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Sulha and Third-Party***

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Islamic/Middle Eastern Conflict Resolution for Interpersonal and Intergroup Conflicts: Wisata, Sulha and Third-Party*

Sezai ÖZÇELİK**

ABSTRACT

In the post-September 11 world, Islamic/Middle Eastern conflict resolution has become a focus of study in social sciences. In this article, international and inter-group conflict resolution concepts, processes, and methods will be analyzed within the Middle Eastern/Islamic context. After explaining the relations between culture and conflict resolution, three basic Islamic/Middle Eastern conflict (dispute) resolution techniques namely the Islamic/Middle Eastern arbitration (tahkim), the Islamic/Middle Eastern mediation (wisata), and the Islamic/Middle Eastern peace-making (sulha) will be examined. The paper suggests that these techniques may have applications for the resolution of conflicts among different religious and cultural groups.

Keywords: *Islamic/Middle Eastern Conflict (Dispute) Resolution, Islamic/ Middle Eastern Arbitration (Tahkim), Islamic/Middle Eastern Mediation (Wisata), Islamic Peace-Making/Middle Eastern (Sulha), Islamic/Middle Eastern Third-Party.*

Kişilerarası ve Gruplararası İslami Çatışma Çözümlemesi Yöntemleri: Arabuluculuk, Barış Yapma ve Üçüncü Taraflar

ÖZET

11 Eylül sonrası dünyada İslami çatışma çözümlemesi sosyal bilimlerin odak konusu olmuştur. Bu makalede İslam/Orta Doğu bağlamında uluslararası ve gruplararası çatışmalarla ilgili kavramlar, süreçler ve metodlar incelenecektir. Kültür ve çatışma çözümlemesi arasındaki ilişki açıklandıktan sonra üç İslami/Ortadoğu çatışma (anlaşmazlık) çözümlemesi tekniği, İslami/Ortadoğu hakemlik (tahkim), İslami/Ortadoğu arabuluculuk (wisata) ve İslami/Ortadoğu barış yapma (sulha) incelenecektir. Üçüncü tarafların rolü İslami/Ortadoğu ve Batılı modellerin karşılaştırılması yoluyla analiz edilecektir. İslami/Ortadoğu çatışma (anlaşmazlık) çözümleme teknikleri çoğunlukla Müslümanlar arası çatışmaların çözümünde kullanılmasına rağmen bu çalışma bu tekniklerin değişik dinsel ve kültürel gruplar arasındaki çatışmaların çözümünde de kullanılabileceğini önermektedir.

Anahtar Kelimeler: *İslami/Ortadoğu Çatışma (Uyuşmazlık) Çözümlemesi, İslami/Ortadoğu Hakemliği (tahkim) İslami/Ortadoğu Arabuluculuğu (wisata), İslami/Ortadoğu Barış Yapma (sulha) ve İslami/Ortadoğu Üçüncü Taraf Rolü.*

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Introduction¹

Although the Western paradigm in peace studies has been based on modernization, secularization, democratization, and rational choice, we have witnessed a resurrection and revival of religious thought and action in both conflict and peace studies. Increasingly insights and practical lessons from religion and theological studies have emerged in peace studies and conflict resolution that focus on the role of religion in peace-building, reconciliation, and peace-making.² Religion has been a major contributor to war, bloodshed, hatred, and intolerance. Yet, religion has provided the values of empathy, nonviolence, sanctity of life, and compassion.

With the introduction of Huntington's "clash of civilizations" thesis, some scholars believe that civilizations -not individuals or states- become the most significant unit of analysis. They conclude that the international system will move towards the clash of civilizations. In this analysis, Islamic civilization emerges as a potential threat to "Western interests, values, and power" in a New World Order.³ However, it is misleading to speak of an Islamic "civilization" as a monolithic and holistic force in international relations. It is important to emphasize that Islamic thought is based on unity as well as diversity that lead to different approaches and schools in Islamic social sciences.

The contemporary resurgence of Islamic peace and conflict studies has focused attention on the traditions of peace, war, and nonviolence in Islamic political thought and culture. Unfortunately, the Islamic contributions to peace and conflict studies are not in proportion to Islam's potential as a source of nonviolent social change and as a force that could influence the behavior of states in the international system. The paper will present a balanced view of Islam that is nonviolent and a peaceful tradition of social change as well as an advocate of self-defense and justice to solve international and intergroup conflicts within Islamic communities. The second part of the paper will explore the Islamic conflict (dispute) resolution process at different levels and their implementation among Muslims as well as and non-Muslims.

