

Generative Relational Peacekeeping

Rethinking Adaptive Mediation Under Relational Uncertainty

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Draft. This is a preprint draft. It is circulated for comment, and its arguments, formulations, and open questions are subject to revision. Correction and criticism are welcome at huangwanhong@serendip.ngo.

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PART I

THE QUESTION AND THE PROGRAMME IT ENGAGES

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CHAPTER 1

INTRODUCTION

1.1 THE CONDITIONS OF CONTEMPORARY CONFLICT

Armed conflicts of the present period are protracted, involve many parties, and attract external involvement of several kinds. Their courses are difficult to anticipate. Arrangements that appear settled are disturbed by events remote from the parties who made them, and disturbances that appear grave are absorbed without consequence. Settlements are reached and violence resumes, sometimes among the parties who reached them and sometimes among successors constituted in the interval.

Practice has responded to these conditions with a substantial body of reflection. The literature on peacebuilding after the 1990s examined the assumptions under which external actors had been operating, the local turn examined whose purposes those operations served, and work on hybridity examined what results when externally sponsored arrangements meet the orders already present. Each of these bodies of work is engaged in the chapters that follow.

The response this book takes as its point of departure is more recent and more specific. It holds that conflict-affected societies are complex systems whose development is emergent, non-linear, and irreproducible, and it draws from that holding a conclusion about what intervention can be.

The chapter states the conditions the account answers to, the programme it engages, the question it undertakes to answer, and the terms on which its answer is offered. It proceeds from the conditions of contemporary conflict to the programme that responds to them, identifies the question that programme leaves unaddressed, states the question this book answers and the framework within which it is answered, and closes with the order of the argument and the standing on which it is offered.

1.2 THE ADAPTIVE TURN IN MEDIATION

Adaptive mediation, developed principally by Cedric de Coning with Ako Muto and Rui Saraiva and set out in a volume of 2022 examining processes in Colombia, Mozambique, the Philippines, and Syria, states that conclusion directly.

If a conflict-affected society develops in the manner described, then a sequence of interventions leading from a present condition to a designed settlement cannot be specified in advance, and models specifying one claim more than the subject matter supports. What follows is an approach in which the mediator's role is confined to process facilitation, in which the content of an agreement emerges from the parties, and in which the work proceeds by iterative learning and adaptation across a process.

The programme's diagnosis of what preceded it is worth recording, since this book adopts it. Mediation over recent decades became tied to a wider programme of intervention, and the content of settlements came to reflect the expectations of those convening them more than the circumstances of those living under them. The programme attributes part of this to professionalisation, which shifted attention from the conflict and the parties toward the mediator and the agreement.

Chapter 18 sets out the seven premises this book adopts from that programme and maps its operational components onto this book's divisions. The relationship is one of extension, and the four points at which the two diverge are each argued in their own place.

1.3 THE POSITION OF THE MEDIATOR AS AN UNADDRESSED QUESTION

The programme's account of intervention describes an intervener who forms an understanding of a conflict, acts, observes the effect, revises the understanding, and acts again.

The description carries an assumption its own premises make difficult to sustain. The sequence requires a position from which the system is observed, and observation is placed outside the loop it informs. Complexity is attributed to the system, and the observer is exempted.

This book withdraws the exemption. An intervener stands in relation to the parties, and Chapter 3 holds that relation is the condition under which difference and constraint can be posited at all. What follows is that an intervener participates in constituting the field whose properties it sets out to establish, and Chapter 12 identifies four channels through which the participation runs.

Three further questions follow, and Part IV takes them in turn. Whether the theory requires a mediator at all. What occupies the position a mediator is supposed to hold. And what present conditions permit, given a tendency in practice away from the figure and toward arrangements in which mediating functions are distributed.

1.4 THE REDUCED QUESTION

The question this book answers can be stated in one line.

Reduced question. *Under uncertainty, how may a relation be kept from degenerating.*

Three features of the formulation are deliberate and each governs what follows.

The question concerns a relation. What degenerates, on the account developed here, is neither a party nor a situation but the relation between parties, and Chapter 4 supplies the definition: degeneration is the contraction of the possibility of structural evolution upon a relationally structured field.

It concerns uncertainty of a specific kind. Part VI establishes that an intervener cannot determine the state of a relational field in the manner the ordinary demand intends, and the uncertainty at issue is that condition in place of the ordinary difficulty of predicting events.

It is stated negatively, and the negative form does not convert into its positive counterpart. A question about keeping a relation from degenerating is not a question about maximising a relation's generative capacity, and the difference is what Chapter 34 establishes at length. A positive aim of that kind supplies a quantity, a quantity admits of aggregation across the parties it concerns, and aggregation licenses the sacrifice of one party's standing where the total is thereby served. The conditions this book identifies are stated per party and define no such total, which is why the negative formulation can be held and the positive one cannot.

The word phronetically belongs in the question as it was first put, and Chapter 36 supplies its content. What the account offers determines which courses are admissible, and the selection among admissible courses is made by judgement in the particular case.

1.5 THE FRAMEWORK AND ITS TRAJECTORY

The account works within a framework, generative relational being, which holds that subject, meaning, and value emerge through relational process, and which declines to treat any of the three as prior to the relations in which it stands.

The framework's development has passed through stages, and this book stands at the present one. It began as an ontology, concerned with what relations are and what follows from taking them as prior to their terms. It extended into questions of justice, in treatments of how meaning is generated justly within an arrangement and of who participates in the generation of value and on what terms. The present book takes the further step: it asks what a framework of this kind implies for a practice, and what an actor working within a relational field can establish, may do, and owes to those the field contains.

Chapter 73 records what follows from the choice of domain, and Chapter 62 the relation between this book's ethics and its jurisprudence. The claim the trajectory supports, that a set of relational commitments acquires institutional form through requirements addressed to arrangements in place of conduct, is demonstrated here in a single domain.

1.6 THE ARGUMENT AND THE STANDING OF THE ACCOUNT

The argument runs in the order the parts are given.

Part II develops the account of degeneration: its definition, the two dimensions on which it falls, the asymmetry between them, and the mechanism by which a distinction is displaced by a name. It treats the two bodies of work nearest to the account, the Marxian analysis of interrupted value return and the framework of generative justice, and states where each is adopted and where it parts from the present account.

Part III instantiates that account in the material of peace processes, sorting forms of degeneration into two classes, establishing which remedies bear on which, and examining the passages between them.

Part IV examines the position of the intervener. Part V states what the account retains from the programme it extends, defines the concept it proposes, and states the criterion on which its normative work rests.

Part VI examines what an intervener can establish and names the condition in which a field's own state descriptions have been enrolled in the struggle within it. Part VII examines what may be done where establishment fails. Part VIII distinguishes the regimes in which those questions receive different answers.

Part IX develops the jurisprudential requirements the account implies, and Part X the principles from which those requirements follow. Part XI states the implications for governance, rereads the four cases, names the points at which the account would be shown wrong, gathers what it leaves open, and states its reach.

Two matters concerning the standing of the account belong here.

The premise on which Part II rests is entered as open. Chapter 3 states it, records that it is offered without demonstration, and identifies what a reader who declines it retains and loses.

The account's exposure is stated in one place, and a reader need not assemble it. Chapter 70 sorts the claims by what a failure would carry, and Chapter 71 gathers the questions left open, each with what would settle it. Both chapters belong to the argument, since an account offering conditions by which arrangements are assessed is one whose own assessability is a claim it makes about itself.

CHAPTER 2

ADAPTIVE MEDIATION AND ITS NEIGHBOURING PROGRAMMES

2.1 THE PURPOSE OF THE SURVEY

Chapter 1 stated the question and the position from which the book answers it. This chapter sets out the bodies of work the answer engages, states what each supplies, and identifies the two limitations that the remainder of the book addresses.

The survey is conducted so that a reader unfamiliar with any of these programmes can follow the argument, and so that a reader familiar with them can see where the account stands in relation to each. It is a survey of positions in place of a history, and it treats the disagreements among the programmes as live where they are live.

2.2 CONFLICT RESOLUTION AND CONFLICT TRANSFORMATION

The earlier of the two traditions treats a conflict as a problem with a solution. Parties hold incompatible positions, the positions rest on interests, and interests admit of arrangements that satisfy them better than continued conflict does. Mediation on this account assists the parties toward such an arrangement, and the arrangement is the object.

Conflict transformation, developed principally by John Paul Lederach (Lederach, 1997, 2005), treats the object differently. What produces a conflict is a pattern of relationships, and an arrangement that leaves the pattern in place produces the next conflict. The tradition attends to relationships across levels of a society, distinguishing leadership, middle-range actors, and communities, and it treats the building of capacity at the middle range as the work that outlasts any settlement.

Two features of the transformation tradition bear on this book.

Its object is relational, and the correspondence with the present account is real. What distinguishes the two is stated in Part II: this book supplies a definition of what degenerates in a relation and a mechanism by which the degeneration proceeds, and locates both in the contraction of a possibility and in the operation of names.

Its practitioner is more extensively engaged than the practitioner of the programme this book extends. Chapter 15 traces a reduction of the third party's contribution that runs in the

opposite direction from the transformation tradition's elaboration of it, and the difference is worth marking early.

2.3 LIBERAL PEACE AND ITS CRITICS

A body of work examines the arrangements external actors constructed in conflict-affected societies from the 1990s, and the assumptions those arrangements carried about what a settled society consists in.

Oliver Richmond, Roger Mac Ginty, and others associated with the critique (Richmond, 2011; Mac Ginty, 2011) hold that such arrangements advanced a determinate model, that the model reflected the commitments of those sponsoring it, and that societies receiving it responded in ways the model did not anticipate. Work on hybridity examines what results when externally sponsored arrangements meet the orders already present, and the local turn (Mac Ginty and Richmond, 2013) examines whose purposes an intervention serves and who is positioned to answer that question.

The critique has attracted a self-critique worth recording, since it bears on how this book uses the material. Its authors have observed (Richmond and Mac Ginty, 2015) that the local turn is largely authored by scholars distant from the settings it concerns, and that its influence on practice is smaller than its influence on the literature. The observation is a caution against reading any of the present account's requirements as satisfied by the fact of their being stated.

A body of work in political economy examines the same arrangements through what they distribute, and Chapter 5 treats it, reports the objections it has attracted, and states what the present account adds to it.

2.4 INCLUSION AND PARTICIPATION

Work associated with Thania Paffenholz (Paffenholz, 2010) examines who takes part in a peace process, on what terms, and with what effect on what the process produces. Its findings concern the arrangements through which parties beyond the armed actors enter a negotiation, and the conditions under which their entry alters an outcome.

The programme bears on this book at two points. Chapter 17 records that participation costs select who populates a distributed arrangement, and Chapter 54 that the cost of assertion selects who can bring a claim within a concentrated one. The present account contributes a condition concerning what a party retains once admitted, which the inclusion literature has treated less systematically than the question of admission.

2.5 RELATIONAL APPROACHES ALREADY PRESENT

A body of work in peace studies and in international relations takes relations as its object, and its proximity to the present account requires acknowledgement.

The relational peace programme (Jarstad et al., 2023) defines peace as a property of a relationship between parties, specified through non-domination, deliberation, and cooperation, together with mutual recognition and a conception of the other as a fellow. Its object is a dyad and its method is typological, and it establishes that relational vocabulary is available in the field.

In international relations, processual and relational positions hold that relations precede the entities they connect (Jackson and Nexon, 1999), and a substantial development draws on Confucian and Daoist sources to argue that relationality organises political practice (Qin, 2018). In sociology the corresponding position was stated as a programme by Emirbayer (1997), which distinguished substantialist from relational approaches to social explanation.

What the present account adds to these is stated as a difference in object. The programmes above establish that relations are the proper unit and describe the properties a good relation displays. Part II develops what it is for such a relation to degenerate, supplies a definition of the degeneration in terms of a contracted possibility, and identifies the mechanism by which the contraction proceeds. The addition concerns the circulation and return of what a relation produces, which the programmes above treat less centrally, and Chapter 6 traces that concern to a source outside peace studies.

2.6 COMPLEXITY AND DYNAMICAL MODELS

Peter Coleman and colleagues at the Morton Deutsch Center have developed dynamical systems models (Coleman et al., 2007) of intractable conflict, treating a conflict as a system with attractor states, and treating intractability as the condition of a system whose attractor landscape admits no accessible alternative.

Two features of that programme bear on the account.

Its treatment of attractors corresponds to what Chapter 4 develops under criticality: perturbations of similar magnitude have dissimilar consequences depending on the state of the system receiving them.

Its methodological difficulty is one this book shares and treats at length. An attractor is inferred from a system's behaviour, and the inference requires observation of a kind Part VI establishes to be unavailable in the conditions of most concern. Chapter 26 takes up the general form of the difficulty.

2.7 MEDIATION THEORY

A literature on mediation as such supplies terms the argument uses.

Work on ripeness, associated with I. William Zartman (Zartman, 1989), holds that a conflict becomes susceptible to settlement when the parties perceive a stalemate that hurts them and a way out. The account has attracted the objection that mediators sometimes act to produce the perception, and the practice and its justification remain in dispute within that literature.

Work on insider mediation and on insider-partial mediators (Wehr and Lederach, 1991) holds that acceptability may derive from relationships with the parties in place of distance, which inverts an assumption of the earlier literature. Chapter 16 takes up what this implies for the position of a third.

Multi-track approaches distribute functions across official processes, unofficial dialogues, and community arrangements, and Chapter 17 treats the resulting shape.

2.8 THE INSTITUTIONAL VOCABULARY

The terms in which peace practice describes itself are settled in a body of documents, and Chapter 20 sets them out with their sources: the tripartite division originating with Galtung (1976) and entering institutional usage through the agenda documents of 1992 and 1995, the sustaining peace formulation adopted in 2016, and the mediation guidance annexed to a report of 2012.

The vocabulary matters to this book for a specific reason. The concept it proposes is compounded with one of those terms, and Chapter 20 defends the compound and distinguishes the proposal from deployed operations on four points.

2.9 ADAPTIVE MEDIATION

The programme this book extends (de Coning, 2018; de Coning et al., 2022) states that conflict-affected societies are complex systems, that a causal sequence from conflict to settlement cannot be specified in advance, that the content of agreements should emerge from the parties, that the mediator's role is confined to process facilitation, and that intervention proceeds by iterative learning and adaptation.

Its case material (de Coning et al., 2022) examines processes in Colombia, Mozambique, the Philippines, and Syria, selected to differ in structure, duration, and the character of external involvement. Its concluding chapter names three comparative advantages: coping with uncertainty, limiting the mediator to process facilitation, and agreements emerging from the parties themselves.

One question about the programme's range is raised here and answered later in this book. The approach is demonstrated in the volume's cases, and whether it extends to conflicts in which foreign armies are among the parties is a question about scope in place of the approach's soundness. Chapter 19 supplies this book's answer, since it identifies an interval in which the programme's central mechanism becomes unavailable and states the boundary as a scope condition on it.

Chapter 18 sets out the seven premises this book adopts, maps the programme's six operational components onto this book's divisions, and states the four divergences.

2.10 THE LIMITATIONS COMMON TO THE PROGRAMMES

The survey supports the identification of two limitations, and they are what the remainder of the book addresses.

The programmes are agreement-centred. The traditions surveyed differ in what they take an agreement to require and converge in treating its reaching as the measure of a process. Conflict resolution takes the arrangement as the object. Conflict transformation subordinates it to a relational pattern and continues to assess processes by what they conclude. The critical literature examines what settlements contain, and leaves aside whether their reaching is the right measure. And the institutional instruments assess processes against the settlements they produce. Chapter 63 states what this book holds against the convergence.

The intervener is modelled as external. Each programme describes a party who observes a conflict, forms a view, and acts upon it, and none develops what follows from that party's presence within the field it observes. The complexity programmes make the omission most visible, since they attribute to the system properties they withhold from the observer. Part IV takes this as its subject.

The two limitations are related. An account that places the intervener outside the field is one for which the reaching of an agreement is a natural measure, since an external party is assessed by what it produces. An account that places the intervener within the field must ask what its presence produced, and Chapter 12 begins that asking.

2.11 SUMMARY OF RESULTS

Six bodies of work bear on the account, and each supplies something the argument uses: a relational object, a critique of designed settlements, a treatment of who takes part, a dynamical vocabulary, terms for mediation practice, and an institutional vocabulary.

The programme this book extends states five commitments and supplies four cases, and carries a recorded reservation about its applicability that Chapter 19 addresses.

Two limitations run across the programmes: they are agreement-centred, and they model the intervener as external to the field.

The two are related, since an external intervener is naturally assessed by what it produces, and an intervener within the field must ask what its presence produced.

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PART II

THE GENERATIVE RELATIONAL ACCOUNT OF DEGENERATION

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CHAPTER 3

RELATION, DIFFERENCE, AND THE POSSIBILITY OF STRUCTURAL EVOLUTION

The account developed in this book works within a framework, generative relational being, that treats subject, meaning, and value as emerging through relational process. Its point of departure is a refusal. It declines to take the subject as given prior to its relations, or meaning as residing in a sign prior to its use, or value as a property borne by a thing prior to the relation in which it comes to matter. What these share is that each is standardly treated as an entity that exists first and enters relations second, and the framework reverses that order.

The framework is doubly specified by its name. It is relational in that relation holds priority over the terms it relates. It is generative in that what relation does exceeds the connecting of things already there and reaches to production, bringing into being subjects, meanings, and values that were absent before the relating.

Two features of that framework carry the weight of everything that follows: the constitution of being along two dimensions, the generative and the relational, and the particular asymmetry that holds between them. This chapter fixes both, because the analysis of intervention developed in later parts turns on them, and because the natural ways of stating the asymmetry import commitments the framework declines to make.

3.1 THE PRIORITY OF RELATION AND ITS SENSE

One might be tempted to call relation the substrate and generativity what runs upon it, so that there is first a relation and then, within it, the production of value. This says too much. It installs relation as a thing that exists first, with generativity as its later tenant, and smuggles in exactly the kind of absolute ground the framework declines to posit. The framework holds neither that relation is the stuff of which being is made, with generativity a subsequent activity of that stuff, nor that the two are co-equal, each as originary as the other, since co-equality would leave the analysis with two independent dimensions and no account of how a degeneration in one bears upon the other.

The priority relation holds is of a third kind. Relation is prior as a condition of possibility. Its priority is that of what makes something possible over the thing so made, and it remains,

in occurrence, entangled with what it makes possible.

What relation makes possible is the positing of difference and of constraint. A difference is always a difference with respect to something. It does not stand alone, and to have differences at all is already to stand in relation. Constraint, in turn, is what difference does to a field of possibility. It cuts the field, ruling some things in and others out. And it is only upon a field of possibility so cut, so structured by posited difference and constraint, that there can be such a thing as structural evolution, a capacity of the system to become, in whole or in part, otherwise than it is. That capacity, the possibility of structural or partial-structural evolution upon a relationally structured field, is what the framework means by generativity.

The chain therefore runs: relation makes possible the positing of difference and constraint; upon difference and constraint there emerges the possibility of structural evolution; and that possibility is generativity. Generativity presupposes relation for a definite reason. Relation supplies the structure of the possibility-space within which anything could evolve, and supplies it while remaining distinct from the material out of which generation is made. This is the sense in which the priority is transcendental. Relation is the condition under which generativity is possible, and is by that very role kept from being a ground lying beneath it.

Two consequences must be held together, and they are compatible. The priority is genuine: absent the relational structuring of possibility there is no room for generation, and in that precise sense relation comes first. And generativity can, in occurrence, reshape relation, since a particular course of generation alters the particular relation it occurs in. The transcendental priority of relation survives this genetic feedback, because any such reshaping still takes place within the possibility-space relation affords. Relation is prior in possibility; generativity may feed back in occurrence. Questions of temporal precedence lie outside the claim, and the analysis raises none.

3.2 THE PREMISE AND ITS STANDING

Premise. *Premise.* *Relationality holds a transcendental priority over generativity: it is the condition under which difference and constraint can be posited, and only upon these does the possibility of structural evolution, which is generativity, emerge. This priority is one of possibility, held apart from substance and from temporal precedence, and it leaves room for generativity's reshaping of relation in occurrence.*

The premise is entered as open. It is used here to build an analysis, and it is offered without claim of demonstration. Whatever rests upon it stands or falls with it, and the places where that dependence bites are marked as they arise. A reader who declines the premise will find the two dimensions of the following chapters available as a descriptive pair, and will lose the account of why degeneration propagates asymmetrically between them, which is developed in Chapter 4 and which the analysis of intervention later relies upon.

3.3 THE DIMENSIONS OF CONSTITUTION

With the priority fixed, two questions can be asked of any relation, and they are distinct.

The first is generative. Is the relation still producing? Does structural evolution still occur upon it, or has the field gone still? The second is relational. Does the relation still posit and return difference? Does value and regard still flow both ways and reverse, or has the direction locked?

The first dimension runs from a relation that generates to one that has ceased to. The second runs from a relation whose difference is live and returned to one whose difference has been fixed one-way. Because relation holds the transcendental priority set out above, the two are asymmetric, and their asymmetry does substantial work in later chapters: a degeneration on the relational dimension propagates upward into a hollowing of generation, while a degeneration on the generative dimension may leave the relational structure beneath it standing.

The qualifier introduced above, structural or partial-structural, is deliberate and should be carried forward. The possibility-space need not close all at once or entirely. A part of it may narrow while the rest stays open. Generativity therefore admits of degree, and so does its contraction.

3.4 THE BEARING OF THE ACCOUNT ON INTERVENTION

The account of relation and generativity given above bears on the study of intervention in conflict in three ways, and these organise much of what comes later.

The first concerns the object upon which an intervener acts. If generativity is a possibility structured by relation, then whatever an intervener does bears upon the structure of a possibility-space, whether or not the intervener conceives the work in those terms. Agreements, procedures, designations, and the categories used in analysis all posit differences and impose constraints. They therefore reach the relational dimension directly, and reach the generative dimension through it.

The second concerns the intervener's own position. An intervener stands in relation to the parties, and by the account given here that relation is itself a condition under which differences are posited. Observation, analysis, and naming are relational acts before they are epistemic ones. Part IV takes up what follows.

The third concerns what may be asked of an intervention. Generativity is a possibility, and a possibility can be preserved or foreclosed. The vocabulary available for evaluating an intervention is accordingly the vocabulary of conditions: what a given act leaves open, what it closes, and for whom. Generativity functions throughout as the phenomenon this framework describes, and the normative work is carried by conditions of standing, which Chapter 21 sets out.

3.5 SUMMARY OF RESULTS

Subject, meaning, and value are generated in relational process, and relation holds priority over the terms it relates.

The priority is transcendental: relation is the condition under which difference and constraint can be posited, and only upon these does the possibility of structural evolution emerge.

The premise is entered as open, and a reader who declines it retains the two dimensions as a descriptive pair while losing the account of asymmetric propagation between them.

Being is constituted along a generative and a relational dimension, and the asymmetry between them follows from the priority.

Generativity functions throughout as the phenomenon this framework describes, and the normative work is carried by the conditions of standing set out in Chapter 21.

CHAPTER 4

PERTURBATION AND DEGENERATION

Conflict is commonly treated as the thing a peace process exists to remove. The account developed here separates two matters that this treatment runs together. A relation may be disturbed, and a relation may lose the possibility of becoming otherwise. The first is a perturbation. The second is a degeneration. They admit of different responses, they have different signatures, and a great deal of what follows depends on holding them apart.

4.1 PERTURBATION

A relation that generates produces difference, and difference disturbs the arrangement that produced it. Disturbance is therefore the ordinary condition of a living relation, and its absence indicates a relation in which generation has stopped. On this account conflict belongs to the class of disturbances. It marks a difference the relation has produced and has yet to digest.

Two things follow immediately. The first is that the removal of disturbance supplies no criterion of success, since a relation may be quieted by the closing of the possibility-space that produced the disturbance. The second is that the interesting question concerning any particular conflict concerns what becomes of it, which requires an account of what a relation does with a difference it has produced.

The chapter supplies the account of degeneration on which the whole argument rests. It undertakes to define what degenerates in a relation, to locate the degeneration, and to establish what determines its direction. It proceeds by distinguishing disturbance from contraction, defining degeneration in terms of a contracted possibility, locating the contraction on either of two dimensions, examining the process by which the asymmetry generation produces is met, stating the condition under which a disturbance matters, and closing on the branch a system faces when the meeting fails.

4.2 DEGENERATION AS THE CONTRACTION OF POSSIBILITY

Chapter 3 defined generativity as the possibility of structural or partial-structural evolution upon a relationally structured field. Degeneration follows from that definition directly. A relation degenerates when the possibility of its structural evolution contracts: when the field closes, when the room in which the system could become otherwise narrows, when what could have become various becomes fixed. Change alone constitutes no degeneration, since change is what a living relation does.

The definition carries a degree within it, and the qualifier introduced in the previous chapter was chosen for this reason. A possibility-space may narrow in part while the rest stays open. Degeneration is accordingly a magnitude and admits of routes, and the analysis of a particular case concerns which part of the space has closed and by what path.

The definition also fixes what a claim of degeneration commits one to. It commits one to a difference the relation could once posit and can posit no longer, and it leaves aside any judgement of the worth of those caught in the process. The distinction between a dynamical account and a normative one is maintained throughout this book on the terms set out in Chapter 3.

4.3 DIMENSIONS OF DEGENERATION

Being is constituted along a generative and a relational dimension, and the contraction of possibility can be located on either of them.

A degeneration on the generative dimension leaves the relation positing and returning difference while structural evolution upon it ceases. The parties still recognise one another, the channels still exist, and the field has gone still. Its signature is exhaustion.

A degeneration on the relational dimension consists in the relation ceasing to posit and return difference. The difference between positions, once posited afresh each time the direction reversed, is posited once and held. Its signature is lock.

The transcendental priority established in the previous chapter predicts an asymmetry between these, and the prediction is the load-bearing element of the whole account. Because generativity emerges only upon posited and returned difference, a relational degeneration propagates upward: a difference that has ceased to circulate can no longer support structural evolution, and generation continues as the reproduction of a fixed arrangement. A generative degeneration propagates upward with much less force, since the relational structure beneath it may stand, and a relation whose difference is still posited remains in principle recoverable should generation resume.

The practical weight of the asymmetry is this. Supplying conditions to a relation degenerated on the generative dimension can restore it, and restoration changes no one, since the capacity to make the relevant distinctions was waiting. Supplying conditions to a relation

degenerated on the relational dimension leaves the lock untouched, and whatever is supplied is received under the fixed arrangement. Chapter 8 gives the operational form this distinction takes in conflict settings, together with an open question concerning how far the two ways of cutting the phenomenon coincide.

4.4 ABSORPTION

A relation that generates produces difference; difference in a relation is asymmetry; and asymmetry confers on one side a capacity to affect the conditions under which the relation generates. This capacity is power in the sense used throughout this book. It arises from generation itself and requires no ill intent to appear.

Where generation is sufficient, that capacity enters the generative cycle and becomes part of what the relation produces in common. This process is here called absorption. A relation in which absorption keeps pace with production presents as one in which power is barely visible, and the invisibility indicates work being done, and no absence of power. A teacher whose authority is continuously absorbed by what the teaching produces holds authority throughout.

Two consequences follow, and both are used later. The first is that degeneration requires no author. A relation degenerates when absorption falls behind production, which can occur through the mere cessation of the work that was doing the absorbing. The second is that the elimination of asymmetry supplies no remedy, since asymmetry is constitutive of relation: teaching, rearing, giving, and mediation are asymmetric in their form, and a perfectly symmetric relation has no content to generate. The task an account of intervention faces is therefore continuous absorption.

A system that continues to generate continues to produce asymmetry that must be absorbed. There is accordingly no completed state, and this holds on formal grounds concerning what generation does, without any judgement about human nature or about the direction of history.

4.5 CRITICALITY

Perturbations of similar magnitude have dissimilar consequences, and the difference lies with the state of the system that receives them. Far from a stability boundary, a disturbance is absorbed and the arrangement persists in altered form. Near such a boundary, a disturbance of the same size can reorganise the system.

The dependence of significance upon the receiving state bears directly on assessment. The significance of an event is a property of the event together with the state of the relation that receives it, so an inventory of events supports no inference about the condition of a relational system. Part VI takes up what can be observed and what follows for the practice of assessment.

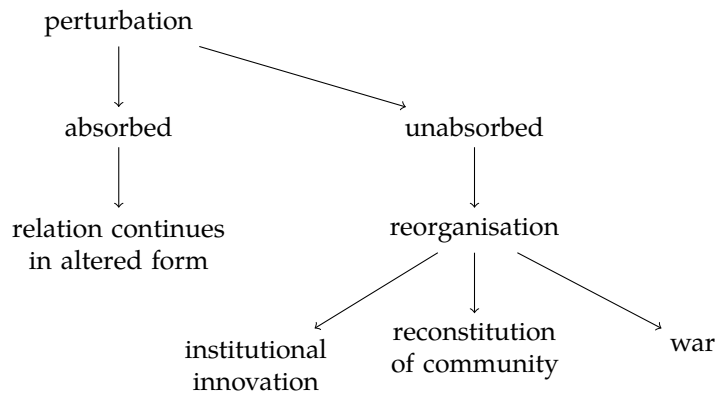


Figure 4.1: The branch following a perturbation. The determinant at the lower node is the set of distinctions the grammar permits.

4.6 THE BRANCH AFTER ABSORPTION FAILS

When a system meets an asymmetry it cannot absorb under its existing rules, it faces a reorganisation. Destabilisation of this kind is a regular consequence of continued generation. The direction the reorganisation takes is open, and what settles it is the set of distinctions the system's grammar permits.

Where the grammar permits a renegotiation of who counts, the reorganisation can take the form of institutional innovation. Where it permits a redefinition of who we are, the reorganisation can take the form of a reconstitution of the community. Where the grammar permits the determination of who is the enemy and little else, the options available at the moment of reorganisation narrow to war.

The proposition this yields is worth stating plainly and is offered for testing: what prepares war is the poverty of the grammar. Destabilisation arrives on schedule, and the direction it takes is settled by what the system is able to say about itself at the moment it arrives. The proposition is falsifiable in an obvious way. A system whose grammar contains ample resources for renegotiating who counts, and which nonetheless goes to war at the first unabsorbed asymmetry, would count against it.

Two matters are left open. The determination of what locks a direction, and of what impoverishes a grammar, receives no settled answer here, and candidates are gathered in Chapter 71. And the mechanism by which a grammar is rewritten, as distinct from the mechanism by which generation is blocked upon an intact grammar, is the subject of Chapter 7.

4.7 SUMMARY OF RESULTS

Conflict belongs to the class of disturbances a generating relation produces, so the removal of disturbance supplies no criterion of success.

Degeneration is the contraction of the possibility of structural evolution, it admits of degree and of route, and a claim of degeneration commits one to a distinction the relation could once posit and can posit no longer.

The contraction is locatable on the generative or the relational dimension, and a relational degeneration propagates upward into a hollowing of generation while a generative degeneration may leave the relation beneath it standing.

Generation produces asymmetry continuously, absorption is what meets it, and degeneration requires no author, since absorption may fall behind through the cessation of the work that was performing it.

The significance of a perturbation is a property of the event together with the state of the relation receiving it.

Where an asymmetry exceeds a system's capacity to absorb it, the direction of the ensuing reorganisation is settled by the distinctions the grammar permits, and the proposition that what prepares war is the poverty of the grammar is offered with its falsifier.

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CHAPTER 5

ALIENATION AND THE MARXIAN ACCOUNT OF VALUE

5.1 THE STANDING OF THE MARXIAN ACCOUNT IN THIS BOOK

The account of degeneration set out in Chapter 4 turns on the interruption of return. A relation degenerates on its relational dimension when what the relation produces ceases to circulate, when difference is posited once and held, and when the capacity conferred by asymmetry stops being absorbed into what the parties generate in common. A reader familiar with the nineteenth-century critique of political economy will recognise the shape of that claim, and the recognition should be acknowledged early and examined carefully.

The Marxian account is treated here as the nearest and most fully developed predecessor of the analysis this book offers. It supplies three things the account requires: an early statement of the priority of relations over the terms they relate; a mechanism by which value generated in a relation fails to return to those who generated it; and a judgement placing questions of distribution downstream of the conditions under which generation occurs. It rests on one commitment the present account declines, and locating that commitment precisely is the work of Section 5.9.

The treatment below is expository and analytic. It concerns what the Marxian apparatus makes visible about relational degeneration, and it takes no position on the political programmes that have been advanced in its name. Where the literature is contested, the contest is reported.

The chapter treats the nearest developed predecessor of the account and establishes what is taken from it and where the two part. It proceeds through the Marxian materials in the order in which they bear: the priority of relations, the analysis of estranged labour, the appearance of relational determinations as properties, the placement of distribution downstream of production, and the concept of praxis. It then examines the application of this apparatus to peace practice, marks the treatment of normative orders as historical, and closes on the point of divergence and on the question of materialism that an independent treatment of Marx invites.

5.2 RELATIONS BEFORE TERMS IN THE THESES ON FEUERBACH

The sixth of the theses on Feuerbach (Marx, 1976a), written in 1845 and published by Engels in 1888, holds that the essence of the human being is no abstraction residing in the single individual, and that in its actuality it is the ensemble of social relations. The formulation states, in the vocabulary of its moment, something close to the ordering that Chapter 3 sets out: what a subject is admits of specification only through the relations in which the subject stands.

Two cautions belong here, since this sentence is among the most heavily cited and most loosely used in the corpus.

The first concerns its scope. The thesis states a claim about the determination of the human being. The premise of Chapter 3 states a claim about the conditions under which difference and constraint can be posited at all. The two operate at different levels, and the second does not follow from the first. The thesis is read here as a precursor, and the reading claims no more than that.

The second concerns a familiar misconstrual. Taken as the doctrine that social position determines consciousness in a manner leaving nothing to the subject, the thesis becomes a form of determinism that its own author's emphasis on practical activity resists. The reading employed here holds only that the terms of a relation receive their determination within it, which leaves the question of what a subject does with that determination entirely open.

5.3 ALIENATION AND THE INTERRUPTION OF RETURN

The manuscripts of 1844 (Marx, 1975) give an analysis of estranged labour that distinguishes four aspects: estrangement from the product of labour, which confronts the producer as something alien; estrangement within the activity of labouring itself; estrangement from species-being, from the human capacity to make one's own activity an object of consciousness and design; and estrangement from other human beings, which the earlier three carry with them.

Read through the two dimensions of Chapter 4, these aspects fall into a pattern worth marking. Estrangement from the product and from the activity concern what a relation produces and what becomes of it, and they describe degeneration located on the generative dimension: production continues, and what is produced no longer feeds back into the conditions of the producer's further becoming. Estrangement from other human beings concerns the circulation of difference between parties, and it describes degeneration located on the relational dimension. Estrangement from species-being concerns the contraction of the possibility of self-directed becoming, which is the general form the definition in Chapter 4 gives to degeneration itself.

Two features of this analysis carry directly into the present account.

The first is that estrangement operates through the ordinary functioning of an arrangement. No one need contrive it, and its persistence requires no ill will. The account of absorption given in Chapter 4 preserves this feature and generalises it: a relation degenerates when absorption falls behind production, which can follow from the mere cessation of the work that was absorbing.

The second is that the analysis is conducted in terms of a relation and its interruption throughout. The condition described is a property of an arrangement, and its subjective registration follows from the arrangement. Treatments that reduce estrangement to a feeling of dissatisfaction lose precisely the feature that makes the concept useful for the analysis of relations.

5.4 FETISHISM, REIFICATION, AND THE APPEARANCE OF RELATIONS AS PROPERTIES

The first volume of *Capital* (Marx, 1976b) closes its opening chapter with an analysis of commodity fetishism. Its central observation is that a definite relation between persons takes on the appearance of a relation between things, and that the properties which appear to belong to the things are relational determinations that have been transposed onto them. Value presents as a property of an object while being a relation among producers.

Lukács (1971) extended the analysis in 1923 under the heading of reification, arguing that the form identified in the commodity comes to organise consciousness and the shape of institutions more broadly, so that relations of all kinds present themselves as things with properties.

Fetishism is the earliest sustained statement of an operation that Chapter 7 treats at length: a determination that holds within a relation is read as an attribute of one of its terms. The peace process furnishes the operation in an unmistakable form. A designation such as spoiler, extremist, or non-state armed actor states a position occupied within a particular configuration, and it is received, and subsequently used, as a statement about what a party is.

The present account takes one step the fetishism analysis leaves untaken. Fetishism explains how a relational determination comes to appear as a property. It leaves open why the appearance becomes difficult to dislodge, and why counter-evidence offered against such a designation is so often absorbed as confirmation of it. Chapter 7 supplies an account of that closure, and the account is where the two analyses part company in their explanatory ambitions.

5.5 THE CRITIQUE OF DISTRIBUTION

The *Critique of the Gotha Programme* (Marx, 1989), written in 1875 and published in 1891, contains a passage of direct relevance to the argument of this book. Against a programme organised around the equitable distribution of proceeds, it holds that attention to distribution

takes a consequence for a cause, and that the distribution of the means of consumption follows from the distribution of the conditions of production. The distribution of conditions is treated as the prior question.

The bearing of this on the present argument is structural. Chapter 6 develops an account of justice organised around the circulation of value and the conditions under which those who generate it participate in it. That move sometimes attracts the objection that it abandons distributive concerns for something vaguer. The passage above shows the priority in question to have been asserted within the tradition that gave distributive analysis its most rigorous nineteenth-century form. The step taken in Chapter 6 has a warrant of long standing.

The bearing on peace practice is more concrete and is developed in Chapter 11. Where degeneration has occurred on the relational dimension, transfers reach the arrangement without touching the lock, and what is supplied is received under the fixed configuration. Compensation, reconstruction funding, and quota allocation operate on distribution. Their limits in cases of this kind follow from the structure of the case and mark no failure of execution.

5.6 PRAXIS AND THE CONDITIONS OF FUTURE TRANSFORMATION

The eleventh thesis on Feuerbach is customarily read as a call to move from interpretation to change. Read alongside the first thesis, which faults earlier materialism for grasping its object as contemplation and not as sensuous human activity, it yields the concept the tradition has since called praxis: action that transforms the structures within which it occurs, and which is itself transformed in the process.

Praxis in this sense stands close to what Chapter 3 describes as generativity reshaping relation in occurrence. One addition is required, and the entire later argument of this book depends on it.

Transformation admits of a distinction that the concept of praxis alone leaves unmarked. A transformation may leave in place the conditions under which further transformation remains possible, and a transformation may close them. Both are transformations, and both alter the structures within which they occur. The difference between them is the difference between a change and the last change, and it is invisible to any account that measures transformation by its magnitude or by the depth of the structures it reaches.

This distinction supplies the concept developed in Chapter 58 under the heading of historical revisability, and it supplies the criterion by which interventions are assessed throughout Parts VII and IX. Stated in the vocabulary of Chapter 4: a transformation that closes the possibility of further structural evolution is a degeneration, whatever else it accomplishes.

5.7 THE POLITICAL ECONOMY OF PEACEBUILDING

A body of scholarship applies the apparatus surveyed above to contemporary peace practice. Pugh (2005) has argued that peacebuilding operations have functioned to integrate war-affected economies into a wider order on terms set elsewhere, and that the resulting arrangements reproduce patterns of extraction while presenting themselves as recovery. Cramer's study of civil war (Cramer, 2006) rejects the treatment of violence as an interruption of development and situates it within processes of accumulation and social transformation. Susan Willett and others have examined the economic content of settlements and the interests served by particular reconstruction designs.

These accounts are contested. Critics hold that they underweight the agency of domestic actors, that the extraction they identify is compatible with substantial local gains, and that the framework generates a similar verdict across cases of markedly different character. The debate is live, and the present argument requires no adjudication of it.

What the present account adds is a question this literature has not made central. The identification of an extractive pattern establishes that value flows one way. It leaves open how such an arrangement maintains itself against the objections of those it bears upon. Chapters 7 and 30 take up that question, and the answer developed there concerns the closure of refutation in place of the volume or direction of the flow.

5.8 HISTORICAL MATERIALISM AND THE REVISABILITY OF THE NOMOS

The conception of history developed in the German tradition after 1845 treats legal and normative orders as historically constituted and historically transient. Forms of law, of property, and of political organisation are analysed as arising under determinate conditions and as alterable when those conditions alter.

The ancestry of the sixth principle discussed in Chapter 58 lies here. That principle holds that no interpretation of justice should become historically irreversible, and its claim is that a normative order retains its standing only while those who bear it retain the capacity to reopen it.

The guardrail stated in Chapter 3 applies with particular force at this point. That normative orders are historically constituted and alterable is a claim about how such orders come to be and how they change. Claims about which arrangements ought to be altered, by whom, and by what means require independent argument, and this book supplies such argument only for the narrow class of cases treated in Parts IX and X. The step from the historicity of an order to a verdict on any particular order is not taken here.

5.9 THE POINT OF DIVERGENCE: ORIGIN, LOSS, AND THE ABSENCE OF PLENITUDE

The commitment the present account declines can now be stated.

An account of alienation describes a condition in which something proper to the subject has been separated from the subject. The grammar of the concept requires a state in which the separation had yet to occur. The 1844 analysis supplies this in the concept of species-being, and comparable requirements appear elsewhere: in appeals to community as a condition subsequently lost, and in theories of recognition that take undamaged intersubjectivity as the standard against which damage is measured.

The requirement is a liability. It invites a challenge that has been pressed from several directions, most sharply in the psychoanalytic claim that the lack in question is constitutive, that there was no anterior condition of wholeness, and that what presents as loss is the structure of subjectivity as such. Should that challenge succeed, an account of degeneration built on the grammar of alienation loses its footing, since it would be describing as a loss what was never possessed.

The account developed here is constructed so as to avoid the requirement. Degeneration is defined as the contraction of a possibility, and the claim that a possibility has contracted commits one to a difference the relation could once posit and can posit no longer. Difference is a relation and not an element, so the claim that a distinction has been lost carries no commitment to any anterior plenitude. What is asserted concerns the range of what a relation can articulate at one time compared with another.

Whether the manoeuvre fully succeeds is a further question, and the honest answer is that it is not settled here. The comparison between two states of a relation's articulative range presupposes that the earlier range can be established, and where degeneration has reached the point at which the distinction has left the language, the evidence for the earlier state is itself in question. The difficulty is taken up in Chapter 7 and again in Part VI, and it is listed among the open problems gathered in Chapter 71.

5.10 THE QUESTION OF MATERIALISM

A chapter of this kind invites a question about the commitments of the account it serves. The answer follows from Chapter 3 and is recorded here for reference in the conclusion.

The dispute between materialist and idealist construals presupposes a division between a material order and an order of meaning, together with a question about which holds priority over the other. The premise adopted in Chapter 3 places relation prior to both terms of that division, as the condition under which difference and constraint can be posited at all. The categories of the dispute are therefore downstream of the premise, and the account offered here answers the question by declining the division that generates it.

The refusal of that division has a practical consequence recurring throughout the book.

Chapter 30 argues that quantified evidence relocates interpretive power, and Chapter 40 argues that responsibility cannot be transferred to an instrument. Both arguments concern arrangements in which material processes and processes of meaning are inseparable in their operation, and both would be misstated by an analysis that assigned priority to either.

5.11 SUMMARY OF RESULTS

The Marxian account is the nearest developed predecessor of the analysis offered here, supplying an early statement of the priority of relations, a mechanism by which value fails to return, and a judgement placing distribution downstream of the conditions of generation.

The four aspects of estranged labour fall across the two dimensions of Chapter 4, and estrangement operates through the ordinary functioning of an arrangement.

Commodity fetishism and reification state the operation by which a relational determination presents as a property of a term, and Chapter 7 adds an account of how such a presentation acquires authority over its own examination.

Praxis requires one addition: a transformation may preserve the conditions of further transformation or close them, and the difference is invisible to any measure of a transformation's magnitude.

The account declines the requirement of an unalienated origin, since degeneration is defined as the contraction of a possibility and difference is a relation and not an element, and whether the manoeuvre fully succeeds is left open.

The dispute between materialist and idealist construals is answered by declining the division that generates it.

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CHAPTER 6

GENERATIVE JUSTICE AND THE CIRCULATION OF VALUE

6.1 THE CONCEPT AND ITS STATEMENT

Ron Eglash introduced the term generative justice in a pair of papers published in *Teknokultura* in 2016 (Eglash, 2016a,b), and developed it subsequently across work in science and technology studies, ethnocomputing, and education. The formulation has three parts. It asserts a universal right to generate unalienated value and to participate directly in its benefits; a right of those who generate value to create their own conditions of production; and a right of communities of value generation to sustain the paths along which that value circulates.

The three parts stand in a definite order. The first concerns the relation between a generator and what the generator produces. The second concerns the conditions under which generation occurs and who sets them. The third concerns the path by which what is produced returns to the community that produced it. Taken together they describe an arrangement in which value stays at the site of its generation and requires no external agency to send it back.

The concept was developed for a specific class of cases: craft and technological communities, indigenous design traditions, maker practices, agroecological systems, and the classroom settings in which Eglash and his collaborators have worked. What the concept establishes for the analysis of relations under conflict, which is a setting of another kind, is the question this chapter takes up.

The chapter examines a second body of work bearing on the circulation of what a relation produces, and establishes what the account takes from it and where the transfer strains. It proceeds by stating the concept and the contrast that motivates it, examining the cases from which it was built, joining it to the analysis of absorption developed in Chapter 4, and closing on the point at which its application to conflict encounters a difficulty of principle.

6.2 THE PIVOT FROM DISTRIBUTION TO CIRCULATION

Eglash presents generative justice by contrast with a structure he locates in the redistributive tradition and characterises as extraction followed by return through a central authority. Value is drawn from the site of generation, accumulated, and allocated back according to a

principle applied from outside. On this analysis the extraction and the allocation belong to a single arrangement, so an argument conducted within the terms of the allocation leaves the extraction in place.

The alternative is stated as the closing of the loop. Where value returns along paths internal to the community that generated it, the arrangement sustains itself, and the question of a just allocation from outside arises in a different form or fails to arise at all.

Chapter 5 showed that the priority asserted here has long standing within the tradition Eglash writes against. The *Critique of the Gotha Programme* places the distribution of the conditions of production prior to the distribution of what is produced. Generative justice can be read as carrying that priority into a positive programme, and the reading indicates that the move from distributive to circulatory analysis rests on more than a preference for a newer vocabulary.

6.3 THE CASES AND THEIR FORM

The empirical material Eglash draws on shares a form that bears directly on the transfer attempted below, and stating that form is the purpose of this section.

African Fractals (Eglash, 1999) examines recursive scaling in African architecture, textile design, and divination practice, and argues that the patterns recorded there embody design knowledge held and reproduced within the communities that use it. The later work in ethnocomputing and in engineering (Eglash, 2018), and in generative science education, builds teaching tools from such traditions, with the aim that value generated in learning returns to the communities whose knowledge the tools encode. Work published in 2020 on indigenous material agency (Eglash et al., 2020) develops the point in the direction of relations between persons and materials. A paper published in 2024 (Eglash et al., 2024) treats computational reparations as a transition toward unalienated circular value flow, and observes that reparation carries in its etymology the sense of making generative once again.

Across these cases a community of value generation can be identified. Its members recognise one another as members, they share the practice within which value is generated, and the paths along which value might circulate run among people who already stand in relation. Generative justice does its work upon that substrate.

6.4 CIRCULATION AND ABSORPTION

The join between Eglash's framework and the account developed in this book can now be stated.

Chapter 4 held that generation produces difference, that difference in a relation is asymmetry, and that asymmetry confers a capacity to affect the conditions under which the

relation generates. Where generation is sufficient, that capacity enters the generative cycle and becomes part of what the parties produce in common, a process there called absorption.

Circulation, in Eglash's sense, describes that process from the side of what is produced. Where value returns to those who generated it, the asymmetry generation created is met by a movement in the opposite direction, and the arrangement is kept from settling into a fixed orientation. Where value leaves and fails to return, the direction of the relation is posited once and held, which is degeneration on the relational dimension as Chapter 4 defines it.

The two vocabularies illuminate different aspects of one process. Eglash's is economic and traces what is produced. The vocabulary used here is relational and traces what becomes of the positions of the parties. A closed loop in the first corresponds to a relation whose direction continues to reverse in the second. An open loop corresponds to a lock.

One difference should be marked. The rights formulation in which generative justice is stated identifies things owed to generators, and a formulation of that shape admits of a reading on which it sets an end to be pursued. The use made of it here is narrower. What this account takes from the framework is a description of the conditions under which a relation continues to reverse its direction. The normative work is carried by the conditions of standing set out in Chapter 21, on the terms fixed in Chapter 3.

6.5 THE TRANSFER TO CONFLICT AND WHERE IT STRAINS

The application of generative justice to peace practice appears to be untried. The peace and conflict literature returns no sustained treatment, and the proximity of the two bodies of work has gone unremarked. A claim of this kind rests on the absence of evidence and is entered with the caution such claims deserve.

The transfer is attractive for a specific reason. Peace practice has been criticised for a generation on grounds that map closely onto the structure Eglash describes: settlements whose content originates outside the societies they govern, reconstruction financed and directed from elsewhere, and processes in which the terms of participation are set by those who convene them. A framework built to analyse that structure has an evident application.

The strain appears at a definite point, and stating it plainly serves the argument better than managing it.

Generative justice operates upon a community of value generation. Its three clauses presuppose that such a community can be identified, that its members recognise one another, and that paths of circulation among them are conceivable. In the cases from which the framework was built, this presupposition holds by construction.

A conflict of the kind treated in this book is characterised by the failure of that presupposition. Two or more communities stand in a relation in which each contests the standing of the other, and in the cases of greatest concern the contest extends to whether the other is a party

whose claims register at all. Value may circulate within each community while the relation between them affords no path whatever. A framework that asks whether value returns to the community of generation receives, in such a case, an affirmative answer that leaves the relation in which the violence occurs undescribed.

The strain sharpens for the question of the normative order. Chapter 58 takes up the claim that a *nomos* should arise from those who bear it. Value admits of circulation within a community. A normative order governing the relation between communities requires a community across which it might be generated, and the production of that community is the thing conflict has interrupted. The requirement is therefore hardest to satisfy exactly where it matters most, and Chapter 61 gathers the conditions that obstruct it.

6.6 THE ELEMENTS CARRIED FORWARD

The account developed in this book carries three things forward from generative justice.

The first is the analytic priority of circulation over allocation, traced in Chapter 5 to an older source and applied in Chapter 11 to the limits of compensation and transfer in cases of relational degeneration.

The second is the criterion of unalienated value, understood here in relational terms: an arrangement in which what a party generates bears upon the conditions of that party's further generation. This gives absorption a concrete content wherever the relation involves production, and it connects the analysis of peace practice to a body of work on extraction developed independently of it.

The third is a caution the framework carries in its own materials. Eglash's cases show circulation sustained by paths internal to a community, which is to say by arrangements that took time to build and that presuppose mutual recognition among those they connect. Any proposal to establish such circulation between parties in conflict inherits that presupposition. Part VIII returns to the point in the setting of decisions taken under time pressure, where the interval available is measured against the interval such arrangements require.

CHAPTER 7

SYMBOLIC PASSAGE AND THE CLOSURE OF REFUTATION

7.1 THE NAME AS THE EXECUTOR OF COLLAPSE

Chapter 4 defined degeneration as the contraction of the possibility of structural evolution, and located it on either of two dimensions. That definition states what occurs. It leaves open the question of how a distinction a relation could once posit comes to be one it can posit no longer.

Distinctions rarely lapse of their own accord. They are displaced by a name. A category is applied to a party, and thereafter what concerns that party is handled through the category. The particular case is approached already sorted, and the work of positing the difference between this party and others of the same sort ceases to be performed, since the name has performed it in advance.

Peace processes furnish the operation in an unmistakable form. Designations such as spoiler, extremist, hardliner, moderate, or legitimate representative each state a position occupied within a particular configuration at a particular time. Each is received and subsequently used as a statement about what a party is. The passage from the first sense to the second is the subject of this chapter.

The chapter supplies the mechanism by which the contraction defined in Chapter 4 is executed, and it is the chapter most often referred back to in what follows. It proceeds from the operation of naming to the two directions naming takes, the effect a name has on the party who applies it, the passage by which a name congeals, and the two layers a congealed name carries. It then traces the production of confirming evidence, states the criterion used throughout this book, examines an alternative criterion and its consequence, identifies the boundary of the mechanism, and closes on a difficulty of evidence the account inherits.

7.2 THE DIRECTIONS OF NAMING

Names of this kind run in two directions, and the second was long the less examined.

A depriving name attributes to its object a deficiency, an incapacity, or a lesser standing. It operates from below, stripping the named of the qualities on which a claim might be founded.

The named party remains within the moral order and occupies a diminished position within it.

An authorising name operates differently. It removes the named from the range of considerations that would otherwise apply, so that treatment which would require justification comes to require none. Names of this class are issued in the vocabulary of justice, and their force derives from that vocabulary. Once a party has been successfully placed under such a name, the question of what may be done to it changes its form.

The two directions share a structure and differ in their point of application. Both convert a determination that holds within a configuration into a property attributed to a term. The depriving name does so downward, and the authorising name does so in a manner that alters the standing of the named within the order that issues it.

7.3 THE BIDIRECTIONAL EFFECT

A name bears upon its object and upon the language of the party who applies it, and the second effect is the more consequential for what follows.

For the named, the name supplies a category through which everything subsequent is read. For the namer, the availability of the category displaces the work the category summarises. Once a designation is to hand, the effort of attending to this particular party under these particular conditions becomes optional, and in conditions of pressure it is among the first things surrendered.

A name is therefore a licence not to look, and its efficiency constitutes its harm. This is worth stating carefully, since the observation is easily read as a complaint against categorisation as such. Categories are what make finite parties able to act at all, and Chapter 38 returns to the point in a setting where the alternative to acting on a category is failing to act. The claim here is narrower: the saving of attention that a category effects is the same operation as the cessation of the positing of difference, viewed from the side of the party who saves it.

Chapter 30 develops the same structure in the setting of quantified assessment, where an indicator performs the summarising function and the displacement of attention occurs at institutional scale.

7.4 CONGEALING

The transition at issue admits of description.

A name enters as an acknowledged simplification. Those who use it can say what it abbreviates and what it omits, and the abbreviation is understood to be provisional. The name is then used, and used again, in reports, in briefings, in the framing of sessions, and in the terms by which parties are addressed. At some point the sense of the name alters. It ceases to abbreviate a description and comes to state a fact about its object.

No event marks the alteration. Nothing is decided, and no one need endorse the new sense or notice that the old one has gone. The name was used too often, and the frequency did the work. This is the passage referred to in the title of this chapter.

Two consequences follow. The first is that the transition is difficult to observe while it occurs, since each individual use is unremarkable and identical in form to the uses that preceded it. The second is that responsibility for the transition resists location in any particular act, which Chapter 40 takes up in the setting of instrumented decision and Chapter 64 in the setting of ethics.

7.5 THE LAYERS OF A SYMBOL

A congealed name carries two layers, and the distinction between them is the central claim of this chapter.

The first layer is content. It states what the party is: obstructive, extreme, unrepresentative, unreliable. Content of this kind is in principle answerable by evidence, and a party against whom it is asserted can conceive of what would refute it.

The second layer is a rule for reading. It specifies how evidence concerning the first layer is to be interpreted: what will count as bearing on the question, what will count as an exception, what will count as a sign of concealment. This layer operates before any evidence arrives, since it determines what arriving evidence will be taken to show.

The second layer lies beyond the reach of evidence at the first. A party who offers conduct inconsistent with the name finds the conduct read under the rule the name supplies, and the reading is available in advance: the conduct was tactical, or exceptional, or evidence of a longer design. The structure is self-exempting. The symbol specifies the terms on which it is to be tested, and thereby specifies that it is not to be tested.

The two-layer structure is where the present analysis departs from the account of fetishism discussed in Chapter 5. That analysis explains how a relational determination comes to present itself as a property of a term. The claim advanced here concerns a further step: how such a presentation acquires authority over the procedures by which it might be examined. The two explanations operate at different levels and stand together without competition.

The practical form of the claim is worth stating for later use. A designation may be formally open to revision, subject to periodic review, and accompanied by every procedural provision for reconsideration, while remaining unrefutable in operation, because the procedures of review inherit the rule of reading the designation supplies. Revisability at the level of procedure and refutability at the level of practice come apart, and Chapter 59 develops the consequence for the design of institutions.

7.6 CONFIRMATION PRODUCED IN THE REAL

The account so far concerns operations within a symbolic order. A further step carries the analysis into the arrangements the symbol governs, and it is the step that makes the mechanism durable.

Once a name is in place, parties act on it. A party designated unreliable is approached with guardedness, excluded from the settings in which trust is built, and addressed through channels that presuppose the designation. The treatment has effects. Guardedness is met with guardedness; exclusion produces the isolation that exclusion anticipates; and a party excluded from the settings in which standing is acquired comes to lack standing.

The evidence subsequently available is genuine. The party is now, in observable fact, positioned as the name described. Nothing has been fabricated and no one has lied. The symbol produced a configuration in which what it asserted became the case.

The genuineness of the confirming evidence has a consequence for any programme that seeks to correct such designations by supplying better information. The information available has been shaped by the designation, and its accuracy is what makes it resistant to correction. Part VI develops the assessment problem this creates, and Chapter 28 gives it a name.

7.7 THE CRITERION OF A SYMBOL'S DEATH

The account of congealing and of the two layers yields the criterion used throughout this book.

Criterion. *A symbol dies at the moment it can no longer be refuted by its object.*

The signature of a symbol in this condition is that refutation is received as confirmation. A party who denies the designation is heard to be concealing; a party who acts contrary to it is heard to be manoeuvring; a party who protests is heard to be behaving as such parties do.

Three features of the criterion recommend it for the work of later chapters.

The criterion concerns the present. Its application requires an examination of how a particular denial was received, which is available for inspection at the time, and it requires no forecast of what the party would do under other conditions.

It concerns standing and leaves aside the merits. A designation may be accurate and still satisfy the criterion, and a designation may be inaccurate and fail to satisfy it. What the criterion identifies is the availability to a party of the position from which the designation might be contested.

It applies to the parties who convene a process as readily as to the parties in conflict, which Part IV requires and Part IX develops into institutional form.

7.8 AN ALTERNATIVE CRITERION AND ITS CONSEQUENCE

A second criterion suggests itself and has been proposed in adjacent literatures: a designation is objectionable where it forecloses the future possibilities of the party designated, and acceptable where it leaves them open.

The attraction of this criterion is evident. It connects directly to the definition of degeneration given in Chapter 4, it is stated in the vocabulary of possibility, and it identifies correctly the most conspicuous harm that congealed designations inflict.

Its consequence should be stated with equal clarity. A criterion of that shape ties the protection it affords to what the protected party will go on to produce. A party of whom it is true that no further generation will occur, whether through injury, through the passage of time, or through circumstances beyond anyone's arrangement, falls outside the protection, and falls outside it as a matter of the criterion's own logic. The claim that such a party may still refuse a name applied to it becomes unavailable.

The criterion adopted here has a different form. It attaches the protection to the position from which a designation can be contested, and the availability of that position stands independent of what the party will subsequently generate. This is the reason the normative work of the book is carried where Chapter 21 places it, and Chapter 3 fixed the terms in advance.

7.9 THE LIMIT OF THE SYMBOLIC

The mechanism described has a boundary, and locating it supplies the constructive part of the argument.

A congealed symbol governs the reading of evidence within the order it organises. Its authority extends to what will be taken to show what. Its authority stops at what occurs. A river rises or recedes; a season's planting succeeds or fails; a contagion spreads or is contained. Outcomes of this class are settled by processes indifferent to the designations the parties apply to one another.

Situations of this kind hold a particular significance for the argument of this book, and the reason is precise. The symbol may interpret such an outcome afterward. It cannot determine the outcome in advance, and it exercises no authority over the terms on which the parties must approach the task while the task is under way. A party regarded as unreliable, working alongside others on a matter of this kind, is approached on terms the situation sets. Something occurs between the parties for which the designation supplies no reading, and occurrences of this kind accumulate.

Two features of the mechanism deserve emphasis. It requires no party to revise a belief in advance. Convictions may be held throughout, and the accumulation proceeds beneath them.

And it operates through what the parties do together with respect to a third matter, which the binary vocabulary of designation has no grammar to describe.

The limit of the mechanism is equally definite and is stated here. It requires that such a third matter exist. Where a conflict has become purely bilateral, and where the parties have removed the shared concerns that might have supplied one, the passage described above is unavailable. The removal of such concerns is among the means available to parties in conflict. Chapter 16 examines what follows when the third is supplied by a person, and finds the case substantially weaker than the cases described here.

7.10 THE EVIDENTIAL DIFFICULTY

Section 5.9 of Chapter 5 left a difficulty which this chapter is now in a position to state precisely.

The claim that a relation has degenerated asserts a difference the relation could once posit and can posit no longer. Establishing it requires evidence concerning the earlier condition. Where degeneration has advanced to the point at which the distinction has left the community's language, the parties are poorly placed to supply that evidence, since supplying it would require the very distinction whose absence is at issue. Testimony to the effect that nothing has been lost is precisely what the condition would produce.

A partial answer is available. Communities deposit their distinctions in materials that outlast their use: legal instruments, liturgies, archives, curricula, songs, and the recorded forms of address by which parties once spoke to one another. Such deposits preserve distinctions that current practice no longer performs, and they can be examined by parties who cannot at present articulate what they record.

The answer is partial in two respects, and both are entered as limitations on what this book claims. Deposits of this kind are themselves subject to revision, and the revision of the record is among the recognised instruments of protracted conflict. And the presence of a distinction in a deposited form establishes that the distinction was available in that form, which falls short of establishing that it was operative in the practice of the community.

The difficulty is accordingly unresolved. It is listed among the open problems gathered in Chapter 71, and it bears directly on the assessment problem taken up in Part VI, where the question of what an intervener can establish about a relational state is treated at length.

7.11 SUMMARY OF RESULTS

Distinctions are displaced by names, and peace processes furnish the operation in the designations they apply to parties.

Names run in a depriving and an authorising direction, and both convert a determination holding within a configuration into a property attributed to a term.

A name bears upon its object and upon the language of the party applying it, and the saving of attention it effects is the cessation of the positing of difference seen from the namer's side.

A name congeals through frequency without an event, so the transition resists observation while it occurs and resists location in any particular act.

A congealed name carries a rule for reading evidence about itself, the rule lies beyond the reach of evidence at the level of content, and procedural revisability and practical refutability therefore come apart.

Once in place, a name produces conduct that confirms it, and the confirming evidence is genuine.

The criterion is that a symbol dies when it can no longer be refuted by its object, and it concerns the present, concerns standing in place of merits, and applies to conveners as to parties.

An alternative criterion tied to foreclosed future possibility would withdraw its protection from parties who will generate nothing further.

The symbol's authority stops at outcomes it cannot determine, which supplies the constructive mechanism together with its limits.

Establishing an earlier articulative range from deposits produced by the practice under examination remains difficult, and the difficulty is listed among the open problems.

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PART III

FORMS OF RELATIONAL DEGENERATION IN PEACE PROCESSES

Draft

CHAPTER 8

THE TAXONOMY AND ITS AXES

8.1 THE PURPOSE OF THIS PART

Part II developed an account of degeneration in general terms: its definition as the contraction of the possibility of structural evolution, its location on either of two dimensions, the asymmetry with which it propagates between them, and the symbolic passage by which a distinction is displaced.

