

## THE “HONOR” KILLING PROBLEM IN ARAB-ISRAEL COMMUNITIES: A CASE FOR *SULHA*

### INTRODUCTION

In 2005, the body of Samar Hasson, a single woman from a Druze family in Shfar'am, an ancient city in the hills of Northern Israel, was found hanging from an olive tree.<sup>1</sup> Her crime: dating the wrong man. Her father, the patriarch of a large, conservative family, had forbidden her to see a young Muslim from a neighboring village, because the latter came from a non-Druze family.<sup>2</sup> But, the lovers did not comply—and their intransigence brought shame on the entire community.<sup>3</sup> So, to restore the Hasson clan's honor, Samar was promptly executed.<sup>4</sup>

Samar's murder exemplifies the problem of the “honor” killing in certain Arab communities<sup>5</sup> in Israel.<sup>6</sup> An honor killing is typically committed against a girl or woman

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<sup>1</sup> Larry Derfner, *Family, Honor, Killing*, JERUSALEM POST, Dec. 16, 2005.

<sup>2</sup> *Id.*

<sup>3</sup> Jack Khoury, *Shfaram Councillor Investigated for Incitement to Violence*, HAARETZ, Apr. 6, 2006.

<sup>4</sup> *Id.* Allegedly, it was Samar's very own father and uncle who kidnapped, strangled, and left her to die in a nearby olive grove. Fadi Eyadat, *Shfaram Man Sentenced to Life in Prison for 'Honor Killing' of Niece*, HAARETZ, Apr. 30, 2007.

<sup>5</sup> “Certain Arab communities” refers to those Arab communities within the State of Israel (excluding the West Bank and Gaza) that have experienced honor killings. Precise statistics on the number and location of honor killings in Israel do not exist, *see infra* note 12, but it has been enough of a problem among Arab communities that Ahmed Tibi, an Arab member of Israel's Knesset (Parliament), proposed a legislative bill in late 2010 to put an end to the public use of the term “honor killing.” Jonathan Lis, *Israel Arab MK: No Murders Should Ever Be Called 'Honor Killing'*, HAARETZ, Nov. 10, 2010. In proposing the bill, Tibi said, “the murder of women is a condemnable, vile, chauvinistic, and primitive act that should be decried, and we shouldn't use positive sayings to describe it.” *Id.*

<sup>6</sup> While this paper discusses honor killings in the context of Arab-Israelis, the practice is not confined to Arab and/or Muslim culture; it cuts across cultures and religions. Reports submitted to the United Nations Commission on Human Rights show that honor killings have occurred in Bangladesh, Great Britain, Brazil, Ecuador, Egypt, India, Israel, Italy, Jordan, Pakistan, Morocco, Sweden, Turkey, and Uganda. Hillary Mayell, *Thousands of Women Killed for Family 'Honor'*, NAT'L GEOGRAPHIC NEWS, Feb. 12, 2002. *See generally* DAVID GHANIM, GENDER AND VIOLENCE IN THE MIDDLE EAST 39-52 (2009).

by her male relative, in retaliation for engaging in “immoral or shameful” acts.<sup>7</sup> It is based on the belief that women are “objects and commodities,” the property of male relatives and the “repository of family honor.”<sup>8</sup> Emerging in the pre-Islamic era, the honor killing “stemmed from the patriarchal and patrilineal society’s interest in maintaining strict control over designated familial power structures.”<sup>9</sup> Today, in communities that retain a traditional understanding of familial relationships, the honor killing is viewed as a necessary solution; it restores the aggrieved family’s honor, paramount to any notion of a woman’s dignity or right to personal inviolability.<sup>10</sup>

The problem has been described as “the most tragic consequence and graphic illustration of deeply embedded, society-wide gender discrimination.”<sup>11</sup> Yet, given that the honor killing often remains a private family affair, no official statistics are available on the practice or its frequency.<sup>12</sup> Honor killings, however, are widely reported in the Israeli press.<sup>13</sup> *The Jerusalem Post*, for example, has described a recent spate of honor killings in Ramle, a town outside Tel Aviv, as a “reign of terror.”<sup>14</sup> Indeed, the “tough Arab neighborhood with a tradition of killing” became international news when a

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<sup>7</sup> HUMAN RIGHTS WATCH, HONORING THE KILLERS: JUSTICE DENIED FOR “HONOR” CRIMES IN JORDAN I (2004), available at <http://www.hrw.org/en/node/12141/section/2> [hereinafter HONORING THE KILLERS].

<sup>8</sup> “Honor” Killings, AMNESTY INTERNATIONAL, <http://www.amnestyusa.org/violence-against-women/stop-violence-against-women-svaw/honor-killings/page.do?id=1108230> (last visited Apr. 3, 2011).

<sup>9</sup> HELEN STACY, HUMAN RIGHTS FOR THE 21ST CENTURY: SOVEREIGNTY, CIVIL SOCIETY, CULTURE 195 n.42 (2009).

<sup>10</sup> “Honor” Killings, *supra* note 8.

<sup>11</sup> HONORING THE KILLERS, *supra* note 7.

<sup>12</sup> But, human rights groups suspect that nearly 20,000 honor killings occur across the world per year. Robert Fisk, *The Crimewave that Shames the World*, THE INDEPENDENT, Sep. 7, 2010. Precise statistics on the number of honor killings are difficult to obtain; “the murders frequently go unreported, the perpetrators unpunished, and the concept of family honor justifies the act in the eyes of some societies.” Hillary Mayell, *supra* note 6. Another reason for the lack of data is that groups that recognize honor killings now live within states whose legal systems do not recognize honor killings. Matthew A. Goldstein, *The Biological Roots of Heat-of-Passion Crimes and Honor Killings*, 11 POL. & LIFE SCI. 28, 31 (2002).

<sup>13</sup> There has been a public outcry, for example, over 20 Arab women killed in two predominantly Arab-Israeli towns, Ramle and Lod, between 2005 and 2010. See, e.g., Larry Derfner, *Some Call it ‘Honor’*, JERUSALEM POST, Nov. 5, 2010.

<sup>14</sup> Seth J. Frantzman, *A Communal State of Denial*, JERUSALEM POST, Feb. 23, 2011.

nineteen-year-old girl was murdered by her older brother for simply turning her back on the man that her family had picked for her to marry.<sup>15</sup>

An honor killing, at least officially, is treated like any other premeditated murder in Israel.<sup>16</sup> If enough evidence exists, the convicted killer receives the maximum sentence: life in prison.<sup>17</sup> But, evidence is difficult to obtain; families cover up the crime, witnesses turn a blind eye, and the community claims that the murder never happened.<sup>18</sup> After all, according to custom, “an unchaste woman is worse than a murderer; she affects not just one victim, but her family and the entire [community].”<sup>19</sup> Honor is so valued that there is simply no incentive for anyone to turn the perpetrator over to the police.<sup>20</sup> And, in the rare event that this “conspiracy of silence” is broken, death or exile from society might occur.<sup>21</sup>

This paper seeks to answer a simple question: how can women escape from such a disquieting fate? Male relatives may “beat, shoot, stab, or otherwise physically harm an accused woman,”<sup>22</sup> with at least the tacit approval of both her family and large sections of the surrounding population—and, typically, all outside the purview of formal legal processes. If the criminal justice system does not protect them, are women such as Samar Hasson constantly susceptible to violence in the name of family honor?

