



## **Islamic Mediation Techniques for Middle East Conflicts**

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*This article reviews traditional, Islamic techniques for resolving disputes and encouraging conciliation as tools applicable to contemporary regional conflicts. It discusses unique aspects of disputes in Middle East societies and why, to some extent, these characteristics contradict assumptions from Western-developed conflict resolution techniques.*

Many Middle Eastern scholars and practitioners trained in the United States have returned to their countries of origin ready to impart what they learned about Western conflict resolution techniques. In Lebanon, Jordan, Egypt, and other countries in the region, the teaching and practice of conflict resolution is still a novel phenomenon. Conflict resolution is viewed by many as a false Western panacea, a program imposed from outside and thus insensitive to indigenous problems, needs, and political processes.

Indeed, many people in the Middle East view conflict resolution as a scheme concocted by the United States meant primarily to facilitate and hasten the processes of peace and "normalization" between Israel and its Arab neighbors.[1] In assessing the applicability of Western-based conflict resolution models in non-Western societies, theoreticians and practitioners alike have begun to realize the importance of being sensitive to indigenous ways of thinking and feeling, as well as to local rituals for managing and reducing conflicts.

Middle East peacemaking has been a rather superficial phenomenon in the sense that diplomatic agreements have not "trickled down" to the grassroots. Peace treaties based solely on economic and political enticements, coercion or purely strategic considerations cannot last if they

are not accompanied by a sincere, profound exploration of the underlying, emotional legacies of fear, hatred, sorrow, and mistrust resulting from decades of warfare and unending cycles of victimization and vengeance. In order to bring peace to the Middle East, policymakers must foster and encourage a dialogue that takes into consideration indigenous rituals and processes of reconciliation.

The purpose of this essay is to explore and analyze non-Western modes and rituals of conflict reduction in Arab-Islamic societies. The necessity for such a study also stems from the dearth of available works relating conflict management and resolution processes to indigenous rituals of reconciliation. There is a need to fathom the deep cultural, social, and religious roots that underlie the way Arabs behave when it comes to conflict reduction and reconciliation.

Thus, this article discusses the socio-economic, cultural, and anthropological background in which conflicts erupt and are managed in the Middle East. Issues such as the importance of patrilineal families; the question of ethnicity; the relevance of identity; the nature of tribal and clan solidarity; the key role of patron-client relationships; and the salience of norms concerning honor and shame need to be

explored in their geographical and socio-cultural context.

Religious beliefs and traditions are also relevant to conflict control and reduction, including the relevant resources in Islamic law and tradition? Different causes and types of conflicts (family, community, and state conflicts) need to be considered, as do indigenous techniques and procedures, such as *wasta* (patronage-mediation) and *tahkeem* (arbitration). The rituals of *sulh* (settlement) and *musalaha* (reconciliation) are examples of Arab-Islamic culture and values and should be looked at for insight into how to approach conflict resolution in the Middle East. Finally, there is the need to consider the implications of these issues and insights for practitioners and policymakers. To what extent is an integration of Western and non-Western models of conflict reduction and reconciliation possible?

This paper looks first at Western and non-Western approaches to conflict "resolution" and points to important cultural differences in approaching conflict management, including the role of the individual in society; attitudes towards conflict; styles of communication; expectations of mediators, understandings concerning "victimization" and "forgiveness," and the usefulness of governmental (and/or non-governmental) programs and institutions--such as truth commissions--for "national reconciliation." The second section considers the geographical, sociological, and cultural influences on the Arab Middle East. It highlights the importance of relationships based on family, patriarchy and gender, kinship, and clientism, and points to the continuing underlying code of honor (and its counterpart, shame) in conflict and conflict management.

The third part considers the concept of ritual and its role in conflict "control and reduction" (as opposed to conflict

"resolution") and focuses on the rituals of *sulh* and *musalaha* as examples of indigenous Arab modes of settling disputes. The final section considers the implications for policymakers and practitioners and suggests an alternative approach to national reconciliation in Lebanon.

## **CONFLICT RESOLUTION: WESTERN AND NON-WESTERN APPROACHES**

Although conflict is a human universal, the nature of conflicts and the methods of resolving conflict differ from one socio-cultural context to another. For instance, in contemporary North American contexts, conflict is commonly perceived to occur between two or more individuals acting as individuals, i.e., as free agents pursuing their own interests in various domains of life. Conflict is often perceived as a symptom of the need for change. While conflict can lead to separation, hostility, civil strife, terrorism and war, it can also stimulate dialogue, fairer and more socially just solutions. It can lead to stronger relationships and peace. [2]

The basic assumption made by Western conflict resolution theorists is that conflict can and should be fully resolved.[3] This philosophy, whereby virtually every conflict can be managed or resolved, clashes with other cultural approaches to conflict.[4] Many conflicts, regardless of their nature, may be intractable, and can evolve through phases of escalation and confrontation as well as phases of calm and a return to the status quo ante. This is why this essay adopts the idea of conflict control and reduction to depict the processes of settlement and reconciliation in the Arab-Islamic tradition.

The third basic assumption in U.S.-based conflict resolution is that conflict usually erupts because of different interpretations regarding data, issues, values,

interests and relationships.[5] According to the prominent anthropologist Laura Nader:

"Conflict results from competition between at least two parties. A party may be a person, a family, a lineage, or a whole community; or it may be a class of ideas, a political organization, a tribe, or a religion. Conflict is occasioned by incompatible desires or aims and by its duration may be distinguished from strife or angry disputes arising from momentary aggravations." [6]

Conflict in Western perspectives is also viewed as having a positive dimension, acting as a catharsis to redefine relationships between individuals, groups, and nations and makes it easier to find adequate settlements or possible resolutions. During the last ten years, more and more voices within the field of conflict resolution have been calling attention to the importance of acknowledgment and forgiveness in achieving lasting reconciliation among conflicting parties. Many of the world's most intractable conflicts involve age-old cycles of oppression, victimization and revenge. These conflicts, which can have dangerous and long-lasting political repercussions, are rooted in a psychological dynamic of victimization. Racism and "ethnic cleansing" are only the most dramatic manifestations of such cycles of victimization and vengeance.

