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The Education of Dispute Resolution in Al Jazeera Al Arabiya: A Case for a Culturally Engaging Pedagogy

Khadija El Alaoui [1], Maura A. E. Pilotti [1,*], Muamar Hasan Salameh [1] and Sukhsimranjit Singh [2]

[1] College of Science and Human Studies, Prince Mohammad Bin Fahd University, P.O. Box 1664, Al Khobar 31952, Saudi Arabia; lalaoui@pmu.edu.sa (K.E.A.); msalameh@pmu.edu.sa (M.H.S.)

[2] Straus Institute for Dispute Resolution, School of Law, Pepperdine University, 24255 Pacific Coast Highway, Malibu, CA 90263, USA; sukhsimranjit.singh@pepperdine.edu

* Correspondence: mpilotti@pmu.edu.sa

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Abstract: In law and business schools, culturally relevant/responsive curricula can aid students' academic success. In this paper, we examine the use of culturally responsive narratives to illustrate principles and practices of dispute resolution (mediation and arbitration) in the Middle East as distinct or similar to those prescribed under Common Law. Through narratives embedded in familiar historical and socio-cultural contexts, we argue that students of Middle Eastern descent can achieve a greater understanding and retention of the curriculum as it is translated from theory into practice, exercise critical thinking skills, and enhance their motivation to learn. Teaching that taps into a reservoir of knowledge within Middle Eastern communities can also become a transformative experience for students, since it not only recognizes their communities of origin as noteworthy, but also makes their socio-cultural identities a key ingredient of the instructional process. As evidence of methodological effectiveness, we examine students' reflections on the use of culturally familiar narratives to illustrate principles and practices of dispute resolution (mediation and arbitration) in the Middle East as distinct or similar to those adopted by the Western world.

Keywords: teaching; learning; dispute resolution; cultural diversity

1. Introduction

Teaching dispute resolution is not an easy task to do [1–5]. It is particularly challenging if students' socio-cultural and religious traditions invoke a distinct paradigm for dealing with disputes, and their habits of information acquisition and communication encourage replication by means of memorization and recitation, respectively. Consider, for instance, students of Middle Eastern descent either studying abroad or at local institutions with curricula borrowed from the Western world. If the curriculum emphasizes paradigms of dispute resolution (including arbitration and mediation) and cases shaped by foreign values and principles, and the pedagogy fosters students' preference for unambiguous information that can be easily memorized, a perfect storm will ensue. Namely, not only will students' belief that local paradigms are antiquated and less worthy of study take hold [6,7], but also their motivation to learn, understanding of the complexities of conflict resolution, and development of potentially useful analytical skills to address problems in a diverse world will be curtailed. We propose to add critical analyses of culturally relevant scenarios taken from the history of the Middle East to the array of techniques used to teach dispute resolution in law and business programs. It is argued that these educational materials can promote integration of novel concepts, and that integration can aid Middle Eastern students' learning in the following categories: Cognition (e.g., comprehension and retention of information), motivation (e.g., cognitive, affective, and behavioral engagement), and self-image (e.g., socio-cultural perception).

The rationale of our proposal involving teaching key concepts and principles of dispute resolution through culturally relevant curricula rests on a set of basic premises. First, the process of learning does not consist of passively adding recently acquired items of information to long-term memory. In fact, the actions of a student who is learning do not compare to those of a driver gingerly awaiting in his/her car while its tank is filled by a gas-station attendant. Newly acquired information needs to be actively integrated [8]. Conceptual integration is an active and effortful activity that relies heavily on the learner's contribution [9] and for which mere repeated exposure to a domain of knowledge during learning (e.g., listening to a lecture) is insufficient to create a network of stable representations and connections in long-term memory. Findings of cognitive science research [8,10,11] suggest that conceptual integration is essential to the preservation of newly acquired information in long-term memory, its retrieval when circumstances require, and analytical reasoning that relies and transforms such information [12,13]. Not surprisingly, in university classes, including those involving principles, rules, and cases of dispute resolution, knowledge acquisition is often perceived as demanding because learners must not only develop internal representations of a wealth of newly acquired information, but also understand how new representations are related to each other and to pre-existing knowledge in long-term memory [8].

