

Sulha:
Community Based
Mediation in Palestine

Sulha



Edited by Zoughbi Zoughbi
Director, Wi'am

Sulha: Community Based Mediation in Palestine

Towards the Implementation of Sulha as a
Cultural Peacemaking Method for Managing
and Transforming the Larger Political
Conflict Between Israel and Palestine

Editors:
Zoughbi Zoughbi
Daniel Rainey

Sulha: Community Based Mediation in Palestine.

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Zoughbi Zoubhbi
Bethlehem
2013

Sulha:
Research Study on Community-
Based Mediation in Palestine
and its Impact on Peace-
building

**Towards the Implementation of Sulha as
a Cultural Peacemaking Method for
Managing and Transforming the Larger
Political Conflict between Israel and
Palestine**

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Introduction:

This book is a compilation of different scholarly reports concerning conflict resolution and transformation. The research and study was conducted in the Occupied Territory of the West Bank, specifically in the Bethlehem area. The contributors are members of the Wi'am community, Palestinians from the West Bank, and internationals. The Berghof Foundation partners with Wi'am and has graciously funded this project.

Background:

Faced with the stringent socio-political and stifling economic situation, the Palestinian people find themselves facing various social problems that require direct intervention from the peace builders in the society. An integral part of Wi'am's outreach activity is to respond to the community's needs through direct intervention in the field, and to provide the community members and groups with alternative means to violence. We use a pedagogical training that introduces the norms and methods of Conflict Transformation and Mediation to community groups, and we do direct mediation work in the community dealing with social conflicts in an effort to transform social conflict into harmonious results.

Project Summary:

Just as conflict is a part of our daily life, mediation is practiced every day to manage these exigencies. Mediation enables community members to reach

decisions in a cooperative, non-hierarchical way, allowing clear and open communication processes to take place. The way in which people resolve their conflicts has an impact on how societies and institutions are run, as well as their ability to resolve conflicts and reach peace with and within other communities.

The research examines the prospects for applying the conflict transformation practices of *Sulha, the traditional Arab community-dispute resolution process*, to offer a more culturally informed reconciliation and peace building mechanism that can enhance civic peace and the larger peace process. This comprehensive study will discern the benefits of adopting *Sulha* in situations of social and/or political conflicts. For practitioners, academics, civic activists, and others interested from the worldwide audience, it will fill a gap by extending their knowledge base, encompassing Middle Eastern methods for transforming conflicts using *Sulha*. We believe that if *Sulha* were emphasized within the broader peace process it would prove beneficial. Harnessing societal resilience and utilizing it to transform attitudes, behaviors and structures will drive violence further out.

About Wi'am:

Wi'am has been an expert, non-profit organization in the field of mediation and community development since 1994. The aim of Wi'am is to strengthen the capacity of civic actors in conflict transformation, peace building and mediation processes and to cultivate the capacities of the larger community to influence societal change. Wi'am Centre's unique,

multi-faceted approach draws upon field-research, thematic projects, trainings, and advocacy to influence community members to adopt a peaceful approach to resolving conflicts and shaping crisis management policies.

About The Berghof Foundation:

The Berghof Foundation is an independent, non-governmental and non-profit organization dedicated to supporting efforts to achieve sustainable peace. Established in 1971 by the Zundel family as their philanthropic enterprise, the Foundation seeks to enable conflict stakeholders and actors to develop non-violent responses in the face of conflict-related challenges. Its efforts build on the knowledge, skills and resources available in the areas of conflict research, peace support and peace education. By combining regional experience with a thematic focus on cutting-edge issues, the Foundation offers hands-on support to all its partners. The Berghof Foundation is run by a dedicated and multi-national team, who work closely with partners from around the world.

About Prof. Daniel Rainey:

Daniel Rainey is Clinical Professor of Dispute Resolution at Southern Methodist University. Since the 1980's he has engaged in activities related to conflict engagement internationally, and he is one of the leading authorities in the world on the application of technology to conflict engagement.

About Zoughbi Zoughbi:

Zoughbi Zoughbi is the founder and director of Wi'am, the Palestinian Conflict Resolution/Transformation Centre. Wi'am, through Zoughbi, was honored with the 2010 Peacebuilding Award in the World Vision International Peace Prize competition for "successfully integrating traditional Palestinian mediation customs with innovative academic models of conflict analysis to address the very difficult circumstances of Palestinians living in the occupied West Bank." Zoughbi received the Washington Physician's for Social Responsibility Award in 1993. Zoughbi was also a city council member in Bethlehem, serves on the advisory committee for MCC's work in the Occupied Territories and is active in the work of the World Council of Churches, the International Fellowship of Reconciliation, and the Arab Partnership for Conflict Prevention. Zoughbi was one of the founders of the Minister's of Peace and the Department of Peace. He is a world-renowned speaker, trainer, counselor, activist and writer. He has written extensive articles, booklets and books on the interdisciplinary topics of justice, peace and reconciliation. His work as a nonviolence educator has taken him to venues as varied as Costa Rica, Denmark, Holland, Japan, Lebanon, Poland, South Korea, the Republic of the Congo, Canada and the United States.

What is Sulha?

**Sulha Interview with Zoughbi Zoughbi – Prof.
Daniel Rainey (Fall 2012)**

The interview below was conducted via Skype as part of a class taught at Southern Methodist University. The course, International Dispute Resolution, is designed to give graduate students in the SMU Dispute Resolution program exposure to a wide range of conflict engagement efforts around the world, and to generate an appreciation of alternative methods of approaching conflict and disputes.

I was particularly interested in having the class hear about Sulha because most conflict resolution training in the United States is based on a model that derives from the interest-based approach pioneered in the U.S. and presented initially in Fisher and Ury's classic Getting to Yes. My point to the students in the class was that the linear, IBB approach is not culturally neutral, and is not effective in every situation. Many of the basic premises of the interest-based model of mediation are challenged by the Sulha process, and that challenge is what I wanted to the students to learn about, appreciate, and discuss.

DR: Our guest is Zoughbi Zoughbi, the Director of Wi'am, which is a Palestinian Conflict Resolution Center. He has an educational background in the United States as well as Palestine. He has been operating the Center for a long time, and they do a broad range of work within the community. If you don't mind, Zoughbi, I'm going to ask you to start by describing in a bit more detail the work that you do and the situation in Bethlehem.

ZZ: Yes, and you can feel free to interrupt me if I talk too much— or too little; you can always encourage me to talk more. Hello everybody, good morning. Good evening from Palestine and good morning, America. I'm happy to talk about Wi'am. Wi'am is a grassroots organization started in 1994, with a focus on the ministry of reconciliation, where we try to resolve conflict in all ways by using non-violent conflict transformation. When we started this, we became like an ultrasound, diagnosing what is happening in the society and trying to understand all of the society's interactions and relations. And so, our programs have been reactive to what we have found, as well as proactive. We are happy to help in the prescription of all the maladies or at least to reduce the level of violence if we are not able to put an end to it. Also, we will take precautionary measures in case conflict erupts.

We have programs for kids forming and facilitating trauma-coping activities because we don't, yet, have programs or institutions that help with trauma healing or Post-Traumatic Stress Disorder. We are always

dealing with on-going trauma. So, through this program, we have activities where kids can air out their frustration by telling stories and helping them project their anger into more constructive, powerful and useful ways like art therapy, theater, sports, and also planting flowers. We encourage unity by having them do all of these activities together.

We also have youth programs. We don't want our youth to have monopoly over pain, or compete for victimhood, or have a hierarchy of pain. We would like our youth to live their lives abundantly, despite the fact that they are not allowed to move freely or allowed to travel. So we try to help them see different realities through exchange programs with students from around the world. Some of them travel abroad, while others are a part of welcoming various delegations from elsewhere. We teach our youth to celebrate differences and to create a healthier atmosphere, where there is a dialogue of cultures and religions.

Also, we have programs with and for women. Women not only compose half of the Arab society, but they also rear the other half. So we work with women, trying to empower them and change the mentality of our conservative and patriarchal society. Through gender-sensitivity programs and gender justice, we focus on UN Resolution 1325 regarding women. We work to be equal citizens and work for both women and men to be represented in different levels of society. And, of course, we work with men, so we can have a holistic approach at Wi'am. We work with all these sectors because we are a community-based society, and every member of the family is a viable socio-economic unit.

Additionally, we work in multi-track diplomacy within the Grassroots sector as well as in other sectors. We have our own activities on these various levels. Also, Wi'am is a call to shift from blaming, dwelling on victimhood, pointing the finger, and enhancing the guilt to collective responsibility. Blaming is toxic and dwelling on victimhood is suicidal, as well as when you point one finger at someone else, there are three fingers pointing back at you. So our response is to always entice individual as well as collective responsibility.

At Wi'am, concerning our reconciliation method, we use a synergy of tradition and progressive thinking. We use the things that we have learned and kept as people of this culture, the traditional way of reconciliation, coupled with the things we learn from abroad and outside, like the Notre Dame University, the Eastern Mennonite University, Brandeis, the Catholic University, etc. So we drink from different springs, but we also try to keep the good tradition in our society. This is why we focus on synergy.

DR: Could you explain the Sulha, the traditional approach, and how you've blended that into the work you do at Wi'am?

ZZ: Sulha is a traditional Arabic practice of conflict resolution or, if you'd like, conflict transformation. Sulha comes from the verb Usaleh, which is to fix or mend. It is based on (if we want to use the science now) how to heal others by listening to others. Specifically, this means listening with your heart, and that's why we teach and develop compassionate listening: to listen with your heart. In a conflict, this listening happens through shuttle diplomacy – you

listen to one side, then you go to the other side and listen. While you are shuttling, you are humanizing the other because in any conflict, either you'll be hysterical or historical, whether its on a small scale or a big scale.

During conflict, people try to demonize the other and, many times, demonization is like legitimating the end of the other or to kill or finish the other. So, through shuttle diplomacy, we try to humanize each other, as well as starting the unlearning process. The unlearning process starts with humanizing all parties, getting rid of all the over-generalizations and stereotypes and getting ready to accept a new narration and more objective facts. It is as if you are taking off your old clothes, cleansing yourself, and then putting on new clothes. Because, you know, people will narrate one side, while the other group will narrate the other side. Many times, you have heard it second-hand or third-hand, so you have to find the real story and listen to both and hear them. You are constantly collecting data, mapping, and analyzing the situation. On top of that, you create a kind of synergy and energy to help both sides find a way out of this conflict. Many times, you try to be a conciliator rather than an arbitrator. You just try to get the two groups together and attempt to help them sort out the conflict by themselves. If the two parties are able to reach an agreement on their own, it is the best way to solve the conflict.

However, of course, our intervention is to help balance the power inequities. This is why we focus on restorative justice: how to redress the wrongs rather than avenging them. In any conflict, there is an imbalance of power. Many people will come and say:

“I’d like to have a balanced view”. Sometimes, we question: “What does ‘mediator’ mean? What does ‘honest broker’ mean?” Many times we feel that we are not mediators, but are, instead, empowering the weak and bringing the strong to their senses. So, this means a different type of mediation, where the focus is on restorative justice and where we’d like the two parties to have a Win-Win outcome, and, of course, we have our ways to help facilitate this. Telling a story is an example of one way to help with this, and it is very important because the stories will be didactic for the two parties. It will help them realize their ultimate direction, if they continue in this conflict. And, of course, you are telling the stories in order for them not to have monopoly over pain. We do not want them to feel that, “oh because of you, I am oppressed” or “the other guy treated me like this or that.” So, of course, you cannot bring them together, except after many rounds of talking and helping them understand and express conviction and forgiveness, so they can get together and be able to reason with one other.

When we do mediation, we must read body language. There may be screaming and sometimes it is not very easy to do. There will be some danger because we are talking about people here in the West Bank. We are in a relentless pressure cooker situation. There is a lot of displaced anger and projections of anger onto one other. So, you need to understand the socio-economic and political conditions that surround us. You cannot only look at the surface of the conflict, you need to dig deep for the information and ask many questions in order to get the information. Many times, our people are not confrontational with each other. You need to entice people to say what happened to them.

Many times, if it is a conflict related to honor, it is very difficult to get the reality of the situation. So, you need to use your diplomacy and your leverage as an elderly person in society to understand and deal with the conflict.

If one group, or one person, acknowledges the mistake, you will make a truce. This is how sulha begins, by making a truce. You know beforehand that you will make a truce for three days and one third of the fourth day. You need a truce because whenever there is conflict, people are angry, rigid and hotheaded. You need them to calm down, so you create the truce for three and one-third days, in order to find a way to have an acknowledgement of the truce. This will happen when one party or person acknowledges the offense. After that, a delegation from the perpetrator's family will come to the victim's home. In addition, they bring material resources in order to apologize to the victim's family. One spokesperson from this group and one spokesperson from the other group will come forward, and they will be nice to each other. An agreement will come after many sessions, once they have prepared the scenario for a solution. Both parties have agreed upon how much money to compensate (if there is money involved), what to say, what to do, and how to deal with spoilers. Spoilers are persons who try to corrupt and complicate the process for their personal and selfish interests, or they might serve as proxy to one party who is not interested in finding a solution. There are always spoilers, and they might not be easy to deal with.

During the sulha process, the perpetrator will not be present in the beginning. They will be somewhere in a safe place, while the delegation will go and apologize. The victim's family will start by saying, "This offense will cost \$100,000, but for God's sake, \$50,000, for the martyrs, \$25,000, for the prisoners, \$10,000, and for the delegation, \$5,000. Then they will say: Okay, you pay \$5,000". Some people will write a check or bring cash and put it on the table. Once the money is presented, the coffee will be poured. Sometimes, before we drink the coffee, we will bring the two main, conflicting persons or groups together and ask them to hug, kiss and apologize to one other. Once this is done, the coffee will be served. When ready, we will say, "Shall we drink the coffee?" When you say, "Shall we drink the coffee", it helps give you some leverage and receive some grace from the victim's family. It is possible they will give you back the money, or they will only take what they need for expenses and not for profit. Also, you cannot leave the coffee to cool; you need to drink it while it's hot, since it's part of the ceremony. If it's cold, it is an insult for the host family, and they will collect it and bring you more hot coffee. You cannot leave the house without drinking coffee. If you leave the house without drinking coffee, that means an agreement has not been reached, conflict will be escalated, and you cannot control it. So you are talking about coffee as a bargaining chip before the gathering and during the gathering; coffee is a symbol of reconciliation and the start of confidence building measures. When you drink the coffee, things will be resolved, people will visit one other, and maybe their relationships will be stronger than before. And sometimes, after coffee, the parties will have a meal together. Drinking coffee

and sharing a meal together show that you trust one another.

So, conflicts and conflict transformation is very valuable and important in this society because once they are solved, they are an example of rapprochement for bigger, societal issues.

DR: Could you speak a little bit about the expectations for the person who does the shuttle diplomacy, the mediator so to speak? What are, in the traditional forms in Sulha, the expectations and who operates as the third party?

ZZ: This is also a political, socio-economic product from the power-to-be. For example, during the rule of the Ottomans, they had the *Mukhtars (elders)*, and then the British Mandate had *mukhtars*. Finally, during the Israeli rule, they appointed elders who served their purposes and interests. There are people within the Palestinian Authority (PA) who were a part of the history of the struggle against the occupation. For us as an NGO, or civil society, or church related organization, we emerge from the Grassroots and the student movement, so we gain the confidence of the people because we have been activists for a long time.

We know different groups, different constituencies and different people in general. Through our mediation, we induce synergy and, whenever there is a traditional way to solve the conflict, we use the traditional way. But, the purpose of mediation is to bring the two parties together. By using synergy, we are able to connect, interact, and network with religious leaders, political leaders, sociologists,

psychologists and lawyers. So, it varies with each case. If a case needs a lawyer, we will bring the lawyer along, and he or she will not charge, but, if they were to go to his or her office, they will charge. We bring the clergy or sometimes the police, and even social centers refer cases to us. For us, we receive freely, and we give freely. We believe that conflict transformation is the art of sharing yourself— your mind, your heart, your resources— with everyone. It is based on unconditional love helping others freely. Those with money will not come to us. They will go to lawyers and the court system, and some cases might take years. I know of some cases have been in process for 20 years now. Sometimes we use both the courts as well as our intervention. It depends on the situation.

As I said before, we try to be fair and honest and not take it to the courts because we base our solutions on Win-Win strategy, not on a Zero Sum solution. We also try not to solve problems so quickly and on the spot because we want to take time to build healthy and cordial relationships between the people. This is why we work on Palestinian time versus Western time, and we try to satisfy all needs.

It's not a job; it's a commitment for us.

Effective Civil Society Organizations: An argument for measuring NGO success based on *sulha* mediation at the Wi'am center in Bethlehem

—

Tim Leisman (Fall 2012)

Introduction: Social capital creation as the goal of peace-building

That civil society plays an integral and central role in peace-building is undisputed. Effective social institutions cannot be built solely from the top down, as institutions without the support and participation of citizens on all levels of society do not have the legitimacy needed to be sustainable. Building sustainable social structures from the bottom-up requires the formation of effective and productive civil society organizations. The role of civil society is important to examine in developed societies as well as developing societies, in post-conflict reconstruction as well as international development, in peacetime as well as wartime.

In his book *Building Peace: Sustainable Reconciliation in Divided Societies*, John Paul Lederach explores peace-building efforts stemming from three levels of leadership: Top level leadership, which consists of the most visible political and military leaders; middle-range social leaders such as respected academics, religious figureheads and directors of NGOs; and finally grassroots leadership, which consists of figureheads of micro-scale, local organizations such as doctors, leaders of small religious congregations, and directors of refugee

camp. (1) Each level is important to peace-building, and a peaceful society cannot exist without the sustainable integration of interests and needs at all levels.

What Lederach defines as the “middle level” of leadership is what many in the Peace Studies and International Development communities refer to as “civil society.” While this term is notoriously hard to define, scholar Charles (Chip) Hauss offers a comprehensive view in his essay “Civil Society” from *Beyond Intractability*, in which he offers a list of characteristics common to perceptions of civil society and explores the role of civil society in conflict resolution. Very generally, he claims that civil society refers to voluntary participation by average citizens in political processes, whether public processes and events or private, third-party organizations and interest groups. (2)

While it may be hard to define, civil society is certainly a very important concept to democratic development. Hilary Clinton alludes to this in her 2010 speech, “Civil Society: Supporting Democracy in the 21st Century,” where she refers to civil society as one of three “essential element[s] of a free nation” along with a free market and representative government. She states, “Civil society undergirds both democratic governance and broad-based prosperity.” (3) By this she means that without the foundation of civil society institutions, representative government and free-market economy (the other two legs of a free nation) cannot function. This supports and extends the definition offered by Hauss, integrating the context of a democratic society and

highlighting the importance of civil society institutions.

