

Rehumanizing American Justice: New Strategies

By Susan Hirsch, Ph.D., ICAR Faculty, shirsch4@gmu.edu

Last January, American C-140 planes launched attacks on southern Somalia killing not only Islamic Courts leaders in flight from the Ethiopian army but also bystanders and livestock. Initially, news outlets reported that the strikes killed another intended target, Fazul Mohamed, accused of bombing U.S. embassies in Kenya and Tanzania in 1998. A few hours later, an Associated Press reporter sought my reaction as a survivor of the 1998 bombing and the widow of a victim. She asked whether Fazul's death made me feel that "justice has been done". Arguing that killing and justice should never be equated, I reminded her that, in July 2001, four embassy bombings suspects had been convicted and sentenced using a recognizable form of justice: U.S. federal court. That same day, AP reported that the strikes had not killed Fazul but had wreaked havoc in the region.

In the U.S.-led war on terror, incommunicado detention, abductions and disappearances, denial of medical care, solitary confinement, unique and arbitrary proceedings, many forms of torture, and other violent

tactics short of killing have been used to bring suspects to justice in profoundly dehumanizing ways. These tactics position suspects outside the realm of humanity yet within the law. For instance, Ahmed Khalfan Ghailani is among the many terror suspects who have experienced legal dehumanization. Also indicted for the embassy bombings, Ghailani was arrested in Pakistan in 2003 and then disappeared.

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Camp X-Ray, Guantanamo Bay. Photo: Wikipedia.

COMMENTARY

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Point of View Opening Event

By Lucy Dorick, Director of Development, ldorick@gmu.edu

This fall, Joan and Gene Smith, life-long friends of the Lynch family and chairs of the Point of View Campaign, hosted the opening event at Point of View for friends and colleagues. Under a white tent and with a view of a glorious sunset over Belmont Bay, the Point of View (POV) Master Plan and future vision for the site were unveiled to a group of more than 50 potential supporters.

Bill Lynch led the evening with a thoughtful tribute to his late parents, Ed and Helen, who donated their 40-acre estate to ICAR to build a research and retreat center for conflict analysis and resolution. Gene Smith highlighted the wonderful contribution of the Lynch family and his personal commitment to helping make this project a reality. Jeff Bushman and Pete O'Shea, the architects working on POV, walked the group through the conceptual design of the new facility after which ICAR Director Sara Cobb gave an inspirational vision of ICAR and POV. George Mason University President Alan Merten concluded the evening with a full endorsement of POV and its mission.

"Ed and Helen Lynch could see the potential for Point of



Above: Drawing of Point of View Overlook onto Belmont Bay.

View to be a place for transformative conversations, a place for dialogue, reflection and reconciliation, a place where people representing constituent groups and even nations trapped in hatred and fear could come, learn and develop new relationships with others," said Dr. Cobb. "They trusted the ICAR faculty, alumni and students to contribute their expertise in the hard work of building peace."

ICAR Ph.D. students Min Oo, Silvia Susnjic, and Vandy Kanyako were awarded the first POV Housing Fellowships for doctoral students. Min and Silvia moved to POV at the beginning of the semester to work on their dissertations. Vandy will move in early next month. "This is my

dream place to write my dissertation," said Min. "I used to imagine living in a place where I can write, while enjoying nature. My dream comes true at Point of View." Silvia added that the "idyllic landscape of Point of View bestows upon me a sense of tranquility which enables me to direct my intellectual capacity in creating a personally meaningful and academically rigorous dissertation project. I feel honored and privileged to have the opportunity to live in such a beautiful environment and re-harmonize myself with nature."

A few weeks after the Master Plan unveiling, ICAR students enjoyed their first event at POV with a recreational bonfire on October 13th. ■

network



Above: Drawing of Passage Entrance into Point of View.