One of the guiding principles of U.S.-inspired conflict management and resolution is to help individuals or groups embroiled in conflict to acknowledge one another's psychological concerns and needs so that they will be able to overcome their historic sense of victimization.[7] Victimization is a crucial concept to grasp when dealing with protracted conflicts, whether personal or political. Overcoming feelings of victimization, which, unfortunately, are endemic to the human condition, is the most important step towards healing. Usually, acts of violence (whether inflicted on an individual or a

group), are the results of deep feelings of being victimized, regardless of who is the victim or victimizer.

In the case of nations and ethnic groups embroiled in conflict, acknowledgment of unhealed wounds from pain inflicted in the past facilitates the resolution of conflicts. From a Western psychological perspective, conflict usually erupts because some basic needs have not been fulfilled, such as needs for shelter, food, self-esteem, love, knowledge, and self-actualization.[8] The non-fulfillment of these needs, exacerbated by acute feelings of victimization, inevitably leads to conflict and may eventually lead to war. A first step in the process of healing, then, is the mutual acknowledgment by all parties of their emotions, viewpoints and needs. Thus, the first and most crucial skill which conflicting parties must develop is that of actively listening to each other.

Communication skills are fundamental to conflict resolution. In many cultures, the art of listening is drowned out by arguments and the never-ending struggle to get one's point across first. The opposite of listening is not ignoring; rather, it is preparing to respond. Mediators are trained to listen carefully to all parties involved in a dispute. Active listening is a method that ensures that the whole meaning of what was said is understood.

Mediation is another skill used by Western practitioners in conflict resolution. The mediator confronts two basic tasks when involved in settling a dispute. First, he or she has to encourage people to negotiate in such a way that there is an equitable outcome. Second, the mediator has to be completely neutral and place the expertise and power of decision-making in the hands of the conflicting individuals or groups themselves. In addition to mediation in conflict resolution, negotiation is another important tool in Western conflict resolution processes. "Interest-based" negotiation

focuses on people's long-term interests, rather than on short-term perspectives, and does not encourage hard or soft types of bargaining (this is the case when one of the parties has to give in or compromise) which usually lead to unsatisfactory "positional" compromises.[9]

Following the collapse of various dictatorial regimes in Latin America and Central Europe (e.g., Chile, Argentina, Brazil, East Germany, Czechoslovakia and Poland), truth and justice commissions were formed to "police the past," i.e., to investigate the extent of human rights violations committed against civilians by the former military juntas and Communist parties in these countries. These efforts encouraged a healing process of atonement and remorse for past crimes which, in turn, helped citizens and governments alike to rebuild democratic institutions. A similar process recently began in South Africa following the dismantling of the apartheid regime and the election of Nelson Mandela as President of the new Republic of South Africa.

Lebanon shares some of the problems affecting societies in transition, though the country has not fully regained control of its sovereignty. In April 1994, as a contribution to the ongoing efforts at intercommunal reconciliation in post-war Lebanon, the Lebanese American University assembled on its Byblos campus a group of government officials, NGO activists, students, and lawyers, for a three-day conference entitled "Acknowledgment, Forgiveness, and Reconciliation: Alternative Approaches to Conflict Resolution in Post-War Lebanon." [10] The conference focused primarily on the psychological and interpersonal aspects of the Lebanese War, especially the politics of identity and the vicious circle of victimization and vengeance that fueled the long conflict.

Conference participants were initially uncomfortable with and suspicious

of the theory and techniques of Western conflict resolution. Mixed feelings were expressed about the applicability of conflict resolution in the Lebanese social context. A Christian banker who was educated in the United States noted that conflict resolution theory was initially forged in labor management relations in the United States and that later it was applied to business and then to community relations and academia. He raised an important methodological question: "How can a theory which is supposed to be dealing with definite, programmed, institutionalized relationships deal with the unprogrammed, informal, and random relationships characteristic of social and political contexts in a totally different society?"

A Muslim academic and social activist declared that a better concept would be "conflict management" because "it is impossible completely to solve conflicts; the existence of conflicts goes together with human existence." He raised the related point that conflicts were interrelated, the resolution of one conflict was contingent upon the resolution of other conflicts. "The crisis of Lebanon and the Middle East are the best proof of what I am saying," he concluded. [11]

The conference also revealed interesting insights into Lebanese conversational culture. The National Director of the Young Women's Christian Association-Lebanon (YWCA) commented that in Lebanon, when individuals are engaged in "heart-to-heart" conversations, they often interrupt with expressions of empathy and support. "It is not like interrupting rudely. The process of the discussion shows our concern because we are a very emotional people. That is the problem: we usually talk all together. We are active talkers and active listeners!"

A further area of difficulty came to light when participants discussed the necessity, in active listening, of remaining

silent when the other person is talking, especially in cases of intense argumentation. In Lebanon, remaining silent is sometimes interpreted as meek acquiescence or agreement. A government representative from the Ministry of Education stated that "in the rural areas of Lebanon, if you do not talk, it means you are dull; the more you talk, the more it is assumed you know. People want to show that they know, especially those who go to town and come back to the village. They always talk."

The key role of third parties or mediators in disputes was also addressed. In Lebanese culture, as in Arab culture in general, the mediator is perceived as someone having all the answers and solutions. He therefore has a great deal of power and responsibility. As one participant put it: "If [the third party] does not provide the answers, he or she is not really respected or considered to be legitimate." [12] Finally, a number of conference participants expressed their expectations that conference organizers and facilitators would provide ready-made solutions to Lebanon's woes. This expectation was not unusual in the context of Lebanese culture and politics.

