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The Impact of Inter-Intra Clan Conflict on Women in Northern Israel’s Patriarchal Arab Community, and the Impact of Such Women on the Process and Outcome of the Sulha (Settlement) Dispute Resolution Process

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Abstract

Inter-clan conflicts within Northern Israel’s Arab community may pit dozens, hundreds, sometimes thousands of people against each other in revenge and counter-revenge cycles that can take years to resolve. Because disputants’ clans often live in close proximity to each other, third party interveners—Sulha (Settlement) Makers, mitigate against possible revenge attacks, sometimes command the extended family of the perceived perpetrator to leave their homes and move to another village or town. This exile (tarhil in Arabic) often impacts dozens of family members (mostly women and children), and can extend years, sometimes decades. Such enforced exile has a severe impact on the women (and other members) of the exiled family. In exile, such women and their families are torn away from their organic living environment; they and their children are often transplanted into an unwelcoming new setting where they have to reconstruct life almost from scratch. Furthermore, these very same women are excluded from any formal participation in the resolution of such conflicts which almost always occur through the Sulha, an inter-intra clan, customary justice application practiced, with variations, throughout the Muslim/Arab world. This paper uses interviews, literature, case studies, and analysis to locate and describe the ways in which inter-intra clan disputes impact women in Northern Israel’s Arab community, and then locates and describes the informal yet influential cultural and functional ways in which women impact the process and outcome of Sulha, during and after the conflict.

What is Sulha?

Sulha (reconciliation in Arabic) is a 1,600-year old, prevalent dispute resolution tradition, used primarily to facilitate inter and intra-clan (Hamula)\(^1\) dispute management/resolution within clan-based Arab and Muslim cultures throughout the

\(^{1}\) *Hamula* is the Arabic word for a clan, a prevalent functional unit in tribal Arab cultures, consisting of three to seven generations of one family related through the paternal line
Middle East and other regions (Othman, 2007). Sulha is practiced not only among Muslims, but also among and between Christian and Druze Arabs.

After a conflict erupts, the Sulha serves to facilitate the transformation of the attitudes of the disputants’ clan (particularly the victim’s clan) from a desire for revenge (with its potential implication of endless blood revenge-counter revenge cycles), to a willingness to forgive (Jabbour, 1993; F. Khneifess, Pers. Comm. June 14, 2009).

Whereas Western Alternative Dispute Resolution (ADR) diverged over the years into several approaches, central among which are mediation and arbitration (Barrett & Barrett, 2004; Abu-Nimer, 1996), Sulha employs a mix of mediation and arbitration approaches used interchangeably throughout the process.

In addition to its unique mediation-arbitration approach, the practice of Sulha informs our knowledge of Muslim and Middle Eastern conflict management in other areas such as confidentiality, neutrality, and venting—all practiced within the Sulha process in ways different from their practice in Western ADR (Pely, 2008).

The Patriarchal Context of Inter-Clan Dispute Resolution in Israel’s Arab Community

Israel’s Arab community (Muslims, Christians and Druze) are part of Arab culture. Their customs, including customary justice practices such as the Sulha, draw (with local variations) from the prevailing Arab culture of the Middle East (Abu-Nimer, 1996).

The cultures of the Middle East and much of the Arab and Muslim world are based primarily on patriarchal values and norms (Suad, 1996; Abu-Nimer, 1996). Although there is scant, uncorroborated evidence of women playing a formal role as mediators and in some instances in pre-Islamic Middle East (Smith, 1985), today the Sulha employs—at least formally—a strictly male cast: third-party interveners—a group of dignitaries who manage the Sulha process, who are called the Sulha Committee (Jaha in Arabic) and disputants’ representatives are all males, and only males are allowed to act as witnesses in front of the Jaha. The only formal access women have to the Jaha—and through it to the Sulha process—is through their agnate relatives (F. Khneifess, Pers. Comm. June 14, 2009).

