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“They ask us to put our lives on hold ...”¹ – The Palestinian Women’s Movement in Israel and the Challenge of Palestinian Identity Politics

1. Introduction

In the spring of 2001, a group of Palestinian feminist activists made an appeal to the *Israeli Supreme Court* against the nomination of a judge at the Islamic court, merely a few months after the traumatic events of October 2000 that involved the killing of 13 Palestinian² citizens by Israeli security forces during demonstrations. With reference to his alleged lack of qualification, they requested the withdrawal of his nomination and at the same time proposed the appointment of a female judge they considered to be more qualified. This episode triggered a heated debate in the Palestinian political scene in Israel, even among feminists, in which the women concerned were accused of national betrayal. The critics reprimanded them for involving the Israeli authorities in internal Palestinian affairs, in their eyes a procedure that contributed to the weakening of Palestinian institutions and identities, particularly in the light of the tense political atmosphere following the *October events* (“*ahdath uktubar*”).³

In recent years, Palestinian civil society has succeeded in establishing itself as a counter public in challenging the exclusion and marginalisation of the Palestinian minority by the state of Israel. Although the nationalist discourse around front man Azmi Bishara and the *National Democratic Alliance (NDA)* sets the tone, the underlying process of negotiating Palestinian realities and identities is highly contested. The majority of Palestinian feminist activists defines the national and feminist struggles as two – complementing and competing – sides of the same coin, but regard this form of nationalisation as a serious backlash for gender politics and its discourse. Feminist discourse considers nationalism to be a male ideology constructed by and for men as a “horizontal brotherhood”. Women are not perceived here as actors of political and societal change, but as “mothers of the nation”, both in terms of its physical reproduction and of their role as custodians of culture and tradition.

This article focuses on processes of negotiating national and gender identities among Palestinian feminist activists in Israel. It examines how feminists experience and perceive the splits between the different aspects of identities and their expression and interrelationship in the political struggle. The key question to be addressed is how

1 Following Nabila Espanioly, “Nightmare”, in: *Women and the Politics of Military Confrontation: Palestinian and Israeli Gendered Narratives of Dislocation*, ed. Nahla Abdo and Ronit Lentin (New York/Oxford: Berghahn Books, 2002), p. 109.

2 I am using the term “Palestinian” because it has emerged in recent years as the dominant (most frequently used term and simultaneously an expression of national identity) self-description applied by actors of political and civil society. Other terms selected by the actors concerned are taken into account in the text.

3 The expression *October events* refers to the clashes between Israeli security forces and Palestinian demonstrators, as well as to the anti-Palestinian riots provoked by Jewish Israelis in the first half of October 2000. It thus distinguishes the events in Israel from those of the Second Intifada or Al-Aqsa Intifada in the Westbank and Gaza Strip both in time and place. For the renaming of the Intifada in Israel, see also Adalah’s Review, “Law and Violence”, Vol. 3, Summer 2002, pp. 3-5.

in the context of the *October events* in 2000 the mounting crisis between the Israeli state and the Palestinian minority has been used and misused to reproduce patriarchal structures in Palestinian and civil society. The paper aims to show that while Palestinian feminist activists succeeded in creating space for gender-oriented change during the 1990s, renewed escalation of the conflict has reduced the scope to manoeuvre. Moreover, the conflict has strengthened both national and religious patriarchal forces, which demand that in the interests of preserving Palestinian identities priority be given to the national rather than the gender struggle.

2 *Palestinian Women Citizens of Israel: Triple Discrimination*

Although the status of Palestinian women in Israel has improved significantly in recent years, they still face triple discrimination, namely as members of the Palestinian minority, as women in the Palestinian community and as women living in Israel.

2.1 *Women and Palestinian Minority Status in Israel*

The Palestinian minority in Israel, numbering over a million people, accounts for approximately a fifth of the population of Israel. In 1948, when the State of Israel was declared in areas of British Mandatory Palestine and during the course of the first Arab-Israeli war, approximately 90% of the indigenous Palestinian inhabitants of the territory then known as Israel became refugees. Only 150,000 Palestinians remained in the new state, having been turned into a “minority” almost over night. Approximately 25% of those remaining were dislocated from their villages and became internally displaced persons. For Palestinians, therefore, Israel’s celebration of “Independence” represents the traumatic experience of the *nakba* (“catastrophe”), the disintegration of the Palestinian people. Although the Declaration of the Establishment of the State of Israel promised to

“ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race, or sex”,

the reality was in fact from the start quite different. Israel’s definition as a Jewish state and the non-separation of state and religion led to the mediation of citizenship through membership of religious communities. Non-Jewish citizens are by definition, structure and state legislation deprived of equal status.⁴ Accordingly, Palestinians are a discriminated minority in relation to their Palestinian collective identities and socio-economic situation. As far as matters of identity and belonging are concerned, they have lived so far in the ambivalent interstice of being Israelis by virtue of “passport citizenship”⁵ and Palestinians through ethnic-national affiliation. Their marginalised status in Israel is not confined to identity but is also reflected in their socio-economic circumstances. In addition to Palestinian citizens of Israel facing higher unemploy-

4 In legislation this includes, for instance, the *Absentees Property Law* and the *Right of Return*. For further details, see David Kretzmer, “The Legal Status of the Arabs in Israel” (Boulder: Westview Press, 1990) and Adalah – The Legal Center for Arab Minority Rights in Israel www.adalah.org.

5 Uri Davis, “Citizenship and the State: A Comparative Study of Citizenship Legislation in Israel, Jordan, Palestine, Syria and Lebanon” (Berkshire: Ithaca Press, 1997), pp. 3-9.

ment, a greater degree of poverty and a lower average income than the Jewish Israeli, government budgets earmarked for the Arab population are notably lower than those allocated to the Jewish population.⁶

Over the years, the relationship between state and minority has changed considerably. The collapse of Palestinian life and its institutions during the first Israeli-Arab war in 1948/49 and the subjection to military administration for almost twenty years (1949-1966) completely silenced the Palestinians who remained in Israel. However, since the end of military rule and due to renewed contacts with the inhabitants of the West Bank and Gaza Strip, Palestinians in Israel have undergone a process of gradual politicisation and mobilisation.⁷ Influenced by political developments in Israel and the Palestinian territories on the other side of the *Green Line*⁸ – above all by the Israeli occupation of the West Bank and Gaza Strip in 1967, resistance to it with the first Palestinian uprising (1987-1993) and, finally, the Israeli-Palestinian peace process (1993-2000) – a Palestinian civil society has emerged in Israel, which is today in a position to challenge the racialised rule of the Israeli state on a more equal footing. Organised in political parties and committees as well as in non-governmental organisations (NGOs) and other initiatives, Palestinian political activists now symbolise a new generation of Palestinians in Israel, who are struggling for political and discursive recognition of the minority. Palestinian civil society consists of different political currents and approaches of mainly communist, nationalist and religious character, all of which participate in and compete for the political identities and positions of the community. The Palestinian women's movement constitutes a significant element of Palestinian civil society. Palestinian women activists, and feminists in particular, have set up agendas that challenge the politics of the state but also contest the patriarchal patterns in Palestinian and civil society.

