

The Tribal Law in Beer Sheva and its Effect on Vanishing Dispute and Bringing Reconciliation

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Abstract

This study's aim was to Examine how tribal customs contribute to conflict resolution, to Consider whether tribal customs in Beersheba were effective in settling disputes and to determine whether these tribal customs are used as a way to establish social reconciliation. In order to investigate the study problem a mixed method was applied, in which both interviews and questions were used. The sample of the study included 235 Bedouin citizens Be'er Sheva Israel. The main results were that, first Bedouins often support their tribal judiciary systems to resolve disputes. Second, Bedouins often prefer to go to the tribal sheikh or (the head of the family) to resolve distributes. Next, the majority of the participants agreed that they trust the tribal judiciary.

Keywords: *Tribal Law, tribal customs, conflict resolution, tribal judiciary systems, tribal Sheikh, Bedouin community in Israel*

1. Introduction:

The Bedouin community in Israel is a distinct and diverse group within the country's population. They are primarily Arab nomadic or semi-nomadic pastoralists who have historically lived in the Negev Desert and the northern region of the country, known as the Galilee (Yalvesiyu & Yasmla, 2020). Over the years, many Bedouins have transitioned to a more sedentary lifestyle, settling in towns and villages. The structure of the Bedouin community in Israel reflects both their traditional social organization and the changes brought about by modernization and urbanization (Yahel & Galili, 2023).

Bedouin society is organized into tribes and clans, with each tribe consisting of several extended families. These tribes and clans often have their own leaders or sheikhs who play important roles in resolving disputes and maintaining order within the community (Yalvesiyu & Yasmla, 2020). Moreover, Bedouin culture places a strong emphasis on hospitality, honor, and loyalty to one's tribe. Traditional customs and values continue to shape the social fabric of the Bedouin community, even as it undergoes modernization (Ben David, 2004).

While some Bedouin continue to live in traditional tents or shanty dwellings, many have settled in permanent towns and villages. These settlements often lack basic infrastructure and services, leading to challenges related to access to clean water, education, healthcare, and employment opportunities. Moreover, Education among the Bedouin community has improved over the years, but there are still significant challenges in terms of access to quality education. Efforts have been made to establish schools in Bedouin towns and villages, but disparities in educational outcomes persist (Ben Asher, 2020). The Bedouin community in Israel has faced numerous legal challenges related to land ownership and land recognition. Many Bedouins claim ancestral land rights, while the Israeli government has sought to regulate land ownership and promote urbanization. Despite the challenges they face, Bedouins in Israel maintain a strong cultural identity and connection to their traditional way of life. This includes the preservation of their language, customs, and heritage (Yalvesiyu & Yasmla, 2020)..

The customs that apply in Beersheba contribute to the solutions of many cases: such as theft and assault. It is also used to resolve conflicts between people who have been harmed by others, either physically or emotionally (Tamir & Gontovnik, 2017).

This is why customs are an important part of the culture of Beersheba because they contribute to the preservation of Bedouin customs and values. Tribal customs in Beersheba have been a source of controversy for a number of years. Discussions about tribal customs continued in Beersheba, but these discussions did not reach a consensus so far (Yahel & Karak, 2016).

Beersheba is the capital of the south in Israel, and it is the dwelling place of Bedouin clans in the past since the time of the Prophet Abraham, and it has special laws that depend on customs. Today, it is inhabited by 300,000 Bedouin people who are Muslims who still preserve customs and traditions and have laws in governance when they dispute between them. This law is stronger than religion. And the civil law, because it depends on the general criminal responsibility that binds all members of the tribe (Medzini, et al., 2022) .

Significant of the study:

To analyse the phenomenon and propose ways through which tribal customs can be applied to establish reconciliation between tribes and try to reduce the resulting differences. This study also looks at how to apply tribal norms in such situations, which will lead to reconciliation between adversaries and prevent conflicts from occurring in the future. The current study discusses the tribal customs in Beersheba (Negev) and their role in staving off conflict and establishing reconciliation. The study will follow multiple approaches, including the historical and theoretical approach.

