"...Say Peace" (Quran 25:63)

Islamic Perspectives on Peace and Conflict Resolution

Teaching and Training Manual

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"...قالوا سلاما"

2016

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1.) Introduction

1.1) Message from the Lead Author Dr. Amr Abdalla

This manual has been developed by the faculty and students at the Graduate School of Islamic and Social Sciences (GSISS) in Leesburg, Virginia. GSISS's effort to develop models of conflict analysis and resolution for the Muslim community dates back to 1998, when Alma Jadallah and myself, representing KARAMAH (Muslim Women Lawyers for Human Rights), taught the first course on conflict analysis and resolution. I then continued to teach the course over the following four years, with more emphasis on grounding the course in Islamic sources, and with careful attention to the needs of the Muslim community in the United States.

The development of this manual has been gradual over those years. With each course, students and faculty contributed more ideas, and conducted more research. As various components of the training manual were being developed, GSISS faculty and students experimented with using them in presentations and training workshops (including Harvard Law School, 2000; ISNA, 2000-2002; GSISS, 2000; Peaceful Family Project in Atlanta and D.C., 2001; Scuola Superiora Sant'Anna in Pisa Italy, 2002, and George Mason University, 2002). Finally, GSISS agreed to designate a 2-course track for the purpose of producing a conflict analysis and training manual to be used in training for communities in the United States and beyond. Three students committed themselves to attend the two courses, and to participate in the development of the manual (Louai Al-Hafar, Patty Anton, and Fatima Mirza). Together with myself, they completed the design of the manual during the Spring 2002 semester, then completed its development and production in the Summer of 2002.

Since then, the manual, or portions of it, has been used by the authors and different professors and practitioners in university classes and workshops. The manual received positive feedback and appeals to continue to update it and expand its use to more audiences in the United States and beyond. At the same time, the authors have been developing further concepts and training models suitable for Muslim communities worldwide. As a result, in 2015, the El Hibri Foundation approved a grant to me, then Vice President of Salam Institute for Peace and Justice, to update the manual, conduct

new training workshops and prepare a cadre of trainers who can replicate the training models and workshops.

During 2015, with the support of a new generation of colleagues: Lilya Akay, Arezou Hassanzadeh and Marjan Tabari, I embarked upon the task of updating the manual. This entailed an update to three major areas:

1. The mainstream literature on peace and conflict resolution
2. The foundational Islamic concepts especially the Methodology of Maqasid (Objectives of the Sharia)
3. The training models for families, organizations, and youth

As new elements of the new manual were being produced, we received immense support from organizations in the Washington, D.C. area working on Muslim community issues. Leaders and members of KARAMAH (U.S. and Europe), IKRAM, FAITH, the Fairfax Institute, and Youth Foundation for Networking and Friendship all provided venues for conducting **Say Peace** workshops, and have shown enthusiasm and support for the manual and its training models. Several of those leaders and members then participated in the Training of Trainer workshop that was held in October 2015. And finally, in February 2016, a group of the **Say Peace** trainers conducted a workshop for youth and their families on bullying prevention. They skillfully and creatively used elements of the manual to apply to such an important issue, and they have definitely earned their place as pioneering **Say Peace** trainers.

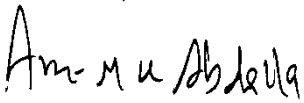
I am grateful to El Hibri Foundation for their generous support to the production of the new version of the manual; to Salam Institute for their continuous support to our effort; to leaders and members of KARAMAH (U.S. and Europe), IKRAM, FAITH, the Fairfax Institute, IIIT (International Institute of Islamic Though), and Youth Foundation for Networking and Friendship; to Ms. Leena El-Ali the project evaluator; and to my co-authors Lilya Akai ,Arezou Hassanzadeh and Marjan Tabari. A special thanks to Maliha Shaikh who spent numerous hours editing this manual under a tight timeline.

We will forever be grateful to the co-founders and co-authors of the first version of this manual: Patty Anton, Fatima Mirza and Louai El Haffar, and to GSISS (The Graduate School of Islamic and Social Sciences) for their vision and dedication which continues to bear fruits until today.

Finally, the stream of gratitude would be incomplete without expressing how my wife Sharmin Ahmad played a key role in supporting this work. I met Sharmin in 1998 when I was starting my work on Islamic perspectives on conflict resolution at GSISS.

Shortly after I met her we had an invitation to speak about Islam in a church in Arlington. She gave the opening remarks about Islam during that presentation by saying: "Islam started with a love story!" I was surprised by that line and was not sure where she was heading. In her eloquent manner, she described how Prophet Mohammad (PBUH), upon receiving the first revelation of the Holy Quran from the angel Gabriel while meditating in a cave, became so shaken that he rushed back to his wife Khadija, who immediately showered him with love, care, support and, most important, belief in his message. Khadija's love and support to the Prophet anchored the establishment of one of the greatest religions on earth. Yes, Sharmin was correct: Islam started with a love story. I use her line every time I lecture or present on issues related to Islam. Thank you, Sharmin, for all your support over the years to see this **Say Peace** manual grow and spread to wider audiences worldwide. The theme of "Islam started with a love story" underlies this entire manual.

In Peace,



Amr Abdalla, Ph.D. February 2016

1.2) Purpose and Plan of the Manual

The purpose of the training manual is to be used in university courses and training workshops on conflict analysis and resolution, with a focus on Islamic perspectives. The information in the manual aim to develop and improve participants' knowledge and skills of conflict analysis and resolution in an Islamic context. The manual is divided into eight sections:

1.) Introduction
2.) Fundamentals of Islamic Perspective on Conflict Resolution
3.) Conflict Definitions and Mapping
4.) Context and Relationship
5.) The Eight Essential Elements of Conflict
6.) An Islamic Model for Conflict Intervention
7.) Training Modules
8.) Authors' Biographies
9.) Appendix 1: Tools
10.) Appendix 2: Sample Hand-outs for Workshops
11.) Appendix 3: Common Grounds & Comparative Study of Maqasid
12.) Appendix 4: Glossary of Arabic Names and Terms

1.3) Methodology

The purpose of this manual is to provide skills and knowledge on conflict analysis and resolution for Muslim communities in the United States and beyond. Such a task requires an Islamic researcher to walk a fine line in order to avoid falling in one of two methodological traps. The first trap is to draw upon western literature on conflict analysis and resolution without sufficient consideration of whether and how that literature may be applied in an Islamic setting. The other trap is to embark upon a review of the existing Islamic literature relevant to conflict. This approach leads directly to entrapment in circles of legalistic interpretations developed centuries ago, which lack the spirit of conflict resolution as a movement for social change and an interdisciplinary field of research.

However, to accomplish the task there is no escape from combining the two approaches, while developing the tools necessary to avoid the shortcomings of each. In this regard, this work takes an approach that is appropriately cognizant of the advances made in the west in the field of conflict analysis and resolution. These advances need not be dismissed merely because of concern about cultural appropriateness of western models for Islamic settings. Instead, western literature should be reviewed carefully in order to extract principles, models and techniques which could properly inform an Islamic model, and exclude or set limitations those which are bound by specific western cultural conditions.

In this regard, tools of conflict analysis are used to explore themes related to conflict analysis and resolution within Islamic sources (the Holy Quran and the Sunnah). The use of these tools allows for discovering not only the legal or linguistic dimensions of conflicts, but also the social, psychological and cultural.

The methodological approach used in this manual is twofold. The first approach builds upon dispute resolution research that has been developed in western settings in the past 20 years. Typically, the western-developed models, although useful in setting the foundation for such research and for conducting cross-cultural comparative research, do not capture several elements that are unique to the Islamic setting. Hence, the second approach explores dispute-resolution concepts, norms and practices which are central to Islamic theory and culture.

1.3.1) Using Western-Developed Models

Cross-cultural analysis of models of conflict analysis and resolution requires an understanding of the prevalent cultural values and norms in a given society. Jean Paul Lederach provides an example of how his attempts to implement a North American inter-personal conflict model in South America revealed to him the numerous cultural assumptions embedded in every aspect of the model. From defining issues, to the concept of neutrality; from the proper entry of a third party, to the procedures; from communicating to generating options, the North American model for inter-personal conflicts seemed too 'Yankee' for the indigenous South American. More profoundly, Lederach recognized the underlying North American cultural emphasis upon the individual and upon independence:

"We assume a large degree of autonomy and individualism. This may be the most important assumption. We expect people to be responsible for resolving their own conflicts. That is an empowering thing, but it assumes a strong emphasis on the "I" and a weak emphasis on the "We." There are many people in the world that have a strong emphasis on the "We." They are not autonomous decision makers but are closely integrated with the wider social network. It is within that network that decisions are made."

In the case Lederach related, it became obvious that models for conflict analysis and resolution that were developed to reflect social values of individualism and autonomy in one society were not applicable in societies that did not share the same values and foundational norms. The implications for cross-cultural transfer of social models such as the conflict resolution models are both explicit and implicit. One explicit implication is that transferring an institutional model based on specific norms and values in a certain society may not prove to be effective in another society. Such transfer also has implicit implications: 1) it may force a change (desired or not) into the "import" society, by requiring that society adjust to the model and; 2) it may deprive the import society of the opportunity to design models based on its own unique norms and values.

The discussion above, which highlighted the significance of cultural norms and values to the building of conflict resolution institutions, also emphasized the need to acknowledge, preserve, and improve upon existing indigenous models which have proven to be effective conflict resolution mechanisms. These assumptions raise questions about how, then, we can design research models to explore and explain

conflict patterns in different cultures. Do we "reinvent the wheel" every time we research one society or the other? Or is it possible to draw upon existing research models?

A review of the literature on these matters shows that theorists on all sides seemed to agree on the usefulness of adapting models already developed in one setting to the other. The usefulness stems from the adaptation process itself. In that process, researchers attempt to adjust the existing model to fit the research needs in another setting. In doing so, cultural and methodological shortcomings become apparent, thus highlighting the differences which a researcher must take into consideration when applying the model. Ultimately, through the adaptation process, a new model emerges that contains elements of the original model and new elements developed in order to account for the unique conditions in the setting to be researched.

David Augsburger distinguished between two approaches to cross-cultural analysis: the Emic and the Etic approaches. "The 'emic' approach describes a cultural phenomenon in terms of its own units. The 'etic' approach imposes categories that are external to the phenomenon." The tendency in this research is to move towards an "emic" approach. However, with the lack of developed "emic" tools to analyze conflicts in Islamic settings, it seems proper to start the process using etic models, while continuing throughout the research process to refine and enhance the models in order to capture any aspects of conflicts that are not accounted for using an external model.

Actually, using an "etic" model developed in the United States, and refining it through the research process, may prove to be more helpful than attempting to develop an all-new Islamic model. One advantage is that such a model will help in contrasting conflict models across the two societies. It could also help in developing more encompassing tools that account for differences across several cultures. Berry recognized the usefulness of such approach:

> Modification of our external categories must...be made in the direction of the system under study, until we eventually achieve a truly emic description of behavior within that culture. That is, an emic description can be made progressively altering the imposed etic until it matches a purely emic point of view; if this can be done without entirely destroying or losing all of the etic character of the entry categories, then we can proceed to the next step. If some of the etic is left, we can now note the categories or concepts which are shared by

> the behavior system we knew previously and the one we have just come to understand emically. We can now set up a derived etic which is valid for making comparisons between behavior settings and we have essentially resolved the problem of obtaining a descriptive framework valid for comparing behavior across behavioral settings.

On the Islamic side, social researchers have raised two issues related to conducting social research in an Islamic context using tools developed in the West. The first issue is related to "is it possible to use tools developed in the West?" The answer to this question was quite similar to the statements discussed earlier from Augsburger and Berry. Muslim social researchers, too, recognize the usefulness of applying Western-developed tools to research in the Islamic context. However, they also realize that in the process of adapting the tools to the Islamic reality, modifications will be necessary until a new more conducive tool is finally developed, which will contain elements of the original tool, and the emerging ones. Elmissery, for example, stated:

> We (Arab Islamic social researchers) recommend that a research design be as follows:
> 1. Provide a theoretical introduction to the issue of research bias [from a cultural standpoint], first in general, then in the specific field of study;
> 2. Utilize the "biased" model to illustrate the extent of its limitations because of its over-emphasis on certain elements, or its under-estimation of elements that are rather important [in the Islamic context];
> 3. Define a refined research tool and apply it, explaining the reason for selecting it.
> 4. Provide the findings of the research, comparing the explanation and prediction effectiveness of each research tool.

Elmissery then used the theory of modernization to illustrate his points. He argued that using Western-developed tools to assess the modernity of a certain society will likely result in "tunnel vision" on economic and technological aspects such as number of highways, work hours, etc. But such tools may neglect to assess the existence of family unity or the positive role of religion in ensuring a certain level of civility and humanity. Consequently, he concluded that a researcher of modernity in an Islamic context will have to re-assess the concepts of modernity specific to the Western experience, and search for concepts that do not judge the Islamic reality "through Western lenses, but attempt to understand that reality based on its own components."

The second issue which Islamic researchers have discussed in this context is the existence of two conditions with Western-developed research models: universal conditions and specific conditions. The universal conditions are those that are found in all societies; while the specific conditions are the ways in which the universal conditions present themselves in each culture or society. Hussein addressed this issue in discussing the relationship between the universal and the specific:

> We (Muslim social researchers) can accept concepts and analytical units such as: class, elite, social stratification, nation, social equilibrium, social preferences, planning, etc., [although] they belong to different Western schools of thought. These concepts or units are universal in nature, but [when applied to the Islamic setting] will include contents that are specific to our independent theoretical model which is influenced by our social reality.

1.3.2) Exploring Islamic Sources

In developing models for dispute resolution within the Islamic setting, it is important to recognize two methodological parameters. First, the discussion of dispute resolution within the Islamic setting removes the focus of the research from the realm of jurisprudence to the realm of inter-disciplinary research, from legality to morality, from the letter of law to its spirit, and from application of law to the pursuit of justice. The focus of such research no longer remains to be legal interpretations and precedents, which have been labored over and documented by legal scholars over the centuries and are known in the Islamic heritage as Fiqh. Fiqh becomes only a part of a larger research which encompasses culture, history, sociology, and psychology. For example, the Quran provides several rules related to divorce situations and conditions. Usually these Quranic verses include four elements: 1) a description of a divorce situation; 2) a rule related to a certain aspect of the divorce (i.e., financial arrangements as a result of the divorce, custody or nursing children); 3) a description of the civility and mannerism which parties should maintain during the process of divorce; and, 4) a reminder to the parties that they are accountable to their Creator for their actions. Fiqh usually focuses on the first two elements: the situation and the rule; together they make the Islamic law. Dispute resolution, on the other hand, attempts to maximize the benefit to the parties of applying not only the first two elements, but also the third and fourth elements which relate to morality, justice and accountability. Dispute resolution, thus, attempts to operate within the larger Islamic world view, not just within its traditional legal system.

The second methodological parameter emphasizes the social justice and social change functions of dispute resolution in relation to Islamic theory and Islamic culture. In such research, it is necessary to distinguish between Islamic theory consisting of the main sources of Islam, Quran and Sunnah, and the Islamic culture which has developed over centuries of integrating the Islamic theory with cultural and traditional practices in different parts of the world. This distinction is vital because Islamic culture does not necessarily follow its sources in the Islamic theory. The mixing of Islamic theory with elements of existing cultures has often led to depriving Islam of its egalitarian, democratic drive. Abuses of power by Islamic rulers, and abuses against women and minorities at times, were triggered by inherent tribal and traditional norms, which overshadowed the pure Islamic message, or forced extreme interpretations of the sources in order to justify these practices. If the dispute resolution as a social movement is considered to be an agent for social change, it will be the responsibility of Islamic dispute resolution professionals to restore the Islamic principles of equality, justice and freedom through their practice. Therefore, in this research, it will be necessary to adhere only to Islamic sources, using interpretations which are consistent with the spirit of Islam. For example, in interpreting several of the Quranic verses and Hadith related to women, it is fundamentally important to recognize the Quranic emphasis on the equality of gender in terms of creation, action and accountability. This foundation sets the stage for a proper understanding of several matters which have been, for centuries, patriarchally misinterpreted. For example, several Islamic scholars tended to emphasize certain segments of Quranic verses while almost ignoring others, resulting in subjugating women and reinforcing male domination. Interpretations which loosely licensed polygamy, and which excluded women from public life, are abundant in Fiqh books. More on these practices will be discussed in detail in the section on "Islam: The Religion of Modeling."

This manual is set to be an example of dispute resolution models which are geared towards social justice and social change. It is not sufficient, nor is it acceptable, to generate dispute resolution models in the Islamic setting which will only maintain the status quo described above, or impose western models without careful review of their advantages and their limitations. If the challenge for dispute resolution professionals in the west is against persistent racism, discrimination and capitalist injustice, for Muslims the challenge is to restore justice and equality by liberating Islam from the doctrine and cultural elements which subjugated its followers to political and social oppression.

In order to fulfill these objectives, we embraced the Methodology of Maqasid (Objectives of Sharia) as a rejuvenating, Islamically-founded approach which investigates Islamic sources in terms of their greater objectives of justice, equality, human dignity and related values. A complete section on Maqasid is included in Chapter Two of the manual.

1.3.3) Conflict Analysis and Resolution as an Analytical Tool of Quran and Sunnah

Having stated our methodology principles as they relate to cross-cultural issues, and our stand on Islamic questions, we were faced with the challenge of actually exploring Islamic sources in order to formulate Islamic models of conflict analysis and resolution. Approaching the Holy Quran and the Sunnah with the purpose of analysis, making inferences, and developing general directions and rules, is no simple task, and must not be done except with careful adherence to sound research methods. At the same time, we have not intended for our approach, as indicated earlier, to be a replica of legalistic and linguistics approaches. As explained above, our intention has been to comprehend conflict analysis and resolution within the holistic approach of Islam, which encompasses social, psychological, cultural, and legal dimensions of conflicts.

Our first step in this direction was to review various analytical tools available in the field of conflict analysis and resolution. This review led us to developing an analytical tool with two dimensions: the conflict-specific dimension, and the contextual dimension. The tool, which has the acronym C.R. SIPPABIO, attempts to provide a detailed understanding of the various elements (i.e., sources, parties, attitudes and behaviors) that constitute a conflict, and the contextual factors (i.e., culture, ethnicity, history) that influence it.

This tool has become not only our conflict analysis tool, but also our Islamic-sources-analysis tool. By this we mean that we apply C.R. SIPPABIO to various verses in the Holy Quran and Sunnah using the following process:

- Search for elements or factors of C.R. SIPPABIO in Quranic verses and Hadith.
- Identify found elements.
- Construct a theme or an observation based on the meanings in the verses or Hadith.
- Trace the theme in other parts of the Holy Quran or Hadith.
- Match the theme to permanent principles or time-space guides.

- Make conclusions about the theme based on its internal and external validity.

A good example of how we applied the process above is with the verses related to divorce and family disputes at Surat Al-Baqara (2:226-235). The ten consecutive verses address various situations of divorce or related matters such as custody or alimony. Obviously these verses deal with conflict situations, and do include several of the C.R. SIPPABIO elements and factors such as parties, relationship, issues, attitudes and feelings, behavior, intervention and outcome. One theme that emerged in all these verses was related to attitudes and feelings. The use of the word "ma'roof" (meaning to act with decency and kindness) was repeated in almost every single verse (9 times in 10 consecutive verses). Such a discovery, absent from strict legal and linguistic approaches to the Holy Quran, seemed to constitute a consistent theme- that is, when in family disputes, especially the most severe ones that end up in divorce, the attitude and behavior of parties must be based on the concept of ma'roof. In other words, attitudes and behaviors based on revenge, retaliation, desire to inflict harm on the other, are all in complete violation of the concept of "ma'roof." Further, we investigated the concept in another location in the Holy Quran, in order to see if the theme will hold its internal and external validity. We looked at Surat Al-Talak. Consistent with the theme that we discovered in Surat Al-Baqara, that very short Surat (12 verses), included the word "ma'roof" three times in relation to divorce situations. Finally, the theme seemed to be consistent with the general guides and directions in the Holy Quran towards compassion, forgiveness, and concern for the well-being of the community.

Based on such analysis, we concluded that the Holy Quran puts much emphasis on the need to develop a positive, amicable attitude among parties in marital disputes. This attitude, of course, is something that we, conflict resolution professionals, must highlight to our audience, find means to make it a strong cultural theme among our children, our women and our men, and to help our brothers and sisters to improve the skills that will help them develop and maintain such an attitude.

This is how the field of conflict analysis and resolution is different from the legal profession or the Fiqh approaches. We do not necessarily issue verdicts or render judgments; instead we address all dimensions of conflict, and we use various techniques (education, training, advocacy, mediation, arbitration) in order to ensure that Muslims learn how to apply the Holy Quran and Sunnah to their lives, in a manner that fosters and reinforces the overarching principles and Maqasid of Islam: peace, justice and compassion.

Throughout this manual, more examples of what we explored in the Holy Quran and Sunnah will be shared, and the trainers will use various techniques to help the audience understand such concepts, and how to practically apply them in conflict situations.

2.) Fundamentals of Islamic Perspectives on Conflict Resolution

2.1) A Historical Bridge to the 14th Century!

In my research and study of Islamic Sharia, I have been particularly intrigued by three historical figures from the 14th century: Ibn Batouta (1304-1369), Imam Al-Shatibi (1320-1388), and Ibn Khaldoun 1332-1406. The contribution of those three figures reflected the civilizational zenith of Islam, and signaled the intellectual, cultural and personal sprouting beyond the confines of legalism (fiqh) as the dominant expression of Islamic knowledge.

Ibn Batouta embarked on a personal journey throughout the Islamic world from Morocco to India, and the Maldives, not concerned with the political demarcations that have always divided the Muslim world and spread havoc politically, economically and socially. Instead, he was interested in observing and documenting his impressions about people, places, cultures and how Islam was infused with life in different parts of the world. He left to us a rich document, "Al Rihla," which describes the lives of Muslims across the Muslim world. Two facts always amazed me about Ibn Batouta's journey: the first is how he used to move from town to town relying confidently on the existence of guesthouses offered by spiritual groups (known as Sufis in some places) spread across the Muslim world. The guesthouse system emerged as a reflection of Islamic spirituality and values of generosity, and had become a Muslim world-wide institution offering services to wayfarers. Ibn Batouta used that system often and frequently across the entire Islamic world, until his "blogs" became so famous, also across the Muslim world (which is another indication of the effectiveness of that civilization in disseminating literature and information across the Islamic world!), to the point that rulers of Islamic states started to welcome him in their palaces! In India he was welcomed by Muhammad Tughluq, the Sultan of Delhi.[1] The Sultanate at that time suffered from shortage of learned judges. As Ibn Batouta was educated in Islamic Sharia in Morocco, the Sultan found him to be qualified, and offered him the job of a

[1] http://ibnbattuta.berkeley.edu/7delhi.html

judge in India (the second point I wanted to highlight)! Obviously the Islamic legal system has developed in a highly concise and unified manner to the point that someone educated in Islamic Sharia in Morocco can easily pick up and function as a judge in places as far as India!

Ibn Batouta's book and stories demonstrated the tremendous multicultural essence of the Muslim world, and at the same time highlighted the consistency and permanency of several salient cultural features across the Islamic world. Somehow when I travel across the US, and enjoy the consistent highway systems, hotel systems, dining systems, I can only imagine how appreciative Ibn Batouta must have been in the 14th century to also enjoy a consistent model of guesthouses and educational/professional equivalency!

In the meantime, Imam Al-Shatibi, a legal scholar by profession, was quibbling with legal juristic debates and arguments within and between the four established juristic schools of thought in Islam (Hanafi, Shafi, Hanbali and Maliki), and at the same time was witnessing how the Islamic world of his time has become different from that which existed at the time of issuing most of such rulings, juristic fatwas, and edicts. He was becoming aware of the need to develop new methodologies to explore the deeper objectives of Sharia. He realized that sticking to the letter of the text and the specific rulings with their outdated interpretations had become a hindrance to the growth and development of Islamic societies. His magnificent contribution to us, to date, has been the introduction of the theory of "Maqased el Sharia" (Objectives of the Sharia). "Maqasid el Sharia" provides a methodology free of time and place constraints on the interpretation of Islamic sources, while ensuring that clear methodological guidelines and principles are in place in order to safeguard against the potential deviation from the Straight Path. Al-Shatibi's work has been quoted or emulated in the work of various scholars, and was even reflected in the work of his contemporary Ibn Khaldoun when he unpacked the long-standing argument that the Imam of Muslims must descend from Quraishi origin (the tribe of Prophet Mohammad). Ibn Khaldoun used specifically the term "Maqased" to explore the objectives of requiring an Imam to be Quraishi, and in doing so he was able to conclude that such a condition was outdated, as it now defied its own purpose due to changes in social, cultural and political dynamics.

Al-Shatibi's work continued on to influence more scholars in the last two decades: Ibn Ashour and Jassir Ouda are two prominent scholars who have followed in his footsteps in order to update and make relevant the theory of "Maqased el Sharia."

Also in the meantime, while Ibn Batouta was travelling and blogging, and Al-Shatibi was setting the foundation for a new methodology of religious interpretations, Ibn Khaldoun was opening a new frontier of knowledge: Sociology. Ibn Khaldoun was hardly interested in adding yet another block to the already massive body of juristic fiqh. Instead, he was interested in the movement of societies, their composition, their internal strength and weakness, and their ruling systems. By the 14th century, the Islamic world had witnessed the rise and fall of numerous ruling regimes, including empires, and societies had endured major shifts and turbulences. Ibn Khaldoun investigated the patterns and dynamics which led to the rise of strong ruling regimes, and those that led to their demise. He also looked ecologically at factors that may have influenced various societies socially and economically. As mentioned above, Ibn Khaldoun had at times to deal with issues of juristic nature. But when he did he seemed to apply what he was learning about the internal societal and political system rather than the purely legalistic one. His contribution to humanity's knowledge has been immense, and his insights into the Islamic world of his time, using sociological lenses, offered different perspectives on the life of Muslims beyond what was dictated by the dominant juristic fiqh.

The work of those three great personalities of the 14th century has been a source of great inspiration for me, because they all validated the potential for Islamic knowledge beyond the narrow legal juristic fiqh which seemed to become synonymous with "knowledge!" As if anything else other than juristic fiqh was not knowledge. Those three personalities represented where the Islamic civilization that was growing in the 14th century was heading: new frontiers of knowledge, well-grounded in Islamic multiculturalism, Islamic objectives of Sharia, and Islamically-based social sciences.

But all these advances seemed to have come to a halt in the 15th and 16th century. The security threats to various Islamic states and societies in Andalusia, in India and Central Asia, and elsewhere, were bringing the dominant political regimes in the Muslim world to their logical destruction. The Ottoman Empire emerged as a response to such security threats, and managed to provide a security blanket to most of the Muslim world for three centuries. With that security blanket came a reinforced "knowledge" based on stricter legalism, combined with a new mode of imperial bureaucracy. Under that regime, the likes of Ibn Batouta, Al-Shatibi and Ibn Khaldoun had no space. And when the Ottoman Empire entered into its natural stage of deterioration in the 18th and 19th century, the Muslim world was left with neither an effective empire nor a civilization.

It was left to struggle against foreign domination and incursion by asking the 200-year-old question: what went wrong?

Now in the 21st century, we are searching for approaches to resolving conflicts grounded in our Islamic heritage, while connected firmly to our modern times. We find that the civilizational work of the three 14th century figures provides to us much confidence that we can pick up from where they left off! We want our exploration of conflict resolution with Islamic perspectives to be as multicultural as the journey and blogs of Ibn Batouta; we want our interpretations of Islamic sources to be grounded in Maqasid systemically and methodically like Al-Shatibi once established; and we want our analysis of peace and conflict to dig into sociological patterns like Ibn Khaldoun once started. And we want to do so while fully aware that we live in the 21st century; we want to be inspired by their wisdom and the hope they had offered to the Islamic world at that time, and to hopefully build formidable civilizational models based on sincere understanding of Islam, which this time will not collapse again under political agonies, strives and intrigues.

2.2) A Maqasid Foundation for The Islamic Perspectives on Conflict Resolution

2.2.1) Introduction:

The root of much of our struggle as a Muslim community in the 21st century lies in the fact that we have become so obsessed with the appearance of Sharia laws, that we sacrifice the ultimate objectives of the law for its appearance. This is exactly why many religious-based conflicts begin in the first place: we fight over the means, and we lose sight of the purpose. In this chapter of the Manual we wish to cast light on the distinction of purpose and means in Sharia, and the importance of this distinction in resolving conflicts both inside our heart and in our relations with other people.

The issue of purpose and objectives of Islam can be seen from two perspectives. First, from the view point of Muslim Jurists and their role in discovering the Islamic laws using Ijtihad. Second, from the view point of non-jurist Muslims who practice Islamic laws in their daily life. During the various sections of this chapter, we will be shown that objectives of Islam are important for both groups, although in different ways. The jurists must know and study the objectives of Islam in order to apply them in the

complicated process of Ijtihad, which is beyond the responsibility of the lay people. But the non-jurists need to educate themselves with respect to objectives of Sharia, in order to better apply the Islamic laws in their daily life, and in order to avoid unnecessary conflicts that result from short-minded literalistic application of Islamic laws. In fact, no matter how hard we, the non-jurists, try to act strictly according to the opinions of a jurist, at the end of the day we always face situations when we, the lay persons, are the ones available at the moment to decide how to act or what to say. A competent jurist may inform us about the laws, but he will not be with us all the time to make sure that we apply the law correctly and timely. Thus, application of Islamic law in practice always entails a level of personal judgment, for which a Muslim must educate and prepare her/himself.

Each jurist must take account of such purposes in order to discover the proper application of Sharia laws, or to amend them accordingly and in a timely manner so that the law always serves the purpose fully. By the same token, each Muslim must be aware of these objectives, and use the laws in such a way that they really fulfills the purpose. For instance a man shall not abuse his right of divorce by, e.g. divorcing his wife without proper reasons. Or if their marriage is really an unhealthy one, and if they both realize that divorce is the only chance for them to become better persons, the man shall not refuse the divorce only to torture his wife. This abuse of Sharia laws is against its purposes, and thus against Islam.

What we wish to emphasize in this introduction is that, regardless of whether we are a jurist or non-jurist, we should always be aware that application of Islamic laws blindly and without understanding their underling objectives can be very dangerous for our societies. This is why Prophet Muhammad (PBUH) said *the harms of an act without knowledge far surpasses its benefits,"*[2] and, in another Hadith, he said that those people who are blessed with Aql (intellect) are obligated to gain knowledge about the inner truth of Islam and must strive to reach higher levels of Ma'refa (knowledge) and Yaqin (level of certainty about the Truth); and those who do not use their intellect capacity will be punished.[3]

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[2] Hakimi, Mohammad Reza. Hakimi, Mohammad. Hakimi, Ali. *Al-Hayat, Vol 1* Translated to Parsian by Aram, Ahmad. Qom: Dalil-e Ma Publication, 1384, p199

[3] Muhammad Ibn-Ibrahim Sadr al-din Shirazi, (Mula Sadra). *Sharh Osol Kafi* , Vol. 1. Tehran, Iran. Vezarat Farhang va Amoozesh A'li_Moasese Motaleat va Tahghighat Farhangi (Pajooheshgah) Publication, 1366SH, p 233

In fact, the laws are *means* that are bestowed upon us in order to reach the higher objectives of Islam. Thus, we are not born just to obey them blindly; but to understand their inner truth, and to use them properly to cultivate and purify our souls, so that we deserve to return to our very origin, Allah. Such '*purification*', in order to *return to Allah and to deserve meeting Him,'* is the ultimate objective of Islam, and it can be inferred from many verses of Quran. For instance, Quran says that when Adam descended on earth, God bestowed upon him the means, i.e. *revelations*, that he needed to be forgiven, and to return to Allah, purified from sin. By the same token, Quran says that God has given *the children of Adam*, the means of Sharia, through revelation, so that they use them to refine their souls. 2:37-38 of Surat Al-Baqarah say:

> 37: *Then Adam received from his lord words (of revelation), and He relented toward him [i.e. Adam]. lo! He is the relenting, the Merciful*.
> *38: 'go down, all together, ' We said, 'so if a guidance shall come to you from Me, whosoever follows My guidance no fear shall be on them, neither shall they be saddened.*

The addressee of the verse 38 is all humans. The same concept can be understood from verses 2:45-46. Verse 46 gives the tidings that humans will certainly meet Allah. However, in order to become competent to reach that purpose, verse 45 tells us "*and seek assistance through patience and prayer …"* So even praying, which is one of the pillars of Islam, is only a means that is given to us to be used in such a way that we obtain higher objectives of Islam. It is not just about repeating some rituals, formalities and words; but we shall strive to understand the inner meaning of this religious obligation, and thus, pray in a way that truly lives up to its higher objective.

The aforementioned verses are only a few of the many verses in Quran from which we can understand the objective-oriented nature of Sharia. There are also many other verses that emphasize on the fact that God never does or says anything in vain. For instance: "*For [thus it is:] We have not created the heavens and the earth and all that is between them in mere idle play. None of this have We created without [an inner] truth: but most of them do not understand it*" (44:38–39), and, "*Did you, then, think that We created you in mere idle play, and that you would not have to return to Us...?"* (23:115). Therefore, given that Sharia is also sent by God, it is bound to seek objectives, the study of which is of great importance in Ijtihad, as well as in the life of ordinary people.

At the end of this introduction, we would like to draw your attention to one more example that beautifully illustrates how important it is in Islam to gain *knowledge* about the real meaning of the religious deeds and formalities. Just think for a moment about the first sentence (Shahadah) that every person must say in order to become a Muslim:

'*I witness there is no god, but God.*'[4] It does not merely say 'There is no god, but God'; rather, it says I '***witness***' that there is no god, but God. It does not merely say 'There is no god, but God'; rather, it says I '***witness***' that there is no god, but God; as if I have actually met Allah, and thus now I bear witness to His Oneness.[5]" Now, take a look at 7:172 which says: "*When your Lord brought forth descendants from the loins of Adam's children, and made them testify concerning themselves (He said): 'am I not your Lord.' they replied: 'we bear witness (that You are). ' lest you should say on the day of resurrection: 'we had no knowledge of this*'." 'They' in this verse, refers to all the children of Adam, male and female who once witnessed the Oneness of God, and then, have descended on earth with Adam.

There is a very delicate point in the story of Adam's descendants, and the Shahadah sentence, which is particularly important for our discussion of purpose and means in Shariah. It can be inferred from the above discussion that humans already have the knowledge of Allah in their heart, and they are only supposed to *remember* it. This knowledge is not confined to Oneness of God; rather, Quran says that "*and He taught Adam all the names"* (2:31). One of the meanings of this verse is that Allah gave Adam all the knowledge that he needed to be God's successor on earth. And this is also why Quran says that "*We have indeed created man in the best of moulds*" (95:4). Thus, the knowledge about the inner meaning and purpose of every aspect of religion is already inside the Fitrat (nature) of humans; they just have to remember it by thinking about all the means that God has bestowed upon them, including inter alia, the divine laws.

Existence of this knowledge in humans is also mentioned in 30:30, which says: "*therefore set your face to the religion purely, the upright creation (Fitrat) upon which He originated people. There is no changing of the creation of Allah. This is the valuable religion, although most people do not know."* The relevance of this fact to the issue of purpose and means is that Sharia laws have come to us as '*means'* through which we seek to realize the inner truth and purpose of Islam, so that we *remember* the knowledge that already exist inside our heart; and emphasize again that we shall not perform Sharia laws blindly and unthinkingly; rather, we are supposed to discover the inner truth and the purpose that they embody and represent.

It should be clear by now why Quran emphasizes so much on the importance of thinking and pondering about everything. Quran asks us " *…say: 'are they equal, those*

[4] Ashhado An-La Ilaha illa Allah

[5] Imam Tarif Shraim, Diyanat Center of America (DCA) Weekly Knowledge Series, *Ascending to Allah*, Session 1 on meaning of the Shahada and the word "Allah".

who know and those who do not know? ' only those with minds remember.." (39:9). And it also says that "*but those who were blind in this world, will be blind in the hereafter, and most astray from the path.*" (17:72) That is, those who have lived on earth as though they are blind, and have not opened their eyes and have not thought about what had been revealed to them, will be blind in the other world too. This is why our Prophet Muhammad (PBUH) said: "*Hikmat (knowledge) is the lost property of the believer, So, wherever he finds it then he has a right to take it.*"

With this introduction we open our discussion about the concept of "Maqasid Al-Sharia in Fiqh," namely the purposes and objectives of Sharia. This subject has a very long history, and jurists of almost all Schools, more or less, have considered it in their Ijtihad; however, the depth and width of such consideration has varied over time. In the first section, we will discuss *The meaning of Maqasid*. The second section will be about *The Importance of Maqasid in Ijtihad*. After that, in the third section, we will study the *History of Maqasid*. The fourth section is allocated to *Classification of Maqasid*. Finally, in the last section, *Outcomes of Maqasid for non-Jurists*, we will focus on why understanding the objectives of Sharia laws is important for non-jurist Muslims, and how it affects their life, as well as their duties as a Muslim.

2.2.2) Definition of Maqasid

The word, "Maqasid" (plural of Maqsad) means 'purpose and objective', and the word 'Maqasid al-Sharia' may denote, generally, the following meanings:

- The wisdom behind rulings that "answers all questions of 'why' on various levels."[6]
- A group of divine intents and moral concepts upon which the Islamic law is based, such as: justice, human dignity, free will, magnanimity, facilitation, and social cooperation. Thus, they represent the link between the Islamic law and today's notions of human rights, development, and civility.[7]
- Good ends that the Islamic laws aim to achieve by blocking, or opening certain means.[8]

The subject of the Shariah rules falls into two categories: *ends* and *means*. *Ends* (maqasid) consist of utmost righteousness and benefit (masalih) and avoiding harm

[6] Jasser Auda, The Guide, p 4
[7] Jasser Auda, Purposes Of Islamic Law
[8] Jasser Auda, *Purposes of Islamic Law, On Islam*, (hereinafter 'Jasser Auda, Purposes Of Islamic Law'), available at http://www.onislam.net/english/reading-islam/research-studies/islamic-thought/435520.html

(mafasid), while *means* consist of the ways and methods leading to them.[9] By differentiating between ends and means, the Islamic jurist makes a distinction between what generally cannot be altered and what can be subject to change or amendment due to requirements of time and place in order to better fulfill the *ends* they are set to achieve.

Maqasid, in its general sense, namely the objectives and the *ends* of Islamic laws, has been considered by most of the Schools of Islam; however, the length, depth and method of this consideration has varied over time and from one School to another (This issue will be further discussed in Appendix 2). Nonetheless, in recent centuries, Maqasid has been more emphasized and elaborated by several jurists; it has gradually obtained a very ***specific*** meaning (besides its general meaning), which refers to specific methodologies on the basis of which objectives of Sharia are to be discovered, classified and applied in Ijtihad. This new theory, however is still in its infantry, and its methodologies are under development. Maqasid in this very specific sense is not yet commonly and thoroughly shared by all the Schools. Nevertheless, as we will discuss in Appendix 2, jurists of various Schools have developed their own theories that is supposed to achieve the same goals as those of Maqased Al-Sharia (in the specific sense), i.e. to discover and embody the higher objectives of Sharia into Ijtihad.

2.2.3) The Importance of Maqasid in Ijtihad

Quran and Prophetic traditions (Sunnah), as main sources of Islamic law,[10] have always been subject to different understandings and interpretations by Muslim jurists. The main reason for such differences is that Islamic laws are not simple, direct quotations from Quran or Sunnah. Rather, it takes a great deal of effort and an extensive rational and logical process (called "Ijtihad") to interpret these sources, and to discover the applicable law. During this process there are at least four situations in

[9] Qarafi, Sharh Tanqih al-Fusul, p.353; Qaeafi, Kitab al-Furuq, ed. Muhammad Ahmad Sarraj & Ali Jum'ah Muhammad (Cairo: Dar al-Salam, 1421/2001), vol. 2, pp.450–451, in Ibn Ashur Treatise on Maqasid Al-Sharia, p 229f.

[10] In this Manual, we use the term 'Sharia' and 'Islamic law' in the sense John Esposito explains. Accordingly, "Islamic law refers to *Shari'a* and *fiqh* (Islamic jurisprudence), where *Shari'a* is God's "divine law" contained in the Quran and *Sunna* [prophetic traditions]; and *fiqh* refers to efforts by earthly jurists to interpret *shari'a.*[10] Bassiouni too points out that Islamic Law is founded in the *shari'a* and is derived from it through interpretation by jurists, and hence, *shari'a* is a source of Islamic Law, not its entire body". John L. Esposito, *Oxford Dictionary of Islam* (New York: Oxford University Press, 2003), p 148,; Bassiouni, *Shari'a and Islamic Criminal Justice*, 13-15; p 40-43, in The White Paper, p. 2.

which a jurist needs to know and take account of the Maqasid in its both specific and general meaning:

1) Sometimes, in spite of all efforts, the jurist cannot find any source that reveals the law of a specific situation: for instance Quran may have only forbidden the drinking of wine, but it stays silent about other intoxicating substances. A jurist who knows that the purpose of forbidding wine is that it is intoxicating and harms humans' bodies and souls, could discover the law for other intoxicating substance in light of this objective.

2) Sometimes no specific rule is mentioned in Sharia sources about a certain situation, "*nor is there an equivalent to which it can be connected by analogical deduction.*"[11] For instance, the Hukm for brain or heart transplant, or IVF pregnancies, and its effect on inheritance laws are not mentioned in the scripture at all; and there is no other Sharia law that can be compared to these newly occurred situations. Knowledge of higher objectives is indispensable to solve such situations properly.

3) Sometimes the jurist can find a text in Quran and/or Sunnah that reveals the law on a specific matter. However, in order to complete the process of Ijtihad, s/he is still supposed to conduct a thorough research to ascertain that there is no counter-indicant, i.e. something in Sharia sources that indicates a later amendment or annulment of the law, or anything that negates its validity. In this situation, if the original text or the counter-indicant that he has found does not match with the objectives of Sharia (and the jurist is aware of this disharmony), he will not quit his research until he reaches a high level of certainty. In fact, as Ibn Ashur says: "*a jurist's conviction, in case of the existence of a counter-indicant, is fast or slow in tandem with the degree of his doubt whether or not the counter-indicant suits the purpose of the Sharia.*"[12]

4) Sometimes, the jurist finds the applicable law in Sharia, and there is no counter-indicant in the textural sources either. However, in specific situations he can see that not only the law does not serve its original purpose any more, but its application defeats the purpose. For instance, sale of blood was traditionally forbidden by many jurists. This was because in those days blood was of no practical use, and thus, sale of blood would be considered as Mua'mele Wahi (a transaction that serves no purpose). Wahi transaction is forbidden in Sharia mainly because it causes wastes and meaningless circulation of wealth in the society; which eventually causes social and economic injustice. However, as the science and technology progressed, 'blood' has

[11] Ibn Ashur Treatise on Maqasid Al-Sharia, p. 8
[12] Ibn Ashur Treatise on Maqasid Al-Sharia, p. 10

obtained value as a property, because it can be used in many medical and scientific studies. Therefore, putting a ban on the sale of blood not only does not serve its original objective any more, but it may hinder scientific progress as well as economic justice.

These four situations are only the tip of the iceberg in terms of the importance of Maqasid in Ijtihad. And this is why Imam Al-Shatibi stated that understanding of *maqasid al-Sharia* is a "pre-requisite" to proper understanding of Sharia.[13] Lack of this knowledge among many jurists has frequently led to weak and short-sighted Fatwas that fail to live up to the universal and eternal nature of Islam. As stated in Bassiouni's White Paper:

> [In most of the Muslim states involved in armed conflicts], among other factors, levels of literacy are low, including popular knowledge of the *shari'a* and Islamic law, and […] the general population in these states—including most imams who are one principal source of popular learning—has only rudimentary knowledge of the *shari'a* and Islamic law. Likewise, this religio-legal knowledge is frequently distorted by laypersons claiming to have theological knowledge, or erroneously reporting what they believe authoritative scholars to have said. Even in more developed societies, most Muslims have over-simplified notions of the *shari'a* and Islamic law, which are frequently distorted by local cultural practices. This educational deficit has further been augmented by a centuries-long approach wherein the majority of Muslim scholars have come from a linguistic, grammarian background, which emphasizes knowledge of the Arabic language and its philology, and in which progressive development is limited or nonexistent. The result is a lack of universal and critical perspectives on even traditional scholarship—not to mention contemporary opinion. This explains why critical and progressive intellectual output in the past century has not met the challenges of the times […].[14]

Such a short-sighted approach towards Islam has gradually led many people to fall into either extremes of fundamentalism or secularism. Fundamentalist approaches over-emphasize the words and appearance (Zahir) of the Sharia, and fail to see the

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[13] Al-Raysouni, Ahmad*; Imam Al-Shatibi's Theory of the Higher Objectives and Intents of Islamic Law,* The International Institute of Islamic Studies (IIIT), pp. 326-335

[14] Bassiouni, *Shari'a and Islamic Criminal Justice, 255f,* in The White Paper, p. 10

inner meaning and objectives of it. On the other hand, the secularists over-emphasis the independent power of human logic, and fail to seek assistance from divine sources. However, theory of Maqasid Al-Sharia seeks to strike a balance between these two extremes. On one hand, it acknowledges the power of mind and rationality (as God-given gifts) in discovering the objectives of Sharia; and on the other hand, it emphasizes that Quran and Sunnah should be the main sources for discovery of Maqasid. In fact, a Maqasidi approach is based on the notion that Islam is a religion that can be applied universally and eternally; however, such universality and eternality lies in the objectives and in the heart of Islam, not necessarily in the words. The 'words' are mainly a window towards the inner truth of Sharia. As Ibn Ashur says:

> […] some scholars fall into unending errors when they focus all their attention on words and confine the process of deriving the rules (*ahkam*) of the Shariah to squeezing the words so as to extract their meaning, believing this to be the proper and only course. They continue to examine words and analyze them, hoping to extract their core and essence. Thus, they neglect and fail to take stock of the context of the speech act, which consists […] of contextual evidences (qara'in), speech conventions (*istilahat*), and general context. It is obvious that the context of legislation (*maqam al-tashri'e*) is so sensitive that taking these elements into consideration to comprehend the legislative purport of speech cannot be overemphasized.[15]

The fight over the words, and the negligence of the inner truth, is probably best described in a poem by Rumi, called "*How four persons quarreled about grapes, which were known to each of them by a different name*." This poem is the story of many of us, jurists and non-jurists, who spend a lot of time quarreling about the appearances, while we oversight the ultimate objectives of Islam, such as brotherhood and peace.

How four persons quarreled about grapes, which were known to each of them by a different name.

A certain man gave a dirhem to four persons: one of them (a Persian) said, "I will spend this on angúr."

The second one was an Arab: he said, "No, I want 'inab, not angúr, O rascal!"

[15] Ibn Ashur Treatise on Maqasid Al-Sharia, p. 27

The third was a Turk; and he said, "This (money) is mine: I don't want 'inab, I want uzum."

The fourth, a Greek, said, "Stop this talk: I want istáfíl."

These people began fighting in contention with one another, because they were unaware of the hidden meaning of the names.

In their folly they smote each other with their fists: they were full of ignorance and empty of knowledge.

If a master of the esoteric had been there, a revered and many-languaged man, he would have pacified them;

And then he would have said, "With this one dirhem I will give all of you what ye wish.

When without deceit ye surrender your hearts (to me), this dirhem will do all this for you.

Your one dirhem will become four—the result desired: four enemies will become one through unanimity.

What each one of you says produces strife and separation; what I say brings you agreement.

Therefore be ye mute, keep silence, that I may be your tongue in speech and talk."

(Even) if your words appear uniform (seem to express an agreement), in effect they are the source of contention and anger.

Call to mind (the text), There is no people down to (the words) but in the past a warner dwelt among them.

God said that verily there has never been a people devoid of a vicar of God and a man of spiritual power;

And he makes the soul-birds so unanimous that, in respect of sincerity, he purges them of (all) guile and rancour.

They become (as) kind as a mother: he (Mohammed) said of the Moslems, "(They are as) one soul."

('Twas) through the Messenger of Allah they became one soul; else, they were absolute enemies, every one (to the other).[16]

2.2.4) History

Historical Phases of Development of Maqasid Al-Sharia in Early Islamic Scholarship

[16] Jalal ad-Din Muhammad Rumi (Mevlana Rumi); *Mathnawi Ma'nawi,* Trans. Reynold A. Nicholson, 2nd Book.

Going through the detailed account of historical evolution of Maqasid is out of the scope of the Manual. Nevertheless, reference should be made to the prominent Islamic jurists and imams whose works have played a vital role in the development of Maqasid.

Early History of Maqasid al-Sharia

The history of seeking higher objectives of Sharia can be traced back to the time of Prophet Mohammad (PBUH) and his companions.[17] After the era of companions, the theories of Maqasid have evolved over centuries. The early history of Maqasid al-Sharia can be divided into two phases; 1) early roots of Maqasid (first to fifth Islamic century), 2) inclusion of Maqasid al-Sharia into Usul al-Fiqh literature (fifth to eight century)

1) Early Roots of Maqasid (First-Fifth Islamic Century)

According to Jasser Auda, the early ideas of Maqasid appeared in a number of reasoning methods utilized by Imams of the classic schools of Islamic Law from first to third Islamic century.[18] The reference can be made to al-Salah wa Maqasiduha (Prayers and their Purposes)[19] and al-Hajj wa Asraruh (Pilgrimage and its Secrets)[20] of Al-

[17] "The Treaty of Hudaybiyyah was signed by the Prophet and Suhayl, and Ali ibn Abi-Talib, the author of the treaty, also signed it as a witness. Ali became the fourth caliph and is the person the Shi'a most revere as the legitimate heir to the Prophet. That these events were witnessed by Ali ibn Abi-Talib makes them of greater significance to the Shi'a". […] "This question arose with respect to the Treaty of Hudaybiyya, when the Prophet consented to the return to Quraysh those of its tribe who converted to Islam and went to Madinah to join the Muslims there. The same treaty forfeited the right of Muslims to perform the hajj (without Quraysh's authorization), even though the pilgrimage to Makkah is one of the five requirements of Islam. There were other treaties ceding land occupied by the Muslim nation to Christian and non-Christian nations. This question has contemporary applications, as Muslim theologians and many Muslim believers deem any agreement with Israel or any other body ceding the Muslim holy sites in Jerusalem as unenforceable, because no treaty can compromise or affect something deemed fundamental to Islam. In the same vein, many Muslim states have placed reservations on their signing and/or ratification of human rights treaties with language to the effect that "providing that nothing in this treaty is deemed contrary to Islamic law." For example, Egypt submitted the following reservation to the United Nations upon its signature in 1967 of the International Covenant on Economic, Social, and Cultural Rights: "Taking into consideration the provisions of the Islamic Sharia and the fact that they do not conflict with the text annexed to the instrument, we accept, support and ratifiy it ... ." ICESCR, Dec. 17, 1966, 993, UNTS 3", The White Paper, p 13.

[18] Jasser Auda, The Guide, pp. 15-17.

[19] According to: Ahmad El-Raisouni, Nazariyat Al-Maqasid □ind al-Imam al-Shatibi, 1st ed. (Herndon, VA: IIIT, 1992), in Jasser Auda, The Guide, pp. 15-17.

[20] According to Ahmad el-Raisouni, in: Mohamed Saleem El-Awa, ed, Maqasid Al-Shariah Al- Islamiya:

Tirmidhi al-Hakeem,[21] al-Ibanah 'an 'ilal al-Diyanah (Revealing Purposes in Religious Practices)[22] of Abu Zaid al-Balkhi,[23] Mahasin al-Sharai' (The Beauties of the Laws) of Al-Qaffal al-Shashi al-Kabeer,[24] al-I'lam bi-Manaqib al-Islam' (Awareness of the Traits of Islam) of Al-Amiri al-Failasuf (Al-Amiri Nishapuri),[25] and finally "the first known monograph dedicated to Maqasid" was ilal al-Sharai' (The Reasons behind the Rulings)[26] of the great Shia jurist Ibn Babaweah al-Qummi (Al-Shaykh Al-Sadouqh).[27]

2) Inclusion of Maqasid al-Sharia into Usul Al-Fiqh Literature (Fifth-Eight Islamic Century)

Maqasid went through fundamental developments from fifth to eighth Islamic century. During this period the classification of Maqasid based on levels of necessity (which will be elaborated later under "Classification") was developed and Maqasid turned to be what we know of it today.[28] The jurists who made the most significant contributions to the theory of Maqasid with their writings are: Abu al-Maali al-Juwaini in 'al-Burhan fi Usul al-Fiqh' (The Proof in the Fundamentals of Law), Abu Hamid al-Ghazali in al-Mustashfa (The Purified Source), al-Izz Ibn Abdul-Salam in Qawai'd al-Ahkam fi Masalih al-Anam (Basic Rules Concerning People's Interests), Shihabuddin al-Qarafi in 'al-Furuq' (The Differences), and Abu Ishaq Al-Shatibi in 'al-Muwafaqat fi Usul al-Shari'ah' (Congruencies in the Fundamentals of the Revealed Law).

Al-Shatibi, in particular, made a significant contribution in developing Maqasid and his book 'al-Muwafaqat fi Usul al-Shari'ah' became the standard textbook on Maqasid in Islamic scholarship until the twentieth century.[29]

Contemporary Theories of Maqasid Al-Sharia

Renewed interest of Islamic scholars in the Maqasid began with the work of the Tunisian scholar Muhammad Al-Tahir Ibn Ashur (d.1325 AH/1907 CE) with his

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Dirasat Fi Qadaya Al-Manhaj Wa Qadaya Al-Tatbeeq (Cairo: al-Furqan Islamic Heritage Foundation, al-Maqasid Research Centre, 2006) p.181, Jasser Auda, The Guide, pp. 15-17.

[21] Abū ʿAbd Allāh Muḥammad ibn ʿAlī al-Ḥakīm al-Tirmidhī al-Ḥanafī (d. 296 AH/908 CE)

[22] Mohammad Kamal Imam, Al-Daleel Al-Irshadi Ila Maqasid al-Shari`ah al-Islamiyyah (London: al-Maqasid Research Centre, 2007), Introduction, p.iii, Jasser Auda, The Guide, pp. 15-17.

[23] Abu Zayd Ahmed ibn Sahl Balkhi (d.322 AH/933 CE)

[24] Al-Qaffal al-Shashi al-Kabeer (d. 365 AH/975 CE)

[25] Abu al-Hassan Muhammad ibn Yusuf al-Amiri (d. 381 AH/991 CE)

[26] According to Prof. Mohammad Kamal Imam of Alexandria University's Faculty of Law (Oral Discussion, Cairo, Egypt, August, 2006), Jasser Auda, The Guide, pp. 15-17.

[27] Abu Jaʿfar Muḥammad ibn ʿAli ibn Al-Ḥusayn ibn Mūsā al-Qummī (d. 381 AH/991 CE)

[28] Jasser Auda, The Guide, p 17-22.

[29] Jasser Auda, The Guide, p 17; Ibn Ashur Treatise on Maqasid Al-Sharia, p xxiii

landmark work on the issue, where he proposed Maqasid as a methodology for the renewal of the theory of the Islamic law, which has not undergone any serious development since the era of the great imams, starting with al-Shafi'i in the second Islamic century and ending with al-Shatibi in the eighth Islamic century.[30]

Ibn Ashur made a significant contribution to the contemporary theory of Maqasid through his renowned book 'Maqasid al-Shari'ah al-Islamiyyah' (The Higher Objectives of Islamic Law). His most significant contribution to new Maqasid has been the expansion of its scope by coining contemporary terminology that was never formulated in traditional Usul al-Fiqh.[31] This development allows Islamic scholars to respond to global contemporary issues and concerns, and to propose practical plans based on higher objectives behind the Islamic rulings for reform and renewal. In fact, the contemporary approach not only has revived the traditional concept of Maqasid, but it has considerably elaborated on this subject, through further analysis of classification of Maqasid, as well as methods of its identification.

In the following sections we will first discuss classifications of Maqasid, namely the different types of objectives of Sharia. After that, we will briefly explain the methods of identification, i.e. methods of discovery and application of Maqasid in Ijtihad.

2.2.5) Classification of Maqasid

The Islamic scholars have provided different classifications of Maqasid based on different criteria and approaches. The traditional classification divides purposes of Sharia based on their level of necessity for, and impact on, the 'existence and survival' of society.[32] According to this classification, the Maqasid is classified into three categories in a descending order based on their importance for society and the individuals: Essentials (Daruriyat), Needs (Hajiyat), and Luxuries (Tahsiniyat).

1. Essentials (Daruriyat): The category of Maqasid which protects and promotes 'essentials and indispensible' interests of human beings safeguards one's five essential interests; namely faith, life, intellect, property, and lineage. These five are also called as "*fundamental universals*".[33] Some have added preservation of 'honor' to these five

[30] Ibn Ashur Treatise on Maqasid Al-Sharia, p. ix
[31] Ibn Ashur Treatise on Maqasid Al-Sharia, p. x.
[32] Ibn Ashur Treatise on Maqasid Al-Sharia, p. 117
[33] Ibn Ashur Treatise on Maqasid Al-Sharia, p. 119ff

categories.[34] By definition, this category of Maqasid preserves those interests which are necessary for survival and well-being of people and ultimately the society. There is "*general agreement that the preservation of theses [essentials] is the* ***objective behind any revealed law***".[35]

Some examples for preservation of the indispensable interests of human beings in Sharia are:

- Example 1: Abortion is forbidden in Islam, unless keeping the fetus leads to death of the mother or child or both of them. Therefore, the first and default rule is that we are not allowed to deprive a human being from life. However, if keeping the baby leads to death of the baby or mother, some jurists allow abortion in these very specific cases, under prescription of a qualified doctor.
- Example 2: As we know, certain foods are Haram,[36]such as pork, or a dead animal (i.e. an animal that is dead by natural causes, or is not hunted or killed by Dibh Shar'i (in a manner prescribed by Sharia). However, if a person is in a very exceptional situation when he does not have access to any food but Haram food, and his life is in danger due to hunger, Sharia allows him to eat from that food as much as he needs to survive. This is due to importance of life.
- Example 3: Safeguarding the Honor is among the most important objectives of Islam, regardless of whether we consider it as one of *fundamental universal* or not. This is why the threshold for proving some crimes such as adultery is very high. In order to prove this crime, four men who are considered just and sound (Aqel) must have personally witnessed the adultery completely, in such a way that they can be sure of all the details that are necessary to establish the adultery. If any person accuses another person of adultery and cannot prove his claim by this evidence, he himself will be subject to severe punishment. Even if one of the persons who committed adultery confesses, whereas the other one does not confess, the person who has confessed may be convicted of *Qadf*, which means false accusation of adultery, and is itself one of the most severe crimes under Sharia law.

The reason for such a high threshold of evidence is that Islam wants to safeguard the honor of humans. This is why, although nowadays adultery may be also proved by some medical examinations, many jurists believe that such medical tests cannot and

[34] Al-Ghazali, *Al-Mustashfa,* vol. 1, p 172; Al-Shatibi, *Al-Muwafaqat,* vol. 3, p. 47, in Jasser Auda, Maqasid al-Sharia as Philosophy of Islamic Law; Ibn Ashur Treatise on Maqasid Al-Sharia, p. 123

[35] Al-Shatibi, *Al-Muwafaqat,* vol. 3, p. 5, in Jasser Auda, Maqasid al-Sharia as Philosophy of Islamic Law

[36] Islamic commandments are categorized in five groups; compulsory (*wajib*), recommended (*mustahab*), neutral (*mubah*), abominable (*makruh*), sinful (i.e. abstaining is obligatory) (*haram*)

must not replace the witness of four just and sound men. This is because the purpose of this type of evidence is not just to prove or disprove occurrence of the incident; rather, one of its main purposes is to preserve the honor.

The essentials mentioned above were originally enumerated by Ghazali, who did not explicitly limit them to a particular number.[37] However, later jurists restricted the Maqasid into an exhaustive list. Nonetheless, Ibn Taymiyyah departed from this notion and made the subject of Maqasid an open-ended list.[38]

2. Needs (Hajiyat): Maqasid on the level of '*needs*' are less essential for the survival of people and the community. These are complementary interests which are regulated by Sharia to achieve the society's interests and improve its well-being. According to al-Shatibi, "it consists of what is needed to attain comfort and alleviate hardship".[39] The reference, for instance, can be made to laws regulating divorce, which alleviates intolerable hardship. Also, most of the permissible acts under Sharia, including most of the social transactions, belong to this category.[40]

For instance, there is a question about Zakat that whether a Muslim may himself spend Zakat in the manner that he sees fit, or he shall submit it to imam, and imam shall decide about the grounds for spending it. Mughnieh has argued that the main purpose of Zakat is purification and refining human's soul. And submitting Zakat to imam does not play any specific role in fulfilling this objective. Rather, a human can connect through his soul to God directly, and not necessarily through the intermediary of an imam.[41]

3. Luxuries (Tahsiniyat): 'Luxuries' comprises of what leads to refinement and perfection of the society and people affairs. To this category belongs, for instance, the Sharia's encouragement to attain cleanness of body at all times in general and during prayers in particular.

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[37] Gamal Eldin Attia, *Towards Realization of The Higher Intents of Islamic Law ; Maqasid Al-Shria, A Functional Approach,* The International Institute of Islamic Thought (IIIT), 2007, p. 77

[38] Kamali, Mohammad Hashim; *Maqasid al-Sharia Made Simple*, occasional papers series 13, The International Institute of Islamic Thought (IIIT), 2008, p. 8

[39] Ibn Ashur Treatise on Maqasid Al-Sharia, p. 123

[40] Ibn Ashur Treatise on Maqasid Al-Sharia, p. 123

[41] Vakilzadeh, Rahim. "Maghased-e Shariat az Didgah-e Sheikh Mohammad Jawad Moghnieh [Maqasid al-Sharia from the view point of Sheikh Mohammad Jawad Moghnie], *Allame Quarterly Journal No. 9(1385)* pp. 253- 267 Available at: http://www.ensani.ir/fa/content/264298/default.aspx

In studying the three main categories of *essentials, needs and luxuries,* it must be noted that, "the levels in the hierarchy are overlapping and interrelated […]. In addition, each level should serve the level(s) below.[42] Also, the general lack of one item from a certain level moves it to the level above. For example, the decline of trade on a global level, for example during the time of global economic crises, moves 'trade' from a 'need' into a 'life necessity,' and so on. That is why some jurists preferred to perceive necessities in terms of 'overlapping circles,' rather than a strict hierarchy."[43]

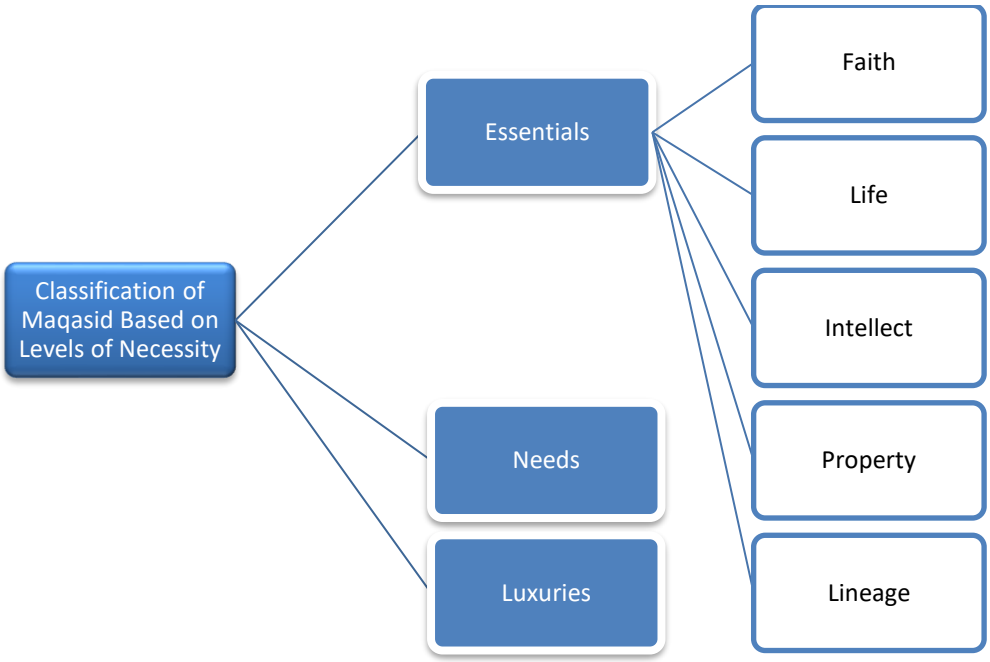

Chart 1: Classification of Maqasid based on levels of necessity

This traditional classification of Maqasid was criticized by later jurists on different grounds and new classifications were proposed accordingly. One new classification is based on the scope and extent of coverage of each Maqsad with respect to Islamic rulings. According to this classification, the Maqasid are divided to: *general* Maqasid (al- Maqasid al-Ammah), *specific* Maqasid (al- Maqasid al-Khassah), *partial* Maqasid (al-Maqasid al-Juziyyah).

[42] Al-Shatibi, *Al-Muwafaqat* vol.1. p. 151, in Jasser Auda, The Guide, p 5
[43] Jasser Auda, The Guide, p. 5, Amal Atiyah, Nahwa Tafil Maqasid Al-Shariah (Amman: al-Ma'had al-Ali lil-Fikr al-Islami, 2001) p. 45, in Jasser Auda, The Guide, p. 6

As stated by Jasser Auda:

- **General Maqasid** […] are observed throughout the entire body of Islamic law, such as the necessities and needs […] and newly proposed maqasid such as 'justice', 'universality', and 'facilitation'.
- **Specific Maqasid** […] are observed throughout a certain 'chapter' of the Islamic law, such as the welfare of the children in family law, preventing crime in criminal law, and preventing monopoly in financial transactions law.
- **Partial Maqasid** […] are the 'intents' behind specific scripts or rulings, such as the intent of discovering the truth in seeking a certain number of witnesses in certain court cases, the intent of alleviating difficulty in allowing an ill and fasting person to break his/her fasting […].

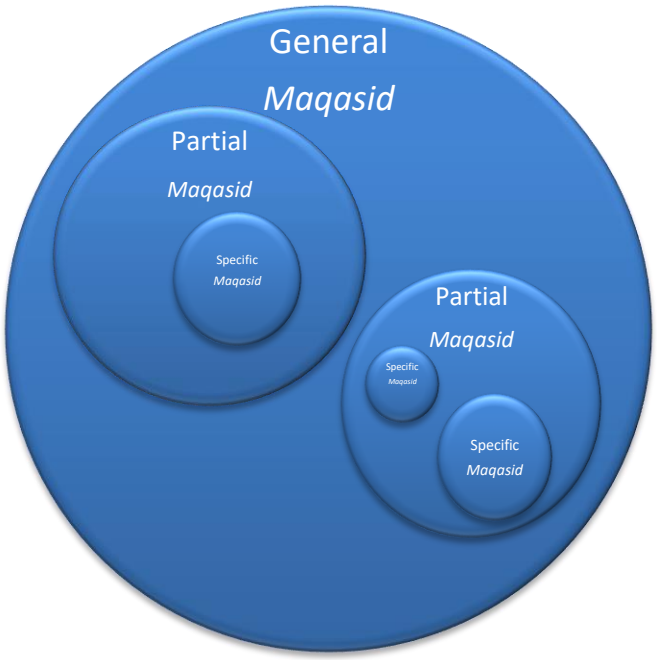

Chart 2: Classification of *maqasid* based on the scope of rulings[44]

Other classifications have also been proposed according to, for instance, the scope of people whom Maqasid deals with, the levels of universality, the value of evidence and

[44] Jasser Auda, *Maqasid al-Sharia as Philosophy of Islamic Law*, p. 7

proof supporting them, and their level of importance and urgency.[45] Nonetheless, as concluded by Auda, "*al- Maqasid structure is best described as a 'multi-dimensional' structure*",[46] for which different viewpoints and classifications can be valid. In other words, Maqasid can be viewed and classified from a variety of perspectives, including all the aforementioned categorizations, and yet not limited to it. What matters is that a jurist be aware of this multi-dimensional structure, and be able to consider all of them in his/her Ijtihad.

2.2.6) Identification of Maqasid

It is worth mentioning that this part should be considered only as an introduction to the important subject of Identification of Maqasid. The depth and width of the subject is of such magnitude that can be subject to a distinct study. Therefore, the simplification of the issues must be taken into account during the reading.

The method of discovery and identification of objectives of Sharia is as important as the classification of it. In fact, Ibn Ashur believes that the shortcomings of the traditional methods of Ijtihad and *Usul Fiqh* have been one of the main reasons why higher objectives of Sharia have not received their deserved attention so far. Therefore, in order to have a proper Maqasidi approach, we should be ready to amend our traditional methodologies in identification of Islamic laws in *Usul al-Fiqh*, particularly with respect to identification of Maqasid. This is why he says in his book '*Treaties on Maqasid al-Sharia*', "*You should know that our approach does not consist of establishing the various Maqasid Al-Sharia* ***on the basis of the conventional proofs, with which we are familiar in Usul Al Fiqh****."*[Emphasis added][47] Rather, he proposes a new methodology for this process. In this new methodology, he specially emphasizes on the fact that the most important principle in a Maqasidi approach is that the jurist must all the time abide by the principle of *justice*, and shun bias, and refuse from fanaticism or blind imitation of his teacher or any other person. For instance, he should not be like Ibn Arafah who said about his teacher "*I never disagreed with him in his life, and I will not*

[45] For further information see, for instance, Jasser Auda, *Maqasid al-Sharia as Philosophy of Islamic Law*, p 1 – 9, Gamal Eldin Attia, *Towards Realization of The Higher Intents of Islamic Law ; Maqasid Al-Shria, A Functional Approach,* The International Institute of Islamic Thought (IIIT), 2007, pp. 77 – 151 ; Kamali, Mohammad Hashim; *Maqasid al-Sharia Made Simple*, occasional papers series 13, The International Institute of Islamic Thought (IIIT), 2008, pp. 4 – 8.

[46] Jasser Auda, *Maqasid al-Sharia as Philosophy of Islamic Law*, p. 8

[47] Ibn Ashur, *Treaties on Maqasid Al-Sharia,* p. 13

differ with him now that is dead."[48] A jurist must always remain impartial, and he must use his own analytical judgment in pursuit of the truth.

Very briefly speaking, there are three methods for identification of Maqasid: 1) Istiqra (thematic inference), 2) Quran textual proofs whose connotations are clear 3) The contiguously transmitted traditions (sunnah mutawatirah). Below is a summary and few examples of each method:

1) Istiqra (thematic inference): this method involves "exhaustive examination of the provisions and commands" in order to infer the ratio legis or objective behind them, that reveals a higher objective, e.g. objective of justice, or brotherhood.

Examples: When someone proposes marriage to a woman, other men are forbidden from making a new proposal to her until after she rejects the first man. By the same token, it is forbidden for a business person to propose a competing offer to a seller after the seller has already completed a deal with another businessman. "We know that the underlying reason (illah) of all these prohibitions lies in the alienation which results from striving to deprive others of a benefit that they seek. When we know all that, we infer from it a specific objective that consists in maintaining and promoting brotherhood among Muslims. Accordingly, we use this objective to establish the negation of prohibition in proposing marriage after another proposal or in making a deal with a customer after another deal, if the first person who proposed marriage and the first person who made a deal has changed his mind."[49]

2) Quran: In specific circumstances, we can infer from Quranic texts a Sharia objective that can be used in resolving disagreements in juristic matters.[50] For instance, the following verses: "God wills that you should have ease, and does not will you to suffer hardship" (2:185); "and has laid no hardship on you in [anything that pertains to] religion" (22:78).

