Family Conflict Resolution in Islam: Specific Reference to Muslim Immigrants of Southern California

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Abstract

Conflict resolution aims to help disputing parties to reach a mutually satisfactory agreement. For Muslim immigrants living in the West, family conflict resolution becomes even more critical since Muslims seek to resolve family disputes according to Islamic tenets. Muslim immigrants are torn between adopting alternative means of resolving conflicts and the traditional means of using the Islamic sources of the Qur'an and Sunnah. In recent years, the population of Muslim immigrants in Southern California has risen as Muslims from various parts of the world migrate for various reasons. Some migrate due to displacement from civil wars and social unrest as in Syria, Egypt, and Somalia. Others migrate because of economic, occupational, and political reasons. Either way, the impact of this immigration can be felt on family roles and relationship between husband and wife, on children and parents and parental expectations of children. This study addresses the traditional Islamic techniques for resolving disputes and encouraging conciliation as a tool for application in this arena. It also examines whether the traditional techniques for resolving conflicts are adequate or need augmentation from the host country's technique of secular conflict resolution. In addition, the study examines the role and interpretation of Islamic family law in family conflict resolution. This study is necessitated by factors like the dearth of available works on the dilemma facing Muslim immigrants in resolving conflicts within a culture that is different from theirs. This dilemma often results when the secular culture cannot seem to adequately satisfy the spiritual aspect of Muslims in referencing dispute resolution to Islamic sources.

For Muslims, religious beliefs and traditions form the bedrock of conflict resolution especially at the family and community levels. Other salient considerations are the importance of patrilineal families; ethnicity; the importance of identity; the nature of tribal and clan solidarity; and the issue of norms concerning honor and shame. This dissertation intends to show that it can be difficult for Muslims to live in the West and yet remain isolated which implies that despite the reliance on traditional Islamic techniques of resolving conflict within the family, Muslims may need to incorporate some form of Western approaches to the discipline of family conflict resolution. The study is primarily designed to find out from a cross-section of Muslim immigrants who reside in southern California how they settle family disputes according to Islam and the perceived problems that may arise due to cultural differences with the adopted home country. Initial contact with these immigrants will be made through the mosques, Imams, scholars, and elders. This will be followed later by conducting a semi-structured interview with the respondents who will be randomly selected. Data analysis will be conducted by using computer programs specifically designed to handle descriptive data and content analysis.

Acknowledgments

1. Introduction

1.1 Background

Migration is a very important aspect of the history of the world which can be seen taking place in almost every era.[1] Whether the migration is from the countryside to the city or from one country to another, and whether it is by road, sea, or air, migration continues to be at the very core of human behavior.[2] This urge to adopt new homelands, countries, and places has experienced a dramatic rise with the advent of the internet age and expansion in technology with its attendant ramifications. Though people migrate for various and varied reasons, the impact however remain the same for both immigrants and host nations everywhere. The change in social organization, technology and culture are most significant since new ideas are encountered as a result of migration. Another impact is the change in the family structure, roles, relationships, and expectations which are often at variance with the immigrants' home values, culture, and norms leading to conflicts which must of necessity be resolved. Other immigrants are sometimes forced to adapt, change, and define their identities.[3] For Muslim immigrants in Southern California, one of several problems confronting them is how to deal with family conflicts be it marriage, or parental expectation of their children. Muslims have a different conception of dispute settlement from that of the West. For the West, dispute settlement and attainment of peace is predicated upon reason and therefore, passion is often considered destructive.[4] But for Muslims, the concept of conflict resolution is viewed from a broad and holistic perspective. Muslims place more emphasis on collectivist culture, emotional dependence, in-group togetherness, duties, and

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[1] P. Manning (2013) *Migration in World History*, 2nd Edition, Oxon and New York: Routledge, p.1.

[2] Ibid, p.2.

[3] M. J. Miller (2008) 'Migration and development: past, present, and future', International Organization for Migration/Center for Migration Studies – Conference Proceedings, International Migration and Development Conference, New York, January 17-18, 2008. Available: http://www.udel.edu/poscir/faculty/MMiller/MigrationDevelopmentPastPresentFuture.htm [accessed 19 Feb 2014].

[4] A. A. Said and C. Nathan Funk (2001) 'The Role of Faith in Cross-Cultural Conflict Resolution', paper presented at the European Parliament for European Center for Common Ground, September, 2001. Available: http://www.gmu.edu/programs/icar/pcs/ASNC83PCS.htm [accessed22 Feb 2014].

task sharing, while working collaboratively to ensure that family dynamics prevail.[5] Muslims also consider family conflict resolution, in this minority population, informally through internal mechanisms like family, community leaders, close friends, and some form of interpretation of Islamic law because Islamic law per se is not enforceable by state authority in the USA.

 1.2 Conflict Resolution in Islam

Before explaining how Muslims view conflict resolution, it is imperative to offer a brief explanation of what conflict is. Johan Galtung proposed that conflict could be viewed as a triangle made up of contradiction (C), attitude (A), and behaviour (B).[6] The contradiction refers to the conflict situation itself which includes mismatch of goals between the conflict parties with regards to interest, goals, and relationship. Attitude refers to either negative and positive perception or misperception of each other by the conflict parties. Attitudes are also fueled by such emotions as anger, bitterness, and fear. The third component which is behaviour involves signs which may mean conciliation or hostility. According to Galtung, these three constituents have to be present together to constitute a full conflict.[7] Consequently, Galtung sees conflict as a dynamic process in which structure, attitudes, and behaviour are constantly changing and influencing one another.[8]

On conflict resolution, Barsky is of the view that it may be defined as any process used to manage, determine, or settle differences that may arise among individuals, families, groups, organizations, communities, nations, or any other social unit.[9] The cause of this conflict may be as a result of perceived differences in relation to values, needs, goals, interests, rights, positions, or wishes. This understanding and definition of conflict resolution captures the essence of conflict as an inevitable human phenomenon which cuts across all cultures. For Muslims, conflict resolution draws on religious values, traditional rituals of reconciliation and historical practices of communal and inter-communal existence.[10] In conflict resolution, it is important to consider elements like sources, parties, attitudes, and behaviours just as it is imperative to consider contextual factors like culture, ethnicity and history which influence them. While conflict resolution may vary from culture to culture among Muslims, nonetheless one overriding factor for Muslims is the adherence to the Islamic sources of the Qur'an and the Sunnah of the

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[5] H. C. Triandis, C. McCusker, and C. H. Hui (1990) 'Multimethod probes of individualism and collectivism', *Journal of Personality and Social Psychology*, vol. 59, 1006-1020.

[6] O. Ramsbotham, T. Woodhouse, and H. Miall (2011) *Contemporary Conflict Resolution*, 3rd edition, Cambridge: Polity Press, p.10. Available: http://books.google.com/books?id=-IbuQE02-KkC&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false [accessed 18 July 2014].

[7] Ibid, p11.

[8] Ibid.

[9] A. E. Barsky (2007) *Conflict resolution for the helping professions*, 2nd edition, Belmont, CA: Thomson Brooks/Cole. Available: http://www.oxfordbibliographies.com/view/document/obo-9780195389678/obo-9780195389678-0026.xml [accessed 6 May 2014].

[10] A. A. Said, C. Nathan Funk and A. S. Kadayifici (eds.) (2001) *Peace and Conflict Resolution in Islam: Precept and Practice,* Washington, D.C.: University Press of America.

