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GIVING VOICES TO THE VOICELESS

Gender-Based Violence in the
Occupied Palestinian Territories



JAMILEH ABU-DUHOU

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**Gender-Based Violence in the
Occupied Palestinian Territories**

JAMILEH ABU-DUHOU



BERKSHIRE ACADEMIC PRESS

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*To my late mother Mary Abu-Duhou
Who, against all odds, gave me and my sisters
loud voices to be outspoken, heard and counted.*

*To my sisters Ibtisam, Maha and Rula who choose to be some of the
many loud voices fighting against all injustices suffered by women.*

*And for my nieces, may they always search for their voices
and strive to be heard and counted:
Mary, Miran, Anmar, Loreen, Njoud, Dara,
Mary, Jasmine, Analiese and Alyssa.*

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GLOSSARY OF ARABIC TERMS



<i>Abaiah</i>	The full dress worn by Muslim women
<i>Abu</i>	Father of
<i>Amti</i>	Paternal aunt, used to refer to a mother-in-law
<i>Aila</i>	Family
<i>Awara</i>	Socially repulsive action or scene
<i>Eib</i>	Shameful
<i>Binet</i>	Girl, used to refer equally to both young and unmarried women
<i>Fadeeha</i>	Scandal
<i>Fiqh</i>	Islamic jurisprudence, human understanding of divine text
<i>Fuqaha'</i>	Islamic jurists
<i>Fatwah</i>	An absolution given by the religious authority, the Sheikh
<i>Fitna</i>	Discord
<i>Halal</i>	Permissible
<i>Halif Yameen</i>	An oath to divorce
<i>Hamula</i>	Patrilineal clan, consisting of a number of extended families related through a common ancestor
<i>Hanafi</i>	One of the Islamic schools of jurisprudence
<i>Hadeeth</i>	The sayings of the Prophet Mohammed
<i>Haram</i>	Forbidden
<i>Hardaneh</i>	The action of angrily leaving the marital house, with the intention of not coming back unless the situation improves
<i>Harem</i>	Refers to women who are kept in seclusion
<i>Hejab</i>	Head cover
<i>Hourieh</i>	Mermaid
<i>Iada</i>	A three-month period from the first utterance of "I divorce you"

<i>Ijtehad</i>	Articulate interpretation of the Qur'an and the <i>Hadeeth</i>
<i>Intifada</i>	Uprising, an Arabic word which translates as "shaking off". In recent Palestinian history, there have been two main <i>Intifadas</i> : from 1987–1992, and the one beginning September 2000.
<i>Ird</i>	A man's honour
<i>Jaha</i>	Customary court in Arab society
<i>Jihaz</i>	Trousseau
<i>Kateb ketabee'</i>	A marriage contract that has already been written out
<i>Khula'</i>	Repudiation, or no-fault divorce
<i>Mahr</i>	Marriage dowry
<i>Mara'h</i>	A term used to refer to a woman who is married
<i>Mokhar</i>	Deferred part of the dowry, paid in the case of divorce
<i>Qadi</i>	Judge
<i>Qadi al-Quda</i>	Supreme Shari'a Judge
<i>Qadiyahat ird</i>	Offence against the honour of the family and the clan – synonymous with a sexual offence against women
<i>Qaid</i>	Being deviant
<i>Qawama</i>	Islamic concept of guardianship of males over females
<i>Qur'an</i>	The Holy Book of Muslims
<i>Sanad</i>	Supporter
<i>Sanadi</i>	My supporter
<i>Sharaf</i>	Honour
<i>Shari'a</i>	The Islamic legal code
<i>Suena</i>	Islamic law, derived from the Qur'an
<i>Talaq</i>	Divorce
<i>Thalamoonee</i>	"I have been treated unjustly"
<i>Umm</i>	Mother
<i>Urf</i>	Customary law in Arab society which deals with grievances on the basis of traditional oral customs and norms
<i>Usra</i>	Family
<i>Wakalah</i>	Power of attorney
<i>Wakelee</i>	The person who has the power of attorney, but for the purpose of contracting a marriage. A bride's <i>wakelee</i> is her legal guardian.
<i>Wali</i>	Legal/marriage guardian for a woman, usually a male

ABBREVIATIONS



ELFR	Egyptian Law of Family Rights
FAFO	Norwegian Institute for Applied Social Science
IPPF	International Planned Parenthood Foundation
JPSL	Jordanian Personal Status Law
MP	The Model Parliament: Women and Legislation
NGO	Non-Government Organisation
OPT	Occupied Palestinian Territories; refers to the West Bank and Gaza Strip
Oslo Accords	The 1993 Peace Agreement or the Declaration of Principles
PAHO	Pan-American Health Organisation
PCBS	Palestinian Central Bureau of Statistics
PLC	Palestinian Legislative Council
PLO	Palestinian Liberation Organisation
PNA	Palestinian National Authority
PNC	Palestinian National Council
UN	United Nations
UNFPA	United Nations Population Fund
UNLU	United National Leadership of the Uprising of 1987
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
WHO	World Health Organisation

PREFACE



Gender-based violence (GBV) affects women throughout their lives, and is not limited to any particular culture, socio-economic class, geographical area or historical period. GBV takes on many different forms, including physical, psychological, sexual and economic abuse. It has a diverse impact on women and may result in homicides, suicides, and ongoing mental and physical health problems. It reduces women's ability to achieve autonomy, and diversely affects their quality of life. It also influences their ability to care for themselves and their families, and diminishes their contribution to the development of the wider society.

This book investigates gender-based violence (GBV) within the boundaries of the home in Palestinian society in the Occupied Territories by analysing the structure of gender relations within the family. GBV is justified by cultural values and beliefs about the appropriate gender role norms. The book will also consider whether the maintenance of a strict gender hierarchy within families influences the expression of violence within intimate relationships. The Palestinian case is unique in that the political environment drives activities within the society, as much as they are driven by all other systems (such as marriage and the family). And in an effort to capture Palestinian women's experience of violence, this book examines the effect of the prolonged occupation and civil unrest on gender-based violence and attempts to tease out the extent to which political, social and economic factors contribute towards a cultural environment which enables and increases GBV.

The voice and experience of women are integral parts of this research. The experience has been that this method far from negating theory, has actually grounded it at every juncture. Voice and experience in this study emerge from many elements and concepts, including the structures and discourses of gender socialisation, the major public and private institutions that women move across from birth to death and the external and internal forces that impinge on their lives. These elements

have been decoded into concepts such as power, kinship, patriarchy, culture and religion. None of these institutions, or concepts, or indeed women's place in them, is static. Nevertheless, they provide a basis from which to proceed with the analysis of women's experiences and the presentation of their voices.

The book is organised into eight chapters. Each of the chapters opens with a prologue and a proverb. The proverb is used to reflect the main theme of the chapter. Chapter One, "Giving Voice to the Voiceless", provides an introduction. Following this introduction, I take the reader on a journey through political history and present the political background of Palestine and the ongoing political conflict. In Chapter Three, I navigate the legal maze surrounding the lives of women and men in Palestinian society. I examine the way in which the legal system and its development affect the subordination of women, by relegating their status to that of second-class citizens. This makes them particularly vulnerable to becoming victims of violence and limits their access to protection and restitution. In Chapter Four, I explore how religious institutions have shaped the gender identities of males and females. In Chapter Five, I take the reader through the various stages of women's lives from childhood, to adulthood, to marriage and married life, and to being mothers and mothers-in-law. The chapter provides a detailed analysis of the family structure, and considers the historical development patterns and their consequences on women's status within the family. In Chapter Six, I take the discussion behind the closed doors of the marriage institution and examine the dynamics of the relationship between wives and husbands, the unequal power relationship between the two, the status of women within marriage and the sufferings women are made to endure, including sexual abuse. In Chapter Seven, I examine how women cope with and resist violence within the limited social support and community resources that are available to them. Finally, Chapter Eight draws conclusions and brings the the argument to a close.

This book will be of interest to those who have an interest in working with female victims of gender-based violence in societies undergoing political violence. It will be useful to students and researchers in the areas of Middle Eastern studies, Islamic studies, anthropology, women's studies (especially those with a particular interest in female status in Islamic society), and those with an interest in gender-based violence.

In writing this book, I owe my gratitude to many people. Firstly, to all the women who welcomed me into their homes and lives, and shared with me intimate details of their painful experiences. I would like to express my appreciation not only for their time but also their valuable contribution in helping me to gain a more in-depth understanding of women's life experiences. It is my hope that the time and trust they gave me will not be limited to the writing of this book, but also will become one of the many voices campaigning for the improvement of women's lives.

GIVING VOICE TO THE VOICELESS



Prologue

Journey Back, 26 October 2000

Today, and after two years of being away, I will start my journey back home. The day passes by very slowly, filled with excitement and anticipation. What will I say? What will I do? It is a significant journey back, not only because I am going home to observe my people and study my culture, but also because I was discouraged, indeed almost prevented, by the Ethics Committee at the University of Melbourne from going back, owing to their concerns about my personal safety because I was going to a war zone. What a joke, I thought, I'm going *home* to study my culture and the Ethics Committee is concerned for my safety! As the flight was approaching Amman, Jordan I wondered what studying my culture would mean? What was there for me to study? I brushed all these thoughts aside as we landed at Queen Alia Airport.

Four days after leaving Melbourne, I finally made it across the bridge¹ after a long wait and harassment first from the Jordanian border police and then the Israeli border police. Finally I was in Palestine. I still had a long drive home from the bridge to Ramallah, but now I could see familiar faces, acquaintances and friends. As I was getting into the taxi that would take me to Ramallah, a familiar voice said "Hi there, welcome back." I looked up and there was Majeed, a friend of mine, heading the same way as me. As the taxi approached the outskirts of Ramallah, I heard a loud explosion and the sound of bullets whistling through the air. It was so sudden that I was taken aback. Majeed laughed at me and said "What's wrong, is this the first time you heard explosions? Or did you forget the noise?" I was ashamed and said "No that's not it, but I am surprised. I didn't think it would be that fierce." We were stopped by an Israeli army roadblock for over two hours,

before eventually being allowed to cross. Finally, I was home with my family.

Introduction

She has a mouth without a tongue . . . a mouth to eat with but not to talk.

Traditional Palestinian saying

Gender-based violence (GBV) affects women throughout their lives. It occurs in different forms including physical, psychological, sexual and economic abuse. GBV has a diverse impact on women and may result in homicides, suicides, and ongoing mental and physical health problems. It reduces women's ability to achieve autonomy, diversely affects their quality of life, influences their ability to care for themselves and their families and diminishes their contribution to the development of the wider society (Bennett, Manderson and Astbury, 2000; Garcia-Moreno, 1999). GBV is a pervasive threat that affects the general population, the society and the individual. GBV is costly to individuals and the society in general and can be viewed as a public health problem of major importance, not only because of its toll in terms of morbidity and mortality, but also because of its financial impact on both individuals and society (Heise et al., 1994a; WHO, 1997, 2000).

GBV is not limited to any particular culture, socio-economic class, geographic area or historical period (Population Reports, 1999), although cross-cultural data indicates that the greater the degree of gender inequality in a relationship, community and society, the higher the rates of GBV. GBV occurs as a result of gender roles and cultural norms that influence the expression of violence within intimate relationships.

Feminist research on GBV sees its causes as being rooted in the historical traditions of the patriarchal family, contemporary constructions of masculinity and femininity, and the structural constraints that make it difficult for women to escape violence (Dobash and Dobash, 1979; Hoff, 1990; Martin, 1976; Walker, 1984; Yllo and Bogard, 1988). The interpersonal dynamics of violence against women, uncovered by researchers working in the feminist tradition, is one in which men systematically

abuse women. The central motivating factor behind the violence is a man's desire to exercise general control over "his woman (or women)".

Most cultures, over the course of their history, have been male dominated, with women classified and treated as possessions by men (Dobash and Dobash, 1979). Given this history and the continued existence of values, beliefs and laws that support this system of gender inequality, it seems that men use violence to maintain control if necessary. This is part of the cultural nexus in which men are seen as having a natural right to control and discipline their wives (Brown, 1993; Browne and Herbert, 1996; Coleman and Straus, 1986; Davies, 1994; Levinson, 1989 and others). Dobash and Dobash (1992) demonstrate that historically husbands' domination over their wives, including the use of violence, has been sanctioned by cultural beliefs. In many settings violence was considered "normal" and a prerogative of men/husbands. Such cultural norms and values are then often reflected in the socialisation of boys and girls.

GBV is justified by cultural values and beliefs about the appropriate gender role norms. The contention of maintaining a strict gender hierarchy within families may also influence the expression of violence within intimate relationships. Researchers consistently demonstrate that a woman is more likely to be injured, raped or killed by a current or former partner than any other person (Bennett et al., 2000; Schornstein, 1997). GBV in families intends to injure women's psychological health, and often involves humiliation as well as physical violence. Hence, the term GBV for this study will be defined as violence within intimate relationships, where the perpetrator may be the husband but could also be any other member of the husband's extended family including mother-in-law, father-in-law or other familial relatives.

Gender-Based Violence in Palestinian Society

Several forms of gender inequalities are evident in Palestinian and other Arab societies, both Muslim and Christian. Conventionally in these societies, women are confined to the house and have fewer job opportunities than men. Even when they are engaged in paid employment, women still have to maintain their multiple domestic roles. In marriage, women shift from being the father's possession to become that of their

husband, and divorce is the husband's exclusive right. Ultimately, if there is a question about a woman's chastity or the propriety of her behaviour, she might be killed to preserve the family's honour.

Certain Arab scholars and activists, including feminist scholars, identify the family as an important factor in evolving Arab culture. They argue that gender roles, domestic work, productive work, sexuality, and intergenerational and family responsibilities, are all undergoing rapid change as a result of modernisation (Abdo-Zubi, 1992; Al-Saadawi, 1982, 1997; Barakat, 1985, 1993; Fluehr-Lobban, 1993; Haddad, 1980; Haddad and Banks, 1985; Haj, 1992; Jabre et al., 1997; Kandiyoti, 1991a, 1991b; Kandiyoti, 1993).

In spite of the social structures that appear to support the occurrence of domestic and other gender-based violence, there is very little hard evidence on its prevalence in Arab countries. Existing estimates of this problem come from either studies on women's health and from hospital records, or through proxy indicators such as homicide and suicide records from the Justice or Health Ministries. In a national sample of 14,779 Egyptian women, El-Zanaty et al. (1996) found that one out of every three women reported being beaten at least once during her marriage. Another estimate comes from a study conducted in Alexandria, Egypt (Graitcer and Youssef, 1993). This study revealed that domestic violence was the single greatest cause of injury to women, accounting for 28 percent of visits by women to trauma units. According to the records of the Ministry of Justice in 1991, "family quarrels" were the leading cause of all reported suicides, accounting for 34.2 percent. This cause was especially common among women. The same study found that nearly 24 percent of female homicide victims in Alexandria in 1991 were killed by a spouse or relative following domestic disputes (*ibid.*). Other estimates of the incidence of GBV come from a study conducted in 1995 in the Palestinian National Territories (PNTs). The study estimated that 35.2 percent among women aged 15 to 28 years had experienced domestic violence (Haj-Yahia et al., 1995). The study was a population-based survey of self-reported violence in the preceding twelve months, and was a pioneering attempt to identify incidence of violence in a society that views family as a very private institution. Like other studies in this area, this is likely to be an underestimation due to problems of access and reporting, since

any disclosure of family matters brings shame and disgrace to the individual and the family.

Two studies that begin to address contextual and the proximal causes and the roots of violence in the Arab context come from research conducted by Keenan, El-Hadad, and Bailian (1998) and the work of Shalhoub-Kevorkian and Baker (1997). In their analyses of factors associated with family violence in low-income Lebanese families, Keenan and her colleagues (1998) concluded that the contextual factors included "unmet" gender role expectations and conflict with husband's relatives (*ibid.*). They conclude that:

A feminist orientation that views family violence as the result of patriarchal dominance and rigid social structure seems on the surface to be an obvious theoretical fit with these research findings. Two of the three factors identified as precipitant or triggers for physical abuse in this study were related to the traditional Arab patriarchal family structure (p. 364).

Shalhoub-Kevorkian and Baker (1997), working in the Palestinian society of East Jerusalem, found similar social factors that helped to perpetuate violence against women. According to these researchers, prescribed gender roles could be considered as major obstacles, limiting Arab women's status in the family and society and making them susceptible to male dominance and men's use of physical abuse to reinforce women's subordinate social position. They suggest that GBV in Palestinian society is a consequence of women trying to cross the cultural boundaries of the acceptable gender role and challenge the power given to men over them (*ibid.*, 1997).

As the above discussion suggests, the research and literature dealing specifically with domestic violence in the Arab world is limited. Yet, it confirms some of the prevailing social elements such as gender inequality and the prevailing patriarchal system. Additional analyses of family violence in the Arab world and across its subcultures are required to continue to develop further a knowledge base that best explains violence against women (Al-Saadawi, 1980, 1982, 1997; Heise, 1993a, 1993b, 1994, 1995, 1996a, 1998; Heise et al., 1999; Keenan et al., 1998; Shalhoub-Kevorkian, 1993, 1999, 2000, 2001; Shalhoub-Kevorkian and Baker, 1997). This study attempts to close part of the gap in the knowledge

of this area by examining the structural and cultural determinants of GBV in Palestinian society.

Gender-Based Violence in Palestine: Battle Front – Home Front

The most appropriate framework to analyse the roots and causes of GBV in Palestinian society is one that reflects the structural elements that exist both at the family and social and community levels. The main hypothesis of this study is that the existence of GBV in the Palestinian context can only be understood and explained by analysing the socialisation process of both boys and girls within this largely patriarchal society. The patriarchy is sustained by ideological, instrumental and structural factors that accept male domination as “natural” and act to enforce this order of domination. For Palestinian women, patriarchy not only ensures that women have no way of changing their lives, but also provides the rules, regulations, values and beliefs which reinforce and maintain their subordination. GBV is therefore not just about an individual being abusive toward another for whatever reason, nor about exertion of control, but about a sanctioned way of life; a way of life that is legitimised by religion and culture and by legislation and institutions, as will be argued in this study.

However, analysis of the discourse of GBV in Palestinian society would not be complete or comprehensive without careful consideration of the effects of the ongoing political violence. Palestinian men and women are equally subjected to physical and psychological abuse and humiliation at the hands of the occupying forces, and it could be argued that Palestinian men vent this oppression, frustration and humiliation through violence taken into their homes and directed at their families. Control in the broader society is taken away from Palestinian men, and this deprivation of control leaves them with only one domain where they can express their domination and exercise their control: the family. As one Palestinian man said, “What is left for us? We do not have land, home or identity; at least let’s have our honour.” Thus, family members – women and children – become the primary subjects on whom control can be exercised. So this book will attempt to tease out the political, social and economic factors which complicate the cultural environment and enable and increase GBV. The everyday escalating violence in Palestine involving political and territorial tensions provides a complicated and

compounding backdrop to the fact that conflict in other more routine settings and circumstances is also reflected through violence.

In an effort to capture the Palestinian women's experience of violence, this research attempts to contribute to the ongoing international and academic discussion on the cultural, social roots and political roots and causes of GBV. This was achieved by giving women a voice to express their own interpretation and analysis of their social and familial interaction and what aspects of this experience they consider to be infringements of their freedom, liberty and human dignity.

At the crux of this proposed framework is the home. As such, this framework proposes that GBV within the boundaries of the home is a product of gender relations supported by a cultural ideology of male superiority and female subordination. With such ideological beliefs, GBV is legitimised as a measure to discipline women when and if they challenge such superiority. Distinctive gender roles and rights in the family, the society, and the nation manifest this superiority. The manifestation of these roles and rights are depicted in the "distinct gender roles and hierarchy", "male sexual entitlement", "low social value and power of women" and in the "ideas of manhood linked to control of women".

The multiple dimensions of gender inequality are achieved through gender hierarchical relations, the devaluation of the social and sexual value of women, assertion of the male power to control women, the affirmation of male sexual entitlement over the female sex, and the ownership of women socially by particular kin (and lineage). Gender inequality is enforced and reinforced in all processes, social relations and structures affecting Palestinian women's lives, particularly those processes whereby hierarchy is enforced or transgressions punished or where a "crisis of masculinity and crisis of conflict resolution" is manifested.

The Study

As well as being an ethnographic study of the cultural, social, religious, legal and political issues related to the treatment of Palestinian women, this book is also an anthropological study of Palestinian culture and society. It uses a range of qualitative methods to describe and analyse the socio-cultural setting, and the religious, legal and political environments of the OPTs in order to understand the abuse that may be experienced by Palestinian women. This book uses a range of qualitative

methods, namely: semi-structured in-depth interviews in order to obtain narratives from participants and key informants interviews, to collect information about the Palestinian setting and the way it impacts on women's lives.

Recruitment for the study focused around five health service centres. These included two urban health centres, two health centres in nearby villages and the only Women's Centre located in one of the refugee camps. The choice of particular health sites in the rural areas was based on the size of the catchment area of the health centre, and the social and economic diversity of the village, while the city research was conducted in the only two governmental health centres.

The health centres were the most appropriate places to recruit married women of reproductive age (15–50 years), and the most common places to find these women. In rural villages, health centres have traditionally served as a social gathering place for women for whom social mobility is restricted by cultural and traditional systems. The act of going to the health centre for medical care either for herself or for one of her children, provided a legitimate reason for a woman to leave the house and meet other women. Additionally, the fact that this was the only medical and health service available in the rural areas, meant that all women in a given area would have to come to the centre. Similarly in urban areas, the Governmental Primary Health Care Centres are the only health services that offer immunisation and well-baby clinic services. Thus, most of the women in the targeted age would come to the centres. In refugee camps, the Women's Activity Centre provided me with access to a wide range of women from different age groups and socio-economic backgrounds, as the centres served as a place for social gatherings for most of the women residents in the camp.

Theoretical framework

The theoretical framework of this research included both the structural elements and the socio-cultural factors that delineate women's status in Palestinian society. The privileging of voice and experience of women was not intended to negate the importance of theory, but rather to ground it at every juncture in this study. According to Byrne (2001), theory "grounded" in the everyday experience of the research subjects draws on

data from a variety of sources that can yield information regarding social interaction. Sources may include examination of written documents and literature for the purpose of obtaining different perspectives from various sources (ibid., 2001). Hence, data in this research was drawn from in-depth interviews, key informants, written documents, reports, newspaper clippings and literature.

While voice and experience are integral parts of this research, a number of elements and concepts from the interviews and the textual analysis of secondary documents emerged as the most appropriate for a comprehensive analysis of the cultural and structural elements that perpetuate violence against women in Palestinian society. These elements include the structures and discourses of gender socialisation, the major public and private institutions that women move across from birth to death and the external and internal forces that impinge on their lives. These elements were decoded into concepts such as power, kinship, patriarchy, culture, and religion. None of these institutions, or concepts, or women's place in them, is static. Nevertheless, they provide a basis from which to proceed with the analysis of women's experiences and in presenting their voices. Moreover, as proverbs are a social product and are an expression of popular cultural attitudes, proverbs were used to highlight some aspects of the cultural context particularly those that reflect social attitudes toward women.

The data analysis has demonstrated that gender inequality is the crux of the gender socialisation process that enforces patriarchal control and the subordination of women by limiting women's life choices to marriage and through the repression of female sexuality. The formation and construction of gender identity has far-reaching implications for women's status and role in society, and the way masculine and feminine identities are perceived.

Setting Up Shop in the Field

Being home in Ramallah, I was able to quickly and comfortably "set up shop" in my family's home. I was also fluent in the language, at ease with the culture and free of bureaucratic impediments. In addition, I am personally known to many living in the area and professionally known for my work within the health sector and for being active on women's issues and rights. Having an insider's knowledge of the culture,

I was able to take advantage of social practices and customs, such as conforming to the expected standards of appropriate female conduct. My research therefore started under very encouraging circumstances. However, this apparent comfort quickly vanished as I soon began to realise the implication of being both an indigenous anthropologist and known activist.

Being one of the first people to do to work on domestic violence in Palestinian society in past years worked against me. Many of the people I was counting on to be my key informants were surprised at my choice of research topic. Many said "What lousy timing to do domestic violence when the people are facing a greater threat, political violence". Even professional colleagues said "Not you again" or "Jamileh this is not the right time" or "The last thing women want to talk about is domestic violence". However, the fallacy of these statements clashed with the reality of the women's lives I observed in the field. My observation of power differentials between women and men prompted me to reconsider the validity of these presuppositions.

Everyone in the field, from the key informants, to women, to policy makers and others, saw me as one of them. Some of them had ties of friendship to my family or at least knew members of my family by name. This provided me with significant advantages. Other Arab women working in their own society have observed similar benefits in knowing the culture (see Altorki, 1988: 52). However, this meant that some people felt that they could ask me about my personal affairs. Why was I not married like all other women of my age? Or even like my younger sister? They wanted to know all about Australia. Why did I choose to go there? Why did I not stay in the West Bank? After all, I was doing good work. I had a difficult time trying to explain the benefits of my research, both for myself but also the benefits they would gain from talking to me.

However, being an insider had even more serious implications for the type of the research and information that I could collect. I was interested in private family life, information on which was often withheld if it related to behaviour that must be concealed from public knowledge. I was perceived by my research subjects as an insider and a social participant and as such I constituted a social threat. Women were worried that if I knew their private affairs, I would gossip about them, thus my status prohibited many people from revealing such information for fear of having it exposed to the wider community and also because they feared

being negatively judged. I was able to deal with this worry of exposure to the public by gaining the trust and confidence of the women. Besides, many of the women I interviewed were aware of my previous work in their respective communities. For example, I was instrumental in the establishment of the health centre in one of the rural localities where I did my field work and was known by some members of the medical staff there, as well as most of the village community.

These considerations are different for a foreign researcher or an outsider investigating family conflict. In this case, the outsider must gain the trust of the people and not expose the family differences to the community. However, an outsider to the community who does not share the same cultural knowledge will not have the same moral judgements applied by the community. The non-indigenous researcher is outside the system and for this reason people may feel more confident about discussing their family differences than they would feel with a member of their own group. In contrast, I had to work hard to gain the trust of women and assure them that everything they shared with me would be held in confidence and would not be shared with the community.

One of the other drawbacks of being an insider is that the community saw me as one of them, someone who was not foreign to the culture. They expected me to be familiar with their values, beliefs and practices. They failed to understand why I would often ask trivial questions, on subjects such as marriage arrangements or living arrangements or their relationship with their in-laws. Besides continuously questioning my motives, they attempted to help in their own way by telling me about things that they deemed more important, such as fortune-tellers or the evil eye or unemployment or other family problems.

One of the most difficult personal trials of being in a home setting is confronting the reality of the relationship of unequal exchanges in which a researcher is engaged. My sense of powerlessness was not in relation to the women whom I interviewed, but rather the injustices that burdened them. Assuming a new identity as a researcher rather than an activist proved to be very complicated. Throughout the time in the field, I felt that I was struggling with the methodological rigour of my research and the human suffering of the women. Many times I wished that I could be a physician or a social worker, or a human rights activist rather than just a researcher, there only for the purely selfish reason of

studying my own peoples' wounds but unable to offer comfort. This feeling of powerlessness made me more conscious of my ethical obligation to the research and the women who shared their stories with me, and indeed of my own people and their suffering.

Format of the Book

In this study, I took on board the political, legal, religious, and cultural-social systems of Palestinian society and examined how they impact on GBV, in particular violence against women in the home. The Palestinian case is unique in that the political environment drives other activities within the society, as much as they are driven by all other systems. Thus, the political environment and its impact is the added dimension to the conceptual framework. In this study, I hypothesized that the political and national crisis heightened the crisis of masculinity and crisis of conflict for Palestinian men, and this has influenced the construction of masculinity as linked to control of women. Given this, the study examined the effect of prolonged occupation and civil unrest on the social, cultural, legal and policy environment in Palestine.

In the legal system issues investigated included: the plural systems of law in place (customary, common, and religious), the lesser legal status of women, the legal definition of rape and domestic abuse, and the risk of challenging the status quo. In the religious system, issues investigated included: the laws regarding divorce, child custody, maintenance and inheritance, the religious beliefs about responsibilities and rights of men and women in marriage, religious beliefs about the use of violence against women in the family, and the notions of family being "private" and under the control of the religious establishment.

In the cultural-social system, issues investigated included: gender-specific socialisation, cultural definition of appropriate sex roles, expectations of roles within relationships, beliefs in the inherent superiority of males, values that give men proprietary rights over women, the notions of the family as "private" under male control, and the customs of marriage (bride price), including the dowry system and exogamy.

Giving Voice to the Voiceless

Every researcher who spends time conducting fieldwork, collecting

people's stories and observing their social interactions, comes back from the field with unique stories to tell. I started the fieldwork intending to give voice to Palestinian women. Hence it is only fitting to end this with one of these voices.

Regardless of their age, religion or social economic status Palestinian women are rarely heard. They have loud voices and they are outspoken yet the culture requires that they are not to be seen or heard outside the confines of the home. This chapter concludes with an account from a woman; a serendipitous encounter in the early days of data collection. It provides poignant illustration of women loud yet "silenced":

The encounter occurred on a sunny winter day. That day I went to the Islamic Shari'a court to meet the Chief Justice. He was not there, so I decided to stay around the court, to observe and maybe to talk to some of the women who come to the court. There she was, an old woman may be in her late sixties or early seventies. She was sitting on the stairs of the court crying, and everybody stood there watching. I approached her and as soon as I asked her "*Hajah* – a polite way of addressing elderly women – what's wrong?", she replied crying, "I want to go home, to my house, to my lemon tree, to my olive tree . . .".

Her story began thirty-five years ago, when her husband and the father of her five children (three sons and two daughters) decided to leave her behind and migrated to Brazil to seek work. He returned to Palestine fifteen years later with four children, one boy and three girls. She took him back, no questions asked, and raised these four children as her own. Twenty-five years later, after all nine children were married and had left the house, he decided to get married again for the third time. She did not mind but much to her shock and disbelief, he asked her to leave the house because it was his. She had no choice but to seek help from the law only to be told that she had no rights, because her husband had divorced her thirty-five years ago before he left for Brazil. The Sheikh told her "not only can you not go back to the house but we are now charging you with adultery. How dare you live with your ex-husband as an adulteress? Do you not know it is *haram* (forbidden) in Islam? Shame on you!"

Thirty-five years earlier, this seventy-year old woman had not been given the "right to a voice". Now thirty-five years later when she came to

ask for justice and to tell her story, she was silenced again because the last ten years of her life were *haram*! She said:

The Sheikh tell me, I did wrong, it was *haram* for me to take him back. My family and the whole village said *haram* you must take him back, no one bothered to tell me he was no longer my husband, that he divorced me and no one told him *haram*, you left her for fifteen years. And now even the Sheikh does not tell him it is *haram* that he deceived me all these years!

NOTE

- 1 Al-Hussein Bridge, known as the Allenby Bridge, a border crossing from Jordan to the Palestinian Territories.

A JOURNEY THROUGH HISTORY



Prologue

Personal Journey of an Activist

On the outskirts of Bethlehem, just off the main Jerusalem–Hebron road, sits Camp Aida, a Palestinian refugee camp built by UNRWA in 1967. From the main road it appears less impoverished than the large camps in Gaza and elsewhere in the West Bank. Within Camp Aida, however, there are the usual telltale signs of a refugee camp: narrow dirt lanes, sewage flowing in open gutters and small children darting to and fro.

Samira grew up here along with her eight brothers and two sisters, and here she married and is raising her two children. In 1985, when Samira returned home from prison, she was twenty-two years old. She remembers very well the day she got home from prison:

I remember that day that I got out of jail, 13 August 1985, very well. How could I forget it? It was a shock to me. It was a shock for my parents too. They had not been expecting to see me home that day either. They thought I would be out at the end of August. Then, suddenly, there was Asam bringing me home. They knew Asam of course, and they knew that he was a friend of mine. My mother was aware that I liked him. My father wasn't aware of that; at least I didn't think so then. When Asam showed up with me they were angry. Instead of it being a joyful occasion for them it was a big embarrassment. They felt I'd shamed them in front of the community and they let me know it. I was hurt by their reaction, very hurt, but I should have expected it. Three years away in jail made no difference as far as that was concerned. Sad, but that's the way it is.

Samira and Asam intended to get married. Samira recalls:

Asam and I soon decided that we wanted to get married. To do this we needed to tell our parents and get their approval. His parents

were no problem. The real problem was my father, he didn't want me to marry Asam. When Asam came to my father to request his permission, my father refused him. Asam waited a little while and came again. My father refused again. This happened a few times. He's a stubborn man, my father is, he thinks he's the one who knows what's right and best for everyone. In the end, I went to my brothers and convinced them that Asam was the man I wanted to marry. They agreed to go to my father and finally they managed to convince him.

Even after we got engaged and the *Kitab* [marriage contract] was signed, my father still opposed Asam and me being together in public – or at all. He wouldn't let me visit Asam's family, and when Asam came to visit me, my father wouldn't let us sit together alone. I tell you, it was ridiculous. We had to deal with two occupying authorities, the Israelis and my father! During that period, I was always scared of being caught by one or the other.

After Samira married Asam, they both went back to finish their university education. But during the first *Intifida* in 1987, Asam was arrested again, and this time he was sentenced for five years. Samira described these times in the following terms:

I also became involved during this period with the Women's Committees, working as a organizer in the villages and refugee camps. This was a new kind of political work for me. Up to then I'd been involved in political work with fellow students. I had never worked just for women. But with the *Intifida*, the Palestinian struggle had become a truly mass movement, and there was a need to involve women in a constructive way.

Under the cover of the national struggle, you could say, women have been able to leave their traditional places, their incarceration, their homes. In many cases, when the husbands were jailed, the women have had to go out and work to support the family... But gradually, it become clear to me that the *Intifida* is a people's war, and so women's participation has become accepted. Before, the men looked upon women as weak. Now they've seen that women can stand up to soldiers, can face being wounded or martyred. Women have proved their ability to endure suffering, even more than men can if you ask me. All this has had its effect. Women have become freer now than they've ever been before.

Samira was jailed again, this time only for one month:

Until 1991, I was all right. Then I got put back in jail for a month... But when I was in jail this time, in 1991, the torture methods they used were no longer so much physical as psychological. At the beginning of the Occupation – I know this for a fact – they'd take women and beat them like they were wild animals. They'd burnt them with cigarettes, pull their hair, and torture them sexually. I won't tell you they raped these women – though I've heard stories about that – but since I don't know this for sure I would not say they did this. They beat women on their sexual parts, this I know for sure. But the *Shabak* (the Israeli Intelligence Services) have since switched mostly to psychological forms of torture. I survived because of my son, Ali. All the time I kept thinking I've got to stay strong and get back to him. He is my only son – he was then – and I love him so much I was determined not to break emotionally.

I had told myself when I was in jail being tortured, that if I survive this, I'm going to quit political work and devote myself to my son and my family, *khalas* (finish), no more politics. Believe me, that's what I wanted to do... But the pact I made with myself to stay away from politics, to just devote myself to my family, well, I wasn't able to keep it. The political situation hasn't changed, the struggle continues... but the question we're asking ourselves now – me and other women involved in the national struggle – is where its all going. We take a look at Algeria and we see what happened there. The Algerian women took a big part in the national struggle to rid the country of the French and then they slipped back into traditional roles.

Introduction

The land and honour can only be preserved by blood.

Palestinian proverb

This chapter presents the historical and political background of Palestine to provide important contextual information to the gender dynamics of contemporary Palestinian society. Palestine has never been an independent state and its people have never enjoyed complete sovereignty over their territories. In the course of the twentieth century, Palestine has witnessed several historical changes beginning with the end of 400 years of Ottoman Empire rule as a result of World War I. Ottoman rule was

followed by 30 years of the British Mandate² (Farsoun and Zacharia, 1997). In November 1947 the UN Partition Plan³ of Palestine set May 1948 as the date for the end of the British Mandate, as well as calling for the partition of Palestine into two separate states: one Jewish and one Palestinian. In 1948, as a result of this plan, hostilities broke out between the Palestinian Arabs and the Jews who had settled in Palestine during British rule. The war resulted in the creation of the state of Israel from 79 percent of the land of historic Palestine and in hundreds of thousands of Palestinians (726,000 people) fleeing their homeland to take refuge in many of the neighbouring Arab countries such as Jordan, Syria and Lebanon (Abu-Duhou, 2000; Farsoun and Zacharia, 1997). Many of those who were forced to flee found refuge in the remaining areas of Palestine in the West Bank (6,257 km²) and the Gaza Strip (378 km²). The Palestinians accordingly “suffered a kind of political extermination as their ancestral homeland was transformed into a Jewish colonial settler society” (Aruri, 1984: 5).

In 1950, the West Bank was unified with Jordan, while the Gaza Strip came under Egyptian administration, although it was never formally annexed by it (Mayer, 1994). The geopolitical situation remained unchanged until June 1967, when war broke out again between Israel and the neighbouring Arab countries. This war ended with the Israeli occupation of the West Bank and the Gaza Strip, Syria’s Golan Heights and Egypt’s Sinai Peninsula. In the wake of this war an additional 405,000 Palestinians were displaced, many had to flee their homes and lose their livelihood for a second time in their lives (ibid., 1994). Many Palestinian refugees equate their dispossession with the loss of a loved one and of being in a continual state of mourning. According to Peteet, “women describe the first decade of exile in terms that evoke death and a state of mourning. The loss of country and home and refugee status was akin to the loss of loved ones” (Peteet, 1991: 26).

The 1967 Israeli occupation of the West Bank and the Gaza Strip was a further step towards the colonisation of the land and its people, built on the aggressive control of the Israeli military forces. The military occupation forces controlled water, land and natural resources through many expropriation measures and the imposition of control over economic development of both agriculture and industry (Farsoun and Zacharia, 1997). They also controlled, oppressed and humiliated the general Palestinian population. Firstly through the employment of Palestinians

as cheap labourers in key sectors in Israel; and secondly, through the “operation of a sophisticated security apparatus aimed at subverting and subduing resistance through a system of varied punishment, both individual and collective” (Taraki, 1997: 2). In 1987, as a result of twenty years of a deep sense of humiliation and defeat, Palestinians took to the streets, resisting the occupation forces in what became known as the *Intifada* (literally the “shaking off”) or uprising against oppression and occupation. Civil disobedience and mass protests were the main features of this national resistance movement. The uprising lasted for six years until September 1993, when a peace agreement was signed between Palestinians and Israelis (Farsoun and Zacharia, 1997).

In August 1993, Israel and the Palestinian Liberation Organisation (PLO) announced an agreement on a “set of principles” to resolve the conflict. The peace agreement or “Declaration of Principles” of 1993, known internationally as “The Oslo Accords”, was signed in September of 1993. It called for the creation of interim self-government arrangements for the Palestinians, and lead to the setting up of the Palestinian National Authority (PNA) (Farsoun and Zacharia, 1997; Said, 1994). The PNA was given administrative authority over parts of the two areas, the West Bank and the Gaza Strip. The West Bank shares borders in the north, west and south with Israel and in the east with Jordan, while the Gaza Strip is bordered by Israel in the north and east, the Mediterranean Sea in the west and Egypt in the south.

Many believed that the signing of the Oslo Accords would be the first step towards the creation of an independent Palestinian state in the West Bank and the Gaza Strip, and Palestinians began to organise their own government. In January 1996, the Palestinian Authority (PA) organised the first ever election for the Palestinian Legislative Council (PLC). However, the peace agreement did not bring peace and stability to the region, but instead more violence and conflict (Holt, 2000). The Palestinians, men and women, have been struggling for almost a century against the colonisation of their land, but their struggle has so far failed to deliver an independent state or a sense of stability and security. They have had to contend with loss, exile and occupation. As a result, feelings of inadequacy and resignation have taken root (*ibid.*, 2000).