This part instantiates that account. It sets out the forms degeneration takes in peace processes, distinguishes them by the dimension on which they fall, and examines the cases that cross between dimensions. The purpose is to make the account examinable against material a practitioner recognises, and to establish which remedies bear on which forms.

The chapter opens Part III by fixing the terms in which the instantiation proceeds. It recalls the two dimensions and the asymmetry between them, introduces the operational vocabulary the cases will employ, states the consequence the distinction carries for remedy, sets out the difficulty of drawing it from outside, records what remains unsettled in the relation between the two vocabularies, and states the order of the chapters that follow.

8.2 THE AXES RECALLED

Chapter 4 distinguished two dimensions along which a contraction may be located.

A degeneration on the *generative dimension* leaves the relation positing and returning difference while structural evolution upon it ceases. The parties still recognise one another, the channels still exist, and nothing is produced. Its signature is exhaustion.

A degeneration on the *relational dimension* consists in the relation ceasing to posit and return difference. The difference between positions, once posited afresh each time the direction reversed, is posited once and held. Its signature is lock.

The chapter also established the asymmetry between them. A relational degeneration propagates upward into a hollowing of generation, since generativity emerges only upon posited and returned difference. A generative degeneration propagates upward with much less force, since the relational structure beneath it may stand.

8.3 THE OPERATIONAL FORM

In conflict settings the distinction takes an operational form, and this part uses it alongside the dimensional vocabulary.

Where the generative dimension has degenerated, the parties retain the distinctions they require. The community can still say what separates this party from others of the same kind, still possesses the vocabulary in which a claim would be made, and still holds the categories an agreement would employ. What is absent are conditions: a channel, an occasion, a guarantee of safety, a reason to move first. The grammar is intact and generation upon it has stopped.

Where the relational dimension has degenerated, the distinctions themselves have gone. The community can no longer say the difference, and its inability is a property of its language in place of its willingness. The grammar has been rewritten.

The two formulations are used together in this part, with the dimensional vocabulary carrying the theoretical claims and the operational vocabulary carrying the cases.

8.4 THE PRACTICAL CONSEQUENCE

The distinction between the two classes of degeneration bears on remedy, and the bearing is what makes this part worth writing.

Supplying conditions to a relation degenerated on the generative dimension restores it, and the restoration alters no one. The capacity to make the relevant distinctions was waiting, and what was missing has been supplied. Chapter 19 established that adaptive mediation's account of facilitation describes exactly what supplying such conditions involves, and that the programme's confidence is warranted in this class of case.

Supplying conditions to a relation degenerated on the relational dimension leaves the lock untouched. What is supplied is received under the fixed arrangement, and the process it enables reproduces that arrangement.

A further consequence follows and is developed in Chapter 11. A remedy of the first kind applied to a condition of the second produces evidence. The supply is made, nothing changes, and the parties and those who assisted them learn that supply does not work here. The learning enters the record, and Chapter 7 established what accumulates when a characterisation is repeatedly confirmed by conduct the characterisation produced.

8.5 THE DIAGNOSTIC PROBLEM

The distinction between the two classes is difficult to draw from outside, and the difficulty is the subject of Part VI. Three features of it belong here, since they govern how the cases of this part are to be read.

The two present alike. A party that does not entrust, a community that routes around someone, a process that produces nothing: each is consistent with conditions absent and with distinctions gone.

The second disguises itself as the first. A relation whose grammar has been rewritten presents as one awaiting conditions, since the parties describe their situation in the vocabulary available to them and that vocabulary is what has changed.

Asking supplies no answer. The mark of the second condition is the absence of a sense of loss, since to feel a loss one must be able to name what is missing. Chapter 27 developed the observables available where accounts have diverged, and Chapter 28 the indications by which a field's condition is determined, and both operate without asking the parties to report their own condition.

8.6 THE UNSETTLED RELATION BETWEEN THE TWO CUTS

One matter is stated openly here, since this part uses both vocabularies and a reader is entitled to know how far their identity has been established.

The dimensional cut derives from the constitution of being on which Chapter 3 rests, and it was developed for the analysis of relational postures generally. The operational cut between an intact grammar and a rewritten one derives from the analysis of degeneration in communities and was developed for the cases this part examines.

The two appear to coincide. A relation that still posits and returns difference is one whose community retains the distinctions the returning employs, and a relation whose direction has locked is one whose community loses, through disuse, the distinctions the returning would have refreshed. The asymmetries correspond as well: the generative case recovers by supply and the relational case does not, which matches the recoverability asymmetry the operational cut records.

Whether the correspondence is an identity has not been established. It may be that the two cuts divide the phenomena at the same place for a reason internal to the account, or that they coincide across the cases examined and diverge elsewhere. The question is listed among the open problems of Chapter 71, and this part proceeds by using each vocabulary where it is strongest, marking the places where a divergence would show.

8.7 THE ORDER OF THE CHAPTERS FOLLOWING

Chapter 9 examines forms of degeneration in which the grammar holds and generation upon it has stopped, and establishes which remedies bear on them.

Chapter 10 examines forms in which the distinctions themselves have gone, and establishes why remedies of the first kind fail there.

Chapter 11 examines the cases that cross between the two, which are the hardest and the most consequential: the erosion by which prolonged blockage corrodes a grammar, the automation by which a rewritten grammar produces exclusion without anyone excluding, and the events that operate on both levels at once.

8.8 SUMMARY OF RESULTS

This part instantiates the account of Part II in the material of peace processes, and establishes which remedies bear on which forms of degeneration.

The two dimensions are distinguished by whether a relation still posits and returns difference, and the operational form distinguishes a grammar intact from a grammar rewritten.

Supply restores a relation degenerated on the generative dimension and leaves the lock untouched on the relational one, and a remedy of the first kind applied to the second produces evidence that hardens the condition.

The two present alike, the second disguises itself as the first, and asking supplies no answer, since the mark of the second is the absence of a sense of loss.

Whether the dimensional cut and the operational cut are identical has not been established, and this part uses each where it is strongest while marking where a divergence would show.

CHAPTER 9

DEGENERATION WITH THE GRAMMAR INTACT

9.1 THE CLASS UNDER EXAMINATION

This chapter treats the forms of degeneration in which a relation retains the capacity to posit and return difference while generation upon it has stopped. The parties can still say what separates this case from others of its kind, still hold the vocabulary in which a claim would be made, and still recognise one another as parties whose claims have a form.

Chapter 8 established that supply restores relations in this class, and that the restoration alters no one. The purpose of this chapter is to establish which forms belong to it, since the practical consequence follows from the classification and the classification is what a practitioner must make.

The chapter establishes which forms of degeneration belong to the class in which supply restores a relation, since the practical consequence follows from the classification and the classification is what a practitioner must make. It proceeds through five forms in turn, examining for each what is absent and what supplying it accomplishes, and closes on the features the five share.

9.2 COORDINATION FAILURE

The first form is the one peace practice understands best.

Two parties each prefer an arrangement to its absence, and neither can move first. The first to reduce its capacity becomes vulnerable to the other's not reducing. The first to accept a monitoring arrangement accepts a constraint the other may decline. Each knows what an agreement would consist in, each can state it, and the structure of the situation withholds the step.

The distinctions required are intact throughout. Each party can articulate what the other would receive, what it would give, and what would count as compliance. The parties recognise one another as parties capable of performing.

The remedies practice has developed bear on this form directly. Guarantees supply the assurance that first movement is met. Sequencing distributes the exposure. Verification

converts a promise into something observable. Third-party presence supplies a witness to performance. Each supplies a condition, and where the condition is supplied the parties proceed on distinctions they already held.

Chapter 19 recorded that the confidence adaptive mediation places in self-organisation is warranted in this class, and this is the class it named.

9.3 ABSENCE OF OCCASION

The second form involves no strategic structure and is frequently mistaken for intractability.

Parties who would proceed have no setting in which to do so. Channels have lapsed, intermediaries have departed, the persons who held relationships across the divide have died or moved, and no arrangement exists at which the matter could be raised. The capacity is present and the occasion is absent.

The form is distinguished from the first by what supplying an occasion accomplishes. Where the structure withholds first movement, an occasion supplied without a guarantee produces a meeting and no movement. Where the occasion alone was missing, the meeting is the remedy.

Practitioners distinguish these in the ordinary course, and the distinction is worth recording because Chapter 8 established that both belong to the class in which supply works, and they require different supplies.

9.4 EXHAUSTION

The third form is the signature case of the generative dimension, and it is the one this account describes most directly.

Parties who have engaged across years without result cease to produce anything new. Positions are restated, sessions are held, and the exchange has become the repetition of what was said before. Each party retains its recognition of the other, retains the distinctions the process employs, and retains the capacity to act.

Chapter 4 named the signature of this dimension as exhaustion, and it is worth stating what has been exhausted. What the parties have consumed is the material from which new positions would be formed: proposals not yet made, concessions not yet identified, framings not yet tried. The relation stands and the field above it has gone still.

The remedy is of the supplying kind and its content differs from the first two. What is supplied is material: a new question, an unexamined dimension of the matter, a party whose presence introduces considerations the existing parties had exhausted. Chapter 17 recorded that plural positions strengthen a process, and their contribution here is the introduction of what the parties have used up.

9.5 INSTITUTIONAL CONSTRAINT ON DISCRETION

The fourth form is where a party retains the capacity to make a distinction and is forbidden to act upon it.

An official operating under a rule that treats all cases of a class alike can commonly see what distinguishes the case before them. The rule prevents acting on the distinction, and the prevention is the rule's purpose. Chapter 24 recorded that categorical treatment carries an honourable justification, since impersonal administration and the rule of law resist favour precisely by disregarding who a party is.

The form belongs to this class because the distinction survives. Where an exception is authorised, an appeal succeeds, or a discretion is restored, the official acts on what was visible throughout. This is why appeals, exceptions, and discretionary provisions work in such cases: they unblock an action in place of rebuilding a capacity.

The form matters for this book because it is the one most readily confused with the subject of Chapter 10. An arrangement that routes around a party looks the same whether the routing follows a rule that forbids attending to the party's particularity or follows a grammar in which the party's particularity is unstateable. Chapter 11 takes up how the first becomes the second.

9.6 COMMODIFICATION OF A RELATION

The fifth form completes the class and is included because it shows what the class excludes.

Where a relation between parties comes to be conducted entirely through an exchange that both perform competently, the parties continue to distinguish what they are doing from what a different relation would consist in. A programme delivered on contract, a service provided against payment, and an arrangement whose terms are fully specified all have this character. Both sides know the difference between this and what is not this, and neither produces the surplus a different relation would.

The form belongs to the generative dimension because the distinction is retained. A party can say that the arrangement is one thing and that another was possible, and the saying is what Chapter 10 will establish to be absent in the other class.

Whether the loss is a loss is a question this book does not settle. What the classification establishes is that the parties remain able to pose it.

9.7 THE FEATURES COMMON TO THE CLASS

The five forms of degeneration set out above share three features, and these compose the practical result of the chapter.

The parties can state what is missing. A coordination failure, an absent occasion, an exhausted exchange, a forbidden distinction, and a relation conducted as exchange are

all describable by those within them, and the description is available in the parties' own vocabulary.

The remedy is a supply. What differs across the forms is what is supplied, and Chapter 8 recorded that the supply restores without altering the parties, since the capacity was waiting.

The failure of a supply is informative. Where a condition is supplied and the relation does not resume, the classification was mistaken, and Chapter 11 takes up what the mistake produces.

9.8 SUMMARY OF RESULTS

Five forms of degeneration belong to the class in which the grammar holds: coordination failure, absence of occasion, exhaustion, institutional constraint on discretion, and a relation conducted wholly as exchange.

Each is remedied by a supply and the supplies differ, so a correct classification of the form is what determines which remedy bears.

Institutional constraint is the form most readily confused with degeneration of the grammar, since an arrangement that routes around a party presents alike in both.

The class is marked by the parties' capacity to state what is missing, and the failure of a supply is evidence that the classification was mistaken.

CHAPTER 10

DEGENERATION OF THE GRAMMAR

10.1 THE CLASS UNDER EXAMINATION

This chapter treats the forms in which the distinctions themselves have gone. A community that could once say what separated this party from others of its kind can say it no longer, and the inability is a property of what it has available to say in place of what it is willing to say.

Chapter 8 established that supply leaves relations in this class where it found them, since what is supplied is received under the arrangement that remains fixed. The forms below are distinguished by what has been lost and by the operation that removed it.

The chapter establishes which forms belong to the class in which supply leaves a relation where it found it. It proceeds through five forms in turn, distinguished by the distinction each has removed and by the operation that removed it, and closes on the structure they share, which accounts for the failure of remedies of the supplying kind.

10.2 OBJECTIFICATION OF A PARTY

The first form removes the distinction between a party and a strategic object.

A party that has come to be described wholly in terms of capability, disposition, and threat has lost, within the describing community, the standing of one whose reasons bear consideration. The community can state what the party can do and what it is likely to do, and it has no form in which to state what the party seeks or why.

The removal is what makes certain subsequent operations available. Chapter 7 distinguished authorising names, which remove the named from the range of considerations that would otherwise apply, and the objectification of a party is that operation performed on the whole of what a party is.

The form is worth distinguishing from hostility. Parties may regard one another with hostility while retaining the distinction at issue, in which case they hold positions about one another's reasons and reject them. The form treated here is the condition in which the question of a party's reasons has no place in the vocabulary available.

10.3 ABANDONMENT OF A PARTY

The second form removes the distinction between this party and any party of no present significance.

A party excluded from a process, from assistance, and from the arrangements through which standing is acquired ceases, over time, to be described at all. The community holds no account of what distinguishes it from others in its position, and the absence is unremarked, since an absence of description produces no occasion on which its absence would be noticed.

Chapter 8 recorded that transfers cannot repair a condition of this class, and the reason is visible here. What is supplied to such a party is received as a supply to a member of the class it has become, and the supply confirms the classification by demonstrating that the party is one to whom supplies are made.

The form is the clearest instance of degeneration without a perpetrator. No party decided that the distinction should go, and the routing of arrangements around a party requires only that the arrangements have alternatives.

10.4 DEEP LOSS OF TRUST

The third form removes the distinction between a particular counterpart and any counterpart who might fail one.

Chapter 4 noted that a relation may degrade through steps each of which is individually reasonable, and this form is where the observation bites. A party that has been disappointed adjusts its expectations, and the adjustment is prudent. The accumulation of prudent adjustments arrives at a condition in which the act of entrusting has no place: the party does not decline to entrust, and the operation is unavailable.

The mark of this form is what Chapter 8 identified as the mark of the class. A party in this condition reports no loss, since the distinction whose absence constitutes the loss is what naming it would require.

10.5 CONDITIONAL RECOGNITION

The fourth form is the one most easily mistaken for its remedy.

A party is recognised, admitted, and included, on terms that specify what it must be in order to be recognised. Its claims are heard where they are stated in the categories the recognising arrangement supplies, and its representatives are received where they present as the kind of representative the arrangement anticipates.

The distinction removed is between the party and the acceptable projection of it. The arrangement holds a description of what such a party is, the description is hospitable, and the party's own account of itself has no place except where it coincides.

The form belongs to this class because the community's capacity to state the difference has gone. Where a party's departure from the projection is read as a failure of the party in place of a limit of the description, the vocabulary in which the difference would be stated is unavailable, and Chapter 7 established what a designation that accommodates contrary evidence amounts to.

10.6 DESIGNATION AS A CLASS OF ACTOR

The fifth form is the one this book has examined most closely, and it is recorded here in its place within the taxonomy.

A party designated as a kind of actor is thereafter approached through the designation. Chapter 14 established how such designations enter analytic products, travel, and shed their qualifications, and Chapter 7 established the two layers by which a designation acquires authority over what would count against it.

What distinguishes this form from the others in the class is the presence of an operation that installed it. Objectification, abandonment, and loss of trust arrive through accumulation, and a designation is applied. This makes the form the most tractable of the five, since the application is on the record, and Chapter 50 established that a lacuna produced by identifiable operations admits of remedies addressed to those operations.

10.7 THE FAILURE OF SUPPLY IN THIS CLASS

The five forms share a structure that accounts for the failure of remedies of the supplying kind, and stating it completes the classification.

A supply is received under a description. Where the description of the receiving party is what has degenerated, the supply arrives as a supply to a party of that description and confirms it. A party described as one who cannot be dealt with, and who receives assistance, has received assistance of the kind given to parties who cannot be dealt with.

A supply produces evidence. Where the supply fails to restore the relation, those who made it learn that supply does not work in this case, and Chapter 8 recorded that the learning enters the record.

A supply leaves the operation untouched. What removed the distinction was an accumulation or an application, and neither is reversed by the provision of a channel, a guarantee, or a resource.

The remedies that bear on this class are of a different kind and were developed elsewhere in this book: the conditions of Chapter 21, the restraint of Chapter 41, the shared practical matters of Chapter 16, and the arrangements for reassertion of Chapter 67. Each addresses the availability of a distinction in place of the conditions of its exercise.

10.8 SUMMARY OF RESULTS

Five forms belong to the class in which the grammar has been rewritten: objectification of a party, abandonment, deep loss of trust, conditional recognition, and designation as a class of actor.

Objectification removes the standing of a party's reasons and is distinguished from hostility, which retains it.

Abandonment is the clearest instance of degeneration without a perpetrator, and conditional recognition is the form most easily mistaken for a remedy.

Designation is the most tractable of the five, since the operation that installed it is on the record.

Supply fails in this class because it is received under the degenerated description, because its failure produces evidence, and because the operation that removed the distinction is untouched by it.

CHAPTER 11

CROSS-LEVEL CASES

11.1 THE PLACE OF THE PASSAGES IN THE TAXONOMY

Chapters 9 and 10 sorted forms of degeneration into two classes and established which remedies bear on each. The sorting is useful and it is incomplete in a respect a practitioner meets constantly: relations move between the classes, and the movement is where most of what matters occurs.

This chapter treats three passages. The first is the erosion by which a relation in the first class arrives at the second. The second is the automation by which a relation in the second class produces exclusions that present as the first. The third is the class of events that operate on both at once. The chapter closes with what follows for practice.

11.2 EROSION

The first passage is the one Chapter 9 anticipated when it recorded that the failure of a supply is informative.

A relation whose generation has stopped continues in that condition. Sessions are held without producing, parties restate positions, and the arrangements around them proceed. Each interval is one in which the distinctions the relation employs go unexercised, and Chapter 7 established that a distinction may lapse through disuse, without an event and without a decision.

The passage therefore has a definite mechanism and no threshold. What was a relation awaiting conditions becomes a relation whose community has lost the terms in which the conditions would have been described, and the transition is invisible while it occurs, since each interval resembles the one before it.

Two features of the passage bear on practice.

The intervals during which it proceeds are the intervals in which practice is least attentive. Chapter 44 recorded that deferral in a stalled field is an action whose effects run in one direction, and this passage is the direction they run in.

The passage is what a mistaken classification accelerates. A supply made to a relation in the first class, which fails because the class was misjudged, is an interval spent and an item of evidence produced, and Chapter 8 established what accumulates from repeated evidence of that kind.

11.3 AUTOMATION

The second passage runs in the other direction and produces the confusion that makes the taxonomy hard to apply.

Where a grammar has been rewritten, the arrangements that operate under it route around a party without anyone routing. The party is absent from the lists from which invitations are drawn, from the categories under which claims are received, and from the descriptions in which a matter is stated. No exclusion is decided upon, and the arrangements proceed on their defaults.

What such an arrangement presents to an observer is a relation of the first class. A party is absent, a channel is missing, an occasion has not been supplied, and each is describable as a condition awaiting provision. Chapter 8 recorded that the second class disguises itself as the first, and this passage is how the disguise is produced: the second class generates, continuously, phenomena that belong descriptively to the first.

The practical consequence is severe. An observer who supplies the missing conditions addresses phenomena the underlying condition will reproduce, and the reproduction will be read as the failure of the supply in place of the operation of what produced the absence.

11.4 EVENTS THAT CROSS

The third passage concerns events that operate on both classes at once, and one class of event does this characteristically.

An event that discloses something about the past alters what the parties can say about what preceded it. The discovery that an undertaking was never intended, that a concession was made in bad faith, or that a channel was maintained for another purpose does two things. It stops the exchange in progress, which is a degeneration of the first class. And it removes retrospectively the distinction between that relation and any relation of its type, which is a degeneration of the second.

The second operation is what makes such events difficult. Chapter 4 established that degeneration is the contraction of a possibility, and a disclosure of this kind contracts a possibility that was exercised in the past. The parties can no longer say that what they had was of a particular kind, and the inability extends backward over the period in which they could have said it.

Chapter 5 recorded the difficulty this creates for establishing an earlier state, and its form here is specific. A party seeking to establish that the relation was once of a different kind must do so against a disclosure that has altered what the available material shows.

11.5 THE CONSEQUENCES FOR REMEDY

The three passages examined above yield three consequences for remedy, and these are the practical result of Part III.

Classification is provisional and requires revisiting. A relation classified as belonging to the first class may have passed into the second while a remedy was being prepared, and Chapter 43 identified the observations by which the passage is tracked.

A failed supply is evidence about the classification and not about the parties. Chapter 9 recorded that the failure of a supply is informative, and the present chapter establishes what it is informative about. What such a failure supports is a reclassification, and what practice commonly draws from it is a conclusion about the parties' intentions.

The remedies of the two classes are usefully combined in one direction only. Supply addressed to a relation of the second class fails, and the conditions addressed to the second class do no harm to a relation of the first: an arrangement that preserves a party's standing to refuse a characterisation, records what would count against it, and declines to name an undertaking prematurely costs a relation in the first class an interval and forecloses nothing.

The asymmetry supports a practical disposition. Where the classification is uncertain, the conditions of the second class are held while the supplies of the first are attempted, since the cost of holding them wrongly is an interval and the cost of omitting them wrongly is a passage.

11.6 THE CLOSE OF PART III

Part III has instantiated the account of Part II in the material of peace processes. It distinguished two classes of degeneration by the dimension on which they fall, set out five forms in each, established which remedies bear on which class, and examined the passages between them.

Its practical yield is a classification a practitioner can attempt, a test by which a misclassification is detected, and a disposition for cases where the classification cannot be made.

Its theoretical yield is the material against which the account of Part II is examinable, and Chapter 69 returns to four documented processes and examines them in these terms.

11.7 SUMMARY OF RESULTS

Relations move between the two classes, and three passages account for the movement.

Erosion proceeds through intervals in which distinctions go unexercised, has no threshold, and is invisible while it occurs.

Automation produces, from a rewritten grammar, phenomena that belong descriptively to the first class, which is how the second class disguises itself.

Events that disclose something about the past operate on both classes at once, and their second operation contracts a possibility retrospectively.

Classification is provisional, a failed supply is evidence about the classification in place of the parties, and the conditions addressed to the second class may be held while the supplies of the first are attempted.

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PART IV

THE POSITION OF THE MEDIATOR WITHIN THE FIELD

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CHAPTER 12

OBSERVATION AS PARTICIPATION

12.1 THE RECEIVED PICTURE

Accounts of mediation that draw on complexity theory share a common figure. A conflict is a complex social system: emergent, non-linear, and unpredictable in its development. An intervener approaches such a system, forms an understanding of its dynamics, acts, observes the effect, revises the understanding, and acts again. The sequence is iterative and the understanding is provisional, and both features are presented, correctly, as advances upon models that fix a design in advance.

The figure carries an assumption that its own premises make difficult to sustain. The sequence requires a position from which the system is observed. Observation is placed outside the loop it informs, so that what the intervener learns concerns a system whose state the learning leaves undisturbed. Complexity is attributed to the system. The observer is exempted.

This chapter examines what follows once the exemption is withdrawn.

The chapter opens Part IV by establishing the position from which an intervener acts. It undertakes to show that observation participates in the field it describes, and to make the participation available for examination in a given process. It proceeds from the received picture of the adaptive intervener to the account of relation that unsettles it, identifies four channels through which the participation runs, examines what attention confers on those who receive it, places conflict analysis among the interventions, and closes on what the argument implies for the programme this book extends.

12.2 OBSERVATION AS A RELATIONAL ACT

Chapter 3 held that relation is the condition under which difference and constraint can be posited. An intervener who approaches parties in conflict stands in relation to them. The approach therefore falls under the same account as any other relation: it is a condition under which differences come to be posited, and it structures a field of possibility.

The consequence is direct. To observe a conflict from a position within a relation to its

parties is to participate in the positing of the differences that constitute what is observed. The intervener's presence is a term in the configuration whose properties the intervener sets out to establish.

The claim is about structure and requires no imputation of bias. An intervener may be scrupulous, informed, and evenhanded, and the claim holds unaltered. What is at issue is the position, which is occupied by anyone who occupies it.

12.3 THE CHANNELS OF PARTICIPATION

The claim that observation participates in what it observes admits of specification. Four channels through which observation participates in what it observes can be identified, and each is available for examination in a given process.

12.3.1 *Convening*

An intervener who convenes a process determines who is present. The determination is practical and unavoidable, since a process with all parties present is not a process. It is also constitutive. To be at the table is to hold a position from which claims register; to be absent is to hold a position from which claims must be relayed by others. The distinction between parties who count and parties whose interests are represented is established by the invitation, and it is established before any substantive question has been raised.

12.3.2 *Framing*

The questions an intervener asks supply the categories in which answers are given. A process that inquires into security guarantees, territorial administration, and the sequencing of demobilisation elicits accounts framed in those terms. Concerns that lack a place in the framing are either translated into it or set aside, and translation of this kind is a substantive operation upon the concern translated.

12.3.3 *The Addressee*

Accounts given to an intervener are produced for a listener whose response has consequences. What a party says about the conflict is shaped by what the party takes the listener to be able to do, to be inclined to believe, and to be authorised to recognise. The material available to an intervener therefore bears the marks of the intervener's own position, and it would have a different character if given to another listener or to no one.

Chapter 27 develops the diagnostic use of this feature. Accounts that vary with the listener supply information about the condition of the relational field, and the information is available without adjudicating which version is accurate.

12.3.4 *The Record*

What an intervener writes down enters the deposits from which later parties, later processes, and later assessments draw. Conflict analyses, mission reports, mapping exercises, and the classifications they employ outlast the occasions that produced them. Chapter 7 described the passage by which a name in frequent use ceases to abbreviate a description and comes to state a fact. The record is where such frequency accumulates, and an intervener who classifies parties for operational purposes contributes to that accumulation whatever the intention behind the classification.

12.4 THE STANDING CONFERRED BY ATTENTION

Observation by an authoritative observer confers something, and this bears on what an intervener can learn.

To be examined by a body whose findings carry weight is to hold, for the duration, a position that other parties lack. Attention of this kind is a resource: it supplies visibility, it lends the party's account a standing in later proceedings, and it can alter the party's position among its own constituents. Parties in conflict understand this, and their conduct toward an intervener reflects the understanding.

The consequence for assessment is that the conduct an intervener observes includes conduct produced by the observation. A party that moderates its public position during a process may have altered its aims, and may be conducting itself in a manner suited to the presence of an observer whose judgement matters. The two are distinguishable in principle and are frequently indistinguishable in practice, and Part VI treats the class of difficulties to which this belongs.

12.5 CONFLICT ANALYSIS AMONG THE INTERVENTIONS

The chapters that follow rest on a conclusion that can now be stated.

Conflict analysis is customarily placed prior to intervention, as the step by which an intervener comes to understand the situation upon which action will subsequently be taken. On the account given here, analysis belongs among the interventions. It convenes, it frames, it elicits, and it records, and each of these operations bears upon the relational field. The distinction between analysis and action marks a difference in the intended object of an act and marks no difference in whether the act participates.

Chapter 14 develops the case for the operation with the largest effect, which is the assignment of names, and Chapter 38 examines what remains available to an intervener who accepts this conclusion and must nevertheless proceed.

12.6 THE BEARING ON ADAPTIVE MEDIATION

The literature this book engages has reached, from its own premises, conclusions that run alongside the argument above.

Adaptive mediation holds that the content of agreements should emerge from the parties, that the mediator's role should be confined to process facilitation, and that a principal risk to a peace process is interference which disrupts the parties' capacity to organise themselves. Each of these positions treats the intervener as a participant whose contributions can displace what the parties would otherwise generate. In this respect the programme has already given up a good deal of the exemption described at the opening of this chapter.

What the programme retains is the account of learning. Iterative adaptation, the formation and revision of an understanding of the conflict, and the assessment of whether a process is developing well are described as operations the intervener performs upon material the conflict supplies. The position from which those operations are performed receives less attention than the operations themselves, and the possibility that the material has been shaped by the intervener's occupation of that position is not systematically pursued.

The relation between the present account and adaptive mediation is accordingly one of extension along a line the programme has already drawn. Chapter 18 states what this book takes from the programme, and Chapter 19 marks the interval where the two diverge.

12.7 SUMMARY OF RESULTS

The account of the intervener's position developed in this chapter carries three results forward.

An intervener occupies a position within the relational field, so observation, analysis, and record-keeping participate in the field they describe. This is structural and holds independently of conduct.

The participation runs through identifiable channels, which makes it available for examination in a given process. Convening, framing, the addressee effect, and the record can each be inspected, and Part IX develops the institutional consequences.

The material available to an intervener bears the marks of the intervener's position, which constrains what assessment can establish. Part VI takes up that constraint as its principal subject, and Chapter 13 turns first to a feature of the intervener's position that bears on whether the constraint can be acknowledged.

CHAPTER 13

THE ONE PRESUMED TO KNOW

13.1 THE GUARDING OF A CONFERRED AUTHORITY

Chapter 12 established that an intervener occupies a position within the relational field. This chapter examines a property of that position which bears on whether the occupant can acknowledge it.

The property can be introduced through an observation about conduct. Interveners of long standing and evident competence sometimes decline to give reasons: for the composition of a table, for the sequencing of items, for the acceptance of one formulation and the rejection of another. The refusal is often defended by appeal to confidentiality, to the requirements of a process, or to professional practice, and these defences are frequently sound. The pattern that concerns this chapter appears where the refusal extends to questions from the parties themselves, and where being asked to account for a judgement is met as an intrusion upon the position from which the judgement issues.

The question is why a position of authority should require guarding at all, such that a request for reasons registers as a threat.

The chapter examines a property of the intervener's position that bears on whether its occupant can acknowledge the position at all. It proceeds by asking why a conferred authority requires guarding, sets out two accounts of what sustains such authority, distinguishes maintenance that admits interrogation from maintenance that closes it, examines the closing form and its effects, applies the analysis to a complaint the programme already records, and closes on whether the position can be declined by its occupant.

13.2 AUTHORITY WITHOUT A GROUND OF ITS OWN

An answer available in several traditions turns on the constitution of authority in a symbolic order.

Authority of the kind an intervener holds is conferred. It arrives with an office, a mandate, an institutional affiliation, a professional standing, and it is sustained by a network of recognitions among parties who accept the office as an office. The psychoanalytic account

presses the point further and holds that such an order rests on no ultimate guarantor, so that authority conferred within it is borrowed and revocable, and stands upon a place that is empty.

An authority so constituted has to be enacted continually, since it possesses nothing beneath the enactment to fall back upon. A demand for reasons calls the enactment to account. It asks the holder to justify, and an authority that must justify itself has moved from the position of one whose word is taken to the position of one whose word is weighed. Refusal of the return preserves the appearance that no justification is owed, which is the appearance on which a groundless authority subsists.

The point does not depend on the psychoanalytic frame, and readers who decline that frame have parallel resources. Weber's analysis of legitimate domination (Weber, 1978) treats the validity of an order as sustained by the belief of those subject to it, and therefore as requiring continual reproduction. The sociology of professions describes expert standing as maintained through boundary work and through the management of what laypersons are permitted to evaluate. The conclusions converge: conferred authority is maintained by activity, and interrogation is among the conditions under which the activity becomes difficult.

13.3 THE PRESUMPTION LODGED IN THE OTHER

A second feature is more specific to the position an intervener occupies, and Lacan's formulation of the subject supposed to know, developed in the seminar of 1964 (Lacan, 1978), states it compactly.

A party who comes to an intervener comes to one presumed to know: to know how such processes proceed, to know what has worked elsewhere, to know what the other party will accept. The authority operates through that presumption far more than through any knowledge answering to it. What sustains the position is the parties' relation to the presumption, and this holds whether or not the intervener possesses the knowledge attributed.

The presumption is delicate in a particular way. Close questioning by a party, of the kind that would establish what the intervener does and does not know about the matter at hand, bears directly upon it. A single well-informed objection from a party who knows the terrain better can puncture the presumption more thoroughly than any general acknowledgement of fallibility. Declining the concrete exchange keeps from view the moment at which the one presumed to know might be shown not to.

13.4 MAINTENANCE AND ITS TWO FORMS

Both features described above hold of symbolic authority as such, and this bears noting before the argument proceeds, since it constrains what can be concluded.

If every conferred authority stands on a borrowed ground and runs on a presumption, then every conferred authority requires maintenance, and maintenance cannot itself be the

degeneration. A capable judge is also presumed to know, and does not vacate the bench upon being questioned by counsel. A capable teacher is also presumed to know, and is corrected by students without ceasing to teach.

The distinction lies where this book's argument has placed it throughout. Authority of the first kind maintains itself while admitting the return: it can be questioned, corrected, and bested, and the authority is re-granted afterward by the parties who witnessed the correction. Authority of the second kind maintains itself by closing the return, because it can no longer survive being questioned. The criterion is whether the maintenance proceeds by admitting the return or by closing it, and the fact of maintenance settles nothing, since authority is always maintained.

13.5 THE DEFENSIVE LOCK

Where maintenance proceeds by closure, the effect on the relational field is the one described in Chapter 4. Difference ceases to be returned along the axis between intervener and parties. The intervener gives judgements and receives compliance or resistance, and the position of one who receives correction becomes unavailable.

Two features distinguish this case from the other forms of degeneration treated in this book, and both matter for later chapters.

The first concerns where the cost falls. A party who withdraws from a relation through exhaustion bears the cost of the withdrawal. An authority that closes the return protects a standing and passes the cost outward, to the party whose questions are refused.

The second concerns the order of events. Elsewhere in this book degeneration precedes the conduct that expresses it: a direction locks, and conduct settles upon the lock. Here the order can run the other way. An intervener concerned to protect a standing may close the return deliberately, in which case the degeneration is the product of the concern. Motive manufactures the condition. Chapter 40 develops the consequence for responsibility, where the same reversal appears in the setting of instrumented decision.

The forms this takes in practice are recognisable. Procedural decisions are announced without reasons. The rationale for a sequencing choice is held to be a matter of process confidentiality. Objections from parties are received as positioning to be managed. Local knowledge that contradicts an analysis is treated as an interest in place of information. Each of these has legitimate instances, and the criterion above is what distinguishes the instances.

13.6 A MECHANISM FOR A FAMILIAR COMPLAINT

The literature this book engages contains a complaint that the foregoing explains.

De Coning has argued that one consequence of the professionalisation of mediation over recent decades has been a shift of attention from the conflict and the parties to the mediator and

the agreement, with the result that settlements come to reflect international expectations about what a peace agreement should contain more than they reflect the context or the concerns of those involved. The complaint is offered as an observation about a professional field and is attributed to the pressures that accompany professionalisation.

The account given in this chapter supplies a mechanism for it. Professionalisation increases the standing conferred upon the position of the intervener, and standing so conferred stands upon a borrowed ground and runs on a presumption. The more a field invests in the authority of the position, the more the position has to protect, and the more a demand for reasons from the parties bears upon what is protected. The drift of attention toward the mediator and the agreement follows from the structure of the position, and holds whatever the disposition of those who hold it.

The positional account yields a claim the programme can accept and which the present account contributes: the remedies commonly proposed for the drift, which concern the conduct and training of interveners, address the occupant of a position whose structure produces the pressure. Chapters 15 to 17 pursue what follows.

13.7 WHETHER THE POSITION CAN BE DECLINED

An intervener who accepts the foregoing may ask whether the presumption can be refused: whether an explicit disclaimer of superior knowledge, an invitation to correction, or a declared humility about the limits of external understanding dissolves the position.

The answer available here is that such measures operate within the presumption they address. A disclaimer of knowledge issued by one presumed to know is received as the modesty appropriate to expertise, and it can strengthen the presumption it was intended to relax. The parties' relation to the position is not in the gift of its occupant.

This result is the reason the chapters that follow take the form they do. If the position produces the pressure, and if the occupant cannot dissolve the position by declining it, then the questions worth asking concern the position itself: whether the theory requires it, what function it performs that something else might perform, and what tendencies in current practice bear on the matter. Chapter 15 takes the first, Chapter 16 the second, and Chapter 17 the third.

13.8 SUMMARY OF RESULTS

The position of the intervener is sustained by a presumption held by the parties, and it stands on a ground that requires continual enactment.

Interrogation bears upon what sustains the position, so the return that Chapter 4 identifies as the condition of absorption is, along this axis, in tension with the maintenance of the position.

Maintenance admitting the return and maintenance closing it are distinguished by the criterion used throughout this book, and only the second constitutes a degeneration.

Where closure is deliberate, the direction of causation reverses, and the degeneration follows from the motive.

The position resists dissolution by the attitude of its occupant, which locates the remaining questions at the level of the arrangement in place of the person.

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CHAPTER 14

CONFLICT ANALYSIS AS SYMBOLIC ACT

14.1 THE OPERATION AT ISSUE

Chapter 12 placed conflict analysis among the interventions and identified four channels through which it participates in the field it describes. Chapter 7 gave an account of how a name in frequent use ceases to abbreviate a description and comes to state a fact about its object. This chapter joins the two.

Conflict analysis assigns names. It names the conflict, characterising what kind of thing is occurring. It names the parties, characterising what kind of actor each is. And it names the relations among them, characterising which oppositions are fundamental and which derivative. These assignments are the working substance of the analytic product, and they are what the product transmits to those who use it.

The chapter joins the two preceding results and establishes what conflict analysis does in addition to what it establishes. It proceeds through the naming of a conflict and the naming of parties, identifies analytic practice as the site at which names congeal, examines how an analysis comes to govern its own review, connects the demand for projection to the production of stable types, and closes on the terms upon which analysis may continue.

14.2 THE NAMING OF A CONFLICT

The characterisation given to a conflict as a whole determines a great deal of what follows from it, and the determination occurs before any particular question of substance is addressed.

Consider three characterisations available for a single situation. Described as terrorism, the situation acquires a set of consequences that operate immediately: channels of engagement close, contact with certain parties may fall under legal prohibition, and the question of what those parties seek is displaced by the question of how they are to be contained. Described as ethnic conflict, the situation directs attention toward group identity and representation, and remedies take the form of guarantees, quotas, and arrangements for shared office, while explanations resting on the distribution of economic conditions recede. Described as a conflict over resources, the situation directs attention toward extraction, revenue, and access, and

remedies take the form of management regimes, while grievances concerning recognition and status recede.

The three characterisations may each capture something present in the situation, and the analytic literature contains sustained argument about which class of characterisation travels best across cases. That argument is not the point at issue here. The point is that the characterisation, once adopted, supplies the terms in which the situation is subsequently discussed, staffed, funded, and assessed, and that the possibilities it forecloses are foreclosed at the moment of adoption and without a decision addressed to them.

14.3 THE NAMING OF PARTIES

Designations applied to parties operate in the same manner and admit of sharper examination, since their objects can respond.

The designation of a party as a spoiler illustrates the mechanism in a form the literature already recognises as troublesome. Applied to a party whose conduct is obstructing a process, it states a position occupied at a time. Once adopted, it supplies a rule for reading what the party subsequently does. Concessions are read as tactical, participation as manoeuvre, and withdrawal as confirmation. The designation belongs to the authorising class described in Chapter 7: it alters what may be done to the party and what requires justification, and it is issued in the vocabulary of protecting a peace process.

The consequences described in that chapter follow in an observable sequence. A party so designated is excluded from the settings in which standing is acquired, addressed through channels that presuppose the designation, and approached with the guardedness the designation recommends. Its conduct alters accordingly, and the alteration supplies evidence in support of the designation. The evidence is genuine, which is what makes it resistant to correction.

Designations of the apparently favourable class carry the same structure. A party identified as moderate acquires a position it must maintain, and finds that positions which would jeopardise the identification become unavailable to it, including positions its own constituents hold. The designation confers standing on terms set elsewhere, and it can be withdrawn.

14.4 ANALYTIC PRACTICE AS THE SITE OF CONGEALING

Chapter 7 held that a name congeals through frequency, with no event marking the transition. Analytic practice is where the frequency accumulates, for reasons internal to how such practice works.

Analytic products are written to be used. They are circulated to those who will staff a process, briefed to those who will convene it, and consulted by those who will report on it.

A characterisation adopted in an early assessment enters the working vocabulary of everyone downstream of it.

Analytic products are also inherited. Successor missions consult predecessor assessments, later analyses cite earlier ones, and categories established for one purpose are carried into settings the original authors did not consider. The provisional status attached to a characterisation at its first use travels poorly, and what arrives at the third or fourth remove is the characterisation without the qualifications that accompanied it.

The result is that the deposits described in Chapter 7 are generated, in this domain, largely by analytic work. Those deposits are also what a later inquiry consults when it asks what the earlier condition of a relation was, which gives the evidential difficulty of that chapter a particular form here: the record available for establishing the earlier state was produced by the same practice whose effects are under examination.

14.5 ANALYSIS AND THE GOVERNANCE OF ITS OWN REVIEW

A further consequence follows from the two-layer structure set out in Chapter 7, and it bears on arrangements for revision.

An analysis specifies what will count as evidence about the conflict. It identifies the actors whose conduct is to be tracked, the events that will register as significant, and the indicators by which a process will be judged to be advancing. A monitoring arrangement built upon it inherits those specifications. Reports are compiled in the analytic categories, exceptions are recorded as exceptions to them, and revisions are framed as adjustments within them.

An analysis therefore tends to govern the procedures by which it might be examined. Provision for periodic review addresses the content of the analysis and operates through the rules of reading the analysis established, which is the divergence between procedural revisability and practical refutability noted in Chapter 7 and developed for institutional design in Chapter 59.

14.6 THE DEMAND FOR PREDICTION AND THE PRODUCTION OF TYPES

A connection between two matters treated separately in the literature can now be made, and it is the principal contribution of this chapter.

Conflict analysis is conventionally assigned the task of establishing how a situation will develop, so that intervention may be planned against the expected course. Adaptive mediation objects to this assignment on grounds internal to complexity theory: social systems of the relevant kind are emergent and non-linear, their development is not reproducible, and an analysis that purports to establish a causal sequence from conflict to settlement claims more than the subject matter permits. The objection is epistemic, and it concerns what analysis can know.

The present account adds a second consequence of the same demand, and this one concerns what analysis does.

Prediction requires stable types. To establish how a situation will develop, an analysis must identify what kind of situation it is and what kind of actors are present, and it must treat those kinds as holding steady across the interval for which the prediction is offered. Stability of this sort is exactly what the passage described in Chapter 7 produces: a characterisation that ceases to abbreviate a description and comes to state what a party is. The demand for prediction therefore exerts pressure toward the congealing of the categories in which the prediction is framed.

Two claims follow, and they are worth separating.

The weaker claim is that the epistemic objection and the relational objection reinforce one another. An analysis that cannot deliver what is asked of it produces, in the attempt, categories that harden. Abandoning the demand for prediction relieves both difficulties at once.

The stronger claim concerns the direction of the effect. The pressure toward hardened categories arises from the demand placed upon analysis in place of any failure of analytic craft, so improvements in method, evidence, and rigour operate on something other than the source. An analysis of exemplary quality, produced in response to a demand for reliable projection, is under the same pressure as a poor one. This claim is stronger and is offered for examination.

14.7 THE TERMS ON WHICH ANALYSIS CONTINUES

Nothing in the foregoing supports the abandonment of analysis. An intervener acts under a description, a party with no characterisation of the situation has no basis for choosing among available actions, and the four channels of Chapter 12 operate whether or not an analytic product is written.

The question that remains concerns the terms on which characterisations are held, and this book's answer is stated in the form used throughout. A characterisation is compatible with the criterion of Chapter 7 where the party characterised retains the position from which the characterisation may be refused, and where refutation offered from that position is capable of being received as refutation. The requirement bears on the arrangements surrounding an analysis: on whether parties see the characterisations applied to them, on whether a party's objection to a designation is recorded in the same instrument that carries the designation, and on whether the categories a monitoring arrangement uses can be displaced by what monitoring finds.

Chapter 38 examines which characterisations are too consequential to act upon before they can be examined. Chapter 41 treats the timing of naming and the case for withholding it. Chapter 39 gives the conditions an intervener holds while a situation remains undiagnosed. Part IX develops the institutional forms these requirements would take.

14.8 SUMMARY OF RESULTS

Conflict analysis assigns names to the conflict, to the parties, and to the relations among them, and the assignments determine what is subsequently discussed, funded, and assessed.

Analytic practice is where the frequency that congeals a name accumulates, since analytic products circulate, are inherited, and travel apart from the qualifications attached to them at first use.

An analysis specifies what will count as evidence concerning it, so arrangements for its review tend to operate through the categories under review.

The demand that analysis deliver projection exerts pressure toward hardened categories, which links the epistemic objection raised within adaptive mediation to the relational mechanism developed in this book.

The requirement that follows bears on the arrangements surrounding analysis in place of the quality of the analytic work, and it is stated as a condition on the standing of those characterised.

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CHAPTER 15

THE ELIMINABILITY OF THE MEDIATOR

15.1 NECESSITY AND INSTITUTIONAL CONFIGURATION

The three preceding chapters described a position: occupied within the relational field, sustained by a presumption held by the parties, and productive of effects its occupant cannot dissolve by declining them. Chapter 13 concluded that the remaining questions concern the position itself.

The first of those questions is whether the theory requires it. A mediator appears in accounts of peace processes as a fixture, and the appearance admits of two readings. On the first, a third party holds a place the structure of conflict resolution requires, so that a process lacking one is defective in a specifiable way. On the second, a mediator is an institutional configuration: an arrangement adopted widely, performing identifiable functions, and standing in the same relation to those functions as any other arrangement that might perform them.

This chapter argues for the second reading and states how far the argument reaches.

The chapter asks whether the theory requires a mediator, and it answers by examining the functions the figure performs. It proceeds from the reduction already under way within adaptive mediation to an enumeration of the functions and their transferability, states what the conditions of Part II require of a process, records arrangements in which the third party is reduced or absent, examines the limit at which the parties hold every function, and closes by stating how far the argument reaches.

15.2 THE REDUCTION ALREADY UNDER WAY

The programme this book engages has moved a considerable distance toward the second reading from within its own premises, and the movement deserves recognition before the argument proceeds.

Classical practice assigned to the mediator the shaping of an agreement's content, on the basis of accumulated professional judgement about what agreements of the relevant kind should contain. Adaptive mediation withdraws that assignment, holding that content should

emerge from the parties and that agreements reflecting the expectations of mediators tend to be ones in which the parties fail to recognise their own concerns.

The role that remains is process facilitation. The mediator's work is to sustain conditions under which the parties can organise themselves, and the standard by which the work is judged is the self-sustainability of what the parties reach.

A further reduction appears in the programme's case material. Where external involvement is identified as having disrupted the parties' capacity to organise themselves, the contribution attributed to a well-conducted third party comes to include protecting the process from other external parties. The contribution is then described in terms of what is kept away from the parties.

Each step narrows what the third party supplies. The extrapolation of the sequence reaches a limit at which the contribution is a position held open, with nothing passed through it. Whether that limit is attainable is a separate question, taken up in Chapter 17. Its availability as a limit is what this section establishes.

15.3 THE FUNCTIONS AND THEIR DISTRIBUTION

The question of eliminability is best approached through the functions a mediator performs, since a process requires functions and the arrangement is what is at issue.

Eight may be distinguished. A mediator convenes, determining who is present. A mediator carries communication between parties who will not meet. A mediator formulates proposals the parties are unwilling to author. A mediator supplies a guarantee, underwriting what is agreed. A mediator confers recognition, since being treated as a party to a mediated process is itself a form of standing. A mediator supplies resources, including premises, time, and expertise. A mediator holds the record. And a mediator supplies a position from which the situation is described, which Chapter 14 examined.

These functions differ in character. Some are logistical and transfer readily to any body capable of performing them. Some, notably guarantee and recognition, depend on the standing of the party performing them and transfer only to parties holding comparable standing. And some, notably the last, are performed by whoever occupies the position, so the question of transfer becomes a question of who occupies it.

The functions are also separable, and in practice they are frequently separated. Convening, guarantee, and facilitation are routinely held by different bodies, and processes in which a regional organisation convenes, a state underwrites, and an individual facilitates are common. The bundling of the functions in a single figure is a feature of certain arrangements and holds across them unevenly.

15.4 THE REQUIREMENTS THE THEORY PLACES ON A PROCESS

The account developed in Part II applies to the question directly.

What the theory requires of a process is stated in the terms of Chapter 4 and Chapter 7. It requires that difference continue to be posited and returned, so that the asymmetry generation produces is met by movement in the opposite direction. It requires that a party retain the position from which a characterisation applied to it may be refused, and that refutation offered from that position be capable of registering as refutation.

Neither requirement names a third party. Both are conditions on a relation, and a third party appears among the arrangements by which such conditions have been sustained, alongside others.

What the requirements do name is a position at which the rules of reading supplied by a congealed symbol fail to govern. Chapter 7 showed that a designation in that condition absorbs refutation offered within the order it organises, so a refutation capable of registering must issue from somewhere the designation's authority stops. The requirement is structural and definite. Chapter 16 examines whether a person can occupy such a position and reaches a qualified conclusion.

15.5 INSTANCES OF REDUCTION

Arrangements in which the third party is reduced or absent are documented, and three classes may be distinguished.

Direct dialogue between principals, supported by a small facilitating team whose public role is minimal, appears in the case material adaptive mediation draws on. The Mozambican process of 2013 to 2019 is presented in that literature as one in which the outcome emerged from exchanges between the parties, with facilitation conducted discreetly and agency attributed to the principals.

Insider mediation designates arrangements in which the mediating function is performed by parties belonging to the society in conflict and holding relationships with the sides. The Bangsamoro process in the southern Philippines is presented in that literature as a movement from external toward insider mediation, with trust built through relationships an outside party would require years to establish.

Locally constituted bodies, including peace committees and customary councils, perform mediating functions within communities and between them, frequently without reference to any external process and sometimes in parallel with one.

The three classes establish that arrangements departing substantially from the bundled figure are available and that some have produced durable outcomes. Their weight as evidence has limits, which Chapter 17 takes up together with the conditions under which such arrangements have been sustained.

15.6 THE LIMIT CASE

The limit of the sequence is a process in which the parties hold all the functions between them. Examining it yields a result that constrains what elimination accomplishes.

In such a process the four channels identified in Chapter 12 remain in operation. Someone determines who is present, which is convening. Someone sets the terms in which the matter is discussed, which is framing. Accounts are given to hearers whose responses have consequences, which is the addressee effect. And what is recorded outlasts the occasion, which is the record.

The channels are properties of a process, and their operation is independent of whether a third party is present. Removing the third party redistributes them among the parties in conflict.

The consequence is that elimination transforms the problem of Chapter 12 while leaving it in place. Where a third party holds the channels, the participation is concentrated in a position that can be identified, addressed, and held to account. Where the parties hold them, the participation is distributed and is exercised by parties standing in a relation of conflict to one another. Whether a distributed arrangement preserves the conditions the theory requires is a question its form leaves open, and Chapter 17 argues that distribution and contestability are independent of one another.

15.7 THE REACH OF THE ARGUMENT

The argument of this chapter reaches a specific conclusion and stops there.

The argument establishes that a mediator is an institutional configuration, that the functions attributed to the figure are separable and are separated in practice, and that the conditions the theory places on a process can be stated without reference to a third party. It establishes accordingly that the presence of a mediator stands in need of justification in a given case, and that the justification is owed in terms of the functions performed and the conditions preserved.

Three matters lie beyond it and are taken up where they belong.

Whether a person can occupy the position at which a congealed designation's authority stops is examined in Chapter 16, and the conclusion reached there qualifies the present one.

Whether present conditions permit arrangements of the reduced kind, and what obstructs them, is examined in Chapter 17, which treats the matter as unresolved.

Whether a relational system in a certain condition can reach the conditions the theory requires through its own operation is examined in Chapter 19, which identifies an interval in which the answer appears to be negative. That chapter stands in tension with this one, and the tension is examined there.

CHAPTER 16

THE THIRD AND ITS WEAK FORM

16.1 THE REQUIREMENT RESTATED

Chapter 15 concluded that the conditions the theory places on a process name no third party, and that they do name a position: one at which the rules of reading supplied by a congealed designation fail to govern. This chapter examines what can occupy such a position.

The requirement arises from the structure set out in Chapter 7. A congealed designation carries a rule for reading evidence about itself, and the rule operates before evidence arrives. Refutation offered within the order the designation organises is read under that rule and returns as confirmation. A refutation capable of registering must therefore issue from a location the designation's authority fails to reach.

16.2 THE CRITERION FOR A THIRD

A location at which a congealed designation's rules of reading fail to govern is specified by two conditions.

The first is that it fails to obey the designation's rules of reading. What occurs there is settled by processes indifferent to how the parties have characterised one another.

The second is that its verdict lies beyond the designation's authority to overrule. The outcome stands as it stands, and a party may describe it afterward without altering it.

Certain situations satisfy both conditions plainly. A river rises or recedes. Sandbags placed correctly hold and sandbags placed incorrectly fail, and the water is indifferent to which party placed them. A contagion is contained or spreads. A season's planting yields or fails. An injured child is carried to care in time or is not.

Situations of this class furnish what this book calls a third. The term denotes a matter the parties face together whose outcome neither party's designations determine.

16.3 THE OPERATION OF A SHARED PRACTICAL MATTER

The effect a shared practical matter produces is accounted for by three features, each of them introduced in Chapter 7.

A designation retains its interpretive authority over such a situation after the fact. A party may attribute a success to its own contribution, or attribute a failure to the other's obstruction. What the designation cannot do is determine the outcome in advance, and the outcome arrives whatever has been said about it.

A designation exercises no authority over the terms on which the parties must approach the task while it is under way. The sandbag must be placed where the water requires, and the requirement is stated by the water. The mode of contact is set by the situation, which removes from the designation the control over approach that Chapter 7 identified as the engine of the self-confirming loop.

What occurs between the parties in the course of such a task falls outside the grammar of a binary designation, which has terms for what one party did to the other and lacks terms for what the parties did together with respect to a third matter. The occurrences accumulate without registering in the order that would otherwise absorb them, and the accumulation requires no party to revise a belief in advance.

16.4 THE PERSON AS THIRD

Interveners are commonly described as third parties, and the description invites the supposition that a person can occupy the position specified above. The supposition requires examination, and the conclusion reached here is qualified.

Consider the two conditions applied to a human third.

The first condition holds contingently. A person may decline to read a party's conduct under the designations in circulation, and interveners of skill and experience do so. The declining is an achievement of the person, and it holds so long as the person sustains it.

The second condition fails structurally, and the reason is worth stating precisely. A verdict issued by a person reaches the parties as the verdict of that person, and a party who declines it has an option available that no party has with respect to a river. The verdict may be met by a re-description of the one who issued it: as partial, as serving the other side, as advancing an agenda, as insufficiently informed about matters the party knows better. The designation the party holds extends to cover the third, and once the third has been assigned a place within the binary, everything the third says is available for reading under the rule that assignment supplies.

The result may be stated as a proposition, and it is offered for testing:

Proposition. *The strength of a third varies inversely with the extent to which its verdicts*

reach the parties through its own standing. A river's verdict is unmediated by the river's standing. A person's verdict consists in that person's standing.

The weakness of a human occupant is what the chapter's title records. A person can occupy the position of the third, and occupies it in a weak form, because the mechanism by which the position does its work is the very mechanism a human occupant lacks.

16.5 A STRUCTURAL ACCOUNT OF A PRACTICAL COMPLAINT

The proposition on the strength of a third explains a phenomenon the mediation literature treats under a different description.

Accusations of partiality against mediators are pervasive, and they are commonly treated as a hazard of the profession, to be managed through norms of impartiality, transparency about process decisions, balanced composition of teams, and care in the handling of contacts. Such measures are sound and this book supports them.

On the account given here the accusations are structurally generated. Where a designation has congealed, the order it organises assigns positions, and a party whose verdicts bear on the conflict will be assigned one. The assignment requires no bad faith on the part of those who make it and no misconduct on the part of the intervener. It follows from the operation of a binary grammar upon a party who has entered its field.

Two consequences follow, and they can be examined.

Measures directed at the conduct of interveners will reduce the incidence of such accusations and will leave the mechanism in place, since the mechanism operates on the position and the measures operate on the occupant.

The measures will fail selectively. They will work least well in exactly the cases where the designation has congealed most thoroughly, since it is there that the grammar assigning positions is most firmly established. A field in which impartiality measures succeed in easy cases and fail in hard ones is what this account predicts, and an observation of the reverse pattern would count against it.

16.6 THE ARRANGEMENTS THAT STRENGTHEN A HUMAN THIRD

The proposition admits of degrees, and these supply guidance in the constraint form used throughout this book.

A human third is strengthened where its verdicts are anchored in outcomes the parties can check independently of the third's standing. Verification arrangements with physical referents, monitoring whose findings the parties can confirm by their own means, and technical functions whose success is visible without reference to the verifier's account all have

this character. What the parties are asked to accept is an outcome available to them, and the third's standing becomes correspondingly less load-bearing.

A human third is strengthened where its contribution produces results the designation lacks the terms to re-describe. Restoration of a service, safe passage delivered, water supplied, an exchange of remains completed: results of this class stand as they stand, and a party who wishes to re-describe the third must re-describe an outcome its own constituents can observe.

A human third is strengthened where several thirds operate and their camp assignments fail to coincide. A party may assign one third to the opposing camp, and the assignment is more difficult to sustain across parties who differ from one another in provenance, in relationship to the sides, and in the functions they perform. This is the point at which the analysis meets the arrangements examined in Chapter 17, and the connection is developed there.

Each of these strengthens by reducing the share of the third's work that passes through its standing. The proposition above states the principle behind all three.

16.7 THE LIMITS OF THE SHARED THIRD

The account of the shared third given above carries three limits, entered here.

The mechanism requires that a third matter exist. Where the concerns the parties might face together have been removed, the passage described in this chapter is unavailable. The removal of such concerns is among the means available to parties in conflict, and its effect on the possibility of settlement is severe.

The mechanism requires that the shared matter be approached on the terms the matter sets. Where a task the parties might have faced together is characterised in advance as a step in a peace process, the characterisation returns it to the field the designations govern, and a party's participation becomes a concession within that field. Chapter 41 develops the restraint this implies.

The mechanism operates by accumulation, and accumulation takes time. The intervals over which the shared facing of a third matter alters what is possible between parties are long, and Part VIII takes up decisions in which the interval available is short.

16.8 SUMMARY OF RESULTS

The position the theory requires is specified by two conditions: independence from the designations' rules of reading, and a verdict beyond their authority to overrule.

Certain shared practical matters satisfy both, and they do so because their outcomes are settled by processes indifferent to how the parties characterise one another.

A person satisfies the first condition contingently and the second structurally poorly, since a person's verdict reaches the parties through that person's standing, which the designations

can reach.

The pervasiveness of partiality accusations follows from this, and the account predicts that measures addressed to the conduct of interveners will fail selectively in the most degenerated cases.

A human third is strengthened by arrangements that reduce the share of its work passing through its standing, and three classes of such arrangement can be identified.

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CHAPTER 17

THE DECENTERING OF MEDIATION

17.1 THE QUESTION AND ITS DISTINCTION FROM THE PRECEDING ONE

Chapter 15 asked whether the theory requires a mediator and answered that it does not. The question was analytic, and its answer concerned what the conditions on a relation name.

The question of this chapter is historical. Practice contains a tendency away from the bundled figure and toward arrangements in which mediating functions are held by several parties, and the tendency invites an assessment of how far it can be carried under conditions now obtaining. The two questions come apart, and running them together produces a claim the material fails to support. A function that a theory can state without naming a third party may still be one that present arrangements supply only through a third party.

The chapter is written as an examination of an open problem. It sets out the tendency, the obstacles, a distinction the framework of this book contributes, and a reformulation of the question that appears more tractable than the one usually posed.

The chapter closes Part IV on a question the account leaves open, and it is written as an examination of that question. It sets out the tendency in practice, the considerations that sustain concentrated arrangements against it, and a distinction the framework contributes; it then states the tension between this chapter and Chapter 19, reformulates the question in a form that admits of investigation, and closes by stating what the chapter establishes and what it leaves unresolved.

17.2 THE TENDENCY TOWARD POLYCENTRIC ARRANGEMENTS

Several developments in practice point in the same direction.

Insider mediation designates arrangements in which the mediating work is performed by parties belonging to the society in conflict. The tradition includes the concept of the insider-partial, a mediator whose acceptability derives from relationships with one or more sides and from a stake in the outcome, which inverts the assumption that distance qualifies a party to mediate.

Infrastructures for peace designates arrangements in which mediating capacity is established at several levels of a society and maintained between episodes of conflict. Local peace committees, district-level councils, and standing dialogue bodies belong to this class, and their distinguishing feature is that mediating capacity resides in a structure in place of a visiting party.

Multi-track arrangements distribute functions across official processes, unofficial dialogues, religious bodies, professional associations, and community organisations, with each track carrying material the others cannot.

Regional organisations have assumed convening and guarantee functions in settings where those functions were previously supplied from further afield.

The accurate term for the resulting shape is polycentric. What these arrangements establish is a field with several centres, each holding some of the functions enumerated in Chapter 15, and the vocabulary of decentralisation misdescribes them by suggesting the removal of centres as such.

17.3 THE CONSIDERATIONS SUSTAINING A CENTRE

The persistence of concentrated mediating arrangements is sustained by four considerations, offered as candidates without a ranking among them.

Convening at scale consumes resources. Premises, security, interpretation, sustained staff time, and the capacity to keep a process running across years are supplied by bodies that possess them, and possession is unevenly distributed.

Guarantee requires an underwriter. An agreement that provides for sequenced performance requires some party capable of bearing the consequences of default, and the capacity to bear such consequences belongs to a small number of actors. The function is among the least readily distributed of those identified in Chapter 15.

The international order recognises addressable counterparts. Recognition, funding, observer status, and the treatment of an agreement as an instrument all operate through identifiable entities, and an arrangement lacking an address encounters difficulty at each of these points.

The analysis of Chapter 16 qualifies what plurality achieves. That chapter held that plural thirds strengthen a process where their camp assignments fail to coincide. Where a field is thoroughly polarised, assignments tend to coincide: a body's provenance, its funding, its personnel, and its prior conduct supply the material by which it is placed, and several bodies drawn from similar provenance are placed together. Plurality of thirds strengthens contestation conditionally, and the condition is one that degeneration itself works against.

17.4 DISTRIBUTION AND CONTESTABILITY

The framework of this book contributes a distinction that the literature on decentering has treated less systematically, and it constrains what the tendency can be expected to accomplish.

The criterion applied throughout this book concerns whether a party retains the position from which a characterisation applied to it may be refused. That criterion is independent of how many parties hold the power to characterise.