2.2 Internal Discrimination: Women in Palestinian Society

Palestinian society is characterised to a great extent by patriarchal structures and traditions that are legitimised and fostered by the dominance of religious institutions and jurisdictions, as will be discussed in more detail at a later stage. In the dominant construction of Palestinian collective and especially national identities, women are perceived as the “mothers of the nation” and upholders of Palestinian culture and tradition. Since they mediate the traditional value system, Palestinian women continue to

6 The official unemployment rate in the “Arab sector” is 14% (compared to 9% for the entire Israeli population including the Palestinians), other sources speak of an unemployment rate closer to 20%; the average income is 4,211 New Israeli Shekel/month (compared to 5,918 NIS/month), the poverty rate among children is 50% (compared to 25%). These figures refer to the year 2000. Since then, political developments have led to a dramatic decline in the economic situation. See Mossawa Center, “Report on the Social, Economic and Political Status of Arab Citizens of Israel”, (Haifa: Mossawa Center, 2001), pp. 7-12.

7 For the political development of the Palestinians, see As'ad Ghanem, “The Palestinian-Arab Minority in Israel, 1948-2000: A Political Study” (Albany: State University of New York Press, 2000); Mouin Rabbani, “The Palestinians in Israel: An Interview with Azmi Bishara”, in: *The New Intifada: Resisting Israel's Apartheid*, ed. Roane Carey (London/New York: Verso, 2001), pp. 141-157.

8 The Green Line is the former Jordanian-Israeli armistice line separating the West Bank from Israel proper.

reproduce patterns responsible for their own suppression, as criticised by the feminists.⁹ In the context of the Israeli-Palestinian conflict, the notion of physical reproduction is of great importance and a contested field in the national struggle for legitimacy and influence as reflected in the Palestinian slogan:

“Israelis beat us at the borders, but we beat them in the bedrooms”.¹⁰

Thus, the perception of the role of both Palestinian and Jewish Israeli women must be seen within the concept of “political arithmetic of demography” as Rhoda Ann Kanaaneh, a Palestinian anthropologist, explains:

“(…) underlying the whole discussion of political arithmetic is an attempt to encode women’s bodies – both Jewish and Arab – for state power. Women are considered markers of national boundaries, not only symbolically but physically as well: they have the duty to produce the babies that the nation requires. They are recruited for the nationalist project as reproducers, and their bodies and fertility are made the loci of intense contest.”¹¹

2.3 External Discrimination: Palestinian Women and the Israeli State

The *Working Group on the Status of Palestinian Women in Israel*, composed of a group of Palestinian feminist activists and experts, was established in 1996 to work out an alternative report to the *UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW)* – having recognised that the initial Israeli *CEDAW* report had almost ignored the status of Palestinian women in Israel – and identifies discrimination against Palestinian women in the areas of education, employment, health, (personal status) legislation, (domestic) violence, and participation in political and public life.¹² In many of these cases, discrimination is the result of a complex combination of both patriarchal structures in Palestinian society and the “policies of exclusion” conducted by Israeli state agencies towards the Palestinian community in general and Palestinian women in particular. For example, representation of Palestinian women in nationally or locally elected or nominated bodies is very low.¹³ While a couple of women have been elected as local council members, since 1948 only one Palestinian woman has ever been elected mayor of a village. The first

9 Nabila Espanioly, “Palästinensische Frauen in Israel – Identität angesichts der Besatzung”, in: *Mit dem Konflikt leben!? Berichte und Analysen von Linken aus Israel und Palästina*, ed. Irit Neidhardt (Münster: Unrast-Verlag, 2003), p. 118.

10 Nahla Abdo, „Nationalism and Feminism: Palestinian Women and the Intifada – No Going Back?“, in: *Gender and National Identity: Women and Politics in Muslim Societies*, ed. Valentine M. Moghadam (London/New Jersey: Zed Books Ltd; Karachi: Oxford University Press, 1994), p. 151.

11 Rhoda Ann Kanaaneh, “Birthing the Nation: Strategies of Palestinian Women in Israel” (Berkeley/Los Angeles/London: University of California Press, 2002), p. 65.

12 Working Group on the Status of Palestinian Women in Israel, “NGO-Report: The Status of Palestinian Women Citizens of Israel” (Submitted to the United Nations Committee on the Elimination of Discrimination Against Women, 17th Session, July 1997).

13 For a detailed study on Arab women in political leadership positions, see Khawla Abu Baker: „Auf ungebahntem Weg: Arabische Frauen in politischen Führungsrollen“, in: *Die Anderen im Inneren: Die arabisch-palästinensische Bevölkerung in Israel*, ed. Uta Klein (Schwalbach/Ts.: Wochenschau Verlag, 2003), pp. 122-138.

and only Palestinian female member of the Israeli parliament was Husniyya Jabara of the Meretz Party, who was elected in the parliamentary election of 1999. Whereas under-representation of Palestinian women here and in other fields of political and public life is primarily the result of normative, social, political and psychological factors that are deeply ingrained in the fabric of Palestinian society, Aida Touma-Sliman and Nabila Espanioly, both members of the *Working Group*, emphasise the role of the state in this respect. In addition, they criticise the government for not providing measures to support women's representation and the authorities for using a "security test" to examine a candidate's file in the instance of government employment. This "control from outside" subjects job candidates to screening that includes their social environment and thus reinforces existing family concerns with particular reference to the participation of its female members in the public sphere.¹⁴ Altogether, the *Working Group* criticises the inadequate support structures and budgets for Palestinian girls and women on the part of state agencies.

3 *The development of the Palestinian Women's Movement in Israel*

In an attempt to challenge these power structures, a large number of Palestinian women's organisations have built up a support system and created a lobby for Palestinian women. Women's associations as well as individual activists form today's Palestinian women's movement in Israel, the origins of which can be traced back to the (pre-state) period prior to the existence of the state of Israel.

3.1 *Origins and Development up to the first Intifada (1987-1993)*

The political engagement of Palestinian women can be traced back to the final years of the Ottoman Empire, when the foundation in 1904 of the *Society of Orthodox Women* in Acre marked the beginning of women's public, political and institutionalised activities.¹⁵ Whereas mainly middle- or upper-class women from influential families and relatives of men from the political class were active in charity organisations in the urban settlements of Palestine during the British Mandate (1920-1947), women also took part in the struggle to remove the British Mandate and in the Arab Revolt (1936-1939).¹⁶ Although most of the associational work was blocked in the context of the first Arab-Israeli war and the instalment of military administration, some organisations succeeded in pursuing their activities or merged with Jewish groups. With the strengthening of Palestinian political opposition structures in the 1970s and 1980s, the political participation of women was tolerated for the most part and welcomed in the context of the national struggle. Women's organisations had themselves adopted the

14 Aida Touma-Sliman and Nabila Espanioly, "Political Participation, Public Life, and International Representation", in: *Working Group on the Status of Palestinian Women in Israel ...*, pp. 28-32.

