

## Family Honor Killings: Between Custom and State Law

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**Abstract:** In this paper I will review some attitudes and perspectives regarding family honor killings, mainly in the Arab/Bedouin population in Israel, Sinai, and the Middle East in general. What is the difference between *sharaf* and *'ird*? What deviant sexual behavior is considered a capital offense? How widespread is the use of honor killings, and what alternative sanctions are employed? Under which circumstances are compassion and mercy exercised? What kinds of solutions exist for such cases? The research also analyzes the conflicts that exist between custom and state law vis-à-vis family honor killings, and examines how court systems in Israel and elsewhere relate to murders committed to save family honor. The research illuminates the role of sheiks and the police in defusing tensions and saving lives, and explores how Arab leaders in Israel view and address honor killings.

**Keywords:** Arab/Bedouin, Israel, honor killings, customs and law.

### INTRODUCTION

The terminology related to honor is much the same everywhere in the Arab world, part of an honor-shame syndrome that is reflected in the Arabic language. Terms such as *'ird*, *sharaf* (honor), *'ār* (dishonor), and *'ayb* (shame, disgrace), while widespread, are assigned different meanings that can vary greatly from place to place [1]. A distinction must be made between *sharaf* and *'ird*. The term *sharaf* covers a host of situations in which a man's behavior imparts honor; for example, if a man is generous in attending to the needs of his guests, this adds to his honorable status. In contrast, the term *'ird* denotes honor surrounding female chastity and self-restraint; it embraces various forms that imply both respect and disdain [2]. While the concept of honor in the Arab world encompasses many different forms and situations, the sexual conduct of women is a domain sharply differentiated from all other areas of the honor-shame syndrome. Most killings or attempted murders are, directly or indirectly, the result of an alleged "insult" to a woman [3].

Speaking of shame is more prevalent in Arab daily discourse than mentioning honor – that is, it is shame rather than honor that is the predominant concern [4]. The Bedouin of the Negev and Sinai use the term *'ār* for problems ostensibly tied to women's honor, which, in fact, needs to be understood as a man's honor vis-à-vis his woman. From a psychosocial perspective, *'ār* connotes shame for which there is no justification. A man refers to a wife and daughters who are under his responsibility as *'āriy* – literally, "they are my honor". The Bedouin term *'ār* is pronounced *'ird* in classical Arabic. Honor killing among the Bedouin is termed "restoration of station" (*radd ash-sharaf*) [5].

Misbehavior by a woman detracts from her male figure's *'ird*. This linkage makes the male vulnerable and dependent

on the good conduct of the female; in fact, it is surprising that women should be assigned the power to detract so greatly from male honor when Islamic tradition stresses women's weaknesses. The fact that individuals are controlled by public threats to their personal reputation and honor is what transforms Bedouin and rural Arab societies into "shame cultures"; shame from the view point of the Bedouin judge, therefore, is not the act itself, but *public* knowledge that someone's daughter has had illicit sexual relations [6].

For the Bedouin of the Sinai Peninsula, the term *'ird* plays a core role in the main body of Bedouin law. There are almost no rights or duties connected to *'ird* that operate outside the framework of the law. Honor and might largely overlap. Honor endows individuals with social respect; while *'ird* is attributed to those who conduct themselves with dignity and wisdom, honor their commitments, and receive guests with hospitality, the form of honor most important to a man is determined by the number of other men in his clan [5].

Bedouin customary law grants a husband the right to shed the blood of someone who has raped or even struck his wife, either injuring or killing her. Needless to say, the conditions of traditional Bedouin life would leave women exposed and vulnerable to physical or sexual violation without such protection. Bedouin customary law entitles the victim to use violence as a first resort in avenging the violation of a woman's honor, and thus to achieve justice.

The sanctity (*hurma*) of what the Bedouin call "women's honor" is unique to Bedouin culture (Ibid. 83, 94, 107-108). The section of the tent reserved solely for women (*mahram*) ensures the modesty of women, whence the term *stār*, or hiding place; that is, a place where a woman may reside concealed from other men [7]. The local idiomatic expression for marriage among the Bedouin is to "set up a tent". The Arabic word for a tent in this context is *bayt*; its usage is reserved for the Bedouin tent, which embodies the promise of the continuation of life. The word *bayt* represents a com-

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plex concept in the cosmology of the Bedouin: the tent is a sanctuary, and this extends to the ropes and the poles of the tent, so anyone who touches them comes under the protection of the owner of that tent [8-10]. It is in this tent that a wife must reside, and it is in this tent that her husband has full legal rights of sexual access to her. Any children born in the husband's tent can be claimed as his own [8, 11]. Violating the sanctuary of a tent in Sinai is deemed so serious an offence that a judge may impose a severe punishment. It should be noted that Judge Sulayman Muhammad al-Ugbi is the main honor judge in the area.

Tribal males believe that the serious sacrifices they make for one another are warranted by blood affiliation. Because of its high degree of mutual responsibility and dependency, Bedouin society obliges each family to begin the moral education and inculcation of chastity codes in girls at an early age, with the expectation that such social indoctrination will make them chaste wives. Should a girl or woman behave in an immoral way, the shame is attributed to all tribal men of her father for having betrayed their social trust. Hence, violation of a woman's honor really constitutes a devastating blow to the deterrence of her male relatives, and is perceived as the destruction of the tent (*kharab al-bayt*). In principle, Bedouin customary law permits the tribal males of a violated woman to employ violence as a first resort against the perpetrators of three types of violation of a woman's honor: rape, certain abductions, and consensual fornication [5].

## METHODOLOGY

Fieldwork for the study at hand included interviews with community leaders, lay arbitrators and legal officials, social workers, and governmental and non-governmental representatives. Visits were made to community centers and facilities, including clinics, hospitals, and schools. The sample population consisted of 210 men and women from the Bedouin community of the Negev region of Israel – both residents of Bedouin towns and rural Bedouin communities, ranging in age from 18 to 80. Both structured interviews (Interview Schedule) and unstructured interviews (Interview Guide) with questions focusing on issues related to family honor killings were conducted. Observation of participants and conversations with them was carried out in their homes or offices and at court; this provided a milieu in which the participants felt relaxed and were generally glad to share information. The input was recorded in field logs. Additional insights and data contributing to the research were gathered in a review of professional journals and archival and documentary materials (published and unpublished), Knesset reports, police documents, court verdicts, and NGO reports about family honor killing.

