
Negotiations in Arabic-Speaking Islam: A Research Note

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Introduction

This paper calls attention to a scholarly lacuna in the field of negotiation research, namely, negotiations in Islam.¹ It also suggests a preliminary research plan, and invites critical discussion of this issue. It points to phenomena peculiar to Islam on two basic levels, i.e., that of techniques and that of principles, which underlie and influence behaviors. It consists of two basic parts: a general, methodological introduction and an illustrative, sample survey of negotiation style in Islam.

Little work has been done on negotiations in Islam. For various reasons, scholars of this civilization, as well as of negotiations in general, have so far preferred to treat other domains in their respective fields. This can be partially attributed to a similar lacking within Arabic literature itself: although issues that touch upon elements of negotiations in various domains of Islamic civilization are discussed, to the best of my knowledge, the issue has not been addressed as a single topic. Even in those areas, modern Western scholarship often settles for generalities or, at best, quotations from secondary literature to draw general conclusions. In contrast, I propose that primary sources be addressed and that greater attention be paid to linguistic analysis of these works.

The lacuna is surprising in regard to Islam, since Islamic law, an all-embracing, total system, is known to treat almost every topic under the sun. This apparent lack of scholarly interest is also surprising in light of the long tradition of negotiations between the West and Islam, and the

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- 1 Any attempt at a perfect distinction between “Islam” and “Arabs” in the context of Middle Eastern culture is, in my view, doomed to failure (a Jordanian friend once told me that Christian Arabs are Muslims who go to church). Hence, this paper may include some terminological inconsistencies in this respect.

importance of the institution in world history, culture, economics, and politics.

The rich, varied, and deep culture of Islam, the considerable proportion of Muslims in the world population, Islam's role as a representative of many Third World countries, its involvement in many present-day conflicts, and the economic significance of Muslim countries, make cultural acquaintance with negotiation aspects of Islam vital.

The lacuna is all the more strange in light of the "return of Islam," the resurgence of traditional religious feeling among Muslims all over the world (Lewis, 1976). This "return" involves a renaissance of Islamic education, traditions, and models in the theological, political, and ethical domains, both on the theoretical and behavioral levels.

Rosen observes that in the town of Sefrou in Morocco everything is always open to bargaining, and that negotiation is fundamental to every aspect of life in Moroccan Islam (1984, 11). If this view can be generalized to Islam as a whole, as I believe it can, then to disregard negotiations is to miss a very basic aspect of Islamic civilization.

Many, both Muslims and foreigners, have had experience of negotiation with Muslims in all areas. Their knowledge, however, rich as it may be, is often intuitive, individual, scattered, and unsystematic. Historical cases of negotiations have been reported by historians and other authors in Arabic literature, but they, too, have not tried to construct a theory of negotiations in Islam.

Compared to the paucity of work on Islamic issues, much has been done on intercultural negotiations, both on the level of theory (e.g., Graham, 1985; Rubin & Sander, 1991) and of contemporary cases (e.g., Campbell et al., 1988; Hare, 1987; Zhang & Kuroda, 1989).

Scholarly work that has been done in areas adjacent to the present one is mostly oriented toward politics and economics rather than culture. However, certain aspects of the general topic have been addressed, such as intercultural contacts (Atiyeh, 1977); "national psychology" (Abu Zeid, 1966, 255; Ali Hajj Bakri, 1972; Banan & Vryonis, 1977; L.C. Brown &

Itzkowitz, 1977; Charles, 1958; Laffin, 1975; Peristiany, 1966; Pipes, 1992; Qubain, 1960; Stetie, 1982; Yasīn, 1973); Arab culture (Alexander, 1974; Berque, 1974, 1981); negotiations with individual countries in the Middle East (Ingram, 1986) on the one hand, and with Europe on the other (al-‘Adawī, 1957); delegations (Landau-Tasseran, 1986; al-Sākit, 1368; al-Wakīl, 1938); personal impressions (Faure, 1991); cases and memoirs (Caplan, 1983, 86; Fahmi, 1983; Ḥamīdullah, 1989/1969, 58, 1394/1974; Quandt, 1968; Roe, 1740; Telhami, 1990); international and other law (Khaddouri, 1966; Rosen, 1989); war and peace (Hill, 1971; Khaddouri, 1955; Mi’rāwī, 1958; Pillar, 1983; Shaibānī, 1958; Zuḥailī, 1962); labor relations (Makharmeh, 1981); human relations (Halpern, 1977); truth and sincerity (Keddie, 1963); political culture, values, and institutions (Abu Sulaiman, c1987; Arjomand, 1988; Bolling, 1991; Hamidullah, 1977; Māwardī, *al-Aḥkām*; Mottahedeh, 1980; Rosen, 1984; Salem, 1979; Soloway, 1985); diplomacy (Bell, 1981; Fahd, 1988; Ghali, 1977; Hein, 1968; Iqbal, 1962; Khalid, 1977; Mani’, 1983); ambassadors and embassies in general (al-‘Adawī, 1957); third-party intervention (Rubin, 1981; Touval, 1982); conflict resolution (Ayoub, 1965; Stover & Adra, 1981; Wittie, 1980); bargaining procedure (Wakin, 1972); gifts and bribery (Chaudhary, 1979; Mutalib, 1974; Rosenthal, 1964); symbols; nonverbal communication (Barakat, 1973; Brewer, 1951; Collette, 1971), and many others.

Hence, research on negotiations in Islam should constitute an interesting and revealing case of the cultural element in negotiations. This paper is not, however, an inquiry into the Arab or Islamic “mind” (e.g., Hamady, 1960; Patai, 1973; Waddy, 1976).

The quality that helps Islam assume such an important position is the very absolutist nature of this civilization: most walks of life are dictated to the Muslim by religion. Hence, much can be learned about conduct by examining religion and tradition, as well as by observing actual behavior. This is particularly true of politics, which Islam declares to be inseparable from religion. Perhaps to a lesser degree, insights about form, methodology,

and procedure that are drawn from Islam may be applicable to other cultures as well.

The study of negotiations in Islam, or in any culture, requires a combination of both case study and generalization. In what follows, I set forth some parameters for analysis, beginning with the former and, on its basis, proceeding to the latter.

The proposed research would aim at providing tools for enhancing our understanding of communication with and among Muslims, taking the cultural dimension into account.

For the purposes of this paper, I define negotiations as a process in which initially different positions are addressed by at least two parties, each of which tries to change that of the other party. In this definition, neither the number of participants (which could even be one person at two different stages, or holding different views), nor the means by which change occurs (which could include violence, as well as verbal and nonverbal communication), nor the outcome (which could include agreement, resumption of violence, stalemate, etc.) is of substance. The concept that emerges, then, is one of discourse, of which diplomatic, economic, political, and other "traditional" negotiations are but specific cases.

Several areas of scholarship and practice stand to gain from this proposed research: in the social sciences, in regard to such issues as Islam and "in" and "out groups," Islamic political theory and culture, the role of the Islamic family, and so on; and in the humanities, in regard to such issues as the concept of "culture" and its Islamic expression; the role in the culture, of time, model, and precedent; concepts of truth and reality; Islamic ethics, values, and manners; language; the overt and covert; the religion, and so on. In addition to the academic interest in human behavior as a whole, acquaintance with the cultural aspects of negotiations in Islam could yield tangible results in politics, economics, conflict resolution, and law.

