
UNIT 12 MEDIATION AND RECONCILIATION

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12.1 INTRODUCTION

The term conflict is understood as any situation, event, or opinion in an inter-personal or other relations where there is more than one position and these are at variance with one another. When these variant positions are made to coexist within the same social matrix, conflict occurs. Thus, conflict is a process of rearrangement of variant positions to enable them to resolve differences and attempt coexistence. Conflict is seen, witnessed or experienced in every society at one point of time or the other but it is imperative that such a conflict is brought to an end if a society has to rejuvenate itself, flourish and survive peacefully thereafter. One must also understand that conflict is not *inherently* adverse or unhealthy; it can be a productive occurrence and it can rather help a society to reinvent itself and learn to coexist peacefully. Conflict lends dynamism to a situation that allows for a dialogue and reconsideration of existing situation and a possible rearrangement of interpersonal or international relations. Every society goes through a process of social and political churning whenever internal and external situations warrant it. It is an inevitable part of the process of social development and change. Lewis Coser and Ralf Dahrendarf propose in their conflict theory that conflict can be used to resolve social tensions and maintain interpersonal relations. For them, conflict is a natural manifestation of social change because in this process some groups benefit more than the rest. Resolution of tensions through the use of conflict is more desirable than prolonging the differences. Such resolution of conflict is particularly marked in pluralistic, open societies as it provides avenues for citizens to challenge the established norms and institutions.

Conflicts can be violent and non-violent, armed resistance or peaceful opposition. Whatever is the nature of conflict, while it is desirable to bring an end to the conflicts amicably and early, some conflicts are less amenable to resolution than others. Protracted conflicts elude solutions because of various factors such as complex and competing issues involved, divergent opinion on the possible solution, different methods adopted by the main actors, and a general lack of concert of interests in favour of a solution. Since all conflicts cannot be successfully resolved one way or the other, some conflicts and disputes have to be lived with. However, even as some conflicts are difficult to resolve,

they must however be contained to a level that does not endanger human life and social existence in general.

In this unit we will look at the concept of *mediation* and *reconciliation* as tools of conflict resolution, and their application by Gandhi in his efforts to resolve conflicts. While both mediation and reconciliation are important for conflict resolution, they are employed at different stages of conflict. Mediation is a method of peaceful resolution that is used to bring about a solution to an on-going conflict. Reconciliation, on the other hand, is a process of coming to terms with the reality at the end of the conflict and of preparing oneself for a renewed coexistence with other groups. Usually, mediation as a procedure comes into prominence *during* a conflict when parties try to seek a way out of an imbroglio; reconciliation is a process that normally comes into effect *after* a conflict has come to an end to heal the wounds and help a community to march on with life.

Aims and Objectives

This Unit will help you to understand

- Gandhi's position of conflict and conflict resolution;
- the concept of mediation and its utility in conflict resolution;
- the features and facets of reconciliation;
- the practice of peaceful conflict resolution through satyagraha and Shanti Sena; and
- the means and application of mediation and reconciliation by Gandhi.

12.2 GANDHI ON VIOLENCE, CONFLICT AND CONFLICT RESOLUTION

Gandhi's position on violence and conflict appears ambivalent on the face of it but a deeper inquiry shows that he had a considered opinion on both conflict and violence. While he unequivocally advocated non-violent resistance as a means of achieving resolution of conflict, he did believe that there might be situations in public life where violence cannot be wished away. Although he believed that violence thrives on counter-violence and begets the violent result that does no one good, he was not averse to the use of violence *if* the choice was *only* between violence and cowardice. It was better to wage a just war, take recourse to violence or use arms to safeguard one's people than be seen as coward and incapable of defending one's subjects. It is in this context that Gandhi supports war as a legitimate or just war if it is to save the annihilation of one's race. When Gandhi was fatally assaulted in 1908, his eldest son, Harilal Gandhi, asked him what was the right course of action he should have taken, 'whether he should have run away and seen his father killed or whether he should have used the physical force' to defend Gandhi, the father replied that 'it was his (Harilal's) duty to defend me even by using violence' (Weber, p.62). However, while practising satyagraha, Gandhi felt that it had to be employed at every level by those wanting to succeed in it. It had to be practised by applying it in everyday situations and in the larger social and political context. He added that 'he who fails to apply in the domestic sphere and seeks to apply it only in the political and social sphere will not succeed' (Weber, p.62). Gandhi does not take extreme or unqualified position on his opposition to war or support for non-violence.