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2 Mr. Farage Khneifess is Sulha maker (member of the Sulha Committee (Jaha) in the North of Israel). Semi-structured interviews with author took place on the following dates: July 24, 2007; June 14, 2009; and July 15, 2011, in Shefar’am, Israel. English transcript available.

3 Agnate is a relative whose relationship can be traced exclusively through males, (e.g., father, brother, son) (Merriam-Webster’s Dictionary).

4 Farage Kheifes changed his claim recently and is holding now that women are allowed to give formal testimony in front of the Jaha, but the author was unable to corroborate this claim.
Women may be excluded from formal participation in dispute resolution in the Middle East, yet disputes and their management and resolution impact their lives in many ways: their husbands and sons become potential targets of revenge killings; they (women and their families) are sometimes exiled from the conflict region—to help reduce friction—resulting in economic, social and cultural dislocation for them and their families.

There is evidence that the Sulha is a successful process (Gellman & Vuinovich, 2008; Lang, 2002; F. Khneifess, Pers. Comm. June 14, 2009). Yet, formally at least, the Sulha does not have any mechanism designed to accommodate the concerns of women. This paper locates and identifies the exact instances and mechanisms where women’s informal impact takes place, including pre-Sulha maneuvering, the selection of Sulha Committee members (Jaha), deliberations, outcome (formal agreement) and post-reconciliation (lathat, 2007; F. Khneifess, Pers. Comm. June 14, 2009; XXX, Pers. Comm. June 3, 2009), informing our knowledge of the interaction between formal and informal applications in traditional dispute management/resolution settings.

The terms “formal” and “informal” as used in this paper are researcher-generated, but are directly related to Jaha-associated definitions of “formal” and “informal” parts of the process. The term “formal” in the context of this paper, therefore, denotes those aspects and stages of the Sulha process that are prescribed by its practitioners as necessary for the application to be considered complete and binding, culturally and within Sharia (Islamic law). This includes all designated rituals, meetings and deliberations between the Jaha and the disputants’ representatives (e.g., the Sulha ceremony). Everything else is “informal” (e.g., communication of women with individual Jaha members—not with the Jaha as a formal body).

Relevant Literature

There is a significant amount of literature that examines various aspects of the lives of Arab women in Israel, including the duality of subordination and empowerment (Cohen & Savaya, 2003; Batrice, 2000; Ginat, 1982; Levy-Weiner, 2003; Gorkin, 1996; Hasan, 2002; Shalhoub-Kevorkian, 1999a, 2004; Shalhoub-Kevorkian & Erez, 2002; Ahmed-Kasem, 2002; Kanaan, 2002; Forte, 2001; Yahya-Younis, 2002; Abu-Baker, 2002; Erdreich & Rapoport, 2002; Erdreich, 2003; Herzog, 2004). These studies use different approaches, from comparison to Western feminist models, through cultural-relativistic approach, a linkage between familial, community and state patriarchal agencies of oppres-

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5 Because of a concern for the well being of some of people who agreed to discuss issues which are currently considered taboo in Israel’s Arab community (because they are perceived as challenges to patriarchy), the author uses several devices to preserve the anonymity of many of the interviewees, including the use of letters such as XXX and YYY to substitute for real names.
sion, and highlighting women’s “creative forms of resistance” (Sa’ar, 2006). Yet, none of the above examines the interaction between women and traditional dispute resolution processes in general or the agency of Sulha in particular.

It may be that literature examining the place of women in Sulha is sparse because literature examining Sulha in general is sparse and focuses mostly on comparison between Sulha and Western ADR (Abu-Nimer, 1993; Irani, 1999; Lang, 2002) or on other gender-related issues, such as “honor killings” (Hasan, 2002).

Elias J. Jabbour, a veteran Sulha practitioner from the town of Shefaamer in Northern Israel, includes a chapter (Chapter 6) titled: “Women in the Culture of Sulha: Arab Traditions and Values” in his book: Sulha—Palestinian Traditional Peacemaking Process. The chapter focuses on the general place of women in Arab culture. However, it does not contain a detailed examination and/or analysis of the way Sulha impacts women and the ways women interact with Sulha and impact it.