Participatory civil society institutions often serve to balance the high-level focus of political leaders and the survival mentality of grassroots organizers. Lederach notes the relative freedom enjoyed by middle level leaders: “They have contact with top-level leaders, but are not bound by the political calculations that govern every move and decision made at that level. Similarly, they vicariously know the context and experience of people living at the grassroots level, yet they are not encumbered by the survival demands facing many at this level.” (4) Because of this freedom, these middle level leaders can be the most effective and important part of Lederach’s peace-building triangle.

Social figureheads at this level, be they entrepreneurs or priests, are in an ideal position to unite the concerns of the grassroots level population with the resources and decision-making power of the most influential leadership. However, they are not bound by the concerns of either group and so are free to advance whichever social change initiatives they see as most necessary. This can be problematic at times when such institutions do not serve to advance the needs of people as a collective and instead serve selfish individual goals. Francis Fukuyama, in his 1999 essay “Social Capital and Civil Society” noted, “It is of course also possible to have too much of a good thing. One person's civic engagement is another's rent-seeking; much of what constitutes civil society can be described as interest groups trying to divert public resources to their favored causes.” (5) Fukuyama offers a valid critique and one that is

difficult to resolve: How are civil society institutions to be held accountable for their work?

For his part, Fukuyama fails to offer a convincing method of measuring social capital and the work of civic institutions beyond a brief framework for analyzing the effect of social capital on market-driven organizations. I offer a simple conceptual idea based on James Coleman's groundbreaking 1988 article, "Social capital in the creation of human capital." Dr. Coleman coined the term "social capital," defining it as the nearly intangible phenomenon that exists in community relationships that enable individuals to make change in social structures. (6) I argue that civil society organizations, broadly defined, are productive to the extent that they build social capital in their surrounding communities. In other words, civil society organizations can be measured as "successful" if they inspire agency and facilitate social work in their surrounding communities.

The case of the Wi'am Center

My internship project, entitled "Cross Cultural Peacebuilding," enabled me to study civil society during an eleven-week internship at the Wi'am Palestinian Conflict Transformation Center. The Wi'am Center is located in Bethlehem, Palestine – part of the Occupied West Bank. Palestine offers a unique opportunity to study civil society institutions because the effort to build democratic and nonviolent structures clashes so overtly with the violence of the occupation and the imposition of top-down government reforms. The nation is plagued by a superficial "peace industry," comprised of

organizations that siphon off development funds into projects that fail to meet the needs of citizens on the grassroots level. (7) Such a context is the ideal environment to find comparative examples of both beneficial and wasteful civil society groups.

The Wi'am Center is a local, non-governmental organization that works to meet the needs of Palestinians living on the grassroots level. The Wi'am Center was founded in 1995 with the goal of providing conflict resolution services to the local population based on a synergy between the traditional Arabic style of mediation called *sulha* and Western models of alternative dispute resolution. The Center has one full-time mediator but all of the staff are expected to be on hand at any hour of the day to take calls. Throughout my stay at his home during the summer of 2012, Zoughbi Zoughbi, the director of the Center, often left at many hours of the day and night to take cases or help resolve disputes. The work of mediation on the ground is crucial to building social capital because it helps build trust among community members and promotes a culture of nonviolence. Offering a peaceable alternative to the court system, the presence of an effective and dedicated body of mediators means that citizens do not have to rely exclusively on legal structures to resolve disputes.

Sulha mediation helped build a bridge between Wi'am and the community in Bethlehem, enabling the Center to pursue other kinds of peace-building work. As Director Zoughbi Zoughbi described it, "Through this work [of *sulha* mediation], we became like an ultrasound, discovering the illnesses in our society." (8) Recognizing the

patriarchal nature of Middle Eastern society, to which Palestine is no exception, Wi'am focuses much attention on empowering women in its community. Wi'am is part of a network of organizations in Bethlehem that work with women, providing educational opportunities about nonviolence and civil rights, and helping them find job opportunities and build a sense of personal agency. (9) They have seen results with women taking initiative as leaders of nonviolent movements and becoming involved in the so-called "man's world" of politics.

Wi'am also does work with children and youth. Over the summer Wi'am hosted a summer camp, where nearly 80 children and youth spent mornings Monday-Friday playing on the safe and attractive grounds of the center and relaxing under the shade tent. I was responsible to help document the days and teach the children English classes once a week. While it was hard to keep the group of kids still for an hour of language when they wanted to go play, I felt that they made progress but also, more importantly, that they felt capable to be agents of change after their overall experiences at Wi'am.

Wi'am values its relationship with international visitors and fosters these relationships through its "Citizen Diplomacy and Advocacy" program. Through this program the Center hosts international visitors in various capacities, depending on the desires of the group. While I was an intern there, they engaged visitors in different ways, from giving a tour of the nearby Aida refugee camp to hosting a banquet attended by the Mayor of Bethlehem. They hope to impart accurate knowledge of life in Palestine through the eyes of local citizens

rather than through the lens of the international media. Due to this program, Wi'am is now internationally known and recognized as a Conflict Resolution Center in Bethlehem and has a network of international contacts supporting its efforts to build civil society.

Wi'am's reputation transcends its geographical boundaries, as that program suggests, but also transcends the borders of conflict with neighboring Israel. An Israeli businessman and grassroots banker with whom I stayed on the eve of my departure from the region knew Wi'am to be a dignified and effective center for civil society building. He praised Wi'am for avoiding the Western, top-down approach and instead developing "local solutions to local problems." In this vein, recognizing that unemployment is up in Bethlehem, Wi'am works to help people find jobs and even hosts a modest store selling local, handcrafted goods such as jewelry, clothing, and woodcarvings.

Even on a local level, the work of building institutions and creating social capital is incredibly broad, which contributes to the problem of measuring the work. The one criticism I heard of Wi'am was that it is focused too much on broad concerns and not enough on grassroots protest and nonviolent action movements in communities neighboring Bethlehem. (10) This concern came from an activist in neighboring Beit Omar, a village in Area C that is isolated by Israeli settlements and the roads connecting them. This activist complained that Wi'am and other "big NGOs [do not] care about Area C" and "will not send their volunteers to help." (11) During my experience, Wi'am and its staff did

participate in several protests closer to Bethlehem, including one that occurred regularly over the summer of 2012 at a local monastery whose grounds were threatened by the construction of the Wall.

Peace-building is incredibly expansive work and local contributions to civil society are its backbone. Wi'am's function is not necessarily to facilitate protest, but to build social capital and structures of nonviolence among the grassroots of Bethlehem. In the face of a government that is unresponsive and sometimes even violent to the needs of its people, these structures are even more essential. As just one example, during the First Intifada, when courts were shut down and the Israelis would shoot police on the streets, sulha mediation provided a means for nonviolent dispute resolution. (12) While civil society work in Palestine has a similar purpose to civil society work in the United States, activists face many unique challenges. The Israeli Occupation forces all citizens to deal with humiliation and fear on a day-to-day basis. Israel controls the flow of resources into and out of the West Bank, making it incredibly difficult to find funding for projects. At least twice over the summer, the Palestinian Authority responded to protestors with violence and the police are generally mistrusted, a result of the militarism forced on Palestinian society by the occupation. The situation is so unstable that, in the words of Amira Adnan, "one day we are fine, the next day we have war." (13) Amira notes that in addition to uncertainty, Wi'am confronts social norms and structures of patriarchy in its work, which frustrate the Center's women empowerment programs. (14) Perhaps the most crucial challenge is that of emigration: educated Palestinians know they

can find a better life elsewhere, where they could more easily make use of their skills as doctors, scientists or lawyers without being hindered by the *de facto* and *de jure* economic sanctions Israel imposes on the Palestinians. (15)

In the face of these challenges, as Zoughbi Zoughbi eloquently stated, “We are interested in the skills that help people to live in dignity and live responsibly.” (16) The Wi’am Center, as I found through my internship experience, is an effective civil society organization that builds social capital in the Bethlehem community and contributes to building a culture of nonviolence. They are an example of a local NGO that contends with many different challenges and issues, not the least of which is the “peace industry” that I described above. By beginning from the traditional cultural practice of sulha mediation, they remain rooted in their community and are able to be more effective peace-builders than non-locally grounded groups.

Sulha Mediation – an Arabic Tradition

As I illustrated above, sulha mediation was the basis for Wi’am’s initial creation and the activity that (In Zoughbi’s words, “like an ultrasound”) enabled them to expand as a peace-building organization. This is because sulha mediation is so deeply rooted in Arabic society and familiar to the people with whom the Wi’am staff was working. The root word *sulh* in Arabic literally means to stop fighting and settle into peace and the word *sulha* is used to refer to the entire process of dispute resolution and the winding down of tensions. Sulha as a tradition dates back to the pre-Islamic period and

was originally a tribal conflict resolution process intended to eliminate the tragic consequences of violent feuds between tribes and families within tribes. (17) This ancient process, centered around the concept of the third party, will be familiar to many contemporary Western practitioners from the work of William Ury (*The Third Side: Why we fight and how we can stop*, 2000). In inter-tribal conflicts the warring parties would appeal to a chief from another tribe, while in intra-tribal conflicts the disputants would seek help with resolution from the chief of the tribe. Religious leaders were also commonly sought out for aid with resolution and ending violence, especially because the process was most practiced in Christian communities. (18) Certain people in communities known for their wisdom and dispute resolution skills might also be designated as representatives of extended families, or *mukhtars*, who made themselves available as mediators in the sulha process. (19)

They key was that the third party was comprised of one or more highly visible and prominent members of society, the kinds of figures who would fall into the top level of Lederach's pyramid. These mediators, upon being requisitioned by a disputing party, would form a mediating body, called the *jaha*, whose role was to conduct "shuttle diplomacy" between the conflicting parties. (20) This shuttle diplomacy consisted of the *jaha* traveling between the parties, hearing their side of the stories and offering advice. All of this service by the *jaha* is completely free and no compensation is expected or even customarily allowed. As noted Israeli-Arab mediator Elias Jabbour notes in his book on sulha,

the service of mediation is rendered completely from the *jaha*'s own time and resources. (21)

It is important to note that the primary function of *sulha* is to stop violence, which is why the "shuttle diplomacy" is so important. During this period members of the *jaha* enforce a truce, referred to as a *hodna*, which means a complete ceasefire between the parties. Any interaction between the disputants, even a look, could constitute a breaking of the truce, meaning that the only communication between parties in the first period of *sulha* is through the *jaha*. (22) Because tribal culture was so oriented towards retribution and collective action this period of separation between the parties, and perhaps even all members of the disputing party's family, was necessary to prevent the bloodshed that commonly characterized during tribal feuds. (23)

The *jaha* serves during shuttle diplomacy primarily to absorb the anger of the disputants and offer council. Elias Jabbour relates a story in his book about a *jaha* who visited the home of a bereaved family that had lost a family member to violence. The women of the family were so angry that they stood on the roof and poured ashes on the heads of the men in the delegation. (24) The key lesson from this story is that the men of the *jaha* did not respond in anger but affirmed the right of the disputants to express their anger and pain. In this way, the prominent members of society in the *jaha* put themselves on the level of the disputants and make themselves accessible, as well as show the participants that their pain and anger in response to the violence are valid and appropriate. This helps disputants to feel comfortable and trust the members of the mediating

body, which is important because the *jaha* is responsible to make a decision based on the facts of the case. The *jaha* in this way acts as council but not in the same sense as legal council in a court system. The ruling is based on all the facts of the case as well as the effect that the resolution will have on the community, which the *jaha* is responsible to judge as prominent social figures. (25) In cases of murder, the *jaha* traditionally instructs the guilty party to pay a *diya*, or blood money in recompense for the offense. While this money is not meant to repair the damage done by the murder, it can symbolize the genuine remorse of the offending party and satisfy the urge for retribution. (26)

Although the shuttle diplomacy process described above happens completely in private, *sulha* is very much a public process that deals with communal relations. The *jaha* are chosen because they are perceived to have moral authority, and the disputing parties that seek resolution must make a public declaration that they will cede all responsibility for the case to the body of mediators. (27) After this public statement, as described above, the process becomes very private for the actual mediation to occur and to prevent further violence. Once the *jaha* has ruled, however, the public is key to the process. The parties unite in a ceremony of reconciliation, which is what the word *sulha* actually refers to. This ceremony takes many different forms depending on the traditions of the locale in which it takes place, but key to the process is that the two parties shake hands in front of a gathered crowd comprised of notable social figures. In his book, Elias Jabbour describes that this traditionally includes the tying of a knot in a white flag to symbolize that the

peace between the parties will not come undone. (28) Also essential to the process in all of the descriptions I encountered was the sharing of traditional Arabic coffee (and in more serious cases even a meal) between the two parties. It is a very rude insult in Arabic culture to deny an invitation for coffee, and this gesture symbolizes that the two parties are returning to cordial relations and also will not revert to violence. (29) Embedded in this public process is perhaps the most important principle of sulha, which is the ability of parties to resolve their conflict while maintaining their sense of honor and dignity.

Sulha as a Contemporary Conflict Resolution Practice

I had the great fortune to personally witness several sulha processes and one formal sulha ceremony during my time in Bethlehem. In the most memorable case, the staff at Wi'am was conducting mediation in a case involving a local school in which a teacher kicked a student out of class. This student felt disrespected and appealed to her elder brothers for help, one of whom took offense and physically confronted the teacher; after the altercation the teacher ended up in the hospital. I was not privy to the shuttle diplomacy that took place, only to the sulha ceremony. The staff from Wi'am, along with several religious leaders from the community, came to the school and presided over the ceremony, where a bishop spoke about cordial relations and the brother shook hands with the teacher he had fought. This process was conducted in front of all of the students at the school as well as the family members. Afterwards I was invited to attend the coffee drinking session between the parties where the teacher, several

brothers and other religious leaders from the community shared coffee and talked briefly.

I was inspired by this occasion, although I recognize that not every case is so simple. I was able to witness shuttle diplomacy sessions and community mediations several times, although my lack of Arabic comprehension hindered me from understanding the intricacies of the mediations. As I alluded to above, *sulha* remains an effective method of dispute resolution in Arabic society. Some Palestinian courts incorporate the *sulha* process into their adjudication and give more relaxed sentences to parties who seek *sulha*, or even allow cases to be settled out of court through the mediation process. (30) Because *sulha* mediation is a bottom-up process it generally leads to a greater sense of ownership over the conflict resolution than the legal process does, especially in Arab-Israeli courts, which may issue a verdict but where “*sulha* offers a path for long-term reconciliation.” (32)

However, the *Sulha* process also has weaknesses and is not applicable to every situation. As Zoughbi Zoughbi notes, the Wi'am Center is “not really dedicated to the use of traditional *sulha* because there are lots of negative things about it.” (33) Other community members I interviewed affirmed this view, such as Bethlehem legal advocate, Mary Rock. She reflected that in cases such as rape or sexual abuse, women are much more likely to get their rights affirmed through the court system than through *sulha* because of how patriarchal the *jaha* system can be. (33) In this same vein, she reflected that the court systems are much more accessible to women as lawyers than the *sulha* process is to women

as members of the *jaha*. (34) Further, as noted in Tarabeih, Shmueli and Khamaisi (2009), *sulha* can in general lead to unstable solutions due to the dominance of socially powerful participants. (35) In other words, the notable community figures, through their very presence, may alter the dynamics of conflict and spur parties to declare resolution where internal harmony is not actually achieved.

Elias Jabbour notes that the effectiveness of the *sulha* process as a time-tested tradition is partly due to the strong social bonds created by the family structure in Arabic communities. He writes, “In the Palestinian Arab society specifically, and the Arab world in general, familial and social bonds impose upon the individual within that context a strong commitment and obligation toward his family as a collective whole and to the preservation of [the family’s] honor and reputation.” (36) These principles of honor and dignity, as well as the forgiveness that is such an essential part of the *sulha* process, are the elements that should be taken to inform peace-building on a larger scale. While no one can expect a small-scale process like traditional *sulha* to be a panacea for the larger Israeli-Palestinian conflict, it can guide a more effective framework than what is currently used. However, as Bethlehem University Professor Mazin Qumsiyeh stressed in an interview, “there can be no *sulha* between the oppressed and oppressor,” and conditions on the ground must change before true mediation can begin. (37)

Conclusion: Local Traditions and Peace-building

In order for peace-building to be effective, actors must proceed according to the customs and traditions of the culture in which they work. I have shown that the Wi'am Center in Bethlehem is an effective model of a civil society NGO that builds social capital through actions that are rooted in traditional cultural practices. This case is relevant to the peace studies field as a model that should inform an integrated framework for peace-building. As we move into the 21st century we must be reminded how ancient and traditional practices such as sulha can inform the work of building harmonious communities in the face of globalization. Principles such as human dignity and forgiveness, values that underlie any effective third party process, must be taken into account as the goals of any formal negotiations or peace-building work. Combined with existing research from global conflict areas the field of peace studies should move forward to advocate an integrated and comprehensive, yet flexible and transformative model for peace-building that civil society organizations can use as a framework for action.

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**Sulha Interview with Elias Jabbour – Tim
Leisman (Fall 2012)**

TL: Please define Sulha.

EJ: *Sulha* started in the Arab Peninsula in what is known today as Saudi Arabia. It started in the pre-Islamic period and mostly Christians were involved in Sulha. I am sorry that Sulha has the reputation that it is a Muslim process, a Muslim institution – it is not. Islam adopted Sulha when it appeared 600 years later, but originally, Christians were primarily involved in Sulha, in maintaining peace. And we have the oldest notion of Sulha in pre-Islamic Arabic poetry, where poets were standing, like Shakespeare, and praising the ones who made Sulha. We have the names of those old Sulha mediators – and some of them were Christians. So it's an old process originally based on Bedouin tribes who never settled in one place and never had an official or common legal system. You cannot expect a nomadic society of tribes, who are constantly moving around, to have courts or laws or legal systems. It was from the lack of a legal system that Sulha came to be, and it filled the void because disputes were born with Adam when he disobeyed God. And the first problem? Cain killed Abel!

