

Excluded, Against their Will: Arab Bedouin Women and the Phenomenon of Polygamy in the Naqab

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It is easier to write an article that tackles a legal issue than one analyzing an interdisciplinary issue. In the case of a legal question, it is usually clear which issue is in question, which law has been violated, which right has been harmed and which methods are available for remedying the injustice. The arena of action is the legal arena; the tools are legal tools and the language is legal language.

But how do we tackle polygamy, an issue that is simultaneously legal, social, cultural and political and pertains to the Arab Bedouin women in the Naqab (Negev)? If we focus on the problem itself, how do we deal with the phenomenon of multiple wives in the Naqab? Polygamy is growing and according to estimates accounts for up to 30% of marriages in some areas. Should action be taken in the legal arena or in the social-public arena? Should the debate on polygamy be conducted within the Arab Bedouin community, or are the state and its institutions responsible for its creation and development? How do we crack the conspiracy of silence that surrounds polygamy? What are the mechanisms that perpetuate it? And who has an interest in perpetuating it?

As we begin to discuss polygamy, we must take into account the broad context in which it occurs. We must analyze the factors that lead to the oppression of Arab Bedouin women in the Naqab and examine the mechanisms of silence that preserve the women's absence and invisibility.

The institutional and intra-societal factors that reinforce polygamy and lend it legitimacy under the guise of purported "cultural sensitivity," or which derive their authority from the "religious permit" ostensibly granted to it – are part of the discussion.

Polygamy in Arab Bedouin society in the Naqab does not occur in a vacuum; it is part of the reality of the lives of these women. This reality is one of ongoing oppression and exclusion in which Arab Bedouin women struggle for their place in a patriarchal tribal society that refuses to relinquish the social supremacy of men. The Israeli establishment reinforces this reality through "divide and conquer" mechanisms of control: it reinforces the tribal leadership in order to maintain peace and stability in the Naqab, for which Arab Bedouin women pay an exorbitant price.

These women are expected to accept polygamy as an integral part of their lives and are required to cooperate with the mechanisms of their own oppression and exclusion. It is given various religious interpretations, which impedes any rational and intelligent discussion of it. Thus, legitimacy is afforded to a destructive phenomenon that undermines the foundations of social norms in the name of a pseudo "religious permit."

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In a study conducted among polygamous families, it was found that the women suffer from low self-esteem, depression, anxiety, hostility, problematic family relations and low satisfaction from family life.² Women and their children are the main victims of this phenomenon.

The social reality in which Arab Bedouin women live in the Naqab makes it difficult for them to take action to eradicate polygamy: more than 90% of the women are unemployed³ and over 60% of teenage girls residing in unrecognized villages⁴ drop out of school.⁵ Moreover, polygamy is not restricted to a particular sector within the Arab Bedouin population. All strata and sections of this society are tainted with polygamy and its prevalence is not affected by criteria such as educational level and socio-economic situation.

The few women who dare to speak out against polygamy remain isolated figures. In challenging social norms, these women usually have a high-level of awareness and the support of their families.

In my view, polygamy is a reflection of the profound distress that engulfs Arab Bedouin society in the Naqab today. It is an expression of a collective identity crisis, the origins of which, I believe, can be traced back to the abrupt and forced transfer of the Arab Bedouin to impoverished permanent communities, to a reality of tin shacks, home demolitions, poverty and hopelessness. Polygamy was relatively scarce before the state intervened in the Arab Bedouin way of life; in the past, few men married more than one woman, and in general polygamy was practiced only among sheikhs and the wealthy.

Today, polygamy affects so many families that the Arab Bedouin society appears to be experiencing a regression; its patriarchal social patterns are becoming more extreme as a reaction to the state's exclusionary approach toward it. The extreme differences between the traditional Bedouin lifestyle and modern reality, which the Arab Bedouin come into contact with on a daily basis, create absolute chaos within their society. Polygamy is an expression of this chaos. This reality is fertile ground for the growth of religious movements, which fill the void created by the lack of a secure sense of belonging and identity and in terms of leadership. The emergence of religious leaders and Islamic movements provides a religious cover for this regression. These religious leaders do not fulfill their role and have failed to take a clear stance on the religious interpretation of polygamy. As a result polygamy has become the rule rather than the exception.