15 Khawla Abu Baker, "Auf ungebahntem Weg ...", p. 122.

16 For the Palestinian Women's Movement during the Mandate Period, see the works of Ellen Fleischman, for instance, "Crossing the Boundaries of History: Researching Palestinian Women in the Mandate Period", in: *Women's History Review* 5, No. 3, October 1996, pp. 351-371. "The Other 'Awakening': The Emergence of Women's Movements in the Middle East, c. 1900-1940", in: *A Social History of Women and Gender in the Modern Middle East*, ed. Margaret Lee Meriwether and Judith Tucker (Boulder: Westview Press, 1999), pp. 89-139.

so-called two-stage approach, prioritising national over women's liberation.¹⁷ At the time, oppression of the Palestinians as a national group seems to have been more dominant in the political activist perception than that of the patriarchal social structures and politics within their own Palestinian community. Nahla Abdo, a Palestinian feminist born and brought up in Nazareth and today Professor of Sociology at Carleton University in Ottawa, Canada, describes in this context how her national and gender identities were constructed and prioritised in reaction to Israel's politics of exclusion towards Palestinian citizens:

“For most of my life as a Palestinian (with Israeli citizenship), I was always reminded that I have no place or space in my own homeland, reminded I was inferior to the non-Palestinian (Jewish) citizens of Israel, all of which was done not in the name of a straightforward patriarchal rule against women, but rather against ‘me’ as a member of an ‘inferior’, ‘backward’, ‘subjugated’, and ‘alien’ nation. The overwhelming obsession of the Jewish State with my national identity, expressed, among other ways, in the confiscation of land, the Judaisation of Palestinian land, the imprisonment and silencing of critical voices, the distortion of history in textbooks at schools, the denial to Palestinian citizens of equal access to labour, education, political and other areas of the public sphere, had the impact of subsuming my feminist identity under my national one.”¹⁸

Whereas the majority of women activists in the national struggle did not reflect the patriarchal societal system as such, their political participation contributed nevertheless to a changing perception of women's roles, as well as to procuring a broader space for women in the public sphere. However, it took until the first Palestinian uprising in the occupied territories (1987-1993) for a feminist consciousness to develop among Palestinian women inside Israel. The *Intifada* in the West Bank and Gaza Strip also deeply affected the political awareness and participation of Palestinian women on the other side of the *Green Line*. In addition to protest demonstrations and solidarity activities that took place in co-operation with Jewish feminists for the Palestinians in the territories, Palestinian women activists initiated a process of criticism and analysis of the effects on Israeli society of the ongoing occupation and increasing militarisation. Influenced by this and by Jewish feminist discourse, Palestinian women became more critical of gendered power structures and discrimination in their own society.¹⁹ Whereas Palestinian activism had mainly concentrated on national issues in the first years of the *Intifada*, a shift towards a more gender-oriented activism emerged in the

17 Nabila Espanioly, “Political Participation of Palestinian Women in Israel”, in: medmedia.org/review/numero1/ing29.htm, pp. 6-7.

18 Nahla Abdo and Ronit Lentin, “Writing Dislocation, Writing the Self: Bringing (Back) the Political into Gendered Israeli-Palestinian Dialoguing” in: *Women and the Politics of Military Confrontation: Palestinian and Israeli Gendered Narratives of Dislocation*, ed. Nahla Abdo and Ronit Lentin (New York/Oxford: Berghahn Books), p. 7.

19 Nabila Espanioly, “Palestinian Women in Israel: ‘Herstory’”, in: *NGO-Report: The Status of Palestinian Women Citizens of Israel*, ed. The Working Group on the Status of Palestinian Women in Israel (Submitted to the United Nations Committee on the Elimination of Discrimination Against Women, 17th Session, July, 1997), pp. 26-27. For the development of the women's movement in the West Bank and Gaza Strip, see, for instance, Sherna Berger Gluck, “Palestinian Women: Gender Politics and Nationalism”, in: *Journal of Palestine Studies* 95, Vol. 24, No. 3, Spring 1995, pp. 5-15.

early 1990s. For the first time in the history of the Palestinian women's movement inside Israel, more and more activists began to challenge the traditional two-stage approach of subduing the emancipation of women in favour of the national struggle. Instead, they began to articulate feminist interests as a complement to their national concerns, adding a second front to the struggle against the discriminatory policies of the Israeli state, representing a decisive shift in the history of women's activism. It seems appropriate to speak from then on of the emergence of a feminist current within the Palestinian women's movement, sharing a feminist consciousness in the sense of Julie Peteet's definition of

“(...) the ideology of those who perceived that hierarchical gender relations and ideologies that promote the subordination of women at some points transcend class boundaries and, as culturally grounded, preceded national domination. A recognition of the specificity of women's experience of national crisis and conflict is also in evidence. Feminists advocate transformations in gender relations and meaning as ways to achieve autonomy and equality rather than simply integrating women into extant structures.”²⁰

Taking the asymmetric relationship between minority and state into account, confrontation within one's own group, which is effectively in the weaker position, can be highly explosive. Correspondingly, activists often find themselves attacked by male (and female) critics from their own ranks in an attempt to de-legitimise their endeavours. The significance of this development is even more apparent on visualising that discrimination within one's own group is far more difficult to deal with than that endured at the hands of an enemy, as Nabila Espanioly, psychologist and director of the Nazareth-based *Al-Tufula Pedagogical Centre*, explains:

“(...) [The] realization of one's role as a woman and of the oppression one suffers at the hands of one's own men and one's own society is frequently more painful than awareness of the oppression suffered in common with one's people at the hands of an enemy. Very few Palestinian women in Israel, for example, recognize the contradiction of the 'revolutionary' man who speaks day and night about freedom only then to go home to his wife, mother, or sister and begin to act like a 'sheikh' who needs to be waited on and made to feel he is the boss.”²¹

A number of feminist organisations that have been in existence since the early 1990s focus on issues such as violence against women and change of personal status laws, etc. Registered as NGOs with the Ministry of the Interior, they are mainly based in the urban contexts of Haifa and Nazareth in the north of the country, as well as in some of the towns and villages of Galilee.²² However, feminist organisations are still a minor-

20 Julie M. Peteet, “Gender in Crisis: Women and the Palestinian Resistance Movement” (New York/Oxford: Columbia University Press, 1991), p. 97.

21 Nabila Espanioly, “Political Participation ...”, pp. 10-11.

22 Women against Violence (Nazareth); Acre Arab Women's Association (Acre); Al-Zahra (Sakhnin); Assiwar: Arab Feminist Movement in Support of Victims of Sexual Abuse (Haifa); Kayan: A Feminist Organization (Haifa); Al-Tufula Pedagogical Centre (Nazareth). For further information on women's organisations, see the websites and links of The Arab Association for Human Rights

ity in the Palestinian women's movement, which is far from being a monolithic group. Despite processes of social change in Palestinian society, it is important to add – as I have already mentioned – that up to now Palestinian women have not been encouraged by their society and its dominant values to engage in political activities or take up leadership positions. A combination of “cultural” and “political” factors continue to complicate and at times even de-legitimise women's endeavours in the public sphere.