Today, we are the modern, civilized, human creatures talking about conflict resolution without realizing that the conflict started with Adam. So, we are talking about conflict resolution in Bosnia, Africa and everywhere, but look! The Bible begins with a murder case – amazing!

TL: Does that mean that we are cursed forever?

EJ: You see my point – we don't pay attention. You think that God made this story accidentally? It has a powerful purpose, and we need to study deep in the human psyche to find why and what makes human beings quarrel with each other. We are the most beautiful creatures, and if you look deep into what we are doing, it is ugly. We are killing people, and now we are not satisfied with killing one by one. We want and we invent mass destructive weapons that kill thousands of people. And we call ourselves civilized? In this context, I wonder who is more rationale or civilized – the people in the Stone Age who killed each other one by one, or us now?

TL: Can Sulha help what is going on now?

EJ: I am sure that Sulha can help. It can be used, not necessarily for its details, but its principles. It can be used in any conflict whether political or regional or familial. If we use the basis of the principles of Sulha, I think we can solve any conflict.

In my opinion, the Oslo Accords failed because they did not apply the principles of Sulha. There are some principles that we have to follow. For example, the most important principle is dignity. Without keeping dignity, without preserving dignity, you cannot make peace with any person. You cannot humiliate a person and tell them “C'mon, forget about it; make peace”. No. It doesn't work like that.

Sulha, in the old Arabic culture, is the mixture of a cultural and social context. If you restore human rights before you restore human dignity, Sulha will not succeed. For example, if you take the watch of an Arab, he gets angry. Someone will tell him, “So what, how much, \$20? Take \$50!” No, it doesn’t work like that. He wants to know why you took his watch, and did not respect his property. For example, if you explain, “Sir, I have 10 starving children at home, so I took your watch to feed my children.” Upon hearing that, he will give you his second watch.

Unfortunately these principles were not followed in Oslo. I have a sense that Oslo started in the house of Hope. At that time there was a professor from Haifa University, who we invited to give a lecture for both Arabs and Jews. People were so enthusiastic, and he himself was a master of thinking and making peace and co-existence and so on. He left the meeting, and we didn’t know that during the meeting he perceived the idea of Oslo. I think his name was Hirschfield. And people told me Elias, why don’t you invite him again – so I picked up the telephone, and they said, “He is not here; he is abroad; he is taking a sabbatical”. So I thought about Joseph Yelin; he was not here. I called two or three more people, and I did not know they were all a part of the Oslo group.

So, during Oslo they closed the door, and no one knew. They discussed crucial issues of the Arab-Israeli conflict, but no one ever discussed Jerusalem or the borders. Why did they meet at all? This meeting was like a saloon or a casual meeting – but this issue is like life or death for me.

When I was young, I was taken by my father to attend a Sulha. I saw the old man, whose son was killed, shaking hands with the killer. I said, "Father what is going on here?!" How could this old man shake the hand of the killer of his son? My father told me, "Son, when you grow up, you will understand more." This is a wise man; he lost one son, and he doesn't want to lose the other. We make peace, so that we will not lose more. I tell you, the Israelis and the Palestinians must make peace to stop losing loved ones. The more you live like this, the more you are losing. If we are wise, we would prevent losing more. If we are unwise, we continue.

TL: What can be done to restore dignity?

EJ: First of all, I think we have to ask ourselves, "Are we convinced that what happened is finished?" Because, when you work for Sulha, you work in the direction of ending the conflict. Sulha ends the conflict; this is what most people do not know. There has never been a Sulha that has been violated for 100 years. When you make Sulha, you finish the conflict. Are we aware of that? This is why there is no Sulha; mostly because they are not aware. When we finally become aware that we are approaching the end of the conflict, all our thinking will begin to change. But, both Jews and Arabs today, are not going in this direction – "We will continue to fight forever!" When you begin Sulha, you have to determine in yourself, mentally, psychologically and socially, that you are going to change from a state of enmity into a state of friendship.

Now what are the principles of Sulha? There are three principles or conditions: to forgive, *mussalha*,

to shake hands, *mussafaha*, and the third, to share a meal, *mumallaha*. Without forgiveness, there will be no peace. So in Sulha, we have to accept what was done wrong, then repent of it. What if I say, “I killed a man, and I am going to kill another” Where is Sulha here? So you need to repent, and the other side must forgive. If he doesn’t forgive, the perpetrator will continue. Also, the shaking of hands is important, but it is not understood in some foreign countries. If I put my hand in yours, it means I am able to touch the body of my enemy. Meaning, when you begin to touch his body, all the anger you have in your being will be discharged. Sulha is a process of discharging or purging the stomach – vomit enmity! Finally, sharing a meal, but how am I going to eat with my enemy? I won’t let him enter my home! But, after the first two principles are completed, we are now sitting at the same table and sharing his bread! We see this same sort of tradition of sharing a meal in the Biblical times as well.

TL: Is this Jewish as well as Christian and Muslim?

EJ: It’s human. It is universal. I don’t think that we can say “this is Jewish, Arab, Muslim, etc.”

TL: When we asked Hanan Ashrawi about sulha in modern times, her reply was she couldn’t see how sulha would fit with rule by law. So I’m wondering how does the forgiveness and sharing a meal and shaking hands fit in with a society that’s guided by law?

EJ: I belong to the old school. Madam Hanan Ashrawi is one of the elite, modern and highly educated. I’m a villager, a primitive person. Of

course it will be difficult! I don't mind anyone who would question it. I sometimes receive a very critical response from young Arabs. It's old; what are you going to bring? Now, we have the states of law and order! I say yes, in New York, we have the states of law and order, and do you see how many people are killed without Sulha? So if we delete Sulha altogether from our society and replace it with only the judicial courts, do you think that no one will kill or be killed?

TL: Has sulha been applied at the international level? Have you had success on a political level? We're a very different culture, have you seen success internationally?

EJ: The Jewish society, especially Ashkenazi, do not practice Sulha because socially and culturally it's strange for them. In the old days, there were Arab Jews living in Palestine – in Tiberius and Jerusalem. Those Arab Jews used Sulha because not because it was connected to any religion, but because they belong to the old Palestinian, Arab culture. Presenting Sulha to a different culture other than Arabic culture would not fully succeed. But, why don't we use the principles? Rather than explaining everything about sulha, just simply take the principles and use them.

The principles are, first of all, we have to go and pay a visit to the family of the bereaved. This is respecting and showing dignity. If you don't care about them, and you don't go to visit them; you are insulting them. A third party mediator, the *jaha*, goes to the bereaved family. The *jaha* are respected, dignified persons who go to the family of the bereaved. But before you go there, you need the

authorization from the family of the killer. Because the bereaved family will ask you, “Who sent you; why do you come?” “Sir, on behalf of the other family, we are telling you that they repent, and they are sorry, and they are asking for your kindness.” No one asked the Arabs and Jews if they want to make peace; they are still angry! How do you make peace? We are not ready for peace. No one has prepared the way for peace. The jaha goes many times like a shuttle, from one family to the other. The jaha has to prove himself to both families, and he has to convince them to forgive each other and reconcile. Because why should the victim’s father give the blood of his son for the sake of peace? You need to explain and convince and teach and help guide them. You tell old Arabic stories to get your point across. There are many stories like; killing by revenge will not revive your son, and if you lost one son, you are wise enough to keep the rest. Sulha puts an end to the cycle of revenge. The most difficult stage is trying to find a solution that both sides agree on.

Sulha is different from modern mediation because the jaha decides the solution for both sides, but in modern mediation, they decide for themselves. We can learn from Sulha; it can be a good practice for anyone. It can even be applied to how we behave in life. My goal, my aim, is to find a way to tell people about some principles of making peace and living together. What is our problem? We are unable to live together. There are groups like this in every country.

TL: Bethlehem legal advocate, Mary Rock, reflected that in cases such as rape or sexual abuse, women are much more likely to get their rights affirmed through the court system than through

sulha because of how patriarchal the *jaha* system can be. In this same vein, she reflected that the court systems are much more accessible to women as lawyers than the sulha process is to women as members of the *jaha*.

EJ: I am sorry for whoever is living with the Western mentality way of thinking. Of course it looks like the male committee is doing everything and not allowing room for women to have a voice or be treated equally, and she wants to transfer women's cases to the courts. But what she thinks is not right or true. I don't blame her, but I don't agree with her. I speak about the role of women and lectured about it in several places and with several people. She doesn't know the reality. In fact, the old sulha, traditional way, has prevented hundreds of cases concerning women abuse, if not thousands.

In the Arabic culture, it's a great shame and dishonor to the family if a love affair between the man and the woman is known. Today we are more permissive, but in the Arabic culture, we still take these sorts of cases very seriously. The most difficult cases are the cases of what we call "family honor". In the case of a woman eloping with a man, sulha is much wiser and more effective than all the civil court's laws. Instead of having this issue be the sensation of the current news in the streets or in the media like other cultures do, Sulha solves this problem without anyone knowing anything. I will give you an example.

One day I was sitting at home when a middle-aged man knocked at my door. When he came in, he collapsed on the floor! Yelling, crying, sobbing! I was at a loss for words! I called my wife to bring

coffee, water, whatever... What to do with this man?! I picked him up, placed him on the couch and asked what happened. He said, my daughter, this is the week of her marriage. In Arab culture, people come to visit the bride's family every day for a week before the marriage. He said people want to come to my home and celebrate the wedding, but she eloped with a different man! Abu Jabbour, my daughter, what can I do?! To make a long story short, because I know so many people, I was able to track down the daughter. So I took my wife and my car – this is a risk, I tell you! But this is how we do it. With only God knowing, I drove to where she was. It doesn't matter how or what I said; we called the parents, and no one else knew. I asked, "Do you want me to take this case to the court?" This is how we operate. We allow the woman to have a fair and equal voice and choice with what she wants to do.

TL: Did the girl not want to marry? What was her perspective?

EJ: No one forced her to get engaged to this young man. If she is angry and doesn't want him, nothing prevents her to tell her father. It was not that she didn't want to be married. I asked her several times and offered to tell them that she didn't want this man, and she has the right. It's not like we oblige our women to go through with this. There are arranged marriages, and by the way, this is in Jewish tradition since Biblical times, and even the royal family in England has arranged marriages. The arranged marriage is not by force. She has the right to say no, and no one will tell her different. But, we are under

the impression that we usurp our girls – no! By the way, in the Western culture, do you know the number of cases of divorce? So why are we discriminated against?

TL: What about women mediators?

EJ: I've been accused of being old-minded, or whatever you want to call me. Here, if you want to say that a person is old-minded, you call him "Turkish" because of the Ottomans.

I actually believe that women are the ones who decide sulha; without their consent there will be no sulha. But no one on the outside knows that. If the mother or the wife doesn't agree with her husband, there will be no sulha. You wouldn't ever dare to have sulha without her consent. And sometimes, just humorously to say, when the delegation is sitting in the room, we look outside and we see the wife telling her husband, "Don't accept". So I tell the gentlemen, "Let's go home; they still have to decide."

Sometimes they even say, "We cannot make peace now because the mother is still grieving." Without the mother's consent, there will be no peace. But unfortunately, the Western culture wants the role of the woman to be publicized and outwardly acknowledged. I am not against it! I would love to see a woman on a Jaha. I have no objection! But she must have some qualities and must be willing to except the rules of sulha. We cannot bring a Harvard graduate, like Ashrawi, and have her talk and discuss with those old men. It's an evolution, not a revolution. Arab women are going through a very critical time. It is the clash between modern society and applying it

to a lifestyle that is in a very patriarchal and conservative society.

TL: What is the difference between Jaha and Mukhtar?

EJ: A *Mukhtar* is a chief. It literally means selected, not elected. They are a selected person to represent the people. For example, during the Ottoman period, my grandfather was a *mukhtar*. He was a representative of the people to go to the Turkish Authorities and present the needs of the people. He was the link. Now, most of the mukhtars are elected to be in the jaha. He can choose to serve or not to serve. He will practice his job as a mukhtar whether he is on the jaha or not. He is elected to serve on the jaha mainly because of his influence and his knowledge.

TL: Israeli courts and Sulha?

EJ: I hear many people say that you make sulha so that the courts will lessen the sentence. No. You are insulting the court system and the judges. The judge is not a person who will hear from Elias Jabbour; so the assumption is wrong. Some judges, not all, are ready to understand and open their minds to learn about sulha. He might take it into consideration, or he might not take any of your consideration because he has to rule according to the law. But some judges will stand in the court and say, "You have to learn sulha!"

I give lectures to hundreds of Israeli judges at the law school at Haifa University. I was invited by the dean to lecture, and I have even given a lecture in front of the Supreme Court judges. And believe me, they

were so – it's not because I want to praise myself – they were so glad to hear about it. I am trying to explain the sulha process on its deep, simple level, rather than this kind of criticism or that. What does sulha mean? It means put an end to the conflict. For example, in some cases, I lecture about the woman's role. And I haven't heard anyone get upset or angry about it. Of course they don't say they agree with it, but they listen. So in the end, if they are presented with a case that was solved by Sulha, they will know what is going on.

Second thing, sulha is totally independent from the courts. It has no connection with the courts or with the police. The police will do his duty and take a killer to the jail. Do you think I come and get him out? No, it's not my business. My business is to make peace between the families. This kind of conflict in the Arab society has repercussions on the family life, the village life, etc. Many times when I go to sulha, I hear the killer's family blame the devil. But it is interesting that when we wake up, we begin to see the sad event more clearly. We see that man acknowledges the wrong he has done, and he is sorry for it. I have learned that the principle of forgiveness is inherent in man, and we also to want to be forgiven.

TL: Do you think it could be more formal?

EJ: I don't think it needs to be in the court, but why not do it alongside the court. This is a Win-Win case, while the court system is a Win-Lose case. You have nothing to lose by causing the relationships to go back to normal. I am not saying that there is never a loss because during a fight people do lose. The most difficult loss is when you lose a loved one, but going

back to normal life is very important. Living in peace with one another is so beautiful. There is a beautiful saying in Arabic: "If my neighbor cannot sleep, well I can't either." The greatest victory is when both parties can go to sleep, and this is what the jaha is able to accomplish.

The ritual of sulha is so interesting. In the beginning, when the family of the killer goes to the family of the bereaved to shake hands with them, your heart begins to beat quickly because you don't know what is going to happen. During that moment of tension you are able to hear a pin drop; you are holding your breath until the last hand is shaken. After that, everything changes! You can breathe a sigh of relief, and the families begin to talk, make speeches, continue with the ritual, and have a meal together! It's a changed world!

Here is a story. Foreigners came and asked me to make sulha in an old case. It was a case that my father was involved in 30 years ago. For 30 years, the two families were living under the risk of revenge, until these few honest people wanted to stop it. Anyhow, I tried, but it wasn't me; I think it was from above because how could they refuse the jaha of the old days and accept what I have to say now? Nobody believed the results! Then one day the same people came back and invited me to the wedding of their daughter with the other family's son! I felt so elated!

TL: Why will they honor the agreement?

EJ: First of all, we call it *hudna*, not truce. *Hudna* is the key element, the beginning of sulha. You begin

with a truce from the bereaved family to assure that there is no revenge. But it is not just a ceasefire. Any hostile act is a violation of the *hudna*. You can't do anything that will break the truce. If you look at the other person they may say: look, he is challenging me! If you get on a bus and see a person from the other family, you have to get off. It is all about humility and honor.

The *hudna* is applied until the end of the *sulha*, and it is not easy. But what makes *sulha* valid? It is the respect of your word; you gave a word of honor. You said that you agree, and what a shame it is if you go back on your word!

The second important element is that it is done in front of all the people, not in closed rooms like how Oslo was conducted. It has hundreds, if not thousands of people present. So if you stand up and say, "I agree", how can you go back on your word? It is the element of shame.

TL: Will there be Sulha between Arabs and Jews?

EJ: No, because like I said before, we are dealing with different cultures, and Ashkenazi Jews doesn't understand. There are only some rare *sulha* cases where Arabs and Jews are involved on both sides. Many *sulha*'s have failed, and many have started and were not completed. We find it difficult to complete because usually if an Ashkenazi Jew makes *sulha*, they will conduct it alone with the other party's *hamullah*, family. It doesn't work with this individualistic way of life versus the collective way. The Arab way of life is a collective way, where every one feels responsible for the other. In the old days,

the Arab *hamullah* worked as a small mini-cabinet. Today people are becoming more and more modernized, and sometimes there is difficulty in applying *sulha* in the younger generation. He doesn't understand why his cousin or uncle should be involved; he did the mistake, so he should pay for it.

TL: How do you approach restoring dignity on such a large scale?

EJ: First of all, here is a quote: "Political peace is a piece of paper." Whenever you are not happy with it, you can tear it up and throw it away, but *sulha* peace is permanent.

First of all in the Israeli and Palestinian situation, we have to declare a state of peace for a certain time. We have to declare a *hudna*, and both sides have to stay true to their positions. I tell Arabs and Jews to try this way of peace at least one time, and if you don't like it, you can always go back to war. Please try peace, but we don't want to try. Both Jews and Arabs are guilty, and we have to declare this. The Jews have tons of justifications, and the Palestinians have millions. If you want to get into this, you will never end. We cannot discuss this on a level of "you started it, or I started it, but you killed more". No. We have to declare a *hudna*. *Hudna* means to stop all kinds of hostility, and let us sit down and talk. Its main interest is in peace, not in political maneuvering. Meanwhile, with no *hudna*, we all suffer. There are more and more sacrifices and indignities; it's increasing. The more we extend this conflict, the higher the price. We have to put an end to it now and lower the price of casualties. But you need the will to do it. It is not the lack of solutions; it is the lack of

will. If you like, I can give you ten solutions right now, and you can choose whichever you like! One state, two state, confederations, etc. And if you don't like these, Mr. Kissinger can give you an even better one. So the point is, it's a lack of will. Maybe one day we will find that peace is sweet, and we cannot live without it. Taste and see; for sure it is sweeter and better than war. What is war? Death and destruction. What is peace? Life and prosperity. If we are wise, we will choose the former. If we are not wise, I'm sorry, we are dealing with the results here and now.

TL: So much is about power. People don't want to give up power.