¹ I would like to thank Dr. Amr Abdalla for his helpful and supportive feedback about the Islamic conflict resolution. Also, I would like to thank anonymous referees for their comments.

² Sezai Ozcelik, "Islam and Peace: A Dialogue", *Frontline*, Nonviolence International, Vol. 7, No 1, Summer 1998, p. 3-4; Sezai Ozcelik, "From Terrorism to Nonviolence and Islamic Peace Paradigm: Jihad, Just War, Peace and Islamic Nonviolence", *Peace and Conflict Studies Journal*, Fall 2005, Vol. 12, No 2; Ahmad Moussali, "An Islamic Model for Political Conflict Resolution: *Tahkim* (Arbitration)", Paul Salem (ed.), *Conflict Resolution in the Arab World: Selected Essays*, Beirut: Lebanon, American University of Beirut Press, 1997; Muhammed, Abu-Nimer, "Conflict Resolution Approaches: Western and Middle Eastern Lessons and Possibilities", *American Journal of Economics and Sociology*, Vol. 55, No 1, January 1996, p. 46; Muhammed Abu-Nimer, *Nonviolence and Peace Building in Islam: Theory and Practice*, FL, University of Florida Press, 2003.

³ Samuel Huntington, "The Clash of Civilizations", *Foreign Affairs*, Vol. 72, No 3, Summer 1993, p. 45.

Although the study focuses on intra-Muslim conflicts, it can have implications for the solutions of conflicts between Muslims and non-Muslims. The study attempts to answer the following questions: What would be the contribution of Islam to peace-building efforts within Muslim societies and globally? What are the main concepts, processes, and methods in Middle Eastern/Islamic⁴ cultures for conflict (dispute) resolution of interpersonal, inter-group and international conflicts? What are the basic characteristics of Islamic arbitration (*tahkim*), mediation (*wisata*) and peace-making (*sulha*)? What are the differences between Western and Middle Eastern/Islamic models of third-party intervention?

This paper will examine the Islamic conflict (dispute) resolution in the Middle Eastern/Islamic context. I will basically focus on interpersonal, inter-group, and international conflict resolution concepts, processes, and methods in Islamic conflict resolution. First, I will briefly describe the relations between culture and conflict resolution. Then, I will closely look at the three basic Islamic conflict (dispute) resolution processes, namely Islamic arbitration (*tahkim*), Islamic mediation (*wisata*), and the Islamic peace-making (*sulha*). Next, I will compare the differences between the Western and Middle Eastern/Islamic third-party role. The fourth section is a case study of inter-group conflict in Turkey. Finally, I will attempt to integrate the three levels of analysis-international, inter-group and interpersonal conflict resolution.

Islamic Conflict (Dispute) Resolution

Culture and Conflict Resolution

The field of conflict resolution was born in Europe and North America and has reflected the Western tradition of conflict (dispute) resolution process, method, and typology. Although some scholars advocate the "universal and generic theory of conflict analysis"⁵, Avruch and Black introduce the "culture question" into the field⁶. However, there has been many studies of the relation between third-party intervention and culture.⁷

⁴ In this study, I will use Islamic and Middle Eastern terms together. Although they are different and not intertwined, there is a righteousness to use them. But I should indicate that even within countries such as Turkey and Jordan that have a large population of Muslim residents, there are huge differences not only in cultural arenas but also in dispute settlement procedures and techniques. For example, in the Western part of Turkey, conflicting parties are inclined to use the third-party that has no special features; whereas in the Eastern part of Turkey, parties tend to prefer the third-party which has some specific social roles such as village mayor-*muhtar*, the landowner-*ağa* or the religious leader-*şeyh*.

⁵ John W. Burton and D.J.D. Sandole, "Generic Theory: The Basis of Conflict Resolution", *Negotiation Journal*, Vol. 2, No. 4, 1986, p. 333-344.

⁶ Kevin Avruch and Peter Black, "The Cultural Question and Conflict Resolution", *Peace & Change*, Vol. 16, No 1, January 1991, p. 22-46.

