

PURSuing PEACE: EXAMINING ALTERNATIVE DISPUTE RESOLUTION  
PRACTICES THROUGHOUT THE WORLD'S  
RELIGIOUS TRADITIONS

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## DEDICATION

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## ABSTRACT

### Pursuing Peace: Examining Alternative Dispute Resolution Practices Throughout The World's Religious Traditions

Doctor of Letters Dissertation by

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Though mediation and conflict resolution are relatively new fields in academia, resolving conflicts is far from anything new. The World's Religious traditions have constructively negotiated through ancient zones of conflict in their religious communities for thousands of years. This dissertation illustrates that reconciliation practices were indeed highly valued in the Jewish, Christian, Islamic and Buddhist traditions. Faith based dispute resolution practices not only helped to personally and spiritually transform individuals but they also restored damaged relationships and opened up avenues for future peace between those in conflict. Within all of the faiths, there have been agents of peace who serve as viable models for contemporary mediators and agents of conflict resolution. From the practices of Aaron to Buddha, their methods for peacebuilding are remarkably spiritually unique and communally diverse. Universally, one will see that all of the faiths work harmoniously to build a foundation of peace. This dissertation, above all, provides a deeper look into the way that religion has influenced peacemakers and faith-based groups to more diversely develop and carry out their conflict resolution and ADR practices from traditional to contemporary times. Not only is this study meant to further enrich the inter-religious discourse around mediation and ADR, but it also places

religiosities in conversation with one another to “develop” a more robust landscape of spiritual resources from which contemporary mediators can draw.

## Contents

Introduction .....	1
<b>Part I. Surveying ADR Throughout the World's Religious Traditions</b>	
Chapter 1. ADR – Jewish Tradition.....	16
Chapter 2. ADR – Christian Tradition .....	44
Chapter 3. ADR – Islamic Tradition .....	73
Chapter 4. ADR – Buddhist Tradition .....	105
<b>Part II: Comparative Study of ADR Throughout the World's Religious Traditions</b>	
Chapter 5. Similarities & Differences Between the Faiths ADR Practices and Peacebuilding Principles .....	137
<b>Part III. Future Outlooks on Peace</b>	
Chapter 6: Traditional Peacemakers & Contemporary Peacebuilders.....	166
Chapter 7: Conclusion - Future Outlooks on Peace .....	182
Bibliography .....	196

## Introduction

Conflict is both a natural and inevitable part of human life, but peace is a choice - one that can fundamentally transform human relationships. Can you recall a time when you yourself were ever involved in a conflict, and where you were just not willing to compromise with another party? Did the experience engender frustration or anger in you? Indubitably, we have all experienced conflicts that are challenging, and that seem to be almost impossible to resolve. The story Two Goats on the Bridge, in Margaret MacDonald's book *Peace Tales*, is a thought provoking narrative that addresses the very nature of conflict and the inability of others to see past their own personal needs and wants.

### Two Goats on the Bridge

Between two mountains lay a narrow bridge.  
On each mountain lived a goat.  
Some days the goat from the western mountain would  
cross the bridge to graze on the eastern mountain.  
Some days the goat from the eastern mountain would  
cross the bridge to graze on the western mountain.  
But one day both goats began to cross the bridge  
at the same time.

Those goats met in the middle of the bridge.  
Neither wanted to give way.  
"Move off!" shouted the Western Goat.  
"I am crossing this bridge."

"Move yourself!" bawled the Eastern Goat.  
"I am crossing here!"

As neither would retreat and neither could move forward,  
they stood in anger for some time.

Then at last they locked horns and began to push.  
They were so evenly matched in strength that they succeeded  
Only in pushing *each other* off the bridge.  
Wet and furious they climbed from the river and stomped off to

their homes.  
 Each could be heard to mutter,  
 “See what *his* stubbornness caused.”

In the story rendered above, the two goats run into a conflict when they both try to cross the bridge at the same time. Unfortunately, neither one of them is willing to move out of the way so the other can pass. They both get angry and stare each other down, and this only makes the situation worse. They therefore find themselves clashing and butting heads in opposition to one another. Sadly, in the end they both lose the argument and return home wet and angry. It is evident in this situation, that both goats have clearly lost sight of the problem at hand. They both have to cross the bridge but they can't cross at the same time because the bridge is not wide enough. They became so engulfed in their own anger and ego that they were not able to see nor even consider using another approach for resolving this conflict. The tale proves it is true that conflict can be quite blinding and have negative consequences. However, if the two goats considered using an alternative approach to resolve this dispute it too could render positive results.

Interestingly enough, Margaret MacDonald presents another version of the story Two Goats on the Bridge in her book that focuses upon the positive nature of obtaining peace through communication and cooperation.

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 at the same time.

The two goats met in the middle of the bridge.



“We have a problem here,” said the Western Goat.  
 “So it seems,” said the Eastern Goat.  
 “I don’t want to back up,” said the Western Goat.  
 “Neither do *I*,” said the Eastern Goat. “This bridge is narrow,  
 but perhaps ....”  
 “Perhaps if we both are very careful....” added the Western Goat.  
 “....We could pass without FALLING!” concluded the Eastern Goat.

“We can TRY,” agreed the two goats.  
 And cautiously they squeezed past, each being careful not  
 To overbalance the other.

Thus the goats passed peacefully and went on their way.  
 Each could be heard to mutter,  
 “What a cooperative fellow *he* is!”

In the second version of this narrative, we will notice that both of the goats are able to engage in constructive dialogue with one another. When they meet on the bridge, instead of headbutting, they are able to mutually and respectfully negotiate, identify the problem and propose a solution. In the end, both of the goats were able to happily and successfully cross the bridge so that they could graze on the other side. This story thus clearly reveals that conflict is workable, and that conflict resolution can in fact have a positive impact upon those engaged in disputes.

In order to better understand the field of Conflict Resolution, it is necessary to define and attempt to understand the nature of human conflict itself, to reflect on why it occurs, and to survey the various approaches being used today to reconcile personal differences. Conflicts have occurred throughout human history since the beginning of time. A conflict can be defined as “a struggle or contest between people with opposing needs, ideas, beliefs, values, or goals.”<sup>1</sup> Conflict is a natural and inevitable part of human

<sup>1</sup> Thomas Diez, Stephen Setter and Mathias Albert, “The European Union and Border Conflicts: The Transformative Power of Integration” *International Organization* 60, no. 3 (2006): 563-593.

life that can't be eliminated but it can be mutually resolved. Conflict resolution is the method of peacefully solving problems that are created by conflict situations. Alternative dispute resolution, also known as ADR, is "comprised of various approaches for resolving disputes in a non-confrontational way, ranging from negotiation between the two parties, a multi-party negotiation, through mediation, consensus building, to arbitration and adjudication."<sup>2</sup> All of these methods of alternative dispute resolution, can be constructive and have been used throughout human history within various societies throughout the globe in order to legally settle disputes and promote social harmony.

Because social harmony is something collectively labored at in order to be attained, it is important to recognize that conflict is indeed an essential or integral part of the fabric of human life that must be confronted and wholly engaged. Many people encounter conflicts in their lives and usually their perceptions of their experiences are mostly negative. As human beings, we all inherently have our own ideas, opinions, beliefs and perceptions. "Hence, we often find ourselves in conflict in different scenarios; may it involve other individuals, groups of people, or a struggle within our own selves."<sup>3</sup> Overall, conflict can be categorized into the following four distinct groups: interpersonal, intrapersonal, intragroup and intergroup. An interpersonal conflict is a conflict primarily between two different individuals. Naturally, people have different personalities and opinions and at times these differences may be incompatible. Interpersonal conflict can include people in long-term relationships or people who have just met. An intrapersonal

<sup>2</sup> Yona Shamir and Ran Kuttner, "Alternative Dispute Resolution Approaches and their Application." *UNESDOC Digital Library*, (May 6, 2013): <https://unesdoc.unesco.org>.

<sup>3</sup> Brad Evans, "Types of Conflict – Four Classifications," August 6, 2013, accessed April 17, 2017, <http://typesofconflict.org>.

conflict is a conflict that takes place within an individual. This type of conflict “is psychological involving the individual’s thoughts, values, principles and emotions.”<sup>4</sup> Conflicts that take place within a group, on a team, in an organization or within a nation are known as intragroup. Working collaboratively in a group can be challenging at times because everyone has different ideas and opinions. Intragroup conflict can disrupt the harmony of the group so it is important to effectively resolve the problem in order for the group to work cohesively together. Finally, the last type of conflict worth mentioning is intergroup. An intergroup conflict may take place between two or more groups or nations. This type of conflict is a little bit more complex and it will usually arise because of competition and rivalry between the two groups. Now that we have a general understanding of the different types of conflict, it is essential to look at the overall factors that lead to conflict.

Conflicts can occur when there are limited resources among groups and individuals.

Such resources as space, money, property, power, prestige, food and so forth may be viewed as non-sharable, and if two or more parties seek exclusive possession or use of a resource or a given part of it, conflict is apt to occur between them.<sup>5</sup>

Conflicts may also arise when there is a clash between different cultural groups values and political and religious ideologies. In some instances, power is a main contributing factor that fuels conflict. When groups, individuals and nations all struggle for political power there is bound to be conflict. Throughout history many wars have been waged because of limited resources, differing ideologies and the struggle for economic and

<sup>4</sup> Ibid.

<sup>5</sup> Morton Deutsch, *The Resolution of Conflict: Constructive and Destructive Processes*. (New Haven: Yale University Press, 1973), 15.

political power. However, it is important to understand that conflict is not always bad.

“Conflict is a fact of life, sometimes destructive and bad, at other times constructive and good.”<sup>6</sup> Johan Galtung, a pioneer in the field of peace studies and conflict resolution, eloquently described in his *Essays of Peace Research* the inevitable nature of conflict. He says that,

If you cannot remove conflict from life,  
 why not adjust your thinking about it?  
 If you can't beat it, join it.  
 Why not try and see conflict  
     as the salt of life,  
     as the big energizer,  
     the tickler,  
     the tantalizer,  
 rather than a bothersome nuisance,  
     as a noise in a perfect channel,  
 as disrupting ripples in otherwise quiet water?  
 Why not treat conflict  
     as a form of life,  
     particularly since we all know  
 that it is precisely during the periods in our lives  
     when we are exposed  
     to a conflict that really challenge us,  
     and that we finally are able to master  
     that we feel most alive.<sup>7</sup>

Galtung suggests that it is better to recognize that conflict is a natural part of life that can't be eliminated but that can be resolved. Conflict can be challenging as well as a rewarding experience. “Conflict can, promote new ideas, stimulate individual growth, and facilitate more effective solutions to problems,” when dealt with successfully.<sup>8</sup>

<sup>6</sup> Linda Lantieri and Janet Patti, *Waging Peace In Our Schools*. (Boston: Beacon Press, 1996), 53.

<sup>7</sup> David Augsburger, *Conflict Mediation Across Cultures*. (Kentucky: John Knox Press, 1992), 4.

<sup>8</sup> Gregory Tillett, *Resolving Conflict: A Practical Approach*. (New York: Oxford University Press, 1999), 3.

Within the field of Conflict Resolution, practitioners have used various types of ADR techniques to settle disputes. When disagreements can't be informally solved, it may be helpful to have a third-party step in to help guide the groups in negotiation, arbitration, conciliation or mediation. In a negotiation, both parties will voluntarily meet to problem solve and engage in bargaining to reach a joint agreement. Negotiations may be very informal and the third party could be a friend or family member. Arbitration is a more formal process where a neutral third party will decide how the conflict will be resolved for the participants. "Generally, arbitrations take place out of a courtroom setting, but in an environment where the arbitrator, like a judge, controls the process."<sup>9</sup> Parties who meet for an arbitration, they may do so voluntarily or sometimes they may be required to meet. An arbitration is definitely a more complex type of ADR but many find it favorable because it is more affordable and produces faster results than having to go to court. Conciliation is another method of dispute resolution that is more flexible and interest based. For a conciliation, an impartial third party called a conciliator will step in and help build a positive relationship between the parties who are in a dispute. A conciliator

assists the parties by driving their negotiations and directing them towards a satisfactory agreement. A conciliator plays a relatively direct role in the actual resolution of a dispute and even advises the parties on certain solutions by making proposals for settlement.<sup>10</sup>

Conciliation is a confidential and voluntary process and some prefer it because it is less formal and adversarial than the arbitration process. Conciliation is very similar to the

<sup>9</sup> Seth R. Shippee, "Blessed are the Peacemakers: Faith-Based Approaches to Dispute Resolution" *Journal of International and Comparative Law* 9, no.1 (2003): 239.

<sup>10</sup> Alessandra Sgubini, Mara Frieditis and Andrea Marighetto, "Arbitration, Mediation and Conciliation: differences and similarities from an International and Italian business perspective," *Mediate*, August 2004, accessed November 21, 2019, <https://www.mediate.com/articles/sgubiniA2.cfm#comments>.

mediation but the only difference is that in the end a conciliator will provide the parties with a non-binding settlement proposal. For a mediation, the mediator does not provide the parties with a settlement proposal and he steers them to find a resolution collaboratively on their own.

Overall, the most common method of alternative dispute resolution used is mediation. Mediation is usually the best method of ADR when a conflict is very emotionally complicated, has lasted a long time, previous negotiations have failed or when one party does not feel comfortable confronting a party without an additional person present. Mediation is a voluntary process, where a neutral third party helps the disputants identify and satisfy their interests relative to the dispute.<sup>11</sup> A mediation is a collaborative and confidential process that is led by a mediator. The mediator does not have the right to adjudicate the dispute nor may they coerce the parties into a reconciliation. A mediator should actively listen to both sides of the conflict and help the parties reach a mutually acceptable resolution. “The mediation process contains within it a unique potential for transforming people – engendering moral growth—by helping them wrestle with difficult circumstances and bridge human differences, in the very midst of conflict.”<sup>12</sup> This ADR approach to conflict resolution can be very beneficial because it can result in win-win outcomes for all parties involved. Above all, methods of alternative dispute resolution, can be constructive and have been used throughout human history

<sup>11</sup> Rifkin Girard, and Townley, *Peaceful Persuasion: A Guide to creating mediation dispute resolution programs on college campuses*. (Washington: National Institute for Dispute Resolution, 1985), 1-2.

<sup>12</sup> Christopher Moore, *The Mediation Process: Practical Strategies for Resolving Conflicts*. (California: Jossey-Bass, 2014), 61-62.

within various societies throughout the globe in order to legally settle disputes and promote social harmony.

Alternative dispute resolution also interestingly has deep roots within the World's religious traditions. Historically, Judaism, Christianity, Islam and Buddhism all have used faith-based dispute resolution practices to settle disputes and promote peace within their religious societies. Within this body of research, I have done a comprehensive and comparative study of the various types of Alternative Dispute Resolution (ADR) practices and legal techniques that have been used to manage and settle discord within the World's Religious Traditions. This study examines the historical background and origins of ADR in each religion and it investigates the dispute resolution tactics that have been used within the following religions: Judaism, Christianity, Islam and Buddhism. I chose to primarily focus this body of research upon the three monotheistic religions because they are so inherently rooted in conflict resolution and time again have turned to peacebuilding. That being said, I decided to incorporate Buddhism into this study because I felt that a non-monotheistic voice needed to be shared as well within this dissertation research. Similar to the three monotheistic faiths, Buddhism too has some unique peacebuilding and reconciliation practices that are definitely worth discussing and examining within this project.

Some questions we may ask as peacemakers, mediators and educators are: What are the commonalities and differences between the religions' legal principles and dispute resolution strategies? Who are the key peacemakers within each religion? What are their personal qualities and how do they actively promote peace and build-bridges of understanding amongst others? *And more centrally*: How does religion influence the way

that faith-based groups have developed and continue to develop their ADR practices?

Taking up an interdisciplinary methodological approach, this dissertation aims to answer such questions about the ways that mediation and alternative dispute resolution draw on the world's religious traditions. While some may believe that religion is a catalyst for conflict, I propose that religion can indeed be a powerful instrument for peace.

### *Methodology*

This dissertation will take an interdisciplinary approach because my research draws from a variety of academic disciplines such as conflict resolution, religious studies, world history, law and peace studies. This study examined scholarly texts, articles, journals, conflict resolution and ADR manuals, and scholarly interviews, websites; blogs. A significant amount of scholarly research has been done pertaining to the theory and practice of Conflict Resolution. I chose to use Morton Deutsch's novel "*The Resolution of Conflict: Constructive and Destructive Processes*," because it is a valuable resource that describes the nature of conflict, the various types of conflict and their positive and negative outcomes. Christopher Moore's book entitled, *The Mediation Process: Practical Strategies for Resolving Conflict* also served as an excellent resource because it explained the various ways to manage and resolve conflict while focusing upon the mediation process. Fisher & Ury's book, *Getting to Yes: Negotiating Agreement Without Giving In*, was also an excellent resource because it explains the negotiation process and how people can better handle negotiations in their daily lives.

I also found it important to draw from scholarship that focused upon the origins of ADR and the cross cultural study of conflict resolution. Jerome Barrett's book *A History of Alternative Dispute Resolution: The Story of a Political, Cultural and Social*



*Movement* is a wonderful resource because it traces the historical and religious roots of ADR from the time of the Greeks up until the 21<sup>st</sup> century. This book truly inspired me to delve further into my dissertation research and comparative study of the ADR practices used throughout the World's Religious Traditions. David Augsburg's book *Conflict Mediation Across Cultures: Pathways & Patterns*, is also an interesting resource to consult because it analyzes the various ways that interpersonal and group conflicts are solved in numerous cultures throughout the globe.

When delving into the historical background, central tenants and legal practices of each faith, I relied heavily upon the following primary sources: the Bible, The Talmud, Pirke Avot, The Holy Qur'an and the Dhammapada. These texts function as excellent resources because they provide meaningful cross cultural stories and give primary examples of successful peace, reconciliation and dispute resolution practices that were used by people during ancient times. Secondary sources such as Dr. Mohammad Ali Chaudry's book *Islam & Muslims*, Damien Keown's book *Buddhism: A Very Short Introduction*, Jacob Neusner and Tamara Sonn's book *Comparing Religions Through Law* and Elliot Dorff and Arthur Rosett's book *A Living Tree: The Roots and Growth of Jewish Law* also served as vital supporting historical resources as well.

A significant amount of scholarly research has also been carried out relating to conflict resolution practices and ADR approaches used within Judaism, Christianity, Islam and Buddhism. For this research, I found the following secondary sources to be the most informative to draw on. R. Seth Shippee's article "Blessed Are the Peacemakers: Faith-Based Approaches to Dispute Resolution," is a very useful piece to consult if one wants to learn about the faith-based approaches used in all three monotheistic faiths. For

Judaism, Howard Kaminsky's book, *Fundamentals of Jewish Conflict Resolution* is helpful for it explains the traditional Jewish approaches used for resolving interpersonal conflict. Michael Roness's manual on "Conflict and Conflict Management in Jewish Sources" is also valuable because it thoroughly examines the Jewish texts to find out the ways that they approached conflict and dispute and the steps that they took to prevent, manage and resolve conflict. For Christianity, in the book *The Peacemaker*, Ken Sande is successful in describing the Christian approaches that have been used for biblical conflict resolution and peacemaking. So too does Joseph Allegretti in his scholarly article "A Christian Perspective on Alternative Dispute Resolution." For Islam, Mohammad Abu Nimer does an excellent job in his book *Nonviolence and Peacebuilding in Islam* and in his article "Conflict Resolution in the Islamic Context" describing Arab-Islamic dispute resolution methods. George E. Irani and Nathan C. Funk's article, "Rituals of Reconciliation: Arab-Islamic Perspectives" does a fine job describing the differences between the Western/U.S. approaches and the traditional Arab-Islamic communal approaches to conflict resolution. Lastly, Elias Jabbour's book, *Sulha Palestinian Traditional Peacemaking Process* is a first-rate source that must be consulted to learn more about the reconciliation practice of sulh. For Buddhism, Thich Nhat Hanh's book *Joyfully Together: The Art of Building A Harmonious Community* is a wonderfully written book that describes the nature of the Sangha and the Seven Methods for resolving conflict in the monastic community. David Chappell's book *Buddhist Peacework* is also an interesting collection of essays that discusses Buddhist peacework throughout various communities across the globe. Finally, Michael Tophoff's article "Conflict Resolution with a Buddhist Context" is noteworthy because it discusses the nature of suffering in

Buddhism and the way that Buddhist virtues and mindfulness meditation practices can be beneficial to mediators in their work.

I also found it necessary to include some scholarly resources related to the field of Peace Studies. Johan Galtung's book *Peace By Peaceful Means* proves to be an excellent source that explains the four theoretical approaches associated with peace. Also, Daniel Roth's article "The Peacemaker in Jewish Rabbinic and Arab-Islamic Tradition," is valuable because it discusses the qualities of an ideal peacemaker and it further examines Aaron and Muhammad's peace making practices. Furthermore, I chose to include in my research two primary interviews from contemporary interfaith peacebuilders, Rabbi Ron Kronish and Dr. Mohammad Ali Chaudry. By and large, I can say that one of the biggest challenges of this interdisciplinary approach was managing all of the resources and integrating all of the academic disciplines. Still, overall, I found this interdisciplinary research and study to be academically enlightening as well as a wonderful learning experience.

*Significance:*

This doctoral dissertation will provide the foundation for the development of instructional materials that draw on alternative dispute resolution mechanisms made available by the world's religions. These religions can serve as windows to important historical developments and diverse moral systems throughout the global past. As a current Religion/World History teacher, the results of this type of analysis would be extremely relevant to use within the space of my own high school classes. Indeed, conflict is part of everyday life and so are religious tensions. Today and throughout history, there have been too many examples of religious conflict and violence between

different religious groups around the world. With the present global tensions at this time, it is an apt moment to teach students about diverse religious traditions and the ways that they have in fact *constructively* resolved conflicts within their faith-based communities. Moreover, we can invite students to learn about the field of conflict resolution and alternative dispute resolution techniques that could be applicable to use in this global community. By gaining this type of interdisciplinary knowledge, students will not only cultivate a better understanding of the world's religions but it will also provide them with the strategies needed to resolve conflict and coexist peacefully with others. Students today are living in a more religiously and culturally diverse world than ever before and it is important that learn to appreciate and gain a better understanding of the people around them. On a daily basis, whether it be in school, out of school, at a job, sports practice or at a community event, students interact with people from diverse religious backgrounds. It is crucial that they gain the skills needed to navigate through their personal and cultural differences so that they can understand one another and work together as global citizens.

This dissertation is intended to be a resource received by educators, mediators, faith leaders and scholars within the field of conflict resolution. This survey of alternative dispute resolution practices within the world's religious traditions can serve as a valuable resource for history/religion teachers on the secondary level. It could provide them with the historical background of ADR and they would acquire a knowledge of various peace-building strategies that have been used in the past to settle religious disputes. Teachers could also gain some helpful strategies that they could use to infuse conflict resolution concepts and practices into their everyday teaching curriculum and maybe into their engagements with other faculty members. In addition, history and religion departments

could implement this type of conflict resolution curriculum to foster religious understanding and interfaith cooperation within their school community. Furthermore, this study could equally serve as a guide for mediators, faith leaders and scholars within the field of conflict resolution, who have an interest in learning more about the historical and religious roots of ADR and the way that faith-based groups have developed and continue to develop their ADR practices.

### *Conclusion*

Thanks to the world's religious traditions, there are indeed many valuable lessons and messages that can be learned by all. We can learn the importance of patient conciliation, global citizenship, mindful interaction, self-conviction and social awareness; an appreciation of conflict while at the same time a persistent devotion to the non-injurious treatment of others. We can learn things that we can integrate into our moral compasses and ethical belief systems and in turn institute and practice in our daily lives. We can be inspired to practice peace within ourselves and in our world and take the bull of conflict by the horns, thus becoming active agents of sustained, engaged peace. My hope is that readers will be inspired to transform their ways of thinking about conflict and see it as an opportunity to learn, grow and gain a better understanding our relationships with others. And in the chapter that follows, we will see the way that alternative dispute resolution works in helping to establish those relationships.

## CHAPTER 1

### **ADR - Jewish Tradition**

*“Depart from evil, and do good; seek peace, and pursue it.” - Psalm 34:14*

#### Introduction

Contrary to what some might think, conflict does not always serve a generator of negativity in our world. In fact, in many of the world’s religious traditions conflict is considered to be a natural force of life, one that can be productive and a positive catalyst for change within a faith-based community. Conflicts usually occur when individuals have misunderstandings, as well as different values, interests and goals. They also arise when and where there is competition over limited resources, or when an individual or group exhibits malevolent behavior. Certainly, conflict will always exist, but it is the way that we choose to resolve conflict that is of paramount importance. Throughout history, many religious traditions have necessarily adopted alternative dispute resolution practices that align with their religious ideologies and principles. In doing so, they have each established their own unique and creative faith-based approaches for resolving conflict and fostering social harmony.

#### Historical Background

Judaism, an ancient monotheistic religion, was established in the Middle East over 3,000 years ago and like many other world faiths, it too has endured its share of conflicts. The Jewish people trace their historical, cultural and religious roots back to the Bible. In the Bible, the Jews were known as the Israelites or God’s chosen people. They were unique because they had a special covenant relationship with God that was first established through the patriarch Abraham. A covenant is a pact or a promise between

two different groups of people. In the Jewish tradition, there were in fact two important covenants established between God and the Israelites. The Abrahamic covenant, found in the book of Genesis, consists of many essential parts. In Genesis 17: 7-8, God states:

I will establish my covenant between me and you, and your offspring after you throughout their generations, for an everlasting covenant, to be God to you and to your offspring after you. And I will give to your, and to your offspring after you, the land where you are now an alien, all the land of Canaan, for a perpetual holding; and I will be their God.

God tells Abram (Abraham) that he will be the father of a great nation, he will have many descendants and that the Israelite people will be given the land of Canaan (Israel). In return, Abraham and his people promise to obey God and follow his commandments. “By obeying the divine commandments the people that God has chosen will experience His nearness to a degree greater than that of all other peoples.”<sup>13</sup> As a physical sign of the covenant, all Jewish men were circumcised thus marking their symbolic religious commitment to their pact with God.

The second of these, the Mosaic Covenant was revealed to Moses by God at Mt. Sinai. This covenant was a “new and wider one, with the people as a whole.”<sup>14</sup> The book of Exodus in the Hebrew Bible, recounts the epic tale of the Israelites enslavement in Egypt and God’s divine intervention through the prophet Moses to set them free. Moses led the Israelite people out of Egypt and he guided them throughout their wanderings in the desert. It was at Mt. Sinai that Moses received a divine revelation from God containing the written and oral law code for the Jewish people. God’s divine law code, or Torah, served as vital tool for the establishment of social rules and norms for the people

<sup>13</sup> Arthur Hertzberg, ed., *Judaism*. (New York: George Braziller, Inc., 1961), 27.

<sup>14</sup> *Ibid.*, 21.

and the nation of Israel. “The distinctive characteristic of the Mosaic covenant is its setting of God’s laws regulating Israel’s life in the framework of a theology of the election of Israel by grace.”<sup>15</sup> The Mosaic Covenant was important because it contained stipulations given by God that the people were expected to follow. If they obeyed God’s laws they would receive spiritual and material blessings and if they disobeyed blessings would not be granted. Life was not easy for the ancient Israelites nor was it free from conflict. For the nation of Israel to function successfully, rules needed to be established so that conflict and chaos would not arise between the people and the tribes. “God said (at Sinai), “The whole Torah is peace and who shall I give it to? To a nation that loves peace.”<sup>16</sup> The Torah not only served as a spiritual guide for the people during that time but it also helped to govern their interpersonal relationships and promote peace.

#### Biblical Dispute Resolution: Origins of Arbitration

From the very beginning, the Jewish tradition has had a long-standing history of using conflict resolution strategies and ADR mechanisms, such as arbitration and mediation to resolve internal disputes between individuals and groups within their communities. It was during the early biblical period, before the revelation at Mt. Sinai, that the first dispute resolution tactics were beginning to take form and be implemented. It is written in the Bible that Moses was the first person to serve as a judge amongst the Israelite people. Jethro, Moses father-in-law questioned Moses and asked him why he would take on such a position alone. Moses replied, “Because the people come to me to

<sup>15</sup> William D. Barrick, “The Mosaic Covenant” *The Master’s Seminary Journal* 10, no. 2 (Fall 1999): 221.

<sup>16</sup> Howard Kaminsky, *Fundamentals of Jewish Conflict Resolution*. (Boston: Academic Studies Press, 2017), 47.



inquire of God. When they have a dispute, they come to me and I decided between one person and another, and I make known to them the statutes and instructions of God.”<sup>17</sup>

Moses, acting as an arbitrator or neutral third party, would sit from morning until evening listening to cases.

The arbitrator, is concerned with the content of the conflict as well as with the process of resolution. He or she must, like a judge, assess the evidence and the arguments of the parties and reach a decision that he or she believes to be correct, fair, equitable and just.<sup>18</sup>

Moses’ role as a judge was extremely important because he was resolving conflicts while helping to maintain peace and order amongst the Israelite people. However, in those times it was not a position that should be done by one person alone. Jethro, Moses’ father-in-law tells him, “What you are doing is not good. You will surely wear yourself out, both you and these people with you. For the task is too heavy for you.”<sup>19</sup> Jethro advises Moses to appoint other judges to help him with these demanding judiciary tasks and he complies. Moses did not just choose anyone to become a judge. Jethro gives the following instructions to Moses, in Exodus 18 vs. 21 – 23:

You should also look for able men among all the people, men who fear God, are trustworthy, and hate dishonest gain; set such men over them as officers over thousands, hundreds, fifties and tens. Let them sit as judges for the people at all times; let them bring every important case to you, but decided every minor case themselves. So it is easier for you, and they will bear the burden with you. If you do this, and God so commands you, then you will be able to endure, and all these people will go to their home in peace.

Where as the above quote discusses the importance of selecting a judge, a passage in

Deuteronomy sheds further light on the service of a judge. Deuteronomy 16: 18, explains

<sup>17</sup> Ex. 18: 15-16.

<sup>18</sup> Gregory Tillett, *Resolving Conflict: A Practical Approach*. (New York: Oxford University Press, 1999), 88.

<sup>19</sup> Ex. 18: 17-18.

that, “you shall appoint judges and officials throughout your tribes, in all your towns that the Lord your God is giving you, and they shall render decisions for the people.” Clearly the designation of judges was an extremely important social element found within the Israelite tradition. It seems that a judge had two important functions as: one who actively resolves conflict and one who actively pursues peace. During biblical times, the judges essentially served as godly advisors and agents of peace for those within the Israelite community.

The personal and moral characteristics of a judge were also held in high esteem. The biblical text explains that judges had to be “able men, men who fear God, men of truth, hating unjust gain” (Ex. 18:21) and “wise men, and understanding and full of knowledge (Deut. 1:13).<sup>20</sup> Many of the judges also served as kings, priests and elders in the community and they held political, religious, and military power. According to Moses, while arbitrating cases judges were to “give the members of their community a fair hearing, and judge rightly between one person and another, whether citizen or resident alien.”<sup>21</sup> They were required to listen to all cases no matter how big or small they may be. Judges were to uphold the laws of God, work hard to maintain justice in the land and help to promote harmony amongst the people. “Both judging and justice were dimensions of the human community required and ordained by God.”<sup>22</sup> An excellent example of this can be shown in the Old Testament story of King Solomon and his judgment over the conflict between the two mothers and the baby.

<sup>20</sup> Encyclopedia Judaica, 2<sup>nd</sup> ed., s.v. “*Beth Din and Judges.*”

<sup>21</sup> Deut. 1: 16-17.

<sup>22</sup> Elliot N. Dorff and Arthur Rosett, *A Living Tree: The Roots and Growth of Jewish Law*. (New York: State University of New York Press, 1988), 54.

King Solomon, succeeded his father King David as the king of Israel around 960 B.C. In Psalm 72: 1-2, King David prays to God concerning his son Solomon. He says, “Give the king your justice, O God, and your righteousness to a king’s son. May he judge your people with righteousness.” According to the Bible, God favored King Solomon and blessed him with the gift of wisdom so that he could rule over and judge the land of Israel. One day while hosting a feast for his servants, Solomon was abruptly confronted by two women who were prostitutes. 1 Kings 3: 17-28 explains:

The one woman said, “Please my lord, this woman and I live in the same house; and I gave birth while she was in the house. Then on the third day after I gave birth, this woman also gave birth. We were together; and there was no one else with us in the house, only the two of us were in the house. Then this woman’s son died in the night, because she lay on him. She got up in the middle of the night and took my son from beside me while your servant slept. She laid him at her breast, and laid her dead son at my breast. When I rose in the morning to nurse my son, I saw that he was dead; but when I looked at him closely in the morning, clearly it was not he son I had borne. But the other woman said, “No, the living son is mine, and the dead son is yours.” The first said, “No, the dead son is yours, and the living son is mine.” So they argued before the king.

King Solomon listened carefully while the women described the conflict that had developed between them. As a good arbitrator or mediator would do, he restated the claims of both women in the dispute. The king said, “The one says, ‘This is my son that is alive, and your son is dead’; while the other says, ‘Not so! Your son is dead, and my son is the living one.’” By restating their claims aloud, Solomon shows his full understanding of the case at hand. Now it is time for him to make a judgment in this case.

So the king said, “Bring me a sword,” and they brought a sword before the king. The king said, “Divide the living boy in two; then give half to the one, and half to the other.” But the woman whose son was alive said to the king – because compassion for her son burned within her- “Please, my lord, give her the living boy; certainly do not kill him!” The other said, “It shall be neither mine nor yours; divide it.” Then the king responded, “Give the first woman the living boy; do not kill him. She is his mother.” All Israel heard of the judgment that the king had

rendered; they stood in awe of the king, because they perceived that the wisdom of God was in him to execute justice.

The story of the two mothers and the baby aptly exemplifies the way in which arbitration was used by Solomon to bring about justice. His proclamation to “divide the boy in two,” definitely caused a stir, but it was creative and as a result revealed each woman’s true character. Through his wisdom and guidance from God, Solomon was able to ascertain which woman was telling the truth in this situation and which one was not, and he judged them accordingly. Solomon successfully arbitrated the case and the true mother was reunited with her son.

For instance, it is clear then that the establishment of religious courts and the practice of arbitration indeed manifested itself very early on within the Jewish tradition. “Over the course of the biblical era the tribes of Israel settled the land, built cities and formed a national state.”<sup>23</sup> The Jewish courts of law, were established throughout many of the towns and cities in Israel and within the Diaspora.<sup>24</sup> There were primarily three types of judicial courts and the judicial makeup of these courts varied depending upon the overall population within the surrounding town or the city. If a town had less than 120 residents, a court of three judges would be appointed. Three was the minimum number allowed to ensure a majority decision.<sup>25</sup> These courts of three had the power to make judgments concerning civil matters, which sometimes resulted in the imposition of fines. They also dealt with matters of divorce, and the conversion of non-Jews.<sup>26</sup> If a town had

<sup>23</sup> Ibid., 64.

<sup>24</sup> Encyclopedia Judaica, 2<sup>nd</sup> ed., s.v. “Beth Din and Judges.”

<sup>25</sup> Garrett B. Guttenburg, “An Introduction to The Alternative Dispute Resolution Processes in the United States” accessed September 2017, <http://www.amicusadr.com>.

<sup>26</sup> Ibid, 11.

more than 120 residents a court of 23 judges would be appointed. This court was known as the Lesser Sanhedrin, and it handled mostly criminal cases. The highest court was the Greater Sanhedrin which consisted of seventy-one judges. They had “practically unlimited judicial, legislative, and administrative powers but certain judicial and administrative functions reserved to it alone.”<sup>27</sup> Aside from the three main judicial courts, there was also a religious court of priests or *Levites*, who were located at the Temple. This group of priests was in charge of overseeing the religious rituals at the Temple and they took care of all priestly civil matters. “Originally, the priests performed general judicial functions since they were known as the sole component interpreters of God’s judgment, but later they adjudicated matters together or alternately with the other judges.”<sup>28</sup> As discussed earlier, it was not uncommon in the ancient Jewish tradition for a priest to be appointed as a judge and carry out judicial responsibilities.

The Greater Sanhedrin was the highest judicial court in all of Israel. The great prophet Moses, is believed to be the founder of this great assembly. It is written in Numbers 11: 16, that God told Moses to “gather for me seventy of the elders of Israel, whom you know to be elders of the people and officers over them; bring them to the tent of meeting, and have them take their place there with you.” Historically, this is believed to be the first time that the Sanhedrin gathered as a whole governing body within the nation of Israel. In the Jewish tradition, the appointment of judges and their successors was highly symbolic, ritualistic and religious. It was believed that the judges “received their authority from their immediate predecessors who “laid their hands” upon them, a

<sup>27</sup> Encyclopedia Judaica, 2<sup>nd</sup> ed., s.v. “*Beth Din and Judges*.”

<sup>28</sup> “Ancient Jewish History: The Beth Din,” <https://www.jewishvirtuallibrary.org/the-beit-din>.

process known as “semicha.”<sup>29</sup> This ancient practice of appointing a successor dates back to the time of Moses and Joshua. God commanded Moses to bring Joshua before the high priest Eleazar and the congregation of Israel to be named the next judge of the nation. It says in Numbers 27: 23, that Moses “laid his hands on him and commissioned him—as the Lord had directed through Moses.” Through commissioning Joshua, Moses is not only giving him the authority to carry out judiciary functions but he also religiously and symbolically handing down God’s oral law to the next successor in line.

