REVIEW OF WOMEN'S STUDIES

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INTRODUCTION

This is the second issue of the *Review of Women's Studies* (2003-2004), published by the Institute of Women's Studies at Birzeit University in order to present a sample of the recent research and writing of faculty, researchers and graduate students at the Institute as well as to highlight other important work by scholars in Palestine on gender relations and Palestinian society. Articles are published in their original language – Arabic or English – and thus the contents of the Arabic and English sections are different.

The first issue, published in 2003, contained articles and documents produced in the tumultuous year of 2002, some written under curfew and all affirming a determination to continue research and teaching even under the most difficult conditions. The contributions in the second issue also can not be separated from their conditions of production in a society fighting for survival and independence. The Birzeit University community experienced a measure of relief in the 2003-2004 academic year with the removal of the Surda checkpoint on 3 December 2003, which had caused great suffering, delays and harassments to students and staff trying to get to the University, as well as many other Palestinians trying to get to school and work or to access vital services.

However, the shadow of the Wall, which snaked its brutal and illegal concrete way through Palestinian

territory throughout this last year, has cast a threatening shadow on Palestinian education in general, cutting students off from the schools and diminishing hopes for the recognition and implementation of international law as a guardian of civilians and civic life in Palestine. The cold-blooded murder of Al Najah University professor Dr. Khaled Saleh and his son Mohammed by Israeli soldiers breaking into Saleh's apartment in Nablus on 6 July 2003 is a chilling reminder that Palestinian civilians have no secure refuge as long as international law and human rights are so cruelly violated. The editors and the Institute join many others in condolences to Dr. Saleh's family and to the Najah university community and in condemnation of this terrible crime.

There are several themes running through this issue of the *Review* that reflect, in various ways, researchers responding to conditions around them and interrogating major issues facing Palestinian society. Articles by Abu Nahleh in the Arabic section and Taraki in the English section explore how war, warlike conditions, and protracted crisis affect communities, families and family and gender relations, and how families respond and resist. Abu Dahu in the Arabic section offers a preliminary report on an Institute research project to further explore these issues. Hammami in the English section and Miari in the Arabic section reflect on another seminal war – the nakbe of 1948 – and explore gendered presences and absences in narratives and memory of this constitutive period. In a roundtable held at the Institute in April 2004 and excerpted in the Arabic section, the Institute asked several leading civil society and women's activists to address the overarching political crisis facing Palestinian society.

It is perhaps the profound nature of this crisis that generated an exceptional interest among several contributors in exploring women's activism and agency through the lens of lived experience and practices, rather than through more formal political positions and rhetoric. Both Shehada and Marrar listen carefully to ordinary women as they discuss their lives – Shehada in the context of women bringing cases to the shari'a courts in Gaza and Marrar in the context of rural and refugee women describing their own conditions – and thus raise questions for new and renewed strategies for the Palestinian women's movement. Kuttab and Abu Awad address these questions directly in their report in the Arabic section from extensive meetings held with activists in the women's movement. Labadi's article in that section also provides a framework for understanding women

and politics in the Palestinian context, while Jad, reflecting on both the Arab world context in general and Palestine in particular, explores the consequences of the "NGOization" of women's activism.

Labadi's contribution in the English section joins Shehada in an interest in new ways to understand and explore issues in family law in its social setting, as Labadi develops a careful analysis of a recent fatwa on early marriage. Both scholars are concerned with the relation of law and society and how law can address the emerging needs of women, men and children and the development of Palestinian society.

Contributing to developing policies and identifying resources to address social needs has been another long-standing concern of the Institute, reflected here in a summary of work by Hilal, Johnson and Musa (Arabic section) on identifying revenues and resources to meet social needs, and by the introduction of a gender analysis contributed by the Institute (English section) to a Palestine country report on achieving population and development goals. Ladadweh's work on the informal economy in the Arabic section points out a key area where women and men's work is often not taken into account in national planning.

We also welcome a report from Bahithat, a network of Lebanese researchers, that expands our horizons to consider gender and social issues in another Arab country.

We hope readers will find the second issue of the *Review of Women's Studies* rich both in insights and in questions for discussion and further study and research. The editors and the Institute hope that it will contribute to encouraging more research on these topics, and even more important, to stimulating debate and discussion on the pressing issues facing Palestinian society.

The Editors
Ramallah, November 2004

Palestine Through the Lens
of the Family: An Introduction

Lisa Taraki

This is the introduction to a volume of essays, edited by Lisa Taraki, publication forthcoming from Syracuse University Press. The volume, entitled **Palestine Through the Lens of the Family: the Dynamics of Place, Resistance and Survival***, was a project of the Institute of Women's Studies and, as Taraki notes, "inspired by the collective experience of the contributors" as they reflected on the findings of a 1999 community-based household survey conducted by the Institute. Chapters in the volume include: " Living Together in a Nation in Fragments: Dynamics of Kin, Place, and Nation" (Penny Johnson); "Emigration, Conservatism, and Class Formation in West Bank and Gaza Strip Communities" (Jamil Hilal); "Six Families: Survival and Mobility in Times of Crisis," (Lamis Abu Nahleh); "The Paradox of Women's Work: Coping, Crisis, and Family Survival," (Eileen Kuttab) and "Modernity Aborted and Reborn: Ways of Being Urban in Twentieth-Century Palestine," (Lisa Taraki and Rita Giacaman.) Lisa Taraki is an Associate Professor of Sociology at Birzeit University and a member of the Council of the Institute of Women's Studies.*

The volume *Palestine Through the Lens of the Family: Dynamics of Place, Resistance and Survival,* was inspired by the collective experience of the contributors as we pondered the initial findings of a survey conducted in the summer of 1999 of over two thousand households in nineteen communities in the West Bank and Gaza. The survey, designed by the Institute of Women's Studies at Birzeit University,[1] aimed at going beyond prevailing macro-level analyses of Palestinian society by taking a look inside the "black box" of the Palestinian household. By compiling the "empirical" evidence and examining the internal dynamics of the Palestinian household, we hoped to find clues to many unanswered questions and to challenge what we believed were sweeping and unwarranted generalizations about Palestinian society, gender relations, and family and kinship networks. In particular, it appeared to us that scholarly, policy, and everyday discourses alike invested the family with too much agency in the matter of "absorbing shocks," as if the ability and capacity to adapt and adjust were infinitely elastic. In other words, the assumption that family networks have historically functioned as a sort of "social safety net" for Palestinians ignored the issue of what kinds of households or which individuals within households and families bore the brunt of the shocks (Giacaman and Johnson 2002).

As is common in such undertakings, our understanding and appreciation of the complexities of studying Palestinian families and households have grown considerably since that hot summer when we struggled with the fieldwork training held at the Institute of Women's Studies at Birzeit University. Later, as we began to look at the data, it appeared that some of our own assumptions also needed to be reexamined and that to understand the data properly we had to be more versatile and methodologically eclectic. This volume is the product of the theoretical and methodological journeys traveled by the authors as they tried to make sense of the data and their relevance to the main research problem, which centered around social reproduction and in particular strategies of households and families for improving their chances for survival and social mobility.

Household or Family?

Our investigation into the Palestinian household examined a wide range of issues, from the division of labor to parental preferences regarding whom their children marry and the educational levels they should attain, with special attention to gender and generation. The focus on the household was inspired by recent scholarship that stresses the centrality of the household in two senses: as a site for mediating the relationship among individuals, local communities, markets, and the state (Singerman and Hoodfar 1996) and as a terrain where both conflict and cooperation characterize the relations among household members (Sen 1990). The household was thus not conceived as an insular or unitary construct, and many questions in the survey were designed to explore the intersections of the private and the public as well as the local and the national, and sought to capture instances of cooperation and conflict, consensus and dissent.

Being very much aware of the embededness of the household in wider family and kin relations and networks, we built into the survey instrument questions that would help us understand better the links between household members and others in their kin universes (such as relations between household members and their migrant relatives, living arrangements, and economic ventures among kin). We were thus mindful of scholarly work on Arab society that was critical of the concept of the household (whether it consisted of the nuclear or extended family) as a discrete and autonomous social unit (Barakat 1993; Altorki and Zurayk 1995; Farsoun 1970; McCann 1993).

It became apparent, however, that we had to foreground that embededness if we hoped to be able to interpret our findings in a meaningful and comprehensive fashion. Furthermore, it became apparent that we had to go beyond the survey data in order to capture the workings of what we thought was the heavy hand of family groups and kin networks in the lives of households and their members. Hilal and Johnson explore the consequences and social meanings of the reconstitution and reconstruction of extended-family and kin relations by marshalling data from other sources, while Abu-Nahleh unravels the thick web of kin relations in which households find themselves entangled by using narratives recorded in urban, rural, and camp households.

In short, just as it is clear that the lone individual cannot be used as

the unit of social analysis, it is also clear that the lone household cannot be examined in a social void; the latter is firmly anchored in a larger universe of family (`a'ila`), a construct that has significance and concrete resonance in the everyday experiences of individuals and households as they fashion their present realities and strategize for their futures. It is equally clear that survey data about the household, however rich or painstakingly collected, cannot answer all our questions about households and families, because the data capture phenomena at one moment in time and abstract from the dynamic relationships over time between individuals and their households and between households and their kin. Furthermore, since these relationships are shaped, in part, by prevailing political conditions, it is very important to contextualize our study of family and household dynamics. The survey, as we now know in hindsight, was conducted toward the end of the post-Oslo "golden era" of optimism; fissures in the social order were increasing, as evidenced by the strike of public school teachers in 1999, and frustration with the "peace process" was mounting. The intifada of 2000 brought an end to that optimism and plunged Palestinians into yet another round of repression and resistance.

Family and Household in a Colonial Context

Just as it is important to consider the intersections of the household with wider kin groups, so is it imperative that we ponder the larger political and social context, the most salient aspect of which is the reality of colonial rule with all its dynamics - not only of dispossession and repression but also of resistance, resilience, and survival. Indeed, as Johnson notes in her chapter, "it would be hard to argue that the dynamics of one of the most prolonged occupations in modern history have not affected most Palestinian households and families, including their internal dynamics, processes, and economies".

The overwhelming reality of dispossession and occupation looms large in the analyses contained in the chapters here. The consequences of the *Nakba* in 1948 and the military occupation in 1967 have been far-reaching and must be brought into the analysis of family and household dynamics. Statelessness, economic dependency on Israel, water and land confiscation, the marginalization of agriculture, migration to oil states

and beyond, and arrested urbanization are only some of the more salient aspects of this condition. Resistance to colonial domination stands out as an important component of this lived reality, as Palestinians have struggled in many different ways, throughout most of the twentieth century and into the twenty-first, for freedom from domination.

The lives of individuals as well as households and the families they belong to have been affected in myriad ways by this overpowering reality. This volume is based on the premise that Palestinian households' and families' strategizing for survival, reproduction, and social mobility cannot be understood apart from the traumas of the past and the deep uncertainties of the present. The precariousness of life for all Palestinians is compounded by the vulnerability experienced by poor peasants, the urban poor, and refugees, especially those who have been living in refugee camps for more than half a century. Thus, household-level dynamics such as decisions regarding children's education and marriage, living arrangements, the division of labor, and emigration can only be understood if we attempt to link them with the larger historical trajectory in which the Palestinians have been thrust, and within which they live, struggle, and resist as individuals, households, and as a society and nation.

Theoretical advances in the conceptualization of the household in Arab societies have special relevance to the Palestinian household and family. The French historical demographer Philippe Fargues (2003, 45), discussing the quite different case of mid-nineteenth-century Cairo, has remarked that while stable as an institution, the family unit was in fact extremely volatile as a grouping. He attributed this volatility to extremely high mortality rates entailing a rapid turnover of individuals living together and the rapid redistribution of household members related to state policies and labor requirements. One may posit a similar volatility for the Palestinian household and family group arising out of conditions of war, near-war, military occupation, and resistance to that occupation. For despite the active and determined efforts of Palestinians to maintain, constitute, and reconstitute "normal" and stable family relations and living arrangements, they are inevitably thwarted by the ubiquity of imprisonment, loss of income due to "security considerations" and restrictions on mobility, and a host of other impediments that are all part and parcel of the highly unstable political field. It is in these directions that some of our investigations have to move, to see what kind of imprint the

turbulent history of the Palestinians has left on households and families.

We can take migration as an example. Emigration, both in the form of the violent and forced uprootings of 1948 and 1967 and the more gradual but steady pattern of exit to other lands and places in search of work and better lives, has no doubt left its mark on the stability of domestic and family groups, spawning all sorts of combinations of residential groups and arrangements of varying durability. Imprisonment by Israel, which has affected the lives of hundreds of thousands of Palestinians since the onset of the occupation in 1967, is another powerful factor in the volatility and instability of the Palestinian household and family. Even the most intimate aspects of people's lives, such as the spacing of children and thus household size and composition, have been affected by the reality of male imprisonment, as Abu Nahleh's contribution to this volume underscores. How families arrange and rearrange their affairs to accommodate migration and imprisonment is part of the everyday lived reality of Palestinians in all communities and across classes, although the prison experience has affected the poor with greater force. Yet another example of the volatility of the household comes from the incessant disruptions of community life since 2000 as a result of Israeli assaults on neighborhoods, often accompanied by destruction of homes and the displacement of families.

The Limits of Coping

The Palestinian family has long been hailed for its ability to absorb shocks and to provide sustenance to its members. Like the silently suffering mother-heroine who bears the burden of her family's survival with stoicism and fortitude, the family is also idealized as the privileged symbol of Palestinian resilience in the face of occupation and its adversities. However, we cannot assume that all households and families are equally successful at juggling the requirements of social reproduction in the face of major disruptions of their lives; nor can we assume that the outcome and process are free of conflict and contention, especially concerning gender relations within the household. The family narratives examined by Abu Nahleh provide a window into these dynamics, as does the discussion by Kuttab of the limits to the "coping mechanisms" used by families and especially women, who have to compensate for loss of income and opportunity.

One obvious issue is what has been called the "crisis of the male breadwinner" resulting from rampant male unemployment in recent years. This crisis, as Abu Nahleh shows, is not only economic. It has other important consequences for family life under patriarchy, where men who are invested with the power to protect their families find themselves severely compromised in the fulfillment of this duty. The erosion of men's ability to provide for and protect the family in the face of widespread unemployment, destruction of homes and agricultural land, and incessant army forays into neighborhoods reconfigures gender relations and relations between the generations. One of these pertains to women's strategies for accommodating, resisting, and negotiating patriarchy. We are only beginning to understand these dynamics after nearly four decades of life under occupation.

Much work needs to be done before we can grasp the dynamics of coping, resilience, and survival by families. We also need to know much more about the way in which families interact with other community and national institutions, especially in the face of the collapse of quasi-state institutions since the beginning of the second intifada. Current research by some of the contributors into the fate of families and households in the post-2000 era of cantonization, fragmentation of social networks, and separation of communities as a result of Israeli policies should help illuminate some of these questions.[2]

Everyday Resistance

Resistance expressed in organized parties and movements has left a deep imprint on the household and family. Very few Palestinian families have escaped the experience of imprisonment of one of their members at some point in the long history of struggle against the Israeli colonial system. As an everyday reality, the political activities of members have kept families on constant alert in anticipation of nighttime raids, beatings, arrests, interrogations, imprisonment, and house demolitions, which are only some of the punitive measures used by the Israeli occupiers. The immense amounts of time and energy that families, and especially mothers and wives, invest in visiting lawyers and the Red Cross, attending trials, and keeping in regular contact with sons and husbands in prison and catering to

their needs for basic supplies and food are other ways in which resistance activities have left their mark on family dynamics such as the division of labor within the household. Family practices such as selection of marriage partners; decisions concerning emigration, employment, and education; and residential choices are also at times strategies to accommodate the social and economic consequences of resistance. For example, the uprooting of wives and children of prisoners who are often forced to live in other households for the duration of the imprisonment of the husband and father is one aspect of the dynamics behind the constitution and reconstitution of the household in Palestine, and is directly a consequence of resistance activities. The creation of "female headed households" as a result of the imprisonment of male members is another obvious example.

But the family is not only acted upon; it is often an active agent in reproducing the ethos of national resistance. Some works emerging from ethnographic fieldwork during the first intifada of the late 1980s and early 1990s have explored how families have been implicated in the construction of a nationalist ethos and the nationalist subject through the transformation or valorization of gendered family relations such as those between mothers and sons and brothers and sisters (Peteet 1994, 1997; Jean-Klein 2000). In her chapter in this volume, Johnson frames everyday practices of kin marriage and kin solidarity as acts through which Israeli colonialism is contested and Palestinian identity is constituted. If we go beyond marriage practices and other "kin work," we find that other, more mundane, everyday practices can also be viewed as acts of resistance, a fact that increases our appreciation of the family as agent of resistance and as incubator of national identity, not only the passive "shock absorber" in bad times. This ethos is also elaborated through many other everyday practices that are conventionally subsumed under "survival" or "coping" strategies. It may be appropriate to point out here that the meaning of steadfastness and resilience, the twin slogans of the 1970s and 1980s, has undergone a significant transformation in recent years. Hammami (2004) has noted that under the crushing regime of Israeli sanctions and collective punishment in the form of "internal closures" since 2000, steadfastness (*sumud*) is now conceived in a more pro-active fashion, as a rejection of immobility and a refusal to let the army's roadblocks and closures disrupt life. She sees this as the collectively understood, but individually achieved, resistance of "simply getting there."

While the resistance Hammami has identified is enacted largely at and around what she calls the new "public spaces" of the intifada, the checkpoints, it is clear that the family remains an important site for the articulation and elaboration of discourses of resistance. As individuals devise solutions for overcoming the obstacles their families face (e.g., earning a living), they do so not as unfortunate victims of larger forces and powers but as people for whom steadfastness is a national duty. This steadfastness is being increasingly framed as resistance, and it is rarely expressed in individual terms but rather in terms of the collective, national struggle against the occupation. Thus every person becomes an embodiment of The Palestinian, that unfortunate person whom the world has abandoned yet also the person who keeps the struggle going through both acts of overt resistance as well as simple steadfastness and resilience. The family and household are important agents in the elaboration of this national ethos, both through its often ritualized practices of solidarity and assistance and in elaborating the narrative of resistance. Understanding the Palestinian predicament may necessitate a reassessment of some common terms and assumptions. The warlike conditions since the eruption of the second intifada in September 2000 prompt us to ask whether the term "prolonged occupation" should not be replaced by "protracted war" and "prolonged crisis." For it has become increasingly clear in recent years that the events of 1948 did not close a chapter in the history of the Palestinians. The Oslo accords of 1993 - concluded despite grave reservations by many sectors of society - represented an historic compromise by the Palestinians, the establishment of the first Palestinian authority, and the inauguration of an era that was supposed to result in sovereign statehood and self-determination. That forward-looking scenario was aborted, thereby reminding Palestinians of the tenuousness of their claims in the face of the massive forces arrayed against them. The collapse of the "peace process" has dealt Palestinian national aspirations a severe blow and plunged Palestinians into greater uncertainty and vulnerability. While it is possible that a new set of temporary arrangements may be reached, one of the lessons of the post-Oslo period is that it is unwise to view such arrangements in a "post-conflict" framework without examining the overall thrust of the Zionist project.

Similarly, it may be time that we reexamine some of the prevailing depictions of the Palestinian economy. As Kuttab argues in her chapter, the classical "dependency model" derived from an understanding of the

relations of colonial dependency between the Palestinian and Israeli economies may no longer capture the full reality of the devastation wrought by a condition of protracted crisis. Describing the Palestinian economy as a "resistance economy," she explores how the understanding of labor force changes and in particular women's economic activity may benefit from an appreciation of people's and families' daily struggles in responding to colonial aggression with "economic resistance" strategies necessitated by highly volatile political conditions Given these considerations, this volume can be viewed as a modest contribution to efforts to understand the dynamics of families, communities, and societies under prolonged and extreme situations of threat and stress.

Social Reproduction, the Local and the Global

All of the chapters in this volume attempt to come to terms, in different ways perhaps, with the question of social reproduction, the job of ensuring the continuation and renewal of social existence. The practices of everyday existence, as well as the strategic decisions made by individuals and families, are part of this task. Indeed, simple decisions concerning migration, marriage, or education are part of the strategies of social reproduction. Such decisions are rarely made by lone individuals; rather, they are taken collectively by families as they consider their present and contemplate their future. Thus, decisions concerning migration (who migrates, with whom, and to where and for how long), marriage (who marries, to whom, and when) and education (for whom, what level, and where) are usually household or family affairs and are conceived and perceived as decisions bearing upon the continuation of the family and the enhancement of its material, social, and symbolic capital.. The levels of risk and uncertainty faced by Palestinians are relevant here and thus constitute the larger backdrop to the decisions.

On another level, social reproduction is also about the task of fashioning identities; forging conceptions of personhood, family life, and family futures; setting horizons; and defining what kinds of sociality are desirable. While the family is not the sole and privileged site of identity-formation or the elaboration of social imaginaries, it is where many of the practices crucial to the outcome of this process are executed, as discussed earlier.

