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Jacqueline Nolan-Haley Fordham University School of Law, jnolanhaley@law.fordham.edu

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The Intersection of Religion, Race, Class, and Ethnicity in Community Conflict

Jacqueline Nolan-Haley

This brief essay explores some ways of defining what we need to know but don't — about conflict within and between communities where there are strong identity differences based on religion, culture, gender, and race. Its particular focus is on the role that religion and religious leaders play in attempting to resolve identity-based conflict.

In considering the intersections between religion, race, class, and ethnicity in community conflict, a number of questions arise about the relevant links between identity-based community conflict in both the international and domestic setting. The all-too-common practice of exporting our views of "lessons learned" from the domestic (typically western) front to the galaxy of interethnic and increasingly intractable conflict in the post-colonial world and in other transitional societies needs to be carefully re-examined. (Honeyman and Cheldelin 2002). However well-intentioned, this approach runs the risk of being both misguided and presumptuous, given the contextual nature of conflict and the enduring ability of so many human beings to survive throughout extended periods of violence. In my view, a more productive project would be to reverse the order of inquiry, and instead ask how our efforts in domestic, identity-based community conflict resolution can benefit from experiences on the international front (Dunn 2001).

The "what-don't-we-know" category is overflowing when it comes to examining the role of religion in dealing with identity-based conflict. Consid-

Jacqueline Nolan-Haley is Professor of Law at Fordham University School of Law, 140 West 62nd Street, Room 340, New York, N.Y. 10023. Her email address is: jnolan-haley@mail.lawnet.fordham.edu.

ering the extraordinary growth and success of nongovernmental organizations (NGOs) as vehicles for the resolution of internethnic conflict within and among states, it is useful to reflect on the role of religious leaders as nonofficial interveners in the management of identity-based domestic conflict. This project generates a whole set of what I call "motive" questions: What drives groups to seek out "unofficial" conflict resolvers instead of resorting to official institutions such as courts or government agencies for assistance in resolving their conflicts? Specifically, what drives a community's choice to seek assistance from religious leaders and institutions rather than from secular ones? What are the assumptions and misconceptions that drive this choice? How, for example, do the conventions of religion such as forgiveness, apology and reconciliation, play out, if at all in this choice (Helmick et al. 2002)? What are the conditions for an effective reconciliation process (Bland 2002)?

"Motive" questions can also generate a subset of new inquiries: What are the implications when the religious conventions that serve as resources for communities in conflict spill over into the political arena? Put another way, at what point do religious values become secular ones, and what difference does that make for the long-term durability of agreements? A recent example from Northern Ireland illustrates the interpretive problem. When the IRA offered an apology in July 2002 for the murders it had committed thirty years earlier, during the time of the infamous "Troubles," can it be said that was an act motivated by religious concerns? Alternatively, was it, as the skeptics argued, a purely political gesture? Or, is this a more complex inquiry that defies either/or categorization?

In comparing identity-based conflicts in New York City with the kinds of identity-based, interethnic conflicts that have occurred in the post-colonial era and in transitional societies, we find many similarities between the kinds of conflict, the parties affected, and the persons and institutions whose intervention is sought. In both cases, "unofficial" interveners have a strong presence: the clergy in the case of New York City's identity-based conflicts, and NGOs in the international setting. Also, in both cases, parties involved in the conflict feel alienated from the mainstream.

In the domestic setting, the struggles and challenges for religious leaders who work with parties involved in identity-based conflict in New York City center primarily around two basic themes: the problem of exclusion and the challenge of developing trust.

The Problem of Exclusion. The problems and conflicts that parties bring to religious leaders are typically not "religious" but political, resulting from some form of exclusion by a dominant group. A number of New York City religious leaders have strong reactions about the oppression experienced by the groups with whom they work, many of whom are born into conflict. They argue that, as a larger community, we have been blind to the conflict experienced by marginalized people in our own communities, some of whom live in a state of perpetual conflict because of their race or culture. Parties involved in identity-based conflict situations frequently feel excluded from the political and judicial process. Racism is a persistent and underlying theme, affecting parties' perceptions of the legal system (Bell 1992). Questions related to justice are ubiquitous. When whole communities feel excluded from the political and judicial process, every conflict is perceived as a justice issue.

