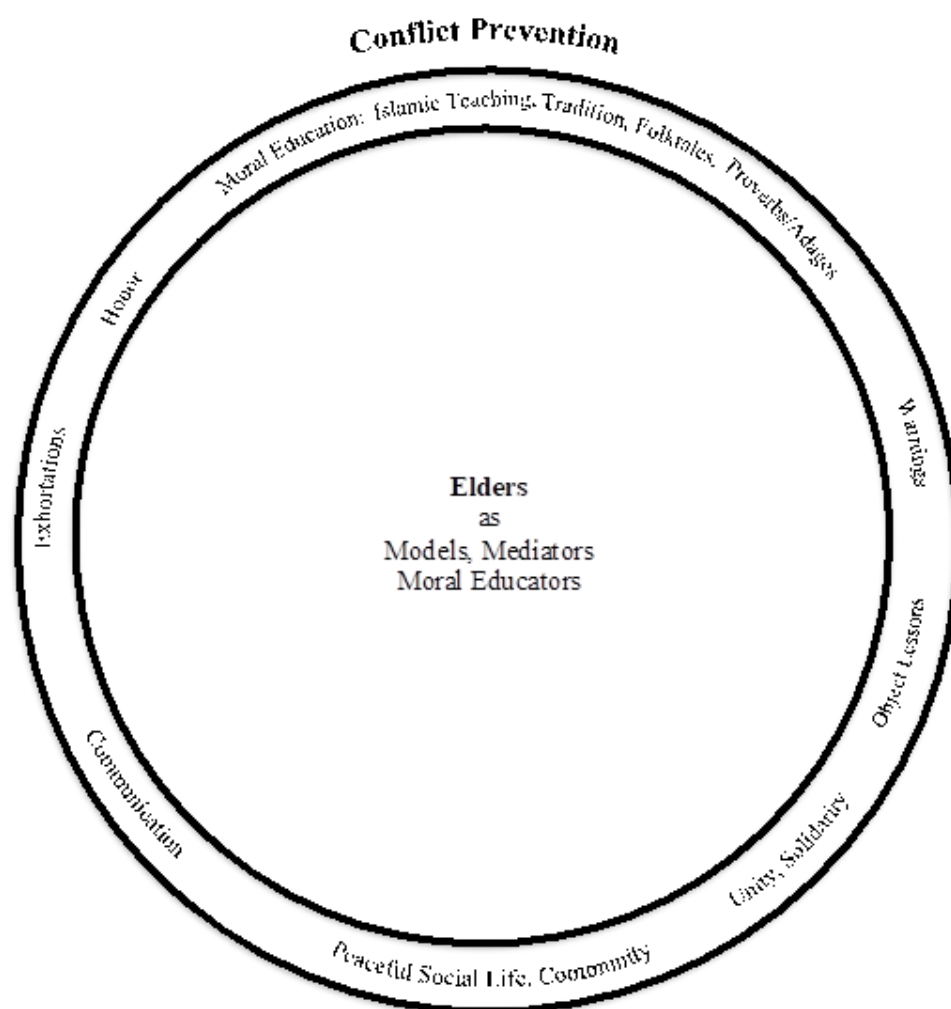


Figure 1. Major Theme of Kazakh Elders in Conflict Prevention.

Within the broad theme of conflict prevention, community values are transmitted through moral education, a sub-category of which involves Islamic teaching. This moral education involves communication of community tradition, which is done through oral history of family and clan stories, folktales, proverbs and adages, as well as the demonstration of the underlying values in the honorable behavior of the members of the community. This moral education includes both the promotion of and promptings/urgings toward adopting and applying positive values, i.e., community solidarity, collaboration, unity, peaceful social life, and positive communication, all of which uphold the honor of family and community, and warnings and object lessons against negative behaviors and attitudes which are detrimental and considered shameful.

When conflict erupts despite the moral education and modeling provided by community elders, intervention by those same elders is undertaken, and depending on the direction that intervention takes, the outcome can prove to be either restorative or punitive, either resulting in relational reintegration of the offending parties with each other and the community, or in relational disintegration, shunning, and separation. Figure 2 presents the conflict resolution theme in a complex Celtic knot image known as a “triquetra,” which represents the complex processes of shame and honor, relational disintegration or reintegration, punishment or restoration, which characterize how the community deals with disputes emerging in its midst.

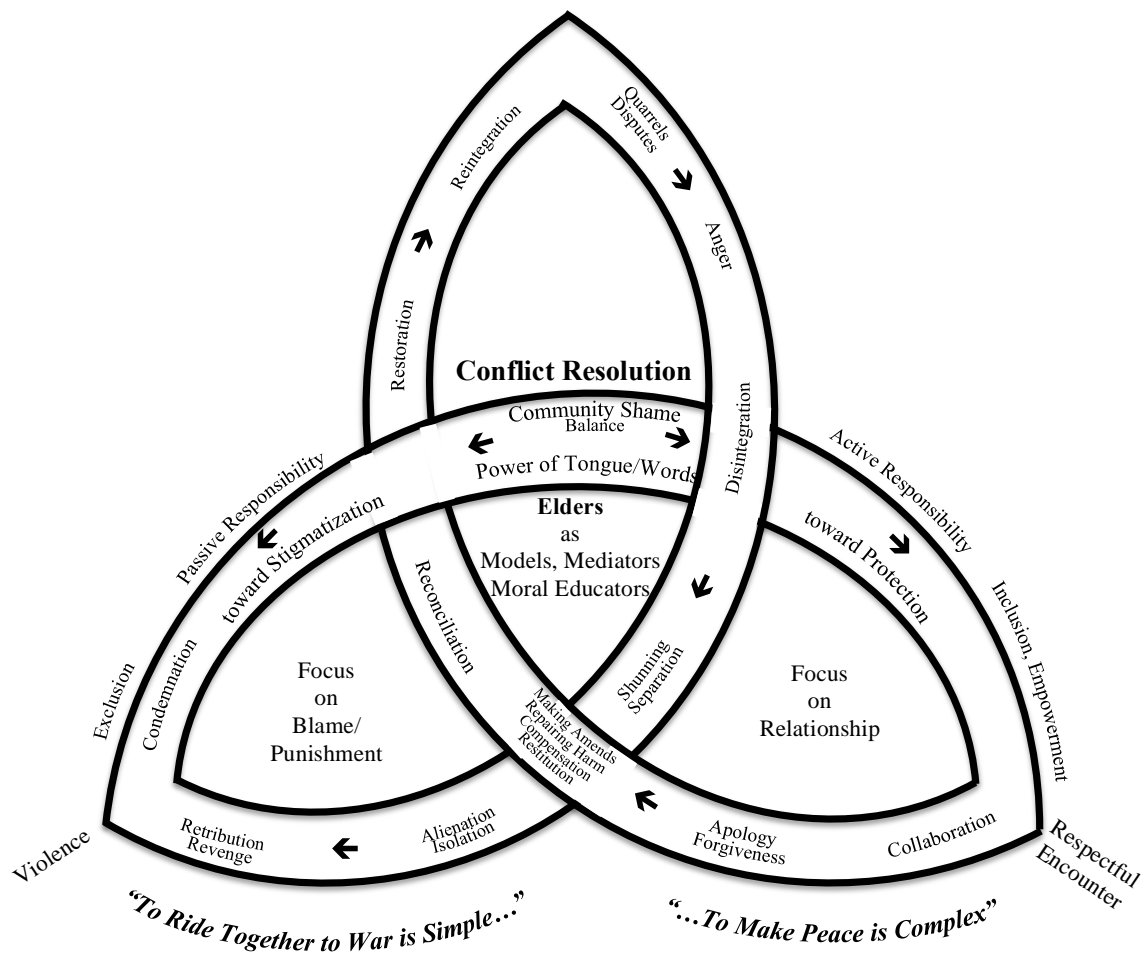


Figure 2. Major Theme of Kazakh Elders and Conflict Resolution.

When both of these images are interwoven together, a sense in which the complex processes of conflict prevention and conflict resolution intersect and intertwine within indigenous Kazakh society can be envisioned (Figure 3). More detail will be incorporated into each figure as the emerging themes are presented and illustrated from the data.

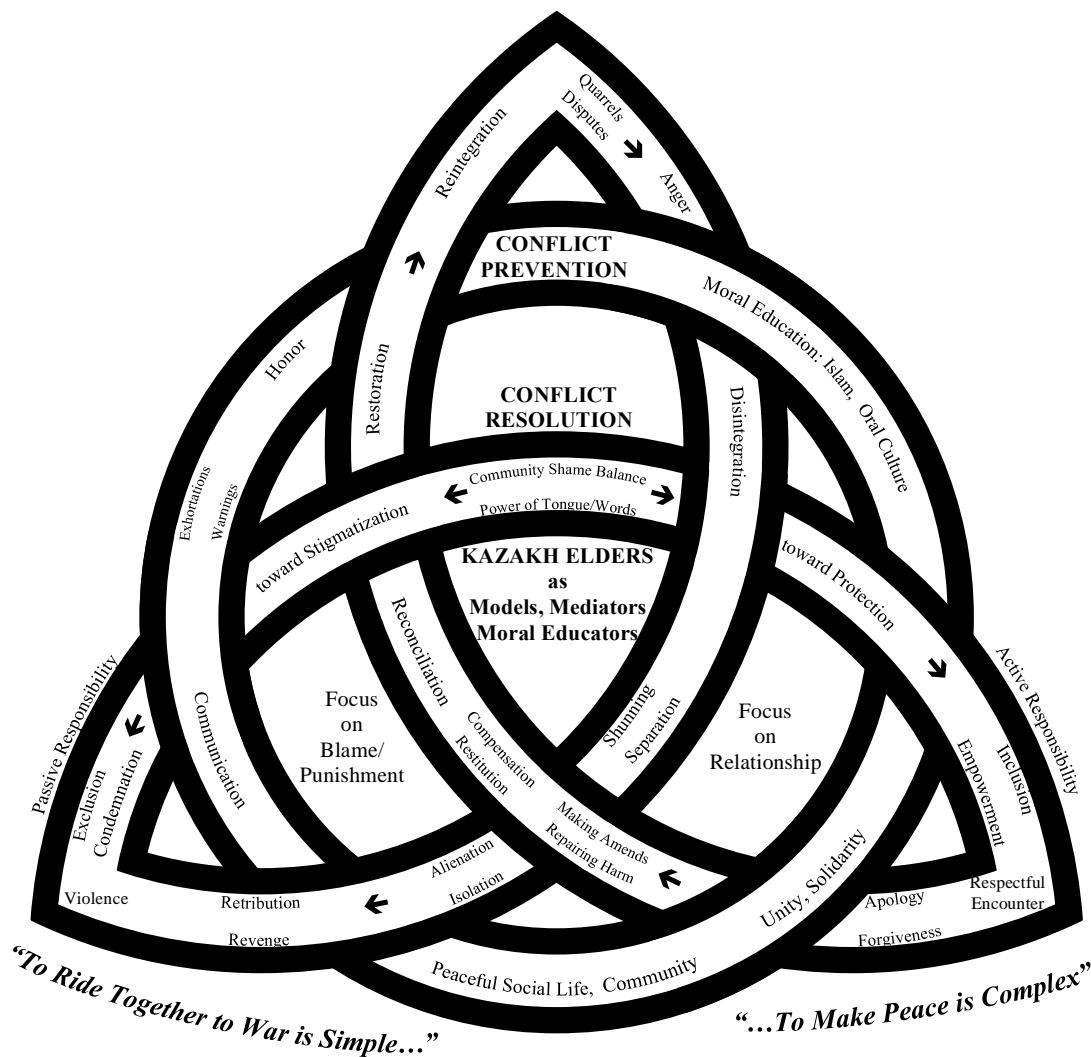


Figure 3. Complex Intersection of Kazakh Elders with Conflict Prevention & Resolution.

### Conflict Prevention: Elders as Moral Educators

Beginning from the major theme of conflict prevention within traditional Kazakh culture, I will first examine the additional theme of community elders as models and moral educators. A community's elders serve as a resource to the community, to both model and teach the moral values of the community. Kazakh elders generally will consist of *aqsaqaldar* [white beards], *kempirler* [old women], and *moldalar* [mullahs], particularly if the mullahs are older and fit in the *aqsaqaldar* category. To be considered

a community elder and garner respect in the eyes of the community, an older person must demonstrate wisdom, trustworthiness, and a certain degree of social stature, so that others will look to them to make fair and wise decisions.

Having attained an advanced age does not guarantee to a person, however, that the community will recognize him or her as an elder worthy of emulating, nor that they have become a person from whom members of the community wish to receive instruction. One participant spoke very strongly about a particular relative who is the last remaining member of his generation within their extended family, and consequently, if age were the only criteria, this individual would certainly be considered as the family and community's leader, decision maker, and mediator. Yet, according to the participant, this gentleman commands little or no respect from the extended family, which undermines his own attempts to assert himself as an elder with moral authority. This lack of respect has developed over time as the gentleman has failed to demonstrate the wisdom and trustworthiness valued by his community. As stated by another participant, "...not just any old man could be an elder. It had to be someone who had seen a lot, with a lot of experience...someone that the people trusted..." As has been said: *Köp aqımaqtıñ aǵası bolǵansha, Bir aqıldınıñ inisi bol.* [Better to be the younger brother to one wise man, than to be the older brother to a bunch of fools] (Aqqozýyn, 2012, p. 196).

Not even religious leaders can escape from scrutiny as far as providing a model to their community. The ever-practical Kazakhs are frequently heard to declare: *Moldanıñ istegenin isteme, aytqanın iste* [Don't do what the mullah does; do what he says] (Segizbayulı, 2014, p. 368). Young Kazakhs are to uphold Islamic teaching, but not to pattern themselves after the behavior of the mullah, as the implication is that the mullah

himself is not upholding what he is teaching! Status as a recognized and sought-after elder in the community is earned over a lifetime of accumulating wisdom, which is understood to be the proper application of knowledge.

In addition to being a person who models solid character and experience, a Kazakh elder is also expected to provide moral education, which will take the form of communicating both encouragement and promptings to uphold positive values and behaviors, and warnings against negative values and behaviors. One participant recalled frequently hearing his father remind him and his siblings, and later, the grandchildren: *Keshirimdi bol!*<sup>[L1]</sup><sub>[SEP]</sub>[Be forgiving/merciful!]. The same father/grandfather, with whom I had been also personally acquainted, was remembered as saying: *Mıñ kisi salğan köpirdi bir kisi buza aladı,*<sup>[L1]</sup><sub>[SEP]</sub>*Bir kisi jaqqan otqa mıñ kisi jılınadı,*<sup>[L1]</sup><sub>[SEP]</sub>[One person can destroy a bridge that it took a thousand people to build;<sup>[L1]</sup><sub>[SEP]</sub>One thousand people can be warmed by a fire that was lit by just one person]. This is a prime example of how proverbs and adages are used by elders to offer both warning as to the consequences of destructive choices or behavior, as well as encouragement or prompting to positive choices and behavior which will subsequently serve to benefit the community as a whole. Besides offering words of instruction and challenge, this particular example of moral education also took on the form of inspiration to be a person of influence and impact for good, rather than for harm.

Moral education can also derive from the teaching and upholding of Kazakh traditions. One participant confirmed the cultural preservation by diaspora Kazakhs, stating “generally, (*oralmandar*) know Kazakh language, culture, mentality well, and want to protect it,” noting that cultural preservation continues even after repatriation. Another observation about cultural preservation by repatriates was made in contrast to the



loss of tradition among the Kazakhs of Kazakhstan: “Lying and bribes weren’t common; they appeared later. If now...like in our tradition...we were more developed and things were better, I think that there would be little conflict, and relationships would increase.” However, it should be noted that the preservation of tradition is not without its ambiguities in the Kazakh mind, as evidenced by the adage: *Dästürdiñ ozıǵı bar, tozıǵı bar* [Tradition has (both) its advancements and its decrepities] (Segizbayulı, 2014, p. 104).

Moral education in positive values can be provided by imperatives or by proverbs and adages, as above. Or, a Kazakh elder can offer true stories or folktales, which provide object lessons for the listeners. For example, the folktale *Bul dünýyede ne qumbat?* [In This World, What is Most Precious?] (Bayǵabılova, 2015, pp. 308-318), illustrates how knowledge of literacy, culture and strategy is more precious than gold as it follows the adventures of a poor young man who seeks knowledge, which eventually helps him to find success as well as wealth. In addition, famous Kazakh poets may be cited, lending authority through their verse to encouragement to positive behavior, values and character, as in Abai Kunanbayev’s “five friends”: responsibility, hard work, deep thought, contentment and mercy (Rısbayeva, 2001, p. 33).

Kazakh elders also provide moral education intentionally in the form of warnings to deter destructive behavior, character and attitudes. Along with Abai Kunanbayev’s “five friends” were the contrasting “five enemies” which he warned against in the same poem: gossip, lying, arrogance, laziness, and needlessly allowing livestock to wander off (Rısbayeva, 2001, p. 33). As I was assigned to memorize such poetry from a Kazakh

language textbook during my own language study, this demonstrated for me the values that Kazakh elders, my language instructor included, intend to impart to their students.

Frequent moral education warnings are presented as well through proverbs and adages. This was often demonstrated in the course of my interviews, as participants would naturally share adages of warning as they shared their stories, as in this particular interview:

So that man said, ‘there is a proverb’ they remembered that helped to solve the problem: *Bettege ketedi, biraq bet mängi kaladı* according to the proverb. In other words, grass will grow, then disappear, but shame will always remain on a man’s face.

The warning against and deterrent of shame was prominent in all data sources, and will be addressed more completely below.

Another example warning was given in the course of an interview with respect to preventing conflict: *Qaysar bolsañ --keshirimshi bol*. [If you're going to be stubborn, (you'd better) be a lover of apologizing]. Certainly more metaphorical, but equally as expressive in warning against being one to cause conflict, is the colorful: *Esekti otqa aydasañ, boqqa qashar* [If you drive the donkey into the fire, crap's gonna fly] (Aqqozýyn, 2010, p. 112). Elders with whom I spoke laced their storytelling throughout with a rich variety of similar proverbs and adages, leaving no doubt as to the importance of this form of communication by elders in providing moral education to their communities.

Moral education in the form of warnings is frequently encountered in Kazakh folktales as well. In the folktale, *Jamandıq neden boladı?* [Why is there Evil?], a crow, a

dove, a snake, a deer, and a man argue their own convictions as to the cause of evil in the world (Baygabilova, 2015, pp. 270-272). The five of them propose, respectively: hunger, love, conceit, cowardice, and ambition, warning against the negative effects of each. Similarly, in the tale *Beybitshilik turalı ertegi* [A Tale about Peace], a young hero, Friendship, who solicits support from neighboring King Peace, opposes King Bloodthirsty, who is selfish, arrogant, and who brutally oppresses his people. Together under a banner of justice, Friendship and Peace are victorious over Bloodthirsty (Baygabilova, 2015, pp. 275-277). Through folktales such as this, community elders communicate warnings about undesirable attitudes and behaviors, and reinforce those values that will maintain and strengthen the honor and wellbeing of their community.

As the role of elders in moral education was articulated and demonstrated in the course of interviews and participant observation, the following conflict prevention values surfaced significantly: Honor, Dignity/Equality, Unity, Community Solidarity, Peaceful Social Life, Collaboration, and Honest Communication. Concomitantly, warnings against attitudes and behaviors that undermine these values were readily apparent, such as Shame, Disunity, Disintegration, Separation, and Dishonest Communication. Continuing the journey around the circle of Conflict Prevention (Figure 1) through Moral Education by Kazakh elders, I will address each positive value individually, as well as warnings against the negative counterparts.

**Honor.** Upholding family and community honor, and avoiding shame and loss of face are significant recurring themes throughout the data. Although many times moral education regarding honor took the form of warnings against causing shame, protecting honor was a driving factor in warnings against the shame of causing conflict or leaving it

unresolved. Honor is shown actively in a variety of ways, particularly to elders. An imam who was among our participants reported to us that Islam teaches one how to show honor to others. Whether taught to them by Islam, or having arisen much earlier in their cultural development, among more traditional Kazakhs one rises and bows to an elder who enters the room, or if entering a room where an elder is present, one goes directly to her or him to greet them with a bow and a kiss, when appropriate. When entering a home as a guest, I was regularly seated in the *tör*—the furthest seat from the door—the traditional place of honor given to guests or to the eldest member of the family. At each *toy* [celebration] we attended as guests, we were guided to a specific table among those at the *tör* end of the room when the party was held in a large banquet hall, or else to the head table, near the most honored guests at the event. At the birthday party of one of our close friends, the most honored guests were our friend's most recent in-laws, whose daughter has married his son. Although we are long-time friends, as out-of-town visitors we were placed next to the new in-laws at the head table.

Another way in which honor is shown, particularly during a celebration, is in asking guests for a toast to the host(s) of the celebration, whether the celebration is for a birthday, a wedding, a circumcision, or other momentous occasion. Generally, there is a designated master of ceremonies [*tamada*] guiding the course of the celebration, and calling on guests in the appropriate order to offer their toasts. At the above-mentioned birthday celebration, this honor was first given to the new in-laws. As the father-in-law was in the midst of a lengthy toast of well-wishing and blessing, another group of guests belatedly joined the party. Since I was seated next to the father-in-law, I was interested to observe his reaction, as the interruption to his toast was quite lengthy, and he was

awkwardly standing and waiting to resume as the newly arrived guests obligatorily made their way around the entire banquet table, greeting each of the others already present. As the interruption continued for several minutes, the father-in-law eventually sat back down, which relieved the awkwardness I was feeling, but I was still curious as to whether this might be a cause for offense, since he had been so unceremoniously interrupted as he gave his toast.

Only after the newly arrived guests were seated, and had been handed filled plates and glasses, did the father-in-law stand up again and resume his words. His resumption of the toast first began with the *tamada* [master of ceremonies] urging him to resume, a call that was taken up by other guests who were sitting nearby. With that encouragement, the father-in-law resumed his toast, displaying no evident frustration at the interruption. This gentleman's apparent patience and good will, borne of years of living in the reality of a low time orientation within his Kazakh culture, as well as apparently having established a genuinely good and strong relationship with his daughter's in-laws, meant that he seemingly didn't experience the interruption as a personal affront, but rather adapted to the situation, while still being shown the respect due him as a guest of honor.

Typically, when we arrived as guests in a home and had been properly seated, the *kelin* [daughter-in-law] would immediately prepare tea and serve it to the guests first, then to all others gathered, again as a show of honor to guests and elders. In fact, as one participant put it: "So in our tradition... the *kelin* herself understands that for a close relationship, (she must) honor all those who enter or leave." If there was no daughter-in-law in the home, the important role the *kelin* typically fills of serving tea to all the guests would generally be filled by the youngest adult female present; however, in situations

where only men were present, one of the younger men would serve in exactly the same manner, showing honor to guests and elders by waiting on and serving them.

In more than one conversation, the participants emphasized the need to give honor to elders as essential to community life. One participant explained that during the Islamic feast of *Qurban Ait* (commemoration of Allah providing a ram for Abraham to sacrifice in place of his son), the roasted and boiled sacrificial sheep's head is always placed before the elders seated in the place of honor, as a further sign of honoring those elders. Numerous proverbs gave this same emphasis, e.g. *Aldıña kelse, atañnıñ qunın keshir* [Should it come before you, uphold your grandfather's dignity by forgiving debts owed to him] (Aqkozyyn, 2012, p. 227), which speaks of the greater honor of imputing generosity and forgiveness to a departed elder, than that of receiving payment for past debts. Similarly, a view to the future and the connectedness of the recycling of honor is expressed by *Ülkendi sen sıylasañ, Kishi seni sıylaydı. Kishi seni sıylasa, Kisi seni sıylaydı* [If you honor the elders, those younger will honor you; if those younger honor you, then people will honor you] (Segizbayulı, 2014, p. 187). And similarly: *Öziñe deyingi sıylamasañ, Öziñnen keyingi de seni sıylamaydı* [If you don't honor those who came before yourself, those coming after won't honor you either] (Segizbayulı, p. 105). Through these example proverbs and adages, and numerous others, younger Kazakhs are reminded of the necessity, as well as potential future benefit that will accrue to them, of showing honor, particularly to their elders.

Moral education in showing honor to elders and guests is also communicated less directly through teaching hospitality, courtesy, and certain character qualities, which lend themselves to displaying respect. For example, *Kishi peyildilik kishilik emes, kisilik*

*qasýyet* [Courtesy isn't smallness/lesser...it is a humane characteristic] (Aqqozýyn, 2012, p. 150). This is an alliterative and rhyming play on words involving the Kazakh word for small or young [*kishi*], which rhymes with the word for person or human [*kisi*], but which also is the first part of the word for courteous [*kishipeyil*]. It is apparent that the very etymology of the word for courtesy in the Kazakh language is communicating “to act as if one is smaller or younger.” Yet to act as the younger, rather than being considered as somehow lesser or even shameful, is reinforced as being a positive characteristic of humaneness.

The importance of hospitality in showing honor is declared emphatically: *Jaqsı bolsa alǵanıń, úyińnen kisi ketpeydi. Jaman bolsa alǵanıń, shın dosıń da shetteydi* [If your receiving of them is good, a person won't leave from your home; if your receiving of them is bad, even your true friend will avoid/shun (you)], and *Qonaqqa kel demek bar, ket demek joq* [Whereas one can say to a guest, 'come,' 'leave' is never said] (Aqqozýyn, 2012, p. 262). Having been invited unexpectedly to spend the night in the home of one participant, since our visit and interview had gone quite late, the invitation was reinforced as he stated: “*Tūis— tūis emes, qonaq— tūis*” [“It's not a relative who is a relative; your guest is a relative”]. Apparently, upon welcoming a person to stay as an overnight guest, the status of that guest has been elevated in the mind of the host to that of a close relative! Indeed, the very word for guest (even an unexpected guest who has just stopped by briefly)—*qonaq*—is derived from the verb *qonū*—“to spend the night; to settle.” How many times have I been seated at the table in a Kazakh home drinking tea and eating, when a friend or neighbor stopped by just to borrow something or pass on some news, and the host would not allow them to leave without at least taking a piece of bread to eat!