Master Plan: A Signature Design

By Lucy Dorick, Director of Development, ldorick@gmu.edu

In the seclusion of Belmont Bay and using the Lynch home and its surrounding 40 acres, ICAR will build a 52,000-square-foot natural research and retreat complex, the first in the world dedicated to conflict analysis and resolution. The complex will consist of three distinct areas that can accommodate up to 100 people, including 35 overnight guests. The site will include a signature Integrated Practice Center, a Retreat Complex and a Scholarly Research Center. In addition, the complex will provide: open dining and recreational facilities; a woodland amphitheater overlooking the Bay; a meditative ritual space with reflecting pool; large indoor and open-air meeting spaces; small, secluded and fully-equipped meeting rooms overlooking the Bay; state-of-the-art communications systems; a case-based data library and reading rooms; an archive documenting the 25-year history of the Institute for Conflict Analysis and Resolution; and residential cottages for visiting scholars and graduate fellows. The facility will be built in three phases. ■

Fresh Look for ICAR's Burton Library

New Staff, New Hours and New Materials

By Paul Snodgrass, Technology and Communications Coordinator, psnodgra@gmu.edu

In the past several years the John Burton Library has grown from a few shelves of donated books to more than four thousand records. Since its move to the Arlington Campus in 2004, the library has become a useful place for students to study, conduct research, and share ideas.

The growth of the collection has been accompanied by an increase in staff and services.

There are two new faces in the library and one returning from last year. Gee Kethusegile is a second-year Master's student and returns from last year. In addition to her library duties, she also provides student support services. Lindsay Jones is also a second-year Master's student. Ross Gearllach is a first-year Master's student who can also be found at ICAR's front desk.

Together these talented students are busy reorganizing the collection, making it more accessible, useful, and enjoyable to the ICAR community. They have streamlined important library functions, making it easier to support the research needs of students and faculty.

ICAR faculty, working with the library staff, have helped to increase the number of course books available in the library. Now a great many of the assigned readings are on reserve for use inside the library.



Pictured from left to right: Ross Gearllach, Lindsay Jones, and Gee Kethusegile.

ICAR professors Chris Mitchell, Karina Korostelina, and Dean Pruitt have lent their support and guidance to the library's function and continue to help envision its future. Some of the library's resources are now being transferred to Point of View, where the Burton Library will serve as an archive for the field of conflict analysis and resolution, holding newsletters and memoranda from ICAR and other conflict related programs and organizations. Cases of "Track Two" diplomacy interventions by practitioners and primary source material on conflict resolution initiatives will be housed there and accessible to researchers.

Additionally there is a new computer workstation with a document scanner, business card scanner, and special software for creating and editing PDF documents. Software applications will be added to this workstation as needs are identified.

The library strives to meet the needs of students. It is always

in need of donations of books and materials related to the study of conflict—and particularly proud to showcase the work of students and former-students. The donations of Dissertations, Theses, APT and Internship reports, books, articles, and other useful content are always welcome. These products are useful for research and serve as examples for colleagues at ICAR.

Fall 2007 Hours of Operation

Monday: 12:00 to 4:00; 7:30 to 9:00

Tuesday: 1:00 to 9:00

Wednesday: 1:00 to 9:00

Thursday: 1:00 to 9:00

Friday: 12:00 to 4:00

Saturday: 12:00 to 4:00

Sunday: Closed

Phone: 703-993-1301

Email: icarlib@gmu.edu

The Burton Library Team:

Lindsay Jones, *Librarian*; Gee Kethusegile, *Library Assistant and Student Services Assistant*; Ross Gearllach, *Library Assistant and Front Desk Assistant*. ■

initiatives

Lee H. Hamilton Addresses U.S. Diplomacy at 20th Lynch Lecture

By Sandra Cheldelin, Ph.D., ICAR Faculty, scheldel@gmu.edu

EVENTS

On October 22, at the National Press Club, ICAR celebrated the 20th Annual Lynch Lecture featuring the Honorable Lee H. Hamilton. For a gathering of nearly two hundred faculty, staff, students and friends of ICAR, Mr. Hamilton's reflections centered on the Importance of Diplomacy when Dealing with Intractable Conflicts.