In 2000, the Palestinian–Israeli conflict saw a new phase of its history with the emergence of a second *Intifada*. Since then, the region has been torn apart by unprecedented levels of political and military

violence, culminating in the 2008 election of a Hamas government and the 2009 fierce Israeli attack on the Gaza Strip. This violence has caused more despair among the Palestinians, who feel there is no sign of self-determination. As the conflict has persisted, women and children have often been the victims. This has added to the Palestinians' suffering – particularly the men – and to their feelings of inadequacy and frustration for failing to protect their women and children. For Palestinian men, it is a matter of honour to protect women from the direct aggression and oppression of a male enemy, this has become increasingly difficult and at times even impossible. For instance, the Israeli army have deliberately targeted women giving birth by detaining them at military checkpoints, and preventing them from reaching hospitals or medical care, adding to the humiliation. Wick (2002), describes such experience as “a humiliating and dangerous experience for the mother and a rude passage into this world for the newborn” (ibid.: 7). Many women have been killed, injured, arrested and imprisoned, and many more subjected to physical and psychological torture, including sexual threats or actual abuse, especially during the first *Intifada*, which has not stopped during the second *Intifada* (ibid.).

At the time of writing, Israeli reprisals against Palestinians have become increasingly severe and include the building of the Separation Wall, the 2009 raid on the Gaza Strip and the continuous blockade of Gaza. In June 2002, the government of Israel decided to erect a physical barrier to separate Israel and the West Bank, causing widespread movement restriction on the Palestinians. Thousands of Palestinians have immense difficulties in reaching their fields, harvesting their produce, travelling for medical care or visiting friends and relatives. With these conditions of continual siege, bomb attacks and daily violence, women and children are paying the heaviest price. All that most women can do is just cope. For themselves and their families, coping is itself an assertion of survival (Nusseibeh, 2002).

This chapter provides a brief profile of Palestinian society in the Palestinian National Territories, with the aim of setting the general context for the discussion of the various aspects of women's lives within the family and marriage in the chapters to follow. As such, this chapter will focus on a discussion of the national struggle and women's activism throughout the history of the Palestinian struggle, in order to further the understanding of the situation of Palestinian women and gender relations

within Palestinian society. The chapter is divided into four main sections entitled: Life under Occupation; A History of Palestinian Women's Activism; Home Front: Battle Front; and Concluding Remarks. Section one explores the impact of the occupation on women's life. Section two covers the history of Palestinian women's participation in the national struggle and the way gender is portrayed in nationalist discourse. These two sections set the ground for the discussion about women's struggle within the confines of the national struggle. Based on these discussions section three turns to the home battlefront and provides a conceptualisation of GBV. Section four concludes the chapter with a set of remarks about the masculinisation of the national discourse and the politicisation of women's reproductive capacity, all of which have worked to reproduce and reconstruct patriarchal social relations.

Life under Occupation

The Israeli Occupation of the West Bank and the Gaza Strip was undertaken for military and security reasons. By asserting its presence in the Palestinian territories, Israel has been able to maintain and reinforce an unequal power relationship. Where colonialism differs from military occupation is that it is not carried out with explicit military force (although this may be part of it), and it does not usually enforce colonialism under conditions of territorial contiguity (Abu-Duhou, 2000; Taraki, 1997; Abed, 1988; Aronson, 1987). Under the conditions of the political and economic colonisation that the rule of the Israeli occupation exerts, the Palestinian economy has remained weak and underdeveloped with a Gross Domestic Product (GDP) in 1991 of \$1,275 per capita (World Bank, 1993).

Numerous academics and researchers in the past two decades have documented the nature of the relationship between the Palestinians and their occupier, the Israeli military, which is mainly characterised by total Israeli control of Palestinian land and lives. Israeli occupation of the West Bank and the Gaza Strip includes land confiscation and water expropriation, the employment of cheap Palestinian labour in Israeli industries, imposition of controls on the development of Palestinian agriculture and industry, unequal trade arrangements whereby Israeli goods are freely marketed in the Palestinian territories while Palestinian products going into Israeli markets face severe obstacles, and the imposition of

relatively high taxes without the provision of adequate health and social services (Abed, 1988; Aronson, 1987; Farsoun and Zacharia, 1997; Nakhleh and Zureik, 1980; Taraki, 1997). In 1993, the World Bank described the Palestinian economy as “mainly service-oriented with agriculture accounting for about 30 percent of GDP in 1991, industry about 8 percent, construction about 12 percent and services the remaining 50 percent” (World Bank, 1993: viii). The document continued by stating that the Palestinian economy was heavily dependent on the Israeli economy, with about one third of the Palestinian labour force working in Israel mostly as daily commuters, and earnings from these workers accounting for more than one quarter of the Gross National Product of the West Bank and the Gaza Strip in 1993. This dependency was also realised in trade. Over 90 percent of the Palestinian Territories’ trade was with Israel (World Bank, 1993: viii).

At the same time, Palestinian men and women are made to face many social problems, such as poverty, unemployment, closed schools and lack of access to education, and lack of infrastructure and economic development (UNDP, 1996). Both the education and health sectors remain severely underdeveloped. The Israelis have invested little in the health system and limited expenditure on health services provision.⁴ For example, in 1985 the budget for one Israeli governmental hospital was six times the amount allocated by the Israeli military authorities for all nine West Bank and Gaza Strip hospitals (UPMRC, 1987: 16–17). Similarly, during the 27 years that followed the Israeli occupation of 1967 and until the establishment of the PNA in 1994, the Palestinian educational system suffered a drastic decline in quality and growth, with the frequent and prolonged closures of school and educational institutions, the banning of textbooks and educational material and severe measures targeting educational institutions, impeding their ability to function (Abu-Duhou, 1996: 15). This was a situation noted by Fasheh: “conditions are not conducive to teaching or studying because of increased class size, shrinking salaries and budgets, escalating fear and harassment of teachers and students” (Fasheh, 1990: 26).

After the occupation of the West Bank and the Gaza Strip, the Israeli military authorities decided that different sources of legislation in the West Bank and the Gaza Strip were ineffective and replaced many laws with emergency military orders (Benvenisti et al., 1986: 196). This is a clear breach of Regulation 43 of The Hague Convention

which forbids occupying administrations from implementing any alternatives to the existing legislation of the occupied territories. According to Benvenisti (*ibid.*), the Israeli occupation authorities introduced over 1500 military orders to replace all types of regulations and legislations in all sectors of the society. By 1986, for example, there were 29 orders related to agriculture, 66 to the conduct of business, 48 to commerce, 14 to censorship and freedom of expression, 14 to health, 197 to the judiciary, 97 to land, 24 to legislation, 239 to public order, and 304 orders applied to security (*ibid.*: 196).

These military orders and laws are drawn from four independent legal traditions: Ottoman law, British Mandate Defence Regulations passed in 1945, Jordanian and Egyptian civil laws, and the Israeli civil law. These legal traditions were invoked in the Palestinian territories by those who occupied the land and each served the purpose of the occupier at the time. For example, the British Emergency Regulation of 1945 was invoked to justify the British implementation of curfews, censorship and house demolitions; while Jordanian and Egyptian civil laws were enforced during the Jordanian and Egyptian administrations⁵ of the West Bank and the Gaza Strip respectively and regulated criminal and landlord–tenant disputes. Finally, Israeli civil law under the jurisdiction of the military courts often emanated from the security interest of the occupation forces (Al-Haq, 1989; Benvenisti et al., 1986; Farsoun and Zacharia, 1997). All four sources of legislation combine to create complex legal traditions in the Palestinian Territories, and the rigid and complex nature of these orders has negatively influenced all aspects of daily life, including education, health, economic development, and politics – as discussed above. Educational opportunities, for example, were limited due to the closure of many educational institutions for extended periods of time during the 27 years of Israeli control of these sectors (1967–1994). Similarly, the health services deteriorated and were severely disrupted. Economic development was almost non-existent, as the pre-existing economic infrastructure was essentially demolished. Land confiscation and water appropriation undermined a fundamentally agricultural society, and growth in the economy was distorted by interdependence on the Israeli economy (Al-Haq, 1989; Augustin, 1993; Abed, 1988; Benvenisti et al., 1986).

After 1993, the Palestinian National Authority (PNA) gained control over 35 percent of the West Bank and the Gaza Strip, leaving a

large number of Palestinian men and women under direct Israeli occupation and the rest of the population under indirect occupation. The areas under PNA control were subjected to periodic closures, either total or partial, by the Israeli forces surrounding them. During these closures, Palestinians were not allowed to enter or leave the PNA areas without permits which are produced by the Israeli authorities and difficult to obtain. This means that all cities and many villages in the West Bank and the Gaza Strip are isolated from each other for extended periods of time and workers have been prevented from reaching their jobs. The net result of this “peace” has been a decline in household incomes, a sharp increase in the rate of unemployment and a high rate of poverty (Wing, 1997). The high rate of poverty is related to the rising rate of unemployment and the repeated border closures, which prevent workers from reaching their jobs. In 1995, the poverty rate in the refugee camps reached a level of 31 percent compared to 17 percent for urban and rural households. Moreover, Palestinian employment in Israel has been declining since 1992 as a result of the permit and border closure policies implemented by the Israeli authorities (Diwan and Shaban, 2000). Hence, Palestinians were made to face many dilemmas as a consequence of this political situation, created first by the occupation and secondly by the peace agreement.

All through this time, Palestinian men and women, who have lived under the Israeli occupation since 1967, have equally joined the national struggle for freedom and independence. Many men and women have been arrested, imprisoned and tortured (Sabbagh, 1998; Dajani, 1994). But, as I discuss below, while Palestinian women have participated as actively and to an equal extent as men in the political and national struggle, they have found themselves having to fulfill two contradictory roles: on the one hand the traditional role of staying at home, raising children and preserving and protecting the family honour; on the other, a new political role which requires them to get out and contribute to the political struggle of their nation (Shalhoub-Kevorkian, 1993). Women found themselves in an unfamiliar domain, the public domain, while continuing to carry on their traditional roles within the private sphere of their families. They continued to protect their families, husbands and their children from the outside enemy (the occupation forces), and became increasingly attentive to preserving their children, family, society, and nation. For example, in the 1987 uprising older women sheltered young

boys and defied soldiers, fulfilling their traditional role as protector and nurturer while they were protecting and pulling their children away from the armed soldiers (Johnson and Kuttub, 2001; Sabbagh, 1998a).

A History of Palestinian Women's Activism

Palestinian women's activism can be traced back as far as 1921 with the establishment of the Palestinian Women's Union (Abu-Khalil, 1977). Upon its inception the Union led demonstrations against the Balfour Declaration⁶ and organised the first Women's Conference in 1929, which was held in Jerusalem. Since then, Palestinian women have played an active role in the political and national struggle, and the Palestinian women's movement has always been closely tied to the national struggle (Abdulahadi, 1998; Abdo-Zubi, 1992; Jad, 1990; Mayer, 1994).

Palestinian women responding to the political threat facing their society were mobilised into assuming new active public roles. In particular, they took on a significant role in developing the kind of social welfare activities that were much needed by the Palestinians, particularly in the wake of the 1948 exodus of refugees. The early organisations were developed around women's nurturing roles. They provided social services such as food for the needy or much needed medical care to the refugees and the poor. This concept of 'relief' in women's activism continued into the early periods of the 1967 Israeli occupation (Al-Assaly, 1990). The 1967 war witnessed a new wave of women's active involvement in the resistance movement. The continued process of Israeli colonisation arguably had a major effect on the heightening of the political consciousness of women in the women's movement, leading to the creation of the grassroots women's committees in the early 1970s. Women's committees provided a new framework of women's organisation based on political affiliation⁷ (Hiltermann, 1998). These committees and their activities continued until the establishment of the PNA in 1994, when women's participation in the national struggle took on a more organised form around national as well as gender issues. Women became engaged in political discussions that were soon turned into discussions of women's issues and rights.

Sabbagh (1996) describes women as being the main catalysts "in resisting changes imposed by the Israeli military occupation such as changes in school curriculum", and highlights women's participation in

demonstrations carried out against the demolition of homes (ibid.: 18). In order to improve the situation for women, the committees developed many self-help and development programmes such as literacy education, professional training, an extensive network of nurseries and kindergartens, childcare and a whole range of income-generating projects to provide employment opportunities for women (Kamal, 1998). Women organised their own unions and committees across class – i.e. workers unions, students unions, young women groups – and gender issues – i.e. reproductive health, childcare, increased employment for women – with a deeper understanding of the need for grassroots mass movement that would include, among its many diverse activities, an increased mobilisation of women in the resistance movement (Sabbagh, 1998). Being involved in the national struggle offered women new political roles outside the private sphere of the home, and at the same time helped to raise their political consciousness not only to the national oppression but also to their own oppression (Khalifeh, 1998).

However, these women's committees were not able to articulate a woman's agenda separate from that of the national agenda. In the main, the leadership of these committees consisted mainly of women who were also politically active and who seemed not to realise the line of separation between the national struggle and the social struggle for women to gain equal rights (Jad, 1990; Hammami and Kuttub, 1999). Furthermore, during the first *Intifada* (1987–1992), which was characterised by civil disobedience and by the mass mobilisation of the population across age, sex and class, women were confronted with other unfamiliar but equally urgent roles as political agents, political prisoners and the sole providers for the family (Taraki, 1997). Through these roles, women came to occupy a dominant presence in the public sphere, which had previously been deemed inappropriate. Thus, during this period, “the large scale political mobilisation of Palestinian women was not perceived as a challenge to social stability but rather as a necessary and valuable contribution to the national struggle” (Sharoni, 1994: 1064). This involvement offered women a limited opportunity to challenge their social position within the patriarchal structure of the society. Sabbagh (1998) sums it up as follows:

The protection afforded women against social criticism in the name of working for *Al Watani* (the national agenda) was a mixed

blessing. Although women trespassed against the symbols of patriarchal domination with the blessings of society; they were simultaneously required not to question the central patriarchal paradigm, the power that men have over women's lives, until after the occupation ended. (p. 4)

Hence, as in most third world struggles, Palestinian women were required to postpone their own agenda for social equality until such time as national liberation and the establishment of an independent state was achieved (Sabbagh, 1998b; Zalatimo, 1998) Hasso (1998:9) claims that "the projects of nationalism and feminism in the Palestinian context have been compatible given the ease with which women could apply emancipatory discourses, goals, and expectations of national liberation movement to their subordination as women." However, combining the two for Palestinian women was not achievable, because while the national liberation was considered a legitimate project and a widely accepted goal by Palestinian men and women, gender inequality was viewed as a "natural" and necessary part of the hierarchical structure of the social fabric of the society. To challenge it is to threaten the core social values of the society (Hasso, 1998). Consequently, few women attempted to engage in the debate on women's rights, and many viewed their active participation in the national liberation struggle as a prerequisite for the achievement of gender equity in their society (Kamal, 1998; Khalifeh, 1998).

Consequently, the discussion of gender roles and gender violence must take into account the crucial distinction between the subordination of women within the dominant social discourse and that of the subordinated nationalism discourse. Within the context of a subordinate nationalism, the society as a whole must be unified in its political and national aspirations in order to restore the national power and control that have been obscured by the oppressor (i.e. imperial power or colonial occupation, as in the case of the Palestinians) (Dajani, 1994; Simpson, 1997, 1998; Sharoni, 1994). Hence, according to the national discourse advocated by the national movement, the energy of the entire society must be mobilised towards a common national project to reclaim structural power or national freedom from colonisation. In this sense the national project is emancipatory in nature (Jacoby, 1999). Therefore, in Palestinian society, to view men as the only source of oppression and the main perpetrators of GBV, will not give a complete account of the

violence. Women are made to suffer because of their nationality as members of an oppressed nation and because of their gender as subordinate members of the society, and as a consequence of the violence that spills over into the private sphere perpetuated by men, they are made to suffer in the public sphere (Wing, 1997: 943–944; 948–452).

While the Palestinian people have suffered a severe lack of power and control over their social and national affairs, men who are accustomed to power and control tend to feel emasculated. In their search for their masculinity, and in an effort to reclaim power and regain social control, men have retreated to the more familiar terrain of patriarchy (i.e. family, kinship). The reinforcement of patriarchal power is achieved by accentuating the legitimacy of masculine authority through familial, communal, state or national structures. I argue that to understand the ways in which patriarchal relations are created and reproduced in the context of the subordinate Palestinian national discourse, it is vital to engage in a discussion of gender relations within the Palestinian national discourse.

When colonial forces contravene in a society, as is the case of the Israeli occupation, it can make it difficult for the society to maintain its social order and traditional structures and existing gender boundaries tend to break down (Cockburn, 1998). The ensuing political conflict and violence may be spilled over from the battlefield front, in this case from streets or the public sphere, traditionally a male domain, into the home front, the private sphere, the women's domain. In this case, Palestinian women were forced to assume non-traditional roles (as political activists, community leaders, political prisoners etc.) thus breaking traditional gender boundaries. According to Cockburn (*ibid.*), women who are victims of a national conflict and oppression tend to make a connection between their gender oppression and that of the national oppression.

Women tend to make connections between the oppression that is an ostensible cause of conflict (ethnic or national oppression) in the light of another cross cutting one: that of gender regime. Feminist work tends to represent violence as a continuum from the bedroom to the battlefield, traversing our bodies and our sense of self. We see that the 'homeland' is not, never was, an essentially peaceful unitary (*ibid.*: 8).

Palestinian women were quick to realise the strong connection between their struggle for equality and that of the national struggle, but instead of organising their fight around gender issues, they started to participate actively in the political and national struggle side by side with men. This involvement of the Palestinian women in the national struggle led Mayer (1994) to describe the Palestinian national struggle as a gender struggle in nature. Mayer professed that the “intensified Palestinian nationalism is gendered by provoking a politicised response to the invasion of the private sphere” (ibid.: 63). For Palestinian women, caught up in this political and national struggle, there was no perceived contradiction between the politics of the national struggle and the struggle for women’s equal rights. For them, gaining freedom and equality was not only part of the major structural change in the nature of Palestinian society, but also a part of gaining national freedom and liberation (Augustin, 1993; Khalifeh, 1998). Few of the women in Palestine saw that women’s liberation from male patriarchy was not necessarily linked with the national liberation struggle (Kamal, 1998; Strum, 1998). As argued by Rosemary Sayigh (1992), in the Palestinian context “social changes adopted as a part of the national struggle are the main legitimating context for women’s individual struggles” (ibid.: 19).

Additionally, participation in the national struggle opened new opportunities and ways of life that were both encouraging and threatening for Palestinian women, perceived traditionally as being totally dependent on their men for protection and maintenance. While this activism offered women the chance to assume a new active role in the unfamiliar public domain, at the same time women carried on their traditional roles within the private sphere of their families. An increasing number of women made their way into the public sphere, breaking the barriers between the sexes and taking advantage of the increased possibilities to meet in mixed environments provided by political activities. At the same time, other women felt threatened and searched for security in tradition and religion (Augustin, 1993; Shalhoub-Kevorkian, 1993).

However, there was an apparent contradiction between Palestinian women’s aspiration for equality and the national movement’s aspiration for liberation. Although Palestinian women have been politically active since the turn of the twentieth century, their activism climaxed during the *Intifada* with a large-scale women’s mobilisation at a time when Palestinian society was undergoing an intense structural transformation

(Dajani, 1994). During this period, and after a prolonged experience of dispossession, a collective Palestinian identity emerged and took on the form of the national struggle for self-determination. Within this context of heightened political activism and heated national sentiment, a distinct Palestinian women's grassroots movement originated, a movement that is active both in social relief work (providing food, running orphanages, providing health services... etc.) and in the political struggle for national liberation. However, over time it has become evident that the *Intifada* was a contradictory moment in the development of a Palestinian gender consciousness, as it constituted the establishment and revision of gender norms, ideologies and practices at every point at which women entered the public sphere. The mobilisation of women "corresponded with attempts by both nationalist and religious forces to restrict their participation to traditionally constructed female roles such as childbearing and social services" (Jacoby, 1999: 513). An example of these services included kindergarten, nurseries, mother and child health care centres, and illiteracy education (Kamal, 1998).

Despite well-documented evidence of Palestinian women's centrality in the *Intifada* – for example women's role in co-operative production, military struggle, and grassroots leadership – the Palestinian nationalist narratives, such as the Palestinian Declaration of Independence and the Palestinian National Charter (Basic Law), have continued to differentiate between masculinity and femininity on the basis of traditionally constructed gender roles (Hiltermann, 1991). According to Yuval-Davis (1997), nationalist narrative has tended to portray women as the "biological" reproducers of the national collectives, while at the same time it has represented men as the civil or "military" reproducers of the nation, and in control of the decision-making processes. This suggests that despite women's symbolic role as "mothers of the nation", women are subordinated in the actual political processes of the national struggle and in the politics of nation building. For example, the Palestinian Basic Law limits the transition of Palestinian citizenship rights from father to son, which signifies that the reproduction of national identity is actually channelled through paternity not maternity (Massad, 1995). A related image to that of "mother of the nation" is that of being a "fertile mother". Both images draw on the cultural heritage of the Palestinians. In fact, the Palestinian national leadership's construction of this image was motivated by Israel's definition of the conflict as a

“demographic one”, in which victory would be achieved by the side with the largest population (Abdulhadi, 1998). Thus PLO Chairman Yasser Arafat repeatedly referred to “bearing children for the revolution” as he encouraged women to have no less than twelve children each (Najjer, 1992: 258).

In addition to symbolising women as the “fertile mother” in the national discourse, “Palestine as a nation was signified as one honourable woman whose honour was tarnished by the Zionist settlers in 1948” (Massad, 1995). Drawing on the traditional ideology of shame and honour, women became a sign of the national honour. Hence participation in the national struggle was mainly a way to vindicate this tarnished honour (Abdulhadi, 1998). For example, after the 1967 occupation, Israeli interrogators were able to exploit this concept of honour and shame against female Palestinian political prisoners to get them to submit and to extract confessions from them about those who were involved in national and political activities (Warnock, 1990). As Warnock (ibid.) and Thornhill (1992) have shown, Israeli interrogation methods included threatening Palestinian women with rape and attempting to tear their clothes and expose their nakedness to their fathers or brothers. In most cases, female Palestinian prisoners opted to confess rather than blemish their honour and disgrace their families (Thornhill, 1992; Warnock, 1990). As a result of these practices, the national movement responded by deploying the national slogan *al-ard wala al-ard* (land before honour), suggesting that liberating the homeland took precedence over preserving women’s honour. However, this is indicative of a different order of priorities rather than signifying a shift in the Palestinian national narrative. While invoking this slogan enabled a few victims of sexual violence to speak up without bringing “shame” on themselves and their families, it did not convince the majority of sexually tortured women to report such abuse, lest their reputation be tarnished (Abdulhadi, 1998). Furthermore, as will be shown below, few in the leadership accepted the “land before honour” slogan. Yet another example of the discrepancies between slogan and the practice of the national movement in Palestine can be found in the narrative of the uprising leadership.

In order to mobilise and organise the resistance activities in a more systematic manner, a leadership structure was established and came to be known as United National Leadership of the Uprising or UNLU.

The UNLU played a key role in mobilising the Palestinian masses to participate in the *Intifada* by issuing communiqués to the Palestinian people to organise the resistance activities. The UNLU seemed “at times ambivalent, while at others, fully complicit in continuing the earlier traditions of conceiving the masculine” (Massad, 1995: 474). Communiqué No. 29, for example, congratulated women on their role as mothers. It saluted “the mother of the martyr and her celebratory ululations for she has ululated twice, the day her son went to fight and was martyred and the day the state was declared” (ibid.: 474). Communiqué No. 5, meanwhile, described Palestinian women “as soil on which manhood, respect and dignity grows” (ibid.: 474).

Despite its perceived masculine nature, the *Intifada* challenged established traditional and social relations within the Palestinian community. To many, the *Intifada* was a national effort that required a rethinking and suspension of traditional modes of behaviour. Hence many in the Palestinian national movement, among them a significant number of women activists, began debating issues related to the democratisation of Palestinian society, and worked to formulate strategies for social liberation alongside those for national liberation (Dajani, 1994). Women also began to question the absence of gender issues from the national discourse and to analyse the effect that the different national processes had on women’s lives (ibid.). Palestinian women were very aware that their popular image as being subdued and passive had changed as a result of their involvement in the *Intifada*, but they were also conscious that these changes “did not result in significantly modifying the cultural–traditional role of women in Palestinian society” (WCLA, 1995: 5). Strum (1998: 70), writing on West Bank women and the *Intifada*, observed that “while many women were out of their homes, participating in the political sphere, others were kept behind locked doors”. Strum continued, “while it seems safe to predict that the status of women will never again be precisely what it was before the *Intifada* began, the impact of women’s role in the *Intifada* on their status as women cannot be assessed with finality” (ibid.: 74).

Several researchers have observed that in the years leading to the signing of the Oslo Accords, Palestinian women began to analyse the connection between social and political liberation. Palestinian women made significant progress in attempting to identify the cultural and social beliefs that defined their social status and gender roles in society

and in relating gender issues to the specific political and national ideology. They addressed these issues from within the context of the Israeli occupation, while at the same time being aware that it was this overall condition that distorted social relationships within Palestinian society and defined much of the national component of gender relations under occupation. In the absence of a Palestinian state, the “public” and the “private” remain virtually connected and the Palestinian struggle for democracy and freedom, especially for women, remains quite complex (Abdo, 1999; Abu-Nahleh, 1999; Dajani, 1994; Kamal, 1998; Khalifeh, 1998).

In September 2000, the Palestinian Territories began to witness unprecedented levels of political violence. By March 2002, the violent conflict led to the destruction of the overall infrastructure and social fabric of the Palestinian society by the Israeli invasion forces as they moved into areas controlled by the PNA. Undoubtedly, these events have dire implications for the state-building and general democratisation of the society, not least for women’s efforts to promote a woman’s agenda in Palestine. The current violence could be translated into a widespread and a pervasive sense of loss of control for Palestinians in general and men in particular, which in turn threatens women’s ability to negotiate changes in their social status. At an individual level, while men are experiencing the social upheaval of this political violence, and the associated feelings of powerlessness and emasculation, violence against women becomes the symbolic way used by men to search for masculine identity.

Home Front: Battle Front

The analysis of the roots and causes of violence against Palestinian women must take into consideration the effect of the Israeli occupation and the continuation of the violent political conflict. Conceptualising the gender-based violence endured by Palestinian women, and endured silently within the privacy of the home, applying an analysis using inside/outside sphere dichotomy is particularly beneficial. As already indicated, Palestinian society is a patrilineal and gender-segregated society with men and women having two separate domains, public and private. The public domain belongs to men and the private to women. In the public domain, where male economic, political and social activities are

carried out, masculinity is stressed, while in the private domain the stress is on femininity. Conventionally, women are further segregated and separated from the social and political activities and political instability and the national struggle has not completely abolished this practice (Wing, 1997).

The Israeli army does not provide a ready target in the public sphere for the growing political aggression, because of the fear of harsh reprisals. This situation often results in aggression and frustration being displaced to arenas removed from its immediate source, namely, the private sphere and the home environment (Wing, 1997). The expression of frustration and aggression in the private arena can easily be increased because of the seclusion of this "private" arena from public scrutiny, thus, men assert their control over women. Women are usually the weaker – physically and economically – members of society and men can easily assert their control.

Families – children and women – become the primary sufferers of violence as they are made to bear the brunt of the frustration that men suffer due to political oppression. In this regard, Palestine is similar to other countries, where comparative research on the relationship between political turmoil and violence has linked the social disruption experienced by societies in transition or at war to displaced aggression against women and children. This link helps to explain the rise in crime rates and violence against women in Central and Eastern Europe, for example, in Bosnia there is an extraordinarily high incidence of rape (Simpson, 1997, 1998). A particular case of interest is South Africa where violence against women is endemic. Excluding countries at war, South Africa presently has the highest level of violence against women in the world (Jewkes, 2000; Jewkes et al., 1999; Simpson, 1997, 1998). Many argue that this violence has become the vehicle for men to assert their authority, as they have been undermined by economic and social displacement brought about by the apartheid regime. The prevalence of violence within the indigenous community in Australia is another example of the way in which violence against women has become the only means by which disempowered Aboriginal men can assert their power. The Aboriginal people of Australia have been subjected to two centuries of discriminatory public policy and to a mass expropriation of ancestral land, hence, they are left with a deep sense of humiliation, frustration and disempowerment (Hammill, 1999, 2001).

This book will argue that to exclude this type of political violence from the discussion of violence in Palestine would be to deny the fundamental power relationships that are being violently played out in society. In the public sphere – the outside – and under the conditions of the “outside” violence of the occupation, Palestinian men have to face and cope with the oppression of the occupying forces. Men are prevented from controlling their affairs as they accustomed to do, they are not allowed to be “men” in the culturally constructed meaning of the word, and are left with a deep sense of emasculation since culturally to be masculine is to be dominant and controlling. Palestinian society is a patriarchal society and patriarchy has been significant in the formation of the masculine identity of Palestinian men, based on male dominance versus female subordination. A masculine man is the provider, the protector and the ultimate authority in family and in society. This is reflected by the many popular sayings such as “*ma bie alrajai ill jobitoo*”, meaning that “lack of money is the only shortcoming of a real man”. Or the reference to a man as “*rabb al-ursa*” meaning that, the man is the God/Lord of the family.

Following the 1948 mass exodus of Palestinians, the material loss of their homes and possessions, and a deep sense of psychological devastation emanating from the loss of their homeland, Palestinians had to devote their energies to the survival of the family (Gluck, 1995). In order for the Palestinian community to survive under these new circumstances, the family served as a strong institution capable of securing political, economic and social protection for its members. The role of the family was to provide the needed social services and protection which would otherwise have been provided by the state. The family was therefore enhanced and strengthened by the reassertion and enforcement of patriarchal authority. Reliance on the family unit meant the preservation of social status and the powerful hold of kinship groups such as the extended family and the clan (composed of a number of extended families and referred to as *hamula*). This strengthening of the clan took on different forms of social organisation. Clans and family groups began to organise their financial and social affairs either around agricultural and productive co-operatives, or in the many clan-based charitable societies which provided the much needed social services and support, such as orphanages, training programs for women and youth and literacy education (Jad, 1992). In interviews that I conducted,

women, particularly from the refugee camps, spoke of the interrelated effect, fifty or so years later, of displacement and family loyalties in their families:

When I got married, my father did not ask my husband to provide a separate house for me. My father told my husband he is free to make me live wherever he thinks is suitable and if he wants to live with his parents, it is up to him. But my husband had to live with his parents, because we are refugees and it was difficult to rent a house in the camp (refugee camp) in those days. Besides my father-in-law was a poor man and has a big family, he needed his sons to help him. (Nadia)

Suhad added:

I lived with my in-laws when I got married. My parents-in-law had a large family. My husband had to help his father with expenses. In the camp we were not able to rent a house in those days, and to go and live in the city would cost money. My father knew the situation, so he did not pressure my husband to get us a separate house. In fact my father did not even discuss it with him. (Suhad)

The subsequent occupation of 1967 left Palestinians with fewer employment opportunities, so many Palestinian men had to seek work within Israel and many had to be transported to Israel to work. This daily exercise left many with a deep feeling of humiliation in their work place. Many felt that they were transformed overnight from landlords to mere labourers in the black market of the foreign occupier (Aruri, 1984). Repressed feelings of frustration, fear and anger could be directed either against the self – through drug abuse or alcoholism – or against the weaker members of the family, especially women (Sabbagh, 1998). One woman who was interviewed for this research related her life story, from being a refugee living in a refugee camp to the daily humiliation and suffering her husband had to deal with trying to seek employment, which had become increasingly difficult.

Only the financial situation causes some friction and problems, we argue over some financial problems. You see, my husband has a teaching diploma but he can't find a job . . . so he got a job as a labourer. That in itself is difficult . . . In the past few months, finding work became almost impossible . . . You know in the camp we do

not have land to plant, in the villages at least, they can plant vegetables for food, but what can we do. Not having money is very difficult we have four children to feed. To avoid problems I tried to make ends meet in whatever way I can. I do not ask him for money, and when I do he gets very upset, and he may even hit the children. I have to give him support, what can I do? He doesn't have money and it is not his fault. (Hala)

While strengthening the clan and the family unit making them the sole provider of social support was a necessity enforced by both conditions of displacement and dispossession and the absence of the nation state, women were further marginalised in the process. For instance, in circumstances where marital problems existed, and even in cases of domestic violence, families showed little, if any, support to the women. Even when support is offered, it is conditional; too often women are forced to leave their children behind if they wish to leave their husband's home and gain the support of their own families (Jad, 1992; Taraki, 1997). Women who I interviewed also expressed their dissatisfaction with their parents' reaction, or lack thereof, when they sought their help. They were puzzled by their parents' conditional offer of support when they had complied with their wishes and married their cousins or others close to them.

What I told you is only a brief summary of what I have been through in my life: problems and problems. As for leaving my husband's house in a state of anger or *hardaneh*, the question is how many times I left and went to my father's house? Many times, my uncle (that is the father-in-law) would then come to my father and say "It is improper. She has to go back. A woman once she is married and has kids, she must be patient and stay with her husband; this is her fate". My father sometimes refused to take me back, and would say "You can stay but you have to leave your children". Also, my mother used to say "You must go back for your children". Of course, my father-in-law is her brother. My in-laws *thalamoonee* (did me wrong, a strong term). Truly, I do not blame them. I blame my parents. They are the ones who made me suffer the most. *Thalamoonee*, that's all what I can say. (Sana)

In this context of the ongoing political conflict, violence perpetuated against Palestinian women has been threefold compared to that suffered by men. Firstly, women suffer as victims of the directly oppressive

measures of the occupation – there is no indication that Israelis are easier on Palestinian women than on men. Many women have been injured, killed or imprisoned. Secondly, they suffer indirectly through the reaffirmed cultural practices, beliefs and norms: that is the by product of the occupation on women has been the negative enhancement of the conservative patriarchal order on the society. Finally, women suffer as the targets of the displaced aggression of men.

Life for men under occupation is a long succession of victimisation and the witnessing of victimisation. Many have been imprisoned and have undergone a violent experience of interrogation where a whole series of torture methods have been used against them (Abdo, 1995; Al-Haq, 1989; Cossali and Robson, 1986). Reports of domestic violence have uncovered a few cases in which men mimicked the Israeli torture techniques that were used against them in prison. For example, one husband covered his wife's head with a sack and beat her with pipes and cables (*Jerusalem Post*, 26 July 1996), just as he was treated by the Israelis in prison (Sabbagh, 1998).

Clearly, violence in the Palestinian context must be understood as the result of two intertwined forces: firstly, the force of the traditional values and beliefs of patriarchy and second the force of the occupation. The fact that Palestinian society is traditionally patriarchal, a social system enforced by the national oppression of the occupation, had left Palestinian men both as the victim and the victimiser (Wing, 1994).

Concluding Remarks

The masculinisation of nationalism – the transfer of citizenship through the paternal line, the politicisation of women's reproductive capacity (mother of the nation), the depiction of women's role as producers, supporters and sustainers of men, and the prioritisation of the national question over women's issues, have all reproduced patriarchal social relations – the source of women's oppression – and reinforced the manner in which patriarchy constructs masculine identity in times of crisis and conflict. Massad (1995) argues that the Palestinian nationalist movement has signified such conquest as the "rape of the land" and the Palestinians as the "children of Palestine" and Palestine as "mother". Massad continues that the "rape" has "disqualified" women from being able to legally reproduce the "children of Palestine" – namely the

Palestinians. This assertion by the national movement is reflected in the construction of the Palestinian identity, as codified in the National Charter (Articles 4 and 5), and defined as:

a genuine, inherited and eternal trait is transmitted from fathers to sons. . . Palestinians are those Arab Citizens who used to reside in Palestine until 1947 . . . and everyone who is born of an Arab Palestinian father after this date – whether inside or outside Palestine (Massad, 1995: 472–473).

Thus, according to Massad:

Liberation is staged as a transaction between men over the honour of a woman “mother” whose ownership passes through paternity . . . territory was replaced by paternity (Massad, 1995: 473).

In short the Palestinian national agent is a masculine young male and there is a complete absence of gender issues in the national discourse. Palestinian women’s popular image as subdued and passive has not changed as a result of their involvement in the national struggle nor has their involvement resulted in significant modification of their cultural–traditional role in the society. Rather, the nationalist Palestinian movement has worked to reinforce women’s subordination and oppression.

Consequently, the analysis of gender-based violence must move beyond the description of patriarchal social relations, which merely explains women’s oppression, to recognising the manner in which patriarchy constructs male identity and predisposes it to such a violent reassertion of power when confronted with crisis. The construction of such a perspective is fundamental to a gendered understanding of the socio-political violence that is taking place in Palestine.

NOTES

- 1 Extracted from a personal narrative in: Gorkin, M. and Othman, R., *Three Mothers, Three Daughters: Palestinian Women's Stories*. Berkley: University of California Press, 1996. Pp. 83–155.
- 2 The British Mandate of Palestine started in December 1917 and lasted until May 1948.
- 3 UN General Assembly Resolution 181 on the Future Government in Palestine, 29 November 1947 (Partition Plan): the Resolution called for the partition of historical Palestine into two states, one Jewish and one Palestinian Arab, and called on the British Mandate Authority to facilitate the implementation of this plan.
- 4 The Israeli civil administration managed the health sector from 1967–1994. In 1994 the PNA took over the management of the health sector.
- 5 During the period 1950–1967.
- 6 The Balfour Declaration: on 2 November 1917, Sir Arthur Balfour, the British foreign secretary at the time, issued a letter to Lord Rothschild, lay head of London's Jewish Community, stating that the British government “viewed with favour the establishment in Palestine of a national home for the Jewish people,” adding that it should be “clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine”.
- 7 Four women's committees are affiliated with the four major political parties of the PLO.

NAVIGATING THE LEGAL MAZE



Prologue

A Long Wait for Justice

The discussion in this chapter of the legal system looks at it in the Islamic context, as Islam constitutes the fundamental religion in Palestinian society. However, both Christianity and Islam provide ideologies that contribute to the oppression of women; the following narrative illustrates this fact:

Maisoon,¹ a Christian woman, married in 1984 aged eighteen. Her story begins in the corridors of the Greek Orthodox religious court early in 1985. In July of 1994, at the time of this testimony, the case was still under consideration by the court with no end in sight. Maisoon begins her narrative by describing the events which led to her engagement and marriage:

I was born in Europe in 1964, and have a Palestinian father and a Dutch mother. We lived in Europe until 1968 when my mother died. My father brought us back to live in our hometown. I have only one older sister; she is one year older than me. She is married and still lives in Europe. My father remarried a wonderful lady who raised, loved us and was more than a mother to both my sister and me... I finished high school in 1982. That same year, my aunt (the wife of a step uncle) came back to Palestine from Lima, South America to visit. So we got to know my aunt's family and we became close friends with one of her sister's family. This particular sister had a son, and my aunt approached my father and asked for my hand in marriage. After a long discussion we agreed and I got engaged to this man. My fiancé's brother worked in Saudi Arabia, and according to my fiancé, his brother found a job for him and soon after we got engaged he left to go to Saudi Arabia to work there. He claimed that he had studied agricultural engineering in Spain and that's what he would be doing, but I am not sure if he

ever finished his qualification. Anyway, twenty months later he came back from Saudi Arabia for us to get married. After he came back, he would not talk to me, and sat beside me like a block of ice, without any emotions. So I complained to my father and my father said if you do not like him it is fine, you can break off the engagement. But my mother (that is my stepmother) was against the idea. She said, 'People will start to gossip about us if you break the engagement.' Out of respect to my mother I did not break the engagement, in fact I was married two weeks later.