Yet, learning habits that students of Middle Eastern descent have developed in their past may make them resistant to conceptual integration. In fact, the pedagogy of primary and secondary education tends to be teacher-centered, whereby teaching is predicated on lectures that merely illustrate concepts and facts, and learning is passive absorption of knowledge [14,15]. Students who possess this type of educational background are accustomed to being told precisely what to study, rely heavily on rote learning, and expect assessment to require the retrieval of memorized facts and concepts [16,17] rather than the application, analysis, and evaluation of acquired information [18]. Not surprisingly, a reproductive rather than constructive approach to information acquisition is a habit that shapes preferences. Namely, students prefer study materials with facts and concepts that can be easily memorized at study and retrieved verbatim in testing [16]. They tend to recoil from the ambiguity of active learning experiences where information is applied to the world beyond the classroom and critical thinking skills are exercised. These are the experiences that, at the very least, can promote long-term retention of the concepts that students so dutifully feel they have to memorize. They can also promote understanding and analytical thinking skills. Thus, students tend to shy away from the very pedagogy that would prepare them for the work that lies ahead after graduation. Content that reflects students' cultural and religious traditions is content that, at its basic level, is already part of their long-term memory, although further analysis and deeper understanding of familiar facts are desirable. Thus, links within recently acquired concepts and between such concepts and pre-existing knowledge can be easily developed, thereby improving comprehension and retention. Students' familiarity with the materials may also lessen their trepidation at the ambiguity of activities that implicate analytical thinking skills, and thus propel a constructive rather than reproductive approach to learning.

Second, teaching key concepts and principles through culturally relevant narratives may not only ease comprehension of key concepts and principles and support their retention [19,20], but also promote engagement, which is a key ingredient of academic achievement [21]. Engagement is defined by three dimensions [22] that encompass behavior, emotion, and cognition. Behavioral engagement refers to students' participation in learning activities (e.g., proper attendance, timely completion of homework, attention to in-class events, avoidance of disruptive behaviors, etc.). Emotional engagement refers to students' positive attitudes toward all aspects of their education (e.g., appreciation of materials and processes, a sense of belonging, and a feeling of being personally accepted and respected by others). Cognitive engagement refers to self-regulation of learning and use of meta-cognitive strategies. The content of culturally relevant narratives can increase students' participation in learning activities (behavioral engagement), their ability to better understand what they know and do not know in relation to the demands of the class they are attending (cognitive engagement), and positive attitudes towards its curriculum and instruction (emotional engagement).

Third, analysis of culturally appropriate historical narratives may lead students to the discovery of new facts or more details about known facts that illustrate one's heritage, thereby enriching their socio-cultural identity [23], as well as offering them the opportunity to articulate a professional competence that addresses the complexities of a diverse world with both a sense of pride for one's heritage and respect for the heritage of others [7,24]. Consider that the common educational experiences of Middle Eastern students are often those of a subaltern group who may have no choice except to learn about the dominant Western culture if they are to survive in their future professional roles. Not surprisingly, in everyday Arabic of the Gulf region, the term "*Khawājat* complex", which refers to internalized Eurocentrism, is often used to ironically describe the educational experiences and job prospects of young people in the Middle East.

According to intergroup theory [25], group identities influence conduct in professional settings. Thus, teaching key concepts and principles of dispute resolution through culturally relevant narratives can increase students' awareness of the extent to which cultural differences and similarities underlie expectations, norms, and assumptions about interpersonal relations. These differences are worth exploring, as they are the foundations of the effectiveness of dispute resolution approaches in a diverse world. In addition to cross-cultural competence, a deeper appreciation for one's socio-cultural identity in relation to others [23] may also result from such narratives. It is an identity that connects the self to positive regard for one's community, and by doing so, it promotes fellowship, a sense of belonging, and validates and affirms the self in the context of other socio-cultural identities.

