Traditional Ways of Conflict Resolution
and the Question of
Cultural Generalisability of the Problem-Solving Workshop:

An Alternative Attempt

Author: Eva Maria Lindenbauer

Supervisor: Kjell-Åke Nordquist

Table of contents

Abbreviations

ADR: alternative dispute resolution

PSW: problem-solving workshop

I use PSW, problem-solving workshop, problem-solving exercise, workshop, and exercise as synonyms in this paper, and I use ADR and alternative dispute resolution as synonyms for mediation.

I Introduction

1. Background

The academic field of peace and conflict studies is a relatively young one, only half a century of age. Within this broadening field some recent developments have taken place, one of them is the use of interactive conflict resolution methods in protracted conflicts. These methods usually take the form of workshops and are subject to a high level of confidentiality or even secrecy, which makes it difficult to make systematic assessments, therefore most of the evaluation so far has been based on single case studies[1]. Although from the first application of such methods in the sixties until today much has been written about them, and some steps towards professionalisation have been taken, many questions still remain unanswered.

One of these is the question about cultural generalisability of the problem-solving workshop. Kevin Avruch has written a book about culture and conflict resolution, and within it devotes a whole chapter to the topic of the problem-solving workshop[2]. Roger Fisher describes all the different developments of interactive conflict resolution from the beginning on, calls for further institutionalisation and professionalisation, and in the last chapter he also comes up with the culture question[3]. Finally, Paul Salem and Mohammed Abu-Nimer compare Western principles of conflict resolution to Middle Eastern ones and point out some contradictions as well as commonalities[4]. All of these texts circle the same topic, the first two authors ask the question of culture and problem-solving exercises, while the second two authors make concrete comparisons between the conflict resolution principles of two cultures. But none of these texts makes a concrete attempt to outline a culturally adapted problem-solving workshop, so this is what I chose to do.

---

[1] Fisher, R.J., *Interactive Conflict Resolution*, Syracuse – New York, Syracuse University Press, 1997, p. 194.

[2] K. Avruch, *Culture & Conflict Resolution*, Washington D.C., United Stated Institute of Peace Press, 1998, pp. 85-100.

[3] Fisher, R.J., *Interactive Conflict Resolution*, Syracuse – New York, Syracuse University Press, 1997, pp. 259-264.

[4] P. Salem, *A Critique of Western Conflict Resoution from a Non-Western Perspective*, in P. Salem (ed.), *Conflict Resolution in the Arab World: Selected Essays*, Beirut, American University of Beirut, 1997, pp. 11-24; M. Abu-Nimer, *Conflict Resolution in an Islamic Context*, in «Peace & Change», vol. 21, no. 1, Jan. 1996, pp. 22-40 and *Contrasts in Conflict Management in Cleveland and Palestine*, in I.W. Zartman (ed.), *Traditional Cures for Modern Conflict – African Conflict "Medicine"*, Boulder – London, Lyenne Rienner Publishers, Inc., 2000, pp. 141-152.

2. Aim

The aim of this thesis is to create a picture of a more culture-sensitive alternative to the original model of interactive conflict resolution in the readers' mind, and propose a way how to get there. A working assumption is, that a less academic, less Western and more culturally adapted workshop will produce better results. My hypothesis can be formulated as follows: *By doing cultural analysis and applying the results to the problem-solving workshop, some open questions about the latter can be answered.*

3. Method

This thesis is built on a comparative study, which is purely literature-based. The literature stems mainly from the fields of peace and conflict studies and anthropology. The first difficulty I was confronted with was to find the entrance to the tiny area `anthropology of peace´, once there I had to skim through a lot of literature to find some techniques that are similar enough to compare and different enough to produce interesting results. I finally chose a combination, the only problem that remained was the one of the different sources. Some information is taken from schoolbooks, others is taken from anthropological studies, or comparative studies of the field of peace and conflict, with a time span of more than thirty years between the earliest and the most recent text.

The reasoning behind this paper is as follows: I assume that the problem-solving workshop's utility could be increased by adapting it to the respective cultural context. There are no `role models´ in other cultures for the PSW, as this is a new technique designed for the use at the level of middle level leadership only. The methods of peacemaking in other cultures are usually used at the grassroots level of society. I don't want to make a comparison between a middle-level and a grassroots technique, for this would lead to a confusion of categories: which is the cultural dimension, and which of the differences are grounded in the application at different levels ? Therefore I decided to go one step back to one of the roots of the PSW. Alternative dispute resolution in the form of mediation is seen as one of its predecessors, and as it is a grassroots technique, it is very well comparable to other such practices, and the result of this comparison will be produced only by cultural differences. These results can

then be taken and reproduced at the level of the problem-solving workshop, amending it.

Chapter II of this thesis gives examples of how culture comes into play in conflict resolution interventions at different levels of society. In chapter III three different grassroots methods of peacemaking are presented in a pictured way. Chapter IV contains the comparison of these three techniques along several dimensions. Chapter V gives an introduction of the history and different developments of interactive conflict resolution and presents an ideal model of a workshop. In chapter VI the results of the comparison are applied to the problem-solving workshop. The last chapter, chapter VII, points out some questions that have been answered by using this cultural analysis.

II The influence of culture on conflict resolution interventions

This chapter aims at preparing the ground for locating the techniques described in the following chapters. I will try to present an overview of how culture can influence conflict resolution processes, and I will do so by demonstrating culture's impact on the various levels of multitrack conflict resolution. Usually three different tracks for third party intervention are distinguished[5].

1. Track I – elite

This level includes the elites, meaning key political and military leaders or diplomats. It is a highly visible level, covered by the media; even mediators themselves are usually prominent figures. Leaders have decision-making power but are at the same time under an enormous pressure, which constrains their freedom of movement. Possible interventions at this level are mainly facilitation and mediation.

---

[5] J.P. Lederach, *Building Peace – Sustainable Reconciliation in Divided Societies*, Washington D.C., United States Institute of Peace Press, 1997, pp. 37-61.

Kevin Avruch mentions several authors who claim that culture does not matter at this level, but he himself identifies at least three problematic areas[6]:

Different conceptions of "negotiation" constitute more than merely a finite number of behavioural patterns. The way in which negotiation is seen and practised can be very diverse in various cultures, just think of the language differences between English and Arabic, a low-context and a high-context culture. Where in English only the necessary basic facts are mentioned, in Arabic the core of the message is implicit in a long speech. But problems of translation are only the beginning, there is much more to this topic like the historical necessity of a people to bargain, the environment, usual interactions…. that form the attitude towards negotiations themselves. Several diplomats or heads of state have experienced such differences and written about them, for example former US president Jimmy Carter[7].

The assumption of a global diplomatic culture: diplomats are trained in the same way and speak one language. But still their language(s) is not necessarily identical. The diplomatic culture is an essentially Western one, and people from all over the world have to adapt to it – they can practise its use, but their feelings, their inner picture of the world will change less than their learnt behaviour might suggest. Diplomats may have studied abroad, but the first 18 years of their life will not remain unforgotten – and it is precisely during this time, where some core assumptions, values, metaphors are formed[8]. The term `war´ might provoke very different feelings and assumptions about necessary actions in two persons with different background, e.g. one from a very peaceful country and the other from a county with a long history of civil war.

The assumption of availability of Western-style trained diplomats: in some countries the president, who is maybe an army general, may decide to replace the abroad trained diplomat with one of his fellows from the village or the army.

---

[6] K. Avruch, *Culture & Conflict Resolution*, Washington D.C., United Stated Institute of Peace Press, 1998, pp. 42-48.

[7] An example of the "how to…" literature on this topic is: H. Binnendijk, *National Negotiating Styles*, Washington, D.C., Foreign Service Institute, Center for the Study of Foreign Affairs, U.S. Department of State, 1987.

[8] G. Lakoff, M. Johnson, *Metaphors We Live By*, Chicago, The University of Chicago Press, 1980.

2. Track II – middle level

At the second level one finds persons with formal positions of leadership, for example in education, business, public health, persons belonging to other networks, such as academics, religious groups, humanitarian organisations, and middle-range leaders among identity groups. The main peacemaking efforts at this level include problem-solving workshops, conflict resolution trainings and peace commissions.

Apart from the above mentioned different views on negotiations, different ways to talk, and diverging metaphors, which also occur on this level, culture can come into play in several additional ways in the peacemaking strategies employed especially at this level[9]:

Usually a mediator is expected to be a neutral outsider, but this model was developed mainly in Western mediation settings, for example community, business, or labour disputes. John Paul Lederach, who worked as a mediator himself in Central America, questions this necessity[10]. He finds that in traditional societies sometimes an insider-partial is preferred to an outsider-neutral, because he will stay within his society and thus has to live with the outcomes of his interactions and therefore seems more trustworthy than the neutral outsider. Lederach finds that Central Americans primarily look for trust, *confianza*, not for neutrality, when seeking help for resolving conflicts.

Mediators are expected to build up some common ground between the adversaries, e.g. in a problem-solving workshop, therefore it is necessary that they know something about the participants' culture, or that they at least have the openness to learn about it. Knowledge about differences in customs and laws is also a necessity, Avruch cites as an example Hutchins' work about land disputes in Papua New Guinea, where contingencies to land rights play a central role.

In general one can question whether people reason the same way everywhere. The analytical reasoning, connected to cost-benefit analysis, required in problem-solving-workshops may not be preferable to all people. Avruch refers to J.F. Hamill, who has compared categorical and propositional logic across various cultures and has found that the first is the same everywhere, but not the latter, meaning that a

---

[9] K. Avruch, *Culture and Conflict Resolution*, Washington D.C., USIP Press, 1998, pp. 91-94.

[10] P. Wehr, J.P. Lederach, *Mediating Conflict in Central America*, in «Journal of Peace Research», vol. 28, no. 1, 1991, pp. 85-98.

statement might be true in one culture and false in another. He also cites Lederach, who writes about the practice of storytelling instead of analysis, which he experienced during his mediation efforts in Central America.

Lederach identifies the middle-level leadership as the one with the greatest potential for establishing an infrastructure that can sustain the peace process over the long term[11], therefore I will focus my analysis on one much discussed technique especially used at this level: the problem-solving workshop. I will examine possibilities to make it a less Western, less academic exercise and suggest modifications to make it more suitable for the use in other cultural contexts. The aim is to enhance the willingness of middle-range leaders to participate and thus increase chances of successful, sustained outcomes, and the other way round: through the interaction with another culture new insights may be gained which might be of use also in the West. There is much to say about problem-solving workshops, and I will go into more detail about them in chapter V.

3. Track III – grassroots

At the grassroots level initiatives directed at the broad population take place. People involved in local communities, leaders of indigenous NGOs, refugee camp leaders, or priests carry out activities dealing with peace and conflict. These may be seminars about conflict, strategies to deal with it, psychological help for traumatised people, drama performances and the like. As the masses of people often are in a survival mode, efforts at peace may be seen as unaffordable luxury. Culture is less a problem at this level, as all the efforts take place within one cultural context, and the peacebuilders are community members themselves.

III Conflict resolution in different cultures – description

In this chapter I want to present three ways of conflict resolution from three different cultures in a pictured way, so that the reader can easily get a first impression of these models, including the cycle of steps to be followed in each of them.

---

[11] J.P. Lederach, *Building Peace – Sustainable Reconciliation in Divided Societies*, Washington, D.C., United States Institute of Peace, 1997, p.60.

It is not really appropriate to call them traditional models, because the Western way of alternative dispute resolution (ADR) has only recently been developed, but all three models have in common that they take place at the same level of society, namely the grass-roots level, they deal with more or less similar problems, and all of them were described and applied during the 60s and 70s. During this time the Western model just *started* to be utilised, while the other two models, having evolved out of a long tradition, were *still* in use, albeit with decreasing frequency and importance. For the purpose of my analysis I will disregard these inequalities and describe alternative dispute resolution on an equal footing with the other two models of conflict resolution. From the point of view of inherent traits of a culture one can easily argue for doing so: even if ADR has only been developed lately, it does show some characteristics of a Western way of thinking.

A difficulty I encountered were the different types of texts of texts I found and had to deal with for writing this chapter, some descriptive, some prescriptive, others just mentioning the models described in a different context. Thus, I tried to derive from these different sources the information I needed to formulate all three models in a similar, descriptive, way. That is why the outlines presented here are only my own attempt to boil down several sources to one coherent text containing the main characteristics, while of course not being perfect.

1. U.S.A.

Already during early times, starting before Christ, mediative techniques were in use in the Western world[12], but lately recourse to the legal system and courts was the preferred method to approach problems. Only during the sixties, with the new field of research about peace and conflict emerging, the old form of settling disputes with the help of a third party and outside of courtyards was re-invented: *mediation*. Since then different developments within this field of practice have taken place. One of them regards mediation merely as a means of reaching an agreement between two parties, lead by an authoritative mediator, and goes more and more into the direction of arbitration, another trend within mediation stresses the potential for personal development of the parties, mutual recognition, emotional values, and the need for parties to arrive at their own solution; the neutral mediator only assists this process

---

[12] L. Montada, E. Kals, *Mediation – Lehrbuch für Psychologen und Juristen*, Weinheim, Psychologie Verlags Union, Verlagsgruppe Beltz, 2001, pp. 2-3.

without influencing it too much[13]. This latter approach is called "The Transformation Story" by Robert A. B. Bush[14], and the following case study is a representative example of it. I decided to use a transformative mediation case[15] for this paper, because it has more common background and more common features with the problem solving workshop, and thus serves better for the following comparison.

The mediation

Participants:

The complainant: landlord Dimitrii, a man in his fifties, with a Greek surname and speaking with an accent.

The respondent: tenant Mary, an African American woman in her forties.

The mediator: Carl, a white man in his forties.

Dimitrii had filed a complaint against Mary for not having him paid the rent for several months and having beaten and insulted him in front of her apartment when he came to ask for the due money. The case was transferred from court to a mediation centre, the Queens centre. It is in this locality where the mediation session was held.

Carl met the two persons in the hall and ushered them into a simple room, where he offered them something to drink. He opened the session by explaining to Dimitrii and Mary that this was no court, and he was no judge. He was there to help them to better understand their own and the other's positions and options, but it was up to them to find a solution to their problem.

Mary was a little bit inattentive, so the mediator asked her whether she understood his explanation, and she said yes, but she was worried 'cause she had to go back to work and she wouldn't have come here hadn't there been the summons from the police. Carl said that even if the summons stated correctly that some court action might be taken against her if she didn't come, this was still a completely voluntary session and she didn't have to participate unless she wanted to. In an empowering move Carl left the decision to proceed up to her, and Mary decided she wanted to go ahead.

---

[13] R.A.B. Bush, J.P. Folger, *The Promise of Mediation – Responding to Conflict Through Empowerment and Recognition*, San Francisco, Jossey-Bass Inc., Publishers, 1994, pp. 15-32.

[14] Ibidem, pp. 20-22.

[15] Ibidem, pp. 139-188.

Carl then said it was usually for the complainant to first present his view, and that the speaking person should not be interrupted, the defendant would have ample time to speak later. Again he asked for the consent of both.

Dimitrii started to talk, described the situation, that currently Mary was leaving lights on and turning up the heat just to run up the bill (utilities were included in the rent) and hurt him. He also described the event in January, when he went over to her house to see why she hadn't paid. Mary called him names, spat on him, slapped him in the face and pulled down her trousers to insult him. When he had nothing to add, the mediator asked him several questions: whether he had already started a legal action, how long Mary had been a tenant in his house, if she generally had been on time with the rent and if something like this had happened before. It turned out that things had worked quite well before, and there had almost been something like a friendship between landlord and tenant. The mediator interjected here and summarized, asking Dimitrii, "So you're saying that in the past you have been willing to wait for the rent and help out Mary in some ways, and that she usually always has been pretty reliable ?" Here Carl tried to find out the previous relationship between the parties and provoke some recognition and positive feelings between them.

After having confirmed Dimitrii went on and pointed out that now it was different, repeating the complaints raised before. Then Mary took her turn to speak. She said she didn't pay any rent because of some holes in the walls that had not been repaired. When the landlord wanted to interrupt, the mediator reminded him of his previous commitment not to. Mary went ahead, defended herself, while at the same time accusing Dimitrii, getting increasingly angry. In the end she suddenly stopped and said in a changed tone, "I know I owe him some money, and I am willing to work something out. But I don't want anybody to threaten me." Asked for the amount of money she owed him, she mentioned a far smaller sum than Dimitrii.

Carl, looking back and forth between both, summarized the differences they had: the amount of the rent, the question of moving out, the condition of the apartment, and the question of how each of them wanted to be treated by the other. He asked them whether that was a fair summary and to correct him if he was wrong. Both nodded their assent.

Next Dimitrii went back to an earlier point, saying that he had made plenty attempts to communicate with Mary, but she simply didn't respond. Mary answered that she had found out his true colours, that he was only out for the money, like everybody else. They then talked back and forth for some minutes, and Mary tacitly admitted

that her behaviour in the hallway hadn't been nice. The mediator stepped in and reminded the parties of what they'd said before and also about their past relationship. He then asked a very open question, without imposing any direction: whether they wanted to go back to the old state and if there was a way to get there; and if not, what they wanted to do instead. Mary then talked about moving out, finding a bigger apartment, but she also said that she liked this one, the safe area, and was responded by the landlord several times. The latter confirmed that if they could work out the rent issue, he would be willing to stop any eviction action. After a while talks started to stall, and Carl decided it would be good now to caucus, because he recognized that no more new issues would be raised openly.