For several centuries, politics in Lebanon have been repeatedly penetrated by outside powers, either to foment strife or to impose solutions. The phenomenon of relying on outsiders for answers and solutions reveal some of the fundamental blind spots in Lebanese political thought: a lack of responsibility for one's actions and behaviors. At a more practical level, many Lebanese have opted to forget about the war and get on with their lives, even if the wounds and consequences of the war are still very much alive in the collective and individual Lebanese psyches.

Denial seems to be the defense mechanism of choice for many traumatized Lebanese in the wake of the long and damaging war. This behavior is not unique to the Lebanese situation.<sup>20</sup> Victimization is

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Participants reacted to this new approach by exploring the sources of Lebanon's conflict through the psychological scars of victimization. A Lebanese woman educator, while acknowledging the value of this approach, pointed out that these conflict resolution tools in the Lebanese context are hindered by the paradox that Lebanon is a "very individualistic society, but unfortunately, we do not have individuals." She went on to explain that "in order to have conflict management or conflict resolution, you have to recognize the other. But, you do not have the other if you do not have the individual. That is why there is no reconciliation, forgiveness, and conflict resolution [in Lebanon]. The existence of the individual is essential in this process."

This trenchant observation neatly summarizes the state of society in post-war Lebanon. Rather than a cohesive group of individuals bound together by a n agreed-upon set of rights and obligations, (i.e., citizens), the Lebanese instead comprise an agglomeration of competing communities, each of which requires absolute allegiance and obedience from its members. Every one of these communities feels that the others have victimized it, so the process of acknowledgment, forgiveness, and reconciliation has to begin at the community level, rather than at the individual level.

These new and challenging concepts of conflict resolution--acknowledgment, victimization, communication skills, interest-based negotiation--elicited many reactions from conference participants. The most poignant reaction came from a Lebanese woman whose husband was "disappeared" during the war and who

founded the Committee of Families of Kidnapped People.[13] Commenting on victimization and how to overcome it in negotiations, she used two examples to emphasize her point:

"The first example concerns the Israeli occupation of my country. If my country began negotiations with Israel, it means that there is an intention to solve the conflict. But I do not understand why Israel is insisting on keeping me a victim because after each negotiation session, there are more dead people in the villages of South Lebanon. I cannot understand how I will emerge from a sense of victimization if I am negotiating and paying in victims every day. It is no longer a matter of common interests, but of recognition of rights. Someone is refusing to recognize these rights to the party we are calling the victim."

The second example she gave was personal and related to the issue of the 17,000 kidnapped Lebanese whose fates are still unknown. "The kidnapped person is a victim and so are his family members. These people have to stop being victims and maybe they even have to fight not to be victimized. But when the obstacles are still there and the kidnapper does not acknowledge any of my rights, what will my position be as a victim? How can we reach a solution if I have a right and he has an interest?" Finally, many Lebanese participants at the conference raised the issue of government accountability for crimes committed during the Lebanese War. In the case of Lebanon, the state's apparatus was noticeably absent during the long civil war. Thus, the central government and its institutions bear little, if any, direct responsibility for the atrocities committed between 1975 and 1990. Instituting war tribunals or truth and justice commissions in post-war Lebanon without some form of external, third-party intervention would undoubtedly be perceived as an affront by one community against another.[14]

## **THE ARAB MIDDLE EAST: THE SETTING**

Geography has an impact on the ways people interact and behave for the protection of their honor and their scarce resources. The Arab Middle East is distinguished geographically by a variety of landscapes. The Arabian Peninsula is characterized by a large desert and other arid landscapes, and a scarcity of water.

In the Levant (Syria, Lebanon, Palestine, Jordan), environmental conditions are more clement. Jordan and some areas of Palestine are semi-arid and poor in water while Lebanon and Syria are blessed with milder climates and numerous springs and rivers. Lebanon, has a rugged mountainous terrain but also a fertile valley (the Bekaa Valley) and self-sufficiency in water.

Ecological realities in the Middle East have given rise to three key modes of subsistence: nomadic, village, and urban. Although communities of pastoral nomads, village farmers, and city-dwelling merchants and artisans were historically distinct from one another, they were nonetheless economically interdependent. Their lives and interests were always in actual or potential contact, and quite often in conflict. Although pastoral nomadism has become increasingly rare as a viable mode of subsistence, due to the advent of nation-states with closed borders and the rapid, dramatic urbanization and of the region's population, nomadic peoples and their traditions have nonetheless left a very deep imprint on Middle Eastern culture, society, and politics. One anthropologist hypothesizes that the characteristic form of pastoral nomadism that developed in this semi-arid zone accounts for the strikingly similar cultural orientations found throughout the vast area of the Middle East:

"In the Near East today we find a remarkable similarity among the traditions

of many people throughout a large region....Islamization, the spread of a religious faith, is often offered as an explanation for this uniformity. But could Islam by itself have become so deeply-rooted among the diverse peoples of such a vast area, unless it was somehow a response to a life experience which all of these people shared in common?...Extreme arid conditions resulted in independent little herding groups dispersed across the desert and steppe....This situation is reflected in the atomistic form which political alliances tended to take." [15]

Sociologically, the peoples of the Middle East remain famous for their loyal attachment to their families, distinctive rituals of hospitality and conflict mediation, and effective and flexible kin-based collectivities, such as the lineage and the tribe, which until quite recently performed most of the social, economic, and political functions of communities in the absence of centralized state governments. [16] Family in the Middle East is dominated by the powerful role patriarchy plays in decision-making. [17] The father's authority in his family is an integral part of the more general authority system. Patriarchal authority maintains not only the genealogical cohesiveness of the family but also the cohesiveness of social life. This patriarchal pattern of power is made concrete and takes shape in the primacy of the zaim (leader) of the family. The zaim controls and defends the cohesiveness of the family inside the group as well as in the relationships between the family and other families. The zaim acts as the family referee and sanctions conflicts that erupt within his family, while controlling the solidarity and support within and between family members. He acts as the family's ambassador towards outsiders. Given that every village is made up of many families, each family is headed by a zaim. The heads

of each family form the assembly of the village zuama'. [18]

A related element in understanding social and political behavior in the Middle East is kinship systems. Despite the creation of modern states following the collapse of colonial rule, the basic unit of identification for the individual is not the state, the ethnic group, or the professional association, but the family.