It is inconceivable, once again, that nearly a century's worth of Palestinian encounters with the colonial system would not be relevant to the task of social reproduction or the elaboration of the social imagination. Nor is it possible to ignore the inexorable force of the global circulation of symbols and goods, in whose interstices many of the ideas of personhood, family life, and family futures are made and remade. Appadurai (1997) has argued that today's world is characterized by an entirely new role for the imagination in social life; what is new about global cultural processes is the imagination as a social practice, as an organized field of social practices, a "form of work," and a form of negotiation between sites of agency (individuals) and globally defined fields of possibility (p. 31). It is indeed important to keep in mind that subjectivities and the imagination are today, more than ever before, influenced by global forces, as Appadurai has noted. But it is equally important to recognize that global currents are experienced by ordinary people in specific contexts, and the family is the first-order group where the imagination is elaborated, sensibilities sharpened, dispositions acquired, and horizons established. The family is also bounded by its location, whether the location is the nation, social class, or spatial location.

If we take social class as an example, we find that the family plays a signal role in class production and reproduction, not only through its strategies in education, migration, or marriage, but also in nurturing subjectivities and dispositions directly implicated in the reproduction of prevailing hierarchies of class and prestige. Global currents, of course, do not have the same resonance or indeed value for all classes. A family of machine operators in Hebron, for example, may be impervious to Appadurai's "imagined selves" and "imagined worlds," but an aspiring middle class family in Ramallah may spare nothing in the pursuit of globally circulated and valued symbolic and material capital necessary for realizing the imagined. Horizons for the self and for the family are bound by class, although the matter of spatial location also appears to be critical here. Cities and locations in themselves can be either enabling or discouraging milieux for the elaboration of sensibilities and dispositions of a global character. In this sense, the more enabling ambience of cities like Jerusalem, Ramallah, or Bethlehem can be contrasted with the more parochial cultural currents prevailing in Nablus, Hebron, or Jenin

The challenge for us, as we ponder the scene from the bottom up, from the site of the household and family, is to see where the global intersects

with the national and the local (neighborhood, camp, city) and finally with the household and family as it lies embedded in hierarchies of class and status. Taraki and Giacaman's chapter in this volume represents an initial attempt to unravel the different layers of social reality, by contrasting three different social universes in the cities of Hebron, Nablus, and Ramallah.

There cannot be a more global reality than that of transnational migration. Palestinian history itself can be read as a history of this form of migration, as steady waves of migrants have departed the shores and hills of Palestine over the decades, beginning with the eighteenth century when the first large-scale migrations of Palestinians took place. Migration, like the global mass media, is generally conceived in social science writing in positive terms in the sense that it "expands the horizons" of migrants as well as their old communities; it is believed to accelerate the process of "acculturation" and "cultural change." More recently, postcolonial theory's celebration of hybridity has also privileged migration and dislocation as the source of innovation and the transcendence of local parochialisms. But there is another face to migration. The migratory experience may reproduce parochialisms and lead to the entrenchment - and indeed discovery - of conservatisms of different kinds. The migrant is not necessarily in search of new and liberatory experiences; he or she may be driven by a desire for better circumstances and above all, for stability. As Aijaz Ahmad (1995) has noted, third world "migrants tend to be poor and experience displacement not as cultural plentitude but as torment; what they seek is not displacement but, precisely, a *place* from where they begin anew, with some sense of a stable future" (p. 16).

The Palestinian migratory experience has had contradictory consequences both for migrants and for the society they left behind. Hilal in this volume explores the darker side of migration, specifically the role it plays together with the renewal and reconstruction of extended family relations, in the reproduction of social conservatism. He elaborates the unintended consequences of migration where the migrants' motives have "not been to change their lifestyle, customs, or identity, but rather to improve their life chances," in the context of statelessness and precarious socioeconomic and political conditions, facilitated by the destruction of the cosmopolitan Palestinian coastal cities after 1948.

This may be an occasion to reflect on the old and problematic dualism of tradition-modernity: is the reproduction of social conservatism by migrants, for example, a sign of the "continuity of traditions?"

Is the persistence of kin marriage an instance of the immutability of marriage traditions in a traditional culture? Posing the question in such a way presumes that "cultural traditions" are impervious to or resilient in the face of the dynamics of migration, colonial rule, and all manner of uprooting experienced by Palestinians. It is more productive to conceive of the reproduction of social conservatism by migrants, for instance, as a product of the modern migratory experience that transports people to new national spaces (especially in the case of the Gulf states), spaces where new social groups found there, such as the urban middle classes, are fashioning their own notions of morality and selfhood in a reconstituted public sphere. Likewise, our view of the persistence of kin marriage must take into account the very contemporary transformations against the backdrop of which this time-honored practice continues. The issue is not that kin marriage is an instance of a naturalized adherence to "tradition" on the part of "traditional" subjects; as Johnson explains in her chapter, it is a practice that is part of kinship worlds reconstituted in response to and against the colonial regime, including forms of modernity and in the absence of national security and statehood. As another writer in another context has explained, the "old" practice of kin marriage is not an old choice but a new one; it takes place against the background of the precarious nature of womanhood as it is socially constructed in modern Egypt (Sholkamy 2001).

The Power of Place

One of the surprising results of the household survey was the remarkable significance of region (north, south, and center in the West Bank) as a basis of variation in demographic profiles and social practices and preferences. The social geography of Palestine has conventionally been perceived through the triple lenses of city, village, and camp, assuming some sort of homogeneity within each of these locations. However, it may be that this categorization is not useful for some analytical purposes. In the absence of large-scale rural-urban migration due to the close proximity of villages, towns, and cities, and because of the marginalization of agriculture, it is becoming less tenable to speak of prototypical villages, cities, and camps. Sharp differences between town and countryside,

where they did exist, are being eroded, and the distinction between refugee camp and town or village is not tenable as a social - as opposed to a political - reality. Many of the urban refugee camps are part and parcel of the social fabric of the towns, even though they bear the markings of exclusion and separation as do so many other poor urban communities and neighborhoods the world over.

A more expected finding from the survey, as well as from the 1997 census data, is the existence of important differences among the major Palestinian cities. These differences pertain to basic demographic characteristics, labor force patterns, and lifestyle indicators; together, they suggest that explanations for differences among the cities may be sought not only in the political economy of each city, but also in the nature of the social and moral order, in the particular ethos that characterizes each city.

Two chapters in this volume take up the significance of place in shaping the lifeworlds and practices of individuals and families. Johnson tackles the issue of regional difference, examining it, insofar as marriage practices and familial preferences are concerned, in the context of "economies of symbolic goods" where different forms of symbolic capital have different values. The value of symbolic capital through kin work, she argues, may be higher in some regions than others and may help to explain differences in certain kinds of kin practices and ideologies among regions.

Taraki and Giacaman's chapter also attempts to tackle the thorny issue of regional difference, as well as that of variation among urban centers in terms of their demographic profiles and other attributes, particularly those relating to lifestyles, life pursuits, and the construction of lifeworlds. The differences among the cities are also reflected in representations of these cities in the local imagination as distinct characters, flavors, and ambiences. The historical approach adopted in the chapter aims at explaining the uniqueness of three cities (Nablus, Hebron, and Ramallah) in terms of their pasts and presents and their place within their larger regional contexts. Ruptures and continuities in the relationship of each city with its region, the character of its hegemonic groups, and the diversity of the population seemed particularly relevant to understanding the uniqueness of the three cities. This chapter, together with those of Johnson, Kuttab, and Hilal, can be read as exercises in breathing meaning in statistical "facts." The main difficulty we encountered is the paucity of social and historical evidence at our disposal, because vast areas of Palestinian social

history remain unexcavated. A preoccupation with Palestinian political economy and political institutions has precluded a serious study of social and cultural issues. We hope that this volume will be a step in the direction of tipping the balance in recent scholarly work on Palestinian society toward a study of other aspects of Palestinian life, particularly those that pertain to everyday practice and discourse.

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Endnotes

[1] Hereafter also referred to as the IWS survey. The survey was based at the Institute of Women's Studies at Birzeit University (where most of the contributors work) and supported by a grant from the International Development Research Centre in Ottawa, Canada.

[2] The research, conducted at the Institute of Women's Studies at Birzeit University, centers on three communities in the twin cities of Ramallah and al-Bira. For fother information, see the report by Rula Abu Dahu in the Arabic section of this volume.

Gender, Nakbe and Nation; Palestinian Women's Presence and Absence in the Narration of 1948 Memories

Rema Hammami

In this edited excerpt from an article written for a volume of essays on the 1948 nakbe (edited by Jamil Hilal and Ilan Pappe, publication forthcoming), Rema Hammami explores the absence of women, particularly peasant women, in narratives of the 1948 war and its aftermath. She examines the wealth of testimonials published in the Palestiniian press during the 1998 commemorations marking 50 years after the nakbe. Of special interest to Birzeit University readers, the trail of "silences" takes her back to the numerous studies of pre-1948 villages published in the Birzeit University "destroyed villages" series. In the full article, Hammami also explores art and film – finding in the latter that urban women in Jaffa are markedly present. Interested readers can turn to her contribution in Ron Robins and Bo Strath, ed. 2003, Homelands: **Poetic Power and the Politics of Space** *(Brussels: Peter Lang). Rema Hammami is an anthropologist and chair of the Master's Program in*

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Between the spring of 1998 and summer 1999, a public project of memory narration and codification of al-Nakbe[1] took place in the pages and over the airwaves of the semi-official Palestinian media. This "official" project was built on a long history of the production of various narratives of the Nakbe across various genres and their mobilization as part of the various collective identity making projects of Palestinian nationalism. The dramatic difference in 1998 was that for the first time, Palestinians witnessed a collective and public commemoration in which the Nakbe was marked off as a national ritual – as opposed to a series of texts and private memories. This was due to the fact that the fifty-year commemoration took place in the context of Palestinian state formation and the existence of state apparati that were interested in generating a certain type of memory/history and attempting to encode it as part of an official national narrative. The commemorations were produced as a public and collective exercise – in which the carriers of this memory were the general public (of a certain generation) who undertook the role of story-tellers as direct witnesses to this formative trauma in the Palestinian nation's history[2]. For weeks, on the "Voice of Palestine" and in the pages of the Palestinian daily *Al-Ayyam*, a veritable deluge of personal testimonials poured forth – seemingly a whole generation of the public recalled the formative events in a collective process of witnessing.

Although the state formation politics of the 1948 commemorations is an important topic in itself, it is not the direct subject of this paper. Instead, dominant nationalist narratives of the Nakbe, are used as a window into issues of gender, nationalism and representation in the Palestinian context. While a large body of literature exists on Palestinian women as activists in the national movement, the more symbolic roles of women in the production and reproduction of Palestinian nationalism have rarely been touched upon. The ways in which women were positioned in the 1998 narratives (and those preceding them) of the Nakbe provides insights into the larger positioning of women of different classes within the rhetorical and symbolic devices of Palestinian nationalism, history writing and ultimately identity making.

The direct problematic addressed here is why peasant women

in particular, have been excluded as narrators of the 1948 experience - especially in contrast to peasant men who are consistently mobilized as its paradigmatic voice. This absence of peasant women from the various memory-making projects also contrasts dramatically with the presence of urban middle class women – who have recently played (in film) a vocal but significantly different role in the production of a specific memory of 1948, as well as in representing a different aspect of the nation.

Only recently have feminists theorized the multiple and complex ways that women are implicated in nation-building projects; either in terms of concrete policies and actions or in the symbolic reproduction of various dimensions of nationhood. [3] In terms of the latter, Yuval-Davis says, "gendered bodies and sexuality play pivotal roles as territories, markers and reproducers of the narratives of nations and other collectivities."[4] Women as the biological reproducers of future members of the collectivity and social reproducers of the national culture, are particularly apt symbols for representing a variety of myths, passions, and processes involved in nation making. For instance, as Anderson has pointed out, nations often depend on powerful constructions of shared origins, in some immemorial past which however seem…"to glide into a limitless future"[5]. In this process of implying a shared genealogical origin, nations often invoke the metaphor of family and, in particular the mother. "Mother Russia", "Mother Ireland" or "Mother India" all imply the way in which nations are thought of as giving birth, life and a home to their members. And probably originating in peasant culture, is women's association with land through notions of fertility, which is also found in nationalist mythology and metaphor. Through these associations, one can see how women become the national territory to be defended, the homeland, and the boundary markers with other collectivities.

Homhi Bhabha and Partha Chatterjee[6] have both elaborated on Anderson's "dual-time" of national imaginaries; that of the immemorial past and the limitless future. Both show that the immemorial past becomes conceived of in the present as an unchanging inner-core of national culture - or a nation's spiritual essence. But Chatterjee, goes on to identify women as charged with this particular burden of representation. As such, women's responsibility to reproduce the national culture, simultaneously becomes the symbolic role of representing its fixity and timeless nature.

These insights have resonance for a reading of Palestinians women's

location in narratives of nationhood. But national narratives are never seamless consensual under-takings. Different social groups (no matter their political cohesion within national liberation movements) have contending projects in terms of asserting particular images and symbols of nationhood. In the narratives of al Nakbe produced across different genres in the 1990s, contending projects of representing the Palestinian nation expressed themselves clearly through the representation of women.

[*Here in the full article Hammami analyzes the recurrent theme of the nakbe in Palestinian historiography and cultural production-Ed.*]

The 1998 Narratives

An overview of the local Palestinian newspaper, *al Ayyam*'s[7], commemorative coverage of the Nakbe in 1998-1999 is exemplary of the gendered problematic outlined above. It is considered the most culturally sophisticated and socially "liberal" among the local press, publishing a bi-weekly insert (*Kul al Nis'a* or All Women) produced by the umbrella organization of the Palestinian women's movement. However, within the series of articles, columns and features commemorating al Nakbe there was almost a total absence of women and tellingly, even *Kul al Nis'a* never did a special commemorative feature. Given that the coverage spanned the period of more than a year and literally more than two hundred articles by a wide range of staff and guest writers, it is clear that this absence bespeaks a deeper problematic than the whim of an individual editor, or problems of column space.

Al-Ayyam's coverage took three basic narrative forms; political analysis by historians and political thinkers; local histories of the war based on interviews with witnesses; and first person testimonials reflecting personal experiences of the war and its immediate aftermath. In the first two types of articles women are completely invisible. In the third type - first person testimonials - a small (and I will argue exceptional) handful of women appear among the "popular voices", although they are absent among the testimonials of well-known public figures. In terms of column space, it is the first two types of writing that comprise the bulk of the commemorations, comprised of political analysis and national and local

histories of the war. Articles of political analysis overwhelmingly focus on why the population left, Zionist military strategy, and the failure of the Palestinian leadership.[8] Their role, among other things is to provide the fragmented picture of national experiences in 1948 with some overall coherence, and spatial and temporal logic. In Bhabha's terms they could be defined as pedagogical narratives. [9] They are texts that present the 'people' as pre-given and their history as a unitary national experience in an exercise of teaching a particular rendition of "nationhood". The authoritative voice inherent in this discourse is also underlined by the title under which the series of political and historical analyses were published, "*L'kay la N'insa*" (So As Not to Forget). However, the dramatic elements of the story which they tell (of an innocent and mostly leaderless population facing a well-prepared, powerful military force supported by imperialist allies and the collusion of corrupt Arab leaderships which results in dispersion and national destruction), cannot override the picture of fragmented experience that so powerfully imposes itself in the second type of articles; those representing local histories of the war. [10] In these, information provided by witnesses is deployed to create a narrative of specific events and moments in 1948, and while sources are identified by name, usually the narrator speaks on their behalf rather than directly quoting them. [11] What emerges from these narratives of particular battles, village and town resistance is a picture of extreme localism, atomization and non-coherence on any regional or national scale. The fragments of the national experience however constantly repeat themselves - regardless of whether it is a city or village, or particular battle - and it is through this repetition that the partial and segmented local experiences begin to take on a unity as a national narrative. In that sense Homi Bhabha's, concept of the performative nature of narratives of national representation can be seen in what appears to be the same story, but told from a myriad different voices and places within the space of the nation. While clearly, localized experiences of the war in 1948 had their own specificity, both the telling of them and, more so, the writing of them are done within existent narrative strategies of nationhood[12].

What are also apparent in these local histories (and subsequently in the first person male narratives) are the dual dimensions of nationalist resistance: memory and armed struggle. The minute detail in the telling of the war in a myriad small villages and battles is a conscious performance

of a national memory that struggles against erasure. But these local accounts of the war always include the memory of village men buying or attempting to buy weapons to defend their communities.[13] The lost battle and subsequent dispossession from the home and land is thus rendered as a heroic but failed resistance - one that in 1998 can only continue on the battlefield of memory.[14]

Women's Absence

The absence of women in the analysis of 1948, and in the telling of local histories is clearly part of the larger problematic of women's absence from narratives of war. As Miriam Cooke cogently argues war stories always attempt to order along a line of binary opposites; war/peace, foe/ friend, aggression/defense, front/home, combatant/civilian[15]. Women are always the absent/present in war narratives as they are located in the spaces of non-war - the home, and the peaceful spaces that need defending. In the narratives of local battles of 1948 women only appear in this guise - as the abstract women/children that heroic village men attempted to defend along with the land and the community.

However, it is the third genre of writing in the commemorations in 1988 in which women's absence becomes most glaring: first person eyewitness accounts.[16] In contrast to the local histories, here the individual comes to the forefront as a witness, who narrates their personal experience. While, the local histories attempt to weave communities into the national narrative, the eyewitness accounts attempt to link individuals (of all backgrounds) as carriers of the national experience. Thus, there is an attempt to represent the full range of the "citizenry" made up of the well known and the unknown, wealthy and poor, former villagers and urban merchants, statesmen, artists and even a few women. Although all the voices are an attempt to assert the "public" of the Nakbe, women's voices are absent from the roster of well-known figures (political and cultural leaders) whose memoirs were rallied in a separate, regular feature called "Shehada". Between March and June 1998, sixteen of these testimonials were published in more than twenty articles in the cultural pages of Al Ayyam - without a single female voice, despite the fact that in more academic fora for the commemorations, well-known women writers

presented their own personal testimonials.[17]

The range of features which centrally mobilize popular voices, sometimes under the heading, "Direct Witnesses to the Nakbe", were published predominantly in May 1998, during the height of the commemorations. Some of the voices are organized around the thematic of place: the cities of Jaffa, Haifa, and Akka; and the villages of Deir Yassin, Caesaria, al Mansi, Walaja and al Ammur.[18] While in other cases, individual refugees from a range of different villages are brought together as "Direct Witnesses". In these testimonials "regular people" narrate the personal experience of their families and communities in the war and in its immediate aftermath. Here, popular voices, the experiences of "regular people", are uncovered and brought to center stage in order to represent the collective experience. This function of popular voices was explicitly enunciated by the editor of the "Testimonials", Ghassan Zaqtan, who introduced the series in the following terms:

> "We chose the cultural section (of the newspaper) because of our conviction that popular memory is one of the most important sources of our cultural production. It is not for us to judge (these) texts for literary merit, as much as to work to weave a collective vision, akin to a tremendous fresco that all participate in drawing. Each with their own language, colors and analyses."

Women's Voices

Although a few women's voices finally emerge in the articles of popular witnessing, their presence is determined by the fact that only they can adequately signify certain dimensions of the national imaginary. They do not appear in order to represent the experience of al Nakbe from a women's point of view, but because they are the over-determined symbols of two specific sites; the city of Jaffa and the massacre of Deir Yassin.

In the two part series, "Direct Witness to the Nakbe", seven individuals from different villages and towns of origin provide their testimony and among them are two women; one originally from Jaffa and another originally from the village of al Na'ani near Ramle.[19] In terms of the testimonies by location, it is only Jaffa, which once again allows for a

woman to be among the three eyewitnesses, and of the villages covered it is only Deir Yassin in which there is a woman's voice. Finally, in an article which is only incidentally about the Nakbe, but actually about a woman reaching the age of 130, Hajj Salama Darwish, also originally from Jaffa, is the fifth female testimonial of the Nakbe among a virtual ocean of male memory and voice[20].

Clearly, given that three of the women are from Jaffa, it seems that they are somehow fundamentally associated with that that city - it is the only place in which there is an inevitable female included in the commemorations.[21] Jaffa is also ostensibly the subject of the commemorative films produced in the period of the commemorations - films where female voices are central. *[This issue is treated in a separate section in Hammami's full article - Ed}*

The fourth woman is the central voice in the eyewitness article on the massacre of Deir Yassin, but she is identified in the following terms;

> "Um Salah is considered one of the reliable witnesses who experienced the events of the massacre of Deir Yassin and she is an honored guest in most of the conferences in remembrance of the massacre in which she provides historical evidence on Deir Yassin at every forum …over the past half century."

Unlike the myriad male testimonials of specific events (rather than simply personal experiences), Um Salah's capacity to represent such a central national event as the Deir Yassin massacre must be explicitly justified through an initial presentation of her credentials as an "expert witness". But it is also clear, that the massacre of Deir Yassin as the momentous event within the war of 1948 that led to the flight of so many communities - specifically because of the well-known murder of women and children there, has to have a female voice to represent it. Deir Yassin looms very large but singularly in the national imaginary. It is *the* referent for the brutality of the enemy in 1948, and it also *the* marker of national shame. Shame, because the story of it led to flight, but more fundamentally because it is so centrally invokes the transgression of women's bodies by the enemy in war.