Through examples that engage reflection, our main goal is to help students of Middle Eastern descent to integrate their cultural heritage into the learning process. The ancillary goal is to bring into the spotlight the rich reservoir of pedagogically useful historical anecdotes that come from local sources. In a world shaped by the forces of globalization, these materials can enrich the professional competence not only of Middle Eastern students, but also of students of different origins, as they suggest that fairness of curricular coverage does not equate to sameness of principles and practices. Of course, instructors who wish to use such narratives need to rely on an analytical framework that organizes their teaching. Within this framework, knowledge of the defining properties of dispute resolution in the Middle East is critical. Such properties are summarized in the next section under the assumption that both codified and uncodified tenets, shaped by history and religion, influence the behaviors of the parties involved in dispute resolutions [26]. Sample narratives, along with the tenets that they illustrate, are then presented to exemplify the process through which conceptual integration can be promoted both inside the classroom (through oral presentations and class discussions) and outside (through individual and group homework assignments). Because instructors are likely to have to deal with textbooks in which the Western perspective of dispute resolution dominates, the conceptual framework discussed below highlights the defining properties of the Middle Eastern perspective as well as briefly compares them to those of the West. It also implies that sample narratives are intended to be used as a launching pad for reflection, which is a form of problem solving that impels learners to higher levels of human cognition [27,28].

2. Middle Eastern and Western Perspectives of Dispute Resolution: Key Properties

"Dispute processes are in large part a reflection of the culture in which they are embedded; they are not an autonomous system that is predominantly the product of insulated specialists and experts" [29] (p. 2). It follows that Middle Eastern conceptions of interpersonal relations, including those embodied in informal social patterns as well as formal institutions, are bound to generate dispute resolution practices that are significantly different from those that are known in the West [26].

The Middle Eastern perspective of dispute resolution is based on Sharia Law [30,31], as defined by prophetic tradition (Quran and Sunnah), consensus of opinion (*ijma*), and reasoning by analogy (*qiyas*). According to Hallaq [32], in Islam, the legal and the moral spheres are not dichotomous concepts, but rather one and the same. Furthermore, "there can be no Islam nor any specific moral–legal culture outside of history, for it is history and its forces and circumstances that gave rise to this legal–moral

ethic that defined its identity" (p. 70). Not surprisingly, tribalism and tradition lend legitimacy to the exercise of dispute resolution [33]. One's family and tribe (i.e., extended family) are the basic units of organization and identity. Thus, social life is organized along family and tribal lines and adheres to tribal values and customs. People are expected to be loyal to their tribe, as their reputation and welfare depend on it. A sense of collective responsibility defines interpersonal relations, whereby the misdeed of a single person can lead to a tribal conflict, but may also prevent such a conflict if the implications of the misdeed for the communities involved are substantial. Thus, collective responsibility is a double-edged sword embedded in interpersonal relations defined by distinctive rituals of hospitality, honor, and the influence (*wasta*; as defined by the *Encyclopedia of Islam*) [34] of the elderly. For instance, since a man's word is his honor and he is bound by it, informal social patterns and formal institutions of conflict resolution overlap. Not surprisingly, in practice [30], there is not a clear distinction between mediation (*sulh*) and arbitration (*tahkim*). In Sharia Law, dispute resolution is a "moral and peaceful alternative undertaken by upright individuals in a society motivated by purely humanitarian principles to resolve differences between people" [30] (p. 380). *Tahkim* is a voluntary procedure in which the parties involved in a dispute consent to participate once a mutually-agreed-upon person is selected to act as the neutral third party, *hakam*. If a single person does not satisfy both parties, each side may appoint a *hakam*. The *hakam* is usually a person of considerable importance who possesses legal knowledge, but not necessarily a man of the legal profession, such as a *qadi* (judge). His primary duty is not to the disputing parties, but rather to Sharia Law, which embodies God's will, and to the Muslim community, which the law is intended to safeguard. The goal of *tahkim* is to propose an amicable settlement (*sulh*) by persuasion rather than by imposition of a decision on unwilling parties, as human judgment is considered fallible. The extent to which the fallibility of human judgment can challenge the principle of justice in the administration of Islamic jurisprudence has been highlighted by Prophet Mohammad, who famously said:

> *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 his 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.* [35] (4721)

Living in the society and communities of the disputants may aid the role of the third party, but can also complicate it, as justice is to be applied and forgiveness achieved within a network of social, economic, and moral ties that need to be maintained [32]. The prophet recognized the challenges of being the third party in dispute resolution proceedings in his statement that "anyone who is made a judge has surely been slaughtered without a knife" [36] (p. 7).