Method

The concept of culture in traditional societies in general, and in Islam in particular, is at least partly a historical one.² Since historical evidence that would satisfy the methodological requirements for quantitative data in the social sciences is hard to come by, the method that remains to be employed is necessarily qualitative.

It might be argued that ascribing cultural traits to negotiation behavior smacks of historical determinism and racialism in scholarly disguise. However, if we realize that cultural uniformity results from a conscious effort by members of a given culture to preserve their beliefs, worldviews, customs, mores, heroes, and models,³ the argument carries less weight.

The sources for this undertaking fall into three categories: literature, both normative and descriptive; documentation; and interviews. The data will then be analyzed qualitatively, and to the extent that it is possible, quantitatively as well.

Normative literature is that whose objective is to teach members of the culture what to believe and how to behave. This is done in Islam through the Qur'ān as a divine scripture along with its numerous commentaries, but also through the example set by the Prophet. Following these two sources are lessons drawn by the literature from other heroes and events, positive and negative alike, as depicted in works of law, custom, education, fiction, and poetry.

Descriptive literature is that which treats historical cases, i.e., telling what is so rather than what ought to be. The borderline, however, between the two domains is blurry in general, and not less so in Islam. Historical

2 See, e.g., the list of definitions quoted in A.L. Kroeber and Clyde Kluckhohn, *Culture: A Critical Review of Concepts and Definitions* (New York: Vintage Books, [196?]) (originally published as vol. 47, no. 1, *Papers of the Peabody Museum of American Archeology and Ethnology*, Harvard University), 89–94.

3 For the educational domain of culture, see Kroeber and Kluckhohn, *Culture*, 89–94.

literature is often didactic, adding values to the facts reported. Hence, descriptive literature must not be treated as merely factual but rather as image-creating, and the very fact that it has survived signifies its role in the culture.

As in many cases, and especially when the normative rests on absolute principles and teachings, there exists a gap in Islam between the normative and the practiced. Contrary to popular belief, in many cases Islamic legalists, having strong respect for reality, take very pragmatic positions. However, the arguments that justify variance from theory must themselves also be made in accordance with theoretical terms, a procedure that constitutes part of the negotiation process.

The methodological implication is, therefore, that in order to understand negotiation in Islam both the normative and the practiced must be studied, without paying too much attention to possible contradictions between the two. The method I propose to employ in research of the present kind could perhaps be termed historical anthropology. It combines a case study with conclusions of a general nature concerning human behavior.

These considerations find conspicuous expression in reference lists in scholarly works: whereas ordinary social sciences cite mainly research titles, in the present discipline primary literature is part and parcel of such lists, constituting the data for the inquiry. Since I have found no Arabic literature devoted to negotiation as such, all the cases investigated must be drawn from various literary genres: legal, historical, religious-polemical, or even fiction and poetry, whose readers understand the message and codes of authors with whom they share the same culture. Here, too, the evidence may be drawn from case description, as well as from independent expressions that may teach the reader about details of behavior.

Particularly fruitful are Islamic legal sources, descriptive and normative alike. Thanks to the all-encompassing role that law (*Shari'ah*) plays in Islam, and to the disputative nature of their subject matter, much infor-

mation may be drawn from these sources on all aspects of Islamic life, including negotiations.

Islamic religious literature is very rich. It consists of normative writings as well as very practical interpretations of the scriptures and of the oral tradition. It addresses principles of religion as well as their positive and negative practical implementations. Hence it is an invaluable source for learning about negotiation behavior in Islam across the generations.

A branch of religious literature is the polemical genre. Polemics were conducted between Muslims and non-Muslims as well as between various factions of Islam itself. Because religious polemics are fairly close in nature to political controversies, similar negotiation rules apply to both.

Contemporary cases of negotiations may also be investigated by means of interviews, preferably with participants from both sides, and as many of them as possible. Regrettably, however, people involved in the actual negotiations usually pay little attention to nonverbal messages, whether in personal behavior, setting, decoration, venue, and so on. Compared to written works, interviews can potentially yield richer observations.

A third method, closely connected to the historical one, is the analysis of documents (other than historical reports), which applies first and foremost to modern history. The information to be found here involves final agreements, cables, and other retouched reports.

Finally, quantitative research should be employed, albeit sparingly because of the nature of the source.

The two main objectives of this research are descriptive and prescriptive. To accomplish these, the following questions must be addressed: (a) Are there recognizable cultural elements in negotiating style in Islam as a synchronic and diachronic civilization, and to what extent are these elements common to different domains? (b) If the answer to the first question is positive, what are these elements? (c) Can these negotiation elements be characterized and explained, and if so, how? (d) Can generalizations and

recommendations for action be made in the political and commercial domains? (e) What are the implications of positive findings on the above questions for the theory of negotiations at large?

Working Hypotheses

In an attempt to answer the above questions, I shall offer a number of hypotheses in two domains, namely, negotiation theory and Islam. Negotiation as an institution is universal, and as such there is little to be gained by looking for cultural elements in it. However, its principles, styles, and techniques are strongly influenced by both cultural and individual elements.

My first working hypothesis is actually a definition of negotiation, as set forth above. This definition enables one to place negotiations in a larger context, and to explain many behaviors, successes, and failures. Negotiation can be seen as a process that involves uncovering the hidden agenda of one's interlocutor and making it explicit. This includes distinguishing the other party's strength of principles, degree of possible concessions, confidence-building measures, real objectives, and so on. Simultaneously, each party tries to foil the adversary's efforts by concealing its own intentions, often seeking to mislead the other. Negotiation, then, can be seen as an interpretative process, in which explicit, verbal messages constitute only a small, and often false, fraction of the real message. One must therefore employ one's best means of decipherment, which, like language, are culture-contexted.

Many have dealt with the individual, circumstantial, and cultural components of negotiations (Bozeman, 1960, 377; Neale & Bazerman, 1991). Some researchers have pointed out the intermingling between these, which makes considering cultural factors indispensable in intercultural negotiations (Kirkbride, Tang, & Westwood, 1991); others have even doubted the impact of the individual component on the outcomes of negotiations (Neale & Bazerman, 1991, 4, quoting Lewicki & Litterer, *Negotiations*). This paper

focuses on culture, addressing the other two components only insofar as the cultural aspect is concerned.

On the basis of the above definition, negotiation may perhaps be viewed as one of the most elementary units of culture (my second working hypothesis), because it pertains to every facet of it, represents it most faithfully, and is one of its strongest determinants. This is particularly true for Islam.

The extreme positions of negotiations, i.e., winning and losing, appear to be universal. Cultural differences are found in the techniques and ways of conducting negotiations, but also in very basic attitudes toward such concepts as winning, losing, and so on.

Two superficial levels of differences are manifest in negotiations: (1) objectives (e.g., a dispute over the final price of an item), and (2) priorities (e.g., honor vs. money). My third working hypothesis is that there is another, underlying level, (3) rationality, i.e., those very basic rules that govern the setting of priorities, perhaps what Hall calls "logic" (1976, 213). Differences in this third level can be hard to accept because of the universality ascribed to rationality, so that any deviation from it is considered "crazy." It is often regarded as the ultimate standard by which all other standards are measured.

Such differences, perhaps, occupied Mr. Muwaffaq Allaf, the Syrian delegate to the peace talks with Israel, in a 6 July 1993 interview on Syrian Television (which was also reported in the same day's *Tishrīn* daily, p. 11), when he accused the Americans of having a logic (*manṭiq*) close to that of the Israelis. This logic, he argued, was remote from that of truth or that of honest brokers.