The mediator talked first to Mary and asked her for some clarification of what she thought would be best for her to do. Mary replied and changed directions very often, jumping from one issue to the next. Carl patiently mirrored her answers, asking further questions, and in the end they had come closer to her actual needs. Mary wanted to move to a bigger apartment, preferably in the same area. She would need to save some money for the move and thus wouldn't be able to pay Dimitrii. She also knew that if she were evicted this would take at least two to three months and that she would wind up paying very little. Carl next stepped back to the relational issue, asking why Mary thought the landlord deserved this behaviour, as she had said before. It turned out that Mary had gone through a very hard time in autumn, during which she wanted to be left alone until she would have gotten over it. The landlord's asking her several times for the rent was an offence, she felt he didn't trust her or regard her as equal, otherwise he would have shown more respect. Carl offered some alternative explanations: maybe Dimitrii just didn't know how bad she felt ? And, after having asked if this was really confidential, Mary also admitted that someone from the bureau of child welfare (BCW) had come to her, and she was sure that it was Dimitrii who had reported her. Again the mediator asked her some questions and offered other possibilities, but without forcing her to accept them.

Then he returned to the question of what Mary now wanted to do and they talked a while about that, a one-shot aid grant was mentioned, but Mary wanted to keep it secret in the further talk.

The mediator then caucused with Dimitrii, following similar guidelines like in the talk with Mary. He talked both about the emotional issues and about the concrete wishes. Dimitrii complained about Mary's misbehaviour and stated that he thought the reason for it was that she had gotten involved with drugs. The mediator offered some

other explanations without revealing what Mary had confidentially told him. When they turned to practical issues again, the landlord was ready to accept Carl's advice and do whatever he suggested, but Carl refused to make any suggestions, while helping clarify some issues by asking many questions around them. He also didn't push for a simple settlement, which would probably have been possible regarding Mary's wish to move out. In the end Dimitrii had formulated the wish for Mary to move out, he would agree on a lower payment than what she owed him, and he preferred a private solution, as going to court would probably be more costly.

Next all the parties gathered again to resume joint discussions, and Carl started by saying that there obviously existed points of common ground and mentioned some of them. Dimitrii then stated his offer: Mary could stay until May 1 and should give him 4000 $ total. Carl intervened to make things more clear, for Mary didn't know about their previous discussions and how to evaluate this option, "So you are saying that Mary can stay for two more months and instead of paying the total amount of 5600 $ due by then you'll accept 4000 $, including her security deposit. So that would reduce the total amount due by 1600 $. Is that right ?" Dimitrii agreed. Mary didn't reject this offer right away, and they started to engage in a direct and friendly discussion. But then the tone changed again, both got angry, and when the landlord said he had always been like a grandfather to Mary's children, the latter brought up the child neglect charge, "Is that why you reported me to the BCW, because you wanted to help me so much ?" Dimitrii asked her about the incident, because he knew nothing about it, and after Mary had explained it to him he said, "It must have been someone else, maybe your upper neighbour, the one you are quarrelling with sometimes. It is ridiculous to accuse me, I know you are a good mother. I would never report you and you know that." The mediator interrupted, summarized again what had been said and tried to relate the two positions more by asking, "But you surely could understand how upset Mary would be over such a false accusation ?" and Dimitrii said yes. Mary said if it had been someone else at least he made look it as if it had been him.

Then suddenly Dimitrii asked Mary directly, what he had done to be treated like this. Why didn't she talk to him anymore, why did she accuse him of such things ? After a few moments of silence Mary started to talk about the hard times she had been through, and the mediator again made the implicit meaning more explicit, to enable mutual recognition," So you're saying that you just wanted Dimitrii to wait until you got through this period, and when you thought he wouldn't, because he kept asking

you for the money, you felt let down by a friend at a very tough time ? And you were reacting to that ?" Mary said that that was it.

Carl then said that it seemed this conversation had helped to clear up some of the things that had been bothering them, but there was still the question of what each of them wanted to do about the situation right now. As the parties immediately went back to state their controversial positions firmly, the mediator stepped in and reformulated the positions more positively, as needs and wishes and worries, before asking once more what they could imagine doing about it. The landlord said he could talk to other houseowners, but the ones he knew owned houses only in more rundown areas, so Mary didn´t want that. Carl asked Dimitrii about apartments in the same house, but Dimitrii said they were all the same size; but then he confessed that he had got a new house in the same area now, which would open up soon, and where he could offer a bigger apartment, albeit for a 100 $ higher rent. Mary said that that was too much, and the two engaged in lively bargaining. Dimitrii agreed to lower the rent, but refused to allow her a washing machine, otherwise he would have to charge more for the water. Mary got angry, and Carl stepped in again, reformulating the needs of both not to leave the impression that one was trying to take advantage of the other, then he raised the issue of the back rent again.

Dimitrii asked when Mary would move, and when she would pay the 4000 $. They started some bargaining again, with the mediator asking clarifying questions so that no aspect would be forgotten, for example the time frame when Mary would have to move, because the landlord didn't want to have the new apartment open without tenant, waiting for her. During this conversation Mary also raised the issue of the one-shot-grant she didn't want to mention before. Finally they agreed upon the following terms, which Carl summarized and wrote down: Mary would contact the welfare office to confirm which documents were necessary, Dimitrii would next provide them. Mary would apply for the grant, and as soon as it was indicated that she would get it, she would pay Dimitrii 3500 $ and move from the old place to the new one at the end of two weeks, at a rent of 840 $ including water, utilities extra. Dimitrii and Mary confirmed that that was what they'd said and decided to sign a written agreement. Carl wrote a paper containing all the details they had framed, made copies for each of them, and both signed the document.

In this mediation session several things had been achieved: recognition between the two people had taken place, and they had been empowered to make their own

decision, which they would in all likelihood stick to. Both left contentedly, and Dimitrii drove Mary to her workplace[16].

2. Middle East

In the Middle East techniques of dispute resolution have had a long history. Especially the *sulha* ritual of peacemaking has been subject of recent research. Although its importance is diminishing in modern, urban environments, it was still practised in some rural areas of Lebanon and Jordan during the seventies. Its main aim is to restore social harmony between two adversaries and within the whole, tightly knitted, community. Conflicts are a normal part of life, but not desirable. They can be about material goods as well as honour. The following case is an example where both are involved[17].

The sulha

Sulha: can be referred to in a broad sense as to the whole process of peacemaking (from the incident to the final lunch), or to the peaceful outcome only. The narrow definition of the *ritual* of sulha is made up of three pillars: shaking hands, forgiveness, and breaking bread[18].

Participants in the dispute:

Ahmed al-Saad, nickname Sahrooj: father of the bride Kamila and her brother Muhammad.

---

[16] Unfortunately this is not where the case study in the book ends: they reentered the session, Dimitrii pronounced his concerns that Mary might not be able to pay the higher rent, and Mary admitted. No agreement was reached and they left frustratedly, but at least the further options now were clear to the participants, and as the mutual understanding had gotten a little bit better, it would maybe be possible for them to continue talks in private at another point of time. I preferred to let the story take a harmonious ending, because in fact very often agreements *are* reached, and this is also a general aim of mediation. Only in the transformative style less weight is put on that in favor of empowerment and recognition, which then often automatically produces agreements, but not in this case.

[17] The case study is taken from R. Antoun, *Insitutionalized Deconfrontation: A Case Study of Conflict Resolution among Tribal Peasants in Jordan*, in P.Salem (ed.), *Conflict Resolution in the Arab World: Selected Essays*, Beirut, American University of Beirut, 1997. I have modified the original text and used additional information from the following two texts: L. King-Irani, *Rituals of Forgiveness and Processes of Empowerment in Lebanon*, in Zartman, I.W. (ed.), *Traditional Cures for Modern Conflict – African Conflict "Medicine"*, Boulder – London, Lyenne Rienner Publishers, Inc., 2000, pp. 129-140; D.L. Smith, *The Rewards of Allah*, in «Journal of Peace Research», vol. 26, no. 4, Nov. 1989, pp. 385-398.

[18] D.L. Smith, *The Rewards of Allah*, in «Journal of Peace Research», vol. 26, no. 4, Nov. 1989, p. 391.

Khalil (Sahrooj´s patrilinear cousin): father of the bridegroom Ahmed.

Sulayman Hasan: matrilinear relative of both Sahrooj and Khalil.

Islamic marriage consists of several discrete acts: first, the agreement by the two fathers on the marriage payment (mahr); second, the signing of the marriage contract before a religious official and witnesses; third, the full payment of the mahr or the part of it which has been stipulated; fourth, the wedding celebration and the consummation of the marriage.

Kamila and Ahmed had been married by contract some months ago, but the implementation of the marriage would take place only after having handed over the marriage payment. Bridegroom and bride were not even allowed to speak to each other before that. Every time he came home from his work in the army, Ahmed paid part of the mahr to Sahrooj and asked him to finally release his daughter, but it had been stipulated that he had to pay the whole sum before the wedding ceremony would take place. At the time when still 34 dinars (out of 190) had to be paid, in October 1959, Ahmed lost his patience and temper and shouted something about divorce. Kamila felt insulted, went to the religious court and demanded divorce, but none of the witnesses confirmed that the divorce formula had been uttered the three consecutive times necessary to bring about final divorce, and that the defendant had been deprived of his senses. On the basis of the legal issues the judge decided to reject Kamila's claim for confirmation of divorce. The case remained unresolved for several months, during which the families remained without greeting and visiting relations.

In March 1960 the next insult happened. The marriage had finally still been agreed upon, and Sahrooj, who was in his second house in the neighbour village, sent for his two brothers who were to receive cloaks as part of the marriage payment. At the same time he sent Kamila out of the house to weed the fields. Ahmed and his father saw Kamila walking away and assumed that Sahrooj sent her away on purpose to delay the consummation of the marriage once more. Ahmed got very angry, accosted Kamila and pursued her down the road, holding her hand and heaping abuse on her and her father all the while and threatening to throw her into the creek if she did not marry him. This behaviour was a severe violation of the modesty code and made Sahrooj so angry that he demanded the annulment of the marriage.

At that evening the local Pasha, a powerful man from a distinguished family, was being entertained by one of the prominent men of the village. One of the Pasha's wives was from the village, and he still owned a house there, albeit uninhabited, and

his father had taken a wife from the Shuquayrat family, of which both Sahhroj and his son-in-law Ahmed were members, they therefore addressed one another as khali or "mother's brother". The Pasha's visit to the village was a welcome change in the daily routine of guesthouse chats over coffee, where topics ranging from personal matters to world politics were discussed. As Sahrooj heard of the visit, he headed straight for the village guesthouse and pleaded with the Pasha to arbitrate the annulment and return of the mahr between him and his Khalil's family. By chance Khalil entered in that very moment, and the Pasha agreed to look into the matter after they had all joined him in a common meal.

After the meal the Pasha nominated a committee, the jaha, of four men, who should establish the facts of the case and come to a decision on the next day. Among the mediators, muslihs, were the mayor of the village and two elders, none of them directly related to the disputing parties. The commission then visited Sahrooj to ask him on his views of the matter and later did the same with Khalil and so forth until they had achieved a clear view of what had happened. From the facts they decided that it was better to proceed with the wedding, because Kamila had no legal grounds like illtreatment to divorce her husband, and because "god says it is better to unite than to divorce".

The same night mediators were sent to both parties and the stipulated outcome was explained to them. The mayor tried to convince Sahrooj that the next morning on the occasion of the Pasha's visit, he should agree to give his daughter to her husband. A clansman of the mayor, and relative of Khalil, was sent to the latter to warn him that he and his brothers would have to submit to any verbal reprimand they might receive in Sahrooj's guest house, otherwise the marriage would never be consummated. This was the usual course of the procedure: first mediation by the muslihs, and only after an agreement to settle the conflict had been reached (and in most cases also its conditions) the ritual of peacemaking would take place.

The next morning the delegation and some other elders, including two brothers of Sahrooj, met at the latter's guest house. Khalil and his brothers were not permitted to attend the session until the delegation would have won Sahrooj's permission to go ahead with the wedding celebration. Saahroj opened the session by complaining to the Pasha about Khalil's family's misbehaviour, the abuse of his daughter by her future husband, the latter's demands at odd hours to release Kamila, and he concluded by saying that the Shuquayrats were abysmally lacking in common

sense and did not seek advice from others who could help them. The Pasha reassured him that he would be rendered his rights in full.

Saahroj said his understanding was that the arbitrators should decide about the return of the marriage payment, and then continued to complain about Ahmed's bad behaviour towards his daughter in a public street. The mayor explained to him that Ahmed's fear that Kamila would be sent away was the reason for his behaviour. Saahroj brought in a pot of coffee, but the Pasha left the cup untouched on the mat in front of him. The dialogue went back and forth until the Pasha finally said that Ahmed should marry the girl, otherwise the small flame (of anger) would grow into a fire.

Sahrooj angrily stood up and left the guest house, whereupon the Pasha shouted at the former's brother to bring him back. The brother left and tried to convince Sahrooj outside, and brought him back after a few minutes. The Pasha related a story and then told him that in their minds and hearts the delegation had fined Ahmed a dinar for every step of abuse, and that the delegation had come on the boy's behalf to obtain forgiveness for his despicable behaviour. Sahrooj answered that his daughter was hurt and not willing to take him. The Pasha wanted this to be confirmed and sent Sulayman Hassan to ask her. After a few minutes they were informed that the girl indeed was willing to marry. Sahrooj got up in surprise and anger to ask his daughter personally, accompanied by Sulayman Hasan and the mayor. After he had seen his daughter he was taken aside by the two and pledged to "consider the Arabs, or the people of the kinsfolk", which was a usual formula to put pressure on persons. And it worked, Sahrooj returned to the assembly and said he had partly forgiven his son-in-law, which meant that now negotiations over the marriage payment could be reopened.

It was agreed that 34 dinars still would have to be paid plus the cost of the taxi the previous day plus eight dinars as the expense of entertaining the delegation, and the money was handed over to Sahrooj, but Sahrooj also insisted on getting three cloaks. The elders reminded him that he had already surrendered the right to the cloaks. A small dispute evolved around the cloaks, which for Sahrooj had the hidden meaning to compensate for the lost honour. Sahrooj's brothers, who the cloaks were for, personally said that they surrendered their right. Another small dispute evolved around eighteen gold Osmanli dinars that had been placed in security with Sahrooj pending the full payment of the mahr, but finally Muhammad, Sahrooj's son, after

considerable persuasion and shouting, handed the gold back to Khalil's brother. Sahrooj in the meantime still was not satisfied with the loss of the cloaks.

Outdoors the women of Khalil's family had come to Sahrooj's house joyfully banging drums and yelling, waiting to fetch the bride. But Kamila had been sent away to the house of her mother's brother, and her mother greeted the women of Khalil's family with scorn and reproach, and a loud quarrel started. The Pasha sensed the serious bad feelings between the two families and wanted to leave as he felt there was nothing more he could do, when the bridegroom kept him from doing so, embraced him and pleaded him to stay.

The Pasha returned to his seat in the guest house, Sulayman Hassan, who had collected five dinars as compensation for the cloaks in the meantime, slipped them to Sahrooj saying, "Come on, get your daughter and let us finish this matter." Finally there was agreement. The Pasha drank the coffee offered by Sahrooj, and after that Sahrooj and his family were invited for lunch by Khalil, who offered rice with goat's meat to them and the whole delegation. Later that day Kamila was fetched and delivered to Khalil' house. There was no singing and clapping anymore during this wedding, only a few men danced rather quietly outside the bridegroom's house, but finally the marriage had been consummated.

3. Malaysia

The Semai are a people inhabiting remote mountain valleys in Malaysia. During the sixties they have been described as being exceptionally peaceful mainly by the two anthropologists Robert Dentan and Clayton Robarchek. They are said to be timid, quickly frightened, and have a strong sense of togetherness, as it is only their group which provides protection against the outside (strangers, nature...), therefore harmony is very important. Conflicts seldom become evident, meaning there is almost no violence or shouting observable. But if a real problem arises, a *becharaa'* is convened[19].

I chose this ritual in spite of the small number of Semai, because with regard to technical features (grassroots level, structure, ritual) is very well comparable to the

---

[19] The following description of a becharaa´ is composed mainly of these two texts by C.A. Robarchek: *Conflict, Emotion, and Abreaction: Resolution of Conflict among the Semai Senoi*, in «Ethos», vol. 7, no. 2, summer 1979, pp. 104-123, and *Primitive Warfare and the Ratomorphic Image of Mankind*, in «American Anthropologist», vol. 91, no. 4, Dec. 1989, pp. 903-920.

other methods, and because it is so different from them in many other aspects, starting with the deep-rooted fear as opposed to Middle Eastern pride.

The becharaa'

Becharaa': official meeting where a conflict is resolved and the unity of the group restored.
Wari: cognatic kindred, centred around a particular person, with no common interests apart from this person.

Participants:
Nyam, the accused party, son of a headman.
Tidn, an elder and spokesperson of the concerned wari.
Entoy, the headman.

People were planting durian fruits for an income, these fruits were carried downhill on foot and sold by the street at the lower end of the valley. With the growing importance of that trade, access to territories near the street was more disputed about. Nyam, a son of a headman and probable next headman, planted large numbers of trees in places traditionally claimed by other individuals and other kindreds. Tidn, an elder of the concerned wari, complained to the headman, Entoy. It was usual that the wronged Semari informed the headman, the rejection of open disputes was even so strong, that anyone observing a quarrel or only malicious gossip was actually expected to report it to the headman, to make an official resolution of the conflict possible. Entoy, the headman, in turn informed the elders of the offending group that a becharaa' would be convened in several days, and that all members of Nyam's and Tidn's waris should attend.

The becharaa' began at dusk as always. People gathered in Entoy's house, his wife served rice and fish to guests, and they shared tobacco, areca nuts, and betel leafs. Everybody engaged in a leisurely discussion for an hour or two, then the most directly involved in the dispute began to gather in the centre of the hut: the principals Nyam and Tidn, elders of both kindreds and their most skilled speakers. Those men sitting in the centre were surrounded by women, children and less involved men sitting or lying on the bamboo floor around cooking fires, talking, sleeping or listening.