The Gandhian notion of conflict and the method of its resolution i.e., satyagraha, is

premised on such sound beliefs as ahimsa, truth and moral conviction. Satyagraha is Gandhi's articulation of conflict resolution. He held that hatred, fear, anger and cowardice lead to conflict. In order to be able to rid the society of conflict, one must first resolve conflict at the individual level. There is no redemption from social conflict unless the individual is at peace with his own self and can see his social goals clearly. The individual must seek both emancipation of the self and the opponent. The idea was to eliminate the evil and not the evil-doer. The intention of a satyagrahi is never to embarrass the wrong doer; his object 'is to convert, not coerce, the wrong doer' (Gandhi cited in Weber, 2006, pp.145-6). For him, the notion of mediation is not merely a procedural intervention of a third actor; it is the spiritual mediation powered by non-violence and self-introspection for the ultimate realisation of truth. Gandhi is more concerned about 'the processes of conflict [and its resolution] rather than the substance' (Weber, p.13) or the types of conflict. Gandhi seeks to apply satyagraha as a means of conflict resolution at the level of the individual, community, society and the world outside.

Insofar as the means of resolution of the conflict is concerned, Gandhi was unwavering in his conviction that coercion of any kind was to be avoided. There are some (e.g., Bondurant, 1967; Case, 1923) who argue that Gandhi's practice of non-violence and fasting were coercive in essence in forcing the opponent into submission. Gandhi's decision to undertake fast during the Ahmedabad mill workers' strike discussed later in this unit was construed to be so, although Gandhi himself acknowledges that he allowed the mill owners to stick to their reasoning so that his fast should not be seen as a pressure tactic. In fact, Case asserts that 'satyagraha is explicitly *nonviolent* and implicitly *coercive*' but Gandhi understood it as a means of arriving at truth and deciding on the right course of action, and not as a weapon of coercion (Case cited in Weber, p.57). Every means employed to the resolution of conflict had to be necessarily **peaceful, non-violent, non-coercive**, leading to the **realisation of truth**.

12.3 THE CONCEPT OF MEDIATION

Mediation as a method and approach to peaceful resolution of conflict is characterised by the participation of a third party in the negotiations besides the directly concerned parties. When parties to the conflict are either not agreeing to talk to each other or where negotiations fail to lead to a common ground, mediation is used to make headway in the negotiations. The mediator acts as a neutral third party to promote settlement without judging the merit of a case on either side. Such a mediator is a person or a group of persons who is impartial and trusted by all the parties to the conflict. The mediating party takes the thread of negotiations in its own hands and acts as a channel of communication between the conflicting sides.

Once a mediator has been identified, the process consists of actual transmission of suggestions and solutions to the parties concerned. However, there is no compulsion that the parties must accept the solutions presented by the mediating side. It is this nature of voluntary acceptance of a solution and the cooperation of the parties to a conflict that makes mediation a peaceful process, devoid of any coercion.

In order for mediation to be successful, two conditions are essential. Firstly, the mediator should be well informed about the problem at hand and should be able to project a neutral and an impartial image. If not, the mediator always runs the risk of alienating one or the other party. Such discontentment often acts as a hurdle in successful mediation when one of the parties is reluctant to accept the compromise solution. Secondly, both

the parties should be willing to resort to mediation and the mediator should be acceptable to them. The consent to mediation and the confidence reposed by the conflicting parties in the mediator is crucial for the successful settlement of a conflict. Any deficit in trust, impartiality and confidence may jeopardise the process of mediation.