It can be inferred from these Quranic verses the removal of unnecessary hardship is among the objectives of Sharia (la haraj). This objective is the among the reasons for many Sharia laws, for instance, although the right of divorce is given to man, a woman can also ask for a divorce if continuing the marriage causes unbearable and unnecessary hardship for her. Or, if her husband leaves her for a long time, she may be

[48] Ibn Ashur, *Treaties on Maqasid Al-Sharia,* p. 14
[49] Ibn Ashur, *Treaties on Maqasid Al-Sharia,* p. 16
[50] Ibn Ashur, *Treaties on Maqasid Al-Sharia,* pp. 17-18

entitled to ask for divorce (the length of duration, and the reason why the man has left the woman, are to be scrutinized in order to determine the hardship.)

3) Third method: Sometimes we can infer the higher objectives through the contiguously transmitted traditions (sunnah mutawatirah). For instance, the same objective that we previously inferred from Quran (removal of hardship), can be inferred from many narrations (Sunna) too.

> We were at al-Ahwaz [fighting the al-.Haruriyah tribe]. When I was on the bank of a river, a man was praying while holding the reins of his animal in his hands. The animal was struggling and he was following the animal. (Shu'bah, a sub-narrator, said that the man was Abu Barzah al- Aslami). A man from the Khawarij said, "O God! Deal harshly with this shaikh." When the shaikh [Abu Barzah] had finished his prayer, he said, "I heard your remark. Certainly, I participated with God's Apostle in six or seven or eight battles and saw his leniency, and certainly, I would rather hold onto my animal than let it return to its stable, for it would cause me much trouble. Likewise, from his observation of the conduct of God's Apostle this Companion concluded that easiness and leniency were among the intended Maqasid al-Shariah, and saw that abandoning the prayer to retrieve his horse and then returning to finish the prayer was better than continuing with his prayer with the prospective hardship of returning home on foot.[51]

A jurist may use either or all of the aforementioned methods to identify the higher objectives of Sharia. However, no matter how hard he tries, there will be many instances that he cannot be sure of the accuracy and validity of his conclusions. In fact, a jurist may face four different situations:

1) Certainty: He may reach a conclusion by certainty. Such situations are, admittedly, very rare. In fact, even if the objective of a law is explicitly mentioned in Quran, still we may expect slightly different interpretations by various jurists. This is because "*most Quranic indicants, belong, however, to the category of literal connotations that are probabilistic rather than definitive and categorical. ….this is why Quran was at the disposal of all the*

[51] Ibn Ashur, *Treaties on Maqasid Al-Sharia,* p. 19

*mujtahids and yet they disagreed upon the rules and provisions they derived from i*t."[52] The same concern holds true with respect to Sunnah.

2) High probability bordering certainty (Zann Qarib bil-Yaqin): Reaching the state of high probability bordering certainty is plausible and accessible, provided that the jurist abides by the principles of impartiality and justice, and he continues his research tenaciously, until he reaches this level.

3) Conjectural (Zann): "*mere conjecture or weak knowledge is discounted…. However, if jurists can reach only weak conjecture, then they must accept it as a mere hypothesis and a possible starting point for jurists after them, as taught by God's Messenger, who said: 'Some of those to whom knowledge is conveyed may comprehend it better than those who have conveyed it.*"[53]

4) In spite of all the efforts that a jurist applies, there may be some instances where he totally fails to discover the real intent and objective of the lawgiver. In such situations, "*the mujtahid concludes that the Sharia requires us simply to submit to God's commands as part of our faith*…"[54] devotionally. For instance, Bukhari narrated from Abu Zinad that he said: "Traditions and different aspects of truth often contradict what people think, yet Muslims have no choice but to accept them. Likewise, we find that a woman, after finishing her menstruation, has to make up any missed days of fasting but she does not have to make up missed prayers."It is also narrated in Muwatta' that Umar ibn Khattab said: "It is strange that one can inherit from the paternal aunt yet she herself cannot inherit." [55]

This is why the Sharia laws are divided into three categories of '*rationalized laws (mu'llal)*,' '*devotional laws (ta'abbudi*),' and '*something in-between'*. The rationalized laws consist of the laws the purpose of which is mentioned or implied in textual sources of Sharia. The devotional laws are those "whose underlying causes are beyond human grasp"[56]. And third type of laws are something in between, i.e. their "underlying causes are covert, but which the jurist can arrive at by rational inference, though they might disagree on the inferred causes."[57]

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[52] Ibn Ashur, *Treaties on Maqasid Al-Sharia,* p. 14
[53] Ibn Ashur, *Treaties on Maqasid Al-Sharia,* p. 53
[54] Ibn Ashur, Treaties on Maqasid Al-Sharia, p. 61
[55] Ibn Ashur, Treaties on Maqasid Al-Sharia, p. 61I
[56] Ibn Ashur, *Treaties on Maqasid Al-Sharia,* pp. 61-87
[57] Ibn Ashur, *Treaties on Maqasid Al-Sharia,* pp. 61-87

Nevertheless, there is no doubt that ***all*** Sharia laws contain an inner truth and an objective, regardless of whether we realize it or not. A jurist must be aware of this issue, and must exert all his efforts to realize these objectives. The more a jurist educates himself in this regard, the less situations he will face where he has to abide by the law devotionally. More importantly, "*if some or all the scholars of a given period fail to discover some of these objectives, this does not necessarily mean that the scholars who come after them will also fail.*"[58] Therefore, a jurist must always relentlessly continue his efforts in order to gain more understanding of the objectives of Sharia.

2.2.7) The Outcomes of Maqasid for Non-Jurists

We hope that we have managed to clarify by now the outcomes and effects of Maqasid in our lives, both as jurist and non-jurist Muslims. Nonetheless, considering the importance of this subject, we rephrase and mention the two most significant outcomes of it below:

1) Maqasid are the hearts of the Islamic and Sharia laws. Regardless of whether a Sharia law prescribes a duty or a right for us, the first and most important responsibility of every Muslim is to exert all its efforts to know the purposes behind it. And then, s/he must do her/his best to perform her/his duty or exert her/his right in such a way that fulfills the ultimate purpose of Sharia in best manner. There is a Hadith from Prophet Muhammad (PBUH) who said even if you have made an oath to do something in the way of God, and then you find a way that fulfills the purpose of the oath in better ways, make an atonement for breaching your oath, and then perform the other thing (the one that serves the purpose in better ways). [59]

In fact, "Obedience from God and the Prophet (PBUH)… who are God's successor on earth is obligatory (and this is a rule that is proved both by A'ql [i.e. intellect] and Hadith). And such obedience does not occur and does not take place unless after we know the objectives and Maqasid of their orders, either through positive knowledge or a valid presumption… and such positive knowledge or valid presumption will not be achieved except through discussion and thinking as well as pondering upon the meaning of Verses and Hadiths….otherwise, if a person conducts an action out of mere obedience and without knowledge, such action cannot be considered as obedience. And given that obedience is mandatory, it is also mandatory to conduct everything

[58] Ibn Ashur, *Treaties on Maqasid Al-Sharia,* p. 67
[59] Al-Bukhari, Muhammad, Sahih al-Bukhari. Hadith No. 6622

that is preliminary in order to be obedient; therefore, [to gain knowledge about the real meaning and objectives of Sharia rules] is also mandatory."[60]

By the same token, "*Islam states that a person must be the perfect servant ('abd) of God in the sense of following His commands. But since God has given us many faculties, including free will and intelligence, our surrender must be complete and total, not limited to only certain faculties. It must involve the whole of our being. Otherwise, hidden thoughts and emotions as well false ideas can combine with a fallacious sense of external surrender of one's will to God to produce acts in the name of religion that can have calamitous consequences*."[61]

In the light of the above, a Muslim may follow a jurist in order to familiarize her/himself with the Islamic laws, but in practice s/he will be the sole responsible person at the moment of application of that Islamic law to decide whether s/he is applying it correctly, in a timely manner, and in line with the purpose of Sharia, or not. For instance, his jurist may allow him to beat his wife in very exceptional cases and under specific conditions. The ultimate purpose of such permission is to preserve the pillars of a healthy marriage. So, in practice it is this follower who should decide whether beating his wife will really preserve his marriage, or will actually affect it the other way around.

Another example is the right of Q*isas* (just retaliation). Islam has given us the right of Q*isas*, but it has given us the option of using it or forgiving the offender. In practice, no jurist can tell the owner of the right of *Qisas* whether s/he should forgive the offender or enforce her/his right to just retaliation through relevant authorities. Making such a decision rightly is not possible without being aware of the objectives of Islam with respect to criminal justice and the role of Qisas in this picture.

By the same token, enjoining what is right and forbidding what is wrong (*al-amr bi-l-maʿrūf wa-n-nahy ʿani-l-munkar*) is a rule of Islamic law that a jurist may consider as *wajib* (compulsory) for his followers. But the followers must be aware of the objectives of this law so that they can decide in practice when and where application of the law will really result in promoting healthy relations in the society, or, to the contrary, it may actually give rise to more problems and conflict, and, thus, eventually defeat its own objectives.

[60] Muhammad, Ali, *Sharh-e Osool-e Istinbat (Lessons in Principles of Jurisprudence),* Volume 1, p. 259
[61] Nasr, S. H. *The heart of Islam: Enduring values for humanity.* New York: HarperCollins. (2004) p. 35

The story of Moses and The Wise Man in the Quran is a very eye-opening story in this respect that is worth mentioning here. After Moses found The Wise Man, he asked him:

"May I follow you so that you teach me something of that knowledge (guidance and true path) which you have been taught (by Allah)?"
The Wise Man said: "Verily! You will not be able to have patience with me!
And how can you have patience about a thing which you know not?"
Moses said: "If Allah will, you will find me patient and I will not disobey you in aught."
He (The Wise Man) said: "Then, if you follow me, ask me not about anything till I myself mention it to you."
(18:65-82)

Here, Moses does not answer the last sentence of The Wise Man, i.e. he does not promise that he will not ask anything. Nevertheless, he starts following The Wise Man. Moses goes with The Wise Man, but every time that The Wise Man does something, Moses keeps questioning him about the reason behind his conduct. One of the most important lessons of this story is that although Moses is following The Wise Man, he does not think that he should follow him blindly. He keeps asking about the reason and the purpose behind such works. More interestingly, The Wise Man, at the very beginning of their journey, asks Moses "*How can you have patience about a thing which you know not*?" In fact, The Wise Man did all those things because he was aware of the reason behind such conducts, and he believed it would be very strange if Moses conducted the same things without having knowledge about their true nature.[62]

This question-oriented approach towards Sharia has another significant effect in Muslim societies, which is: it creates an active peaceful discussion among people (both jurists and their followers), and thus it decreases the probabilities of mistakes in understanding of Sharia, or going astray. Quran (16:25) says: "*… they may bear their burdens undiminished on the day of resurrection, with somewhat of the burdens of those whom they mislead without knowledge. Ah! Evil is that which they bear*!" This verse says that such misleading leaders bear only "*somewhat*" of the burdens of those whom they mislead. It can be inferred from this verse that if a person "A" follows another person "B" innocently but ignorantly, and B mislead A, A will still be held responsible for part of

[62] Motahhari, Morteza, "Ijtihad dar Islam [Ijtihad in Islam]" in *Dah Guftar [10 Articles]*, 19th ed, Tehran, Iran, Sadra Publication, (1382) p. 123

his action. A's ignorance about the wrongful nature of B's commands does not totally release him from bearing responsibility for what he did. Therefore, even if we follow jurists in order to learn about Islamic laws, we must do our own share of research about the purpose and nature of the laws. It is only in this situation that if we still make a mistake and do the wrong thing, we will not be held responsible by God, because we have at least tried to educate ourselves about it. We shall do so even if the jurist is of the highest levels of expertise and spirituality. Let's remember that Moses did the same thing even when he was following the Wise Man, and even when Moses had prayed forty days just so that God would let him meet the Wise Man.

2) The second outcome of Maqasid is the consequence of the first one, which we discussed above. Every Muslim must be careful and sensitive about which jurist or jurists s/he follows. Not only must a jurist be a full expert in Sharia and Maqasid of Sharia, but s/he must be a person of virtue and a just person. In fact, knowledge of Sharia and Maqasid is necessary, but not enough for a person to realize the truth about Sharia. Rather, a person must be also constantly concerned about refinement of his soul.

Quran 2:255 says "*and they do not comprehend anything of his knowledge except what He(God) willed*". This implies that, although it is mandatory for us to endeavor to gain knowledge about Sharia, it is not enough, and in the end, God must allow us and bestow upon us the blessing of knowledge. In order to deserve such knowledge, we must purify our soul, and in fact, one of the meanings of 56:79 of Quran that says "*which none shall touch except the purified (or those who are clean),*"is that nobody can even touch the true meaning of Quran except those who have been spiritually purified and cleansed.[63]

On one hand, there are many verses in the Quran that require humans to exert all their efforts to gain knowledge, and on the other hand there are such verses that imply that knowledge will be given to those who purify their soul. In drawing a conclusion based on all of these verses together, we may say that a jurist must have two characteristics simultaneously: first, s/he must work hard to gain expertise in Sharia and its purposes, second, s/he must also constantly try to become a better person in heart and soul, and

[63] Muhammad Ibn-Ibrahim Sadr al-din Shirazi, (Mula Sadra), *Al-mazaher - al - Ilahiya,* Vol 1. Translated (to Farsi) by Seyyed Hamid Tabibian, Jalaledin Ashtiani, Jafar Sajjadi, Amirkabir., Amirkabir publication, 1364, p. 46

a fully virtuous person. Otherwise, s/he may not be the right person to rely on by his followers.

Interpretation of 2:78 of the Quran also approves of this perception. This verse of the Quran says: "*and there are among them illiterates who know not the book but only lies, and they do but conjecture.*" This verse was mentioned in order to condemn ordinary and illiterate Jewish people who followed their corrupted jurists. A Muslim asked Ja'far ibn Muḥammad al-Ṣādiq why God spoke so harshly towards people who were illiterate. How could those lay people know that their jurists were corrupted? Most importantly, would the same criticism also apply to illiterate and ordinary Muslims who follow unjust jurists? He replied that "*Those illiterate people had witnessed that their jurists told lies, received bribe, changed divine laws whimsically, were full of bias and prejudice, and violated people's rights. …Those illiterate people should have realized by their 'Fitrat' (natural disposition) that a person who commits such sins is not reliable, and thus, they must not follow him, and they must not accept such jurist's orders in the name of God and prophet.*"[64]

In fact, as we also mentioned in the "Introduction," the true knowledge of Islam exists in our heart and in our Fitrat, and we are only supposed to remember it, through pondering upon Sharia and all the manifestations of Allah in the universe. Ibn Ashure also emphasizes on the importance of Fitrat and states "…God has made Islam the religion of the Fitrah and matters of Fitrah pertain to humankind's constitution and inborn disposition…."[65] Therefore, people are capable of understanding wrong and right many a times just by thinking and getting in touch with their inner knowledge. This is why Prophet Muhammad (PBUH) said: "*One can understand what is good (Khair) by means of Aql (intellect), and thus, one who does not use Aql, has no religion.*"[66] It is also narrated by Musa ibn Ja'far al-Kadhim: "*Ya Hesham! Know that people are created to obey and worship Allah, and this is the only way towards salvation. Obedience is, however, contingent upon knowledge, and knowledge can be gained only through education, and education can be achieved only by means of Aql (intellect) and wisdom. Thus, knowledge can be only received from the pious knowledgeable person, and the only way to find such person is to test his Aql.*"[67]

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[64] Motahhari, Morteza, "Ijtihad dar Islam [Ijtihad in Islam]" in *Dah Guftar [10 Articles]*, 19th ed, Tehran, Iran, Sadra Publication, (1382) pp. 119-122

[65] Ibn Ashur, Treaties on Maqasid Al-Sharia, p. 89

[66] Hakimi, Mohammad Reza. Hakimi, Mohammad. Hakimi, Ali. *Al-Hayat, Vol 1* Translated to Parsian by Aram, Ahmad. Qom: Dalil-e Ma Publication, 1384, pp. 188-189

[67] Muhammad Ibn-Ibrahim Sadr al-din Shirazi, (Mula Sadra). *Sharh Osol Kafi* , Vol. 1. Tehran, Iran. Vezarat Farhang va Amoozesh A'li_Moasese Motaleat va Tahghighat Farhangi (Pajooheshgah) Publication, 1366, p. 373

All in all, although not every person can become a jurist and discover Islamic laws, yet, every Muslim is both obligated to be careful in choosing the jurist s/he follows, and in learning about the nature and objectives of Sharia. In fact, if we perform all the Islamic laws word by word, but blindly, even if we accidentally conduct them in the right place and time, as long as we are not aware of the objectives of the laws, our deeds may not be really '*Fi Sabil Allah* (in the way of God) and '*Qurbatan Ela Allah*' (in order to become closer to God). A deed is Fi Sabil Allah and Qurbatan Ela Allah when its purpose is to seek the purpose that is desired by Allah. It is narrated by Omar ibn Al-khattab that he heard from the Prophet (PBUH): "*The value of deeds are just in their underlying purposes. So, when you go towards something or do anything with worldly purposes, you are in fact going towards what you have in heart, or when you go towards a woman with whatever purpose, you go towards your intentions*."[68] This Hadith does not mean that if we commit *wrong* deeds with good intentions, our acts are considered right. Rather, it means even when we know what is good (e.g. we learn about Sharia laws and commands), we are also supposed to conduct those good things accompanied by true intention and purpose. It is said that the Prophet (saw) said this Hadith when he ordered people to prepare for Jihad and war. Among them, a person told his friend to join the war so that he might hopefully achieve booties. The Prophet (saw), in condemnation of this attitude, said that if they decided to join Jihad, they should join it with the right intention, because when they do something with whatever intention, they achieve nothing but what they have actually intended.

Therefore, it is upon us, as Muslims, to educate ourselves with Sharia laws as well as their underlying objectives. It is true that despite all our efforts we can never be sure whether we have discovered God's and Sharia purpose correctly. However, what matters is that we use all our capacity and capabilities to make the most informed decision. In fact, 2:286 of the Quran that says "*Allah charges no soul except to its capacity…*" which means we are responsible *to the extent of our capacity,* and it also means that we *are responsible* to the extent of our capacity.

We hope that with the growth and spread of this attitude towards Islam and Sharia, we march towards a peaceful, pious, knowledgeable Ummah in which there is no fight

68 Imam Al-Hafez Ahmad ibn Ali ibn Hajar Al-Asghalani, Fath Al-Baari be Sharh Sahih Al-Bokhari, Vol.1, p. 12, Available at http://ia601406.us.archive.org/5/items/fafssb1/001.pdf

over words and appearances, but there are countless people who relentlessly seek the truth through their heart.

2.3) The Role of Religion (Islam the Religion of Modeling)

It is important to clarify an element of Islam that is so present in people's hearts and minds, yet seems to always escape those who write about Islamic culture, especially the secular writers. For the majority of Muslims, passionate sentiment attaches them to their Islamic heritage. The history of early Islam, as taught to the young at home, school, mosque and in the community, is rich with examples of self-sacrifice, courage, solidarity, love and compassion, justice and equality. Every Muslim seems to be able to identify with this heritage, and almost to feel a sense of ownership of this heritage. This heritage is not subject to the confusing scholarly interpretations, or the abusive institutions that have overshadowed the social and political history of Islam. Rather, it represents to Muslims the pure ideals of their religion. These ideals also represent a reality that once existed, of which any Muslim proudly feels that s/he is an integral part; that is, every Muslim owns this heritage, and this heritage is part of what every Muslim is. This "love" relationship with their Islamic religious heritage always provided continuity and momentum to Muslim societies, in spite of political and social institutions that strayed too far from that heritage[69].

Islam offers its followers a wide range of attitude and behavior models applicable in different situations. These models are prescribed in, and extracted from, divine sources[70]. The success of a Muslim, then, is based on her or his striving to model attitudes and behaviors after the ones presented in Quran and Sunnah. Islam, thus, is a process of modeling. Righteousness is measured by one's ability to model all aspects of life after the ones prescribed in divine sources. The major principles emphasized in the

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[69] In the history of Egypt, for example, when people felt that the threat of a foreign invasion may deprive them of their right to their Islamic heritage, it was this love, and passionate sentiment towards Islam that made the people rise to the occasion and defeat foreign threats. For example, in the Middle Ages, as the Mongols swept the entire Asia, they occupied Baghdad which was the capital of the Islamic empire. They then marched to Egypt. The Mamluks, who ruled at that time, mobilized the people to fight against this invincible enemy. As the armies faced each other, the leader of the Egyptian army made his historical cry "Wa Islamah." This cry expressed the feelings of love and passionate sentiment towards Islam. Islam was referred to in this cry as if it were a beloved who is about to be hurt or killed; it was the responsibility of every Muslim to protect it with all they could. The Muslims gave the Mongols their first defeat ever, which halted their expansion, and which led eventually to their embracing Islam!

[70] The divine sources of Islam are the Quran (the Holy Book revealed to the Prophet Muhammad), and the Sunnah of the Prophet (his statements and actions that were deemed to represent him as prophet, not as a human being).

divine sources are recognition of monotheism, kindness to others, justice, charity, standing up for the weak, honesty, and belief in the hereafter.

The process of modeling attitudes and behaviors faces three obstacles. The first obstacle is the scholarly disagreement over the interpretation of several models for behavior found in Quran and Sunnah. Islam's jurisprudence has been subject to legal disagreement among scholars[71], which has its implications to how people model their behavior. One good example is the disagreement about attitude towards non-Muslims. Most Muslims uphold that their religion is about tolerance and acceptance of others, even if others' beliefs were different from the Islamic ones. They believe that matters of faith and belief are left to God to judge, not to us humans. Animosity, fighting or war are allowed only in self defense against those who transgress, but not against people who hold different beliefs. These Muslims base their position on several verses in the Quran which support such arguments[72].

Others have a less inclusive and tolerant attitude towards non-Muslims, though they may rely on the very same verses that the tolerant group of Muslims uses! Their interpretation of these verses would suggest they are time-dependent; that is, these verses expressing tolerance were applicable only up to the time the Prophet Muhammad preached his message; from that point on, Islam became the only acceptable religion.

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[71] There are at least four schools of interpretations within the Islamic doctrine (Hanafi, Shafi, Malek and Hanbali). Each is named after the scholar who established the school of interpretation. Their differences and disagreement extend to various aspects of Islamic rules of behavior; from marriage, divorce, custody, to government and war, to the very specific details of how to conduct rituals during eating, fasting and prayer.

[72] The following are selected verses from the Quran which support the argument for tolerance and inclusiveness:

If it had been your Lord's Will, all who are on earth would have believed. Will you then force people till they become believers? No soul can believe except by the Will of God, and he will place doubt (or obscurity) on those who will not understand. (10:99-100)

Those who believe (in the Quran), those who follow the Jewish (scripture), the Sabians, the Christians, Magians, and Polytheists, God will judge between them on the day of Judgement: for God is witness of all things. (22:17)

Those who believe (in the Quran), and those who follow the Jewish (scripture), and the Christians and the Sabians, any who believe in God and the Last Day, and work righteousness, shall have their reward with their Lord: on them shall be no fear, nor shall they grieve. (2:62)

Those who believe (in the Quran), and those who follow the Jewish (scripture), the Sabians, and the Christians, any who believe in God and the Last Day, and work righteousness, on them shall be no fear, nor shall they grieve. (5:69).

These varying interpretations lead naturally to a range of models for attitudes and behaviors, from tolerance of diversity to exclusiveness. Therefore, those who believe that Islam promotes tolerance and diversity are likely to model their behavior towards non-Muslims to reflect such values. Alternatively, those who believe that anyone who does not believe in Islam is in violation, are likely to model their attitudes and behaviors accordingly. Yet, both groups believe that they are properly modeling Islamic values and principles. Each believes itself to be the righteous ones. Other examples of such variations in modeling a righteous Islamic life exist with all spheres of life, sometimes with negative implications, such as the treatment of women because of patriarchal modes of behavior.

The second obstacle to the process of modeling is the intermixture of religious and traditional values, attitudes and behaviors. Over the centuries, Islam came to co-exist with other value systems, especially the traditional ones. And, as the Islamic expansion quickly took the shape of a state, its rulers incorporated institutions and techniques in use by the existing empires of the time such as the Byzantine and Sassanid empires[73]. Several of the traditions and institutions were not necessarily consistent with the basic divine value system, yet they persisted over the years until they became so enmeshed with Islamic history that many people, even Muslims, believed that they were part of their system sanctioned by Quran and Sunnah. The practice of slave dynasties[74], rituals associated with marriage, funerals, institutionalized violence against women, and the practice of female gentile mutilation are examples of traditions and institutions that not only were foreign to Islam, but also contradictory to Islamic divine values. Yet, in some nations, majorities of Muslims believe that they are rooted in Islam.

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[73] Zakaria, 1998, p.70.

[74] One institution that has been associated with Islam, the Islamic state and wars, was the military slave dynasties. Briefly, the military slave dynasties originated in the Persian and Roman practices of recruiting slaves to conduct their military and administrative affairs. When Muslims established in a span of 50 years a large empire, they emulated what they have seen other empires do; that is, to recruit slaves (mainly as children) into an exclusive military establishment devoted to the protection of the Islamic ruler, and the Islamic empire. This practice appeared to serve a unique need of Islamic rulers who always struggled with the issue of legitimacy. By entrusting the military to slaves who cannot have a legitimate claim to the throne, they created a shield to protect themselves from others who may have legitimate claims. In most situations, the slaves took charge of the state, and created their own dynasties, under the nominal leadership of the "legitimate" rulers. Mamluks (who practically ruled Egypt for almost 600 years) were one of the famous slave dynasties for their role in defeating the Crusaders and the Mongols. This practice, and institution, so pervasive in Islam's political and military history, may appear, because of its pervasiveness, to be rooted in Islamic sources. But the truth is that Islamic sources discourage slavery, and consistently encourage the freeing of slaves. Therefore, the military salve institution was in fact a historical violation of Islamic principles. Yet, historically it became an integral part of the Islamic state. (Muhib, 1997, pp.409-411)

The third obstacle to the modeling process is perhaps a consequence of the first two factors. As we have seen, several schools of thought have different interpretations for various issues, and, institutions and practices persisted that were not consistent with Islamic principles. Consequently, over the years a process of selective recall[75] of certain Quranic verses or taking Prophetic practices or statements out of context spread among Muslims. In such cases, average people use a selected statement from a Quranic verse, or a part of a Prophetic statement or action, in order to support a certain practice or institution[76]. Selective recall is often used whenever it is necessary to justify excesses or misperceptions[77].

2.4) Some Quranic Terms related to the field of Conflict

In this section we highlight and explain several Islamically-derived concepts and terminologies related to advancing peace and conflict resolution. Those terms have roots within Quran and Sunnah, and have been synthesized over centuries by scholars.

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[75] Mitchell, C., *The Structure of International Conflict* (MacMillan Press, 1981) pp.78-84.

[76] For example, the vast majority of Muslims anywhere would easily, and with authority, recall the portion of a Quranic verse which goes "Two, three and four," in reference to the number of women any man can marry. Recalling only this piece of the Quranic verse, while leaving out the context laid out in the beginning of this verse (protection of orphans), or the remaining part of this verse which emphasizes that monogamy is "closer to justice", serves the purpose of giving men excessive right to polygamy instead of regarding it as a responsibility in times of distress.

[77] Another example is also related to women. Quran's section 12 (Sura "Yusef") details the story of the prophet Joseph. In the story, the Egyptian minister, whose wife tried to seduce Joseph, said to his wife and other women, after their plot to blame Joseph was revealed, "verily, your ability to plot is severe." Today, among the populace in Arabic-speaking countries, this verse, which in the Quran reflects the Egyptian minister's opinion of his wife and other specific women, is repeated as follows: "verily, their [women's] ability to plot is severe." This misrepresentation of this verse results in two outcomes: the first is that the statement is now assigned to God; He, not the Egyptian minister, made the statement, and; secondly, the statement applies to all women at all times. So a statement that was made by a specific person in a given situation to describe the actions of certain women, is now assigned to God, and is applied to all women.

2.4.1) The Role of Tazkiya (purification)

In this regard, it is significant to mention the importance of tazkiya as a goal in itself and as a preventive measure in case of conflict. In all previous mentioned definitions, the focus was on the parties who are engaged in a conflict, whether individuals or groups. Very little has been said about the intra-personal level of conflict. Many researchers consider this aspect as part of psychology, and they pay little attention to it while talking about inter-personal or inter-group conflicts. Some of them justify that by the following reasons: "Firstly, grounds of practicality demand that some limits be set to the topics and issues considered. Secondly, intra-personal conflict is significantly different on a number of key dimensions from inter-personal and inter-groups conflicts".[78] However, in the Quran and the teachings of Islam we see insightful emphasis on the spiritual and psychological aspects of the people's interactions, to the extent that some scholars regard the restraint resulting from iman (faith) as the main motive of being just and a well disciplined Muslim.[79] Empowering iman would be accomplished through tazkiya, which is one of the higher dominant values of Islam according to some scholars.[80]

2.4.2) Al-islah (reformation, conciliation) and Al-ifsad (corruption, mischief)

On numerous occasions, the Quran commends sulh as the superior moral course of action to be taken by disputing parties. Sulh means conciliation or settlement; the active form is islah, meaning to make good, proper, or right, or to reconcile and settle. In general, the Quran equates the word sulh, or one of its variant forms, with the notion of an inherent good that is often juxtaposed against corruption and mischief (ifsad). Seeking to spread strife and prevent the resolution of conflicts is often equated with the sin of corruption and immorality. At one point, the Quran formulates a general normative principle by pronouncing: "Reconciliation is best, even though people are often swayed by greed (from reaching an amicable resolution)"[81]. In more specific contexts, the Quran urges parties to reach amicable resolutions to material disputes, disagreements over inheritance, personal injury cases, and in any case in which Muslims end up fighting each other.[82] Articulating a principle of brotherhood between

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[78] Mitchell, C., *The Structure of International Conflict* (MacMillan Press, 1981) p. 9

[79] See Yousuf al-'Alim, *Al-Makasid al-'Amma Lilshari'ah*, Dar al-'Aman, 1993, p.17

[80] See Taha J. Alalwani, *Makasid al-Shari'ah*, Dar al-Hadi, 2001, p. 135

[81] Quran 4:128

[82] For instance, Quran, 2:182; 2:228; 2:178; 4:128; 4:35; 5:95

all Muslims, the Quran states: "The believers are but a single brotherhood, so make peace and reconcile between your contending brothers, and fear Allah, so that Allah may have mercy upon you"[83].

Reconciliation, or sulh in Quranic usage, refers not only to an amicable settlement involving a measure of compromise, but also to willingness to submit to some conflict resolution process involving the use of arbitrators (hakam). Apparently, such arbitrators are expected to assist the parties in a dispute to reach an amicable resolution.[84]

2.4.3) Al-ikhtilaf (different, disagreement), Al-jadal (dialectic, disputation, argumentation), Al-shiqaq (friction, dissension, discord)

The Arabic term ikhtilaf denotes taking different position or course from that of another person either in opinion, utterance, or action. Differences between people may begin with a difference of opinion over an issue. This may lead to argumentation and mutual wrangling and recrimination. The term ikhtilaf may therefore represent a mere difference of opinion or it could imply active controversy, discord, and schism. Allah says in the Quran, "But the sects differ among themselves…"[85] "If thy Lord has so willed, He could have made mankind one people: but they will not cease to dispute"[86].

The stubborn adherence to its own opinion or position on the part of one or both of two parties at variance with each other, the attempt to defend this position, to prevail on others to accept it or to hold it against them – these are all elements in jadal (disputation or dialectic). Jadal implies carrying out a discussion in a contentious manner in order to gain the upper hand. The term jadal is used in the sense of "braiding" a rope. It conveys the sense of stretching and arm-twisting exercised by disputants while each endeavors to force the other to accept his/her point of view. Allah says in the Quran, "…and every people plotted against their prophet, they seize him, and disputed by means of vanities, therewith to condemn the truth…"[87] "And they say, are our gods is best or he? This they set forth to thee, only by way of disputation: yea, they are a contentious people"[88]

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[83] Quran 49:10
[84] See: Khaled Abou El Fadl, Conflict-Resolution as a Normative Value in Islamic Law: Handling Disputes with Non-Muslims, pp. 4-5
[85] Quran 19:37
[86] Quran 11:118
[87] Quran 40:5
[88] Quran 43:58

"For Hajj are the months well-known. If anyone undertakes that duty therein, let there be no obscenity, nor wickedness, nor wrangling in the Hajj…"[89]

Some scholars also regard it as a discipline that enables a person to maintain any position however false it is, or indeed to demolish any position however true it is. This later definition implies that dialectics is not a science based on the advancing of any specific evidence, but rather a skill or a talent that enables a person to triumph over his opponent without ever having to refer to evidence from the Quran, the Sunnah, or any other source.

Sometimes a dispute may become severe and harsh with the disputant's only concern being to get the better of his opponent. There is no concern for finding out the truth or for clarifying what is right. This precludes any form of mutual understanding or agreement. The term shiqaq (dissension) may be applied to such a situation. The word shiqaq in Arabic has the original meaning of carving out a piece of ground into distinct portions, and seems to suggest that one piece of ground is not wide enough to accommodate both disputants at the same time. Sharp differences from which discord and dissension follow place either party in a dispute in a "fissure" or a "breach" as it were. Separate from that of the other. This imagery is implicit in the Quranic verses: "If you fear that a breach (shiqaq) might occur between a [married] couple, appoint an arbiter from among his family and an arbiter from among her family; if they wish for peace, Allah will cause their reconciliation…"[90] "And if others come to believe in the way you believe, they are indeed on the right path; and if they turn away, it is only they who are in the wrong or in schism (shiqaq)…"[91]

2.5) Some Salient Features of the Ethics of Disagreement during the time of the Prophet (saw):

1. The Companions, may Allah be pleased with them, tried as much as possible not to disagree. They did not make much about marginal issues but treated the matters that posed controversy in the light of the Prophet's guidance. This manner of dealing with actual situations normally does not leave much room for argumentation, let alone dispute and discord.

[89] Quran 2:197
[90] Quran 4:35
[91] Quran 2:137; Taha J. Alalwani, *Ethics of Disagreement*, 1996, p. 11-13

2. If differences occurred despite attempts to avoid them, the Companions would quickly refer the disputed issue to the Quran and to the Prophet, and any controversy would be quickly dispelled.
3. The Companions reacted with a ready obedience and commitment to the judgment of the Quran and the Prophet and their complete and total submission to it.
4. The Prophet used to point out to his Companions what was right and what was wrong with regards to controversial questions open to interpretation. On their part, the Companions had mutual trust in the genuineness of each other's judgment. This approach guaranteed the preservation of mutual respect among fellow Muslims who differed, and also kept fanaticism and bigotry at bay.
5. Commitment to God-consciousness and avoidance of personal whims made the pursuit of truth alone the goal of those who differed over an issue. It did not matter to anyone in a discussion whether the truth was voiced by him or by another person.
6. They adhered steadfastly to the Islamic norms of behavior during argumentation. They discussed matters politely and amicably, avoiding the use of vile and insulting language. Each was prepared to listen attentively to the other.
7. They eschewed hypocrisy and flattery as far as possible and exerted every effort to investigate an issue objectively. This practice, characterized by the seriousness of the argument and respect for the other person, would force the disputant into either accepting the other point of view or advancing a better opinion.[92]

[92] Quran 2:137; Taha J. Alalwani, *Ethics of Disagreement*, 1996, pp. 33-34

3.) Conflict Definitions and Mapping

3.1) Western definitions of "conflict"

We have chosen three main definitions, each focusing on a specific level of conflict, such as interpersonal conflict, social conflict, and international conflict. This will assist understanding clearly the general and particular elements that are considered and related to the field of conflict resolution. However, we will start giving the literal meaning of conflict as it is stated in Webster's dictionary:

Conflict
1- fight, battle, War
2- A competitive or opposing action of incompatibles: antagonistic state or action (as of divergent ideas, interests or persons)
2- A mental struggle resulting from incompatible or opposing needs, drives, wishes, or external or internal demands
3- The opposition of persons or forces that gives rise to the dramatic action in a drama or fiction [93]

From these different literal meanings of the word, we see that the term itself had been stated and used in different manners. Sometimes it takes a physical meaning, and others it takes a psychological meaning. Sometimes it is an individual behavior, and others it is a group behavior, etc.

This variety in use of the term led some researchers to say that "Considerable ambiguity surrounds the term conflict,"[94] and others claimed that "The term conflict has come to be so broadly applied that it is in danger of losing its status as a singular concept."[95]

This ambiguity in determining one meaning for the term conflict led to different conclusions depending on the approach of each researcher and the field that concerns him/her the most. Here are some of the definitions:[96]

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[93] *Webster's Ninth New Collegiate Dictionary*, 1987, p. 276
[94] Mitchell, C.R, *The Structure of International Conflict* (MacMillan Press, 1981), p. 15
[95] Rubin, J. Z., Pruitt, D. G., Kim, S. H., *Social Conflict: Escalation, Stalemate, and Settlement* (McGraw Hill, Inc, New York: 1994 (2nd Ed), p. 5

- Conflict is an expressed struggle between at least two independent parties who perceive incompatible goals, scarce resources and interference from the other party in achieving their goals.[97]
- Conflict means perceived divergence of interests, or a belief that the parties' current aspirations cannot be achieved simultaneously.[98]
- Conflict is any situation in which two or more social entities or parties perceive that they possess mutually incompatible goals.[99]

3.2) Islamic perspective on "conflict"

Muslims are part of the human family that has been created by Allah. Muslims have the same nature as the rest of mankind in the sense of biological and psychological aspects. Conflict is a universal phenomenon. It is part of the universal law and it happens among human beings regardless of their religion, ethnicity, culture, etc. Thus, conflict is part of our lives, as Muslims, and we need to recognize that fully in order to deal and cope with it in a proper manner. However, among the things that may distinguish Muslims in a state of conflict are their worldview, roles and duties that may affect their approach, attitude, and behavior in a conflict, and accordingly to the outcome of a conflict. In this regard, it is important to clarify some standpoints that a Muslim considers and observes while living in this life.[100]

First, the concept of tawheed (the oneness of Allah) is the cornerstone of Islam. A Muslim believes that Allah is the only true God who has created and ordained every existing thing. Therefore, He is the only one who should be worshiped. Allah has bestowed mankind with divine revelations to guide humanity during lifetime. Islam is the last message of God, and the Quran is the last reserved book from Him. According to the teaching of the Quran, Allah has subjugated everything on the earth and the sky to mankind[101], and He has appointed human beings as His vicegerents on earth to fulfill

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[96] For further discussion of these definitions from an Islamic perspective see: Amr Abdalla, Principles of Islamic Interpersonal Conflict Intervention, Journal of Law and Religion, V. 15, Fall 2000, p. 9
[97] Wilmot and Hocker, *Interpersonal Conflict* (McGraw-Hill, Inc, Boston, Massachusetts, 1998), p. 34
[98] Rubin, Pruitt, Kim, *Social Conflict: Escalation, Stalemate, and Settlement*, 1994, p. 5
[99] Mitchell, *The Structure of International Conflict*, 1981, p. 17
[100] For more details see: John L. Esposito, *Islam: The Straight Path*, 1988. Also, Afif A. Tabbarah, *The Spirit of Islam*, 1993.
[101] Quran 2:29

His will and establish a civilization with a sense of value (imran).[102] Thus, mankind is trusted by Allah to carry out this mission, which is the test that every single person would be asked about in the Day of Judgment[103]. Therefore, the issue of accountability is among the main concerns to a Muslim, because he will be judged according to his deeds in this life. Everything is documented, and everything is counted.

Due to these beliefs that have been stated in the Quran in a very plain and clear manner, a Muslim tries to adopt a set of values that adjust his relationship with both Allah, the Creator, and His creation. These are the dual dimensions relationship, vertical and horizontal. The vertical one is to correct the relationship with Allah, the Almighty, and the horizontal is to regulate the relationship with the creation according to the divine revelation. Both dimensions are important and a Muslim would not complete building Islam in himself until he fulfills his duty toward Allah, and his duty toward His creation.

3.3) Some Characteristics of the Field of Peace and Conflict

1. Recognition that conflicts are inevitable
   - No matter what, there will always be conflicts, as this is part of human nature and tendency. It is important to accept such premise because it makes us more realistic about what we can aspire for in the field of peace and conflict resolution. Our aspiration is to prevent or transform the negative or violent elements of conflicts but not to think that we can ever eradicate conflict.

2. Conflict and peace apply to various levels: interpersonal, family, community, organizational, national, international and global levels
   - As much as conflicts are inevitable, they also happen on all levels. When thinking of conflicts, be aware to not only consider international conflicts and wars. Conflicts happen e.g. between people, inside families, at work and also on a global level. You might even experience conflict within yourself when having trouble to e.g. make an important decision.

3. While conflict can be destructive and harmful, peaceful approaches can make it positively transformative

[102] Quran 2:30
[103] Quran 33:72

- As has been mentioned before, constructively dealt with conflicts are an opportunity for change. Hence, if conflicts are resolved in a peaceful and non-violent manner, then positive transformation can take place. If conflicts are dealt with violently however, then negative consequences are likely to persist.

4. Conflicts may be manifest or latent
    - Often, conflicts are easy to spot due to their destructiveness or violent expression, e.g. when two family members stopped communicating with each other. Sometimes however, conflicts can be latent and less easily detected. At one point, these latent conflicts can suddenly erupt. This may come as a surprise to observers although the conflict might have been in the hiding for a long time. If we apply proper conflict analysis and assessment, we can prevent latent conflict from becoming violent.

5. "No one wakes up in the morning thinking that s/he is the bad guy!"
    - In a conflict situation, each party usually perceives her / himself as the "good guy" and not as the "bad guy" or the destructive person. The opponent however is perceived as the "bad guy". At the same time, the opponent also perceives herself / himself as the good guy and that the other is the bad one. Consequently, an important step in resolving conflicts is to get parties to understand how the other can wake up thinking that he or she is right, and how they see us as the bad ones.

6. "There is no road to peace; peace is the road" (Gandhi)
    - Peace is not an end in itself but a process. The means of how to achieve peace are as important as peace itself. One cannot aim at achieving peace through violent actions as violence will always lead to more violence. Peace is a road that every single human being needs to walk down if the ideal of peace as an end shall be reached. There are many different roads that can be taken though because there are many different approaches to achieving peace.

3.4) Components of Conflict

Having said that, we will try to define the meaning of the term "conflict" as accurately as possible. We will try, while including all of the related components of the concept,

and at the same time, excluding all unrelated ones. In other words, it will be an inclusive-exclusive definition.

In order to achieve this goal, we need, first, to identify the essential related elements to the term. According to Mitchell[104], the structure of a conflict consists of three components, which are:

- Conflict situation (a situation of incompatible goals)
- Conflict behavior (a range of psychological conditions experienced by the parties involved)
- Conflict attitudes and perceptions (a set of related behaviors used to achieve the disputed goals)

This model examines the most relevant elements in a conflict, but we believe that it neglects to mention the context in which this conflict took place that has a considerable impact on the form of conflict. In addition, since a conflict does not happen in a vacuum, it is significant to mention something about the parties who are engaged in a conflict. We cannot think of a conflict without thinking of parties. Therefore, we will include these two components in our definition of a conflict.

In this regard, we preferred to differentiate among the following three terms: conflict, conflict situation and conflict resolution.

Conflict: a situation in a specific context in which two or more relatively independent disputant parties perceive mutually incompatible goals or interests.
Conflict Situation: a state of affairs in a specific context in which a relationship of the disputant parties gets disturbed because of their attitudes or behaviors.
Conflict Resolution: a process which requires collaborative efforts of various parties to reach a reasonable resolution or satisfactory outcome that suits the conflicting parties who are disputing over a particular issue.

[104] Mitchell, *The Structure of International Conflict*, 1981, p. 16

3.5) C. R. SIPPABIO- A Model for Conflict Analysis[105]

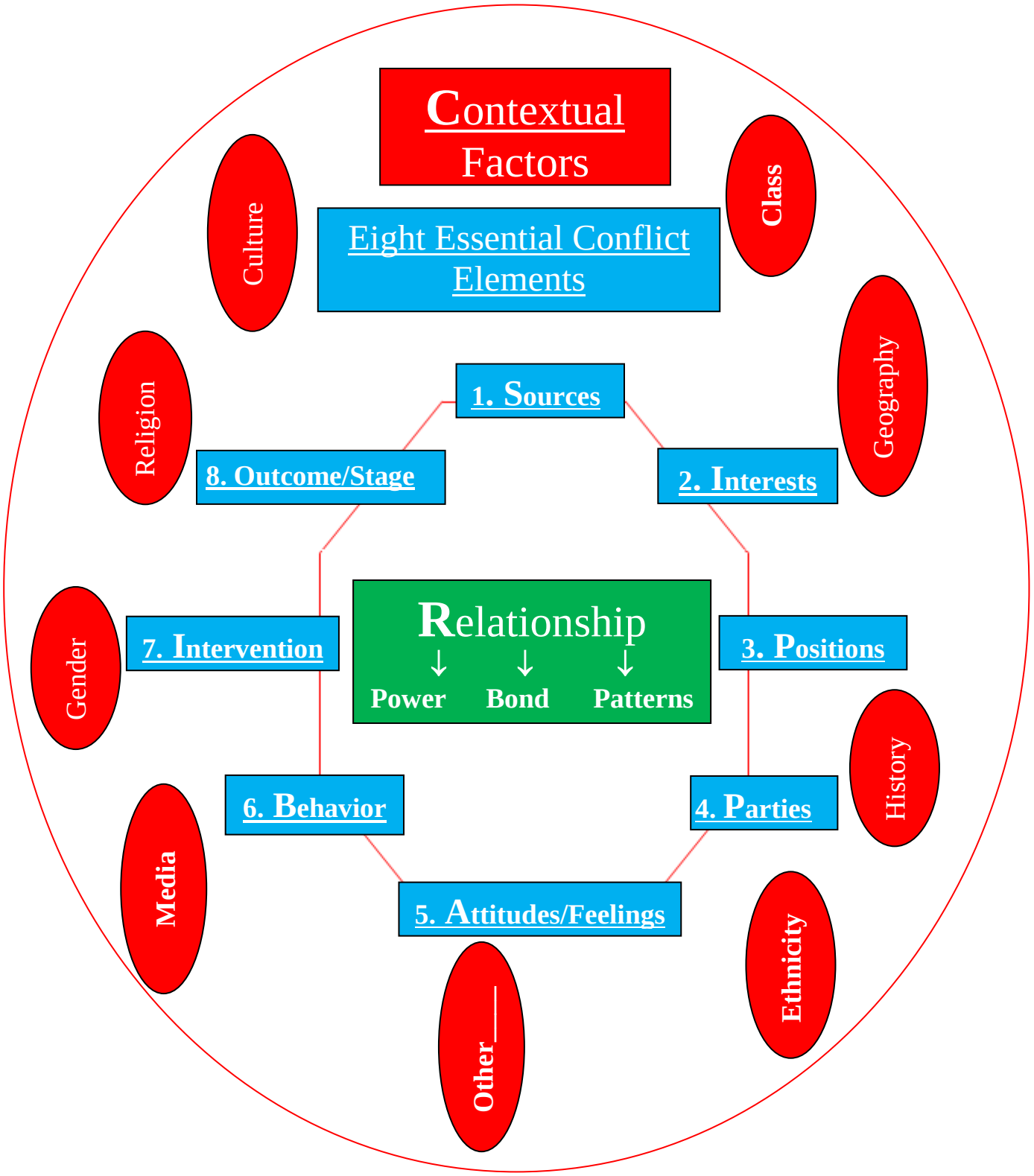
This model has been developed to ease analyzing the different stages of the process of resolving a conflict. C. R. SIPPABIO is the abbreviation of the following elements: Context, Relationship, Sources, Interests, Positions, Parties, Attitudes/Feelings, Behavior, Intervention and Outcome/Stage[106]:

[105] You may watch videos by Dr. Amr Abdalla explaining the CR SIPPABIO model on the following link: https://onedrive.live.com/?authkey=%21AGqS9A2vEyolJI0&id=79DF4F045034F095%213593&cid=79DF4F045034F095. The videos were papered as part of the online Foundation Course on Peace and Conflict Studies, University for Peace, 2009-2013.

[106] In the following chart you will find some of the elements underlined. These underlined headings are hyperlinked to their later descriptions. Pressing Ctrl on your keyboard and clicking on the underlined heading will bring you directly to the detailed description. If you want to get back to the main chart simply again press Ctrl and click on the main heading of the description section (e.g. "Sources") to get back to the C.R. SIPPABIO chart.

C.R. SIPPABIO

A Framework for Conflict Analysis



4.) Context and Relationship

4.1) Context

Conflicts do not occur in a vacuum. They are shaped, processed, and influenced by various contextual factors, and do interactively affect, and are affected by, the relationship of parties. In this section we will discuss some of the major contextual factors that do influence conflicts, and will also discuss concepts related to relationship.

Context is the sociological, economic and political setting in which a conflict takes place. Cultural perspectives, such as one's access to power and whether the culture is low- or high- context in its structure, also affect perspectives or conflict. Knowing the context enables an intervener to understand and predict the attitudes, behaviors, and the direction of a conflict. Understanding the context prevents an intervener from applying unsuitable resolution that may complicate a conflict rather than resolve it. Examples of contextual factors that may influence conflicts are: history, geography, ethnicity, religion, gender, media, etc.

In order to illustrate how context factors operate in conflict situations, we will discuss the following context factors: gender, ethnicity, religion, culture and geography, as they emerged within conflicts in the Balkans and Bangladesh. These brief case studies exemplify the intersections between conflict and context factors that shape the nature and expression of conflict.

4.1.1) Gender & Conflict: Conflict in the Former Yugoslavia

Gender is a contextual factor that impacts how conflict is enacted and resolved. Sex and gender are intrinsically linked, and distinctions between the two are often confused. Sex is generally defined as the biological categories of male and female. Gender refers to socially constructed concepts of masculinity and femininity. For example, a woman's ability to produce eggs and conceive is a biological function related to her sex, while the concept of woman as nurturing, emotional and a caretaker is a socially constructed gender role. Likewise, a man's ability to produce sperm and impregnate a woman is a

biological function related to his sex, while the notion of man as strong, logical and a provider is a socially constructed gender role. In other words, gender is the socially constructed expression of sex.

Significantly, gender shapes the ways people think, behave, and construct their identities. Gender also influences interactions between people. Notions of masculinity and femininity are not static, but rather vary depending upon the time, geographical region, religion, ethnicity, et cetera in which these constructions emerge. Significantly, regardless of the factors that shape gender, notions of gender are policed and reinforced by a set of social penalties and rewards in all societies. Although these penalties and rewards vary contextually, it is important to recognize that men and women who challenge gender proscriptions face negative consequences in all societies.

Gender is also a key factor in many different types of conflict. Gender can influence how and why violence is enacted against a group of people, and it can serve to unify and/or divide groups. The conflict in the Balkans[107] during the early 1990s provides an interesting case study of how gender and conflict intersect. Specifically, government forces on all sides used gendered propaganda as a tool to achieve military objectives and overpower the opposition.

Prior to and under the leadership of Slobodan Milosevic, the Serbian government tightly controlled the media. The media became a main source of Serbian propaganda during the conflict and women were often placed at the center of this propaganda. Specifically, women were used as symbols to represent *population growth* and *national vulnerability* in the Serbian state. In the first instance, the Serbian government articulated that women had a national responsibility to act as producers of the Serbian population and Serbian army. State-generated images connecting motherhood and nationalism bombarded Serbians during the conflict period. Women were thus reduced to their reproductive functions and told literally to bear soldiers for the nation as a demonstration of national commitment. In the second instance, crimes committed

[107] After World War II, Yugoslavia was comprised of six republics: Slovenia, Croatia, Bosnia and Herzegovinia, Montenegro, Serbia and Macedonia, and two provinces, Vojvodina and Kosovo. A variety of ethnicities and religions existed within each of these republics. After the collapse of the Soviet Union in 1991, the political climate in Yugoslavia changed dramatically. Croatia and Slovenia, wanting self-determination, declared independence from Yugoslavia. Following suit, Montenegro and Bosnia-Herzegovina sought secession. Croatian and Slovenian secession lead to war with Serbian rebels, who opposed independence movements. This pattern of secession and war repeated itself in Bosnia in 1992. Nationalism and ethnic divisions increased during this period in the Balkans, fueling ethnic cleansing initiatives taken by all sides, predominantly Serbian forces.

against women were used to represent crimes committed against the Serbian state. Throughout the conflict, images of raped women and girls appeared on television. These images served to symbolize the invasion of Serbia by opposition forces, thus justifying counterattacks made by Serbia. Images of raped women/nation effectively fueled hatred amongst ethnic groups and perpetuated the conflict. Importantly, the propaganda used by the Serbian government was utilized similarly by opposing forces in the Balkans.

Symbolism and propaganda were also directly linked to Serbian policies of ethnic cleansing, which targeted Kosovar Albanians, Croats and Bosnians throughout the early 1990s. Ethnic cleansing policies specifically targeted women and girls in the Balkans. In addition to killing, ethnic cleansing involved the systematic rape and impregnation of women and girls. Rape was used as a tool of war with two objectives: 1) to increase the desired population 2) to humiliate the opposition. Significantly, these objectives are directly tied to the use of women as symbols of population growth and national vulnerability. As symbols of population growth and national vulnerability, women and girls are viewed as the means by which military forces can achieve their objectives. In the first instance, systematic rape and forced impregnation serve to increase the population of the aggressor and control the growth of targeted populations.[108] In the second instance, because women and girls were used to represent national vulnerability, rape serves as a tool to exploit weakness and demonstrate power over a nation. Thus, women and girls were raped to represent a symbolic attack against the opposition. Ultimately, the gender-based violence which occurred in the Balkans can be tied directly to gender-based propaganda and symbolism that was used by warring parties. In this way it is clear that gender can be a key factor shaping how conflict evolves.

4.1.2) Ethnicity, Religion and Geography: The Case of Bangladesh (1947-1971)

Most conflicts are influenced by more than one contextual factor, and it is this combination that can contribute to the complexity of conflict situations. The case of Bangladesh represents a multiplicity of such factors.

[108] In the context of the Balkan conflict, children resulting from rape were socially recognized as having the ethnic identity of the male perpetrator, rather than the mother. In this way, rape was used to diminish Albanian Kosovar, Croatian and Bosnian populations and increase Serbian populations. Albanian Kosovar, Bosnian and Croatian actors who raped Serbian women applied the same thinking.

Briefly, as India was gaining independence from Britain in 1947, tension escalated between Muslims and Hindus regarding the ability of Muslims to co-exist in one nation-state with a majority of Hindus. As a result, the leaders of both groups ended up agreeing to divide India into two nations- one Hindu and one Muslim. The territories that had a majority of Muslims were located to the east of India in the Bengal area, dominated by the Muslim Bengali ethnic group, and the west of India, in what is now known as Pakistan, and which is dominated by several ethnic groups including the Punjabis. The Muslims decided to form one nation-state with two geographical areas called East Pakistan (what is now called Bangladesh) and West Pakistan (what is now known as Pakistan), separated by the Indian subcontinent.

The relations between the citizens of the two Pakistans reached several boiling points from 1947 to 1971, mainly because of ethnic differences, perceptions of threat to identity and language, and feelings of unfairness in resource distribution and governance among Bengalis. Bengalis perceived that their co-nationalists of West Pakistan controlled the government and most resources. When general elections were held in 1970, a Bengali political party - Awami League - won an absolute majority, which should have allowed it to form the government. However, those in power in West Pakistan resisted the democratic transfer of power, which resulted in a war in which as massive numbers of civilians died, injured, raped or were forced out of their homes. The war ended with the military intervention of India on the side of the Bengalis, who declared independence from the Pakistani state and declared the birth of their nation - Bangladesh - in 1971.

The description of the conflict above shows that contextual factors such as ethnicity, religion, nationalism and geography all played major roles in shaping the conflict and its dynamics. Being of the same religion was considered in 1947 sufficient to build one nation-state on two territories separated geographically by an entire subcontinent. But later, culture, language, and their relation to the Bengali ethnicity proved to be significant - especially when there was a perception of injustice because of their ethnicity. It is interesting that while geographical distance perhaps contributed to the development of the conflict between Bengalis and others in West Pakistan, it also contributed to the rapid de-escalation of the violent conflict of 1971, because the huge distance between the two nations - Pakistan and Bangladesh - prevented any continuation of violent military actions.

4.1.3) Culture and Conflict

In several parts of the world, researchers have identified that conflict behavior and attitude vary from one society to another, based on cultural and world view differences (Lederach, 1986; Black, 1991; Augsburger, 1992 and Avruch, 1993). Further, they also recognized that societies in general are heterogeneous; therefore, conflict behaviors and attitudes may vary according to the different norms, values, and world-views that exist within one society.

In the heart of the research conducted for the development of this manual was a clear understanding that individuals are not made of constant values or norms. Instead, they develop a repertoire of dynamic, fluid value systems that inform attitudes and behaviors differently according to the type of setting, sphere, or situation encountered. The repertoire of value systems varies from one person to another; translating this repertoire into attitudes and behaviors is also an individual journey. However, the development of these value systems occurs within the individual's existence in groups. While it is acceptable to think that "social systems can only exist because human behavior is not random, but to some extent predictable"[109], it is also understandable that an individual's behavior in a given situation, within a certain realm of life, will not necessarily follow the set of values and norms which are highly emphasized within that realm. Hofstede (1980) related that variance in individual behavior to what he referred to as "Mental Programming." He distinguished between three levels of mental programming: the universal, the collective, and the individual. He explained:

> Every person's mental programming is partly unique, partly shared with others. We can distinguish broadly three levels of uniqueness in mental programs... The least unique but most basic is the universal level of mental programming which is shared by all, or almost all, mankind. This is the biological "operating system" of the human body, but it includes a range of expressive behaviors such as laughing and weeping and associative and aggressive behaviors which are also found in higher animals... The collective level of mental programming is shared with some but not all other people; it is common to people belonging to a certain group or category, but different among people belonging to other groups or categories. The whole area of subjective human culture... belongs to this level. It includes the language in which we express ourselves, the deference we show to

[109] Hofstede, G., *Culture's Consequences: International Differences in Work-related Values* (Beverly Hills, California: Sage Publications, 1980), p.14

> our elders, the physical distance from other people we maintain in order to feel comfortable, the way we perceive general human activities like eating, making love, or defecating and the ceremonial surrounding them. The individual level of human programming is the truly unique part— no two people are programmed exactly alike, even if they are identical twins raised together. This is the level of individual personality, and it provides for a wide range of alternative behaviors within the same collective culture.[110]

Values, norms and their influence on individuals' behavior fall under the second category, the collective. It is within that category that individuals learn certain modes of behavior in certain situations. However accurate a model in identifying values and norms that could predict a range of behaviors in given situations, the individual level of mental programming will always be the ultimate determinant of behavior. This is even truer when the range of values and norms available are themselves conflicting. This is especially the case in societies that are going through transitions. In such cases, the pre-established sets of values and norms are challenged by alternative, and not necessarily consistent, sets of values. Individual adaptations under these circumstances may show higher levels of unpredictability.

Several authors in the fields of anthropology, sociology, and social psychology have recognized the relationship of culture to conflict patterns and the importance of understanding cultural norms and values in order to understand conflict patterns. Peter Black (1991), for example, stated that:

> Conflict management is only possible in connection with conflict analysis.... Every outsider involved with the dispute (whether researcher, observer, mediator, facilitator, arbitrator or judge) carries out some kind of analysis. The question then arises: What prerequisites, if any, exist for a successful third-party analysis of a conflict? It seems that an awareness of the possibility of fundamental differences in deep cultural presuppositions is likely to yield productive understandings.[111]

Of course the influence of cultural values and norms does not mean that all individuals within a given society, or a group within that society, would understand and behave in

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[110] Hofstede, *Culture's Consequences: International Differences in Work-related Values*, 1980, pp. 15-16

[111] Black, P., *Surprised by Common Sense: Local Understandings and the Management of Conflict on Tobi, Republic of Belau* in K. Avruch, P. Black & J. Scimecca (Eds) *Conflict Resolution: Cross-cultural Perspectives* (Westport, Connecticut: Greenwood Press, 1991), p. 145

a conflict in the same manner. Cultural values and norms provide a repertoire of analysis and behavioral models that individuals relate to in varying ways. As Bailey (1991) stated:

> Culture is a collection of constructs about the way the world is, about the way people are, and about the way both should be. These constructs take the form of both beliefs and values. Any particular collection is identified by the people who hold it...or by the institutions or settings in which it is found. This identification can be carried progressively downwards (from the general to the particular)...The final level is the culture of an individual, a total set of personal constructs. The array of cultural knowledge at the disposal of any particular individual is an idiocosm...A culture, in one of its aspects, is a set of imperfectly shared beliefs and values that guide conduct. The sharing is incomplete, individuals having their own personal selection in the form of their idiocosm.[112]

Cross-cultural analysis of models of conflict analysis and resolution thus requires an understanding of the prevalence of specific cultural values and norms in a given society. Lederach (1986) provided an example of how his attempts to implement a North American interpersonal conflict model in South America revealed the numerous cultural assumptions embedded in every aspect of the model. From defining issues to the concept of neutrality; from the proper entry of a third party to the procedures; from communicating to generating options, the North American model for interpersonal conflicts seemed too 'Yankee' to the indigenous (of South America). Lederach also, and more profoundly, recognized the underlying cultural emphasis upon the individual and upon independence in the North American model. He stated:

> We assume a large degree of autonomy and individualism. This may be the most important assumption. We expect people to be responsible for resolving their own conflicts. That is an empowering thing, but it assumes a strong emphasis on the "I" and a weak emphasis on the "We." There are many people in the world that have a strong emphasis on the "We." They are not autonomous decision makers but are closely integrated with the wider social network. It is within that network that decisions are made.[113]

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[112] Bailey, F., *Tertius Luctans: Idiocosm, Caricature, and Mask* in K. Avruch, P. Black & J. Scimecca (Eds) *Conflict Resolution: Cross-cultural Perspectives* (Westport, Connecticut: Greenwood Press, 1991), pp. 61-61

[113] Lederach, J., *Cultural Assumptions of the North American Model of Mediation: from a Latin American Perspective*, Conflict Resolution Notes, 4(3), p.24

In the case of Lederach, it became obvious that models for conflict analysis and resolution that were developed to reflect certain social values and norms in one society (individualism and autonomy in the United States) were not applicable in societies that did not share the same value and norm foundation. In addition, the implications to the cross-culture transfer of social models such as the conflict resolution models are both obvious and less obvious. One obvious implication is that transferring an institutional model that is based on specific norms and values in a certain society may or may not prove to be effective in another society. Such transfer also has other less obvious implications: 1) it may force a change (desired or not) in the "import" society, in order to adjust to the model and; 2) it deprives the import society from designing models based on its own unique norms and values.

4.2) Relationship

We will examine Relationship in light of three elements: Bond, Power and Patterns:

4.2.1) Bond:

There are different levels of conflicts: inter-personal and inter-group. The ***bond***, attachment, or connection within which a conflict exists is vital in determining the type of intervention needed to be taken. The significance of the relationship bond lies in its cultural meaning. Often, specific relationships in given cultures require that parties play certain roles, and abide by specific rules. The meaning of a bond therefore may influence how people behave in given conflict situations. For example, a son or a daughter's bond to a mother or a father within a traditional collective society will be defined by specific cultural norms, and will provide to parties guidelines and expectations regarding behavior. The same may be said in terms of the bonds established between leaders of groups and their followers.

4.2.2) Power

Within long relationships, certain dynamics exist that manifest themselves during conflict situations. ***Power*** is a significant dynamic in any conflict situations. A definition of power is the ability to achieve one's desired outcomes, or to transform the position of an adversary party. People derive their power in conflict situations usually from contextual factors. For example, disparities in socio-economic class status may determine how parties would relate to each other during a conflict. The same is true

regarding gender, certain ethnicities and religious affiliations. The notion of power influences the tactics one is using during a conflict and its resolution, and, according to Lewicki and Literrer (1985), power may influence people to undertake actions that they actually do not want to engage in. For example, a weaker political party may choose to be part of a structure that it actually perceives as defective, rather than not being involved in the political process at all, arguing that instead of having no say at all it is better to be part of a bad game[114].

Knowing one's own and the adversary's power is not only important during a conflict but also for its resolution, e.g. through the means of negotiation. Power is applied during all phases of a negotiation process and negotiation power is the ability to influence the other party to move their decisions in a desired direction. An assessment of the power relations and the power that all parties possess helps in achieving negotiation agreements that are most advantageous for all sides.

Usually, one party seems to be more powerful than the other, but this perception is often misleading. The weaker one is often more powerful than one has assumed, and the more powerful one is often weaker than one has initially thought. It is the party that perceives itself as weaker that is most concerned about power, and that therefore is usually most systematic and rational in applying the power that it has. The party which from the outside seems more powerful, does not analyze its power, as it already perceives itself as having the power, and is therefore often weakened in negotiations since it does not apply its power systematically. Often, the seemingly weaker party gains more from the more powerful one during a negotiation than one would have assumed, and the seemingly more powerful one is often not able to move the less powerful one into the desired direction[115]. This is due to the fact that there are many sources of power that go far beyond the notion of power being merely the tangible resources that one possesses. Many theorists strived to analyze the sources of power that play a role in relationships. In 1987, Mayer identified ten sources of power. These are:

1. *Formal Authority*: power given to an individual through having a certain position within a formal structure that privileges him in decision-making processes, e.g. being a manager in a company

[114] Anstey, M., *Negotiating Conflict: Insights and Skills For Negotiators And Peacemakers* (Capetown: Juta&Co, Ltd, 1991), p. 114-115
[115] Zartman, W., Rubin, J. Z., *Power and Negotiation* (Ann Arbor: The University of Michigan Press, 2000), p. 255-257

2. *Expert/Information Power:* the power that one enjoys from being skilled in a certain area

3. *Associational Power:* an individual enjoys associational power when being affiliated with others who have power, e.g. lobbyists

4. *Resource Power:* the power derived from being in control over resources and e.g. denying others the access to needed resources

5. *Procedural Power:* power that one enjoys from being in charge of decision making procedures and having the power to e.g. delay important meetings

6. *Sanction Power:* is based on one's ability to hinder another party's ability to realize their interests

7. *Nuisance Power:* a party may not have the power to enforce *Sanction Power*, but may be able to cause severe discomfort to another party, e.g. a union is unable to call out on strike, but to appeal for go-slow tactics that also pressurize companies

8. *Habitual Power*: derived from the consciousness that many times, it is easier to keep up the status quo than to change it

9. *Moral Power:* is based on one's ability to cater to values that are widely held and that is used to influence the sense of morality and right / wrong on the other party; the examples of non-violent resistance by leaders such as Gandhi and Martin Luther King are usually cited as examples of how moral power was used to defeat powers with much larger resource and status power

10. *Personal Power*: personal power is based on personal attributes that one has, such as confidence, articulateness and determination, that support other sources of power[116]

Hence, it is important to deeply analyze one's sources of power to be able to stand up against adversaries and to achieve desired results in a conflict.

[116] Anstey, *Negotiating Conflict: Insights and Skills For Negotiators And Peacemakers,* p. 116-117

4.2.3 Patterns

In addition to power, often in conflict situations parties engage in ***patterns*** of behavior that are intended to advance their positions. Patterns are certain behaviors that parties resort to frequently during conflict situations. For example, especially in family conflicts, one party may pretend to fall sick when a conflict situation becomes complicated, thus diverting attention to him or herself, and generating guilt among other parties for their role in the conflict. Other patterns may include use of violence or vulgar language to force other parties to succumb. As parties resort to such behaviors, frequently they become relationship patterns.

Interactive tool 1: Dividers and Connectors Analysis[117]

The Dividers and Connectors Analysis is helpful for better understanding the context of a conflict: what are connecting factors that bring parties together, and what are dividing factors that separate parties (sources of tension). Ultimately, this tool aims at "not worsening" a conflict and at determining those factors that support peace.

A crucial principle in humanitarian work is the ***Do no Harm*** principle, which should ensure that peacebuilders at least do not worsen a conflict. A conflict could possibly be worsened by not taking into consideration the factors that divide people. In a society there always are factors that divide people but also that bring people together. Understanding these dividing and connecting factors of the parties is necessary in order to not choose intervention methods that could possibly worsen these factors but use of intervention strategies that further build on the Connectors.

How can I do it?

The Dividers and Connectors Analysis is best done as a team. It can also be done alone but the outcome will be less valid.

[117] Adapted from Mary B. Anderson, *Do No Harm: How Aid Can Support Peace – or War,* Boulder, Lynne Rienner Publishers, 1999, and other material from the Do No Harm Project at CDA Collaborative Learning Projects (www.cdainc.com) as included in *Conflict Analysis Framework - Field Guidelines & Procedures* from Reflecting on Peace Practice Project / CDA Collaborative Learning Projects, Global Partnership for the Prevention of Armed Conflict and Norwegian Church Aid, May 2012, p. 36-38

1.) Use the following key questions (or make up your own list of relevant questions) and brainstorm about Dividers and Connectors. Conclude with a list of Dividers and Connectors. Use an appropriate brainstorming style, such as initial individual brainstorming or in small groups or directly brainstorm as a large group.

Key Questions:

- What are the dividing factors in that situation? What are the connecting factors?
- What are current threats and supports to peace and stability?
- What are the most dangerous factors?
- What can cause tension to rise?
- What brings people together? Where do people meet? What do people do together?
- How strong is this Connector? Does it have potential?
- Are the Dividers and Connectors connected to gender roles, specific groups or youth? Are certain groups suffering more than others and what are the consequences on Dividers and Connectors?

You can also use categories as an aid for brainstorming. Categories can be:

- Systems and Institutions
- Attitudes and Actions
- Values and Interests
- Experiences
- Symbols and Occasions
- Political
- Economic
- Social
- Technological
- Legal Environmental
- Geography (village, district, province, national)

2.) Group discussion: In a group, discuss the two lists. Ask questions to determine if the factors that you have listed are the right Dividers and Connectors. Are they already existent or are they desired? Try to be as specific as possible. What aspects of e.g. poverty are dividing people?

A factor can appear on both lists. If this happens, try to be even more specific in what it is about this factor that is dividing or connecting.

3.) Prioritize your list: which factors are the most important or dangerous Dividers **right now**? And which are the most important and strongest potential Connectors? Be sure that these factors are existent in the present moment and not wished for.

4.) Discuss the following questions to determine options and opportunities:
- How can these Dividers (or Connectors) be influenced or changed?
- What can your team or organization do to have a positive impact?
- Are you currently doing anything that has a negative impact? If so, what can you change?

4.2.4) Relationship within the North American Model of Conflict Resolution

Western literature mainly emphasizes the content goals or substance interests of parties as the ones to be pursued. Relationships have a different position in the literature. For some[118], relationship issues 'also' should be recognized, and not simply shadowed by substance issues. For others, such as Janet Miller Wiseman, her form of inter-personal conflict resolution which she calls Mediation Therapy emphasizes an approach which "provides a safe, calm, rational forum in which already indecisive couples can discover the best alternative for themselves and for their families[119]. However, like many others, Wiseman shows indifference to relationships; maintaining or breaking a relationship, it appears, is incidental to whatever rational outcome the parties reach.

Accordingly, the outcome of a conflict resolution process appears to be evaluated based on whether it achieves as much of each party's substantive interests through a collaborative mode of negotiations as possible, with little attention to commitment to relationships. Maintaining or breaking up a relationship, regardless of its nature, is almost always incidental to the dispute resolution process. Relationship maintenance is determined according to individuals' definitions of their "enlightened self-interest."

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[118]. Roger Fisher and William Ury, Getting to Yes. Penguin. 1991. NY., p.19. Joyce Hocker and William Wilmot, Interpersonal Conflict. Wm. C. Brown. 1991. IA., p.50.

[119] Janet Miller Wiseman. Mediation Therapy. Lexington. 1990. MA., p.9.