**The Impact of Inter-Clan Conflict on Women**

Disputes within Israel’s Arab community, particularly blood disputes (those involving death or severe injury), have a significant impact on the immediate and extended family of the perceived perpetrator. Inter-clan bonds and the traditions of dispute management in this region decree that the male members of the victim’s clan have a cultural obligation to restore the lost honor of their clan by avenging the death/injury of their clan member (Jabbour, 1993; Ginat, 1987). 6

Furthermore, the extended family of the perceived perpetrator (sometimes more than one nuclear family), including dozens of women and children are sometimes required to uproot in mass soon after the eruption of a conflict and go into a temporary, extended or even permanent exile, away from the victim’s family (I. M’bada, 2011, Pers. Comm. Nov. 13). 7

The authority to order such an exile is in the hands of the Sulha Committee (Jaha), a group of local and regional dignitaries entrusted in such cases with facilitating a reconciliation between (and within) disputing clans. They (the Jaha) decide to instruct an exile if they have reason to believe that the continuing presence of the perpetrator’s family in close proximity to the victim’s clan may result in attempted revenge attacks by members of the victim’s clan against the member of the perpetrator’s clan (F, Khneifes, 2011 Pers. Comm. July 15). The authority of the Jaha is informal, but it is rarely if at all rebuffed.

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6 Jabbour uses the term “Circles of Responsibility;” Ginat uses the term “co-liable.”

7 Based on the author’s semi-structured interview with Ibrahim M’bada Naum (Abu M’bada), Sulha maker (member of the Sulha Committee (Jaha) in the North of Israel). Interview took place on November 13, 2011, in Shefar’am, Israel. Transcript available in English.
In a clan-based rural culture, such as that of Northern Israel’s Arabs, in many cases, people live all their lives next to their kin group for generations, and lifelong social networks are a center of people’s economic, social and religious lives. Transplanting to a new environment represents, particularly for women, a major life-change, including loss of social network, and loss of mobility and economic well-being—since in many cases women are not allowed to leave the village to work in unfamiliar settings without an agnate relative’s escort. This life change is particularly significant for women, who shoulder a significant part of the burden of caring for the family’s children, elderly, health care, feeding, and many other family and clan-related activities, and rely heavily on social network’s support (Hertz-Lazarowitz & Shapira, 2005).

Impact of Conflict-Related Exile on Women—Case Studies

This section describes and analyzes two cases of extended family exile precipitated by inter-clan blood disputes. The cases highlight the disruption caused by the exile, as well as provide insight on the place of the exile in the resolution of disputes.

Case Study 1
In September 1975, an inter-clan dispute erupted between two feuding clans (Hamud and Rian) from the Arab village of Kabul in the North of Israel. The dispute started when a member of the Hamud clan (Muslim Arabs) murdered three members of the Rian clan (Muslim Arabs).

In an attempt to preempt revenge killings, the Sulha Committee ordered the immediate exile of the killer’s extended family (about 40 people, mostly women and children). The family moved to the village of Kafar Manda, about 15 kilometers (10 miles) from Kabul. The exiled family lived in Kfar Manda for 33 years, until the conflict between the two clans was resolved in 2008.

For 30 years, the Rian clan refused any attempts at mediation, and refused all offers of temporary ceasefire. And indeed, in 2005, one of the murdered men’s sons (Wallid Rian, who was two years old when the dispute erupted and his father was killed), retaliated by killing the head of the Hamud clan (who was rumored to have been actively involved in the killing of the Riam men 30 y years earlier). Wallid was consequently sentenced to 18 years imprisonment, but his act created a “balance” of sorts, which energized efforts for inter-clan reconciliation and a reconciliation agreement was reached in 2008.

Following the resolution of the conflict, and as part of the reconciliation agreement, the exiled Hamud family was allowed to return to their home villages.