Several writers on the Arab Middle East have underlined the fact that the only nation-state in the contemporary Arab Middle East is Egypt. [19] Egypt has a homogeneous population that identifies itself first and foremost as Egyptian. The only sizeable "minority," the Copts who number around 6 million members, consider themselves as the descendants of the original population of Egypt from pharaonic times. Their allegiance is to Egypt as both government and country.

In Saudi Arabia, on the other hand, it is a family--the House of Saud--that dominates the body politic. The same applies to the various sheikdoms of the Arabian Gulf. In other countries of the Levant, namely Syria and Iraq, families from minority communities rule their respective societies. [20] Since Lebanon obtained independence in 1943, it has been ruled by a few prominent families--both Christian and Muslim--such as the Maronite Catholic Gemayel and Chamoun families, the Sunni Es-Solh and Salam families, and the Druze Jumblatt family. As a strategy for survival, the patrilineal kinship system of the Middle East has certainly proved flexible and effective over many centuries under a variety of social, economic, and political conditions. The distinctive kinship systems and practices of the Middle East are part of the region's civilizational heritage. Kinship is implicated in nearly every aspect of life and most social institutions, including religion and morality.

Michael Meeker, a prominent anthropologist, speculates that the cultural uniformity which we now find in the arid zone does not reflect the traditions of a people bent on violence. "On the contrary, it reflects...a moral response to the threat of political turmoil. The process of Islamization itself can be viewed in part as a moral reaction to the problems that arose from the circumstances of Near Eastern pastoral nomadism....All over the arid zone, popular traditions can be described in terms of three cultural themes: 1) agonistic rhetoric of political association..., 2) humanistic religious values which center on conceptions of exemplary personal behavior, and 3) social norms of personal integrity and familial propriety which often take the form of concepts of honor...."[21]

Religion also plays a very important role in affecting the individual's life in both private and public interactions. Birthplace of the three monotheistic faiths--Judaism, Christianity and Islam--the Middle East is a part of the world where religion plays a crucial symbiotic role in the individual's and community's life. The socio-cultural and historic environment that saw the birth and spread of these three religions encouraged a close relationship between the private and public in the individual's life in the Middle East.

In Judaism, the land (eretz), the people (ha'am), and the book (torah) cannot be separated. The same applies to Islam, which is a code of conduct, both temporal and spiritual. The Qur'an dictates the faithful's relations with God and people of other faith living within the framework of the Islamic umma (nation). Christianity in the Arab world is also very similar to Judaism and Islam. For example, for some Christians in Lebanon religious values are superseded by the fight for survival. Religion is used in an ethnic sense.[22]

Middle Eastern societies are defined by a variety of ethnic identities. Armenians,

Kurds, Jews, Copts, Circassians, Maronites, these are but some of the minorities that dwell in the contemporary Middle East. The existence of ethnic and ethno-religious groups pre-dates the rise of Islam and the creation of modern states in the Middle East. In the Qur'an, "Peoples of the Book" (Christians and Jews) are treated as "protected peoples," dhimmis, which literally means those on the conscience (dhimma) of the Islamic community. In order to be protected, non-Muslims had to pay a tax, jizya.[23]

Under Ottoman rule, individuals living in the empire did not identify as Ottomans, Turks, Persians, or Arabs, but rather, as Muslims, Christians, Jews, and Druze. The Ottoman administration was controlled in its majority by Sunni Muslims and converts from other religions. In the Ottoman empire, Islamic tolerance of Christians and Jews was defined by the millet (nations) system. "Under the system local communities of a particular sect were autonomous in the conduct of their spiritual affairs and civil affairs relating closely to religion and community, such as church administration, marriage, inheritance, property, and education." [24]

Ethnic groups thus identified with their religious leaders more so than with any abstract notion of the state. The millet system estranged Arab Christians from political life and deepened suspicions between them and Muslims. Christians were treated as foreigners and suspected of being agents of foreign powers; their loyalty was often in doubt. After the fall of the Ottoman empire and in reaction to their plight, Middle Eastern Christians were at the forefront of the new movement for Arab nationalism, the secular movement in the Arab world, and some among them founded socialist parties, such as the Baath (renaissance) Party now in power in Syria and Iraq.

The collapse of the Soviet Union and the pervasive impact of economic globalization have had a negative impact on individuals in the Middle East. Lacking strong and legitimate governments, they have turned to their nuclear and extended families for support and mutual assistance. In addition to reactivating kinship networks, religious and ethnic affiliations, and patronage relationships, Middle Easterners have also embraced the latest inventions of modern technology such as compact discs, satellite dishes, and the World Wide Web.

A perceptive observer of Arab society, Halim Barakat, writes that "the contemporary Arab economic order is a peculiar cluster of different modes of production, all operating at once, which renders it simultaneously semi-feudal, semi-socialist, and semi-capitalist." [25] This schizophrenic nature of Middle Eastern society is also illustrated by the coexistence of religious fundamentalists and secular intellectuals, agrarian forms of production and subsidiaries of multinational corporation, and traditional practices and cosmopolitan attitudes. Following the 1967 Arab-Israeli war which led to the defeat of major Arab armies and disillusionment with the failed promises and dreams of their leadership, the peoples of the Middle East compensated for this failure and betrayal by relying on traditional socio-cultural modes of survival.