This treatment of issues of substance versus issues of relationship in the western literature on dispute resolution resonates with similar sociological observations. For example, Robert Bellah[120] notes that emphasis on self in intimate relationships reflects the strong sense of individualism and freedom of choice each one should have. Consequently, intimate relationships are no longer justified in terms of binding obligations or their wider social understanding; instead a relationship "exists only as the expression of the choices of the free selves who make it up. And should it no longer meet their needs, it must end."[121]

A few years ago, the North American model of mediation was the dominant model in the literature. But due to increased contact with other societies and cultures, scholars have expanded their views of mediation. Chris Moore, for example, recognized in his 1996 edition of "The Mediation Process" that:

> what is characteristic of good practice, and what is needed from effective mediators, is the ability to be a "reflective practitioner" (Schon, 1983). Such a person can match mediation theory and the learnings of others with his or her own past experience in resolving disputes, so that situation-specific approaches and interventions can be developed that assist parties in establishing and building respectful and trusting relationships and resolving issues that divide them.[122]

Based on this, the North American Model of mediation may not be ideal for wide implementation in Islamic settings, but neither should it be totally dismissed. The model could be effective to the extent that parties are focusing on specific interests, and

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[120] Bellah's analysis in "Habits of the Heart" (1985) attempted to define the underlying norms and values of the American society. Bellah's argument is that values of individualism, especially the utilitarian aspect of it, is becoming so pervasive in the American private or social sphere of life. Individual freedom of choice, along with a decline in the traditional-biblical sense of commitment to social relationships are influencing especially the American middle class. According to Bellah, the concept of what a relationship means in the social realm, and specifically in marriage and family, is being heavily influenced by types of utilitarian individualism; what Bellah referred to as the Therapeutic Attitude. The Therapeutic Attitude

> "begins with the self, rather than with a set of external obligations. The individual must find and assert his or her true self because this self is the only source of genuine relationships to other people. External obligations, whether they come from religion, parents, or social conventions, can only interfere with the capacity for love and relatedness. Only by knowing and ultimately accepting one's self can one enter into valid relationships with other people." (Bellah, 1985, p.98).

[121] Bellah, R. , *Habits of the Heart* (Berkeley, California: University of California Press, 1985) p.107

[122]. Moore, C. , The Mediation Process. (2nd ed.) (San Francisco, California: Jossey-Bass, 1996) p.55.

at the same time if their relational concerns, and basic value issues are either not in conflict or have been already settled. Should relationship issues or value-based issues be part of the conflict situation, there will be a need to implement different types of intervention. In addition, if ethical issues of justice, rights or interpretations of Quran and Sunnah are prevalent in a conflict, an intervener will have to address these issues; the North American model for mediation does not provide the tools for addressing such matters.

4.2.5) Relationship within an Islamic Model for Conflict Resolution

Islamic theory and culture always emphasized a strong sense of community. Unlike the western emphasis on the individual as the basic unit of the society, Islamic culture and Islamic theory regard family as the basic unit (although individual accountability is strongly emphasized in the Quran). The entire social organization in an Islamic setting is based on what the Turkish social psychologist Cigdem Kagitcibasi called "the culture of relatedness" as opposed to "the culture of separateness"[123].... "the culture of relatedness refers to the family culture and inter-personal relational patterns characterized by dependent-interdependent relations with overlapping personal boundaries."[124]

The Islamic theory, especially as presented in several "Hadith"[125], emphasized this notion of relatedness and community[126]. Further, these statements, along with several Quranic advocated active involvement with community issues, advocate standing up for justice (even against the interests of one's self and loved ones), and taking action in resolving disputes[127].

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[123] Kagitcibasi, C., *A Critical Appraisal of Individualism and Collectivism: Toward a New Formulation* in U. Kim et al (Eds.) *Individualism and Collectivism* (Beverly Hills, California: Sage Publications, 1994), p. 61

[124] Kagitcibasi, C., *A Critical Appraisal of Individualism and Collectivism: Toward a New Formulation, 1994, p.62*

[125]. Statements made by the Prophet Muhammad (pbuh).

[126]. Abdul Rahim Alfahim, 1988, in his "The 200 Hadith" compiled 200 statements that were related to the Prophet. Several of these statements emphasized behavior which strengthens community solidarity (32, 34, 35). Others encouraged active engagement to resolve conflicts, or correct injustice (26, 55, 60, 67), and helping those in need (4, 14, 15, 74). (Abdul Rahim Alfahim, *The 200 Hadith*. Abu Dhabi Printing and Publishing. 1988. Abu Dhabi.).

[127]. Quran: verses (2:177, 4:36, 4:58, 4:75, 4:97-100, 4:135, 5:9, 49:10).

Mary Clark, one of several western writers on Islam and community building, stated that when one looks at contemporary institutions which foster shared meaning and social bonding:

> [t]he major religions of the world, of course, come first to mind. It is no accident that they arose in parallel with the earliest civilizations, largely to ameliorate some of their worst excesses, and even today they represent important sources of sacred social meaning for tens of millions of people. Islam is perhaps the chief contemporary example.[128]

This strong sense of relatedness and community can be utilized to the benefit of conflict intervention in Islamic settings. A conflict intervener cannot assume that the community is made of independent autonomous individuals who expect that interpersonal conflict intervention will take place only between primary parties and the intervener. An Islamic setting is likely to engage and involve other entities and parties (for example, extended family members) in any given conflict. This involvement of others can be a strength for conflict intervention, and would model Islamic norms and principles as described in Quran and Sunnah. In addition, building on the strength of the community, and its culture of relatedness, would put to useful purposes resources that are otherwise wasted or neglected.

In summary, Islamic theory and culture are based on interdependence and relatedness of community members. Relationship issues are in many instances as significant as issues of substance. Further, the Islamic reality demands an approach to conflict that extends beyond divergence of interests; it requires a "situational" approach which takes into consideration, in addition to parties' interests, the history of social and political injustice, abusive practices, and outdated or sometimes distorted interpretations of Islamic sources. Islamic conflict intervention is guided by a social mission of liberating Islam and Muslims of these ills. Reliance on the North American model, with its strong emphasis on immediate individual interests, and emphasis on individual autonomy, and its lack of emphasis on situational and contextual factors which contribute to institutional injustice, would run the risk of keeping the Muslim communities under the age-long traditions and practices of oppression and repression. In addition, the North

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128. Clark, M., *Meaningful Social Bonding as a Universal Human Need in Conflict: Human Needs Theory* (Burton, J. eds., St. Martin's Press, 1990), p. 51

American model could not employ the tools available for effective conflict intervention under the Islamic conditions of interdependence of community actors.

5.) Eight Essential Elements of Conflict

5.1) Sources / Causes

Scholars, academicians and lay persons have debated for long the topic of sources of conflicts. How often have we heard statements such as "religion is the cause of all conflicts," or "conflicts are always about money!" From a scholarly point of view, we have seen how different schools of thoughts and academic disciplines vary in how they discuss conflict sources and causes. Marxists, for example, would argue that the struggle for the control or means of production, with all the accompanying class struggle and alienation of labor, are the main sources of conflicts throughout history. Feminists may follow such critical approach, except with a strong emphasis on gender dimensions. Psychologists may concentrate on individual traits and personal issues to seek sources and causes of conflict.

From a multi-disciplinary point of view, we suggest here in "…***Say Peace***" three major sources/causes of conflicts: Basic Human Needs, Identity, and Values/Beliefs. We recognize that the three suggested sources/causes are interrelated, and that all may be gathered under the wider banner of Basic Human Needs. However, for the sake of constructing clear analytical lines, with the purpose of ultimately developing effective conflict intervention approaches, we discuss each one separately.

5.1.1) Basic Human Needs as a Source/Cause of Conflict

"Conflicts, even of long standing duration, can be resolved if we can just keep the flow of communication going in which people come out of their heads and stop criticizing and analyzing each other, and instead get in touch with their needs, and hear the needs of others, and realize the interdependence that we all have in relation to each other. We can't win at somebody else's expense. We can only fully be satisfied when the other person's needs are fulfilled as well as our own." Marshall Rosenberg

What Basic Human Needs are – Different Approaches

One of the theories in conflict theory is that failure to meet basic human needs is a source for conflict. Before turning towards analyzing this theory, one first needs to

understand what exactly basic human needs are, as there are different definitions on which needs can be declared as basic human needs. Here, we will take the theory of the psychologist Abraham Maslow's on human motivation, which he formulated first in the 1940's, as a starting point, which makes human motives more understandable[129]. Maslow realized that basic human needs go beyond the pure satisfaction of the needs of food, water and shelter, and also comprise non-physical elements that lead to growth and development of a person[130]. Before Maslow, other theorists regarded hunger as the main motivator. Through experimental study, Maslow changed the focus from drives to goals and arrived finally at a hierarchy of needs, divided into five main groups, which are sequenced from lower to higher motives. These are physiological needs, security needs, social needs, esteem needs and lastly, self-actualizing needs. Maslow concluded that in this hierarchy, there is no final point at which a person is no longer motivated, but rather that, once one of the motives has been satisfyingly fulfilled, a new motivation to fulfill a new need will arise[131].

Real life example 1: material needs involved in Egypt-Ethiopia conflict over Nile water

Egypt is almost entirely dependent on the water of the Nile River with satisfying 94 percent of its need for water from the river[132]. Ethiopia aims to reduce poverty through engaging in a hydroelectric project, anticipated to be completed in 2017, which implies constructing a dam along the Nile. That would generate astonishing megawatts of electricity[133]. Egypt is complaining that the dam will disrupt the water flow and impact the country's water supply. At one point, the conflict was so intense that It was claimed that Egypt threatened Ethiopia with military actions[134].

Other needs theorists, such as John Burton, have used Maslow's theory in conflict theory and arrived at different conclusions about the nature of human basic needs. These theorists are of the opinion that the fulfillment of needs does not happen in a hierarchical order, and that strives for fulfillment happen simultaneously. The list of

[129] Christopher, M., *Maslow's hierarchy of needs* (Salem Press Encyclopedia of Health, 2014)
[130] Marker, S., *Unmet Human Needs (*from Beyond Intractability: http://www.beyondintractability.org/essay/human-needs, 2003) [Accessed: March 3, 2015]
[131] Christopher, *Maslow's hierarchy of needs*, 2014
[132] Otieno, J., *Understanding Africa's water wars* (from Africa Review: http://www.africareview.com/Special-Reports/Understanding-the-water-wars-in-Africa/-/979182/2062968/-/13c54d5z/-/index.html, 2013), [Accessed March 16, 2015]
[133] Hussein, H., *Egypt and Ethiopia spar over the Nile* (from Aljazeera America: http://america.aljazeera.com/opinions/2014/2/egypt-disputes-ethiopiarenaissancedam.html, 2014), [Accessed: March 16, 2015]
[134] Otieno, *Understanding Africa's water wars,* 2013

basic human needs of the needs theorists is more exhaustive, and includes the needs for:

- Safety/security (structure, predictability, freedom from fear)
- Belonging/love (feeling of acceptance; strong relation with one's family, friends, identity groups)
- Self-esteem (seen, by oneself and others, as competent and capable)
- Personal fulfillment (reaching one's potential in life)
- Identity (needs theorists define identity as the sense of self in relation to the world; identity becomes problematic when it is not acknowledged, seen as inferior or threatened)
- Cultural security (strongly related to identity, including acknowledgement of language, tradition, religion, culture)
- Freedom (not being physically, politically or civilly limited; being able to make own decisions for one's life)
- Distributive justice (fair distribution of resources in a community)
- Participation (no restraints in participating in and influencing civil society)

Denial of Basic Human Needs Leads to Conflicts

Human needs theorists regard unmet needs, and people's striving to fulfill them on a personal, group and society level, as one of the main sources of conflict[135]. Burton argues that specifically the denial of three of these basic human needs, identity, security and distributive justice, are of crucial importance in understanding the cause of conflict[136].

According to Johan Galtung, who is seen as the founder of the academic discipline of peace and conflict studies, there are four basic needs, which are survival, wellness, freedom and identity, and a fifth non-human need, ecological balance, and the sum of all five can be regarded as one definition for "peace"[137]. Galtung and Burton differ in their approach towards human needs theory, with Burton's being absolute and Galtung's being relative. Burton argues that there is no need for a comparison and no need for injustice for a conflict to evolve; it is enough if one cannot fulfill one's basic

[135] Marker, S., *Unmet Human Needs, 2003*
[136] Fetherston, A., *Peacekeeping, Conflict Resolution and Peacebuilding: A Reconsideration of Theoretical Frameworks* (International Peacekeeping Vol.7 No.1, 190-218, 2000), p. 202
[137] Galtung, J., *Direct, Structural and Cultural Violence* (In N. Young, *The Oxford International Encycploedia of Peace*, pp. 312-316, Oxford: Oxford University Press Vol.4., 2010), pp. 312-313

human needs to have a conflict, which is an absolute principle[138]. Galtung, on the other hand, holds that there needs to be injustice, in relation to others, for a conflict to occur. He explains further that structural violence and cultural violence result in the dissatisfaction of basic human needs and lead to direct violence[139].

Real life example 2: non-material needs involved in Israel – Palestine conflict
In this conflict, the main unmet basic human needs are identity and security. Palestinians suffer from denial of identity, personally and nationally. Many Israelis feel their need for security is not being met, e.g. because of denial of recognition of the state of Israel by most neighboring countries and perceived increasing worldwide anti-Semitism. These unmet needs influence and shape other issues concerning the conflict. If the conflict is to be resolved, both parties' needs have to be addressed and satisfied[140].

Human Needs Theory in Conflict Resolution

Burton differentiates between interests, which are primarily concerned with material goods, and needs, which are non-material, and emphasizes that interests can be bargained, but needs cannot. Keeping this in mind, one can understand that conflicts that derived from unmet basic needs, can be resolved, as, in theory, meeting both conflict parties' basic needs is possible[141]. What is of high relevance is that the basic human needs of identity, security and distributive justice cannot be subject to resource scarcity, which implies that there is potential for fulfilling all parties' needs without sacrifices, and, hence, win-win solutions to a conflict are possible[142]. Therefore, in order to solve a conflict, a new approach addressing the fulfillment of human needs is needed. Since human needs are not negotiable and cannot be compromised, traditional negotiation models for conflict resolution cannot be made applicable. Instead, human needs theory uses problem-solving approaches that deconstruct the sources of the conflict, and that brings into focus the fulfillment of the unmet needs of all conflicting parties.

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[138] Fetherston, *Peacekeeping, Conflict Resolution and Peacebuilding: A Reconsideration of Theoretical Frameworks,* 2000, pp. 202-203
[139] Galtung, *Direct, Structural and Cultural Violence*, 2010, pp. 313-314
[140] Marker, S., *Unmet Human Needs, 2003*
[141] Miall, H., Ramsbotham, O., & Woodhouse, T., *Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflicts* (Cambridge: Polity Press, 2011), p. 48
[142] Fetherston, *Peacekeeping, Conflict Resolution and Peacebuilding: A Reconsideration of Theoretical Frameworks,* 2000, pp. 202-203

Criticism of Basic Human Needs Approach to Conflict

There is much criticism prevailing regarding the basic human needs approach to conflict and conflict resolution. Questions, such as which needs can be defined as basic human needs, how to know which needs play a role in a conflict, which needs are met or unmet, which needs are more important and whether or not to tackle these first, or whether or not human needs differ across cultures, are prevailing and provide uncertainty. Critics also argue that conflicts often evolve around both, needs and interests. Needs and interests can be very different, and purely focusing on satisfying the basic human needs of the conflicting parties does not lead to conflict resolution.

Finally, most scholars are of the same opinion that the basic human needs of identity, security and recognition are of crucial importance in most persistent conflicts; they may not be the sole element, but need to be focused on in order to effectively transform a conflict for the long-term[143].

5.1.2) Identity as a Source/Cause of Conflict

As said in the previous section, needs theorist John Burton argues that especially the basic human need of identity, together with security and distributive justice, is crucial in understanding the causes of conflict[144]. In the following pages, we will discuss what identity is, the reasons behind it causing severe conflict, and the motivation for people sacrificing their lives for identity.

Understanding the Concept of Identity

Every human being needs to develop a sense of self in order to mature. The self-perception, or identity, of a human being is a combination of many different traits, such as gender or religion, or can even be as specific as belonging to a certain family. Even though a human shapes his identity on an individual level, identities are also collective and can, for example, be defined on a national or ethnic level. Hence, for an inter-group conflict to evolve, a group must have a feeling of a collective identity (e.g. racial, ethnic, religious) about themselves and about their opponents, which leads to a perception of "us" against "them." The concept of having a collective identity results in people feeling in pain when others from their identity group get injured or killed, as people who share

[143] Marker, S., *Unmet Human Needs, 2003*
[144] Fetherston, *Peacekeeping, Conflict Resolution and Peacebuilding: A Reconsideration of Theoretical Frameworks,* 2000, p. 202

the same collective identity perceive themselves as having the same interest and destiny. Some of the many identities, specific or broad, that people have are compatible with each other; for example, one can both characterize oneself with belonging to a certain state in the US and with belonging to the US as a whole, but sometimes identities can become competitive, as is the case in secession conflicts, e.g. one can both identify oneself with being Kurdish and with belonging to Iran.

Some characteristics of one's identity are attained through birth and unchangeable, such as the ethnicity and religion of the parents or the place of birth, but other characteristics can be acquired throughout life, for example the language one is speaking, the religion one is practicing, or the food one chooses to eat. Therefore, a lot of one's identities are chosen and based on shared values or beliefs[145].

Real life example 3: Ethnic conflict in Georgia – Abkhazia resulting in plea for secession

Ethnic Georgians and ethnic Abkhazians have been in deep conflict for centuries, with the conflict reaching a peak during the war in 1992-93. Abkhazia, which is internationally perceived as being a region in Georgia, seeks independence mainly based on the premise of national self-determination and ethnic survival. In 1999, Abkhazia declared its independence which has only been recognized by Russia and its allies in 2008. Ethnic Abkhazians are in a minority position in Abkhazia, with Georgians representing the majority. Abkhazians believe that their minority status is due to Georgian policies and therefore think that independence would improve their position. Abkhazians cannot identify with Georgians, as their language and religion are different. Abkhazians lay emphasis on their historic traditions, language and long-rooted connection to the Abkhazian land, self-identity and culture, and hence, want to have their own state to preserve these[146].

Reasons for Identity Conflicts

Identity only becomes a cause for conflict when it is denied – when a person or a group has the feeling that his / her perception of the self is threatened, denied or disrespected. Self-perception is a crucial aspect of one's being, and any threat to identity is highly

[145] Kriesberg, L., *Identity Issues* (from Beyond Intractability: http://www.beyondintractability.org/essay/identity-issues, G. Burgess, & H. Burgess, Editors, 2003), [Accessed: March 29, 2015]

[146] International Crisis Group, *Abkhazia Today Europe Report No 176* (International Crisis Group, 2006), pp. i-3

possible to result in a strong counter-action, both possibly being aggressive or defensive, which can lead quickly into a persistent conflict. Identity is seen as a key driver in most conflicts about race and ethnicity, but also in many conflicts that evolve around gender and family. Here, the genders are not of common opinion on their role or role of the other, or children disagree when it comes to who is in control of their lives[147].

Whether identity results in a source of conflict, and in what way, is strongly dependent on the traits that make up the identity, as certain characteristics of identity shape its significance for conflict's perpetuity. For instance, the importance of an identity for an individual or group influences its contribution to conflict. Individuals and groups all have multiple identities which differ in their importance to them and the threat to an identity that is perceived significant is likely to lead to intense conflict. Also, perceptions of the "other," the opponent, are shaping the intensity of the conflict. If the opponent side is perceived as being subhuman or evil, then harsher actions for defeating the enemy seem justified and violations of human rights or even attempts of extinction are more likely. Moreover, if a significant characteristic of an identity is the degree to which people perceive themselves as having been victimized by e.g. oppression and feel threatened, then these people may engage in actions that threaten the opponent, which can result in destructive conflict[148].

Resolving conflicts over identity can be particularly difficult, as the adversary is often perceived as evil or subhuman, which leads to that group's opinions and feelings not being regarded as important. Besides, talking to the adversary can be perceived as threatening one's own identity which makes attempts of reconciliation a difficult task. However, also conflicts over identity can be reconciled if the conflicting parties are dedicated to ending the conflict and are committed to engaging in longer reconciliation processes[149].

Real life example 4: Violent radicalization of Turkish diaspora in Germany as a result of identity crises

Some segments of the Turkish diaspora in Germany are turning more and more towards practicing an increased fundamental Islam, especially among the second and

[147] Conflict Research Consortium University of Colorado USA, *Denial of Identity* (International Online Training Program on Intractable Conflicts: http://www.colorado.edu/conflict/peace/problem/denyid.htm, 1998), [Accessed: March 29, 2015]
[148] Kriesberg, L., *Identity Issues,* 2003
[149] Conflict Research Consortium University of Colorado USA, *Denial of Identity,* 1998

third generations of the former migrant workers who came from Turkey to Germany since the 1960s[150]. The children of these migrants often do not feel either German, or Turkish. They have been growing up in a modern German society, but inside their homes experience rather traditional Turkish culture. In addition, a majority of the Turkish diaspora is Muslim, living in a Christian secular country to which they have difficulty relating. As a consequence, the offspring are often facing identity crises, as they neither feel complete belonging to German culture nor to the Turkish one[151]. Moreover, the diaspora often faces discrimination and rejection for being perceived as foreign, which makes identity crises and orientation problems of especially the adolescents of the second and third generations almost unavoidable. The search for belonging and the rejection can show in different ways: aggression, depression or sometimes identification with radical Islamist groups. Specifically the second and third generations seem to be prone to radical positions due to the instability of their sense of identity[152].

Self-Sacrifice for Identity

There are many examples of individuals sacrificing their own lives to benefit a group's agenda, but what motivates these individuals to sacrifice themselves for the group's identity[153]? Research has concluded that the principle of "identity fusion," a feeling of being one with a group which results into people tying their personal agency to the group, is sometimes a reason for this[154]. People who have their individual identities fused with their group are so loyal towards it that they would even die for the group[155]. For example, individuals who have a fused identity with their country are more prone to fight and die for it. It is assumed that fused people do not only identify with a group, but have a sense of obligation towards it which makes them engage in pro-in-group behavior that exceeds mere identification.

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[150] Reimann, A., *Umfrage: Viele Deutsch-Türken fühlen sich in Deutschland nicht zuhause* (Spiegel Online, http://www.spiegel.de/politik/deutschland/studie-zu-deutsch-tuerken-integrationswillen-steigt-religiositaet-auch-a-850429.html , 2012), [Accessed: July 20, 2016]

[151] Wereschagin, M., *Turks face integration challenges in Germany* (The Pittsburgh Tribune-Review, 2010)

[152] Sirseloudi, M., *The Meaning of Religion and Identity for the Violent Radicalisation of the Turkish Diaspora in Germany* (Terrorism and Political Violence, 2012, pp.807-824)

[153] Swann, W.B., Gómez, Á., Dovidio, J. F., Hart, S., & Jetten, a. J., *Dying and Killing for One's Group: Identity Fusion Moderates Responses to Intergroup Versions of the Trolley Problem* (Psychological Science Vol. 21 No. 8, 2010, pp.1176-1183), p. 1176

[154] Swann, W.B. J., Gómez, A., Huici, C., Morales, J., & Hixon, J., *Identity Fusion and Self-Sacrifice: Arousal as a Catalyst of Pro-Group Fighting, Dying, and Helping Behavior* (Journal of Personality and Social Psychology Vol.99, No 5, 2010, pp. 824-841), p. 824

[155] Swann et al., *Dying and Killing for One's Group: Identity Fusion Moderates Responses to Intergroup Versions of the Trolley Problem,* 2010, p. 1167

To fully grasp this concept, one needs to differentiate between identity fusion and group identification, which are both based on the premise of contrasting personal and group identities. Personal identities are attributes that are unique to the individual, such as one's intelligence or being extrovert; group identities arouse from being member in a social group, which connects the group members, for example being Americans or being Muslims. The identity fusion approach claims that individuals retain their personal agency when fused with a group[156], but perceive their individual and their group identities as fully overlapping and situate their self completely inside the group[157] (see *Figure 1, "E"*). Fused individuals do not subordinate their selves to the group, but gain a feeling of being one with the group which contributes to group-related actions as being a way to express oneself. The process of identity-fusion leads to individuals becoming fully committed to acting on the group's behalf. These individuals would engage in extreme behavior for the group, however, individuals differ in their translation of fusion into behavior, meaning that "extreme behavior in favor of the group" is perceived differently from individual to individual. For one individual engaging in extreme behavior for the group can mean to defend the group just by using words, for other individuals it can be to die for it. Hence, there may be many people who share the element of being fused with a group but still would not sacrifice themselves for it[158].

In contrast to identity fusion, group identification is a feeling of strong loyalty towards a group which would motivate members to engage in collective actions for the group. Individuals with high group identification would not engage in extreme pro-group actions as isolated actors, so would not on their own act on the group's behalf whereas fused individuals are highly motivated to actively participate as individuals in achieving justice for the group, even if this implies suicide-killing[159].

At this point it needs to be stressed once more that not all individuals who are fused with a group would sacrifice themselves to benefit the group, which is evident as there is a vast majority in the population who are fused with a group but would not engage

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[156] Swann et al., *Identity Fusion and Self-Sacrifice: Arousal as a Catalyst of Pro-Group Fighting, Dying, and Helping Behavior,* 2010, pp. 824-825
[157] Swann et al., *Dying and Killing for One's Group: Identity Fusion Moderates Responses to Intergroup Versions of the Trolley Problem,* 2010, p. 1176
[158] Swann et al., *Identity Fusion and Self-Sacrifice: Arousal as a Catalyst of Pro-Group Fighting, Dying, and Helping Behavior,* 2010, pp. 824-826
[159] Swann et al., *Dying and Killing for One's Group: Identity Fusion Moderates Responses to Intergroup Versions of the Trolley Problem,* 2010, pp. 1177-1181

in such extreme actions. Hence, there must be other factors that also play a role, and that need to be understood. Together with an individual factor of how far a person would go for the group and what engaging in extreme actions for a group mean for the individual, it is assumed that the factors of having a strong belief of the group being right and "the other" being wrong and a perceived imbalance of power play a role, too.

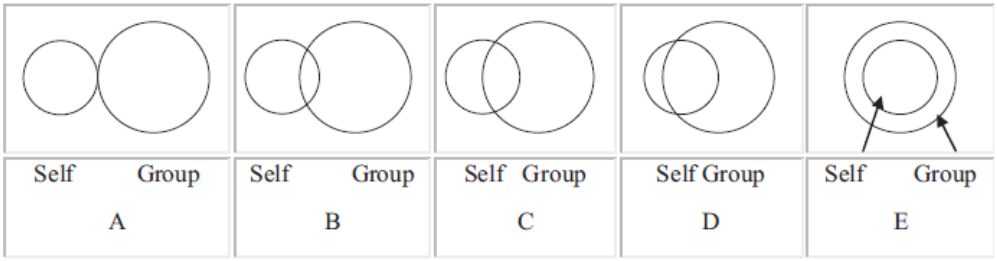

***Figure 1*: Measure of identity fusion[160]. A= no overlap of individual and group, E= complete overlap / identity fusion** (W.B. Swann, Gómez, Huici, Morales, & Hixon, 2010)

Real life example 5: Self-sacrifice during hunger strike in Northern Ireland

During the 30-year long conflict in Northern Ireland (1968-1998), primarily being about the affiliation of Northern Ireland to the United Kingdom or Ireland, hunger strikes were a powerful self-sacrificing method of protest. The conflicting parties were divided into Protestants, who formed the majority in Northern Ireland and who wanted to remain part of the United Kingdom, and the almost exclusively republican Catholics who wished to belong to the Republic of Ireland[161]. The hunger strikes took place in 1980/81, starting with seven prisoners refusing food, and agreeing that for every person who would die, another one of the 342 prisoners who were involved in the protest would take over his place. One of the aims of the strike was to gain political status of the prisoners. In order to be selected as one of the strikers, prisoners were tested for their commitment: "Comrade, you have put your name forward for the hunger strike. Do you know this means that you will most likely be dead within two months?... Reconsider carefully your decision[162]."

[160] From "Identity Fusion: The Interplay of Personal and Social Identities in Extreme Group Behavior" by W.B. Swann, Jr., A. Gómez, D.C.Seyle, J.F. Morales and C. Huici, 2009, *Journal of Personality and Social Psychology*, 96, p.998. Copyright 2009 by the American Psychological Association. (W.B. Swann, Gómez, Huici, Morales, & Hixon, 2010)

[161] BBC History, *The Troubles, Thirty Years of Conflict in Northern Ireland, 1968-1998* (from BBC History: http://www.bbc.co.uk/history/troubles), [Accessed: April 1, 2015]

[162] Dingley, J., & Mollica, M., *The Human Body as a Terrorist Weapon: Hunger Strikes and Suicide Bombers* (*Studies in Conflict & Terrorism, 30*, 2007, pp. 459-492), pp.462-467

5.1.3) Values and Beliefs as Sources/Causes of Conflict

"I disapprove of what you say, but I will defend to the death your right to say it." – Voltaire

Many conflicts arise over conflicting values and beliefs, and unfortunately not all individuals share Voltaire's vision in everyone having the right to freely state one's opinion, and the right to living up to it. Values and beliefs are very important for individuals as they play into shaping one's identity, which in turn is a fundamental basic human right. Conflicts over differing values and beliefs, or moral conflicts, have a tendency to be long-lasting and can become very violent.

The Importance of Values and Beliefs

The view of the world can be fundamentally diverse for people with different interpretations on what is the best way to live one's life and on what is right and what is wrong. When groups have contradicting worldviews and regard different things as important, they respond in radically different ways to moral questions or develop fundamentally diverse goals, which can lead to conflict. As the conflicting parties may perceive their own views as the best, they might view the other party as behaving morally wrong, see them as inferior, or even perceive their actions as evil.

The morals of human beings are closely linked with culture and socialization: when a person is raised, he is socialized to base his decisions on the values and practices of his group and its culture. The moral code of the group determines what the person values, the perceptions of truth, how to behave and what to do, and helps a person to shape a feeling of identity. Individuals that are from the same culture have very similar realities and mentalities and develop a "common sense," based on their values, assumptions and practices.

Furthermore, one can differentiate between morals based on rights and morals based on virtues. Building morals on rights is a product of modernity and enlightenment, whereas basing morals on virtues is a traditionalist approach. These two approaches are conflicting when "modern" individuals engage in actions that are needed to conform to their moral code, but at the same time violate morals of the traditional society. Inter-faith or inter-ethnicity marriages are an example for this, with modernists being of the opinion that one has the right to freely choose one's partner, regardless of ethnicity or

religion, whereas many traditional people could perceive it as endangering their race or religion[163].

The Effect of Values and Beliefs on the Perpetuity of Conflicts

Conflicts that are based on conflicting morals can become very violent. The parties often engage in behavior that is even immoral according to their own moral code, but believe that this is justified as the other is seen as subhuman, due to their perceived immoral actions, and therefore do not need to be treated as human. As a result, gross human rights violations, going so far as to attempt genocide, can take place, based on the thought that power over the other or their extinction are the only possibilities to resolve the conflict.

Furthermore, because of the nature of moral conflicts being deeply rooted, they have a trend to endure long and to be mutually reinforcing. Often, throughout the conflict, the initial cause of the conflict becomes less important as actions that are taken by the conflicting parties become new drivers in the conflict. The parties behave in the conflict according to their moral code, engage in actions that they perceive as being right, and have different perceptions on conflict resolution, which then further reinforces the differences and leads to perpetuity of the conflict.

As it is very difficult to change moral, religious or personal values of people, conflicts that result from conflicting values and beliefs pose challenges on resolution as individuals that are stuck in their own moral code, often do not want to compromise or negotiate when it comes to these topics, and therefore cannot envisage win-win solutions, as this would mean compromising of mentality and possible loss of identity[164].

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[163] Maiese, M., *Moral or Value Conflicts*. (from Beyond Intractability: http://www.beyondintractability.org/essay/intolerable-moral-differences, G. Burgess, H. Burgess, Editors, 2003) [Accessed: March 31, 2015]
[164] Maiese, M., *Moral or Value Conflicts*, 2003

Real life example 6: Abortion and the Catholic Church

Most countries in the European Union allow abortions if they are undertaken in the first trimester of the pregnancy. However, the Vatican strictly condemns and opposes abortion and is publicly enunciating its strict view on abortion, influencing the traditional people in society and the Catholics in Europe who make up a big part of the population. The Vatican is buttressing its argument on the fifth commandment (I. Respect for Human Life, Abortion, 2270): *Human life must be respected and protected absolutely from the moment of conception. From the first moment of his existence, a human being must be recognized as having the rights of a person - among which is the inviolable right of every innocent being to life*[165].

This example shows the strong upholding of values and beliefs of the Catholic Church, influencing Catholics in the society, who then face the struggle of living in a modern society that bases its values and beliefs predominantly on secular laws and regulations, while they base their own on religiously-derived virtues.

Connecting Values and Beliefs to Identity Construction and Basic Human Needs

As noted earlier, an individual bases his values and beliefs on the moral code of his social context and culture. The group that a person belongs to shapes his values, truths and behaviors, and helps the person to develop his identity. Agreeing to any compromises with the opposition party may lead to feelings of compromising or threatening one's identity. Moreover, part of identity construction for an individual could be being the adversary of the opposition party, or being a combatant. This in turn would lead again to the perpetuity of the conflict.

Identity is an important part of the basic human needs and the motivation for engaging in conflicts about morals is often to defend basic human needs, such as identity. However, during moral conflicts, basic human needs frequently become threatened[166], for example through endangering the opponent's right for freely living his identity, through human rights violations, and through endangering a person's security. Besides, values and beliefs need to be seen in the context of an individual's social surrounding and culture, hence, the concept of values and beliefs is closely connected to culture. Another important basic human need that needs theorists identified is cultural security (acknowledgement of one's language, tradition, religion and culture), which is strongly related to identity. Therefore, with values and beliefs shaping one's identity and

[165] Vatican, *Catechism of the Catholic Church,* [Accessed: April 1, 2015 from http://www.vatican.va/archive/ccc_css/archive/catechism/p3s2c2a5.htm]

[166] Maiese, M., *Moral or Value Conflicts*, 2003

identity being strongly related to culture, one can see the connection between values and beliefs playing into the concept of basic human needs.

Real life example 7: Double-standards of the *Jyllands-Posten*

In 2005, the Danish newspaper *Jyllands-Posten* published twelve cartoons of the Prophet Muhammad (saw), which led to strong controversy and outcries by Muslim communities worldwide. The cartoons harshly offended the Muslims, and it is assumed that the newspaper knew that the cartoons could be perceived as offensive. However, the editors still agreed to the publication. In this example, a double-standard can be extracted, as the editors refused in 2003 to include satirical drawings of Jesus Christ, with the justification that they could be viewed as offensive by the readers and that they were not funny[167]. Hence, it seems to be justifiable and legitimate to mock the Muslim religious minority in Denmark, but satire of the country's predominant Christian religion is viewed as violating the moral code. It can be argued that there should be freedom of expression, referring to Voltaire's quotation above, with everyone having the right to state their opinion, even if others disagrees with it. But then this should be done in a consistent manner and not only by showing disrespect to only one side. Besides, the action is violating the basic human need for cultural security by mocking the religion of the other.

Interactive tool 2: The Conflict Tree[168]

The Conflict Tree tool helps to understand the causes and effects of a conflict and aids to differentiate between these. This is important because working on the effects of a conflict does not lead to sustainable change – the root causes of a conflict need to be tackled for lasting change. The Conflict Tree tool focuses on one or more core problems and then determines the root causes to the problem and the subsequent effects of it. Similar to a tree, the roots of the tree represent the root causes of the conflict, and the branches represent effects, which are dynamic – like leaves in the wind. The trunk of the tree represents the visible, manifest core problems.

[167] Fouché, G., *Danish paper rejected Jesus cartoons* (from The Guardian http://www.theguardian.com/media/2006/feb/06/pressandpublishing.politics, 2006), [Accessed: April 1, 2015]

[168] Adapted from Fisher et al., *Working with Conflict*, Zed Books, 2000 as included in *Conflict Analysis Framework - Field Guidelines & Procedures* from Reflecting on Peace Practice Project / CDA Collaborative Learning Projects, Global Partnership for the Prevention of Armed Conflict and Norwegian Church Aid, May 2012, pp. 34-35 and *Conflict Analysis Tools,* Swiss Agency for Development and Cooperation (SDC), Conflict Prevention and Transformation Division (COPRET), Simon Mason & Sandra Rychard, 2005, p. 4

This tool can be used as a first step in conflict analysis to understand the link between root causes, issues and dynamic factors.

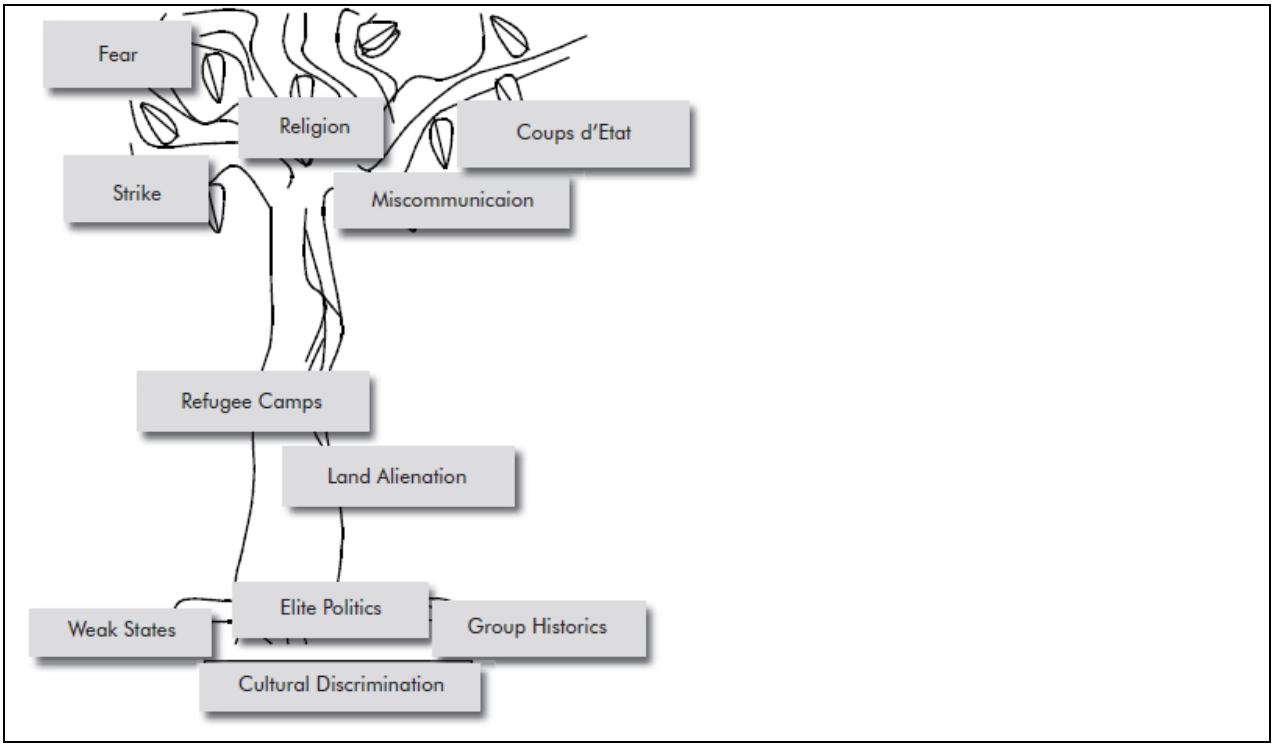
How can I do it?

The tool is used best as a group exercise.

1.) Draw a tree (including roots, trunk and branches) on a big piece of paper or flipchart.
2.) Invite each participant to visualize on index cards or sticky notes important factors to the conflict. This can be either in one or few words or with pictures.
3.) Invite the participants to attach their cards at the appropriate place of the tree: the roots, the trunk or the branches.
4.) With the help of a facilitator, discuss the factors and their position in the tree. Since placement of factors is partly subjective, there is no absolute right or wrong. The factors and their position may also change with time. Still, as a group, try to conclude on a common "snap shot" of the conflict.
5.) As a group, discuss how to address the links between root causes and effects.

Example of a Conflict Tree[169]:

[169] Taken from *Conflict Analysis Tools,* Swiss Agency for Development and Cooperation (SDC), Conflict Prevention and Transformation Division (COPRET), Simon Mason & Sandra Rychard, 2005, p. 4



5.2) Interests

Interests are the specific tangibles that a party wishes to achieve in a conflict with other(s) who simultaneously aspire for different ones.

5.2.1) Types of interests:

- interests that arise out of limited resources (resource conflict / material resources).
- interests that arise out of the need for continued existence (survival conflict / positional goods)[170].
- interests that arise over relationship dynamics (negative dynamics and power issues).
- interests that arise out of values (belief systems and religious values).

Interactive Tool 3: The Onion[171]

Just like an onion, a conflict has different layers that need to be "peeled" to get to the

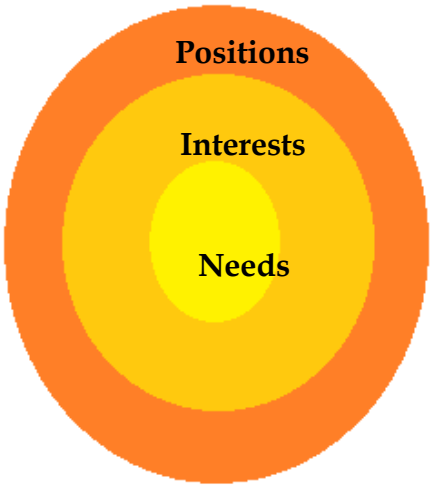
[170] Mitchell, C., *The Structure of International Conflict*, MacMillan Press, 1981, pp.. 41-44
[171] Adapted from: http://peacebag.org/articles/toolkit-p4-conflictanaly.html#onion [Accessed: June 18, 2016]

core of the conflict. In a conflict, only the dynamics that are at the surface are visible; there are many more invisible dynamics to a conflict though. The onion model helps to identify these underlying dynamics to get a better picture of the conflict situation and the parties' positions, interests and needs. In a conflict, people often say that they want something – their position – which however might not necessarily reflect their real interests and needs. This tool helps to look beyond the surface, which is not only beneficial to understand conflict dynamics but also to facilitate dialogue between the parties.

How can I do it?

Try to identify, with the help of the graph below, your own and other parties' positions, interests and needs.

Positions: What is openly said and shown. What the party says that it wants.
Interests: What we aspire to achieve in the conflict. What the party really wants.
Needs: The needs that certainly must be met for the party to be satisfied with the outcome of the conflict. In contrast to interests, needs cannot be negotiated.



5.2.2) Dimensions of Interests – Islamic Perspective

"Interest is people's feelings about what is basically desirable; their values and needs".[172]

[172] Rubin, J. Z., Pruitt, D. G., Kim, S. H., *Social Conflict: Escalation, Stalemate, and Settlement*, 1994, p. 256

Muslim scholars have explained the purpose of shari'ah as following: fulfilling interests, which are compatible with shari'ah, by pulling utilities and turning away harms in this life or in the hereafter.[173] From this definition we notice that Islam considers interests in a double dual dimensions. On one hand, pulling utilities and turning away harms. On the other hand, considering the consequences of the mentioned aspects in this life and in the hereafter. Therefore, any kind of interests or goals preventing good or causing harm to the individual or society, whether it is in this life or in the hereafter, is not considered as real interests or goals in the sight of shari'ah. These considerations draw a clear line between the western definition of interest and the Islamic one.

As for the first dual dimensions, which is pulling utilities and turning away harms, we notice that western literature has mentioned something about it. For example, Mitchell divided goals into two major types:

Positive goals, which mean consciously desired future outcome, conditions or end states: increased wealth, favorable balance of payment, access to the sea, custody of the child, becoming head of a state.

Negative goals, which involve the avoidance of unwanted future state or happenings: avoiding bankruptcy, democrats coming to power.

The interests of these goals are limited to this life and they do not consider the reward or punishment of God in the hereafter, whereas from the Islamic standpoint we see an emphasis on the concept of accountability in the Day of Judgment. Allah says, "Verily, Allah will judge between them as to the schisms amongst them on the Day of Judgment"[174]. Thus, we will find Muslims struggling to be just and fair in their relationships, and the feeling of guilt accrues when a Muslim transgresses his limits to overcome the rights of others. Believing in the accountability on the Day of Judgment, as a pillar of iman, plays a significant role in adjusting the relationships in Muslims' life.

5.3) Positions

Positions reflect the specific demand(s) a party insists on in a conflict situation. Positions are in the heart of conflict escalation and do complicate the process of conflict

[173] Ibrahem b. Musa al-Shatibi, Al-Muwafakat. Dar al-Ma'rifa. 2:5
[174] Quran 10:93

resolution or management. This is because they are usually framed as zero-sum- I get everything or nothing. Positions also refer to the inter-related goal incompatibilities of adversaries. In many cases these can be regarded as the subject upon which parties take up opposed positions because of their conscious goals. For example, with insufficient income, a husband wants to spend money on a new car, while a wife wants to paint the house (note that in this case the conflict source is the perceived scarcity of resources which frustrate the fulfillment of certain basic human needs, while the positions are to buy a car or to paint the house).

Real life example 8: The Cleveland Browns leaving town!

In 1995 the famous Cleveland Browns football team moved to Baltimore. The move was not an easy feat at all, mainly because the Browns fans in Cleveland could not think that their beloved team would depart to another town. While they recognized that the owners of the team have the right to move anywhere they wanted, they also had a very strong attachment to their team and its name. In the early stages of the conflict, the fans and the owners both insisted on their positions: the fans would not let the "Browns" leave town, and the owners asserted their legal right to move the "Browns" anywhere they wanted. Holding on to the name "Browns" was the position held by the two parties. To that extent, the conflict seemed irresolvable.

Only when the parties agreed to leave the name "Browns" behind, while moving the franchise to Baltimore with a new name (later was decided to call it the Ravens), that the conflict was resolved. A new franchise was later established by new owners in Cleveland under the name "Browns."

5.4) Parties

A party is defined as "A participant in conflict. Parties can be individuals, groups, organizations, communities, or nations".[175]

Those involved in a conflict situation on various levels may be divided into three categories:

[175] Rubin, J. Z., Pruitt, D. G., Kim, S. H., *Social Conflict: Escalation, Stalemate, and Settlement* (McGraw Hill, Inc, New York: 1994 (2nd Ed), p. 257

- Primary: Those who have a direct vested interest in the conflict (for example, husband and wife in a dispute over spending money).
- Secondary: Those who have an indirect interest in the conflict (for example, the children who are impacted by the parents' conflict behavior, and financial decisions).
- Tertiary: Those who have a distant interest in the conflict (for example, family relatives and friends who are impacted by conflicts between the husband and wife).

Interactive Tool 4: Stakeholder Analysis[176]

The Stakeholder Analysis is a useful tool for generating a conflict profile of all primary parties to a conflict, and also some secondary parties. It is beneficial to make the Stakeholder Analysis before starting to engage in conflict resolution as it paves the way for a better understanding of each party's relation to the conflict and the underlying motivations. The analysis determines each party's positions or demands, interests, basic human needs that are at stake, key issues to the conflict, sources of power and willingness to engage in negotiation. Hence, the analysis also prepares for the negotiation processes – a topic that we will discuss later in this handbook.

How can I do it?

1.) On a separate piece of paper, list all of the parties to the conflict that you can think of. These can be individuals or groups and primary or secondary parties. In a second step, mark the primary parties.
2.) Start to fill in the Stakeholder Analysis Table (**Appendix 1.1**) and put the primary parties first – due to their presence being essential to the resolution of the conflict - under People/Parties. You can then add secondary parties, too.
3.) Fill in the other columns. You might need to get back to the parties and get additional information in order to be clear and to get the right information.

Important to remember:

Basic Human Needs can be tangible or intangible. They include, amongst others, safety /security, belonging, self-esteem, personal fulfillment, identity, freedom,

[176] Adapted from CDR Associates, Boulder, Colorado (various training manuals) as included in *Conflict Analysis Framework - Field Guidelines & Procedures* from Reflecting on Peace Practice Project / CDA Collaborative Learning Projects, Global Partnership for the Prevention of Armed Conflict and Norwegian Church Aid, May 2012, pp. 27-28

distributive justice and participation.

Means of Power: groups can gain power through different means. For example, access to and control of resources, such as money or commodities, or political influence can be sources of power.

Willingness to negotiate: some parties are ready and willing to engage in negotiations to settle the conflict whereas others are not. In this column, it is not only aimed to identify *if* the party is willing to negotiate, but also *why* it is or *why it is not*. Parties might not be willing to engage in negotiations due to financial or other associated costs. These parties might try to delay negotiations in order to better their situation and might determine what else they could do instead of joining negotiations – a so-called BATNA: best alternative to negotiated agreement (a more detailed explanation of BATNA will follow in the Negotiation section).

Interactive Tool 5: Stakeholder Mapping[177]

Stakeholder Mapping is a tool that helps to identify the relationship among the parties and the power that they have, to get a clearer picture of the conflict situation. With being a graphical representation of the conflict and the parties, it also helps to determine who allies are and how intervention can be possible.

How can I do it?

1.) You need to decide on from whose point of view you want to map and narrow down your focus. Mapping the whole history of the conflict will be very time-consuming and so complex that it is not helpful. Instead, it will be more beneficial to map the same situation from the different viewpoints of the involved major parties.
2.) Start by drawing circles with actors on a big sheet of paper. The bigger the circle, the more important the party. Use symbols (you can find a list of possible symbols at the end of this description) to portray the relationships. Use boxes to illustrate the main themes.

[177] Adapted from Simon Fisher, et al, *Working with Conflict: Skills and Strategies for Action*, Zed Press, 2000 as included in *Conflict Analysis Framework - Field Guidelines & Procedures* from Reflecting on Peace Practice Project / CDA Collaborative Learning Projects, Global Partnership for the Prevention of Armed Conflict and Norwegian Church Aid, May 2012, pp. 31-32

Tip: Use post-its. This makes it easy to re-organize your map, if needed.

3.) Place yourself on the map. Whether you are an organization or an individual somewhat involved in the conflict, you should not forget to include yourself in the map.

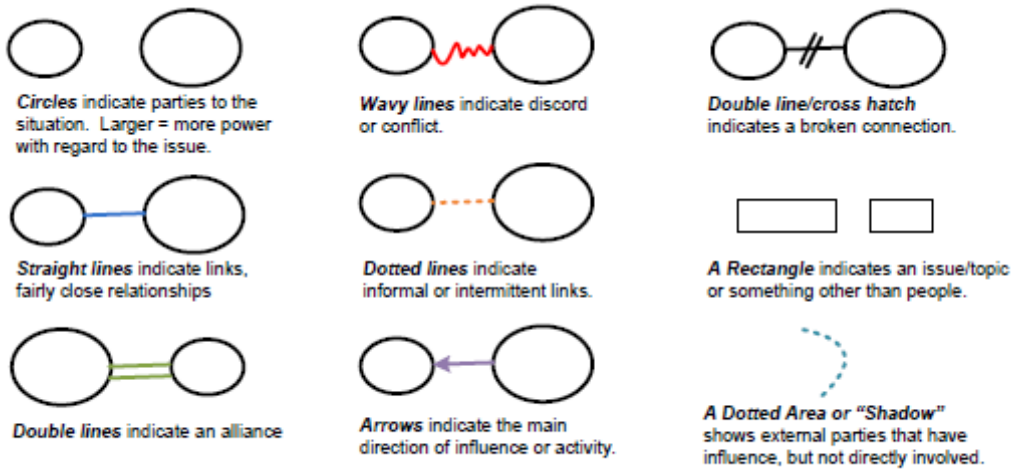
4.) Mapping is dynamic and should bring new possibilities. While doing the mapping, you should ask yourself questions, such as *What can be done? Who is the best to do it? When is the best moment? Which structures need to be built afterwards?*

5.) Try also to identify perceptions, needs and fears of the parties to gain a deeper insight into the different motivations. This might help to determine misunderstandings and aids you in understanding the actions that parties are taking.

6.) Engage with the different parties: check with them if they would agree to the mapping and to the perceptions that you ascribed to the parties.

Symbols that can be used[178]:

You can use the below symbols or invent some of your own.



You can find an example of a Stakeholder Mapping in **Appendix 1.2**.

Tip: Doing the Stakeholder Analysis before the Stakeholder Mapping will help you to understand the parties' motivations.

[178] From *Conflict Analysis Framework - Field Guidelines & Procedures* from Reflecting on Peace Practice Project / CDA Collaborative Learning Projects, Global Partnership for the Prevention of Armed Conflict and Norwegian Church Aid; May 2012, p. 32

5.4.1) Role of parties – Islamic Perspective

A Muslim is not ultimately free and independent in a society to do what s/he wishes without concern for consequences. Instead, he bears toward the society where he lives in the responsibility of the outcome of his actions. That is in contrast to the western approach in which the social and cultural norms profoundly emphasize the individual's autonomy and freedom regardless of the harms that may affect the public.

According to the teaching of the Quran, Muslims are considered as one ummah (community). Allah says "Verily, this brotherhood of yours is a single brotherhood, and I am your Lord and Cherisher: therefore serve Me (and no other)"[179]. Thus, Muslims should work together to maintain a healthy relationship among their community. This consideration makes Muslims believe that the Islamic community is as one body. If one part happens to be harmed, the whole body will suffer and ache, as Prophet Muhammad (saw) said. Thus, it is the responsibility of every individual Muslim, within his capacity, to offer advise and protect the community from any harm that may threaten the ummah.

For the sake of accomplishing this goal, Islam, among other things, commands Muslims to practice what is known as al'amr bilma'ruf wa alnahi 'an almunkar (enjoining what is good and forbidding what is evil). Allah commands Muslims to single out groups from among them to fulfill this task. Allah said "Let there arise out of you a band of people inviting to all that is good, enjoining what is right, and forbidding what is wrong: they are the ones to attain felicity"[180]. When Muslims, out of their belief, practiced this communal command, Allah described them in the Quran as the best ummah among mankind. He says "Ye are the best of peoples, evolved for mankind, enjoining what is right, forbidding what is wrong, and believing in Allah"[181].

From the Islamic point of view, the ummah should participate by all available means, words and actions, to rectify the wrong. Prophet Muhammad (saw) likened the society to a boat, in which all passengers are responsible for the safety of it. The hadeeth of the ship reads "The example of a person who obeys injunctions of Allah and the one who disregards these limits is like passengers on a boat who decide by drawing lots as to who should occupy to upper deck and who should go to the lower deck. Those in the lower deck had to pass through the upper deck to fetch water which caused some inconvenience to the occupants of the upper deck. So they suggested to the occupants of

[179] Quran 21:92
[180] Quran 3:104
[181] Quran 3:110

the upper deck to allow them to bore a hole in the lower deck and to draw water without causing any inconvenience to them. If the occupants of the upper deck were to leave the others to carry out their design, they would all perish together; but if they were to stop them from carrying it out they would save themselves and all others".[182] Therefore, the intervention of the community at the time of conflict is very vital and crucial even without asking for help.

5.5) Attitudes/Feelings

5.5.1) Definitions

- The emotions and perceptions influencing parties' behavior in conflict.
- "Positive or negative feeling toward a person or object".[183]
- "Common patterns of expectation, emotional orientation, and perception which accompany involvement in a conflict situation".[184]
- Perceptions about conflicts, whether it is an activity to be avoided or sought out and whether it is a negative or positive activity, develop over one's lifetime. In this process, refined images or metaphors develop in one's imagination and language that give shape and meaning to conflict episodes.

5.5.2) Why Should We Study Psychological Aspects of Conflict Situations?

The field of conflict resolution is based on several disciplines, psychology being one of them. It's probably very clear by now that all conflicts involve people in some way or another; some conflicts involve many, many people. Therefore, it is important to look at how humans think and behave, and what makes them think/behave in those ways. Once we begin to understand major aspects of human psychology, we will be able to build a deeper understanding of conflict situations.

The perspective of the majority of conflict analysts is similar to that of social psychologists who examine the causes of behavior in social situations. This is due to the complex interaction between the inner and outer dimensions of an individual, the *nafs* and *fitrah* relating with the environment.

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[182] Transmitted by al-Bukhari, see al-Nawawi, Riyad al-Saliheen, International Islamic Publishing House, 1:128

[183] Rubin, Pruitt, Kim, *Social Conflict: Escalation, Stalemate, and Settlement*, 1994, p. 252

[184] Mitchell, C, *The Process and Stages of Mediation* (In D. Smock (Ed.) *Making War and Waging Peace: Foreign Intervention in Africa* Washington, D.C.: United States Institute of Peace, 1994), p. 28

5.5.3) A Brief Overview of the Major Schools of Psychology

Behaviorist (founded ~ 1890)	
Major Assumptions:	"Humans are a product of learned behaviors"
Main Contributors:	Ivan Pavlov, John Watson, B. F. Skinner, Alfred Bandura
Psychoanalytic (founded 1920's)	
Major Assumptions:	"Human behavior is a product of the interaction between unconscious drives"
Main Contributors:	Sigmund Freud, Carl Jung, Ana Freud, Erik Erikson
Cognitive (founded ~ 1959)	
Major Assumptions:	"Human thoughts, feelings and actions are integrally related to an individual's perceptions & thoughts"
Main Contributors:	Alfred Adler, Joseph Furst, Albert Ellis, Arnold Lazarus
Existentialist (founded ~ 1962)	
Major Assumptions:	"Humans are free and unique. They must experience suffering, as it is a part of life, and truth is subjectivity."
Main Contributors:	(This perspective led into the "Humanist" school. Major contributors included: Carl Rogers, Abraham Maslow, Gordon Allport, etc.)
Transpersonal (founded 1980's)	
Major Assumptions:	"Human development increases stage by stage, culminating in the unfolding of the spirit. The process is one that integrates the mind, body and spirit and integrates the individual with all of humanity."
Main Contributors:	Roberto Assagioli, Jacquelyn Small, Ken Wilber

Each school within psychology brings with it certain assumptions about the origins of human behavior and the degree to which the environment impacts its development. The authors of this manual believe strongly that both internal and external factors influence an individual's disposition, thought processes, personality traits and behavior. Therefore, they do not limit themselves to any one theory.

It is beyond the scope of this manual to discuss aspects of "function" and "dysfunction" of an individual. However, this would definitely influence the tactics one would use when in a conflict situation or when intervening in one.

Since the authors hold that the individual is partially a result of his/her context, sections are included to discuss these influences further. However, we must be aware that this influence is not unidirectional. Rather, the larger context is ultimately the result of the actions taken by all individuals.

5.5.4) Perception

A perception is a belief about or a way of viewing a person or object[185]. Perceptions are influenced by the worldviews taught to individuals by their families, through the media, schools, and other social institutions. They are also influenced by the experiences of a particular individual as they encounter various situations throughout their lives. An example of how perceptions influence one's behavior in a conflict situation is the phenomenon of "zero-sum thinking," where any gain for the other is seen as a loss for oneself. Values are taught through the same processes and perceptions that shape their self-concept and identity.

Negative perceptions encourage conflicts to escalate because they:

a) make blaming the other for one's unpleasant experience easier
b) aid in interpreting the actions of the distrusted other as threats
c) diminish the inhibitions towards retaliating
d) interfere with communication
e) reduce empathy for the other
f) encourage zero-sum thinking

[185] Rubin, Pruitt, Kim, *Social Conflict: Escalation, Stalemate, and Settlement,* 1994, p. 84

g) make other seem to be an evil enemy[186]

As a result, it is important to catch negative perceptions and to reframe them as you intervene. Techniques to aid you in this process will be discussed under "Intervention" in this manual.

Groups, defined as two or more persons who interact with one another, share common goals, are somehow interdependent, and recognize that they belong to a group[187] that is formed for many reasons. One of these reasons is that group membership helps us establish a "social identity" and becomes part of our self-concept. It is easy to see how these group memberships aid us in "choosing sides" in a conflict situation. Two features of groups that influence a person's perceptions of the world are "group norms" and "group cohesiveness." Norms are stated or unstated rules for behavior that are often based on impressions of the world and of the appropriate way of navigating that world. Cohesiveness refers to the strength of the bonds between group members. The more cohesive a group, the more influence it has on shaping the perceptions of its members and the less likely that any one member will act against the wishes of the group[188].

5.5.5) Stereotypes

A stereotype is a "widely held but fixed and oversimplified image or idea of a particular type of person or thing"[189]. It is the image that a person holds of all persons of another group that is based on generalizations or assumptions and therefore not justified. This image makes the person think that he knows what the other persons of the other group will be like and how their character is. Stereotypes can be both positive and negative, and they are very prevalent in conflicts with the parties developing stereotypes of the other – however, generally negative ones. In conflicts, the other group is often stereotyped as being aggressive, selfish and dishonest, which leads to increased intractability of conflicts. As "the other" is perceived as threatening, "us" will be aggressive and hostile to reduce insecurity, which leads to "the other" responding in a

[186] Rubin, Pruitt, Kim, *Social Conflict: Escalation, Stalemate, and Settlement,* 1994, pp. 85-87
[187] Sabini, J., *Social Psychology* (1st edition) (New York: Norton, 1992), p. 434
[188] Sabini, *Social Psychology* (1st edition), 1992, pp. 437-439
[189] Oxford University Press, *Stereotype* (from Oxford Dictionaries : http://www.oxforddictionaries.com/definition/english/stereotype) , [Accessed: April 7, 2015]

similar way and therewith reinforcing the held stereotype[190]. Other examples for generally held stereotypes include "girls are not good at sports," "all Muslim women wear hijab," or "all Americans are obese;" obviously, one cannot generalize in this way, but people tend to do so.

5.5.6) Anger & Fear

What we know as "anger" is the considered to be our interpretation of a biological state[191]. It is commonly thought of when people begin to define "conflict." However, many of us do not recognize the connection between anger and fear. Conflict theorists have pointed at the connection between these two emotions and cite them as prominent in the cycles that drive conflict situations.

Image threats, such as those that undermine one's image of power, status, forcefulness, integrity, adequacy, autonomy, loyalty, produce anger and/or fear. If anger is produced, often the person engages in retaliation; if only fear results, the person behaves defensively[192].

People differ in their preference for dealing with anger. Some wish to suppress it completely, while others explode and behave inappropriately. A third camp argues that one can express anger responsibly, neither denying it nor letting it control you[193]. When working through conflict situations, it is important to understand anger and its sources as it indicates to issues that may need to be discussed between the parties. Some suggestions for how to responsibly express and receive anger can be found on pages 221-222 of Wilmot & Hocker's *Interpersonal Conflict.*

5.5.7) Anger & Hatred

Anger does not always have to lead to aggression and violence, sometimes, anger can promote constructive actions, such as long-term reconciliation or risk-taking during negotiations, and thereby enhance peaceful conflict resolution. When can anger be constructive and when destructive in a conflict? Individuals who have the perception of members of the other group being able to change towards the positive are more likely to

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[190] Burgess, H., *Stereotypes / Characterization Frames* (from Beyond Intractability: http://www.beyondintractability.org/essay/stereotypes, G. Burgess, H. Burgess, Editors, 2003), [Accessed: April 7, 2015]
[191] Rubin, Pruitt, Kim, *Social Conflict: Escalation, Stalemate, and Settlement,* 1994, p. 78
[192] Rubin, Pruitt, Kim, *Social Conflict: Escalation, Stalemate, and Settlement,* 1994, pp. 79-80
[193] Wilmot and Hocker, *Interpersonal Conflict* (McGraw-Hill, Inc, Boston, Massachusetts, 1998), p. 221

use their anger in constructive ways. Studies have shown that hatred is the feeling that strongly influences an individual to perceive the individual that the hatred is directed to as incapable of changing to the positive. In intergroup conflicts, hatred is one of the most powerful feelings and can be addressed towards a single individual or a whole group. Hatred can translate into the wish to harm the other or, in extreme cases, to erase a whole group. The degree of hatred that an individual feels influences whether anger is used constructively or destructively. People that have a high level of hatred towards another group and therefore think that all individuals of the group will never undergo positive change, are expected to respond aggressively to any action that generates anger. Comparatively, individuals that have a low degree of hatred towards the other group may be more willing to engage in peaceful conflict resolution options, such as negotiation, education or compromise and may find these as equally beneficial[194].

5.5.8) Blame

Blame is defined as faulting another for his/her unpleasant behavior and holding him/her responsible and/or accountable for some act. It often produces a rational desire to retaliate, which is increased if the unpleasant actions seem freely taken[195]. There are many reasons people blame one another. One is because it is too painful to blame oneself for the negative behaviors; as the amount of conflict increases, the amount of pain increases and the easier it becomes to put that blame on another rather than oneself. Another reason for blaming another is that one can see the sources of his/her own behavior, yet is not able to see the sources for others' behaviors. Therefore it is easier to attribute another's behavior to negative intentions and easier to rationalize one's own escalated behavior[196].

Note: Escalation will be discussed in more detail later in the manual.

[194] Halperin, E., Russell, A. G., Dweck, C. S., & Gross, J. J., *Anger, Hatred, and the Quest for Peace: Anger Can Be Constructive in the Absence of Hatred* (Journal of Conflict Resolution, 2011, pp. 274 – 291), pp. 275-277
[195] Rubin, Pruitt, Kim, *Social Conflict: Escalation, Stalemate, and Settlement*, 1994, p. 77
[196] Rubin, Pruitt, Kim, *Social Conflict: Escalation, Stalemate, and Settlement*, 1994, p. 88

5.5.9) Humiliation

Humiliation is another important feeling that adds to and influences the nature of conflict. There are controversial opinions prevailing about the consequences of humiliation, but researchers agree on humiliation being a likely factor for inter-group conflicts. Often, individuals report feelings of humiliation before these turn into hatred and subsequently acts of violence, and many psychologists have proposed that violence involved in suicide bombings is linked to prior humiliation. Hence, researchers suggest that humiliation leads to aggression. However, there are others who are of the opinion that humiliation does not lead to aggression, on the contrary, it leads to feelings of being powerless, resulting in being politically passive. In many cases, oppressors use specific actions, such as torture, to humiliate the oppressed to make them lose their self-esteem and the will for resistance. However, then again, it is argued that individuals might engage in aggressive and violent actions as a vengeance for social humiliation to avoid themselves being humiliated by the oppressor[197].

5.5.10) Distrust

Distrust is a relevant attitude to be mentioned here, as it can contribute to the destructiveness of conflicts. Feeling distrust means to expect another individual to behave in a way that would be harmful to one's own interests. Distrust leads to feelings of discomfort, insecurity and fear, and in order to protect oneself and one's own interests, individuals engage in preventive measures to decrease their vulnerability – providing new evidence for the other party that they cannot be trusted, which can contribute to the escalation of conflicts. Sources for the development of distrust can be stereotypes that are prevalent of members of a different group which can result in individuals perceiving them as e.g. hostile, or personal experiences, e.g. by breaking a promise. There are different levels of distrust: the lack of trust that a person feels is increasing by the number and intensity of prior trust violations, and with the perception that these were intended. Distrust poses a challenge for conflict resolution as individuals that distrust each other regard even well-meant actions with skepticism which curbs cooperation in the transformation of conflicts[198].

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[197] Rivera, J. D., *Conflict Over the Consequences of Humiliation* (Peace Review: A Journal of Social Justice, 2013, 25: pp. 240-246), pp. 240 - 243

[198] Lewicki, Roy J., Edward C. Tomlinson, "*Trust and Trust Building*", *Beyond Intractability*. Eds. Guy Burgess and Heidi Burgess. Conflict Information Consortium, University of Colorado, Boulder. Posted: December 2003 <http://www.beyondintractability.org/essay/trust-building>, [Accessed: September 4, 2016]

5.6) Behavior

- Parties' actions in conflict situation.
- "Actions undertaken by one party in any situation of conflict aimed at the opposing party with the intention of making that opponent abandon or modify its goals".[199]

5.6.1) Emotional and Perceptual Conflict Behavior

Conflicts naturally cause negative feelings and emotions, which in turn may lead to taking actions that would make the conflict more intense. We will elaborate on the effects of these negative feelings and emotions further in this chapter. But first it is important to acknowledge that conflicts, as many authors on the subject noted, also have positive effects. For example, as Rubin and Pruitt (1994) noted, "conflict is the seedbed that nourishes social change. People who regard their situation as unjust or see current policies as foolish must usually do battle with the old order before they can be successful." Hocker and Wilmot, convincingly, argue that:

> Conflict can play an important part in the development of relationships ranging from nation states to personal friends. The relationship that successfully moves through episodes of conflicts will grow, change, and be altered in important ways. The presence or absence of conflict is not the sole determiner of a relationship. For example, both unhappy and happy marriages have conflict, but the latter are characterized by how they manage it.[200]

In this context, conflicts may actually be productive and useful for societies and individuals. The methods by which conflicts are handled could determine to a great extent whether a conflict is becoming destructive or productive. This is not to say that only conflicts that are handled through non-adversarial means are productive ones, and those handled through adversarial methods are destructive. Not at all. As a matter of fact, the recent history of the US shows that several conflicts that involved the suppression of the rights of different minority groups were productive, and did help in the transformation of the entire society. And this is mainly because they were handled within the adversarial legal system. The several civil rights law suits in the 1960's led, no doubt, to more equality and justice across different groups of the society regardless

[199] Mitchell, C, *The Process and Stages of Mediation*, 1994, p. 29
[200] Wilmot and Hocker, *Interpersonal Conflict*, 1998, p. 34

of ethnicity, religion, race or gender. We will discuss the different methods of intervention in conflicts, and their suitability and effectiveness, in more details in the intervention section of this manual.

5.6.2) Negative Social and Psychological Effects of Conflict:

When someone gets engaged in a conflict, whether on a personal or a group level, certain psychological and social variables lead to intensifying the conflict. Psychologists described certain emotions that are usually associated with being engaged in a conflict: blame, anger and fear. These emotions lead individuals, and groups in large scale conflicts, to take actions which would likely intensify and escalate the conflict. As these emotions persist over time, and the conflict continues to intensify, another set of negative attitudes and perceptions emerge that lead, not only to more escalation, but also to "rationalization" of contentious behavior against opponents.

As explained above, an attitude is a positive or negative feeling toward some person or object. A perception is a belief about, or a way of viewing, some person or object[201]. In a conflict situation that is characterized by the use of contentious behavior, parties tend to take actions that inflict harm upon their opponents, and which would maximize their victory. Very often this requires the development of negative attitudes and perceptions which would justify the use of "heavy tactics." Rubin and Pruitt (1994) noted that these negative attitudes and perceptions encourage escalation and discourage the settlement of conflict in seven ways.

First, negative perceptions and attitudes make it easier to *blame* opponents for causing unpleasant experiences. Since blame often leads to the adoption of harsh, escalating tactics, this implies that negative attitudes tend to encourage escalation. A second, related way in which negative attitudes and perceptions lead to escalation is when the opponent is distrusted and his/her ambiguous actions are seen as *threatening*. This encourages fear and defensive escalation, because the opponent is given little benefit of the doubt or credit for good intentions. A third way negative views of opponents encourage escalation is by diminishing inhibitions against *retaliation*. A party to a conflict is likely to retaliate and aggress against an opponent who is perceived in a negative sense than in a positive one.

[201] Rubin, Pruitt and Kim, *Social Conflict: Escalation, Stalemate, and Settlement*, 1994

A fourth way in which negative attitudes encourage escalation is by *interfering with communication*. People tend to avoid those towards whom they are hostile. This contributes to misunderstandings and hence to the proliferation of conflictual issues. It also makes it difficult to reach a peaceful settlement of the conflict. A fifth mechanism is that negative attitudes and perceptions tend to *reduce empathy* with opponents.

Absence of empathy is like absence of communication in that it fosters misunderstandings. It also encourages escalation by blocking insight into the conflict's negative developments. Sixth, negative attitudes and perceptions foster *zero-sum thinking*. Zero-sum thinking tends to make problem solving seem like an unworkable alternative. Positions become rigid, and creativity tends to disappear. This makes conflicts hard to resolve and encourages a sense that contentious behavior is the only way to succeed. Escalation is likely to be the result. Seventh, and finally, when negative perceptions grow really severe, opponents come to be viewed as *diabolical enemy*, and the conflict is seen as a fight between light and darkness, good and evil. In such circumstances, one party to the conflict is ready to blame the other for all that goes wrong, communication often takes a nose dive, empathy is especially weak, and problem solving is extraordinarily hard to sustain. Heavily escalated tactics tend to become the rule; and new controversies regularly develop, confirming one party's view of the other, and vice versa.