The only woman whose presence in the commemorations without some form of extenuating circumstance, is a peasant refugee woman;

Miriam Marbu'a from the village of al Na'ani near Ramle, now living in al Amari refugee camp near Ramallah. Her inclusion along with two male "ordinary" witnesses is probably due to the article's authorship by a female journalist, Rana Annani, who immediately preceding its publication authored an article interviewing the head of a women's oral history project which sought to uncover women's contribution to national resistance.[22] Miriam's memory however, interpellates itself as a hidden counter-narrative to the dominant ways in which women are supposed to represent the experience of 1948. As she describes how the villagers of Na'ani literally had to run for their lives, because the Zionist forces were immediately behind them shooting she says, "And from the amount of fear, some of the women left their children behind on the road without even realizing it."[23] As will be addressed subsequently, such an admission stands in radical contrast to images of women in the pictorial representation of the Nakbe by Palestinian artists.

A Continued Absence

This overwhelming absence of women as actors in, and narrators of, the foundational experience of Palestinian nationhood can partially be located in women's general absence from Palestinian historiography - such as their absence from the history of the 1936 revolt[24]. Again, the fact that both histories of 1948 and 1936 fit into the larger genre of War Stories may account for this exclusion. However, women are also absent from another genre of Palestinian history-writing - in which war plays only a partial and concluding chapter - oral histories of pre-1948 village life as exemplified in the oral history project on Destroyed Palestinian Villages undertaken by Birzeit University Research Center and originally begun in the early 1980s. The project according to its founders sought to:

"…describe the village in such a way that the reader is able to picture it as living, inhabited and cultivated as it was in 1948 before it was destroyed…allowing Palestinians to feel tied and connected to the village society and real country as if they had lived in it rather than being a name on a map"[25].

The twenty-two studies in the series covering different destroyed villages (and one town, Majdal) used oral history interviews with former villagers, as well as maps, photographs and documents in an attempt to re-create or "preserve" a particular history of a now destroyed place. Susan Slyomovics[26] has typified the series as fitting into a larger genre of "memorial books" – individual volumes that memorialize a village, district, or region that no longer exists. Memorial books are usually compiled by former inhabitants of places lost to uprooting, and their authorship, readership and publication venues draw on this same community of former inhabitants[27]. While Slyomovics' typification is useful, in the Palestinian case, the village memorial books are not simply about remembering a lost community - they are consciously nationalist narratives and their production is a conscious project of mapping the lost homeland - destroyed village by destroyed village.

The Birzeit village memorial books have a set thematic structure and consistent narrative strategy.[28] The villages initially materialize through dense geographic description; they are placed in a relational map with other lost and living communities and natural landmarks. They are then mapped internally and concretized through an account of both the size and distribution of land and the relation of built with agricultural space. The village is then located in epic history - beginning in a mythic past and onwards to the period of the British Mandate - that subsequently becomes the books' ethnographic present. The present and living village of the mandate period unfolds in the sections on economic and social life. In each book, the concluding chapter is inevitably the local experience of the Nakbe.

Women are consistently located in the books in only two specific areas; under the "social" in the form of descriptions of local dress and in weddings.[29] In the former, they appear not as persons but as female costumes in relation to male ones. In the latter, they predominantly appear as objects in a set anthropological ritual. The only women's voices that consistently appear in the books are in the form of songs that women sung at weddings. There are a number of minor exceptions to this pattern and one exceptional case. The minor exceptions are when a particular economic activity is distinctive of the village itself - and women's participation in the activity allows their mention. Thus, in the book on the town of Majdal, women are mentioned as involved in the local weaving industry and in the book on the village of al-Faluja, women are mentioned as being responsible

for a prime agricultural activity (poultry-raising). The one major exception in terms of gender, is the study on the village of Abu Shusheh,[30] the 19th book in the series, and the first produced under new editorship. The Abu Shusheh book is unique because researchers discovered that it was the site of a massacre, which included the killing of women, children and the elderly by Zionist forces in the war. Women become the central characters in the dramatic narrative of Abu Shusheh's fall because the majority of village men were absent fighting elsewhere when the attack took place. The women come to center stage after the massacre because during it, they were hiding with their children in caves within the village and only after Abu Shusheh was occupied for three days by the Zionist forces, was their presence discovered:

> "The story doesn't end there, the defense of the village was a chapter, the massacre was another chapter, and the entry (into the village) was another chapter. And while it was men who were the heroes of these preceding events, here we are confronted with a new hero: the women."[31]

The narrative continues with the women of Abu Shusheh, negotiating and under-taking the burial of the dead scattered throughout the village; organizing access to food and water; and grouping together for physical protection. After a period of four terrifying days (in which two children were murdered in front of their mothers), the women began to flee in three waves until the majority were collectively "transferred" by the Haganah forces on the final day.

Because women are central actors in the narrative of Abu Shusheh's resistance in the war, they are given a separate section in the Social Life chapter of the book under the heading of "al Mar'a (The Woman).[32] As in the other books, they make an appearance through topics of dress and weddings, but here for the first (and only time) in the village memorial book series, is there an additional and separate treatment of their role in village life. But in comparison to the naturalizing voice that dominates throughout all the books in their treatment of village social and economic life, the narrative on women is full of uncertainty. The women's section begins with questioning; did she live in darkness and enslavement or was she a partner of the man?"[33] But because, the only available paradigm

to write about peasant women in Palestinian village life is folklore - the text becomes a specific description of women's crafts and a superficial description of women's agricultural and domestic labor and roles within the family. There are no specific female characters; no age or social hierarchies as there are with village men. And the only specialization among women that is mentioned is that of the mid-wife.

Peasant Men and Peasant Women

Thus, even in the exceptional case of the Abu Shusheh book, women are predominantly encoded within village history and social and economic life through the genre of folklore. They appear as fragments of material and oral folk culture - either through costume, crafts, or folk songs sung at weddings. Similar to their positioning in narratives of the war, in the pre-war histories they also remain locked in the implicit domain of private family life. In the former they are not on the battlefield and in the latter they are not in the public of the village that the books so painstakingly attempt to "re-construct".

In contrast, both in the village memorial books and in the later press commemorations of the Nakbe in 1998, peasant men are central referents of the national experience. In the memorial books, they represent the lived village and communities of lost Palestine and in the commemorations, they are the well-spring of insurgency against dispersal and dismemberment. Swedenburg's assessment of the representation of the peasant (*fallah*) in Palestinian historiography of the 1936 revolt and beyond, suggests the degree to which this iconic role of peasant men in Palestinian nationalism is longstanding:

> "Owing to his crucial role in the 1936-39 revolt, the *fallah* epitomizes the anti-colonial struggle. The peasant additionally signifies a prolonged attachment to and intense love for the land of Palestine in the face of land expropriation and population transfers. The *sumud* (steadfastness) of the *fallah* is the model for confronting these dangers and maintaining a permanence of place."[34]

He goes on to show, however, that consistently in the political analysis

of the revolt, the insurgent peasant is ultimately assessed as incapable of mounting an organized and strategic struggle; he is in need of an educated elite leadership that will overcome his localism, clannishness and inherent deficiencies.[35] In the 1998 commemorations, this discourse is reproduced but with a subtle shift, in which the onus of the defeat is placed more squarely on the lack of a national leadership and Arab solidarity:

> "The burden rested on the villagers, and the initiative was left to those with initiative, and in the absence of a comprehensive national strategy and aware leadership and Arab support there was no hope." [36]

However, peasant males were largely absent from the earliest historical works on the Nakbe; in Aref il Aref's foundational work they play a secondary role to the elites and the struggles in the towns. Their ascension to center stage in Palestinian nationalism can be dated to three moments and geographical centers in the history of the national movement; first with the advent of Marxists streams within the PLO in the late 1960s, followed by the emergence of nationalist poets and novelists in the Galilee in the mid-1970s and completed in the rise of the "heritage movement" in the occupied territories in the late 1970s.[37] The historiographical work reviewed by Swedenberg on the 1936 revolt is exemplary of the first wave of radical history writing that emerged around the PLO's Palestine Research Center in Beirut, as are the short stories of Ghassan Kanafani; the poets Tawfiq Zayyad and Mahmud Darwish and the novelist Emile Habibi represent the second wave which emerged in the Galilee; and the Birzeit village memorial books, as well as the Palestine Folklore Society Journal "Heritage and Society" are exemplary of the third wave. While there are differences and nuances in representations of the male peasant across these three waves, Swedenberg's (above) assessment summarizes well the main components. But taking his analysis one step further, a central absence suddenly appears. Peasant men represent the timelessness of agricultural life prior to 1948, the cyclical relation of the seasons - a cycle and relationship that has existed for "time immemorial". He is not the land itself - but the signifier of dependence on it and an immutable attachment to it. 1948 suddenly thrusts him into non-cyclical time - he is forced into modern history. This rupture also moves him from a naturalized relationship with nature into an active political struggle with

man. Through traversing these different ruptures (of time, space and the relationship to nature) he embodies the contradictory experiences and imperatives of the national past and its re-birth. He is at once, the past and its subsequent loss. He represents the dual imperatives of continued attachment to that past, as well as the necessity of entering modernity in order to redeem it. He is loss and redemption, tradition and modernity but he is not the land, homeland nor the nation.

The peasant male's attachment to the land, transforms him into a central symbol of its loss. It is the silenced peasant women who remain outside of history and modernity. She is the marker of what has not changed nor been lost; variously the land, the homeland and the nations inner sanctum. She represents the ontological link between past and present, land and nation. Yet, throughout the various genres explored here, peasant women are never narrators of the nation – rather various narratives of it are inscribed on their bodies.

Endnotes

[1] In Arabic, "The Catastrophe", which is the term for the dismemberment of historic Palestine in 1948 and the creation of the Palestinian refugee problem.

[2] I use the word "nation" here as an analytic concept through which we can address issues of collective identity, belonging and representation of what is designated in Arabic as the Palestinian "people". Due to the specific history of nationalism in the region, "nation" in Arabic is reserved for the larger Arab nation, while "people" is considered the correct designation for national collectivities of existing (or emerging) nation states.

[3] See, NiraYuval-Davis . *Gender and Nation*. London, Thousand Oaks, New Delhi: Sage Publications. 1997; Deniz Kandiyoti 1991; Cynthia Enloe 1989, *Bananas, Beaches, Bases: Making Feminist Sense of International Politics*, London: Panorama; S.Walby 1996, *Woman and Nation*, in G. Balakrishan (ed.), *Mapping the Nation*, London: Verso

[4] Ibid. Yuval Davis 1997.

[5] Benedict Anderson. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, London: Verso. 1983 (p.19)

[6] Homi Bhabha. 1990. *Nation and Narration*. London: Routledge; Partha Chatterjee, *The Nation and its Fragments; Colonial and Postcolonial Histories.* Princeton: Princeton University Press.1993

[7] The textual analysis here uses *al Ayyam*'s Nakbe coverage for a number of reasons. Although *al Hayat al Jadeeda* newspaper is the official mouthpiece of the PNA, *al Ayyam*, is also PNA supported but has a much wider readership and is much more publicly influential due to the quality and depth of its reporting. While not representing a unitary ideological line, it is the dominant journalistic forum for post-Oslo nationalist intellectual

and political writing.

[8] For instance see the five part series by the Syrian writer, Haytham al Kilani. Part 1 (22/3/1998), an overview of the phases of the war; part 2 (23/3/98), the balance of power between Arab and Zionist forces; part 3 (24/3/1998), Zionist military strategy; part 4 (25/3/1998), civilian massacres and transfer of the population; part 5 (25/3/98), the war's outcome. A number of analytical articles are devoted to understanding the fall of specific cities and the flight (or transfer) of their population. See Azmi Khawaja on the fall of Haifa (5/5/98).

[9] Bhabha 1990 (p. 297)

[10] Local histories of the war which depended on witness information were published in two forms, throughout the years 1988-1999 they were produced on the cultural pages as a regular column by Nimr Sirhan called "Windows" (*Shababeek*); and during the Spring and summer of 1998 they also appeared in feature form.

[11] For example see Safi Safi's three part series on why the inhabitants of Beit Nabala near Lydd fled in 1948. Safi uses the village as a case study in order to assess various hypotheses about reasons for flight of the population. Through interviews with villagers he details the events and circumstances (as well as the psychological dimension) that was the backdrop to the dispersal of the villagers. (Al Ayyam 11-13/7/99)

[12] Bhabha 1990 (p. 297)

[13] For some examples see Nimr Sirhan's interview with "Abu Shawkat" (Al Ayyam 23-22/2/99); article entitled "He Doesn't Hide His Longing for Caesaria" (Al Ayyam 27-14/5/98); article entitled "We Found All of the Houses Destroyed" (Al Ayyam 17-30/5/98).

[14] This relationship is nicely summed up in the sub-heading of an article that brings together first person accounts of 1948; "Subhi al Jalda: Manufactured Weapons: The Blood Flowed Like A River" and Khalil Sirraj: Armed with his property deeds, key and the hope of return."(Al Ayyam 18-9/5/1998).

[15] Miriam Cooke, *Women and the War Story*, University of California Press, 1997 (p.15)

[16] These also took two dominant forms; a regular feature during the Spring and Summer of 1998 called "Shehada" (Witness or Testimonial); and a range of features of remembrances by location, some under the heading "Direct Witnesses to the Nakbe". Under the heading of "Shehada", are autobiographical accounts of the war, predominantly by intellectuals and political figures.

[17] Hala Sakakini, the daughter of educator Khalil Sakakini was the only woman to present her experiences at the Sakakini Cultural Center in Ramallah in 1998 and the literary critic, Salma Khadra al Jayyusi, was the only female public figure to present her experiences in the *Journal of Palestine Studies* (#109, Autumn 1998) special issue on the Nakbe.

[18] Articles in Al Ayyam on the cities include the following: Akka 14/4/98; Jaffa 14/5/1998; Haifa 5/5/98. In terms of the villages. Caesarea 14/4/98; Walaja and Ammur 30/5/98

[19] See *Al Ayyam* 9/5/1998 and 10/5/98

[20] "Al Hajja Salama Darwish..130 Years and 350 Descendants, "*Al Ayyam* (6/2/99)

[21] These are Subhiyya Saad in the article dated 14/4/98; Madiha Hinnawi in the article dated 10/5/98; Salama Darwish in the article dated 6/2/99

[22] See Rana Annani's interview with Fayha Abdul Hadi entitled; "Recovering the Role of

the Palestinian Woman; Oral History Project Paints New Picture of Women's Struggle" (al Ayyam 8/11/98)

[23] Al Ayyam, p.18. 9/5/1998

[24] See Islah Jad 1998, The Forgotten History: "Who Remembers Women's Roles in Politics". In Huda Sadda et.al (eds.) *Women's History and Alternative Memory*. Cairo: Women and Memory Forum (in Arabic); Ted Swedenburg 1995, *Memories of Revolt: The 1936-39 Rebellion and the Palestinian National Past*. Minneapolis: University of Minnesota Press. A singular and telling exception is the foundational work of anthropologist Rosemary Sayigh on the social history of Palestinian refugees. While Sayigh included a myriad of women's narratives in the formative work of Palestinian oral history, *Palestinias: From Peasants to Revolutionaries* (1979, London: Zed Books), as well as in her subsequent work, *Too Many Enemies; The Palestinian Experience in Lebanon* (1994 London: Zed Books), a generation of social and oral historians, highly indebted to her pathbreaking work have tended to overlook its feminist emphasis. On the other hand, feminist scholars working on Palestine have been highly influenced by her insights but continue to focus overwhelmingly on gender in contemporary life.

[25] Kanaaneh and al-Madani 1987.

[26] See chapter 1, Slyomovics. 1998.

[27] Slyomovics 1998 (pp. 2-4)

[28] While the first seventeen were supervised by Sherif Kanaani; the latter five, supervised by Saleh Abd al-Jawad moved them away from memorial books and more in the direction of local social history. However, the thematic components of the books remained relatively fixed.

[29] For an example from the earlier series see. Sherif Kanaaneh and Rashad al Madani, "The Destroyed Palestinian Villages #7. al-Faluja". Birzeit:1987. From the later series see. Abdel Rahim al-Mudawar. #19. "The Village of Tira'at Haifa". Birzeit: 1995

[30] Written by Nasir Yaqub and Fahum al-Shalabi and edited by Walid Moustapha and Saleh Abd Al-Jawad in 1995.

[31] Ibid pp. 208

[32] Ibid pp. 173

[33] Ibid pp. 173

[34] Swedenburg 1995, pp. 22

[35] Ibid pp. 19-21

[36] Nimr Sirhan in his regular column "Shababeek" (Windows) making the links between 1936 revolt and resistance in 1948 (Al Ayyam. 23-22/2/1999).

[37] The basis for this conceptualization can be found in Salim Tamari, "Soul of the Nation: The Fallah in the Eyes of the Urban Intelligentsia", *Review of Middle East Studies* #5, 1988 (p.79).

The NGOization
of the Arab Women's Movements

Islah Jad

This is an abbreviated version of an article Islah Jad wrote in 2004 as an intervention in debates and discussions about Arab women's NGOs and Arab women's movements (Jad distinguishes between the two). She draws on both her own experience in Palestine and research she was conducting for her Ph.D. dissertation, "Women at the Crossroads: The Palestinian Women's Movement Between Nationalism, Secularism and Islamism" at the School of Oriental and African Studies (SOAS), University of London. Jad, who was on leave from Birzeit University, has now completed her dissertation and is teaching in the Institute of Women's Studies and the Department of Cultural Studies. The full text of her article will be published in an upcoming issue of the IDS Bulletin (Institute of Development Studies, University of Sussex).

Introduction

One of the dominant trends in the evolution of the Arab women's movements is the ongoing increase in the number of women's NGOs dealing with aspects of women's lives such as health, education, legal literacy, income generation, advocacy of rights, and research. This steady increase in Arab women's NGOs can be seen as a sign of decentralization of power and politics after the failure of the centralised Arab states to bring about social change and development. It is also widely viewed as a development of Arab 'civil society' to contain the authoritarian state, and as a healthy sign of real democracy in the region based on a 'bottom-up' approach. The increase in Arab NGOs in general, and of women's NGOs in particular, has also unleashed a heated debate on their ties to their donors, their ideology, the utility of their roles in development and social change, and their links to their national states. In brief, they have sometimes been viewed as a new and growing form of dependency on the West, and as a tool for the West to expand its hegemony. This debate is currently taking a new edge with signs that the current American administration is giving greater attention to 'democratization' and 'modernization' of Arab societies and Arab regimes, through increased funding for 'civil society' organizations. The US administration sees women's role as vital in this respect.

This article will try to trace the development of the Arab women's movements in the last two decades with special attention to what I call their 'NGOization'. To shed some lights on this trend, I shall examine the changing structures and discourses of Arab women's movements in the context of a development discourse based in binaries such as: West/East, state/civil society, democracy/good governance, and NGOs/social movements. The growing number of Arab NGOs in general, and women's NGOs in particular, should be seen as part of a world-wide trend, encouraged by many donor countries, international NGOs and many UN agencies, that views NGOs as a vital vehicle for social change and democratisation through decentralisation. I will argue, however, that because of the fragmentation of issues they deal with, the temporality of these issues and their resources and their weak social networks, NGOs cannot constitute continuous and sustained social movements, and that 'civil society' is a complex construction that cannot be reduced to a number of NGOs. Seeing this difference may be useful in revealing the

limitation of the role of NGOs in facing national crises, as in Palestine or Algeria, or in introducing genuine, comprehensive and sustainable social change. This is not to say that the role of NGOs should be explained in terms of 'conspiracy theory' but rather that they should be subjected to a more historical and empirical approach that does not take for granted their equivalence with 'healthy' socio-political development. My argument is based on my own research, as well as my experience as an academic and activist in the Palestinian women's movement, my readings, and my own interactions with other Arab women's movements and NGOs.

Roots of a Debate

The current debate on NGO proliferation is linked to global schemes for development, which in turn have their roots in the structural adjustment program implemented by the World Bank and the International Monitory Fund (IMF) in many Third World countries (including some of the Arab countries), from the late '70s through the '80s, typically involving a variety of reforms in monetary, fiscal, trade, regulatory policies, and public sector management. These economic policies were in line with a pluralist definition of democracy in which the emphasis was on 'civil society' as a neutral terrain, where organized interests try to influence the state and its policy choices.

One can map out two main approaches to the concept 'civil society'. One sees civil society as a pluralistic complex, largely independent of any single economic force, with many competing interests (stemming from cultural institutions as well as from ethnic, racial and other social concerns) that challenge power-seeking states. The other line of thinking focuses on the emergence of capitalism as the dominant, formative force in history (Markovitz 1998: 27). The difficulty with the first, conventional application of the concept 'civil society' to Third World countries is that it causes us consistently to misread and understate the impact of capitalism on contemporary Third World politics. One such misreading is to see state and civil society as separate entities. The second approach contends that state and society intertwine in complex ways that do not follow any easy formula, and that are not easily predictable. According to Markovitz, "State and society do not stand apart in Africa - or anywhere else. Neither

do they exist in precarious balance…Elements of the state are connected to civil society, and elements of civil society are not merely affected by the state, but are seated in the state" (Markovitz 1998:27). The many private companies directed by relatives of presidents or ministers in the Arab world show how the demarcation lines between public and private are blurred. Another illustration is the way the wives or relatives of presidents and ministers establish their own NGOs to provide services relinquished by the state (Beydoun 2002: 101).

