

Peace and Conflict Resolution in the Medina Charter

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In today's global world, it is much easier to make contact with people from vastly different cultures and beliefs. Unfortunately, increased globalization has also broadened the scope of conflict throughout the world. Modern conflicts take place between societies with widely different cultural, religious, and philosophical backgrounds. Sometimes, differences in belief between groups can be used by third parties to inflame conflicts or justify violent means. It is imperative that the theories of conflict resolution be broadened to encompass beliefs present in different communities and that the applications of these theories be appropriate in various societies.

Conflict, as described by W. W. Wilmot and J. L. Hocker, is “an expressed struggle between at least two interdependent parties who perceive incompatible goals, scarce resources, and interference from others in achieving their goals.” Often, conflicts turn out to be too difficult for the actual parties to resolve through negotiation or informal formats without the aid of an independent, neutral third party, resulting in a stalemate in which participants remain angry and engage in destructive tactics. According to Folberg and Taylor, mediation, “the process by which the participants, together with the assistance of a neutral person, systematically isolate disputed issues in order to develop options, consider alternatives, and reach a consensual settlement that will accommodate their needs,” is a universal phenomenon of communities, but must be provided in a way that is consistent with the beliefs and traditions of the participants. Mediation is intended to help the participants move beyond the specific content of a dispute, but it cannot do so if the settlement is not in accordance with the commonly accepted notions of justice and behavior in the community.

Several precedents for the practice of mediation have been set within Islamic institutions. Where no law in the Quran existed, Prophet Muhammad, using his own reasoning and guided by inspiration, dealt with

many issues at his own discretion. These teachings and actions of Prophet Muhammad are the second source of knowledge called *Sunnah* and *Hadith*. And, if the Quran, *Sunnah*, and *Hadith* are tacit on a certain issue, then qualified individuals are allowed to use their own reason to resolve issues. This is the principle of *ijtihad*. A second principle in Islam that supports the practice of mediation is *istislah*, which is concerned with decisions that are in the best interest of the community. According to Hamidullah, *istislah* is used when “the rules of logic would suggest one solution but another appears better in the interest of the people whose welfare is an overriding consideration.” A final consideration of Islam that supports mediation is consensus, which enables groups of individuals to search for the solution to a problem if one is unavailable in the Quran, *Sunnah*, and *Hadith*. When consensus can be reached, it is particularly powerful in setting a precedent on issues.

The *Medina Charter*, prepared as the basis of the Medina city-state established by Prophet Muhammad, was the first written constitution in Islam and arguably the first instance of constitutional law in society. The *Charter* was a document that established governing rules for the people of Yathrib (later known as Medina, which means “city” in Arabic) 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.

Before Prophet Muhammad’s arrival from Mecca, from where he had fled religious persecution, Yathrib had a population of 10,000 organized into approximately 22 tribes. Half the population was Jewish and half was Arab. Regardless of religion, tribes sought power through military dominance over other tribes, with numerous alliances forged between warring tribes greatly contributing to the aggression. Constant warfare was taking a toll on the tribes. Whereas some sought external military assistance for the conflicts, many were making preparations for the enthronement of a leader from one of the tribes. But it was unclear whether each tribe would acquiesce to the leadership of a single leader from one of the tribes. It was also uncertain, according to Hamidullah, whether such a leader would be able to establish a political organization, create a military defense for the city, reconcile tribal hostilities, and define local rights and obligations as well as address the issues of the growing immigrant refugee population from Mecca.

Within months of his arrival, Muhammad decided to confront the situation in Yathrib and act as a third-party mediator to resolve the conflicts among the tribes. According to Merry, in mediation, the mediator “is able to exert influence and social pressure to persuade an intransigent party to accept some settlement. . . (deriving) their authority to intervene from their positions in kinship networks, their wealth, their political power, their religious merit, and their past successes at mediation.”