Cases of *tahkim* may originate from single individuals, but usually involve the clans/families to which the parties involved belong [37]. The working assumption is that grievances between individuals will aggravate and spread to their communities if they are not recognized, repaired, and forgiven. As customary, *tahkim* operates under the explicit authorization/consent of the disputing parties and includes men respected in their communities serving as the third party. These men may be members of a committee specifically devoted to resolving disputes that can disrupt communal life [37].

Disagreement exists among varied schools of jurisprudence (Hanafi, Hanbali, Maliki, and Shafi) regarding the parameters of applicability of *sulh*, which entails flexible, largely unstructured negotiations intended to persuade and convince disputants to settle, and trial by adjudication (*qada*), which entails the dichotomous decision imposed by a judge (*qadi*). The disagreement involves two values embodied by Sharia Law: (a) Forgiveness, which is the cornerstone of reconciliation, forbearance, as well as compromise, and (b) justice, which ensures fairness of the decision-making process and its outcome. Although it is desirable for the disputing parties to come to a mutual agreement, and thus forgive, some jurists argue that *sulh* is not permissible when the defendant admits the claim (Hanafi School), or when the defendant either denies the claim or remains silent (Shafi School). Most jurists of the Hanafi, Maliki, and Hanibali schools find it permissible when the defendant denies the claim. Similarly, they

find it permissible when the defendant remains silent (i.e., neither admits nor denies the claim), but rather agrees to compensate the plaintiff for the sake of ending the dispute. Shafi jurists forbid it under these circumstances. Thus, despite the virtues of *sulh*, in some cases, the formal, *qadi*'s truth-seeking and adjudication procedures are to be chosen to preserve people's right to justice and truth.

The Western legal perspective of dispute resolution, based on Common Law, envisions two parallel systems: One operating inside the court system with judges serving as arbiters who decide a dispute by relying on rules of substantive and procedural law, and one outside the system with mediators that decide *ex aequo et bono* (based on the principle of equity). According to Fuller [38], who purports a Western perspective, the objective of mediation is not making the parties involved aware of the social norms that apply to the situation they face and then ensuring conformity to such norms. That is the goal of arbitration. The objective of mediation is the creation of relevant norms. The role of the third party, serving as a mediator, is to gather information about the situation the conflicting parties face, foster the development of norms that can accommodate their interests, and ensure their acceptance. A mediator is not a judge or another entity who can order parties to conform to rules. He/she can merely suggest an agreement that must be acceptable to the parties involved. It follows that arbitration's goal is defined in the negative by what mediation does not intend to accomplish. According to this perspective, negotiation is the art or the science of exchanging information between two parties with the goal of coming to an agreement regarding a given issue [39,40]. If it is considered a separate means by which parties can resolve disputes, the main defining feature of negotiation compared with the other means is that negotiation is between two parties without the contribution of a third, neutral party. However, because exchange of information between parties is key to both mediation and arbitration, negotiation is also the necessary ingredient of both means of dispute resolution.

Conceptualizations of conflict resolution reflecting the Western and Middle Eastern perspectives may appear similar on the surface, but are intrinsically different in substance [41]. First, according to both perspectives, the process is voluntary and exercised though a neutral third party (a person or people). Although disputing parties voluntarily agree to participate, in Western dispute resolution, they cannot be forced into a settlement, whereas in *tahkim*, once they agree to participate, they are obliged to accept the settlement. Thus, the latter process is to a certain degree coercive, as rejection of the settlement by either party leads to loss of honor and respect within one's community. Second, both types of conflict resolution entail fact-finding activities, negotiation techniques, and a decision (settlement). However, in the West, the third party may set joint sessions where the disputing parties openly communicate their grievances, whereas in *tahkim,* the grievances of each party are heard by the *hakam* only. Third, in Western dispute resolution, the confidentiality of the disputing parties is protected. In *tahkim*, positive information can be revealed to the other party by the *hakam*, whereas negative information must be kept concealed to avoid fueling the fire of ill. Furthermore, the settlement can be submitted to a court of law, disclosing its content to others in separate proceedings. Fourth, the goal of both types of conflict resolution is to obtain a mutually acceptable settlement, but the *tahkim* goal is much broader, as it recognizes that injuries to individuals are injuries to communities, which need to be admitted, mended, forgiven, and transcended. Fifth, in the Middle East, the third party is usually a person who possesses high status and power, lives in the community of the disputants, and, thus, has prior knowledge of the events and people involved. Instead, in the West, he/she is a stranger to the disputants, either a low-power court official or a community volunteer. His/her task is to develop a coherent account of the dispute by gathering facts from unfamiliar individuals. Yet, the remoteness of the third party is valued in the West as impartiality, whereas in the Middle East is seen as a likely source of ineffectiveness.