A distributed arrangement may distribute the naming power while leaving it uncontestable. Where several bodies at several levels each apply designations, and where a party subject to them has no position from which any of the designations may be refused, the conditions this book identifies fail in the same way they fail under a single authority, and they fail against a larger number of authorities. A party may find that objection to a designation issued at one level is met by its reappearance at another, and that the diffusion of the authority has diffused the address to which an objection might be made.

A second consideration bears on how distributed arrangements are populated. Participation in processes of this kind is costly in time, in organisation, and in the forms of literacy such processes employ. Where those costs fall unevenly, the parties who populate the distributed arrangement are those able to bear them, and an arrangement described as locally generated may reproduce the distribution of capacity that preceded it. The description of an outcome as emergent supplies no information about whose capacities produced it.

The conclusion is that distribution and contestability vary independently. An arrangement may be highly distributed and closed to refutation, and a concentrated arrangement may be open to it. Assessment of a decentered arrangement accordingly requires the same examination as any other, conducted at each of the sites among which the functions have been distributed.

17.5 THE TENSION WITH THE INTERVAL OF FAILURE

Chapter 19 identifies an interval in which a relational system appears unable to reach, through its own operation, the conditions this book identifies. The reasoning is given there and rests on the account of congealed designations in Chapter 7: a designation that absorbs refutation offered within the order it organises resists correction by parties operating inside that order.

The tension with the present chapter should be stated plainly. Arrangements of the distributed kind rest on capacities held within the society in conflict: standing relationships across the sides, bodies whose findings the sides accept, and forms of address that survive the conflict. These are among the capacities that degeneration consumes. The tendency described in this chapter is therefore most available in settings where it is least needed, and least available in the settings that most require it.

The unavailability of the tendency where it is most required is the second appearance of

a pattern that recurs in this book, and Chapter 71 gathers its instances and treats the pattern itself as a finding.

17.6 THE QUESTION REFORMULATED

The question with which practice usually approaches this material asks whether mediation can dispense with a centre. The material assembled above suggests a formulation that admits of investigation:

Question. *Under what conditions does a distributed mediating arrangement retain the contestability of the designations it produces?*

Several conditions present themselves as candidates, and each is stated so that its presence or absence in a given arrangement could be established.

A party subject to a designation holds an identifiable address at which objection may be lodged, and the address holds across the sites among which functions are distributed.

An objection lodged at one site is recorded in the instruments used at the others, so that the diffusion of authority is met by a corresponding circulation of objection.

The bodies performing mediating functions differ from one another in provenance sufficiently that their camp assignments fail to coincide, which Chapter 16 identified as the condition under which plurality strengthens a process.

Participation in the arrangement is available on terms that leave aside the capacities the conflict has distributed unevenly.

The arrangement's characterisations of parties can be displaced by what the arrangement subsequently observes, which is the requirement Chapter 14 placed on analysis and which applies at each site.

17.7 THE STANDING OF THIS CHAPTER

The chapter closes Part IV in an unresolved state, and the resolution belongs to research this book does not undertake.

What the chapter establishes is that the tendency exists and is documented; that four identifiable considerations sustain concentrated arrangements, one of which follows from the analysis of the preceding chapter; that distribution and contestability vary independently, so the tendency carries no guarantee with respect to the conditions this book identifies; and that the question admits of a formulation whose candidate conditions can be examined in particular arrangements.

Part V proceeds from here to the concept this book proposes, and Chapter 18 begins by stating what the concept retains from the programme it extends.

PART V

GENERATIVE RELATIONAL PEACEKEEPING AND THE CRITERION OF STANDING

Draft

CHAPTER 18

THE INHERITANCE FROM ADAPTIVE MEDIATION

18.1 THE PURPOSE OF THIS CHAPTER

The concept this part proposes stands within a programme whose premises it adopts. Stating the adoption before the proposal serves a purpose beyond courtesy. A concept introduced into a field is read against the accounts already present, and a reader who encounters generative relational peacekeeping without knowing what it retains will supply the missing information by assuming a rivalry. The assumption would misdescribe the argument and would obscure the places where a genuine divergence occurs, which are few and specific.

This chapter states what is retained, maps the programme's operational components onto the chapters that treat them, states the narrowing this book performs, and identifies the points of divergence together with the chapters where each is argued.

The chapter opens Part V by fixing the relation between this book and the programme it extends. It proceeds by stating the premises adopted, the empirical method adopted with them, and the correspondence between the programme's operational components and this book's divisions; it then states the narrowing this book performs, the standing on which its proposal is offered, and the four points at which the two accounts diverge.

18.2 THE PREMISES RETAINED

This book adopts seven positions from adaptive mediation and carries them unaltered.

Conflict-affected societies are treated as complex systems (de Coning, 2018; de Coning et al., 2023), whose development is emergent, non-linear, and irreproducible. Chapter 4 works within this treatment and adds the criticality condition to it.

The consequence drawn from that treatment is accepted: a causal sequence leading from conflict to settlement cannot be specified in advance, and models that specify one claim more than the subject matter supports.

The content of agreements should emerge from the parties. This book supplies an additional reason for the position, developed in Chapter 14, concerning what the external supply of content does to the categories in which a conflict is subsequently discussed.

Intervention proceeds by learning and adaptation across a process. Part VII adopts this and takes up the question of what an intervener may act upon while learning remains incomplete.

The mediator's role is confined to process facilitation. Chapters 15 and 16 extend the reasoning behind this confinement and reach conclusions the programme has approached from its own direction.

Self-organisation among the parties is treated as the condition on which durable outcomes rest. Chapter 19 accepts this and examines an interval in which it is unavailable.

External interference is identified as a principal hazard to a process. Chapter 12 generalises the identification by placing the intervener within the field, so that the hazard becomes a property of position in place of a property of other parties.

18.3 THE EMPIRICAL PROGRAMME

The programme's method is also adopted. A conceptual proposal is stated and then examined against conflict settings that differ in their structure, their duration, and the character of the external involvement they attracted. The four cases assembled in the 2022 volume (de Coning et al., 2022), drawn from Colombia, Mozambique, the Philippines, and Syria, were selected on that principle.

Chapter 69 re-examines those cases in the terms this book develops, and the exercise is conducted as the programme conducts it: the concept is stated first, the material is examined against it, and the points at which the concept would be shown wrong are named.

18.4 THE OPERATIONAL COMPONENTS

The programme identifies a set of components through which mediation is conducted: conflict analysis, planning, the facilitation of a self-organising process, management and coordination, evaluation, and the ethics of mediation. The components supply a convenient map of this book's contents, and the correspondence is worth setting out, since it shows the argument to be organised against the programme's own divisions.

Conflict analysis is treated in Chapter 14, which examines what an analysis does in addition to what it establishes, and in Chapter 38, which takes up which characterisations may be acted upon before they can be examined.

Planning under conditions of unpredictability is treated in Part VIII, where the distinction between regimes of decision replaces a single account of how intervention should proceed.

The facilitation of a self-organising process is treated in Chapter 19, which examines the conditions under which self-organisation is available.

Management and coordination are treated in Chapter 68, in connection with the governance arrangements the account implies.

Evaluation is treated in Part VI, which takes the assessment of relational states as its principal subject and examines what such assessment can establish.

The ethics of mediation is treated in Part X, which develops the principles this account rests on, and in Part IX, which gives them institutional and procedural form.

18.5 THE NARROWING TO MECHANISMS OF DEGENERATION

The inheritance set out above is accompanied by a narrowing, and this book takes a narrower object than the programme it extends.

Adaptive mediation gives an account of how intervention should proceed under conditions of uncertainty. Its subject is the conduct of the intervener, and its achievement is a defensible account of adaptation where prediction is unavailable.

The subject of this book is the relation. It asks by what mechanisms relations degenerate, by what mechanisms degeneration is forestalled, and what an intervener must attend to on that account. The gap it addresses may be stated in one sentence: adaptive mediation supplies an account of how an intervener should adapt, and the question of which relational properties the adapting intervener must attend to has received less attention within it.

The narrowing has a consequence worth marking. Much of what this book contributes takes the form of constraints on intervention: conditions to be preserved, recognitions to be withheld from immediate action, designations to be deferred. Constraints of this kind bear on the conduct adaptive mediation describes without displacing the description.

18.6 THE STANDING OF THE PROPOSAL

The relation between this book and the programme it engages is one of complement.

The premises of Part II are compatible with the programme's premises, the account of the intervener's position in Part IV extends reasoning the programme has already begun, and the components enumerated above are treated in the divisions the programme itself uses. The argument operates inside the programme, and its conclusions are offered for adoption within it.

A stronger claim is available and is set aside. It would hold that the account developed here supplies the epistemological foundation the programme lacks, on the ground that questions about the intervener's position are prior to questions about the intervener's conduct. A claim of that form carries a burden this book has chosen not to take up, since it would require showing where the programme goes wrong in the absence of such a foundation, and the argument assembled here shows something different: that a set of questions the programme leaves open can be answered in terms its own premises supply.

18.7 THE POINTS OF DIVERGENCE

This book diverges from adaptive mediation at four points, and each is argued where it belongs.

Chapter 19 identifies an interval in which self-organisation appears unavailable, which bears on the scope within which the programme's central mechanism operates.

Chapter 16 concludes that a human third occupies its position in a weak form, which qualifies what may be expected of a facilitating party and predicts a selective pattern of failure in measures addressed to impartiality.

Chapter 41 argues for withholding the naming of certain cooperative undertakings, which stands in tension with practices that identify such undertakings as components of a peace process at the point of their establishment.

Chapter 14 argues that the demand for projection exerts pressure toward hardened categories, which extends the programme's epistemic objection to conflict analysis into a claim about what analysis does.

Each of these is stated as a boundary condition or an extension, and each is formulated so that its rejection would leave the remainder of the argument standing.

18.8 SUMMARY OF RESULTS

The premises of adaptive mediation are adopted, and the argument of this book proceeds within them.

The programme's operational components map onto this book's divisions, which locates the contribution within the practice the programme describes.

The narrowing is to the mechanisms of relational degeneration, and the gap addressed concerns which relational properties an adapting intervener attends to.

The standing of the proposal is complementary, and the stronger foundational claim is set aside together with the burden it would carry.

Four divergences arise, each argued in its own chapter and each formulated to be separable from the rest.

CHAPTER 19

THE INTERVAL OF FAILURE IN SELF-ORGANISATION

19.1 THE POSITION UNDER EXAMINATION

Adaptive mediation places self-organisation at the centre of its account. Durable settlements are held to rest on a process the parties conduct themselves, the mediator's contribution is confined to sustaining the conditions of such a process, and the emergence of self-organising activity among the parties is treated as the precursor of a self-sustainable peace.

Chapter 18 adopted this position. The present chapter examines its availability, and reaches a boundary condition: the mechanism operates on one of the two dimensions distinguished in Chapter 4 and becomes unavailable on the other. The boundary is stated as a claim about scope, and its effect is to specify where the programme's central mechanism can be relied upon.

The chapter examines the availability of the mechanism on which adaptive mediation relies, and reaches a boundary condition upon it. It proceeds by setting out what self-organisation presupposes, arguing in four steps that one presupposition fails under a congealed designation, stating the resulting boundary in terms of the two dimensions, acknowledging the difficulty the boundary creates for external contribution, and closing on the resource that survives within the interval.

19.2 THE REQUIREMENTS OF SELF-ORGANISATION

Any process in which parties generate a settlement between themselves presupposes three requirements.

The parties must be able to posit and return difference. A process in which each side issues positions and receives compliance or refusal reproduces an arrangement, and the generation of something the parties had not brought with them requires that what each offers alter what the other subsequently offers.

The parties must be able to generate a shared characterisation of the situation sufficient for an agreement to have a subject. The characterisation need not be agreed in its entirety, and the

requirement is that some description exist under which both parties recognise what is being settled.

Refutation must register. A party who denies a characterisation applied to it, and who offers grounds, must be capable of being heard to have offered grounds. Where the denial is received as a further instance of what it denies, the exchange returns the characterisation strengthened.

Each requirement concerns the relational dimension. Each states a condition on whether difference is posited and returned between the parties, and the third states it in the form the criterion of Chapter 7 employs.

19.3 THE ARGUMENT FOR AN INTERVAL

The argument for an interval in which self-organisation is unavailable proceeds in four steps.

A congealed designation carries a rule for reading evidence concerning it, and the rule operates before evidence arrives. This was established in Chapter 7.

Refutation offered within the order such a designation organises is read under that rule, and returns as confirmation. This is the criterion by which a congealed designation is identified.

A self-organising process among the parties operates within that order. The parties address one another in the terms available to them, and the terms available are those the order supplies. A process of this kind therefore encounters the designation from the inside.

The third requirement above accordingly fails. In a field where designations have congealed, the parties' own exchanges cannot correct the designations, since every correction offered is received under the rule the designation supplies.

The conclusion is that self-organisation is unavailable in precisely the condition that the congealing of designations produces, and that the unavailability follows from the mechanism of congealing, and holds whatever the parties' willingness or capacity.

19.4 THE BOUNDARY STATED PRECISELY

The distinction of Chapter 4 allows the boundary to be stated with more precision than a general caution would afford.

Where a relation has degenerated on the generative dimension, the parties retain the capacity to posit and return difference, and what has failed is the production of anything upon that capacity. Conditions are absent: a channel, an occasion, a guarantee of safety, a reason to move first. Supplying conditions restores the process, and the restoration alters no one, since the capacity was waiting. The confidence adaptive mediation places in self-organisation is warranted in this class of case, and the programme's account of facilitation describes exactly what supplying such conditions involves.

Where a relation has degenerated on the relational dimension, the capacity itself is what has failed. Conditions supplied to such a relation are received under the fixed arrangement, and the process they enable reproduces it. Facilitation of the kind the programme describes operates upon conditions, and conditions are not what is missing.

The boundary is therefore a boundary between dimensions of degeneration. It is stated here as a scope condition on a mechanism, and it leaves the mechanism intact within its scope.

Chapter 69 examines the four cases of the 2022 volume in these terms. The examination finds one case in which the dimension of degeneration resists determination from outside, and treats that finding as bearing on the assessment problem of Part VI in place of a verdict on the case.

19.5 THE DIFFICULTY THIS CREATES

The boundary generates a difficulty this book does not dissolve, and stating it plainly serves better than an arrangement of the argument that conceals it.

Where self-organisation is unavailable, the natural inference is that something must come from outside. Two results already established bear against the inference in the form it usually takes.

Chapter 12 placed the intervener within the relational field, so a party arriving from outside enters the field and participates in it. The exteriority on which the inference relies is unavailable in the sense the inference requires.

Chapter 16 established that a person occupies the position of a third in a weak form, since a person's verdict reaches the parties through that person's standing, which the designations can reach. An external party who offers a corrected characterisation offers it as that party's characterisation, and a field in which designations have congealed possesses the resources to place it.

The difficulty is accordingly sharp. The condition that makes external contribution most necessary is the condition that makes the ordinary forms of external contribution least effective.

19.6 THE RESOURCE SURVIVING IN THE INTERVAL

One resource survives the difficulty, and it was identified in Chapter 16.

Situations whose outcomes are settled by processes indifferent to the parties' characterisations of one another lie beyond the reach of the rules of reading. Their verdicts arrive without passing through any party's standing, and the terms on which the parties must approach them are set by the situations themselves. Within the interval described above, occurrences of this class are among the few that accumulate without being absorbed.

The survival of such matters reframes what an external party may usefully attempt in the interval. The contribution available is the constitution of, and the protection of access to, matters of this class: the joint governance of a resource on which both sides depend, a response to contagion, the restoration of a service, the passage of persons whose movement both sides require. What such an intervener supplies is an occasion whose verdict the intervener does not issue.

Three qualifications belong with the proposal, and all were established earlier. Such matters must exist, and their removal is available to parties in conflict. They must be approached on the terms they set, which Chapter 41 develops into a restraint on naming. And their effect operates by accumulation over intervals that Part VIII shows to be longer than those available under pressure.

19.7 THE RECURRING PATTERN

The boundary just stated is the third appearance of a pattern that has arisen in different material.

Chapter 15 established the theoretical dispensability of the mediator, and Chapter 17 found the distributed arrangements that would realise it least available in the settings that most require them. The present chapter finds the mechanism on which adaptive mediation relies unavailable in the condition that most requires a mechanism. Chapter 61 will find the bottom-up generation of a normative order obstructed by conditions that the same degeneration produces.

The pattern may be stated in one sentence: the capacities on which these accounts rely are consumed by the process they are called upon to address. Chapter 71 gathers the instances and treats the pattern as a finding in place of a series of concessions.

19.8 SUMMARY OF RESULTS

Self-organisation presupposes three requirements, each concerning the relational dimension.

A congealed designation defeats the third of them, since correction offered within the order the designation organises returns as confirmation.

The resulting boundary falls between the two dimensions of degeneration: the mechanism adaptive mediation relies upon operates where degeneration is on the generative dimension, and becomes unavailable where it is on the relational one.

The ordinary forms of external contribution encounter the two results of Part IV, so the difficulty the boundary creates resists resolution by the addition of an outside party.

What survives within the interval is the class of shared practical matters whose verdicts are issued by processes the designations cannot reach, together with the three qualifications that class carries.

CHAPTER 20

PLACEMENT AMONG THE PEACE OPERATIONS CONCEPTS

20.1 THE DIFFICULTY OF THE NAME

A term compounded with peacekeeping enters a field where that word carries a settled technical sense. Readers trained in the vocabulary of peace operations will approach generative relational peacekeeping expecting a claim about deployed missions, and the expectation must be addressed before the concept can be stated.

The difficulty is genuine and this chapter takes it up directly: it sets out the established vocabulary, locates the account developed in this book within it, identifies what the compound is meant to carry, distinguishes the proposal from deployed operations, and states the alternatives considered together with the reasons they were set aside.

The chapter places the concept this book proposes within the vocabulary the field already uses, and defines it. It proceeds by setting out the established terms and their sources, locating the present account against them, stating what the compound in the term is meant to carry, distinguishing the proposal from deployed operations, giving the definition, recording the alternatives considered, and closing with a rule for the term's use throughout the book.

20.2 THE ESTABLISHED VOCABULARY

The tripartite division in general use originates in two sources.

Galtung distinguished peacekeeping, peacemaking, and peacebuilding in an essay published in 1976, introducing the third term for work addressed to the conditions that generate conflict.

The division entered institutional usage through *An Agenda for Peace*, with a further statement in the *Supplement* of 1995.¹ In that vocabulary, preventive diplomacy addresses disputes before violence; peacemaking designates efforts to bring hostile parties to agreement, principally through the peaceful means of Chapter VI of the Charter; peacekeeping designates

¹United Nations, *An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping*, Report of the Secretary-General, UN doc. A/47/277-S/24111, 17 June 1992; *Supplement to An Agenda for Peace*, UN doc. A/50/60-S/1995/1, 3 January 1995.

the deployment of a presence in the field, with the consent of the parties concerned; and post-conflict peacebuilding designates action to identify and support structures tending to strengthen peace.

The vocabulary was extended by the twin resolutions of 27 April 2016, which adopted the formulation of sustaining peace² and applied it across the conflict cycle, encompassing prevention, the addressing of root causes, and the continuation of work after violence has ended.

Mediation practice within this vocabulary is governed by the *Guidance for Effective Mediation*,³ whose fundamentals include preparedness, consent, impartiality, inclusivity, national ownership, adherence to international legal frameworks, and coherence and coordination among mediation efforts.

20.3 THE PLACEMENT OF THE PRESENT ACCOUNT

Measured against that vocabulary, the account developed in this book has an uneven placement, and the unevenness is what motivates the compound.

Its material is peacemaking. The processes examined are processes of mediation and negotiation, the literature engaged is the literature of mediation, and the practices at issue are those of parties seeking agreement.

Its concerns extend into peacebuilding and into sustaining peace. The mechanisms described in Part II operate across the conflict cycle, the degeneration of a relation proceeds before violence and after it, and the conditions this book identifies are as relevant to arrangements established after a settlement as to the settlement itself.

Its temporal shape resembles that of peacekeeping. This requires explanation, and it supplies the reason for the term.

20.4 THE TEMPORAL SHAPE THE COMPOUND RECORDS

Peacemaking, in the established sense, is organised around the reaching of an agreement. The activity has a completion, and the vocabulary marks the completion by passing the matter to another category.

The account developed in this book describes something with a different shape. Chapter 4 held that a system which continues to generate continues to produce asymmetry requiring absorption, so that no completed state is available on formal grounds concerning what generation does. The conditions this book identifies are therefore conditions to be maintained

²UN Security Council resolution 2282 (2016), UN doc. S/RES/2282, 27 April 2016; UN General Assembly resolution 70/262, UN doc. A/RES/70/262, 27 April 2016.

³Annexed to *Strengthening the Role of Mediation in the Peaceful Settlement of Disputes, Conflict Prevention and Resolution*, Report of the Secretary-General, UN doc. A/66/811, 25 June 2012.

continuously, and the signing of an agreement alters what maintenance involves without concluding it.

Continuous maintenance is the temporal shape the word keeping carries. That is what the compound is meant to record: an activity whose subject matter is peacemaking and whose form is maintenance without a terminus.

20.5 DISTINCTIONS FROM DEPLOYED OPERATIONS

The proposal differs from peacekeeping in the established sense on every point that defines the latter as a category of operation.

Deployment furnishes the defining feature of a peacekeeping operation. Personnel are placed in a territory, and the presence itself performs much of the work. The account developed here concerns conditions on a relation, and it applies to arrangements involving no deployment whatever, including processes conducted at a distance and processes conducted by parties resident in the society concerned.

Interposition, the physical separation of forces, has no counterpart in the present account, whose subject is the standing of parties within a symbolic and relational field.

Mandate is the instrument by which a peacekeeping operation is constituted and bounded. The conditions this book identifies bear upon interveners whether or not they hold a mandate, and Part IV argued that they bear upon anyone occupying the position, including parties whose involvement is informal.

Consent operates differently in the two cases. A peacekeeping operation is deployed with the consent of the parties concerned, and consent is a threshold for the operation's existence. The conditions treated here concern what a party retains throughout an engagement, which is a matter that arises after any threshold has been crossed.

20.6 THE TERM DEFINED

The concept may now be stated.

Definition. *Generative relational peacekeeping designates intervention in a relational field conducted under constraints on the standing of the parties: the continuous maintenance of the conditions under which a characterisation applied to a party may be refused by that party, and under which what a party generates bears upon the conditions of its own further generation.*

Three features of the definition are deliberate and are noted for later reference.

The definition is stated in conditions. What it specifies is what an intervention maintains, and the assessment of an intervention proceeds by examining whether the conditions were maintained.

The definition places the standing of parties at its centre, and Chapter 21 develops what standing consists in and why the normative work of this book is carried there.

The definition applies to the intervener as well as to the parties in conflict, since Part IV established that an intervener occupies a position within the field the definition describes.

20.7 ALTERNATIVES CONSIDERED

Three alternative terms to generative relational peacekeeping were available, and each was set aside.

Generative mediation would be narrower and would attach the concept to a figure whose dispensability Chapter 15 argues. The conditions stated above apply to arrangements in which no mediator appears, and a term naming the mediator would misdescribe that range.

Generative peacemaking would carry the material accurately and would import the orientation toward a completion that Section 4 identified as the feature the account departs from.

Generative peacebuilding would place the concept in the phase after violence and would stand adjacent to adaptive peacebuilding, with which it would be readily confused, since the two share premises and differ in object.

The compound adopted has a further recommendation. A search of the peace and conflict literature returns no established technical use of generative relational peacekeeping, generative peacebuilding, or generative peace, and the adjective in current use in adjacent writing refers predominantly to generative artificial intelligence. The field appears open, and the claim rests on an absence of evidence and is entered with the corresponding caution.

20.8 THE READING RULE FOR THE TERM

A reading rule serves better than repeated qualification.

Where generative relational peacekeeping appears, it denotes the practice defined in Section 6: intervention conducted under the stated constraints, in any arrangement, with or without deployment, with or without a third party, and at any point in a conflict cycle.

Where peacekeeping appears without the qualifier, it denotes the category defined in the documents cited in Section 2.

Where the argument bears on deployed operations, the bearing is stated explicitly, and Chapter 68 takes up the arrangements through which the conditions might be given institutional form.

20.9 SUMMARY OF RESULTS

The established vocabulary distinguishes peacemaking, peacekeeping, peacebuilding, and sustaining peace, and the sources of each are identifiable.

The account developed here takes its material from peacemaking, extends its concerns across the conflict cycle, and has the temporal shape of continuous maintenance.

The compound records that shape, and the proposal differs from deployed peacekeeping on deployment, interposition, mandate, and the operation of consent.

The concept is defined in terms of conditions on the standing of parties, applies to interveners as well as to parties in conflict, and is used throughout this book in that sense.

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CHAPTER 21

THE CRITERION OF STANDING

21.1 THE WORK DEFERRED TO THIS CHAPTER

Chapter 3 held that generativity functions in this book as the phenomenon the framework describes, and placed the normative work elsewhere. Chapter 7 set out a criterion by which a designation is judged and declined an alternative that would have attached protection to what a party goes on to produce. Chapter 20 defined generative peacekeeping in terms of conditions on the standing of parties. Each of these referred forward, and this chapter states what was deferred.

The chapter states the condition on which the normative work of the book rests, and it is referred back to from every part that follows. It proceeds by stating the criterion, giving the consideration that decides its placement, examining the two senses of standing it merges, setting out the components that compose it, marking the matters on which it is silent, answering two objections, and closing on its application to the intervener.

21.2 THE CRITERION OF STANDING

Criterion of standing. *A party retains standing where it holds a position from which a characterisation applied to it may be refused, and where a refutation offered from that position is capable of registering as a refutation.*

The two clauses do separate work. The first concerns the availability of a position: whether there is anywhere the party may speak about itself and be heard as speaking about itself. The second concerns what happens to what is said from there: whether the order receiving it is capable of counting it as bearing against the characterisation.

Chapter 7 established that the second clause can fail while the first holds. A party may be invited to respond, may respond at length, and may find the response read under a rule that converts it into further evidence for the characterisation. Arrangements that satisfy the first clause alone supply the appearance of the criterion without its substance, and the distinction

between procedural revisability and practical refutability recorded there is the general form of this failure.

21.3 THE PLACEMENT OF THE NORMATIVE WORK

An alternative placement is available and has been considered at each point where the question arose. It would attach protection to the possibility of a party's continued becoming, and would object to a designation on the ground that it forecloses what the party might yet generate.

The consideration that decides against it is the one stated in Chapter 7. A criterion of that shape ties what a party is owed to what the party will produce, and a party of whom no further generation is expected falls outside its protection as a matter of the criterion's own logic. The cases are neither exotic nor rare: a party dispersed, a community whose members are elderly, a people whose capacity to act collectively has been destroyed by the conflict at issue. Of such parties it remains sayable, on the criterion adopted here, that a characterisation applied to them may be refused by them.

The criterion adopted attaches protection to a position, and the availability of a position is settled independently of what its occupant will produce. This is the respect in which the account developed in this book departs from the family of arguments that measure a party's claims by that party's contribution, and it is the reason the departure was arranged in advance in Chapter 3.

21.4 THE SENSES OF STANDING

The word standing carries an established legal sense, denoting the qualification to bring a claim before a body competent to hear it, and the use above is deliberate.

The two senses name one thing at two levels of institutionalisation. In its legal form, standing is the qualification to be heard as making a claim about one's own position; in the form used throughout this book, it is the qualification to be heard as making a claim about what one is. Doctrines of legal standing are the institutional sediment of the condition this book identifies, and they exhibit its structure, including its characteristic failure: a party may hold formal standing before a body whose rules of cognisance render the claim unstateable.

The merger is adopted for the work it permits in Part IX, where the criterion is developed into procedural form. Chapter 54 treats the qualification to assert a claim in institutional settings, and the argument there proceeds by taking the legal doctrine as the developed form of the condition in place of an analogy to it.

21.5 THE COMPONENTS OF STANDING

The standing a party retains has three components, each available for examination in a given arrangement.

A position exists from which the party may speak about itself, and the position is constituted otherwise than by the characterisation at issue. A party permitted to speak only in the capacity the designation assigns has been given an occasion and no position.

An addressee exists who is obliged to receive what is said. The obligation may be institutional, as with a body required to record objections, or it may be practical, as with parties who must transact with one another. What the component excludes is the case in which what is said reaches no one bound to attend to it.

The reception is capable of counting. This is the demanding component, and Chapter 7 supplies its content. An order in which every possible response has been assigned its reading in advance receives without counting, and the party's refutation, however well founded, alters nothing.

The third component supplies a test with an unusual property. To establish that refutation is capable of counting, one asks what the receiving party would treat as a successful refutation. An order that can specify this satisfies the component. An order in which the question has no answer, so that each possible response has been provided for as a further confirmation, fails it, and fails it independently of whether the characterisation is accurate.

21.6 THE REACH OF THE CRITERION

The criterion demands three things, and matters commonly associated with it fall outside its demands. Stating this precisely prevents it from being asked to do work it cannot do.

The criterion is silent on the accuracy of a characterisation. A designation may be well founded and satisfy the criterion; a designation may be baseless and satisfy it; and a designation of either kind may fail it. What the criterion identifies is the availability to a party of the position from which the question of accuracy can be raised.

The criterion is silent on outcomes. It bears on the conditions under which a process is conducted, and processes satisfying it may reach settlements of many kinds and may reach none.

The criterion is silent on symmetry between the parties. Chapter 4 held that asymmetry is constitutive of relation and that the task an account of intervention faces is absorption. A party holding greater capacity may hold it while the criterion is satisfied, and equalising capacity is a separate undertaking with separate justifications.

21.7 THE OBJECTION FROM ACCURACY

The first silence attracts an objection that deserves a full answer. If the criterion is indifferent to the accuracy of a designation, what resources remain for objecting to a false one?

Two answers are available and they operate together.

The criterion is a precondition for correcting falsehood. A designation that satisfies it can be shown to be false, since the party it burdens holds a position from which evidence against it registers. A designation that fails it resists correction regardless of its truth, since every item of evidence against it has been assigned its reading in advance. Objection to falsehood therefore requires what the criterion protects, and a field in which the criterion is unsatisfied is one in which the category of the false designation has no operative sense.

The correction of particular falsehoods is the work of the arrangements developed in Part IX. Remedies, the assertion of claims, and the review of designations are matters of procedure and institution, and they presuppose the condition this chapter states. The division of labour is deliberate: this chapter supplies the condition, and Part IX supplies the machinery that operates within it.

21.8 THE OBJECTION FROM BAD FAITH

A second objection concerns a party that refuses every characterisation applied to it, including well-founded ones, and does so as a tactic.

The answer follows from the third component. Standing is a position from which refutation may be offered, and the component requires that refutation be capable of counting, which entails that it be capable of failing. An arrangement in which a party's denial settles the matter satisfies the criterion no better than one in which the denial is absorbed, since in both cases the outcome is fixed in advance of what is offered.

The criterion accordingly bears against two symmetrical failures. A designation immune to refutation fails it. A denial immune to examination fails it. Both describe orders in which what is said makes no difference to what is held, and the criterion identifies that property in either direction.

21.9 APPLICATION TO THE INTERVENER

Part IV established that an intervener occupies a position within the relational field, and the criterion applies there in both directions.

The characterisations an intervener applies are subject to it. An analysis, a designation of a party, a judgement about who is obstructing a process: each falls within the criterion's scope, and Chapter 14 identified the arrangements through which the requirement is met.

The intervener also holds standing, and the point matters for Chapter 13. A party may characterise an intervener as partial, and the intervener retains the position from which such a characterisation may be refused. The defensive lock described in that chapter is what occurs when an intervener's response to characterisation takes the form of closing the exchange, and the criterion identifies the difference between answering a characterisation and declining to be characterised.

21.10 SUMMARY OF RESULTS

The criterion has two clauses, and the second can fail while the first holds, which is the general form of arrangements that supply the appearance of contestation.

The normative work of this book is carried by a condition on a position, whose availability is settled independently of what its occupant will generate.

Standing in the ethical and the legal senses names one condition at two levels of institutionalisation, and Part IX develops the second.

Standing consists in a position constituted otherwise than by the characterisation, an addressee obliged to receive, and a reception capable of counting, the last of which is tested by asking what would be treated as a successful refutation.

The criterion is silent on accuracy, on outcomes, and on symmetry, and it is the precondition for the correction of false designations, and no substitute for it.

The criterion bears against designations immune to refutation and against denials immune to examination alike, and it applies to interveners in both directions.

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CHAPTER 22

THE LIMITS OF PRESCRIPTION

22.1 THE GUIDANCE A PRACTITIONER MAY EXPECT

An account of intervention is expected to yield guidance, and a reader who has followed Part V this far is entitled to ask what the concept defined in Chapter 20 tells a practitioner to do.

This chapter answers by setting out the forms of guidance the account can supply, the form it cannot, the reasons in each case, and the costs the resulting shape imposes on those who work with it.

The chapter closes Part V by stating what the account can and cannot tell a practitioner to do. It proceeds by establishing why route guidance is unavailable, setting out the three forms of guidance that survive, examining what guidance of that shape provides and what it costs, anticipating the pressure that will be exerted upon it, and closing on the questions the account answers.

22.2 THE UNAVAILABILITY OF ROUTE GUIDANCE

Guidance that specifies a sequence of steps leading from a conflict to a settlement is unavailable, and three results already established bear against it.

The premises adopted in Chapter 18 rule it out on general grounds. A conflict-affected society develops in a manner that is emergent, non-linear, and irreproducible, and a specification of the route from a present condition to a desired one attributes to the subject matter a regularity it lacks. This is the programme's own objection, and it is retained here.

Chapter 4 adds a more specific reason. Where an asymmetry exceeds a system's capacity to absorb it, the direction the ensuing reorganisation takes is settled by the distinctions the system's grammar permits. Guidance that specifies a route presupposes that the same route is available across systems, and the grammars differ.

Chapter 12 adds a third. A prescription is applied by a party who thereby enters the field, and its application alters the configuration it was written for. A prescription of sufficient specificity describes a situation that its own application has changed.

22.3 THE FORMS OF GUIDANCE THAT SURVIVE

Three forms of guidance survive the difficulties set out above, and each has been developed in its own place.

Conditions to be maintained. Chapter 21 states the condition on which the account rests, and its three components are available for examination in a given arrangement. Guidance of this form specifies what must remain true while whatever is done is done.

Recognitions to be withheld from immediate action. Part VII takes up the class of characterisations whose adoption forecloses enough that acting on them before they can be examined carries a particular cost. Guidance of this form specifies a category of inference held apart from action.

Invariants held before diagnosis. Part VIII takes up the acts an intervener performs in advance of understanding a situation, chosen because they preserve standing under any condition the situation might turn out to have. Guidance of this form specifies a small set of things done without waiting.

The three share a shape. Each states what must hold, and each leaves open what is done. Guidance of this kind functions as a filter upon the actions a practitioner is considering, and the practitioner supplies the actions.

22.4 THE PROVISIONS OF A FILTER

A constraint underdetermines action, and this is worth stating as a property of the guidance offered, and no apology for it.

Many actions satisfy a given set of constraints, and choosing among them requires judgement of the kind Part VII examines. The account supplies no substitute for that judgement, and it bears on the judgement in a definite way: it removes from consideration the actions that would close what the constraints protect, and it does so before the question of effectiveness arises.

Guidance of this form has one advantage over guidance that specifies routes. Its satisfaction is checkable. Whether a party retained a position from which a characterisation could be refused, whether an objection was recorded in the instrument that carried the designation, whether a monitoring arrangement could be displaced by what it observed: these admit of examination at the time and afterward, and they admit of it without a forecast of what would have happened otherwise.

22.5 THE COSTS OF CONSTRAINT GUIDANCE

Guidance stated as constraints carries three costs, and practitioners encounter all three.

Constraint guidance answers a narrower question than the one usually asked. A practitioner facing a decision wants to know which course will work, and the account supplies which courses are admissible. The gap between the two is real and remains after everything this book offers has been applied.

Constraint guidance is difficult to convert into instruction. A route can be trained, rehearsed, and checked against a template. A constraint requires the person applying it to determine what satisfies it in a situation whose features are particular, which places a demand on judgement that training addresses imperfectly.

Constraints can conflict. Part VIII takes up situations in which the conditions this book identifies cannot all be maintained at once, and treats the question of what is released in such a case as unresolved. An account that offered a route would face the analogous difficulty in a different form, and the difficulty here is entered as one this book leaves open.

22.6 THE PRESSURE TOWARD CONVERSION

A pressure operates on guidance of this form and should be anticipated, since anticipating it is among the few defences available.

Institutions that fund, staff, and evaluate interventions require reportable quantities. A constraint states what must remain true, which produces no quantity. The available conversion is to render the constraint as an objective and the objective as an indicator, so that contestability becomes a score, the standing of parties becomes a rated dimension, and the maintenance of conditions becomes a target against which performance is assessed.

The conversion reproduces, at the level of the account's own machinery, the mechanism described in Chapter 14. An indicator specifies what will count as evidence about the thing it measures, parties act on the indicator, and the resulting conduct supplies the evidence the indicator anticipated. Part VI develops this at length in connection with the assessment of relational states, and the argument applies to indicators derived from this book with the same force it applies to any other.

The defence available is stated in the same form as the guidance. Where the conditions of Chapter 21 are rendered as measures, the measures themselves fall within the criterion's scope, and a party burdened by a rating retains the position from which the rating may be refused. Part IX develops the institutional consequence.

22.7 THE QUESTIONS THE ACCOUNT ANSWERS

The three surviving forms of guidance support a statement of the questions the account answers.

The account answers whether a contemplated intervention is admissible, by reference to the conditions of Chapter 21.

It answers what a completed intervention has closed, by examining which characterisations became unrefutable in its course and for whom.

It answers what an intervener may do while a situation remains undiagnosed, by reference to the invariants of Part VIII.

Questions concerning which admissible course will succeed belong to judgement exercised in a particular case, and Part VII examines the traditions that have taken such judgement as their subject.

22.8 THE CLOSE OF PART V

Part V has stated what the account retains from the programme it extends, identified the interval in which that programme's central mechanism becomes unavailable, placed the proposed concept within the established vocabulary and defined it, set out the condition on which its normative work rests, and specified the forms of guidance it supplies.

What remains is the material the concept requires in order to be applied: an account of what an intervener can establish about a relational state, which Part VI takes up; an account of how action proceeds where such establishment is unavailable, which is the subject of Part VII; and the distinction between the regimes in which those questions receive different answers, which Part VIII develops.

PART VI

ASSESSMENT UNDER AN INCLUDED OBSERVER

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CHAPTER 23

THE EVIDENTIALIST APPROACH AND ITS FOUR DEFICIENCIES

23.1 EVIDENTIALIST ASSESSMENT AND ITS MOTIVATIONS

Assessment in peace practice has moved substantially toward evidence. Indicator sets record violent events, ceasefire violations, displacement, and market functioning. Forecasting systems estimate the likelihood of violence at given places and times. Monitoring frameworks track progress against defined baselines, and evaluation frameworks judge interventions against measured change.

The motivations are serious and should be stated before the difficulties are. Recorded measures discipline impression and check the confident judgement of experienced parties against something outside itself. They permit comparison across settings and across time. They allow those who fund and authorise interventions to hold those who conduct them to account. And they resist the substitution of eloquence for information.

This chapter examines four difficulties. The first is the ground of the other three, and taking it first shows the remaining difficulties to be its consequences in place of a list of independent complaints.

The chapter opens Part VI by examining the approach that dominates assessment in the field. It proceeds by stating the approach and its motivations, then setting out the ground from which its difficulties follow and the three consequences of that ground; it then assembles the independent evidence that measures act upon what they measure, examines the most developed instance of the approach, and closes by stating positively the domain within which it holds.

23.2 THE GROUND: EVIDENCE IS NEVER SELF-INTERPRETING

A record becomes evidence when it is taken to bear on a question, and something must do the taking. A count of incidents bears on the condition of a relation only under a description of what incidents of that class indicate. A displacement figure bears on the standing of parties only under an account of why people move. Between the record and the conclusion stands an interpretation, and the interpretation is performed by someone.

The position may be stated compactly:

Ground. *There is no evidence without an interpreter, and no interpretation without a relational position.*

The consequence for evidentialism is the one that matters. An evidence-based assessment conceals its interpreter. The judgement that a class of incident indicates deterioration, the choice of a threshold, the decision about which events enter the count and which fall outside it: these are interpretive acts performed by identifiable parties, and the presentation of the result as a measured quantity removes them from view.

Quantification therefore relocates interpretive power. It moves from the party who would have offered a judgement, and who could be questioned about it, toward those who collect the data, design the indicator, build the model, deploy it, and decide upon its output. The relocation is the subject of Chapter 30, and the three deficiencies that follow are consequences of it.

23.3 THE FIRST CONSEQUENCE: THE DERIVATION OF NORMS

An assessment supports a decision, and a decision requires a judgement about what is to be preferred. A measure supplies a quantity, and a quantity supports such a judgement only in company with a premise about what is better.

The premise is present in every operative indicator set, and it enters through the construction. A framework that records violent events and omits the terms on which parties may speak of themselves has judged which changes matter. A framework that treats institutional continuity as stability has judged that continuity is to be preferred. Weighting, aggregation, and the choice of what to leave uncounted each carry judgements of this kind.

The difficulty is that an evidentialist presentation supplies no place where such judgements are stated as judgements. They are carried in the construction of the instrument, they are inherited by everyone who uses it, and they are argued about, if at all, in technical terms concerning method. Chapter 24 examines an approach that places the judgements first and encounters difficulties of its own.

23.4 THE SECOND CONSEQUENCE: THE DISPLACEMENT OF ATTENTION

Chapter 7 held that a name bears upon its object and upon the language of the party applying it, and that the availability of a category displaces the work the category summarises. An indicator is such a category, constructed deliberately and applied at scale.

Once a measure of a relational condition is available, the effort of attending to these parties in these circumstances becomes optional for those who receive the measure. The measure

is what travels: to funders, to headquarters, to successor missions, to those who decide on continuation. Chapter 14 showed that analytic products travel apart from the qualifications attached at first use, and indicators travel further and shed more.

The estrangement at issue is therefore a structural property of measurement and stands apart from the quality of any particular instrument. A well-constructed indicator displaces attention more efficiently than a poor one, since it is trusted further and travels wider. The efficiency of the instrument constitutes the difficulty.

The displacement of attention bears on a familiar defence. It is said that indicators are aids to judgement and that experienced parties will look behind them. The defence describes what happens where the parties looking have time, standing, and access to the setting. Part VIII examines conditions under which those are unavailable, and it is under exactly those conditions that measures are most relied upon.

23.5 THE THIRD CONSEQUENCE: THE RETREAT OF ATTRIBUTION

Where a decision follows from an instrument, the question of who decided admits of a series of answers, each of which passes the question along.

The party who acted followed the assessment. The assessment followed the model. The model reflected the data. The data recorded what was collected under a definition set elsewhere. The definition was adopted for reasons of comparability by a body no longer convened. At the end of the series the decision remains, and the party answerable for it has become difficult to identify.

The retreat is worth distinguishing from a failure of documentation. Each step is recorded, each party acted properly within its remit, and the difficulty is that the remits compose into a decision no remit contains. Part IX develops the jurisprudential consequence and Part X the ethical one, and the principle stated there is that an instrument may participate in a judgement and may not bear it.

A further observation belongs here, and it concerns the direction of the two movements described in this chapter. Interpretive power moves upstream, toward those who design instruments. Answerability also moves upstream, toward the same parties, and arrives where no one has undertaken to receive it. The asymmetry between the two movements is what makes the arrangement stable: those who hold the power have not accepted the answerability, and those who act have transferred it.

23.6 THE REACTIVE PROPERTY OF MEASURES

Independent literatures establish that measures act upon what they measure, and their findings bear directly on the assessment of relational conditions.

Espeland and Sauder (2007) examined the effects of published rankings and described reactivity as the alteration of behaviour by those who are evaluated, operating through self-fulfilling prophecy and through commensuration. Hacking (1995, 1999) described looping effects, by which classifications of people interact with those classified and change them. MacKenzie (2006) examined the performativity of economic models, which participate in producing the conditions they describe. Porter's study of quantification (Porter, 1995) argues that numerical objectivity is adopted where personal authority is weak, so that measurement is a technology of distrust before it is a technology of knowledge.

Two propositions of long standing record the practical form. A measure adopted as a target ceases to serve as a measure (Goodhart, 1975), and quantitative indicators used for social decision-making are subject to corruption pressures that distort the processes they monitor (Campbell, 1979).

The bearing on this book is direct. Chapter 7 described a mechanism by which a designation produces conduct that confirms it, and observed that the confirming evidence is genuine. An indicator applied to parties in conflict is a designation applied at scale and equipped with an apparatus for collecting its own confirmation. Where the indicator determines which parties are engaged, which areas receive attention, and which conduct is recorded, the conduct subsequently measured has been shaped by the measurement.

23.7 CONFLICT FORECASTING

Forecasting systems merit specific treatment, since they represent the most developed form of the approach and since their designers have been notably candid about limits.

The Violence and Impacts Early-Warning System, developed at Uppsala with the Peace Research Institute Oslo (Hegre et al., 2019, 2021), produces forecasts of political violence at subnational resolution across extended horizons, and it is transparent in its methods and open in its data. Its developers have stated that the system's strength lies less in anticipating entirely new conflicts than in modelling geographical diffusion, and the statement is a considerable service to users.

The limit its developers state has a counterpart in the terms of this book. Diffusion operates where categories hold steady and a process extends. Novelty is where a grammar changes, and Chapter 4 identified the reorganisation following an unabsorbed asymmetry as the point at which the distinctions a system can make are themselves at issue. A forecasting apparatus estimates within a set of categories, and the transition this book takes as its subject is a transition of the categories.

23.8 THE DOMAIN IN WHICH THE APPROACH HOLDS

The difficulties above bound the approach and leave a domain within which it is sound, and stating that domain positively serves better than a general caution.

Evidentialist assessment establishes frequencies and distributions. Where a category is stable across the interval of measurement, where the measurement operates without altering what is measured, and where the question asked concerns how much or how often in place of what kind, the methods answer the question asked and answer it better than any alternative.

The conditions under which those requirements hold can be examined. Categories are stable where the relational field is not undergoing the passage described in Chapter 7. Measurement operates without feedback where its results carry no consequence for those measured. The questions are of the right kind where the object is an aggregate.

Chapter 28 examines the condition in which none of the three holds, and gives that condition a name.

23.9 SUMMARY OF RESULTS

Evidence requires an interpreter, and interpretation requires a relational position, so evidentialist assessment conceals its interpreter and relocates interpretive power upstream.

The normative premises of an assessment are carried in the construction of its instruments, where they are inherited without being stated.

An indicator displaces the attention it summarises, and its efficiency in doing so increases with its quality.

Attribution retreats along the chain from decision to instrument to data to definition, and interpretive power and answerability move in the same direction while only the first is accepted at the destination.

Measures act upon what they measure, which is established in several independent literatures and which corresponds to the mechanism of Chapter 7 operating at scale.

The approach establishes frequencies and distributions where categories are stable, measurement is without feedback, and the question concerns aggregates.

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CHAPTER 24

THE PRINCIPLE-BASED APPROACH AND ITS BOUNDARY

24.1 ASSESSMENT BY STATED PRINCIPLE

A second tradition governs assessment and action by principles stated in advance.

Mediation practice supplies a developed instance. The fundamentals set out in the United Nations guidance include preparedness, consent, impartiality, inclusivity, national ownership, adherence to international legal frameworks, and coherence among mediation efforts. Humanitarian practice (Anderson, 1999) supplies another, with humanity, neutrality, impartiality, and independence. Human rights frameworks supply a third, stated as entitlements holding independently of what their observance produces. The approach identified in Chapter 23 as evidentialist is joined, in practice, by an approach of this kind in most institutional settings, and the two are frequently held by the same parties.

The structure of the approach is that certain things are required and certain things are excluded, and the requirement holds without a calculation of what the observance will yield.

The chapter examines the approach that stands opposite to the evidentialist one, and establishes where each of them fails. It proceeds by stating the approach and what recommends it, setting out four boundaries in turn, proposing a requirement that might be added to the principle sets in general use, recording the functions that survive the boundaries, and closing on the relation between those boundaries and the criterion this book adopts.

24.2 THE RECOMMENDATIONS OF THE APPROACH

Assessment by stated principle is recommended by three features, and the third bears particularly on the conditions this book describes.

The approach resists aggregation. A principle stated as a floor withstands the argument that a party may be sacrificed because the sacrifice improves a total. The resistance is the point of stating a floor, and Chapter 21 placed the account of this book on the same side of that question.

It is publicly stateable. Principles can be published, invoked, and appealed to, and their form permits a party to say that an undertaking has departed from them.

It operates without prediction. A principle specifies what must hold now, and its application requires no estimate of what will follow. Given the difficulties Chapter 23 identified in estimating relational conditions, and the further difficulties Part VIII takes up, a form of guidance that proceeds without forecast has an advantage that should be stated plainly.

The account developed in this book belongs to this family in its form. The criterion of Chapter 21 states what must hold and requires no projection of what will follow, and the guidance derived from it in Chapter 22 takes the shape of constraints. The examination below therefore falls on an approach the present account is close to, and the boundaries identified apply to it as well.

24.3 THE FIRST BOUNDARY: UNDERDETERMINATION

A principle states what must hold and leaves open what satisfies it here.

Inclusivity requires that a process include those with a stake in its outcome, and it supplies no answer concerning which of the many parties with a stake are to be at a table of workable size, nor how those absent are to be related to those present. Impartiality requires that a mediator not favour a side, and it supplies no answer concerning whether a party's structural disadvantage is to be offset. National ownership requires that a process belong to the society concerned, and it supplies no answer concerning who speaks for a society in dispute about who speaks for it.

The gap between a principle and an action in a particular case is closed by judgement. This is a feature of principles as such, and Part VII takes up the traditions that have made such judgement their subject.

24.4 THE SECOND BOUNDARY: CONFLICT

Principles of the kind enumerated conflict, and the sets in which they appear supply no ordering.

Consent and protection can conflict, where a party whose consent is required for a process is a party from whose conduct others require protection. Impartiality and inclusivity can conflict, where the inclusion of a party is itself contested and the decision to include registers as favour. National ownership and inclusivity can conflict, where the authorities who embody national ownership are the parties excluding others.

Each of these tensions is recognised in practice, and each is resolved case by case by the parties conducting a process. The resolution is an act of judgement performed without a rule, which returns the difficulty of the preceding section in a sharper form: where principles conflict, the judgement that resolves them is doing the work the principles were adopted to do.

Part VIII takes up the analogous question for the constraints developed in this book, and treats it as unresolved.

24.5 THE THIRD BOUNDARY: THE CASE AS AN INSTANCE

A boundary less often noticed follows from the account of Chapter 7, and it establishes that the approach shares a difficulty commonly attributed to its rival.

To apply a principle is to characterise a situation as one of the kind the principle governs. The characterisation treats the case as an instance of a class, and the operation is the one an indicator performs. Where the application proceeds without the judgement described above, a principle displaces attention exactly as a measure does: the question of what is occurring here is answered by locating the case within a category, and the effort of attending to the particular becomes optional.

The third recommendation bears on the objection Chapter 23 raised against evidentialist assessment. That objection concerned the reduction of a party to a quantity, and it is sometimes offered as a reason for preferring a principled approach. The preference is available where the principled approach is exercised with judgement, and the two approaches converge where it is exercised as a routine.

24.6 THE FOURTH BOUNDARY: CAPTURE BY THE RULES OF READING

The most consequential boundary follows from the two-layer structure of Chapter 7.

Whether a principle applies to a case depends on how the case is characterised, and characterisations in a conflict are supplied by the designations in circulation. Whether a party falls within the scope of inclusivity depends on whether it counts as a party. Whether an undertaking falls within the scope of consent depends on whether it counts as an intervention requiring consent. Whether an act falls within a legal framework depends on how the act is classified.

Where designations have congealed, they determine these classifications, and the principle applies to whatever the designation admits into its scope. A party designated in the manner described in Chapter 14 may be outside the reach of inclusivity by the operation of the designation, and the principle will have been observed.

The consequence is that a principled approach inherits the difficulty this book takes as its subject. Principles govern conduct within a field of characterisations, and the characterisations are what the mechanism of Chapter 7 acts upon.

24.7 A REQUIREMENT THAT MIGHT BE ADDED

The fourth boundary can be exhibited by construction, and the construction supports a proposal developed in Part IX.

Consider a process conducted with preparedness, with the consent of the parties, with scrupulous impartiality in the conduct of sessions, with an inclusive table, and under national ownership. Consider that a party is characterised within it as obstructive, that the characterisation enters the analytic products the process generates, that the party's denials are received and recorded, and that each denial is read as consistent with obstruction.

Every principle in the set has been observed. The criterion of Chapter 21 has failed at its second clause, since refutation is received without being capable of counting. The sets in general use address the conduct of a process and leave this property unaddressed.

The property admits of statement in the same form as the principles it would join. A process would be required to be able to say what it would treat as a successful refutation of the characterisations it employs, and to record the answer alongside the characterisations. Part IX develops the institutional form.

24.8 THE SURVIVING FUNCTIONS

The approach retains a function that the four boundaries leave intact, and the function is significant for the argument of this book.

Principles stated publicly supply a party with something to invoke. A party who holds that an undertaking has departed from inclusivity, from consent, or from a legal framework has a form of words with recognised standing, addressed to an audience obliged to receive it. This is a component of what Chapter 21 identified as standing: a position from which a claim may be made, constituted otherwise than by the characterisation the party wishes to contest.

Stated principles accordingly serve the argument of this book in a particular capacity. Their value in guiding an intervener is limited by the four boundaries above. Their value in equipping a party to object is direct, and it increases with the publicity, the specificity, and the institutional recognition of the principles concerned. Part IX develops the arrangements that would realise this capacity.

24.9 THE RELATION TO THE CRITERION OF THIS BOOK

The criterion of Chapter 21 belongs to this family and differs from the classical principles in one respect worth stating.

The principles enumerated in Section 1 state duties of conduct: what an intervener is to do and to refrain from. The criterion states a condition on a position: what a party is to retain. The difference bears on the fourth boundary. A duty of conduct is discharged by the party

who holds it, and its discharge is assessed by examining that party's acts. A condition on a position is assessed by examining what is available to the party the condition protects, which requires attending to that party and cannot be established from the conduct of the intervener alone.

The criterion is exposed to the first three boundaries in full. It underdetermines action, as Chapter 22 stated. It can conflict with itself across parties, which Part VIII takes up. And it can be applied as a routine, in which case it displaces attention as any category does.

24.10 SUMMARY OF RESULTS

The principle-based approach resists aggregation, is publicly stateable, and operates without prediction, and the account of this book belongs to its family.

The approach underdetermines action in the particular case, and the gap is closed by judgement.

Its principles conflict without an ordering, and the judgement that resolves conflicts performs the work the principles were adopted to perform.

Applied as a routine it treats a case as an instance of a class, which is the operation for which the evidentialist approach is criticised.

Its application depends on characterisations that congealed designations supply, so it inherits the mechanism this book takes as its subject.

Its surviving function is to equip parties with material for objection, which is a component of standing and which Part IX develops.

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CHAPTER 25

FURTHER APPROACHES TO ASSESSMENT

25.1 THE PURPOSE OF THIS CHAPTER

The two preceding chapters examined the approaches that dominate institutional practice. Several further approaches exist, each addressing part of the difficulty the first two encounter, and a survey of them serves two purposes.

The survey establishes that the difficulties identified in Chapters 23 and 24 persist across alternatives, so that the argument of this part rests on something beyond an unfavourable selection of two positions.

The survey also identifies the resources this book draws on, since several of the approaches below supply material used in the chapters that follow.

The survey is partial, and its partiality is stated at the close.

The chapter surveys the approaches that stand apart from the two examined so far, and states what each supplies and where each runs out. It proceeds through four families in turn, examines what their combination accomplishes, and closes by declaring the survey partial and stating what such a declaration costs.

25.2 PARTICIPATORY AND EVERYDAY MEASUREMENT

A body of work locates the construction of indicators with the communities whose condition is at issue. Mac Ginty (2013) proposed everyday peace indicators, and Firchow's study of 2018 developed the method across communities in Uganda and Colombia, working with indicators the communities themselves generated and with what that literature calls participatory numbers (Firchow, 2018).

The approach addresses the first deficiency of Chapter 23 directly. The judgement about what counts as improvement is made by those whose condition is measured, so the normative premise is stated by parties who can be identified and questioned. It addresses the second deficiency in part, since indicators generated locally carry more of the particular than instruments constructed for comparability.

The findings of that literature bear on the argument of this book. Firchow reports that communities receiving substantial external intervention after war showed no markedly higher levels of peacefulness on community-defined indicators than communities receiving less, which is a result the approach was well placed to obtain and which instruments constructed elsewhere would have been unlikely to register.

Three difficulties remain, and each has been noted within that literature or follows from earlier chapters here. Reactivity persists once locally generated indicators are adopted for funding decisions, since the mechanisms described in Chapter 23 operate on any measure that carries consequences. The generation of indicators by a community presupposes a community capable of generating them, which Chapter 6 identified as the presupposition conflict interrupts. And the question of who within a community participates in the generation returns the difficulty examined in Chapter 17 concerning the costs of participation and who can bear them.

25.3 INTERPRETIVE AND ETHNOGRAPHIC ASSESSMENT

A second body of work proceeds by understanding in place of measurement, seeking an account of what a situation means to those within it, and drawing on ethnographic methods, extended presence, and attention to what parties say in settings other than those an inquiry convenes.

The approach addresses the second deficiency of Chapter 23 more thoroughly than any other. Its object is the particular case, and its practitioners are trained against the substitution of a category for attention.

Two difficulties bear on it. The first is the subject of Chapter 12: an interpretive inquiry is conducted from a position within the field, and extended presence deepens the participation. The second is practical. The approach requires time and access in quantities that decisions under pressure lack, and Part VIII takes up the conditions in which those quantities are unavailable.

25.4 DELIBERATIVE AND CONTESTATORY ASSESSMENT

A third approach conducts assessment as a process in which those assessed may object, drawing on participatory evaluation and on the literature concerning procedural justice. Findings are put to the parties, objections are recorded, and the assessment is amended or defended in view of what is said.

This approach stands closest to the criterion of Chapter 21, and the resemblance is worth marking precisely. Both make the availability of objection central. The criterion adds the second clause: that an objection be capable of registering as an objection, which Chapter 7 showed can fail while procedures for receiving objections operate. An assessment process

that records objections and reads each of them under the categories the assessment supplies satisfies the first requirement and fails the second.

Part IX develops the arrangements this distinction implies.

25.5 PRACTICAL JUDGEMENT

A fourth approach treats assessment as an exercise of practical judgement in particular circumstances, informed by experience and attentive to values and to power. Flyvbjerg's account of phronetic social science is its most developed statement, and the tradition it draws on runs back to the Aristotelian treatment of practical wisdom.

The approach is examined at length in Part VII, where it belongs to the account of action. Its bearing on assessment is noted here: it holds that the question of what is occurring in a particular case admits of an answer arrived at by judgement, and that the answer's warrant lies in the quality of the judgement in place of the procedure by which it was reached.

25.6 COMBINATION

The practical answer offered in most institutional settings is to combine approaches, triangulating measured indicators against interpretive material and against the accounts of those affected.

The recommendation is sound and this book adopts it. One limitation should be stated, since it bears on the argument of Chapter 28.

Triangulation addresses the limitations of instruments. Where several instruments are deployed by parties occupying one position within the relational field, the combination multiplies the evidence available and leaves the position unchanged. The material gathered by each instrument bears the marks that Chapter 12 identified, and the marks are common to all of them.

The remedy suggested by this observation concerns the plurality of positions in place of the plurality of instruments, and it corresponds to the third of the arrangements identified in Chapter 16 as strengthening a human third: several parties whose camp assignments fail to coincide.

25.7 THE PARTIALITY OF THIS SURVEY

The approaches examined above cover participatory measurement, interpretive inquiry, contestatory process, practical judgement, and combination. Several classes have been left aside: computational analysis of text and communication, network analysis of relations among parties, participatory mapping, and remote observation.

The omissions are consistent with the purpose stated at the opening. The chapter establishes that the difficulties of Part VI arise across approaches of markedly different character, and the classes left aside share the features that generate those difficulties: each employs instruments constructed by identifiable parties, each is deployed from a position, and each produces results that carry consequences for those described.

Chapter 26 takes up the general form of the difficulty, and the chapters following it develop what remains available once it is accepted.

25.8 SUMMARY OF RESULTS

Participatory measurement addresses the normative premise directly and encounters reactivity, the presupposition of a community, and the question of who participates.

Interpretive inquiry addresses the displacement of attention and encounters the participation of the inquirer and the demands of time and access.

Contestatory assessment stands closest to the criterion of this book and satisfies its first clause, with the second requiring what Part IX develops.

Practical judgement is treated in Part VII, where it belongs.

Combination multiplies instruments and leaves a common position unchanged, which directs attention toward the plurality of positions.

CHAPTER 26

OBSERVATION WITHIN AN OBSERVED SYSTEM

26.1 THE COMMON GROUND OF THE PRECEDING CHAPTERS

Chapters 23 to 25 examined four families of assessment and found each to fail at a different point. The failures share a source.

An evidentialist assessment conceals its interpreter in the construction of its instruments. A principle-based assessment conceals its interpreter in the application of its requirements. Participatory assessment relocates the interpreter into the community assessed and leaves open which parties within that community perform the work. Interpretive assessment acknowledges the interpreter and supplies no account of the position from which the interpreting occurs.

In each case the difficulty concerns a party who stands somewhere and reads from there. The remedies proposed within each family address the instrument, the rule, the participants, or the depth of engagement, and the position remains.

This chapter takes up the position itself. It draws on a body of work that made the inclusion of the observer its central problem, examines the standard technical apparatus for estimating an unobserved state, and states what follows for the assessment of relational conditions.

The chapter locates the source common to the failures of the four approaches, and states what follows for the assessment of relational states. It proceeds by drawing on the body of work that made the inclusion of the observer its central problem, examining the technical apparatus that would be applied to state estimation and the presupposition that apparatus carries, and closing on a substitution in the question asked of assessment.

26.2 THE CYBERNETIC FORMULATION

A distinction developed in cybernetics from the late 1960s separates the study of observed systems from the study of observing systems. The first treats a system as lying before an observer who describes it. The second treats the observer as included in the system described, and takes the consequences of that inclusion as its subject.

von Foerster (1981, 2003) gave the distinction its name and pressed the argument that a description of a system is produced by a describer whose own operations belong to what is described. Maturana and Varela (1980, 1987) developed an account of living systems on which an observer brings forth a world through the distinctions the observer draws, so that the properties attributed to an object are properties of the interaction between observer and observed. Luhmann (1995) carried the argument into social theory, treating social systems as self-referential and introducing second-order observation, the observation of observers, as the operation by which such systems describe themselves.

Two claims from this body of work bear on the present argument, and both were reached independently of the material this book treats.

Observation is an operation performed within a system, and the description it produces records the encounter between the observing operation and what it observed.

A description of a system that includes the describing operation admits of no vantage outside itself, so the regress from observation to the observation of observation terminates by decision in place of arrival at a foundation.