3.2 *Breaking the Silence: Women against Violence – A Feminist Organisation in Nazareth*

The Nazareth-based organisation *Women against Violence (WAV)* is a feminist NGO. It was founded in 1992 by a group of feminist activists who were lawyers, psychologists and social workers by profession and had a background in the local and national women's and peace movements. Aida Touma-Sliman, co-founder and director of *WAV*, explains the background of the organisation:

“We decided from the beginning that we needed to face our problems on our own and to have our own unique voice. That's why we decided we wanted to be an Arab group. It is not that we are against co-operation. In a lot of the work we do, we co-operate with Jewish women's organisations. But we needed to establish ourselves, become independent and deal with our own problems so that when we co-operate, we will be doing so on an equal basis (...).”²³

WAV was founded in response to an alert by activists of a high incidence of domestic violence in Palestinian society in Israel and its taboo, even among concerned professionals. The organisation focuses principally on three topics:

1. Breaking the taboo on the existence of domestic violence among Palestinians in Israel,
2. Creating support systems for victims of violence, and
3. Promoting the status of women and social change.

Today, the NGO runs a crisis centre for victims of physical and sexual violence that includes a hotline; two shelters for battered women and girls, and a “half-way house” or residential home for women who have left the shelter and need a home for an interim period. The first shelter was opened in 1993, at a time when shelters for battered women were almost non-existent in the Arab world and neither shelters nor half-way houses available for Palestinian women in Israel. Aida Touma-Sliman explains the need for a specific Arab shelter as follows:

“Our idea was that Arab women needed a shelter staffed by Arab women because we felt that a woman who is forced to make the decision to leave home is going through a crisis anyway and should not have to deal with further problems (...), such as language or culture barriers or even political barriers in the sense of being

(www.arabhra.org), Ittijah-Union of Arab Community Based Organisations (www.ittijah.org) and Women Against Violence (www.wavo.org).

23 Interview with Aida Touma-Sliman, Nazareth, 2001.

in an environment with other women who might be racist or (...) harass her or her children. And the other thing is that the shelters in existence at the time did not address the Arab community in their advertisements. So, whenever an Arab woman arrived at the shelter, she was made welcome and treated professionally. But it took ages for her to find out there was a service like this!"²⁴

In addition, *WAV* conducts educational programmes with Palestinian students, parents and teachers in the form of workshops on subjects such as gender equality and violence against women.

3.3 Palestinian Civil Society and the Israeli-Palestinian Peace Process (1993-2000)

The first few years of the Israeli-Palestinian peace process were characterised by immense hope and even euphoria in both of the conflicting parties. Palestinian citizens in Israel, although excluded from peace negotiations and thus politically isolated from the Palestinian and the Israeli "sides", gave broad support to the Oslo process. Identifying with the Palestinian struggle for self-determination and statehood, they shared the hope of an early settlement of the conflict between Israel and the Palestinians. Palestinian political actors in Israel were likewise optimistic about an improvement in their specific situation, expressed at the time as integration into Israeli society and advancement of equal opportunities.²⁵ With regard to their political work, activists argued that a peace settlement would finally enable them to focus more strongly on issues associated with their status as a Palestinian minority, rather than being occupied to a large extent with the Palestinian national struggle on the other side of the *Green Line*. Finding themselves excluded from negotiations and without representation in the greater political arena, the Palestinians in Israel simultaneously reinforced their efforts "to take things into their own hands". Accordingly, the peace process period was distinguished by a rapid growth in Palestinian civil society organisations; human rights organisations, legal advocacy centres and other initiatives representing the needs and interests of the minority expanded their activities or were newly established.

In view of this political atmosphere, feminist activists extended their critical dealings with the gendered structures of Palestinian society and succeeded in strengthening their focus on gender-related issues. In 1994, for example, *Al-Badeel* ("The Alternative"), a coalition of grassroots organisations and individual activists against "honour crimes"²⁶ was founded with the purpose of putting the issue on both the local and national agendas. Palestinian feminist organisations intensified networks with Jewish feminists and peace groups. In addition to the foundation of several new women's or-

24 Ibid.

25 Angelika Timm, "Israeli Civil Society: Historical Development and New Challenges", in: *Civil Society in the Middle East*, ed. Amr Hamzawy (Berlin: Verlag Hans Schiler, 2003), p. 102.

26 The term "honour crimes" refers to crimes committed against girls and women suspected of having violated certain rules of behaviour in accordance with the so-called "family honour" code. "Honour crimes" are committed by male family members and include locking up, beating and murdering girls and women as a means of re-establishing the "family honour". For further details, see Iman Kandalaf and Hoda Rohana, "Violence Against Women", in: *NGO-Report ...* pp. 74-86.

ganisations, women gradually became more involved in decision-making bodies such as political parties. In 1995, Hala Hazzan was the first woman ever to be elected to the *Follow-Up Committee on Arab Education*, a high-ranking decision-making committee.²⁷

In the second half of the 1990s, however, the political situation took a turn for the worse. Corresponding to the decline in the peace process, the relationship between the Israeli state and the Palestinian minority deteriorated. The *Likud* politics under Benjamin Netanyahu (1996-1999) and those of *Labour* under Ehud Barak (1999-2001) were marked by an almost total ignorance of the Arab population. Barak in particular, who received decisive support from 95% of the Palestinian voters in the elections for prime minister in 1999, showed a complete disregard for the interests of the minority. Not one Arab Member of the Israeli parliament, the Knesset, was included in his government coalition, nor did he keep his promise to address the difficult socio-economic situation of the Palestinians. On the contrary, under Barak's rule, budgets for the Arab population were reduced in comparison to the amounts allocated during Netanyahu's period of office.²⁸ Furthermore, during both terms of government, state agencies made increasing use of violence against Palestinian citizens, a prelude to what was to happen later in October 2000. Palestinian demonstrators were injured by Israeli police on various occasions between 1998 and 2000, for example, during demonstrations against housing demolition, the expropriation of Arab-owned farmland or during student protests. In all incidents, police employed methods that had never been used against Jewish protesters.²⁹

On the whole, this worsening situation led to increased pressure on the Palestinian community. The politics of exclusion along ethno-national lines were answered accordingly with intensified ethno-national mobilisation of Palestinian political forces. A comparison of Israeli parliamentary election results from 1996 and 1999 indicates a striking trend towards purely Arab parties of national and traditional/Islamic character at the expense of Zionist left-wing parties such as *Labour* and *Meretz* in the elections of 1999.³⁰ Thus, the foundation of a new nationalist Arab party in 1996, the *National Democratic Alliance (NDA)*, is an important marker in a change of consciousness in Israel's Palestinian community. The "mechanisms of dissociation"³¹ were furthermore reflected in other realms of civil society. NGO activists, formerly active in mixed Jewish-Arab structures and co-existence programmes, reorganised themselves in wholly Arab organisations. Criticising that power relationships between

27 Nabila Espanioly, "Palestinian Women in Israel ...", p. 27.

28 Mossawa Center, "Report on ...", p. 24.

29 Adalah's Review, "Law and Violence", Vol. 3, Summer 2002, p. 4.

30 While Labour and Meretz received 16,6% and 10,5% respectively of the Palestinian vote in 1996, Labour gained only 7,4% and Meretz 5% in 1999. By contrast, purely Arab parties were able to gain considerable influence. The newly-founded NDA, which had formed a list with the Democratic Front for Peace and Equality in 1996 and received 37% of the Palestinian vote, managed to secure 16,8% of the vote (along with the Arab Movement for Change) in 1999. The United Arab List, consisting of the Democratic Arab Party and the Islamic Movement, got 25,4% of the Palestinian vote in 1996 and 30,6% in 1999. For further details on the elections, see Mossawa Center, "The Arab Minority in Israel – 2003 Knesset Election", (Haifa: Mossawa Center, 2003), pp. 2-5.

