

# **Civil War, Islamic Politics, and Conflict Resolution in the Arab- Islamic World**

**Benjamin MacQueen, Deakin University**

## **1. Introduction<sup>1</sup>**

Civil war, or ‘internal’ conflict, has been the primary source of global insecurity since the end of World War II. Indeed, whilst a ‘cold peace’ accompanied Cold War international bipolarity, conflicts stemming from within states have multiplied. Such conflicts have been most pronounced outside the West, with notable cases in Sudan, Somalia, Colombia, Sri Lanka, and Lebanon to name but a few. In an effort to deal with such conflict, the field of conflict resolution has emerged as a set of theoretical perspectives seeking to offer a way of approaching the cessation of conflict.

This paper will examine the relationship between the dynamics of state weakness and civil war in the Arab world and the effects of this on Islamist parties, Islamist politics, and the

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processes of conflict resolution. We shall see how such a relationship, whilst leading to the obvious radicalisation of many groups, also has the effect of allowing these parties to move into a position of direct political management of communities. This process will be described here as 'positive state weakness'. Such a dynamic shall be examined in relation to the activities of Hizbullah in post-conflict Lebanon. This has benefited the processes of conflict resolution as it provides communities with legitimate representatives and encourages parties to operate politically. Part of this political activity has been the management and resolution of disputes by these parties in the absence of the state. That is, inter-personal, family, group, and communal disputes are handled through the institutions of the parties. This is important for Islamic political parties in that they have deeply rooted provisions capable of dealing with these issues. This is also important for conflict resolution theory in that it highlights the need for the incorporation of alternative forms of resolution, primarily influenced by cultural and contextual circumstances.

## **2. Civil War and 'Positive State Weakness'**

Since the end of the Cold War, the manifestation of state weakness has been recognised as the primary source of global insecurity and conflict.<sup>2</sup> The most prevalent manifestation of this has been through 'civil war'.<sup>3</sup> Post-colonial states have encountered multiple issues as they seek to move beyond the legacy of colonialism within a predatory international system. Weakness of states structures stemming from the colonial heritage combined with arbitrary and authoritarian rule by political elites creates environments in which civil war in these states is a dangerously likely prospect.

What is this notion of state weakness? Conventionally, state strength and weakness has been conceptualised in terms of physical or material capacity. Specifically, this relates to the military capacity of states to preserve themselves from external threats. Such a perspective stems primarily from neo-realist thought in international relations. The neo-realist, or structuralist, perspective holds that the anarchic nature of the international system in the

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<sup>2</sup> For a discussion of this, see, amongst others, Holsti, K. (1996), 'The State, War, and the State of War', Cambridge, Cambridge University Press; Kaldor, M. (1999), 'New Wars, Old War: Organised Violence in a Global Era', Stanford, Stanford University Press; Rotberg, R. (2003), 'State Failure and State Weakness in a Time of Terror', Cambridge, Mass., World Peace Foundation

<sup>3</sup> It is important to note the ambiguity of this notion of 'civil' or 'internal' conflict as it denotes an exclusivity to this notion of conflict. It has been recognised by a variety of authors, particularly Kaldor (1999), that contemporary manifestations of warfare are not exclusively 'internal' to the borders of a state. However, the notion of 'civil war' or 'internal conflict' is useful in that it highlights the primarily internal sources of insecurity leading to such conflict, as outlined by Ayoob, M. (1995), 'The Third World Security Predicament: State-Making, Regional Conflict and the International System', Boulder, Lynne Rienner & Holsti (1996) *Op Cit* amongst others.

primary determinant of state behaviour. As this environment is anarchic (without an overarching authority) states essentially exist within a 'state of nature' in which their primary goal is the maintenance of security in terms of 'external' threats.<sup>4</sup> As a corollary to this view, states themselves are viewed as 'like units' in that their internal composition is irrelevant in relation to their capacity to maintain such a notion of security. Thus, a strong state is a state that is able to maintain its territorial integrity vis-à-vis its neighbours.

However, this is a highly problematic view, and one that has been increasingly exposed as such in light of recent global events. In particular, the changing patterns of warfare since the 1960s and 1970s have seen a move away from inter-state warfare toward 'intra-state' or civil warfare outside the West. This changing security environment has led theorists to re-evaluate notions of state strength, and its relationship to both conflict and the resolution of conflict.