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<sup>15</sup> David Hardaker, *Women Break Silence on Honor Killings*, AUSTRALIAN BROAD. CORP., Apr. 20, 2007, available at <http://archive.frontpagemag.com/readArticle.aspx?ARTID=26225>.

<sup>16</sup> DONNA ROSENTHAL, *THE ISRAELIS: ORDINARY PEOPLE IN AN EXTRAORDINARY LAND* 352 (2003).

<sup>17</sup> *Id.* See Penal Law, 5737-1977 §300(a)(2) (Isr.).

<sup>18</sup> Seth J. Frantzman, *supra* note 14.

<sup>19</sup> DONNA ROSENTHAL, *supra* note 16.

<sup>20</sup> *Id.*

<sup>21</sup> Larry Derfner, Some Call it ‘Honor’, *supra* note 13.

<sup>22</sup> HONORING THE KILLERS, *supra* note 7.

This paper argues that *sulha*, a traditional method of resolving disputes in Arab culture,<sup>23</sup> provides the answer. *Sulha* is based on, at least in Western terms, a mix of mediation and arbitration, performed interchangeably by a committee of local dignitaries.<sup>24</sup> *Sulha* is a vestige of desert life, when State legal systems did not exist, and warring tribes sought to reconcile differences without resorting to violence.<sup>25</sup> Today, it continues to be practiced primarily among Arabs in parts of Israel (including the Druze of the upper Galilee),<sup>26</sup> Bedouin tribes in the Negev,<sup>27</sup> and Palestinians in the West Bank, Gaza, and Jordan.<sup>28</sup> In Samar's case, had she been a man and killed by a member of an opposing family, the *sulha* committee would intervene to begin the *sulha* process. The committee would work, through various techniques, to cool tensions and prevent a

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<sup>23</sup> *Sulha* has been used by Arabs of Muslim, Christian and Druze faith. Daniel L. Smith, *The Rewards of Allah*, 26 J. PEACE RES. 385, 391 (1989).

<sup>24</sup> Doron Pely, *Honor: The Sulha's Main Dispute Resolution Tool*, 28 CONFLICT RESOL. Q., 67, 68 (2010) [hereinafter *Honor*].

<sup>25</sup> Doron Pely, *Resolving Clan-Based Disputes Using the Sulha, the Traditional Dispute Resolution Process of the Middle East*, 63 DISPUTE RES. J. 80 (2008-09).

<sup>26</sup> See generally JOSEPH GINAT, BLOOD REVENGE: FAMILY HONOR, MEDIATION, AND OUTCASTING (2d ed. 1997). The Druze are considered Arab; the first tribes descend from the Arabian Peninsula, see PHILIP KHURI HITTI, ORIGINS OF THE DRUZE PEOPLE AND RELIGION 24 (1928), and are frequently seen as part and parcel of Arab culture in Israel. See MISCHAEAL CASPI & JEROME DAVID WELTSCH, FROM SLUMBER TO AWAKENING: CULTURE AND IDENTITY OF ARAB ISRAELI LITERATI 150 (1998). However, the Druze are often referred to as "Druze," by themselves and others, as a distinct community from the "Arab-Israelis." See ROBERT BRENTON BETTS, THE DRUZE 107 (1988). This paper, for the sake of ease, will incorporate the Druze into an all-encompassing term, "Arab-Israeli."

<sup>27</sup> See generally JOSEPH GINAT, *supra* note 26.

<sup>28</sup> See generally Samer Fares et al., *The Sulha System in Palestine: Between Justice and Social Order* 28 PRACTICING ANTHROPOLOGY 21 (2006); Mneesha Gellman & Mandi Vuinovich, *From Sulha to Salaam: Connecting Local Knowledge with International Negotiations for Lasting Peace in Palestine/Israel*, 26 CONFLICT RESOL. Q. 127 (2008) [hereinafter *From Sulha to Salaam*]; USAID, *Civil Peace in the West Bank and Gaza Strip: Recommendations for Civil Society Initiatives* (2007), available at [pdf.usaid.gov/pdf\\_docs/PNADI822.pdf](http://pdf.usaid.gov/pdf_docs/PNADI822.pdf); Doron Pely, *Women in Sulha—Excluded yet Influential: Examining Women's Formal and Informal Role in Traditional Dispute Resolution, within the Patriarchal Culture of Northern Israel's Arab Community* 22 INT'L J. CONFLICT MGMT. 89-104 (2011). *Sulha* is also practiced in other parts of the Arab Middle East. See, e.g., Barbara Dreiskens, *A Cairene Way of Reconciling*, 13 ISLAMIC LAW & SOC'Y 99-122 (describing *sulha* in rural parts of Upper Egypt and suburban Cairo).

potential cycle of revenge.<sup>29</sup> Here, *sulha* was not required, because the honor killing was welcomed. There was simply no dispute to resolve.

However, as this paper argues, the circumstances leading to an honor killing should be reframed as a dispute between the allegedly guilty woman, her aggrieved family, and the community writ large. In turn, that dispute should be resolved, not through violence, but by *sulha*. In other words, *sulha* should be used as a preventive measure, to avoid the perceived need for the honor killing in the first place. Since *sulha* is focused on restoring honor—it was conceived for that very purpose<sup>30</sup>—the process can provide a way to resolve the problem without a resort to violent retribution. In fact, in other parts of the Arab world, *sulha* has been successful in preventing inter-family violence after an honor killing has involved not only the woman, but also the man with whom she had the illicit affair.<sup>31</sup> If *sulha* can help mitigate conflict between families, it could very well be used to help mitigate conflict *within* families, and *before* the honor killing ever occurs. Of course, a practice as entrenched as the honor killing will admittedly be difficult to root out, especially since it is inextricably linked to attitudes about family, gender, and sex.<sup>32</sup> However, *sulha* is uniquely situated as a culturally consonant, consent-based method of alternative dispute resolution—a process that, above all, places honor at its core.<sup>33</sup> Therefore, even if the honor killing problem is not entirely

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<sup>29</sup> See, e.g., Doron Pely, *supra* note 25.

<sup>30</sup> SHARON D. LANG, *SHARAF POLITICS: HONOR AND PEACEMAKING IN ISRAELI-PALESTINIAN SOCIETY* 207 (2005).

<sup>31</sup> *Id.* Even if an honor killing has not occurred, violent disputes surrounding elopements and forbidden relationships between men and women will be resolved by *sulha*. See Matthew Kalman, *Bethlehem's Star-Cross Lovers, Christian Girl Runs off with Young Muslim—Vatican, U.S., Palestinian President Intervene after Street Violence Erupts*, SAN FRANCISCO CHRONICLE, May 15, 2005.