Moses also laid his hands on the other elders of Israel, ordaining them as members of the Sanhedrin. These, in turn, ordained others, generation after generation, in an unbroken line of ordination from Moses.<sup>30</sup>

After this time period, all future ordinations were performed orally by a court of three containing at least one ordained member. The newly ordained individuals were given the title of “Rabbi,” meaning teacher or master of the Torah (Jewish law), and they were granted the authority to arbitrate penal cases. Ordained judges and rabbi’s also had to possess certain personal qualities to serve on this judicial court. According to Jewish scholar Maimonides, “judges must be wise and sensible, learned in the law and full of knowledge.”<sup>31</sup> They should be fluent in many languages and have some knowledge about medicine, arithmetic, astronomy and astrology. Furthermore, Maimonides stresses that a judge must possess the following seven fundamental qualities: wisdom, humility, fear of God, disdain of money, love of truth, love of people, and a good reputation.<sup>32</sup> Judges

<sup>29</sup> Ibid.

<sup>30</sup> Aryeh Kaplan, “The Jewish Court System,” <http://www.aish.com>.

<sup>31</sup> Encyclopedia Judaica, 2<sup>nd</sup> ed., s.v. “*Beth Din and Judges*.”

<sup>32</sup> Ibid., 515.

served as major political and religious figures within Jewish society and as a result they had to be upright in character and uphold justice according to God's law.

### The Talmudic Period

In Jewish history, it was the rabbis who played a pivotal role in the compilation of the Talmud. The Talmud is one of the most important sacred written texts for the Jewish people. It is a compilation of Jewish oral law containing commentaries from the rabbis. The word Talmud in Hebrew means "to teach" or to "learn." This "record of rabbinic teachings spans a period of about six hundred years, beginning in the first century C.E. and continuing through the sixth and seventh centuries C.E."<sup>33</sup> The Talmud is comprised of the following two parts: the Mishnah and the Gemara. The Mishnah is the original written version of the oral law that had been transmitted from masters to pupils from generation to generation. The Gemara is the record of these rabbinic discussions and commentaries on the Mishnah.<sup>34</sup> The Mishnah dates back to the third century C.E. and it was thought to be compiled by the Rabbi Y'hudah HaNasi (Judah the Prince). Presently, the Talmud serves as a primary text for individuals wanting to learn more about Talmudic law. There are two Talmuds the Jerusalem Talmud from Israel and the Babylonian Talmud. "Full of internal debate and discourse, the commentaries state the basic rules of the Talmudic Legal system and explain their application to the everyday affairs of Jewish

<sup>33</sup> Ronald H. Isaacs, *An Introduction to the Talmud and Midrash*. (URJ Press, 2003), ix.

<sup>34</sup> "The Talmud," *BBC.com*, August 13, 2009.

<http://www.bbc.co.uk/religion/religions/judaism/texts/talmud.shtml> (accessed September 15, 2018).

life.”<sup>35</sup> The Talmud is an excellent guidebook to use to learn about important issues and rabbinical thoughts concerning Jewish theology and social life, law and jurisprudence, arbitration and mediation and the hereafter.

The development of the *beit din*, “house of law” or “house of judgment,” dates back to the Second Temple Period (530 BCE – 70 CE). The *beit din* consisted of a rabbinical court of three judges who arbitrated and adjudicated cases according to *halakhah* law. The *beit din* has biblical roots and it is believed that the prophet Ezra was responsible for establishing it. Ezra, a priest and religious leader of the Jews, worked hard to institute religious reforms, based on the Torah, for his community after the Babylonian Exile. He was saddened with the religious laxity of his people and he believed that religious reform was needed. “He decreed that a *beit din*, was to convene on Mondays and Thursdays and be established in all populated centers. These were local courts, while the Great Sanhedrin of Jerusalem served as the supreme court.”<sup>36</sup> The *beit din*’s “responsibilities included the preservation of procedures and decisions based on the Torah, Talmud, and the vast body of *halachic* (Jewish) law.”<sup>37</sup> The rabbinical judges were very knowledgeable and well versed in the teachings of the *halakhah*, which “includes all of the precepts in Judaism—those laws involving the commandments concerning the relationship between people and God as well as those laws applicable to relationships in

<sup>35</sup> Omid Safa, “In Search of Harmony: The Alternative Dispute Resolution Traditions of Talmudic, Islamic, and Chinese Law.” (December 2008), 1-36, accessed September 2017, <http://studylib.net/doc/8056338/in-search-of-harmony--the--alternative-dispute-resolution>. 13.

<sup>36</sup> Isaac Levitats, *Talmudic Period*, in *Encyclopedia Judaica* 515 (Vol. 3, 2<sup>nd</sup> ed. 2007).

<sup>37</sup> Shippee, “Blessed Are The Peacemakers: Faith-Based Approaches to Dispute Resolution,” 253.



human society.”<sup>38</sup> Historically, toward the end of the third century, the Romans began to oppress the Jewish community and as a result the beit din began to slowly lose its power as a judiciary authority. Prior to the destruction of the temple, the Romans prohibited the Jewish community from carrying out any legal proceedings at the beit din. In response to this restriction, the Jewish authorities vehemently refused to allow anyone in the Jewish community to arbitrate or litigate a case at a non-Jewish court. Rabbi Tarfon, a Mishnah sage, said:

In all places that you find *agariot* (non-Jewish courts), even though the substance of their law is the same as Jewish law, you are not permitted to resort to them, for it is written: And these are the laws that you shall set before them. Before them (the Jewish people) but not before the gentiles.<sup>39</sup>

If a member of the Jewish community decided to go to a non-Jewish court it was seen as a serious offense against them and within the eyes of God. It was “compared to the denial of the existence of God and His Torah and to the transgression of the commandment against profanation of God’s name.”<sup>40</sup> This restriction upon the Jewish community did not last long and after the fall of the Roman Empire the beit din’s were re-established on a smaller scale throughout the Diaspora. However, those within the Jewish community were still encouraged by their community leaders and the *halakhic* authorities to take their legal matters and disputes only to the beit din’s. Overtime, the judicial structure of the beit din became more advanced. Formal beit din hearings were established where both disputing parties argue their case in front of a panel of three rabbinical judges. This panel ultimately made the final decision pertaining the case and the parties had to comply

<sup>38</sup> Menachem Elon, *Jewish Law: History, Sources, Principles, Vol. 1*. (Jerusalem: The Jewish Publication Society, 1994), 93.

<sup>39</sup> Ibid., 13.

<sup>40</sup> Ibid., 14.

with their decision. Today and throughout history, conflict prevention and resolution have been an integral as well as essential part of the Jewish community. In fact, the *beit din* still is actively functioning as a rabbinical court throughout parts of the world today.

### Arbitration During the Talmudic Period

After analyzing the dispute resolution methods that were practiced during biblical times, it can be deduced that arbitration was and still is a common ADR method used to resolve conflict within the Jewish community. Christopher Moore in his book *The Mediation Process: Practical Strategies for Resolving Conflicts*, defines arbitration as “a range of voluntary and private dispute resolution procedures that involve the assistance of a third party to make decisions for disputants about how a conflict will be resolved when the parties cannot reach an agreement on their own.”<sup>41</sup> Arbitration “can also include the process of adjudication-in which the arbitrator is a judge whose decision can be enforced by the power of the State or some other authority.”<sup>42</sup> According to Talmudic law, if one person is having a legal dispute with another, they were expected to take their case before an arbitration tribunal consisting of three arbitrators. In the Mishnah, there is an interesting discussion between Rabbi Meir and some scholars over the selection of the individuals to serve on the arbitration panel. The Mishnah says,

Civil cases by three; one party may select one and so the other, and both of the them select one more; so is the decree of R. Meir. The sages, however, maintain that the two judges may select the third.<sup>43</sup>

<sup>41</sup> Christopher Moore, *The Mediation Process: Practical Strategies for Resolving Conflicts*. (San Francisco: Jossey-Bass, 2014), 10.

<sup>42</sup> Tillet, *Resolving Conflict*, 87.

<sup>43</sup> *Tractate Sanhedrin 3:1*.

The Mishnah explains that both parties in the dispute get to choose their own judge/arbitrator to serve on the arbitration panel. Then Rabbi Meir says, that both parties *only* have the power to choose the third arbitrator. Next, the sage declared that the chosen judges (arbitrators) have to give their consent on the appointment of the third. Finally, Rabbi Zera remarks that “because each party selects its own judge, and both agree in the selection of the third one, the decision will be a just one.”<sup>44</sup> Interestingly, in this faith-based arbitration process each party gets to choose their own *dayyanim* (judge) who will represent their interests and needs in the case. However, it seems that the appointment of the third arbitrator gets a little bit tricky because both parties and their judges have to agree upon the appointment of the final arbitrator. “When the two arbitrators are unable to agree on the appointment of the third, the appointment is made by the elders of the city and it is often customary for the rabbi of the city to be the third arbitrator.”<sup>45</sup> The Jewish faith-based arbitration process, also called *bitzua*, is very unique because the tribunal not only judges the case according to Jewish law but they also strive to establish a compromise (*p’sharah*) between the disputing parties. It is customary for both parties to sign an arbitration agreement before the arbitration can begin. By signing this deed of arbitration, both parties are agreeing to go ahead with the arbitration, instead of going to a formal *beit din* hearing. They are also legally obligated to follow the decision that is rendered by the tribunal. Through signing the deed, the parties enter into a *kinyan* that “makes the transaction binding and enforceable.”<sup>46</sup> Each party is responsible for paying a

<sup>44</sup> Ibid.

<sup>45</sup> Encyclopedia Judaica, 2<sup>nd</sup> ed., s.v. “Arbitration.”

<sup>46</sup> George Horowitz, *The Spirit of Jewish Law and Rabbinical Jurisprudence*. (New York: Central Book Company, 1953), 758.

fee for the arbitration process, even if they withdrawal. “According to talmudic *halakhah*, a party may require the regular court to submit written reasons for its judgment, but an arbitral body is not obliged to do so, even upon request.”<sup>47</sup> However, in some cases it was seen as favorable to do so to prove to others and God that you are innocent. The parties do have a right to appeal the arbitrators decision, but this has to be stipulated in the arbitration agreement when it is signed. If it was not stipulated ahead of time then the parties have to accept the final decision. In the Jewish community, it is preferred and recommended for individuals to voluntarily settle disputes at a *bitzua* instead of going to a formal trial. Arbitration was a more favorable settlement approach because “compromise brought a spirit of conciliation and peace as against the spirit of contention which characterizes a trial.”<sup>48</sup> The Torah and the Talmud stress the importance of pursuing peace with others; it is a fundamental teaching within the Jewish faith tradition. The great legal scholar Maimonides spoke highly of the courts that chose to arbitrate. He stated, “What kind of justice carries peace with it? Undoubtedly, it is arbitration.”<sup>49</sup> Arbitration was not the only type of alternative dispute resolution used to settle disagreements. Mediation and compromise (*p’sharah*) were used as well.

#### *P’sharah*: In the Rabbinic Tradition

*P’sharah* in the Talmudic legal system means mediation or compromise.

Mediation is a voluntary process where a neutral third party, called a mediator, meets with the parties to a dispute and aids them in reaching an agreed upon resolution.<sup>50</sup>

<sup>47</sup> Encyclopedia Judaica, 2<sup>nd</sup> ed., s.v. “*Arbitration*. ”

<sup>48</sup> Ibid., 651.

<sup>49</sup> Ibid., 652.

<sup>50</sup> Encyclopedia Judaica, 2<sup>nd</sup> ed., s.v. “*Mediation*. ”

Mediators do not have the power or authority to make a binding decision regarding a dispute. In a mediation procedure, each party will have an opportunity to openly express their concerns pertaining to the dispute. The mediators must actively listen to each statement so that they can clearly determine the disputants needs, interests and wants. During a mediation, both parties agree to work collaboratively, with the assistance of the mediator, to establish a mutually acceptable solution to their problem. In the Talmudic legal system, the rabbi is the one who will act as a mediator between the two disputing parties. Mediations are more flexible and can be performed outside of the court setting. If the parties reach a compromise they will draw up a contract and both parties will sign it. “Specifically, the parties solidify their agreement by executing a symbolic handkerchief exchange (*kinyan sudor*), which obligates both sides to adhere to the result.”<sup>51</sup> If the parties are not able to reach an agreement through *p’sharah*, then they can take their dispute to a more formal *beit din* hearing.

According to the Jewish rabbi’s, *p’sharah* was a highly favorable approach for dispute resolution within the Jewish tradition. In the *Talmud: Tractate Sanhedrin 6A*,

Rabbi Yehoshua ben Korha says: It is a mitzvah to mediate a dispute, as it is stated: “Execute judgment of truth and peace in your gates” (Zechariah 8:16). It is not that in the place where there is strict judgment there is no true peace, and in a place where there is true peace, there is no strict judgment? Rather, which is the judgment that has peace within? You must say: This is mediation, as both sides are satisfied with the result.<sup>52</sup>

A mitzvah can be defined as a meritorious religious act or deed. According to Rabbi Korha, it is praiseworthy to engage in a *p’sharah* because the end result can bring about

<sup>51</sup> Safa, “In Search of Harmony: The Alternative Dispute Resolution Traditions of Talmudic, Islamic and Chinese Law,” 16.

<sup>52</sup> *Sanherin 6a: The William Davidson Talmud*, <https://www.sefaria.org/Sanhedrin.6a>.

peace for both sides. In a *p'sharah*, both parties have to compromise so that they can resolve the problem at hand. When both sides agree to a compromise, they are essentially bringing about peace between one another. In the field of conflict resolution, scholars Roger Fisher and William Ury would refer to this as a win-win situation for both sides. From a religious perspective, Jews are also encouraged to actively strive for peace with others because it will ultimately bring them closer to God and the Torah. Therefore, the act of peacebuilding is not only seen as a fundamental religious practice within the Jewish faith but it is also an essential component of Jewish conflict resolution.

*Aaron: The Ideal Peacemaker*

Amongst the different faith traditions, there are certain individuals who have distinguished themselves as model peacemakers. The rabbi's considered Aaron, Moses's older brother, to be the ultimate peacemaker within Judaism. Aaron was a prophet, and the co-leader of the Jewish people during the time of the Exodus and their wanderings in the desert. He was also the first *Kohen Gadol*, or High Priest, appointed by God for the Israelite people. The *Kohen Gadol* held significant religious authority in the nation of Israel and he had the "unique task of connecting the entire nation; forging them into a united whole."<sup>53</sup> As co-leaders of the Jewish people, though, Moses and Aaron functioned in markedly different ways. Rabbi Adin Steinsaltz, in his book *Biblical Images* explained that "Moses operated from the higher to lower: he was the authority figure, giving orders and hardly explaining or educating. Aaron, on the other hand, functioned from the lower to the higher, trying to lead the people carefully, teaching and

<sup>53</sup> Rabbi Shaya Karlinsky, "Pirkei Avot, Chapter 1: Mishna 12: Part I," <https://torah.org>.

guiding them.”<sup>54</sup> To be sure, both were noteworthy leaders, but Aaron was the one who was most intimately able to understand and connect with the people on a more intimate level.

As a matter of fact, those within the Jewish rabbinic tradition refer to Aaron as *Rodef Shalom*, or the pursuer of peace, because he is an excellent example of an individual who strived to create peace between those within his community. In the *Mishnah, Pirke Avot, 1:12*, the Jewish sage Hillel, encouraged others to “Be a disciple of Aaron, a lover of peace, a pursuer of peace (*rodef shalom*), a lover of people, who brings them closer to the Torah.”<sup>55</sup> According to Hillel, it is clear that Aaron’s overall approach for conflict resolution and peacebuilding was exemplary. For Aaron was not concerned with strictly judging the people, like his brother Moses’s, he was more concerned with pursuing peace and cultivating harmonious relationships between the people.

Moreover, in the Jewish tradition a peacemaker is one who selflessly loves all people and who humbly acts through the grace of God to pursue peace. According to Rabbi Eliezer, “Aaron used to pursue peace between a person and his/her friend, between husband and wife, between families, and between tribes.”<sup>56</sup> Rashi, a well-known Jewish scholar and rabbi, explained that when Aaron dealt with a conflict he “would hear the

<sup>54</sup> Ron Kronish, “Needed: Real Jewish Leadership,” Informed Comment Blog, entry posted March 6, 2015, <http://blogs.timesofisrael.com> (accessed December 2018).

<sup>55</sup> Daniel Roth, “The Rodef Shalom: From Text to History to Global Network,” *Pardes Center for Judaism and Conflict Resolution*, 1, (February 9, 2014), accessed January 2019, <https://www.9adar.org/wp-content/uploads/2014/02/Being-a-Rodef-Shalom-From-Text-to-Global-Network.pdf>.

<sup>56</sup> Ibid, 3.

disputes between them *before they came before him for a judgment*; then he would pursue them and impose peace between them.”<sup>57</sup> In the Midrash *Avot de-Rabbi Nathan* (12:3), Father Rabbi Nathan provides an excellent description of Aaron acting as a model peacemaker.

Two people had quarreled with one another. Aaron went and sat with one of them. He said to him: My son, look what your friend has done, his heart is distraught and he has torn his clothes (out of sorrow regarding the quarrel), and he is saying: Woe is to me, how will I raise up my head and look at my friend? I am embarrassed in his presence, because I am the one who wronged him. And he (Aaron) sits with him until he removes the jealousy from his heart. And Aaron then goes and sits with the other party and says to him: My son, see what your friend has done, his heart is distraught and he has torn his clothes and he is saying: Woe is to me, how will I raise up my head and look at my friend? I am embarrassed in his presence, because I am the one who wronged him. And he (Aaron) sits with him until he removes the jealousy from his heart. And when they met (the two opponents who carried on the dispute between them), they embraced and kissed one another.”<sup>58</sup>

The above passage definitely shows Aaron engaging in a *p’sharah* between two men who are in a conflict. However, this specific mediation and the actions that Aaron takes are quite different than the approach that a typical mediation and mediator would use within the contemporary Talmudic legal system. In this peacemaking model, Aaron clearly takes a more personable, empathetic and humble approach when pursuing peace between these two men. Interestingly, in his book *Between Eden and Armageddon*, Marc Gopin discusses the importance of peacemakers possessing the personal qualities of humility and self-abnegation. Candidly, he explains that

Humility embedded in the character of a peacemaker is seen in rabbinic thought as a major component of peacemaking: There is no one who is more humble of spirit than the peacemaker. Think about it, how can a person pursue peace if he is not humble? How so? If a man curses him (when seeing him), he says back to him, “Hello (peace to you).” If a person fights with him, he is silent. Furthermore,

<sup>57</sup> Encyclopedia Judaica, 2<sup>nd</sup> ed., s.v. “*Mediation*.”

<sup>58</sup> Ibid.



if two people are fighting, he swallows his own pride (depresses his spirit) and goes to appease one, and then to appease the other.<sup>59</sup>

It is obvious that Aaron's humble approach and actions in this mediation are indeed unique. As a third party, he models humility, and he artfully mediates between one party and the next. He takes the time to sit and talk with both parties on a personal level, he listens and empathizes with them and he counsels them to be compassionate and forgiving. I believe that Aaron's approach for pursuing peace and reconciliation is not only extraordinary but it is also highly sacred. He is able to make a spiritual connection with these two men and guide them through the "crucial and difficult stage of conflict resolution or, more specifically, reconciliation, which usually involves swallowing a little pride and losing a little face."<sup>60</sup> Moreover, he is able to psychologically and religiously transform these men so that they can establish "positive peace" between the two of them. According to R. Joseph Epstein, "positive peace refers to a sense of interconnectedness between people or possibly even feelings of fraternity and love."<sup>61</sup> Miraculously, thanks to Aaron's spiritual support and guidance, both men did experience "positive peace" and when they met again on the road they kissed and hugged one another. As the High Priest in the Israelite community, Aaron actively engaged in conflict resolution and he had to deal with many different types of disputes. In all of the cases, Aaron's primary goal was to establish peace between the individuals in order to promote social harmony within the overall community. In some situations Aaron would stretch the truth and lie to both

<sup>59</sup> Marc Gopin, *Between Eden and Armageddon*. (New York: Oxford University Press, 2000), 183.

<sup>60</sup> Ibid., 184.

<sup>61</sup> Kaminsky, *Fundamentals of Jewish Conflict Resolution*, 53.

parties in a dispute in order to promote peace. He would “tell each that the other side wished to reconcile until eventually they would indeed reconcile with one another.”<sup>62</sup>

In the Jewish tradition, it is generally accepted that one is permitted to lie for the sake of peace, as Rabbi Moses ben Maimon (1138-1204, Spain and Egypt) ruled that a person is not considered a liar if “he made peace between two people and added and subtracted from the statements each one of them made to heighten their feelings of closeness. Such deceptions are permitted.”<sup>63</sup>

Overall, it is evident that Aaron’s peacemaking approach was indeed ideal. He not only loved his people but he also actively strove for peace in order to bring them closer to the Torah and its message of faith. Rabbi’s, past and present, still consider Aaron to be the ultimate peacemaker, and they continually aspire to follow his example when resolving interpersonal conflicts.

#### Value of Compromise in Arbitration and Mediation

In the rabbinic tradition, compromise was the preferred end result in the mediation and arbitration process. The judges (rabbi’s) were the ones who were responsible for diffusing communal conflicts and compromises could not be attained in a mediation and arbitration without their religious and legal assistance. The *Pirke Avot*, in the Mishnah, contains some interesting laws pertaining to judicial procedures along with a code of ethics for the rabbinical court judges.<sup>64</sup> Maimonides studied the *Pirke Avot* when he was writing his book the *Introduction to the Talmud*. He explains the duty of a judge below:

<sup>62</sup> Roth, “The Peacemaker in Jewish-Rabbinic and Arab-Islamic Traditions,” 7.

<sup>63</sup> Ibid., 7.

<sup>64</sup> Robert Bush, *Mediation and ADR: Insights from the Jewish Tradition*, 28 Fordham Urb.L.J 1007 (2001).

[The judge] must strive in all cases to formulate a [compromise] settlement, and if he can refrain from passing a verdict his entire life, constantly [facilitating] a fair settlement between the litigants--how wonderfully pleasant that it!<sup>65</sup>

According to Maimonides, it is the judges who must take the lead in resolving conflicts before resorting to a formal litigation. Maimonides *Code* of Jewish law says that judges are legally obligated to ask the disputing parties at “the beginning [of every civil case], “Do you really want to litigate this case or wouldn’t you prefer to work out a *pshara* [compromise]”?<sup>66</sup> Jacob Bazak, a professor of law and retired judge, explains further the actions that a judge must take when seeking a compromise.

Accordingly it was held that at the outset of each legal proceeding the court should try to convince the litigating parties to agree to a compromise solution through mutual concessions. However, no coercion should be used to achieve this, just “appeasement and temptation.”<sup>67</sup>

If one or both parties won’t agree to compromise then the case will go straight to court. In court, both parties will have an opportunity to present their arguments before the judge. Interestingly, while the case is being heard, the judge may continue to encourage the parties to compromise. However, after a judgment is made, compromise is no longer an option. Overall, it can be concluded that to be an honorable judge one must establish a happy medium between the disputing parties which in turn creates peace.

### Contemporary Jewish ADR

In the United States, the Jewish court system is highly organized and branches of the *beit din* can be found in almost every state. “The Beit Din of America is the most

<sup>65</sup> Ibid., 1008.

<sup>66</sup> Bush, *Mediation and ADR: Insights from the Jewish Tradition*, 1010.

<sup>67</sup> Jacob Bazak, *Compromise v. Adjudication In Jewish Law*, in Jewish Law Association Studies XII, 1 (Hillel Gamoran ed., 2002).

prominent beth din and it is affiliated with the Rabbinical Council of America.”<sup>68</sup> The Beit Din of America was established in 1960 and it is located in New York City. It “serves the North American Jewish community as a forum for the adjudication of commercial, communal and matrimonial conflicts.”<sup>69</sup> The beit din performs arbitrations (*din torah*) and mediations and they offer personal advice concerning loans and estate planning. Additionally, the beit din handles religious matters related to conversion and divorce; all of the arbitration proceedings are mandated by religious Jewish law.

The beit din arbitration proceedings utilized today at the Beit Din of America are in fact very similar to those practiced during biblical and Talmudic times. The contemporary Jewish arbitration process is usually referred to as a *din torah* or *dinei torah*. “An individual with a dispute against someone else may choose to summon the defendant to a beit din through the *hazmana* process.”<sup>70</sup> A *hazmana* is sent to inform the individual that they have been invited to appear before the beit din to settle their dispute. If a person receives a *hazmana* they are “required to respond and should not wait for additional *hazmanos*” or they will be claimed in contempt of court.<sup>71</sup> If the summoned individual does not feel comfortable with the beit din chosen by the other party, they may ask to have their case heard before a different beit din of their choice. Both parties have to agree upon a mutually acceptable beit din to hear their case and if they can’t agree then “a joint beit din is formed by a procedure called *zebla or zabra*.”<sup>72</sup> The *zabra* is the

<sup>68</sup> Guttenberg, “An Introduction to The Alternative Dispute Resolution Process in the United States,” 18.

<sup>69</sup> Beth Din of America. “*Din Torah (Arbitration) Services*,” <http://bethdin.org/dintorah/>.

<sup>70</sup> Layman’s Guide to Dinei Torah, <https://bethdin.org/dintorah/>.

<sup>71</sup> Ibid., 2.

<sup>72</sup> Ibid., 3.

process that the disputing parties go through to choose acceptable judges for the beit din tribunal. In this process, each party chooses a judge and then the two chosen judges choose the third. This selection process is remarkably similar to that used during the Talmudic period. However, as discussed earlier, there was a debate in the Mishnah by Rabbi Meir and the sages, as to whether the disputing parties were responsible for choosing the third judge or if the chosen judges get to pick the third. From a contemporary perspective, it is remarkable that this ancient selection process is still being carried over today within the Jewish courts. After the panel of judges are chosen and both parties sign an arbitration agreement then the case can be heard. In some cases, it may be necessary for the parties to call upon witnesses to help strengthen their claims. The tribunal has the right to ask the parties and their witnesses relevant questions pertaining to the case. At the end of the *din torah*, the judges issue a decision which is binding on the parties, both as a matter of secular and Jewish law.”<sup>73</sup> Today, all beit din decisions are legally written down which serves as an “arbitration award” for both parties.<sup>74</sup>

It is interesting to see the parallels between the ancient and contemporary arbitration processes. In both methods, the cases are taken before a tribunal that is carefully selected by the disputing parties; the judges of their choice. Both systems require the parties to sign an arbitration agreement before the arbitration can begin. Also, “the Jewish disputants are still strongly encouraged by the judges to arbitrate or mediate their disputes before launching into a formal Beit Din hearing.”<sup>75</sup> Interestingly, this

<sup>73</sup> Ibid., 1.

<sup>74</sup> Ibid., 5.

<sup>75</sup> Kellie Johnston, Gus Camelino and Roger Rizzo, “A Return to Traditional Dispute Resolution: An examination of Religious Dispute Resolution Systems.” *Center for Justice & Reconciliation*, (2000), <http://restorativejustice.org/>.

religious obligation to seek a compromise is carried over and valued in the modern judicial system today.

In this day and age, a formal court hearing within a Jewish court or a secular court can be a long and costly process. By and large, it is more beneficial for the parties to choose an alternative method to resolve their dispute. “This establishes possibilities for speeding up the resolution of the dispute, on the one hand, and easing the burden imposed by litigation itself, on the other.”<sup>76</sup> In Judaism today, *p’sharah* (*mediation*) still continues to be the favored ADR method used to settle conflict. A central doctrine and aim for those within the Jewish faith is to “seek peace and pursue it” (Psalm 43:14). Moreover, “peaceful debate and the concept of *mahkloket le’shem shamayim* (literally, argument in the name of heaven, and, in practice, disagreement for the sake of a worthy cause) are also integral components of Jewish tradition.”<sup>77</sup> The practice of *p’sharah*, is preferred because it aligns with the central teachings of the Jewish faith. Such as, during a mediation the mediator encourages the parties to work collaboratively together and facilitates respectful dialogue between them. The mediator is not allowed to impose a judgment in the case and must act as a neutral third party who helps the disputing parties establish a consensual settlement to their problem. In Judaism,

there is a strong belief that any judgment imposed by a third party would continue the conflict, and that the parties through compromise, mediation, and eventual reconciliation can find true resolution of the issue. Compromise and mediation are considered preferable to a ruling imposed by a third party because the compromise reached through mediation serves both “righteousness and justice.”<sup>78</sup>

<sup>76</sup> “Compromise,” <http://jewishvirtuallibrary.org/compromise>.

<sup>77</sup> Gerald Steinberg, “Conflict Prevention and Mediation in the Jewish Tradition,” *Jewish Political Studies Review* 12: 3-4 (Fall 2000): 3-21. *JSTOR*. Web. 13 Nov. 2012: 5.

<sup>78</sup> Aaron T. Hubbard, “Mediation and Religion: General Attitudes of Three Major Religions in the United States.” *Louisiana Bar Journal* 3, no. 3 (2015): 3.

When Jewish parties mediate and are able to initiate a mutually acceptable compromise it is a win-win situation for both groups. Both of their needs are met, they are satisfied with the end results and they have fulfilled their religious obligations. When both parties reconcile, they create peace between themselves and social harmony within the Jewish community.

### Thoughts Concerning *Shalom*

In Judaism, “peace (shalom) is the ultimate aspiration in human relations.”<sup>79</sup> For “to make peace between those in disharmony is regarded as one of the most meritorious works that secure happiness and bliss here and hereafter.”<sup>80</sup> It is believed that those who foster peaceful and harmonious interpersonal relationships with others will receive blessings from God; those who engage in destructive conflict will suffer greatly. The Talmud states that “there is a general prohibition against engaging in deleterious conflict, which is referred to as “holding on to a quarrel (mahaloket).”<sup>81</sup> The rabbi’s condemned, destructive action and praised constructive transformation.<sup>82</sup> The writings in the Torah and the commentaries in the Talmud, Mishnah and the *Pirke Avot* all serve as a fundamental spiritual and ethical guide for those within the Jewish faith. They not only give a thorough explanation of the *halakhah* (Jewish law), but they also provide behavioral guidelines so people can learn to foster positive interpersonal relationships and coexist harmoniously with others. After investigating these religious texts, it is

<sup>79</sup> Michal Roness, ed., “Conflict and Conflict Management in Jewish Sources” *Program on Conflict Management and Negotiation* (2008): 17.

<sup>80</sup> Moses Mielziner, *Introduction to the Talmud*. (New York: Block Publishing Company, 1968), 274.

<sup>81</sup> Kaminsky, *Fundamentals of Jewish Conflict Resolution*, 62.

<sup>82</sup> John Ferguson, *War and Peace in the World’s Religions*. (New York: Oxford University Press, 1978), 89.

apparent that conflict resolution mechanisms have always been incorporated into the religious and legal practices of Judaism. “The institution of the *beit din* is so firmly rooted in the history of the Jewish people that it continues to play an active role in the arbitration, mediation and adjudication of Jewish disputes to this day.”<sup>83</sup> Rabbi Adam Berner, “a judge for the *Beit Din* of America, explains that *Shalom* (peace) .... should be the prime objective in resolving disputes.”<sup>84</sup> In this day and age, the contemporary Jewish court system still aims to promote peace and restore social harmony through their own faith-based ADR processes of *p’sharah* and *bitzua*.

### Concluding Thoughts

The Jewish tradition, from the very beginning, has skillfully woven conflict resolution methods into its everyday religious teachings, beliefs and practices. In accordance with *halakhah*, the Jewish faith strives to cultivate peaceful interpersonal relationships so that they can maintain social accord within their religious community. When a conflict arises between two members of the Jewish community, the parties take the necessary steps to resolve it. As an alternative to litigation, the judges in the *beit din* encourage the disputants to choose between mediation and arbitration to settle their disputes. For the individuals involved in a dispute, these are the cheaper and faster approaches to take when settling a conflict. From a religious standpoint, these two faith-based approaches for dispute resolution are seen as highly favorable, honorable and meritorious ways to reconcile differences and sustain peace amongst God’s people. We

<sup>83</sup> Guttenburg, *An Introduction to The Alternative Dispute Resolution Process in the United States: A look into Secular Mediation and Arbitration alongside Arbitration in Jewish Law – Beth Din*, 20-21.

<sup>84</sup> Johnston, Camelino and Rizzo, *A Return to ‘Traditional’ Dispute Resolution*, 4.



will see in the next section on Christian ADR that there is also an underlying emphasis upon reconciling individuals and resolving personal difference, however this must be done strictly in a biblical manner.

*“How good and pleasant it is when God’s people live together in unity!” - Psalm 133:1*

## CHAPTER 2

### **ADR – Christian Tradition**

*“Blessed are the peacemakers, for they will be called children of God.”- Matthew 5:9*

#### Introduction

As seen in the last chapter on Jewish ADR, conflict prevention and resolution are fundamental concepts found within the ethical and religious teachings of the Jewish faith. Today and throughout history, a central focus of Judaism has centered on a desire for peace. Therefore, those in the Jewish faith actively strive for peace within their daily lives and religious practice. Indubitably, personal conflicts will arise, and when they do, those in conflict can potentially be guided to reconcile their differences through alternative means of dispute resolution. By and large, Judaism strongly embraces mediation and compromise as viable alternatives to litigation. However, Christian practices share similarities with dispute approaches in Judaism, we will soon discover that Christianity offers its own unique methods of conflict resolution.

#### Historical Background

The religion of Christianity traces its historical roots back to Jesus of Nazareth who lived in Palestine over 2000 years ago. Christians believe that Jesus Christ is the central religious figure within the Christian faith. Christians consider Jesus to be the Son of God, the Messiah and their Savior and the Savior’s miraculous birth, life, and death can be found in the Gospels within the Bible. The Bible, which consists of the Old and New Testament, is considered to be the fundamental sacred text for those within the Christian faith. Christians believe that the stories, as well as the words within the Bible, are divinely inspired by God. Jesus’s teachings in the New Testament, along with the

scriptural rules, laws and principles found in the Bible serve as an ethical as well as a spiritual guide for those within the Christian faith.

Historically, Christianity's conflict resolution and ADR practices stem directly from the Bible. During biblical times, people did not always get along peacefully. In fact, there are many segments of the bible that discuss interpersonal conflict between groups as well as individuals. Christianity's faith-based approach for ADR consists of a distinctive blending of the practices of negotiation, arbitration, mediation and conciliation. All of these mechanisms are guided by biblical scripture and were used to resolve conflict and reconcile those who are in personal disputes. One of the earliest biblical examples of a negotiation took place between Abram and his nephew Lot. According to the text, God told Abram to leave Egypt with his family and travel to the land of Canaan. As they were traveling with their families, herds and herdsman, Abram decided to stop in Bethel to make an altar to the Lord. Abram and Lot were very wealthy and they had a lot of possessions and many herdsman that worked for them. Unfortunately, while they were in Bethel, a quarrel broke out between Abram and Lot's herdsman over who had rights to the land. Abram soon realized that this situation could quickly get out of hand and he wanted to avoid a conflict amongst his family. So he privately went to Lot and said, "Let there be no strife between you and me, and between your herders and my herders; for we are kindred."<sup>85</sup> Abram wanted to resolve the situation with Lot so he decided to negotiate with him. They both agreed that it was time for them to separate and find new lands to settle in. Lot decided to travel to the east and reside in the plain of Jordan and Abram decided to settle in the land of Canaan. Through

<sup>85</sup> Gen. 18: 8.

careful negotiation, they were able to resolve the strife between their herdsman amicably while still keeping the peace amongst their families.

Tribal life at large during ancient times was very difficult and it was riddled with interpersonal conflict. In order to maintain harmony within these religious communities it was vital to practice alternative forms of dispute resolution. For example, as previously discussed in the section on Judaism, Moses used arbitration to resolve disputes between the Israelites and Aaron preferred to use mediation as a form of peacebuilding. The biblical teachings in the Old Testament encourage God's people to peacefully work with others. For example, in Leviticus 19:18, God tells his people, "You shall not take vengeance or bear a grudge against any of your people, but you shall love your neighbor as yourself: I am the Lord." The Old Testament teaching of "loving your neighbor" was an important ethical principle that God commanded all people to follow. This essential command is stressed in the sacred Jewish texts; it is carried over and emphasized in the New Testament teachings of Jesus.

#### Jesus's Ethical Teachings in the New Testament

In order to understand Christianity's approach to ADR, it is necessary to examine the words and teachings of the prophet Jesus. As a prophet, Jesus was considered to be a divine messenger from God who was responsible for conveying God's religious teachings to others. Jesus began his teaching career when he was in his early thirties and he had twelve faithful disciples who followed him. "Through his words and deeds Jesus teaches that the reign of God – a reign that already has begun – is characterized by peace,

love and the forgiveness of enemies.”<sup>86</sup> His first and most notable speech was the Sermon on the Mount. It is in this discourse where Jesus discusses the importance of obeying the ten commandments and where he lays out the ethical and moral principles that one must follow to get into the kingdom of heaven. At the beginning of his sermon, in the Beatitudes, Jesus begins to address the importance of conflict resolution and how Christians should engage in ethical conduct with others. He explains to his disciples and followers that they must strive to be peacemakers and aim to get along with others. He says, “Blessed are the peacemakers, for they will be called children of God.”<sup>87</sup> Christians consider this teaching to be of utmost importance because it “commands them to resolve their disputes peacefully.”<sup>88</sup> Jesus says that if a person gets into a disagreement with a brother or sister they must reconcile with them before making an offering to God. The scripture recommends that people should avoid retaliation against others just like Jesus did. For Jesus is considered to be a peacemaker; a moral model for humankind therefore Christians should follow his example. In Matthew 5: 39, Jesus said, “But I say to you, Do not resist an evildoer. But if anyone strikes you on the right cheek, turn the other also. In this biblical passage, Jesus advises his followers that they should not fight back and engage in conflict situations with others. “In his life and death, Jesus lived out the sayings of the Sermon on the Mount. He did not return evil for evil.”<sup>89</sup> Christians are to act the same way that Jesus did when faced with hostile situations. If a conflict situation arises

<sup>86</sup> Joseph Allegretti, “A Christian Perspective On Alternative Dispute Resolution” *Fordham Urban Law Journal* 28, no 4. (2001): 997.