Political scientist Bassam Tibi notes that "unlike the imperial and the territorial dynastic states that were familiar in Middle Eastern history, the externally imposed new pattern of the nation-state is defined as a national, not as a communal, polity.... In varying degrees, all states of the Middle East lack this infrastructure.... In most of the states of the Middle East, sovereignty is nominal. The tribal-ethnic and sectarian conflicts that the colonial powers exacerbated did not end with the attainment of independence. The newly established

nation-states have failed to cope with the social and economic problems created by rapid development because they cannot provide the proper institutions to alleviate these problems. Because the nominal nation-state has not met the challenge, society has resorted to its pre-national ties as a solution, thereby preserving the framework of the patron-client relationship." [26]

Social relationships in the contemporary Middle East thus require a melting of the individual's identity and personality within the framework of his communal group. A Maronite Catholic in Lebanon belongs to his community from birth to death whether he/she likes it or not. In addition, the confessional system which is pervasive in Lebanon and other countries in the Middle East means that the individual citizen must be part of a patronage network. Although patron-client relations "play an important role in facilitating the distribution of goods and services among the population and harnessing popular support behind leaders," ties of patronage are essentially asymmetrical: perpetuating these relationships also perpetuates and reinforces the unequal power structure in the starkly stratified societies of the contemporary Middle East.

Patron-client ties ensure that people are kept "in their place: the rich and powerful maintain their dominant positions, from which they have the advantage of becoming even more rich and powerful, while the less fortunate are kept in their subordinate position of dependency, remaining virtually powerless over the decision-making processes and larger forces that shape their lives."

Clientelism and the absence of citizenship in the Western sense of the word have profound implications for reconciliation and processes of conflict reduction in the Middle East. Private justice is meted out through a network in which political and/or religious leaders determine

the outcome of feuds between clans or conflicts between individuals. Ideologies of honor and shame also play a key role in this context. Most of the blood feuds in Lebanon, Jordan, and Palestine originate from incidents where family honor has been harmed. Usually, women are the direct victims of such tragedies. More and more Arab women are struggling to lessen the impact of honor crimes and fight for the abolition of this feudal tradition.[27]

### **RITUALS, CONFLICT CONTROL, AND CONFLICT REDUCTION**

Rituals play an important role in human behavior, especially in conflict control and conflict reduction. In his entry on ritual, the prominent British anthropologist, Edmund R. Leach writes that "citations in the Oxford English Dictionary from the fourteenth century on reveal two distinct trends of common usage for the words rite (ritual), ceremony (ceremonial), and custom (customary).

On the one hand, these terms have been used interchangeably to denote any noninstinctive predictable action or series of actions that cannot be justified by a 'rational' means-to-ends type of explanation." Later on, Leach writes, there is a close connection between rituals and communication behavior. "Human actions can serve to do things, that is, alter the physical state of the world (as in lighting a bonfire), or they can serve to say things...Almost every human action that takes place in culturally defined surroundings is divisible in this way; it has a technical aspect which does something and an aesthetic, communicative aspect which says something." [28]

Anthony Giddens, the famous British sociologist, remarks that rituals are crucial to both the individual's emotional well-being and communal harmony and social integration:

"Without ordered ritual and collective involvement, individuals are left without structured ways of coping with tensions and anxieties....Communal rites provide a focus for group solidarity at major transitions as well as allocating definite tasks for those involved....Something profound is lost together with traditional forms of ritual....Traditional ritual...connected individual action to moral frameworks and to elemental questions about human existence. The loss of ritual is also the loss of such frameworks." [29]

This very important observation brings to the fore the malaise that exists in Western society where anomie and atomistic modes of living have relegated customs and rituals to the trash heap of pre-modern, non-rational history. The individual is then left to fend for him or herself through individualistic means. In conflicts, individuals in Western societies have recourse to an attorney or a therapist. The family becomes an alien entity and alienation leads to violence and despair.

For a country coming out of 16 years of civil strife, priorities do not include training for conflict control and reduction. In Lebanon and other Arab societies, conflict resolution techniques are learned and adopted by professional groups such as businessmen or businesswomen, bankers, engineers, et c. For the rest of the population, conflict control and reduction are handled either by state-controlled courts or by traditional means.

In this context, one of the basic criticisms launched against Western conflict resolution techniques is that they are either too mechanistic or based on therapy-oriented formulas. Although Western techniques and skills are relevant and useful, they ought to be better adapted to indigenous realities.

For instance, in Lebanon, the majority of social workers are women. They are trained in Lebanon's major academic

institutions: the state-controlled Lebanese University and the Jesuit-controlled Universite Saint-Joseph. Once their degree is completed, most of these graduating social workers confront the realities of Lebanese society.

In conflicts involving couples, social workers were usually approached by battered wives; husbands usually refused to deal with the social worker. The path to resolution thus went through the local religious or political zaim (leader), not through the social worker. (As was mentioned above, this is a typical pattern in patriarchal societies.)

Another issue facing social workers attempting to mediate conflicts in Lebanon was child custody matters. In Middle Eastern societies, in the case of divorce, children are kept in the custody of the father. In some instances mothers try to keep their children. The young ones become hostages in the two-way conflict that pits their father's family against their mother. Recently, a decision was made by a Lebanese NGO to stop these training workshops.

These examples highlight the predicament of applying Western modes of conflict control and reduction in communally-based societies where patriarchy is predominant and religious values are paramount. This problem is related to the basic reality that Arab states lack citizens in the Western meaning of individuals bound to one another and the state by an agreed-upon interlocking system of rights and duties. What we have instead are individuals belonging to communities and abiding by their rules and rituals. This does not exclude the fact that many young professionals and educated men and women are struggling to establish secular societies based on individual rights and responsibilities and state accountability.

In large Arab cities, individuals involved in conflicts are more likely than are villagers to resort to the official legal system

to settle their disputes. The legal system, however, is clogged and corruption is pervasive. Moreover, the interpretation of the rule of law in sectarian-based societies or societies based on tribal modes of social interaction has a different meaning. The law is usually that of the powerful and the wealthy (politicians and clergy) or heads of village clans or bedouin tribes.[30]

The rule of law also has to confront the pervasive and powerful influence of patronage and its strong emphasis on asymmetrical power relationships. For example, an individual who has committed a crime can face both the legal justice system and the tribal mode of conflict control and reduction.

This situation underlines the importance of studying closely modes of reconciliation and conflict control in an Arab-Islamic environment. The observer interested in conflict control and reduction in non-Western societies has to look into the rituals that inform individual and community behavior following a crime or any other illegal action.