ICAR established the lecture series to bring the idea and theory of conflict analysis and resolution to the attention of the entire University community and to express our gratitude to Edwin and Helen Lynch. The lecture series serves as a way to expand our thinking about deep-rooted and protracted conflicts. This



Pictured from left to right: ICAR Professors Richard Rubenstein, Sandra Cheldelin, Solon Simmons and Wallace Warfield, with Lynch Lecture keynote speaker Lee H. Hamilton. Photo: Paul Snodgrass.

year we looked for insights on what to do about the ruptures in U.S. relationships with leaders and members of other countries and communities around the world.

Mr. Hamilton was an excellent candidate. Serving for 34 years in the U.S. House of Representatives as chair and ranking member of many committees, Lee is perhaps best known for his role as Co-Chair (with former Secretary of State James Baker) of the Iraq Study Group and Vice-Chair of the (9/11) National Commission on Terrorist Attacks Upon the United States. Lee is now the President and Director of the Woodrow Wilson International Center for Scholars.

Hamilton began by contextualizing diplomacy: that it is no panacea and that it has limitations. Offering nearly a dozen tenants of diplomacy, several challenging U.S. foreign policy strategy (see <http://icar.gmu.edu> for full speech), he urged a loosening of pre-conditions to negotiation: "Demanding that certain conditions be met before we come to the negotiating table is a path to failure. Often, it strengthens the hand of radicals

within regimes, and weakens the hand of those that America would like to strengthen." He also spoke to what conflict interveners already know—that all parties must be brought to the table—when reflecting on the Middle East: "I don't see how we deal with those problems—whether it is the chaos in Iraq, the Arab-Israeli dispute, nuclear proliferation, or the instability in Lebanon—if we only talk to our friends, but not our adversaries. Exclusivity, that is excluding parties that have an interest, is also a path to failure."

Noting the Iraq Study Group's recommendation to engage Iran and Syria, he reflected on similar experiences in thawing the Cold war. He spoke of the long lists of deep grievances between Russia and the U.S., and how representatives addressed these grievances by giving speeches at each other: "And then something began to happen. I don't know how long it took us, 10, 15 years. But then we put away the set speeches and we began to talk with one another. And we got to know one another.

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Upcoming ICAR Community Events

For more info on events, email jlock1@gmu.edu.

November 6: Prospective Students Information Session

6:00-7:30 pm, Truland Bldg, Room 555

RSVP: erin.ogilvie@gmu.edu

November 8: Analysis of the Conflict in Oaxaca

Latin American and Caribbean Working Group

1:00 pm, Truland Bldg, Room 555

November 8: ICAR Open House

6:00-9:00 pm, Truland Bldg, Room 555

November 17: Security Career Intensive

10:00-4:00 pm, Truland Bldg, Room 555

RSVP: icarjob@gmu.edu

December 6: Prospective Students Information Session

6:00-7:30 pm, Truland Bldg, Room 555

Entire events listing available at <http://icar.gmu.edu/events.htm>.

New Language Needed in US-Russia Relations

ICAR News Network: 10/25/07
By Kate Romanova, Ph.D. Student

The ongoing negotiations between Russia and the United States on the missile defense system in Eastern Europe continue to fail. Statements with mutually exclusive goals only push each other further away. The gap steadily grows larger, adding only more disagreement and irritation. Political analysts admit that the relationship has reached its lowest point since the Cold War. Yet, the end is not nigh, improvement is possible.

The countries must first come to terms with their differing views on national and global security. While the purpose of the U.S. missile defense shield is the obvious bone of contention, there are much deeper problems. The major cause of the deteriorating relationship is the erroneous frame through which each country is viewed. Unless there is a significant shift in this view, escalation is inevitable. Changing the trajectory of the relationship requires the abandonment of the Cold War as the reference point. Constant reinforcement of the Cold war relationship—i.e. better or worse—reinforces old stereotypes. It does not allow one to see beyond the old framework. Using it as the barometer to determine the degree of friendship/animosity produces Cold War assessments.