<sup>32</sup> See Suzanne Ruggi, *Commodifying Honor in Female Sexuality: Honor Killings in Palestine*, 28 MIDDLE EAST REP. 12 (1998).

<sup>33</sup> *Honor*, *supra* note 24, at 68.

eliminated, employing *sulha* as a way to deal with the problem might very well result in an overall decline in violence against women.

This paper will describe the process of *sulha*, and offer it as a potential solution to the honor killing problem. The literature of alternative dispute resolution yields very little in the way of *sulha*, much less within the context of honor killings. Indeed, *sulha* has been relegated to relative obscurity in the West.<sup>34</sup> This paper thus seeks to contribute to the scholarship on *sulha*, and, at the same time, broaden its scope to solve a seemingly intractable problem facing women in Arab-Israeli communities and across the world. To that end, Part I will discuss *sulha* and, more specifically, demonstrate how it seeks to restore honor among the victim, the offender, and the community. Part II will describe, in more depth, the practice of honor killings, and illustrate how *sulha*, recalibrated to the honor killing context, might be employed to prevent violence against women. Part II will also address some potential challenges to, and criticism of, this paper's conclusions—in particular, the notion that women should not be part of the process *sulha* at all.

#### PART I: HOW *SULHA* WORKS

In order to understand *sulha*, it must be placed in its proper historical and cultural context. The process emerged around two thousand years ago,<sup>35</sup> when centralized State governments did not exist, and when social, economic and political community functions were carried out by family units and kin-based collectives.<sup>36</sup> Adapting to the harsh,

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<sup>34</sup> *Sulha* “has not been the subject of extensive technical discussion. . . .” Daniel L. Smith, *supra* note 23, at 388; “In our survey of the literature on Jewish-Israeli and Arab conflict management techniques, we generally found that the Arab side of conflict resolution practice has been underrepresented.” *From Sulha to Salaam*, *supra* note 28, at 128. There are, for example, only two books in English dedicated to *sulha*. See ELIAS J. JABBOUR, *SULHA: PALESTINIAN TRADITIONAL PEACEMAKING PROCESS* (1996); JOSEPH GINAT, *supra* note 26.

<sup>35</sup> Rachel Shabi, *Dance, Sing and Eat for Peace*, NEW STATESMAN, July 28, 2003.

<sup>36</sup> Doron Pely, *supra* note 25.

nomadic existence of the Arabian Peninsula, desert society formed “closely-knit families organized into clans on the basis of segmental lineage.”<sup>37</sup> Since clan members had little chance of surviving the desert alone, individuals placed their trust and protection in “the group.”<sup>38</sup> As a result, kinship was the main criterion by which members of a family or tribe identified themselves; blood ties and ancestry informed each individual’s own status and identity.<sup>39</sup>

Given the severity of conditions in the desert, competing tribes realized that a peaceful resolution to conflict was a better alternative to potentially endless cycles of revenge.<sup>40</sup> Yet, any dispute resolution process had to take into account the fact that disputes rarely involved only individuals; in the desert, the failures and successes of the individual were inexorably wed to the entire tribe.<sup>41</sup> The process had to satisfy the tribes’ “need for peace and stability [and] and the needs of each family for dignity and security.”<sup>42</sup> Indeed, “the comfort of life is in security,” says the Arabic proverb.<sup>43</sup>

Moreover, the honor of each tribe, family, and individual needed to be preserved. Honor was then, as it is today, a critical aspect of Arab society.<sup>44</sup> There are several words in Arabic for “honor,” each with subtle distinctions.<sup>45</sup> One word is *sharaf*, which refers

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<sup>37</sup> Raymond Cohen, *Language and Conflict Resolution: The Limits of English*, 3 INT’L STUD. REV. 25, 37 (2001).

<sup>38</sup> *Id.*

<sup>39</sup> RIAD M. NASSER, PALESTINIAN IDENTITY IN JORDAN AND ISRAEL: THE NECESSARY ‘OTHER’ IN THE MAKING OF A NATION 71 (2004).

<sup>40</sup> *From Sulha to Salaam*, *supra* note 28, at 128.

<sup>41</sup> George E. Irani and Nathan C. Funk, *Rituals of Reconciliation: Arab-Islamic Perspectives*, KROC INSTITUTE OCCASIONAL PAPER (UNIVERSITY OF NOTRE DAME) (2000), available at <http://www.thefreelibrary.com/Rituals+of+reconciliation%3A+Arab-Islamic+perspectives.-a054895470>.

<sup>42</sup> *Id.*

<sup>43</sup> SOLOMON CAESAR MALAN, ORIGINAL NOTES ON THE BOOK OF PROVERBS (Vol. 1) 53 (1889).

<sup>44</sup> *Honor*, *supra* note 24, at 69.

<sup>45</sup> Raymond Cohen, *supra* note 37.

to the honor of an individual, or group of individuals.<sup>46</sup> *Sharaf* can, in a sense, wax and wane; honor fluctuates according to one's behavior, luck, or success.<sup>47</sup> A failure by an individual to follow a carefully defined moral code, for example, weakens the social status of the group, thus diminishing both the individual and group's honor.<sup>48</sup> By the same token, honor might be increased, or restored, by behavior such as hospitality, generosity, or courage in battle.<sup>49</sup> When *sulha* was formed, particular attention was thus paid to the fluctuations of *sharaf*; it was meant to restore honor that had been, through conflict, diminished.<sup>50</sup>

Although *sulha* emerged in the pre-Islamic era, it has been absorbed into the roots of Islamic religious law (*shari'a*).<sup>51</sup> According to *shari'a*, *sulha* means “to resolve the dispute.”<sup>52</sup> The written agreement that concludes a *sulha* is a commandment that society must uphold; *shari'a* considers the reconciliation to be a contract, legally binding on both the individual and community.<sup>53</sup> The basis of this commandment is that people should honor agreements that have been founded on “persuasion, mutuality and relativity.”<sup>54</sup> Additionally, *sulha* is imbued with a combination of Islamic rituals—the *mosafaha* (handshake), *muzawara* (mutual visits), *musamaha* (forgiveness), and drinking of traditional bitter coffee “are all part of a [distinctly Muslim] cleansing process to initiate a

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<sup>46</sup> Yotam Feldner, “Honor” Murders—Why the Perps Get Off Easy, 7 MIDDLE EAST Q. 41, 42 (2000). The other main type of honor, *ird*, is discussed *infra* Part II.

<sup>47</sup> Gideon M. Kressel, *Shame and Gender*, ANTHROPOLOGICAL QUARTERLY 34, 36 (1992).

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> See *Honor*, *supra* note 24, at 68.

<sup>51</sup> Hussein Tarabeih et. al, *Towards the Implementation of Sulha as a Cultural Peacemaking Method for Managing and Resolving Environmental Conflicts among Arab Palestinians in Israel*, 5 J. PEACEBUILDING AND DEV. 51 (2009). Nonetheless, *sulha* is still practiced by Arabs of other religious faiths. Daniel L. Smith, *supra* note 23, at 385.