EJ: You have to be courageous to make peace. The eternal question is: Why, when we beat the drums of war, every one marches, but when we beat the drums of peace, people hesitate? In the beginning, I thought that speaking peace would cause people to come and hug me. But no, there are people who are angry! I did not realize that. We have to study many points still unstudied; points that are still unknown in human nature and human society. Ultimately, you cannot make sulha if you don't love humanity – your brothers and sisters.

TL: What do you think it would take for the leaders to have the will?

EJ: When I see them meeting, I ask myself, "What prevents them from making peace?" They are sitting, talking, and even sharing a meal at times. Why not? What bothers you? Oh, the settlements! There is always a solution for the settlements. Refugees!

There is a solution. There is a solution to every problem. If we try, we can invent one. I think they are sitting and laughing at each other because we are not sincere with each other, and we are not sincere on behalf of our people.

I am involved in many campaigns that try to make peace. One of the groups that I am involved in is a group that is offering a plan to make peace between both parties. We have ten conditions or items to be considered. This is the first time we are offering a plan, and if they don't like the plan, then we start again! The secret of making sulha work is that you never leave any stone unturned in the process. And another mistake of Oslo that we will not repeat was that the beautiful people were left out. You cannot have sulha behind closed doors.

TL: Has sulha been successful when one party has a lot more power?

EJ: The lack of the balance of power is a problem. We even feel it in the villages when one family is stronger than the other poorer family. If the jaha is really honest and sincere, he should not yield to the power of the strong family. Many jahas yield to this and in many cases, I have seen the poor family sad and crying. You need courage to tell the strong person, "With all due respect to your power, it does not matter here. You are dealing with peace, so you have to be equal. Your weight is not bigger or stronger." You need great men to follow through with this sort of work ethic.

**Sulha Interview with Zoughbi Zoughbi – Tim
Leisman (Fall 2012)**

TL: Can you bring more clarity to the role of the Jaha?

ZZ: The Jaha will be with the mediator. The mediator will be on the job and always on call, from the time when they first call him, during mediating, intervening, and mapping the conflict. So if there is a car accident and someone is injured and is in a critical situation, the mediator will go and have a truce. After this truce, they will go to the family with the Jaha and say, we are ready to pay the hospital costs and to repair any damage done. It depends on the case, if it is aggression or rape, they will act as a guarantor not to escalate the conflict, retaliation, or negative repercussions on any side, and they will carry out whatever the victim's family is asking of them. For many cases, there is a certain amount of money paid for the reparations. The Jordan Dinar (JD) is used in every case because this is the currency that was used in the old days.

At the end of a mediation sometimes people slaughter a sheep as a sign of reconciliation, but most people drink coffee together. If there is a need to ratify an agreement between two sides, they will take it to the court and it will be stamped, witnesses will sign it, and the mediator will have his copy. And if it needs to be ratified in the court, it will be like a binding agreement. The judicial system is there, but given the situation in Palestine, the cases of conflict are flourishing, so this type of mediation is flourishing.

TL: So do you know what role forgiveness plays in the process?

ZZ: When you reach a resolution to the conflict, people shake hands, kiss cheeks, and go home. At the end, there is this component of forgiveness, but I don't know if it is there in all cases. Sometime the case is too painful and forgiveness is too hard. Forgiveness takes years, and a wound that is constantly being re-opened, like a family feud, or car accident where people were killed, takes years and years for the wound to heal and for you to reach forgiveness. To reach forgiveness in a very short amount of time is very challenging. Some are able to have normal relationships with one another again, but true forgiveness takes time. It is really very hard, especially when you have a hard case of killing or abuse, or domestic violence. It takes more than mediation to bring healing and forgiveness, but you are talking about stages of reconciliation, restorative justice and a real transformation process. In the cases of rape and pre-meditated attacks there will be no forgiveness or restorative justice; there will be punitive justice according to the Tribal traditions. Punitive justice means to have judgement without mercy.

TL: You talked about the judicial system, how does it work if someone is in prison? Is there still mediation going on?

ZZ: If someone was killed in a car accident, the mediator will work to tone down the situation. The Jaha will start a mediation process with the families,

in case there is tension or an inclination to take revenge. The mediator will intervene and make a truce to appease the situation and clam it down. Many times even the police will call for mediators in cases that involve family oriented problems. We have social workers, because with family mediation, you don't want to leave out any member of the family that needs attention. Every case is handled with caution as to provide it with the exact help it needs. Some need a counsellor who will intervene, beyond the work of the mediator. The mediator will do a good job, and the counsellor will complement the job.

TL: Because it is a different set of skills that are required?

ZZ: Sometimes with a family oriented problem, the counsellor might be a woman who will intervene with the wife and children. The woman counsellor will be more compassionate, from my point of view, and not under-estimate the role of the mediator but complement it. The counsellors conduct multiple sessions to re-order the situation, and bring it back to its original, peaceful state before the problem occurred. Many times there are problems that are economically driven, people unable to afford the average cost of living, the man is idle or has no work because of the political situation, or the man has no permission to travel to Israel to work, so things escalate. No money, shouting, abuse, domestic violence, and then the big blow. We discover the root of many problems is economic because people cannot put money on the table. We do not have social security. The man has to work and the women, wittingly or unwittingly, keeps nagging and asking for things. The man becomes very nervous, and

sometimes he will vent his anger on the wife and the children.

So after the mediation maybe the children have some trauma. Maybe they witnessed a situation of violence against the women, or vice versa, and they need a counsellor. Or maybe the chemistry between the couple is gone, and the counsellor will try to help channel it back. So the mediation is not just the mediator; it includes the counsellor, the social worker and etc. Sometimes we try and help find the man a job, so that they can supplement their income. This is the type of complimentary things we are talking about. As a civil society organization, we are mediating any situation in a holistic way to complete the circle. If you leave some strings loose, your mediation will be derailed by any incident here or there. We help find a job for the unemployed man, full time, or part time, or we find work for the women, which we do here at Wi'am. We help them do embroidery, and we sell it at Wi'am or in another place where she can get her money. At the end of the day all the proceeds go to her, and she can live an ordinary life. This is the type of work that we focus on the community with.

In this political and economic situation we see young people forming gangs, or conflicts forming in the schools or in the streets. The situation that we are in causes problems to arise, so people vent their anger against or with one another. They cannot go through the checkpoints, so they feel frustrated. Many times you find a job in Jerusalem in the advertisements section of the newspaper, but you are required to have a Jerusalem identification or permission. Most of the time, when you apply for the permit, you will

not get it. So, these sorts of adversities make it hard. The restriction on our movement because of the placement of the wall and the settlements makes it hard for people. Bethlehem is a very popular tourist place, but sometimes people do not want to stay in the Palestinian areas. All of these things exacerbate the dormant problems, so you will find a lot of family conflict, neighbourhood conflict and work conflict. How do we respond to the needs of the communities and help them get along with one another? How do we resolve conflict? How do we conduct counselling properly, so that people can be rehabilitated healthily back into society?

TL: Do mediators work with people from different faiths?

ZZ: Look, we are living in a mixed society, especially here in Bethlehem, Beit Jala and Beit Sahour. The mediator will be a mediator no matter what; the case will be a case, and regardless of these facts, they remain Palestinian. Sometimes you will have a problem within the Christian family or Muslim family or between the ethnic groups, but we will not regard the religion during a conflict. The mediator is Palestinian, irrespective of the religion. I think anyone will fail if he says I am a Buddhist mediator, or I am a Christian or Muslim mediator. No, we are living in a mixed society with mixed problems that are widespread and involve all people. So, if the mediator is a good one, he can intervene in all problems and all religions. Many times you need someone who is an expert in matters of religious issues and in terms of divorce or inheritance, and he will help the mediator. I don't know if the mediator knows all about the Christian rites on inheritance or

the Muslim laws. If he does not, he will consult the Sheik or Priest who will help him. We also consult barristers or lawyers on a regular basis because we need their advice for marital laws, inheritance and etc. You have the religious and the secular side, but they work together irrespective of Islam or Christianity.

TL: You call a lawyer: are you a threat, or a complementing their work?

ZZ: I think that they see it as complementing. The judicial system is not that robust here, so sulha compliments the barristers and aids them in their work. Many times people say that we should have a very strong judicial system, which could supersede the tribal system. But living in this community, in this culture, with this political situation, I think reaching that stage will not work completely for us. A strong court system works in Israel because they don't have this type of mediation, but in the Arab culture, we have this type of mediation, and we work with the judicial system hand in hand. Why not let both complement each other? If people want to go to the court, they can. If they want to go to the tribal system, they can, but the judicial system should have the upper hand in the end.

Comparison between the Principles of Conflict Transformation and Sulha, the traditional Arab way of Mediation – Marcelle Zoughbi, and others (Spring 2013)

1. *Sulha* as Conflict Transformation (CT) considers conflict as an integral part of a society's ongoing evaluation and development. It is not regarded as an isolated event. Furthermore, *Sulha* believes in the inevitability of resolving and managing conflict. The proverb in Arabic says, "Odrob w ghawwet el joroh waakher el nas 'ala el soloh", which means: hit and deepen the wound, people eventually will resort to reconciliation. Although it sounds like an enticing saying, as if calling people to fight, the outcome is that no matter how intense the conflict is, people will have their problems solved and reconciled.

2. Both *Sulha* and CT look at conflict as a potentially positive and productive force for change if it is dealt with in a constructive approach where the conflict is contained and transformed without dwelling on the negative and destructive occurrences. This occurs in line with the Hegelian approach regarding conflict, where it is said, for every thesis and anti-thesis there will produce a synthesis. This is the natural course for growth, development and progress.

3. *Sulha* emphasizes on the quality of relationship during the process of reconciliation of the conflict between the quarrelling parties in the larger community, while CT seeks to transform the root causes of the conflicts; CT not only contains and manages the causes, but also invests in relationship as part of the long process of transformation.
4. Both CT and *Sulha* are long term, gradual and complex processes that require sustainability, engagement and interaction; both of the arts need to utilize all the resources available to create a healthy synergy that is manageable, durable and curable.
5. *Sulha* and CT are both considered an art, way of life, and sets of beliefs, which intertwine into a vivacious school of thought that drinks pure water from different springs. For example: *Sulha* uses the art of telling stories, showering the audience with constructive sayings emerged from a long tradition and practice from generation to generation, and produces the cream of the accumulating experiences from past generations and generations to come. *Sulha* is a flexible approach of understanding conflict. “CT is like *Sulha* not just an approach or set of techniques, but also a way of thinking about understanding conflicts.”
6. It seems there is no conflict that CT and *Sulha* couldn't manage, even the intractable

conflicts and deeply rooted protracted violence. *Sulha* in the Arabic tradition will not be able to tackle issues of pre-meditated attacks, wanton murder, and honor killing, where the solution will be based on arbitration and not mediation. Honor killing is far away from common conflict transformation and *Sulha*; it is based on punitive justice and not restorative justice. In other cultures and countries, CT is likely to play a very constructive role in dealing with conflicts; I have seen the perpetrators and the victims of the Native American people from the Pine Ridge Reservation in South Dakota, USA and from the Hollow Water Reservation in Manitoba, Canada, sit in a healing circle, dialogue, and solve their problems.

7. Both CT and *Sulha* are adaptable and able to tackle problems, as well as adjust to the ever-changing nature of conflict, whether it is escalated or not within the different stages of the conflict. There is a lot of flexibility in dealing with different types of conflict, except with the example that I gave earlier. *Sulha* will not be able to resolve the issue of honor killing in the Arab world.
8. CT and *Sulha* are both using the non-violence process that is void of violent expressions of conflict, which is usually guaranteed by the third party, who is traditionally seen in the *Sulha* peace process.

9. Both CT and *Sulha* can address ranges of conflict from the micro to the macro levels. *Sulha* can address conflicts locally, while CT addresses conflicts locally, regionally and globally. The challenge of *Sulha*, in our research, is if we can apply it to the regional and global issues or at least contribute to this science worldwide.
10. Both CT and *Sulha* believe that transformation will not occur until tensions and escalations between both parties are over and overcome. All actors should focus on interests rather than positions in the transformational process; transformation should be based on consensus building measures.
11. Conflict Transformation and *Sulha* are based on a Win-Win formula by focusing on both parties needs and interests unilaterally and bilaterally.
12. Conflict Transformation and *Sulha* require a long-term process where they engage people to resolve their conflicts in amicable ways. Both of them are easily applicable to very sophisticated tasks with many ambitions and demands, to very simple tasks, as well as to protracted and intractable conflicts.
13. Both CT and *Sulha* require a third, neutral, impartial, objective party to break down divisions and walls among conflicting parties. Both parties come to consider the “other” either a sister or brother in the

conclusion of the reconciliation process.
Their definition of the “enemy” is *friend in the waiting*.

14. Both CT and *Sulha* look for creative and innovative ways that lead to reconciliation. The outcome is transformation on all levels. This will not happen without responding to the needs of the different parties as well as seeking and building reconciliation on all levels, and challenging behaviors that need to be transformed.

15. Both CT and *Sulha* have sets of flexible means, tactics, techniques and approaches that respect the particularities of others, as well as adapt to the emergencies that might rise and emerge among the conflicting parties. Both focus on celebrating life and have regulations for the service of the human being.

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**Sulha and Family Reconciliation from an Islamic
Perspective –
Dr. Zuheir Alhroub and Dr. Idrees Jaradat
(Spring 2012)**

Before Islam, the tribes in the Arab peninsula were in control of everything concerning the life of the Arab society. The tribes conducted wars, and *tribes also carried out Sulha*. People used to support each other based on the tribal affiliation, whether they were oppressed or oppressors. The way of thinking hasn't changed except for after Islam, which put an end to negative tribalism and considers it as mutiny. Anyone who calls for tribalism has been under investigation since Islam has called for openness. Considering who is better among people is now based on faith and God's fear and not based on the tribal affiliation or language or nationality.

The Islamic state was built by the prophet Muhammed (many prayers upon him), and the Holy Quran becomes the main source of legislation. The prophet's saying and tradition and the Holy Quran became the basis for *Sulha*, which means conflict resolution. This has developed through time where judicial institutions were built and the Caliph elected a judge. The judge was delegated to oversee the issues in the Shariah courts.

This was the situation until the end of the Ottoman Empire, where the Ottoman Empire's land became very vast and thus it lost some of its control over regions. As a result of the weakness of the Ottoman Empire, the extended family, the strong

tribes in wealth and in number, became the hardcore players. The Ottoman Empire was dependent on those strong tribes to run its affairs. The tribalism that Islam fought reemerged, and thus education had weakened by that time, especially about the Shariah teachings.

Habits, customs, and traditions became the basis for ruling. These issues sometimes are closer to Islam and sometimes it distances itself from Islam, thus such an approach created conflict among them and lead people to deviate from the path of Islam.

Islam is a comprehensive religion for any place and any time, and there is no division between its rituals, dealings, and rulings. We should take it as a whole and not divide it or take part of it or take it out of context. The *Sulha* sessions and popular education that has been inherited through the ages all play a significant role among tribes. Tribes look for bridges to build among them selves, and thus some tribal leaders and some tribes win the respect as a result of their wisdom and their good understanding. *Sulha* became a very important means to get rid of mutinies, create healthy relationships among people, reach agreements, and render rights. There aren't any issues that *Sulha* wouldn't deal with, from honor issues to injuring and killing people. As time passed, many people became involved in this art. Unfortunately, some of them were ignorant and not honest, and of course they issued unjust verdicts that God and the prophet are not satisfied with. They considered themselves as the main sources for laws and legislation instead of depending on Shariah laws, which are based on the Holy Quran and the traditions and the religious measurements based on Islamic law.

Muslims agree upon appointing a judge for issuing verdicts and achieving justice. Judging is part of religious affairs and one of the Muslim interests. Becoming interested in this practice is an obligation and is considered one of the foundations of the faith, which Muslims cannot live without. Muslims considers one just verdict from the *imam* (judge) is better than the judge worshipping for two years. Ending injustice is more beneficial than 40 days of rain (there is usually a drought 75% of the year).

If you want to compare Islamic Shariah Law and Tribal Law, there are some conflicting points but also many common grounds. The following are some examples:

1. Choice of the Judge

In the Tribal Law, the victim will choose one *kadi*, which is the judge, and the perpetrator will choose two judges. But, the Islamic judge, the ruler and the Islamic regime will appoint the *kadi* to be the arbitrator between the people. He should have the following qualities: to be mature, reasonable, free, Muslim, visionary, eloquent and a good listener. Other Islamic scholars would like to see the judge have the following qualities: justice, masculinity, and able to make good modifications and comparisons.

2. Tribal Corrective Delegation (*badwa ashariah*)

Both Islamic and Tribal Law agree upon corrective delegation.

3. Truce

It is not mentioned in the Shariah Laws, but it is a good approach to quell rising emotions and to stop aggressions. It is the basis for calming the conflict between the two parties.

4. Oath

Create an oath and then five dignitaries from each party will delegate and validate the oath. Islamic Shariah Law doesn't allow it, except that the five people who are summoned will say, "By God, we have no knowledge about the perpetrator".

5. Swearing

There is nothing in the Islamic Shariah Law about swearing.

6. Signed Pact

This is well praised by both Islamic Law and Tribal Law.

7. Honorarium

If the judge is appointed by the regime, he shouldn't charge a fee, but if he is not obtaining an income from the regime, he should take an honorarium based on his work. He shouldn't take more than he deserves, only enough to cover expenses, such as food and transportation and other reasonable fees.

8. Truce Compensation (*frash alatwa*)

This is part of a manipulation of the process because the killer should be killed if he has pre-meditated the killing. Unless, the family of the bereaved accepts compensation or retribution.

9. Exile the family

Exiling the family from the community as a result of one person who committed the crime is not accepted in Islam because each person individually is responsible for his offenses and for his actions. “No bearer of burdens can bear the burden of another.” (Surat Azzumer 7)

10. Exile the Perpetuator

Exiling the perpetuator is not allowed, except if he commits adultery.

11. Vengeance on the Perpetuator’s Family

Attacking family members of the inflictor by the victims is not accepted.

12. Compensation

In Hebron, Tribal Law says the murdered victim’s family should receive between 1,000-5,000 Jordanian Dinar (JD). If the murder is not pre-meditated, the compensation should be 1,000-7,000 JD. But, in Islam, 100 goats or 200 sheep or 100 cows or 4.25 kilograms of gold or 10,000 silver coins.

13. Killing the Killer

In Islam, it should be done by the Muslim leader's permission or by his deputy, but if the killing is carried out without permission it is considered a violation.