31 Oliver Schmolke, "Zivile Gesellschaften in Israel", in: Politik und Gesellschaft/International Politics and Society, ed. Friedrich-Ebert-Stiftung, 1994, p. 283.

the majority and minority of the country had been reproduced in the structures and activities of civil society agencies, they opted for co-operation with Palestinian partners from the West Bank and Gaza Strip. In 1995, *Ittijah – Union of Arab Community Based Organisations* was founded as a Palestinian NGO umbrella organisation. Since its foundation, *Ittijah* (“Direction”) has been intensely involved in creating a clear Arab-Palestinian position, including vital relationships with Palestinian NGOs on the other side of the *Green Line* and in the Palestinian diaspora.

Against the background of these developments, feminist activists came under increasing pressure from different ideological sides. Palestinian traditional and religious forces tried to restrict the influence of women and their performance in the public sphere, including, for example, attempts to prevent women from participating in demonstrations.³² Additionally, in the framework of the nationalised discourse, Palestinian feminist activists were challenged to re-negotiate their national and gender identities and to review their position within the broader context of the Israeli women's movement and its feminist component. As a result of these debates, a group of women, formerly active in mixed feminist structures, decided in 1998 to establish *Kayan: A Feminist Organization* as a specifically Arab feminist organisation. The founders of *Kayan* (“Being”), however, steered a middle course by establishing a separately organised Arab body, while remaining a member of the *Haifa Women's Coalition*, a network of four Arab and Jewish feminist organisations. With this approach, the women of *Kayan* envisioned combining the empowerment of “one's own group” with the potential to influence the agenda of the Israeli women's movement. In contrast to the political demands and trends of that time, as they themselves declare, *Kayan* activists describe themselves as Arab, not as Palestinian feminists. They do not appreciate the imposition of a political identity that places them in the context of the Israel-Palestine conflict and at the same time is understood as a statement about the conflict.³³ Dealing with constructing the complex and dynamic interplay of gender and national identities and its related political positioning as an Arab feminist organisation in the Israeli context still remains a highly controversial issue within the *Kayan* and among other groups – a debate that was further intensified in 2000 in the aftermath of the *October events* in the north of Israel.

3.4 Increasing the Dilemma: The October Events of 2000 (“Al-Aqsa Intifada”)

Ariel Sharon, the then leader of the *Likud Party* and Member of the Knesset, visited the Muslim religious compound al-Haram al-Sharif in Jerusalem on 28th September 2000, accompanied by scores of soldiers. Perceiving Sharon's visit as an act of provocation, Palestinians in Jerusalem protested. When Israeli security forces shot at Palestinian demonstrators the following day, violent clashes erupted in East Jerusalem, in the West Bank and in the Gaza Strip, leaving dozens of Palestinians injured or dead. On 1st October the Palestinian citizens of Israel also held demonstrations in solidarity with the Palestinians in the territories. When Israeli security forces used live ammuni-

32 Nabila Espanioly “Nightmare” ..., p. 109.

33 Rula Deeb, “Identität ist ein dynamisches Konzept”, in: cfd-Zeitung, Vol. 3, 2002, Bern: Christlicher Friedensdienst – Das Feministische Hilfswerk.

tion to stop the demonstrations, 11 Palestinian citizens were killed, more than 500 injured and over 1,000 people arrested. Jewish mobs subsequently attacked Palestinians as well as their houses, shops and places of religious worship. During these clashes, yet two more Palestinians were killed by Israeli police.³⁴

Several Palestinian NGOs played an important role in the *October events* and also coped with the direct and indirect results of the clashes.³⁵ Women participated in all of these activities. Along with other institutions, NGOs provided support in various fields including medical assistance, support for families of victims, legal assistance and advocacy, counselling, media reporting and publicity, etc. Coverage of the events in the Israeli media was heavily biased and based primarily on police reports. The *I'lam Media Center* ("Information") and the *Advocacy Center Mossawa* ("Equality"), both based in Haifa, managed to "break the media siege"³⁶ and communicate events to the national and international community from a Palestinian perspective. These NGOs also succeeded in forcing the Hebrew media to print the pictures, names and particulars of the 13 dead, whereas previously only the number of Palestinians killed had been reported.

With regard to women's organisations, *Al-Tufula Pedagogical Centre* reacted to the clashes immediately. In accordance with their focus on early childhood education and women's empowerment, *Al-Tufula* ("Childhood") concentrated on supporting child victims of violence. Apart from the instalment of a hotline, *Al-Tufula* – following the example of equivalent organisations in the West Bank and Gaza Strip – developed information booklets for teachers and parents with instructions on how to deal with traumatised children and youngsters.³⁷ *Women against Violence* were also compelled to respond to the *October events*. Statistics on the number of approaches to the crisis centre show a doubling in the first months of 2001 in comparison with the respective time-period in the previous year. This increase in numbers can be explained by the interrelation between the experience of violence and its use; victims of violence tend to reproduce it on others in a weaker position. This again reflects that women in political conflicts are doubly victimised, i.e., by both political and domestic violence. At the same time, a dramatic decrease was observed in the number of women who went to the police in connection with domestic violence. Whereas approximately 40% of the women who had contacted *WAV* also went to the police before October 2000, the respective numbers dropped to only 12% in 2001. This reflects a great loss of trust in the police as an agency of the state, trust which, according to *WAV*, had been so very difficult to establish.³⁸

Although the dimension of the *October events* was unprecedented, it is part of the structure of state violence against Palestinian citizens in Israel as *Adalah, The Legal Center for Arab Minority Rights in Israel* argues.³⁹ The experience of *October* led to the biggest crisis in the relationship between state and minority, thus reinforcing the existent tension between the Jewish majority and Palestinian minority and, moreover,

34 *Adalah's Review*, "Law and Violence", Vol. 3, Summer 2002, pp. 2-7.

35 For the role of NGOs, see Mossawa Center, "Report on ...", pp. 18-20.

36 *Ibid.*, p. 19.