<sup>52</sup> Hussein Tarabeih, *supra* note 51.

<sup>53</sup> George E. Irani, *Islamic Mediation Techniques for Middle East Conflict*, 3 MIDDLE EAST REV. INT'L AFFAIRS 12 (1999).

<sup>54</sup> Hussein Tarabeih, *supra* note 51, at 52.

better future between the conflict parties.”<sup>55</sup> So, *shari’a* gives *sulha* a religious imprimatur; by virtue of its legal basis, it serves as an important value in Arab society.<sup>56</sup>

Today, *sulha* continues the desert traditions of community and honor. Despite modernization and its attendant socioeconomic changes, many Arab communities in Israel still retain those traditions.<sup>57</sup> Their culture continues to possess a deep attachment to families; social units based on descent lines, blood kin, or affinal relations remain strong.<sup>58</sup> To that end, *sulha* seeks to establish peace between disputing individuals, while also extending its reach to the larger community.<sup>59</sup> As one Arab villager in Israel has said, “We have to make the *sulha* in order to establish peace between families—between villages—so that all of the consequences of the quarrels and feuds will be eliminated totally, and life can go back to its natural course.”<sup>60</sup> These “quarrels” and “feuds” range from simple to complex. They frequently involve business, consumer, and commercial transactions;<sup>61</sup> acts of violence;<sup>62</sup> and even conflict between Jewish and Arab Israelis.<sup>63</sup>

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<sup>55</sup> *Id.*

<sup>56</sup> *Id.* at 51.

<sup>57</sup> This is not to say that all Arab communities in Israel share an identical culture. Indeed, Arab-Israelis have historically been fragmented into three geographic spheres—the “Galilee” Arabs, the “Triangle” Arabs, and the Negev Bedouins. Additionally, Arabs have been divided into a Muslim majority and a Christian and Druze minority. Also, the formulation of a “distinctive Palestinian system of cultural-political identity has further complicated the ideological division” between those who identify themselves as “Palestinian” and local “Arab-Israelis.” Ofira Seliktar, *The Arabs in Israel: Some Observations on the Psychology of the System of Controls*, J. CONFLICT RESOL. 247, 254 (1984). However, the Arabs of Israel—like Arabs elsewhere—share an overarching identity from a shared language, civilization, and memory. The Moroccan sociologist Abdelkebir Khatibi has observed “that Arab identity is shaped by where Arabs stand in time and space, by their history, by their memory, by the places in which they have lived and died.” HALIM BARAKAT, *THE ARAB WORLD: SOCIETY, CULTURE, AND STATE* 12 (1993).

<sup>58</sup> See LADISLAV HOLY, *KINSHIP, HONOUR AND SOLIDARITY: COUSIN MARRIAGE IN THE MIDDLE EAST* 81 (1989); Majid Al-Haj, *The Changing Arab Kinship Structure: The Effect of Modernization in an Urban Community*, 36 ECON. DEV. & CULTURAL CHANGE 237, 245 (1988).

<sup>59</sup> Daniel L. Smith, *supra* note 23, at 388.

<sup>60</sup> *Id.*

<sup>61</sup> Doron Pely, *supra* note 25, at 80.

<sup>62</sup> See, e.g., Ben Hartman, *Police Deployed in Large Numbers in Rahat to Prevent Blood Feud Clashes*, THE JERUSALEM POST, March 7, 2011.

They also occur, at times, in conjunction with Israeli law, or in complete parallel.<sup>64</sup>

Many of the crimes that occur within Arab communities, for instance, are dealt with by both state mechanisms and *sulha*.<sup>65</sup> However, the State only deals with the individual's infractions. By contrast, *sulha* address the entire community's need for redress. It "accounts for the wound that a conflict creates in the fabric of the life of the community in general and in the lives of the extended families of the disputants in particular."<sup>66</sup>

At the same time, every *sulha* is predicated on *sharaf*.<sup>67</sup> The notion of an "eye" for an "eye" dominates Arab-Israeli culture.<sup>68</sup> As one anthropologist said, "In [Arab-Israeli] culture . . . you must restore *sharaf*. This man has killed your father . . . it would be a dishonor if you do not take revenge, if you leave your father's killing to be passed by."<sup>69</sup> Powerful social pressure pushes individuals to seek revenge; to refrain from doing so would be dishonorable. Therefore, *sulha* acts as an anti-violence measure—it "alleviates emotional and social pressures and serves as a legitimate alternative to retaliation"<sup>70</sup>—while restoring honor. Through the process, the "stain" on an individual or family's *sharaf* is wiped away.<sup>71</sup> In other words, *sulha* is an "honor exchange mechanism."<sup>72</sup>

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<sup>63</sup> See Mark S. Umbreit and Rina Ritter, *Arab Offenders Meet Jewish Victim: Restorative Family Dialogue in Israel*, 24 CONFLICT RESOL. Q. 99 (2006). See, e.g., Laura Kusisto, *A Not-So Vicious Circle*, THE JERUSALEM POST, Jan. 30, 2009.

<sup>64</sup> See Nurit Tsafir, *Arab Customary Law in Israel: Sulha Agreements and Israeli Courts*, 13 ISLAMIC LAW & SOC'Y 76 (2006) (discussing the complicated interplay between the Israeli legal system and *sulha*).

<sup>65</sup> *Id.* at 81.

<sup>66</sup> *Honor*, *supra* note 24, at 67.

<sup>67</sup> Sharon Lang, *Sulha Peacemaking and the Politics of Persuasion*, 31 J. PALESTINE STUD. 52, 54 (2002)

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> *Honor*, *supra* note 24, at 72.

With that background in mind, consider the following stages of the *sulha* process: (1) formation of the mediating body (*jaha*), (2) securing the truce (*hudna*), (3) the *jaha*'s investigation, (4) determining the verdict, and (5) closing the ceremony (*musamaha*). Each step is carefully followed, because the community believes that “one forgotten word, one simple mistake, one forgotten item in the process of the *sulha*—the *sulha* is going to break away.”<sup>73</sup> Since the stakes are often high, it is important that the process is followed “step by step, with no misunderstanding.”<sup>74</sup>

The beginning of the process—the formation of the mediating body—occurs as soon as a delegation of volunteers learns of the dispute. This delegation is called the *jaha*; the word suggests that its members command a certain respect and moral authority.<sup>75</sup> “In the Galilee . . . it is well known who are well-trusted and known for their honesty and decency,” said one villager familiar with the process.<sup>76</sup> The success of the *jaha* often turns on the clout of the *jaha* leader, whose job is to manage the *jaha*'s activities and work with the parties to generate movement, particularly when the disputants find themselves on a “rocky road to agreement.”<sup>77</sup>

The *jaha* draws its legitimacy from the fact that it never operates without the express authorization of the families of the alleged victim and offender.<sup>78</sup> This authorization is acquired in two ways. First, the parties are able to control the number of people in the *jaha*. Ordinarily, the number of people in the *jaha* depends on the complexity of the case—a simple dispute might require only one member, while a blood

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<sup>73</sup> Daniel L. Smith, *supra* note 23, at 388.