When everybody was prepared, one senior wari member began to speak: a monologue about their mutual interdependence, about the necessity of maintaining the unity of the group, that all were brothers and sisters and thus it was important to help and care for one another... "We are siblings, and when your sibling is hungry, you have to feed him." Past instances of assistance were mentioned, and humorous asides and anecdotes retold. This first speech was followed by several other ones into the same vein.

Then Tidn took the floor and stated his case, directing his speech to the assembly without directly confronting his adversary. Nyam was still engaged in a chat with some other friends, but was listening with at least one ear all the time. When the time came for him to speak, he first made an expansive entrance and jokes with everyone. Then he, too, gave his point of view on the case. As the facts were known to everyone, both principals were talking more of their motives than about the actions themselves. Nyam especially strived to present himself in the best possible light, and used a variety of grounds to justify his right to plant in some disputed areas: in some cases he denied planting, in other cases he said that the new trees just sprouted as children of trees he already owned there, and as he had tended them he was also the legitimate owner.... Other men were also stating their positions, making numbered points, using similes and metaphors. All participants were trying to shed the best light on the actions of their kin's member, and to show the errors of the opponent, thereby acting as advocates, not as witnesses. This was of course more difficult for Nyam in this case, and at one point Entoy remarked, that only four kins of Nyam's wari had shown up. The latter tried to defend this: because it had rained today, because they had been fishing, because somebody passed worms. Entoy said that none of these excuses was really valid. Instinctively everybody knew that they had not come because Nyam's failure was obvious; and Semai are afraid of any disruptions within the group in general, therefore in such a case they were even more reluctant to participate.

Because of the low number of participants and the relatively simple affair, the talks continued only for several hours, not for several days like on other occasions. Elders raised their voices, skilled debatants made arguments, and the principals themselves also were engaged in the discussion, sometimes they were even speaking at the same time. Usually everybody just said what he thought, without sticking to a certain order. Some arguments were countered, others not, sometimes the next speaker spoke of something absolutely different than his forerunner, completely

ignoring his arguments or reasoning, persons were contradicting each other and sometimes even themselves (without this causing cognitive dissonance neither in them nor in the audience), some explanations or disagreements were repeated over and over again, old claims and disputes were brought up and discussed. The participants never seemed to reach a point, it seemed rather like they were talking past each other all the time. What was very important for the Semai during all these discussions was not logics, but clarity and forcefulness of the presentation, as verbal facility and the ability to debate were highly valued among them. They believed that the person with the best presentation was right; the truth is easier to defend than a lie, therefore the better speech has to be the true one.

Finally, after a few hours, the talks started to slowed down, the time between speeches got longer. This was the point where discussions usually were formally ended, when everybody had said everything he wanted to say, when everybody was sated, and nobody wanted to add anything anymore. At that point the elders called the headman for a judgement. Actually it was not really a judgement, but more a consensus that had been developed during these hours of talking. Everybody was aware of the residue of indefensible actions by Nyam. Entoy asked if everybody's mind was at ease now, and after the participants admitted, he started to lecture the group, admonishing not to disturb each other's rights, not to quarrel. Then he turned to Nyam and told him that he could keep all the trees he planted in others' territories, but that he was not allowed to plant any more. Nyam didn't have to pay a fine, as it was decided in other cases. But usually even fines were party or fully returned to the guilty party after having been paid, so this outcome was not so unusual. Then Entoy summed up, again emphasising the importance of sharing food, them being brothers and having to stand together. He affirmed the necessity of maintaining the unity and interdependence.

Now the matter was regarded as closed forever. As everybody had had the chance to say everything he wanted during the becharaa', it was not allowed to raise the issue again, otherwise one would be prompted to pay a fine.

IV Comparison

In this chapter I will compare the above described methods of conflict resolution along several central dimensions. The dimensions I chose follow the timely order of

the conflict resolution process and represent some of the basic pillars to describe these processes. They are the following: initiation of the process, types of cases, parties to the case, the third party, aims of the process, setting, structure and flexibility, techniques, duration, outputs, and core concepts. I kept the number of dimensions low to get some reasonable results and not go too far into emic descriptions. As in the following chapter the results of this comparison will be used to suggest modifications to the problem-solving-workshop, I chose mostly dimensions relevant to this, but not exclusively. Some other dimensions would be just lacking if not talked about, they are necessary for the complete picture and therefore I decided to keep them.

1. Initiation of the process:

From the beginning mediation served to avoid costly and lengthy proceedings in court, especially in cases where the problem is less a legal than a social one. The process of mediation was often started only after someone had filed a complaint in court, and from there had been referred to a mediation centre[20]. It was thus the party who felt injured or who felt his / her rights violated, who started the process. Nowadays mediators can be approached also directly if two parties have a problem and want to resolve it in an informal way, but in general mediation is still a technique perceived as belonging to and approached through the juridical area.

In the Middle East, in the case of a severe problem like a killing, a member of the family of the perpetrator is expected to turn to local notables or elders of the village and ask them to mediate between his family and the injured family. Usually a delegation, saha, is formed, which pays a visit to the aggrieved party within a short time on behalf of the perpetrator, so that this family does not get the impression the other side does not care about the violation and their forgiveness. The delegation asks the insulted family to agree on them to mediate this case. Several visits might be necessary to reach this agreement, including a preliminary period of armistice[21], only then the delegation can go on with further proceedings. In less severe cases the

---

[20] S.E. Merry, *Getting Justice and Getting Even*, Chicago – London, The University of Chicago Press, 1990, pp. 100-108.

[21] The armistice is especially important in cases of murder – the victim's family promises to refrain from revenge during this time, see D.L. Smith, *The Rewards of Allah*, in «Journal of Peace Research», vol. 26, no. 4, Nov. 1989, pp. 388-389.

aggrieved party might ask for mediation[22], or a third party may step in to mediate the case without being asked to, which is especially the case in spousal disputes, which are solved in private without taking recourse to the sulha ritual[23].

If a Semai feels he has seriously been wronged, he usually turns to an elder of his wari (personal agnatic kin) to ask for a becharaa´, and the elder then transmits this request to the headman of the village. The headman in turn calls for a becharaa'. People are often reluctant to get enmeshed in a conflict, and thus restrained conflicts could go on forever, that is why it is actually the responsibility of everyone who witnesses some kind of problem to report it to the headman, so that the matter can be brought into the open and settled[24].

To conclude, in the U.S.A. it is the one who feels treated wrongly or thinks one of his rights has been violated who seeks help, in the Middle East the perpetrator himself should ask for help, in other cases mediators just step in, and in a Semai village the aggrieved party or an observer will report the case.

2. Types of cases:

Mediation is often used in private disputes, for example disputes between husbands and wives, especially when they want to divorce, and in child custody cases. Many cases of mediation are in the scope of civil law: e.g. quarrels between neighbours because of noise, or because one neighbour blocks the way to the other's house or feels threatened by his dog. There may be cases between landlords and tenants, between working colleagues concerning mobbing... Another application of mediation is in criminal law, between victim and perpetrator. Mediation is also used in business affairs, or in environmental issues[25].

---

[22] R.T. Antoun, *Institutionalized Deconfrontation: A Case Study of Conflict Resolution among Tribal Peasants in Jordan*, in P. Salem (ed.), *Conflict Resolution in the Arab World: Selected Essays*, Beirut, American University of Beirut, 1997, pp. 149-150.

[23] M. Faour, *Conflict Management within the Muslim Arab Family: Observations and Three Case Studies*, in P. Salem (ed.), *Conflict Resolution in the Arab World: Selected Essays*, Beirut, American University of Beirut, 1997, pp. 183-184.

[24] C.A. Robarchek, *Conflict, Emotion, and Abreaction: Resolution of Conflict among the Semai Senoi*, in «Ethos», vol. 7, no. 2, summer 1979, p. 107.

[25] M. Hehn, *Nicht gleich vor den Richter... Mediation und rechtsförmliche Konfliktregelung*, Bochum, Universitätsverlag Dr. N. Brockmeyer, 1996.

The sulha procedure is applied in minor cases like theft, destruction of property, illegal use of water, or slander, up until severe cases[26] like physical insult, murder and blood feuds[27]. What is important in this context is, that the ritual is used not only for factional disputes about scarce resources, but very often also in disputes about honour and prestige, like immodest behaviour towards a woman. In most of the conflicts both economic resources and honour play a role, and the actors are always men. Disputes between women or children are not resolved.

The becharaa' is performed only in cases which can be regarded as minor disputes, in comparison with the above described. The Semai are a very peaceful people, so there are as good as no instances of overt expressions of hostility or physical violence, let alone murder[28]. Usual cases that make their way to a becharaa' are about slandering, abuse or destruction of property (like marauding goats or planting trees on someone else's field), theft, or offence of one's spirit by words or deeds of another person[29].

Mediation is thus used in cases that in other cultures would be solved completely in private, like husband-wife disputes, in many disputes that could occur in all three cultures, and also in new fields, like business or environment. The sulha ritual handles cases of light offences up to severe violence, the big difference is that it deals with honour openly, whereas this is only implicit in Western conflict resolution. Semai cases deal only with minor problems compared to the other two.

3. Parties to the case:

Mary Sally's book is a study of people who use the courts for helping them in family and neighbourhood problems. These people are largely working class, and many of the plaintiffs are women, because it is more often them who feel powerless and seek support from courts. Participants to mediation are thus these women and their

---

[26] C.J. Witty, *Disputing Issues in Shehaam, a Multireligious Village in Lebanon*, in L. Nader, H.F. Todd (eds.), *The Disputing Process – Law in Ten Societies*, New York, Columbia University Press, 1978, pp. 300-303.

[27] Blood feuds are mentioned in only one text: D.L. Smith, *The Rewards of Allah*, in «Journal of Peace Research», vol. 26, no. 4, Nov. 1989, p. 383, and are said to be very difficult to resolve.

[28] There are two texts dealing with alleged instances of violent behaviour by Semai: R.K. Dentan, *Bad Day at Bukit Pekan*, in «American Anthropologist», vol. 97, no. 2, June 1995, pp. 225-231 and C.A. Robarchek, *Blood Drunkenness and the Bloodthirsty Semai: Unmaking Another Anthropological Myth*, in «American Anthropologist», vol. 89, no. 2, June 1987, pp. 356-365.

[29] C.A. Robarchek, *Conflict, Emotion, and Abreaction: Resolution of Conflict among the Semai Senoi*, in «Ethos», vol. 7, no. 2, summer 1979, pp. 105-106.

husbands, neighbours, children etc.[30]. Who participates in the actual session is decided by the two adversaries themselves. It can be only the two of them, or also friends, family members or witnesses, but it is important that this topic is taken up in the beginning and that the parties can decide for themselves[31]. Usually the number of participants in such a mediation session is low. In more complex conflicts on a higher level, e.g. environmental or political mediation, it is very important to make a careful choice concerning the participants: they should have real-decision making power, so their superiors should be well informed and agree to the process[32].

The cases the sulha ritual deals with may involve individuals (private sulh) or whole lineages (public sulh) [33]. As in the Middle East persons are usually seen as primarily affiliated to their kin, a severe insult for example does not only hurt one person but his whole extended family, which thus automatically becomes involved in the conflict. The use of the sulha ritual is not restricted to Muslims; in Lebanon for example, some decades ago Christians and Druze still took recourse to it on an equal footing[34]. Conflict resolution is restricted to men's conflicts, except for spousal conflicts. Disputes among women or children are not dealt with[35]. In general in the Middle East adverse parties engage in little direct conversation and instead prefer to use an intermediary, wasta. It is assumed that an individual's case is best represented by others, this is the main rationale behind institutions like the intermediary and the delegation of elders[36].

In the becharaa' ritual men as well as women can be the principals to a conflict, the only difference is that men who participate actively gather in the centre of the room to speak, and women have to speak from the periphery, where they usually sit. Each one should be supported by the male members of his wari (cognatic kindred), who

---

[30] S.E. Merry, *Getting Justice and Getting Even*, Chicago – London, The University of Chicago Press, 1990, pp. 1-4.

[31] R.A.B. Bush, J.P. Folger, *The Promise of Mediation – Responding to Conflict Through Empowerment and Recognition*, San Francisco, Jossey-Bass Inc., Publishers, 1994, pp. 115-117.

[32] L. Montada, E. Kals, *Mediation – Lehrbuch für Psychologen und Juristen*, Weinheim, Psychologie Verlags Union, Verlagsgruppe Beltz, 2001, pp. 181-182.

[33] G.E. Irani, N.C. Funk, *Rituals of Reconciliation: Arab-Islamic Perspectives*, Notre Dame, Joan B. Kroc Institute of International Peace Studies Occasional Papers, 2000, p. 23.

[34] D.L. Smith, *The Rewards of Allah*, in «Journal of Peace Research», vol. 26, no. 4, Nov. 1989, pp. 391.

[35] J.E. Rothenberger, *The Social Dynamics of Dispute Settlement in a Sunni Muslim Village in Lebanon*, in L. Nader, H.F. Todd (eds.), *The Disputing Process – Law in Ten Societies*, New York, Columbia University Press, 1978, pp. 170, 173.

[36] R.T. Antoun, *Institutionalized Deconfrontation: A Case Study of Conflict Resolution among Tribal Peasants in Jordan*, in P. Salem (ed.), *Conflict Resolution in the Arab World: Selected Essays*, Beirut, American University of Beirut, 1997, p. 162.

help to argue his / her case. The members of a wari are actually obliged to give their support in a dispute, but are often reluctant to, because they are afraid of disruptions of their own amicable relations with others, and because they have to help their member pay the fine, if one is imposed[37].

To sum up, parties to a mediation in private conflicts can be of both genders and all ages and appear as individuals. In the Middle East parties are often represented by others, often the whole kinship is gets automatically involved as well, and it is only men whose disputes are settled. The becharaa' ritual is for men and women, and all disputants have to be backed by members of their waris.

4. The third party:

A mediator should be educated as such, recently more and more programs for education to be a mediator are offered. For a transformative mediator certain qualities are necessary: he should be able to offer summaries of parties' views and positions without substantively reshaping what they have said, he should be able to "translate" one party's statements so the other is more likely to hear them accurately, offer various reinterpretations of parties' actions without trying to convince, use caucuses to help parties better understand their own choices and consider the other party's perspectives, encourage and help parties to evaluate options and make choices without leading them, ask questions that reveal how each party wants to be seen by the other, and write agreements that reflect the accomplishments of the session[38]. A mediator has to take care not to become too passive wishing to leave decisions up to the parties, on the other hand he has to be careful not to go too far with "positive pushing" (trying to create more positive views of the other party). He also has to find a balance between leaving all decisions up to them without any interference and challenging their actual decision making capacity, e.g. because a party has too little knowledge about the facts or is influenced by the presence of another person. In a transformative approach, the mediator should of course also not forget to focus on both empowerment and recognition instead of only one, or losing sight of the

---

[37] C.A. Robarchek, *Conflict, Emotion, and Abreaction: Resolution of Conflict among the Semai Senoi*, in «Ethos», vol. 7, no. 2, summer 1979, pp. 107-108.

[38] R.A.B. Bush, J.P. Folger, *The Promise of Mediation – Responding to Conflict Through Empowerment and Recognition*, San Francisco, Jossey-Bass Inc., Publishers, 1994, p. 268.

transformative orientation completely[39]. In general mediators are often middle class, whereas their clients are working class, and usually the mediator is a stranger to the parties, which makes it easier for him to behave impartially[40]. Besides from the above mentioned skills there are no other important characteristics to a mediator.

In the Middle East persons intervening in conflicts usually are older men and have a high profile. Their credibility is based on kinship connections (often mediators are related to both sides, especially in a matrilinear way), political position (e.g. being a mayor), or religious merit[41]. High status, honour, authority and material well-being are important. Apart from these "hard facts", some personal qualities are required as well: mediators are expected to act impartially and to have a considerable knowledge of the subject matter, including the personalities of the disputants and historic events[42]. They should be patient and tolerant and allow the aggrieved party to throw all their sadness and anger onto them[43]. As members of the delegation are highly respected and bear the authority to pressure adversaries to a settlement that accords to the notions of justice in their society, they have to possess the necessary communication skills for conflict resolution, which R. Antoun calls the capacity to carry out "social organization"[44]. This means: to take responsibility, diagnose the case and find the solution, delegate others, coordinate activity, pressure both sides to agree to the settlement by warning them, shouting, referring to higher values, guesthouse etiquette etc. The number of mediators involved varies from case to case. In simple cases one mediator may be sufficient, whereas in difficult cases, e.g. in blood feuds between families or fights between villages, a delegation of up to twenty people may be needed[45].

In a becharaa' everybody who wants to has a say, but it is usually the elder members of both waris who are more respected and are participating more actively, although it

---

[39] Ibidem, pp. 209–225.

[40] K. Avruch, *Culture & Conflict Resolution,* Washington, D.C., United States Institute of Peace, 1998, p. 84.

[41] M. Abu-Nimer, *Contrasts in Conflict Management in Cleveland and Palestine*, in I.W. Zartman (ed.), *Traditional Cures for Modern Conflict – African Conflict "Medicine"*, Boulder – London, Lyenne Rienner Publishers, Inc., 2000, pp. 149-150.

[42] M. Faour, *Conflict Management within the Muslim Arab Family: Observations and Three Case Studies*, in P. Salem (ed.), *Conflict Resolution in the Arab World: Selected Essays*, Beirut, American University of Beirut, 1997, pp. 185-186.

[43] D.L. Smith, *The Rewards of Allah*, in «Journal of Peace Research», vol. 26, no. 4, Nov. 1989, p. 390.

[44] R.T. Antoun, *Institutionalized Deconfrontation: A Case Study of Conflict Resolution among Tribal Peasants in Jordan*, in P. Salem (ed.), *Conflict Resolution in the Arab World: Selected Essays*, Beirut, American University of Beirut, 1997, pp. 159-160.