Joel Migdal's (1988) understanding of state weakness conceptualised in terms of 'capabilities' allows us to better grasp the notion in relation to civil war. In this view, strength and/or weakness is conceived not just in 'material' terms (i.e. military force and the visible presence of the state), but also in 'cognitive' terms (i.e. the ability of the state to establish legitimacy and set the political agenda).<sup>5</sup> In this regard, post-colonial states tend to be much stronger in material than cognitive terms. The weakness of these states in terms of such temporal influence "ultimately affects the very coherence and character of the states themselves".<sup>6</sup> Central to this is the process of state-building and the fractured nature of political communities within post-colonial states. State-building is a central concept in the understanding of security and conflict in that the assumed cohesiveness of states within their borders (promoting the 'like unit' perspective) does not necessarily translate to newly independent states. Indeed, political communities in post-colonial states have not been homogenised as they have in the West, an often violent process that has taken nearly four centuries. As the state seeks to enforce a particular idea of political community, friction and conflict is created within the state.<sup>7</sup>

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<sup>4</sup> As a starting point, see Waltz, K. (2001), 'Man, the State, and War: a Theoretical Analysis' 2<sup>nd</sup> ed., New York, Columbia University Press, and Mearsheimer, J. (2001), 'The Tragedy of Great Power Politics', New York, Norton.

<sup>5</sup> Migdal, J. (1988), 'Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World', Princeton, Princeton University Press

<sup>6</sup> *Ibid.*, pp. 5

<sup>7</sup> Holsti (1996), *Op Cit*, pp. 18

Mohammad Ayoob (1995) defines this as the ‘insecurity dilemma’ of post-colonial and Third World states. That is, these states tend to be highly militaristic (i.e. strong in material terms). However, they exhibit this tendency as a reflection of their weakness and insecurity, rather than as an expression of strength. This is an example of “their primary concern being on the need to reduce their vulnerabilities” (i.e. acting according to ‘the logic of insecurity’).<sup>8</sup> Thus, such preoccupations with military strength lead to tension and conflict with groups within these states who do not recognise the state’s claims to the monopoly over the legitimate use of force. However, it is necessary for states to engage in such activity in order to garner the necessary ‘strength’ to remain viable (hence, and insecurity *dilemma*).

These concerns are pertinent in the Arab world where we see, in Nazih Ayubi’s famous phrase, an ‘over-stated’ state. That is, there has been a remarkable quantitative expansion of the state in the last four to five decades in the Middle East in terms of “state industrialisation...social welfare...public personnel, public organizations and public expenditures, etc...”.<sup>9</sup> This has often led to an over-estimation of the real power and influence of the Arab state. However, as Ayubi outlines, “the Arab state is not a natural growth of its own socio-economic history or its own cultural or intellectual tradition. It is a ‘fierce’ state that has frequently had to resort to raw coercion in order to preserve itself, but it is not a ‘strong’ state because (a) it lacks ... the ‘infrastructural power’ ... that enables states to penetrate societies effectively ... and (b) it lacks ideological hegemony (in the Gramscian sense) that would enable it to forge a ‘historic’ social bloc that accepts the legitimacy of the ruling stratum”.<sup>10</sup>

The outbreak of civil war creates a situation whereby state strength, particularly in cognitive terms, is undermined and instability perpetuated. Polarisation between the state and groups in conflict with the state leads to further fracturing of the political community and increased predatory behaviour (e.g. Algeria after 1992). It can also lead to the collapse of the state and the outbreak of inter-group violence (e.g. Lebanon between 1975 and 1990). The obvious connotations of this are extremely negative. The withdrawal or collapse of the state sees the disappearance of state services from health and education to administrative functions associated with state-building. This is also true for the processes of conflict management and resolution. As the state withdraws, and engages in armed conflict with social groups, it loses the ability to act as a mediator and arbiter, a key state function.