Her troubles were of a sexual nature, her ignorance and his inability to consummate the marriage were the main catalyst behind her marital problems, she explained:

I was married in church in July 1984. We went to a hotel for our honeymoon and spent four days in the hotel before coming back to live with his family. We used his uncle's room, who was living in Jordan at the time. I stayed with him and his family for a whole month; it was the worst month of my life. His family, his parents and he were horrible to me and treated me badly, as if I was their slave... As for him, sexually he was a total failure. He was sexually impotent; he was not able to get an erection. From the first time we were in the hotel, he would try and try and when he could not get an erection he would go to the bathroom and masturbate until he ejaculated. But I was a naive virgin and did not have any sexual knowledge or experience. When I sustained a side cut, due to his force and abnormal attempts, and I bled, I thought then that he had penetrated my vagina and that my hymen had ruptured. The whole month I spent with him in his family's house, he could not have sexual intercourse with me. After a month he wanted to go back to his work in Saudi Arabia and leave me behind until he can obtain an entry visa for me. My father saw how bad his family treated me and asked my husband if he would allow me to go and live at his house while I waited for the visa. He agreed and helped me move my stuff to my father's house. Since I had bled, and I did not have any sexual experience, I did not tell my father about his sexual problem. ...

Six months later towards the end of 1984, my husband came back from Saudi Arabia claiming that he lost his job because they were laying off people due to the Iran-Iraq war at the time... I am not sure if he ever went to university or finished any kind of schooling. When my husband came back he came to my father and ask him to let me go back to live with him like before in his parent's house. But I refused to go back because of his family's mistreatment and I asked him to provide a separate house for me. This was the

beginning of our disagreement. A month passed by with no solution in sight, and my father kept asking me and asking me private questions about our marital relationship, I was so embarrassed and did not know what to say, and also my mother was overseas on vacation. My father got very suspicious and took me for a medical examination. The doctor told him that I was still a virgin, so my father discovered the truth.

Her father's intervention to get her separated from her husband led to a whole series of legal events. The legal battle started in 1985 and at the time of writing was still under consideration. Maisoon recalled:

My father went to see our priest (Greek Orthodox), spoke to him privately and told him the situation and asked him to mediate a discrete divorce, in order to spare my husband any public humiliation and embarrassment if the news of his sexual problem got out. When the priest approached them and talked to my husband, he got so mad and defensive and said that he was the playboy of the century and that he did this and that, and that he would not divorce me no matter what. He turned around early in 1985 and filed a case with the church court on the grounds of "*ta'a' aljowaziha*" (marital obedience). That left me with no choice but to file a counter-suit asking for the annulment of the marriage based on the sexual failure of the husband... And his is how my long legal battle started in early 1985. Today in July 1994 we are still at the beginning of the legal battle.

Anyway, in the first hearing, the court requested that both parties should undergo medical examination at Hadassah hospital (an Israeli hospital). At first, my husband agreed but then he declined and requested that the examination be conducted locally. I did get an examination at Hadassah. Anyway, the court assigned a medical committee headed by a local consultant. The medical committee report indicated that I was still a virgin, having never been penetrated and that the hymen was intact. But my husband objected to the medical report and finally he claimed that the medical report was wrong, and that I had had a hymen repair operation because there was nothing wrong with him sexually. Nevertheless, after this medical report I thought the court would definitely look favourably on my case and that the marriage would be annulled.

Maisoon feared for her life, but the court did not take this into consideration. He was her husband, legally and socially she was obliged to submit to him.

I feared for my life if I went back to him, so I kept on hoping. The case stayed in court under review for a long time and finally issued its decision in March 1986. Since I was still a virgin, the court wanted me to go back and live with my husband for ten days in order to allow him to have sexual relations. Since we did not have a marital home of our own, the court ordered my husband to prepare such a home before I went back to him for this ten-day trial period. In order for my husband to prove that he had sexual intercourse with me the natural way and without the aids of instruments, my husband had to provide the court with the names of three men, of good social standing, who could testify to the fact that he ruptured the hymen naturally.

My immediate reaction was to appeal this decision which showed the disrespect and disregard for human life and dignity of some of the religious establishment. Eventually, the appeal court issued its final ruling considering me a “disobedient wife” which meant I lost all my marital rights including alimony. Again I appealed this disgraceful decision, and again the appeal court went back to its ruling stating that I must live with my husband for ten days, however this time it was not to be in the marital home but in a hotel of my husband’s choice.

And again I appealed.... Years have passed by and I am still in the corridors of the court, and my husband is living his life relaxed, claiming that he does not think about marriage because he still loves me and wants me back. I think he wants me back as a psychological punishment for daring to speak out against him. In the meantime, besides the religious courts, he has tried to torture me through the civil courts. He has stopped me from travelling and leaving the country by getting a court order. And he filed another case asking for the money he spent on the wedding and the jewellery he bought for me... and I am still waiting?

Introduction

A girl's true protection is in her grave.

Palestinian proverb

Palestine, like all other Arab countries, was under Ottoman rule for 500 years until 1918. Towards the end of their rule, the Ottoman authorities set about the codification of a set of laws in most areas of their Empire.

In Palestine, the Ottoman legal reform called for the establishment of systems of assessing, fixing and levying taxes and of raising troops by conscription and the creation of a salaried government bureaucracy (Farsoun and Zacharia, 1997). As far as social issues and women's affairs were concerned, it promulgated personal status laws, giving the religious courts authority in these matters (Moors, 1999).

The British Mandate was established after the First World War and it exercised wide legislative powers. It introduced several laws, particularly the British Emergency Regulation, and modified and replaced various Ottoman laws, but paid little attention to the laws of personal status, particularly the legal principles that affected the position of women. British legislation recognised certain non-Muslim religious communities – Christians and Jews – not previously recognised by the Ottomans, and empowered these communities to establish autonomous courts and apply their own laws. Certain *Shari'a* (Islamic legal code) principles such as those governing divorce, children and wife's maintenance, age of marriage and inheritance, continued to be applicable to both Muslims and Christians (Rishmawi, 1988).

The British Mandate ruled over Palestine until the 1948 war, which resulted in the creation of the state of Israel and the partition of Palestine into three regions: the state of Israel, the West Bank and the Gaza Strip. The West Bank came under the jurisdiction of Jordan and Egypt took over the administration of the Gaza Strip (Wing, 1997). Each area was then subjected to a different legal system. In the area of family law, both the West Bank and the Gaza Strip had two distinctive legal systems, based on Jordanian and Egyptian family laws respectively. For example, while the legal age of marriage for women in the West Bank was set (and remained) at fifteen years of age, in the Gaza Strip the legal age was set at twelve years (Rishmawi, 1988; Robinson, 1997).

June 1967 marked the beginning of a new era in Palestinian history with the Israeli occupation of the West Bank and the Gaza Strip. Under Israeli occupation, the Palestinian people in general, and women in particular, were unable to exercise their rights to enact legislation that could contribute to the social development process. Thus there were no changes to those measures and institutions developed by the previous occupying authorities, including the Jordanian laws (Rishmawi, 1988). The Israeli military occupation maintained the rigidity of the previously existing divergent systems of laws in the West Bank and the Gaza Strip;

the West Bank continued to use a continental system related to the French legal system, while the Gaza Strip had a version of English common law.

In 1988, for the first time after almost 21 years of occupation, the Palestinian leadership declared an independent Palestinian state in exile. In the statement of the "Declaration of Independence" (November 1988), the leaders called for a Palestinian state where men and women could enjoy equal rights under the law. This was the first political statement made by the Palestinian National Council (PNC) that paid attention to possible equality between the sexes and the closing of the gender gap. Again, the Declaration of Principles of 1993, otherwise known as the Oslo Accords, signed between the Israeli government and the Palestinian Liberation Organisation (PLO), adopted a non-discriminatory framework and affirmed equal opportunities for both sexes (Wing, 1997). In 1994, the General Union of Palestinian Women, as part of its campaigning efforts to secure legal equality for women, published a "Declaration of Principles on Palestinian Women's Rights", known as the Women's Charter). It laid out a general provision on civil rights and stated that "the law should stand next to the woman to protect her family from violence and practices that infringed on any of her guaranteed rights by guaranteeing her right to go to court as a citizen with full rights" (Declaration of Principles on Palestinian Women's Rights, 1994). Under the Palestinian constitution passed in 1996, women enjoy equality with men in all spheres of public life, at least in principle.

Constitutional rights, however, do not always translate into legal reality. The legal reality for women in the Occupied Palestinian Territories (OPTs) means that women victims are not only exposed to the external oppression of the outside occupation forces, but also to the multiple burdens of the customary and Islamic heritage. Customary practices predate the introduction of Islam in the seventh century, yet current customs and Islam mutually influence each other in a way that ensures the oppression of women (Wing, 1997). One of the major threats to women, in their efforts to gain legal equality, was the rise of reactionary Islamic movements, which have gained considerable momentum in recent years in Palestine. These reactionary forces have sought to limit women to home-based activities, the most important of which are childbearing, childrearing, care of elderly family members,

management of the household and attendance to the husband's needs. Women are allowed to participate in other activities only to the extent that such undertakings do not detract from their primary duties as mothers and caregivers. This view of women's abilities arises from traditional and religious patriarchal stereotypes that depict men as rational, strong and decisive, while women are portrayed as emotional, weak and compulsive (Abdo, 1999; Azzouni, 1998; Wing, 1997).

Working its way through the maze of legal system in the OPTs, this chapter examines the customary and Islamic laws that impact on the lives of women. The chapter is organised in four sections. The first section discusses gender and legal reforms in the OPTs in recent decades. The second section discusses customary law, honour killings and personal status laws. The third section deals with issues of marriage and divorce and gaps between the legal text and practice. The chapter concludes with a set of remarks outlining the challenges ahead for Palestinians in this legal sphere.

Gender and Legal Reforms in Palestine

To further understand any gender and legal reforms in the OPTs, these reforms must be placed within the historical religious context. One cannot neglect the impact of religion on the jurisdictional realm, particularly on family law, for it is precisely within these religious codes that the position of women is defined as legally and socially subordinate to that of men. The religious influence and defining of the codes have allowed the subordinate status of women to be legitimised because the source is divine, thus making it especially difficult to bring about legal reforms to achieve gender equality (Khader, 1999).

Islam became integral to the Arabian Peninsula in the seventh century with the introduction of the Islamic *Shari'a*. At that time, the *Shari'a*, with respect to women's rights, was a substantial improvement over the customary laws that were in operation at the time. For example, Islam gave women an independent legal personality, allowing them to own and inherit property (Moors, 1995). The *Shari'a* restricted polygamy to four wives, and prevented women from marrying more than one man at the same time.³ The *Shari'a* also permitted women to obtain divorces on certain grounds,⁴ and provided them with financial maintenance in case of divorce, and a higher financial compensation in

the case of unjustifiable or arbitrary divorce. In this latter case, the woman is entitled to additional financial compensation besides the one year alimony and it is up to the *Shari'a* judge to determine such compensation (Moors, 1999). While these rights may not currently appear significant, historically they compared quite favourably with other cultures including the West (Al Alami and Hinchcliffe, 1996; Moors, 1999; Welchman, 1990, 1999).

Several studies have recently attempted to analyse the effect of family law on women's social status in different historical periods (Moors, 1995; Tucker, 1998; Welchman, 1990). During the Ottoman period, *Hanafi* law was the official school followed by the Islamic *fuqaha'* (jurists). The *Hanafi* system was codified as the Ottoman Law of Family Rights (1917) and applied during the British Mandate. When the West Bank fell under Jordanian control, they applied the Jordanian Law of Family Rights of 1951. In 1976, the Jordanian Law of Family Rights was ratified and replaced by the Jordanian Law of Personal Status (JLPS). Although the West Bank had been under Israeli occupation since 1967, the Jordanian Law of Personal Status was adopted and applied to the Palestinian Muslim population and jurisdiction was held by the *Shari'a* courts (Moors, 1999). In the Gaza Strip, the Egyptian Law of Family Rights (ELFR) has been applied since 1954, and remained in place until 1994 when the PNA took over the responsibility of the legal system. The ELFR of 1954 has continued to be applied in the Gaza Strip in its original form, irrespective of the amendments made to the law by the Egyptian authorities since that date (Welchman, 1999).

One aspect of the legal reform enacted in 1976 by the Jordanian authority and later applied to the West Bank was related to the legal age of marriage. According to the *Hanafi* School of Jurisprudence, in place in Palestine at the time, the age of marriage was set at puberty,⁵ allowing for marriages of minors – girls at the age of eleven and boys at the age of twelve years – who were unable to consent to the marriage. The new Jordanian legislation of 1976 set the minimum age of marriage as fifteen and sixteen for girls and boys respectively. However, the formulation in the codified law undermined the strong position which classical *Hanafi* law had previously given to women. Women up to this time had had the ability to give themselves in marriage without the consent of a marriage *wali* (guardian). The reforms of 1976 stated that the consent of the *wali* must be obtained for women marrying for the first time, which resulted

in disputes over consent in cases where the *wali* withheld consent, being for the *Shari'a* judge to resolve (Welchman, 1990).

The reforms of 1976 expanded the very limited grounds which had been allowed in the Jordanian Family Law of 1951 on which a wife could apply for divorce, to include non-maintenance by the husband and abandonment for one year.⁶ Nevertheless, all such divorces were considered revocable, and as such they continued the practice of the Ottoman era which allowed women to apply for a divorce, but also stipulated that the divorce was conditional and could only be granted if the husband agreed. If the *Qadi* (Judge) in the family court deemed that the husband mistreated his wife, then the woman could be given a divorce with full financial rights. If she was the one to blame and wanted a separation without there being sufficient provocation, then it became *khula'* (repudiation) and she lost all her financial rights. In certain cases, a woman had to pay her husband some compensation.

With respect to unilateral divorce by men of their wives, the 1976 legal reforms gave women the right to protest the divorce in front of the judge, and in cases where the judge deemed the divorce to be "arbitrary", husbands were obliged to pay maintenance for up to one year; maintenance otherwise was limited to a three-month waiting period. Mothers' custody rights were extended from seven and nine years for boys and girls respectively, to the onset of puberty, which was later defined as eleven years for girls and nine years for boys (Welchman, 1999).

Although these reforms were enacted under the pretence of improving women's status within the family, they were a far cry from promoting gender equality or improving women's status. Male unilateral divorce was barely restricted by these reforms. Women's discomfort or their emotional or physical injury alone were still not considered valid reasons for women to request a divorce. Polygamy was also not subject to restraints. Hence, some of these reforms were not considered to be substantial improvements over previous law (Tucker, 1998), and it has been suggested that these reforms, while attempting to enhance the equality between spouses, resulted in a widening of gap between men and women and the scales being tipped in favour of men. For instance, husbands were granted the right to stipulate certain conditions in the marriage contract, previously a privilege exclusive to women. In addition, the law provided additional grounds for men to ask for a separation

rather than a divorce through the courts. Entering into a separation arrangement rather than a divorce severely limited men's financial obligations toward their wives (Welchman, 1990).

In 1994 as a result of the establishment of the PNA with limited sovereignty, Palestinian society entered into a new and significant phase of its history. In 1996, for the first time ever in Palestinian history, general elections for the legislative council were carried out and legislative and executive powers were transferred to the Palestinians. However, the terms of the peace agreement restrict Palestinians' abilities to promulgate laws and develop independent, stable legal and political systems and institutions. According to Article XVIII, Section 4 of the Agreement:

Legislation, including legislation which amends or abrogates existing laws or military orders, which exceeds the jurisdiction of the Council or which is otherwise inconsistent with the provision of the [Declaration of Principles], this agreement, or any other agreement that may be reached between the two sides during the interim period, shall have no effect and shall be void *ab initio* (Farsoun and Zacharia, 1997: 270–271).

Additionally, the PNA has an observer status with the UN and is not internationally recognised as a sovereign state. As such the PNA is not legally bound to sign or ratify any international conventions, neither is the PNA requested to submit any reports to the international committees mandated to monitor compliance with these conventions (Women's Centre for Legal Aid and Counselling, 2001). Despite the inability of the PNA to sign and ratify international conventions, the PNA has unilaterally committed itself to abide by the instruments of international law (Women's Centre for Legal Aid and Counselling, 2001). Article 10 of the Palestinian Draft Basic Law states that:

...human rights and fundamental freedoms must be respected and protected and the PNA will work without delay to become party to international instruments for the protection of human rights.

To translate this commitment into a legally binding obligation requires efforts towards the future ratification of international instruments without reservations. However, the battle for legal equality has been obstructed in recent times because of the rise of Islamic fundamentalism in Palestinian

society and the re-emergence of the tribal system and the customary laws. Consequently, in social terms very little progress has been made. Notions of *sharaf* (the wider sense of honour) and *ird* (a clan's and man's honour bound by the sexual behaviours of the women in his family) still apply to enable the man to control areas of women's lives (Huntington et al., 2001).

The Maze of the Legal System in the OPTs

An analysis of the legal system is not an easy task because of the influences of both the customary and religious heritage. The synergistic relationship that has long existed between customary and Islamic laws makes the task of distinguishing one from the other a very difficult one. Much of what is considered Islamic today is indistinguishable from seventh-century customary law, which predates Islam. Examples are the custom of honour killing and blood price. Colonial law has also impacted both on Islam and custom, as I will discuss in detail below. Hence, the present legal situation is the result of the interaction of those three forces (Wing, 1994), and is the amalgamation of customary and religious laws, Ottoman, British, and Jordanian and Egyptian laws, and Israeli military orders, together with the new developments (i.e. the election of the Legislative Council and attempts to unify the legal system in the West Bank and the Gaza Strip) in the years since the Oslo Accords.

Customary Law

Palestinian customary law, known as *urf*, is an ancient legal tradition. It handles disputes outside the official civil or religious courts. Customary law or *urf* deals with grievances on the basis of traditional oral customs and norms, and covers a range of disputes and offences, from minor disputes between neighbours to blood disputes involving crimes or accidents resulting in deaths. Through reconciliation and arbitration, *urf* settles disputes while upholding the ideology of family and clan honour (Moors, 1999; Peteet, 1987).

Urf has its own set of rules and traditions. When a dispute or an offence occurs, older male members of different clans are called to task and a customary court or *jaha* is set up to deal with the offence. The *jaha* includes elderly male family members of both the victim and offender and respected community leaders. The *jaha* listens to details of

the dispute, calls witnesses and then passes a ruling. The *jaha's* ruling is decisive and must be carried out at the risk of social persecution. The ruling often involves payment of monetary fines to the plaintiffs, even when the dispute involves death or blemishing of the honour of the clan. Cases of offences involving women employ a broad range of possible compensation because women are considered critical to the maintenance of the clan and family honour. In the *urf's* tradition, an offence committed by a man against a woman is considered an honour offence or *qadiyat ird*. Depending on the nature of the offence, the *urf's* judgement in *qadiyat ird* can involve money, which can run into thousands of Jordanian dinars,⁷ or reconciliation. In the case of verbal offences of a non-sexual nature, a public apology to the family or the clan of the woman might be deemed satisfactory to restore the blemished honour of the family. In cases that include sexual, physical violation, and/or contact, several other factors are considered. Penalties differ for offences depending on whether fondling occurred through the woman's clothing or clothing was removed. Also important is the distance from the woman's home that the violation occurred. If the violation was considered the woman's fault (this is established through witnesses, and/or the proximity of the offence to the woman's own home/work), the men in her dishonoured family are justified in meting out appropriate punishment. It is rare for women to be considered innocent in cases of sexual assault, rape or adultery. Whether consensual or otherwise, women are found to have dishonoured their families if intercourse occurred outside marriage. Honour killing is not uncommon as the appropriate punishment to restore the family's honour (Bendt and Downing, 1980).

Honour Killing

Honour killing is based on the Arabic concept of patrilineal group honour, which is bound up with the chastity of its daughters. Because a Palestinian man not only represents himself but also his clan, he must act not only to preserve his honour but the honour of the clan so that the group is not disgraced. Those who bring shame on their kin are dishonourable and honour can only be reclaimed through punishment (Barakat, 1993; Glazer and Abu-Ras, 1994; Ruggi, 1998; Taraki, 1996).

The most important facet of honour is related to the sexual conduct of women, and this is reflected in the Arabic language itself. As

noted earlier, in Arabic *sharaf* describes honour in its broadest sense. *Ird*, another word for honour, refers exclusively to the sexual conduct of women. If a woman is “immodest” sexually or has been sexually assaulted, then she blemishes the *ird* of her family and the clan. Such conduct warrants killing (Al-Khayyat, 1990; Ruggi, 1998; Taraki, 1996). Murdering a woman under the rubric of honour is sanctioned not only by religious and social norms and cultural values, but also by the prevailing legal system. For instance, in the Jordanian Penal Codes of 1960, code 340 (the same penal codes still being in operation in the Palestinian territories, especially the West Bank), the maximum sentence is six months for killing a daughter, sister, mother or wife in order to regain family honour. In Gaza today, a man who kills a woman and claims that he is protecting the family honour may be sentenced to a maximum of two years in prison. Kahaled al-Kidra, the former Palestinian Attorney General in Gaza, defended the short sentence as a way to balance tradition and justice. “The law is applied to protect the society,” he said. “Society considers a man who commits this crime a hero” (as quoted by Ruggi, 1998:3).

Legalised Killing

To understand how the sexual behaviour and conduct of women is controlled and constrained in Palestinian society, one must understand the legal environment existing in the society as well as the social and cultural context. This section analyses the legal text (Al-Thae’her, 1980). As noted earlier, in the West Bank both the criminal and the personal status laws are Jordanian. They were adapted from Lebanese Law, which in turn was based on the French Law of 1807. Although the Jordanian Criminal Law of 1960 witnessed a series of amendments, these amendments were not implemented in the OPTs (Abdo, 1995). However, amendments to the JPSL continued to be applied in the West Bank since the religious authorities continued to be part of the Ministry of Religion in Jordan.⁸

Sexually based crimes or acts committed against women are considered to be a social and collective loss. This means that once sexual abuse becomes public knowledge, the society perceives the crime as being directed against the collective morality of the society, which requires a collective response. In this sense, it is codified in the Criminal Penal Code as a separate section under the heading “Crimes and Violation

Against the Public Propriety and Morality". Crimes and violations of public propriety and morality include rape, incest and adultery.

Furthermore, violence of a sexual nature committed against women is a crime against society, in which the perpetrator (the man) has control in the power structure. While the law attempts to protect the interests of victims, in effect it supports and legitimises the dominance of men in the society leading to the re-victimisation of the woman. The law, for example, identifies the persons who may file charges under this section as "any male relative to the fourth degree of the female victim" (Al-Bakary, 1995). This give rise the question: would a father, brother, cousin and/or husband file charges if he were the perpetrator? This creates the situation where the woman is vulnerable to subsequent abuse, particularly when her assailant is a member of her family who is entrusted by the law with the responsibility of litigation on her behalf.

Traditionally, if the family of the woman whose honour has been offended decide to take a legal course of action to revenge its honour, then the woman is spared from the death sentence but instead falls victim to the injustices of the legal system. For example, Article 308 of the Criminal Penal Code deals with rape cases by stating that, "charges and subsequent legal actions will be dropped against the rapist if he marries the victim. And the Public Prosecution Office reserves the right to reactivate the charges, if the offender divorces the victim within the first three years of the marriage" (Al-Bakary, 1995:111). In this case the woman suffers triple victimisation. Firstly, she is sexually assaulted and raped. Secondly, she is victimised not once, but twice by the legal system: which denies her the right to seek help and protection as a legal independent identity, and then forces her to marry her rapist, allowing him to violate her legally for at least three more years. Hence, the rapist is rewarded with free access to his victim with a compulsory term of three years, while the victim is given a life sentence with hard labour!

When both men and women commit adultery while married, the law views the seriousness of the offence according to the gender of the offender. According to Article 284 of the Criminal Penal Code: "Adultery charges can only be brought about by the husband or the male guardian (if there is no husband) at any time as long as they are still married, and up to four months after the divorce has taken place. Only the wife can file charges against the husband, and only while they are married; once divorced, the case and all subsequent charges will be

dropped” (Al-Bakary, 1995). Women consenting to be involved in a sexual relationship outside the boundaries of the legal institution of marriage are considered adulteresses and will be punished, either by honour killing or imprisonment. Consistent with the ideology of honour and shame, the preferred punishment for an adulteress woman is that she be killed to reclaim the family honour. However, the only time men might be punished is if, while married, they get involved in a sexual relationship with someone other than their wives. That said, the law provides them with a legal method of evading punishment. Once the marriage ceases to exist all traces of the crime cease to exist with it. Dissolution of marriage is easy given the fact that divorce in the OPTs is unilaterally the male’s prerogative.

Additionally, according to Article 340 of the Criminal Penal Code, when and if a man catches his wife or any of his female relatives in the act of committing adultery and kills her and her accomplice, then the crime is classified under “honour killing” and the man will be given a reduced sentence. Women who kill their husbands or any other male relatives in similar circumstances are not allowed to benefit from this condition, because honour is a masculine concept related to the protection of women by men (Al-Thae’her, 1980).

Personal Status Law

In the OPTs, family law, otherwise known as Personal Status Law, has been exclusively governed by the Islamic *Shari’a* courts since the eighteenth century. Personal Status Law is responsible for issues such as marriage, divorce, child custody, alimony and inheritance. Today, *Shari’a* courts do not automatically interpret personal status matters according to Qur’anic sources, but rather refer back to the Jordanian Personal Status Law (JLPS) of 1976 for the West Bank and the Egyptian Law of Family Rights of 1954 (ELFR) for the Gaza Strip, as noted earlier. The legislation in both cases is based upon the *Hanafi* School of Jurisprudence. In theory, personal status laws are based on legislation put forth by the civil authorities. However, in practice, *Shari’a* courts govern these legislations. Hence, Palestinian personal status laws and Islamic laws are two faces of the same legislation, governed only by the *Shari’a* courts⁹ (Welchman, 1990, 1999).

To further clarify the situation, *Shari’a* laws are the result of the interpretation of Islam. There are three main sources of interpretation

for Islamic jurisprudence and theology. The Qur'an is considered the primary source, and it is called the *Sunna*. The sayings and teachings of the Prophet Mohammed, the *Hadeeth*, are considered the second source and are authenticated by the consensus of religious thinkers and leaders. The third source is comprised of the methods of inference and analogy of the *fiqh* (jurists of Islam), which is *ijtehad*. The last two are the main valid sources for the *Shari'a* laws and are utilised as being complementary to the Qur'an in all questions relating to matters of personal status (Al-Saadawi, 1982). In the OPTs, personal status codes continue to be based on the conservative *Shari'a* laws of the *Hanafi* interpretations of both the Qur'an and the Prophet's teachings, and hence continue to discriminate against women, particularly in areas such as marriage, divorce and inheritance (Moors, 1999; Welchman, 1990, 1999).

Marriage: Between the Legal Text and Practice

As noted earlier, the age of legal capacity for marriage as stipulated by the JPSL of 1976 is fifteen years for females and sixteen for males in the West Bank. In the Gaza Strip, the ELFR of 1954 sets puberty for boys and girls as the age of legal capacity for marriage, translated to nine years as the minimum age for girls and twelve years as the minimum age for boys. In 1995 the Palestinian *Qadi al-Quda* (Supreme *Shari'a* Judge) issued an administrative order increasing the minimum ages of marriage in the Gaza Strip in line with those on the West Bank, thus unifying Palestinian standard ages of marriage (Welchman, 1999). The age of legal capacity for any other contract besides marriage is stipulated by the law as being eighteen years for men and women. Consequently, sixteen-year-old men are considered minors and are treated as such in civil and criminal litigation. Thus a sixteen-year-old Palestinian man is not legally qualified to drive a car but is qualified to run and maintain a family!

Marriage Arrangements

As far as the age of marriage is concerned, the law discriminates between men and women. It disadvantages women by setting the legal age for marriage at fifteen, allowing their families to marry them off at an earlier age than men. Women interviewed explained that their families believed that girls should not be left single long after puberty. Salwa noted that:

My cousin, who was twenty-eight years old, asked for my hand... At the beginning I did not agree, but later I agreed. They, my parents, persuaded me... I was not against my cousin, but I did not want to get married because I thought that I was too young to get married, I was only fifteen years of age, and when I told them that, they said, *betakbereh e'hnid joozek* (you will grow up at your husbands' house). (Salwa)

Leila explained:

I was married at seventeen years so was not young at all. My cousin, who is of the same age as I, got married at fifteen years, two years before I did. My father would have married me off at younger age but I did not get any marriage proposals. He used to say it is better for girls to get married when they are young and when they do not have much life experience. (Leila)

Marriage should be a contractual arrangement between two adults. In theory, both the bride and the bridegroom should give consent. However, under the Islamic concept of *qawama* (guardianship), a woman marrying for the first time must obtain the consent of her closest male relative from her father's side, regardless of her age, and she must have her *wali* (male guardian) present to contract the marriage. In a case where a male guardian cannot be present or there is no male relative, the *Shari'a* judge may act as the guardian. The marriage contract can be signed with or without the woman's presence (Welchman, 1990, 1999). While the terms and conditions set forth by the law could be viewed as major impediments to women giving their free consent to marriage, the cultural and social practices also critically compromise women's freedom to consent to marriage. In the OPTs, customarily, signing the marriage contract is a social occasion requiring some kind of celebration. Some families, due to their social or economic situation (for example, the bride and groom residing in different countries¹⁰), bring the *Shari'a Sheikh* to the engagement party and contract the marriage then, saving themselves further costs.

Others, particularly from remote villages where there is no *Shari'a* court, take this opportunity to travel to the city with other family members, first to contract the marriage, and secondly to purchase the *jihaz* (trousseau) for the bride, which usually includes jewellery, clothes and furniture. For that purpose, female family members such as the

mother, an older aunt or a sister of both the bride and the groom may join the party (Haj-Yahia, 2000b). Some of the women interviewed described signing the marriage contract as nothing more than just another social event in the marriage arrangement, rather than an opportunity to express their wishes:

When I had the chance to say no I could not. I could not have said no in front of the judge. I swear my father would have killed me then. Anyway, *Kateb ketabee* (the signing of the marriage contract) was on the same day as the engagement. (Elham)

Suheir explained that:

At the time, when they wanted to sign the marriage contract, my grandfather came and asked me if I agreed, I could not say no, even if I wanted. I could not even look my grandfather in the eye. So I only nodded my head in agreement, and they did everything for me. (Suheir)

Others referred to the process of giving consent to the marriage contract as a natural progression of their approval of the marriage, and explained that the signing of the contract took place even when they were not present. Three women explained their own experience:

No, I did not go to the *Shari'a* court with them, my brother and my uncles went and they contracted my marriage. I did not go because all of them were men and there was no use for me, and my brother was my *wali*. He has been my guardian since my father died. So he signed the contract for me. (Fadia)

Hala added:

I went with them to the *Shari'a* court but my uncle was my *wali* because my father was not present... No, I did not sign the *wakalah* (power of attorney) for my uncle, there was no need, the judge asked me if I agreed to my uncle signing the contract, and I said yes. (Hala)

Amal explained:

Even on the engagement day, I was surprised that the *Sheikh* (i.e. the *Sheikh* from the *Shari'a* court) was present. I did not know what was going on. I entered the room and signed the marriage contract, no questions asked and no explanation was given. I signed and went on to the wedding hall. And this was all. I was married. (Amal)

Marriage in the OPTs is a legal contract and requires the consent of the two adults, the bride and the groom, but it also has terms and conditions just as any other contractual agreement. It is based on the wife's consent to give herself and her services in return for the *mahr* (marriage dowry), while the husband consents to give a dowry and receive the woman and her services (al-Dawalibi, 1998). In the marriage contract, women have the right to specify their *mahr* as a sum of money, furniture and jewellery, and sometimes a right to property. *Shari'a* stipulates that the woman must receive the *mahr* herself. However, the *wali*, be it the father or other male relative, is also authorised to receive the *mahr* on behalf of the bride. As one woman explained:

My father took the money of the *mahr*. It was not appropriate for me to receive the *mahr*. The discussion over the *mahr* is done in a gathering of men and it is paid then. So it is fine. My father took the money, and gave it to me to do whatever I liked with it. (Haifa)

In general, however, women are prevented from taking part in the marriage arrangement including matters related to the *mahr*. This is usually a task performed by the male relatives of the bride and the setting of and receiving of the *mahr* becomes an integral part of the marriage approval ritual. These women had no say in the amount of the *mahr* or how should it be spent. Two examples illustrate these points:

I did not have any role in these discussions. My father agreed with my husband on the *mahr* and everything without consulting me. The *mahr* included everything; the gold and the whole wedding expenses. It was 1000 Jordanian Dinars. We went – him, his mother, my mother and I – to pick the jewellery and it was mostly his mother who chose things and I didn't argue. (Amal)

Randa stated:

My marriage arrangements were simple. They agreed on the *mahr* with my father and paid it to him. My father then gave the money

to my mother. My mother asked my aunt and my mother-in-law to come with us. We went shopping, and they, I mean the women, chose everything and I just tried things for size. I did not have anything to do or to say. (Randa)

Mahr is intended to provide financial security for women, since they are not allowed to work outside the house without their husbands' permission. In any case of inheritance, a woman gets half the share of a man and she can be deserted and divorced without warning. Because of this, the *mahr* is divided into two parts, the first part is paid before or at the time of the contracting of the marriage, and the second part is deferred to be paid in the case of unjustifiable divorce. Hence, the advanced funds of the *mahr* are meant to provide women with some financial security within marriage, while Islam protects women against destitution if divorced through the funds of the deferred *mahr*.

Many families spend the money of the advanced *mahr* on the wedding preparation and jewellery. Some families might even retain some or all of the *mahr*. One woman interviewed explained how her brother was only interested in getting "her price":

My brother was not only cruel but was also greedy. I swear to God as soon as he saw the money he went blind, he received my price from the groom. He took a very high *mahr*, and took it all to himself, and did not buy me anything, not clothes nor gold, nothing. He took all the money for himself. So after he got the money he came to me and said, "Listen I do not have girls who have an opinion, you will marry him and that's it, if you do not then I will kill you and cleanse my honour." (Siham)

Women may also have to forgo the right to the second part of the *mahr* if they file for divorce. As one woman explained, she had to forgo all her rights and even had to give back the jewellery and clothes her husband had bought her, in return for her freedom.

I filed for a divorce in the *Shari'a* court. I have forgone everything; the *mahr*, the deferred *mahr* and my clothes and the jewellery. I did not want a thing except to get a divorce. I was the one who wanted the divorce at any cost, so I had to give him back everything he got for me. (Mona)

Divorce Rights and Arrangements

The *Shari'a* permits the husband to unilaterally divorce his wife with no judicial action; that is *talaq* (divorce). The social status of a woman can be instantly transformed from a wife and a mother to a divorcee. Divorce starts as a revocable event. Husbands can state their intention to divorce their wives through three separate revocable incidents without fully terminating the marriage just by the oral announcement "I divorce you". With the initial oral announcement, the wife enters into a state of being not legally married, though not free of the marital obligation to her husband. She must wait three months – the *iada*: a three-month waiting period during which her husband can decide to resume the marriage at any time – before she can remarry. The divorce becomes final only if he states the intention to divorce her three times on three separate occasions or if the three-month grace period, the *iada*, expires without him announcing that he would like to take her back. When a husband divorces his wife she has to leave the house since it belongs to him. Thus, by a simple utterance of words a woman enters this liminal state of being neither (or both) married and divorced for an indefinite time. For the husband to take her back, he needs to get absolution from a religious leader, although not necessarily the *Shari'a* court judge.

The oral announcement of divorce may take two different forms. For example, the husbands could announce that "I swear you are forbidden (sexually) to me", or "I swear I divorce you". This is known as "taking an oath". The first phrase carries a lighter weight than the formal phrase of "I divorce you". In the latter case, a woman has to leave the house, without entering into the three months *iada*. The only limitation on this announcement is that the husband can only use it on three separate occasions. Otherwise, he has to replace it with the formal annunciation of divorce, that is, "I divorce you", changing the indefinite abandonment to a period of a further three months (Al-Thae'her, 1980), and by this she enters into the three-month *iada*. In the OPTs, it is common for a man to take an oath as a way of threatening divorce when the wife disobeys him or he is displeased with her in any way. As one woman said:

I never leave the house upset except when he *halif yameen* (took an oath to divorce me). I had no choice but to leave. He took an oath against me twice, the first time we were arguing and I talked

back to him so he took an oath. I left the house and went to my father's house and then he took out a *fatwah* (an absolution). The second time again we were arguing and I talked back at him and again he took an oath against me. I went to my parent's house and he took another absolution. He went to the *Sheikh* and told him what happened, the *Sheikh* ordered him to do a good deed like feeding ten poor people. This was the last time my husband took an oath because the *Sheikh* told him if he did it for a third time, he must divorce me. (Elham)

The wife is entitled to alimony to meet her basic needs, but this is not paid until the divorce is final. The *Shari'a* provides resources for women in case of arbitrary divorce, and it is left to the *Shari'a* judge with whom the husband registered the divorce to decide on the nature of the divorce. If the judge thinks that the divorce is arbitrary, he can order compensation amounting to one year's alimony. However, the judge has no authority to revoke an arbitrary divorce since this is the exclusive right of the husband (Al-Thae'her, 1980).

Although men have a monopoly on divorce, the 1976 JPSL gave women legal rights to file for divorce under certain circumstances. The grounds for divorce include: impiety, incurable skin disease, sexual disease, mental disease, desertion of more than one year, inability to pay the *mahr* or provide maintenance, and the inability of a wife to live with a husband (Al-Thae'her, 1980). Granting the right to file for divorce does not lead to the granting of the divorce itself; it only gives women the right to complain about the marital arrangement and voice dissatisfaction. For example, if a divorce is requested on medical grounds, the husband is given one year to obtain medical advice and treatment. The divorce is only granted if the husband does not recover after a year. Similarly, if the woman files for divorce on the grounds of mistreatment – which could include violence – the process entails, in the first instance, an attempt at reconciliation. Three formal attempts must take place over the duration of three months. If these efforts fail, then a woman can be divorced and thus enter the three months *iada*. During this period, the husband reserves the right to resume the marriage. After the three-month *iada* passes, and once the divorce is final, the couple enter into custody negotiations for the children. The intention behind the custody legislation is to keep the children with the paternal family. The law does however provide the mother with

automatic temporary custody of the children until they reach puberty, specified as eleven years for girls and nine years for boys. However, the mother loses custodial rights if she remarries (Al-Thae'her, 1980).

A notable feature of the *Shari'a* is that it allows women entering marriage to make certain stipulations within the marriage contract for obtaining a divorce without judicial process. For example, she can stipulate that polygamy is grounds for divorce, or that she has the right to work, live in a certain area or specify her housing conditions. Palestinian women frequently refrain from claiming the rights they are entitled to under the law, however, this is not necessarily an expression of their subordination or oppression, but rather a matter of trading one right to gain other, more important benefits (Moors, 1995; 1999). According to Moors, women from the Nablus region "rarely turned to the courts to claim the remainder of their prompt *mahr*" (p. 102). They would do so only if the husband did not fulfil his obligations to provide adequate housing and maintenance. This study showed that women preferred to give up some of their marital rights, convinced that this sacrifice would morally strengthen their position within the husband's family. Similarly, women would not turn against a male relative who retained a considerable part of the *mahr* (a practice both illegal and wide spread). This would mean that women could return to their father's house in case of marital problems: "Turning against their male relatives would weaken rather than strengthen their position vis-à-vis her husband and his kin" (Moors, 1995: 97) and with her family as well.