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8 The family’s children are also significantly impacted, but this is not the focus of this paper.
and resume life across the street from the Rian clan.9 Some of the Hamud family actually remained in Kafar Manda, having settled there over the 30-year exile, when they purchased land, started local businesses and even intermarried into local families.10

Farage Khneifess, a member of the Sulha Committee, who remembered this dispute in detail, stressed that as a rule, the Sulha Committee does not ever force the exile of women and children; yet he conceded that “if men leave, women and children will follow as a matter of course, so the end result is the exile of women and children as well as men.”

Forced exile, along with the rigidly enforced modesty codes that severely limit the mobility and economic independence of women (Antoun, 1968) disrupt essential mutual assistance links (women from neighboring and friendly families) and inter-family links between women relatives (mother, sister, aunt),11 by reducing and limiting the number of people (women) that exiled women can interact with and expect to receive assistance from. The resultant impact on the women of the exiled family is probably more pronounced in the short term, when the impact is economic and social. After all, a whole family finds itself, sometimes overnight, cast into a situation that requires them (mostly the family’s women) to manage the family’s affairs in a new, unfamiliar, sometimes even marginally hostile location. Also, the fact that the exiled family’s children usually stop going to school, at least for a while (through a combination of administrative hurdles and resultant exile-related trauma), increases the burden on the women of the family, who are solely responsible for the care of children (F. Khneifes, 2011, Pers. Comm. July 15). In the long run, it is reasonable to assume that the at least some members of exiled families gradually integrate into the host community; the children start going to school eventually (though it may take months), the women create a new social network or integrate into existing ones in the new location, and economically dislocated family members find new revenue generating sources in the new place, reducing the economic hardship (I. M’bada, Pers. Comm. Nov. 13 (2011); F. Khneifes, Pers. Comm. July 15 (2011)).

Case Study 2
On July 20, 2007, the Sulha Committee instructed Rym Mousa, along with 70 family members, including 53 children under the age of 18, and nine women, to leave their home village of Dir Al Asad, in the North of Israel. The order came two days after two members of the Mousa clan were detained by police on suspi-

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9 http://www.ynet.co.il/articles/0,7340,L-3532749,00.html (Hebrew)
11 Samira Haj (Haj, 1992) writes about women in Arab rural settlements that: “Female relatives such as mother, sister, and aunt continue to serve as a backup resource to share household tasks, especially the care of preschool children.” This describes the situation in non-exile circumstances. Of course, once part of the family moves away, such backup services are denied.
cion of killing Amar Al Indi (age 35). Rym is the wife of one of eight male members of the Mousa clan who were ordered into exile. Since then, the exiled family has been living in rented accommodation in the nearby Arab town of Sachnin and other villages in the area.  

The forced exile resulted in the removal of several dozen children from their schools. The kids remained at home with their mothers.  

This case exemplifies the extended impact of the forced exile on the exiled women. There is direct impact when these women are removed from their homes; their daily routine is disrupted, as they are disconnected from the network of family and friends that they lived with, and are cast into an isolated setting, where they have little or no social contacts, and are sometimes looked upon as "relatives of criminals" (F. Khneifes, 2011, Pers. Comm. July 15). Those women, some of whom, before the exile, worked outside their homes, helping with the family's finances, lose their workplace in many cases because the increased distance prevents them from continuing to work.  

It is no wonder, therefore, that women are resentful of the forced exile practice. Rym said in an interview with an Israeli newspaper: "We understand the pain of the murdered man's mother. He's her only child. But why do we have to pay for this by being exiled from our homes? I don't understand the logic of this."

This is the first time that women came out publically, using a national media platform (the country's largest newspaper) to voice opposition to the practice of forced exile. In the context of the strictly patriarchal practices of Israel's rural Arab community, this is quite a daring and unusual move, and if it repeats itself (women voicing public opposition to exile) it will require the attention of the patriarchal leadership, both in the Arab communities and from the Sulha Committee.  

Yet, measured against the threat of a retaliatory revenge attack by the victim's family, it is likely that the practice will continue, though, Sulha practitioners are said to "do their best to avoid sending families into exile" (F. Khneifes, 2011, Pers. Comm. July 15).  

