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"The Power of Experience: Civil-war Effects on Seeking Justice through Disputing"

Based on data gathered through anthropological research in the city of Bamyan in 2009, this paper discusses some of the effects of protracted civil war and violent regime changes on the possibility to seek justice through disputing. In comparison to other areas of Afghanistan, the city of Bamyan provides for an unusual setting in this regard, as all the main conditions for a positive environment for disputing seem to be fulfilled. Nevertheless, the author encountered the persistent opinion and found statistical evidence that relatively weaker parties hardly have a chance to successfully defend their rights-claims. The assessments that disputing parties conduct and the decisions they take as part of their dispute management reveal that much of the prevailing systemic injustice relates to the experiences that people have made during these civil wars. These experiences not only burden people with continuing guilt and victimhood, but also undermine their trust in any legal or political order to last. For weaker parties, this lack of long term reliability of legal security effectively turns disputing into an existential threat, rather than a chance to seek justice. Legal authorities and justice institutions are, under these conditions, not only deprived of the possibility to gain legitimacy based on professional conduct, but even face considerable challenges to administer justice at all.