3. The Pedagogy of Culturally Relevant Narratives

In this section, some examples of cases featured in historical accounts are selected to illustrate the principles upon which dispute resolution in the Middle East is conceived. The cases explored are by no means exhaustive of the rich tapestry of historical events narrated in the extant literature.

Furthermore, narratives are intentionally brief and meager in detail to challenge students to search for additional information regarding characters and situations. Our goal is to encourage students to contextualize events and thus deepen their understanding of dispute resolution in action. Each case is to be presented to students as a riddle to be uncovered by means of (a) library research (to gather information about the context in which the events narrated occurred, and (b) analytical thinking (to determine the central issues and extract the key principles that govern such events). Because its content is specifically crafted to support reflection, it lends itself to the class discussion method, which begins with students presenting a case that they have studied. In this setting, the instructor is tasked with asking key questions that not only facilitate exchanges of information with the rest of the class, but also allow all students to actively participate in the analysis of the case. Students learn to derive principles from concrete cases, practice information-gathering techniques through searching for reliable sources and responding to inquiries of classmates, and test their reasoning skills by applying the acquired principles to other cases. Thus, much of the learning rests on the fact-finding activities and analyses that students perform to prepare for class and on the exchanges during class discussions facilitated by the instructor [28].

One of the narratives that we like to use to introduce the selected instructional approach (i.e., case study method and related class discussion activity) to students illustrates the concept of neutrality pertaining to the third party (e.g., a judge) as well as the use of dispute resolution as an alternative to adjudication. The latter fosters a discussion of the extent to which Sharia jurists command that an attempt be made to reconcile the parties before an adjudication is made. It also illustrates that the dispute resolution process does not entail a predetermined set of stages to complete. It is a rather fluid process, since priority is given to people and their relationships. Thus, the third party can simply tell the disputants to negotiate by themselves [42].

> *The story that led to the resignation of Afeya bin Yazid bin Qays, a judge, started with two wealthy and prominent parties who chose him to adjudicate their quarrel. Both parties brought evidence to support their case. However, Afeya kept on sending them back, hoping they would reconcile. One of them knew of the judge's fondness for a special kind of dates. Thus, he brought dates to Afeya and gave his usher a tip to enter his quarters. Although Afeya refused the dates and fired the usher, he recognized that the event left a trace in his heart. He found himself leaning towards the party that attempted to bribe him. Thus, he decided to resign.* [43] (pp. 255–256)

Another narrative that can be used as a starting point stresses the fact that although dispute resolution based on amicable settlements (*sulh*) is preferred, it rests on willing parties. Adjudication, which may entail imposing a judgment on an unwilling party, is to be applied if an amicable settlement is deemed unfeasible. This narrative has the potential to entice students to explore the conditions under which adjudication, as opposed to dispute resolution, is employed according to the four Sharia Schools of jurisprudence and Common Law jurists. Differences in underlying principles and their relevance usually emerge from the discussion.

> *Two landowners disagreed on the use of a stream of water for irrigation. The plaintiff had the legal right to the exclusive use of the stream. Prophet Muhammad, serving as the third party, suggested that the defendant could use any excess water that the plaintiff did not need to irrigate his land. The defendant refused the proposed settlement and accused the Prophet of taking sides. Prophet Muhammad then adjudicated the use of the stream to the plaintiff based on his rights without any further discussion.* [44] (no. 871)

Other narratives may refer to famous historical events, thereby challenging students to see known materials with a fresh set of eyes. A case in point is the following narrative, which exemplifies several key principles of Sharia Law: First, only if the disputing parties agree will the third party have the power to suggest a resolution that is binding. Second, the status of the third party is critical for successful dispute resolution. Third, the goals of ensuring justice and achieving forgiveness are not in

opposition. *Sulh* relies on the just treatment of the parties involved. If the principle of justice is satisfied, forgiveness can also ensue. Fourth, preserving and protecting the honor of the parties involved and the unity of the collective are key to dispute resolution. Each of these principles can then lead to an in-depth analysis and discussion of the fundamental differences between Sharia and Common Law.