Mitchell (1981) describes the relationship of conflict behavior to other components of conflict as follows:

A. Situations affect behavior (goals, especially salient goals, being frustrated call forth intense efforts to achieve those goals)
B. Situations affect attitudes (goals, incompatibility is likely to increase suspicion and mistrust)
C. Behavior affects situations (success may bring more issues into the dispute as demands escalate).
D. Behavior affects attitudes (destruction increases anger, success can affect the sense of in group solidarity).
E. Attitudes affect behavior (expectations that… 'Our traditional enemies the X's are up to no good again' will affect defensive preparations and contingency plans).

F. Attitudes affect situations (more issues will be perceived to be in dispute with an adversary, so that a long drawn-out confrontation may develop).[202]

Mitchell further discusses the nature of attitudes in a conflict situation. In principle he says that normally human beings try to minimize the psychological stresses in conflict by attempting to keep 'a mental balance'. This could be compared to the attempts on the part of individuals to avoid physical discomforts. The common habit is to minimize the emotional discomfort whether it is conscious or not. Human beings in general attempt to cope with their environment by escaping tension, distress, reducing mistrust and innuendo. It seems, according to Mitchell, that people tend to want to foresee what type of behavior both parties in a conflict will exhibit.

Often individuals and groups, large and small, are confronted with an unanticipated threat of danger to one or more of their cherished goals. Immediately there is an increased anxiety coupled with general psychological stress. This manifests itself in frustration, fear, or even a feeling of persecution which produces certain attitudes, one of which is anger.

Some conflict behaviors according to Mitchell involve attempts to influence not necessarily the behavior of the other party but to change their values or perception. This is an effort really to convert or to persuade the other party in a non-violent way. Gandhi and Martin L. King, Jr. were examples of that type. Then there are the behaviors or actions that try to make the other accept that they are to blame for conflict situations that have occurred, attributing to them the blame which makes it a necessity for them to change their behavior. Some behaviors in a conflict situation include a scheme to impose serious costs, including psychological ones such as shame, regret, guilt or a sense of loss. This most often occurs when there is some initial respect or alliance between the parties.

It is important also to understand that behavior is a form of communication. The old proverb, "actions speak louder than words" is quite true in conflict situations. We can say then that conflict behavior is also a form of bargaining and is designed to influence the others behavior to accept a position or make a decision that is favorable to the party.

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[202] Mitchell, C., *The Structure of International Conflict*, 1981, pp.54-55

5.6.3) Rational Conflict Behavior: The Conflict Styles

The conflict behaviors described above reflect a variety of strategies that parties may use in a conflict situation. These strategies vary of course from one conflict situation to the next. We can think of conflict strategies, or styles, in terms of a spectrum. On one side of the spectrum, a party may find that achieving her or his personal goals is extremely important, and is willing to do what it takes to reach them. On the other side of the spectrum, a party may actually acknowledge that achieving the other party's goals is more important, thus give up her or his personal goals for the sake of achieving the other party's goals. Between the two ends of the spectrum there are several other possible strategies or styles. The discussion that ensues, developed by Chris Moore (1996), illustrates these ideas.

A: Competition

In some situations, a party's interests are so narrow that they can be met only by only a few solutions, none of which are acceptable to other parties. Such a party may choose a competitive approach and strive for a win-lose outcome, especially when it has more power that its opponent. Competitive approaches include litigation, arbitration, and extralegal activities such as tactical nonviolent direct action and violence.

B: Avoidance or Stalemate

Conflict avoidance can be either productive or unproductive in satisfying interests. People avoid conflict for a variety of reasons: fear, lack of knowledge of management processes, absence of interdependent interests, indifference to the issues in the dispute, or belief that agreement is not possible and conflict is not desirable.

Avoidance approaches have various levels. The first may be to claim a position of neutrality. Stating "We have no position on this issue at this time" is a way to avoid being drawn into a dispute. At the second level of avoidance, isolation, disputants pursue their interests independently, with limited interaction. Groups are allowed to have their "spheres of interest" if they do not impinge on another's domain. This strategy is used frequently when a conflict of interest exists, but overt conflict is not desirable.

People or groups that have been repeatedly defeated frequently use withdrawal to ensure their continued existence and to avoid any conflict that might lead to another defeat. Withdrawal means total dissociation of disputants. This strategy does not encourage or promote mediated negotiations.

C: Accommodation

Accommodation occurs when one party agrees to meet the interests of another at the expense of its own needs. An accommodation strategy is pursued when:

- Sacrifice of some interests is required to maintain a positive relationship
- It is desirable to demonstrate or foster cooperation.
- Interests are extremely interdependent

A positive accommodation approach may be pursued when there is hope that a more collaborative process or benefit trading may occur later on other issues. Accommodation may also be pursued for negative reasons.

D: Negotiated Compromise

Bargaining to reach a compromise is selected because:

- The parties do not perceive the possibility of a win-win situation that will meet their needs and have decide to divide and share what they see as a limited resource.
- Interests are not seen as interdependent or compatible.
- The parties do not trust each other enough to enter into joint problem solving for mutual gain.
- Parties are sufficiently equal in power so that neither can force the issue in its favor.

Many out-of-court settlements are negotiated compromises.

E: Interest-Based Negotiation

Interest-based procedures seek to enlarge the range of alternatives so that the needs of all parties are addressed and met to the greatest extent possible.[203] More on this conflict strategy will be discussed in the following section.

5.6.4) Escalation

In conflict situations, parties begin to utilize the negative behaviors discussed above. They often blame, or delegitimize each other without even realizing that they are doing so. These actions result in tension and eventually increase the conflict between the

[203] Moore, C., *The Mediation Process* ((2nd ed.), San Francisco, California: Jossey-Bass, 1996), pp. 104-108

parties. For example, if you look at the other person as less than human, it becomes easier for you to aggress against him/her.

Transformations that usually happen during escalation include the following:

- Light tactics, such as persuasion or being agreeable to the other, are replaced by heavy tactics, such as threats, irrevocable agreements and even violence.
- The number of issues included in the conflict and the amount of resources committed to it increase.
- Specific issues are replaced by more general ones, which deteriorates the relationship between the two parties.
- The position of the party shifts from simply wanting to do well for itself to a competitive approach and later even to a malicious one.
- The number of participants involved in the conflict increases.[204]

In families, groups, communities and nations, these processes are magnified for several reasons. One is that as the group members get together and discuss the situation, they find support for their position and often become more extreme in their hostile attitudes and perceptions. As these conflicts grow in community settings, neutral parties are often asked to join one side or the other. The community, and each individual group, polarizes.

These attitudes, often supporting antagonistic approaches to the conflict, become the traditions in the group and are taught to new members. Later, these aggressive ideas become goals of the group – to bring harm to the other party. In groups, it is especially volatile as they are able to construct very complex plans to fulfill contentious goals.

The level of group cohesiveness increases. This encourages conformity to group norms, increases its capability of vigorous action in pursuit of its goals, and causes the members to be extremely convinced of the rightness of their cause and the effectiveness of their intended actions.

This leads to the rise of militant leaders who resonate with the dominant sentiments of the group members and are good at the activities to which the group is dedicated. They tend to have particularly strong negative attitudes and perceptions of the adversary and are especially rigid in the demands that make. Accordingly, once they take over, they tend to reinforce the group's commitment to extreme tactics. It is also common to find

[204] Rubin, Pruitt and Kim, *Social Conflict: Escalation, Stalemate, and Settlement*, 1994, pp.70-71

that militant subgroups rise from this context either as a part of the original group or as a whole new group.[205]

In some cases, once escalation has occurred, even when the specific conflict has subsided, the accompanying structural and relational changes are very difficult to eliminate.

Some of the reasons that this happens include:

- The negative views of each other encourage them to behave in those ways or the negative views are "confirmed" by unmet expectations of the other.
- The parties rationalize and reaffirm the views that led to their behavior.
- Since they have already developed a negative perception of the other, those involved interpret later behavior in conformity with that perception.
- The parties usually have stopped communicating during the course of the conflict. This encourages the development of negative perceptions and provides an environment for reinforcement of those ideas.

Interactive Tool 6: Glasl's Conflict Escalation Model[206]

This model helps to find out how escalated a conflict is, and which conflict intervention method will be most suitable for its resolution. According to Glasl, there are nine levels of escalation. Glasl characterizes escalation as a down-ward movement which is not linear. Parties may stay in one level of escalation for some time before possibly moving down to a new level of escalation. The intervention method depends on the level of escalation of a conflict. In stage one, for example, the parties are still willing to engage in conflict management based on trust. In level nine however, the parties often need to be forced to accept an intervention.

How can I do it?

1.) With the help of the table below, assess the escalation level of the parties. Bear in mind that individual members of a conflict party may be at a different level of

[205] Rubin, Pruitt and Kim, *Social Conflict: Escalation, Stalemate, and Settlement*, 1994, pp.90-108

[206] Friedrich Glasl, *Konfliktmanagement. Ein Handbuch für Führungskräfte, Beraterinnen und Berater [Conflict Management. A Handbook for Executives and Counselors]*, 7th supplemented and revised edition, Verlag Freies Geistesleben, 2002 as included in *Conflict Analysis Tools,* Swiss Agency for Development and Cooperation (SDC), Conflict Prevention and Transformation Division (COPRET), Simon Mason & Sandra Rychard, 2005, p. 6

escalation than the rest of the group. Conflict parties can also be at different stages of escalation.

2.) Refer to the graph in **Appendix 1.3** and determine the suitable conflict transformation method for the level of escalation.

The Escalation Levels[207]

1.) Hardening:	Positions harden and there is a first confrontation. The conviction still exists that conflicts can be solved in discussion. There are no fixed camps.
2.) Debate, polemics:	Polarisation of thinking, feeling and will. Black and white thinking. Perception of superiority and inferiority.
3.) Actions not words:	"Speaking will not help anymore". Strategy of "fait accompli", presenting the opponent with facts on the ground, physical action. Empathy is lost, there is a danger of false interpretation of the other side.
4.) Images, coalitions:	The parties manoeuvre each other into negative roles and fight these roles. Parties seek support from people who have not been involved so far.
5.) Loss of face:	Public and direct attack on the moral integrity of the opponent, aiming at the loss of face of him / her. A major escalation step.
6.) Strategies of threats:	Threats and counter threats. The conflict accelerates through ultimatums.
7.) Limited destructive blows:	The opponent is no longer seen as a human being. As a consequence of dehumanization, limited destructive blows are legitimate. Values are shifted; one's own "small" loss is seen as a benefit.
8.) Fragmentation:	Destruction and fragmentation of the opponents' system is ones main aim.
9.) Together into the abyss:	Total confrontation without any possibility of stepping back. The destruction of oneself is accepted as the price of the destruction of the opponent.

[207] From *Conflict Analysis Tools,* Swiss Agency for Development and Cooperation (SDC), Conflict Prevention and Transformation Division (COPRET), Simon Mason & Sandra Rychard, 2005, p. 6

5.6.5) Violent Conflict Behavior

The use of violence is a major aspect in conflict behavior as conflicts often turn violent. Johan Galtung defines violence as "any avoidable insult to basic human needs and, more generally, to sentient life of any kind…" which leads to individuals not reaching the possible satisfaction of their needs.

Violence does not only hurt an individual's body, but also the mind and spirit. The three are interconnected and when violence is used against one of the three is usually followed by effects on the other two through psychosomatic transfers. The consequence of violence is often deep wounds and traumas which are not easy to heal[208].

Johan Galtung also distinguishes between three different types of violence: direct, structural, and cultural violence, and places them in a triangle (see Figure 4.1), as they are strongly linked and reinforce each other. Direct violence is visible as it involves physical violent acts, such as murder, rape or verbal attacks which directly affect human beings[209]. However, direct violence can also include sanctions which seem to be nonviolent on first sight, but can lead to the slow killing through malnutrition and lack of medicine[210]. Structural and cultural violence on the other hand are invisible and therefore harder to detect. Structural violence includes any structures that are built into social systems and that prevent people from fulfilling their basic needs and from reaching their full humanity. Examples for structural violence are patriarchy, capitalism, privileging some individuals or groups over others, leading to unequal opportunities in e.g. reaching resources or education.

Cultural violence is attitudes and beliefs in a culture that legitimize direct and structural violence and make them be perceived as normal. When being socialized, an individual gets influenced by the worldview of the group, and might, for example, develop feelings of superiority based on one's religion, race or sex or based on the negative stereotypes that are prevailing about other groups. Also, if individuals are exposed to a lot of direct violence they get accustomed to it, leading to these individuals engaging in

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[208] Galtung, *Direct, Structural and Cultural Violence*, 2010, p. 312
[209] Hathaway, W. T., *Varieties of Violence: Structural, Cultural, and Direct* (from Transcend Media Service Solutions-Oriented Peace Journalism: https://www.transcend.org/tms/2013/10/varieties-of-violence-structural-cultural-and-direct/, 2013), [Accessed April 8, 2015]
[210] Galtung, *Direct, Structural and Cultural Violence*, 2010, p. 313

direct violence themselves as it seems normal to them: their surroundings has taught them so.

Direct violence is caused by the conditions that structural and cultural violence created, but direct violence also affirms structural and cultural violence – a vicious circle. Hence, if one wants to eliminate violence, it is crucial to address and transform all three forms of violence. Usually, most emphasis is placed on reducing direct violence, however, structural and cultural violence are the root causes for direct violence and therefore need to be addressed in order to achieve long-term effects on violence reduction[211].

In addition, according to Galtung, a conflict consists of three components: contradiction, attitudes and behavior, with the three types of violence being strongly related to the three components. Contradiction relates to structural violence, attitudes to cultural violence and behavior to direct violence. Therefore, direct violence can be stopped by changing the behavior in conflict, structural violence can be ended by transforming structural contradictions and injustices and cultural violence can be addressed by changing attitudes[212].

5.6.6) Ten Negative D's, and Five Positive D's of Conflict Behavior

In conflict situations, very often one of the parties will use negative tactics against the 'other' in order to justify their own position, and to worsen the case of the other party. Alternatively, a party in a conflict may engage in productive tactics aiming at finding a resolution to the conflict. In the following illustration we discuss examples of the first set of behaviors, referred to as the negative "D's" or the "Don'ts," and examples of the second set, referred to as the positive "D's" or the "Do's."

Don'ts

- **D**ehumanize: To act towards someone or some group as if they were less than human. Examples: to call someone or some group "animals" or "beasts." To inflict harm on a person or a group in a manner that makes them feel less than humans (i.e., torture, excluding, etc.)

[211] Hathaway, *Varieties of Violence: Structural, Cultural, and Direct,* 2013
[212] Miall, H., Ramsbotham, O., & Woodhouse, T., *Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflicts* (Cambridge: Polity Press, 2011), pp. 10-11

- **D**emonize: To act towards someone or some group as if they were evil. Examples: to call someone or some group "devil," "demon," "monster," or "abuser." To act towards them as is they deserved elimination because of their demon state.
- **D**e-legitimatize: To act towards someone or some group as if they were not worthy of being included or listened to. Examples: excluding women or children, or excluding those from a lower socio-economic status.
- **D**ismiss: To act towards someone or some group's issues as if they were not worthy of being discussed, or were not important. Examples: to undermine or dismiss someone's concern in a conflict because you only see your issues as admissible.
- **D**iscredit: To act towards someone or some group with suspicion and doubt of their motives or abilities. Examples: to discredit someone' story or rationale for their position in a conflict.
- **D**eceive: To lead someone to believe something that is not true, in order to advance your own interests. Examples: To lie!
- **D**emean: To act towards someone or some group in a manner that is intended to put them down or make them feel inferior. Examples: To make someone feel stupid!
- **D**isrupt: To take actions during conflict with the purpose of disrupting the other's ability to communicate her or his issues. Examples: to loudly interrupt someone as she or he are trying to express their views.
- **D**iscriminate: To treat someone negatively because of the person's affiliation with a group, be it gender, race, ethnicity, religion, nationality, etc. Examples: To blame someone for his or her actions because s/he is Muslim, woman, Arab or Black.
- **D**isconnect: To stop responding to efforts to communicate with you. Examples: To refuse to talk to other parties in a conflict during negotiation, mediation or problem solving.

Do's:

- **D**efuse: To take actions or use statements to calm other parties and bring them to discuss the conflict. Examples: To politely ask an angry party to calm down, and to join you for a discussion over a cup of coffee.

- **D**isagree: To accept someone else's views of issues but not necessarily agree to them. Example: To tell someone that you understand their point of view, but explain how your views differ.
- **D**ialogue: To discuss with someone how to best find a solution to yours and her or his issues in a conflict. Examples: To discuss with a party in a conflict different approaches to manage, resolve or transform the conflict.
- **D**eal: To explore with others in a conflict situation solutions and settlements satisfactory to all involved. Examples: To sign an agreement with a conflict party, detailing how the conflict will be settled.
- **D**eliver: To actually perform part or all of what you agreed to do as part of a conflict agreement. Examples: To turn in your group's weapons as part of a disarmament agreement.

Interactive Tool 7: Thomas-Kilman Conflict Styles

Make the Self-Assessment Exercise on the different Conflict Styles by Thomas-Kilman which you can find in **Appendix 1.4**.

5.6.7) Islam's Integrative Conflict Behavior

We all know that in conflict situation people may act upon their emotions or negative perceptions of others, or they may try to act rationally to advance their interests. Behavior based on emotions (such as anger and fear) and negative perceptions (such as stereotyping and demeaning) usually entails acting violently, disrespectfully, with little or no regard to others. Rational behavior, on the other hand, is based on two notions: power and self-interest: To the extent that someone in a conflict situation has much power and is driven by maximizing interest, he or she is likely to compete in order to achieve her or his goals. Inversely, if someone is lacking power and/or does not have much investment in the outcome of the conflict, he or she is likely to avoid or accommodate the other party's interests and needs. Between those two extremes, and when power and drive to achieve interests are less polarized, people tend to achieve a middle ground via compromise and collaboration.

The integrative approach, which appears to be the foundation of the prescribed conflict behavior in Islamic sources, extends an individual's repertoire by adding dimensions not included in the rational model. The verses in Suras: Al-Furqan, Al-Israa, and Al-

Hujrat, in addition to Surat Al-Duha and numerous other verses throughout the Quran, which address directly specific expectations of behavior, all seem to echo two principles: accountability in the hereafter, and reciprocity.

Accountability refers to the strong notion in the Quran that our life on earth is connected to our life after death; God observes our actions, and does exert a "justice mechanism" for our actions. If we "get away" on earth with wrongdoing, God will not let us get away on the Judgment Day. So people need to observe the righteousness of their actions, whether they could be "caught" in their earthly life or not. The implications of this concept to conflict control of conflict prevention are obvious. The ideas that “God is watching us" if we are to transgress or abuse our right or power is significant in Islam. For example, in all cases of inter-personal disputes, especially those involving marital disputes (including sexual relationships among spouses), Quran consistently describes the specific dispute situation, then follows with a resolution. The "spirit" in all these instances is that of demanding that parties behave in good faith, and with preference to forgiveness and patience. Very interestingly, the emphasis in the end of each of these verses is that God "sees," "knows," or "is aware" of our actions, or "stronger". These qualities of God were emphasized especially for those actions that take place behind closed doors, where we may abuse our rights against someone socially or physically of less power (for example: Quran- ii.223, 231, 235, 237).

The concept of reciprocity is another significant mechanism for adding integrity to the rationality of behavior. This concept entails that any of us has been influenced in positive ways throughout her of his life by people, and above all by Allah’s bounty. Further, we all will continue to be influenced in our lives in the same way. Therefore, it is important in conflict situations to remember that those with whom you are in a conflict may have in the past done good things for you, and perhaps it is time to reciprocate now. The emphasis in Surat Al-Israa in how to treat older parents with kindness is based on this principle: that they raised you when you were young. The same is true in Surat Al-Duha: behave well towards the needy, for when you yourself were needy Allah watched over you. The futuristic implications were also considered in the Quran, as several verses emphasized that a good word even to an enemy may turn him or her into an ally.

Further, the integrative approach also relies on connecting one’s definition of interest in a conflict situation NOT to her or his immediate individual interest, but rather to her or his being a member of community that expands space and history. Such an

understanding of our connectedness to a larger community alters our views of what is our interest, and how to go about achieving it. Several examples of conflict resolution in traditional societies emphasize that notion, and consequently add yet another dimension to the rational models of conflict behavior, while building upon positive emotions and perceptions.

The Four Elements of Conflict Behavior in the Holy Quran

Within this framework of accountability and reciprocity, the Holy Quran provides to us guidance on how to behave when we are in conflict situations. In my reading of the Quran, I was struck with a pattern which emerged every time there was a reference to conflict situations. The pattern consists of four elements:

1. A description of a conflict situation. Here the Quran provides specific examples of actual conflict situations, or hypothetical examples. In Surat Al Baqara for example, verses 226-242 address different hypothetical cases of family and marital conflicts about divorce, custody, alimony and so on. Or take verse 190 of the same Surat. It brings up the example of a conflict when a group of people fights Muslims, and the duty to fight back.
2. A ruling or a directive for action. Here the Quran provides to Muslims guidance on what specific action to take in order to address the situation described in #1. For example, in the verses 226-242 we find several rulings about how much a divorcing partner must pay, who gets the custody, what child support to be provided, and so on. In verse 190 of Surat Al Baqara, the ruling is to fight back….but not without the third and fourth elements explained below!
3. A manner with which to carry out the ruling. Consistently, the Quran provides guidance to Muslims on how to implement the ruling mentioned in #2. While the rulings have a high legalistic nature (and hence most of the Fiqh as we know it has focused on it), the Quran prescribes to us how we should go about such rulings. The emphasis is always on conducting ourselves, in times of conflict, with dignifying behavior to all involved. Even when the Quran gives a license to fight back in verse 190, it qualifies this with two factors: fighting back must be purely for the sake of Allah, and not for personal or other gain; and, fighting back must not transgress boundaries. In verses 226-242, I was surprised in how many times the Quran repeated the word "ma'roof" to accompany the ruling in #2. Ma'roof, as known to anyone who speaks Arabic and understands its significance, refers to kind actions intended to bring about harmony and reciprocal kindness. Do you know how many times the word ma'roof is

repeated in verses 226-242? Thirteen times! That is almost once per verse! Once per each short sentence. The point here is that applying the ruling in #2, which is highly legal, does not make a Muslim complete when acting in a conflict situation. A complete Muslim must adhere to the kindness and dignity present with the word ma'roof and many similar words in the Quran.

4. Accountability to Allah. In addition to putting controls on conflict behavior as explained in #3, the Quran adds almost always the dimension of accountability to Allah. In other words, Muslims are reminded that they must face Allah for all their actions. If their actions in conflict situations exhibited excessive use of power against someone of less power (due to gender, class, physical weakness or any other factor), or did not adhere to principles of ma'roof and similar concepts, Allah is always greater, and such person must face the consequences in the hereafter.

The emphasis here is on how Islam stresses that ESPECIALLY in times in conflict, we must adhere to high standards of decent and dignifying behavior. When we set these principles against the negative consequences of using hostile behavior in conflict, we can appreciate that Islam provides a model for conflict de-escalation by stressing that true Muslims must follow principles of kindness and decency especially at times of conflict. This is not easy, and perhaps is something that any human being would struggle with for a lifetime. But it is such Jihad with one's self that Islam is expecting from every one of us.

Of course we are not naïve as to assume that only because we highlight the significance of these four elements including the proper manner (#3) and accountability to Allah (#4) that such "discovery" by itself is sufficient to bring about changes to conflict behavior among Muslims and others. Of course such guidance must be followed by massive educational, training, and media efforts in order to internalize such manners widely among more and more Muslims and others. We hope that this would be accomplished in part with such conflict resolution workshops and trainings.

5.6.8) Islamic Perspectives on Integrative Conflict Behavior

As mentioned earlier, one's beliefs have origins in both internal and external sources. Islam speaks of one's "*fitrah,*" which is often considered to be an internal barometer for right and wrong. The "*nafs*" (essence, spirit, desires) is also discussed in Quran and Sunnah. This speaks to the internal sources of one's beliefs and behavior. The external

sources lie in the influences of families and social groups or institutions. There is a *hadeeth* that is often quoted which states: Children are born on Islam and their parents make them Christian or Jew. There are also numerous studies of social learning, such as the experiments conducted by Alfred Bandura, that indicate to the effects of observing others on an individual's behavior. It was also noticed that a person's behavior varies because there is a desire to "fit in" with those around us.

Relevant Themes in Quran & Sunnah:

- ***"Tabaa'iyyah" (Blind Following of one's Ancestors): Social Learning in the Quran***

The Quran speaks of following one's fathers in many situations. Some are instances of positive social learning, while others are of negative social learning, or situations in which people found it too difficult to leave behind the heritage of their ancestors. There are two verses in which it is quite clear that change is not an easy thing. The verses in Surah Ibraheem (14), for example, show that people are hesitant to leave what they are used to without "…some clear authority."

The verses that hold particular significance for our purposes are:

> When they do aught that is shameful, they say: "We found our fathers doing so"; and "Allah commanded us thus"; Say: "Nay, Allah never commands what is shameful: Do ye say of Allah what ye know not?" (7:28)

The above leads one to understand that there are some traditions that will be attributed to the revelation even though they are not a part of the Quran or Sunnah. It is important for us to expect such innovations, as it will help us be prepared to deal with them.

> When our clear signs are rehearsed to them they say, "This is only a man who wishes to hinder you from the (worship) which your fathers practiced" and they say, "This is only a falsehood invented!" And the Unbelievers say of the Truth when it comes to them,"This is nothing but evident magic!" (34:43)
>
> But we had not given them Books which they could study, not sent messengers to them before thee as Warners. (34:44)

> And their predecessors rejected (the Truth); these have not received a tenth of what We granted to those: Yet when they rejected my messengers how (terrible) was My rejection (of them)! (34:45)

The above verses assist us in formulating a response to those who have traditions contrary to the teachings of Quran and Sunnah – to use the revelation as the criteria. When the revelation is consulted in matters of dispute, it will guide the conflict resolution process either explicitly or implicitly. In other words, if it does not speak directly of the issue at hand, it will instruct the believers on how to conduct themselves and the process for reaching an appropriate solution. One such method is discussed in the next section.

- ***Sabr: The Spiritual Nature of Patience in Islam***

Religion is considered a way of life for those who remember the aspect of the hereafter while deciding how to conduct oneself in the present. It is important to take some time to examine what exactly the perspective embodied in this section. Firstly, focusing on the meaning of tawheed, in addition to the remembering akhirah; both of these concepts affects one's life and give a deeper significance to our worldly actions. Secondly, we begin to understand more concretely that the effects of our actions are felt in both this world and the next. The final reconciliation is, after all, on the Day of Judgment; however why would the duty of the believers be referred to as "enjoining the good and forbidding the evil" if it only had weight and/or results in the hereafter? Therefore, one must conclude that his/her actions must have weight in the current world as well. As a result, it would be reasonable to assume that how one conducts him/herself in this world is of paramount importance.

By focusing on the following verses, one can begin to grasp the role of patience in conflict situations.

> *ista'eenu bi**s**-**s**abri wa**s**-**s**alah*
> Persevere with patience and prayer (2:45)
>
> *Inna Allaha ma'a**s**-**s**aabireen*
> Verily Allah is with the patient (2:153 & 8:46)
>
> *Wa bashshir a**s**-**s**aabireen*
> And the patient ones are the victorious (2:155)
>
> *Wa **t**awaasow bil-**h**aqq, wa **t**awaasow bi**s**-**s**abri*

And mutually enjoin truth and mutually enjoin patience/constancy (103:3)

The first two verses underscore the connection between one's actions in this world with the spiritual. One's belief in these statements reshapes his/her perceptions of any situation. Instead of becoming irritated with another's shortcomings, or giving up when dealing with difficult situations, we are told to continue with patience and prayer and that Allah (swt) helps those who follow that command. One feature of conflict is that as it escalates, communication between the parties begins to deteriorate. It takes patience and concerted effort to continue to push oneself to interact. Furthermore, there are ahadeeth encouraging us to make excuses for our brothers' shortcomings – an excellent way to fight the tendency to blame each other, which further reduces the chance for the conflict to escalate.

The third verse holds for us a promise; it tells those who have continued to be patient and persevered that there is a reward waiting for us. This verse can be interpreted in two ways; it can mean that there is a reward in the hereafter, or that those who are patient with others and with the process will be victorious in the end. Again, it is not clear that "victory" would mean the "triumph" of our own point of view. However, it is more likely that the victory will mean a solution to the conflict situation that is best for the situation and in line with the revelation of Allah (swt) that we have as a criterion. The last verse speaks quite well to this point; it refers to a characteristic of believers – that they help each other stay on the truth and be patient. This verse would radically change any believer's perception of a conflict situation; it is not a fight between you and me. Rather, this conflict situation – and frankly all of life – is an opportunity for *us*, as a team, to determine the truth. It will be hard. Therefore, we must remind each other to be patient and perseverant. In the end, *bashsher as-saabireen*.

- ***Ma'roof: Kindness in times of hardship***

Another strong undercurrent in the Quran, this time more directly related to conflictual situations, is that of *ma'roof* (to act with decency and kindness). In Surah Al-Baqara (2:226-235), there are ten consecutive verses that address various situations of divorce, family disputes and related matters such as custody or alimony. It is quite obvious that all of these are usually conflict situations. The word *ma'roof* is used in nine of the ten verses. Similarly, when looking at Surah Al-Talaq, a surah of only 12 verses, the word *ma'roof* was used three times in relation to divorce. A consistent theme emerges: when in family disputes, especially the most severe ones that result in divorce, the attitude and behavior of parties must be based on the concept of *ma'roof*. In other words,

attitudes and behaviors based on revenge, retaliation, desire to inflict harm on the other, are in complete violation of this Quranic injunction. This is consistent with the general guides and directions in the Holy Quran towards compassion, forgiveness, and concern for the well-being of the community. This attitude is something that we, as Muslims, must develop and perpetuate within our communities.

- ***Dhulm anNafs: How your actions can be the source of your pain***

Before discussing the definition used by the authors of this manual for this phrase, it is necessary to clarify that it is expected that at least a portion of humans are going to "wrong their own souls."Furthermore, it apparent that if one has the option of moving to another location to avoid oppression that is causing him/her to "wrong his/her own soul," it is expected that he/she take that opportunity.

The Quran defines "evil" as those who reject the signs of Allah and "wrong their own souls." It is made quite clear that the harm that one receives is a direct result of his/her rebellion from that which is commanded by Allah (swt). We are then shown several instances throughout history that underscore how the defiance shown towards Allah (swt) was the cause for the disbelievers' punishment. We are asked to reflect on these events as a tactic to remind ourselves of how to live. It is important to note that many of the consequences have far-reaching ramifications. The people described are often punished here and are promised a greater punishment in the hereafter. Therefore, it is quite clear that negative behaviors and disobedience to the commandments of Allah (swt) will cause us some discomfort in this world. To state a simple example, backbiting is forbidden. Yet in many conflict situations, it is common to find people engaging in this behavior. This damages the relationship between the parties further, escalates the situation and prevents the possible resolution of the conflict – and the effects of that action will continue to resurface for years to come.

- ***'Afoo: Forgiveness heals the heart***

It is also quite clear from the Quran that forgiveness is available to those who seek it sincerely. In fact, there are several verses, some examples of individuals who repented, which show that Allah (swt) is very forgiving when it comes to those who sincerely repent. It is possible to use the same methodology when working with those around us – sincerely ask for forgiveness and hope that it is accepted. In fact, asking forgiveness, primarily from Allah (swt), is commanded, and it is the disbelievers who wait too long before repenting.

It would also follow that if one asks forgiveness from us, that we should be open to granting that forgiveness, to not hold any grudges against another. This attitude reflects the story of a man that was promised heaven due to his habit of cleaning his heart every night from any negative feelings toward others. This sentiment is mirrored in Bush and Folger's book, *The Promise of Mediation*:

> The hallmark of recognition is letting go -- however briefly or partially -- of one's focus on self and becoming interested in the perspective of the other party as such, concerned about the situation of the other as a fellow human being, not as an instrument for fulfilling one's own needs.

For Muslims, the spiritual nature of forgiveness is especially important. It is commanded on us in the Qu'ran to "forgive and overlook" so that our faults may be forgiven and overlooked by Allah (swt) (3:134, 24:22 & 64:14) and because ultimately Allah (swt) is in command of every situation (2:109). Therefore, we should be extremely motivated to find excuses for our brothers and sisters in Islam and to recognize that we all have human failings – perhaps those efforts, bi-iznillah, will soften our hearts and prevent fitan (schisms) from spreading in the community.

5.7) Intervention

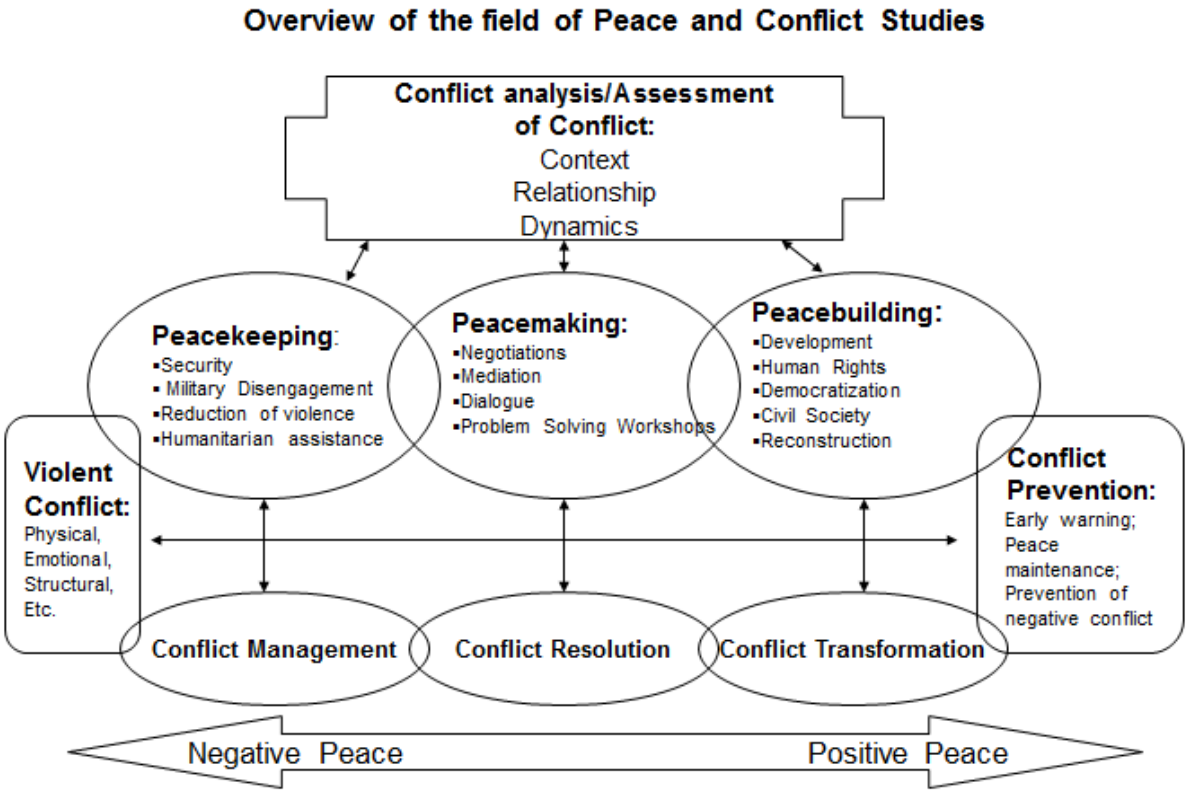
In this section we discuss the various forms of interventions used in conflicts by the parties themselves or by third parties in order to bring about peaceful processes and outcomes.

5.7.1) Definitions

- Third Party – Someone outside of the conflict (i.e. not belonging to either party) who intervenes to bring the conflict towards a resolution. The third party could be a judge, arbitrator, or mediator.
- Neutrality - The state of not giving favor or preference to either party, being fair and refraining for giving any favor or advantage to either party.
- Advocacy – Consultation, advice or other support for a party without being a part of the party or group.
- Negotiation – Process by which disputing parties try to reach an agreement.

- Conflict Intervention – When an outside third party becomes involved in the conflict to try to bring it to a resolution.
- Mediation – A process of negotiation guided by a third party mediator where the final decision rests with the parties.
- Conflict Resolution – a process which requires collaborative efforts of various parties to reach a reasonable resolution or satisfactory outcome that suits the conflicting parties who are disputing over a particular issue.
- Conflict Transformation – Process seeks to transform the individual parties from within with the aspiration of transforming the larger society.

5.7.2) General Approaches to Conflict Intervention



Developed by Dr. Amr Abdalla and the students of the course on Navigating Cultures for Peacebuilding. Eastern Mennonite University, Summer 2005.

In order to choose the right conflict intervention strategy, one first needs to analyze the conflict, its roots and structure by assessing the context of the conflict, the relationship between the conflicting parties and the dynamics of the conflict, e.g. if it is violent, and the level of violence. After a thorough analysis of the conflict, one can opt for a fitting intervention strategy or a combination of strategies.

a) Violent Conflict

Conflicts often turn violent, with hurting individuals' bodies and spirits (physical and emotional violence). Johan Galtung distinguishes between three types of violence: direct, structural and cultural violence. Direct violence is any visible behavior that directly affects and hurts a human being, such as rape, the use of force or hurtful words. Structural violence and cultural violence are less visible, with structural violence being structures embedded in social systems that prevent people from fulfilling their basic human needs, and cultural violence being cultural beliefs that legitimize the use of direct and structural violence[213]. Violent conflicts are not productive conflicts because the outcome is harmful to individuals and does not lead to a positive social change. Conflicts that are dealt with constructively (non-violently) can achieve positive results.

The violent behavior present in conflict is explained in more detail under "Violent Conflict Behavior".

b) Peacekeeping

Peacekeeping is a form of intervention that is needed and used in situations where conflict prevention has failed and where a conflict has escalated into being violent. A peacekeeping intervention is appropriate in the following three settings: to curtail violence and to prevent its escalation into war; to set limits on a war that has already broken out by narrowing its intensity, geographical location and perpetuity; and to strengthen a ceasefire and safe opportunities for reconstruction after a war has ended. Peacekeeping also helps to create conditions in which the conflicting parties can move towards a peaceful resolution of the conflict in order to achieve long-term peace. In short, peacekeeping fosters security by reducing the use of violence and military forces, and it often involves the use of humanitarian aid to save lives and to reduce suffering. A prominent example for international peacekeeping interventions is the UN peacekeeping force[214].

Example 1:
From time to time, a father uses direct violence against his son in order to educate him, by slapping him in a hurtful way on the body. His wife, the mother of the boy,

[213] Galtung, *Direct, Structural and Cultural Violence*, 2010
[214] Miall, Ramsbotham, & Woodhouse, *Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflicts,* 2011, pp. 147-170

disapproves of this education practice and intervenes every time that she is present, in order to secure her boy from direct violence. The mother is doing so by physically locating herself between her son and her husband. The husband does not engage in direct violence against his wife.

Example 2:

The United Nations Peacekeeping Force is currently (as of September 2015) leading 16 Peacekeeping missions worldwide, involving civilian, police and military personnel. One of the peacekeeping operations is present on Cyprus since 1964, where still no political settlement to the conflict between Turkish and Greek Cypriots has been found. Here, the UN is, amongst others, supervising the ceasefire and engaging in humanitarian activities[215].

c) Conflict Management

The purpose here is to help conflict parties develop approaches or behaviors that will prevent hostile or violent behavior. In this case, the intervention does not address the sources of conflict, but focuses on adjusting conflict behavior and addressing some conflict issues to the extent needed to ensure that parties will avoid hostile or violent behavior. Such an approach is usually used as to reduce contentious behavior until the situation is ripe for addressing conflict sources and issues. An example is to establish a cease fire between two warring factions.

d) Peacemaking

In contrast to Peacekeeping, Peacemaking does not take a physical form but focuses on finding agreements between the conflicting parties through non-violent dialogue. This is not only applicable for international conflicts, but any effort that is made to find a solution between conflicting parties can be defined as peacemaking. Peacemaking focuses on transforming the attitudes and perceptions of the conflicting parties. The non-violent methods that can be applied are various and include dialogues, negotiations, mediations, arbitration, and problem-solving workshops[216].

Example 1:

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[215] United Nations, *UNFICYP United Nations Peacekeeping Force in Cyprus* (United Nations: http://www.un.org/en/peacekeeping/missions/unficyp/), [Accessed: September 20, 2015]

[216] Miall, Ramsbotham, & Woodhouse, *Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflicts,* 2011, pp. 172-197

A husband and wife have had several severe arguments over the last years. Lately they have been fighting over whether or not their daughter should be allowed to attend the university of her choice which is located in a different city, because she will have to live on campus in a dorm in which also men are residing. The argument has gone out of control, and does not involve anymore the specific issue, but all their marriage arguments. Both of the partners are threatening to divorce each other. The daughter was able convince both parties to visit marriage counseling together in which a non-partial mediator will mediate the dialogue between husband and wife in order to discuss their problems, find solutions, save their marriage and restore peace at home.

Example 2:

Internationally, Peacemaking is all diplomatic efforts that are being done to foster negotiations in a conflict. An example for Peacemaking would be all diplomatic efforts which have been undertaken with the aim to solve the Israel-Palestine conflict. These efforts include Nixon and Henry Kissinger's shuttle diplomacy (a type of negotiation / mediation in which there is no direct contact between the conflicting parties, but only through an intermediary), Carter's mediation at Camp David, the Oslo Accords, mediation efforts of Clinton's administration, and Bush's and Obama's "Roadmap to Peace"[217] – unfortunately, none of these peacemaking interventions have achieved a solution, yet.

e) Conflict Resolution

The purpose here is to help parties understand each other's needs, issues and conflict sources, and to assist them in finding solutions that address them. This approach usually follows conflict management activities, and is intended to find lasting arrangements to conflicts. An example is to help the warring factions to discuss their grievances and needs (such as need to acknowledge ethnic identity, or access to resources). Resolutions may include giving political autonomy to the ethnic group, or increasing health, education and employment opportunities to an underprivileged group.

[217] Malek, C., Cast, S., & Burgess, H., *Peacemaking* (from Conflict Resolution Information Source: http://www.crinfo.org/coreknowledge/peacemaking, 2013), [Accessed: October 13, 2015]

f) Peacebuilding

Lisa Schirch, Professor of Peacebuilding, defines Peacebuilding as the following: "*Peacebuilding seeks to prevent, reduce, transform, and help people recover from violence in all forms, even structural violence that has not yet led to massive civil unrest. At the same time it empowers people to foster relationships that sustain people and their environment*[218]." Peacebuilding lays its focus on the root causes of a conflict (the contradictions of the parties) and has the aim of transforming the structures of violence into structures that enhance peace and security.

Peacebuilding has a long-term focus and emphasizes restoring justice and fairness through preventing, reducing, transforming and enhancing recovery from all three types of violence: direct, structural and cultural. Under Peacebuilding falls the enhancement of security, the establishment of socioeconomic foundations for long-lasting peace, the establishment of political frameworks for long-term peace, and reconciliation: healing the wounds of war. Peacebuilding emphasizes building relationships and institutions that enhance the peaceful transformation of conflicts.

Furthermore, peacebuilding focuses on the development of good governance and on transforming existing structures into structures that do not lead to inequality (structural violence), such as unequal distribution of resources. Also, peacebuilding emphasizes the strict compliance with human rights and values of democracy, and identifies any violations of these. Peacebuilding can work in different variations with top-down and bottom-up approaches, and civil society is taking a crucial role in it. Civil society is that part of the population that is most affected by war and violent conflict and is not only actively engaging in the reconstruction of destroyed infrastructure, but also in the healing of wounds, traumas and feelings that occurred as a result of violence[219].

Example 1:

Cynthia is pregnant, and as much as she is happy about the news, she is worried to lose her job for this. She has realized that the organization that she is working in is acting in discriminative ways towards women (e.g. differences in wages for men and women for the same work), and one of her colleagues has lost her job due to pregnancy. Cynthia decides to finally do something about the inequality at her workplace and starts a campaign to raise awareness about the inequalities that the women are facing. Not only

[218] Schirch, L., *The Little Book of Strategic Peacebuilding (*Intercourse, Pennsylvania: Good Books, 2005), p. 9
[219] Schirch, L., *Strategic Peacebuilding: State of the Field* (Peace Prints: South Asian Journal of Peacebuilding, Vol.1. No.1, 2008) , pp.1-17

women but also men take part in that campaign with the aim to change the structures at the organization. The campaign involves talking to outside civil society organization and to the leadership of the organization. Cynthia's campaign was a full success with the leadership acknowledging the unequal structures and changing them towards ones that foster equality. Everyone benefited as through this the motivation of employees and there through productivity increased.

Example 2:

The European Union is an example for successful Peacebuilding. Europe has been war-torn from World War I and II, and for centuries Germany and France have been rivals. With the formation of the European Union (starting in 1951), there has not been an armed conflict between EU member states since the end of World War II and citizens live in a European framework which's core values are peaceful coexistence, democracy and cooperation[220].

g) Conflict Transformation

This approach attempts to positively change parties' relationship, conflict attitudes and behaviors. Here the purpose is to help parties to transform their relationship from a conflictual one to an amicable one, by addressing deep-rooted conflict sources and issues. Another purpose is to help parties internalize healthy conflict behaviors that enable them to deal with conflicts on their own. An example is to convene conflict parties in series of problem solving workshops, utilize Truth and Reconciliation Committees, and educate and train parties on conflict transformation techniques.

h) Conflict Prevention

As often misunderstood, the aim of conflict prevention is not to prevent the occurrence of conflict at large, but to prevent violent conflicts (negative conflicts). Conflicts in itself should not be perceived as something negative, as conflicts that are dealt with constructively foster positive change and creativity. However, the occurrence of all forms of violence in conflicts must be prevented. Violent conflicts cannot be avoided, but they can be prevented. For this to happen, potential sources of conflict need to be recognized and analyzed with giving attention to the early resolution of the sources and to prevent the conflict to move into armed confrontation. UN Secretary-General

[220] Nylander, J., '*EU the most successful example of peacebuilding ever achieved in world history': OPINION* (from The Swedish Wire: http://www.swedishwire.com/opinion/15041-eu-the-most-successful-example-of-peacebuilding-ever-achieved-in-world-history-opinion, 2012), [Accessed: October 15, 2015]

Boutros-Ghali described conflict prevention as "the avoidance of new armed conflicts, containment of existing armed conflicts and non-recurrence of ended armed conflicts."

The outbreak of violent conflict can be prevented by different means and functions similar to preventing traffic accidents: after an accident happened, one analyzes why it happened and tries to eliminate that factor. The same applies for preventing violent conflicts: one needs to look for general conditions that reduce the probability of violent conflict. For example, early warning systems can indicate whether a conflict can possibly turn violent, by collecting information on the conflict and having certain indicators that would measure the probability of an outbreak of violence. Such indicators could be e.g. human rights violations, hate speech, discrimination against minorities, socio-economic inequalities or increase in armament. Peace maintenance includes upholding peace through peacekeeping, peacemaking or peacebuilding efforts (physical separation of groups; negotiations; good governance). The former are examples of so-called deep, structural prevention that happens in early stages of pre-violence prevention and late stages of post-violence peacebuilding and does not necessarily require urgent actions. However, light or operational prevention is needed when a conflict is about to turn violent and quick actions are needed; this form of prevention works through a range of policy options, such as official (e.g. mediation) and non-official diplomacy (e.g. conflict resolution training)[221].

i) Negative Peace

According to Johan Galtung, negative peace is the absence of direct violence. A minority in a country might suffer from unequal access to water resources, and from a culture that regards the minority as subordinate, but the minority is not subject to direct violence such as killings or violent attacks – an example for negative peace, in which suffering and inequality is still present[222].

j) Positive Peace

Positive peace, according to Johan Galtung, is the absence of all three forms of violence: direct, structural and cultural. A minority living in a country does not need to fear direct violent attacks, does not suffer from structures that lead to unequal access of

[221] Miall, Ramsbotham, & Woodhouse, *Contemporary Conflict Resolution: The Prevention, Management and Transformation of Deadly Conflicts,* 2011, pp. 123-146
[222] Galtung, J., *Positive and negative Peace* (in C. P. Webel, & J. Johansen, *Peace and Conflict Studies - a reader* (London, New York: Routledge, 2012), pp. 75-79

resources, and is not perceived as less worthy because of belonging to a minority – an example of positive peace in which no kind of violence is present[223].
Positive peace according to Islam is not only the absence of violence, but the absence of oppression, corruption, injustice and tyranny. In Islam, peace is only achieved when there is no injustice[224].

5.7.3) Ethical Approaches to Conflict Intervention/Mediation

The subject of the ethical implications of third party intervention in community disputes has been debated by several scholars and practitioners in the field. There are several factors, and basic assumptions, about the nature of the role of third parties in general which contributed to a sharp variation on the views of those scholars and practitioners. In this guidebook, we will focus on two related factors or assumptions: the social function of the third party role, and consequently, the concept of neutrality.

Before discussing those factors, let us clarify that "third parties enter a conflict relationship in which the disputants have different expectations, goals, costs, and rewards, and where they experience pressures and stresses stemming from an uncertain situation, or from over-eager constituents. To propose a watertight set of categories for the intervention of third parties, without taking these factors into consideration, is in reality a futile intellectual flight of fancy, or merely an exercise in normative thinking"[225].

The Social function of the Third Party Role and its Effect on the Concept of Neutrality:

We will summarize three positions in regard to the social functions of third party roles: 1) the Professional Position, 2) the Empowering Position, and 3) the Common Good Position. For each, we will also discuss the implications of their social views and their concepts of neutrality on different third party roles.

a. The Professional Position: This position is mainly represented by the Society of Professionals in Dispute Resolution (SPIDR). According to SPIDR, a third party is, and could not be anything other than, neutral. This is because a third party (called the Neutral in the SPIDR literature) "is a provider of services to others. The particular service a neutral

[223] Galtung, *Positive and negative Peace*, pp. 75-79
[224] Abrahamic Faiths and Peacemaking Initiative , *Islam & Peacemaking* (AFPI - Abrahamic Faiths Peacemaking Initiative : http://abrahamicfaithspeacemaking.com/education/islam-peacemaking/), [Accessed: October 13, 2015]
[225] Bercovitch, J., Social Conflicts and Third Parties Strategies of Conflict Resolution (Boulder, Colorado: Westview Press, 1984) , p. 16

provides is the use of conflict resolution skills and the neutral's status as a "disinterested" third party to assist in the resolution of disputes....The neutral who is a member of SPIDR is a member of the dispute resolution profession"[226].

This view of the third party as a professional "conflict resolver" has several implications on the roles which the third party could perform. Because neutrality and disinterest are the major qualifications, a third party may intervene only in a manner that does not violate those qualifications. A third party basically assists the parties, who own the dispute and the process, to reach an agreement. Thus, mediation and arbitration are the main types of intervention under this ethical position.

Within those roles, the ability of the third party to deal with issues of empowerment, social change, or justice are limited. SPIDR provides very few mechanisms to deal with issues such as those mentioned. This is consistent with the emphasis on neutrality and disinterest. A third party who believes that one party is disempowered, or who believes that the outcome is unjust, may do one of two things: 1) educate the disempowered party on the process or the consequences of the outcome, or 2) withdraw. Any other roles would seem to violate the principles of neutrality and disinterest.

This professional position was, naturally, criticized by those who advocate the empowering and common good aspects of third party intervention. Laue and Cormick, in emphasizing the importance of the political empowerment of disadvantaged parties, stated that "many intervenors...perceive their role as one of aiding in the process of making concessions in the allocation of resources rather than in helping to significantly empower powerless groups. In this regard, many professional intervenors are similar to most establishment parties: They wrongly see resources alone rather than power as the arena for change[227]".

b. The Empowering Position: This position is held mainly by James Laue and Gerald Cormick. They determined that "justice is the ultimate social good[228]". A third party intervention in community disputes should, through empowering the disadvantaged, lead to justice, which is the "prerequisite to the maximum attainment of freedom by all

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[226] Thomas, A.B., *Making the tough calls: ethical exercises for neutral dispute resolvers* (Washington D.C.: The Society, 1991), p. 6

[227] Laue, J., Cormick, G., *The Ethics of Intervention in Community Disputes* (In G. Bermant et al (Eds.) *The Ethics of Social Intervention*, Washington, D.C.: Halsted Press, 1978), pp. 229-230

[228] Laue, Cormick, *The Ethics of Intervention in Community Disputes*, p. 219

individuals[229]". Further, their criteria for an ethical intervention is based on how it contributes "to the ability of relatively powerless individuals and groups in the situation to determine their own destinies to the greatest extent consistent with the common good"[230]. For them, proportional empowerment is a crucial value, upon which any successful intervention rests. As they stated, proportional empowerment "refers to a condition in which all groups have developed their latent power to the point where they can advocate their own needs and rights, where they are capable of protecting their boundaries from wanton violation by others, where they are capable of negotiating their way with other empowered groups on the sure footing of respect rather than charity. Given the fallibility of judges, sociologists, politicians, philosophers, and theologians, we can only trust that true substantive justice will flow from the procedural safeguard of proportional empowerment"[231].

Based on their assumptions about the social functions of intervention, Laue and Cormick provided a larger spectrum of intervention roles. A third party plays the role that would more likely achieve the goals of empowerment and justice, even if it was not a neutral one. Thus, activism and advocacy for the cause of weaker parties in order to empower them, may be more proper than mediation or enforcement. Playing the role of a mediator, when empowerment of one party is needed, would be unethical, because it reinforces the unjust status quo.

The empowerment position also was criticized by others who fear that too much emphasis on empowering the weak through third party intervention may become self defeating. According to Luban (1988) "too much empowering activity on the part of neutrals will lead to under-utilization of Alternative Dispute Resolution by the more powerful parties who find themselves getting goosed by the process[232]". In addition, Luban, like those representing the professional position, could only perceive of a third party as neutral. Thus, he warns against mixing the role of advocacy (for empowering the weak) with other "neutral" third party roles, because advocacy, by its nature, neglects at least the interests of one party, even if that party were powerful.

c. The Common Good Position: This position is actually a critical modification of the empowerment position. According to Williams (1978), social justice as the ultimate good is

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[229] Laue, Cormick, *The Ethics of Intervention in Community Disputes*, p. 219
[230] Laue, Cormick, *The Ethics of Intervention in Community Disputes*, pp. 217
[231] Laue, Cormick, *The Ethics of Intervention in Community Disputes*, pp. 220
[232] Luban, D., *The Quality of Justice: a Report to the National Institute for Dispute Resolution* (Washington, D.C.: National Institute for Dispute Resolution, 1988), p. 50

the goal of intervention in community disputes. However, empowerment, proportional empowerment, and participation will not necessarily lead to that destination. Williams stated that "neither participation nor competition...will significantly alter the stigma of race and the burden of poverty. Only if greater attention is given to formulation of an adequate conception of the common good or just society will the possibility of significant change emerge. In addition, a notion of the common good or just society would act to limit the misuse of power or coercion by the community or the parties to the dispute. Competition has replaced cooperation and conflict has ensued precisely because... the conception of legitimacy of power has broken down. Consequently, one aspect of the ethical responsibility of the intervenor is to restore the notion of common good that both parties to the dispute might come to acknowledge as valid and that can serve to set limits to the aspirations of all community members as well as provide a normative definition of the just society[233]".

Unlike Laue and Cormick, Williams did not provide models of intervention that are guided by his ethical framework. However, it may be inferred from his argument that the only ethical model of intervention would be one that upholds the common good as its constitution, to which the intervenor attempts to get the parties to accept as grounds for resolving their dispute. As he stated "the intervenor should be urged to formulate over against the parties some general conception of what seems fair or right in a particular situation. Such a tentative conception of a common good would not prevent joint determination by the parties in dispute. It would suggest instead some reasonable expectations about the transfer of power that ought to occur in the negotiations[234]". Thus, neutrality becomes a matter of adhering to the common good while not favoring any of the parties.

The common good position, although represents most of the actual conflict resolution techniques in traditional societies, would face difficulties in modern diverse societies, where the notion of common good may be too vague. Although this approach is full of good intentions, we doubt that it could stand the test of reality; and further, we suspect that it may become a vehicle for sustaining the established norms, even if the norms are unjust.

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[233] Williams, P., *Comments on "the Ethics of Intervention in Community Disputes"* (in G. Bermant et al. (Eds.) *The Ethics of Social Intervention*, Halsted Press, 1978), p. 236

[234] Williams, P., *Comments on "the Ethics of Intervention in Community Disputes"*, 1978, p. 237

d. Conclusions: The "ethicality" of third party roles are determined in the scope of what is considered to be the social function of third party intervention. In third party intervention as a profession, neutrality to parties, process and outcome is a crucial criteria for any role. Thus only those roles that would not jeopardize the neutrality of third party are regarded as ethical.

For those who believe that third party intervention should affect the social and political power imbalance, ethical roles are not tied to neutrality; instead their "ethicality" is measured by their effectiveness in empowering the weak and making justice.

Finally, for those who believe that common good and norms for just society exist, an ethical intervention would be one that guides parties to resolve their conflicts in light of what is regarded as common good.

The variation, based on what social function you choose, in determining what roles of intervention are ethical or not lead us to conclude this section with the title we chose for our presentation: Is it ethics or personal style?

	Assumptions	**Process**	**Goal**
Professional Approach	Parties are fairly equal Parties are rational Conflict issues are negotiable	Neutral intervention in the forms of mediation or facilitation Respect parties' own version of what is right and what is just Maintain parties' ownership of the conflict, issues and outcome	Maintain peaceful coexistence
Empowerment Approach	Injustice and inequality exist in society parties to conflicts are not always equally empowered	Use of intervention models which would lead to empowering disenfranchised parties: activism, advocacy, mediation, research, enforcement	Justice and freedom

Common Good Approach	No society may function without shared meaning and values	Use of intervention models which would ensure that common values and norms are shared by parties, and guide their decision making process. Use of normative mediation and arbitration	Social justice based on the common good.

5.7.4) Third Party Intervention Types

Mediation is like negotiation in that the parties make their own decisions, but differs in that a third party is present to help facilitate the process. This method is usually used when the parties have reached a point of stalemate in their negotiations, communications may have broken down and they feel they have stopped proceeding toward any mutually agreed resolution. The parties voluntary seek the intervention of a mediator voluntarily because they feel that they need help reaching an agreement. The mediator would take the parties through a process of communication that will bring out the issues in a fair way, explore options for settlement and move towards reconciliation.

Administrative decisions occur when a decision is given by an authority within the organization, institution or community who is not a direct party in the conflict, but may have an interest in the outcome. Usually this kind of intervenor would be primarily concerned with the best interest of the institution and also in being fair to the parties. An example might be a dispute between staff members of an Islamic school where the Chairman of the Board of Directors would make a decision s/he feels is in the best interest of the school. The effectiveness of this kind of intervention depends on the degree the parties respect and trust the authority and fairness of the person making the decision.

Arbitration is also a process where the parties voluntarily agree to intervention, but differs from mediation in that the parties give the authority to decide the outcome of the dispute to the arbitrator. Arbitration can be done by an individual or a committee and the outcome can either be considered as advice or binding depending on what was established at the onset of the process.

A judicial approach involves going to a public court where the case is argued usually with lawyers advocating for each party and a judge or jury will make a decision according to the law. The outcome is generally win-lose, such that one party is judged to be right and the other wrong the possibility of a mutually acceptable outcome is no longer an option. The outcome of the judgment is socially both binding and enforceable.

Another public and legal form of resolution is through legislation. This usually is applied to large scale issues but also may affect individual disputes. By voting and passing a law, the position of one of the parties becomes legally binding rule. The win-lose tendency of this approach may be lessened by compromises that are written into the law.

Third parties who get involved in conflicts may also vary in the degree that they refrain from supporting either party or neutrality. The intervening party may merely be a facilitator of a process being completely neutral, or they may find themselves drawn by circumstances into the role of advocate or activist, such that they may become affiliated to a degree with a particular party in the conflict.

Continuum of Conflict Management and Resolution Approaches[235]									
Private decisions making by parties				Private third-party decision making		Legal (public), authoritative third party decision making		Extralegal coerced decision making	
Conflict Avoidance	Informal discussion and problem solving	Negotiation	Mediation	Administrative decision	Arbitration	Judicial decision	Legislative decision	Nonviolent direct action	Violence
Increased coercion and likelihood of win-lose outcome→→→									

[235] Developed by Chris Moore *(1996), The Mediation Process*

Important to consider: Ripeness of a Conflict[236]

While most studies on the peaceful settlement of disputes focus on the substance of the negotiations, the timing of the negations is also key. Parties resolve their conflict only when they are ready to do so -- when alternative, usually unilateral, means of achieving a satisfactory result are blocked and the parties feel that they are in an uncomfortable and costly predicament. At that "ripe" moment, they seek or are amenable to proposals that offer "a way out."

The idea of a ripe moment lies at the fingertips of diplomats--but it is relevant for negotiators at other levels as well. As long ago as 1974, Henry Kissinger recognized that "stalemate is the most propitious condition for settlement." Conversely, practitioners often are heard to say that certain mediation initiatives are not advisable because the conflict just is not yet "ripe." Environmental mediator Larry Susskind, for instance, emphasizes the importance of a conflict assessment before any mediation, both to assess ripeness, and to design the process. If one or more key parties refuses to come to the table, then he concludes that the conflict is not ready for mediation or consensus-building. [1] Interpersonal conflicts, too, are also not "ripe" for mediation or for negotiation if one side or the other thinks that they can win outright, or get what they want by intimidation or force--even if the reward is just getting the car for the weekend.

The concept of a ripe moment centers on the parties' perception of a mutually hurting stalemate (MHS) -- a situation in which neither side can win, yet continuing the conflict will be very harmful to each (although not necessarily in equal degree nor for the same reasons). Also contributing to "ripeness" is an impending, past, or recently avoided catastrophe.[2] This further encourages the parties to seek an alternative policy or "way out," since the catastrophe provides a deadline or a lesson indicating that pain might be sharply increased if something is not done to settle the conflict soon.

The mutually hurting stalemate is grounded in cost-benefit analysis. It is fully consistent with public-choice notions of rationality.[3] and public-choice studies of war termination and negotiation.[4] These theories assume that a party will pick the alternative which is best for itself, and that a decision to change strategies is induced by increasing the pain associated with the present course of the conflict, thereby making the change the rational choice from a cost-benefit point of view. It is also consistent with the hypothesis that people seek to avoid a loss of a certain amount more than they seek a gain of the same amount. In other words, they are "loss-averse."

In terms of game theory, a mutually hurting stalemate changes the situation from a prisoners' dilemma game into a game of chicken. (These terms and games are described in detail in the game theory essay.) Put in other terms, a conflict becomes ripe for resolution when the parties realize that the status quo -- no negotiation -- is a lose-lose situation (because they cannot win), not a zero-sum (win-lose) situation. Thus to avoid the mutual loss, they must consider

[236] Zartman, I. William. "*Ripeness.*" Beyond Intractability. Eds. Guy Burgess and Heidi Burgess. Conflict Information Consortium, University of Colorado, Boulder. Posted: August 2003, http://www.beyondintractability.org/essay/ripeness [Accessed: June 29, 2016]

negotiation.

Ripeness is a matter of perception, and as with any subjective perception, there are likely to be objective facts to be perceived. These can be highlighted by a mediator or an opposing party when they are not immediately recognized by the party itself, and resisted so long as the conflicting party refuses to recognize the "facts" as legitimate or accurate. Thus it is the *perception* of the objective condition, not the condition itself, that makes for a mutually hurting stalemate. If the parties do not recognize "clear evidence" (in someone else's view) that they are at an impasse, a mutually hurting stalemate has not yet occurred, and if they do perceive themselves to be in such a situation, no matter how flimsy the "evidence," the mutually hurting stalemate is present.

The other element necessary for a ripe moment is less complex and also perceptional: a "Way Out." Parties do not have to be able to identify a specific solution; they must only have a sense that a negotiated solution is possible and that the other party shares that sense and the willingness to search for a solution too. Without a sense of a Way Out, the push associated with the mutually hurting stalemate would leave the parties with nowhere to go. Spokespersons often indicate whether they do or do not feel that a deal can be made with the other side. If they think a deal is possible, that suggests a "way out" and the time is ripe for negotiation. If they do not feel the other side will negotiate in good faith, then the situation is not ripe. [5]

Ripeness is only one condition, necessary but not sufficient, for the initiation of negotiations. It is not self-fulfilling or self-implementing--it must be seized, either directly by the parties or, if not, through the persuasion of a mediator. Thus, it is not identical to its results, nor is it tautological, although some scholars have claimed such, arguing that it cannot be measured except by the success of negotiations, after which one can observe that "the time was ripe." However, not all ripe moments are seized and turned into negotiations. Hence the importance of specifying the meaning and evidence of ripeness, so as to indicate when conflicting or third parties can fruitfully initiate negotiations.

Although ripeness theory cannot predict when a given situation will become ripe, it can identify the elements necessary (even if insufficient) for productive negotiations to begin. This type of analytical prediction is the best that can be obtained in social science, where stronger predictions could only be ventured by eliminating free choice (including the human possibility of blindness and mistakes). As such, it is of great value to policymakers seeking to know when and how to begin a peace process.

Finding a ripe moment requires research and intelligence studies to identify the objective and subjective elements. Subjective expressions of pain, impasse, and inability to bear the cost of further escalation, related to objective evidence of stalemate, data on numbers and nature of casualties and material costs, and/or other such indicators of a mutually hurting stalemate, along with expressions of a sense of a Way Out, can be researched on a regular basis in a conflict to establish whether ripeness exists. Researchers would look for evidence, for example, of whether the fluid military balance in a conflict has given rise at any time to a perception of a mutually hurting stalemate by the parties, or to a sense by authoritative spokespersons for each side that the other is ready to seek a solution to the conflict. Researchers could also look for contrary evidence: statements by one or both sides, suggesting that they can win or

that mediation is bound to fail because one or both parties believes in the possibility or necessity of escalating out of the current impasse to achieve a decisive military victory.

Ripeness is the key to many successful cases of negotiation, opening the way for discussions that led to an agreement in the Sinai (1974), Southwest Africa (1988), El Salvador (1988), Mozambique (1992), and many others. The lack of ripeness led to the failure of attempts to open negotiations between Eritrea and Ethiopia in the late 1980s, within Sudan for decades, and elsewhere. Objectively ripe moments, however, were not transformed into subjective perceptions or seized and carried through to successful agreements in Karabagh in 1994, in Cyprus in 2002, and elsewhere, according to published analyses. Perhaps a greater understanding of the indicators of ripeness could lead to its more frequent recognition among disputing parties, and more successfully seized negotiation opportunities.

[1] See Susskind's interview on BI.

[2] I William Zartman and Maureen Berman, *The Practical Negotiator* (New Haven: Yale University Press, 1982), 66-78 <http://books.google.com/books?id=399qzq9hrdwC>; I William Zartman, "The Strategy of Preventive Diplomacy in Third World Conflicts," in *Managing US-Soviet Rivalry,* ed. Alexander George (Westview, 1983), <http://books.google.com/books?id=DlTAQgAACAAJ>; Saadia Touval & I William Zartman, eds., *International Mediation in Theory and Practice* (Westview, 1985), ll, 258-60; I William Zartman, *Ripe for Resolution* (New York: Oxford, 1985/1989), <books.google.com/booksl?id=H1Ya9aDRbPMC>.

[3] Sen 1970, Arrow 1963, Olson 1965

[4] Brams 1990, 1994; Wright 1965

[5] Zartman & Aurik 1991

5.7.5) Negotiation:

Negotiation is simply put a process by which disputing parties try to reach an agreement. In other words, contending parties bargain their positions and interests to reach a compromise and thereby cease the conflict. It is therefore a dialogue between parties to make one another understand what is at stake for each of them to formulate a solution. In this process, negotiation can take on one of two turns.

People engage regularly in positional bargaining where they argue their positions and negotiate a compromise. In this kind of bargaining there are basically two approaches; soft or hard bargaining. Soft bargaining is carried out with a high level of concern for the interests of and particularly the relationships with the other party. The hard

negotiator wants to win and sees the conflict as a test of wills. Soft bargaining leads to many concessions. Although it might produce and quick resolution, it may not be a good one as it may not address the concerns of the conceding party and the concessions that they give may lead to their later dissatisfaction and resentment. Hard bargaining tends to be difficult on the parties and their relationship.

Positional arguing can produce poor agreements and the process can be inefficient. Parties develop positions based upon their interests. As they argue for these positions, they become more committed to their position and they develop an interest in maintaining it. It becomes increasingly difficult to work out an agreement, as the parties do not want to save face by maintaining their position. Often the outcome will be a split in between the two positions without considering the original interests that the parties have. This can mean that the solution may poorly address the interests of both parties leaving no one satisfied.[237]

The process of positional negotiation takes a long time. Parties tend to adopt extreme positions and argue strongly for them hoping that the final outcome will be closer to what they really want. Parties go back and forth making small concessions concealing their real position.[238] The process is like the bartering over price that one may see in a bazaar.

In addition to negotiating and deciding the substance of issues, parties also make a decision about the process of negotiation they will use. Principled negotiation provides an alternative to positional bargaining. This sort of negotiation is based upon four key elements. The first is to separate the people from the problem, proceeding to attack the people and not the problem. The second element is to focus negotiations on interests and not positions as mentioned above focusing on positions can distract from the real issues and needs of the parties leaving them unfulfilled. The third element is to invent options for mutual gain, coming up with several solutions relieves the pressure of having to create one optimal solution and will help the parties to creatively address their interests facilitating a better quality decision. The final element is insisting that the solution be based some objective criteria. This criteria should make negotiations fair for each party so that decisions will not be determined by the force of will of one party, but an agreed upon standard such as law or custom.[239]

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[237] Fisher, R., Ury, W., *Getting to Yes* (New York, New York: Penguin Books, 1981), p. 5
[238] Fisher, Ury, *Getting to Yes*, 1981, p. 6
[239] Fisher, Ury, *Getting to Yes*, 1981, pp. 11-12

Another important dimension of negotiations is power and how parties may use it to advance their interests. For more information on power in conflict please see section "Power" under "Relationship". The Following Table[240] captures the different types of negotiations:

Problem Positional Bargaining: Which Game Should You Play?		**Solution** Change the Game – Negotiate on the Merits
Soft Participants are friends. The goal is agreement.	**Hard** Participants are adversaries. The goal is victory.	**Principled** Participants are problem-solvers The goal is a wise outcome reached efficiently and amicably.
Make concessions to cultivate the relationship. Be soft on the people and the problem. Trust others.	Demand concessions as a condition of the relationship. Be hard on the problem and the people Distrust others.	**Separate the people from the problem.** Be soft on the people, hard on the problem. Proceed independent of trust.
Change you position easily. Make offers. Disclose your bottom line.	Dig into your position. Make threats. Mislead as to your bottom line.	**Focus on interests, not positions.** Explore interests. Avoid having a bottom line.
Accept one-sided losses to reach agreement. Search for the single answer: the one *they* will accept. Insist on agreement.	Demand one-sided gains as the price of agreement. Search for the single answer: the one *you* will accept. Insist on your position.	**Invent options for mutual gain.** Develop multiple options to choose from; decide later.
Try to avoid a contest of will. Yield to pressure.	Try to win a contest of will. Apply pressure.	**Insist on using objective criteria.** Try to reach a result based on standards independent of will. Reason and be open to reason; yield to principle, not pressure.