Rationality has recently been treated in negotiation and decisionmaking literature (e.g., Brams, 1975). However, the concept of rationality that is used is "soft" in that it only assesses the degree of "rationality" within negotiators' behavior (Neale & Bazerman, 1991, 1), rather than the basic difference of concept in cross-cultural negotiations. "Hard" rationality, I suggest, may be defined as "the best application of means to ends," to

which is added the background of the worldview of the members of a given culture. Concepts of time, space, alternatives, or of “I” and “other” are not absolute, but culture related. They create different “realities” and hence different “rationalities.”

This definition allows us to maintain the traditional approach to rationality, and at the same time to weigh different behaviors according to different scales, without automatically resorting to clinicopsychological descriptions. Granted, such a definition deprives us of an absolute criterion against which all other criteria can be measured, but it should also foster a greater sense of realism and, thus, better outcomes of negotiations.

The particular elements in the “mind” of a culture, and specifically in its style of negotiation, are not transmitted genetically but rather through education. One must also recognize in matters of negotiations that procedure and form, two important cultural institutions, are at least as revealing as substance. Often the parties or observers are unaware of these factors yet are strongly influenced by them. Procedure conveys messages on two levels: the one that is contingent on each separate case, and the permanent, “cultural” level. The two are actually connected, but may differ in given cases, where the “cultural” is deliberately avoided by one or both parties, which in itself constitutes a message.

Overall, it makes much sense to study in-depth the negotiation behavior of other cultures. Below I shall suggest some criteria according to which past and even future cases of negotiations in Islam may be examined and prepared for.

My first working hypothesis about the Islamic element in negotiations is that Islam, being a specific civilization, should be characterized by a specific negotiating style. The principles of this style cut across generations and geographical boundaries, yet at the same time are flexible and ever-changing within strict traditional parameters. If this style does not determine negotiations, it plays a vital role in them.

Second, Islam as a civilization strongly emphasizes tradition, precedents,

and models. These are transmitted from one generation to another by education, whose purpose is to create common attitudes and behavioral rules for Muslims. The most important source for such models is the Qur'ān, the scripture that was revealed to the Prophet Muḥammad during the years 610–632 A.D. The second source is the historical person of the Prophet himself, whose sayings and deeds have virtually acquired the status of law. To a lesser degree, the views of commentators and the deeds of those ancient figures are also significant.

This characteristic of Islam not only allows the study of historical cases in different areas for purposes of drawing legal, conceptual, religious, and behavioral conclusions, but in fact requires it. Model, rule, interpretation, and behavior are thus interconnected, the model being the principle of stability, and interpretation, that of change. Both make room for practical flexibility, under the mandatory umbrella of traditional appearances. Thus, every recorded historical case serves as a positive or negative model, and lessons are drawn from it. Muslims are prohibited from meddling with the letter of the Book. Any alterations as well as adaptations can be made only through interpretation. Interpretation varies from one place and commentator to another, but it too submits to traditional laws and precedents. Thus, one of Islam's most important characteristics is its being an interpretative system.

Challenges

One important difficulty of the proposed topic is situated on the borderline between the substantial and the methodological, involving the very definition of the subject matter: if indeed negotiation ought to be understood as "discourse," then attempts at grasping or classifying it run the risk of losing focus.

Another has to do with the group being studied. The terms Arabs and Muslims are very often confused, although they belong in two different domains, i.e., ethnic and religious, respectively. The sources of this confusion are the facts that the majority of Arabs are indeed Muslim, that

Arabic is the sacred language of Islam, that the Prophet was an Arab, and that pre-Islamic Arab legal and behavioral traditions have come down through the generations and, though sometimes contradictory to Islamic law, do prevail today to a great extent. This is also one of the reasons that, even though theoretically the topic of the research excludes such non-Arab traditions as the Iranian, Indonesian, Turkish, and so on, many of its findings will be applicable to them as well.

In historically based methodology, the reader only has the written or oral report to rely on. In research of the kind proposed here, authenticity of historical details is impossible to attain, if indeed necessary. Under these circumstances, one must only ascertain that the author of the original text is authentic. One is more concerned with images of negotiations, as they have been established in the culture, than with first-order "facts." Consequently, lessons can be learned about the culture of the reporter, no less and sometimes more than about that of the reported-about.

In addition to the point made above about stability and change, one further aspect must be addressed: change does not only refer to events, institutions, education, political circumstances, and so on, but also to attitudes. If during our investigations we encounter a culture-hero, his image, and sometimes even his role as a hero, changes with the generations of spectators. For example, during 'Abd al-Nāṣir's time Ṣalāḥ al-Dīn was considered an Arab hero, but later lost some of his aura. In Syria, however, he survived much longer, being Asad's object of identification.

The commonplace, incorrigible methodological difficulty of induction, on which I shall not elaborate, must also be taken into account (see, e.g., Evans-Pritchard, 1961, 2). Had the research been conducted quantitatively that task would be easier, but this could not possibly be the case here.

Finally, one cannot escape the political implications of such a study: it invites suspicions about the "real" motives behind the endeavor, about a possible patronizing attitude or, worse still, cultural-centrism. Conclusions

of such a study can also serve political views, and hence there must be a special attempt to maintain objectivity.

Sample Criteria for Analysis of Negotiations in Islam

Basic Concepts

The language that parties use in negotiations can be very revealing, both for other participants and for later readers of their report. The choice of language, use (whether or not intentional) of pregnant terms, employment of interpreters, and so on can all teach about substance.

Muslims' attitude toward the Arabic language is expressed in a number of domains. The first is its religious value; it is the language in which the Qur'ān, the word of God, is written. Learning it is obligatory for every Muslim (e.g., Riḍā, 1971). As the language of the Qur'ān, Arabic has an importance, even for non-Arab Muslims, that is impossible to exaggerate. It is also, perhaps, the most important unifying element for the Arabs, and has always been the litmus test of Arabness. A Christian Arab leader of a town vanquished during the early Islamic conquests defended his Arabness by saying: "Let the proof be, for what we claim is true, that we have no other language but Arabic," and his argument was accepted (Ṭabarī, 1965, I, IV, 2041,7). The same attitude holds today throughout the Arab world; when Egyptian nationalists in the 1920s tried to promote their cause, they advocated separation from the Arab cultural-linguistic framework (Porath, 1986, 150).

Arabic, "more than any other living language," exerts a very powerful influence on its Arab listeners, one that is comparable to "magic" (Khalid, 1977, 130,13). In its classical form, Arabic "mediates reality through ... the ideology inherent in the 'trance of language' produced and reproduced by the magic of catchwords, ocantations, verbal stereotypes and internal referents" (Sharabi, 1988, 86).

Of the double role that language plays, i.e., informational and a tool for building relationships, some believe that Arabic stresses the latter. It is

sometimes characterized as *musāyarah*, i.e., the use of language that “is associated with an other-oriented, ‘humoring,’ ‘conciliatory’ attitude, with individuals’ effort to maintain harmony in social relations” (Griefat & Katriel, 1989, 121). It is often instrumental in upholding social hierarchy (128), a duty that is most important in negotiations of all kinds.