To encourage constructive cooperation, a different type of measurement should be applied, oriented to the future rather than the past. Russia today is not Russia of the 1990s or even of President Putin's first term. The tribulation of the post-Soviet era

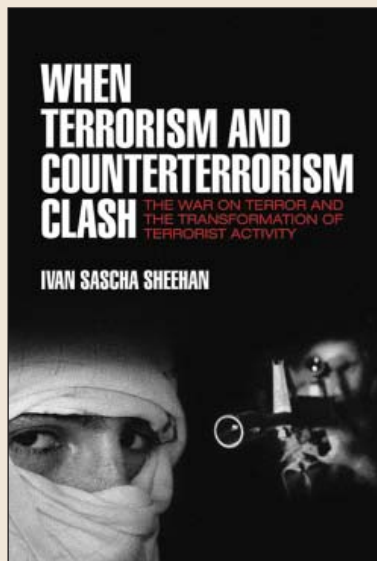
New Books

When Terrorism and Counterterrorism Clash The War on Terror and the Transformation of Terrorist Activity

Cambria Press
Ivan Sascha Sheehan, ICAR Visiting Professor

Book Description

This is the first publication showcasing compelling data on the impact of the current war on terrorism on the level, lethality, and frequency of transnational terrorist activity around the globe. The author has painstakingly examined, with precise numbers, the impact of the use of preemptive force in the War on Terrorism, a study that has never been done before.



is over. Paying off the national debt restored pride by removing dependency on foreign aid. High oil prices and rich national resources, allowed Russia to pay ahead of schedule. It was a significant mark of liberation and national recovery. Now with economic and political stability, Russia is more assertive about her position in the world, exemplified by recent warnings of withdrawal from several military or arms control agreements, an impossibility in the 1990s. Yet, the current



Kate Romanova is an ICAR Ph.D. Student.

political, economic and social confidence-building is more a sign of stabilization and recovery from the disastrous consequences of the breakup of the Soviet Union. It marks the emergence of new Russia, rather than a return to Russia of the Cold War era. To advance the possibility of successful negotiations, the U.S. must first recognize that a new Russia is at the table. Though new, the underlying motives of both countries remain the same: security then, security now. And the best answer to the security dilemma is cooperation. ■

Recent ICAR Op-Eds and Letters to the Editor

US Prison System Needs Overhaul

By Paul Snodgrass, ICAR Tech. and Communications Coordinator
Richmond Times-Dispatch, 10/16/07

Winds of Change in Holocaust Museum

By Manar Fawakhry, ICAR Masters Student
Baltimore Sun, 10/16/07

The Soil that Saves

By Michael Shank, ICAR Ph.D. Student
Foreign Policy in Focus, 10/04/07

Partitioning Iraq III-Advised

By Paul Snodgrass, ICAR Tech. and Communications Coordinator
The Hill, 10/02/07

Iran and Cultural Diplomacy

By Suzanne Buchanan, ICAR Certificate Student
Washington Times, 10/02/07

Grand Bargain Needs to Reach Beyond Realpolitik

By Dennis Sandole, ICAR Professor
Financial Times, 10/02/07 ■

Lauren Bergmann

By Deanna Yuille, Graduate Admissions Assistant, dyuille@gmu.edu

Sally Moreland

By Jenny Lock, Events Coordinator, jlock1@gmu.edu

Many roads lead to ICAR. For Lauren Bergmann the most recent turn in that road began when she decided that law school was not for her (at least not for now) and chose to pursue education in the field of conflict resolution. While at the University of Virginia in Charlottesville, she worked in a restorative justice program and liked the concept as a complement to our current systems of justice. As she puts it, "the justice system alienates both the victim and the offender from the process and restorative justice lets people know how they feel and helps them reconnect with the community."

Sally Moreland was one of the two incoming M.S. students chosen to receive the Laue Scholarship given in memory of James H. Laue and his dedication and service to the field of education and in particular, ICAR.

Sally has known that she wanted to attend graduate school for conflict resolution since her first year of college. She majored in Political Science, but minored in conflict resolution and peace studies. Sally was not only active within her school community, however, she was also active in her community as a volunteer mediator with Catholic Charities of York, PA.