All interests, whether of women or other social groups, seek the support of the state because it is the strongest organizational form. Sooner or later every interest seeks its aid. In this respect, it is important to distinguish between those elements in civil society that support the regimes in power, and those that seek to undermine, change, or control those regimes. Women's issues and interests are not suspended in air, disconnected from others groups' interests and needs. This is the vital task of a women's movement, to determine with whom to build alliances, and how.

Democracy American style

The worldwide promotion of democracy and 'civil society' discourse was closely tied to anti-communism in the Regan years, but was given greater emphasis by George Bush senior, and then Clinton, with the end of the Cold War. Democracy assistance programs are designed to support electoral processes, promote judicial reform, strengthen civic associations, and enhance civic and political education. Much of this is channelled through NGOs and specialized foundations, but with the increase in official funding for democracy promotion, USAID is becoming increasingly involved in such initiatives. Keeping this trend in mind, as well as the World Bank's recent emphasis on good governance as a key to economic development *[Jad develops this point in her full article – Ed.]*, one can clearly predict the coming aggressive wave to 'democratize' the region, already spelled out by the American Administration in its build-up of forces to bring about 'regime change' in Iraq. According to a recent news item, the current US administration views the many ills in Arab society as due to the lack of democracy, and the inferior status of Arab

women. According to Elizabeth Cheney (the US vice president's daughter, who runs the Arab Reform Program at the State Department), the administration aims to nurture the fledgling program as part of its broader ambitions for opening up the region. US officials have said that a focus on democracy-building projects and a re-direction of aid money to grass-roots efforts can accomplish two things. One is to build the desire and ability to reform authoritarian governments, great and small. The other is to soften the image of the United States on the Arab street.

As part of the US Middle East Partnership Initiative (a $25 million program to promote democracy in the Middle East announced by President Bush last summer), a complete review of assistance programs in the region is being undertaken (Reuters, 16 November, 2002). An unnamed US State Department official told the news agency that one of the development agency's objectives is to increase the portion of assistance that supports the promotion of democracy and the rule of law. The source added that this included a range of activities intended to strengthen 'civil society' and responsible debate in Egypt.

The US's obsession with democracy in the region arouses scepticism that it is real, or that measures to implement it will ever be taken. Mustapha Kamel Al Sayyid, director of the Centre for Developing Countries Studies at Cairo University, says it would not be in the US's interests to promote true democracy in Egypt, since the only viable alternative to the present government is the Islamist opposition - a group known for its dislike of American policy. "If the result of democratisation is that Islamists gain more voice in politics, then no doubt the US government won't in practice do much in the way of the real promotion of democracy." (*Cairo Times*, Nov 21, 2002 circulated by 'News from Democracy Egypt').

With this scepticism in mind the debate on the role of 'civil society' in the process of democratisation, defending human rights and women's rights is seen in the Arab region with a growing distrust. This discourse adds fuel to an already burning debate in the Arab world on the role envisioned for Arab NGOs, and in particular women's NGOs, in the process of development, democratization and social change.

NGOs, developmental crises and the state

The spread of NGOs is a worldwide phenomenon. In the Arab world, it is estimated that NGOs numbered more than 70,000 by the mid-'90s (Bishara 1996). In Palestine the number had reached 926 by 2000, most of which were established after the Oslo agreement (Shalabi 2001: 111). This growing number of NGOs coincided with a weakening of the ideological political parties, and a growing retreat of states from service provision and social entitlements due to structural adjustment policies imposed on most Third World countries by the World Bank and the IMF (Omvedt 1994:35). Stagnant economic growth and declines in service provision in many Arab states led to a severe deterioration of social and economic rights, translated in rising rates of unemployment and declining social welfare support from the state, affecting mainly youth and women (CAWTAR 2001: 15-17). This deterioration has had a strong impact on women's status, indicated by an increase in women's illiteracy, unemployment, poverty, and political marginalization, according to the *Arab Human Development Report 2002*, published by the United Nations Development Programme (UNDP).

While the Arab states were shaken by economic and social crisis during the 1980s, most Arab leaders successfully skirted the challenge of economic reform by using what Brumberg calls 'survival strategies', ie. a minimal response to pressures for economic and political change without engaging in the risky game of power sharing. This limited response to economic crisis was neither a reflection of a cultural proclivity for authoritarianism nor a manifestation of civil society's 'resurgence'. Instead, it mirrored the enduring legacies of 'populist authoritarianism', and the strategies that elites used to re-impose their hegemony without undertaking major economic or political reforms (Brumberg 1995: 230).

These 'survival strategies' are no longer working, and pressures are mounting to effect change. Intensifying the role of NGOs is seen by states and international agencies as the panacea. Scholars also have argued that NGOs may be less constrained in terms of their legal mandates and political considerations, hence better prepared to engage in the mobilization and organization of marginalized groups, and to establish new instruments and channels through which these groups can strengthen their participation in the economic and political sphere. In this perspective, NGOs are viewed as better able to empower the people and enhance popular participation, since

they are (or should be) more local, democratic, accountable, transparent and accessible than the state apparatus.

Thus many donor countries and UN agencies have turned to supporting NGOs, including women's NGOs. Here we must differentiate between different forms of women's organizations. Some provide services for a limited constituency, some are focusing on information production and research, while others advocate democracy and women's rights. The focus of this paper is on the latter category since they are the target both for funding and accusations of being part of the move to promote 'civil society', associated by many in the Arab world with World Bank and United States policies. The funding of women's advocacy NGOs has renewed old questions, such as why is the West funding us? Why is the West interested in women in our area? One of the most vocal accusations against women's organizations is that they implement a Western agenda, which means that they are less nationalist and less 'authentic'. This is an old and fruitless debate which does not help in building alliances, or in examining the visions and programs of any group of activists in an objective way.

Women's movements between East and West

Attacks on Arab women's NGOs usually involve the old dichotomy of West versus East: a West seen by fundamentalist groups as a power that desires to impose its cultural values: individual freedom, materialism and secularism; or by Arab nationalists and leftists as colonial and corrupting, buying the loyalties of the new political, social or economic elite and returning to the foreground what Leila Ahmed calls 'colonial feminism' (Ahmed 1994:175-179). Others set the proliferation of NGOs in a context of ongoing expansion of neo-liberalism, and the formation of a 'globalized elite' (Hanafi and Tabar 2002:32-36), and as "mitigating the class conflict, diluting class identities and culture, blurring the class borders and blunting the class struggle within nations and among them" (Qassoum 2002: 44-56). A quick overview of the history of the Arab women's movements from the last century will shed light on new trends in these movements.

The East/West binary is an old one that has been articulated by some Arab feminists who believed that what the colonists sought was to

undermine the local culture through 'colonial feminism' (Ahmed 1994: 175-179). Like Lazreg, Ahmed is particularly disturbed by the resemblance she perceives between colonial discourse around Arab women and the discourse of some contemporary Western feminists, who "devalue local cultures by presuming that there is only one path for emancipating women - adopting Western models" (quoted in Abu-Lughod 1998, 14)

Badran rejects such formulations, arguing that "attempts to discredit or to legitimize feminism on cultural grounds … are political projects". For her, the origins of feminism cannot be found in any culturally 'pure' location: "External elements - external to class, region, country - are appropriated and woven into the fabric of the 'indigenous' or local. Egypt, for example, has historically appropriated and absorbed 'alien elements' into a highly vital indigenous culture" (Badran 1995: 24-25). She implies that Egyptian feminism is part of such an indigenous (fluid and always in process) culture, underlining how women such as Hoda Sharawi and Ceza Nabarawi were more nationalist and uncompromising regarding British colonialism than men of their class. Thus Egyptian feminists were very much part of, and concerned with, their own societies and cannot be dismissed as Western (hence somehow inauthentic) agents (Badran 1995: 13-15, 22-25).

Based on her empirical study of secular Egyptian women's organizations, Al-Ali underlines, "Egyptian women activists, as varied as they might have been in their ideological inclinations, were active agents in their specific cultural, social and political contexts". She adds, "It never fails to astonish me how women activists continue to be discredited on the basis of their class affiliation and links to European culture and education, while male political activists, especially communists, do not seem to be exposed to the same degree of scrutiny concerning their class or educational background" (Al-Ali 1998: 121).

What can be concluded is that, in order to avoid falling into these cultural dichotomies, it is important to study - preferably empirically - the context in which organizations are working, what are their strategies, their structure, their links to other social and political groups, to external agencies and to the state.

Based on empirical studies conducted on women NGOs in Egypt, Palestine and also on other Third World countries in Africa and Latin America, one can observe a process of NGOization.

The NGOization of the Arab women's movements

What NGOization means is the spread of a different form of structure for women's activism, one which limits the participation of women at the local level to 'their' organisation. NGOization also limits the struggle for national causes to 'projects' geared to priorities set by an international discourse without diversity, and fragments the accumulation of forces for social change. The formation of women's NGOs with particular social aims marks a very different form and structure for Arab women's activism from those that predominated in earlier periods. The first half of the twentieth century was characterized by the spread of women's literary salons mainly for highly cultured and educated upper middle class women. Urban middle and upper class women also ran charitable societies and, later, women's unions based on open membership for women. In Palestine for example, charitable societies recruited hundreds of women in their administrative bodies and general assemblies, while women's unions had large memberships extending to women in villages, and after 1948 to refugee camps.

If we compare the size of the older societies and unions with that of the constituencies of contemporary NGOs, one easily notes a decline in numbers. The prevailing structure of NGOs is formed of a board of between seven to 20 members, and a qualified professional and administrative staff whose number is generally small, and depends on the number and character of projects. The practical power of decision frequently is not in the hands of the board but rather with the director. The power of the latter stems from his or her ability to fund-raise, be convincing, presentable, competent and able to deliver the well-written reports that donors require. In order to achieve these requirements, communication and English language skills become vital, in addition to modern communication equipment (fax, computer, mobile phones).

As for the internal 'governance' of NGOs, a survey of more than 60 Palestinian NGOs found that most of their employees do not participate in decision-making due to "their passivity or their lack of competence" (Shalabi 2001: 152). The 'target' groups do not participate in decision - or policy-making either. When the administrations were asked why this was so, they answered that they were part of this society, they knew it, and could decide about its needs. (Shalabi 2001: 152). In many women's NGOs, the staff has

nothing to do with the general budget of their organization, and do not know how it is distributed. According to Shalabi, the internal governance of the surveyed NGOs was "a mirror reflection of the Palestinian political system based on individual decision-making, patronage and clientalism", and the lack of rules organizing internal relations in the organization. In some cases a union dispute erupted, and was settled in a "way very far away from the rule of law" (Shalabi 2001: 154).

The highly professional qualities required of administrative staff for better communications with donors may not directly affect the links between an NGO and local constituencies, but most of the time they do. Referring here to the Palestinian experience, the qualities of cadres in what were known as 'grass roots organizations' - the women's committees that were branches of political formations that sustained the first Palestinian Intifada - differed considerably from those required in NGO staff. The success of the cadres lay in *organizing* and *mobilizing* the masses, and was based in their skills in building relations with people. They succeeded in this because they had a cause to defend, a mission to implement, and because they had a strong belief in the political formations they belonged to. It was important for the cadre to be known and trusted by people, to have easy access to them, to care about them, and help them when needed. The task needed daily, tiring, time-consuming effort in networking and organizing. These cadres knew their constituency on a personal level, and communication depended on face-to-face human contact. But NGOs depend mainly on modern communication methods such as media, workshops, and conferences: globalized rather than local tools. These methods may not be bad in themselves but they are mainly used to 'advocate' or 'educate' a 'target group', usually defined for the period needed to implement the 'project'. Here the constituency is not a natural social group, rather it is abstract, receptive rather interactive, and the 'targeting' is limited by the time frame of the project. This temporality of the project and the constituency makes it difficult to measure the impact of the intervention, and also jeopardizes the continuity of the issue defended.

It is important to notice these differences to help clarify the prevailing confusion between social movements and NGOs, because in order to have weight or, in political terms, power, a social movement has to have a large popular base. According to Tarrow, what constitutes social movements is

that "at their base are the social networks and cultural symbols through which social relations are organized. The denser the former and the more familiar the latter, the more likely movements are to spread and be sustained" (Tarrow 1994: 2). He adds, "contentious collective action is the basis of social movements; not because movements are always violent or extreme, but because it is the main, and often the only recourse that most people possess against better-equipped opponents. Collective action is not an abstract category that can stand outside of history and apart from politics for every kind of collective endeavor - from market relations, to interest associations, to protest movements, to peasant rebellions and revolutions" (Tarrow 1994: 3). The same can be said of women's movements. To put "'women's movement[s]' into context, we have to ask first, what a 'women's movement' is and how can we distinguish it from 'women in movement'" (Rowbotham 1992, quoted in Jackson and Pearson, 1998).

There are different views as to what constitutes a women's movement It could be a mobilizing engine to demand female suffrage, with a leadership, a membership, and diffuse forms of political activity that qualify it as a movement, as distinct from forms of solidarity based on networks, clubs or groups. And according to Molyneux, it implies a social or political phenomenon of some significance, due both to its *numerical strength* and to its capacity to effect change, whether in legal, cultural, social or political terms. A women's movement does not have to have a single organisational expression and may be characterized by diversity of interests, forms of expression, and spatial location. Also, it comprises a substantial majority of women, where it is not exclusively made up of women (Molyneux in Jackson and Pearson 1998: 226).

Thus, it seems preferable to reserve the term 'movement' for something larger and more effective than small-scale associations. As I argued earlier, the typical structure of NGOs debars them from serving as mobilizing or organizing agents, so that however much they proliferate they cannot sustain and expand a constituency, nor tackle issues related to social, political or economic rights on a macro- or national level. Were they to undertake these aims, they would have to stop being NGOs.[1]

NGO reliance on the use of media communication for advocating national issues (eg. fraud in elections, corruption) can cross the red lines drawn by political authorities, leading to the punishment of individual

leaders, and pointing to the weakening effects of lack of a broad consitutency. The cases of Sa'ad el-Din Ibrahim, a prominent defender of Egyptian 'civil society', and Eyad Sarraj, a prominent defender of Palestinian human rights, both jailed by their governments, need to be analysed for the light they shed on the efficacy of NGO as opposed to 'movement' action. Issues related to political and civil rights are usually seen as more 'political' than issues related to women's rights. But even some social rights such as salary raises or education rights have met with violent oppression by the political authorities. Big issues need an organized constituency to carry them; otherwise raising them is like playing with fire.

Empirical observation and research have shown that it is not easy, and perhaps not feasible, to assemble a number of women's NGOs to work towards a common goal (the minimum requirement for the definition of 'women in movement'). It appears that the NGO structure creates actors with parallel powers based in their recognition at the international level, and easy access to important national and international figures. But this international recognition is not translated into recognition or legitimacy on the local and national levels. This creates a competitive dynamic between NGO directors that makes it hard to compromise or agree on common goals, since the one who compromises may be seen as the weaker among power equals. Coordination is more possible between NGOs with similar aims, but it is difficult to achieve with women's organizations as different as charitable societies and 'grass roots' organizations. NGO leaders, empowered by high levels of education, professional qualifications, and the international development 'lingo' tend to patronize the others.

These observations are supported by NGO studies in other Third World countries. As cited earlier, the proponents of a 'bottom-up' approach argue that the organization of popular pressure and participation from below is a necessary pre-requisite for political change and economic progress. They are also extremely sceptical about the ability and willingness of any regime truly to reform itself. Under such conditions, the 'top-down' approach may simply be ineffective, as official donors have to work mainly through the governments of recipient countries. However, under such conditions, the 'bottom-up' approach is also likely to fail, though for different reasons.

The potential of NGOs to foster participatory developments beyond the 'grassroots' level is fairly small; even at this level, since projects are

transitory, their capacity to bring about change is dubious. The activities of NGOs are typically focused on specific projects; coordination between NGOs pursuing different aims is weak; and benefits beyond narrowly defined target groups are uncertain at best. In any case, empowering the powerless from below is a time-consuming process. Most importantly, though, it is naïve to assume that participatory development at the 'grassroots' level can be significantly promoted in developing countries whose governments are notoriously unwilling to reform political and economic systems. If governments are not reform-minded, they will suppress participatory developments wherever they emerge as soon as such developments threaten to undermine the power base of the ruling elites. The experience of NGOs in various countries offer ample evidence of this. As concerns entitlement as defined above, the 'bottom-up' approach obviously relies on supportive measures by government authorities (Nunnenkamp 1995: 14-15).

Here one should raise the question: are Arab governements willing to introduce reforms? Do they act to reform themselves? The evidence from Iraq, Egypt, Palestine, Saudi Arabia and other Arab countries suggest that they are not, and do not. The appearance of the wives of presidents and rulers, princesses, and prominent women in certain women's NGOs cannot be translated as a willingness to reform, but means rather that women's rights and claims are seen as a-political and politically unthreatening, since they do not touch the political, economical and social foundations of the Arab regimes.

In this article I have tried to argue that the role attributed by UN agencies and international development organizations to Arab women's NGOs as a vehicle for democratization and participatory-based development needs to be re-assessed through empirical studies, and not pursued on a cultural basis bringing back again the old dichotomies of West versus East, or vernacular versus Westernised. The Arab women's NGOs in their current forms and structures might be able to play a role in advocating Arab rights in the international arena, provide services for certain needy groups, propose new policies and visions, generate and disseminate needed information. But, in order to achieve comprehensive, sustainable development and democratisation, different forms of organization are needed with different, locally grounded visions.

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Endnotes

[1] In the middle of a recent debate in Egypt on *khul* (women's right to be divorced if she gives up her financial rights), a prominent feminist activist was asked if her centre was taking part in the debate. She replied, "We don't deal with such 'projects'".

Women's Experience
in the Shari'a Court of Gaza City:
The Multiple Meanings of Maintenance
Nahda Shehada

In this essay based on ethnographic work in the shari'a court in Gaza City, Shehada explores how the practices of women bringing cases for maintenance (nafaqa) to the court may transform the meaning of this key legal provision in Islamic family law. Her attention to ordinary women as social actors using law to meet their needs and interests is an important contribution to curremt debates on the reform of family law. Shehada is writing her Ph.D. on "Islamic Law: Debate and Practice" at the Instituite of Social Studies in the Netherlands. This essay is an abbreviated and edited version of her article"Women's Experience in the Shari'a Court of Gaza City: The Wife's Right to Maintenance," to be published in Norms and Values in Muslim Societies (J Heiss, ed., Vienna: Austrian Academy of Sciences).

The editor notes that, for ease of reading, terms in Arabic that are used frequently in this article, such as shari'a (Islamic law) qadi (judge) and nafaqa (maintenance), are not italicized. The same practice is followed in Labadi's article in this volume where the terms fatwa and mufti are also not italicized and the plurals are rendered in English as fatwas and muftis.

This article is part of a research project that examines the difference between the way Islamic law is practiced on a daily basis in the shari'a courts and its political conceptualisation in the public sphere. In the course of my study, I explore various issues concerning the way the shari'a courts work, how the everyday life of the court is conducted, which groups of people (in terms of gender, class, locality, status, etc) find the court useful and how, in their attempts to solve familial problems, litigants defend their claims.[1] During my fieldwork in 2002, I paid daily visits to the shari'a court of Gaza City in Palestine, where I observed and took notes of what was going on, and initiated discussions with the litigants (especially women) and court clerks, including qadis (judges). To grasp how the family law was conceptualised at the political level, I relied on my involvement in the campaign for family law reform in Palestine during 1996-98, in addition to interviewing the main actors involved in that campaign, which culminated in a model parliament in 1998, with sessions held in Gaza and the West Bank.

This essay focuses on one specific aspect of my study, namely how women practise their rights to maintenance (*nafaqa*). In Islamic family law, husbands have the duty to financially maintain their wives, and in response, wives are obliged to be obedient to them. My discussion does not focus on the legal side of this provision as much as on the multiple ways women litigants utilize it, and transform it, in practice.

I will argue that this provision, which aims to define gender relations between husbands and wives on the basis of maintenance versus obedience, has been frequently transformed over the course of its implementation by the action of women as social agents. I will demonstrate that women use this provision to serve different objectives than those apparent in the text of the law.

My aim is to argue that women who are implicated in familial disputes act as active social agents, in the sense that they use their 'knowledgability and capability' (Long 2001:16) to choose and act even under the most constraining circumstances. They constantly try to find a space to materialise their interests. Therefore, they effectively use their available power resources and adopt various strategies; such as enrolling others in their projects (Long 2001) or manipulating the law to serve objectives that are far beyond its intentions.

The maintenance provision in Islamic family law

In the shari'a-based family law applicable in the West Bank and Gaza (and elsewhere in the Arab world), the power structure in the marriage institution is established on the fundamental balance of rights and duties, which is based on the responsibility of the husband to maintain his wife and she - in exchange - is obliged to be obedient to him. This requires the husband to provide clothing, food, and dwelling, which vary according to time, place, and local customs (Welchman 1999).