Prophet (S). The Qur'an (Q4:35) for instance, declares that there is the need to appoint arbitrators to represent husband and wife from both sides in case of family disputes in order to arrive at an amicable and mutual settlement. Islam holds that in resolving conflict, the role of the community and communal leaders is paramount because the dignity of the individual is understood within a broader context of social solidarity.[11] Indeed unlike the western approach to family conflict resolution which is based on human self-determination and institutional formulas, the Islamic perspective underscores divine purpose and human exertion.[12] In this regard, Abed Awad argues that the anchor for the Sharia law is moral, while the anchor in the modern Western legal system is the separation between the moral and the legal. In the end, however, both systems strive to discover the truth and dispense justice. Each system, however, tries to reach this ultimate objective via different path.[13]

Though the above verse (Q4:35) did not state the binding nature of the arbitrators verdict, nonetheless, the Hanafi school (named after the founder, Imam Abu Hanifah al-Nu'man b. Thabit 80 - 148 AH), and Ash-Shafi'i (named after the founder, Imam Muhammad bin Idris al-Shafi'i 150- 206 AH) schools of law opine that the arbitrators have no authority to issue a binding verdict. All they can do is to recommend solution to the disputant who are free to accept or reject the recommended solution. But in case of divorce, the verdict will be binding in the situation where the husband and wife have nominated the arbitrators to act on their behalf. Other scholars however argue that mediators have full authority both in respect of reconciliation and marriage annulment. Another group of scholars think that authority of these mediators is limited to deciding how the spouses should reconcile their differences and does not extend to the annulment of marriage.[14] Islamic family conflict resolution also employs the power of communication through reconciliation (*sulh* and *musalaha*), mediation (*wasta*), and arbitration (*tahkim*) that have prevailed in Islamic cultural areas for generations.[15] This means that many disputes among Muslims in the US are settled in the context of informal family or community conciliation, where senior members of the families or community leaders take their place in informal conciliation processes. The concept of mediation and the third party intervention to resolve disputes using fairness and justice as the primary values of intervention is designed to open communication lines and restore a state of harmony within the community. Thus it can be said that family conflict resolution in Islam begins in broad terms with the analysis of the conflict; intervention method used; and the final stage of agreement in which all parties reach settlement over substantive issues to include how to ensure the implementation of the

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[11] A. A. Said, C. Nathan Funk and L. M. Kunkle, op. cit., p.7.
[12] Ibid, p.8.
[13] I. Al-Khatib 'Shari'a Law & American Courts: An Interview with Abed Awad, Esq.', n.d. Available: http://shariainamerica.com/2012/01/23/sharia-law-and-american-courts-an-interview-with-abed-awad-esq/ [accessed 6 May 2014].
[14] See Basics of Family Conflict Resolution in Islam. Available: http://www.soundvision.com/info/marriage/conflict/islamicview.asp [accessed 3 May 2014}.
[15] Read the introduction of A. A. Said, C. Nathan Funk and A. S. Kadayifici (eds.), op. cit.

agreement.[16] Abdalla further explains that an Islamic model of intervention should be guided by three principles of restoring to Islam its messages of justice, freedom and equality; engaging the community in the intervention and resolution processes, as well as adjusting the intervention techniques according to the conflict situation, and its stages.[17] On his part, Turfe believes that there is need to understand the culture and emotions of people who are involved in the conflict during the resolution process.[18] Indeed in the understanding of many Muslims, law is a system of meanings and a cultural code for interpreting the world; hence scholars like Lawrence Rosen thus conceive Muslim law as culture.[19]

1.3 Muslims of Southern California

Though the US Census Bureau does not ask respondents about their religion, the number of Muslim immigrants has spiked up nationwide since the after math of September 11 attack on the United States.[20] For the purpose of this research, Muslim immigrants are defined as the Middle East which includes Pakistan, Bangladesh, Afghanistan, Turkey, the Levant, the Arabian Peninsula, and Arab North Africa. Also included in this population are the Muslim immigrants from Ghana, Nigeria, Sierra Leone, Senegal, Eritrea and Ethiopia. According to the Pew Research Center, foreign-born Muslim immigrants are very diverse in their origins. They have come from at least 77 different countries, with no single country accounting for more than one-in-six Muslim immigrants.[21] In another report, the Pew Research Center observed that about two-thirds of the Muslims in the U.S. today (64.5%) are first-generation immigrants (foreign-born), while slightly more than a third (35.5%) were born in the U.S. By 2030, however, more than four-in-ten of the Muslims in the U.S. (44.9%) are expected to be native-born.[22] The fact that the Census Bureau does not collect data on religious identification has resulted in a wide range of estimates for the population of Muslims in the U.S.[23] Many institutions and organizations have given widely varying estimates of how many Muslims live in the U.S ranging

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[16] A. Abdalla 'Principles of Islamic Interpersonal Conflict Intervention: A Search within Islam and Western Literature' *Journal of Law and Religion*, 2002, vol.xv p.160. Available: www.karamah.org [accessed 20 May 2014]; See also A. Othman (2007) 'And Amicable Settlement Is Best': Ṣulḥ and Dispute Resolution in Islamic Law', *Arab Law Quarterly,* vol. 21, no. 1 pp. 64-90. Available: http://www.jstor.org/stable/27650573 [accessed 10 July 2014].

[17] Ibid, p.166.

[18] T. A. Turfe (2004) *Unity in Islam: Reflections and Insights*, New York: Tahrike Tarsile Qur'an Inc., p.152.

[19] I. Yilmaz (2003) 'Muslim Alternative Dispute Resolution and Neo-Ijtihad in England', *ALTERNATIVES: Turkish Journal of International Relations*, vol. 2, no. 1. Available: http://www.alternativesjournal.net/volume2/number1/yilmaz.htm [accessed 14 July 2014].

[20] S. A. Camarota (2002)' Immigrants from the Middle East: A Profile of the Foreign-born Population from Pakistan to Morocco'. Available: http://cis.org/MiddleEasternImmigrantsProfile [accessed 4 May 2014].

[21] See section 1 of Pew Research Center's *Demographic Portrait of Muslim Americans*. Available: http://www.people-press.org/2011/08/30/section-1-a-demographic-portrait-of-muslim-americans/ [accessed 4 May 2014].

[22] Pew Research Centre (2011) *The future of the global Muslim population: Projections for 2010– 2030,* Washington, DC: Pew Forum on Religion and Public Life, p.21. Available: www.pewforum.org/.../FutureGlobalMuslimPopulation-WebPDF-Feb10 [accessed 26 July 2014].

[23] See 'Islam in the United States'. Available: http://crcc.usc.edu/resources/maps/masjid-list.html [accessed 4 May 2014].

from 1.8 million to 7 million. Based on data from the Pew Research Center's 2011 survey along with U.S. Census data, Pew Research Center demographers estimate that there were roughly 2.75 million Muslims in the United States in 2011. The same survey cited California as having the largest Muslim community in the United States, an estimated 1% of the total population of the state. It is also estimated that a majority of the Muslim population resides in Southern California.[24]

Selected Non-Christian Religious Traditions in Los Angeles County: 2000

Religious Group	Number of temples, mosques, or synagogues	Number of adherents	% of total population	% of total adherents
Baha'i	44	6,346	NA*	NA*
Hindu	37	NA*	NA*	NA*
Muslim	48	92,919	1	1.7
Jewish	202	564,700	5.9	10.2
Sikh	14	NA*	NA*	NA*
Buddhist	145	NA*	NA*	NA*

Religious Congregations and Membership in the United States: 2000, Glenmary Research Center, Nashville, TN[25]

* Data not available

Another data on Muslims in the Los Angeles County (2010) was compiled by the Association of Religion Data Archives (the ARDA) by using data from the 1980-2010 Religious Congregations and Membership Studies which ranks U.S. counties on the highest total number of adherents and the highest percent of the population who are Muslim. This compilation indicates that the Los Angeles County has 69,080 Muslim Congregational adherents with a percentage of 0.7. The Congregational "adherents" include all full members, their children, and others who regularly attend services. "Percent" is the percentage of the total population that belongs to that denomination.[26]

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[24] Ibid.