[45] D.L. Smith, *The Rewards of Allah*, in «Journal of Peace Research», vol. 26, no. 4, Nov. 1989, p. 388.

is important to mention that they have no power to enforce anything, and they don't have to be obeyed if the other person does not wish to do so. Old persons among the Semai do not become "elders" just by growing old, but have to gain the respect of other people in their settlement. A person gains respect by having many kinsmen and by being generous, and maybe the most important ability is verbal facility. An individual has to be a good speaker to be influential, know to use irony, specifics and proverbs, metaphors, jokes…. at the same time he has to be modest and not stress his abilities. Popular men always must play down their influence, for seeming to seek influence or enjoying it is to lose it. The rules for how old to consider another person are flexible, so one and the same person can be considered differently and be called different names by different persons (e.g. an old person could be called "grampa", a synonym for elder, by one person or just father of so-and-so by someone else who respects him less), but there is some agreement about universally respected elders, amongst whom one can also find some women. The headman is a primus inter pares, distinguished from the others just by a "letter of authority", surat kuasa, sent by the Malay Sultan[46]. The institution of the headman was actually invented by outsiders, and apart from dealing with non-Semai and presiding the becharaa' the headman has no special authority[47]. Like the other elders he cannot exert pressure, but just say his opinion and in the end give voice to the consensus that has already emerged.

The difference between the third parties is that a Western mediator has a low profile, except for the necessary professional knowledge and procedural skills, and is a stranger to the dispute. A Middle Eastern mediator has to be a known person of importance, with authority and knowledge of the facts, and can be related to the disputing parties. In a Semai village elders are respected, although they have no real authority – no orders have to be obeyed in their culture. Their most important quality is verbal facility.

5. Aims of the process:

The high aim of transformative mediation is no less than transforming the character of both individual disputants and in the long run society as a whole. Fearful, defensive, and self-centred individuals can gradually be changed into confident,

---

[46] At least that is how it was in the sixties.

[47] R.K. Dentan, *The Semai – a Nonviolent People of Malaya*, New York, Harcourt Brace College Publishers, 1968, pp. 67-70.

empathic, and considerate beings, thereby transforming society from a shaky truce between enemies into a strong network of allies. Two dimensions are central to this approach: the empowerment and the recognition dimension. Empowerment is when the mediator supports the parties in self-determination in deciding if and how to settle a dispute, and helps them mobilize their own resources to address problems and achieve goals. He helps disputing parties build up the capacity to handle adverse circumstances of all kinds, and they can use this capacity in future situations. The recognition dimension aims at humanizing the parties to one another. When parties discover that they can feel and express some degree of understanding and concern for one another despite their disagreement, then this helps to strengthen their inherent capacity for relating with concern to the problems of others in general. Settlement is not a main focus of this type of mediation, but it is often achieved anyway[48].

In a village community in the Middle East the harmony of the group is highly valued. The preservation of ongoing relationships is more important than freedom or justice. Therefore it is important to avoid abrasive encounters and disruptive confrontations, or permit them only in highly controlled contexts involving mediators. The sulha ritual does not remove antagonisms created by the conflict, nor does it reform the conduct of involved individuals or produce better persons. It also does not address the latent causes of a conflict, but it enables the resumption of normal relations, ends otherwise ongoing and expanding quarrels between persons and groups[49], and it provides moral weight: "You have done the right thing," says the community. The value of peacemaking is therefore pragmatic (resumption of social relations), fictive (public demonstration of forgiveness) and educational, and not psychological or ethical[50]. Contrary to this Laurie King-Irani does stress the psychological value of the sulha ritual in her text (see 46). Maybe what she refers to as psychological value is the fictive value for Richard Antoun (see 47), and the psychological aspect for her lies in the felt restoration of face and ending of otherwise necessarily protracted bitter feelings and cycles of revenge. But I think she would agree that underlying causes of

---

[48] R.A.B. Bush, J.P. Folger, The Promise of Mediation – Responding to Conflict Through Empowerment and Recognition, San Francisco, Jossey-Bass Inc., Publishers, 1994, pp. 20-21, 200.

[49] L.E. King-Irani, *Rituals of Forgiveness and Empowerment in Lebanon*, in I.W. Zartman (ed.), *Traditional Cures for Modern Conflict – African Conflict "Medicine"*, Boulder – London, Lyenne Rienner Publishers, Inc., 2000, p. 131.

[50] All the above said stems from the text by R.T. Antoun, *Institutionalized Deconfrontation: A Case Study of Conflict Resolution among Tribal Peasants in Jordan*, in P. Salem (ed.), *Conflict Resolution in the Arab World: Selected Essays*, Beirut, American University of Beirut, 1997, pp. 163, 171.

the conflict are not addressed, if that is what R. Antoun means by saying "psychological".

For the Semai the group is very important. A central concept in their world is "fear"- fear of outsiders, fear of the rain forest, of evil spirits and thunderstorms. To them their group – hii (we) as opposed to mai (they) – is the only source of nurturance and support, the only place where an individual can feel secure[51]. Because of the great fear of alienation from kindred and community it is very important that the band be free from hostility and suspicion[52]. The aim of the becharaa' is therefore the reintegration of the disputants into the group, the reaffirmation of the paramount values of the group, the reduction of anxiety over dependency striving and lastly also the resolution of the issues[53].

While both the sulha as the becharaa' aim at a restoration of social harmony, the reasons for this are different. In a Semai village it is mainly fear of a disruption of the community, fear of losing the only safe place on earth that is the driving force for reconciliation; in the Middle East the necessity of preserving social relationships is more pragmatic and less vital, instead of fear honour is very important. Mediation in the West aims at transformation of the participants and in the long run of society. Mutual recognition also involves the element of ongoing relations, but it is not for the relations per se that a settlement has to be enforced, as for example in the sulha.

6. Setting:

In the literature I found almost no descriptions of mediation settings in the U.S.A., which for me is a sign of the Western, low-context culture. The environment is not so important, only the content counts. Nevertheless I found some description about what a setting could look like in a book for students[54]: the session should be held in a private environment, without public. This is usually a room in the mediator's office or in a mediation centre. A beautiful, comfortable environment, warmth and humour,

---

[51] C.A. Robarchek, *Primitve Warfare and the Ratomorphic Image of Mankind*, in, vol. 91, no. 4, Dec. 1989, p. 911.

[52] C.A. Robarchek, *Ghosts and Witches: The Psychocultural Dynamics of Semai Peacefulness*, in L.E. Sponsel, T. Gregor (eds.), *The Anthropology of Peace and Nonviolence*, Boulder – London, Lyenne Rienner Publishers, Inc., 1994, p. 187.

[53] C.A. Robarchek, *Conflict, Emotion, and Abreaction: Resolution of Conflict among the Semai Senoi*, in «Ethos», vol. 7, no. 2, summer 1979, p. 122.

[54] L. Montada, E. Kals, *Mediation – Lehrbuch für Psychologen und Juristen*, Weinheim, Psychologie Verlags Union, Verlagsgruppe Beltz, 2001, p. 221.

and the offer of drinks and snacks can help ease the situation and have a positive influence on the disputants' mood and willingness to talk.

The sulha ritual is usually held in a public place, for example the village square, so everyone can be a witness. After the shaking of hands coffee is served in the victim's family's house, than a meal is taken in the offender's family's house[55]. Before that the payment has been agreed upon and handed over, and talks between the mediators and both sides and amongst each other have taken place. Usually important talks take place in guest houses, in the sulha described in chapter III the whole proceedings take place in a guesthouse. A guest house is a big room in a private house, where mats or mattresses are laid out along the walls, and bitter-sweet coffee is served in hand made wooden mortars. Not everyone can afford this equipment, so guest-rooms are usually in the houses of the well-off. Guest houses have their own etiquette, for example everyone has to stand up when elders enter, seats of precedence (away from the door and facing the entrance) are given to them. Young men kiss the back of the hand of older kinsmen from another village when they enter, certain formulas are uttered to the host before sitting down to the meal and after getting up and on other occasions. Refusal to drink coffee and thus refusal to accept hospitality means disagreement or disappointment and can put a lot of pressure on the host, while the mutual bussing of cheeks signifies the achievement of peacemaking. Women are not allowed to enter the guesthouse when elders are assembled there, with seldom exceptions for women past the age of child-bearing, who may be allowed to huddle in the corner without taking part[56].

The becharaa' takes place in the headman's house, which is a bamboo hut on stilts like all the other houses[57]. His wife places banana leaves on the floor and heaps them with boiled rice or manioc. Tobacco and nipa leaves are exchanged, areca nut, betel leaves and limes passed around. In the centre of the room, where all actively participating men gather after some time of leisurely talking, the headman's wife has unrolled pandanus mats for them to sit on. Women, children, and other spectators sit around the cooking fires or lie on the bamboo floor talking, sleeping or listening to

---

[55]G.E. Irani, N.C. Funk, *Rituals of Reconciliation: Arab-Islamic Perspectives*, Notre Dame, Joan B. Kroc Institute of International Peace Studies Occasional Papers, 2000, pp. 25-26.

[56] R.T. Antoun, *Institutionalized Deconfrontation: A Case Study of Conflict Resolution among Tribal Peasants in Jordan*, in P. Salem (ed.), *Conflict Resolution in the Arab World: Selected Essays*, Beirut, American University of Beirut, 1997, pp. 143-144, 159.

[57] R.K. Dentan, *The Semai – a Nonviolent People of Malaya*, New York, Harcourt Brace College Publishers, 1968, pp. 26-28.

the discussion[58]. The atmosphere is very informal, even a principal may still chat with other people while his case is already being discussed[59].

The setting obviously plays the biggest role in the Middle East, and all the rituals and formalities that belong to it and that are understood by everyone to transmit messages in an implicit way. The Western setting has nothing much to offer, the main thing is that participants should be made feel comfortable and confident. The Semai setting has more details added to it, but in a flexible way, in general the atmosphere is a very relaxed one, making everyone feel at home.

7. Structure and flexibility:

Mediation sessions typically proceed in three stages, all of which contain different opportunities for the mediator to intervene. During the early stage opening statements are made, topics are: the difference to adjudicative processes, who should participate, ground rules of the process, resistance against mediation and preference of judgement. During the middle stage parties talk about how they see themselves and want to be seen by the other, they might get very emotional or assume the worst about the other party. Options are discussed, new points raised, information exchanged, one party may ramble from point to point in statement of his / her goals, a party may expect a decision by the mediator, some issues might be dropped or raised again. In the late stage opportunities are the rejection of a solution, doubts about the terms of an agreement, or anger and frustration by the parties if no settlement is in sight. Within these three stages, there is a continuing repetition of the following cycle: in the beginning there is a narrow field of opportunities for empowerment and recognition, constructed of the parties' arguments. The mediator takes a microfocus on each point, responds to and works with these opportunities, helping the parties analyse them one by one. After a while the field thins out and the mediation begins to stall. Now the mediator has to make some move that opens up the interaction between the parties again. This structure is a flexible one, it is not meant to be prescriptive but is a generalisation of how mediation sessions typically proceed. It is meant to offer a map with signposts that mark opportunities for

---

[58] C.A. Robarchek, *Conflict, Emotion, and Abreaction: Resolution of Conflict among the Semai Senoi*, in «Ethos», vol. 7, no. 2, summer 1979, p. 108.

[59] C.A. Robarchek, *Primitve Warfare and the Ratomorphic Image of Mankind*, in, vol. 91, no. 4, Dec. 1989, p. 913.

empowerment and recognition, so the mediator can more easily recognize and react to them[60].

After an offence has been committed in the Middle East, the family of the offender immediately seeks the help of local elders and esteemed mediators, who form a delegation, jaha, and prepare to investigate the case. First they visit the family of the victim, hear their grievances, and try to get permission to mediate in this case. The aggrieved family agrees, possibly only after several visits, to renounce retaliation, and a truce is agreed upon. The members of the delegation meet witnesses and discuss amongst each other and establish the facts of the case and also the amount of diyya that will have to be paid. Diyya is "blood money", a symbolic and just compensation determined by the severity of the case and historical precedents. Both parties informally agree upon the amount before the ritual, then the jaha makes arrangements for the payment. On a specified day the families meet for the handing over of the money and the sulha ritual, which consists of three parts: shaking hands, reconciliation, and breaking bread. Shaking hands means that the perpetrator has to shake hands with each member of the victimized family. Next the latter family invites the perpetrators family to drink bitter coffe. The last step is "breaking bread" – the offender's family serves a meal to the victim's family[61]. The structure of the sulh ritual is not a flexible one, it is very important to stick exactly to the sequence of the different steps, to ask a specified set of questions and behave in a certain manner[62]. Although there are some regional variations within the single stages, the basic elements stay the same.

Compared to the sulha the becharaa' has a more flexible structure. The headman hears about a problem, either through a kinsman of someone who feels offended or by an observing third party, and calls for a becharaa'. People meet in the headman's house, sit, chat informally and eat. After some time the direct participants gather in the centre of the room, and the headman begins a monologue reaffirming the interdependence of the group and reminding them to care for each other. After these words the principals will each state their cases, and they will talk more about their motives, as the facts usually are already known to everyone. Then one by one, all the

---

[60] R.A.B. Bush, J.P. Folger, The Promise of Mediation – Responding to Conflict Through Empowerment and Recognition, San Francisco, Jossey-Bass Inc., Publishers, 1994, pp. 201-208.

[61] G.E. Irani, N.C. Funk, *Rituals of Reconciliation: Arab-Islamic Perspectives*, Notre Dame, Joan B. Kroc Institute of International Peace Studies Occasional Papers, 2000, p. 28.

[62] D.L. Smith, *The Rewards of Allah*, in «Journal of Peace Research», vol. 26, no. 4, Nov. 1989, pp. 388, 391.

members of both waris contribute to the discussion and state their views and make suggestions to support their kinsman. After some hours of talking everyone is sated and noone has anything to add, a consensus has been reached and the elders of both waris ask the headman to make a judgement, which is just the voicing of the consensus already reached. The headman pronounces the sum of the fine or damage, which is usually at least in part restored, and then instructs the principals in proper behaviour. The session closes after the necessity of maintaining the unity of the group has been stressed once more by the elders of each wari[63].

Of the three methods, the sulha is the most ritualised one, with the most predetermined structure, and where the risks arising if one does not stick to it are greatest. The structure of the becharaa' is more flexible, but the underlying theme of interdependence and the speaking until everyone is sated are two important aspects. The structure of mediation is the most flexible one, and it is all about talking: which topics usually arise at what stage - no formal rituals or rules of behaviour.

8. Techniques:

A mediator uses mainly three techniques in his sessions. Firstly, he always keeps a microfocus on the parties' contributions, instead of making an assessment of what the conflict is about. He maybe asks a few questions, but then essentially follows the parties around as they explore and clarify their options, by summarizing and reframing what they have said, or else asking more questions. Secondly, the mediator fosters empowerment by encouraging the parties' deliberation and choice making. He makes an effort to encourage the parties to articulate their concerns and to identify and evaluate the choices they might make. He raises questions and leads the parties to consider the feasibility or desirability of certain options, but leaves all the choices up to them. Thirdly, the mediator fosters recognition by encouraging perspective taking. He looks for openings – opportunities where one party can consider the other party's situation, and where a more positive view of the other might be entertained. Sometimes he creates openings himself, e.g. by asking the parties to talk about events or views of the other and then drawing on these statements to offer new interpretations. He also invites parties' expressions of their own feelings, and how

---

[63] C.A. Robarchek, *Conflict, Emotion, and Abreaction: Resolution of Conflict among the Semai Senoi*, in «Ethos», vol. 7, no. 2, summer 1979, pp. 107-111.

they want to be understood, statements that call for response and recognition from the other[64].

Two techniques in Middle Eastern conflict resolution have to do with the mediators themselves: the invocation of well-connected mediators (in terms of kinship ties, frequently through women[65]), and the invocation of a powerful third party, in the case above the Pasha. In the beginning they have to compare the case to others in the past and make similar rulings. During the process itself some more techniques are used: exclusion of the offending party or imposition of silence, so that confrontation is avoided during delicate stages of conciliation. This is supported by the underlying assumption that a party's case is best presented by others, the intermediaries and the delegation of elders. Another very effective device is dyadic diplomacy, mulakah, whereby one person is taken away from the general meeting to a separate room to persuade him to follow what the mediators proposed. He is pressured by others who ask him "to consider the Arabs, or the people or the kinsfolk" or some other super-ordinate, idealistic goal[66]. The idea is to avoid any retreat in public which would lead to personal embarrassment and shame. Finally, the formulas of guest house ritual are mobilized for conflict resolution. And in a culture where hospitality is a dominant value, rejection of bitter coffee or a meal can bear considerable pressure[67]. In general talks may become loud, involving shouting, and people can also talk at the same time[68].

In a becharaa' all the techniques are verbal. Like above mentioned, verbal facility is the most important skill a person has to possess to be respected. Therefore during the whole course of the talks, from the beginning when the need for mutual support is stressed until the discussion of the actual case, the following debating techniques are used: irony, specifics and proverbs rather than generalities of a case, jokes, metaphors, organization of material by numbered topic, simile and rhetorical

---

[64] R.A.B. Bush, J.P. Folger, The Promise of Mediation – Responding to Conflict Through Empowerment and Recognition, San Francisco, Jossey-Bass Inc., Publishers, 1994, pp. 192-197.

[65] C.J. Witty, *Disputing Issues in Shehaam, a Multireligious Village in Lebanon*, in L. Nader, H.F. Todd (eds.), *The Disputing Process – Law in Ten Societies*, New York, Columbia University Press, 1978, pp. 288-291.

[66] M. Faour, *Conflict Management within the Muslim Arab Family: Observations and Three Case Studies*, in P. Salem (ed.), *Conflict Resolution in the Arab World: Selected Essays*, Beirut, American University of Beirut, 1997, p. 186.

[67] R.T. Antoun, *Institutionalized Deconfrontation: A Case Study of Conflict Resolution among Tribal Peasants in Jordan*, in P. Salem (ed.), *Conflict Resolution in the Arab World: Selected Essays*, Beirut, American University of Beirut, 1997, pp. 157-159.