Some scholars ascribe ambivalence to Arabic (Cohen, 1967) and, by implication, to Islam as a civilization (e.g., Berque & Charnay, 1967). Sometimes rules of grammar are disregarded, especially when rhetorical devices are used, where, for example, different genders and tenses may be reversed (al-Suyūṭī, *Ittiqān*, 39,30 etc.). Such ambivalence is extended even further to allow for contradiction in expressions. The Arabic institution of *addād*, where the same word signifies two contradictory meanings, such as *bā’a*, which can mean both “sell” and “buy,”⁴ is perhaps the strongest case of this. Rosen (1984), having observed this phenomenon of contradiction in Morocco, suggests that it might be more universally applicable. Ambiguity and ambivalence in Arabic are also suggested by its holistic, high-context attitude toward the meaning of words, which, despite the traditionally high level of Arabic lexicography, draw their meanings much more from the context of the sentence than from the dictionary.

This characteristic of the language has a positive import: it allows for great flexibility in that the number of channels in which one can conduct negotiations and reach agreements is increased. Members of the culture easily decipher the cues that clarify the exact meaning of an action or statement, ambivalent as they might sound to an outsider. Yet another advantage of ambivalence is the stronger sense of safety for one’s “face.” In general, no negotiations can be fully conducted or analyzed without paying close attention to the ambivalence factor in Arabic.

Like other languages, but apparently more so, Arabic is very much a

4 Most grammarians, though not all, acknowledge this phenomenon (Cohen, 1967, 29).

language of the ear. The Qur'ān, poetry, religious sermons, and political speeches have important vocal effects. This vocal character of the language perhaps explains why in Islamic law, evidence in court must be given by live witnesses, with documents only serving to support them. Sharabi, an important Arab thinker, believes this characteristic of Arabic explains the culture's traditionalism and stability (1988, 87).

When it comes to nonverbal or bodily communication, Arab culture is considered one of the "hot" cultures. Much of the message is transmitted by gestures, which though varying from one place to another, share some very general characteristics. The importance of bodily communication was already recognized in the Middle Ages (al-Farrā', 1996, 213,1). Rosen tells of a Moroccan court in which "the aide [of the *Qādī*] tries to quiet people by holding their hands down, in the certain knowledge that no Moroccan is comfortable speaking if he cannot gesticulate freely" (1989, 7,10).

Nonverbal communication is not restricted to bodily gestures; messages are also conveyed through colors, clothing, personalities, age, sex, and so on. Although this is true of other cultures, the details differ. Thus, for example, Meccan warriors wore leopard skins when they went out to fight Muḥammad in the beginning of his prophecy (Ibn Hishām, *Sīrah*, 41,3); in the 14th century, different officials wore different uniforms according to their position and duties (Qalqashandī, *Ṣubḥ*, IV, 41,1). In the celebrated Ṣiffīn incident of arbitration toward the end of the seventh century, the following advice was given to one of the representatives: "When you meet 'Amr tomorrow, don't be the first to extend greetings (*lā tabda'hu bil-salām*), for although it is the *sunnah*, he is not one of the men of *sunnah* [required behavior]. Do not shake his hand, because this means good faith (*amānah*). Do not let him seat you in the center of the sofa (*ṣadr al-firāsh*) as this means deceit" (Minqarī, *Ṣiffīn*, 536,9).

Although the great methodological difficulties involved in studying Arabic nonverbal communication may contribute to inaction, the paucity of such research should nevertheless be remedied.

The use of language to describe and influence reality presupposes a certain established relationship between word on the one hand and fact and action on the other; in other words, the position of truth. This relationship too, being culture dependent, should be seriously considered when negotiations take place.

The Arabic word that lexically translates “truth” and “reality,” i.e., *ḥaqq*, is strongly connoted with God and, therefore, “not to be equated with Western conceptions of the real.” It is more a normative than a descriptive term, which is associated with duties and obligations (Rosen, 1984, 60–61).

Truthfulness is venerated both on religious and traditional grounds (e.g., Bukhārī, *Ṣaḥīḥ*, III, 212,3), to the extent that Khumeini defined Islam as “the religion of militant individualists who are committed to truth and justice” (c1981, 28). With this definition he follows in the footsteps of an earlier Shī‘ī thinker who defined the Shī‘ah as those people whose deeds corroborate (*ṣaddaqa*) their words (Kulīnī, *al-Furū‘*, VIII, 228,10). According to another, celebrated, 16th-century thinker, “One must never underestimate the danger of falling into lies” (Sha‘rānī, *Lawāqih*, 865).

Truth must be validated, and validation is often a function of culture. Thus, for example, in legal procedures, when facts are contested, the oath is one of the commonest means employed to help establish the truth.

Complementarily to the general prohibition on lying, some religious authors have stated that the reprehensibility of lies is only a function of their virtual harmfulness. Therefore, any lie that serves to save the life of a Muslim, to achieve victory in war, to make peace in a quarrel in general, or between husband and wife in particular, is a duty (Ghazālī, *Iḥay’*, III, 137,5–9; Ibn Qutaibah, *Ta’wīl*, 34,15).

When judgment of truth and falsity is projected outward, not infrequently Arab observers express the feeling that hidden truth and conspiracy underlie the outward behavior and statements of foreigners

(W.R. Brown, 1980, 68–69; Pipes, 1992, 45). The recommended orientation, then, is one of suspicion.

Lying is only approved in extreme cases, such as when Abraham lied about Sarah being his sister (Ibn Qutaibah, *Ta'wīl*, 53,12), when a person fears for his life in the country of the infidels (*dār al-ḥarb*), in war, and when one wishes to gladden a man with his family (Ibn Qutaibah, *Ta'wīl*, 34,15; see also Fakhry, 1991, 57).

Not all cultures share the same views on the relationship between word and fact. There are indications that in traditional Arabic-speaking Islam, the realm of words, being so vastly rich, and the world of language, being so central to the culture and behavior, project a picture of reality that members of stricter traditions might interpret as intentional “lying,” “fantasy,” or “exaggeration.” Although exaggeration is seen as a form of lying, and is sometimes viewed by Westerners as reprehensible, in Arabic it is more acceptable as a rhetorical means, especially when used to stress a point (Khalid, 1997, 130,23).

It is not only the view of reality that is affected by the relationship between word and fact, but also human feelings and behavior, as manifested in courtesy and manners. This raises questions such as to what extent words expressed are “merely” (i.e., in one’s culture) “motions” one ought to enact, whether they express “real” intention, to what extent they require verbal or active response, or what happens when mistakes are made in this context. A famous medieval author tells of the anger caused to a man whose invitation for a meal was taken at face value. After turning down the invitee’s acceptance of the invitation, the inviter went on to explain his views on the proper relationship between word and deed (Jāhiz, *Bukhālā’*, I, 57,10).

Actions, by comparison, are more often indicative of a person’s state of mind, at least in Morocco (Rosen, 1989,53). But combinations of the two are also found: sometimes words, especially declaratory or symbolic, are accompanied by acts, probably so as to give them more power. In the above-mentioned Ṣiffīn politicolegal arbitration, a ruler’s declaration of

deposition was accompanied by the taking off of the declarer's shoe (Balādhurī, *Ansāb*, II, 351,15).

It is, therefore, up to the participant in a negotiation to interpret a statement's degree of practicality. Accurate interpretation, so natural to the native speaker, requires much learning and effort for the outsider.