[25] J. Orr (1999) Religion and Multiethnicity in Los Angeles, Center for Religion and Civic Culture, University of Southern California. Available: http://www.prolades.com/glama/CRCC%20demographics%20%20Los%20Angeles.htm [accessed 30 July 2014].

[26] The ARDA. Available: http://www.thearda.com/ql2010/QL_C_2010_1_28c.asp [accessed 30 July 2014]; Data was collected in 2010 by the Association of Statisticians of American Religious Bodies (ASARB) and include statistics for

Statement of the Problem

Muslims are a growing minority within America and they face challenges similar to those of other early religious minority groups who immigrated to America. All immigrants have faced the challenges of integrating into mainstream American society due to racial, ethnic, and or religious differences, and Muslim-American immigrants are no different. The importance of religion to many Muslim-American individuals compels Muslims to closely analyze Muslim experience and the image held within the prevailing mainstream in order to determine how these experiences may impact the lives of Muslim immigrants living in the United States. The existing literature on the lives of Muslim immigrants in America have been centered and limited to a single country of origin, ethno-cultural linguistic background and especially geographical locations. There are relatively few studies that have focused on how Muslim immigrants in North America especially Southern California resolve family conflict. These studies are too broad and general without focusing on specific areas especially the Southern California area. Muslim immigrants are unique and do not share the same exact needs and homogenous experiences as those of European immigrants to the United States.[27] This study attempts to explore the lived experiences of Muslim immigrants in Southern California and how they manage the inevitable family conflict areas like marital disagreement, dating and marriage; women employment; gender differences, and the view of marriage in terms of social and material benefit rather than romantic love and personal fulfilment. Also, this study will explore the role played by Islamic family law and how it is interpreted in resolving family conflicts. This study will benefit the academia, policymakers, religious leaders of Islamic faith as well as those leaders of other religious groups and the American public in understanding the dilemma facing immigrants in their attempt to resolve family conflicts.

Hypotheses

To achieve the aims of the research set out above, the study will attempt to answer the following questions: 'How do American Muslim immigrants settle family conflicts in Los Angeles'? 'Within Western society, is there a need to resolve family conflicts using an Islamic approach'? 'What role does Islamic law play in dispute settlement'? 'Is the interpretation of Islamic law specific to a particular school of thought or not'? To answer these questions and others, participants will be asked to tell and describe their narrative stories and the meanings that

236 religious groups, providing information on the number of their congregations and adherents within each state and county in the United States.

[27] See A. Monawar (2006) 'Cultural assimilation among Palestinian immigrants in New Mexico'. A thesis submitted to Texas Tech University. Available: http://etd.lib.ttu.edu/theses/available/etd07242006161625/unrestricted/Monawar_Abdulrahman_Thesis.pdf [accessed 22 February 2014]; M. K. Hermansen (1991) 'Two-way acculturation: Muslim women in America between individual choice (liminality) and community affiliation (communitas)' in Haddad, Y.Y. (ed.) *The Muslims of America*, New York: Oxford University Press, pp.188-201.

they attribute to their lived experience of assimilating, acculturating, and integrating in the new environment. Emphasis will also be placed on the current social context; with a balanced focus on both the contemporary social theory and the Islamic sources.[28] Also taken into consideration will be the overarching Islamic principles of peace, justice, and compassion. For the purpose of this research, Muslims are hereby defined as all those who affirm the fundamental Islamic testimony of truth (*Shahada*) that there is no God but Allah and that Prophet Muhammad (S) is His servant and messenger. There is no doubt that this pragmatic approach is accepted by all schools of Jurisprudence and interpretations which therefore implies that my intention is to avoid any undue theological controversy which a contrary definition might generate. Also, this method has the added advantage of inclusiveness in my research.

2. Research Methods and Procedures

2.1 Introduction

This study is based on insider information provided by Muslims on how they settle family disputes based on the Islamic Sources of the Qur'an and Sunnah of the Prophet. This insider approach refers to a descriptive phenomenological method which will allow me to gain an in-depth understanding of the lived experiences of these Muslim immigrants. Through interviews of scholars, Imams, and couples, questionnaire was sent to fourteen (14) participants ranging from eighteen years of age to eighty years, primary information was generated to explain the phenomenon of dispute settlement among the Muslims of Los Angeles. This flexible approach also allowed me to incorporate new ideas while collecting data. This research also utilized materials studied from books, articles, journals, and online resources. For the purpose of this research, Muslim immigrant refers to anyone born outside the United States but living in the US, specifically Los Angeles, for no less than six months. I chose to locate this research in Los Angeles for several reasons. For starters, a research of this kind requires a fairly organized group of Muslim immigrants who are homogenous in culture and linguistic background as well as having the capability of being critical. In this locality, some of the respondents were from West Africa where the Maliki (Imam Malik bin Anas 93 - 179 AH) Jurisprudence is predominantly practiced, while others were from the South Asian subcontinent and largely belong to the Hanafi school of Sunni Islam. Secondly, a study of this nature requires access to people and issues which can be challenging to obtain due to the sensitivity to cultural sentiments; all of which I found among the Muslims of Southern California. Thirdly, as a resident of this area, and my role as an itinerant Imam giving *khutba* at various mosques within the vicinity, I benefitted from the relationship and trust that I have with this locality. As a result, the participants were less suspicious of the nature of my study which allowed for free flow of information. I was able to connect with my participants such that they felt comfortable and spoke candidly to me about their experiences from the time they arrived in the US to how they finally settled, and most

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[28] A. Abdalla, (2000-2001) 'Principles of Islamic interpersonal conflict intervention: A search within Islam and Western literature', *Journal of Law and Religion*, 15(1/2), 151-184, p.152.

importantly, how they resolved family conflicts with not only their spouses but their children as well.

2.2 Research Plan

Initially, my intention was to interview 10 participants but I had to revise the figure and raised it to 14 due to the positive response and the eagerness from the Muslim community to participate in the survey. Also, the increase in the sample afforded me to achieve the desired depth of information. Out of the 14 respondents interviewed, 4 were resource persons (2 Imams/social workers, 1 university Professor, and 1 researcher/psychologist). The rest consisted of 2 married heterosexual couples; 1 widow, and 5 married heterosexual men. Most of the interviews were conducted in the mosques (*masaajid*) of the respondents; 1 interview took place in the interviewee's office, and another 1 took place in the respondent's residence. The two couples were interviewed jointly in the comfort of their homes. The couple interviews were conducted in the presence of both spouses which is sound practice for qualitative research on marital interaction to interview couples together which allows for the co-creation of meaning. According to Babbie, joint interviewing brings out some hidden aspects of the topic which the researcher may not anticipate and neither would an interview with an individual.[29] However, other scholars advocate separate interviews for couples to encourage greater honesty, and to be sensitive to issues of gender and power.[30] I chose the joint interview because it allowed spouses to talk about their conflict together, and at the same time complement and correct each other. Also, it shows sensitivity to Muslim cultural and religious beliefs and practices regarding women being alone with male interviewers who are not related to them in marriage or blood (*mahram*).

Indeed the limitation to joint interview which I encountered was that because of issues of power and gender, some husbands or wives may have been less than forthright with their feelings or experiences. I addressed this concern by encouraging each person to respond to each question as well as to comment or add to each other's response. This led to much interchange, correcting, challenging, and commenting on each other's response.

2.3 Survey

Participants were selected using a criterion-based purposive sampling strategy. This is appropriate because the population parameters are not known and I am interested in select cases or variation across a set of cases.[31] Since the phenomenon of interest is how Muslim immigrants settle family conflict, the cases that will be most helpful in portraying this phenomenon are Muslim individuals who have experienced conflict in their family life. Thus the criteria used to select the sample were that the participants must have had a

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[29] M. N. Lambert, and D.C. Dollahite (2006) 'How Religiosity Helps Couples Prevent, Resolve, and Overcome Marital Conflict', *Family Relations* 55 439-449, p.441.