37 Interview with Nabila Espanioly, Nazareth, 2001.

38 Interview with Aida Touma-Sliman, Nazareth, 2001.

39 *Adalah's Review*, "Law and Violence", Vol. 3, Summer 2002, p. 4.

challenging the very concept of democracy and co-existence in Israel. Since the *October events*, Israel has witnessed an increase in racism and race-related violence against Palestinian citizens, for instance in the wake of Palestinian suicide bombings.⁴⁰ This is reflected in *The Democracy Index: Major Findings 2003* of the *Israel Democracy Institute*:

“As of 2003, more than half (53%) of the Jews in Israel state out loud that they are against full equality for the Arabs; 77% say there should be a Jewish majority on crucial political decisions; less than a third (31%) support having Arab political parties in the government; and the majority (57%) think that the Arabs should be encouraged to emigrate. On all issues there was a dramatic decline in support for democratic norms, compared to 1999.”⁴¹

In the perception of Palestinian citizens, *October* was a “lecture” to all those who still believed in their integration into the state of Israel and its society. *October* was thought to have put an end to the “process of Israelisation”, a highly controversial matter in Palestinian discourse anyhow, including the gradual integration of Israeli components into the culture, identity and behaviour of Palestinian citizens. Coupled with a general feeling of frustration and distrust in the Israeli political system, the *October* experience was what finally led 82% of the Palestinian electorate to boycott the elections for Prime Minister in 2001. The boycott, a novelty for Palestinian citizens who had traditionally supported the Labour Party, marked the beginning of a new era in the relationship between the Palestinian minority and the Zionist Left.

Instead, the experience of *October* led to a growing awareness and expression of Palestinian identities at the cost of Israeli identity components. As in the case of political discourse, it was expressed on an individual level, shown by the example of the driver of the *Institute for Peace Research Givat Haviva*, who began after *October* to wear the Palestinian scarf, a strong symbol of Palestinianism. The advocate Nidal Ali Taha expresses the sentiments of many others in describing his own changing identity:

“Before the October events, I thought of myself as an Israeli. I identified as a Palestinian, but I felt that I was a citizen of the state. However, the October events told me that Israel does not think of me as a citizen, rather, as an enemy. So now I know. I’m a Palestinian.”⁴²

Correspondingly, the ongoing nationalisation of the political discourse that had been pushed forward even more by *October*, was expressed in national-religious notions well-known from the Palestinian national struggle on the other side of the *Green Line*: the *October events*, although radically different from the uprising in the West Bank and Gaza Strip, were referred to as *Al-Aqsa Intifada* and the victims as *martyrs*, a term pregnant with national and religious connotations. The appropriation of these notions by the Palestinian political scene in Israel and the ensuing attachment of the Palestinian struggle “within” to the Palestinian resistance in the occupied territories, contributed further to the instalment of a “national consensus”, difficult to criticise. In the

40 Mossawa Center, “The Arab Minority in Israel ...”, p. 13.

41 The Israel Democracy Institute, “The Democracy Index: Major Findings 2003”, in: www.idi.org.il

42 Mossawa Center, “Report on ...”, p. 19.

light of this development, internal Palestinian arguments – whether a critical stance towards the interpretation and labelling of the *October events*⁴³ or some other socio-political opinion – were de-legitimised. In contrast, feminists were asked to prioritise the national over the social struggle, a demand that feminist activists understood as a threat to their work:

“The complexity of the situation demands complex strategies for struggle. It is crucial not to leave out any important element of this struggle. Many people think that you must struggle step by step and prioritise your issues. According to this view, only after we have won the struggle against discrimination, or for national rights, or for peace can we struggle for social justice or women’s rights. These people are asking us to put our lives on hold. In fact, if the issues were important to them, they would not for a moment consider ignoring them. When people ask you to prioritise, they are actually setting priorities based on their own interests; they are imposing their priorities on you. Those national liberation movements that followed a two-stage model – first national liberation, then women’s liberation – proved to be a myth, developed, legitimised, and implemented by patriarchal forces. At the end of these movements there was no women’s liberation.”⁷⁴⁴

“The situation” (al-wad’a)⁴⁵ was used and misused by patriarchal forces to silence critical voices and suppress processes of negotiating “differing” Palestinian identities that apart from others have been expressed in debates on issues of cultural autonomy and personal status laws.

4 *Resisting Patriarchal Politics: Core Issues of Feminist Activism in the Struggle against Institutionalised Discrimination*

The demand for cultural autonomy is a central element in the programme of the *National Democratic Alliance (NDA)*, as formulated in the hope

“for official recognition of the Arab citizens in Israel as a national and cultural minority with the right to conduct their own affairs ... especially in educational and cultural matters.”⁷⁴⁶

Cultural autonomy comprises issues such as separate school curricula that include the teaching of Palestinian history, the de-facto recognition and use of the Arab language as the second official language in Israel, the establishment of an Arab university, autonomy in religious affairs, etc. In the light of Israel’s politics of exclusion in relation to the national and cultural identities of the Palestinian population, supporters of the concept describe it as an essential aspect of the minority’s claim for self-determination. Furthermore, since cultural autonomy includes Muslims, Christians and Druze, it is understood as a strategy for the re-integration and empowerment of a minority that has been subdivided into religious groups as a result of Israel’s minority policies.

43 For details on this expression, see Footnote 3.

44 Nabila Espanioly, “Nightmare” ..., pp. 109-110.

45 Al-wad’a is an abbreviation to describe the difficult political situation at the individual time.

46 As’ad Ghanem, “The Palestinian-Arab Minority ...”, p. 111.

Although Palestinian feminists criticise Israel's racialised rule in the field of cultural affairs, they voice reservations about the demand for cultural autonomy, fearing that such an arrangement might prevent debate on cultural matters and, worse still, further legitimise and support the patriarchal forces and concepts of Palestinian society. Reservations about self-government arrangements are shared by feminist activists of other indigenous and national minorities, too.⁴⁷ Palestinian activists make a plea instead for a critical dealing with Arab cultural matters and not the prayer-wheel repetition of cultural-autonomy slogans. They favour an understanding of culture as a process of change, not as a "sacred cow".

"Culture should adapt to the needs of the people, culture is made by the people, people are not made by culture. There is nothing holy about culture. I think the main goal – if you want people to grow and be strong – is to make them question everything, make them try to change everything and adjust it. When you start treating your culture or your traditions or even your language like a sacred cow, you kill yourself and your identity as a people. Those who were not able to change are dinosaurs, they do not exist today."⁴⁸

Others, though, regard cultural autonomy as a precondition for looking at it critically. Being sovereign of one's own cultural affairs is the only method of being able to debate it.⁴⁹ Gendered debates on self-determination and self-governing arrangements reflect the tension between national and gender interests and identities, as Suad Joseph emphasises:

"Empowering the subnational community can be a way of disempowering women by locking them into gender hierarchies."⁵⁰

4.1 Palestinian Identities and Institutions: Problems of Islamic Jurisdiction in Israel

Central to the debate on Palestinian cultural self-determination is the jurisdiction of personal status issues. In view of the non-separation of state and religion in Israel, personal status issues, which include marriage and divorce as well as the related matters of polygamy, child custody, marital rape, etc., are governed by the jurisdiction of the respective religious courts. Considering the almost total destruction of the Jewish people and their heritage in Europe, the Israeli jurisprudence expert Frances Raday attributes this legal system and its far-reaching position on religious laws to the intention of the newly-founded state of Israel to protect and strengthen Jewish heritage under Jewish jurisdiction. At the same time, with reference to the politically tense situation following its declaration and the perpetuation of the system of personal status ju-

47 In Canada, for example, Aboriginal women voice their opposition to self-government arrangements because they are afraid they might strengthen the dominance of male elites. See Helena Catt and Michael Murphy, "Sub-State Nationalism: A Comparative Analysis of Institutional Design" (London/New York: Routledge, 2002), pp. 20, 119-120.