Gandhi attempted to practise non-violence through mediation wherever it was required. Although he was not always successful, he persisted with his efforts again and again. He firmly held that non-violence never begot defeat; the inability to achieve the desired result is because of the lack of perfection in practising satyagraha. The first trace of mediation efforts by Gandhi is seen in his twenty years of life in South Africa. As a lawyer, he was bound to resolve the disputes through persuasive arguments in the court but he realised soon enough that it was possible and desirable to bring about private compromises and avoid the acrimony and defeat in an adversarial situation like litigation. His first instance in mediation was a case involving Dada Abdullah Sheth and Sheth Tyeb Haji Khan Mohammed. There are many such instances where he successfully brought about reconciliation (Bhaskaran, pp.430-431).

There are two instances of conflict in India in the early years of Gandhi's political life where he is said to have resorted to mediation between two conflicting parties. One was the conflict relating to farmers in Champaran in 1917 and the other was the conflict between the labourers and mill owners at Ahmedabad in 1918.

The strike by the Ahmedabad mill workers was one of the first instances where Gandhi used strike, fasting and mediation as the methods of conflict resolution. When Gandhi initially received information about the workers' unrest at the textile mill, his opinion was that the case of the mill workers was strong. However, his own position was awkward because the main mill owner was his friend. He advised the mill owners to submit the dispute to arbitration but they refused. Then he advised the labourers to go on strike because he felt that they were perfectly in their right to do so in the face of mill owners' intransigence. Strike was also a peaceful form of protest when labourers had no other means of pressing for their demands. Gandhi himself joined the strike, attended the meetings and the mill workers every evening and took a **pledge** from them that they will not return to work until either their demands were met or the mill owners agreed to resort to arbitration. The strike continued successfully for a fortnight but thereafter the workers became anxious and showed signs of restlessness and anger. It was difficult to maintain the protest as a peaceful one and channelise the energies of the workers into fruitful and gainful engagement. In this whole process of being a part of the conflict, Gandhi reflects on the dilemmas and consternation faced by the mediator himself thus: 'The mill-hands had taken the pledge at my suggestion. They had repeated it before me day after day, and the very idea that they might now go back upon it was to me inconceivable. Was it pride or was it my love for the labourers and my passionate regard for truth that was at the back of this feeling—who can say?' (Jack, p.155). In order to resurrect a flagging strike, Gandhi decided to go on fast 'unless the strikers rally and continue the strike till a settlement is reached, or till they leave the mills altogether'.

Gandhi's dilemma was once again in attendance on his decision to go on strike since he 'enjoyed very close and cordial relations with the mill owners,' and his fast could have affected their position and decision on the dispute. On the face of it, it appeared that the fast was *against* the millowners but as a satyagrahi- in search of truth- Gandhi was certain that this was the only right course of action to induce the labourers to continue a non-violent protest that was agreed upon. He confessed that his 'fast was undertaken

not on account of a lapse of the mill owners, but on account that of the labourers' in which he had a share. 'With mill owners, I could only plead; to fast against them would amount to coercion. Yet...I felt I could not help it' (Jack, p.156). The net result of Gandhi's cordial relations with both the disputants (the mill owners and the labourers), a non-violent strike coupled with the conviction that the mill hands were justified in their demand, and the eventual decision to fast in order to keep the labourers on strike from becoming violent and unruly, led to the creation of an atmosphere of goodwill and understanding that paved the way for the resolution of conflict. The mill owners agreed to submit the dispute to arbitration and the strike was called off within only three days of fasting.

What is instructing in this episode is that although Gandhi could have taken up the case as litigation, he decided to initiate a form of peaceful protest as a means of resolving the conflict. Secondly, he decided to support the position of the labourers because he was convinced that labourers had genuine concerns in spite of the fact that one of the mill owners was his acquaintance. Thirdly, Gandhi believed that such change of heart and a climb down from their position (mill owners) was made possible in this case because the path of satyagraha and non-violence touched the hearts of the mill owners. They were equally keen to resolve the conflict and set about discovering some means for a settlement.