[240] Fisher, Ury, *Getting to Yes*, 1981, p. 13

What BATNAs Are – Brad Spangler, 2012[241]

BATNA is a term coined by Roger Fisher and William Ury in their 1981 bestseller, *Getting to Yes: Negotiating Without Giving In*.[1] It stands for "Best ***ALTERNATIVE TO*** a negotiated agreement." Said another way, it is the best you can do if the other person refuses to negotiate with you--if they tell you to "go jump in a lake!" or "Get lost!" So it is not necessarily your ideal outcome--unless your ideal outcome is something you can get without the cooperation of the other person. It is the best you can do ***WITHOUT THEM.***

BATNAs are critical to negotiation because you cannot make a wise decision about whether to accept a negotiated agreement unless you know what your alternatives are. If you are offered a used car for $7,500, but there's an even better one at another dealer for $6,500--the $6,500 car is your BATNA. Another term for the same thing is your "walk away point." If the seller doesn't drop her price below $6,500, you will WALK AWAY and buy the other car.

Your BATNA "is the only standard which can protect you both from accepting terms that are too unfavorable and from rejecting terms it would be in your interest to accept."[2] In the simplest terms, if the proposed agreement is better than your BATNA, then you should accept it. If the agreement is not better than your BATNA, then you should reopen negotiations. If you cannot improve the agreement, then you should at least consider withdrawing from the negotiations and pursuing your alternative (though the relational costs of doing that must be considered as well).

> "*The reason you negotiate is to produce something better than the results you can obtain without negotiating. What are those results? What is that alternative? What is your BATNA -- your Best Alternative To a Negotiated Agreement? That is the standard against which any proposed agreement should be measured*." -- Roger Fisher and William Ury

Having a good BATNA increases your negotiating power. If you know you have a good alternative, you do not need to concede as much, because you don't care as much if you get a deal. You can also push the other side harder. If your options are slim or non existent, the other person can make increasing demands, and you'll likely decide to accept them--because you don't have a better option, no matter how unattractive the one on the table is becoming. Therefore, it is important to improve your BATNA whenever possible. If you have a strong one, it is worth revealing it to your opponent. If you have a weak one, however, it is better to keep that detail hidden.

Guy Burgess and Heidi Burgess have adapted the concept of BATNA slightly to emphasize what they call "EATNAs"-- estimated alternatives to a negotiated agreement" instead of "best alternatives." Even when disputants do not have good options outside of negotiations, they

[241] Spangler, Brad. "Best Alternative to a Negotiated Agreement (BATNA)." *Beyond Intractability*. Eds. Guy Burgess and Heidi Burgess. Conflict Information Consortium, University of Colorado, Boulder. Posted: June 2003 <http://www.beyondintractability.org/essay/batna>.

often think they do. (For example, both sides may *think* that they can prevail in a court or military struggle, even when one side is clearly weaker, or when the relative strengths are so balanced that the outcome is very uncertain.) Yet, perceptions are all that matter when it comes to deciding whether or not to accept an agreement. If a disputant thinks that he or she has a better option, she will, very often, pursue that option, even if it is not as good as she thinks it is.

BATNA and EATNAs also affect what William Zartman and may others have called "ripeness," the time at which a dispute is ready or "ripe" for settlement.[3] When parties have similar ideas or "congruent images" about what BATNAs exist, then the negotiation is ripe for reaching agreement. Having congruent BATNA images means that both parties have similar views of how a dispute will turn out if they do not agree, but rather pursue their other rights-based or power-based options. In this situation, it is often smarter for them to negotiate an agreement without continuing the disputing process, thus saving the transaction costs. This is what happens when disputing parties who are involved in a lawsuit settle out of court, (which happens in the U.S. about 90 percent of the time). The reason the parties settle is that their lawyers have come to an understanding of the strength of each sides' case and how likely each is to prevail in court. They then can "cut to the chase," and get to the same result much more easily, more quickly, and less expensively through negotiation.

On the other hand, disputants may hold "dissimilar images" about what BATNAs exist, which can lead to a stalemate or even to intractability. For example, both sides may think they can win a dispute if they decide to pursue it in court or through force. If both sides' BATNAs tell them they can pursue the conflict and win, the likely result is a power contest. If one side's BATNA is indeed much better than the other's, the side with the better BATNA is likely to prevail. If the BATNAs are about equal, however, the outcome is much less certain. If the conflict is costly enough, eventually the parties may come to realize that their BATNAs were not as good as they thought they were. Then the dispute will again be "ripe" for negotiation.

The allure of the EATNA often leads to last-minute breakdowns in negotiations, particularly when many parties are involved. Disputants can negotiate for months or even years, finally developing an agreement that they think is acceptable to all. But then at the end, all the parties must take a hard look at the final outcome and decide, "is this better than all of my alternatives?" Only if all the parties say "yes," can the agreement be finalized. If just one party changes his or her mind, the agreement may well break down. Thus, knowing one's own and one's opponents' BATNAs and EATNAs is critical to successful negotiation

Determining Your BATNA

BATNAs are not always readily apparent. Fisher and Ury outline a simple process for determining your BATNA:

1. develop a list of actions you might conceivably take if no agreement is reached;
2. improve some of the more promising ideas and convert them into practical options; and
3. select, tentatively, the one option that seems best.[4]

BATNAs may be determined for any negotiation situation, whether it be a relatively simple task such as finding a job or a complex problem such as a heated environmental conflict or a protracted ethnic conflict.

Fisher and Ury offer a job search as a basic example of how to determine a BATNA. If you do not receive an attractive job offer by the end of the month from Company X, what will you do? Inventing options is the first step to determining your BATNA. Should you take a different job? Look in another city? Go back to school? If the offer you are waiting for is in New York, but you had also considered Denver, then try to turn that other interest into a job offer there, too. With a job offer on the table in Denver, you will be better equipped to assess the New York offer when it is made. Lastly, you must choose your best alternative option in case you do not reach an agreement with the New York company. Which of your realistic options would you really want to pursue if you do not get the job offer in New York?

More complex situations require the consideration of a broader range of factors and possibilities. For example, a community discovers that its water is being polluted by the discharges of a nearby factory. Community leaders first attempt to negotiate a cleanup plan with the company, but the business refuses to voluntarily agree on a plan of action that the community is satisfied with. In such a case, what are the community's options for trying to resolve this situation?

- They could possibly sue the business based on stipulations of the Clean Water Act.
- They could contact the Environmental Protection Agency and see what sort of authority that agency has over such a situation.
- They could lobby the state legislature to develop and implement more stringent regulations on polluting factories.
- The community could wage a public education campaign and inform citizens of the problem. Such education could lead voters to support more environmentally-minded candidates in the future who would support new laws to correct problems like this one. It might also put enough public pressure on the company that it would change its mind and clean up voluntarily.

In weighing these various alternatives to see which is "best," the community members must consider a variety of factors.

- Which is most affordable and feasible?
- Which will have the most impact in the shortest amount of time?
- If they succeed in closing down the plant, how many people will lose their jobs?

These types of questions must be answered for each alternative before a BATNA can be determined in a complex environmental dispute such as this one.

BATNAs and the Other Side

At the same time you are determining your BATNA, you should also consider the alternatives available to the other side. Sometimes they may be overly optimistic about what their options are. The more you can learn about their options, the better prepared you will be for negotiation. You will be able to develop a more realistic view of what the outcomes may be and what offers are reasonable.

There are also a few things to keep in mind about revealing your BATNA to your adversary. Although Fisher and Ury do not advise secrecy in their discussions of BATNAs, according to

McCarthy, "one should not reveal one's BATNA unless it is better than the other side thinks it is."[5] But since you may not know what the other side thinks, you could reveal more than you should. If your BATNA turns out to be worse than the opponent thinks it is. Then revealing it will weaken your stance.

BATNAs and the Role of Third Parties

Third parties can help disputants accurately assess their BATNAs through reality testing and costing. In reality testing, the third party helps clarify and ground each disputing party's alternatives to agreement. S/he may do this by asking hard questions about the asserted BATNA: "How could you do that? What would the outcome be? What would the other side do? How do you know?" Or the third party may simply insert new information into the discussion...illustrating that one side's assessment of its BATNA is likely incorrect. Costing is a more general approach to the same process...it is a systematic effort to determine the costs and benefits of all options. In so doing, parties will come to understand all their alternatives. If this is done together and the parties agree on the assessment, this provides a strong basis upon which to come up with a negotiated solution that is better than both sides' alternatives. But if the sides cannot come to such an agreement, then negotiations will break down, and both parties will pursue their BATNA instead of a negotiated outcome.

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[1] In 2011, Fisher and Ury published a 3rd Edition of *Getting to Yes*. The updated edition was edited by Bruce Patton and incorporates Fisher and Ury's responses to criticisms of their original 1981 book.

[2] Roger Fisher and William Ury. *Getting to Yes: Negotiating Agreement Without Giving In*, 3rd ed. (New York: Penguin Books, 2011). <http://www.beyondintractability.org/library/external-resource?biblio=23737>.

[3] I William Zartman, *Ripe for Resolution*, (New York: Oxford, 1985/1989). <http://www.amazon.com/Ripe-Resolution-Conflict-Intervention-Africa/dp/019505931X>.

[4] Roger Fisher and William Ury. Op.cit, 108.

[5] William McCarthy, "The Role of Power and Principle in Getting to Yes," in *Negotiation Theory and Practice*, Eds. J. William Breslin and Jeffery Z. Rubin. (Cambridge: The Program on Negotiation at Harvard Law School, 1991), 115-122. <http://www.colorado.edu/conflict/peace/problem/mcca7535.htm>.

5.7.6) Mediation

As stated earlier, Mediation is like negotiation in that the parties make their own decisions, but differs in that a third party is present to help facilitate the process. This method is usually used when the parties have reached a point of stalemate in their negotiations, communications may have broken down and they feel they have stopped proceeding toward any mutually agreed resolution.

Within the field of mediation, there are differing opinions about what the goals of mediation are. Bush and Folger summarize these differing goals into four stories: the Satisfaction Story, the Social Justice Story, the Oppression Story, and the Transformation Story.[242]

The Satisfaction Story promotes mediation as a means of accessing the scope of the problem and cooperatively working towards a win-win resolution that is acceptable to both parties. The voluntary and flexible nature of mediation creates a means for parties to reduce their costs in the conflict and increase likelihood of a satisfactory outcome. This view also sees mediation as a means of reducing the cases appearing in court so that justice in general can be achieved more quickly and the public cost of disputes can be reduced.[243]

The Social Justice Story finds the key goal of mediation to be empowerment by bringing together individuals with common interests with the idea that there is strength in numbers to get interests addressed and to avoid exploitation by more powerful parties or institutions. Mediation is seen as a way of allowing people to help themselves and avoid being in a dependent situation. The process that mediation takes parties through can help to facilitate and organize a weaker party, so that they are more effectively engaged in pursuing their needs and more able to reach a satisfactory or fair outcome than would be likely by other venues. Thus, mediation is seen increasing the realization of a socially just outcome, particularly in regards to the weaker party.[244]

The Transformation Story additionally deals with empowerment. However, instead of focusing on the leverage and power available to a weaker party, it instead focuses on empowerment of individuals and society more generally in the sense of giving people a

[242] Bush, Robert A. Baruch, and Joseph P. Folger, *The promise of mediation,* 1994, p. 15
[243] Bush, Folger, *The promise of mediation,* 1994, pp. 16-17
[244] Bush, Folger, *The promise of mediation,* 1994, pp.18-19

stronger reliance and confidence in themselves by allowing them to be in control of the outcome of mediation. This view sees mediation as a means of moving people from a defensive position from which they would incline to attack to a position of confidence where they are able to give the other party recognition and work towards a resolution with consideration of the other. With this, the Transformation Story sees individuals and society as being transformed from being adversarial, to building strong relationships.[245]

The Oppression Story takes the opposite view from the Social Justice Story, as it sees in mediation the potential for the more powerful party to exploit the weaker party. The lack of formal systems in this view leaves open the way to manipulate the situation. The ability of the mediator to strategize, and in their facilitative function to control discussions and the issues addressed, allows for their biases to affect the outcome of mediation. With all this, mediation allows for the process to be used against one party and towards an unjust outcome even despite contrary intentions of the parties and the mediator in pursuing mediation.[246]

When dealing with conflicts, relationships and balances of power are central issues to consider. They arise several questions related to the ethics of conflict intervention. Can one be neutral if there is an imbalance of power? If one works to empower a weaker party is s/he being neutral? With transformative mediation the mediator intends to transform to parties toward what they feel is better for them, but in that case there is an ethical question related to the right of the mediator to determine a hidden direction for that transformation. These ethical questions coming from different viewpoints have been central to the discussion of the goals of mediation.

Steps in Mediation

A: Analysis and Preparation

Mediation begins with the entry of the third party into the conflict whether by invitation by the parties or by recommendation from someone they know or an authority. It is not possible for a mediator to enter into a conflict to help resolve it without having both parties agree to the mediation. Usually one party will have requested the mediator to intervene. Then, it will fall on the mediator to contact the other party to confirm their willingness to participate in the process. During this initial

[245] Bush, Folger, *The promise of mediation,* 1994, pp. 20-21
[246] Bush, Folger, *The promise of mediation,* 1994, pp. 22-23

phase the mediator will confirm the willingness of both parties to participate in mediation, making sure that they have an understanding of what that involves by explaining to them the process. At this time it is important to begin an initial report with the parties and build their confidence in the credibility of the mediator and the process.[247]

A mediator should not assume that mediation is the best course of action, but work with the parties to identify the best means of reaching a resolution. The mediator can work with the parties individually to assess their interests, including what may be compatible or overlapping with the other party, the relative value of different interests, the value of the relationship, and if any party possess power to enforce their will. Also, the mediator can work with them to identify the range of possible outcomes on a spectrum of meeting the interests and satisfying each party. The mediator then needs to cover the strategies or approaches to the conflict that would be appropriate for each party.

Collection of information about the conflict is a key component of the preparation process. Data can be collected by observation gained by meeting with the parties or through information available from second or outside parties. Interviewing is a primary means of collecting data. The mediator will then verify and analyze the data and present it to the parties to help then clarify their understanding of the conflict. [248]

Having collected the relevant information, the mediator should develop a plan or set of procedural steps to be used towards reaching an agreement. It is encouraged, but not necessary, to have the parties included in developing the plan, as it will increase their commitment to the process. The plan will include who will be involved in the process, where it will take place and what procedures should be used.

The final critical stage to be addressed before the actual mediation takes place is conciliation, or building trust and cooperation among the parties. This process addresses the psychology of the parties, seeks to reduce unnecessary causes of conflict and to build positive relationships that will help negotiations. In this stage the mediator needs to confront strong emotions, misconceptions, problems of legitimacy, mistrust and/or poor communication.

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[247] Moore, *The Mediation Process*, 1996, p. 87
[248] Moore, *The Mediation Process*, 1996, pp. 114 – 115; 139

B: Conducting Mediation

In the beginning of a mediation session, the mediation seeks to set a positive tone that affirms trust, common concern, positive expression and accurate communication. The session will begin with an opening statement by the mediator that defines and introduces procedures including issues of caucusing, confidentiality and behavioral guidelines. The mediator also positively recognizes the parties' participation as showing their willingness to cooperate, answers their questions, and gains a commitment to begin mediation. [249] Next, the parties will give their own opening statements in their own way, which may be focused on issues, position and interests, procedure, or their mental and emotional states.[250] The mediator needs to facilitate clear communication by asking different kinds of questions and restating or reformulating what the parties have said. In order to maintain a positive conflict the mediator needs to work to defuse charged statements by restating them, reminding parties of behavioral guidelines and intervening to prevent escalation.[251]

The seventh stage of the mediation process is defining the issues and establishing an agenda to from which to address those issues. The first aspect of this stage is determining the general areas that are of concern to the parties, and then mutually agreeing on which issues will be addressed. Finally, they will agree to the order in which the issues will be addressed. [252]

The mediator may need to work to uncover hidden interests of the parties that the parties may not consciously be aware of, those interests that they may be concealing thinking that they will work to their advantage, or perhaps that have been forgotten in the focus on a position.[253] Methods such as questioning, discussion related to interests, brainstorming, testing and hypothetical modeling can be used to help identify these issues.[254]

Effectively generating options for settlement is facilitated by getting the parties to use interest based negotiation. As seen in the discussion of negotiation, interests based

[249] Moore, *The Mediation Process*, 1996, p. 194
[250] Moore, *The Mediation Process*, 1996, pp. 203-208
[251] Moore, *The Mediation Process*, 1996, p. 210
[252] Moore, *The Mediation Process*, 1996, p. 213
[253] Moore, *The Mediation Process*, 1996, p. 231
[254] Moore, *The Mediation Process*, 1996, pp. 238-239

negotiation allows for more creative and effective development of solutions. This may take some effort to get the parties to detach themselves from their positions.

C: Settlements

After having generated several options for settlement, the options will be reviewed and assessed. The parties will review their interests to see how the different options might satisfy them. They will weigh the cost and benefit related to the options and their best alternatives to a negotiated agreement. From this point they will begin making alterations and combinations of the options to be worked into a final settlement.[255]

After assessing the settlement ranges, the parties will move towards final bargaining. There are four general approaches used at this stage. The first is incremental convergence, where parties make gradual concessions until reaching an agreement. Second, after making high demands and few concessions, a party may leap into a package agreement after having made a strong point about an issue, especially if a deadline is approaching. The third approach is agreements in principle where the parties have moved from agreement on broad issues to agreeing on more specific details. Finally, if the parties remain at an impasse, they may opt for procedural means for arriving at their decisions, such as establishing a timeline for the issues, turning the decision over to a third party such as a court, establishing mechanical procedures like coin flipping or alternating turns to reach decisions. Finally, the parties may decide to abandon issues, postpone decisions and avoid making a decision.[256]

The final stage of the mediation process is the formalization of the agreement. This stage will include establishing how the decisions will be implemented, how the outcome will be measured and compliance ensured. This stage should include expression of voluntary commitment from the parties and something expressing the conclusion of the agreement, such as a handshake or singing a contract.[257]

[255] Moore, *The Mediation Process*, 1996, p. 269
[256] Moore, *The Mediation Process*, 1996, p. 281
[257] Moore, *The Mediation Process*, 1996, pp. 301-316

Twelve Stages of Mediator Moves **Moore, p. 66-67**	
Stage 1: Establishing Relationship with the Disputing Parties • Make initial contact with the parties • Build credibility • Promote rapport • Educate the parties about the process • Increase commitment to the procedure	Stage 7: Defining Issues and Setting an Agenda • Identify broad topic areas of concern to the parties • Obtain agreement on the issues to be discussed • Determine the sequence for handling the issues
Stage 2: Selecting a Strategy to Guide Mediation • Assist the parties to assess various approaches to conflict management and resolution • Assist the parties in selecting an approach • Coordinate the approaches of the parties	Stage 8: Uncovering Hidden Interests of the Disputing Parties • Identify the substantive, procedural, and psychological interests of the parties • Educate the parties about each other's interests
Stage 3: Collecting and Analyzing Background Information • Collect and analyze relevant data about the people, dynamics, and substance of an conflict • Verify accuracy of data • Minimize the impact of inaccurate or unavailable data	Stage 9: Generating Options for Settlement • Develop an awareness among the parties of the need for multiple options • Lower commitment to positions for sole alternatives • Generate options using either positional or interest-based bargaining
Stage 4: Designing a Detailed Plan for Mediation • Identify strategies and consequent noncontingent moves that will enable the parties to move toward agreement • Identify contingent moves to respond to situations peculiar to the specific conflict	Stage 10: Assessing Options for Settlement • Review the interest of the parties • Assess how interest con be met by available options • Assess the costs and benefits of selecting options
Stage 5: Building Trust and Cooperation • Prepare disputants psychologically to participate in negotiations on substantive issues • Handle strong emotions • Check perceptions and minimize effects of stereotypes • Build recognition of the legitimacy of the parties and issues • Build trust • Clarify communications	Stage 11: Final Bargaining • Reach agreement through either incremental convergence or positions, final leaps to package settlements, development of a consensual formula, or establishment of procedural means to reach a substantive agreement
Stage 6: Beginning the Mediation Session · Open negotiation between the parties · Establish an open and positive tone · Establish ground rules and behavioral guidelines · Assist the parties in exploring commitments, salience, and influence	Stage 12: Achieving Formal Settlement · Identify procedural steps to operationalize the agreement · Establish an evaluation and monitoring procedure · Formalize the settlement and create an informant and commitment mechanism

Types of Mediators[258]

Social Network Mediator	Benevolent Mediator	Administrative/ Managerial Mediator	Vested Interest Mediator	Independent Mediator
• Prior and expected future relationship to parties tied into social network • Not necessarily impartial, but perceived by all to be fair • Very Concerned with promoting stable long-term relationships between parties and associates • Frequently involved in implementation • Generally has ongoing relationships with parties after dispute is terminated • May use personal influence or peer/community pressure to promote adherence to agreement	• May or may not have a current or ongoing relationship with parties • Seeks best solution for all involved • Generally impartial regarding the specific substantive outcome of the dispute • Has authority to advise, suggest, or decide • May have the resources to help in monitoring and implementation of agreement	• Generally has ongoing authoritative relationships with parties before and after dispute is terminated • Seeks solution developed jointly with the parties within mandated parameters • Has authority to advise, suggest, or decide • May have resources to help in monitoring and implementation of agreement • Has authority to enforce agreement	• Has either a current or expected future relationship with a party or parties • Has a strong interest in the outcome of the dispute • Seeks solution that meets mediator's interests and/or those of a favored party • May use strong leverage or coercion to achieve an agreement • May have resources to help in monitoring and implementation of agreement • May use strong leverage or coercion to enforce agreement	• Neutral/Impartial regarding relationships and specific outcomes • Serves at the pleasure of parties • May be "professional" mediator • Seeks jointly acceptable, voluntary, and non-coerced solution developed by the parties • May or may not be involved in monitoring implementation • Has no authority to enforce agreement

[258] Chris Moore, 42-43 [258]

5.7.7) Traditional Conflict Intervention

Although we focus much on professional models of conflict intervention developed in the west, it is important to recognize that in many parts of the world conflicts are resolved using processes which engage family members, friends, community wise men and women.

These interventions usually take the form of arbitration/mediation. The "social network" mediator model comes close to describing that model of intervention. Such interventions start with the assumption that all individuals are part of a community that ascribes to certain agreed upon norms and values. Consequently, intervenors often utilize this assumption to help parties find a solution to their problems. For example, if respect for elders is a significant value that all community members must adhere to, an intervenor may use this value to ask a younger conflict party to show respect to the older conflict part member, and at the same time ask the older to show concern for the younger one. In other instances, intervenors would invoke traditional proverbs that contain a solution to the conflict or aspects of it. In addition, intervenors also hold parties accountable to the peace and stability of the community, and expect them to act and do things that will prove their concern for the larger community. It is within these cultural norms and values that third party intervenors operate.

Two true examples of this type of intervention are included below. One describes the intervention efforts in an Afghan refugee camp by the community's wise man. The other describes the intervention by a committee to resolve a dispute between two fighting tribes in Liberia. These two examples are only illustrative of the diversity of approaches to conflict resolution. Several of the techniques used with the two examples do exist within many communities, including the Iraqis. Further, many of those techniques have been effective and helpful in reaching amicable solutions to conflicts. It is important to study these approaches and to institutionalize those that have proven to be effective.

Traditional Conflict Intervention Case Study # 1: How a Camp Becomes A City

Excerpted from New York Times Magazine (pages 59-62, 11/18/01)

The camp [Shamshatoo], which began in December 1999 with 156 families, includes virtually every ethnic group of Afghanistan, with the largest at the camp being Tajiks,

followed by Pashtuns. Most are from the drought exodus, so they are not deeply politicized. Still the ethnic tensions that existed back home are carried into exile; disputes over access to wells is a constant sore spot; and it is the job of Nusrat, who is Pashtun, and his fellow maleks and sub-maleks to smooth things over. They usually succeed, because life does go on; there is a birth or wedding almost every day, as well as funerals. …

Another emergency walks into Nusrat's life. This time it is a dispute between an old man and his nephew, who happens to be married to the old man's daughter. (This occurs among Afghans.) The nephew/son-in-law is beating his wife, and for Afghans this is not a matter to be handled by the police, but by a Solomon figure. That would be Nusrat.

"My son-in-law is mad," Aman Ullah explains. (Ullah is a common name in these parts.) "Every day he is fighting with his wife, and I am worried about her, so please convince him to leave our house because if not, maybe he will kill me or I will kill him."

Aman sits on a mat with Nusrat in the unfinished school, which is serving, until it opens, as Nusrat's office. The old man is about 55, but that counts as aged among a people with one of the lowest life expectancies in the world. Nusrat calls him baba, the Pashto term for a respected elder.

"Don't worry, baba," he begins. "We have suffered for the last 30 years. That is why your nephew has mental problems."

There is no mention of punishing the nephew, Wase Ullah; this isn't done in the Afghan culture. But Wase is refusing to leave Aman's house. Nusrat's solution is simple: Wase should move into a room that will be built onto the back of the house with a separate entrance.

It is a wise idea, but it must be sold to a violent and psychologically unstable man. Nusrat walks with Aman to the house, which is like many others in the camp – surrounded by mud walls, with two rooms and two U.N.-issued tents in the backyard. The house has the good fortune of being located downhill from a well, so the runoff flows through a channel into the yard, which is filled with rows of corn and other vegetables.

Aman loses no time taking the high ground.

"Why are you beating your wife?" he asks Wase, "Yesterday when you started beating her, she fainted, and when you left the house, we were left to take care of her."

Wase, a tall and lean man with a look in his eyes that tells you to stay away, loses no time in taking the low ground. "She is my wife, and that is my own business. If I want to kill her, if I want to beat her, that is my affair."

Nusrat's offer will not suffice.

"I need two rooms," Wase says, "One is not enough."

The guy is trying everyone's patience, but Nusrat does not lose his cool. He has a way with people that is unrelenting yet soothing. He lectures Wase while holding his had. He makes threats and quotes the Koran [sic], but Wase continues to resist.

"If you don't accept this offer, we will try something else that you won't like," Nusrat warns.

This is his way of saying, "I'm making you an offer you can't refuse." Wase catches on.

"Ill agree with you because you are a respected man in this camp. I accept your decision."

And then, suddenly, Wase and Aman are hugging.

For Nusrat, a small disaster has been avoided for people who live amid a large disaster with no apparent end.

"Wase has a mental problem, but everyone suffers from such problems," he says afterwards. "If I become angry with them, who would take care of them? There is no one who isn't injured by the war. Some have injuries that you can see; others have injuries you can't see, that are inside. If their problems don't get solved, they will fight and get hurt. So I must look after them. That's my duty."

Traditional Conflict Intervention Case Study #2: A Conflict Resolution Process from Liberia[259]

Background

There are several ethnic/tribal groups who lived in Lofa (a region in Liberia) for long time, among them are the Lorma and Mandingo. During the civil conflict (between 1990-1997) the two tribes took different positions. Mandingos supported ex-president Doe, and fought against the NPFL led by Charles Taylor. When Taylor's forces advanced in Lorma, the Mandingos fled to Genie. Later the Mandingos and the Krans grouped as the ULIMA against Taylor and his Lorma supporters. Acts of atrocity took place in Lofa between the warring factions. Finally, when Taylor won the elections and the war settled,Mandingos had difficult time resettling in Lofa because Lormas living in Lofa blamed them for the atrocities, and because historically the Mandingos have been

[259] (Extracted from the evaluation report of Search for Common Ground activities in Liberia, 1999)

nomads, and thus were not regarded as indigenous of the country. Conflicts over resettlement of Mandingos continued ever since.

In February 1999, a dispute over a property owned by a Mandingo person, and challenged by Lormas, erupted into violence and led to the killing of two Mandingos. The violence spread to other parts of the county resulting in injuries and burning of houses. The government was contacted, and a commission was headed by the State Minister traveled to Lofa county to conduct conflict resolution. Here are excerpts from an interview with the Liberian State Minister who headed the conflict resolution mission:

Please describe the process of conflict resolution that was used by the delegation in Lofa.

First, we went not as representatives of law and order who were there to punish; we were there as a traditional group and an administrative team seeking solutions not punishments. We emphasized that character to all parties. As we spoke to different parties we realized that work was needed to contain the situation and prevent possible escalation. To accomplish this goal we asked the parties to share with each other their understanding of their long peaceful blood-related history of three hundred years. They agreed to discuss the history. The effect of sharing history was that it became clear to the parties that it was their responsibility to their people not to bring such a long history to destruction. They became accountable to history and to generations passed and generations to come.

At this point, and after history was recited and past success was emphasized, the question became "so what went wrong." They all came to the conclusion that the war led to the violent actions on both sides. That they "got sucked into it." Then parties described the spiral of violence that erupted among the Lorma and Mandingo. This process revealed that one cause of escalation was that Mandingos during the war broke the ground rules established by the PORO society (a society coordinating inter-tribal relations; Mandingo were never part of it because of their nomadic nature, yet were expected to abide by its rules). Examples of such breaches were that Mandingo would farm on what was considered as sacred land by Lormas. According to the PORO code the sacred land must be respected.

Revealing the issue of breaking the PORO code, led to apology from the Mandingos to the Lormas (which was also supported by the fact that in their blood-relationship, the

Mandingos are the nephews of the Lormas, which puts the burden of apology on them as a the younger group). The Lormas accepted the apology. This allowed for us to ask them to form a committee of 24 people from both groups. The task of the committee was to come up with a list of actions and behaviors that each party is to observe in interacting with the other. The purpose of the list was to prevent future transgressions and misunderstandings that may lead to renewed violence. The committee developed the list, and a smaller committee included it in the agreement.

Finally, the delegation listened to witnesses of the specific violent actions that took place in February. The delegation assigned responsibility to the Lormas for these actions; this decision was accepted by the committee of 24, and remedies and compensations were agreed upon.

What are the next steps for ensuring the continuity of this conflict resolution?
I believe that both the government and the community have roles to play in this post-conflict stage. The government should supply materials to help those who lost their homes rebuild them. Law must take its course against those who were found responsible for criminal activities. The community should help the distressed ones by providing, for example, free labor to help rebuild houses. Finally, the government needs to bring community members to a ceremony and a feast to celebrate the resolution of the conflict. This ceremony would inform all members of the community at large of the reconciliation agreement, and would ensure every individual's commitment to the agreement.

5.7.8) Islamic Perspectives on Conflict Intervention

Observations and themes from Islamic sources

Our review of the Islamic sources in this section covered Quranic verses and Hadith. Several themed related to conflict resolution processes and practices emerged. Here we focus on five aspects:

1. Preference to parties making their own settlements
2. Mediation
3. Caucusing
4. confidentiality
5. Writing agreements

A: Preference to parties making their own settlements

Our review of the conflict resolution literature above claimed that one aspect that makes mediation strong and successful is that the parties themselves come up with the agreement. Because they freely enter into the process and accept the decision, they tend to be more committed to the outcome. The superiority of outcomes decided upon by the parties themselves can be inductively understood from the following ayah.

> "If they arrange an amicable settlement between themselves; and such a settlement is best; even though men's souls are swayed by greed. But if you do good and practice self-restraint, Allah is well-acquainted with all that ye do." Quran 4:128

Additionally, this ayah provides behavioral guidelines as it encourages doing good and practicing self-restraint. This idea of self-restraint is encouraged in additional ayats which encourage peace making and discourage actions that would maintain poor relations and actions that could contribute to conflict spirals.

> "And make not Allah's (name) an excuse in your oaths against doing good, or acting rightly. Or making Peace between persons; for Allah is One who heareth and knoweth all things." Quran 2:224

> "The recompense for an injuring is an injury equal thereto (in degree): but if a person forgives and make reconciliation, his reward is due from Allah: for (Allah) loveth not those who do wrong." Quran 42:40

Muslims should not refuse to make peace when the other party desires to make peace. "But if the enemy incline towards peace, do thou (also) incline towards peace, and trust in Allah: for He is the One that hearteth and knoweth (all things)." Quran 8:61

B: Mediation

> "If two parties among the believers fall into a quarrel, make ye peace between them: but if one of them transgresses beyond bounds against the other, then fight ye (all) against the one that transgresses until it complies with the command of Allah; but if it complies, then make peace between them with justice, and be fair:

> for Allah loves those who are fair (and just). The believers are but a single brotherhood. So, make peace between your two (contending) brothers; and fear Allah, that ye may receive mercy." Quran 49:9-10

The above ayah makes the making of peace between parties incumbent upon Muslims. It calls for the fairness that is related to being a neutral mediator. However, we can see that a mediator practicing Islamic mediation can only be neutral so long as Islam is neutral. What is haram is not negotiable and must be opposed by the mediator in the most effective way. Additionally, if there is injustice, the mediator must stand for justice.

To enjoin good and forbid evil is the behavior of a believer.[260] A mediator may find themselves in a situation where they need to practice this if one or more of the parties are acting beyond the bounds of what is Islamically permissible. To do this effectively requires a degree of wisdom and sensitivity. "Invite (all) to the way of thy Lord with wisdom and beautiful preaching; and argue with them in ways that are best and most gracious: for thy Lord knoweth best, who have strayed from His path and who receive guidance" (Quran 16:125). Jumping to criticism in the mediation could break down the whole process. The mediator should avoid correcting a person in a way that would make them feel attacked or push them to a point where they are no longer willing to listen at all. "It is part of the Mercy of Allah that thou dost deal Gently with hem. Wert thou sever or harsh-hearted, they would have broken away from about thee: so pass over (their faults), and ask for (Allah's) forgiveness for them;.." (Quran 3:159).

An example of how the Prophet Muhammad (saw) dealt gently and with wisdom can be seen in the hadith narrated by Abu Umamah where a young man from among the Quriesh came to the Prophet (saw) in the mosque asking that he be allowed to commit adultery. The people had jumped to silence and chastise him for asking. The Prophet (pbuh) told him to come closer and had asked him if he would like someone to do this to his mother. His response was equivalent to 'over my dead body.' The Prophet (saw) told him that people also do not like this for their mothers. The Prophet (saw) repeated the same question about daughter, sister and aunt evoking the same response. The Prophet (saw) then prayed for the young man that his sin might be forgiven, his heart cleaned and that he be protected from that kind action.[261] The young man's attitude about committing such an act was decisively changed by the way the Prophet (saw)

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[260] 9:67,71,112; 31:117;3:110

[261] al-Haithami, *Majma' al-Zawa'd* #543 transmitted by Ahmad and al-Tabarani

handled the situation. This example shows the manner in which he dealt with this sort of thing: instead of being confrontational and critical, he brought the young man closer to him, and he made him convinced of what was right.

C: Caucusing

> "In most of their secret talks there is no good; but if one exhorts to a deed of charity or justice or conciliation between men, (secrecy is permissible): To him who does this, seeking the good pleasure of Allah, We shall soon give a reward of the highest (value)." Quran 4:114

One of the techniques used in mediation is to take one of the parties aside to discuss something privately, this is called caucusing. This is a secret talk aimed at making conciliation between the parties. This allows for discussing things that the parties may not be comfortable discussing with everyone and to privately consider options. It may also be used for confrontation.

D: Confidentiality

Confidentiality is another important aspect of mediation. Narrated by Jabir ibn Abdullah, the Prophet (saw) had said: Meetings are confidential except three: those for the purpose of shedding blood unlawfully, or committing fornication, or acquiring property unjustly.[262] Also, when a man tells something and then departs, it is a trust.[263] Upholding these principles is imperative for a mediator.

E: Writing of agreements

Writing down agreements serves to preserve agreements from later confusion or misunderstanding. It affirms the commitment of the parties to the agreement and decreases the likely hood of conflicts in the future. The Quran recommends writing down of agreements for financial contracts.

> "Oh ye who believe! When ye deal with each other, in transactions involving future obligations in a fixed period of time, reduce them to writing;…Disdain not to reduce to writing (your contract) for a future period, whether it be small or

[262] Abu Daud, al-Sunan Book 36 no. 4851
[263] Abu Daud, al-Sunan Book 36 no 4850

> big: it is juster in the sight of Allah, more suitable as evidences, and more convenient to prevent doubts among yourselves..." (Quran 2:282)

The prophet also had other kinds of agreements put into writing such as the peace treaty with the people of Hudaibiyah.[264] Reducing agreements to writing is highly recommended and it should become the established practice of a Muslim mediator.

5.8) Outcome

Outcome is the effect of conflict behavior and/or intervention on the state of conflict. These effects are not always positive. Thus, we need to be aware that an outcome of a conflict is not always a happy one. It depends very much on the capability and seriousness of the parties to resolve a conflict, and the ability of third parties to narrow the gaps between the disputant parties. As a result, an outcome is not an ultimate or final resolution of a conflict. An outcome may take the form of a temporary resolution that needs to be worked on.

[264] Sahi Bukari vol. 3 no. 862-863

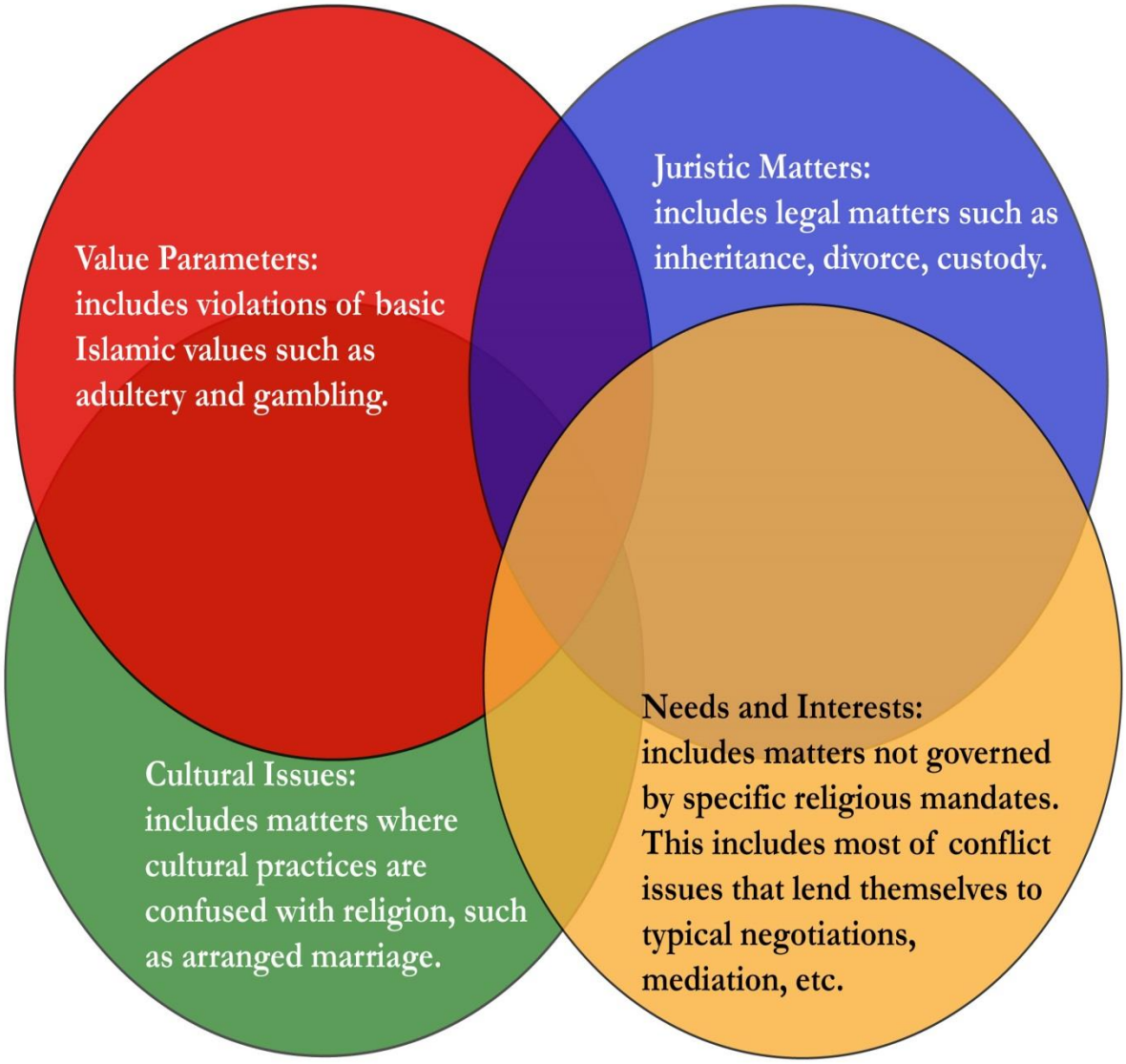
6.) An Islamic Model for Conflict Intervention

6.1) The Islamic Wheel of Conflict

The chart below (Islamic Wheel of Conflict) is based on the assumption that in Islam "all conflicts are NOT created equal." By this we mean that conflicts in an Islamic context may arise out of, or include elements that are in, total violation of Islamic values (i.e., drinking or spousal abuse). In other conflicts there may not be such violations, but instead parties may be faced with issues that require legal expertise (i.e., how much to pay in alimony). In yet third cases, parties may be trapped in the mixture of religion and customs or tradition (i.e., imposing a spouse on a son or a daughter; thinking that this is the Islamic model of marriage). Finally, conflicts may be focused on a divergence of interests or needs that is not necessarily in violation of Islamic values, requires legal expertise, or a result of the custom/religion confusion (i.e., disagreement between spouses over spending money).

It follows that the intervention in each of the situations described above will vary based on the type of conflict, and what the intervenors intend to accomplish. Therefore, in addressing violations of Islamic core values, we take the stand that the Islamic model for conflict intervention would follow an advocacy approach in order to remedy the violation, and help parties move towards a more equitable relationship. When conflicts contain an issue requiring legal guidance, we offer legal arbitration, traditional legal "fatwas" and a new approach we call it "Shura Jury," where members of the community engage in research of the subject matter and offer their findings to the parties. When issues include cultural elements, an educative role is suggested to help parties recognize what is Islamic and what is cultural. Finally, when conflicts are about interests and needs, processed of mediation, negotiation and similar approaches are used.

The Islamic Wheels of Conflict



6.2) Principles of an Islamic Conflict Intervention Model

Having discussed in some length the various components of conflict analysis, attitudes and behaviors, and interventions, and having emphasized the need to understand the context and relationship factors in which conflicts occur, it is now time to explore a model for conflict resolution that is fit for Muslim communities.

An Islamic model for conflict intervention needs to reflect values, goals and processes as described in Islamic theory. The model also must respond to the specific needs and circumstances of the Muslim communities. In this respect an Islamic model of intervention may be guided by three principles:

1. Restoring to Islam its messages of justice, freedom and equality.
2. Engaging the community in the intervention and resolution processes.
3. Adjusting the intervention techniques according to the conflict situation, and its stages.

These principles are derived, as will be discussed, from Islamic sources, especially the Holy Quran. These principles also have support in the western literature. Specifically, this research draws upon the work of theorists in the field of conflict analysis and resolution who grounded their intervention models in ethical frameworks (Laue and Cormick, 1978, and Williams, 1978), and others who expanded their intervention models either by utilizing contingency models (Fisher and Keashly, 1991), or by engaging various roles, in addition to mediation, which could solidify the intervention process (Mitchell, 1993).

6.2.1) Restoring to Islam its Messages of Justice, Freedom and Equality

A conflict intervener within an Islamic setting should know and be able to recognize this modeling practice when it occurs in conflict. Yet all Muslims do not necessarily adhere to their religion and religious norms when they are confronted with conflict situations. Muslims live all over the world in societies influenced by various value systems- modern and traditional value systems usually exist simultaneously with Islamic value systems. In their daily life affairs, and when confronted with conflict situations, individual adaptations vary. Not all Muslims adhere to the same extent to Islamic values and norms. Many Muslims, especially those living in the United States, may adhere more to secular modern value systems, especially in their interpersonal

matters, rather than Islamic values. Therefore, a preliminary task for interveners is to assess parties' position regarding various value systems, keeping in mind that just because parties belong to the Islamic religion does not mean that they expect or want an application of an Islamic conflict resolution model.

Moreover, just as the modeling process has been negatively affected by practices which diluted Islam of its messages of equality and its intent on social justice, conflict situations reflect these practices and these misperceptions as well. An intervener needs to assist parties in clarifying and correcting beliefs and attitudes which are influenced by these negative practices and misperceptions. The intervener may be able to provide the information needed in this regard, or s/he may seek the assistance of other individuals in the community (i.e., religious scholars, or community leaders) who may be in a better position to assist parties in this regard.

The role of dispute interveners in restoring to Islam the messages of justice, equality and freedom, was described in the Quran on several occasions[265]. Almost all stories in the Quran indicated that the prophets confronted societies which had institutionalized social, economic or political unjust and unfair practices[266]. Those who wanted to maintain the status quo usually rejected the message of a prophet because they grew accustomed to certain norms and practices, and were not about to change them[267]. A prophet's mission was usually to lead these societies away from distorted beliefs and practices, towards justice, compassion and equality. The mission of the prophet of Islam, Muhammad, was no exception. And as Muslims aspire to model their behavior after Quran and Sunnah, it becomes the task of Muslim conflict interveners to replicate the process of restoring the Islamic principles[268] by clarifying to conflicted parties the misperceptions and negative practices that for long have influenced their lives.

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[265]. Quran: 5:9, 9:71, 16:90. (Abdallah Yusuf Ali, *The Holy Quran: Text, Translation and Commentary*,Amana Corp. 1983. MD.)

[266]. Quran: 7:85, 11:84-85, 21:11, 26:128-130, 26:146-152, 26:165-166, 26:181-184, 28:4-6, 29:28-29. (Abdallah Yusuf Ali, *The Holy Quran: Text, Translation and Commentary*, Amana Corp. 1983. MD.)

[267]. Quran: 2:170, 5:107, 7:70, 10:78, 11:87, 31:21, 43:22-24. (Abdallah Yusuf Ali, *The Holy Quran: Text, Translation and Commentary*, Amana Corp. 1983. MD.)

[268]. Quran: 3:104, 3:110, 31:17. (Abdallah Yusuf Ali, *The Holy Quran: Text, Translation and Commentary*, Amana Corp. 1983. MD.)

Western Models of Dispute Resolution Serving Social Causes:

The dispute resolution movement in the west emerged, in part, out of a dire need to address the shortcomings of the traditional judicial system[269], and the realization that promoting issues of social justice, equality and freedom requires the development of dispute resolution models which will insure the fulfillment of these principles[270]. Among western models which address matters of social justice, two positions seem to be most relevant to application in Islamic models: The Empowering position and the Common Good position.

The Empowering Position: This position, held mainly by James Laue and Gerald Cormick, assumes that "justice is the ultimate social good."[271]. A third party intervention in community disputes should, by empowering the disadvantaged, lead to justice, which is the prerequisite to the maximum attainment of freedom by all individuals[272]. Their chief criterion for an ethical intervention is whether it contributes "to the ability of relatively powerless individuals and groups in the situation to determine their own destinies to the greatest extent consistent with the common good.[273]" For them, proportional empowerment is a crucial value upon which any successful intervention rests. As they stated:

> "[proportional empowerment] refers to a condition in which all groups have developed their latent power to the point that they can advocate their own needs and rights, where they are capable of protecting their boundaries from wanton violation by others, where they are capable of negotiating their way with other empowered groups on the sure footing of respect rather than charity. Given the fallibility of judges, sociologists, politicians, philosophers, and theologians, we can only trust that true substantive justice will flow from the procedural safeguard of proportional empowerment."[274]

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[269]. Mohammad Abu-Nimer, Conflict Resolution in an Islamic Context: Some Conceptual Questions. 21 Consortium on Peace Research, Education and Development Peace and Change, n1. (1996)., p.25.
[270]. Jim Laue and Gerald Cormick. The Ethics of Intervention in Community Disputes. *In The Ethics of Social Intervention*. Bermant, G. et al (eds). Halsted Press. 1978. D.C., p. 217-225
[271]. Jim Laue and Gerald Cormick. The Ethics of Intervention in Community Disputes. In *The Ethics of Social Intervention*. Bermant, G. et al (eds). Halsted Press. 1978. D.C., p.219.
[272]. Jim Laue and Gerald Cormick. The Ethics of Intervention in Community Disputes. In *The Ethics of Social Intervention*. Bermant, G. et al (eds). Halsted Press. 1978. D.C., p.219.
[273]. Jim Laue and Gerald Cormick. The Ethics of Intervention in Community Disputes. In *The Ethics of Social Intervention*. Bermant, G. et al (eds). Halsted Press. 1978. D.C., p.217.
[274]. Jim Laue and Gerald Cormick. The Ethics of Intervention in Community Disputes. In *The Ethics of Social Intervention*. Bermant, G. et al (eds). Halsted Press. 1978. D.C., p.220.

Based on their assumptions about the social functions of intervention, Laue and Cormick provided a larger spectrum of intervention roles. The third party plays the role that would more likely achieve the goals of empowerment and justice, even if it is not a neutral one. Thus, activism and advocacy for the cause of weaker parties in order to empower them may be more proper, at times, than mediation or enforcement. Playing the role of a mediator, when empowerment of one party is needed, would be unethical, because it reinforces the unjust status quo.

The empowerment position has been criticized by scholars who fear that too much emphasis on empowering the weak through third party intervention may become self-defeating. According to Luban, "too much empowering activity on the part of neutrals will lead to underutilization of Alternative Dispute Resolution by the more powerful parties who find themselves getting goosed by the process."[275] Luban can only perceive of a third party as neutral; thus, he warns against confusing the role of advocacy (for empowering the weak) with other "neutral" third party roles, because advocacy, by its nature, neglects at least the interests of one party, even if that party is powerful.

The Common Good Position: In a critical modification of the empowering position, Williams agreed that social justice as the ultimate good is the goal of intervention in community disputes. However, empowerment, proportional empowerment, and participation will not necessarily lead to that destination. Williams stated that:

> "neither participation nor competition...will significantly alter the stigma of race and the burden of poverty. Only if greater attention is given to formulation of an adequate conception of the common good or just society will the possibility of significant change emerge. In addition, a notion of the common good or just society would act to limit the misuse of power or coercion by the community or the parties to the dispute. Competition has replaced cooperation and conflict has ensued precisely because... the conception of legitimacy of power has broken down. Consequently, one aspect of the ethical responsibility of the intervener is to restore the notion of common good that both parties to the dispute might come to acknowledge as valid and that can serve to set limits to the aspirations of all community members as well as provide a formative definition of the just society."[276]

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[275]. David Luban, The Quality of Justice. A Report to the National Institute for Dispute Resolution. 1988. D.C., p.50.

[276]. Preston Williams, Comments on 'the Ethics of Intervention in Community Disputes. In *The Ethics of Social Intervention*. Bermant, G. et al (eds). Halsted Press. 1978. D.C., p.236.

Unlike Laue and Cormick, Williams has not provided models of intervention that are guided by his ethical framework. However, his argument suggests that the only ethical model of intervention would be one that upholds the common good which the intervener attempts to get the parties to accept as grounds for resolving their dispute. As he stated:

> "the intervener should be urged to formulate over against the parties some general conception of what seems fair or right in a particular situation. Such a tentative conception of a common good would not prevent joint determination by the parties in dispute. It would suggest instead some reasonable expectations about the transfer of power that ought to occur in the negotiations."[277]

Thus, neutrality becomes a matter of adhering to the common good while not favoring any of the parties.

The common good position, although it represents most of the actual conflict resolution techniques in traditional societies, would face difficulties in modern diverse societies, where notions of common good may be too diverse and vague. Although the approach has good intentions, we doubt that it could stand the test of reality, and worry that it may become a vehicle for sustaining the established norms, even unjust norms.

Implications for the Islamic Conflict Intervention Models:

As with the western models of intervention, current Islamic intervention models operate within a context which has suffered from a variety of social ills and dysfunction. Islamic intervention, thus, must be guided by the goals of restoring to Islam its original messages of justice, equality and freedom, especially to those who have been disempowered over ages and centuries of distortion, misinterpretations, and domination of traditional norms. The Islamic model, however, is unique because of its emphasis on modeling norms and behavior after the sources in Quran and Sunnah. Therefore, efforts toward empowerment and search for common good in Islamic settings must go through a process of reinterpretation of sources, revealing and understanding the main principles of these sources, and reviving the spirit of equality and justice. Such a process of reinterpretation has been labeled by John Esposito the

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[277]. Preston Williams, Comments on 'the Ethics of Intervention in Community Disputes. In *The Ethics of Social Intervention*. Bermant, G. et al (eds). Halsted Press. 1978. D.C., p.237.

"neo-modernist approach"[278]. According to him, neo-modernists "are activists who look to the early Islamic period as embodying the normative ideal...[they] distinguish sharply between the principles and values of Islam's immutable revelations and the historically and socially conditioned institutions and practices that can and should be changed to meet contemporary conditions."[279]

A conflict intervener in an Islamic setting may not have the resources, credibility and knowledge to address all these matters. S/he may have to rely on other resources to ensure proper interpretation and restoration of the Islamic principles. In addition, s/he may also need to engage others in the community who can provide legitimacy, sustainability and effectiveness to a conflict resolution process. All these are the matters of the second principle: engaging the community in the intervention and resolution processes.

6.2.2 Engaging the Community in the Intervention and Resolution Processes

Islamic theory and culture always emphasized a strong sense of community. Unlike the western emphasis on the individual as the basic unit of the society, Islamic culture and Islamic theory regard family as the basic unit (although individual accountability is strongly emphasized in Quran). The entire social organization in an Islamic setting is based on what the Turkish social psychologist Cigdem Kagitcibasi called "the culture of relatedness" as opposed to "the culture of separateness"[280].... "the culture of relatedness refers to the family culture and inter-personal relational patterns characterized by dependent-interdependent relations with overlapping personal boundaries."[281]

The Islamic theory, especially as presented in several "hadith"[282], emphasized this notion of relatedness and community[283]. Further, these statements, along with several Quranic advocated active involvement with community issues, standing up for justice

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[278]. John Esposito, *Islam the Straight Path*. Oxford University Press. 1988. NY., p.181.
[279]. John Esposito, *Islam the Straight Path*. Oxford University Press. 1988. NY., p.181-182.
[280]. Cigdem Kagitcibasi, A Critical Appraisal of Individualism and Collectivism: Toward a New Formulation. *In Individualism and Collectivism*. Kim, et al (eds). Sage Publications, p.61.
[281]. Cigdem Kagitcibasi, A Critical Appraisal of Individualism and Collectivism: Toward a New Formulation. *In Individualism and Collectivism*. Kim, et al (eds). Sage Publications, p.62.
[282]. Statements made by the Prophet Muhammad (saw).
[283]. Abdul Rahim Alfahim, 1988, in his "The 200 Hadith" compiled 200 statements that were related to the Prophet (saw). Several of these statements emphasized behavior which strengthens community solidarity (32, 34, 35). Others encouraged active engagement to resolve conflicts, or correct injustice (26, 55, 60, 67), and helping those in need (4, 14, 15, 74). (Abdul Rahim Alfahim, *The 200 Hadith*. Abu Dhabi Printing and Publishing. 1988. Abu Dhabi.).

(even against the interests of one's self and loved ones), and taking action in resolving disputes[284].

Mary Clark, one of several western writers on Islam and community building, stated that when one looks at contemporary institutions which foster shared meaning and social bonding:

> "[t]he major religions of the world, of course, come first to mind. It is no accident that they arose in parallel with the earliest civilizations, largely to ameliorate some of their worst excesses, and even today they represent important sources of sacred social meaning for tens of millions of people. Islam is perhaps the chief contemporary example."[285]

This strong sense of relatedness and community can be utilized to the benefit of conflict intervention in Islamic settings. A conflict intervener cannot assume that the community is made of independent autonomous individuals who expect that interpersonal conflict intervention will take place only between primary parties and the intervener. An Islamic setting is likely to engage and involve other entities and parties (for example, extended family members) in any given conflict. This involvement of others can be a strength for conflict intervention, and would model Islamic norms and principles as described in Quran and Sunnah. In addition, building on the strength of the community, and its culture of relatedness, would put to useful purposes resources that are otherwise wasted or neglected.

Western Models of Dispute Resolution Which Engage the Community:

Not surprisingly, literature on interpersonal conflict hardly speaks about engaging the social network of the community into a conflict. This is because these models assume a great deal of individual autonomy and privacy in interpersonal matters. However, literature on international conflict refers to models which engage others in a conflict with the purpose of securing, improving or sustaining a resolution to a conflict. Mitchell's Mediation Process is one of these engaging models.

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[284]. Quran: verses (2:177, 4:36, 4:58, 4:75, 4:97-100, 4:135, 5:9, 49:10). (Abdallah Yusuf Ali, *The Holy Quran: Text, Translation and Commentary*. Amana Corp. 1983. MD.

[285]. Mary Clark, Meaningful Social Bonding as a Universal Human Need. In *Conflict: Human Needs Theory*. Burton, J. (eds). St. Martin's Press. 1990. N.Y., p.51.

Mitchell's model views mediation, or other third party intervention to this effect, as a communal process in which the role of third party should not necessarily be played by only one third party. It takes into consideration the reality that in order to reach the mediation stage, and to maintain its outcome, several other roles need to be played. Mitchell stated:

> "Conceptualizing mediation as a process rather than viewing the mediator as a single actor helps clarify the nature of mediation and permits speculation about the conditions that lead to settlements or resolutions. In practice, envisaging mediation as a process helps draw attention to methods of overcoming obstacles to solutions in protracted internal conflicts. The first such method involves abandoning the assumption that all functions involved in a mediation process must be fulfilled by one actor in favor of allowing a variety of functions that need to be fulfilled."[286]

The advantage of Mitchell's model is that it recognizes the need for the different intervention roles and does not limit third party intervention to only one acceptable model based on escalation or on ethics of the situation; rather, it allows for the implementation of different roles simultaneously with the goal of facilitating negotiation and effectively maintaining a settlement.

According to this model, several intervention roles need to be implemented by several third parties. Some of these roles are required prior to the facilitation or negotiation stage; other roles are "post-facilitation", and aim at maintaining and enforcing the settlement. It is crucial to the success of this model to recognize that not each role could be performed by any third party. As a matter of fact, it is the position of the third party to certain parties, and their relationship, that could dictate who is most suitable for performing certain roles. n general, third party roles that are required before the facilitation stage include: the explorer, the convener, the unifier, the decoupler, the enskiller, the envisioner and the guarantor[287]. Then, the facilitator conducts the face-to-face negotiations between the parties in order to reach an agreement over substantive issues. Finally, after an agreement is reached, other roles performed by third parties include: the legitimizer, the enhancer, the monitor, the enforcer and the reconciler.

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[286]. Christopher Mitchell, The Process and Stages of Mediation. In *Making war and Waging Peace: Foreign Intervention in Africa*. Smock, D. (eds). United States Institute of Peace. 1994. D.C., p.146.

[287]. For a complete description of these roles please refer to Mitchell's article, and the chart on page 147 of his article: The Process and Stages of Mediation. In *Making war and Waging Peace: Foreign Intervention in Africa*. Smock, D. (eds). United States Institute of Peace. 1994. D.C.

Mitchell's model is probably the most culturally sensitive model among the others discussed. The reason is that some of the pre-facilitation roles suggested by the model (such as the unifier and the coupler), and the post-facilitation roles (such as the legitimizer and the reconciler) exist in any intra-group conflict, and even in interpersonal conflicts in "relatedness cultures." However, the type of third part who can be effective and credible may well vary from one culture to the other.

The only critique about the Mediation Process model is that it could benefit from one additional role- that is, an orchestrator; a third party who could conduct, or be informed of, an assessment of the conflict situation. The orchestrator, then, may be in a position to determine what third party roles are required, and who would be the proper individual, group or state, to perform each of them. The orchestrator could also perform several of the roles defined in Mitchell's model, specifically the roles of the explorer, the convener, the facilitator, and the enhancer. Such roles require certain levels of neutrality and impartiality, in addition to knowledge of the conflict and its development. It is possible that one party could perform all these roles, as they do not affect the third party's image of being concerned mainly for a fair resolution of the conflict.

Implications for the Islamic Conflict Intervention Models:

Mitchell's model provides a good example of how conflict intervention could build upon the presence and interest of community members (both in the international community and the local community) in actively getting involved in the resolution of a conflict. In an Islamic setting, a professional conflict intervener may function in the capacity of an orchestrator. S/he may then utilize the expertise, clout and influence of a variety of community members to facilitate the intervention process, and to secure a sustainable resolution or agreement.

One additional role, not mentioned in Mitchell's model, which may be rather crucial for the Islamic setting, is that of an interpreter of Islamic sources. As mentioned earlier, the task of interpretation is necessary for a successful modeling of Islamic values and principles. In some instances, parties may accept an intervener's interpretation of certain issues, but in others they may not. The question of who should interpret, and with what authority, has troubled the modern Islamic intellectuals[288]. There is no easy answer to this question. But guided by the methodological principles set earlier, an

[288]. John Esposito, *Islam the Straight Path*. Oxford University Press. 1988. NY., p.174-175

intervener should assist parties in exploring interpretations which are consistent with values of equality and justice, and which separate Islam from traditional, authoritarian restraints.

6.2.3) Adjusting the Intervention Techniques According to the Conflict Situation, and its Stages

The dynamics of conflict vary according to the stage of the conflict, which does not necessarily go through a linear progression; more than likely it goes through "ups and downs." In the Islamic theory, an intervention technique should best correspond to the stage of a conflict with the purpose of restoring justice and adhering to Islamic principles and values. For example, the Quran, in a clear example of adjusting third party's intervention according to conflict stages, has promoted reconciliation as an intervention technique between two disputing factions. Yet at the same time, the Quran mandated a more active role against one party if it transgresses. Once the transgression is brought under control, the third party returns to the reconciliation mode, with the purpose or restoring justice. The ultimate goal of third party intervention, the Quran has declared, is to reconcile members of the community.[289]

The Quran has also declared that interventions be adjustable in marital disputes, distinguishing between situations of marital disagreement (sheqaq) and situations of deviance (neshouz) by one spouse. In the former situation, Quran mandates the intervention by two third parties representing each spouse. In the latter situation (though there is great controversy over the interpretation of some words) Quran mandates a "contingency process" to be followed by the man, and another to be followed by the woman[290], where each party is responsible for taking actions to restore normalcy to the relationship, and should all these efforts fail, to pursue divorce.

In general, Quran, and the Prophetic examples, show that Islamic theory advocates an adjustable model for intervention in all types of disputes. The Islamic theory is guided by the principles of justice and adherence to the values of Islam. Therefore, third parties are expected to function in a reconciliatory mode, unless clear injustice or deviance take place. In this case, third parties should get actively involved in restoring justice and eliminating deviance before returning to the reconciliatory role.

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289. Quran: 49:9-10. (Abdallah Yusuf Ali, *The Holy Quran: Text, Translation and Commentary*. Amana Corp. 1983. MD.)

290. Quran: 4:34-35 and 4:128-130. (Abdallah Yusuf Ali, *The Holy Quran: Text, Translation and Commentary*. Amana Corp. 1983. MD.)

Western Models of Dispute Resolution which employ adjustable interventions:

Again, literature on interpersonal conflict intervention hardly speaks about adjusting the type of intervention according to the stage of the conflict. Most interpersonal conflict literature describes a linear step-by-step model.[291] In the international arena, Fisher and Keashly developed a contingency model which adjusts the type of intervention to the level of conflict escalation. ccording to their model, to the extent that the conflict is violent, peace keeping enforcement would be the proper mode of intervention, followed by consultation which aims at clarifying needs, perceptions and attitudes in order to help parties get to the stage of mediation. Mediation is proper when relationship issues are resolved through consultation; the focus, then, is on settling substantive issues. Mediation with "muscle" is included as one model of mediation, which may be utilized when one party is unwilling to reach an agreement unless "carrots and sticks" are utilized. Finally, development aid is the process by which each party is granted certain types of aid to improve and stabilize the situation[292].

The contingency model is useful not only because it recognizes the need to adjust the type of intervention based on the specific level of conflict escalation, but also because it provides the third part with a wide variety of tools, with different theoretical and practical purposes. For example, consultation is mainly used when relationship issues (perception and attitudes) are not suitable for mediation, and to help parties clarify their underlying needs (security, or identity for example) and interests tied to such needs. Mediation, on the other hand, aims at negotiating certain substantive issues, based on a clear understanding of relationship issues and parties' own needs and interests.

The use of this model, however, could be generalized, and extended beyond only the escalation of the conflict. The models of third party intervention may be widened by:

a. Accepting intervention by multiple third parties in different roles. One problem of the Fisher and Keashly model is the assumption that only one third party would play all these roles based on the level of escalation. It is a problem because a third party who intervenes, for example as a mediator with a muscle,

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[291]. Christopher Moore, *The Mediation Process*. Second Edition. Jossey-Bass. 1996. CA. Joyce Hocker and William Wilmot, *Interpersonal Conflict*. Second Edition. Wm. C. Brown. 1996. IA.

[292]. Ronald Fisher and Loraleigh Keashly, The Potential Complementarity of Mediation and Consultation within a Contingency Model of Third Party Intervention, 28 Journal of Peace Research, n1, 1991. pp.32-39.

may lose credibility if the escalation level changes to a point where his/her intervention is needed as a consultant.

b. Applying the multiple third party roles to a conflict based not only on escalation, but also on other factors. For example, despite low levels of violence, parties may benefit from a type of consultation which assists them in understanding and clarifying their needs and related interests. The problem with the Fisher and Keashly model is that it assumes that due to low escalation of violence and parties' willingness to negotiate, the conflict is ripe for mediation, when lack of knowledge or clarity on issues by one or more parties may require the use of consultation rather than mediation.

Implications for the Islamic Conflict Intervention Models:

The Fisher and Keashly model resembled to a great extent the adjustable models described in the Islamic theory. Although developed for international conflicts, their model could inform the Islamic intervention practice in interpersonal conflicts. What facilitates the transfer of models developed for international conflicts in the western literature to other conflict levels in the Islamic setting, is the embedded value of interdependence. The western literature for international conflicts correctly assumes that nation-states in a conflict situation are inter-dependent, and that engaging actors from the international community is feasible. By contrast, the western literature does not make this same assumption about interpersonal conflicts, which take place between autonomous independent parties, who accept mainly professional intervention. Alternatively, the Islamic setting for interpersonal conflict, as explained earlier, is characterized by a culture of relatedness and the interdependence of its members. Therefore, the models developed in the west for the interdependent international arena may be transferred to the Islamic arena of interpersonal disputes.

6.3) Proposed Islamic Conflict Intervention Techniques[293]

The following are proposed techniques to address various types of conflicts from a modern Islamic perspective. Please see how you may use these techniques to address conflict issues in the activity "It Happens in the Best Muslim Families!" below.

[293] From: ***Say Peace**: Conflict Resolution Training Manual for Muslim Communities*. Amr Abdalla, et al. The Graduate School of Islamic and Social Sciences. Virginia, USA. 2002 (updated 2015)

Setting Islamic Value Parameters: Mediator declares a certain behavior to be in total violation of Islamic values (i.e., alcohol and drug use, gambling, adultery).

Assisted Interpretation: Mediator provides interpretations of Quran and Sunnah to help parties recognize the proper Islamic implementation of disputed values.

Value Disengagement: Mediator assists parties in clarifying the mix up of Islamic values with values or norms derived from other value systems, especially traditional.

Shura Jury: A process of self-education and community involvement in which parties, assisted by the mediator, conduct research in Islamic sources of specific conflict issues. At the same time, a group of their peers (Shura Jury), selected from a volunteer group of Muslims in the community, are asked by the mediator to conduct a similar research. Upon completing their research, the parties present their findings to the Shura Jury. In case of disagreement, a majority vote is taken. The Shura Jury decision is not binding to parties or to other cases.

Islamic Arbitration Council: A process that can be used when an issue of great legal concern needs to be addressed. The council will consist of Muslim scholars and other professionals who are knowledgeable about the particular issue that is presented. This forum can also be resorted to when mediation has been utilized, but was not sufficient to address some of the issues introduced by the parties.

Negotiation of Issues: Mediator conducts private or open sessions to assist parties discuss their interests, needs, emotions and goals as they relate to a certain aspect of the conflict, and help them generate resolution options.

New Process Models: Models that are geared towards developing and institutionalizing processes that are based on Islamic values of justice, equality and freedom. For example, the inclusion of traditionally excluded parties such as children and the socio-economically disadvantaged.

Community Involvement: Mediator engages members of the community, known and respected by the parties, to provide emotional support and conflict escalation reduction during the mediation process.

Professional Help: Mediator suggests a type of professional help (i.e., therapy, drug rehabilitation, marriage counseling) that could assist parties.

7.) "…*Say Peace*" Training of Trainer Guide

This section provides guidance for conducting **Say Peace** training to various communities in the US and beyond. During the year 2015 and early 2016 we successfully conducted six training workshops on topics related to:

1. Marital conflict (2)
2. Family conflict (2, including one in Belgium)
3. Organizational conflict
4. Youth Bullying Prevention

The workshops evolved over time and started to take a distinct shape reflecting the principles and methods implemented with the **Say Peace** manual. In this section of the manual, we will discuss and illustrate the following:

1. Objectives of the ToT Section
2. Overview of **Say Peace** workshop objectives, milestones and segments
3. Guidelines for **Say Peace** trainers:
    a. Conviction
    b. Attitude
    c. Training Attitude Tips and Guidelines
    d. Training Methods and Techniques
        i. Design and Implementation of Simulations and Roleplays
        ii. Story-telling
4. The Design of a **Say Peace** workshop
5. Samples of simulations, roleplays and activities used at the **Say Peace** workshops

7.1) ToT Objectives

- To develop a cadre of qualified trainers who can conduct training workshops using the "**Say Peace**" manual

- To familiarize potential trainers with the fundamentals underpinning the manual's concepts

- To introduce potential trainers to training pedagogies suitable for implementation with the "**Say Peace**" training

- To develop the skills of potential trainers to conduct specific components of the "**Say Peace**" training

7.1.1) Overview of Say Peace Workshop Objectives, Milestones and Segments

Workshop Objectives					
Knowledge	**Awareness**	**Change**	**Transformation**	**Transference/ Expansion**	**Institutionalization**
Workshop Milestones					
Understanding Conflict	**Revealing Conflict Dynamics**	**Discovering Islam's Integrative Conflict Behavior**		**Exploring the Community's Potential for Conflict Resolution**	
Workshop Segments					
Fundamentals of Islamic Perspective on Conflict Resolution	**Conflict Definitions and Mapping**	**Context** **Relationships**	**The Eight Essential Elements of conflict**	**Islamic Model for Conflict Intervention**	

7.2) Guidelines for Say Peace Trainers

7.2.1) The Conviction!

Say Peace trainers should familiarize themselves with, and study carefully, the earlier sections of the manual on "Fundamentals of Islamic Perspective on Conflict

Resolution." In that section of the manual they will grasp the major world-views and doctrines guiding our approach to **Say Peace** within Islam's rich heritage. Particularly, **Say Peace** trainers will equip themselves with knowledge of:

a. The Historical Perspective: Islam's civilizational zenith in the 14th century
    i. Ibn Batouta and the exploration of Islam's multicultutralism
    ii. Al-Shatibi and the exploration of Maqasid as a vibrant methodology for religious interpretations
    iii. Ibn Khaldoun and the discovery of Sociology
    iv. Stagnation and colonization from the 15th to the 20th century
    v. Reaching back to Ibn Batouta, Al-Shatibi and Ibn Khaldoun, with our feet in the 21st century!
b. The social science approach as a foundation of Islamic perspectives on conflict resolution
    i. Limitations of the juristic approaches
    ii. Difficulties due to cultural and traditional impositions
    iii. The promise of the Maqasid approach
c. The openness to mainstream literature on conflict resolution
    i. Awareness of the "western" biases
    ii. Awareness of the untapped richness within Muslim heritage and societies

7.2.2) The Attitude!

Say Peace trainers must internalize and exhibit specific positive attitudinal elements while conducting **Say Peace** workshops. We will demonstrate examples of how such attitudinal elements are critical to the success of **Say Peace** workshops, and reflective of its vision.

Training Attitude Tips and Guidelines

Interact

Remember our approach is intended to be interactive. Keep eye contact with your audience when speaking. Recognize their responses and address them. Don't just get up there and talk to them; think of the program as a dialogue that moves through the different lesson plans. When presenting concepts, relate them back to earlier questions or comments.