[68] G.E. Irani, N.C. Funk, *Rituals of Reconciliation: Arab-Islamic Perspectives*, Notre Dame, Joan B. Kroc Institute of International Peace Studies Occasional Papers, 2000, p. 10.

questions, in comparison to a Middle Eastern setting people usually refrain from getting loud or shouting at each other or pressuring someone. Experienced speakers like to make fun of an opponent's proposal, even while the other is speaking, and at telling points the audience will exclaim, "Hear, hear!"[69] All the events leading up to the dispute are examined and re-examined from every possible perspective. Every possible explanation and motive are offered, every mitigating circumstance revealed. Arguments are made and countered, sometimes points are answered, but without order. A fully discredited argument may be repeated again and again, as long as the speaker wishes. The becharaa' does not end when everything has been analysed logically and systematically, but when noone has anything more to say, when everybody feels sated, when the matter has been "talked to death" and all the emotions have been drained out of the conflict situation. Only then the headman asks if anyone has anything to add, and if not he renders his "judgement"[70].

To sum up, mediators use verbal techniques that help parties clarify their options and possible views of the other party and enable them to make their own decisions. In the peacemaking ritual of the Middle East the well-chosen mediators predetermine a solution to the conflict and then use different techniques to pressure both parties to agree to it. And Semai just talk until everyone has said everything he wanted to say, all the anger is gone and a consensus has emerged by itself.

9. Duration:

I did not find any explicit mentioning of time for mediation, I understood only from several case examples in the two books by R.A. Baruch Bush and S.E. Merry that frequently mediation sessions were one-time-sessions lasting for several hours. In the book by L. Montada[71] it is stated that in the beginning one should determine a maximum time frame for the mediation procedure, including meeting places and frequency. Obviously the mediation process in this case stretches over a longer period of time, which is probably more suitable for the goals of empowerment and recognition.

---

[69] R.K. Dentan, *The Semai – a Nonviolent People of Malaya*, New York, Harcourt Brace College Publishers, 1968, p. 69.

[70] C.A. Robarchek, *Conflict, Emotion, and Abreaction: Resolution of Conflict among the Semai Senoi*, in «Ethos», vol. 7, no. 2, summer 1979, pp. 108-110.

[71] L. Montada, E. Kals, *Mediation – Lehrbuch für Psychologen und Juristen*, Weinheim, Psychologie Verlags Union, Verlagsgruppe Beltz, 2001, p. 185.

The sulha ritual itself with its three components reconciliation, drinking coffee and breaking bread always takes place during one day, but the time between the offence and the ritual can vary between one month and a year. This time is called atwa, armistice, during which parties promise not to take revenge and informal negotiations are held. After an atwa expires it can be extended, if the insulted family does not wish to hold the sulha ritual yet[72].

A becharaa' is usually invoked a few days after someone has complained to the headman, and the following discussions themselves can last for a few hours or several days and nights non-stop, with people trying to catch some sleep on the floor when they can[73].

Mediation can thus be a single exercise or a longer series, the sulha ritual is a one-day performance with a variable time of underground preparations before it, and a becharaa' is a demanding once and for all discussion lasting between some hours and some days.

10. Outputs:

If a dispute can be settled through mediation, then usually the agreement is written down[74]. If no agreement can be reached, then at least both parties have been empowered to make more clear headed decisions in the future and have had opportunities to recognize each other, which makes it more likely that they will pursue their conversation in private and maybe reach a settlement later on[75].

The material outcome of a sulha ritual is usually some form of payment, the amount of which is determined by the third party and confirmed by the parties to the case in an informal manner, before the handover is organized by the delegation. It is important to stress that not only material damages but as well non-material damages like loss of honour are compensated for financially[76]. The sulh ritual can involve also

---

[72] D.L. Smith, *The Rewards of Allah*, in «Journal of Peace Research», vol. 26, no. 4, Nov. 1989, p. 389.

[73] C.A. Robarchek, *Conflict, Emotion, and Abreaction: Resolution of Conflict among the Semai Senoi*, in «Ethos», vol. 7, no. 2, summer 1979, pp. 110, 115.

[74] L. Montada, E. Kals, *Mediation – Lehrbuch für Psychologen und Juristen*, Weinheim, Psychologie Verlags Union, Verlagsgruppe Beltz, 2001, p. 217.

[75] R.A.B. Bush, J.P. Folger, *The Promise of Mediation – Responding to Conflict Through Empowerment and Recognition*, San Francisco, Jossey-Bass Inc., Publishers, 1994, pp. 187-188.

[76] R.T. Antoun, *Institutionalized Deconfrontation: A Case Study of Conflict Resolution among Tribal Peasants in Jordan*, in P. Salem (ed.), *Conflict Resolution in the Arab World: Selected Essays*, Beirut, American University of Beirut, 1997, pp. 160-161.

other symbolic actions, like leaving a murderer to the mercy of the victim's family, or the ritual shaving of the perpetrator by his victim, whereby the aggressor admits his guilt and is cleansed of it[77].

A becharaa' may end by just stating the guilt of one or both parties and lectures in proper behaviour by their kinsmen, at other times a fine or damage is imposed, again against one or both parties. Usually this fine is small and all or part of is usually returned to the guilty party as a present. If anyone brings up an already closed case once more, a bigger fine may be imposed[78].

Apart from different psychological impacts the rituals may have, material outputs are payments for both sulha and becharaa', and written agreements for mediation sessions.

It would have interesting to compare the effects of these methods in the long run, the implementation of agreements, taking up of social relations, integration of perpetrators, reconciliation… but unfortunately I could not find enough information about this things in the material I used. So I will now turn to the last point, which is a general delineation of some core concepts I find characteristic for each culture, especially in comparison with the others. This is of course a very subjective point, and other people might choose other concepts.

11. Core concepts:

Actually it was most difficult for me to come up with characteristics of the Western culture, because one always knows the many different faces of one's own culture best, and does not dare to generalize a single trait – from within it is hard to create a broader picture. From the outside this may be easier, and I can imagine a Semai characterising Western culture as primarily violent, or a Lebanese characterising it as lacking face. Nevertheless I chose two concepts, the first of which I found in a text by Paul Salem[79]. It is peace and the value attached to it. In a Christian worldview peace

---

[77] L.E. King-Irani, *Rituals of Forgiveness and Empowerment in Lebanon*, in I.W. Zartman (ed.), *Traditional Cures for Modern Conflict – African Conflict "Medicine"*, Boulder – London, Lyenne Rienner Publishers, Inc., 2000, pp. 133-134.

[78] C.A. Robarchek, *Conflict, Emotion, and Abreaction: Resolution of Conflict among the Semai Senoi*, in «Ethos», vol. 7, no. 2, summer 1979, pp. 110-111, 113.

[79] P. Salem, *A Critique of Western Conflict Resoution from a Non-Western Perspective*, in P. Salem (ed.), *Conflict Resolution in the Arab World: Selected Essays*, Beirut, American University of Beirut, 1997, pp. 12-16.

is good under any conditions, and war is always bad. The Christian religion specifically exalts the category of peace over other important categories, such as socio-political justice or obedience to a strict moral code. In contrast to this, Islam openly declared a sacred political program, which is backed up by force. War is not shameful, nor is peace necessarily always good. Salem has another argument why peace is so highly valued in the West: in a situation of self-satisfaction, where one has nothing more to win but a lot to lose, it is better to protect what one has instead of taking any risks. This is of course different in poorer, unstable countries, where the gains may be so high that they are worth the struggle in any case. A hidden assumption is also that in the West physical violence is in a category of unacceptable suffering of its own, whereas in the Arab world physical suffering is not particularly worse than non-physical losses like loss of honour, patrimony, face, etc.

A second concept I find is important is analysis. One of the striking differences between the three forms of conflict resolution is, that in ADR everything is taken up and analysed. The mediator follows the parties in their deliberations and takes a microfocus on everything they say. He then asks more questions, e.g. about their suggestion of a solution: how exactly, why, is it feasible ? Even if a person gets angry or emotional, this is taken up verbally, "I see you seem to feel like this and that in this moment, and what was it that provoked your reaction ? What would you like to change ? Can you imagine another behaviour ?". Then answers are given, possible reasons may be found, both parties learn to better understand each other and emotions eventually cool down. The specialty here is the analytical approach, in contrast to the Middle East, where sometimes even an element of drama comes into play, and action provokes counteraction[80]. It is also very different from the becharaa', where everything can be said and repeated as often as one wishes and without necessary logical connections.

To me a central concept to the Middle Eastern culture and one that distinguishes it very much from the West is honour – or face, pride or shame. Just the fact that I don't really know how to exactly differentiate between these often used words shows how relatively unfamiliar I am with them and might be an indicator of their comparably minor importance in Western culture. Maybe the importance is not minor on a subconscious level, but at least insults or transgressions are never made

---

[80] J.E. Rothenberger, *The Social Dynamics of Dispute Settlement in a Sunni Muslim Village in Lebanon*, in L. Nader, H.F. Todd (eds.), *The Disputing Process – Law in Ten Societies*, New York, Columbia University Press, 1978, p. 164.

explicit, although persons do react to them. In any case, in the Middle East these terms do matter. "The Middle East is an area of proud people. Honour, pride, prestige, impulsiveness, the readiness to do violence in defence of honour, the heroic ideal, and the grand gesture are all culturally valued," writes Rothenberger[81]. In a Western country loss of honour would never result in a fine by the violating side, in a discussion people would not take extra care not to make someone else feel embarrassed, as it is done in the guesthouse talks, by way of dyadic diplomacy and reference to higher ideals[82].

A second concept might be struggle - violence done in revenge for loss of honour, or the backing of the political program of Islam with force, as already the Prophet Mohammed did. Struggle has also been held in high regard in the major political currents that have defined political thinking in the modern Arab world – nationalism, Marxism, and Islamic fundamentalism[83]. I would yet regard the concept of struggle as less salient than honour, as in the Middle East "the iron-fisted tradition of resistance with no compromise" competes with "the tradition of forgiveness as revealed in the social and psychological sophistication of the Sulha ceremony and its meaning"[84].

In Semai culture, seen from the outside, fear is an important concept. Children are taught to be afraid right from the cradle in the following way: in their country there are heavy thunderstorms regularly, and this noise causes emotional arousal in children. Mothers themselves usually are very afraid and run to the longhouse, pressing their children to their body screaming "afraid, afraid", so children learn to interpret the feeling of emotional arousal as fear. When they get older, this fear is extended to strangers, with mothers taking their children and running away, and to many other things[85]. In general any state of emotional arousal then will cause fear in Semais, and should therefore be avoided. So except for fearful behaviour, there is a low level of emotionality among them: there is a virtual absence of strong expressions of anger, mourning is subdued, and even expressions of joy and laughter are

---

[81] Ibidem, p. 165.

[82] R.T. Antoun, *Institutionalized Deconfrontation: A Case Study of Conflict Resolution among Tribal Peasants in Jordan*, in P. Salem (ed.), *Conflict Resolution in the Arab World: Selected Essays*, Beirut, American University of Beirut, 1997, pp. 157-158.

[83] P. Salem, *A Critique of Western Conflict Resoution from a Non-Western Perspective*, in P. Salem (ed.), *Conflict Resolution in the Arab World: Selected Essays*, Beirut, American University of Beirut, 1997, pp. 13-15.

[84] D.L. Smith, *The Rewards of Allah*, in «Journal of Peace Research», vol. 26, no. 4, Nov. 1989, p. 396.

[85] C.A. Robarchek, *Learning to Fear: A Case Study of Emotional Conditioning*, in «American Ethnologist», vol. 6, no. 3, Aug. 1979, pp. 558-560.

restrained[86]. For Semai the world is threatening, and the only source of nurturance and comfort is in their group, any disruption of relations within it would therefore be disastrous and has to be avoided. This is also reinforced by their own non-violence. Children are never punished, only threatened, and as they never see violence in adults, they wind up with an exaggerated impression of it, and it thus provokes fear and in fact never happens[87]. An adult, being asked why he doesn't hit his child, would typically answer that it might die from it[88].

A second concept I chose is hoin, which means "to be sated". It is a general description of the satisfaction of wants. Someone can eat, dance, make sex, etc. until he is completely sated, and this is a desired state. Not to be sated is dangerous, one is vulnerable to attacks by natural or supernatural beings that can cause injury, illness, or even death. Usually lack of hoin causes only minor illnesses and injuries and is used as a post-facto explanation. "You are ill now, because at the last party you didn't dance enough." Hoin has three subconcepts: the first is pehunan, which means being unsatisfied with regard to some strongly felt want. Pehunan is dangerous and must be avoided, and people look out for it carefully – requests, whether direct or oblique, are honoured if possible. Robarchek describes a situation when he casually mentioned to his neighbour, "I see your fruits are ripe." whereupon the neighbour, instead of selling the fruit which he was just up to, forced the author to sit down with him and eat immediately – he had assumed pehunan. Similar concepts are srnglook, the failure to keep an appointment, and sasoo, frustrations arising from sexual interactions[89].

In summary, the concepts I used to highlight salient characteristics of three different cultures, were: peace and analysis for the West, honour and struggle for the Middle East, and fear and hoin (to be sated) for the Semai.

---

[86] Ibidem, p. 556.

[87] R.K. Dentan, *The Semai – a Nonviolent People of Malaya*, New York, Harcourt Brace College Publishers, 1968, p. 59-61.

[88] C.A. Robarchek, *Frustration, Aggression, and the Nonviolent Sami*, in «American Ethnologist», vol. 4, no. 4, Nov. 1977, p. 776.

[89] C.A. Robarchek, *Frustration, Aggression, and the Nonviolent Sami*, in «American Ethnologist», vol. 4, no. 4, Nov. 1977, pp. 766-771.

V The problem-solving workshop

In this chapter I first want to give an overview of the pioneers and their different approaches to the problem-solving workshop, then I will highlight the common features of these different methods, and mention some points that are still debated. To illustrate these theoretical explanations I will end by giving one concrete example of a workshop, which I think shows all the main common features of the different schools of thought.

I want to begin by describing the different approaches to the problem-solving workshop[90]. This practice is a very young one, with first workshops taking place in the mid-1960s. The three pioneers in this area are John Burton, Leonard Doob, and Herbert Kelman.

John Burton was born in Australia, received his first degree in psychology, and later doctoral degrees in economics and international relations. He spent his early professional life in the Australian Foreign Service in the late 1940s, and later shifted into the academic world. His diplomatic experience had convinced him of the need of an alternative to the power approach that dominated international affairs. Together with his colleague Anthony de Reuck he initiated a series of conferences of social scientists concerned with international peace and security, which was transformed into the International Peace Research Association in 1964. These developments laid the basis for the genesis of the first form of interactive conflict resolution by Burton and his colleagues, which was applied to conflicts in the Malaysia-Indonesia conflict, Cyprus, and Northern Ireland. In these controlled communication workshops the approach was to adapt and open, unstructured seminar discussion to an analysis of the sources and the processes of the conflict, with potential insights offered by the panel of social scientists. The initial learning is in the analysis itself, which then supports the development and consideration of mutually acceptable alternatives.

Leonard Doob, a professor of psychology with a focus on social psychology, did a lot of work on topics like the frustration-aggression hypothesis, morality and ethics, the patterning of time, and the pursuit of peace. He got for the first time concretely interested in developing some form of possible intervention during a visit in Somalia in 1965, where the image of the impoverished lot of Somali stood in stark contrast

---

[90] All information in this paragraph is taken from R.J. Fisher, *Interactive Conflict Resolution*, Syracuse, Syracuse University Press, 1997.

with the high military expenditures of the government, half of the budget at that time, on the war with Ethiopia and Kenya. Doob asked himself whether social sciences had any knowledge or methods to offer to stop such wars. Back in Yale, he organized a seminar of social scientists dealing with that question. They adopted the method of sensitivity training to the conflict in the Horn of Africa, and later the Tavistock model, which focuses on interaction processes in groups, particularly around authority and power issues, to the conflict in Northern Ireland. In Doob's approach the assumption is that general learnings about one's self and human interaction can be transferred to the creative development of innovative solutions to a specific conflict. For different reasons Leonard Doob's workshops did not have the expected success and remained highly disputed.

Herbert Kelman was interested in in peace and conflict from early on, which drew him into a career in social psychology. He spent most of his academic career in the Department of Psychology at Harvard University, where he later became professor of Social Ethics. In 1957 he helped establish the Journal of Conflict Resolution. His work contributed a lot to the social psychology of international relations, and a driving theme for it was to make the knowledge and methodology of social science relevant to human problems, especially destructive conflict. In 1966 Kelman met Burton, who invited the former to join the third party panel for the upcoming Cyprus workshop. Kelman realized that it was essentially a social-psychological method of intervention, in that changes at the individual level were being linked with policy processes at the macro level, and he enthusiastically agreed. Kelman participated in workshops in Cyprus, India / Pakistan, and later devoted most of his time to the Israeli – Palestinian conflict. Kelman's workshops contain an action component and opportunities to learn about the Middle East conflict and international conflict in general. The action component includes communication and mutual analysis of the conflict, promote a collaborative problem-solving-process, and use social-scientist practicioners in a facilitative third party role.

Apart from these three original approaches, several trends have been involved in or influenced the field: the theory of protracted social conflicts by American political scientist Edward Azar, the psychodynamic approach by the American psychiatrists Bryan Wedge and Vamik Volkan, projects in intercommunal dialogue, the model of third party consultation by Roger Fisher, and the call for a contingency approach by Fisher and Keashly.

A central assumption of interactive conflict resolution, and thus the PSW in its different forms, is that constructive analysis and creative problem solving between antagonists can be most satisfactorily be implemented through the assistance of a skilled and knowledgeable third party. The methods take a social-psychological approach by asserting that relationship issues between the conflicting parties must be addressed and that the conflict will only by resolved by mutually acceptable solutions that are developed through joint interaction. Objectives of the discussions range from individual attitude change through improvements in the wider relationship to the generation of innovative, mutually agreeable solutions[91]. Other commonalities in the workshops by the three pioneers are the prestigious yet informal participants, the informal atmosphere, the relatively unstructured agenda, and the isolated setting[92].