Time, History, Precedent, and Model

As we have seen, Islam is a very historical-minded civilization. The past plays an important role in it, as do models and precedents—to the extent, some say, that the time between past and present is blurred. Islam, “more than any other culture, is a condensation of the content of Arab history” (Khalid, 1977, 126,11). In the Middle Ages, and perhaps this is true for modern Islam as well, historical literature was mainly didactic. Up to the present, the basis for teaching religion to children is, first and foremost, to tell them about the Prophet's life (Waddy, 1976, 76).⁵

Historical knowledge, then, is a potent tool in analyzing cases of negotiation in Islam: acquaintance with precedents, heroes of the past, and models may help in discerning the real meanings of given behaviors or statements in the present, generally speaking, and in diplomacy in particular (Ghali, 1977, 221,1). The traditional method of history writing was *isnād*, that is, corroboration of a historical report by quoting a chain of past reliable witnesses to the story.⁶

A famous case where precedent played an important role in modern Arab diplomacy was the religious responsum required by the late President Sadat before he entered negotiations with Israel. The case on whose authority permission was granted was one in which the Prophet conducted

5 In addition, most of present-day social relations in rural Arab society are explained by historical facts or myths, especially when history is oral (private communication with Israel Stockman, 3 September 1992).

6 The same method has been in vast use even in oral history in Arab villages as well (Israel Stockman, 3 September 1992).

negotiations with the infidels in 628 A.D. at Ḥudaibīyah. Interestingly enough, the authority of the same case was sought by Yasir Arafat after the signing of the Oslo accords. Here the precedent was used, reportedly, to show the open-endedness of agreements.⁷

We and the Other

In negotiations where Muslims are involved, either as one party or as both, Islamic attitudes toward the self and the other play a significant role, since they are not restricted to mental states but often dictate behavior.

When entering negotiations, it is advisable for the participants to know how one is perceived by one's interlocutor. A person's lineage, as well as his *ḥasab* (personal qualities), are of great importance for the purpose of identification. It seems, however, that in spite of basic attitudes, ad hoc variations do take place, as Rosen remarks: "The Moroccan Muslims would seem to conceive of all those with whom they share a period in time—whether or not they actually come into contact with one another—as kinds of consociates" (1984, 142).

It is important to bear in mind that "we" and "they" are variables. Perceptions change according to the level of encounters. Thus, the inhabitants of a given town may have an established view on the character of the inhabitants of their neighboring town, but both entertain similar views on members of a rival sect, and all three view non-Muslims more or less in similar ways. For example, Islamic law, in dealing with the question of whether foreign merchants and envoys should be treated on a territorial or personal basis, takes the position of pre-Islamic times: free trade, personal jurisdiction for consuls, and noninterference in the activities of foreign merchants (Heffening, 1925, 126).

The "we" side of the relationship is strongly tinged with the need for

7 On 12 May 1994, Arafat, in a lecture at a Johannesburg mosque, reportedly declared: "This [Oslo] agreement, I am not considering it more than the agreement which has been signed between our Prophet Muḥammad and Quraysh."

solidarity and unity, which are considered a supreme value, "viewed almost as an act of religious conversion" (W.R. Brown, 1980, 31). On the level of principle, Muslims form such a solidarity group, which was to replace the pre-Islamic one based on blood relation,⁸ and was already accorded an important place in the earliest political document of Muḥammad, the *Ummah* agreement (Ḥamīdullah, 1398/1969, 15–21).

The same criteria had the same importance throughout Islamic history (see, e.g., Mottahedeh, 1980, 98, on the fourth century). For example, private names of Muslims are indicative on more than more level, much more so than in Western culture. They basically recur every other generation so as to underline the unity of the family, and to point to groups and relationships (van Nieuwenhuijze, 1970, 401–402). Various components of a name carry important familial and clan information, and often birthplace or profession are also mentioned. Such information can be of great help to a negotiator with Muslims, particularly given the importance of personal relations in this culture.

According to Islamic law, non-Muslims consist of two basic classes, namely, monotheists and infidels. Whereas, theoretically, any infidel must embrace Islam, monotheists under Islamic rule are tolerated and granted protection. In the Middle Ages, the difference in religion was also expressed in different customs rates: Muslims paid 2.5%, monotheists 5.0%, and foreign nonbelievers 10.0% (Heffening, 1925, 128).

Values

Islam is first and foremost a spiritual system. As such, values play a vital

- 8 It is only seldom that Arabs should take a position against other Arabs who are engaged in conflict with other nations. In the recent negotiations between Israel and its neighbors, the principle that the Arab state should not sign a separate agreement was widely adhered to until recently. This was also the view taken before the Camp David accords (Quandt, 1986, 37), and in reaction to what many Arabs considered a violation of the principle, most Arab countries severed diplomatic relations with Egypt for many years.

role in it; acquaintance with them, especially since they may be different from those of the non-Muslim, is indispensable for negotiations. Of course, circumstances dictate the extent to which certain values are applied in specific cases.

The value of honor plays a more important role than that of its Western equivalent. In Arab tradition, honor has a strong correlation with group survival (Khalid, 1977, 128,9) and even more importantly with one's own identity; in traditional Arab society it consists basically of three elements: one's own deeds, one's genealogy, and the behavior and qualities of one's womenfolk. This value influences relations both among Muslim groups and between Muslims and non-Muslims (Khalid, 1977, 135,32). It is thus advisable for either the giver or the receiver of honor to pay attention to it. To know what to pay attention to, one must learn the meaning of overt and implicit messages, both verbal and nonverbal, as well as the personal details of one's interlocutor.

Popular belief has it that everything and everybody in the Middle East is connected with bargaining. Bargaining can, however, detract from personal prestige, and therefore men of honor will refrain from it (Khuri, 1968, 700). In a famous case, in which the Prophet Muḥammad is believed to have bargained with God over the number of daily prayers required of the Muslim, he only allowed himself to come down from fifty to five, rejecting a suggestion to try further reduction because it was shameful to do so.

The issue of honor is strongly connected to those of face-maintenance, face-saving, and face-restoration, which, in turn, are connected to that of concessions (see, e.g., Druckman, 1977,32), as discussed in greater detail below. The importance of face is so great that even God, without referring to it openly, is believed to have been concerned with it when the Prophet brought Him down from His initial position over the daily prayers. He is believed to have stated that each prayer weighs as ten, which, from a mathematical standpoint, negates the "concession" (Ṭabarī, *Annales*, XV, 4,35).

Normatively, keeping one's word is obligatory and breaking it is

prohibited (e.g., Sha'rānī, *Lawāqih*, 873). However, in practice, to avoid giving negative answers, often a promise is made with no intention to keep it, and this is considered "a cover-up which one learns to accept and understand without taking offence" (Melikian, 1977, 187). According to Islamic law, breaking one's word or an agreement is prohibited to such an extent that a Muslim leader must inform the enemy about his intention to break an existing agreement with them (e.g., Shaibānī, *Syar*, v, 1697,5). In spite of the normative stress everyone places on this value, parties often worry about the danger of breaking agreements. To avoid such possibilities certain traditional steps used to be taken, such as exchange of hostages, marriage, vows before witnesses, and so on (see, e.g., Ḥamīdullah, 1956, 395,1). Above all, asserts one of the most important legalists of Islam, all agreements must include a sanction against breaking them (Shāfi'ī, *Umm*, III, 106,11). The ability to distinguish between agreements and promises that are intended to be kept and those that are not is much strengthened by acquaintance with the culture.

Kinship is of essential importance in Arab society, to the extent that it often takes precedence over larger and more abstract social institutions such as the state (Sharabi, 1988, 35), and is expressed in rights and obligations of loyalty. The larger unit of kinship is the tribe, the smaller one, the family, proximity in which defines relationships between people (van Nieuwenhuijze, 1970, 399). Tribalism, whose origins go back to pre-Islamic times, is influential even today because, declares Sharabi, "the Islamic *ummah* [nation] turned out to be nothing more than a supertribe, the projection of the universal tribal ethos"⁹ (1988, 29), besides the existing tribal and familial traditions, true or mythical, that bind some groups together or separate them into protracted enmities.