<sup>74</sup> *Id.*

<sup>75</sup> Hussein Tarabeith, *supra* note 51, at 52.

<sup>76</sup> Daniel L. Smith, *supra* note 23, at 388.

<sup>77</sup> *Id.*

<sup>78</sup> Doron Pely, *supra* note 25, at 82.

feud between villages might require as many as twenty.<sup>79</sup> For example, after about five people were killed in an inter-village conflict in northern Israel, each village sent in three or four of its notables as part of the *jaha*.<sup>80</sup> But, regardless of the complexity of the case, the disputants still retain veto power over who composes the *jaha*.<sup>81</sup>

Secondly, the *jaha* generally does not become involved in the dispute unless the offender's family extends to it an invitation.<sup>82</sup> The family must contact a member of the *jaha* to "request an intervention and authorize the *jaha* to meet with the . . . family . . . about the problem."<sup>83</sup> Once the *jaha* responds with the traditional statement, "You requested that we intervene [and] we, as a *jaha*, want to hear your authorization and to receive it in writing," the offender's family hands over the *taffwith*.<sup>84</sup> This document both authorizes the *jaha* to act on behalf of the offender's family to conduct the *sulha* and contains the family's commitment to abide by whatever verdict the *jaha* reaches.<sup>85</sup> Once the *taffwith* is signed, the *jaha* goes to the victim's house and recites the following: "We were sent and are authorized as *jaha* by the offender's family, and we invite you to consider us."<sup>86</sup> The purpose of this invitation is to secure mutual consent; like the offender's family, the victim's family must publicly agree to have the *jaha* negotiate on its behalf.

Thus, the parties possess a significant amount of power, at least in the beginning of the process. Such "self-determination" is important, because without initial consent,

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<sup>79</sup> *Id.*

<sup>80</sup> Daniel L. Smith, *supra* note 23, at 388.

<sup>81</sup> Doron Pely, *supra* note 25, at 82.

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> *Id.* at 83.

any reconciliation would be meaningless.<sup>87</sup> Furthermore, the *jaha*, which ultimately hands down a verdict, would lose its credibility if its decision were to be ignored. “In the future, when we make the ruling, [the parties] won’t have the choice to accept the ruling,” says a *sulha*-maker.<sup>88</sup> But, before reaching that verdict, a ceasefire must be reached.

In the second stage of the process, the *jaha* secures a ceasefire. This *hudna* is temporary; it is a negotiated agreement whereby the aggrieved party promises not to retaliate for a specified period of time. In exchange, the offending party promises to avoid any further escalation of the conflict.<sup>89</sup> Preventing any potential retaliation by either party is critical, because the *jaha* needs to have space and time to conduct an investigation of the dispute, reach a verdict, and obtain a final resolution without worry that violence will suddenly erupt.<sup>90</sup> Sometimes, the parties exchange money as a guarantee that they will refrain from violence.<sup>91</sup>

Once the *hudna* is reached, the third stage of the process, the *jaha*’s investigation, begins. The investigation is akin to caucusing in mediation: the *jaha*, in complete confidence, meets with the parties individually.<sup>92</sup> During those private sessions, in neutral territory (so as not to be accused of ruling in favor in any of the parties),<sup>93</sup> the *jaha* elicits information to determine each party’s interests—all while allowing each party to tell its side of the story.<sup>94</sup> The purpose of these sessions is to “determine the scope of

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<sup>87</sup> Daniel L. Smith, *supra* note 23, at 388.

<sup>88</sup> *Id.*

<sup>89</sup> Hussein Tarabeith, *supra* note 51, at 52.

<sup>90</sup> Doron Pely, *supra* note 25, at 83.

<sup>91</sup> Daniel L. Smith, *supra* note 23, at 389.

<sup>92</sup> *Honor*, *supra* note 24, at 77.

<sup>93</sup> Daniel L. Smith, *supra* note 23, at 388

<sup>94</sup> Hussein Tarabeith, *supra* note 51, at 52.

the offender's culpability and liability."<sup>95</sup> In order to do so, the *jaha* employs techniques similar to those practiced by mediators in the West. For example, the *jaha* will reframe aggressive statements into neutral language.<sup>96</sup> Sometimes, it will act as scapegoat: "You are angry? Don't throw it on your opponent—throw it on us . . . we take the anger on ourselves."<sup>97</sup> The *jaha* will also focus on any positive aspects of the relationship between the disputing parties: "if one disputant says that the disputants formerly enjoyed a good relationship, the *jaha* could use that positive history to engineer good will that could later be used to reconcile the parties."<sup>98</sup> In addition, the *jaha* moves the process forward by constantly repeating past experiences, "where famous or familiar disputants agreed to reconcile in the aftermath of similar or difficult or protracted disputes, and the honor and respect such instances brought for all parties involved."<sup>99</sup>

Indeed, honor plays a significant role in this stage of the process. Failure to move towards a resolution "causes dishonor and loss of face and status to all involved parties."<sup>100</sup> Should a party balk, the *jaha* reminds that party of the potential loss of honor to both the party and to the *jaha* as a whole. "If the community gets the impression that the process is stuck . . . this may result in a significant loss of face to the members of the *jaha* as individuals and to the *jaha* as an institution."<sup>101</sup> The concept of honor thus provides a significant amount of leverage; the disputants are careful not to diminish the honor of the *jaha*, who are known and well-connected dignitaries. Likewise, the *jaha* is careful not to apply too much pressure on the balking party; any coercion is done with

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<sup>95</sup> Doron Pely, *supra* note 25, at 84.

<sup>96</sup> *Id.*

<sup>97</sup> Daniel L Smith, *supra* note 23, at 390.

<sup>98</sup> Doron Pely, *supra* note 25, at 84.

<sup>99</sup> *Honor*, *supra* note 24, at 76.

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

“considerable discretion, so as not to cause any immediate loss of face to the pressured party.”<sup>102</sup>

When the *jaha* completes its investigation, the process enters its fourth stage: determining the verdict. Whereas the previous stage was similar to mediation, this stage is like arbitration: after discussion, and in some cases a vote by its members, the *jaha* hands down its decision, and the parties must accept it. True, the *jaha* will “go to some length to avoid giving either clan the feeling that it is being coerced into an agreement.” But, once the parties have authorized the *jaha* to act in the first stage, the *jaha* has full authority to impose its decision.<sup>103</sup> This decision depends on the case: in murder cases, the *jaha* will calculate how much the guilty party owes in blood money (*diya*), while in other cases, the *jaha* will try to craft an agreement (much like a mediated agreement) that it feels both sides will deem acceptable.<sup>104</sup>

Finally, once the verdict has been determined, the ceremony (*musamaha*) occurs. It is a highly ritualized event, replete with symbolic acts, gestures, and protocols, “giving the *jaha* and disputants ample opportunity to enhance their honorable posture, as well as avoiding potentially honor-losing situations.”<sup>105</sup> It takes place in a main square of the city or village, so that the entire community is on hand as witnesses.<sup>106</sup> The following is a description of a standard *musamaha*, in the context of an inter-family murder:

On the day that the opposing families meet, a white flag symbolizes the cleansing of the problem. The head of the offended family knots the white cloth to symbolize the promise that no retribution will be sought if the murderer and his family join them in the open. Knots are added to cement the process at

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<sup>102</sup> *Id.*

<sup>103</sup> Doron Pely, *supra* note 25, at 84.