## REVIEW OF THE LITERATURE

Violence is a universal social reality, an unfortunate part of the social fabric in many places around the world. While triggers of violence are contextual and culturally-linked, violence is, for the most part, exercised by the strong against the weak and resource-poor elements of a society. Domestic violence is a more complex and ambiguous phenomenon. Yet, relations between men and women can embody duality and contradiction – tension-filled conflict-driven relations,

distance and hostility, together with attraction, love and affection [12].

Murder of kin for the sake of family honor can be seen as an indication of a weakening of morality that calls for renewed obedience to norms using external means [13]. Cases where murder of kin is justified as the only avenue available for the restoration of family honor occur not only in Arab Muslim society; such extreme measures are taken in Sardinia and Sicily, for example, as well [14].

The violent act can be seen as an expression of sacrifice and altruism [15]. Needless to say, the danger inherent in careless handling of information about a woman's promiscuity or sexual permissiveness prevents such information from being disclosed to outsiders. Only if it becomes common knowledge does such behavior become an open scandal, therefore, it is kept secret – a confidentiality to which only the innermost circles of related men and women are party [16]. Many such premarital or extramarital affairs are settled quietly and without fuss. Many, however, become public knowledge; yet, even among these, only a small proportion end in a killing [17].

Patriarchal societies give men power and authority over women, and this phenomenon can be found at the individual, group, and institutional levels [18]. The concept of honor used to rationalize the abuse and killing of women is, according to Araji [19], founded on the idea that one person's honor depends on the behavior of others, and that, therefore, behavior must be controlled. Shame and honor motifs are not unique to Bedouin or Muslim society; they exist in Western societies, as well. The concept of honor has undergone a transformation in the way it is applied or practiced in the West [20] in countries such as the United States, whose legal traditions are derived from English common law (although it can still be understood as an ideology held by those who seek patriarchal power in a competitive arena by controlling the behavior of women): "*Under common law, women were considered the property of men, and violence was an accepted method for men to maintain control of women. Englishmen followed the 'rule of thumb law' that restricted the size of a stick with which they could beat their wives to one that was no thicker than a man's thumb*" [21]. In modern Western societies today, social norms and laws prohibit the abuse and killing of family members; such behavior can lead to severe consequences, including the loss of one's job, imprisonment, or death. In spite of these potential threats of punishment, males continue to abuse, stalk, and even kill their girlfriends, wives, and intimate partners. The idea that such abuses and murders may be related to honor systems is never mentioned [19]. Again, the way in which this phenomenon is expressed may differ, but it is firmly in place, as Araji notes: "*Within Western societies with the emphasis on individualism and privacy, the shame referent may rest only in a learned memory or belief system that males are dominant and females are submissive and must be controlled. If males cannot control females, this brings about shame. A remedy to this feeling is to punish the deviant female for not being submissive. In Western societies, we must not only consider the role that shame plays in males' patterns of violent acts, but the role it plays in keeping women in abusive relationships*" [19]. In some cases of adultery in Mediterra-

nean societies, the husband initiates divorce proceedings, leaving her family to administer revenge [22].

Mernissi [23] discusses how, for example, in Morocco, desegregation of the sexes violates Islam's ideology on women's position in the social order, which holds that women should be under the authority of fathers, brothers, or husbands. In several Middle Eastern countries, Bedouin customary law (*qada' 'urfi*), which exists only as an oral tradition, is today increasingly applied using *shari'a* and civil law. These three systems differ in their perception of punishment, its purposes and means, and in their trial processes. Bedouin law also differs considerably from one region to another. Cases concerning Bedouin women that bear on relations between different groups of agnates are conducted before a forum called a *manshad*. The judges are elders known for their wisdom and experience in adjudicating this particular type of case. Cases of blood feud and *'ird* are consequently heard before elders who are particularly wise and experienced. Because of the importance of *'ird*, a woman may not give evidence other than to a male outsider [judge] who is sufficiently elderly [24] and God-fearing. Calling a woman a whore is a challenge to the *'ird* of her agnatic group; this accusation may put the life of the accused at risk at the hands of her father or brothers (Ibid. 17-23). There are a range of different views of illicit sexual relations and family honor in Arab societies. In the 21<sup>st</sup> century, honor killing is still the normative response to illicit sexual relations in the Middle East [25]. Yet, the Bedouin of Sinai, according to Levi [26], are in no hurry to murder a woman caught in the act of adultery. The husband whose wife has been unfaithful to him sends her to her parents' home without disclosing the reason. Banishing the wife results in both her agnates and other Bedouin in the area knowing what happened. According to Shuqayr [27] the punishment for fornication among the Sinai Bedouin is death. Some tribes, however, accept ransom (*fi'dya*), arguing that a murder compounds the problem, simply exposing a man's disgrace. To have been seen in the company of someone in suspicious circumstances is enough to stigmatize a female and reduce the *'ird* of her agnates. When *'ird* has been compromised, people react in different ways. There are those who murder, while others feel the stain will fade in the course of time [6]. The Bedouin say that time heals all the wounds.

*Zina*, the Arabic term for adultery, covers sex offences by women and against women, including, for example, abduction, a serious offence. Among the Bedouin, illicit sexual relations constitute a tribal sin. If seduction is involved, the offender will almost certainly be killed by the girl's father or guardian. According to accounts of the Bedouin of the Negev [Al-'Aref 8, 28], during the 1920s and 1930s, there was no rest until such crimes were avenged. The killer was not held liable in any way for taking a life in such circumstances, nor was his parents or agnatic group. Most Bedouin tribes in the Negev are zealous regarding issues of virtue, although certain tribes take a less harsh view and are satisfied with imposing a fine on the man, to be paid in a certain number of camels, and the guilty couple is married in three days. If a girl is not abducted, but leaves the tent of her father and goes with wrongful intent to the tent of a man who does not belong to her family, she is liable to be killed. If a

man abducts a married woman from the tent of her husband, her husband and her father are entitled to remove her from the abductor's hiding place. The Bedouin draw a distinction between seduction in daylight and at night. If a girl tending flocks is approached by a man and is seduced by him, death may be his lot. Should a girl return at sunset with her flock and, after tending to their safety, leave to meet a man and be seduced by him, she may be killed [8].