This importance of kinship and tribalism can paradoxically be inferred, among other things, from historians' insistence on reporting cases where

9 Hisham Sharabi's book is an attempt to influence Arab societies, as he sees them, toward modernity and away from what he calls neopatriarchy.

kinship was ignored, for instance, the execution by a certain caliph of one of his relatives (Ṭabarī, *Annales*, I, 1944). Although such actions were theoretically risky (Mottahedeh, 1980, 169), even kinship relationships are subject to bargaining, like political ties in Morocco and perhaps elsewhere in the Arab world (Rosen, 1984, 71).

Kinship has been used as justification for promoting individuals in the Middle Ages (Holt et al., 1970, I, 78) as well as today (Cunningham & Sarayrah, 1993) (e.g., Iraq's ruling family of the Tikritis). Nepotism, whose connotations in the West are decidedly negative, must be considered against its cultural background when dealing with another culture.

The importance of kinship stems from a number of factors, of which two will be mentioned here. First, it is considered an agent of trust. In a medieval report, a man expresses his confidence that he will not be suspected of negative intentions once he has pointed out his family relationship to a threatening group (Ṭabarī, *Annales*, I, III, 1482,1).

Second, the family is the unit of security and loyalty. Any member of that unit, in dealing with the outside world, embodies its entirety (van Nieuwenhuijze, 1970, 389). It is also considered a basis for power, measured by the number of fighting men a family can raise.

What are the implications of kinship for negotiations? In the marketplace, bargaining begins with standard expressions of respect or affection, often of a kinship nature, such as *'ammī* (uncle), *ibnī* (son), *ibn akhī* (nephew), *immū* (mother), all indicating exaggerated affection and informality (Khuri, 1968, 701). The word brother is used especially to indicate proximity in other kinds of relationships as well, and was even used by Richard the Lionhearted when he called his enemy, Ṣalāḥ al-Dīn's brother 'Ādil, "brother and friend" as a token of appreciation and proximity ('Arīnī, 1963, 973).

More generally, knowing a representative's familial, tribal, and kinship connections helps in evaluating his personal position, authority, and power. This also applies to realistically assessing interests, statements, or moves by Arab parties to negotiations.

In a civilization as rich and varied as Islam, the list of common values is inexhaustible. Although I do not discuss them here, values such as justice, age, faith, patience, and many others are also highly relevant to negotiations involving Muslims.

Religion

Religion is one of the basic elements, if not the most salient, in the life of the Muslim (Sharabi, 1988, 29). Islam is a religious civilization, based on divine law that touches upon every walk of a Muslim's life, and in which "state" is inseparable from "church." The political and the economic are thus identical with the religious. (Recently, a whole literature has developed about Islamic economy.) These two domains, which are considered the main areas of negotiations, are therefore strongly influenced by Islamic religion. In this context, I shall focus on the issues of the Qur'ān and of territories.

The Qur'ān is the ultimate authority and proof for any view or action, including those relating to negotiations. Thus, a famous verse advocates making peace if the enemy is willing to do so (Qur'ān, al-Anfāl, 61), and arbitration (*ḥukm*) is strongly suggested as a means of ending conflicts (Qur'ān, Nisā', 59). The above-mentioned Ṣiffīn arbitration, in which this Qur'ānic suggestion was made use of, long ago became a model (Minqarī, *Ṣiffīn*, 477,1).

Since territories are one of the most common causes of political conflict, it is important to study the Islamic attitude toward them. The world is divided into two, or according to some legalists, three parts, namely: the abode of Islam (*Dār al-Islām*), the abode of war (*Dār al-Ḥarb*), and the abode of treaty (*Dār al-'Ahd*). The third *dār* is an addition to the first two and reflects pragmatic thinking within Islamic international law (Bozeman, 1971; Khaddouri, 1966, 12). The principle of this division is religious, i.e., the enterprise of spreading Islam; this is what dictates Muslims' conduct in different territories of the world.

Normatively, this division is supposed to influence every political and

diplomatic position or move taken by a Muslim leader. To cite only two examples, peace agreements are prohibited with an enemy who has conquered Islamic land (al-Darīnī, 1982, 23); some Muslim legalists and politicians argue that the territory of Israel is *waqf* (i.e., religious endowment), making any political negotiation over it a sin.

Institutions

For purposes of successful negotiations, several Islamic institutions and traditions need to be acknowledged and studied. I shall deal with only three: argumentation, agreements, and the negotiation process. None of these is, of course, exclusive to Islam. What may be exclusive are various aspects and details.

Argumentation. By argumentation, I refer to all means by which one party seeks to alter the other party's position. This includes not only rational and verbal processes, ranging from logical proof to shouting and brainwashing, but also violence, terrorism, and war.

In Islamic scriptural exegesis and law, proof is often internal, that is, based on quotations from the Qur'ān, *sunnah* (oral tradition), and past rulings by legalists. Sometimes, the treasure-house of evidence encompasses famous poetic stanzas, sayings by notable individuals, and popular maxims. A medieval theologian is said to have used seven hundred poetic stanzas as proof for a certain point (Ibn Murtaḍā, 1961, 46,3), and an authoritative 14th-century manual for government officials stresses the need for them to learn proverbs and parables (Qalqashandī, *Ṣubḥ*, I, 346,10).

A foreigner who tries this kind of argumentation may encounter two contradictory kinds of reaction. On the one hand, his acquaintance and obvious respect for Islam may flatter some Muslims; but on the other, it may offend others who consider the Qur'ān an exclusively Islamic scripture, not to be meddled with by non-Muslims.

Basic argumentation using logic, and more particularly the law of contradiction, is very much in use (e.g., Minqarī, *Ṣiffīn*, 491,13), as is the notion of the lesser evil. Thus, in the Ṣiffīn affair the point was made that if

the Syrians won the arbitration, it would spell the end of the Iraqis, which was not true for the Syrians in the reverse case (Minqarī, *Ṣiffīn*, 534,4).

Pragmatic argumentation is also widespread, for example: "Neither side can destroy the other" (ʿArīnī, 1963, 1002,2) or "Both sides stand to lose" (974). On the other hand, emotionalism is an important element of Middle Eastern argumentation: "the most frequent form of persuasion in the Middle East is to appeal to the emotional and the personal, rather than to logical reasoning" (Karpāt, 1968,22).

Usually, it is because of emotional reactions that Middle Eastern people resort to shouting as a means of communication. Contrary to popular belief about the "noisy" nature of the region, such conduct is considered reprehensible. When, during the negotiations at Ḥudaibīyah, the representative of the nonbelievers raised his voice against the Prophet, he was immediately admonished (Bāshmīl, 1971, 249,14). This normative attitude must not be taken to exclude any case of shouting or using rough language. But in most of these cases threats and curses are merely used as verbal insults and humiliation rather than as plans for execution. Similarly, the truth or untruth of the statements of *hijāʾ* (defamatory poems) is irrelevant. "What is relevant is the potency of the insult as conveyed by the words and similes used" (Khalid, 1977, 141,24).