[30] Ibid.

[31] J. Lofland et al (2006) *Analyzing Social Settings: A Guide to Qualitative Observation and Analysis,* Toronto, Ontario: Wadsworth, p.91.

conflict in their family, and must have been married before even if they are not currently married. This will maximize the likelihood that all those interviewed represent people who have experienced the phenomenon.[32]

2.4 Sampling and Data Collection

Data were collected through direct interviews with respondents. These used clear and direct questions, the sequence of which could be altered to allow me to probe for more information. My interview was goal oriented and therefore focused on areas of particular importance and excludes questions which I considered to be unproductive for the goals of the research. The interviews I conducted and recorded were in-depth interviews of between 30 and 60 minutes each. To ensure confidentiality in view of the sensitivity of the subject matter, the names of almost every participant was altered in the thesis except those who specifically asked to be named. Also, anonymity allows both the researcher and the reader to focus on the generalizable patterns from the data generated.[33] I interviewed a broad range of people and tried to ensure that the sample was as inclusive as possible. The ethnic and class backgrounds as well as the cultural and customary practices of the Los Angeles Muslim community reflect those of much Muslim diaspora in the US. Participants were asked questions directly related to how they settle family conflicts. However, participants also discussed conflict settlement in response to other questions. Proposed questions were reviewed by my Supervisor and the faculty for face validity. Due to time constraints, I was unable to conduct any pilot testing with participants. I made sure to ask follow up questions where clarification was needed. Leading questions were also carefully avoided to maintain neutrality as advocated by Pattern.[34]

2.5 Framework for Data Analysis
Analysis of the data comprised a thematic review of the key issues that arose in the interview data. This was structured around the questions in the interview schedule. The data analysis began with a general overview of all the key themes that emerged in the data. These themes were then categorized. Due to the limited number of interviews, computer program for data analysis was not considered appropriate. Because of the issues of confidentiality it was agreed with respondents that whenever direct quotations from the interviews would be included, different names were employed. The interviews were digitally recorded, transcribed verbatim, and reviewed many times for data analysis and

[32] J. W. Cresswell (2007) *Qualitative inquiry and research: Choosing among five approaches*, Thousand Oaks: Sage, p.128.

[33] J. Lofland et al (1995) *Analyzing Social Settings: A Guide to Qualitative Observation and Analysis,* 4th ed, Belmont: Wadsworth, p.52. Available: isites.harvard.edu/fs/docs/icb.../lofland_lofland.pdf [accessed 9 July 2014].

[34] M.C. Hoepfl (1997) 'Choosing Qualitative Research: A Primer for Technology Education Researchers' *Journal of Technology Education*, Vol.9 No.1, Available: http://scholar.lib.vt.edu/ejournals/JTE/v9n1/hoepfl.html

emerging themes. Textual descriptions from the participants will be used throughout this analysis to support the findings and assist the reader in gaining insight into the lived experience of each participant. Participants in the interview met all the inclusive criteria and were all made to sign an approved consent form prior to participation in the interview. The Muslim immigrants who were randomly selected to participate had been practicing Muslims in their home countries before migrating to the United States and had been living in Southern California over a time span of six months to thirty years. This time span allowed me to investigate, explore and analyze the lived experiences of the participants from various perspectives over a length of time without limiting me to only family conflict resolution. I was exposed to pain, joy, and apprehensions of the participants during my interview as they chartered the new territory of living in a foreign land where the majority is not Muslims. Through chronological and thematic presentation, I shall take the reader along the same journey which was traversed by these Muslim immigrants and consequently represents their lived experiences. Distinctive quotes from the participants are also presented to enlighten and corroborate the themes being offered.

Despite the fact that I have identified some particular emerged themes in the respective descriptions given by the participants, I believe that this identification does not mean that all my participants provided evidence-based statements on every theme in their respective narratives. Rather, I repeatedly observed and differentiated common patterns of recurring meaning across various accounts. It is necessary to note that in the process of analyzing the data, several themes emerged and I have many pages of supporting data for each theme. However, this research presents only the most significant portions of the data. The themes and sub-themes which were extracted from the data and were identified as the most representative themes related to the lived experiences of the participants will be presented in the empirical research findings.

Limitations and Potential Problems

This study is confined to some selected areas of Southern California, specifically Los Angeles, and thus cannot be representative of all Muslims living in the United States. I should also mention that even among the Muslims of Southern California, there are huge differences not only in cultural arenas but also in dispute settlement procedures and techniques. For instance, conflicting Muslim parties from Ghana are inclined to use the third-party that has no special features; whereas others may prefer the third-party which has some specific social roles such as a village elder or a *shaykh* as explained by one respondent from Ethiopia. Matters concerning family conflicts and their resolution especially in marriage and divorce within Muslim communities are largely confined to the private sphere of family and home, and sometimes the local community. This at first made some respondents hesitant but because of the trust and relationship I have with some of them, they eventually opened up. In terms of how generalizable

are the findings from this study to other Muslim communities in the US, I must add that immigrant Muslims in the US have much in common. Among others, they share a religion focused on the Sharia; they share cultural and customary practices; they desire to bequeath a legacy of Islam to their children; some even come from the same ethnic and class backgrounds. Therefore, certain findings of this study apply to many of them. For instance, the Sharia features in the interpersonal dispute of all Muslim communities, and in addition to observing the laws of the land, Muslim communities also resort to various customary practices that are often conflated with the Sharia.[35]

3. Empirical research findings: description, analysis, and synthesis

Analysis

In this research, a modified grounded theory approach was used as the basis for analysis because it helps to construct theory attached in the data as opposed to the preconceived views of the researcher. It is also purposefully explanatory.[36] Through coding, major themes were developed in the data; less prevalent and salient themes were eliminated while closely related themes were combined to a more manageable quantity. Most participants were young, religious, well-educated, and long-term American residents of diverse background. I made sure that the interviews contained enough data to support each theme by re-visiting the interviews. Also, in order to bring validity to my findings, I attempted to falsify findings that have emerged, that is, once after initial themes have been developed, a conscious attempt was made to find a different theme to disprove the initial findings. To ensure that no potentially relevant information was ignored or overlooked, a thorough attention was paid to each theme.

Result

Different patterns emerged to show that Muslim immigrants in this study prefer to resolve family conflict by using Islamic principles. Analysis indicated that religious beliefs and practices with cultural undertones assisted Muslims to (a) deal with problems in their relationships, (b) resolve family conflicts, (c) work towards reconciliation, and (d) find a way to incorporate Islamic law into family conflict resolution. It emerged that parties to conflicts usually seek the intervention of

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[35] M. Keshavjee (2013) *Islam, Sharia and Alternative Dispute Resolution: Mechanisms for Legal Redress in the Muslim Community,* London and New York: I.B. Tauris & Co. Ltd, p.14.

[36] R. LaRossa (2005) 'Grounded Theory Methods and Qualitative Family Research,' *Journal of Marriage and Family vol.*67, pp. 837–857 Available: www.cnr.uidaho.edu/.../Grounded%20Theory%201 [accessed 10 July 2014].

family and friends in most conflicts, and also seek the help of Imams who are often not professionally trained to handle certain conflicts. Though the Imams may not be professionally trained as counsellors, nonetheless they offer valuable services in terms of spiritual and religious guidance, social and mental health issues and particularly marital and family problems. In this intervention, counseling takes on a particular form based on the teachings of the Qur'an, the Prophetic example, and Islamic law which are synthesized when the Imam advises the clients on the fundamental tenets of Islam in relation to their problem.[37] Reliance on the state authority to resolve conflicts is regarded with caution and as a last resort.[38] Culture, emotions, differences over who should take care of aged and demented parents, disagreement over finances, and interference from family were all cited as major sources of conflict, or causes for problematic interaction, or as obstacles to reaching resolutions. Also mentioned is the freedom women enjoy in the American culture as opposed to Muslim countries where culture has denied women their rights as guaranteed by Islam.