Be Pleasant

Remember to be pleasant and enthusiastic at all times. Make your audience feel comfortable, welcome and relaxed. This is just as important as the rest of the program. Be personable, open and kind. Avoid sounding self-righteous at any point. Be optimistic.

Smile

The Prophet (saw) said that "Even a smile is charity." Smiling will help your audience get more from what you are saying. By smiling you will maintain a positive presence that will reflect in your posture and your tone of voice. This will help your audience to better focus, interact and relate to what you're saying. We have all been through straight-faced lectures with monotone voices and have found ourselves zoning out and unable to grasp what the lecturer was saying.

Body Language

Be conscious of how you stand and the gestures you use; they say a lot about you. Be confident and open. Avoid fidgeting or folding your arms. Maintain your presence from the time you arrive until you leave. Stay interested and focused. Your audience is watching you even when you are not speaking.

Be Clear

Make sure to speak loudly and clearly so that your audience can hear everything you are saying. Avoid speaking quickly. Annunciate words and avoid using terms that your audience is unfamiliar with; translate Arabic terms into English.

Listen

Listening is a critical part of communicating your message. If your audience has something on their minds, be sure to resolve those issues early on or they may not hear what you are saying. Listen for feedback. Comments and questions from your audience will give you a good indication of whether or not they understand your message. You may need to clarify or rephrase a point. In the end, what they understand and take home with them is more important than what you say.

Recognize the Contributions of the Audience

Make sure to recognize and praise the contributions of your audience. If they ask questions or bring up points, thank them for bringing it up.

Don't Be Defensive

Some audience members may make statements or ask questions that are offensive to you. Don't be provoked. Remember our purpose is to learn and teach conflict resolution. Be tolerant and patient, and answer calmly and pleasantly. Don't allow

your facial expressions or mannerisms to show annoyance. Be careful not to pounce when responding; you want to make them feel comfortable, so they can bring up all the issues or doubts in the back of their minds. If they don't bring them up, you can't address them.

Be Respectful

Be sensitive to your audience. As always, you should think before speaking and consider how what you are about to say is likely to be heard or understood.

Humor

The use of humor can add to the enjoyable experiences and often make a point more memorable, but we have to be careful about appropriate usage. Be sure to avoid any joke or comment that is at the expense of someone else, even if it is a group you feel you are part of. Resist the temptation to tell jokes during question and answer session; it can give the impression that you are not taking the question seriously.

Be Conscious of Time

Make sure you have a watch or a clock. Make sure that you are in the classroom early enough. Respect your audience by starting and ending on time. Each lesson is going to need a certain amount of time. Be careful about going over. Keep your own remarks short and to the point as much as possible. f you run over make sure to make up time so you can finish the entire program.

No Khutbahs

We are all very passionate about Islam and our beliefs. This can lead to an eagerness to want to share all our knowledge and love of the religion. You will have a limited time for your presentation/workshop, so stick to the lesson plans. Remember "**Say Peace**" is an interactive program. No lectures more than necessary. No preaching. Don't feel that you have to convey lots of facts, evidence or arguments. They probably won't remember what you say if you do, but they might feel you were trying to shove something down their throats!

Maintain Control

You are the leader in the room. You are responsible for cultivating respect within the group. Establish ground rules. Make sure that the audience stays on topic. If you have questions during the lessons, let the audience know there will be time for questions at the end and encourage them to write down their questions.

Don't Panic

Your audience may ask something or make a comment you don't know how to respond too. Keep calm. If you don't know an answer, be honest and offer to find an answer and get back to them. If they say something that is inappropriate, be polite and redirect them to the program.

Relax

Almost everyone gets nervous when it comes to talking in front of an audience. However, you're not really going to be giving a speech, so there's no need to have too much stage fright. It's a small group and you're interacting with them just like you always do. You know what you're doing. You've practiced it.

Enjoy Yourself

If you have a good time presenting, your audience will pick up on it and they will have a good time as well. That will go a long way in their evaluation of their overall experience, an experience that could reshape their entire outlook on conflict resolution, and may be highly transformational.

7.2.3) The Methods and Techniques!

Building on the previous section, in this section we will demonstrate and practice creative, interactive and participatory pedagogical approaches in order to deliver the concepts of the manual, and to help workshop participants develop their personal and professional skills to resolve conflicts.

In the "**Say Peace**" workshop, you will use a variety of techniques including facilitation, small group discussions, use of videos and movies, roleplaying and simulations, and story-telling. Below we provide guidelines and tips on developing and using roleplays/simulations and story-telling.

a. Use of Simulations and Roleplays for Peace and Conflict Education

The field of peace and conflict studies has grown into a distinct academic discipline over the past 20 years. The new field has distinguished itself through a strong multidisciplinary approach which draws from various social science disciplines. In terms of pedagogy, the field has incorporated the use of simulations and roleplays as integral elements of education. This was necessitated by the need to develop: 1) students' understanding of conflict dynamics and their impact on conflict behavior; and, 2) students' practical skills towards peacebuilding and peacemaking.

Based on my experience teaching and training in the field of peace and conflict studies over the past 10 years, I find that the use of simulations and roleplays to be perhaps the most effective and successful method within the field. Several factors contribute to the successful use of simulations and roleplays:

1. The use of such methods must be strongly connected to theoretical frameworks in order to enhance students' ability to recognize how concepts and theories present themselves in real life situations.

2. The selection of topics for simulations and roleplays must be relevant to the audience. Often, peace and conflict studies students represent a wide range of audience, in addition to professionals in various fields. An educator or a trainer must design and select simulation and roleplay topics that relate to the issues which members of the audience may face.

3. The selection of topics must also relate in a sensitive manner to the cultural values and norms of different groups. In fact, the use of simulations and roleplays in cross-cultural settings has often been used because such methods tend to expose underlying cultural elements that may not be easily addressed using traditional methods of teaching such as lectures and presentations.

4. Simulations and roleplays must reflect, as much as possible, real life situations. In the early years of the field there was a tendency to develop unrealistic or extreme scenarios with the intention of highlighting differences between cultures or perceptions. Such approaches, in my opinion, worsened problems of stereotyping and labeling across groups. I believe that the move towards more realistic situations provides more relevant materials to students which connect better with what they would face in the real world.

5. The use of comparative simulations and roleplays is necessary to highlight different conflict elements and peacebuilding/making approaches. One approach I found to be highly effective is to develop two or more scenarios that share common factors (for example, a conflict over the same scarce resources, between parties related in similar ways; e.g., conflict over money between a couple in two different cultural settings). The approach is then used to highlight how conflict intervention, such as mediation, varies in the two scenarios.

6. Never underestimate the power of laughter! While a simulation or roleplay must be an effective learning experience, it does not have to be— and indeed should not be—boring. Adding funny lines to the scenario usually helps to break the ice and break fear among students and trainees, increasing their attention during class. It also tends to make the experience a nice memory among students which they usually share with others.

b. Story-Telling in Classrooms and Workshops

Over the last two decades, I have taught and conducted courses and workshops worldwide on topics related to peace, conflict resolution, social science research and multiculturalism. I also conducted several research and evaluation missions of various development and peacebuilding projects. Through it all, I encountered numerous situations, and heard stories which have enriched me as a person and as a professional. Many of these stories and situations served very well as real-life practical examples and stories to illustrate some complex or abstract concepts during my teaching and training. Over the years, I found that my student evaluations have constantly emphasized how they particularly enjoyed the stories I brought to my classes and workshops, and that such stories enhanced their learning experience and made it most enriching and relevant.

That constant positive feedback about using stories in my classroom and workshops led me to expand my pool of stories to include not only ones I have come across during my work, but also ones that I have encountered in any situation, as long as I found a clear relevance of the story to a topic I am teaching or training about. I continued to receive praises for the stories, and I have witnessed over and over again how students and workshop attendants from all walks of life and from all parts of the world listened attentively to those stories with eyes wide-open and anticipation.

As story-telling has become my "best-seller," I found it necessary to reflect on it as a communication and educational practice, and to provide guidance and suggestions to

others on how they may use it effectively in classrooms and workshops. This led to me to identify three major steps necessary for using story-telling: 1) Defining a specific teaching/training message; 2) Carefully selecting a story which conveys the message; and, 3) Delivering the story.

1) **Defining a Specific Teaching/Training Message:** I deliberately used the term "message" here instead of "objective" or "goal." This is because I find it more useful to tailor stories not as the grand theme of a course or workshop, but instead to use them on a "micro" level in relation to specific messages you try to convey. In doing so, you have more space during the workshop or course to use several stories to address different messages, compared to repeating several stories related to one or two major objectives or goals. This ensures that the use of stories becomes more prevalent, hence raising the attention and interest of students and participants.

   Here is an example: When I teach a course on Introduction to Peace and Conflict Studies, it is important to emphasize the message of *empathy* and the necessity to appreciate where people are in their lives. For that I use a story I came across in Rwanda in 2002.

During an evaluation mission in Rwanda in 2002, we were assessing the effectiveness of a rural development program conducted by OXFAM. The program provided financial support to rural citizens across the Hutu-Tutsi ethnic lines to carry out joint economic projects, and required their participation in conflict resolution training workshops in order to build their capacity for addressing their differences and preventing a recurrence of the ethnic violence in that country. The program reached out well to Hutus and Tutsis. But there was a third ethnic group, less known to most people, called Batwa. Batwas are at the very bottom of what resembles an ethnic caste system. They are severely impoverished, destitute, and unlike Hutus and Tutsis, are deprived from the right to own land, hence may not benefit from OXFAM's program which focused on rural development in areas related to cultivation. Furthermore, they are so dismissed and excluded that other ethnic groups would not enter with Batwas in joint projects. Therefore, OXFAM approached them to see how they may help them given their unique situation. They explained to OXFAM officers that they could not do agricultural projects as they have no access to land, and thus cannot enter into joint projects. They suggested that OXFAM can help them purchase some produce- vegetables and fruits- which they would then take to the market to sell. Selling in the market was seen as a way to help them advance in their communities by changing their image of being lazy and unproductive elements of the society. OXFAM agreed and gave them money to purchase the produce. They purchased the produce, but before reaching the market to sell it, they ate it all!

When I heard that, I decided to interview them to better understand their story. I met with 5-6 of them- men and women. All were evidently so impoverished - beyond any standard I have seen before. I asked them about their relationship with OXFAM and how the project of selling produce in the market was developed. They confirmed everything I knew. When I asked them whether they ate the produce on their way to the market, they confirmed that as well. I asked "Why?" This is when their leader, a very old man, as impoverished as any of them, with the pain of the years of suffering reflected on his face and body, looked me straight in my eyes and said to me, "Hunger bites!"

Hearing those two words from that old man continues to give me shivers until today. I felt that he was able in one second to teach me a deep lesson in how to try to understand even the most absurd behavior by understanding where people are in their lives. Their poverty, hunger and suffering were all far from any experience I had ever been through. How could I set myself as a judge of their action? Perhaps a better understanding of their conditions would have resulted in offering them a different type of support which takes into consideration the degree of suffering and starvation that they have lived with for so long.

I used that story on so many occasions. Its impact on any audience is powerful. Once they hear me repeat what the old man said: "Hunger bites," the audience usually falls into deep silence, and tears come into the eyes of some of them. This sets a perfect stage to the teacher or presenter to relate the story to the message of *empathy*, and to be confident at that point that the audience is more than ready to embrace such message, having had a clear example of how it looks like in real life. This can also trigger similar stories from the audience, which would enrich the learning experience by including, in a participatory way, more real-life examples which in turn help the audience relate to the concept of *empathy*.

2. Carefully Selecting a Story which Conveys the Message: The worst thing that can happen is to select a story which is not easily related to a message you wish to convey. When this happens, you confuse your audience, and the learning structure becomes disorganized. Therefore, it may be necessary to try out new stories with a safe audience (your colleagues for example) to make sure that they can see the link of a story to a certain message.

In addition, here are some tips about selecting messages:

a. Avoid selecting stories where you are the center of the story or the "hero!" You do not want to appear narcissistic or "full of yourself" when you are already in

the driving seat by virtue of being the course or workshop instructor. Instead, use stories where you are a spectator, witness, or where you played a small, not a major role. This ensures that your audience will focus on the story and its lessons, not on assessing you!

b. Select stories which are considerate of your audience's sensitivities. When stories carry within them controversial issues, they may be useful if your intention is to bring such controversy to the surface. But if this is not your purpose, and instead you want to use a story in order to relate it to a message, then select stories which would help the audience concentrate on your message. Otherwise, you may find yourselves spending unplanned time dealing with the controversy. Here is an example of a story I use which I know carries within it a certain level of controversy, and which I also know that I cannot use with just any audience in the world:

> In 2008, I was teaching a session on nonviolence and its use at conflicts to students at the University for Peace (UPEACE). Needless to say, UPEACE students did not need much convincing about the benefits of using nonviolence, and they all engaged in a good discussion about the different examples of nonviolent resistance (the examples of Martin Luther King, Gandhi and so on). They all seemed to be of one opinion: nonviolence is an appropriate response to conflicts. At that point, a female student raised her hand to speak. She said that she did agree with her classmates on their views regarding using nonviolent methods at times of conflict, but added that when she was 14 years old she was sexually assaulted by two men. In retrospect, she said, she wished she had used violence at that time to prevent what had happened to her. And she quietly wept.
>
> The classroom fell silent for more than two minutes; literally you could hear a pin-drop. And every time I use that story in a class or workshop, that deep silence engulfs the room. It is a story that brings with it controversy about how much can we be committed to nonviolence, and where to draw the line between concepts such as pacifism, self-defense and nonviolence. I use that story only when I am prepared to address the controversy that it may stir, and also when I assess that the audience will be receptive to such story. In some cultural contexts, that story may backfire or may lead the entire class or workshop into undesired directions (for example, in some settings, the discussion may shift towards blaming the girl and the society which allows for mixing men and women!).

c. Select storylines that are unique and unpredictable. Use stories from your own experience or of those who you know. The surprise factor in such stories is what

makes them exciting to use in class- the unexpected turn of events, or the unexpected outcomes. These have a great effect on your audience. I had course and workshop takers come to me years later to remind me of a story I shared in class, how it surprised them, and how much they learned from it. Here is an example:

In 2004 I led a research team to conduct research on Madrasas in Bangladesh. Madrasas are religious schools notorious in the West for breeding fundamentalism and extremism in the Muslim world. As part of our research we went to an all-girl Madrasa in a very rural area two hours away from a major city, Chittagong. I met with the Madrasa head-mistress and four of the teachers. All were women, and all were dressed in the most conservative Muslim dress which covered women from head to toe, except for the eyes. They all expressed how proud they were because theirs was the only all-female Madrasa in Bangladesh- meaning that they all from the head-mistress to the youngest student were females.

I interviewed them together about the work of their Madrasa, their curriculum, and the challenges they face in their work. I then asked them, 'What do you need to make the learning experience better for the girls?'

Usually when I tell this story, I pause at this point, and ask my course or workshop takers to guess what responses I may have received. This is where the unpredictability and suspense add "spice" to the class without losing sight of its focus. Typically, course and workshop takers predict that they may have asked for more school equipment, more Holy Books, more scarfs, and so on. But to everyone's surprise, I tell them that the first request the head-mistress and teachers had was a basketball court for the girls. The second request was musical instruments!

I wonder if you reader are surprised! I usually use this story to raise awareness of the benefits of conducting qualitative interviews and focus groups, and the importance of suspending judgment while listening to people.

3. Delivering the Story: When it comes to delivery, personal communication skills are key to the success of a story in a classroom or workshop. As mentioned earlier, the story must be relevant to a message you try to convey to your course or workshop takers. And this has to be made clear. Equally important is the delivery of a story. The tone of voice, the body language, the attention to everyone in the room using appropriate and well-distributed eye-contact while telling the story, are all critical to the effectiveness of the story. Using humor, when appropriate, can also improve the quality of attention

among the audience. The most important advice here is “Be Yourself!” You do understand that you have a task to complete and a message to deliver to your audience. You are also probably seasoned enough to know your own strength in delivering to an audience. Just be your own sincere self when you tell a story. People pick on such sincerity, and it does add a powerful intuitive dimension to your delivery.

7.3) The Design of a Say Peace workshop

This section will provide an overview of the main parts of the **Say Peace** manual, their internal logic, and their salient concepts and features. A strong emphasis is on the interplay between mainstream literature of peace and conflict resolution, and Islamic perspectives on the same. A second emphasis is on how the training workshop is derived from the manual in order to achieve specific objectives. This section will systematically move ToT participants from one manual chapter to the next. In doing so it will show how training objectives are cumulatively building on one another, and leading to effecting change in terms of knowledge, attitudes and behaviors.

Day One of "Say Peace" Workshop

Workshop Component	**Introductions and Expectations**	**Understanding Conflicts and their Dynamics**	**Uncovering Negative Attitudes in Conflict and their Effects on Behavior**	**Modifying Negative Attitudes and Behavior**	**Islamic Perspectives on Conflict Attitudes and Behavior**
Methods	Ice breaking exercises based on the context of the audience	Roleplay based on the context of the audience	Story-telling of examples of negative attitudes and how they affect behavior	Negative and Positive "D's" with applications to the roleplay used with the previous component	Discussion of the Integrative Model of Conflict Behavior in Islam with a focus on the Four Elements
Activities	Introduction of the trainer showing how her/his background and interest led to conducting conflict resolution workshops Consider using the clip from the Egyptian movie "اريد حلا" on the following link: https://1drv.ms/v/s!ApXwNFAET995rWIn_Wt41YZMhrf0 It highlights the significance of Islam to its followers as the foundation for justice.	Use of muti-level conflict examples (family level and international level for example) to explain the components of C.R. SIPPABIO.	Roleplay in front of the audience how negative feelings result in violent behavior, using the roleplay used earlier	Roleplaying negative and positive "D's" and debriefing	Using examples from the Quran to support the four elements

Day Two of "Say Peace" Workshop

Workshop Component	**Conflict Styles**	**Conflict Intervention Models and Ethics**	**Negotiations**	**Mediation**	**Proposed Islamic Approaches to Conflict intervention**	**Conclusions**
Methods	Thomas/Kilmann Test of Conflict Styles, and sharing of results	Presentation of Conflict Intervention Chart	Presentation of the three types of negotiation with a focus on Principled Negotiations	Presentation of the 12 steps of mediation with focus on steps 5-12	Presentation on the Islamic Wheels of Conflict and the Proposed Intervention Techniques	Final motivating remarks
Activities	Small groups to discuss each of the five styles and present on them	Presentation of the Continuum of Conflict Intervention	Roleplaying of negotiation with reflections on issues from the roleplay used in the beginning of the workshop	Showing the video clip of "Open Your Heart" (https://www.youtube.com/watch?v=xLrDx7o3h5E&feature=youtu.be&noredirect=1) to capture elements related to alternative models of mediation and cultural influences	Roleplaying the "It Happens in the Best Muslim Families", or other roleplays that reflect the theme of the workshop, but using the same techniques if possible	

7.4) Samples of Simulations, Roleplays and Activities used at the Say Peace workshops

7.4.1) Marital Conflict Roleplay

"Till Death Do Us Part"

Omar and Khadijah have been married for almost five years and have an 18 month old child. Their marriage has been under a lot of strain since the birth of their child. Balancing work, childcare and taking care of the home can be very stressful. Tension has increased in their marriage as they have different priorities and ideas about how their family should be functioning. They have argued about household chores, work schedules, finances and housing. Even basic things like grocery shopping and what the family should eat have created conflict. Yesterday there was a particularly bad disagreement around a business trip Khadijah has coming up. Omar threatened to divorce Khadijah if she goes on this trip. Khadijah took the baby and left the house upset and went to stay with her mother.

It is now Saturday morning and she had returned with her mother to pick up more things. Omar is inside when she enters the house.

Khadijah

You first met your husband at a weekend intensive program held at the mosque. You were both into your thirties when it seemed like you finally met the man you would spend the rest of your life with. After three years of marriage you were blessed with your first child, who is now 18 months old.

When you met your husband, he was working in a good IT job and you were just finishing up your PhD in International Development and had been offered a position at a policy think tank in the area. After your first year of marriage, it became clear that your husband was unhappy at his job and he wanted to make a change and had some ideas for starting up his own company and you wanted to be supportive of him. However, building a business can take time and when the baby came you really began to feel the pressure of being the bread winner in the family.

You love your work, but you are torn by having to be away from your baby every day. You work hard every day to get things done so you can get home as early as possible and get as much time with the little one before bedtime. Your husband is home all day with the child, and it is frustrating for you to come home and find that the house is not

kept clean. Since you are working all day, you feel that your husband has to take up more of the responsibility around the house. He does help with cooking and is good at that, but he leaves a big mess whenever he makes something. By the time you put the baby to bed, your husband has usually gone to the mosque to meet up with the brothers there and participate in halaqas, you are left to clean up as best you can. You appreciate that your husband is always interested in studying Islam and attending halaqas, but for you at this stage in life it is a luxury you do not have the time and energy for. Between work and taking care of the baby, you are perpetually exhausted and just want help and support. You often grab food that is convenient, since you don't have time and energy to think about food. This always invites criticism from your husband who is a health food nut. You get annoyed by his extreme views on this since he is imposing it on you and you are the one having to pay the grocery bills for everything organic and super food shakes.

Your mother lives nearby and sometimes helps with the babysitting, and she is your friend and biggest supporter in all you do. She is getting older and is starting to find taking care of the house by herself to be too much work. She would like you and your family to move in. You like this idea, especially since you want your child to have a yard to play in like you did when you grew up. The townhouse you are renting now does not feel like home to you. It is expensive to live near DC, but this is where your work is, your family is and all your friends, you could not imagine moving anywhere else. Your husband has resisted the idea.

You have an upcoming trip for work in which you will be presenting at a major conference. You hate to be away from the baby, but this is a critical part of your job and these kind of trips are only once or twice a year. When you told your husband about it, you were shocked that he got upset and told you not to go. Your family always supported you in traveling for your education and you do not understand why he has an issue with this. He went as far as saying he would divorce you if you go on the trip. This has left you feeling very angry, hurt and confused. You were too upset to stay with him in the same house, and left with the baby to spend the night with your mother. You think he is being completely unreasonable and you cannot accept his trying to control you in this way, especially when your job is what is supporting the entire family. He is good with the baby and you want your child to have both parents around, for his/her sake, you want to keep the family together.

It is Saturday morning and you need to get clothes and other things for the baby. You have no choice, you have to go home to get these things, and you're going to have to face Omar. Your mother insisted on accompanying you. The two of you and the baby

enter to the house and there stands Omar. You want to make sure he understands where you stand on these issues, and to realize how wrong he is.

Omar

You first met your wife at a weekend intensive program held at the mosque. You were both into your thirties when it seemed like you finally met the woman you would spend the rest of your life with. After three years of marriage you were blessed with your first child, who is now 18 months old.

You went into computer science in the university because everyone encouraged you to, but after working in IT field for a while, you realized that it was not for you. You felt like the long hours and corporate pressure were draining your soul. You came up with some ideas to combine your interest in holistic healthy lifestyles with your skills by developing an app that would help people find more sustainable products and support sustainable lifestyles. You have done a lot of research in developing the app, but have struggled in getting funding and launching it so it can begin to bring income. As you have been working on launching the app, you have also been blogging to share your ideas about holistic living. You work from home, which is convenient, but since the baby arrived, and especially now that s/he is beginning to run around, it is hard to be productive.

For you Islam is central to the holistic lifestyle you want to live and you want to help others achieve. Islam tells us to eat not just halal food, but also *tayyib* (wholesome) food. Processed foods today are a cause of so many health problems, emotional and spiritual problems, they must be eliminated from our diets; this is part of faith for you. You wish your wife was more on the same page with you on these matters, and would attend more Islamic gatherings with you and take things like food more seriously. She is a workaholic and is always stressed and worried about *dunya* (material things). All that stress is the kind of thing you were looking to leave behind and it is your mission to find healthier alternatives.

Your wife wants to move into your mother's house, which is bigger than the apartment you are now renting. However, you are not comfortable with this idea at all. You do not want to be seen as taking something from her parents. You want to be independent and feel as a family you should live within your own means. You agree that moving somewhere with more access to the outdoors for your child is a good idea, but the way to do this, without taking from your wife's family, is to move out of the city to a place where land and housing is cheaper. You would love to have a place where you could

grow your own vegetables. Since you work from home, all you need is internet and you can work from anywhere.

You understand that your wife is really stressed, but she should not allow things to get where she is disrespecting you. You are working to get your business going as well which could make good money, but you feel that since she makes more money, she is not recognizing the contributions you make and she is not respecting you in decision-making. You were shocked when she told you she would be travelling for a conference and did not even consult you. Your understanding is that Muslim women must have their husband's permission to travel and you saw this as another example of her not respecting you as a husband and not taking Islam seriously. You were very angry and you told her if she went she would be divorced. You regret saying that. You love your wife and you don't want to get a divorce, but since you said it, the matter is in her hands and she needs to decide if this trip is more important than your marriage. She left the house after your argument and did not respond to your text messages. You were able to reach her mother and found out that she and the baby were there, but she refused to talk to you. You have not slept all night and you can't believe she would just walk out the way she did. She acts like she doesn't care about you at all. Something needs to change and you're ready to put your foot down and demand that she respect you as her husband.

It is Saturday morning, and here she walks into the house with her mother and the baby. You want to make sure they both understand where you come from, and how wrong your wife has been on these issues.

Khadijah's Mother

You live about 20 minutes away from your daughter, her husband and your little grandchild. You are very proud of your daughter and her accomplishments as a professional. She is very intelligent and hard working. She is also a very devoted mother. You yourself know how hard it is raising kids while working since you did that for many years after your divorce.

When your daughter first got married, you were really happy. It took a long time for her to find someone and you genuinely liked him. He was handsome, intelligent, respectful, a professional with a good job and a committed Muslim. However, after a few years, you have become really disappointed and frustrated with your son in law, since he quit his job for no reason and seems to leave all the load for the family on your daughter. He is home all day and but does not pick up the slack in the household or in the family. He always says he's got some business venture he's working on, but from

your perspective he has not been working and making money to support the family for a few years now. He spends his time online and is not even trying to get a job. He doesn't keep the house clean despite being home all day and it takes constant nagging to get him to do simple tasks.

You have been living in the same house where you raised your kids for many years. Now that you are getting older it is too big for you and too much to maintain yourself. At the same time your daughter cannot afford a house of her own and is living in a tiny apartment. Your house is paid off. For you the perfect solution is for them to move into your house. This way they would have a proper home to raise your grandchildren, you can help with the baby sitting, and you will not be alone in the house. You have left the house to your daughter in your will, and don't see any reason they should not move in now. The house would be your gift to your daughter and for the grandchildren. Unfortunately, her stubborn husband has to make things difficult and has rejected the proposal for having the family move in.

You heard that your daughter and her husband recently had a fight and he threatened to divorce her over a business trip she has coming up. You are so angry with him that he would even think to do this after all that she does for him. You are tired of him just making her life more difficult in every way and not providing any support. Honestly, you think she might be better off without him, but he is good with the baby and your daughter seems committed to the marriage. You support her in whatever she wants.

On Saturday morning when your daughter needed to go back home to get some clothes, you decided to go with her and the baby. As you both opened the door, Omar was standing there. You want him to understand how wrong he has been, and to appreciate all that your daughter is doing for her family.

7.4.2) Organization Conflict Roleplay

Mercy on Immigrants!

Background:

With more than 80,000 immigrants between 2002 and 2008, Ethiopia is considered the fifth African source of immigrants to the United States. By nature, immigrants come with their cultural, ideological and religious background together with their traditions and social dynamics. This is true for all immigrants in general and the Ethiopians in particular.

Due to historical, social and geographical complex reasons, many Ethiopian families have diverse religious affiliations among their members where some families include both Christian and Muslim siblings. A single family might have a mixture of Muslim and Christian sisters and brothers. This diversity has migrated together with many immigrant Ethiopian families. It brought with it the challenges and opportunities that existed in their home country.

The Ethiopian Immigrants Association (EIA) based in Washington has approached the MERCY Foundation, a Muslim charity that offers services to at-risk families, in order to support a small community of new Ethiopian Immigrants in order to help them overcome the livelihood challenges facing them upon their arrival to the United States. EIA has conducted interviews with the families in order to assess their needs and understand the best possible means of intervention. A number of specific cases and requests were identified and submitted to MERCY for help:

1. The first case is an application for MERCY's college scholarship programme. EIA identified two qualified college students: Zeinab (Muslim) and Teresa (Christian), two sisters of the same family. Zeinab is a college student with a 2.7 GPA while Teresa is the same with a 3.5 GPA. EIA knows that there is only one slot available for the scholarship, and trusts that MERCY will make the best decision.
2. Another case that EIA identified is the family conflicts that emerge inside the community. These conflicts have resulted in several cases of violence against women, child abuse and spouse separation. According to EIA researchers, majority of the conflicts arise due to the dire socioeconomic situation of the community as well as the absence of a proper family counseling. Therefore, EIA requested help from MERCY based on its long experience in family counseling.
3. The third case is a request from EIA to MERCY in order to provide food for some of the families that are in need. According to the regulations of MERCY, families who qualify for the food program are those that: 1) do not have any sustainable income and, 2) if no assistance provided, they will face starvation.

EIA has sent an e-mail to MERCY's director explaining the details of their proposal followed up by a phone call in which they appeared anxious to get a response during the next 24 hours. At the same time, MERCY has been under pressure from its board to respond swiftly to such requests, especially as the fiscal year is ending in a couple of days. Therefore, the MERCY director called for an internal meeting to discuss the prospects of cooperation between MERCY and EIA. MERCY's director and the two staff

members responsible of education and family counseling programs will join the meeting. Decisions must be made during the meeting.

Education program officer:

In your point of view, MERCY has a basic mandate, which is to provide services primarily to Muslim families in dire need, and if necessary to offer the same to others. You are extremely reluctant to expand the mandate beyond very special cases of non-Muslim families. You understand that the Ethiopian community deserves help, but you also think it makes more sense that other organizations with broader mandate intervene. You think the file should be closed without any further research.

Ever since you were appointed as the program officer of the education program, you have been consistent in pursuing the organization's mandate to educate young Muslim youth. You have grown up a good reputation among the Muslim diaspora in Washington as well as the other Muslim organizations in the United States- the thing that you value a lot and consider as an essential asset in your social capital. With regard to the EIA different proposals, you believe that:

1. With regard to the scholarships proposal, you believe that MERCY's mandate can not be extended to cover non-Muslims, and that you should narrow the target group as it is the only way to achieve a tangible impact. You therefore suggest that Teresa does not qualify for the scholarship, while Zeinab qualifies.
2. You also think that with regard to the family violence cases, mediation and case by case assessment is the best approach. What EIA has presented is still hearsay in your point of view which requires further investigation and assessment. Your position is to wait on reporting any cases to the police or Child Protection Services until you have better information. You know from experience that rushing to engage such agencies can cause more damage to families.
3. Finally, you do believe that those that do not fit within MERCY's eligibility criteria can not be offered food. MERCY's resources can not cover every social group, and hence, it is extremely important to focus the organization's efforts on those who might suffer hunger if the service is not offered to them. For once, you think that MERCY has clear eligibility criteria for offering food, and this is a good opportunity to uphold MERCY's regulations, and to stop acting in a haphazard manner.

Your relation with your colleagues in MERCY is very good on the personal level. You do respect their admiration for the kind of work that MERCY does, but you sometimes fundamentally disagree with their approach at work, especially when they try to change the rules of the organization. In addition, based on a previous experience, you think that the director of the organization does not like you a lot. S/He has gone several times against you. Therefore, if the director agrees to the entire EIA proposal, it will be a continuity of her/his approach in undermining your opinions and contributions.

You are attending this meeting with the mindset that this meeting is extremely important in setting the rules of the game for MERCY's future projects, and hence, you can not afford to leave without tangible victory.

Family counseling program officer:

Your entire career has been built on your interaction with social development and family assistance in specific. Therefore, you believe that it will make a big difference to you and to MERCY if you were to work with this community. You believe it could bring a lot of attention to your work and can be even used in the marketing of MERCY's work.

1. With regard to the scholarship proposal, you believe that MERCY's mandate is to build stronger and kinder communities, and hence, this should help you advocate for this proposal. It's all about giving. The social fabric, of the community that EIA is working with, makes it impossible to deal only with Muslim populations. Actually in this case, you believe that helping Muslims will only increase divide and cause more fragmentation and segregation. For instance, Teresa who's applying for the student's scholarship program, is more qualified than her sister Zeinab because of her GPA. Religion should not be a factor here.
2. Regarding the family violence, especially violence against women and child abuse, you believe that police and Child Protective Services should be brought to the case immediately. You do not think that informal interventions can help in the face of the alleged abuses. Let the police and Child Protective Services do their own investigation.
3. Finally, you believe that this community should have an unconditional access to the food program. You are shocked by the rumors that some colleagues are against this approach and you are afraid that this might imply racism against immigrants from Africa.

You respect your teammates and colleagues in office but you don't feel comfortable with your colleague in the education program. You think her/his views are quite dogmatic and rigid, which is a challenge to your ability to form a successful partnership with EIA. It has been a constant issue in the office politics that your ideas are always faced by resistance from this colleague.

You are going to this meeting not ready to lose another battle in pursuing what you think is MERCY's core mandate. You will try to push for the collaboration with EIA and in doing so you will try every possible tactic. Explaining the possible damage that MERCY might have due to refusing these proposals is an argument that you might use to convince the management.

Director of MERCY:

You called for this meeting while knowing from previous precedents that your team is divided on the interpretation of the organization's mandate. Sometimes you think that the best way to resolve an intra-organizational problem is by making decisions when staff members are busy fighting each other, and are losing sight of the best interest of the organization. It is better for MERCY that you make such decisions than to waste energy and time on trying to reconcile their views. But this time you are willing to give it a try. This is why you have called for this meeting. You will do your best to play the role of a mediator or facilitator, and to try to help them reach a compromise. But if all fails, or if you feel that the best interest of MERCY is not embraces, you will decide on the proper course of action.

You are thinking of applying for several funding opportunities to support the organization's budget. The kind of funding that you wish to apply for will depend a lot on the kind of profile that you are willing to introduce to the funders. Thus, your decision on whether to cooperate with EIA will help a lot in profiling the organization. For instance, will you profile it as an organization that supports needy people regardless of their religion or as an entity that primarily helps Muslim population? This will guide MERCY towards certain donors but not others.

The staff members have different personalities and you believe that an impartial style of management that treats everyone equally is the most suitable one to maintain the team's diversity. You also feel that both program officers who will participate in the meeting have ambitions to be promoted in the future. You trust their good will, but you do understand that they come from different points of view.

You think this meeting is an essential step towards settling the organizational rivalry. You called for this meeting while looking strategically for possible access to future funding.

7.4.3) Organizational Conflict Roleplay (Europe)

Love Thy "Co-Worker"!

Margret, Khadija and Pat are three co-workers in a Belgian Muslim Organization (BMO) working on supporting Muslim families economically and socially. BMO is a small non-profit organization, and it depends on donations, grants and community support to function. The three staff members work part-time, and they organize their time so that one of them is always in the office from 9 am till 10 pm. They need to stay that late in order to respond to any crisis.

Margret, Khadija and Pat are all program officers at the same level. They all started the organization together since they all attended the university three years ago. They were driven by their commitment to helping the growing Muslim community in Belgium. For sure, they have done many good deeds to support members of the community in need. They adhere to principles of "Shura" (consultation) in conducting the affairs of the organization, and none of them sets her/himself up above the others.

From time to time they have their own differences, and at times things get really complicated. Lately, the three of them seemed to be entangled in conflicts over several issues. These conflicts seemed to bring the worst in each one of them. After too many episodes of shouting and screaming at each other, they decided to sit one more time and try to sort out their differences. The conflict issues are:

1. They are hiring a new accountant (a non-Muslim male). He will work every day from 9-5. As they rotate their own time, and usually it is only one of them who would be in the office with the male accountant, Margret expressed her concerns about being alone in the office with another man. She believes that it is *haram* for a Muslim woman and a stranger man to be alone in one closed place. She insists that they need to change their shifts in order to have at least two of them in addition to the accountant in the office at any given time. Khadija and Pat think that this is too much to ask as they have other commitments to their families and other businesses. Margret threatened to leave BMO over this issue.
2. BMO received an invitation to participate in a rally to support the admission of refugees from Syria. The rally will be highly publicized in media and is expected

to receive international attention. Several community organizations are participating in the event, including a Zionist organization and a LGBT-Right Organization. Pat is objecting furiously to participating in the rally and is threatening to leave the organization if Margret and Khadija decide to join the rally with such groups.

3. Lately Khadija has become more and more cautious about her Islamic appearance. She now wears garments that are very loose, and with several layers in order to make sure that she does not expose any part of her body other than a part of her face. Pat and Margret worry that her appearance is a turn off to potential partners and donors as they may think that BMO is too conservative or even radical. Whenever they raised the issue, she snapped at them and ridiculed them for standing against her effort to become a true Muslim. Khadija warned them that she would leave BMO if they do not stop pestering her about her appearance.

Margret:

You feel that you invested so much of your time since university days to make BMO a successful organization. You believe that adhering to appropriate Islamic principles of life is what has brought "baraka" to BMO.

1. ***The issue of the new accountant***: You are furious with the idea that women staff of BMO would spend long hours alone in the office with a stranger man. One of the first hadiths you have learned in your childhood was that Satan is always the third party to any private gathering of a man and a woman. This is why you demand that you all change your work schedules so that no one woman is ever left alone with the male accountant, in order to prevent "fitna."

   Deep in your heart you are most disappointed because you are convinced that Khadija is manipulating this situation and wants to create private time and space with the new accountant. She seemed to "have a crush" on him during the interview, and everyone knows that she is desperate to get married. Her family keeps on pressuring her to get married, and she has not been successful. You believe that she is pushing back against you on this issue not from a pure Islamic point, but from a personal agenda point. She probably believes that she will make the young man fall in love with her, convert to Islam, and marry her! This is all fine, but not by doing it the "haram" way.

In the meeting that you all decided to hold to discuss this issue and others, you will try to reason with Khadija and convince her that the proper Islamic way is to not have a man and a woman alone in the office. If she does not listen to reason, you will not hesitate to confront her with her own personal agenda in order to let her know how much she has deviated from true Islam just to find a husband. May be she needs a wake-up call!

2. ***The issue of participating in the rally***: You do support such effort because it will bring more visibility to BMO, and is contributing to helping refugees. You are realistic when it comes to partnering with other groups who may differ sharply from BMO. After all, Islam always appreciated diversity. You also believe that connecting to other groups is an excellent way for networking and perhaps for finding other jobs in the future. You do not see yourself working in BMO forever. So networks are important to you. For you, Pat seems unreasonable in her/his objection to attending the rally. You will do your best during the meeting to convince him that it is in the best interest of BMO to take part in such highly publicized event, and that diversity is something we should appreciate.

1. ***The issue of Khadija's appearance***: You have no position one way or the other, and feel that Pat and Khadija are playing out their own grudges against each other. You will build your position on this issue during the meeting based on what you think is appropriate Islamically.

Pat:

You feel that you invested so much of your time since university days to make BMO a successful organization. You believe that adhering to appropriate Islamic principles of life is what has brought "baraka" to BMO.

1. ***The rally issues***: You are furious with the idea that you all participate in the rally to support refugees because some of the organizations partnering with you adhere to "haram" ideologies or ways of life. You cannot see yourself holding hands with a Zionist or with someone promoting LGBT rights. Let alone for the whole world to see this on TV! You would be doing disservice to Islam.

   You are so upset especially with Margret because she comes across like a hypocrite! On one hand she is totally against any woman in BMO spending time alone with the new male accountant, but she is perfectly happy to hold hands

with those promoting "haram" ideologies and ways of life. You also know that she has always been a careerist- she would go so far and push her Islam behind her for the sake of building her professional network. She always says that BMO is a dead end for her, and that she is building a network in order to help her find a better job eventually.

You will do your best in the meeting to convince Margret that attending the rally with such partners is wrong and harmful not only to BMO, but also to Islam. If she does not listen to reason, you will confront her with her own personal agenda of building a professional network, and getting a job after BMO. You will confront her with the reality that this should not happen at the expense of BMO or Islam. You feel that she needs a wake-up call on how careerist she has become.

2. ***The issue of Khadija's garment***: Yes, you feel that she is sending a wrong message about BMO by wearing such conservative and "strange" outfits by Belgian standards. Sometimes you are embarrassed to be with her in meetings because of the looks you get from people! In the meeting you will give her a piece of your mind about this issue, and try to make her understand that not only is she hurting BMO, she is hurting the image of Islam by wearing such strange clothes.

3. ***The issue of the new accountant***: You have no position one way or the other, and feel that Margret and Khadija are playing out their own grudges against each other. You will build your position on this issue during the meeting based on what you think is appropriate Islamically.

Khadija:

You feel that you invested so much of your time since university days to make BMO a successful organization. You believe that adhering to appropriate Islamic principles of life is what has brought "baraka" to BMO.

2. ***The issue of the new accountant***: On the issue of arranging time around the new accountant's schedule, you do not understand why Margret is making such a big deal about it! It is common now for men and women to work in one office, and anyway the new accountant seems to be a very nice guy. You even hinted to your colleagues during the interview that he is cute. You are happy to get to know him better.

You feel that a good solution to this situation is to leave it to each woman staff member to decide what to do. You personally have no problem being in the office alone with the new accountant. If Margret has a problem being alone with him, she can make arrangements (maybe bring her father or brother to the office!!). But she cannot impose her radical views on you, and as a result have you change your entire life just to please her.

3. ***The issue of your appearance:*** You have patiently listened to sarcastic comments from Pat and Margret about your new style of clothes. They make it sound like you now look weird, and they even sometimes avoid appearing in public with you! This really hurts! Lately, your family and the Imam in the mosque have been trying to help you find a good Muslim man to marry. They all felt that you needed to change your outfits to be more Islamic in order to, first, please Allah, and second to attract pious Muslim men who usually look for a woman dressed properly as a sign of her piety. You feel that acting and appearing as a good Muslim reflects what BMO is all about. It is a shame that your two colleagues do not see it this way, and go as far as hurting you.

   You feel that the meeting is a good time to give both of them a piece of your mind about how you dress, and how Islamic this is. May be they should be shamed into following your model of dressing. You may go as far as requesting that BMO establishes a dress code similar to the one you are now using. You feel that this would fulfill your duty as a Muslim to promote good and prohibit evil (al-amr bi-l-maʿrūf wa-n-nahy ʿani-l-munkar)

4. ***The issue of the rally***: You have no position one way or the other, and feel that Margret and Pat are playing out their own grudges against each other. You will build your position on this issue during the meeting based on what you think is appropriate Islamically.

7.4.4) Use of the "D's" in the Organizational Conflict (Europe)

Discredit:

Margret: Khadija, I really feel strongly against you or anyone of us women staff to be alone in the office with a stranger man. This is plain "haram."

Khadija: Look who is talking! Margret who wants to hold hands and hang out with gays and Zionists. Please preach to yourself before preaching to others.

De-legitimatize:

Pat: Khadija, Islam would not condone your wearing these clothes because you are hurting our image as Muslims and reinforcing negative stereotypes about Muslims

Khadija: Look who is talking??!! Pat, you have no business speaking on behalf of Muslims…until a few years ago you yourself was "kafir," so please stop preaching, you do not know what you are talking about!

Demean:

Khadija: This new outfit I am wearing was approved by the Muslim Council of Belgium as the proper Islamic dress.

Margret: It makes you look like an idiot!

Dismiss:

Margret: Pat, It is really important for us to attend the rally.

Pat: Please, Pat, this rally will be so big and we will not be noticed anyway. Can we please talk about what is really important to BMO's image, such as Khadija's ridiculous image? This is the real problem.

Demonize:

Margret: The rally is a great opportunity for our visibility and becoming part of the civil society community.

Pat: Stop it Pat. You know you want to be there just because you are a career opportunist and all you care for is to make more money and get better jobs…Forget about Islam of course!!

Disrupt:

Pat: Khadija, please let me explain why your outfit is causing….please……causing problems…..just listen…..

Khadija: I DO NOT WANT TO HEAR IT….NO THANKS….JUST GO AWAY!

Dehumanize:

Margret: You know, Pat, even if the rally is brining Zionist groups, their presence is a good way to network and do "daa'wa" about Islam.

Pat: Zionists?? Are you joking? They are immoral, blood-suckers and you know they are the descendants of pigs and monkeys.

7.4.5) Family Conflict Roleplay

We are Moving to Alabama!

The Abraham family has lived in the Washington, D.C., area for the last twenty years. The family consists of the father, Mr. Mohammed, an accountant, Mrs. Laila, a housewife, Fatima, a recent college graduate still seeking a job, and Ali(a), a college student in a university in the D.C. area. Having struggled over the years to make ends meet, Mr. Mohammed seems to have finally landed the right job with decent salary. He is offered a job in Mobile, Alabama as a district manager for a growing and successful company selling goods (such as televisions, refrigerators, and other household equipment) on layaway and rent-to-own plans. His salary will double, and he will have an excellent retirement package.

Mr. Mohammed shared his exciting news with the family, but to his surprise, he received mixed reactions which led to serious arguments among the four of them. Fatima, his daughter, insists on staying back in the D.C. area as she believes she has better chances for getting good jobs, especially when compared to what she can get in Alabama. She pretty much said to all of them: "you all can go; I am going nowhere!" His wife swore that she would not move without her daughter, insisting that "our girls do not live on their own!"

Ali(a) has a different outlook on the whole situation: Ali(a) sees the new job as "haram" as it is about making "reba" out of poor people. For the first time in their life, Ali(a) raised his/her voice against his/her father accusing him of not adhering properly to

Islam. He/she now threatens to move in with friends who are known to be highly radical in their religious views. This is giving his parents a big scare that he/she may get in serious trouble.

In an effort to try to find a way out, Mr. Mohammed called the family for a meeting this morning. Emotions are high, and everyone seems to be able to see things only in her/his own way. Yet, they are a family, and whether they like it or not, they are in this together.

Role for Mr. Mohammed (Father)

You have worked so hard since coming to America 25 years ago. You worked every job anyone can imagine in order to support yourself through school, raise a family and put the kids through college. Often you ended up with several part-time jobs or temporary jobs which did not provide for a good retirement plan. Now that you are nearing 50 years old, you realize that if you do not start to save for your retirement, you will struggle so much in your old age. This new job is a dream comes true, finally and after 25 years! You still have 15 years to contribute to a retirement plan, while receiving a good salary and good healthcare. You are so disappointed at your children who do not seem to understand what you have gone through. They take many things for granted- education cost, living expenses, even allowance- because you always provided for them.

You are aware that moving to Mobile, Alabama is not ideal for Fatima who has always aspired for a job in one of D.C.'s international development organizations. You also agree with your wife that she cannot live on her own away from you all. But you have a great solution: One of your friends from your country has a very nice son who you heard may be interested in marrying Fatima. So you want to try to pursue this, even if you have to put some pressure on Fatima and her mother. In doing so, Fatima can stay with her husband in D.C.

As for Ali(a) who acts like a "born-again Muslim," you are very worried anyway about how conservative s/he is becoming, and how inappropriate was his/her tone of voice with you, accusing you of not being a good Muslim. This really hurts you especially that you consulted some Imams and reviewed the matter of working for layaway or lease-to-own companies on the internet. You found different scholars supporting all different types of fatwas and opinions on the matter. Some see this as a perfect halal transaction; some see it as a total sin; and some are in between. You are comfortable with the interpretation that such business fall within the realm of sale transactions, and

therefore cannot fall under the category of "reba." But of course your radical Ali(a) will not accept this. But you must take a strong stand with him/her on this matter, as it is not right to accuse you of such things, and to set himself or herself as the authority on religious matters. But as your younger child, you have a soft spot for him/her, especially that s/he was a seriously troubled teenager. Getting on the path of Islam straightened his/her life to a great extent- doing better in school, praying regularly, and no more wild friends and parties.

You are going to Mobile, Alabama one way or the other. You will do your best to reason with the family members. But at the end, if needed, you will assert your role as the father of this family, and the one who worked so hard to bring them to where they are now. It is time they stand by you in order to build a good retirement.

Role for Mrs. Laila (Mother)

You are so sad to see your family fighting like they have never done before, when everyone should be happy that your husband finally got a good job with great salary and retirement plan. You feel that your husband worked so hard all his life, but has always been worried about the old age. You definitely appreciate his worries for both of you. You too want to feel secure in your old age especially that you have been a housewife all your life. You committed your life to your kids and husband, and you are proud that you have put both kids through college and gave them good life.

You like Washington, D.C. and have many friends here. But you will go to Mobile, Alabama if it provides for the family a better job. "All America is the same anyway," you always said. So it will not be a huge change as far as you are concerned. But you know that for Fatima especially this is not something she likes. She wants to get a job with one of the international development organizations in D.C. But you cannot stand the idea that she lives on her own. This is so wrong, and families should stay together. A girl leaves her parents' home to her husband's home! You know that your husband has a suitable young man as a possible groom for Fatima. Maybe this will help resolve the problem, if she marries him and stays in D.C. You support your husband in suggesting to Fatima to explore this possibility. Otherwise, she must join you in Mobile, Alabama until she gets married. She can get a job there. Maybe not an international job, but so what!

As for Ali(a), you have suffered so much lately as s/he has been passing judgments on everything- from your cloths, to watching TV, to befriending non-Muslims! You are worried that s/he is surrounded by radical friends, and they are filling her/his head with these ideas. Now s/he is refusing to move with you because s/he finds the new

job to be "haram!" This is so upsetting to you and to your husband. You and your husband will have to take a firm stand with Ali(a), and correct his misperception about the job, and about all his negativity about his family as not good Muslims. But as your younger child, you have a soft spot for him/her, especially since s/he was a seriously troubled teenager. Getting on the path of Islam straightened his/her life to a great extent- doing better in school, praying regularly, and no more wild friends and parties.

In the family meeting you want to take strong positions to support your husband. He deserves better than this from his kids after all that he has done for them.

Role for Fatima (Older Daughter)

You are going through one of the worst times of your life. Now that you finally finished college, you have been looking forward so much to get a job in international development. You feel lucky that you grew up in D.C., as you have many friends and contacts who will help you get such a job. You already have several opportunities lined up. But then comes this whole thing about Mobile, Alabama! What would you do there? Definitely it is not the place for you. Maybe it is good for your father's new career selling to poor people on layaway plans, but not for you.

This is one of those moments when you feel bad that you are "stuck" with cultural norms which do not support that a young woman lives on her own. You had hoped that your parents now know better to trust you, and to drop those old cultural restrictions they have brought with them from their country. You grew up as an American and as a Muslim. You know how to be self-reliant, and how to conduct yourself if you live on your own. You are disappointed that your parents refuse to let you stay back in D.C.

You have your plans to work hard for the next few years in order to build a good career. Only when you feel confident about your career that you will consider getting married. For now, it is all about work, and work in international development organizations in D.C.

You love your parents dearly. You appreciate so much how they raised you and how they committed their lives to you and your sibling. You do not want to hurt them, and want to be understanding, but you also have your priorities, and you are no longer a little girl. Also, you feel that they should be flexible with you for at least you are not giving them hard time like what they are getting from your sibling Ali(a), who you all call a "born-again Muslim"! S/he has been pestering you lately to get married, as s/he believes that as a college graduate you should not stay single. Well, s/he even discourages you from working, as women's work is "haram!" You are losing patience

with her/him. But as your younger sibling, you have a soft spot for him/her, especially since s/he was a seriously troubled teenager. Getting on the path of Islam straightened his/her life to a great extent- doing better in school, praying regularly, and no more wild friends and parties.

In the family meeting you will try to reason with them and convince them that you can stay back in D.C. Of course this means more cost to them, as they have to support you until you start to make good money. So, you want to find a way to win them to your side. It is not easy, but you will do your best.

Role for Ali(a) (Youngest Child)

You feel that you are facing a series of serious tests of your faith since you have come to the true path of Islam about one year ago., thanks to some good friends you met at college when you were really down after several disappointments in school and your love life. You realized how wrong your path was, and have since changed in a very positive way. You family has been impressed by how your improved your college grades, started to pray regularly, and stopped going to wild parties or hanging out with losers.

But your family, may they all see the straight path, are happy with you when it suits them, and mad at you when it does not suit them! You are very sad because of their attitude. For you, the straight path is one, and what is "halal" is clear, and what is "haram" is clear. So when you point to them things that are "haram" th,ey brush it off as if it is your own problem that you see things this way. But this is Allah's way - not your way. It hurts you when they jokingly say that you are "born-again Muslim!" But you pray for them that Allah will guide them.

This last episode about your father getting a job making income out of "reba" in Mobile, Alabama, is way over the limit of what you can accept. You told him that layaways and lease-to-own are all schemes which impose high interest on poor people, and therefore fall under the category of "reba." But your father seems to be so desperate that he does not care if the job is "haram" or not. He wants to secure his retirement, which you do understand. But you do not understand that he has to secure it in a "haram" way. You told him that he cannot jump off Allah's path in order to secure his retirement. He got mad at you of course because you are his youngest child and should not tell him what to do. Your mother is no better! She too is supporting him against you.

You told them that if he takes that job, you will refuse to be supported from its "haram" income, and will therefore move out with some of your friends who will help you find

sources of "halal" income. This may include taking a trip overseas with Tabligh groups to the Middle East. Your parents are panicking. They think that you are becoming radical, and may be joining radical groups! For you, a radical is someone who takes a "reba" job to support himself and his family!

As for your sister, Fatima, she is no different from your parents- she picks and chooses the "halal" and "haram" which suit her! You have advised her to get married, but she would not listen to you. You hear that your parents may try to find her a husband in D.C. so that she does not stay on her own when they move to Mobile, Alabama. If this is suggested, you will definitely support it.

In the family meeting, you will insist that the job your father is getting is "haram" and that he should look for other jobs that are "halal." He has done this all his life; why cannot he continue now? You want to show them how much you love them, but also that you love Allah more, and will not follow them when they start to stray away from the straight path.

7.4.6) Use of the "D's" in the "We Are Moving to Alabama" Conflict

Dismiss:

Fatima: My getting a job in my field of international development is what matters here.

Father: No, securing your parents' retirement is what should be a priority for everyone in this family. Can we please talk about what IS REALLY IMPORTANT; I MEAN THE RETIREMENT ISSUE?

De-legitimatize:

Mother: We cannot let you stay on your own in DC, Fatima. We are your parents and we know what is better for you.

Fatima: I had enough of you Mom forcing your ways on me. No, you do not know what is best for me, and I do not need you to tell me what is good for me. Only I know what is good for me.

Demonize:

Father: It is perfectly legitimate and halal to sell something for a higher price over a longer period of time.

Ali(a): No, this is neither legit nor halal. There is a name for those who do this: Blood Suckers!

Disrupt:

Mother: Let me tell you how good that young man is. He has a masters degree in conflict resolution…….just please listen……he is making good money and can get you a job too……can you just listen….

Fatima: I do not want to hear it…..No…..it is irrelevant…..No…..

Demean:
Ali(a): Yes Fatima, Mom and Dad are right finally on something: You should get married right away so that you do not stay alone in DC.

Fatima: This is really stupid, and does not make sense.

Discredit:

Ali(a): As someone who has been studying and attending halaqas on Islamic Sharia lately, I know it is haram to sell something with interest. It is a form of "reba."

Mother: I am sorry Ali(a), but it is difficult to give weight to your opinion. The few books you read and the halaqas you attend are all twisted and messed up. You have no business speaking about Sharia.

Discriminate:

Father: I think that it makes sense that you either join us in Alabama, or get married to the nice guy we have for you, Fatima.

Fatima: I am sorry Mom and Dad, but you are becoming really too old to understand what I need. You are not in touch with reality anymore. You were born in the 1900's!

7.4.7) Youth Bullying Prevention Roleplay

Adaptation of Natalie's Roleplay

Objectives:

1. To show the hurt caused by bullying
2. To show how everyone thinks they are doing the right thing even when they are bullying
3. To show the considerations that get in the way of an adult does something about bullying
4. To relate the bullying behavior to the Negative and Positive D's of Behavior

The Story:

As Natalie (or a different name more appropriate for the audience) walks into the school cafeteria. As she is getting ready to sit at a table, the other three girls already sitting at the table tell her to go find another table. As she insists to sit two of them make fun of her and throw dirty napkins at her, while the third keep yelling at Natalie to just go find another table to avoid trouble. The two girls call her names and keep making references that she is a tattle tale (you all can add more references here).

Natalie yells back and starts to cry. The two girls laugh at her and keep throwing dirty napkins at her. A female teacher walks in and asks the girls to stop. They totally ignore her as they knew she is a temp teacher who hardly has authority, and keep on attacking Natalie. The teacher states that she will take Natalie and report the incident to the school administration. The girls now insult the teacher, and to her surprise Natalie takes the girls' side and asks the teacher to leave or she will report to the administration that she mistreated her and her friends for no reason. The teacher walks away, and Natalie goes to sit by herself on a different table.

The workshop organizers act out the roleplay in front of the audience for about 3-5 minutes.

The Process:

a. Divide the audience into five teams of 2-4 participants, depending on the size of the audience. Have each of the five roleplayers join one team. Each team should try to understand from their rolplayer why she behaved the way she did. Here are their positions:

1. **Natalie**. She is ostracized in her class because on occasions she complained that she girls cheat on exams. She studies hard and feels that it is unfair that some girls get good grades when they only party and always find ways to cheat on exams. Some girls in the class knew she reported the cheating which led to them getting more surprise quizzes which led to some of the girls get very bad grades. So they are mad at Natalie and accuse her of being a tattle tale. They refuse to talk to her and pressure other girls not to talk to her or sit with her. She feels extremely lonely, and already she is an only daughter. She feels very isolated and is trying to find ways to re-connect with her classmates. This is why when the temp teacher wanted to take her to report the bullying to the administration she refused and took the side of the girls, because she was hoping that in doing so she would re-gain their trust and they would stop accusing her of being a tattle tale. She needs friends and needs to feel loved.
2. **Girl 1:** You used to be the top of your class. In the last few months you had rough time at home as your parents were separating and you had to move out with your mother. You are distracted, depressed and angry. This affected your ability to study and your grades are falling rapidly. Now your parents are pressuring you to improve your grades and are taking away a lot of your privileges and are grounding you on weekends. Everything you study you keep forgetting. So you decided to find ways to cheat on exams in order to improve your grades. You had never done that, but you need to do it now until things get back to normal at home. However, Natalie knew what you were doing and reported it to the school administration. You were suspended for a week and received an F on the exam. Now teachers are giving the class many surprise quizzes for which you are not ready. So your grades keep falling and with that you are grounded more. All of this is because of Natalie. You are extremely mad at her and do not want to even see her face. You are not the only one who feels like this.
3. **Girl 2:** You are the best friend of Girl 1. You know she is going through a lot with her parents separating and her moving out with her mom. She used to be the top of the class until all this happened to her. She now gets bad grades because she cannot concentrate. Once or twice she needed to cheat on exams to avoid trouble at home. But Natalie reported her and she got in more trouble. Now the whole class is suffering because teachers are giving more surprise quizzes. So most of you are getting worse grades, except for Natalie who has no life other than to study. You are extremely mad at Natalie who causes so much

trouble to your best friend and all the class. You do not want to even see her face, let alone sit next to her in the cafeteria.

4. **Girl 3:** You know that girls 1 and 2 are mad at Natalie because she reported that Girl 1 is cheating on exams. You know it is wrong that someone tattle tales, but also know that cheating is wrong. Your dilemma is that girls 1 and 2 are very good friends of yours, and you do not want to lose their friendship. But you also know how mad they are with Natalie. You are trying to let them understand that no matter what Girl 1 should not have cheated. You know they bully Natalie and you try to stop this without losing their friendship. So you keep on asking Natalie to stay away from them. But you do not approve of bullying.
5. **The Teacher:** You are a temp teacher. You are a new immigrant to the US and worked so hard to get college degrees and get this temp teaching job in the hope that it will turn into a full time job- something you and your family desperately need especially in order to receive health care and benefits. When you saw the girls bullying Natalie you tried to stop them but they became belligerent. Even Natalie took their side! You became afraid that they all may go complain about you to the administration, which would threaten your chances to get a full time job. So you decided to avoid the situation and walk away from it. You cannot afford to lose the opportunity to get a full time job just because of some irresponsible girls!

b. Each team understands from their roleplayer their points of view and why they behaved the way they did. The team selects one person who would explain the position of their roleplayer.

c. Each team gets in front of the audience and explains the position of their roleplayer, emphasizing how this person is convinced that they did what they needed to do in that situation.

d. After all teams explain the positions of their roleplayers, the session moderator asks the following q questions:

1. What feelings and emotions existed in this situation?
2. What behaviors were exhibited in this situation?
3. What are the effects of the situation on those involved?
4. What do you think are the long term effects of this situation on those involved?

e. The moderator then shares the List of D's, explain them and ask participants to read them.

f. The moderator then selects 2 negative D's and one positive D and assign confidentially to each team.

g. Each team is responsible to develop skits related to the Natalie roleplay, and to the roleplayer they worked with to express the negative and positive D's. Each skit should be made of one statement from someone to the respective roleplayer who responds in a way that represents the specific D. The audience is then asked to guess what D this was. This step requires careful explanation to the teams.

h. The moderator then asks the audience the following questions:

    a. What negative D have you been subjected to the most?
    b. What effect does it have on you to be subjected to such D?
    c. What do you do in response?
    d. What negative D have you subjected others to the most?
    e. What effects does it have on them?
    f. What do they do as a response?
    g. Finally, what is the way out of this vicious cycle of hurt?

By the end of this session, the audience should be ready for the session on Islamic Integrative Behavior

7.4.8) Final Roleplay on Islamic Techniques in Conflict Resolution

It Happens in the Best Muslim Families![294]

For this exercise, please read the following Introduction, then watch the short skits played by the facilitators and some of the participants. After each skit you will be asked to participate in the group discussion by giving your best opinion on how to deal with the various conflict issues from an Islamic perspective.

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294. Adapted from the original that was prepared by Amr Abdalla, Rose Marie Chadwick, Sharmin Ahmad, and Najeeba Syeed for a presentation at Harvard Law School, April, 2000.

Introduction

In the roleplay skits you will watch, the husband and wife are in their mid 40's. Both have college degrees. The husband is an engineer, and the wife is a housewife. The husband was born in the U.S. for a Muslim immigrant father and an American mother. The wife is remotely related to the father's family. He met her while on a trip back to his father's homeland. They fell in love, got married and lived in the U.S. They have twins- a boy and a girl. Both kids are finishing high school this year.

The following chart illustrates the several issues of contention between the two parties, supported by the rationale and logic they provided for their attitudes and behaviors. As the facilitators and some participants roleplay one issue, participate with your suggestions as to how to address the issue with Islamic perspectives.

Issue	**Wife's Logic and Rationale**	**Husband's Logic and rationale**	**Proposed Islamic Intervention Techniques**
The wife stated that the husband pushed her during their argument over several issues.	No man should hit a woman under no circumstances. The Prophet Mohammad never hit a woman, a child or anyone in his household. A real Muslim man does not hit his wife. A Muslim man would listen to his wife and try to amicably resolve any problem.	Muslim men are in charge of their household. He is tired of her constant nagging and ridiculing him. He wished once in a while he could come home to a quite peaceful home. According to most of the Muslim men he knows in the mosque, their wives are cheerful and obedient. He states that he has never hit her, but on one occasion he acknowledges he did push her when she blocked the door to keep him from leaving the house.	

Issue	Wife's Logic and Rationale	Husband's Logic and rationale	Proposed Islamic Intervention Techniques
The wife suspects that the husband has a drinking problem.	Alcohol drinking is absolutely prohibited in Islam. As a Muslim, he should not drink at all. None of her family ever drank alcohol.	While he knows drinking is against Islam he can't help himself. He has tried to quit drinking on many occasions, but each time she does something to spoil his efforts. He feels that his drinking is not really hurting anyone.	
Daughter is growing up; as she is getting ready to go to college, she is attracting many boys. Mother is getting strict with her coming and going.	Wants to prevent dating for fear of negative consequences, and is concerned about daughter's (and family's) reputation. Her daughter, being a woman anyway, will end up getting married, which should be the focus of efforts for her. This is the Islamic way that her family has followed for ages. A nice relative from their homeland already proposed to the daughter; this should be a priority for her, not college. She can go to college after her marriage is secured.	Rushing the daughter to marriage before college, only for fear of dating boys on campus, is unreasonable. If the son is going to college, the daughter is going too. What applies to the boy applies to the girl. This is what some Muslim friends told him. This is also how he was brought up in America. He would not threaten his daughter's opportunities for education for the sake of this fellow from their homeland.	

Issue	Wife's Logic and Rationale	Husband's Logic and rationale	Proposed Islamic Intervention Techniques
Both parties complained about the involvement of certain extended family members in their affairs. The husband is concerned about his wife's treatment of his mother.	His mother has always spoiled him. The mother always supports him whether he is right or wrong. Yet his sister seems to be more understanding of his problems. The sister seems to understand the wife's side of the problems. Wife states that husband's sister is very fair and compassionate. Wife accepts her husband's sister's intervention in conflicts.	He despises his wife's bad treatment of his mother, as if she was not worthy of respect just because she is not a Muslim. Her family seems to always know the details of what is going on in the house. He feels that he has no privacy whatsoever. Yet he admits that at times this was helpful, as her brother intervened at critical times. He respects her brother a lot.	

Issue	Wife's Logic and Rationale	Husband's Logic and rationale	Proposed Islamic Intervention Techniques
The parties disagree on financial matters.	The wife stated that she would like a few new things for the house, but her husband says that they are outrageous. Her family will be coming from her homeland this summer and she is so embarrassed to have them see how they live. And, the last time the family went to their homeland he complained that she was spending too much money for the gifts He is just so cheap when it comes to her needs. But wants to be very generous with sadaqa (charity). They already pay Zakat on time. Zakat is what is mandatory, but not Sadaqa.	He stated that his wife wants everything. She is not content to live on the income and resources he provides to the family. Instead she has to have the very best of everything just so she can look good to her friends and her family back in their homeland. He is tired of "keeping up with the Jones." He tried explaining that they need to pay Sadaqa if they want to make the community better for their children- the community needs an Islamic school.	

Issue	Wife's Logic and Rationale	Husband's Logic and rationale	Proposed Islamic Intervention Techniques
The Husband once had a relationship with another woman.	Wife stated that a couple of years ago her husband got married in secret to another woman. When she discovered that, she threatened to go back to her home country. Only then that he terminated that marriage. But he still insists that it is his right as a Muslim man to marry more than one woman. He also insists that he is under no obligation to let her know of his marriage to other women.	He stated that his wife has been sexually cold towards him for a long time. A Sheikh told him that as a Muslim wife it is her duty to make herself available to her husband. He told her that, but she ridiculed him. Finally he lost his patience and got married to a woman who was in need of a husband to comfort His wife found out and was mad. He divorced his second wife to maintain this family, as the wife threatened to leave the country. But he believes that as long as he is providing for her and the household, she should have no complaint. He is entitled to " two, three and four" wives according to the Quran. Everyone knows that!	

8.) Authors' Biographies

Amr Abdalla, Ph.D.

Dr. Abdalla is the Senior Advisor on Policy Analysis and Research at the Institute for Peace and Security Studies (IPSS) of Addis Ababa University. In 2013-2014, he was Vice President of SALAM Institute for Peace and Justice in Washington, D.C. From 2004-2013 he was Professor, Dean and Vice Rector at the United Nations-mandated University for Peace (UPEACE) in Costa Rica. Prior to that, he was a Senior Fellow with the Peace Operations Policy Program, School of Public Policy, at George Mason University, Virginia. He was also a Professor of Conflict Analysis and Resolution at the Graduate School of Islamic and Social Sciences in Leesburg, Virginia.

Both his academic and professional careers are multi-disciplinary. He obtained a law degree in Egypt in 1977 where he practiced law as a prosecuting attorney from 1978 to 1987. From 1981-1986, he participated in the prosecution of members of the Islamic Jihad Organization who assassinated President Sadat in 1981, and members of numerous other terrorist organization acting in the name of Islam.

He then emigrated to the U.S. where he obtained a Master's degree in Sociology and a Ph.D. in Conflict Analysis and Resolution from George Mason University. He has been teaching graduate classes in conflict analysis and resolution, and has conducted training, research and evaluation of conflict resolution and peacebuilding programs in several countries in Africa, Asia, the Middle East, Europe and the Americas. He also authored, and co-authored, several research and evaluation teaching manuals including: *Doing What You Want With Your Data, A Step-by-Step Guide to Planning and Implementing Evaluation Strategies,* and *Qualitative Evaluation: The What and Why.*

He has been an active figure in promoting effective cross-cultural messages within the Islamic and Arabic-speaking communities in America through workshops, T.V. and radio presentations. He has also been actively involved in inter-faith dialogues in the United States. He pioneered the development of the first conflict resolution training manual for the Muslim communities in the United States titled (*"…**Say Peace**"*). He also founded Project LIGHT (Learning Islamic Guidance for Human Tolerance), a community peer-based anti-discrimination project funded by the National Conference for Community and Justice (NCCJ). In 2011, he established with Egyptian UPEACE graduates a program for community prevention of sectarian violence in Egypt (Ahl el Hetta).

As the Senior Advisor on conflict resolution to KARAMAH (Muslim Women Lawyers for Human Rights), he has contributed for over a decade to the development and implementation of a successful conflict resolution training within KARAMA's esteemed Leadership and Law Summer Program (LLSP), and is contributing to KARAMAH's effort to mainstream mediation in Muslim communities across the United States .

Dr. Abdalla teaches regularly (face-to-face and online) at The Washington Theological Consortium in Washington, D.C., University for Peace, University of Addis Ababa, and Open University of Catalonia.

Lilya Hazal Akay, M.A.

Lilya Akay is German of Turkish origin. She is a Research and Training Associate and Co-author of the *C.R. SIPPABIO*and "*…**Say Peace***" Manuals.

Lilya completed her Master's degree in Peace and Conflict Studies at the Hacettepe University in Ankara, Turkey in 2016. She is committed to countering Islamophobia and violent extremism, as well as working for women's rights. Her Master's thesis assesses the public discourse in Germany, discussing the relationship between public discourse and discrimination against hijab-wearing women in Germany. Lilya has a Bachelor's degree in International Business and Management from Inholland University, Amsterdam, 2014.

Lilya is an alumna of the 2015 *Law and Leadership Summer Program* of Karamah, she assisted the August 2015 training of Ikram and Karamah: "*Promoting Healthy Marriage and Preventing Divorce in our Communities*". She participated in October 2015 in the Training of Trainers for the "*…**Say Peace***" manual.

Arezou Hassanzadeh, LL.M., LL.B.

Arezou is a humanitarian lawyer and worker, specialized in areas of international law and Islamic law, with a focus on Muslim actors' *modus operandi*. She has worked with different international organizations, including International Committee of the Red Cross (ICRC) headquarter in Geneva and United Nations High Commissioner for Refugees (UNHCR) office in Ankara (Syrian Operation and Iraqi caseload). Arezou has an LL.M. degree from Geneva Academy of International Humanitarian Law and Human Rights, as well as an LL.B. and a BA in English Language and Literature from Shahid Beheshti University in Tehran. She is currently on leave from her PhD studies at the Graduate Institute of International and Development Studies in Geneva, working with Relief International on a number of emergency and development projects.

Marjan Tabari, J.D.

Marjan is an attorney, specialized in Intellectual property and Islamic law. She is also a contributor to SHARIA Source project at Harvard Islamic Legal Studies. She has previously worked as a researcher, editor and co-author in different projects with Center for Middle Eastern Studies at Harvard, Harvard Islamic Finance Project and Rahman Institute. She was also a senior legal advisor at Talal Abu-Ghazale Intellectual Property, and the foreign contracts manager of a leading telecom company in Iran. Marjan has two masters from Harvard Law School and McGill University, with a focus on Islamic property law and philosophy.