14. Pre-meditated Killing

According to Tribal Law, acknowledgement truces should be taken, and the compensation should be four times more for the victim's family. According to Islamic Law, all those who contributed to the killing, should be killed. One time, the Caliph Omar killed seven people in Sana, Yemen, who took part in committing a murder.

15. House Burglary

You shouldn't kill the person who comes to steal from your home. If you kill the burglar, there should be an acknowledgement truce, according to Tribal Law. In Islamic Law, you can and should use force gradually to stop the theft and to defend yourself according to your need. Such a process begins with words, then a stick or club, then a stone, then a knife, then a gun and so on. If you are not able to render your right, you may kill him. You shouldn't use excessive power if you are able to use less power and create less harm.

16. Murder of a Woman

Tribal Law says a woman who is killed is equal to a man who is killed. Others say she doesn't deserve anything and has no rights. According to Islamic Law, a man will be killed for killing a woman, and the family of the woman may kill her murderer.

17. Fetus Killing

There is an acknowledgement truce and the compensation should be 150-1,000 JD. According to Islamic Law, the compensation should be 20% of the compensation of an adult.

18. Adultery

Islamic Law is fixed and doesn't change through time or by any case, and Tribal Law depends on the tribe, place, and time. According to Tribal Law, the woman who commits adultery should be killed, but for Islam she should be whipped. Proving adultery should be through an acknowledgement by the perpetrator, or there should be four witnesses to prove the crime. Tribal Law will not consider a love affair as a crime if both agree on it. In Islamic Law, even if there is an agreement between the two, there should be a punishment. The Tribal Law judge plays a very significant role, and also the strength of the family is the greatest impact, whether reducing or maximizing the punishment.

In conclusion, as you have seen, the Tribal Law depends on traditions and customs that have no relationship with Islam, and many times the rulings are oppressive and biased. Many of the verdicts are based on the *kadi* and his interest and desires.

Islam is not in contradiction with any ideas or methodology that achieve justice, protect human beings and enhance its humanity. The prophet (many prayers upon him) attended a Pre-Islamic conference

where he said, “I have attended this conference which is very just.” It was in the house of Abadullah Bin Judan where these resolutions were based on rendering the rights and to support and to protect the oppressed.

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Conflict Resolution Models: A Look at Sulha and Western Models of Mediation (1) Zoughbi
Zoughbi and Ann Thomas (Spring 2011)

Introduction:

The purpose of this paper is to provide a basic description of *Sulha* (the traditional Arabic form of mediation) while also addressing the similarities and differences of this model to other Western-based forms of mediation. The paper is not meant to be a dissection of the history and various details of the *Sulha* process, but rather an introductory tool in understanding how conflict is approached and resolved within the Arab as well as the Western world. I will be examining the strengths and weaknesses of *Sulha* as well as the strengths and weaknesses of Western models in order to see how aspects of each can strengthen weak points within the other.

Sulha-An Overview:

Sulha has been translated to mean “reconciliation”, “cooperation”, or “forgiveness”. It is a process that has traditionally been used to settle disputes within the Arab world and though not necessarily ‘based’ in religion, it is infused with a religious dimension. Furthermore, although *Sulha* is an informal method, it works in tandem with the civil and state justice system that is already in place. It is worth mentioning that *The Palestinian Authority acknowledges Sulha as part of the Customary Law*, where the agreements that are reached by mediators

are binding. Zoughbi ,2011). The *Sulha* mechanism is also acknowledged by the Israeli courts and is often applied within the Arab communities to resolve social conflict (Tarabeih et al, 2009). Generally speaking, (2) once an offense has occurred and *Sulha* is desired, the representatives of the offender call the *Jaha* (3) for help. The *Jaha* provides three main functions: it sits with the bereaved family, arrives at an agreement with them for a ceasefire and truce (*Hudna*), supplicate the victims to agree to a monetary compensation and acts as an arbitration committee to make a ruling on the case (Lang, 2002). There are many different types of *Hudna*...I am interested in the following three: First, the *Hudna*, which is taken for three and one third of day, is the most essential step to be taken. Most of the time, either an Acknowledgement Truce or an Investigative Truce follows the *Hudna*. The aims for the first are: a) to calm down the parties, b) to give ample time for the third party to study the conflict, gather information, map and analyze the conflict through shuttle diplomacy between the parties, and c) to humanize all conflicting parties and help the parties to find the best solution based on a Win-Win equation. Second, the Acknowledgement Truce is where either party acknowledges the offense and thus the mediators will embark on the *Sulha* process. This is the easiest approach, and the process will go much more smoother. Third, the Investigative Truce is neither party acknowledges the offense and denies responsibility for the action. Mediators and others will help in diagnosing the problem and thus will identify the perpetrator and help all parties bear their responsibilities. (Zoughbi, 2011)

Jaha also involves itself in the process of shuttle diplomacy and the use of storytelling as techniques of resolving the dispute between the two parties.

A public, closing ceremony takes place where the offender conveys their shame and remorse, and a monetary compensation is given to the victim and the victim's family from the offender's side. The closing ceremony "ends with the signing of an official agreement by leaders of the two warring families, members of the *Jaha*, and other dignitaries," (Lang, 2002). The final process of *Sulha* is the sharing in the drinking of the coffee. This is a reconciliatory ritual where both sides drink to mark the ending of the conflict. (4)

Western Models of Mediation:

According to the Western model, mediation is defined as "a form of conflict management in which a third party assists two or more contending parties to find a solution without resorting to force," (Kleiboer, 1996). In this model, the success of the mediator is seen in their ability "to create and nurture a negotiating space between the disputing parties by influencing behavior and beliefs of those involved," (Crocker, et al, 2006). While *Sulha* focuses on ritual and time-tested traditions, Western models focus more on the third party's ability to bring about resolution due to their special skills and expertise (Hill, 1982).

Another important difference in the Western model is its approach in coming to a solution. In this model, "conflicts are to be resolved to the satisfaction

of the parties and, to the greatest extent possible, by the parties themselves,” (Hill, 1982). The parties *themselves* define the conflict (each party enunciates its side/view), disperse info regarding conflict processes, assess options, redefine the conflict, and assist in creating a resolution (*ibid*).

Values and Underlying Beliefs- A Comparison:

The above discussion of *Sulha* and the Western model of mediation focuses on the technical, procedural details of these two different approaches to conflict, but it is also important to look at the underlying values and beliefs that guide the techniques. Though a vast amount of underlying beliefs can be identified, this paper will explore a few of the important values that shape the theories and practices of the different models discussed.

Very important is the notion of ‘shame-based’ societies vs. ‘guilt-based’ societies in how they go about maintaining social order and control (see appendix A). Guilt cultures rely on an *internalized* conviction of sin as the enforcer of good behavior and emphasize punishment and forgiveness as ways of restoring the moral order (Hiebert, retrieved 2011). A shame culture, on the other hand, relies on *externalized* sanctions such as shame and the threat of ostracism as the primary method of social control (*ibid*). In shame based cultures “every person has a place and a duty in the society [and] shame cannot be relieved as guilt can be, by confession and atonement. Shame is removed and honor restored only when a person does what society expects of him or her in the situation,” (Hierbert, retrieved 2011). Although many scholars identify

Western cultures with guilt while the Eastern cultures are based on shame, I do not agree. We should observe the impact of guilt and shame feelings the conflict produces and how they impact the attitudes of each party. (Zoughbi, 2011)

So what are the implications of this in regards to our examination of different models of conflict resolution? One of the most significant variants within these different social structures has to do with the involvement of the family structure. When a dispute occurs in the Arab culture, it involves not only the victim and offender, but also their families, which is very different from a guilt-based society where fault and offense remain solely on the offender and the victim. Also, the public component of *Sulha* is a way that an offender in a shame based society can restore their place in the community by demonstrating their humility and remorse over what has taken place.

A second value important to our examination of mediation models is the issue of power. Though both Western models and *Sulha* acknowledge the important issue of power, the way each approach this topic varies. In the Western model, the authority of the intervention is in its ability to alter the power and social dynamics of the conflict relationship, (Moore, 1996) and in the Western model the disputants to the conflict themselves are in the resolution process. In *Sulha*, the rituals and “the wisdom of contextualized proverbs and didactic stories” (Zoughbi, 2011) infuse the process with the power to resolve the dispute, and the possible power imbalance is addressed by

allowing each side to “story” their emotions and experiences of the conflict.

The issues of history and justice are also crucial values to understand when examining the variations of the mediation practices. Often times in the traditional Western model, history is seen as being a hindrance to reaching an agreement and as blocking a possible future resolution by just “rehashing the past”. *Sulha*, on the other hand, uses religious and social concepts embedded in the past, as well as the present, as a means to encourage resolution of the conflict.

Additionally, *Sulha* is primarily concerned with restorative justice rather than punitive justice (though punitive justice is within the *Sulha* model as well). A central part of restorative justice within *Sulha* is the element of saving face and the ability to restore *sharaf* (honor) to the families. *Sulha* is able to restore *sharaf* by creating a sense of dignity and justice to those involved (Lang, 2002). “Interviews revealed that *Sulha* enables sides that are interested in peace to end the dispute and the cycle of vengeance, helping the parties overcome their differences in a peaceful way while maintaining their dignity,” (Khabtib Interview as cited in Tarabeih et al, 2009). This topic of restorative justice is also within Western mediation but to a much lesser extent. Another difference between Arab and Western models of mediation has to do with ritual-based frameworks vs. legally based frameworks. Much of the influential power of *Sulha* is in its historical and deep-rooted rituals. “These rituals are part of the cleansing process to initiate a better future between the conflicting parties,” (Tarabein et al, 2009). For example, the drinking of the coffee becomes more

than just a physical act, but a symbolic gesture of reconciliation. These rituals connect those in the process to the wisdom of their ancestors and to the important knowledge they hold. In the Western model of mediation however, the modern legal system is the influential authoritative source. Most mediators in the Western world receive training, originating from the law paradigm that is so prominent within the culture. Conflict resolution based in the “here and now” is guided by the wisdom of law and takes precedent over ritual and deep historical wisdom.

The role of the mediator as well as the perception of conflict also varies between the different models. In *Sulha*, the “preferred third party [is] an unbiased insider with ongoing connections to the major disputants as well as a strong sense of the common good and standing within the community (Irani & Funk as cited in Tarabein, 2009). In the Western model, the mediator “is seen as asserting his or her authority over the dispute in such a way as to facilitate or influence its outcome and the relationship he or she has with the disputants becomes an important element of the process,” (Greenhouse, 2985). In both of the models, the mediator tries to move the conflict from a Zero Sum position to that of Positive Sum.

Furthermore, the *Sulha* model views what is natural and normal is a state of peace and cooperation rather than a state of violence and conflict (Lang, 2002). Though conflict is unhealthy for an individual or a society, the management and resolution of the conflict can be healthy and positive (Zoughbi, 2011). Conflict, in the Western model, “is seen as essentially a social phenomenon, with both creative and

destructive manifestations,” (Hill, 1982). As with *Sulha*, the Western model sees possible, positive potential in the process of the management and/or resolution of conflict.

In Conclusions: What Can Each Model Learn From the Other?:

Strengths and weaknesses exist within both models and each can gain knowledge and insight from the wisdom of the other. One of the most significant weaknesses of the Western model is its notion of complete impartiality of the mediator. The mediator is essentially suppose to be a “blank slate” only using procedure, norms, and process techniques to guide their role and authority, yet this is an impossibility since all humans come with their own bias and beliefs. *Sulha* approaches the issue of impartiality a bit differently. This model suggests that the *Jaha* should be neutral but that they should have some structure of relationship with each party. This “rapport” with each party also enables the *Jaha* to have a stronger foundation of trust with the disputants.

Another weakness of the Western mediation model is the lack of acknowledging important historical considerations when mediating. This point is two-fold: one, the Western models do not address the particular histories of those involved or the historical process that took place in order to reach the point of conflict, and two, the Western model views the law as almost the ‘holy grail’ of authority when it comes to disputes. Unlike *Sulha*, the wisdom of the generations is not seen as being important or even worth acknowledging and by ignoring history; the

Western models lose much of this potentially significant contribution to the mediation process.

The exclusion of women within *Sulha* is a great weakness. Often times, it is the women in a society who are the peace builders and mediators within their own sphere of influence. *Sulha* loses greatly by not including women in a process that is meant to bring about reconciliation and relational strength to a society. Though it is easy to say that women should be included, it is much more difficult to implement these words. This is delicate in the sense that the society in which *Sulha* is used must also view this model of mediation as valid. If women are included, there is the risk that the process may now be viewed as somehow diminished. I bring up this issue because it is important, but it is an issue that the people using *Sulha* must address for themselves.

Another weakness of the *Sulha* model is the susceptibility of the “*Jaha* only to be able to preserve the status quo; [where] often times the solutions... [do] not address the root causes of the problems, but merely restore the situation that existed prior to the dispute,” (Tarabeih, et al, 2009). In contrast, some of the Western models focus heavily on getting to the “root of the problem” in order to adequately address the conflict and ensure that it does not ignite again at a later time. This emphasis on “root causes” would be helpful to include in the *Sulha* model.

As with any model, theory, or practice there is always room to improve. Both models provide insight and value, and aspects of one can strengthen the whole of the other. The weaknesses of each

model needs to be acknowledged, but it is up to those in each prospective culture to decide how they want to shape and create stronger mediation practices for the future. For if the credibility of the mediation process is lost with the people, then the mediation's potential strength in resolving conflicts is lost as well.

Notes:

1. When speaking of 'western models of mediation' I am referencing interested-based mediation practices, which does not include narrative mediation, or transformative mediation.

2. I say 'generally' because there are differences in the process of Sulha depending on region and type of dispute being addressed.

3. Jaha is a delegation of respected and responsible elder men who are often religious or political leaders of the area.

4. If there are any grievances that a side feels has not been addressed then they can leave the coffee (in other words, not drink it) to signify there are still unresolved issues.

Appendix A

Shame Culture vs. Guilt Culture

Guilt Culture:

I believe	Other People Believe	Other People Believe
	A. I didn't do it	B. I did it
1. I didn't do it	1A. No problem	1B. I protest my innocence and fight the accusation
2. I did it	2A. I am expected to feel guilty regardless	2B. I am guilty and punished

Shame Culture:

I believe	Other People Believe	Other People Believe
	A. I didn't do it	B. I did it
1. I didn't do it	1A. No problem	1B. I am shamed and dishonored by their belief
2. I did it	2A. No one knows, so I am not shamed	2B. I am shamed, guilty and am punished

*Taken from Bernstein and Dodds

Appendix B

Definitions

Sulha: traditional Arabic form of mediation

Jaha: the mediating body or third party (a group of peaceful reformers?)

Hudna: securing the truce

Sharaf: dignity and honor

Restorative justice: emphasizes repairing the harm caused by crime, focusing on the needs of the victim(s), offender(s), as well as the community.

Appendix C

Comparisons Between Sulha and the Western Mediation Model

	Sulha	Western Interest-Based Mediation
Definition of Mediation:	Sulha enables the sides that are interested in peace to end the dispute and the cycle of vengeance, helping the parties to overcome their differences in a peaceful way while maintaining their dignity (Tarabrein et al, 2009).	Mediation involves an impartial person facilitating a process that helps conflicted parties invent solutions to their conflict, which meet the interests of both sides.
Values and Underlying Beliefs:	<p>Underlying ideals of cooperation, negotiation, honor, and compromise (Lang, 2002).</p> <p>Power of ritual and the wisdom of tradition.</p> <p>Community based society and the family is a viable socio economic unit.</p> <p>Conflict exists within a larger framework of society and in order to reach a resolution, normal relations between parties needs to be restored.</p>	<p>People are individuals and viewed as prime movers in their own worlds.</p> <p>Individuals act independently and are accountable for their choices.</p> <p>Parties are pursuing a path of self-interest and that both parties must meet their needs in order to be successful in a negotiation.</p> <p>People have the capacity to make their own decisions and are better suited to finding solutions to their conflicts than outsiders.</p>
Overall Goal:	To restore a state of peace and achieve	To help parties move from stuck positions in

	<p>positive relations as to strengthen individuals and the society as a whole.</p> <p>“To achieve long-term, viable agreements that have a greater chance of resolution than verdicts issued by a courthouse,” (Tarabein et al, 2009).</p>	<p>a conflict to focus on shared mutual interests to generate solutions.</p> <p>Task is to clarify own interests and the interests on the other side to increase understanding of the problem.</p>
Key Strategies:	<p>“Based on social conventions that require people to honor agreements that are founded on persuasion, mutuality, and relativity, and often satisfy both parties,” (Tarabeih et al, 2009).</p> <p>Using rituals and techniques as a cleansing process to initiate a better future between the conflicting parties (Tarabeih, et al, 2009).</p> <p>Using “religious and traditional values, forgiveness, and honor as the primary socio-cultural assumptions employed by the Jaha to encourage tolerance and respect,” (Tarabeih et al, 2009).</p>	<p>Acknowledging emotions, improving communications and developing trust.</p> <p>Time set aside for parties to think up a wide range of possible solutions that advance their shared interests.</p> <p>Mediators help parties brainstorm as many ideas as possible to solve the problem.</p> <p>Options and ideas are evaluated and selected with an eye to mutual gain.</p> <p>Where parties cannot agree on substance they are encouraged to agree on procedure.</p> <p>An objective criteria is utilized to evaluate options</p>

*information of the western mediation model is taken from

http://narrative-mediation.crinfo.org/comparisons_between.jsp
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Religion and Conflict – Zoughbi Zoughbi (Spring 2012)

Many people see religion as a source of conflict in our world. Some people have abandoned religion seeing it as a tool of power and manipulation rather than a resource of good. While studying history of the Crusades, even looking at the current so-called 'War on Terrorism', or different violent events in the world, religion seems to be a source of conflict rather than a resource for peace. Yet, religion by itself should not be a source of conflict. It should be a place where faith is nourished, relationships between people enhanced in a positive direction, and where it will minister to our morality. Religion should help get rid of bad behavior, and create in us a healthy and spiritual being. Religion should be an energy that does not infringe on human security, but protects it.