Theme 1: Role of Faith

Participants described themselves as practicing Muslims and said their faith determines not only how they settle conflicts but also determines how they run their entire lives. Participants reported finding solace, peace, and sense of tranquility in a unified faith which can be associated with greater conflict resolution and marital satisfaction.[39] Through faith, participants report cultivating a sense of love, caring, justice, and mercy, all of which are attributes which underline how to deal with conflict in Islam. Participants expressed that in Islam, faith goes beyond mental agreement with certain facts or mechanical obedience to certain rules. Faith is a person's dedication to God's will and the recognition of His sovereignty, and this has consequences for his behavior in the family, in society

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[37] A. Somaya (2002) 'Islam and Counseling: Models of Practice in Muslim Communal Life', Ph.D. Dissertation, University of Fort Hare, South Africa, p.44. Available:
https://www.google.com/?gws_rd=ssl#q=Somaya+Abdullah%2C+dissertation+university+of+forte%2C+hare
[accessed 19 July 2014]; Also read W. Abu-Rasa, A. Gheithb & F. Cournos (2008) 'The Imam's Role in Mental Health Promotion: A Study at 22 Mosques in New York City's Muslim Community' *Journal of Muslim Mental Health,* vol.3, no. 2, pp.155-172. Available: http://dx.doi.org/10.1080/15564900802487576 [accessed 25 July 2014].
[38] This echoes a research conducted among Mosque members in the Washington D. C. Metropolitan Area. Available: http://www.aals.org/am2004/islamiclaw/conflictresolution.htm [accessed 14 July 2014].
[39] M. G. Dudley, and F. A. Kosinski (1990) 'Religiosity and Marital Satisfaction: A Research Note', *Review of Religious Research*, 32 (1), p. 78-86.

and in the world at large. Faith is therefore very important to Muslims and is not only manifested in the five pillars of Islam which are: The confession of faith, prayer five times daily, alms, fasting in the month of Ramadan and the pilgrimage to Mecca. Faith also includes positive and practical actions like showing love, compassion and kindness to your family. Participants reported practicing their religion regularly by attending the mosques regularly for not only the five daily prayers but also the weekly Friday congregational prayers. Mosque attendance, which is a sign of faith in Islam, is also considered a social place of gathering to connect with other practicing Muslims to make each other better Muslims.

Muslims' attachment to the mosque dates back to the time of the Prophet who first built a mosque as soon as he arrived in Medina. In line with the action of the Prophet in establishing the mosque, the Muslim community as a whole, regardless of their sect or school of thought, has embraced this practice of establishing mosques wherever they go. The mosque symbolizes solemnity where everybody would like to be because they feel that it is a safe place, place of social, psychological, and political activity. Mosque attendance also reminds the Muslims of their home countries' activities which they very well relate to. Though participants reported the important role which faith plays in their lives as well as the support of the masques in enhancing this role, they expressed regret that they are unable to attend the five times daily prayers regularly as required by Islam. Various reasons were attributed to this shortcoming. Some reported the fast paced American life which makes it difficult to be in the mosque five times a day. Others mentioned the distance between their homes and the mosques due to the limited availability of mosques. Despite these obstacles, all participants mentioned attending mosques every Friday for the weekly congregational prayers, and from all indications, participants seem to reflect the desire to maintain their connection with the masjid and uphold its sanctity and its vital role in their lives.

JB said:

I do not get the chance to go to the mosque very often because of work schedule and even on Fridays I hardly get the chance to attend. Sometimes I get the opportunity to take off on Friday to attend the mosque. I will therefore say once a month or so. The mosque has become an integral part of my life because it is the one place where we go to meet other immigrants, share common experiences and

aspirations, and above all, an opportunity to worship Allah in group as His preference for us to worship Him.

JB's wife RB said she goes to the mosque every Friday without missing. During Ramadan for instance, I go to the masjid about four or five times a week to break the fast with other Muslims. The mosque is really important for me as a parent because when I go, my daughter sees me contributing and taking part in the activities of the mosque and hopefully she will learn from me and keep the religion alive.

Sister NA said: I go to the masjid every day for the five daily prayers and every Friday since my husband passed away. The masjid is very important in my life. To me, it is the house of Allah. It is hard to explain, like when I come here (masjid) it is a joy and I cannot wait to be here every Friday to spend the entire day. This is the opposite of what I used to do then, I never, ever stepped into the masjid. The masjid helps me to stay focused, a reminder that I am a Muslim, I have to work hard to get to the second life. I never knew the truth of the second life until I saw my husband's soul being taken out of his life. That was what really hit me. I put the hijab on and I said this is my new path.

Theme 2: Conflict Resolution from Islamic Perspective

Participants expressed the view that Muslims living in non-Muslim countries have different resources for resolving family disputes. These resources range from using family members and Imams, to utilizing the services of local sources like the courts and licensed and trained professional therapists. Though some Muslims still believe that an Islamic state's courts are the only acceptable means in which to obtain binding dispute resolution for Muslim litigants, there are other options that are equally acceptable.[40] Some of these methods which were already alluded to earlier in this research include private settlement (sulh), settlement by an appointed judge (qadaa), and arbitration (tahkim). The classical schools of Islamic Law which provides these models deem them appropriate to be applied in non-Muslim lands provided that certain conditions are met for each. For private settlement (sulh), it can only work when the parties agree upon solution together on a small

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[40] M. Furber (2011) 'Alternative Dispute Resolution: Arbitration & Mediation in non-Muslim Regions', Abu Dhabi: Tabah Foundation, Tabah Analytic Brief, no. 11, p.1. Available: http://www.tabahfoundation.org/en/research/activities/briefs/?action=view&id=22 [accessed 18 July 2014].

range of personal conflict without one party remaining adversarial. The same goes for the community-appointed judge or court (qadaa) when only qualified individuals are allowed to serve in this capacity. Such individuals must also be appointed on case by case basis to minimize the possibility of abuse.[41] The method of arbitration (tahkim) will be discussed under a separate theme because it constitutes the core of this research which is how Muslims settle family conflicts.

One participant expressed concern that in private settlement, (sulh) there is the need to really select competent and trustworthy individuals to represent both parties who must be devoid of personal biases in favor of their son or daughter in case of marital conflict. Mahir Waber, a civil engineer who has been living in the US for the past 24 years, said emphasis should be on how to settle marital conflict according to the dictates of Islam by involving the Imams. He deplored the action whereby marriages are conducted in an Islamic way, but when the issue of divorce comes up; one party is not interested in Islamic divorce but rather chooses to litigate in local courts. Though he advocates the use of local courts in dispute settlements when needed, nonetheless, he cautioned about the pitfalls, ' I have personally gone through the legal system like court stuff, at the end of the day, the way I see it is about making money. Everything you see, somebody has to make money off of it; so lawyers make money on both sides, nobody necessarily wins. So in my experience, it would have been better at the end of the day to have resolved the conflict with the Imams.' According to Waber the Imam's focus on the religious and spiritual aspects of conflicts is very important for the wellbeing of the Muslim community.