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<sup>8</sup> Ayoob (1995), *Op Cit*, pp. 3

<sup>9</sup> Ayubi, N. (1996), ‘Over-Stating the Arab State: Politics and Society in the Middle East’, London, Routledge, pp. 3

<sup>10</sup> *Ibid*, pp. 13

State strength and weakness are crucial factors to the degree to which the state intervenes to control the systems of conflict resolution and management. The weakness of the Lebanese state, for instance, is shown by the functioning of the main resolution networks outside formalised/institutionalised laws. In Lebanon, the state is de-legitimised by itself as it adjusts to the interests of the dominant power groups and refuses to change from this course. However, such state weakness does not necessarily have exclusively negative outcomes. Indeed, one may speak of a 'positive state weakness' in that the withdrawal of the state leads to an opening of political space for new actors. Such space fosters the growth of alternative forms of rule, an 'artificial legality', in which actors previously excluded from meaningful political participation can establish their political credentials. Such political participation can also lead to a moderation of political activity by groups who might otherwise become immersed in the violence of civil war.

For instance, in an authoritative state structure or single party system, such as Algeria or Syria, the relaxation of governmental restrictions on political participation allows alternative forces and civil society to operate politically. Such availability of political organisation and participation has previously been a closed realm. Alternatively, in states where the political realm has been monopolised by 'traditional' elites, such as Lebanon, state weakness creates avenues for alternative groups and newer generations for political expression.

In addition, it allows for such expression to come through in the local contextual or cultural form, enabling such political movements to gain legitimacy and people within these societies to gain locally-expressive political institutions. This is particularly the case with civil society. Civil society is most often conceptualised as those formal, voluntary organisations that operate as a buffer between the individual and the state.<sup>11</sup> That is, they are groups in which individuals can form groups of solidarity to resist the direct imposition of state authority as well as pressure the state to pursue their particular interests.

Civil society in Islam has a long heritage, particularly if one examines it outside of the strictly European notion of 'formalised organisations'.<sup>12</sup> Instead, within Islam one can see a long established pattern of voluntary and professional organisational structures seeking to further group interests. Indeed, there is a clear history in Islam of traditional volitional organisations

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<sup>11</sup> Tester, K. (1992), 'Civil Society', London, Routledge, pp. 12

<sup>12</sup> Mansouri, F. (2000), The Potential for Civil Society in the Middle East: Historical Precedents and Post-Colonial Trends, in Kenny, S. *et al, eds*, 'Civilising the State: Civil Society, Policy, and Transformation', Melbourne, Deakin University Press

distributing money, goods, and services. Civil society is “part and parcel of this volitional tradition and its modern adaptation and extension”.<sup>13</sup>

Muslim voluntarism has firm roots in the religious texts (Qur`an and Hadith) as well as other collective and individual duties. The fulfilment of these duties has most often been done through these voluntary organisations throughout Islamic history not only in the Middle East, but also in South and South-East Asia. In recent years, religion and religious observance have become increasingly prominent in people’s lives, heightening the importance of these volitional organisations as vehicles through which local political expression can be channelled.<sup>14</sup> The idea of ‘positive state weakness’ therefore resonates within this atmosphere where such political expression has been stifled.

However, this is not to say that positive state weakness is a long-term answer to political problems. It must be accompanied by a steady strengthening of the state in terms of legal institutions that can work with and take the place of informal and sectarian resolution mechanisms as well as, in the medium and long-term, by a large-scale (re)education program for the respect of individual and inter-group rights. In this, there is potential for conflict as the state seeks to assert or reassert its authority through the process of state-building. However, there is also the possibility for cooperation between the state and these political and social groups that may contribute to the political pluralism of a country.

In regards to conflict resolution, these processes have important impacts. In particular, the opening of political space for local political forces allows for the articulation of locally-grounded approaches to conflict resolution. Such approaches have the advantage of being grounded in ‘local’ forms of legitimacy, enabling them to more thoroughly permeate into societies rather than merely resonating solely in diplomatic and political circles.<sup>15</sup> This is reinforced in the Middle East through the pre-existing conflict resolution tools present in Islam.

