

Twofold Discrimination: The Status of the Arab Woman as an Individual and as a Member of a National Collective Struggling for its Rights

By Samar Khamis¹

Discrimination suffered by women throughout the world can be examined through two principal lenses: nationality and class. The reasons for discrimination against women, the means employed and the manner of oppression vary. For this reason, women cannot be related to as a single group, and it cannot be assumed that all communities have the same interests. As a result, it is difficult to wage a joint struggle for all women throughout the world. This having been said, however, it is clear that women's struggle for freedom and independence must form an integral part of class and national struggles.

At the theoretical level, the fact that women belong to different social classes and to separate national groups makes it difficult to identify shared interests among all. Nonetheless, all women have an interest in advancing a struggle to improve their position on the social ladder, since their present low status is a result of their gender. If so, then the interest all share is gender. Such an interest would appear to require political activity by women to change the social structure in order to improve their situation. However, on the practical level, a call for complete and immediate liberation from male authority may leave many women without physical or economic protection.

This is one of the difficulties that characterize the situation of the Palestinian woman, as a majority of Palestinian women are more active in the private sphere than in the public. According to Islah Jad,² discussion of the political functioning of the Palestinian woman requires not only relating to them as political activists in the public sphere, but also to their situation as private individuals. Accordingly, in order to understand the present status of the Palestinian woman, I will begin by discussing the influence of national struggle on the status of women in general.

The national struggle and its connection to the feminist project

Women have been assigned a dual role within national struggles in every place and at every stage in history. On the one hand, they symbolize collective unity and promote concepts such as honor and authenticity, and on the other they were disassociated from certain roles in the public arena, such as fighting on the battlefield. Thus, women have been excluded from the national arena and as a result, according to Nira Yuval-Davis, from public discourse. From the point of view of many feminist thinkers, since men initially defined the national project, women were related to through the prism of men's battles and wars, rather than as individuals in and of themselves.³

According to Lois West,⁴ the nationalist project created a social structure similar to patriarchy: a family headed by the master of the household, whose authority is accepted by all members. As a result, and following the sharp distinction drawn between the private and public spheres, women were assigned specific roles within the nation. The woman was thought to represent the authentic, traditional family. However, in the name of national freedom – freedom from occupation by foreigners – she was required to accept claims for control over her body and behavior. In addition to being controlled, the woman was assigned

¹ Attorney and member of the Board of Directors, Adalah.

² Jad, I.. (2000). *Women and Politics*. Ramallah: Birzeit University.

³ Yuval-Davis N. and Anthias F. (1989). *Woman-Nation-State*. London: Macmillan Press Ltd.

⁴ West, L. (1997). *Feminist Nationalism*. London: Routledge.

a special symbolic status: she was thought to signify the borders of the identity of the people or the nation.⁵

In spite of their exclusion from the public sphere, in practice, however, women were recruited to assist in the nationalist project. Leaders of the project repeatedly emphasized that the fight for national freedom and independence took precedence over communal matters, and that secondary issues – such as human rights in general, and women's rights in particular – should be set aside until its conclusion. Thus, the feminist struggle remained outside the borders of the nationalist project and was assigned a separate place.

The feminist project challenged the nationalist project, because it demanded a re-examination of the concept of "national unity." Feminism required relating to opposing interests that exist within the nationalist community, while re-defining the connection between the public and private spheres. According to the feminist approach, these spheres should not be perceived as separate worlds, but rather as complementary ones. The two struggles take place in parallel and women have a positive, not marginal, role in both of them. According to Yuval-Davis,⁶ relations between the state and the community have been shaped on many levels, but are not necessarily opposed with regard to internal social relations. This is most relevant to Palestinian women, who are situated in an inferior position in both the state and in the community.

Developments in the status of Palestinian women in Israel

Similar to other groups of women, female Palestinian citizens of Israel have changed their approach regarding their social status over the past several decades from the traditional, relatively passive approach that characterized them in the past to a more active one. Palestinian women began their activities in the public sphere at the beginning of the British Mandate in Palestine in 1920. The first assembly of Palestinian women took place in 1929, leading to the establishment of the Palestine Women's Union. The participants were primarily from cities and the upper socio-economic class. Later, during the Revolt of 1936-1939, participation expanded to include women from all social strata.

The contribution of women to the national struggle in this period was principally on an individual basis, not according to gender-group. However, even their individual contributions were erased from the collective memory after 1948. Women's activities were limited during the period of the Military Rule – 1948-1966 – both by the state and by their families, who imposed an in-house curfew upon them, preventing them from contributing to the family's income.