Sometimes force is used to settle a controversy, either individually or collectively—for example, when men who opposed the arbitration between Alī and Muʿāwīyah attacked the person who had read them the document of arbitration (Balādhurī, *Ansāb*, II, 336,11). Force is also extolled in a book by a famous medieval Shīʿī author, in the context of *jihād* (holy war). He quotes the Prophet as saying that "The Good in its entirety is to be found in the sword, under the shadow of the sword, and it is the sword alone that sets men in motion. The sword is the key to [both] heaven and hell" (Kulīnī, *al-Furūʾ*, v, 2,1; v, 8,21).

Conspiracy and violence are used extensively in Arab neopatriarchal society instead of persuasion, for lack of avenues of legal expression (Sharabi, 1988, 47). Normatively speaking, however, the principle of

“Might makes right” is generally rejected. Thus, Ṣalāḥ al-Dīn is reported to have rejected Richard’s territorial demands on that basis (‘Arīnī, 1963, 974).

Agreements. Agreement is a highly culture-dependent institution. It reflects both basic attitudes toward interrelations between people and institutions as well as acceptable and unacceptable behaviors within society.

In the Sharī‘ah, agreement is reached by mere offer and its acceptance (‘*aqd*). The written document, so elementary in Western legal procedure, only serves as a reminder, having very little legal validity of its own. Agreements are meant to be kept, but there are some differences from the parallel Western concept.

Islamic law does not recognize “juristic persons” (Schacht, 1964, 125), a status granted only to living human beings. Thus, in many cases, the law recognizes the validity of agreements only as long as their signatories live. Once that is no longer the case, the agreements must be renewed by another person or be nullified. Thus, peace and protection agreements signed by the Prophet with monotheistic Arab tribes were renewed after his death by his respective successors.

Another kind of temporality restricts the agreement itself. For example, peace agreements with non-Muslims are valid for only ten years (some restrict the period even further). If after this time they are not renewed, they are automatically nullified. Practically speaking, however, in many cases, such agreements are preserved without being formally renewed, such as the one between Egypt and Israel, now more than twenty years old.

There are, however, cases where breaking an agreement is allowed, primarily when the enemy is the first to intentionally break it (Shaibānī, *Siyar*, v, 1696,9). The Prophet himself did so on special permission from God, which, according to some Muslim legalists, shows that it is only by divine permission that agreements may be broken (Shāfi‘ī, *Umm*, iii, 106,13).

Reciprocity, however, is not inevitable. Thus, as a surety for an agreement between Mu‘āwīyah, the fifth Muslim caliph, and the Byzantines, the parties exchanged hostages. Although the Byzantines murdered the Muslim

hostages, Mu'awīyah freed his, saying that rewarding treachery with faithfulness is better than rewarding treachery with treachery (Ḥamīdullah, 1956, 395,1).

Although I have touched on only a few points here, other relevant topics include the rules of phrasing agreements, the guaranteeing of agreements, the role of God in agreements between humans, actions to validate agreements, and so on.

The negotiation process. The core of negotiation is the process, that is, the movement from one position to another. It has a beginning and an end, stable elements as well as changeable ones. First, the background of the particular negotiation must be established (with parameters such as the identity of the parties, real or perceived causes of the conflict, its history, the arguments of the parties, etc.); this tends to be strongly culture dependent. The process is also to a large extent culture dependent. Familiarity with the background of a conflict is essential for understanding the negotiation in question in general, and the stages of its process in particular. Although one should consider here the concepts of conflict, mutual obligations, aggression, and peace in Islamic civilization, I shall look only at a few aspects of the process alone.

Initiation of negotiation seems to carry a message of weakness. Often, this message reflects reality: Richard the Lionhearted initiated negotiations with the Muslims after he realized that his advance had been stopped before Jaffa; or at least, that was the impression of his adversaries (ʿArīnī, 1963, 972). Although the English king repeatedly attempted to bring about negotiations, as soon as ten days after his arrival in the Holy Land (Ibn Shaddād, 1964, 154, 158–159; see also Donner, 1979, 243), he was constantly rebuffed by the Muslims, who at that particular time enjoyed superiority. This principle also seems to apply to inter-Islamic conflicts, such as that between Alī and Khawārij (Balādhurī, *Ansāb*, ii, 353,7).

A celebrated Shīʿī, asked about the advisability of approaching an

adversary to reach an agreement, replied: "No! Your [very] going to him signifies respect" (Iṣbahānī, *Hilyat*, ix, 9,1).

Once beyond the question of initiating the process, one needs to consider the technicalities and significance of the process itself. For example, speaking order is an expression of seniority, which, in turn, is clearly dictated by social rules and relative power. During the deliberations in 'Alī's camp on whether to agree to arbitration, 'Alī spoke first, followed by the chieftains according to their tribal and personal importance (in this case, the youngest of the leaders spoke last) (Minqarī, *Ṣiffīn*, 484,18). Sometimes, however, priority in speaking is a liability rather than an asset. A conflict between a cultural value and expediency was exploited by the Syrian representative at the Ṣiffīn arbitration to make his adversary speak first and eventually lose (Ibn 'Abd Rabbihi, *Iqd*, iv, 347,17).

Although concessions mean giving something away against one's primary will, the fine meaning of this institution seems to vary among cultures, let alone the attitude toward it. This may help explain the frequent misinterpretations on matters of concessions, which Islam, like other cultures, interprets as a sign of weakness (Hamidullah, 1977, 274). That is why conceding often necessitates face-saving techniques. Sometimes concessions are made in favor of a third party, which will later use them to extract similar ones from the other party, a method employed at Camp David by President Sadat (Quandt, 1986, 50). An institutionalized variant of this technique is used by arbitrators in blood feuds among Bedouins: after reparations have been decided by the arbitrator, the winner is asked to give up sums of the reparations "for the sake of God," "for the sake of Muḥammad," and so on (see, e.g., Kressel, 1982, 41).

Termination of negotiations may take a number of forms, each signifying different purposes. One of the strongest methods is to simply walk away, which "may portend very serious consequences indeed," at least in Morocco (Rosen, 1984, 129). Such a step may constitute punishment: Ṣalāḥ al-Dīn stopped his personal contact with Richard the day after the latter massacred three thousand Muslim prisoners of war (Sa'dāwī, 1961,

36). Most often, negotiations, especially if defined as above, come to fruition satisfactorily for both parties. An example is the very stylized negotiations to settle blood feuds among the Bedouins. In many cases, the outcome, let alone the process, is well known within the group, and the ceremony, albeit demanding, may only constitute “going through the motions.”

Technique: Most political and commercial negotiations are conducted by representatives, who may be leaders of their respective groups (see, e.g., Mottahedeh, 1980, 131). Sometimes, however, the situation was reversed: the Mamluks regarded the foreign consul both as chief of his countrymen’s community and as a hostage (Lewis, 1988, 76,30).

Among the most important qualities that Muslim writers recommend for emissaries are loyalty (which is often identical to kinship with the leader), courage, and mastery of foreign languages. These qualities, being of a general nature, do not require that representatives be professional. Indeed, professional diplomats were not known in Islam until the late 18th century, although foreign embassies existed in the Ottoman Empire some two hundred years earlier (Lewis, 1988, 76,20).

Although theoretically envoys were supposed to be Muslim, practically this was not always the case; Muḥammad’s own first diplomatic envoy was not only nonprofessional but seems to have been non-Muslim (Hamidullah, 1977, 150). Also, the question of the representative’s authority may be crucial. Among the issues involved here are the relationship between the authority and safe conduct of a representative, and the evidence for his credentials. In contrast to the general status of written documents as evidence (mentioned earlier), Islamic law does not regard a messenger’s oral declaration about his authority as sufficient, but requires written evidence to accompany it (Shaibānī, *Siyar*, i, 296,8). Generally speaking, delegations are preferable to single representatives, and should preferably consist of the messenger, an interpreter (when the services of such are required), and witnesses (Shaibānī, *Siyar*, ii, 478,8).