The communication of honor through showing hospitality to a guest is deeply engrained in Kazakh culture.

The importance—indeed, obligation— of the reciprocation of honor shown is exemplified in the typical practice of always having some form of gift in hand when arriving at someone’s home, whether as an invited guest, or when unannounced. This reciprocation of honor, or at the very least a warning against a violation of this obligation, is alluded to metaphorically in the very descriptive adage: *Sū ishken qudıǵıña tükirme* [Don't spit into a well from which you've drunk] (Segizbayulı, 2014, p. 190), and is paralleled in: *Qaytıp kirer esikti jappa* [Don't slam a door that you might (want to) reenter] (Aqqozýyn, 2012, p. 148). Having received honor, whether as a guest or for any other reason, one is not to disregard it, or worse, to return insult for honor; one must always return hospitality for hospitality shown, honor for honor shown.

Concomitant with demonstrating an attitude of honor toward others is the responsibility of maintaining one’s own honor, i.e., being honorable: *Batır jaū barda sıylı, Býy daū barda sıylı* [A hero is even honorable to an enemy; a judge is even honorable in a quarrel] (Segizbayulı, 2014, p. 19). Even in the face of conflict, one is required to uphold one’s own honor and dignity, to respond from that posture of honor in spite of provocation.

**Dignity & Equality.** The fundamental dignity and equality of every person is upheld in Kazakh moral education, particularly derived from Islamic theology and teaching. Hascall (2011) confirms that Islamic jurisprudence emphasizes and guards the dignity of the individual, and further connects dignity and equality, when she explains: “the principle of equality – that all should be treated with equal respect, despite



differences such as race, wealth, class, and gender – emerges under the concept of dignity” (p. 50-51). One participant, a young mullah, articulated this strongly as a principal of conflict prevention, declaring:

...you don't favor the rich over the poor...if anything, the prayers of the poor are going to reach Allah, and if you have cheated them, then you're going to have Allah against you. If anything, the poor would be favored by Allah, and how we treat people...we're supposed to treat everybody the same, because everybody's been made by Allah.

He further explained that the prayers of the rich and poor both reach God equally. If anything, he further stated, God shows deference to the prayers of the poor, particularly cries for justice, since the rich receive so many other advantages in the world of humankind.

As a literary illustration of this belief, Yesenberlin's novel, *The Nomads*, provides a vignette in which a powerful khan is punishing a nomadic village for its attempt to flee his corrupt rule by moving to the territory of an adjacent ruler. The *aqsaqal* [elder] of the village is being forced to watch as the khan's henchmen attack and begin slaughtering everyone in the village, including women and children. The khan hears the *aqsaqal* whispering a prayer under his breath and leans in to hear clearly what he discovers is both a prayer and a curse: “O Allah! If you really exist in everything punish this filthy jackal... Of all beasts only a sated jackal can tear with its teeth others' cubs!” (Yesenberlin, 2000, p. 101). In the author's literary twist of fate, or else divine retribution, a Robin Hood-like band of renegades appears, and rescues the *aqsaqal* and most of his village. And, of all the khan's party, only the khan himself escapes with his

life due his riding the fastest horse in his realm. Hence, Kazakh moral education, in both daily life and in their art, reinforces a value on the equality of every person as inherent in their creation, as well as belief in God's concern for the justice of their treatment by others in the community and His judgment of any mistreatment. This provides an additional incentive to ensure the peace of the community.

The moral injunction to treat all with fairness and equality is clearly articulated in the proverb: *Jaqsı adam algıs alar, Jaman adam qarğıs alar; Ädildik äkimge de, älcizge de, Ärkimge de –birdey* [A good man may receive thanks, a bad man may receive a curse; Whether to the ruler, or to the weak, or to anyone—(treat them with) equal fairness] (Segizbayulı, 2014, p. 115). This sense of dignity and equality extends even to those of other languages and ethnicities: *Tili basqa – tilegi bir; Türi basqa – jüregi bir* [(Although) the language is different, the wish (expressed) is the same; although the appearance is different, the heart is the same] (Segizbayulı, 2014, p. 29). As we will see under the theme of Conflict Resolution below, this same Islamic and traditional Kazakh teaching regarding dignity and equality plays a significant part in motivating not only the prevention of conflict, but the impartial mediation of disputes as well.

Kazakhs are enjoined implicitly to guard their dignity as being of the highest value to them: *Adamnıñ basshısı – aqıl, qoldaūshısı – eñbek, joldası – oy, qorğanı – sabur, qorğaūshısı – minez, tarazısı – jürek, qumbattısı – ar* [A person's leader is wisdom; his helper –work; his companion –thought; his fortress –patience; his protector – character; his scales/balance –the heart; his (most) valuable (asset) –his dignity] (Segizbayulı, 2014, p. 106). This placement of dignity at the highest point in this listing of desirable moral qualities emphasizes the high value placed on it, as well as the harm

that comes from a loss of or disregard for one's dignity, as declared in the following proverb: *Uri basqanıñ malın jeydi, öziniñ arın jeydi* [A thief eats another's livestock, (but) eats his own dignity] (Segizbayulı, 2014, p. 325). And a strong warning is given against ignorantly disregarding one's dignity or the dignity of others by behaviors or attitudes which can cause or perpetuate conflict: *Ädeptilik, ar-uyat – adamdıqtıñ belgisi; turpaylıq, jat minez – nadandıqtıñ belgisi* [Skillfulness (and) dignity are the sign of humanity; rudeness (and) vengefulness are the sign of ignorance] (Segizbayulı, 2014, p. 106). The outcome of a failure to guard the dignity of oneself and/or others is covered under the topic of Shame, in the chapter on Conflict Resolution.

**Peaceful Social Life.** As defined by Van Ness (2006/2010), “peaceful social life means more than the absence of open conflict,” but rather is characterized by “harmony, contentment, security, and wellbeing that exist in a community at peace with itself and with its members” (p. 11). Maintaining a peaceful social life in traditional Kazakh communities is a normative value supported by promptings to maintain the community peace as well as warnings against attitudes or behaviors that will damage or destroy that peace. As a normative value, peaceful social life is strongly represented throughout the data.

One participant described the Kazakh people as a whole as being a merciful people, among whom forgiveness is frequent, since one needs to have good relations with one's neighbors. Another spoke about how important it is to have close relationships with neighbors, and how hospitality contributes to maintaining unity with the community, a reality expressed hopefully as: *Bir kün däm tatqanğa, qırq kün sälem* [For one day having been treated as a guest (lit. “having taken a taste”), forty days (greeting of) peace

(Segizbayuli, 2014, p. 110). And, as demonstrated previously as a principle under dignity and equality, hospitality shown to the stranger or “other” contributes to peace between diverse others. Kazakhs often describe themselves as a *qonaqshil* (guest-loving) people, and apply this principle of hospitality diligently as one means of maintaining a peaceful social life.

As mentioned, numerous proverbs provide a sharp contrast between urging one to peace and harmony, and at the same time warning against contention, for example:

*Köpshil bolsañ -- ösesiñ, kekshil bolsañ -- öshesiñ* [If you are sociable, you will progress; if you are vengeful, you will decline] (Aqkozyyn, 2012, p. 153). One grandmother illustrated this from within her own family, explaining that they keep gossip to a minimum, especially by avoiding the discussion of any of their sons-in-law’s faults with their daughters, and not repeating things that one daughter-in-law said of another daughter-in-law.

Other participants made the point that Islamic teaching and practice support the maintenance of peaceful social life. One shared that there is a *hadis* (from “hadith”, Arabic: sayings and deeds attributed to Muhammad, which were collected and memorized by his followers) regarding a conflict between a father and his son. According to the participant, this hadith teaches that if the father would counsel gently with his son, there doesn’t have to be a conflict between them. Others emphasized that maintaining good relationships with relatives and neighbors required participation in the Islamic feasts of *Qurban Ait* (*Eid al-Adha*, Arabic: feast of sacrifice) and *Oraza Ait* (*Eid al-Fitr*, Arabic: feast of breaking the fast, end of Ramadan). More will be presented under the

theme of Conflict Resolution regarding specific practices of reconciliation that occur during these feasts.

From among proverbs and adages, there is much in the way of moral education designed to maintain a peaceful social life, particularly in the face of provocations or irritations that might lead to conflict or an escalation of conflict. Frequently, the exercise of wisdom, self control, and forbearance is recommended over the dangers of anger: *Daūdi aqıl jeñedi, jaūdi batıl jeñedi*. [Wisdom overcomes a dispute; courage overcomes an enemy] (Aqqozýyn, 2012, p. 188), in fact urgings to apply wisdom are one of the most frequently encountered antidotes to quarrels and disputes. Endurance or forbearance in the face of provocation is similarly recommended: *Jaqsı bolsañ jerdey bol, bärin shıdap kötergen. Taza bolsañ sūday bol, bärin jūp ketirgen*. [If you would be good, be like the land, which endures everything that it upholds (that comes). If you would be pure/clean, be like water, which cleans everything completely] (Aqqozýyn, 2012, p. 229). And self-control and the suppression of one's anger is a true demonstration of strength: *Aristannıñ aybatınan asqan küshti emes, Öz ashūn basa bilgen adam küshti*. [Overcoming a lion's terror isn't to be strong; it is the person who knows and suppresses his own anger who is strong] (Segizbayulı, 2014, p. 18). Moral education that encourages the strength of character of each individual member of the community is intended to strengthen and preserve the community as a whole, which is an apt segue into a discussion of another normative value, namely community solidarity and unity.

**Community Solidarity & Unity.** After Van Ness (2006/2010), solidarity is “a feeling of agreement, support, and connectedness among members of a group or community... [that] grows out of shared interests, purposes, sympathies, and

responsibilities” (p. 12). Moral education is one of the operative values associated with solidarity in Van Ness’s overview and summary of restorative values, and we frequently encounter the value of solidarity in the moral education of Kazakh proverbs and adages. Segizbayulı (2014) provides two clear examples of the promotion of community solidarity: *Özin ğana oylağan -- jamandıqtıñ belgisi, Özgeni de oylağan -- adamdıqtıñ belgisi*. [Thinking only of oneself is a sign of evil; thinking of another also is a sign of humaneness] (p. 378); and, *Ýygiliktiñ erte-keshi joq*. [It is never [too] early or late for beneficial service/the doing of good deeds] (p. 387). Thus, not only consideration of others, but action taken on behalf of others is urged upon members in order to increase the community’s solidarity.

The sense of connectedness within the community as a source of solidarity is illustrated by a proverb shared by a friend, quoting his recently deceased father, who was a recent repatriate from Uzbekistan: *Köñ qatsa qalpına keledi; At aynalıp öz qazığın tabadı* [When the cow dung dries hard, it takes its own shape; A horse will turn back to find its own [hitching] stake/stable]. In other words, something about the origins of the object or animal determines its outcome or destination. Perhaps a cultural equivalent within Western civilization would be the ancient Hebrew proverb, often attributed to King Solomon: "Train up a child in the way he should go, and when he is old, he will not depart from it." (Book of Proverbs 22:6)

This same sense of connectedness is more directly expressed in two other Kazakh adages. In the first, *Babası ekendi balası oradı* [The son will harvest what the ancestors have sown] (Segizbayulı, 2014, p. 85), the wisdom offered can be understood with both a positive and a negative connotation. Similarly, *Qudıqtan sū ishken, qazğanga raqmet*

*aytadı; Ağashtı köleñkelegen, ekkenge raqmet aytadı* [The one who drinks from a well gives thanks to the one who dug it; the one who sits in the shade of a tree gives thanks to the one who planted it] (Aqqozýyn, 2012, p. 111). I first heard this adage from a villager as the water first began to gush from a well that our NGO had collaborated to refurbish. The sense of gratitude felt is expressed toward those with the vision and foresight to prepare in advance something that serves and blesses those who will follow. Even if multiple generations have passed since the good deed was done, the ongoing impact remains to the present day, and should be recalled with gratitude.

Efforts to uphold this value of solidarity are well illustrated by the stories told by participants. In one instance, a story that will be expanded upon in a subsequent section, a young man had been convicted of selling a distant relative's livestock, which he had been responsible to herd, and he was sent to prison. The element of the story that is pertinent to this current discussion is that his wife and children were left destitute without his income from herding livestock, but the entire village provided and took care of them, since he wasn't in a position to do so. Although the young man himself was held responsible for his actions and their consequences, community solidarity resulted in the support of his family as valued members of the community, rather than their rejection as outcasts.

In another instance shared by a participant, a young husband unexpectedly died, leaving his young widow with his parents, since it is Kazakh tradition that newlyweds live with the groom's parents in their home. This arrangement can sometimes continue for years, if not for the entire life of a man's parents. The young wife's parents and family lived far away, and it was expected by many that she would return to her home village to live with her parents. But her father-in-law made it perfectly clear to her that

she would always have a home with them. She and her small children would not be abandoned by her husband's family, but would be supported and provided for, as it was in their shared interests for her to remain. Certainly, the family legacy could be perpetuated through their deceased son's children remaining within the household, but there was an implicit sense in which the young widow was valued and welcomed as a member of the household in her own right.

One participant spoke of her husband's generosity in the case of his response to a poor family he discovered who were homeless and in need. She described how he had brought them home to stay with them, and they had immediately prepared food for them. This woman went on to explain how her family had clothed their guests, and had even chosen to sleep on the roof of their own home in order to give the homeless family a place to sleep while they were with them. A high value on community solidarity on the part of this family led to self-sacrifices in order to act out their compassion toward others who found themselves in need.

Community solidarity extends beyond providing for its members in need; it includes collaboration for the mutual benefit of the members. On the China side of the border, several brothers were each operating their own individual agricultural enterprises. Although they didn't share together collectively in their ownership, they did gather together to share their thoughts, their plans...and to seek advice, to consult together. Then they would each make their own individual enterprise decisions, in consideration of the input from others. As has been said: *Kün ortaq, Ay ortaq, Jaqsi ortaq* [(Just as) the sun is common/shared; (and) the moon is common/shared; (thus,) good(ness) is common/shared] (Mentebaeva, 2012, p. 22). Stated in the form of a warning, the same



sentiment is represented as follows: *Qaytıp kirer esikti jappa*. [Don't slam a door that you might (want to) reenter] (Aqkozyyn, 2012, p. 148). Stated as positive encouragement, a similar thought is rendered: *Jartını jarıp jegen, Tatūlıqtıñ belgisi* [To split and eat a half is a sign of friendly relations] (Turmanjanov, (1997, p. 127). Efforts to build and maintain community solidarity, and warnings against violating the same, are frequent and forcefully asserted within Kazakh moral education.

Maintaining the unity and solidarity of the Kazakh community takes on such importance for elders, that the parting words of the dying can focus heavily on a final attempt at moral education toward that end. The following paragraph is taken from a treatise on Kazakh culture published in the Xinjiang Province of northwest China by a repatriated Kazakh who lent a copy of his book for our perusal. This particular discussion was of *Aryzdasu* [Bidding a Last Farewell] (Nüsipoqasulı, 2002, p. 193), essentially a “last will and testament” delivered verbally to gathered friends and relatives:

Kazakh people’s moral commitment to humanitarianism is so strong, that a good word or suitable last testament for the remaining before leaving for the next world, indeed even after having left, can allow them to leave in peace. If they expect the abandonment of scandal, those who remain behind will take the about-to-depart person's wishes that they say no bad words or have unresolved disputes, and not hold a grudge or have regrets. On the other hand, according to his behest, those remaining behind even further can be zealous to know prosperity and unity, for peace to come to life.

Both the warning against quarrels and scandal, and the promotion of peace and unity may be contained in the parting words of a Kazakh elder, according to Nüsipoqasulı. Surely,

as he penned this, this particular elder who was well into his 80s when we met, had in mind this proverb: *Uristiñ mereyi -- erlik, ırıstiñ mereyi -- birlik* [Battle's glory/fame is valor; prosperity's glory/fame is unity] (Aqkozyñ, 2012, p. 44).

**Communication.** To the degree that the Kazakh community's communication is guided by the normative values of respect and solidarity, and taking active responsibility to maintain a peaceful social life, is the degree to which that community will follow the injunctions and warnings regarding how and how not to communicate so as to prevent the occurrence and/or escalation of conflict. Each collection of proverbs and adages contained scores of selections, which either exhort toward positive communication skills and practices, or warn against negative or destructive communication. Often, the exhortation and warning are represented within the same proverb, as will be illustrated. But throughout the tradition of Kazakh oral culture is the fundamental assumption that words, as represented metaphorically by “the tongue,” are a powerful force for either ill or good: *Tirini körge salatın da -- söz, Ölini tirilte alatın da -- söz* [A word can both put the living in the grave, and a word can also raise the dead] (Segizbayulı, 2014, p. 186), as well as *Bir kyyeli söz Mıñ kisiniñ köñilin jadıratar* [One holy/pure word will cheer up the mood of one thousand people] (p. 241).

This power tends to produce ambivalence toward the tongue, which then becomes a further case to speak in a careful, respectful way in order to preserve the community's peaceful social life: *Eñ tätti de -- til, eñ aschi da -- til. Eñ jumsaq da -- til, eñ qattı da -- til* [The sweetest of all is the tongue; the most bitter of all--the tongue. The softest of all is the tongue; the hardest of all--the tongue] (Aqkozyñ, 2012, p. 237).

In order to curb the potential that a person's words have to cause harm, there are multiple ways of warning the hearer to minimize unnecessary words, which is concomitant with the value found in listening well. These include *Köp tın̄da, az söyle*. [Listen much; speak little] (Segizbayulı, 2014, p. 90); *Jaqsı bayqap söyler, jaman shayqap söyler*. [The good (one) may speak carefully; the bad (one) may chatter away.] (Aqkozyyn, 2012, p. 198); as well as one I learned very early in my own Kazakh language journey, *Köp söz -- kömir, az söz -- altın*. [Many words are coal; few words are gold] (Segizbayulı, 2014, p. 374). It is in carefully listening that one demonstrates their wisdom: *Aqıldı aytqan aqıldı emes, Tın̄dağan aqıldı* [The one who says he's wise isn't wise; the one who listens is wise] (Segizbayulı, 2014, p. 221).

Yesenberlin (2000) has one of his historical characters warn another that “He who talks without caution will die without being sick” (p. 112), and another warns against careless communication in the form of gossip: “Such rumours [sic]...are worse than a poisoned arrow shot from an ambush...” (p. 276). In the folktale, *Hannıy söylemeytin balası* [The khan's son who wouldn't speak}, the khan's son finally explains his silence as stemming from his conclusion that “the tongue is a source of grief,” which he wanted to avoid (Baygabilova, 2015, pp. 40-43).

When engaging in speech, the wise one ought to use their words to bring blessing and promote wisdom: *Jaqsınıy sözi aqıl shaqıradı, Jamannıy sözi ashū shaqıradı* [The words of the good invite wisdom; the words of the bad invite anger] (Aqkozyyn, 2012, p. 198), and, *Jaūnmen jer kögeredi, batamen er kögeredi* [With rain the land greens up; with blessing courage becomes green (flourishes)] (p. 233). If the tongue is used unwisely, the results can be disastrous, as in *Qotır qoldan juğadı, päle tilden juğadı*. [A

rash is contagious/spreads from a hand; disaster is contagious/spreads from the tongue] (Aqqozýyn, 2012, p. 234), as well as *Soyıldıñ jarası biter, til jarası bitpes*. [The wound from a club may end; the wound from the tongue may not.] (p. 236). The injunction is to speak respectfully and carefully with others, or else expect to bear the consequences of your rash speech.

Perhaps the most serious misuse of the tongue, which comes under strong condemnation in Kazakh moral education, is to speak lies: *Ötirik degen dushpan bar, otqa siiyrep saladı* [There is an enemy known as a lie, which drags you into the fire] (Aqqozýyn, 2012, p. 227). And the liar comes under such severe condemnation as to risk eternal damnation: *Saūdagerde ýyman joq -- arın satadı, Ötirikshide ýyman joq -- janın satadı* [A merchant has no integrity--he sells his honor; a liar has no integrity--he sells his soul] (Aqqozýyn, 2012, p. 229).

Yet, while integrity of speech is clearly valued within Kazakh culture, there is a strong theme running through the folklore of wily, creative, impoverished fellows who manage to deceive and trick the wealthy or the mighty in order to gain for themselves wealth, position, and power. (Baygabilova, 2015). Upon reflection, it is clear that these tactics are approved when used upon strangers who have come by ill-gotten gain. Yet within the family and village, such behaviors are never acceptable, as shown by the strong warnings against such behavior throughout the proverbs and adages. In a sense, one might consider such behaviors as weapons that are appropriate and useful either offensively or defensively in the proper context, but which are not to be employed near home or hearth, lest those nearest and dearest be harmed in the process.

Equally problematic with speaking excessively, unwisely, or untruthfully is the problem of someone who refuses to listen: *Sözünđi ayt uqqanğa, Aytıp-aytpay ne kerek, qulağına maқта tıqqanğa* [Say what you will toward understanding (trying to explain), why bother to say or not say (what's the point?) to the one who has stuffed cotton in his ears] (Aqkozyyn, 2012, p. 191). Clearly, it is considered to be a waste of time to try explaining something to someone who refuses to listen.

The final communication theme worth mentioning is a recognition that as powerful as words may be, e.g., *Aytılğan söz, atılğan oq* [A spoken word is a fired bullet] (Aqkozyyn, 2012, p. 233), words must be backed by action, or else they become meaningless: *Söz -- saban, is -- dän* [A word is straw, a deed--the grain] (p. 234). Indeed, showing hospitality to a guest is among a Kazakh's highest values; however, *Qonaqtı sözben toyğıza almaysıñ* [You can't feed your guests to their fill with (just) words] (Aqkozyyn, 2012, p. 262)— you had better have something of greater substance to set before them than mere promises.

### **Summary of Conflict Prevention Model**

Thus, we have completed our circuit of the conflict prevention circle in the Circle of Indigenous Informal Kazakh Conflict Prevention (Figure 4). The Kazakh elders, be they *aqsaqaldar*, *kempirler*, or *modalar*, serve as moral educators for their villages and homes, holding the space in between while promoting the values, attitudes, and behaviors which empower their communities to prevent conflict from needlessly erupting into rancor or even violence. Whether the moral education they provide is inspired by their religious foundations in Islam, or whether it is derived from the rich oral culture preserved in Kazakh folklore and proverb/adage collections, it is targeted at maintaining

honor, dignity and equality, community solidarity, and a peaceful social life within families and villages. That moral education can take the form of exhortation to positive attitudes and behaviors, or it can be offered in warnings against those things, which could lead to the destruction of the community. Much of what the elders pass on relates to how to communicate with others respectfully and honorably, making certain to guard the dignity of others out of care and concern for the wellbeing and unity of all.

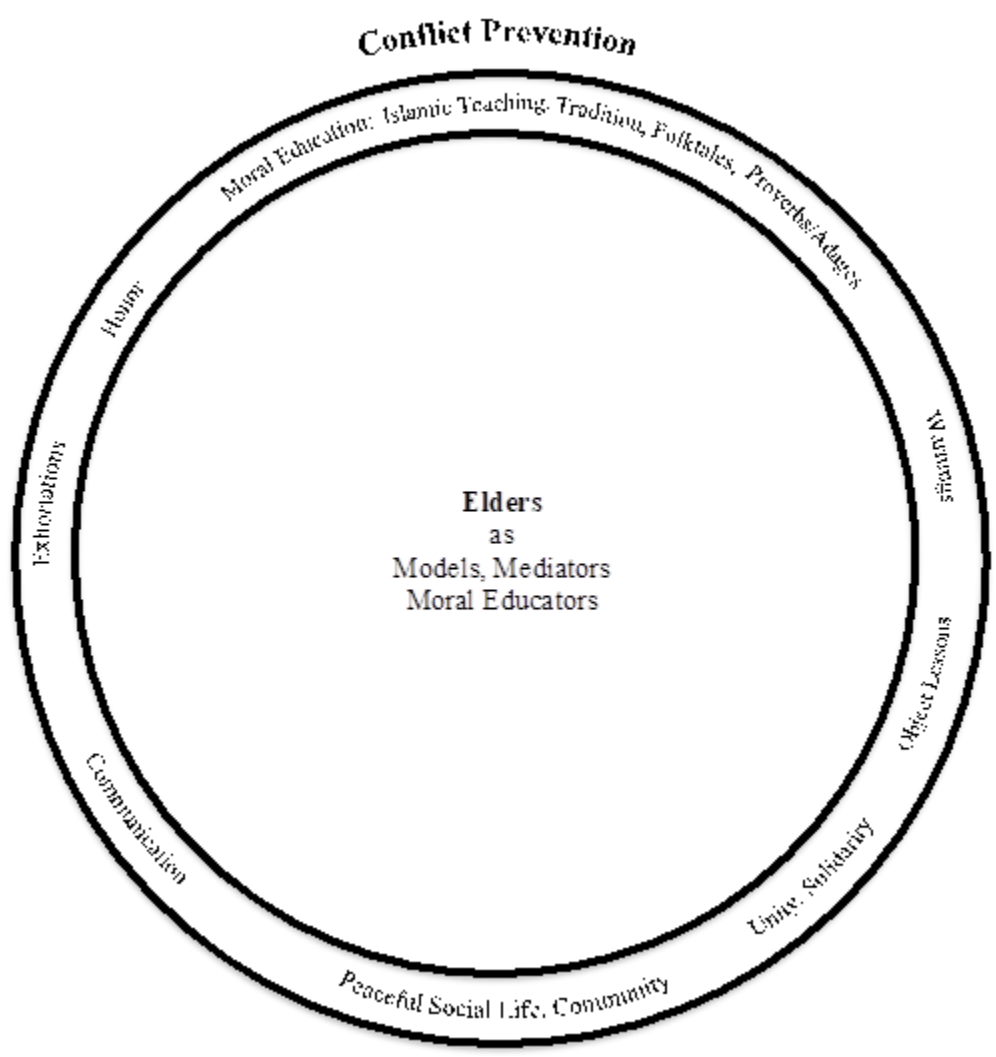


Figure 4. Circle of Indigenous Informal Kazakh Conflict Prevention.