We see throughout history, that many people used different religious practices to justify their political ends, economic ends, social ends, or any interest they founded. Many people have manipulated religion for the purposes of power, might, control, domination, and greed. We see lots of people use and misuse religion for occupying other nations, stealing resources and land, or perpetuating might and control. To go further, sometimes religion is used for these purposes under the guise that 'we are coming to help *those* people'. Colonialists used this notion of religion through the condescension of education, through culturalization, assimilation, and through civilizing people, while in the process of

annihilating their identity and stealing their land. Many First Indigenous peoples have responded to Christian colonialists, saying 'they gave us the Bible in exchange for our land'.

For different reasons religion has been able to be manipulated. Manipulations of religions are successful especially during times of turmoil, times of difficulty, at the time of social disorder, and during catastrophe or tragedy. When people are in moments of dire desperation, people are able to manipulate religion for their own gain through the distortion of their theology, and faith. Verily, this manipulation can exist because so much of God is unknown, because we say we believe in a transcending power, and during times of conflict this God becomes a romantic utopian power. Our God becomes someone outside of the universe instead of within. Although people have used religion to provoke conflict, it is never the entire religion that is used as a source of conflict. Rather, conflict presents itself when one narrative of religious practices is used specifically to be a source of conflict, not the religion as a whole. It is one particular narrative or practice, which does not represent the whole religion or the whole people. The use of one narrative then represents the religion for contradicting purposes, rather than having religion for the purpose to arm human creatures with morals and good ethics.

Another reason why religion can be abused is because we are talking about a tradition that has been rooted in human beings since creation, and many times people justify or interpret certain events in nature or in our world as, 'God wills it'. With this theology people can then justify wars, natural disaster

caused by climate change, and economic deprivation and say that this is the will of God. Again, this abuse is witnessed through various religious wars, colonization, and the 'prosperity gospel'.

All too often, theology and faith become manipulated to suit an ideology of oppression, and we see this distorted theology frequently in our society. As such we have two conflicting images for God. First we have the punishing God, retaliating God, God who has no mercy, and a God who has a book to keep track of rights and wrongs. If you look at the myths whether in Greek time or Roman time or even before that, you see that all religions many times use imagery of war and punishment. This image of God shapes our behavior in how we view tragedy or prosperity. If something negative happens to me that means God is punishing me. If I have been rewarded, I say that God is showering his gifts on me. This sort of view of God can quickly justify and allow for oppression, revenge of others, war, and the punishing of nations. This imagery creates a one group superior over all others; it creates one group to have the power to justify and commit actions in the name of God.

However, confronting this perception, we have another image of God which illuminates Agape, acceptance, inclusion; a God of mercy, a God of restorative justice and definitely not punitive justice, God the humane judge, the Divine Judge rather than the ruthless judge. This view of God, which I believe to be true, requires acceptance of differences, reconciliation, forgiveness, and the motivation for understanding. This imagery requires not superiority

but humility to try and understand and learn from others.

Another way religion can be manipulated to cause conflict is through a theology of selective scriptural interpretations of the holy books. More so, this is choosing one argument or agenda and seeking scriptural backing for the purpose of that agenda. When pushing an agenda, you become very selective of the scriptures from the various holy books and use the scriptures to perpetuate your point of view or attack another.

When reading holy books, it is crucial to look at the entire spirit of the writings rather than just the letter. We are talking about what is the interpretation about the whole spirit of the text which is crucial when many might, and have, use scriptural texts to justify certain political realities and political behaviors, justifying a matrix of domination. The practices of colonization were all justified through scriptural texts whether at the hands of Christians, Muslims, Jews or others.

This scriptural selectivity is continued today. Very right-wing politicians and extreme religious groups use this method because it is easier to use the wheels of religion to dominate others than using any other justification for economic, or political, or social dominance. For example, in Christianity, many look at the letters rather than the spirit of the Bible. When ardent right-wing Christians, Zealots, and Zionists talk about the 'Kingdom of Israel', many talk about the physical Kingdom of Israel that exists today. Yet in Biblical interpretations, in objective theology and in the uplifting spiritual interpretation of the Bible,

the Kingdom of Israel means something very different. One interpretation supports religious exclusion while the other promotes inclusivity. The latter says that all people of faith are the people of 'Israel', while many right-wing Christian groups, in addition to the Jewish right-wing groups, think that the Biblical call for Israel is to be a physical state. We need to read scripture through the lens of understanding and halt the lenses that are not used for seeing the good in people but for teaching a secluded faith and an etiology of hate.

We are a seven or eight billion people in this world, yet in God's eyes we are all minorities. Being a Christian, I may be considered part of a few in Palestine, but I am from a larger community of more than two billion. Islam may be a majority in Palestine, but Islam is not the majority in the world. Christianity is also not the majority, although it may be one of the largest, there are also the Hindus and the Buddhists. If you are talking about one or two billion Christians over one billion Muslims, we see that only half the population of the world follows the Abrahamic religions. Why then should one select group have the monopoly over the interpretation between God and people?

We are not alone; therefore, one select group should not have the monopoly over interpretation whether we are Christians, Muslims, Jews, or from any other religion. Rather, we should relate to each other because we believe that we are created in the image of God, or as Christianity puts it, we are the children of God and children of Abraham. In one way or another, we are all part of God's creation; therefore, it is ludicrous to have any bloody conflict

just because we are followers of one religion, while they are followers of another religion. I believe that religion is a call to celebrate differences. As a Christian, I see this celebration of differences when the Disciples of Christ received the Holy Ghost. In the Upper Room, they received the Holy Spirit and they spoke in different languages. It would have been easy for God to let them talk one language, yet they were from different nations speaking different tongues; they have different languages, and different costumes in receiving the Holy Spirit. As a follower of Christ, this is a delegation for diversity and validation for the process of respecting the differences and thus legitimacy to celebrate the differences.

Their spirituality led the disciples to a diverse spirit of communication. It is very important to look at religion with an uplifting spirituality that leads to a spirit of communication. Spirituality elevates you to aspire to be aligned with the footsteps of God; it is not based on one narrow concept of religion to be in the trenches, but to be uplifted to have the transformation. In the upper room the disciples were speaking different tongues and different languages, but their spirit had been in community with each other. I am reminded of this, while in church yesterday I met a group of people from France. I don't speak French, and neither is our church service in French, yet we were communing with them in this place. There is this spirit of communication which religion should be a driving force for spiritual, uplifting, healing, cleansing, and relationship building.

Religion should be able to teach us how to accept each other and who we are and to accept our differences. We need to work on the culture of acceptance that will lead eventually to the cultures of peace, justice and reconciliation. Culture of acceptance means to accept others as they are and vice versa. The culture of acceptance does not want others to be created in our image in order for us to accept them and for us to think they are closer to God. Religion needs to teach us to accept others as they are and have others accept us we are, and to treat each other in a humanizing and equal manner. We need to build community and relationship not based on sex, religion, or nationality, but that we are all the creation of God. Each human life is sacred no matter where you are born, what color, gender/sex, nationality, faith, orientation, education or any difference we have from one another. You can see goodness in everything, and that is why we work for a culture of acceptance and not only for a culture of peace. I don't want anyone to say my religion or other religion is bad or distorted. At the same time, we need to respect others as they are.

Part of the culture of acceptance is entering into rich and purposeful dialogue. Dialogue for the purpose that leads to an improvement of relationship. This is not a dialogue to challenge the wording of theologies but to work for understanding. I welcome dialogue with the community; or rather, dialogue of common living rather than dialogue of words. Religion should entice dialogue of actions and community, in addition and if necessary, to replace dialogue of words which many times becomes lip service. Interfaith dialogue should be empowered by a different style and meaning on all levels from bottom to top. The dialogue of common living should function like the

wheels of living life in diverse societies, where we celebrate the differences and baptize pluralism, focusing more on common stories that lead to better understanding between cultures and religions, or more on religious stories that show acceptance of other faiths.

An example in the Holy Bible is the story of the Good Samaritan; he was considered good but he was not a follower of Christ; he was not a follower of the Hebrew scripture at that time. Yet, he did the right thing, and any person, regardless of his or her faith her background, is the Good Samaritan.

Religion becomes acclimatized for conflict when the theology that presents itself is for 'saving souls' rather than serving people. It is the whole concept of 'Saturday for human beings' or 'human beings for Saturday'. For me Saturday is every day and every service should be for human beings. We are called to serve. Although it is not bad to think of saving souls, but not from a condescending point of view, not from a patronizing point of view, not from thinking that people are down and you are high. Salvation is that through serving, you are saving people not vice versa.

In the Christian faith, God gave us the perfect example, Jesus. Jesus came here to serve people everyday. He was performing miracles on Saturday, when they said he should uphold the law; Christ said that God should be upheld before the law. Salvation will be through faith, yet where are the deeds that really are at witness to your faith. As James says,

"What good is it my brothers and sisters, if you say you have faith but do not have works? If a brother or sister is naked and lacks daily food, and one of you says to them, 'Go in peace keep warm and eat your fill,' and yet you do not supply their bodily needs, what is the good of that? So faith by itself, if it has no works, is dead." (James 2:14-16)

If you work in the service of human beings you are in service of God and this does not create conflict with others, but builds relationship. Whatever you do to serve another human being, you are serving God. You cannot serve God without serving your fellow local, regional, and international brothers and sisters.

That is why we need to be religious practitioners; a practitioner being one who actively practices and provides healing both to the individual and the community. The practitioner serves people, instead of someone who preaches words without action and who often, instead of love and community, preaches exclusivity and disunity leading to hatred of differences. When we look at Mother Theresa we say she is Christian; Jerry Fallwell says that he is Christian. Yet, only one actively followed the path of Christ by listening, feeding, and living with, and being an advocate for the poor while the other preached hatred and intolerance. One is a Christian practitioner; the other is considering himself a preacher.

This is similar in the Muslim faith, where you can see how Osama Bin Laden looks at the situation, spreading factionalism, violence and hate;

but then you can witness a different interpretation by Abu Mazen. There are clergy in all the Abrahamic religions, Jews, Muslims, Christians who believe in dialogue, and there are clergy who believe in 'clashes of civilization'. It may not be the same story of Huntington, but you can see a sheikh in Afghanistan, a rabbi in Israel, and you can see a minister in the Bible-belt area, who all seek the destruction of others, the culture of death, rather than healing and nourishment. This is not part of the clash of civilizations. It is the clash of ignorance and extremism!!!

Any theories and theologies, which support clashes of civilization, should be cornered through work, action, and reflection. We need to be very careful and doubtful of religious approaches that spout the culture of death. The word of God is for our living and not for our enslavement. I feel that religion, again, played different roles in different areas with different people. That's why I say we need to help those who think in absolute exclusive extremism; we need to help them open their eyes. We need our clergy and our parishioners to go through a process of unlearning and unclothing of all previous, negative, exclusive narratives that lead to conflict. We need to clothe ourselves with new, open-minded teachings and narratives for all, by considering the world to be our own global village. As religious practitioners, we need not only to confront this clash but also to transform it. We need to minimize the gaps between and among conflicting nations to allow the principles of diversity to transform us into unity.

What is the purpose of religion? To keep the morality, to keep us accountable, to be transparent, to

feel that there is some power stronger than us if we misbehave or if we become unjust. I know that many people believe that 'we' have the 'true exclusive' religion. If you go to the South East to Japan, there is a Buddhist right-wing religious group; it is called "the Supreme Truth". Yet this is not in keeping with what religion is. Religion is not seeking exclusivity. We need to embark on raising the awareness of the religious leaders to have different speeches that call for morality, ethical upbringing, and inclusivity. Religion is in the service of the human being. Therefore, each religious teaching should help people to be nourished; they should use and understand its scriptures to educate people, and to relate to each other positively.

There needs to be an enhanced religious teaching and fostering of practices that are a countermovement to the violent incitement by changing the code of ethics. There should be a strong mechanism that supports solving conflicts through nonviolent perseverance and a Win-Win solution. This includes the changing of many religious curricula in schools and educational centers to be more accepting of others and to teach respect and acceptance of other religions and heritages. We need to allow and encourage students to learn about other religions through people who actually practice the religion, not through a second or third source. Buddhists should teach about Buddhism, and Muslims should teach about Islam and henceforth. Throughout history, even before the Abrahamic religions and the current humanistic religions in the Far East or in the South, the whole challenge of religion is how can we look at the religion and its main sources and ever have first hand knowledge

from either history or literature whether oral or written?

We need to initiate, embark on, support, and encourage all initiatives that create healthy societies based on equal citizenship for all people, irrespective to the varied backgrounds socially, political, religiously, or ideologically. "Do unto others as you wish others to do unto you" is the golden rule that should dictate our relationships, behaviors, and approaches. We need to de-theologize and de-religion conflicts because we don't want to create more martyrs or winning seats in heaven. We love to live our lives before death, not only believe in life after death. Yes, sometimes religion may have been a source of conflict, but together through the culture of acceptance, being practitioners of our faith, and reading scripture holistically, religion can take its true form, which is to be a resource for peace, restorative justice, mutual respect, forgiveness and reconciliation.

When we use religion as a resource for peace, it becomes a source of human security. This is how we need to look at religion, as the manifestation of the state for the common good; this is where security is. Religion, in one way or another, is the main source for human security. Religion should be the protector of human beings. If you look at the different histories of the religions here or somewhere else, the whole idea is to protect the poor, to defend the defenseless, to speak for those who cannot speak, to visit orphans, to liberate the prisoners, and to heal the wounds of the people. Religion is a method of protection on all levels physically, psychologically, socially, morally, religiously, and humanity.

Religion protects the needs of the people. Christ on the Mt of the Beatitudes, before he fed the people spiritually, he nourished them physically. By multiplying the bread and the fish, the masses were fed. Through feeding them physically, their spirituality continued to be enhanced in their hearts and their minds.

Not only did Christ feed them, but he also talked to them, healed their wounds and listened to them. He used compassionate listening, meaning he listened to their hurts, to their suffering, and to their pain, providing another form of protection. He healed their wounds, even those who had died, he resurrected them, *Talita Kumi*; he fed the hungry. He taught so that the people would understand by using simple words, which provided protection for them to live in dignity.

When we talk about security in that sense, security is that which does not endanger others. This form of security that Jesus encompassed is upheld not by risking others for the sake of your self, but by risking yourself for the sake of others; this led to his crucifixion. This is a sort of security that says you must sacrifice yourself for others because you love them and you want to protect them. This is in contradiction to state security that will really lead to the enslavement of others, to the killing of others, and to the use of all chemical, biological, weapons for the sake of state security.

When we talk about human security, it's not in the sense of military tradition of political power and might, which is ruthless. We are talking about human security that echoes what the Maslow Pyramid is inviting us to do. The Pyramid addresses

issues of basic human needs, such as eating and drinking etc., needs for security, belonging, and self-actualization. To encompass Maslow's Pyramid is to have human security.

Another way to frame human security is through rights language. The right of people to have jobs, the right for a free environment, right to life, right to political association and so on. Human security can be encompassed in what I call the four families of rights: the political and civil rights, the economic and social rights, the rights for self determination and statehood, and the rights to live in a safe environment void of chemical weapons, biological weapons, and weapons of mass destruction. This is human security.

Human security respects the sovereignty of others, but at the same time, helps people to be nourished and protected physically, socially, emotionally, politically, and spiritually. Human security is the implementation of the common good. Human security requires working on the implementation of international laws and the fourth Geneva Convention with all of its protocols, which respect all human beings without discrimination.

This is what human security requires. The dignity and respect of all people, where we build bridges and not walls. Good neighbors make good fences and not vice versa. Yet still we spend more money on a political sense of security, when focusing on human security would yield better results. Instead of putting money into human security, states put their money into state security, creating a deteriorating

situation for both the people within the state and the neighboring states.

Let me give you an example. Israel spends 9.1% of its GDP on military (over \$9 billion), 40% of that goes for the building of Separation (Apartheid Annexation) walls. I believe if they spent one fourth of this budget for the human security and the standard of living of Israelis, the life of the Arabs would also be better. Changing this expenditure would result in the enjoyment of security on all forms. Israel will feel less threatened and they will be able to build relationships for security, rather than walls. The United States follows a similar pattern (\$583 billion spent on military); however we also need to look at the Arab Regimes too, for example Saudi Arabia spends \$31 billion on military. Yet, how much they spend on the traditional, conventional approach is drastically different than the spending on human security and the common good for the people. This mass discrepancy of spending creates insecurity in the entire region.

When we look at the creation of the State of Israel since the 1948 war, are the Jewish people more secure now? Definitely not. With the construction of the Apartheid wall are they secure here? With all that has happened with the Palestinians since 1948 passing through to 1967, if you ask an Israeli Jew from the Historic land of Palestine if they feel more secure now, some will say 'no'. I heard it often said that Israel is now the most insecure place for Jews to be!!!!

The Arab Regimes, are they secure? The Arab people, do they have human security? The percentage of poverty is increasing. Some say that 22-30% of

people in the Arab world live on less than \$2/day, and the percentage of illiteracy is very high (up to 40% are illiterate). Democracy is lost, and now instead of focusing on Arab nations being unified, we are talking about groups here and groups there, minorities here and minorities there, and rising factionalism and division within the nations themselves. We have become divided: Sunni, Shiite, Christian, Orthodox, Catholic, Kurds and Druze. Are these the blessings of the so-called "Arab Spring"? I don't think that any kind of violence in the long run will secure people. We need to have the holistic approach when we define violence, looking at all forms of violence. Individual insurgents or a small group carries out insurgent violence, or what is sometimes called terrorism. There is also state violence, state sponsored violence, often in the form of paramilitaries, and environmental violence. The use of any of these forms of violence for the sake of security will be counter productive; it will only create insecure states where people's rights and freedoms are crumbling, where their human security is threatened.

Whether the violence is carried out by the privileged or the oppressed, which sometimes we consider legitimate, will not help ensure human security. We look at Latin America with all of the revolutions. I am for the justice of the people, but the revolutions have not improved the life of the people or enhanced the prosperity of the states. Governments in Latin America are still persecuting people.

Whether it is used by states or by groups or even by individuals, it will not help. We see this example when we remember Martin Luther King.

The state at that time used violence against him and killed him, creating the civil rights movement which created a better world for the Americans, although not right away. Yet, the violence used by the state was to repress the civil rights movement, not enhance or ensure it. Diplomacy should replace, once and for all, political violent strife that leads to the escalation of conflicts on all levels.