On his part, Ahmad Sharafa, an airline industrial expert who has been living in the US for the past 29 years opined that though all conflicts must be settled in an Islamic way, care must be taken not to impose Islamic culture where it is not necessary. He said family conflict resolution should be done in an hierarchical way; the disputants begin settlement privately among themselves, and if this does not work to consult the Imam. If the Imam is unable to resolve the issue, then the local courts and therapists must be engaged. Mustapha Kulungu, a Muslim therapist and researcher believes that the modus operandi when it comes to family conflict resolution must be based on Islam. But at the same time, we must

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[41] Ibid, p.9.

incorporate some of the modules that have been developed by the Western society. He emphasized that 'though the computer can be Western, the software can be Islamic and there is nothing wrong in that'. To enhance the effectiveness of the amalgamation of Islamic approach and the Western modules of family conflict resolution, Kulungu said Imams need to be trained in offering counseling to mitigate the rise in divorce rate among Muslims. Available literature and the limited amount of research available on marriage in the American Muslim community suggest that there is conflicting evidence about the frequency of divorce. A single study by Ba-Yunus (2000, 2007) estimates a nationwide American Muslim divorce rate of 32.33% though this figure is highly disputed.[42] The dispute is attributed to the lack of information about the sample and the non-random selection of states in which the survey was done as well as the difficulty of obtaining accurate figures for Muslim marriages and divorces. The reason is that, not all Muslims will document their marriages (or divorces) with their states, while some Muslims prefer religious ceremonies to legal ones, and others were married in a country outside the United States, so that the only American legal record is of their divorce.[43] Alshugairi (2010) reported a much-lower divorce rate of 21.3% though his survey, unlike that of Ba-Yunus, was limited to Californian Muslims.[44]

In answer to the question whether Islamic approach should be used in conflict resolution, Mualim said: Yes, we need to use Islamic approach for every situation. The issue is more so of how. We always have to use Islamic approach because this is what Allah and His messenger advised. How we do it is of course a big scope. When it comes to family conflict resolution, in particular though, I do think it should be left to the professionals because the Imams do not really have the training except religious matters. It is a very complex matter to actually fix things. Community members should have at least a sense to know that. The Imam also has to know his short comings too. This I have the ability to do, this no way, I do not know anything about that.

Theme 3: Arbitration (Tahkim).

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[42] A. R. Chapman and L. B. Cattaneo (2013) 'American Muslim Marital Quality: A Preliminary Investigation' *Journal of Muslim Mental Health*, vol.7, no. 2. Available: http://dx.doi.org/10.3998/jmmh.10381607.0007.201 [accessed 17 July 2014].

[43] Ibid.

[44] N. Alshugairi (2010) 'Marital Trends in the American Muslim Community: A Pilot Study' *Journal of Muslim Mental Health*, vol. 5(3), no. 256. Available: http://dx.doi.org/10.1080/15564908.2010.551275 [accessed 17 July 2014].

The Western concept of arbitration (tahkim) is based on the understanding that it is a parallel system of justice which operates outside of the existing court system. But in the Islamic system, it is part of the judicial system in that the Prophet used it to control the legal system and the development of the law itself.[45] It must be pointed out that both the West and Islam agree that arbitration is a voluntary procedure that could be triggered by the mutual consent of the parties in a dispute who have agreed to certain individuals to act as arbitrators (hakam) in resolving any disagreement. According to Sezai Özçelik, since many Islamic countries have applied secular law codes and processes for conflict resolution, it is hard to define tahkim as a pure arbitration.[46] I must observe here that the history of tahkim from pre-Islamic Arabia through the time of the Prophet down to events after his death and the split of Muslims into Sunni and Shi'i is beyond the scope of this research.[47] My attempt was only to provide relevant and salient points which are specific to the research topic. By linguistic definition, tahkim is designating someone as an arbiter and appointing them to decide the matter. The textual justification for it is in the Qur'an in which God says: 'And if you fear a breach between them (the man and wife), appoint an arbitrator from his folk and an arbitrator from her folk' [Q4:35]. Commenting on this verse, al-Qurtubi said it proof that arbitration is established in Islam.[48] With regards to those who constitute the arbiters, scholars believe that they should be Muslims of noble character and integrity who are familiar with the couple in case of marital dispute.[49] In other cases, such arbiters must be professionals in their fields like people familiar with both the Islamic Law and the secular law, or family therapists when it comes to counseling. In this respect also, Imams can come in when the family dispute is related to spirituality and religion. Despite the experience and knowledge in the field, arbitrators must rely on evidence presented rather than their personal knowledge of the case.

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[45] S. George (1997) 'Arbitration, Conciliation and the Islamic Legal Tradition in Saudi Arabia', *Journal of International Business Law,* vol.9, University of Pennsylvania, PA 211, pp.924-926. Available: https://www.law.upenn.edu/.../Sa [Accessed 20 July 2014].

[46] S. Özçelik (2006-2007) 'Islamic/Middle Eastern Conflict Resolution for Inter-personal and Intergroup Conflicts: Wisata, Sulha and Third-Party', *Uluslararası İlişkiler*, vol. 3, no. 12, p.8. Available: www.academia.edu [Accessed 24 July 2014].

[47] For a detail analysis and explanation of how tahkim was misused during the dispute between Imam Ali and Mu'awiya, see S. George, op. cit., pp.918-955.

[48] M. Furber, op. cit., p.7

[49] See M. R. Nablusi (2002) in his explanation of Q4:35. Available: http://nabulsi.com/en/art.php?art=7806 [Accessed 23 July 2014].

Arbitration (tahkim) has some associated advantages which include reducing procedural formalism, costs associated with litigation, and being more appropriate to the needs of Muslims in obeying God's injunctions of disputes settlement according to the Qur'an. In other words, Muslims gain a sense of satisfaction in settling family conflicts the way the Divine mandated since family law and inheritance for instance fall under religious matters. Secular laws however consider family issues to fall under their jurisdiction and thus incapable of understanding or responding to Muslims' concerns. The process of arbitration starts with the appointment by the arbiter (hakam or muhakkam) by the disputing parties. In the Shafi'i, Hanafi, and Hanbali schools, the appointment of the hakam could be revoked by either party to the dispute or by the hakam himself at any time before he announces his decision.[50] But according to some Maliki texts, the hakam's appointment was irrevocable from the time he was appointed.[51] Participants in my interview were all agreed that they preferred tahkim in all family conflicts, and only in the event of disagreement with the arbitration that they would resort to secular court for settlement. With regards to the binding nature of a judgment reached through tahkim, some Shafi'i scholars held that since tahkim is a purely conciliatory procedure, the final judgment had to be accepted by both parties before it becomes binding on them. Hanafi scholars on the other hand held that before the enforcement of a hakam's judgment, the judge must agree with it. Maliki and Hanbali schools were of the opinion that the decision of a hakam had the same legal status as a judge's judgment.[52] The issue of enforcement poses some problems for Muslims living in the West. The reason being that, tahkim arbitration in Islam takes a holistic and equitable approach which considers not only the disputants but also the community at large, whereas the secular laws consider the law aspect only which may not necessarily be equitable.