Many immigrant groups in New York City suffer from a double-edged trauma. Having left hostile legal systems behind them, they now feel alienated from the "American experience" of conflict resolution. It is then a very real sense of personal alienation and fear that prompts communities to seek help within religious infrastructures, a phenomenon not unlike that experienced by early immigrant groups in the United States (Auerbach 1983).

What lessons can we import here from the international front? To the extent that our domestic, identity-based conflicts are connected to notions of exclusion, what can we learn from interethnic and intractable conflict about the politics of exclusion based on identity? Are notions advanced in other conflicts — such as power-sharing (Northern Ireland) and co-existence (Arab-Israeli conflict) — transferable concepts?

Trust. The element of trust lies at the heart of conflict resolution efforts by religious leaders. A belief in the power of trust is almost universal. As Nobel Peace Prize winner Mairead Corrigan Maguire from Northern Ireland has written: "I have learned that when people trust each other, they can work together on many critical issues, no matter how differently they may feel about them." (Maguire 1999).

Trust then, is the critical component in a community's decision to seek out religious leaders and institutions instead of courts or other civil agencies for help in resolving identity-based conflicts. But how is trust built between the parties, and the parties and their religious leaders? Developing relationships is the key to building trust, and this must be done before crises erupt. There is no magic formula. Quite simply, trust must be earned. And how is this to happen? As noted at this past spring's Hewlett Centers meeting, the passionate voices of experienced religious leaders in New York City tell us — "You bleed first, and then comes trust" and "You become human and open your closed heart."

Intractable and Deadly Conflict

History has demonstrated that identity-based conflict within and between oppressed and marginalized communities has the potential to become intractable and in some cases, deadly. Professor Andrea Bartoli of the Community of Sant Egidio, a Catholic NGO that successfully mediated the conflict in Mozambique (Crocker et al. 1999), reminds us that our concern for the victims of deadly conflict must be universal. We often engage in selective perception and see only what we want to see. In looking at the results of deadly conflict, for example, Bartoli asks why it is that we see only the faces of our dead, (referring to U.S. casualties in Somalia), not *their* dead. He argues for a vision that would include the faces of all the dead.

Bartoli's argument is equally relevant to domestic, identity-based conflict. Oppression results from ignoring the powerless — those whom we do not want to see or include in the count of who matters. Perhaps we see what we want to see and, like the military who conduct "lessons learned" exercises after particular engagements, we draw the lessons we want to draw (*New York Times Magazine* 10 March 2002).

Examining the intersection of religion, race, class and ethnicity in community conflict, I am left wondering: What do we not see and why? What lessons have we failed to learn and why? And, who is the "we" in this project? Does it include the marginalized and oppressed who are immersed in identity-based conflict?

REFERENCES

- Auerbach, J. S. 1983. *Justice without law?: Non-legal dispute settlement in American bistory.* New York: Oxford University Press.
- Bell, D. 1992. Faces at the bottom of the well: The permanence of racism. New York: Basic Books.
- Bland, B. L. 2002. A tale of interesting conversations: Exploring reconciliation in Northern Ireland. Conflict Resolution Quarterly 19: 321-343.
- Crocker, C., F.O. Hampson, and P. Aall, eds. 1999. *Herding cats: Multiparty mediation in a complex world.* Washington: U.S. Institute of Peace Press.
- Dunn, S. 2001. Case study: The Northern Ireland experience: Possibilities for cross-fertilization learning, 19 *Alternatives* (New York: CPR Instituite for Dispute Resolution) 19:153.
- Helmick, R. G., ed. 2001. Forgiveness and reconciliation: Religion, public policy and conflict transformation. Philadelphia: Templeton Foundation Press.
- Honeyman, C. and S. Cheldelin. 2002. Have gavel, will travel: Dispute resolution's innocents abroad. *Conflict Resolution Quarterly* 19: 363-372.
- Maguire, M. C. 1999. *The vision of peace: Faith and hope in Northern Ireland*. Maryknoll, N.Y.: Orbis Books.