The actual task of discussions with the other party falls on

representatives or messengers (*rasūl* in Arabic). It is hard to exaggerate the connotative significance of that title for any Muslim, since it is the same title as for the Prophet, being the messenger of God to humans. On a still more elevated level, Muslims believe that the task of representation was assumed by the archangel Gabriel, who brought the Qur'ān from God to the Prophet and carried out other tasks on His behalf (Baihaqī, *Sunan*, i, 359,16). The task of representation was sometimes reversed, when a person represented his community to God, either as a prophet, in which case he might also act as an intercessor (e.g., Qur'ān, 53:9), or on other missions, such as pleading for rain in some popular versions of Islam (Rosen, 1984, 64).

The protocol for receiving foreign envoys already existed at the time of the Prophet, and a special official was appointed to help them through the local ceremonies (Hamidullah, 1977, 153, quoting Ibn Hishām, *Sīrah*, 916, Ṭabarī, *Annales*, i, 1690). Although normatively speaking, envoys should be well received for reasons both of courtesy and expediency, in some cases the host may choose to offend the envoy. In one case, the famous eighth-ninth century Caliph Hārūn al-Rashīd had the envoys of the Indian king pass through heavily armed guards, then expressed contempt for the presents they brought (Ibn 'Abd Rabbihi, *Iqd*, ii, 203,10). A common way to show a negative attitude toward envoys is to let them wait, on one reported occasion for four months (Ibn 'Abd Rabbihi, *Iqd*, ii, 204,15).

The institution of immunity may, when granted to nonbelieving envoys, seem to contradict the basic calling of Islamization. Yet envoys arriving at the court of a Muslim ruler enjoy immunity, and Muslim envoys expect to be granted the same (e.g., Shaibānī, *Siyar*, i, 296,10), because this institution affords benefits and contacts to Muslims (Shaibānī, *Siyar*, ii, 515,4).

However, in the case where a pagan emissary delivers a message that announces the ending of an agreement with the recipient, his immunity only holds until he has carried out his mission; he then may be killed (Shaibānī,

Siyar, ii, 477,12). In practice, though, immunity was sometimes disregarded by Muslims altogether ('Arīnī, 1963, 1001, n. 3; Ibn Hishām, *Sīrah*, 745,5; Ṭabarī, *Annales*, i, vi, 3441,10).

Immunity is also important to modern Muslim diplomacy. In a proposed Islamic international code that draws on Islamic tradition, a Muslim thinker, Zuḥailī, suggests full diplomatic immunity for all representatives (Zuḥailī, 1962, 768,7, #17).

In many cases, the personality of the messenger constitutes the message, or part of it. In such cases, previous information about the participants is essential, both on the individual and cultural levels. In the above-mentioned affair at Ḥudaibīyah, the Prophet could, by recognizing the adversary's messengers, decipher their intentions, and prepare for their movements.

Third-party involvement: Negotiations in Islam often involve a third party, of which Islamic literature specifies several types, such as the agent (*wakīl*), the guarantor (*kafīl*), the intercessor (*shafī'*), the judge (*al-qāḍī*), the arbitrator (*ḥakam*), the mediator, and others. Here I shall focus on the last two.

Islamic tradition views arbitration as one of the most important nonviolent means of settling disputes. During the Gulf War, in a Friday sermon in the Cairo mosque, the Imam called for a Qur'ānic arbitration between Iraq and the other Arab countries (Ṣaut al-'Arab Broadcasting Service, Cairo, 15 February 1991). The institution is based on the belief that God arbitrates in cases great and small, from a penny's (lit.: a quarter-dirham) worth of rabbit caught on the *ḥaram* (sacred grounds) to domestic conflicts between man and wife (Ibn 'Abd Rabbihi, *Iqd*, ii, 389,6). There is indeed much Qur'ānic basis for this belief (e.g., Nisā:40; Mā'idah:95; Āl 'Imrān:33).

It is usually thought that arbitration in Arab society, and perhaps in general, works in favor of the offender. Accepting it is sometimes interpreted as lack of confidence in the acceptor's own position (Ibn 'Abd Rabbihi, *Iqd*, iv, 346,14), although in Arab society it is almost always

viewed as obligatory. Whether one must abide by the verdict is subject to some controversy in Islam. Although some maintain that obedience is absolute, others make it dependent on whether the verdict is just (Ibn 'Abd Rabbihi, *'Iqd*, ii, 389,6). Perhaps the most celebrated case of arbitration in Islamic history is the one between 'Alī and Mu'āwīyah in the year 657. It signifies one of the main turning points in the history of the Shī'ah, and thus in Islamic history as a whole. This case has served as a model, positive but especially negative, in Islamic civilization to this day (Zuhailī, 1962, 737,1). But even before that incident, many cases of arbitration had taken place between the Prophet and Arab tribes (Hamidullah, 1977, 158).

The qualifications of the arbitrator were formulated very early in Islamic history. The following categories of persons were disqualified from serving as arbitrators: Muslims punished for scandalizing respected women, minors, women, slaves, blind people, perverts, men of suspected or notoriously bad conduct, Muslims who are prisoners of the other party to arbitration, Muslim traders in the territory of the other party, and Muslim subjects of the other non-Muslim party. Positively speaking, the arbitrator must be a man of sophistication in worldly affairs, orthodoxy in religion, eminence and trust among the Muslims, and profound knowledge of the law (Hamidullah, 1977, 160).

Even today, arbitration is a profession handed down in certain families for generations, explainable, perhaps, by the belief in divine arbitration (Hourani, 1991, 11). Among persons acting as a third party, the mediator has perhaps the most important role, and there is hardly any activity that might involve disagreement that is performed without his services. Although anyone who enjoys respect and power can be an arbitrator, in the past this role was played mainly by religious authorities (*ulamā'*) or local saints (Halpern, 1977, 73).

The very institution of mediation, *wasṭah* (often mingled with the idea of intercession), is developed within the neopatriarchal family and has important benefits. In the larger social entity, "even the lowliest individual

can gain a hearing at the centres of wealth and power, through the intercession of relatives or friends, or friends of relatives or friends of friends” (Sharabi, 1988, 46). Familiarity with the rules of this institution is indispensable for conducting meaningful negotiations in the Islamic world.

Conclusions

Culture plays a key role in the negotiation behavior of Arabic-speaking Islam. This behavior rests on intentionally transmitted traditions and values, knowledge of which is essential when dealing with negotiations involving members of this civilization.

Although during the 1960s some new Muslim nations showed a greater inclination to adopt the political legacy of Western Europe than that of Islam (Bozeman, 1971, 359,15), this tendency, at least on the declarative level, was curtailed or in some cases reversed in the 1970s by other Muslim countries such as Iran, and by Islamic movements in the Muslim world as a whole. Therefore, those who believed that negotiation style, along with the overall worldview of Muslims, was becoming similar to the Western one were due for a disappointment. Although much is open to negotiation in Islam, Islam itself is under no circumstances negotiable. Acquaintance with the Qur’ān, the Sharī’ah, the *sunnah*, and the main commentaries, at minimum, is vital for understanding and conducting negotiations with Muslims.

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