The convergence with Part IV is close and is worth marking. Chapter 12 reached the first claim from the account of relation given in Chapter 3, and the cybernetic tradition reached it from the analysis of biological and social systems. A conclusion supported from two directions carries more weight than one supported from either.

26.3 THE ESTIMATION APPARATUS AND ITS PRESUPPOSITION

A second body of work is frequently proposed for the assessment of relational conditions, and its presupposition deserves examination.

Control theory and its statistical relatives supply a developed apparatus for inferring an unobserved state from observations. A system is modelled as evolving according to specified dynamics, observations are related to the state by a measurement model, and an estimator combines the two to produce an estimate whose uncertainty can be characterised. State-space models and their filters, and the hidden-state models used in sequence analysis, share this structure. The apparatus is powerful, and the temptation to apply it to conflict assessment is understandable: it formalises exactly the position of a party who must act on a state it cannot observe directly.

The presupposition is that the estimator lies outside the plant. Observation is modelled as extracting information without contributing to the dynamics, and where the observer does contribute, the contribution enters as a control input whose effects are themselves specified in advance.

Chapter 12 established that an intervener's observation participates in the field through convening, framing, the addressee effect, and the record. Three of these four operate before

any information is extracted, and their effects are the constitution of the field the observation will describe. An arrangement in which observation constitutes part of what is observed falls outside the structure the estimation apparatus assumes, and applying the apparatus by treating the constitution as a control input requires specifying its effects in advance, which is the demand Chapter 14 identified as the source of pressure toward hardened categories.

The apparatus retains its use where the observation of a relational condition is genuinely passive: where the parties are unaware of the observation, where the observation carries no consequence for them, or where the quantity observed is insensitive to their conduct. These conditions are stated so that their presence in a given case can be examined, and Chapter 23 gave the corresponding statement for measurement generally.

26.4 CONSEQUENCES FOR THE ASSESSMENT OF RELATIONAL STATES

The inclusion of the observer in the observed system has three consequences for the assessment of relational states, and these set the terms for the remainder of Part VI.

The demand for a state estimate is a demand the position of the intervener cannot satisfy in the form usually intended. An intervener asking what the relational state is asks about a field the asking has entered. What is available is a description of an encounter, and the encounter includes the intervener.

A description of an encounter is nonetheless informative, and the information it carries concerns the encounter. How a party addressed the intervener, what the party took the intervener to be able to hear, whether accounts altered with the hearer: these bear on the condition of the field, and they bear on it through the very feature that disqualifies them as passive measurements. Chapter 27 develops this, and Chapter 28 builds a diagnostic upon it.

The regress of second-order observation terminates by decision, so an intervener who observes the observing has gained a further description and no vantage. What this supports is a practice of recording the position from which a description was produced, so that later parties receive the description together with the account of where it was made. Part IX develops the institutional form.

26.5 THE SUBSTITUTION OF QUESTION

The argument to this point supports a change in what is asked of assessment, and stating it plainly organises the chapters that follow.

The question of what state a relational system is in presupposes a state ascertainable independently of the ascertaining. The question available in its place asks what is occurring in the encounter through which the ascertaining is attempted, and what that occurrence indicates about the conditions this book identifies.

The substitution has a definite payoff, and it is the subject of Chapters 27 to 33. Features that disqualify an encounter as a measurement, including the dependence of accounts on their hearer and the mutual inconsistency of what parties report, become the material from which the condition of the field is read. An intervener who abandons the requirement of passivity acquires observables the requirement had excluded.

26.6 SUMMARY OF RESULTS

The four families of assessment fail at different points and share a source, which is the position of the party who reads.

Cybernetics from its second-order turn treats the inclusion of the observer as its central problem and reaches conclusions convergent with Part IV from an independent direction.

The estimation apparatus presupposes an estimator outside the plant, which is unavailable here, and it retains its use under stated conditions of passivity.

What an intervener can produce is a description of an encounter that includes the intervener, and such a description carries information about the field precisely through its dependence on the encounter.

The question asked of assessment is accordingly substituted, and the remaining chapters of Part VI develop what the substituted question yields.

CHAPTER 27

TESTIMONY UNDER CONFLICTING GRAMMARS

27.1 INCOMPATIBLE ACCOUNTS AS THE ORDINARY CONDITION

An intervener seeking to establish the condition of a relation asks the parties. Each party gives an account. The accounts are internally coherent, they are given with apparent conviction, and they are incompatible.

Each side reports that it acted under attack and that the other escalated. Each reports that it made concessions the other failed to reciprocate. Each reports violations by the other and adherence by itself. Where documentary material exists, each side supplies material supporting its account, and the material is genuine.

The situation is ordinary. It is the standard condition of an intervener in a protracted conflict, and it is treated in practice as an obstacle: a problem of verification, to be addressed by better sources, independent monitoring, triangulation, or the experienced judgement of a party who has seen such accounts before.

This chapter treats the incompatibility as material for reading. The argument developed in Chapter 26 makes the treatment available, since the encounter through which accounts are gathered is what an intervener can describe, and the accounts' dependence on that encounter is a property of the field.

The chapter treats the incompatibility of the parties' accounts as material for reading. It proceeds by distinguishing three sources of divergence, establishing why the demand to adjudicate among accounts cannot be met, setting out the features by which one source is identified without adjudication, examining a second observable available to an intervener holding several positions, and closing on an obligation the reading imposes on the party who performs it.

27.2 THE SOURCES OF DIVERGENCE

Accounts given by parties in conflict diverge from three sources, which should be distinguished, since practice frequently runs them together and the responses they call for differ.

A party may misreport deliberately. Accounts are given for advantage, and the advantage sought may be recognition, resources, position within a process, or the standing of the party's own leadership before its constituents. Deliberate misreport is a familiar phenomenon and it is addressed by the ordinary means.

A party may report from a position that furnishes different information. What is visible from one side of a conflict differs from what is visible from the other, and two accurate accounts of the same sequence may share few events. Divergence of this kind reflects the distribution of vantage.

A party may report under a grammar that yields different descriptions. The distinctions a community can make determine what its members are able to say about a sequence of events, and Chapter 7 described the passage by which such distinctions are displaced by names that supply their own rules of reading. Two parties whose grammars have diverged will describe the same events under different categories, and each description will be sincere, coherent, and unavailable to the other.

The third source is the subject of this chapter. It has a property the first two lack: the parties are unable to supply a shared description even where each intends to.

27.3 THE DEMAND THAT CANNOT BE MET

An intervener who asks which account is accurate makes a demand the third source renders unsatisfiable, and the reason is worth stating precisely.

To adjudicate between the accounts is to determine which description of the events is correct. A determination of that kind is made in some vocabulary, and the vocabularies available are those of the parties, that of the intervener, or a further one. Each choice has a consequence.

An adjudication conducted in one party's vocabulary decides the matter by the choice of vocabulary. The events are described in terms in which one party's account is articulable and the other's is unstateable, and the finding follows.

An adjudication conducted in the intervener's own vocabulary supplies a third description and the authority of the party who supplies it. Chapter 16 established that a verdict reaching the parties through the standing of the party who issues it is available for re-description, and a party who finds its account displaced has the resources of the field for placing the intervener.

An adjudication conducted in a vocabulary constructed for the purpose is a proposal to the parties, and its adoption is the thing the conflict has made difficult.

The demand for adjudication therefore returns the intervener to the symbolic level, where Chapter 7 showed refutation to be absorbed. The intervener cannot win the argument, and the inability follows from the structure of the field, and holds whatever information or judgement the intervener possesses.

27.4 INCOMPATIBILITY AS AN OBSERVABLE

The substitution proposed in Chapter 26 applies here and yields a result.

The incompatibility of two coherent accounts is itself information, and the information concerns the grammars under which the accounts were produced. Where two parties describe a sequence in categories that fail to translate into one another, the failure of translation indicates that the distinctions available to each have diverged. This is a claim about the field and it requires no determination of which account is accurate.

Four features distinguish the divergence of grammars from the other two sources, and they can be examined without adjudication.

The accounts differ in their categories and agree in their particulars. Where parties dispute what occurred, the accounts conflict over events; where grammars have diverged, the events reported may coincide while the descriptions under which they are reported fail to correspond. An event both parties record, and describe as different kinds of thing, is diagnostic.

The accounts are mutually unstateable. A party asked to state the other's account in the other's terms is unable to do so with recognisable accuracy, and the inability is independent of willingness. A party asked to state an account it merely disbelieves can generally produce it.

Each account is complete. Where a party misreports deliberately, the account has seams: matters it avoids, questions it deflects, points at which detail thins. An account generated by a grammar is seamless, since the grammar supplies a description for everything the party is asked about.

Refutation is absorbed. Evidence offered against a party's characterisation of the other is received under the rule that characterisation supplies, which is the criterion of Chapter 7 applied to the accounts themselves.

27.5 THE DEPENDENCE ON THE HEARER

A second observable follows from the third of the channels identified in Chapter 12.

Accounts are produced for a hearer whose response has consequences. Where a party's account varies with the hearer, the variation shows the account to be shaped for its addressee, and the variation is available to an intervener who compares what is said in different settings: in plenary and in private, before constituents and before external parties, to a body with resources and to a body without.

Two readings of such variation should be held apart. Variation of emphasis and framing is universal and indicates no more than that the party is competent. Variation in categories indicates something further, and its diagnostic value lies there. A party whose account of what kind of conflict this is alters with the hearer has more than one grammar available, which bears directly on whether its own designations have congealed.

The comparison is available without adjudication and without the cooperation of the parties, and it is among the few observations an intervener can make that improve with the intervener's own multiplicity of positions.

27.6 THE DETERMINATIONS THE READING SUPPORTS

The results above support three practical determinations, and each is stated so that its basis can be examined.

Whether the divergence before an intervener is of the third kind, which the four features of Section 4 bear upon.

Whether a given party retains more than one grammar, which the comparison of Section 5 bears upon, and which indicates whether the party's own designations have congealed.

Whether the field as a whole has reached the condition in which accounts of relational state have become instruments within the conflict. Chapter 28 takes up that condition and gives it a name, and the material assembled in this chapter supplies part of its diagnostic.

27.7 THE OBLIGATION SINCERITY IMPOSES

One consequence for practice belongs here, since it bears on how the material of this chapter is used.

An account produced under a grammar is given sincerely. The party believes it, the party can support it, and the party is describing what it is able to describe. An intervener who reads such an account as manipulation has misdiagnosed the case and will act on the misdiagnosis, and the treatment that follows from a diagnosis of manipulation is among the surest ways to confirm a party's characterisation of the intervener.

The reading proposed here therefore carries an obligation. Divergence of grammar is established by the features of Section 4 and by nothing else, and in particular it is established without reference to any judgement about a party's good faith. Where the features are absent, the ordinary explanations remain available and are frequently correct.

27.8 SUMMARY OF RESULTS

Divergence among accounts arises from deliberate misreport, from differences of vantage, and from divergence of grammar, and the third has the property that the parties cannot supply a shared description even where each intends to.

The demand for adjudication returns an intervener to the symbolic level, where refutation is absorbed, so the inability to settle the matter follows from the field in place of the intervener's information.

Incompatibility is an observable concerning the grammars under which the accounts were produced, and four features distinguish grammatical divergence from the other sources without adjudication.

Variation of an account with its hearer is a second observable, and variation in categories indicates that a party retains more than one grammar.

Both observables improve with the intervener's own multiplicity of positions, and both are established without reference to the good faith of any party.

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CHAPTER 28

RELATIONAL INSTRUMENT FAILURE

28.1 THE CONDITION AND ITS NAME

Chapter 23 set out the conditions under which evidentialist assessment establishes what it purports to establish: categories stable across the interval of measurement, measurement operating without altering what is measured, and questions concerning aggregates. Chapter 27 examined a field in which accounts of the same events are produced under grammars that fail to translate.

The condition in which none of the three requirements holds deserves a name, and this book gives it one.

Definition. *A relational field is in instrument failure when all information about its state has become part of the struggle occurring within it.*

The formulation is deliberate in what it avoids. It states no claim about the honesty of the parties. Testimony given sincerely, records compiled carefully, and measurements taken competently all fall within the condition, since what places them there is the position each occupies within the field and the use to which each is put. The condition is a property of an arrangement, and it can obtain while every party within it behaves impeccably.

The chapter names the condition toward which Part VI has been moving, and states what an intervener does upon determining that it obtains. It proceeds by defining the condition, drawing an analogy from a discipline that has developed procedures for it, setting out the indications by which the determination is made, stating the safeguard that governs the determination, distinguishing two modes of operation, and closing on what the condition implies for the approaches surveyed earlier in this part.

28.2 THE AERONAUTICAL CASE

An analogy is available which repays close attention, since the discipline it comes from has developed procedures for the condition, beyond descriptions of it.

An aircraft's airspeed indication may become unreliable. The instruments continue to display values, the values are wrong, and the crew has no direct means of determining which displayed quantities to trust. In some configurations the aircraft may present warnings that are jointly unsatisfiable, an indication of impending stall together with an indication of overspeed, whose corresponding actions oppose one another.

Three features of the aeronautical response bear on the present argument.

The first response is a determination of mode. Before any question about the state of the aircraft is addressed, the crew establishes whether the indications can be trusted. The determination concerns the instruments and not the aircraft.

The contradiction is read as information about the instrumentation. Where two indications cannot both be correct, their conjunction establishes that the sensing arrangement is compromised, and it establishes this without determining which indication is wrong.

The response abandons the attempt to establish the state. Rather than resolving which instrument is accurate, the crew flies attitude and thrust: quantities the compromised sensing does not supply, held at values known to keep the aircraft within its envelope. What is maintained is a set of conditions, and the diagnosis is deferred.

The analogy is imperfect in ways worth stating. An aircraft's failure modes are enumerable and its correct immediate responses are established in advance, and Part VIII takes up whether a relational field admits of anything comparable. What the analogy supplies is the sequence: determine the mode, read contradiction as information about the instrumentation, hold conditions, defer diagnosis.

28.3 CRITERIA FOR DETERMINING THE MODE

The determination an intervener must make first is whether the field is in the condition named above. Six indications are offered. Each is available from within, none requires adjudicating the parties' accounts, and the sixth is directed at the intervener.

Mirrored accusation. The parties' allegations are structurally identical with their roles reversed. Each reports acting in self-defence; each reports that the other escalates; each reports concessions unreciprocated. What differs is the content and what corresponds is the syntax.

Absorption of refutation. Evidence offered by either party against the other's characterisation is received as further support for it. This is the criterion of Chapter 7 applied to information about the state of the field.

Jointly unsatisfiable indications. Measures that cannot both be correct are simultaneously present. A ceasefire holding by one instrument and collapsed by another, participation rising by one measure and standing withdrawn by another: the conjunction bears on the instruments.

Accounts varying with the hearer. The same events are described differently before different

audiences, and the variation reaches the categories employed. Chapter 27 developed this and distinguished it from variation of emphasis.

Enrolment of independent sources. Monitors, media, research bodies, and professional associations have themselves been assigned to camps, so that no source is exempt from the binary. Under this indication the acquisition of further information ceases to improve the determination, since each additional source arrives already placed.

Predetermined approach. The intervener finds that the manner of its own approach to each party was settled by characterisations received before arrival. This indication is directed at the observer, as Part IV requires, and it is the only one that another party cannot perform on the intervener's behalf.

The indications are not conjunctive. A single one supports no determination, several holding together support one, and the determination remains revocable. The determination is itself a characterisation and falls under Chapter 21, which the next section develops.

28.4 THE SAFEGUARD ON THE DECLARATION

The declaration of instrument failure is the most dangerous construction in this book, and the danger should be stated before the uses are.

To declare the condition is to name a field, and the name authorises an intervener to decline to take testimony as establishing the state. An instrument of that shape is available for suppressing a party's grievance: a party whose account is inconvenient may be answered by a declaration that no account establishes anything, and the declaration wears the appearance of methodological caution.

The safeguard is stated as a restriction on what the declaration suspends.

Safeguard. *Entering the condition suspends adjudication. It leaves reception intact.*

What follows from the declaration is that the intervener ceases to determine which account is accurate. What continues is that accounts are heard, recorded in the instruments the process employs, and preserved with the standing to be vindicated later. A party retains the position from which characterisations applied to it may be refused, and the refusals are entered whether or not the intervener can presently weigh them.

The restriction has a consequence worth marking, since it answers an objection the construction invites. A declaration of instrument failure appears to expand an intervener's discretion, and under the restriction it contracts it. What the declaration removes is the intervener's warrant to determine which party's account is correct, and that warrant is the largest of the powers an intervener holds. An arrangement in which the declaration expands discretion has departed from the construction offered here, and the departure is detectable by asking what the intervener has ceased to do.

28.5 OPERATIONS UNDER THE CONDITION

Intervention proceeds in two modes, distinguished by the determination set out above and introduced here for the purposes of Part VIII.

Under *normal relational operations*, information about the state of the field is broadly trustworthy. Accounts, records, and measures bear on the condition of the relation in the ordinary way, the assessment methods surveyed in Chapters 23 to 25 apply within their stated domains, and an intervener may update a description of the field as material arrives.

Under *degraded relational operations*, the determination of Section 3 has been made. Investigation, testimony, published monitoring, and media material cease to serve as establishing the state, and what an intervener holds are the conditions of Chapter 21 together with the observables developed in Chapter 27 and Chapter 33.

The central proposition of this part may now be stated in the form used throughout the book.

Central proposition. *When relational instrumentation becomes unreliable, the primary task of intervention is to preserve the conditions under which the system may later recover a trustworthy interpretation of its own state.*

Three features of the proposition are deliberate. It concerns a task and states no objective concerning the field's condition. It is temporal, since what it protects is the availability of a later interpretation. And it is compatible with an intervener who is unable to say what is presently occurring, which is the situation the condition describes.

28.6 CONSEQUENCES FOR THE ASSESSMENT APPROACHES

Instrument failure bears on the four assessment approaches surveyed earlier in this part, and the bearing is uneven in a manner worth recording.

Evidentialist assessment is disabled in the condition, since all three of its requirements fail at once and its instruments are among the material the struggle has enrolled.

Principle-based assessment is disabled in a different way. Chapter 24 found that whether a principle applies depends on how a case is characterised, and the condition is one in which characterisation is what has been captured.

Participatory assessment retains a narrow use, since the accounts it gathers are material for the observables of Chapter 27 even where they fail to establish a state. What it loses is the aggregation of those accounts into a measure.

Interpretive assessment retains the most, since its product is a description of an encounter and the condition is one in which encounters remain available for description.

The pattern is that methods yielding a state are disabled and methods yielding a description of an encounter survive, which is the substitution proposed in Chapter 26 appearing as a practical selection among techniques.

28.7 SUMMARY OF RESULTS

Instrument failure names the condition in which all information about a field's state has become part of the struggle within it, and the condition can obtain while every party behaves impeccably.

The aeronautical response supplies a sequence: determine the mode, read contradiction as information about the instrumentation, hold conditions, defer diagnosis.

Six indications support the determination, all available from within, none requiring adjudication, and the last directed at the intervener.

The declaration suspends adjudication and leaves reception intact, which contracts the intervener's discretion by removing the largest power an intervener holds.

Two modes of operation follow, and the task under the second is the preservation of the conditions under which a trustworthy interpretation may later be recovered.

Methods that yield a state are disabled under the condition, and methods that yield a description of an encounter survive.

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CHAPTER 29

INSTRUMENTED RATIONALITY AND THE RULES OF READING

29.1 THE MOTIVE FOR SUPPLEMENTING JUDGEMENT

An intervener's rationality is bounded. Attention is limited, information is partial, time is short, and experience covers a fraction of the situations that arise. The observation is old and it is correct, and much of the apparatus examined in this part was adopted in response to it.

Two kinds of supplement are available and both are in use.

Symbolic rationality proceeds by rule, precedent, doctrine, and procedure. A body of codified requirements, a jurisprudence of prior determinations, and an established order of steps together relieve the individual of judgements that would otherwise fall to them. Chapter 24 examined an instance.

Instrumental rationality proceeds by technique. Network analysis of the relations among actors, agent-based simulation of a conflict system, statistical estimation of risk, automated processing of text and reporting, structured knowledge representations, and machine learning applied to any of these together supply outputs an intervener may act upon. The techniques are increasingly available, increasingly inexpensive, and increasingly expected.

Both supplements are attempts to remedy a genuine limitation, and the argument of this chapter concerns what each does in addition.

29.2 AN INSTRUMENT OCCUPIES THE SECOND LAYER

Chapter 7 distinguished two layers in a congealed characterisation. The first states what a party is. The second supplies a rule for reading evidence concerning the first: what will count as bearing on the question, what will count as an exception, what will count as concealment.

An instrument of either kind works at the second layer, and this is the chapter's central claim.

A risk model specifies which quantities are to be observed, how they are to be combined, and what value constitutes a significant reading. An evidence hierarchy specifies which classes of material bear on a question and which are set aside. A procedural code specifies what a

party must produce for a claim to be considered. Each of these is settled before any material arrives, and each determines what arriving material will be taken to show.

The consequence follows from the structure established in that chapter. A rule of reading is unreachable by evidence at the first layer. An instrument therefore carries the self-exempting property: it specifies the terms on which it is to be tested, and in specifying them it specifies that certain results will confirm it and that others will fall outside its scope. This is a property of instruments operating correctly. It belongs to what an instrument is, and it appears in a well-constructed instrument more completely than in a poor one, since a well-constructed instrument specifies its terms more thoroughly.

Chapter 7 observed that a name is a licence not to look. An instrument is that licence in industrial form: constructed deliberately, applied at scale, and transmitted to parties who have no access to the judgements built into it.

29.3 THE DIFFERING FAILURES OF THE SUPPLEMENTS

The failures of the two kinds of supplement should be distinguished, since they are addressed by different remedies.

Symbolic rationality fails by absorbing counter-instances into doctrine. A case that sits awkwardly under a rule is treated as an exception, and the exception is accommodated by a distinction that leaves the rule standing. Sufficient accumulation of distinctions produces a body of doctrine in which every outcome is derivable and none is excluded, and the apparatus has become unable to be wrong.

Instrumental rationality fails by concealing evaluative choices within technical ones. A threshold is a judgement about how much of something is too much. A weighting is a judgement about relative importance. The decision about which events enter a dataset is a judgement about what counts. Each is settled in the construction of the instrument, each is presented as a matter of method, and each is argued about, where it is argued about at all, in terms available to those with technical training.

The remedies differ accordingly. Doctrine is checked by requiring that a rule be capable of yielding an unwelcome result. An instrument is checked by exposing its constitutive choices to parties who are subject to them, which is the requirement Part IX develops.

29.4 THE RETREAT OF ANSWERABILITY

Chapter 23 described a chain along which answerability retreats: from the party who acted, to the assessment, to the model, to the data, to the definition, to a body no longer convened. This chapter adds an observation about why such chains are adopted.

The retreat is among the attractions. An arrangement in which a determination issues from an instrument relieves every participant of having made it. The party who acted followed the

assessment; the party who built the instrument supplied a tool and made no decision in the case; the party who collected the data recorded what the definition required. Each is accurate, and together they compose a decision no one need own.

The phenomenon has been described in adjacent literatures. Analyses of bureaucratic administration have long identified a form of rule in which authority is exercised and no one is answerable for its exercise. Work on automated decision has identified a gap in attribution where a determination follows from a system whose behaviour no participant fully specified, and has described arrangements in which a human operator positioned at the point of action absorbs the blame for a system whose design produced the failure. Studies of operator behaviour have established a disposition to accept automated outputs against contrary evidence.

The convergence of these findings supports a proposition offered here for examination: instruments are adopted, in part, for the distribution of answerability they accomplish, and an account of why a particular instrument was adopted that attends only to what it measures will be incomplete.

29.5 THE CONDITION OF ADMISSIBILITY

The account developed in this book supports no proscription of instruments, and the reasons are the ones given in Chapter 7 for declining to proscribe categorisation. A finite party acts under some description, and instruments extend what a finite party can consider.

The condition is stated in the form used throughout.

Condition. *An instrument may participate in a judgement. An instrument may not bear it.*

Two requirements follow, and both are examinable.

The output of an instrument enters a determination as one consideration among others, and the party who acts states the determination as that party's own. A record in which the reason given for an action is the output of an instrument records no reason.

The constitutive choices of an instrument are available to those subject to them, and a party burdened by an instrumented determination retains the position from which the determination may be refused. Chapter 21 states the condition, and the instrument falls within its scope in the same manner as any other characterisation.

A test is available for whether the first requirement is met in practice, and it concerns cost. An instrument whose failure costs its user nothing functions as an alibi. Where an erroneous output leaves the party who acted upon it unaffected, the instrument has borne the judgement, and the arrangement has departed from the condition above whatever its documentation states.

The test connects to Chapter 16. An instrument that issues predictions subsequently checked against outcomes the parties can observe retains refutability, since its errors arrive. An instrument that issues assessments never checked against anything retains none, and its authority grows with the period over which it has gone unexamined.

29.6 THE AERONAUTICAL COUNTERPART

The discipline that supplied the analogy of Chapter 28 has addressed this question institutionally, and its solution is worth recording because it is a design and not an exhortation.

Automation in an aircraft is extensive, capable, and in ordinary conditions more reliable than the crew. Final authority remains with the commander and is non-delegable. Compliance with an automated indication furnishes no defence where the indication was wrong and the circumstances called for its rejection. And where the automation becomes untrustworthy, the established response is to disconnect it and fly manually, which is to say that the arrangement provides in advance for the withdrawal of the instrument.

Three features of this design bear on the argument. Answerability is fixed by rule, which leaves it independent of circumstance. The rule is stated before any particular failure. And the design provides a mode in which the instrument is set aside, so the question of whether to trust it has an established answer.

Chapter 52 develops the institutional forms these features would take for instrumented determinations about parties in conflict, together with the questions of approval and oversight they raise.

29.7 SUMMARY OF RESULTS

Symbolic and instrumental rationality are adopted to remedy the bounded rationality of an intervener, and both operate at the second layer of a characterisation, specifying in advance what arriving material will be taken to show.

An instrument therefore carries the self-exempting property, and carries it more completely the better it is constructed.

The two supplements fail differently, doctrine by absorbing counter-instances and technique by concealing evaluative choices within technical ones, and they are checked by different means.

The retreat of answerability is among the attractions of instrumented arrangements, and this is offered as a proposition about why instruments are adopted.

An instrument may participate in a judgement and may not bear it, from which follow a requirement on how reasons are recorded and a requirement that constitutive choices be available to those subject to them.

An instrument whose failure costs its user nothing functions as an alibi, and this supplies a test applicable to a given arrangement.

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CHAPTER 30

QUANTIFICATION AND THE RELOCATION OF POWER

30.1 THE MOVEMENT TO BE TRACED

Chapter 23 established that an evidentialist assessment conceals its interpreter, and observed that interpretive power moves upstream toward those who construct the instruments. Chapter 29 established that an instrument operates at the second layer of a characterisation and that answerability retreats along the same path.

This chapter traces the movement, identifies the positions it creates, and states the asymmetry between the two things that travel along it. The argument here and the argument of Chapter 49 are halves of one account, and the connection is drawn at the end of this chapter and taken up there.

The chapter traces where interpretive power goes when determinations are produced by measurement. It proceeds by examining the claim that quantification removes the subject, identifying the positions that come into existence in its place, stating the asymmetry between what moves upstream and what fails to arrive there, applying the criterion of Chapter 21 to arrangements of this kind, examining the features that intensify them in conflict settings, and closing on the relation between this chapter and Chapter 49.

30.2 THE CLAIM THAT QUANTIFICATION REMOVES THE SUBJECT

A quantified assessment presents itself as reporting what is so. The presentation is what recommends it: a figure carries no evident authorship, and it can be checked by anyone with access to the same procedure. Against a judgement that depends on who offers it, a measure appears to offer a determination that depends on no one.

Chapter 23 gave the ground on which this appearance fails. A record becomes evidence under an interpretation, and the interpretation is performed somewhere. What a quantified assessment accomplishes is the removal of the interpreter from view. The judgements remain, they have been made, and they have been made by identifiable parties at identifiable moments.

The historical study of quantification supports a stronger statement of the point. Porter's examination of the rise of numerical objectivity (Porter, 1995) argues that quantification is

adopted where personal authority is weak or contested, and functions as a technology of distrust before it functions as a technology of knowledge. Measures are introduced where judgement has become difficult to defend, and their appeal lies in their capacity to produce determinations that require no defence of the person determining.

The consequence for the present argument is that quantification is a response to a problem of authority, and that its effect on authority is what this chapter traces.

30.3 THE POSITIONS CREATED

Where a determination about parties in conflict is produced by measurement, a set of positions comes into existence, and each holds a portion of what a party exercising judgement would have held alone.

Those who define the categories determine what will be counted as an instance of what. The definition of an incident, of a violation, of a participant, of a displacement settles what the resulting figures can be about.

Those who collect determine what enters the record. Access, safety, language, timing, and the parties willing to speak all shape a dataset, and the shaping is invisible in the product.

Those who construct the instrument determine how observations combine. Weightings, thresholds, functional forms, and the treatment of missing observations are settled here, and Chapter 29 identified each as a judgement presented as a matter of method.

Those who deploy determine where and to whom the instrument is applied, and the determination is consequential, since an instrument applied to one party and not another produces an asymmetry no figure records.

Those who decide act upon the output. This position is the visible one, and it holds the smallest portion of what has been distributed.

Two features of this arrangement bear on the argument of this book. The five positions are held by different parties, frequently in different organisations and different countries, and no participant occupies more than one. And the parties in conflict, who are subject to the determination, stand outside all five.

30.4 THE MOVEMENTS AND THEIR ASYMMETRY

Chapter 23 noted that interpretive power and answerability move in the same direction. The observation can now be stated with the positions specified, and the asymmetry between the two movements is the substance of the chapter.

Interpretive power moves upstream and arrives. Those who define categories and construct instruments hold, in aggregate, the determination of what a set of figures can say. The power is real, it is exercised, and it is exercised in advance of any particular case.

Answerability moves upstream and fails to arrive. A party who challenges a determination is directed from the deciding position to the instrument, from the instrument to the data, from the data to the definition, and the definition was adopted by a body constituted for a different purpose and no longer convened. At each step the response is accurate, and at the end of the sequence there is no position that has undertaken to answer for the determination as a whole.

The asymmetry is what makes such arrangements stable. Those who hold the power have not accepted the answerability, and the party who acted has transferred it. An arrangement of this shape requires no one to have arranged it, and it persists because each participant's account of their own role is true.

30.5 THE BEARING ON THE CRITERION

The criterion of Chapter 21 applies to instrumented determinations, and its application shows what the arrangement above removes.

Standing requires a position from which a characterisation may be refused, an addressee obliged to receive the refusal, and a reception capable of counting. A party characterised by an instrumented determination may hold the first, since the party may state that the determination misdescribes it. The second is where the arrangement bears: the addressee obliged to receive is the party who decided, and that party possesses no capacity to alter the determination, since the determination follows from positions it does not occupy.

The third component is reached by Chapter 29. A determination produced by an instrument specifies in advance what will count as bearing on it, and a party's objection is assessed under that specification. What would count as a successful refutation of a risk classification, of a fragility rating, of a coding decision that placed an event in one category in place of another: the question has an answer where the instrument's constitutive choices are available for examination, and it lacks one where they are not.

The requirement that follows is stated in Part IX. A party subject to an instrumented determination requires an addressee with the capacity to reach the positions from which the determination issued, and the requirement is a requirement on institutional design.

30.6 THE CASE OF ASSESSMENT UNDER CONFLICT

The arrangement described above is intensified in conflict settings by two features specific to them.

The parties subject to instrumented determinations in conflict have limited access to the positions that produce them. Category definitions are settled in institutional processes conducted elsewhere; instruments are built by bodies whose personnel and funding come from outside; deployment decisions follow from mandates the parties did not draft. The

exclusion is more complete than in domestic administrative settings, where those affected commonly hold some route, however inadequate, to the bodies that set the rules.

Determinations in conflict settings carry immediate consequences that foreclose the period over which an objection might be pursued. A classification bearing on which parties are engaged, which areas receive assistance, or which actors are treated as legitimate produces effects before any process of objection could conclude, and Chapter 7 established that the effects generate their own confirming evidence.

These features supply the reason for the treatment in Part IX, which takes the question of remedy in settings without an appellate authority as its hardest case.

30.7 THE CONNECTION TO THE RETREAT OF RESPONSIBILITY

This chapter and Chapter 49 are halves of one account, and stating the relation here prevents each from being read as a separate complaint.

The present chapter traces where interpretive power goes. Chapter 49 traces where answerability fails to go, and develops the jurisprudential consequences: what it means for a determination to be attributable, what remedies are available where attribution has been dispersed, and what a requirement of attributability would demand of an arrangement.

The two chapters describe one movement observed from two sides, and the asymmetry stated in Section 4 is the finding they share. Any proposal addressing one side alone leaves the arrangement intact: distributing power more widely without locating answerability reproduces the difficulty at more sites, and locating answerability at the deciding position alone assigns it to a party who holds the smallest portion of what was distributed.

30.8 SUMMARY OF RESULTS

Quantification is adopted where personal authority is difficult to defend, and it removes the interpreter from view while leaving the interpretive judgements in place.

Five positions come into existence where determinations are produced by measurement, and the parties subject to the determination stand outside all of them.

Interpretive power moves upstream and arrives; answerability moves upstream and fails to arrive; and the asymmetry between the two movements is what makes such arrangements stable.

The criterion of standing fails at its second component in such arrangements, since the addressee obliged to receive an objection lacks the capacity to alter the determination.

Conflict settings intensify the arrangement through the exclusion of the parties from the positions concerned and through the speed with which determinations produce effects.

This chapter and Chapter 49 describe one movement from two sides, and a remedy addressed to either side alone leaves the arrangement standing.

CHAPTER 31

THE ALLOCATION OF INTERPRETIVE AUTHORITY

31.1 THE AUTHORITY TO DETERMINE THE SITUATION

The chapters of this part have converged on a question that can now be stated directly. Someone determines what the situation is. Chapter 23 found the determination concealed in the construction of instruments, Chapter 24 found it concealed in the application of requirements, Chapter 26 found it inescapable in the position of any party who reads, and Chapter 30 traced where it goes when measurement performs it.

The question is who holds the authority to determine what the relational situation is, and on what terms.

The chapter takes up the question toward which the preceding chapters of this part have converged, and answers it in two movements. It states the dilemma the question presents, examines the presupposition on which the dilemma rests and the class of case in which that presupposition fails, converts the question for the substantial remainder into a question of conditions, states the asymmetry that persists after the conversion, and closes with the questions this yields for a given arrangement.

31.2 THE DILEMMA OF ALLOCATION

The question of who holds interpretive authority presents as a dilemma with two horns, and both are unattractive.

Suppose the authority rests with the intervener. Part IV established what follows. The intervener occupies a position within the field, its characterisations enter the deposits from which later parties draw, and its judgements reach the parties through its own standing. To assign interpretive authority to that position is to grant it the largest of the powers available in a process, and Chapter 13 showed that the position tends toward closing the return that would keep the power absorbed.

Suppose the authority to rest nowhere in particular, so that the parties settle between themselves what the situation is. Chapter 19 established the difficulty. Where designations have congealed, the parties' exchanges cannot correct them, since correction offered within

the order is received under the rule the order supplies. An arrangement that relies on the parties to determine the situation relies on a capacity that the condition of most concern has consumed.

Neither horn can be taken, and the dilemma is genuine.

31.3 THE PRESUPPOSITION THE DILEMMA CARRIES

The dilemma rests on a presupposition worth examining, since the examination supplies the way through.

Both horns assume that the situation must be interpreted by someone in order for anything to proceed. On that assumption the only question is who, and the answer must be an intervener, the parties, or some further body whose own position would then fall under the same examination.

Chapter 16 identified a class of case in which the assumption fails. Where parties face a matter whose outcome is settled by processes indifferent to their characterisations of one another, the outcome arrives without interpretation by any party. Sandbags placed correctly hold. A contagion is contained or spreads. The verdict is issued by the situation, and no allocation of authority was required to obtain it.

The availability of such matters is the sense in which the dilemma admits of dissolution. Where such a matter is available, the question of who interprets need not be answered, since the determinative outcome is produced without anyone's interpretation. The parties may describe the outcome afterward in whatever terms they hold, and the outcome stands.

Two qualifications carried from Chapter 16 apply. Such matters must exist, and their removal is available to parties in conflict. And they must be approached on the terms they set, which Chapter 41 develops.

31.4 THE REMAINDER REQUIRING AN ANSWER

The dissolution is partial, and the remainder is substantial. Interpretation occurs throughout a process: in the framing of an agenda, in the recording of what was said, in the determination that a party has failed to perform, in the characterisation that a process is advancing or stalling. These are not settled by rivers.

For the remainder the question is reformulated. In place of asking who holds the authority, the account developed here asks under what conditions any interpretation remains contestable. The reformulation converts a question of allocation into a question of conditions, and the conditions are those of Chapter 21.

The conversion has a definite advantage. An allocation must be made once and then holds, and whoever receives it holds it against all comers. A condition applies to every interpretation

whoever offers it, including the interpretations of the party who convened the process and the interpretations of the parties in conflict about one another.

The interpretive justice literature has developed the criteria that govern this conversion, and this book takes them as given. What is added here concerns the conditions under which those criteria can operate at all, which is the subject of the present part.

31.5 THE RESIDUAL ASYMMETRY

A remainder persists after the reformulation, and it should be stated plainly since arrangements that conceal it perform worse than arrangements that acknowledge it.

Whoever convenes a process holds interpretive capacity in excess of the parties. Convening determines who is present; framing determines the terms in which matters are discussed; the record determines what later parties will find. Chapter 12 established that these channels operate whether or not a third party is present, and Chapter 15 established that removing the third party redistributes them among parties in conflict.

The account developed in this book supplies the treatment for a capacity of this kind. Chapter 4 held that asymmetry is constitutive of relation and that the task is continuous absorption. Applied here, the question about a convening party's interpretive capacity is whether it is returned: whether the convening party is corrected by the parties, whether its framings are displaced by what the process produces, and whether its record is amended on the parties' account.

A convening party never corrected by those it convenes has not thereby acquired authority. It has ceased to surrender it, which is the movement Chapter 13 described, and the criterion for the two cases is the one used throughout this book.

31.6 THE QUESTIONS PUT TO AN ARRANGEMENT

The conditions developed above yield four questions that can be put to a given arrangement. They are stated so that answers are available from the arrangement's own records.

Which interpretations in this process were made by a party other than the one they describe, and are the parties they describe aware of them.

For each such interpretation, what would the process treat as a successful refutation, and is the answer recorded alongside the interpretation.

Where an interpretation was displaced in the course of the process, what displaced it, and did the displacement originate with the party described.

Which matters before this process are settled by outcomes no party's interpretation determines, and what would be required to make more of the process turn on such matters.

The fourth question is the one this chapter adds to the interpretive justice apparatus, and it follows from Section 3. An arrangement in which a larger share of the determinative outcomes

is produced without interpretation requires a smaller allocation of interpretive authority, and the design question this raises is taken up in Chapter 68.

31.7 SUMMARY OF RESULTS

The question of who determines the relational situation presents as a dilemma, since assigning the authority to an intervener grants the largest power in a process and leaving it with the parties relies on a capacity that congealed designations have consumed.

The dilemma presupposes that the situation must be interpreted by someone, and the presupposition fails for matters whose outcomes are settled by processes indifferent to the parties' characterisations.

For the substantial remainder, the question of allocation is converted into a question of conditions, which applies to every interpretation whoever offers it.

A residual asymmetry attaches to whoever convenes, and it is treated as any constitutive asymmetry is treated, by asking whether it is returned.

Four questions follow that can be put to an arrangement from its own records, the last concerning how much of a process turns on outcomes no interpretation determines.

CHAPTER 32

CANDIDATE OBSERVABLES AND THE CONFUSION WITH OUTCOMES

32.1 THE NATURAL PROPOSAL

An account that identifies conditions on a relation invites an attempt to observe them, and the attempt proceeds in a predictable way. A list is assembled of properties that a relation in good condition displays, and the properties are proposed as indicators of the condition.

Lists of this kind are readily produced. Interpretive openness, reciprocity, trust, adaptability, participation, and the emergence of new relations among parties all appear plausible, and each has an established literature and available measurement techniques.

This chapter examines such a list. The examination separates the entries into two classes, shows that the larger class returns the account to the difficulty of Chapter 23, and identifies what distinguishes the entries that survive. The result prepares Chapter 33.

32.2 THE DISTINCTION BETWEEN CONDITIONS AND OUTCOMES

The entries divide according to their relation to the conditions this book identifies.

A *condition* is a feature of an arrangement that makes something possible. Its presence is established by examining the arrangement, and its presence supports no inference about what the arrangement will produce.

An *outcome* is something a relation produces. Its presence is established by observing what has been produced, and it stands downstream of whatever conditions allowed it.

The distinction bears on measurement in a specific way. An outcome is a quantity that varies, it invites targets, and a party who wishes to be assessed favourably can produce more of it. A condition is a matter of whether an arrangement holds a certain shape, and a party who wishes to be assessed favourably can alter the arrangement, which is what the assessment was seeking.

32.3 THE ENTRIES THAT FAIL

Trust, adaptability, the emergence of new relations, and participation as commonly counted stand downstream of the conditions this book identifies, and each fails in a manner worth stating separately.

Trust is a product of a relation and one of the most consequential. Chapter 4 treated its loss as a form of degeneration. As an observable it is defective on the terms of this book: it is estimated from survey instruments whose administration is itself an event in the field, it varies with matters unrelated to the conditions at issue, and a party can produce declarations of trust more easily than it can produce the arrangements that would warrant them.

Adaptability is a disposition attributed to a system on the basis of what it has done, and the attribution is retrospective. A system observed to have adapted is said to be adaptable, and the observation supplies no purchase on a system that has yet to face what would test it. As an assessment instrument it records history.

The emergence of new relations is a result, and its measurement invites production. Where the count of new contacts, initiatives, or joint bodies is assessed, the count can be raised by arrangements that generate contacts, and Chapter 23 gives the pattern such measurement follows.

Participation occupies a middle position and is instructive. Counted as attendance, as membership, or as the number of consulted bodies, it is an outcome and fails with the others. Examined as whether a party holds a place from which what it says bears on what is decided, it becomes a condition and survives, and it survives under the description Chapter 33 develops.

The pattern across the four is that a property proposed as an indicator of relational condition, and measured as a quantity, becomes a target. The mechanism is the one Chapter 23 set out and Chapter 7 explains: the measure determines what is attended to, conduct follows the measure, and the resulting conduct supplies the measure's confirmation.

32.4 THE ENTRIES THAT SURVIVE

Reciprocity and interpretive openness are conditions in the sense given above, and their survival indicates what a workable observable looks like.

Reciprocity, understood as whether what one party offers alters what the other subsequently offers, is a property of an exchange. Its presence is established by examining a sequence of exchanges and asking whether the later terms bear the marks of the earlier ones. The examination is available to a party who was present, it requires no survey, and a party cannot produce it unilaterally, since it consists in a relation between what two parties did.

Interpretive openness, understood as whether a characterisation in circulation can be displaced by what the parties subsequently observe, is a property of an order. Its presence

is established by the test of Chapter 21: by asking what would be treated as a successful refutation, and by examining what happened when refutation was offered.

Three features distinguish these from the four that failed.

Their presence concerns an arrangement, so establishing it requires examining the arrangement and admits of no substitute in the form of a report about it.

The two conditions resist unilateral production. A party cannot supply reciprocity by itself, and a party cannot make its own characterisations refutable by declaring them so.

They are established from what has already occurred in the process, so their examination requires no separate instrument administered to the parties, which removes the channel through which the reactivity of Chapter 23 operates.

32.5 THE OBJECTION FROM CIRCULARITY

An objection arises against the conditions that survive, and it deserves an answer here in place of a later chapter.

The objection holds that interpretive openness, as described above, is the criterion of Chapter 21 restated, so that proposing it as an observable establishes that the account can observe its own criterion and nothing further.

The observation is correct and the objection fails. An account that identifies a condition and supplies no means of establishing its presence has offered something unusable, and an account that identifies a condition and shows how its presence is established has completed a task. The circularity alleged is the ordinary relation between a criterion and its application. What would count against the account is the absence of any means of establishing the condition, or the discovery that every proposed means is itself defeated by the mechanisms the account describes.

The second possibility is live and is treated in Chapter 33, which examines whether the absorption of refutation can be established by a party positioned inside the relation.

32.6 THE COST OF THE RESTRICTION

The restriction to conditions has a cost that should be stated, since practitioners will meet it immediately.

Conditions supply no aggregate. There is no total, no trend line, and no comparison across settings of the kind that funders, headquarters, and evaluators employ. An assessment reporting that reciprocity holds in one relation within a process and fails in another supplies information that the instruments of institutional reporting cannot carry.

Chapter 22 anticipated the pressure this produces and gave the defence available. The present chapter adds that the pressure operates on the observables as well as on the guidance, and that the conversion of a condition into a scored quantity is detectable by asking whether a

party could raise the score without altering the arrangement. Where the answer is affirmative, an outcome has been substituted for a condition, and the substitution has occurred whatever the measure is called.

32.7 SUMMARY OF RESULTS

Properties proposed as indicators of relational condition divide into conditions and outcomes, and the division bears on whether measurement returns the difficulty of Chapter 23.

Trust, adaptability, and the emergence of new relations stand downstream and become targets when measured; participation divides according to how it is understood.

Reciprocity and interpretive openness are conditions, and three features distinguish them: their presence concerns an arrangement, they resist unilateral production, and they are established from what has already occurred.

The circularity alleged against the surviving conditions is the ordinary relation between a criterion and its application, and what would count against the account is the defeat of every means of establishing the condition.

The restriction supplies no aggregate, and the substitution of an outcome for a condition is detectable by asking whether a party could improve the reported value without altering the arrangement.

CHAPTER 33

CONDITIONS OF CONTESTATION AS OBSERVABLES

33.1 THE WORK REMAINING FOR THIS CHAPTER

Chapter 21 stated the criterion on which this book's normative work rests. Chapter 32 established that conditions of the right shape can serve as observables and that outcomes cannot. What remains is to show how the criterion's components are established in a given process, and to face the difficulty that the mechanism the book describes may defeat the attempt.

This chapter sets out the procedures available for each component, states the difficulty in its strongest form, gives the partial answer available, and records what remains open.

The chapter closes Part VI by showing how the criterion's components are established in a given process. It proceeds through the three components in turn, states the difficulty attaching to the third in its strongest form as the open question this part carries, sets out three procedures that reduce the difficulty without dissolving it, and closes by assembling what an intervener can and cannot establish.

33.2 THE FIRST COMPONENT

The first component requires a position from which a party may speak about itself, constituted otherwise than by the characterisation at issue.

Its presence is established by examining the process record for three matters.

Whether the party appears in the record in any capacity beyond the one the characterisation assigns. A party present only as the subject of assessments about it holds an occasion and no position.

Whether the party's own account of itself is recorded in the instruments the process employs, alongside the characterisations applied to it, and whether a later reader of those instruments encounters both.

Whether the terms in which the party may speak are set by the party or by the framing. Chapter 12 identified framing as a channel of participation, and the examination here asks

whether a party's submission had to be rendered in categories supplied by others to be received.

The three matters above are matters of record, and their examination requires no cooperation from the parties and no separate instrument.

33.3 THE SECOND COMPONENT

The second component requires an addressee obliged to receive.

Its presence is established by identifying, for a given characterisation, the party to whom an objection would be directed, and by determining what that party is able to do about it.

Chapter 30 showed the component failing in a specific way where determinations are produced by measurement: the addressee obliged to receive is the party who decided, and that party lacks the capacity to alter a determination originating in positions it does not occupy. The examination therefore asks whether the obliged addressee holds a route to the positions from which the characterisation issued.

Two forms of failure are distinguishable and both occur. In the first, no addressee is identifiable, and an objection has nowhere to go. In the second, an addressee is identifiable and is unable to act, so an objection is received and terminates. The second is more common in institutional settings and more difficult to detect, since a process that records objections appears to satisfy the component.

33.4 THE THIRD COMPONENT AND ITS DIFFICULTY

The third component requires that reception be capable of counting, and Chapter 21 gave the test: ask what the receiving party would treat as a successful refutation.

The test has an attractive property. A party who can answer the question has specified in advance a state of affairs that would count against its characterisation, and the specification is recorded and can be compared with what subsequently occurred. A party who cannot answer has established the absence of the component without any need to examine particular exchanges.

The difficulty concerns the case in which the question receives an answer that is never satisfiable in practice. A party may specify what would refute its characterisation and specify something the other party cannot produce, or something whose production would be read under the same rule that governs everything else. The answer is given, the component appears satisfied, and the absorption continues.

33.5 THE OPEN QUESTION

The difficulty just described admits of a sharper statement, and in that form it is the open question this part carries.

Establishing that refutation is being absorbed requires comparing what a party offered with how it was received, and judging that the reception was determined in advance. The judgement is made by someone. If the judgement is made by a party inside the relational field, that party's own reading is subject to the rules of reading in circulation, and a party who concludes that another's refutation was absorbed may be applying a characterisation of its own. If the judgement is made from outside, Chapter 12 and Chapter 16 apply, and the outside position is unavailable in the sense required.

The question is therefore whether the absorption of refutation can be established by any party positioned within the field, and this book does not settle it. It is listed among the open problems of Chapter 71.

33.6 THE PARTIAL ANSWER

The difficulty of establishing absorption from within is reduced by three procedures, each available in practice, and none of them dissolves it.

Specification in advance. Where the answer to the test question is recorded before the material arrives, the comparison between what was specified and what was subsequently offered is a comparison of two records. The judgement required is smaller than a judgement about how an exchange was received, and it is available to any party with access to both records.

Accumulation across instances. A single instance of a refutation read as confirmation admits of innocent explanations. A pattern across many instances, in which every offering of every kind is read as consistent with the characterisation, supports the conclusion more strongly, and the pattern is recorded in the process material.

Outcomes the characterisation does not determine. Chapter 16 identified matters whose outcomes are settled by processes indifferent to the parties' characterisations. Where such a matter is present, a party's conduct with respect to it produces a result that the characterisation must accommodate afterward. Repeated accommodation of results the characterisation would not have predicted is evidence of a kind the rules of reading have difficulty absorbing, since the rules govern the reading of conduct and the results arrive from elsewhere.

The third procedure is the strongest and the least available, since it depends on the existence of a shared matter, which Chapter 16 established to be contingent and Chapter 19 found scarce in the condition of most concern.

33.7 THE ASSEMBLED POSITION

The results of this part may now be assembled, and the assembly states what an intervener can establish.

An intervener can establish whether a party appears in the record beyond the characterisation applied to it, whether its own account is carried alongside, and whether it may speak in terms it sets.

An intervener can establish where an objection would be directed and what that addressee is able to do about it.

An intervener can establish what a process says it would treat as a successful refutation, and can compare the specification with what subsequently occurred.

An intervener can establish, from the four features of Chapter 27 and the six indications of Chapter 28, whether the field has entered the condition in which accounts of its state have become instruments within it.

An intervener cannot establish, in the manner the ordinary demand intends, what the relational state is. Chapter 26 showed the demand to presuppose a vantage the position lacks, and the substitution proposed there is what the foregoing realises.

33.8 THE CLOSE OF PART VI

Part VI has examined four families of assessment and found them to fail at different points and for a common reason, located that reason in the position of the party who reads, named the condition in which information about a field has been enrolled in the struggle within it, given the indications by which that condition is determined and the safeguard that governs the determination, traced the movement of interpretive power under measurement, converted the question of interpretive authority into a question of conditions, and specified what an intervener can establish.

What follows from a position that can establish these things and cannot establish a state is the subject of Part VII, which examines the traditions that have taken action under such conditions as their subject, and of Part VIII, which distinguishes the regimes in which the question receives different answers.

PART VII

ACTION UNDER RELATIONAL UNCERTAINTY

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CHAPTER 34

THE INSUFFICIENCY OF OPTIMIZATION

34.1 THE POSITION REACHED

Part VI established what an intervener can determine and what lies beyond determination. An intervener can establish whether a party holds a position from which a characterisation may be refused, where an objection would be directed and what that addressee can do, what a process says it would treat as a successful refutation, and whether the field has entered the condition in which its own state descriptions have been enrolled in the struggle. An intervener cannot establish the relational state in the manner the ordinary demand intends.

Action must nonetheless proceed. This part examines the traditions that have taken action under such conditions as their subject, and it opens by setting aside a form of answer that would otherwise organise everything that follows.

The chapter opens Part VII by setting aside a form of answer that would otherwise organise everything following. It states the model at issue and the objective it would supply, gives three reasons for declining that objective in order of their strength, records the responses others have made to the same difficulty, sets out what replaces an objective, and closes on the standing of the chapters that follow.

34.2 THE FORM OF ANSWER AT ISSUE

The dominant model of rational action (Simon, 1955) specifies an objective and selects the course expected to maximise it. Options are enumerated, consequences estimated, values attached, and the option with the highest expected value is chosen. Variants adjust for uncertainty, for multiple objectives, and for the costs of deliberation, and the structure survives the adjustments: an objective is given, and action is the search for the course that best serves it.

Applied to the material of this book, the model has an obvious candidate objective. Chapter 4 defined degeneration as the contraction of a possibility, and an account so defined appears to supply a quantity to be preserved or increased. An intervener would then act so as to maximise the generative capacity of the relations before it.

The candidate is declined, and the reasons are given below. Two are internal to the argument of this book and one is practical.

34.3 THE CONSEQUENCE FOR THE SERIES OF JUSTICES

The first reason concerns what an objective of that shape permits.

An objective licenses trade-offs. Where generative capacity is what is to be maximised, any element of a process becomes available for sacrifice on a showing that its sacrifice raises the total. The participation of a party whose involvement slows a process, the contestability of a designation whose examination would reopen settled matters, the standing of a party whose claims complicate an arrangement: each may be surrendered on the argument that the aggregate is thereby served.

The argument would be valid. This is the difficulty. Where the objective is stated, the sacrifices follow from it by the ordinary logic of maximisation, and an account that adopted the objective would possess no resources for resisting them.

The consequence extends beyond this book. The justice constraints developed elsewhere in this series concern who participates in the generation of value and on what terms meaning is generated justly. Constraints of that kind stand in a determinate relation to an objective: where an objective is given, constraints are what may be relaxed when relaxing them serves the objective. An account that placed generative capacity at the end of a decision procedure would render the remainder of the series subordinate to it, and the subordination would be a consequence of the account's own structure.

34.4 THE CONSEQUENCE FOR PARTIES WHO WILL GENERATE NOTHING

The second reason was stated in Chapter 7 and applied in Chapter 21, and it is recalled here because it bears directly on decision.

An objective defined over what parties will generate weighs parties by their expected contribution to it. A party from whom little further generation is expected receives correspondingly little weight, and the weighting follows from the objective, and holds whatever judgement is made about the party. Dispersed communities, populations whose capacity for collective action the conflict has destroyed, and parties whose claims concern events that will not recur all fall into this class.

The criterion adopted in Chapter 21 attaches to a position and produces no such weighting. What an account owes such a party is the same as what it owes any other, and the difference between the two approaches appears precisely where it matters.

34.5 THE PRACTICAL REASON

The third reason concerns the inputs the model requires.

Expected-value reasoning requires an estimate of consequences. Part VI established that the relational state is undeterminable in the required sense, that categories in the condition of most concern are themselves in transition, and that the instruments which would supply estimates are among the material enrolled in the struggle. The model requires what the situation withholds.

The practical reason is weaker than the other two and is stated as such. It bears on feasibility, and an improvement in what could be estimated would weaken it, while the first two reasons would stand unaltered. The order of the three is deliberate.

34.6 NEIGHBOURING RESPONSES TO THE SAME DIFFICULTY

The difficulty that recommends the model's abandonment has been met elsewhere, and four responses deserve recording, since the account developed here stands among them.

Bounded rationality holds that the model describes a capacity no actor possesses, and that actors satisfice, accepting a course that meets a threshold in place of searching for a maximum (Simon, 1955). Incrementalism holds that policy proceeds by successive limited comparisons among courses differing slightly from what is in place (Lindblom, 1959). Robust decision making holds that where futures cannot be assigned probabilities, strategies are assessed by their performance across many plausible futures (Lempert et al., 2003). And sensemaking holds that actors enact the environments they subsequently interpret, so the situation an actor responds to is in part the actor's own product (Weick, 1995), a position that corresponds to what Part IV establishes about the intervener. A related body of practical guidance distinguishes domains by whether cause and effect are traceable, and prescribes probing before sensing in the domain where they are not (Snowden and Boone, 2007).

Each of these retains an objective and adjusts the procedure by which it is pursued. Satisficing accepts less of what is sought; incrementalism approaches it in smaller steps; robust decision making seeks it across more futures; and sensemaking describes how the object of pursuit is constituted. The account developed here departs at a different point, since the reasons of Sections 3 and 4 bear on having an objective of the relevant kind in place of the procedure by which one is pursued.

34.7 THE REPLACEMENT FOR AN OBJECTIVE

Chapter 22 identified the forms of guidance the account supplies, and the present part develops them. The replacement for an objective is a set of conditions maintained, and the

logical shape of the resulting practice deserves statement, since it differs from optimisation in ways that matter for the chapters that follow.

A constraint eliminates. It divides the courses under consideration into those that preserve what is protected and those that close it, and it says nothing about the first group.

A constraint therefore underdetermines. Several courses commonly remain, and choosing among them requires something other than the constraint. Chapters 36 and 37 examine two traditions that have taken that something as their subject.

A constraint is checkable at the time of acting and afterward, since its satisfaction concerns the arrangement produced in place of the outcome achieved. This property is what makes the guidance usable by parties who cannot estimate consequences.

A constraint binds symmetrically. It applies to the intervener's own conduct on the same terms as to any party's, which an objective does not, since an objective is held by whoever holds it.

34.8 THE STANDING OF WHAT FOLLOWS

An account that declines optimisation invites the charge of supplying nothing an agent can act upon, and the charge is answered by what the remaining chapters of this part contain.

Chapter 35 examines whether the practice described admits of statement as a form of rationality alongside the established forms. Chapter 36 examines the tradition that treats judgement in the particular case as a distinct capacity with its own standards. Chapter 37 examines the empirical study of expert decision under time pressure and degraded information. Chapter 38 identifies the class of inferences whose adoption forecloses enough that they warrant separate treatment. Chapter 39 states the conditions an intervener holds while a situation remains undiagnosed. Chapter 40 states what may not be transferred to an instrument. Chapter 41 states the case for withholding a name.

Each of these supplies material for acting. None supplies a procedure that returns a course of action from a description of a situation, and the absence of such a procedure follows from Part VI.

34.9 SUMMARY OF RESULTS

The model of action as maximisation supplies an obvious candidate objective for this account, and the candidate is declined.

An objective licenses trade-offs by valid argument, so an account adopting one would render the constraints developed elsewhere in this series subordinate to it.

An objective defined over what parties generate weighs parties by expected contribution, and produces no obligation toward parties from whom no further generation is expected.

The model requires estimates that Part VI established to be unavailable, which is a reason of feasibility and the weakest of the three.

What replaces the objective is a set of conditions, and constraints eliminate, underdetermine, remain checkable at the time of acting, and bind the intervener on the same terms as the parties.

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CHAPTER 35

RELATIONAL RATIONALITY

35.1 THE PROPOSAL AND ITS BURDEN

Chapter 34 declined an objective and put conditions in its place. A practice governed by conditions has a character of its own, and the question this chapter examines is whether that character warrants a name alongside the established types of rational action.

The proposal is that it does, under the name relational rationality. The proposal carries a burden, and the burden is discharged in this chapter or the name is withdrawn. Weber's typology classifies action by its orientation, and a candidate addition must be an orientation of action. A criterion of legitimacy, however sound, belongs to a different category and would be misplaced by being called a rationality.

The chapter examines whether the practice described in the preceding chapter warrants a name alongside the established types of rational action, and it carries a burden it must discharge. It sets out the established types and the test a candidate must meet, states the candidate orientation, argues its irreducibility through a worked case, answers two objections and narrows the proposal in answering the second, records where such conduct is recognisable in practice, and closes on the function the proposal performs in the rest of the part.

35.2 THE ESTABLISHED TYPES

Weber (1978) distinguished four orientations of social action, of which two bear on the present argument.

Instrumentally rational action is oriented to ends, means, and secondary consequences, with each weighed against the others and against alternative ends. The actor calculates.

Value-rational action is oriented to a conviction about the value of a conduct for its own sake, independently of what the conduct achieves. The actor acts as the conviction requires, and the question of consequence stands outside the orientation.

The remaining two types, affectual and traditional action, are marked by Weber as lying at the boundary of meaningfully oriented conduct and are set aside here.

Two features of the typology govern the examination below. The types classify the orientation an actor takes toward an action, so a candidate type must specify what an actor is oriented to. And the types are ideal, so actual conduct combines them, and a candidate is established by showing that it is irreducible to the others; finding conduct that exhibits it purely is no part of the requirement.

35.3 THE CANDIDATE ORIENTATION

The orientation at issue can be stated.

Candidate orientation. *Action is relationally rational where it is oriented to the maintenance of the conditions under which the parties to a relation may continue to interpret it together, to bear responsibility for it jointly, and to revise what has been settled within it.*

Three features of the formulation matter for the argument.

The orientation is toward conditions of a relation, which are states of affairs an actor may aim at maintaining. This is what makes the candidate an orientation of action.

The conditions concern joint interpretation, joint responsibility, and revisability. These are the three matters the preceding parts of this book have developed, and their appearance here is what connects the proposal to the account.

The orientation stands apart from the outcome of the relation. An actor so oriented maintains the conditions whether or not the relation subsequently produces agreement, and the maintenance is what the orientation requires.

35.4 THE ARGUMENT FROM IRREDUCIBILITY

The candidate is established by showing that conduct so oriented is misdescribed by each of the established types.

Consider an intervener who declines to issue a determination about which party's account of an incident is accurate, and who records both accounts in the instrument that carries the process forward, together with a statement of what would settle the matter should evidence of a certain kind emerge.

Described as instrumentally rational, the conduct is puzzling. A determination would advance the process, the intervener possesses grounds sufficient for one, and the refusal to issue it defers a matter that will require settlement. An account in terms of ends and means must supply an end the deferral serves, and the available candidates are unpersuasive: the deferral does not obviously improve the prospects of settlement, and it may worsen them.

Described as value-rational, the conduct is also misdescribed, though less obviously. Value-rational action proceeds from a conviction about the worth of a conduct irrespective of consequence, and an intervener might indeed hold impartiality to be required whatever follows. The description fails to capture what the conduct in the example attends to. The intervener is not performing an act held to be right in itself. The intervener is maintaining a feature of the relation between the parties, namely the availability to each of a position from which the other's account may still be contested. The orientation is toward a state of the relation, and value-rational action is oriented toward the character of the actor's own conduct.

The distinction can be put compactly. Instrumental rationality asks what will produce the result. Value rationality asks what conduct is required of me. The candidate asks what state of the relation my conduct maintains, and the third question is answered by neither of the first two.

35.5 OBJECTIONS TO THE PROPOSAL

The proposal attracts two objections, and both are serious.

The first holds that the candidate is instrumental rationality with an unusual end. Maintaining the conditions of joint interpretation is an end, the conduct is the means, and the calculation proceeds as it always does.