> *Five years before Muhammad was recognized as the prophet, a great flood in Mekkah swept towards Al-Kabah (i.e., the "House of God") and almost demolished it. Rebuilding the walls of the building was divided equally among the tribes. Work proceeded harmoniously until the time came to put the sacred black stone in its proper place. Then, discord broke out among the chiefs about the tribe who would have the honor of placing the stone back in its position. The oldest of the chiefs, Abu Omaiyah bin Mugheerah Al-Makhzumi, made a proposal that was accepted by all. Namely, the first person who entered Al-Kabah would be entrusted with the decision. Muhammad, who was known as "the trustworthy", was the first to enter. All agreed to abide by his decision. He found an expedient to eliminate any discord. He decided that a mantle be spread on the ground and that the stone be put in its center. Then, he asked a representative of each tribe to lift the stone all together. When the stone reached its proper place, Muhammad laid it in its proper place.* [45] (pp. 63–64)

Other narratives may highlight unique forms of compromise that are consistent with Sharia Law, but are entirely foreign to Common Law. For instance, the following narrative illustrates a case where *sulh* is not feasible. The defendant admits the claim but cannot satisfy the request of the plaintiff. A third party (e.g., a judge) intervenes by first collecting evidence regarding the case, an essential component of both adjudication and dispute resolution, and then generating a solution that is mutually convenient to both the plaintiff and the defendant. Thus, in this case, the lines that distinguish adjudication from arbitration and mediation are blurred to preserve the dignity and honor of the parties involved as well as to ensure fairness of judgment.

> *Abu Hurayra, a qadi, heard a man accuse another man of owing him money. Abu Hurayra asked the latter if it was true. Upon admitting to owing money, he was told to pay back the debt. The accused said he could not pay his debt because he did not have the money. Abu Hurayra asked the plaintiff and the defendant questions to determine the best course of action. For instance, he asked the plaintiff what he wanted given the fact that the defendant could not pay him back and whether the defendant had assets that could be used to repay the debt. The plaintiff wanted the defendant to be put in jail, as he did not have assets to pay. Abu Hurayra ordered the defendant to find work that would pay the debt and, at the same time, sustain himself and his family.* [36] (pp. 111–112)

4. Students' Views

To assess students' views of pedagogy applied to dispute resolution, students who had received formal instruction in arbitration and mediation, largely of foreign imports, were questioned. Responses were examined to determine whether students perceived the need for a culturally engaging pedagogy whereby not only foreign knowledge and practices, but also local ones would be considered.

Materials and Method. Twenty-three undergraduate pre-law students (age range: 18–24) answered questions from a brief structured interview protocol intended to assess their views of teaching dispute resolution as well as their knowledge of the subject matter. At the time of the interview, they were enrolled full-time at a private university located in the Eastern Province of the Kingdom of Saudi Arabia (KSA). The university offered a USA curriculum developed by the Texas International Education Consortium, in which English is the primary means of instruction. During the previous semester, students had enrolled in a law course in arbitration and mediation (required for graduation) and/or had participated in a workshop whose content focused on rules and modes of Western origin. Convenience sampling dictated inclusion. All participants had completed primary and secondary schooling in the KSA. To ensure that interviewees would feel at ease, two pre-law students were trained to conduct interviews in Arabic, English, or a mixture of the two languages, depending on the interviewees'

stated preferences. Interviewers and interviewees were all females. Due to gender-segregation rules, a comparable ensemble of male students was unattainable.

Results. The questions of the brief structured interview protocol are reported below, along with the students' answers.