48 Interview with a feminist activist, Israel, 2001.

49 Interview with a feminist activist, Israel, 2001.

50 Suad Joseph, "Gender and Citizenship in Middle Eastern States", in: Middle East Report, January-March 1996, p. 8.

jurisdiction from the Mandate period, the young state sought not to intervene in the affairs of its religious minorities.⁵¹

Correspondingly, since citizenship in Israel is mediated through membership of religious communities, the state deferred authority on key social and legal affairs to the religious authorities of the respective groups, thus

“(...) subjecting women to the patriarchal control of male relatives and clerics in their communities. (...) In the process, the state prioritises religious membership and law over civil membership or secular law in the sphere most crucial to women. This intersection of religion, state and patriarchy further reinforces communalist views of citizenship that tend to diminish women’s role and rights as citizens.”⁵²

Whereas Jews, Christians and Druze, albeit to different degrees and with the exception of marriage and divorce, can choose between civil and religious courts on a wide range of personal status issues, Muslims are completely barred from the civil court system and must approach Islamic courts.⁵³ Since Palestinian feminists regard religious courts as discriminatory against women, the introduction of a civil court as an alternative option plays a key role in their activities. Their argument is based on the feminist persuasion that

“(...) the separation of religion and state makes it possible for women to become emancipated from religious law, which is patriarchal under Jewish, Christian, and Islamic traditions, and to come under the jurisdiction of civil law, which, in contrast to religious law, is assumed to be gender neutral (but not equally beneficial to women and men).”⁵⁴

Female judges are excluded from working in religious courts in Israel, which is tantamount to a collective banning of women from influencing the realm of personal status.⁵⁵ On the other hand, in the dominant (male) Palestinian perception, religious courts are perceived as indigenous Palestinian institutions and thus important markers of collective identities that need to be preserved. In the following, I will focus on the

51 Inken Wiese, “Islamisches Recht im jüdischen Staat: Theorie und Praxis personenstandsrechtlicher Regelungen am Beispiel der Bemessung des ehelichen Unterhaltes” (Berlin: unpublished thesis, Institut für Islamwissenschaft, Freie Universität Berlin, 2001), p. 37.

52 Suad Joseph, “Gender and Citizenship ...”, pp. 7-8.

53 Working Group on the Status of Palestinian Women in Israel, “NGO-Report ...”, p. 57.

54 Barbara Swirski, “The Citizenship of Jewish and Palestinian Arab Women in Israel”, in: *Gender and Citizenship in the Middle East*, ed. Suad Joseph (New York: Syracuse University Press, 2000), p. 319.

55 The *Working Group on the Status of Palestinian Women in Israel* emphasises that this prohibition contradicts Article 7 (b) of the *Convention on Elimination of All Forms of Discrimination Against Women (CEDAW)*, which states that “all State Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of a country and, in particular, shall ensure to women, on equal terms with men, the right to participate in the formulation of government policy and the implementation and thereof and to hold public office and perform all public functions at all levels of government.” Although it ratified the *CEDAW* in 1991, Israel entered a reservation to Article 7: “Concerning the appointment of women to serve as judges of religious courts where this is prohibited by the laws or any of the religious communities in Israel.” See Working Group on the Status of Palestinian Women in Israel, “NGO-Report ...”, p. 28.

debate on Islamic courts and personal status issues, and their role in the process of negotiating Palestinian identities.

Islamic courts have been under the supervision of the *Israeli Ministry of Religious Affairs* since 1948.⁵⁶ Personal status laws are based on the Ottoman family laws from 1917, which were later adopted by the British Mandate and, after 1948, largely taken over by the Israeli legal system. In contrast to the Christian courts, which are completely independent of the state, Islamic courts are state courts in the sense that they are established and funded by the relevant ministry. Judges, who are appointed for life, are nominated by a committee consisting of the Ministers of Religious Affairs and Justice, members of the Israeli parliament and judges and lawyers from the Muslim community. Compared with Jewish religious courts, Islamic courts lack adequate funding and personnel. Only eight courts – including one *Supreme Court of Appeal* – with a total of ten judges are responsible for the entire Muslim community in Israel, some 800,000 people. Islamic courts are often criticised for their poor performance, whereby the inadequate qualification of judges is pivotal. Due to Israel's ban on the establishment of schools for Islamic education, the younger generation of judges lacks religious education and a profound knowledge of Islamic law, not to mention the fact that a qualification in this direction is not even required of them.⁵⁷ Furthermore, the absence of the *Mufti* institution has prevented the development of Islamic jurisdiction in Israel. When Israel accepted Islamic jurisdiction for its Muslim citizens, it rejected the institution of the *Mufti*, aware of its important, unifying and guiding role in the Islamic community.⁵⁸ Contrary to Jordan and Syria, where similar laws have long since been reformed, no comparable efforts were made in Israel until the mid-1990s, when Sheikh Ahmed al-Natur initiated a reform process.⁵⁹ It can therefore be concluded that the Islamic Law applied in Israel tends to be more traditional and less adapted to contemporary realities than similar laws in other countries.

4.2 *Religious versus Civil Law: Israel's "Policy of Non-Intervention"*

In many ways, Islamic Law constitutes an obvious contradiction to Israeli laws and international conventions ratified by Israel and which stipulate equality of the sexes: *The Equal Rights Law* (1951), *The Inheritance Law* (1965), *The Universal Declaration of Human Rights* (1948), *The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)* (1991) and *The Basic Law on Human Dignity and Freedom* (1992), to name only the most important. While the introduction of these civil laws implied a genuine improvement in the situation of women in court, Israel implemented "legal loopholes"⁶⁰ from the outset, enabling religious communities to continue applying their respective religious laws. Accordingly, the *Equal Rights*

56 For the history of Islamic institutions in Israel, see Alisa Rubin Peled, "Debating Islam in the Jewish State: The Development of Policy Towards Islamic Institutions in Israel" (New York: State University of New York, 2001).

57 Inken Wiese, „Islamisches Recht im jüdischen Staat ...“, p. 57.

58 Ibid., p. 54.

59 Ibid., p. 68 ff.

60 Alisa Rubin Peled, "Debating Islam in the Jewish State ...", p. 70.

Law does not apply to marriage and divorce, and the *CEDAW Convention* is suspended if

“the laws of personal status binding on the several religious communities in Israel do not conform with the provisions of that Article”⁶¹.