<sup>87</sup> Matt. 5:9.

<sup>88</sup> Shippee, “Blessed Are The Peacemakers: Faith-Based Approaches to Dispute Resolution,” 241.

<sup>89</sup> Allegretti, “A Christian Perspective On Alternative Dispute Resolution,” 999.

one should be humble and try to resolve it peacefully. As we can see, peacebuilding and humility are key elements in Christianity's and Judaism's faith-based approach for conflict resolution.

In the New Testament, Jesus proclaims that there are two great commandments that all Christians should follow. The first is to:

love the Lord God with all your heart, and with all your soul, and with all your mind, and with all your strength. The second is this, You shall love your neighbor as yourself. There is no other commandment greater than these.<sup>90</sup>

Christians must aspire to be loving and caring individuals who look out for the well-being of others. Jesus told his disciples to "love one another" and he places a strong emphasis upon selflessly loving one another.<sup>91</sup> For instance, he states that one should "love your enemies and pray for those who persecute you."<sup>92</sup> According to Jesus, this type of Christian behavior is seen as favorable and upright in the eyes of God and it will bring one closer to the kingdom of heaven. After examining these biblical passages, it is clear that conflict resolution practices are deeply engrained in the religious and ethical teachings of the Christian faith.

### Biblical Approach to Conflict Resolution

The biblical scripture along with Jesus's teachings of peace, love, forgiveness and reconciliation serve as a practical guide for resolving conflicts within the Christian community. Jesus provides very clear guidelines for conflict resolution and ADR in Matthew 18: 15-17. He states:

If your brother sins against you, go and show him his fault, just between the two of you. If he listens to you, you have won your brother over. But if he will not

<sup>90</sup> Mk 12: 29-31.

<sup>91</sup> Jn 13: 34.

<sup>92</sup> Matt. 5: 44.

listen, take one or two others along, so that every matter may be established by the testimony of two or three witnesses. If he refuses to listen to them, tell it to the church; and if he refuses to listen even to the church, treat him as you would a pagan or a tax collector.

As indicated above, there are several steps that a Christian must take in order to settle a dispute within their faith-based community. First, they must speak directly with the person whom they are having a conflict with. They must openly discuss the dispute at hand and see if they can negotiate; resolve it between the two of them. Most of the time it is common for a person to avoid the other person with whom they are having a problem with. Jesus is telling Christians that they must step out of their comfort zone and directly deal with situation at hand. They must be peacemakers and reconcile with their “brother” or “neighbor” even if they feel as if they have done nothing wrong.

This approach is vastly counter-cultural. Our obligation as Christians is to do everything *we* can to restore peace to relationships, regardless of the other person’s role in the conflict or posture toward reconciliation.<sup>93</sup>

This process of reconciliation can be very difficult but it is one that Christians should approach with humility, openness and receptivity.

In the second step of the reconciliation process discussed above, if the person refuses to negotiate; resolve the conflict with you, then it is necessary to bring along one or two community members to help. These community members will serve as mediators, or neutral third parties, who act as the go-between amid the two parties who are mired in a dispute. Sometimes it may be beneficial to call in outside help, like mediators, to help resolve a dispute between two believers. The mediators can help facilitate positive lines

<sup>93</sup> Laura Bernero, “The Process of Biblical Conflict Resolution” *Denver Institute for Faith & Work Blog*, August 28, 2017, accessed Sept. 2018, <https://denverinstitute.org/the-process-of-biblical-conflict-resolution/>.

of communication between the two parties and they can aid them in identifying the issues that need to be addressed. Mediators may also counsel the parties in hopes to bring about a resolution.

Mediation is as old as the Bible. Over 3,000 years ago, Moses was a mediator between God and the Israelites. Jesus is described as a mediator between God and man. (1 Timothy 2:5)<sup>94</sup>

Years of historical and biblical evidence reveal that mediation is a favorable approach for resolving conflicts because it can bring about reconciliation between the two parties.

Third, if the mediation fails, then the dispute must be taken the church leaders for arbitration. Arbitration is an alternative form of dispute resolution that brings about a binding decision to settle the dispute. It is better to have a church leader, such as a priest or elder, arbitrate the case because it will be judged according to Jesus's biblical principles of love, reconciliation and peace. However, if the church can't settle the dispute within the community, the last and final resort is to take the case to litigation.

Jesus's teachings, however, in the Bible did not favor litigation as a means of conflict resolution and reconciliation. For example, in Matthew 5: 25-26, Jesus said,

Come to terms quickly with your accuser while you are going with him to court, lest your accuser hand you over to the judge, and the judge to the guard, and you be put in prison. Truly, I say to you, you will never get out until you have paid the last penny.

Jesus tells his disciples that it is important to settle personal disputes among themselves before going to court. If a dispute is taken to a non-secular court it will be judged according to the law and not biblical principles. As a result, the case will be settled legally and it is likely that one party will suffer personal shame and financial pain. Jesus

<sup>94</sup> "What Does the Bible Say About Christian Mediations" *Christian Mediations* (2006): 2 accessed September 2018, <http://christianmediations.net>.



advises his followers to take an alternative faith-based approach to dispute resolution. He explains that “If anyone wants to sue you and take your coat, give him your cloak as well.”<sup>95</sup> Instead of filing lawsuits, it is important for Christians to “love your enemies, do good, and lend, expecting nothing in return.”<sup>96</sup> Jesus said that by acting this way, “Your reward will be great, and you will be children of the Most High; for he is kind to the ungrateful and the wicked. Be merciful, just as your Father is merciful.”<sup>97</sup> These favorable actions will bring Christians closer to God, by the same token when Jews actively pursue peace it will bring them closer to the Torah. The scripture indicates that Jesus was fully aware that legal disputes were going to happen and at times they were unavoidable. However, he continued to urge Christians to take the ethical approach and settle the dispute before even entering the courtroom.

#### Warnings Against Lawsuits

Jesus was not the only person in the New Testament who warned Christians to avoid lawsuits. Similarly, the Apostle Paul, in his First Letter to the Corinthians, spoke out against Christians who were taking their disputes to the secular courts in Corinth. After Jesus died and resurrected, his disciples became missionaries and faithfully spread his religious teachings, known as the “good news,” to others. They traveled to numerous towns and cities and established Christian churches throughout the world. The Apostle Paul received a divine revelation from God calling him to be a prophet for this new Christian movement. God told Paul that his mission was to pass on the “good news” to the Gentiles, or non-Jews. “Paul saw himself as a pioneer missionary whose chief task

<sup>95</sup> Matt. 5: 40.

<sup>96</sup> Lk. 6: 35.

<sup>97</sup> Ibid.

was to start Christian communities in places where they had not previously existed.”<sup>98</sup>

Paul took his prophetic calling very seriously and his mission work consisted of preaching, teaching, visiting and writing letters to numerous Christian congregations.

When Paul writes letters he’s writing every day, ordinary letters to real people in real cities trying to deal with the circumstances in which they’re living... He does want to deal with theological issues, but Paul isn’t writing theological treatises as much as he’s giving advice and instruction and encouragement for living.<sup>99</sup>

Paul’s letters provide us with a historical background of what life was like in ancient times for these newly formed Christian communities.

Paul made his first visit to the city of Corinth in the year 50 AD and he stayed for about eighteen months. At that time, “Corinth was, by any measure, one of the truly great cities of the Roman world and it was on the way to becoming not only the largest but most prosperous city in all of Greece.”<sup>100</sup> Corinth thrived in commerce, trade and manufacturing and it had two major trading ports. One was located on the Aegean Sea and the other was located on the Adriatic Sea. The city was famous for its monumental buildings and its temples that were dedicated to Roman and Greek gods and goddesses. During Paul’s time, the city of Corinth was culturally diverse and it “had a mixed ethnic population of Roman freedman, indigenous Greeks, and immigrants from far and wide.”<sup>101</sup> Paul observed that the city was religiously diverse as well; therefore it was a perfect place to spread the word of God. “As a cosmopolitan city, Corinth was a religious

<sup>98</sup> Ben Witherington, *Conflict and Community in Corinth*. (Michigan: William Eerdmans Publishing, 1995), 19.

<sup>99</sup> Wayne A. Meeks, L. Michael White and Holland Hendrix, “The First Christians: Paul’s Mission and Letters” *Frontline: From Jesus to Christ*, April 1998, accessed December 5, 2018, <https://www.pbs.org/wgbh/pages/frontline/shows/religion/first/missions.html>.

<sup>100</sup> Witherington, *Conflict and Community in Corinth*, 5.

<sup>101</sup> David E. Garland, *1 Corinthians*. (Michigan: Baker Academic, 2003), 3.

melting pot with older and newer religions flourishing side by side.”<sup>102</sup> While Paul was in Corinth, he worked as a tentmaker which gave him the opportunity to interact with and share his religious message with others. He also spent a considerable amount of time evangelizing throughout Corinth and he “founded a church that was diverse and socially stratified.”<sup>103</sup> The majority of the congregation consisted of Gentile converts however, there were some who were Jewish and there were former idol worshippers. It was a mixed gender group and the congregants came from varying socioeconomic backgrounds. It is important to keep in mind that in Roman Corinth social ranking was based on a hierarchy and social status; influence and wealth were extremely important. The social classes were ranked as follows: patricians (nobles), politicians, equestrians (military), plebians (working class), freeman and slaves. The two main social divisions were between: the patricians who were nobility and owned estates and the plebians who were the average working class which included farmers, builders and craftsmen. These social divisions oftentimes caused tensions within society and among the Christian congregation in Corinth.

After eighteen months, Paul left Corinth to continue his mission work. While he was gone, he diligently wrote letters to his Christian congregation in Corinth. “Paul wrote his letters as substitutes for oral communication. There is strong evidence that he intended his letters to be read aloud in congregational meetings.”<sup>104</sup> He knew that the church was facing problems and he had received oral reports that it was full of internal tensions and social divisions. In Paul’s first letter to Corinthians, he advises his

<sup>102</sup> Ibid., 9.

<sup>103</sup> Ibid., 18.

<sup>104</sup> Witherington, *Conflict and Community in Corinth*, 35.

congregation not to be swayed by the social and religious influences found within the community of Corinth. Within this epistle, Paul

warns against the perils of cliques and power factions that rip the fabric of the church's unity (1:10 – 4:21), of sexual immorality (5:1-7:40), or idolatry (8:1-11:1), of cliques and power factions that sabotage the church's worship (11:2 - 14:40), and of denying the resurrection of the dead (15:1-58).<sup>105</sup>

Paul knows that factionalism exists within the church and that people are arguing and not getting along. "When Paul writes he very often is trying to mediate disputes or settle the social tensions that crop up precisely because of the mixture of people that come into these congregations."<sup>106</sup> In the beginning of 1 Corinthians, Paul says, "Now I appeal to you, brothers and sisters, by the name of our Lord Jesus Christ, that all of you be in agreement and that there be no divisions among you, but that you be united in the same mind and the same purpose."<sup>107</sup> It is quite clear that Paul is advising his congregation that they must put aside their anger and jealousy and strive to work together as a unified Christian group. However, for this newly formed Christian community this was very difficult task to attain because members of the congregation were committing immoral acts and disputing with one another.

Paul was particularly upset about two major issues that were threatening the unification of the Christian church. First, he was angry because someone in the community had committed an immoral sexual act. This incident caused controversy between members of the church and it endangered the stability of the community. Paul quickly makes a judgment in this case and he orders that the offender must be expelled

<sup>105</sup> Garland, *1 Corinthians*, 21.

<sup>106</sup> Meeks, White and Hendrix, "The First Christians: Paul's Mission and Letters," 9.

<sup>107</sup> 1 Corinthians 10.

from the church and denied membership to the Christian Church. Additionally, “Paul advises a new standard: Corinthian Christians are to refrain from association with fornicators, the avaricious, the idolaters, revilers, drunks or thieves within their own community.”<sup>108</sup> He states that these types of people are wrongdoers and they will not inherit the kingdom of God.

The second situation that angered Paul was that members of the church were bringing their grievances against one another to the secular courts in Corinth. The courts in Corinth during that time period were pagan and had no association with the Christian church. In 1 Corinthians 6: 1-6, Paul firmly preaches about the serious nature of Christians engaging in public lawsuits. He states,

(1) When any of you has a grievance against another, do you dare to take it to court before the unrighteous, instead of taking it before the saints? (2) Do you not know that the saints will judge the world? And if the world is to be judged by you, are you incompetent to try trivial cases? (3) Do you not know that we are to judge angels – to say nothing of ordinary matters? (4) If you have ordinary cases, then do you appoint as judges those who have no standing in the church? (5) I say this to your shame. Can it be that there is no one among you wise enough to decide between one believer and another, (6) but a believer goes to court against a believer—and before unbelievers at that?

In verses 1-4, Paul clearly condemns Christians who decide to take their disputes to a pagan court for judgment. As recalled in the previous chapter on Jewish ADR, the rabbi’s also prohibited the Jews from going to Roman courts as well. Paul stresses that the judges in these courts are not Christian nor will they judge the case according to Christian values. “Roman judges and juries were often corrupt, prone to bribery and showed unfair partiality to those parties who were powerful and influential outside the courtroom,

<sup>108</sup> Margaret M. Mitchell, *Paul and the Rhetoric of Reconciliation*. (Tubingen: J.C.B. Mohr, 1991), 229.

regardless of the merits of the case.”<sup>109</sup> In addition, the judicial process for carrying out lawsuits in Roman Corinth did not align with the overall Christian teaching of loving and forgiving your neighbor. Roman litigation certainly did not foster harmonious relationships; it was known for causing hatred and pain among all parties involved in the suit. Paul was trying to promote unity within the Christian church; public lawsuits only gave rise to more fracturing within the Christian community. In verse 5, Paul scolds the congregation and tells them that their behavior and actions are shameful. He then informs them that conflicts between Christians must be handled and judged only by those within the Christian community. “Paul rejects altogether the idea of Christians initiating lawsuits against fellow Christians.”<sup>110</sup> In 1 Corinthians vs. 7-8 he states: “In fact, to have lawsuits at all with one another is already a defeat for you. Why not rather be wronged? Why not rather be defrauded?” But you yourselves wrong and defrauded—and believers at that. According to Paul, nothing good can come out of pursuing a lawsuit with another. Lawsuits do not encourage compromise, they do not promote peace, nor will they foster harmonious relationships within the Christian church community. Interestingly, “Paul adopts a strong *pro-mediation* view by insisting that Christians should resolve their disputes with each other internally, within the Church, rather than in secular courts.”<sup>111</sup> He believed that this faith-based approach to dispute resolution would help to promote peace and unify the Christian community in Corinth. Overall, it can be shown that Paul’s letters and Jesus’s teachings, strongly encouraged Christians to use alternative forms of

<sup>109</sup> David Brattston, “Disputes Between Christians,” *Direction* 2, no. 2 (Fall 2010): 266.

<sup>110</sup> Garland, *1 Corinthians*, 200.

<sup>111</sup> Allegretti, “A Christian Perspective On Alternative Dispute Resolution,” 1000.

dispute resolution when handling personal disputes within the early Christian church community.

### Persecution of Christians in Rome

The Christian community in Corinth not only struggled with internal problems but they also suffered from external hostility as well. The pagan people in Rome were very leery of the private practices of the Christians, they considered them to be a threat to the throne and as a result they began to persecute them. Christians suffered tremendously under the reign of Emperor Nero, who ruled the Roman Empire from 54 - 68 AD. He “found the Christians convenient scapegoats for the great fire at Rome in 64 CE and for other civic discontents.”<sup>112</sup> Sadly, the oppression of Christians continued for many years and when Emperor Diocletian became the ruler of Rome in 284 AD, he made it his mission to rid the empire of all of the Christians. It was not until 305 AD, when Diocletian renounced his throne, that the cruelty slowly started to subside. It is not “surprising that under these circumstances the law of the Christian church during the first three centuries of its existence was directed chiefly towards maintaining discipline among church members and concentrated on the internal concerns of the group.”<sup>113</sup> During these centuries, bishops and church leaders were primarily responsible for establishing church laws related to worship as well as rules concerning interpersonal relationships between its members.

The earliest surviving handbook of church law, the *Didache* or Doctrine of the Twelve Apostles, dates from the end of the first or the beginning of the second century. This brief work—it is scarcely more than a pamphlet-size—consists of a series of moral precepts, followed by prescriptions for the conduct of liturgical

<sup>112</sup> Jiri Bily, "Law in the Early Christian Church," *Journal on European History of Law* 1, no. 2 (2010): 58.

<sup>113</sup> Ibid.

services and a handful of rules about church governance. The *Didache* was soon followed by more ample expositions of the basic rules that governed conduct in early Christian communities.<sup>114</sup>

The persecution of the Christian community ceased in 311 AD when Emperor Constantine became the ruler of the Roman Empire.

#### Constantine: Structural & Legislative Growth of the Christian Church

Constantine was a major supporter of the Christian church; he was the first Roman emperor to convert over to the Christian faith. He played a pivotal role in instituting the Edict of Milan in 313 AD, which declared religious freedom for all people, even Christians, within the Roman Empire. The Edict of Milan had a profound impact upon the Roman Empire. From the fourth century onward, the Christian church transformed and became an integral part of the imperial Roman government.

This meant that Christians had a right to profess their faith without fear of legal obstacles. In addition, those who had been deprived of their status and legal power regained their position. They were given freedom of assembly, and property which had been confiscated during periods of persecution was returned to its original power.<sup>115</sup>

The church became a powerful organization that started to take on legal and judicial responsibilities. Church councils were created and led by bishops who were responsible for establishing religious canons and principles. Smaller church assemblies, or synods, were also formed and led by clergy and laymen. The church councils and the synods acted as “legislative bodies and became the new source of law, doctrinal pronouncements, and spiritual guidance. In addition, they functioned as courts, for they listened to complaints about deviant belief and conduct and rendered decisions on

<sup>114</sup> Ibid.

<sup>115</sup> Francis Opoku, “Constantine and Christianity: The Formation Of Church/State Relations in the Roman Empire,” *Ilorin Journal of Religious Studies* 5, no. 1 (2015): 21.



important contested matters within Christian communities.”<sup>116</sup> It is valuable to notice that there were already institutionalized conflict resolution practices set in place, but they were by far not the only dispute resolution methods utilized in the Christian faith.

During this time period, the Christian church and its religious leaders became more structurally organized. The clergy in the church were systematically organized in a hierarchy where each person had a specific rank and duty. The patriarchs, or bishops, were the highest ranked religious officials in Rome. When Constantine ruled, there were five patriarchs who “supervised church affairs in several different kingdoms.”<sup>117</sup> Next came the archbishop or metropolitans, who were responsible for overseeing the religious activities of the various dioceses within the provinces. Then came the bishops, who were in charge of supervising the priests and churches within a single diocese. “Each bishop must answer to his metropolitan for the conduct of the priests and laypersons within his diocese and the metropolitan has the authority to prescribe rules that the bishop subordinate to him must follow.”<sup>118</sup> Finally, the parish or village priests were the lowest ranked religious officials. They were in charge of the religious services and activities within their own parishes. Oftentimes, “the parish or village priest served as mediator and arbitrator on an array of issues involving his parishioners.”<sup>119</sup> The priests were expected to follow the bishops rules and they were to consult the bishop if they needed help solving any major problems within their parishes. This religious hierarchy was definitely noteworthy because it helped to maintain order, minimize conflict and regulate ethical

<sup>116</sup> Bily, "Law in the Early Christian Church," 59.

<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

<sup>119</sup> Jerome Barrett, *A History of Alternative Dispute Resolution*. (San Francisco: Jossey-Bass, 2004), 11.

conduct within the Christian church community. Interestingly, certain aspects of it were later adapted by the Catholic church and are still used today.

### Early Christian Dispute Resolution

Dispute resolution continued to be a mainstream practice carried out by Christian bishops during the fourth and fifth centuries. Christian emperors, during this time period, considered bishops to be religious experts in Christian canon law and they entrusted them with a tremendous amount of jurisdictional power. Bishops established their own ecclesiastical courts under their own jurisdiction to adjudicate public matters. "Bishops typically sought to reconcile the antagonists in disputes and to resolve conflicts by mediating between the parties, rather than imposing judgments from on high."<sup>120</sup> However, depending upon the case, bishops did have the power to adjudicate and impose judgments upon parties who severely deviated from Christian canon law.

During the Middle Ages, the Roman Catholic church held a significant amount of political and religious power throughout Western Europe. At times the church had to exercise its religious power to maintain peace and arbitrate disputes among their Christian sovereigns. In many cases, "the popes themselves often stepped into negotiations, sometimes on their own behalf and sometimes on behalf of others."<sup>121</sup> For example, Pope Leo the Great, is noteworthy because he bravely negotiated with Attila the Hun in 452, and he saved Rome from being attacked. Moreover, the popes during the Crusades were considered to be very successful mediators and arbitrators as well. Pope Gregory IX had an outstanding reputation as a papal mediator and peacemaker between

<sup>120</sup> Bily, "Law in the Early Christian Church," 60.

<sup>121</sup> Barrett, *A History of Alternative Dispute Resolution*, 12.

England and its neighbors. He also held a considerable amount of political power; was an expert in Christian theology and its moral teachings. So, when a dispute broke out between the Roman Emperor, Frederick, and the Lombard League, Pope Gregory was called in to mediate the conflict. Pope Gregory, “early in his papacy, was able to successfully secure a peace accord between the Holy Roman Emperor and the Lombard League, a task his predecessor had been unable to complete.”<sup>122</sup> It is quite clear then that Pope Gregory’s papal authority and religious influence helped to build a conciliatory bridge of understanding between these two disputing parties. Pope Gregory’s faith-based approach to dispute resolution truly helped to resolve the problem and establish a peaceful and acceptable solution for both sides.

In Christian history, the Period of the Crusades was plagued with religious conflict and violence. In 1095, “Pope Urban II brought together the clergy, nobility, and people of much of Europe at the Council of Clermont and launched the First Crusade,” against the Muslims who they believed to be “the disturbers of Christian peace.”<sup>123</sup> For centuries, Christians and Muslims fought holy wars against one another competing for control over the Holy Land. Amongst the midst of the violence and bloodshed, there were certain individuals who boldly renounced the wars and who bravely worked to promote peace.

During that time, one of the key peacemakers in the Christian faith was St. Francis of Assisi. Francesco was born in Assisi in 1181 and he was the son of a wealthy

<sup>122</sup> Henry King and Marc A. Le Forestier, “Papal Arbitration: How the Early Roman Catholic Church Influenced Modern Dispute Resolution,” *Dispute Resolution Journal* 52, no. 3 (August 1997): 76.

<sup>123</sup> Ronald G. Musto, *The Catholic Peace Tradition*. (New York: Peace Books, 2002), 78.

Italian merchant. When he was a young man, he became a knight so that could fight in glorious battles. In 1204, as Francis was en route to join another crusade he received a vision from God, directing him to return home. Shortly thereafter, while praying outside the church in San Damiano, he had a spiritual encounter with Jesus. “He heard Christ say three times from the crucifix: Francis, go repair my house which, as you see, is falling completely to ruin.”<sup>124</sup> Francis understood this message to mean that he was to help transform and rebuild the Christian church. Following this profound experience, Francis decided to renounce all of his possessions and live a life of poverty, peace, compassion and nonviolence. He strongly opposed the Crusades and he felt compelled to share and preach his message of peace with others. He traveled extensively to many towns “announcing the kingdom of God, preaching peace, teaching salvation and penance and the remission of sins.”<sup>125</sup> Many people made fun of him and they did not support his teachings, but he never lost faith and he continued to preach the Gospel. Overtime, Francis gained followers and twelve brothers who wanted to be actively involved in his ministry. These men, along with Francis, formed the First Order of the Franciscans. “The Franciscans became peacemakers, calling society to reconciliation through their own lives of repentance and nonviolence.”<sup>126</sup> They aimed to follow Jesus’ example by helping the poor and the sick and by extending compassion and peace to all of humankind.

Like Aaron, Francis was also a man of peace who made an effort to practice conflict resolution between all people, cities and nations. Francis was a very holy man

<sup>124</sup> “Christian History: Francis of Assisi,” *Christianity Today*, (August 8, 2008), accessed February 8, 2019, <https://www.christianitytoday.com>.

<sup>125</sup> Musto, *The Catholic Peace Tradition*, 83.

<sup>126</sup> *Ibid.*, 83.

and God gave him the unique ability to transmit peace to those around him. “One interesting aspect about Francis that does not receive much attention is how, through preaching and mediation, Francis was able to reconcile feuds and civil wars in various towns and cities throughout Italy.”<sup>127</sup> The sacred text *The Little Flowers of St. Francis*, recounts an interesting tale of St. Francis and Friar Masseo traveling to the city of Siena that was in the midst of the civil war.

As they drew nigh unto Siena, the people of the city heard of the coming saint, and went forth to meet him; and for devotion they bare him and his companion even unto the Bishop’s house, so that they touched no ground with their feet. In that hour certain men of Siena fought together and already two of them were slain; but when St. Francis arrived there, he preached to them so devoutly and holily that he brought them all to peace and to great unity and concord.<sup>128</sup>

Without a doubt, it is truly a miracle that Francis was able to end the conflict and reconcile the people of Siena through only his words alone. I suspect that in this situation, Francis received divine assistance and inspiration while preaching his message of peace to the people. For he was a powerful orator whose spoken words were able to spiritually transform those who were in the midst of conflict.

Towards the end of Francis’s life, his health and his eyesight began to slowly deteriorate. While he was in his last preaching tour, he heard that there was a dispute going on between the Bishop and the Mayor of Assisi. Naturally, Francis wanted to help the two men settle their differences, but he could not walk and he could hardly see. So, Francis cleverly chose an alternative approach to fix the problem. Francis decided to use

<sup>127</sup> Bret Thoman, “Francis as Peacemaker,” *The Secular Franciscan Blog*, entry posted February 6, 2014, <http://rhinoweb.org/st-francis-as-peacemaker>, accessed February 10, 2019.

<sup>128</sup> W. Heywood, *The Little Flowers of St. Francis*. (London: Methuen & Co, 1906), <http://www.sacred-texts.com/chr/lff/lff000.htm>.

music as a mechanism to mediate peace between the two men. He was in the middle of composing a spiritual song called the Cantic of Brother Sun. This song praises God for making the earth along with the sun, moon, stars, wind, water and fire. The song “points to the characteristics found in nature, such as gentleness, simplicity and endurance.”<sup>129</sup> Francis decided to write a new stanza that called for a reconciliation between the two men.

“Praised be You, my Lord, through who give pardon for Your love and bear infirmity and tribulation. Blessed are those who endure in peace for by you, Most High, they shall be crowned.”<sup>130</sup>

Francis boldly “sent some of his Brothers to sing the Cantic with the new verse to the Bishop and the Mayor and they were both reduced to tears, ashamed of their behavior, and quickly reconciled.”<sup>131</sup> And as a result, the community in Assisi was able to return to its normal peaceful coexistence. By and large, St. Francis was a remarkable Christian peacemaker who selflessly dedicated his life to spreading the Gospel, resolving conflicts and cultivating peace amongst others. Clearly, St. Francis was not just trying to mediate disputes, he was striving to spiritually and personally transform individuals so that they could find peace within themselves, within others and with God. In a time of war and conflict, St. Francis surely stood out as a divinely inspired messenger, peacemaker and mediator. It is important to point out that both St. Francis and Aaron had effective but different approaches for mediating peace. St. Francis’s used preaching and songs to

<sup>129</sup> F. Matthews-Giba, “Religious Dimensions of Mediation,” *Fordham Urban Law Journal* 27: 5 (2000): 1696.

<sup>130</sup> Thoman, “Francis as Peacemaker.”

<sup>131</sup> “Francis,” *Saint Francis of the Rogue Valley*, October 4, 2012, <http://www.stfrancis-roguevalley-ofs.com/francis>, accessed February 10, 2019.

deeply move disputing parties towards reconciliation, whereas Aaron's took a more personable and empathetic approach towards pursuing peace.

During the Middle Ages, there was no difference between the term mediator and arbitrator; in essence, these two terms were just one in the same. In general, "an apparently universal practice among arbitrators in the Middle Ages was to first act as an *"amiable compositeur,"* attempting to reach an amicable settlement before imposing one."<sup>132</sup> It was not uncommon for the Roman Catholic Church to act as an arbitrator when there was conflict between their Christian sovereigns. The church was committed to keeping the peace and in order to maintain social and political harmony they had to engage in alternative dispute resolution practices. It was customary for the church to send representatives, like bishops and cardinals, to partake in a formalized arbitration process. For example, in

A 1343 agreement between King Waldemar of Denmark and King Magnus of Sweden provided for an arbitral commission comprised of three bishops and three knights named by each side, and that a hearing panel would be determined by two of the panel of six, one chosen by each side. That knights, of noble birth and devotion to chivalry, were chosen in addition to bishops demonstrates the importance of selecting arbitrators perceived to be governed by principles of good faith and honor.<sup>133</sup>

It is evident in the agreement above, that both kings had a say in the overall formation of the arbitral panel. This was a vital process because it gave each side an opportunity for equal representation before proceeding with arbitration. Clearly, the bishops and knights that were chosen to serve on the panel had to have specific honorable traits and moral qualities as well. From a religious perspective, it is clear that the church had a direct

<sup>132</sup> Henry T. King Jr. and Marc A. Le Forestier, "Papal Arbitration: How the Early Roman Catholic Church Influenced Modern Dispute Resolution," 77.

<sup>133</sup> Ibid.

influence upon the development and implementation of the ADR practices that were used within the Christian tradition from the fourth century onward. Interestingly, many of these faith-based ADR techniques are still being used today to resolve conflicts within the Christian faith.

### Contemporary Christian Conciliation

In the Bible, “the teachings of Jesus and the various authors of the New Testament passionately urge Christians to forgive one another, stay out of court, and personally resolve their disputes in the least formal way possible.”<sup>134</sup> With the traditional approach to Christian dispute resolution there was more of an emphasis upon using negotiation, mediation, and arbitration to resolve disputes. Similarly, in contemporary Christian dispute resolution there is more of an emphasis upon these methods as well.

In the United States today, there are numerous Christian organizations that actively practice and offer conflict resolution services. The modern name used for Christian conflict resolution is Christian Conciliation. “Christian conciliation is a process for reconciling people and resolving disputes out of court in a biblical manner.”<sup>135</sup> The first Christian Conciliation Service (CCS) was established in 1980 in Albuquerque, New Mexico, by an attorney named Laurence Eck.<sup>136</sup> In 1982, the Christian Legal Society (CLS) and the Christian Conciliation Service joined together and held their first annual

<sup>134</sup> Shippee, “Blessed Are The Peacemakers: Faith-Based Approaches to Dispute Resolution,” 242.

<sup>135</sup> Peacemaker Ministries. “Guidelines for Christian Conciliation,” (2001), 1-28, accessed November 2018, <https://peacemaker.training/guidelinesforchristianconciliation>, 4.

<sup>136</sup> Glen G. Waddell and Judith M. Keegan, “Christian Conciliation: An Alternative to “Ordinary” ADR,” *Cumberland Law Review* 29, no. 583 (1999): 585. Accessed October 23, 2018, <https://heinonline.org>.



conference focused upon Christian Conciliation. The conference was a huge success and shortly thereafter many smaller Christian Conciliation chapters were formed. In 1987, the Association of Christian Conciliation Services (ACCS) was formed and it consisted of twenty-five chapters around the nation.<sup>137</sup> Ken Sande, the director of the Christian Conciliation Service in Montana, became the president of the ACCS in 1982. The ACCS continued to grow and it “developed model conciliation procedures and training materials, including the *Rules for Christian Conciliation*.<sup>138</sup> Alongside the ACCS, the Christian Conciliation in Montana, also experienced tremendous growth. In 1993, both of these organizations decided to merge and take on the name Institute for Christian Conciliation (ICC).

Since then, the ICC has continued to coordinate national efforts to promote Christian conciliation by developing professional quality conciliator training, maintaining a network of trained conciliators, referring and administering cases, and sponsoring an Annual Conciliation Conference.<sup>139</sup>

The ICC eventually changed its name to the Peacemaker Ministries in 1996; it is the leading national organization in the conflict resolution field today. Peacemakers Ministries is a non-profit organization that offers conciliation education, training and services to churches, ministries and organizations throughout the country. When teaching Christians how to deal with conflict, the Peacemakers strive to focus on the positive aspects of conflict rather than the negative. The Peacemakers believe that “by God’s grace, Christians can use conflict to glorify God, serve other people, and grow to be like

<sup>137</sup> Ibid.

<sup>138</sup> Ibid., 586.

<sup>139</sup> Ibid.

Christ.”<sup>140</sup> They encourage Christians to follow Jesus teachings and his biblical approach to conflict resolution in Matthew 18: 15-17. Furthermore, they instruct Christians to always try to negotiate with one another when they encounter personal differences.

### Christian Conciliation

Conciliation is an ADR process where parties voluntarily meet to seek out an amicable settlement to a dispute. “Christian conciliation has been used to settle a wide variety of disputes, including contract, employment, family, personal injury, church, landlord/tenant, real estate, creditor/debtor and professional conflicts.”<sup>141</sup> Conciliations are led by a conciliator, who is neutral third party, that has the power to develop and propose the terms of settlement for the dispute.

Christian conciliation is a process for reconciling people and resolving disputes out of court in a biblical manner. The process is conciliatory rather than adversarial in nature – that is, it encourages honest communication and reasonable cooperation rather than unnecessary contention and advocacy.<sup>142</sup>

The process can be led either by a reconciler who “serves under the guidance and authority of the parties’ churches” or a professional conciliator who “serves the parties on a contract basis.”<sup>143</sup> There are three major steps that one can take when they engage in Christian conciliation.

First, both of parties may privately engage in individual counseling or conflict coaching to receive advice how to resolve the dispute at hand. Second, if private efforts are unsuccessful, the parties may submit their dispute to biblical *mediation*, a process in which one or more Christian conciliators meet with them to promote constructive dialogue and encourage a voluntary and biblically faith settlement of their personal and substantive differences. Third, if mediation is

<sup>140</sup> Shippee, “Blessed Are The Peacemakers: Faith-Based Approaches to Dispute Resolution,” 243.

<sup>141</sup> Peacemaker Ministries. “Guidelines for Christian Conciliation,” 4.

<sup>142</sup> Waddell and Keegan, “Christian Conciliation: An Alternative to “Ordinary” ADR,” 590.

<sup>143</sup> Ken Sande, *The Peace Maker: A Biblical Guide to Resolving Personal Conflict*, 273.

unsuccessful, the parties may proceed to biblical *arbitration*, which means that one or more arbitrators will hear their case and render a legally binding decision consistent with Scripture.<sup>144</sup>

These steps for Christian conciliation are clearly modeled off of the conflict resolution guidelines taught by Jesus in Matthew 18: 15-17. Jesus tells Christians that they should first go to the person and try to work out the problem. If that does not work, take one or two people with you to mediate the dispute. If mediation is unsuccessful, it is standard to take the dispute to the church for arbitration. It is interesting to see how the biblical dispute resolution practices from thousands of years ago are still being used today within Christian conciliation.

Christian conciliation is not only grounded in biblical scripture but it also linked to the Christian Legal Society. “Christian conciliation uses established methods to facilitate the negotiation while adding some very important techniques of its own.”<sup>145</sup> Before conciliation can commence, a preliminary meeting must be arranged with a case worker from the Christian Conciliation Service to discuss the dispute at hand. This is also an opportunity for the case worker to find out if the parties have already attempted to meet face to face to settle their differences. Next, the parties make a choice if they would like to engage in mediation or a binding arbitration. Most of the time, the parties will initially agree to a mediation but if the mediation does not come to fruition they will proceed to an arbitration. After the parties choose the process that they prefer, CCS conciliators/peacemakers will be chosen to work collaboratively during the conciliation process. “Peacemakers usually work as a team of three, which will include a lead

<sup>144</sup> Ibid.

<sup>145</sup> Judith M. Keegan, “Peacemakers: Biblical Conflict Resolution and Reconciliation as a Model Alternative to Litigation,” *Journal of Dispute Resolution* 4 (Volume 1987): 19-20.

mediator and two other mediators, one who may act as moderator, and another who may act as an intercessor, praying for a just solution during the negotiations.”<sup>146</sup> After that, the parties must sign a mediation agreement in order to move forward with the conciliation process. One very interesting feature of Christian conciliation is that each party has to engage in a self-study. “It is an eight-day study with life inventory and scripture readings on topics of reconciliation, unity of Christians, sin and confession, forgiveness, love, peace, and the Biblical steps to resolving disputes.”<sup>147</sup> Both parties are given a couple of weeks before the mediation to work on the self-study workbook. This faith-based self-study is essential because it provides both parties with the knowledge about the religious and moral underpinnings of Christian faith and conciliation. It is also customary for CCS to inform the church leaders of the disputants and ask for their approval before engaging in mediation.

In Christian conciliation, a mediation/arbitration normally begins with a prayer and welcome statement from the conciliators. The peacemakers will also explain the mediation/arbitration process and set the ground rules for the joint meeting. Next, each party will have an opportunity to tell their side of the story. After the storytelling, both parties will have a chance to respond to each other. Then both parties will each have separate private meetings with the peacemakers. This is really a time for the peacemakers to find out the position, needs and interests of both parties. After that, the peacemakers will have a “mediator’s meeting, in which the peacemakers discuss the progress and pray for a just and fair resolution, as well as reconciliation between parties and any personal

<sup>146</sup> Ibid., 21.

<sup>147</sup> Ibid.

healing or resolving of hurts the parties may need.”<sup>148</sup> Then, with the support of the peacemakers, the parties will reconvene to mutually discuss possible solutions to the problem. Similarly so, in Gary Friedman and Jack Himmelstein’s understanding-based model for conflict resolution, the mediator’s role is to support the parties while they mutually shape their own solutions to the problem. If both parties mutually agree to a solution then they will sign a written agreement. If they can’t agree, then the peacemakers will make an arbitration decision that is legally binding and a written agreement will be signed.