<sup>104</sup> *Id.*

<sup>105</sup> *Honor*, *supra* note 24, at 77.

<sup>106</sup> Daniel L. Smith, *supra* note 23, at 390.

various stages and to conclude. Knots made by notables serve as witnesses to strengthen the safety of the offender as he comes forward to participate in the last ritual. Surrounded by the *jaha*, the murder must shake hands with all the bereaved. The spoken phrase to the effect that this peace is valid for all present and not present weightily seals the sanctity of the truce against the potential retribution of absent mourners.<sup>107</sup>

The ceremony ends when the offender and his family drink traditional bitter coffee at the home of the aggrieved family.<sup>108</sup> The location then switches: the aggrieved family is taken to the offender's house for a symbolic meal.<sup>109</sup> "Often the crowd is such that there is only time for each person to approach the table for a single symbolic mouthful."<sup>110</sup> The communal meal—the breaking of the bread—is a symbol of the "strength of covenant and is a sign of reconciliation and the removing of barriers from between the participants."<sup>111</sup>

Thus, *sulha* seeks to save face and restore honor for all parties—the disputants, the *jaha*, and the community. By the end of the process (which can sometimes take up to a year),<sup>112</sup> the ceremony "rewards the party that forgives and restrains its vengefulness with increased public standing in the community."<sup>113</sup> The shaking of the hands means that tensions have eased, the violence has ended. The coffee and meal means that the rupture has healed, that life can go on.

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<sup>107</sup> Jennifer Fisher, *Symbol in Mediation*, 18 MEDIATION Q. 87, 95 (2000)

<sup>108</sup> *Id.*

<sup>109</sup> *Id.*

<sup>110</sup> *Id.* at 96.

<sup>111</sup> ELIAS J. JABBOUR, *supra* note 34, at 56.

<sup>112</sup> Daniel L. Smith, *supra* note 23, at 389.

<sup>113</sup> Jennifer Fisher, *supra* note 107, at 96.

## PART II: HOW A RECALIBRATED *SULHA* WORKS

*Sulha*, with its system of rules and rituals, is an effective response to the perceived need for revenge. It transfers that need to the *jaha*, which in turn cools vengeance, slows judgment with procedure, restores honor, and interrupts, with a mixture of mediation and arbitration, “the vicious cycle of blame and feud.”<sup>114</sup> The process is highly effective; in the upper Galilee, for example, the local *jaha* has solved nearly all of the problems it has confronted through *sulha*.<sup>115</sup> Moreover, the process is viewed as a “positive tradition that bolsters [Arab] identity by unifying and incorporating Arabs of various religious backgrounds and ethnicities.”<sup>116</sup> A retired Israeli Supreme Court Justice once said, “[w]ithout *sulha*, the country, actually the Arab part of the country, will descend into chaos.”<sup>117</sup> And yet, *sulha* does not confront one of the more intractable problems in Arab-Israeli culture: the “honor” killing.

In an anthropological study of Arabs living in Ramle, Gideon Kressel turned the spotlight onto the notion of *ird*—another Arabic word for honor. Whereas *sharaf* refers to an individual or group’s honor, Kressel discovered that *ird* specifically refers to “a state of concealment that a group of agnates enforces to limit their female kin’s accessibility to outsiders, in order to deter the non-agnatic suitor.”<sup>118</sup> But, while *ird* connotes feelings of shame, particularly with respect to gender, it is not mutually exclusive of *sharaf*; it directly relates to the entire family’s overall honor.<sup>119</sup> In other words, a woman’s sexual indiscretion “would not only embarrass her family but would

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<sup>114</sup> MARTHA MINOW, BETWEEN VENGEANCE AND FORGIVENESS: FACING HISTORY AFTER GENOCIDE AND MASS VIOLENCE 25 (1998).

<sup>115</sup> Daniel L. Smith, *supra* note 23, at 391.

<sup>116</sup> Sharon Lang, *supra* note 67, at 53.

<sup>117</sup> *Honor*, *supra* note 24, at 86.

<sup>118</sup> Gideon M. Kressel, *supra* note 47.

<sup>119</sup> *Id.* at 38.

impugn the honor of the entire family, particularly the men, who have the right and duty of defending this honor.”<sup>120</sup> A man would be deeply insulted if a member of the community said to him: *‘irdkum rkhts* (this honor of yours is cheap).<sup>121</sup> Such an insult would be unacceptable and might very well prompt the offending woman’s murder—an act of vengeance euphemistically called the “honor” killing.<sup>122</sup>

In Arabic, this is called *sharaf el-‘aaleh*: “killing on the background of the honor of the family.”<sup>123</sup> A woman might face brutal retaliation even if she is only suspected of engaging in inappropriate behavior. As Amnesty International put it: “any allegation of dishonor against a woman often suffices for family members to take matters into their own hands.”<sup>124</sup> Moreover, a woman need not commit a serious offense to elicit retaliation. She might be killed if she does not bleed on her wedding night, if she is spotted talking with a man behind a fence, or if she is seen leaving a stranger’s car.<sup>125</sup>

Since a woman’s sexual indiscretion taints the family’s honor, *sulha* would appear to be the natural remedy. If the honor killing presents the most vivid demonstration of the centrality of honor in Arab culture,<sup>126</sup> one would be hard-pressed not to invoke a dispute resolution process that, at its core, deals with honor. As this paper has discussed, *sulha* provides a way to restore honor without resort to violent retribution. Given that the process works in other contexts, it ought to work in this context too; there is no need for

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<sup>120</sup> Catherine Warrick, *The Vanishing Victim: Criminal Law and Gender in Jordan*, 39 L. & SOC’Y REV., 315, 322 (2005).

<sup>121</sup> *Id.* at 43.

<sup>122</sup> See HONORING THE KILLERS, *supra* note 7, at 5.

<sup>123</sup> ELIAS J. JABBOUR, *supra* note 34, at 65.

<sup>124</sup> “Honor” Killings, *supra* note 8.

<sup>125</sup> Lama Abu Odeh, *Honor Killings and the Construction of Gender in Arab Societies*, 58 AM. J. COMP. L. 911, 918 (2010).