⁷ Kevin Avruch, P.W. Black and J.A. Scimecca. et.al., *Conflict Resolution: Cross-Cultural Perspective*,

Avruch and Black assume that cultural understanding and action are determinant and dominant factors in cross-, inter-, and trans-cultural levels of analysis of conflict theory.⁸ Ethnoconflict theory and ethnopsychology help us to understand the effects of culture in conflict interaction and process. Moreover, ethnopraxes, the indigenous ethnoconflict resolution techniques and practices, incorporate the Western and local processes of conflict resolution.⁹

Similarly, Lederach proposes the elicitive model of conflict resolution as an alternative to the prescriptive process.¹⁰ The prescriptive approach is based on the transfer of Western resolution methods into non-Western settings. On the other hand, the elicitive approach advocates the mixing of Western practices and techniques and local cultural resources and knowledge. Also, Ledearch and Wehr have developed the concept of "insider-partial" as opposed to "outsider-neutral" that characterize the emics versus the etics approaches. The insider-partial is the "mediator from within the conflict" whose intervention power is based on connection and relationships with the conflicting parties.¹¹

In this section, the concept of conflict is defined as "perceived divergence of interest, or a belief that parties' current aspirations cannot be achieved simultaneously."¹² In his study, Avruch adopts Tylor's definition of culture:

Culture consists of the derivatives of experience, more or less organized, learned or created by the individuals of a population, including those images or encodements and their interpretations (meanings) transmitted from past generations, from contemporaries, or formed by individuals themselves.¹³

He also rejects some of the thin and inadequate conceptions of culture. He rejects the idea that culture is a thing that can act independ-

Westport: CT, Greenwood Press, 1991; Raymond Cohen, *Negotiating Across Cultures: International Communication in an Independent World*, Washington D.C., USIP Press, 1991; David W. Augusberger, *Conflict Mediation across Cultures: Pathways and Patterns*, Louisville, KY, Westminster, 1992; Paul Lederach, *Preparing for Peace: Conflict Transformation across Cultures*, Washington D.C., USIP Press, 1995; Kevin Avruch, *Culture & Conflict Resolution*, Washington D.C., USIP Press, 1998.

⁸ Avruch and Black, *The Cultural Question*.

⁹ Ibid.; Kevin Avruch and P.Black, "Conflict Resolution in Intercultural Settings: Problems and Prospects", D. Sandole and H.van der Merwe (eds.), *Conflict Resolution Theory and Practice: Integration and Application*, Manchester, Manchester University Press, 1993, p. 131-145.

¹⁰ Lederach, *Preparing for Peace*.

¹¹ Paul Ledearch and P.Wehr, "Mediating Conflict in Central America", Jacob Bercovich (ed.), *Resolving International Conflicts: The Theory and Practice of Mediation*, Boulder, CO, Lynne Rienner Publishers, 1996, p. 58.

¹² J. Rubin et al., *Social Conflict: Escalation, Stalemate, and Settlement*, New York, McGraw-Hill, 1994, p. 5.

¹³ Avruch, *Culture & Conflict Resolution*, p. 17.

ently from human actors. Also, the idea that culture is homogenous and uniformly distributed among members of a group ignores intracultural variation. The most important misconception views the culture as synonymous with "tradition" and "custom."¹⁴ Similarly, Cohen argues that culture is gained through acculturation and socialization and each culture has a unique complex of attributes.¹⁵ Ross coined the term culture of conflict which considers "a society's relevant norms, practices, and institutions" regarding conflict.¹⁶

*The Islamic/Middle Eastern Third-Party Intervention*¹⁷

In the field of conflict resolution, many scholars have concentrated on the dynamics of conflict and negotiation in traditional societies such as the Arab world. Unfortunately, there are only a few articles and studies that focus on conflict resolution techniques such as mediation, arbitration, and reconciliation in Islamic society in general. It is hard to identify an Islamic conflict resolution technique per se because of the heterogeneity of the Islamic societies. However, it is still possible to differentiate Middle Eastern procedure in particular and Islamic methods in general. In any Islamic society, it is possible to see two conflict resolution institutions: formal (court system) and informal (traditional and religious methods of conflict resolution). In this part of the study, our aim is to summarize the three informal (traditional and religious) conflict resolution methods or procedures that still exist in the different degrees in Islamic societies. These methods are: Islamic arbitration (*tahkim*), Islamic mediation (*wisata*), and Islamic peacemaking or reconciliation (*sulha*).