## **THE RITUALS OF SULH AND MUSALAHA**

The Middle Eastern rituals of sulh (settlement) and musalaha (reconciliation) are alternative and indigenous forms of conflict control and reduction. The sulh ritual, which is an institutionalized form of conflict management and control, has its origins in tribal and village contexts. "The sulh ritual stresses the close link between the psychological and political dimensions of communal life through its recognition that injuries between individuals and groups will fester and expand if not acknowledged, repaired, forgiven and transcended." [31]

The judicial system in Lebanon does not include sulh as part of the conflict control process. Nonetheless, sulh rituals are approved and encouraged in rural areas

where state control is not very strong. The ritual of sulh is today used in the rural areas of Lebanon (the Bekaa Valley, the Hermel area in eastern Lebanon and the Akkar region of north Lebanon).[32]

In the Kingdom of Jordan the ritual of sulh is officially recognized by the Jordanian government as a legally acceptable tradition of the Bedouin tribes. In Israel, the ritual of sulh is still in use among the Palestinian citizens of Israel living in the villages of Galilee.

In some Middle Eastern societies, such as Lebanon, Jordan, and Palestine, rituals are used in private modes of conflict control and reduction. Private modes are processes not controlled by the state whereby customary, traditional steps are taken to restore justice. Sometimes, both private and official justice are invoked simultaneously in fostering reconciliation.

One such step is the process of sulh (settlement) and musalaha (reconciliation). According to Islamic Law (Shari'a), "the purpose of sulh is to end conflict and hostility among believers so that they may conduct their relationships in peace and amity....In Islamic law, sulh is a form of contract ('akd), legally binding on both the individual and community levels." [33] Similar to the private sulh between two believers, "the purpose of [public] sulh is to suspend fighting between [two parties] and establish peace, called muwada'a (peace or gentle relationship), for a specific period of time." [34]

"Sulh is the best of judgments." This is how the Jordanian Bedouin tribes describe the customary process of settlement and reconciliation. The Jordanian Judge Muhammad Abu-Hassan makes a distinction between public sulh and private sulh. Public sulh is similar to a peace treaty between two countries. It usually takes place as a result of conflicts between two or more tribes which result in death and destruction affecting all the parties involved.[35]

Given the severity of life conditions in the desert, competing tribes long ago realized that sulh is a better alternative to endless cycles of vengeance. Each of the tribes then initiates a process of taking stock of its losses in human and material terms. The tribe with minimum losses compensates the tribe that suffered most, and so on.

Tradition has it that stringent conditions are set to settle the tribal conflict definitively. The most famous of these conditions is that the parties in conflict pledge to forget everything that happened and initiate new and friendly relations. The consequences and effects of public sulh apply whether the guilty party was identified or was unknown at the time of the sulh.

Private sulh takes place when both the crime and the guilty party are known. The parties may be of the same tribe or from different tribes. The purpose of private sulh is to make sure that revenge will not take place against the family of the perpetrator.

Regarding the final outcome of sulh, there are two types: total sulh and partial or conditional sulh. The former type ends all kinds of conflict between the two parties, who thenceforth decide not to hold any grudges against each other. The latter type ends the conflict between the two parties according to conditions agreed upon during the settlement process.

Here is a brief sketch of how the ritual of settlement and reconciliation is used in the Middle East. Following a murder, the family of the murderer, in order to thwart any attempt at blood revenge, calls on a delegation of mediators comprised of village elders and notables, usually called muslihs or jaha (those who have gained the esteem of the community).

The mediators initiate a process of fact-finding and questioning of the parties involved in the murder. As soon as the family of the guilty party calls for the mediators' intervention, a hodna (truce) is declared. The task of the muslihs or jaha is

not to judge, punish or condemn the offending party, "but rather, to preserve the good names of both the families involved and to reaffirm the necessity of ongoing relationships within the community. The sulh ritual is not a zero-sum game." [36]

To many practitioners of sulh and musalaha, the toughest cases to settle are usually those involving blood feuds. Sometimes, a blood price is paid to the family of the victim that usually involves an amount of money, diya, set by the mediators. The diya (blood money) or an exchange of goods (sometimes the exchange includes animals, food, etc.) substitutes for the exchange of death.

The ritual process of sulh usually ends in a public ceremony of musalaha (reconciliation) performed in the village square. The families of both the victim and the guilty party line up on both sides of the road and exchange greetings and accept apologies, especially the aggrieved party.

The ceremony includes four major stages: 1) the act of reconciliation itself, 2) the two parties shake hands under the supervision of the muslihs or jaha; 3) the family of the murderer visits the home of the victim to drink a cup of bitter coffee; and 4) the ritual concludes with a meal hosted by the family of the offender. The rituals vary in different places but the basic philosophy is based on sulh (settlement), musalaha (reconciliation), musafaha (hand-shaking), and mumalaha ("partaking of salt and bread," i.e. , breaking bread together). [37]

In the first chapter of the Qur'an, the Prophet Muhammad describes the extent and limits of punishment (qisas) and retribution:

O ye who believe!  
The law of equality  
Is prescribed to you  
In cases of murder:  
The free for the free,  
The slave for the slave,  
The woman for the woman.

But if any remission  
Is made by the brother  
Of the slain, then grant  
Any reasonable demand,  
And compensate him  
With handsome gratitude.  
This is a concession  
And a Mercy  
From your Lord [38]

The Qur'an is a very important source to understand modes of conflict control and reconciliation in Arab-Islamic societies. The holy book of Islam calls for equity in cases of revenge and for forgiveness in cases of apology and "remission."

#### **IMPLICATIONS FOR PRACTITIONERS AND POLICYMAKERS**

The collapse of the Soviet Union and the end of superpower competition throughout the world have awakened dormant ethno-religious conflicts in many regions which can have lethal and devastating consequences. Most of these conflicts are based on centuries'-old feelings of victimization and powerlessness. Such feelings are behind the unending cycles of revenge and counter-revenge we see in Bosnia and Kosovo, Rwanda and Burundi, Sri Lanka, Northern Ireland, between Israelis and Palestinians, and in Lebanon.