<sup>126</sup> *Honor*, *supra* note 24, at 69.

men to respond to “honor-based cultural cues”<sup>127</sup> with murder. To that end, this paper argues that *sulha* should be recalibrated to resolve this kind of intra-family dispute that would otherwise result in an honor killing.<sup>128</sup>

A recalibrated *sulha* would, for the most part, mirror the traditional *sulha*, with a few necessary differences. The first stage, the gathering of the *jaha*, would be no different than in any other dispute. The offender (in this case, the woman alleged to have engaged in sexual misconduct) would seek out the local members of the *jaha*, asking them to intervene. Much like the offender in a murder case, she would go to the *jaha* and humbly say, “I am in your house, and you must help me. I am in your hands.”<sup>129</sup> She would then sign the *taffwith*, which authorizes the *jaha* to act on her behalf and contains her commitment to abide by whatever verdict the *jaha* reaches. The *jaha* would then go to the victims (in this case, the aggrieved male family members, who have suffered dishonor), to seek their authorization. True, it could potentially be difficult for male family members to give their consent; the *jaha*’s intervention might be seen as an intrusion into private matters. Admittedly, Arab culture generally “does not permit delving into and stirring up a woman’s personal life and business.”<sup>130</sup> However, *jaha* members are considered so “influential and trustworthy”<sup>131</sup> that they very well could have the moral clout (and discretion) to intervene without being viewed as mere meddlers.

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<sup>127</sup> *Id.* at 70.

<sup>128</sup> It must be noted that this paper does not suggest that *sulha* is appropriate in every situation. For example, where a woman chooses to break free from the chains of her culture, religion, or family, *sulha* would only reinforce those chains. In that case, the woman might seek the protection of the State (*sulha*, as discussed *supra* Part I, does not necessarily displace the State), or move away. Similarly, if a woman does fall in love with a man without the permission of her family, and wants to elope with that man, *sulha* would do nothing to solve her problem. Rather, *sulha* is appropriate where the woman is, in fact, innocent, or where the family wants to be reconciled but cannot because of the perceived loss of honor.

<sup>129</sup> Daniel Smith, *supra* note 23, at 388.

<sup>130</sup> ELIAS J. JABBOUR, *supra* note 34, at 67.

<sup>131</sup> *Id.* at 27.

The second stage, obtaining the *hudna*, would be also carried out in a manner similar to any other dispute. Here, the difference lies in the fact that the negotiations would be one-sided: the *jaha* would have to extract a promise not to retaliate only from the men. There would be, obviously, no promise to extract from the woman; she is not seeking revenge. She requires only protection from retribution. Nonetheless, the *jaha* should be able to convince the men to forego retaliation for at least a limited amount of time. The *hudna* is not always attained easily, but the *jaha* is skillful in the art of persuasion. Using “polite,” “beautiful,” and “sweet” language,<sup>132</sup> the *jaha* knows how to appeal to the men’s “sense of goodness and what is right,”<sup>133</sup>—an appeal that should work in any context.

But, more than the *hudna*, it is the third stage—the investigation period—that is the most crucial in the recalibrated *sulha* process. It is at this stage that the *jaha* mediates between the two sides, where the disputants are truly “in the *jaha*’s hands.”<sup>134</sup> During these caucus sessions, the *jaha* absorbs the parties’ anger, frustration, and resentment.<sup>135</sup> Through reframing, open questions, and other techniques, the *jaha* helps the parties “discharge their grief.”<sup>136</sup> Imagine a situation in which the aggrieved men have an opportunity to vent their feelings before a tolerant and patient *jaha*.<sup>137</sup> This venting has the possibility of removing the sting of the woman’s transgression (alleged or otherwise); by virtue of talking, the men might be persuaded to reconcile through peaceful means.

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<sup>132</sup> Sharon Lang, *supra* note 67, at 57.

<sup>133</sup> *Id.*

<sup>134</sup> ELIAS J. JABBOUR, *supra* note 34, at 27.

<sup>135</sup> *Id.* at 46.

<sup>136</sup> *Id.* at 47.

<sup>137</sup> Doron Pely, *supra* note 25, at 88

A critic might argue that men who have suffered a loss of honor at the hands of a female family member will not suddenly sit down to “talk” about it. Such an argument is compelling, given that the “betrayal of their *ird*” is a serious offense—perhaps more serious than any other.<sup>138</sup> However, the *jaha* possesses powerful tools of persuasion that might overcome any male intransigence. For example, the *jaha* typically employs a technique called “reverse *musayara*.”<sup>139</sup> *Musayara* is the standard patron-client relationship, prevalent in Arab society, in which “the client’s request for a favor is flattering for the patron, and each favor can be seen as a transaction wherein *sharaf* flows from the client to the patron.”<sup>140</sup> In *sulha*, the opposite occurs: the *jaha* asks the aggrieved party for a favor, displaying “the elaborate respect and consideration normally reserved for persons of high status.”<sup>141</sup> In a recalibrated *sulha*, the most respected elders in the region would beseech the men (currently undergoing the humiliation of a woman’s sexual impropriety) “to be so kind as to grant [the *jaha*] a favor—to make peace rather than to avenge themselves.”<sup>142</sup> This reverse *musayara* would be extraordinarily flattering for the men; they would be suddenly placed in a position of patronage over society’s most esteemed elders. Simply by being in that position, the men’s feelings of humiliation would be assuaged, their lost *sharaf* partially restored.<sup>143</sup>

Meanwhile, the fourth stage, in which the *jaha* determines a “verdict,” would be different in the context of an honor killing. No money would be exchanged; there is no arbitral award of a *diya* in this intra-family dispute. Nonetheless, the *jaha*, like in any

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<sup>138</sup> Gideon M. Kressel, *supra* note 47, at 39.

<sup>139</sup> Sharon Lang, *supra* note 67, at 54.

<sup>140</sup> *Id.*

<sup>141</sup> *Id.*

<sup>142</sup> *Id.*

<sup>143</sup> *Id.*

other case, could very well construct a solution tailored to the situation. For example, the *jaha* might have discovered that the woman in fact did not engage in sexual misconduct, and order that her family members recognize that fact and refrain from acting in retribution. After all, the *jaha* can hand-down any verdict it deems necessary; the parties agreed to abide by the ruling when, during the first stage of the process, each said, “I will accept any ruling you issue in this case.”<sup>144</sup>

Finally, at the *musamaha* ceremony, the woman and her aggrieved male family members would publicly reconcile. The ceremony would be somewhat different than what typically occurs: only one family would participate in the actual proceedings. However, the rituals (the most important aspects of the ceremony<sup>145</sup>) would generally be the same. For example, on the day the woman and aggrieved men meet, the white flag would be brought out as a symbol of the cleansing of the problem.<sup>146</sup> Dignitaries would then tie progressive knots in the flag around the flagpole, gradually transforming the flag into a line of knots, “denoting the interbinding of the community with its clans.”<sup>147</sup> Surrounded by the *jaha*, and under the protection of the flag, the woman would then embrace the men. The aggrieved family members would then tie the final knot, a “strong symbol of forgiveness.”<sup>148</sup> The white, knotted flag, the “ultimate bonding and honor,”<sup>149</sup> would be bestowed equally on the men and woman, not through violence but through forgiveness.

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<sup>144</sup> ELIAS J. JABBOUR, *supra* note 34, at 32.

<sup>145</sup> See Jennifer Fisher, *supra* note 107.

<sup>146</sup> *Id.* at 95.

<sup>147</sup> *Honor*, *supra* note 24, at 79.