Some points that are still not agreed upon are[93]: whether the third party should be allowed to caucus with one side or the other, and whether the panel should include experts of the area of conflict or not, because experts might be biased towards one side, on the other hand they might possess invaluable information leading to more creative outcomes. There have been discussions about a single workshop vs. multiple or ongoing workshops, but recently the tendency seems to move away from single ones[94]. Linked to this is the question of the point of time of the intervention: is a PSW most useful in the early phases of a conflict resolution process (when it is seen as facilitation of talks), or can it be useful in several stages (contingency approach)? Some practitioners who bring a religious orientation to their work see Burton's conception as overly analytical, economistic, and "cold", and argue for more concern about restoring relationships and themes as reconciliation. A last point of discussion is the one about the role of the third party: whether it should be directive and prescriptive or rather open to learn as well from the participants, about their ways of thinking and indigenous techniques.

I assume Roger Fisher also thought of some of these differences when in the last chapters of his book he asks some questions about the cultural generalisability of the PSW and calls for further research and professionalisation. He points out the difficulties and lack of systematic evaluation of the different exercises and calls for

---

[91] Ibidem, p. 8.

[92] Ibidem, p. 58.

[93] K. Avruch, *Culture & Conflict Resolution*, Washington D.C., United Stated Institute of Peace Press, 1998, pp. 95-98.

[94] R.J. Fisher, *Interactive Conflict Resolution*, Syracuse, Syracuse University Press, 1997, p. 209.

further cooperation of the different practitioners and centres working in this area to collect more data, which should enable a professionalisation, institutionalisation and standardisation of the field including curricula for education.

I am now going to turn to the description of one such workshop, namely an idealised version by Christopher Mitchell and Michael banks[95]. In the introduction of the book the authors mention a long list of persons whom they owe gratitude, first of all John Burton, and it is also his approach their book is most similar to. The work contains no case study, but is a prescriptive book for students on how to prepare and carry out such a workshop, containing practical exercises. For ethical reasons during workshops no such intrusive procedures such as tape recordings are used, and participants often want to stay anonymous, therefore data about PSWs is not easy to find. Most of the research relies on single case studies[96]. I am not going to invent a conflict situation around this following workshop, but prefer to stick to the theoretical outline and guidelines given in the book.

A. Before the workshop

Aim

The aim of the problem-solving workshop is to enable parties to violent conflicts, especially in protracted cases, to find their own way towards a solution, and possibly draw a basic outline of it. The idea behind this is that the *violent* conflict is the problem, but merely stopping the violence, peacekeeping, without addressing the root causes, is not enough for three reasons: the parties probably will resume fighting sooner or later, an intervening party which is not completely unbiased creates a disguised victory, and lastly the conflict is only transferred to a latent level, whereas the goals of the adversaries are still at issue. And it is these that are addressed during a problem-solving workshop.

---

[95] C. Mitchell, M. Banks, *Handbook of Conflict Resolution – the Analytical Problem-Solving Approach*, London, Herndon, PINTER, 1998 (first published in 1996).

[96] R.J. Fisher, *Interactive Conflict Resolution*, Syracuse, Syracuse University Press, 1997, pp. 210-211.

First steps towards an exercise

If an institution decides to try an intervention in a conflict, an initial task is to carry out a thorough preliminary analysis of the conflict in all key aspects. It is very important to keep in mind that all sources of information, be it the media, academics, businesspeople or official spokespersons of the parties, are more or less biased or have their own, sometimes vested interests, therefore the preliminary analysis should be regarded only with great caution.

Next the authors stress the importance of intervening at the right moment. This is still a discussed topic, some authors argue for a contingency approach, where third party interventions would make sense at all stages, but Mitchell focuses on the earliest point possible, to avoid too much damages. He recommends third parties to closely examine the parties' recent behaviour and look for subjective signs, conciliatory gestures by the parties, e.g. the release of prisoners.

Selection of the parties

The selection of the parties that should participate in the exercise may not be an easy task. Often who represents whom is not at all obvious. The following guidelines are suggested: start with what is visible, even if this is a simplification and might exclude not-fighting stakeholders. Grass roots have to be included for reasons of legitimacy, and all groups that would have the potential to damage the outcome have to be included as well. Problem solvers should be open, and try to eliminate the effects of their own previous assumptions and values – the conflict defines its own issues and parties.
If a party is internally divided, then the third party would do best to just wait until the party has developed sufficient internal unity. Any support from the third party to unite them would provoke mistrust in the adverse party.

Power imbalances matter less in Mitchell's view, for two reasons: The process itself, by altering participants' and parties' views of the can make issues of power imbalance irrelevant. And the fact itself that the conflict dealt with is a protracted one, suggests that the context is not wholly one-sided.

Access to the parties

When first approaching the parties, the third party should directly turn to the top level, to a person who can decide without further reference and without whose approval the organisation cannot act.

To arrange the first contact consultants have to stay on the unofficial path. They have to present themselves as credible by referring to their academic competence, neutrality, and experience as qualified scholars. Several channels may be used to get access, e.g. though formal invitations by mail, through local contact persons or official international organisations already involved, but every single one has to be considered very cautiously, not to make a mistake like for example approaching a person that the decision maker perceives as opponent within his own party.

Once access has been gained, consultants should be prepared to make a good case for the exercise, for the leader will not have much time. They should describe analytical problem solving and its basic aim, to analyse the conflict with the help of the panel and in the presence of the adverse party, with the potential of informally exploring possibilities for resolution. They should stress their neutrality and confidentiality, which includes informing the leader that an identical approach is being made to the other party. He will also need to know about the funding sources, and consultants should talk openly about these, but of course governments as funding sources for problem-solving enterprises are out of the question. Consultants must avoid negotiations on part of the leader, for example about topics during the workshop, as the workshop should enable untrammelled discussion.

After this meeting the next task is to send a formal letter of invitation to the leaders.

Selection of participants

After the leaders' consent representatives have to be chosen from within the selected parties. Workshop participants should be able to represent their party's range of feelings and aspirations, be knowledgeable about the conflict and underlying interests and values, and about possible reactions in future scenarios. `Hawks´ as well as `doves´ should be included, and the participants should have just the right distance

from official positions to enable them to think creatively - flexibility is a key quality. Participants to a workshop should represent a rough parity (skill, knowledge, representativity,...), and the intra-party influence of the two sets of participants should be balanced.

Often participants don't know very clearly what to expect. To make them feel more comfortable, it can also help to compose an outline of a workshop and send it to them some time before the exercise. Such an outline should be written in a positive manner, while at the same time not minimizing problems.

The panellists

Before even taking a first step towards joining a team it is important for anyone wanting to act as a professional, to engage in self-analysis: one's own goals and values in undertaking a problem-solving exercise, one's relationship towards the conflict and the parties, existing assumptions, and any hidden agenda that one might import.

General characteristics panellists should possess are qualification in a relevant discipline, age and experience. They must be persons who know how to listen, how to hear while listening and who have the ability of an intelligent, constructive interpretation of a statement. For a particular workshop additional qualities may be required, or the other way round: panellists will have to be excluded *because of* some inherent properties like nationality, race, and gender – in taking account of participants' prejudices and their delegational responsibilities.

With regard to the knowledge base of the panel, they should well know conflict theory and have experience in its application in problem-solving exercises. They also must have some degree of knowledge about the conflict situation, sufficient to avoid embarrassment and to be able to ask pertinent questions. This factual information can form part of the briefings.

Consultants should have the ability to work together as a team and as equal members of a team. The panel should stay the same throughout the workshop, for like this a shared vocabulary, a degree of trust, and joint creative tension can be built up more easily.

Final preparations

At this point it is important to revise the original assessment of the conflict, to add data gathered from direct contacts, to fill in gaps in one's knowledge, and to try to obtain some preliminary estimate of the structure of the issues in the conflict, always keeping in mind not to form an inflexible picture about the conflict.

The team can now begin to do the planning of the strategies and tactics that will extend throughout the workshop and into the follow-up phase. A chair person is nominated, and other roles of panellists are divided, like observers and exercise historian. Introductory techniques and lines of discussion to be interposed at various stages are decided on, and also the method of presentation, e.g. flipchart or blackboard. Known foibles of participants can be considered and ways to deal with them worked out to avoid disruptive contributions. The planning group should be small and closely knit, with a maximum of eight members.

B. The workshop

Location

The workshop should be held at a place conveying symbolic significance, for example under a distinguished institutional umbrella, or one of a university, which creates an atmosphere of analysis, learning and communication. It should be physically apart from the conflict and free of any association with it, while at the same time making feel participants comfortable, which is more likely in a setting which is culturally similar to their home country. Countries having taken a stance in the conflict don't come into question. Psychologically, it is important to prevent `politicking´ by choosing a location that has nothing to do with politics, like a library of a rural conference centre, the meeting room of a research institute, or even a committee room of a famous hospital.

Opening

The twelve persons, which is the optimal size of the group - up to a maximum of twenty, enter the room, where all the discussions during the following days will take

place. The chairperson is the first one to approach the single large table, which is round or square, and choose a seat. Other panellists and participants follow, the latter usually taking seats at opposing sides. Beside the table there is a flipchart or blackboard.

The chairperson next usually takes the floor, greets the group and assures that the proceedings will be informal and confidential, directed towards research. Some practical questions about taking notes, interrupting etc. are clarified and the timetable is explained. The latter is decisive for comfort, control of stress and the maintenance of attention. Participants should not feel stressed or coerced, therefore three hours in the morning and three hours in the afternoon, each with a short break at midpoint, are suggested to be enough.

Apart from these physical practicalities, the agenda is also important. It is very open and the only real item on it is participants' explanations of the conflict and later their thorough discussion.

1st phase – talking and listening

The first task in the workshop is for participants to explain to the whole group the nature and origins of the conflict, its present state, and what appear to be key obstacles to its solutions. The first two days are spent discussing all this, and often the atmosphere becomes tense and fraught with emotion, but speakers should be allowed to continue without being interrupted. They talk about their own feelings about events, motivations, the other side and so on.

The panel has to remain strictly neutral during this process, be a part of intellectual furniture and not act. Their most important task is to listen and analyse what they hear, thereby possibly revealing hidden issues, unacknowledged hurts and resentments, or differences between public and private issues. It is necessary to understand important nuances, and at the same time listening helps to build confidence and serves as a model for other participants to listen closely as well. Only when all participants feel that they have told their story in a way fully satisfactorily to them, they will be willing to move on.

The turning point often is reached when participants start feeling frustrated, because individuals keep repeating themselves, discussions seem to go around in circles without getting anywhere, and everybody waits for the panel to do something.

The panel then opens up the second stage of the process by asking clarifying questions, constructing a list of key issues or stimulating a discussion of `the main issues´. At this stage, besides listening and analysing, the panel members themselves take the floor to supply insights, ideas, theories and parallels. Whenever they talk, they have to keep in mind to do so without behaving like teachers or provoking too much respect among the participants. During the whole exercise the consultants have to stick to their commitment to a functional, just and non-violent social structure and show their respect for the right of the parties to determine their own conduct.

Two of the most commonly employed sets of material are escalation theory and the theory of perception. The guiding themes of the first are costs, benefits and alternatives. An escalating conflict has a logic of its own, in which the progressive accumulation of costs forces an equally progressive inflation of the hoped-for benefits, which is something often forgotten in the heat of the battle. Perception theory is important as well, but here panellists have to be extremely careful not to insult the intelligence and responsibility of the participants. If misperceptions are identified by consultants, they have to be treated with great care. The only possible cause for misperceptions that should eventually be brought out and destroyed during a workshop are extreme hostile stereotypes.

Other small scale theories have the potential for stimulating productive discussions. These include ideas about resource scarcity and rank disequilibrium, prisoner's dilemma and game theory, zero sum / positive sum distinction, theory about the nature of power and other theories. They are technically interesting, discussable, and can lead to a stimulating, productive body of ideas for the closing phases of the workshop. Contrary to these, some deterministic branches of conflict theory, that suggest that history is fated, are less useful, they don't have the potential to lead to productive discussions and therefore should be left out.

The tension usually drops during this phase, and the conclusion is reached at about the fourth day, when participants begin to take a serious part in the discussions with panellists about conflict theory, and something like an academic seminar has emerged.

3rd phase – possible solutions

The third phase focuses on the problem how to end the violent conflict, it lasts about a day long. The panellists take up one by one the solutions offered by participants earlier on and discuss them thoroughly. Each one is discussed strictly in terms of its theoretical properties, illustrated by examples where a similar formula has been used before, where and when and under what circumstances.

At this stage, some aspects of integration theory can be introduced, for example the distinction between human needs, human values, and `institutional´ values. The examination of these notions can lead to discussions about identity, legitimacy, and self-determination. Another interesting aspect of integration theory is participation: the proposition that participation is a sine qua non for effective problem solving. Towards the end many workshops inevitably arrive at a discussion of the nature and sources of security, and the theory of de-escalation processes and on their practicalities.

By the end of this discussion, all prescriptions favoured by participants before the exercise will have been discarded for various reasons: constitutional impracticability, functional shortcomings. Workshop members feel discouraged. As only little time before going back is left, discussants have only two choices: to return and carry on as before, or something must happen right now.

So far realism has been achieved, the participants have recognised the extent of their opponents' commitment and determination, and the limits within which both sides are free to act. Often there is a tiny area of possible initial agreement, and this area can now be focused upon. Consultants can suggest possibilities for expansion or development, but it is for the participants to choose and explore.

At the end of the day, and depending on the outcome of the discussions, ideas may be summarized in a number of mutually agreeable principles for a long-term resolution; sometimes more concrete proposals are agreed upon and sketched out for presentation to leaders, e.g. the first of a series of mutually de-escalating moves.

Re-entry

Shortly before returning home tensions rise again, there is an increasing concern with issues of confidentiality, and positions and attitudes of participants tend to harden and revert the pattern of behaviour of the early stages of the workshop. Panellists can

anticipate this growing tension towards the end of the workshop and defuse it by reassuring participants that they are confronting a normal phenomenon, and lead to the question of what adversaries might do to ease each other's return home.

This stage is also a test of the success of the workshop: if participants are convinced of the realism and utility of the output and can cooperate in easing each other's return, then they have a achieved some ability to start empathizing with some of the constraints faced by the adversary's decision makers, and they will have built up a degree of trust. Some agreement should be possible about who are appropriate recipients of the workshop's outputs, and about the maintenance of confidentiality. Participants might also advise representatives of the other side on how to best present the workshop output on their return: which actions or statements should be avoided, positive future acts, and optimum modes of presentation. In the longer term participants might also talk about bridge-building activities, such as writing analytical papers or articles, establishment of new organizations and the like, or simply maintenance of a channel of communication. The main point is that participants at the end of the workshop just spend some time thinking about these points together.

Another way of minimizing the re-entry problem lies also in the basic nature of the return itself. The returning participant in most cases does not bring good news, and instead returns cold and sober, with a greater clarity about the situation their parties mutually confront, about what is happening, what can be expected to happen, and what may be done about it. Participants have a more realistic view of several possible futures: a disastrous one, an impossible one, and maybe also one to work towards to. The workshop has *not* changed their attitudes towards the opponent, and friendships have *not* been achieved.

Consultants themselves can do little to support the party representatives upon their return, a few options are: to communicate with the decision makers who originally authorised participation and inform them about the workshop's achievements. If a written summary report has been agreed upon, a draft should be sent out to all participants as soon as possible for corrections. And finally, panellists could undertake follow-up visits and should also prepare themselves to continue to act as a trusted channel of communication.

Workshop series

In the end participants usually at least thank the panel for having provided the opportunity for this exchange, and say that they will go home with some things to think about. At best, they will return with specific ideas about possible actions.

If participants' interest has been aroused, they might suggest another workshop, which might lead to an open ended series of PSWs. In such situations, agreement in principle needs to be reached about whether to hold another workshop, when, where, and for what purposes. The issue of expansion of membership must be raised, as participants have often proven wary of including new individuals, as these haven't had the bridge-building experience in the beginning and thus might wreck their hard won ability to talk openly. These ad-hoc series usually end after the third or fourth session, either because they have lost novelty and utility, or because they have showed success, or because of rising resistance at home.

Another possibility are continuing workshops, which have been planned as such from the outset. These often face similar problems, for it is difficult to assemble exactly the same set of participants at several meetings. The advantage of a planned series is that a systematic programme of talks and discussions can be undertaken in a logical sequence, always keeping in mind not to lose flexibility.

Chances of having an effect on complex, protracted conflicts are likely to be increased by problem-solving exercises that go beyond one workshop, and there is already a trend to use multiple workshops.

Assessment

Consultants themselves have another task, the assessment of the effects of the workshop, which has to be carefully planned and prepared already beforehand. This further evaluating, testing, and refining of problem-solving workshops and methods is very important for the development of the whole exercise.

The authors suggest three levels of examination:
First, the impact, that is changes in participants' perceptions of the conflict, of the adversary, of potential outcomes, future options and the like. It could be done by asking for subsequent feedback, or by more structured interviews, or at best by handing out questionnaires or doing surveys both before and after the workshop.

Secondly, the assessment of the output, the material or intellectual product of a workshop, which is an easier task. Panellists should work out clear criteria to identify changes already prior to the workshop, and during its course hold review sessions at the end of each day. A workshop historian should note the whole course of the enterprise, including turning points and changes. After the workshop panellists themselves should submit evaluations, and some time later, after their return home and once they have had some time to reflect, interviews could be held with participants.

Thirdly, the outcomes of a workshop, which are changes in behaviour and relationship between the parties. This might be indicated by some change of tactics and strategy, by changes in the rhetoric, use of new concepts or ideas, or use of familiar (to participants) reassurances or tension-reducing measures. The outcomes can only by evaluated through close empirical analysis of the course of the conflict immediately after the workshop, as public acknowledgements are rare.