While honor is mandatory, shame is not, according to Kressel [29]. This does not mean that deeds that cause shame are rarely comparable to deeds that enhance honor; what is important to keep in mind is that a man's social value is determined by a variety of criteria in which one component offsets the other. The vocabulary denoting 'shame' used by urbanized Bedouin in the Ramla district (Israel) is as rich as the vocabulary for denoting 'honor'. The Bedouin's use of these words is closely related to status differentials in their society. The term *'ayb* [*'eb*] (shame), is most often applied condescendingly by parents to children, by elders to youngsters, or by a guardian (*wili*) to his ward (*wiliyyeh*). This term is usually employed in reference to small misdemeanors, and is sometimes inflected in the form of a transitive verb meaning *'ird*. The use of *'ayb*, when the connotation is sexual impurity, is characterized by a lower or graver tone compared to the *'ayb* that refers to trifles [29].

Trespassing on a man's tent (*intihak al-hurma*) with the intention of humiliating the tent's owner – through rape or temptation to rape/maintaining a sexual relationship with the man's wife/daughter – might spark bloodshed or be cause for adjudication by *manshad*, a path that hinges on the customs of the tribes, taking into account all the circumstances.

There were once traditional customs for punishing adultery. A camel was thoroughly greased with tar (*gitrān*) and the offender forced to mount and ride the camel bareback. He was faced with the terrifying possibility of grave injury from hands, legs, buttocks or thighs being lacerated where skin and the camel hide come in contact – a gruesome penalty by any standard. But the offender was given the option of paying a fine. If a girl admitted she was a guilty party in the seduction, she was killed [8]. If she claimed the charge against her was false and she had no witnesses to her innocence, she was required to undergo an ordeal by fire. If she was proven guilty, she was killed. If a man denied the accusation of his illicit relations with the girl, he underwent an ordeal by fire [25, 28], and if found guilty, he was killed. If a girl or married woman complained that a man came to her in the night and sought her consent, the accused was required to take an oath (by God or on the tomb of a holy person); otherwise a heavy punishment was imposed [28].

Among the Arabs in Israel today, the killing of a girl or a married woman who has had illicit sexual relations serves as a deterrent to other women [30]. One option a father has is to marry a wayward girl off to her lover, thus covering the girl's shame with marriage instead of death. Sometimes unbearable social pressure acts in the public interest – pressure to commit honor killings overcomes perpetrators and dictates their actions [5]. It is worth mentioning that Abu-Rabia *et al.* [31] found that Bedouin think unmarried - single or divorced - women may jeopardize the tribe's honor.

According to Araji & Carlson [32], in Jordan, abusing or killing wives, mothers, sisters, and daughters who engage in, or are alleged to have engaged in sexual misconduct is considered by some normative, not deviant behavior. It is clear that family abuse is common in Jordan, as it is in other countries around the world (p.617). According to the research of Araji and Carlson [32] on crimes of honor, 63 percent of Jordanian students viewed crimes of honor as *very much of a problem*, and 17 percent viewed it as *somewhat of a problem*. The researchers had predicted that students who lived in urban areas – in contrast to those from rural areas, would be more likely to perceive family violence as a serious problem. This prediction was based on social structural and stress theories and seemed especially relevant because Jordan is undergoing a transition from a rural tribal society to an urban developed society (p. 609). In any case, the social context of the extended family and tribal ties remains strong, regardless of whether the family lives in an urban or rural area (p.616).

Violent behavior needs to be understood within its social context. According to Marx [33] violence is evidenced in five basic configurations: 1. as a form of social power (coercive violence), as well as acts of organized terror; 2. as a cry for help (appealing violence), including attempted suicides; 3. as directed at an imagined body social (such as murder, as well as human sacrifices); 4. as a reaction to a physical stimulus (frustration-aggression theory) that can explain a small number of events; 5. as a routine practice of states and other organizations, which ranges from the administration of public order, such as policing, riot control, imprisonment, the execution of criminals, and the operation of economic enterprises, through the pursuit of war, military occupation, and colonialist exploitation of human and natural resources, to ethnic cleansing and genocide.

Bedouin society discourages individuals from using violence. Whenever a man becomes involved in a situation requiring more than common pressure, his agnates intervene and jointly decide on a course of action [34]. Among Bedouin, vengeance murders (blood feuds) are motivated by the requirement to uphold family honor and restore the balance of power between two groups [6]. The phrase "grave opposite grave" (the connotation is like an eye for an eye) (*gābir gbāl gābir*) concisely conveys the Bedouin idea of settling scores. Women, however, are considered inviolate by men [8, 5], in keeping with the principle that "no manliness is practiced on a woman" (*al-mara ma 'alayha marājil*), and the law mandates their physical safety. The Bedouin of the Negev find themselves increasingly caught between two opposing sets of values: those of modern Western culture, and those of their traditional Eastern culture. They must live according to two very different sets of rules [35]. Bedouin groups in different areas have differing approaches to matters of shame and family honor.

Among the Bedouin of Awlad 'Ali, *hashm* constitutes an emotional discomfort or shame that motivates avoidance of a more powerful entity, and is manifested in the form of acts of modesty prompted by these feelings; such as protective self-masking when exposure to the more powerful entity is unavoidable [36]. Among Bedouin tribes in Jordan, the only thing that one is prohibited to attack or take vengeance on,

regardless of the circumstances, is *'ird*, because protection of it is the province of society as a whole, regardless of the level of kin association, hostility or friendship. *'Ird* is a sacred entity that the general public must preserve and protect, and members of society will endanger and sacrifice themselves to protect and maintain this form of honor [37].