Challenges Ahead

Political developments in the West Bank and the Gaza Strip, as a result of the Oslo Accords, established the Palestinian National Authority (PNA) as the central political authority in parts of these territories, which was to be expanded with progress in the peace process. One of the first constitutional undertakings of the PNA was the election of the Palestinian Legislative Council (PLC) in 1996. The PLC raised public discussions regarding constitutional and legal rights under the newly established authority. At the same time, Palestinian women's organisations viewed the formation of the PLC as a positive step towards the institutionalisation of women's rights through legislation. These organisations were aware of the powerful construction of gender in

every national project and the power of the state for transforming legal reality. They considered the legislation of the PLC and its implications for women's status as the key areas in which women's future status would be determined. The transitional status of the PNA and the lack of unity in the laws applied to Palestinian society were considered by women as windows of opportunities for influencing the constitution in the emerging Palestinian state (Jamal, 2001; Hammami and Johnson, 1999; Hilal, 1998; Kandiyoti, 1991b).

Women began to organise campaigns around constitutional and legal rights. In 1994, women drafted the Women's Charter as a response to the draft of the Basic Law. The fact that the Basic Law referred to *Shari'a* as one of the main sources of legislation in the PNTs made the Personal Status Law even more threatening to women's rights. In his response to the Women's Charter, the PNA President, Yasser Arafat, noted that he would ratify the Charter only if it did not conflict with *Shari'a* law (Azzouni, 1999; Jamal, 2001). Arafat's position was articulated in a telegram sent with Mrs Intissar Al-Wazir, the Minister for Social Affairs, to be read in front of the audience at the women's conference held in Jerusalem in August 1994.

Another campaigning project organised in 1998 was "The Model Parliament: Women and Legislation". This Model Parliament (MP) was a joint project of all the different women's organisations and women's research centres (Jamal, 2001), and was an attempt to open up public debate around legal issues affecting women's status, such as women's labour, social affairs, education, and criminal and personal status laws. The main aim for the MP, as defined by its initiators the Women's Centre for Legal Aid and Counselling, "was to achieve equality and abolish women's oppression and to eradicate discrimination in the law as well as to formulate the amendments and adopt them for the sake of women's rights seeking the good will of the family and society" (The Model Parliament: Women and Legislation, 1998). The MP aimed "to pass Palestinian legislation that ensures equality based on human rights for Palestinian women, as well as their participation in building a civil society based on justice, equality, respect for human rights and [the] rule of law" (The Model Parliament: Women and Legislation, 1998).

One of the main forces behind the MP was women's fear of the traditional and masculine implications of the dominant national discourse and its impact on the process of state building. This fear was

manifested in the intense discussions regarding the Personal Status Law, which related to issues such as age of marriage, dowries, polygamy, maintenance, divorce, custody, alimony, paternity and inheritance (Othman, 1998). MP participants were aware that amending personal status law depended largely on the power relations in the PA and their relationship with the Islamic movement, hence, three different views reflecting different schools of thoughts were involved to achieve the required amendment to the personal status law. Some women participants were of the view that, in order to achieve gender equality, personal status law should be of a civil nature and be applied in civil courts. Others endorsed the *Shari'a* and stated that the amendment of personal status law was a religious matter and should be left to the religious authorities. A third trend adopted a middle position, endorsing the *Shari'a* Law, while advocating its reform, pointing out that there was no single Islamic personal status law, and that there were significant theological, legal, institutional, cultural and sociological differences among and within Muslim communities (Jamal, 2001).

Women used the final recommendation of the MP to lobby individual members in the PLC, and were able to convince the Chief Islamic Justice of the OPT (Qadi al-Quda) to incorporate important safeguards in his draft of the family laws including unifying the age of marriage for both men and women to eighteen; curtailing (not abolishing) men's right to polygamy; granting easier access for divorce for women through *khula* (no-fault divorce), additional grounds for divorce to include "irrevocable differences"; equal division of wealth acquired during marriage; provide compensation for women and their children who could prove that their husbands arbitrarily divorced them; and a state fund to pay maintenance for women and their children. Qadi Al-Quda did present his draft of the family law, including these revisions, to the Palestinian Ministry of Justice, but the Ministry is yet to submit the draft to the PLC for consideration. (In 1998, then-President Arafat asked Taysir al-Tamimi, the Chief Islamic Justice of the OPT, to start preparing a draft of a unified Palestinian Family Law).

Following the conclusion of the MP,¹¹ Palestinian women mobilised the legal and human rights communities to draft a personal status law to be presented to the PLC for consideration. The new bill included major changes particularly in the areas of marriage and divorce. It suggested that the legal age of marriage should be increased to eighteen, and called

for further regulation over divorce by the abolition of the husband's unilateral right to divorce. The bill insisted that the courts should arbitrate in all divorce cases, thus granting women legal protection against arbitrary divorce. It also called for the regulation of polygamy by allowing women to obtain divorce in cases where the husband decided to take a second wife. The bill was presented to the PLC for first reading in April 2003. However, PLC members could not agree on the text and the working of the PLC was disrupted by the conflict of October 2000. As a result, the draft has been in limbo ever since. A major question remains over whether the PLC will look favourably on the bill and adopt it in its suggested format or with some amendments. The record of the PNA regarding women's status and rights is not encouraging so far (i.e. Arafat's reaction to the women's charter; affirming the *Shari'a* in the constitution; the affirmation that citizenship is transferred through the paternal line, to name just a few examples), and this has been compounded by the election of Hamas to the PLC.

NOTES

- 1 This is part of the life testimony of a woman at a conference entitled "Women, Justice and Law: Towards the Empowerment of Palestinian Women", which was organised in Jerusalem in July 1994 by Al-Haq, a Palestinian human rights organisation based in Ramallah, Palestine. The original text was in Arabic, which I have translated.
- 2 *Ta'a* is an Islamic Shari'a concept applied in the Christian family courts.
- 3 It was common in pre-Islamic Arabia for a woman to be married to more than one man at the same time (Bouhilil, A. *Sexuality in Islam*. London: Routledge and Kegan Paul, 1985).
- 4 The Islamic teaching maintained that a women could apply for and obtain a divorce for non-maintenance, the absence of the husband for over a year, illnesses and sexual impotence.
- 5 Puberty was set for girls as the onset of menstruation and for boys the appearance of facial hair.
- 6 Similar grounds were granted to the women of Arabia in the early Islamic time.
- 7 At the time of writing, one Jordanian Dinar was equivalent to US\$1.3, and the daily per capita income was less than one Dinar.
- 8 As for the Gaza Strip, after 1967, the *Shari'a* courts became part of the religious department in Jerusalem which was also under the direct supervision of the Ministry of Religion in Jordan. However, in Gaza the Egyptian Law of Family Rights of 1954 continued to apply. Subsequent amendments made to this law by the Egyptian government were not applied in the Gaza Strip.

- 9 Each Christian domination in the OPTs has its own laws and regulation. However, some of the *Shari'a* principles have been adapted by the different Christian family courts, particularly when there is a clear lack of instruction in the Christian faith. For example on matters of inheritance, the Islamic principles apply whereby the share of the woman is half that of her brother. Since divorce is forbidden in Christianity in general, the church has legislated for exceptional divorce in certain circumstances, whereby a man can apply for a divorce. These include: changing of the domination, i.e., from Catholic to Orthodox, and if a man changes his religion from Christianity to Islam. One of the major causes of divorce is infidelity. A husband has only to claim and prove that a woman has gone out alone with another man and that she has seen a man in private, regardless of the type of interaction. In 1976, the Greek Orthodox church amended the family laws in Palestine, to include a stipulation whereby "if the man abstained from or was not able to perform sexual intercourse for one year then the woman could ask for and be granted a divorce". As for the custody of children and other financial rights of the women, the Islamic *Shari'a* principles do apply.
- 10 Due to the existing political situation, many Palestinians left their villages/towns/cities and sought refuge in other countries. Some of them resettled in refugee camps either inside Palestine (i.e. the West Bank and the Gaza Strip) or in the neighbouring Arab countries. Still, inter-family and close relative marriages are very common among Palestinians, even among those living in other parts of the world.
- 11 The Model Parliament held two sessions in March and April of 1998.

RELIGION: THE MAKING OF GENDER IDENTITY



God blesses the spacious house, and the obedient wife.

Palestinian proverb

Religious affiliations in the Occupied Palestinian Territories (OPTs) transcend kinship association and create another set of divisions in society. Both Christianity and Islam provide ideologies that reinforce patriarchal kinship and contribute to the oppression of women. However, the following discussion focuses only on the Islamic context, as Islam constitutes the fundamental socio-cultural and organisational background for Palestinian society. The majority of Palestinians in the West Bank and the Gaza Strip are Muslims, only three percent are Christian. Islam, therefore, has the most significant impact on the definition of gender roles in the society (Abdo-Zubi, 1997). In addition, in Article 4 of the Ninth Draft of the Basic Law for 1995, the Palestinian National Authority (PNA) adopted Islam as the official religion of the State. This has significant ramifications and bearings on legal and social reforms in Palestine. The unique position of Islam in Palestinian society, and in the building of the nation, suggests that a deeper understanding of Islam is a prerequisite for the understanding of the social and cultural factors involved in GBV (Abdo-Zubi, 1999).

Palestine was the birthplace of Christianity, which evolved from Judaism, while Islam, which arose in the seventh century, explicitly identified itself as monotheism in the tradition of Judaism and Christianity and as a renewal of those faiths (Ahmed, 1992). In the fifth and sixth century, preceding the rise of Islam, Byzantium was the dominate power over the Middle Eastern region including Palestine (Rubenberg, 2001). Hence, the Palestinian society prior to the rise of

Islam was influenced by a diversity of cultural traditions including Byzantine, Christian and Jewish traditions. As such, this chapter considers the most salient features of these influences and how they have influenced and continue to influence the status of women, including the perpetuation of GBV in Palestinian society.

The egalitarian Christian ideology pertaining to the equal spiritual value of men and women, the preference of celibacy over carnal unions and the superiority of virginity, were, according to Ahmed (1992: 26) “in some ways subverted ideas fundamental to the reigning patriarchies of the age”. This notion of the superiority of virginity maintains that the mere belief of the superiority of virginity over reproduction enabled a few women to avoid marriage and consequently evade direct male control and domination (Rubenberg, 2001). However, for the majority of Christian women the prevailing Byzantine traditions, which determined their lives, were completely oppressive. Ahmed, in her extensive historical research on Byzantine women, concludes that the traditional values, beliefs and attitudes towards women meant that they should be neither heard nor seen outside their home. Furthermore, while the birth of a boy was received with great joy, the birth of a girl was not, and girls could be given in marriage as early as infancy. She adds that proper female conduct consisted of silence, total seclusion and veiling. While “honourable” women had always to be veiled, prostitutes were not allowed to veil. Christian tradition, the dominant religion during the Byzantine times, was not only egalitarian but also adopted the patriarchal ideas and the religious sanctioning of women’s subordination advocated by its predecessor – Judaism. For example Judaism, in the period around the time of the rise of Christianity, allowed polygamy, unrestricted divorce for men and did not allow women to inherit or play a role in religion (ibid.: 33–34).

Both Judeo-Christian and Byzantine societies were influenced, to some extent, by Greek culture. Greek society, the most direct predecessor of the Byzantine society, had a well-developed system of male domination and female subordination (Rubenberg, 2001). According to Aristotle, women are not merely subordinate by social necessity but also inherently and biologically inferior to men by “nature”. The male, he said, “is by nature superior, and the female inferior, and one rules and the other is ruled” (ibid.: 28–29, on Aristotle as quoted by Ross, 1921). According to Aristotle, “men rule over women as the soul rules over the body and

the mind, the rational element rules over the passionate.” Aristotle even considered female bodies as defective, women being “as it were an impotent male, for it is a certain incapacity that the female is female” (ibid.: 29). Aristotle describes the purpose of marriage, and consequently a women’s role, as to provide a man with heirs. Aristotle further considered the female contribution to the conception process an inferior one, and stated that, “[t]he male contributed to the soul and gave from him to the secretion of the female” (ibid.: 29).

As the Christian church developed, Christian theologians became obsessed with women’s sinful sexuality. For them, women came to symbolise either the temptress Eve (the whore), responsible for man’s fall from Grace, or the Madonna, the sexually chaste virgin mother of God (Brundage, 1987). Women were subjected to either absolute seclusion in convents or nearly total seclusion within their homes, with their only socially accepted roles that of childbearers (Ahmed, 1992). Fathers of the church, such as Augustine, Origen, and Tertullian, revitalised these misogynistic practices (ibid., 1992). For example, Augustine believed that women did not have souls. So when he attempted to provide an answer to the question of why God had created women at all, he concluded that, “I fail to see what use women can be to a man . . . if one excludes the function of bearing children” (ibid.: 36 quoting Brundage, 1987: 85–86). Women, for Augustine, were simply a source of sexual temptation, while for Tertullian, women were merely the gateway of the Devil. He wrote:

You are the Devil’s gateway. You are the unsealer of the forbidden tree. You are the first deserter of the divine law. You are she who persuaded him whom the Devil was not valiant enough to attack. You destroyed so easily God’s image, man. On account of your desert . . . even the Son of God had to die (ibid.: 36 quoting Ruether, 1974: 157).

Consequently, when Islam was introduced in the seventh century, it was introduced into a social context that was already patriarchal. Indeed Islam identified itself with these traditions and incorporated many of the biblical stories, from Noah and the flood through to Mary’s immaculate conception, as well as all of the Judeo-Christian prophets (Rubenberg, 2001). However, both Muslim and Western scholars agree that the introduction of Islam meant reform and progress regarding the status of

women (Abu-Khalil, 1997). Islam proclaims itself as a universal ideology for all people, in all places and all times. For Muslims, it is not only a religion, but also a way of life, and a system of law and jurisprudence. The word Islam means submission, to God and His laws. A Muslim, by definition, must submit her or his will to the will of God.

God the creator and his universe, man and society are all bound together in an intricate interrelationship of reciprocal rights, responsibilities and obligations. The Quran, believed by Muslims to be the divine word of God (as the Torah for Jews), is both a physical and a metaphysical symbol – a sign – that is daily read, listened to, recited, and revered (Rubenberg, 2001: 52).

Islam as a religion spread rapidly in the Arabian Peninsula. It is believed that Islam to a certain extent improved the status of women compared to pre-Islamic Arabia, in that it restricted polygamy and gave women a portion of inheritance. It also prohibited female infanticide. However, despite Islam's ideological emphasis on "universality", it reinforced and reproduced patriarchal kinship – with Allah (God) as the ultimate patriarch. Hisham Sharabi (1985: 93–94) writes:

The greatness of Mohammed's political achievement rests in his success . . . in integrate[ing] existing social and psychological bonds into the structure of the new Muslim community. The Islamic *ummah* [community] turned out to be nothing more than a super-tribe, the projection of the universal tribal ethos. God, in the image in which Mohammed portrays Him, is a psychologically familiar figure. Submission, the basic relation of pristine patriarchy, is here given its most powerful ideological expression. Under Muhammad, submission, Islam, for that is what it means, is to the tribalised *ummah* symbolised by God.

God's early revelations to the prophet Muhammad stressed the equal worth of men and women both spiritually and ethically, and were addressed directly to both Muslim men and women. By the tenth century AD, Muslim theologians and scholars attempted to interpret the Qur'an and the Prophet Mohammed's teachings. Of particular interest is the work that was undertaken by four prominent male jurists – Maleki, Shafia'h, Hanafi and Sunni – from whom four schools of Sunni orthodoxy emerged, codifying a misogynous body of law that came to be known as

the *Shari'a* (Ahmed, 1992). Since the tenth century, *Shari'a* has been regarded as the core binding text of Islam. Hanafi jurisprudence has been especially important in Palestine.

The discourses of both the Christian and the Islamic religions have devalued women through the promotion of the ideology of "complementarity" (Rubenberg, 2001). This means that while both men and women are of equal value, gender roles and obligations are different. The crux of the concept of complementarity stems from the belief that procreation and reproduction of the social order within a marital union, are the main purposes of women's existence. Thus, women belong at home, in the private and domestic sphere, where they can carry out the required duties for fulfilling such a role. Men's role and function is to provide for the wife and children, hence, men belong to the public sphere where they can carry out the required duties. In the public sphere men work, socialise and govern (Afshar, 1993; Afzular, 1986; Ahmed, 1992; Al-Saadawi, 1982; 1997).

In the eleventh century AD, Islamic discourse witnessed new developments in the thinking of Muslim scholars towards women. Imam al-Ghazali, a prominent Arab Muslim scholar, had a profound impact through his book *The Revivification of Religious Science*. Al-Ghazali affirmed the potential equality between the sexes, but he also believed that a woman's potential power lay within her destructive sexual power over men, known as *qaid* (Mernissi, 1987). This power of *qaid* is so immense that if left unrestrained it could threaten the entire social order by distracting men from their social and religious duties and causing chaos or *fitna* (discord). Thus, as Mernissi argues, "women's actual inequality in Islamic societies is the outgrowth of specific social institutions designed to restrain the potential power of the female" (ibid.: 19).

In practice, however, it does not seem to matter whether the starting point is female inferiority or potential female power. Palestinian women are equally oppressed whether they be Muslims or Christians. Gender oppression is observed in all social institutions in which male dominance is fostered through sexual aggregation, role differentiation, the ideology of honour and shame and the multiple ways in which religion intersects with patriarchal ideology and practices to reinforce gender identities, gender inequalities and female subordination.

To elaborate on these points, this chapter will be organised in three sections. The first section will discuss the issue of female inferiority as a

source of gender inequality. The second section will be devoted to veiling and seclusion as a product of the concept of “female sexual power”, while the final section will discuss Islam’s view of women’s sexuality and the interconnection between patriarchy and religion which leads to the reinforcement of women’s subordination.

Female Inferiority: the Source of Gender Subordination

In the early times of Islam, women gained some status and power and were allowed to participate in all facets of life, even to fight alongside men in wars – “accounts of the battle of Uhud’ portray women, including Mohammed’s wives, actively and freely participating in the ostensibly male domain of warfare” (Ahmed, 1992: 53). These women had the right to choose their husbands and to get divorced from them. Indeed, the Prophet Mohammed’s life is an example of these practices. Khadija Bint Khuwalid, the Prophet’s first wife, was the one who asked to marry him, and three of Mohammed’s marriages were repudiated by the women (Mernissi, 1987). Over time, women have been stripped of many rights granted to early Muslim women – choosing wives and repudiation became the husband’s exclusive right – as a result of the men’s interpretation of the Qur’an (Al-Saadawi, 1997). Such interpretation has adhered to the ideology of complementarity which maintains that God has assigned complementary attributes to men and women and dictated their roles accordingly. The wisdom of creation made men superior to women (Ciaccio and El-Shakry, 1993), with women placed under male control for their protection, to safeguard them and to ensure that they adhere to moral standards. Women have no choice but to accept the roles assigned to them by divine power. Female roles are specified as caregivers, mothers, and nurturers. Men, on the other hand, are created stronger, the divine power setting them apart from females and superior to them. They are to provide for women and protect them; women are to obey men. This is the natural order of the universe (Al-Saadawi, 1982). Haddad writes:

Differences between males and females exist because God has created humanity of two kinds: males and females. If God did not have specific roles and requirements for them, He would not have created them different. Thus femininity and masculinity share in the cosmic order and must be accepted as part of God’s purpose for

mankind. For women to seek roles inconsistent with those designed for them is a rebellion against God's will (Haddad, 1980: 149).

While Islam emphasises two distinct gender roles for men and women, Islam does propose equality between men and women in spiritual matters. Surat Al-Baqarah, Verse 228, states:

Women shall have just rights similar to those exercised against them although men have a status above them. God is mighty and wise. It was God's wisdom to grant women justice equal to that exercised against them within the parameter of lower status than that of the men.

Many verses in the Qur'an allude to the fact that all people – men and women – are equal before God, and that He created males and females so that there could be mercy and love between them:

He is who created out of you couples, so that you may live together and have mercy and love for one other (Surat Al-Rum, Verse 2).

While these verses and others advocate that men and women are created as equal mates and are to treat each other with affection and compassion within the bonds of marriage (Bouhilil and al-Dawalibi, 1998), there are many other verses in the Qur'an that encourage differential treatment for the sexes. For instant, Surat Al-Nissa, Verse 34, has aroused heated debate over the nature of male–female relations as set forth in Islam:

Men are the protectors and maintainers of women because God has made one of them to excel the other . . . The righteous women will accept this arrangement obediently, and will honour their husbands in their absence, in accordance with God Commands. As for the women who show rebellion, you shall first enlighten them, then desert them in bed, and you may beat them as a last resort. Once they obey you, you have no excuse to transgress against them. God is high and most powerful (Surat Al-Nissa, Verse 34).

Some scholars have interpreted this Surat to mean that men are inherently superior to women, have control over them and are considered to be their guardians in all matters. Others argue that according to the Surat, men are obliged to support women financially, owing to their

greater wealth and economic advantage, particularly since women are accorded half the share of inheritance that a man gets. However, this does not imply any other form of superiority, especially when the Surat is linked with the Surat of Al-Rum describing males and females as pairs (Al-Saadawi, 1982; Haj-Yahia, 1996, 1998b).

While some scholars take the second part of the verse of the same Surat as evidence of the right of the husbands to chastise their wives, other scholars believe that this part of Surat pertains only to wives who fail to respect or honour their husbands when they are away from home. Whatever the interpretation, the Surat clearly implies that obedience and respect for the husband is one of a Muslim woman's fundamental duties as a wife (Al-Saadawi, 1982, 1997; Haj-Yahia, 1998; Hekmat, 1997).

The superiority granted to men by the Qur'an translates itself into a set of legislative and cultural values that further subordinate women. For instance, because men are considered superior to women, women are placed under *qawama* (the authority of men). Women cannot enter into contracts or social dealings, or work or travel without the prior permission of their guardian. In Sudan today for instance, women cannot travel without the permission of fathers, brothers, husbands or male guardians. In other Arab countries, such as Jordan, Egypt, Syria, Saudi Arabia and Palestine, women must obtain the permission of their male guardian before obtaining a passport (Al-Saadwai, 1997; Azzouni, 1998). One of the respondents reflected this understanding of gender equality:

I have a nice life and I am happy. Praise be to God. If you fear God then things will work out very well for you. But when you have problems these are tests from God. God will test your faith to see how much you can persevere and this way you can set an example for others to follow . . . You know it is man who creates problems, not God or Islam. Men and women are judged equally before God. God made us into a man and a woman. If He wanted us to have the same jobs and be exactly the same He would have created us either all men or all women. But it is a fact of life, men are stronger, able to do heavy jobs, protect their families and provide for them. Women are more emotional than men, and that is why they are mothers, they can love and care for babies. But men cannot. So it is just natural for men to have more authority over women and women must listen to them and obey them. It is the natural order in life. (Hala)

The superiority of males and inferiority of females is emphasised further in matters of inheritance. The Qur'an grants women half the share of a man and Muslim scholars maintain that this is fair. Men have to support and maintain a family, while women do not have to spend their property to maintain the family. Islam provides a woman with some inheritance to save her from destitution in case she is not married or is divorced or widowed or has lost the natural maintenance and protection of her male guardian, father, husband or brother (Al-Saadawi, 1982). This is shown in the comments from one of the women interviewed, which reflects the connection between being placed under guardianship and being granted some financial rights:

When my father dies, my brother will take his place, and become the head of the family. So he could do what he likes, so if he wants to give us – my sisters and I – our shares of my father's inheritance that will be fine. If he decides not to give us, then it is up to him. I know legally that I have rights. The Koran grants that right but if my brother does not want to give us our rights what can I do? I will not take my brother to the court. It is shameful to stand before your brother in the court. (Randa)

Islam makes a financial provision for married women through the dowry system or *mahr*. The *mahr* is part of a woman's property and neither husbands nor fathers have any right to force her to use all or part of it in any particular way. The dowry is hers and is considered a form of security against the vicissitudes of the future (Al-Saadawi, 1982). In practice, however, most women do not maintain control of their *mahr*:

I know that Islam gives the woman the right to have her *mahr* and it is up to her to decide what to do with the money. But if I did take the *mahr*, what will I do with the money? Besides I did not want to break up the traditions or upset my father. According to my father the *mahr* is given to be spent on buying gold and things that the bride needs for the wedding. The *mahr* was spent before the wedding on golds and clothes. (Sahar)

Veiling and Segregation: Controlling Women's Sexuality

Islam is not exceptional in having transformed women into the slaves of their men. Judaism and Christianity subjected women to exactly the

same fate, and according to some Muslim scholars, the oppression of women exercised by the Temple and the Church has been even more ferocious than that in the case of Islam (Al-Saadawi, 1982). For thousands of years, women have been dominated by men, no matter what faith they belonged to. Arab Muslim women are no exception. At the beginning of the twentieth century most Arab women from middle and upper classes were imprisoned within the walls of the home, and were not allowed out except in exceptional circumstances, and then only if completely hidden behind a heavy veil and accompanied by a male member of the family (Al-Saadawi, 1982; Mernissi, 1987). In one of his final instructions to his followers, Prophet Mohammed said:

I shall leave behind me no cause for discord more perilous to men than women. Women is desire, seduction, unbridled sexually, the source of conflict and scandals, the mischief-maker of society and faith, a danger to the divine order – in a word, the devil (quoted in Schemla, 1995: 19).

As noted earlier in this chapter, it is believed that women possess a sexual power which is potentially destructive to the social order of the society, and women's appearance causes *fitna* (discord). To prevent such discord, the entire body of the woman (except her hands and face) must be covered to avoid embarrassment and shame. Even her voice is an *awara* or *fitna* and should not be heard (Taraki, 1996). Veiling serves two purposes, firstly it keeps women from causing discord in the society and secondly it protects men from such discord (Taraki, 1996). According to the Qur'an:

Enjoin the believing women to turn their eyes away from temptation and preserve their chastity; to cover their adornment (except that such as are normally displayed); to draw their veil over their bosoms . . . And let them not stamp their feet in walking so as to reveal their hidden tickers (Surat El-Nur, Verse 31–34).

This veiling is an important and vivid example of the allegiance that exists between patriarchy and religion and illuminates the way in which religion is used to preserve the social order of patriarchy while creating a supreme legitimacy for oppression. For many Arab feminists, this veiling is interpreted as a form of psychological abuse imposed by religion and

enforced by the society. According to El Saadawi (1997), the veiling of the face is “the veiling of the mind”. Messoaoudi, a female Algerian activist, interviewed by Schemla (1995), stated that women choose to wear the veil out of fear:

We wear it because we do not realise what it means and because we are scared, very scared, of men’s laws. But that is not an adequate explanation (p. 21).

The following three accounts from women interviewed describe clearly their experiences of wearing the *hejab* (the headscarf worn by women):

My father made me wear the *hejab*² when I was still young in the sixth grade. We lived in Saudi Arabia, people there wore not only the Islamic dress but also the *abaiah* (total body cover), everything black. Women were covered from head to toes in black. And when we came back to the village, we had to wear the *hejab*, you see everybody around you wears the headscarf. Your aunts, cousins, neighbours, and everybody is wearing it, so you feel strange if you do not wear a head cover. (Samar)

Hala’s account is more revealing about Palestinian society. She recalled:

I wore the *hejab* when I was young, nine or ten years old. My mother wore the *hejab*. She was a religious woman more than I was. My mother wanted me to wear the *hejab* but did not know how to deal with me on this issue. She kept telling me: “*Eib* for girls to go out or be seen by other people without the head-cover” (that is, it is shameful to go out . . .). So she made me wear the head cover. I could say I was forced to wear the *hejab*. One time I took the scarf off my head and went out. I felt then that all the people are looking at me, I felt strange. So I went back and wore it again. (Hala)

Kefah’s account, on the other hand, relates to the women being forced by their husbands to wear the *hejab*. She stated:

He – my husband – does not like my voice to be loud or be heard by strangers, he does not like me going anywhere or being seen by anybody without my *hejab*, not even by his brothers or my brothers. Sometimes when my father-in-law is here, I sit without

my headscarf but as soon as somebody knocks on the door I grab my *hejab* and wear it. I got used to this because of my husband. (Kefah)

Islamic teaching is equivocal and frustrating for women: on the one hand, they are considered equal to men spiritually, while on the other, they are the source of all that is evil in society. Their bodies, voices, movement and mere appearance might cause discord in the male sphere (the public sphere). Women are therefore segregated and protected in the *harem* (forbidden) section of the house (Mernissi, 1987). The word *harem* is a slight variation of the word *haram*, which also means the forbidden, the proscribed; its opposite is *halal* (permissible). The *harem* is an important part of the private face of the household and its sanctity is most evident when strangers or visitors enter the house. The *harem* is an extension of veiling (Mernissi, 1987). Segregation in the *harem* is another symbol of domination. Being kept from the outside world further prevents women from being a cause of discord. Even today with the abolishment of the *harem* in its most extreme form, the concept is still commonly used by fathers, husbands and heads of household to refer to their women; the expression *harem* in this context is used to describe the forbidden sector of the society. Two examples illustrate the different forms of segregation that are still practised in Palestine today:

I knew my husband before we got married. He is my cousin (his mother is my father's sister). I knew him only as a relative, we never spoke alone. I saw him only when he came to visit us with his family. In our house, women and men sit in separate places. There is no mixing between men and women. So when they would come to our house, I used to sit with my aunt and her daughters and he used to sit with the men in their quarter. I never spoke to him not even once in my life. (Salwa)

Suheir added:

We had two separate parties for the wedding, one for the women and one for men, on the same day but in separate places. My in-laws were stricter than my family. In my parent's house, when people would come to visit, if they were not related then men and women each sit alone, but if they were our relatives we used to sit together men and women. But in my in-laws house everything is

separate. So when we had the wedding we had to have two wedding parties. And they did not allow any men to come to the hall to see me, not even my uncles. They came to my house a week after the wedding. (Suheir)

Women's Sexuality in Islam

The conflict between the Islamic concept of sex and its view of women's sexuality is bound into a double legacy, which has shaped this concept. On the one hand, Islam maintains that a woman is neither a childbearing machine nor a man's property, but rather a whole complete person with God-given rights to sexual fulfilment. In this instance, women have rights to sexual fulfilment, as the Prophet Mohammed told his followers:

"You must not throw yourselves on your wives as do beasts, but first there must be a messenger." "O Prophet?" his followers asked eagerly. "Sweet words and kisses," he replied. (Prophet Mohammed *Hadith* as quoted in Bouhilib, 1985: 52).

On the other hand, Islam's liberal naturalistic view of sexuality has been overshadowed by the patriarch's traditional phobia of women's power (see Ahmed, 1992; Al-Saadawi, 1980, 1982, 1997; Mernissi, 1987). In this patriarchal tradition that has dominated the Arab world, women are viewed as a helpless pawn of their sexual passion, and as creatures with a mysterious, unlimited sexual drive, which if allowed free reign would cause social chaos. Since a woman is too irresponsible to control herself, fences must be built around her to maintain the social order (Al-Khayyat, 1990; Hekmat, 1997).

The only condition imposed was that women enjoy sexual pleasures strictly within the institution of marriage, where women can perform their natural role of procreation. After all, it was the Prophet Mohammed who said:

Copulate and procreate and I shall gain glory from your numbers on Judgement Day (Prophet's *Hadith* as quoted in Bouhilib, 1985: 90).

Thus, procreation is considered a religious duty that must be fulfilled because it will be rewarded in Heaven, and it is the woman's duty to bear especially male children to her husband and his clan; this is the only

other obligation that women must fulfil in marriage besides obedience. As one respondent explained:

I used contraceptives from the beginning. I had the first girl and I put in an IUD for four years. My family started telling me "You should bear another child, you must have a boy, the boy will carry on the family's name. A woman must bear boys for her husband that's why he married her in the first place. Men want boys not girls." They kept pressuring me, finally, I got pregnant and I had a boy. (Reem)

Men have the exclusive right to demand sexual intercourse from their wives. A woman is never to refuse her husband's sexual demand. The Qur'an encourages men to demand sexual intercourse from their wives whenever they wish and whichever way they deem desirable:

Women are your field, yours to plough, you may therefore plough them whenever you wish (Surat Al-Baqarah, Verse 223).

Similarly, the Prophet's teachings stressed the male monopoly on sexual pleasure. The story is told of a woman who asked the Prophet what the rights of the husband were. According to Bouhilib (1985: 51), the Prophet answered, "A woman must never refuse him even on a camel's sack." In another version, the answer was "A woman must never refuse her husband even on top of a burning oven." To Bouhilib, this means "a woman who refuses her body to her husband and sleeps elsewhere than in her husband's bed is cursed by the angels until she returns to it (the bed)" (ibid., 1985: 52). Three interviews reflect the way in which women today have internalised the ideology of sex as the right of the husband and the duty of the wife:

I am a good Muslim and I fear God. I will never keep myself from my husband. And my husband is good to me. Nowadays because I am pregnant, I feel tired sometimes and I do not feel like having sex, and when that happens, sometimes my husband understands, but you know how men are sometimes, he wants his needs regardless, but as I told you I fear God, I will let him do his thing regardless of whether I am tired or not. (Samar)

Nadia added:

Sometimes when my husband comes near me, even if I am tired and can't have sex, but it is his right, he must take his needs from me. I used not really to refuse, but try to say, maybe not tonight, but he used to get mad, and scream at me and sometimes even hit me, and say to me "May God curse you." So what I can do? I have to give it to him. (Nadia)

Lamia illustrated:

Now I get very scared whenever he wants to have sex with me. May God forgive me, I wish he never touches me. I do not feel anything not even pain when he enters me. I just wish that he would go away. I am so happy when I have my period or after I give birth because these times are legitimate when I can say no to him and he will not get upset. He is my husband, and he must take his needs, but I can't help it, I pray everyday to God to cure me and make me a better wife. (Lamia)

The masculine bias inherited in Islam was evident in the fact that even sex was defined primarily from a male's point view. Woman was seen as the sexual object of the man, as well as being unable to control her passions. For instance, Islam encourages polygamous marriage, based on Surat Al-Nissa, allowing men to marry up to four wives, as long as they are able to treat them justly:

Marry as many women as you wish, two or three or four. If you fear not to treat them equally, marry only one. Indeed you will not be able to be just between your wives even if you try (Surat El-Nissa, Verse 3).

However, just treatment in this case is a subjective and ambiguous matter, leaving the door open for a wide range of different opinions and interpretation of this Surat. Some interpretation insists that the Qur'an has forbidden polygamy, due to the fact that it was permitted conditional on the man's equal and non-preferential treatment of his wives (Al-Saadawi, 1982). According to this school of thought, to marry several wives implies a preference, a preference for the new wife over the preceding one, and for that reason polygamy is not permitted (Mernissi, 1987). Another school of thought insists that the Qur'an does allow polygamy and this position is based on the fact that the

Prophet Muhammad had several wives, and that justice or equality between the wives is possible (Al-Saadawi, 1982). One of the more compelling arguments for polygamy, however, is that it serves to prevent adultery. "We live in a society that allows for adultery . . . if a man does not marry another wife, what would you think of him if he commits adultery" (Ibrahim, 1975: 46). The implication of such a claim is that women are created for the men's pleasure and service, and that men are not required to control their desire for sexual pleasure. Two women explained:

One of the few pieces of advice that my mother gave me when I got married was that "if you want to keep your husband happy and not go with other women, you have to keep him satisfied, give him plenty of sex." But when my father died, I was very sad for a long time and I did not feel like it. So I kept myself away from my husband for almost two months. I slept with the kids all that time. My husband kept saying to me, "I am your husband, I have rights." But I could not help it. One day he got so mad and started to threaten me, he said that he would marry another woman. And when I realised he was serious and he would marry another wife, I thought to myself, I must keep my husband. Even my mother blamed me and said, "Your father would turn in his grave if you continue to keep yourself from your husband." (Leila)

Nawal illustrated with the following:

One time when he was working in the theatre, he brought home a young woman from Gaza to stay with us. She was a woman and I could not leave her in the room by herself. I had to stay with her. He started to make problems and scream. He even told me you leave the house and she will stay. On the other hand I could not leave her, a single woman in my house alone. The next day I told her, "Listen, you see that my house is very small and you can not stay." He used to sleep with her in the same room and I would get jealous. I decided never to sleep in a separate room to keep him satisfied and not look outside. If the man is *shabaen and einoh mallean* (if he is well taken care off at home), then he will not look outside. The man might scream or fight if the house is not clean or the food is not ready but will not go to the neighbours to get lunch. But if he is not getting his needs he will definitely go out. So I was trying to protect my children and my house. (Nawal)

Finally, since women were presented as creatures with an unlimited sexual drive, too irresponsible to control themselves, men have to protect them in order to ensure not only the legitimacy of their heirs but also the maintenance of social order. Accordingly, chastity and virginity are important in guaranteeing not only the legitimacy of heirs but also the bride's innocence. According to Imam al-Ghazali:

The virgin will love her husband and get used to him, which will favourably influence marital relations . . . A woman who has had experience with other men or one who was married before will often compare her husband's peculiarities to those of other men and be dissatisfied (as quoted in Minai, 1981: 24).

This line of reasoning has reduced the Islamic woman's right to sexual fulfilment to that of a mere tool for containing her wild passions, while at the same time, Islam considers sexual intercourse as a good religious deed for the Muslim male. According to the Prophet Mohammed sexual intercourse is compared with alms:

You think that God has given you nothing to give in alms? But each glorification of God is alms! Each exaltation of God is alms! Each praise of God is alms! Each command to do good is alms! And in each working of the flesh there is alms! The companions were astonished and asked: "How, Messenger of God, are we to satisfy our desire and be rewarded for it?" [He replied] Doing it unlawfully certainly deserve punishment! Just as to do it lawfully deserves reward (as quoted in Bouhilib, 1985: 92).

While Islam emphasised that both good Muslims – males and females – could achieve paradise, enjoyment in the "Islamic" paradise is preserved for men. The portrait Islam paints for paradise reflects musicality, sexual wishes and fantasies, with no sign of a special paradise for women. The good male Muslim in paradise will enjoy the company of ever-virgin *hourieh* (mermaids), dark-eyed damsels with swelling breasts and shy, retiring glances (Bunch and Carrillo, 1991; Fernea, 1998).

Concluding Remarks

In discussing women's status under Islam, it is important to note that the interpretation of laws has evolved over time. The three main sources

of Islamic jurisprudence and theological orientation are the Qur'an, the Prophetic edicts and teachings and the consensus of religious thinkers and leaders, and the methods of inference and analogy.

The Qur'an and edicts of the Prophet do not relate to a single period in time, but cover many years. Since each verse or saying is linked to particular circumstance or incidents, and to a particular setting in terms of place and time, the original verses embody conflicting directives or ambiguous instructions. This is especially true in relation to the life of women.

Consequently, the impact of religious orthodoxy on the juridical realm, particularly regarding family laws, is a factor of the utmost significance: it is precisely within these religious codes that the position of women is defined as legally and socially subordinate to that of men. The religious influence and derivation of the codes have allowed the subordinate status of women to be legitimatised in terms of divine insertion.

Islam specifies the role of women in society as being to perform God's will and glorifies the status of women. It also predicts certain evil if women abandon or are lured away from their traditional role in society. For Muslims who seek change, there are multiple layers of pressure. There is political indoctrination that is supported strongly by the state on the one hand, and family and societal norms on the other. It is difficult to imagine any effective programme on the control of domestic violence in Islamic countries that does not address the religious influences that support the current status of women.