12.4 RECONCILIATION

Reconciliation as a concept is part of the process of rebuilding peace after the conflict has come to an end or when has been brought down to manageable levels. Every conflict passes through two stages. The first one is the process of *conflict management* that is effected through such methods as negotiation, mediation, dialogue, arbitration, etc. The second stage involves reconciliation when the *conflict* has been *resolved*. Reconciliation is a challenging process because the entire process of peace building is hinged on it. It has a dual role to play in the resolution of conflict: one, successful conflict resolution is, in the *immediate sense*, premised on reconciliation; second, it prepares the conflicting communities to *eventually* coexist with each other and thus acts as the ultimate basis for lasting peace.

Reconciliation requires developing a web of peaceful relationships between the communities and a change in socio-psychological and emotional outlook towards each other. This in turn is an uphill task when the communities have seen conflict for an extended period of time coupled with a general lack of confidence in the other group's intentions. It requires a tremendous leap of faith and belief to find emotional connection in each other so as to counter the trust deficit and renew efforts towards coexistence. Many a time, successful peace agreements have failed to establish lasting peace or to sustain negotiated solution in the absence of genuine reconciliation on the part of the communities. This is so because the peace agreements or blueprints for resolving the conflicts are negotiated by the leaders and political representatives of the warring factions but reconciliation depends on the active involvement of people and their perception about the other community. When there is incongruence between the popular perception of a conflict and the political calculations of the leaders involved in negotiations for its resolution, it is unlikely that the conflict will be successfully put to an end without effecting a change in that popular perception. Sometimes structural mechanisms for reconciliation are woven into peace agreements by way of creating interdependencies, linkages, affinities and other channels of interaction to

create conducive atmosphere for mutual respect and understanding but there is no guarantee that such structures and mechanisms will necessarily bring about a change in popular perception and orientation towards each other (Bar-Tal, p.365). Thus, no matter how successfully peace has been negotiated, reconciliation is a necessary and inevitable process to sustain that negotiated peace. James Baker, the former US Secretary of State, once famously stated that no amount of 'international conciliation can replace national reconciliation' in bringing about lasting peace.

The process of reconciliation, by definition, is a gradual, reciprocal and voluntary one. It must involve respect for, forgiveness towards, and appreciation of the rival group and its socio-political position. Although it is extremely difficult to countenance such dramatic turn around in one's perception, it is commonly held that transition and acceptance of a group from rival to a legitimate partner and stakeholder in peace is necessary for reconciliation. Intra-social reconciliation must be based on four elements: *truth, regard, justice and peace*. Truth involves 'open revelation of the past, including admission, acknowledgement and transparency'; regard is a term used by Kriesberg to denote acceptance, forgiveness, and compassion; justice 'requires rectification, restitution, compensation and social restructuring'; and peace (or security in Kriesberg's view) calls for building 'common future, cooperation, coordination, well-being, harmony...and security for all the parties' (Lederach and Kriesberg quoted in Bar-Tal, pp.366-67). Influenced by this understanding of reconciliation and Gandhi's emphasis on spiritual aspect of it, the South African Commission was named as Truth and Reconciliation Commission.

Social reconciliation is contingent upon many factors such as the perceptions of the incumbent leaders and the members of the community, levels of social cohesiveness, the ability of everyone to enmesh in the local cultural matrix (if it is an intra-community conflict), and traditional, emotional ties shared by a community. Social group as a repository of cohesive identity and cultural values gets disintegrated when dissimilar attitudes are made to coexist. Traditional values are sacrificed out of sheer necessity and desperation to survive in hostile conditions. Moreover, retrieving one's sense of self-esteem and emotional fabric is an arduous task for those who have seen conflict for too long. They tend to suffer from a sense of helplessness and seething anger at being forced to endure conflict. The problem gets amplified when an entire community shares such emotional attributes of anger, helplessness and retribution and continues to live with ruptured emotional balance and a deep sense of loss. These grievances must be known, acknowledged and redressed to the extent possible by those involved in conflict resolution. Since a conflict is rarely one-sided, its resolution requires forgiveness and healing on the part all those involved in it.