The aim of Christian conciliation is to help Christians negotiate and resolve their conflicts peacefully. “Since Christianity teaches confession of sin and forgiveness through Jesus Christ as the way to reconciliation with God, Christian mediation encourages parties to confess their sins to God and one another, to forgive, and to be reconciled to God and to each other.”<sup>149</sup> Reconciliation is essential because it enables both parties to restore their damaged relationship and it opens the door for peace. On the whole, Christian conciliation is a more favorable ADR approach for dispute resolution because it is private and focuses upon the people involved in the conflict. It also “promotes traditional values, preserves relationships, encourages beneficial change, avoids negative publicity, and provides a positive witness.”<sup>150</sup> Furthermore, on a practical

<sup>148</sup> Ibid., 22.

<sup>149</sup> Anne Bachle Fifer, “Creative Uses of Mediation – Extending Mediation Beyond the Norm: Christian Mediation,” *Institute of Continuing Legal Education*, accessed Nov. 2018, [https://abfifer.com/resources/mediation\\_article2.pdf](https://abfifer.com/resources/mediation_article2.pdf).

<sup>150</sup> “Christian Conciliation Handbook – Center for Conflict Resolution,” (1994), 1-41. accessed November 2018, [www.ccr4peace.org/ccrhandbookbound.doc](http://www.ccr4peace.org/ccrhandbookbound.doc).

level, conciliation is faster, more convenient and less expensive than the traditional litigation process.

### Blessed are the Peacemakers

Within biblical scripture, Jesus calls upon all Christians to strive to be peacemakers and practitioners of conflict resolution. He commands Christians to selflessly love one another and to be forgiving of all their wrongs. Jesus gracefully exemplifies the true qualities of a peacemaker and he unconditionally loves and forgives all people. Christians are expected to follow his example and to forgive others as well. Jesus provides Christians with godly advice and instructions that guide them to be peacemakers so that they “can turn conflict into an opportunity to strengthen relationships, preserve valuable resources, and make their lives a testimony to the love and power of Christ.”<sup>151</sup> God loves peace and he praises those who act as peacemakers in the world. The Christian conciliation process is an excellent example of an ADR approach that continues to promote harmony in this world. In this day and age, when conflict is ever present we definitely need peacemakers to help negotiate, mediate and reconcile human conflict.

*“If it is possible, so far as it depends on you, live at peace with everyone.” Romans 12:18*

<sup>151</sup> Sande, *The Peace Maker: A Biblical Guide to Resolving Personal Conflict*, 12.

## CHAPTER 3

### ADR – Islamic Tradition

*“The believers are but a single Brotherhood: So make peace and reconciliation between your two brothers: And fear Allah that ye may receive Mercy.”- Surah 49:10*

#### Introduction

The previous chapter on Christian ADR, explored the biblical approaches that the Christian tradition has used to settle conflict within their own unique faith-based community. Christians are taught to settle personal disputes quickly and to seek counsel *inside* of their religious community if help is needed to resolve a conflict. Christians are told not to sue, but to use negotiation, arbitration, mediation and conciliation to peacefully settle their disputes. Additionally, by integrating conflict resolution into their everyday life and religious practices, Christians are able to maintain peace and concord within their religious community.

Likewise, in the Islamic tradition the resolution of conflicts and peacebuilding are fundamental and essential practices as well. As we will soon see some of the Islamic ADR approaches are quite similar, while others are rather culturally and stylistically diverse from those deployed by Christianity. Overall, it is quite clear that all three of the religious groups considered here in the outset of this text indeed value conflict resolution and intentionally implement dispute resolution practices to regulate interpersonal relationships within their faith-based communities.

#### Historical Setting & Background

As some may already know, Islam is a monotheistic religion that was revealed by God to the Prophet Muhammad in Ancient Arabia around the 7<sup>th</sup> century CE. The word Islam comes from the Arabic term *sa-li-ma*, which means peace or the submission to the

will of God. The religious followers of Islam are called *Muslims*, or those who submit to the will of God. Muslims worship Allah, the one eternal God, who was the creator and ruler of all things. “The essence of Islam is personal awareness of the presence of God and of the inherent goodness of everything God has created, including human beings.”<sup>152</sup> Muslims believe that Allah’s divine words were transmitted by the Angel Gabriel to the Prophet Muhammad and then they were written down in the holy book called the Qur’an. Muslims maintain that the Qur’an is “God’s final revelation to humanity,” and they are directed to follow its religious and ethical teachings.<sup>153</sup> As a whole, the religion of Islam has a robust religious and political history one that includes periods of struggle, violence, conflict, conquests, triumphs and peace. As we will soon discuss, from the very beginning, conflict resolution, arbitration, negotiation and mediation have been fundamentally essential practices used to keep the peace, regulate human relationships and restore family and tribal honor within the Islamic tradition.

Historically speaking, Islam traces its origins back to the Arabian Peninsula. During pre-Islamic times, Arabia was a tribal society where many of the people adapted a nomadic pastoral lifestyle although there were some cities and settlements as well. One nomadic group that dominated most of Ancient Arabia before the introduction of Islam were the Bedouin. This polytheistic group hunted, traded and had herds of sheep, camels and goats that provided them with sustenance so that they could live. The Bedouin organized themselves politically into family related groups called clans. These clans when clustered together would form larger kin-related groups called tribes. Tribal society

<sup>152</sup> Mohammad Ali Chaudry and Robert Dickson Crane, *Islam & Muslims*. (Basking Ridge: Center for Understanding Islam, 2011), 26.

<sup>153</sup> Ibid, 10.



was patriarchal, or male-dominated, and the tribal leaders were called sheikhs. One could not survive in Arabia without the help and protection of their tribe. The members of each tribe worked collectively as a group, and

to cultivate this communal spirit, the Arabs evolved an ideology called *muruwah*, which meant courage in battle, patience and endurance in suffering, and a dedication to the chivalrous duties of avenging wrong done to the tribe, protecting its weaker members and defying the strong. To preserve the *muruwah* of the group, each member had to be ready to leap to the defense of a fellow tribesman and obey his chief without question.<sup>154</sup>

The chiefs held a significant amount of power and they were primarily responsible for keeping order, protecting and ensuring the survival of their tribe. The Bedouin had their own systems of justice, which varied among tribes, that was based upon their tribal ethical principles of hospitality, courage and honor. If a minor dispute occurred between two people in a tribe, it must be discussed and resolved informally by the families of the disputing parties.

When conflicts can't be resolved they are taken to a Bedouin arbitration court and a tribal chief or elder settles the issue. If a tribal member commits a minor or a major crime against a tribesman or a member of another tribe they must be punished by those within their tribe. Tribes were held responsible for the wrongdoings committed by their tribal members. Therefore, they had to resolve conflicts quickly in order to restore the tribe's honor. Bedouin tribal society also shared common ethical understandings and tribal retaliation was culturally permitted. The killing a fellow tribesman or another member of a tribe was seen as a serious offense and must be avenged. Tribal raiding (*ghazu*) was also a common activity amongst the tribes and violent conflicts would ensue

<sup>154</sup> Karen Armstrong, *Muhammad: A Biography of the Prophet*. (New York: Harper Collins, 1993), 58.

when tribes attacked their enemies, raided their caravans and ran away with their goods and livestock. During the sixth and seventh century, tribal customs and cultural practices had a significant impact upon Muhammad and the society living in Mecca. Tribes would travel there to trade their goods and make offerings to their tribal gods housed in the sacred Ka'bah. In order to gain a better understanding of Islam's faith-based approaches for dispute resolution, one must become familiar with the story, personalities and spiritual path of the Prophet Muhammad.

*Muhammad: Respected Arbitrator*

Muhammad was born in the year 570 in the Arabian city of Mecca which was then a thriving center of commerce and trade. "He belonged to the Hashim clan, one of the smaller segments of the tribe of Quraysh that dominated Mecca."<sup>155</sup> When Muhammad was young, Mecca also served as an important pilgrimage site for religious worshippers coming to visit the sacred shrine known as the Ka'bah. The Ka'bah was believed to be built by Adam and it housed all of the local tribal gods and goddesses. "The leaders of the Quraysh tribe were custodians of the Ka'bah and greatly benefited from the trading activity during the annual pilgrimage."<sup>156</sup> Sadly, Muhammad was orphaned at a young age but his Uncle Abu Talib, head of the Hashim clan, agreed to raise him. When Muhammad grew up he worked as a merchant and when he was in his twenties, he began working for a widow named Khadijah who ran trading caravans. While working for Khadijah, he traveled extensively and he earned a reputation for being very trustworthy. Overtime, Khadijah became very fond of Muhammad and she

<sup>155</sup> Ibid., 6.

<sup>156</sup> Chaudry and Crane, *Islam & Muslims*, 21.

eventually proposed marriage to him. They had a good working relationship so Muhammad agreed to marry her even though there was a considerable age difference between the two of them.

“Traditional sources portray Muhammad as having been a promising and respected young man who participated in both Mecca’s cultic activities and its commerce.”<sup>157</sup> His tribesmen, the Quraysh, were caretakers of the Ka’bah and Muhammad aided in the restoration of the Ka’bah after it had been damaged by floods in Mecca. Unfortunately, after the reconstruction of the Ka’ba was completed, a dispute broke out between a group of tribes over who would have the honor of placing the Black Stone back in its rightful place inside the Ka’ba. The tribal chiefs argued with one another and were on the verge of fighting one another just so they could perform this honorable deed. The tribes respected Muhammad, and they considered him a trustworthy individual, so they asked him to help resolve the dispute. Muhammad, having consequently agreed to arbitrate the case, “proposed a simple yet creative method to resolve the dispute. He placed a stone on the cloak and asked each clan to hold one side of the cloak and jointly lift the stone to the desired height. Then he placed the stone in its new location.”<sup>158</sup> Surely, we agree that this was indeed a “creative method” to use to resolve the dispute between the clans. Not only was Muhammad able to convince the clans to collaboratively work together to lift the stone but he was also able to sway them into collectively compromising upon the exact height where the stone should be placed within the Ka’ba. Once the clans mutually agreed upon the location of and position for

<sup>157</sup> Ibid.

<sup>158</sup> Mohammed Abu Nimer, *Nonviolence and Peace Building in Islam*. (Gainesville: University Press of Florida, 2003), 63.

the stone, Muhammad stepped in and put it in its agreed upon place. Muhammad's approach for conflict resolution and peacebuilding in this situation was extremely clever and well thought out. He successfully mediated the conflict and he ensured that each tribe had an opportunity to honorably return the stone to Ka'ba. Because of this, the tribes in Mecca respected him and considered him to be a wise and honorable peacemaker within the Meccan community. Peacemakers today should take note of Muhammad's peacebuilding techniques so that they too can help disputing parties mutually work together to peacefully resolve their differences.

Further on in his life, when Muhammad was in his late thirties, he would occasionally retreat to a cave on Mt. Hira to meditate and pray. Mecca at the time was extremely corrupt and the people were engaging in pagan worship and religious practices that troubled Muhammad. He found comfort when he went to the cave and he considered it to be a place where he could relax and reflect. In the year 610, while he was on a spiritual retreat, he was visited by the Angel Gabriel with a message from God (Allah). Gabriel told Muhammad that he was chosen to be Allah's last messenger, or prophet, to humankind. Gabriel then instructed Muhammad to recite some verses aloud. Muhammad told the angel that he could not read so the angel embraced him and miraculously Muhammad began reading and reciting the first verses of the Qur'an. He said,

Recite in the name of thy Lord who created!  
He createth man from a clot of blood.  
Recite: and thy Lord is Most Bountiful  
He who hath taught by the pen,  
Taught man what he knew not.<sup>159</sup>

<sup>159</sup> Karen Armstrong, *Muhammad: A Biography of the Prophet*. (New York: Harper Collins, 1993), 83.

In the passage above, Muhammad is proclaiming that God alone is his Lord and the creator of all things. He states that God is generous because he gave man the gift of knowledge and he taught man how to write. Because of this, Allah's religious message was able to be preserved and communicated to future generations for years to come. For Muslims, these verses are very significant because they are considered to be the first revelation from Allah to Muhammad as well as the rudimentary verses of the sacred Qur'an. This revelation definitely had a profound spiritual as well as ethical impact upon Muhammad. For Muhammad was raised in a pagan tribal society and now Allah had called him to spread his message of monotheism to the people and tribes of Ancient Arabia. Obviously, this profound calling was very worrisome for Muhammad because it went against the religious and cultural practices that Muhammad had known and followed up until this point. In fact, at first Muhammad felt overwhelmed and terrified by this spiritual encounter with God. He had been given such a daunting task and he was not sure how he was going to accomplish it. Muhammad was not the only prophet who had feelings like this, in fact many biblical prophets had similar thoughts and concerns as well. Certainly so, it is probably true that many mediators and peacemakers experience a similar daunting feeling when they have to handle a challenging conflict situation.

After Muhammad received his revelation from God, he spoke to Khadija about his experience and she comforted and supported him. Shortly thereafter, Muhammad began to receive more spiritual revelations and visions from God. At first, Muhammad only felt comfortable sharing these messages with his immediate family. After two years of reflection, Muhammad accepted his prophetic calling and began preaching God's message to his tribesmen and the people in Mecca.

### Muhammad's Religious & Ethical Message

In 613, Muhammad began revealing God's message to the people in Mecca. These divine messages were revealed to him verse by verse, and they were later collected to form the Qur'an, Islam's holy book. When Muhammad began to preach openly in Mecca his message of monotheism (*tawhid*) was not taken favorably by the tribes. As we recall, traditional tribal society in Mecca was polytheistic and their pagan tribal gods were worshipped regularly at the Ka'ba. Muhammad continued to preach even though he was ridiculed for doing so. In his religious message, he proclaimed that the people should submit to one God, *Allah*, the Lord of the Day of Judgment. He told the people that they should be compassionate and caring towards others and that they should care for and give alms to the poor within their tribes. He encouraged the people to pray and have faith in *Allah*; he denounced idol worship. "Muhammad acquired a small following of Muslims and eventually some seventy families had converted to Islam."<sup>160</sup> Khadija, Muhammad's wife was the first to convert to Islam and his Uncle Abu Bakr soon followed.

Around 616, the powerful tribal leaders in Mecca had just about had enough of Muhammad's preaching about monotheism. They were angry with Muhammad who they believed "reviled the faith of their fathers, and was obviously a charlatan, who only pretended to be a prophet."<sup>161</sup> Sadly, the situation got worse when the Quraysh and all the tribes in Mecca decided to "impose a boycott on Muhammad's clan, forbidding the Quraysh to marry or trade with the Muslims."<sup>162</sup> As a result, many Muslims suffered tremendously and some died, like Khadija and Abu Talib, because they were not able to

<sup>160</sup> Karen Armstrong, *Islam: A Short History*. (New York: Modern Library, 2002), 12.

<sup>161</sup> Ibid.

<sup>162</sup> Ibid.

obtain food and money to survive. After the ban was lifted, the tribes continued to persecute Muhammad and his followers. They even devised a plan to assassinate Muhammad while he was sleeping but he was able to escape. Muhammad knew that the situation in Mecca was only going to get worse if he stayed there. Muhammad no longer had a tribal protector because Abu Talib had died. He was in a dire situation and needed to make an alliance with a new protector so that his people would be safe from religious persecution.

### *Muhammad & Conflict Resolution in Medina*

In 620, Muhammad's unsettling situation in Mecca thankfully changed for the better. "Muhammad was invited by a delegation from Yathrib (later called Medina), a city two hundred miles north of Mecca, to serve as a chief arbitrator or judge in a bitter feud between its Arab tribes.<sup>163</sup> The city of Yathrib at the time, "had a population of 10,000 organized into approximately 22 tribes. Half the population was Jewish and half was Arab."<sup>164</sup> The tribes lacked leadership therefore they were in a constant state of warfare. This conflict situation was having a devastating effect upon the tribes and its people. Muhammad accepted the offer to serve as arbitrator and in the year 622 the Prophet and a large group of Muslim families embarked on a migration, or *hijrah*, from Mecca to Medina. Historically, the *hijrah* served as a significant turning point for Muhammad and the Islamic community. Now "Islam took on a political form with the establishment of an Islamic community-state in Medina."<sup>165</sup> This new Islamic

<sup>163</sup> John L. Esposito, *Islam, The Straight Path*. (New York: Oxford University Press, 1998), 8.

<sup>164</sup> Yetkin Yildirim, "Peace and Conflict Resolution in the Medina Charter," *Peace Review* 18, no.1 (January 2006): 111.

<sup>165</sup> Ibid.

community, or *umma*, would finally be able to practice their faith freely without fear of persecution.

When Muhammad arrived in Medina, his personal status changed significantly. His role as the community arbitrator/mediator elevated his political, religious and military standing and the Jews and the Muslims respected him. Muhammad was determined to step in as a third party and work for a resolution to the tribal conflict in Medina. He believed that the community in Medina needed to be structurally organized and that ethical guidelines must be established to positively regulate interpersonal relationships within society. Muhammad felt that it was important to form an alliance between all the tribes living in Medina. He strategically decided to negotiate a charter with the tribes known as the Constitution of Medina, or the Medina Charter. It

was the first written constitution in Islam and it established governing rules for the people of Yathrib and addressed specific social issues of the community in an attempt to end the chaos and conflict that had been plaguing the region for generations.<sup>166</sup>

When brokering and drafting the Constitution, Muhammad was very careful to meet with the tribal leaders of each tribe and listen to their needs and concerns. Interestingly, many of the Arab tribes decided to embrace Islam while the Jewish tribes chose to remain solely dedicated to their own religious faith and practices. The Charter

set out the rights and duties of all citizens and the relationship of the Muslim community to other communities. Muslims constituted a community whose primary identity and bond were no longer to be tribal ties but a common religious faith and commitment. Jews were recognized as a separate community allied to the Muslims *umma*, but with religious and cultural autonomy.<sup>167</sup>

<sup>166</sup> Ibid.

<sup>167</sup> Esposito, *Islam, The Straight Path*, 9.



Under the guidelines of the charter, Medina would become a city-state where its citizens agreed to collectively follow the law and to defend one another from outside attacks.

“The Medina Charter eliminated tribal hostilities by realigning Yathrib residents, shifting the focus from militaristic rivals to allied religious followers.”<sup>168</sup> Also, it set out guidelines that regulated interpersonal relationships between the social groups within Medina so that conflict could be averted and people could learn to coexist peacefully. After Muhammad completed the Constitution, the tribes agreed to accept its conditions which were legally binding upon the whole community. This indeed was a remarkable accomplishment for Muhammad and for the people in Mecca. Not only was Muhammad able to peacefully resolve the conflict amongst the tribes but he was also able to lead and create a powerful city-state in Medina. Once again, we can see that the Islamic tradition values conflict resolution and has a history of interweaving ADR mechanisms into their everyday cultural and social practices.

Muhammad next decided to focus his attention upon Mecca. It had been six years since he had left the city and he hoped to return to the Ka’bah with his fellow Muslims to embark on the annual *Hajj* (pilgrimage). Relations between the Quraysh and the Muslims had been hostile for years and they had engaged in several battles. In 628, Muhammad and a group of Muslims tried to return to Mecca but the Quraysh would not let them enter the city. Instead of fighting with the tribes in Mecca, Muhammad decided to engage in negotiations with them to see if they could resolve the situation. Thankfully, the negotiations were successful and a truce was established between the two sides. The agreement, known as the Treaty of Hudaibiyah was formally drawn up and signed by

<sup>168</sup> Yildirim, “Peace and Conflict Resolution in the Medina Charter,” 114.

both sides. “By exercising wisdom and demonstrating great patience and diplomatic skill, the Prophet won ten years of peace with the Meccans and the right to return for the pilgrimage the following year.”<sup>169</sup> In the end, the Muslims were able to peacefully perform the *hajj* and those within Meccan society recognized Muhammad’s authority, embraced Islam and joined the *umma*.

Slowly but surely, the religion of Islam began to spread and flourish throughout the region. After Muhammad established a truce with the Quraysh, he successfully forged alliances with various other tribes in Arabia as well. Interestingly, many of the tribal people chose to convert to Islam while others did not. It is important to point out that Muhammad never forced anyone to convert to Islam. He exuded acceptance toward other religious faiths, and he created a community in Medina that prided itself on religious freedom and tolerance. However, as a prophet he did feel compelled to spread his religious message of Islam to others. Therefore, he sent “representatives from Medina to teach the Quran and the duties and rituals of Islam to the people, and to collect the taxes due to Medina.”<sup>170</sup>

In the year 632, Muhammad made his final *hajj* to Mecca and he preached his last sermon to his people. Within his speech, he explained the Five Pillars of Islam, or the religious duties that all Muslims must follow. He said, “O People listen to me in earnest, worship Allah, say your five daily prayers (Salat), fast during the month of Ramadan, and give your wealth in Zakat. Perform Hajj if you can afford to.”<sup>171</sup> He warned them that they will be held accountable before Allah for the actions that they have performed in

<sup>169</sup> Chaudry and Crane, *Islam & Muslims*, Chapter 8:10.

<sup>170</sup> Esposito, *Islam, The Straight Path*, 10.

<sup>171</sup> Chaudry and Crane, *Islam & Muslims*, Chapter 8:12.

their daily lives. He also stressed that the Islamic *umma* is a brotherhood where all people are expected to act respectfully, morally and justly towards one another. In addition, he encouraged Muslims to strive to follow his example, or Sunnah, and to look to the Quran and the Hadith, sayings from the Prophet, as spiritual guides after he is gone.

### Qur'an: Religious and Ethical Guide

Human relationships as well as ethical and moral behavior within the Muslim *umma* were regulated by the words and the teachings of the Holy Qur'an.

The Qur'an, meaning "the recitation," is the holy scripture of Islam and the primary source of guidance for Muslims everywhere. It guides the believers on a complete way of life and to the best in the hereafter. Muslims believe the Qur'an, in its original Arabic, to be the literal Word of God that was revealed to Prophet Muhammad through the angel Gabriel over a period of 23 years.<sup>172</sup>

Muslims today and as well as in the past consider the Qur'an to be their religious guidebook for everyday life and social practice. The Qur'an "provides a comprehensive framework for the socio-economic-political foundations of a just society."<sup>173</sup> In the Islamic tradition, the establishment of a moral and just society is of utmost importance and is stressed within the teachings in the Qur'an. In *Surah 3:110*, God tells the Muslim *umma* "You are the best community evolved for mankind, enjoining what is right and forbidding what is wrong." According to the Qur'an, Muslims are to act as moral servants of God and they must pray, fast and make the pilgrimage to Mecca. They are also expected to engage in fair and equitable relationships with others which is referred to in

<sup>172</sup> Mohammad Ali Chaudry and Robert Dickson Crane, *The Spirit of Islam*. (Basking Ridge: Center for Understanding Islam, 2010), 14.

<sup>173</sup> Chaudry and Crane, *Islam & Muslims*, Chapter 3:3.

the Qur'an as *qist*. "Muslims find it a sacred obligation to treat one another with *qist*."<sup>174</sup> The Qur'an and the Hadith also stress the need for Muslims to do good in their lives. "One should do good (*Ishan*—grace, beneficence, kindness) not only to one's parents and relations but also to orphans and the impoverished (Qur'an, 17: 24-26)."<sup>175</sup> They are expected to treat their parents with respect and kindness and they must act humbly toward the poor. You will notice that these religious teachings are almost parallel to those within Judaism and Christianity. Honoring your father and mother is a commandment found within the religious teachings of Judaism and Christianity. Also, as previously seen, the humble treatment of others is likewise exhibited through the actions of peacemakers Aaron, Jesus, St. Francis and Muhammad. The Qur'an also stresses the need for Muslims to be charitable and give alms (*zakah*) to the poor. "Caring for and helping the underprivileged is a central mechanism for social empowerment and for maintaining a sense of community."<sup>176</sup> Along with taking care of the poor, Muslims are also supposed to "maintain good and honorable interpersonal relationships."<sup>177</sup> Allah says in *Surah* 28:77, "Do thou good, As Allah has been good To thee, and seek not mischief in the land: For Allah loves not those Who do mischief." In essence, he is telling Muslims to be kind to one another, to establish good working relationships and to refrain from doing harm to others.

Muslims must not only look out for the well-being of others but they also must look out for the well-being of their community as a whole. In the Qur'an, Allah

<sup>174</sup> Abu-Nimer, *Nonviolence and Peace Building in Islam*. (Florida: University Press of Florida, 2003), 53.

<sup>175</sup> *Ibid.*, 55.

<sup>176</sup> *Ibid.*, 56.

<sup>177</sup> *Ibid.*

commands his community of believers not to fight or quarrel with one another. In *Surah 8:46* he says, “And dispute not with another, then you will lose courage by getting demoralized and your strength will be lost.” It is clear that Allah believes that quarreling will weaken and lead to disharmony within the Islamic community. Even though Allah strongly disapproves of interpersonal conflicts, they are naturally bound to happen within a communal setting. Knowing this, the Qur’an provides Muslims with clear guidelines as to how the community should settle mutual conflicts. *Surah 49:9* states:

If two parties among  
The believers fall into  
A quarrel, make ye peace  
Between them: but if  
One of them transgresses  
Beyond the bounds against the other,  
Then fight ye (all) against  
The one that transgresses  
Until it complies with  
The command of Allah;  
But if it complies, then  
Make peace between them  
With justice, and be fair:  
For Allah loves those  
Who are fair (and just).

This passage is explaining that if two parties engage in a dispute the believers in the community must try make peace between them.

They should urge the parties to desist from fighting; they should exhort them to fear God. Their influential people should go and talk to the responsible men of the two sides, should find out the causes of the dispute and do whatever they can to effect reconciliation between them.<sup>178</sup>

If peace can’t be accomplished, then the community must find out which party is being

<sup>178</sup> “Towards Understanding the Quran: Surah Al-Hujurat 49: 1-10,” *Islamic Foundation UK*, <http://www.islamicstudies.info/tafheem.php?sura=49> (accessed September 2019).

truthful. Then they must collectively join together to fight the one who is in the wrong.<sup>179</sup> “The command to fight the aggressor does not necessarily mean that he should be fought with weapons and killed, but it implies the use of force against him, the real object being the removal of his aggression” so that the parties can move toward a reconciliation that is fair and just. <sup>180</sup> *Surah Al Anfal* 8: 61 states, “But if an enemy incline towards peace, do thou (also) incline towards peace, and trust in Allah: for He is the One that heareth and knoweth (all things).” Peace is a fundamental component of the Islamic faith and “Islam obligates its believers to seek peace in all life’s domains.”<sup>181</sup> Similarly, seeking peace or striving for peace is also a central religious tenet found within Judaism and Christianity, as it is in other cultures around the world. Recall the opening story from Russia of “Two Goats on the Bridge” butting heads and refusing to work with one another. The second version of the story from Eastern Europe, truly shows the two goats working collaboratively to solve the problem so that they can have a peaceful resolution.

The Prophet Muhammad also peacefully used non-violent actions while living in Mecca even though he faced a period of religious persecution. Muhammad, as specified earlier, preferred to use arbitration instead of force to resolve interpersonal conflicts and disputes because it was just and fostered peace amongst others. Overall, it is clear from the religious teachings in the Qur’an that the Muslim community had a collective

<sup>179</sup> It is interesting to note that the Qur’an uses the word to “fight” when discussing the settlement of mutual conflicts. Clearly, this word choice is highly cultural and is used to address the complex tribal dynamics in Ancient Arabia at the time. Even though there may be a slight problem with the word choice in this passage, overall Surah 49:9 is still quite valuable when discussing the Islamic communities approach for conflict resolution.

<sup>180</sup> “Towards Understanding the Quran: Surah Al-Hujurat 49,” 1-10.

<sup>181</sup> Abu-Nimer, *Nonviolence and Peace Building in Islam*, 60.

responsibility to treat one another fairly, care for the impoverished and resolve conflicts peacefully.

### Islamic Law & Arbitration

As discussed earlier, the Qur'an serves as a spiritual guidebook that provides Muslims with basic principles that one must follow concerning human conduct and social relationships within the *umma*.

To regulate the conduct of Muslims, the Prophet Muhammad revealed the Will of Allah in Shariah. Shariah is a code of obligation and has a guided ethics and duties for every Muslim.<sup>182</sup>

Shariah is an Arabic word found in the Qur'an that means the right "path" or "way." The Shariah is considered to be divine law that originated from Allah, therefore it considered sacred by all Muslims.<sup>183</sup> In the early Islamic community, adhering to "the Sharia of God meant obedience to God's continuing revelation and to His Prophet."<sup>184</sup> When problems arose within the Islamic city-state, community members would oftentimes go to Muhammad for personal guidance concerning issues related to family, religious practices, criminal justice and warfare.<sup>185</sup> Since Muhammad was a respected arbitrator, he would listen to their cases and make legal judgments concerning them. After Muhammad's death in 632 A.D., the Muslim community decided to appoint caliphs to be their religious and political successors of their community. The first four caliphs, Abu Bakr, Umar, Uthman and Ali, ruled for thirty years and they were Muhammad's closest companions.

<sup>182</sup> Vandana Singh, "Alternative Dispute Resolution in Islam: An Analysis," *ILI Law Review* 1 (2017): 139.

<sup>183</sup> Mohamed M. Keshavjee, *Islam, Sharia & Alternative Dispute Resolution*. (London: I. B. Tauris: 2013), 57.

<sup>184</sup> Esposito, *Islam, The Straight Path*, 75.

<sup>185</sup> Ibid.

These “rightly guided caliphs” ruled the Islamic city-state to the best of their ability and they administered and followed Islamic law. Following in Muhammad’s footsteps, they continued to arbitrate cases and they appointed trusted advisors to help them with these legal processes and proceedings.

Ali, the fourth caliph of the Islamic community, was also the religious leader of the Shii Muslims. Shortly after the death of Muhammad, a dispute arose in the community over succession after the prophet. “The Shia believe that before the Prophet’s death, he appointed his cousin and son-in-law Ali as successor to lead the Muslim community.”<sup>186</sup> The Sunni’s believe that Muhammad never appointed a successor and that the community was responsible for choosing their next leader. Eventually, the Sunni’s and Shii’s ended up splitting and creating their own separate branches of Islam because they had conflicting religious beliefs over the succession of the Prophet. Interestingly, both religious branches still exist today within the globalized Islamic community.

Unfortunately, in 661 Ali was assassinated, and he was succeeded by Muawiyya who became the first caliph of the Umayyad dynasty. During the Umayyad dynasty (661-750), the Islamic empire grew, as a result of conquests, and expanded into parts of India, Northwest Africa and Spain. Additionally, the Islamic legal and judicial system began to become more formalized.

Part of the new administrative structure established by the Umayyads was the office of the *qadi*, or judge. The *qadi* was originally an official appointed by the caliph as his delegate to provincial governors. He was to see that government decrees were carried out and to settle disputes.<sup>187</sup>

<sup>186</sup> Keshavjee, *Islam, Sharia & Alternative Dispute Resolution*, 59.

<sup>187</sup> Esposito, *Islam, The Straight Path*, 75.



During Umar's rule, *qadi's* were appointed in all of the provinces and they established their own independent courts. Qadi's held an important position in these territories and they were chosen because they were "persons of excellent character, superior caliber and they had a meritorious record."<sup>188</sup> Umar was keenly interested in justice and he regularly wrote letters giving instructions to his governors, military commanders and judges within his empire. One of his most famous letters was to Abu Musa al-Ashai the governor of Basra which was an important province within the Umayyad Empire. Umar had appointed Abu Musa to be a *qadi* and his letter explains in great detail the duties and responsibilities of a Muslim judge. "This letter giving him instructions about the practices and procedure of justice is universally regarded as the most important document of its kind on this subject in Islamic juridical literature."<sup>189</sup> Umar tells Abu Musa that when arbitrating cases he must

consider all equal before you in the court. Consider them equal in giving your attention to them so that the highly placed people may not expect you to be partial and the humble may not despair of justice from you.<sup>190</sup>

In essence, he is directing Abu Musa to give all people a fair and just trial; informing him that favoritism is not advised. Umar considered the appointment of *qadi's* very seriously and he continually reminded them that their role was to serve the people and be readily available so that individuals could come and discuss their problems. Umar's letter also

<sup>188</sup> Mohamed M. Keshavjee, "Alternative Dispute Resolution: Its Resonance in Muslim Thought and Future Directions" (lecture, Ismaili Centre Lecture Series, London, April 2, 2002), 7, accessed December 2019, <https://iis.ac.uk/alternative-dispute-resolution-its-resonance-muslim-thought-and-future-directions#anchor5>.

<sup>189</sup> Muhamad Yusuf Guyara, "Judicial Principles as Enunciated by Caliph 'Umar I," *Islamic Studies* 11, no. 3 (1972): 159, <http://www.jstor.org/stable/20833069>.

<sup>190</sup> Keshavjee, "Alternative Dispute Resolution: Its Resonance in Muslim Thought and Future Directions," 6.

“demanded that judicial proceedings be grounded on the clear rulings of the Quran and the precedent of the Prophet’s practice (sunna).”<sup>191</sup> Sometimes, when *qadi*’s dealt with private matters, like marital disputes, they would rule the case according to Shariah law and the local customary law. This way they could preserve the local customs of their provinces while also adhering the laws set forth in the Shariah.

For an arbitration, the *qadi* would summon all the people involved in the case and listen to their testimonies and complaints. After listening to each party, he would try to peacefully negotiate a settlement between the two groups. “*Qadis* work in areas of conciliation, mediation, and arbitration, although conciliation and mediation are preferred dispute resolution approaches of the Prophet.”<sup>192</sup> Therefore, it was acceptable for a *qadi* to establish a compromise between the two disputing parties as long as it was lawful and fair. However, if both parties are unwilling to compromise then the *qadi* will step in and issue a binding judgment for the case. If a *qadi* has difficulty with a case he would consult with a mufti, a Muslim legal expert, about the situation. After reviewing all the details of the case, the mufti would issue a *fatwa*, or a nonbinding recommendation for case based on Islamic law. In essence, the role of a *qadi* is very similar to that of the rabbi’s in the beit din’s and the bishops in the Christian ecclesiastical courts. All three aim to uphold religious law, diffuse communal conflicts and promote peace within their faith-based communities.

<sup>191</sup> Dr. Israfil Balci, “Umar: A Leader Crowned with Truth and Justice,” *Life and Religion, A Publication of the Turkish Diyanet Foundation and the Istanbul Office of the Mufti*, 2013, accessed April 2019, <http://www.lastprophet.info/umar-r-a-a-leader-crowned-with-truth-and-justice>.

<sup>192</sup> Michael Broyde, *Sharia Tribunals, Rabbinical Courts, and Christian Panels: Religious Arbitration in America and the West*. (New York: Oxford University Press, 2017), 20.

During the Umayyad dynasty, major advances were made in the development, organization and implementation of the Islamic legal system. These advances in Islamic law and jurisprudence continued well into the Abbasid dynasty (750-1258). During this time period, scholars known as the *ulama*, spent a great deal of time studying the Qur'an, the Sunnah and the Hadith. They were trying to interpret the texts and apply Shariah to real life situations of the time. "Islamic law was not the product of government decrees or judges' decisions but the work of jurists or scholars who struggled from 750 to 900 c.e. to set out a religious ideal, to develop a comprehensive law based on the Quran."<sup>193</sup> Schools of law developed and a great deal of scholarly research, reasoning and consensus took place to establish a formalized legal system that would govern the Muslim community for years to come. "By around the year 900, the classic Shariah had taken shape. Islamic specialists in the law assembled handbooks for judges to use in making their decisions."<sup>194</sup> Qadi's continued to arbitrate cases that dealt with commercial and property disputes as well as religious and family issues. The government handled all of the criminal cases that occurred within the community. Those who committed serious crimes had to go to court and were judged by a government official. "The classic Sharia was not a code of laws, but a body of religious and legal scholarship that continued to develop for the next 1,000 years."<sup>195</sup> By and large, it is quite clear that certain ADR mechanisms were implemented into the Islamic legal system to regulate human conduct, handle discord and restore harmony amongst those within the Muslim community.

<sup>193</sup> Esposito, *Islam, The Straight Path*, 76.

<sup>194</sup> "The Origins of Islamic Law," *Constitutional Rights Foundation*, <http://www.crf-usa.org/america-responds-to-terrorism/the-origins-of-islamic-law.html> 2 (accessed March 31, 2019).

<sup>195</sup> Ibid.

### ADR Processes within Islam

In the Islamic community, conflict resolution is comprised of the following ADR processes: *Sulh* or *Suhla* (negotiated settlement), *takim* (arbitration) and *wisata* (mediation). *Sulh* is a traditional dispute resolution process that dates back to pre-Islamic tribal times in Ancient Arabia. The term *sulh* “means to cut off a dispute or to finish a dispute either directly or with the help of a neutral third party.”<sup>196</sup> Interestingly, the *sulh* peacemaking process encompasses the following ADR practices: negotiation, mediation, arbitration and conciliation. Presently, in this day and age, the ancient practice of *sulh* is still being utilized in many Middle Eastern societies, like Jordan, Lebanon and Palestine, as a mechanism for conflict resolution, reconciliation and peacebuilding. In fact, the contemporary practice of *sulh* “does not replace the civil or criminal law of the state but is employed as an addition to their rulings; most *sulha* cases are handled independent of these courts.”<sup>197</sup> Shariah courts tend to be more formal but *sulh* is unique because it is an informal conflict resolution process where traditional mechanisms and rituals are used to communally restore social harmony and promote peace.