This conflict was resolved in July 2011; yet, according to the Sulha agreement, the exiled part of the Mousa clan must remain in exile in the town of Sachnin until the summer of 2016, when they will be allowed to return to Dir Al Assad.

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12 http://www.haaretz.co.il/misc/1.1552170 (Hebrew).
13 http://www.haaretz.co.il/misc/1.1552170 (Hebrew)
The Impact of Women on Inter-Clan Dispute Resolution (Sulha)

This section describes and analyzes the influence of women on the process of Sulha, the customary path to inter-clan dispute resolution. An analysis of the presence and influence of women within the Sulha process demonstrates that despite the informal nature of the influence of women (only men are allowed to formally participate in the Sulha process), the women’s influence on the process and its outcome is significant and material.

Women’s Influence on Pre-Sulha Stages

Multiple interviews with women involved in Sulha situations provide evidence of their involvement with Sulha as early as the pre-deliberation stages. The involvement takes place in several areas including:

1) Venting (mostly on the victim’s family side)
2) Decision on the makeup of the Jaha
3) Agreement to start the formal Sulha process, by agreeing to Atwa and Hodna (a token of goodwill, and a ceasefire, conversely)
4) Financing the process

*Venting*

Venting is, apparently, a necessary condition to enable the victim’s family to subscribe to a non-violent attempt at dispute resolution—and women are the main participants in this stage. Elias Jabbour writes about it (Jabbour, 1993: 47): “Grief work, in many cases, must be enabled by the Jaha to make way for peace” (page number).

Women from the victim’s family get a chance to vent their (and their family’s) anger, frustration and sense of humiliation, as part in this pre-Sulha stage. This is the first contact between the victim’s family and the dignitaries who represent what may later become the formal Sulha Committee (Jaha).

This is the only part of the Sulha where women’s participation is recognized (even somewhat encouraged).

After the offender’s family representatives sign the Tafwith (authorization) document, authorizing the initiation of the Sulha process, and requesting the Jaha to contact the victim’s side. The dignitaries approach for the first time the victim’s family. They stand at the doorway and say, “We were sent and are authorized as Jaha by the killer’s family, and we invite you to consider us” (Jabbour, 1993). It is important to note that the Sulha makers are not using direct authority, and in no way try to imply that they are instructing the victim’s family to join the Sulha process. On the contrary, the Sulha makers mask their cultural authority, and elevated social position under a narrative of uncommon politeness. This posture is designed to increase the victim’s family confidence, enhance their sense of
respect and control, reduce their sense of helplessness, and ultimately channel them, with ample cultural support, away from the instinctive, and immediate urge to avenge, and into the option of conciliation and ultimate forgiveness—something that is almost unthinkable at this stage.

At this preliminary point, occasionally, the women and youngsters of the victim’s family may be allowed to vent their frustration on the (male) dignitaries of the Jaha by abusing them verbally, sometimes in quite an aggressive manner. This is a behavior that goes well beyond all accepted norms in a strict patriarchal environment in general, and in connection with the Sulha in particular. This extraordinary deviation from the norm provides the victim’s family with a significant (and public) outlet for their rage, together with an acknowledgment of their suffering, and sympathy with their need to recover their lost honor (Lang, 2002).

**Determining the Jaha’s Makeup**

Deciding on the makeup of the Jaha is a process that includes ritualistic elements and behind-the-scene negotiations and bargaining. At this stage of the Sulha, the women’s participation moves to the background, where it will stay for the duration of the process.

The Jaha draws its power and authority primarily from the status of its members within the community at large, and with the disputants’ families in particular. Also, as described above, the Jaha never acts without the explicit formal authorization of all the disputants. The role of the interveners is to navigate the demanding transformative path of moving the disputants from pure desire to avenge, to a non-belligerence stance, and finally to a formalized agreement to forgive.