The reply concerns the structure of what is maintained. Chapter 34 established that an objective licenses trade-offs, and the conditions at issue resist the operation. A condition either holds for a party or fails for that party, and an arrangement in which one party's standing is closed to raise another's supplies no aggregate in which the closure could be offset. An actor oriented to conditions of this kind is unable to perform the calculation the objection attributes, since the quantity the calculation requires is undefined. Where a would-be objective admits of no aggregation across the parties it concerns, the orientation toward it differs in kind from the orientation toward an end.

The second objection holds that the candidate is a criterion of legitimacy wearing the costume of a rationality, and that Chapter 21 already stated it. This objection has force and the reply narrows the proposal.

The criterion of Chapter 21 states a condition on an arrangement, and it is assessed by examining the arrangement. The proposal of this chapter concerns an actor's orientation, and it is assessed by examining what the actor attends to in deciding. The two are related as a standard is related to the disposition of a party who acts under it, and the distinction is the ordinary one between an assessment of an arrangement and a description of an agent.

The narrowing this yields is worth stating. The proposal earns its name to the extent that conduct oriented in the manner described occurs, is recognisable, and is misdescribed by the alternatives. Sections 4 and 6 supply the argument for the third, and the first two are matters

on which the study of practice would bear.

35.6 RECOGNISABILITY IN PRACTICE

Conduct of the kind described is recognisable, and three familiar practices exhibit it.

A facilitator who allows a party to state a position the facilitator believes to be mistaken, in terms the party chooses, is maintaining the availability of a position in place of advancing an argument.

A body that records an objection it has no power to act upon, and preserves it in the instrument a successor body will consult, is maintaining the possibility of a later reopening at a cost in present efficiency.

A party who declines to characterise an undertaking as belonging to a peace process, where the characterisation would return the undertaking to contested ground, is attending to what a name would close. Chapter 41 develops this case.

Each of these is intelligible to practitioners, each is performed, and each is explained by the established types with difficulty.

35.7 THE BEARING ON THE REST OF PART VII

The proposal organises the chapters that follow, and its function there should be stated.

Chapters 36 and 37 examine two traditions concerned with how judgement operates where calculation is unavailable. Neither supplies an account of what the judging party attends to, and both are compatible with an actor attending to anything at all. The orientation proposed here specifies what an intervener in this account attends to, and it is what the two traditions are put to work upon.

Chapters 38 to 41 develop particular requirements, and each may be read as a specification of the orientation for a class of case: which recognitions the orientation holds back from action, which conditions it maintains before diagnosis, what it declines to transfer to an instrument, and when it withholds a name.

35.8 SUMMARY OF RESULTS

A candidate orientation is stated: toward the maintenance of the conditions under which parties may continue to interpret a relation together, bear responsibility for it jointly, and revise what has been settled within it.

The candidate is an orientation of action, which is what Weber's typology classifies, and the burden the proposal carries is discharged on that point.

Conduct so oriented is misdescribed by instrumental rationality, which asks what produces the result, and by value rationality, which asks what conduct is required of the actor.

The objection that the candidate is instrumental rationality with an unusual end is answered by the absence of an aggregate across the parties the conditions concern.

The objection that the candidate restates the criterion of Chapter 21 is answered by the distinction between an assessment of an arrangement and a description of an agent, and it narrows the proposal to a claim about orientation.

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CHAPTER 36

PHRONETIC SOCIAL SCIENCE AND PRACTICAL JUDGMENT

36.1 THE QUESTION THIS CHAPTER ANSWERS

Chapter 34 established that constraints underdetermine action, so that several courses commonly satisfy them and something further is required to choose among them. Chapter 35 specified what an intervener so governed attends to. Neither supplies an account of the capacity by which the choosing is done.

A tradition running from Aristotle through recent work in the social sciences has taken that capacity as its subject. This chapter sets out what the tradition supplies, what it establishes about the assessment of judgement, where it is weak, and how it bears on the account developed here.

The chapter examines the tradition that has taken judgement in the particular case as its subject, and establishes how this account uses it. It proceeds from the classical distinction to its contemporary programme, applies it to the difficulty Chapter 23 identified, states the weakness the tradition carries, sets out the composition by which this account uses it alongside constraints, and closes on what the tradition supplies for practice.

36.2 THE CLASSICAL DISTINCTION

Aristotle distinguished intellectual excellences by their objects. Episteme concerns what holds universally and necessarily, and its exercise is demonstration. Techne concerns making, and its exercise is the application of a productive art to material. Phronesis concerns action in particular circumstances where what is good for a person or a community is at issue, and its exercise is deliberation.

Three features of phronesis carry into the argument.

Its object is the particular. Universals are involved in deliberation, and the excellence consists in the perception of what is at issue in the case at hand, which no universal delivers.

Deliberative excellence is acquired through experience of cases. Deliberative excellence develops in a party who has faced such situations, and its acquisition takes time in a way the acquisition of a technique does not.

It cannot be transmitted as a rule. What the excellent deliberator knows admits of partial articulation, and a party who has learned the articulation without the experience is in a different position from one who has both.

36.3 THE CONTEMPORARY PROGRAMME

Flyvbjerg's argument for a phronetic social science (Flyvbjerg, 2001; Flyvbjerg et al., 2012) took these features and applied them to a dispute about method.

The argument holds that the social sciences fail when measured against the natural sciences, since the objects of social inquiry are context-dependent in a manner that defeats the search for predictive theory, and that the failure indicates a misconception of what social inquiry is for. The alternative proposed is an inquiry organised around practical questions concerning where a situation is going, who gains and who loses by which mechanisms of power, and whether the development is desirable, with case study as its characteristic method and the improvement of practical judgement as its purpose.

Two elements of the programme bear directly on this book.

The programme treats context-dependence as constitutive of the subject matter in place of an obstacle to be overcome by better method. This corresponds to the position Part VI reached by a different route, and the correspondence is worth marking, since a conclusion reached from the philosophy of social science and from the analysis of relational degeneration carries more weight than one supported from either alone.

The programme places questions of power among the questions practical inquiry must ask, and the placement connects to Chapter 30 and Part IX.

36.4 THE BEARING ON THE EVIDENTIALIST DIFFICULTY

A cognate debate in a neighbouring field supplies the sharpest statement of what phronesis is for, and Chapter 23 named the difficulty it addresses.

Evidence-based medicine holds that clinical decisions should rest on the best available evidence from systematic research. Its critics have argued that evidence of that kind concerns populations, that a clinician treats a patient, and that the passage from the first to the second is performed by a capacity the evidential apparatus does not supply. The literature has named that capacity practical wisdom (Montgomery, 2006), and has developed the point through the contrast between *techne*, which applies general knowledge to a class, and *phronesis*, which addresses the person in front of one.

The parallel with the difficulty this book calls the displacement of attention is exact. An indicator summarises, and the summary displaces the work of attending to these parties in these circumstances. The medical literature has established that the displacement is a live problem in a field where the evidential apparatus is far better developed than anything

available in peace practice, and that its remedy has been sought in the cultivation of a capacity in place of improvement of the instruments.

Two cautions belong with the parallel. The medical case involves one practitioner and one patient, and the interveners this book concerns act toward parties who are themselves in conflict, so the judgement at issue is exercised in a field where those judged are contending. And the medical debate has produced no settled account of how practical wisdom is assessed, which is the difficulty the next section takes up.

36.5 THE WEAKNESS OF THE TRADITION

The tradition is weak at the point where an account of judgement is most needed, and the weakness should be stated plainly, since the account developed in this book relies on the tradition and inherits it.

Phronesis is identified by its exercise, and its exercise is identified by its success. A deliberator is judged excellent by the quality of the judgements made, and the quality of a judgement in a particular case is assessed by parties exercising the same capacity. The account therefore supplies no external check, and it is correspondingly available for the defence of any judgement whose maker holds standing.

The difficulty has a specific form in the material of this book. Chapter 13 described a position sustained by a presumption held by the parties, and observed that interrogation bears on what sustains it. An appeal to practical wisdom is available to an intervener whose judgement is questioned, and the appeal has the structure the second layer of Chapter 7 describes: it specifies that the questioner lacks what would be required to assess the judgement. A tradition that grounds judgement in a capacity acquired through experience supplies, without intending it, a form of words by which experience declines examination.

The availability of that form of words is a reason for holding the tradition alongside the constraints of this account in place of place of them. Constraints are checkable by parties who lack the capacity, and the checkability is what makes them usable by those subject to the judgement.

36.6 THE COMPOSITION ADOPTED

The account developed here uses the tradition in a definite place, and stating the composition prevents the difficulty above from reaching the whole.

Constraints determine admissibility. Whether a course preserves the standing of the parties is settled by the examinations of Part VI, and those examinations are available to a party without deliberative excellence, including a party subject to the judgement.

Judgement operates within admissibility. Which of the admissible courses is taken in a particular case is a matter for deliberation of the kind this chapter describes, and the tradition

supplies what is known about the capacity that performs it.

The composition assigns to each what it can bear. A constraint cannot select among admissible courses, since it eliminates and does no more. Practical judgement cannot be assessed by a party who lacks it, so the protection of those affected cannot rest upon it. Each covers the other's exposure.

The composition also yields a requirement, and it belongs to the account of standing in Chapter 21. Where an intervener's judgement is questioned, what may be examined is whether the course taken was admissible, and an appeal to deliberative excellence supplies no answer to that question. A party invoking practical wisdom in response to a challenge concerning admissibility has changed the subject.

36.7 THE PRACTICAL YIELD OF THE TRADITION

The tradition of practical judgement yields three results for practice, and Part VIII applies them.

Judgement in these matters develops through exposure to cases, so an arrangement concerned with the quality of its interveners attends to the composition of their experience.

Judgement is exercised on particulars, so arrangements that remove interveners from contact with particulars degrade the capacity they rely upon. Chapter 23 identified the mechanism by which this occurs.

Judgement is fallible in a manner the tradition does not correct, so the arrangements that protect parties against a judgement's failure operate through the constraints and the remedies of Part IX.

36.8 SUMMARY OF RESULTS

The classical distinction identifies deliberative excellence as a capacity addressed to particulars, acquired through experience, and resistant to transmission as a rule.

The contemporary programme treats context-dependence as constitutive of social inquiry and places power among its questions, corresponding to the position Part VI reached independently.

The debate over evidence-based practice in medicine states the difficulty this book calls displacement of attention, and has sought its remedy in a capacity in place of in better instruments.

The tradition is weak in supplying no external check, and an appeal to practical wisdom is available to an intervener as a means of declining examination.

The composition adopted assigns admissibility to constraints and selection to judgement, so that each covers the other's exposure, and an appeal to deliberative excellence supplies no answer to a challenge concerning admissibility.

CHAPTER 37

NATURALISTIC DECISION MAKING UNDER DEGRADED INSTRUMENTATION

37.1 THE TRADITION AND ITS OBJECT

A programme of research beginning in the 1980s (Klein, 1998) studied how experienced practitioners decide in field conditions: fire ground commanders, military officers, flight crews, emergency physicians, and nuclear plant operators. The programme was empirical in method and its findings ran against the model Chapter 34 declined.

The conditions the programme took as its object are stated in its own terms: ill-defined goals, incomplete and ambiguous information, shifting circumstances, time pressure, high stakes, and multiple participants. The correspondence with the conditions this book examines is close, and the correspondence is what recommends the tradition for the present argument.

The programme's central finding concerns what experts do in place of comparing options. In its best-known statement, a practitioner recognises a situation as one of a familiar kind, and the recognition brings with it an expectation of how matters will develop, the cues worth attending to, the goals in play, and a course of action that has served in situations of that kind. The course is evaluated by imagining its execution. Where the imagining discloses a difficulty, the course is modified or another is taken up. Comparison among options occurs rarely and chiefly among the inexperienced.

The chapter examines the empirical study of expert decision under pressure, and converts it from a source into an object of examination. It sets out the programme and its findings, treats a related concept and the objection it has attracted, states the condition under which the findings hold and shows that condition to be weak here, draws the question this yields, and closes on what the programme supplies for Part VIII.

37.2 THE FINDINGS OF THE PROGRAMME

The naturalistic decision making programme yields four findings that carry into the argument of this book.

Expertise operates through recognition in place of calculation, so an account of decision that describes only calculation misdescribes what experienced parties do.

Evaluation proceeds by mental simulation, which is a serial operation performed on one candidate course, and its function is the detection of difficulties in place of the ranking of alternatives.

Decision in these settings is continuous. A course is adopted, its execution is observed, and the observation revises the recognition. The programme describes a cycle in place of an act, which corresponds to the iterative account adaptive mediation gives of intervention.

Expertise is distributed across teams, and the maintenance of a shared understanding among those acting is a substantial part of what competent teams do.

37.3 SITUATION AWARENESS AND ITS CRITICS

A related body of work developed the concept of situation awareness, distinguishing the perception of elements in an environment, the comprehension of their significance, and the projection of their near-term development.

The concept has evident application to the material of this book. Perception concerns what is occurring among the parties. Comprehension concerns what a silence, an interruption, or the arrival of a new participant signifies. Projection concerns where the exchange is tending.

The concept has also attracted a substantial objection, and the objection matters here because it converges with Part VI. Critics have argued that situation awareness is reconstructed after the fact: an outcome is known, the elements that would have indicated it are identified, and a practitioner who failed to attend to those elements is described as having lacked awareness. On this account the concept explains outcomes by redescribing them, and its explanatory work is performed by hindsight.

The objection has the structure of the difficulty Chapter 7 describes, and this bears noting. A concept that specifies in advance what will count as evidence of its own presence, and that identifies that evidence by reference to what subsequently occurred, is a concept whose refutation has been arranged for. The objection is not that situation awareness is absent, and it is that the concept as commonly deployed is difficult to bring into contact with evidence.

The use made of the concept here is accordingly narrow. Its three levels supply a useful division of what an intervener attends to, and Part VIII employs the division. Claims that a party possessed or lacked awareness are set aside.

37.4 THE BOUNDARY CONDITION ON EXPERTISE

The tradition carries a limit that constrains its transfer to the material of this book, and the limit is acknowledged within the tradition itself.

An adversarial collaboration between researchers who had reached opposing conclusions about expert judgement (Kahneman and Klein, 2009) produced an agreed account of when expertise develops. Skilled intuition requires an environment sufficiently regular to be

predictable, and an opportunity to learn its regularities through prolonged practice with feedback. Where either condition fails, confident judgement develops without corresponding accuracy.

Both conditions are questionable for protracted conflict.

Regularity is what Chapter 4 placed in question. The reorganisation following an unabsorbed asymmetry is the point at which the distinctions a system can make are themselves at issue, and an environment whose categories change is irregular in the sense the condition requires.

Feedback is slow, sparse, and confounded. The consequences of a mediator's decision appear over years, they are shaped by many parties, and the counterfactual is unavailable. A practitioner receives few clear signals of error, and Chapter 7 established a mechanism by which a mistaken characterisation generates evidence of its own correctness.

The consequence is stated as a caution and not as a dismissal. The tradition establishes how experienced practitioners decide, and it supplies the conditions under which such deciding is reliable. Where those conditions are weak, what the tradition describes still occurs, and its reliability is what stands in question. An intervener in a protracted conflict recognises situations and acts on the recognitions, and the recognitions are less trustworthy than the corresponding recognitions of a fire ground commander.

37.5 THE TURN THIS YIELDS

The boundary condition converts the tradition from a source into an object of examination, and the conversion is the contribution of this chapter.

Where recognition is reliable, the practical question concerns how to support it: training, exposure, the composition of teams, the design of displays. Where recognition is unreliable in the manner described, a further question arises.

Question. *Which recognitions are too consequential to act upon before they can be examined?*

The question is different in kind from the questions the tradition asks. It concerns neither the accuracy of a recognition nor the speed with which it arrives, and it concerns what acting upon it would foreclose. A recognition that a situation is of a certain kind may be wrong and cheap, in that acting upon it produces effects that later evidence can reverse. A recognition may be wrong and expensive, in that acting upon it produces the conditions under which its wrongness ceases to be discoverable.

Chapter 38 takes the question up and identifies the class of recognitions of the second kind.

37.6 THE PRACTICAL YIELD OF THE PROGRAMME

The programme yields three results for practice, and these carry into Part VIII, where the regimes of decision are distinguished.

The cycle of recognition, simulation, action, and revised recognition describes what occurs under time pressure, and an account of decision in the emergency regime works with it.

Mental simulation is available as a discipline. A practitioner who imagines the execution of a course before adopting it detects difficulties that comparison would miss, and the discipline can be extended to include the question this book adds: what the course would foreclose.

The maintenance of shared understanding across a team is a substantial part of competent practice, and Chapter 30 identified the positions among which understanding of a conflict is distributed. The team findings bear on arrangements in which those positions are held by different organisations.

37.7 SUMMARY OF RESULTS

The tradition studies decision under conditions closely corresponding to those this book examines, and finds that experts recognise and simulate where the standard model describes them as comparing.

Situation awareness supplies a useful division of what an intervener attends to, and claims about its possession are set aside, since the concept as commonly deployed resists contact with evidence.

Skilled intuition requires a regular environment and prolonged practice with feedback, and both conditions are weak in protracted conflict, so recognition occurs and its reliability stands in question.

The weakness of the conditions raises a question the tradition does not ask, concerning which recognitions are too consequential to act upon before examination.

The cycle, the discipline of simulation, and the findings on shared understanding carry into Part VIII.

CHAPTER 38

DAINGEROUS RECOGNITIONS

38.1 THE QUESTION INHERITED

Chapter 37 established that experienced practitioners act on recognitions, that the conditions under which such recognitions are reliable are weak in protracted conflict, and that a question arises which the tradition does not ask: which recognitions are too consequential to act upon before they can be examined.

The question presupposes a distinction between errors that later evidence can correct and errors that produce the conditions under which their own correction becomes unavailable. This chapter states the distinction, identifies the class of recognitions that fall on the second side, and specifies what follows for an intervener who holds one.

The chapter answers the question Chapter 37 raised and does not settle. It distinguishes two kinds of error through a pair of cases, identifies the marks by which recognitions of the second kind are recognised before acting, states the requirement that follows, answers the objection such a requirement invites, and closes by applying the analysis to the recognitions parties form about an intervener.

38.2 KINDS OF ERROR

The distinction between the two kinds of error may be drawn through a pair of cases. An intervener recognises a situation as one in which a party is positioning for advantage, and acts on the recognition by adjusting the sequence of an agenda. Suppose the recognition is mistaken. What follows is an inconvenience, the party objects, the sequence is revisited, and the material that shows the error arrives through the ordinary conduct of the process.

Consider now an intervener who recognises a party as one that will obstruct any settlement, and who acts on the recognition by conducting the substance of a process in that party's absence. Suppose this recognition is mistaken. The party is excluded from the settings in which positions are formed, it responds to the exclusion, and the response is what a party positioned as an obstacle does. Chapter 7 established that the evidence so generated is genuine, and that its genuineness is what makes it resistant to correction.

The two cases differ in a respect that the accuracy of the recognitions does not touch. In the first, the world remains capable of showing the intervener to have been wrong. In the second, acting on the recognition alters the world so that the showing becomes unavailable.

The distinction may be put as a property of an action in place of a belief. An action is *self-sealing* where its performance produces the conditions under which the recognition that prompted it ceases to be examinable.

38.3 THE MARKS OF A DANGEROUS RECOGNITION

Recognitions whose adoption carries the self-sealing property are identified by four marks. Each is available to an intervener before acting, which is what makes them usable.

The recognition assigns a party to a class. Recognitions concerning what a party is, as distinct from what a party did or wants, supply rules of reading in the manner Chapter 7 described, and the rules govern the interpretation of the party's subsequent conduct.

Acting on it changes what the party can do. Where the action alters a party's access to the settings in which positions are formed, standing acquired, or claims registered, the party's subsequent conduct is a product of the action, and its evidential value with respect to the recognition has been compromised.

The recognition anticipates a range of conduct wide enough to include the contrary. A recognition that a party is obstructive anticipates obstruction, and it also accommodates cooperation as tactical, silence as calculation, and concession as manoeuvre. A recognition of this shape has no conduct that would count against it, and the test of Chapter 21 applies: what would the intervener treat as a successful refutation.

The recognition travels. Where a recognition enters an analytic product, a briefing, or a classification that successor parties will consult, Chapter 14 established that it travels apart from the qualifications attached at first use, and the number of parties whose reading it governs increases without any further decision.

A recognition bearing all four marks is dangerous in the sense used here. Recognitions bearing some are treated by the same procedure with a lower threshold.

38.4 CONSEQUENCES FOR ACTING

The distinction between self-sealing and correctable error supports a requirement, and the requirement takes the constraint form used throughout this book.

Requirement. *A recognition bearing the marks above may inform an intervener's attention. Acting upon it awaits an examination that the acting would foreclose.*

Three practical consequences follow, and each is checkable.

The recognition is recorded together with what would count against it, before it is acted upon. Chapter 33 established that a specification made in advance converts a difficult judgement about how an exchange was received into a comparison of two records.

Actions that would alter the party's access are distinguished from actions that would not, and the first class awaits the examination. An intervener may attend more closely to a party it suspects of obstruction, may prepare for the contingency, and may raise the matter with the party. Excluding the party from the settings in which positions are formed belongs to the second class.

Where the situation requires action before examination is possible, Part VIII applies, and the invariants of Chapter 39 are what an intervener holds in place of a diagnosis.

38.5 THE OBJECTION FROM PARALYSIS

An objection arises immediately and deserves an answer.

The objection holds that a requirement of this kind prevents an intervener from acting on the judgements that constitute competent practice. Interveners must decide who to convene, whom to press, and where to expect difficulty, and each decision rests on a recognition about the parties. A requirement that such recognitions await examination prevents a process from being conducted.

The reply distinguishes the two matters the requirement separates. What the requirement addresses is a subset of actions, namely those that alter a party's access to the settings in which its subsequent conduct is formed. Judgements about where to press, what to expect, and how to prepare fall outside the subset, and an intervener holding a recognition may act upon it in all the ways that leave the party's position intact.

The subset is narrow and it is where the mechanism of Chapter 7 operates. A requirement addressed to it restricts less than the objection supposes, and the restriction falls precisely where acting produces its own confirmation.

A second element of the reply concerns what the requirement costs when it is wrong. An intervener who defers an exclusion, and whose recognition was accurate, bears the cost of a party that obstructs a process while retaining its position. An intervener who performs an exclusion, and whose recognition was mistaken, has produced a party that now obstructs and has removed the means of establishing that it would not have. The costs are unequal, and the inequality is what recommends the requirement independently of any judgement about how often such recognitions are wrong.

38.6 THE APPLICATION TO THE INTERVENER'S OWN POSITION

Chapter 12 requires that the argument be applied to the intervener, and the application yields a result worth stating.

Parties in conflict form recognitions about an intervener, and the marks of Section 3 apply to them. A recognition that an intervener serves the other side assigns the intervener to a class, governs the reading of its subsequent conduct, accommodates contrary evidence, and travels among the party's constituents. Chapter 16 established that an intervener has limited resources against such a recognition, since its verdicts reach the parties through its own standing.

What follows is that an intervener's conduct toward a party that holds such a recognition should avoid supplying the recognition's confirmation, and the guidance is the same as the guidance above with the roles exchanged. Actions that alter what the party can do supply confirmation more reliably than statements, and an intervener concerned to be believed attends to the first before the second.

38.7 SUMMARY OF RESULTS

Errors divide according to whether acting on them leaves the world capable of showing the error, and an action is self-sealing where its performance removes that capacity.

Four marks identify recognitions whose adoption carries the property, and all four are available before acting: the recognition assigns a party to a class, acting on it changes what the party can do, it accommodates conduct contrary to itself, and it travels.

The requirement is that such a recognition may inform attention while action upon it awaits the examination the action would foreclose.

The objection from paralysis is answered by the narrowness of the subset addressed and by the inequality of the costs of the two errors.

The analysis applies to recognitions the parties form about an intervener, where actions altering what a party can do supply confirmation more reliably than statements.

CHAPTER 39

RELATIONAL INVARIANTS

39.1 THE POSITION AN INVARIANT ANSWERS TO

Chapter 28 named the condition in which information about a field has been enrolled in the struggle within it. Chapter 38 identified the class of recognitions whose adoption forecloses their own examination. Between them they describe a party who must act, who cannot determine the state, and who holds recognitions that acting upon would foreclose.

The aeronautical response to the corresponding position was recorded in Chapter 28. Where airspeed indication becomes unreliable, a crew stops attempting to determine which instrument is accurate and flies attitude and thrust: quantities the compromised sensing does not supply, held at values that keep the aircraft within its envelope while the diagnosis is deferred. What is held is a set of conditions, and the holding precedes the diagnosis.

This chapter states the corresponding conditions for a relational field, the grounds on which they are selected, and the questions their selection leaves open.

The chapter states what an intervener holds when a diagnosis is unavailable. It sets out the principle by which such conditions are selected, states the four that satisfy it, records a fifth candidate and the reason for declining it, leaves open the question of whether relational failure modes are enumerable, records the conflict among the conditions, and closes on what holding them accomplishes.

39.2 THE SELECTION PRINCIPLE

An invariant is selected by a property that can be stated in advance of any particular situation.

Selection principle. *A relational invariant is a condition whose maintenance preserves the possibility of later determining what the situation was, under any of the states the situation might turn out to have.*

Three features of the principle govern what qualifies.

The condition is held without a diagnosis, so its selection cannot depend on which state obtains.

The condition is one whose loss is difficult to reverse. Where a condition can be restored once the situation becomes clear, holding it in advance is unnecessary, and the invariants are drawn from among conditions whose closure persists.

The condition is checkable by a party without deliberative excellence, including a party subject to the intervention, since Chapter 36 established that the protection of those affected cannot rest on a capacity they may lack.

39.3 THE CONDITIONS AN INTERVENER HOLDS

Four conditions satisfy the selection principle stated above. They are stated as things an intervener holds in place of objectives, and each is followed by what its maintenance requires in practice.

The capacity of a party to refuse a characterisation applied to it. This is the criterion of Chapter 21, and it is held by ensuring that a party's own account of itself accompanies the characterisation in the instruments a process employs, and that the process can say what would count as a successful refutation.

The plurality of available interpretations. A field in which one account of the situation has become the only one that can be stated has lost the material from which a later determination would be made. The condition is held by recording accounts that the process does not adopt, including accounts the intervener believes mistaken, and by declining to consolidate the record around a single description while the situation is undetermined.

The participation of parties in the settings where their positions are formed. Chapter 38 established that actions altering a party's access compromise the evidential value of its subsequent conduct. The condition is held by treating exclusion as an action requiring justification of the kind that chapter specifies.

The absence of a permanent allocation of interpretive authority. Where the authority to say what the situation is has been settled upon a party for the duration, the later determination is constrained by that party's account. Chapter 31 converted the question of allocation into a question of conditions, and the invariant is the conditional form: no allocation is made permanent while the situation remains undetermined.

39.4 THE CANDIDATE DECLINED AND THE REASON

A fifth candidate presents itself and is declined, and the reason is the one that has governed the account throughout.

The candidate would require that the possibility of the relation's continued generation be preserved. It appears in lists of this kind and has an evident attraction, since it states in general

terms what the other four protect in particular.

The formulation reinstates as an object of protection the quantity that Chapter 34 declined, and with it the trade-offs an objective licenses. A party might be excluded on the ground that the relation's generative possibility is thereby preserved, and the argument would be available in the vocabulary of the invariant itself.

The four conditions above are stated so that this argument is unavailable. Each concerns what a party retains, and no aggregate is defined across the parties in which one party's loss could be offset. Chapter 35 identified the absence of such an aggregate as the feature distinguishing this orientation from an orientation toward an end, and the composition of the list is where the feature is enforced.

39.5 THE OPEN QUESTION OF ENUMERABILITY

The aeronautical analogy carries a presupposition that a relational field may fail to satisfy, and the presupposition is stated here as an open question.

An aircraft's failure modes are enumerable. The set of things that can go wrong is finite, established through accumulated experience, and known in advance, and the immediate responses to each have been determined and rehearsed. Memory items exist because the situations they answer to have been identified.

Whether a relational field admits of anything comparable is unsettled. The four conditions above were selected by the principle of Section 2 in place of an enumeration of relational failure modes, and the principle was chosen partly because it operates without such an enumeration. Should relational failure modes prove enumerable, a richer set of pre-committed responses would become available, and the conditions above would be a subset of what an intervener could hold. Should they prove inenumerable, the present list is close to the limit of what can be held before diagnosis.

Two considerations bear on the question and point in different directions. Chapter 7 described a mechanism that operates in the same way across cases, which suggests regularity at the level of mechanism. And Chapter 4 placed the reorganisation following an unabsorbed asymmetry at the point where the distinctions a system can make are themselves at issue, which suggests that the categories in which failure modes would be enumerated are exactly what varies.

The question is listed among the open problems of Chapter 71.

39.6 THE CONFLICT AMONG INVARIANTS

A second question is left open, and it is the more pressing for practice.

The four conditions can conflict. Preserving the participation of a party may require a process to continue in a form that consolidates the record around a description the party

opposes. Recording accounts the process does not adopt may extend a proceeding in ways that exclude parties unable to sustain participation over its length. A refusal to settle interpretive authority may leave a party without an addressee obliged to receive its objection, which the first condition requires.

Chapter 48 takes the question up. The present chapter records that the conditions are stated without an ordering among them, and that the supply of an ordering would require an argument this book has not made.

39.7 THE GAINS OF HOLDING CONDITIONS

An intervener who holds the four conditions through a period of indeterminacy obtains two things, and these answer the question of what proceeding in this way accomplishes.

The first concerns what is preserved. An intervener who holds the four conditions through a period of indeterminacy arrives at the point of determination with the material a determination requires: parties who have retained their positions, accounts that were recorded and left unconsolidated, and an authority that has not been settled in advance of the question.

The second concerns what is available to those affected. The conditions are checkable by parties who lack the intervener's experience and standing, and a party who holds that they were closed has a form of words with which to say so. Chapter 36 identified this as the exposure that practical judgement leaves and that constraints cover.

39.8 SUMMARY OF RESULTS

An invariant is selected by the property that its maintenance preserves the possibility of later determining what the situation was, under any state the situation might turn out to have.

Four conditions satisfy the principle: the capacity to refuse a characterisation, the plurality of available interpretations, participation in the settings where positions are formed, and the absence of a permanent allocation of interpretive authority.

A fifth candidate stated in terms of preserved generative possibility is declined, since it reinstates an object of protection admitting of aggregation and licenses the trade-offs the four conditions are composed to exclude.

Whether relational failure modes are enumerable is unsettled, and the answer bears on whether a richer set of pre-committed responses is available.

The conditions can conflict, they are stated without an ordering, and Chapter 48 takes up what an ordering would require.

CHAPTER 40

THE NON-DELEGABILITY OF JUDGMENT

40.1 THE REQUIREMENT STATED

Chapter 29 examined what an instrument does in addition to what it computes, and established that instruments operate at the second layer of a characterisation, specifying in advance what arriving material will be taken to show. It stated a condition and deferred its development.

Requirement. *An instrument may participate in a judgement. An instrument may not bear it.*

This chapter develops the condition as a requirement on action. What it requires of an intervener, what makes the requirement difficult to satisfy, how compliance is established, and where the requirement stops are taken in turn. The ethical dimension of the same matter, concerning what responsibility consists in where a determination has been distributed, belongs to Chapter 64.

40.2 THE SENSES OF DELEGATION

The requirement concerns one of two things commonly meant by delegating a judgement to an instrument, and separating them prevents the requirement from prohibiting what it should permit.

In the first sense, an instrument performs an operation that a party would otherwise have performed by other means. A model estimates a quantity, a procedure classifies a case, a search returns material a party would have assembled by hand. Delegation in this sense is the ordinary use of a tool, and the account developed here supports it.

In the second sense, an instrument's output settles what is done, so that no party has formed a determination that the output is to be acted upon here. The instrument occupies the position of the party who judges, and the parties around it perform operations that presuppose the determination without having made it.

The requirement addresses the second sense. Its content is that the position of the party who judges remains occupied by a party, and its violation is detected by asking who occupies it.

40.3 THE EMPTYING OF THE POSITION

The position of the party who judges empties without anyone vacating it, and the mechanism deserves statement, since a requirement addressed to intention would miss it.

Chapter 30 identified five positions created where determinations are produced by measurement, and observed that no participant occupies more than one. Each performs its own operation competently. The party who defines categories makes no determination about a case. The party who constructs an instrument makes no determination about a party. The party who decides acts upon an output whose constitutive judgements it did not make and commonly cannot inspect.

The determination is therefore assembled from operations none of which is a determination. The position of the party who judges is not abandoned by an occupant; it fails to be constituted, and every participant's account of their own role remains accurate throughout.

The manner in which the position empties bears on how the requirement must be framed. A requirement that parties refrain from delegating addresses an act that no one performs. A requirement that the position be occupied addresses the arrangement, and can be checked against it.

40.4 THE REQUIREMENTS OF OCCUPANCY

A party who occupies the position of the one who judges is required to do three things, each available for examination.

The determination is stated as that party's own. A record in which the reason given for an action is the output of an instrument records no reason. What the record must contain is a determination, made by an identified party, that in this case and for these reasons the course was taken, with the instrument's output appearing among the considerations.

The party is able to depart from the output. A capacity to depart requires that departure be permitted, that it be practicable, and that a party who departs and is subsequently shown to have been right is treated as having acted properly. Where departure is formally permitted and practically penalised, the position is unoccupied whatever the documentation states.

The party bears the consequences of the determination. Chapter 29 gave the test: an instrument whose failure costs its user nothing functions as an alibi. Where an erroneous output leaves the deciding party unaffected, the instrument has borne the judgement.

The three are related. Stating a determination as one's own is empty where departure is unavailable, and the capacity to depart is untested where nothing follows from error.

Arrangements satisfying one or two of the three occur commonly, and the examination should be conducted on all three.

40.5 THE AERONAUTICAL DESIGN

Chapter 29 recorded the aeronautical treatment of this question, and its features are recalled here because they show the requirement to be satisfiable in a domain where automation is extensive and generally more reliable than its users.

Final authority rests with the commander and is not transferable. Compliance with an automated indication furnishes no defence where the indication was wrong and circumstances called for its rejection. And a mode exists in which the automation is disconnected, so the question of whether to trust it has an established answer in advance.

Three features of the design carry over. Authority is fixed by rule and not distributed by circumstance. The rule is stated before any particular failure. And provision is made for the instrument's withdrawal, which converts a judgement made under pressure into the execution of an established response.

The domain differs from the present one in a respect that matters, and stating it guards against the analogy being asked to carry more than it can. An aircraft's commander is present, identifiable, and answerable in a proceeding that follows. A determination about parties in conflict is produced across organisations and jurisdictions, and the corresponding proceeding may not exist. Part IX takes up what follows where no such proceeding is available.

40.6 THE DIFFICULTY OF THE REQUIREMENT

The requirement is demanding in a way worth acknowledging, since arrangements will fail it for reasons that are not culpable.

A party who decides may lack the standing to depart from an instrument that institutional practice has established, and departure may expose the party to consequences the arrangement does not distribute elsewhere.

A party who decides may lack the information required to depart intelligently. Where an instrument's constitutive choices are unavailable for inspection, a departure is a guess, and a requirement that parties depart when the output is wrong presupposes a capacity to tell.

A party who decides may face volumes that preclude the individual determination the requirement contemplates. Where determinations are produced at scale, the position of the party who judges cannot be occupied case by case, and an arrangement that requires it produces the appearance of compliance.

The three difficulties bear on institutional design in place of the requirement's content, and Chapter 52 takes them up under the heading of approval and oversight. The requirement

identifies what an arrangement must provide, and the difficulties identify what providing it costs.

40.7 THE BEARING ON THE PARTIES

The requirement has a consequence for the parties subject to a determination, and it connects this chapter to the criterion.

Chapter 30 established that the criterion of Chapter 21 fails at its second component where determinations are instrumented, since the addressee obliged to receive an objection lacks the capacity to alter a determination originating elsewhere. An occupied position supplies the missing component. A party who has made a determination as its own, who is able to depart from the instrument, and who bears the consequences is a party to whom an objection can be addressed with effect.

The requirement is therefore a condition of standing before it is a requirement of responsibility. What it secures for the parties is an addressee, and Chapter 36 identified the availability of an addressee to those who lack the intervener's capacities as the exposure that constraints exist to cover.

40.8 SUMMARY OF RESULTS

The requirement concerns the second sense of delegation, in which an instrument's output settles what is done and no party has determined that it should.

The position of the party who judges empties without being vacated, since the determination is assembled from operations none of which is a determination, so the requirement is framed as a condition on the arrangement.

Occupying the position requires that the determination be stated as the party's own, that departure from the output be available in practice, and that the party bear the consequences, and the three are examined together.

The aeronautical design shows the requirement to be satisfiable where automation is extensive, and it presupposes an identifiable commander and a subsequent proceeding, which Part IX takes up.

The requirement supplies the component of standing that instrumented determinations remove, which is an addressee to whom an objection can be addressed with effect.

CHAPTER 41

THE RESTRAINT ON NAMING

41.1 THE UNDERTAKING AT ISSUE

Chapter 16 identified the class of matters whose outcomes are settled by processes indifferent to how the parties characterise one another, and established that such matters supply what a person supplies only in a weak form. Chapter 19 found them to be among the few resources surviving in the interval where self-organisation is unavailable.

The undertakings in question are practical. Parties who depend on the same water govern it together. A contagion is met by arrangements that cross the line between them. A road is cleared, a service restored, remains exchanged, a harvest brought in, children on both sides vaccinated.

This chapter concerns what happens when such an undertaking is given a name, and it argues for a restraint on naming that runs against a common practice.

The chapter closes Part VII with a requirement that runs against a common practice. It sets out the undertakings at issue, establishes what naming does to them, states the restraint, records the reasons behind the practice it opposes and answers them, identifies the point at which the name becomes available, and closes on the restraint's limits.

41.2 THE EFFECT OF A NAME ON THE UNDERTAKING

Chapter 7 established that a congealed designation governs the reading of conduct within the order it organises, and that its authority stops at outcomes it cannot determine. The efficacy of a shared practical matter follows from the second half of that result: the water settles whether the sandbag held, and the settlement passes through no party's standing.

Naming the undertaking as a component of a peace process returns it to the first half.

Once so named, participation becomes a move within the field the designations govern. A party that joins is understood by its own constituents to have conceded something about the process, since the name asserts that the undertaking belongs to it. A party that declines is understood to have rejected peace, which supplies its opponent with material. The

undertaking has acquired a meaning within the contested order, and the order supplies rules for reading it.

The verdict of the matter itself is unaffected. Water still recedes or rises. What changes is that the parties now approach the task through a characterisation, which is the control over the mode of contact that Chapter 7 identified as the engine of the self-confirming loop, and which the unnamed undertaking had removed.

41.3 THE RESTRAINT ON NAMING STATED

The restraint on naming takes the constraint form used throughout this book.

The restraint. *An undertaking whose outcome the parties' characterisations do not determine is approached on the terms the matter itself sets, and its designation as a component of a peace process awaits the accumulation that its unnamed conduct produces.*

Three points of application follow.

The undertaking is established under a description drawn from the matter. A river commission governs a river. A vaccination campaign vaccinates. The description is accurate, and its accuracy is what keeps it outside the contested order.

Participation is arranged on terms the matter requires. Who attends, when, and in what capacity follow from what the task demands, and Chapter 16 established that this is what removes the designation's control over the mode of contact.

Reporting of the undertaking, where reporting is required, describes what was done. An account of a river commission that describes water management is accurate. An account describing reconciliation has supplied the name the restraint withholds, and has supplied it to audiences that include the parties.

41.4 THE PRACTICE THIS RUNS AGAINST

The restraint runs against a practice with reasons behind it, and the reasons deserve statement before the argument is made against them.

Undertakings of this kind are financed by bodies whose mandates concern peace, and a proposal describing water management competes poorly against a proposal describing reconciliation. The parties who conduct such undertakings report to institutions that assess them against peace objectives. And practitioners hold, with some evidence, that naming an undertaking as peace work protects it, since it acquires the standing that attaches to peace processes and the attention of parties able to defend it.

The argument against the practice is that the protection is purchased with the mechanism. What the name confers is standing within the order the designations govern, and standing

of that kind is what makes an undertaking a move in the conflict. The protection and the exposure arrive together, and they arrive because they are the same thing.

The argument yields an observation about a familiar pattern, offered as a proposition for examination. Technical cooperation between parties in conflict succeeds more often than initiatives described as reconciliation, and the difference is commonly attributed to the modesty of technical aims. The account developed here supplies a different explanation: technical cooperation retains a verdict the designations cannot issue, and initiatives named as reconciliation surrender it at their establishment. The proposition is testable in the manner such propositions admit, by examining whether the difference persists between undertakings of similar substance that differ in how they were described.

41.5 WHEN THE NAME BECOMES AVAILABLE

The restraint is temporal, and the point at which it lifts should be specified.

Chapter 16 described the mechanism as operating by accumulation. Occurrences that the designations cannot encode gather beneath them, in practice, in habit, and in the bodily knowledge of working alongside. The accumulation requires no party to revise a belief, and belief revision, where it occurs, occurs last.

A name applied after such accumulation does something different from a name applied at establishment. It describes what the parties have done, and the parties can recognise themselves in the description. A name applied at establishment proposes what the parties are to do, and proposes it in the vocabulary of the contested order.

The practical form of the distinction is a question an intervener can ask. Would the parties, if asked, describe what they have been doing in these terms. Where the answer is affirmative, the name records. Where it is negative, the name proposes, and the restraint applies.

41.6 THE LIMITS OF THE RESTRAINT

The restraint on naming carries three limits, stated here.

The restraint presupposes a matter of the relevant kind, and Chapter 16 established that such matters may be absent and that their removal is available to parties in conflict. Where none exists, the restraint has nothing to govern.

The restraint operates on descriptions and is defeated where a party with an interest in the undertaking's meaning supplies the name from outside. An opposing faction, a constituency, or a party's own leadership may characterise a technical undertaking as a concession, and the restraint places no obligation on parties who are not conducting it.

The restraint has a cost in accountability. An undertaking described in technical terms is assessed in technical terms, and its contribution to the conditions this book identifies goes unrecorded in the instruments that assess it. Part IX takes up what follows for institutions

that would adopt the restraint, and the difficulty belongs with the more general difficulty Chapter 22 identified in guidance that produces no reportable quantity.

41.7 THE CLOSE OF PART VII

Part VII has declined the model of action as maximisation and given three reasons in order of strength, specified the orientation that governs an intervener under conditions in place of objectives, examined the tradition that treats judgement in the particular case as a capacity with its own standards and identified the exposure it leaves, examined the empirical study of expert decision and located the boundary condition that constrains its transfer, identified the class of recognitions whose adoption forecloses their own examination, stated the conditions an intervener holds before diagnosis, stated what may not be transferred to an instrument, and argued for withholding a name.

What Part VII has treated as a single problem divides according to the time available and the trustworthiness of what an intervener can observe. Part VIII takes up that division.

41.8 SUMMARY OF RESULTS

An undertaking whose outcome the parties' characterisations do not determine loses that property when it is named as a component of a peace process, since participation then becomes a move within the order the designations govern.

The restraint requires that such an undertaking be established, conducted, and reported under a description drawn from the matter itself.

The practice the restraint runs against is supported by the requirements of financing and reporting, and the protection a peace designation confers is the same thing as the exposure it creates.

The pattern by which technical cooperation outperforms initiatives named as reconciliation admits of an explanation in these terms, offered as a testable proposition.

The name becomes available once accumulation has occurred, and the point is identified by asking whether the parties would describe what they have been doing in its terms.

The restraint presupposes a matter of the relevant kind, is defeated by parties supplying the name from outside, and carries a cost in what institutional instruments can record.

PART VIII

THE REGIMES OF PERCEPTION AND DECISION

Draft

CHAPTER 42

THE THREE AXES OF REGIME

42.1 THE DIVISION TO BE MADE

Part VII treated action under relational uncertainty as a single problem. The treatment is incomplete in a way practitioners will have noticed. An intervener with months to prepare a process and an intervener responding to a killing overnight face the same account and cannot use it in the same way.

The division commonly drawn is between ordinary conditions and emergencies, and it is drawn by severity: grave events place an intervener in the second class. This chapter argues that severity is the wrong variable, identifies three that do the work, and states how they compose.

The chapter opens Part VIII by replacing the division practice ordinarily draws. It sets out three axes in turn, states what each governs, examines how they compose and which of the resulting cells this part treats, and closes on what the division yields for perception and for decision.

42.2 THE FIRST AXIS: PROXIMITY TO A STABILITY BOUNDARY

Chapter 4 established that perturbations of similar magnitude have dissimilar consequences, and that the difference lies with the state of the system receiving them. Far from a boundary, a disturbance is absorbed and the arrangement persists in altered form. Near one, a disturbance of the same size can reorganise the system.

This axis governs the consequence of an error. Where a system is far from a boundary, a mistaken action is met by an arrangement with capacity to absorb it, and the material that shows the mistake arrives in the ordinary course. Where a system is near one, a mistaken action can participate in a reorganisation, and Chapter 38 established that some actions of that kind foreclose their own examination.

The axis is difficult to observe directly, and the difficulty is the subject of Part VI. What can be observed are the indications of Chapter 28 and the features of Chapter 27, which bear on it without settling it.

42.3 THE SECOND AXIS: DECISION TIME AGAINST SYSTEM TIME

A second variable is independent of the first and is more readily established.

An intervener has an interval within which a decision must be made. A relational field has an interval within which the matter at issue develops. Where the first is much shorter than the second, deliberation is available: an intervener may consult, defer, gather material, and return. Where the two are comparable, the decision is made with whatever is to hand.

The relation may be written as a comparison of the two intervals, and the comparison does the work severity was doing in the common division.

The independence of the two axes is shown by cases. A financial collapse in a conflict-affected economy may place a system near a boundary while allowing weeks of consultation about how to respond. An insult delivered across a table requires an answer within seconds while the system remains far from any boundary. The common division assigns both to the emergency class and thereby loses the distinction between what is at stake and what time is available.

42.4 THE THIRD AXIS: THE INTEGRITY OF INFORMATION

The third axis was developed in Part VI and is recalled here as a dimension of regime.

Chapter 28 named the condition in which all information about a field's state has become part of the struggle within it, gave six indications for determining it, and distinguished normal from degraded relational operations.

The axis is independent of the other two. A field may be in instrument failure while far from a boundary and while affording months for decision, which describes a protracted stalemate in which every account has been enrolled and nothing is presently moving. A field may be near a boundary, under time pressure, and yet supply trustworthy information, which describes a fast-moving situation among parties whose accounts of it still translate into one another.

42.5 THE COMPOSITION OF THE AXES

The three axes are binary, so they yield eight combinations, and the treatment of these requires a statement about what this book claims.

Four of the eight are populated in the chapters that follow. The remaining four are left as they stand, and the reason is the one the account has given throughout: filling cells by construction purchases completeness at the cost of the honesty that recommends the scheme.

The four treated are these.

Far from a boundary, deliberation available, information trustworthy. This is the ordinary regime, and Chapters 43 and 45 treat perception and decision within it.

Far from a boundary, deliberation available, information enrolled. This is the degraded regime in its slow form, and Chapter 44 treats it, since it is the condition in which the assessment problem of Part VI is most fully present and time exists to work with it.

Near a boundary, decision time comparable to system time, information trustworthy. This is the emergency regime in its tractable form, and Chapter 46 treats it.

Near a boundary, decision time comparable to system time, information enrolled. This is the hardest cell, and Chapter 47 treats it, since it is where action must proceed with no diagnosis available and no interval in which to obtain one.

42.6 THE YIELD OF THE DIVISION

Replacing severity with the three axes yields two results, and these organise the part.

The perception question receives different answers along the third axis, and the time axis determines which methods are affordable. Participatory assessment, extended presence, and the deliberative arrangements of Part VI require intervals, and their availability is settled by the second axis independently of whether the information they would gather is trustworthy.

The decision question receives different answers along the first and second axes jointly. Where an error is cheap and time is available, the ordinary account of Part VII applies without modification. Where an error is expensive and time is short, the account reduces to what can be held without diagnosis, which is the subject of Chapter 47.

A third result concerns a claim this part will develop and which may be stated here. The three axes are correlated in practice while remaining logically independent. A field in instrument failure is more likely to be near a boundary, since the mechanism of Chapter 7 that enrolls information also drives the degeneration that brings a system toward one. And decisions in such fields are more likely to be pressed for time, since parties who cannot establish what is occurring respond to events in place of assessments. The correlation is what makes the common single division serviceable in practice, and the independence is what makes it mislead in the cases where the axes come apart.

42.7 SUMMARY OF RESULTS

The common division between ordinary conditions and emergencies is drawn by severity, which conflates what is at stake with what time is available.

Three independent axes do the work: proximity to a stability boundary, which governs the consequence of an error; the ratio of decision time to system time, which governs whether deliberation is available; and the integrity of information, which governs what may be established.

Eight combinations follow, four are treated in this part, and four are left unpopulated.

Perception varies along the third axis with affordability set by the second; decision varies along the first and second jointly.

The three axes are correlated in practice and independent in logic, which explains both the serviceability of the common division and its failure in the cases where the axes diverge.

Draft

CHAPTER 43

PERCEPTION IN THE ORDINARY REGIME

43.1 THE CELL UNDER EXAMINATION

The ordinary regime is the cell in which a field stands far from a stability boundary, decision time is short against system time, and information about the field remains broadly trustworthy.

The description covers a great deal of practice. Processes between rounds, periods following a settlement, long stretches of a negotiation in which positions are being worked, and the ordinary conduct of institutions established to sustain a peace all fall within it. The regime is the one in which most of what an intervener does is done, and it is the one for which the assessment methods surveyed in Part VI were designed.

Two features govern what perception can accomplish here, and both distinguish this cell from the three that follow. Time is available, so methods requiring intervals may be used. And accounts of the field bear on its condition in the ordinary way, so the material such methods gather is worth gathering.

The chapter examines what an intervener can establish in the most favourable of the four cells. It states the methods the regime permits, identifies the task specific to it, establishes the failure characteristic of it, and closes on the signs by which passage to the other regimes is tracked.

43.2 THE METHODS THE REGIME PERMITS

The methods of Part VI operate here within the domains those chapters specified, and the specification bears repeating in the affirmative form.

Evidentialist assessment establishes frequencies and distributions. Chapter 23 stated its three requirements, and the ordinary regime is where they hold: categories are stable across the interval of measurement, measurement operates without substantially altering what is measured, and questions concerning aggregates are the questions being asked. Incident counts, displacement figures, market functioning, and the coverage of services are established in this regime and are worth establishing.

Participatory and everyday measurement operates here, and the ordinary regime is where it operates best. The methods require repeated contact, the construction of indicators with communities, and the time for a community to arrive at what it takes peace to consist in. Chapter 25 noted these requirements as difficulties, and the present regime is where they are met.

Interpretive and ethnographic assessment operates here, and the extended presence such work requires is affordable. Its product is a description of an encounter, which Chapter 26 established to be what an intervener can produce.

Deliberative arrangements operate here. A body that convenes parties to examine a characterisation applied to one of them requires notice, attendance, and the interval over which an exchange develops, and the regime supplies all three.

43.3 THE STANDING TASK

The affordances above support a task specific to this regime, and identifying it is the purpose of the chapter.

Chapter 28 established that a field may enter the condition in which its own state descriptions have been enrolled in the struggle within it, and gave six indications by which the condition is determined. The determination is available in any regime. What the ordinary regime supplies is the interval in which the indications can be watched as they develop.

The task is therefore surveillance of the second kind: not of the parties, and of the conditions under which the parties' accounts remain capable of bearing on the state of the field.

Four observations serve, and each is available in this regime and unavailable or degraded in the others.

Whether accounts of the same events given by different parties still translate into one another. Chapter 27 gave four features distinguishing grammatical divergence, and in the ordinary regime the features can be tracked over time, so that a divergence in progress is visible before it completes.

Whether refutation still registers. The test of Chapter 21 asks what a party would treat as a successful refutation of a characterisation it holds. Asked repeatedly of the same parties across a period, the answers indicate whether the range of what would count is narrowing.

Whether independent sources remain unassigned. The fifth indication of Chapter 28 concerns the enrolment of monitors, media, and professional bodies. Enrolment proceeds gradually, and the ordinary regime is where its progress can be observed.

Whether the parties' own designations are hardening. Chapter 7 established that congealing occurs without an event, through frequency of use. Frequency is countable, and a designation whose qualifications are dropping away in successive uses is identifiable from

the material a process already generates.

43.4 THE CHARACTERISTIC FAILURE OF THE REGIME

The regime carries a failure of its own, and it follows from the same features that make the regime tractable.

Where information is trustworthy and time is available, the pressure to establish the state of the field is at its greatest, and the instruments for doing so are at their most usable. Chapter 23 established that an indicator displaces the attention it summarises, and Chapter 14 established that analytic products travel apart from their qualifications and accumulate the frequency that congeals a name.

The ordinary regime is therefore where the material of the degraded regime is manufactured. Characterisations adopted in a period of calm, recorded in instruments built when categories were stable, and inherited by successor parties are the designations that later resist refutation. The regime in which assessment is most reliable is the regime in which the conditions for its later unreliability accumulate.

The observation supports a requirement, and it is the practical yield of the chapter. Characterisations adopted in the ordinary regime are held on the terms Chapter 14 specified, and the specification is affordable here in a way it will not be later. What a process would treat as a successful refutation of a characterisation can be recorded at the time the characterisation is adopted, and recording it costs an interval that this regime supplies.

43.5 THE TRANSITION AND ITS SIGNS

A field passes from this regime to others, and the passage is what the standing task watches for.

Passage along the third axis is gradual, and the four observations of Section 3 track it. Chapter 28 stated that its indications are non-conjunctive and that several holding together support a determination. In the ordinary regime the determination is made against a background of prior observations, which is a considerable advantage over making it on arrival.

Passage along the first axis is less tractable. Proximity to a stability boundary is difficult to observe directly, and Chapter 4 located the difficulty in the fact that the significance of an event is a property of the event together with the state of the relation receiving it. What can be observed is whether absorption is keeping pace: whether the asymmetries a process generates are being met by movement in the opposite direction, and Chapter 32 identified reciprocity as the condition that bears on this.

Passage along the second axis is abrupt and unannounced. An event occurs, and the interval available for decision contracts. Nothing in the ordinary regime predicts the contraction, and what the regime supplies is preparation: the invariants of Chapter 39 are established and

understood before they are needed, and Chapter 47 takes up their use when the contraction occurs.

43.6 SUMMARY OF RESULTS

The ordinary regime is where most practice occurs and where the assessment methods of Part VI operate within their stated domains.

The task specific to the regime concerns the conditions under which the parties' accounts remain capable of bearing on the state of the field, and four observations serve it.

The regime carries a characteristic failure: it is where the characterisations that later resist refutation are adopted, recorded, and transmitted.

The requirement that follows is that characterisations adopted here be recorded together with what would count against them, which the regime affords and the others do not.

Passage to the other regimes is gradual along the axis of information, difficult to observe along the axis of criticality, and abrupt along the axis of time, and the preparation the last requires is made here.

CHAPTER 44

PERCEPTION IN THE DEGRADED REGIME

44.1 THE CELL UNDER EXAMINATION

The degraded regime in its slow form is the cell in which a field stands far from a stability boundary, decision time is short against system time, and information about the field has been enrolled in the struggle within it.

The description covers protracted stalemate. Positions are fixed, violence is intermittent or absent, and every account of what is occurring has become an instrument of the parties who give it. Time is abundant, and nothing that arrives settles anything.

The cell is where the assessment problem of Part VI is most fully present, and it is also where an intervener has the most time in which to work with it. The combination is unusual and it determines what this chapter can say.

The chapter examines the cell in which information is enrolled and time is nonetheless abundant. It states what the regime removes, sets out what an interval purchases under untrustworthy information and what it cannot purchase, identifies the error characteristic of the regime, and closes on the tasks the regime sets.

44.2 THE REMOVALS THE REGIME EFFECTS

Chapter 28 stated the bearing of the condition on the four assessment families, and the statement applies here without qualification.

Evidentialist assessment is disabled, since its three requirements fail together and its instruments are among the material the struggle has enrolled.

Principle-based assessment is disabled in its own manner, since whether a principle applies depends on how a case is characterised and characterisation is what has been captured.

Participatory assessment retains its accounts and loses their aggregation. What communities say remains material for the observables of Chapter 27, and the combination of what they say into a measure of the field's condition is unavailable.

Interpretive assessment retains the most, since its product is a description of an encounter and encounters remain available.

What is removed, in each case, is the passage from material to a statement of the state. What remains is material.

44.3 THE PURCHASES AN INTERVAL MAKES

The resource this cell holds is the interval, and the question this chapter answers is what an interval purchases when the information arriving within it cannot be trusted. Four uses are available, and each was identified earlier for a different purpose.

Accumulation across instances. Chapter 33 established that a single refutation read as confirmation admits of innocent explanation while a pattern across many instances supports the conclusion more strongly. A pattern requires instances, instances require time, and this cell supplies it. An intervener who cannot establish anything from a given exchange may establish something from fifty.

Specification followed by comparison. The same chapter established that an answer recorded in advance converts a judgement about how an exchange was received into a comparison of two records. The conversion requires an interval between the specification and the material, and the interval is available here.

The constitution of shared practical matters. Chapter 16 established that matters whose outcomes the parties' characterisations do not determine supply verdicts the designations cannot reach, and that their effect operates by accumulation over long intervals. Chapter 19 identified their constitution as what an external party may usefully attempt. This cell is where the attempt is feasible, since the intervals such arrangements require are the intervals the cell affords.

The assembly of plural positions. Chapter 16 established that plural thirds strengthen a process where their camp assignments fail to coincide, and Chapter 25 established that the remedy for a common position lies in a plurality of positions. Assembling parties of differing provenance takes time to arrange, and the arrangement is made here or not at all.

44.4 THE RESPONSE AN INTERVAL CANNOT PURCHASE

One response to the regime is natural, widely adopted, and unavailable, and stating why serves practitioners better than the general caution of Part VI.

The response is to invest in information: additional monitoring, further research, independent verification, more sources. It follows from a reading of the difficulty as insufficiency, and the reading is mistaken.

Chapter 28 gave the fifth indication of the condition: independent sources have themselves been assigned to camps, so that no source is exempt from the binary. Under that indication the acquisition of further information ceases to improve the determination, since each additional source arrives already placed.

A second consideration makes the response worse than neutral. A new source introduced into a field in this condition is itself enrolled, and its enrolment adds a party to the material the struggle governs. The response consumes the interval, produces material that settles nothing, and increases the quantity of enrolled information the field contains.

44.5 THE CHARACTERISTIC ERROR

The regime carries an error of its own, and it follows from the abundance of time in place of its scarcity.

Where nothing is moving and the interval is long, deferral appears costless. An intervener who cannot establish the state may reasonably decide to wait, and the decision is defensible on each occasion it is made.

The decision is not neutral, and Chapter 7 supplies the reason. Congealing proceeds through frequency, without an event, and the frequency accumulates in the ordinary conduct of a stalled process. Briefings continue, reports are filed, characterisations are repeated, and the qualifications attached to them at first use drop away. A process that has stopped moving continues to produce the material that hardens its designations.

The consequence may be stated as a proposition. In this regime, deferral is an action with effects, and the effects run in one direction. What is deferred continues to degrade while the deferral holds.

The proposition bears on how the four uses of Section 3 are regarded. They are what an intervener does with an interval that is passing whether or not it is used, and their alternative is not inaction.

44.6 THE TASK IN THIS REGIME

The degraded regime sets two tasks, both prepared in earlier chapters.

The first is to reduce the share of the process that turns on interpretation. Chapter 31 put the question to an arrangement: which matters before it are settled by outcomes no party's interpretation determines, and what would be required to make more of the process turn on such matters. The question is a design question, its answer takes time to implement, and this cell is where the time exists.

The second is to build what the other regimes will require. The invariants of Chapter 39 are established and understood in advance of their use. The specifications of what would count as a successful refutation are recorded before the material arrives. The plural positions are assembled before the interval contracts. Chapter 47 takes up the cell in which none of this can be done, and what an intervener holds there is what was prepared here.

44.7 SUMMARY OF RESULTS

The degraded regime in its slow form removes the passage from material to a statement of the state and leaves the material.

An interval purchases four things under untrustworthy information: accumulation across instances, specification followed by comparison, the constitution of shared practical matters, and the assembly of plural positions.

Investment in further information fails, since sources arrive already placed, and it is worse than neutral, since each new source is itself enrolled.

Deferral in this regime is an action whose effects run in one direction, since the frequency that hardens designations accumulates in the ordinary conduct of a stalled process.

The tasks are to reduce the share of the process turning on interpretation and to prepare what the regimes with less time will require.

Draft

CHAPTER 45

DECISION IN THE ORDINARY REGIME

45.1 THE QUESTION FOR THIS CELL

Chapter 43 examined what an intervener can establish where a field stands far from a stability boundary, deliberation is available, and information remains trustworthy. This chapter examines what an intervener does there.

The regime is favourable in every respect the account has identified as constraining. Errors are absorbed, time permits consultation, and material bears on the field in the ordinary way. The question is what an account built for difficult conditions has to say about easy ones, and the answer developed here is that the ordinary regime is where most of what matters is decided, and that its ease is what makes this so.

The chapter examines what an intervener does in the most favourable cell. It states the difficulties the regime relaxes, identifies the classes of decision that are consequential here, states the requirement that follows, extends a discipline drawn from Chapter 37, and closes on the temptation the regime carries.

45.2 THE DIFFICULTIES DELIBERATION RELAXES

The ordinary regime relaxes three of the difficulties that organise this book, and the relaxation should be stated before the requirements are.

The judgement of Chapter 36 operates under favourable conditions. A practitioner has access to the particular, time to attend to it, and the opportunity to consult others who have seen comparable situations. The tradition's account of how deliberative excellence is exercised describes what occurs here.

The recognitions of Chapter 37 can be examined before being acted upon. The requirement of Chapter 38 was that a recognition bearing its four marks may inform attention while action upon it awaits the examination the action would foreclose. In this regime the examination is affordable, so the requirement costs an interval and forecloses nothing.

The constraints of Chapter 22 underdetermine action, and several admissible courses commonly remain. Where time exists, the selection among them can be made deliberately,

with the parties consulted about which they prefer, which is itself a way of satisfying the conditions of Chapter 21 while the selection is made.

45.3 THE DECISIONS THAT MATTER HERE

The favourable conditions bear on which decisions are consequential, and the answer runs against the attention practice gives them.

Chapter 43 established that the ordinary regime is where the characterisations that later resist refutation are adopted, recorded, and transmitted. The decisions that determine what a field will be like when conditions deteriorate are taken here, and they are taken in conditions that make them appear routine.

Four classes of decision have this property.

The adoption of characterisations. A designation entered into an analytic product during a calm period travels, is inherited, and accumulates the frequency that congeals it. Chapter 14 specified the terms on which such a designation may be held, and this regime is where the specification is affordable.

The construction of instruments. Chapter 30 identified five positions created where determinations are produced by measurement, and the constitutive choices are made when an instrument is built. An instrument constructed here will be applied in regimes where its constitutive choices cannot be revisited.