In Jordan, as in other Middle Eastern and Muslim countries, there are mitigating clauses in the punitive justice system that lessen punishment or exempt from punishment offenders who have committed murder in the name of family honor. The Jordanian Penal Code (no. 16, 1960), Article 340, states: "Excuse in Murder (Mitigating Circumstances for Murder): i) *He who catches his wife, or one of his female relative (mahārem) unlawfully committing adultery with another, and he kills, wounds, or injures one or both of them, is exempt from any penalty.* ii) *He who catches his wife, or one of his female ascendants or descendants or sisters with another in an unlawful bed, and kills or wounds or injures one or both of them, benefits from a reduction of penalty* [32, 38]. (<http://www.soas.ac.uk/honourcrimes/resources/file55421.pdf>)

Needless to say, one of the salient features of Bedouin-Arab society is the emphasis on collective identity as opposed to individual identity. To a large extent, social status and economic security are still based on group identity [39]. Some studies suggest those families' reactions to perceived threats to the honor of an individual male member, the family, and one's tribe is very complex. The honor of males and their households, the political and social status of the family/tribes, and their reputation – particularly of females, are all interdependent [40]. Honor is not just an abstract concept in Bedouin and Arab peasant society; rather it shapes ways of life and constitutes a factor of great weight in the system of social relationships and societal structure. In such societies, the societal base is one's group origins - one's agnate kin going back five generations (*khams*). In such a society, there are two fundamental laws that cannot be ignored 1. mutual assistance; 2. the partnership in collective responsibility in blood feuds [41].

In the framework of this discussion, we should keep in mind and recognize the principle of cultural relativity; one can only understand cultures in keeping with the concepts of the culture itself, and should not impose standards from other cultures. Such an approach embodies a fundamental underlying principle: that culture shapes personality, and concepts of normativity and what constitutes a deviation from them are always relative, according to the standards of a given society [42].

In this vein, Danny Rabinowitz [43] positions honor killings in Arab society within a broader context, noting: "Even if Israeli men don't use their personal weapons to murder intractable sisters, in comparison with Druze, more Israeli men use weapons, including military weapons, in order to shoot their wives, their exes or their lovers." The fact that the author (an anthropologist) can write about this issue from the perspective of the murderers and potential murderers does not require the observer to adopt the internal logic that drives such murderers' positions. Furthermore, agreeing that an explanation of phenomena does not have to be judgmental

does not eliminate inherent cultural biases; even in a reflective age where it may be agreed in advance that every perspective is biased and complex, in practice, the distinction between an explanation and a justification is blurred. Every interpreter writes from a given perspective or position that reflects the observer's personal background, personal status, political outlook, gender identity, historical situation, social class, and other factors that invariably become inseparable from the speaker's arguments. Such "positionality" becomes particularly relevant when the code word "morality" is mentioned, marring the discourse by transforming it into an issue of piety.

### THE FEMINIST MOVEMENT AND ARAB SOCIETY

Egyptian anthropologist Soheir Morsy [44], argues that despite the good intentions of liberal Western feminist rescue missions, such efforts are merely a form of cultural imperialism that in the last analysis, constitute a 'kiss of death' for Arab women who are victims of violence. Indeed, sometimes the intervention of feminists' bodies and organizations that encourage Arab girls/women to register complaints with the Israeli police against family members lead these women to cross dangerous red lines in Arab society. Such bodies can not save these women, and following the events, the women remain isolated and in limbo – unable to go back, without any clear idea where they can go. The results are usually tragic, and such women often end up being murdered by their bothers [12].

European-oriented Israeli elites are often ethnocentric, a fact that leads them to ignore the possible ramifications of their actions when they are applied to minority sub-groups within Israeli society that are driven by different values and outlooks. (Ironically, while Israelis want to bring the feminist revolution to their Arab neighbors, they often do so while ignoring the discrimination of women at home.) Israel, however, possesses far too many colonialist and imperialist motifs for Israeli men and women to proceed with caution. They [Arab Israeli women] launch campaigns to 'save Arab men and women from themselves' without so much as examining the significance of the process they seek to set in motion. The issue of violence against Arab women harbors a paradox. From the standpoint of such well-meaning individuals, they must choose: in helping to liberate Arab women, they place them at risk of going against the culture and tradition that gives them identity status and belonging, only to leave them still oppressed, to be worn down and even killed on the altar of their culture. There is another, broader paradox in the plight of Arab-Palestinian women citizens in Israel who adopt feminist Israeli and European patterns and mores. On one hand, they see Israel as a foreign occupier that wields both political and cultural hegemony over them as a form of cultural imperialism. On the other, the political actions of such progressive Arab women on behalf of Arab women operate through the welfare machinery of the State of Israel. Moreover, in places where the laws of the State of Israel are in line with their own objectives as feminists, they will request that the State enforce the law forcefully, while ignoring the fact that the values reflected in the legislation that they legitimize run counter to the sentiments of a large proportion of their own people's women [43].

### HONOR KILLING OR COMPASSION AND MERCY?

There are anthropologists who have conducted research on honor killings who claim that a girl will not be harmed if the circle of people who know of her sexual exploits is limited; the girl will only be killed if her behavior becomes common knowledge [45, 46]. Murder is committed only when there is a *public* accusation on the part of a male whose honor has been compromised by her act. The injured party is always a male member of the circle of reciprocal responsibility to which the girl belongs, her father's spouse - that is, her mother or the wife of her father. Of course, one cannot write off such an accusation and the murder that follows as simply normative behavior. In general, there is usually a *personal* motive for such killings, often political in nature. The accusation is always based on an offence to norms that hold that a girl or single woman who has 'sinned' should be punished by death, unless she marries the person with which she had had sexual relations. If a marriage is made between the 'sinners', there is no death penalty. If, for some reason, a wedding is not conducted (the man refuses to marry her, or his or her parents prevent the union), the girl will be subject to death – provided there was a public accusation by the injured party. The killer himself may prefer a lighter punishment in order to preserve family honor, but he has no choice but to kill, since this is an organized social act by the family, not a matter of personal preference. It is worth noting that Kressel [47] found that in 31 documented cases of the killing of women, the perpetrators were her brothers, in only 12 the perpetrator was her father, and, in eight cases, the father's nephews. Of 112 honor killings, 24 of the perpetrators were under the age of 20, and 18 were between the ages of 21 and 40. Cohen [48] indicates that killing such woman is carried out by her brothers or her nephews.