Historically speaking, *sulh* is rooted in the teachings of the Qur'an, and the Sunnah and it is furthermore supported by Muslim religious leaders (imams) and legal jurists. In the Holy Qur'an *sulh* is discussed in *Surah 49:10*: “The believers are but a single Brotherhood: So make peace and reconciliation between your two brothers: And fear Allah that ye may receive Mercy.” This passage clearly shows that Allah is telling

<sup>196</sup> Zahidul Islam Md., “Provision of Alternative Dispute Resolution Process in Islam,” *IOSR Journal of Business and Management* 6, no. 3 (Nov.-Dec. 2012): 31, [www.iosrjournals.org](http://www.iosrjournals.org).

<sup>197</sup> Elias J. Jabbour, *Sulha: Palestinian Traditional Peacemaking Process*. (North Carolina: House of Hope Publications, 1996), 26.

Muslims to amicably resolve their disputes and if they do so, God will be merciful towards them. The Prophet Muhammad was also a strong proponent of sulh in his own right. He practiced it himself and he encouraged other believers to do the same. For example, “in one of the hadith reported in *Sahih Al Bukhari* he is reported to have said: *He who makes Peace (Sulh) between the people by inventing good information or saying good things, is not liar.*”<sup>198</sup> It is not surprising that Muhammad would have said such a thing seeing as he was the most admirable peacemaker and problem solver within the Islamic tradition.

It is important to pause for a minute and think back to the prophet Aaron and his peacemaking practices. At times, Aaron too, would stretch the truth and invent information, like Muhammad, in order to promote peace. It is interesting to see that both prophets engaged in similar practices for the sake of peace and that fabricating information was an acceptable religious practice in both faiths. In his daily practice, Muhammad would not only actively practice conflict resolution but he would also use sulh as a vessel to solve a variety of conflicts in order to reconcile and foster peace amongst those within the Islamic community.

The dispute resolution process of sulh has been used to resolve many different types of communal disputes. For instance, conflicts related to business, consumer and financial issues are normally handled with sulh. Also, cases dealing with personal violence, such as murder, are customarily managed through the sulh process. In tribal or clan-based communities, sulh takes on a traditional communal based approach to conflict resolution. Dr. Mohammad Abu-Nimer, an expert in the field of conflict resolution and

<sup>198</sup> Islam, “Provision of Alternative Dispute Resolution Process in Islam,” 32.

Arab-Islamic dispute resolution, explains that tribal dispute resolution practices are closely associated with “a set of traditional Islamic cultural and religious values, including honor (*sharaf*), saving face (*karamah*), valor (*murū’ah*), wisdom (*hikmah* or *hilm*), generosity (*karam*), respect (*ihitiram*), dignity, and forgiveness (*‘afu*).”<sup>199</sup> All of these values, must be taken into consideration when entering into the communal dispute resolution process of sulh. “The communal approach to conflict is based on the view that hurting an individual means hurting the entire community.”<sup>200</sup> Therefore, when violent conflicts occur they must be dealt with immediately so that revenge is not taken, thus causing additional harm to the community. The sulh process helps to mend broken relationships and reconcile individuals so that they can coexist harmoniously.

The Sulh process is comprised of many important parts. First of all, when a violent act is committed against another resulting in a death or injury, “the family of the attacker should immediately consider going to a delegation of influential, notable men, asking them to mediate between the two parties.”<sup>201</sup> This delegation, known as a *jaha*, may vary in size depending upon the severity of the case. Typically, in smaller cases one mediator will help negotiate between the families, but in a larger case they may need two or three. The second step taken by the *jaha* is to go and make a visit to the family that was attacked. Before this can be done the offending family must sign a written agreement, called a *taffwith*, allowing the *jaha* to act on their behalf. “On occasion, the offender’s family has to deposit a bond as an additional assurance of its agreement to

<sup>199</sup> Abu-Nimer, *Nonviolence and Peacebuilding in Islam*, 98.

<sup>200</sup> Doron Pely, “Resolving Clan-Based Disputes Using the SULHA, the Traditional Dispute Resolution Process,” *Dispute Resolution Journal*, (November 2008/January 2009): 82.

<sup>201</sup> Jabbour, *Sulha: Palestinian Traditional Peacemaking Process*, 27.

abide by the Jaha's ruling."<sup>202</sup> The timing of the initial meeting with the family is of utmost importance and it should be arranged as soon as possible.

If the injured family waits for a long time, without anyone asking them what happened, they will be insulted and will accuse the other side of not caring about their honor, which was humiliated nor about the violation of their integrity nor about the injury itself, and thus they feel that their dignity is hurt.<sup>203</sup>

The restoration of honor, or *sharaf*, is essential in Arab culture, and this is why it is important for families to agree to the sulh process. When the *jaha* visits the family, they deliver an apologetic message from the offender's family stating that they are responsible for the awful deed and that they are seeking a reconciliation. At this point, the *jaha*, asks the family for their permission to step in and mediate/arbitrate the case. If the family agrees to the intervention they will be bound to the *jaha*'s final decision pertaining to the case.

In the third step, the mediators must establish a *hudna*, or ceasefire between the two disputing families. The ceasefire typically will last for six months and during that time period the *jaha* will engage in a further investigation of the dispute. During the first forty days of the *hudna*, the grieving family will take time to mourn. In the fourth step of the sulh process, the offending family is required to give cash, or *atwa*, to the other family. This money is symbolically exchanged to express the offender's deep regret for their crime; it commits both parties to the *hudna*.

After the *hudna* is negotiated, the *jaha* begins their formal mediation (*wisata*) and investigation of the dispute. This fifth step is crucial because it provides the mediator

<sup>202</sup> Pely, "Resolving Clan-Based Disputes Using the SULHA, the Traditional Dispute Resolution Process," 82.

<sup>203</sup> Ibid., 29.

with the background information, social history and events related to the crime. During the mediation process, the *jaha* committee will meet in a neutral place to discuss the situation. “First, the delegation of elders attempts to collect information about the extent of the conflict.”<sup>204</sup> As part of the fact-finding process, the delegation must meet with each family separately to discuss the conflict and ask relevant questions. Next, the mediation team will review and discuss all of the evidence and determine the verdict for the case. If it is a murder case it is customary for the mediation team to “make arrangements for the payment of *diya*, a just and symbolic compensation (or “blood money”) determined by the severity and unique demands of the case.”<sup>205</sup> However, if it is a non-murder case the mediators will draw up a mediation agreement that is mutually acceptable for both disputing parties. Once the *jaha* determines the verdict for the case, which is binding, it is presented to both of the parties.

In the sixth step of the sulh process, both families must agree to the verdict given and sign a written Sulh Agreement at public ceremony. Next the families must gather together

for the ritual of *musafaha*, the shaking of hands. The offender must shake hands with each member of the victim’s extended family. After this is completed, leaders tie knots in a white flag borne by the offender, symbolizing the consolidation of peace.<sup>206</sup>

In the seventh step, the victim’s father reconciles with the offender’s family and offers them bitter coffee. The final step of the sulh reconciliation ritual is the sharing of a

<sup>204</sup> Sezai Ozcelik, “Islamic/Middle Eastern Conflict Resolution for Inter-personal and Intergroup Conflicts: Wisata, Suhla and Third-Party,” *Uluslararası İlişkiler*, Volume 3, no. 12 (Winter 2006-2007), 10.

<sup>205</sup> George Irani and Nathan Funk, “Rituals of Reconciliation: Arab-Islamic Perspectives,” *Arab Studies Quarterly* 20, no. 4 (Fall 1998): 67.

<sup>206</sup> Ibid., 68.



ceremonial meal consisting of salt, bread and bitter coffee. The act of sharing food dates back to biblical times and it is a ritualistic sign of peace. Overall, the end result of the sulh process is usually very positive and beneficial for both parties as well as the community. “The offended party will go home with a sense that they have been respected and pacified, and their rights and honor have been restored.”<sup>207</sup> And the other family will feel a sense of relief that peace has been established so that their family does not have to endure a future of revenge killings. From a communal standpoint, sulh is also beneficial because it restores broken relationships and creates social harmony amongst families and individuals within the Islamic community.

The sulh conflict resolution process is valuable because it can be used to resolve interpersonal as well as inter-group disputes. “The *Sulh* process, if controlled and conducted appropriately, is intended to lead to reconciliation and social harmony; and is preferable to the civil court or the Islamic court since it restores order in the community.”<sup>208</sup> It is indeed an extraordinary type of dispute resolution being that it integrates aspects of mediation, arbitration and conciliation into its overall process. For example, mediation techniques such as separate caucusing, negotiating, mediator confidentiality and neutrality are all vital components of the mediation process and they are practiced in sulh. Sulh also uses arbitration tactics such as negotiating the hudna and determining the verdict in the case. In the end, the overall goal of mediation, arbitration and sulh is to resolve disputes amicably and to reconcile the parties so that they can coexist harmoniously with one another. However, it is important to note the even though

<sup>207</sup> Jabbour, *Sulha: Palestinian Traditional Peacemaking Process*, 60.

<sup>208</sup> Abu-Nimer, *Nonviolence and Peacebuilding in Islam*, 96.

sulh shares common contemporary mediation and arbitration tactics, it still continues to be a highly cultural and traditional means of dispute resolution in Arab societies.

*Arbitration (takim)*

As previously discussed, arbitration has deep roots within the Islamic religious community. It was used as a means of dispute resolution amongst the Bedouin tribes in ancient Arabia. “With the beginning of the Islamic state, arbitration (*takim*) was commanded by the Qur’an in economic, religious, social and political dimensions.”<sup>209</sup> It was also regularly used by Muhammad to settle tribal and inter-religious disputes. After Muhammad died, arbitration in the Muslim community became a political and religious duty performed by the caliphs. As the Muslim empire expanded, it became increasingly difficult for the caliphs to handle all of the disputes within their empires. Under caliph Umar, arbitrators (*qadi’s*) were appointed in all of the provinces to uphold Shariah law and handle all of the community quarrels conflicts. The role of an arbitrator was an essential religious and political position within the Muslim community. Arbitration was normally used to settle religious, family, commercial and property disputes. Arbitration was supported in the teachings of the Qur’an and it is a common conflict resolution method used today, and in the past, to handle divorce cases. *Surah 4:35* states,

If ye fear a breach between them twain, appoint (two) arbiters, one from his family, And the other from hers; If they wish for peace, Allah will cause their reconciliation: For Allah hath full knowledge and is acquainted with all things.

<sup>209</sup> Ibid., 9.

For a marital dispute or divorce, “usually two arbitrators, one appointed by the husband’s parents and another by the wife’s parents, deliberate and attempt reconciliation.”<sup>210</sup> If the arbiters are able to agree upon a compromise or conditions for a divorce the arbitration is finished. If an agreement is not possible then the case will be handed over to a judge for a binding judgement. Interestingly, in many Islamic countries, it is

the imam, or the prayer leader of the village, who has religious/legal authority to make decisions in cases involving domestic matters, such as marriage, divorce, and inheritance. In Turkey, the village mayor or *muhtar* has a legal authority that involves the conflict (dispute) resolution process.<sup>211</sup>

However, in the United States, since there are no sharia courts, Muslim imams will normally handle divorce cases. “For example, Imam Talal Eid runs the Islamic Institute of Boston, an organization that handles religious divorces, inheritance disputes and child-custody cases for Muslims in the United States.”<sup>212</sup> Overall, no matter where Muslims are located globally, arbitration still continues to be an important method of conflict resolution used within the Islamic community today.

#### *Mediation (wisata) & Reconciliation*

Mediation is yet another valuable method of dispute resolution used within the Islamic community today. “Mediation is a voluntary, non-binding, private, and informal process that allows parties to reach an agreement through negotiation and a mediator’s

<sup>210</sup> Ahmad Moussalli, “An Islamic Model for Political Conflict Resolution: *Takim* (Arbitration),” in *Conflict Resolution in the Arab World: Selected Essays*, ed. Paul Salem (Lebanon: American University of Beirut, 1997), 56.

<sup>211</sup> Ozcelik, “Islamic/Middle Eastern Conflict Resolution for Inter-personal and Intergroup Conflicts: Wisata, Suhla and Third-Party,” 9.

<sup>212</sup> “Applying God’s Law: Religious Courts and Mediation in the U.S.,” *Pew Research Center*, April 8, 2013, <https://www.pewforum.org/2013/04/08/applying-gods-law-religious-courts-and-mediation-in-the-us/> (accessed September 2019).

help.”<sup>213</sup> As noted earlier, in Arab countries, mediation continues to be practiced and is an integral part of the sulh reconciliation process. In the United States, it is more common for Muslims to engage in a faith-based mediation, than a secular mediation if they are suffering from a marital dispute. When a couple is immersed in conflict, they will each choose someone that they trust and are close with to help them resolve the problem. If close friends or relatives are not available to help then they will ask their imam to help mediate the dispute.

According to Shahina Siddiqi, executive director of the Islamic Social Services Association of the United States and Canada (ISSA). The job of the Muslim mediator is to listen to both sides, to help the parties identify what the problem is, where the conflict is, and then allow each client to listen to each other.<sup>214</sup>

The imam or mediator in this situation would act more like a facilitator who encourages the parties to actively listen to one another so that they understand the root of the problem. Once they have identified the problem, then the mediator will help steer them towards an amicable solution. In the field of conflict resolution, Roger Fisher and William Ury would refer to this as interest-based problem solving. For Muslims, mediation is a more favorable approach for marital disputes because it helps the couple “address their needs while fulfilling their religious obligations.”<sup>215</sup> It is also more flexible and allows for Muslims to “apply their own laws, cultures, and guidelines to their particular circumstances and allows them to fulfill expectations.”<sup>216</sup> In addition, mediation helps to rebuild relationships and it allows the parties to work together to come up with a

<sup>213</sup> Pashtana Abedi, *Mediation & Islam*. (California: Islamic Shura Council for Southern California, 2018), 18.

<sup>214</sup> Shippee, “Blessed Are the Peacemakers: Faith-Based Approaches to Dispute Resolution,” 247.

<sup>215</sup> Abedi, *Mediation & Islam*, 9.

<sup>216</sup> Ibid.

mutual resolution. By working together, the parties will feel a sense of ownership over the agreement. Usually, agreements resolved in this way will last longer than those that are handled by a court or arbitrator.

The teachings in the Qur'an and in the Sunnah in fact consider mediation to be a benevolent act. For example, in the Hadith, the Prophet said that when Muslims become involved or "intercede with a mediation they will be rewarded."<sup>217</sup> Similarly, in Judaism Rabbi Yehoshua ben Korha said that it is mitzvah, or a meritorious act, to engage in *p'shara* (mediation). Jesus also commands Christians to engage in mediation/conciliation so they could be reconciled with God and with each other. In all three faiths, it is interesting to see that the act of mediation, for all individuals involved, is praiseworthy in the eyes of God because it reconciles those who are in the midst of conflict.

In Islam, the main goal of mediation is to reconcile individuals at odds with one another. "Reconciliation is important in all Muslim communities and is often seen as a religious obligation."<sup>218</sup> It is also an essential practice found within Islamic conflict resolution and ADR. The

Prophet Muhammad told his followers that the best Muslim is one whose hand and tongue leave others in peace. Being a catalyst for forgiveness between people is highly praiseworthy and rewarding, and is encouraging to others to engage in the same type of behavior.<sup>219</sup>

Consider the Prophet Muhammad, he is an excellent example of an individual who practiced reconciliation in order to foster peace amongst humankind. He was an amazing

<sup>217</sup> Said Bouheraoua, "Foundation of Mediation In Islamic Law and Its Contemporary Applications," Abstract, Department of Islamic Law, International Islamic University, Malaysia, accessed December 2019, <http://www.asiapacificmediationforum.org>.

<sup>218</sup> Keshavjee, *Islam, Sharia & Alternative Dispute Resolution*, 166.

<sup>219</sup> Abedi, *Mediation & Islam*, 13.

peacemaker and interfaith leader who exercised conflict resolution throughout his lifetime. He mediated peace between the tribes in Mecca at the Kaaba and he resolved the conflict between the tribes in Medina. He also negotiated the Constitution of Medina and the Treaty of Hudaibiyah, which established ten years of peace between Medina and Mecca. Muhammad actively practiced conciliation and treated people of all faiths with kindness, humility, patience and respect. In today's global society, Muhammad is considered to be a peaceful role model for all Muslims who strive to follow in his footsteps to promote peace.

### Concluding Thoughts

Islamic ADR is strongly influenced by traditional Arab values including Bedouin cultural norms and religious practices. In the Islamic tradition, conflict resolution is deeply rooted within the teachings of the Qur'an, as well as the personal practices of the Prophet Muhammad. Muslims are religiously obligated to mend broken relationships in order to sustain peace within their faith-based communities. When conflicts do arise though, arbitration, mediation and sulh are all preferred methods of dispute resolution. These negotiation mechanisms not only help to peacefully settle conflicts that might emerge, but they also help to broadly restore social and communal harmony.

*“If a person forgives and makes reconciliation, his reward is due from Allah: For Allah loveth not those who do wrong.” – Surah 42:40*

## CHAPTER 4

### ADR – Buddhist Tradition

*“Like a pebble thrown into a pond, causing expanding ripples to reach the far shore, a single person can positively influence many others toward peaceful modes of thinking and acting.”<sup>220</sup>*

#### Introduction

The prior chapter on Islamic ADR, examined the historical roots of dispute resolution within the cultural setting of Ancient Arabia. In the Islamic tradition, conflict resolution is understood as a religious obligation for all Muslims within their faith-based community. As seen, Muslims strive to maintain peaceful relationships in their communities and they resolve conflicts by using the ADR practices of arbitration, mediation and *sulh*. While in the Christian faith, Christians aspire to be peacemakers and when settling disputes they aim to seek counsel within their religious community. They strongly oppose litigation and prefer to use negotiation, arbitration, mediation and conciliation to peacefully settle conflicts. Whereas in the Jewish faith, there is an emphasis upon pursuing peace in one’s daily life and maintaining social harmony within the community. Therefore, when conflicts arise, they favor mediation and compromise to reconcile personal discord. Generally speaking, all three of the monotheistic faiths discussed within this study have religious principles and moral standards for their adherents that advocate for the reconciliation of conflicts and the establishment of peace amongst others. Similarly so, the Buddhist tradition in its own right has its own unique peacebuilding principles and conflict resolution practices that guide individuals how to best establish peace within oneself as well as with others in our world.

<sup>220</sup> David Chappell, ed., *Buddhist Peacework*. (Boston: Wisdom Publications, 1999), 176.

“Buddhism has long been celebrated as a religion of peace and non-violence.”<sup>221</sup>

Even though Buddhism is not monotheistic, its religious teachings provide a distinct *holistic approach* for conflict resolution and peace-building that is indeed valuable and distinct from the dispute resolution practices employed within the three monotheistic faiths. For this reason, I believe that it is necessary to explore and incorporate its teachings into this interfaith conflict resolution study. An important central teaching found within the Buddhist faith is the Law of Dependent Origination. Buddha taught that the world, the universe and that all living beings are interconnected. “We are all part of this process of dependent origination where causal relationships are effected by everything that happens around us and, in turn, affecting the kind of world that we live in inwardly and outwardly.”<sup>222</sup> From this view, we can all be seen as an integral part of creation and what we do as humans ultimately will have an affect upon everything else within the world. Interestingly, Buddhism has some very valuable religious practices and principles that can be used within the field of conflict resolution. For in Buddhism, when a conflict occurs between individuals it is viewed as an opportunity for spiritual growth, reflection and mindful meditation. Meditation is an essential mechanism used in the Buddhist faith to understand and examine the root of suffering behind a problem. Fundamentally speaking, meditation helps individuals train their minds to become more peaceful which in turn leads them to cultivate and engage in more productive and peaceful human relationships. I consider the Buddhist holistic approach to conflict

<sup>221</sup> Theresa Der-lan Yeh, “The Way to Peace: A Buddhist Perspective.” *International Journal of Peace Studies* 11, no. 1 (2006): 91.

<sup>222</sup> Christina Feldman, “Dependent Origination” *Barre Center for Buddhist Studies*, October 18, 1998, accessed July 15, 2019, <https://www.buddhistinquiry.org/article/dependent-origination/>.



resolution and peacebuilding to be extremely unique because the Buddhist tradition places an emphasis first upon caring for the self (and creating a state of internal peace) and then caring for the other. Establishing inner peace is crucial because it helps individuals rid themselves of angry thoughts and feelings towards others and cultivate positive feelings of altruism, compassion, empathy and love. “Once these qualities are developed within an individual, he or she is then able to create an atmosphere of peace and harmony,”<sup>223</sup> which in turn can be used productively when engaging in conflict resolution and peacebuilding with others. It is important to make note of these essential concepts upfront so we can gain a better understanding of Buddhism’s worldview and its extraordinary transformative faith-based approach to conflict resolution and ADR. Now let’s delve further into the origins of Buddhism, its historical founder and peacemaker, The Buddha, and his religious teachings of peace and non-violence.

### Historical Background

Historically speaking, Buddhism was founded in northern India by Siddhartha Gotama, who would become the Buddha, around the sixth century B.C. The religion of Buddhism is not a monotheistic or polytheistic faith, but it is commonly regarded as a nontheistic religion because it does not centrally focus upon the worship of one God or gods. “The Buddha” is the central religious figure within Buddhism; even though he is not a god he is considered an important spiritual presence, teacher and peacemaker.

Siddhartha Gotama, the Buddha, was born around 567 B.C.E in Lumbini, a village located in the Himalayan foothills. His father Suddhodana was the powerful king

<sup>223</sup> Thich Hhat Hanh, *Peace is in Every Step: The Path of Mindfulness in Everyday Life*. (New York: Bantam Books, 1991), vii.

and chief of the Shakya clan and his mother was Queen Maya. Many years before Siddhartha was born, it had been prophesized by great sages and brahmins that Siddhartha would become a great king or religious teacher. “The Buddha’s birth, not unlike the birth of Jesus, is said to have been surrounded by miraculous events.”<sup>224</sup> For Queen Maya had dreamed that a white baby elephant, which symbolized fertility and wisdom, came down from the skies and entered her right side and she became pregnant. Nine months later Queen Maya gave birth to a child standing in a grove at Lumbini.

It is reported that the denizens of the heavens arrived to marvel at this great event, for the birth of a Buddha is a joyous and momentous occasion. The earth shook and the gods laid the child upon the ground where it was bathed in a miraculous shower of water.<sup>225</sup>

Immediately, the child began to walk and he took seven steps and as he stepped lotus flowers blossomed underneath his feet. The lotus flower is very symbolic in Indian culture for it represents purity of the mind, body and spirit. Then the child sang a song of victory, declaring, “I alone am the honored one above the earth and under heaven.”<sup>226</sup> He said this because he felt blessed to be born a Buddha who did not have to be reincarnated again. Sadly, seven days later, Queen Maya died leaving Siddhartha to be raised by his aunt and his father. King Suddhodana did not want his son to become a spiritual leader he wanted him to follow in his footsteps and become the next king of the Shakya’s. So, he raised Siddhartha as a wealthy prince and surrounded him with luxurious items, clothes, and healthy young women and men. King Suddhodana purposely sheltered Siddhartha

<sup>224</sup> Damien Keown, *Buddhism: A Very Short Introduction*. (United Kingdom: Oxford University Press, 2013), 20.

<sup>225</sup> Ibid., 20.

<sup>226</sup> Bernard Faure, “The Myth of the Historical Buddha,” *Tricycle: The Buddha Review* (Spring 2016): 2.

from the outside world so that he would not be tempted to leave the palace and pursue the life of a wandering ascetic. Siddhartha had a comfortable life in the palace and when he was sixteen he got married to Yashodhara and later had a son named Rahula. Even though Siddhartha had everything that he could ever want, he was not satisfied with the life that he was living. As Siddhartha grew older, he became restless in the palace and yearned to see and experience the outside world. So, his father arranged for him to take a trip outside the palace. King Suddhodana surrounded Siddhartha with young healthy people and he secretly hid the sick, old or dying people from his son. Unfortunately, Suddhodana's efforts to hide human suffering from Siddhartha failed. On one of his excursions outside of the palace, Siddhartha met an old man and he was shocked by what he saw. He immediately returned to the palace and spent days reflecting upon what it meant to become old. During Siddhartha's next trips outside of the palace, he encountered a sick man and a dead man. "These experiences impressed upon him above all the transient nature of human existence and he realized that not even the palace walls could keep suffering and death at bay."<sup>227</sup> On his fourth and final trip, he met a religious ascetic (*samana*) clothed in a robe, carrying a bowl and walking peacefully down the road. After seeing the *samana*, Siddhartha decided that it was time for him to leave the palace, renounce his possessions and embark on a spiritual journey of his own. All four of these encounters had a profound impact upon Siddhartha. They not only changed his outlook on life but they also inspired him to search for a way to end suffering in the world.

<sup>227</sup> Keown, *Buddhism: A Very Short Introduction*, 22.

Siddhartha then became a wandering ascetic for six years. He lived in the forest, practiced meditation and lived a life of extreme self-denial and religious discipline. He also sought spiritual guidance and knowledge from several gurus, but he soon realized that they could not teach him how to end the miserable cycle of *samsara* (cycle of birth, death and rebirth). He eventually chose to give up his life of asceticism but he continued his religious practice of meditation. Siddhartha eventually discovered that the best spiritual path for him was the “middle way,” which was a lifestyle rooted neither in excessive luxury nor self-denial but rather that sought out a life of moderation between the two extremes.

#### *Siddhartha's Spiritual Awakening*

Even though Siddhartha discovered the “middle way,” he still continued to grapple with the issue of how to solve human suffering. One day Siddhartha decided that he would sit underneath a large Bodhi tree and meditate until he found a solution to the problem. He meditated for forty-nine days and Mara, the evil spirit, tried to distract him numerous times from his spiritual path. At first, Mara tried to send his beautiful daughters to seduce Siddhartha, but he continued to remain completely focused upon his meditation. Then Mara tried to attack Siddhartha with an army of monsters and Siddhartha continued to sit in meditation and remained unharmed. Fortunately, Siddhartha was able to successfully defeat Mara and resist his temptations due solely to his spiritual devotion and determination. Interestingly, this story is very similar to the Christian story of the temptation of Jesus in the wilderness found within the New Testament. In the Christian narrative, Jesus goes into the wilderness for forty days and forty nights to fast and pray to God. While he is there Satan also tries to distract him from

his spiritual path by tempting him three times. Jesus, like Siddhartha, was able to resist Satan's sinful temptations and as a result Satan departed and left him alone. While we will be looking more closely at the trans-spiritual connections and interfaith links in religion and mediation in the chapter that follows, we'd be remiss not to pause here to discuss and meditate upon the significance of this Buddhist-Christian intertextual thread.

It is important to note, that all human beings experience temptations in their lives just like Siddhartha and Jesus. Temptations oftentimes can cause conflict; social divisions and they can deter us from establishing a sense of collective harmony. What is of utmost importance here is how one reacts and responds to these temptations and desires. In the field of conflict resolution studies, it is essential that mediators help disputing parties learn how to work collaboratively together to resolve their problems. Both parties must be determined and have self-control to stave off temptations much like Siddhartha and Jesus so they can positively work together to establish a peaceful resolution. In addition, mediators must remain equally devoted to the mediation process and they should not be tempted to lean in one direction or be swayed by a specific party. They too must follow the "middle way," for they are called to practice moderation in contemporary life. They must moderate between the parties, but also moderate their own speech in a way that practices "right speech" and "right action," thereby modeling for the parties entangled in dispute. Mara is, in some ways, a symbol of entanglement. But the Buddha-Christian mediator would say, "No, I am not getting drawn in, and neither are you." We are going to find a middle way here!" Overall, it is quite clear that both of these faith-based stories have valuable lessons and principles that can be practiced and utilized by mediators and practitioners within the field of conflict resolution.

After forty-nine days of steadfast meditation, Siddhartha reached Enlightenment which meant that he realized the truth of how to end human suffering and samsara. Upon reaching Enlightenment, Siddhartha no longer was reborn and he attained Nirvana, which was an ultimate state of happiness and peace. He then “became the Buddha, the Awakened One, known as Shakyamuni, the sage of the Shakyas.”<sup>228</sup> We can see that the temptations by Mara and Satan, had a profound spiritual impact upon both men. Consequently, this in turn, prompted them to become instrumental spiritual teachers who felt compelled to share their religious message with others.

After the Buddha reached enlightenment, he decided to stay in Bodh Gaya and meditate for another seven weeks. “He wondered whether he should become a religious teacher but was deterred by the difficulty of communicating the profound realization he had attained.”<sup>229</sup> For a while, he chose to seclude himself from the outside world so that he could meditate and try to make sense of the spiritual transformation that he had experienced. If you recall, Muhammad also felt and acted the same way after he was called to be messenger of God. Eventually, after much thought, he accepted his path and began preaching his message of monotheism to others. After Buddha received “an appeal from one of the gods (Buddhism has a rich pantheon of gods who are somewhat like angels in Christianity) he was moved by compassion and decided to proclaim his teachings – or Dharma—to the world.”<sup>230</sup> The Buddha’s first sermon was delivered to five ascetics, who were his former companions, in Sarnath near Benares at Deer Park.

<sup>228</sup> Rick Fields, “Who Is The Buddha,” *Tricycle: The Buddha Review* (Spring 1997): 3.

<sup>229</sup> Keown, *Buddhism: A Very Short Introduction*, 25.

<sup>230</sup> Ibid.

He taught them The Four Noble Truths and the Eightfold Path; they were so moved by his peaceful teachings that they decided to become his disciples and were later ordained as Buddhist monks (*bhikkhu's*). These five men reached enlightenment, became Buddhist saints or *arahants*, and assisted the Buddha in teaching the Dharma. When the Buddha first began teaching, he made it a point to visit “the kings of the two most powerful states in his region, Bimbisara and Pasenadi. These kings became the Buddha’s disciples, and as a result influenced thousands of their citizens toward the Buddha’s path.”<sup>231</sup> As the Buddha spread his message of peace and nonviolence to others he gained more and more followers.

For 45 years, he taught all classes of men and women—kings and peasants, Brahmins and outcasts, bankers and beggars, holy men and robbers—without making the slightest distinction between them. He recognized no differences of caste or social groupings, and the Way he preached was open to all men and women who were ready to understand and to follow it.<sup>232</sup>

Eventually, Gotama established a Sangha, a peaceful and ethical community of monks, who became his missionaries. The Buddha actively engaged in peace work and conflict resolution outside of the monastery and throughout parts of India. And he was known at times to step in and stop conflicts from ensuing. For example, “when the Sakya clan and the Koliyas were about to go to war over the use of water from the Rohini River, the Buddha intervened on the battlefield to avoid the conflict.”<sup>233</sup> He pointed out to both clans that it was horrible to destroy human life over such a trivial matter that could easily

<sup>231</sup> Chappell, *Buddhist Peacework*, 202.

<sup>232</sup> Rahula Walpola, *What The Buddha Taught*. (New York: Grove Press, 1974), xv.

<sup>233</sup> Chappell, *Buddhist Peacework*, 203.

be resolved by peaceful dialogue. At times, the Buddha was also approached by individuals who needed his help mediating through social conflicts. For instance,

Two young Brahmins called Tarukkha and Pokkharasati, once approached Buddha to resolve a conflict on their religion. And the Buddha resolved their issue by convincing what was right after a systematic and sober discussion.<sup>234</sup>

Thanks to the Buddha's artful speech and mediation, he was able to steer both Brahmins through a dialogue where they were able to respectfully address the problem and agree upon an amicable resolution.

In addition to mediation work, a central component of the Buddha's religious mission and worldview is to care for others in the world. Hence, the monks within the Sangha were also expected to actively help others in society and spread the Buddha's dharma throughout all of India. Sadly, at the age of 80, the Buddha's health began to fail and he passed away in the town of Kusinara in India. He was cremated and his remains were housed in a stupa, a Buddhist shrine, where his followers could visit and pay him devotion. Even though the Buddha died, his spiritual message continued to live and was imparted to others for many years to come.

### Religious Teachings & Ethical Principles

The Four Noble Truths and the Eightfold Path are the central components of the Buddha's dharma. Much like a doctor, the Buddha makes a diagnosis as to the cause of human suffering and he explains the steps that one must take to be liberated from it. In his four noble truths he explains that: (1) All life is suffering (*dukkha*), (2) Suffering is caused by craving and desire, (3) Suffering can be overcome, (4) By following the 8 Fold

<sup>234</sup> Chandima Wijebandara, "The Buddhist Way of Conflict Resolution" *The Island*, May 20, 2016, accessed May 10, 2019, <http://island.lk/>, 4.



Path. According to the Buddha, all people will naturally experience suffering or sorrow in their lives. He preached in his sermon that:

Birth is suffering, sickness is suffering, old age is suffering, death is suffering. Pain, grief, sorrow, lamentation and despair are suffering. Association with what is unpleasant is suffering, disassociation from what is pleasant is suffering.<sup>235</sup>

In addition, individuals commonly experience suffering when they can't get something that they really want. Usually, this type of suffering can leave one with feelings of sadness, disappointment and frustration. The Buddha explained that human beings do experience happiness in their lives but these states of happiness do not last forever. Happiness will fade away which in turn will result in unhappiness. The Buddha taught that suffering arises because of our own human cravings (*tanha*) and desires. "Since craving only gives rise to further craving, the cycle of rebirth goes round and round, and individuals are born again and again."<sup>236</sup> So in essence, cravings are harmful because they cause an endless cycle of human suffering and reincarnation. However, the Buddha preaches that "our self-centered desire can be extinguished and with it suffering."<sup>237</sup> How does one accomplish this? By following the Eightfold Path, a spiritual path of personal self-transformation that will eventually lead to Nirvana. Likewise, in Buddhist mediation, by arriving at a resolution, the parties attain a kind of enlightenment, realizing that they no longer need to remain dependent upon the dispute that had been previously nourishing them with its vitriol and dissent. The parties can find a way out of dispute toward inner-

<sup>235</sup> Keown, *Buddhism: A Very Short Introduction*, 50.

<sup>236</sup> Keown, *Buddhism: A Very Short Introduction*, 55.

<sup>237</sup> Patrick Burke, *The Major Religions: An Introduction with Texts*. (Oxford: Blackwell Publishers, 1996), 63.

peace and self-realization and liberation from suffering if they are in fact willing to do the work of meditation and mediation.

The Buddha's Eightfold Path, or Middle Way, consists of eight practices that one must follow to live an ethical life and reach Enlightenment. The eight components of the path are: Right Understanding, Right Thought, Right Speech, Right Conduct, Right Livelihood, Right Effort, Right Mindfulness and Right Concentration. These eight steps are divided into the following three important categories: Wisdom (*Prajna*), Ethical Conduct (*Sila*) and Meditation (*Samadhi*). Under the Wisdom (*Prajna*) category, you will find the first two parts of the path: Right Understanding and Right Thought. To have Right Understanding means that one must fully comprehend the Buddha's teachings of the Noble Truths and "how reality and suffering are intertwined."<sup>238</sup> Once this is understood, it is essential for one to learn how to cultivate Right Thoughts and attitudes within themselves. Fostering good thoughts of love and nonviolence, helps individuals transform their behavior so that they act more peacefully and ethically towards others. The Buddha stressed the need for people to engage in peaceful interpersonal relationships and he did not favor violence. In fact, a fundamental ethical principle taught within the Buddhist faith is *ahimsa*, or non-violence.

Ethical conduct (*Sila*) is also of utmost importance in Buddhism and that is why Right Speech, Right Conduct and Right Livelihood are essential parts of the Eightfold Path. The Buddha taught his followers that they should refrain from using speech that causes harm to others. He stated that "one should speak pleasantly and benevolently, or

<sup>238</sup> "What is the Eightfold Path?" *Lion's Roar* (July 21, 2016), <https://www.lionsroar.com/what-is-eightfold-path/>.

not speak at all.”<sup>239</sup> Individuals should also display “right conduct,” and refrain from engaging in inappropriate behavior like stealing, killing or sexual misconduct. A central religious concept found within Buddhism is karma, or action. According to the Buddha,

karmic actions are *moral* actions, and the Buddha defined karma by reference to moral choices and the acts consequent upon them. He stated, “It is choice, O monks, that I call karma; having chosen one acts through body, speech and mind.”<sup>240</sup>

So in essence, the Buddha is saying that people are solely responsible for their own personal thoughts, words and deeds. Good actions are encouraged and will have positive effects upon one who acts morally. “Bad actions are discouraged as their badness leads to unpleasant karmic results.”<sup>241</sup> Buddhists view the world cyclically and they believe that one may experience a countless number of rebirths in their lifetime. Therefore, a person’s karmic actions have positive and negative effects upon their rebirths. For example, if one acts morally in their lifetime they may be pleasantly reborn into a human or a heavenly being. If one acts immorally, they will experience an unpleasant rebirth as an animal or a hell-being. “None of these realms lasts forever, though, for all end in death and then (for the unenlightened), another rebirth. Thus even life in the hells, though long lasting, is not eternal.”<sup>242</sup> So from a Buddhist point of view, these unpleasant cycles of rebirth give one the opportunity to develop and strive for moral and spiritual perfection in order to reach enlightenment.<sup>243</sup> The Buddha not only stressed the need to act morally but he also encouraged people to obtain occupations or livelihoods that do not cause harm to others.

<sup>239</sup> Burke, *The Major Religions: An Introduction with Texts*, 64.

<sup>240</sup> Keown, *Buddhism: A Very Short Introduction*, 40.

<sup>241</sup> Peter Harvey, *Introduction to Buddhist Ethics*. (Cambridge: Cambridge University Press, 2000), 28.

<sup>242</sup> Harvey, *Introduction to Buddhist Ethics*, 13-14.

<sup>243</sup> *Ibid.*, 14.

For instance, jobs related to selling weapons, alcohol, or butchering meats cause harm and are seen as unfavorable occupations on the Buddha's spiritual path to enlightenment.