The right of women to be maintained financially (to be given nafaqa) by their husbands is more absolute than that of their children, in the sense that when the qadi is sure that the children are not poor, he will not order the father to pay them nafaqa, while in case of wives, their economic wealth does not cancel their right to nafaqa. When a nafaqa case is brought before the qadi, he does not question the wife's absolute right to get it because it is an inviolable right. However, the mechanisms, tools, amount of nafaqa and time limits are all subject to negotiation. Nafaqa is the main pillar of marriage. As a Gaza qadi noted: 'Whether the man works or not, whether he is absent or present, the wife's right to nafaqa is preserved. The wife does not need to claim to be poor. Nafaqa is her right, whether she is poor or rich.'[2] (Interview with Ansari 2002) Women's obedience to their husbands is contingent upon the man's providing for their financial needs. Thus, when a husband ceases to do so, the wife is no longer obliged to obey him and is free to sue him for nafaqa in the court.

Nafaqa and the exchange of duties and obligations on which it is based came under scrutiny during the family debates of the 1996-1998 period of the model parliament, and debates continued in its aftermath among activists in the women's movement. I have described the many issues in these debates elsewhere (see Sh'hada 1999). Briefly, with regard to nafaqa, one group of feminist activists argued that seeking equality means putting forward proposals that advance women's strategic interests; thus,feminists should seek to transform the existing power structure of marriage (based on maintenance versus obedience) and establish, instead, a marital relationship on the basis of equality. This line of argument was founded on the understanding that maintenance symbolises and materialises the commodification of women's bodies. It is a material and symbolic tool for oppressing women by portraying them as economically less competent

and thus eternally dependent on their husbands for their livelihood. From this perspective, nafaqa is established on a given notion of women's natural inferiority, which signifies the fundamental gendered view of family law.

Another group of women activists read the process of family law reform differently. They argued that any reform should preserve the Islamic identity of Palestinian laws. Laws and legislation are fundamental foundations of the nation's identity; Islam and Islamic identity are essential components of future Palestine. In addition, this group argued that within the structural imbalance between women and men, it is unrealistic to propose the elimination of the maintenance provision while the majority of wives are economically dependent on their husbands.

The two camps in the women's movement could not reach a consensus of how to approach the question of family law reform and the nafaqa provision. One simple reason was that the basis of the debate was political rather than being focused on how the provision of nafaqa is actually practised, how it is used by women, and what benefits/losses they might experience if reform took place.

These arguments between the equality camp and the identity politics camp, as I have termed them, became a powerful public discussion, to the point that it was portrayed as the first major social debate in the history of Palestine. I will not explore the debate further despite its remarkable importance, because the focus of this article is only on the way nafaqa provision is used by women in the shari'a courts.

In contrast to the above struggle over principles and ideology, women who need the court continue their struggle to find a space in the existing provision of nafaqa to materialise their interests. They use their legal knowledge (although limited) to serve their interests even under the most difficult circumstances. The following cases will demonstrate that not only women who need financial support used this provision, but also women who experience conflicts that do not involve financial demands. Maintenance thus becomes a tool to achieve a range of concrete objectives that differ from the perspective of political actors and are far beyond the intentions of the law.

Methodology

A quantitative analysis of the number of nafaqa cases submitted to the shari'a courts would seem to support the opinion that women are economically dependent on their husbands, since nafaqa cases comprise the largest number of cases submitted by female litigants. Feminists may take it as proof that the legal structure of the family should be held responsible for the wives' economic reliance on their husbands and that reform should include the elimination of this dependency relation and should instead establish equal partnership between 'legally' equal citizens. The identity politics camp may also find this quantitative analysis supportive; in that, it proves that women are actually dependent on men and thus *nafaqa* provision affords legal protection for women's economic welfare.

Adopting an ethnographic approach, which involves listening to women and seeks to understand how and why individuals act and choose at certain junctures of their lives, is valuable for its scholarly findings, but also, may be important for the strategies of political actors. In other words, understanding the significance of *nafaqa* may bring about new insights that provide the political actors with arguments based on the actual needs and interests of women. Women's movement's activists from whichever camp may benefit from the experience of female litigants to propose new amendments that would widen the legal choices of women.

Instead of studying the provision of nafaqa as a legal text which is ideologically interpreted by different political actors, I looked at how, why and under which circumstances this provision is used, how the legal text is socially practised and how women succeed in turning the law on its head. On the basis of my findings, I argue that the concept of equality, as expressed by the feminist group, does not take into account the daily experience of those disadvantaged women whose socio-economic situation places them at the bottom of the social ladder. As l will show later, nafaqa not only provided women with minimal economic security but more importantly, it provided them with legal room in which to manoeuvre. In their innovative use of the nafaqa provision, female litigants have frequently turned nafaqa from an instrument for oppression and obedience into a tool for empowerment. And thus the outcome of the nafaqa provision has been positive in their lives; a result neither intended by the law nor acknowledged by the feminist groups. Indeed, I must agree,

with the identity politics group that the equality approach, as expressed by some feminists, would affect the very basic economic security of those women due to the fact that around 90% of Palestinian women rely on their kinsmen for their livelihood. However, centring the debate of family law reform on the question of identity also obscures Palestinian women's concrete needs and interests, which both camps equally claim to represent. Women in the court are far less concerned by the abstract debate on family law reform. and more intent on finding space and room for manoeuvre. Whether that space is found in shari'a, shari'a principles (or purposes) or human rights conventions is less relevant to them than improving their conditions.

In the next section, I shall summarise a number of cases that demonstrate the diverse use of the nafaqa provision. The cases are a rich trove for analysis; for example, on the dynamics of the wife and mother-in-law relations; the daughter's enrolment of her natal family and other powerful persons in the community; the effect of the wife's higher education on the masculine image of the husband; and the social restrictions and limited choices of the divorced women.

Nafaqa in order to divorce

Family law makes it difficult for a woman to get a divorce on her own, while the husband has the full right to do so by pronouncing talaq (divorce). When the woman realises that her marriage relation is becoming unworkable, for whatever reason, and when settling the dispute through inter-family negotiation does not work, she frequently pursues a "nafaqa strategy." She goes to her family's house and then files a nafaqa case. In such situations, the man often does not pay nor does he want her to return. The woman, for her part, makes reconciliation difficult. She neither requests a mediator nor supports her family's proposals for a compromise solution. As one woman told me, 'We file a case of nafaqa; after a while, we supplement it with another one, that of *tafriq* [legal repudiation] for not paying nafaqa.' In such cases, the qadi plays a considerable role in settling the dispute. The couple may be divorced in exchange for *ibraa'* (freeing the man from any financial burden) on the woman's part. The consequence, however, is that she surrenders all her financial rights in exchange for her 'freedom'.

The failure to pay maintenance can be used by women as grounds for divorce; this is important because Islamic family law makes it difficult to provide the proof needed for divorce on grounds related to conflict (*niza' wa shiqaq*). I witnessed a case of a woman from a wealthy Gazan family, who sued her husband for maintenance. Clearly, she did not need the money. Her real objective was to get a divorce on the grounds that her husband was not paying her nafaqa. The husband in response proposed to pay an amount that was equivalent to the monthly wage of his domestic servant. The humiliation of being offered maintenance equivalent to a housemaid's wage deepened the woman's anger and strengthened her feeling that her husband considered her to be no more than a servant. To support her case in court, she and her family produced witnesses who testified that she needed higher nafaqa and that the husband was capable of paying a higher amount. After a long process of negotiation and manipulation, which involved social and political interventions, the husband agreed to divorce her.

Nafaqa in order to live in a separate house

For poor families, whether they are living in the camps or in the old city of Gaza, the practice of newly married couples is to live in the house of the husband's family until the husband is able to build a flat of his own. During the last few decades, another arrangement came into existence: the main residence is on the ground floor and the sons' apartments are built on the upper floors. Married daughters are not entitled to such 'rights'; their husbands are obliged to provide a dwelling for them. The economic situation of the family plays important role in defining the conditions of the new apartment. Pressure from brides' families to have their daughters live in a separate apartment has led to many Gazan families pretending that they are providing a separate apartment while in reality it is nothing more than a separate bedroom on an upper floor, which is used by the couple only at night. Everyday activities continue to be carried out in the main house of the extended family. Such arrangement (with the couple neither fully separated from the family nor fully part of it) implies a transitional period in the couple's life.

The majority of familial conflicts arise from young couples having

to live in the family house and having to come to terms with the rules and regulations set by the mother-in-law. This has a far-reaching social effect on the dynamics of the new couple's relations with the members of the extended family: it is hard for the newly married son to satisfy all the parties in the household. His mother is usually the dominant person. The father - especially under the current economic hardships,- may not work and thus depends economically on his sons. The person who takes care of the household budgeting is the mother. She divides household tasks among her daughters-in-law and decides on the budget according to her priorities.

When a conflict arises in the family, and when the wife's attempts to solve the problems fail, the common practice for her is to go to her parents' house. The logic behind this practice is that she uses her family (and the action of leaving the husband's house) as an additional power resource to renegotiate the terms of her marriage. When she leaves in anger (*hardana*), the husband is expected to attempt to console her - within a short time - and establish a new rule for conducting their life. If the man does not (or does not want to) understand the message, the second resort is to invite a mediator to intervene between them. This mostly serves the interest of the wife, as she (and her family) are the ones who invite the mediator to intervene. If such mediation does not work, then the last resort is to use the court.

This complex process of negotiation and mediation is demonstrated by Sumayya, a 20-year-old woman who had been married for six months. She told me, 'My husband and his mother want to sell my gold in order to build me a house. This is what they claim, but I do not believe them. They want to use my gold, which is worth around JD 1700, to marry off my brother-in-law. My case involves two issues: I want to get my gold and clothes back and to live in a "real" separate house. My husband and his family want me to do everything, cook, clean, bake bread, do the laundry and wash dishes. I have one separate room on the second floor. I had to leave it at 6 a.m. to start my work in their house and I am not allowed to go upstairs until 12 midnight when my husband comes back from his work. I lived happily with him for the first two months, but after that the problems began. His mother started telling him that I did not work well in the house, which made him angry with me. He started beating me. The peak incident was when his brother tried to abuse me sexually. I did not

tell my husband about it and tried to solve the problem by myself, but my brother-in-law continued his attempts. After several failed attempts from my side to convince my brother-in-law that his behaviour was unacceptable, I told my husband and his mother. They did not believe me. They said that I was a bad woman and that I was making all this up. My husband beat me that night and took me to my family's house without my gold and clothes.'

Sumayya had left the house 20 days ago. Now she was in the court for the first time, accompanied by her father. 'My father and I filed a case of nafaqa but I will extend it to become a claim for a separate house. I will make every effort to get a separate house, even if it is the house of obedience.' Her plan is to continue staying in her natal family house until her husband provides her with a 'real' separate house.

Under prevailing family law, the wife is entitled to have a separate house and she has the right to stay in her natal family home until the husband is able to provide her with one. Of course, the economic situation of most Gazan families makes it impossible for poor husbands to afford it. Wives and their families are aware of this fact, but when a conflict arises, the wife uses her legal entitlement to a separate house to further her interest. In other words, wives use the grey area between social norms, economic situation and legal entitlement to materialise their interests.

Another case of claiming a separate house involved a 19-year-old woman who had been married for 18 months. Her in-laws, especially her mother-in-law, treated her badly. She left to her parents' house when she was pregnant and immediately filed a case asking for costs of delivery and infant clothes. She won her case. Then she sued for nafaqa and won it too. When I met her, her son was four months old and her husband had come to her family to negotiate.

'My father told him that we were filing another case for *tawabi¨* - for JD 3000.[3] We are using this strategy because we want to make him realize that getting out of this marriage will cost him a lot. Today, his lawyer proposed that my husband would build two rooms above his family's house instead of paying me tawabi¨. For me, this is quite a good deal; in fact, this was my goal right from the beginning. My husband is the only son in his family and they desperately want male children. I brought them the first one and I will continue providing them with offspring if they treat me well. My family is quite strong; we are the ones who got him

a government job, and he knows that if he plays with us, my uncle, who works in the intelligence service, may put him in jail. He now recognises the strength of my family.'

Nafaqa for sexual reasons

It is quite rare that women claim sexual rights in the courts due to the social taboo around sexual issues; or perhaps such cases are rarely noticed, because women do not state overtly that their legal act is motivated by their sexual needs. Women indirectly tackle these issues. Thus, women use the reproductive incapacity of their husbands to begin a legal action. They may provide evidence that the man does not want see a doctor. In some cases, women may disguise their sexual needs under other legal rights. Selwa, whom I met in the court, told me that she and her husband had led a tranquil and tender life until he married a second wife. Since then, he became more accustomed to staying with the second wife, eating with her, and sleeping in her room, leaving Selwa miserable. She left for her parents' home and sued for nafaqa. She asked the qadi to conduct the session as a closed session, during which she told him that she had just wanted to bring her husband to court and make him listen to the qadi, who spoke in the name of Islam. She said she did not want tangible nafaqa; rather, she wanted her husband to pay attention to her femininity and to treat her fairly. After listening to her, the qadi reminded the husband that Islam makes the right to more than one wife conditional on all the wives being treated justly and equally. A man who does not do so is violating Islamic principles. He advised the husband to sleep equal number of nights with each wife. Then he turned to the wife: 'You, too, have to take care of yourself; dress well, and be clean when you go to bed with him, put the children to bed early and be alone with him.' The advice seemed to do good because the couple left the court relaxed.

Nafaqa as a tool for revenge

Nafaqa can also be used as a means for revenge on a husband who has not lived up to his promises. The following case illustrates this. At the

age of eighteen years, a woman from a peasant background, now a lawyer with a university degree, married a Bedouin with a high school education. Marriage between Bedouins and peasants is not the norm in Gaza, but they had known each other before marriage and were involved in a love story. When he asked for her hand, he promised to accept all her family's conditions. One of these was that he would allow her to continue her studies. They married. After a few years, she graduated as a lawyer. The couple had no children over time and gradually he started accusing her of being barren. Medical tests proved that there was nothing wrong with her, the doctor advised an examination of the husband, which he refused to undertake.

Meanwhile, the accumulation of frustration generated daily conflicts between them. For her part, she continued her attempts to persuade him to get a medical examination. . He, on the other hand, became more and more hostile to her. Recently, he married another woman, apparently to prove his ability to procreate. However, the wife believes that he just wanted to protect his masculine image since he could not cope with the fact that she was more educated than he was. 'I told him several times that we should not leave each other because of my higher education, but he continued to feel insecure. When he married the second wife, he took all my house furniture. He wanted to take my gold, but I was clever and hid it with my mother. Now I am suing him for nafaqa, not because I need it but because I want to take revenge on him.'

Nafaqa to persuade a husband to take his wife back

The following case illustrates how nafaqa can be employed to achieve yet another underlying agenda. The woman was divorced two years ago. She has two children. She and her mother blamed the divorce on the continual interference of the mother-in-law, who wanted her son to marry her sister's daughter. After the divorce, he did so. The ex-wife and her mother went to court to request an increase of the children's nafaqa. The real reason for the case was that they hoped, while in court, to persuade the husband to re-marry his ex-wife.

The mother told me, 'He was frequently visiting his children; I used those occasions to soften his heart and to persuade him to marry my

daughter again. Since his second marriage, he stopped visiting them, which makes it difficult to bridge the gap between him and my daughter. By filing a case for increasing the children's *nafaqa*, I want to see him more often and renegotiate with him to remarry my daughter. Even if he has another wife, what does that mean? Co-wives do not eat each other. It is better for my daughter to go back to her ex-husband than to live the miserable life of a divorced woman. Her brothers do not allow her to leave the house, she does not visit her friends, and people stopped interacting with her as before. Besides, who would marry her? It is likely to be a man with another wife, very old, or a widowed man with many children. So it is better for her to go back to her ex-husband and serve him and her children than to go to a worse marriage. Yes, I am deeply sad because when they force my daughter to leave, they took her clothes and gold and used it for their son's second marriage. But all that can be repaired if he marries her again.'

Nafaqa to change a husband's behaviour

Some women use the nafaqa as a way to put pressure on the husband to change his behaviour. This is illustrated in the case of a Palestinian woman who returned to Gaza at the age of 27 after having lived in Cairo for a number of years during which she got married, had two children, and then divorced. She brought her children with her to Gaza. In Gaza, she lived with her brothers, who were very strict. She was not allowed to visit friends or go out of the house except to her governmental job.

As a divorcee with children, even though young and beautiful, her prospects of marriage were slim. When a married man with six children proposed marriage to her, she saw it as an escape even though he was 20 years older than she was. 'I did not want to marry a married man, especially with the difference in age and his big number of children. But I was caught between living a miserable life under the unbearable control of my brothers and accepting this marriage as an escape. I agreed to marry him on one condition: that I continue working in order to pay the expenses of my children who live with my mother. He accepted that,' she told me. 'After the marriage, he started bargaining with me over my salary; he wanted me to pay the rent of the apartment and to pay all the household expenses. I refused because I wanted to continue paying my children's expenses. I told

him, "You spend one night with me and another one with your previous wife, so you have to pay me expenses for fifteen days, and I can take care of myself for the rest of the month." I told him that I would even pay half the rent. He refused, so I left to my family's place to find a solution.

'Now I have sued him for nafaqa. In response, he has filed a case that I am disobedient and must be brought to the house of obedience.[4] My lawyer says that he cannot take me to the house of obedience unless he pays me the tawabi' and nafaqa. I do not want to leave him, but by taking this step, I want to set new rules for our relationship. I want to find better foundations for our family life that do not affect my children. At the same time, I want to live free of my brothers' pressure.'

Conclusion

How do women manoeuvre to solve their familial problems? How do they choose between very narrow options? And how do they transform the law from an instrument of oppression into a tool for empowerment? I hope the above cases have demonstrated the multiple realities of Palestinian women and their innovative use of the Shari'a court. I do not claim however that this essay had completely exploited all the analytical possibilities of the material presented above. Still, the cases show how women effectively use their available, though limited resources and adopt various strategies, such as enrolling others in their projects (Long 2001) or manipulating the law to serve objectives that are far beyond the law's intentions.

Women rely on their own personal power resources, such as being employed in the labour market and thus having a stronger say in the family; having/not having male offspring; or being a relative/non relative of the husband's family. Bringing the natal family to the negotiation table is another tool. Here, the daughter may receive support from her father, brothers or other male members of her natal family. If these resources do not counter-balance the power of the husband, a mediator is selected to intervene. These are the most common and preferable routes for women to resolve familial conflicts.

Going to the courts is not an easy choice because of the negative connotations attached to the intervention of public institutions. It is

still considered shameful for families to use formal institutions, whether they be the courts, police, or any other 'outside' institution. Therefore, when women appear in the court, they are often accompanied by their relatives, which implies that the decision to approach the court is likely to have been taken collectively. This can be read in two ways. From one perspective, women appear to be powerless, unable to act on their own. However, a close look reveals another reality: women thoroughly exploit their relationships with their natal family and enrol its members to solve their marital problems.

As mentioned earlier, the power structure of prevailing family law is based on a strict equation of rights and duties. Women have the right to be looked after; and in response, they have to be obedient. This equation is meant to maintain the firm gender-based power distribution, and as such, it essentially does not serve women's interests per se, but rather perceives their interests as part of the larger welfare of the family. Yet, women continuously and effectively use the provision of nafaqa to meet demands that are beyond the intention of the nafaqa provision. Whether family law reform is based on shari'a or international human rights conventions may not be of as much immediate concern as their ability to use the law to increase their manoeuvring space.

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Endnote

[1] I am thankful to all those who provided me with the information needed to conduct my research. For reasons related to protecting their privacy, I use pseudonyms.

[2] Qadi Ali Ansari in an interview in 2002;. Ansari is a practising qadi in the Gaza City Shari'a court.

[3] Tawabi' is the furniture of the bride, which is written in the marriage contract in the form of cash. When a conflict arises, the wife can claim this amount in addition to nafaqa. Filing a case for tawabi' can be used successfully to create legal pressure to reach other objectives.

[4] The institution of the house of obedience is founded on the equation by which maintenance is the husband's responsibility and obedience the wife's duty. Article 40 of the family law of Gaza Strip specifies that 'The wife is obliged to live in her Shar'ee (legal) husband's house after she receives her dower, she is obliged to travel with him if there is no reason for not doing so. The husband has to treat his wife well and she has to obey him.' Article 66 states that 'if the wife becomes *nashiz* and left her husband's house, she has no right to *nafaqa* during the period of her disobedience. Article 27 of the Jordanian law (1976), implemented in the West Bank reads, 'The wife should live in her husband's house after she gets her dower and she should travel with him unless there are stipulations stating otherwise. Article 69 states that 'The *nashiz* wife is the one who leaves her house without Shar'ee reason. Shar'ee reasons are those related to the husband's mistreatment such as beating or maltreating her.' The term 'obedience' thus is related to the wife's staying at home and not leaving without the husband's permission.

The Making of A Fatwa:
Muftis, Early Marriage and Islamic Law
Fadwa Labadi

In an article based on her research for her master's thesis in International and Comparative Legal Studies at the School of Oriental and African Studies in London (2001), Fadwa Labadi examines recent fatwas (legal opinions) issued by the Al-Fatwa Supreme Council in Palestine, placing them in the context of prevailing family law, Palestinian society, and Palestinian state-building. Labadi is concerned whether the legal interpretations (fatwas) of the Council, newly activated under the Palestinian National Authority in 1994, upgrade the legal status of women or compound women's disadvantaged positions. She also opens up a new and rich avenue of research in turning attention to the body of fatwas published by the Council since its establishment. The Review excerpts her analysis of the fatwa on early marriage. The full article, entitled "Gender and Islamic Law: An Examination of Modern Application in Palestine, contains analysis of other fatwas, and a fuller analysis of the state of fatwas on family law in the Arab world. Labadi, who holds a Ph.D. in Women's Studies, taught at the Institute of Women's Studies and is currently Director of the Center for Gender and Development at Al Quds University.