In contemporary Arab society, Arabs claim that they kill only when they have no choice. If it is possible to find a way to ensure the wellbeing of the female sinner, this is generally considered a better solution. Not in all cases does an individual weigh the social pressures against the personal tragedy of losing a beloved family member. For the family, this is a double tragedy. It is important to underscore that in rural Arab society or Bedouin society, there are no murders due to breach of modesty laws *per se*; there has to be a public accusation from the injured party. Sometimes direct accusations serve political motives. The objective is not to punish the transgressor, but rather primarily to disgrace a political rival, to undermine the rival's status, to isolate him as much as possible, and to expel him from the group [41].

Moreover, one should keep in mind that punishment of a girl over matters of family honor is influenced by the social and political stature of her family within the community. Families can ignore some of the gossip, or use other sanctions, such as confinement, imprisonment, termination of studies, termination of work outside the home, beatings, ostracization, or humiliation - using murder only as a last resort [41, 49]. Parallel to this, the family may kill or try to kill the person with whom the woman had sexual relations, particularly if her partner is not a member of her agnate group. Such a strong response is designed to signal to society as a whole that "our honor" was harmed by the male's dishonorable intentions toward the girl, but has been reinstated by harming

the two of them, who together are the source of the family's loss of honor. According to Islam [50], in the case of an adulterer with another's wife, both partners are ordained to be stoned to death; that is, both the man and the woman must die. It should be kept in mind that the concept "family honor" is very complex. It is also tied to unmarried girls keeping their virginity until marriage. That is, single women must remain virgins; married women must be faithful to their husbands.

Arab students in Israel are exposed to Western culture, higher education, music, clothes, and travel inside Israel and abroad. They do not, however, leave their cultural beliefs, values, norms; they do not give up Arab traditions relating to honor and shame. Arab students in Israel, while born in a Western society, are not isolated from Arab culture, in which blood feuds and murder to preserve one's family honor are normative forms of behavior. Research shows that Arab codes are opposed to murder as punishment for premarital sex, but underscore that "another path must be found to punish someone who has made a mistake". Some male Arab students say that an appropriate punishment needs to be found for such a woman, and some say she should be killed for sullyng her family's honor [41]. It should be noted that Bedouin and rural Arab students are in a conflictual situation from a cultural standpoint. Such students live in two worlds: a Western, Israeli world, and a traditional cultural world that is similar to the one in Arab countries [41]. Moreover, one needs to keep in mind that a Bedouin's behavior reflects the individual's duty to take into account collective responsibility. The behavior of a Bedouin who deviates from the social norms of his society will impact on the standing even of a cousin who belongs to his *khams*.

### THE ROLE OF LAW OFFICERS AND SHEIKHS

Police officers place single Bedouin women who have had illicit sexual relations and whose lives are in jeopardy under the protection of a trustworthy Bedouin sheikh. The police request that a number of sheikhs known to serve as mediators in Bedouin society try to reach reconciliation. In this manner, the Bedouin women are able to live within Bedouin society while they are protected from being murdered. Police officers explain that in such cases they must navigate between Israeli law and Bedouin custom. Sometimes such young women turn directly to the police for protection, fearing for their lives. Going outside of Bedouin society to seek the protection of the law reflects, it would seem, the process of the rapid urbanization, education of women, exposure to television and radio, and of course, contact with young Israeli women among the Negev Bedouin. This exposure to social norms other than their own leads some women to believe they can bypass Bedouin norms, since they live within a larger and more liberal society [41]. In some cases, even in most cases, the single woman is left to marry and live with the man with whom she has had sexual relations - an arrangement cemented in a *sulha*<sup>1</sup> that pre-

vents the shedding of blood and saves the lives of the two partners. The Bedouin sheikh usually plays a critical role in saving the lives of young women who have been accused of having illicit sexual relations, and whose lives are in danger. The sheikh serves as a judge, arbitrator, mediator, and peacemaker. The following case [25] underscores these roles:

"A married woman who was accused of having sexual relations with another man was brought to trial before the sheikh. The sheikh acted wisely. The day prior to the trial he told his wife, who was old and experienced and wise: 'Tell the accused woman that during deliberations of her case [that] she should crawl on the ground as if she was a baby, and not get up until she is called to the men's section.' On the day of the trial, and in the presence of the men - many of them from her family in addition to her father and brothers, the judge called out in a loud voice: 'Tell the accused woman to come into the men's section.' She did his bidding. She stood at the edge of the tent - the men's section. The sheikh was cognizant of the fact that he was adjudicating a matter of matrimonial relations as well as morality and justice. He ordered the accused woman: 'Raise your right hand and swear aloud three times before me and all the men present that since you crawled on the ground [e.g. taken by the men present to mean "since you were a baby"] you have not violated your family's honor by having illicit sexual relations and were not unfaithful to your husband.' The woman repeated the oath three times before the sheikh and all the men present. When she finished, the sheikh announced out loud that she was innocent and ordered her to return to the women's section. The family and all the Bedouin who know her said she was innocent." This story illustrates the wisdom and ingenuity of the Bedouin judge in saving women's lives when they are accused of having had illicit sexual relations. It would only be fair to add that sometimes, the power of the weak leads the value of mercy to take precedence over the needs of justice [25].

### CONFLICTING VALUE SYSTEMS

It is important to emphasize that the decision of a Bedouin to decide to kill a daughter or a sister it is not easily made or executed. There are absolute moral norms and behavioral norms that are prescribed by realities and by human nature. Single women and married women who have illicit sexual relations, that is, individuals who transgress moral norms, are not always murdered. When such behavior becomes public knowledge, the accused women are punished. In cases where a young man and women flee and request the protection of the authorities and/or protection of Bedouin sheikhs - particularly in places where the honor of all those involved is protected, the issue is usually resolved quickly. There is a sense that "what has been done, can't be undone," and only if honor has not been jeopardized, the matter is rapidly and successfully resolved in a *sulha*.