Meditation (*samadhi*), or mental discipline, is another essential component of the Buddhist tradition. Right Effort, Right Mindfulness and Right Concentration are integral parts of the Eightfold path that relate to meditation. Right Effort means that one should work hard to cultivate good thoughts and a positive state of mind. Right Mindfulness means to develop a keen awareness of one's own body, feelings and state of mind. Finally, Right Concentration focuses upon the practice of skillful meditation. Meditation is an extremely important practice within the Buddhist faith and it is in fact an integral part of their dispute resolution practices. In Buddhist ADR, meditation and mediation go hand in hand. The Buddha encouraged individuals to meditate daily to develop a peaceful state of mind which in turn helps one to mediate through conflicts more smoothly. Overall, within Buddhist religious practice, the Eightfold path should be followed by individuals on a daily basis because it helps individuals train their minds and transform their personal behavior so that they act more peacefully and engage in positive interpersonal relationships with others.

#### Buddhist Virtues of Peacefulness

In addition to following the Eightfold Path, Buddhists are also expected to practice daily the peaceful Buddhist virtues of *ahimsa*, *karuna*, and *metta*. The Sanskrit word *ahimsa*, means nonviolence or harmlessness. According to the Buddhist peacemaker Thich Nhat Hahn, "to practice ahimsa, first of all we have to practice it within ourselves. In each of us, there is a certain amount of violence, and a certain

amount of nonviolence.”<sup>244</sup> As individuals, we must learn to train our minds not to “react to the aggression in one’s own thoughts or to the attacks of others.”<sup>245</sup> These violent and evil thoughts only cause suffering therefore one must put these thoughts aside and strive to live in peace. The Buddhist sacred text *The Dhammapada*, which is comprised of a collection of sayings from the Buddha, contains important teachings encouraging Buddhists to refrain from evil thoughts and deeds. It says:

Be quick to do good,  
 Restrain your mind from evil.  
 When one is slow to make merit,  
 One’s mind delights in evil.

Having done something evil,  
 Don’t repeat it,  
 Don’t wish for it:  
 Evil piled up brings suffering.

Having done something meritorious,  
 Repeat it,  
 Wish for it:  
 Merit piled up brings happiness.<sup>246</sup>

In the selection of sacred text here above, the Buddha is imploring humans to strive for goodness and moral action. Evil thoughts and actions will only result in human suffering and good thoughts and deeds will conversely bring peace and joy to existence. Further on in the text, the Buddha also stresses the need for individuals to use kind words/language and speech when engaging in interpersonal relationships. He says, “Guard against anger erupting in your speech; be restrained with your speech. Letting go of verbal misconduct,

<sup>244</sup> Chappell, *Buddhist Peacework: Creating Cultures of Peace*, 155.

<sup>245</sup> Irfan A. Omar and Michael K. Duffey eds., *Peacemaking and the Challenge of Violence in World Religions*. (Massachusetts: John Wiley & Sons, 2015), 150.

<sup>246</sup> Gil Fronsda, *The Dhammapada*. (Colorado: Shambala Publications, 2006), 31.

practice good conduct with your speech.”<sup>247</sup> So, when engaged in a conflict situation or a dispute it is best to practice restraint in your body, mind and speech instead of acting out with anger, hatred and violence. “An enemy should be looked on as a beneficial treasure, for he gives one a good opportunity for practicing patience, and should be venerated accordingly.”<sup>248</sup> In Buddhist conflict resolution, *ahimsa* is a fundamental virtue that must be adhered to and practiced by all parties involved. Mediators must model moral behavior in the front of the disputing parties and those who are in conflict must also restrain themselves from causing additional harm or suffering to others. By practicing *ahimsa*, constructive conflict resolution can occur and a peaceful resolution can be attained through mediation between the parties involved with in the dispute.

Another core Buddhist virtue that must be fostered within the mindset of all Buddhists is *karuna*, or compassion. “Compassion is the aspiration that all living beings be free from suffering.”<sup>249</sup> Compassion is one of the greatest qualities that the Buddha possessed. He was motivated by compassion and he actively strove to eliminate the suffering of others. For example, in the *Jakata Tales*, that contains legends of the miraculous births of the Buddha before he was enlightened, there are stories that display his selfless love and sacrifice for the well-being of other sentient beings. In one tale, while the Buddha was living alone in the forest as a hermit he ran into a starving tigress who had just given birth to some tiger pups. “The future Buddha noticed her dark and hollowed eyes. He could see each rib distending her hide. Starved and confused, she was

<sup>247</sup> Ibid., 61.

<sup>248</sup> Michael M. Tophoff, “Conflict Resolution Within A Buddhist Context,” *Journal of Mediation and Applied Conflict Analysis* 3, no. 2 (2016): 471.

<sup>249</sup> Harvey, *Introduction to Buddhist Ethics*, 104.

turning on her whelps, on her own tiger pups, seeing them only as meat to satisfy her belly.”<sup>250</sup> Upon seeing the suffering of the tigress, the Buddha was filled with compassion and he wanted to end her suffering and provide her with food so that she would not injure her pups. The Buddha realized that there was not enough time to search for food for the tigress. He decided that his body would indeed have enough meat on it to feed and nourish her. He wanted to relieve her suffering so he decided to sacrifice himself so that she would no longer be in pain. He decided to climb up “a high ridge, and he cast himself down in front of the tigress. On the verge of slaughtering her pups, hearing the sound, she looked across—seeing the fresh corpse, she bound over and ate it. Thus she and her cubs were saved.”<sup>251</sup> This story indeed displays an amazing act of compassion, wisdom and self-sacrifice by the Buddha. In the Buddhist faith, those who display these types of altruistic qualities are called bodhisattvas. A bodhisattva is “a being for enlightenment” who chooses to refrain from entering nirvana in order to compassionately save other sentient beings.<sup>252</sup> For Buddhists, this story is significant because it sheds light upon one of the Buddha’s previous lives as a compassionate bodhisattva. Buddhists today still strive to follow his example and cultivate *karuna* in their daily lives and religious practice.

Metta, the act of benevolence and lovingkindness, is another essential virtue that should be observed by all practicing Buddhists. “Lovingkindness is the aspiration for the true happiness of any, and ultimately all, sentient beings, for all these are like oneself in

<sup>250</sup> Andrew Schelling, “Jakata Mind,” *Tricycle: The Buddhist Review* (Fall 1991): 1.

<sup>251</sup> Ibid.

<sup>252</sup> Harvey, *Introduction to Buddhist Ethics*, 435.

liking happiness and disliking pain.”<sup>253</sup> The Buddha urged his disciples to engage in loving, positive and peaceful interpersonal relationships with others. He stressed that anger should be avoided at all costs. For example, in the *Dhammapada*, he says, “conquer anger with non-anger; conquer wickedness with goodness.”<sup>254</sup> As we can see kindness is a virtue that one should instill in their mind and share with others even when others do not reciprocate the practice. It is obvious that the virtues of compassion and lovingkindness go hand in hand and through the practice of mindful meditation, individuals can learn to transform their mind and attitude toward being more peaceful, loving and kind toward all living beings. Moreover, in the field of conflict resolution, these virtues should also be ingrained within the mindset of all mediators. During a mediation, mediators should actively listen to, communicate with and show empathy towards all parties within a dispute. They should act as a neutral third party who not only treats each party with compassion/kindness but also who furthermore connects with and understands their cultural/religious values and social norms that culturally correspond with their wants, needs, and concerns.

### Conflict Resolution in the Buddhist Tradition

Even though Buddhism is considered a religion of peace, that does not mean that it is free from conflict. For within the Buddhist tradition, suffering and conflict are recognized as a natural part of human life. “Buddhism teaches that at the core of suffering is ignorance. This is often the root of conflict.”<sup>255</sup> If an individual wants to address a

<sup>253</sup> Ibid., 104.

<sup>254</sup> Fronsdal, *The Dhammapada*, 59.

<sup>255</sup> Ajahn Thanasanti, “The heart of the matter: perspectives on resolving conflict from the Buddhist tradition,” *ADR Bulletin* 4, no. 6 (2001): 78.



conflict or a dispute they must first identify and understand the root of the problem behind it. In the field of conflict resolution, this is the same approach that Roger Fisher and William Ury, the authors of *Getting to Yes*, recommend using when engaging in a negotiation. “Ury’s view of negotiation suggests a shift from focusing on the ‘other’ as the source of the problem, to focusing on the *problem*. It is not the people who are difficult, but the situation.”<sup>256</sup> So we can see that first and foremost within Buddhism and the negotiation process, the central focus must be upon the problem and not the people.

In Buddhism, mindful meditation is one of the central mechanisms individuals use to reflect upon and gain a better personal understanding of the problem at hand.

Meditation is not an intellectual process but a training in how to identify the emotions we attach to a situation, and to observe, acknowledge and release them to allow one to listen with an open heart to the truth of the situation. This enables one to listen to what another has to say. For if one fails to get to the root of the suffering, then it clouds one’s ability to relate skillfully to others, to make good decisions or to communicate in a clear and effective way.<sup>257</sup>

As the quote indicates, mindfulness meditation practices have been integrated into the field of Law and ADR. Around the year 2002, scholars in both fields began to show an increasing interest in the Buddhist worldview and its transformative approach to conflict resolution. Harvard Law School held its first symposium addressing the subject in 2002 and in 2007 hosted another conference entitled “Buddhism and Dialogue.” Furthermore, ADR scholars Robert Bush and Joseph Folger wrote the book *The Promise of Mediation: The Transformative Approach to Conflict*, that discussed the benefits of using a transformative approach in mediation. They explain that if mediators and negotiators

<sup>256</sup> Ran Kuttner, “From Adversity to Relationality: A Buddhist-Oriented Relational View of Integrative Negotiation and Mediation,” *Ohio State Journal On Dispute Resolution* 25, no. 4 (2010): 937.

<sup>257</sup> Ibid.

choose to use the transformative approach they must “adopt an alternative worldview, which includes dealing with the philosophical foundations held by negotiators and disputants.”<sup>258</sup> According to Bush and Folger, this alternative or “*relational worldview* integrates both ‘self-interestedness’, as emphasized by the individualist worldview, and ‘responsiveness to other:’ human nature includes *both* the capacity for self-interestedness *and* the capacity for responsiveness to others.”<sup>259</sup> This transformative approach for mediation and the Buddhist holistic outlook for conflict resolution are similar in that there is focus upon the individuals and their responsibility to one another in a conflict situation. Mindfulness practices can be transformative because they can positively change the outlook, thoughts and behavior of those involved in a conflict. The Buddha considered mindful meditation practices to be an essential part of Buddhist conflict resolution and peacebuilding. In fact, he instructed the monks within his community, or *Sangha*, to practice it daily in order to maintain peaceful and friendly interpersonal relationships.

*The Sangha: A Model of a Peaceful Buddhist Society*

“A Sangha is a community of people—monks, nuns, laymen and laywomen—who are walking together on a spiritual path.”<sup>260</sup> When the Buddha first developed the Sangha, the monks lived peacefully together without a formalized code of conduct. Naturally, over time as the community grew larger and more complex, conflicts and disputes began to occur. The Buddha realized that it was important to establish The

<sup>258</sup> Ibid 938.

<sup>259</sup> Ibid 941.

<sup>260</sup> Thich Nhat Hahn, *Joyfully Together: The Art of Building A Harmonious Community*. (California: Parallax Press, 2003), 7.

*Vinaya*, a code of ethical rules and guidelines that governed the overall monastic community. The *Vinaya*, is one of the three parts of the early Buddhist scriptures known as the Pali Canon. In the Pali Canon, Buddha called his spiritual path the “*Dhamma-Vinaya* – the Doctrine (*Dhamma*) and Discipline (*Vinaya*) --- suggesting an integrated body of wisdom and ethical training.”<sup>261</sup> Historically, the *Vinaya*’s monastic code of discipline has been protected and preserved by the monastic community for almost 2,600 years. It was “comprised of several volumes and concerns not only moral integrity but also gives guidance for how people could live together harmoniously.”<sup>262</sup> Surely it is apparent that from very early on conflict resolution was valued and integrated into the daily practices of those within the Buddhist faith and monastic community. Interestingly, the monastic code of discipline is still being adapted and utilized within contemporary Buddhist sangha’s today.

When the Buddha created the Sangha, his overall goal was to establish a unified religious community where monks and nuns lived together harmoniously. He considered it to be an exemplary society where its members strived to live in peace and refrain from conflict. “The Buddha described himself as a reconciler of those at variance and an encourager of those already united, rejoicing in peace, loving peace, delighting in peace, speaking in favor of peace.”<sup>263</sup> He instructed those within the Sangha to engage in peaceful interpersonal relationships and to resolve any disputes that may arise within the

<sup>261</sup> “Vinaya Pitaka: The Basket of the Discipline,” edited by Access to Insight. *Access to Insight (BCBS Edition)*, 17 December 2013, <http://www.accesstinsight.org/tipitaka/vin/index.html>.

<sup>262</sup> Thanasanti, “The heart of the matter: perspectives on resolving conflict from the Buddhist tradition,” 79.

<sup>263</sup> Wijebandara, “The Buddhist Way of Conflict Resolution,” 2.

community. In order to prevent harm and suffering from social conflict, and to maintain concord and unity within the monastic community the Buddha taught the six principles of cordiality. He told his monks that in public and private settings they must maintain

(1) bodily acts (2) verbal acts (3) and mental acts of loving-kindness towards other monks. In addition, they must (4) share their material gains with others, (5) adhere to the codes of conduct in the monastery and (6) must actively work to end suffering within the community.<sup>264</sup>

For monks, cultivating loving kindness and compassion towards others is something that must be practiced daily. In order to do this, the Buddha taught them that they first must meditate and develop a peaceful state of mind within themselves and then they can externally share it with others. Therefore, if a monk actively practices and engages in the six principles of cordiality, it will create “affection and respect and conduce to cohesiveness, to non-dispute, to concord and unity,” within the Sangha.<sup>265</sup> So essentially, the Buddha is saying that harmony and unity can be sustained in the Sangha if the monks engage in peaceful and ethical social relationships. Moreover, when conflicts do naturally arise within the community the monks must address them with loving kindness and compassion.

The Buddha was fully aware that conflicts and arguments would occur within the Sangha and that is why he provided clear guidelines in the Vinaya as to how to address them. In the Buddhist monastic community, conflicts commonly occurred because of “disputes about what is the correct interpretation of Buddhist law, accusations about someone’s unskillful behavior, offenses against the discipline; duties and

<sup>264</sup> Bhikkhu Bodhi ed., *The Buddha’s Teachings on Social and Communal Harmony: An Anthology of Discourses from the Pali Canon*. (Massachusetts: Wisdom Publications, 2016), 116-117.

<sup>265</sup> Ibid., 117.

responsibilities.”<sup>266</sup> Interestingly, the Buddhist monastic community, has adopted a system of seven unique dispute resolution practices that they have used to remove conflicts and disputes from their faith-based community.

*Seven Steps for Resolving Conflicts within the Sangha*

Historically speaking, the seven practices of reconciliation were developed over a period of 2,500 years. They were purposely implemented to restore friendly relations between monks and to maintain peace within Sangha communities. When a conflict occurred between two monks, the first step the Sangha took was to gather together for a community meeting. At the beginning of the meeting, all of the monks practice “Face-to-Face Sitting which consists of everyone sitting together mindfully, breathing and smiling, with the willingness to help, and not with the willingness to fight.”<sup>267</sup> The two disputing monks are required to sit in silence, meditate and engage in this practice with the rest of the community. Face-to-Face sitting is crucial at the beginning of the reconciliation process because it creates an atmosphere of peace for all present within the Sangha. After a period of peaceful silence, the monks in conflict have an opportunity to share their thoughts and sufferings with those in the group. While each monk tells their story, the whole community sits quietly and deeply listens. “In a Sangha where people practice mindfulness, this practice of deep listening to both sides may not be so difficult. We know how to listen with compassion, to hear the truth without opposing one side and supporting the other.”<sup>268</sup> The deep listening session is important because it helps to

<sup>266</sup> Thanasanti, “The heart of the matter: perspectives on resolving conflict from the Buddhist tradition,” 79.

<sup>267</sup> Thich Nhat Hanh, *Being Peace*. (California: Parallax Press, 2005), 77.

<sup>268</sup> Hahn, *Joyfully Together: The Art of Building A Harmonious Community*, 63.

alleviate any anxieties or misunderstandings that may be felt by those within the group. Interestingly, in the mediation process, mediators will meet with each party individually to hear their side of the story. However, in the Sangha, the monks share their stories with the whole community, so in reality all members of the Sangha are taking on the role of mediators.

In the field of conflict resolution, the practice of deep listening is very similar to the art of active listening which is commonly used in the mediation process. Active listening like deep listening, is an important communication skill that must be used and modeled by mediators so that all parties learn how to communicate effectively during the mediation process. “When you actively listen, you demonstrate sincerity and you focus your attention on the communication process. You look at the person communicating and attend to what is being said (both verbally and non-verbally).”<sup>269</sup> By mastering the skill of active listening, mediators show that they empathize with each party and that they are willing to help resolve the problem at hand. Commonly, in the active listening process it is natural for the mediator to speak and restate parts of the parties’ stories in order to show that they understand what is being said. However, this is not the case in the deep listening process, where the focus is primarily just on listening and not verbally responding. In the Buddhist approach to conflict resolution, feedback is given later on in the reconciliation process. As is the case in introductory mediation courses, where students are instructed on “active listening” and deep concentration on the views of the other in order to produce a response that is useful, generative, mindful and reciprocal.

<sup>269</sup> Emilia Hardman, *Active Listening: How to Turn Down Your Volume to Turn up Your Communication Skills*. (2012), 151.

The second step of the Buddhist reconciliation process is Remembrance. During this practice, both monks must recall and share the history and details of the conflict with the Sangha.<sup>270</sup>

Before speaking in public, a person needs to sit down quietly to remember. Members of the Sangha can ask him or her to remember and to provide as many details as possible of the base of the conflict. This is a way to help everyone, including concerned parties, to look deeply.<sup>271</sup>

This step is crucial because it gives both parties a better understanding of how their unskillful behavior and thinking caused the suffering in the conflict. By reflecting upon this, both parties gain an awareness of how they can positively change their behavior in the future so that can avoid further conflicts. Similarly, in the mediation process, it is standard for a mediator to meet with each party to discuss and gather background information pertaining to the dispute. However, it differs from the Buddhist approaches in that there is not an emphasis upon a personal self-reflection of one's behavior in the conflict. It is just a fact-finding session for mediators to gain a better understanding of the overall situation.

For the third step of the reconciliation process, it is necessary for the Sangha to determine if both parties are mentally sane. If one or both parties are mentally ill, it is bound to cause conflict and suffering amongst the members of the monastic community. If the Sangha confirms that one of the parties is mentally unstable and can't recall the details of the conflict, they will settle the dispute. In a situation like this, the main goal is

<sup>270</sup> It is interesting to note that at Drew University, Dr. Jonathan Golden, uses this practice when requiring his students to study the historical narratives associated with various conflicts in his Conflict Resolution classes.

<sup>271</sup> Hahn, *Joyfully Together: The Art of Building A Harmonious Community*, 64.

to maintain harmony within the monastic community. By settling the dispute quickly, it causes less of a disturbance amongst the overall community.

During the fourth step, if both parties have been deemed sane, the Buddhist Sangha engages in a practice called Covering Mud with Straw. In this exercise, each party is appointed a senior monk to speak on their behalf in front of the monastic assembly. In the Sangha, senior monks are considered to be respected teachers and when they speak they are taken very seriously by the members of the community. When the senior monks address the Sangha, they each say supportive and kind things about the monk that they are representing. This is done to appease any hard feelings that the monks may have towards each other and to move them closer towards a reconciliation. In the custom of “putting straw on mud – the mud is the dispute, and the straw is the loving kindness of the Dharma,” that is spoken about by the senior monks.<sup>272</sup> In conflict resolution and ADR it is not uncommon for representatives to be appointed to help and support those within a dispute. In the *Sulh* process, the *jaha* is the one who represents the offender’s family and delivers an apologetic message on their behalf. In biblical conflict resolution, Christians are instructed to bring community members with them to help resolve a dispute. In the Jewish arbitration process (*bitzua*), the parties get to choose their own (*dayyanim*) judge who represents their interests and needs in the case. Likewise, in a mediation, lawyers will usually step in and represent both parties in a dispute. Overall, it is interesting to see how each faith has developed a support system for those who are involved in the dispute resolution process.

<sup>272</sup> Hanh, *Being Peace*, 79.



In the fifth step of the reconciliation process, the Sangha will assemble together and each monk will participate in a voluntary self-confession. In this practice, one of the monks will begin by expressing their own weaknesses and wrongdoings in the situation. They may say something like, “On that day, I was not very mindful. I said such and such a thing. That is horrible. I am sorry.”<sup>273</sup> When the first monk confesses that he has done something wrong he is engaging in the practice of “Beginning Anew,” which is an important step in the de-escalation process.<sup>274</sup> The second monk is also invited to participate in the same practice. In general, both of the monks are encouraged and supported by the whole community in the self-confession process. The senior monks usually address the disputing monks and encourage them to reconcile and restore the relationship because it is best for the overall monastic community. He reminds them that they are part of a community that values interpersonal peace and harmony therefore conflicts should be resolved. The act of voluntarily self-confessing is a truly transformative practice for both of the monks. It gives the monks an opportunity to apologize for their behavior and take ownership for the wrongs that they have both done. Interestingly, the self-confession process is very similar to the contribution system that is discussed in the book *Difficult Conversations* by Douglas Stone, Bruce Patton and Sheila Heen. *Difficult Conversations* is a very interesting book that talks about the strategies that we all can use in our daily lives to manage difficult conversations with others. When a situation at work does not go well with a co-worker, or when one gets into an argument

<sup>273</sup> Ibid., 80.

<sup>274</sup> Hahn, *Joyfully Together: The Art of Building A Harmonious Community*, 66.

with a spouse it is usually common for one person to blame the other. According to Stone, Patton and Heen,

focusing on blame is a bad idea because *it inhibits our ability to learn what's really causing the problem and to do anything meaningful to correct it*. The urge to blame is based, quite literally, on a misunderstanding of what has given rise to the issues between you and the other person, and on the fear of *being* blamed.<sup>275</sup>

When we blame another person, we are in essence misjudging them for their actions in the situation as we fail to access the motivations and intentions that lie latent behind those actions. This lack of understanding can be harmful, and in the long run, it definitely does not help the relationship between the parties get any better. Stone, Patton and Heen, thus recommend that the best way to handle these difficult situations is for both people to discuss the ways that they each initially contributed to the situation. It is important for them to both share their feelings with one another so that they can each gain a better understanding and acknowledgement of their contribution to the problem. Then, they need to figure out the ways that they are going to fix the problem. “In short contribution is useful when our goal is to understand what actually happened so that we can improve how we work together in the future.”<sup>276</sup> Overall, we can see that both the contribution model and the voluntary self-confession process are both socially transformative because they encourage learning, change and future growth from both parties.

During the sixth step of the reconciliation process, a committee is formed to further study the details of the case. Likewise, in the mediation process, mediators also take time to collect and analyze the background information pertaining to a dispute. Once

<sup>275</sup> Douglas Stone, Bruce Patton and Sheila Heen, *Difficult Conversations: How to Discuss What Matters Most*. (New York: Penguin Books, 1999), 60.

<sup>276</sup> Ibid.

they have finished their investigation, they will share their findings with the members of the Sangha. After the Sangha has heard the report, they will take a majority vote to solve the problem. Next, they will announce the verdict to the community as a whole. “It is agreed in advance that the two monks will accept whatever verdict is pronounced by the whole assembly, or they will have to leave the community.”<sup>277</sup> After the conflict is settled, those within the monastic community are no longer allowed to discuss it because that would violate the Buddhist monastic code.

During the final step of the reconciliation process, the senior monks in the monastic community will call a general amnesty. The assembly of monks will gather around the respected elders and listen to their words of wisdom saying: “We are all brothers and sisters of the same family. We have to forgive each other. We have to put down straw on the muddy path so that we can walk together.”<sup>278</sup> Then, the monks who were involved in the dispute bow down before their elders and find the compassion and loving kindness within themselves to reconcile with one another. Reconciliation is of utmost importance because it restores the relationship between the two monks and it creates concord in the Sangha. Similarly, the main focus of ADR is to reconcile individuals so that they can work together to come up with an amicable solution to their problem.

The Sangha is a unified spiritual community that values a peaceful coexistence between its members. The seven steps of reconciliation are noteworthy because they offer a creative and transformative approach for the resolution of interpersonal conflicts within

<sup>277</sup> Ibid.

<sup>278</sup> Hahn, *Joyfully Together: The Art of Building A Harmonious Community*, 68-69.

monastic communities. These dispute resolution techniques are currently being practiced in France at the Plum Village Monastery, founded by the Buddhist monk and spiritual teacher, Thich Nhat Hahn. When monks encounter a conflict within the monastery, Thich Nhat Hahn encourages them “not utter words that can create discord and cause the community to break. Make every effort to reconcile and resolve all conflicts, however small.”<sup>279</sup> Hahn considers the seven steps of reconciliation to not only be valuable steps to use to address conflict and promote peace within monasteries but he also believes that they can be adopted and used to address everyday conflicts within our families, communities and in our society at large.

#### Buddhism: What does it offer the field of Conflict Resolution?

From the very beginning, the Buddhist faith has been a religion of peace, and the Buddha himself has continued to embody the image of a “mediator, a conciliator of those who are divided, an encourager of those who are friends, a peacemaker, a lover of peace....and a speaker of words that make for peace.”<sup>280</sup> Buddha, like Aaron, Christ and Muhammad, recognized that human conflict, quarrels and misunderstandings were inevitable. He encouraged his followers not to harbor grudges and to always take action to wipe the slate clean. Instead of viewing conflicts negatively, he saw them as opportunities for spiritual growth, personal reflection and mindful meditation. The Buddha’s *Dharma* provides his followers with religious guidelines explaining how to end suffering, live an ethical life and how to attain Enlightenment. As a matter of fact, the

<sup>279</sup> Hahn, *Peace Is Every Step: The Path of Mindfulness in Everyday Life*. (New York: Bantam Books, 1991), 128.

<sup>280</sup> James W. Boyd, “Buddhas and the kalyana-mitta,” in *Mediation in Christianity and Other Religions*, (Rome: Gregorian University Press, 1972), 71.

*Vinaya* includes important ethical rules, teachings and practices concerning interpersonal relationships and conflict resolution. Buddhist conflict resolution is centered upon mindful meditation where one reflects upon the source of the problem, the personal actions involved and the suffering that it has caused. It aims to transform ones' mindset, attitude and thoughts towards peacefulness, compassion and wisdom.

Increasingly, mindfulness meditation practices are being taught and used today in the field of law and conflict resolution. For example, Norman Fischer a Zen Buddhist priest and founder of the Everyday Zen Foundation, leads retreats for lawyers who are interested in using mindfulness meditation and reconciliation in their daily practice. They find meditation practices to be beneficial because they reduce stress and “hone in on traits such as focus, creativity, empathy and listening, all of which can make lawyers better at what they do.”<sup>281</sup> Norman Fischer has also worked collaboratively with lawyers Gary Friedman and Jack Himmelstein, who provide conflict resolution and mediation training to educators, professionals and lawyers. Friedman and Himmelstein believed that it would be beneficial to include mindfulness meditation into their conflict resolution trainings and after years of work with Fischer they developed their own “understanding-based model” for mediation and conflict resolution. The aim of this approach is to help people in conflict better understand one another and work together to find a mutual resolution to their conflict. The mediators do not coerce the parties into making a compromise, instead they work directly with the parties and support them while they

<sup>281</sup> Diane Curtis, “Meditation: a new practice for lawyers,” *California Bar Journal*, (2011), accessed January 19, 2020, <http://www.calbarjournal.com/>.

“shape creative and mutually rewarding solutions” together.<sup>282</sup> Overall, in the field of conflict resolution the understanding based model has proven to be an effective way to resolve conflict in a way that is mindful and respectful of the parties differences while honoring their future relationship.

Truly, we can see that Buddhism’s religious teachings and practices provide the field of conflict resolution with a different worldview as well as a distinct holistic approach for ADR and peacebuilding. This approach is valuable because it encourages all parties to deeply listen to one another and engage in respectful and peaceful dialogue. In addition, “it encourages all parties to maintain their self-respect, to be treated with kindness and compassion and to create rich conditions to explore possible solutions that result in action based in wisdom.”<sup>283</sup> Overall, Buddhist conflict resolution and peacebuilding offer a holistic and transformative approach that fosters inner as well as outer peace amongst all beings in the world.

*“Through training our minds’ we can become more peaceful. This will give us greater opportunities for creating the peaceful families and human communities that are the foundation of world peace.”(Insight from the Dalai Lama)*

<sup>282</sup> Gary Friedman and Jack Himmelstein, “Resolving Conflict Together: Understanding-Based Model of Mediation,” *Journal of Dispute Resolution* 8, no. 2 (2006): 524.

<sup>283</sup> Thanasanti, “The heart of the matter: perspectives on resolving conflict from the Buddhist tradition,” 79.

## CHAPTER 5

### **Similarities & Differences Between the Faiths ADR Practices and Peacebuilding Principles**

After examining the spiritual beliefs and ADR processes found within each faith, it is important to reflect upon and discuss the similarities and differences between their conflict resolution and peace building practices. Yet, before moving ahead, it is essential to first point out that the analysis conducted within this chapter will focus solely upon each faith tradition's historical, traditional and scriptural approaches to ADR, *not* on their contemporary approaches. As I gradually forayed into this study, it became apparent to me that common themes, principles and practices did exist between all four of the faith traditions as did distinct conceptual and ritualistic differences.

Perhaps the most obvious concept that unites all of the faiths is their shared **ideal vision for peace**. Woven throughout all of their sacred texts and religious teachings, there is an emphasis upon establishing peaceful religious communities where its followers “strive for or pursue” peace in their daily lives. This is truly an admirable vision; it is one that throughout history other communities, states and nations’ have also hoped for themselves. Indeed, the term “peace” can be very complex because it is used in many different contexts, and it holds many different meanings. Thus, in order to understand peace in a more nuanced way, it is helpful to ask a few important questions: First, what is peace actually/itself? Further, what is peacebuilding, or “peace work?” And finally, what steps do these faiths take to end conflict and maintain peace or harmony within their respective faith-based communities?

The answer to the series of preceding questions can be found in the book, *Peace by Peaceful Means*, by Johan Galtung, the father of peace studies. In his text, Galtung interestingly provides two distinct definitions for the word peace. He proclaims first that “peace is the absence/reduction of violence of all kinds,” and second that “peace is nonviolent and creative conflict transformation.”<sup>284</sup> So in order to establish peace, all forms of violence (conflict, hurt, harm and suffering) must be reduced. He further explains that the aim of peace work is to “reduce violence by peaceful means.”<sup>285</sup> It is clear that all of the faith traditions within this study, partake in their own type of peace work through the implementation and use of their creative ADR practices. In the scholarly field of peace studies at large, Galtung is well known for proposing two distinct categories of peace – positive and negative peace. Negative peace is described as “the absence of violence, war or the fear of violence.”<sup>286</sup> It is the type of peace that occurs after a ceasefire is called between opposing groups in a war. Negative peace is considered to be a “false sense of peace or a peace without justice.”<sup>287</sup> In a situation involving negative peace, the violence has come to an end but the underlying conflict still very much exists and unfortunately is never resolved. “Positive peace is a true, lasting, and sustainable peace built on justice for *all* peoples.”<sup>288</sup> In a positive peace situation, there is an absence of violence and an emphasis upon the restoration of relationships and constructive conflict resolution and transformation. Conflicts still exist but social systems

<sup>284</sup> Johan Galtung, *Peace by Peaceful Means*. (London: Sage Publications, 1996), 9.

<sup>285</sup> Ibid.

<sup>286</sup> Oshadhi Herath, “A critical analysis of Positive and Negative Peace,” abstract, (2016): 106.

<sup>287</sup> Ibid.

<sup>288</sup> Ibid.



are formed to positively manage them and address the needs and interests of those involved. Unquestionably, all of the faiths surveyed within this study, actively take steps to adhere to the moral, religious and legal guidelines that have been traditionally set forth in their religious communities. In doing so, they are helping to maintain order and uphold a sense of “positive peace” in their faith-based communities.

### *Moral Guidelines*

In order to manage/control human relationships, all of the faiths **commonly implemented moral guidelines/rules that were deeply rooted in and motivated by their religious beliefs and practices.** We can see that the monotheistic faiths, adopted ethical guidelines/laws that were religiously mandated by God. However, in Buddhism, their spiritual and moral guidelines of the Middle Way were religiously inspired by the Buddha himself. Historically, the Bible explains that the Jews, also known as the ancient Israelites, had established a special covenant relationship with God through the patriarch Abraham. “Muslims, Christians, and Jews regard Abraham as their patriarch, the founder of a sustained monotheistic society subscribing to the belief that there is only one god, the Creator and Sustainer of the Universe.”<sup>289</sup> As part of their religious monotheistic obligations, they promise to worship God and follow his commandments and in return God promises to protect them and provide them with divine spiritual and material blessings. However, if they disobey and do not follow God’s commandments punishments will be given.

<sup>289</sup> Imam Feisal Abdul Fauf, *What’s Right with Islam*. (New York: Harper Collins, 2004), 13.

The biblical text recounts that it was Moses who received the divine revelation from God at Mt. Sinai containing the written and oral law code for the Jewish people. The Torah, God's divine law code, served as a vital tool for the establishment of social rules and norms for the people, tribes and the nation of Israel. The laws at Sinai, consisting of the Ten Commandments and other written laws found in the Torah, were extremely significant to the Jews because they were the first set of moral law codes divinely revealed to the people from God. The Ten Commandments contain laws related to worship and ritual as well as personal and interpersonal conduct. It forbids actions such as cursing, murder, adultery, stealing and lying but it encourages monotheistic worship and respect for one's parents. Another important sacred and legal text for the Jewish people is the Talmud, which is comprised of the Mishnah and the Gemara. The Talmud is a compilation of Jewish oral law containing commentaries from the rabbis. Altogether, the Torah (oral and written), the Mishnah and the Talmud serve as the authoritative and legal documents for the people of the Jewish faith. Christians look to the Bible and Jesus's religious teachings for moral and ethical guidance. Similar to the Jewish tradition, Christians believe that the Ten Commandments are divine law codes given by God to which they religiously aspire to follow. Another source of guidance for Christians is Jesus's Sermon on the Mount, found in the New Testament, Matthew 5-7. This text is especially noteworthy because it contains the Beatitudes, the Lord's Prayer and essential ethical commandments concerning Christian discipleship. In addition, it clearly spells out the rules that Christians must follow in order to receive God's grace and enter the kingdom of heaven.

In the Islamic tradition, Muslims received moral guidance from Allah through his divine revelations given to the Prophet Muhammad. Allah's spiritual messages were written down and compiled together in the Qur'an, Islam's sacred text. Interestingly, the Qur'an does not formally list the Ten Commandments but it shares similar commands within its religious text.<sup>290</sup> The Qur'an instructs all Muslims to follow the Five Pillars of Islam which are the central religious obligations and practices for all believers. They consist of the declaration of faith, prayer five times a day, giving to charity, the pilgrimage to Mecca and fasting during the month of Ramadan. As part of the Islamic faith, Muslims not only submit themselves to Allah, but they also actively engage in ritualistic worship. The Five Pillars are important because

they remind Muslims of God's presence in their lives as the source of love, justice and peace. They provide purpose and structure to a Muslim's life, because the essence of the practices is to remember God, to follow the will of God, become a good human being, and care for others.<sup>291</sup>

In addition to the Five Pillars, the Qur'an also contains additional commands for Muslims concerning the various ways that they must civically and humanely engage with one another. These instructions are found in "the Shariah a body of divine guidance, in its structure, format, and construct. The Shariah is important to Muslims because it is the guide by which the Muslim determines what is good or ethical."<sup>292</sup> The Shariah is comprised of the following two holy texts: The Qur'an and the Sunna. As we know, the Qur'an serves as a spiritual guidebook for all Muslims but the Sunna contains additional

<sup>290</sup> To learn more about the commonalities between the verses in the Hebrew Scriptures: Exodus 20 and the Qur'an see Table 7.4 (b) in *Islam & Muslims*, Chapter 7-8.

<sup>291</sup> Chaudry and Crane, *Islam & Muslims*, Chapter 2.

<sup>292</sup> Rauf, *What's Right with Islam?*, 150.

laws that are based on the words and deeds of the prophet. Overall, this sacred body of law contains

disciplines and principles that govern the behavior of a Muslim individual toward his or herself, family, neighbors, community, city, nation and the Muslim polity as a whole, the Ummah. Similarly, Shariah governs the interactions between communities, groups, and social and economic organizations. Shariah establishes criteria by which all social actions are classified, categorized and administered within the overall governance of the state.<sup>293</sup>

As part of Shariah guidelines, all Muslims are religiously and ethically responsible for respecting God, human beings, family, the community and their physical environment. They also must respect economic and political justice, gender equity and a quest for human knowledge.

Curiously, the Buddhist tradition also contains moral guidelines that individuals are recommended to follow within their faith-based community. In Buddhism, the Buddha taught that the world, the universe and all living beings are interconnected. Buddhists believe in reincarnation the concept that people are reborn again after they die. Individuals may go through numerous cycles of birth, death and rebirth in their lifetime. A central belief found within the Buddhist faith is the law of karma (action), also called the law of cause and effect or the law of moral causation. Buddhists believe that when an individual acts morally it will have positive results and when an individual acts immorally it will have negative results. Consequently, one's karmic actions, whether positive or negative, will have a direct impact upon an individual's rebirths. From a moral perspective, the law of karma is valuable because it teaches individuals that they must

<sup>293</sup> Shaykh Muhammad Kabbani, "Understanding Islamic Law," *The Islamic Supreme Council of America*, (November 13, 2019), accessed November 13, 2019, <http://www.islamicsupremecouncil.org>.

take responsibility for their actions whether good or bad. Another set of rules found in Buddhist faith are the Five Precepts which are curiously very similar to the Ten Commandments. These precepts focus upon personal behaviors that one must avoid such as killing, stealing, lying, sexual misconduct and drinking alcohol and doing drugs. Buddhists consider the Five Precepts to be important recommendations for life but they don't view them to be commandments like the Abrahamic faiths do. The Buddha's teachings of the Eightfold Path also contain ethical guidelines for Buddhists to follow in order to live a moral life.

