

BOOK REVIEW

Cathie J. Witty. Mediation and Society: Conflict Management in Lebanon. New York, Academic Press, 1980.

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Mediation and Society is a detailed ethnography of dispute processing in a Lebanese village in the midst of major social change. As one of many excellent studies of village disputing in the Berkeley Village Law Project under Laura Nader's direction (see Nader and Todd 1978), it embodies many of the strengths and weaknesses of the dispute processing approach. Witty's book provides a fascinating description of the way individual actors pursue their grievances and the complex strategies they develop for various kinds of problems. As a group, the village law studies constitute a remarkable set of descriptions of disputing strategies in a wide range of social and cultural contexts. However, these studies do not lead readily to generalization or theory building: in the end, they provide a series of discrete reports of disputing. The problems lies not with the work of Witty or others of Nader's students, but with the dispute processing paradigm itself (see Rosen 1980; Kidder 1981).

Dispute processing views disputes as interpersonal rather than political events and focusses on the social structure surrounding the parties and their choice of forum rather than on the nature of decisions. This approach unveils the process of village law but not its substance or its institutional framework. Ideally, a focus on disputing behavior should be combined with an examination of the content of decisions, the political context and implications of disputes, and the interaction between shifting individual strategies of handling disputes, choice of forum, and changing local and national level political and legal institutions (see Merry 1982). Disputes then become a means of revealing social structure and the multiplicity of normative systems. Such an approach would wed the paradigm of dispute processing with that of legal pluralism. Witty's book adopts the dispute processing paradigm, but its data reveals the operation of a plural legal system and significant linkages between politics and disputing which stretch beyond that paradigm.

Chapters 2 through 6 describe a Lebanese village and its social structure, analyze general patterns of handling conflict, and illustrate these with ten specific disputes. The ethnography suggests several interesting points. First, although mediation is a common way of handling disputes, there seem to be two quite different kinds of mediation in this village as in the Middle East more generally: "First, there is a group mediation; the groups of mediators proceed

back and forth facilitating agreements in a process similar to that of the Ifugao go-between. Second, there is waasta, or intermediation, conducted by one individual (usually a patron, elite, or political broker) for the benefit of particular families under his allegiance" (p.7). There is clearly a wide range of third parties, from informal groups of male kinsmen to more formal officials such as the mayor to political brokers who have useful links to the national government and court system. The importance of political brokers, who are also crop buyers and people of influence used in grievances against the government or companies, reflects the shift away from an isolated rural hamlet.

A second important point in Mediation and Society is the role women play in handling disputes, particularly in a society in which only the men take a public role in disputing. Witty demonstrates clearly the separate and complementary spheres of power and influence of women and men and documents women's roles in investigating disputes and rebuilding social ties in ways which are separate from but parallel to those of men.

A third point which emerges clearly is the importance of village factionalism and politics to processes of disputing. Disputes blend into factional conflicts and the initial phases of lineage fission, suggesting that these are not analytically distinct phenomena. For example, some disputes erupt because they are a move in a political conflict, while others are pursued to gain political advantage. Some disputes reflect cleavages in kinship units which are in the process of dividing. The village is divided into two factions, each with its own mayor: one Christian and one Moslem. Because villagers are aware of this deep social cleavage and anxious to avoid a major confrontation which could divide the village, conflicts between these two groups are more likely to be handled informally. Both sides try to settle these conflicts without turning to the police and courts which might produce a win/lose decision and stir up hostilities which could split the village. Contrary to the general model of disputing, in which disputes with insiders are handled informally while those with outsiders end up in court, here the existence of a social division fosters mediation.

Fourth, the process of mediation appears to have two phases. There is initially a long period of informal discussion of facts, investigation, and questioning of witnesses along with private negotiations by leaders such as the mayors, male elders, and women's kinship and friendship networks. Then, if a settlement can be reached privately, a more formal meeting takes place to finalize and make public the settlement to which all have now agreed. Cases of "non-action" may be disputes stalled in such an initial phase (e.g., Yngvesson 1976).

Finally, Witty's study suggests that village life in Lebanon is far from isolated, and documents the impacts of the national economic and political system on village life. Many of the villagers depend on cash crops and wage labor, and disputing patterns reflect the im-

portance of the money economy. The vast majority of disputes are about property, and even those which are ostensibly about assault, injury, or slander appear to be rooted in property disputes (p. 77). The police and the courts are central actors in village disputing. Reporting an incident to the police escalates the dispute to the public arena and creates pressure to mediate, and may also provide a bargaining chip since the plaintiff can offer to drop his charges. The police seem to be very active in village disputing on their own initiative as well, and one is struck by the fact that in a village of 900 to 1200 inhabitants there are 8 police officers and a resident police chief. The police are roundly disliked, however, and there seems to be a strong interest in excluding them from disputes except on those occasions when they become pawns in larger disputing strategies.

In sum, the ethnography in Mediation and Society provides an interesting and provocative view of disputing in a village undergoing a capitalist economic transformation and becoming incorporated into a plural legal system.

The second purpose of the book is to construct a general theory of mediation and to show that mediation can "work" (although this is not defined) in American urban communities. Under the guise of presenting a general theory of mediation, Chapter 1 offers a series of principles of mediation, but it is not clear whether these are derived from the Lebanese material or from cross-cultural research, nor are they related to the rich ethnographic data of the book or the theoretical insights which, as I have shown, can be culled from the data. Chapter 7 offers a superficial, rosy description of an urban American mediation program, far less thorough than the material on Lebanon. It is argued that this program duplicates the Lebanese process of mediation. Witty claims that "the role and function of mediators in relation to the complainants are synonymous with those we saw in the Middle East, but they have been successfully transferred to the urban American setting" (p. 109).

However, the book does not address the interesting questions which the juxtaposition of these two studies invites. Is the process of mediation the same in these very different social settings? What aspects of structure and context are similar and which are different? Are the social conditions in which mediation occurs in Lebanon present in the American urban community? What is the impact of the major political, economic, and legal differences in the two societies on the mediation process? The village ethnography suggests that some disputes are more likely to be mediated than others, and this analysis could profitably be applied to the American setting. The description of the mediation program itself ignores many of the real difficulties in implementing this form of dispute settlement in American urban communities.

This book is an uneasy marriage between a high-quality ethnography of village disputing and a reformist plea for the use of "community mediation", a process which bears only limited resemblance to the phenomenon Witty describes in Lebanon and which is too little

analyzed here. However, the questions of comparison the book raises are important and worthy of further examination.

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