Bedouin, in essence, face two contradictory legal and behavioral systems: their own, traditional tribal system, and the legal system of the State. Sometimes they can manipulate the two systems to their benefit. Apparently, the more Bedouin and rural Arabs learn to live with this duality, the more they will weigh the option of using the State machinery to

<sup>1</sup>The word *sulha* means peace, to make peace, or to make a peace pact after a dispute. *Sulha* is a ceremony which symbolizes the fact that two sides of a dispute (which in many cases is a blood feud) have conciliated their dispute. The ceremony is conducted by the mediators who conducted negotiations between the rival parties [41].

settle disputes and curtail their utilization of the services of mediators and religious court judges. In any case, it is clear that they will employ the dual system to its utmost, by choosing the laws of the system that best represent their interests in any given situation. While such maneuvering seems most appropriate to the generally pragmatic nature of the Bedouin mindset, it is liable to lead to a weakening of the traditional organizational authority of society over the behavior of its members [41]. Actual cases of murder to preserve family honor embrace a wide spectrum of situations and emotions. There are many cases of girls and married women who had illicit sexual relations and were not murdered. These facts should be taken into account in any discussion of honor killings. In any examination of illicit sexual relations and family honor as a phenomenon, it is not enough to deal solely with the cases that end in the woman's death. Statistics of women killed in any given time period or in any particular year lead to the erroneous conclusion that this norm still exists. It is important to note that in many instances, when the press reports that a woman has been killed in Arab society, the case is immediately framed as an honor killing, even if this may not be so. There are cases in which a domestic quarrel over this or that matter that has nothing to do with sexual norms escalates from verbal to physical violence that gets out of hand, resulting in women being killed [41].

In the wake of the transition from pastoral culture to urban living, there has been a general rise in domestic violence in Bedouin society. Urbanization has also been marked by a decline in the status of sheikhs, who, in the past, put their own lives on the line on behalf of battered women and gave them shelter until domestic harmony could be restored [12, 51]. Thus, sometimes, mixing old and new norms and mixing personal and public spheres have contributed to the murder of women. In order to reduce violence in the Arab sector in Israel, several community police centers have been established in Arab communities. Police personnel undergo special training in mediation and conciliation, the operation of *sulha* committees, and the prevention of violence in the schools as part of their unofficial mandate. Indeed, members of the police force and social workers need to show sensitivity toward Arab culture before attempting to change things. It is important to learn together, prepare all social agents in advance, and work cooperatively in order to institute change gradually. Lines of communication need to be open, even when there is no agreement among the parties. Education is a very important precondition if one seeks to nurture a new consciousness; only then can substantive changes take place [12].

The fact that there are more murders in urban than in rural society is interesting, but of limited value. After all, there are no data on the number of women conducting illicit sexual relations in the cities who have not been harmed. Indeed, there is a common, widespread misconception that crimes of honor are more widespread in the rural and Bedouin areas. In fact, Jordanian sources (activists and statisticians) underscore that this is not true; they maintain that the vast majority of such crimes take place in urban, populated areas [38]. Such elevated statistics reflect rapid urbanization and population growth in Jordan, where people now find themselves in cramped housing units, dependent on a highly

competitive market economy for which they are ill prepared, factors that trigger elevated stress levels. Some cannot cope with these rapid social changes and new pressures. Frustrations are released in the home, with women and children becoming the most common victims [32]. Social advancement also affects culture and value orientations - traditional or modern, that lead to laxer social controls and changing attitudes towards self and society, including more sexual freedom among women in upper social strata [52].

#### **ATTITUDES OF THE STATE AND THE ESTABLISHMENT**

How are honor killings viewed and treated by the authorities? According to Charles Taylor [53], the state needs to show decisiveness in rooting out manifestations of honor killings, primarily through the education system, emphasizing the negative impact of such measures, without condemning Arab culture and society. Treatment of the phenomenon on the micro-scale, Taylor claims, should adopt a clear and unequivocal stance – in other words, zero tolerance for honor killings, but on the macro-level it is important to continue a dialogue, with the objective of encouraging new attitudes without delegitimizing honor as a value.

Manar Hasan [54] argues that in the State of Israel, factors tied to patriarchal politics strengthen the practice of killing women in Arab society. He suggests that the way in which the State honors and rewards patriarchal leadership as a regime-control measure perpetuates such measures and allows them to continue to be employed. Support for tradition is a function of the need to strengthen certain social strata in the face of social change that challenges the stability and existence of tradition. Manar argues that allowing sheikhs and notables to act as mediators and conciliators between families and young girls within Arab society strengthens both the sheikhs' authority and public recognition of their status. Such a policy, Hasan charges, is the product of deliberate planning by social and political elites, and its price is paid in women murdered every year.

Will Kymlicka and Rafael Cohen-Almagor [55] state, in the frankest terms, that honor killings are one of the things that a liberal society simply cannot tolerate. Democracies, they argue, must not accept cultural norms that deprive the dignity of the individual and are designed to harm them. But such liberal yardsticks for societal norms are erroneous and unjustified by their very nature.

#### **THE STANCE OF ARAB POLITICAL AND RELIGIOUS LEADERS**

The attitudes towards family honor killings of representatives of Arab society, particularly Arab members of the Knesset are revealing unique insights. In a meeting of the Knesset Committee for the Advancement of the Status of Women, MK Ahmad Tibi [56] (a physician by profession) addressed the Committee, stating:

"I call upon you, the Chair, and perhaps the Committee itself, and I request of you and appeal to you that the Committee read and accept the suggestion to change the title to 'murder of women' [not 'honor killings']. There is no honor in murder based on family honor. There is anti-honor. Taking the life of a human being carries no honor, and it

the life of a human being carries no honor, and it doesn't safeguard the honor of the family. Moreover, I sense that men who commit such a crime of killing women have a defective defense mechanism, a problematic personality, and therefore they do this most terrible deed and take a person's life...Thus, if someone thinks that by killing his sister or female family member he is doing a positive thing, there is a moral problem with him and with those who think that he is doing a positive deed, and primarily there is a sociopathic problem as well in the personality of the one who perpetrates this crime - one should call a spade a spade.