There are several reasons suggested by Hamidullah and others as to why the tribes in Yathrib ultimately accepted Prophet Muhammad's influence. First, there was a leadership void already present in the area, allowing Muhammad a chance to fill that role. Second, it was common practice of Arabs at that time to refer their conflict to foreigners. Prophet Muhammad had a reputation in the region for being an able mediator, by helping to resolve conflicts in Mecca. For instance, he was chosen by various tribes in Mecca to place the holy corner stone of the Kaaba, resolving a bitter dispute among them. He was also trusted with money and valuables by the polytheist Meccans even during his persecution during the Meccan period. He was given the title "The Trustworthy" by the residents of the Mecca. Third, the lack of alignment along religious lines prior to Muhammad's arrival allowed him to use religious sanctions in order to exert influence with tribal leaders. Finally, while drafting the constitution, Prophet Muhammad consulted the leaders of each tribe while negotiating and drafting the *Charter*, thereby demonstrating his willingness to listen to the needs of all tribes. Once the tribal chiefs accepted the governance of the *Charter*, it was assumed that younger members of the tribes would follow their leaders, regardless of religion.

The *Charter*, which was the first declaration of the area as a city-state, outlined the rights and duties of its citizens, provided collective protections for all citizens of Medina, including both Muslims and non-Muslims, and provided the first means of seeking justice through law and community instead of tribal military actions. In his article "A Short Note on the *Medina Charter*," Kassim Ahmad asserted that the Medina Constitution established a "plural society" that granted equal rights and duties to the citizens of the city-state coming from different social and religious groups. Ahmad claimed that the *Charter* also proposed a "unified citizenry" as distinct from the rest of the peoples of the world.

Although little is known about the exact process Prophet Muhammad used to develop the *Medina Charter*, an analysis of the document's sections provides some insight into his techniques. These techniques can be compared to methods present in modern conflict resolution theories, including fractionation, focusing on interests and goals, and attempting to change the perceptions of power among participants.

Follett and Fisher describe fractionation as a process of breaking down issues into smaller components. The 47 sections of the *Medina Charter* are broken down in a manner that attends to the interests and power structures that contributed to the conflict in Yathrib, individually addressing different elements of the discord in Yathrib. Fisher contends that the identification of involved parties, immediate physical issues, and issues of principle are the primary dimensions through which a conflict can be fractioned.

The *Medina Charter* expressly identified the parties involved in the Yathrib conflict. The first 23 sections of the *Charter* addressed the Muslim immigrants from Mecca and Muslims of Yathrib. The second half of the document was directed toward the Jews of the community. Specific identification of the participants occurs in sections 4–11 for the Islamized tribes and sections 25–35 and section 46 explicitly directing the Jewish population to be one community with the Muslims. The resolution of the conflict benefited greatly from Prophet Muhammad’s individual identification of agreement participants. Fisher explains that “treating disputes as cases between individuals or groups rather than nations has the virtue of establishing crosscutting conflicts.” In this case, a number of disagreements divided the tribes along common lines. The overall conflict was aggravated by tribal loyalties. Prophet Muhammad’s alignment of agreement participants along religious lines enabled groups of Muslims and Jews to recognize common interests beyond the tribal divisions. Thus, the lines of tribal conflict were distorted.

Prophet Muhammad also identified immediate physical issues in Yathrib. First, in section 2, the people of Yathrib are defined as one community to the exclusion of all others. Prior to this proclamation, the boundaries of Yathrib were indistinct, each tribe occupying certain territory and the collective of tribal territories in the area not considered one, united city. Prophet Muhammad reinforced the idea of a city in sections 17 and 39 where it states that the peace of the Muslims is indivisible and Yathrib shall be a sanctuary for the agreement participants.

Once Yathrib was established as an integrated community, Muhammad addressed issues of community justice and protection. Sections 19, 21, 22, and 40 established the course of law for Yathrib. The right to seek justice was shifted from individuals to the central community. Hamidullah described how showing any favoritism to one’s relations or aiding a person who breaks the law was forbidden under the penalty of law. Section 44 bound agreement participants to help one another against any attack on Yathrib. In the event of such a war, sections 37 and 38 outlined the division of expenses between Muslims and Jews. They are advised to seek mutual advice and consultation. Prophet Muhammad’s arrangements for community justice and protection encouraged collective responsibility. Again, the conflict lines of demarcation were distorted.