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<sup>13</sup> Mitsuo in Mitsuo, N., Siddique, S. & Bajunid, O. eds. (2000), ‘Islam and Civil Society in Southeast Asia’, Singapore, ISEAS, pp. 12

<sup>14</sup> Zaleha Syed Hassan, S., *Islamization and the Emerging Civil Society in Malaysia: A Case Study*, in Mitsuo (2000), *et al*, *Op Cit*, pp. 86

<sup>15</sup> Irani, G. & Funk, N. ‘Rituals of Reconciliation: Arab-Islamic Perspectives’, KROC Occasional Paper, # 12, August 2000, pp. 1, see also Lederach’s notion of conflict transformation in Lederach, J. P. (1999), ‘Building Peace: Sustainable Reconciliation in Divided Societies’, Washington D.C., United States Institute of Peace Press

### 3. Examining Conflict Resolution Theory

Before we examine these specific forms, it is important to examine the theoretical importance of this for conflict resolution. Conflict resolution theory, particularly in relation to war and 'civil war', has been dominated by perspectives that seek to eschew the role of 'subjective' elements, notably cultural influences. It is argued that such factors act to mask the underlying forces leading to conflict, centred on human constants (e.g. the notion of 'basic human needs').

Such 'conventional' conflict resolution theory has developed, primarily out of the field of law and industrial relations in the United States since the 1950s. Centred on a rigorous methodological individualism, these approaches argue that all violent conflict, including large-scale group conflict (or war) is an expression of grievance stemming from a denial of basic human needs, such as "needs for response, security, recognition, stimulation, distributive justice, meaning, rationality (including the need to be seen as rational), and control".<sup>16</sup> In this, cultural factors are seen to distort attempts to address the issues around the denial of needs. Conflict resolution techniques, therefore, need to sluice away such forces in order to allow 'rational' behaviour on the part of disputants, enabling them to identify and address such needs denial. Without this, resolution will never manifest into reality.

The practical implications for this approach are manifested in the resolution techniques employed by proponents of such an approach. Specifically, the idea of 'problem-solving workshops' form the basis of resolution techniques. Such workshops are based on the idea of 'teleological functionalism' where, it is argued, that if the right environment is created by the conflict mediator, innate human rationality can be allowed to function leading to an identification of violated basic human needs and the necessity of addressing such violation. Such 'rational cooperation' is promoted by the conflict mediator by focussing on specific issues, and separating the person from the problem<sup>17</sup>

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<sup>16</sup> Sandole, J. in Burton, J. *ed* (1990b), 'Conflict: Human Needs Theory', London, Macmillan, pp. 64. This rigorous methodological individualism can be seen when observing the conflict studies basis for these conventional perspectives. Conflict is conceptualized as an individual dynamic (between two or more individuals *acting as individuals* [free agency]). This conflict dynamic is "accepted as a natural concomitant of self-interest and competition" when viewed through the lens of Western capitalist society. However, this view may be at odds with the role of conflict in different social and cultural settings. See Irani & Funk (2000), *Op Cit*, pp. 5.

<sup>17</sup> Such perspectives are rooted in the conflict management techniques of North American experiences in industrial relations and law. As an illustration, see the seminal work of Fisher, R. & Ury, W. (1986), 'Getting to Yes: Negotiating Agreement Without Giving In', London, Business Books

Cultural expression and emotion, it is argued, are a hindrance to this approach and it is a key task of the mediator to remove such influences from the resolution process. Such a view of the superfluous role of culture stems largely from the positivist orientation of this theory, one that seeks to root itself in claims to objectivity and neutrality.

Such approaches directed the resolution techniques of the UN until the 1990s, in such conflicts as Northern Ireland, Sri Lanka, Lebanon, and the Arab-Israeli dispute. Some success did stem from this approach. However, its cultural detachment has made it a target for increased criticism from a variety of perspectives. In particular, the 'rational-choice' paradigm on which this theory rests has been severely criticised. The importance of such a challenge has been highlighted in recent years, particularly in the face of multiple, and seemingly intractable conflicts that have grown since the 1980s. It is argued that such a basis for articulating theory is not an expression of objective, universal interests but is itself rooted in and expressive of particular cultural norms and values.<sup>18</sup>