Consideration of the role of power in convincing enemies to settle and resolve their conflicts, is crucial for the success or failure of reconciliation efforts. If conflict control and reduction is to succeed in the new global political order, diplomats, policymakers, and practitioners, must first re think how power is perceived and used.

According to the political philosopher Hannah Arendt, true power has nothing to do with guns, muscles, threats or dictators:

"[P]ower is what keeps the public realm, the potential space of appearance between [people] acting and speaking, in existence....Power is always... a power potential and not an unchangeable, measurable and reliable entity like force or strength. While strength is the natural quality of an individual seen in isolation, power springs up between people when they act together and vanishes the moment they disperse. Because of this particularity, which power shares with all potentialities that can only be actualized but never fully materialized, power is to an astonishing degree independent of material factors, either of numbers or means."[39]

This definition of power hints at its transformative, not just its coercive, capacity. Empowering victims and helping them overcome painful legacies from the past can take place through transformative reconciliation rituals such as *sulh* and *musalaha*. "Such rituals readjust individuals and communities to changing aspects of their life-worlds, thereby enabling them to complete difficult and troubling transitions as individuals and as members of a society."[40]

In a recent paper, Thomas Butler suggested that at the end of the hostilities in Bosnia and following the steps leading to acknowledgment and apology, "the act of forgiveness itself should be marked by a ritual to be prepared jointly by historians, poets, and musicians."[41] At the conclusion of the 1994 conference on "Acknowledgment, Forgiveness and Reconciliation: Alternative Approaches to Conflict Resolution in Lebanon," a suggestion was made by some participants to adapt the ritual of *sulh* in order to facilitate acknowledgment, apology, and forgiveness at the national, not just communal level in post-war Lebanon. Ghassan Mokheiber, a prominent Lebanese attorney who has written about traditional reconciliation rituals in Lebanon, has stated

that modified processes of *sulh* and *musalaha* could play a similar role to that of truth and reconciliation commissions in Latin America and South Africa.

The Arab-Islamic rituals of reconciliation are a non-Western indigenous application of the process of acknowledgment, apology, compensation, forgiveness, and reconciliation. Through *sulh* and *musalaha*, the ritual of conflict control and reduction takes place within a communal, not a one-on-one, framework.

Here lies the importance of these rituals for conflict resolution practitioners as well as policymakers. The problem confronting Western approaches to reconciliation, is that in Middle Eastern societies in which the conceptual category of the individual does not have the same validity and importance as in Western cultures. The individual is enmeshed within his or her own group, sect, tribe, or millet. Religion continues to play a crucial role individual and collective lives.

Power in Middle Eastern societies is usually concentrated at the top of the hierarchy whether in the village *zaim* or government leaders (presidents, kings, military autocrats). The state itself is constructed differently from Western nation-states: the concept of national "reconciliation" must occur within entities that were artificially created after World War II. Moreover, given the absence of participatory democracy and the pervasiveness of autocratic rule, the population at large cannot be convinced of the desirability of reconciliation unless tangible benefits ensue. These fundamental realities must be taken into consideration when implementing peace processes in the Middle East.

The history of Israeli-Egyptian and Israeli-Palestinian agreements is not encouraging as far as the transformative power of reconciliation is concerned. Peace in these circumstances resulted from

military persuasion and economic enticement. At the popular grassroots level, peace is perceived as an a deal imposed by a superpower's need to pacify a region of the world whose culture and values are unfathomable except through an orientalist perspective.

Returning to Hannah Arendt's definition of power, collective empowerment of the community of citizens ought to be undertaken in coordination with religious and clan leaders in urban, rural, and remote areas. Religious and traditional leaders ought to be involved in empowering their followers as long as peace is based on a sense of equity and justice. As long as Palestinians, Egyptians, Lebanese, Jordanians, Syrians, and other Arabs perceive that the "peace process" is being imposed on the Middle East without addressing age-old grievances, the harder reconciliation with Israel will be. The ritual of sulh and musalaha offers an example to follow and adapt.

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## NOTES

1. See Muhammad Abu-Nimer, "Conflict Resolution in an Islamic Context: Some Conceptual Questions," *Peace and Change*, Vol. 21, No.1 (January 1996), pp. 22-40.

2. The author was introduced to conflict resolution and trained to teach and apply its skills by Dr. Merle Lefkoff, an experienced facilitator based in New Mexico.

3. This world view is in line with a utilitarian philosophy which pervades intellectual debates in the United States.

4. For further details, see Paul Salem, "A Critique of Western Conflict Resolution from a non-Western Perspective," in Paul Salem, ed. *Conflict Resolution in the Arab World* (Beirut: Lebanon: American University of Beirut, 1997).

5. Western processes of conflict resolution range across a continuum that include situations in which parties have most control (communication, collaboration and negotiation) to situations where parties have least control (mediation and arbitration).

6. Laura Nader, "Conflict: Anthropological Aspects," in David L. Sills, ed. *International Encyclopedia of the Social Sciences*, Vol. 3 and 4 (New York: The MacMillan Co. and The Free Press, 1968), p. 236.

7. For further discussion of victimization and its central role in the perpetuation of conflicts, see Joseph V. Montville, "Psychoanalytic Enlightenment and the Greening of Diplomacy," in Vamik D. Volkan, Joseph V. Montville, and Demetrius A. Julius, eds., *The Psychodynamics of International Relations*, Volume II (Lexington, Massachusetts: Lexington Books, 1991).

8. See Abraham H. Maslow, *Motivation and Personality*, Third Edition (New York and London: Harper and Row, 1987).

9. In his influential book, *Getting to Yes*, Roger Fisher writes that interest-based negotiation, has four basic elements: 1) separate the people from the problem; 2) focus on interests, not positions; 3) invent options for mutual gain; and 4) insist on using objective criteria. For further details, see Roger Fisher and William Ury, *Getting to Yes: Negotiating Agreement Without*

Giving In, Second Edition (New York: Penguin Books, 1991).