Introduction

A number of contemporary scholars have underscored the flexibility of Islamic (*shari'a*) law. (Messick, 1992:16; Mir-Hosseini, 1993:11; Moors, 1999: 144), particularly in the long period prior to state codification in the late nineteenth and twentieth century. The argument is that the 'flexibility' of Islamic law proved advantageous to the status of Muslim women in the seventeenth, eighteenth and nineteenth centuries (Tucker, 1998, Abugideiri, 2001; El Azhary-Sonbol, 1996). While many post-colonial Arab states have secularised and reformed their civil, commercial and penal codes to meet the necessities of modern life, reforming Islamic family law has rarely been at the forefront of state agendas, with the exception of Tunisia which has succeeded in amending certain provisions of Islamic *shari'a* law, such as prohibiting polygamy, eliminating unilateral divorce and the need for the consent of a guardian in marriage. It is this reasonable to argue that in the Muslim and Arab world, the legal sphere of shari'a-based family law and has stagnated, as jurists have lost their ability to adapt shari'a law to the changing needs of society.

This paper, through a close analysis of a recent fatwa by the Al Fatwa Supreme Council in Palestine (FSC) on early marriage and the law of marriage, seeks to determine whether, and to what extent, Palestine's muftis (jurisconsults) have taken into account new social conditions, including education and growing economic independence of women, when reaching legal decisions.

The Institution of *Ifta': Muftis* and their *fatawa*

The actions of Palestinian muftis need to be placed into the context of the long history of the institution of *ifta'* (the issuance of fatwas) in its historical demonstrations of the flexibility and pragmatic nature of Islamic law, as well as the present instances where muftis in Palestine and elsewhere. construct gender and gender relations through their decisions. Literally, the term *ifta'* is derived from the Arabic verb *fata/yaftu*, which denotes the action of "asking a question and responding to it." (Masud, M. K. & B. Messick & D.S Powers, 1996: 5/6; See Powers, 1986: 22-49) The fatwa is defined as an authoritative legal opinion on a point of law or legal problem.

In this sense, the fatwa comprises the practical aspect of *shari'a*, as it mediates questions posed by individuals in relation to human affairs, who are either involved in lawsuits or unsure about their shari'a rights and duties regarding a specific matter, (Masud & Messick & Powers, 1996: 4; Skovgaard-Petersen, 1997: 4) and it is generally applicable to all similar cases that may arise in the future (Hallaq, 1997: 154). A fatwa is also given when a mufti receives requests for legal opinions from official agencies, including the state or any of its organs and the courts (Peters, 1994: 66-82). Legally, a fatwa is considered to be a non-binding advisory opinion, whether in connection with litigation or not (Masud, Messick & Powers, 1996: 3).

The institution of *Ifta'* and its practitioner i.e. the mufti, "were central to that part of legal theory that dealt with the modalities of transmitting the outcome of *ijtihad* (interpretation of *shari'* law) from the domain of the legal profession down to the public."(Hallaq, 1996: 33) Ifta' therefore, requires the mufti to achieve the prerequisite of *ijtihad*, to qualify as an independent reasoning on legal issues. The mufti has to fulfil certain conditions in order to sit for ifta': a pious Muslim who is qualified to clarify the law relating to religious and other duties and specific lawsuits, at the request of either one of the parties or the Qadi (Skovgaard-Petersen, 1997: 6; Tucker, 1998: 14). This technically means that a woman could be a mufti, however, in the course of my research; I have not come across of a female mufti in either early or medieval Islamic literature, nor in the modern period.

The historical literature of the fatwa covers diverse legal issues concerning human beings and their social world, including gender, age and race. Legal resolutions given by muftis in their early decisions indicate the flexibility of Islamic law and its adaptation to changing social conditions. From a gender perspective, the literature illustrates how the *fatawa* in some cases enforced men's obligations and actually worked to benefit women, and attempted to amend conditions that were harmful to women. (Moors, 1999: 145). For example, Muftis from Palestine in the seventeenth-and eighteenth-centuries, in respect to arranged marriage, upheld the Hanafi (school of law) position that a woman, upon reaching legal majority, has the right to decide her own marriage and the right to refuse a marriage arranged by her guardian. Thus, the marriage guardian is obliged to accept his daughter's arranging her own marriage.

Fatwas "often [have] a significant impact on the law." (Masud, Messick & Powers, 1996: 19) For example, some of the progressive

interpretations of Muhammad Abduh in the realm of family law were later adopted by the [Egyptian] government and laid down in codes of personal status (Peters, 1994: 79). Through his *ijtihad,* the Mufti is in a position to develop *shari'a* rules in a manner consistent with contemporary social conditions of his time.

In more recent times, modern jurists have particularly concentrated on the notion of *maslaha* (public interest) as the basis for dynamism and humanism. (Kerr, M.H.,1966: 55) Thus, *maslaha* has become the main axis around which legal reform revolved (Hallaq, 1997: 153). This has also been noted by Krawietz's commentary of Muhammad Rashid Rida's *fatawa* in that they "bear testimony to the fact the public interest plays a considerable role in legitimising many of the products and producers of modern life" (Krawietz, 1997: 216)[1] Moreover, muftis have frequently employed the principle of 'need and necessity', particularly the "necessity (*durura*) [to] permit [previously] prohibited things."[2] Another principle is *munasaba* (suitability), which appears to support the modern doctrine of the *shari'a* to be an adaptable social instrument.[3]

There is a remarkable number of fatwas in the twentieth century which call for new legal solutions (*ijtihad*), in several fields, such as "food consumption and drink; financial transactions; medical practices; and the technical novelties" (Krawietz, 1997: 185). It is also possible to utilise all the above principles for the adaptation of the *shari'a* to the gender issues of modern times. [*In the full article, Labadi demonstrates that this, however, has not been the case in many Middle Eastern contexts– Ed*] How has the newly-activated institution of *ifta* in Palestine responded to these challenges?

Al-Fatwa Supreme Council in Palestine and its *Fatawa*

Similar to other Middle Eastern states. The Al-Fatwa Supreme Council in Palestine (FSC) (*Majlis al-Fatwa al-A'la*) was established as "a state-run *ifta*' institution" (Krawietz,1997:185)[4] in 1994 after the Palestinian National Authority was established in Gaza and Jericho. Sheikh Ekrameh Sabri, the "Mufti of Jerusalem and the Palestinian Lands" was appointed by Yasser Arafat in 1994, as both the state's Mufti and the director of the FSC. (Welchman, 2000: 8; al-Quds 17 October 1994). The emergence of a State Mufti is arguably related to the question of modernization of

Muslim society, the state mufti defines the Islam of the state by engaging in the formation of a modern national Muslim community. (Skovgaard-Petersen, 1997: 23). However, it does not seem that this has been the case in Palestine, on the contrary, the fatwas issued by the FSC appeared to impose a strict adherence to the traditional views of shari'a.

In terms of its structure, the FSC consists of a qualified panel of 26 jurists, who act as decision-makers in the issuing of the fatwa, which can be made not on the basis of unanimity, but majority. The Council issues and circulates the fatwa by publishing in the *Official Gazette*. A moderate collection of *fatawa* has been issued by FSC during the transition period,[5] containing 94 fatwas on issues in both *Ibadat* (ritual) and *muamalat* (transactions). The nature of these fatwas and those who posed them are summarised as follows:[6]

The overwhelming majority of the fatwas deal with matters of jurisprudence; there are only fourteen fatwas regarding ritual law. The vast majority of these fatwas were issued in direct response to individual questions, while only three fatwas were issued at the request of state officials. The first of these concerned the rule of adoption in Islam, asked by two institutions. While the other two fatwas were posed by directors of '*al-'awqaf al-Islamiyeh*' (Muslims affairs institution), and involved 'the rule of changing *al-qibleh* (direction of prayer) in some mosques, and the 'rule of a menstrual woman preacher to enter the mosque'. Only two *fatwa* were issued in response to the requests of judges.

According to Sheikh Al-Shelleh, deputy director of the Supreme Council, *fatawa* that relate to the new aspects of modern life, such as scientific issues and banking, comprise 30% of the entire collection. Moreover, reviewing the FSC fatwa collection shows that of the 21 fatwas (22.3%) concerning gender relations, there are 15 (15.95%) that concentrate only on women's issues.. Of particular interest is the fact that, according to Sheikh Al-Shelleh, three fatwas were issued by the FSC on their own initiative which appeared as legal solutions for a social phenomena faced by Palestinian society. These centered on the question of the '*hukm* (ruling of *shari'a*) of contracting the marriage by women'; the '*hukm* concerning early marriage'; and 'the types of jobs in which women were allowed to work.'

In this respect, Goldziher observed that "*fatawa* may be invented" (cited by Skovgaard-Petersen, 1997: 20).. As noted, these three fatwas were self-initiated by the FSC and concerned women in particular. Even

though, no question was posed from individuals within the community with respect the above issues, the fact that muftis seem to posit themselves to resolve the social problems and give voluntary legal opinions on issues in Palestinian society. It is these self-initiated, fatwas which I analyse.

Two fatwas issued by the FSC relating to the law of marriage, specifically concerning the capacity of a woman to contract her own marriage, and the rule of early marriage. I base my analysis on the main points evoked by the FSC to justify their views, by using the opinion of the four *sunni* schools of law, and other legal scholars' views and argument. I also link the discussion with the Jordanian Personal Status Law (JPSL) law of marriage, which is applied in Palestine.

[*In full article, Labadi points out that the Council has issued fatwas that responds to the needs of modern life, for example by protecting Palestinian national rights by ruling that Palestinians should not take Israeli citizenship, but does not do so in relation to women's issues, where the tendency is to assume the role of a mufti muqallid (imitated), quoting the views of earlier scholars, rather than offering new interpretations. Examples include conservative rulings relating to women's right to travel without a muhram and the rights of divorced women after long periods of marriage, She then discusses the FSC's fatwa on guardianship in marriage before going on to discuss the ruling on early marriage below - Ed.*]

Regarding the *hukm* (Rule) Of Early Marriage:[7]

What is the ruling regarding early marriage, or the marriage of minor girls? Is it possible to fix a minimum specific age for a girl's marriage? And if so, on which basis is this done?

To answer these questions, the FSC issued a fatwa relating to early marriage; the FSC identified the literal (cited *al-ma'jam al-wasiet*, vol. 1: 405; vol. 2: 951) and legal meanings of marriage on the basis of Article 2 of the personal status law (JPSL).[8] The FSC's opinion upheld that of the *jumhur's*, that the marriage of a minor is permissible and that the legal age of marriage is when the minor attains puberty, but stipulated the following conditions:

1- that the marriage of a minor girl is permissible, although, consummation is not permitted, if it harms the girl. In such an instance, the husband is not allowed to consummate the marriage, even if she was in her majority (citing al-Sartawi)

2- that the marriage of the minor must be with *kafu'*, (equal) if the husband is not *kafu'* she can divorce herself when she attains majority; [cited *al-mawsu'ah alfiqhiyeh* vol 27: 63].

3- that it is allowed for the guardian to contract the marriage of his minor ward with the standard dower.

4- that it is allowed if a minor marries a pious man, who takes care of her and manages her affairs.

The fatwa does not fix any specific age of capacity for marriage, and diverts from the classic Hanafi opinion by identifying the legal age of marriage with the age of *bulugh* (puberty). Moreover, it contradicts the applied laws. Article 5 of JPSL sets the minimum age of marriage at 15 for women and 16 for men. This is backed up by Article 17, which requires the registration of the marriage contract, one of the main purposes of which is "to set and control a minimum age of capacity for marriage," (Welchman, 2001: 243-265) and to prevent parents from contracting under-age marriages, particularly for their daughters. The fatwa is also contradicting the Hanafi School of law, the dominant school in Palestine, (El Alami & Hinchcliffe, 1996: 79; Amawi, 2000: 168) which set the age of capacity for marriage at 18 for boy, and 17 for a girl.

Despite the fact that the text of the fatwa displays both opinions, and the reader may be convinced by *Hanafi* opinion as it is more suited to modern times, again the FSC decided to endorse the *jumhur's* opinion and disregard that of the *Hanafi's*. The FSC's definition of the age of puberty (*bulugh*) [cited M. Samara, *ahkam a'thar al-zawjiyyeh*: 104] is when 'the person's behaviour is effective and is not based on anyone's permission'. They held that literally, the age of puberty denoted the stage of sexual maturity, and here they cited al-Sartawi that, 'there are signs of puberty for both male and female. For the boy, it is the first nocturnal seminal emission, and for the girl the first menstruation. Any appearance of these indications confirms that the person in question has attained puberty, otherwise, puberty is determined by age.' However, the jurists differed in assessing the age of

puberty, in such cases. The FSC's fatwa reveals two opinions, the first is that of the *jumhur* that the minimum age at which puberty for boys is assumed to have been attained is 12, and 9 for girls; and the maximum age for both boys and girls is 15, while the Hanafi opinion, as stated above 18-years for boy, and 17-years for a girl (cited al-Sartawi: 71).

Ignoring the question of fixing the age of capacity for marriage, and relying only on physical appearance as a signification of puberty, in particular for a girl, the FSC preoccupies itself with the matter of getting girls married immediately when they reach puberty or sexual mature, as a means of protecting society from illicit sexual relations. Tucker states:

> "The muftis' pronounced premarital position thus stemmed, at least in part, from their view that the institution of marriage channelled powerful sexual drives that might otherwise lead to illicit unions, unclaimed children, and, at worst, a social anarchy bred by unregulated sexual contracts." (Tucker, 1998: 149)

Hence, once again it is clear that the traditional notions of honour and shame and the control of female sexuality are strongly evoked by the muftis in this instance. In this sense, the early marriage for a woman upon reaching her puberty is to control her sexuality, and then protect the family honour. Therefore the FSC *fatwa* insists on early marriage. Moreover, despite the justifications given by the muftis, the decision of the FSC is contestable, as some girls may attain puberty at nine years, while others may reach the age of 15 and still not have menstruated. In both cases, I argue the girl cannot be definitely considered as mature. For the former, her physical appearance indicates that she is ready for sexual relations, but emotionally and intellectually she is still a minor, who is very much under the legal capacity age. Whereas the latter, may be mature on the emotional and mental levels, her body is not yet ready to engage sexual relations.

In my view, the FSC's decision may have the dangerous consequence of encouraging arranged and forced marriages and indirect duress in marrying female minors, especially since the JPSL, as Samara notes "does not deal explicitly with the issue of consent to marriage or how it is to be given" (in Welchman, 2001: 260/1). Furthermore, a girl's shyness might prevent her from expressing her refusal (or consent) to marriage, and she may find that she cannot cope with married life both physically and

mentally, and may later upon attaining majority age find herself in an unwanted marriage. One obvious way of avoiding the problems that may result from under-age marriages is by fixing the capacity age for marriage at 18 (Georgian calendar) for both girls and boys.

The explanation of different doctrines in the text of the fatwa could provide the mufti with a choice of exegesis, which are more suited to the social conditions of modern times. However, the muftis of the FSC again opt to not interpret Islamic law in a progressive way but to assert traditional patriarchy, which guarantees the privilege of men over rights of women. Although it is absolutely true that the Qur'an and *sunna* cannot be changed or tampered with, a *fatwa* may be changed for reasons of need and necessity. For example, when al-Shafi'i moved from Baghdad to Egypt, he changed many of his opinions under the new customs and circumstances, those changes mostly came under the rule of necessity and need. (Musluhddin, 1973: 219).

The early age of marriage continues to pose a serious problem in Palestinian society, it is therefore, certainly important and expected that the Palestinian muftis discuss and seek solutions for it on the basis of the rule "necessity and need" and the principles of public interest. It is both sensitive and critical, especially since these marriages can have long term negative effects, particularly for women, not only in terms of health, or of physical and psychological, but also on future offspring and society at large. Another important reason for changing the minimum age of marriage from 15 to 18 is to give both girls and boys the opportunity to finish their high school education, which also falls under the principles of necessity and public interest. Education for females and males is one of the most significant aspects of modern life, which guarantees the socio-economic development and evolution of societies over generations.

The critical question at this juncture is would raising the minimum age of marriage be prohibited under Islamic law? If not, then why are the muftis reluctant to perform a fresh *ijtihad* in the matter as there is no definite or detailed instruction in the Qur'an and *sunna*, that prohibits them from raising the age of marriage. In the Gaza Strip, GLFR 1954 required puberty to be attained for marriage and made 9 (female) and 12 (male) minimum ages. However, the Palestinian *Qadi al-Quda* issued an administrative decision in 1995 raising these ages into conformity with those applying in West Bank to a minimum of 15 for the female and 16

for the male (in conformity with the JPSL) which was then enforced in 1996 (Welchman, 2000: 120/21). What is significant in this decision is that the awareness shown by Sheikh Abu Sardane to humanitarian issues and public interest. He states:

> Having regard to the social, medical and humanitarian injury that results from the marriage of youngsters below the age of puberty as occurs in the *shari'a* court in Gaza Strip; and given that the prevention of injury is in the public interest; and given that in matters of *shar'i* interpretation (*ijtihad*) the most appropriate of the views of the jurists is taken to realise the interest of the Muslims.[9]

Five years later the FSC fatwa on early marriage was issued in an entirely traditional framework and was inappropriate to modern social life, and against the public interest. It seems that the FSC neither reviewed the applied laws in Palestine (JPSL), nor dedicated any attention to the contradiction between *shari'a* personal status law and others Jordanian Laws. For example, the Jordanian Penal Code,[10] Article 279, criminalizes anyone involved in the marriage of girl under eighteen. Also, while the JPSL fixed the marriage age for girl at fifteen lunar years, (Welchman, 2000: 112) the civil code fixes the age of maturity at eighteen Gregorian years for both males and females. (Amawi, 2000: 169; Welchman, 2001: 250)

The FSC fatawa contradicts international conventions on children's rights, as it deprives young girls of the right to education. It also ignores the fact that the early age of marriage may actually, "increase the chances of high divorce rates, and diminishes the chances for the women to face future challenges, especially in terms of employability." (Amawi, 2000: 169)

Finally, underage marriage for girls has become a growing phenomena, particularly during the first Intifada and afterwards. Thus, following the Oslo Agreements, the women's movement in Palestine launched different proposals addressing women's issues and gender equality that need to be included in the Palestinian laws and regulations. Amongst these issues, all proposals advocated raising the age of marriage for women to eighteen solar years[11]. It was therefore important that a fatwa be issued to halt the phenomenon of early marriage and adopt, or objectively discuss at least, the proposals put forward. Instead, the FSC's fatwa, which to reiterate

was not even issued upon the request of any official body or individual(s) but was instead 'volunteered' by the FSC, failed to respond adequately to public concerns or to the women's movement's demands. Nor did it consider the above studies, or recognize the gravity of this phenomenon as one which requires serious attention. Nor did it apply solutions for it from within the shari'a itself; rather, the FSC for its own reasons, has chosen to compound the situation further and has in effect legitimised the injustice and wider negative consequences of underage marriage, as well as not taking into account a growing public concern on this issue, where a majority of citizens support raising the age of marriage. The muftis could assume an advanced role to influence the lawmakers in modernizing the law by choosing the appropriate interpretations of Islamic norms, which accommodate the state's social development goals while protecting a definite Islamic identity. Palestinian Muftis should embrace the inherent flexibility of Islamic law, and *inter alia,* utilize the rules of 'necessary and need', al-*takhayyur,* and public interest, to upgrade the legal position of women under the Islamic principles of justice and equality.

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Endnotes

[1] See also Ibn Nujaym; cited in Muslehudin, 1973: 220; the Qura'nic justifications of 'necessity' are numerous, Such as sura 2: 173; 5: 3; 6: 119; 6:145; permit the eating of forbidden food in circumstances of extreme hunger. The word *darura* itself does not appear in the Qur'an.

[2] al-Ghazali (Wajiiz, vol.2: 216); Ibn Nujaym; cited in Muslehudin, 1973: 220.

[3] '*Munasaba'* is the only method among others for identifying the *illa*, it is conduciveness of a rule to the promotion of an interest (*maslaha*) or the avoidance an evil

[4] See chapters 16,17,18, 20, 23, 26 in Masud, Messick and Powers, 1996:28; see also Skovgaard-Petersen, 1997:22

[5] Since the 'Oslo Accords' set the framework of the PLO-Israel peace process in 1993, the PNA was established according to the agreements as a self-governing authority in the West Bank and Gaza Strip for a five-year transition period.

[6] Sheikh Ghassan Al-Shelleh answered my questionnaire, which I had sent by fax to FSC on the 7th August 2001, the reply returned to me on 26th August 2001, the letter, no.319/2001/5 authorized by Sheikh Ghassan Al-Shelleh as the deputy director of the Supreme Council.

[7] FSC- decision no. 66/200/5, issued in 30 *Muharam* 1421, (4 May 2000) Al-Quds Al -Sharief, Palestine.