The makeup of the Jaha changes from case to case. The number of Jaha members can be from one to “about 20” (Jabbour, 1993). The aspiration is to avoid a top-heavy committee, but to include in it a number of members that reflects the will of the disputants’ families, and may consequently be able (large enough in number and significant enough in social standing) to leverage that position to move the disputants toward a solution.

While the offender’s and victim’s families are not allowed to stipulate conditions for the operation of the Jaha, they have some input regarding its makeup. For example, the disputants can veto the participation of individual Jaha members (F. Khneifess 2007, Pers. Comm. 24 July; M. Abu Saaluk 2007, Pers. Comm. 12 July).

Women, at this stage, stay in their homes. Their husbands, brothers, and uncles represent the entire family. They negotiate with the (temporary) Jaha, and report to their respective clan about the proposed makeup of the (permanent)

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14 Based on semi-structured interview with Sheikh Mahmud Abu saaluk, a long-time Sulha Maker.
Jaha. On occasion, a woman objects to a proposed Jaha member, because of past conflicts, because she thinks that the particular person is negatively disposed toward the family, hamula, or the family's religion (Jaha members tend to be from more than one religious origin). If a woman succeeds in convincing her male relatives of the need to exclude and/or include a specific Jaha member in the group, they (the men) will return to the dignitaries and convey the point, either disclosing the women’s objections or (more likely) presenting the objections as their own. At this preliminary stage, the Jaha tends to accept such objections. Sulha makers interviewed for this paper indicated that in many cases women play an active role in determining the composition of the Jaha. “Without the tacit agreement of women-folk, no Jaha will start operating,” said one Sulha maker (Anonymous, Pers. Comm. June 8, (2009),). There is an admission here of the centrality of women to the process (despite their formal exclusion), and also of the fact that both the community’s men-folk and the members of the Jaha recognize this centrality and accommodate it (though informally and anonymously). We will see later, in the responses to the questionnaire, that both men and women are quite aware of women’s informal role in Sulha.

**Entering the Hodna (Ceasefire Agreement)**

Testimonies from Sulha makers indicate that in many cases, the women of the victim’s family argue forcefully with their male relatives to postpone agreement to initiate a ceasefire agreement (*Hodna*). The women are said to do so in part for emotional reasons when they feel unable to accept a formal—though temporary—abdication of right to avenge the dishonor and the loss of life (of a son or a husband, in some cases). There is also a practical aspect to the pressure exerted by the victim’s family to postpone agreement to the initiation of a Hodna: it denies the offender the opportunity to appear in court, claim that a Sulha process is ongoing, and that there is no further cause to hold him in detention. This is because Israeli law obliges the court to examine substitutes to jail detention (e.g., house arrest), if it is possible to determine that the offender is not a danger to himself or to other people. The initiation of a Hodna process can be used by a defendant to argue persuasively in court that there is no cause for detention (Pely, 2008). While men tend to see this as part of the ongoing reconciliation process, women are said (by men mostly, but also by some women) to have greater difficulty accepting the fact that the offender will not remain under lock and key for the duration of his (state-initiated) trial and for the duration of the Sulha process (Khneifess, Pers. Comm. July 24, (2007)).
Financing the Atwa (Token of Good Will)

Sometimes, the men-folk of the offender’s family are temporarily or chronically unemployed (unemployment in Israel’s Arab sector is very high at approximately 40%). In such cases, it often falls to the women of the family to go out to bring the funds required for the Atwa (token of good will)—a payment by the offender’s family, designed to symbolize an assumption of responsibility on their part, and to ensure their cooperation with the Jaha’s work and verdict (F. Khneifess 2009, Pers. Comm. 14 June; XXX 2009, Pers. Comm. 3 June).

Women’s Influence on Sulha Deliberations

Throughout the deliberations of the Sulha Committee, women have no formal access to it, and no formal influence on the process. Women, including mothers and wives of victims or offenders, and of course female witnesses to the events, are not eligible to testify formally in front of the Jaha, and are not allowed to participate in the meetings with the Jaha, as members of the disputant’s family group.