A person who takes another's life is a criminal. No person has the right to judge another morally - or in any other way, and also execute [the accused]. And also there is the ugliness of someone going out into the street and knifing his sister let's say - tens of times in public. It's a horrible and terrible thing."

In the same committee session, MK Ibrahim Sarsur [57] (head of the Islamic Movement in Israel) stated:

"I want, at the outset, to set a few ground rules from our standpoints that are very important. For one, there is no linkage between this despicable murder and Islam. Islam, Islamic law, and even Islamic punitive law by the way, rejects out of hand murder of this kind. There is no question that Islam recognizes that sexual relations outside marriage are a crime, but there is a difference between defining certain acts as criminal, and taking the law into one's own hands and punishing people who were involved in such matters - they are as distant heaven and earth. The second point is: such murder, in my opinion, emanates from motivations that are linked to custom and not Islam. There are so many customs that, lamentably, this murder for family honor is one of the customs we carry with us, without society standing up once and for all to ponder this burden of honor that we have carried for so many years.

By the way, sexual relations outside of marriage from our standpoint are a crime, a crime that results in grave rulings because this crime, from a Muslim standpoint, is paramount to betraying one's country. And you need to take this into account. Thus, these are legitimate feelings and one must recognize them and respect them. A man and a woman need to maintain family honor equally and in an egalitarian manner. This is their duty and one cannot come and say "for us, such honor doesn't exist." This honor exists. Not only the man bears responsibility to uphold this honor, the woman also is supposed to participate equally with the man, in order to preserve this honor which is part of the religion, part of morality, and also part of customs.

From our perspective as the Islamic Movement, we operate on a host of planes, and I want to enumerate three important concepts: education, more education, and more education. This is the thing [e.g. inculcation] that can create the milieu that can immunize, that can forge the moral vigor among all those who are part of Arab and Muslim society (and other societies) that will make it impossible - neither for a man nor for a woman - to commit such a crime [e.g. of adultery], and all the more so, after committing this crime, such moral vigor will not permit by any means to exacerbate this, that is to say to repair the error with larger and worse

error. So, education is the job of all those who deal with education, in religion, in the mosque, in the community center, and everywhere."

## DOMESTIC VIOLENCE IN ISRAEL

Violence against women in Israel (not only Bedouin women) has been a prominent issue on the public agenda in Israel over the past several decades. Researchers and practitioners agree that violence between spouses is a widespread phenomenon and should be considered a serious social problem. It is assumed that cultural and structural factors contribute to the fact that violence is more prevalent in some sectors of the Israeli population than in others. For example, immigrants from the former Soviet Union are over-represented by almost 60% in intimate femicide (the killing of a woman by her intimate male partner), while the proportion of immigrants from Ethiopia who commit intimate femicide is 10 times higher than their proportion in the population. The non-Jewish population (mainly Muslim-Arab) in Israel is over-represented by about one third [60].

Several psychological studies have explained the high rate of intimate femicide among the new immigrants, arguing that being uprooted from one's country of origin and re-adjusting to the new country (Israel) and culture unavoidably constitutes a stressful process [61, 62]. Other studies suggest that the stress related to the adjustment of immigrants from the former Soviet Union unavoidably contributed to increased tension within families and between partners and led to the over-representation of intimate femicide offenders of this group in Israel [60], in addition to other motives and reasons such as alcohol and drug abuse. The adjustment problems of Ethiopian immigrants (many of whom came alone, without families) to life in Israel has been highly problematic and traumatic. The demand of the Rabbinate (who questioned their Jewishness) that Ethiopian Jews undergo conversion ceremonies was perceived by Ethiopians as a severe insult in view of their faithful adherence to Judaism over the millennia. Without doubt, their sense of alienation was further exacerbated by the negative reactions of some Israelis to their dark complexions. In addition, Israel's Western society undermined the newcomers' traditional patriarchal family social structure; the head of the family lost his authority and respect; and the high rate of unemployment of Ethiopian men contributed to demoralization and triggered family disputes, act of violence, and a high suicide rate [63]. Studies relating to motives in homicide cases are filled with inconsistencies in terminology; a host of terms with different meanings are used by researchers, including intent, reason, motive, cause, justification, excuse, and explanation [64, 65]. Yet, in most cases more than one motive or reason is given for killing a female partner [60] or for a killing triggered by issues of family honor. It is reasonable to assume that the number of women subjected to domestic violence is greater than reported, since many cases of violence are not reported to officials. From January through September 2009, 11,652 criminal cases were opened due to complaints of domestic violence, and 4,614 portfolios were closed. The Israel Police's response in half the complaints opened was to close the portfolio - half for lack of evidence, a third for lack of public interest.

The distribution of reasons for closure of cases in 2009 was similar to that in 2008. From January through September 2009, new immigrant women were the source of a quarter of the complaints of domestic violence logged with the police; 18.9 percent were from women immigrants from the former Soviet Union, 2.3 percent were from Ethiopian immigrants, and the rest were from other countries. Arab women registered only 11.8 percent of the complaints of domestic violence, a low rate in comparison to their relative weight (20 percent) in the overall population. This gap apparently stems from under-reporting of domestic violence in Arab society. The distribution in previous years was similar [66].

### GENDER MURDERS IN ISRAEL

Gender murder is any murder whose motive has a sexist facet. Gender murder relates to murder of a woman by her spouse or a relative, or the murder of women engaged in prostitution. The establishment in Israel does not make a distinction between gender murders and murders due to other motivations, and therefore there is no data on the scope of this phenomenon.

According to Israel Police data, in 2008 there were 36 murders of women; in 2007, 34; in 2006, 46, and in 2005, 42. In 2008, of 36 women who were murdered, seven were of Russian origin and one of Ethiopian origin. In 2006, of 46 women murdered, 30 were Jews, 15 Arabs, six Ethiopian, and seven Russian. The data include all women murdered during this year, but do not specify the motive for the murder. The Israel Police provides official statistics only about women who were murdered by their spouses. They are as follows: in 2009, nine; in 2008, 11, in 2007, 13, in 2006, 16, and in 2005, 12 women were murdered.