Usually reconciliation is understood in Western-Christian religious-cultural context. However, in Da Silva's view, 'Gandhi's satyagraha (truth force) is an Eastern articulation of reconciliation. [Satyagraha] sustains and drives nonviolent behaviours, which are expressions of forgiveness and reaching out to the other. Nonviolence is implied in forgiveness, since we cannot be violent and promote reconciliation at the same time. Reconciliation through nonviolence has much in common with the four dimensions of forgiveness, namely, moral judgment, forbearance, empathy, and repairing of broken relationships. The assumption of human interdependence that underlies *ahimsa* is also an important part of the reconciliation process that seeks to bring together the perpetrator, the victim, and the community through restorative justice' (Da Silva's views cited in Meiring, p.1395).

During the 1940s, until his death in 1948, Gandhi devoted much of his time and energies to Hindu-Muslim reconciliation in which Shanti Sena also had a major role (see the following section 12.5). He famously stated that '[a] bullet destroys the enemy; non-violence converts the enemy into a friend', and has the ability to change the heart of even a hardcore fanatic. The last months of his life were spent in bringing about reconciliation between Hindus and Muslims in Noakhali, Bihar and Calcutta that had seen worst riots following the partition of the country. He travelled from village to village, accepted hospitality of Muslim families and addressed gatherings in the evenings in an effort to bring peace to the troubled communities. An incident that took place on 31 August 1947 in which a mob of unruly rioters arrived at his place and attacked him but the blow narrowly missed Gandhi. It made him realise that his efforts at resolving the differences had not been entirely successful. He undertook fast unto death on the following morning that continued for the next three days. That fast brought peace to the neighbourhood and forced leaders of rioting mobs, hooligans, representatives of communities and every conceivable group to rally around Gandhi and take a written pledge that there would not be communal tension in the area. Thereafter, communal disturbances occurred in many other parts of the country but Bengal remained largely peaceful. Gandhi was ready to forgive and condone those who had killed others, even those who were not clear of blood on their hands, if they owned up to their crime and if there was a true repentance.

12.5 THE IDEA OF SHANTI SENA

Gandhi tried to develop alternative structures of conflict resolution to help sustain the idea of satyagraha in action. Shanti Sena is one such structure of non-violence. Gandhi's idea of Shanti Sena is important here both as a means of peaceful resistance as well as a method of achieving reconciliation in the society when it is torn by conflict. The earliest experiments in evolving the idea of Shanti Sena can be deduced from the peace march he held in Transvaal in October 1913 and the establishment of Tolstoy farm to rehabilitate the satyagrahi families in 1910 in South Africa. In India, his efforts in resolving the issue of Champaran agriculturists and Ahmedabad mill workers (both in 1917) are in the same league (Bhaskaran, p.431). The idea of Shanti Sena as a band of volunteers germinated during the communal riots in 1921 but it could not be brought to fruition then. It was organised much later in 1947.

He believed that just as there is an army to wage war, there must also be dedicated soldiers of peace and non-violence to hold the weave of social fabric together. The concept of Shanti Sena has been variously translated as *peace brigade*, *peace army*, *shanti dal* and *soldiers of peace* to denote a group of volunteers who are practitioners of non-violence and are soldiers aiming to resolve *social conflicts* peacefully.

The Shanti Sainiks, as essential satyagrahis, must believe in fundamental concepts of satyagraha, which were: 'faith in human goodness, truth, non-violence, creative self-suffering, means and ends, rejection of coercion, and fearlessness' (Weber, pp. 41-59). While these are the concepts in which Shanti Sainiks must believe, there are yet other principles, which they must ideally try to follow. The five guiding principles are search for truth, stopping and preventing direct violence, removing structural violence, nonviolent ethics and values, and self-realisation leading to inner peace. Since these guiding principles are difficult to follow in their entirety, Gandhi believed that they must abide by as many principles as they can while endeavouring to imbibe and emulate all of them. In Gandhi's philosophy, as in his strategy, perfection must be aimed for and attained through constant

efforts; but lack of perfection need not lead to forsaking that effort altogether. He said that Shanti Sena cannot always consist of 'perfectly nonviolent people. It will be formed of those who will honestly endeavour to observe nonviolence' (Cited in Bhaskaran, p.431).