Another important way that Prophet Muhammad fractioned the Yathrib conflict was through principle. The *Medina Charter* was the first acknowledgment of religious divisions within the Yathrib tribal system. Although he did little to change the organization of interreligious tribes, Prophet Muhammad certainly called on the deeply instilled values of Islam and Judaism to fortify the agreement. The *Medina Charter* was the first alignment of Yathrib residents along religious lines. These stipulations

enabled participants to look beyond tribal alliances. Fisher notes that one effective way of limiting principle is “by recognizing that we can be loyal to our principles without insisting that our opponents be disloyal to theirs.” The *Medina Charter* identifies the values held within tribes and overtly acknowledged their validity while conveying independent identity to each faith as it advised the two to work collectively as a community. In principle, the religious alignment of Muslims and Jews made tribal lines indistinct. Fractionation of the conflict suggests that any large conflict, such as that of Yathrib, can be broken down into more manageable components.

Ury, Brett, and Goldberg identify one of the basic elements of conflict as interests. Evaluation of transaction costs, outcome satisfaction, relationship effects, and recurrence in dispute resolution illustrate that a focus on interests is more effective than dwelling primarily on rights or power. Positions are considered tangible items for which groups compete in a conflict. Interests underlie positions and, consequently, define the actual point of conflict. Fisher and Ury contend that reconciling interests provides more opportunities for collaboration than focusing on positions.

A group’s underlying interests dictate their goals throughout a conflict. Wilmot and Hocker classify the four basic types of goals as process, content, relational, and interaction. Rahim stated that “whether people believe their goals are cooperative, competitive, or independent very much affects the dynamics and outcomes of conflict.” As a result, collaborative, interest-based goal-setting is often necessary to satisfy the participant groups. The perception of interdependent goals can lead to shared ideas, open-minded consideration, and productivity.

The *Medina Charter* itself satisfied process concerns. After Prophet Muhammad consulted the leaders of each participant group, the document was produced. Hamidullah reported that once the participants entered into an agreement with a party and accept certain conditions, these become binding on the entire community. Content goals are essentially the positions held by each party to a conflict, which are often incompatible. Prophet Muhammad directly addressed the content goals of Yathrib tribes in sections 4–11 that required the release and redemption of all tribal prisoners of war.

Relational goals are defined by Wilmot and Hocker as how each party wants to be treated by the other and the amount of interdependence they desire. Prophet Muhammad worked to alter the tribal alliances by uniting many of the dominantly Muslim tribes. These conditions, according to Hamidullah, compelled the Jewish population to seek “the protective cooperation” of the *Charter*. The interdependence of the parties increased. The *Medina Charter* also overtly identified several relational goals.

Section 13 set a relational goal by stating that “God-fearing believers shall be against the rebellious” or those who seek to spread animosity among the participants of the agreement. Sections 25–35 united the Jewish tribes as one community with the “believers,” or Muslim residents. In the event of religious dispute, the document continued to decree that the participants of the agreement must act in good faith with one another. Section 37 most clearly defined the relationship of the Muslims and the Jews by explaining that each must bear their own expenses, yet be willing to aid one another in the event of attack by an outsider. Knapp, Putnam, and Davis argue that the tactic of relational definition aids conflict in that it shifts the focus of attributions from groups to relationships. The *Medina Charter* eliminated tribal hostilities by realigning Yathrib residents, shifting the focus from militaristic rivals to allied religious followers.

The realignment of agreement participants essentially protected the identities of each individual. This is the objective of interaction goals. Interaction goals include specific desires to maintain one’s sense of self-identity. Originally, identity in Yathrib was prescribed by tribal alliance. The *Medina Charter* did little to disturb the tribal arrangement, but shifted identity sources to religion. This enabled participants to save face while abandoning tribal hostility.