### BIAS IN THE ISRAELI COURT SYSTEM

It is important to clarify the position of the court system in this matter as well.

Legalities are clear, but the heterogeneous nature of Israeli society and the presence of groups with entrenched tribal customs and traditions that are at times contrary to Western democratic perspectives present the legal system with complex dilemmas and conflicts such as honor killings. Michael Mautner [58] writes in his discussion "The Law that Is Concealed from Sight" that "law impacts on our different cultural lives". A judge who rules that honor killings constitute murder is likely to encounter entrenched tradition among men who give contrary and positive meaning to this kind of murder. Therefore, the court system cannot address cases brought before it solely through a judicial lens and must leave room and weight for the social and cultural contexts within which such deeds are committed. Whether the court system has the ability to take into account in the judicial process a host of these kinds of factors raises a larger question: is there discrimination of the Arab minority in the Israeli court system? Research by Haj-Yahya Muhammad [59] reveals that both in the magistrates' court and in the district court, there are clear and significant statistical differences in sentences passed on Arab convicts compared to Jewish convicts with the same attributes. Moreover, significant statistical differences were found in the charges made in the clauses

of the conviction, compared to the charges in both the magistrates' and district courts. Such findings are sufficient to demonstrate that there is a bias and a gulf between the intention that "all shall be equal before the law" and realities in practice. Furthermore, there were differences in approach between the two instances. In the magistrates' court (in contrast with the district court) a number of parameters that directly influenced the sentence were found to vary: differences in sentence were found to be based on ethnic origins and the nature of the victim. Likewise, there were different attitudes towards the defendant's legal defense and differences in the severity of the sentence that arose from different attitudes of the prosecution that hinged on the ethnicity of the defendant. It is important to note that most of the Jewish defendants were represented by Jewish lawyers and that 50 percent of the Arab defendants were represented by Arab lawyers. As established by the above research, the ethnic element affects the punishment meted out, and this does not reflect the professional level of Arab lawyers. It reflects attitudes towards Arab lawyers in the Israeli legal system as a whole that are the source of the bias. This attitude must be eradicated.

### EPILOGUE

Joseph Ginat cites in his work *Blood, Revenge: Family Honor, Mediation and Outcasting* the discrepancy between the formal attitude of the courts of law in Israel, which cannot possibly recognize blood-feuds or the protection of "family honor" as justifications for criminal acts, and the tendency of administrative and executive authorities to encourage a *sulha* – settlements in order to prevent further bloodshed – even if this means recommending a certain degree of leniency, such as the reduction of sentences for the guilty persons concerned. Gabriel Bach testified to the existence of this discrepancy, stating: "*I can certainly confirm from my own experience, in my previous position as State Attorney of Israel, as well as in my present position as a Judge of the Israeli Supreme Court, that we were and are frequently faced with this dilemma—on the one hand the obvious desire to inflict adequate punishment for these serious and brutal crimes, and on the other hand the necessity not to be oblivious to certain realities, and not to stand in the way of arriving at peaceful settlements which are designed to save human lives. The reference to these sulha procedures in the judgments of the various courts is also, at least on the face of it, not always consistent. Sometimes the signing of the sulha, or the fact that negotiations in this direction are in progress, are not recognized by the judges as relevant considerations, while in other judgments they are mentioned as mitigating circumstances*" [67].

### SUMMARY

Reading the code of shame and gender in Middle Eastern societies is misleading when social facts are a corollary of group dynamics. The perpetuation of women's low status should be read in its proper symbolic context, although the sensitivity to *ird* as pertaining to one's social esteem remains essential. Although Bedouin society has prescribed behavioral norms, people do not behave strictly according to these norms. The case studies illustrate that society's behavioral

norms have their exceptions. Bedouin women can accuse a man of a crime, and force him to undergo the *bish'ah*, a mechanism through which women no longer have to resort to the 'power of the weak'. But in other cases, the power of the weak causes the value of mercy to prevail over the needs of justice.

Needless to say, the seriousness of the charge increases if rival groups are equal in size and status, and decreases when they differ in number of men. The Bedouin explain that the outcome of a given case matches the ability of the plaintiff to conduct it to his advantage (*al-haqq 'ala qader saygeh*). Yet, the respect invested in those who sit in judgment is due to their ability to consider each man's argument impartially. There is a host of statistics about women who were killed in the name of family honor, but there are no statistics regarding women who were not killed even though they engaged in illicit sexual relations; their lives were saved as a result of mediators, compromise, and solving the issue within the tribal arena. Honor killings are the exception to the rule, not the rule, even in Arab society, despite social norms in the Arab sector that mandate female modesty.

The findings may be summarized as follows: illicit sexual relations of single or married women that become known do not necessarily culminate in the murder of these women. Only if the relative of the woman is motivated to harm a family member - either her father or her brothers, will the relative raise the issue as a public accusation. When a person from an agnate group is the one who make the accusation public, there is no alternative but to murder the woman. The woman pays with her life not because she had illicit sexual relations, but rather because someone in the extended family wanted to cause harm to *another* member of the family. Her actions and subsequent murder are then only a pretext whose motives were to cause economic or political strife within the agnate group's power matrix.

Clearly there is room for different approaches to the question of norms and the degree to which they should be upheld in regard to codes of chastity. There are those who would recommend murder, others who tend to be more merciful, lenient and forgiving, and yet others who relate to murdering a person who transgresses such norms as simply a cruel and barbaric act. One should keep in mind that social change always takes place under the impact of external and/or internal forces, in addition to economic and political changes. The family is the heart of the social structure in Arab society in the Middle East. The woman is presented to the world through her male family members. Arab society does not separate religion from social life; religious institutions and practices organize membership within the family. A woman who has married belongs to a particular family. Her position within the familial network provides support and protects the agnate group.

Despite increased exposure to modernization, there is a parallel trend afoot: a return to Muslim religiosity and stricter fulfillment of Islamic religious practices and codes of behavior among Arabs (Bedouin and rural). How the interaction created by this encounter with the modern world is or will be played out in Arab society will be a very interesting subject for future research.

## CONFLICTS OF INTEREST

None Declared

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