10. The author, together with his wife, Laurie E. King-Irani, organized the conference in Lebanon. Funded in part by the U.S. Institute of Peace, this conference was the first organized discussion of the applicability and relevance of acknowledgment, forgiveness, and reconciliation to conflicts in Lebanon and the Middle East.

11. These comments can be found in George Emile Irani, "Acknowledgment, Forgiveness, and Reconciliation in Conflict Resolution: Perspectives from Lebanon," in George E. Irani and Laurie E. King-Irani, eds. *Lessons from Lebanon* (forthcoming).

12. *ibid.*

13. There are no official figures regarding the number of Lebanese kidnapped and "disappeared" during the war. Recent figures published in some Lebanese media sources mention the number of kidnapped Lebanese to be around 17,000. Most are unaccounted for and presumed dead.

14. As of this writing, only one warlord, Dr. Samir Geagea, head of the Maronite-Christian dominated militia of the "Lebanese Forces" (now dissolved), was put on trial and is serving a life sentence in jail.

15. Michael Meeker, *Literature and Violence in North Arabia* (Cambridge, MA: Cambridge University Press, 1979), p. 7.

16. For further details see Laurie E. King-Irani, "Kinship, Class and Ethnicity: Strategies for Survival in the Contemporary Middle East," in Deborah Gerner, ed. *Understanding the Contemporary Middle East* (Lynne Rienner Publisher, 1999).

17. A thorough groundbreaking analysis on the role patriarchy plays in the Middle East can be found in Hisham Sharabi, *Neopatriarchy: A Theory of Distorted Change in Arab Society* (New York: Oxford University Press, 1988).

18. *Ibid.*

19. For a thorough analysis of Egyptian and Arab politics in general see the work of the Lebanese-American scholar, Fouad Ajami, *The Arab Predicament: Arab Political Thought and Practice Since 1967* (Cambridge, MA: Cambridge University Press, 1981).

20. In Iraq, Saddam Hussein and his family, from the Sunni Muslim village of Takrit in north-central Iraq, have dominated Iraqi politics since the early 1970s. The same applies to Syria, where President Hafiz al-Assad's minority Alawi community holds all reins of power. Both Saddam Hussein and Hafez al-Assad are now grooming their sons to take over power in their respective countries.

21. Meeker, *op.cit.* p. 19.

22. See my *The Papacy and the Middle East: The Role of the Holy See in the Arab-Israeli Conflict* (Notre Dame, IN: University of Notre Dame Press, 1989).

23. Regarding the legal status of non-Muslim minorities, see Antoine Fattal, *Le statut legal des non-Musulmans en pays d'Islam* (Beirut: Imprimerie Catholique, 1958).

24. Michael C. Hudson, *Arab Politics: The Search for Legitimacy* (New Haven, CT: Yale University Press, 1997), p. 58.

25. Halim Barakat, *The Arab World: Society, Culture, and State* (Berkeley, California: University of California Press, 1993), p.77.

26. Bassam Tibi, "The Simultaneity of the Unsimultaneous: Old Tribes and Imposed Nation-States in the Modern Middle East," in Philip S. Khoury and Joseph Kostiner, eds., *Tribes and State Formation in the Middle East* (Berkeley, California: University of California Press, 1990), p. 147-149.

27. See Hazem al-Ameen, "Beirut: The Arab Women's Tribunal Symbolized in an Angry Body," *Al-Hayat*, March 6, 1998, p.24.

28. Edmund R. Leach, "Ritual" in David L. Sills, ed. *International Encyclopedia of the*

Social Sciences, Vols. 3&4, (New York: The Macmillan Co. and the Free Press, 1968), pp. 520-526.

29. Anthony Giddens, *Modernity and Self-Identity: Self and Society in the Modern Age* (Palo Alto, CA: Stanford University Press, 1991), p. 204.

30. For an excellent analysis of the legal system in the Arab world see the book by Nathan J. Brown, *The Rule of Law in the Arab World* (Cambridge: Cambridge University Press, 1997).

31. Laurie E. King-Irani, "Rituals of Reconciliation and Processes of Empowerment in Post-War Lebanon," in I. William Zartman, ed. *Traditional Cures for Modern Conflicts: African Conflict Medicine*, (Boulder, CO: Lynne Rienner Publisher, 1999).

32. For further details see Nizar Hamzeh, "The Role of Hizbullah in Conflict Management Within Lebanon's Shia Community," in Paul Salem, ed. *op.cit.*, p.93-118.

33. M. Khadduri, "Sulh" in C.E. Bosworth, E. van Donzel, W.P. Heinrichs, and G. Lecomte, *The Encyclopedia of Islam*, Volume IX, (Leiden, Holland: Brill, 1997), p.845-846.

34. *Ibid.*

35. For further details on Jordanian bedouin rituals of reconciliation see Mohammad Abu-Hassan, *Turath al Badu' al-Qada'I (Bedouin Customary Law)* (Amman, Jordan: Manshuraat Da'irat As Saqafa wa al-Funun, 1987), p. 257-259.

36. King-Irani, *op.cit.*

37. For further details on the basic principles of sulh as applied in the Galilee, see Elias J. Jabbour, *SULHA: Palestinian Traditional Peacemaking Process* (Shefar'Am, Israel: House of Hope Publications, 1996).

38. Surah 1:178 in *The Holy Qur'an, Text, Translation and Commentary*, Abdullah Yusuf 'Ali, New Revised Edition (Brentwood, MD: Amana Corporation, 1989).

39. Hannah Arendt, *The Human Condition* (Chicago: The University of Chicago Press, 1958), pp. 200-201.

40. King-Irani, *op.cit.*

41. Thomas Butler, "Blood Feuds and Traditional Forms of Peacebuilding in the Old Yugoslavia," Unpublished paper. Quoted by permission of the author.