There are various ways to investigate third-party intervention in Islamic societies. One is to focus on either the Western approach and perspective (the prescriptive approach), or the Islamic and Middle Eastern principles and procedures (the elicitive approach).¹⁸ Second, one may explain the historical foundations of Islamic conflict resolution or the anthropological analysis of recent situations in traditional and religious third-party intervention. Unlike the first part of the paper, I will emphasize the anthropological, cultural and traditional nature of Islamic and Middle Eastern third-party intervention.

¹⁴ Ibid., p. 14-15.

¹⁵ Cohen, *Negotiating Across Cultures*, p. 11.

¹⁶ M.H. Ross, *The Management of Conflict: Interpretations and Interests in Comparative Perspectives*, New Haven, CT, Yale University Press, 1993, p. 19.

¹⁷ For detailed glossary, look at Salmi, Ralph H., et al., 1998.

¹⁸ Lederach, *Preparing for Peace*.

Tahkim (Arbitration), Wisata (Mediation) and Sulha (Reconciliation)

Traditional/religious third-party intervention has been applied to settle interpersonal, inter-group, and inter-religious conflicts in Middle Eastern/Islamic societies since the pre-Islamic era. For example, the institution of arbitration (*tahkim*) has been widely used in tribal and clan conflicts (disputes). After the introduction of Islam, pre-Islamic arbitration practices were incorporated into Islamic law. This section can be applied to different cultures, countries and societies in the Middle East context. Although Islamic/Middle Eastern conflict resolution techniques have differed from culture to culture and country to country, the overall explanation of the processes and outcomes have some common elements and can be used for the different conflicts, especially family disputes (divorce), territory, and family feuds.

Even before his prophethood, Muhammad used traditional arbitration. As an arbitrator, he intervened in the conflicts (disputes) not only among Muslims, but also between Muslims and non-Muslims. For example, he arbitrated among the *Quraishite* clans, the most powerful tribe in Mecca, during the reconstruction of the *Kaabah*. The conflict (dispute) was about the honor of placing the Black Stone in the *Kaabah*. For five days, the clans debated and were about to go to war. However, Muhammad intervened in the conflict before it escalated. He placed the stone on a piece of cloth and asked each clan chief to hold an edge of it. Then, he ordered them to lift the stone together and he himself placed it in the proper place in the *Kaabah*.¹⁹

The institution of arbitration was basically used in marital conflicts (disputes), especially in divorce. The basis of *tahkim* (arbitration) in this matter can be found in the Qur'an:

And if ye fear a breach between them twain (the man and the wife) appoint an arbitrator (hakam) from his folk and an arbiter from her folk. If they desire amendment, Allah will make them one mind. Lo! Allah is ever knowing, Aware. (4:35)

In this case, the process begins with the appointment of two arbitrators, one by the husband's parents and another by the wife's parents. The arbitrators attempt to provide reconciliation. When they reach a decision about the status of the marriage-divorce or continuation, the arbitration is final. If not, the case is referred to an official judge.

Because many Islamic countries have applied secular law codes and processes for conflict (dispute) resolution, it is hard to define *tahkim* as a pure arbitration. Arbitration differs from mediation because of its legally

¹⁹ Ahmad Moussali, "An Islamic Model for Political Conflict Resolution: *Tahkim* (Arbitration)", Paul Salem (ed.), *Conflict Resolution in the Arab World: Selected Essays*, Beirut: Lebanon, American University of Beirut, 1997, p. 50.

binding character. The only exception of this may be the *imam*, or the prayer leader of the village, who has religious/legal authority to make decision in cases involving domestic matters, such as marriage, divorce, and inheritance. In Turkey, the village mayor or *muhtar* has a legal authority that involves the conflict (dispute) resolution process.²⁰