Lauren is the winner of the James H. Laue Memorial Scholarship which is dedicated to one of the founders of the program in the interest of continuing his research interest in the area of peace and justice. Her description of her experiences in restorative justice holds up to Laue's ideals.

Now that Lauren has begun her first year as a Master's student at ICAR, she is enjoying the diversity of ideas that each person brings with them and also the privilege of receiving the award. For her, this experience can be a stepping stone into a future career, a number of opportunities to travel, or perhaps both. Although Lauren is still forming her own views of what the field of "conflict" entails, she looks forward to being able to shape her own viewpoints as she goes through the program.

Said Lauren of her future plans, "I am interested in working with a local community on victim-offender reconciliation programs, helping victims to be a more integral part of the justice process as well as helping the community do a better job of reintegrating former offenders. Working on the local level is important to me and right now there's so much work to be done there to help people get back on their feet. The system is pretty unforgiving at the moment and I want to help improve it." ■

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—LAUREN BERGMANN

Sally looked at several different graduate programs in conflict resolution, but was impressed that at ICAR, Conflict Resolution was not housed under another office, but rather was a stand-alone program. She is interested in taking courses focusing on international conflict and is particularly interested to learn more about Northern Ireland, where she spent the spring semester of 2006, and the Balkans. She is also very interested in the ways in which religion can provide a healing tool in post-conflict situations. Her work as a volunteer in victim-offender mediations opened her eyes to the variety of areas in which conflict resolution can be helpful and also helped her recognize a desire to get the tools and theories of conflict resolution to a broader audience, including school-age children.

Eventually, Sally would like to be a professor of conflict analysis and resolution because she feels so passionately about conflict resolution that she wants to pass that passion and excitement on to the next generation of practitioners and theoreticians, but she sees that as a distant goal which will be prefaced by a great deal more field experience. ■

Rehumanizing American Justice: New Strategies

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Human rights groups speculate that he was interrogated, and tortured, in a secret prison. A year ago, Ghailani surfaced and, along with 13 other detainees, was brought to Guantanamo Bay detention camp. The Military Commission case being prepared against Ghailani can use evidence obtained through coercion and suppress claims that he was tortured enroute to Guantanamo. Legal dehumanization, which lies at the heart of bringing Ghailani and other suspects to justice, is eroding the legitimacy and efficacy of the U.S. legal system. As a prime symbol of such inhumanity, Guantanamo Bay detention camp can and should be the site where this erosion is reversed.

From its inception Guantanamo's critics have decried the whole endeavor as inhumane, unjust, and unnecessary. Strong protests over denying detainees *habeas corpus* protections reject the idea that the U.S. could refuse to acknowledge the human beings held in custody. In recent months, personnel changes at the Justice Department and vows by Congress to reform the Military Commissions Act and other Bush administration policies portend that the tide might be turning. But unrelenting opposition toward trying terror suspects in open courts confirms that the dual frames of the global war on terror and national security continue to shape U.S. policy and produce justice options that have yet to renounce dehumanizing practices. Testifying last month at his nomination hearing to replace Attorney General Alberto Gonzales, whose cavalier approach to torture garnered less criticism than charges of political influence, Judge Michael Mukasey refused to admit that waterboarding is a form of torture that his department will no longer countenance.

A growing crisis over the fate of Ghailani and other prisoners at Guantanamo might force swifter and more drastic change. The impasse

created by Congress's refusal to appropriate sufficient funds for Military Commission proceedings and court battles over their structure and legality seemingly demands a new approach. The return of detainees to their nations of origin can be stepped up beyond the 400 already quietly repatriated. For those detainees against whom actual evidence exists prosecutions in U.S. federal courts could be prepared. But even granting all detainees due process that bypasses the Military Commissions and culminates in shutting down Guantanamo would do little to repair a justice system



Susan Hirsch, pictured above, is an ICAR Professor.

compromised through years of deploying violent and dehumanizing tactics.