2. Material and Method:

In order to investigate the phenomenon, the researcher chose a mixed method research. Both quantitative and qualitative approaches are important in humanities research. And that the two approaches complement each other by presenting different ideas, but of equal importance in a subject. The mixed approach also enables the researcher to combine the quantitative and qualitative approaches together in one study, and for this, they enable them to obtain the advantages of each approach when examining the relationship between the results they obtain from the two approaches (Aspers, & Corte, 2019)

To find out the realistic picture, the researcher conducted an opinion poll directed at the citizens from Be'er Sheva Israel and found that the tribal judiciary was still dominant in people's minds in everyday reality, despite the reservations that were about the weakness of the judges themselves.

The survey was computerized, in which 236 participants participated, 83% of males and 17% of women, of different age groups, the doctoral campaign was 21 people, 9.3%, the master's campaign was 61 people, 27.1%, and the bachelor's degree was 45 people 20%, and university students in the early stages of the university 56 people 24.9% of those who finished only Secondary school: 42 persons, 18.7%. The background of the target audience was 69.9% from the Bedouin community, 10% from the rural community, and 20.1% from the civil society.

3. Results:

The first point that the study presented was the degree the Bedouins support the tribal judiciary in resolving disputes. Bedouins often support their tribal judiciary systems to resolve disputes, with an emphasis on mediation, customary law, and restitution. However, the extent to which these traditional systems are used can vary, and they may coexist with or be influenced by modern legal frameworks. Most of the answers revolved around referring to the tribal judiciary in resolving disputes, and 85.8% of the respondents supported the tribal solution.

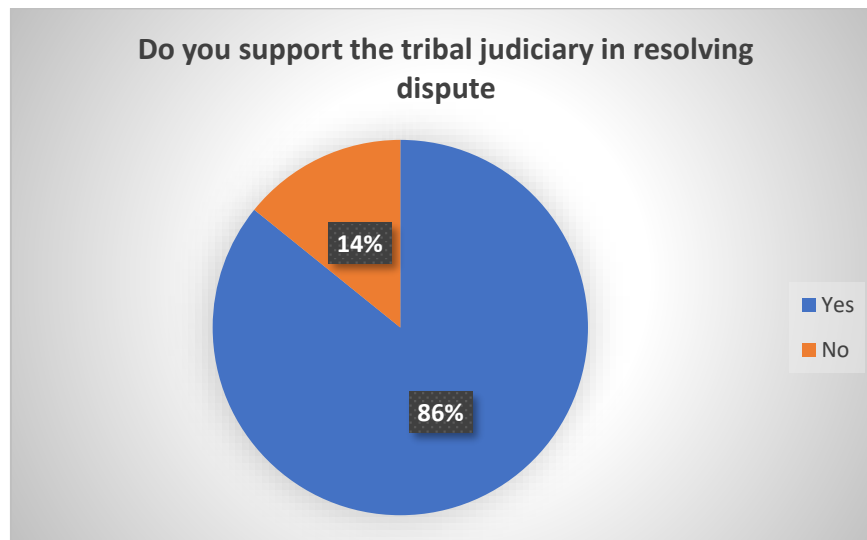


Figure 1: Do you support the tribal judiciary in resolving disputes

The next point was regarding the frequency they go to the tribal judiciary for resolving problems between people, in cases like fights with others. About 80% of the respondents answered that they would go to the tribal sheikh or (the head of the family) and 17.1% said that they will go to the police, and 2.1% answered that they will go to the imam of the mosque