With the beginning of the Islamic state, Muhammad became a political and religious leader of the community that includes both Muslims and non-Muslims. Arbitration (*tahkim*) was commanded by the Qur'an in economic, religious, social and political dimensions. Muhammad even intervened in as an arbitrator role to the conflicts (disputes) in other religions and nations by using their divine laws. One example is the adultery incident between a married Jewish couple. After the hearing of the case, Muhammad asked some Jewish rabbis about the Jewish law on this matter. Because Jewish law stipulated that they be stoned to death, Muhammad sentenced them stoned for the fulfillment of their law.²¹

Apart from this religious conflict (dispute) resolution process, there are two important more traditional conflict (dispute) resolution processes and outcomes. The first one is called *wisata* (Arabic) or *arabuluculuk* (Turkish) as a process. The second one is called *sulha* (peace-making) as process and outcome. The *wisata* means mediation and intercession. The person who performs this act is called *wasit* or *arabulucu*²². The mediation (*wisata*) can be implemented by an individual or a *wusita* delegation of elders (*jaha*) for a range of issues from marital problems to family feuds. In this study, I will focus on the mediational *wisata*. The process of *wisata* (mediation) has three important components; "go-betweens and dyadic negotiation of intermediation, delegation of elders (*jaha*), and peace-making (*sulha*)".²³ The delegation usually involves a high status and prestige member who has power and authority for the mediation process. The influential and neutral local notables should be known to all in the area for their honesty, decency, generosity, and pioussness. The size of "the *Jaha* depends on the case itself. The more difficult and important the case, the bigger the *Jaha*".²⁴ The delegation (*jaha*) members are preferably selected from people who have previous experience in ruling on similar cases.

²⁰ Jane Starr, *Dispute and Settlement in Rural Turkey: An Ethnography of Law*, E.J. Brill, the Netherlands, 1978.

²¹ Moussali, *An Islamic Model for*, p. 53.

²² In their study Cunningham and Sarayrah used the term *wisata* for both act and actor in the mediation process (1993). *Wasata* has a bad connotation when it is used as intercession for a job placement or nepotism. In this sense, the *wasit* can be equivalent to the lobbyist.

²³ R. B. Cunningham and Yasin K. Sarayrah, *Wasta: The Hidden Force in Middle Eastern Society*, Westport, CT, Praeger, 1993, p. 8.

²⁴ Cathie J Witty, *Mediation and Society: Conflict Management in Lebanon*, New York, Academic Press, 1980, p. 305.

The mediation process takes place in a neutral setting such as a guesthouse or coffeehouse and in a controlled open forum. First, "the delegation of elders (*jaha*) attempts to collect information about the extent of the conflict (dispute) nature".²⁵ As a fact-finding function, they first go to the home of the victim or injured party or the eldest person involved in the conflict (dispute). They then move to "the home of the opposing party to listen and ask questions about the conflict issues".²⁶ Following the fact-finding stage, they review the evidence and history of the disputants and their families. In this stage, many techniques and mechanisms are employed to find a compromise. For example, the elders may exclude certain parties from the process, impose sanctions and positive incentives toward one party or both revert to religious and traditional values and norms such as shame, public embarrassment, and guilt. Most importantly, the utilization of rituals has a powerful effect in the process. For example, the delegation of the elders (*jaha*) refuse to drink the offered beverage (usually coffee), and refuse to leave the mediation setting until their request has been honored, and the threat of the losing face if the delegation's plan is not accepted.²⁷ But the success of the mediation (*wisata*) is based on the necessity and desirability of preserving and restoring ongoing relations in the community.

The last component of the mediation process is the formal peacemaking (*sulha*). *Sulha* means to reconcile in Arabic.²⁸ *Sulha* is usually used in the violent and important cases such as family feud, murder, and traffic accidents. The aim of the *sulha* is to re-establish peace between the families, villages and people in general. Because of the importance of the cases, the process of the *sulha* (reconciliation) is more elaborate than the mediation itself. First of all, the size of the *jaha* is bigger than in the other cases. It is also based on forgiveness, ritualization, and symbolization. Also, it can take more time, effort, and skills. As a mediator, one should avoid misunderstanding and be patient during the process.

The first job of the mediation team is to reach an armistice agreement (*hudna*) between the parties. When the armistice agreement is consented to by both parties, the offender's family pledges to honor the agreement by either money or a verbal promise that is called an *Atwa*. According to the Arab tradition, the family has the right to revenge within twenty-four hours. However, third-party intervention aims to restore the honor of the victim's family. The armistice (*hudna*) is usually six months. During that time, the mediation team (*jaha*) tries to reach a

²⁵ Cunnigham and Sarayrah, *Wasta*, p. 8

²⁶ Witty, *Mediation and Society*, p. 305.