NOTES

- 1 The battle of Uhad is the first battle that Muslims were involved in after they left Mecca and came to Medina.
- 2 *Hejab* for Palestinian women means only a head cover in the form of a head scarf.

GENDER SOCIALISATION: THE RITE OF PASSAGE TO WOMANHOOD



Prologue

Acquiescent Dreams

The process of socialising girls enforces traditional norms and values about femininity by turning girls into ideal wives and mothers. Such a process was evident in the narratives of the women interviewed about their childhood.

Yasmine is twenty-seven years old. She was married when she was fifteen years old and has six children; four girls and two boys. At the time of the interview, she was pregnant with her seventh child. She had only nine years of schooling. She reported:

I grew up in a big family. We were four girls and two boys. My childhood at my parents' house was happy and stable. My parents treated me very well. Everything I wanted I got. My mother was a simple woman and she kept to herself. My parents used to forbid us girls from going outside the house or visiting other people's houses. Even today when I am married and have girls, I still keep these traditions. I raised my girls the way I was raised. I do not let them go anywhere or play outside although they are still young. If I do not start when they are young, I can't control them when they get older and start schools. It is *eib* (shameful) for girls to keep going and coming, and besides it is not safe for girls to be walking alone on the streets. All kinds of people are out there, and you have to protect your girls. Anyway, my parents never treated us girls different from our brothers, but because we were girls my mother would not let us go outside into the street to play with the neighbours' girls. The girls used to come to us to our house to play. But sometime my parents would let me go out to visit my friends and neighbours when I asked them. I used to ask my mother and she would give me permission. She used to tell my father everything, but personally I never asked him anything directly, I always asked my mother.

When I was fourteen years old I decided to wear the *hejab* (headscarf). My parents insisted that I only wear long-sleeved clothes, dresses and skirts but not trousers. My parents did not allow me to go to the city (Ramallah) by myself. I only could go with my mother and only when she wanted to go.

Let me tell you something, girls should not go out to the city and ride on public transportation on their own. In the village we are like that, girls are not allowed to mix with the men. You know that the *shabab* (young men) hassle girls when they see them walking alone in the street. Sometimes it is the girl's fault that the men hassle her, because she walks improperly in the street, and other times, the men will hassle her for no reason. Because of that, it is better for the girls not to move outside their homes, or neighbourhood. It is *eib* (shameful) for the girl to go alone. I, for example, do not go to the city alone. I go with my mother even now when I am married and need to go to the doctor in the city; I go with my mother. I also do not go to places inside the village, which are too far on my own.

When I finished the ninth grade, it was time to go to secondary school. However, the secondary school in the village then offered the literary stream¹ but I wanted to do science stream and I had to go to the secondary school in the city. My family would not allow me go to a school in the city. Besides, my cousin asked for my hand in marriage. I wanted to finish my schooling and I did not want to get married. I also thought that I was young but my parents thought that my cousin was a good husband and I would not be able to get a better husband than him. So I finally told my parents that they could do what they wish. And, I got married.

Zahra is thirty-nine years old. She is an educated woman holding a teaching diploma. She was twenty-four years old when she got married, and was teaching at the time of the interview. Her family lived in Amman. Her husband is from the West Bank. He is her cousin. So she lived in Jordan until she was married. She moved with her husband back to the West Bank to live in the camp. Although her husband was her first cousin, she had never met him before the marriage. This is how Zahra described her marriage arrangement:

My husband is my cousin. I did not know him that well, they lived here in the camp and we lived in Jordan. One time, my aunt (i.e. her husband's mother) came to Amman to marry off her daughter, and she stayed with us in our house. During their visit, I heard my

aunt one day talking to my mother and say, "She will make a good wife for my son." When I heard that, I asked her who do you mean and she said you. I did not take her seriously then. But, she started, as all the women would do, observing how I cooked, cleaned, looked and how I behaved. By the end of her visit she said to my father: "You come to visit us in Ramallah, so she and my son can get the chance to see each other. If they like each other, then they should get married, and if not they do not have to get married." So, my parents and I came to Ramallah because they, my parents and my aunt, read the *Fateha* (i.e. gave the blessing), but with the *Fateha* there was still a chance for me to say no. I did not know how my cousin looked since I had not seen him before, but he knew me since he had seen a picture of me; as his mother had taken him back a picture. When he saw the picture, he said yes she is nice looking. I heard so much about him, my father told me all about him. So when we came here I said yes. I found him to be a suitable husband. He is educated like me.

You know that marriage is a social must. Once married you must have children, which is also a social must. This is exactly what happened with me. Although I am educated and am working, I wondered what would happen to me when my parents are dead. Where would I go? Age is the woman's worst enemy. Let's suppose I waited and did not marry my husband on the hope that I would get someone better, but I was 24 years old. So if I waited, I would be older then, I might never get married. So I married my husband.

The marriage arrangement was very simple. He did not pay *mahr*, however, when we read the *Fateha*, they gave me a bracelet. There was a promise that when we met, my cousin and I, if we liked each other and got married, he would bring the rest of the gold and needs of the wedding. He bought everything instead of the *mahr*. My father told them buy gold and stuff as much as you can afford. So, within twenty days of our meeting, we got engaged and signed the marriage contract. My family and I went back to Amman. You know, when people are related they know each other's social and financial circumstances better than strangers and thus they leave things to take a natural course. I went with them to the *Shari'a* court but my uncle was *wakelee* (my representative) because my father was not present. Of course they chose the gold, his mother and my mother chose it. I had nothing to do with it although I would like to have selected my own jewellery but you know how it is. And I did not sign the *wakalah* (the power of attorney) for my uncle. There was no need. The judge asked me if I agree on my uncle signing the contract and I said yes . . . He asked me in front of my uncle and everybody else . . . Yes I did agree to marry my

cousin, but what you do think I could have done if I did not agree? There in front of the judge and my family, I had no choice but to say yes.

Zahra married her cousin and lived with her in-laws for two years. Zahra talked of her troubled interaction with her in-laws while living with them. She said:

When I got married we lived with my in-laws because we could not afford a house of our own. During that time, my life with my in-laws was not bad. I had a few problems, particularly with my sister-in-law. Although they are my cousins I am now also their brother's wife and that was different. They wanted me to be their maid almost. They were allowed to come and go as they pleased. I would be doing the housework while they were sleeping or out visiting the neighbours or sitting around talking and drinking coffee. My parents-in-law, although they are my uncle and aunt, were not fair to me. I thought they should be more considerate, not least because I was alone in a strange place away from my parents. So a few problems used to occur between me and my mother-in-law, I used to complain to her, she was trying to be fair, but she could not treat me as equal to her daughters. My oldest sister-in-law was the worst one. She started to treat me really bad. She would scream at me and I would not answer her back. She used to say to me, "Leave this is our house, do not touch the fridge this is our food, you do not have anything in this house" and things like that. She did not treat me well although she lived in our house in Amman when she came to college and we used to be friends. I used not to answer her back, I thought to myself, I am here, I do not have my parent's house to go to, so I should try harder to make it work. But when things started to get very bad, I spoke to my husband, I did not complain but I explained to him what was going on. My husband is a good man but he does not like problems and he told me, "I do not want to interfere in women's problems, solve them between you and my mother and sisters."

Introduction

Women: consult them, so that you can go against their wishes.

Palestinian proverb

Traditionally, there is a well-defined demarcation between the roles of men and women in Palestinian society. While men are to perform roles and assume responsibilities in the public sphere, women are restricted to roles and responsibilities within the domain of the family and the household. Movements of Palestinian women, like most other Middle Eastern women, are more circumscribed than that of men. Most of the social restrictions on women appear to originate in cultural notions of patriarchy and honour. Until the early twentieth century, families who could afford it kept their women isolated from the marketplace, politics and socialisation with men (Saliba, 2000).

This socio-cultural context is further reinforced by the political legacy of the Palestinian people. Women, like other Palestinians, have faced and lived with the hardships of the Israeli military occupation for many years, and the 1987 *Intifada* brought thousands of Palestinians including women onto the streets. For women, such active participation added further complexities to their status (Abdo-Zubi, 1999). While their political participation exposed them to new ideas, values and challenges, the exposure did not increase their social freedom or reduce the traditional gender roles within the family. According to Muhaisen (1994), this political activism opened limited opportunities for women to act freely within an otherwise forbidden sphere but at the same time emphasised the gender division within the parameters of the public sphere:

To think that the *Intifada* changed the lives of Palestinian women like my neighbour in Deheishah is to be utterly misled. I am always stupefied by foreign and Israeli journalists, who want to know if Palestinian women are going back to the kitchen now that the *Intifada* has translated itself into a peace agreement with the Israelis. These women hardly left the kitchen, not even with the *Intifada* at its peak . . . Yes women and girls in Deheishah were out on the streets with the men and boys throwing stones at the soldiers, getting beaten and arrested . . . but the moment the demonstrations ended the women and girls went home and everything went back to the

way it was before. I often saw women come home after a demonstration with soldiers and heard their husbands tell them the moment they appeared at the door “go fix tea” (Muhaisen, 1994).

In measuring the gains and losses made by Palestinian women over the past century, feminist scholars document contradictory and conflicting social trends. Whilst the twentieth century has witnessed a sharp rise in the level of education among women and increased political participation, the level of women’s participation in the labour force remained low and the fertility rate remained high (Johnson, 1997: 3).

One obstacle to women’s empowerment is the continued existence of social conservatism in Palestinian society, which some feminists attribute to the “resurgence of traditional thought” associated particularly with the rise of Islamic resistance (Ashrawi, 1998: 189; Kavar, 1998). Others, however, point to the conservative inclinations of Palestinian nationalist ideology, which has “intentionally or unintentionally idealised the traditional gender division of labour and hierarchies” (Taraki, 1997: 15). Taraki asserts that despite popular representations of Palestinian society as “revolutionary” it is indeed “traditional”. It seems that Palestinian society has resisted the impact of many modernising forces on education, employment and political participation.

This chapter covers aspects of the socialisation of Palestinian women through the course of their lives. It follows the socialisation of women from infancy through to adulthood. In this respect the chapter is devoted to the discussion of the private spheres of kinship, the family and marriage as these pertain to women’s status. The intention of this chapter is to highlight some of the cultural elements of Palestinian society that define women’s status in the family and the society and how they relate to GBV.

Kinship: A Cornerstone of Patriarchy

The *hamula*, as defined by Asad, is a group of families “who are linked with one another by agnatic ties” (Asad, 1976: 3). Typically in Palestinian society, the *hamula* and the village would be co-existent, although some villages consist of a number of small distinct clans or *hamayel*. Similarly, urban centres also consist of several *hamayel*, all of which share some blood ties. The structure of the *hamula* is hierarchical with the main

division within the hierarchy based on authority. It consists of two main divisions, the head of the *hamula* and his immediate family (wives and children) and the rest of the *hamula*. The head of the *hamula* is usually the oldest man in the family and the richest member of his kin group due to the size of his land holdings. He occupies a central position and has the ultimate decision-making power; this comes with distinctive social prestige among other members of the *hamula*. He becomes the chief decision-maker in social aspects such as decisions about marriage partners for children, divorce and inheritance (Abdo-Zubi, 1992).

In earlier times, the size of the *hamula* was directly connected to the size of the agricultural land available. Traditionally, Palestinian villages contained a number of residential quarters based on the *hamula*. Each of these in turn was divided into a number of extended families. These families lived within a group of adjoining houses interconnected by a single courtyard. The *hamula* utilised the agricultural land adjacent to their residence (Amiry and Tamari, 1989). In some urban settings, families of the same *hamula* lived in the same neighbourhood.

As a result of the 1948 war and the establishment of the state of Israel, Palestinian family and kinship structure witnessed many changes, particularly in regard to social organisation and living arrangements, and a new way of living emerged among Palestinians, namely the refugee camps. Refugees, fleeing their villages and towns, regrouped around their place of origin and each of these groups took up residence in one particular refugee camp. For example, all of the residents of Al-Jalazone refugee camp near Ramallah are refugees from two villages. Hence, refugees continue to identify with their villages and towns of origin, which has replaced the former *hamula* identity, and this is reflected in the social and living organisation of the refugee camps. This new arrangement of identification has replaced the *hamula* not only in terms of identity but also of function and place of origin organisation has taken on the social and economical function of the *hamula* (Taraki, 1997). For example, in refugee camps there are social committees responsible for the social organisation in the camp, including marriage arrangements, family problems and the provision of financial support for poor families.

Recently, and as a result of the erosion of the agricultural basis of both the *hamula* and the extended family, families have become smaller, consisting mainly of a nuclear family of parents with children. This is true for all families – rural families, camp families and refugees outside

the camps and city dwellers. Despite the reduction in the prevalence of the extended family, relatives generally retain some form of intimacy that leaves limited room for independence and privacy. They continue to live in the same neighbourhood, if possible, and intermarry (marriage within the patrilineal cousins is the most preferred form of marriage). In general, relatives expect a great deal of moral and economic commitment and support from one another. Despite the separation forced by war or migration, these relationships and expectations have not altered. Members of Palestinian families who have been dispersed as a result of the establishment of Israel and the subsequent wars continue to be interdependent particularly through marriage and to be morally and economically committed to one another (Heiberg and Ovensen, 1994).

War, dislocation and occupation have led to the fragmentation of Palestinian society in general and Palestinian families in particular. This fragmentation has deep significance for Palestinians, especially those living in the West Bank and the Gaza Strip. Palestinians living in these two areas, and those Palestinians living inside the state of Israel, have continued to be linked to each other by some degree of kinship and other family ties. For example, one fragment of the same family could have taken refuge in Gaza while the other fragment lives in the West Bank. Other members of the kinship group could have dispersed all over the world. Hence, the communities of dispersed Palestinians, known as the diaspora, is not only a description of Palestinians living elsewhere, but also a collective with functional ties to Palestinians living in the West Bank, the Gaza Strip and in Israel. These ties are reinforced and are continually renewed through marriages and economic relations, as discussed above. Today, it is very hard to find a family in the West Bank and the Gaza Strip that does not have an immediate link to the diaspora (Taraki, 1997). According to recent data, around 61 percent of households in the West Bank, excluding Jerusalem, and 52.5 percent of households in the Gaza Strip reported having a close relative living abroad.²

In Palestinian society, an individual has rights by virtue of belonging to a specific kinship group because of their mutual obligations to members of the kinship group (e.g. protecting kin's honour, upholding collective decisions). As kinship and patriarchy are interrelated, rights and patriarchy are also interconnected in a relationship that is expressed symbolically through language, religion, socialisation and the law (Abdo-Zubi, 1992). For example, and as discussed in Chapter Four, religion

legitimises patriarchy by having different sets of rights for men and women. While Islam explicitly specifies rights for both genders, Christianity does so implicitly. Both religions, however, assert that men and women have rights but that these rights are not identical, irrespective of the religion. Islam asserts that women derive their rights from being good mothers and obedient wives to their husbands. It also asserts that men's rights include the right to expect their wives to be obedient, since they bear the responsibility of the family and its maintenance. In other words, individual rights, and those of women, originate in the context of the collectivity of the Palestinian society and are dominated by the norms, values and structure of the patriarchy (Ahmed, 1992; Rubenberg, 2001; Taraki, 1997). Consequently, women are marginalised within the kinship system since the very structure of the system excludes women from the hierarchy of power. The male monopoly means there is no room for women to voice their preferences or grievances in any matters that concern them directly or indirectly.

The Family

The family is the primary site of patriarchal power and its operation during the socialisation process. The family is the predominant model for the gendered division of labour, power and control. Palestinian society's devaluation of women commences at birth and continues throughout their lives. It is the family which celebrates the birth of a son and mourns the birth of a daughter, and which indoctrinates women to be passive and to accept their subordination, restricts girls' education, encourages early marriage (which it arranges), imposes seclusion, restrains a women's freedom of movement, choice and expression, employs violence and mandates that family matters are never discussed outside the home. The devaluation of women is sustained by a "culture of silence" that ensures women's physical and psychological suffering will be endured without complaint.

Both scholarly and popular writings on Arab societies have stressed the centrality of family and kinship in the social organisation and identity formation of Arabs. The family continues to be the most empowered and dominant social institution through which people and groups inherit their religious, social class and cultural identities (Barakat, 1985, 1993; Taraki, 1997).

The patriarchal family structure in Palestinian society mirrors the structure of the traditional Arab family throughout the Arab World. According to Barakat (1993: 97), "it evolved into a patriarchal, pyramidal, hierarchical (particular with respect to sex and age) and extended institution." The hierarchy of the Palestinian family places the father at the head of the household; he controls the household financial resources and property and has a monopoly on decision-making concerning all aspects of family life. Power and decision-making is then stratified according to sex and age. The privileging of older males is one of the cornerstones of the system of patriarchy, which in its "classic" form is rooted in the patrilocal and patrilineal extended peasant household characterised by the considerable authority of senior men over other members of the family, and of senior women over younger women, especially of mothers-in-law over their daughters-in-law.³

Sometimes, I need to go to the city to Ramallah to buy some clothes or see the doctor or things like that. I have to ask *amti* (mother-in-law). No, I do not ask my uncle, because if I do he would say, "Ask *amte'k* (your mother in-law)." See *amti*, if I leave the house while my husband is at work, would tell him. So if I ask her permission then my husband will not be mad, because she will tell him that I went with her permission. (Laila)

Within the family, women's status and authority within the household is determined by many factors, particularly age and marital status. An unmarried woman, in most cases, has less status and power vis-à-vis other female members of the family. This lack of authority and social status is reflected in the custom of always referring to the unmarried woman as a *binet* (girl) regardless of her age, although an older unmarried woman with access to some resources, such as income, may acquire considerable status within the household. A young wife is at a disadvantage vis-à-vis her mother-in-law, compared to an older one. Divorced women are among the most vulnerable and disempowered groups. Even with adequate financial resources, women remain dependent on male family members for social security and support. Finally, married women's status and power vis-à-vis their husbands' family and kin is largely determined by the number of male children they bear (Taraki, 1997).

In this structured institution, the success of any individual member becomes that of the entire family. Similarly, every member of the family

may be held responsible for the acts of other members. This commitment to the family may involve considerable self-denial. Parents, particularly mothers, deny their needs for the sake of their children. Their happiness becomes dependent on the happiness and prosperity of their children. A pronounced expression of the commitment and self-denial of parents is the tradition in Palestinian society of becoming known as *Abu* (father of) or *Umm* (mother of) one's oldest son. This symbolises the dropping of one's own individual identity and the adoption instead of the identity of fatherhood or motherhood (Barakat, 1993; Al-Khayyat, 1990). Similarly, the failure of a member of the family to assume this identity of father or mother includes women who are unable to bear children. This failure is always assumed to be the result of a woman's infertility (not a husband's lack of potency or his sterility), and is considered to be a collective failure that should be reprimanded, thus violence against women is perpetuated and legitimised.

The Arabic word for family *aila* or *usra* reflects this notion of interdependency and reciprocity. The Arabic roots of the words come from the verb to "support" and "be a supporting unit" respectively. Children's roles change from being one of *iyal* (dependent) to being *sanad* (supporter) once their parents reach old age. However, this supporting *sanad* privilege is reserved for male children, and this explains why Palestinian men when speaking about their sons, especially their older ones, refer to them as *sanadi*, that is "my supporter" (Barakat, 1993).

In the past and even today, while the father is the head of the family, he is, in fact, absent from the daily interactions of the family, spending most of his time outside the home. He leaves to go to work early in the morning. After work he comes home for a short while, only to eat and get some rest before he leaves again to spend time with his male friends. Although cultural norms and values allocate the family power to the father, it is the wife who actually exercises power over the children. She is in effect responsible for bringing them up, disciplining them and indoctrinating them with cultural value beliefs and practices. She may often use the father to scare or threaten them. Both sons and daughters are consequently much closer to their mothers than to their fathers. As one woman explained:

I am the one who is responsible for the children. I care for them all the time while he goes to work or to visit neighbours or out with

his friends. I know that the kids are closer to me, and I know their favourite thing to do or eat. My husband trusts me with raising the children, he knows that I will raise them well, so that's why he does not get involved. But when the kids give me a hard time, I tell him and he tries to discipline them, this has happened a few times but still the kids know that they have to respect their father. (Hala)

This could be seen as signs of the existence of a matriarchal system alongside the patriarchal system in the Palestinian family. However, this "matriarchy" is allowed to function and exist only because it serves to support the patriarchy. For instance, in cases where a girl shows some reluctance in accepting a marriage proposal arranged for her by her father, the mother is entrusted with the responsibility of bringing the girl round to submit to her father's wishes. The mother is supposed to exert all kinds of pressures on the girl to get her to agree to the marriage. She may use tactics such as telling the girl the merits of the proposed groom or extreme psychological pressure like saying, "You want to shame your father in front of people about something that he has already committed to?"

Gender Socialisation: A Life Cycle of Subordination

This section is concerned with the life cycle of subordination, which women in Palestinian society undergo. The discussion follows the girl from birth and childhood through adolescence and adulthood, to engagement and marriage, then to life within marriage. The section closes with a discussion of women as daughters-in-law.

The Girl Child

To keep the hierarchy and patriarchy respected and unchallenged, girls are socialised to accept that their position in the social strata is inferior to that of the boys. In her family, a Palestinian girl develops her social personality and gains consciousness about her gender. Palestinian parents, in general, wish for a baby boy. The delivery of a boy is celebrated with greater joy than that of a girl. For instance, when a mother delivers a baby girl, she is consoled by well-wishers for her failure by a popular saying "*Allah Iwad Aileki bi el sabe*" which means literally "May God compensate you for your loss with the birth of a boy." Thus socially, the birth of a girl is treated as a loss, which only can be compensated by the

birth of a boy. In Palestinian society, the son not only carries the family name and passes it on to his own children hence, which secures the future existence of the family, but also inherits the family wealth and carries the responsibility of caring for his parents and their economic survival. Even though a daughter may take care of her parents, she is not expected to secure the family income (Manasra, 1993; Taraki, 1997).

The socialising of girls is aimed at reinforcing traditional norms and values about femininity. To be feminine, a girl is conditioned to be docile, submissive, discrete, modest and softly spoken; the philosophy behind this early education and conditioning of girls is to turn them into ideal wives and mothers. For example, when a social recommendation is made to a mother looking for a bride for her son, concerning the appropriateness of a girl as a bride, it is made on the basis of her compliance as a submissive woman. The aphorism of a good wife, "*Ilha tom yokol ma ilha tom yehk*", which literally means, "She has a mouth to eat but not to talk" captures the fact that a woman should not voice her opinion, objection or in any way show that they hold a point of view on any matter to do with the family, even with respect to matters which affect her directly (Al-Khayyat, 1990; Manasra, 1993).

The differential treatment of boys and girls within the family shapes their personality and their gender identity, and the way in which family members behave towards them conditions girls to fulfil different roles in life. Boys are taught to be strong, demanding, outspoken and "masculine". They are taught not to be afraid and not to show any emotion. For example, when a boy cries he is told that a big, strong boy does not cry and that only weak girls cry. When he gets into a fight, he is usually reassured with "never mind, you are a man". Girls, on the other hand, are taught to be obedient, submissive and "feminine". They are told that it is *eib* (shameful) for girls to disobey their families. Girls are taught the rules of moral behaviour and shame, and this includes the management of their bodies: how to sit, walk, talk, laugh, move and dress. Girls are expected to take over household responsibilities like cleaning, washing-up, baking bread, taking care of younger siblings, and caring for the babies in the family. Even in their free time, girls must follow different rules from boys. Girls do not play the same games as boys of their age, such as climbing up trees or walls, riding bicycles or playing sports in which they would be in danger of spreading their legs shamefully (Manasra, 1993; Al-Khayyat, 1990).

Patriarchal relationships in Palestinian society have been traditionally maintained through a moral discourse grounded in a strictly upheld code of *sharaf* (honour). The honour code specifies sets of values and moral behaviours for both men and women. For men these include assertiveness, hospitality, family financial power and social standing. For women, the honour code entails modest and absolute sexual purity, chastity before marriage, obedience and self-restraint (Abdo, 1995; Abu-Khalil, 1997; Glazer and Abu-Ras, 1994). The essence of this modesty code involves denial of sexual desire and avoidance of any person or any thing that may carry a sexual connotation, and in this case, honour is the main root of gender oppression. Women attain honour primarily through passive conformity, and dishonour falls almost exclusively on women (Glazer and Abu-Ras, 1994; Rubenberg, 2001).

Consequently, girls are socialised to believe that their honour depends on their modest behaviour. They are to view sex as a man's concern and to avoid any behaviour that might be regarded as sexual, such as laughing or wearing revealing clothes. Parents explain to them that "honourable" girls do not behave in a particular way, nor do anything that might make men desire them. Hence, young women are brought up to fear sexuality and strive to protect their virginity at all costs. They are told to avoid activities like riding bicycles or sitting on sharp edges (e.g., staircases), in order to keep their hymen intact. It is the parents' duty to ensure that the hymen of their daughter remains protected until her wedding day (Al-Khayyat, 1990).

In interviews, I asked the women about their childhood experiences. The following are a sample of the typical answers women gave:

Because we were girls, my mother would not let us go outside into the street to play with the neighbours' girls. I used to help my mother with the housework and my brothers worked with my father. My mother used to tell us to make them food and do chores for them. But sometimes my brothers used to take us with them to the market to help them sell chickpeas. But still when we came back home, we were expected to prepare the meals for our brothers. (Nadia)

Nahla added:

I am from a conservative rural family. People in the village, especially parents, start to worry once the girl starts to go to school and leaves

the house. Everything was *eib* and *haram* (shameful and forbidden). My father would not let us play outside or go anywhere. My brothers were allowed to do anything they like. When we used to ask my mother why, she used to scream at us and would say: "Girls *eib*! They are men, they can take care of themselves." (Nahla)

Mona stated:

My family was very conservative; they did not allow me to leave the house or to go anywhere. My brothers were very strict with me, although they knew I was not like other girls. I was very well mannered, nevertheless they did not allow me to go out of the house. They did not and would not allow me to go shopping or play like other girls, nothing like that at all. (Mona)

Mothers, fathers, brothers or other family members controlling girls' movements and behaviours all work towards the final aim of producing ideal "feminine" women, obedient, docile, and discrete – ideal wives and mothers. Girls from an early age are made to believe that the only valid role for them within society is to be married, be a wife and a mother. Many researchers and scholars writing on gender socialisation elsewhere in the Middle East (Al-Khayyat, 1990; Al-Saadawi, 1997; Mernissi, 1987), and in South Asia observed similar cultural values. Rozario (2002: 44) writing on Bangladeshi women, notes, "Bangladeshi girls are socialised to take up their female roles well before puberty sets in." She added that this "entails learning appropriate feminine behaviour the practice of *parda* (veiling and restricted mobility)."

Socialisation of Adolescence

The social and psychological pressure on girls to adapt to their traditional female role, which starts so very early, increases with age and takes concrete shape during adolescence. The behaviour of teenage girls is controlled even more than during childhood. An adolescent girl must not express an opinion, must not show emotions or have any aspirations. Her role in life is predetermined for her by the family and the society, namely to be a wife and mother. Palestinian women are brought up to carry responsibilities and to sacrifice themselves for others and accept their socially unjust treatment without complaints. Women, in contrast to their brothers, are denied the right of personal and social decision-making,

thus their brothers quickly develop a sense of superiority, which is reinforced daily by the behaviour of their parents.

Girls, therefore, learn that their social value is attached to that of their fathers and brothers, and later to their husbands and their children, particularly male children. Similarly, Rozario (2002), writing on identity construction and adolescent women in Bangladesh, argues that “marriage is still the only status available for adult women in rural Bangladesh... This is as definitive for the adult identity of Bengali Christian women as it is for Muslim and Hindu women” (Rozario, 2002: 45). In Palestinian society, an adult unmarried woman remains a *binet* (girl) until she marries, and socially she remains a child. Her passage to adulthood is confirmed when she bears male children, when she becomes *Umm* “the mother of” the male child. A married woman with only female children is never called *Umm*, mother of, but rather is referred to as the *marā’h*, which literally means a “married woman” (Al-Khayyat, 1990). Moreover, a girl is taught that her father, brothers and male cousins exercise absolute authority over her and other women and girls in the family. Later her husband and his family take over this role, passing her on from the tutelage and surveillance of the men in her natal family to the tutelage of her husband and his family. One woman explained how she was passed on in marriage because she was seen as social liability for whom it was deemed necessary that someone else take over the responsibility:

That day I went to the city, my brother tried to prevent me from going out, nevertheless I went. I ran into my brother in the city, he asked me, “Where are you going?” and he started to beat me up in the middle of the street. That day my brothers and my husband’s brothers got together and decided that I should marry because I am getting older and need someone to control me. My brother could not control me any more. (Reem)

Early marriage ensures the protection of the family’s and the clan’s honour, since leaving a girl unmarried after puberty is seen as increasing the possibility that a girl might be violated (see below for discussion of virginity). The following remarks made by women interviewed for this study clearly reflect the deep-rooted belief that girls must be married at an early age and that this marriage should be arranged by the girl’s family. Women are not allowed to organise their own marriage and have limited contact with both men and women:

I was getting old for marriage, although in my family age was not that important, but in our society! I was considered old, although I was only 21. But also I had so much family pressure to get married. (Amal)

Nawal stated:

My family believed strongly in marrying girls at a young age and as soon as they come of age. In the old days, they could not wait for somebody to propose to the girl. They married her off. (Nawal)

As early marriage protects women from committing dishonourable acts, so an honour killing serves to instigate fear in women, preventing them from thinking about sex or sexual pleasure. If, on her wedding day, a woman were found not to be a virgin she would be divorced; such a divorce is, of course, accompanied by *fadeeha* (scandal) and in this context, an honour killing is justified. Traditionally, on the first night of the marriage a groom had to display a blood-stained handkerchief to prove the purity of the bride. This tradition has not completely disappeared but may take on some other form, for example, rather than a public display of a blood-stained handkerchief, it may be viewed by the mothers of the bride and the groom (Al-Khayyat, 1990). Because of the obsession with virginity and the enormous importance placed on it, many Palestinian women consult doctors before marriage to ensure that their hymen is still intact. Others, who might have engaged in pre-marital sex or have a ruptured hymen for another reason, may seek surgical intervention to repair their perforated hymen. The women interviewed had experienced different forms of this custom. Some expressed their objection to the custom, but most women, as a result of their own social conditioning to be submissive, expected whatever ritual required of them:

My husband took me to the bedroom without saying much. He took his clothes off and then undressed me, and then he got on top of me and entered (and it felt like) a sharp painful thing inside me. I fainted and was unconscious till the morning. When I woke up, the bed and my clothes were stained with blood. I was very scared. Then my mother came and saw the blood and she was very happy and explained to me that I am an honoured woman now and have made my family very proud, my husband had found me a virgin and that's why I have blood on my clothes and bed. (Eman)

While Eman's account of her wedding night is a typical experience shared by many of the women I interviewed, Amal had a quite different experience. She did not have to go through the social humiliation of the public display of her blood, as her husband did not support this tradition. Amal explained her experience:

The next day was a normal day. I got up washed and dressed, and my parents came to visit me. A few days later his mother said to me, "I don't want to interfere, otherwise, I would have asked you to show me your blood". "I would have not shown it to you," I replied. So, she started telling stories about other brides and I ignored it. Anyway, originally his mother had this idea about our wedding night, that after the wedding party we go to our house, and in accordance with tradition, then all my family and his family would wait outside the bedroom door, until we were finished. Of course, my husband stood up to her and wouldn't have this. (Amal)

Adulthood: Education and Employment

Traditionally, marriage has been viewed as the only way for girls to have a meaningful life. Many traditional sayings and proverbs reflect this ideology. Proverbs such as "*Suetrut el-binet Jezeteha*", which literally means "The protection of the girl from humiliation is only achieved through marriage", clearly reflect societal attitudes towards girls. Young women are always reminded that they have no legitimately independent personality. The only legitimate identity they are allowed is linked to their relationships with males. Girls are still encouraged to stay within the privacy of their homes and to carry out the tasks and roles of daughter, sister, wife, mother and eventually mother-in-law. Consequently, girls' education is seen as a waste of time and effort because of their predetermined future. Many Palestinian families perceive the development of new alternative roles – e.g. in the labour force – as a threat to the stability of the social structure. Hence, the education girls receive seems to be limited to the indoctrination that they receive from their mothers (Taraki, 1997; Huntington et al., 2001). Women interviewed spoke of their parents' attitudes toward their education. The following two examples illustrate this point:

When I was thirteen years old, I was in the sixth grade. My father said to me, "No more schooling; you should stay home and help

your mother with the housework.” My mother cried so hard and begged him to let me stay in school. He said, “Enough education, girls need no education when they are destined for the kitchen. Better for her that she learns housework rather than learning how to read newspapers and magazines and all this rubbish.” (Randa)

Nuha recalled:

I used to hear my father and mother staying up at night for hours discussing which university they should send my brothers to and what should they study: medicine, law? If I happened to say what about me, I want to go to university, they would scold me so hard, and start to say things like “What use would a girl have for education.” “Yes! . . . you want to go to university to be with men and bring us shame.” And on and on . . . So it was. I finished my twelfth grade and stayed home to cook and clean and waited for a husband. (Nuha)

Girls, therefore, are frequently taken out or forced to drop out of school. This may occur early in particular family circumstances, for example, if a mother is sick then it is the girl who has to stay home and take care of the house. In cases where the family size is large and there are several children, then it is the older girl who stays home and helps the mother with the household chores. This practice is consistent with prevailing social attitudes and ideology about the appropriate gender roles and the gender division of labour within the public and private sphere of society (Barakat, 1985; 1993; Haj, 1992; Haj-Yahia, 2000a, 2000d, 2000b; Shalhoub-Kevorkian and Baker, 1997). Three women interviewed explained why they left school:

I had to leave school, I only finished the sixth grade, but I left school because of family circumstances. My mother was sick and needed somebody to help her with housework. My brother left school early because he did not like school. Only my younger sister did well in school so she stayed till the ninth grade then my father took her from school to marry her off, he did not want her to go back to school. (Mona)

Fadia added:

I finished the fifth grade because I am the only girl child; I have six brothers so I had to leave school to help my mother with the

housework. My father was dead and one day my mother said to me, "Enough schooling, you stay home. No more education, a girl does not need education, she is destined for housework." (Fadia)

Nadia noted:

I had no choice but to leave school. My father was poor and we had a large family. None of my sisters went to school. (Nadia)

While most Palestinian women are predestined to early marriage with little or no education, there has been some shift in social attitudes toward the education of girls. Some women have been given educational opportunities similar to those given to their brothers, even while their families faced economic hardship and lived in destitution. These Palestinian families, dispossessed from their land and livelihood, have found financial security in the education of their children, and when financial means permitted have educated both their boys and girls. As one woman explained:

My father being a refugee did not get the chance to finish school and he has no land to leave us. He wants us all to get an education so he can compensate for his loss with his children, and he can leave us something when he dies. When I first went to college, my father lost his job and things became hard. I tried to save money. I used to walk to college instead of taking the bus. My poor father wanted me to get good grades so I could get a scholarship so he would not have to pay my tuition. (Hala)

This shift in attitudes has been influenced by the increasing demand for women in the labour market and the current socio-political changes in Palestinian society. Nonetheless, social attitudes towards education for girls remain conservative. In some quarters it is believed that educated women have better chances in the marriage market (Manasra, 1993). Women interviewed articulated this attitude in their aspirations for their daughters' future. They were determined to give them the chance to finish their education, but only because they wanted to provide them with better choices in marriage, not to give them an alternative to marriage:

I have an eighteen-year-old daughter and she goes to university. I am not going to let her get married until she finishes her education.

Not like me, I got married at fifteen and I did not enjoy my life. I do not want my daughter to go through the same pain I went through. Once she finishes her education, she has a better chance that educated men will ask for her hand. (Samia)

Sana stated:

I want them to be educated. It is better for my girls to be educated rather than be ignorant. . . . The girls are better in school, I care for them more, and I do not want them to have the same fate. I am determined to make my two girls finish school and if they are not good in school, I will send them to learn some vocation, so they can get better husbands, *and not have to stay with their husbands if they treat them bad*. This way I feel that staying with my husband did not go to waste. I made a good future for my daughters. (Sana, my emphasis)

Educational attainment is usually one of the main ways that women can gain control over their lives and their status in the family and society. Although an increasing number of Palestinian women are receiving university or higher education (still seen as a man's domain), and are thus occupying important roles and positions in the public domain, the majority continue to occupy the private domain of the household. In the case of Palestinian women, educational attainment seems to have little or no impact on women's control over their lives. A study conducted in 1994 by the Norwegian Institute for Applied Social Science (FAFO), revealed that women's educational attainment did not alter their overall social position and in some cases may have hindered it, preventing them from finding "suitable marriage partners". Indeed, their data demonstrated that it was age not educational attainment that determined a woman's freedom of movement – post-menopausal women having the greatest freedom (Heiberg and Ovensen, 1993: 140–141). The FAFO data also indicated that increased years of education did not provide women with increased access to their own earned income and to household resources (Heiberg and Ovensen, 1993): 148–151). Whatever the reasons, this research found no indication that education allowed Palestinian women greater freedom outside the home, and little or no evidence to support the hypothesis that raising the educational attainment of women would lead to alterations in the traditional gender roles among Palestinians (Taraki, 1997; Huntington et al., 2001). Two women respondents explained:

I finished my teaching diploma before I got married. But I did not work. I could not find work inside the camp or near the house. My husband does not like me to travel alone on public transportation. (Hala)

Inam added:

I am educated and working, so I leave the house to go to work but when I want to go anywhere else it is different. I have to get his [her husband's] permission first. If he is not at home, I have to go to his parents' house and ask them and get their permission. (Inam)

Furthermore, the gendered division of labour in the Palestinian family constructs and reproduces gender inequalities and women's subordination in the labour market. Employment may provide a measure of economic independence for married women, but, as Jad (1990) argues, it does not guarantee more access to power and control of resources. According to Jad, women's work outside the home has not significantly reduced nor altered their traditional responsibilities within the home. This same dilemma has been experienced by women in a number of different societies, including the United States, who find themselves coming home from a day of paid labour to a "second shift" in the home (ibid.).

Huntington et al. (2001) reported similar findings. These researchers found that the relationship between employment and a change in gender roles within a family is weak, and that Palestinian women's employment has not created more liberal or egalitarian family roles (Huntington et al., 2001). Furthermore, gender division of labour and limited access to and control of resources has been identified in cross-cultural research and by many feminist researchers, as one of the predictors of high levels of violence against women (see Heise, 1998; Sugarmen and Hotaling, 1997; Yllo and Bogard, 1988). Similarly, many Arab women researchers have identified the fact that the employment of women does not necessary lead to them having greater control of resources. According to Toubia (1994):

Gender and social roles which privilege men make it difficult for women to receive a fair share of family resources even when they financially contribute most towards them, within some households. In particular, women have little control over their own sexual and reproductive decisions (Toubia et al., 1994).