The authors themselves see their book only as an interim account of this new and unconventional method, and end by saying that it will have to be wholly rewritten in a few years' time.

VI The problem-solving workshop, its relation to ADR and an attempt of its adaptation to a different cultural environment

After this description of an idealised exercise, I will now try to find out how the Western model of alternative dispute resolution described in chapter II, mediation, has developed into or influenced the design of the problem-solving-workshop, by pointing out the main features they have in common. The underlying assumption leading to this comparison is that alternative dispute resolution practices, among other practises (like industrial and labour management techniques derived from the study of organisations[97], and human relations practices of interpersonal and family disputes), have been a precursor to the PSW[98].

---

[97] A book often referred to in this context is R.R. Blake, H.A. Shepard, J.S. Mouton, *Managing Intergroup Conflict in Industry*, Houston, Gulf Publishing Company, 1968 (first published in 1964).

[98] M. Abu-Nimer, *Conflict Resolution in an Islamic Context*, in «Peace & Change», vol. 21, no. 1, 1996, p. 25.

Starting from the traits, that the problem-solving workshop and mediation have in common, I will take the results from the comparison of mediation with the sulha and becharaa' in chapter IV and try to weave them into the higher level of the problem-solving-workshop in the same way, in that ADR has influenced its development. Thereby the PSW is amended in a way that makes it more suitable for the use within other cultural contexts.

It would be even more interesting to develop in each of the examined cultural contexts a completely new form of conflict resolution on the middle level, paralleling the development of the PSW out of ADR, but this is not feasible in the margin of this thesis and is a task better to be left to experts in the areas of the respective cultures.

But before I turn to the actual comparison, I would like to comment on some points that are mentioned in the description of the PSW, but which are *not* or only to a small extent suitable for a comparison with the three grass-roots techniques. These stages or tasks are unique to the problem-solving workshop as such and I will not tackle any of them for two reasons. As said above I don't want to replace the PSW through something else, I only want to suggest changes within the given frame. And secondly I prefer to stick to the comparisons above as a basis for elements that should be changed, for the other points I would just have to invent modifications, which would be a pure adventure.

The first element that is not comparable is that the intervention happens from the outside. An **independent institution seeks by itself to get involved** into the conflict, whereas in all other three practices a party to the conflict asks for a mediator. To be exact, in the Middle East, mediators can and are also expected to step in by themselves, but usually only in smaller cases than one that leads to a sulha ritual. And in the Semai culture an observer of a conflict can and should report it to the headman to call for a becharaa'. But in general it is one of the parties who takes the first step in all these initiatives. For this reason it is also not necessary for the third party to **choose the right moment** to intervene, because it is the parties themselves who choose it.

The next step, making a **preliminary analysis**, is also unique. The only thing ADR has in common with it is that it also stresses mediators' openness, they should avoid to decide for themselves, "what the conflict is all about", as panellists should avoid building up an inflexible picture about the conflict. Delegation members in the

Middle East should be knowledgeable about the subject and about past conflicts, but again this does not involve investigations into something completely new with the aim of making a preliminary analysis.

Parties to the conflict are clear in all three grass-roots cases, and it is as well clear, that on the contrary choosing parties to problem-solving workshops is a difficult task. In the three compared techniques it is also obvious who are the **participants**, which is less obvious in the PSW. They have to fulfil several criteria in the latter and have to be chosen carefully. In the case of problems in a village parties and participants are obvious from the beginning, and besides there is no one there to choose among them. Getting **access to the parties** is also a task that exists only in the PSW, although especially this point could be a crucial one concerning cultural differences. As for the **final planning** stage before the workshop, this is neither possible in a mediation session, where a single mediator has no division of roles or discussable theories to prepare, nor necessary for the sulha or becharaa', which have a more ritualised character with a predetermined sequence of events.

Like the stages of preparation, the stages after a workshop are an important part of the frame as well. The **re-entry** problem is something that only disputants, which have been taken out of the original context, will face. All the grass roots techniques take place in the same context and with the same people one lives with anyway, and they even aim at restoration of normal social relationships, therefore the re-entry question does not come up at all.

Mediation can stretch over several sessions, so this is similar to an **workshop series**, but the other traditional models of conflict resolution occur only at one time, they bear more symbolic significance and therefore cannot be repeated.

No **assessment** is made of grass-roots techniques, with the exception of mediation, which is evaluated sometimes, if only for educational purposes.

1. The problem-solving workshop and alternative dispute resolution

The most striking similarities between the PSW and mediation lie in the process itself, its aims, structures and techniques, and the nature of the third party.

The above described **core metaphors** of Western culture, the use of analysis, and peace in the meaning of non-violence, are valid for both conflict resolution techniques.

Also the **aim** is identical: empower parties to work towards their own solution of the conflict. Neither the panel nor the mediator pushes the parties in any direction, they just help by analysing and discussing different options and theories and make their desirability and feasibility more clear. And even some steps towards recognition are undertaken, but in the problem-solving workshop this aim is less important than in mediation.

The **third party** is composed of neutral, impartial outsiders in both cases, who have been educated to function as such. They are usually strangers to the disputants and do not have a formal position or authority, and they should possess the skills necessary to guide the discussions, which include listening and analysing skills in both cases. The difference is that panellists in a workshop usually are of a social level similar to the participants, they often are university affiliated and have a certain `name´, whereas mediators are usually educated people from the middle class. Panellists have to have some knowledge of the conflict beforehand, unlike mediators in ADR, and they have to know a lot about conflict resolution and its theories, which is of course unique to the PSW. Additionally they have to possess the qualities necessary to work in a team.

The **locations** of a mediation session and a workshop have in common, that they are neutral places, apart from both parties' homes. The rooms themselves, where the actual talks are taking place, are not described very exactly for neither of the two practices, which is a common sign for the low-context culture these techniques are derived from. It is only stated for each, that participants should be made feel comfortable. While the location is more or less given in a mediation session, the one of the problem-solving exercise has to be chosen carefully, for psychological and political reasons.

The problem-solving exercise in its course is very similar to mediation, especially the aspects of structure, techniques, and outcomes. The **structure** of both practices begins with an introduction, what the exercise is about, parties' self-determination, and some ground rules, e.g. not to interrupt. The next stage is the one where both parties present their views of the case, of events, the other party, the issues, perceptions and emotions. Participants can get very emotional in this phase. Next in the workshop there is a phase where consultants explain theories and point out parallels, in the end it leads to something like an academic seminar, and participants start to engage in lively discussions about the different theories. This phase does not take place in a mediation session. But the next phase is again similar: all options are

discussed thoroughly one by one, based only on their theoretical properties, which leads to a clarification for the parties. There is maybe a less clear order in talking about emotions or issues in a mediation session, these two are handled more at the same time, with the mediator jumping back and forth between "emotional" issues and "hard facts", but in principle the contents are very similar to the PSW. The only real difference is maybe that in the PSW there is even more stress on the simple analysis of the facts. But apart from these minor differences, the basic structure of a mediation session and a problem-solving workshop are the same, also the last phase: the formulation of mutually agreeable principles.

The most basic **technique** employed by both mediators and panellists is close listening and analysis of the heard. Hidden issues or unacknowledged resentments may be discovered, and mediators bring them out by summarising and reframing what they have heard. Listening also helps to build confidence in the participants and serves as a role model not to interrupt. Another commonality is the stress on parties' empowerment, to enable them to make their own decisions. The third parties are only there to help clarify, they may never behave like teachers or push participants in a certain direction, instead they always have to respect parties' right to decide for themselves. Third parties take up all the solutions offered by participants one by one and discuss them extensively by asking questions, referring to parallels, or explaining theoretical properties. Light is thrown on each possibility from different sides, and in the end this results in a clarification about their feasibility and desirability for the parties. In case options narrow down, the third parties can make an opening move and suggest possibilities for expansion. What differs between mediators and panellists is that the latter also use material in the form of theories to provoke productive discussions, which mediators don't. Mediators on the other hand put more stress on the recognition dimension by encouraging parties to try the other one's perspective. Even in a PSW participants should achieve the ability to start empathising with some of the constraints faced by the adversaries' decision maker, and extremely hostile stereotypes of one another should be removed, but all this is done only for the goal of further clarification of both sides' margin of actions. The recognition dimension of a workshop does not go so far (like in transformative mediation) as to try to convey more positive views of the enemies, or even make friends between them, as this would only be counterproductive upon their re-entry. It also would not solve the conflict to unite a handful of people on the middle-level. While there is obviously some difference concerning the recognition dimension, the

basic techniques of listening, analysing, clarification of views and issues, while always leaving the decisions in the parties' hands, are the same for mediation and problem-solving workshop.

A last thing can be said with reference to **outcomes**: in the case the processes have been successful, they both end with a written type of agreement, which is informal and not binding. In the case of the PSW these agreements can range from merely stating general future goals, through more specific proposals up to concrete suggestions for steps towards disarmament. If mediation sessions or problem-solving exercises are less productive, then participants are at least likely to leave with some new ideas, and probably a small lasting psychological impact on them. This might lead to taking up talks again in private as a result of a mediation session, or a continuing channel of communication through the third party as the minimum outcome of a PSW.

2. A Middle Eastern problem-solving workshop

I will now use the material from the comparison in chapter IV, and apply it to the problem-solving workshop in place of those features that above I have identified as deriving from mediation. Of course this is a difficult task, for I don't know how close participants still are to their culture of origin, and the individual participants will also differ in this aspect. I also don't know the importance of the ritual of sulha, or at least its underlying principles, in today's Middle East, and probably there exists considerable variation about this point as well. With all these open questions, I will now just try to make as many suggestions as possible, disregarding their feasibility, and without deeply probing their target-orientedness. The main goal is to indicate a direction which the further development of the problem-solving workshop could head for, and to let a new picture emerge in the reader's mind.

First I want to mention the **core concepts** of the Middle East once more: honour and struggle. To integrate struggle into problem solving will be very hard, because it directly opposes the metaphor of it, namely peace and non-violence. The whole exercise would lose its sense. For reasons of simplification and also because I do not want to put the whole practice into question I disregard the notion of struggle and assume that the other tendency, the one to forgive and reconcile, is the prevailing

one. Honour on the contrary is a very important concept, which can and should be introduced at almost all the stages of the exercise.

As an illustration I want to start with the **access to the parties**. An important part of peacemaking in the Middle East is, that the family of the offender begs some distinguished persons to mediate. On the other hand mediators are expected to step in by themselves in other conflicts, although usually only in small-scale or family ones. But as this latter pattern is known in the region, maybe an outside institution wanting to intervene would even be welcome, if it pays special attention to the selection of the person who makes the first contact. The contrary might as well be true: each party might perceive the other party as offender and therefore wait for a first step on their behalf and feel insulted if a third party makes the first step by itself, without the offender begging it to do so. Or thirdly, an outsider wanting to interfere could unknowingly behave wrongly and hurt someone's pride and be rejected. Obviously this is a difficult task, and I have no suggestions to make at this point. But obviously this difficulty has already been overcome by some pioneers who worked in the Middle East, so maybe it would be best to consult them about their experience. This small excursion only serves to illustrate how difficult it can be to deal with issues of honour, especially without a comparable basis existing. I will now turn to the concepts that are more easily comparable.

As the preservation of ongoing relationships is the most important **aim** of conflict resolution in the Middle East, this aspect should also be introduced as an aim of the problem-solving workshop. It could become the main aim, or be treated as a legitimate aim besides the already existing one of jointly analysing the situation and enabling the parties to find their own solution. I can imagine an emphasis on both: empowerment to decide on the taking up of normal relations again, if and how, and empowerment to decide on the issues.

A crucial topic is also the composition of the **panel**. There are some qualifications that are required for panellists as well as for mediators in the Middle East, albeit with different weights: they should be neutral, act impartially, have knowledge about the subject matter, they should be able to work in a team and possess the necessary communication skills. The expected communication skills are yet very different for the two teams, and I will further talk about this under the heading of techniques. Apart from these qualities, the inherent physical properties of panellists and Middle Eastern mediators are very different. In the Middle East age, gender, high status, honour, and authority are very important, as well as political

connections, religious merit or kinship connections. Therefore I would suggest that the panel should be composed mainly of older men, in case women take part then rather as observers or exercise historians, but not in the role of the chair person. Participants should bear a high status and a degree of authority, they could be famous academics, religious leaders, or maybe also politicians from other countries who previously held or still hold good relations with both warring parties. At least some of them should be Arabs, because of the strongly felt ties between Arabic countries, and all of them should have experience in resolving conflicts. There are two possibilities to put together the panel: compose the whole panel out of such persons, or compose it in a mixed way with some Western scholars. If the character of the exercise is not to be changed completely, then a mixture would be preferable. It could also lead to a fruitful cooperation and new insights and could help ease misunderstandings between Western panellists and participants. A mixed team with differing roles of course would have to prepare the whole mission more carefully, not to end up in confusion and competition.

The **location** is of importance in a Middle Eastern workshop. It is already a good start to look for a place conveying symbolic significance as it is usually done, and the locations described in chapter V, e.g. the library of a rural conference centre, would be suitable for that purpose. But additionally I would suggest to pay more attention to the surroundings: that participants to the workshop are received in a friendly and respectful manner by everyone in the institution and their place of residence, that everything has been very well organised beforehand, so no inconveniences can take place that would make some participants feel unwelcome and that could be an insult to their sense of honour. More attention should also be paid to the details in the room, where the group meets for discussions, for example by placing nameplates on the table, leaving the "better" places to the more distinguished guests and also by letting those proceed to the table first. Of course nameplates should be placed only after careful consideration and consultancy with someone who knows the context well. Instead of risking any mistake, it would be better to leave the nameplates and just behave respectfully. Another possibility would be to sit on benches, sofas or seats placed along the walls of a small room or in a circle in a bigger room instead of around a table. This would be more similar to the guesthouse atmosphere where the sulha ritual takes place. A last recommendation is to eventually slightly decorate the room, for example with flowers, in a way that would usually be expected at a meeting of persons of that rank.

It is actually quite difficult to compare the **structure** of the PSW with the one of the sulha ritual, they differ quite a lot. The first one has a structure which is mainly about the direction of the talks, what should be discussed on which day. The latter has a very formal, ritualised structure, where talks occur only through a mediator, and it ends with a predetermined ritual in three steps. The differences are almost too big to suggest any concrete amendments, maybe only that panellists should generally take care of the strict planning of the event and hand out an exact timetable right at the beginning. The atmosphere should be somewhat more formal than in other workshops, and maybe it would also be possible to plan some common meals or coffee breaks.

In the field of **techniques** more exchange is possible. After the opening statements, the first phase takes place, where all participants can express their views of the conflict, the other side, the issues, and their emotions. I think it is very important to deliberate about who begins to talk. Participants should agree on this, e.g. the oldest person begins and then the oldest person from the other side, and so on, or if participants can't agree then decide by lot and continue by alternating between the parties, whereby party members have to determine the order among them by themselves. It should be possible to let every representative talk without being interrupted during this phase, as there is also the technique of imposed silence during the sulha discussions. If both parties stick to it, none of them loses its face. The panel should listen closely and analyse as usual at this stage, it would probably also be helpful for them to summarize from time to time, to make participants feel that they are *really* listening, as *only* listening might be interpreted as lack of interest.

Next, when consultants come up with theories and parallels, it is less important *not* to behave like a teacher and *not* to provoke too much respect, as these are valued qualities in the Middle East. In this region it is also more usual a to talk loudly, to interject, or to talk at the same time, therefore I would suggest not to be too strict with the speaking order and with the rule of not interrupting. These should be allowed during this phase, or at least at certain, predetermined times. Caucuses of the parties with some of the panellists should be allowed, as dyadic diplomacy and indirect communication through a mediator are usual techniques in the Middle East, and participants might therefore not like having to talk face to face all the time. The last phase, where more concrete options are discussed and discarded, can proceed in the usual way. As for consultants, it would be too much to say they should pressure participants towards an agreement, for this would go against the basic aim of

interactive conflict resolution. But I can imagine a division of labour in which the Western academics take over the part of providing theories and analysing in a technical way, while the Arabic panellists confer some moral weight and seriousness to the process, of course without a too sharp division.

The usual **output** of a successful workshop is some kind of written agreement, and I think this can be left like it is. Maybe only the process of writing these principles down and the reproduction of the written could be embedded in a formal ending of the workshop. The handing out could be organised in a small ceremony and maybe a last meal taken together. Of course not necessarily, if tensions have risen again shortly before re-entry participants might prefer not to eat together, but some form of ritualised good-bye could be well received. I think such a symbolic ending would not provoke the danger of being too enthusiastic about the outcome, because the party representatives know their own status in the hierarchy very well, and probably the outcome itself is not so strikingly convincing that it will be able to immediately and drastically change the situation, but a ritualised ending could nevertheless serve as symbol for the degree of mutual respect that has been gained and for the achieved ability to talk.

3. A problem-solving workshop with Semai

With regard to the becharaa' one confronts a similar problem like the one described for the sulha: is it actually still in use, and is the population who uses it still convinced of its usefulness ? As the Semai were already having more contacts with Malays in the sixties, the effects of which were obvious already at that time[99], it is very likely that by now all of them have been influenced by this dominant culture. That is why it is difficult to say anything about the contemporary meaning of the ritual of becharaa'. And I also would not suggest to generalise that this modification of the problem-solving workshop, which is going to emerge in the course of this chapter, is applicable to Malaysia, even less to South-East Asia. But apart from this I still think it is an interesting academic exercise to deliberate about the suggestions below. Firstly, it demonstrates a way of how to approach the topic of a more culture-sensitive workshop. Secondly, it could offer some new insights and interesting details worth to

---

[99] The difference between Eastern Semai, who live in more remote areas, and Western Semai, who have more contacts with Malays, is mentioned in almost every chapter of the book by R.K. Dentan, *The Semai – a Nonviolent People of Malaya*, New York, Harcourt Brace College Publishers, 1968.

adopt even in a Western setting. Thirdly, it can simply serve as a demonstration of how broadly humans have developed throughout the world, and what a potential lies in discovering other peoples' ways.