The Eightfold Path is broken up into the following three essential practices: *Prajna* (wisdom), *Sila* (ethical conduct) and *Samadhi* (Meditation). From an ethical perspective, Buddhists are taught the importance of cultivating good thoughts, using kind words, engaging in moral conduct and refraining from all forms of violence. These practices help to keep Buddhists on the straight and narrow path so they can reach Enlightenment. Overall, we can see that religion impacted the creation and implementation of rules and norms within these early faith-based communities. This is not only an essential step towards minimizing conflict but it is also a step in the right direction towards promoting positive peace across these religious communities.

#### *Social Harmony & the Treatment of Others*

It is fascinating to see that when it comes to human relationships, all of the faiths along with their scriptures emphasize the **need for social harmony as opposed to an “eye for an eye.”** Because of this, we can see that the prevention of conflict and the establishment of peaceful interpersonal relationships are essential religious practices found within all of the faiths. In the Jewish faith, fundamental commandments are found

within their sacred texts that address the proper treatment of others and the expected obligations that one must follow when engaging in interpersonal relationships. For Jews, one of the most fundamental commandments given in the Torah is “You shall love your neighbor as yourself.”<sup>294</sup> Likewise, in the Christian scriptures, this same “great” commandment is spoken of by Jesus in the book of Matthew 22. Within this text, one of the Pharisees asks Jesus which commandment is the greatest and he answers:

“You shall love the Lord your God with all your heart, and with all your soul, and with all your mind. This is the greatest and the first commandment. And a second is like it: You shall love your neighbor as yourself. There is no other greater commandment than these.”<sup>295</sup>

Similarly, in the Qur’an, there is an emphasis upon loving God, and one’s fellow-men.

Surah 2: 177 says,

It is not righteousness that ye turn your faces to the East and the West;  
but righteous is he who believeth in God, and the Last Day and the angels  
and the Scripture and the prophets; giveth wealth, for love of Him, to kinsfolk  
and to orphans and the needy the wayfarer, and to those who ask, and who  
set slaves free.

The passage above, further instructs Muslims to take care of those who are in need, orphaned or who have righteously freed their slaves. Additionally, in the Buddhist faith, the Buddha urges all of his disciples to practice the virtue of *metta*, or lovingkindness. In the sacred hymn, *The Karaniya Metta Sutta: Hymn of Universal Love*, the Buddha says:

Cultivate an all-embracing mind of love  
For all throughout the universe,  
In all its height, depth and breadth —  
Love that is untroubled  
And beyond hatred or enmity.<sup>296</sup>

<sup>294</sup> Lev 19:18.

<sup>295</sup> Matt 22: 37-40.

<sup>296</sup> Acharya Buddharakkhita, “Metta: The Philosophy and Practice of Universal Love,” *Access to Insight (BCBS Edition)*, (November 30, 2013), accessed November 8, 2019, <http://www.accesstoinight.org/lib/authors/buddharakkhita/wheel365.html>.

By and large, it is evident that the duty of loving one's neighbor, kinsfolk and all sentient beings is an ideal practice for establishing peaceful relationships and for managing interpersonal conflict resolution. Hateful behavior towards others such as public shaming, violence, retaliation, lying, cursing and verbal abuse are strongly prohibited.

**Along with the proper treatment of one's neighbor, the religions also give direction as to the proper treatment of one's enemy.** In Judaism, the Torah teaches that one should display peaceful conduct toward an enemy and they are obligated to assist them if they are burdened. For example, Proverbs 25: 21 explains "if your enemies are hungry, give them bread to eat; and if they are thirsty, give them water to drink." The Torah also instructs individuals that they should not abandon anything that is owned or related to an adversary. For instance, Exodus 23: 5 instructs that, "when you see the donkey of one who hates you lying under its burden and you would hold back from setting it free, you must help to set it free." So simply put, one is required to cooperate with and treat others equally even if they happen to be an enemy. "The Midrash explains that such behavior towards one's enemy will encourage a peaceful resolution of their conflict."<sup>297</sup> For if an enemy sees that his adversary is willing to help him, he in return will be more likely to put aside their differences and reconcile.

Similarly, in the Christian faith, Jesus calls upon Christians to not only selflessly love their enemies but to serve them as well. In Luke 6: 27-28, Jesus directs Christians to, "love your enemies, do good to those who hate you, bless those who curse you, pray for those who abuse you. If anyone strikes you on the cheek, offer the other also, and from

<sup>297</sup> Roness, "Conflict and Conflict Management in Jewish Sources," 46.

anyone who takes away your coat do not withhold even your own shirt.” Overall, this biblical passage is saying that one should not treat their enemies harshly or retaliate against them. Instead, one should act graciously towards them so that they can grow to be more like Christ. This Christ-like behavior not only brings one closer to God but it also helps to manage conflict in the community and promote accord between others.

Likewise, in the Islamic faith, Muslims are taught to act respectfully, morally and justly towards one another. In the Quran, Allah praises those who respond to evil with good deeds. Surah 41: 34-35 states:

Nor can goodness and evil be equal.  
Repel evil with what is better:  
Then will he between whom  
And thee was hatred  
Become as it were  
Thy friend and intimate.

And no one will be  
Granted such goodness  
Except those who exercise  
Patience and self-restraint –  
None but persons of  
The greatest good fortune.

Broadly speaking, Allah is telling Muslims that if they treat an enemy with kindness and overlook their misdeeds they will in fact become friends. Moreover, he stresses that this type of upright behavior will require one to have patience and self-restraint towards the other. For if a Muslim acts in this manner, he will not only receive blessings from Allah but he will also build a bridge between he and his enemy.

Furthermore, Buddhism also promotes peace, social harmony and nonviolence among others/individuals. Buddhists aim to establish peace within themselves, through the process of meditation, as well as with others in the world. Conflict with an enemy can



lead to anger, suffering and harmful emotions. In order to internally eliminate suffering and destructive emotions from their lives, Buddhists mindfully reflect upon the central virtues of lovingkindness, compassion and patience. The Theravada Buddhist philosopher and scholar, Buddhaghosa,

suggests that if another is harming one because of one's *own* anger, the wise thing to do is to put the anger down. He also recommends one to focus only on the good qualities that an offending person now has or reflect that all beings must have been a close relative or friend in one of their, and one's own, innumerable past rebirths: so that one should now recollect their kindness.<sup>298</sup>

The above quote encapsulates the notion that one should not get angry with an enemy, instead one should have patience and treat an enemy with lovingkindness. Overall, we can see that within all of the faiths, it's one's religious obligation to engage in peaceful interpersonal relationships with others even if they are an enemy. This was an important step towards preserving peaceful interpersonal relationships and avoiding discord in the community.

### *Managing Conflict & Third Party Intervention*

Although it may be implausible to altogether eliminate conflict from our daily lives, it *is* possible to manage it for the good of the involved parties and the community at large. We can see that from the very beginning ADR was religiously encouraged by lawmakers and peacemakers and it was practiced on a regular basis in order to handle conflict inside of these faith-based communities. Throughout the course of this research, I have done a comprehensive and comparative study showing the traditional ways that each faith managed and resolved conflict(s) within their religious communities. Based on the

<sup>298</sup> Harvey, *Introduction to Buddhist Ethics*, 244.

findings from this study, I was able to create a simple chart showing the ADR mechanisms that were used to manage conflict in all of the faiths (*See chart below*).

#### **ADR MECHANISMS USED BY THE RELIGIONS TO MANAGE CONFLICT**

	Judaism	Christianity	Islam	Buddhism
Arbitration	X	X	X	
Mediation	X	X	X	X
Negotiation	X	X	X	
Conciliation		X	X	

Across the board, all of the religions share the belief that disputes must be addressed quickly and that reconciliation between individuals must only take place *inside* of their faith-based communities. Historically speaking, it is clear that arbitration and negotiation were the earliest forms of ADR practiced and then shortly thereafter mediation/conciliation established its religious roots.

In order to manage conflict, and to keep/maintain justice within their faith-based community, the Jewish tradition developed their own structured court system called the *beit din*. “The courts, with their strong interest in establishing peaceful relations within the religious group, strongly encouraged disputants to use negotiation, mediation and arbitration prior to or in place of a court case (*see chart above*).”<sup>299</sup> The parties in conflict had the option to choose which ADR process, arbitration (*bitzua*) or mediation (*p’sharah*), they would like to use to settle their dispute. In Judaism, it is strongly recommended that a rabbi or a third party from the community intervene when there is a

<sup>299</sup> Barrett, *A History of Alternative Dispute Resolution*, 9.

dispute. If arbitration is chosen, the parties are required to bring their dispute before one rabbi or a panel of three rabbis who were tasked to judge the case according to Jewish law. Arbitration is a more formalized ADR process that is more trial-like. For an arbitration, the final decision is made by the judge/judges and it is legally binding. Some parties preferred this method because disputes were settled faster and more justly.

Disputing parties could also take their problem to mediation to be resolved. In Judaism, mediations were usually carried out by a rabbi, who skillfully acts as a neutral third party in the case. The role of a mediator, in the Jewish faith, is one that is highly lauded because the mediator is the one who can creatively and carefully steer the parties towards reconciliation and peace. Many people prefer mediation because it is more flexible, collaborative and non-binding. Within the Jewish faith and legal system, the major objective for using arbitration and mediation as a means of conflict resolution is to attain some sort of compromise between the parties who are in conflict. From a religious standpoint, mediation is the preferred and praiseworthy method of dispute resolution because a compromise is attained thus laying the foundation for peace between the two parties.

The Christian tradition likewise has a rich history of dispute resolution and conflict management. However, its management approach and practices are not as formally structured as those found within the Jewish faith. As we recollect from Chapter III, Christian ADR is rooted in biblical scripture and blends together the practices of arbitration, mediation, negotiation and conciliation. Jesus was instrumental in providing Christians with the recommended steps that must be taken to resolve disputes within their

faith-based community.<sup>300</sup> He instructed them to (1) first, speak privately to the person who you are having a conflict with; (2) second, if the person will not listen to you then take one or two community members along to help (mediation); (3) third, if the person refuses to reconcile then take it to the church for arbitration. We can see that in this biblical approach for conflict resolution there is definitely an emphasis upon engaging in constructive dialogue with the other person and obtaining help from a third party, like a priest or community member, so that the conflict can be peacefully resolved. Historically, these dispute resolution practices continued to be utilized well into the fourth and fifth centuries. Christians were encouraged not to go to secular courts but to resolve and manage their disputes by using dispute resolution practices. As the Christian church grew larger structurally and politically, it was the job of the priests, bishops and popes to intervene and arbitrate, mediate and negotiate interpersonal, communal and political disputes. Similar to the Jewish courts, Christian ecclesiastical courts were established by bishops to manage, resolve conflict and keep harmony inside of the Christian community. At its core, the fundamental goal of Christian ADR is to reconcile individuals and teach Christians to be peacemakers like Christ.

The Islamic faith has traditionally used the dispute resolution practices of arbitration, mediation, negotiation, and conciliation to settle interpersonal, communal and interreligious disputes. The Islamic approach for ADR is highly cultural and it differs from Judaism and Christianity in that it is more focused upon communal and group conflict resolution than on individual conflict management. “Like the Christian tradition,

<sup>300</sup> See Matt. 18: 15-17.

Islamic ADR has its foundation in the tenants of religious doctrine.”<sup>301</sup> Arbitration (*takim*) was the earliest form of ADR used by the Bedouin and Muhammad to resolve tribal and communal disputes. Islamic judges, or *qadi*’s, were the ones who were responsible for interpreting and applying Shariah law to the cases that they arbitrated. In the Islamic tradition and culture, sulh is the traditional and preferred mechanism used to control communal disputes, restore tribal honor and establish justice and peace in their religious community. Sulh is indeed a unique dispute resolution process because it incorporates negotiation, mediation and conciliation into its peacemaking practices. Third party intervention is critical in the sulh process and the selection of a mediator is taken very seriously.

As we might recall, in Judaism and Christianity, judges and religious leaders were usually the ones who acted as third parties in disputes. But for sulh, the third party/parties chosen to handle a dispute had be highly credible and possess certain personal characteristics and qualities. Elder members of the community with political, social, military and religious affluence and credibility are usually preferred. Also, “mediators who know very well the history of the dispute, the history of mediation and negotiation in the region, and the customs and norms of the religious community.”<sup>302</sup> The Sulh ritual was used to resolve many different types of conflicts and when criminal acts were committed it was used to “achieve restorative justice and diminish revenge that one group

<sup>301</sup> Shippee, “Blessed Are the Peacemakers: Faith-Based Approaches to Dispute Resolution,” 245.

<sup>302</sup> Mohammad Abu-Nimer, “Conflict Resolution in an Islamic Context: Some Conceptual Questions,” in *Peace and Conflict Resolution in Islam: Practice and Precept*, eds. Abdul Aziz Said, Nathan C. Funk & Ayse S. Kadayifci (New York: University Press of America, 2001), 132.

or family might use against another.”<sup>303</sup> Overall, communal harmony and the restoration of honor was of utmost importance in Islamic faith and sulh was exercised to manage conflicts among believers and restore a sense of peace between those in the Islamic community.

The Buddhist worldview and its approach for ADR, however, is quite different from the approaches practiced by the three monotheistic faiths. Buddhists believe that the universe and all living beings are interconnected. Therefore one’s actions, whether good or bad, will ultimately have an effect upon other people and the world around them. Peacemaking and conflict management are essential practices carried out by all Buddhists. Interestingly, the Buddhist faith takes a more distinct holistic approach for handling internal as well as communal conflicts. In the Buddhist faith, when internal conflicts occur individuals will take the time to mindfully meditate upon the root of problem and the suffering that it has caused. Meditation is a useful tool because it not only gives individuals an opportunity to internally reflect upon their behavior but it also helps them gain a deeper understanding of the problem at hand. In Buddhism, there is an emphasis upon first caring for the self (creating internal peace) and then caring for others (sharing peace with others) around them. Once an individual has established internal peace, they are more likely to engage in peaceful interpersonal relationships and productive conflict mediation with those around them. Conflict mediation and management practices were also put to use in Buddhist Sangha’s to keep unity and peace in the community. The Buddha laid out strict ethical guidelines in the *Vinaya* for the monks living in the monastic community. When social conflicts occurred, the lay people

<sup>303</sup> Barrett, *A History of Alternative Dispute Resolution*, 14.

in the community would engage in a collective reconciliation process to resolve the issues and reconcile the individuals who were in a dispute. This communal dispute resolution approach is unique because all of the members of the Sangha would take an active role in the mediation process while treating one another with loving kindness and compassion. Reconciliation is essential and can be transformative because it mends the broken relationship between the individuals in the dispute and it restores harmony back to the monastic community.

We can see, then, that ADR mechanisms and conflict management were not only fundamental religious practices exercised by all of the faiths but they were also essential processes used to keep order and peace in these religious communities. If we look at the chart on page 12, it is interesting to see that across the board mediation was the most favorable ADR approach used by/throughout all the faiths to resolve interpersonal and communal disputes. Plus, in many of the faiths' mediators were valued and considered to be esteemed individuals within their religious communities. I believe that faith-based mediation was preferred by all the faiths because it aligns closely with their core religious beliefs and values of compassion, mutual understanding, respect for others, empathy, forgiveness and reconciliation. Faith-based mediation not only opens up doors of communication between those in conflict but it also helps the parties collaboratively bridge through their personal differences and attain a mutually acceptable resolution to their problem. Basically, from a religious standpoint, mediation is a more promising option for dispute resolution because it takes into account an individuals' religious obligations, it manages and reconciles those in conflict and it sows the seeds of peace between those in their religious communities.

### Key Differences

This study has not only revealed some very interesting similarities between the religions' ADR practices and peacebuilding principles, but it has also/likewise shed light on some visible differences as well. To begin with, after examining all of the religions' ethical guidelines/laws, it became very clear that Judaism contained the most **robust legalistic components** of them all. From the very beginning, Judaism has been a religion that strives to obey the law (*halakhah*), manage conflict, uphold justice and promote peace. Because of this, the Jewish tradition put in place some highly organized legalistic/judicial practices and procedures to maintain societal order in their faith-based community. First off, during the biblical period, they appointed judges in all of the tribes to arbitrate cases and uphold the laws of God. Shortly thereafter, they established Jewish courts of law in many of the towns and cities inside and around the surrounding areas of Israel. The size of the court and the number of judges appointed strictly depended upon the population of the town or the city. Typically, larger towns/cities would appoint more judges and smaller towns/cities would appoint a smaller number of judges. The judges, who were formally commissioned, were responsible for hearing and arbitrating cases related to civil, divorce and criminal matters. During the Talmudic Period, the Jewish courts (*beit din*'s) still continued to operate. If a Jew had a legal dispute with another Jew they were expected to appear before the *beit din* which was comprised of three rabbinical judges. Similar to a legal trial, both sides had the opportunity to give their own testimony and present their arguments before the rabbinical panel. The rabbis, acting like judges, would then question both sides, and would collectively issue a just ruling for the case.



The beit din over time became a highly specialized legal and judicial system that was very successful in dispute resolution. Disputants had the option of taking their cases to a formal beit din hearing with three rabbinical judges or they could try to resolve their disputes through less formal processes such as arbitration and mediation. Throughout Jewish history, Jews were prompted to take their disputes to the beit din's instead of using the secular courts, which were seen as highly unfavorable. "When litigants used the *beit din* to resolve their disputes, they were complying with halakhah and increasing their *kevod Shamayin*, honor of Heaven."<sup>304</sup> Even though Judaism has some robust legalistic components, it is interesting to see how they internally adapted and utilized arbitration and mediation to resolve conflict. For in Judaism, "Jewish disputants were strongly encouraged to mediate or arbitrate their disputes before launching a formal Beth Din hearing."<sup>305</sup> They were urged to do so in hopes that they could reach a compromise which was ultimately the desired end result in Jewish conflict resolution and the legal system. In this study, Judaism's legal system stands out above the rest of the religions legal systems because it is the most formal and contains the most legalistic components. It is unique in that there is a religious obligation and emphasis upon adhering to the moral law and to creatively and justly resolving conflicts through compromise.

#### *Communal & Transformative Approaches for ADR*

It is equally important to discuss Islam and Buddhism's **highly cultural**

<sup>304</sup> Hershey Zelcher, "Two Models of Alternative Dispute Resolution." *Hakirah* 4, (2007): 91.

<sup>305</sup> Johnston, Camelino and Rizzo, "A Return to Traditional Dispute Resolution: An examination of Religious Dispute Resolution Systems," 5.

**and continually transformative approaches for ADR**, which are quite different from the individually oriented approaches used to resolve conflict in Judaism and Christianity. Mohammed Abu-Nimer, an expert in the field of Middle East Conflict Resolution, astutely describes the cultural and social dynamics associated with communally oriented Arab-Muslim dispute resolution in his book *Nonviolence and Peace Building in Islam*. He explains that in Middle Eastern society, “conflict is regarded as negative; something that should be avoided.”<sup>306</sup> In Arab-Muslim communities which are culturally tribal and clan based, social cohesion and communal harmony are of utmost importance. When conflicts occur, such as murders, honor crimes and blood feuds, they pose a threat to the overall social harmony found within a clan, tribe, family and community. In order to maintain communal harmony, dispute resolution practices, like sulh, are used to reconcile individuals and restore order in the community.

It is important to bear in mind that traditional Arab-Islamic approaches for dispute resolution “are communally oriented and individuals are enmeshed in webs of relationships.”<sup>307</sup> When a problem arises, it is the families, clans, tribes and communities who have the unique capability of escalating or de-escalating potential conflicts. Nimer explains that “although a conflict might begin between individuals, it typically escalates and widens to include the nuclear and extended families, the clan, and, eventually, the entire community.”<sup>308</sup> In Arab-Islamic dispute resolution, the third party (*jaha*) usually relies heavily upon the respected elders in the community to help control the behavior of the individuals involved in the conflict; the community will equally pressure them to

<sup>306</sup> Abu-Nimer, *Nonviolence and Peacebuilding in Islam*, 102.

<sup>307</sup> Irani and Funk, “Rituals of Reconciliation: Arab-Islamic Perspectives,” 186.

<sup>308</sup> Ibid 103.

settle the dispute as well. Arab-Islamic dispute resolution is highly influenced by traditional Muslim values as well as social and cultural norms/codes. According to Nimer, “some of those values include restoring lost honor (*sharaf*); avoiding shame upon one’s family, religion, or community; preserving the dignity of a person’s family, elders, religion and national group.”<sup>309</sup> It is important to pause for a minute to discuss the importance and nature of *sharaf* (honor) within Arab-Islamic culture. *Sharaf* dates back to pre-Islamic times, when the Bedouin tribes had their own systems of justice that included ethical codes of honor for men (*sharaf*) and women (*ird*). Women had to keep their honor (*ird*) intact by remaining sexually pure and chaste. Men, who were the patriarchs of the family, had to remain honorable by performing righteous deeds like bravely protecting the women, family/tribe and property. The men were also supposed to keep their personal and ancestral reputation intact as well. An interesting dynamic about *sharaf* in Arab-Islamic culture is that a man’s “honor” could be hurt, lost, acquired and regained again depending upon certain social situations. For example, if a man commits murder, his family/tribe will lose their “honor” and shame will be brought upon them because a crime was committed that resulted in pain and suffering to another family/tribe in the community. Naturally, the grieving family will be angered by the situation; feel that they have been dishonored and wronged and for this reason they may engage in acts of revenge against the offender and his family. This is the point at which this situation can become dangerous and when the darker parallel tradition associated with *sharaf* can emerge. If the dishonored family retaliates against the offender and his family, it could

<sup>309</sup> Abu-Nimer, *Nonviolence and Peacebuilding in Islam*, 103.

lead to a blood feud or vendetta between the families that could last for years to come. Naturally, we can see how a situation like this can lead to communal disharmony therefore it should be avoided at all costs.

Now that we have a deeper understanding of the social dynamics associated with the code of *sharaf* in Arab-Islamic society, we can see how important it is for a third party to intervene quickly through *sulh* before a conflict spirals out of control and catalyzes additional disharmony. Notably, in Arab-Islamic society, the “purpose of *sulh* is to end conflict and hostility among believers so that they may conduct their relationships in peace and amity.”<sup>310</sup> The *jaha* plays a pivotal role in reconciling the parties and restoring their honor and standing within the community. From a communal standpoint, *sulh* serves as a “ritualized process of restorative justice and peacemaking” that not only has the power to transform people and their relationships but the whole religious community at large and that is why it is indeed an extraordinary form of dispute resolution.<sup>311</sup>

### *Buddhism*

The Buddhist tradition also has some interesting communal dispute resolution practices it deploys when resolving conflict amongst the lay people within the Sangha. As a religious monastic community, the members of the Sangha strive to coexist peacefully on a daily basis. They vow to abide by the ethical rules in the *Vinaya* and their spiritual life centers around individual and communal meditative practices. When interpersonal conflicts occur within the monastic community, the monks address them with *karuna*

<sup>310</sup> Irani and Funk, “Rituals of Reconciliation: Arab-Islamic Perspectives,” 182.

<sup>311</sup> Ibid 183.

(compassion) and *metta* (lovingkindness). The interesting thing about the Sangha's reconciliation practices is that the whole community is actively involved and willing to help the disputing monks in the process. For example, the entire community gathers together for all of the meetings, they engage in peaceful meditative practices, deep listening and reflective questioning so that they can gain a deeper understanding of the conflict at hand.

A crucial as well as transformative aspect of the reconciliation process is the self-confession given by the two monks to the whole assembly. This voluntary step only takes place after a period of intense personal inward reflection upon the conflict by each monk. During the self-confession, each monk has the opportunity to apologize and take ownership for the wrong that they have done. The monks openly express their personal weaknesses to the assembly and explain the personal steps that they plan take to "begin anew" as a member of the monastic community. Additionally, the act of self-confession by both monks can be very empowering because it shows that they are willing to put the past behind them and reconcile their broken relationship. After the self-confession, it is standard for a committee of monks to gather together to review the details of the dispute. Then they present their findings to the entire Sangha and the Sangha makes the final vote and issues a verdict for the case. This final adjudicatory step is indeed a very interesting one. With the best intentions to reconcile the monks in the community, one can safely assume that there are times when the first five steps of the reconciliation don't work. Maybe this adjudicatory measure is added just in case the initial steps fail to bring about some sort of resolution. That being said, without a doubt, the reconciliation practices in the Sangha are definitely unique because they are not only self-centered, focused

inwardly upon the actions and meditative practices of each monk, but they are also communally supported and steered by the members of the monastic community.

From a cultural standpoint, Islam's and Buddhism's communal approaches for/toward dispute resolution are quite different, but curiously enough they also have other things in common. As we know, Arab-Islamic dispute resolution is deeply influenced by Muslim values, cultural rules and social norms. Conflict is viewed negatively because it has the potential to bring danger and disharmony to the community. However, in the Sangha, conflict is viewed as a natural part of life and an opportunity for spiritual growth, reflection and mindful meditation. Interestingly, both communities view conflict as a cause of disharmony/disorder and they implement communal dispute resolution practices to resolve conflict and restore societal order. It is important to point out that both cultures also highly respect and value the elders within their communities; they are looked upon for guidance, support and assistance in mediating conflict situations. For example, in *sulh* the *jaha* consists of influential elders who agree to step in and negotiate between the two disputing families. The *jaha* also is responsible for delivering the apology from the offender to the family that was hurt. In the Sangha, the senior monks are the ones who speak on behalf of the disputing monks in front of the assembly. Both the *jaha* and senior monks, acting as third parties, walk a fine line because they have to de-escalate the tension on both sides and then work towards reconciling the parties. The elders in both communities also play a pivotal role in the final steps of the reconciliation processes. For example, in *sulh*, the *jaha* is responsible for negotiating the deal, drawing up the mediation agreement, getting it signed and for managing the public religious ceremony of reconciliation. Similarly, in the Sangha, the

senior monks are the ones who have the authority to pronounce a general amnesty in the monastery so that the conflict can be put to rest and bring closure to the community.

Interestingly, due to the collective nature of their dispute resolution processes, we can see that both communities apply a great deal of social pressure upon the conflicting parties to reconcile their differences. On the whole, we can see that Islam and Buddhism's communal dispute resolution practices are indeed highly cultural. They not only focus upon the restoration and preservation of future communal relationships but they also apply transformative conflict resolution methods towards reconciling individuals/parties entangled in conflict in hopes of maintaining communal harmony.

#### *Ritualistic Tendencies*

Finally, after examining all of the religions' ADR practices, it became clearly noticeable that Judaism and Islam had intrinsically woven some very interesting religious rituals into their dispute resolution practices. In the Jewish Talmudic legal system, when mediations were performed and a compromise was agreed upon it was customary at the end of the mediation for both parties to finalize the settlement by executing a *kinyan sudor*, or a symbolic handkerchief exchange. However, for an arbitration, where a rabbi decides the outcome of the case, a *kinyan sudor* is executed by both parties strictly at the beginning of the arbitration proceedings. In Jewish law, "a *kinyan* is a formal act involving the legal transfer of an object between the judges and the parties that is used in this context as a means for the parties to express consent to adhere to the outcome of the case."<sup>312</sup> Remarkably, this symbolic barter has biblical roots and is discussed in the Old

<sup>312</sup> David Bleich, "The Metaphysics of Property Interests in Jewish Law: An Analysis of Kinyan" *Tradition: A Journal of Orthodox Jewish Thought*, 43, no. 2 (2010).

Testament in the book of Ruth 4:7. This biblical verse says, “Now this was the custom in former times in Israel concerning redeeming and exchanging: to confirm a transaction, the one took off a sandal and gave it to the other; this was the manner of attesting in Israel.” In this situation, it was Boaz who executed a symbolic sandal exchange showing that he had agreed to acquire from Naomi all of Elimelech’s land and belongings including Ruth the Moabite woman, who would later become his wife. This symbolic acquisition (*kinyan*) was made publicly in front of Naomi’s next-of-kin and the elders of the city. Even though the gesture of a *kinyan sudor* may seem like a simple ritualistic exchange of an item of little value it is still quite significant because it symbolically binds both parties to a compromise or agreement that they have made.

In the Islamic tradition, another fascinating ritual worth highlighting is *musalaha*: the public ceremony of reconciliation that occurs during the closing ceremony of *sulh*. “The primary objective of the conflict resolution rituals embodied by *sulha* are the restoration of honor and granting of forgiveness.”<sup>313</sup> In his book *Conflict Mediation Across Cultures*, David Augsburg explains, that Arab-Islamic society is a high-context culture where “face” related issues such as honor, public status, shame and obligation are extremely important. According to Augsburg,

face is a psychological image that can be granted and lost, fought for and presented as a gift. It is a public self-image that every member of every society wants to claim for himself or herself in relationships.<sup>314</sup>

<sup>313</sup> Mneesha Gellman and Mandi Vuinovich, “From Sulha to Salaam: Connecting Local Knowledge with International Negotiations for Lasting Peace in Palestine/Israel,” *Conflict Resolution Quarterly* 26, no. 2 (Winter 2008):138.

<sup>314</sup> Augsburg, *Conflict Mediation Across Cultures: Pathways and Patterns*, 87.



Facework, or honoring another's face, is an integral part of the *sulh* reconciliation process and we will see that there are certain steps taken in this final communal ceremony that focus strictly upon restoring the honor and justice to the parties involved in the conflict.

The closing public ceremony of reconciliation can only take place after the *jaha* has mediated and a verdict has been issued for the case. "Generally, the final sulha ceremony takes place outdoors in the village center or public meeting area, because restoration of honor relies on public view."<sup>315</sup> Both families and the members of the *jaha* are required to attend the ceremony and additional special guests and community leaders may attend as well. In the beginning, both families will line up across from one another and exchange greetings and apologies to one another. This meeting is taken very seriously because it is the first time that both parties are meeting each other face-to-face since the conflict began. Next, under close supervision of the *jaha*, the members of both parties engage in the ritual of shaking hands, known as *musafaha*. Usually, "the murderer must directly approach the family of the victim, in what amounts to a humbling act of atonement for the guilty party and a test of the ability of the victim's family to forgive."<sup>316</sup> After the hand shaking, a respected elder in the community will tie knots in a white flag to religiously symbolize that peace has been made between the two parties.

Then he will publicly announce,

Here, in the name of God, I make a knot so that this peace is not going to become 'untied.' I tie it strongly so that this agreement is sealed and will be valid from now on.<sup>317</sup>

<sup>315</sup> Sharon Lang, "Sulha Peacemaking Process and the Politics of Persuasion," *Journal of Palestine Studies* 31, no. 3 (2002): 52-66.

<sup>316</sup> Irani and Funk, "Rituals of Reconciliation: Arab-Islamic Perspectives," 184-185.

<sup>317</sup> Jabbour, *Sulha: Traditional Palestinian Peacemaking Process*, 55.

Once peace has been declared for all to hear, the victim's family will share a cup of bitter coffee with the offender's family at their home. For the final step of the ritual, the offender's family will host a ceremonial meal (*mumalaha*) and both families break bread together. "The eating of a meal together, from ancient times, carries the strength of covenant and is a sign of reconciliation and the removing of barriers from between the participants."<sup>318</sup> Overall, we can see that the final rituals associated with *sulh* are very powerful, symbolic and highly religious. They are carefully crafted and used to publicly protect, reconcile, and bring restorative justice to the families who are conflict and to safeguard the community at large.

### Conclusion

#### **What can we learn from these ancient Conflict Resolution techniques?**

All of the religions surveyed in this study, have incorporated some truly workable as well as adaptable methods for resolving conflict and promoting peace in their faith-based communities. It is definitely noticeable that the ancient religious traditions take a more humane approach for conflict resolution and that their religious belief systems had a direct impact upon the creation of their dispute resolution techniques. When conflicts occur within these ancient communities, we have learned that the initial response is not to just to go to court immediately to fix the problem. Instead, the religions explain that it is important to address conflict situations quickly and that it is helpful to ask a third party for help when resolving a dispute. This is definitely an important life lesson for all of us to take into consideration when faced with conflict in our daily lives. The ancient

<sup>318</sup> Jabbour, *Sulha: Traditional Palestinian Peacemaking Process*, 56.

approaches also show us how beneficial and constructive it can be for both parties to have a third party or mediator assist in the dispute resolution process. Interpersonal conflict can be very tricky and a mediator can definitely serve as a creative agent who helps open up avenues of communication between the two parties so they can better understand, listen and respect one another. Interestingly, the religious models further stress the need to engage in positive interpersonal relationships with others and to work collaboratively to restore and heal broken relationships when they occur. This is equally an important lesson for everyone to follow in their lives as well. Overall, the ancient approaches for conflict resolution are noteworthy because they are grounded in religious ethics, morals and values. Their teachings and practices should be admired because they are not only focused upon healing, restoring and reconciling relationships but they are also future oriented aiming to preserve and maintain future peaceful relationships in their religious communities.

## CHAPTER 6

### **Traditional Peacemakers & Contemporary Peacebuilders**

*“The greatest honor history can bestow is the title of peacemaker.” – Richard Nixon*

In this study, all of the religions surveyed have peacemakers that have historically played a pivotal role in reconciling conflicts and promoting social harmony within their faith-based communities. It is not only ethically important to look at their ancient approaches in order to gain a better understanding of how these former peacemakers were able to build bridges of understanding in sometimes very difficult and challenging conflict situations. Their personal approaches for peacemaking are definitely notable for they were able to seamlessly help, guide and teach those who were angry and bull headed to understand one another and reconcile their personal differences. It seems that in our world today, the graceful and firm demeanor of a peacemaker remains very pertinent to the dispute resolution process.

Being a peacemaker is definitely not an easy task, but it truly is an honorable one. The book *Sulha*, written by Palestinian peacemaker Elias Jabbour, contains an inspiring Arab tale about an old *jaha* (intervener) who tells of how he thoughtfully and pragmatically builds peace between others. In the story, the old man is asked,

“How do you make peace between people?” The old man replied: “If a bad man and a good man quarrel, I take from the good man and give to the bad man.” Then the wise old man was asked, “What if it is two bad men who quarrel?” “If it is two bad men,” he said, “then I take from myself and give to them both.” Ah, but what do you do in the case of two good men?” they asked. “If they both are good,” he replied, “they will not quarrel and they will not come to me.”<sup>319</sup>

<sup>319</sup> Jabbour, *Sulh: Palestinian Traditional Peacemaking Process*, 45.

This story above is noteworthy because it describes the way that the *jaha* makes personal sacrifices to “absorb the anger” from the dispute and share love and kindness with those who are involved in the conflict.<sup>320</sup> By acting in such a way, the *jaha* is showing both parties that he cares about them no matter what and that he is dedicated to taking the time to make peace between them for the sake of the community at large. Being a peacemaker is very challenging and it takes a lot of patience, dedication, time and sacrifice. We will see that all of the peacemakers in this study love peace and selflessly give of themselves to pursue it.

Aaron, St. Francis of Assisi, Muhammad and the Buddha all quintessentially served as peacemakers and moral role models for humankind through their actions, words and deeds. They also possessed the unique qualities of honesty, humility, empathy, selflessness and a love of peace. Inside of their religious communities, they stood out because they were willing to take social and spiritual risks and were committed to pursuing peace between those who were in conflict. In order to better understand the work of these notable peacemakers, it is important to pose a few useful questions. *First, how did these peacemakers operate within their religious societies? Second, what cultural factors led them to peacemaking? Third, how do they overcome hardship and what did they each risk losing for the betterment of the community?* In the Jewish faith, Moses’ brother Aaron held a significant religious position as the High Priest within ancient Israelite society. As a prophet, he acted as a mediator between God and the people and he also served as an instrumental teacher and role model for the people as well. Ancient Israelite society at the time was comprised of numerous tribes that had

<sup>320</sup> Ibid.

united to form the nation of Israel. The people were fiercely loyal to their tribes and it was not uncommon for conflicts to occur. Aaron cared deeply for his people and because of his kind ways he was able to connect with them on a personal level. What made Aaron stand out was his love of peace, his selfless love of the other and his commitment to reconciling those who were in conflict. Aaron did not just sit around and wait for people to come to him for help. He took action and he sought to help those, like a husband/wife or friend/friend, who were quarreling or in conflict. Aaron was a problem solver and most importantly he was a man of dialogue who was “committed to staying with disputes, with no deadlines, until peace was made.”<sup>321</sup> As the high priest of the nation of Israel, Aaron worked tirelessly to unite his people and bring them closer to God. Certainly, Aaron’s active hands on approach for resolving conflict, his dedication to constructive dialogue, his steadfast love and spiritual support of others, and his commitment to reconciliation and peace should serve as an inspirational example for others in our globalized community today.