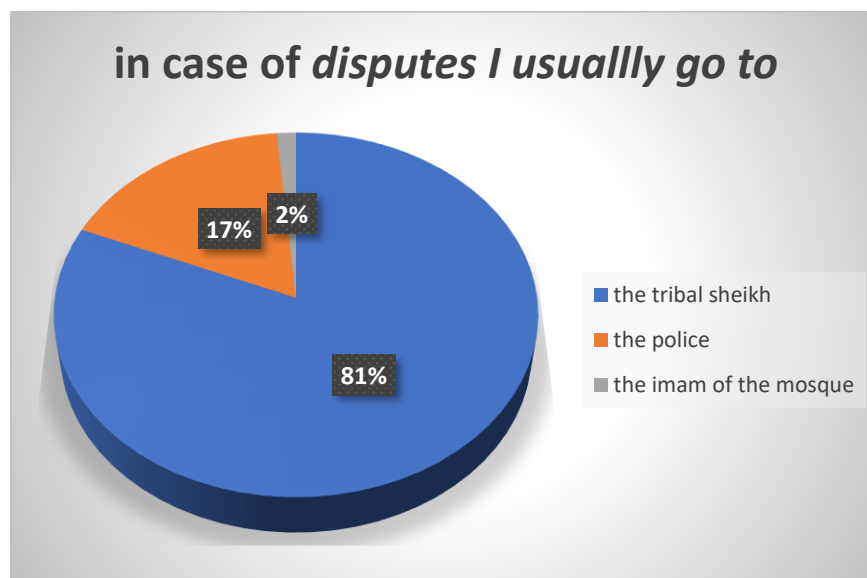


Figure 2: The frequency they go to the tribal judiciary

The next issue was the trust in the tribal judiciary. The majority of the participants agreed that they trust the tribal judiciary.

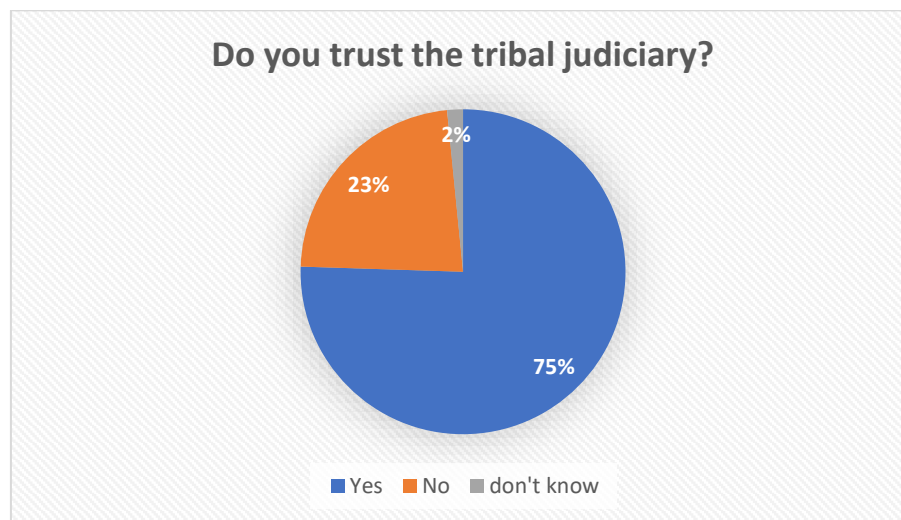
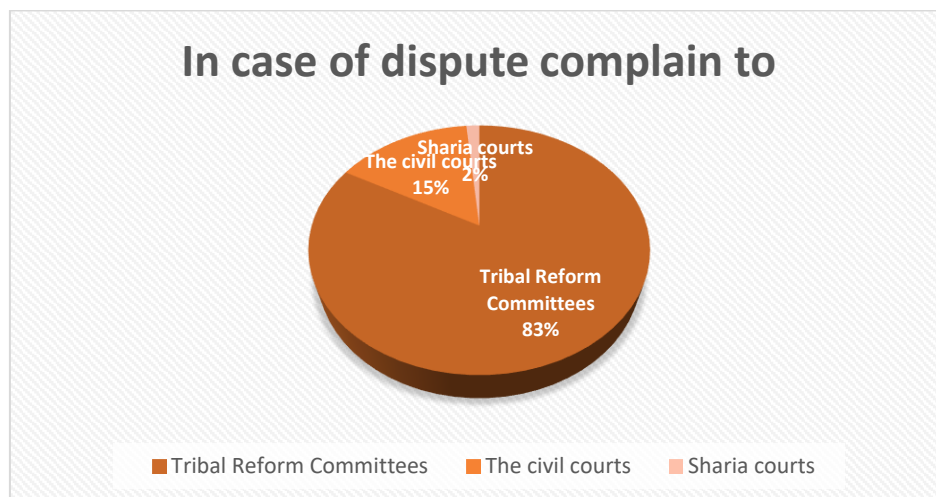


Figure 3: Do you trust the tribal judiciary?