The first guiding principle of search for truth has been discussed before in the unit on Truth is God (Unit 8 in Course 3). The second principle that believes in stopping and preventing direct violence involves the mechanisms of peaceful conflict resolution such as negotiation, mediation, dialogue, arbitration, and others. A

Shanti Sainik must know to employ these methods skillfully as also to try and pre-empt the reasons that lead to conflict in the first place, such as structural violence. Structural violence is understood as the prevalence of inequality, exploitation, injustice or any form of discrimination like the system of untouchability that is the breeding ground for violence. It is the duty of the Shanti Sena to eliminate such structures of violence so that social cohesion can be established. The fourth principle of nonviolent ethics and values has to be followed all along, even in the face of conflict. A Shanti Sainik must only offer peaceful resistance without resorting to violent counter attack; he should prefer to die rather than kill others.

It is pertinent to note here that Shanti Sena was predominantly meant for resolving social conflicts such as communal riots and caste conflicts *within* a country although he did envisage its larger role as a substitute for police and eventually even the army. Though the latter part of his dream was difficult to be realised within his lifetime or thereafter, Shanti Sena (with a band of 79 volunteers) did play a major role in dousing the flames of communal conflict in the aftermath of the partition and the riots that followed in Noakhali, Calcutta and other parts of Bengal in 1947. Thus, Shanti Sena was to act as a neutral mediator of peace during a conflict as also to act as a healer in the process of reconciliation and coexistence in the aftermath of violence. It was a useful idea at every stage of the conflict resolution even while following the avowed principle of non-violence.

This context and original mandate of Shanti Sena was not appreciated in right perspective in the post-independence period by Gandhi's followers. Two reasons can be ascribed for this loss of direction. Firstly, Gandhi was assassinated within months of successfully resolving the communal tension at Noakhali where Shanti Sena had been an active agent of restoring peace. It was robbed of the vision and guidance that Gandhi could have offered for its larger role in national and international affairs. Secondly, there were competing opinions about the role of Shanti Sena among the followers of Gandhi in the post-independence period. While one section led by Jayaprakash Narayan assumed the position that it should replace the army and fight the armed soldiers of China through peaceful resistance, the other opinion held by Vinoba Bhave understood its role more moderately as that of working towards rural reconstruction and building a peaceful society, free from internal conflicts (Weber, 2006, pp.236-238 and Upadhyaya, p.75). Shanti Sena became a splintered group torn between these two competing positions.

12.6 SUMMARY

Conflict is seen, witnessed or experienced in every society but it must be contained at a level that enables a society to survive peacefully. All conflicts are not bad. In fact, some conflicts allow the differences in society to come to the fore and seek their resolution. It is an inevitable part of the process of social development and change. If conflict is a

pervasive phenomenon, methods and means will have to be devised for its peaceful resolution. In India, Gandhi stressed on peaceful means of resolving conflicts through satyagraha, ahimsa, Shanti Sena, spiritual and social reconciliation through forgiveness and penance. Mediation is one such means of peaceful resolution where intervention by a third party attempts to find a solution to a dispute while circumscribing the adversarial behaviour of the disputants. Gandhi believed in values like truth, non-violence, non-cooperation, satyagraha, forgiveness, inner purification as the mediating forces to bring about a change of heart in the opponent for effective and lasting resolution of a conflict.

Amicable resolution of conflict creates a positive atmosphere for reconciliation and the resolve among all parties to the conflict to make a fresh beginning. It holds a better promise for peace than military victory since it is perceived as a victory of *all* rather than *a* party to the conflict. For Gandhi, moral and spiritual aspect of the resolution of a conflict as reflected in genuine reconciliation was more important than external structures of peace. Therefore, Shanti Sena was his attempt to build a structure of conflict resolution to put his idea of non-violence and peace into practice. The test of a good resolution of conflict lies in retaining cooperation of all parties, after having addressed the historical realities, a sense of justice for all and a genuine effort at reconciliation.

12.7 TERMINAL QUESTIONS

1. Elucidate the term conflict and discuss Gandhi's views on violence and conflict.
2. Examine the features of mediation citing examples of its application by Gandhi.
3. What do you understand by the concept of reconciliation?
4. What are the factors that contribute to the success of mediation and reconciliation?
5. Discuss the idea of Shanti Sena and its role in conflict resolution.

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