The first of the **core concepts**, fear, is in my view difficult to build into the problem-solving exercise. This does not matter so much, as the Western assumption that peace is generally to be favoured to violent conflict goes very well together with the Semai's fear of violence. Both result in trying to avoid violence. The concept hoin, to be sated, is more interesting to introduce into the problem-solving methodology, it can provide an additional aspect to the whole exercise.

One of the main **aims** of a becharaa' is social harmony within the group. This includes reintegration of the disputants into the group and reaffirmation of its paramount values. These important aims should be integrated into the aims of the problem-solving workshop. As the two sets of values, social harmony and enabling parties to find a solution based on analysis, do not contradict each other, they could at least be paralleled as goals. Panellists could help the parties to find ways of how to restore normal relationships and feel secure again, while at the same time remaining committed to neutrally and theoretically analysing all aspects of the conflict.

Choosing members of the **panel** for a Semai workshop might be easier than for a Middle Eastern one. I would suggest to stick to all the original criteria, like being knowledgeable about conflict theories and having some practical experience, or the ability to listen closely and work in a team, and add some additional qualities. Consultants should be skilled speakers, and they should be modest. Besides speaking facility, required qualities for a Semai to be respected are to have many kinsmen, and to be generous. The proof to have many kinsmen may be difficult in such an exercise, but a generous aura could be supportive. Academics, as suggested by Mitchell and Banks, are suitable, they have a certain name, but are not too famous, which is likely to correspond to the social structure among Semai. Men and women should be allowed in the panel, with the only restriction that they should be of a certain age. I would also suggest to include some Semai outsiders, from a region not involved and not taking sides in the conflict, into the panel, to help ease the Semai participants' shyness and make them feel more comfortable, more secure, by reminding them of their commonalities.

The **locations** for holding a workshop mentioned in chapter V would all be suitable for a Semai workshop, additionally one could add the houses of private citizens, if

they are big enough and if security allows it. Inside the meeting room, the seating order is less important than for example in a Middle Eastern setting. I also think that participating women should not sit in an outer circle, as they do in the becharaa', but be treated equally. Maybe it would not be necessary to sit around a table, and instead let participants choose their position in the room freely (provided the room is small enough so everyone can hear the others), everyone should be satisfied with his place. Because of the quite relaxed and informal atmosphere of a becharaa' I would generally recommend that a similar atmosphere should be created in the meeting room. A too formal atmosphere, which does not permit casual conversation, could intimidate the participants.

The **structure** of a problem-solving workshop would probably be understood easily by Semai participants, as the becharaa', like the PSW, is almost only structured in terms of what is talked about in which order. The structure of the becharaa' is quite flexible, and this should be reflected in the PSW. A certain order can be given, but without being too strict in the demarcation of the individual phases.

When it comes to **techniques** it is less simple to find common ground. The freely rambling way of talking in a becharaa' ,which does not follow the pattern of a Western logic, is very contrary to the academic analysis used in the PSW, and participants might not be familiar with the latter or also have the emotional need to pursue the talks in their own manner, as this has the important effect of draining out the emotions. Therefore I would suggest especially during the first phase to allow the party representatives to talk freely, maybe even allow them to interrupt or talk at the same time, which constitutes of course an additional difficulty for the listeners. The first phase should last until everyone feels sated, and might therefore take more time than in an average workshop. If something like a consensus has emerged, it should be taken down for later use.

In the second phase, when emotions have cooled down a bit, the relevant theories about conflict could be introduced, and after this (or also before) theories about ethics, about social cohesion and values in a community, besides all the theories about peace and conflict. This could be done by the above mentioned Semai from the outside. I suggest this discussion about values according to the custom of beginning and ending every becharaa' with monologues about these for Semai culture paramount values. For this task verbal facility of the speakers would be supportive, the use of parallels, but also metaphors or rhetorical questions desirable. In general a convincing presentation may be better received than a purely analytical examination,

and panellists should keep that in mind. The emerging discussions might get a bit confusing again, at least from a Western view, and therefore I would suggest to alternate periods with strict analysis with ones of free association. In the last stage the consensus from before could be taken up again and discussed from all possible angles. If no consensus had been reached, then the different views among the party representatives should be discussed, again allowing periods of free association to alternate with periods of strict discussions about theoretical properties. As the workshop takes place only on the level of middle leadership, and participants don't have the status to actually resolve conflicts back home, the concrete and detailed analytical part should never be lost sight of, even if there might be a tendency to reconcile throughout the workshop. In the end, a vague idea about how to resolve the conflict may have been created in participants minds.

This **output** could be put on paper, as usual. If the workshop was successful, at the occasion of handing these papers out some symbolic gifts might be exchanged, and a summary of the process could be given, including what has been achieved within the group and implicitly pointing out what might be achieved between the warring parties in the future.

VII Conclusion

I think the last chapter illustrates very well how much potential for development still lies in the problem-solving workshop. It gives merely two examples of the various ways that might be taken in adapting the workshop to other cultures, and these two incredibly different end products only provide a glimpse of what might be achieved in the future.

If one now compares the suggested modifications of the last chapter to the problems presented for the different levels of leadership in chapter II and the controversial points about interactive conflict resolution in chapter V, one will find, that several of these problems have been touched upon in the preceding chapter. And this was achieved without focusing on the questions posed above. By doing a small "cultural analysis" I arrived at these points more or less automatically. The problems that were touched upon are the following:

To introduce the restoration of social relationships as an aim on its own, accommodates the claim by some practitioners for more concern about

reconciliation. These practitioners see Burton's approach too analytical and economistic.

The fact that there may be different views on how to negotiate, and even on what a negotiation is, has nothing to do with the problem-solving workshop directly. But if this is reformulated as a general difference in ways to talk, then one could take it together with the point about different logics in different cultures and find some answer to this especially under the heading of techniques. In allowing for "confused talking" for example, participants are not forced to adapt to the Western way of rational analysis, and the indigenous way is thereby valorised. Another example the other way round is the technique of close listening; panellists should be aware that it might have a less positive impact on participants from other cultures than it usually has in a Western setting.

This leads to the questions about panellists. From the above said it becomes clear that they *should* have some knowledge about the cultural context they are about to enter. It would even be desirable to include someone into the team who knows the core metaphors, and who can explain some things to the other panellists in their daily debriefings. With regard to neutrality, in the three practices I compared neutrality was always an important factor. Mediators should act impartially in all contexts, but in the two examples I gave this does not mean that they cannot be related to the parties. Therefore the answer to this question would depend on the context, what people there would prefer. I think the last two points, cultural knowledge and impartiality, suggest the inclusion of insiders or area experts.

There were also some questions about the role of the third party, whether it should be directive or open to learn. Obviously in the two cases the answers were different, with a more authoritative panel in the Middle Eastern case. But I guess the directiveness referred to in the question means the application of the predetermined, Western techniques, and this would be answered with no. First of all participants could maybe simply not be able to work with them efficiently, and secondly, for example in a Middle Eastern context, it could infringe upon pride and honour.

One last point I want to make is about caucusing. The question whether caucusing should be allowed or not, could also by answered by referring to how it is usually done in the country concerned. If it is a normal, desirable part of their own way to resolve conflicts, then why not ? The case is of course again different for a culture where openness is a paramount value.

The suggestions made above are based only on a small comparative essay, which is of course a too narrow source for its use in a real exercise, and the working assumption is that the conflict takes place *within* one cultural context. A real modification would therefore have to be based on a study of the current situation in the one or several cultures involved, the different appraisal of values within society along a continuum, and the underlying psychological needs that are linked to certain forms of behaviour and rituals. Only then would one really be able to grasp the full range of factors, and to formulate it more positively, the full range of opportunities, to be taken into account when designing a specific workshop. The evaluation of the current state, difficult enough as this task is, would still have to be followed by a second step: the consideration of the individual participants. Who they are, how educated, which backgrounds and personalities they have, all this is important for the design of a workshop, if one does not want to force other persons into a pattern they don't see themselves fit in. And only with all this information gathered could one finally proceed to actually try and build it into one coherent workshop.

I do acknowledge the fact that the world is getting smaller in our times, and that something like a global culture is slowly starting to emerge, albeit for the moment only on a level of high social status. Even if Coca-Colisation has by now expanded into the most remote areas of this world, this still does not mean that most of the world's citizens are able to really understand one other, to communicate. I am not romanticising indigenous cultures and calling for their conservation whatsoever, I think it is a fact that one day people in this world will be very much closer and much more similar than they are today, but there is still a long way for us to go until then. Just sitting and waiting until a big part of the world has adapted to one economically predominant cultural context is maybe not the most elegant thing to do. On the one side unique opportunities are missed, on the other side opposition against this predominance is growing. Therefore along the way it will be necessary to *work* towards understanding, which can be a very rewarding activity for both, or in this case, all sides.

Bibliography

Abu-Nimer, M., *Conflict Resolution in an Islamic Context*, in «Peace & Change», vol. 21, no. 1, Jan. 1996, pp. 22-40.

M. Abu-Nimer, *Contrasts in Conflict Management in Cleveland and Palestine*, in I.W. Zartman (ed.), *Traditional Cures for Modern Conflict – African Conflict "Medicine"*, Boulder – London, Lyenne Rienner Publishers, Inc., 2000, pp. 141-152.

Avruch, K., *Culture & Conflict Resolution*, Washington, D.C., United States Institute of Peace, 1998.

Bercovitch, J. (ed.), *Resolving International Conflicts – The Theory and Practice of Mediation*, Boulder – London, Lyenne Rienner Publishers, Inc., 1996.

Binnendijk, H., *National Negotiating Styles*, Washington, D.C., Foreign Service Institute, Center for the Study of Foreign Affairs, U.S. Department of State, 1987.

Blake, R.R., Shepard, H.A., Mouton, J.S., *Managing Intergroup Conflict in Industry*, Houston, Gulf Publishing Company, 1968 (first published in 1964).

Bonta, B.D., *Conflict Resolution among Peaceful Societies: The Culture of Peacefulness*, in «Journal of Peace Research», vol. 33, no. 4, Nov. 1996, pp. 403-420.

Briggs, J.L., *"Why Don´t You Kill Your Baby Brother ?"*, in L.E. Sponsel, T. Gregor (eds.), *The Anthropology of Peace and Nonviolence*, Boulder – London, Lyenne Rienner Publishers, Inc., 1994, pp. 155-181.

Burton, J.W., *Conflict resolution – Its Language and Processes*, Lanham – London, The Scarecrow Press, Inc., 1996.

Bush, R.A.B., Folger, J.P., *The Promise of Mediation – Responding to Conflict Through Empowerment and Recognition*, San Francisco, Jossey-Bass Inc., Publishers, 1994.

Dentan, R.K., *The Semai – a Nonviolent People of Malaya*, New York, Harcourt Brace College Publishers, 1968.

Dentan, R.K., et. al., *On Reconsidering Violence in Simple Human Societies*, in «Current Anthropology», vol. 29, no.4, Aug.-Oct. 1988, pp. 624-636.

Dentan, R.K., *Bad Day at Bukit Pekan*, in «American Anthropologist», vol. 97, no. 2, June 1995, pp. 225-231.

Fang, T., *Chinese Business Negotiating Style*, Thousand Oaks – London – New Delhi, SAGE Publications, 1999.

Fisher, R., Ury, W., *Getting to Yes – Negotiating Agreement Without Giving In*, Harmondsworth – New York – Ringwood – Markham - Auckland, Penguin Books Ltd, 1983 (first published in 1981).

Fisher, R.J., *Interactive Conflict Resolution*, Syracuse – New York, Syracuse University Press, 1997.

Hehn, M., *Nicht gleich vor den Richter… Mediation und rechtsförmliche Konfliktregelung*, Bochum, Universitätsverlag Dr. N. Brockmeyer, 1996.

Irani, G.E., Funk, N.C., *Rituals of Reconciliation: Arab-Islamic Perspectives*, Notre Dame, Joan B. Kroc Institute of International Peace Studies Occasional Papers, 2000.

Janosik, R.J., *Rethinking the Culture-Negotiation Link*, in J.W. Breslin, J.Z. Rubin (eds.), *Negotiation Theory and Practice*, Cambridge, Mass., Program on Negotiation Books, 1995 (first published in 1991), pp. 235-245.

Johnson, M., Lakoff, G., *Metaphors We Live By*, Chicago, The University of Chicago Press, 1980.

Lederach, J.P., Wehr, P., *Mediating Conflict in Central America*, in «Journal of Peace Research», vol. 28, no. 1, 1991, pp. 85-98.

Lederach, J.P., *Building Peace – Sustainable Reconciliation in Divided Societies*, Washington, D.C., United States Institute of Peace, 1997.

Legesse, A., *Oromo Democracy – An Indigenous African Political System*, Lawrenceville – Asmara, The Red Sea Press, Inc., 2000.

Merry, S.E., *Getting Justice and Getting Even*, Chicago – London, The University of Chicago Press, 1990.

Miall, C., Rambotsham, O., Woodhouse, T., *Contemporary Conflict Resolution*, Cambridge - Malden, Polity Press in association with Blackwell Publishing Ltd., 2003 (first published in 1999).

Mitchell, C., Banks, M., *Handbook of Conflict Resolution – the Analytical Problem-Solving Approach*, London, Herndon, PINTER, 1998 (first published in 1996).

Montada, L., Kals, E., *Mediation – Lehrbuch für Psychologen und Juristen*, Weinheim, Psychologie Verlags Union, Verlagsgruppe Beltz, 2001.

Ntahombaye, P., et. al. (eds.), *The Bashingantahe Institution in Burundi – A Pluridisciplinary Study*, Bujumbura – Uppsala, Life & Peace Institute, 1999.

Power, S., *Rwanda: The Two Faces of Justice*, in «The New York Review», vol. 50., no. 1, January 16, 2003, pp. 47-50.

Robarchek, C.A., *Frustration, Aggression, and the Nonviolent Sami*, in «American Ethnologist», vol. 4, no. 4, Nov. 1977, pp. 762-779.

Robarchek, C.A., *Conflict, Emotion, and Abreaction: Resolution of Conflict among the Semai Senoi*, in «Ethos», vol. 7, no. 2, summer 1979, pp. 104-123.

Robarchek, C.A., *Learning to Fear: A Case Study of Emotional Conditioning*, in «American Ethnologist», vol. 6, no. 3, Aug. 1979, pp. 555-567.

Robarchek, C.A., *Blood Drunkenness and the Bloodthirsty Semai: Unmaking Another Anthropological Myth*, in «American Anthropologist», vol. 89, no. 2, June 1987, pp. 356-365.

Robarchek, C.A., *Primitve Warfare and the Ratomorphic Image of Mankind*, in, vol. 91, no. 4, Dec. 1989, pp. 903-920.

Robarchek, C.A., *Ghosts and Witches: The Psychocultural Dynamics of Semai Peacefulness*, in L.E. Sponsel, T. Gregor (eds.), *The Anthropology of Peace and Nonviolence*, Boulder – London, Lyenne Rienner Publishers, Inc., 1994, pp. 183-196.

Rothenberger, J.E., *The Social Dynamics of Dispute Settlement in a Sunni Muslim Village in Lebanon*, in L. Nader, H.F. Todd (eds.), *The Disputing Process – Law in Ten Societies*, New York, Columbia University Press, 1978, pp. 152-180.

Rubin, J.Z., *Some Wise and Mistaken Assumptions about Conflict and Negotiation*, in J.W. Breslin, J.Z. Rubin (eds.), *Negotiation Theory and Practice*, Cambridge, Mass., Program on Negotiation Books, 1995 (first published in 1991).

Salem, P. (ed.), *Conflict Resolution in the Arab World: Selected Essays*, Beirut, American University of Beirut, 1997.

Smith, D.L., *The Rewards of Allah*, in «Journal of Peace Research», vol. 26, no. 4, Nov. 1989, pp. 385-398.

Uvin, P., *The Gacaca Tribunals in Rwanda*, in D. Bloomfield, T. Barnes, L. Huyse (eds.), *Reconciliation After Violent Conflict – A Handbook*, Stockholm, International Institute for Democracy and Electoral Assistance, 2003, pp. 116-121.

Witty, C.J., *Disputing Issues in Shehaam, a Multireligious Village in Lebanon*, in L. Nader, H.F. Todd (eds.), *The Disputing Process – Law in Ten Societies*, New York, Columbia University Press, 1978, pp. 281-314.

Zartman, I.W. (ed.), *Traditional Cures for Modern Conflict – African Conflict "Medicine"*, Boulder – London, Lyenne Rienner Publishers, Inc., 2000.

Abstract

The problem solving-workshop (PSW) is a new technique for conflict resolution at the level of middle-level leadership. It has been developed only thirty years ago, and as there has not been a lot of systematic evaluation so far, many questions still remain open. One question that has recently been posed by several scholars has been the question of cultural generalisability.

My thesis is based on the assumption that a culturally adapted workshop could be more suitable in other cultural environments and would produce better results. The aim of the thesis is therefore to propose such an alternative model to the PSW. I start by comparing three grassroots mechanisms of conflict resolution: the Western model of mediation, which is regarded as a predecessor to the PSW, the Middle Eastern sulha ritual, and the Semai (people in Malaysia) becharaa'. The results from this comparison are then lifted to the middle-level technique of the problem-solving workshop and built into it in the place of its predecessor mediation. Thereby the workshop is amended in two different ways, I call the resulting alternatives the Middle Eastern workshop and the Semai workshop. If one compares the outcomes I arrived at with the questions that have been posed about the problem-solving workshop in the beginning, it becomes visible that by doing cultural analysis some answers to them have been offered.