

Contents

<i>List of figures</i>	xiv
<i>List of tables</i>	xv
<i>Foreword</i>	xvi
<i>Acknowledgements</i>	xviii

Introduction	1
---------------------	----------

<i>Sulha: essence and characteristics</i>	1
<i>Sulha in the literature</i>	3
<i>How Sulha works</i>	5
<i>Methodology</i>	6

1 Sulha in Muslim jurisprudence and customary justice	10
--	-----------

<i>Primary sources of Muslim jurisprudence</i>	11
<i>Islam's (Sunni) major schools of law</i>	15
<i>The evolution of Muslim customary justice</i>	17
<i>Tahkim (Arbitration)</i>	19
<i>Sulha (Settlement)</i>	24

2 The theoretical foundations of Sulha	35
---	-----------

<i>What is conflict?</i>	35
<i>Muslim/Arab vs. Western conflict resolution perspectives</i>	36
<i>Sulha and conflict resolution theories</i>	39
<i>Where do we go from here?</i>	49
<i>Re-integrative honouring concept</i>	49

3 Honour, revenge and forgiveness in Sulha	54
---	-----------

<i>About honour</i>	55
<i>Revenge and forgiveness</i>	60

xii Contents

<i>About revenge</i>	61
<i>About forgiveness</i>	66
<i>Forgiveness and reconciliation</i>	68
<i>The interplay of honour, revenge and forgiveness in Sulha</i>	70

4 Sulha: structure and characteristics 76

<i>Re-integrative honouring concept (RHC)</i>	77
<i>RHC survey</i>	77
<i>Assumptions</i>	79
<i>Sulha stages</i>	80

5 Sulha and gender 128

<i>Conflict and patriarchy</i>	128
<i>The impact of interclan conflicts on women</i>	129
<i>The impact of women on Sulha</i>	131

6 Sulha and Western ADR 138

<i>Western and Muslim/Arab conflict resolution assumptions</i>	139
<i>Sulha mediation elements vs. Western-style ADR mediation elements</i>	141
<i>Arbitration elements in Sulha and Western-style ADR</i>	143
<i>Confidentiality, venting and neutrality in Sulha and Western ADR</i>	144

7 Sulha and Israel's legal system 153

<i>The differences between the Sulha and Israel's legal system</i>	153
<i>Sulha and the courts</i>	154
<i>Is the Sulha agreement admissible evidence?</i>	157
<i>How do the Sulha and Israel's formal legal system complement each other?</i>	159
<i>Sulha's place within Israel's judiciary system: a quantitative perspective</i>	161
<i>Discussion</i>	167

8 Sulha case study 174

<i>Murder in A'eblin</i>	174
<i>Dispute's origin</i>	174
<i>Who started the Sulha process and why?</i>	176

What did the Sulha Committee do immediately after the dispute started? 177

What did the perpetrator's clan do/say? 177

What did the victim's clan do/say? 179

How did the Sulha process start? 179

Was there a Hudna? How long? How many times was it extended? 179

How did the Jaha's deliberations proceed? 179

What tools did the Jaha use during the process? 181

The Sulha ceremony 181

Conclusions 186

Findings and new insights 186

Possible directions for future research 187

Appendices 191

Bibliography 199

Index 211