An additional important issue was the party the participants preferred to turn to when resolving problems. The three main parties are tribal Reform Committees, civil courts, and Sharia courts. According to the results, the majority of the participants (78.5%) indicated that they prefer custom tribal courts, then civil courts (14.6%), and Sharia courts (6.9%).

This is an indication that the role of custom in society is stronger than the role of religion and civil law in the hearts of people, even though the target audience is all Muslims, and this indicates that we are still a tribal society par excellence even in the shadow of the city and the leadership of mosques.



Figures 4: In case of dispute complain to

4. Discussion:

Bedouin communities often rely on their tribal judiciary systems to resolve disputes and maintain order within their nomadic or semi-nomadic societies. The Bedouins are traditionally organized into tribal groups, and these tribes have their own unique social structures and systems of governance. While the specific practices and customs can vary among different Bedouin tribes, some of the main results that emerged from the study included, first, Bedouin tribes are typically led by respected tribal leaders or elders who hold considerable authority and influence within the community. These leaders often play a central role in resolving disputes. These leaders are typically referred to as sheikhs or tribal chiefs. The position of tribal leadership in Bedouin society is not usually hereditary but is instead based on a combination of factors, including wisdom, age,

experience, and the respect and trust of the tribe members. The role of a Bedouin tribal leader is multifaceted and can include, Tribal leaders are often responsible for resolving conflicts and disputes within the tribe. Their wisdom and impartiality are crucial in maintaining peace and harmony within the community. Moreover, They play a central role in making important decisions for the tribe, such as matters related to resource allocation, migration routes, and alliances with other tribes. It's important to note that while traditional Bedouin societies have historically followed this leadership structure, the extent of its influence and relevance may vary in modern times. Like many Bedouin communities, Bedouins in Israel have undergone significant changes due to urbanization, changes in lifestyle, and the influence of external factors, which may have altered the traditional leadership dynamics to some extent. Nevertheless, the role of respected tribal leaders remains significant in many Bedouin communities as a source of guidance and unity. This results were also presented in different previous studies (Yahel, & Galili, 2023; Yalvesiyu & Yasmla, 2020; Tamir & Gontovnik, 2017).

An additional result was that the Bedouin societies operate on a system of customary law, which is based on the traditions and customs of the tribe. These customs have evolved over generations and provide guidelines for resolving various types of disputes. According to this system, disputes are resolved through mediation by tribal leaders or respected individuals within the community. These mediators help the parties involved reach a mutually acceptable agreement. The power of the system of customary law in the Bedouin community was also presented by other researchers (Ben Asher, 2020; Shmueli & Khamaisi, 2011; Ben David, 2004).

5. Conclusion

After discussing the topics of the message in cases of customary reconciliation in some neighboring Arab countries adjacent to the cradle of the tribal judiciary in Deira Beersheba, and after raising the issue of the tribal judiciary and its relationship to legal issues, I can record the results of the research in the following points:

- 1) Custom means the habit of a certain population in doing and saying something.
- 2) The Habit is something that people repeat without rational consideration.
- 3) Judgment: is the act of bringing justice between two sides that have dispute and aims to finish the dispute completely.
- 4) Collective responsibility for the Bedouins is obligatory to all the tribe members, while collective responsibility in Islam comes out of equality and help, not of the obligation.
- 5) Reconciliation is the best, it is the final satisfaction of the two sides that have disagreement.
- 6) Norms in Sinai, Egypt, Palestine, Israel, Jordan and the tribes of nomadic Arab clans derived from one concept is no difference in origin but some differences in nomenclature.
- 7) The civil authorities or governments in countries of a traditional demographic or tribal structure have an adverse effect on the weakness or power of the judiciary, while they have a negative effect on reconciliation. You want and support him for stability and security.
- 8) Globalization is demolishing the tribal judiciary if we are not immune from it, and it is a benefit to the judiciary if we choose our needs well, and not take everything offered as a single package.

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