If you were the instructor, how would you teach dispute resolution methods and principles? We thought that asking students to assume the role of instructor and then envision their own teaching of dispute resolution would propel a detailed analysis of their past educational experiences in this subject matter as well as consideration of alternatives, thereby exploring the strengths and weaknesses of different practices. In their responses, students mentioned the utility of past and recent examples of local import as demonstrations of methods and principles. Students spontaneously noted that their preferred mode of instruction would resemble that of the most respected instructors they encountered in their college courses. When probed, they described such instructors as those who "understood them"; namely, instructors that comprehended their modes of existence and used local cultural references to explain materials of the curriculum. Practical experience by means of either simulation or discussion of examples was deemed necessary for learners to understand principles and methods as well as to successfully apply any acquired knowledge to real-life situations.

One of the most relevant findings regarding students' views of teaching and learning of dispute resolution methods is that students expressed an appreciation for storytelling, seen as capable of fostering reflection and analytical thinking skills. In their appreciation for storytelling, they skillfully distinguished between contents (e.g., case studies seen as problems to analyze and as tools to use to derive or apply principles) and processes (e.g., class discussions and simulations). They mentioned contents and processes that they considered ideal not only for acquiring information and skills, but also for learning how to learn on their own.

In the extant literature, the case study method applied to culturally relevant contents and augmented with simulations and class discussions is seen as a powerful pedagogy for modeling and practicing analytical thinking [28,46,47]. The students that we interviewed appear to agree. As much as the scholars who appreciate it, they saw it as a tool for processing information through analysis, application, deduction, and induction. They saw it as a tool to gain practical experience and test different alternative solutions in a safe space where errors do not have major consequences (as they would in real life). Students admitted that the work accomplished on selected cases became relevant when extrapolation to other cases could be exercised. They also recognized that this pedagogical tool prioritized analysis over memory. As such, some noted that students who rely heavily on memorization might find the analysis of case studies challenging at first.

If you were the instructor, what dispute resolution methods and principles would you teach? When probed for the specific dispute resolution methods and principles they would teach, students offered broad topics. For instance, they mentioned confidentiality, the distinction between voluntary and mandatory proceedings, the difference between binding and non-binding agreements, and the relevance of a timeline. However, when they were specifically asked to explain the knowledge and skills they might need to possess for clients in the KSA and/or for clients in the western world (e.g., USA, UK, etc.), both similarities and dissimilarities emerged. Students listed communication (listening, speaking, and writing) and negotiation skills for both areas of the world. For KSA clients, students added knowledge of cultural traditions, religion, Sharia Law, and the tribal association of the disputants. They also mentioned patience, good temper, and ability to generate creative solutions. For USA clients, students cited observational and time-management skills, as well as knowledge of the law.

What is your opinion of dispute resolution matters and practices? Overall, respondents found dispute resolution matters intellectually stimulating because dispute resolution was seen as a problem-solving task that has ethical and social dimensions. They saw it as a task that not only forces people to consider several potential solutions, but can also bring people together by encouraging them to understand different cultural and religious backgrounds.

Do you think that learning about dispute resolution methods and principles can give you skills that will help you gain employment? If so, which are the dispute resolution methods or principles that may be relevant to future employment? Most respondents indicated that before completing a class dealing with arbitration and/or mediation and participating in a workshop on dispute resolution offered by the university, they were unsure of whether the class and/or the workshop in which they enrolled would be useful to their future profession as lawyers. Afterward, respondents recognized that knowledge and practice of dispute resolution methods would be useful, even though future employment might concern fields other than the legal profession. Several mentioned that although the curriculum to which they had been exposed was mostly of foreign import, the instructor's reliance on local and historical examples was deemed useful to acquire knowledge of key principles. Often, the students themselves offered such examples to clarify contents and prompt class discussion. Furthermore, they reported a desire for further practice with simulation and discussion of real cases, both of which were seen as necessary to be an effective practitioner.

In your experience of dispute resolution methods and principles, did you achieve what you had expected so far? Students noted their lack of or limited practical experience in dispute resolution cases. They often stated that they were contemplating internships and graduate programs in arbitration and mediation. Three students spontaneously reported their plans to enter a graduate program and pursue a career in either arbitration or mediation.