Taking a leaf from conflict texts rather than law books, those involved in refashioning American justice for a post-Guantanamo era would do well to focus not only on bringing legal institutions in line with the Constitution and human rights principles but also on restoring relationships. Four types come to mind: 1) Relations between the U.S. and those falsely abused and accused. The U.S. missed a chance to do this by refusing to join Canada in apologizing to Maher Arar, a Canadian detained at a New York airport and sent—with the approval of both governments—to Syria, where all parties knew he would

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Open House to Feature Working Groups

November 8th is ICAR's Third Annual Open House. This event brings together students, faculty, alumni, and friends of ICAR for an evening of networking and socializing. The event does not have a formal program, so everyone is welcome to drop in for as little or as long as they are able. We'll have appetizers and drinks and information on ICAR's ongoing student and faculty projects for this year.

ICAR's student working groups will be on hand to share their fall semester programs. The Public Policy Working Group recently concluded a four day policy conference, in coordination with ICAR professor Richard Rubenstein and the Friedrich Ebert Foundation, titled "Partnering for Peace: Transatlantic Concepts for Conflict Resolution in Public Policy". The conference brought together policymakers and conflict resolution practitioners from the U.S. and the European Union to discuss how to integrate conflict resolution into policymaking processes. The Middle East Working Group recently hosted a roundtable featuring members of the Israeli-Palestinian Bereaved Families for Peace to talk about grassroots peace efforts between Palestinians and Israelis. This, and more, will be on display at the Open House. We look forward to seeing you Thursday, November 8th from 6:00 pm-9:00 pm in the Truland Building, Room 555. ■



Public Policy Working Group Initiative. Pictured, left to right: Former U.S. Rep. Howard Wolpe, ICAR Public Policy Working Group Advisor Richard Rubenstein, U.S. Rep. Danny Davis, and FES Director Almut Wieland-Karimi. Photo: Paul Snodgrass.

Rehumanizing American Justice

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face torture. Apologies to those harmed would be a small but highly symbolic act. 2) Relations between detainees and their families and attorneys, the media, and the public. Bringing the accused into a social world, albeit controlled to avoid compromising security, is a first step toward acknowledging their humanity. 3) Relations between the U.S. and a distrustful and disdainful world community. This could be accomplished by unconditionally and unequivocally renouncing assassinations, disappearances, torture, and similar dehumanizing tactics. 4) Relations between the U.S. and the community of nations. Here, nothing more complicated than embracing international human rights laws and treaties is required.

Images of the goggled, orange-jumpsuited Guantanamo detainee and the naked, terrified Abu Ghraib prisoner have come to symbolize American injustice. Replacing these images with more recognizable depictions of holding suspects legally accountable is an imperative goal. Yet it will have impact only if undertaken along with repairing broken relationships and thereby rehumanizing American justice. *Susan F. Hirsch is the author of *In the Moment of Greatest Calamity: Terrorism, Grief, and a Victim's Quest for Justice*.* ■

Lee Hamilton Addresses U.S. Diplomacy at Lecture

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We got to understand one another a little better. And all through this period of time keep in mind that not one single shot was fired."

Mr. Hamilton concluded by making a case for dealing with the complexity of the world, beyond the notion of trying to determine good and evil, and the critical task of working with allies, international institutions, and specifically

the United Nations. His plea for practicality and pragmatics, as an alternative to forcing others to meet our goals was refreshing, as was his pitch for the American people: "The people want us to engage in diplomacy with our adversaries, not just our friends. The people want us to reduce our dependence on oil. The people want us to maintain strong alliances. To succeed, U.S. foreign policy must have a sensitive ear always respectfully tuned to the voice of the people." Following Mr. Hamilton's remarks, a group of ICAR faculty joined him in a semi-circle, to prod further on questions provoked by his remarks. And as the lecture came to a close, it became clear that this was the beginning of the dialogue on diplomacy with Lee Hamilton, not the end. ■



ICAR Professor Wallace Warfield, on left, with Lynch Lecture keynote speaker Lee H. Hamilton. Photo: Paul Snodgrass.

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