## Chapter 5: Presentation of Findings, Part II

### **Findings, Part II: Conflict Resolution Processes**

As previously stated, the second higher-level theme, which emerged during second cycle coding, was that of Conflict Resolution. The theme of Conflict Resolution intersects with the key theme of Kazakh elders and their vital role in their homes and communities in a complex dynamic as represented through the “Triquetra” knot image shown in Figure 2. Once again, the elders in a traditional Kazakh community hold a central space for members of their households and villages, which will ideally encourage them in dealing with conflicts or disputes that do emerge in constructive rather than destructive ways.

Prior to the abolition of the traditional *býy* courts, higher-level disputes between villages or clans would be adjudicated by *býyler* (judges), which were selected by the disputing parties. Nüsipoqasulı (2002) described the process as follows:

The Kazakh people’s great disputes would be brought before all the gathered people, then both sides of the dispute [were] carefully listened to and settled in front of the people. At that time, the disputants would go to the judges before the people...submitting to the top judges’ arbitration the opposite sides of the dispute eloquently and ingeniously in an attempt to prove and win with factual and logical arguments.

When those gathered to resolve the dispute reached an impasse, they would choose a chief judge, who had the authority to resolve the dispute. When the chief judge presented his judgment, which would make peace, the other judges, the

elders and the crowd supported it unanimously, and it was accepted by the disputants as having the force of law. (p. 192)

Although *býy* courts were abolished gradually first under Russian imperial rule and then under early post-revolution Soviet policies of domination and assimilation, they remained functional among Kazakhs in northwest China through the 1940s, until the end of the Chinese Civil War, or “Liberation”, as described by the research participants. But once the communist government had consolidated its power, it stopped the functioning of the *býy* courts, and took over the authority for such legal matters.

Nonetheless, according to one participant, rural Kazakhs continued to take charge of dispute situations, involving their elders in processing the conflicts that arose even in the case of many of the crimes committed. Only in the most serious crimes, such as in the case of murder, would the offender be handed over to the Chinese authorities to prosecute. Otherwise, until quite recently, the elders continued to decide each case, applying primarily a compensatory justice in the sense that the punishment would be administered through a form of payment or *kün*. That payment could be made with money or it could be paid in the form of livestock. As diaspora Kazakhs began returning to the titular homeland in the wake of Kazakhstan independence in 1991, they brought some of these compensatory justice practices with them, as will be described below.

### **Elders as Models & Moral Educators in Conflict Resolution**

Elders perform the role of models and moral educators to accomplish conflict resolution in much the same way as they foster conflict prevention. As models, they initiate the resolution of conflicts they themselves have fallen into. One particular *aqsaqal* described for us not only how he would take the initiative to urge disputants to



resolve their conflicts, but also how he himself took advantage of a religious festival to go to a neighbor's home and to ask forgiveness for his part in a conflict that had been festering between them. In this case, this elder was demonstrating to both the offended neighbor and to the entire community how one must initiate reconciliation with others.

This same participant acted as a moral educator for his community, taking the initiative to approach parties in conflict, and to exhort them in a more peaceful path. He described how he would go around to such folks, wherever they might be, when they couldn't even speak together because they were so offended with each other. Then he would say, "Hey, you all are young...you need to listen to one another, accept one another. When you speak with one another, you need to lift each other up." In this way, this *aqsaqal* identified their conduct toward one another, and explained that they needed to guard their words to one another, so as not to negatively affect each other verbally. Finally, he would tell them that they need to be accepting of one another. In this very specific way, this Kazakh elder was serving to provide moral education to disputants in his community.

In a similar instance involving a conflict between an older woman who had falsely accused a younger neighbor of theft, the neighborhood *kempirler* (older women) intervened, and lectured the younger woman in the following fashion:

Thusly, to the young *kelin* [daughter-in-law], they said, "Suppress it! You are young. Even though that person said, 'You stole it!' from a not-so-wise position, a bit tired it seems psychologically, but you didn't steal it at all! You know that...so control yourself. That person getting angry at you may have anger from before, or maybe she was harboring in her heart that she has had someone else that has

stolen from her...you are young, so forgive that older person...you two are neighbors, after all...you have been living here near each other for a long time, so it would be proper to forgive her. Don't harbor revenge in your heart...she is your neighbor. Your being friendly with one another is right! Forgive her!" She said, "Control it!" to the young *kelin*.

This exhortation by the female elders in the neighborhood included both warnings against the effect of the younger woman's anger at the false accusation, along with reinforcement of positive values and behaviors of community solidarity, forgiveness, and self-control. In addition, the *kempirler* displayed a fair amount of psychologizing in an attempt to help the younger woman reframe the unreasonable charge of theft coming from the older neighbor. And in this way, these women also provide a demonstration of the important role that elders of both male and female gender play in the moral education of their communities.

Moral education by elders, as previously stated, can also take the form of proverbs and adages, which address the theme of conflict resolution. Many of the proverbs reviewed addressed the contrast between attending to wisdom *versus* giving in to anger, leading to quarrels. This is illustrated in the rhyming parallelism of *Daūdi aqıl jeñedi; jaūdi batıl jeñedi* [Wisdom defeats a quarrel; courage defeats an enemy] (Aqkozyyn, 2012, p. 34), as well as the following rhyme, which I frequently heard in conversation: *Ashū—dushpan, aqıl—dos; aqılıña aqıl qos* [Anger is an enemy, wisdom—a friend; to your wisdom add more wisdom] (p. 195). The use of rhyme, alliteration, and parallelism in the proverbs serve as an aid to memorization for young Kazakhs, aiding the

elders as well in their task of making the moral lessons they were teaching accessible in time of need by their family and community.

This contrast between anger and wisdom provides a variation on the truths stated in the title proverb (“To Gallop Together to War is Easy—To Make Peace is Hard,” to be elucidated in greater detail below): *Ashū shabıstıradı, aqıl jarastıradı* [Anger drives to a gallop/to war; wisdom brings reconciliation] (Aqçozyın, 2012, p. 200). What is implied in each of these anger/wisdom contrasting proverbs is an additional contrast between quarreling and peaceful relations. And it may also be inferred that such sayings are meant to cement into the minds of the hearers that seeking out the wisdom of one’s elders is likely to result in peace and reconciliation, whereas giving in to one’s anger or the anger of others nearby is likely to drive one into further conflict, and even violence.

The close association between wisdom and peace in contrast to anger and conflict is reinforced in the previously mentioned folktale, *Beybitshilik turalı ertegi* [A Tale about Peace], in which the hero of the tale, Friendship, after defeating the wicked and enraged King Bloodthirsty, falls in love with and marries King Peace’s daughter, White Dove, who is renowned for her wisdom. The moral of the story is apparent, in that friendship and peace, wisely united in a just cause, will defeat anger and violence and be rewarded with love and happiness. And in the end of the tale, an explanation is provided as to the link between the symbolic representations of peace through the image of a white dove. An elder telling this tale would be able to connect desirable moral lessons to memorable symbols, as well as to the less than subtle naming of the key characters, which reinforces both desirable and undesirable characteristics.

## Elders as Mediators

In the same way that the elders in traditional Kazakh homes and communities serve as models and moral educators in the prevention of conflict, they also play a key role in mediating conflict that inevitably occurs along the course of daily life. An adage that expresses this reality—indeed the expectation of conflict—wisely states: *Üy bolğan soñ shını-ayaq sıldırlamay turmaydı* [You can't have a home without rattling a few dishes] (Mentebaeva, 2012, p. 116). Yet this is neither cynical nor hopeless in its tone; rather, the adage embraces the inevitability of conflict within the home or community as an essential part of what actually constitutes domestic and communal arrangements. Indeed, in order to truly become a home, the adage seems to say, some conflict will be unavoidable. One participant from China, in discussing conflict and conflict resolution, quoted Mao Zedong, who was expressing a similar sentiment on the societal level: *Qayshılıqsız qoғam damıymaydı* [Without controversy/conflict of interest, society won't develop]. The certainty that conflict will arise highlights an additional important responsibility for the elders in a Kazakh home or community—that of mediator.

In the course of the interviews, we heard numerous stories of *aqsaqaldar*, *kempirler*, and *moldalar* intervening as mediators between those in dispute with one another. At times, when these elders became aware of a dispute, they initiated the mediation, either by approaching one of the disputants in order to urge upon them a resolution, or by gathering those in dispute together—sometimes along with a large cross-section of the community—to talk through the situation. At other times, elders were asked by one or both parties to intervene, given that the parties in a dispute were at an impasse and required outside help to come to a resolution.

Whereas elders are often used to facilitate negotiations between members of the community, not all such negotiations involve conflict. Common among traditional Kazakhs is the series of negotiations involving the joining of two families through marriage, a portion of which will include negotiations over the *qalındıq bağası* [bride price or dowry], which is typically used to provide furnishings for the newlyweds, as well as to help pay for the wedding celebrations. However, participants shared at least two occasions in which the wedding negotiation process had become rancorous, and thus required the intervention of a mediator.

In one case, two families negotiating a dowry approached a village imam. The young man's family had \$3000 that they could offer, and the bride's family was asking for \$5000, leading to an impasse. The imam instructed the prospective groom's family to gather all of the relatives and friends of the young man together, to whom he then explained the situation. The imam took the lead in explaining to all assembled how important it was for them to bring a *kelin* [daughter-in-law] into the family, and how that would enable the family to perpetuate itself through another generation. Then different people began stepping up, and one offered \$200, and somebody else some more, until eventually they gathered together an additional \$1000, to where they had collected \$4000 total. At that point the imam went with the groom's family representatives to the prospective bride's family. And after explaining how they had worked hard and gathered the extra \$1000 and they now had the dowry up to \$4000, the imam explained that it would really be in their mutual interest— a good thing for everybody— to go ahead and have the wedding. With some encouragement, the bride's family also agreed that they could accept \$4000 instead of the \$5000 that they had been asking for as a dowry. That

was an example of the imam being personally involved in helping to mediate and negotiate between the two families. The imam didn't cite specific religious precedent for his role, although there is little doubt that religious teaching did inform his ability to act as mediator between the two families. However, it was clear that they respected his authority as an imam, as well as his wisdom as an elder, and that's why they asked for his help to negotiate in the first place. And in the end, he was rewarded for his efforts with a *shapan* [traditional long felt- or cotton-lined robe] as an expression of honor, esteem and gratitude for the role he had played in bringing about a successful conclusion to the negotiations.

However, there is a more genuinely conflictual situation regarding bride price negotiation, which takes place as a result of the controversial tradition known as *qiz alhp qashū* [bride stealing], with significant similarities between the practice as it occurs in Kazakhstan (Werner, 1997), as well as elsewhere in Central Asia (Kleinbach, Ablezova, & Aitieva, 2005; Handrahan, 2004). Although I have known several men who had prearranged with the young woman involved in each case to "kidnap" her as a form of elopement, which worked to speed up the process of getting married and greatly reduce the overall cost of the various celebrations (Werner, 1997), there are far too many examples of an actual kidnapping of a woman by a carload of total strangers. This sometimes involves the impulsive snatching of a girl off the street by a group of men who have driven from afar in order to search out an attractive young woman to kidnap. At other times, a young man desiring a bride has chosen and stalked a particular young woman, with his friends enlisted to help him kidnap the woman of his mere acquaintance. In either case, it may be several days that pass before a delegation from the prospective

groom's relatives arrives to inform the bride's family where she has been taken, offering an apology and a dowry in order to seek agreement for the marriage.

The tragic reality is that the proposed marriage has already likely been consummated by a violation that amounts to a rape, but even if that has not been perpetrated against the kidnap victim, the presumption of the same results in a blanket of shame thrown over the victim (Werner, 1997). This results in the young woman's own family members, struggling with their own sense of violated honor and perhaps enticed by a generous bride price offer, then urging her to agree to the marriage. Should she continue to refuse, that shameful assumption will hang over her upon her return home unmarried, and presumably "soiled" by the events that have transpired. It is the rare young woman who can withstand the pressure from her own family, as well as the overtures from the man's family, leading to a very unhappy beginning to a less than satisfying union.

Although this practice is illegal and held in disfavor, its occurrence remains sufficiently out of the sight of the legal authorities, or else their sight is conveniently blinded through corruption, such that occasionally an elder or group of elders are called upon to mediate in the negotiation of the bride price in such sordid circumstances. Several of our participants cited such instances, and described either their own mediating roles or the roles of other elders of their acquaintance in bringing such situations to a negotiated conclusion.

Whether the marriage had taken place through a bride stealing, or whether the prospective bride's family had been approached in advance with no hint of the threat of *qız alıp qashū*, the outcome of the traditions of bride stealing and matchmaking can mean

that a new bride enters into a husband's family system made up of total strangers. Both can lead to family conflict, which requires mediation from one or both sets of parents and other elders. A number of participants shared stories of the mediation of domestic conflict between a young wife and various of her husband's family members.

It was not unusual to hear a story about a *kelin* [daughter-in-law] coming into the home, and over time developing conflict and antagonism with other women in the household, either another *kelin* or an older daughter still living at home. One participant told of a situation in her own home, in which one of her brothers married and brought his wife into their family home as the *kelin*. Using an idiom in Kazakh, the woman described the situation as “*cen jū, men jū renjigen*” [‘you’re lying and I’m getting dirty’], or a tit-for-tat ongoing quarrel with occasional clashes between the young women in the household. The head of the household, the groom's father, had to get involved in order to mediate the dispute. Interestingly, he chose to say nothing to his daughter-in-law, but instead scolded his own daughters for their part in the dispute. He chose to continue the training of his own daughters, rather than laying blame for the conflict at the feet of his daughters-in-law. There were similar examples given of marital conflict and separation, in which parents or other older family members brought the estranged spouses back together, either through the use of many words, or few.

Additional stories were shared of fights breaking out between children of different families, which then spread to conflict between parents, and the involvement of elders in bringing the families to resolution. Some even had involved serious injury, such as the loss of an eye by one boy. But the most significant examples shared of mediation by elders were those in which there were tragic fatal auto accidents, in one case in which a



child was run over, and in another in which both drivers and several passengers were killed, and the remaining passengers severely injured. Intervention by the elders in one case superseded indictment and prosecution of the responsible driver, who had been unaware of the child, who bolted into the road. In the other case, advice from the elders prevented the elderly, surviving parents of the deceased driver from being sued by the victims of his drunken recklessness, saving the parents from financial ruin.

At least one participant shared a story of mediation taking place by proxy:

According to what this more than 80-year-old elder had to say...his younger brother had a quarrel and animosity with his own son. His son had a bit of a habit of drinking hard liquor, and so on one occasion when that son had been drinking, he had said some sharp words to his own father (the elder's younger brother).

Thusly, animosity arose between the two of them. And this quarrel between them extended on for a while it seems, (while) the elder telling the story was in China.

Therefore, there was no opportunity for him to intervene between them to talk

together with them to bring about reconciliation. Thus, while still being in China,

he assigned a mandate to one particular relative who planned to travel to

Kazakhstan. It was a mandate intended to cause (the elder's) younger brother to

reunite with his own son; in other words, he gave orders that they should be

reconciled. When this messenger arrived in Kazakhstan, he proceeded to invite

and receive the elder's younger brother with his son, and fulfilled the instructions

that the elder had assigned for him to deliver. In this way, this elder was able to

cause reconciliation between the two sides of a dispute. Hence, both the son, and

the elder's brother submitted to the elder's orders, especially a mandate which he

had assigned while he was still in China. So, because of the old man's undertakings, the other older man submitted, and the two sides once again were reconciled.

Finding himself in a place to where he was unable to intervene directly and in person, this *aqsaqal* took it upon himself to send written instructions via a trusted third party, which the brother and nephew received as a command, to which they then submitted.

The incident related above illustrates a common element in many of the mediation stories told by or about Kazakh elders. It seems to be common that the elders take on a role of arbitrator rather than mediator, although the technical Kazakh term for arbitrator [*töreshi*] was used neither by the researcher nor the participants in the course of the interviews. The elders typically settle the disputes by mandate (the specific term applied by the elder in the above account) rather than through dialogue between the disputing parties. When I introduced the topic of mediation in most interviews, I shared the proverb described earlier: *Oñ qolıñ urıs bastasa, sol qolıñ arashashı bolsın* [If your right hand begins to form a fist, may your left hand be a mediator] (Mentebaeva, 2012, p. 125). The word translated “mediator” has its root in the word *arasha* [separation], and the related verb, *arashalaū*, is defined as “to break up a fight” (Krippes, 1994, p. 19). A variant of this proverb is as follows: *Oñ qolıña sol qolıñ arashashı bolcın* [May your left hand be a mediator for your right hand] (Aqkozyyn, 2012, p. 188). Another states the necessity of the separation that a mediator provides, in this case metaphorically represented by the nose on a face: *Murın bolmasa, eki köz birin-biri shuqır etedi* [If it weren't for the nose, the two eyes would make a pit with each other (or, more colloquially, scratch each other out)] (Aqkozyyn, 2012, p. 186).

Yet the form of intervention typically being offered by elders in these accounts is more in keeping with an arbitration, in which the arbitrator formulates a decision as to how the dispute is to be settled, and mandates the terms of the agreement. The primary distinction between the arbitrating role described in these accounts and “binding arbitration” as is typically understood, is the element of persuasion that characterizes most of the stories. The elders involved in each account make a judgment, but then must persuade the disputants to accept that judgment as equitable.

It appears that with the decline, disappearance, and/or banning of the more formalized *býy* court system of jurisprudence over the past century, as described at the beginning of this chapter, vestiges of its function have been preserved informally in how many Kazakh elders approach their mediating role within their communities. Although the imperial systems of Russia and China, as well as the communist governments of their successor states, all reserved the authority to make such judgments in both criminal and civil law, rural Kazakh communities have circumvented these systems in a variety of ways, by the elders employing a combination of quietly usurped juridical authority along with persuasion to operate their own informal approach to mediating or arbitrating crime and conflict. These elders thus retained the agency and ability to adjudicate and resolve such forms of conflict in a similar fashion as had previously been conducted formally through the *býy* court system.

### **The Community Shame Balance—Tipping toward Stigmatization**

Dip into any collection of Kazakh proverbs/adages, and one will find many pages of items addressing the topic of shame and associated concepts, e.g., dignity, face, reputation, pride, prestige, influence, honor, respect, conscience, embarrassment, or

dishonor. Entire sections of these proverb/adage collections are thusly titled and devoted to these concepts, but that doesn't mean that the key concepts associated with these terms don't also turn up sprinkled throughout other sections of each collection, nor that associated metaphorical meanings aren't implied or inferable when not made explicit. Such references are readily available under other headings, such as Family, Community, Nation, Fatherland, Religion, and more; or else, under a variety of character traits, e.g., Goodness, Evil, Wisdom, Foolishness, Heroism, Friendliness, Industriousness, Laziness, Hospitality, or others. The net effect is that scores—perhaps hundreds— of Kazakh proverbs and adages address shame and its constellation of related concepts.

Among the tens of thousands of proverbs/adages available for review, this may not seem to represent a key topic for coding and explanation. Yet, in the course of all of the interviews that were conducted, and occasions for participant observation, there was hardly a situation in which the concept of shame was not explicitly addressed, whether within a dialogue about conflict, or just in the casual sharing of information over a meal or tea. The interjections “*Uyat qoy!* [What a shame!]” and “*Masqara!* [Shame/Embarrassment/Dishonor!]” peppered the conversations, often accompanied by a downward stroke of the right cheek with the right index finger, demonstrating where that shame or embarrassment is most evident when blushing. Such comments and observations drive a strong point home regarding the high degree of motivation within Kazakh culture associated with Shame and Honor. It is instructive and hardly surprising to encounter the adage *Ölimnen uyat küshti* [Shame is stronger than death] within Mentebaeva's section on “Example-Edification, Teaching-Training...” (2012, pp. 20-21), rather than in the section on “Pride, Dignity, Honor.” Moral education about shame is a

critical function within the Kazakh community. It is vital to reinforce among the community an understanding that there will be no escape from shame, even when passing into the next life.

This constellation of shame-related concepts has been referenced in the previous chapter on Conflict Prevention through both the instructive exhortations and dire warnings handed out by the elders to younger members of a Kazakh family or community. Shame will be a consequence, for instance, should one's hospitality prove inadequate: *Qonaqtı sözben toyğıza almaycıñ* [You can't feed your guests to their fill with (just) words] (Aqkozyyn, 2012, p. 262); and, *Qonaqqa kel demek bar, ket demek joq* [Whereas one can say to a guest, 'come,' 'leave' is never said] (p. 262). Indeed, poor hospitality can even cause ...*shın dosıñ da shetteydi*— even a true friend to shun you— a cause of deep shame (p. 262). And whether it was oneself or another who was providing the hospitality, one can be assured that *Urıspay ayırılğan uyalmay qosıladı* [(Whoever) separates without a quarrel meets again without embarrassment] (p. 262). Again, this cluster of adages was not listed under Shame or Honor, for lack of explicit reference to shame, but within Aqkozyyn's section on Guests & Hospitality (pp. 262-263). A more explicit adage associating shame with hospitality comes from Turmanjanov (1997): *Kelgenshe qonaq uyalır, kelgen soñ üy ýyesi uyalır* [Until they arrive, the guest may be ashamed; (but) after they come, the host may be ashamed] (p. 122). The shame of the guest is to impose on another's hospitality; the shame of the host is to fail to provide generous hospitality.

Shame is not a mere individual social construct within the Kazakh family and community, for the shame of one touches the shame of all or else spreads the shame to all

who are associated: *Balanıñ uyatı äkege, qızdıñ uyatı sheshege* [A son's shame (extends) to the father; a daughter's shame (extends) to the mother] (Turmanjanov, 1997, p. 55). Perhaps worse is to be one who is shameless or unashamed: *Bar barın jeydi, uyatsız arın jeydi* [Those who have (may) eat from it; the shameless eat their own reputation] (p. 37); and, *Uyalmağan uyaltadı* [The unashamed shame others] (p. 41). Such will consume their own reputations, while simultaneously bringing shame to those around them through their brazen behavior and lack of the social barometer of shame. Again, within Turmanjanov's collection of proverbs and adages, the above were not located under the topic of Shame, but under Family and Society, reinforcing the social nature of the experience of shame among Kazakhs.

The effect of shame or shameful behavior on others is illustrated amply in the moral of the folktale *Judırıqtay býyday dänegi* [The wheat kernel as big as a fist] (Baygabilova, 2015, pp. 277-280):

A seed of wheat is found that is the size of a fist. When the king and his advisor go searching to discover what kind of seed it is that could be so big, they meet up with a series of men, each one the father of the previous, yet who oddly appears twenty years younger than his son. The grandfather that they finally meet, who appears only 30 but claims to be 130 years old, tells of a time when all of life was characterized by decency and dignity, and God gave the fruit of the earth as was suitable to men's character. Men didn't deceive or lie to one another. Whether great or small, all kept their promises. And people weren't divided into poor or rich. And to cause suffering to the lesser wasn't even a concept. Young men put others before themselves. Young women were polite, modest and chaste. Their

words were smooth and soft, and if you listened, your favor was rewarded. But over time, as mankind descended from decency and dignity, God took the good character away, and shortened their lives. That kernel of wheat had come from the early age. When asked, the young-looking old man explained that his appearance and the appearances of his son and grandson were a reflection of the quality of wives that each was married to. His own is a gem. His daughter-in-law sleeps till noon each day. And his grandson's wife daily talks rudely to him, and quarrels. She hides nothing, and acts shamelessly. In front of everyone, she reveals her husband's faults, and accuses him of them. From her evil character, her husband has grown old before his time.

The shameful behavior of the grandson's wife becomes the point of the adage that concludes the folktale and provides its moral: *Ötpes pışhaq, shaban at, jaman äyel er jigitti qartaytar* [A dull knife, a sluggish horse, and a bad wife will (prematurely) age a young man] (p. 280). Although not associated with this particular folktale, the proverb *Atalı sözge arsız ğana toqtamaydı* [Only the shameless won't stop at appropriate words] (Aqçozyyn, 2012, p. 227) provides an expression of a similar warning.

Focusing the element of shame specifically onto the topic of conflict resolution addressed in this chapter is best accomplished through the accounts shared by different participants during the interviews. Among the multiple accounts related by participants, the most poignant story was relayed to us by a young imam who recalled a situation which took place in his home village in China, and in which his own father, also an imam, was a primary figure:

A particular young man had been given responsibility to herd a distant relative's livestock, and for some reason had taken it upon himself to steal the herd and try to conceal it. Once it was discovered, although he returned the stolen animals, somehow the case was presented to the authorities, and this young man was arrested, tried, and sentenced to spend several years in prison. His wife and children would have been left destitute, but the entire community saw fit to provide for them during the entire time of his incarceration. Upon completion of his sentence, the young man returned to the village and his family, but was plagued by an intense sense of shame at what he had done and of the condition in which he had left his family. Although he was put in charge of his father's livestock, and was able to begin once again to provide for his family, he kept totally to himself from a sense that no one would want anything to do with him. He felt he had damaged his reputation to such a degree that even though the members of the community had accepted him back, things had not returned to how they had been before and he felt it within. He began to withdraw further within himself, and would take the livestock he was herding deeper into the pasturelands, and not return for long periods of time.

This story has a relatively happy ending, which will be related below in the section on reintegration. But as of this juncture in the story, the young man and his entire community were at a pivotal place.