5. Conclusions

The utility of culturally relevant/responsive curricula accompanied by an active learning approach is supported by research findings from the multi-disciplinary field of cognitive science. Our goal in this paper was to illustrate how such findings, mostly obtained from the laboratory, can be applied to classrooms where dispute resolution is taught. Thus, culturally relevant narratives can be used to understand and appreciate a culture, as well as to practice valuable critical thinking skills. If deemed desirable, any acquired knowledge may be applied to simulations and field observations [1] to enhance retention in long-term memory and enrich depth of analysis.

Important to note here is that scholars are divided on the extent to which culture may impact dispute resolution. Avruch [48] argues that the cultural background of the parties involved markedly shapes the nature of dispute resolution and its success, whereas Burton [49] disagrees. Most concur, though, that the success of a dispute resolution intervention rests on acknowledging the needs, values, and expectations of the parties involved, all of which are shaped by cultural forces [41]. The dominant issue then becomes the identification of the dimensions or properties that not only distinguish one culture from another, but also define the human exchanges that are key to dispute resolution. Cohen [50] states that high-context cultures, such as those of the Arab world, emphasize relationships, personal interactions, and indirectness. As a result, Middle Eastern modes of conflict resolution are less formalized than those of the West. They are relationship-/group-oriented, heavily reliant on indirect communication, and thus more fluid and less linear in their constituent actions. Of course, this is not to say that interactions lack predictability, but rather that predictability relies on knowledge of the rules of conduct that define the social fabric of the collectives to which the disputants belong.

Culture matters as much as the practice of analytical thinking if education is to help students develop the necessary professional competence. Interestingly, one of the most important advantages of using culturally relevant/responsive curricula within an active learning approach is that the aims of students' inquiries are likely to increase in complexity as the semester progresses. Namely, such curricula (if properly used) are devices that trigger deeper analyses as practice accrues. For instance, once students have acquired a reasonable understanding of key principles, they may question the compatibility and the relative effectiveness of conflict resolution modes motivated by different cultural and/or religious traditions [51]. These issues have engaged scholars of jurisprudence and are those that can produce a professional competence suitable to a diverse and competitive world.

The evidence collected from our sample of Middle Eastern students indicates that although learning may occur through a variety of pedagogical methods, students' appreciation of analyses of case studies within a class discussion framework is palpable. Students may still find reiteration comforting for its lack of ambiguities, but they do not appear to fear much the ambiguities of case study analyses. The familiarity of the materials coupled with the fact that analyses are performed as group activities may provide the necessary comfort to students to propel them into uncharted territories without overwhelming trepidation. In addition, this pedagogical method may make students feel that they are learning how to learn on their own, thereby making their sense of independence an additional benefit. Future research will focus on disentangling these purported benefits along with measuring the potential performance benefits of the case study analysis as a class activity. Opinions are valuable, but performance benefits are also needed to fully assess the effectiveness of the proposed method. Yet, as McDade [28] (p. 10) has cleverly noted, "learning outcomes may not be easily evaluated by conventional testing but should be evaluated by testing the process of thinking".

Of course, the method that we propose is effortful and, at first, rather unfamiliar. According to Paul and Elder [52] (p. 1), human thinking "has been designed for routine, for habit, for automation and fixed procedure". Thus, if the human mind favors automaticity and speed (i.e., unreflective processing of information), how can one expect students to perform a task that is effortful and unfamiliar? Yet, it is important to recognize that learners actively process information in their environment, selecting some events for further processing, relating them to already known information in long-term memory, and then doing something as a result of that processing. One may argue that the degree to which effort is exercised may depend on whether, albeit effortful, the activity is motivated by one's interest in the outcome (e.g., the feeling that something relevant and useful is being learned and that a solution is about to be discovered), and by the fact that, as a group activity facilitated by the instructor, learning from case studies of familiar narratives appears easy. The human mind is equipped to appreciate the utility of activities that save time, ease learning, etc. It is also adaptive. As such, critical thinking activities devoted to problem-solving, which require learners to draw inferences, search for commonalities, conceptualize and re-conceptualize issues, reason by analogy, etc., can be seen as efficient and rewarding means to learn. With practice, both aspects of critical thinking activities will increase in value and may become habits [52] (2015).

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