Settling Disputes in Upper Egypt

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Feuds remain a part of the social fabric in Upper Egypt and often get reduced in the press as merely the result of backward 'clan' systems. Yet a wide range of arbitration and reconciliation councils exists to deal with local disputes including 'blood feuds'. Even though the media may not report on their successes, councils frequently resolve conflicts and play a role in curtailing the escalation of feuds and violence. These councils underscore the importance of reconciliation and peaceful solutions, rather than violent ones, in Upper Egyptian culture and tradition.

On the 10th of August 2002, 22 men from the Hashanat family were killed in an ambush in a village in Upper Egypt, an incident which was widely reported in the local Arabic and English press. The attackers were allegedly members of the Abd al-Halim family who had been in a feud with the Hashanats for more than a decade. The feud started in 1990 at a weeding when two children, one from each family, got into a fight. That incident led to the killing by someone from the Halimi family of a member of the Hashanat family and was followed by two retaliatory killings: the first in 1995 of a Hashanati and the second in April 2002 of a Halimi. The cars that were ambushed on the fateful day of August 10th were carrying Hashanat men to a court session where two members of their family were on trial for the April 2002 murder.

The succession of events leading up to the above massacre represent an almost textbook depiction of a feud, though what is unusual is the scale of the last incident with the killing not of a single person, but of a large number of men from the same family. Journalists from the capital largely interpreted the event as the result of the backward 'clan' system which prevails in Upper Egypt. Yet what rarely gets attention is the important role played by a wide range of arbitration and reconciliation institutions in curtailing the escalation of feuds and violence.

Attempts to solve disputes and contain violence take place on a number of different levels. In daily life one may be sure that when a brawl occurs in public, whether in the marketplace or the lanes of a village, somebody will attempt to break it up. The intervention will most often take place before any serious blows are exchanged, or even as soon as the first shouted exchanges of foul language are heard. Oftentimes older men will try to calm down or separate the parties involved. Such spontaneous interventions are also common when disputes erupt between families or spouses; elders in particular often use their influence and authority to try to find a solution to the disagreement. In addition to these informal methods, there is a range of other and more formal ways of settling disputes.

Councils and arbitration

Reconciliation councils are widespread in the southernmost parts of Upper Egypt. These councils are known by different names including *majlis al-sulh* (reconciliation council), *majlis 'urfi* (customary council or a council that depends on tradition) and *majlis al-'arab* (Arab council). Their objectives are to reach an 'amicable settlement' (*sulh*) within the framework of 'tradition' (*'urf*), that is, an Arab-tribal or Bedouin tradition (*'arab*), rather than through interpretations of the *shari'a* or state law. These councils find solutions to disputes concerning land, water

The killer is paraded through the village with his burial shroud.

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The killer and the brother of the killed embrace.

rights, inheritance and cases where fights or violent acts have reached a certain severity or caused injury to persons or property. Village leaders or other respected local elderly men who have knowledge of the community's traditions organize the councils which may convene up to several times a week. The elders invite and visit the disputing parties and make sure that the necessary documents are present during meetings. The councils have the authority to question the parties and witnesses, determine fines and write documents. Although the work of the arbitrators is done without payment, the councils incur expenses related to meetings and depend on villagers to financially support them. Meetings are most often held in a guesthouse (*khema*) which is either owned by one of the more well off families or by the tribes; owners of the guesthouses cover the expenses stemming from the events. Certain councils deal exclusively with disputes involving killings or 'blood feuds'.

The 'blood feud' councils

If a murder or accidental killing occurs, the accused is dealt with by the state judicial system and is tried and sentenced in the ordinary court. But after he has paid the penalty of his crime there is often a fear that the family of the victim shall demand the death of the accused or, in some cases, the death of one of his relatives. Therefore, both the local communities and the representatives of the official system attempt to contain the anger by trying to make the two families reconcile. The large councils dealing with killings and blood feuds are considered by many Upper Egyptians as the 'real' reconciliation councils, even though they convene as little as twice per year. The council may spend months or even years trying to negotiate a reconciliation between the families. Very few men have the authority and ability to deal in 'blood feud' arbitration, but those who do tend to be sheikhs. These councils receive much attention due, in part, to the fact that they deal with chilling stories of fights and feuds. Another reason for their notoriety is that thousands of spectators, visiting politicians and religious dignitaries gather to witness families being reconciled.

An event of this magnitude has to be arranged with a strict succession of events: When the spectators and dignitaries have gathered in a large tent pitched by the villagers, the leading figures of the councils will leave the tent in order to fetch the murderer who is usually placed in a house in the village. After having reached the house where the murderer is waiting, he is handed his burial shroud (*kafn*) and paraded through the village to the tent where he is then escorted to a place in the front which is kept free of chairs and spectators. The sheikh in charge of the reconciliation will call out that the murderer is present, at which time he arrives carrying his burial shroud. It is now time for the family of the victim to come out and obtain their right (*haqq*): the life of the murderer. At this moment the family, which has been waiting outside the tent, enters and walks in the direction of the murderer. This is usually the first time the family and the murderer meet after the killing, therefore the situation is very tense. The sheikh repeats that it is time for the family to take its right, but fortunately, instead of demanding a life for a life, the two parties embrace. This central moment is followed by speeches from the dignitaries who have been seated at a table at the front of the tent. They thank those having arranged the truce and the reconciliation and those who have been in charge of all the practical arrangements (the villagers) and in general terms about how both religion and tradition support the idea of reconciling and avoiding bloodshed. Other sheikhs will recite Qur'an and in the end all visitors are invited to enjoy lunch with the people who have been in charge of arranging the event. Lunch is served for up to 500 people at the time, or in some cases around in the village's many guesthouses where each larger house or tribal section arranges the lunch.

Councils in Upper Egypt garner great prestige and spend an enormous amount of time and effort to resolve disputes. Unfortunately, the cases which tend to get the most publicity are those in which the councils fail. Yet it is essential to point out that these meetings are much more than a public event in which two families are being reconciled; they are meetings which underscore the importance of reconciliation and peaceful, rather than violent, solutions in Upper Egyptian culture and tradition.

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