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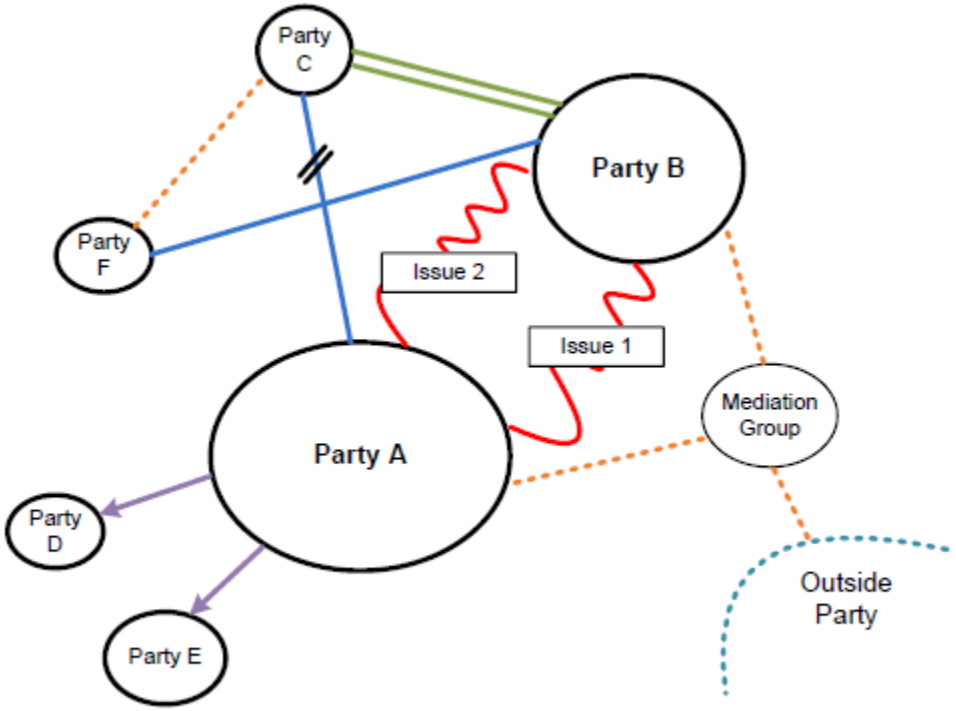
Appendix 1: Tools

Appendix 1.1: Stakeholder Analysis Table[295]

People / Parties	Positions	Interests	Needs	Issues / Problems	Means of Influence / Power	Willingness to Negotiate
Primary and secondary individuals or groups	What parties say they want	Preferred way to get parties' needs met; what is aspired	Tangible and intangible basic human needs that drive interests	What are the sources of the conflict that need to be addressed	The power sources over parties, e.g. money, political influence	Readiness to join negotiation table. If not, what is the BATNA?

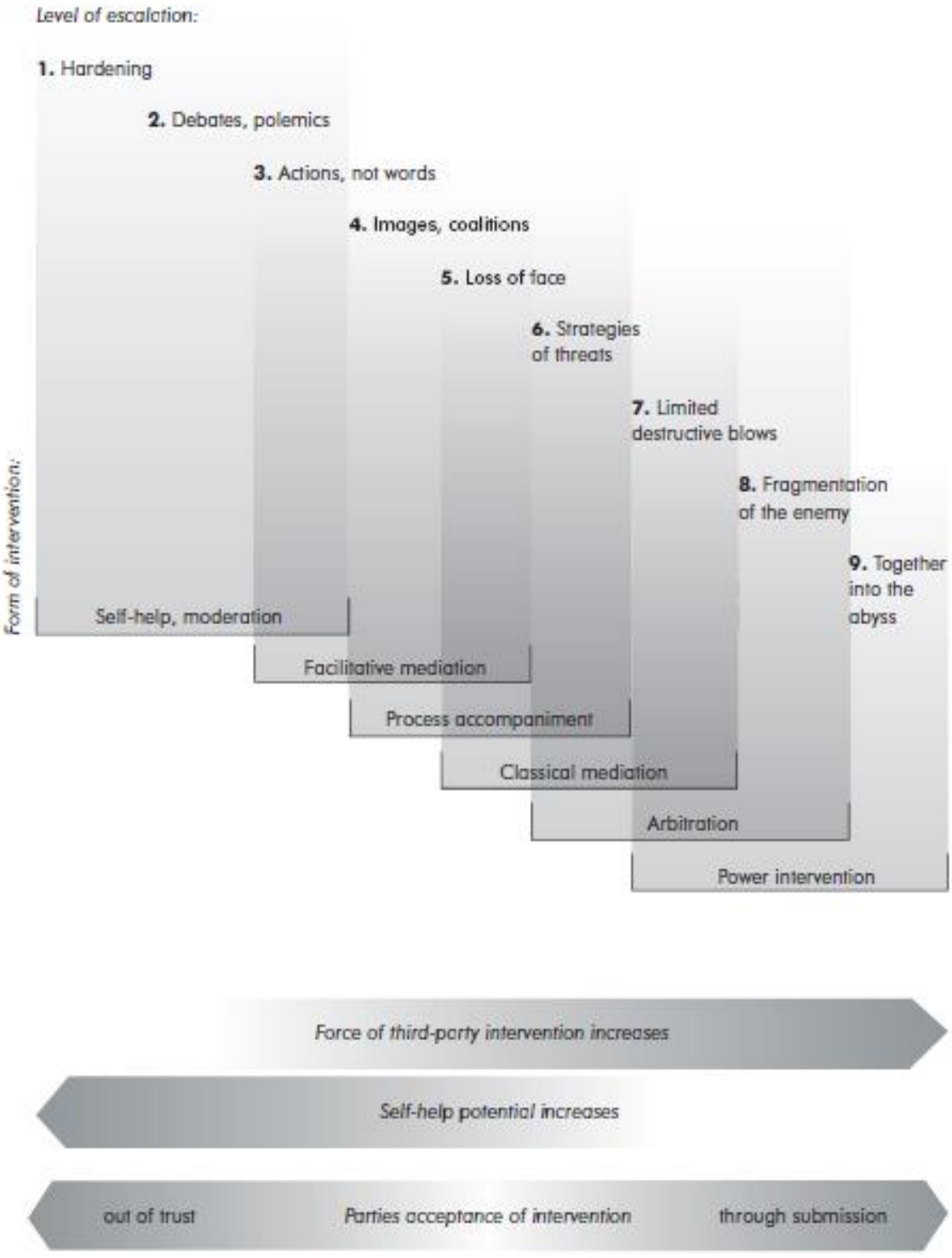
[295]Adapted from CDR Associates, Boulder, Colorado (various training manuals) as included in *Conflict Analysis Framework - Field Guidelines & Procedures* from Reflecting on Peace Practice Project / CDA Collaborative Learning Projects, Global Partnership for the Prevention of Armed Conflict and Norwegian Church Aid, May 2012, p. 29

Appendix 1.2: Stakeholder Mapping Example[296]



[296] From *Conflict Analysis Framework - Field Guidelines & Procedures* from Reflecting on Peace Practice Project / CDA Collaborative Learning Projects, Global Partnership for the Prevention of Armed Conflict and Norwegian Church Aid, May 2012, p. 33

Appendix 1.3: Glasl's Conflict Escalation Model[297]



[297] From *Conflict Analysis Tools,* Swiss Agency for Development and Cooperation (SDC), Conflict Prevention and Transformation Division (COPRET), Simon Mason & Sandra Rychard, 2005, p. 7

Appendix 1.4: Conflict Styles – A Self-Assessment Exercise (Thomas-Kilman)

Picture yourself in a situation where your objectives differ from another person's. For each of the following questions, choose the statement (A or B) that best describes how you would respond. Sometimes neither statement will be very typical for you, but choose the one that seems more accurate of the two. **Please circle your responses for each question. There are no right or wrong answers.**

1	A	There are times when I let others take responsibility for solving the problem.
	B	Rather than negotiate the things on which we disagree, I try to stress those things upon which we both agree.
2	A	I try to find a compromise solution.
	B	I attempt to deal with all of his or her and my concerns.
3	A	I am usually firm in pursing my goals
	B	I might try to soothe the other's feelings and preserve our relationship.
4	A	I try to find a compromise solution.
	B	I sometimes sacrifice my own wishes for the wishes of the other person.
5	A	I consistently seek the other's help in working out a solution
	B	I try to do what is necessary to avoid useless tension.
6	A	I try to avoid creating unpleasantness for myself.
	B	I try to win my position.
7	A	I try to postpone the issue until I have had some time to think it over.
	B	I give up some points in exchange for others.
8	A	I am usually firm in pursuing my goals.
	B	I attempt to get all concerns and issues immediately out in the open.
9	A	I feel the differences are not always worth worrying about.
	B	I make some effort to get my way.
10	A	I am firm in pursuing my goals.
	B	I try to find a compromise solution.
11	A	I attempt to get all the concerns and issues immediately out in the open.
	B	I might try to soothe the other's feelings and preserve our relationship.
12	A	I sometimes avoid taking positions that would create controversy.
	B	I will let the other person have some of his or her positions if the other person will let me have some of mine.
13	A	I propose a middle ground.
	B	I press to get my points made.

14	A	I tell the other person my ideas and ask for his or her ideas.
	B	I try to show the other person logic and benefits of my position.
15	A	I might try to sooth the other's feelings and preserve our relationship.
	B	I try to do what is necessary to avoid tensions.
16	A	I try not to hurt the other person feelings.
	B	I try to convince the other person of the merits of my position.
17	A	I am usually firm in pursuing my goals.
	B	I try to do what is necessary to avoid useless tensions.
18	A	If it makes the other person happy, I might let the other maintain his or her views.
	B	I will let the other person have some of his or her positions if the other person lets me have some of mine.
19	A	I attempt to get all concerns and issues immediately out in the open.
	B	I try to find a fair combination of gains and losses for both of us.
20	A	I attempt to immediately work through differences.
	B	I try to find a fair combination of gains and losses for both of us.
21	A	In approaching negotiation, I try to be considerate of the other person's wishes.
	B	I always lean toward a direct discussion of the problem.
22	A	I try to find a position that is intermediate between the other person's and mine.
	B	I assert my wishes.
23	A	I am very often concerned with satisfying all our wishes.
	B	There are times when I let others take responsibility for solving the problem.
24	A	If the other's position seems very important to him or her, I would try to meet his or her wishes.
	B	I try to get the other person to settle for a compromise.
25	A	I try to show the other person the logic and benefits of my position.
	B	In approaching negotiation, I try to be considerate of the other person's wishes.
26	A	I propose a middle ground.
	B	I am nearly always concerned with satisfying all our wishes.
27	A	I sometimes avoid taking positions which would create controversy.
	B	If it makes the other person happy, I might let him maintain his or her views.
28	A	I am usually firm in pursuing my own goals.
	B	I usually seek the other's help in working out a solution.
29	A	I propose a middle ground.
	B	I feel that differences are not always worth worrying about.
30	A	I try not to hurt the other's feelings.
	B	I always share the problem with the other person so that we can work it out.

Scoring the Self-Assessment Exercise

For each line below, circle the letters which you circled on each corresponding item

	Competing	Collaborating	Compromising	Avoiding	Accommodating
1				A	B
2		B	A		
3	A				B
4			A		B
5		A		B	
6	B			A	
7			B	A	
8	A	B			
9	B			A	
10	A		B		
11		A			B
12			B	A	
13	B		A		
14	B	A			
15				B	A
16	B				A
17	A			B	
18			B		A
19		A		B	
20		A	B		
21		B			A
22	B		A		
23		A		B	
24			B		A
25	A				B
26		B	A		
27				A	B
28	A	B			
29			A	B	
30		B			A
Total number of items circled in each column:					

Competing (Forcing)	Collaborating (Problem Solving)	Compromising (Sharing)	Avoiding (Withdrawal)	Accommodating (Smoothing)

The Five Conflict Styles [298]

(Thomas/Kilman, 1972 with further descriptions and analysis by Bonnie Burrell, 2001)

The Competing Style is when you stress your position without considering opposing points of view. This style is highly assertive with minimal cooperativeness; the goal is to win. The competing style is used when a person has to take quick action, make unpopular decisions, handle vital issues, or when one needs protection in a situation where noncompetitive behavior can be exploited. To develop this style you must develop your ability to argue and debate, use your rank or position, assert your opinions and feelings, and learn to state your position and stand your ground.

Overuse of this style can lead to lack of feedback, reduced learning, and low empowerment. This can result in being surrounded by "Yes-Men". People who overuse the competing style often use inflammatory statements due to a lack of interpersonal skills training. When overuse is taken to an extreme the person will create errors in the implementation of the task by withholding needed information, talking behind another person's back (or "back-stabbing"), using eye motions and gestures designed to express disapproval, and creating distractions by fiddling or interrupting. Overuse of this style can be exhibited through constant tension or anger and occasional outbursts of violent temper.

Under use of the competing style leads to a lowered level of influence, indecisiveness, slow action, and withheld contributions. When the competing style is underused some emergent behaviors people exhibit include justifying the behaviors, demanding concessions as a condition of working on the problem, threatening separation as a way of making others give in, and launching personal attacks.

The Avoiding Style is when you do not satisfy your concerns or the concerns of the other person. This style is low assertiveness and low cooperativeness. The goal is to delay. It is appropriate to use this style when there are issues of low importance, to reduce tensions, or to buy time. Avoidance is also appropriate when you are in a low power position and have little control over the situation, when you need to allow others to deal with the conflict, or when the problem is symptomatic of a much larger issue and you need to work on the core issue. To develop skills in this style use foresight in knowing when to withdraw, learn to sidestep loaded questions or

[298] From: http://web.mit.edu/collaboration/mainsite/modules/module1/1.11.5.html

sensitive areas by using diplomacy, become skillful at creating a sense of timing, and practice leaving things unresolved.

Overuse of the avoidance style can result in a low level of input, decision-making by default, and allowing issues to fester, which can produce a breakdown in communication between team members. This can inhibit brainstorming sessions from being productive and can prevent the team from functioning. People who overuse avoidance feel they cannot speak frankly without fear of repercussions. The overuse of conflict avoidance can often be a result of childhood experiences, past work-related incidents, and negative experiences with conflict resolution. Behaviors associated with the overuse of avoidance include being silent, sullen, and untruthful when asked if something is wrong being. A milder form of avoidance behavior is when the team member procrastinates about getting work done and deliberately takes an opposing point of view inappropriately during a decision-making situation, or is timid, withdrawn, or shy. Extreme behaviors can occur when avoidance is overused. A person begins to be negative, critical and sarcastic. Other extreme avoidance behaviors include becoming passive aggressive by being late and not paying attention at meetings. It also lends a greater importance to this style as compared to the other styles because you have devoted such a disproportionate amount of time to the style.)

Under use of the avoidance style results in hostility and hurt feelings. In addition, work can become overwhelming because too many issues are taken on at once, resulting in an inability to prioritize and delegate. When avoidance is underused a team member may deny that there is a problem and allow their hurt feelings to prevent communication.

The Compromising Style is finding a middle ground or forgoing some of your concerns and committing to other's concerns. This style is moderately assertive and moderately cooperative; the goal is to find middle ground. The compromising style is used with issues of moderate importance, when both parties are equally powerful and equally committed to opposing views. This style produces temporary solutions and is appropriate when time is a concern, and as a back up for the competing and collaborating styles when they are unsuccessful in resolving the situation. Compromising skills include the ability to communicate and keep the dialogue open, the ability to find an answer that is fair to both parties, the ability to give up part of what you want, and the ability to assign value to all aspects of the issue.

Overuse of the compromising style leads to loss of long-term goals, a lack of trust, creation of a cynical environment, and being viewed as having no firm values. Overuse of compromise can result in making concessions to keep people happy without resolving the original conflict.

Under use leads to unnecessary confrontations, frequent power struggles, and ineffective negotiating.

The Collaborating Style is when the concern is to satisfy both sides. It is highly assertive and highly cooperative; the goal is to find a "win/win" solution. Appropriate uses for the collaborating style include integrating solutions, learning, merging perspectives, gaining commitment, and improving relationships. Using this style can support open discussion of issues, task proficiency, equal distribution of work amongst the team members, better brainstorming, and development of creative problem solving. This style is appropriate to use frequently in a team environment. Collaborating skills include the ability to use active or effective listening, confront situations in a non-threatening way, analyze input, and identify underlying concerns.

Overuse of the collaborating style can lead to spending too much time on trivial matters, diffusion of responsibility, being taken advantage of, and being overloaded with work. Under use can result in using quick fix solutions, lack of commitment by other team members, disempowerment, and loss of innovation.

The Accommodating Style is foregoing your concerns in order to satisfy the concerns of others. This style is low assertiveness and high cooperativeness; the goal is to yield. The accommodating style is appropriate to use in situations when you want to show that you are reasonable, develop performance, create good will, keep peace, retreat, or for issues of low importance. Accommodating skills include the ability to sacrifice, the ability to be selfless, the ability to obey orders, and the ability to yield.

Overuse of the accommodating style results in ideas getting little attention, restricted influence, loss of contribution, and anarchy. People who overuse the accommodating style exhibit a lack of desire to change and usually demonstrate anxiety over future uncertainties. One of their main desires may be to keep everything the same. When accommodating is overused certain behaviors emerge. Some of these emergent behaviors include giving up personal space, making "me" or other victim statements, being overly helpful and then holding a grudge, and speaking in an extremely quiet almost unintelligible voice. Under use of the accommodating style can result in lack of

rapport, low morale, and an inability to yield. When the accommodating style is underused a person may display apathy as a way of not addressing the anger or hurt, and make statements full of innuendo and double meanings.

Interpreting Your Thomas Kilman Conflict Mode Inventory Scores

Usually, after getting the results of any test or assessment, the first question people ask is: "What are the right answers?" In the case of conflict-handling behavior, there are no universal right answers. All five modes are useful in some situations: each represents a set of useful social skills. Our conventional wisdom recognizes, for example, that often “two heads are better than one” (Collaborating). But it also says, “"Kill your enemies with kindness” (Accommodating), “Split the difference” (Compromising), “Leave well enough alone” (Avoiding), and “Might makes right” (Competing). The effectiveness of a given conflict-handling mode depends upon the requirements of the specific conflict situation and the skill with which the mode is used.

Each of us is capable of using all five conflict-handling modes: none of us can be characterized as having a single, rigid style of dealing with conflict. However, any given individual uses some modes better than others and therefore, tends to rely upon those modes more heavily than others, whether because of temperament or practice.

The conflict behaviors which individuals use are therefore the result of both their personal predispositions and the requirements of the situations in which they find themselves. The Thomas-Kilman Conflict Mode Instrument is designed to assess this mix of conflict-handling modes.

To help you judge how appropriate your utilization of the five modes is, we have listed a number of uses for each mode based on lists generated by company presidents. Your score, high or low, indicates how often you tend to utilize each mode in the appropriate situation. There is a possibility that your social skills lead you to rely upon some conflict behaviors more or less than necessary. To help you determine if this is a problem for you we have also listed some diagnostic questions to serve as warning signals for the under or overuse of each mode.

A. Competing

Uses:

- When quick, decisive action is vital – e.g., emergencies.
- On important issues where unpopular courses of action need to be implemented – e.g., cost cutting, enforcing unpopular rules, discipline.
- On issues vital to company welfare when you know you're right.
- To protect yourself against people who take advantage of noncompetitive behavior.

If you scored High:

- Are you surrounded by "yes" men?
  (If so, perhaps it's because they have learned that it's unwise to disagree with you, or have given up trying to influence you. This closes you off from information.)
- Are subordinates afraid to admit ignorance and uncertainties to you?
  (In competitive climates, one must fight for influence and respect – which means acting more certain and confident than one feels. The upshot is that people are less able to ask for information and opinion – they are less able to learn.)

If you scored Low:

- 1. Do you often feel powerless in situations?
  (It may be because you are unaware of the power you do have, unskilled in its use, or uncomfortable with the idea of using it. This may hinder your effectiveness by restricting your influence.)
- 2. Do you have trouble taking a firm stand, even when you see the need?
  (Sometimes concerns for other's feelings or anxieties about the use of power cause us to vacillate, which may mean postponing the decision and adding to the suffering and/or resentment of others.)

B. Collaborating

Uses:

- To find an integrative solution when both sets of concerns are too important to be compromised.
- When your objective is to learn – e.g., testing your own assumptions, understanding the views of others.
- To merge insights from people with different perspectives on a problem.
- To gain commitment by incorporating other's concerns into a consensual decision.
- To work through hard feelings which have been interfering with an interpersonal relationship.

If you scored High:

- Do you spend time discussing issues in depth that do not seem to deserve it? (Collaboration takes time and energy – perhaps the scarcest organizational resources. Trivial problems don't require optimal solutions, and not all personal differences need to be hashed out. The overuse of collaboration and consensual decision-making sometimes represents a desire to minimize risk by diffusing responsibility for a decision or by postponing action.)
- Does your collaborative behavior fail to elicit collaborative responses from others?
  (The exploratory and tentative nature of some collaborative behavior may make it easy for others to disregard collaborative overtures, or the trust and openness may be taken advantage of. You may be missing some cues that indicate the presence of defensiveness, strong feelings, impatience, competitiveness, or conflicting interests.)

If you scored Low:

- Is it hard for you to see differences as opportunities for joint gain – as opportunities to learn or solve problems?
  (Although there are often threatening or unproductive aspects of conflict, indiscriminate pessimism can prevent you from seeing collaborative possibilities and thus deprive you of the mutual gains and satisfactions which accompany successful collaboration.)

- Are subordinates uncommitted to your decisions or policies?
  (Perhaps their own concerns are not being incorporated into those decisions or policies.)

C. Compromising

Uses:

- When goals are moderately important, but not worth the effort or potential disruption of more assertive modes.
- When two opponents with equal power are strongly committed to mutually exclusive goals – e.g., as in labor-management bargaining.
- To achieve temporary settlements to complex issues.
- To arrive at expedient solutions under time pressure.
- As a backup mode when collaboration or competition fails to be successful.

If you scored High:

- 1. Do you concentrate so heavily upon the practicalities and tactics of compromise that you sometimes lose sight of larger issues – principles, values, long-term objectives, or company/team welfare?
- 2. Does an emphasis on bargaining and trading create a cynical climate of gamesmanship?
  (Such a climate might undermine interpersonal trust and deflect attention away from the merits of the issues discussed.)

If you scored Low:

- Do you find yourself too sensitive or embarrassed to be effective in bargaining situations?
- Do you find it hard to make concessions?
  (Without this safety valve, you may have trouble getting gracefully out of mutually destructive arguments, power struggles, etc.)

D. Avoiding

Uses:

- When an issue is trivial, of only passing importance, or when other more important issues are pressing.
- When you perceive no chance of satisfying your concerns – e.g., when you have low power or you are frustrated by something which would be very difficult to change (national policies, someone's personality structure, etc.)
- When the potential damage of confronting a conflict outweighs the benefits of its resolution.
- To let people cool down – to reduce tensions to a productive level and to regain perspective and composure.
- When gathering more information outweighs the advantages of an immediate decision.
- When others can resolve the conflict more effectively.
- When the issue seems tangential or symptomatic of another more basic issue.

If you scored High:

- Does your coordination suffer because people have trouble getting your inputs on issues?
- Does it often appear that people are "walking on eggshells?"
  (Sometimes a dysfunctional amount of energy can be devoted to caution and the avoiding of issues, indicating that issues need to be faced and resolved.)
- Are decisions on important issues made by default?

If you scored Low:

1. Do you find yourself hurting people's feelings or stirring up hostilities?
(You may need to exercise more discretion in confronting issues or more tact in framing issues in non-threatening ways. Tact is partially the art of avoiding potentially disruptive aspects of an issue.)

2. Do you often feel harried or overwhelmed by a number of issues?
(You may need to devote more time to setting priorities – deciding which issues are relatively unimportant and perhaps delegating them to others.)

E. Accommodating

Uses:

- When you realize that you are wrong (or less experienced or knowledgeable)– to allow a better position to be heard, to from others, and to show that you are reasonable. 8"
- When the issue is much more important to the other person than to yourself – to satisfy the needs of others, and as a goodwill gesture to help maintain a cooperative relationship.
- To build up social credits for later issues which are important to you.
- When continued competition would only damage your cause – when you are outmatched and losing.
- When preserving harmony and avoiding disruption are especially important.
- To aid in the managerial development of subordinates by allowing them to experiment and learn from their own mistakes.

If you scored High:

- Do you feel that your own ideas and concerns are not getting the attention they deserve?
  (Deferring too much to the concerns of others can deprive you of influence, respect, and recognition. It also deprives the organization of your potential contributions.)
- Is discipline lax?
  (Although discipline for its own sake may be of little value, there are often rules, procedures, and assignments whose implementation is crucial for you or the organization.)

If you scored Low:

- Do you have trouble building goodwill with others?
  (Accommodation on minor issues that are important to others is a gesture of goodwill.)
- Do others often seem to regard you as unreasonable?
- Do you have trouble admitting it when you are wrong?
- Do you recognize legitimate exceptions to rules?
- Do you know when to give up?

Appendix 2: Handouts for Workshops

Sample Agenda

Day 1

9:15- 10:00	Registration and Coffee/ Tea and Snack/Conflict Test
10:00-10:30	Introduction of Workshop and Plan of the Day
10:30-11:00	Participants Introduction
11:00-11:30	Role play: *"Till Death Do us Part"*
11:30-11:45	Break
11:45-12:30	Debrief & Analysis of Conflict
12:30-1:30	Lunch and Prayer
1:30-2:00	Debrief & Analysis of Conflict *(continued)*
2:00-3:00	Quranic Insights for Family Conflict/
3:00-3:15	Break
3:15-4:00	Conflict Styles: Thomas-Kilman Test
4:00-5:00	Communication Skills; Active Listening & Assertion
5:00-5:45	Application Role plays
5:45-6:00	Asr Prayer and Departure

Day 2

9:30- 9:45	Welcome and Overview of Previous Day
9:45-10:00	Plan of the Day
10:00-10:30	Third Party Interventions- Models and Ethics
11:00-11:30	Negotiations

11:30-11:45	Break
11:45-12:30	Mediation
12:30-1:30	Lunch and Prayer
1:30-2:30	Islamic Wheel of Conflict/Intervention in the Islamic Context
2:30-3:00	Operationalizing Quranic Insights for Family Conflict Intervention
3:00-3:15	Break
3:15-5:00	Application Role plays
5:00-5:15	Concluding Remarks and Next Steps

Workshop Objectives

a. Objectives related to understanding conflicts

- To develop an introductory understanding of conflict mapping and analysis and peaceful approaches to conflicts

- To understand the factors and dynamics influencing conflicts within marriage in our communities

b. Objectives related to understanding Islamic perspectives on conflict resolution

- To embrace a Maqasid-based peace studies approach to conflict attitudes and behavior

- To uncover negative cultural influences and misinterpretations of Islamic sources in relation to marriage and role of women

c. Objectives related to building personal and intervention skills of conflict resolution

- To develop ***personal skills*** for peacefully coping with conflicts within marriage

- To develop ***skills for intervening*** as a third party in marital conflicts

Roleplay: "Till Death Do Us Part"

Omar and Khadijah have been married for almost five years and have an 18 month old child. Their marriage has been under a lot of strain since the birth of their child. Balancing work, childcare and taking care of the home can be very stressful. Tension has increased in their marriage as they have different priorities and ideas about how their family should be functioning. They have argued about household chores, work schedules, finances and housing. Even basic things like grocery shopping and what the family should eat have created conflict.

Yesterday there was a particularly bad disagreement around a business trip Khadijah has coming up. Omar threatened to divorce Khadijah if she goes on this trip. Khadijah took the baby and left the house upset and went to stay with her mother. It is now Saturday morning and she had returned by herself to pick up more things. Omar is inside when she enters the house….

Some Characteristics of the Field of Peace and Conflict

1. Recognition that conflicts are inevitable

2. Conflict and peace apply to various levels: interpersonal, family, community, organizational, national, international and global levels

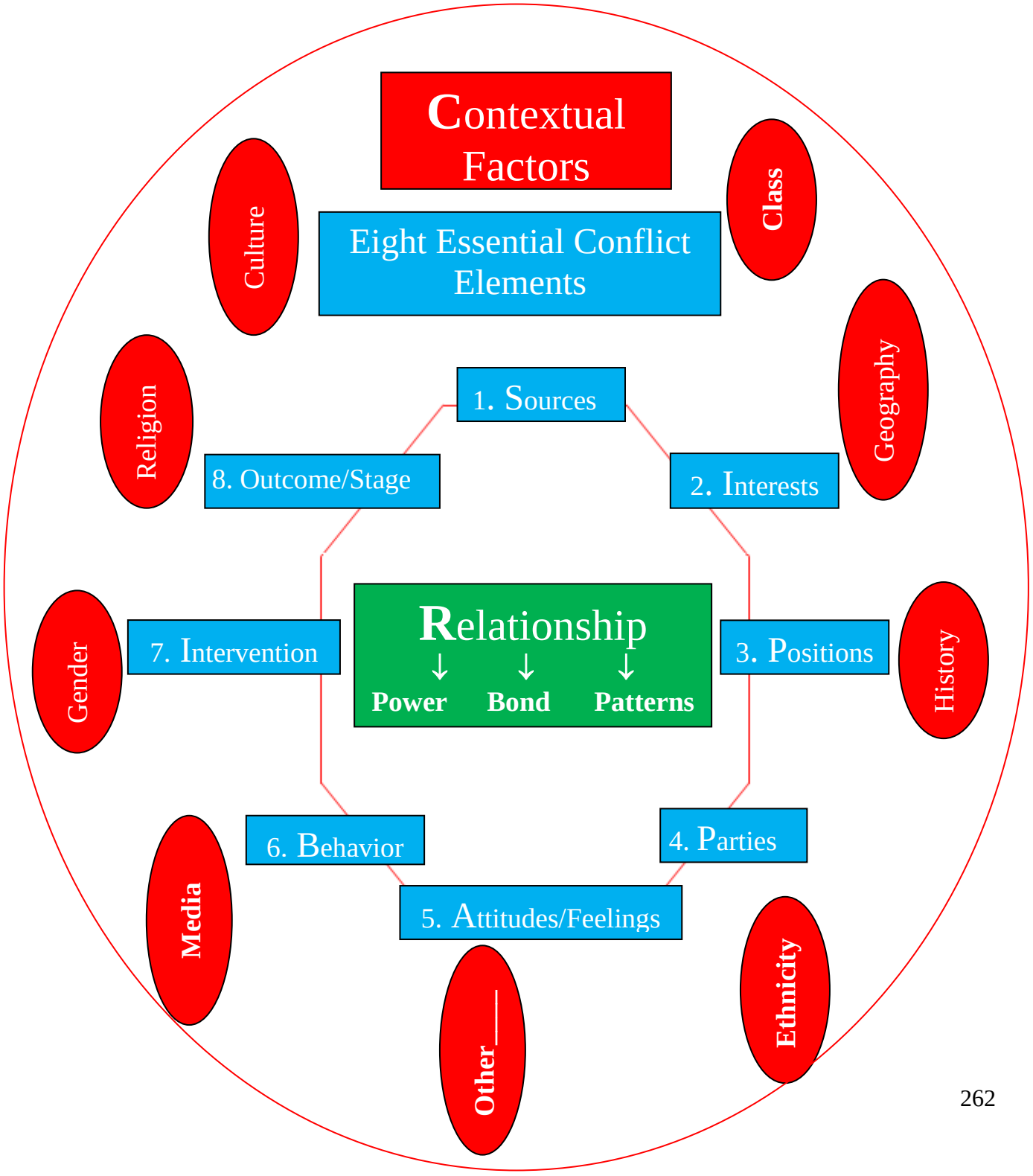
3. While conflict can be destructive and harmful, peaceful approaches can make it positively transformative

4. Conflicts may be manifest or latent

5. "No one wakes up in the morning thinking that s/he is the bad guy!" (Amr!)

6. "There is no road to peace; peace is the road" (Gandhi)

C.R. SIPPABIO
A Framework for Conflict Analysis



Activity: Analyzing a Conflict Situation

The facilitators will assign you to one small group. In the small group you will be asked to conduct an analysis of one conflict situation. Participate with your group in analyzing the conflict situation using the C.R. SIPPABIO analysis form below. Be prepared to designate a member from your small group to present your analysis to the larger group.

Contextual Factors (i.e., culture, ethnicity, gender, history, class, religion, etc.)							
Relationship Factors Bond: Power: Patterns:							
Sources	Interests	Positions	Parties	Attitudes/ Feelings	Behavior	Intervention	Current Outcome
Possible Actions based on your Analysis:							

Ten Negative D's, and Five Positive D's of Conflict Behavior

In conflict situations, very often one of the parties will use negative tactics against the 'other' in order to justify own position, and to worsen the case of the other party. Alternatively, a party in a conflict may engage in productive tactics aiming at finding a resolution to the conflict. In the following illustration we discuss examples of the first set of behaviors, referred to as the negative "D's" or the "Don'ts", and examples of the second set, referred to as the positive "D's" or the "Do's"

Don'ts

Dehumanize: To act towards someone or some group as if they were less than human. Examples: to call someone or some group "animals" or "beasts". To inflict harm on a person or a group in a manner that makes them feel less than humans (i.e., torture, excluding, etc.)

Demonize: To act towards someone or some group as if they were evil. Examples: to call someone or some group "devil," "demon," "monster," or "abuser". To act towards them as is they deserved elimination because of their demon state.

De-legitimatize: To act towards someone or some group as if they were not worthy of being included or listened to. Examples: excluding women or children, or excluding those from a lower socio-economic status.

Dismiss: To act towards someone or some group's issues as if they were not worthy of being discussed, or were not important. Examples: to undermine or dismiss someone's concern in a conflict because you only see your issues as admissible.

Discredit: To act towards someone or some group with suspicion and doubt of their motives or abilities. Examples: to discredit someone' story or rationale for their position in a conflict.

Deceive: To lead someone to believe something that is not true, in order to advance your own interests. Examples: To lie!

Demean: To act towards someone or some group in a manner that is intended to put them down or make them feel inferior. Examples: To make someone feel stupid!

Disrupt: To take actions during conflict with the purpose of disrupting the other's ability to communicate her or his issues. Examples: to loudly interrupt someone as she or he are trying to express their views.

Discriminate: To treat someone negatively because of the person's affiliation with a group, be it gender, race, ethnicity, religion, nationality, etc. Examples: To blame someone for his or her actions because s/he is Muslim, woman, Arab or Black.

Disconnect: To stop responding to efforts to communicate with you. Examples: To refuse to talk to other parties in a conflict during negotiation, mediation or problem solving.

Do's:

Defuse: To take actions or use statements to calm other parties and bring them to discuss the conflict. Examples: To politely ask an angry party to calm down, and to join you for a discussion over a cup of coffee.

Disagree: To accept someone else's views of issues but not necessarily agree to them. Example: To tell someone that you understand their point of view, but explain how your views differ.

Dialogue: To discuss with someone how to best find a solution to yours and her or his issues in a conflict. Examples: To discuss with a party in a conflict different approaches to manage, resolve or transform the conflict.

Deal: To explore with others in a conflict situation solutions and settlements satisfactory to all involved. Examples: To sign an agreement with a conflict party, detailing how the conflict will be settled.

Deliver: To actually perform part or all of what you agreed to do as part of a conflict agreement. Examples: To turn in your group's weapons as part of a disarmament agreement.

Conflict Styles

A Self-Assessment Exercise

(Thomas-Kilman)

Picture yourself in a situation where your objectives differ from another person's. For each of the following questions, choose the statement (A or B) that best describes how you would respond. Sometimes neither statement will be very typical for you, but choose the one that seems more accurate of the two. **Please circle your responses for each question. There are no right or wrong answers.**

1	A	There are times when I let others take responsibility for solving the problem.
	B	Rather than negotiate the things on which we disagree, I try to stress those things upon which we both agree.
2	A	I try to find a compromise solution.
	B	I attempt to deal with all of his or her and my concerns.
3	A	I am usually firm in pursing my goals
	B	I might try to soothe the other's feelings and preserve our relationship.
4	A	I try to find a compromise solution.
	B	I sometimes sacrifice my own wishes for the wishes of the other person.
5	A	I consistently seek the other's help in working out a solution
	B	I try to do what is necessary to avoid useless tension.
6	A	I try to avoid creating unpleasantness for myself.
	B	I try to win my position.
7	A	I try to postpone the issue until I have had some time to think it over.
	B	I give up some points in exchange for others.
8	A	I am usually firm in pursuing my goals.
	B	I attempt to get all concerns and issues immediately out in the open.
9	A	I feel the differences are not always worth worrying about.
	B	I make some effort to get my way.
10	A	I am firm in pursuing my goals.
	B	I try to find a compromise solution.
11	A	I attempt to get all the concerns and issues immediately out in the open.
	B	I might try to soothe the other's feelings and preserve our relationship.
12	A	I sometimes avoid taking positions that would create controversy.
	B	I will let the other person have some of his or her positions if the other person will let me have some of mine.
13	A	I propose a middle ground.
	B	I press to get my points made.

14	A	I tell the other person my ideas and ask for his or her ideas.
	B	I try to show the other person logic and benefits of my position.
15	A	I might try to sooth the other's feelings and preserve our relationship.
	B	I try to do what is necessary to avoid tensions.
16	A	I try not to hurt the other person feelings.
	B	I try to convince the other person of the merits of my position.
17	A	I am usually firm in pursuing my goals.
	B	I try to do what is necessary to avoid useless tensions.
18	A	If it makes the other person happy, I might let the other maintain his or her views.
	B	I will let the other person have some of his or her positions if the other person lets me have some of mine.
19	A	I attempt to get all concerns and issues immediately out in the open.
	B	I try to find a fair combination of gains and losses for both of us.
20	A	I attempt to immediately work through differences.
	B	I try to find a fair combination of gains and losses for both of us.
21	A	In approaching negotiation, I try to be considerate of the other person's wishes.
	B	I always lean toward a direct discussion of the problem.
22	A	I try to find a position that is intermediate between the other person's and mine.
	B	I assert my wishes.
23	A	I am very often concerned with satisfying all our wishes.
	B	There are times when I let others take responsibility for solving the problem.
24	A	If the other's position seems very important to him or her, I would try to meet his or her wishes.
	B	I try to get the other person to settle for a compromise.
25	A	I try to show the other person the logic and benefits of my position.
	B	In approaching negotiation, I try to be considerate of the other person's wishes.
26	A	I propose a middle ground.
	B	I am nearly always concerned with satisfying all our wishes.
27	A	I sometimes avoid taking positions which would create controversy.
	B	If it makes the other person happy, I might let him maintain his or her views.
28	A	I am usually firm in pursuing my own goals.
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Scoring the Self-Assessment Exercise

For each line below, circle the letters which you circled on each corresponding item

	Competing	Collaborating	Compromising	Avoiding	Accommodating
1				A	B
2		B	A		
3	A				B
4			A		B
5		A		B	
6	B			A	
7			B	A	
8	A	B			
9	B			A	
10	A		B		
11		A			B
12			B	A	
13	B		A		
14	B	A			
15				B	A
16	B				A
17	A			B	
18			B		A
19		A		B	
20		A	B		
21		B			A
22	B		A		
23		A		B	
24			B		A
25	A				B
26		B	A		
27				A	B
28	A	B			
29			A	B	
30		B			A
Total number of items circled in each column:					

Competing (Forcing)	Collaborating (Problem Solving)	Compromising (Sharing)	Avoiding (Withdrawal)	Accommodating (Smoothing)

The Five Conflict Styles [299]

(Thomas/Killman, 1972 with further descriptions and analysis by Bonnie Burrell, 2001)

The Competing Style is when you stress your position without considering opposing points of view. This style is highly assertive with minimal cooperativeness; the goal is to win. The competing style is used when a person has to take quick action, make unpopular decisions, handle vital issues, or when one needs protection in a situation where noncompetitive behavior can be exploited. To develop this style you must develop your ability to argue and debate, use your rank or position, assert your opinions and feelings, and learn to state your position and stand your ground.

Overuse of this style can lead to lack of feedback, reduced learning, and low empowerment. This can result in being surrounded by "Yes-Men". People who overuse the competing style often use inflammatory statements due to a lack of interpersonal skills training. When overuse is taken to an extreme the person will create errors in the implementation of the task by withholding needed information, talking behind another person's back (or "back-stabbing"), using eye motions and gestures designed to express disapproval, and creating distractions by fiddling or interrupting. Overuse of this style can be exhibited through constant tension or anger and occasional outbursts of violent temper.

Under use of the competing style leads to a lowered level of influence, indecisiveness, slow action, and withheld contributions. When the competing style is underused some emergent behaviors people exhibit include justifying the behaviors, demanding concessions as a condition of working on the problem, threatening separation as a way of making others give in, and launching personal attacks.

The Avoiding Style is when you do not satisfy your concerns or the concerns of the other person. This style is low assertiveness and low cooperativeness. The goal is to delay. It is appropriate to use this style when there are issues of low importance, to reduce tensions, or to buy time. Avoidance is also appropriate when you are in a low power position and have little control over the situation, when you need to allow others to deal with the conflict, or when the problem is symptomatic of a much larger issue and you need to work on the core issue. To develop skills in this style use

[299] From: http://web.mit.edu/collaboration/mainsite/modules/module1/1.11.5.html

foresight in knowing when to withdraw, learn to sidestep loaded questions or sensitive areas by using diplomacy, become skillful at creating a sense of timing, and practice leaving things unresolved.

Overuse of the avoidance style can result in a low level of input, decision-making by default, and allowing issues to fester, which can produce a breakdown in communication between team members. This can inhibit brainstorming sessions from being productive and can prevent the team from functioning. People who overuse avoidance feel they cannot speak frankly without fear of repercussions. The overuse of conflict avoidance can often be a result of childhood experiences, past work-related incidents, and negative experiences with conflict resolution. Behaviors associated with the overuse of avoidance include being silent, sullen, and untruthful when asked if something is wrong being. A milder form of avoidance behavior is when the team member procrastinates about getting work done and deliberately takes an opposing point of view inappropriately during a decision-making situation, or is timid, withdrawn, or shy. Extreme behaviors can occur when avoidance is overused. A person begins to be negative, critical and sarcastic. Other extreme avoidance behaviors include becoming passive aggressive by being late and not paying attention at meetings. It also lends a greater importance to this style as compared to the other styles because you have devoted such a disproportionate amount of time to the style.)

Under use of the avoidance style results in hostility and hurt feelings. In addition, work can become overwhelming because too many issues are taken on at once, resulting in an inability to prioritize and delegate. When avoidance is underused a team member may deny that there is a problem and allow their hurt feelings to prevent communication.

The Compromising Style is finding a middle ground or forgoing some of your concerns and committing to other's concerns. This style is moderately assertive and moderately cooperative; the goal is to find middle ground. The compromising style is used with issues of moderate importance, when both parties are equally powerful and equally committed to opposing views. This style produces temporary solutions and is appropriate when time is a concern, and as a back up for the competing and collaborating styles when they are unsuccessful in resolving the situation. Compromising skills include the ability to communicate and keep the dialogue open, the ability to find an answer that is fair to both parties, the ability to give up part of what you want, and the ability to assign value to all aspects of the issue.

Overuse of the compromising style leads to loss of long-term goals, a lack of trust, creation of a cynical environment, and being viewed as having no firm values. Overuse of compromise can result in making concessions to keep people happy without resolving the original conflict.

Under use leads to unnecessary confrontations, frequent power struggles, and ineffective negotiating.

The Collaborating Style is when the concern is to satisfy both sides. It is highly assertive and highly cooperative; the goal is to find a "win/win" solution. Appropriate uses for the collaborating style include integrating solutions, learning, merging perspectives, gaining commitment, and improving relationships. Using this style can support open discussion of issues, task proficiency, equal distribution of work amongst the team members, better brainstorming, and development of creative problem solving. This style is appropriate to use frequently in a team environment. Collaborating skills include the ability to use active or effective listening, confront situations in a non-threatening way, analyze input, and identify underlying concerns.

Overuse of the collaborating style can lead to spending too much time on trivial matters, diffusion of responsibility, being taken advantage of, and being overloaded with work. Under use can result in using quick fix solutions, lack of commitment by other team members, disempowerment, and loss of innovation.

The Accommodating Style is foregoing your concerns in order to satisfy the concerns of others. This style is low assertiveness and high cooperativeness; the goal is to yield. The accommodating style is appropriate to use in situations when you want to show that you are reasonable, develop performance, create good will, keep peace, retreat, or for issues of low importance. Accommodating skills include the ability to sacrifice, the ability to be selfless, the ability to obey orders, and the ability to yield.

Overuse of the accommodating style results in ideas getting little attention, restricted influence, loss of contribution, and anarchy. People who overuse the accommodating style exhibit a lack of desire to change and usually demonstrate anxiety over future uncertainties. One of their main desires may be to keep everything the same. When accommodating is overused certain behaviors emerge. Some of these emergent behaviors include giving up personal space, making "me" or other victim statements, being overly helpful and then holding a grudge, and speaking in an extremely quiet almost unintelligible voice. Under use of the accommodating style can result in lack of

rapport, low morale, and an inability to yield. When the accommodating style is underused a person may display apathy as a way of not addressing the anger or hurt, and make statements full of innuendo and double meanings.

Interpreting Your Thomas Killman Conflict Mode Inventory Scores

Usually, after getting the results of any test or assessment, the first question people ask is: "What are the right answers?" In the case of conflict-handling behavior, there are no universal right answers. All five modes are useful in some situations: each represents a set of useful social skills. Our conventional wisdom recognizes, for example, that often “two heads are better than one” (Collaborating). But it also says, “"Kill your enemies with kindness” (Accommodating), “Split the difference” (Compromising), “Leave well enough alone” (Avoiding), and “Might makes right” (Competing). The effectiveness of a given conflict-handling mode depends upon the requirements of the specific conflict situation and the skill with which the mode is used.

Each of us is capable of using all five conflict-handling modes: none of us can be characterized as having a single, rigid style of dealing with conflict. However, any given individual uses some modes better than others and therefore, tends to rely upon those modes more heavily than others, whether because of temperament or practice.

The conflict behaviors which individuals use are therefore the result of both their personal predispositions and the requirements of the situations in which they find themselves. The Thomas-Killman Conflict Mode Instrument is designed to assess this mix of conflict-handling modes.

To help you judge how appropriate your utilization of the five modes is, we have listed a number of uses for each mode based on lists generated by company presidents. Your score, high or low, indicates how often you tend to utilize each mode in the appropriate situation. There is a possibility that your social skills lead you to rely upon some conflict behaviors more or less than necessary. To help you determine if this is a problem for you we have also listed some diagnostic questions to serve as warning signals for the under or overuse of each mode.

A. Competing

Uses:

- When quick, decisive action is vital – e.g., emergencies.
- On important issues where unpopular courses of action need to be implemented – e.g., cost cutting, enforcing unpopular rules, discipline.
- On issues vital to company welfare when you know you're right.
- To protect yourself against people who take advantage of noncompetitive behavior.

If you scored High:

- Are you surrounded by "yes" men?
  (If so, perhaps it's because they have learned that it's unwise to disagree with you, or have given up trying to influence you. This closes you off from information.)
- Are subordinates afraid to admit ignorance and uncertainties to you?
  (In competitive climates, one must fight for influence and respect – which means acting more certain and confident than one feels. The upshot is that people are less able to ask for information and opinion – they are less able to learn.)

If you scored Low:

- 1. Do you often feel powerless in situations?
  (It may be because you are unaware of the power you do have, unskilled in its use, or uncomfortable with the idea of using it. This may hinder your effectiveness by restricting your influence.)
- 2. Do you have trouble taking a firm stand, even when you see the need?
  (Sometimes concerns for other's feelings or anxieties about the use of power cause us to vacillate, which may mean postponing the decision and adding to the suffering and/or resentment of others.)

B. Collaborating

Uses:

- To find an integrative solution when both sets of concerns are too important to be compromised.
- When your objective is to learn – e.g., testing your own assumptions, understanding the views of others.
- To merge insights from people with different perspectives on a problem.
- To gain commitment by incorporating other's concerns into a consensual decision.
- To work through hard feelings which have been interfering with an interpersonal relationship.

If you scored High:

- Do you spend time discussing issues in depth that do not seem to deserve it? (Collaboration takes time and energy – perhaps the scarcest organizational resources. Trivial problems don't require optimal solutions, and not all personal differences need to be hashed out. The overuse of collaboration and consensual decision-making sometimes represents a desire to minimize risk by diffusing responsibility for a decision or by postponing action.)
- Does your collaborative behavior fail to elicit collaborative responses from others?
  (The exploratory and tentative nature of some collaborative behavior may make it easy for others to disregard collaborative overtures, or the trust and openness may be taken advantage of. You may be missing some cues that indicate the presence of defensiveness, strong feelings, impatience, competitiveness, or conflicting interests.)

If you scored Low:

- Is it hard for you to see differences as opportunities for joint gain – as opportunities to learn or solve problems?
  (Although there are often threatening or unproductive aspects of conflict, indiscriminate pessimism can prevent you from seeing collaborative possibilities and thus deprive you of the mutual gains and satisfactions which accompany successful collaboration.)

- Are subordinates uncommitted to your decisions or policies?
  (Perhaps their own concerns are not being incorporated into those decisions or policies.)

C. Compromising

Uses:

- When goals are moderately important, but not worth the effort or potential disruption of more assertive modes.
- When two opponents with equal power are strongly committed to mutually exclusive goals – e.g., as in labor-management bargaining.
- To achieve temporary settlements to complex issues.
- To arrive at expedient solutions under time pressure.
- As a backup mode when collaboration or competition fails to be successful.

If you scored High:

- 1. Do you concentrate so heavily upon the practicalities and tactics of compromise that you sometimes lose sight of larger issues – principles, values, long-term objectives, or company/team welfare?
- 2. Does an emphasis on bargaining and trading create a cynical climate of gamesmanship?
  (Such a climate might undermine interpersonal trust and deflect attention away from the merits of the issues discussed.)

If you scored Low:

- Do you find yourself too sensitive or embarrassed to be effective in bargaining situations?
- Do you find it hard to make concessions?
  (Without this safety valve, you may have trouble getting gracefully out of mutually destructive arguments, power struggles, etc.)

D. Avoiding

Uses:

- When an issue is trivial, of only passing importance, or when other more important issues are pressing.
- When you perceive no chance of satisfying your concerns – e.g., when you have low power or you are frustrated by something which would be very difficult to change (national policies, someone's personality structure, etc.)
- When the potential damage of confronting a conflict outweighs the benefits of its resolution.
- To let people cool down – to reduce tensions to a productive level and to regain perspective and composure.
- When gathering more information outweighs the advantages of an immediate decision.
- When others can resolve the conflict more effectively.
- When the issue seems tangential or symptomatic of another more basic issue.

If you scored High:

- Does your coordination suffer because people have trouble getting your inputs on issues?
- Does it often appear that people are "walking on eggshells?"
  (Sometimes a dysfunctional amount of energy can be devoted to caution and the avoiding of issues, indicating that issues need to be faced and resolved.)
- Are decisions on important issues made by default?

If you scored Low:

1. Do you find yourself hurting people's feelings or stirring up hostilities?
(You may need to exercise more discretion in confronting issues or more tact in framing issues in non-threatening ways. Tact is partially the art of avoiding potentially disruptive aspects of an issue.)

2. Do you often feel harried or overwhelmed by a number of issues?
(You may need to devote more time to setting priorities – deciding which issues are relatively unimportant and perhaps delegating them to others.)

E. Accommodating

Uses:

- When you realize that you are wrong (or less experienced or knowledgeable)– to allow a better position to be heard, to from others, and to show that you are reasonable. 8"
- When the issue is much more important to the other person than to yourself – to satisfy the needs of others, and as a goodwill gesture to help maintain a cooperative relationship.
- To build up social credits for later issues which are important to you.
- When continued competition would only damage your cause – when you are outmatched and losing.
- When preserving harmony and avoiding disruption are especially important.
- To aid in the managerial development of subordinates by allowing them to experiment and learn from their own mistakes.

If you scored High:

- Do you feel that your own ideas and concerns are not getting the attention they deserve?
  (Deferring too much to the concerns of others can deprive you of influence, respect, and recognition. It also deprives the organization of your potential contributions.)
- Is discipline lax?
  (Although discipline for its own sake may be of little value, there are often rules, procedures, and assignments whose implementation is crucial for you or the organization.)

If you scored Low:

- Do you have trouble building goodwill with others?
  (Accommodation on minor issues that are important to others is a gesture of goodwill.)
- Do others often seem to regard you as unreasonable?
- Do you have trouble admitting it when you are wrong?
- Do you recognize legitimate exceptions to rules?
- Do you know when to give up?

Now that you know a little more about conflict styles and your personal preferences, the goal is to develop skills in all of the styles so that you can mold conflict into a constructive form. Conflict can be used to help expose important issues, develop learning and creativity, and can help to develop trust and openness (Brake & Walker, 1995). Once you understand your styles you can view conflict management through five interrelated issues: source issues, strategy issues, context issues, reaction issues, and power issues.

Source issues in teams can result from individuals having different values, beliefs, and perceptions of self-interest. Team members can have conflicting goals and priorities, contrasting methodologies, different perceptions of events, and disparities in the distribution of work.

Strategy issues arise when people don't have the skills to choose the appropriate conflict management style. Conflict can escalate when incompatible potential solutions to conflicts have not been analyzed and when there is no acknowledgement of the importance of the issue to individual team members.

Context issues are concerned with where and when the conflict is taking place, which includes culture, environment, and the history of the conflict. Conflict will escalate because of context issues when there is a loyalty to a specific sub group within the team, or when one member feels they must support friends within the team; this creates factions or polarized subgroups. Another context issue that can be cultural is when the team members admire or tolerate displays of anger or stubbornness; this can result in conflict escalation.

Reaction issues involve the emotions being expressed during the conflict. An example of a reaction issue is when team members see themselves as under attack. Conflicts can escalate when one or more team members perceive they are losing the conflict.

Power issues usually involve resources such as money, time, knowledge, skill, information authority, legitimacy, and networking issues. Conflict escalation occurs in this context when there is a lack of authority to restrain hostile behavior.

Recognizing the different aspects of a conflict and the different manners in which conflict escalates allows you to deal with situations more effectively. When a conflict has high intensity and detrimentally effects the entire team the plan should be to narrow the issues down to specific issues so it can be resolved. The SOLVE, the Anger Action Model, allows you to narrow the issues and settle them.

Islam's Integrative Conflict Behavior

By: Amr Abdalla

We all know that in conflict situation people may act upon their emotions or negative perceptions of others, or they may try to act rationally to advance their interests. Behavior based on emotions (such as anger and fear) and negative perceptions (such as stereotyping and demeaning) usually entails acting violently, disrespectfully, with little or no regard to others. Rational behavior, on the other hand, is based on two notions: power and self-interest: To the extent that someone in a conflict situation has much power and is driven by maximizing interest, he or she is likely to compete in order to achieve her or his goals. Inversely, if someone is lacking power and/or does not have much investment in the outcome of the conflict, he or she is likely to avoid or accommodate the other party's interests and needs. Between those two extremes, and when power and drive to achieve interests are less polarized, people tend to achieve a middle ground via compromise and collaboration.

The integrative approach, which appears to be the foundation of the prescribed conflict behavior in Islamic sources, extends an individual's repertoire by adding dimensions not included in the rational model. The verses in Suras: Al-Furqan, Al-Israa, and AL-Hujrat, in addition to Surat Al-Duha and numerous other verses throughout the Quran, which address directly specific expectations of behavior, all seem to echo two principles: accountability in the hereafter, and reciprocity.

Accountability refers to the strong notion in the Quran that our life on earth is connected to our life after death; God observe our actions, and do exert a "justice mechanism" for our actions. If we "get away" on earth with wrongdoing, God will not let us get away in the Judgment day. So people need to observe the righteousness of their actions, whether they could be "caught" in their earthly life or not. The implications of this concept to conflict control of conflict prevention are obvious. The ideas that "God is watching us" if we are to transgress or abuse our right or power, is significant in Islam. For example, in all cases of inter-personal disputes, especially those involving marital disputes (including sexual relationships among spouses), Quran consistently describes the specific dispute situation, then follows with a resolution. The "spirit" in all these instances is that of demanding that parties behave in good faith, and with preference to forgiveness and patience. Very interestingly, the emphasis in the end of each of these verses is that God "see", "know", or "aware" of our actions, or "stronger".

These qualities of God were emphasized especially for those actions that take place behind closed doors, where we may abuse our rights against someone socially or physically of less power. (for example: ii.223, 231, 235, 237, p.88-95).

The concept of reciprocity is another significant mechanism for adding integrity to the rationality of behavior. This concept entails that any of us has been influenced in positive ways throughout her of his life by people, and above all by Allah's bounty. Further, we all will continue to be influenced in our lives in the same way. Therefore, it is important in conflict situations to remember that those with whom you are in a conflict may have in the past done good things for you, and perhaps it is time to reciprocate now. The emphasis in Surat Al-Israa in how to treat older parents with kindness is based on this principle: that they raised you when you were young. The same is true in Surat Al-Duha: behave well towards the needy, for when you yourself were needy Allah watched over you. The futuristic implications were also considered in the Quran, as several verses emphasized that a good word even to en enemy may turn him or her into an ally.

Further, the integrative approach also relies on connecting one's definition of interest in a conflict situation NOT to her or his immediate individual interest, but rather to her or his being a member of community that expands space and history. Such an understanding of our connectedness to a larger community alters our views of what is our interest, and how to go about achieving it. Several examples of conflict resolution in traditional societies emphasize that notion, and consequently add yet another dimension to the rational models of conflict behavior, while building upon positive emotions and perceptions.

The Four Elements of Conflict Behavior in the Holy Quran

Within this framework of accountability and reciprocity, the Holy Quran provides to us guidance on how to behave when we are in conflict situations. In my reading of the Quran, I was struck with a pattern which emerged every time there was a reference to conflict situations. The pattern consists of four elements:

1. A description of a conflict situation. Here the Quran provides specific examples of actual conflict situations, or hypothetical examples. In Surat al Baqara for example, verses 226-242 address different hypothetical cases of family and marital conflicts about divorce, custody, alimony and so on. Or take verse 190 of the same Surat. It brings up the example of a conflict when a group of people fights Muslims, and the duty to fight back.

2. A ruling or a directive for action. Here the Quran provides to Muslims guidance on what specific action to take in order to address the situation described in #1. For example, in the verses 226-242 we find several rulings about how much a divorcing partner must pay, who gets the custody, what child support to be provided, and so on. In verse 190 of Surat al Baqara, the ruling is to fight back….but not without the third and fourth elements explained below!
3. A manner with which to carry out the ruling. Consistently, the Quran provides guidance to Muslims on how to implement the ruling mentioned in #2. While the rulings have a high legalistic nature (and hence most of the Fiqh as we know it has focused on it), the Quran prescribes to us how we should go about such rulings. The emphasis is always on conducting ourselves, in times of conflict, with dignifying behavior to all involved. Even when the Quran gives a license to fight back in verse 190, it qualifies this with two factors: fighting back must be purely for the sake of Allah, and not for personal or other gain; and, fighting back must not transgress boundaries. In verses 226-242, I was surprised in how many times the Quran repeated the word "ma3rouf" to accompany the ruling in #2. Ma3rouf, as known to anyone who speaks Arabic and understands its significance, refers to kind actions intended to bring about harmony and reciprocal kindness. Do you know how many times the word Ma3rouf is repeated in verses 226-242? Thirteen times! That is almost once per verse! Once per each short sentence. The point here is that applying the ruling in #2, which is highly legal, does not make a Muslim complete when acting in a conflict situation. A complete Muslim must adhere to the kindness and dignity present with the word Ma3rouf and many similar words in the Quran.
4. Accountability to Allah. In addition to putting controls on conflict behavior as explained in #3, the Quran adds almost always the dimension of accountability to Allah. In other words, Muslims are reminded that they must face Allah for all their actions. If their actions in conflict situations exhibited excessive use of power against someone of less power (due to gender, class, physical weakness or any other factor), or did not adhere to principles of Ma3rouf and similar concepts, Allah is always greater, and such person must face the consequences in the hereafter.

The emphasis here is on how Islam stresses that ESPECIALLY in times in conflict, we must adhere to high standards of decent and dignifying behavior. When we set these principles against the negative consequences of using hostile behavior in conflict, we

can appreciate that Islam provides a model for conflict de-escalation by stressing that true Muslims must follow principles of kindness and decency especially at times of conflict. This is not easy, and perhaps is something that any human being would struggle with for a lifetime. But it is such Jihad with one's self that Islam is expecting from everyone of us.

Of course we are not naïve as to assume that only because we highlight the significance of these four elements including the proper manner (#3) and accountability to Allah (#4) that such "discovery" by itself is sufficient to bring about changes to conflict behavior among Muslims and others. Of course such guidance must be followed by massive educational, training, and media efforts in order to internalize such manners widely among more and more Muslims and others. We hope that this would be accomplished in part with such conflict resolution workshops and trainings.

Islamic Perspectives on Integrative Conflict Behavior

As mentioned earlier, one's beliefs have origins in both internal and external sources. Islam speaks of one's "*fitrah*", which is often considered to be an internal barometer for right and wrong. The "*nafs*" (essence, spirit, desires) is also discussed in Quran and Sunnah. This speaks to the internal sources of one's beliefs and behavior. The external sources lie in the influences of families and social groups or institutions. There is a *hadeeth* that is often quoted which states: Children are born on Islam and their parents make them Christian or Jew. There are also numerous studies of social learning, such as the experiments conducted by Alfred Bandura, that indicates to the effects of observing others on an individual's behavior. It was also noticed that a person's behavior varies because there is a desire to "fit in" with those around us.

Relevant Themes in Quran & Sunnah:

"Tabaa'iyyah" (Blind Following of one's Ancestors): Social Learning in the Quran
The Quran speaks of following one's fathers in many situations. Some are instances of positive social learning, while others are of negative social learning, or situations in which people found it too difficult to leave behind the heritage of their ancestors. There are two verses in which it is quite clear that change is not an easy thing. The verses in Surah Ibraheem (14), for example, show that people are hesitant to leave what they are used to without, "…some clear authority."

The verses that hold particular significance for our purposes are:

> When they do aught that is shameful, they say: "We found our fathers doing so"; and "Allah commanded us thus"; Say: "Nay, Allah never commands what is shameful: Do ye say of Allah what ye know not?" (7:28)

The above leads one to understand that there are some traditions that will be attributed to the revelation even though they are not a part of the Quran or Sunnah. It is important for us to expect such innovations, as it will help us be prepared to deal with them.

> When our clear signs are rehearsed to them they say, "This is only a man who wishes to hinder you from the (worship) which your fathers practiced " and they

say, "This is only a falsehood invented!" And the Unbelievers say of the Truth when it comes to them," This is nothing but evident magic!"

But we had not given them Books which they could study, not sent messengers to them before thee as Warners.

And their predecessors rejected (the Truth); these have not received a tenth of what We granted to those: Yet when they rejected my messengers how (terrible) was My rejection (of them)!

The above verses assist us in formulating a response to those who have traditions contrary to the teachings of Quran and Sunnah – to use the revelation as the criteria. When the revelation is consulted in matters of dispute, it will guide the conflict resolution process either explicitly or implicitly. In other words, if it does not speak directly of the issue at hand, it will instruct the believers on how to conduct themselves and the process for reaching an appropriate solution. One such method is discussed in the next section.

Sabr: The Spiritual Nature of Patience in Islam

Religion is considered a way of life for those who remember the aspect of the hereafter while deciding how to conduct oneself in the present. It is important to take some time to examine what exactly the perspective embodied in this section. Firstly, focusing on the meaning of tawheed in addition to the remembering akhirah and both of these concepts affects one's life gives a deeper significance to our worldly actions. Secondly, we begin to understand more concretely that the effects of our actions are felt in both this world and the next. The final reconciliation is, after all, on the Day of Judgment; however why would the duty of the believers be referred to as "enjoining the good and forbidding the evil" if it only had weight and/or results in the hereafter? Therefore, one must conclude that his/her actions must have weight in the current world as well. As a result, it would be reasonable to assume that how one conducts him/herself in this world is of paramount importance.

By focusing on the following verses, one can begin to grasp the role of patience in conflict situations.

*ista'eenu bi**s-s**abri wa**s-s**alah*
persevere with patience and prayer (2:45)

*Inna Allaha ma'a**s**-**s**aabireen*
Verily Allah is with the patient (2:153 & 8:46)

*Wa bashshir a**s**-**s**aabireen*
and the patient are the victorious (2:155)

*Wa **t**awaasow bil-**h**aqq, wa **t**awaasow bi**s**-**s**abri*
and mutually enjoin truth and mutually enjoin patience/constancy (103:3)

The first two verses underscore the connection between one's actions in this world with the spiritual. One's belief in these statements reshapes his/her perceptions of any situation. Instead of becoming irritated with another's shortcomings, or giving up when dealing with difficult situations, we are told to continue with patience and prayer and that Allah (swt) helps those who follow that command. One feature of conflict is that as it escalates, communication between the parties begins to deteriorate. It takes patience and concerted effort to continue to push oneself to interact. Furthermore, there are ahadeeth encouraging us to make excuses for our brothers' shortcomings – an excellent way to fight the tendency to blame each other, which further reduces the chance for the conflict to escalate.

The third verse holds for us a promise; it tells those who have continued to be patient and persevered that there is a reward waiting for us. This verse can be interpreted in two ways; it can mean that there is a reward in the hereafter, or that those who are patient with others and with the process will be victorious in the end. Again, it is not clear that "victory" would mean the "triumph" of our own point of view. However, it is more likely that the victory will mean a solution to the conflict situation that is best for the situation and in line with the revelation of Allah (swt) that we have as a criterion. The last verse speaks quite well to this point; it refers to a characteristic of believers – that they help each other stay on the truth and be patient. This verse would radically change any believer's perception of a conflict situation; it is not a fight between you and me. Rather, this conflict situation – and frankly all of life – is an opportunity for *us*, as a team, to determine the truth. It will be hard. Therefore, we must remind each other to be patient and perseverant. In the end, *bashsher a**s**-**s**aabireen*.

Ma'roof: Kindness in times of hardship
Another strong undercurrent in the Quran, this time more directly related to conflictual situations, is that of *ma'roof* (to act with decency and kindness). In Surah Al-Baqara (2:226-235), there are ten consecutive verses that address various situations of divorce, family disputes and related matters such as custody or alimony. It is quite obvious that

all of these are usually conflict situations. The word *ma'roof* is used in nine of the ten verses. Similarly, when looking at Surah Al-Talaq, a surah of only 12 verses, the word *ma'roof* was used three times in relation to divorce. A consistent theme emerges: when in family disputes, especially the most severe ones that result in divorce, the attitude and behavior of parties must be based on the concept of *ma'roof*. In other words, attitudes and behaviors based on revenge, retaliation, desire to inflict harm on the other, are in complete violation of this Quranic injunction. This is consistent with the general guides and directions in the Holy Quran towards compassion, forgiveness, and concern for the well being of the community. This attitude is something that we, as Muslims, must develop and perpetuate within our communities.

Dhulm anNafs: How your actions can be the source of your pain

Before discussing the definition used by the authors of this manual for this phrase, it is necessary to clarify that it is expected that at least a portion of humans are going to "wrong their own souls". Furthermore, it apparent that if one has the option of moving to another location to avoid oppression that is causing him/her to "wrong his/her own soul", it is expected that he/she take that opportunity.

The Quran defines "evil" as those who reject the signs of Allah and "wrong their own souls". It is made quite clear that the harm that one receives is a direct result of his/her rebellion from that which is commanded by Allah (swt). We are then shown several instances throughout history that underscore how the defiance shown towards Allah (swt) was the cause for the disbelievers' punishment. We are asked to reflect on these events as a tactic to remind ourselves of how to live. It is important to note that many of the consequences have far-reaching ramifications. The people described are often punished here and are promised a greater punishment in the hereafter. Therefore, it is quite clear that negative behaviors and disobedience to the commandments of Allah (swt) will cause us some discomfort in this world. To state a simple example, backbiting is forbidden. Yet in many conflict situations, it is common to find people engaging in this behavior. This damages the relationship between the parties further, escalates the situation and prevents the possible resolution of the conflict – and the effects of that action will continue to resurface for years to come.

'Afoo: Forgiveness heals the heart

It is also quite clear from the Quran that forgiveness is available to those who seek it sincerely. In fact, there are several verses, some examples of individuals who repented, which show that Allah (swt) is very forgiving when it comes to those who sincerely repent. It is possible to use the same methodology when working with those around us

– sincerely ask for forgiveness and hope that it is accepted. In fact, asking forgiveness, primarily from Allah (swt) is commanded, and it is the disbelievers who wait too long before repenting.

It would also follow that if one asks forgiveness from us, that we should be open to granting that forgiveness, to not hold any grudges against another. This attitude reflects the story of a man that was promised heaven due to his habit of cleaning his heart every night from any negative feelings toward others. This sentiment is mirrored in Bush and Folger's book, The Promise of Mediation:

> The hallmark of recognition is letting go -- however briefly or partially -- of one's focus on self and becoming interested in the perspective of the other party as such, concerned about the situation of the other as a fellow human being, not as an instrument for fulfilling one's own needs.

For Muslims, the spiritual nature of forgiveness is especially important. It is commanded on us in the Qu'ran to "forgive and overlook" so that our faults may be forgiven and overlooked by Allah (swt) (3:134, 24:22 & 64:14) and because ultimately Allah (swt) is in command of every situation (2:109). Therefore, we should be extremely motivated to find excuses for our brothers and sisters in Islam and to recognize that we all have human failings – perhaps those efforts, bi-iznillah, will soften our hearts and prevent fitan (schisms) from spreading in the community.

Ethical Approaches to Conflict Intervention

	Assumptions	Process	Goal
Professional Approach	Parties are fairly equal Parties are rational Conflict issues are negotiable	Neutral intervention in the forms of mediation or facilitation Respect parties' own version of what is right and what is just Maintain parties' ownership of the conflict, issues and outcome	Maintain peaceful coexistence
Empowerment Approach	Injustice and inequality exist in society parties to conflicts are not always equally empowered	Use of intervention models which would lead to empowering disenfranchised parties: activism, advocacy, mediation, research, enforcement	Justice and freedom
Common Good Approach	No society may function without shared meaning and values	Use of intervention models which would ensure that common values and norms are shared by parties, and guide their decision making process. Use of normative mediation and arbitration	Social justice based on the common good.

Continuum of Conflict Management and Resolution Approaches									
Private decisions making by parties				Private third-party decision making		Legal (public), authoritative third party decision making		Extralegal coerced decision making	
Conflict Avoidance	Informal discussion	Negotiation	Mediation	Administrative	Arbitration	Judicial decision	Legislative decision	Nonviolent direct action	Violence
Increased coercion and likelihood of win-lose outcome→→→									

Types of Negotiation*

Problem sitional Bargaining: Which Game Should You Play?		*Solution* Change the Game: Negotiate on the Merits
Soft	**Hard**	**Principled**
Participants are friends.	Participants are adversaries.	Participants are problem-solvers
The goal is agreement.	The goal is victory.	The goal is a wise outcome reached efficiently and amicably.
Make concessions to cultivate the relationship. Be soft on the people and the problem. Trust others.	Demand concessions as a condition of the relationship. Be hard on the problem and the people Distrust others.	**Separate the people from the problem.** Be soft on the people, hard on the problem. Proceed independent of trust.
Change you position easily. Make offers. Disclose your bottom line.	Dig into your position. Make threats. Mislead as to your bottom line.	**Focus on interests, not positions.** Explore interests. Avoid having a bottom line.
Accept one-sided losses to reach agreement. Search for the single answer: the one *they* will accept. Insist on agreement.	Demand one-sided gains as the price of agreement. Search for the single answer: the one *you* will accept. Insist on your position.	**Invent options for mutual gain.** Develop multiple options to choose from; decide later.
Try to avoid a contest of will. Yield to pressure.	Try to win a contest of will. Apply pressure.	**Insist on using objective criteria.** Try to reach a result based on standards independent of will. Reason and be open to reason; yield to principle, not pressure.

*Fisher, R. & Ury, W. (1981). Getting to Yes. New York, New York: Penguin Books.