St. Francis of Assisi is also a noteworthy peacemaker who spread God’s message of peace and nonviolence to others. He was a divine orator who could put an end to conflicts and reconcile individuals just through his words alone. St. Francis lived during the Crusades, a tumultuous time in Christian history, when Christians and Muslims fought in a series of holy wars for control over the holy land. Francis had loyally served as a soldier in the Crusades but his life changed profoundly after he received a spiritual calling from God instructing him to spread God’s message of peace to others. Francis

<sup>321</sup> Judy Carter and Gordon S. Smith, “Religious Peacebuilding from Potential to Action,” in *Religion and Peacebuilding*, eds. Howard Coward and Gordon S. Smith (New York: State University of New York Press, 2004), 282.

renounced all of his possessions, left his father and dedicated his life to preaching the word of God to others. When Francis first began his ministry, he definitely faced some difficulties. People would mock him for choosing to live a life of poverty, for spreading a message of nonviolence and for openly preaching the Gospel. Remarkably, this did not stop Francis and he continued to evangelize in neighboring towns and cities in Italy as well as in other parts of the world. He truly was a gifted orator who was able to peacefully resolve feuds just by his words alone. Francis was most famous for his interfaith encounter with the Sultan of Egypt, Malik Al-Kamil. In 1219, during the Fifth Crusade, Francis traveled to Egypt to spread his religious message of peace to the Sultan. He bravely risked his life to cross the enemy lines, he was captured, and he was beaten up and taken before the Sultan. Instead of killing Francis, the Sultan welcomed him kindly into the Muslim camp and allowed him to deliver his peaceful message from God. Interestingly, “while some enthusiastically promoted the Crusades, others, like St. Francis of Assisi, peacefully found ways to enter into dialogue with Muslims.”<sup>322</sup> The Sultan respected St. Francis and his Christian teachings and he realized that they both shared and loved the same God. They engaged in interfaith dialogue and discussed their shared vision for peace between Christians and Muslims. By and large, this encounter had a profound impact upon both men even though it did not bring an end to the fighting. Shortly thereafter, Francis returned safely to Italy where he continued to preach and creatively mediate disputes amongst his fellow people for many years.

<sup>322</sup> Andrea Bartoli, “Christianity and Peacebuilding,” in *Religion and Peacebuilding*, eds. Howard Coward and Gordon S. Smith (New York: State University of New York Press, 2004), 147.

Muhammad, too, stands out as being a respected arbitrator, mediator and peacemaker amongst the tribes and religious groups in ancient Arabia. His skillful, patient, and non-violent approach for handling conflict and negotiating interreligious peace treaties should serve as a trustworthy example for us all. He was born in Mecca and raised in a tribal society where life was commonly riddled with intertribal conflict. Muhammad, who was a member of the Quraysh tribe, became a successful merchant and trusted member of Meccan society. He was always willing to help out his fellow tribesmen and he was commonly asked to peacefully arbitrate conflicts amongst the tribes when they occurred. In 610 AD, Muhammad received a spiritual calling from Allah which profoundly changed his life. He was chosen to become a prophet of God and he was charged with the task of preaching God's message of monotheism to those throughout ancient Arabia. Like St. Francis, Muhammad too faced some resistance when he began to preach God's monotheistic message to the polytheistic tribes in Mecca. Sadly, Muhammad and his followers were tortured and when an assassination attempt was made on Muhammad's life they were forced to flee to Medina for safety. While Muhammad was in Medina, he became a powerful political, religious and military leader who creatively negotiated a peace treaty (Medina Charter) and alliance with the Jewish, Christian and Arab tribes in the area. The Medina Charter was a tremendous accomplishment for Muhammad because it eliminated the intertribal conflicts and hostilities in Medina and it united the religious tribes together as a whole. In addition, the tribal alliance helped to lay the foundation for the formation of a strong Islamic state in Medina. Many years later, Muhammad was also able to cleverly resolve the conflict with the tribes in Mecca and he negotiated a ten year peace treaty with them. Without a doubt,



Muhammad serves as an excellent example of a religious peacebuilder and interfaith leader who was dedicated to his faith, who loved humankind, and who worked to promote peace, freedom and justice for all people.

Last but not least, the Buddha is another individual who actively preached and practiced peaceful ways. He established a community of monks (the Sangha) who vowed to live in harmony and spread their peaceful practices and teachings with others around the world. The Buddha strongly opposed violence and he preached his message of peace and non-violence to those in the Sangha as well as to others throughout India and Sri Lanka. Like Aaron and St. Francis, the Buddha too actively engaged in peace work and helped to settle discord and suffering amongst others. For example, on numerous occasions the Buddha traveled to Sri Lanka to engage in peace work between rivaling groups who were fighting.

In the ninth month of his enlightenment he is reported to have visited Sri Lanka for the first time to prevent two yaksa groups from fighting. His second visit was in the fifth year of enlightenment and it was to pacify two Naga kings who were ready to fight over a jeweled seat.<sup>323</sup>

We can see in the passage above, that peace was of utmost importance to the Buddha, so much so that he would travel great lengths to reconcile individuals and bring an end to human suffering. The Buddha lived during a time when religious and political conflict were very prevalent. In fact, many religious men at the time were trying to impose their religious views upon others and gain religious followers. In order to avoid conflict with these men, the Buddha decided not to join them but to coexist peacefully and respectfully with them. Overall, the Buddha should be recognized for his impressive philosophical

<sup>323</sup> Wijebandara, “The Buddhist Way of Conflict Resolution,” 3.

teachings, his peaceful moral actions and speech, his personal efforts to end human suffering and for his determination to cultivate peace amongst all sentient beings in the world.

From a religious perspective, it is absolutely clear that all of peacemakers discussed within this study are considered to be praiseworthy individuals who performed sacred acts. All of the men, similarly, had profound religious experiences that eventually led to their ministry and they each, in their own creative ways, were able to artfully mediate disputes and peacefully reconcile those who were in the midst of conflict. Not only are their traditional peacemaking methods and practices still valuable but many of their methods have been passed on and are still being used by contemporary interfaith peacebuilders to promote religious understanding amongst others in our globalized world today.

### **Contemporary Interfaith Peacebuilders**

#### *A Summary of the Interviews with Rabbi Ron Kronish and Dr. Mohammad Ali Chaudry*

As a part of my dissertation research, I had the opportunity to interview two contemporary, interfaith peacebuilders, Rabbi Ronald Kronish and Dr. Mohammad Ali Chaudry, two men who are actively carrying on the peacebuilding legacy today. Rabbi Ron Kronish is a well-known interreligious peacebuilder, educator and lecturer, who served as the founding Director of the Interreligious Coordinating Council in Israel (ICCI) for twenty-five years. I first met Rabbi Ron in the Fall of 2018 when he came to teach at Drew University as a visiting professor. He graciously agreed to meet with me for an interview on Drew's campus on November 14, 2018.

Dr. Muhammad Ali Chaudry is a prominent Interfaith leader, educator and lecturer, who co-founded the New Jersey Interfaith Coalition that is made up of 120 Muslim and non-Muslim groups who have partnered together to engage in interfaith dialogue and understanding. I first met Dr. Chaudry at the New Providence-Berkeley Heights Interfaith meeting in the Fall of 2014. Since then, we keep in touch regularly and met for this interview on May 16, 2019. I was so grateful that Rabbi Ron and Dr. Chaudry could meet with me and that they were willing to share their stories about the wonderful interfaith work that they have done. In this summative section, I have chosen to present the interview as a dual narrative because I believe that the mingling of Rabbi Ron's and Dr. Chaudry's responses allows the content of the interviews to match the form of interfaith thinking. By structuring it in this way, one can see that the Jewish and Muslim approaches for interreligious peacebuilding are quite similar but distinctly different.

At the outset of the interview, I asked Rabbi Ron how he began his career as an interreligious peacebuilder and his answer was very telling. Rabbi Ron said that while he was living in Israel between 1988-1992, a good friend of his introduced him to the arena of interreligious relations in Israel. It was from there that he had the opportunity to meet various religious leaders, educators and youth from different faith traditions. Dr. Ali Chaudry stated that he actively began his work as an interreligious peacebuilder after the wake of 911. He explained that after 911, "it became obvious that there was severe hatred and ignorance against Islam so that is when I began reaching out proactively to different communities."

Interestingly, both Rabbi Ron and Dr. Chaudry, founded organizations that work to promote religious understanding amongst others within their communities. Rabbi Ron, along with a couple other people, founded the organization called the Interreligious Coordinating Council in Israel (ICCI) in 1991, which was “an attempt of Jews, Christians and Muslims in Israel to bring together a coalition of organizations that wanted to work on religious understanding.” Rabbi Ron said that the ICCI “grew up alongside the political peace process and that we were able to link our work with a network of organizations that did peacebuilding work. We linked with two networks: Cross Border Work (Israeli & Palestinian peacebuilding) and the Arab/Jewish Coexistence in Israel that worked on establishing good relations between Israeli Arabs and Israeli Jews.” Rabbi Ron explained that due to security issues Cross Boarder Work became too difficult, so he primarily focused internally upon dialogue between Israeli Arab and Israeli Jews. After years of working in the field, Rabbi Ron noticed that there was indeed a distinct difference between peacemaking and peacebuilding. He theorized that, “peacemaking is the job of politicians, lawyers and diplomats and peacebuilders are those doing grassroots work on the ground - religious leaders, youth, women, educators, social workers, young adults.” Most of ICCI’s interreligious work was done at the grassroots level and they did not work with politicians or national religious leaders.

After 911, Dr. Chaudry created an organization called the Center for Understanding Islam where he, along with others, went out into the community to explain to people that “what they saw in the media does not represent Islam.” He began to actively give lectures about Islam at churches, schools, organizations, libraries, synagogues and to interfaith groups. In 2007, while teaching at Rutgers University in the

Lifelong Learning Institute, he designed a ten-week long course on Understanding Islam that covered the core beliefs all the way up to present issues. As part of the class, the students have an opportunity to visit a mosque which according to Dr. Chaudry was a very valuable experience because it “is the best way for others to meet Muslims, see what a mosque looks like and how Muslims pray to God. By talking to Muslims, one can see that Muslims and Christians share common stories in the Quran and the Bible, like the story of Joseph.” In 2011, as a direct result of his previous work, Dr. Chaudry developed a comprehensive college level textbook with Dr. Robert Crane called *Islam & Muslims*. This has proven to be a very useful resource for educators, students, interfaith groups and others who are interested in gaining a deeper understanding of Islam and Muslims. Similar to Dr. Chaudry, Rabbi Ron also wrote a book after he retired called *Coexistence & Reconciliation in Israel* that summarized his twenty-five years of work at the ICCI.

After listening to Rabbi Ron and Dr. Chaudry talk about their careers in the field of interreligious peacebuilding, it became clear, that they were both were incredibly dedicated to their interfaith work. This gave me the opportunity to ask them a couple questions focusing on what aspects of their jobs they enjoyed and what aspects they found to be challenging. I chose to ask them these questions so that I could gain a better understanding of what aspects of their work they found to be the most rewarding. For Rabbi Ron enjoyment came from immersing himself “in good and serious ongoing dialogue with colleagues and various groups that he worked with.” He explained to me that the ICCI had a small center in the heart of Jerusalem. He really enjoyed watching others that he supervised at the center engage in the same type of dialogue and engagement with others. In addition to working with adults, the center also worked with

youth and young adults. He said that he truly enjoyed working with the youth and that he loved seeing them in the office engaging in dialogue with others. Interestingly, many of the youth that he worked with ended up continuing to work at the center when they got older; some continue to work in the field of interfaith peacebuilding as adults. This definitely shows the sustainable, spiritual and supportive environment that Rabbi Ron had created at the center. Another aspect of the job that he enjoyed was attending international workshops and seminars for it gave him the opportunity to meet interesting people from around the world. He found that the smaller workshops were better because he learned a lot about other peoples' conflicts. He has attended seminars in Northern Ireland and Sarajevo and he has met some interesting and inspiring people who were involved in the conflict from a religious point of view and who did real work on the ground. The best conference that he ever attended was sponsored by an organization called Religions for Peace at Windsor Castle in England. There were about forty people in the group and they studied a book by John Paul Lederach called *Effective and Sustainable Reconciliation*. This conference was fascinating to him because he had the opportunity to listen to presentations from people who worked on various different conflicts throughout the globe. Interestingly, he told me that the most challenging part of his job had to be fundraising.

Dr. Chaudry finds pleasure in building new partnerships between Muslims, Christians and Jews in New Jersey; in sharing an understanding of Islam with others. Even though he finds partnership building to be rewarding, he also found it very challenging because there are organized funded groups who are demonizing Islam and committing acts of domestic terror. He expressed that his work is challenging because

“there is not enough support from those in power in our county to stop these acts of hate.” However, Dr. Chaudry did stress that on the local level he has received a great deal of support for the interfaith work that he is doing. For example, one of his most successful interfaith initiatives has been the Pledge to Stand Up For the Other.<sup>324</sup> It was first initiated by Dr. Chaudry in March of 2015 at a meeting of the Interfaith Advisory Council of the NJ Department of Homeland Security and Preparedness (OHSP) at Drew University. In this pledge, Chaudry is asking others to stand up and challenge racial bigotry, religious persecution and hate. Since the pledge was initiated it has been making movement throughout NJ and has been signed by groups such as the Franklin school district, Union and Somerset County Freeholders, Jewish Federation of NJ, and various other religious groups. Chaudry explained that when one takes the Pledge they are not only signing the document they are also “taking an action not to remain silent when hearing or seeing bigotry.” He expressed that the challenge right now is to continue to build future alliances on an ongoing basis with people of other faiths. Doing this allows people to get to know each other on a deeper level and it dispels misconceptions and fear of the other. Chaudry did point out that he has established good relationships with public officials, the governor, and law enforcement in NJ.

As interreligious peacebuilders, it became clear that both Rabbi Ron and Dr. Chaudry agree that one of the best ways for groups to get to know each other was to engage in interreligious dialogue and a study of their sacred texts. I asked them both what passages from the Jewish and/or Islamic texts they liked to use when guiding groups through interreligious dialogue. Interestingly, Rabbi Ron sees himself as a someone who

<sup>324</sup> See Stand UP For The Other Pledge, <http://standupfortheother.org/client/>.

does dialogue, which is part of conflict resolution; is part of peacebuilding. He developed his own four step model for interreligious dialogue that he used with groups while he was working in the field. His model consisted of: “(1) Personal interaction- getting to know each other as individual human beings, (2) Interreligious, text-based learning, (3) Discussing core issues of the conflict; (4) Taking action, separately and together.”<sup>325</sup>

Rabbi Ron explained that interreligious dialogue was used to foster mutual understanding between others as well as break down preconceived stereotypes and misconceptions about the other. For the “interreligious, text-based study,” Rabbi Ron would “ask people in the dialogue group to bring in their favorite religious texts, the ones that guided them in their lives.” He would also bring in his favorite religious texts too and they would all discuss them in the dialogue group. Some of Rabbi Ron’s sacred selections included, Rabbi Hillel’s teachings, “Be a disciple of Aaron, a lover of peace, a pursuer of peace (*rodef shalom*), a lover of people, who brings them closer to the Torah.”<sup>326</sup> Also, “If I am not for myself, who will be for me? But if I am only for myself, what am I? And if not now, when?”<sup>327</sup> Plus Hillel’s teaching on the Golden Rule, “That which is despicable to you, do not do to your fellow, this is the whole Torah, and the rest is commentary, go and learn it.”<sup>328</sup> Rabbi Ron also included his favorite biblical chapter Leviticus 19: (The Holiness Code) “Love your neighbor as yourself; love the stranger because you were strangers in the land of Egypt.” Rabbi Ron chose to study these texts in his interreligious dialogue groups because they have positive messages to share concerning human values,

<sup>325</sup> Ronald Kronish, *The Other Peace Process*. (New York: Hamilton Books, 2017): 126.

<sup>326</sup> Mishnah, *Pirke Avot*, 1:12.

<sup>327</sup> Mishnah, *Pirke Avot*, 1:14.

<sup>328</sup> Babylonian Talmud, *Shabbat* 31a.



cooperation, kindness, compassion, forgiveness, reconciliation and peacebuilding between others.

When Dr. Chaudry meets with different religious groups, he too likes to study and discuss the peaceful messages in the Hadith that were spoken by the Prophet Muhammad. Some of his messages include: God is gentle and loves gentleness, Faith is a restraint against all violence, let no Mu'min commit violence and Deal gently with the people, and be not harsh; cheer them and condemn them not. Dr. Chaudry may additionally explore certain Islamic scriptures that talk about peace. For example, in the Qur'an, Surah 8:61 states, "But if they incline to peace, incline thou to it as well, and place they trust in God: verily, He alone is all hearing, all-knowing! Also, peaceful greetings are discussed in Surah 4:8: "But when you are greeted with a greeting (of peace), answer with an even better greeting, or (at least) with the like thereof. Verily, God keeps count indeed of all things." Dr. Chaudry finds meaning in using these Islamic messages and texts for interfaith understanding because they display the peaceful interpersonal and religious practices that are of paramount importance in the Islamic faith.

Dr. Chaudry also believes that when reaching out to other faiths, it is important to "discuss the commonalities shared between the different faiths" as well. For instance, the three monotheistic faiths have common prophets such as Adam, Noah, Isaac, Joseph, Jonah, Moses, David, Solomon, John the Baptist and Jesus. They also share common stories like the story of Joseph, found in the Bible and the Qur'an. In addition, all three share common universal values and they have similar rules/commandments that believers are expected to follow in their faith-based communities. Surely, these aren't all the commonalities found between the faiths, but the ones listed above can definitely be used

to spearhead a fruitful dialogue discussion amongst various faith leaders. Lastly, Dr. Chaudry indicated that due to modern terrorism, it was vital to teach and discuss with others the accurate meaning of the word jihad, that is widely misunderstood, and Islam's just war doctrine. This helps to dispel others fears and misconceptions about Islam.

After explaining their work in the field, we can see that dialogue is an essential and integral component in both Rabbi Ron's and Dr. Chaudry's interreligious peacebuilding approaches and activities. That being the case, it seemed like an opportune time to ask them both what role religion and dialogue play in their approach to peacebuilding. And, if they think this a particularly fertile area to work in? At the time, Rabbi Ron replied that "religions, i.e. followers of some religions, are currently playing a most negative role in conflicts. Extremist Judaism and Radical Islam are fighting with each other in Israel and Palestine and are causing lots of problems. Among other things, they are giving the wrong impression that Judaism and Islam are enemies as religions, which is not the case. That is why we need more moderate Jews and Muslims to speak up for peace and reconciliation, to show the true faces of these religions, the authentic values of love, respect, tolerance and coexistence, which are inherent to these religions." Then, Dr. Chaudry expressed that "religion, regardless of which tradition you follow in essence teaches two things to love God and your neighbor and to establish a just society." He explained that religion can play a very important role in peacebuilding "as long as we don't try to impose our ways of worship on others. We should share our faith with pride and we should establish tolerance for understanding others faiths." Lastly, Rabbi Ron asserted that more interreligious dialogue needed to be done to promote peaceful relations with different people and followers of different faiths in our world. He believes that

“genuine dialogue can lead to more cooperation and coalition building for peace and for justice for all groups in America, Israel, Palestine and around the world.”

The work that Rabbi Ron and Dr. Chaudry have done and continue to do in the field of interfaith peacebuilding is truly admirable for it takes a lot of patience, understanding, dedication on their parts. They are following in the footsteps of our ancient peacemakers by actively engaging in constructive interreligious dialogue, understanding and peacebuilding with others from different faith traditions. They are not only dedicated to their faith and personal path but they are also committed to helping others understand one another so that they can coexist peacefully and practice peace in their own communities and lives. It was impressive to see their enthusiastic hope, ambition and drive to keep peace alive in our globalized world today.

## CHAPTER 7

### **Future Outlooks on Peace**

#### Conclusion

This dissertation research has aimed to carry out an in depth study of the conflict resolution and ADR practices that were used to constructively resolve conflict and promote peace within the World's Religious Traditions. It examines the field of Conflict Resolution, the nature of conflict and the multiple factors that lead to interpersonal conflict amongst individuals in the ancient world. It also took a deeper look into the various ADR mechanisms and legal techniques that were employed to peacefully settle discord within these traditional religious communities. Historically, Judaism, Christianity, Islam and Buddhism all adopted faith-based dispute resolution practices that aligned with their religious ideologies and principles that in effect helped them manage conflict, foster harmonious relationships and promote future peace in their religious communities. This study not only thoroughly examines the historical background and origins of ADR, but it also investigates the unique and creative dispute resolution tactics that were put to use to manage conflict and foster social harmony within each of these faith based communities. While many may consider religion to be an instigator of conflict, I contend that it undoubtably can serve as a powerful agent for social peace and harmony.

In Chapter 2, we learned that conflict prevention, resolution and peacebuilding were fundamental religious practices found within the Jewish faith. If members of the Jewish community had interpersonal conflicts, it was customary for them to go to the *beit din* where a judge/rabbi would encourage them to either arbitrate or mediate their dispute.

The Jewish tradition frowned upon litigation because it did not align with their religious principles of reconciliation and compromise. *P'sharah* (mediation) was seen as the most favored and praiseworthy approach for dispute resolution because it could positively lead to a compromise and peaceful resolution for both sides. Fundamentally, Jews are told to actively pursue peace and to engage in harmonious and respectful relationships with others throughout their lives. In Chapter 3, we discovered that the Christian faiths conflict resolution and ADR practices stemmed directly from Jesus's religious teachings in the Bible. Christians were told not to sue, but instead they were encouraged to forgive one another, to settle their interpersonal disputes quickly and to seek assistance from those inside their religious community when resolving a conflict. Christianity's faith based approach for dispute resolution and peacebuilding primarily consisted of a unique combination of negotiation, arbitration, mediation and conciliation. Essentially, Jesus's overall message for Christians was to aspire to be peacemakers, forgive the wrongs of others and to live at peace with everyone in their religious community.

Chapter 4 discussed Islam's approach for conflict resolution and peacebuilding which centered upon negotiation (*sulh*), arbitration (*takim*) and mediation (*wisata*). As we know, all of these dispute resolution practices were deeply influenced by the personal practices of the Prophet Muhammad and the religious teachings found in the Qur'an. Essentially, it was a religious obligation for all Muslims to peacefully reconcile with others so that social and communal harmony could be justly restored. In Chapter 5, we discussed the unique peacebuilding and conflict resolution practices found within the Buddhist tradition. In Buddhism, conflict is seen as an opportunity for spiritual growth, reflection and mindful meditation. Buddhism uses an interesting holistic approach for

conflict resolution and peacebuilding that is focused upon first finding peace within oneself and then sharing it with others in world. In the Sangha, Buddhist reconciliation practices encourage parties to deeply listen to one another, to admit their wrongs, to engage in peaceful and respectful dialogue with one another so that relationships can be reconciled and restored.

In Chapter 6, a thorough study was done comparing the similarities and differences between the faiths ADR practices and peacebuilding principles. In this chapter, I chose to primarily focus my analysis upon each religions historical, traditional and scriptural approaches to ADR and not on their contemporary approaches. I discovered that all of the faiths commonly share an ideal vision for peace and that they actively took steps to maintain order and uphold a sense of “positive peace” in their faith-based communities. It was also noticeable that they all commonly implemented moral guidelines/rules that were deeply rooted in and motivated by their religious beliefs and practices. These moral guidelines were necessary for they helped to manage and control human relationships within their faith based communities. Furthermore, their sacred scriptures also emphasized the need for social harmony as opposed to an “eye for an eye.” Establishing peaceful interpersonal relationships was an essential religious practice for keeping conflicts at bay in these religious communities. Individuals were not only required to treat their neighbor’s and enemies properly but they were also expected to act graciously, extend lovingkindness and compassion towards them as well. For it is these moral actions in the end, that will help to build bridges and promote social harmony amongst those within their religious communities. Lastly, we know that all the religions used ADR mechanisms to manage and resolve conflict, but it was fascinating to see that

they all preferred mediation as their ADR method of choice. In Chapter 6, I also found some very interesting differences between the religions ADR practices and peacebuilding principles too. The study revealed that Judaism out of all the religions had the most robust legalistic components. Furthermore, it showed that Islam and Buddhism's approaches for ADR were highly cultural and transformative in nature. Lastly, it uncovered some unique ritualistic tendencies in Judaism and Islam's dispute resolution practices. Overall, this analysis helped to show how vital conflict resolution was for managing, mending and healing social relationships as well as preserving future peace in these ancient religious communities.

In Chapter 7, a further examination was done of our ancient peacemakers and two contemporary interfaith peacebuilders who are doing important peacebuilding work today. It was critical to look at the personal peacemaking approaches of our traditional peacemakers in order to gain a better understanding of how they were able to build bridges of understanding between those in difficult conflict situations. Also, it was important to hear from our contemporary interfaith peacebuilders to learn how they are actively carrying on the peacebuilding legacy today.

As the preceding paragraphs suggest, this interdisciplinary dissertation study required drawing from a variety of academic disciplines as well as scholarly research. Some of the major writers/scholars in the field of Religion and Conflict Resolution today are: Daniel Roth, Howard Kaminsky, Mohammad Abu Nimer, Ken Sande and Thich Nhat Hahn. Daniel Roth is the Director of the Center for Judaism and Conflict Resolution at the Pardes Institute of Jewish Studies. He is very active in the field of conflict resolution, he has written numerous articles and has given many scholarly speeches, that

are posted on Pardes website, addressing Jewish peacemaking and constructive conflict resolution practices. The Pardes Institute offers online courses on topics such *Rodef Shalom: Pursing Peace in Judaism*. It also airs webinars and podcasts on various different topics related to conflict in the Jewish faith and it highlights recent scholarship in the field. For instance, there were podcasts on Rabbi Ron Kronish's book *The Other Peace Process: Interreligious Dialogue, a View from Jerusalem* and on Howard Kaminsky's recent scholarly work *The Fundamentals of Jewish Conflict Resolution*. Both of these books are wonderful resources that I used for my dissertation research. Daniel Roth's Center for Judaism and Conflict Resolution also develops and provides conflict resolution materials and trainings for teachers in elementary, middle and high schools. Mohammad Abu Nimer is another noteworthy scholar who is currently doing work in the field of Conflict Resolution and dialogue for peace. He is an expert in Middle East conflict resolution and he is the Director of the Development and Peace Institute at American University. He has actively conducted interfaith dialogue workshops and training sessions in conflict areas around the world. Professor Nimer has written numerous books and scholarly articles on peace-building, interfaith dialogue and conflict resolution. His most popular book is *Nonviolence and Peace Building in Islam: Theory and Practice*. Ken Sande, the founder of the Peacemaker Ministries, is another leading scholar in the field of Christian Conciliation and biblical peacemaking. His scholarly book *The Peacemaker: A Biblical Guide to Resolving Personal Conflict*, published in 2004, is well known in the field of Conflict Resolution. He also published a student's edition in 2008 showing teenagers, pastors, parents and youth leaders how to use biblical conflict resolution principles in their daily lives. In the Buddhist faith, Thich Nhat Hanh



is a global spiritual leader, Zen master, scholar and peacemaker. He has written over one hundred books on topics ranging from mindfulness, ethics, poetry, peace, meditation, happiness, anger, fear, reconciliation, the Buddha, and love. His book *Joyfully Together: The Art of Building a Harmonious Community* is especially noteworthy because it examines the seven methods/practices for resolving conflicts in the Sangha; these practices can also be adapted and applied to our globalized communities today.

### *Personal Discovery*

Throughout history, we have seen that religion can be a divider but it also has the incredible power to positively and peacefully unite individuals. In this study, we have learned that the conflict resolution practices in the World's Religions were deeply rooted in and influenced by their religious teachings and ethical morals/values. Keeping this in mind, I can say that these ancient religious communities, definitely have some valuable lessons to teach us all about human relationships, conflict resolution and peacebuilding. On a personal level, this study has been a very valuable learning experience for me because it has given me the opportunity to step back and internally reflect upon my own morals and values and on my daily interactions with others. Presently, we live in a world where conflict is ever present and where people are constantly distracted by technology and social media. At times, it is easy to lose sight of the value of the other and the importance of human relationships. All of the religions share the belief that we should live harmoniously and engage in peaceful interpersonal relationships with others. The religions along with their faith based approaches have taught me that morals are essential, that people and relationships matter and that the preservation of interpersonal relationships can help to make stronger and more peaceful future communities. What's

more, they have taught me that human beings have the power to positively make a difference and to establish peace with others in the world.

In this day and age, when conflicts occur, people are quick to sue and place blame on others. Normally, conflicts are dumped into the court system and it can take months or even years to settle a case. The religious approaches teach that interpersonal conflicts should be addressed quickly and that disputes should be settled *inside* of their faith-based communities. Disputants are instructed to use alternative faith-based approaches for conflict resolution and seek help from a neutral third party to resolve a dispute. The faiths only believe that litigation should be used as a last and final resort. Today, litigation seems to be the first approach taken by most people to resolve conflict, even though ADR practices are commonly used. Clearly, this shows that we live in an age where people don't initially choose to reconcile one to one, even when it is the best viable option.

Overall, I do consider the religious approaches to be more humane, but at times I think that they could go wrong or have some flaws. For example, in the Christian faith, Jesus urged Christians to take the ethical approach and settle disputes before entering the courtroom. In this day and age, the ethical approach may not be the preferred type of approach used to settle certain conflict situations. For instance, let's say that one gets into a serious car accident with another person. Normally, people do not confess that they were wrong nor do they admit that they were responsible for the accident. Because in our world of insurance and litigation, people are strongly discouraged from taking this type of personal ownership. Another area where I think that the religious approaches could have problems is when they choose to resolve all of their conflicts inside of their faith-based communities. On one hand, I can see how resolving conflicts inside of religious

communities could be very beneficial but on the other hand, I can see how it too could go horribly wrong if conflicts are not handled, managed and resolved properly.

Finally, it was interesting to discover that mediation was a valuable practice applied by all of faiths to unite and bring people together. In Judaism, mediation was exercised to attain a compromise and foster peace between individuals. In Christianity, mediation was applied to restore damaged relationships and open the doors for peace. In Islam, mediation was wielded to reconcile individuals and restore justice and honor to those in the Islamic community. In Buddhism, mediation was used to alleviate personal and communal suffering and to peacefully reconcile and transform individuals. Mediators themselves were also considered to be praiseworthy individuals for they could accomplish incredible feats of peacemaking. Interestingly today, mediation still continues to be a viable avenue for peacebuilding and mediators still continue to serve as creative and active agents of peace in our world.

*What can each contribute to a better conflict resolution model?*

On the whole, all the faiths have some very important religious practices and dispute resolution tactics that could help to make a better conflict resolution model. It would be valuable to apply peaceful practices and principles such as: respect and proper treatment of others, patience, kindness, self-restraint, compassion, peaceful conduct, deep listening, genuine and constructive dialogue and third party support. This would help to make the conflict resolution model and process more humane in nature.

As we are aware, mediation has proven to be a very valuable method of dispute resolution in traditional as well as contemporary society. I propose that we keep mediation as a valid alternative, and that we blend in some ancient practices to make

mediation more transformative and holistic in nature. For example, for a mediation, it may be helpful to have each party mindfully reflect upon the conflict before the mediation process begins. They may want to write down the details pertaining to the conflict, their thoughts about the conflict, and how they contributed to the overall situation. Then, during the mediation, they will be mentally prepared to share their side of the story with the other party present.

I also think that it would be beneficial to include more face to face practices or interactions in the mediation process. At the beginning of the mediation process, a mediator will meet face to face with both parties together to introduce him or herself and to explain the rules of the mediation process. After the mediators opening statement, the disputing parties will each have an opportunity to share their side of the story. As they share, this is an excellent time for the parties to learn how to practice “deep listening” skills and not to verbally respond until later. After they have shared their stories face to face with one another, the mediator will help them engage in a joint discussion with the goal of gaining a better understanding of each party’s needs and concerns. Sometimes emotions may run high during the joint discussion, thus prompting the mediator to separate both parties and have separate caucuses with each. I suggest that if emotions are not running high to keep the parties together for face to face negotiations. Then the mediator can continue working with them to help them open up constructive lines of communication so that they can both problem solve, negotiate and collaborate together to find a mutually acceptable solution to their problem. At the end of the mediation process, in addition to signing the mediation settlement agreement, it may be helpful, depending upon the situation, to have the parties shake hands. The ritualistic signing of the

document and shaking of the hands could provide the parties with a sense of relief and peace that the situation has been justly resolved. Additionally, it helps to affirm that the mediation process was a “win-win” for both parties.

### *Teaching Pedagogy*

As an educator, I believe that it is important to teach Conflict Resolution to students in the school setting so that they can learn helpful skills to constructively bridge through personal, social and cultural differences with others in their daily lives. Todd Paige, a former colleague of mine once said, “Schools are places where we learn how to handle all kinds of relationships, where we learn how to handle conflict, overcome adversity, take risks and make mistakes.” As a seasoned Religion/World History teacher, this quote resonated with me because I have seen students struggle on a daily basis as they personally navigate through difficult relationships and interpersonal conflict with their peers and sometimes their teachers. With the global tensions present at this time, this is an apt moment to teach students about the field of conflict resolution and alternative dispute resolution techniques that could be applicable to use in their school, at home and in their global communities.

With educational use in mind, I intend to use my dissertation research to develop some new academic courses that can be taught on the high school level. Some possible titles for these courses could be: Religion, Conflict & Peacebuilding, Conflict Resolution Across Cultures or a Conflict Resolution & History class. All of these classes would be interdisciplinary incorporating material from the academic fields of History, Religious Studies, English and Conflict Resolution. My plan is to interweave conflict resolution concepts and skills into the Religion and History courses that I will be teaching. I believe

that this will be globally, ethically and culturally beneficial for the students on many levels.

Some important conflict resolution skills that I plan to teach in these courses are: constructive communication and dialogue, active listening, problem solving, negotiation, mediation and compromise. On a daily basis, whether it be in school, out of school, at a job, sports practice or at home students talk to, interact with, and engage in relationships with people from diverse cultural backgrounds. Dialogue and communication are essential for making these interpersonal relationships work. At times, when people disagree, communication may break down and people may fail to communicate and engage in productive dialogue with one another. When studying conflict, students will learn how to manage interpersonal conflicts so that they have positive results instead of negative ones. As a teacher, I encourage my students to engage in constructive and respectful dialogue with their peers in the classroom. These are usually things that we address on the first day of class when we discuss classroom rules, behavior and establishing a positive learning environment. Another important conflict resolution skill for all students to learn and practice is “active listening.” Active listening not only teaches students how to be effective listeners but it also shows them how to communicate with others both verbally and non-verbally. When I teach active listening, I usually role model it for my students first and then they work with a partner to practice their own active listening skills. I normally give students a prompt to discuss like: describe an experience when you were being treated unfairly. Each partner will have a chance to talk for two minutes about the prompt, while the other person practices nonverbal listening skills. After each person is done speaking, the person listening will restate what was said

back to the speaker. Then we gather back together as a group and discuss their thoughts about the active listening exercise. I have found that in the past when I used this exercise, many students were surprised at how hard actively listening can be, but they found the value in it and continued to practice it in class.

I also believe that it is important to teach my students how to effectively use negotiation and mediation to resolve a conflict. I usually start by teaching the students the steps for both processes, and then later they actively role play a conflict situation so that they can practice the skills. For a negotiation, students will begin by acknowledging, discussing and defining the problem at hand. Each student has an opportunity to openly share his or her own perspectives, thoughts and feelings about the situation. As one student shares, the other will actively listen and then restate what was said right after they say it. This helps both students gain a better understanding of the problem, the issues; the concerns involved. On a personal level, it also helps to build empathy between both of the students. After the problem has been identified, both students must collaborate, brainstorm, problem solve and evaluate possible solutions. Students must keep in mind while negotiating that they are striving to attain a win-win solution for both sides. After a mutually acceptable solution has been chosen and negotiated, both students have to set their plan in motion and implement it. It is valuable for students to learn the negotiation process because they can apply it to real life situations and problems that they may encounter on a daily basis, and hopefully they will attain peaceful solutions. In the classroom, for an extended activity, I could additionally have the students research international conflicts from the past and present. They could describe the negotiation process and address the following questions: Who was involved? How long did it take?

What were the overall results? Did it result in lasting peace? After students completed their research, they could present their findings to the class.

Mediation too is another dispute resolution process worth teaching the students. For a mediation, students will learn how to manage and resolve conflict constructively with the help of a third party mediator. In the school community, teachers, administrators, counselors and students, may find at times that they have to step in and help mediate or resolve an issue or dispute on campus. In the classroom, the students will learn the mediation process by role-playing it. One student can be the mediator, two students can be the disputants and another can be the observer. Before the role-playing begins, it is important to spend some time explaining to the students the role of the mediator in the overall process. A mediator should serve as a neutral third party who actively listens to, assists and steers the parties through the mediation process. Student mediators are present to help the parties/students effectively communicate and negotiate through their differences during the mediation. For the role-play, the students will follow these steps for a mediation: Mediator introduction, disputants share their stories, joint discussion, brainstorm solutions, joint negotiation and resolution. After the students have finished mediating their assigned conflicts, we will gather together as a class and discuss how the overall mediation process went for the groups and if they were able to establish a peaceful resolution to their conflict.

Overall, teaching conflict resolution in schools can definitely be beneficial for students in the long run personally, socially, ethically and globally. It teaches them how to build positive interpersonal relationships in/out of the classroom setting and within the school community. It provides them with important problem-solving skills so they can



engage in dialogue, negotiate and mediate through issues and address everyday conflicts that they may encounter. Lastly, it teaches students valuable peacebuilding skills that they can use to build future bridges of understanding between those in their school and global communities.

### *Conclusion – Future Outlooks on Peace*

The World's Religions have shown us that conflict can be a workable and transformative agent for learning, growth and peace. The faith-based approaches teach that peace indeed is something that must be actively pursued, strived for and practiced on a daily basis by all individuals. Peace is not something that just magically manifests;- rather, it is more like a spiritual energy that must be embraced and cultivated within us and then shared with and transmitted to others. Think back to the story of the old *jaha*, who was able to resolve conflict and build peace between others by absorbing their anger and sharing his love, kindness and peaceful energy with them. The peacemakers in this study,- similarly spiritually cultivated peace within themselves first before actively passing it along to others. In our world today, we are challenged [everyone] to follow in the footsteps of our ancient peacemakers and contemporary peacebuilders. Now is the time to immerse in genuine dialogue with others and,- to build bridges of understanding upon which we can stand up as future agents of peace in our globalized community.

*“Each of us is called to be an artisan of peace, by uniting and not dividing, by extinguishing hatred and not holding on to it, by opening paths to dialogue and not by constructing new walls. Let us dialogue and meet one another in order to establish a new culture of dialogue in the world, a culture of encounter.” – Pope Francis*

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