The loss of the land and political power in the war of 1948 left Palestinian men in sole control over their families. The concept of honor (*al-'ird*) assumed a new meaning that was directly related to a woman's behavior. The enactment of the Compulsory Education Law in 1949 increased the presence of girls in schools and created a need for female Palestinian teachers. Following the Six-Day War of 1967, many women started working due to the difficult economic situation of Palestinian families.

Entry into the work force and educational frameworks raised the bar of the Palestinian woman's public activity. This, too, was influenced by the politicization of Palestinians within Israel after 1967. Women participated in existing organizations, founded new associations of their own, and were active in student groups. Women closely followed the situation of Palestinian women in the Occupied Territories and were active in anti-occupation movements established by Jewish women, such as Women in Black and Women for Peace.

⁵ Rouhana, H. (2003). *Personal Status Laws and the Citizenship of Palestinian Women in Israel*. M.A. Thesis submitted to Greenwich University.

⁶ Yuval-Davis, N. (1997) *Gender and Nation*. London: Sage Publications.

The Intifada that erupted in the Occupied Territories at the end of the 1980s led to a change in the way of thinking of Palestinian citizens of Israel and also to the further politicization of Arab women. Connections established with activists in the Occupied Territories and with Israeli peace movements, as well as the oppression of the Israeli establishment, strengthened the consciousness of Arab women regarding social injustice on the basis of gender.

During the same period, there was a rise in the number of Palestinian women involved in activities that challenged gender and social discrimination in both the public and the private spheres. Palestinian women established new groups, some of which acted jointly with Israeli groups. In the first half of the 1990s, following the signing of the Oslo Accords, many women participated in the public discourse that developed over the future of the Palestinian minority in Israel. Organizations and NGOs were founded that sought to advance women's rights. Some focused on developing a common identity among Arab women, while others worked in partnership with Jewish groups.

In spite of the tension between the national and the feminist struggles, many feminist activists agreed that it was necessary to subordinate the former to the latter. The discussion over this issue intensified when a coalition of women's groups proposed an amendment to the law regarding personal status,⁷ and in doing so challenged the sole authority of the Church and *Shari'a* (Muslim religious) courts. This discussion reflected a rise in the consciousness of Palestinian women regarding injustice within the community beyond the struggle against the national oppression of the Palestinian minority within the state of Israel. The threshold of the demands and the tone of the debate also changed with this rise in consciousness.

An illustration of the waging of a struggle in the spheres of nationality and gender can be provided by two Arab feminist organizations which have sought to strengthen national identity, as well as worked to create a just society with enlightened norms. The first was *Al-Fanar*, an Arab feminist organization that was the first to place the phenomenon of the murder of women for the sake of what is referred to as "family honor" on the public agenda. Contrary to what had been thought the case, *Al-Fanar* claimed that there is no widespread support for the murder of women in the name of family honor, and that there is a definite need to open up the issue for discussion. Although the organization was active for a short period of time, the influence of its activity is irreversible.⁸

The second organization is a coalition of feminist movements and human rights organizations established in the mid-1990s in order to struggle against the phenomenon which *Al-Fanar* stimulated the discussion about over the murder of women for the sake of family honor. Known as *Al-Badil*, the coalition has aroused a great deal of attention both within the Palestinian community in Israel and among governmental authorities, including the Police and the Attorney General's Office.

Al-Badil empowered opponents of the phenomenon of so-called "honor killings" and sought to break the chain of silence regarding it. Its activists have sought to exert pressure on the Police to take serious action against individuals in society who threaten to commit murder for the sake of family honor, and demanded that they apply the full measure of the law against criminals who murder female family members due to supposed damage inflicted on the honor of the family. They also demanded that the Police not refrain from doing so on the

⁷ Protocol of the discussion of the proposed amendment to the Family Court Law, the Arab Association for Human Rights, Nazareth, 14 June 2000.

⁸ Developments in the struggle against the murder of women for the sake of so-called "family honor." *Al-Fanar Report*. 1994. Haifa

pretext that such actions constitute part of the "Arab mentality" or "Arab culture" or that the problem is an internal social problem of the Palestinian community.

Al-Badil succeeded to reveal failures on the part of state authorities on the one hand, and decision-makers in the Palestinian community on the other.⁹ Leaders of the coalition did not accept the existence of a conflict between activities undertaken within the national and feminist spheres. On the contrary, they considered them to be complementary. *Al-Badil* has also exerted a very significant influence on the feminist activities of Palestinian women in Israel.

These are among the more prominent of the voluntary organizations that provide services to women in distress, act to raise awareness of different groups in society of the situation of women, and seek to have an influence on the general state of all affairs regarding the status of women. Over the last several years, these organizations have been acting in accordance with three principal models: the conservative model, the liberal model and a model which combines universal norms with recognition of the cultural and historical characteristics of different population groups.