²⁷ Richard Antoun, "Institutionalized Deconfrontation: A Case Study of Conflict Resolution among Tribal Peasants in Jordan", Paul Salem (ed.), *Conflict Resolution in the Arab World: Selected Essays*, Beirut, American University of Beirut, 1997, p. 157.

²⁸ Daniel L. Smith, "The Rewards of Allah", *Journal of Peace Research*, Vol. 26, No 4, 1989, p. 387.

ruling that usually involves the redemption money or blood money (*diyya*). The money like the process is symbolic. If there is an agreement between the parties, there is a ritual process that is the pillar of the *sulha*. The agreement should be announced in a public place and openly. The killer carries a white flag when he enters a public place. He goes toward the offended family members and shakes their hands one by one. A notable or respected person makes a speech about the importance of forgiveness and religious values. Then, all parties, the parties in the conflict and the mediators, put a knot in the white flag. The knot is symbolic. It shows that we tie this knot like peace. It is tied strongly so that it will be valid all the time. Then, the parties eat salt and bread and sip the bitter coffee.²⁹ The ritualistic and ceremonial side of the reconciliation (*sulha*) shows the importance of forgiveness and reconciliation as well as the restoration of societal unity.³⁰

The value of peace-making (*sulha*) is symbolic (the public demonstration of reconciliation and forgiveness that help the disappearance of hard feelings and revenge, pragmatic (the restoring the social relations), psychological and ethical. The rituals help the one party to express his/her acknowledgement through the kissing and the embracing of opponents, the eating of a common meal, and the drinking of a bitter coffee.³¹

In summary, the peace-making (*sulha*) process begins with the choosing of the mediation team (*jaha*). Then:

- 1- A date is set to visit the offended family household in their home in the presence of the extended family members. (community participation and reconciliation).
- 2- The offender will come with the mediation team and his/her extended family members (humility and reconciliation).
- 3- The offender acknowledges his/her wrongdoing and apologizes to the victim. He/she also makes a commitment to repair the damage and asks for forgiveness (truth, acknowledgement and reconciliation).
- 4- The mediation team takes the responsibility for implementation and compensation for the damage (justice and reconciliation).
- 5- Forgiveness is given in the presence of the mediation team (forgiveness and reconciliation).
- 6- All attendants eat together and share the bread that symbolizes a commitment of friendship (ritualization and reconciliation).³²

²⁹ Ibid, p. 389-91; Hamzeh, *The Role of Hizbullah*, p. 93-121.

³⁰ Muhammad Faour, "Conflict management within the Muslim Arab family", Paul Salem (ed.), *Conflict Resolution in the Arab World: Selected Essays*, Beirut, American University of Beirut, 1997, p. 187-188.

³¹ Antoun, "Institutionalized Deconfrontation", p. 163.

³² Jean Zaru, *The Demands of Peace and Reconciliation*, delivered at Atlantic School of Theology, Hali-

Another related concept is *sharaf* (honor, standing) that aims to be restored by *wisata*, *tahkim*, and *sulha* agreements by creating a sense of dignity and justice for the conflicting parties. It is a common assumption that feud, revenge and violence is the rule than the exception. The many persons legitimize the revenge and honor killing in the name of *sharaf* (honor), a very important concept. But *sharaf* can be used as a practice of peace, mediation and reconciliation in Middle East cultures. Unlike the common belief that revenge is an act of *sharaf*, it is more honorable (*sharaf*) not to carry out revenge. *Sharaf* is a flexible concept that can be used to legitimize feud and revenge as well as forgiveness, reconciliation, and mediation through face (*wajh*-blackening of the face for the dishonorable act of any one). If two parties agree on *wisata*, *tahkim* and *sulha* agreement, *sharaf* force them abide by the agreement. Since *sharaf* can be gained and lost as well as increase and diminish, one party seeks revenge if he/she/it feels a perceived injustice as well as one party is reluctant to break an agreement to preserve their *sharaf* (honor) in order to save face in the public.³³

There is no formal or semi-formal mediation process in Turkey. The creation of an ombudsman office may address the non-judicial mechanisms to protect citizens against state and government agencies. What Turkey and the EU needs is the establishment of non-judicial mechanisms to resolve disputes among private citizens and groups. In non-formal settings, it is still a common practice in the Eastern part of Turkey to use mediation and *sulha* among two parties or groups. When one looks at any newspaper in Turkey, it is possible to see government agents in a mediator role in resolving family or blood feuds. The informal mediation is mostly used in rural areas to resolve conflicts among feudal and low-income and less educated segments of Turkish society. Turkish conflict resolution practices are based upon Islamic and cultural foundations.