Types of Mediators[300]

Social Network Mediator	Benevolent Mediator	Administrative/ Managerial Mediator	Vested Interest Mediator	Independent Mediator
• Prior and expected future relationship to parties tied into social network	• May or may not have a current or ongoing relationship with parties	• Generally has ongoing authoritative relationships with parties before and after dispute is terminated	• Has either a current or expected future relationship with a party or parties	• Neutral/Impartial regarding relationships and specific outcomes
• Not necessarily impartial, but perceived by all to be fair	• Seeks best solution for all involved	• Seeks solution developed jointly with the parties within mandated parameters	• Has a strong interest in the outcome of the dispute	• Serves at the pleasure of parties
• Very Concerned with promoting stable long-term relationships between parties and associates	• Generally impartial regarding the specific substantive outcome of the dispute	• Has authority to advise, suggest, or decide	• Seeks solution that meets mediator's interests and/or those of a favored party	• May be "professional" mediator
• Frequently involved in implementation	• Has authority to advise, suggest, or decide	• May have resources to help in monitoring and implementation of agreement	• May use strong leverage or coercion to achieve an agreement	• Seeks jointly acceptable, voluntary, and non-coerced solution developed by the parties
• Generally has ongoing relationships with parties after dispute is terminated	• May have the resources to help in monitoring and implementation of agreement	• Has authority to enforce agreement	• May have resources to help in monitoring and implementation of agreement	• May or may not be involved in monitoring implementation
• May use personal influence or peer/community pressure to promote adherence to agreement			• May use strong leverage or coercion to enforce agreement	• Has no authority to enforce agreement

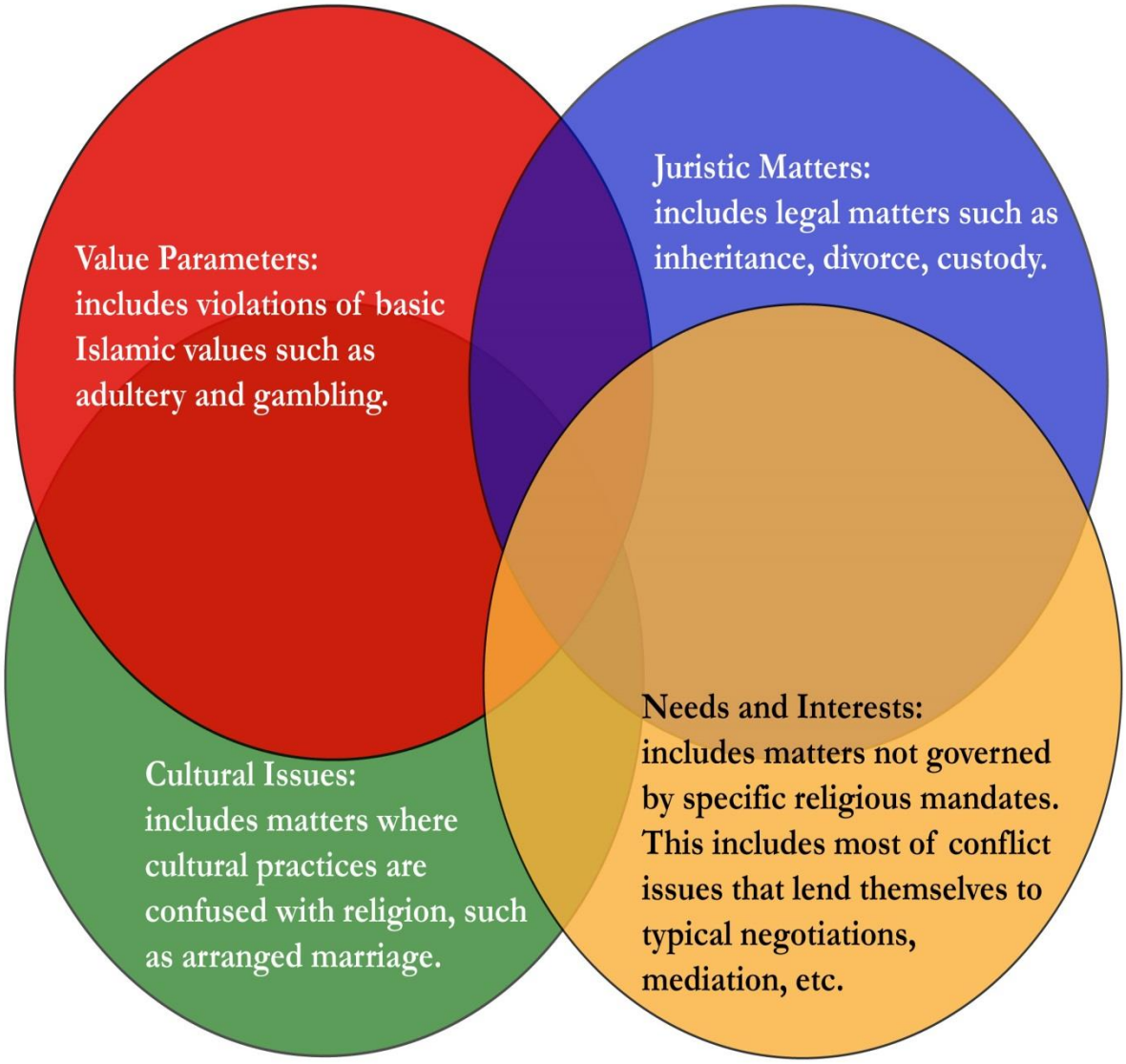
[300] Chirs Moore, 42-43

Twelve Stages of Mediator Moves

Chris Moore, The Mediation Process; p. 66-67

Stage 1: Establishing Relationship with the Disputing Parties • Make initial contact with the parties • Build credibility • Promote rapport • Educate the parties about the process • Increase commitment to the procedure	Stage 7: Defining Issues and Setting an Agenda • Identify broad topic areas of concern to the parties • Obtain agreement on the issues to be discussed • Determine the sequence for handling the issues
Stage 2: Selecting a Strategy to Guide Mediation • Assist the parties to assess various approaches to conflict management and resolution • Assist the parties in selecting an approach • Coordinate the approaches of the parties	Stage 8: Uncovering Hidden Interests of the Disputing Parties • Identify the substantive, procedural, and psychological interests of the parties • Educate the parties about each other's interests
Stage 3: Collecting and Analyzing Background Information • Collect and analyze relevant data about the people, dynamics, and substance of a conflict • Verify accuracy of data • Minimize the impact of inaccurate or unavailable data	Stage 9: Generating Options for Settlement • Develop an awareness among the parties of the need for multiple options • Lower commitment to positions for sole alternatives • Generate options using either positional or interest-based bargaining
Stage 4: Designing a Detailed Plan for Mediation • Identify strategies and consequent noncontingent moves that will enable the parties to move toward agreement • Identify contingent moves to respond to situations peculiar to the specific conflict	Stage 10: Assessing Options for Settlement • Review the interest of the parties • Assess how interest con be met by available options • Assess the costs and benefits of selecting options
Stage 5: Building Trust and Cooperation • Prepare disputants psychologically to participate in negotiations on substantive issues • Handle strong emotions • Check perceptions and minimize effects of stereotypes • Build recognition of the legitimacy of the parties and issues • Build trust • Clarify communications	Stage 11: Final Bargaining • Reach agreement through either incremental convergence or positions, final leaps to package settlements, development of a consensual formula, or establishment of procedural means to reach a substantive agreement
Stage 6: Beginning the Mediation Session • Open negotiation between the parties • Establish an open and positive tone • Establish ground rules and behavioral guidelines • Assist the parties in exploring commitments, salience, and influence	Stage 12: Achieving Formal Settlement • Identify procedural steps to operationalize the agreement • Establish an evaluation and monitoring procedure • Formalize the settlement and create an informant and commitment mechanism

The Islamic Wheels of Conflict



Proposed Islamic Conflict Intervention Techniques[301]

The following are proposed techniques to address various types of conflicts from a modern Islamic perspective. Please see how you may use these techniques to address conflict issues in the activity "It Happens in the Best Muslim Families!" below.

Setting Islamic Value Parameters: Mediator declares a certain behavior to be in total violation of Islamic values (i.e., alcohol and drug use, gambling, adultery).

Assisted Interpretation: Mediator provides interpretations of Quran and Sunnah to help parties recognize the proper Islamic implementation of disputed values.

Value Disengagement: Mediator assists parties in clarifying the mix up of Islamic values with values or norms derived from other value systems, especially traditional.

Shura Jury: A process of self-education and community involvement in which parties, assisted by the mediator, conduct research in Islamic sources of specific conflict issues. At the same time, a group of their peers (Shura Jury), selected from a volunteer group of Muslims in the community, are asked by the mediator to conduct a similar research. Upon completing their research, the parties present their findings to the Shura Jury. In case of disagreement, a majority vote is taken. The Shura Jury decision is not binding to parties or to other cases.

Islamic Arbitration Council: A process that can be used when an issue of great legal concern needs to be addressed. The council will consist of Muslim scholars and other professionals who are knowledgeable about the particular issue that is presented. This forum can also be resorted to when mediation has been utilized, but was not sufficient to address some of the issues introduced by the parties.

Negotiation of Issues: Mediator conducts private or open sessions to assist parties discuss their interests, needs, emotions and goals as they relate to a certain aspect of the conflict, and help them generate resolution options.

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[301] *From:* ***Say Peace****: Conflict Resolution Training Manual for Muslim Communities. Amr Abdalla, et al. The Graduate School of Islamic and Social Sciences. Virginia, USA. 2002 (updated 2015)*

New Process Models: Models that are geared towards developing and institutionalizing processes that are based on Islamic values of justice, equality and freedom. For example, the inclusion of traditionally excluded parties such as children and the socio-economically disadvantaged.

Community Involvement: Mediator engages members of the community, known and respected by the parties, to provide emotional support and conflict escalation reduction during the mediation process.

Professional Help: Mediator suggests a type of professional help (i.e., therapy, drug rehabilitation, marriage counseling) that could assist parties.

It Happens in the Best Muslim Families![302]

For this exercise, please read the following Introduction, then watch the short skits played by the facilitators and some of the participants. After each skit you will be asked to participate in the group discussion by giving your best opinion on how to deal with the various conflict issues from an Islamic perspective.

Introduction

In the roleplay skits you will watch, the husband and wife are in their mid 40's. Both have college degrees. The husband is an engineer, and the wife is a housewife. The husband was born in the U.S. for a Muslim immigrant father and an American mother. The wife is remotely related to the father's family. He met her while on a trip back to his father's homeland. They fell in love, and got married and lived in the U.S. They have a twin- a boy and a girl. Both kids are finishing high school this year.

The following chart illustrates the several issues of contention between the two parties, supported by the rationale and logic they provided for their attitudes and behaviors. As the facilitators and some participants roleplay one issue, participate with your suggestions as to how to address the issue with Islamic perspectives.

Issue	**Wife's Logic and Rationale**	**Husband's Logic and rationale**	**Proposed Islamic Intervention Techniques**
The wife stated that the husband pushed her during their argument over several issues.	No man should hit a woman under no circumstances. The Prophet Mohammad never hit a woman, a child or anyone in his household. A real Muslim man does not hit his wife. A Muslim man would listen to his wife and try to amicably resolve any problem.	Muslim men are in charge of their household. He is tired of her constant nagging and ridiculing him. He wished once in a while he could come home to a quite peaceful home. According to most of the Muslim men he knows in the mosque, their wives are cheerful and obedient. He states that he has never hit her, but on one occasion he acknowledges he did push her when she blocked the	

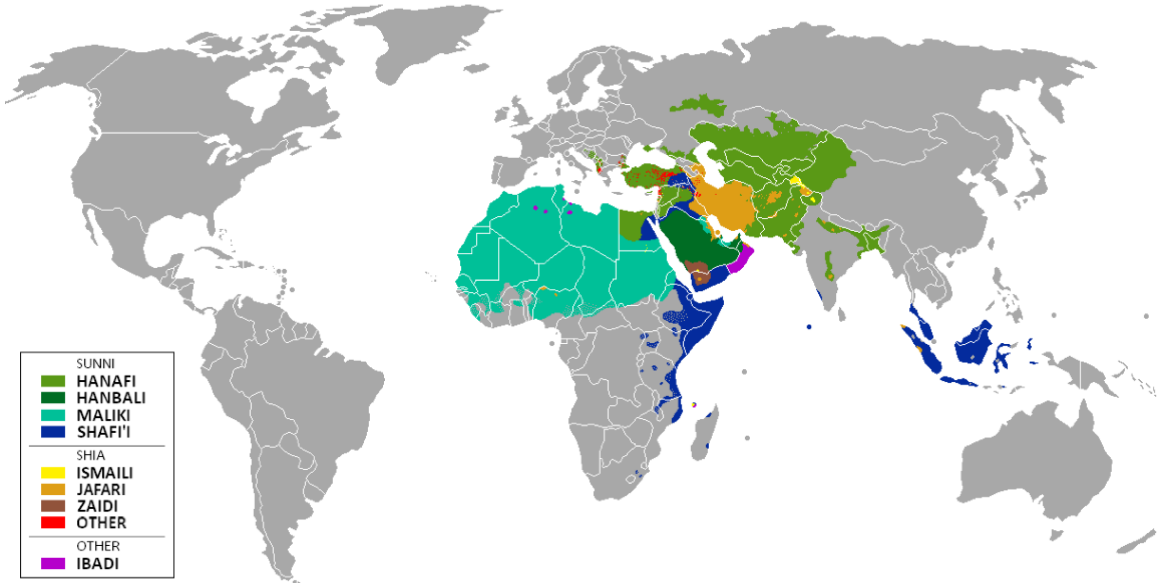
302. Adapted from the original that was prepared by Amr Abdalla, Rose Marie Chadwick, Sharmin Ahmad, and Najeeba Syeed for a presentation at Harvard Law School, April, 2000.

Issue	Wife's Logic and Rationale	Husband's Logic and rationale	Proposed Islamic Intervention Techniques
		door to keep him from leaving the house.	
The wife suspects that the husband has a drinking problem.	Alcohol drinking is absolutely prohibited in Islam. As a Muslim, he should not drink at all. None of her family ever drank alcohol.	While he knows drinking is against Islam he can't help himself. He has tried to quit drinking on many occasions, but each time she does something to spoil his efforts. He feels that his drinking is not really hurting anyone.	
Daughter is growing up; as she is getting ready to go to college, she is attracting many boys. Mother is getting strict with her coming and going.	Wants to prevent dating for fear of negative consequences, and is concerned about daughter's (and family's) reputation. Her daughter, being a woman anyway, will end up getting married, which should be the focus of efforts for her. This is the Islamic way that her family has followed for ages. A nice relative from their homeland already proposed to the daughter; this should be a priority for her, not college. She can go to college after her marriage is secured.	Rushing the daughter to marriage before college, only for fear of dating boys on campus, is unreasonable. If the son is going to college, the daughter is going too. What applies to the boy applies to the girl. This is what some Muslim friends told him. This is also how he was brought up in America. He would not threaten his daughter's opportunities for education for the sake of this fellow from their homeland.	
Both parties complained about the involvement of certain extended family members in their affairs. The husband is concerned about his wife's treatment of his mother.	His mother has always spoiled him. The mother always supports him whether he is right or wrong. Yet his sister seems to be more understanding of his problems. The sister seems to understand the wife's side of the problems. Wife states that husband's sister is very fair and compassionate. Wife accepts her husband's sister's intervention in conflicts.	He despises his wife's bad treatment of his mother, as if she was not worthy of respect just because she is not a Muslim. Her family seems to always know the details of what is going on in the house. He feels that he has no privacy whatsoever. Yet he admits that at times this was helpful, as her brother intervened at critical times. He respects her brother a lot.	

The parties disagree on financial matters.	The wife stated that she would like a few new things for the house, but her husband says that they are outrageous. Her family will be coming from her homeland this summer and she is so embarrassed to have them see how they live. And, the last time the family went to their homeland he complained that she was spending too much money for the gifts He is just so cheap when it comes to her needs. But wants to be very generous with sadaqa (charity). They already pay Zakat on time. Zakat is what is mandatory, but not Sadaqa.	He stated that his wife wants everything. She is not content to live on the income and resources he provides to the family. Instead she has to have the very best of everything just so she can look good to her friends and her family back in their homeland. He is tired of "keeping up with the Jones." He tried explaining that they need to pay Sadaqa if they want to make the community better for their children- the community needs an Islamic school.	
The Husband once had a relationship with another woman.	Wife stated that a couple of years ago her husband got married in secret to another woman. When she discovered that, she threatened to go back to her home country. Only then that he terminated that marriage. But he still insists that it is his right as a Muslim man to marry more than one woman. He also insists that he is under no obligation to let her know of his marriage to other women.	He stated that his wife has been sexually cold towards him for a long time. A Sheikh told him that as a Muslim wife it is her duty to make herself available to her husband. He told her that, but she ridiculed him. Finally he lost his patience and got married to a woman who was in need of a husband to comfort His wife found out and was mad. He divorced his second wife to maintain this family, as the wife threatened to leave the country. But he believes that as long as he is providing for her and the household, she should have no complaint. He is entitled to " two, three and four" wives according to the Quran. Everyone knows that!	

Appendix 3: Common Grounds & Comparative Study of Maqasid

A. Introduction



Map No. 1. Geographic distribution of main Schools of Islamic Law [303]

The above map shows the diversity of Muslims around the world; the community that all together may be called Ummah. This diversity is the result of different interpretations and understandings of Sharia, which in itself results mainly from two facts: first, the role of "*the cultural context*" in which different schools of Islam are applied "*in different countries, and […] the historical process of their transmission over time and contextually, including socio-economic and political factor.*,"[304] And second, each person has a different capacity for understanding, and if we think of truth as a '*puzzle*', each person owns only one or few pieces of it at her hand. This is why on one hand Quran says "***Allah charges no soul except to its capacity…***" (2: 286), but at the same time, it commands us to consult with each other: "***Those who hearken to their lord, and establish regular prayer; who (conduct) their affairs by mutual consultation;*** …"(42:38) This is because it is only through respecting and sharing our understandings that we may be able to complete the puzzle.

It is also due to the different capacities of understanding that Prophet Muhammad (PBUH) said "If Abuzar knew what was in the heart of Salman [i.e. Salman's

[303] The White Paper. P 12
[304] The White Paper, p 16.

understanding of Islam], he might have [considered him pagan and] killed him."[305] Abuzar and Salman were among the closest and best Sahabeh of the prophet, and yet they had different understanding of Islam in their heart, and yet, they were both Muslim and in fact, among the closest people to the prophet.

Therefore, a crucial step in resolving the conflicts, and reaching peace in our societies, is that Muslims of all schools and nations realize that: Having different understanding and interpretations are very natural, and it is bound to happen. In fact, peace does not require us to become exactly like each other. Rather, it means we realize our differences and embrace them as a good thing that can cultivate our Islamic culture. It is only so that we can obtain a broader and deeper understanding of Islam. This is why prophet Muhammad (PBUH) said:
Disagreements among the scholars of my community are a mercy (Rahmah) from God

Once we respect our differences, we can also study the commonalities among the schools, and use them as a common ground for extending friendship and brotherhood. One of these commonalities is the issue of objectives of Islam. As briefly mentioned in the section of *Meaning of Maqasid*, 'Maqasid' in its general meaning, i.e. the objectives of Sharia, is valued by all Schools of Islam. What distinguishes the Schools from each other, however, is the methodologies of discovering the objectives and the method of application of it in Ijtihad. For instance, the theory of '*Maqasid Al-Shariah*' is mostly used in Suni school, whereas, the theory of '*Time and Place*' plays the same role in Shia jurisprudence (Ja'fari). What is called 'Maqasid' or higher objectives in Suni school, is also studied by Shia scholars sometimes as objectives, but mostly studied under the title of '*Principles or Legal Maxims (Qawaed Fiqh)*' (explained in further detail in the second part of this Appendix). As said, the choice of different names and categories is mainly due to the delicate differences in the methods and sources of discovery and application of objectives; however, the bottom line is that many jurists of both schools appreciate the importance of objectives of Sharia over the appearance of it.

This is why, as Jasser Auda found in his survey about the issue of Maqasid among Sunni and Shia scholars, despite all the differences, both Schools are in fact mostly discussing the same issues and referring to the same jurists and books.[306] For instance, as we saw in the section of *Classification*, an important reference was made to a Shia

[305] Motahhari, Morteza, *Ashnayi ba Oloom-e Eslami [Introduction to Islamic Ilms (sciences)]*Vol II, 6th ed., Sadra Publication (1368) p 112. Available at http://www.motahari.org/books/7/index.htm
[306] Jasser Auda, The Guide, p 46

jurist, Ibn Babaweah al-Sadouk al-Qummi, and his book '*ilal al-Sharia*' (The Reasons behind the Rulings),[307] which is the first known monograph dedicated to this subject.[308]Also, Ibn Ashur, the renowned Suni jurist, in his famous book, *Treaties on Maqasid Al-Sharia*, has referred to Shia jurists such as Allame Tabatayi. By the same token, Shia jurists often refer to Suni jurists. There are several examples of such references in the second part of this Appendix. For instance, there is an example of a Shia scholar who has refers to interpretations made by two renowned Sunni Scholars about the objectives of criminal punishments in Islam. Briefly put, he argues that the ultimate purpose of criminal punishments in Islam is to bring safety for the society, as well as purification of the heart of the criminal. Therefore, if at any time we realize that application of these criminal punishments does not fulfill its purpose, we shall drop them, and use an alternative solution that fulfills this purpose better. In support of this conclusion, the author has also resorted to Shia methods of interpretations. Thus, in the end, it is beautiful how the arguments of both schools match and complete each other, and provide a better understanding of the reality of criminal punishments in Islam. (The details of his arguments can be found in the second part of this Appendix).

Another example is the theory of Time and Place in Shia school, according to which a jurist must study the circumstances surrounding issuance of an Islamic law in the first place. These circumstances may include a variety of issues such as mores (customs & traditions), the original meanings of the words and their evolution during the time, the person or persons to whom the law was addressed, and objectives and reasons behind the law (the list is not exhaustive). As the surrounding circumstances change, the jurist must be careful to adapt the law as well. Interestingly, almost all of these issues are also studied and considered in the Maqasidi approach that is particularly explained by Ibn Ashur in his *Treaties on Maqasid Al-Sharia*. (For further studies about theory of *Time & Place* and its commonalities with theory of *Maqasid al-Shariah* you may read the second part of this Appendix.)

Therefore, as said before, the objectives of Islam play an important role in all Schools of Islam, even though the methods of discovery and application of objectives in the process of Ijtihad may vary from one School to another. In fact, as Jasser Auda says:

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[307] According to Prof. Mohammad Kamal Imam of Alexandria University's Faculty of Law (Oral Discussion, Cairo, Egypt, August, 2006), in Jasser Auda, The Guide, p 17

[308] According to Prof. Mohammad Kamal Imam of Alexandria University's Faculty of Law (Oral Discussion, Cairo, Egypt, August, 2006), in Jasser Auda, The Guide, p 17

> Most of the juridical differences between Sunni and Shia *fiqhi* Schools are due to differences over a few narrations and a handful of practical rulings. A *maqasidi* approach to *fiqh* is a holistic approach that does not restrict itself to one narration or view, but rather refers to **general principles and common ground** [emphasis added]. Implementing the 'higher' purposes of unity and reconciliation of Muslims has a higher priority over implementing *fiqhi* details. Accordingly, Ayatullah Mahdi Shamsuddin prohibited aggression along Shia-Sunni lines based on '**the higher and fundamental purposes of reconciliation, unity, and justice** [emphasis added].'[309] A *maqasidi* approach takes the issues to a higher philosophical ground and, hence, overcomes differences over the political history of Muslims and encourages a much- needed culture of conciliation and peaceful co-existence.[310]

In the end, it is worth mentioning that by emphasizing on the similarities, we do not mean to deny existence of differences. However, we believe when it comes to the inner truth and higher objectives of Sharia, there is hardly any fundamental difference among the Schools of Islam. Despite all the disparities in practical rules or methodologies, they are all trying to reach into the heart of Islam, and give preference to the inner truth rather than the appearance. Studying two theories of Maqasid al-Sharia in Suni School and Time & Place in Shia schools (that is included in the second part of this Appendix.), is a very interesting case to show such inner peace and commonality among different Schools of Islam.

B. An introduction to comparative study of Maqasid between Shia School (Imamieh) & Suni School

In the previous sections we discussed the concept of Maqasid (i.e. Objectives) in Suni School of Islam. It is often thought that objectives of Sharia have not received the same amount of attention in Shia School. The main reason for this misunderstanding is that Shia jurists have usually discussed objectives of Sharia under different names and theories, not necessarily the name '*Maqasid*'. Therefore, one cannot easily find the relevant debates about objectives of Sharia in Shia school, unless one is already familiar with names and titles such as *theory of Time & Place*, and *Qawaid Fiqh (Legal Maxims)*, or

[309] Shamsuddin, 'Maqasid Al-Shariah,' p. 26, in Jasser Auda, The Guide, p 46
[310] Jasser Auda, The Guide, p 46

one already knows well the Shia philosophers who have discussed objectives of Sharia from a legal theory perspective.

In the first part, will briefly explain why Shia jurists have used different names for discussing the higher objectives of Sharia. This explanation further shows that the issue of objectives of Islam is important in both Schools of Suni and Shia, even though they may have used different names for it. The Second part will briefly explore the relation among *theory of Time & Place*, the *Legal Maxims* and *higher objectives of Islam* in Shia School and its comparison with *Theory of Maqasid* in Suni School. The Third part will be about higher objectives in Islamic Philosophy, and its effect on Ijtihad. This part is of specific importance because it studies the higher objectives of Islam from the view point of *legal theory*, not the technicalities of the process of Ijtihad. In fact, most of the differences between the two Schools of Suni and Shia are in the technicalities of Ijtihad; whereas the discussions in the realm of legal theory and philosophy takes the issue of higher objective beyond such technical differences.

Through this study, we will be shown that the differences between the two Schools do not necessarily prevent us from having a peaceful dialogue, and from reaching a mutual understanding of Islam based on higher objectives such as peace and justice. In fact, not only the commonalities of the two schools are useful and constructive, even their distinctions can be seen as a platform for enrichment of discussions of Maqasid, and to gain a deeper understanding of the true meaning of Sharia.

It is worth mentioning that this comparative study should be considered only as an introduction to the important subject of comparative study of objectives in Suni and Shia School. The depth and width of the subject is of such magnitude that can be studied in volumes of books.

Part I. Why Shia Scholars have used different classifications?

Using different classifications and names is very common among different Schools of Islam. Sometimes they use different words to convey *almost* the same concept, mainly because they want to emphasize on their distinctions. Depending on how strong such distinctions are, they may continue to use different words until they gradually overcome their disagreements, or until one of the words obtain a broader scope of meaning that includes the others in itself.

For instance, there is a very delicate difference between the meaning of the word *Ijtihad* in Suni and Shia School. During the early centuries of Islam, the word *Ijtihad* was strongly connotative of specific practical rules and methods that Suni jurists used. Such methods were not shared by Shia jurists; therefore, for a long time Shia jurists did not use the word Ijtihad in order to avoid any confusion between their method and those of Sunnies. This is why it is often thought that Shia jurists did not engage in Ijtihad during the early centuries of Islam; whereas they did. They just did not necessarily use the term *Ijtihad*. However, later on, when gradually the word Ijtihad obtained a distinct personality from its original meaning, Shia jurists began to use this word.[311] Nonetheless, until today the word Ijtihad has a different meaning in the two Schools.

By the same token, the history of Maqasid al-Shariah in Suni school is very much associated with the use of specific methods (such as Istiqra) in discovery and application of Maqasid (objectives), that such methods are either not used in Shia at all, or are used under different conditions. Therefore, employing the term '*Fiqh al-Maqasid*' or '*Maqasid Al-Sharia*' by Shia might denote approval of those methods that are not actually shared by this School. This explains why although Shia scholars have actually discussed and considered objectives of Sharia in their Ijtihad, even during the time of their Imams, they have not categorized it in the same way or under the same title as that of Suni jurists. In fact, this different categorization reflects their different methods of discovery and application of objectives in Ijtihad, which again, in and of itself, reflects the different meaning of *ijtihad* in the two Schools.

It is worth mentioning again that during this comparative study we will mostly focus on the commonalities of the two Schools. We will not enter into the details of their technical differences because they involve many intricacies that are beyond the scope of this Manual.

Part 2. Higher Objectives of Sharia in Shia Islamic Jurisprudence and its comparison with Maqasid al-Sharia

Theory of Time and Place as well as *Legal Maxims* play a very important role in Shia

[311] For further studies about original meaning of Ijtihad, and its evolution see, e.g.:
Motahhari, Morteza, "Ijtihad dar Islam [Ijtihad in Islam]" in *Dah Guftar [10 Articles]*, 19th ed, Tehran, Iran, Sadra Publication, (1382) pp 105-137; Jannaati, Muhammad Ibrahim, *Tatawor -e Ijtihad dar Howze-ye Istinbat [Evolution of Ijtihad in regard to discovery of laws],* Vol. 1, p 109 ; Also see: Husein, Azizi, *Mabaani va Taarikh e Tahawol e Ejtehad [The Principles and the History of Evolution of Ijtihad]*, Vol. 1, Boustan e Ketab e Qom Publicaiton; Jannaati, Muhammad Ibrahim, *Adwar-e Fiqh va Keifiat-e Bayan-e Aan [The Periods of Fiqh, and Its Evolution]* Tehran, Iran. Keihan Publication (1374SH);

School in incorporating the objectives of Islam into Islamic laws. *Legal Maxims* have a much older history in Shia than *theory of Time & Place.* The latter has been developed mainly by contemporary jurists in order to further facilitate adaptation of Islamic Laws to current needs and situations of the society. Whereas the history of *legal maxims* goes back to the time of the Prophet Muhammad.[312] Although *Legal Maxims* are a distinct subject, they also constitute an important part of the *theory of Time and Place.* Therefore, here we will explain them together.

Very briefly put, theory of *Time & Place* denotes that in order to study and discover Islamic laws, a jurist must take account of the circumstances that surrounded issuance of such law in the first place. This includes, but is not limited to, the objectives the law used to serve. As the time and place changes, so does the surrounding circumstances, and thus, the jurists must reevaluate and reconsider the laws, in such a way that the underlying objectives of the law be achieved.

On the other hand, *Qawaid Fiqh, i.e. legal maxim* is a kind of principle that contains a general statement about the underlying and unchangeable beliefs and *objectives* of Islam, such as principle of *justice*.[313] In fact, what is referred to as 'objective' in Suni

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[312] The history of legal maxims in Shia School goes back to the early days of Islam, since Prophet Muhammad. In fact, two of the most important sources of Legal maxims in Shia are Quran and Sunna. Sunna in Shia School also includes the Shia Imams). For instance, a famous Hadith from the sixth Shia Imam, Ja'far Sadeq says: "*It is upon us to tell you the principles and it is upon you to discover the specific law from inside of it*." (Pajooheshgah-e Oloom Va Farhang-e Eslami editor., *Makhaz Shenaasi-e Qawaid Fiqhi [Bibliography of Legal Maxims], Vol.1,* Daftar Tablighat-e Eslami-e Howzeye Elmiye Qom publication; p 15) Besides the Quran and Sunna, Legal maxims may be inferred by conducting a thematic study of the Sharia sources (By the same token, Ibn Ashur, the renowned Suni Jurist, in his book _The Treaties on Maqasid al-Sharia_, emphasizes on the importance of thematic studies in discovering the Maqasid of Islam). In fact, traditionally Shia scholars conducted thematic studies to infer the underlying ratio legis and principles that were common among different provisions and commands. This is why initially such maxims used to be mentioned in books or under titles that were called "Al-Ashbah Va Al-Nazaaer", literally meaning 'analogous or common concepts' (whereas as we said before, the same concepts might be studied in Suni Schools under the title of Maqasid').312 One of these books that is survived and contains a collection of legal maxims is "Nozhat Al-Nazer Fi Al-Jam' Dain Al-Ashbaah wa al-Nazaa'er" by Najib Al-Din Yahya bn Sai'id Al-Hazli Alheli (D 690 H-Q). For an extensive bibliographic history of Legal Maxims in Shia school you can see: Pajooheshgah-e Oloom Va Farhang-e Eslami editor., *Makhaz Shenaasi-e Qawaid Fiqhi [Bibliography of Legal Maxims], Vol.1,* Daftar Tablighat-e Eslami-e Howzeye Elmiye Qom publication. Retrieved from online Library "Noorlib.ir"
The book consists of two parts: the first part provides a list of the books and articles that are being written about Legal Maxims. The second part categorizes the Legal Maxims in terms of subject.)

[313] "The legal maxims of *fiqh* are statements of principles that are derived from the detailed reading of the rules of *fiqh* on various themes" Kamali, Mohammad Hashim ; *Qawa'id Al-Fiqh : The Legal Maxims of Islamic Law*, The Association of Muslim Lawyers (UK), p 1.

School, is usually called 'Legal Maxim' in Shia School.[314] More explanation and examples of legal maxims will be provided during this part.

Application of theory of *Time & Place* and *legal Maxims* in practice, has many technical intricacies and a jurist must know how and when he can adapt, annul, or replace an Islamic law in light of the changing circumstances. Particularly, in order to do so, he must be aware of the classification of *changeable* and *unchangeable laws*. In other words, adaptation of Islamic laws in light of *theory of Time & Place* and *Legal Maxims,* can occur only in the realm of *changeable* laws; therefore, it is very important for the jurists to know what establishes and distinguishes the *unchangeable* and *changeable* scope of Sharia from each other.

The distinction between *Changeable* and *Unchangeable* laws is based mainly on the belief that Sharia laws are sent by God in order to shape a social infrastructure for us that suits human needs and true nature; and as Shahid Muhammad Baqir Sadr explains: "*In order to have an ideal social infrastructure that suites humans best, it is not reasonable to change all aspects of it constantly; by the same token, it is not reasonable to freeze it entirely in unchangeable molds. Rather, we need to have both unchangeable and changeable features. This is the correct approach because the most important element of a social system is 'human', and humans have both changeable and unchangeable needs. And as long as this is the case, both of these aspects of humans must have a correspondent feature in the social infrastructure.*"[315]

So, the question is what constitutes the *unchangeable* part of Sharia? What laws can be changed by a jurist as the time goes by, and what laws may never be changed? The *unchangeable* part of Sharia consists of at least two parts: 1) Ibadat (prayers), 2) Legal Maxims. What falls outside these two categories is considered as the *changeable* part of

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Also see: Zamaani. Mahmoud, "Naghsh-e Zaman Va Makan dar Ijtihad az Didgah-e Shahid Sadr [The Role of Time & Place in Ijtihad from the view point of Shahid Sadr]", in Philosophy va Kalam Journal, Winter (1374SH), No. 5, PP 222-247, available at *http://www.noormags.ir/view/fa/articlepage/300503*

[314] Subhani, Sheikh Ja'far, *Tahzib AL-Osooul (Taghrir Bahth Al-Seyyed Ruhollah Khumeini"*, Qom: Dar-Alfekr Publicaiton, 1382 Vol.1, p 6 , Available at: http://www.noorlib.ir/view/fa/book/bookview/image/4210
Sheikh Ja'far Subhani explains, the difference between legal maxims and other rules and propositions in Islam is that the former reveals the objectives of Sharia, whereas the latter is a means through which we reach the objective; for instance when we look at a mirror, the mirror is a means, but what we see in it is the objective. Legal Maxims are what we see in the mirror
And, Subhani, Sheikh Ja'far, (Summer 1392 S.H.), Q*um SeminaryDars-e Kharej-e Fiqh-e Ayatollah Sobhani,* Howzeh Ilmiyeh Qum (Class Handout)., Available at:
http://www.eshia.ir/feqh/archive/text/sobhani/feqh/92/920624

[315] Sadr, Muhammad Bagher, Eghtesad-e Maa: Barresi-haayi Darbareh-ye Maktab-e Eghtesad-e Eslami , Vol.1, Translated by Musavi.Mohammad Kazem, Qom: Enteshaaraat Eslami Jame'e Modarresin Howzeh Elmieh Qom Publicaiton (1348), p 376

Sharia, which is named by Shahid Muhammad Baqir Sadr, the renowned Shia jurist, as '***The Realm of Feragh***', or '***The Realm of Tarikhis***'. We explain each of these categories briefly below, and we will be shown how the same concepts exists in the theory of Maqasid in Suni School, but under different names and titles.

First, Ibadat (Prayers). Sadr states that Ibadat are to address three infinite and unchangeable needs of humans; and thus, they are an unchangeable parts of Sharia: 1) The need for being connected with Allah, 2) the need for helping other people and sacrificing our own needs 3) the need for having self-discipline and feeling responsible inside.[316] These basic needs never change, no matter where or what century we live in. So, for instance, the laws regarding praying, fasting and pilgrimage never change. These types of laws are to some extent similar to what is called '***devotional laws***' in Sunni School [discussed before in the section for Identification of Maqasid.] As Ibn Ashur, the renowned Suni jurist, states, Ibadat are considered as *devotional laws*, and understanding the exact objectives behind them is sometimes impossible for the jurist. Therefore, we should merely obey them devotionally.[317]

Second, Legal maxims. As we said, Legal maxims are an unchangeable part of Sharia in Shia School. By the same token, the higher objectives of Sharia in Suni School reflect the unchangeable parts of Sharia according to which all the other laws can change. Third, the idea of ***Realm of Tarkhis*** in Shia, is very similar to the concept of "***Rationalized laws***" in Maqasid Al-Sharia [that we discussed in the section for Identification of Maqasid]. ***Realm of Tarkhis*** refers to an area of Sharia in which humans are given permission to enact laws (or change and amend the previous laws) in the light of surrounding circumstances, as long as they abide by the underlying principles of Sharia, i.e. legal maxims. Even if we face a seemingly mandatory law in the *Realm of Tarkhis*, it is mandatory only under the surrounding circumstances that it was first issued. As the surrounding circumstances change in time and place, a jurist can change the law in light of the new situations, but, based on the unchangeable underlying principles (i.e. legal maxims) of Sharia.[318] By the same token, ***Rationalized***

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[316] Sadr, Muhammad Bagher, *Al-Fatawi Al-Wazihat Wefghan Lemazhab-e Ahl-e Al-Bait,* vol 1., 2nd ed., Beirut: Dar al-Ta'arof Lel-Matbou'aat (1983), p 705

[317] Ibn Ashur, *Treaties on Maqasid Al-Sharia,* pp 61-87

[318] see: Sadr, Muhammad Bagher, Eghtesad-e Maa: Barresi-haayi Darbareh-ye Maktab-e Eghtesad-e Eslami , Vol.1, Translated by Musavi.Mohammad Kazem, Qom: Enteshaaraat Eslami Jame'e Modarresin Howzeh Elmieh Qom Publicaiton (1348), p 330; And
Sadr, Muhammad Bagher, Eghtesad-e Maa: Barresi-haayi Darbareh-ye Maktab-e Eghtesad-e Eslami , Vol.2, Translated by Abdol-Ali Espahbodi , Qom: Enteshaaraat Eslami Jame'e Modarresin Howzeh Elmieh Qom Publicaiton (1348), pp 34-35, and 312-317

Laws in Suni School refers to the laws the underlying ratio legis of which is understandable by the jurists, and thus, the jurists can amend the laws under the new circumstances in order to better achieve the ratio legis.

Moreover, both ***Realm of Tarkhis*** and ***Rationalized Laws*** take account of the different roles that Prophet Muhammad played in the society. They both acknowledge that the Prophet performed at least two distinct roles both as a *Prophet* and as *the ruler of the society*. As a ruler, he conducted and handled many issues under the *Realm of Tarkhis* (i.e. changeable laws), the nature of which is not mandatory, "***because these rules were not issued as general and unchangeable Sharia laws; rather, He issued them in his position as the ruler of the society [not the Prophet***]"; nevertheless, they "***to a great extent serve as a guiding light for us in discovering the fundamental principles and objectives."***[319] Similarly, Ibn Ashur, the renowned Suni jurist has also discussed the distinct roles of the Prophet, and he believes the Prophet's "actions and conduct include various capacities",[320] and thus should be treated differently when it comes to Ijtihad. Ibn Ashur has suggested at least twelve different capacities under which the Prophet acted, each of which calls for a different treatment and analysis.[321]

For instance, it is said that the Prophet (PBUH) once announced that if a person owns an amount of water and forage that is excessive to his needs, he shall not forbid other people from using the excess amount of it. As Sadr argues, we should note that the nature of this forbiddance is different from the nature of forbiddance of wine and alcohol in Islam. The law about excess water and forage was issued under the *Tarkhis Realm* by the Prophet, in his position as the *ruler*, not the messenger of God. So, as the time and place changes, the jurists can change this law. However, this ruling of the prophet was based on the *unchangeable principle* and *legal maxim* of '*La Zarar*', which means application of Islamic laws and/or application of one's right shall not result harm or injury to another person.[322]

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[319] Sadr, Muhammad Bagher, Eghtesad-e Maa: Barresi-haayi Darbareh-ye Maktab-e Eghtesad-e Eslami , Vol.2, Translated by Abdol-Ali Espahbodi , Qom: Enteshaaraat Eslami Jame'e Modarresin Howzeh Elmieh Qom Publicaiton (1348), p 35

[320] Ibn Ashur, *Treaties on Maqasid Al-Sharia"*, p 31

[321] See, Ibn Ahur, Treaties on Maqasid, pp 31-47. The twelve capacities that he mentiones include:1- Legislator, 2- Issuing edicts, 3- Judgeship 4- supreme leadership 5- guidance and instruction 6- conciliation between people, 7- giving advice 8- counseling 9- Encouraging people to follow the best forms of conduct, 10- Teaching lofty notions and higher truths 11- disciplining people 12- non-instruction

[322] Sadr, Muhammad Bagher, Eghtesad-e Maa: Barresi-haayi Darbareh-ye Maktab-e Eghtesad-e Eslami , Vol.1, Translated by Musavi.Mohammad Kazem, Qom: Enteshaaraat Eslami Jame'e Modarresin Howzeh Elmieh Qom Publicaiton (1348), p 331

Therefore, any new law that replaces the Prophet's ruling in this case, must be issued in such a way that adheres to this principle. Exactly the same analysis may be conducted from the view point of Maqsid al-Sharia. As mentioned, the Maqasidi approach also takes account of the different roles of the Prophet in the society. Furthermore, the legal Maxim of *La Zarar* in Shia analysis, may be considered as an *objective (i.e. Maqsad)* of Islam in Suni method of analysis. Therefore, a Suni jurist may revise the law regarding excessive forage and water in the light of this underlying objective.

Below are few more examples of application of *Theory of Time & Place*, and *Legal Maxims* in Shia jurisdiction, and its comparison with Maqasid in Suni.

Example 1: The *legal maxim* of 'La-Haraj' [literally meaning '*no hardship'*] means one of the objectives of Sharia is to remove the unnecessary hardships. One of the evidences for inference of this maxim is Quran, (5:6) which says: "…***Allah does not intend to make difficulty for you***…". It is construed as God does not impose an unnecessary difficulty upon humans. This maxim has been one of the reasons based on which many Shia scholars have permitted homosexuals to receive sex-change operation. In fact, among the reasoning behind such Fatwas is that a homosexual who has both organs of man and woman, lives a very difficult life. If we are not sure whether God permits an operation that changes their gender and negates their difficulty, then we may resort to the Maxim of La' Haraj that says God would not impose such huge burden of difficulty upon the shoulder of this person when there is a legitimate way to remove such burden.
As we also discussed in the section for Identification of Maqasid, *'La Haraj'* is considered an objective (Maqsad) of Islam in a Maqasidi approach. Therefore, potentially the same analysis may be conducted from a Maqasidi approach based on the higher objective of *La Haraj.*

Example 2: When a man and a woman get married and consummate their marriage, if there is a disagreement between them about whether the man has actually submitted Mahrieh to the woman or not, it is traditionally ruled by many jurists that the priority should be given to what the man claims. However, Shahid Awal says that the only reason for giving the right to man in this case is that in the old times it was customary to pay the Mahrieh before consumption of the marriage. Therefore, if there was any doubt whether the man had actually paid the Mahrieh or not, while they had already consummated the marriage, it would be presumed that he had already paid it. In fact,

the traditional rule in Islamic jurisprudence about giving priority to man's claim in this situation was because of the surrounding circumstances. Shahid Awal believes that now that the situation and the customs have changed, we do not have to apply the same rule any more.[323]
This analysis reflects the theory of *Time & Place* in Shia School; however, exactly the same analysis may be conducted from a Maqasidi approach.

Example 3: One of the most important *Legal Maxims* is the principle of *Justice.* The maxim of '*justice*' is of utmost hierarchy, according to which the existence and accuracy of laws, and even other maxims should be tested, to make sure that they do not contradict with *justice*. Murteda Mutahhari, a prominent Shia jurist and philosopher states: "The principle of Justice is a scale [a balance] according to which everything must be examined and measured. Justice is not merely an objective or outcome [of something]; rather, it is the head of all the other causes and reasons. It is not correct to say that whatever religion says is justice; it is actually what justice says that constitutes the religion."[324] Similarly, we saw in the section for Classification of Maqasid, that '*justice*' is among the '*General Maqasid*' that is suggested by Jasser Auda. *General Maqasid* were described as objectives that govern over all the other types of Maqasid, and this, they must be observed throught our th entire body of Islamic Law. So, *justice,* either as a *legal maxim* or as an *objective*, plays a very important role in both Schools. Below is an example of application of this concept:

In Islamic jurisprudence, a contract that is made due to Iztirar (distress and emergency) is considered valid, although he might not wish to make such contract. Now, the question is, what if someone (called 'A') who is aware of the difficult situation of another person (called 'B'), purposefully abuses this situation? For instance, imagine A is a surgeon, and he knows that B must be operated immediately, and he knows that B has no option but to be operated by A. Can A, in this situation make his operation contingent upon a very high fee? B, is a Muztar (distressed) and if he accepts the fee, the contract will be valid, but according to Murteza Mutahari, 'A' has committed a Haram. Although, in the normal situation it is not Haram to enter a contract with a

[323] Muhammad Ibn Makki (Shahid Awal), *Al-Qawaid wa-lFawaid*, Vol. 1, Qom: Maktabat Almofid Publication, p 152
[324] Motahhari, Morteza. *Barresi Ejmali-e Mabaani-e Eghtesad [A Brief Analysis of Economic Principles of Islam]*, Tehran, Iran, Hikmat Publication, (1403 H.GH) P 14-15

Muztar, but in this scenario, A's conduct is against *justice*, and it is Haram for him to receive such money.[325]

Example 4: Here is another example about the principle or objective of *justice* in Islam. There is a question about whether an adult girl can marry someone without permission of his Wali (guardian, e.g. father). Muhaghigh Najaf (Saaheb Jawaher) believes given that the Ahadith (narrations) about this question are conflicting, we may say that based on Aql (intellect) father cannot prevent his daughter, because it is against justice to impose such boundary on an adult and wise girl.[326] A Suni scholar may make the same conclusion on the basis that justice is the ultimate objective of Sharia. Therefore, if granting discretion to this girl for marriage without his father's permission helps us achieve *justice* better, we may rule so.

Part 3. Islamic philosophy and Higher Objectives

It is important to note that there is a delicate difference between studying higher objectives in Islamic Philosophy and in Islamic Jurisprudence. For instance the Theory of Time & Place that we discussed in previous sub-section is mainly discussed under the category of Islamic Jurisprudence and methods of Ijtihad by Muslim Jurists, not necessarily by Islamic philosophers. *Islamic jurisprudence* discussions involves so many technical issues that are directly attached to the process of Ijtihad ; whereas Islamic philosophy is, as its name suggests, philosophical. It does not get involved in technicalities of Islamic jurisprudence and Ijtihad, although the result of such philosophical debates eventually may affect the Islamic jurisprudence as well. In fact, Islamic philosophy is very dominated by discussions that are nowadays called as '*legal theory.*' However, it has traditionally been classified and discussed as *Islamic Philosophy;* a distinct subject from Islamic jurisprudence. Therefore, it has had very limited and indirect effect on Islamic laws. Revising this legacy and including it in our contemporary legal theory discussions will considerably enrich the discussions in Islamic legal systems as well the process of Ijtihad.

Studying the higher objectives of Sharia in Islamic philosophy is of such importance that some jurists and Islamic philosophers such as Ghazali (the renowned Suni Jurist),

[325] Asghari, S. Mohammad, "Edaalat be Masabeye Gha'edehye Feghhi [Justice as a Legal Maxim], Hoghoogh va Olum Siasi Daneshgah Tehran Journal (Journal of Law and Political Science Faculty of Tehran University) Spring 1388SH, Volume 39, No. 1, pp1-21

[326] Najafi, Mohamad Hasan (Jawaher), *Jawaher Al-Kalam*, Vol 29, Tehran: Dar Al-Kotob Al-Islamiah Publicaiton, p 179

and Mullasadra (the renowned Shia jurist), believed that the true meaning of Fiqh is to tackle these type of issues, not the laws of divorce or marriage, and the like.[327] Mullasadra, for instance, believed although Islamic laws are important for our daily life, we shall not mistake them for the more important issues that constitute the higher objectives and the inner meaning of Quran. And, in his opinion about the nature of Fiqh, he specifically refers to Ghazali, who shared the same opinion, and believed the nature of Fiqh is beyond studying the trivial issues; rather, it must be more concerned with the inner truth (Batin) of Islam.[328]

Studying the history of such thoughts and philosophies is beyond the scope of this Manual. Here, we only mention very few examples of them, and we show how it eventually can affect the interpretation of Quran and Islamic laws.

Example 1: Mullasadra[329] believes that the ultimate purposes of Quran, and generally Sharia, can be summarized in three matters: 1) To know God (Haq) 2) To know the true meaning of the correct path (Serat Al-Mostaqim), and to obtain spiritual affinity through a soul-purification-journey 3) To know the true meaning of Resurrection and returning to Allah.[330] He believes that *laws* are only a means and instrument to achieve these higher objectives.[331]

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[327] Muhammad Ibn-Ibrahim Sadr al-din Shirazi (Mula Sadra), *Resaaleh-ye Se Asl: Be Inzemam-e Montakhab-e Masnawi va Roba'iaat-e oo [Study of Three Principles; And a collection of his poems],* edited by Dr. Nasr S. Hosein, Tehran: Daneshkade Oloom Ma'ghoul va Manghool Daneshgah Tehran Publication (1340SH) p 78 ; and, Muhammad Ibn-Ibrahim Sadr al-din Shirazi (Mula Sadra), "I*nterpretation of Quran*" Vol II, Qom, Iran, Bidar Publication, 1364 SH, pp 65-71

[328] Muhammad Ibn-Ibrahim Sadr al-din Shirazi (Mula Sadra), "I*nterpretation of Quran*" Vol II, Qom, Iran, Bidar Publication, 1364 SH, p 71

[329] Muhammad Ibn-Ibrahim Sadr al-din Shirazi, (Mula Sadra), *Al-mazaher - al - Ilahiya,* Vol 1. Translated (to Farsi) by Seyyed Hamid Tabibian, Jalaledin Ashtiani, Jafar Sajjadi, Amirkabir., Amirkabir publication, 1364 (1985) P 16

[330] Remember our discussion about the ultimate objective of Islam in the introduction. We provided many verses of Quran which mentioned the ultimate purpose of Islam is that humans become so purified that deserve to meet Allah.

[331] The three instrumental aspects of Sharia (attachments to higher objectives) include 1) To acquaint us with the prophets 2) to teach people the wrong paths that may lead people astray 3) to teach people the means they need to cultivate their life on earth, and to prepare themselves for their eventual return to God. This part, among the other things, consists of ***laws*** that are necessary to manage one's life in family and society

Muhammad Ibn-Ibrahim Sadr al-din Shirazi, (Mula Sadra), *Al-mazaher - al - Ilahiya,* Vol 1. Translated (to Farsi) by Seyyed Hamid Tabibian, Jalaledin Ashtiani, Jafar Sajjadi, Amirkabir., Amirkabir publication, 1364 (1985) P 16

Humans have two sides: first, the noble and immortal side, and second, the lowly or trivial side. The higher objective of religion is to cleanse and train our noble side through knowledge and spiritual purification,[332] whereas the *laws*, as means and instruments for the higher objectives, should be applied in a way that they truly help our noble side flourish.

An example of this attitude towards Islamic law is Mullasadra's opinion about the law of *Enjoining what is right and Forbidding what is wrong (*Amr Bel-Ma'rouf Wa Nahy Anel-Monkar). In interpretation of the verse 44 of Sura Al-Baqara , he states that only a person who is just (A'del) and righteous can enjoin what is right and forbid what is wrong, i.e. a person who does not commit Muharramat (i.e. sinful acts). Quran (2:44) says: "***what! do you enjoin men to be good and neglect your own souls while you read the Book; have you then no sense?"*** And Mullasadra argues that[333]:

First, the purpose of these laws is to help people purify their soul, and such laws do not fulfill their purpose unless they are done with knowledge and full sincerity. Otherwise, performing them do not have any effect on the heart, and thus, it is pointless to do so. In other words, the voice and statements of a person who commits Muharramat and yet enjoins what is right and forbids what is wrong, does not have the purifying effect that is aimed by Sharia.

Second, if an unjust person(hereinafter called 'the *preacher'*) enjoins what is right and forbids what is wrong, even if the enjoined or forbade person (hereinafter called 'the *target'*) accepts this advice, the negative effects of such insincere advice will eventually emerge. The target has mistakenly assumed the preacher is a just person; hence, he has obeyed him. Yet, in future he may happen to see the preacher is committing another form of crime/sin, and given that he believes the preacher is a just person, he may think that the wrongdoing of the preacher is not of that significance. In other words, given that the preacher has acted as though he was a just person (while he was not), his future engagement in any sinful act will negate the importance of that sinful act in the eyes of the target.

Third, when someone engages in Enjoining what is right and Forbidding what is wrong, while he himself is sinful, it is as if he is in the middle of adultery and yet he

[332] Muhammad Ibn-Ibrahim Sadr al-din Shirazi, (Mula Sadra), *al-Shawahid al-rububiyyahal- fi manahig al-slukiyyah.*, Tehran, Iran. Markaz Nashr Daneshgahi Publication, 1360 (1981), page 371

[333] Muhammad Ibn-Ibrahim Sadr al-din Shirazi (Mula Sadra), "I*nterpretation of Quran*" Vol III, Qom, Iran, Bidar Publication, 1364SH, page 257-258

commands a woman to cover her hair. This is against A'ql (intellect) and the principle of justice.

Example 2: Irtidad (Apostasy)

One of the controversial issues in Sharia is the issue of apostasy. The classical Shariah rule for punishment of apostasy is 'death'. Dr. S. Hussein Nasr, in his book, *The Heart of Islam*, after he explains the importance of knowledge and free will in Islam, and the respect of Islam for one's Aq'l (i.e. intellect), he states that the "*reason for such ruling must be sought in the fact that attachment to Islam was related before modern times to being a member of the Islamic State as well as community, and therefore apostasy was seen as treason against the State, not just religious conversion. Today when the State is no longer Islamic in the traditional sense in most Islamic countries, many religious scholars have spoken against capital punishment for apostasy.*"[334]

The focus of Dr. Nasr in this interpretation is on the importance of A'ql (intellect) and knowledge in Islam, and the inherent indecency (Qubh) of ignorance. His arguments are at the policy level and philosophical studies of Islam. It is through this type of analysis that he concludes forcing people to believe in Islam is not in line with the philosophy and inherent principles of Sharia. Thus, he concludes there might be a specific reason, such as the fear of treason, that had caused issuance of capital punishment in the first place.[335]

What is interesting is that a Sunni scholar may come to the same conclusion through the road of Maqasid. In fact, this is because the nature of both approaches is the same, that is they both emphasize on the higher objectives of Sharia, and the importance of human's intellect.

Example 3: Islamic Punishments

Dr. Reza Feiz, a renowned Shia legal scholar, in his study of the nature of punishment in Sharia, has also taken account of the interpretations of Quran made by Ibn Arabi and Abd al-Karim Hawazan al-Qushayri (two renowned Sunni scholars).[336] Quran (40:42) states "***The recompense of a sin is a sin like it…***". Ibn Arabi states that one

[334] Nasr, S. H. (2004). *The Heart of Islam: Enduring values for humanity*. New York: HarperCollins. page 35
[335] Nasr, S. H. (2004). *The heart of Islam: Enduring values for humanity*. New York: HarperCollins. page 35
[336] Feiz. Reza, "'*Ghahr-e Mabtoon' va Jazaaye Na-Matloob dar Erfan-e Ibn Arabi" (Uncontrollable Subdue and undesirable punishment in Ibn Arabi's Irfan),* in Journal of Dayerat al-Ma'aaref Oloom Jenaayi (Encyclopedia of Criminal Sciences), Volum II, Publisher: Mizan Legal Foundation, Tehran 2013, pages 1225-1237

must consider that the word '*Sin* (Sayy'eat)' is repeated twice in this verse: once as a crime, and once as a punishment. This repetition conveys a very interesting message, that is the nature of crime and punishment is the same. They are both '*sin'*, and they are both Qabih.

However, the reason that God has allowed commitment of the second sin (punishment) is that it may serve a good cause (Maslahat) for the society, and such Maslahat may surpass the Qubh of the punishment. Therefore, in order to enforce the punishment we shall always make sure that punishment *actually* obtains that Maslahat. Otherwise, it is only as if we repeat a sin; nothing more.

Dr. Feiz continues by arguing that another reason God approved of punishment (i.e. committing the second sin) is that it helps the criminal to purify his soul from the dark effects of the crime. Therefore, the punishment must be applied only if we know this is the only way to purify his soul, and there is no better way to do that. (This argument is similar to the nature of reasoning that Mullasadra offered in his interpretation of Enjoining what is right and Forbidding what is wrong). For instance, if we realize that forgiving the offender will have more purifying effect on his soul than punishing him, then we shall drop the punishment.

To support this argument, Dr. Feiz refers to Quran 7:156 that says: "*… **he [God] replied: 'I will smite with my punishment whom I will; yet my mercy embraces all things…**"* And he draws upon interpretation of Qushayri of this verse, which is: God has made enforcement of punishment (.i.e. His Qahr) subject to His decision. However, His Mercy is without boundary and without any condition. By the same token, Dr. Feiz argues that punishment is not a must and a mandatory rule. It is only an option that must be conducted only if it serves its underlying purposes, and it must be subject to scrutiny. Instead, it is one's mercy that must be unconditional, and without boundary. Therefore, whenever we face a situation in which on one hand we are offered by Sharia a right to punish someone, and on the other we have an option to achieve the ultimate purpose of Sharia by a better action, we must drop our right of punishment, and must resort to the action that serves the purpose better.

In the end of this Appendix, we would like to emphasize again that the existence of differences among the Schools of Islam, does not and shall not prevent them from having a constructive discussion about higher objectives of Sharia and its underlying principles. It is true that objectives of Islam are usually discussed in different categories

in each School, and they are also derived sometimes from different sources, and are applied sometimes by rather different methods of usul al-fiqh. Nonetheless, each of them is in fact trying to discover and apply the inner meaning of Islam in its Ijtihad; and this is all that matters for having a constructive discussion about Islam, and to reach a mutual understanding of the heart of it. And, interestingly enough, the golden ages of Islam has always been during the times that Muslims cooperated with each other and with non-Muslims regardless of color, nationality, race and religious distinctions. They emphasized the heart of Islam, which contains the message of peace, brotherhood, respect, understanding, and Shurra (collaboration) in the entire Islamic Ummah.

Appendix 4: Glossary of Arabic Names and Terms

Glossary of Arabic Names and Terms	
ʻabd	servant
Abu al-Maali al-Juwaini	author of "The Proof of the Fundamentals of Law"
Abu Barzah al- Aslami	a man mentioned in a Prophetic tradition
Abu Hamid al-Ghazali	a Muslim theologian, jurist, philosopher, and mystic of Persian descent
Abu Ishaq Al-Shatibi	author of "Congruencies in the Fundamentals of the Revealed Law "
Abu Zaid al-Balkhi	author of "Revealing Purposes in Religious Practices"
ʻafoo	forgiveness
ahadeeth	plural of "hadeeth" – saying of the Prophet Muhammad (saw)
ahkam	"rules;" refers to specific Quranic rules, positive fiqh laws derived from Islamic legal methodology, and rules or edicts
akhirah	life after death
al-Ahwaz	a city in what is now the south of Iran
Al-Amiri al-Failasuf (Al-Amiri Nishapuri)	author of "Awareness of the Traits of Islam"
al-amr bi-l-maʿrūf wa-n-nahy ʿani-l-munkar	enjoining what is right and forbidding what is wrong
'al-Burhan fi Usul al-Fiqh'	"The Proof of the Fundamentals of Law," by Abu al-Maali al-Juwaini
'al-Furuq'	"The Differences," by Shihabuddin al-Qarafi
al-Hajj wa Asraruh	"Pilgrimage and its Secrets" by Al-Tirmidhi al-Hakeem
al-Haruriyah	an Arab tribe
al-Ibanah 'an 'ilal al-Diyanah	"Revealing Purposes in Religious Practices" by Abu Zaid al-Balkhi
al-ifsad	corruption, mischief
al-ikhtilaf	different, disagreement; taking a different position or course from that of another person either in opinion, utterance, or action
al-I'lam bi-Manaqib al-Islam'	"Awareness of the Traits of Islam" by Al-Amiri al-Failasuf (Al-Amiri Nishapuri)
al-islah	reformation, conciliation
al-Izz Ibn Abdul-Salam	author of Qawai'd al-Ahkam fi Masalih al-

	Anam
al-jadal	dialectic, disputation, argumentation; implies carrying out a discussion in a contentious manner in order to gain the upper hand
Allah	The Arabic word for "God," referring to the God of monotheism and the Abrahamic faiths
al-Maqasid al-Ammah	general Maqasid, such as the necessities and needs
al-Maqasid al-Juziyyah	partial Maqasid, the 'intents' behind specific scripts or rulings, such as the intent of discovering the truth in seeking a certain number of witnesses in certain court cases, the intent of alleviating difficulty in allowing an ill and fasting person to break his/her fasting
al-Maqasid al-Khassah	specific Maqasid, which are observed throughout a certain 'chapter' of the Islamic law, such as the welfare of the children in family law, preventing crime in criminal law, and preventing monopoly in financial transactions law
al-Mustashfa	"The Purified Source," by Abu Hamid al-Ghazali
'al-Muwafaqat fi Usul al-Shari'ah'	"Congruencies in the Fundamentals of the Revealed Law " by Abu Ishaq Al-Shatibi
Al-Qaffal al-Shashi al-Kabeer	A Muslim scholar of what is now Tashkent
Al Rihla	Ibn Batouta's document describing the lives of Muslims across the Muslim world
al-Salah wa Maqasiduha	"Prayers and their Purposes"by Al-Tirmidhi al-Hakeem
al-Shafi'i	Imam and jurist in the second Islamic century
al-Shatibi	Imam and jurist in the eighth Islamic century
al-shiqaq	friction, dissension, discord; has the original meaning of carving out a piece of

	ground into distinct portions, and seems to suggest that one piece of ground is not wide enough to accommodate both disputants at the same time
Al-Tirmidhi al-Hakeem	ninth century Islamic mystic who lived in Central Asia, copious author, author of "Prayers and their Purposes"
angúr	Persian for "grape"
a'ql	Intellect
ayats	verses in the Holy Quran
baraka	blessing; refers to blessings of plenty, abundance, and providence, usually related to whether your means of livelihood is halal (permissible)
bashsher as-saabireen	"Good tidings to the patient ones"
Bassiouni, Cherif	contemporary international law authority
bi-iznillah	"by the permission of Allah"
Bukhari	a Persian scholar who was born in Bukhara who authored the hadith collection known as Sahih al-Bukhari, regarded by Sunni Muslims as the most sahih (authentic) of all hadith compilations
daa'wa	an Arabic word which means to "invite" or "summon." Often used to describe when Muslims share their faith with others, in order to teach them more about Islam
daruriyat	essentials; in Islamic law, one's five essential interests; namely faith, life, intellect, property, and lineage
dirhem	unit of money
dhulm an nafs	how your actions can be the source of your own pain
Dunya	this physical, temporary world; material things
Fatwa	a ruling on a point of Islamic law given by a recognized authority
'fi sabil Allah	"in the way of God"
Fiqh	legal interpretations and precedents, which have been labored over and documented by legal scholars over the

	centuries; legalism
fitan	schisms
Fitnah	temptation, trial, sedition, affliction
fitrat/fitrah	the upright creation named in the Quran; an internal barometer for right and wrong
hadeeth	saying of the Prophet Muhammad (saw)
Hajiyat	needs; in Islamic law, those interests that are less essential for the survival of people and the community; complementary interests which are regulated by Sharia to achieve the society's interests and improve its well-being
Halal	permissible
Halaqa	a religious gathering to study Islam and the Quran
Hanafi	one of the schools of Islamic thought, named after Imam Abu Hanifa
Haram	forbidden
Hijab	"cover;" the traditional dress code of Muslim women, calling for the covering of the entire body except the face, hands, and feet
Hikmat	knowledge
Hudaibiyah	a city situated about 9 miles (14.5 km) outside Mecca; site for an important treaty between the Prophet Muhammad (saw) and the Meccans
Hukm	in the Quran, denotes arbitration, judgment, authority, God's will. Can also refer to temporal executive rule or to a court decision
Ibn Arafah	a Tunisian Imam and prominent jurist
Ibn Ashour	prominent scholar influenced by the work of Al-Shatibi on Maqased el Sharia, author of 'Maqasid al-Shari'ah al-Islamiyyah' (The Higher Objectives of Islamic Law), and contributor to Maqasid by coining contemporary terminology that was never formulated in traditional Usul al-Fiqh
Ibn Babaweah al-Qummi (Al-Shaykh Al-Sadouqh)	the great Shia jurist and author of ilal al-Sharai'
Ibn Batouta	a Medieval Berber Muslim traveler and

	scholar; widely recognized as one of the greatest travelers of all time
Ibn Khaldoun	Arab Muslim historiographer and historian, regarded to be among the founding fathers of modern sociology, historiography, demography, and economics. He is best known for his book, the Muqaddimah
Ibn Qayyim al-Jawziyyah	an Arab Islamic jurist, commentator on the Qur'an and theologian, sometimes referred to as "the scholar of the heart'
Ibn Taymiyyah	an Islamic scholar, theologian and logician who lived mostly in Damascus during the times of the Mongol invasions
Ijtihad	the process of applying an extensive rational and logical process to interpret the Quran and Sunnah by Muslim jurists and discover the applicable laws
ilal al-Sharai'	"The Reasons behind the Rulings" by Ibn Babaweah al-Qummi (Al-Shaykh Al-Sadouqh).
Illah	underlying reason
Imam	Muslim leader of prayer, leader or ruler, term of respect
Iman	faith
Imran	human being as God's vicegerent on earth to fulfill His will and establish a civilization with a sense of value
'inab	Arabic for "grape"
Inna Allaha ma'as-saabireen	"Verily Allah is with the patient"
ista'eenu bis-sabri was-salah	"persevere with patience and prayer"
istáfíl	Greek for "grape"
istilahat	speech conventions
istiqra	thematic inference; a method which involves "exhaustive examination of the provisions and commands" in order to infer the ratio legis or objective behind them, that reveals a higher objective, e.g. objective of justice, or brotherhood
Ja'far ibn Muḥammad al-Ṣādiq	the sixth Shia Imam, known as "The Truthful," revered as a transmitter of

	hadith and prominent jurist
Jassir Ouda	contemporary prominent scholar influenced by the work of Al-Shatibi on Maqased el Sharia
jihad	the spiritual struggle within oneself against sin; a war or struggle against unbelievers
kafir	negative reference to an unbeliever
khair	Good
Khawarij	rebel group against Imam Ali with juristic and political influence in Islam
khutbah	sermon
la haraj	the removal of unnecessary hardship is among the objectives of Sharia
Madrasa	a college for Islamic instruction
mafasid	avoiding harm
Mahasin al-Sharai'	"The Beauties of the Laws" by Al-Qaffal al-Shashi al-Kabeer
malek	king; title of respect
maqam al-tashri'e	the context of legislation
Maqasid	objectives of the Sharia; purpose and objective
Maqasid al-Shari'ah al-Islamiyyah'	"The Higher Objectives of Islamic Law," by Ibn Ashur
ma'roof	to act with decency and kindness
masalih	utmost righteousness and benefit
Mua'mele Wahi	a transaction that serves no purpose
Muhammad Al-Tahir Ibn Ashur	Tunisian scholar (d.1325 AH/ 1907 CE) whose landmark work proposed Maqasid as a methodology for the renewal of the theory of the Islamic law
Muhammad Tughluq	Sultan of Delhi in the time of Ibn Batouta
mu'llal	rationalized laws, the purpose of which is mentioned or implied in textual sources of Sharia
mughnieh	Muslim scholar
Musa ibn Ja'far al-Kadhim	Shia historical figure
Muslim	"one who submits to God;" refers to a follower of Islam
Muwatta'	Imam Malik's collection of Hadith
Nafs	essence, spirit, desires
neshouz	deviance by one spouse

qara'in	contextual evidences
Qawai'd al-Ahkam fi Masalih al-Anam	"Basic Rules Concerning People's Interests," by al-Izz Ibn Abdul-Salam
qisas	just retaliation
Quraishi	referring to the tribe of Prophet Muhammad, the Quraish
Quran	the word of God as revealed to the Prophet Muhammad (saw)
'Qurbatan Ela Allah'	in order to become closer to God
Reba	schemes which impose high interest on borrowed money
Sabr	Patience
sadaqa	Charity
Shahadah	The declaration of faith: 'I witness there is no god, but God;' the sentence that every person must say in order to become a Muslim
Sharia	Islamic law
sheqaq	marital disagreement
Shihabuddin al-Qarafi	Author of "The Differences"
Shu'bah	A sub-narrator of Prophetic tradition
Shura	Consultation
Shura Jury	A proposed approach to conflict resolution where members of the community engage in research of the subject matter and offer their findings to the parties
sulh	conciliation or settlement; the active form is islah, meaning to make good, proper, or right, or to reconcile and settle
Sunnah	verbally transmitted record of the teachings, deeds and sayings, silent permissions (or disapprovals) of the Prophet Muhammad (saw)
sunnah mutawatirah	contiguously transmitted traditions of the Prophet Muhammad (saw)
Suras	chapters of the Quran
Surat Al-Baqara	The Chapter of the Cow
Surat Al-Duha	The Chapter of the Fore-Noon
Surat Al-Furqan	The Chapter of the Criterion, the Standard
Surat Al-Hujurat	The Chapter of the Private Apartments
Surah Ibraheem	The Chapter of Abraham

Surat Al-Israa	The Chapter of the Journey by Night
Surat Al-Talak	The Chapter of the Divorce
swt	short for *Subhanahu wa ta'ala,* said after saying "Allah," meaning "Glory to Him, the Most High"
ta'abbudi	devotional laws whose underlying causes are beyond human grasp
tabaa'iyyah	blind following of one's ancestors
tahsiniyat	luxuries; in Islamic law, this comprises of what leads to refinement and perfection of the society and people's affairs
tawheed	the oneness of Allah
Tayyib	Wholesome
tazkiya	Purification
Umar ibn Khattab	a senior companion of the Prophet Muhammad (saw) and second of the Rightly Guided Caliphs
Ummah	the whole community of Muslims, bound together by ties of religion
Usul al-Fiqh	the four major sources from which law is derived: the Qurʾān; the Sunnah; ijmāʿ (consensus of scholars); and qiyas (analogical deductions from these three)
Uzum	Turkish for "grape"
Wa bashshir as-saabireen	"and the patient are the victorious"
Wa tawaasow bil-haqq, wa tawaasow bis-sabri	"and mutually enjoin truth and mutually enjoin patience/constancy"
wajib	Compulsory
zahir	the words and appearance
zakat	"purification;" a religious alms-giving compulsory on Muslims who meet the criterion of wealth
zann	Conjecture
Zann Qarib bil-Yaqin	high probability bordering certainty, reached by a jurist abiding by the principles of impartiality and justice