The shame that this man was experiencing had the potential to take him down one of two completely contrary paths. He was poised at what I have termed the "Community Shame Balance" (see Figure 2), a tipping point as to which direction his shame would



take him, depending on forces acting to disturb the equilibrium at that point. Would the community's response to his shame, and their own involvement in shaming him, send him down a path toward stigmatization and humiliation (to the left in the model), emphasizing blame and the man's guilt for his crime, along with the shame his actions brought on his community? Or, would the focus be on restoration and relationship, sending him down the path of reintegration into the community (to the right in the model)? The Community Shame Balance is the relatively horizontal arc sweeping across the "Triquetra" figure from left to right, and connecting the two lower points in the model. The contrasting responses and the contrasting paths represent the two relatively vertical arcs of the "Triquetra" figure, extending from the highest point where they meet, to the left or to the right.

**Communication: Power of the Tongue to Stigmatize.** Considering first a tip in the shame balance from the center of the arc to the left, one critical factor in a move toward stigmatization and humiliation will be the type of communication that occurs around the conflict in question, and the disputants themselves. First, there may be careless communication, which can have devastating effects on the messenger, e.g., "He who talks without caution will die without being sick," advised a character in Yesenberlin's *The Nomads* (2000, p. 112). But it can also cause great damage to the hearer, poisoning them just as though they had drunk from a poisoned water source: *Jaman köldiñ cūi aschi, jaman adamniñ tili aschi* [A bad lake's water is bitter; a bad person's tongue is bitter] (Aqqozýyn, 2012, p. 201). The net effect of such poisoned communication can produce in the heart of the one being shamed a hardness leading toward vengeance: *Isiñ ädil bolsa, dushpaniñ dos etesiñ; söziñ sodır bolsa, dosiñdi qas*

*etesij* [If your deed is just, you make your enemy into a friend; if your words are harmful/bullying, you'll make (even) your friend vengeful] (Segizbayuli, 2014, p. 240). The conversion of an enemy into a friend, or of a friend into an enemy, demonstrates the power of the tongue to bring about good or to incite harm.

The verbal push toward contempt and stigmatization drives the hearers into a sense of humiliation, resulting in further conflict: *El bolam deseñ dostas, qor bolam deseñ qastas* [If you say, 'We'll be a people,' it is friendship; if you say, 'I'll be contemptible,' it is a feud] (Aqkozyyn, 2012, p. 188). Furthermore, *Qulaqqa tyygen sūiq söz, jürekke barıp muz bolar* [A cold word that touches the ear, will probably be like ice when it reaches the heart] (Segizbayuli, 2014, p. 370); cold or harsh words leave the heart of the hearer frozen to reasonable resolution of the conflict.

The forms of shame administered by a community can extend to the realm of punishment for crime. Bakytzhan Zhursynulyy Kuandykov, head of the Law Department at Kazakh National Agrarian University (KazNAU), and assistant professor of the Faculty of Law at Al-Farabi Kazakh National University (KazGU), is a respected expert in traditional Kazakh law. During a conversation with Professor Kuandykov (personal communication, May 16, 2016), I was given substantial insight into the forms of punishment administered under traditional Kazakh Law. Under the law, *býyler* [judges] could render three forms of punishment: *jan jazası* [soul punishment], *mal jazası* [livestock punishment], and *ar jazası* [disgrace/shame punishment].

The *jan* or "soul" form was a capital punishment. If the individual wasn't directly executed, a sentence of expulsion from the community generally amounted to a death sentence. It was understood that no other group, no other tribe, would receive someone

who had had an expulsion penalty imposed. They would not welcome them into their communities. And because of the traditional journeys taken by the nomadic peoples within well-established boundaries, anyone who was found outside of those boundaries would be questioned: “What is your tribe?” “Who are your people?” “Why are you here?” “Why are you not with them?” And even if someone were intending to deceive, because of the periodic contact between the groups, the truth about the situation would have been communicated, and it wouldn’t have been possible for someone to deceive or hide that they were suffering the strict penalty that had been imposed on them. The other tribes and villages would reinforce that penalty. And it would be a death penalty—from starvation, exposure, or possibly being subject to attack by wild animals. Or, a person could be taken and enslaved, as one who had no community and who had been expelled by their own tribe.

The *mal* form was a compensatory punishment, in which the amount of livestock to be given in payment could range from as few as forty-nine sheep to as many as ninety-nine camels. In conversations with other interview participants, it was confirmed that among Kazakhs in rural areas in northwestern China, they have attempted to keep various forms of punishment among themselves, a vestige of the *býy* court system, rather than submitting to the government authorities, even until recent years. For anything less than capital crimes, it was the work of the village elders, the *aqsaqaldar*, to take charge of these situations, processing the conflict that had arisen as a result of a crime, and applying primarily a compensatory justice in that the punishment would be applied through a form of payment. That payment could be made with money, or it could just be

made in the form of livestock—a continuation of the traditional punishment practice of *mal jazası* referred to by Kuandykov (personal communication, May 16, 2016).

Although *mal jazası* was referenced by Professor Kuandykov as one of the forms of punishment, employing the word for punishment—*jazası*—specifically, payments made in livestock—or with cash more recently—can be framed as a form of restitution rather than punishment. And restitution as a concept can encompass more than the mere reimbursement of losses. More will be said about restitution and compensation as restorative actions involved in taking active responsibility and repairing the harm done as we explore the other side of the Community Shame Balance below.

The *ar* or “disgrace/shame” punishment as described by Kuandykov (personal communication, May 16, 2016) was administered in a way that related to shame, dignity, and reputation, and could be a consequence as severe as stoning or expulsion. But one notable form of *ar* punishment described by Kuandykov was illustrated in the classic, award-winning Kazakh film, *Qız Jibek* [Girl (named) Silk] (Qojiqov, 1970), a legendary tale based on 16<sup>th</sup> to 17<sup>th</sup> century Kazakh nomadic life. A jealous warrior has murdered a rival, and upon confession of his crime, requests to be and is sentenced to *qara nayza jazası* [black spear punishment], as payment for his crime. As depicted in the film, the offender is forced into a cramped space staked out by four black spears, and must sit or kneel within that space as any and everyone from the community that cares to comes and spits on him as demonstration of his shame and their disgust at his crime. The film depicts the offender experiencing extreme agony and humiliation while undergoing his punishment.

Such forms of punishment for crimes or as resolution of conflicts are understood to typically result in separation, expulsion, and/or exclusion from the community—a shunning of the offender resulting in a degree of disintegration of that community. Shunning is an extreme form of shame-based punishment, and is generally regarded unfavorably as a practice, as expressed in the proverb *Jaqsı jatırqamaydı, Anqaū aᅇdamaydı, Āᅇgüdik tıᅇdamaydı* [(Just as) the good (person) doesn't shun (someone), the simple-minded doesn't guess (correctly), the careless/negligent doesn't listen] (Mentebaeva, 2012, p. 23). To shun an offender or a disputant in a quarrel is to attempt to impose a form of passive responsibility upon them. Unless that person has agreed to accept a more active responsibility for their part in the dispute or crime, imposed responsibility in the form of shunning or exclusion compounds stigmatizing shame, and may result in an offender seeking retaliation or revenge. The overall downward movement on the model (Figure 2), whether as a result of stigmatizing shame (moving leftward and down the arc from the Community Shame Balance pivot point), or as the result of unresolved conflict leading to deepening anger, relational disintegration, destruction of community solidarity, (the full arc sweeping downward from the pinnacle of the model to the lower left point of junction), is a descent of an individual or group into isolation, alienation, and a potential for resentment, retaliation, revenge, and violence.

**Retaliation & Revenge.** Within the storyline of Yesenberlin's *The Nomads* (2000) runs a constant thread of vengefulness, vengeance and retaliation, driving much of the plot and characterizing the oppression of unmerciful rulers and the reaction of commoners to that injustice and oppression. Revenge within the storyline is taken in

reaction to betrayal, for dishonor or insult to a khan, for blood spilled, and for seeking a mixed marriage between royalty and a commoner. Revenge was not the exclusive province of men, but was equally plotted by women as well, e.g. over the death of a father or husband. And vengeance could be engaged in openly, as in a call to arms and exacting blood for blood in war, or else could be plotted in secret over a long period of time, so as to accomplish a maximum of devastation raining down upon the enemy in question. To not exact revenge or to act from mercy and forgiveness was understood among the powerful to be a sign of weakness, which no khan or sultan could afford to display if he intended to maintain, or better yet, extend his reign. As previously illustrated as well in the folktale *Beybitshilik turalı ertegi* [A Tale About Peace], consistent with the plotlines of *The Nomads*, King Bloodthirsty lives up to his name at the first sign of resistance among his subjects, and determines to exact revenge by going to war, in hopes of also gaining new territory and subjects in the process (Baygabilova, 2015, pp. 275-277).

As prominent as themes of vengeance and retaliation may be in Kazakh fiction and folktales, when further examined the moral of those stories is never one of glorifying the violent revenge exacted by an enraged ruler, but rather in revealing the injustice and oppression that such actions represent with regards to commoners and their genuine heroes. Yesenberlin (2000) was writing as much to an audience of Soviet censors as to his fellow Kazakhs, and tarring the face of Mongol, Chinese and Russian imperialism was as much his objective, it seems, as was painting a picture of the early development of a unified Kazakh nation. Those who resisted that imperialism are represented as often as demonstrating mercy and compassion, as they are exacting a righteous retaliation against

their oppressors. Friendship and King Peace, in “A Tale of Peace,” were merely responding to Bloodthirsty’s oppression, and plotted a war of liberation rather than one of vengeance (Baygabılova, 2015).

The preponderance of evidence from the proverbs examined demonstrates that vengeance is strongly discouraged and that the vengeful are held in contempt. *Küşti qaūipti emes, kekshil qaūipti* [It isn’t the strong one who is dangerous, (rather) the lover of revenge is dangerous] (Aqcozýyn, 2012, p. 188), gives a broad, general warning to be on guard against the vengeful, and it is particularly important to be on guard against the vengeful who are nearby: *Alıstađı dushpannan qasındađı qas jaman* [A nearby vengeful one is worse than a distant enemy] (p. 109). Furthermore, a warning is given against becoming one who loves vengeance: *Kekshil bolma, köpshil bol* [Don’t be a revenge-lover; be a lover of many (be sociable)] (p. 166). The only positive spin on vengeance available among the proverbs/adages that were examined actually gave a bit of advice on how to conduct oneself when seeking revenge: *Qas bop jürip, dos bolğanga maqtan, Dos bop jürip, qas bolğanga saqtan* [When you’re harboring revenge, brag about being a friend; when you’re harboring friendship, beware of being hostile] (p. 188). But ultimately, the judgment is made and the warning given: *Jaman kisi kekshil* [A bad person loves vengeance] (Segizbayulı, 2014, p. 181). The inclination to seek vengeance is frowned upon and should be resisted if one desires to be known as a good and honorable person.

Vengeance and vengefulness are not merely a matter of personal character, but also contain a social element. A powerful statement can be inferred regarding the cost to the collective whole when a leader makes a vow, most likely in vowing revenge in the

face of a real or imagined blow to his honor: *Ū ishken bir öledi, ant ishken mıñ öledi* [When poison is drunk, one dies; when an oath is sworn (lit. drunk), one thousand die] (Aqqozýyn, 2012, p. 255). The social cost to the common man of the vengeful impulses of the privileged is further identified with respect to the ancient custom of punitive livestock raids [*barımta*] as a means of exacting revenge or justice: *Barımtanı bay aladı, bālesi kedeyge qaladı* [The rich man takes the livestock from the raid; the beating falls on the poor man] (Segizbayulı, 2014, p. 201). However, the assumption is that there is actually never any benefit that comes from the perpetual raiding of livestock: *Barımtadan kelgen mal qarımtamen ketedi* [Animals that come through punitive raids are lost in paying out compensation/through retaliatory raids] (p. 289). There seems to be no net positive effect from engaging in such a practice; indeed, one who enjoys that thrill of engaging in such raids will live in a state of constant conflict: *Barımtashınıñ bası bolaūdan, urınıñ bası töleūden shıqpaydı* [The head of a punitive livestock raider won't emerge from provocation, nor the head of a thief from (acts of) atonement] (p. 324).

A review of the data collected from interview participants revealed that while there are conflicts they have experienced during which threats of retaliation and violence were screamed at times out of frustration and pain, and even acted upon, in every account that was shared, eventual resolution of the conflict took place. One *aqsaqal* stated emphatically and unequivocally, *Canasızdıq kek aladı* [It is ignorance that takes revenge], and referred to a type of sin or offense to which one could choose either to forgive, take compensation or blood money, or take revenge—a *keshiretin qun alatın jazıq* [forgiving, blood-money-taking (form of) sin/guilt]—*qun* being the historic term for blood money, although in recent times the term has come to mean price or cost, as in



bride price. Yet another participant made an adamant statement— “*Qun surasaq, künähar bolamız* [If we ask for blood money, we will be sinners]”— leaving some ambivalence as to the acceptability of a demand or requirement for this form of compensation or restitution.

In one elder’s account briefly mentioned above, two boys playing bows and arrows resulted in one of them accidentally injuring the other’s eye. Although the injured boy’s family was inclined to forgive the offense, they were hoping for some help with providing the needed medical care. After waiting in vain for the other family to offer an apology and assistance in covering the medical expenses, the injured boy’s father confronted the other father about his apparent callousness, and the two men had a physical altercation in which the one man beat the injured boy’s father with a whip. Shaming, condemnation, and humiliation led to violent confrontation and further humiliation in a vicious cycle, and death threats were being hurled back and forth. The elder sharing the account explained that the hostility between the two men had then escalated to such a degree that it was likely to result in further violence, so he chose to step in. While the balance of this story, which resulted in resolution and reconciliation, will need to be told in a later section, the aspects pertinent to this discussion on revenge and retaliation are in how this conflict escalated to the point of violent confrontation, and potential future retaliation leading to greater harm and perhaps bloodshed.

There is very little encouragement, yet strong warning against harboring thoughts of revenge, much less engaging in acts of revenge and retaliation. There are many costs and few benefits, according to Kazakh folk wisdom, whether for the individual or for the larger society, except to the few and the privileged who may by their privilege be

shielded from the direct costs themselves. Although revenge seeking is cited in fiction and fables, it is warned against in folk wisdom, and rarely exercised, although often threatened, in the everyday lives of more traditional diasporic Kazakhs, whether repatriated or still living in the diaspora. The way of retaliation represented by the leftward slide off of the Community Shame Balance into stigmatization, and the downward slide from quarrels and disputes into anger, isolation, alienation, revenge and violence, is not the path advised nor seemingly chosen within the way of life of traditional Kazakhs. They choose a different way, a path of relationship and restoration, which will be described in the following sections.

### **The Community Shame Balance—Tipping toward Reintegration**

Returning to the tipping point on the Community Shame Balance arc of the “Triquetra” Model (Figure 2), I want to recall the account of the young man who had served his time for his crime of cattle stealing, but who had been withdrawing further into isolation and alienation as a result of the deep sense of shame under which he was living, and the stigmatization which he felt coming from his community. In the interview, the participant relating this account described the role that his own father, the village imam took to intervene in the developing situation. It had become clear to the imam and the rest of the village elders that the young man’s shame and withdrawal were reaching a critical point, to which they were concerned that he might either harm himself or another, or else take rash action and perhaps commit another crime. The village imam urged upon the rest of the elders the need to reach out and welcome this young man back into their community, not passively but actively, which they did. They made a point to reach out to him and communicate to him acceptance and forgiveness, since he had obviously taken

full responsibility by returning the stolen livestock and then serving his sentence. And then certain members of the community further communicated their acceptance by offering their livestock for him to herd, as a way to demonstrate their trust and to ultimately reintegrate him fully back into their community. The interview participant concluded this story by declaring: “...*eñ jaqsısı...oğan äri urlıq joq!* [...the best part of all...he never stole from anybody again from that point on!].”

This particular story illustrates the Community Shame Balance tipping to the right, with elements of the model which focus on relationship and reintegration into the community addressing conflict in such a way that not only is it resolved, but those impacted by the conflict are restored and healed in a way that strengthens the community and reinforces its shared values. In the same way that we traced stigmatizing and alienating elements leading to recrimination, revenge, and even violence, we will now be following the restorative path of active responsibility and community reintegration along the right-hand arc from the Community Shame Balance pivot point at the top of the arc to the lower right corner of respectful encounter, and then turning the corner toward making amends, climb the vertical arc toward reconciliation and relational restoration. We will commence from the pivot point, with the power of the tongue to reintegrate, rather than to stigmatize.

**Communication: Power of the Tongue to Reintegrate.** The imam described in the above account was following the wisdom illustrated in the proverb which says *Ağın sū jolin tabadı, aq adam oñın tabadı* [Flowing water finds its way; a pure person finds the positive/correct side] (Aqqozýyn, 2012, p. 227). He saw the potential that lay in the young man in question and knew that it would be lost if the community didn't take the

initiative to act to restore him. The correct path for them to take was to speak to the young man, to encourage him, to make clear to him that he was welcomed and accepted. The imam enlisted the full community of elders to join him in this decision, which they did. In the process, the imam's intuition was confirmed: *Ottı ürlegen jağadı, shındıqtı izdegen tabadı* [Fire lights when blown upon; truth that's searched for is found] (p. 227); the truth about this young man's character was to be found as they searched for it by welcoming him back into the community. The spark of humanity and dignity remained within the young herder, but it was smoldering and in danger of flickering out altogether. The imam and the entire community understood the truth that *Jaqsılıq ta jamandıq ta tilden keledi* [Both good and bad come from the tongue] (Segizbayulı, 2014, p. 397), and they chose to use their tongues for good, by offering accepting, encouraging, welcoming words of affirmation, which brought healing to the young man, his family, and their community. But the community coupled their words with action, since *Söz—saban, ic—dän* [A word is straw, a deed—the grain], and so they followed their words with deeds in entrusting their animals to the man to be responsible to graze and look after.

**Taking Active Responsibility, Leading to Encounter.** In the case of crime or conflict, such as the above described theft of livestock, when the one who has committed the offense acknowledges the harmful action or words, and takes ownership of their offense and the harm it has caused, by taking responsibility actively they have opened themselves up to those harmed, whether individuals or the community, and can then participate in the process of righting the wrongs toward restoring relationships to where they should be. As mentioned above, if the offender takes no responsibility, or is forced

into a punishment against their will, the responsibility is taken in a merely passive way, causing at best resentment in the offender and victims alike.

In the previously presented film story of *Qiz Jibek* [Girl (named) Silk] (Qojiqov, 1970), the admitted murderer asked to receive the “black spear” punishment, having admitted to his crime, and wishing to be received back into his community. Whereas the crime he had committed was horrendous, his remorse was genuine, and in accepting the punishment he had requested, he took active responsibility for the harm caused. But what is to be done if the offender isn’t inclined to accept responsibility. Often, it is the role of a mediator to bring the offense and the harm done to the attention of the offender in such a way that they are confronted with a choice whether to move further away from proper relationships, or to respond in such a way as to participate in a relationship healing encounter.

In a brief but revealing folktale, *Aū men masa* [Bear and Mosquito], we see illustrated this mediated encounter of a reluctant offender:

Bear steps on Rabbit’s ear. Rabbit cries out, but Bear ignores his cries, which are heard by Mosquito. Mosquito promises Rabbit that Bear will come back and apologize. Mosquito then harasses Bear until he begs to know what he must do to be allowed to sleep. Mosquito then explains about the harm that he caused to Rabbit, and that he must go and ask forgiveness of Rabbit for stepping on his ear, which Bear does. Rabbit is grateful for the unexpected power of Mosquito to bring about Bear’s taking responsibility and apologizing. (Baygabilova, 2015, pp. 15-16)

Mosquito's action as mediator drove a desperate Bear to accept his responsibility. But part of the moral of the story is to not be like Bear, who displayed a deaf ear and insensitivity to the results of his careless actions, but rather to take active responsibility for the harm you have caused, even if it is accidental. Bear was apparently oblivious to Kazakh proverbial wisdom that *Qateleskennen qateni tüzemegen jaman* [To not straighten out a mistake that has been made is bad] (Aqqozýyn, 2012, p. 227), and had to be brought to accountability and apology by a persistent mediator.

It isn't unusual for Kazakh elders to engage in active intervention as mediators, or to engage in some "reintegrative shaming" (Braithwaite, 1996, 1999) in order to move reluctant disputants toward an acknowledgement of responsibility and an encounter leading to resolution. In the case of the boy with the injured eye, the *aqsaqal* relating the account went to the man who had not been taking any responsibility and who had beaten the injured boy's father with a whip, and urged him:

You go to that family, going...butcher an animal of yours, invite them to come to meat, to come to dine. If you have money, give them money, ask forgiveness, because if there isn't any reconciliation between the two of you, always, forever there is going to be this kind of hatred between you.

And after that, that man did everything the elder asked of him— in an encounter between the two men, facilitated by the elder, he gave the money, sincerely asked forgiveness, and then served up a sheep as an expression of honor to the other family and of his own remorsefulness at his previous behavior. The feast became a time of respectful encounter between the two families, leading to restitution, healing and reconciliation.

There are times when active responsibility will be taken in unexpected ways. One study participant shared a story involving his own son-in-law, who accidentally struck and killed a little girl as he was driving through a neighborhood:

When the dead girl's father heard about the accident, he began to beat his wife with a stick. The wife ended up in the hospital from her injuries. After that, the girl's father, from his extreme anger, threatened the young man with prosecution, and even frightened him by saying, "I'll kill you", running after him angrily shouting, "I'll kill him". And after consulting with the elders in the community, when (the study participant) and his family and his son-in-law's family met with the family of the child, they'd completely changed their tune. In the end, they came to this decision: "Concerning this incident, we ourselves are guilty," they said, "because the little girl had been our responsibility, had been next to and in front of us. But when the car came along, she escaped from her mother's grasp and ran toward the car." So the girl's mother, was saying, "I am at fault," and taking the blame for the sin on herself, along with the community elders and the old folks from that household having consulted together, shared, "we're guilty." They granted forgiveness to the driver (participant's son-in-law). When the son-in-law's family heard this situation, they were overcome with weeping and joy. They were amazed at the elders' decision. And so once the community had a chance to talk things through and to discuss what had happened, they came to the conclusion that they were not going to request any "blood money" from the son-in-law...they didn't expect him to pay expenses...they just chose to forgive him.

They didn't press any charges or file a complaint with the police. They consulted together, and according to Shariah law and their understanding, accepted the result as being in Allah's order or will. It was ordained by Allah, it was His punishment, so there was no remedy or consequence, but rather they forgave the offense. But the girl's mother, father, and elders didn't require any kind of payment (blood money) from him for the girl who had died. After that, the car's owner—the guy who ran over the girl—supported the girl's 7-day, 40-day, and one year memorial feasts in terms of required expenses. But following all of this, through this situation, they became very close with one another compared with before. The two families *tüic bop qaldı* [became (as if they were) relatives].

In the end, it was the child's own family that took active responsibility for her accidental death. Even so, the driver of the car freely gave financially toward the various funeral expenses, and two families who had been thrown together by tragedy, in the end were united in deep and meaningful relationship.

When disputants can come to a place of taking active responsibility for their words and actions, it often leads to healing encounters, like that described above. An elder in another village described a situation in which the children of Kazakhs repatriated from China and those of local post-Soviet Kazakhs were separating at school into opposing groups, with a lot of teasing and bullying of the newcomers, creating conflict throughout the school and the village. The elder participating in the interview shared how he had gathered other elders, teachers, children, and the village mayor together to dialogue as to how to address the problems they were having. In that meeting, the elder sharing the account described how he exhorted all who were present, but especially the



children, to listen to each other, to accept one another, and to build one another up, rather than tear each other down. And as a result of that meeting, the problems between the two groups of children were resolved. The encounter for dialogue that the elder had arranged, along with the taking of active responsibility by the entire community, had resulted in a healing of the rift within the community.

**Apology & Forgiveness.** As we have reviewed through these various encounters, where disputants are taking active responsibility, a common feature in many of their encounters has been an apology by those who have caused offense, generally including a request for forgiveness, and then a choice by those who suffered harm to grant that forgiveness. Those apologizing communicated not only through their words, but also through their actions, in demonstrating honor and respect toward those to whom they were apologizing. There were cases in which parents apologized for the behavior of their child—even an adult child. And there was another case of one young woman writing a letter of apology to another young woman whom she had offended by her harsh and unkind words. Of course, the previously shared folktale recounted Bear’s somewhat coerced apology to Rabbit. One participant shared over a particular *iftar* meal [Islamic feast for breaking the sunrise to sundown fast of Ramadan], *Qaysar bolsañ, keshirimshi bolsañ* [If you’re going to be stubborn, you’re going to be apologizing], as well as a rather cryptic proverb, which he explained was specifically about apology and forgiveness: *Ayıña kelse ätteñniñ künin kesh* [When it comes into your fishing net, it’s too late to warn it], which presumably references not waiting too long to take responsibility and apologize.

The feasting that occurs for the three days of *Oraza Ayt* [*Eid al-Fitr*, Arabic] at the close of the fasting month of Ramadan turns out to be the ideal time within the Muslim calendar for making apologies and asking forgiveness, according to several participant responses during their interviews. The obligatory nature of resolving conflict during Ramadan and *Oraza Ayt* was confirmed by more than one of the religious leaders who participated in interviews, and most also illustrated how they and others had utilized such occasions to bring about an end to hostilities. Conducting a number of interviews both during the month of Ramadan and during the three days of *Oraza Ayt* gave repeated opportunities to explore with participants their understanding of the role this important occasion plays in conflict resolution within their communities.

One interesting belief regarding forgiveness that was explained as Islamic, although whether sourced in the Qur'an or in the hadith was not made clear, is that whoever asks for forgiveness first is the one that God forgives and blesses first. One imam related a story about two brothers that had experienced conflict, and it was the older brother who came to ask forgiveness first. But then he questioned his younger brother, "Why would you wait for me to come? You're the younger, you should come first." The younger brother's response was revealing: "Well, so that God would bless you first for having asked forgiveness." It is unclear whether the younger brother was choosing to defer the potential for prior blessing to his older brother, or whether he was unsure of his brother's response; he may have suspected the latter based on the proverb *Qudaydan surasaŋ, keshirer, Kisiden curasaŋ, üniŋdi öshirer* [If you ask from God, He'll probably forgive (you); if you ask a person, your voice will probably be erased], which

doesn't offer much encouragement as to outcomes to the one contemplating a request for forgiveness.