Consequently, employment and access to financial resources had minimum effect in affording women more decision-making power and gender equality within their families. Women in this study reported that employment caused an increased physical burden and did not offer them greater control over financial resources, even of their wages, because husbands retained control over the money. In fact, employment resulted in an increase in the psychological and physical suffering of women. The following two examples from women interviewed illustrate these points:

The moment I come home from work, and as soon as the kids see me they come to me. I have to care for them all the time while my husband goes to visit neighbours, friends, family members or just goes out. I feed the kids, help them with their homework, get them ready for bed and put them to sleep. In the morning, I get up with them, cook their breakfast, feed them, get them ready and send them to school, (and) all that while he is asleep. Once they are off to school, he wakes up, has his coffee, breakfast and goes to work. In the afternoon, after work, when he gets home, the kids and I have to keep quiet because he has to take his afternoon nap. . . We bought the house together from my money and his money. When we first bought the house, he used to brag and say, "I bought this house, I paid so and so for it," and on and on. I got really upset with him . . . He registered the house in his name under the pretence that it would be easier for tax and rate purposes, and of course he is the man, so he was the natural choice. (Amal)

Wafa added:

I come back from work tired, I work for long hours from seven o'clock in the morning till five in the afternoon, so he should help me out around the house but he would not. As soon as he sees me coming back from work, he starts to scream saying, "I am hungry, I haven't eaten all day." Even though, the meal is cooked and is ready, and just needs to be heated. After work, I go to get my baby daughter from my mother's and then I come home. Instead of heating the food, he stands there and starts screaming and shouting at me. I do not answer him back when he starts, because if I do things will heat up and get out of control. He is very hot-tempered and I have to understand him and contain his anger. What else can I do? And I spend all my money on the house. At the beginning of each month when I get my salary, I give it to my husband and he

spends it on the house. He decides what to buy and what not to buy. (Wafa)

Marriage Arrangement

Marriage is a contractual arrangement regulated by the religious authorities, the *Shari'a* court for Muslims and the church for Christians respectively.⁴ A marriage contract requires the consent of both the groom and the bride. However, as noted in Chapters Three and Four, Palestinian women marrying for the first time in the *Shari'a* court and under the concept of *qawama* (guardianship) must obtain the approval of their closest male paternal relative regardless of their age. Moreover, a woman must have a *wali* (guardian) contract the marriage for her, whereas the man can contract his own marriage by himself. By entering into marriage, women realise that under this *qawama* they have been shuttled from the guardianship of their fathers to that of their husband, and their status as minors has been enforced (Al-Khayyat, 1990). The marriage contract contains an outline of conditions, responsibilities and marital rights of both parties involved as part of this contract. In this contractual arrangement, as discussed earlier, the groom is responsible for the bride price, the *mahr*, which is supposedly paid directly to the bride. Part of this *mahr* is usually deferred and is paid later in the case of a divorce. Once married, the husband is required to provide financially for the family and in return the woman is obliged to obey the husband. Marriage for women signifies only financial security depending on their good behaviour, while for the man it is the climax of his social control and power (Abdo-Zubi, 1992; Ata, 1986; Barakat, 1993; Jad, 1990; 1998; Taraki, 1997).

One important pattern of traditional marriage is endogamy, which is marriage within the same family lineage. Historically, endogamous marriages reflected the importance of the family rather than the individual as the fundamental social unit. Traditionally, the main advantage of endogamy has been that the *mahr* is lower and that wealth and property is protected within the clan. Furthermore, endogamy has traditionally been seen as instrumental in strengthening and maintaining kinship solidarity. The most common form of endogamous marriages occurs between cousins on the patrilineal side (first paternal cousins are preferred). Tradition dictates that the oldest paternal male cousin would be the first to be consulted to see if he was interested in the girl for marriage. Before

the girl herself is even asked, it is customary to ask the male cousin before a female cousin becomes engaged. A response from him, such as *mabrook* (congratulations), would be taken as a sign that he was not interested in marrying his cousin, and that she could marry someone else. A tradition of folk sayings and proverbs has developed around the concept of marriage between cousins. One such saying states "*Ibn el-Am Binazzel An El Faras*", meaning a cousin has the right to stop the marriage of a female cousin even at the last moment (Abdo-Zubi, 1992). One main difference between endogamous and other arranged marriages is that, in the latter arrangement, the parents do at least have to seek the consent of their daughter before they can go ahead with the marriage arrangement. In the former, the woman does not even need to be consulted.

Even today, arranged marriages are the most common. Arranged marriages, as with all other marriages in Palestinian society, are initiated by the mother of the groom. She makes inquiries through family friends and distant relatives of the potential brides and shortlists them in order of preference. At this stage, the matter becomes the men's affair to deal with. The father of the groom accepts or rejects the list through a consultative process with other members from his kin. When they make a decision on the right girl, the mother of the groom visits the mother of the eligible bride to arrange permission for the men from the groom's family to come and visit. She requests permission without revealing the true purpose of the visit. However, it is commonly understood that such permission is requested only in cases of marriage proposals. Neither the bride nor the groom is involved in this process and they are expected to meet only on the day of the wedding. The parents are obliged to seek the consent of their daughter before they promise to give her in marriage but traditionally the daughter is expected to be too shy to express her wishes and to leave it to her parents to decide for her (Abdo-Zubi, 1992; Ata, 1986; Barakat, 1993).

The system of arranged marriage, as described above, is directly related to the segregation of the sexes and the conception of marriage as a family or communal affair. While this form of arranged marriage has declined as a result of the mixing of the sexes in educational institutions and other public spheres – in such context potential unrelated spouses can be identified – arranged marriages are still the most common route to marriage in Palestinian society today and essentially represent the

unions of families. Other factors such as traditions and customs and the socialised passivity of the woman often lead a woman to agree to her father's choice. Women have learnt to accept the authority of their fathers, and even more importantly women are brought up not to have independent thoughts and opinions, much less to express them. As I discuss below, women who refuse their father's choice of a husband risk being forced to submit. As one woman respondent stated:

My parents, not my mother, but only my father asked me yes or no. I said you are free, do whatever you like. He said you mean yes or no. I said yes. See he was not really asking my opinion, or a question, and it was just like that. (Suhad)

The marriage ritual commences once the groom's family makes a formal proposal to the family of the prospective bride. The bride's family expresses their approval of such a proposal. The approval is announced in a gathering of male members of both families, and *Qerait El-Fateha* (reciting verses from the Qur'an) seals the arrangement. This ritual carries no legal significance, but it has a lot of social significance attached to it. It marks the intention to proceed with the marriage plans including the financial arrangements. The bride's family may subsequently withdraw their approval without legal ramification, but such retraction might carry some social implications. Once initial approval is obtained, the marriage process is initiated by announcing the engagement.

The Engagement Rituals

The engagement is the first formal, social, religious and legal commitment in the marriage process. The announcement of *khutbeh* (engagement) could be done through a large or small gathering of the family in celebration, depending on the preferences of the groom's family. The engagement period could last for several months, and in rare cases, it may continue over one or more years. During this period, negotiations on the terms and conditions take place between the male family members of the prospective bride and groom. The negotiations involve the amount of the *mahr* to be paid by the family of the groom to the bride's family. As noted in Chapter Four, the *mahr* is legally the property of the woman, and is divided into two parts: the "prompt" dowry, which is paid upon the signing of the marriage contract, and the "deferred" dowry to be

paid later in case of divorce. The groom's family also promises to pay the deferred *mahr* in case of their son's death (Moors, 1995).

The main significance of the engagement is the signing of a marriage contract, which is binding both religiously and legally. To all intents and purposes, the two individuals are husband and wife, though the marriage may not yet be consummated. Contracting the marriage (i.e. engagement) is meant to give the couple, particularly the woman, some freedom to meet and see each other privately in order to develop a relationship, some understanding and perhaps some intimacy. However, it often leads parents to become even more protective of their daughters and to closely monitor their interactions with their husbands-to-be. Families show different degrees of flexibility about the meetings and the conditions under which they can take place. Strict traditional families will only allow for a set number of supervised or chaperoned meetings in the family house. Other more liberated families allow for more frequent chaperoned meetings, and in a few cases families may allow their daughter to see her fiancé as often as they both wish, with or without supervision. Recently, couples have increasingly being allowed to meet, get to know each other, start to like each other, develop a friendship and decide independently of their families to marry. This, however, is the exception rather than the rule (Haj-Yahia, 2000b). The stories of three women illustrate the different family attitudes towards meetings between the prospective bride and groom:

During our engagement, I used to go out with him only if there was an occasion like a party, a wedding, or something like that. Usually if there was a party, then his family would be there or my mother would go with me. When he came to visit us, I used to sit with him but of course my family would be present. We are in a village community and these things are not allowed, but in my family's house, we used to have a big garden like a nice park where we could meet, talk and walk under my family's supervision. We used to go to the city but not alone; his mother, sister or my mother or father would go with us. Because these are our social values and traditional practices, my father did not like to leave us alone. Many cases happened in the village, where the girl would be engaged or something like that and she would come and go freely with her fiancé and things like that. People talk you know. You know how parents are. My father was very protective of me. He used to say, when you

go to your husband's house you can do what you like, go out alone and everything. (Samar)

Fadia had a different code of practice:

I used to see him but I never spoke to him. When we got engaged and signed our marriage contract, *Katebna Elketab*, I went to Amman and visited him. I stayed with my brother for ten days in Amman. Because we had signed the marriage contract, *Katebna Elketab*, my brother allowed us to sit and talk together but of course in my brother's house not outside. (Fadia)

Nawal on the other hand was not permitted to talk or even see her fiancé during the engagement:

After the engagement, he used to come and visit us that's all. But I used to see him only formally with the family. We went out a few times only and mainly to buy things for the wedding, even then we were not allowed to go alone, we went with family. When he used to come with his family to visit us in our house, I used to see him from a distance. I was not allowed to go in the living room and sit with them. But also we were not engaged for a long time. We got married maybe two months from the engagement. (Nawal)

Submitting to Marriage

Marriage in Palestinian society is a community and social affair. The nature of such an affair is inherently oppressive to women, leaving them with narrow opportunities to manoeuvre or to express their free wishes. As noted above, in many traditional families the approval is given to the husband before the woman has any knowledge of the arrangement. Palestinian women are consequently faced with many challenges and obstacles when attempting to exercise their rights in choosing their husbands and in consenting to the marriage. Some of these challenges are social in nature while others are the result of the legal and religious systems which regulate marriage in Palestinian society. Firstly, men and their families have the exclusive right to initiate marriage, look for and choose a suitable bride and then request the approval of her family. As one woman stated:

His father saw me and said to himself and his family, this girl is for my boy. His father asked for my hand from my brothers. They agreed and read the Fateha. (Fadia)

Secondly, once a marriage proposal is made, a new set of rules applies to both men and women, but particularly women. While the woman's family has total control over whether to accept or refuse the proposal, women have many factors that they must take into consideration when accepting or refusing a proposal. For example, in a case where the husband-to-be is related to the bride, women may feel reluctant to refuse the proposal since such refusal could provoke family friction. Women who I interviewed said they were unable to refuse the proposal because they wanted to spare their fathers and his family reprisals and social embarrassment. Women also mentioned that once the approval is given, it is socially unacceptable to challenge their father's authority and refuse the marriage. Two stories illustrate the many obstacles that women face, which hinder their ability to freely consent to marriage:

At first I did not agree to marry my husband, as I told you, I used not to like him. I think differently from him and that's a problem. But what can I do. In reality it is *eib* (shameful) for me to say to my father that I do not want him and make trouble and problems between my father and his family. Actually he is also my father's cousin, so what can I do, it is ok and it is destined to be. It is my destiny. (Kefah)

Inam's comments are similarly revealing:

My husband saw my father and asked for my hand in marriage. My cousin then knew about the proposal and he told my father he wanted to marry me. Of course my father preferred his nephew so he refused my husband and accepted my cousin and we got engaged. But he broke off the engagement when my brother refused to marry one of his sisters. Then my father said ok, I will not marry her off to my nephew and agreed on my husband's initial proposal . . . See when my father first agreed to my cousin's proposal he did not ask me because it was his nephew, and I could not refuse because of my father. Then when I left my cousin and my father agreed to my husband again he did not ask me but I had to agree because I can't stand against my father. (Inam)

Women have learnt to accept their father's authority, and even more importantly women are brought up not to have independent thoughts and opinions, much less to express them. As one woman respondent stated:

My mother and my father asked me if I agreed to marry this man. I did not know my husband then. As it is the custom in our society, I said, "As you like," what else can I say? So my father asked me, "Do you mean that you agree?" So I said yes. Though they asked me if I agreed or not, they did it according to tradition and not to hear my opinion. (Fatin)

Lana provides another example of women's passivity when it comes to choice:

They told me he is your cousin and you will not be able to find someone who is more suitable for you than him. He is your cousin and will treat you very well. I could not argue with that. True he is my cousin, and I think my parents knew better than I did. So I did not need to think about it, my parents already said yes. So I told them, "Whatever you wish, I will do it." (Lana)

Some women expressed concern over their inability to exercise agency, when it came to giving their consent to the marriage. Because of the conditions under which the contract is drawn, the signing takes place either at the engagement party or in the *Shari'a* court. In both of these settings, women are surrounded by family, friends and relatives and feel apprehensive at expressing their free opinion:

It was all over. You see once they read the *Fateha*, it is all over. You have no choice but to say yes. I did not know. They dressed me up and sent me to the guestroom where all the men were gathered and they told me right then and there that these people came and proposed for you. They dressed me and that was it. I was so pretty, really pretty. My father signed the contract for me. The *Sheikh* asks you if you agree to the marriage but you cannot say no, even if you want. You can't refuse in front of all these people and your father, especially the groom. He would have already signed the contract. (Nawal)

Elham illustrated further:

What do you mean? When I had the chance to say no I could not, you want me to say I do not agree to this marriage in front of the judge? I swear my father would have killed me then. Anyway, *Kateb ketabee*, the signing of my marriage contract, was on the same day as the engagement party. We stopped with my father and brothers and my husband and his family by the court and did the contract because there was no time to waste. I had an appointment with the hairdresser at the same time. (Elham)

Amal stated:

Even on the engagement day, I was surprised that the *Sheikh* was present. I did not know what was going on. I entered the room, signed the marriage contract, no questions asked and no explanation was given. I signed and went on to the wedding hall. And this is it. I was married. (Amal)

Many women were forced into marriage by family members who deployed psychological and physical force to lure them into marriage. In some cases, force was employed to obtain women's consent, or women were given into marriage because they were seen as a social liability and the family needed someone to take over their responsibility. Similar accounts have been reported in other studies analysing Palestinian women's lives and social status (Al-Masri, 2000; Al-Haj Yahia, 2000b). Women reported their stories of marriage, political, social and economic hardship, yet many described their marriage as a social necessity which transferred the responsibility for them from their parents to their husbands (Sayigh, 1998). Al-Masri (2000) indicated that many of the women in his study were married as a consequence of their parents desire to get rid of their responsibility and consequently, these marriages were nothing but a part of the cycle of violence perpetrated against these women. The following two accounts are testimony to this fact:

That day I was going to the city. My brother tried to prevent me from going out nevertheless I went. I ran into my brother in the city. He asked me, "Where are you going?" and he started to beat me up in the middle of the street. I went back home crying and screaming, and I said to my mother how come he beats me in the middle of the street in front of my friends. She said it is ok for him to do so. That day my brothers and his brothers got together and

decided that I should marry because I am getting older and they could not control me any more. (Reem)

Shadia was forced into submission:

But my mother, God forgive her, forced me to marry him. She hit and pulled my hair and told me, "I have nine that I want to marry off and get rid of, what do you want, you want to stay in my face and become an old maid?" And this is how I was married, forced to marry while I had no idea what a marriage or a husband was. (Shadia)

Similarly, the consent of some women was influenced by the fact that they were victims of violence in their own families and perceived marriage as a way to escape the abuse. The following are two stories of the social, psychological and physical abuse girls suffer in their own families, which lead them to seek refuge in marriage:

My father, God forgive him, actually did not need anyone to tell him that I was a burden. My father started to say, "How long will you stay a burden on me, how long do I have to feed you and spend money on you?" In the end I collapsed under the pressure. So my uncle and my father were not only worried about me getting old, but they also had financial interests in this marriage happening. They were partners, so if I married my cousin they could keep the money in the family. So they decided and made all the arrangements for me to marry my divorced cousin. Personally I thought my marriage to my cousin would not be bad. After all, he seemed nice and treated me well and maybe this would be my salvation from a terrible life. So I agreed and we got married. (Nuha)

Suha added:

I failed in the *Tawjihi* (High School Certificate) and stayed home. Then a young man came to ask for my hand in marriage. The man was a stranger. I did not know him or know anything about him. When he came to talk to my father, he told him that he was a self-made man and that he had his own house and that I would be living in my own house by myself. When I heard that he had his own place I was so happy, I told myself "*Alhamed La-Allah, Iejeab Alfaraj*" Thanks be to God, finally there is hope for rescue. Finally, my wishes came true, I am going to have my own place and I can

close the door whenever I wish. I did not care to know any more details about the man or his circumstances. I did not ask anything about the details of the marriage arrangement. Believe me, in the midst of my happiness I forgot everything else, except having my own space. Finally, I am going to get rid off my father and his torture and my uncle and his harassment. Finally, I am going to escape with my life. (Suha)

Wife or Daughter-in-law

In Palestinian society, married women do not leave their parent's house to start a family of their own, but rather they leave their kinship group, with its hierarchical structure, to join another hierarchy namely that of their husband's kinship group. Consequently, their children must take on the name of their fathers and they have to abide by the rules and orders of this new kinship group. Many Palestinian women, having no right to choose where and how they live, are obliged to live with their families-in-law, while others live within physical proximity of their in-law's house. When married women live in their in-law's house, they often share living space and family resources with their parents-in-law, their husband's unmarried male and female siblings and sometimes one or more of the other sons' wives and children. However, whether women live with their in-laws or in separate dwellings, the rules and regulations enforced by the in-laws and members of their family are the same. Married women have to adapt to the family dynamics and interactions. As one respondent said:

When we first got married and lived with my in-laws, my father-in-law was an impossible man. They gave us one of their rooms. My father in-law used to say, "This is not fair, all of us in one room and you in one room." I used to say to my husband to avoid problems, let's sleep in the kitchen. So I had to put the mattress on the kitchen floor and we used to sleep there. We had no privacy. We had to be up very early in the morning so they could use the kitchen. But what else could I do, my husband was not working and I had to avoid problems. (Nahla)

Sana had slightly better fortune. She had only to share daytime activities with her in-laws but could retire to her rented small room at night:

I lived with them during the day only. They rented a room for us, my husband and I, where we slept. We used to spend the day in

their house. We ate breakfast, lunch and dinner there and at night we would go back to our room to sleep. My sisters-in-law used to nag me and interfere with every little silly thing I did. For example, if I bought new clothes, they used to say, why is she buying clothes? Aren't the clothes she has and those bought at her wedding just last year enough? Or has she ruined the clothes, so she has to buy these new things? (Sana)

Additionally, within the hierarchy of the husband's family, the husband himself is subjected to the authority of his father, and traditionally his father's wife (the mother-in-law) acts as the gatekeeper to make sure that members of the family conform to the father's authority in his absence. Consequently, mothers-in-law are entrusted with the responsibility of controlling and supervising daughters-in-law. The power relationship between mothers-in-law and wives is one of pure domination and subordination (Rubenberg, 2001). This domination can take many forms, such as rituals of hand kissing, the use by the daughter-in-law of the term *amti* (my mistress) when referring to the mother-in-law (and to all other older females), and an obligation for the daughter-in-law to obtain the permission of the mother-in-law in order to leave the house for any reason. Women interviewed spoke of this inability to move freely without the mother-in-law's permission:

My *amti* (mother-in-law) is good to me. And I do everything she tells me to do and even if she screams at me at times I do not answer her back. I just keep quiet. I have my freedom; I go to my family all the time. Of course, I have to have my mother-in-law's permission before I go, but when I ask her for permission, she always lets me go. (Salwa)

Huda still felt obliged to request her mother-in-law's permission even after moving away to live in her own house:

Amti (mother-in-law) is a good woman. I respect her a lot, but she was always a difficult woman to deal with. Even now, although I have moved from their house, I still need to tell her everything and get her permission. When I lived in their house, I could not even go to the neighbour's house without asking her first. (Huda)

A new bride is expected to be obedient to her mother-in-law and as the newest member of the family she is likely to have the most responsibilities

for housework, cooking and other chores. She also has the least amount of freedom, even to retire to her room by herself. In addition, the mother-in-law often intrudes on the privacy of the couple during any private time or space that the couple may have. Many women articulated this complaint in different forms:

We lived with his parents when we got married. They had one room and a kitchen and a small hall at the top of the house. We moved to live there. My mother-in-law was an old woman. She was sick and needed someone to take care of her. My two other sisters-in-law, because they were married before me, would not do anything for my mother-in-law. I used to come down at six in the morning and do all the housework, feed my mother-in-law breakfast, sometimes I would give her a shower, comb her hair, everything. She was old but nevertheless she could give orders. (Lemia)

Lana added:

We lived with my parents-in-law when we first got married. When I got up in the morning, I would find all the housework waiting for me to do. I used to clean, mop the floor, wash the clothes and cook, everything in the house and of course cook for all the family, his brothers and his sisters. (Lana)

Sana illustrated this situation with the following:

My mother-in-law is my aunt and all her life she has worked very hard doing the housework, nothing new for her. So why now! It is as if I only got married to be a maid for the family? I used to come to their house on a daily basis to do all the housework. I clean the floor, the dishes, do the laundry and even cook the meals. But some days when I was just a new bride, I would be late in coming to their house; I would come around lunchtime. I liked to get some rest, tidy up the room, and do my personal stuff. The minute I would get to their house, I would find my sisters-in-law, each and every one of them upset and angry. Each one of them would start to yell at me with different things. They would say things like, "Where have you been? Do you think you married our brother to be a lady and be served? Do you think my mother is your maid?" (Sana)

Since mothers-in-law are entrusted with the responsibility of controlling and supervising their daughters-in-law, the sons may yield to their

mothers' demands to a greater or lesser extent, depending on the attitude of the mothers to matters concerning their sons' wives. This is because most of the dealings among female members take place within the domestic boundaries, in the absence of husbands and fathers. That said, the ultimate power and control rests with the men, because men return home to referee any conflicts and impose punishment. Furthermore, when men, in the context of a dispute between their wives and their mothers, take sides, it is usually with their mothers. Moreover, an older unmarried sister living at home can exercise nearly as much power over a wife as her mother-in-law, plus she would have the backing of the mother-in-law. The following are the accounts of two of the respondents, which clearly demonstrate the influence a mother-in-law has in a women's relationship with her husband:

When I first got married I lived with my in-laws. I had so many sisters-in-law. They used to create problems for me, and I was very young, only fifteen years old and naive and did not know what to do. If I cleaned they did not like it, if I cooked they did not like it, if I talked to someone they did not like it, they got upset. If I wanted to go and visit my parents they would not allow me. And my husband was with his family against me. As soon as he would come from work, my mother and sisters-in-law would start telling him about me. He then would start to scream and yell at me and he used to hit me. This happened so many times. (Samia)

Rasha stated:

My mother-in-law and her daughters made my life very miserable and made sure I did not have one good day. From morning till night, I was doing housework, serving and pampering them. Nonetheless they were not satisfied or happy with me. They would scream at me, swear at me and hit me. They made it their job to create new and different ways to abuse me. And when my husband would come home in the evening, they would start telling him lies about me. And what would he do, he would take part in abusing me with his family. If I were sweeping the floor kneeling down, they would come and hit me saying that I did this intentionally so my father-in-law saw my bare legs. If I cooked one time there was no salt, another time the food was too salty, too watery, or there was not enough water – the same drama over and over daily. They had to find something wrong with whatever I did. They would not stop

until they hit me and hit me hard, breaking my arm or leg. They would hit me in my face or on my hands, back, chest anywhere and everywhere. They would hit me like a donkey. This would never end. The minute my husband would enter the house in the evening the drama would start all over again. They would start telling him your wife this, your wife that and of course he would not know how to use his tongue, only his hands, so more beating, he hit anywhere and everywhere. (Rasha)

While conflicts over housework between the women and their mothers- or sisters-in-law seemed to be the main causes of violence against these women, the underlying cause of such abuse and conflict is a far-reaching one. A closer examination of these women's accounts reveals that struggle over power and control over space are common symptoms present in all these cases. Mothers-in-law, with the assistance of their daughters, want to assert their ownership claim over the house, and will use all means available to them to affirm their ownership, such as complaining about their daughter-in-law's housekeeping or cooking activities. Additionally, they manipulate their position in the family hierarchy to achieve their goals, calling on their husbands and sons to support their actions. This power struggle between women affirms and supports the patriarchal structure of the society. Women willingly or unwillingly support the abuse and subordination of other women. A closing thought on in-laws comes from Mernissi:

The triangle of mother, son and wife is the trump card in the Muslim pack of legal, ideological, and physical barriers that subordinate the wife to the husband and condemn the heterosexual relation to mistrust, violence, and deceit. (Mernissi, 1987: 121)

Ultimately, marriage for many Palestinian women is no more than a transaction, whereby ownership of them and control over them is transferred to the husband and his family, in other words, it is a transition from the confines of one patriarchal structure to another. Additionally, patriarchy deprives women of the possibility to have an independent life outside the family confines. The more confined a woman can be kept with fewer chances of exposure to independent thought, the less likely it is that she will challenge her husband's authority and decisions. In the context of confinement, mothers-in-law are entrusted with the duty of

supervising and monitoring of their daughters-in-law and for that purpose they can use all the measures they deem appropriate, including battery.

Concluding Remarks

In spite of, or perhaps because of, the multiple traumas and changes that have befallen Palestinian society since the 1948 *nakbah*, the patriarchal family is a resilient and enduring institution. As previously noted, the adversities endured by the Palestinians included dispossession, dispersion, impoverishment, occupation, the *Intifada*, continued political and violent conflict and general psychological and physical dislocation. The effect of these forces has been the continual deformation and reformation of the family structure and in the final assessment there has been a reproduction of the traditional family roles and relations. It is undoubtedly clear that Palestinian women continue to cling to the family as the only stable sanctuary in an extremely uncertain and chaotic world.

At the same time, family is the main perpetrator of patriarchal relations – male authority and domination and female dependency and oppression. It is the family that is responsible for dispersing and diffusing patriarchy through all of the societal institutions. The structure of the *hamula* and the nature of kinship allegiance foreshadows the creation of factionalism in Palestinian society, and precludes the development of communal or social relations and obstructs the development of any social or political movement, particularly any movement for gender equality. Such a movement would constitute a challenge to the very basis of the structure of patriarchy. As the renowned Egyptian feminist writer Nawal Al-Saadawi argues, changes in Arab society can come only by changing the relations between males and the females in social practices, which is a long-term process involving:

...new modes of upbringing based on complete equality between men and women in all the stages of life, from birth to death – an equality in rights and duties inside the home and outside it, and in the education of children (Al-Saadawi, 1972 as quoted by Sharabi, 1988: 34).

Transformation within the family is usually generated by economic and social processes whereby more women are educated, enter the labour force, marry later, have fewer children and live in nuclear rather than extended

families. However, impoverishment and the continuing economic and political conflict in Palestinian society hinders the development of such trends.

NOTES

- 1 The secondary education system in Palestine is divided into two streams; science and literary streams. Students who wish to pursue further studies in science, engineering or medicine must follow the science certificate. Students who wish to pursue further studies in arts, social sciences and so on follow the literary stream.
- 2 Palestinian Central Bureau of Statistics, *The Demographic Survey in the West Bank and the Gaza Strip: Preliminary Report* (Ramallah, 1996: 32).
- 3 Deniz Kandiyoti discusses these and other characteristics of the "classic" patriarchy, the clearest instances of which are found in North Africa, the Muslim Middle East and Southern and Eastern Asia (Kandiyoti, D. (1991a), "Islam and Patriarchy: A Comparative Perspective" in Keddie, N. and Baron, B. (eds.), *Women in Middle Eastern History: Shifting Boundaries in Sex and Gender* (New Haven: Yale University Press).
- 4 The main discussion is based on the Islamic practices of the marriage contractual arrangement. The Christian tradition is only slightly reflected. This is because the Christian community in Palestine constitutes only three percent of the Palestinian population currently living in the areas of the PNT and the impact of their practices is not widely felt.

BEHIND CLOSED DOORS: VIOLENCE AGAINST WOMEN



Prologue

A Struggling Voice: Rasha's Story

Rasha is 22 years old and was married at 15 years of age. She describes her marriage arrangement as follows:

My husband is our next-door neighbour, his family knew me and knew that I was a good housekeeper. I was very pretty, but my mother could not believe that I got a marriage proposal. She rushed to convince my father that I should get married. She said, "We know his family and he is our next-door neighbour's kid and the girl will live next to us so we can keep an eye on her." They did not bother to ask me or anything. I was very young then and did not know anything about marriage, for me it was only housework and I was already sick and tired of housework at my parents so I did not want to get married to work in somebody else's house. But my parents thought this was nonsense. They said, "What else do I need? It is better for me to get married. I am not a man who needs to be ready to take over the responsibility of a wife and a family."

My mother, may God forgive her, forced me to marry him. She hit me and pulled my hair and told me, "I have nine that I want to marry off and get rid of, why do you want to stay in my face an old maid?" And this is how I was married, forced to marry when I had no idea what marriage or a husband was.

She is the mother of four baby girls and does not use contraception, she explained:

I do not use any contraceptives because my husband and his family disapprove of the use of contraceptives, and if he or his family found out that I was using a contraceptive, they would be really angry with me, they would say, "We did not bring you into our family because

of the wool we can shear from your back” (i.e. there is no benefit to a wife except to bear children).

Rasha went on to describe her wedding night:

The day of the wedding I mean the first night (*Dohklae*), the usual traditional practice took place of the groom taking his bride home, we went to this small room with all his family and my family were present, and they stayed outside the room waiting for us to finish. On the day of our wedding, my husband got very sick and could not take me on the first night. So my parents and his parents got really mad and they started to say, “There is something wrong with her.” And my parents got really worried because nothing happened between us. They kept nagging him. Finally, on the third day after the wedding, he took his needs from me and I felt terrible pain like knives cutting me to pieces and I screamed and screamed as loud as I could. All of a sudden while I was still screaming, he got up, got dressed and left the room smiling. And he took the sheet stained with blood with him. He went out of the room and displayed it to everybody, and I was still lying in there crying and in pain. It was terrible because he was so nervous and he could not control himself. But I asked my mother why he had treated me cruelly like that. She said to me, “The man must sleep with his bride and you have to accept it so as to prove our honour has not been tampered with, or do you want to shame us publicly, do you want people to say you were not a virgin? You would have brought shame on the whole family.”

Rasha reported on her married life:

Days, months and years went by, I don’t know how many good days, probably only a handful of good days. The rest you could say were black tragic days. I lived with my in-laws, and may God punish my mother-in-law and her daughters. They made my life very miserable and made sure I did not have one good day.

When we first got married we lived in the kitchen in his family house, and we slept on the floor. My husband was not working at the time and he used to live off his father. I used to put the mattress on the kitchen floor and we used to sleep there. I was not comfortable with the situation.

Every day in the morning people get up and say “Good morning, what a beautiful day.” But, these people (i.e. her in-laws) would get up with trouble written all over their faces. From morning till

night, I did housework, serving and pampering them nonetheless they were not satisfied or happy with me. They screamed at me, swore at me, hit me. They made it their job to create new and different ways to abuse me. They could not stop until they hit me, and hit me hard on the arms and the legs, they hit on my face, hands, back, chest anywhere and everywhere. They hit me like a donkey.

This was not the end. The minute my husband entered the house in the evening the drama would start all over again. They would start telling him about me: your wife this, your wife that and he also took part in abusing me with his family. He did not know how to use his tongue only his hands, so more beating, he hit me anywhere and everywhere. During the night, not only did he hit me but he would also attack me and take his needs, then turn his back to me and go to sleep. Day in and day out the same story. He hit me with his hands, legs, shoes, chairs, tables, he would hit with whatever was within his reach. And during the night he would attack me like an animal, do his thing and then hit me again, turn his back and go to sleep. I spent my days crying and bemoaning my bad luck.

When I was pregnant with my first girl I had a bad pregnancy, I used to get sick a lot of times. I would vomit and get dizzy most of the time; I even lost my appetite and used to eat very little. I was really sick, but what did they do? They did not spare me the problems and hitting, every day the same story, screaming, swearing then hitting. During the day the mother and her daughter, in the evening the husband.

Anyway, that's what happened. God might create the tragedy but He also provides you with the strength to handle it. The situation at his family house was getting very bad and I could not take it any more. I used to fast for three or four days without food, they would set the dinner table and call for me but I used to refuse. Many times I did this. One time I even locked myself in my room and would not go out and help them with the housework. All I wanted was to live alone away from his parents. I even took poison to get him to agree to move to our own house. He tried to make me stay living with his family but I insisted that I would not, and told him I would rather die than stay in his parents' house. Finally, he was convinced and we moved to a one-room house.

When we first moved and lived together alone I thought things would be better but unfortunately I was mistaken. He used to treat me bad not only because of his family, but because this is the way he knows how. He only knows how to use his hands and not how to listen and be nice. He started to go out till midnight and did not

tell me where he was going or when he was coming back. He only hit me and swore at me and called me names. When I cook he does not like my cooking, when I clean he says the house is dirty, and so on like that. Nowadays, his problem is that I only give birth to girls and he wants a son, and I am not giving him one, because I am not a good wife. I know that is not right and it's not my fault, it is God's will, but what can I do? One time he beat me up so bad. On that day he came home and did not like my cooking, so he got so mad and started to beat me like an animal on my hands, legs, face, everywhere he could reach. This time he left my face and eyes so bruised. I had a big ring of blue around my eyes...

Introduction

My father sold me and my husband bought me.

Palestinian proverb

Worldwide, one of the most common forms of GBV is the abuse and battery women suffer from their husbands or intimate partners. Intimate abuse is generally part of a pattern of abusive behaviour and control rather than an isolated incident of physical aggression. Partner abuse may include physical assault – hitting, slapping, kicking, and beatings, psychological abuse including constant intimidation, isolation, deprivation of movement, humiliation and coerced sex. In many cultures, men have the right to control their wives' behaviour and women who challenge that right, even by asking for household money or by expressing the needs of the children, may be punished (Alpert and Cohen, 1997; Garcia-Moren, 1999; Manderson, 2001; UNICEF, 2000).

There is no universal understanding of what constitutes sexual abuse within intimate relationships, however, the definition of sexual abuse is largely determined by the cultural context in which such abuse takes place (Heise, 1995; Jasinski and Williams, 1998; Shalhoub-Kevorkian, 1999). Although there are wide variations across cultures of rates of sexual violence against women, and the majority of published literature on sexual violence comes from developed countries, recent studies from developing countries have indicated the prevalence of sexual violence in the marital home (Bennette, 2000; Heise, 1994; Idrus, 1999; Khan,

2000; WHO, 2000). Jewkes (2000) has identified that sexual violence in South Africa is commonly used by men as part of their strategy to control women, particularly their sexuality, and is intimately bound up with notions of masculinity and male sexual entitlement. Similarly, Duvvry's (2000) analysis of sexual violence in India reveals that partner violence against women generally and sexual violence in particular, often operates as a means to control and subordinate women. Denial of the existence of physical violence and sexual abuse in intimate relationships occurs in many cultures, particularly where there is a strong patriarchy (Heise, 1995; Jasinski and Williams, 1998; Shalhoub-Kevorkian, 1999).

In Palestinian society, the available data on violence against women indicates that there is a high prevalence of physical and other forms of domestic violence perpetrated by husbands against their wives. In a review of records from women's organisations offering support services, Al-Masri (2000) found that during the years 1996–1998, 16.5 percent of women who approached these organisations were battered women seeking legal advice or social support (*ibid.*).

Studies on sexual violence in Palestinian society are still rare and highlight a major knowledge gap. The few studies that are available provide some indication of the extent of rape and sexual violence, but not of sexual harassment or marital rape. Most of the data available on sexual violence against women again comes from the work done by Haj-Yahia (2000d) and Shalhoub-Kevorkian (1999; 2000). Haj-Yahia (2000d) found that around 31 percent of the women – in a sample of 2,410 women – reported that their husbands had attempted to have sex with them without their consent at least once in the twelve months preceding the study (*ibid.*).

In a study of the police records of about 38 reported cases of unmarried girls who were raped either by family members (father, brother, uncle or grandfather) or by strangers, Shalhoub-Kevorkian (1999, 2000) found that the victims disclosed the abuse only when they were faced with the fear of being discovered (due to pregnancy) and hence killed (honour killing). She concluded that the act of disclosure of sexual abuse was influenced by the social, political and cultural context of the abuse itself. In the Palestinian case, such a context not only hinders the act of disclosure but also, by definition, attempts to invalidate the abuse itself and the right of victims to disclose the abuse and seek protection and assistance (Shalhoub-Kevorkian, 1999). Furthermore, many women are

socialised to believe that once married they have no right to control their sexuality (Bennett et al., 2000; Heise et al., 1999; Khan, 2000).

Although there is a well-developed body of literature dealing with the issue of violence against women in the home, there is little or no literature that deals with, or examines, the relationship between violence against women in the home and political violence in the wider society (McKiernan and McWilliams, 1996). International organisations, particularly UN agencies such as WHO, UNICEF and UNHCR, have been engaged in recent years in the study of violence against women in armed conflicts and war. Of particular interest have been women in refugee camps and as victims of rape by members of the armed forces (e.g. the case of Bosnia and Somalian women in refugee camps in Ethiopia). Little attention has been paid to women and children living in societies such as Palestine that have been dominated by high levels of political violence.

In this chapter, I deal explicitly with violence against women behind the closed doors of their home. The chapter is organised around two main sections. The first section deals with the social roots of violence against women in the home, while the second section deals with the interrelationship between ongoing political conflict and violence against women. The discussion in the first section shows that while women may acknowledge that their husbands are responsible for the violence inflicted on them, they continue to search for excuses for their husbands.

The Culture of Violence against Women

Drawing on the narratives of the women interviewed, I show that while women may suffer physical and sexual abuse at the hands of their husbands, the psychological trauma is far more painful. Women are tormented by their feelings of failure to be “good” wives and mothers, their failure to protect family privacy, their failure to deflect or calm their husband’s anger and most of all their fear of the social stigma and persecution as failed wives.

Obedience and the Social Image of the Wife

As discussed in Chapters Three and Five, the marriage institution is built on a legally binding contractual agreement that contains rights as well as obligations for both parties. The man is obliged to provide economic

maintenance, known as *nafaqa*, for his wife, and the woman is obliged to give her husband *ta'a* (obedience). While the wife has the right to demand financial maintenance, the husband has the right to demand obedience. This notion of the man's rights to discipline the woman is propagated through many cultural values and beliefs and is depicted in traditional sayings and proverbs such as *al-Joziose qabal al-rabb* (obedience to your husband comes before obedience to God), and *al-Mara'h zia' al-sejade al-ajami, koul ma daihest ailieh betihala* (a woman is like a Persian rug: the more you step on her, the more valuable she becomes). After all, it was God's decree given to the Prophet Mohammed in the Qur'an, as shown in the following verse:

And as to those women, you fear ill-conduct on their part, admonish them first, refuse to share their bed, and beat them, but if they return to obedience seek not any means of annoyance against them (Surat Al-Nissa, Verse 34).

This verse clearly states that any ill conduct on the part of women shall be punished first by scolding them, cursing them, then by rejecting them in bed and even beating them. These acts are considered appropriate ways to make women obedient. The right to beat one's wife is not exclusively Islamic. History reveals that violence against one's wife was not only condoned but also expected. For example, in ancient Egypt, "...it is said that no self-respecting man would have his wife speak against him without bashing her teeth" (Dobash and Dobash, 1979: 49). It is believed that the beating saves the woman's soul, bringing her back to her senses and to the preferred "obedient state".