Alternatively, social constructionist theory argues that culture is part of every interaction and every event, including conflict. Culture is not posited as the cause of conflict, instead, it is intertwined with conflict and the processes of resolution, as it is with all other elements of human organisation and existence.<sup>19</sup> That is, this perspective "is organised around the understanding that humans use locally received or constructed common sense to perceive, interpret, evaluate, and act on and in both internal and external reality".<sup>20</sup> The need for culture to be incorporated into perspectives on conflict analysis and resolution approaches has been increasingly recognised by scholars, notably Kevin Avruch. Avruch (1991) proposes the development of an 'ethnopraxes' methodology of constructing conflict resolution approaches that are able to draw upon locally-grounded understandings and expressions.<sup>21</sup> Such an approach enables resolution theorists and practitioners to recognise the constitutive and causal role culture plays within both the construction of conflict and the practice of resolution. This is given increased importance when one examines the successes of locally-grounded and 'legitimate' forms of resolution. It is to this that we shall now turn.

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<sup>18</sup> Irani & Funk (2000), *Op Cit*, pp. 1

<sup>19</sup> For a good overview of the constructionist argument, see Burr, V. (2003), 'Social Constructionism', London, Routledge

<sup>20</sup> Avruch, K. & Black, P. (1991), 'The Culture Question and Conflict Resolution', **Peace & Change**, Vol. 16, No. 1, January, pp. 31

<sup>21</sup> *Ibid*, pp. 32

#### 4. Forms of Conflict Resolution in Islam: arbitration, consultation, and settlement

A first step in outlining locally-grounded forms of conflict resolution in the Arab-Islamic world is to highlight the assumptions of Western techniques. This enables one to compare approaches, finding both similarities and differences. In this, the work of both Mohammed Abu-Nimer (1996a & b) and George Irani and Nathan Funk (2000) are useful starting points. These authors have shown how particularly Islamic notions of conflict resolution differ according to 'basic assumptions', 'processes and levels', and 'third party roles'.<sup>22</sup>

The assumptions underlying the Western approach, as highlighted above, represent a particular cultural interpretation of the processes of conflict and resolution. These differ from those in the Arab-Islamic context, according to Abu-Nimer. Most notably, the resolution process is aimed at a broader, community level and maintenance of the status quo whilst in the West, the influence of liberalism and rational-choice theory see resolution primarily with an individual focus. That is, conflict is seen as something residing with individuals and individual 'rational' choices, thus resolution needs to focus at this level. This differs markedly from the Arab-Islamic conception that focuses on the importance of community cohesion, with individual rights often subsumed by the perceived interests of the greater community.<sup>23</sup>

Regarding 'processes and levels', specific forms of conflict resolution in the Arab-Islamic world can be seen to differ from those of Western technique and experience. In particular, the processes of arbitration (*tahkim*), consultation (*shurah*), and settlement (*sulh*). We can see that arbitration and consultation as methods of conflict management and resolution are well entrenched in Middle Eastern and Muslim societies, giving room for the concepts to be reoriented and reshaped in new ways. Arbitration and consultation are also useful in relation to conflict resolution in the Arab world in that they ground the process in 'authentic' principles and doctrines, not just an abstract justification for a process that may be seen as foreign and inapplicable.

Indeed, the prophet Muhammad himself was known as an honest arbitrator. Upon the establishment of the Muslim community, the various groups within it (including the non-

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<sup>22</sup> Abu-Nimer, M. (1996a), 'Conflict Resolution in an Islamic Context: Some Contextual Questions', **Peace & Change**, Vol. 21, No. 1, January; Abu-Nimer, M. (1996b), 'Conflict Resolution Approaches: Western and Middle Eastern Lessons and Possibilities', **American Journal of Economics and Sociology**, Vol. 55, No. 1, January; and Irani & Funk (2000), *Op Cit*

<sup>23</sup> Abu-Nimer (1996b), *Op Cit*

Muslim groups), whilst not accepting Muhammad as the religious head, accepted his political authority and the use of arbitration to settle disputes. This formed the basis of the political arrangement of the first Islamic community. Upon the death of the Prophet, arbitration moved to the hands of the Islamic community (*umma*) at large. The *caliph* (leader/successor) was charged with the responsibility of achieving consensus (*`ijma*) and settlement (*sulh*) through arbitration and consultation. The presence of arbitration is significant in this way in that it represents an enshrinement of the principle of pluralism and tolerance of diversity from the very beginning of the Muslim community.<sup>24</sup>