Not only is being quick to ask forgiveness a means of deriving more blessing; failing to ask and give forgiveness for past offenses is itself sinful, particularly during *Oraza Ayt*, and God will punish those who refuse to practice asking to be forgiven and forgiving, according to one of the imams. This perspective is expressed by the proverb *Bireüdiñ minin keshirseñ, Sağan da Quday keshedi* [If you forgive someone's vice, God will also forgive you] (Segizbayulı, 2014, p. 400). As an example, one *aqsaqal* described how he was in conflict with a particular woman, but he took advantage of the opportunity afforded him by *Oraza Ayt* to go to her house on the first day, as he and many others joined in *aytıp jatır* [visiting from house to house in celebration of the end of Ramadan]. He entered her home, joining others at her table, and recited the Qur'an and prayed, then as he exited asked her forgiveness. In any case, he explained, "Even if you haven't committed a sin, on those days you should ask for forgiveness for your sins, no matter what. In that way, you will overcome. And you will receive much favor from Allah." This was confirmed by a *kempir* [old woman] who was hosting us during *Oraza Ayt*, and who told that their mosque's imam had been urging the congregants to go to those with whom they were in conflict as they were given opportunity by the expectation that all would *aytıp jatır*. He taught that it was their religious obligation to resolve all of their conflicts and get all issues settled on that day by asking forgiveness of and granting forgiveness to others.

In some of the interview accounts previously presented, exhorting as to the need to ask forgiveness and forgive was often a part of the mediating work done by

*aqsaqaldar*, *kempirler*, and *modalar*. Community members caught up in conflict are frequently reminded by intervening elders of the need to apologize, to ask forgiveness, and to forgive. And this occurs not only in general exhortations as moral education, e.g. in the mosque, but as specific, intentional interventions. In the case of the man who had stolen the livestock with which we opened this chapter, the village imam could see that what was needed was not further remorse or an apology by the young man, but expressions of forgiveness from the community, beginning with the village elders. He, as the religious leader of the community, recognized the precarious place upon which this man was poised, and made a decision to forgive and to lead the entire community in granting and communicating forgiveness in order to bring the offender back from the brink. It is not hard to imagine where that young man's shame-induced self-condemnation would have led him, nor the devastating effect there might have been on his family and the broader community, had the village leadership not intervened as they did with genuine forgiveness in both word and action.

The scope of forgiveness asked and granted was unexpectedly broad, as communicated through the accounts shared by interview participants. And the sequence in which forgiveness occurred was not specifically stressed, as to whether it must come either before or after an apology, nor as to whether it proceeds or follows offers of compensation or restitution. As described in the account of the child accidentally run over and killed, when members of her family took responsibility for her death, they also clearly communicated that they had forgiven the driver of the vehicle without any conditions of compensation or consequence for his part in the accident. Two other participants gave accounts of deaths in auto accidents, and of deliberate decisions made

in consultation with family and community elders to forgive the drivers responsible. After relating a similar example of such radical forgiveness, one participant summarized by stating that forgiveness is frequent among Kazakhs, and that as a people they are merciful. Yet in almost the same breath, this same participant proceeded to relate the exception that apparently proved the rule, in describing a family that he knew of who hadn't forgiven an injury to their son although 20 years had passed.

**Making Amends, Compensation & Restitution.** Through many of the accounts that participants have shared, both disputants and offenders have regularly been confronted by other disputants or by mediating third parties to recognize and take responsibility for the harm of their actions, be they words or deeds, and to move from indifference or intransigence toward making amends or repairing the harm done. I'm reminded of an incident, which occurred in the course of operating our community development project a number of years past:

While meeting with one of our client groups over a meal, one of the members of the group who had borrowed money from us to buy a milk cow proceeded to explain to us how her milk cow—*our* milk cow—had been stolen. Since there was very little formal property ownership among Kazakh villagers, our program's policy was to accept livestock as collateral on our micro-loans. Our first response was, "Oh, no! Now she won't be able to repay the loan." But the story as it unfolded painted a very different picture of how this woman and her family chose to deal with the conflict presented to them by the theft of their cow.

The family had arisen one morning to discover their cow missing. Upon careful inspection of their corral and fences, it became apparent that the cow had not

escaped, but had to have been taken out through the next-door neighbor's property. Upon inquiry, the neighbors roused their adult son from an inebriated sleep to learn whether he knew anything of the missing cow. As the son began to sober up under the scrutiny of both parents and neighbors, he sheepishly acknowledged that while drinking the night before with two friends, and commiserating over their lack of money, he had agreed with his friends that they steal the neighbor's cow to butcher and sell the meat.

A quick investigation in a separate location revealed both the young man's friends and the remains of the butchered milk cow. The neighbor boy's parents were appalled and ashamed, and immediately offered their own, one and only, milk cow as restitution on behalf of their son. Because of the long-standing neighborly relationship, our client accepted the cow, but proceeded with pressing charges against the other two young men, who were strangers to her. She commented that she didn't want the neighbors' son to fall into the hands of the police, who were known for their corruption and brutality, but she didn't mind the other two culprits receiving their just desserts.

Upon reflecting on the narrative of this incident subsequently, it was apparent to me that there was an impulse within the Kazakh community to avoid adjudication of a crime in the case of harm that was caused by a familiar person. This particularly seemed to be the case if the offender was not only familiar, but had previously been on good terms with the victim. And it is likely that the possibility of attaching culpability to the use of alcohol and to the corrupting influence of outsiders made it easier to avoid attaching a punitive response rather than a restorative response, including accepting restitution.

Given the reality of the rampant spread of diseases such as HIV and tuberculosis within the overcrowded Kazakhstan prison populations mentioned previously, it can be assumed that both families were relieved to avoid any engagement by the neighbor young man with the criminal justice system. The ready availability of a compensatory solution offered through a direct encounter and dialogue toward resolution and restoration of the relationship among neighbors stands in stark contrast to the retaliatory action chosen toward the two young men who were strangers to the victims in this case.

As was described in the illustration from the tale and film, *Qız Jibek* [Girl (named) Silk] (Qojiqov, 1970), the lines are blurred somewhat between what is considered punishment and what involves making amends. The offender, who requested and received the “black spear” punishment, as well as the broader community, seems to accept his suffering of that punishment as an atoning payment that compensated the community in some way for the crime of the murder of one of their beloved sons. Although Kuandykov (personal communication, May 16, 2016) referred to the *mal jazası* [livestock punishment] as a punitive form of compensation, compensation payments are not always viewed as a form of punishment. Rather, such payments are most often regarded as providing a way to offenders to make things right from the harm that they have caused, as illustrated in the story of the neighbors and the cow.

This principle or value on making amends is well-illustrated in the folktale, *Qasqırđın qamqorlıđı* [The Wolf’s Patronage], in which a wolf, having committed an offense by killing the protagonist’s steed, then feels obligated to the protagonist, and offers his assistance, which he provides through both counsel and rescue, throughout the remainder of the tale (Baygabilova, 2015, pp. 53-60). The drive to make amends was a

sense of obligation coming from within the wolf in this tale, and in no sense was imposed from the outside as a punishment for his crime. It was a response of active responsibility on the part of the wolf, and he compensated for his earlier offense through his service.

The concept of *qïin* [often, blood money; cost or payment], if not still extant in a modernizing, westernizing legal system in Kazakhstan, has salience within the more traditional communities, and has been named repeatedly in the course of the interview accounts. Although Yesenberlin illustrated “blood feud” in his fictionalization of the early history of Kazakh statehood in *The Nomads* (2000), that phrase was never used by interview participants in reference to the accounts they related, even when they were describing violent, protracted conflicts. However, multiple mentions were made of *qïin*, especially if there had been a death, regardless of the level of culpability of the one(s) who caused the death. *Qïin* [blood money] is referred to in Yesenberlin’s tale as required in the case of murder (p. 321), and even of insult (p. 440), although the demand for blood money for an insult seems to have been associated more with maintaining honor than with the keeping of codes of law. This form of compensation was mentioned as an historical form of punishment (Kuandykov, personal communication, May 16, 2016), and defined by Krippes (1994) as an historical practice concerning cases of death or maiming (p. 161). Yet seven of the study participants used the phrase “blood money” during the course of interviews in referencing the practice of making some type of payment as a contemporary practice of compensation in the case of harm. Perhaps this contemporary use can be connected to a greater adherence to Islamic teaching and practice among diaspora Kazakhs in China, as one elderly participant specifically described the practice of *qïin* payment in the case of murder or manslaughter as being taught in the *Qur’an*.



Clearly, there is a strong sense of honor associated with the concept of blood money, as reflected in the proverb: *Qadır bilmec tūgannan, qünniñdi bilgen jat artıq* [It's better to remember a price you had to pay in blood money, than to never have known any respect from birth] (Mentebaeva, 2012, p. 73); the implication is that it would be shameful to not make a *qün* payment when it is owed.

Occasionally, a different term would be used, such as *ayıp* [fine, payment], in reference to compensation required for making amends, payable in either money or livestock. And as previously mentioned, the term *qün* could also be used in reference to other forms of payment, such as a bride price, and not only in reference to compensation for harm done. In any case, a strong sense of obligation to make such payments is felt by those in the community, as expressed by one participant in the adage *Körshi aqısı, Täñir aqısı* [A neighbor's payment is God's payment]; one mustn't offend God by offending a neighbor through your failure to pay. Whether the term for blood money, fine or payment was used or not, the broad consensus based on the interview accounts is that an impulse remains within traditional communities who have preserved their indigenous Kazakh culture to engage in informal means of compensation for serious harm done, sometimes requested, sometimes required, sometimes offered freely. It was frequently connected to the need of victims of accidents or assaults to have their medical costs covered, such as in one account where a fight between neighbor boys over a soccer ball escalated to the point that one of the boys was stabbed in the midst of a melee involving several young combatants. The family of the young boy who had grabbed a knife and stabbed his neighbor came immediately to the family of the injured boy, asking forgiveness, and offered to pay all associated medical expenses.

Offers of compensation were often associated with apologies and petitions for forgiveness. And commonly, a plea for forgiveness was generally acknowledged and granted. In some cases, the response of the injured party wasn't described with details about forgiving, but no one shared a story in which requested forgiveness was specifically refused. Occasionally, offers of compensation were refused, usually as a demonstration of the offense having been forgiven, or as in the instance of the child accidentally killed by a car in the street, a reassignment of responsibility to others besides the driver. In two accounts, the difficult financial circumstances of the responsible parties or their survivors were such that initial demands for blood money were dropped after due consideration from a sense of compassion felt for them by the victims. And the victims specifically were described as "forgiving" the offense and the debt of compensation. Such outcomes illustrated the power of dialogue and the role of empathy when stories were shared in altering perceptions as to blame, fault and guilt. Responsibilities shifted once separate narratives were renegotiated as a shared narrative among the stakeholders in the situation.

**Reconciliation.** The reinforcement of collectivistic culture and how it can bring about reconciliation was illustrated to us through this story related by a Kazakh friend, who had married into the family of "29 May Incident" repatriates:

Early in their marriage, her husband accused her of flirtatious behavior. The untruth and injustice of the accusation mortified her, to the degree that she left home weeping and walked across town all the way to her father's house, refusing to return. After some time, friends of the couple gathered there to ask her to return home and reconcile with her husband. She refused, insisting that he come himself

and apologize for making the accusation and causing her shame. The friends acknowledged that the husband was too ashamed to come himself, as her reaction showed him that he was wrong to have accused her. When it became clear that she would not forgive her husband unless he came himself, the assembled friends left, gathering others of their peer group along the way, and went and fetched the husband, bringing him with them to the wife. With the number of friends having grown so large, the husband was completely speechless and mortified with shame for his words, and could not even attempt a verbal apology.

Recognizing the impasse, the friends gently needled and cajoled the couple to the point of laughter at the absurdity of their mutual situation. Without any spoken confession, repentance, apology or forgiveness, all understood from that point that forgiveness had been tacitly asked and given, and all left together with the couple as they returned home to celebrate.

It was our privilege to have helped this couple and their friends, children and grandchildren to celebrate their 25<sup>th</sup> anniversary, a testament to the love and forgiveness that have characterized their relationship and their friendship cohort since that incident of reconciliation took place.

Shame played a large role both in causing and resolving this conflict. Although mediation took place, it was initiated by the mediators themselves in recognition of the need for reconciliation and the impasse in the relationship. Reconciliation in this instance was not relegated to the two individuals in conflict; it was owned by the social collective as a shared and active responsibility that would not be denied nor abdicated, but must be followed through to an inevitable conclusion out of shared affection and community

solidarity. Friends accomplished what extended family could not, drawing more on shared goodwill and belief in the benefit of reconciling the couple than on aspects of face-saving. The couple was allowed to lose face on the path to reconciliation.

To delve into the concept of reconciliation within indigenous Kazakh culture is to take a deep dive. The true depth became apparent to me when I chanced upon the brief, but pithy proverb *Shabıspaq oñay, tabıspaq qıyın* [Literally, To purpose to gallop together is simple; to purpose to reunite is complex] (Aqkozyın, 2012, p. 188). Consulting a dictionary helped to shed some light on the metaphorical complexity of this particular proverb: *shabısū* as a verb means “to gallop together (of a group of horses)” (Krippes, 1994, p. 270); it’s noun root of *shabıs* carries two meanings which don’t seem to connect together—both “trotting, horserace” and...quite unexpectedly...”war”. Further exploration reveals that pared down to the most basic root verb, *shabū*, the meaning is “to attack, assault; to gallop” as well as “to chop, hew, mow,” the usage with which I had been most familiar from working with agricultural loan clients in the villages. One further clue to the meaning of *shabıspaq* is the purposeful future affix *-paq*, which adds a sense of intention or purpose to the associated verb (Oralbaeva, Esenov & Ğayrūllıyına, 1989). The additional sense of intention makes clear that the reference is not merely about a group of galloping horses; there is purposefulness in the riding together on galloping horses, and that purpose is revealed in the dual meanings of the homonym roots, merging “galloping” as a metaphor for “war” and “attack.” This analysis leads to the first half of the translation of the proverb: “To purpose to ride together to war is simple.”

The greater surprises in the metaphorical nature of the proverb emerge as we examine the parallel and rhyming verb in the second clause: *tabısū* is a verb that means

“to meet together, find one another; to make peace; to join together” (Krippes, 1994, p. 231). I was quite familiar with the root verb, *tabū*, and its meaning, “to find,” as well as that it is the *-is* affix, which adds the reciprocal action to both verbs in the proverb, providing the sense of acting *together* or to find together (Oralbaeva, Esenov & Ғайрүлліына, 1989). Again, the affix *-paq* creates a purposeful future sense of intention, and we come to the meaning of the second half translation to be: “To purpose to reunite/find one another/join together is complex.”

Yet the additional meaning Krippes (1994) gives to *tabisū*—“to make peace”—seemed a metaphorical stretch. However, a closely related word placed just above the *tabisū* entry in the dictionary caught my eye. *Tabıstırū* is defined as “to make peace (e.g. warring factions); to allow a *töl* to join its mother” (p. 231). The additional affix *-tır-* provides the sense of influence on the action by another (Oralbaeva, Esenov & Ғайрүлліына, 1989). *Tabıstırū* refers to the work of a third party influencing others to make peace, whereas *tabisū* is two or more making peace unassisted. Here once again, there was a livestock metaphor in use, by inference an animal husbandman allowing a newborn to rejoin its mother. This seems pregnant with additional possibilities of meaning.

I resorted to the *Phraseological Dictionary of the Kazakh Language* once again (Keңesbaev, 1977), and stumbled upon a treasure trove. These livestock metaphors are thoroughly explained in the *Phraseological Dictionary* under *Türt Tülik* [Four Breeds (of Animals)], with reference to 1) camels, 2) horses, 3) sheep/goats, and 4) cattle (pp. 514ff, esp. 517). Keңesbaev’s lengthy treatment of livestock terms and their metaphorical meanings opens unanticipated insight into this proverb. The essence of this study could

not have been captured in a more ideal way, incorporating imagery from traditional life that comes alive for me as well, as a result of my own upbringing around livestock, and the rich textures of that experience, as well as my significant time spent in villages and on ranches in Kazakhstan around people with their livestock.

To refer to making peace using this word, *tabisū*—“to find one another”— gives the idea of a situation returning to its natural state of peaceful relationship, one that had been disrupted and which was causing feelings of anxiety, longing, perhaps even a degree of physical pain. Imagine the condition of a newborn lamb separated from its mother, or that of a newborn calf separated from the mother cow. The newborn might be suffering from physical hunger, and the lactating mother from needing to feed her offspring. But the physical pain would pale in the shadow of the anxiety and confusion, the longing to be together during a forced separation. In the actual coming together following the forced separation, there is quite an uproar, like the bleating of ewes and lambs that have been separated from one another, that have been longing for each other, and who are at last brought together or allowed to return to each other, providing a deep sense of relief, satisfaction, wholeness and peace. It is completely appropriate that this imagery from animal husbandry also represents the result of peacemaking in traditional Kazakh nomadic culture. For this reason, the proverb *Shabıspaq oñay, tabıspaq qýyin* [To purposefully gallop together to war is simple; to purposefully make peace is complex] (Aqkozyın, 2012, p. 188), was chosen to serve as the title for this dissertation.

Other similar proverbs incorporate parallel elements, as has been demonstrated previously, while also shedding further light on the concept of reconciliation within Kazakh culture. One proverb sharing close parallels to the title proverb is *Ashū*

*shabıstıradı, aqıl jarastıradı* [Anger causes the gallop together to war; wisdom causes/brings about reconciliation] (Aqkozyyn, 2012, p. 200). This word for reconciliation again incorporates both the affix for influencing another's action and the affix for reciprocal action, hence the idea that someone brought two together or caused the reconciliation. An examination of the roots of *jarastıradı*, namely *jarau* ("to fit or match"), and *jarasu* ("to fit together; to make peace, to reconcile"), provides additional insight (Krippes, 1994, p. 90). What is evident in the Kazakh terms in this proverb for "to make peace, to reconcile" is that wisdom can influence the peace making process, but without the influence of the wisdom of others, for two in conflict to make peace with each other is extremely complex. Reconciliation is far less likely to occur without the mediating assistance that has been present in so many of the accounts provided by participants in this study. Referring back to the title proverb, it is so simple for two to impulsively fly into conflict, even to the point of acting violently; it can be inferred that without the assistance of others to mediate, however, it will be extremely complex for them to find their way back to one another in peace.

Another revealing contrast is provided by the proverb *Jaqsınýñ qasýyeti—jarastırú, jamannıñ qasýyeti—talastırú* [The characteristic of the good (one) is to bring about reconciliation; the characteristic of the bad (one) is to cause disputes] (Segisbayulı, 2014, p. 173); the contrast is in the difference between what each one is causing to happen among others. In further parallel with the impact of good vs. evil people on peacemaking vs. conflict mongering is the impact of abundance vs. scarcity, expressed as follows: *Barlıq jarastıradı, Joqtıq talastıradı* [An abundance causes reconciliation; Scarcity causes quarrels] (Segisbayulı, 2014, p. 208); this contrast is perhaps between the

peaceable prosperity available when justice reigns vs. the conflict-generating scarcity brought on by injustice. To be sure, Kazakh folk wisdom places a high value on reconciliation from quarrels and disputes, warning: *Toqtıgında jaraspagan, Ashtıgında araspaydı* [Having not reconciled when you're well-fed, you'll find no support when you're starving]; and, urging: *Tar jerde tabısqañ keñ jerde kelisedi* [Those who make peace in a tight place will agree together in a wide place] (Segizbayulı, 2014, p. 388). Reconciliation in difficult times of conflict will strengthen relationships and ensure the peaceful social life in the community and the well-being of its members.

In many of the previously provided descriptions of participant accounts, elders proved key in initiating and/or mediating both crime and conflict with an eye to bringing about reconciliation. Oftentimes, these elders urged others in their communities to both forgive and reconcile; at times, it was elders who took the initiative in a conflict situation to apologize and seek forgiveness and reconciliation themselves. And always, it was an elder or group of elders, either male or female, who provided a context of religious and moral education from which to engage in modeling and mediating conflict resolution leading to reconciliation. As cited previously, Nüsipoqasulı (2002) describes that mediating role continuing to the deathbed and beyond:

Kazakh people's moral commitment to humanitarianism is so strong, that a good word or suitable last testament for the remaining before leaving for the next world, *indeed even after having left [emphasis added]*, can allow them to leave in peace. If they will the abandonment of scandal, those who remain behind will take the about-to-depart person's wishes that they say no bad words or have unresolved disputes, and not hold a grudge or have regrets. On the other hand, according to



his behest, those remaining behind even further can be zealous to know prosperity and unity, for peace to come to life. For example, those who are nearing the end may be urging people who are not acting humane: "May your bad habits depart with me! For all of you left behind—the people, the children—may you pass your time on earth in peace. If you have any remaining or past revenge, forgive it!" he says, and (attempts to) cause those remaining behind to reconcile. (p. 193)

In account after account, participants described the end result of the modeling, educating, mediating work of the elders as "reconciliation between the two families," "(he) reconciled the two of them," "the two sides through this were reconciled," "the two brothers were reconciled," and other similar statements.

As also previously described, the *Oraza Ayt* (*Eid al-Fitr*, Arabic) feast at the conclusion of the month of Ramadan represents the most important opportunity for apology, forgiveness and reconciliation within the calendar year, as their elders, mullahs and imams teach Kazakh Muslims. I participated in five of these feasts in just the first day of *Oraza Ayt*, as well as several others over the subsequent two days, as a significant portion of my data collection occurred during Ramadan and subsequently, during the days of the feast. My research assistant and I joined in the process of *aytap jatır*—moving from home to home, exchanging greetings upon entering, sitting down and sharing in the feast and conversation at each home, offering blessings, joining in the blessings and prayers as an elder (male or female) or mullah recited a passage from the Qur'an, and then moving on to the next home where we were expected or even not expected. By participation in this feasting, we were afforded repeated opportunities to inquire of our hosts or other guests as to the meaning of this process, and we were reminded repeatedly

that if there were any grudges, offenses, or hurts left unresolved, this was an occasion at which they can be addressed. It wasn't apparent from our observation that anyone specifically engaged in apology and reconciliation in our presence during these feasts, but there were several accounts of both the exhortation by religious teachers of the imperative to do so, and examples of such encounters taking place. Perhaps it is only in more dramatic cases of conflict that a demonstrative apology and reconciliation would take place.

In summary, after reviewing the data regarding the concept of reconciliation and its place in Kazakh traditional culture, several observations can be made. Reconciliation occurs as an active goal to be pursued, as necessity and obligation, by the elders, as well as between two or more conflicted parties themselves. It is pursued as a high value to maintain and restore the peaceful social life of the community, being understood as a shared engagement, rather than a responsibility relegated to only those parties experiencing the conflict. Those in conflict are urged to reconcile, invited to reconcile, commanded to reconcile, even shamed into reconciling. Reconciliation can take place between two individuals within a family, within a community, or between two families or communities. But the entire community, particularly the community's elders, takes ownership of the reconciliation process, and sees it through to an acceptable conclusion.

**Restoration & Reintegration.** Returning once again to the frequently cited account of the stock herder who had served time for his theft of livestock in his charge and was later received back into his community, we have an opportunity to review the final values that reflect the process theme of informal conflict resolution among indigenous Kazakhs, namely restoration and reintegration. It is important to recall the

response of the community to the village imam's urging to forgive this man, to welcome him back (although he had already been back for some time), and to accept him back into the life of the village. With the agreement of the other village elders, this expectation was then communicated throughout the community, and a key aspect of the response was for several of the neighbors to entrust their animals into this man's care. Several other subordinate values are revealed in this and other accounts of conflict resolution, which together constitute the restoration and reintegration of disputants or offenders into traditional Kazakh communities. These values include inclusion, collaboration, assistance, and empowerment, which intermingle substantially within the restoration process.

The decision to welcome this man back in tangible ways constituted the first step in his inclusion back into the village community. No longer was he expected to keep himself in isolation, although that had been a self-imposed isolation and exclusion. But in order to bring this man's inclusion about effectively, the entire community was required by the elders to collaborate. The community collaborated together to include the man in the social and economic life of the village, after he had been withdrawing and cutting himself off due to his overwhelming sense of shame. In spite of his perception that the other villagers would want nothing to do with him, they made a collective decision to support him in a fashion similar to how they had supported his family during his incarceration. This response of collaboration was consistent with the proverb *Bulaqtı bolsa—köl semeredi; Intımaqtı bolsa—el semeredi* [If it has springs, a lake will expand (lit., "grow fat"); if it is collaborative a people will expand (lit., "grow fat")] (Segizbayulı, 2014, p. 27); collaboration will grow and expand a people in numbers, in

wealth and in strength (metaphorically expressed by the concept of “fatness”), and this village understood that it was in their collective self-interest to find a way to reintegrate an offender who had shown his ability to take active responsibility for his offense.

Convincing certain of the neighbors to shift their animals from the care of another herder to this man would have meant loss of income to those other herders. It also required a commitment from the entire community to not view in any negative way those who supported the new herder by entrusting their livestock to him, otherwise his support within the community may have begun to wane. To follow through on this commitment to restoration required practical assistance to the herder himself and his family, and to any other herders who may have suffered a negative financial impact by adding his competition for “business” to the economic dynamics of the village and surrounding community. Yet providing this man opportunity and the time to establish himself was the assistance and support needed from the community for him to be restored.

In this way, the elders and broader community were empowering this young herder to shift from the dependency his family had required during his absence, and the independence he was tending toward because of his feelings of shame, to becoming an interdependent member of the community once again. This interdependence, as it grew over time, constituted the herder and his family’s reintegration back into relationships that had been strained or broken, and their restoration to a status of members in good standing among their friends and neighbors. And in the end, the village was rewarded for its choices to restore the man, as he never again made the same mistake that had cost his family and community so much the first time. He repaid in full the trust the community invested in him by giving him a second chance at life among them—he never stole again.