Western versus the Middle Eastern/Islamic Third-party Role

The third party role has some common elements, regardless of cultures, religions, and countries. In most countries, there are legal and litigation processes as well as non-legal and non-litigation alternative dispute resolution (ADR) techniques such as arbitration, mediation, negotiation, conciliation, facilitation, fact-finding, med-arb, ombudsman, mini-trial, structured dialogue, etc. The ADR processes and outcomes differ from Western countries in Middle Eastern/Islamic sociocultural contexts. It is important to

fax, Nova Scotia. <http://homepage.accesscable.net/~dpoirier/hfx97txt.htm> (3 November 1997).

³³ Hamzeh, *The Role of Hizbullah*; George Irani, "Islamic Mediation Techniques for Middle East Conflicts", *MERIA Journal*, vol. 3, no.2, June 1999, p. 1-17. <http://meria.idc.ac.il/journal/1999/issue2/irani.pdf> (February 9, 2007).

survey literature and summarize major differences between the Western and non-Western models of third party intervention techniques.

Because it is important to continue the relationships between parties and preserve social harmony in the group, unlike the Western approach, which emphasizes the maximization of personal and group interests, the Middle Eastern/Islamic approach focuses on the restoration of broken relationships between the parties and within the community. In other words, the Western approach is based on a zero-sum or non-zero sum (win/lose or win/win) outcome; whereas, the Middle Eastern/Islamic approach emphasizes that is not the zero and non-zero sum outcome that is important, but the preservation of social harmony as a superordinate goal. In other words, the conflict (dispute) resolution processes attempt to restore social order and the disrupted balance of power rather than reach interest-based and cooperative solutions.³⁴ Second, the sources of conflict in the Western approach are the control over scarce resources, especially material resources such as land and money. However, the Middle Eastern/Islamic cultures call for the sustaining of the nonmaterial resources such as honor, prestige, pride, power, and valor. This old saying summarizes this aspect of the culture: "A good name is worth more than money."

Another difference between third-party intervention in the Western and Middle Eastern models is the characteristics of the intervenor. The professionalism and satisfaction of the parties' interests, needs, desires, and rights are important in the Western model. The distinct features of the Middle Eastern mediator/arbitrator come from local beliefs and values about the third-party. In order to implement the mediation role, the third-party should have high status and authority in the community. For example, age, family ties, marriage, generosity, political and military power (village mayor-*muhtar*, governor, and military officers), religious values and affiliation are some important indicators for the credibility and access to a conflict.³⁵ In the Western model, mediators should have knowledge about the legal procedures and structures; whereas, the mediator in the Middle East should know more about the history of the conflict (dispute), the history of mediation and intervention in the region, and the customs and norms of all religious communities.³⁶ Also, the preference of the third-party is insider-partial and within the community instead of outsider-neutral (Table 1). In the Middle Eastern/Islamic sociocultural context, the most important factor in

³⁴ Abu-Nimer, "Conflict Resolution Approaches, p. 46; Abu-Nimer, *Nonviolence and Peace Building*.

³⁵ Cathie J. Witty, "Disputing Issues in Shehaam, a Multireligious Village in Lebanon", Laura Nader and Harry F. Tood, (eds.), *The Disputing Process-Law in Ten Societies*, New York, Columbia University Press, 1978, p. 298.

³⁶ Abu-Nimer, "Conflict Resolution in an Islamic Context", *Peace & Change*, Vol. 21, No 1, January 1996, p. 31; Abu-Nimer, *Nonviolence and Peace Building*.

conflict (dispute) process is the nature of social and personal relationship between the parties. The structure of social relationships among the parties and third-party intervenors may cause the conflict process to move toward escalation or de-escalation.