[8] Article 2."marriage is a contract between a man and a woman, who is lawful to him with the object of for forming of a family and producing children." El Alami & Hinchcliffe, 1996: 80

[9] Decision of the *Qadi al-Quda* no. 78/1995 of 25 December 1995, cited in Welchman, 2000: 120

[10] In the Criminal Code of 1936, the British did introduce changes in the age of capacity for marriage and legal majority to be eighteen for both male and female, but it seems that no attempt was made to ensure enforcement of these rules in *shari'a* courts. According to *majalla*, there was a criminal sanction for anyone contracted marriage of a girl under fifteen, the age of full legal majority, see Welchman, 2000: 110/111

[11] In Islamic shari'a law use the lunar year, reformers advocate the use of solar years.

Views from the Ground:
Experiences and Perceptions of Women's Rights and Activism in the Lives of Rural and Refugee Women

Shuaa Marrar

In her 2003 thesis for the master's program in gender, law and development at the Institute of Women's Studies, Shuaa Marrar examines and compares how Palestinian women who belong to different social groups perceive their rights as citizens through in-depth interviews with women with special needs, women dependent on social support, rural women, refugee women, feminists and Islamic activists. She observes that the Palestinian women's movement has been driven by a strategy of equality, but argues that understanding the differences among Palestinian women in varying contexts may serve to widen the framework of citizenship and citizen's entitlements and participation. In this excerpt from her chapter interviewing four rural women and four refugee women, Marrar explores how women perceive their own situations, their perceptions of women's rights, informal women's activism and strategies for greater participation. Shuaa Marrar's full thesis can be found in the library of the Institute of Women's Studies.

The names of women interviewed in this article are changed to protect their privacy.

Suha and Taghrid come from Qarawah village. Amal comes from Al-Nobani village near Ramallah in the central region of the West Bank. Bahia and Hanan live in Al-Amaari refugee camp located inside Ramallah city and Rema resides in Al-Jalazun refugee camp located near Ramallah but separate from it.

Suha from Qarawah village is 32, married and has five children; she described her background as: "I was raised in a highly conservative family. Everything was prohibited to girls. It was a typical family that is attached to the traditions and the social norms of the village". Suha did not continue her high school education because she had to assist her mother. In large families, the oldest sister often becomes the main assistant to her mother: "I was successful in school, but my mother got very sick and I was the oldest sister. I left school to take care of my brothers and sisters before finishing my high school." Interestingly, Suha did not get married early. She got married when she was nineteen. She explained that she married this late because she had to continue taking care of her sisters and brothers until her services were no longer needed. Currently, Suha is trying to raise her five children alone because her politically active husband is hiding from arrest by the Israeli army. This makes her a single mother trying to raise her children alone in a conservative patriarchal surrounding that is putting increased social constraints on her movement due to the absence of her husband. In such environments, the absence of the husband means the absence of the main protection from the social constraints of monitoring and interference, which could explain the reason why women prefer to remain married despite difficulties.

This was evident in Amal's case. Amal from Al-Nobani village who is 51 years old, agreed to her husband's second marriage because she was not able to have children. The reasons she stated for her agreement included her unwillingness to become a divorced woman, which will put her under additional pressure and constraints.

Taghrid from Qarawah village, who is 35, has seven daughters and no sons. A housewife, she has newly joined the women's club in the village as a volunteer. She also did not continue her school education; she studied

until the 7ᵗʰ grade and got married when she was 15. The reasons she stated for dropping out of school and getting married early included "traditions" and the lack of external opportunities, however she also highlighted the importance of education as a backup against future uncertainty: "My family did not encourage the girls to continue their education. They used to tell us that we will get married and go to the kitchen. We have grown up with this mentality and we were convinced that this is what we should be doing. They never thought of the future and that education is a protection against the difficulties we are facing now." Currently, she feels under extreme pressure from her surroundings because she does not have sons. She feels exhausted from successive births, but she is required to continue until having a son. This keeps her under the continued threat of the second marriage of her husband.

What was common between the rural women's description of their environment is their presentation of a complicated conservative environment where clan-based relations are highly influential in terms of control and power in the village. Amal described this as: "The villages are usually divided among four to five large families from which the nuclear families emerge. The mentality of the large family did not change until now". This mentality is still supporting patriarchal relations where men and the elders have advantage over women and the younger.

Refugee Women: Significance of Politics

The experience of women from the refugee camps was similar to the one of women living in the villages in terms of social relations characterized by familial and clan-based relations; however added was the significance of the political and factional relations, particularly those of Tanzim Fatah, the current ruling party in Palestine. Rema who is 36, from Al-Jalazun Refugee camp, highlighted the reasons why the camp is a society that is semi-independent from the wider Palestinian society: "Our camp, being separate from the city, unlike other refugee camps that are attached or sometimes inside the cities, made the life in the camp full of solidarity and social networks that go beyond immediate family relations". Rema's experience can be characterized by her early activism and political affiliation with Fatah, which she also related to the life in the camp: "Living

in a camp means more direct confrontation with the occupation; we usually have mass arrests by the Israelis who frequently attack the camp. Also, the type of dialogue, atmosphere and terminology we use in the camp is different. I grew up with the concepts of 'the revolution', 'the right to return', 'ending the occupation'; this was our daily talk. Accordingly, I consider my political awareness embedded in my childhood". Despite the fact that Rema lives in a refugee camp in a similar closed surrounding as the other refugee women interviewed, she managed to overcome the early constraints that other women faced due to her family support for girls' education and activism: "As you know after the 9th grade, we do not have high schools in the camps; we have to move to nearby villages or to the city to continue our high school education. My family was supportive to our education. Particularly my mother because she wanted a better life for her daughters than the one she had. She also opposed our early marriage. She used to say, her daughters can not marry before finishing high school. I studied in 10th grade in the nearby village of Beiteen and then moved to Ramallah for secondary school". Rema holds a BA in physics, a diploma in public administration and is currently doing her MA in Democracy and Human Rights at Birzeit University.

A similar experience to Rema's is Hanan from Al-Amaari refugee camp. She is currently 32, married with three children. She finished her high school (Tawjihi) in 1987; the year in which the first Intifada started. She stated that the first Intifada was the reason why many girls did not continue their education and got married early. She got married immediately after finishing her high school because the external opportunities of university education and employment became very limited for girls during the first Intifada. Hanan's family was an example of how the family plays an important role in the social and economic life as well as being the route for political activism: "My brothers were active in the Tanzim of Fatah in the camp. This is how I joined the Women Committees for Social Work affiliated with Fatah. My younger brothers also followed. Two of them are currently in Israeli prisons". Hanan described the life in the camp as a closed society where the primary affiliations and loyalties go to the immediate family, clan and later on to factional relations: "In our camp, you can find different societies and committees established according to the family or the place of origin. They work on the interests of their members".

Bahia from Al-Amaari camp was less advantaged than Rema and Hanan. She is currently 25. She got engaged when she was 13 and got married when she was 15. The reasons she stated for her early marriage included social, economic and political factors. She was born to a big family, with a difficult financial situation and restrictive environment characterized by gossip, monitoring and interference especially when it comes to controlling the girls' behavior. The first Intifada added more political complications. Bahia stated that it was a popular uprising and there were fewer constraints on women's participation in the Intifada, at least at the beginning: "We, as school girls, used to participate and throw stones at the army. Accordingly, we became targeted as well. The traditions and constraints already put on women in the camp would not stand all these pressures and the solution was early marriage". Bahia had the similar experience of the early preparation for the future division of labor: "In my family, having too many members, suffering from a difficult financial situation, I was the one who was assisting my mother in the housework". Early marriage was not only for girls, it was also for boys. Bahia's husband was only 18 when they got married. His family wanted to get him married to stop him from political activity. However, these assumptions did not work, at least in Bahia's case. Her husband continued his political activity and is currently hiding from arrest by the Israeli army, leaving Bahia to raise her three daughters alone. The experience of Bahia who became a single mother, uneducated and unemployed, puts her under multi-layered constraints and patronage; starting from the husband's family, to her own family and then the wider community of the camp.

The above experiences illustrated the important role that the family plays in terms of providing or constraining the basic opportunities of education and later on higher education and employment. It was also a lively arena for social, economic and political action, particularly in the refugee camps. The social, economic and political conditions surrounding the family affects its decisions as well as limiting the opportunities it would give to children. These opportunities proved to be gendered and provided differently for girls and boys. In a patriarchal society characterized by the absence of efficient formal services, sons remain the main future backup and are perceived as the breadwinners of the family. The stereotype that girls will get married at the end results in systematically confining women to the private sphere. This is accompanied with the absence of

an encouraging environment for girls' education and the limited external opportunities in the future such as university education or employment outside the village or the camp. The provision of the early opportunities of education and later on higher education and employment proved to be basic empowering factors to assist women to overcome the immediate constraints they would face in attaining and fulfilling their rights. However, the lack of such external opportunities of education and income remains a main obstacle facing women.

Limited External Opportunities

Lack of external alternatives make women prefer to comply with the immediately available support and protection, even if they are limited and sometimes discriminatory options. Amal, who did not have children for six years, accepted her husband's second marriage. She even developed her own justification for this: "I and his second wife are living together. We are living in harmony. My husband tries to balance the relationship between us, but of course he has children to take care of and maintain. We all give them the priority. He has the right to have children. They also compensated me and I love them as if they were my own children". In response to a question why she accepted this situation rather than getting a divorce, Amal clarified that opposition in this case will lead to more oppression: "I can not live in the village as divorced. This will put additional oppression on me. I will be subject for interference from everybody; my family, my brothers and the whole society. I will lose my independence because my family will put all the pressure on me to avoid gossip. If I object, I will create problems for myself and for nothing, he was getting married anyway".

Not all women accept the second marriage of their husbands. Taghrid went through a hard experience when her husband was about to get a second wife. The second marriage of Taghrid's husband would be easily justified by the local community since she has seven daughters and no sons. Taghrid is a type of person who would not accept this situation. At the same time, divorce is not an option. She lacks education, income, living in a village with high restrictions on women and above all, she is certain that this will cost her leaving her daughters and going back to her parents' house: "Who would take care of my daughters. I am the only source of

protection for them. Everybody looks at them differently because they are sisters and do not have a brother. I will not allow another woman to raise my daughters; I would not be able to keep them with me. My own family will not accept that".

The economic and political factors sometimes put further constraints on women's external options. Hanan from Al-Amaari refugee camp finished her high school certificate at the beginning of the first Intifada in 1987. This situation affected her grades after being successful in previous years. This was accompanied with the prolonged closures of Palestinian universities. In addition, their difficult financial situation would not allow her family to create any external options for her. The alternative was getting married and attending training courses in hairdressing and executive secretarial work.

The above experiences showed how women prefer to comply with discriminatory options rather than risking the limited available protection of the family or of remaining married. At the same time, women's agency was a determinant to the level of acceptance or opposition to those discriminatory options. While Amal accepted the situation, Taghrid deployed different oppositional strategies to stop the second marriage of her husband. The following section will discuss how the elements from those women's backgrounds affect their perceptions of their rights.

Perception of Women's Rights

Awareness of Discrimination against Women:

While a wareness of discrimination against women in the academic and the feminist sense is not always directly or fully articulated, these women seemed to be aware of the facts that put different sorts of discrimination and oppression on women articulated from their own experiences. Taghrid, who has seven daughters and no sons in a conservative patriarchal society is aware that she is subject to different sorts of discrimination and pressure. She feels that everyone looks at her differently and call her: "the mother of the girls". In addition, she feels under the continued threat of the second marriage by her husband: "Everybody looks at me differently because I have seven daughters and no sons. I feel exhausted psychologically and physically. I am required to continue having babies

until I have the son. My mother in law keeps on threatening me with her son getting a second wife". Favoring sons is related to a number of factors including the patriarchal relations more visible in closed societies like the village and the camp. However, it is also related to economic and political conditions. Lack of formal services and support makes sons the only future guarantee for assisting parents in their old age. Ironically, Taghrid's experience with discrimination made her more sensitive and aware of discrimination against women and more sympathetic to women's rights than other women interviewed in the village. She was able to see how the surrounding environment usually puts constraints on women but not on men: "everyone is gossiping about me for having daughters, and nobody is saying anything about my husband who was about to get a second wife.

The different women interviewed from the village and the refugee camp highlighted the fact that discrimination against women changes over time. They stated that women usually have higher freedom of movement after getting married. According to their descriptions, women seem to gain their rights and status at different stages of their lives. Unmarried women are subject to higher protection and restriction of movement. Married women gain more freedom. The highest status is attained when at old age and when becoming a mother in law with wives of the sons living near and assisting her. Suha stated: "I got married and stayed at the beginning with my mother in law. Women here start to take their role after they have their sons' wives serving them. In general it was fine".

The above perceptions showed that women are aware of the facts that put different sorts of discrimination and oppression on women, but articulated them from their own experiences. The different views reflected the fact that discrimination against women is relative, context specific and changing over time. It was not easily acceptable for them to generalize discrimination against women or women's subordination to all women. The following section will discuss how women perceive their own rights and women's rights in general with focus on how they understand equality and difference.

Perception of Women's Rights Discourse and Strategies Used: Equality and Difference:

While awareness and articulation of women's rights discourses was not always accessible to some of the women interviewed, the actual exposure and engagement in women's collective work made them sensitive and sympathetic to women's rights. "Before joining the women's club, I never thought of women's rights or my rights or something called rights in general. I started to know more about it from the lectures and the different discussions we have in the club", Suha and Taghrid stated. On the other hand, Rema, who got involved in women's social work and political action at an early stage of her life, as well as working in a human rights organization, articulated women's rights discourse and strategies by a combination of feminist awareness expressed in the universal language of human rights. Her women's and political experiences provided her with the opportunity to participate in regional and international conferences which broadened her perspective on women's rights and human rights: "In the past, women's rights and human rights meant only the Israeli violations to our rights. It was impossible to think of civil life or civil values of human rights or women's rights. The political was at the expense of all other aspects of our life. When I started to have relations with regional and international feminist and human rights groups, I started to observe that there are also internal women and human rights that could be violated without notice".

Practical and relevant issues were more easily perceived and articulated by the non-activist women. Villagers Amal and Suha, in their answer to the question about their familiarity with the discourse and strategies used by the women's movement, mainly focused on practical issues of women's basic needs and issues relevant to their own experiences such as the early marriage. Suha said: "I think early marriage is less than before, but still widespread in the village as it is supported by traditions. The girl is perceived as a housewife and that is why she does not get education. Interestingly some people, who have lost their jobs in Israel, they felt the need for cooperation and income and those who had working wives managed their lives much better. Those people are more convinced about the need to educate their daughters and to allow their wives to go out for work". Taghrid also was more able to state her point of view on the issue of early marriage more than on other strategic demands like violence against

women or women's subordination in general. She stated the reasons why early marriage is seen as a reason for losing the basic empowerment factors of education and later on the employment opportunities: "It will deprive women from education. They will not be able to work later on. They will become housewives and subject to the control of their husbands. If something happens to their husbands later on, they will become vulnerable and subject to everyone's interference". Bahia from the camp spoke more about the personal effects of her early marriage on her personality and her future: "My early marriage made me become passive. I feel that my personality is weak. I do not have confidence in my self. When I was at my parents' home, I used to say my word, oppose them and do what I want. Now, I am not able to do the same with my husband, I became really passive. I do not feel motivated to go out and participate in any social activity; I prefer to stay at home".

More strategic issues were more cautiously handled by the women interviewed in this section. These issues seemed to need a higher level of awareness, explanation, justification and provision of information. When these strategic issues are not directly relevant to their own experiences, the women interviewed tried to explain their opinion using the more relevant elements. Taghrid for example stated that violence does not only mean beating the wife, it is also putting constraints on them, depriving them from opportunities, gossip and monitoring as well as favoring sons over daughters, particularly that she has seven daughters and no sons.

At the same time, their solutions to the different problems facing women such as violence do not directly support formal intervention by the state. Hanan's perception of the issue of violence against women also was not seen as directly relevant to her own experience, she rather gave a collective sense of the phenomena on: "It is not easy for me to think about violence against women although I know it exists. I think both men and women are subject to violence at the check points, the arrests, the assassinations, house demolitions and all political violence practiced by the Israelis on us".

Citizenship Rights

General Constraints:

The women interviewed from the villages and the camps agreed with the importance of formal authority intervention and management of people's daily lives, however only after exhausting the existing informal alternatives. These perceptions can be explained at two levels; one is the fact that the formal authority is weak and sometimes absent from the management of the daily life of citizens, second it might be due to the fact that the villages and the refugee camps are communities characterized by local social and economic networks that are more evident in the daily experience of the people than the formal authority. Suha clearly indicated that the formal authority and citizenship are absent from their lives particularly being in a village which, according to the Oslo agreements, remained in area C; which means under the civil and military control of Israel. This situation enhanced people's attachment to a more local belonging and citizenship comprised of informal familial and clan-based relations. Taghrid stated that: "When I face a problem, I go to the family members, members of the village council or people from the party. These are the bodies that I would consult or ask for help because there are no other alternatives". This results in the duality of citizenship frameworks in Palestine; the informal is activated when the formal is weak.

Rema gave a rather political definition of citizenship using a universal language in describing women's citizenship: "Citizenship for me is basically related to my right to return. I am working with others on establishing a union for all women centers in refugee camps. In addition, I want to enjoy an identity, a passport and independence. I also want a state that would give me all my freedoms and allow me to practice my political rights. Citizenship for me is political citizenship". Her perception is influenced by her background from the camp and her experience with early political activism. This makes her see women issues as embedded in the wider political and national issues.

Despite her affiliation with Fatah, Hanan's perception of the general constraints facing Palestinian citizenship focused on internal factors related to the practices of the PNA: "The PNA did not work on building citizenship in Palestine. They built all these security forces at the expense of developing the society. Also, clientalism and corruption is frustrating

and influences ones expectations and confidence in the official authority, namely the PNA. We did not see developmental plans for marginalized sectors, such as the industry, agriculture or job creation". Bahia's perception complements this point emphasizing the external factors: "We have never had citizenship. We always had occupation. In the camp, we only learnt resistance".

For the non-activist women interviewed in the camps and the villages, the problems of the Palestinian citizenship were not perceived and explained from the political point of view, rather perceived and explained in terms of its efficiency fulfilling practical needs and basic services. Amal from the village said: "We do not feel the PNA in our lives. My mother was too ill and we could not secure her decent health insurance. The private hospitals are too expensive. The formal services are too bad. We always have to depend on ourselves and our families to satisfy our basic needs".

From the above, it can be concluded that in the Palestinian context where the formal citizenship is weak, the informal relations and networks are activated to fill in the gap in both the legal and the basic services. However, despite their negative impression of the formal authority, many of the women interviewed preferred a strong formal system characterized by the rule of law for the future. The duality of citizenship frameworks creates problems for citizenship rights in general and for women's rights in particular that will be discussed in the following section.

Motives for Activism

Encouraging Factors:

Suha's individual traits - self-confident, active and willing to develop herself - played an important role in motivating her to participate in the women's club of the village. In addition, her participation in the club brought practical benefits for her such as the income generation projects and continuing her high school education: "It is self empowering. I am more able to defend the right of my daughters to education and will be able to protect them from early marriage. People start to look at you as educated and active and start to respect your opinion. I started to see the advantage of being active and known because we started to participate in economic and political decisions in village as the club became a good

address for consultation in relation to projects and other initiatives at the village level. It gives me a higher status".

This suggests that creating the opportunity for those women to have access to public participation is, as important as, advocating for it. The practical benefit could also be the root for more strategic objectives and a higher level of awareness. Amal's experience is interesting because it shows that collective action is also self-empowering: "I was not that active as my colleagues were in the women's club, but they have nominated me for the board elections and I was elected. I think they have done this to encourage me because they know my situation".

In addition to the practical benefits, women seem to join what they think is relevant and suitable for their own conditions. Taghrid stated that she joined the women's club because: "The women's club provides me with an environment that is supportive and at the same time acceptable to my husband and my family. It is also flexible and I can bring my daughters with me when we have a lecture or an activity. I am joining the activities like home visits to other women to get them involved in our activities, which I find more suitable to my time".

Rema's experience with early activism and political affiliation continued with her in the university. It coincided with the transition from underground political work to popular organization at the beginning of the first Intifada in 1987. This made Rema one of the founding members of the Women's Committees for Social Work affiliated with Fatah. Here, the early activism of Rema, her political affiliation and later on the political opportunity came together to produce Rema's experience of public activism: "the Intifada gave my generation the opportunity to initiate and gain the fruits of their initiation. I feel proud of what we have achieved". This is accompanied with a personality that is active, persistent and confident. She is an elected member of the regional committee of Fatah in Ramallah; the only woman in that committee. She is also an elected board member of the Women's Center in Al-Jalazoun Camp. In addition, Rema's activism is focused on relevant issues which she finds a priority, such as working with refugees and refugee affairs, that also confirms the idea of solidarity with her own group as a motive for activism.

The above experiences reflected the differences between women's activism that varied from the informal activities conducted in the women's club to formal political activism and affiliation. These differences seemed to

be related to the availability of the preconditions that would assist women to become active participants in the public arena. These preconditions included education, work, supportive environments, the available political opportunities and exposure to women's and political experiences with contacts established at the regional and international levels. Women at the beginning of their public activism, such as those interviewed in the village, are motivated by the practical benefits they are receiving as well as the flexibility of the informal activism and most importantly they are joining what is suitable for their time and their families. The following section will discuss the different opportunities and constraints raised by the women interviewed in relation to their public participation.