While this particular account provides ample illustration of the values that promote such a restorative response, other accounts provide corroboration, as do other sources of data from the study. Utilizing a profound parallelism, one Kazakh proverb states *Jaylım tapsa, mal semiredi, qayırım tapsa, jan semiredi* [If they find good pasture, livestock fatten up; if it finds compassion, the soul fattens up] (Aqkozyyn, 2012, p. 166). Once again, how appropriate that a livestock metaphor so familiar to a nomadic culture helps to shed light on the experience of a stock herder who found compassion, which brought healing, health and well-being to his soul.

In order to restore this man and his family, the entire community found it necessary to extend hospitality not unlike the way hospitality is extended to strangers. The harm this man had caused to the community, to his family, and to himself was repaired not only by his own actions of restitution, and of accepting and serving his sentence. It was also repaired by the welcome extended to him by a hospitable community, led to take action by its elders. The healing action of hospitality is illustrated in the proverb *Taspen urğandı aspen ur* [Beat with food the one beaten with a rock] (Aqkozyyn, 2012, p. 188); this acknowledges that those who've suffered harm require healing, and one context within which healing can come is through generous hospitality.

### **Summary of Conflict Resolution Model**

By way of review and to summarize, the historical conflict resolution model commonly referenced in traditional Kazakh culture is the system of *býy* courts, presided over by judges known for their wise and fair adjudication. Although these courts were eventually coopted and replaced by imperial systems of jurisprudence introduced by the Russians and Chinese, many Kazakh communities have retained a degree of agency by

adjudicating crime and disputes in a less formal way utilizing the community's elders. These elders, both male and female, serve their communities as models, moral educators, and mediators for the purpose of resolving conflict, as well as preventing conflict. The forms of conflict addressed by community elders includes domestic disputes, neighbor-to-neighbor disputes, stymied bride price negotiations, as well as crimes as serious as manslaughter, among others, and often amounts to a form of arbitration, whereby the elders make decisions about a solution to the conflict, and then work to persuade the parties involved as to the suitability and effectiveness of the proposed agreement.

The Conflict Resolution theme, which is organized for representation as a model by the Triquetra of Indigenous Informal Conflict Resolution, in the form of a Celtic knot (Figure 5) hinges on the Community Shame Balance. Shame is a powerful force within the community, one that has many facets, which can be used for good or for ill. Tilted too far to the left by humiliating speech, leading to stigmatizing shame, the conflicts generated can lead to revenge, retribution, retaliation and violence. The same can occur due to quarrels and disputes, which either are not subjected to intervention by elders in the community, or else the disputants have rejected the option of resolution.

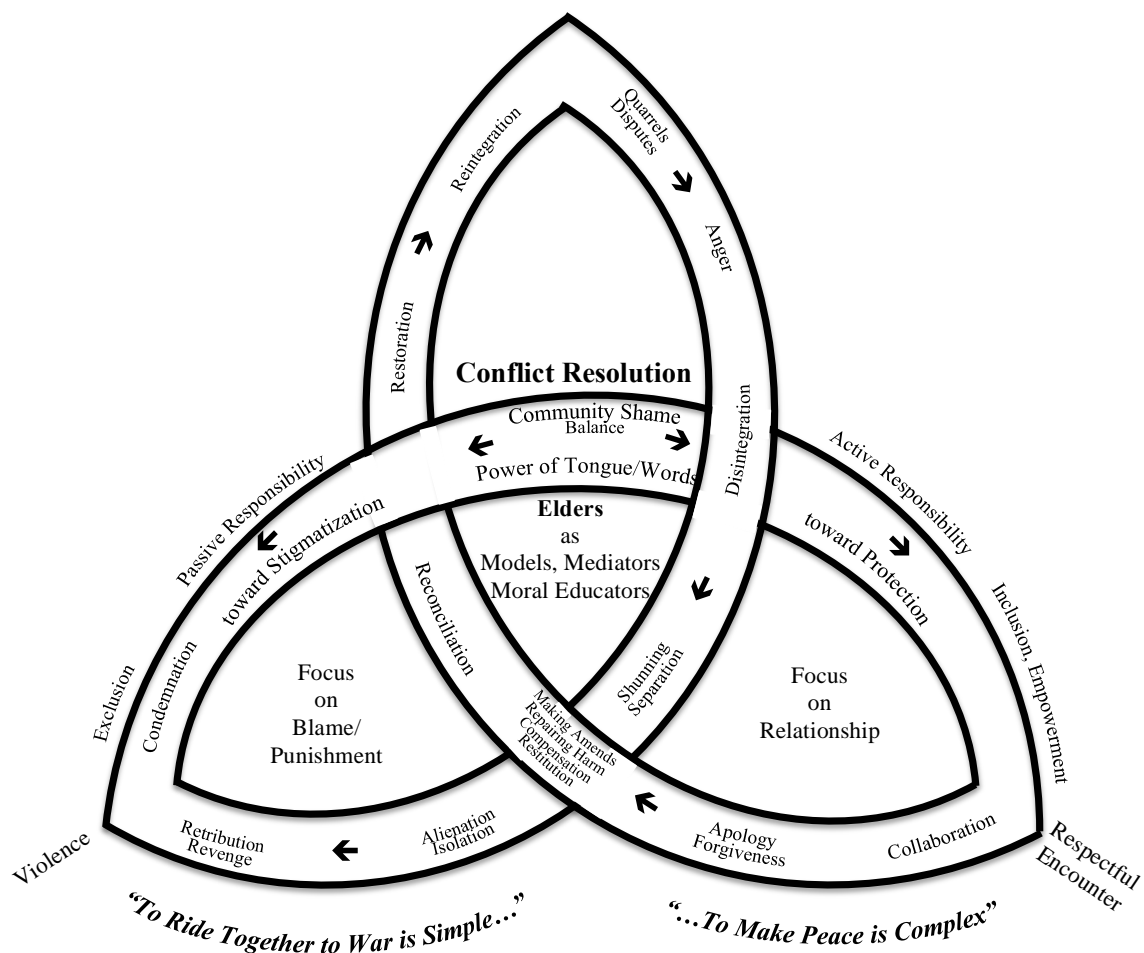


Figure 5. Triquetra of Kazakh Indigenous Informal Conflict Resolution.

The Community Shame Balance, when driven to the right by more restorative forces, can lead to reintegration of offenders and disputants. Key to initiating such a process is the choice to communicate in restorative rather than punitive terms, offering affirmation, welcome, and assistance in rejoining the community both morally and practically. An offender or disputant's part in a move toward reintegration requires that they take active responsibility for harm done, and is usually communicated through an encounter with those harmed, which has been arranged by the elders acting as mediators. The downward movement to the right along the central arc of the model leading to that

encounter provides visual reinforcement that taking active responsibility is a humbling process, in contrast to the humiliating process driving down and to the left.

When one or more elders intervene, particularly when utilizing shame to bring disputants to an encounter, the process avoids stigmatizing any of the disputants, but serves to maintain their honor and dignity, even if it did require a certain amount of cajoling to bring them to the table, so to speak. This encounter begins a collaborative process, often involving apology and forgiveness, whereby the disputants first begin the ascent back into relationship through reconciliation, and then further into full restoration and reintegration into the life of the community. Such a process is complex, and generally will not happen apart from assistance, particularly from the mediating elders, but eventually from the whole community. The contrasting simplicity with which a quarrel can descend rapidly into recrimination and violence vs. the complexity of mediating community involvement in an ascent from encounter to reconciliation and restoration, are illustrated by the vertical processes at upper center of the model. And this same contrast is effectively and eloquently summarized in the title proverb, “To Gallop Together to War is Simple; To Make Peace is Complex.”



## Chapter 6: Discussion and Implications of the Study

### Summary

The purpose of this study was to explore how Kazakhs resolve conflict informally within their indigenous family and kinship context.

### Research Questions

The research questions that have driven this study are:

- 1) What indigenous informal forms of dispute resolution have been in use historically among Kazakhs, as reflected in their folklore and proverbs?
- 2) What indigenous informal forms of dispute resolution have continued in use among diasporic Kazakh populations, which have maintained a semi-nomadic way of life, and how are they practiced?
- 3) Of those indigenous informal dispute resolution practices identified, which, if any, are restorative in nature, and why are they chosen over practices along the more punitive end of the dispute resolution spectrum?

To answer these research questions, I conducted an ethnographic case study utilizing semi-structured participant interviews, supplemented by participant observation and informal conversations. I also examined several forms of documentary evidence, which included collections of proverbs, adages, and folktales, as well as certain historical and literary publications. The fieldwork was conducted in several locations in southeastern Kazakhstan and northwest China during the spring and summer of 2016, while attempting to secure as near a representative sample of participants as possible.

Together with a succession of four research assistants, who at times acted as gatekeepers introducing me into new locations of their acquaintance, I spent time in eight

locations in the Almaty oblast in the southeast of the Republic of Kazakhstan, and two locations in the northwest of Xinjiang Uighur Autonomous Republic in the People's Republic of China. Several of the locations were familiar to me from my previous living and working in Kazakhstan, and I engaged with personal friends and acquaintances that then introduced me to prospective participants according to pre-established criteria. In the other locations, a research assistant would make the initial introduction among his relatives or acquaintances. This led to snowball sampling, as participants would introduce me to other participants. I conducted interviews, interacted socially more generally, and made participant observations in each of those settings. Although no recordings were made in the course of the interviews and conversations, we did take written notes when appropriate, and then reconstructed each conversation into a recording, which I later transcribed and translated.

The data collected was entered into NVivo software for analysis, including the transcribed and translated post-interview scripts, participant observation notes, and field notes from my data collection and research journals. Among the several documentary sources of data entered, were several hundred Kazakh proverbs/adages that I selected and translated from several collections containing from two to nearly nine thousand proverbs/adages in each. I also read and prepared translated summaries of a number of Kazakh folktales that dealt with conflict-related themes and topics, and entered those summaries into NVivo.

Utilizing the coding and query features of the software to assist me in the analysis, I examined the data for recurrent concepts and themes. While in the course of collecting, transcribing and translating, it became evident that there were a number of

conflict-related topics present in the data, which became the first set of codes. I also selected a number of values associated with restorative practices, and coded the data for those as well.

I identified three primary themes running through the data: 1) the role of elders as models, moral educators, and mediators, which intersected with the themes of 2) conflict prevention and 3) conflict resolution. The figure of the Celtic “tri-knot” or “Trinity knot” provides a useful diagram for organizing and arranging the three key themes and subordinate practices and values. The Kazakh elders in their roles as models, moral educators and mediators take the central place within the model. The circle in the figure represents the ongoing process of conflict prevention, involving the elders at the center primarily in modeling how to prevent conflict and educating their communities in maintaining a peaceful social life through actions and attitudes conducive to the same. The “triquetra” or “tri-foil” element in the figure represent the conflict resolution practices, processes and values, both negative and positive, which occur within traditional Kazakh communities. Central to those processes is what I have termed the Community Shame Balance, and it depends on how the elders, the disputants, and the broader community respond to events of conflict or crime in either a stigmatizing shame or a reintegrative shame, which will determine which direction represented in the model that the conflict resolution processes flow. As the response is stigmatizing and humiliating, with a focus on blame, disputes can lead to alienation, condemnation, retribution, revenge and even violence. On the contrary, as the response to a conflict or crime is focused by the mediating elders on the relationships, and shame is used as a means of encouraging active responsibility and remorse on the part of those who’ve somehow offended, the

process becomes one leading to a respectful, inclusive and empowering encounter, in which apology, forgiveness and reconciliation are encouraged and often take place. With active negotiation of any needed restitution or compensation, the focus becomes one of making amends, and supporting the disputants/offender(s) in a process of reintegration with the community as a whole, with support and assistance from the community as part of that process. With the reintegration comes additional moral education on the part of the community's elders, as the successful resolution of the conflict provides an object lesson to further reinforce the values of the community, toward sustaining the peaceful social life of all. The complex interwoven circle and Triquetra represents the complexity of conflict prevention and conflict resolution centered around the roles played by Kazakh elders, both female and male. Hence, we have the Tri-Knot Model of Kazakh Elders in Indigenous Informal Conflict Prevention & Resolution, presented in Figure 6.

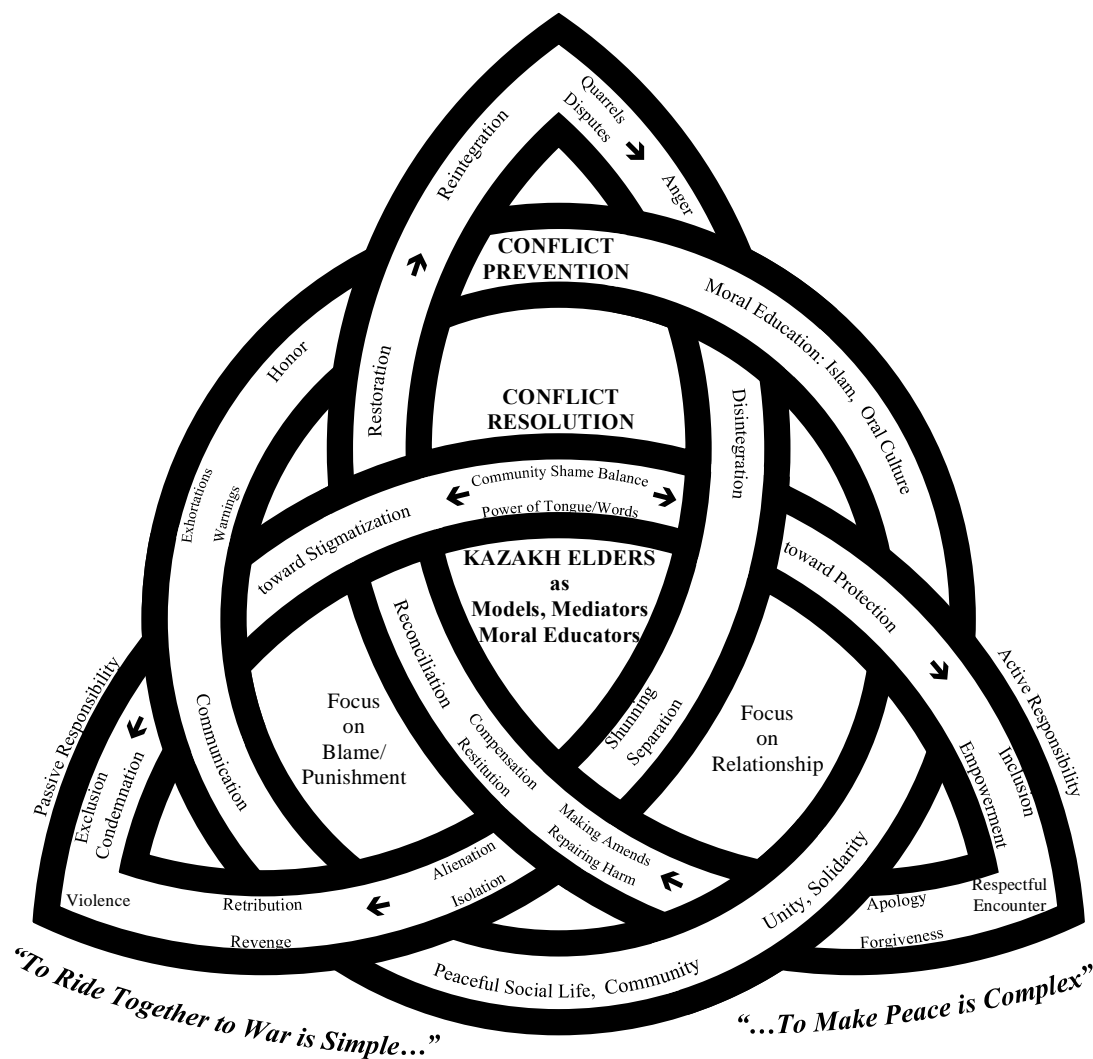


Figure 6. Tri-Knot Model of Kazakh Elders in Indigenous Informal Conflict Prevention & Resolution.

The integrated figure of the Celtic tri-knot or trinity knot illustrates the complexity of the intertwining processes of conflict prevention and resolution guided by the modeling, educating, mediating work of Kazakh community elders. This elder role involves both female or male elders, and the religious leaders as well, as long as those elders are known for their wisdom and fairness in resolving disputes. But their activity extends beyond the mere mediation of disputes. It is evident that the elders act frequently

as arbitrators, setting the terms, which will settle a dispute, and then working to persuade the disputing parties to accept the judgment that the elder(s) have reached. Thus, in an informal way, the elders have taken to themselves an authority for resolving conflicts and even for rendering judgment on crimes committed, which in the past had been the jurisdiction of the traditional Kazakh *býy* courts formally conducted by judges selected by acclaim or appointed by khans or other rulers. The authority held by these courts was coopted over time by imperial and later communist regimes on both sides of the USSR/China border, and yet Kazakh elders have managed to retain a surprising degree of their agency to effect judgments and resolutions outside of the normal judicial system, except in some of the most severe criminal and civil cases. And it is possible to conclude that the preferred path for handling such cases, whether a quarrel needs to be settled between conflicting parties, or whether a crime has been committed, is to guide those involved along with the community at large, down a restorative path including apology, forgiveness, making amends, reconciliation, and reintegration into the community in a supportive, respectful way.

### **Interpretation**

I would describe an incident from more than 25 years ago, of which I am quite ashamed, and which has served as an object lesson for me in my cross-cultural interactions and conflict resolution journey ever since:

**“But they killed a sheep!”**. We were staying in a village as guests of an agronomist (and his family) who was employed at the Kazakhstan Institute of Agriculture located in that village. Our host had been taking us to various farms and enterprises

located around the area, while at the same time we had spent time in the city arranging for meetings with officials at the oblast and national level in the Ministry of Agriculture.

One evening, we returned from the city, and over dinner we explained through the agronomist's daughter (our interpreter, who had at best minimal English facility) that the next day at 2 pm, we needed to be at the Ministry for a meeting with the director of pastures and grazing for the oblast. Our host informed us that he had arranged for a trip to a camel farm the next day. We agreed to accompany him to the camel farm on the condition that we return to the city in time for our meeting. So we all agreed (or so we thought) that we would rise early for breakfast, so that we could be on our way and accomplish all that we had planned.

Although the other guests and I were up early and ready to have breakfast, it was nearly 9 am before our host made his appearance, and after his rather leisurely breakfast, we were finally on the road and headed across the steppe in a northerly direction, not knowing where or how far the camel farm was located. We finally arrived at a village, and were ushered into a small government office, which we were informed was the mayor's office for that district in which the camel farm was located. Introductions and tea service followed, which seemed to take an inordinate amount of time. And then we were back on the road, with the district mayor leading the way in the direction from which we'd come, to a junction with another road headed approximately west. At that point, all 6 of us from our host's car squeezed into the mayor's car, and we headed west on that other road for at least another 30 minutes to the camel farm itself. We were treated to a tour of the

milk processing facility by the camel farm director, and to samples of the products of the farm, namely fresh and fermented camel milk.

At the point at which I assumed the tour to be over, we piled back into the mayor's car, but rather than returning east along the road back to our host's car, the mayor drove west once again, following the camel farm director even further from where we needed to go in order to return to the city in time for our meeting. By this time, it was well after noon, and in trying to calculate our return travel time, I was certain that we would have to practically fly to arrive at the city by 2 pm. It seemed like forever before the camel farm director and the mayor pulled their cars into another village and parked them. At that point, upon our inquiry, we were told that a meal was being prepared, at which we would attend as honored guests. Again, remember that our host's daughter, upon whom all of the interpretation responsibilities fell, spoke only broken English, and often couldn't understand what we were saying, nor could she effectively communicate to us what was being said in Kazakh and Russian by either her father, by the mayor, or by others.

Upon receiving this unwelcome revelation of the further delay in our schedule precipitated by the upcoming meal, as head of our delegation, I insisted to the daughter that we could not remain any longer, feast or no feast, as we had a schedule to keep, and we were dangerously close to being late to meet the government official with whom we were scheduled.

"We must leave now!" I demanded. In shock, the young woman relayed this information to her father and the mayor. After some discussion, she reported back



that we could not leave now, without first participating in the meal that was still being prepared. By this time, I was becoming somewhat angry, due to my growing sense that the agronomist had known full well that we could not accomplish all that he had in mind for us in the time allotted, and yet had proceeded to drag us out into the middle of the steppe a hundred kilometers or more from where we had told him that we needed to be. And so my retort was even more insistent: "We must leave now!!" I don't fully recall, but I was certainly putting my foot down metaphorically, whether or not I actually stamped my foot in insistence or not.

Again, a heated discussion ensued among the agronomist, the mayor, and the camel farm director, culminating in their coming to an undeniable conclusion as to what the girl was to tell us. She turned to me and declared with complete finality:

"But they killed a sheep!!"

I'm sure that all of our hosts were feeling that at last they had me check-mated, and that I would allow our group to be docilely led to the table where the feast was being laid. But rather than submit, I effectively swept all of the chess pieces off of the board, completing the work that I had begun of offending all of our hosts most thoroughly by demanding that we all get back in the mayor's car and return to the crossroads to retrieve the agronomist's car, and be on our way to the city. At the spectacle of my complete intransigence, the mayor signaled for us all to get back in his car, and he raced us back to the junction with the main road, where our host's car was waiting. Once we were out of his car, the mayor spun his

tires in the dirt in a U-turn, and sped back in the direction of the camel farm, the village, and the waiting feast. We climbed into our host's car, and made our way in total silence all the way back to the city, where we were dropped off about 30 minutes late in front of the Ministry of Agriculture.

Once at the office of the director of pastures and grazing, we were informed that he had had to cancel our meeting for some unknown reason. My tantrum, the inevitable offense to our hosts and scandal in the eyes of all involved, and consequent irreparably damaged relationships...were both avoidable and unnecessary and a complete waste of time.

Two years later, we had moved our family to Kazakhstan, and our older daughters were enrolled in a Kazakh-American school located in the very village where the institute of agriculture was situated and where we had been hosted. And as it turned out, the agronomist's youngest child was also attending that same school, as we discovered when I recognized his wife at a school function, and re-introduced myself to her. By this time, I was speaking rudimentary Kazakh, and she responded quite warmly, asking for our phone number, and promising that they would call and invite us to visit them sometime. As we parted, I was hopeful that we might renew the acquaintance and perhaps even become friends, especially since our children were in school together. And so we eagerly awaited a call from the agronomist's family.

No call ever came...

A participant cited a proverb he had often heard from his father, who spent his entire life as an educator: *Mıñ kisi salğan köpirdi bir kici buza aladı; Bir kisi jaqqan otqa*

*miŋ kisi julnadi* [One person can destroy a bridge that it took a thousand people to build; one thousand people can be warmed by a fire that was lit by just one person]. That proverb about the destructiveness or blessing of a single person makes a powerful statement about the importance of an individual, and more importantly, the place that an empathic response toward a single individual can have in blessing a thousand, or else that the lack of empathy can have in destroying bridges, e.g. the efforts of a thousand at peacemaking. It is my hope that in the ensuing years since the above-described incident, my personal growth in culture and conflict understanding has resulted in a shift from being a bridge destroyer to becoming a bridge builder and a fire lighter. It isn't enough just to be the one that lights the fire to warm a thousand, as valuable as that may be; what about being the person who inspires many fire-lighters who will light fires for thousands upon thousands. And while it is important to resist becoming the one who destroys a bridge that it took a thousand to build, and even to rescue another from a bridge-destroying path; what about being the person who turns not just one bridge-destroyer from the downward path, but who rescues many potential bridge-destroyers by a dignifying, empathic response. This proverb and some reflection upon it open up in a powerful way the critical nature of the Community Shame Balance, and the pivot point when an individual who is in conflict or who has committed an offense is hanging in that balance. The combination of elder mediation, active responsibility, and meaningful encounter provide a nexus point regarding the significant influence that a person can have in both small and larger ways within a community and for posterity. Both the mediating elder and the individual who is empathically guided on a path away from stigmatization and toward restored relationship and reintegration are vital influences, the former in

catalyzing a restorative impact through her or his influence, and the latter in multiplying that impact upon reintegration with a welcoming community.

I have learned from my own personal experiences of the gracious hospitality of the Kazakhs I have met that even cultural blunders such as mine can be forgiven. While not every Kazakh that I've ever met can be characterized as responding with grace and forgiveness, by and large I have come to agree with the assessment expressed by one of the participants in the study, who stated "Kazakhs are a merciful, forgiving people." That merciful impulse, which has been documented time and again through the data collected and analyzed in this study substantiates the conclusion that Kazakhs have indigenous ways of addressing conflicts within their communities informally, and that they are motivated to do so in spite of so-called higher authorities who make laws for the purpose of removing that agency from the hands of those most directly affected by such conflicts. Traditional Kazakhs have continued and apparently shall continue to exercise agency among their own families and communities in addressing crime and conflict, in order to maintain and perpetuate a peaceful social life. Their tendency is to express their merciful, forgiving impulse in restorative ways among themselves, in spite of dominant systems built on repression and retaliatory foundations.

Diasporic Kazakhs who have lived more traditional, semi-nomadic lives are also quite religious relative to their post-Soviet sisters and brothers, and they take religious injunctions regarding mercy and forgiveness, and the need to avail themselves of opportunities in their religious calendar to pursue reconciliation, quite seriously. The concepts of forgiveness and reconciliation generate a fair degree of ambivalence among contemporary conflict resolutionists operating under a modern or post-modern

worldview, in which values associated with conflict resolution have been highly secularized and there is practically an allergic reaction at the mention of terms such as reconciliation or forgiveness, which are generally understood to have derived primarily from religious origins (Shriver, 1995). Regardless of Western sensibilities as to how conflicts are to be resolved or transformed, for the traditional Kazakh, indeed for the vast majority of inhabitants of our planet, their religious worldviews give meaning and definition to their lives, and can be as much a source of motivation toward peace as they so often are assumed to be a source of conflict (Appleby, 2000). It was the Dalai Lama who stated “Learning to forgive is much more useful....For it is under the greatest adversity that there exists the greatest potential for doing good...” (cited in Braithwaite, 1999, p. 2). The merciful impulse within indigenous Kazakh culture which motivates so many elders to press their communities to seek forgiveness, to be forgiving, and to prize reconciliation seems to be borne out of a history of withstanding adversity and oppression at the hands of despots, imperial colonizers, communist social engineers, and today’s globalizing and assimilating forces. To serve as mediators of conflict prevention and conflict resolution in order to form a more peaceful social life for their communities is a further exercise of agency by Kazakh elders in the face of the prevailing winds of domination, oppression and the usurpation of local prerogative by the metropole of the current political system.