Another decisive factor is a conspiracy of silence by the various systems that are supposed to provide protection for Arab Bedouin women: the criminal justice system, the Islamic (Shar'ia)

² Al-Krenawi, A. & Slonim-Nevo, V. (2008). "The Psychological Profile of Bedouin Arab Women Living in Polygamous and Monogamous Marriages." *Families in Society: The Journal of Contemporary Social Services*, pp. 139-149.

³ Ma'an – Forum of Women's Organizations in the Negev, *The Arab Woman in the Negev: Reality and Challenges*, 2005

⁴ There are about 45 villages in the Naqab that are not recognized by the State of Israel. These villages lack basic services such as water, electricity, health services and education.

⁵ Sarab Abu Rabia-Queder, 2004. "Dropout by Teenage Girls from Bedouin Schools in the Negev: Fear, Discrimination and Otherness," Center for the Study of Arab Society in Israel, Van Leer Institute in Jerusalem.

system and the Palestinian leadership in Israel, which holds its tongue as the phenomenon becomes increasingly widespread.

The criminal system

Article 176 of the Penal Code of 1977 provides that polygamy is a felony punishable by imprisonment. However, the state does not enforce this law among the Arab Bedouin under the guise of “cultural sensitivity.” This failure illustrates a double standard in the state’s attitude towards Palestinian citizens of the state. The state’s ongoing policy of discrimination and exclusion toward Palestinians in Israel does not recognize the concept of “cultural sensitivity.” For example, when the state decides to demolish homes in the unrecognized villages in the Naqab it does not display “cultural sensitivity” to the fact that the Arab Bedouin are part of the indigenous population with historic rights to the land.

Polygamy appears on the public agenda in Israel in the context of the “demographic threat.” In this context, Arab Bedouin women are viewed as a “womb” that brings forth Arab children who in turn “threaten” the Jewish character of the state, and not as women with rights who deserve equal protection under the law. In addition, the state’s intervention to counter polygamy threatens to undermine the relations it has fostered for decades with the tribal leadership for the purposes of strengthening its policy of “divide and conquer” within Arab Bedouin society. The state therefore prefers to maintain its relations with the tribal leadership, even if this entails sacrificing the rights of Arab Bedouin women.

The Islamic (Shar’ia) system

The Shar’ia religious system in Israel has exclusive jurisdiction in issues of marriage and divorce among Muslims. The Shar’ia system allows polygamous marriages in certain circumstances. A comparison of marriage permits granted for polygamous marriages during the years 2000-2004 reveals that the percentage of these permits granted by the Be’er Sheva Shar’ia court was 66.6%, while the percentage of these permits provided in other cities in Israel was far lower: 19.6% in Haifa, 7.5% in Jaffa, 3.6% in Akka (Acre), and 2.8% in Taibeh.⁶ Thus polygamous marriage permits were granted in the majority of cases before the Be’er Sheva Shar’ia court. Otherwise these marriages could have been conducted under the supervision of an official *mazuun* (Islamic notary), with full documentation of the marriage agreement and without requiring the approval of the court.

In conclusion, the jarring silence of the Palestinian leadership in Israel is a warning sign with respect to the way we deal with internal social phenomena and, in particular those related to violations of women’s rights. The absence of Arab leaders from the discussion of polygamy is part of a wider, ongoing conspiracy of silence over the murder of women for the sake of so-called “family honor,” domestic violence, increasing tribalism within Arab society and the continuing exclusion of women from the public space and from political participation.

⁶ Taghrid Jahshan, “Bedouin Women and Personal Status Rights,” *The Arab Woman in the Negev: Reality and Challenges*, 2005.

Internal discussion of struggles with society is an inseparable part of our struggle as a national minority. It is impossible to advocate a progressive discourse on rights without dealing with the urgent problems within our society. We, Arab Bedouin women, are part of Palestinian society in Israel and, as such, we demand a place as equal partners in all of the issues facing Palestinian society in Israel. These internal problems are urgent and we cannot allow ourselves to wait until all national issues are resolved before tackling them. We are part of the solution, not part of the problem.

The question of which arena is most appropriate for waging the fight against polygamy remains open. We must conduct a fearless intra-societal debate that includes representatives of Palestinian women in Israel, academics, religious figures, political activists, and social and legal organizations active within society. The solution requires the input of multiple actors and cannot be limited to the realm of enforcement or punishment.