The establishment of arrangements for objection. Whether a party subject to a characterisation has an addressee obliged to receive an objection, and whether that addressee can act, is settled when a process is designed. Chapter 33 identified the second component of standing as the one that fails silently, and its failure is designed in during periods when nothing is contested.

The constitution of shared practical matters. Chapters 16 and 19 established that such matters supply what a person supplies weakly, and that they operate by accumulation over long intervals. The intervals are available here and unavailable later.

45.4 THE REQUIREMENT ON ORDINARY-REGIME DECISIONS

The four classes of consequential decision support a requirement, and it takes the form used throughout.

Requirement. *Decisions taken in the ordinary regime are taken as decisions for the regimes that follow it.*

Three practical consequences follow.

A characterisation adopted here is recorded together with what would count against it, since the recording costs an interval this regime supplies and the specification will be

unavailable later. Chapter 33 established that a specification made in advance converts a difficult judgement into a comparison of records.

An instrument constructed here is constructed with its constitutive choices documented and available to those who will be subject to it, since Chapter 29 established that a party's objection is assessed under the instrument's own specification and that the question of what would count as a successful refutation has an answer only where those choices can be examined.

An arrangement designed here provides an addressee with the capacity to act, since Chapter 30 established that an addressee obliged to receive and unable to alter satisfies the appearance of the component and fails its substance.

45.5 THE DISCIPLINE OF SIMULATION EXTENDED

Chapter 37 identified mental simulation as a discipline available to practitioners: a course is imagined in execution, and the imagining discloses difficulties that comparison would miss. The discipline extends naturally in this regime, and the extension is the practical yield of the chapter.

The ordinary simulation asks what would happen if the course were taken. The extension asks a second question.

Question. *Under which conditions would this course become impossible to reverse, and are those conditions ones this field may reach?*

The question is answerable here in a way it will not be later, since the regime affords the interval in which to ask it and the information with which to answer. Chapter 38 supplied the property the question detects: an action is self-sealing where its performance produces the conditions under which the recognition that prompted it ceases to be examinable. The extension asks whether a course that is presently reversible would become self-sealing under conditions the field may enter.

An example indicates the form. A process that consolidates its record around a single description is reversible while the parties still hold accounts that translate into one another. Should the field pass into the condition of Chapter 28, the consolidated record becomes the material from which the earlier state would have to be established, and Chapter 7 established the difficulty of establishing it from deposits produced by the practice under examination.

45.6 THE TEMPTATION OF THE REGIME

A temptation attaches to favourable conditions, and it is worth naming since it operates on competent practitioners.

Where information is trustworthy and time is available, an intervener can establish a great deal, and the establishing is useful. The temptation is to establish more: to resolve the characterisation, to settle which account is accurate, to consolidate the record so that successors inherit a clear picture. Each is defensible, each is performed by capable parties, and each spends the regime's advantages on producing the material that later resists refutation.

The account developed here recommends the opposite disposition. The advantages of the regime are spent on preserving what will be needed later: accounts that were recorded without being adopted, specifications of what would count as refutation, arrangements for objection that can act, and matters whose verdicts the designations cannot reach.

The disposition is stated as a preference between two uses of the same interval, and Chapter 48 takes up the case where the two cannot both be served.

45.7 SUMMARY OF RESULTS

The ordinary regime relaxes three of the difficulties that organise this book, so judgement, examination of recognitions, and deliberate selection among admissible courses all operate under favourable conditions.

The decisions that determine a field's condition under later regimes are taken here, and they fall into four classes: the adoption of characterisations, the construction of instruments, the establishment of arrangements for objection, and the constitution of shared practical matters.

Decisions in this regime are taken as decisions for the regimes that follow, from which three checkable consequences follow.

The discipline of mental simulation extends to a second question concerning whether a presently reversible course would become self-sealing under conditions the field may enter.

The temptation of the regime is to spend its advantages on establishing more, and the account recommends spending them on preserving what the later regimes will require.

CHAPTER 46

DECISION IN THE EMERGENCY REGIME

46.1 THE CELL UNDER EXAMINATION

The emergency regime in its tractable form is the cell in which a field stands near a stability boundary, decision time is comparable to system time, and information about the field remains trustworthy.

The description covers a definite class of situation. A killing occurs and a response is expected within hours. A party walks out and the question of whether to continue arises before the parties disperse. A commander issues an ultimatum with a stated term. What distinguishes these from the ordinary regime is the interval, and what distinguishes them from the cell of Chapter 47 is that the accounts an intervener receives still bear on what is occurring.

Two features govern what can be said. Errors are expensive, since proximity to a boundary means a mistaken action can participate in a reorganisation. And the procedures of Part VI that require intervals are unavailable, while the accounts themselves remain usable.

The chapter examines decision where the interval is short and the accounts an intervener receives still bear on what is occurring. It states what recognition supplies and what its reliability costs here, sets out the division of actions available at the moment of acting, states the preference that follows, identifies the hazard that peaks in this cell, and closes on the dependence of this regime upon what the ordinary regime prepared.

46.2 THE SUPPLY OF RECOGNITION AND ITS COST

Chapter 37 established that experienced practitioners meet such situations by recognition, that recognition brings with it an expectation of development and a course of action that has served before, and that the course is evaluated by imagining its execution.

The regime is where this operates, and it operates because there is no alternative. The comparison of options requires time the cell withholds, and a practitioner who attempts it acts late or fails to act.

Chapter 37 also established the boundary condition. Skilled intuition requires a regular environment and prolonged practice with feedback, and both are weak in protracted conflict. The consequence for this cell is specific: recognition is what is available, and its reliability is lower here than in the domains where the tradition established it.

The two facts compose into the problem this chapter addresses. An intervener must act on recognitions that are less trustworthy than they feel, in conditions where errors are expensive, and with the examination of Chapter 38 unavailable.

46.3 THE DIVISION OF ACTIONS

The problem is addressed by a division that the interval permits even where examination does not.

Chapter 38 established that actions divide according to whether their performance leaves the world capable of showing an error. The division is available at the moment of acting, since it concerns a property of the contemplated action in place of the accuracy of the recognition prompting it.

The practical form is a question an intervener asks of a contemplated action, and it is short enough for the interval this cell affords.

Question. *Does this action alter what a party can subsequently do?*

Actions that leave a party's access, standing, and capacity to speak where they were may be taken on recognition. They include the great majority of what an intervener does under pressure: convening a session, conveying a message, proposing a pause, attending to one matter before another, preparing for a contingency.

Actions that alter what a party can subsequently do carry the property Chapter 38 identified, and their performance under pressure is where the expensive errors are made. Excluding a party from a session, withdrawing recognition, issuing a public characterisation, terminating an arrangement: each alters the conditions under which the evidence about the recognition would later arrive.

46.4 THE REVERSIBILITY PREFERENCE

The division supports a preference, and it is the operative content of this chapter.

Preference. *Where an action must be taken before its grounds can be examined, the reversible action is taken.*

Three features of the preference bear stating.

The preference operates without a diagnosis. Whether an action is reversible concerns the action, so the question can be answered where the question of what is occurring cannot.

It is compatible with acting decisively. A pause, a withdrawal of a proposal, a suspension of a session, and a refusal to endorse a characterisation are all decisive actions, and all are reversible. The preference bears on which decisive action is taken.

It has a cost, and the cost is real. A reversible action may be inadequate to the situation. Where a party is in immediate danger and the effective response would alter another party's standing, the preference and the danger point in different directions, and Chapter 48 takes up the class of case in which the conditions this book identifies cannot all be maintained.

46.5 THE NAMING HAZARD AT ITS PEAK

The regime carries a hazard that follows from combining its two features, and it is where several strands of the argument meet.

Chapter 7 established that naming is the mechanism by which a distinction is displaced, and that the passage occurs through frequency without an event. Chapter 14 established that a characterisation adopted in an analytic product travels and is inherited.

Under pressure, a characterisation is what makes a situation actionable. A party required to respond within hours must say what is occurring in order to say what is to be done, and the saying is done in the categories available. Emergencies are therefore where names are issued fastest, with the least examination, and to the widest audience, since an emergency draws the attention of parties who were not previously following the matter.

The consequence may be stated as a proposition, and it is among the sharper claims of this book.

Proposition. *The moment at which a name is most needed is the moment at which its issuing is least examinable, so emergencies are where the designations that later resist refutation are most often installed.*

Chapter 43 established that the ordinary regime is where such designations are manufactured through accumulation. The present proposition identifies a second production site with a different mechanism: accumulation in the first, installation in the second.

The requirement that follows is the restraint of Chapter 41 applied under pressure, and it takes a form suited to the interval. A characterisation issued in an emergency is issued as a characterisation of the situation wherever the situation permits, since a description of what is occurring supports action while a designation of what a party is supplies a rule for reading everything the party subsequently does.

46.6 THE DEPENDENCE ON ORDINARY-REGIME PREPARATION

The preparation described in Chapter 45 is what makes this cell tractable, and the dependence should be stated explicitly.

An intervener who arrives at an emergency with the invariants of Chapter 39 established and understood holds them without deliberating about them. An intervener who has recorded, in advance, what would count as a successful refutation of the characterisations in circulation can compare the emergency's material against the record. An intervener who has assembled parties of differing provenance has more than one reading of the situation available within the interval.

An intervener without these arrives at the emergency with recognition alone, and Section 2 established what recognition is worth here.

The dependence yields an observation about where the work of this account is actually done. The emergency regime is where the account is tested and the ordinary regime is where it is applied, and an intervener who attends to it only under pressure has attended to it too late.

46.7 SUMMARY OF RESULTS

The emergency regime supplies recognition as the only available mode of decision, and the reliability of recognition is lower here than in the domains where the tradition established it.

Actions divide by whether they alter what a party can subsequently do, and the division is available at the moment of acting even where examination of the recognition is not.

The preference is for the reversible action where grounds cannot be examined, and it operates without a diagnosis, is compatible with decisive action, and carries a real cost where a reversible action is inadequate.

The naming hazard peaks here, since a characterisation is what makes a situation actionable and emergencies are where names are issued fastest and to the widest audience.

The cell is tractable in proportion to what the ordinary regime prepared, so the account's work is done before the emergency and tested within it.

CHAPTER 47

INVARIANTS HELD BEFORE DIAGNOSIS

47.1 THE HARDEST CELL

The cell examined here is the one in which a field stands near a stability boundary, decision time is comparable to system time, and information about the field has been enrolled in the struggle within it.

Every resource the preceding chapters developed is unavailable at once. The examination of Chapter 38 requires an interval this cell withholds. The accumulation and specification of Chapter 44 require the interval as well. The recognitions of Chapter 37 are available and rest on accounts that Chapter 28 established to be enrolled. Errors are expensive, since proximity to a boundary means a mistaken action can participate in a reorganisation.

An intervener in this cell must act, cannot establish what is occurring, cannot examine the recognitions on which action would rest, and cannot wait. This chapter states what remains.

The chapter examines the cell in which every resource developed earlier is unavailable at once. It states what remains, sets out the manner in which it is held, examines the cost of holding it when holding is wrong, reopens the question of enumeration, and closes by acknowledging where the account is thinnest.

47.2 THE RESOURCES THAT SURVIVE

What remains is what was prepared. Chapter 39 stated the selection principle and the four conditions, and this cell is where they are used in the manner the principle contemplates: held without a diagnosis, because a diagnosis is unavailable.

The four are recalled in the form they take under pressure.

The capacity of a party to refuse a characterisation applied to it is held by ensuring that whatever is said about a party in the course of the response is said where the party can answer it, and that the answer enters the same record.

The plurality of available interpretations is held by declining to consolidate the account of what occurred while the response proceeds, and by recording accounts the response does not adopt.

The participation of parties in the settings where their positions are formed is held by treating exclusion as an action of the class Chapter 46 identified, so that it awaits what the cell cannot supply.

The absence of a permanent allocation of interpretive authority is held by issuing determinations as provisional, and by recording that they are.

47.3 HOLDING WITHOUT DIAGNOSIS

The manner of holding is what distinguishes this cell, and it deserves statement since it runs against the disposition pressure produces.

An invariant is held without asking whether the situation warrants it. The question of warrant requires a diagnosis, the diagnosis is unavailable, and an intervener who suspends an invariant pending a determination of whether the case is exceptional has suspended it, since the determination will not arrive within the interval.

Holding without diagnosis is the feature the aeronautical analogy of Chapter 28 was introduced to convey. A crew flying attitude and thrust under unreliable airspeed holds those values without establishing which indication is false. The holding is what makes the deferral of diagnosis survivable.

The corresponding discipline for an intervener is stated as a form of words available within the interval. Where an action would close one of the four conditions, the action awaits, and the awaiting requires no account of why.

47.4 THE CONSEQUENCE OF HOLDING WHEN HOLDING IS WRONG

The discipline has a cost, and the cost falls in a definite place.

An invariant held where the situation warranted its suspension produces an inadequate response. A party genuinely acting to destroy a process retains its position within it. An account genuinely fabricated is recorded alongside accounts that are not. A determination genuinely settled is issued as provisional and invites reopening by parties who prefer it unsettled.

The three costs above are real and they are borne. What recommends the discipline against them is the asymmetry Chapter 38 established. An intervener who holds an invariant wrongly bears an inadequate response and retains the capacity to correct it when the interval reopens. An intervener who closes a condition wrongly has produced the conditions under which the error becomes undiscoverable, and Chapter 7 established that the evidence generated thereafter is genuine.

The asymmetry is what makes the discipline defensible without a claim about how often the invariant is held wrongly, and the argument is the one Part VII gave for constraint-governed practice in general.

47.5 THE QUESTION OF ENUMERATION REOPENED

Chapter 39 left open whether relational failure modes are enumerable, and this cell is where the question has practical bite.

An aircraft crew meets a failure whose immediate response has been determined in advance, rehearsed, and committed to memory. What makes this possible is that the set of failures has been identified. An intervener in the cell examined here holds four conditions selected by a principle that operates without such an identification, and the four are what can be held when the situation is unknown.

Two possibilities remain open and they differ in what they would license.

Should relational failure modes prove enumerable, a richer repertoire becomes available. An intervener would meet a recognised situation with a determined response, and the four conditions would be the residue held when the situation fails to match any of the identified kinds.

Should they prove inenumerable, the four conditions are close to the limit of what can be committed in advance, and the practical programme reduces to holding them well and preparing in the ordinary regime what Chapter 46 showed the emergency regime to depend upon.

The question is listed among the open problems of Chapter 71. What can be said here is that the four conditions were selected to be usable under either answer, since the principle of Chapter 39 makes no reference to a classification of failures.

47.6 THE LIMIT OF THE ACCOUNT

This cell is where the account developed in this book is thinnest, and the thinness should be acknowledged openly.

What the account supplies here is four conditions, a manner of holding them, and an argument from asymmetry for holding them when their warrant is unestablished. It supplies no procedure for choosing among the actions the conditions permit, and Chapter 36 established that the capacity performing that choice cannot be assessed by parties who lack it. It supplies no means of determining what is occurring, and Part VI established why. And it supplies no ordering among the four conditions where they conflict, which Chapter 48 takes up immediately.

What the account does supply is a statement of what an intervener in this position is answerable for. Whether the four conditions were held is examinable afterward, by parties who were not present and who lack the intervener's capacities, and Chapter 21 established that this examinability is what protects those affected. An intervener who cannot say what was occurring can say what was held, and the second is what a later proceeding can assess.

47.7 SUMMARY OF RESULTS

The hardest cell removes every resource the preceding chapters developed, and leaves what was prepared.

The four conditions of Chapter 39 take practical forms under pressure, and each concerns what is said about a party, what is recorded, who remains present, and how determinations are issued.

An invariant is held without asking whether the situation warrants it, since the question of warrant requires a diagnosis the cell withholds, and suspension pending a determination is suspension.

Holding an invariant wrongly produces an inadequate response that remains correctable; closing a condition wrongly produces the conditions under which the error becomes undiscoverable, and the asymmetry recommends the discipline without a claim about frequency.

The question of enumerability bears on whether a richer repertoire is available, and the four conditions were selected to be usable under either answer.

What the account supplies in this cell is what an intervener is answerable for, which is examinable afterward by parties who lack the intervener's capacities.

CHAPTER 48

THE CONVERGENCE OF CONSTRAINTS

48.1 THE QUESTION DEFERRED

Chapter 39 stated four conditions and recorded that they are stated without an ordering among them. Chapter 22 identified the conflict of constraints as a cost attending guidance of this shape. Chapter 46 noted that a reversible action may be inadequate where a party is in immediate danger. Chapter 47 acknowledged that the account supplies no ordering where the four conflict.

This chapter takes the question up, states what is known about it, and records what remains unsettled.

The chapter closes Part VIII by taking up a question three earlier chapters deferred. It returns to the aeronautical analogy for the form of the difficulty, sets out the corresponding situation for the four conditions, examines what the analogy suggests and what it withholds, examines three candidate orderings and the difficulty each encounters, states what survives their failure, and closes on the remainder the account leaves unsettled.

48.2 THE AERONAUTICAL CASE AGAIN

The analogy that has served this part has a corresponding case, and it is instructive because the discipline that developed it has an answer of a definite kind.

An aircraft operating at high altitude approaches two limits. Below a certain airspeed the wing stalls. Above a certain speed the airflow over the wing reaches a critical condition with its own hazards. As altitude increases the two speeds converge, and the band of airspeeds within which the aircraft may be flown narrows. At the extreme the band closes.

The condition has three features that bear on the present question.

The convergence is a property of where the aircraft is operating in place of any error by the crew. Nothing has been done wrongly, and the envelope has narrowed.

Within the narrowed band, actions that would ordinarily correct one difficulty precipitate the other. Adding speed to avoid a stall approaches the upper limit; reducing speed to avoid the upper limit approaches the stall.

The response is to leave the region. The discipline's answer to a closed envelope concerns altitude, which is a variable the crew controls and which is not one of the two constraints in tension.

48.3 THE CORRESPONDING SITUATION

The four conditions of Chapter 39 converge in an analogous manner, and three instances indicate the form.

Preserving a party's participation may require a process to continue in a form that consolidates its record around a description the party opposes, which closes the plurality of available interpretations.

Preserving the plurality of interpretations may require a proceeding to remain open across an interval that excludes parties unable to sustain participation over its length, which closes their participation.

Declining to allocate interpretive authority may leave a party without an addressee obliged to receive its objection, which the capacity to refuse a characterisation requires.

In each instance the conflict arises from the situation in place of an error, and in each the action that would preserve one condition closes another.

48.4 THE REACH OF THE AERONAUTICAL ANSWER

The aeronautical answer is to leave the region, and the corresponding move for an intervener deserves examination before it is qualified.

Chapter 31 put a question to an arrangement: which matters before it are settled by outcomes no party's interpretation determines, and what would be required to make more of the process turn on such matters. Chapter 16 established that such matters supply verdicts the designations cannot reach. An intervener facing a convergence among the four conditions may examine whether the matter at issue can be shifted toward a domain where the conditions are less strained, since a question settled by an outcome no party interprets places fewer demands on the conditions that govern interpretation.

The move corresponds to a change of altitude, and it shares the aeronautical answer's limitation. Altitude can be changed where the aircraft has the performance and the airspace. The corresponding shift requires a matter of the relevant kind to exist, and Chapter 16 established that such matters may be absent and that their removal is available to parties in conflict.

Where the shift is unavailable, the analogy withholds an answer, and the aeronautical discipline does so as well. Its provision for a closed envelope with no available altitude is the acknowledgement that the aircraft is outside what the design supports.

48.5 CANDIDATE ORDERINGS AND THEIR DIFFICULTIES

An ordering among the four conditions would resolve the convergence, and three candidates present themselves. Each is stated with the difficulty that prevents its adoption here.

Ordering by the criterion of standing. The first condition states the criterion this book's normative work rests upon, and the other three might be treated as its supports, to be released where they conflict with it.

The difficulty is that the three supports are what make the first condition operative. A party that has been excluded from the settings where positions are formed has a formal capacity to refuse a characterisation and no occasion to exercise it. Chapter 33 established that the components of the criterion fail in ways that leave its appearance intact, and an ordering of this shape preserves the appearance.

Ordering by reversibility. The condition whose closure is hardest to reverse might be preserved first.

The difficulty is that reversibility is a property of a closure in a particular situation, so an ordering of this shape supplies a procedure and no ranking. The procedure is available and is stated in Section 6.

Ordering by the party bearing the cost. Chapter 60 develops the asymmetry of reopening, which holds that the party bearing a cost retains the standing to reopen. An ordering might preserve first the condition whose closure falls on the party least able to reopen it.

The difficulty is that the party bearing the cost of a closure is frequently the matter under dispute, and a determination of who bears it is a determination of the kind Part VI established to be unavailable in the conditions where the convergence arises.

48.6 THE RESULTS THAT SURVIVE

Three results survive the failure of the candidate orderings, and these are what this chapter offers.

The convergence is a diagnostic. Where the four conditions cannot all be held, the situation has a property worth recording. The aeronautical case indicates the form: a narrowed envelope is information about where the system is operating. Chapter 4 placed proximity to a stability boundary among the things an intervener has difficulty observing directly, and a convergence among the conditions is among the observable signs that the field is close to one.

The reversibility procedure is available. Where the conditions conflict, an intervener may ask which closure would be hardest to reverse, and the question is answerable in a particular case even where no general ranking exists. Chapter 46 established the corresponding preference among actions, and its application to conflicting conditions is the same argument from asymmetry.

The convergence is recorded. An intervener who closes a condition because the conditions could not all be held records the closure, what was preserved by it, and what would be required to restore what was closed. The record serves the later determination that Chapter 47 identified as what an intervener is answerable for, and it distinguishes a closure made under convergence from a closure made without noticing.

48.7 THE UNSETTLED REMAINDER

What remains unsettled is the ordering itself, and the shape of the difficulty can be stated precisely.

An ordering among constraints is a ranking, and a ranking supplies exactly what Chapter 34 declined: a common scale on which the conditions can be compared. The absence of such a scale was identified in Chapter 35 as the feature distinguishing an orientation toward conditions from an orientation toward an end, and it was identified in Chapter 39 as what the composition of the four conditions enforces.

The account therefore faces a choice it has not made. Supplying an ordering would introduce the aggregation the account was constructed to exclude. Declining to supply one leaves a class of situation in which the account offers a diagnostic, a procedure, and a requirement to record, without saying what is to be done.

This book takes the second course and records the cost. The question of whether a constraint-governed account can supply an ordering without acquiring the properties of an objective is listed among the open problems of Chapter 71, and it is among the places where the account is most exposed.

48.8 THE CLOSE OF PART VIII

Part VIII has replaced the division by severity with three independent axes, treated four of the eight cells they generate, and established what perception and decision consist in within each.

The ordinary regime affords the methods of Part VI and manufactures the material of the regimes that follow. The degraded regime in its slow form removes the passage from material to a statement of state and leaves an interval whose uses were specified. The emergency regime supplies recognition and installs the designations that later resist refutation. The hardest cell leaves what was prepared.

Across the four, the account's work is done in the regime where it is least needed and tested in the regimes where it is. What remains is the institutional and normative apparatus that would give the conditions of this book a form parties can invoke, which is the subject of the parts that follow.

48.9 SUMMARY OF RESULTS

The four conditions converge in situations that arise from the field in place of from an error, and three instances of the convergence can be stated.

The aeronautical case supplies the form of the answer, which is to leave the region, and the corresponding move requires a matter whose outcome no party's interpretation determines.

Three candidate orderings encounter difficulties: the first preserves the appearance of the criterion while removing what makes it operative, the second supplies a procedure without a ranking, and the third requires a determination unavailable in the conditions where the convergence arises.

What survives is a diagnostic, a procedure, and a requirement to record.

The ordering remains unsettled, and supplying one would introduce the aggregation the account excludes, which is among the places where the account is most exposed.

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PART IX

THE JURISPRUDENCE OF RELATIONAL INTERVENTION

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CHAPTER 49

ATTRIBUTION AND THE RETREAT OF RESPONSIBILITY

49.1 THE OTHER HALF

Chapter 30 traced the movement of interpretive power under measurement, identified five positions created where determinations are produced by instruments, and recorded an asymmetry: interpretive power moves upstream and arrives, answerability moves upstream and fails to arrive. That chapter and this one are halves of one account, and the present half concerns what becomes of answerability.

The examination proceeds in the register this part adopts throughout. Where Part VI asked what can be established and Part VII asked what may be done, Part IX asks what follows for authority, legitimacy, and the assertion of claims, and it treats the four question-chains that organise the part: what the relational state is and who defines it, who gathers and interprets evidence and whether it can be challenged, who may model and deploy and publish, and who corrects error and how a party appeals.

49.2 ATTRIBUTION AS A THIRD DEFICIENCY

Chapter 23 identified four deficiencies of evidentialist assessment, the first being the ground from which the others follow. The third concerns attribution, and it is developed here.

The deficiency may be stated as a property of an arrangement. Where a determination follows from an instrument, the question of who determined admits of a series of accurate answers, each of which passes the question along, and the series terminates without arriving at a party who has undertaken to answer for the determination.

Two features distinguish this from a failure of documentation.

Every step is recorded. The chain from decision to assessment to model to data to definition is traceable, and an inquiry can establish what each party did.

Every party acted properly within its remit. The difficulty is that the remits compose into a determination that no remit contains, and Chapter 40 established that the position of the party who judges fails to be constituted, and no occupant vacated it.

The deficiency is therefore structural, and remedies addressed to conduct will leave it in place.

49.3 THE PLACE OF ATTRIBUTION IN THE JURISPRUDENCE

An account might treat the dispersal of answerability as a moral difficulty and leave it to Part X. Three considerations place it in the jurisprudential part, and stating them fixes what this part must supply.

Attribution is a condition of remedy. A party seeking to have a determination corrected requires a party against whom the claim lies. Where no such party exists, the claim has no respondent, and Chapter 55 takes up what remains available.

Attribution is a component of standing. Chapter 21 required an addressee obliged to receive an objection, and Chapter 30 established that the component fails where the obliged addressee lacks the capacity to alter the determination. Chapter 40 supplied the requirement that answers this, and the present part develops its institutional form.

Attribution is a condition of correction over time. Chapter 58 will hold that no interpretation of justice should become historically irreversible, and reopening a determination requires knowing whose determination it was. A dispersed determination resists reopening for the same reason it resists objection.

49.4 THE MOVEMENTS AND THEIR COMMON DIRECTION

The asymmetry recorded in Chapter 30 can now be stated with its consequence.

Interpretive power moves toward those who define categories and construct instruments, and it arrives there. They exercise it, they exercise it in advance of any particular case, and their exercise governs what the resulting determinations can say.

Answerability moves in the same direction and fails to arrive. Those who defined a category made no determination about a party. Those who built an instrument supplied a tool. The bodies that adopted a definition for reasons of comparability were constituted for that purpose and dissolved.

The stability of the arrangement follows from the divergence. Those who hold the power have not accepted the answerability, and the party who acted has transferred it, so no participant occupies a position from which the arrangement appears defective.

A proposition follows and is offered for examination.

Proposition. *An arrangement in which interpretive power and answerability move in the same direction, and only the first is accepted at the destination, is stable without anyone having arranged it, and its correction requires that the two be relocated together.*

49.5 THE AVAILABLE DOCTRINES AND WHAT THEY REACH

Existing legal and administrative doctrine addresses parts of this, and the parts it reaches indicate what remains.

Doctrines requiring that decisions be reasoned reach the first requirement of Chapter 40. A determination stated as the output of an instrument supplies no reason, and a duty to give reasons bears against it.

Doctrines prohibiting the unlawful fettering of a discretion reach the second requirement. Where a body vested with a discretion binds itself to an instrument's output, the discretion has been surrendered, and the doctrine addresses the surrender directly.

Doctrines of vicarious and institutional liability reach the third requirement in part, by locating consequences with a body where they cannot be located with an individual.

What the doctrines reach less well is the composition described in Section 2. Each addresses a party who held a power and failed to exercise it properly. The difficulty here concerns a determination assembled across parties, none of whom held the power in the form the doctrines contemplate, and the parties who hold the interpretive power are frequently outside the jurisdiction in which the determination takes effect.

Chapter 51 takes up the authority to deploy, and Chapter 52 the arrangements for approval and oversight, and both are addressed to the composition in place of the conduct of any single position.

49.6 THE REQUIREMENT OF ATTRIBUTABILITY

The structural failure of attribution supports a requirement, stated in the form this book uses.

Requirement. *A determination bearing on a party's standing is attributable: some party has undertaken to answer for it, and the party subject to it can establish which.*

Three consequences follow and are examinable in a given arrangement.

The instruments that carry a determination record the party who made it, and the record is available to the party the determination concerns.

The party who made it holds the capacity Chapter 40 specified: to state the determination as its own, to depart from an instrument's output, and to bear the consequences.

The constitutive choices upstream of the determination are traceable from the record, so a party whose objection concerns a category definition or an instrument's construction can identify where the objection lies, whether or not the party who made the determination can alter those choices.

The third consequence is weaker than the first two and is stated as such. It supplies an address and no remedy, and Chapter 55 takes up what an address without a remedy is worth.

49.7 THE DIFFICULTY OF AGGREGATE ANSWERABILITY

One response to the composition is to locate answerability with an institution in place of a party, and the response deserves examination since it is the one most commonly adopted.

An institution can be answerable in a manner an assembled determination cannot. It persists, it can be addressed, and it can be required to alter its practice. Doctrines of institutional liability operate on this basis.

Two difficulties attend the response.

An institution answerable for a determination made across several institutions has accepted answerability for choices it did not make, and the acceptance is unstable. Where a determination rests on a category definition adopted by another body, the institution that acted can answer for having acted and cannot answer for the definition.

An institution's answerability is compatible with the position of Chapter 40 remaining unoccupied. A body may accept responsibility for outcomes while no party within it has made the determination as its own, and the acceptance then operates as a form of the alibi that chapter identified.

The response is therefore partial. It supplies a respondent and leaves the position unoccupied, and Chapter 52 takes up arrangements addressed to both.

49.8 SUMMARY OF RESULTS

The retreat of answerability is the second half of the movement traced in Chapter 30, and the two chapters describe one arrangement from two sides.

Attribution fails structurally where a determination is assembled from operations none of which is a determination, and every step is recorded and every party acted properly within its remit.

Attribution belongs to the jurisprudential part because it conditions remedy, constitutes a component of standing, and is required for correction over time.

The arrangement is stable because power and answerability diverge at the same destination, and its correction requires relocating the two together.

Existing doctrines reach the requirements of Chapter 40 individually and reach the composition less well, particularly where the parties holding interpretive power lie outside the jurisdiction.

The requirement of attributability yields three examinable consequences, the third of which supplies an address without a remedy.

Locating answerability with an institution supplies a respondent and leaves the position of the party who judges unoccupied.

CHAPTER 50

EPISTEMIC INJUSTICE IN THE GATHERING OF EVIDENCE

50.1 THE BODY OF WORK AT ISSUE

Miranda Fricker's account of epistemic injustice (Fricker, 2007) distinguishes two forms of wrong done to a person in their capacity as a knower.

Testimonial injustice occurs where a speaker receives a deflated credibility on account of a prejudice held by the hearer. The speaker says something, and the hearer discounts it for reasons concerning who the speaker is.

Hermeneutical injustice occurs where a collective interpretive resource is missing, so that an experience belonging to a person is obscured from collective understanding and from that person's own understanding of it. The wrong lies in a gap in the shared apparatus of description, and the gap bears unevenly on those whose experiences it leaves unnameable.

Both forms bear on the material of this book, and the second stands in a close relation to the account developed in Part II. The relation is a collision, and this chapter addresses it before drawing on the account.

The chapter treats the body of work standing closest to this account on the question of evidence, and states what the account adds to it. It examines the first form of epistemic injustice as it appears in conflict settings, addresses the collision with the second form directly, states the contribution this account makes, draws the consequence for remedy, examines the composition of the two forms in the gathering of evidence, and closes on a limit of the diagnosis.

50.2 TESTIMONIAL INJUSTICE IN CONFLICT SETTINGS

The first form appears in the material of this book in a specific configuration.

Chapter 14 established that designations applied to parties supply rules for reading what the parties subsequently do. Chapter 7 established that such a designation absorbs refutation offered within the order it organises. A party under such a designation is in the position Fricker's account describes, and the discounting of its testimony follows from the designation in place of a prejudice a hearer holds independently of it.

Two features distinguish the configuration from the standard case.

The credibility deficit is generated by the process, and Chapter 14 identified where. The deficit is documented in analytic products, transmitted to successors, and applied by parties who never formed a view of the speaker independently.

The deficit is self-supporting through the mechanism of Chapter 7. A party discounted is excluded from the settings where standing is acquired, and its subsequent conduct supplies genuine evidence for the discounting.

The bearing on assessment is direct. An intervener who gathers testimony from parties subject to standing designations gathers it under a distribution of credibility the process itself produced, and Chapter 27 gave the observables available where that has occurred.

50.3 THE COLLISION WITH HERMENEUTICAL INJUSTICE

Hermeneutical injustice and the account of grammatical degeneration developed in Part II describe conditions that resemble one another closely, and the resemblance requires treatment.

Chapter 4 defined degeneration on the relational dimension as a relation ceasing to posit difference, and Chapter 7 described the passage by which a distinction is displaced by a name and ceases to be available. A community in that condition lacks the resources to state what it has lost, and members whose experiences require the lost distinction are unable to articulate them.

Fricker's account arrived at the corresponding condition earlier and from a different direction, and any account of the present kind owes a statement of what it adds. The statement is the substance of the next section.

50.4 THE CONTRIBUTION OF THE PRESENT ACCOUNT

Fricker's treatment concerns a lacuna in the collective interpretive resource and attributes it principally to the structural exclusion of certain groups from the practices in which such resources are generated. The lacuna is treated as a condition obtaining, with an aetiology in unequal participation over long periods.

The account developed in this book supplies a mechanism by which such a lacuna is produced, and the mechanism operates on a shorter timescale and through identifiable acts.

Chapter 7 established that a name enters as an acknowledged simplification, is used repeatedly, and at some point ceases to abbreviate a description and comes to state a fact, with no event marking the transition. Chapter 14 established that analytic practice is where the frequency accumulates, that products circulate and are inherited, and that a characterisation travels apart from the qualifications attached at first use.

The claim that follows is the one this chapter contributes, and it is offered for examination.

Claim. *A lacuna in the interpretive resources available to a party can be manufactured, and a mediation process is among the arrangements capable of manufacturing one.*

Three features of the claim distinguish it from the standard account.

The production is traceable. Where a lacuna arises from long exclusion, its aetiology is diffuse. Where it is produced by the operations Chapter 14 identified, the products, the classifications, and their circulation are on the record.

The production is recent and continuing. A designation adopted in an analytic exercise five years ago, inherited by successive missions, and now governing how a party's claims are heard has produced its effects within a period the parties remember.

The production is attributable in the sense of Chapter 49, or would be under the requirement that chapter stated. The parties who adopted a characterisation, constructed a classification, and transmitted them can be identified from the instruments.

50.5 THE CONSEQUENCE FOR REMEDY

The mechanism bears on what a remedy would consist in, and the bearing distinguishes this account from what a diagnosis of hermeneutical injustice alone supports.

A lacuna attributed to long structural exclusion invites remedies addressed to participation: the inclusion of excluded groups in the practices where interpretive resources are generated, over the period such inclusion requires.

A lacuna produced by the operations of a process invites remedies addressed to those operations. The classifications can be reopened. The instruments that carry them can be required to carry the objections of the parties they describe. The specification of what would count as a successful refutation can be recorded, which Chapter 24 proposed as an addition to the principle sets in general use.

The two classes of remedy are compatible and operate on different timescales, and an account that recognises only the first will address a produced lacuna with an instrument designed for a structural one.

50.6 THE GATHERING OF EVIDENCE

The two forms of injustice compose in the gathering of evidence, and the composition is what this part must address.

Evidence is gathered from parties. Where a party is under a designation that discounts its testimony, what it says enters the record at a discount the process produced. Where the distinctions a party requires to state its situation have left the shared apparatus, what it says fails to state its situation, and the failure is recorded as the party's own incoherence.

Chapter 23 established that evidence requires an interpreter and that interpretation requires a relational position. The present chapter locates two specific ways in which that position bears on what evidence a process obtains, and both operate before any question of accuracy arises.

The requirement that follows belongs with the four question-chains of this part. An arrangement that gathers evidence records the conditions under which it was gathered: which designations were in circulation, what standing the speaking party held, and whether the categories available to the party were categories the party would have chosen. Chapter 52 develops the institutional form, and Chapter 54 the standing of a party to assert that these conditions were defective.

50.7 THE LIMIT OF THE DIAGNOSIS

One limit belongs to the argument and is stated here.

Establishing that a lacuna has been manufactured requires establishing that a distinction was previously available, and Chapter 7 recorded the difficulty of establishing an earlier state from deposits produced by the practice under examination. The partial answer given there applies: communities deposit their distinctions in materials that outlast their use, and such deposits can be examined by parties who cannot presently articulate what they record.

The difficulty is sharper here than in the general case, since the deposits an inquiry would consult are frequently the analytic products whose operation is at issue. An inquiry into whether a process manufactured a lacuna consults the process's own record, and Chapter 14 established that the record is where the frequency accumulated.

The consequence is that the claim of this chapter is more readily established prospectively than retrospectively. A process that records its characterisations together with what would count against them supplies the material by which a later inquiry could establish what happened, and the recording is affordable in the ordinary regime and unavailable later.

50.8 SUMMARY OF RESULTS

Testimonial injustice appears in conflict settings in a configuration where the credibility deficit is generated by the process and supported by the mechanism of Chapter 7.

Hermeneutical injustice and the account of grammatical degeneration describe closely related conditions, and the collision requires that this account state what it adds.

What it adds is a mechanism of production: a lacuna can be manufactured, a mediation process is among the arrangements capable of manufacturing one, and the production is traceable, recent, and attributable.

The mechanism bears on remedy, since a produced lacuna invites remedies addressed to the operations that produced it, on a timescale different from remedies addressed to structural

exclusion.

The two forms compose in the gathering of evidence, and the requirement that follows is that an arrangement record the conditions under which evidence was gathered.

The diagnosis is more readily established prospectively than retrospectively, since a retrospective inquiry consults the record whose production is at issue.

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CHAPTER 51

THE AUTHORITY TO DEPLOY SYMBOLIC AND INSTRUMENTAL RATIONALITY

51.1 THE THIRD QUESTION-CHAIN

The four question-chains that organise this part concern what the relational state is and who defines it, who gathers and interprets evidence and whether it can be challenged, who may model and deploy and publish, and who corrects error and how a party appeals. Chapters 49 and 50 treated the first two. This chapter takes the third.

The question is one of authority. An instrument applied to parties in conflict produces determinations that bear on their standing, and the parties are entitled to ask by what authority the instrument was applied to them. The question is jurisprudential in form and it has no settled answer in the practice at issue.

The chapter takes the third of the four question-chains organising this part. It identifies what is deployed, examines the sources of authority practice invokes and what each reaches, states the requirement the account supports, answers the objection that requirement invites, and closes by classifying deployment among the actions Part VII marked.

51.2 THE OBJECTS OF DEPLOYMENT

Chapter 29 distinguished two supplements to the bounded rationality of an intervener, and both fall within the present question.

Symbolic rationality is deployed where a body applies a codified requirement, a doctrine, a precedent, or an established procedure to a case. Deployment in this sense is familiar and its authority is ordinarily traceable, since codes are adopted by bodies with mandates and procedures are established by parties who hold the competence to establish them.

Instrumental rationality is deployed where a technique produces an output bearing on parties. Risk classification, network analysis of relations among actors, forecasting, automated processing of reporting, and the classification schemes such techniques require all belong here. The authority to deploy these is traceable less often, and the difficulty is the subject of this chapter.

The common feature was established in Chapter 29. Both operate at the second layer of a characterisation, specifying in advance what arriving material will be taken to show. An authority to deploy is therefore an authority to fix, for a class of cases, what will count as evidence about the parties those cases concern.

51.3 THE SOURCES OF AUTHORITY AVAILABLE

Practice invokes four sources of authority to deploy, and each reaches part of the question.

Mandate. A body established by an instrument with a stated competence may act within it. Mandates in this field are drafted before the techniques at issue are adopted, and they authorise activities described in general terms, so the question of whether a particular deployment falls within a mandate is frequently answered by the body itself.

Consent. Parties may agree to a process and to the arrangements it employs. Chapter 24 recorded consent among the fundamentals of mediation practice. Its reach here is limited by the fact that consent to a process is given before the instruments are specified, and by the fact that consent is given by parties whose standing within the process is what the instruments will bear upon.

Professional practice. A technique may be deployed because it is what competent practice employs. This source has considerable practical force and little jurisprudential content: it locates the authority in the practice of a field whose members are the parties deploying the technique.

Purpose. A deployment may be justified by what it serves: the protection of civilians, the anticipation of violence, the efficient allocation of assistance. Chapter 34 examined the structure of justifications by purpose, and the difficulty recorded there applies: a purpose licenses trade-offs, and a purpose invoked to authorise a deployment licenses the deployment's costs to any party.

None of the four supplies what the question asks, which is a warrant that the party subject to the determination can examine.

51.4 THE REQUIREMENT ON DEPLOYMENT

The account developed here supports a requirement stated in its usual form.

Requirement. *An instrument is deployed against a party under an authority the party can identify, and the identification carries with it the constitutive choices the instrument embodies.*

Three components follow, and each is examinable in a given arrangement.

An identified deploying party. Some body has decided that this instrument is applied to these parties in this process, and the decision is recorded as a decision. Chapter 49 established that determinations assembled across positions resist attribution, and a deployment decision recorded as such is the point at which attribution is available.

A stated scope. The determination the instrument produces bears on some matters and not others, and the statement of which is what permits a party to know when the instrument has been applied to it. An instrument deployed for one purpose and consulted for another has exceeded a scope that was never stated.

Available constitutive choices. Chapter 29 established that a party's objection is assessed under the instrument's own specification, and Chapter 21 that the third component of standing is tested by asking what would count as a successful refutation. Both require that the choices embodied in the instrument be available to the party the instrument describes.

51.5 THE OBJECTION FROM CONFIDENTIALITY

The third component encounters an objection with genuine force, and it is answered here.

The objection holds that constitutive choices cannot always be disclosed. An instrument may rest on sources whose protection is a condition of their continuing; disclosure may reveal what a party would use to alter its conduct in ways the instrument was built to detect; and some techniques are held under commercial arrangements that restrict what may be published.

Three replies bear on the objection and they operate at different levels.

The first concerns what disclosure is required. The requirement concerns the constitutive choices, which are the categories, the thresholds, the weightings, and the treatment of missing observations. These are separable from the sources and from the particular observations, and their disclosure bears on the party's capacity to state what would count as a refutation.

The second concerns to whom disclosure runs. Where disclosure to a party is genuinely precluded, disclosure to a body able to examine on the party's behalf preserves part of the component. Chapter 52 develops the arrangement, and the part preserved is smaller than the whole, since the party's own reading is what Chapter 26 established to be irreducible.

The third concerns what follows where neither is available. An instrument whose constitutive choices can be disclosed to no one bearing on the parties it describes is an instrument against which no refutation can be specified, and Chapter 21 identifies what that condition amounts to. The account's position is that such an instrument may inform an intervener's attention and may not produce determinations bearing on a party's standing, which is the requirement of Chapter 38 applied to instrumented recognition.

51.6 DEPLOYMENT AS AN ACTION OF THE MARKED CLASS

The requirement on deployment supports a classification that connects this part to Part VII.

Chapter 38 identified four marks of a recognition whose adoption forecloses its own examination: the recognition assigns a party to a class, acting on it changes what the party can do, it accommodates conduct contrary to itself, and it travels.

An instrumented determination bears all four by construction. It assigns by classifying. It changes what a party can do wherever the classification bears on engagement, assistance, or recognition. It accommodates contrary conduct through the rules of reading Chapter 29 established. And it travels further than a human characterisation, since it is produced at scale, transmitted in structured form, and inherited by systems that consult it automatically.

The consequence is that the deployment of an instrument bearing on a party's standing is an action of the class Part VII marked, and the requirement of Chapter 38 applies to it: the deployment awaits the examination that deploying would foreclose.

The conclusion is demanding and it is stated without softening. It holds that instruments producing determinations about parties in conflict are subject, before deployment, to the examination that Chapter 52 develops into arrangements for approval.

51.7 SUMMARY OF RESULTS

The authority to deploy is an authority to fix, for a class of cases, what will count as evidence about the parties those cases concern.

Four sources are invoked in practice, and none supplies a warrant the party subject to the determination can examine.

The requirement is that an instrument be deployed under an authority the party can identify, carrying with it the constitutive choices the instrument embodies, from which three examinable components follow.

The objection from confidentiality is answered at three levels, and where none of the three is available the instrument may inform attention and may not produce determinations bearing on standing.

An instrumented determination bears all four marks of Chapter 38 by construction, so its deployment is an action of the marked class and awaits the examination that deploying would foreclose.

CHAPTER 52

APPROVAL AND OVERSIGHT OF INSTRUMENTED DECISION

52.1 THE REQUIREMENTS AWAITING INSTITUTIONAL FORM

Three requirements stated in earlier chapters have been left without institutional form.

Chapter 40 required that the position of the party who judges be occupied, and recorded three difficulties that are not culpable: a deciding party may lack the standing to depart from an established instrument, may lack the information required to depart intelligently, and may face volumes that preclude individual determination.

Chapter 49 required that a determination bearing on a party's standing be attributable, and found that locating answerability with an institution supplies a respondent while leaving the position unoccupied.

Chapter 51 required that deployment proceed under an authority the party can identify, and concluded that deployment of an instrument bearing on standing is an action awaiting the examination that deploying would foreclose.

This chapter develops the arrangements those requirements imply, states what such arrangements can accomplish, and marks where the account's demands exceed what present institutions supply.

The chapter supplies institutional form for three requirements stated earlier and left without it. It sets out what an approval arrangement establishes before deployment, distinguishes the account's question from the question the adjacent field ordinarily asks, sets out the functions belonging to the period after deployment, addresses the difficulties recorded in Chapter 40, and closes on the limits of what institutions presently supply.

52.2 APPROVAL BEFORE DEPLOYMENT

The conclusion of Chapter 51 places an examination before deployment, and the examination has a definite content.

Three matters are established before an instrument producing determinations about parties is applied.

The constitutive choices are stated. Categories, thresholds, weightings, and the treatment of missing observations are recorded in a form a party without technical training can be told about, since Chapter 29 established that these carry the evaluative judgements presented as method.

The refutation question is answered. An arrangement states what it would treat as a successful refutation of a determination the instrument produces, and records the answer alongside the instrument. Chapter 21 identified this as the test of the third component of standing, and Chapter 24 proposed it as an addition to the principle sets in general use.

The deploying party is identified. Some body records that this instrument is applied to these parties in this process, which is the point at which attribution becomes available.

The three are examinable, and an approval arrangement that establishes them supplies what Chapter 51 required. What such an arrangement withholds is any assurance about accuracy, and the omission is deliberate: Chapter 21 established that the criterion is silent on accuracy and is the precondition for correcting error.

52.3 THE DISTINCTION FROM PREVAILING APPROACHES

A body of work on the governance of automated decision addresses adjacent questions, and the relation between it and the present account deserves statement, since the two are readily confused.

The governance literature asks predominantly whether a system is fair: whether its outputs distribute favourably and unfavourably across groups in defensible ways, whether its training material carries historical patterns forward, and whether its performance is equivalent across the populations it touches. The questions are serious and the present account takes no position against them.

The account developed here asks a different question, and the difference is the one this part exists to develop.

The question. *Whether those subject to a system's determinations can contest and revise the determination, the standards it applies, the authority that deployed it, and the process that gave its output force.*

The two questions come apart in both directions. A system may distribute its outputs defensibly while remaining wholly uncontestable by those it classifies, and such a system satisfies the first question and fails the second. A system may distribute its outputs poorly while remaining fully open to challenge, in which case the second question is satisfied and supplies the means by which the first would be addressed.

The second question is jurisprudential in form, and this is what places it here. It concerns standing, authority, and remedy, and it is answered by arrangements in place of properties of

a system.

52.4 OVERSIGHT AFTER DEPLOYMENT

Approval bears on what is established before an instrument is applied. Three functions belong to the period after, and each answers to a difficulty recorded earlier.

Departure is recorded. Chapter 40 required that a deciding party be able to depart from an instrument's output, and observed that departure formally permitted and practically penalised leaves the position unoccupied. An arrangement that records departures, and records what followed from them, makes the capacity examinable. An arrangement in which departures never occur has supplied evidence about itself.

Objections are carried. Chapter 30 established that the second component of standing fails where the obliged addressee lacks the capacity to alter a determination. An arrangement in which an objection lodged with a deciding party is transmitted to the positions that produced the determination, and recorded there, supplies the route that component requires.

The refutation question is revisited. The answer recorded at approval is compared with what subsequently occurred. Chapter 33 established that a specification made in advance converts a difficult judgement into a comparison of two records, and oversight is where the comparison is performed.

52.5 THE DIFFICULTIES OF OCCUPANCY ADDRESSED

Chapter 40 recorded three difficulties that bear on institutional design in place of the requirement's content, and the arrangements above address them unevenly.

The difficulty of standing to depart is addressed by recording departures and by locating the consequences of a departure with the arrangement in place of the individual who departed. Where a deciding party bears alone the cost of departing and shares the cost of complying, the arrangement has produced the difficulty, and the distribution can be altered.

The difficulty of information is addressed by the approval requirement that constitutive choices be stated, since a party who knows what an instrument is doing can depart intelligently.

The difficulty of volume is addressed least well, and the account should be plain about it. Where determinations are produced at scale, the position of the party who judges cannot be occupied case by case, and an arrangement requiring it produces the appearance of compliance. What the account can offer is a division: determinations bearing on a party's standing are distinguished from determinations that do not, and the requirement attaches to the first class. Whether that class is small enough to be handled individually is a question about a particular arrangement, and where it is not, the account's requirement and the arrangement's scale are in conflict.

52.6 THE LIMIT OF WHAT INSTITUTIONS SUPPLY

The arrangements described above carry two limits, stated here without softening.

Approval and oversight arrangements of the kind described exist in some administrative settings and are largely absent from the field this book concerns. Determinations bearing on parties in conflict are produced by bodies constituted under mandates drafted before such instruments existed, deployed across jurisdictions, and consulted by successor arrangements that were not party to any approval. Chapter 55 takes up what follows where the arrangement a requirement contemplates has no institutional home.

An arrangement that satisfies the requirements of this chapter supplies a route for objection and no assurance that the objection will succeed. Chapter 49 recorded that the third consequence of attributability supplies an address without a remedy, and the present arrangements strengthen the address. What they leave open is the question of remedy, which is the subject of the fourth question-chain.

52.7 SUMMARY OF RESULTS

Approval before deployment establishes three matters: the constitutive choices, the answer to the refutation question, and the identity of the deploying party.

The account's question differs from the prevailing question about the fairness of automated systems, and the two come apart in both directions, the present question being jurisprudential in form and answered by arrangements.

Oversight after deployment records departures, carries objections to the positions that produced a determination, and revisits the refutation question against what occurred.

The three difficulties of Chapter 40 are addressed unevenly, and the difficulty of volume is met by a division between determinations bearing on standing and those that do not, with a conflict remaining where that class is large.

Arrangements of this kind are largely absent from the field, and where present they strengthen an address while leaving the question of remedy open.

CHAPTER 53

PROCEDURAL JUSTICE WITHOUT A CRITERION OF OUTCOME

53.1 THE POSITION REQUIRING A DOCTRINE

Part VI established that an intervener cannot establish the relational state in the manner the ordinary demand intends. Chapter 28 named the condition in which all information about a field's state has been enrolled in the struggle within it, and stated that the primary task there is the preservation of the conditions under which a trustworthy interpretation may later be recovered.

A party operating in that position issues determinations without an independent criterion of what the right outcome would be. The position is unusual in practice and familiar in jurisprudence, and this chapter draws on the doctrine that addresses it.

The chapter supplies the doctrine answering to the position Part VI established. It sets out the classification jurisprudence offers, states the respect in which the correspondence holds and the respect in which it is modified, draws on a second body of doctrine for the form in which requirements of this kind are stated, records two classical principles that support the account independently, and closes on what procedural legitimacy consists in for the position at issue.

53.2 RAWLS'S DIVISION

Rawls (1999) distinguished three relations between a procedure and the outcome it produces.

Perfect procedural justice obtains where an independent criterion of the correct outcome exists and a procedure is available that reliably produces it. The division of a cake by a party who takes the last piece is the standard illustration.

Imperfect procedural justice obtains where an independent criterion exists and no procedure reliably produces it. A criminal trial is the standard illustration: the guilty should be convicted and the innocent acquitted, and no procedure guarantees the correspondence.

Pure procedural justice obtains where no independent criterion of the correct outcome exists, and the outcome is correct in virtue of the procedure having been followed. A fair wager

is the standard illustration: what distribution ought to result is settled by the procedure and by nothing outside it.

The third case is the one that corresponds to the position described in Section 1, and the correspondence is what this chapter uses.

53.3 THE CORRESPONDENCE AND ITS LIMITS

The correspondence holds in a specific respect and fails in others, and stating both prevents the doctrine from being asked to carry more than it can.

The correspondence holds in that no independent criterion is available to the parties or to an intervener. Chapter 27 established that the demand for adjudication returns an intervener to the symbolic level where refutation is absorbed, and that the inability to settle the matter follows from the field, and holds whatever information is available. Where such a criterion is unavailable, legitimacy has nowhere to rest except on the procedure.

It fails in that pure procedural justice, in its standard form, concerns a criterion that does not exist. The wager has no correct outcome awaiting discovery. The situations this book concerns have a state of affairs that obtained, and what is unavailable is access to it. The distinction matters for what follows: an account resting on pure procedural justice in the standard sense would hold that the procedure constitutes the correct outcome, and the account developed here holds that the procedure preserves the possibility of a later determination.

The difference is recorded in the standard sentence of Chapter 28. What the procedure protects is the recoverability of an interpretation, which presupposes that there is something to recover.

The doctrine is therefore adopted in a modified form. Legitimacy rests on the procedure because the criterion is inaccessible, and the procedure is one whose merit consists in what it preserves for a later determination in place of constituting the outcome.

53.4 FULLER'S PRECEDENT

A second body of doctrine supplies the form in which requirements of this kind are stated, and its relevance to this book runs deeper than the analogy.

Fuller's account of the inner morality of law (Fuller, 1969) sets out requirements a system of rules must meet to be a system of rules at all: that rules be general, promulgated, prospective, intelligible, free of contradiction, possible to comply with, constant over time, and administered in a manner congruent with their announced terms. A sufficient failure of any of these produces something other than a legal system.

Three features of the account bear on the present argument.

The requirements are conditions in place of objectives. Each states what must hold for an enterprise to be what it claims to be, and none states a goal to be maximised. Chapter 34

declined an objective and put conditions in its place, and Fuller's account is the mature precedent for the form.

The requirements are procedural and leave the content of rules open. A system may satisfy them and produce rules a critic regards as unjust, and Fuller's argument concerned what the requirements nonetheless secure. The parallel to this book's criterion is close, since Chapter 21 recorded that the criterion is silent on accuracy and on outcomes.

The requirements admit of degree and of conflict. Fuller treated them as aspirations whose satisfaction varies, and the observation corresponds to Chapter 48, which recorded that the four conditions can conflict and are stated without an ordering.

Fuller also wrote directly on mediation (Fuller, 1971), and his treatment of its forms and functions distinguishes what mediation accomplishes from what adjudication accomplishes. The distinction bears on the argument of Part IV, and the present chapter records the connection without developing it.

53.5 THE CLASSICAL PRINCIPLES

Two principles of long standing in the law support conclusions this book reached by another route, and the support is worth recording because it is independent.

*Nemo iudex in causa sua.*¹ No party is to be judge in its own cause. Part IV established that an intervener occupies a position within the relational field, that observation participates in what it observes, and that a person's verdict reaches the parties through that person's standing. The classical principle reaches the same conclusion from the requirements of adjudication: a party positioned within a matter lacks the standing to determine it. The convergence supports the argument of Chapters 12 and 16 from a tradition that owes nothing to complexity theory.

Audi alteram partem. The other side is to be heard. This is the classical form of one of the four conditions of Chapter 39, and its standing in doctrine is what the present account would wish for that condition. Two features of the principle as developed bear noting: it requires that a party know the case against it, which corresponds to the first component of standing, and it requires that the hearing be capable of affecting the outcome, which corresponds to the second.

The correspondence with the criterion of Chapter 21 is close enough to invite a question about what the criterion adds. The answer concerns the third component. The classical principle requires a hearing capable of affecting the outcome, and Chapter 7 established that a hearing may be held, may be capable in form of affecting the outcome, and may receive a party's refutation under a rule that converts it into confirmation. The third component addresses that case, and the classical principle addresses it less directly.

¹The two maxims are the constituents of what the common law tradition calls natural justice, and corresponding requirements appear in the administrative law of most developed systems and in the fair trial provisions of the principal human rights instruments.

53.6 THE SECURITIES A PROCEDURE OWES

The modified doctrine and the classical principles together support a statement of what procedural legitimacy consists in for the position described at the opening of this chapter.

A procedure operating without access to a criterion of the right outcome is legitimate where it secures three things.

The parties know the characterisations applied to them and can answer them, which is the classical requirement and the first component of standing.

The answers are capable of counting, which requires that the procedure state what it would treat as a successful refutation, and which the classical principle leaves implicit.

What the procedure produces remains open to reconsideration when access to the matter improves, which follows from the modification given above and which Chapter 58 develops.

The third is what distinguishes this account from a procedural doctrine in the standard form. Where a procedure constitutes the outcome, reconsideration has no object. Where a procedure preserves the possibility of a later determination, reconsideration is what the procedure was for.

53.7 SUMMARY OF RESULTS

The position established in Part VI corresponds to the case jurisprudence calls pure procedural justice, since no criterion of the right outcome is accessible.

The correspondence is modified: the standard case concerns a criterion that does not exist, and the present case concerns one that is inaccessible, so the procedure preserves the possibility of a later determination in place of constituting the outcome.

Fuller's inner morality of law supplies the mature precedent for requirements stated as conditions, procedural in content, admitting of degree and of conflict.

Nemo iudex and *audi alteram partem* support conclusions this book reached independently, and the second corresponds to the first two components of standing while addressing the third less directly.

Procedural legitimacy here secures that parties know and can answer the characterisations applied to them, that answers are capable of counting, and that what is produced remains open to reconsideration when access improves.

CHAPTER 54

STANDING AND THE ASSERTION OF CLAIMS

54.1 THE FOURTH QUESTION-CHAIN OPENED

The fourth of the question-chains organising this part concerns who corrects error and how a party appeals. This chapter takes the first half of it, which is the question of who may bring a claim at all, and Chapter 55 takes the second.

Chapter 21 merged two senses of standing and stated that the merger was deliberate: the ethical capacity to refuse a characterisation applied to oneself, and the legal qualification to bring a claim before a body competent to hear it. This chapter develops the second as the institutional form of the first, and it treats the legal doctrine as the developed form of the condition in place of an analogy to it.

The chapter opens the fourth question-chain by treating the qualification to bring a claim. It sets out what the legal doctrine supplies, identifies four ways in which standing fails in the settings this book concerns, examines the fourth at length as the point where the ethical condition and the legal doctrine part company, states the requirement that follows, and closes on the relation between the two senses of standing.

54.2 THE PROVISIONS OF THE LEGAL DOCTRINE

Doctrines of standing in developed legal systems address a definite question: which parties may set a body's jurisdiction in motion. Their content varies across jurisdictions and three features are widely shared.

A claimant must have an interest of a recognised kind in the matter. The requirement excludes parties with no connection to what is at issue, and its content turns on what kinds of interest a system recognises.

The interest must be affected in a manner the system treats as sufficient. A remote or speculative effect commonly fails, and the threshold is where much of the doctrinal work occurs.

The body must be competent to grant something. Standing before a body that can do nothing about the matter is standing in form.

The third feature bears directly on the argument of this book. Chapter 30 established that the second component of the criterion fails where the obliged addressee lacks the capacity to alter a determination, and the legal doctrine has arrived at the corresponding requirement from the requirements of adjudication.

54.3 THE CHARACTERISTIC FAILURES IN THIS FIELD

Standing fails in four characteristic ways in the settings this book concerns, and each corresponds to a mechanism developed earlier.

Standing defeated by the designation. A party characterised in a manner that places it outside the class of parties whose claims are entertained has lost standing by the operation of the characterisation. Chapter 24 identified this as the fourth boundary of the principle-based approach: whether a principle applies depends on how a case is characterised, and a designated party may fall outside the scope of a requirement while the requirement is observed. Standing doctrines are subject to the same capture, since who counts as an affected party is settled by the characterisations in circulation.

Standing without a competent respondent. A party may be recognised as affected and find no body able to alter what affects it. Chapter 49 established that a determination assembled across positions leaves no party who has undertaken to answer for it, and a claim brought against any single position is answered accurately and without effect.

Standing exhausted by the process. Assertion of a claim requires resources, representation, and the capacity to sustain a proceeding across its length. Chapter 17 recorded that participation costs select who populates a distributed arrangement, and the same selection operates on who can assert a claim within a concentrated one.

Standing lost with the party. Chapter 21 rested the account's normative work on a condition that survives a party's incapacity to generate, and legal doctrines of standing commonly require a claimant capable of appearing. Dispersed communities, groups whose organisations the conflict destroyed, and populations whose members are scattered across jurisdictions may hold the condition the criterion protects and lack the qualification the doctrine requires.

54.4 THE FOURTH FAILURE EXAMINED

The fourth failure deserves separate treatment, since it is where the merger of the two senses is tested.

Chapter 21 declined a criterion that would tie protection to what a party will generate, on the ground that parties from whom no further generation is expected fall outside such a criterion by its own logic. The argument was made against an objective and it applies equally against a doctrine.

A legal doctrine requiring an appearing claimant ties the qualification to a capacity, and a party lacking the capacity holds no qualification whatever its interest. The doctrine is defensible on its own terms, since a body must have someone before it. The consequence for the present account is that the institutional form of the condition fails to reach part of what the condition protects.

Three arrangements address the gap in existing practice, and each reaches part of it.

Representative standing permits a body or an individual to assert claims on behalf of a class, and it requires a representative willing to act and a system that recognises the representation.

Public interest standing permits a party without a personal interest to raise a matter of general importance, and its availability varies widely.

Successor arrangements permit claims to be brought after the fact by parties constituted for the purpose, and Chapter 55 takes up their characteristic difficulties.

The gap that remains is where the condition of Chapter 21 and the doctrine part company, and this account records the parting and leaves it unresolved.

54.5 THE REQUIREMENT ON THE QUALIFICATION TO ASSERT

The four characteristic failures support a requirement stated in the form this book uses.

Requirement. *An arrangement bearing on parties in conflict provides that a party subject to a characterisation may assert a claim concerning it, and the qualification to assert is settled independently of the characterisation.*

The second clause carries the weight. Where the qualification to bring a claim is settled by the characterisations in circulation, a party's capacity to contest a designation depends on the designation, and Chapter 7 established what an arrangement of that shape amounts to.

Three consequences follow and are examinable.

The criteria for asserting a claim are stated in advance and are stated in terms that do not refer to the substance of the characterisations the arrangement produces.