It goes without saying that these regulations are divested of their real meaning. Even when Israel finally introduced laws that promoted the legal status of women under penalty of fine or imprisonment, it paid little attention to their implementation. Similarly, the respective religious authorities and communities can easily circumvent these civil laws: In order to sidestep the raised minimum legal marriage age, for example, marriage ceremonies are performed without the involvement of an official court registrar or they are only registered officially when the wife has finally come of age.⁶² In view of the fact that the Israeli state “interferes” in most aspects of life where the Palestinian population is concerned, the policy of non-intervention regarding the implementation of civil laws is a striking phenomenon. Large numbers of feminist activists reject this policy in the “private sphere”, blaming it for perpetuating the patriarchal system. They argue that with this policy, the state avoids promoting the status of women and merely transfers the power over Arab women to Arab men. Nabila Espanioly explains that when Arab men lost most of their traditional authority as a result of the disintegration policies after 1948, control of their female dependants was the only power left to them:

“Having lost control over their land and status for both the present and the future, the Palestinian man was left with only one domain over which to exert control: his family, wife and children.”⁶³

She describes it as a circle of oppression and co-optation that, on the one hand, keeps Palestinian society traditional and thus easier for Israel to control, and, on the other hand, co-opts Palestinian male leadership, influential actors when it comes to political issues such as elections, where the votes of the Palestinian minority traditionally play a decisive role. Accordingly, it is the

“well-oiled machine of patriarchy working across the boundaries of nationality and religion”⁶⁴

that subjects women to pressure from all sides.

4.3 *The Core of the Feminist Struggle: Equality in Personal Status Issues*

The struggle for equality in personal status issues is at the core of the feminist struggle within the Palestinian community in Israel.⁶⁵ With this aim in mind, the *Working Group for Equality in Personal Status Issues* was founded in 1995. The establishment

61 Suhad Bishara and Aida Touma Sliman, “Personal Status and Family Laws”, in: NGO-Report ..., p. 67.

62 Alisa Rubin Peled, “Debating Islam in the Jewish State: ...”, pp. 70-71.

63 Nabila Espanioly, “Political Participation ...”, p. 4.

64 Aida Touma-Sliman, “Palestinian Women in Israel”, in: New Humanist, Summer 2002. For the internet version, see www.newhumanist.org.uk/issues/0206/touma-sliman.htm

65 For details, see Suhad Bishara and Aida Touma-Sliman, “Personal Status...”, pp. 67-73.

of this coalition, which includes representatives of ten NGOs concerned with human rights and women's affairs, was triggered by the legislation of *The Law of Family Courts* in 1993. This new Israeli law empowered the civil courts in Israel with personal status issues and provided them with equal authority to the religious courts. But yet again, matters concerning marriage and divorce were excluded. Due to what Aida Touma-Sliman calls "patriarchal politics" and in accordance with the state policy of non-intervention in the private sphere of the Palestinian minority, the new legislation was not binding for the Palestinian citizens of the state.⁶⁶ Palestinian activists who appreciated the direction of the law as a framework for further gender equality, therefore intensified their own struggle by establishing the *Working Group for Equality in Personal Status Issues*. The coalition's primary concern is to change laws in such a way as to guarantee all citizens of the state the opportunity of choosing between religious and civil courts in all personal status issues. Furthermore, it works to ensure the implementation of personal status laws that protect women's rights, to improve the legal process and to provide legal counselling for women. Besides, the *Working Group for Equality in Personal Status Issues* promotes reforms in the religious courts currently in charge of personal status affairs, which it criticises for discriminatory legal practices and other shortcomings. To raise public awareness of personal status issues and inequalities in Palestinian society, the coalition conducts study days, public lectures and media discussions. It also consults members of parliament on related questions.⁶⁷ A bill dealing with custody and alimony issues was formulated and submitted to the parliament for its first reading in 1998.⁶⁸

There is, nevertheless, considerable opposition to the instalment of civil jurisdiction on the part of the Palestinian population and its elites. Of the Palestinian members of parliament, only representatives of the *Democratic Front for Peace and Equality* and those of the *Labour Party* support the claims of the *Working Group for Equality in Personal Status Issues*. In contrast, the more patriarchal-oriented representatives of religious, traditional and nationalist parties not only reject the intended changes but openly fight them, some even through alliances with right-wing Jewish parties.⁶⁹ In 1998, for example, the *United Arab List (UAL)* in cooperation with *Shas*, a national-religious Jewish party, succeeded in postponing the vote on the bill in the Knesset.⁷⁰

The argument of the opponents differ. Some perceive it as an offence against the religious interests of Muslims and Christians, others fear the loss of local Arab culture. Some again reflect on the fact that precisely the same state that oppresses the Arab population is in a position to support Arab women, while yet others argue that installing civil jurisprudence would mean continued discrimination against women, since only the well-to-do could afford to go to a civil court. Even Azmi Bishara, who has no fear of breaking taboos, is concerned that a legal change of this kind could

66 Aida Touma-Sliman, "Palestinian Women ...".

67 www.arabhra.org/core/wpersonal.htm and www.wavo.org link: coalition

68 See Panurama, 26.6.1998.

69 Aida Touma-Sliman, "Palestinian Women ...".

70 Kull al-'Arab, 31.7.1998. The United Arab List is the result of a merger between the Arab Democratic Party (ADP) and the moderate camp of the Islamic Movement.

open the door to further social developments unfitting to society.⁷¹ Central to the opposition is the argument that religious courts represent autonomous Palestinian institutions in the state of Israel, which are seen as symbols of a collective Palestinian national identity, one that is vehemently oppressed in the Israeli context. Whereas preservation of these symbols is part of the national struggle, the instalment of civil courts is perceived as an extension of “Jewish dominance” over the Palestinian citizens.⁷² In this sense, women advocating change are stigmatised as traitors to the national cause.

5 Concluding Remarks

The Palestinian women’s movement has always been a crucial element of Palestinian civil society in Israel and has gained considerable weight in recent years in promoting discursive and political recognition of the Palestinian minority. Women’s organisations are among the most active, best organised and most professional NGOs in the sector. Besides solid relationships to Israeli women’s and peace movements, they dispose of vital networks with Palestinian and international women activists. Palestinian women’s activism, particularly feminist activism, is challenged by the ambivalence of having to appeal to the state for protection from religious and secular non-democratic or patriarchal forces and at the same time struggle for the empowerment of the Palestinian community that is being oppressed by the politics of that very state. The heightened political situation in Israel and the Palestinian territories has repeatedly put women under pressure from different sides, including Palestinian political activists from the secular camp, thus filling many women with an immense feeling of fear and insecurity. The appeal to the *Israeli Supreme Court* mentioned in the introduction to this article sheds some light on the complex conditions for feminist activism in the context of the Palestinian national struggle, especially in times of political crisis. Incidentally, the *Israeli Supreme Court* dismissed the appeal and approved the nomination of the male judge.

Nevertheless, Palestinian feminist activists have acquired a substantial voice in challenging both the racialised rule of the state and the patriarchal structures and forces within the Palestinian community. Activists of the *Working Group for Equality in Personal Status Issues* gained partial success in November 2001, for example, when as a result of the longstanding struggle for a change in personal status legislation, the Israeli parliament passed a law granting Palestinian citizens the right to choose between religious and civil law in certain personal status issues such as custody, alimony, maintenance, guardianship and shared property.⁷³

“The complexity of the situation demands complex strategies for struggle”, writes Nabila Espanioly, with the demand not to gloss over the gender issue in the struggle of the Palestinian minority in Israel. It is vital in the context of struggle for recognition and empowerment of Palestinian identities that the variety of these identities be recognised and negotiated instead of reproducing a politics of marginalisation.

71 Fasl al-Maqal, 19.6.1997.

72 Fasl al-Maqal, 23.7.1997.

73 Aida Touma-Sliman, “Palestinian Women ...”.

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