Opportunities and Constraints on Women's Public Participation:

The agreement of the husband was an important determinant of the interviewed women's public participation. Suha stated: "The main support was from my husband who allowed me to go to the women's club, if he did not agree; I would not be able to come and participate". Hanan who was active with the Women's Committees for Social Work in the refugee camp stated that: "In the camp, it is usually the husbands who decide women's activities and mobility outside the house. In many cases, we had to talk to the husbands first and convince them to allow their wives to come and participate in our activities". However this participation is not only conditional upon the husband's agreement, but also conditional upon women fulfilling their household responsibilities after which public participation becomes allowed.

Active women like Suha accept to increase their work load to develop themselves in social public activities rather than negotiating the re-definition of the existing division of labor, which could become a source of additional restrictions on mobility. Their experiences also showed that the women, who managed to overcome their immediate constraints, entered the public sphere at a later stage, mainly after their children have grown up or at least went to school. This could be one of the reasons behind men's dominance in the public sphere as Suha said: "I was only able to do that after my children have grown up and went to school, that gave me some space in the morning to do things for my self. Of course, I depend on the family to take care of my children when I am late, but usually I am there when they come back from the school". Accordingly, we can start to understand

why some women will not be encouraged for public participation as long as there are no practical solutions or alternatives provided for decreasing their work loads including alternative care to their children and the other care responsibilities shouldered by women.

The women interviewed were also aware that their informal public participation could be a step towards more strategic formal participation as Suha stated: "At the beginning, women joined the club because it is a women-only place and because of the practical benefits they were gaining. Now, we can see that some women are becoming leaders and were elected to the board of the club. Some of them are planning to nominate themselves for the local council elections".

The above experiences focused on women's public participation in informal activities. The women interviewed perceived formal public participation as something that needs pre-conditions that not all women have access to. Many of them supported women's participation in the formal public sphere and their representation in decision making positions. Taghrid said: "I support women's participation in politics and in all high positions. However, not all women can make it. There are still social constraints on women who are perceived in a traditional stereotype that they can not do these jobs. The whole process is designed for men; it will not be easy for women to enter. This will need education, time, effort, family and party support".

The different interviews conducted with the women from the villages and the refugee camps showed that more support for women's public participation went to activities perceived as an extension to women's reproductive role than to formal political participation. This partially explains their support for women's participation in the local councils. Suha said: "Women are more sensitive to community needs and basic services. They will do something different if they enter the councils".

The above analysis suggests the need to create transitional steps from the informal participation of women to formal participation in order to enable women to participate in the public arena which is still the main political arena. At the same time, strategies should be created for extending the definition of political action to include the various informal activities that women do such as those of the women's clubs and unions.

The different strategies suggested by the women reflected the two sides of the equality demand; equality in the legal formal sense and equality

in practice through provision of services and opportunities. Women interviewed were sympathetic to the universality of women's equal rights that should be given to all women on human rights basis. However, preference went to local strategies that have the potential to be accepted, implemented and have the potential to reap practical benefits.

Editor's Postscript: Four months after these interviews were conducted in spring 2001, the Israeli army invaded the village of Qaraweh. Taghrid (not her real name) left her house to try to offer first aid to wounded young men protesting the attack. She was shot and killed, leaving behind her seven girls, the youngest age two. About one hundred women have been killed by the Israeli army since 28 September 2000.

DOCUMENTS

Gender Component

National Report on the Implementation of the ICPD Programme of Action in the Occupied Palestinian Territory, 1994-2004.

Institute of Women's Studies, Birzeit University

In 1994, a Palestinian delegation traveled to Cairo to participate in a historic International Conference on Population and Development (ICPD). Delegates hammered out a twenty-year programme whose goals included gender equality and the empowerment of women, both as important goals in themselves and as critical components in sustainable development and improving the lives and well-being of women, men and children. In 2004, the Institute of Women's Studies participated in a team of local experts and institutions to develop a national report on how ICPD goals, as well as the 2000 Millenium Development Goals (MDG), were implemented in Palestine in the last ten years (ICPD+10). As well as taking part in meetings

and discussions, the Institute contributed a gender section to the national report, which included a detailed review and analysis of social and economic indicators. Below is the introduction, as well as a brief review of priorities and challenges in achieving gender equality and protection of Palestinian families.

Introduction

Gender issues have a strategic relation to population and development globally and in the Palestinian context. ICPD goals of gender equity and for protection and support of the family important to integrate in Palestinian context .

The placing of "gender equity and equality, and the empowerment of women" (ICPD Programme of Action, Gender Principle 4) at the core of population and development programmes and initiatives was one of the main outcomes of the ICPD. The global recognition that the status and agency of women is critical to population and development initiatives contributed to innovative rights-based approaches to gender, development and population issues in varying national contexts, from reproductive health and family planning to violence against women to legal and educational reform. .In the consequent ten years, interpreting and implementing this broad principle in a diversity of national, family and individual circumstances, has engaged policymakers, experts and women and NGO activists globally and in the Occupied Palestinian Territory. The exceptional and non-sovereign circumstances of the Palestinian Authority in the OPT, however, imposed some constraints and contradictions, including a continuing tension throughout the interim period between developmental initiatives and the imperatives of national survival and resistance to Israeli occupation. Nonetheless the record of policy initiatives and programs outlined below show a determined effort by governmental organizations, particularly women's divisions and gender-related initiatives, and non-governmental and women's organizations and institutions to activate the principle of gender equity and women's empowerment.

If this principle guided work on women and gender issues in the initial phase of the interim period (1994-2000) in the OPT, the imperatives of emergency and survival in the period of the intifada (2000-2003) urgently brought forward another element of the ICPD program: a focus on the well-being, protection and support of the family. The "comprehensive protection and support" for families pledged under Gender Principle 9 was perhaps an impossible mission in the harsh circumstances of siege, closure, unemployment, impoverishment and curfew faced by Palestinian families, but both these burdens and the centrality of families to national survival, given the weakness of other institutions, brought renewed attention to understanding how families and their members tried to cope or confront their dangerous circumstances (sometimes called coping or adaptation strategies) and how governmental and non-governmental initiatives could assist them. Although he Palestinian family has long been considered the prime "shock absorber" in the Palestinians' history of war, displacement, and national dispossession, actual families were finding, their abilities to provide protection, support, and sustenance to their members increasingly difficult. While a variety of emergency relief programs attempted to address immediate needs, it is also of great interest that policymakers, for the first time, considered more durable forms of social support, including the drafting of social insurance legislation at the Palestinian Legislative Council at the height of the intifada years,

At first glance, the focus on gender equality and women's empowerment and a focus on family protection and support may seem distinct. However, the integration of these two principles is one key to the success of integrated gender initiatives which address the rights, interests and needs of Palestinian women, men and children: Understanding and incorporating the interests, needs and rights of Palestinian women, men and children is the core element of any gender, population and development programme or initiative in the Palestinian context. Addressing only the family may fail to see the needs and rights of its individual members, particularly women and youth, while addressing only "women" may result in marginalization. Indeed, in the interim period, policies and programs that fell under the rubric of "women" were often marginalized, as the small percentage accorded the women's sector in the several versions of the Palestinian Development Plan at less than 1% (Hilal, Musa and Johnson 2003) clearly shows.

Here, the MDG insistence of the "interrelatedness" of MDG goals is extremely helpful. Cutting poverty in half by 2015, certainly a key goal for Palestinian families, Palestinian society and Palestinian governance is interrelated with addressing the gendered dilemmas poor families face in "coping" with harsh circumstances, among them dilemmas over women's work, early marriage and fertility decisions, key issues in gender, population and development. The partnership between Palestinian government and Palestinian civil society and NGOS is also a potentially strong resource in an integrated approach to the present crisis and future scenarios. Gender equity issues are also firmly related to the expansion of citizens' rights; as the MDG report asserts, "progress along the MDGS is crucially contingent on further democratization."

One lens to assess achievements in the last decade is whether policies and programs put women and men back into the picture: to start from their life circumstances, needs and rights of women, men and children with the goal of widening opportunities, capabilities and choice. The ICPD goal of raising "the quality of life and the well-being of individuals and families" is the appropriate framework, for a gender, development and population policy in the Palestinian context, in contrast to a narrow approach that might only emphasize over-population. Widening women's access to the economy, social support and legal protection, such as legal restrictions against early marriage, are not only rights, but also needs for a society committed to longterm sustainable development.

4.4.4. Priority and Emerging Challenges

In the Palestinian context, population, gender and development are deeply intertwined with the realization of fundamental human rights of Palestinian men and women to determine their futures and exercise their capabilities as citizens, producers and family members, as the section on future scenarios make clear. The priority of an integrated approach to gender equality and family and individual well-being and development has emerged only too clearly in the emergency conditions of the second intifada. The universalitiy of income loss, trauma, stress, violence and male unemployment have meant that traditional family coping mechanisms often fail or become counter-productive. Gender roles and responsibilities are

understrain, as women, men and children struggle to contribute to family survival and meet their own interests, rights and needs. The dimensions of this prolonged crisis above all calls for an integrated approach to gender, population and development goals within a framework of supporting families and of challenging restrictions on, and suppression of, the human rights of Palestinian women, men and children.

Within this broad framework, emerging priorities for gender equality and family and individual well-being can be identified:

- Achievements to date should be preserved and developed as resource for future initiatives. Successful programs and projects that integrate gender, population and development issues – such as the Breij women's health center or the "Clinics of Excellence" which integrate reproductive health, legal counselling, social needs, and men's participation – should serve as models for other projects.

- Addressing the violations of human rights and the pervasive violence experienced by Palestinian women, men and children is absolutely crucial and urgent efforts to address domestic violence against Palestinian women, men and children are best integrated into this framework.

- Widening public discussion and involvement in the constitutional process to ensure the constitution represents guiding priciples that address the rights, interests and needs of Palestinian women, men and children. Strengthening judicial mechanisms for enforcement of constitutional provisions.

- Attention to regions and localities most affected by the emergency conditions, including remote West Bank villages, southern Gaza, and refugee camps, as a way of initiatives targetting the most vulnerable women and children.

- Linking emergency relief with gender, population and development goals is imperative. For example, both women in poor households and local merchants express high dissatisfaction with food aid. Engaging both in initiatives to support families through income schemes, food coupons, school lunch programs, and other community-based initiatives is important.

- The crisis in male unemployment should be understood as a both as a crisis in the ability of single male breadwinners to adequately support families and as a gender and family crisis with consequences for men, women, children and family life. Even if the present highly elevated rate of unemployment begins to drop, male breadwinners will face structural economic constraints. Policies for poverty alleviation, job creation, social security and Palestinian development need to take into account these new realities, rather than assuming a single male breadwinner can bring in a "family wage" to adequately support a household.

- Emergency schemes for work or compensation should take into account household composition – in other words favoring applicants from large families and adjusting compensation for number of dependents and should offer opportunities for women to participate, In the medium-term, initiatives should offer stable provisions for unemployment, even if amounts are small, to allow for allow family security In the long-run, social insurance in unemployment and old age is crucial and the social insurance initiative in the PLC should be furthered.

- Strengthening female labor force participation and income generation in initiatives that respond to poor women's concern for income generation and jobs that provide security, dignity and respect. The role of community leaders and local non-governmental organizations is particularly important in creating conditions and community awareness for this employment. Income generation, extension of microcredit and jobs based in communities are particularly important. In conjuction, campaigns to increase government and civil society understanding of the importance of women's unremunerated work in preserving Palestinian families and society should be conjoined with measures to ease the burden of domestic labor, particularly support for childcare.

- The Ministry of Social Affairs social assistance, program, which largely targets female-headed households, needs to expand and to continue its efforts to integrate gender, population and development issues into its work.

- Comprehensive initiatives to address the emerging needs of male and

female youth are needed, including addressing mental health, safety and security, skills to enhance life opportunities, and capacity building for citizenship.

- The continued establishment of girls secondary schools, particularly in rural areas, and safe transport to such schools, is a priority.

- All or most empowerment and training schemes proposed by women community leaders should particularly focus on adolescent girls whose need for confidence and public participation is clearly urgent.

- Developing effective strategies against early marriage that combine legal reform, community education and support for poor girls to continue education.

References

Hilal, Jamil, Penny Johnson and Riyad Musa 2003. In the Public Interest: Public Revenues, Social Allocations and Social Needs, Paper for the Forum for Economic and Social Policy Research in Palestine, Ramallah: PRIP.

Tajammu' Albahithat Allubnaniyyat
The Lebanese Association of Women Researchers

Since its founding, the Institute of Women's Studies at Birzeit University has been committed to, and has benefited from, academic exchange with institutions and scholars elsewhere in the Arab world working on gender issues. One important network has been Bahithat, the Lebanese Association of Women Researchers, which also has the important aim of encouraging women researchers, and particularly young women. The Review thanks Bahithat for sending the following report on its activities and publications, which has been abbreviated slightly for publication. Its journal, Bahithat, may be found in the library of the Institute of Women's Studies; Bahithat may also be contacted by email at bahithat@cyberia.net.lb

The Lebanese Association of Women Researchers *tajammu'albahithat allubnaniyyat*, (or "*Bahithat*" as it is informally known locally) is an independent, non-profit association whose members have been engaged in scholarly activities in Lebanon and the Arab World.

Bahithat was formed during the long civil war in Lebanon, by women

scholars on both sides of the green line who, refusing the violence and the forced divisions along confessional lines that the war had imposed, and insisting not only on national unity, but also on rational discourse, wished to carry on intellectual exchange despite the raging violence. They met regularly though informally during the war, but when the war ended, the group sought and received formal government recognition in 1992.

The Association presently consists of forty members, all of whom are women researchers active in many fields including the social and behavioural sciences, the humanities, economics, education, health, and the arts. While some of our members are independent writers and researchers, the majority are university professors, and the majority of those teach at the national Lebanese University. Others teach at the American University in Beirut, Saint Joseph's University, the Lebanese-American University, University of the Holy Spirit in Kaslik, and Notre Dame University.

The principal aims of the Association are to bring women researchers into contact with one another, to support and promote the research of its members, to protect their rights, to encourage young women researchers in finding their way, and to provide a forum for intellectual exchange. We believe that improving the productivity of women scholars, providing a much needed space for growth and the fulfillment of our intellectual ambitions, as well as giving our members a platform for their ideas, can only increase our confidence in ourselves and our abilities, and will promote our participation in the intellectual, and therefore ultimately the political, social, and occupational leadership in our society. All our intellectual production is created, organized, and seen through to its final form by ourselves alone.

The Association conducts a number of regular monthly, quarterly, and annual activities, including:

1) an annual tri-lingual (Arabic, English, and French) publication, _Bahithat_, which is a volume of studies on a particular theme chosen each year. So far nine books have been produced, and the tenth and eleventh are in preparation (please see Publications, below). Papers are requested from within our membership, but also from writers (both men and women) throughout the Arab world. The books are increasingly well known, reviewed, and cited in the local and Arab press and media, as well as in research studies.

2) monthly "research discussion" sessions which open the door for researchers, both women and men, members of our association as well as non-members, to present the progress of their research and the problems confronted in their studies. The audience of fellow researchers acts as a sounding board, and the discussion following the presentations is meant to provide critical responses to hypotheses and methodology, as well as to provide intellectual and sometimes bibliographical assistance;

3) quarterly, daylong workshops, usually held outside Beirut, and known to us as *"yom 'amal "* (or "work day")in which a given theme is discussed and debated. This theme sometimes develops into a research project or indeed could be part of a project already underway. These very popular and extremely well-attended workshops offer our members, always very busy and under pressure, a chance to interact in a more leisurely fashion on both a personal and professional level: the pleasure of the day is in the company and the intellectual production.

4) monthly meetings with young women researchers. This activity is meant to help young women interested in research fulfil their ambitions by providing them with guidance and support. We hope that eventually some of these young researchers will join the ranks of *Bahithat*.

In addition to the above regular activities, *Bahithat* has undertaken several major projects. Most recently, we undertook a project to mainstream a gender approach into the general academic policies and curricula of the various colleges of the state university, the Lebanese University. The project was launched with an initial daylong workshop, held in the early summer of 2004. It was attended by many members of the University staff, including professors and administrators, all of whom expressed great enthusiasm for the project. The papers presented at the workshop are in press, and should be out soon. The project continues with plans for a regional conference on the subject being prepared, and further steps to be taken as time passes.

Earlier this year, in April of 2004 to be precise, *Bahithat* organized a

regional conference on *Civil Society in the Arab World* in cooperation with the Friedrich Ebert Foundation. Activists as well as scholars participated in this important meeting. The conference proceedings are presently being prepared for publication, and should be out soon.

In May of 2001, *Bahithat* organised a major regional conference on *al nissa' al 'arabiyyat fi al 'ishrinat: houdaran wa hawiyya* (Arab Women in the 1920s: Presence and Identity,) in co-operation with the Women and Memory Forum in Cairo, and the Center for Arab and Middle East Studies at the American University of Beirut. Scholars from the Arab world as well as from the United States and Europe gave papers at this meeting. The conference was very successful in stimulating thought and interest in Arab women's history, and in better understanding the foundations of the place of women in modern Arab society and legal systems. The papers have been published as a book by the same name. We hope to see to its translation into English soon.

Each of our projects begins with an idea from one of our members. She then organizes a committee, and together they work on a proposal which is presented to the General Assembly for approval. The Association has a democratic structure consisting of a General Assembly, to which the entire membership belongs, and which elects an executive committee headed by a co-ordinator. To join, a potential *"bahitha"* must be sponsored by two members, must hold at least an MA degree, and must have already produced at least two publications. We try to make sure that every one of us at one point or another serves on the Executive Committee, and joins one or other of the book or research committees. We feel it is important, as well as democratically sound, that all of us share the burden of keeping our group alive, even while enjoying its benefits

Since we are all volunteers, and since we all have demanding and time-consuming jobs, and most of us also have families, and since our sole employee is the office secretary, even finding the time to serve in the executive committee is a difficult demand to meet. Still, we enjoy our work together, and our intellectual exchange and solidarity, is so important to us all, that we somehow manage to find the time and the energy to devote to Bahithat.

PUBLICATIONS

The Annual Volume, Bahithat

I   al-mar'a wal sultat (Women and Authority) (1994)

II   al-mar'a wal kitaba (Women and Writing) (1995-96)

III   al-bahth wal bahith fi al'ulum al insinaniyya fi al'alam al'arabi (Research and the Researcher in the Human Sciences in the Arab World) (1996-97)

IV   al-mar'a wal sultat fi lubnan wal 'alam al'arabi (The Status of Women in Politics in Lebanon and the Arab World) (1997-98)

V   al-gharb fi almujtama'at al'arabiya: tamathulat wa tafa'ulat (The West in Arab Societies: Representation and Interaction) (1998-99)

VI   ali'ilam fi mujtama'atina (Media and Communication in our Society) (1999-2000).

VI   aljami'at fi lubnan wal 'alam al'arabi: nisa' - ru'a – qadaya. (The Universities in Lebanon and the Arab World: Women, Visions, Issues) (2000-2001)

VIII   masarat al hub bayn al mutakhayl wal mu'ash (Studies of Love in Arab Societies) 2002.

IX   al-khitab al-mutadawal hawl al-nisa' fi al 'alam al-arabi al-mu'asser (Discourse on Women in the Contemporary Arab World) (2003-4)

X   al-soura fi al thaqafa al-'arabiyya (The Image in Arab Culture) (in the editing process)

XI   siyar al-nisa' al-'arabiyyat (Arab Women's Biographies and Autobiographies) (in preparation).

Other Publications

* Azza Sharara Baydoun and Dalal Al-Bizri:
  Al'amal alijtima'i wal mar'a (Social Work and Women). Part One.
  Beirut: dar al jadid, 1998

* Nuha Bayoumi, Fadia Hoteit, and Maryam Ghandour, eds.
  Daleel al bahithat (Index of Arab Women Researchers)
  Beirut: bahithat and The Arab Cultural Centre, 1999.

* Nuha Bayoumi and Nazek Yared, eds.
  Biblioghrafia al katibat allubnaniyyat 1850-1950 (Bibliography of Lebanese Women Writers from 1850-1950)
  Beirut: al saqi, 2000.

* Leila Chikhani Nacouz (ed.) Nadia Samaha, Elham Chaariani, Hind Beydoun:
  Ces femmes qui travaillent. (Women and Work). Bahithat, Beirut: New Print Press, Medawar, 2001.

* Watfaa Hemady Hashem: al-maraa w' al-masrah fi lubnan (Women and the Theatre in Lebanon) Damascus: al-Mada, 2002.

* Nahawand Al-Qadiri and Suad Harb: al-a'lamiyat w'al-I'lamimyoon fi al-telefision (Men and Women in Television) (Beirut: bahithat and the Arab Cultural Centre, 2002).

* Azza Sharara Baydoun: nisa' wa jam'iyyat: lubnaniyat bayn insaf al that wa khidmat alghayr. (Women and Associations: Lebanese Women Between Striving for Equity and the Service of Others).
  Beirut: dar al-nahar, 2002. (Part Two of Social Work and Women).

* al-nisa' al-arabiyat fi al-'ishrinat: huduran wa hawiyya. Beirut: Bahithat and al-markaz al-thiqafi al-arabi, 2002.