Yet, women apparently participate in Sulha deliberations informally. In an interview with Farage Khneifes, a Jaha member from the town of Shefaamer, near Nazareth, Khneifess indicated that women are often involved indirectly: “The male members go home, and come back to us the next day with a completely different idea or attitude, and we know that they had a discussion with their wives, and are now actually representing them in the discussion.” He added: “Of course, a man would never admit that the idea is not his but his wife’s, but we can already distinguish between them” (F. Khneifess, Pers. Comm. June 14, 2009).

XXX, the mother of a perpetrator, said in an interview that she received no information about the Sulha process from her husband (who was part of the family’s delegation), but that she regularly contacted members of the Jaha, mostly at night, and that she heard from them about the evolution of the process. A member of the Jaha that conducted the Sulha, in which the woman’s son was involved, corroborated the evidence. He also indicated that this is not a unique instance of informal contact between women-folk and members of the Jaha.

So it appears that in some cases women and Jaha members communicate informally throughout the process—mostly when and where women press for such communication.

Such input allows women to convey their attitudes and desires to the Jaha, and even (as we shall see below) exert some influence over the process of the

15 XXX is the mother of a person considered (and judged in formal court) to be responsible for the killing of another person. Therefore, she belongs to the perpetrator’s clan.
Sulha (through the Jaha member they are in contact with), without breaking any taboos.

**Women’s Influence on Sulha Agreements**

After hearing the disputants and consulting extensively with them, interviewing all the available witnesses (male only), and discussing the subject at length, examining precedence, Sharia (Islamic law), and the unique aspects of the case on hand, the Jaha finally nears the end of its deliberative stage. The end product of the entire process is the Sulha Agreement, a concise and ritualistic document that encapsulates tradition, reality, economics, emotions and, most of all, a view to the future.

Women are formally excluded from participation in the composition of the Sulha Agreement as well. But informally, it turns out from information gathered from women, men and Jaha members, women make a significant contribution into the crafting (and later also the execution) of the Sulha Agreement.

Fairouz Yassin from the village of Arabe, a university-educated accountant (Muslim), and member of the board of the city of Acre Women’s Association Pedagogical Center, described a dispute she was familiar with, between two parts of the same family. The dispute involved a cousin murdering his uncle during a property-related argument. Since both families lived literally in the same building (a recurring situation in Israel’s Arab community), the Jaha instructed the alleged murderer’s family to leave the village immediately and take up residence in another village.

Through male relatives, the widow of the victim conveyed to the Jaha that she would not accept any Sulha Agreement that allowed the murderer’s family to return to the village—ever. Her argument was that the presence of the murderer’s family in close proximity to hers would both remind her forever of her misfortune, and also serve as a constant irritant to her children as they grew up, perhaps even leading to an attempt at revenge.

The Jaha agreed (informally, of course, since doing so formally would erode its position significantly), and instructed the murderer’s family to relocate permanently to another village (F. Yassin 2009, Pers. Comm. 5 June).

Here we have an indirect, yet significant influence of a woman on the Sulha’s resultant agreement. Although the Jaha did not hear the widow directly, her representation by her male relatives was sufficient in this case. It is worth noting that the widow’s male relatives most probably supported her position. Often, male relatives are reluctant to appear to be compromising their dominant posture by allowing any input by women-folk, or “complicating” the pending agreement. Had they not supported the woman’s position, there would have been no reason for them to represent her conditions to the Jaha and to negotiate successfully for the acceptance of these conditions.
Also, it is important to note that exile is a tool used sparingly by the Jaha, and permanent exile is used even less often.

Farage Khneifes, a veteran Sulha maker, described a situation where the Jaha initiated an indirect, and informal consultation with the widow of the victim, in order, as he put it: “to make sure that her sons do not grow up feeding on her resentment and hiring an assassin as soon as they are of an age and have the money to do so” (F. Khneifess 2009, Pers. Comm. 14 June). In practice, what took place, according to Khneifes, is that the Jaha consulted a male relative of the widow regarding the evolving format of the agreement. Only after the widow reportedly gave her blessing to the tentative agreement, the Jaha proceeded to make it final.