Table 1- The Basic Assumptions of the Middle Eastern/Islamic and the Western Model

The Middle Eastern/Islamic Model	The Western Model
Go-between negotiation	Face-to-face negotiation
Social harmony, social status, relationship	Problem-solving
Group-oriented	Individual-oriented
Verbal agreement	Written agreement
Socially/morally binding	Legally binding
Value-based	Interest-based
Insider-partial	Outsider-impartial
Traditional/religious values and norms	Civic laws
Face-saving/Indirect communication	Direct communication
Rituals and symbols	Rules and guidelines
Experience, status, kinship	Professional certificate
Social institution	Pseudo-legal institution
Public/Pseudo-public setting	Private and formal setting
Triadic structure	Dyadic structure

Although both models apply the same type of communication and mediation skills, the Middle Eastern mediator may use more traditional values and belief systems. According to Abu-Nimer, some of the social values and norms are: (a) shame, pride, prestige and honor; (b) unity of the village, family, and region; (c) considering the reintroduction of the ongoing relationship; (d) the emphasis on traditional/religious values such as tolerance and respect of elders; (e) the importance of the universal values of forgiveness and dignity; (f) the using public pressure and face-issues as a negative incentives; (g) the emphasis on the Islamic messages, values, and norms.³⁷

Conclusion

The paper identified and analyzed the prevalent usage of the conflict resolution and conflict (dispute) settlement processes and methods in the interpersonal and inter-group levels in the Islamic/Middle Eastern context. The focus of the paper is on the inter-personal and inter-group

³⁷ Amr Abdalla, *Principles of Islamic Interpersonal Conflict Intervention: A Search within Islam and Western Literature*, Background paper, George Mason University, 2000; Abu-Nimer, *Conflict Resolution in an Islamic Context*, p. 31; Abu-Nimer, *Conflict Resolution Approaches*, p. 44; Abu-Nimer, *Nonviolence and Peace Building*; John E. Rothenberger, "The Social Dynamics of Dispute Settlement in a Sunni Muslim Village in Lebanon", Laura Nader and Harry F. Tood, (eds.), *The Disputing Process-Law in Ten Societies*, New York: Columbia University Press, 1978, p. 152-181; Starr, *Dispute and Settlement*; Witty, *Mediation and Society*.

levels of cultural and anthropological analysis and the conflict (dispute) resolution processes among Muslims. Even though the multiple levels of analysis of the micro and macro issues pose a challenge to scholars, it is possible to transfer the macrostrategies and tactics of Islamic conflict resolution concepts, models, processes and theories to the interpersonal, inter-group, and international levels and visa versa. Although international mediation is different in degree from domestic conflict (dispute) resolution processes, most international and domestic conflicts are multi-party, multi-issue, and multi-cultural so that the use of Islamic conflict resolution in international level may provide an alternative to violence and stalemate. Moreover, the Islamic conflict (dispute) resolution processes may provide new insights for international conflict resolution in Islamic and Middle Eastern countries.

Most scholars have focused on the struggle for political power among different social groups within the context of political Islam. On the other hand, there is a need for studying the interpersonal, community, and international levels of conflict (dispute) resolution processes such as mediation, arbitration, and reconciliation.

Apart from the lack of interest toward conflict (dispute) resolution processes, the transportation/communication/education revolutions have social and cultural consequences that affect public attitudes about traditional/religious conflict (dispute) resolution methods. The technological, economic, demographic, logistic, social and cultural changes have destroyed the traditional social structure based on strong relationships between family, kinsmen, and community and the principle of reciprocity. For example, the resolution of marital conflicts (disputes) ends up more likely being formal and legal based rather than a local, informal, and traditional process. Because of the transitional character of Islamic/Middle Eastern societies, it is hard to identify the common norms, values, and social characteristics among and within Islamic/Middle Eastern countries and societies. Islamic/Middle Eastern mediators have qualities similar to their Western counterparts such as fairness, acceptability, reliability, knowledge, and communication skills. But they can be distinguished by their culture-specific qualities such as high status, honor, authority, and religious values. Moreover, it is possible to discover the alternative conflict (dispute) resolution techniques and methods in the war-torn societies in the Islamic world such as Lebanon, Afghanistan, Chechnya, and Kosovo, etc.

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