What is happening with the war in Iraq, the war that was supposed to bring freedom, democracy and security? They came to fight against the "dictator Saddam", now look at the situation we are in. How many persons have been killed? How many Iraqis are becoming refugees? How many Iraqis left their country? The same story is happening here and there. It is happening in Libya and Syria!!! We are talking about an oasis of cultures and civilizations for thousands of years. Let us look at Iraq again now: The followers of John the Baptist are still living in Iraq, although they are exposed to suicidal attacks. There is no group in Iraq that has not been touched by this war. This does not mean I favor any dictator, yet more dictators were created in every group and factions.

During the Cold War, there were two allies: Warsaw and NATO. The Eastern Block Warsaw is finished and now we have one polar system. Now we are witnessing the emergence of a new world order where there is an emergence of two powers. But a new enemy has been created, whether we see it through the 'Clash of Civilizations' by Huntington, or what Fukuyamma is talking about through 'The End of History', or naming one religion as terrorists. Our enemy has been created through the 'War on

Terrorism'. I don't think we should have this concept. 'War on Terrorism' is terrorism by itself because it's labeling one religion as negative. This labeling does not help the adherence of religions to have a dialogue; it licenses to kill others who are different from us. Many times, through the use of scriptural selectivity, religion is used to justify a state policy of security. The 'War on Terrorism' works against human security. On the contrary, we live with others who are different from us; we need to compete for the goodness of the people, rather than to control their resources. We need to work together for the nonviolent enforcement of human security. I am not idealistic, but there are many stories in the world where the lack of use of violence worked much better than the excessive use of violence, whether on the personal level, local level or conflict between states.

We are unrealistic for maintaining this discipline or system that demonizes and builds walls to keep others out; we need to use alternative means of power, to find alternatives to violence, alternative ways of disciplining and not punishing for correcting not revenging, for creating a healthy atmosphere rather than creating a conflicting atmosphere, to raise children based on living in peace and accepting others in how they are rather than being aggressive. If we were to transfer our money that we spend on traditional ideas of security into human security on the global level, I do not think any one will be malnourished, poor, or unemployed. If we have the satisfaction to live with the things that we have, we don't need to enslave other nations or steal their resources or use or manipulate our power in one or the other.

Religion, security, and the state are all interrelated; however, that does not mean I think the state and religion should be intertwined. On the contrary, I believe the state should not mingle with religion and when they do, religion becomes manipulated into being a source of conflict. I believe there is a time in this age of globalization and modernity to let religion be as a personal relationship with God, and not as a governing body for social, economic and political efforts. Many times religion has been misused because some people believe they have the monopoly over certain interpretations of holy texts, which they then use to justify the ends of the state. I believe there should be freedom of conscience that the state should guarantee; yet, the state should be secular in terms of governing and leave it to the people in how they want to worship. Citizenship, human security, separation of church and state, and democracy should be the backbones of building modern and democratic states.

Secondly, the state should create a set of rules and orders to regulate the relationship between different faith communities and the state. Through this, the state will enhance security. Each one can practice his or her religion without interfering and without impeaching on another's right to practice. This can be done through the culture of acceptance, through the culture of understanding, and respect of each other.

We need to be sensitive to each other, and the state should legislate laws that respect each other's words. Second, the state should have orders, restrictions, and laws that deal with relationships with the people, and define its regulation based on a

humanistic doctrine. At the same time, we cannot ask the state to be a Utopia; there is not any state that is really a Utopia. We are talking about a state that protects the individual, human security, and the community at large. Simultaneously, this state should have a good relationship with its neighbors based on the mutually respected borders and work in cooperation for the protection of these borders.

As John Donne says, no man [or woman] is an island; we cannot live in isolation from each other. Religion is not a national issue, it is international, and the issue of security cannot have exclusive notions. Religion can be used to implement human security, precisely for its international existence, focusing on people rather than rigid state borders. For a state existing now, will not be a viable state forever. We need to define states. If a state means a safe haven for certain people who have decided to live in a certain area having sovereignty over resources without incriminating or infringing on others rights both locally, regionally, and internationally, I have no problem with a state like this. But if the state is built to serve an exclusive national agenda, or to wage a war against certain people, or to manipulate other's resources, or to exploit land so it has international consequences, I have a problem with that, and it is this state that will not be viable in the future. It is this state, where religion needs to be an accountable driving force for human security.

I believe that the principles of all religions can work to hold the state accountable to create an environment for respecting all human beings and ensuring human security. The principles of religion contradict the traditional forms of security, and all

religions need to work together to uphold and encourage the state to make human security a priority. Religion can work to create a viable society of compassion and acceptance that would instill human security for all people.

What is the purpose of religion? It is not to manipulate and gain power over others. Rather, religion should be used to nourish people, to help their vitality, to create relationships, and not to create enemies. Religion provides and offers protection to those who need it most, at all levels. Religion is the glue that is able to bind humanity together through the sanctity of human life. All religion sanctifies human life, and that sanctification of life results in an atmosphere where human security is cherished. When religion takes on its true form of being an injector of vitality, relationship, community, and love, we see that religion cannot only be a resource for a peace but also an accountable-force to ensure that human security is maintained for all people.

***Sulha* – traditional Arab method of
conflict resolution and its potentials in Israeli-
Palestinian peace process (Summer 2011 –
Summer 2013)**

1. Introduction

Protracted conflicts, like The Middle East Conflict, remain one of the greatest challenges of the international community. War and peace have been on the agenda throughout history. Initiatives to prevent or at least to regulate the war have led to the adoption of a myriad of conventions, declarations, resolutions to the establishment of United Nations Organization (UN) as the most important one, and a series of other international/regional governmental organizations, NGOs, funds, local grass-root organizations, etc. The international community is unanimously declaring the war is forbidden under the international law, specifically defined in the UN Charter, that conflicts should be resolved by peaceful means (Chapter VI of the UN Charter). Reaching lasting and just peace is a riddle that needs a lot of work, as well as imagination, in search for new solutions. One such challenge is applicability of local traditional methods of dispute settlement in international negotiations. In the Israeli-Palestinian case this would mean *Sulha*, a traditional Arab method of conflict resolution. For this aim, the article first describes the basics of peace building, later introduces the *Sulha*, and finishes with the principles of *Sulha* that can help international negotiators lead the peace process in a more culturally sensitive way.

2. Peace building

In a public discourse, the road to peace is primarily seen through official peace processes. The mainstream media report about negotiations at the state or international level is normally conducted between the leaders of fighting groups, under the auspices of a Third Party. The last example is direct negotiations between Israeli Prime Minister, Benjamin Netanyahu, and Palestinian president, Mahmoud Abbas, with USA President, Barack Obama, and his administration as the mediator. Such official negotiations involve top leaders and are designed to conclude with the signature and implementation of a peace accord. The international media attention diminishes beyond this point, unless the parties again resort to violence. In practice, however, the peace process is a complex system of various actors involved in activities at different levels.

Peace building is a “long-term transformation of a war system into a peace system” (Miall 2004, 6) that tries to identify and deal with the roots of the conflict, not only the symptoms. In the Lederach pyramid there are three levels of leadership: top level (few key actors, i.e. state level), middle-range level (ethnic and religious leaders, academics, intellectuals, INGO workers) and grass-roots level (local leaders, community developers, local NGO refugee camp leaders – represent the masses). (Lederach 2001, 146) Consequently, we have different approaches to peace building, depending on which level of leadership.

The first approach to peace is a top-down approach, where state and international level officials

try to negotiate, sign and implement a peace treaty; the second approach is bottom-up according to which peace “is derived from individual or civil society actors”, representing “the voices of local and indigenous communities”. (Richmond 2005, 188-9) The next approach involves the middle-range level and is deemed successful because of the connection that middle level leaders have with both top and grass-roots levels, and their position is not based on political or military power. (Lederach 2001, 148) At this level, interactive problem-solving workshops are popular and in international relations, they are referred to as Track Two diplomacy. For peace building to be successful, it is important that all levels are involved; this approach is called multi-track peace building. This method has a higher probability to have long-term success because it works simultaneously with top leaders, who have the power to implement it, the middle level, who address the underlying causes of the conflict, and the active civil society, at the grass-root level, who gives the process, needed legitimacy. (Van Tongeren et al 2005, 84) The grass-roots level is more important for lasting peace because it deals with transformation and reconciliation within the society, with the goal of transforming the image of ‘the other’ “from that of an enemy into that of another human with similar needs, desires and priorities in life”. (Van Tongeren et al 2005, 87-91)

3. *Sulha* process

Sulha dates around 2,000 years back in history when it is served as a law for warring tribes of the Middle East deserts. The latter provided a difficult environment to live in therefore, the tribes

established alternative ways of resolving the on-going wars. *Sulha*, as a noun, in translation means *settlement* or *reconciliation*. It is a ritual through which parties in conflict restore damaged or lost dignity and honour. (Gellman 2008, 131–3; and Irani and Funk 2000, 7)

Sulha starts when one of the disputing parties consults a *Jaha*, the third party, to mediate in the conflict. *Jaha* can be a single person or a group of persons, depending on the severity of the crime. The more serious the crime is, the more difficult it will be to resolve it; therefore, more members of *Jaha* are needed. It is important that all *parties in a dispute respect all Jaha members*. *Jaha* members are respectable locals of the community. They are usually elders, who have moral authority in the community. After they are asked by one party to mediate in a conflict, *Jaha* will seek the consent for *Sulha* with the other party in a conflict, and their consent has to be clear and unambiguous in order to assure the acceptance of the ruling by both parties. First, they agree on *Hodna*, a period of truce in which parties will refrain from retaliation or further escalation of violence. During *Hodna*, *Jaha* members meet separately with disputing families, who are able to tell them their story. (Gellman and Vuinovich 2008, 136–7 and Jabbour 1993, 8) *Jaha* may negotiate the amount of compensation money that the offender's family will pay to the victim's family. After the parties agree on the terms of reconciliation, *Jaha* organizes a final meeting, where families will finally come in direct contact and will conduct closing rituals of *Sulha*. The meeting is to take place publicly so that anybody can see the peace. All members of the families shake hands, drink coffee together and

share a meal. These rituals symbolize apology and forgiveness. The offender may hold a white flag and the victim's family members, as well as respectable elders from the community, will tie knots on it as a symbol of guaranteeing a peace. (Jabbour 1993, 15–8)

4. Sulha and The Middle East Conflict

The Middle East Conflict deals with all three levels of conflict resolution mentioned above. The top level gets the most media attention, but there are many other contributing participants. The International NGOs present in the area, together with active churches and other faiths' leaders and academics, represent the middle level, as well as local peace activists and organizations, representing the grass-roots level. *Sulha* is widely practiced among Palestinians, both Christians and Muslims, but only for the disputes inside a community and rarely for the disputes among Palestinians and Israelis. Although, Israeli courts take into consideration if *Sulha* was conducted in a particular case or not. (For more about *sulha* and Israeli courts see Tsafrir, Nurit. 2006. Arab Customary Law in Israel: *Sulha* agreements and Israeli Courts. In: *Islamic Law and Society*. 13 (1): 76–98.) (Tsafrir 2006, 76) One of *Sulha*'s advantages is its pre-Islamic origins; therefore, it is primarily not connected to any part of the religion. However, *Sulha* does not need to be applied directly in the peace process, but may instead present the principles that should be met during the process.

When the peace process is led by Western mediators, there is a threat that local traditions will not be respected. If the process is not culturally sensitive, the local people may see the resulting peace treaty as imposed from the outside rather than born in the community. Therefore the conflicting parties might see it as unfair or biased, and in the end, not comply with the results. The outsiders may be seen as spoilers of the peace process, but in reality, they are just responding to the fact that the underlying reasons for the conflict have not been addressed. In this sense “the mere reaching of an accord brings no guarantee of its implementation.” (Darby and Mac Ginty 2008, 2) Therefore, *Sulha* may set an example to the international negotiators, where preconditions have to be met for a lasting peace treaty. “Two basic elements to the *Sulha* [are]: rights and honour.” (Jabbour 1993, 12) During the conflict, dignity is hurt and has to be restored and healed; therefore, “ensuring the basic human right to dignity should be an essential component of international third-party interventions”. (Gellman and Vuinovich 2008, 127)

Forgiveness, as another pillar of *Sulha*, is greatly overlooked in the official international negotiations. Churches and other faiths’ leaders and therapists could play a major role in national trauma healing. Protracted conflicts, caught in the cycles of violence, are “rooted in a psychological dynamic of victimization”. (Irani and Funk 2000, 2) Sixty-five years after the end of the Second World War, Jews still dwell on their victimhood. Enhancing the identity of Holocaust victims, cultivates fear, and the latter spurs the revenge. On the other hand, Palestinians also perceive themselves as victims of Israel and the international community. Therefore,

both sides need to deal with these feelings in order to start the healing process. As Irani and Funk (2000, 2) state it: “the mutual acknowledgement by all parties of their emotions, viewpoints and needs” is the first step in this process. An official peace process will restore the state apparatus, infrastructure, economy etc., but will not deal with people’s feelings. In this case, *Sulha* can present a tool at the grass-root level, where these emotions can be addressed and the process of forgiveness can start.

Through learning about *Sulha*, foreign negotiators can learn more about the community-based societies. Unlike Western societies, where the basic component of the society is an individual, the Middle East societies are based on the community. When there is direct conflicts between two individuals, *Sulha* will not only include them, as is the case of official court proceedings, but also their (extended) families. Keeping this in mind will help negotiators better understand why some of the measures are not appropriate. For example, introducing a human rights system in a community-based society needs a different interpretation than its implications in the West. This orientation also brings more responsibility since “[f]ar more is at stake than the interests of individuals”. (Irani and Funk 2000, 6)

Negotiators from secular states might overlook the importance of religion in the non-Western environments. Religious leaders are respected authorities in the Middle East and serve as *Jaha* members. Accordingly, they represent one of the key actors in a peace process. Finally, *Jaha* members are respectable leaders who know local people and their relations. From the Western

perspective, the mediator must be neutral and impartial without connections to the disputants. Contrary, in *Sulha* it is desired that *Jaha* members are well incorporated and familiar within the local community and that he plays an active role in the process.

5. Challenges that need to be addressed in the Israeli-Palestinian Peace Process

It was said, “If there is a will, there is a way.” If we consider the Israeli occupation to Palestine and the conflict in the Middle East as the dysfunctional family of Abraham, the *Sulha* will be the best practice for the process of reconciliation and peace based on restorative justice. But if we look at the conflict in the Middle East as one that represents protracted conflict that has been for hundreds of years if not thousands, I think we need a different strategy with different techniques since the conflict in the Middle East is known to be the product of the colonial intervention. Nevertheless, is it possible to consider *Sulha* as a basis for coexistence in modern day politics? If yes, we need to consider the following points:

1. Research and Study

I believe the parties who are concerned in the conflict and the mediators (Third Party) are all in need to have extensive research study, where they will be able to map the conflict, collect data and get the information, as well as analyse it to help in constructing the peace process. Knowing the other is the most essential step in the peace process, where putting ourselves in the shoes of others will be the

introductory course to know the other side psychologically, mentally, emotionally and politically, etc. As the wisdom authored by the Native Americans regarding the understanding of the other who might be your enemy, “O Great Spirit, grant that I never judge another until I have walked a mile in his or her moccasins.” (Dan Stanford http://thinkexist.com/quotes/dan_stanford/)

2. Power

As you know, the power between the Israeli party and the Arab party is not equal. “Power tends to corrupt, and absolute power corrupts absolutely.” These are the words of Lord Acton (1834-1902). Lord Acton did not invent such words, but there have been other politicians who altered them from time to time. William Pitt the Elder, Earl of Chatham, and British Prime Minister (1766-1778) also said, “Unlimited power is apt to corrupt the minds of those who possess it.” So therefore, when address the conflict, we should work on ways to balance the imbalance of power. Since not only power corrupts but also lack of power corrupts. If we want to make justice and peace between the conflicting parties, we need to eliminate patron-client relationships. When we talk about the imbalance of power, we are talking about economic, social, military power, where the matrix of control is dealing with every aspect of our life.

3. Honest Arbitrators and Just Mediators (Third Party)

We are in dire need of honest arbitrators and just mediators for such a conflict where the imbalance of power is created. What is expected from

the Third Party is to empower the weak and to bring the strong to their senses and not their knees. That is why the Palestinians are asking the quartet (USA, EU, Russia and the UN) to be the mediators.

4. Restorative Justice

Restorative justice is essential for building the peace process because there will be no peace or reconciliation without restorative justice. Restorative justice means addressing the injustice rather than avenging it. Therefore reparation and retribution and compensation are the three heads of the triangle of reconciliation, which is the only way to break the cycle of violence forever. I can say clearly and boldly, "There will be no future in the Middle East without restorative justice." If we need to co-exist whether with a one-state solution or two-state solution without having apartheid, we need to work on restorative justice and not punitive justice. We should not be silent about injustice as Martin Luther King, Jr. asked us to. "History will have to record that the greatest tragedy of this period of social transition was not the strident clamor of the bad people, but the appalling silence of the good people." (Rev. Dr. Martin Luther King, Jr.)

5. Shuttle Diplomacy

Shuttle diplomacy is needed more now than ever before to jumpstart the peace process. Shuttle diplomacy is an art and it works to create momentum that has a strong quantum, like the snowball effect. Some of the tasks of shuttle diplomacy that is needed: humanize the two parties because you know where

there is conflict, people become historical or hysterical. The egg and chicken issue is historical while bad mouthing, calling names, and demonization are components of the hysterical dimension of the conflict. While calling names, demonization, stereotypes and overgeneralization will be the scene of the latter, whenever you are dealing and wheeling with this, you need to humanize all the parties of the conflict. As a mediator you are not silent; instead, you are creating a rapprochement among the parties by investing in relationship, so that the equation will result in a Win-Win solution. "Life is not a contest or a conquest, but a quest for the best in each and every one of us." (Hugh, Hugh, Mann, M.D., Eagle Rock, Missouri. DIALOGUE OF ACTION ~ The Action of Dialogue creating community. Posted By: ltraubman. Mon Nov 7, 2011 5:08 am)

6. Confidence Building Measures

Second, is confidence building measures. We need to embark on a process based on building trust and creating momentum for a cooperative environment. For example, releasing prisoners, removing the check points, stopping the building of settlements, free access to Jerusalem, and stopping all kinds of violence from both parties, will help to promote a culture for negotiation and dialogue.