Attractive to a high percentage of Palestinian women, the conservative model views the writings of the holy books and the social codes as the upper limits of women's demands and ambitions. The most prominent organization espousing this approach is *Nisaa' Wa Aafaq* (Women and Ambitions). This organization has acted from the beginning within the framework of known boundaries without attempting to transgress them. If the organization disagrees with heads of the Muslim socio-religious establishment, it conducts discussions with them in accordance with the accepted rules of the game; that is to say, those determined by men. The organization acts primarily to raise the awareness of Muslim women regarding their rights in the *Shari'a* courts and to find possible interpretations of passages from the *Qur'an* that fall in line with what is acceptable at the present time and place.¹⁰

At the opposite end of the scale is the liberal model, even though this label is not completely appropriate for all of the organizations that can be associated with it. The organizations that can be identified with this model support cooperation with other feminist movements. This is due to the tacit agreement among them all that there exist definite norms for the struggle to improve the status of women without distinguishing between the means and forms of oppression from which women suffer in different places and different social groupings.¹¹ One of the practical implications of this approach is the creation of a wide space for cooperation among different groups. The supporters of the liberal feminist approach also refuse to assign importance to the different points of attachment women have in society in order to adapt the means of the struggle to the conditions of life that characterize different women.

An example of the third model of action is a petition submitted by Adalah in order to assist Arab Bedouin women living in the Naqab (Negev) region in the south of Israel in villages which are unrecognized by the state to receive preventive medical services (H.C. 7115/97)¹². The approach developed in this petition is one that combines a claim for application of universal norms with recognition of the cultural and historical characteristics of different population groups. The petition is based upon fundamental rights and existing legislation, but also takes into account the conservative and chauvinistic behavioral codes

⁹ *Bulletin of Al-Badil* (August 1999), Nazareth.

¹⁰ *Nisaa' Wa Aafaq* is a registered organization, Kfar Kara, 2004.

¹¹ Bahlul, R. (1998). *Women and Democracy in Liberal Feminist Thought*. Ramallah: The Palestinian Institute for the Study of Democracy.

¹² H.C. 7115/97, *Adalah, et. al. v. Ministry of Health, et. al.*

that characterize Arab Bedouin society, all with the aim of protecting the health of the woman and her children.

The petition was submitted toward the end of 1997 at a time when mother and child clinics were not operating in the unrecognized villages in the Naqab. In order to receive preventive medical services, principally those related to pregnancy, childbirth, and early childhood care, the women living in these villages and their infants were compelled to travel great distances on foot. The shortage of preventive medical services in unrecognized Bedouin villages in the Naqab significantly increased the risks involved in pregnancy. At the time, there were 16 deaths per 1000 births among an estimated population of approximately 70,000 persons. The petition was accompanied by testimonies submitted by Arab Bedouin men and women living in the unrecognized villages, as well as declarations made by health-care professionals, all of whom stated that the distance between the living areas of the women and the clinics perpetuated the inferior status of the women.

In this regard, it is worth noting that Arab Bedouin women are not permitted to leave the village in which they live alone, but must be chaperoned by a male member of their clan. Unescorted women who travel to obtain medical treatment or checkups can endanger their lives, risking a claim that the very act of leaving profaned the "family honor." Under such conditions, pregnant women are not able to receive information about the development of the unborn child or about pregnancy-related dangers to their own health. Given their total dependence on men, there can be no doubt that Arab Bedouin women in such conditions do not have even a marginal degree of control over their own bodies.

This petition reveals that in relation to the status of Arab Bedouin women there is no opposition between the two spheres of the struggle related to in this article: the national and the gender-related struggles. They find themselves at the bottom of the ladder in both. On the one hand the state's deprivation of Palestinians, and on the other difficulties due to deprivation within the community – such as forced marriages, the sanctity of virginity, bigamy, and violence – are evidence of a kind of agreement that exists between policymakers of the Israeli establishment and the heads of the Arab Bedouin community. As a result of this agreement, Arab Bedouin women are denied of control over their own lives and bodies.¹³

The model through which Adalah acted in order to assist Arab Bedouin women in the aforementioned petition is based upon an analysis of the source of their problem and shaping a solution to allow for the application of universal norms to their situation, while taking into consideration the social and cultural background in which they live. Acting to advance the interests of Palestinian women should be undertaken in a similar manner today.

The battle for greater independence and freedom of action should be undertaken from within their nationalist attachment, while applying special caution not to see the national as an absolute value in and of itself.

¹³ Esmeir, S. (Fall 1999), "Litigation, Legal Discourse and Identity." *Adalah's Review*, Vol. 1, pp. 12-21.