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How to Promote Order and Property Rights under Weak Rule of Law? An Experiment in Changing Dispute Resolution Behavior through Community Education

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Dispute resolution institutions facilitate agreements and preserve the peace whenever property rights are imperfect. In weak states, strengthening formal institutions can take decades, and so state and aid interventions also try to shape informal practices and norms governing disputes. Their goal is to improve bargaining and commitment, thus limiting disputes and violence. Mass education campaigns that promote alternative dispute resolution (ADR) are common examples of these interventions. We studied the short-term impacts of one such campaign in Liberia, where property disputes are endemic. Residents of 86 of 246 towns randomly received training in ADR practices and norms; this training reached 15% of adults. One year later, treated towns had higher resolution of land disputes and lower violence. Impacts spilled over to untreated residents. We also saw unintended consequences: more extrajudicial punishments and (weakly) more nonviolent disagreements. Results imply that mass education can change high-stakes behaviors, and improving informal bargaining and enforcement behavior can promote order in weak states.

Every land boundary, business deal, will, or loan risks giving rise to a costly disagreement or dispute, some of which turn violent. Effective systems of dispute resolution are thus essential to order and development. They reduce the risk of violent conflict, protect property rights, and keep transaction and contract costs low. By yielding these effects, these dispute resolution systems should promote investment, impersonal exchange, and economic growth.

The quality of dispute resolution systems is tied to the quality of a society's institutions—the rules that structure social relations (Knight 1992; North 1990). Formal institutions such as the courts generally receive the most attention. Yet social interactions such as dispute resolution are also shaped by informal institutions—the shared, unwritten rules of appropriate behavior enforced through social sanction and praise (Ellickson 1991; Knight 1992; North 1994). In developing countries, informal rules, practices, and norms are the main ways through which communities protect property and maintain order.

Informal institutions, however, are often imperfect. They may be biased toward the powerful. They may not elicit private information, resulting in costly negotiations and a greater risk of breaking down into violence. Moreover, without central enforcement, they may produce bargains that are difficult to keep. These are classic bargaining failures, most commonly applied to understanding labor and institutional relations (Pearson 1998; Keenan and Wilson 1993).

Improving formal institutions can take decades. In the short term, what can states and societies do to improve the quality of informal dispute resolution? In this article, we experimentally evaluate an education campaign designed to promote alternative dispute resolution (ADR) across 86 communities in postwar Liberia. ADR is a set of informal practices and norms of negotiation and mediation that are intended to help parties reach self-enforcing bargains faster than can the courts (Lieberman and Henry 1986; Mosokile 1998). We argue that the effect of ADR on conflict is best understood through the lens of noncooperative bargaining. In effect, ADR aims to overcome several barriers to decentralized bargaining by speeding the process, reducing private information, increasing the range of enforceable bargains, and getting parties to behave rationally.

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