7. Culture – Saving Face

It is worth mentioning that *Sulha* is based on the virtue that we are a culture of *face*, or also known as a culture of respectable reputation. One reason for the failure of the peace process in the previous years

is the absence of the *saving the face* principle. *Saving face* is a very crucial element for creating a healthy dialogue and productive negotiations. If you don't want to personify the conflict, we need to find ways to save the faces of the leaders and to differentiate between the system and the person. We need to separate the people from the problem. We need to be hard on the problem but soft on the people. This principle is clear in the book, *Getting to Yes*, which is based on the Harvard negotiating project. (Roger Fisher and William Ury. 2nd Edition. 1991. ISBN 01491.57352. Published by Penguin.) Separating between the problem and the people, between the system and the agents, and hate the sin but not the sinner. All of these encourage us to work for a solution. Addressing the conflict on the political system level will be easier to rehabilitate, rather than attacking the persons, which will not help when saving the face.

8. Story Telling

Story telling, as well as proverb citation of the Third Party is essential in creating an atmosphere of rapprochement. Stories are didactic lessons learned from other countries. It was a biblical approach; we still walk in the footsteps of the prophets by telling stories. "I will tell you something about stories (Leslie Marmon Silko once said). They are not just entertainment. Don't be fooled. They are all we have, you see, all we have to fight off illness and death. You don't have anything if you don't have stories. Their evil is mightily but it can't stand up to our stories. So they try to destroy the stories. Let the stories be confused or forgotten. They would like that. They would be happy. Because we would be

defenceless then.” We need to draw some lessons learned from similar conflicting areas that could be didactic for us. Let’s learn mainly from the South African struggle, the Northern Ireland Peace Accords, the Balkan Situation, and etc.

9. Narratives

Narratives of the conflicting parties: each one is allowed to tell his/her narrative using the same specified time. This is needed on the smallest levels as well as the largest levels of conflict such as the Middle Easter Conflict, where our poet, Mahmoud Darwish, has called the conflict a "struggle between two memories". Let the two narratives make a dialogue, and history will smile.” (The Guardian: Culture/Books, Saturday Jun 8, 2002.) If this beautifully written quotation about the Middle East protracted conflict, how about applying it to conflicts between people who are not in such enmity.

10.Compassionate Listening

Compassionate listening is to listen with your heart. “To develop the drop of compassion in our own heart is the only effective spiritual response to hatred and violence.” (Calming the Fearful Mind. A Zen Response to Terrorism .Easy read Super Large 20pt Edition. Copyrightc2008, Accessible Publishing Systems pty,Ltd.AcN 085119953. [Thich Nhat Hanh](#) - 2009 - Body, Mind & Spirit ,P183)

11. Symbols

Symbols, rituals, meals and body language are very important in the *Sulha* process. As a mediator, you need to observe, notice all of these and intervene whenever is necessary and good for the building up of the process. The mediator needs to be alert all the time for any emergencies.

12. Trauma and Healing Memories

I believe there are a lot of grievances in both societies. Needless to talk about the long history of the Palestinian's suffering by tens colonial powers who occupied and colonized them up until this moment. I also believe the Jews have suffered a lot from different powers. As Palestinians, we consider ourselves the victims or the indirect victims of the Holocaust. Our people are inhibited with trauma. The trauma can be seen on four levels: personal, family/group, intergenerational – passing down traumatic stories, and collective trauma – the whole story of Palestine. The Nakaba (catastrophe of 1948) is still happening. It is not easy to forget the bad stories, but we need to help people let go of bad memories and stories and hold on to good and new things that help them to be nourished and developed. We need to forgive but not forget if necessary. I was shocked by a Holocaust survivor who told me that healing will come after six generations from the Holocaust have passed. It is very exhausting to think of it, especially since the beginning of the 1948 Nakaba. We need not to ignore the negative psychological dimension of both communities, especially since 70% of the world's sicknesses are related to the problems of stress.

13. Collective Responsibility

Shifting from blaming, dwelling on victimhood, enhancing the guilt, and pointing the finger to collective responsibility is the guarantor for real peace building, peace making and peace dwelling. Blaming is toxic and dwelling on victimhood is suicidal. Enhancing the guilt is opportunistic and whenever you point one finger at others, there are three fingers pointed back at you. Therefore we entice collective responsibility, which is the cure for every malady and the healing for problems and difficulties.

14. Expanding the Pie

Expand the pie and let each party get a part of the cake. If you can let the solution be based on a Win-Win and not Zero Sum game, it will be more effective and everlasting. This will be the incentive for being involved in the peace process, where each party will get what it needs and the support to survive in healthy relationships with others. This principle will focus more on interests rather than declaring positions. When we address the interests of each group, we can focus on the common ground and enlist the benefits on the economical, social and financial levels. Here we can think of economic corporations based on equality and mutuality, cooperation on business of tourism, joint efforts to protect the environment and etc.

15. Guilt and Shame

As you know, societies in the Middle East are based on communal living. So the family is a

valuable socio-economic and political unit that forms the foundation of the society. Shame plays a very significant role in bringing the society to their senses. When we are involved in intergenerational groups, we can appeal to the elderly who will humble down the enthusiastic youth of the society. I don't want to go and crucify the Arab society as a shame-based society and the Western societies and maybe Israel as a guilt-based society. But I think addressing these issues will help us to have a healthy society that relates to each other based on virtues, values and morality without enhancing the guilt feeling or triggering the shame feeling.

16. Transformation

If we want peace, justice and reconciliation to shape our policies, we need to embark on the transformational process because there is no community or transnational community or world peace without transformation. Transformation is a process that needs time, endures change and responds to variables that emerge without early warning. The challenge is always how to transform the garbage of anger, the garbage of hate and enmity into a heart of compassion. Yes, we can say verily that there will be no future in the Middle East without restorative justice, and transformation should occur on the personal, family and communal levels. So the definition of the enemy at the end of the process is *friend in the waiting*, while the other will be sister or brother.

6. Conclusion

The aim of the peace process is to reach not only mere peace, but also a just solution. For this reason, needs and grievances of all conflicting sides need to be addressed. Despite the fact that the Israeli occupation of Palestine and the Middle East conflict are the types of protracted conflict that needs a lot of attention, time, will and resources, there is no way to not tackle it with persistence, perseverance and faith. Otherwise, this will lead to more escalation and more innocent people will die. We will dwell on victimhood forever, and bloodshed will captivate our vision.

"There are no magic answers, no miraculous methods to overcome the problems we face, just the familiar ones: honest search for understanding, education, organization, action that raises the cost of state violence for its perpetrators or that lays the basis for institutional change and the kind of commitment that will persist despite the temptations of disillusionment, despite many failures and only limited successes, inspired by the hope of a brighter future." -- Noam Chomsky

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**Shortcomings and Positive Sides of Sulha: Facts
and Challenges –
Ipolani Duvauchelle and Zoughbi Zoughbi
(Summer 2013)**

Despite these facts, there are more positive things about *Sulha*. Here are the following shortcomings:

1. Women have no role in the traditional ways of *Sulha*, especially when we talk about the traditional, patriarchal and conservative society. This fact paralyzes half of the community because not only are women half of the society in population, but they have also raised the other half. We are now in the 21st century and still we see a set back in the role of women, which by itself impedes any progress and any development in the society. The challenge remains how can we activate the role of women in the 21st century, especially if *Sulha* is part of the interdisciplinary process of reconciliation. *Sulha*/reconciliation is the umbrella for the following disciplines: guidance, awareness, psychology, law, civil education, change, perseverance, follow-up methods, truth and spirituality. And we know that women have made a lot of progress in these fields all over the world. Why not in the Arab world? All the speakers in the different workshops, seminars and public meetings emphasized the inclusion of women in the *Sulha* process. Zuhera Kemah is the chairperson of FIDA, a Palestinian liberal political party that is a

part of the Palestinian Liberation Organization (PLO), and Hanan Asherawi, Leila Khalid, Mary Rock, Rabiha Thiab, and Khaldia Jarar are various women from different political parties.

2. The Tribal Law (*Sulha*) sometimes has a bad name and is related to corruption. Historically, the corruption is due to some men who were appointed by the colonial foreign powers, who became victims of patron-client relations. A Muhktar (elder) is supposed to be the tribal mediators, appointed by the power-to-be, (commonly appointed by the colonial/imperialist) based mostly on corruption, manipulation, greed, and the abuse and misuse of people. The mechanisms of this patron-client relationship put these elderly leaders at the mercy of the power-to-be, so they act on behalf of the interest of the regimes rather than on behalf of the people and their ethics, morality, neutrality and justice. If the mediators, or arbitrators, are not justly oriented and honest, then *Sulha* becomes a tool of the powerful against the powerless. It will be used by the rich against the poor, manipulated by the repressors against the oppressed. The challenge is how to look at *Sulha* from a constructive point of view, dealing with problems based on creativity, openness, accountability and transparency. We should put a limit on the overgeneralization and end the negative stereotypes. We should make it clear that if

one or two persons are corrupt, the rest are not.

3. The Tribal Law is based on collective shame. The question is why should the extended family bear the burden of one problematic person? Yes, we know we are a shame-based society, where the collective identity is our image. Yes, we are a community-based society, but we shouldn't be responsible for every mistake of the individuals in the community. We should respect individuals, and individuals should be responsible for their mistakes. The challenge remains how to disseminate the culture of agape and accountability to all individuals and not to succumb to the culture and practice of collective punishment.
4. The Tribal Law is static and in some places it becomes part of the fossils. *Sulha*, as a way of mediation, is very positive if we have tribal leaders who are just, open minded and friendly. At the same time, it is not helpful to anyone if the leader is a tyrant or oppressive. Therefore, we need to look at *Sulha* as part of the process that leads to create a culture of agape, a culture of righteousness, a culture of openness, and it is not an alternative to the judicial system. The challenge remains how to make the Tribal Law as a delta to the law and order!
5. The Tribal Law almost ignores the psychological damage in the persons

involved in the conflict. Seventy percent of the sicknesses, according to scientists, are due to conflicts, stress and psychological repercussions. The challenge remains how to incorporate psychological therapy in the *Sulha*!

6. Tribal Law, most of the time, ignores collecting data by mapping and analyzing the conflict based on scientific and objective studies, unless those who practice *Sulha* are more educated in the interdisciplinary field. The challenge remains how to train leaders to be more open minded, trained in different skills and practicing creative and innovative ways to address conflict and have *Sulha*.
7. Some of the practitioners of the Tribal Law link this field to superstition and ignorance, especially if they use unreal stories that talk about “super powers” that are not human. The superstition will be based on using methods that are unhealthy or magic or witchcraft. The challenge remains how to use this tradition, which is hundreds of years old, to fit and to compliment the role of law in modern days. As a matter of fact, Customary (*Sulha*) Law is part of the judicial system in Palestine. It is binding and validated by the authority alongside the court system. But, some people consider the Tribal Law as part of the relics of the past that no longer fit modern day peace processes. The challenge is how to use the synergy, the nest of the past, coupled with modern day sciences. Especially, when we

talk about *Sulha*, which is based on story telling. Great prophets and special leaders from different religious backgrounds always used this method. Of course, Jesus is known for his creative parables, which are didactic, informative, and exciting.

8. The process of *Sulha* would be unfair if the conflict is between a very traditional group and a non-traditional group. The mediators, if they are unethical, might use terms that could only be understood by one party. If they both agree and say yes to the participation in the *sulha* process, it could eventually lead to both parties agreeing on something that not all of them understand, and, of course, the outcome of that mediation will be unfair for the non-traditional group. For example, there is a conflict between two parties and the more traditional party was the offender. Here, the mediator used an investigative truce, not an acknowledgement truce. This shows that the mediator has a devious scheme, not a plan to resolve the conflict on a Win-Win basis, especially if the offense is clear and tangible. On the political level, an example might be when the Palestinians and Arabs agreed on UN Resolution 242, and the translation of the agreement left ambiguities that allowed Israel to interpret it in a way for them to keep some of the occupied territories. Yet, another example involved the treatment of refugees in 1948 – UN Resolution 194. UN 194 was the right of return and compensation for all Palestinian refugees,

including their descendants, which is a personal, but collectively held, inter-generational right. Israel on the other hand interpreted it to be only for the Palestinians themselves who were kicked out in 1948. The refugees from 1948 could have passed away by now, and the right to return would no longer be valid for their families.

The positive sides of *Sulha* can be summarized in the following points:

1. *Sulha* has kept the Arab societies intact, safe and sound, despite the fact that there has been no civil society and no central government for the last 2,000 years in certain Arab countries.
2. *Sulha* links us to our rich heritage. Specifically, this practice has been impacted by the Holy Books of the Abrahamic religions. Of course, this rich heritage will help us to build relationships and trust with other cultures and civilizations. Furthermore, many universities in the East and West are now establishing degrees for either conflict resolution/conflict transformation, reconciliation study, forgiveness studies, compassionate listening, peace studies and so on.
3. *Sulha* is the best sign and action, as well as reflection, for collective responsibility. Responsibility is practiced by individuals and by entire groups including the intra- and

inter- parts of them, and of course it reduces the gaps between generations. The new generations, who are always enthusiastic, will learn the wisdom and serenity from the previous generations. *Sulha*, as an art, initiated the issue of accountability, transparency, and follow-up methods. Now such topics are needed in building modern states based on civil society.

4. *Sulha* is buying time and reducing expenses, in comparison with the time and resources spent to deal with conflicts in the judicial system. Mediators of the *Sulha* will rush to stop the bleeding of the society in the case of violence, and it reduces the conflicts quicker and with steady steps before the authority even begins. Furthermore, it works hand-in-hand with the judicial system in many areas.

Interview from a Palestinian Woman: Hana Kirreh

Short interview concerning the woman's role in Sulha

Sulha means reconciliation in Arabic. Sulha has been practiced in the Middle East and Palestine since old times and is still used today. It is practiced by Palestinians in the Palestinian occupied territories as well as the Palestinian Arab citizens in Israel. A Sulha event is usually attended by political and religious leaders in the community. They are figures who act as mediators between the disputants and their family members. Sulha works well in all the territories that are under the Palestinian National Authority control due to the weak Palestinian judicial authority and short time in resolving the dispute. People usually resort to Sulha to reconcile with each other. Usually many forms of disputes can be resolved such as financial, inheritance and property disputes. It is worth pointing out that many disputes arise from violence including murder, physical assault, sexual harassment and others.

The Sulha process includes the following three main elements: peacemakers (mediators); truce (time given to calm down); and the final process, which is Sulha.

As a woman I think that the Sulha system is overruled by patriarchal practices, which give men power and authority over women and therefore women are excluded from such a system.

Women are asked to leave the place or hide in another room, so as not to be seen by the other men who are present at the Sulha event. Usually men are given the floor to make decisions in resolving a dispute, even if the parties involved in the dispute are women.

I think Sulha will be more respected and appreciated if women are a part of the Sulha system, especially if the disputes are concerning women. No one would handle a woman conflict better than another woman. Giving women a role in the Sulha process will be a major change in the Sulha system. It would definitely lead to better outcomes and thus contribute to a healthier society that values women. The women essentially comprise more than half of the Palestinian society, and they raise the other half.

Terminology

There are many Arabic terms in Sulha that we did not use, but here are the few that we covered in this study:

Traditional Law, Customary Law, Tribal Law: terms used for Sulha Law

Islamic Law: Shariah Law

Conflict Resolution: the process of resolving a dispute or conflict by meeting each side's needs and addressing their interests (harvard.com/conflict-resolution)

Conflict Transformation: to envision and respond to the ebb and flow of social conflict as life-giving opportunities for creating constructive change processes that reduce violence, increase justice in direct interaction and social structures, and respond to real-life problems in human relationships (Lederach, John Paul)

Compassionate Listening: to listen attentively with your heart in an approach to create momentum for vivacious interaction where the purpose is to deepen understanding of the problem and validate emotions and helping them to air out their frustration and to project it in a constructive and transformative way to lead into the less traveled road of reconciliation (Zoughbi, Zoughbi)

Sulha: Traditional Arabic form of mediation

Jaha: depending on each case, the jaha could be representing one of the parties or be the mediating body or Third Party. The jaha enjoy good prestige and are respected by the community at large and who have influence and leverage on others.

Hudna: there are five types of hudna, but we will only be dealing with two types. Two types of hudna: a) investigating hudna (truce) where no one will acknowledge the offense so the third party will investigate for the truth; b) acknowledgement hudna (truce) where one party will acknowledge the offense and thus the sulha process will start. Usually the hudna is three full days and one third of the fourth day, and the purpose of it is to calm down the anger and frustration and to give ample time for people to think of ways to find a solution.

Atwa: Atwa and Hudna are used interchangeably. The whole purpose of it is to put a limit to the conflict and end it if possible by peaceful means without causing more damage or inflicting more pain on any party or their possessions.

Frash Al Atwa: a sum of money that is given to the victim's family as a symbol of the beginning of negotiation, dialogue, understanding and of course reconciliation. It is a down payment for issues related to crimes of honor and killing. According to traditional customs, the value of the down payment is 1,025 Jordanian Dinar (JD).

Sharaf: Dignity and Honor. Usually related to the woman's honor, but of course everyone's honor is respected.

Restorative Justice: emphasizes repairing the harm caused by crime, focusing on the needs of the victim(s), offender(s), as well as the community.

Punitive Justice: Justice based on rules, laws and traditions without mercy.

Badwa: a group of dignitaries who are known for their modernity, transparency, wisdom and justice. They will go to the perpetrator, who is not acknowledging the offense, and ask him or her to acknowledge their crime or offense and submit to render their rights.

Beit Al Mlem: where the conflicting parties gather in the third parties home to tell their story, their justification and the evidence they have of the crime. The owner of the house is usually a very respected elderly or sheikh, who conducts a truthful dialogue between the conflicting parties. All the information that is spoken in front of the third party will be confidential.

Guarantor: a respected, trusted and well-known person who will guarantee that the perpetrator's family will pay the compensation in full to the victim's family. If the perpetrator cannot pay the amount, the guarantor will be responsible to pay the amount, as well as protect the victim from any more offenses from the perpetrator.

Shame-based society: part of the Arab culture and community. Arab culture is based on a communal society where the family is a viable socio-economic unit. When a person violates the law, tradition, or customs of the community, their entire family is

shamed and all endure the consequences whether the individual feels or expresses guilt or not.

Guilt-based society: some say it is more part of the Western culture or an individualistic society. When a person violates the law, traditions, or customs of the community, only that individual person will take responsibility, endure the consequences, and express guilt. The family or society will not have to take responsibility, consequences, or guilt concerning the offense.