Another problem is that religious laws have no legally binding authority in the United States, except to the extent to which members of a particular religious community have bound themselves to the governing religious authority.[53] Also, in recent times, there have been attempts by several US state legislatures to limit the

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[50] S. George, op. cit., p.929.
[51] Ibid.
[52] Ibid., p.934.
[53] C. Brougher (2011) 'Application of Religious Law in U.S. Courts: Selected Legal Issues', a Congressional research report prepared for Congress by the CRS, R41824. Available: www.crs.gov [Accessed July 23, 2014].

consideration of Islamic religious law (sharia) or religious law generally, in domestic courts.[54] For instance, the Oklahoma voters have approved a state constitutional amendment that prohibited state courts from considering "sharia law," despite the fact that the Supreme Court has recognized that, churches and other religious institutions have a right under the Free Exercise Clause to address their internal matters independently and without interference from government institutions. But the amendment has not taken effect pending the outcome of a lawsuit challenging its constitutionality. Other states include Texas, Indiana, and Arizona.[55] Similarly in the United Kingdom, a campaign group, One Law for All, has supported the introduction of a Bill in the British parliament to curb the activities of shari'a councils.[56] Despite this unfounded fear and suspicion about the perceived takeover or threat of Islamic law, one of the participants expressed the view that Muslims must concentrate on having a binding arbitration that is made up of Muslim scholars or Muslim judges which the disputants must agree to before the conflict resolution begins. According to Jawhar Turman who was a former director of one of the Islamic Centers in Los Angeles and now a university Professor, the issue is very important especially with regards to 'distribution of property and divorce, specifically the issue of child custody.' He said if the couples decide to accept a binding tahkim, there is some purity and cleanness in it as opposed to being forced to accept arbitration by a state sponsored authority that is authorized to legislate for Muslims as it is done in some countries like England and Canada.

In answer to the question on how family disputes are settled through arbitration, JB said: Growing up, I was fortunate to have been raised in a family where you do not see family conflict. My dad and his wives usually hardly have any conflict. But when it happened, usually they turn to religious leaders or elders to settle it which usually does not last for more than a day or two, then it is resolved. Unfortunately, the desire to run to the court as opposed to turning to the religious leaders whether it is a church, synagogue or mosque leaders, or elders in the community, has placed a tremendous strain on the family here in the US. Therefore, issues that could have been resolved peacefully and amicably, turn out to be a fight between the husband

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[54] Ibid.

[55] Ibid.

[56] P. A. Shah (2013) 'In pursuit of the pagans: Muslim law in the English context', *The Journal of Legal Pluralism and Unofficial Law,* vol. 45, no. 1, pp.58-75. Available: http://www.tandfonline.com/loi/rjlp20 [accessed 25 July 2014].

and the wife, sometimes unnecessarily. Back home we do not have the temptation of going to court or some people outside of elders and religious leaders.

Theme 4: Islamic Law (Shari'a) and Conflict Resolution

There are two important aspects of Islamic Law which practicing Muslims always adhere to because Shari'a is considered a religious ideal which is beyond the comprehension of mortals. Firstly, it underscores the fallibility of all human judgments when measured against a divinely revealed standard, and secondly, it cautions believers not to act against their own conscience.[57] This is amply demonstrated by the Prophet when he said in one of his hadith:

> I am only a man, and when you come pleading before me, it may happen that one of you might be more eloquent in his pleadings and that as a result I adjudicate in his favor according to this speech. If it so happens and I give an advantage to one of you by granting him a thing which belongs to his opponent, he had better not take it because I would be giving him a portion of Hell.[58]

Prophet Muhammad (S) in his capacity as political and religious leader of the community applied tahkim to settle disputes by using not only the Islamic Law (Shariah) but also the Jewish law. It is reported in one adultery incident between a married Jewish couple. After hearing the case, the Prophet consulted some Jewish Rabbis about the Jewish law on adultery. Because Jewish law prescribed death by stoning, Prophet Muhammad administered the death sentence by stoning upon the couple.[59] Another example of the Prophet's arbitration (tahkim) took place much earlier in his life before he became Prophet when arbitrated among the most powerful tribes of Mecca, the Quraishites, on the reconstruction of the Kaabah. The conflict was about placing the Black Stone in the Kaabah. It was an honor which the clan disagreed among themselves as to who was qualified to execute. Muhammad intervened after five days of stalemate to broker peace. According to the story, he placed the stone on a piece of cloth and asked each clan chief to hold

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[57] S. George, op. cit., p.933.
[58] Imam Muslim, *Sahih Muslim,* Book # 018, Hadith # 4247 and # 4249. Available: www.searchtruth.com [accessed 20 July 2014].
[59] S. Özçelik, op. cit., p.8.

one edge and to lift the stone together while he himself placed the stone in its place which ended the conflict.[60]

Answering the question whether Islamic Law should play a role in conflict resolution, Jawhar Turman said: 'I think there is great potential for Islam to play a constructive role in trying to resolve dispute within the family, among different family members, and ethnic or different national origin. Yes, I think the spirit of reconciliation, and peacemaking which the Prophet exemplified, which the Qur'an emphasized should be considered.' He said though the Qur'an is a document with general principles when it comes to law, but in four cases (marriage, divorce, inheritance, and capital punishment), the Qur'an is very specific. The reason being that these are the things that can tear up the community, particularly divorce and inheritance where there is great contention. Further, Jawhar Turman explained that the Qur'an's injunctions on continuing family ties and not to break it (Q2:27), as well as remembering that in cases of divorce, couples should not forget the goodness that existed between them, must all be adhered to. On his part, Mustapha Kulungu agreed that Islamic Law should be the guiding principle when it comes to conflict resolution and any other aspect of a Muslim's life:

'Muslims must first apply the Islamic Law on individual basis by practicing it as much as possible.' To boost the success in family conflict resolution especially divorce cases, Kulungu advocated that, Islamic Law requiring 3 months of idda period for divorce be raised to 9 months. The couple must see a therapist/marriage counselor every 3 months to try and resolve the issue within 9 months. But if there is no success, then the original 3 months prescribed kicks in to make the whole process 12 months. In doing this, Kulungu added, perhaps Allah will change the couple's situation and make it better in line with Q65:1.

Another participant, Ibro Daifu said 'nothing makes a Muslim happier than the feeling that he or she is living their life in accordance with Islamic Law'. For him, most of the US laws have Christian undertones and you see Christians going to their pastors to resolve family conflict because they relate better with Christians. Muslims should also do likewise. In some cases like child support, Islam makes it clear that men should support their children in cases of divorce. Most of the respondents seem to be echoing the voice that Muslims need to be legally

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[60] Ibid.

integrated into the American life. In the United States, there are no sharia courts operating at this time, nor any standard procedures for dispute resolution among Muslims.[61] As pointed out earlier, it is mainly the imams and other participants who settle disputes on either case by case basis or when the need arises. The desire of some American Muslims and other Muslims living in non-Muslim countries like the United Kingdom is to have a mix of modern and Islamic law. Incidentally, readers will recall the heated debate which was generated in the United Kingdom in 2008 after Rowan Williams, the Archbishop of Canterbury, highlighted the question of Islamic law and the prospects for the recognition of a Muslim supplementary jurisdiction within English law.[62] Though in the United Kingdom, shari'a-based dispute resolution is widely practiced, the uproar of the Archbishop's remarks shows the pressure being brought to be on shari'a.

JB said: I believe that every community should be allowed to use whatever means that best suit the needs of that community to settle conflicts. I think for Muslims using the Islamic law to settle disputes enhances our understanding of each other, and a source of learning. For instance, if the Imam is settling a dispute, he is at the same time teaching people, the children, and family about religion. That education alone cannot be replaced by anything that the secular courts can offer. It is fair, it is constructive, it is educative, and it gives the understanding of who you are.

Sister NA said: Let us not worry about Islamic Law and conflict resolution but rather concentrate on being accepted as Muslims in the US especially our women who wear the hijab. As a woman, if you wear anything that is not supposed to be they give you that dirty look. Let us deal with that and then to the role of Islamic law after.

Theme 5: Interpretation of Islamic Sources

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[61] Pew Research Center (2013) 'Applying God's Law: Religious Courts and Mediation in the U.S.' Washington, DC: Pew Forum on Religion and Public Life. Available: http://www.pewforum.org/2013/04/08/applying-gods-law-religious-courts-and-mediation-in-the-us/ [accessed 26 July 2014].

