

# *Mediation of Spousal Disputes Among Arabs (\*)*

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Despite the dominant role that the family plays in Arab social life, settlement of family disputes remains among the least researched areas on the Arab family. This article attempts to provide a short overview of the methods used in mediating spousal disputes among Arabs, particularly as practiced by the Lebanese Muslims.

When a marital quarrel begins, it is typical for relatives, neighbors, and friends to rise spontaneously to diffuse the dispute. Sometimes, the saying "too many cooks spoil the broth" is quite applicable; rather than settle the conflict, the multiplicity of attempts at settlement leads to conflict escalation. But in other instances, the multiple conciliation efforts, particularly if compatible, are so powerful that the conflict is quelled pretty quickly. This second result predominated in traditional families for generations.

If the disputing couple do not have close relatives in physical proximity, or if the relatives fail to reconcile the spousal differences, friends and/or neighbors often volunteer as intermediates to resolve the dispute. In many cases, the couple or their close relatives seek the services of a trusted mediator, usually a kin or friend of one or both parties. A mediator is a third party, acceptable to the disputants and without decision-making power, who acts to help them reach an agreement (Pruitt and Rubin, 1986:166; Witty,

1980:4). In his attempt to reach a settlement, the mediator usually seeks concessions from both spouses rather than place a definite blame on any of them (Rugh, 1984:169). Should all mediation efforts fail, the case is taken to a shari'a court which often continues the counseling-mediation process for a while. Rarely do couples follow the Qur'anic injunction on arbitration before they take their case to court. Apparently, most Muslims in Lebanon are either unaware of its existence, or their interpretation of the verse gives the judge the right to initiate arbitration. Another interpretation gives this right to the spouses or other family members.

In Lebanon, judges in religious courts and family lawyers, among other tasks, act as mediators between husbands and wives. When they fail, the court appoints two arbitrators from the two families of the spouses. If the arbitrators fail to reconcile the husband-wife differences and recommend separation, the court will issue a legal act divorcing the disputing couple.

An examination of the general attributes of the mediator/arbitrator shows that family mediators and arbitrators possess a set of personal attributes, some of which are common to all mediators across cultures. For instance, irrespective of the type of conflict under study, a mediator, is

expected to be impartial; acceptable to the disputants; has sufficient knowledge of the nature of the conflict; has the necessary communication skills for conflict resolution; and is highly motivated to pursue a delicate, complex process (Murray, 1984:580-582).

Some of these attributes are demonstrated in the way a mediator identifies the issues in dispute to the parties. For the same type of dispute, a successful mediator resorts to different rationales and arguments to suit the variety of personality types he encounters and the variety of socio-economic conditions in society. Closely related to issue identification is the identification of common interests which would form the basis for a mediated settlement.

Another instrumental tactic in mediation generally is the use of superordinate, idealistic goals that lie beyond the contours of the given conflict. In family mediation among Arabs, such concepts as honor, respect, piousness, and love are invoked to surmount the difficulties encountered in reaching a settlement; God's injunctions in Islam or parents' immortal love for their children are often introduced into the mediation process.

A third mediation skill pertinent to Arab Society is to allow the more

powerful disputant to make concessions yet without losing face (Pruitt and Rubin, 1986:176). But the more powerful is less likely to back down before a power balance is created between him/her and the less powerful party. This change often comes about when the mediator sides with the weaker party (Pruitt and Rubin, 1986:168).

In addition to these personal qualities, mediators in the Muslim Arab family should possess such qualities as high status, honor and authority. A mediator from a reputable lineage (like being a descendent of the prophet Muhammad or one of the guided caliphs) is held in much higher esteem and trust than one from an "unknown" lineage. A well-off mediator who has strong connections to the rulers or influential persons in a nation is widely recognized as a trusted, respected third party. Usually, a mediator is a male since the Muslim Arab culture shows preference for males, who also tend to occupy most positions of authority. He is older since age is an indicator of higher status; married because marriage is the norm for Muslim adults; and generous, because in many mediations, the third party sweetens the agreement between

disputants with his generous gifts or financial assistance (see Witty, 1980:45-47).

Yet, these personal attributes of qualified mediators are not sufficient to ensure the success of mediation. Other non-mediator-specific factors are also important in determining the outcome of the mediation process. Notable among them are: the nature of the issues in dispute, the different power relations between husbands and wives (including the power of their respective families), and the extent of economic and social autonomy of each disputant.

For example, when the dispute issue is the absence of affection and love between the couple, the dispute is deep-rooted with complex, psycho-social dimensions. Therefore, its settlement is much more difficult to attain than the settlement of disputes over such matters as household duties or the best way to treat a sick child. Even skilled clinical psychologists may recommend separation rather than union for couples who share no mutual love or warm sentiments. In such a case, identification of common interests, a basic step in mediation and negotiation, may be very difficult to reach.

## References

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