A party whose claim concerns its own exclusion from a process holds the qualification to bring it, since a rule under which exclusion removes the qualification to contest exclusion is self-sealing in the sense of Chapter 38.

Where a party lacks the capacity to appear, the arrangement provides a route by which the claim may be brought, and the route is stated in advance of the case.

54.6 THE RELATION TO THE ETHICAL CONDITION

The merger of the two senses can now be assessed, and the assessment is mixed.

The legal doctrine supplies what the ethical condition lacks: a determinate procedure, a body obliged to receive, and a settled question of who may invoke it. Chapter 36 identified the protection of those who lack an intervener's capacities as the exposure that constraints exist to cover, and a doctrine of standing is the developed institutional form of that protection.

The ethical condition supplies what the doctrine lacks: application to arrangements that are not adjudicative. Most of what this book concerns occurs outside proceedings. Analyses are written, characterisations circulate, and determinations are made in processes with no body before which a claim could be brought. The condition of Chapter 21 applies to these, and the doctrine does not.

The relation is therefore one of partial realisation. Where an adjudicative body exists, the doctrine realises the condition and supplies more than the condition alone could. Where none exists, the condition applies and the doctrine is unavailable, and Chapter 55 takes up what an unrealised condition is worth.

54.7 SUMMARY OF RESULTS

Legal standing doctrines require a recognised interest, a sufficient effect, and a competent respondent, and the third corresponds to the second component of the criterion.

Four failures appear in this field: standing defeated by the designation, standing without a competent respondent, standing exhausted by the cost of assertion, and standing lost with the party's capacity to appear.

The fourth is where the ethical condition and the legal doctrine part company, since the condition survives a party's incapacity and the doctrine commonly requires an appearing claimant.

The requirement is that the qualification to assert a claim be settled independently of the characterisations the arrangement produces, and a party whose claim concerns its own exclusion holds the qualification to bring it.

The two senses stand in a relation of partial realisation, and the condition applies to the many arrangements before which no claim could be brought at all.

CHAPTER 55

REMEDIES WHERE THE PROCESS IS UNJUST

55.1 THE SECOND HALF OF THE FOURTH CHAIN

Chapter 54 treated the qualification to bring a claim. This chapter treats what follows a claim brought and upheld.

The distinction matters because the two come apart in the settings this book concerns. An account may secure a party's qualification to assert that a designation was unrefutable, that an instrument was deployed without a warrant the party could identify, or that evidence was gathered under conditions the arrangement produced, and the securing accomplishes nothing where no consequence attaches to the assertion succeeding.

Chapter 49 recorded that the third consequence of attributability supplies an address without a remedy. Chapter 52 recorded that approval and oversight arrangements strengthen an address while leaving the question of remedy open. This chapter takes up what an address without a remedy is worth, and the answer developed here is a finding, and it is offered as one.

The chapter takes the second half of the fourth question-chain, and its result is a finding about the field. It sets out the ordinary repertoire of remedy, identifies the features of this setting that withhold it, states the finding, records the three provisions that remain where remedy is unavailable, and closes by stating the shortfall plainly and declining two responses to it.

55.2 THE ORDINARY REPERTOIRE OF REMEDY

Legal systems supply a repertoire, and setting it out shows what the present setting lacks.

Correction alters a determination. A classification is revised, a designation withdrawn, a finding set aside.

Compensation transfers something to a party in respect of a loss the determination caused.

Restitution restores a party to the position occupied before the determination operated.

Declaratory relief states that a determination was defective, without altering the party's practical position.

Procedural relief requires that a matter be determined again under conditions the first determination lacked.

Each presupposes a body with the competence to grant it and a party against whom it runs. Chapter 54 established that both are frequently absent here.

55.3 THE FEATURES OF THE SETTING THAT WITHHOLD REMEDY

The availability of remedy in international mediation and its adjacent practice is shaped by four features, and they compose.

There is no appellate authority. A determination made within a mediation process, an analytic product, or an instrumented classification is subject to no body with the competence to set it aside. Bodies exist that may examine conduct, and their competence concerns the conduct of those they supervise in place of the determination as it bears on a party.

The parties who produced a determination are frequently outside the jurisdiction in which it takes effect. Chapter 49 recorded that constitutive choices are made in bodies constituted elsewhere, and Chapter 52 that mandates were drafted before the instruments existed.

The consequences of a determination arrive faster than any proceeding. Chapter 30 recorded that determinations in conflict settings carry immediate consequences that foreclose the period over which an objection might be pursued, and Chapter 7 that the consequences generate their own confirming evidence.

Restitution is unavailable in the relevant respect. Correction of a designation restores the record and leaves the position a party occupies where the designation put it, since Chapter 7 established that a designation operates by producing a configuration in which what it asserted became the case.

55.4 THE FINDING ON AVAILABLE REMEDY

The composition of the four features supports a statement, and it is offered as a finding about the field, and no criticism of any party within it.

Finding. *Where a process bearing on parties in conflict is defective, the remedy available to a party frequently reduces to withdrawal from the process.*

Three features of withdrawal as a remedy deserve statement.

Withdrawal is available to a party in a position to bear its costs, and the costs fall unevenly. A party dependent on the process for recognition, for access to assistance, or for the standing that participation confers bears more by withdrawing than a party holding those independently. The remedy is therefore distributed inversely to need.

It forecloses the party's capacity to contest within the process, which Chapter 39 identified among the four conditions. Withdrawal is the exercise of a remedy by closing one of the conditions the account protects, and the party exercising it is the party the condition was protecting.

It supplies the process with evidence. A party that withdraws has behaved as parties under the contested designation are said to behave, and Chapter 7 established the mechanism by which the withdrawal becomes confirmation.

The finding is therefore that the principal available remedy is one whose exercise tends to confirm what the party was contesting.

55.5 THE PROVISIONS SMALLER THAN REMEDY

Three provisions remain where remedy is unavailable, and each is smaller than a remedy.

The record. Chapter 48 required that a closure made under convergence be recorded together with what was preserved and what would restore what was closed. The corresponding requirement here is that an objection be recorded in the instrument that carries the determination, so that a later inquiry finds both. Chapter 50 established that the claim of a manufactured lacuna is more readily established prospectively, and the record is what makes the prospective establishment possible.

Prospective correction. Where a determination cannot be undone, a subsequent determination can be made under different conditions. The arrangements of Chapter 52 address the class of future determinations in place of the instance complained of, and a party's claim may be answered by an alteration of practice.

Reopening at a later time. Chapter 58 develops the principle that no interpretation of justice should become historically irreversible, and Chapter 67 the arrangements by which a party re-enters a process to contest a standing interpretation. Where remedy in the ordinary sense is unavailable, the availability of reopening is what a party retains, and the requirement that it remain available is what the present account can supply.

55.6 THE HONEST POSITION

The record, prospective correction, and the availability of reopening all fall short of remedy, and the shortfall should be stated plainly.

A party wrongly designated, whose designation produced consequences that are now established fact, whose objection is recorded in an instrument a later inquiry may consult, and whose complaint has altered the practice applied to future parties, has received something. What the party has not received is the alteration of its own position.

The account developed in this book is therefore stronger on the conditions of contestation than on what contestation obtains. Part VI showed what can be established, Part VII what may

be done, Part IX what standing and attributability require, and the present chapter shows that the machinery those parts specify terminates, in this field, in an address that a party can reach and a consequence that frequently fails to follow.

Two responses are available and neither is adopted here.

The first would treat the shortfall as a reason to weaken the requirements, on the ground that requirements without remedies are decorative. The response is declined: Chapter 50 established that the record is what makes later establishment possible, and a requirement that produces a record has done something a requirement absent would not.

The second would propose institutions to supply the missing remedies. Bodies with competence to set aside determinations made within mediation processes, jurisdiction over parties who constructed the instruments, and the capacity to act within the intervals in which consequences arrive. The proposal is coherent and its adoption is a question of international practice on which this account has no standing to pronounce.

What the account records is the gap, its shape, and the fact that the machinery developed in Parts VI through IX is built to be usable if the gap is closed and remains partially usable while it is open.

55.7 SUMMARY OF RESULTS

Remedy and standing come apart, and an account may secure the qualification to assert a claim while no consequence attaches to the assertion succeeding.

Four features of the field compose to withhold remedy: no appellate authority, parties outside the jurisdiction, consequences arriving faster than proceedings, and the unavailability of restitution in the relevant respect.

The finding is that the principal available remedy reduces to withdrawal, which is distributed inversely to need, closes one of the conditions the account protects, and supplies the process with confirming evidence.

What remains is the record, prospective correction, and the availability of reopening, and the three fall short of remedy.

The account is stronger on the conditions of contestation than on what contestation obtains, and the gap is recorded, and the requirements are left unweakened.

CHAPTER 56

LEGAL PLURALISM AND THE DECENTERED CASE

56.1 THE QUESTION RETURNED TO

Chapter 17 closed Part IV in an unresolved state. It found a tendency in practice toward arrangements in which mediating functions are held by several parties, four considerations sustaining concentrated arrangements, and a distinction the framework contributes: distribution and contestability vary independently. It reformulated the question as one about the conditions under which a distributed arrangement retains the contestability of the designations it produces, and listed five candidate conditions.

The jurisprudential apparatus developed in this part bears on that question, and this chapter applies it. What the application yields is a partial answer, a sharper statement of the difficulty, and a class of case in which the difficulty is at its worst.

The chapter closes Part IX by returning to the question Chapter 17 left open and applying the jurisprudential apparatus to it. It sets out the condition legal pluralism describes, states what plurality supplies and what it withholds, examines the class of case in which the account's apparatus and the field's condition are furthest apart, states three requirements, and closes on what the apparatus can and cannot supply toward the earlier question.

56.2 THE CONDITION LEGAL PLURALISM DESCRIBES

Societies in which several normative orders operate concurrently are the ordinary case. Customary orders, religious orders, state law, and the arrangements established by parties who exercise control over territory coexist, overlap, and address the same conduct in different terms.

Three features of the condition bear on the present argument.

Orders differ in what they recognise. A claim statable in one order may have no form in another, and a party's standing may be settled differently depending on which order receives the claim.

Orders differ in whom they recognise. A party constituted as a claimant in a customary order may have no standing before a state body, and the converse occurs.

Parties select among orders where selection is available. Forum shopping is the familiar name, and the practice bears on the argument of this chapter in both directions.

56.3 THE PROVISIONS OF PLURALITY

Plurality supplies something the account developed here requires, and stating it precisely prevents the chapter from being read as a caution.

Chapter 16 established that plural thirds strengthen a process where their camp assignments fail to coincide, and Chapter 25 that the remedy for a common position lies in a plurality of positions. A plurality of normative orders is a plurality of positions of the relevant kind: each supplies a vocabulary in which a claim may be stated, and a claim unstatable in one may be statable in another.

The bearing on the criterion is direct. Chapter 21 requires a position from which a characterisation may be refused, constituted otherwise than by the characterisation. Where several orders operate, a designation issued within one does not settle a party's standing within another, and the party retains a position the designation does not reach.

Chapter 50 supplies a second bearing. A lacuna in the interpretive resources of one order may be absent from another, so a party unable to state its situation in the terms of a process may be able to state it in the terms of an order the process does not employ. Plurality is accordingly a resource against manufactured lacunae.

56.4 THE DIFFICULTIES ATTENDING PLURALITY

Legal pluralism carries three difficulties, and the third is the one this part is equipped to state.

Plurality supplies no ordering among orders. Where two orders address the same conduct and reach different determinations, which governs is a question that plurality itself leaves open, and the answer is commonly settled by which order has the capacity to enforce.

Plurality distributes access unevenly. Chapter 17 recorded that participation costs select who populates a distributed arrangement, and the same selection operates on which orders a party can invoke. A party with resources, representation, and standing in several orders holds a resource that a party without them lacks.

Plurality supplies no respondent for a determination made across orders. This is the difficulty of Chapter 49 in a further form. Where a characterisation is adopted in an analytic exercise conducted under one authority, carried into a process convened under another, and applied by a body answerable to a third, a party contesting it faces the composition that chapter described, with the additional feature that the positions lie in orders that do not recognise one another's determinations.

56.5 THE WORST CASE

The three difficulties compose into a class of case worth naming, since it is where the account's apparatus and the field's condition are furthest apart.

A party is characterised by an instrument constructed under one authority. The characterisation is applied by a process convened under a second. The consequences fall within a territory administered under a third. The party holds standing in an order that none of the three recognises, and the orders that would recognise its standing have no capacity to reach the parties who produced the characterisation.

Every requirement this part has stated is satisfiable in principle and unsatisfied in fact. The deploying party can be identified, and identifying it supplies an address in an order the party cannot enter. Chapter 55 established that the remedy frequently reduces to withdrawal, and in this case withdrawal is from the process alone, since the characterisation persists in the instrument and the consequences persist in the territory.

The case is not exotic. It describes a considerable portion of contemporary practice.

56.6 THE REQUIREMENTS THE ACCOUNT SUPPLIES

The account supplies three requirements for the plural case, and their modesty is stated openly.

The order in which a determination is made is recorded with it. A characterisation carried across orders should carry the identity of the order in which it was adopted, so that a party can establish where a claim concerning it would lie. This is the requirement of Chapter 49 extended to the plural case.

A party's standing in orders other than the one issuing a determination is preserved. A designation adopted in one order operates within it, and arrangements that carry the designation into other orders should carry with it the fact that the party's standing in those orders was settled independently. Chapter 54 required that the qualification to assert a claim be settled independently of the characterisations an arrangement produces, and the present requirement is that form of it applied across orders.

The plurality is preserved. Chapter 39 placed the plurality of available interpretations among the four conditions, and a plurality of normative orders is among the material forms that condition takes. Arrangements that consolidate a field around a single order remove a resource the account relies upon, and Chapter 17 recorded that consolidation is what degeneration tends toward.

56.7 THE ANSWER TO CHAPTER SEVENTEEN

The question reformulated in Chapter 17 asked under what conditions a distributed arrangement retains the contestability of the designations it produces. The apparatus of this part

supplies a partial answer, and its partiality is instructive.

The five candidate conditions listed there can now be stated in jurisprudential terms. A party requires an identifiable address at which objection may be lodged, which is attributability. It requires that an objection lodged at one site be recorded at the others, which is the requirement of Section 6. It requires that the bodies performing mediating functions differ sufficiently in provenance, which is plurality of positions. It requires that participation not select for capacities the conflict has left unevenly distributed, which bears on access. And it requires that characterisations be displaceable by what the arrangement subsequently observes.

What the apparatus adds is that each of the five is a condition on the arrangement's jurisprudence in place of its topology. A distributed arrangement satisfying them is contestable and a concentrated arrangement satisfying them is contestable, which is the independence Chapter 17 asserted, now stated in terms that permit a given arrangement to be examined.

What the apparatus does not supply is a reason to expect the five to be satisfied. The conditions describe what would be required, and Chapter 55 established that the field withholds the machinery by which requirements of this kind are enforced. The question of Chapter 17 therefore remains open in the respect that matters, and Chapter 71 records it.

56.8 THE CLOSE OF PART IX

Part IX has treated four question-chains. It located the retreat of answerability and stated the requirement of attributability. It addressed the collision with the literature on epistemic injustice and contributed the claim that a lacuna can be manufactured. It stated the authority under which an instrument may be deployed and the arrangements for approval and oversight that authority implies. It adopted a modified form of pure procedural justice and recorded the classical principles that support the account independently. It developed standing as the institutional form of the criterion. And it found that remedy, in this field, frequently reduces to a remedy whose exercise confirms what the party contested.

The part therefore ends where Chapter 55 left it: with an account stronger on the conditions of contestation than on what contestation obtains. Part X takes up the principles on which those conditions rest, and Chapter 67 returns to the question of what a party may do when the conditions have been closed.

56.9 SUMMARY OF RESULTS

Legal pluralism describes the ordinary condition of the societies this book concerns, and orders differ in what and whom they recognise.

Plurality supplies a plurality of positions of the kind Chapter 16 identified as strengthening, and a resource against manufactured lacunae.

Plurality withholds an ordering among orders, distributes access unevenly, and supplies no respondent for a determination made across orders.

The worst case, in which a characterisation is constructed, applied, and takes effect under three authorities while the party's standing lies in a fourth, describes a considerable portion of contemporary practice.

Three requirements follow, and the last is that the plurality itself be preserved, since consolidation removes a resource the account relies upon.

The five candidate conditions of Chapter 17 are conditions on an arrangement's jurisprudence in place of its topology, and the question of whether they will be satisfied remains open.

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PART X

THE ETHICAL PRINCIPLES OF RELATIONAL INTERVENTION

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CHAPTER 57

THE PRINCIPLES OF RELATIONAL REPRODUCTION

57.1 THE PURPOSE OF THIS PART

Parts VI through IX developed what an intervener can establish, what may be done, and what standing, attributability, and remedy require. Each rested on commitments stated where they were needed and left without a common statement.

This part supplies the statement. It sets out the principles governing the reproduction of shared experience on which the account rests, adds a principle of a different kind concerning how such principles change over time, and passes the whole to the arrangements Part IX developed. Chapter 62 performs the passage, and the ordering of the two parts follows from it: the ethics acquires institutional and procedural form in the jurisprudence in place of standing behind it as an appendix.

The chapter opens Part X by stating the commitments on which the preceding parts rested. It sets out five principles with the bearing of each, examines the ordering among them and distinguishes it from two orderings a reader may expect, records the correspondences between three of them and the arguments of earlier parts, examines the terms in which the first is stated, and closes by anticipating a principle of a different kind.

57.2 THE PRINCIPLES OF RELATIONAL REPRODUCTION STATED

The principles are stated as they were formulated, with the bearing of each on the material of this book following its statement.

I. Generativity. *Relational reproduction should preserve the possibility of the continued becoming of the relational subject.*

The requirement is that the possibility remain open. A reproduction that forecloses the future of a relation fails the principle even where it preserves the relation's present form intact. Section 5 examines the terms on which this principle is stated, since it is the one place in the account where generativity appears in a normative role.

II. Co-reproduction. *Shared experience should be reproduced through the participation of the relational subject, in place of the unilateral determination of one party.*

Shared experience may not be unilaterally interpreted, defined, or revised, and the authorship of a shared past is itself shared. Where one party alone fixes what the past was, the reproduction is defective at its source. The bearing on this book is direct: Chapter 14 established that analytic practice fixes what a conflict was and transmits the fixing, and Chapter 31 converted the question of who holds interpretive authority into a question of conditions.

III. Non-exploitation. *Relational reproduction should never rely upon the instrumentalisation or sacrifice of one subject for the benefit of another.*

This is the floor. A reproduction in which one subject bears the whole ethical cost so that another may grow violates the principle regardless of any benefit produced. Chapter 34 declined an objective on grounds that follow from this principle, since an objective licenses exactly the trade the principle forbids.

IV. Counter-power. *Every reproduction of shared experience generates interpretive power, and a just reproduction preserves the capacity to question, revise, and renegotiate that power.*

Reproduction is never neutral. Each act of reconstructing a shared past confers interpretive authority, and justice requires that the same act preserve the standing capacity to contest it. This principle is what prevents a history from freezing, and it is the ancestor of the criterion of Chapter 21.

V. Subject Preservation. *No good relation may achieve unity through the elimination of the other as a subject.*

Union is not identity, and agreement is not the ethical goal. A relation that purchases its unity by dissolving the otherness of one party has destroyed the thing that made it a relation. Difference is preserved, and the other is preserved as a subject, so that reproduction can continue at all. Chapter 63 develops the bearing of this principle on practices organised around the reaching of agreements.

57.3 THE ORDERING AND ITS REVIEW

The principles were stated axiomatically and ordered so that each presupposes the one above it. The ordering deserves examination in the setting of this book, since a reader will notice that the floor stands third.

The ordering is one of presupposition. The possibility of continued becoming is what co-reproduction reproduces. A shared reproduction is what makes the sacrifice of one subject for another a possible operation, and thus what the third principle forbids. The generation of interpretive power presupposes an act of reproduction subject to the first three. And the preservation of the other as a subject presupposes that interpretive power over the shared past remains contestable, since a party whose account of itself has been settled by another has been preserved in name.

The ordering is therefore logical, and it is distinct from two other orderings a reader may expect.

The presupposition chain differs from an ordering by urgency. In conflict, the third principle is commonly breached first and most visibly, and the breach is what draws attention to a situation. Its position in the presupposition chain reflects what the principle requires in order to be stateable, and it carries no implication about the order in which principles fail.

It differs from an ordering by priority in cases of conflict. Chapter 48 examined the corresponding question for the four conditions and found the candidate orderings defective, and the difficulty recorded there applies here. The presupposition chain supplies no answer to the question of which principle yields when two cannot both be honoured.

57.4 THE BEARING ON THE ACCOUNT

Three of the five principles have carried substantial weight in the preceding parts, and the correspondences are recorded here.

The fourth is where the criterion of Chapter 21 originates. The criterion states, in a form available for examination in a particular arrangement, what the fourth principle requires: that the act which confers interpretive authority preserve the capacity to contest it. Chapter 62 develops the institutional consequences.

The third is what Part VII's refusal of an objective protects. An objective supplies a total in which one party's loss may be offset, and the third principle holds that the offsetting is impermissible whatever the total. Chapter 39 recorded that the four conditions are composed so that no such total is defined, and the composition is the third principle rendered operative.

The fifth bears against a disposition running through the practice this book examines. Chapter 18 recorded that the field is agreement-centred, and the fifth principle holds that agreement is not the ethical goal. The consequence is sharper than a caution about which agreements are durable, and Chapter 63 states it.

57.5 THE TERMS OF THE FIRST PRINCIPLE

The first principle requires care, since the account has declined throughout to treat generativity as an aim, and the principle appears to do so.

Three features of its formulation bear the weight.

The first principle protects a possibility. What it requires is that the possibility of continued becoming remain open, and it requires nothing about whether becoming occurs. Chapter 3 established that generativity is the possibility of structural evolution upon a relationally structured field, and the principle attaches to the possibility in place of what the possibility yields.

It attaches to a subject. The possibility protected is the possibility of the continued becoming of the relational subject, and a possibility so attached admits of no aggregation across subjects. Chapter 35 identified the absence of an aggregate as what distinguishes an orientation toward conditions from an orientation toward an end, and the attachment is where the distinction is secured for this principle.

It is a requirement on reproduction. The principle governs what an act of reproducing shared experience may do, and it supplies no instruction to produce becoming. An arrangement that forecloses a relation's future violates it; an arrangement under which a relation produces little violates nothing.

The three together answer the objection the principle invites. A reading on which the principle directs the maximisation of generative capacity would license the sacrifices the third principle forbids, and the formulation is constructed so that the reading is unavailable.

57.6 THE SIXTH PRINCIPLE ANTICIPATED

A principle of a different kind belongs with these and is developed in the next chapter. The five constrain relations. The sixth concerns how constraints of this kind change across time, and it stands outside the presupposition chain for that reason. Chapter 58 states it, Chapter 59 distinguishes its layers, and Chapter 60 addresses the difficulty that its symmetric form creates.

57.7 SUMMARY OF RESULTS

Five principles govern the reproduction of shared experience, and each bears on the material of the preceding parts.

The ordering among them is one of presupposition, and it differs from an ordering by urgency and from an ordering by priority in conflict, the latter remaining unsettled as Chapter 48 recorded.

The fourth principle is the origin of the criterion of standing, the third is what the refusal of an objective protects, and the fifth bears against the agreement-centredness of the practice this book examines.

The first principle protects a possibility, attaches it to a subject, and constrains reproduction, and the three features together make the maximising reading unavailable.

A sixth principle of a different kind stands outside the presupposition chain and is developed in the chapters following.

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CHAPTER 58

HISTORICAL REVISABILITY AS A META-PRINCIPLE

58.1 A PRINCIPLE OF A DIFFERENT KIND

Chapter 57 set out five principles governing the reproduction of shared experience and closed by anticipating a sixth. The sixth is stated here, and the first task is to establish what kind of principle it is, since its kind determines where it stands in relation to the others.

The five constrain relations. Each states what an act of reproducing shared experience may and may not do, and each is addressed to parties conducting such an act.

The sixth concerns how constraints of that kind, and the arrangements built upon them, change across time. It is addressed to the standing of settlements in place of the conduct of a reproduction, and its subject matter includes the five principles themselves.

The difference in kind places the sixth outside the presupposition chain of Chapter 57. A principle governing how a set of principles changes stands at a level the set does not occupy, and the ordering that runs through the five supplies no place for it.

The chapter states a principle standing outside the ordering of the five, and establishes what kind of principle it is. It states the principle in its negative form, records its ancestry and the guardrail governing the ancestry, distinguishes it from the adaptation the programme requires, sets out what it requires of an arrangement, and closes on a difficulty its unrestricted form creates.

58.2 THE STATEMENT OF THE SIXTH PRINCIPLE

The principle is stated negatively, and the negative form carries a claim.

Sixth principle. *No interpretation of justice should become historically irreversible.*

The negative form distinguishes the principle from a claim that everything changes. A requirement that arrangements change would be a requirement about the world's motion, and it would be satisfied by change of any kind, including change that closes what preceded it.

The requirement stated concerns what may become fixed beyond recall, and it is satisfied by an arrangement that persists unaltered while remaining open to being reopened.

Three classes of thing fall within its scope, and Chapter 59 distinguishes them: what is held to be the case, the institutions through which determinations are made, and the understanding of justice under which both operate.

58.3 THE ANCESTRY OF THE PRINCIPLE

The principle has an ancestry worth recording, since a claim of this shape invites the question of where it comes from.

Chapter 5 examined the conception of history on which legal and normative orders are analysed as arising under determinate conditions and as alterable when those conditions alter. Forms of law, of property, and of political organisation are treated there as historically constituted, and their appearance as permanent is treated as a feature of the conditions that sustain them.

The present principle draws on that treatment and departs from it in a respect the guardrail requires. The historical constitution of an order is a claim about how such orders come to be and how they change, and Chapter 3 established the wall between a dynamical explanation and a normative justification. The principle stated above is normative and it is not derived from the dynamical claim. What the dynamical claim supplies is the observation that irreversibility is something achieved, so a requirement addressed to it has an object.

58.4 THE DISTINCTION FROM ADAPTATION

The programme this book engages holds that intervention should proceed by learning and adaptation, and the resemblance between adaptation and revisability invites the conclusion that the sixth principle adds nothing. The conclusion is mistaken, and the distinction is worth stating with care since the programme's achievement is considerable.

Adaptation concerns the method of an intervener. A mediator adapts strategy as conditions change, revises an understanding of the conflict, and adjusts what is attempted. The object of the adaptation is the intervener's own conduct.

Revisability concerns what a process produces. Its objects are the determination, the procedure, the authority, the institutional arrangement, and the normative order under which these operate. The requirement is that these remain capable of being reopened by those they bear upon.

The two are compatible and neither entails the other. An intervener may adapt throughout a process and produce a settlement that admits of no reopening, and the combination is the ordinary shape of a peace agreement: the method adjusts continuously until signature, and adjustment stops there.

The point at which adaptation concludes is therefore the point at which revisability begins to be required. Chapter 18 recorded four divergences between this account and the programme, and the present distinction bears on the scope of the programme's central commitment in place of its correctness.

58.5 THE REQUIREMENTS ON AN ARRANGEMENT

The principle is addressed to arrangements, and its requirements can be stated in the form used throughout.

Determinations are issued in a form that admits of reopening. A determination recorded together with what would count against it, and with the conditions under which it was made, supplies a later inquiry with what reopening requires. Chapter 33 established that a specification made in advance converts a difficult judgement into a comparison of records, and the same material serves here.

The route to reopening is stated. An arrangement identifies who may reopen a determination, on what showing, and before which body. Chapter 54 developed the qualification to assert a claim, and the present requirement is its temporal extension.

Finality is justified where it is claimed. Arrangements require settled matters, and a process in which every determination remains permanently open supplies no basis for action. Where an arrangement treats a matter as closed, the closure is stated as a closure, with the reasons for it and the conditions under which it would be revisited. Chapter 48 required that a closure made under converging constraints be recorded, and the present requirement generalises it.

The third requirement is what prevents the principle from being read as a prohibition on settlement. What the principle addresses is closure that goes unrecorded and unjustified, since a closure of that kind has become irreversible without anyone having decided that it should.

58.6 THE DIFFICULTY THE PRINCIPLE CREATES

The principle in the form stated above is symmetric, and the symmetry is a difficulty that Chapter 60 addresses.

A requirement that no interpretation become irreversible permits the reopening of interpretations that protect a party as readily as those that burden one. The capacity to reopen is distributed with the capacity to press a matter, and that capacity correlates with the resources Chapter 17 identified as selecting who participates. Renegotiation is frequently an instrument of the party best able to sustain it.

The difficulty is genuine and the principle requires the amendment Chapter 60 supplies. What is stated here is the principle in its unrestricted form, and the next two chapters supply its layers and its direction.

58.7 SUMMARY OF RESULTS

The sixth principle is of a different kind from the five, since it governs how constraints and the arrangements built on them change across time, and it therefore stands outside the presupposition chain.

Its negative form distinguishes it from a requirement that arrangements change, and what it addresses is what may become fixed beyond recall.

Its ancestry lies in the treatment of normative orders as historically constituted, and the normative principle is not derived from that dynamical claim.

Revisability differs from the adaptation the programme requires, since adaptation concerns an intervener's method and revisability concerns what a process produces, and the point at which adaptation concludes is where revisability begins to be required.

The principle requires that determinations admit of reopening, that the route be stated, and that finality be justified where claimed, the third preventing the principle from being read as a prohibition on settlement.

In the form stated it is symmetric, which permits the reopening of protections, and the amendment is supplied in Chapter 60.

CHAPTER 59

THE THREE LAYERS OF REVISABILITY

59.1 THE DIVISION OF THE LAYERS

Chapter 58 stated a principle addressed to what may become fixed beyond recall, and identified three classes of thing falling within its scope. This chapter distinguishes them, since they differ in what reopening requires, in who can perform it, and in the difficulties each presents.

Epistemic revisability concerns what is held to be the case. Determinations about what occurred, characterisations applied to parties, and the findings a process records fall here.

Institutional revisability concerns the arrangements through which determinations are made. Procedures, mandates, bodies, mediating arrangements, settlements, and constitutional orders fall here.

Normative revisability concerns the understanding of justice under which the first two operate. What counts as a fair procedure, what a party is owed, and what justice requires of an arrangement fall here.

The three stand in a relation of increasing scope and increasing difficulty, and the third carries a problem the others avoid.

The chapter distinguishes three layers within the scope of the sixth principle, since they differ in what reopening requires and in the difficulties each presents. It treats the layers in turn, states the paradox the third generates, records the corresponding problem in positive law, sets out the positions the account takes, and closes on the bearing of the paradox upon the fourth principle.

59.2 THE FIRST LAYER

Epistemic revisability is what the account has developed at length, and this section records where.

Chapter 21 stated the criterion, whose second clause requires that a refutation be capable of registering. Chapter 33 supplied procedures for establishing its components. Chapter 7

established the mechanism by which determinations become unrevisable in practice while remaining revisable in form.

One result from that chapter governs this layer and deserves restatement here, since institutional design commonly addresses the wrong thing.

Result. *Procedural revisability and practical refutability come apart. A determination may be subject to periodic review, accompanied by every provision for reconsideration, and remain unrefutable in operation, because the procedures of review inherit the rules of reading the determination supplies.*

The consequence for this layer is that a requirement of revisability is satisfied by arrangements that leave the mechanism untouched. What secures the layer is the third component of standing: an arrangement that can say what it would treat as a successful refutation, and that records the answer where a later inquiry finds it.

59.3 THE SECOND LAYER

Institutional revisability concerns arrangements, and three features distinguish it from the first.

Its objects are constituted by acts that can be identified. A procedure was adopted, a body established, a settlement signed, and the acts are on the record. This makes the layer more tractable than the first, where a determination congeals without an event.

Its objects have constituencies with interests in their persistence. A body reviews its own establishing arrangement with an interest in the outcome, and Chapter 13 described the position of an authority whose maintenance is threatened by interrogation.

Its objects are what parties rely upon. Chapter 58 recorded that arrangements require settled matters, and the requirement bears most heavily here: a settlement that may be reopened at any time supplies no basis for the performance it provides for.

The third feature produces the layer's characteristic difficulty. Institutional revisability and institutional reliability pull against one another, and existing practice addresses the tension through devices with which this book has no quarrel: amendment procedures with raised thresholds, periodic review at stated intervals, and sunset provisions requiring renewal. Each states in advance the terms on which reopening is available, which is what Chapter 58 required of an arrangement claiming finality.

59.4 THE THIRD LAYER AND ITS PARADOX

Normative revisability holds that today's understanding of justice may itself be revised by future relations. It is the most far-reaching of the three, and it carries a difficulty the other two avoid.

The principle of Chapter 58 falls within its own scope. If no interpretation of justice should become historically irreversible, and if the principle is an interpretation of justice, then the principle is subject to itself.

Two readings follow and both are unattractive.

On the first, the principle is revisable. A future arrangement may then revise it, and among the available revisions is its abolition. A settlement could legitimately establish that certain matters are closed permanently, and the principle would have authorised the arrangement that terminates it.

On the second, the principle is exempt. An account holding that nothing may become irreversible has fixed one thing beyond recall, and the fixed thing is the requirement that nothing be fixed. The exemption stands in need of the argument the principle itself was to supply.

59.5 THE CORRESPONDING PROBLEM IN CONSTITUTIONAL DOCTRINE

The paradox has a developed treatment in positive law, and recording it shows the problem to be one that legal systems actually work.

Constitutional systems address the question of whether an amendment power extends to the provisions that constitute it. Some texts place certain provisions beyond amendment, and the German Basic Law is the standard instance.¹ Courts elsewhere have developed doctrines under which amendments altering a constitution's basic structure fall outside the amending power even where no text says so.

The scholarship on unamendability (Roznai, 2017) divides in a manner instructive here. One position holds that entrenchment protects a constitutional order against its own dissolution by lawful means. Another holds that entrenchment binds future generations who did not consent, and that a power to constitute implies a power to reconstitute.

The division corresponds to the two readings of Section 4, and its persistence indicates that the problem admits of no settlement by argument alone. What the legal material adds is that arrangements are made in the face of it: systems entrench, and they entrench narrowly, and the narrowness is where the practical answer lies.

59.6 THE POSITIONS TAKEN ON THE PARADOX

The account takes three positions on the paradox, and the third records what remains unsettled.

The layers are treated separately. The first two layers carry no paradox, and the requirements developed for them stand whatever is concluded about the third. Chapter 62 develops the

¹Grundgesetz für die Bundesrepublik Deutschland, Art. 79(3), protecting the principles laid down in Art. 1 and Art. 20 against amendment.

institutional constraints from the first two.

Reopening is distinguished from abolition. The principle requires that interpretations remain capable of being reopened. An arrangement that closes the capacity to reopen removes what the principle protects, and an arrangement that revises the principle's formulation while preserving that capacity does not. The distinction narrows what the paradox reaches, since the first reading of Section 4 concerns abolition and the principle's own revision may proceed without it.

The paradox is recorded as unresolved. The distinction above narrows the problem without dissolving it, since an arrangement may abolish the capacity to reopen by successive revisions each of which preserves it. Whether a constraint-governed account can secure its own conditions against lawful erosion is the question, and this book does not answer it. It is listed among the open problems of Chapter 71 and stands alongside the ordering problem of Chapter 48 as a place where the account's structure is exposed.

59.7 THE BEARING ON THE FOURTH PRINCIPLE

One connection deserves statement, since it locates the paradox within the account in place of outside it.

Chapter 57 recorded that the fourth principle prevents a history from freezing, and Chapter 21 that the criterion of standing is its operative form. The third layer of revisability asks whether the capacity to contest can itself be contested away.

The account's answer, so far as it has one, follows the direction Chapter 60 supplies. A capacity to reopen that is distributed toward the party bearing the cost of a settlement is harder to remove than one distributed generally, since its removal requires the consent or the defeat of the parties who hold it. The next chapter develops the point, and its bearing here is that the direction of the capacity affects its durability.

59.8 SUMMARY OF RESULTS

Three layers fall within the principle's scope, and they differ in what reopening requires and in the difficulties they present.

The first is secured by the third component of standing, since procedural revisability and practical refutability come apart and a requirement of review is satisfied by arrangements that leave the mechanism untouched.

The second is tractable in its objects and difficult in its tension with reliability, and existing devices state in advance the terms on which reopening is available.

The third carries a paradox: the principle falls within its own scope, and the two available readings are that it may be abolished under its own authority or that it is exempt from itself.

Constitutional doctrine on unamendability works the same problem, divides along the same lines, and indicates that systems entrench narrowly.

The account treats the layers separately, distinguishes reopening from abolition, and records the paradox as unresolved, with the direction supplied in Chapter 60 bearing on the durability of the capacity at issue.

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CHAPTER 60

THE ASYMMETRY OF REOPENING

60.1 THE DIFFICULTY INHERITED

Chapter 58 stated the sixth principle in a form addressed to what may become fixed beyond recall, and recorded that the form is symmetric. Chapter 59 found the symmetry bearing on the durability of the capacity the principle protects.

The difficulty may be stated plainly. A requirement that no interpretation become irreversible permits the reopening of an interpretation that protects a party as readily as one that burdens a party. Reopening requires the capacity to press a matter, and Chapter 17 recorded that such capacity is distributed with resources, organisation, and standing. Where reopening is available to all and exercisable by few, a principle stated for the protection of the burdened operates as an instrument of the capable.

The observation is familiar in practice. Renegotiation of a settlement is sought most often by the party best able to sustain the renegotiating, and a protection secured by a party in a moment of leverage is vulnerable in every subsequent moment when the leverage has passed.

The chapter amends the sixth principle to meet a difficulty its unrestricted form carries. It states the amendment, examines the question the amendment introduces and the procedural substitute available for it, applies the result to peace settlements, answers the objection from instability, and closes by recording what the amendment costs the account.

60.2 THE AMENDMENT TO THE SIXTH PRINCIPLE

The principle requires restatement, and the restatement changes what the principle speaks about.

The amendment. *The sixth principle is stated in terms of who retains the standing to reopen. A party bearing the cost of a settled interpretation retains that standing, and the settlement holds against parties who do not bear it.*

The amendment converts a requirement about the openness of interpretations into a

requirement about the distribution of a capacity. What may be reopened is no longer the question, and the question becomes who holds the standing to reopen what.

Three features of the amended form deserve statement.

The amended principle is directed. The capacity runs toward the party bearing the cost, and the direction is what removes the symmetry that made the unrestricted form serviceable to the capable.

It preserves settlement. A settlement remains settled against parties who do not bear its cost, which supplies the reliability Chapter 59 identified as pulling against revisability.

It connects to the fourth principle. Chapter 57 recorded that counter-power requires the preservation of the capacity to question and renegotiate interpretive authority, and the amended sixth principle specifies who holds that capacity with respect to a given settlement.

60.3 THE DETERMINATION OF WHO BEARS THE COST

The amendment introduces a question the unrestricted form avoided, and the question is hard.

Establishing which party bears the cost of a settled interpretation is a determination about the relational field, and Part VI established the conditions under which such determinations are unavailable. Chapter 48 recorded the corresponding difficulty when a candidate ordering among the four conditions was proposed on this basis: the party bearing the cost of a closure is frequently the matter under dispute.

Three considerations bear on the difficulty and none dissolves it.

The determination is frequently uncontested. Where a settlement allocates territory, recognition, or resources, which party gave up what is commonly a matter of record, and the difficulty arises at the margins in place of at the centre.

The determination admits of a procedural substitute. A party asserting that it bears the cost of an interpretation, and specifying what the cost consists in, has made a claim that an arrangement may receive without adjudicating. Chapter 28 established the safeguard that entering the condition suspends adjudication and leaves reception intact, and the same structure serves here: the standing to reopen may be extended to a party asserting the cost, without a determination that the assertion is correct.

The substitute has a cost of its own. An arrangement extending standing on assertion extends it to parties whose assertion is unfounded, and Chapter 21 recorded that a denial immune to examination fails the criterion as surely as a designation immune to refutation. The requirement that the assertion specify what the cost consists in is what keeps the extension examinable.

60.4 THE BEARING ON PEACE SETTLEMENTS

The amended principle bears on a class of arrangement this book has treated throughout, and the bearing is worth stating concretely.

A settlement allocates. Its provisions distribute recognition, territory, office, resources, and the terms on which parties are described. Some parties bear costs under it and some do not, and the distribution is frequently asymmetric by design, since settlements are reached where one party's position is weaker.

The unrestricted sixth principle would hold such a settlement permanently open, and would thereby hold open the protections it extended to the weaker party. The amended principle holds it open in one direction: the party bearing its costs retains standing to reopen, and the party advantaged holds a settlement that is settled.

Two consequences follow and both are substantial.

A settlement reached under duress retains a route to reconsideration held by the party that bore the duress, and the route survives the passing of the moment in which the settlement was reached.

A settlement whose costs were borne by a party now dispersed, or by a party whose capacity to press a matter the conflict destroyed, is one where the standing exists and the exercise does not. Chapter 54 recorded the corresponding failure of legal standing, and Chapter 67 takes up what may be arranged for such a party.

60.5 THE OBJECTION FROM INSTABILITY

The amended principle invites an objection from those concerned with the durability of settlements, and the objection deserves an answer.

The objection holds that a settlement one party may reopen at will is no settlement, that parties will decline to conclude arrangements on such terms, and that the principle therefore obstructs the outcomes it was formulated to protect.

Three replies bear on it.

The standing to reopen is a standing to raise a matter, and it is distinct from a power to alter the arrangement unilaterally. What the principle secures is that a claim concerning the settlement can be brought and must be received, which Chapter 54 developed as the qualification to assert.

Arrangements already provide for this in various forms. Review clauses, implementation mechanisms with continuing mandates, and provisions for renegotiation at stated intervals are ordinary features of settlements, and the principle bears on how such provisions are distributed, and leaves aside whether they exist.

A settlement that closes reconsideration to the party bearing its cost is a settlement whose durability rests on that party's incapacity. Its stability is real and it is the stability Chapter 4

described as the stabilisation of a position in place of a flow, and Chapter 7 supplies the mechanism by which such an arrangement generates evidence of its own justice.

60.6 THE COST OF THE AMENDMENT

One cost should be recorded, since the amendment purchases the account's coherence at a price.

The unrestricted principle was stated without reference to any determination about the parties. The amended principle requires a determination about who bears a cost, and Section 3 established that such determinations are unavailable in precisely the conditions where the principle matters most.

The procedural substitute of Section 3 addresses this and leaves a residue. An arrangement extending standing on assertion has substituted a claim for a determination, and the substitution works where an arrangement exists to receive the claim. Chapter 55 established that the field frequently supplies no such arrangement, and the amended principle is therefore stated for arrangements that the field is only beginning to construct.

60.7 SUMMARY OF RESULTS

The unrestricted form of the sixth principle permits the reopening of protections and is exercisable by parties with the capacity to press a matter, so it operates as an instrument of the capable.

The amendment states the principle in terms of who retains the standing to reopen, and the standing runs toward the party bearing the cost of a settled interpretation.

The amended form is directed, preserves settlement against parties who do not bear its cost, and specifies who holds the capacity the fourth principle requires.

Determining who bears a cost is frequently uncontested, admits of a procedural substitute by which standing is extended on a specified assertion, and the substitute extends standing to unfounded assertions unless the specification is required.

The principle holds a settlement open in one direction, which preserves a route for a party that concluded under duress and leaves a party whose capacity the conflict destroyed with standing it cannot exercise.

The objection from instability is answered by distinguishing standing to raise from power to alter, by the existing provisions of settlements, and by the character of a durability that rests on a party's incapacity.

CHAPTER 61

THE EMERGENCE OF NOMOS AND ITS PRESENT LIMITS

61.1 THE CLAIM AT ISSUE

Chapter 6 recorded a claim carried by the framework this account works within and shared with the tradition of generative justice: that a normative order should arise from those who bear it. The claim runs parallel to the requirement that value circulate within the community that generates it, and it extends that requirement from what a community produces to the terms under which it lives.

The claim is attractive and it is at present unrealisable in the settings this book concerns. This chapter states what obstructs it, distinguishes two versions of the claim so that the obstruction bears on one and leaves the other operative, and records the result as the fourth appearance of a pattern running through the book.

The chapter examines a claim the framework carries and present conditions obstruct. It sets out five obstructions, states the point at which the transfer from generative justice strains, distinguishes two versions of the claim so that the obstructions reach one and leave the other operative, applies the guardrail, and closes by recording the result as the fourth appearance of a pattern running through the book.

61.2 THE OBSTRUCTIONS TO BOTTOM-UP GENERATION

The bottom-up generation of a normative order in conflict-affected settings is obstructed by five conditions, stated as candidates without a ranking.

Recognition. The international order recognises addressable counterparts. Standing, funding, observer status, and the treatment of an instrument as binding all operate through identifiable entities. An order arising from those who bear it has no address until it acquires one, and acquiring one commonly requires conforming to the categories of the order it was to have arisen apart from.

Guarantee. An order requires some party capable of bearing the consequences of its breach. Chapter 15 identified guarantee as among the least readily distributed of the functions

attributed to a mediator, and an order generated from below inherits the difficulty in a sharper form, since it has no external party whose standing supplies the guarantee.

Timescale. Bottom-up generation operates across generations, and Chapter 46 established that decisions in conflict are frequently pressed into intervals comparable to the system's own. The regimes in which a normative order most requires revision are the regimes in which its generation from below is least available.

Trustworthy self-report. Generation from below requires that a community be able to state what it holds, and Chapter 28 named the condition in which all information about a field has been enrolled in the struggle within it. A community in that condition supplies accounts of its own commitments that are themselves instruments of the conflict.

Uneven capacity to participate. Chapter 17 recorded that participation costs select who populates a distributed arrangement. Applied here, the parties who populate a process of normative generation are those able to bear the costs of time, organisation, and the forms of literacy such processes employ, and an order described as locally generated may reproduce the distribution of capacity that preceded it. A description of an outcome as emergent supplies no information about whose capacities produced it.

61.3 THE STRAIN ON THE GENERATIVE JUSTICE TRANSFER

The fifth obstruction connects to a strain recorded in Chapter 6 and deserves separate statement, since it is where the transfer from generative justice to peace practice is thinnest.

Generative justice operates upon a community of value generation whose members recognise one another as members. Value can circulate within such a community, and the framework's cases supply the substrate by construction.

A normative order governing the relation between communities requires a community across which it might be generated. Conflict of the kind this book concerns is characterised by the failure of that presupposition, since the parties contest one another's standing and in the cases of greatest concern contest whether the other is a party whose claims register at all.

The asymmetry may be stated compactly. Value admits of circulation within a community. A normative order governing the relation between communities requires that a shared community exist, and the production of that community is what conflict has interrupted.

61.4 THE VERSIONS OF THE CLAIM

The obstructions bear on one version of the claim and leave another operative, and the distinction is what this chapter contributes.

Origination. The strong version holds that a normative order should be generated by those who bear it. The five obstructions bear on this version directly, and under present conditions it is unrealisable in the settings this book concerns.

Answerability. The weaker version holds that a normative order, however it arose, retains a channel by which those who bear it can assert claims concerning it. The five obstructions bear on this version considerably less: an order imposed from outside may nonetheless provide the route Chapter 54 developed, and its provision requires no community across which the order was generated.

The second version is the amended sixth principle of Chapter 60 applied to a normative order as a whole. What that chapter required of a settlement, this version requires of the order under which settlements are made: that the party bearing its costs retains the standing to reopen it.

The relation between the two versions is one of horizon and requirement. Origination states a direction against which an arrangement may be assessed, and answerability states what an arrangement must presently provide. Stating them separately keeps the account from claiming an achievability it lacks and from surrendering the direction that gives the claim its point.

61.5 THE GUARDRAIL APPLIED

One clarification belongs here, since the material invites the move the account has declined throughout.

The claim that an order should arise from those who bear it is normative, and it is distinct from the observation that orders in fact arise under determinate conditions and change when those conditions change. Chapter 58 recorded the same distinction for the sixth principle, and it applies with equal force here.

The distinction has a practical consequence for how the obstructions are read. The five conditions of Section 2 describe why origination is presently unavailable, and they supply no verdict on any particular arrangement that has arisen despite them. An order generated under conditions of uneven capacity is an order whose generation was uneven, and what follows for its standing requires the separate argument the amended sixth principle supplies.

61.6 THE FOURTH APPEARANCE OF THE PATTERN

The result completes a pattern that has arisen four times in different material, and Chapter 19 named it.

Chapter 15 established the theoretical dispensability of the mediator, and Chapter 17 found the arrangements that would realise it least available where they are most required. Chapter 19 found the mechanism on which adaptive mediation relies unavailable in the condition that most requires a mechanism. The present chapter finds the bottom-up generation of a normative order obstructed by conditions that the same degeneration produces.

The pattern was stated there in one sentence: the capacities on which these accounts rely are consumed by the process they are called upon to address. Chapter 71 gathers the instances and treats the pattern as a finding.

What the present instance adds is the two-version distinction. In each of the earlier appearances, the account recorded a gap between what the theory identifies as dispensable and what present conditions require. Here the gap is bridged in part, since the weaker version of the claim is realisable under the same conditions that obstruct the stronger. Whether the earlier instances admit of a corresponding division is a question Chapter 71 records.

61.7 SUMMARY OF RESULTS

The claim that a normative order should arise from those who bear it is obstructed by five conditions: recognition, guarantee, timescale, trustworthy self-report, and uneven capacity to participate.

The fifth is where the transfer from generative justice strains, since value circulates within a community while a normative order between communities requires a shared community whose production conflict has interrupted.

Two versions of the claim are distinguished: origination, which the obstructions reach, and answerability, which they leave largely operative and which is the amended sixth principle applied to an order as a whole.

The two stand as horizon and requirement, which keeps the account from claiming an achievability it lacks while preserving the direction.

The result is the fourth appearance of the pattern by which the capacities these accounts rely upon are consumed by the process they address, and it adds the observation that the pattern may admit of a division into a version obstructed and a version available.

CHAPTER 62

FROM PRINCIPLES TO INSTITUTIONAL CONSTRAINTS

62.1 THE PASSAGE THIS CHAPTER PERFORMS

Chapter 57 announced that the ethics developed in this part acquires institutional and procedural form in the jurisprudence, and that the present chapter performs the passage. The claim implied by that arrangement deserves stating before the passage is made.

An ethics stated as principles governing the reproduction of shared experience is addressed to parties conducting such reproductions. Principles so addressed reach the conduct of those who accept them and leave untouched the arrangements within which conduct occurs. Part IX developed requirements addressed to arrangements, and the passage below shows the second to follow from the first.

The consequence for the structure of the book is that Part IX stands to Part X as the institutional form of a set of commitments in place of an application of them to a domain. Chapter 49 treated attribution as a jurisprudential matter for reasons given there, and the present chapter supplies the corresponding reason from the side of the principles.

The chapter performs the passage announced in Chapter 57 and thereby fixes the relation between Part IX and Part X. It sets out six correspondences, states two results the passage establishes, records the extent to which the resulting requirements exceed present practice, and closes on the order in which the two parts are presented.

62.2 THE CORRESPONDENCES BETWEEN PRINCIPLES AND CONSTRAINTS

Each principle yields a constraint on arrangements, and each constraint has been developed in Part IX. The six are set out with the chapter that carries each.

Generativity yields a constraint on remedies. A remedy addressed to a defective determination preserves the possibility of the affected party's continued becoming, so a correction that restores a record while leaving a party's position where the determination placed it satisfies the principle in part. Chapter 55 established that restitution in the relevant respect is frequently unavailable, and the principle identifies what the unavailability costs.

Co-reproduction yields a constraint on the record. Where the account of what occurred is fixed by one party, the reproduction is defective at its source, so an arrangement carries the accounts of the parties alongside the characterisations applied to them. Chapter 54 developed the qualification to assert a claim, and Chapter 50 the requirement that an arrangement record the conditions under which evidence was gathered.

Non-exploitation yields a constraint on corrective measures. A correction that shifts the whole burden onto one party reproduces the operation the principle forbids. Chapter 55 recorded that remedies here frequently reduce to withdrawal, whose costs fall on the party exercising it, and the principle identifies what is wrong with an arrangement in which the only available remedy is of that shape.

Counter-power yields a constraint on interpretive monopoly. No party holds permanent authority to determine what a situation is. Chapter 31 converted the question of allocation into a question of conditions, and Chapter 51 required that an instrument be deployed under an authority the party can identify, carrying the constitutive choices it embodies.

Subject preservation yields a constraint on the effect of judgement. A party does not lose standing by having been judged, so an arrangement in which a characterisation removes the qualification to contest it has eliminated the party as a subject in the respect that matters. Chapter 54 stated the requirement that the qualification to assert be settled independently of the characterisations an arrangement produces, and this principle is what it rests on.

Historical revisability yields a constraint on finality. Every determination requires a route by which it may be challenged and corrected, held by the party bearing its cost. Chapter 60 stated the direction, and Chapter 55 recorded the availability of reopening among the three things that remain where remedy is absent.

62.3 THE RESULTS OF THE PASSAGE

The correspondences yield two results, and the second is the more consequential for how the book is read.

The requirements of Part IX are derivable from the principles of this part. A reader who accepts the six principles and asks what arrangements would honour them arrives at the requirements Part IX developed, and a reader who rejects a principle knows which requirements fall with it.

The principles are testable against arrangements. A principle addressed to conduct is assessed by examining a party's acts, and Chapter 24 recorded that principles applied as routine displace the attention they summarise. A principle rendered as a constraint on an arrangement is assessed by examining the arrangement, which is available to parties who lack the capacities of those conducting it. Chapter 36 identified this availability as the exposure that constraints exist to cover.

62.4 THE CONSTRAINTS THAT EXCEED PRESENT ARRANGEMENTS

The passage yields requirements the field does not presently supply, and the excess should be stated openly.

Chapter 52 recorded that approval and oversight arrangements of the kind the account requires exist in some administrative settings and are largely absent from this field. Chapter 55 recorded that remedy frequently reduces to withdrawal. Chapter 56 described a class of case in which every requirement is satisfiable in principle and unsatisfied in fact.

Two things follow, and the second is what the passage is for.

The account's requirements are addressed to arrangements that would have to be constructed, and a reader assessing the account against present practice will find the requirements unmet nearly everywhere.

The requirements are stated in a form that permits construction. Each names what an arrangement must provide, each is examinable in a given arrangement, and each follows from a principle a party might accept independently. Chapter 68 takes up what constructing them would involve.

62.5 THE ORDER OF THE TWO PARTS

A note on arrangement belongs here, since the book presents its jurisprudence before its ethics and a reader may find the order inverted.

The order follows the argument. Part IX developed requirements from the difficulties Parts VI through VIII established, and each requirement was defended where it arose by reference to what the difficulty demanded. Part X supplies the commitments those defences presupposed.

An arrangement in the opposite order would state the principles first and derive the requirements, which would present the account as an application of an ethics to a domain. The account developed here reached its requirements from the analysis of degeneration and found the principles standing behind them, and the order of presentation records the order of the argument.

62.6 SUMMARY OF RESULTS

The passage from principles to institutional constraints is what makes Part IX the institutional form of Part X in place of an application of it.

Six correspondences are stated, each yielding a constraint developed in Part IX: constraints on remedies, on the record, on corrective measures, on interpretive monopoly, on the effect of judgement, and on finality.

The requirements of Part IX are derivable from the principles, so a reader who rejects a principle knows which requirements fall with it.

A principle rendered as a constraint on an arrangement is assessable by parties who lack the capacities of those conducting it, which is the exposure constraints exist to cover.

The requirements exceed what the field presently supplies, and they are stated in a form that permits construction.

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CHAPTER 63

AGREEMENT AND THE PRESERVATION OF THE OTHER

63.1 THE PRINCIPLE APPLIED

Chapter 57 stated the fifth principle: no good relation may achieve unity through the elimination of the other as a subject. Union is not identity, agreement is not the ethical goal, and a relation that purchases unity by dissolving the otherness of one party has destroyed what made it a relation.

Chapter 18 recorded that the field this book engages is agreement-centred, and adaptive mediation's own diagnosis identified the shift of attention toward the mediator and the agreement as a consequence of professionalisation. The fifth principle bears on that centredness, and the bearing is sharper than a caution about which agreements prove durable.

This chapter states what the principle holds about agreements, distinguishes the class of agreement it condemns, and separates the claim from positions with which it would be confused.

The chapter applies the fifth principle to the practice this book examines. It distinguishes two convergences an agreement may record, states the claim the distinction supports, separates that claim from three positions with which it would be confused, sets out the test available for a given instrument, and closes on two consequences for practice.

63.2 THE CONVERGENCES AN AGREEMENT RECORDS

An agreement records a convergence. Parties who held different positions come to hold a common one with respect to specified matters, and the record of the convergence is what the instrument contains.

Two things may produce such a convergence, and the fifth principle distinguishes them.

A convergence may be reached by parties who continue to hold different positions about what they have converged upon. Each retains its account of why the arrangement is acceptable, its description of what the conflict was, and its understanding of what the agreement concedes. The convergence concerns conduct and leaves the parties' self-descriptions where they were.

A convergence may be reached by the elimination of one party's account. The arrangement is stated in terms in which one party's understanding of the conflict is articulable and the other's is unstateable, and the second party's assent is assent to a description of itself it did not author. Chapter 27 established that adjudication conducted in one party's vocabulary decides the matter by the choice of vocabulary, and an agreement drafted in one party's vocabulary does the same thing with the parties' signatures upon it.

The fifth principle bears on the second. What it identifies is an agreement whose achievement of unity consisted in the removal of a party's standing to describe itself.

63.3 THE SHARPER CLAIM

The distinction between the two convergences supports a claim stronger than the caution the field already accepts, and it is stated plainly.

Claim. *Certain agreements are the completed form of relational degeneration, and they remedy nothing.*

Chapter 4 defined degeneration as the contraction of the possibility of structural evolution, and located it on the relational dimension where a relation ceases to posit and return difference. Chapter 7 described the passage by which a distinction is displaced by a name that supplies its own rules of reading.

An agreement that settles what the conflict was, in terms one party did not author, performs both operations at once and records the result in an instrument that subsequent parties will consult. The difference between such an agreement and the mechanism this book has described throughout is that the agreement carries the parties' signatures, which places it beyond the ordinary means of contestation.

Two features of such an agreement follow.

Such an agreement is stable. The parties have converged, the instrument is executed, and the arrangement it provides for proceeds. Chapter 4 distinguished the stabilisation of a flow from the stabilisation of a position, and an agreement of this kind stabilises a position with the assent of the party positioned.

It resists correction. Chapter 7 established that a designation generates evidence of its own correctness, and an agreement adds that the designated party assented. A later objection is answered by the signature.

63.4 THE REACH OF THE CLAIM

The claim is narrow, and three positions it might be confused with are separated here.

The claim reaches no conclusion about agreements generally. Most agreements record a convergence of the first kind, and the fifth principle bears on them not at all. Chapter 18 adopted the programme's position that the content of agreements should emerge from the parties, and an agreement whose content so emerged is a paradigm of what the principle protects.

It supplies no argument against settlement. Chapter 58 recorded that arrangements require settled matters and that a process in which every determination remains permanently open supplies no basis for action. The principle concerns what the settling consisted in.

It supplies no test based on the durability of an agreement. Section 3 established that agreements of the class at issue are stable, and an assessment conducted by observing whether an agreement held would classify them favourably. Chapter 21 recorded that the criterion is silent on outcomes, and the present claim inherits the silence.

63.5 THE AVAILABLE TEST

The criterion of Chapter 21 supplies what an assessment of an agreement requires, and its application here is direct.

An agreement satisfies the fifth principle where each party retains, after execution, the standing to describe itself in terms the agreement did not fix. Three matters bear on this and each is examinable in a given instrument.

Whether the agreement settles what the conflict was, as distinct from what the parties will do. An instrument specifying conduct leaves the parties' accounts of the conflict where they were. An instrument containing a characterisation of the conflict's origins, of a party's conduct, or of a party's nature has settled a matter the parties may hold differently.

Whether a party's own account is carried in the instrument alongside any characterisation of it. Chapter 62 derived this from the second principle, and its application to an agreement is what preserves the authorship of the shared past.

Whether the terms in which a party may subsequently describe itself are constrained by the instrument. Provisions requiring acknowledgement, apology, or the adoption of a characterisation bear on this directly, and the question is whether the party's assent to conduct has been converted into assent to a description.

The third matter deserves care, since arrangements of this kind serve purposes the account does not oppose. Acknowledgement of harm is among the things parties seek, and Chapter 67 takes up the repair of standing. What the principle addresses is a party's acquisition, through an instrument, of a description of itself that it may not thereafter contest.

63.6 THE BEARING ON PRACTICE

The fifth principle has two consequences for the practice this book examines.

The measure of a process is not the reaching of an agreement. Chapter 18 recorded that the field's instruments assess processes against the settlements they produce, and the fifth principle holds that a settlement of the class at issue is a worse outcome than a process that produced none, since it has completed a degeneration and placed the completion beyond contestation.

An intervener under time pressure to conclude has a specific hazard. Chapter 46 established that a characterisation is what makes a situation actionable and that emergencies are where designations are issued fastest. The conclusion of an agreement under pressure combines that hazard with the instrument that records its result, and the requirement of Chapter 41 applies: what an instrument settles is conduct, and characterisation awaits what the parties can author together.

63.7 SUMMARY OF RESULTS

The fifth principle distinguishes a convergence reached by parties holding different accounts from a convergence reached by the elimination of one account.

The claim it supports is that certain agreements are the completed form of relational degeneration, since they perform the operations this book describes and place the result beyond contestation by carrying the parties' signatures.

Such agreements are stable and resist correction, and an assessment conducted by observing durability would classify them favourably.

The claim reaches no conclusion about agreements generally, supplies no argument against settlement, and rests on no test of durability.

The available test asks whether an instrument settles what the conflict was, whether a party's own account is carried alongside characterisations of it, and whether the terms of a party's subsequent self-description are constrained by the instrument.

The measure of a process is accordingly not the reaching of an agreement, and the hazard is concentrated where conclusion is pressed for time.

CHAPTER 64

THE NON-DELEGABILITY OF RESPONSIBILITY

64.1 THE HALF DEFERRED

Chapter 40 stated a requirement on action and deferred the ethical dimension of the same matter to this chapter. The two halves may now be distinguished.

The requirement of that chapter concerned an arrangement. It held that the position of the party who judges be occupied, and it specified three things occupying that position requires: that a determination be stated as the party's own, that departure from an instrument's output be available in practice, and that the party bear the consequences.

The question of this chapter concerns what responsibility consists in where a determination has been assembled across positions. It arises whether or not the requirement is met, since arrangements that fail it produce determinations for which someone is nonetheless answerable.

The chapter takes the ethical half of a matter Chapter 40 treated as a requirement on arrangements. It distinguishes two grammars of attribution and states why the account requires both, examines the hazard the second carries, states what cannot be transferred, records a difficulty the result leaves unresolved, and closes by applying the analysis to the intervener.

64.2 THE GRAMMARS OF ATTRIBUTION

Attribution ordinarily proceeds through a grammar with familiar elements: an agent, a choice, a capacity to have chosen otherwise, and a consequence that followed. Responsibility attaches where the elements are present, and it is withheld where a required element is absent.