[62] P. A. Shah, op. cit., p.60; In the province of Ontario, faith-based arbitration was recognized by the state until recently, according to A. Saris and J. Potvin, 'Sharia in Canada, Family Dispute Resolution among Muslim Minorities in the West: Analysis of a Case Study of Muslim Women, Religious Counselors and Civil Actors in Montreal'- Conference Proceedings, Mesa Conference in Montreal.
Available: www.brandeis.edu/hbi/gcrl/images/AnneSarisWP.pdf [accessed 26 July 2014].

A significant number of participants indicated that the interpretation of Islamic sources on family conflict resolution be done according to the Qur'an and Sunnah of the Prophet without getting tied to intricacies of any specific school of thought or any particular sect. They expressed the view that interpretation of Islam through madhab is a practice mainly practiced in their home countries and since this environment is neutral, certain interpretations from home countries may not be feasible here. Participants were very tolerant of each other to the extent that they hardly draw a line among various Muslim sects partly because most of them spent many years in the United States which is a melting pot of all cultures in which Muslims see themselves as one rather than as sects, or a subset of a set. Also, the conglomeration of Muslims from diverse backgrounds in one place where no sect dominates and makes rules allows Muslims to see that, there is really not much of a difference among the sects.

JB said: For all Muslims, the Qur'an is our book, it is our consultation, and should be our consultation. So in other words, whether you are Sufi, or Sunni, it does not matter. Belief is the same, we may worship differently. We all get our inspiration and direction from the Qur'an. So, I think to an extent, we should be allowed to use the Qur'an and the Sunna of the Prophet, to incorporate that within our lives in resolving conflicts.

Alfa Timbo stated that: Though I come from the village where Imam Malik School prevails, to tell you the truth, I do not like those things. I just want to say I am a Muslim, nothing else. I think we should just follow the rules of the Qur'an, the focus has to be Islam and not your sect…that is what is important to me. Timbo's wife, Miriam agrees and adds that there is no real reason why we should complicate things with various opinions instead of just going with the Qur'an.

Kulungu said: I do not belong to any particular madhab as an independent thinker. Though we do use them (madhab opinions) sometimes, I go with the view of imam Shafi'i, imam Shawkani and al-Shaybani, as well as all other great scholars…madhab is a combination of understanding. It will help a Muslim therapist to understand madhab concept since it will help them to approach things and resolve issues, though one interpretation that worked in one's home country may not work in the US. Understanding madhab is a key to help therapists to navigate counsel and offer help because Muslims come from various backgrounds.

Jawhar Turman said: My deep experience in the US is that very few Muslims identify very solidly with any particular madhab. They are just not educated about what a madhab is, what the rulings of the madhab are, and when they speak powerfully about a certain idea of how Islam should be practiced, they rely almost entirely or exclusively on how on how things are done back home. So it is not really a madhab, but imitation (taqlid), which is not necessarily jurisprudence (fiqh), but custom (urf).[63] People do not distinguish between culture and religion, it is all mixed together.

Turman adds that: For those kids growing up here who do not have the sense of back home, they do not have a strong sense of madhab. It creates a bit of confusion on the one hand, but on the other hand, it is almost like a clean slate and you can just say what makes the most sense. Not that they are doing their own interpretative judgment (ijtihad), but preference (ikhtiyar). Some say, I like this one better, some do the due diligence to say this one sounds better and provides the most evidence. I encourage the latter; I will tell you what different scholars say and why they say it, and then you decide based on what evidence.

Turman's explanation on taqlid, ikhtiyar, and ijtihad brings to the fore the challenges facing Muslims as they attempt to adjust and deal with the conflicting situations arising from their being subject to legal pluralism.[64] Despite the difficulties involved in such a venture, Muslims successfully respond to the changing social and cultural contexts and skillfully navigate and surf across these conflicting lifestyles, rules, norms, and laws.[65] According to Yilmaz, the tendency among Muslims for navigation within the unofficial madhab laws is growing in order to fit their beliefs to secular and modern environments.[66] If anything, such turn of events is signaling the dissolution of madhab boundaries and the leaning towards unification as pointed out by the participants. It is important to observe

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[63] For more on Custom, see M. H. Kamali (2003) *Principles of Islamic Jurisprudence*, 3rd ed., Cambridge: U. K. The Islamic Text Society, pp.369-383.

[64] I. Yilmaz, (2003) 'Muslim Alternative Dispute Resolution and Neo-Ijtihad in England', in *ALTERNATIVES: Turkish Journal of International Relations,* vol. 2, no. 1. Available: http://www.alternativesjournal.net/volume2/number1/yilmaz.htm [accessed 29 July 2014].

[65] Ibid.

[66] Ibid.

that differences of opinions in Islam are bliss[67] because it is not only beneficial but also shows flexibility of Islamic law.

Mualim said: I think the American court system can benefit from having qualified Muslims involved in the mediation process when it comes to family conflict resolution like divorce, inheritance, custody issues and so on. I think absolutely there is a benefit in that. But how you establish that system, obviously, will take some time to do. I think it is important for Muslims who want to live within the confines of Shari'a, if there is some type of mix or incorporation of Islamic civil laws at least on the personal issues in the court system, it will make all parties happy, and even the court system will benefit. I think at the very least, there should be a consultative body to what Muslims will bring to the court system to help families when they struggle with these matters.

Further, Mualim added: I think there should be an accredited body; it should not be an individual but a body of individuals, meaning, they are generally held to be authority figures on these particular issues in the general Muslim community. In other words, we have to use the mechanisms that are already in place like the Shura Council. If there are some Imams or scholars that come forward to serve in this capacity, and the rest of the body is fine with that, then I think they should be given that deference. When you do it in the manner of Shura, in other words, among a number of individuals and there is consultation among them, then you are always going to come to a correct opinion to what is right as opposed to people going to one end of the continuum or to the end of the other continuum.

4. Conclusion

The present findings suggest that family conflict resolution among Muslim immigrants of Southern California is heavily influenced by religious beliefs and practices with cultural undertones to (a) deal with problems in their relationships, (b) resolve family conflicts, (c) work towards reconciliation, and (d) find a way to incorporate Islamic law into family conflict resolution. These findings broaden our understanding of the experiences of Muslim families in dealing with family conflict. This is particularly useful because of the relative lack of research on the

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[67] For a detailed discussion and sources on this saying read; G. Fouad Haddad (n.d.) 'Ikhtilaf (differences) among the Madhabs in Islam'. Available: http://www.masud.co.uk/ISLAM/misc/ikhtilaf.htm [accessed 29 July 2014].

subject in the west coast of the United States. The results of the current study also confirm other research suggesting that religious beliefs, practice, commitments, and communities are not only important resources for conflict resolution, but are equally an integral part of Muslim life. Another contribution of this research is that it focused on lived experiences of diverse Muslims as opposed to sterile past researches which looked at particular ethnic groups of Muslims solely based on those immigrants' country of origin, sect, language-cultural group, or geographical location. Readers will be in a better position to understand and therefore feel more connected with Muslim immigrants beyond the casual and the stereo typical presentation, and representation by the media, or, the outdated available literature on Muslim immigrants of the United States.

These outcomes can bring awareness to counselors and Imams of diverse marital experiences and give them the guidelines of what constitute family success in minimizing family conflicts and strengthen the bond that exists between family and religion. In addition to suggesting avenues for further empirical investigation, several findings in the present study may inform non-Muslim family therapists on how to understand the background of their Muslim clients in order to provide them with adequate service. I must also emphasize here that studies of American Muslim family conflict resolution is integral to the growing effort to gain deeper understanding of the characteristics, strengths, and problem areas of the American Muslim community. Future research should further examine how to amalgamate the Islamic avenues for family conflict resolution and that of the local legal framework to ease the hardships faced by Muslims living in non-Muslim countries. After all, Islamic Law (Shari'a) can coexist within the bounds of any local legal frame.

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Glossary of Terms