However, it is essential, in the modern context, that the notions of arbitration and consultation be applied in their political, not religious contexts. This is due to the fact that there is little if any room to move in terms of negotiation in religious principles but arbitration and consultation can bring various parties to agreement over political differences (as was seen in the application of this process between the various religious groups of the first Islamic community). In the words of Ahmad Moussalli (1997), arbitration and consultation “may be turned nowadays into a principle of interaction in local politics as well as international politics and may become the method of conflict resolution of internal political disputes ... In addition to this, its elasticity could make it a method for resolving the conflicts between Islamic states themselves with non-Islamic ones and with world orders and international structures ... Thus an old concept, endowed with modern democratic connotations, and reshaped by modern technology, might be postulated as a modest starting point in the process of resolving internal and international political conflicts in the contemporary Muslim world”.<sup>25</sup>

Such processes differ in Western techniques of conflict resolution. In particular, the processes in the West have been professionalised and institutionalised whilst in the Middle East they “mainly exist where traditional norms legitimise such actions”.<sup>26</sup> This is important in that it directs the implementation of resolution procedures and the roles played by third parties in disputes. The third party model in Western conflict resolution techniques advocates a resolution ‘facilitator’, a figure detached from the conflict who allows the disputants to direct the course of the resolution process.<sup>27</sup>

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<sup>24</sup> Moussalli, A. in Salem, P. *ed* (1997), ‘Conflict Resolution in the Arab World: Selected Essays’, Beirut, American University of Beirut Press, pp. 67

<sup>25</sup> *Ibid*, pp. 69

<sup>26</sup> Abu-Nimer (1996a), *Op Cit*, pp. 29

<sup>27</sup> This is most pronounced in the ‘Burtonian’ approach, one that has been archetypal in shaping the direction of Western conflict resolution practice.

However, the third party in Arab-Islamic models of conflict resolution are figures often with a vested interest in the outcome of the dispute, with an intimate knowledge of the dispute, and with the power to enforce settlements on the disputants. This ‘adjudicator’ model is one far removed from the facilitator model central to the Western approach. Indeed, the model posited by Western approaches to conflict resolution may actually work against the dynamics of resolving a dispute through the lack of legitimacy associated with the form of third party intervention. As Abu-Nimer points out, such a model of third party intervention (as facilitator) is clearly identified in the Arab-Islamic world as one associated with the West. The antipathy with which Western intervention is viewed by many within the region may make such a resolution process destructive toward overall efforts at conflict cessation.<sup>28</sup>

With regard to our previous discussion, the atmosphere of state weakness in many Arab-Islamic states has allowed the manifestation of such locally-grounded approaches to conflict resolution. The absence of state enforcement and statist models of resolution, underpinned as they are by Western political assumption, may be seen to have had a ‘positive’ effect on the empowerment of such groups and the articulation of conflict resolution procedures able to more thoroughly permeate into societies riven by conflict. We shall now examine this process with regard to the activities of Hizbullah as a conflict resolution facilitator in Lebanon.

## **5. Hizbullah and Political Management in Lebanon’s Bekaa Valley**

The role of Hizbullah, particularly in Lebanon’s Bekaa Valley, provides us with a valuable insight into how an environment of state weakness may be turned into a positive through allowing new political groups to practice such legitimate techniques of conflict resolution and contribute to the political pluralism of a weak state. Hizbullah has emerged as the primary political representatives of Lebanon’s large Shi`a population located in the east and south of the country as well as in the poor southern suburbs of Beirut.<sup>29</sup> Hizbullah provides both informal resolution procedures (‘informal offices’) and a formal system of arbitral courts through which citizens can seek resolution of a variety of disputes. These systems are based on the models taken from the experiences of Islamic society and highlight alternative, locally-grounded modes of conflict resolution that have been successful in an atmosphere of state weakness.