<sup>148</sup> *Id.*

<sup>149</sup> *Id.*

Admittedly, proposing *sulha* as a solution to honor killings is ambitious. The suggestion that *sulha* even incorporate women is a radical departure from a millennia-old practice, for Arab law does not actually allow the physical presence of women in the process.<sup>150</sup> However, the role of women in Arab communities has undergone significant changes in recent years. Whether Arab society is undergoing a paradigm shift with respect to gender is an open question, beyond the scope of this paper. But, as Kadayifci-Orelland and Sharify-Funk illustrate, women are “attempting to redefine” what it means to be a woman in a conflict situation. “Rather than accepting the role of a passive victim or a person who must be defended or liberated by others, they are demonstrating that [they] can be and are vital in reconciliation processes.”<sup>151</sup> If that is the case, women should be able to participate in *sulha*—not as mere objects, but as the subjects of the process.

Indeed, a shift in thinking along those lines has begun to appear in Arab-Israeli communities. This shift has occurred as a result of two main factors. First, since the beginning of the 1990s, the increased presence of NGOs in many Arab communities has “introduced the possibility of change.”<sup>152</sup> For example, Women Against Violence (WAV), founded in 1992 by a group of Arab female professionals, has become one of the largest Arab non-profit organizations in Israel.<sup>153</sup> According to its mission statement, WAV “works to eliminate physical and psychological violence against women in the

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<sup>150</sup> Lee Li-On, *The Politics of Community Mediation*, 26 CONFLICT RESOL. Q. 453, 477 n.1 (2009)

<sup>151</sup> AYSE KADAYIFCI-ORELLAND AND MEENA SHARIFY-FUNK, MUSLIM WOMEN PEACEMAKERS AS AGENTS OF CHANGE, CRESCENT AND DOVE: PEACE AND CONFLICT RESOLUTION IN ISLAM 199 (QAMAR-UL HUDA, ED., 2010).

<sup>152</sup> Sarab Abu-Rabia-Queder, *The Activism of Bedouin Women: Social and Political Resistance*, 7 HAGAR: STUDIES IN CULTURE, POLITY AND IDENTITIES 67, 73 (2007)

<sup>153</sup> See *Women Against Violence (WAV) Nazareth, Israel*, [http://www.d-a-s-h.org/dossier/07/18\\_WAV.html](http://www.d-a-s-h.org/dossier/07/18_WAV.html) (last visited Apr. 11, 2010).

Arab sector.”<sup>154</sup> Visible, influential NGOs, such as WAV, have provided—and should continue to provide—a powerful way for women to view their situations through a new lens, to “reclaim their rights,” and improve their lives.<sup>155</sup>

In addition to NGOs, individual women activists have become grass-roots leaders in Arab communities. Samah Salaime Egbariya, for example, is the “leading Arab women’s activist” in Lod, which is considered to be “[Israel’s] most dangerous city for Arab women.”<sup>156</sup> There, Egbariya recently helped organized a demonstration by 1,000 local Arabs, including Islamic religious leaders, against honor killings.<sup>157</sup> During the demonstration, men and women alike chanted, “By God, stop killing Muslim women.”<sup>158</sup> It was a rare event, a symbol of a possible move towards real change in a city that has suffered from numerous honor killings.<sup>159</sup> If women like Egbariya can emerge to play such an important role in local events, they should be able to play a similar role in *sulha*.

## CONCLUSION

The Middle East is currently experiencing a watershed moment—a moment of revolution, in which its people are attempting to uproot the social and political stagnation of years past.<sup>160</sup> Women were part of the movement that overthrew regimes in Egypt and Tunisia, and “many of their male comrades-in-revolution share the urgency of their

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<sup>154</sup> *Combating Violence Against Women*, NEW ISRAEL FUND, available at [www.nif.org/.../Combating-Violence-Against-Women-Background-Tools-for-Discussion.pdf](http://www.nif.org/.../Combating-Violence-Against-Women-Background-Tools-for-Discussion.pdf). (last visited Apr. 11, 2010).

<sup>155</sup> Sarab Abu-Rabia-Queder, *supra* note 152, at 79.

<sup>156</sup> Larry Derfner, *Some Call it Honor*, *supra* note 13.

<sup>157</sup> Ben Hartman, *Arab Parents in Lod Strike in Protest at Wave of ‘Honor Killings,’* Jerusalem Post, Oct. 22, 2010; Larry Derfner, *Some Call it Honor*, *supra* note 13.

<sup>158</sup> *Id.*

<sup>159</sup> See Yaniv Kubovich & Noah Kosharek, *Brothers Arrested Over Strong of Recent ‘Honor Killings’ in Lod*, HAARETZ, Oct. 21, 2010.

<sup>160</sup> See *Spreading Revolution*, N.Y. TIMES (Interactive Feature), available at <http://www.nytimes.com/interactive/world/middleeast/2011-spreading-revolutions.html#intro> (last visited Apr. 10, 2011).

plight.”<sup>161</sup> If this sweeping demand for reform includes a focus on improving the lives of women, then this is the perfect moment for an ambitious solution to end “honor” killings once and for all.

*Sulha* provides the answer to a problem that has plagued the region, and in particular Arab-Israeli communities, for a long time.<sup>162</sup> Honor killings have been seen as necessary, because men cannot withstand the stain on their honor.<sup>163</sup> They retaliate without mercy, to restore their diminished *sharaf* for themselves, their family, and their community. As the Arabic expression says, “A man’s honor lies between the legs of a woman.”<sup>164</sup> So, girls and women are slaughtered.<sup>165</sup> “When a woman is murdered over family ‘honor,’” says Lod’s Samah Salaime Egbariya, “there’s no funeral, no gravestone, somebody just comes at night, digs a grave, throws the body in and covers it up.”<sup>166</sup>

And yet, it does not have to be this way. True, women are not expected to be part of the *sulha* process. Concededly, this paper takes an outsider’s view; the writer possesses limited experience among Arab-Israeli culture and approaches both the honor killing problem and *sulha* from an academic perspective.<sup>167</sup> Nevertheless, *sulha* is an ingenious dispute resolution process—a culturally consonant, consent-based, and highly effective way to solve problems. There is no reason, with a shift in attitude and a recalibration, that *sulha* cannot be used to solve this problem.

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<sup>161</sup> Frida Ghitis, *The Missing Subject in Arab Uprisings*, MCCLATCHY-TRIBUNE NEWS SERVICE, Apr. 5, 2011.

<sup>162</sup> See Hillary Mayell, *supra* note 6.

<sup>163</sup> *Honor*, *supra* note 24, at 69.

<sup>164</sup> MARK D. HAUSER, MORAL MINDS: THE NATURE OF RIGHT AND WRONG 146 (2006).

<sup>165</sup> Larry Derfner, *Some Call it ‘Honor,’ supra* note 13.

<sup>166</sup> *Id.*

<sup>167</sup> Some of this paper’s observations stem from my personal observations working with Arab-Israelis in Ramle and Lod in 2005-06.