One of the predominant prescriptions for modern conflict resolution is the balancing of perceptions of power. Ury, Brett, and Goldberg contend that “despite objective indicators of power . . . parties’ perceptions of their own and each other’s power often do not coincide.” The definition of power varies with the manner in which it is regarded. Wilmot and Hocker identify distributive, integrative, and designated as the three orientations to power that alter its definition.

Distributive power perception occurs when the parties emphasize power as a zero-sum resource. This view of power is often referred to as coercive because it enables one group to hold power over another. Integrative power emerges when the rights and needs of the conflicting parties are considered as more important than power. Ury, Brett, and Goldberg maintain that integrative power is the result of an effectively designed system of emphasis in the conflict resolution process. Designated power is referring to a higher authority that has the power to make decisions. The *Medina Charter* approached power issues by converting distributive power to integrative and designated power.

In her collected papers on dynamic administration, Follett asserted that distributive power could be transformed through the integration of desires, which “precludes the necessity of gaining power in order to satisfy desire.” As stated previously, before the *Charter*, the population of Yathrib was divided into hostile tribes who acted independently of one another,

which created a community of frequent tension. Prophet Muhammad addressed these power struggles by altering distributive power through the establishment of common goals to serve the community. Follett claims “circular behavior (mutual influence) is the basis of integration.” Section 37 of the *Charter* specifically advises mutual influence with the declaration that the Muslims and Jews “must seek mutual advice and consultation, and loyalty is a protection against treachery.” Section 44 binds the parties of the agreement to help one another against any attack on Yathrib. Section 45 dictates behavior for a specific instance of mutual influence. If the Jews “are called to make peace and maintain it they must do so; and if they make a similar demand on the Muslims, it must be carried out.” The reinforcement of the idea of community changed distributive into integrative power.

Another way the *Medina Charter* converted distributive power was through designation. Reference to a higher authority was repeated in both sections. Sections 23 and 42 explicitly pronounced that future disputes “must be referred to God and to Prophet Muhammad.” The participants placed power external to their group so that it would be available to draw on in the event their own power seemed minimal. The designated power of the agreement was uniquely balanced due to its direction toward God.

While altering the orientation to power is an effective means of conflict resolution, residual distributive perceptions often remain. The *Medina Charter* addressed this potential complication by focusing participants on their interdependence. Once again, the idea of being one community was emphasized and the members of the agreement were made to view the *Medina Charter* as a testament to their power as a unit. The *Medina Charter* prohibits independent contention by participant groups in sections 15 and 17 that claimed God’s protection and the peace of believers as one.

This restructuring of power was fundamental to lasting peace in Yathrib. Mumby contends that power dictates what goals will be integrated into the structure of a community, stating “once these interests become part of the organizational structure, then that structure simultaneously mediates in and reproduces those interests.” The establishment of integrative power orientations and fortification of interdependence through power designation fundamentally integrated the goals of the *Medina Charter* into Yathrib.

The fractioning of conflict, development of collaborative goals, and transformation of perceptions of power are relatively recent developments in modern conflict resolution analysis. An analysis of these techniques in the production of the *Medina Charter* illustrates that their theoretical

sources are varied and historical. Although contemporary conflict resolution acknowledges religions to have practiced third-party intervention, as in the *Medina Charter*, little has been done to apply third-party intervention to conflict in today's religious communities.

Prophet Muhammad is the central figure of Islam and his teachings are one of the primary sources of Islamic interpretation. Mediation may not be a central focus of Islam, but its practice is undoubtedly supported by the Islamic community. When entering this community, mediators should educate all participants in the religious relevance of the conflict resolution process. Such education would enhance the acceptance of the practice.

The employment of third-party intervention tactics to intra-community and international conflict has become the focus of many advocates of dispute resolution. But studies in this area are very limited. This research, by analyzing the application of fractioning, goal-setting, and power-balancing approaches in the *Medina Charter* provides an understanding of how to resolve disputes according to Islamic teachings.

Understanding the conflict resolution methods in Islamic teachings with current emerging trends will help in finding affective means with which to approach mediation with and within Muslim societies. Undoubtedly, this application can extend beyond Islamic society to communities of other beliefs.

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