Women’s Influence on Post-Sulha Inter/Intra Communal Reconciliation

Apart from the pre-Sulha venting stage, the only other stage where women have a formally accepted role in Sulha is in the post-Sulha reconciliation stage. After a Sulha Agreement and ceremony, it is time for the disputants’ families to start reconstructing the fabric of cooperation and neighborliness that may have existed before the dispute. This is a crucial element in the lives of many Arab communities, who live in crowded, sometimes isolated conditions, and must be able to reconstruct their communal relations if they want to successfully cohabit following a dispute (F. Khneifess 2009, Pers. Comm. 14 June; Jabbour, 1993).

For women, the centers of their social network are their respective homes, homes of female blood relatives (e.g., sisters) who may sometimes be married into the disputant’s family, and the homes of other female relatives and friends, who may be associated (through blood, friendship or marriage relations) with the disputant’s family. Women are expected to use these social networks to establish a healing process between the disputant families, first through small-scale meetings of female members, bringing their children along to start socializing again with the “other side.” Later on, such social interactions are expected to expand to larger meetings, including men, at celebrations, ritual meals and other traditional and family-related events (e.g., religious feasts, ceremonies to celebrate the birth of a new family member).

There is an interesting paradox here between the insistence of many Sulha makers that women act, almost always, as obstacles to reconciliation because of their “emotional” attitudes, and their (the women’s) desire to see the family of the perpetrator suffer the consequences of the deed, and the reliance of the same Sulha makers (and the community at large) on women when it comes to re-establishing inter, and intra-hamuli relations following a Sulha Agreement. A possible explanation is the need to reconcile patriarchal taboos with communal realities. The “disruption” narrative supports the former, while the recruitment of women for post-Sulha reconciliation reflects the later need.
Conclusions

The case studies describing the post-dispute exile of extended families from their homes demonstrated the negative impact of this process on families in general and on the women of these families in particular. Such dislocations obviously have a psychological, economic, and social impact on the affected women as well as on the entire family group. Indeed, there are nascent signs of unwillingness by women to silently accept such broad edicts. It is doubtful that opposition by women to forced exile will bear fruit, but in a strict patriarchal society, even the fact that women are voicing their opposition publically is significant. As we have seen, Sulha makers are conscience of the disruption caused by exile and in view of the public opposition to it by women, and may exercise more restraint before imposing exile, though it is clear that the practice will not stop in the foreseeable future.

An examination of women’s role within the Sulha’s specific stages demonstrated that women’s informal participation and influence extends throughout the process, from the pre-Sulha stage of venting, through influence on the determination of the makeup of the Sulha Committee, to behind-the-scenes involvement in the deliberation, testimony giving stage, on through influencing the evolving Sulha Agreement, and culminating with the important task of assisting the disputant families heal the rift, following the formal reconciliation and the Sulha ceremony.

This paper demonstrates that despite the fact that women are formally excluded from most parts of the Sulha dispute resolution process, they actually participate in each part of the tradition informally but significantly.

This analysis informs both our specific understanding of the Sulha, and our familiarity with possible interactions between formal and informal applications in traditional dispute management/resolution settings. Furthermore, it sheds light on an apparent gender-based “iceberg” characteristic of the Sulha, where the visible—men-only—part resides on top of a “sunken,” invisible, unacknowledged formally, yet active, integral and relevant, participation of women in the process.

Such insight may indicate that in the examination of traditional dispute resolution processes (particularly, but not only in strict patriarchal settings), their outcome and post-resolution evolution, it may be relevant for the observer to seek an understanding of the “invisible” (informal) impact of women, in addition to locating and analyzing the formal, male-only segment of the practice.

16 http://www.haaretz.co.il/misc/1.1552170 (Hebrew)
References


Khneifess, F (June 14, 2009). Personal communication.