It is not entirely evident as to from where the merciful impulse apparent within Kazakh culture is derived. Certainly one possibility which must come under consideration is the Islamic law of *qisas*, regarding the crimes of intentional wounding and intentional homicide (Hascall, 2011). What is notable about the law of *qisas* is that

the victim participates in the prosecution and punishment of the crime, and can either choose to forgive the offender or else require the payment of *diyya*, which could be considered the equivalent of the Kazakh *qün*, or blood money. The existence of the law of *qisas* in Islamic jurisprudence could very well be the source of both the apparent Kazakh preference toward either forgiveness of offenses, particularly in cases of bodily harm or even death, or else the payment of *qün* as a means of rectifying the harm that was done in those cases. Hascall (2011), in an analysis of the application of *qisas* law in northern Nigeria, cites the encouragement within the interpretation of the law of *qisas* for granting forgiveness and pursuing reconciliation on the part of the victim or survivor of such a crime. Western-based models of criminal law, and those who teach and practice such models often denounce customary legal practice as “primitive and inhumane” (Hascall, 2011, p. 36). Yet restorative justice advocates, of which I count myself one, would cite the harm done by punitive models of criminal justice at great cost to both victim and offender, and with little measurable benefit to society in term of deterrence or reduced crime, apart from the frequently temporary removal from society of the offender through incarceration. The adversarial nature of typical Western courtroom practice, whether criminal or civil, ensures that culpable parties deny responsibility for the harm they have caused to the greatest extent possible, and no real attempts are made to heal damaged relationships or to restore the community at large to wholeness following the commitment and prosecution of a crime. In addition, typical criminal justice practice gives little or no voice to the victims or larger community who have experienced harm from crime and conflict, and who have had their voices coopted by systemic forces at work, which typically marginalize minority populations and produces disproportionate

incarceration outcomes (Schiff, 2016). Whether traditional Kazakh practices of forgiveness and reconciliation are rooted in Islamic *qisas* law or not, the typical pattern of elder mediation or arbitration involving apology, forgiveness and reconciliation observed among more traditional Kazakh communities is applied to both crime and conflict to a large degree. And similar to Hascall's analysis that *qisas* law has a strongly restorative element due to the option of forgiveness and reconciliation available therein, Kazakh elder arbitrated crime and conflict demonstrates similar restorative values and practices, including the options of forgiveness and payment of compensation as alternatives to more punitive sentencing options. It provides an opportunity for victim, offender, and community voices to be heard and to act with agency, which are too often lost in the process of engagement with official civil and criminal systems of law. While typical restorative justice practice will not pressure participants to forgive and reconcile, both are valued as a gift that often graces those engaged in a restorative encounter (Braithwaite, 2003).

Through the intervention of Kazakh elders to mediate (or arbitrate) disputes that arise between members of their communities, there is often the application of what Braithwaite (1989), particularly, has designated as "reintegrative shaming" as a means to motivate the disputants to take responsibility for their part in any conflict, and to apologize/forgive and reconcile. I've long resisted embracing the concept of reintegrative shame, articulated by Braithwaite (1989) through his Theory of Reintegrative Shaming. Perhaps it is because of my own painful shame issues, and not wanting to give credence to any theory that purports to demonstrate a positive purpose for shaming. Yet, despite my own biases, I cannot deny the important role that reintegrative shame plays in the

mediating work of Kazakh elders toward bringing about respectful encounters that often result in reconciliation and reintegration of those who have been at fault in a conflict.

Braithwaite (1989) claims “(s)ocieties with low crime rates are those that shame potently and judiciously; individuals who resort to crime are those insulated from shame over their wrongdoing” (loc. 67, Kindle edition), and then proceeds to specify those types of shaming which will tend to cause crime *vs.* those types of shaming likely to prevent crime. Certainly, in the analysis of data collected in this study regarding shame, we found evidence that a judicious use of shaming by elders intervening in conflict was effective in moving intransigent disputants toward taking active responsibility and choosing to make amends and be restored. And the evidence also pointed to the fact that stigmatizing shame leads to negative reactions, and potentially to vengeful violence. This unexpected finding will require some further study to fully explore the dynamics of reintegrative shaming as a restorative practice among indigenous Kazakhs.

The place that a sense of shame takes in response to reintegrative shaming was well illustrate by our newlywed friends who had a spat, and were gently and jokingly shamed into forgiveness and reconciliation by their friends. This type of shame response, and the part that it can play in reconciliation, is articulated by Curt Thompson, M.D. (*The Soul of Shame*, 2015). Thompson explains that it is in the sharing of shame that empathy is triggered within a safe community, thus the person presently feeling that sense of shame also senses the empathy responses of the community and responds with empathy in return. This is a neurological response that then enhances the bonding within the community. Significantly, in the sharing of this particular incident with us by our friends, our own bonding with them couple to couple was enhanced, as they brought us in to their



own memories of the shame they had felt, and we responded empathically from how their story touched us deeply in our own places of shame.

### **Limitations of the Study**

There are several limitations to this study, most of which relate to my location as a Western, functional-but-not-fluent Kazakh speaking conflict resolution scholar and practitioner, who is neither an anthropologist, a paremiologist, nor an Islamicist, engaging in an ethnographic case study that touches on all of these disciplines. The first limitation is that I am bringing a mixed etic/emic perspective to this study, despite the familiarity I have gained from my years of life and work in Kazakhstan, primarily engaged with Kazakh-speaking Kazakhs on a daily basis. Fortunately, several native Kazakh research assistants, each of whom was either repatriated themselves or was raised or had lived extensively among repatriated Kazakhs, aided me immensely. As we together reflected on our conversations and observations, each of these men brought tremendous insight, and helped me to interpret the research experiences we were having through an emic lens of their own.

An additional limitation was any hindrance my status as a foreign academic may have brought to the social dynamics of our interactions and observations. I was fortunate that either my research assistants, or my own acquaintances and friends, acted as gatekeepers who sponsored my presence in each location and setting. In addition, I was helped by my facility in conversational Kazakh and particularly with my agricultural lexicon built over a number of years of village community and micro-enterprise development practice, which gave me a place as an acceptable outsider. I was neither

rendered speechless nor helpless in conversation about the realities of the participants' rural or semi-nomadic lives.

However, my experience with literary Kazakh is more limited, and my Russian language facility even more so; it is true that I was limited to a degree in accessing a broader range of documentary sources of data, especially historical and ethnographic sources in the Russian language. At the same time, many of the earliest Russian language ethnographies were acknowledged by contemporary sources to have been incorrect or to reflect a certain degree of unreality (Zýymanov, 2009), whereas my focus has been on primary Kazakh-language sources. And having the use of Kenesbaev's *Phraseological Dictionary of the Kazakh Language* (1977) proved a powerful tool for extracting subtleties of meaning, particularly metaphorical meaning, from primary source Kazakh language proverb/adage collections, folktales, interview transcripts, grammars and other textual sources. This resource also made my lack of training in paremiology less of a hindrance to deriving valid translated meanings of the Kazakh proverbs/adages than might otherwise have been the case. In addition, the editors who developed each of the proverb/adage collections that I utilized had organized their collections by topic, giving the most obvious sense available of each item, which provided the basis from which I selected, translated and interpreted meaning.

Besides not being an anthropologist or paremiologist, neither am I an Islamic studies scholar. Having expertise in the religion of Islam would have proven useful in providing interpretation of Islamic beliefs and practices, particularly in distinguishing them from customary Kazakh practices and values which may predate the arrival and adoption of Islam as the dominant religion among the Kazakh people. It is not unusual for

Kazakhs I've known to make strong declarations regarding their beliefs and practices as being "found in the Qur'an," e.g. stopping to listen to the call to prayer is of the same religious benefit as actually stopping to engage in one of the five daily prayers prescribed within the Qur'an; or, that three pilgrimages to the Yassawi mausoleum in Turkistan, southern Kazakhstan is equivalent to and satisfies the requirement of all Kazakh Muslims to make the hajj pilgrimage to Mecca at least one time in their life (which clearly could not be found in the Quran, which never mentions Turkistan). That being said, I'm not entirely ignorant of Islamic practice and belief, having conducted my own extensive informal study of comparative religions, with particular emphasis on Islam motivated from our many years of living in a predominantly Muslim culture.

One of the limitations in conducting this study, which is also one of my personal disappointments, is that despite all of my efforts to the contrary, I was unable to organize data collection among Kazakhs repatriated from Mongolia. This reduced the strength of the research design as a multi-case study. Personal issues arose in the family of a key gatekeeping Kazakh repatriate from Mongolia, which first delayed and then cancelled a planned trip to a particular village where a number of his relatives had settled. This disappointment was made even more acute for me as I realized during our planning for that data collection trip that the village we would be visiting was the same village I had been taken to nearly 25 years earlier during my shameful "We killed a sheep!" episode to which I referred above. I can't help but wonder what possibility might have arisen for some personal redemption had we but visited that memorable spot; apparently, it wasn't meant to be, or at least, not yet. However, when the opportunity arose to travel to Xinjiang in northwest China, and IRB approval was granted to expand the study to

Kazakhs still living in China who otherwise met the criteria for interview participant selection, multiple cases were still available to me in that the study has included both repatriated Kazakhs from China and Kazakhs still resident in China at the time that that data collection trip took place. The number of participants resident within China was enhanced by the inclusion of two more participants who were visiting relatives in Kazakhstan at the same time that we happened to arrive for data collection, resulting in a total of ten Xinjiang Kazakhs among the participants in the study, out of forty-four total interviewed.

### **Suggestions for Future Research**

The results of this study provide stimulus to several suggestions for future research, most of which flow directly from the limitations of the study. The foremost suggestion I would put forth is to collaborate directly with Kazakh researchers, particularly those who themselves are repatriates, in order to fully engage the emic perspective on both historical and contemporary informal conflict resolution strategies and practices utilized by indigenous populations of Kazakhs. I was fortunate to receive an invitation to collaborate in this specific way by Professor Kuandykov, and expect to pursue that possibility with him at his earliest convenience. An opportunity to collaborate of this sort would help to broaden our ability to address my research questions more completely, as well as increasing the scope of potential application of traditional Kazakh restorative practices in order to empower the Kazakhs themselves “to understand, participate in creating, and strengthen appropriate models for working at conflict” and crime in the context of the criminal and civil legislation currently on the books in the Republic of Kazakhstan (Lederach, 1995, p. 39). The limited interactions I was able to

have with both Professor Kuandykov and Professor Toktar (in Xinjiang) whet my appetite for any possibilities of future collaboration on research of this sort.

In the same way that collaborative prospects of the above sort could enhance bringing an emic perspective to further study, they could also open doors into a deeper exploration of historical and ethnographic texts that might provide further insight into indigenous Kazakh conflict resolution practices, as well as to the early practice of Islam among Kazakhs. It would be particularly valuable to access documentary resources which Kazakh scholars themselves regard highly as accurately representing traditional practices and beliefs. This further study would significantly require a knowledge of the Arabic script Kazakh language used in publications available from Xinjiang, as well as earlier Kazakh language sources published prior to the Soviet Union's policy changes which replaced Arabic script for publishing in the Kazakh language with first Latin and later Cyrillic. The Kazakh elder who provided us with his own publication on Kazakh culture (Nüsipoqasulı, 2002) had published it in Xinjiang, and thus the publication was in Arabic script, which has been used continuously in Xinjiang by the Turkic Muslim ethnicities since the arrival of Islam into that region. By enlisting a Kazakh familiar with that script, I was able to access the content relevant to this study, but this does point to the fact that even having a deeper knowledge of both Kazakh and Russian language would still leave a range of Kazakh language resources beyond my reach, until such time as I also gain facility in reading the Arabic script in order to access them.

Additionally, I suggest a thorough expansion of the target population to include Kazakhs repatriated to Kazakhstan from Mongolia, and as an additional expansion, conducting further interviews and participant observation among Kazakhs continuing to

reside and sustain their semi-nomadic lifestyle within Mongolia itself. In the past year, as described earlier, assimilative pressures from the Xinjiang government have intensified, to the point of engaging in the forced removal of Kazakhs and other Muslim peoples to re-education camps, which currently hold an estimated 11.5% of Xinjiang's Muslim population (Zenz, 2018). Although the exact purpose of the camps has never been acknowledged by the PRC government, testimony from Kazakhs who have served time in those camps and later have fled to Kazakhstan or the West (Thum, 2018), as well a Kazakh who was employed in training cadre for the operation of such camps (Synovitz, Mamashuly & Lakhanuly, 2018), has exposed the political and anti-religious indoctrination currently underway. Cultural preservation and survival, which had been tenuous at best previously, is now increasingly endangered within Xinjiang, as Kazakhs are being tortured into denouncing their faith and language, and other aspects of their traditional culture (CECC, 2018). Assimilative pressures also exist for Kazakhs in Mongolia, but the impact is more gradual and not as the result of militant and oppressive government policies (Diener, 2003).

One other suggestion for further research was prompted by one additional proverb located in Aqgozýyn's section on Peace and Tranquility, which reads *Üyrenisken jaū atspaqqa jaqsı* [It's good to intentionally skirmish with an enemy that you've grown accustomed to], and which seems to promote the concept of engaging in intentional or purposeful conflict. This could be referring to just staying alert and aware of what your enemy is doing, and testing his defenses in order to keep your own defenses strong. However, it is worth considering whether there might be a sense in which this proverb is encouraging some productive conflict, in which one chooses to openly address the

conflict issues by pressing into them, with the potential for intensifying the conflict along the path toward pursuit of its transformation (Lederach, 1995), rather than harboring the issues and letting them fester internally. Such a conflict transformation can produce what Ramsbotham, Woodhouse and Miall describe as the deepest level of conflict resolution, producing “deep transformation in the institutions and discourses that reproduce violence” (2011, p. 31). It would be worthy to explore the presence of themes of conflict transformation in existence within the oral and social culture of the Kazakhs.

Another possibility for further study lies in the subject area of reintegrative shaming as a restorative practice in informal Kazakh conflict resolution practices. I have established that this practice exists and is essentially restorative in nature. But further research into just how reintegrative shaming works to motivate disputants toward full restoration and reintegration in their communities would not only be a fascinating study, but could provide insight into how such an informal process might be incorporated effectively into more formal proceedings and institutional settings, in order to assist them in moving away from the inevitably stigmatizing and humiliating use of shame one typically encounters. It would also be important to explore with Kazakhstani social scientists as to restorative practices proven to exist and operate effectively among traditional rural communities can be employed within the anonymity and social disintegration of densely packed urban areas, which lack the social homogeneity of the rural setting.

Finally, I believe that there is a significant opportunity to delve into my hypothesis that in the face of imperial and ideological power dynamics exercised by Imperial Russia, Imperial China, the U.S.S.R. and the P.R.C., Kazakh elders have

exercised agency in spite of their sub-altern status by preserving certain informal processes for adjudicating crime and conflict even to the present day. They have not abdicated all authority and responsibility for those functions to the political and legislative authorities who rule over them and who have laid claim to all such prerogative. It would be a fascinating study to explore research questions shaped around that hypothesis, in order to document the extent of such adjudication and arbitration, where the authority being exercised by the elders and submitted to by the people is clearly a usurpation and exercise in non-legally constituted agency, in spite of that authority technically having been invested legally in the governing authorities through their systems of dominance over minority populations.

### **Conclusion**

Nation building in Kazakhstan has involved the challenging juxtaposition of reclaiming Kazakh cultural heritage that had waned under imperial Russian colonial and Soviet assimilative domination, while retaining the best of Russian and Soviet cultural, social, and legal influence. In addition, the Kazakhstan leadership is attempting to integrate this blended heritage with economic and political standards and processes necessary for engaging internationally as an emerging democracy. This transition has included the development of legal and criminal justice standards and procedures, including some alternative dispute resolution practices. However, while there have been improvements since independence, criminal justice policy in Kazakhstan remains punitive, by and large.

This exploration of indigenous, restorative informal dispute resolution practices has expanded the knowledge base regarding indigenous systems of conflict resolution,



and contributed to the ethnography of the Kazakh people. Potentially, a recovery of indigenous informal restorative conflict resolution practices will bring about broader social change efforts, including the development of restorative dialogue engagement in schools, in the criminal justice system, and between victims and offenders, as a context-oriented approach to establishing peace and justice within homes and communities. Above all, I hope to foster the pursuit of more peaceful, nonviolent engagement across ethnic and religious differences in the region.

One of the first Kazakh adages I learned upon embarking on my study of the language in 1994 spoke to the challenges of study itself: *Oqū ýynemen qudıq qazǵanday* [To study is like digging a well with a needle] (Mentebaeva, 2012, p. 141). I certainly experienced the truth contained in this adage as I have been on this dissertation journey. It has been a lengthy and painstaking process, but the rewards accruing as a result of the effort expended are not unlike the live sustaining refreshment awaiting the one who perseveres to the completion of the well. But even as the study of conflict is a painstaking process, the work of bringing about peace for those who find themselves in conflict can also seem to be as arduous as digging a well with a needle. As the Kazakhs say, *Daū quruq jilda bitse de, Qurshun bittim deydi* [Even though a conflict takes forty years to end, a youth says, “I ended it.”] (Turmanjanov, 1997, p. 112); how presumptuous for a youth to take credit for ending a long-standing conflict that lasted more than a generation! And how presumptuous to think that it is as simple to bring conflict to an end as it is to stumble into the rush to do battle. We would do well to be reminded of the intensity of effort required to do the work of peace building, as we are so aptly reminded in the title proverb: “To ride together to war is simple; to make peace is complex [*Shabıspaq—oñay*,

*Tabıspaq—qýyin*].” Nevertheless, the rewards of engaging in making peace are beyond measure. Indeed, one might say that those rewards are eternal, as in the words of Jesus in his Sermon on the Mount: “Blessed are the peacemakers, for they shall be called sons (and daughters) of God” (Matthew 5:9).

## References

- Aasland, Erik. (2012). *The Narrativization of Kazakh Proverbs: College Students' Language Ideologies Concerning 'Community'*. (Doctoral dissertation, Order No. 3524435). Available from ProQuest Dissertations & Theses Global. Retrieved from <http://search.proquest.com.ezproxylocal.library.nova.edu/pqdtglobal/docview/1039315779/fulltextPDF/F156EC585EF947E9PQ/1?accountid=6579>
- Abashin, S.A. (2006). "Post-Soviet Nationalism, Ethnos Theory, and Constructivist Critique." *Anthropology & Archaeology of Eurasia*, 44(4): 58-63.
- Abashin, S. (2017). "Stalin's *rais*: governance practices in a Central Asian kolkhoz." *Central Asian Survey*, 36(1): 131-147.
- Akkozýyn, M. (2012). *Qazaq maqal-mätelderi [Kazakh proverbs-adages]*. Almatı: Almatıkitap.
- Akylbayeva, I., Malgarayeva, Z., Abdigaliyeva, G., & Kochshigulova, K. (2014). "Potentiality of Religious Conflict in Kazakhstan." *European Scientific Journal*, June 2014, Special Edition Vol. 1.
- Ammar, Nawal H. (2001). "Restorative Justice in Islam." In Michael L. Hadley (Ed.), *The spiritual roots of restorative justice*. Albany, NY: SUNY Press.
- Appleby, R. Scott. (2000). *The ambivalence of the sacred: religion, violence, and reconciliation*. Lanham, MD: Rowman & Littlefield Publishers.
- Atabaki, T. (2003). *Beyond essentialism: who writes who's past in the Middle East and Central Asia?* Amsterdam: Aksant Academic Publishers.

- Atkinson, P., Coffey, A., Delamont, S., Lofland, J., & Lofland, L. (2001). *Handbook of ethnography*. Los Angeles, CA: SAGE Publications, Ltd.
- Ayıpulu, Raqım. (2013). *Atajurttı betke alıp kösh keledi [Migrating toward the fatherland]*. Almatı: Merey.
- Baygabılova, Q. (Ed.). (2015). *Qazaq jäne älem halıqtarı ertegileriniñ Altın jýynağı, 2-kitap [Golden collection of folktales of Kazakh and the world's peoples]*. Almatı: Aruna Ltd.
- Braithwaite, John. (1989). *Crime, shame and reintegration*. New York: Cambridge University Press.
- Braithwaite, John. (1996). "Restorative Justice and a Better Future." *Dalhousie Review*, 76(1): 9-32.
- Braithwaite, John. (1999). "Restorative Justice: Assessing Optimistic and Pessimistic Accounts." *Crime and Justice*, Vol. 25 (1999), pp. 1-127.
- Braithwaite, J. (2003). "The Fundamentals of Restorative Justice," in S. Dinnen, A. Jowitt and T. Newton (eds.), *A Kind of Mending: Restorative Justice in the Pacific Islands*, pp. 35-43. Canberra: ANU Press.
- Bromley, J. & Kovlov, V. (1989). "The Theory of Ethnos and Ethnic Processes in Soviet Social Sciences." *Comparative Studies in Society & History*, 31(3): 425-438.
- Bukari, K. N. (2013). "Exploring Indigenous Approaches to Conflict Resolution: The Case of the Bawku Conflict in Ghana." *Journal of Sociological Research*, 4(2), 86-104. doi:10.5296/jsr.v4i2.3707

- Bukharbaeva, G. (2005). "Newspaper Slur Angers Uighurs." *Institute for War & Peace Reporting*, February 21, 2005. Retrieved from <https://iwpr.net/global-voices/newspaper-slur-angers-uighurs>
- Burton, J. (1990). *Conflict: resolution and prevention*. New York, NY: St. Martin's Press.
- Campbell, Ian Wylie. (2011). *Knowledge and power on the Kazakh steppe, 1845-1917* (Doctoral dissertation, Order No. 3476430). Available from ProQuest Dissertations & Theses Global. (896361992). Retrieved from <http://search.proquest.com.ezproxylocal.library.nova.edu/docview/896361992?accountid=6579>
- Centre for Justice & Reconciliation. (2018). "Tutorial: Introduction to Restorative Justice, Lesson 2: Values." Retrieved from [URL=http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-2-values/#sthash.tFzTgSaf.dpbs](http://restorativejustice.org/restorative-justice/about-restorative-justice/tutorial-intro-to-restorative-justice/lesson-2-values/#sthash.tFzTgSaf.dpbs)
- Clark, W. & Kamalov, A. (2004). "Uighur migration across Central Asian frontiers." *Central Asian Survey*, 23:2, pp. 167-182.
- Cohen, Robin. (2008 [1997]). *Global diaspora: an introduction*. London: Routledge.
- Congressional-Executive Commission on China (CECC). (2018). "Chairs Urge Ambassador Branstad to Prioritize Mass Detention of Uyghurs, Including Family Members of Radio Free Asia Employees." Retrieved from <https://www.cecc.gov/media-center/press-releases/chairs-urge-ambassador-branstad-to-prioritize-mass-detention-of-uyghurs>
- Crane, J. G., & Angrosino, M. V. (1992). *Field projects in anthropology: a student handbook*. Prospect Heights, IL: Waveland Press.

- Creswell, J. W. (2007). *Qualitative inquiry & research design: choosing among five approaches*. Thousand Oaks, CA: SAGE.
- Davé, Bhavna. (2004). "Minorities and Participation in Public Life: Kazakhstan." *United Nations Office of the High Commissioner for Human Rights, Sub-Regional Seminar-- Minority Rights: Cultural Diversity and Development in Central Asia*. Bishkek, October 2004.
- Diener, Alexander C. (2003). *One homeland or two?: territorialization of identity and the migration decision of the Mongolian-Kazakh diaspora* (Doctoral dissertation, Order No. 3113748). Available from ProQuest Dissertations & Theses Global. Retrieved from <http://search.proquest.com.ezproxylocal.library.nova.edu/pqdtglobal/docview/305282032/A487B926A4134B0FPQ/3?accountid=6579>
- Diener, Alexander C. (2005a). "Problematic Integration of Mongolian-Kazakh Return Migrants in Kazakhstan." *Eurasian Geography and Economics*, 46:6, 465-478.
- Diener, Alexander C. (2005b). "Kazakhstan's Kin State Diaspora Settlement Planning and the Oralman Dilemma." *Europe-Asia Studies* 57(2): 327-348.
- Diener, Alexander C. (2008). "Diasporic and Transnational Social Practices in Central Asia." *Geography Compass* 2(3): 956-978.
- Dillon, Michael. (2004). *Xinjiang: China's Muslim Far Northwest*. New York: NY: RoutledgeCourzon.
- Dubuisson, Eva-Marie. (2010). "Confrontation in and through the Nation in Kazakh *Aytys* Poetry." *Journal of Linguistic Anthropology*, 20(1), 2010: pp. 101-115.