Chapter 49 established that determinations produced by instruments defeat this grammar without anyone escaping it deliberately. The agent who acted chose within a remit that made the determination for it. The parties who constructed the categories chose, and chose about a class in place of the party affected. The elements are distributed across positions and are present at none.

A second grammar is available and this book has used it throughout. It attributes to a position in place of an agent, and it asks what a position produced and under what conditions it was occupied. Part IV proceeded in this grammar when it examined the position of an intervener, and Chapter 13 used it when it held that the pressure on an intervener follows from the structure of the position, and holds whatever the disposition of its holder.

The two grammars answer different questions and the account requires both. The positional grammar explains what occurs. The agential grammar is what a party seeking redress requires, since a claim lies against an agent.

64.3 THE LIMIT OF THE POSITIONAL GRAMMAR

The positional grammar carries a hazard, and the account has recorded it in a neighbouring context.

An explanation that locates conduct in a position in place of a disposition invites the conclusion that the occupant is answerable for nothing. A party who applied a classification, followed a procedure, and acted within a remit may say accurately that the position produced what occurred, and the saying is available as an excuse.

The account's position is that the positional explanation is correct and the excuse does not follow. Three considerations support the separation.

The occupant chose to occupy. Positions in the arrangements this book concerns are taken up by parties who could have declined, and Chapter 66 takes up the ethics of declining to act.

The occupant retains the capacities the position permits. Chapter 40 specified departure from an instrument's output as one of them, and where departure was available and unexercised, the positional explanation covers the pressure and leaves the choice.

The occupant participates in maintaining the arrangement. An arrangement that produces determinations no one has made persists because its participants continue to occupy its positions, and Chapter 49 recorded that the arrangement's stability follows from each participant's account of their own role being true.

The result may be stated. An explanation in terms of position identifies what produced a determination, and responsibility for occupying a position and for what was done within it remains with the party who occupied it.

64.4 THE UNTRANSFERABLE ELEMENT

The requirement of Chapter 40 has an ethical counterpart, and the counterpart is narrower and firmer.

Requirement. *An instrument may participate in a judgement and may not bear it. A party who acted on an instrument's output has made a determination, and the*

determination is that party's whether or not the arrangement records it as such.

The second sentence is what this chapter adds. The requirement of Chapter 40 concerned what an arrangement must provide, and an arrangement may fail to provide it. What follows for the party who acted is that the absence of a record does not relocate the determination.

Three consequences follow.

A party who acted on an output it could not examine has determined to act on an output it could not examine, and that determination is examinable.

A party who acted on an output it could have examined and did not has determined not to examine, and Chapter 38 supplies the distinction between cases where the examination was affordable and cases where it was not.

A party who departed from an output and was mistaken has made a determination of the ordinary kind, and its assessment proceeds as assessments of judgements proceed.

The three describe a party who remains an agent throughout, and the account's position is that the instrument alters what the agent knows and leaves the agency where it was.

64.5 THE DISTRIBUTION OF AN UNDISCHARGEABLE RESPONSIBILITY

A difficulty remains and the account records it and leaves it unresolved.

Chapter 30 identified five positions and observed that the deciding position holds the smallest portion of what was distributed. The present chapter holds that the party in that position is answerable for the determination. The two together assign responsibility to a party holding little of what produced the outcome.

The assignment is defensible and it is incomplete. It is defensible because the party acted and the acting was the determination. It is incomplete because those who constructed the categories and the instrument exercised interpretive power over a class of cases, and Chapter 49 recorded that answerability fails to arrive at that destination.

Two things follow, and the second is what the ethics can supply where the jurisprudence cannot.

The requirement of attributability developed in Chapter 49 addresses the failure, and Chapter 52 the arrangements that would realise it.

Where such arrangements are absent, the parties who constructed an instrument have exercised a power for which no arrangement holds them answerable, and the ethical statement of their position is that answerability has been declined, which differs from having escaped it. Chapter 55 established that the field frequently supplies no respondent, and the observation here is that the absence of a respondent is a fact about arrangements and not a fact about who exercised power.

64.6 THE BEARING ON THE INTERVENER

Part IV required that the argument be applied to the intervener, and the application yields a result that closes this chapter.

An intervener occupies a position within the relational field, and Chapter 13 established that the position produces the pressure toward closing the return. The present chapter holds that the positional account explains the pressure and leaves the responsibility.

An intervener who closes a return under that pressure has closed a return. Chapter 57 recorded that the fourth principle requires the preservation of the capacity to question interpretive authority, and the closing is what the principle forbids. The explanation of why the pressure arose is available and supplies no discharge.

The result is the strictest application in the book of a claim the account has made throughout: that a structural explanation of a phenomenon leaves the phenomenon's ethical description intact.

64.7 SUMMARY OF RESULTS

Two grammars of attribution operate, one attributing to agents and one to positions, and the account requires both since the positional grammar explains and the agential grammar is what a claim requires.

The positional grammar carries the hazard of supplying an excuse, and three considerations separate the explanation from the excuse: the occupant chose to occupy, retains the capacities the position permits, and participates in maintaining the arrangement.

The ethical counterpart of the requirement holds that a party who acted on an instrument's output has made a determination, whether or not the arrangement records it as such.

Responsibility so assigned falls on a party holding the smallest portion of what produced the determination, and where no arrangement holds the upstream parties answerable, answerability has been declined, which differs from having escaped it.

An intervener who closes a return under the pressure the position produces has closed a return, and the explanation of the pressure supplies no discharge.

CHAPTER 65

THE SAFEGUARD ON DECLARING INSTRUMENT FAILURE

65.1 THE CONSTRUCTION UNDER EXAMINATION

Chapter 28 named a condition, supplied six indications for determining it, and stated a safeguard governing what the determination suspends. It recorded that the declaration is the most dangerous construction in this book.

The danger was stated there in operational terms: to declare the condition is to name a field, and the name authorises an intervener to decline to take testimony as establishing the state, which is an instrument available for answering a party whose account is inconvenient. This chapter takes the ethical form of the same danger, since the operational safeguard rests on commitments that have now been stated.

The chapter treats the ethical form of a danger stated operationally in Chapter 28. It establishes that the danger engages three of the principles, restates the safeguard in the form those principles require, sets out the marks by which a misused declaration is detected, and closes by recording what the safeguard secures and what it leaves open.

65.2 THE ETHICAL CHARACTER OF THE DANGER

A misused declaration of instrument failure engages three of the principles of Chapter 57, and their bearing shows the danger to be of a different kind from inefficiency.

The second principle holds that shared experience may not be unilaterally interpreted or defined. A declaration that no account establishes anything is a determination about the shared experience of the parties, and it is made by one party to the process. Where the declaration is unwarranted, one party has fixed what may be said about a shared past, which is the operation the second principle forbids.

The fourth principle holds that a just reproduction preserves the capacity to question the interpretive authority it generates. A declaration exercises interpretive authority over the status of every account in a field, and a declaration that is itself uncontestable exercises it while removing the capacity the principle protects.

The fifth principle holds that no relation achieves unity by eliminating the other as a subject. A party whose testimony has been declared incapable of establishing anything has been removed, for the duration, from the class of parties who can say what occurred. Chapter 50 described the corresponding wrong in the vocabulary of epistemic injustice, and a misused declaration produces it by administrative act.

65.3 THE SAFEGUARD RESTATED

The safeguard was stated in operational form and is restated here in the form the principles require.

Safeguard. *Entering the condition suspends adjudication. It leaves reception intact.*

What the declaration removes is the intervener's determination of which account is accurate. What continues is that accounts are heard, recorded in the instruments the process employs, and preserved with the standing to be vindicated later.

Three requirements follow, and each corresponds to a principle above.

Accounts continue to enter the record on the terms they would have entered it before the declaration, which is what the second principle requires of a shared past whose authorship is shared.

The declaration is itself contestable. A party holding that the condition does not obtain, or that its indications were misread, has a claim of the kind Chapter 54 developed, and the arrangement provides an addressee for it.

The declaration is temporally bounded and its bounds are stated. A condition declared without a stated occasion for reconsideration has been made permanent by omission, and Chapter 58 required that finality be justified where claimed.

65.4 THE TEST OF A MISUSED DECLARATION

Chapter 28 supplied a test and it is developed here.

The declaration contracts an intervener's discretion by removing the largest power an intervener holds, which is the power to determine which party's account is correct. An arrangement in which the declaration expands discretion has departed from the construction, and the departure is detectable by asking what the intervener has ceased to do.

Three further marks distinguish a misused declaration, and each is available for examination.

Selective scope. A declaration bearing on the accounts of one party while leaving another's operative has performed an adjudication under the name of suspending one.

Retention of the record's authority. A declaration that suspends the parties' accounts while leaving the process's own analytic products operative has exempted the material Chapter 14 identified as the site where characterisations congeal.

Absence of a corresponding restraint on action. Where a declaration suspends what can be established and leaves the intervener acting on characterisations formed before it, the declaration has removed the basis for contesting those characterisations while leaving their effects in place. Chapter 47 required that the four conditions be held in the very circumstances a declaration describes, and a declaration unaccompanied by that holding is the danger realised.

65.5 THE SUFFICIENCY OF THE SAFEGUARD

The account records what the safeguard secures and what remains open, since a protection stated without its limits is a protection overstated.

The safeguard secures that the parties' accounts survive the declaration and that the declaration is answerable. It removes the largest discretionary power at the moment the declaration is made, and it supplies three marks by which misuse is detectable.

What remains open is whether the safeguard is sufficient. A declaration correctly made, properly bounded, and formally contestable may still operate to the disadvantage of a party whose claims depended on being believed, since the suspension of adjudication suspends the vindication a well-founded account would have received. Chapter 55 established that what remains where remedy is absent is a record and a later reopening, and the safeguard secures those and no more for such a party.

The question of whether a construction of this kind can be prevented from operating as a means of dismissing a party's grievance is listed among the open problems of Chapter 71. The account's position is that the three requirements and the four marks narrow the danger substantially and that narrowing is what can presently be shown.

65.6 SUMMARY OF RESULTS

The danger of the declaration is ethical and not merely practical, since a misused declaration violates the second, fourth, and fifth principles in identifiable ways.

The safeguard restated in principled form yields three requirements: accounts continue to enter the record, the declaration is itself contestable, and its temporal bounds are stated.

A misused declaration is detectable by four marks: expanded discretion, selective scope, retention of the process's own analytic products, and the absence of a corresponding restraint on action.

The safeguard secures the survival of the parties' accounts and the answerability of the declaration, and it leaves open whether a party whose claims depended on being believed is

thereby protected.

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CHAPTER 66

THE ETHICS OF DECLINING TO ACT

66.1 THE QUESTION ORDINARILY ABSENT

The ethics of mediation is largely an ethics of how to act. The fundamentals recorded in Chapter 24 concern the conduct of a party who has undertaken a process: preparedness, consent, impartiality, inclusivity, national ownership, adherence to legal frameworks, and coherence with other efforts. Each presupposes an intervener already engaged.

The account developed in this book generates a question those fundamentals leave unaddressed. Chapter 12 established that an intervener occupies a position within the relational field and participates through four channels that operate whether or not any assistance is supplied. Chapter 14 established that analysis belongs among the interventions. Chapter 16 established that a person occupies the position of a third in a weak form.

Together these support a question the field asks rarely: whether an intervention should be undertaken at all, and what a party owes when it declines.

The chapter takes up a question the field's ethics leaves unaddressed. It sets out three grounds on which an engagement may be declined, records what declining costs, states the four things a declining party owes, and closes on the same structure as it operates within an engagement already begun.

66.2 THE GROUNDS FOR DECLINING

The account yields three grounds on which an engagement may be declined, and each is stated with what would establish it in a particular case.

The conditions cannot be held. Chapter 39 stated four conditions and Chapter 47 the manner of holding them. A party unable to hold them, whether through the terms on which it would be engaged, the arrangements it would operate within, or the capacities it would command, is a party whose engagement would proceed without what the account requires. Whether the conditions can be held is establishable before engagement, and the establishing is what a party owes itself before undertaking.

The intervention would supply what a party's designation predicts. Chapter 38 established that actions altering what a party can do supply confirmation more reliably than statements. An intervention whose form, provenance, or sponsorship would confirm a designation already in circulation may worsen the condition it addresses, and Chapter 16 supplied the analysis of how a third is placed within a binary grammar.

The intervention would install what it cannot later remove. Chapter 14 established that analytic products travel, are inherited, and shed the qualifications attached at first use. Chapter 46 established that emergencies install designations fastest. A party whose engagement would produce characterisations it will not be present to correct has weighed a cost that falls after its departure.

66.3 THE COSTS OF DECLINING

The grounds above are reasons and they are not licences, and the account records what declining costs before it states what it requires.

Chapter 19 identified an interval in which a relational system cannot reach through its own operation the conditions this book identifies. Declining to engage with a field in that interval leaves it there.

Chapter 55 established that the field frequently supplies no respondent and no remedy. An intervener present is at least an addressee, and Chapter 54 recorded that the second component of standing requires one.

Chapter 16 established that a human third is weak and did not establish that it is worthless. Three classes of arrangement strengthen it, and a party that declines supplies none of them.

The result is that declining is an action with consequences of the kind Chapter 44 identified for deferral: it has effects, and the effects run in a direction. An ethics of declining is therefore an ethics of choosing between two courses that both bear costs, and it supplies no position of safety.

66.4 THE OBLIGATIONS OF A DECLINING PARTY

A party that declines owes four things, and these distinguish declining as a considered act from declining as an avoidance.

The ground is stated. A party declining on one of the grounds of Section 2 states which, and the statement is available to the parties who sought the engagement. An unexplained withdrawal supplies the parties with a fact and no reason, and Chapter 7 established what a fact without a reason is available to confirm.

What was learned is left behind. A party that conducted analysis, held conversations, or formed characterisations before declining has produced material, and Chapter 14 established that such material travels. The material is either transmitted to those who continue, with

its qualifications intact, or it is withdrawn from circulation. What it may not do is circulate without the party that produced it.

The parties' positions are left where they were found. Chapter 38 distinguished actions that alter what a party can subsequently do. A party that declines after altering such positions has performed the action and withheld what would have followed it, and the requirement bears on sequence: engagement that alters positions carries an obligation the declining party has assumed.

Successors are informed of what was not done. A party declining because the conditions could not be held has established something about the arrangement, and the establishing is of use to whoever follows. Chapter 48 required that a closure made under converging constraints be recorded, and the present requirement is its counterpart for an engagement not undertaken.

66.5 DECLINING WITHIN AN ENGAGEMENT

The chapter has treated declining as a decision about undertaking, and the same structure operates within an engagement already begun.

Chapter 46 stated a preference for the reversible action where grounds cannot be examined, and declining to act is among the reversible actions. Chapter 38 required that action on a recognition bearing its four marks await an examination the action would foreclose, and the awaiting is a declining of limited scope.

Two observations follow.

An intervener's declining within an engagement is ordinarily the exercise of the account's requirements in place of a departure from them, and the four requirements of Section 4 apply to it in reduced form: the ground is stated to the parties, and the positions are left where they were found.

An intervener who declines repeatedly, on grounds that accumulate, has established something about the engagement as a whole, and the grounds of Section 2 become available for the larger decision. Chapter 44 recorded that deferral in a stalled field is an action whose effects run in one direction, and an engagement conducted entirely by deferral has become the declining it was avoiding.

66.6 SUMMARY OF RESULTS

The ethics of the field addresses the conduct of a party already engaged, and the account generates the prior question of whether an engagement should be undertaken.

Three grounds for declining follow from the account: the conditions cannot be held, the intervention would supply what a designation predicts, and it would install what it cannot later remove.

Declining is an action with effects that run in a direction, so an ethics of declining chooses between courses that both bear costs and supplies no position of safety.

A declining party states its ground, disposes of the material it produced, leaves the parties' positions where it found them, and informs successors of what was established about the arrangement.

The same structure operates within an engagement, where declining is ordinarily the exercise of the account's requirements, and an engagement conducted entirely by deferral has become the declining it was avoiding.

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CHAPTER 67

THE REASSERTION OF CLAIMS AND THE REPAIR OF DAMAGED STANDING

67.1 THE QUESTION THIS PART CLOSES ON

Chapter 55 established that remedy in this field frequently reduces to withdrawal, and that what remains is a record, prospective correction, and the availability of reopening. Chapter 60 established who holds the standing to reopen. Chapter 62 derived the constraint on finality from the sixth principle.

What has not been stated is what a party actually does with a standing to reopen, and what a process that receives such a party is required to provide. The question closes Part X because it is where the principles meet a party who has already been wronged, and because the account's answer is narrower than the question invites.

The chapter closes Part X on a party returning to an arrangement that wronged it. It distinguishes two objects of repair, states what reassertion consists in, records three limits repair cannot pass, and closes on four requirements addressed to arrangements that receive such a party.

67.2 THE OBJECTS OF REPAIR

A party returning to contest a settled interpretation seeks two things that are commonly run together and that the account distinguishes.

The first is the alteration of the interpretation. The characterisation is withdrawn, the finding set aside, the record corrected. Chapter 55 established the conditions under which this is unavailable, and Chapter 7 established that its availability would leave the party's position where the characterisation placed it, since the characterisation operated by producing a configuration in which what it asserted became the case.

The second is the restoration of the party's standing to speak about itself. This is what Chapter 21 identified as the condition on which the account's normative work rests, and it is distinct from the fate of any particular characterisation. A party may fail to have a finding set aside and may nonetheless recover the position from which findings about it can be contested.

The distinction matters because the two have different conditions of satisfaction. The first requires a body with competence to alter a determination, which Chapter 55 established to be frequently absent. The second requires an arrangement that receives the party as one who may speak about itself, which is available in a wider range of circumstances.

67.3 THE CONTENT OF REASSERTION

The account's answer to the question of what a returning party does is stated in the terms it has used throughout.

Definition. *Reassertion is the party's re-entry into the arrangement as one whose account of itself is received, and it is accomplished where the arrangement receives the account and records it alongside the interpretation the party contests.*

Three features of the formulation deserve statement.

Reassertion requires no determination of the merits. The arrangement receives the account without adjudicating it, which is the structure Chapter 28 established for the safeguard and Chapter 60 for the extension of standing on a specified assertion.

It is accomplished by the arrangement. What the party recovers is a position, and a position is constituted by the arrangement's treating the party as occupying it. Chapter 21 required a position constituted otherwise than by the characterisation at issue, and the requirement is met where the arrangement's reception of an account is settled independently of what the account contests.

It is continuous with participation. Chapter 39 placed participation in the settings where positions are formed among the four conditions, and reassertion is that condition exercised by a party that had been excluded from it.

67.4 THE LIMITS OF REPAIR

The account of repair carries three limits, and stating them keeps the chapter from promising what Part IX established to be unavailable.

Repair of standing leaves the material consequences where they fell. A party whose exclusion cost it a place in an arrangement, a share of what was allocated, or the years during which its claims went unheard recovers a position and recovers nothing else. Chapter 62 derived from the first principle that a remedy preserving no possibility of a party's continued becoming satisfies the principle in part, and this is the case it describes.

Repair requires an arrangement that persists. A party returning to contest a settled interpretation returns to something, and where the process has concluded, the mission departed, and the instruments passed to successors, Chapter 14 established that the characterisation

travels while the arrangement that produced it does not. Successor arrangements inherit the characterisation and inherit no obligation toward the party it describes.

Repair is unavailable to a party that cannot appear. Chapter 54 recorded that the ethical condition and the legal doctrine part company here, and the present chapter records that reassertion, being something a party does, is subject to the same parting. A dispersed community holds the standing and lacks the exercise, and Chapter 54 identified representative and successor arrangements as reaching part of the gap.

67.5 THE REQUIREMENT ON ARRANGEMENTS

Four requirements follow for arrangements that receive a returning party.

An arrangement states the occasion on which a settled interpretation may be reopened, which Chapter 58 required of any claim to finality.

An arrangement receives an account offered by a party contesting an interpretation it bears, and records the account alongside the interpretation, which Chapter 62 derived from the second principle.

An arrangement transmits both when it transmits either. A characterisation passed to a successor carries the contest attached to it, and Chapter 14 established what a characterisation transmitted without its qualifications becomes.

An arrangement identifies what would be required for the interpretation to be set aside, which is the test of Chapter 21 applied to the reassertion in place of the original determination.

The fourth is what distinguishes an arrangement that receives reassertions from one that files them. A party informed of what would settle the matter can pursue it. A party whose account is received, recorded, and answered by nothing has been given the form of the second component of standing without its substance, and Chapter 33 identified that failure as the one that leaves the appearance intact.

67.6 THE CLOSE OF PART X

Part X has set out five principles governing the reproduction of shared experience and a sixth of a different kind governing how such principles change, examined the paradox the sixth generates and recorded it unresolved, amended the sixth so that the standing to reopen runs toward the party bearing a settlement's cost, distinguished the version of the bottom-up claim that present conditions obstruct from the version they leave available, performed the passage from principles to the institutional constraints of Part IX, held that certain agreements are the completed form of the degeneration this book describes, located responsibility where a structural explanation leaves it, stated the ethical requirements governing the most dangerous construction in the book, and treated the question of whether to act at all.

It closes on a party returning to an arrangement that wronged it, and on an account that can specify what the arrangement owes and cannot supply what the party lost.

Part XI turns to what the whole implies for governance, re-examines the four cases against the account, names the points at which the account would be shown wrong, and gathers the problems it leaves open.

67.7 SUMMARY OF RESULTS

Repair has two objects that the account distinguishes: the alteration of an interpretation and the restoration of a party's standing to speak about itself, and the second is available in a wider range of circumstances.

Reassertion is a party's re-entry as one whose account of itself is received, requiring no determination of the merits, accomplished by the arrangement, and continuous with the condition of participation.

Repair leaves material consequences where they fell, requires an arrangement that persists, and is unavailable to a party that cannot appear.

Four requirements follow for arrangements, the last being that an arrangement identify what would be required for an interpretation to be set aside, which distinguishes receiving a reassertion from filing one.

PART XI

THE IMPLICATIONS OF THE ACCOUNT AND ITS EXPOSURE

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CHAPTER 68

GOVERNANCE IMPLICATIONS

68.1 THE PURPOSE OF THIS PART

The ten preceding parts developed an account and its apparatus. This part turns the account outward: it states what the account implies for the arrangements through which peace practice is governed, re-examines four documented processes against it, names the points at which it would be shown wrong, gathers what it leaves open, states the reach of what it claims, and considers whether the material extends beyond the domain in which it was developed.

The present chapter takes the first of these. It is addressed to those who design and operate arrangements in place of those who conduct processes within them, since Chapter 62 established that the account's requirements bear on arrangements and are assessable by parties who lack the capacities of those conducting them.

The chapter opens Part XI by stating what the account implies for those who design arrangements. It sets out the temporal shape governance would take, gathers four requirements in the form an arrangement could adopt, records what they cost, applies two bodies of work developed elsewhere in this series, and closes on the limits of what governance can supply.

68.2 CONTINUOUS GOVERNANCE AND EPISODIC INTERVENTION

The first implication concerns the temporal shape of governance arrangements, and it follows from the definition of Chapter 20.

Peace practice is organised episodically. A process is convened, staffed, funded against a mandate, and concluded, and the arrangements that supported it are dismantled or redirected. The conditions this account identifies are maintained continuously, and Chapter 20 recorded that the compound in the term generative relational peacekeeping was chosen to carry exactly this.

Three consequences follow for arrangements.

Records outlive processes, and Chapter 14 established that characterisations travel while the arrangements producing them do not. An arrangement concerned with the conditions this account identifies attends to what its records carry after it has concluded.

Obligations toward parties outlive processes. Chapter 67 established that repair requires an arrangement that persists, and that successor arrangements inherit characterisations and inherit no obligation toward the parties they describe. The asymmetry is a feature of how mandates are drafted and can be altered in the drafting.

Preparation precedes engagement. Chapter 46 established that the emergency regime is tractable in proportion to what the ordinary regime prepared, and preparation of that kind belongs to standing arrangements in place of to individual processes.

68.3 REQUIREMENTS ON ARRANGEMENTS

Four requirements developed across the book bear directly on the design of arrangements, and they are gathered here in the form an arrangement could adopt.

Characterisations carry their contest. Where an arrangement applies a characterisation to a party, the arrangement records what it would treat as a successful refutation, and it records any account the party offers alongside. Chapter 24 proposed this as an addition to the principle sets in general use, and Chapter 14 established what a characterisation transmitted without its qualifications becomes.

Instrumented determinations are approved before deployment. Chapter 52 set out what approval establishes: the constitutive choices, the answer to the refutation question, and the identity of the deploying party.

Objections reach the positions that produced a determination. Chapter 30 established that the second component of standing fails where the obliged addressee lacks the capacity to alter what is objected to, and Chapter 52 the arrangement that answers it.

Finality is stated as such. Chapter 58 required that an arrangement treating a matter as closed record the closure, its reasons, and the conditions under which it would be revisited, and Chapter 60 that the standing to revisit run toward the party bearing the cost.

68.4 THE COSTS OF THE REQUIREMENTS

An account that states requirements without their costs is an account addressed to no one who would implement them, and three costs deserve statement.

The requirements produce no reportable quantity. Chapter 22 identified the pressure this creates and the conversion it invites, and Chapter 32 established that conditions supply no aggregate. An arrangement adopting these requirements accepts an assessment problem of its own.

The requirements slow processes. Recording what would count as a refutation, obtaining approval before deployment, and transmitting objections upstream all consume intervals, and Chapter 46 established that intervals are what the emergency regime withholds.

The requirements distribute costs unevenly across those who bear them. The parties who construct instruments and define categories acquire obligations they presently lack, and Chapter 49 established that answerability has not previously arrived at that destination.

The third cost is where adoption is likely to fail, and stating it is more useful than proposing arrangements that assume it away.

68.5 THE ADJACENT JUSTICES APPLIED

Interpretive justice and participation justice, developed elsewhere in this series, bear on the arrangements described, and their bearing is recorded here.

Interpretive justice supplies the criteria governing how meaning is generated within an arrangement, and Chapter 31 took them as given while developing the conditions under which they can operate at all. An arrangement adopting the requirements of Section 3 supplies those conditions, and the criteria then apply to what it does with them.

Participation justice concerns who takes part in the generation of value and on what terms. Chapter 17 recorded that participation costs select who populates an arrangement, and Chapter 54 that the cost of assertion selects who can bring a claim within one. An arrangement concerned with the conditions this account identifies attends to both selections, since a requirement satisfied only by parties able to bear its costs has been satisfied for those parties.

68.6 THE LIMITS OF WHAT GOVERNANCE CAN SUPPLY

Governance of the kind described carries two limits, both established earlier.

Chapter 55 found that remedy in this field frequently reduces to withdrawal, and that the machinery of Parts VI through IX terminates in an address a party can reach and a consequence that frequently fails to follow. Arrangements of the kind described strengthen the address, and the consequence requires institutions the field does not presently supply.

Chapter 56 described a class of case in which a characterisation is constructed, applied, and takes effect under three authorities while the party's standing lies in a fourth. Arrangements adopted by any one of the authorities leave the case as it is, and the requirements of Section 3 bear on a composition that no single arrangement governs.

68.7 SUMMARY OF RESULTS

The account's requirements are addressed to arrangements, and their temporal shape is continuous, which bears on records, obligations, and preparation, each of which presently attaches to episodes.

Four requirements are gathered for adoption: characterisations carry their contest, instrumented determinations are approved before deployment, objections reach the positions that produced a determination, and finality is stated as such.

The requirements cost a reportable quantity, cost intervals, and distribute obligations toward parties who presently bear none, the last being where adoption is likely to fail.

Interpretive justice and participation justice apply to arrangements that supply these conditions, and the second bears on who can satisfy a requirement at all.

Governance of this kind strengthens an address and leaves the question of consequence to institutions the field does not supply, and it leaves untouched the case in which a determination is composed across authorities.

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CHAPTER 69

THE FOUR PEACE PROCESSES REREAD

69.1 THE EXERCISE AND ITS STANDING

Chapter 18 recorded that the programme this book engages states a conceptual proposal and then examines it against conflict settings that differ in structure, duration, and the character of the external involvement they attracted. The four cases assembled in the 2022 volume, drawn from Colombia, Mozambique, the Philippines, and Syria, were selected on that principle.

This chapter conducts the corresponding exercise for the account developed here. The account has been stated across ten parts, and the material is now examined against it.

Three features of the exercise are stated in advance.

The exercise is interpretive. The cases are taken as presented in the volume and in the literature surrounding it, and what is offered is a reading of those presentations in the terms this book has developed.

It is weak as confirmation. The cases were selected by their authors for a different purpose, and an account that finds its distinctions applicable across four such cases has established that the distinctions are applicable and little more. Chapter 70 states what would count against the account, and the present chapter should be read alongside it.

It is conducted without adjudication among the parties to any conflict. What is examined is what the presentations record about processes, and nothing here bears on the merits of any party's position.

The chapter examines four documented processes against the account, and declares the standing of the exercise before conducting it. It states the distinctions applied, treats the four cases in turn, and closes on the results and on their differing weight.

69.2 THE TERMS OF THE REREADING

The rereading applies five of the account's distinctions, and their application is what it consists in.

The classification of Part III, which asks whether a relation's degeneration left its distinctions intact or removed them.

The scope condition of Chapter 19, which holds that self-organisation operates on the generative dimension and becomes unavailable on the relational one.

The analysis of the third in Chapter 16, which holds that a person occupies the position of a third weakly and that three classes of arrangement strengthen the occupation.

The conditions of Chapter 21, which ask whether parties held positions from which characterisations applied to them could be refused.

The indications of Chapter 28, which bear on whether a field's own state descriptions had been enrolled in the struggle within it.

69.3 COLOMBIA

The volume presents the Colombian material as a case of institutional capacity building amid complexity and uncertainty, with attention to the accumulation of mediating capacity across successive processes over decades.

The account's reading concerns that accumulation. Chapter 45 held that decisions taken in the ordinary regime are decisions for the regimes that follow, and that the ordinary regime is where the material later regimes require is prepared. A field in which mediating capacity, procedural vocabulary, and the expectation that negotiation is a thing one does have accumulated across repeated attempts holds what that chapter describes as preparation.

The reading suggests a reconsideration of how repeated processes are assessed. Where each attempt is assessed against whether it produced a settlement, a sequence of attempts that produced none appears as a sequence of failures. Chapter 9 established that the distinctions a process employs are exercised in its conduct, and a sequence of attempts is a sequence of exercises. What such a sequence maintains is the vocabulary in which the eventual attempt is conducted.

The reading is offered as a reading and its evidence is the accumulation the volume records in place of any counterfactual about what would have followed from fewer attempts.

69.4 MOZAMBIQUE

The volume presents the Mozambican process of 2013 to 2019 as one in which outcomes emerged from direct exchanges between the principals, with a small facilitating team whose public role was minimal, and with the process surviving the death of one party's leader in 2018 to reach an accord in 2019.

Two of the account's distinctions bear.

Chapter 15 traced the reduction of the third party's contribution within the programme's own commitments and identified a limit at which the contribution is a position held open with nothing passed through it. The Mozambican presentation describes an arrangement toward that limit, and the presentation attributes the agency to the principals.

Chapter 4 held that the direction a reorganisation takes is settled by the distinctions a system's grammar permits, and named the renegotiation of who counts among the directions a grammar may permit. The death of a party's leader is a perturbation of the kind that chapter describes, and the process continued through it. What the reading attributes to the field is a grammar in which that renegotiation was available.

The reading carries a caution. The presentation is one produced within the programme this book extends, and a reading that finds the programme's cases confirming an extension of the programme is a reading whose independence is limited.

69.5 THE BANGSAMORO PROCESS

The volume presents the Bangsamoro material as a movement from outsider toward insider mediation, with attention to relationships that an external party would require years to establish.

The account's reading concerns Chapter 16. That chapter established that a person occupies the position of a third weakly, since a verdict reaching the parties through the verdict-giver's standing may be met by re-describing the giver, and it identified three classes of arrangement that strengthen the occupation by reducing the share of the third's work passing through its standing.

Insider mediation as presented bears on the third class. A body of parties differing in provenance from one another, and holding relationships across the sides, is harder to place within a binary grammar than a single external party, and Chapter 17 recorded that plurality strengthens where camp assignments fail to coincide.

The reading also bears on the condition that chapter identified as working against plurality. Where a field is thoroughly polarised, assignments tend to coincide, and the Bangsamoro presentation is of a field in which the relationships required for insider mediation had survived. What the reading suggests is that the availability of insider mediation is evidence about a field's condition as well as a means of acting within it.

69.6 SYRIA

The volume presents the Syrian material through the systemic and domestic constraints under which mediation efforts proceeded, and the volume's own concluding chapter treats external involvement as having disrupted self-organisation at points where it might otherwise have developed.

The account's reading of this case differs in kind from the three above, and the difference is the point of including it.

Chapter 19 stated a boundary between the two dimensions of degeneration and recorded that the examination of the four cases finds one in which the dimension resists determination

from outside. This is that case, and the finding is offered as a finding about what an external observer can establish, in place of a characterisation of the conflict.

Three of the account's own results account for the resistance.

Chapter 28 gave six indications by which a field's condition is determined, and the fifth concerns the enrolment of independent sources. A field in which monitors, reporting, and research have themselves been assigned to camps is one in which the acquisition of further information ceases to improve a determination, and the literature on this case records extensive contestation of the sources bearing on it.

Chapter 27 distinguished divergence of grammar from deliberate misreport and from difference of vantage, and supplied four features by which the first is identified. Applying them requires material about particular exchanges that an external reader of the literature does not hold.

Chapter 12 placed any party forming a determination within the relational field, and a reading conducted from the literature is a reading of material produced by parties who were within it.

What follows is stated plainly. The account can say what would have to be established to classify this case and can say that the establishing is unavailable from the material. Chapter 8 recorded that the second class disguises itself as the first and that asking supplies no answer, and a case in which the classification resists determination is what that difficulty produces when it is met head on.

69.7 THE RESULTS OF THE REREADING

The rereading yields three results, and their weight differs.

The account's distinctions apply to the material. Each of the four presentations supports a reading in the terms developed here, and none required the distinctions to be strained.

Three of the four readings concern conditions the account identifies as preparation, plurality, and available renegotiation, and each corresponds to a chapter developed independently of the cases.

The fourth is a case the account classifies as unclassifiable from outside, and this is the result the exercise was designed to permit. An account whose distinctions applied cleanly to all four would have supplied less, since Chapter 8 holds that the classification is frequently unavailable and an exercise that never encountered the unavailability would have been conducted against material selected to avoid it.

69.8 SUMMARY OF RESULTS

The exercise is interpretive, weak as confirmation, and conducted without adjudication among parties to any conflict.

The Colombian material supports a reading in which repeated processes maintain the vocabulary in which an eventual attempt is conducted, which bears on how sequences of attempts are assessed.

The Mozambican material describes an arrangement toward the limit of Chapter 15 and a field in which a renegotiation of who counts was available, with the caution that the presentation is internal to the programme.

The Bangsamoro material bears on the third class of arrangement that strengthens a weak third, and suggests that the availability of insider mediation is evidence about a field's condition.

The Syrian material is read as a case in which the classification resists determination from outside, which the account's own results account for and which the exercise was designed to permit.

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CHAPTER 70

NAMED POINTS OF FAILURE

70.1 THE PURPOSE OF GATHERING THE EXPOSURE

Chapter 69 recorded that the rereading of four cases is weak as confirmation, and referred to the present chapter for what would count on the other side. This chapter gathers the points at which the account would be shown wrong.

The gathering serves two purposes. It states the account's exposure in one place, so that a reader assessing it need not assemble the exposure from the chapters where each claim was made. And it distinguishes claims whose failure would be local from claims whose failure would carry the account with them.

The chapter is arranged accordingly: claims whose failure is local, claims whose failure reaches a part, and claims whose failure reaches the whole.

70.2 LOCAL FAILURES

Six of the account's claims would fail without carrying more than themselves.

The proposition on the strength of a third. Chapter 16 held that the strength of a third varies inversely with the extent to which its verdicts reach the parties through its own standing, and predicted that measures addressed to the conduct of interveners fail selectively in the most congealed cases. A field in which impartiality measures succeed in hard cases and fail in easy ones would count against it.

The poverty-of-grammar proposition. Chapter 4 held that what prepares war is the poverty of the grammar, and named its falsifier: a system whose grammar contains ample resources for renegotiating who counts, and which goes to war at the first unabsorbed asymmetry.

The claim about analysis and prediction. Chapter 14 held, in its stronger form, that the pressure toward hardened categories arises from the demand placed on analysis in place of from any failure of analytic craft. Evidence that analyses of higher quality, produced under the same demand, congeal less would count against it.

The technical cooperation proposition. Chapter 41 held that technical cooperation outperforms initiatives named as reconciliation because the first retains a verdict the designations cannot

issue. Undertakings of similar substance differing only in description, and performing alike, would count against it.

The manufactured lacuna. Chapter 50 held that a mediation process is among the arrangements capable of manufacturing an interpretive lacuna. A case in which the operations that chapter identifies were performed and no lacuna followed, or in which a lacuna is better explained by the structural account alone, would count against it.

Relational rationality as an orientation. Chapter 35 held that conduct oriented to the maintenance of the conditions of joint interpretation is misdescribed by instrumental and by value rationality. A successful redescription in either would withdraw the name and leave the account's substance where it was.

70.3 FAILURES REACHING A PART

Four of the account's claims would carry a part of it with them.

The two-dimensional analysis of degeneration. Chapter 4 placed contraction on either of two dimensions and asserted an asymmetry of propagation between them. Part III rests on the distinction, and Chapter 19 draws its boundary from it. A demonstration that degenerations of the two kinds recover alike under supply would carry Part III and the boundary with it.

The conditions as observables. Chapter 33 held that the components of the criterion can be established from a process record, and Chapter 32 that reciprocity and interpretive openness are conditions in the required sense. A demonstration that every proposed means of establishing the condition is itself defeated by the mechanisms the account describes would carry Part VI, and the chapter recorded this possibility as live.

The instrument failure indications. Chapter 28 offered six indications and held them non-conjunctive. A demonstration that fields satisfying several of them nonetheless support reliable assessment would carry the condition's usefulness, and with it the regime distinctions of Part VIII that rest on the third axis.

The asymmetry of the two movements. Chapter 30 held that interpretive power and answerability move upstream together while only the first is accepted at the destination, and Chapter 49 built the requirement of attributability on it. Evidence that answerability does arrive, in arrangements of the kind described, would carry the jurisprudential requirements that follow from its failure to.

70.4 FAILURES REACHING THE WHOLE

Three of the account's claims would carry the whole of it.

The criterion of standing. Chapter 21 carries the normative work of the book, and every part refers to it. Two ways of defeating it can be named. A demonstration that the second clause is unsatisfiable in principle, so that no arrangement can be capable of counting a refutation,

would leave the criterion with no application. And a demonstration that the criterion is satisfied by arrangements the account should condemn, or violated by arrangements it should permit, would show it to be the wrong condition.

The refusal of an objective. Chapter 34 declined an objective and gave three reasons. Chapter 39 composed the four conditions so that no aggregate is defined across parties, and Chapter 35 identified the absence of an aggregate as what distinguishes the account's orientation from an orientation toward an end. A demonstration that the conditions do admit of aggregation, so that trade-offs among parties are definable within the account's own terms, would return the account to the family it declined to join and would carry the guardrail with it.

The premise of transcendental priority. Chapter 3 entered the premise as open and recorded what rests upon it. A reader who declines the premise retains the two dimensions as a descriptive pair and loses the account of asymmetric propagation, which Chapter 4 identified as the load-bearing element and which Part III and Part V draw upon.

70.5 THE STRUCTURAL EXPOSURES

Two further matters differ from the claims above in kind, since they concern the account's structure in place of any claim it makes. Both were recorded where they arose.

The ordering problem. Chapter 48 established that the four conditions can conflict, that three candidate orderings fail, and that supplying an ordering would introduce the aggregation the account excludes. The account leaves a class of situation in which it offers a diagnostic, a procedure, and a requirement to record, without saying what is to be done.

The self-reference of revisability. Chapter 59 established that the sixth principle falls within its own scope, that the two available readings are unattractive, and that the distinction between reopening and abolition narrows the problem without dissolving it.

Neither is a claim that could be shown false. Each is a place where the account's structure produces a question it does not answer, and Chapter 71 gathers them with the rest.

70.6 THE OBSERVATIONS THAT LEAVE THE ACCOUNT STANDING

Three observations that might be taken for objections would leave the account where it stands, and recording them prevents the exposure above from being read more broadly than it is.

The first is that the account's requirements are unmet in present practice. Chapter 68 recorded that they exceed what the field supplies, and a requirement's non-satisfaction bears on adoption in place of truth.

The second is that a process satisfying the conditions produced no settlement. Chapter 21 recorded that the criterion is silent on outcomes, and Chapter 63 that the measure of a process is not the reaching of an agreement.

The third is that an intervener acting on the account's guidance failed in a particular case. Chapter 22 established that constraints underdetermine action and that selection among admissible courses requires judgement, so a failure within admissibility bears on the judgement.

70.7 SUMMARY OF RESULTS

The account's exposure is gathered in one place and sorted by what a failure would carry.

Six claims fail locally, four carry a part, and three carry the whole, the last being the criterion of standing, the refusal of an objective, and the premise of transcendental priority.

Two structural exposures differ in kind, since they concern questions the account's structure produces and does not answer.

Three observations would leave the account where it stands: unmet requirements, processes producing no settlement, and failures within admissibility.

CHAPTER 71

OPEN PROBLEMS

71.1 THE ARRANGEMENT OF THE QUESTIONS

Questions have been left open across the preceding parts, and each was recorded where it arose. Gathering them serves a purpose beyond convenience: the questions divide into kinds, and the division is itself a result.

The chapter therefore opens with a pattern that recurs across four of them, treats that pattern as a finding, and then sets out the remaining questions in three groups according to what their answers would require.

71.2 THE RECURRING PATTERN

Four of the questions this book leaves open share a shape, and the sharing was noted as each arose.

Chapter 15 established that a mediator is an institutional configuration and that the conditions the theory places on a process name no third party. Chapter 17 found the distributed arrangements that would realise this least available in the settings that most require them.

Chapter 19 established that self-organisation is the mechanism on which adaptive mediation relies, and found it unavailable in the condition that most requires a mechanism.

Chapter 61 established that a normative order should arise from those who bear it, and found the generation obstructed by five conditions.

Chapter 55 established what remedy consists in and found that in this field it reduces to a remedy whose exercise confirms what the party contested.

The pattern may be stated in one sentence.

Finding. *The capacities on which these accounts rely are consumed by the process they are called upon to address.*

Three features of the pattern deserve statement, since they distinguish a finding from a series of concessions.

The instances arose in different material and were reached by different arguments. The first concerns arrangements, the second a mechanism, the third a normative claim, and the fourth a legal one, and none was derived from another.

The pattern is explained by the account, which does more than exhibit it. Chapter 7 established that a congealed designation removes the capacity to refute it, and the capacities at issue in all four instances are capacities of contestation, self-description, and mutual recognition. A mechanism that removes those capacities will remove them wherever an account relies on them.

The pattern locates where such accounts fail. An account of intervention that relies on a capacity of this kind is an account whose applicability decreases as the condition it addresses worsens, and the applicability can be assessed in a given case by asking which capacity the account relies upon.

Chapter 61 added an observation that bears on the pattern's prospects. In that instance the claim divided into a version the obstructions reach and a version they leave available, and the division supplied something usable under the same conditions that obstructed the stronger claim. Whether the other three instances admit of a corresponding division is the first question of the next section.

71.3 QUESTIONS REQUIRING FURTHER ARGUMENT

Four of the open questions could be answered by argument, and each was left where the argument would have gone.

Whether the pattern's other instances divide. Chapter 61 divided a claim into origination and answerability. Whether the eliminability of the mediator, the reliance on self-organisation, and the availability of remedy admit of corresponding divisions is unexamined, and an affirmative answer would convert a recurring limitation into a systematic method.

The ordering among constraints. Chapter 48 established that the four conditions can conflict, that three candidate orderings fail, and that supplying an ordering would introduce the aggregation the account excludes. Whether a constraint-governed account can supply an ordering without acquiring the properties of an objective is unanswered.

The self-reference of revisability. Chapter 59 established that the sixth principle falls within its own scope and that the distinction between reopening and abolition narrows the problem without dissolving it, since successive revisions each preserving the capacity may abolish it in aggregate. Whether a constraint-governed account can secure its own conditions against lawful erosion is unanswered.

Whether the two cuts coincide. Chapter 8 recorded that the dimensional cut and the operational cut appear to divide the phenomena at the same place, that their asymmetries correspond, and that identity has not been established.

71.4 QUESTIONS REQUIRING EMPIRICAL WORK

Three of the open questions could be answered by investigation.

Whether relational failure modes are enumerable. Chapter 39 recorded two considerations pointing in different directions and stated what each answer would license. An affirmative answer would supply a richer repertoire of pre-committed responses; a negative one would place the four conditions near the limit of what can be held before diagnosis.

Under what conditions distributed mediation retains contestability. Chapter 17 reformulated the question and supplied five candidate conditions, and Chapter 56 restated them as conditions on an arrangement's jurisprudence in place of its topology. Whether they are satisfied in particular arrangements is a matter for examination.

Whether the absorption of refutation can be established from inside. Chapter 33 stated this in its strongest form: the judgement that a reception was determined in advance is made by someone, a party inside the field is subject to the rules of reading in circulation, and the outside position is unavailable. Three partial procedures were supplied, and whether they suffice is unexamined.

71.5 QUESTIONS REQUIRING INSTITUTIONAL DEVELOPMENT

Two of the open questions await arrangements that do not presently exist.

Remedy where no appellate authority exists. Chapter 55 recorded the finding and declined two responses: weakening the requirements, and proposing institutions on which this account has no standing to pronounce. What a remedy would consist in, and what body could supply it, remain matters for the practice in place of this book.

Whether the safeguard on declaring instrument failure suffices. Chapter 65 supplied three requirements and four marks of misuse, and recorded that a correctly made declaration still suspends the vindication a well-founded account would have received. Whether the construction can be prevented from operating as a means of dismissing a party's grievance is unanswered, and the answer would be established in the operation of arrangements that adopt it.

71.6 THE STANDING OF THE CHAPTER

Two observations close the gathering of open problems.

The questions are not of equal weight. The ordering problem and the self-reference of revisability concern the account's structure, and Chapter 70 recorded them among the structural exposures. The remainder concern its extension, its application, or its realisation.

The questions are stated so that their answers would bear. Each names what would settle it, and Chapter 70 performed the corresponding service for the claims the account does make.

An account whose open questions were stated without that specification would have recorded uncertainty and supplied no route out of it.

71.7 SUMMARY OF RESULTS

Four instances of a recurring pattern arose in different material and by different arguments, and the pattern is explained by the account, which does more than exhibit it.

The pattern locates where accounts of intervention fail, since an account relying on a capacity of contestation, self-description, or mutual recognition has an applicability that decreases as the condition it addresses worsens.

One instance divided into a version obstructed and a version available, and whether the others divide is the first open question.

Four questions await further argument, three await investigation, and two await arrangements that do not presently exist.

The questions differ in weight, and each is stated with what would settle it.

CHAPTER 72

THE SCOPE OF THE ARGUMENT

72.1 THE PURPOSE OF THE STATEMENT

The account has been developed across eleven parts, and a reader who has followed it is entitled to a statement of how far it reaches. This chapter supplies one.

The statement is made positively. It sets out what the account claims, the conditions under which each claim holds, and the vocabulary in which the claims are to be understood, and the reach follows from the statement in place of a list of disclaimers appended to it.

The chapter states how far the account reaches, and states it positively. It sets out the five claims that carry the argument, gives the condition under which each holds, fixes the scope of three terms, states the relation to the programme extended, and closes on the matters the account leaves to judgement.

72.2 THE CLAIMS THAT CARRY THE ARGUMENT

The argument of this book is carried by five claims, stated here in the order the book developed them.

Relations degenerate through the contraction of the possibility of structural evolution, and the contraction is locatable on either of two dimensions with an asymmetry of propagation between them.

The contraction is executed by names, which acquire authority over the terms on which they would be tested, and which produce in the world the conditions their assertions describe.

An intervener occupies a position within the relational field, so observation and analysis participate in what they describe, and the position produces effects its occupant cannot dissolve by declining them.

What an intervener can establish is what occurs in the encounter through which establishment is attempted, and the conditions of contestation are establishable from a process record where the state of a relational field is not.

The normative work rests on a condition concerning a party's standing to refuse a characterisation applied to it, and the account's guidance takes the form of conditions maintained in

place of objectives pursued.

72.3 THE CONDITIONS UNDER WHICH THE CLAIMS HOLD

Each claim carries conditions, and gathering them states the reach.

The first holds under the premise entered in Chapter 3. A reader who declines the premise retains the two dimensions as a descriptive pair and loses the asymmetry of propagation, on which Part III and the boundary of Chapter 19 depend.

The second holds for characterisations that have congealed, and Chapter 7 supplied the criterion by which the condition is identified. Characterisations in ordinary use, acknowledged as simplifications and answerable by evidence, fall outside it.

The third holds for any party occupying the position, which includes parties with no formal role, and it holds independently of conduct. What it establishes concerns structure, and Chapter 12 recorded that no imputation of bias is involved.

The fourth holds within the domains stated in Part VI. Chapter 23 recorded that evidentialist assessment establishes frequencies and distributions where categories are stable, measurement operates without feedback, and the question concerns aggregates, and the fourth claim concerns what remains where those requirements fail.

The fifth holds as a claim about where the normative work is placed, and Chapter 21 recorded that the criterion is silent on accuracy, on outcomes, and on symmetry between parties.

72.4 THE VOCABULARY AND ITS REACH

Three terms carry weight in the account, and each has a stated scope.

Generative relational peacekeeping denotes the practice defined in Chapter 20: intervention conducted under constraints on the standing of the parties, in any arrangement, with or without deployment, with or without a third party, at any point in a conflict cycle. Where peacekeeping appears without the qualifier it denotes the category defined in the documents that chapter cites.

Degeneration denotes the contraction of the possibility of structural evolution, and it is used throughout in that sense. It carries no implication about the conduct or the intentions of any party, and Chapter 10 recorded that some of its forms occur without a perpetrator.

Standing carries the two senses merged in Chapter 21, and Part IX treats the legal doctrine as the developed institutional form of the ethical condition.

72.5 THE RELATION TO THE PROGRAMME EXTENDED

Chapter 18 recorded seven premises adopted from adaptive mediation, mapped that programme's operational components onto this book's divisions, and set aside a stronger claim about the relation between the two.

The relation stated there governs the whole. The account operates within the programme's premises, its conclusions are offered for adoption within it, and four divergences arise, each argued in its own chapter and formulated so that its rejection leaves the remainder standing.

What the account adds to the programme is stated in one sentence.

What the account adds. *Adaptive mediation supplies an account of how an intervener should adapt, and this account supplies the relational properties an adapting intervener must attend to, together with what follows for what can be established, what may be done, and what arrangements owe the parties.*

72.6 THE MATTERS LEFT TO JUDGEMENT

Two matters lie outside the account by its own construction, and stating them completes the statement of its scope.

Selection among admissible courses. Chapter 22 established that constraints underdetermine action, and Part VII examined the traditions that treat the capacity performing the selection. The account supplies no procedure that returns a course of action from a description of a situation.

The classification of a particular case. Part III supplies a taxonomy and a test for misclassification, and Part VI establishes the conditions under which classification is unavailable. Whether a given relation belongs to one class or the other is settled by the examination of the case, and Chapter 11 supplied a disposition for cases where it cannot be settled.

72.7 SUMMARY OF RESULTS

Five claims carry the argument, and each holds under stated conditions: a premise for the first, congealment for the second, occupancy of a position for the third, the failure of Part VI's stated domains for the fourth, and a claim about placement for the fifth.

Three terms carry weight, and each has a scope stated in the chapter that introduced it.

The account operates within the programme it extends, and what it adds is the relational properties an adapting intervener must attend to, together with what follows for establishment, action, and arrangements.

Selection among admissible courses and the classification of a particular case lie outside the account by its construction, and each is referred to where it is treated.

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CHAPTER 73

THE DEMONSTRATION DOMAIN AND WHAT LIES BEYOND IT

73.1 THE QUESTION OF DOMAIN

The account was developed within a domain and stated in its vocabulary. Peace processes supplied the material, adaptive mediation supplied the programme extended, and the four cases supplied what Chapter 69 examined.

A reader who has followed the argument will have noticed that much of it makes no reference to armed conflict. The position of a party who observes a field it has entered, the passage by which a name congeals, the retreat of answerability along a chain of instruments, and the distinction between a settlement whose parties retain their accounts of themselves and one that eliminates an account are stated in terms that mention no particular subject matter.

This chapter examines what follows. It states why the domain was chosen, what the account owes to having been developed within it, where the material appears to extend, and what would have to be shown before an extension were claimed.

The chapter examines what follows from the account having been developed in one domain. It states the grounds on which the domain was chosen, separates the features belonging to the domain from those belonging to the mechanisms, identifies the settings in which the material appears to extend, states what an extension would require, and closes on the book's place in the wider series.

73.2 THE GROUNDS FOR THE CHOICE OF DOMAIN

Peace processes were chosen for the development of the account on the strength of three features.

The mechanisms operate visibly. Chapter 7 described a passage that ordinarily proceeds without an event, and in the material of peace processes it proceeds through documents: analytic products are written, designations are recorded, and the transmission Chapter 14 examined leaves a trace.

The stakes remove the temptation to treat the account as an exercise. Where a characterisation determines which parties are engaged and which regions receive assistance, the

difference between a designation that can be refused and one that cannot is a difference with consequences no reader will regard as academic.

The domain already contained a programme that had reached, from its own premises, conclusions the account extends. Chapter 18 recorded the seven premises adopted, and an account developed against a programme it can adopt is more easily assessed than one developed against no programme at all.

73.3 THE DEBTS OF THE ACCOUNT TO ITS DOMAIN

Three features of the account are properties of the domain in place of the mechanisms, and separating them is what an extension would require.

The absence of appellate authority. Chapter 55 found that remedy in this field reduces to withdrawal, and the finding rests on four features of international practice. A domain with a competent body would supply what that chapter found absent, and the account's requirements would meet institutions in place of the lack of them.

The severity of the diagnostic problem. Chapter 28 named a condition in which all information about a field has been enrolled in the struggle within it, and Chapter 69 found one case in which the classification resists determination. Domains in which parties are not in armed conflict supply testimony under less pressure, and the condition may be rarer.

The scale of the intervals. Chapter 46 treated decisions taken where the interval available is comparable to the system's own, and the compression is sharper in armed conflict than in most settings.

An extension that carried the account without these would carry something different from what this book developed, and the difference is worth stating before an extension is proposed.

73.4 THE SETTINGS OF APPARENT EXTENSION

Four settings beyond peace practice share the features on which the mechanisms depend, and each is named with the chapter that would bear on it.

Administrative determination. A body applies categories to persons, records determinations, and transmits them to successors. Chapter 30 identified five positions created where determinations are produced by measurement, and Chapter 40 the requirement that the position of the party who judges be occupied. The domain supplies appellate authority, which alters what Part IX found.

Automated decision systems. Chapter 52 distinguished the account's question from the question that field ordinarily asks, and the distinction was drawn there because the material bears directly. Chapter 29 established that an instrument operates at the second layer of a characterisation, and the establishment mentions nothing about conflict.

Organisational governance. Chapter 13 described a position sustained by a presumption and the pressure it produces toward closing the return, and the description was developed from material outside peace practice. Chapter 21 supplies a condition applicable wherever characterisations are applied to those who must live under them.

Arrangements for participation across communities that describe themselves differently. Chapter 27 distinguished divergence of grammar from misreport and from difference of vantage, and the distinction bears wherever parties address one another under vocabularies that fail to translate.

73.5 THE REQUIREMENTS OF AN EXTENSION

Three things would have to be shown before the account were claimed for another domain, and stating them distinguishes an extension from an assertion.

The mechanisms must be shown to operate there. Chapter 7 supplied a criterion by which a congealed characterisation is identified, and its satisfaction in a domain is a matter for examination in place of analogy.

The domain's institutions must be shown to alter the account's requirements in stated ways. The absence of appellate authority shaped Part IX, and a domain supplying one would find the requirements of Chapter 68 meeting arrangements that already discharge some of them.

The account's guardrail must be shown to survive the transfer. Chapter 34 declined an objective, and Chapter 39 composed the four conditions so that no aggregate is defined across parties. A domain in which such an aggregate is natural, and in which the account were adopted without that composition, would acquire the trade-offs the account exists to exclude.

73.6 THE SERIES IN WHICH THIS BOOK STANDS

One observation belongs here and concerns the wider body of work.

Chapter 31 took the criteria of interpretive justice as given, and Chapter 68 recorded the bearing of participation justice on who can satisfy a requirement. This book stands after both and before a further treatment of governance, and its contribution to the series is the material that connects the conditions those bodies of work state to the arrangements through which anything is done.

The connection is what Chapter 62 performed for this book's own ethics. The wider claim, that a set of relational commitments acquires institutional form through requirements addressed to arrangements in place of to conduct, is one this book has demonstrated in a single domain and has not established generally.

73.7 SUMMARY OF RESULTS

The domain was chosen because its mechanisms leave documentary traces, its stakes prevent the account from being read as an exercise, and it contained a programme the account could adopt.

Three features of the account belong to the domain in place of the mechanisms: the absence of appellate authority, the severity of the diagnostic problem, and the compression of the intervals.

Four settings share the features on which the mechanisms depend, and each is named with the chapters that bear on it.

An extension would require that the mechanisms be shown to operate, that the domain's institutions be stated to alter the requirements, and that the composition excluding an aggregate across parties be carried with the account.

The book's place in the series is the connection between relational commitments and the arrangements through which anything is done, demonstrated here in one domain.

CHAPTER 74

CONCLUSION

74.1 THE QUESTION AND THE ANSWER

The book set out to answer a question stated in one line: under uncertainty, how may a relation be kept from degenerating.

The answer developed across eleven parts can be stated in the same compass. A relation is kept from degenerating by the maintenance of conditions under which the parties retain the standing to refuse the characterisations applied to them, and the maintenance proceeds through constraints on what an intervener does in place of through the pursuit of an objective, since the conditions admit of no aggregate across the parties they concern.

Everything else in the book is the working out of that answer: what degeneration consists in, by what mechanism it proceeds, what an intervener can establish about it, what may be done where establishment fails, what arrangements owe the parties, and what commitments the whole rests on.

74.2 THE CONTRIBUTIONS OF THE ACCOUNT

The account makes six contributions, each developed where the argument required it.

A mechanism for the closure of refutation. Chapter 7 distinguished the content of a characterisation from the rule of reading it supplies, and established that the second lies beyond the reach of evidence at the first. The distinction explains why procedural revisability and practical refutability come apart, which Chapter 59 developed for institutional design.

An account of the intervener's position. Part IV established that observation participates through four identifiable channels, that the position is sustained by a presumption whose maintenance is threatened by interrogation, and that the position resists dissolution by its occupant's attitude. Chapter 16 established that a person occupies the position of a third weakly, which explains as structural a phenomenon the field treats as a professional hazard.

A condition that does the normative work without an objective. Chapter 21 attached protection to a position in place of to what a party will produce, which is what permits the account to owe something to parties from whom no further generation is expected.

A named condition of assessment and its safeguard. Chapter 28 named the condition in which all information about a field has been enrolled in the struggle within it, supplied six indications, and established that the declaration contracts an intervener's discretion by removing the largest power an intervener holds.

A division of regimes. Chapter 42 replaced a division by severity with three independent axes, and Part VIII established that the account's work is done in the regime where it is least needed and tested in the regimes where it is.

A passage from principles to arrangements. Chapter 62 showed the requirements of Part IX to follow from the principles of Part X, which places the jurisprudence as the institutional form of the ethics in place of its application.

74.3 THE COSTS OF THE ACCOUNT

The account carries three costs, recorded as they arose and gathered here, since an account stated without them is an account whose adoption has not been considered.

The guidance supplies no route. Chapter 22 established that constraints eliminate and underdetermine, so a practitioner asking which course will work receives an answer about which courses are admissible.

The requirements produce no reportable quantity, and Chapter 68 recorded that the obligations they distribute fall on parties who presently bear none, which is where adoption is likely to fail.

The account is stronger on the conditions of contestation than on what contestation obtains. Chapter 55 established that the machinery of Parts VI through IX terminates, in this field, in an address a party can reach and a consequence that frequently fails to follow.

74.4 THE QUESTIONS THE ACCOUNT LEAVES STANDING

Chapter 70 sorted the account's exposure by what a failure would carry, and Chapter 71 gathered the questions it leaves open. Two of those merit restatement here, since they concern the account's structure and no claim it makes.

The four conditions can conflict, and supplying an ordering among them would introduce the aggregation the account was constructed to exclude. The account offers, in such cases, a diagnostic, a procedure, and a requirement to record.

The sixth principle falls within its own scope, and the distinction between reopening and abolition narrows the resulting paradox without dissolving it.

Neither is concealed and neither is resolved. An account of this kind is assessed by what it makes examinable, and these are the places where its structure produces questions its structure does not answer.

74.5 THE RECURRING FINDING

One result stands apart from the contributions, since it arose four times in different material and by different arguments.

Finding. *The capacities on which these accounts rely are consumed by the process they are called upon to address.*

The mediator is dispensable in theory and the arrangements that would realise the dispensing are least available where they are most required. Self-organisation is the mechanism adaptive mediation relies upon and it is unavailable in the condition that most requires a mechanism. A normative order should arise from those who bear it and its generation is obstructed by conditions the same degeneration produces. Remedy should follow from a well-founded claim and it reduces, in this field, to a remedy whose exercise confirms what the party contested.

Chapter 71 established that the account explains the pattern and does more than exhibit it, since the mechanism of Chapter 7 removes precisely the capacities of contestation, self-description, and mutual recognition on which such accounts depend. What the pattern supplies is a way of locating where an account of intervention will fail: by asking which capacity it relies upon, and whether the condition it addresses consumes that capacity.

Chapter 61 showed one instance dividing into a version the obstructions reach and a version they leave available. Whether the others divide is the first of the open questions, and an affirmative answer would convert a recurring limitation into a method.

74.6 THE PRACTICE THE ACCOUNT DESCRIBES

The book closes on what an intervener holding this account actually does, since an account of intervention that cannot be stated in those terms has not been completed.

An intervener holding this account attends to whether the parties can still refuse what is said of them, and treats that as the matter to be established where the state of the field cannot be. It withholds action on the recognitions whose adoption would foreclose their own examination. It holds four conditions when it cannot say what is occurring, and holds them without asking whether the situation warrants them. It declines to name what the parties have not yet done together. It records what would count against the characterisations it applies, at the time it applies them. And it treats the conclusion of an agreement as an occasion on which a party may lose the standing to describe itself.

None of this determines what such an intervener will achieve. Chapter 21 recorded that the criterion is silent on outcomes, and Chapter 63 that the measure of a process is not the reaching of an agreement.

What the account offers is narrower and can be stated without qualification. An intervener who proceeds in this way can say afterward what was held, to parties who were not present and who lack the intervener's capacities. That is what Chapter 47 identified as the answerable content of a practice conducted where nothing can be established, and it is what this book has argued a practice of intervention owes.

Draft

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