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<sup>28</sup> Abu-Nimer (1996a), *Op Cit*, pp. 31

<sup>29</sup> Khalaf, S. (2002), ‘Civil and Uncivil Violence in Lebanon: A History of the Internationalisation of Communal Conflict’, New York, Columbia University Press, pp. 319

Shaykh Na`im Qassim, a prominent Hizbullah figure and judge (*qadi*), divides the conflicts dealt with by Hizbullah into two categories: simple and complex. Simple conflicts (interpersonal, marriage difficulties, small-scale property disputes, etc...) are dealt with informally whilst complex disputes (felonies, theft, homicides, etc...) are dealt with through the formal procedures offered by the party. This court system has operated without reference to both the Lebanese civil court system (*adliyya*) or the state-sponsored religious courts (*jafari*).<sup>30</sup>

The Hizbullah court system evolved with the party after the 1982 Israeli invasion of Lebanon (see fig. 1). Since this time, it has come to form a key element in the maintenance of social order in the predominantly Shi`a Bekaa Valley amidst the chaos of the civil war. Indeed, after the end of the civil war in 1990, both the *adliyya* and *jafari* courts regained their jurisdictional responsibilities. However, Hizbullah still plays a very significant role in Shi`a areas in conflict management and resolution. As Shaykh Qassim explains, “despite the hesitant return of the state institutions to the Shi`a areas, the people still seek our services in resolving their conflicts. Our physical influence in enforcing conflict settlements may have declined but not our religious and spiritual means”.<sup>31</sup> These religious and spiritual means are based on a legal system rooted in the techniques of Islamic conflict resolution and were only able to develop in the absence of the state resolution institutions.

Fig. 1: Hizbullah Court System<sup>32</sup>

<b><u>Municipal Courts:</u></b>	<b><u>Regional Courts:</u></b>	<b><u>High Court:</u></b>	<b><u>Supreme Shura Council:</u></b>
Bekaa Beirut South Lebanon	Bekaa Beirut South Lebanon	Headed by a chief <i>qadi</i> and assisted by the <i>qadis</i> of the three regional courts	Appoints High Court <i>qadi</i>

Today, Hizbullah plays three key functions in terms of conflict resolution in Lebanon. Firstly, it operates the above-outlined *sharia*-based courts. Secondly, it provides avenues for arbitration whereby participants are able to choose the arbitrator (*hakam*). However, the

<sup>30</sup> Hamzeh, N. in Salem (1997) *Op Cit*, pp. 99

<sup>31</sup> *Ibid*, pp. 102

<sup>32</sup> *Ibid*, pp. 100

decisions of this are binding of the participants (carrying ‘moral binding authority [*ilzam manawi*], not legal binding authority [*ilzam qununi*]). Thirdly, it provides avenues for mediation, a process of facilitating negotiation between the parties where the disputants take a more direct role in resolving the dispute themselves.<sup>33</sup>

Therefore, Hizbullah’s conflict management and resolution techniques represent a fusion of Islamic conflict management and resolution techniques (notably arbitration and *sharia*-based courts), with Western forms (notably channels of mediation along the lines of Western-style resolution ‘facilitation’ outlined above). The fact that these systems operate free of charge and represent locally grounded techniques makes them attractive options for people outside the often expensive and illegitimate systems offered by the state.

## **6. Conclusion**

What we can see from this is that it is possible to develop conflict resolution techniques that are grounded in the context of local politics whilst also making use of modern developments in the field of conflict resolution. This is not to totally detach such techniques from a broader theory, but to add nuance and legitimacy that gives such techniques greater effectiveness. Also, it allows resolution practitioners to work with prevailing political dynamics (as seen through the idea of state weakness), rather than rail against such overwhelming political forces.

This has important implications not just for Arab-Islamic countries, but for all non-Western societies. Contemporary forms of conflict have manifested themselves primarily in the non-Western world. However, the attempts to both resolve the disputes themselves as well as manage social interaction (social conflict management) have often been based on techniques stemming from Western academic suggestions. Alternatives to this exist, particularly in light of the political space opened up through the phenomenon of state weakness. Exploration of these alternatives offers exciting prospects for non-Western societies to develop forms of conflict resolution that can draw from both prevailing Western approaches as well as local forms. In relation to Islamic societies, the well-grounded resolution techniques present in Islamic history provide societies with a firm basis from which such an approach may be built.

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<sup>33</sup> *Ibid*, pp. 106

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