- Dwyer, A.M. (2005). "The Xinjiang Conflict: Uyghur Identity, Language Policy, and Political Discourse." *Policy Studies 15*. Washington, D.C.: East-West Center Washington. Retrieved from <https://www.eastwestcenter.org/fileadmin/stored/pdfs/PS015.pdf>
- Gajanov, B. (2006, December 20). Ethnic conflicts are a taboo for Kazakh media outlets. *Fergana.news Information Agency*, December 20, 2006. Retrieved November 27, 2011 from URL= <http://enews.fergananews.com/article.php?id=1759>
- Gold, R. (1958). "Roles in sociological field observations." *Social Forces*, 36(3), 217-223.
- Gutmann, E. (2014). *The Slaughter: mass killings, organ harvesting, and China's secret solution to its dissident problem*. Amherst, NY: Prometheus Books.
- Hansen, Claus Bech. (2017). "Power and purification: late-Stalinist repression in the Uzbek SSR." *Central Asian Survey*, 36(1): 149-169.
- Hascall, Susan C. (2011). "Restorative Justice in Islam: Should *Qisas* Be Considered a Form of Restorative Justice?" *Berkeley J. Middle E. & Islamic L.* 4(1), 2011, pp. 35-78. Available at: <http://scholarship.law.berkeley.edu/jmeil/vol4/iss1/2>
- Qojiqov, S. (Prod. & Dir.). (1970). *Qiz Jibek* [Girl (named) Silk], [Video file]. Retrieved from YouTube, but link no longer available.
- Huberman, A. M., & Miles, M. B. (1994). "Data Management and Analysis Methods," In N. K. Denzin & Y. S. Lincoln (eds.), *Handbook of qualitative research*, pp. 428-444. Thousand Oaks, CA: Sage Publications.
- Huyse, Luc & Salter, Mark, (eds). (2008). *Traditional justice and reconciliation after violent conflict*. Stockholm, Sweden: International IDEA.

- Ibraeva, A., Yessetova, S. & Umerbaeva, R. (2012). "Legal status of foreigners in Roman Law and Kazakh Customary Law." *Proceedings of the International Conference on Management, Humanity and Economics*, August 11-12, 2012: pp. 92-93.
- Jacobs, J. (2010). "The Many Deaths of a Kazak Unaligned: Osman Batur, Chinese Decolonization, and the Nationalization of a Nomad." *American Historical Review*, December 2010.
- Jiménez-Tovar, Soledad. (2016). "Limits of diaspority in Central Asia: contextualizing Dungan's multiple belongings." *Central Asian Survey* 35(3): 387-404.
- Kassymbekova, B. (2017). "Understanding Stalinism in, from and of Central Asia: beyond failure, peripherality and otherness." *Central Asian Survey* 36(1): 1-18.
- Khalid, Adeeb. (2015). *Making Uzbekistan: nation, empire, and revolution in the early USSR*. Ithaca, NY: Cornell University Press.
- Kalshabayeva, B. K. & Seisenbayeva, A. S. (2013). "Repatriates in the [sic] Kazakhstan: The Problems of Migration and Adaptation to the Historic Homeland." *International Journal of Social, Management, Economics and Business Engineering*, 7(6), 2013, pp. 705-710.
- Kamalov, A. (2005). "Uighur Community in 1990s Central Asia: a decade of change." In T. Atabaki & S. Mehendale (Eds.), *Central Asia and the Caucasus: transnationalism and diaspora*, pp. 148-168. New York, NY: Routledge.
- Kamp, Marianne, & Zanca, Russell. (2017). "Recollections of collectivization in Uzbekistan: Stalinism and local activism." *Central Asian Survey*, 36(1): 55-72.



- Keleşbaev, I. (1977). *Qazaq tiliniñ fraseologıyalıq sözdigi: on mıñnan asa fraza qamtıldı. [Phraseological dictionary of the Kazakh language: More than 10,000 phrases collected.]* Almatı: Qazaq SSR-niñ Ğılım baspası.
- Kolb, D. M., & Putnam, Linda L. (1992). "Introduction: The Dialectics of Disputing". In D. M. Kolb, & Bartunek, Jean (Eds.), *Hidden conflict in organizations: uncovering behind-the-scenes disputes*. Newbury Park, CA: SAGE.
- Krippes, K. A. (1994). *Kazakh (Qazaq)—English dictionary*. Kensington, MD: Dunwoody Press.
- Kuandykov, B. Zh. (2016). Personal conversation on May 16, 2016.
- Kunanbaev, A. (1995). *Abai: book of words*. Almaty: EL Bureau.
- Lederach, John Paul. (1995). *Preparing for peace: conflict transformation across cultures*. Syracuse, NY: Syracuse University Press.
- Lederach, John Paul. (1997). *Building peace: sustainable reconciliation in divided societies*. Washington, D.C.: United States Institute of Peace Press.
- London, Ross. (2011). *Crime, punishment, and restorative justice: from the margins to the mainstream*. Boulder, CO: FirstForumPress.
- Lyubansky, M. & Barter, D. (2011). "A restorative approach to interpersonal racial conflict." *Peace Review: A Journal of Social Justice*, 23: 37-44.
- Mac Ginty, Roger. (2008). "Indigenous Peace-Making Versus the Liberal Peace." *Cooperation and Conflict*, 43: pp. 139-163.
- Maher, H. (2011, November 22). Central Asia: U.S. Helsinki Commission Concerned About SCO's Influence. *Radio Free Europe/Radio Liberty*, November 22, 2011. Retrieved from <https://www.rferl.org/a/1071672.html>

- Mämýy, Q. Ä. (2009). “Býyler sotı—älemdik qundılıq” in Vol. X in *Qazaqtıń ata zańdarı* (“Court of býys is the world value”. Paper presented at the "The Kazakh court of býys is the unique judicial system," Vol. X in *The ancient world of the Kazakh law.*), Almatı, Qazaqstan.
- Manila Declaration. (2000). The International Conference on Conflict Resolution, Peacebuilding, Sustainable Development and Indigenous Peoples, convened by Tebtebba Foundation (Indigenous Peoples International Center For Policy Research and Education), Manila, Philippines on Dec. 6-8.
- Marat, Erica. (2016). “Post-violence regime survival and expansion in Kazakhstan and Tajikistan.” *Central Asian Survey*, 35(4): 521-548.
- Martin, Virginia. (1996). *Law and custom in the steppe: Middle Horde Kazakh judicial practices and Russian colonial rule, 1868-1898* (Doctoral dissertation). Available from ProQuest Theses & Dissertations Global. (UMI No. 9705140). Retrieved from <http://digitalibrary.usc.edu/cdm/ref/collection/p15799coll17/id/523252>
- Martin, Virginia. (2001). *Law and custom in the steppe: the Kazakhs of the Middle Horde and Russian colonialism in the nineteenth century*. Richmond, Surrey, UK: Curzon.
- McCaslin, Wanda D. (Ed.). (2005). *Justice as healing: indigenous ways*. St. Paul, MN: Living Justice Press. [Kindle DX version]. Retrieved from <http://www.amazon.com>
- McCold, P. & Wachtel, T. (2003). “In pursuit of paradigm: a theory of restorative justice.” *Restorative Practices EForum*, August 12, 2003. International Institute for Restorative Practices.

- McKee, Ann Marie. (2011). *A story of high school inclusion: an ethnographic case study*. (Doctoral dissertation). University of Iowa. Retrieved from [http://ir.uiowa.edu/cgi/viewcontent.cgi?article=2631&context=etd&sei-redir=1&referer=http%3A%2F%2Fwww.google.com%2Furl%3Fsa=t%26rct=j%26q=ethnographic case study example%26source=web%26cd=2%26ved=0CCoQFjAB%26url=http%3A%2F%2Fir.uiowa.edu%2Fcgi%2Fviewconte](http://ir.uiowa.edu/cgi/viewcontent.cgi?article=2631&context=etd&sei-redir=1&referer=http%3A%2F%2Fwww.google.com%2Furl%3Fsa=t%26rct=j%26q=ethnographic%20case%20study%20example%26source=web%26cd=2%26ved=0CCoQFjAB%26url=http%3A%2F%2Fir.uiowa.edu%2Fcgi%2Fviewconte)
- McKnight, John. (1995). *The careless society*. New York, NY: BasicBooks.
- Mentebaeva, A. E. (2012). *Qazaq maqal-mātelder: Haliq danalığı [Kazakh proverbs-adages: people's wisdom]*. Almaty: Merey.
- Miles, M. B., & Huberman, A. M. (1994). *Qualitative data analysis: An expanded sourcebook* (2nd ed.). Thousand Oaks, CA: Sage.
- Miles, M. B., Huberman, A. M., & Saldana, J. (2014). *Qualitative data analysis: a methods sourcebook*. Los Angeles, CA: SAGE.
- Minority Rights Group International (MRG). (2018). "World Directory of Minorities & Indigenous Peoples: Kazakhstan." Retrieved from <http://minorityrights.org/country/kazakhstan/>
- Muvingi, I., & Duckworth, C. L. (2014). "Ch. 5: Painting the Whole Picture: Qualitative Case Study in Conflict Resolution." In R. Cooper & L. L. Finley (Eds.), *Peace and conflict studies research: a qualitative perspective* (pp. 91-110). Charlotte, NC: Information Age Publishing.
- Nüsipoqasulı, A. (2002). *Agash besikten jer besikke deyin. [From the Wooden Cradle to the Earth Cradle]*. Urumqi: Sın-Jañ jastar-örender Publishing.

- Olcott, M. B. (1995). *The Kazakhs* (Second ed.). Stanford, CA: Hoover Institution Press.  
[Kindle DX version]. Retrieved from <http://www.amazon.com> [SEP] (Original work published 1983)
- Olcott, M. B. (2010). *Kazakhstan: unfulfilled promise*. Washington, D.C.: Carnegie Endowment for International Peace. [Kindle DX version]. Retrieved from <http://www.amazon.com> [SEP]
- Olcott, M. B. (2014). Religion and State Policy in Central Asia. *The Review of Faith & International Affairs*, 12(4), 15. doi:10.1080/15570274.2014.976087
- Oralbaeva, Q., Esenov, H., & Hayrullýyna, S. Q. (1989). ÝYzuchaem kazaḡskýyy yazık: Ūchebnýyk kazaḡskogo yazıka dlya slūshateley kūrsov. Almatı: Mektep.
- Parthasarathy, B. (2008). "The ethnographic case study approach". *The Global Impact Study*. (website). Retrieved from <http://www.globalimpactstudy.org/2008/07/the-ethnographic-case-study-approach/>
- Pianciola, N. (2017). "Stalinist spatial hierarchies: placing the Kazakhs and Kyrgyz in Soviet economic regionalization." *Central Asian Survey*, 36(1): 73-92.
- Privratsky, Bruce G. (1998). *Turkistan: Kazak religion and collective memory* (Doctoral dissertation). Retrieved from [http://trace.tennessee.edu/utk\\_graddiss/4067/](http://trace.tennessee.edu/utk_graddiss/4067/)
- Privratsky, Bruce G. (2001). *Muslim Turkistan: Kazak religion and collective memory*. London: Curzon Press.
- Quinn, Naomi. (2005). "Introduction." In *Finding culture in talk: a collection of methods*, Naomi Quinn (ed.), pp. 1-34. New York: Palgrave Macmillan.

- Ramsbotham, O., Woodhouse, T., and Miall, H. (2011). *Contemporary conflict resolution: the prevention, management and transformation of deadly conflicts*, 3<sup>rd</sup> Edition. Malden, MA: Polity Press.
- Roberts, F. (2017). "A time for feasting? Autarky in the Tajik Ferghana Valley at war, 1941-1945." *Central Asian Survey*, 36(1): 37-54.
- Rısbäeva, G. Q. (2001). *Qazaq tili: til damıtūğa arnalğan mätinder jýynağı. [Kazakh language: collection of articles devoted to language development.]* Almatı: Ğılım.
- Sabol, Steven O. (1998). "*Awake Kazak!*": *Russian colonization of Central Asia and the genesis of Kazak national consciouness, 1868-1920* (Doctoral dissertation). Retrieved from <https://search-proquest-com.ezproxylocal.library.nova.edu/docview/304431981/56EC1FF47B254AADPQ/1?accountid=6579>  
<https://search-proquest-com.ezproxylocal.library.nova.edu/docview/304431981/56EC1FF47B254AADPQ/1?accountid=6579>
- Salimjan, Guldana. (2017). "Debating gender and Kazakhness: memory and voice in poetic duel *aytis* between China and Kazakhstan." *Central Asian Survey*, 36(2): 263-280.
- Schatz, Edward. (2004). *Modern clan politics: the power of "blood" in Kazakhstan and beyond*. Seattle, WA: University of Washington Press.
- Schiff, M. (2016). "Institutionalizing Restorative Justice: Paradoxes of Power, Restoration and Rights." In T. Gavrielides & V. Artinopoulou (Eds.), *Reconstructing restorative justice philosophy*, pp. 153-178. New York: Routledge.

- Schumacher, E. F. (1973). *Small is Beautiful*. London: Blond & Briggs, Ltd.
- Segizbayulı, Q. K. (2014). *Babadan qalğan baylıǵı: Qazaq maqal-mätelderı. [Wealth remaining from forefathers: Kazakh proverbs-adages.]* Almatı: Atamura.
- Shriver, D. W. (1995). *An ethic for enemies*. New York: Oxford University Press.
- Silver, B. (1974). "Social Mobilization and the Russification of Soviet Nationalities." *The American Political Science Review*, 68(1), 45-66. doi:10.2307/1959741
- Simons, H. (2009). *Case study research in practice*. Thousand Oaks, CA: SAGE.
- Spivak, A. C. (1988). "Can the Subaltern Speak?" In C. Nelson and L. Grossberg (Eds.), *Marxism and the interpretation of culture*, pp. 271-313. Basingstoke, UK: Macmillan Education.
- Starr, F. S. & Cornell, S. E. (Eds.). (2014). "Putin's Grand Strategy: The Eurasian Union and Its Discontents." (Monograph). Washington, D.C.: Central Asia-Caucasus Institute & The Silk Road Study Program. Retrieved from <http://www.silkroadstudies.org/resources/1409GrandStrategy.pdf>
- Synovitz, R., Mamashuly, A., & Lakhanuly, N. (2018, July 29). Kazakh Trial Sheds New Light On Chinese 'Reeducation Camps' For Muslims. *Radio Free Europe/Radio Liberty (RFE/RL) Kazakh Service*, July 29, 2018. Retrieved from <https://www.rferl.org/a/kazakhstan-officials-testimony-chinese-reeducation-camps-muslims/29396709.html>
- Tamang, G. M. (2015). *Indigenous methods of conflict resolution in Sikkim*. (Master of Philosophy), Sikkim University, Gangtok, Sikkim, India. Retrieved from <http://14.139.206.50:8080/jspui/bitstream/1/3118/1/Ganga's%20M.%20Phil%20Dissertation%202015.pdf>

- Tashkinbayev, Renat. (2014, January 2). Kazakhstan has highest incarceration rate in Central Asia. *TengriNews*, January 2, 2014. Retrieved from URL=<http://en.tengrinews.kz/crime/Kazakhstan-has-highest-incarceration-rate-in-Central-Asia-24680/>
- Taylor, Steven J., & Bogden, Robert. (1984). *Introduction to qualitative research methods: the search for meanings*. New York: Wiley.
- Thompson, Curt. (2015). *The soul of shame*. Downer's Grove, IL: Intervarsity Press.
- Thum, R. (2018, May 15). What Really Happens in China's 'Re-education' Camps. *The New York Times*, May 15, 2018. Retrieved from <https://www.nytimes.com/2018/05/15/opinion/china-re-education-camps.html>
- Tursunova, Z. (2012). *Livelihood, empowerment and conflict resolution in the lives of indigenous women in Uzbekistan* (Doctoral dissertation). Available from ProQuest Dissertations & Theses Global. . Retrieved from <http://search.proquest.com.ezproxylocal.library.nova.edu/docview/1512633068?accountid=6579>
- USAID. (2013). "Tuberculosis in Prisons: A Growing Public Health Challenge." Retrieved from <https://www.usaid.gov/sites/default/files/documents/1864/USAID-TB-Brochure.pdf>

Van Ness, D. W. (2005). "An Overview of Restorative Justice Around the World."

Workshop 2: Enhancing Criminal Justice Reform, Including Restorative Justice.

United Nations 11th Congress on Crime Prevention and Criminal Justice

Bangkok, Thailand April 22, 2005. Retrieved from

URL=[https://nacj.org/index.php?option=com\\_easyfolderlistingpro&view=download&format=raw&data=eNptkE1rwzAMhv-K0WmDQZ2uXVf1VNhphw122bG4iZIYkjhITtox9t9cJ1wnKbvsYNCH30ev5DDL8FvwCaEMTUEMB8HNBSG3rlwiWTFJGDjXqKX2TCyrD5IY2EU\\_knkDJPqckkYxMAjxTJGphGBvrWpQ2d-EHcLpNNVS](https://nacj.org/index.php?option=com_easyfolderlistingpro&view=download&format=raw&data=eNptkE1rwzAMhv-K0WmDQZ2uXVf1VNhphw122bG4iZIYkjhITtox9t9cJ1wnKbvsYNCH30ev5DDL8FvwCaEMTUEMB8HNBSG3rlwiWTFJGDjXqKX2TCyrD5IY2EU_knkDJPqckkYxMAjxTJGphGBvrWpQ2d-EHcLpNNVS)

K0WmDQZ2uXVf1VNhphw122bG4iZIYkjhITtox9t9cJ1wnKbvsYNCH30ev5D

DL8FvwCaEMTUEMB8HNBSG3rlwiWTFJGDjXqKX2TCyrD5IY2EU\_knkDJP

qckkYxMAjxTJGphGBvrWpQ2d-EHcLpNNVS

Van Ness, D. W. (2006/2010). "RJ City: Phase 1 Final Report." Washington, D.C.:

Prison Fellowship International.

Voell, S. (2013). "Going Beyond Essentialism: Introduction." In S. K. Voell & K.

Khutsishvili (Eds.), *Caucasus conflict culture: anthropological perspectives on times of crisis* (pp. 13-36). Marburg, Germany: Curupira.

Weiss, Robert S. (1994). *Learning from strangers: the art and method of qualitative interview studies*. New York, NY: The Free Press.

Welty, E. E. (2014). "Ch. 6: 276 Cups of Tea: Ethnography in Peace and Conflict

Research." In R. Cooper & L. L. Finley (Eds.), *Peace and conflict studies*

*research: a qualitative perspective* (pp. 111-135). Charlotte, NC: Information Age

Publishing.



- WHO Europe. (2007). "Status Paper on Prisons and Tuberculosis." *World Health Organization Europe*. Copenhagen, Denmark: World Health Organization. Retrieved from [http://www.euro.who.int/\\_\\_data/assets/pdf\\_file/0004/69511/E89906.pdf](http://www.euro.who.int/__data/assets/pdf_file/0004/69511/E89906.pdf)
- Willis, J. W. (2007). *Foundations of qualitative research: interpretive and critical approaches*. Thousand Oaks, CA: SAGE.
- Yemelianova, Galina M. (2017). "How 'Muslim' are Central Asian Muslims? A historical and comparative enquiry." *Central Asian Affairs*, 4(3): 243-269.
- Yesenberlin, I. (2000). *The Nomads*. Almaty: The Ilyas Yesenberlin Foundation.
- Yin, R. K. (2014). *Case study research: design and methods* (5<sup>th</sup> ed.). Thousand Oaks, CA: Sage. (Kindle Edition.)
- Zehr, Howard. (2002). *The little book of restorative justice*. Intercourse, PA: Good Books.
- Zehr, Howard. (2005). *Changing lenses: a new focus for crime and justice*. Scottdale, PA: Herald Pres
- Zeng, J. (2018, July 29). Congressional Hearing: US Tech Giants Fueling Emerging Xinjiang Human Rights Disaster. *Epoch Times*, July 29, 2018. Retrieved from [https://m.theepochtimes.com/congressional-hearing-us-tech-giants-fueling-emerging-xinjiang-human-rights-disaster\\_2608128.html](https://m.theepochtimes.com/congressional-hearing-us-tech-giants-fueling-emerging-xinjiang-human-rights-disaster_2608128.html)
- Zenz, A. (2018). "New Evidence for China's Political Re-Education Campaign in Xinjiang". *China Brief, Vol. 18: Issue 10*. Washington, D.C.: The Jamestown Foundation. Retrieved from <https://jamestown.org/program/evidence-for-chinas-political-re-education-campaign-in-xinjiang/>

Zýymanov, S. Z. (2009). "Qazaq býyler sotı—jalpıörkenýyettik qundılıq" in Vol. X in *Qazaqtıñ ata zañdari. (Kazakh court of býys is the common civilized value. Paper presented at the "The Kazakh court of býys is the unique judicial system," Vol. X in The ancient world of the Kazakh law.)*, Almatı, Qazaqstan.

## Appendix A: Definition of Terms

The above study contains the following key words, terms, and definitions used to aid in clarification:

*Active responsibility:* “taking responsibility for one’s behavior. It can be contrasted with passive responsibility, which means being held accountable by others for that behavior. Active responsibility arises from within a person; passive responsibility is imposed from outside the person” (Van Ness, 2006/2010, p. 12).

*Amends:* “those responsible for the harm resulting from the offence are also responsible for repairing it to the extent possible” (Van Ness, 2006/2010, p. 12).

*Assistance:* “affected parties are helped as needed in becoming contributing members of their communities in the aftermath of the offence” (Van Ness, 2006/2010, p. 12).

*Collaboration:* “affected parties are invited, but not compelled, to find solutions through mutual, consensual decision-making in the aftermath of the offence” (Van Ness, 2006/2010, p. 12).

*Conflict resolution:* “the transformation of relationships in a particular case by the solution of the problems which led to the conflictual behavior in the first place.” (Burton, 1990, pp. 2-3); “the issues and people surrounding the offence and its aftermath are addressed as completely as possible” (Van Ness, 2006/2010, p. 11).

*Dispute resolution:* see “Conflict resolution”

*Empowerment:* “affected parties are given a genuine opportunity to effectively influence and participate in the response to the offence” (Van Ness, 2006/2010, p. 12).

*Encounter:* “affected parties are invited, but not compelled, to participate in person or indirectly in making decisions that affect them in the response to the offence” (Van Ness, 2006/2010, p. 12).

*Inclusion:* “affected parties are invited to directly shape and engage in restorative processes” (Van Ness, 2006/2010, p. 11).

*Indigenous conflict resolution practices:* “Indigenous conflict resolution mechanisms comprise social, economic, cultural and religious-spiritual dimensions in accordance with the entirety of traditions, customs and world views of a society within the different spheres of societal life” (Bukari, 2013, p. 89).

*Informal conflict resolution practice:* “Resolution facilitated ... through other means than the formal processes of grievances, investigations and litigation” (Kolb & Putnam, 1992, p. 19).

*Moral education:* “community standards are reinforced as the values and norms of the parties, their communities, and their societies are considered in determining how to respond to particular offences” (Van Ness, 2006/2010, p. 12).

*Peaceful social life:* “Peaceful social life means more than the absence of open conflict. It includes concepts of harmony, contentment, security, and wellbeing that exist in a community at peace with itself and with its members. Furthermore, when conflict occurs it is addressed in such a way that peaceful social life is restored and strengthened” (Van Ness, 2006/2010, p. 11).

*Protection:* “the physical and emotional safety of affected parties is a primary consideration” (Van Ness, 2006/2010, p. 11).

*Respect*: “regarding all people as worthy of particular consideration, recognition, care and attention simply because they are people” (Van Ness, 2006/2010, p. 11).

*Restorative justice*: “Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible” (Zehr, 2002, p. 37); “Restorative justice is a theory of justice that emphasizes repairing the harm caused or revealed by criminal behavior [sic]. It is best accomplished through inclusive and cooperative processes” (Van Ness, 2005, p. 3).

*Russification*: “The psychological transference of persons from a non-Russian to a Russian identity” (Silver, 1974, p. 46). “Russification<sup>[SEP]</sup>...is defined as the process whereby non-Russians are<sup>[SEP]</sup>transformed objectively and psychologically into Russians, and is more an individual process than a collective one” (Aspaturian, 1968, cited in Silver, 1974, p. 46).

*Solidarity*: “a feeling of agreement, support, and connectedness among members of a group or community. It grows out of shared interests, purposes, sympathies, and responsibilities” (Van Ness, 2006/2010, p. 12).

## Appendix B: Data Categorization

Kinds of Data				
Unit Being Characterized	Total Culture	Families/Kin Networks	Individuals – Men	Individuals - Women
	Historical data, collections, previous ethnographies	Interviews conducted in presence of extended family &/or neighbors	Interviews individually with men	Interviews individually with women
Kazakhs as a Whole	Proverbs, adages, poems, folklore, historical data	Describing informal practices of Kazakhs in general	Own use of proverbs, adages, poems, folklore	Own use of proverbs, adages, poems, folklore
Villages	Proverbs, adages, poems, folklore, historical data about villages specifically	Illustrating village conflicts using proverbs, adages, poems, folklore, historical data, along with their own stories, and illustrating conflict resolution practices	Stories about others in their village or kinship network, conflict & its resolution	Stories about others in their village or kinship network, conflict & its resolution
Families	Proverbs, adages, poems, folklore, historical data about families specifically	Stories about their family's conflicts & their resolution	Stories about their own or others in conflict & its resolution	Stories about their own or others in conflict & its resolution

## Appendix C: Interview Protocol

Data collection questions will follow the outline below:

1. The informal conflict resolution practice in operation, and its effectiveness
  - a. Describe the practice in detail, including who did engage in it, and who else might appropriately engage in it.
  - b. Who else collaborated in implementing the practice, if any?
  - c. Whose idea was it to implement said practice?
  - d. What time frame was involved from conception through conclusion?
  - e. What outcomes of the conflict, either positive or negative, can be specifically attributed to implementation of this practice in this case?
2. The participant's feelings regarding the experience of conflict and conflict resolution
  - a. What feelings arise when telling the story of this particular conflict?
  - b. What, if any, regrets are experienced as a result of how the conflict was handled?
  - c. What, if any, degree of satisfaction is experienced as a result of how the conflict was handled?
3. Evaluation of the informal practice as to *restorativeness*
  - a. How does this practice reflect one or more of the following values:
    - i. Interconnectedness/Relationship/Peaceful Social Life/Solidarity
    - ii. Respect/Dignity of the Individual/Safety & Protection
    - iii. Particularity/Diversity
    - iv. Responsibility/Repair of Harm Done/Moral Education/Resolution
    - v. Inclusion/ Reintegration/Empowerment/Assistance
    - vi. Collaboration/Consensus/Participation/ Encounter