Obedience to the husband is impressed on the wife during the wedding ceremony, when she is told that he is her lord. She should treat him with respect, "kissing his hand on special occasions like feast days" (Haddad, 1980: 149). Many of the women interviewed felt that it was the husband's right to discipline his wife. Women by their actions, such as disobeying their husbands' orders, leaving the house without permission, speaking with a loud voice or refusing to stop talking when their husbands request that they do so, provoke men to use force against them. The following three examples from the women I interviewed illustrate women's beliefs about the sanctioned use of violence by men as a result of their "disobedience":

Some women deserve to be hit by their husbands. Our next-door neighbour, she is a very loud woman. Her husband always tells her to keep her voice down and not to go outside on the streets, but she does not listen to him. I think she deserves to be hit, he should even *Ikaseri ele'ah Rasah'ah* (break her head), not just hit her . . . I am not sure he hits her, but I believe he should hit her and teach her some manners and teach her to listen to him and to respect his orders. (Lamia)

Sahar added:

Sometimes a women deserves to be beaten, if she does things wrong, particularly when she does not listen to her husband, such as by going out without telling her husband. Personally, I do not even go to visit my mother without asking my husband first. A woman's husband must teach her how to do things right, and he should hit her if she does not listen. Why not hit her, if she disobeys him? (Sahar)

Kefah stated:

One time during the summer, my stepmother came to visit me and asked me to come with her to collect thyme the next day. I told her I'd have to ask my husband. That day when he got back, I asked him. He did not like it but did not clearly say no. So I thought I would go for two, three hours in the morning and get the thyme since I was not sure that he said no. So I did. When he got back and found the thyme he asked me where it came from. I was going to lie to him and say my stepmother brought it but I was worried that he would find out that she did not. When I told him that I got it myself, he got so mad, really mad. He threw the thyme in my face, screamed and yelled and started to break things in the house. He did not touch me but he threw a chair toward me, and he kicked his shoes in my face. Then he threw a big glass vase to the floor and it broke and the pieces hit me in the face and injured me. This was the first and the last time I got him upset. I learned my lesson. Now even if my father would die, God forbid, I would wait for my husband and ask him before I go. I do not even go to the neighbours' house like other women, for morning coffee or anything. My husband is a religious man and he wants things this way, I must obey him and not get him upset. (Kefah)

While the women I interviewed thought that they and other women deserved the beatings and the abuse because they had misbehaved or

disobeyed their husbands, they were also preoccupied with the social image they projected in public. They expressed the humiliation they felt when their husbands abused them in front of other people because the abuse could become social knowledge. This fear is consistent with the widespread social view that regards the abuse of a wife as a private matter that should be kept behind closed doors. It is also consistent with prevailing social attitudes that consider the woman responsible for any abuse against her and view the abuse as a sign of the woman's failure as a wife and a mother:

If he hits me and swears at me and calls me names, it would be easier (if he did this) between him and me, but he does all this in front of my kids and even in front of people. (Hanna)

Nawal illustrated this point:

All his life, he swears and shouts at me and creates problems from the very first day, although his behaviour is a little bit subdued nowadays, maybe because he is becoming an old man. *Wallah* (I swear to God), I care for him, I do not like it when he gets sick or weak. At least I have a man to protect me because I am a stranger in the camp and I do not have relatives here. I also tell him to speak in a soft low voice so the neighbours do not hear us, one does not want to draw scandal to oneself. But he does not care and he keeps on in his loud voice. (Nawal)

Good Wives, Good Mothers

Women entering marriage are indoctrinated on how to be good wives, obey their husbands, and sacrifice themselves for the happiness of their children. The exemplary behaviour of the wife is outlined for her by prevailing social beliefs. She is expected to look her best upon her husband's return home from work, be washed, dressed and wearing make-up if possible. Ideally, the wife should be a skilled cook, an excellent housekeeper and a compassionate mother. It is her duty not only to produce children but also to care for them, feed them, clean after them, bring them up in a proper manner, deal with all their problems and satisfy all their needs. She has to do that while the husband is away at work or with his male friends in coffee houses or at private male gatherings. The following comments made by women interviewed clearly reflect their understandings of what an ideal wife is:

My mother did not feel the need to tell me anything about the responsibility of a good wife. Because I was the oldest girl in the family, I knew everything in the house. I knew how to cook, and clean even how to make bread. I mastered all types of housework. (Amal)

Leila added:

I am a happy woman. My husband respects me a lot, why not? I am a good wife and mother. My parents raised me well, and my mother taught me all the housework, cleaning, cooking and everything. I have even learnt sewing. So when I got married, I knew everything about being a housewife and a good mother. Even my husband says that I am a good cook, better than his mother. (Leila)

To these women, cooking, cleaning and making bread are the main activities required of them. For Nadia, staying pretty and looking good at all times are the most important characteristics required to please her husband. She had this to say:

The main problem between my husband and me was over my looks. We used to live with the family; at that time I did not take care of myself and the way I looked. By the time I finished the housework, I would be so tired and ready to go to bed. So when he used to return from work and see me like that he used to get very mad at me and would say: "Why are you dressed like that? When I come home from work I wish to find you pretty and ready for me." He is right, the wife should look good and be all made up, and dressed for her husband. (Nadia)

Culturally, in Palestinian society, it is accepted that the husbands are the heads of the family, the formal and only authority to whom wife and children must respond. The husband assumes responsibility for maintaining the family's structure by whatever means he feels are justified, including violent means. Contemporary Arab writers have expanded on this viewpoint. One of them has this to say on the manner and type of beatings that should be inflicted on the "misbehaving" wife:

It is permitted for the man to beat his wife if she disobeys him in bed, if she leaves the house without reason, if she refrains from applying cosmetics when he wants her to apply them, or if she neglects her religious duties (Haddad, 1980: 150).

She describes the mode of administering a beating in the following words:

He should not drag her, break her bones or harm her in such a way as to leave a scar. He should avoid her face for it is the centre of beauty. He should spread the punishment to different parts of the body and not concentrate it in one area lest he maximise the harm (Haddad, 1980: 150).

The following three examples, illustrate that “misbehaving” wives who do not conform to the expected roles of ideal wives and mothers are beaten to bring them back to order:

Of course a woman deserves to be beaten and sometimes she deserves to be killed if she does things wrong, like going out without telling her husband, or leaving her kids to play on the street or she does not keep her house. I mean if you come to her house and it is a mess, then she must be taught. Her husband must teach her how to do things right, he must talk to her, shout at her, and even, if she does not listen, he should hit her. Why not? If she can't learn maybe after getting some good slaps she might learn and become a better housewife and mother. (Inam)

Huda added that:

I tell you, some women must be beaten, you know, some women would go around all day long frantically and will not settle down until their husbands come and give them a good slap across the face. These women are impossible to live with . . . They hit their kids, scream and yell and go crazy instead of staying home, cleaning their homes, taking care of their children and getting dressed and pretty for their husbands when they come back from work. When the husband comes home and finds his wife like a mad woman, then what do you think? If he hits her and beats the hell out of her, she asked for it. This same woman, after she gets the beatings, she becomes a peaceful harmless small kitten. They say, *al-dareb menah lal-qaleb* (a good beating is good for the heart). (Huda)

Inam's and Huda's descriptions reflect their views of the advantage and acceptability of the use of force against women. More importantly, however, is the implication that they both know how to behave and be good wives. Elham (below) was adamant in her views too that a good

slap across the face is not only the husband's right but also that it teaches an errant woman a lesson. She spoke from personal experience:

One time my husband slapped me across the face. From that day on I have learnt never to make the same mistake again. The day he hit me, I had interfered to solve a problem that my brother got involved in and my husband slapped me. From that day, I do not even visit my brother or interfere with anything in his life. After he slapped me, I got upset. When we came home, my husband came and talked to me and he told me, "You made me hit you." He was right in that, when the problem happened and I interfered my husband told me shut up it is not any of your business. But I did not listen to him and continued to be involved with the problem. But once he slapped me across the face, I shut up and stopped interfering. You can see, my husband had all the right in the world to hit me. . . . I deserved it and I have learnt my lesson . . . The second time, I wanted to go to my cousin's engagement party, he wanted to sleep and did not want to come with me or give me a ride. . . . I wanted to leave the little girl with him, but he did not want to . . . I started to argue with him. So he got upset and hit me across the face. Again I was wrong and I learned my lesson. After he hit me he started to say: "Look what you made me do. What did you think? Did you want to leave the girl with me? Did you think that I am your servant or what?" Again I was wrong. I could have taken the girl with me or at least not argued with him and left him to rest. (Elham)

Cultural norms require the wife to be obedient, docile, a good house-keeper and mother, yet when a mother attempts to exercise power over his children or discipline them she risks being punished by her husband. As one woman explained, her role is limited only to being a caretaker:

My husband hits the children, not hard, but he also says that you must not spoil the children otherwise you will lose them. But he does not like me hitting them, even if they misbehave. I have to tell him and he disciplines them not me. He does not hit them very hard. He only hits them on their bottoms to discipline them. My husband is a religious man and I must obey him. (Kefah)

As discussed earlier, the father is the head of the family and the ultimate authority, while the wife is responsible for caring for the children. Thus, a wife's disciplining of the children could be seen by some husbands as

an attempt to challenge their authority and power within the family structure. Kefah accepts her role in raising her children and does not try exercise any authority over them, Hanna, on the other hand, attempts to discipline her children despite the risks involved:

The last time he hit me with his shoes. That was because I gave my daughter a dirty look because she did something wrong. The girl started to cry, and when he saw her tears, he threw his shoes at me and hit me. You see, I am not supposed to touch them, he is the only one who has the right to discipline them. . . . He even says to me, "Fine, you want to leave, leave and I will take care of my children. I will hire a woman and pay her money even 400 NIS a month (around US\$100)." (Hanna)

Many women said that the violence in their lives took on many forms. They described their experience of abuse as ranging from psychological humiliation including being screamed at, called names and having household furniture broken, particularly items special to the woman, to physical abuse which included being slapped, hit, the throwing of objects and the breaking of arms. Two of the women's comments illustrate the extent of the physical and emotional sufferings they were made to bear through no fault of their own:

He used to beat me up so bad, and would scream at me and call me names, swear at me, everything. He used to beat me up so hard. When he used to beat me up, I used to feel that I was going to die. But now he does not beat me. Instead, he breaks the house furniture, the tables, the tape recorder, the hairdryer, anything he knows that I like or that is dear to me he breaks. Sometimes he also pounds the children. So it is all the same, hitting or breaking things. When he breaks things that I like, I get sad and upset for many days. (Reem)

In Suha's views, the violence and abuse she has experienced at the hands of her husband are consequences of her husband's moods. They are not provoked, although her husband claims that she is not a good obedient and docile wife:

First he started to come late to the house, and sometimes he even used to come at midnight. When I started to ask him about why he was late or where he went, he used to become upset and start screaming at me and say: "I am a free man you did not marry me to

tie me down near you.” Then his screams started to develop and they became insults and name calling. He used to say to me: “If you were like other women, a good woman that the man could not wait to come home to, I would have not stayed away from the house.” Slowly, slowly, words became hands. He started to hit me. He used to beat me. First the beating was hitting, one or two slaps then it increased to beating fiercely, then to hitting with furniture or whatever he can get his hands on. He would leave marks on my body and face. Many times he broke one of my hands or even some ribs . . . He forbids me to visit my parents, his excuse is that “A woman’s place is her house. Staying home is better than going from one house to another. And then once married, the woman only has her husband’s house.” My mother is not allowed to visit us. His excuse is that my mother interferes in our life and that my mother did not raise me well. He would say, “If she knew how to raise you, you would have turned out to be a good wife. So a mother who does not know how to raise her daughter has no right to be respected.” (Suha)

Sexual Obligation: Pleasure Versus Abuse

Palestinian women may enter marriage in a state of almost complete sexual ignorance, and many might enter marriage with a deep-rooted belief that sex is shameful. When women submit to their husbands, the least of their concerns is their sexual pleasure or satisfaction. They have sex either to keep their husbands happy or to avoid violence and abuse. Many of the victims of sexual abuse express their inability to resist or verbalise resistance because of the fear of consequences, that is more physical violence.

Women interviewed were unable to verbalise the sexual experiences with their husbands as sexual abuse or forced sex. Nevertheless, they had a clear understanding that, on many occasions, they were forced to submit to their husbands’ sexual needs. Moreover, they were able to articulate the connection between physical and sexual abuse. The following four examples illustrate women’s experiences of sexual abuse and of attempting to deploy sex as a mechanism to decrease the level of husbands’ aggression and abusive behaviour:

Sometimes when I think about our life together, I get so angry and I say to him I do not want you to come near me any more, and I stay away from him for fifteen days and sometimes even longer. When that happens he hits me and hits me very hard and forces me

to go back to him. My mother-in-law would know why he had hit me. She would say to me, "You have to let him come near you whatever the reason is, and do not give him excuses to hit you." When I would try to keep myself from him, he would come and take me (have intercourse) against my will, but what can I do? He would come and take his needs (i.e. sex) and then leave me alone. For me I used not to feel anything. I would be as cold as a wall. But it is better for him to take his needs, even if I do not want it. It is better than fighting him and having him hit me. (Nahla)

Shadia painted a bleak picture of the sexual violence and abuse she endured at the hands of her husband:

Imagine! I was pregnant and very sick and tired, sometimes I could not move. Regardless of that when he wanted his needs, he used to get it. When I used to say no, *haram*, I can't move, I am tired, he would reply, "It is not my problem if you are tired, I need to do it and I will, so just get up and take off your clothes." He then would attack me like a monster, do his thing and leave me there, crying. I would cry all night long. I never felt what it meant to be married and I never felt what sex was. I only know that you have to feel pain and disgusted when you are with your husband. (Shadia)

Reem's story clearly illustrates the connection between sexual and physical abuse against women:

What is strange about this man is that he always has an appetite for his needs. When he used to beat me, maybe it would take him an hour or less after that, then he would be with me in bed trying to take his needs. Now, after he has broken things, he wants to take his needs. I think beating me and breaking things gets him excited . . . What can I do? I just let him do his thing and leave me alone. One time I said to him, no more, you are not coming near me, you do not beat me and then just like that sleep with me. That was the day I went to the hospital with three broken ribs. Although I do not like it and I do not enjoy having him near me, it is the easiest thing to do. It probably takes him ten minutes, half an hour, but then it will be over and I do not go to the hospital. Mind you, I only go to the hospital when I have money. (Reem)

Hanna had a different story to tell:

He does not say one nice word to me even when we are together (having sex). He does not say anything nice to me, he just comes and does whatever he wants with me and then when he finishes, he just turns around and goes to sleep. Nothing nice as with any other couple! I even tried to keep myself away from him. It was in vain. It did not work. The problems intensified. His swearing and calling me names became the only talk of the day. They say that, "If you want to keep your husband happy, give him what he wants (plenty of sex)." I sometimes ask myself, how come this does not work for me? Maybe because I am trying to keep myself from him against God's teaching, I am not sure. (Hanna)

This view of marital sex as being the exclusive right of husbands renders marital rape as a foreign concept to Palestinian women. Women are not able to recognise forced and abusive sexual relationships as rape and they acknowledge the "right" of their husbands to take recourse. Recourse might be in the form of rape or battery, taking a second wife (polygamy) and/or divorce:

This last time, after they brought me back to the house, the first night he wanted his needs, and I was still upset with him, he left me at my parents for three weeks until my father brought me back. Anyway, whether I like him or not he is my husband and he married me for that (i.e., sex). So he must take his needs whenever he wants. That night, he forced himself on me, I could not say no, but I did not enjoy it, I could not wait until he was over. I know my husband. If I did not let him come near me he would get angry and I would go back to my father's house. (Sana)

While Sana was aware that her non-compliance with her husband's sexual demands would cause her husband to abuse her and would result in her being forced to leave the house, Kefah was adamant that she should satisfy her husband sexually in order to prevent him from taking a second wife:

He always tells me that I must let him take his needs from me. But two years ago I was very sick and I could not do it when he wanted to have sex. He was patient with me. He waited for me to get better for over a month. And because he is a religious man, he came to me and said that if this situation continued for a long time he had no choice then but to marry another woman. He said he would not divorce me and he would leave the house for both the children and

me. The minute I heard that I decided that I would let him have his needs no matter what. For a long time, I used to feel great pain when he came near me, many times I felt like telling him stop, but I could not, I was worried he would marry again. (Kefah)

Violence and Abuse: The Husband's Responsibility

Whilst many of the women interviewed held beliefs that their husbands were justified in abusing them, physically and sexually, further accounts of the women revealed that many of them strongly believed that their husband's violence was purely his fault. Two examples illustrate this:

I do not know the reason for these problems. He is not frank with me. He was never frank with me. When we first moved to this house to live alone, we were very happy and everything was fine, then things turned upside down. He does not tell me his true feelings or what is inside him. He started to go out and started to stay outside the house until the middle of the night. He does not tell me where he is going or when is he returning home. During the day, sometimes he comes early and sometimes he comes late. When he comes early and the food is not ready, he starts to swear and to scream: "You never cook. I always come home and there is no food to eat." And if the food is ready he does not come. And, if I am a bit late in cooking, he comes and starts to yell and hits me. (Hanna)

Hanna did not have any explanation for her husband's behaviour, since he has not confided in her or shown her any compassion. Reem had similar experiences, but she concluded that after many failed efforts to accommodate him, it was entirely her husband's fault:

I tried everything with him. I tried to treat him well and be a good wife to him and it did not work. I tried to be a different wife and it did not work. He never changes. He is the one to start the fights all the times. The problems are there up in his head. He fights over housework, over food, over cooking, over everything and anything. The only thing he does not care about is me. I could leave the house for days and he would not care. (Reem)

Many women who failed to find an explanation for their husband's behaviour and abuse resorted to the best explanation they could find, namely that it was their destiny or perhaps a curse:

When we first got married, things between us were very good and he treated me well, we were happy. Suddenly and without any warning, after one or two months, my husband's behaviour changed . . . I thought to myself, I must be cursed, or it must be my luck. I am destined to go through life unhappy and miserable. I started to think that somebody had put a curse on my husband just to make my life miserable, how else can I explain this sudden change in my husband's behaviour? (Suha)

While Suha thought that the causes for her suffering were beyond her comprehension, Nahla thought that witnessing violence between his parents was a probable explanation for her husband's behaviour. As he had no education, he also did not know of any better way to resolve conflict:

I have to respect him, but this is the only way he knows how to behave. I was not brought up to fight, swear or yell. I was not used to this life at my parents' house. For instance my brothers did not hit me and I did not hit them. You know I think the reason behind my husband's behaviour is my father-in-law. He used to hit my mother-in-law and run after her in the village. She used to sit outside the house on the doorstep and cry. My husband saw that and he learnt from his father . . . And it all comes back to the lack of education. My husband did not get any education, to help him think and make better decisions for himself. (Nahla)

While Nahla was the only woman I interviewed who offered such an explanation for her husband's violence, it does find support in the research literature on domestic violence (Gelles, 1990, 1989; Straus, 1980, 1990; Steinmetz, 1980). Strauss (1990) argues that men and women learn to be aggressive when they are children, either because their parents abuse them, or because they have witnessed violence between their parents. He maintains that exposure to ordinary familial aggression, such as physical punishment, is related to a higher incidence of physical abuse by both men and women, they have learnt that aggression was a legitimate (or at least effective) tactic for dealing with conflict.

Masculinity in Crisis: Political Violence and Gender-Based Violence

While the world reacts to the political violence which was taking place in the Occupied Palestinian Territories (OPTs) at the time of writing,

there is a need to examine the effect of such violence on women, and for women's voices to be heard more than ever. Although the conflict is often perceived as a conflict between equals, Israel has the overwhelming military and political power, and by controlling freedom of movement, Israel controls every aspect of Palestinian life (Nusseibeh, 2002). However, focusing exclusively on patriarchal oppression does not accurately reflect the multiple effects of the political conflict on the gendered roles and responsibilities of Palestinian women and men, for "it is in their lives, relations, daily activities and interaction that the effect of resistance, violence, victimization, militarism and 'politics' are inscribed" (Johnson and Kuttub, 2001: 22). As two of the women interviewed explained:

We are always upset and worried. The current situation does affect our private lives. Always, there is shooting, bomb attacks, and machine guns. All of these activities make us edgy all the time. Our personal relations are very tense, especially our sexual life. I feel these days there is no sex life to speak about. (Amal)

Sahar added:

We are used to the shooting, bombing and curfew, but not like these days. These days, the shootings and bombings are going on all day and all night. All day long, we sit at home very nervously, especially my husband. All day long he is sitting at home with no work and no place to go. He only watches the television and screams and swears. He does not stop. He makes our life miserable. (Sahar)

The current violence is not a war, however it causes many of the same feelings that a war would: pervasive sense of loss of control, a deep sense of humiliation, frustration and despair for Palestinians in general, which causes men to have a deep sense of emasculation. As one veteran war correspondent put it: "In the real world, this is called civil war" (Fisk, 2000 as quoted by Johnson and Kuttub, 2001: 32). If war is the "most direct" site for the construction and reproduction of masculinity, then wars and political conflicts in specific ways reinforce the view that "patriarchy is reproduced both within and between genders" (Morgan, 1994: 165) and thus, "requires much closer attention to those institutions which are crucially responsible for the production of masculine identity" (Kandiyoti, 1994: 199). Of relevance here are the institutions of the family and marriage, the sites in which patriarchy and masculinity are

produced and enhanced. In times of national crisis, masculinity faces an identity crisis, which leads to the awkward reassertion of masculine power within the patriarchal institutions. Consequently, the political conflict and traditional attitudes towards marriage and the family are interconnected to impose considerable constraints on women, leaving them vulnerable to violence in their homes. Such trends were reported in a study carried out in Northern Ireland, which investigated the impact of the ongoing political conflict on domestic violence (McKiernan and McWilliams, 1996). According to Gordon and Crehan (2000: 4–5), “Conflict situations make girls and women especially vulnerable in multiple ways.” They argue that in war, violence and in particular sexual violence and rape could be an outcome of the total feeling of desperation and frustration. They added, “... in such situations with large concentration of unemployed, traumatised and dispirited men, rape is a common occurrence”. Women interviewed for this study also spoke of the effect on men of feeling that they have lost control of their lives, and how this is interrelated with their attempts to reassert such control over the family:

The minute he enters the house, I know his mood. If he is in a good mood then he laughs, otherwise it becomes a day for a fight. I stay away from him on that day. These days, he is always in a bad mood. He teaches in the village. . . . It normally takes him twenty minutes to get there but these days I think he takes two or three hours because of the road blocks. . . . this is reflected in his behaviour at home and when he gets home, he is very angry and in a bad mood. (Lana)

Haifa added:

My husband is doing his Ph.D. in Cuba. This year he came back to visit and he stayed for the holidays. With the travel restrictions, he could not leave again. So now he is very upset and is worried that he might lose the year of study. All day long, he is pacing around in the house. If I say anything to him, such as come and eat, he gets irritated as if it was my fault. (Haifa)

As discussed above and in Chapter Two, in the Palestinian case, the long history of political conflict and the patriarchal tradition of marriage and family have interacted to impose considerable constraints on women's

lives within the private sphere. As one woman explained, she first thought that her husband's bad temper might be due to his despair caused by the restrictions on movement and the poor economy:

Since we moved to our own house, we have problems but not everyday. But he is still the same, either he comes home happy or he comes upset. If he is happy, it is fine, but if he is upset, I know that I will be beaten that day. . . . He has a small amount of land and he plants it with vegetables. Some days he harvests the crops and if he can, he takes it to the city (Ramallah) to sell. So if he comes home happy, I know that he has passed the checkpoints and sold the produce for a good price. If he is upset, I know that he did not get to Ramallah, or he got to Ramallah but he did not make good money. Although sometimes he sells the vegetables and makes good money but when he comes home, he is still upset because of the checkpoints. (Nahla)

The ongoing violent conflict in the OPTs influences the levels of violence shown against women by heightening feelings of despair, loss of control and emasculation in men. These three examples illustrate this point:

I do not have problems with my husband. The only time we had a problem was last week, when my husband went to the city (Ramallah). That day there was a huge demonstration and the army was shooting, and things like that. So before he reached the city he decided to return back home. The army stopped the car he was riding in and asked everybody to get out. There was this old man with them in the car, and the army made him walk back to the village. They kept the car with everyone else for two hours. So when my husband came back home, I said to him why did you come back so soon? Instead of answering me, he pushed me so hard that I fell down on the ground. So for two days, I did not talk to him. (Iman)

Fatin added:

My husband is very good to me, he treats me well, we get along very well together, but sometimes disagreement happens, then we get upset at each other but he is good. . . . My husband was a labourer but now he has a small grocery store in the village. The truth is that since we opened this store, things have been going

from bad to worse because of the current situation. When money is tight, it affects your life. My husband has become very hot tempered and even hits the children sometimes. He has not hit me yet, but he screams and yells at me. Sometimes he even throws the food in my face. But I keep hoping that things will become better. (Fatin)

Inam stated:

My husband is educated and has a good job and I also work and have a good job. . . so there are no problems between my husband and I. But the current circumstances, shooting, killing and arrests make people nervous all the time. I myself am very nervous. Last Friday, the weekend, I said to my husband, "Let's take the children to the fields here in the village." He said no, and when I repeated the request, he got mad and said: "Which fields, where do you want to go? Can't you see that the army is surrounding the village?" I made the mistake of saying, "So what". At that point, he got so mad, he actually became crazy. He raised his hand to hit me then he took it back, and stormed out of the house. (Inam)

In the Palestinian context, the home and family, "the inner sphere", has become the only arena for men to freely exercise control and domination which are restricted elsewhere. The home has become more than the place where men can seek shelter and has become a place to recover from the psychological wounds caused by a loss of national dignity and freedom. As one woman explained:

My husband is a construction worker. These days, there is not much construction going on, only destruction. The destruction outside has moved inside the homes of many of us, including mine. These days my husband is short tempered. He does not fight or anything like that, but we can't talk to him or ask him anything. So I just keep to myself and try to keep the children quiet and well behaved. I mean, how much can a man take? We women know how to keep it all inside. (Suheir)

The family is also the only source of emotional support and strength. One woman explained that her marriage is happy and stable but during the last few months of the political conflict, her relationship with her husband has become tense. At the same time, when she sought her parents' help and support, she was turned away and blamed for challenging her

husband's authority and thereby compounding the humiliation he received at the hands of the occupying soldiers:

During the olive season I left the house and went to my mother's house *hardaneh* (angry). I was pregnant and tired. I did not want to go to harvest the olives. He wanted me to go to the harvest because there is an Israeli settlement on our land (i.e., the village land). This year because of the *Intifada*, the settlers put a wire around the settlement and many soldiers stand guard, so when we want to go to harvest our olives, we must pass through these wires and be searched by the army. They humiliate men but they are easier on women. They search us but not as badly as they do with men. My husband could not take the daily search of the soldiers, so he wanted me to go. He got mad and we started arguing about it and I left the house. I went to my mother and stayed there for one day. The second day I came back. Even my mother started to scream at me and told me, "You have no right to leave your house, your husband poor man, what do you want from him, you and the occupation are against him?" (Fadia)

This study provides some evidence for the assertion that the increased sense of humiliation and emasculation that men suffer causes them to search for avenues to reclaim their masculinity and assert their power. This was articulated by one of the key informants for this research, a social worker working in a management capacity on one of the few emergency telephone lines available to deal with a range of social issues including violence. According to her, there has been a recorded increase in the number of female victims of abuse who have called the line seeking help and advice:

The emergency line – the hotline – has become a necessity during recent times because of the increase in the intensity and the rate of violence against women. This is as a result of the political violence practised against the Palestinian people, from which women suffer most. For example, increased rates of unemployment and poverty causes a man to vent his frustration against his wife. Our emergency line is now operating 24 hours, 7 days a week. We have advertised about the line in the local media, radio and newspapers so women are generally aware of our existence. During recent times, there has been an increase in the number of daily calls we get from women complaining about abuse. Contrary to the general belief that the only violence is the political violence, women are being abused at

home. It is increasing because of the street violence and as a backlash of the suffering of the men. Women are the weakest sector of the society, hence, they are made to suffer the most. (Key Informant – Social Worker)

Oppressed Palestinian men in search of psychological refuge from outside violence turn to their culture and religion. Men find refuge and security in the most ancient traditions by which they can maintain some sense of control and manhood. Many men, and perhaps women, view these customs and practices as “desirable”, because they can reaffirm their own culture and maintain some sense of normality and safety (Azzouni, 1998, 1999; Jad, 1998; Taraki, 1997; Wing, 1997, 1994). One woman interviewed by Antonius (1983) explained:

The Palestinian used to be much more advanced in his own country and women were more independent and freer . . . but after 1948 this changed: in the camps the Palestinian became ultra-strict, even fanatic about the “honour” of his woman. Perhaps this is because he had lost everything that gave his life meaning, and “honour” was the only possession remaining for him (quoted in Antonius, 1983: 72).

Concluding Remarks

The formation and construction of gender identity have far-reaching implications for women’s status and role in society and the way in which the masculine and feminine identities are perceived. The belief that men are superior and that women are inferior is strongly based on the traditional view of women as subordinates and as “property”. As such, violence against women and abusive conduct are acceptable as “normal” given rights men have to discipline their wives into obedience. Women have been long accustomed to believe that all forms of violence perpetuated by males against them are natural. They have learned to cope with violent behaviour and endure it silently.

Many women considered violence to be a male “prerogative” and “natural” behaviour, and some believed it to be their “fate”. Violence is one tactic deployed by the patriarchy to assert its power through the creation and maintenance of women’s subordinate position. According to Dobash and Dobash, achieving women’s subordinate position is the essence of patriarchy:

One of the means by which this order is supported and reinforced has been to insure that women have no legitimate means of changing or managing the institutions that define and maintain their subordination. Confining women to home, banning them from meaningful positions outside the family, excluding them from the bench and pulpit is to deny them the means of bringing about change in their status (1980: 43).

For Palestinian women, patriarchy is supported by a system of socialisation which conditions women to accept male domination as “natural”; a family system which acts to enforce this domination and a set of rules and regulations which ensure that women have no way of changing their lives. Thus violence against women is about the exertion of control and a sanctioned way of life, a way of life that is legitimised by religion and culture and borne out in popular sayings and legislation.

In Palestinian society, many of the social, cultural and religious values and beliefs continue to view women as the recipients of men's desire. Such attitudes hinder women's ability to consent to sexual relationships. Additionally, the ideology of honour and shame inspire fear in all women, further paralysing their ability to give consent and enjoy consensual sexual relations. Women must fulfill their husbands' sexual needs and demands otherwise they will suffer the consequences – more physical and psychological violence. Moreover, the ongoing political violence in the OPTs increases the level of violence against women by heightening men's feelings of despair and loss of control.

RESISTANCE AND COPING WITH VIOLENCE

**Prologue***Reem's Story*

Reem is a 34-year-old woman from a refugee camp. She was married to her cousin at 16 years of age after receiving seven years of schooling. This is how Reem described her childhood:

I was born to a poor family here in the camp. I did not have uncles or aunts. My father died when I was six years old. My mother raised us on her own. My childhood was miserable. My life at my parents' house before I got married was a very difficult life because my brother used to beat me very badly. He used to beat me so hard because my father was dead and he wanted to act like a man toward us. My mother was a weak woman. She could not say anything to him and my older brother was married. I had a miserable childhood full of suffering.

One time during the feast holidays, I went to the movies with my friends. I was 12 years old then. My brother's wife told him that I went to the movies. When I came back, he put me under the window of his house and battered me very hard. He did this under the window of his house so that his wife could hear me screaming. He beat me so hard that he broke the broomstick on me.

My husband is my cousin. He proposed to me because my family, especially my brothers, asked him to do so. They decided that we, he and I, should get married. They did that without asking me anything. Then the engagement took place.

My husband and I had never liked each other from the time we were children. My problem is that my husband and I were raised in the same house. We slept in the same bed as a brother and a sister. The problem is that my uncle (i.e. my father's brother and my husband's father) died and his mother got married again so my father took all the children of his brother into our home, including my husband. They were raised in our house with us. So, we never were apart up to the time we got married. When we were children,

I used to think of him as a brother. We used to eat together, sleep together, play together and fight together. No wall has separated us. We used to sleep in the same room when we were children, and we got married and stayed in the same room.

The day my brothers decided that I should get married was the day I went to the city to see a movie. I ran into my brother on the street. He asked me: "Where are you going?" and he started to beat me up in the middle of the street. I went back home crying and screaming. That day my brothers and my husband's brothers got together and decided that I should marry because I am getting old and they can't control me any more. When I heard that they decided I was not sad but I was not happy either. They wanted me to get married. Then let it be.

Reem explained that her marriage was troubled from the very beginning. She went on to say:

From the first day of our marriage there were problems between us over the simplest issues. Take the last problem. My husband works now in the vegetable market and is no longer in construction. He takes money from people in advance, promising he will get them vegetables the next day. But instead of getting the vegetables he takes the money and he travels. The last time he went to Iraq. My husband likes to travel and to drink. He gets drunk very often and then he becomes very hot-tempered and makes problems. He has been drinking all his life, even before we got married. My family told me that he would stop when he was married, then they said he would stop when he had children, he would stop when his kids are older, and he will stop when he is older, when, when... but no signs of that. He will never quit drinking until the day he dies. When we had a problem he would start to beat me up so bad, to scream at me and to call me names, everything. He would beat me up so hard that I would feel that I was going to die. Sometimes he also beats up the kids.

Hanna's Story

Hanna is 25 years old, and married aged 20. She left school early at the sixth grade:

It was my choice to leave school. My father gave us the choice to go to school. All my sisters left school and did not finish. I regret not staying at school. I wanted to go back and then I decided to forget

it. After I left school I learnt sewing and started to work but once I got married I quit my job.

Hanna's husband is 26 years old. He was 21 when they got married. He didn't go to school. He used to work as an unskilled labourer. She said:

Now my husband does not work. When we got engaged he used to work day and night, and worked very hard, but after I gave birth to my second daughter he stopped working. Now he does not work.

Hanna's husband is not related to her and this is how she describes her marital arrangement:

I did not know him before we got engaged. He saw me at our house while he was doing construction work for my father. When he saw me, he wanted to marry me but there were lots of problems then. At the time, I was engaged to my cousin. But my cousin changed his mind about marrying me, deciding that he wanted to marry my younger sister instead. She is taller and fairer than me. Besides my cousin wanted us to meet and sit together on our own. I did not agree to that, because we were only engaged and we did not even have our marriage contract drawn yet. I told him if he wanted to see me, he had to see me in a family setting. So my cousin did not like that and since he liked my sister more, he told my father that he changed his mind and wanted to be engaged to my younger sister. My father refused. At that same time, my husband asked my father for my hand. I immediately agreed to get rid of my cousin. My husband had his eyes on me for a long time and he used to call me on the telephone and wait for me in the street while I was leaving my job. He used to tell me, "You are going to be mine." I used to brush him off. Even up to a month before we married, he stopped me on the street and told me, "I told you that you are going to be mine and you shall see."

Hanna explains the difficulties in her marriage:

Poor thing, he is good, but he does not respect me at all. He always swears at me and throws anything and everything in his hand at me. He hits me for anything and everything, for a reason or without any reason, he comes to the house and starts to swear at me, and call me names and beats me up. That's not all, he even prevented me from praying; even prevented me from fasting in Ramadan. I

used to wear a head cover before marriage and he made me take it off. His brother married a woman who did not wear the *hejab*. So he said to me, "You either take off the *hejab* or I divorce you." So I went to the *sheikh* to ask him what to do. The *sheikh* told me that I have to obey my husband and he will pay for this bad deed. He does not pray or fast; he does not believe in God.

Hanna and Reem spoke of their victimisation but were strong, resilient women, who were creative in inventing their own coping and resistance mechanisms to violence. They present two different scenarios of coping and resistance. Reem's case is represented in the first scenario, and Hanna's the second.

Scenario 1: Reem

I Left Him for Good

I left him for good and I now live in a house of my own. I rented a place for my children and I. My brothers tell me, "You are our sister and we will take good care of you but without your children. If you want to come to us that's fine with us but you must leave the children with him." Do you think I can leave my children? What kind of a mother do they think I am? Look at this kid: he is handicapped. Where would I leave him. He needs special care. My mother is dead so I do not have a parents' house; I only have my brothers' houses and I do not have any older uncles in my family. All of them are dead. I have only cousins, they are my husband's brothers. They say that we have a messy situation and lots of problems so they do not want to get involved in our affairs. I tried everything with him: I tried to treat him well and be a good wife to him and it did not work. I tried to be a difficult wife and it did not work. He never changes. He is the one to start the fights all the time. My husband is a careless person. He cares about nothing not even the children, he does not care if they come or go, if they are fed or not, if they go to school or not, if they have money to go to school or not. I am the one who has to care if my daughter (i.e. the one at the university) has money for tuition or not.

Now I have left my husband for good. I could not take this any more. During this last problem, I went to the police. The policeman, the high commander in the Palestinian police, when I told him that my husband beats me and that he has broken my arms, the man said to me, "Woman go back to your home, to your husband and children. *Allah yistar Aliekeh* (May God save you from scandals). A

husband and his wife fight, it is a family problem and we can't get involved." So I thought, my brothers do not want to help me, the police will not help either, and I can't file for a divorce. Well, I do not have money to pay a lawyer. People told me that I need a good lawyer to be able to get a divorce, because the *sheikh* in the court will not believe me just like that. I am not sure if that's true, but people tell me that. So anyway, I thought I would go and see the *shabab* (young, usually politically active, men) of the Camp's Social Committee but that was no use. They told me come tomorrow, come the day after tomorrow, come now, come back again. We had a meeting and agreed that we would deal with it tomorrow but this tomorrow does not come. And my family say, you want to get a divorce, it is ok get the divorce, but come back to us without your children.

Now that I have left her father, I do not know what I will do about the university tuition for my daughter. She is in her first year at university, although she doesn't have to pay fees. My daughter is an excellent student, she got 92 percent in the high school certificate and one generous man here in the camp donated the money for her tuition. But she still has to pay for housing and food. She goes to Al-Najah University so she has to stay in the university housing. This is her first year and I am not sure what I will do. I am not worried about food for us, this can be provided by donations from good people here in the camp. When I rented the house, people here gave me blankets, chairs, tables and some utensils, some other people gave me food, some tomatoes, potatoes and some bread. And this month, I have this job (a cleaner woman) in the centre, but I am not sure what I will do after the end of this month. My daughter needs money to spend like other girls at the university. Before, I could put some money away from my husband, but now I do not know what I will do.

With no qualifications and no job what can I do? I always meant to get some training in sewing or hairdressing but my life was filled with troubles and was never stable, I never got the chance to collect my breath. We moved from one house to another. We rented a house but he does not pay the rent and we got evicted. The same story over and over, when would I get the time to do training? I missed out on education. Why should my daughter suffer the same fate?

At least, she has finished school and is going to university, studying to be a lawyer and she is not with him to serve him. It is enough that my son left school. I took him out of the school so he could learn a trade and help me out with raising his brothers and sisters. Now he is training to be a carpenter.

Scenario 2: Hanna

We Will Take You Back Without Your Children

Lately I thought of leaving him and asking for a divorce, but after I thought it through, I changed my mind. I said to myself if I get a divorce what will happen to my children? Who will take care of them and love them? My father told me, leave him and come back to the house but you should leave his kids behind. We will take you back but without your children. Even my husband says, "Fine, you want to leave, leave and I will take care of my children. I will hire a baby sitter for them and it will cost me less than what I have to spend on you." What can I do? I have to take it all because of my children, I have no choice.

If I get divorced there is no problem with finding a house. I can live in my parents' house in the basement although my father does not want my children. But living in the basement is not the same thing as going back to my father's house to live. My father has told me many times to come and fix the basement up to live in it. But if my parents die, then I would have a great deal of problems from my brothers and their wives. And what will happen to my children then? Because when my father dies, my brother will take his place and do whatever he feels like with my father's inheritance.

If my husband marries a second wife, of course, I would be upset, but what can I do? If he wants to marry a second wife, it is up to him. The most important thing is that he provides for me and for his children. I know he could only manage to spend on two houses for one or two months, but after that he will not be able to provide for me. Then I can ask for divorce and take all my legal rights. Because if I can show that he married a second wife and can't provide for me, then the judge will divorce me and give me all my rights. I don't know much about the law. My husband might falsify papers to show that he is not married. I just hope that he gets married and takes his problems with him away from me.

There is no solution and no way out of my problems. My husband will not change his ways and the only thing is a disaster hitting him so he might wake up to his wrongdoing. I always tell him that unless you get in a big trouble you will not change. I even dream at night that he is hit by a car and gets killed. And sometimes, I dream that he is jailed for life.

Introduction

*I'd rather die on the doorsteps of my house,
than stay at the house of my loved ones.*

Palestinian proverb

The process of ending and recovering from the effects of partner violence and abuse involve many attempts at leaving and returning before an abused woman is able to leave the relationship for the final time. Abused women use this process as a mechanism for gaining some control over their lives (Walker, 1984). The final departure is the first step in recovering from an abusive relationship. However, many individual and contextual factors affect whether a woman stays or leaves an abusive relationship. These factors may include a woman's survival skills, personal and economic factors such as a woman's ability to support herself and her children, the availability of family support and/or social resources which are available to assist and support her (Bowker, 1983; Eisikovits, Buchbinder, and Mor, 1998; Landenburger, 1998; Okun, 1986; Sullivan and Davidson, 1991; Ulrich, 1991).

Research carried out, primarily in the United States and Europe, investigated the extent to which women stay with abusive partners for many years despite suffering severe and often life-threatening injuries. One study in the US found that 60 percent of women visiting shelters for battered women returned to their husbands within six weeks of coming to the shelter (Ellsberg, Winkrist, Pena and Stenlund, 2001). Walker (1979), elaborating on her theory of "learned helplessness", described battered women as victims of a cycle of violence that over time caused them to develop a mental disorder, medicalised as battered women's syndrome (Walker, 1984). Battered women's syndrome presents abused women as patients who exhibit poor judgement and pessimistic thinking, which ultimately makes them incapable of leaving the men who batter them. However, associating the dilemma that women face in attempting to leave their abusive partners with a mental disorder has led, as I discuss below, to the negating of the survival strategies of women whose attitudes and actions do not conform to the passive model of learned helplessness (Adelman, 2000).

Landenburger (1989) proposes a different model to explain the process which abused women go through in making the final decision to leave an abusive relationship. Landenburger notes that the complex dynamic process by which women become entrapped in abusive relationships, and eventually recover, is made up of four stages, namely binding, enduring, disengagement and recovery. During the binding stage, violence is initially rationalised or denied. As the violence persists and becomes more severe, women begin to concentrate their efforts on enduring and coping with the abuse. At this stage, many women reach a point where they are able to recognise what is happening to them, can identify with other women in the same situation and/or can seek help from others. At this point the process of disengagement begins and eventually women enter the recovery mode (Landenburger, 1998). According to this conceptual framework of entrapment and recovery, a woman's awareness of and response to violence might be expected to vary according to what stage she is at with regard to her violent relationship (Johnson, 1996; Kirkwood, 1992).

While Walker (1984) and Landenburger (1989) propose that a woman's decision to leave or stay in an abusive relationship is shaped by the individual characteristics of the woman herself and the severity of the violence experienced, Dutton (1996) argues that the specific circumstances under which a woman is living must be taken into account to understand her response to violence. A woman's options are often circumscribed by factors outside her control. Such factors include community attitudes towards violence, available resources to women and access to financial resources and social support (*ibid.*). Once a woman decides to leave her abusive partner and seek help, the social and family response she receives plays a crucial part in determining her future actions (Brown, 1997; Fawcett et al., 1999).

The question of why women stay in abusive relationships has received very little attention outside the US and Europe. Women from different social and cultural backgrounds cite a wide range of reasons for staying in violent relationships including: fear of reprisals, shame and self-blame, economic and emotional dependence on the abuser, concern for the children, lack of support from family and friends and the hope that the abusive spouse will change. In many countries, the stigmatising experience of being single, living without a marital partner, losing social position and power as a wife and a mother or becoming

homeless, propertyless and powerless are additional barriers to women leaving abusive relationships (Heise et al., 1999).

Additionally, recent research from developing countries indicates that norms of family honour and cultural values influence many battered women's decisions to leave or silently endure the abusive relationship. Many women who live in cultures where community is stressed above individuality opt to endure and cope with a violent relationship. This is particularly true of Middle Eastern and some Pacific Island and Asian cultures where a woman abused by her husband hesitates a very long time before attempting to do anything about the violence (Dutton, 1996; Edleson, 1992, 1996, 1997; Eisikovits, 1993, 1998; Espanioly, 1997; Mills, 1996). Findings from studies around the world indicate that women who seek help for violence typically face hostility and indifference on the part of service providers as well as a multitude of institutional and personal barriers (Prasad, 1998; Rodriguez et al., 1996; Warshaw, 1996).

In Palestinian society, there is a dearth of research dealing with issues related to battered women who seek help or the preferred mode of coping with violence. The only data comes from research conducted by Haj-Yahia (2000c) on a sample of 291 Palestinian women living inside Israel proper, who had access to social services, shelter services, the police and the law, unlike Palestinian women who live in the Palestinian National Authority, where no such services exist. In a response to the research question "If your daughter tells you that her husband beats her, how will you react? What will you tell her to do?" Haj-Yahia found that 92 percent of women indicated that they preferred the issue relating to the violence to be handled within the nuclear families of both partners. In addition, 77 percent of women indicated that the extended families of both parties could be involved if the need arose. Only 15 percent mentioned the possible involvement of social services and the police, and then only in very severe cases. Only 6 percent indicated that they would recommend divorce, and then only in the most severe cases and after every other option had failed. Furthermore, all women in the sample indicated that when a woman is attempting to cope with violence she must do so in a way consistent with the prevailing values and social beliefs. For instance, one of the women in Haj-Yahia's sample mentioned that "the wife's obligation is to preserve the reputation of her nuclear family and her family of origin (mainly her mother and sisters)

and her commitment toward the best interests of her offspring should take precedence over the couple's well-being" (ibid.: 247). Here, the emphasis is on the couple's well-being with no reference made to the woman's safety, integrity or well-being. Furthermore, as discussed in the previous chapter, women have largely internalised the view that they provoke men's violence, so other female family members may offer little support.

This chapter considers the way in which Palestinian women cope with and resist abusive relationships. It examines the role of social and cultural institutions in a woman's decision to leave or stay in an abusive relationship. The premise of the chapter is that one needs to go beyond just asking why battered or abused women fail to leave their abusive relationships. Instead, one must investigate the way in which the individuals, structures and ideologies of the social and cultural institutions in the society, attempt to keep women, all women, in marital relationships. By examining social and cultural institutions, as well as the beliefs of such institutions as the family, this chapter will show how these values and beliefs affect social, cultural, economic and legal pressures. This chapter will also show how these institutions become major deterrents for women who attempt to leave an abusive relationship and seek the termination of the relationship in the form of a divorce. Palestinian women do, however, implement alternative strategies for coping with and resisting violence in their lives. Therefore, this chapter is organised in two sections. The first section is entitled "Coping from Within the Family Confines" and addresses the social, cultural, economic and legal impediments women face when attempting to leave an abusive relationship, while the second section is entitled "Passive Resistance and Coping" and discusses the alternative strategies women employ to be able to cope with and endure the violence in their lives.

Coping from Within the Family Confines

Collective Over Individual Interest

Many Palestinian women, living in a culture that stresses the collective interest of the family above the interest of the individual, opt to endure and cope with living in a violent relationship rather than expose themselves to the society outside. Such actions are also reinforced by their parents and other family members. Many women who took part in this study

reported that when they sought their parents' help they were told that they should have contained the conflict and should not have left their homes. Additionally, they were blamed for failing to be good obedient wives and were held responsible for the reputation of the family and for the failure of their marriages. Such failure reflects not only a woman's failure as a wife and mother, but also the failure of her family of origin to prepare her for marriage and can also reflect on her children, especially female children (Haj-Yahia, 2000c: 247). Hence, women interviewed spoke of the blame and self-doubt that they were made to feel by their parents. The women were blamed for causing their husbands to abuse them, for attempting to break the family unit and for bringing social shame and embarrassment to their family. Women were also held responsible for the misfortune their actions brought to their siblings, particularly their sisters. The following two accounts of women respondents illustrate this point:

I used to tell my mother about what was happening to me. Sometimes she would tell me, "This is your husband and he has rights over you, you must be patient." Or she would say, "I am sure it is your fault, you must have done something to make your husband angry." She would say: "You brought us shame. I wish we buried you alive before this." She would keep saying, "Daughter, be patient this is your fate in life." Sometimes she would say: "You want to be divorced and bring us shame. You want people to eat us alive?" Other times she would say: "You see, I have eight other girls besides you. This means if you get a divorce, nobody will marry your sisters, and they will stay in my face as old maids." (Shaheed)

Nuha added:

So the problem escalated and I had to leave the house. I went to my parents. Now I regret going there. As soon as my parents saw me, they started to scream and say: "What the hell happened to you, are you crazy? You want to bring us shame! What is this you are saying about your cousin, you are saying he is not a man (i.e. impotent). Do you think people will leave your brothers alone, now everybody will say, if the cousin is not a man then the brothers are not either. Now we will not find suitable brides for your brothers, is that what you want?" And when they are not talking about that, they would say, "So what do you want now, you want to get a divorce, fine do. But do you think after your divorce, any of your sisters will get the

chance to marry, who will marry someone whose sister is divorced?"
 So I could not escape my fate. (Nuha)

Research shows that while some Palestinian women believed that they are responsible for peace and tranquillity in the family, many women preferred to handle the violence within the confines of the family and kinship group (Jad, 1998; Haj-Yahia, 2000c: 247). Consequently, many Palestinian women who leave and return to their husband, do so through a process known culturally as the *hardaneh* system. While this system is controlled and manipulated by the whole social and family structure, many women use it as a mechanism through which they strive to gain some control over their lives (Walker, 1984). The *hardaneh* process is initiated when a woman leaves her husband's house and goes to her parents after an abusive episode delivered either by the husband or sometimes by his family. As one woman commented:

The first time I left the house *hardaneh* it was over cooking. My mother and sisters-in-law wanted me to cook on the gasoline stove and I wanted to cook using the gas stove, so I ignored them and cooked on the gas stove. When my husband returned home from work they told him what happened, so of course he sided with them and started to scream at me and hit me and he kicked me out of the house. He said: "I do not want you in the house anymore, go to your father's house." (Samia)

For Palestinian women, leaving the marital home is an act of disclosure. For many this may be the first opportunity they get to speak out about the suffering that they have long endured silently. However at the same time, this moves the process of coping with abuse into the second stage, namely the mediation process between the two partners. However, this mediation does not take place between the woman and her husband, but rather between elders and family members from both sides. The main result of this mediation process is that the woman is returned to her abuser, and often without any tangible achievement. The abuse may well continue or even increase in severity after the woman is returned to her house. The accounts from the following three women demonstrate this:

Sometimes I used to leave the house *hardaneh*. I used to go to my parents' house. My mother because she was an older lady, had a different approach. She used to say to me, "Your sisters-in-law were

older girls who were not married. You should be diplomatic and patient with them." She used to make me feel at fault. My father used to say, "I would not take you back to them." But my husband would bring his family to my father's house and the same story would be repeated all over again. I would come back and nothing would have changed. Sometimes, my husband would come with his family and other times he would send them alone. He used to act as if it was not his problem and he did not care if I came back or not. But the elders would come and my father would feel sorry for them and make me go back to him. Sometimes when I came back, he would sort of say sorry, but the whole situation would be the same and the problems continue. When I think about the way it used to be, I get frustrated and angry all over again. (Nahla)

Kefah stated:

My brother asked me what happened and I told him. He said fine, in the evening I will find out what the problem was. See, my brothers and my family do not encourage us or support us to leave the house *hardaneh*. They do not like it, because we have children. They are worried if they do support us every time a small problem happens with our husbands we will leave them. See many women do that, leave their husbands so often because their family stands by them and encourages them. Anyway, my brother talked to my husband and my husband told him that: "I do not want her back; she can stay with you for good." My brother told him: "Why? My sister did not do anything wrong." Anyway, after one week my husband came with his brother to my brother's house and took me back. After that, my father came and had a discussion with my husband, and he told him: "This girl of mine is alone and very polite and well mannered and she has nobody in the village. Beside she is doing all the housework and taking care of the sheep and the chicken farm. And after all her work your sister beats her. If my daughter needs discipline, she has a family to teach her manners, not your sister." My husband told my father, "That is going to be the last time, I will not let my mother or my sister hit her again." (Kefah)

Samia illustrated:

Of course, he did not come to take me back from my father's house. He did not even send his family, in accordance with our customs and traditions. He just left me there at my father's house. But what can I do? I had to go back by myself. Even my father did

not come with me. He only came to the village for the taxi ride. As soon as we arrived at the taxi stop in the village, he said to me. "Go in peace, and May God be with you. Take care of yourself." and that was it. At the time when I left to go to my father's house, I had just given birth to a girl and I had left the baby girl behind me with them (i.e. my husband's family). Therefore, I could not stay away for a long time. I had to come back for the girl. So I came back. When my husband saw that I had come back, he started to treat me well and said that he was sorry. See after every time he hit me, he used to say he was sorry. (Samia)

These accounts depict women as victims of a culture that leaves them hostage to their fate: as well as stripping them of any ability to influence their own fate. This begs the question of why these women surrender to such a lot? Why do they not rebel and take their fate into their hands? Women interviewed spoke of their dilemma and of the pressure they faced before accepting their misfortunes. One of the most important components in this equation for them is having children and their inability to keep their children if and when they leave their husbands. Women tolerate the abuse and the mistreatment they receive from their husbands for their children's sake. In the patriarchal structure of the family, women bear children and take care of them but at the end they belong to the patrilineage:

As soon as I got married, I got pregnant and gave birth to my first son. This made it very hard for me to leave him and leave the children. Where would I go? If I go to my family, my parents would not put me up with my children. I personally will not leave my children. I fear for them. A woman puts up with an abusive life for the children only. (Samia)

Nahla added:

I used to think this was it. I am leaving and not coming back. I used to say I am going to pressure my family to divorce me. Sometimes when I leave *hardaneh*, I used to take my children with me, but my parents used to say to me, if you want to come to us you can come, but without your children, leave them for him. My father would say: "They are their kids and they should take care of them. God forbid, if one of them gets sick or something happens to him, we have to be responsible for them, so you are welcome but

you must leave the children behind.” So, I had to stay with my husband because of my children. (Nahla)

For these women, children were not only a symbol of their social status as mothers but also the only achievement in their lives. This is how Nahla explained her reasons for not seeking a divorce:

Because my parents do not want my children and he will not let me take them, he used to say to me you want to leave, you can leave, but the children, no way, you have to leave them behind. So what could I do? I cannot leave my children. And now it is too late to get a divorce, after I had a tubaligation. Now I cannot have more children. Suppose I got a divorce and remarried again, I could not have children. So, I would have got out of the world with nothing. I would have lost my children and I could not have any more children. (Nahla)

Social and Structural Impediments

Many Palestinian woman cited a wide range of reasons for staying in violent relationships, however, social attitudes and a lack of available community resources to assist women was a crucial and major factor impeding women's ability to leave their abusive relationship. Two of the women interviewed explained this situation clearly:

I cannot get a divorce. There is too much social pressure. Besides, being divorced might be a cause for social scandal, people might think he divorced her because she is a bad woman. They will say, she left her husband because she is in love with another man and things of that sort. Besides for a divorced woman, the situation is a delicate and hard one. She will be an easy target for all the social gossip. (Samia)

Nawal added:

We, the Palestinians, are very suspicious of women's behaviour. If a woman leaves her husband and divorces him, people will start to talk about her and say she is leaving her husband because she is in love with another man. So what can I do but be patient with my husband and to stay with him, *Allah basabrenie alla ballotie* (God will give courage and patience to oversee my fate). (Nawal)

These social attitudes and beliefs were echoed by one key informant, a social worker/ community development worker. This informant believes that this social attitude which considers the family to be a private institution engulfed in secrecy is the main obstacle facing abused women:

The social and cultural attitudes do not allow women space to speak out about abuse and violence, particularly if it occurs within the family. When a woman recognises that she is being abused, she begins to think hard even before she seeks help and assistance. And when she starts to examine her options, she realises that she is abused, but at the same time, she realises that if she dares to speak about it, she might be divorced and if she is divorced, where would she go? In the best scenario, she could go back to her parents, but sooner or later these parents might die, then she would be left to live with one of her brothers and his wife, the sister-in-law. Hence, she finds that being abused but with a husband and children is better than being divorced. There is a general social attitude and conspiracy against women, few can escape it. (Key informant, social worker/community development worker)

This negative attitude towards divorced women is consistent with many social and cultural beliefs and values about marriage and the family, as discussed in Chapter 5. These attitudes are further enforced by the legal complications inherent in the divorce process, as stipulated by the *Shari'a* law. While the *Shari'a* law provides women with a small window of opportunity for escaping marriage by stipulating that women can file for divorce in cases of harm, the law does not define harm and the burden of proof must be provided by the claimant. In cases of violence and abuse, women must provide the proof. According to one lawyer working mainly in the *Shari'a* court who was interviewed in the context of this research:

Violence and abuse from a husband is not defined as such in the law, so if a woman claims that she has been abused by her husband she must provide the proof. And in this case, a woman must provide witnesses and a medical report to prove physical harm. In the case of witnesses, they are hard to find, because witnesses for the woman could include her family, mother, sister or other family members. These could be easily discounted by the defendant's lawyer, particularly since there is no clear definition of harm in the law. The other alternative is to provide medical reports showing

that she sought medical help because of harm caused by the violence. In this case, it becomes more complicated. Because, this is not a matter for the *Shari'a* court but rather for the civil court, and it is classified under the Criminal Penal Code of 'Crimes Committed Against the Person'. The code classifies these crimes as misdemeanour when the victim sustains injuries that require a hospitalisation of between ten and twenty days. This violation carries a jail sentence that ranges between three months and three years. So for an abused woman to get a divorce in the *Shari'a* court because of the husband's violence and abuse, she must first get a judgement against her husband in the civil court, which could lead to the imprisonment of the husband. Regardless of the facts, more often than not women won't be able to get judgement against their husbands, a hundred percent of women won't take this option. They won't imprison their husbands. Many of my women clients tell me, "I can't do that to my children's father." They are particularly concerned for their daughters, "Do you want me to imprison my husband, what will happen to my daughters? Nobody will marry them. They will be ashamed all their life. People will point at them and say: their mother put her husband in prison." (Key informant, lawyer in the *Shari'a* Court)

The few who opt to file for divorce and get it, are those who have their family's understanding and unconditional support and/or do not have children and/or are financially independent. As one key informant explained:

Women who decide to get a divorce either have their parents' extraordinary support, or do not have children to worry about in terms of custody and the possibility of losing their children, or they decide that they can make it on their own financially. They have a good job, a savings account, or a house of their own. But the most important aspect in this case is that the woman must be empowered within herself. She must be so confident that she can withstand the social stigmatisation and harassment she will get as a result of being divorced and living on her own. (Key informant, social worker/ community development worker)

A further complication with the legal system is related to the law enforcement mechanism. While there is a national police force in the OPT, enforcement in cases of *Shari'a* court decisions are not the responsibility of the police. These decisions are considered family matters

that should be dealt with by the family or kinship group and not by the police. This is yet another example of legitimising the authority and power held by kinship and the clan group which is codified by the law. As one key informant explained:

We can help women to get a divorce and with the collaboration of the legal counselling centre, we can provide legal advice and support for women. But one problem is we can't do anything to enforce judgements against husbands. There is no legal mechanism to enforce the law. So women in theory can get the alimony, child support, the deferred part of the *mahr* and all their financial rights, but if the husband does not want to pay there is nothing that can be done to assist them further. (Key informant, social worker in a management position in the counselling service)

At the time that the fieldwork for this research was conducted there were only three non-governmental organisations that provided support and assistance to women victims of violence in the West Bank, and two such organisations in the Gaza Strip. However, their services were limited to the provision of counselling services through open phone lines known as "hotlines", individual counselling sessions, awareness-raising campaigns including media and community education classes on issues of civil rights, human rights and GBV, and lobbying and campaigning for legal and social reforms. However, the ability of these organisations to offer protective services to women was very limited. It must be noted that while the fieldwork was being done many of these community education programmes had been suspended because of the political conflict. As one key informant explained:

We offer hotline services, but not everyone has access to a telephone in the first place and secondly, phone charges are very expensive and not everyone can afford to talk on the phone for twenty or even ten minutes. And, yes, we provide a space for women to express their pain and get some solidarity and emotional support but we can't offer anything further. Yes, we and other centres provide legal advice but we can't provide law enforcement. One of the reasons that we can't offer protective services, besides the fact that culturally we would be outcast and many women might not come to the shelter; the main reason is that we as support services are not protected by the law. Let's suppose we do have a shelter, and a man finds that his wife is there, and he attacks the shelter, insults the workers and

takes his wife. We cannot call the police, we cannot file charges. Because under the law, *ta'a* (obedience law), he even has the right to call the police to take his wife back to the house against her will. (Key informant, social worker in a management position in the counselling service)

Consequently, for Palestinian women, the process of ending and recovering from violence and abuse involves entering into a web of social and structural violence, before they can leave an abusive relationship and recover and gain some control over their lives.

Passive Resistance and Coping

Even in the context of patriarchal kinship, Palestinian women are not completely powerless in their own homes. They are able to fight within the family structure and draw on the power of women's solidarity. Of particular interest here is the role of mothers-in-law. In many cases, as illustrated in proceeding chapters, their role is an extension of the patriarchal authority. However, many yield their power to support their daughters-in-law and prevent their victimisation. Such solidarity and support among women impacts positively on women's lives in the Palestinian family. Women in their role as mothers are entrusted with the children, they care for them and become closer to them. In their capacity as mothers-in-law they become the guardian and the gatekeeper for the daughters-in-law. In this sense, women can choose to be the peacemaker or instigator of violence against their daughters-in-law. One respondent clearly demonstrated solidarity and support between women in the family:

My relationship with my husband is good. We have some problems but I have nobody to stay with if I leave the house. For example, if he makes too many problems, I go to my mother-in-law and seek her help. My mother-in-law is good to me and treats me well. She also stands by my side. She talks to my husband and calms him down. My mother-in-law also says, "When I first got married I was treated unjustly by my in-laws, *thalamoonee* (did wrong by me) and I will not let that happen to my daughters-in-law." My husband fears his mother and he respects her very much and listens to her. (Hala)

Furthermore, many women interviewed were strong resilient women who were determined to resist the violence and abuse against them. They engaged in a form of resistance that can be considered “passive”. For example, some went on hunger strike, and for days would not eat so they did not have to share the dinner table with their husbands. Others refused to talk to them and some women refused to have sexual intercourse with them. The following two examples describe these strategies employed by women:

What else can I do? All his needs and wishes are my command. I do not even try to argue with him. If he says this is black I say it is black even if it is white. I even tried to keep myself away from him (abstain from sex). Once I kept myself away for two months and slept with the kids in their room. (Nuha)

Nahla stated:

I used to live with my sisters-in-law. There are three of them and they are older than me. I used to shy away from wearing new clothes. My parents used to bring me clothes as gifts, and when they did, my sisters-in-law would say: “Try them. Let us see them.” . . . When I did, they would start saying: “They look so ugly on you.” . . . I used to fast three or four days without food. They would set the dinner table and call me but I used to refuse. One time I even locked myself in my room and would not go out to help them with the housework. (Nahla)

Concern for their children, particularly their daughters, was viewed by these women as a resistance strategy. They wanted a better future for their daughters and did not want their daughters to be subjected to the same fate and therefore protected their daughters. They fought to send them to school, defying all the odds and standing against their husband’s wishes. The following three examples illustrate that while children are the main motivation behind these women staying in an abusive relationship, women showed a high level of determination to make a better future for their children. In essence, the children, particularly female children, were the incentive for women to cope with the violence:

My family used to always say, “You come without your children, you come but do not bring your children.” But if I leave the children

with him, the very first thing he will do is to take my daughter out of school to serve him and to take care of her brothers and sisters. When she was studying for her high school exams he used to threaten that he would take her out of school. Many times he prevented her from going to school. He ripped her books. I used to send her to her uncle's house to sleep so she could go to school the next day. When he would find out, he used to hit me. I was worried because of that. I missed out on education but why should my daughter suffer the same fate? Now at least, she has finished school and is going to the university, studying to be a lawyer and she is not with him to serve him. (Reem)

Samia added:

Woman put up with an abusive life for the children. Praise be to God, staying with my children and taking their father's beating paid off for me. I have an eighteen-year-old daughter, she goes to university. I am not going to let her get married until she finishes her education. Not like me I got married at fifteen years and I did not enjoy my life. There is not one happy moment in my life to speak off. I had a miserable life and I do not want my daughter to go through the same pain I went through. (Samia)

Sana explained:

My uncle (father-in-law) prevented his children, my husband and his brothers, from getting an education. My husband only finished the sixth grade. And now he (my father in-law) wants to do the same with my children. My son is thirteen years old and in the seventh grade, for the past three years he made him work for him in his butchers shop. He does not have time to study and do his homework. I myself taught him how to pray and he always prays. I want them to be educated, it is better to be educated than ignorant. When they were younger, in the first or second grade, my children were getting good grades in schools, but now they are the worst in their school work. I do not know why, maybe because of the problems we have? I know that I am going to make it work, I stayed for them, I am going to educate them. You know the girls are better in school, I care for them more. I do not want them to have the same fate as me. I could not change my situation, the least I can do is to make it better for them. I am determined to make my two girls finish school, and if they are not good in school I will send them to learn some vocation, so they do not have to stay with

their husbands if they treat them bad. This way I feel that staying with my husband did not go to waste, I made a good future for my children especially my daughters. (Sana)

Sometimes when all efforts to protect them fail, women wish that their husbands are struck by disaster or even die. As one woman explained, her husband can't abuse her any more because he is paralysed:

I used to think that there was no solution and no way out of my problem. My husband will not change his ways until the day he dies. Now he does hit me. He stopped because he can't any more; he is paralysed from the waist down. I think God listened to me, I used to pray that God would take him and save me. So instead of taking him he had him paralysed. Now he needs me to help him with everything, this is why he is nice to me. (Samia)

Many of the women expressed anger at being abused, treated violently and inhumanely by their husband. They wanted to stop the violence and mistreatment but were unable to do so or did not know how. Some women, who were more assertive and aggressive, had stopped accepting violence and had begun to answer back or at the least to ignore their husbands' whims and wishes through a form of silent protest. Quite often these tactics worked and improved life opportunities for women who employed them. Although these individual and personal tactics helped women to cope with their personal violent situation, they did little to structurally alter the imbalance of patriarchal power. But as Kandiyoti argues, women's actions of passive resistance to patriarchal power and male control over their lives makes them unwilling participants with a vested interest in the system that oppresses them (Kandiyoti, 1991a). For instance, one of the tactics women use is refraining from carrying household chores. While this tactic might work to benefit the woman employing it, it increases the burden, physical and otherwise, on other women in the household. Moreover, women using sex as a tool of resistance, risk more physical (beatings), sexual (forced sexual relationship and/or rape) and psychological abuse. The husband may marry another woman and thus the woman becomes a victim of the cultural view that considers sex as a "desire" for men and a service for women. Women withhold this "service" in order to improve the condition under which they provide the service.

What Next for These Women?

Many women that I interviewed tried to rebel against the cruel treatment they received and left their homes and returned to their families only to be sent back to their abusers by the men of their natal family in order to avoid the shame of divorce, and the need to provide for them.

Reem is one of the women whose life has illustrated points throughout this book. After years of abuse, she left her husband. I met Reem at the women's activity centre in the camp, where she was working temporarily as a cleaner for a month only due to the centre's financial constraints. She did not know what she would do or where she would go once the month was over. She was living day by day and hoping for better days to come. Responding to the question, "What could the Palestinian National Authority (PNA) do to make your life better?" she replied:

All I want is to have a house for me and my children and if the PNA can give me a house that will be very good. I know the PNA can't do anything to help me with the divorce. I went to the police, as I told you, but they did not do anything. They only turned me away saying it is a family problem between my husband and I, they cannot interfere and therefore it was better for me to solve my problem by myself. The authority will not change the law, they say it is Islam, but Islam allows me to get divorce and maintenance from my husband. People told me I need a good lawyer for that. So again to get my rights, I need money. If I have money I can have a house and I do not need a man. Men have authority. They – not God or Islam – control the police, so if they want, they can make the police do something. But the police will not do anything. Why, I do not know? They could at least provide a roof over our heads. (Reem)

MAKING SENSE OF IT ALL: THE WAY FORWARD



The man produces, the women reproduces¹
The man obtains and the woman (wife) builds
Palestinian proverb

The purpose of this research was to investigate gender-based violence (GBV) within the boundaries of the home by analysing the structure of gender relations in Palestinian society in relation to the family. Through systematic analysis of the process of gender socialisation in Palestinian patriarchal society and by privileging the voices and experiences of women, I have demonstrated that gender inequality is at the crux of this problem. Gender socialisation enforces patriarchal control as well as the subordination of women by limiting women's life choices to marriage and by the repression of female sexuality through the ideology of honour and shame.

In spite of, or perhaps because of, the multiple traumas and changes that have befallen Palestinian society since the 1948 *nakbah*, the patriarchal family remains the most resilient and enduring institution in society today. The adversities endured by the Palestinians have included dispossession, dispersion, male migration, impoverishment, occupation, the *Intifada*, continued political and violent conflict and general psychological and physical dislocation. While the effect of these contradicting forces has been the continual deformation and reformation of the family structure, in the final assessment there has been a reproduction of traditional family roles and relations. It is undoubtedly clear why Palestinian women continue to cling to the family as the only stable sanctuary in an extremely uncertain and chaotic world.

Similarly, the persistence of local patriarchy is related to another set of power relations, namely that of occupier and occupied in a

settler-colonial system. The systematic and structural oppression of the occupation has had devastating effects on gender roles and relations as well as on women's life situations in general. This interaction of an ever-changing mix of external elements with local traditions and culture has had an adverse impact on Palestinian women, contributing to the transformation and reformation of kinship relations, familial relations and every other aspect of women's social reality.

The multitudinous dimensions of gender inequality are evident in all the social relations and institutions in which Palestinian women are daily engaged. These include, but are not limited to, the nature of gender socialisation, choice in marriage, marital roles and relations, freedom of movement, divorce and polygamy, legal guardianship, the sanctioning of violence, punishment for violation of the honour code and so on. In all these, it is evident that men are privileged. Yet as noted, the roles, relations and positions of women are not solely the consequences of domestic institutions and discourses.

While patriarchal power functions to oppress women, it also produces oppressive behaviours in women. Women are not simply victims, but are rather in a position of simultaneously submitting to and exercising power. For example, women are entrusted with the socialisation of both their daughters and sons to assume traditional gender roles and relations. Many women accept that the society has the right to judge and to punish them and some women believe that men have the right to beat them. In addition, many women collaborate with the system of patriarchy by willingly assuming the role of matriarch at the first opportune moment – in the case of the mother-in-law.

To keep the hierarchy and patriarchy respected and unchallenged, girls are socialised to accept that their position in the social strata is inferior to that of boys and they are made to believe that their life choices are limited only to marriage. Furthermore, it is understood that the purpose of marriage, preferably among paternal agnates, is not to unite two people in an intimate relationship but to produce sons or male heirs. Moreover, as has been shown, society's devaluation of females begins at birth and continues throughout their lives. The "culture of silence" ensures that women's pain – physical or psychological – will be endured without complaint. While controlling female sexuality maintains the continued existence of the patriline and ensures the continuation of the family – the primary site of male domination and of reproduction of

patriarchy – this repression of female sexuality also validates male honour. This is of particular importance in the Palestinian context, where for the past fifty years Palestinian males have been unable to demonstrate other important aspects of the traditional, highly valued male honour code as a consequence of the loss of land. Political and economic circumstances have made it difficult for men to exercise such aspects of the male honour as independence, assertiveness, autonomy or generosity. Control of women is the most important, if not the only, component of the honour code left to men at this moment in Palestinian history.

The theoretical framework of this research included both the structural elements and the socio-cultural factors at work in Palestinian society, which appear to perpetuate GBV. The escalating political violence in Palestine complicates and compounds the fact that conflict is resolved through violence in other routine settings and circumstances. Hence, the framework for this study assumed that the process, factors and ideologies are situated within certain institutions – family, kinship and marriage – or structures that lead to GBV in general and in the Palestinian case in particular. The mechanisms and disciplines of power operate in every institution, from family, religious establishments and the legal system, to the marriage institution, which construct, reinforce and reproduce male dominance and female subordination. The list is virtually endless.

Moreover, the formation and construction of gender identity have far-reaching implications for women's status and role in society and the way in which the masculine and feminine identities are perceived. The belief that men are superior and women are inferior is strongly based on the traditional view of women as subordinate and as "property". As such, violence and abusive conduct against women are acceptable as "normal" given the fact that men have the right to discipline their wives into obedience. Women have been long accustomed to believe that all forms of violence perpetuated by males against them are natural. They have learned to cope with violent behaviour and have endured it silently.

However, this analysis of gender identity and gender-based violence will not be complete without careful consideration of the uniqueness of the Palestinian case, where the Palestinian socio-economic and political context has had clear influences on the practice of masculinity and femininity. Currently, due to the unprecedented political conflict that has adversely affected the economic, social and psychological basis of both masculinity and femininity, men find themselves in the public

sphere unemployed and unable to protect their families. Women on the other hand find themselves forced to assume the new role of provider. Women have left their children and their position in the private sphere as wife and mother in an attempt to provide for their families through employment if possible or through the seeking of aid from the many relief and humanitarian organisations. This forced change is a consequence of the decomposition of the political economy and the transformation of the structural basis both in the public and private spheres which has resulted in both men and women being victimized as they both lose the normative structural basis of gender roles.

Under conditions of war and violence taking place in the public sphere, gender roles are negotiated more than contested, to maintain a balance of normality. In this instance, men become more violent and women become more tolerant of violence perpetuated against them. This state of affairs is "...a sign of a struggle for the maintenance of certain fantasies of identity and power" (Moore, 1994: 70). Gender-based violence, as Moore argues, is not only a result of the subject's crisis of representation, both individual and social, but also a means to resolve this crisis (ibid.: 69). Hence, violence against women becomes a direct consequence of the deprivation of a sense of identity, self-respect and human dignity from men and women regardless of the changing gender roles.

The Way Forward

This research shows how ideologies of male superiority and female subordination legitimise the use of violence to discipline women for transgression of female gender roles. These prevailing ideologies assign Palestinian women to a lower social status with very limited access to social and economic power, and make them unable to leave their abusive relationship and return to their family or live alone. In addition, the ongoing violent conflict in the Palestinian Territories increases the level of GBV by heightening feelings of despair and loss of control.

Although it is clear that the patriarchal nature of Palestinian society does perpetuate violence against women in the private sphere, within the specific context of war and conflict in the Palestinian Territories, violence against women is not only a form of patriarchal control that prevents women from practising agency, but also a reflection of the violence perpetrated against men in the public sphere.

Any systematic efforts to eliminate violence must be multi-dimensional and must involve the co-ordinated efforts of several sectors. This encompasses the social, legal, cultural and political arenas, as well as the expertise and resources of both governmental and non-governmental agencies.

Although the OPT do not constitute a sovereign state, and the Palestinian Authority (PA) does not represent a fully sovereign government, nevertheless over the past decade and since its formation, the PA has managed to develop a criminal system. In the newly developed Palestinian criminal system, the PA has failed to create an effective institutional framework to prevent violence against women. This gross inadequacy of Palestinian laws in protecting women victims or sanctioning violent perpetrators makes legal reform an important priority for Palestinian women, who must lobby PLC members to consider the family law draft. Clearly, amending the laws on paper is not enough to ensure change, but strong laws must be considered an asset in helping to protect women from violence. An additionally critical task in the legal reform is the reformation of the Criminal Penal Code. While all Palestinians suffer from the deficiencies of the existing criminal justice system in the OPT, women pay a particularly heavy price for a system that is often unable or unwilling to respond adequately to gender-based violence. While a responsive criminal justice system is only one element necessary for an effective response to violence against women, it is an essential factor in a wider effort to stop abuse and hold offenders accountable.

While the legal environment existing in Palestinian society does not provide the needed support and protection for women, GBV in Palestinian society is an outcome of the prevailing cultural ideologies and beliefs about femininity, masculinity and sexuality. Providing legal protection for women through the reform of legal texts will not be sufficient to ensure the provision of such reforms, rather, this reform should be accompanied by educational activities and programmes targeting the legal profession and the law enforcement authorities (i.e. the police) in order to influence changes of attitudes and personal beliefs towards GBV.

In Palestinian society, it is important to consider the unique state of affairs in Palestine. While the Palestinian Authority has developed as a governing body resembling the formal bureaucracy of a nation state, in

actual fact, the PA remains economically, politically and geographically dependent on Israel. In the absence of an independent functioning state bureaucracy, the “public” and the “private” remain vitally connected and the Palestinian struggle for democracy and freedom, especially for women, remains quite complex. The current escalation in the violent conflict suggests that the task of national liberation remains some way off, some would even argue that it is increasingly remote. The struggle of Palestinian women for equality and social justice likewise remains unresolved. Moreover, the presence of organised violence and oppression systematically destroys the conditions that allow people in a healthy society to cope and leaves them suffering from instability and uncertainty.

NOTE

- 1 The proverb literally translates to “the man obtains and the woman builds”, that is men provide for their families through work and production in the public sphere (outside), while women build the family through giving birth to children and taking care of the household affairs in the private sphere (inside). Hence the translation – men produce and women reproduce.

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Gender-based violence (GBV) affects women throughout their lives and occurs in different forms including physical, psychological, sexual and economic abuse. GBV has a diverse impact on women and may result in homicides, suicides, and many adverse health problems. It occurs as a result of gender roles and cultural norms, which influence the expression of violence within intimate relationships.

In Palestinian society such violence is about exertion of control and a sanctioned way of life, a way of life that is legitimized by religion and culture. The level of violence experienced is heightened by the on-going violent conflict in Palestine, which adds to the level of violence against women due to increased feelings of despair, loss of control and emasculation among Palestinian men.

Regardless of their age, religion or social economic status, Palestinian women are rarely heard. They have loud voices and they are outspoken; yet the culture requires that they are not to be seen or heard outside the confines of the home. This book, a collection of voices of Palestinian women victimized both by the ongoing violent conflict and at the hands of their husbands, is intended to redress this balance.

Jamileh Abu-Duhou was born in the Occupied Palestinian Territories and educated in the United Kingdom and Australia. A medical anthropologist and a women's rights activist, her published work includes *Domestic Violence in the Palestinian Context: Prevalence and Causes* (in Arabic) and 'Motherhood as a Script for Nationhood' in *Reproduction, Childbearing and Motherhood: A Cross-Cultural Perspective*.

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