

REVIEW OF WOMEN'S STUDIES

3

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Islah Jad

The Other Wall

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The Rise and Fall of a Patriarch

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**Naming the Crime: 'Honour',
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in Comparison with its Neighbors**

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**Meeting the Housing Needs
of Palestinian Women and Men**

Eileen Kuttab, Randa Nassar, Lina Mi'ari

Institute of Women's Studies

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INTRODUCTION

This is the third issue of the annual *Review of Women's Studies*, published by the Institute of Women's Studies at Birzeit University. The Review features recent research and writing by the Institute's faculty and graduate students, but also publishes other interesting and trend-setting work by scholars in Palestine and abroad that advances understanding of gender issues in Palestinian society in a range of disciplines. In this regard, this issue is fortunate to publish recent work by international scholars Dr. Edouard Conte, and Dr. Lynn Welchman and attorney Sara Hosain, as well as contributions from senior scholars in Palestine: Dr. Khalil Athamneh, Dr. Fayha Abdul Hadi, and Dr. Randa Nasser.

One main theme of this Review is research that presents new approaches and material on gender and Palestinian history, whether Islah Jad on gender, colonialism and nationalism under the British Mandate, Khalil Athamneh on concubines and prostitution in Arab pre-Islamic society, Fayha Abdul Hadi on remembering Deir Yassin, Rabiha 'Alan on the role of village women in the 1948 *Nakba*, or Randa Nasser and her students on the crucial role of women's everyday activities in family and community survival in Jalazoun camp in the first years after the *nakba*. The last three researchers employ oral history to capture history from the ground up – and to understand how everyday activities make history, a theme explored culturally by Abu Dahu in her brief review of a book and film exploring the ordinary lives of Palestinians in the extraordinary circumstances of the *Nakba* and exile.

This same understanding informs ethnographic work on the present crisis: Lamis Abu Nahleh uses narratives to probe changes in gender relations in a Ramallah-area family that are triggered both by intifada-related economic crisis and the death of a patriarch, while Amira Silmi explores the lives and perceptions of two young single women who come to Ramallah in order to find employment in the difficult circumstances of the second intifada. Johnson's analysis of survey results from an ongoing Institute research project in three Ramallah-area communities examines households in Amari refugee camp in relation to its neighbors, identifying both differences and commonalities.

Edouard Conte's contribution exposes another link between social, political and physical transformations. He argues that new Israeli legal restrictions on marriage and residency constitute "another wall" similar in purpose to the physical wall now being erected on Palestinian land with

disastrous human, economic and political consequences. Also shedding light on an issue of public discussion and debate in Palestine today, is Welchman and Hosain's thoughtful introduction to a volume on "honor crimes." Two seminar papers by the Institute's graduate students also explore contemporary issues of great relevance: women and local elections (Nadia Hajal-Boqla) and the policies and practices of formal assistance to wives of Palestinian martyrs (Hanan Ma'di). Finally, an excerpt from a recent study of gender and housing conditions by an Institute team headed by Eileen Kuttub focuses attention on an priority area for policy intervention and gender-sensitive developmental, economic and legal initiatives.

We hope readers will find this issue rich in insights and stimulating for new directions for research. Articles are in their original language, so the contents of the Arabic and English section are different. The editors and the Institute hope that the Review will encourage more research on these topics, but even more important, discussion and debate on the pressing issues facing Palestinian society.

The Editors
Ramallah, November 2005

ARTICLES

Re-Reading the Mandate: Palestinian Women and the Double Jeopardy of Colonialism

Islah Jad

Islah Jad explores the roots of Palestinian women's subordination and the relationships and tensions among gender, class, colonialism and nationalism that have shaped the Palestinian women's movement through a careful scrutiny of the seminal period of the British Mandate. This article is taken from sections of the first two chapters of Jad's Ph.D. thesis "Women at the Crossroads: The Palestinian Women's Movement Between Nationalism, Secularism and Islamism." Jad was awarded her Ph.D. from the School of Oriental and African Studies (SOAS), University of London in 2004. Other chapters from her dissertation which examine the trajectory of the Palestinian women's movement, including an analysis of post-Oslo developments and a groundbreaking chapter on contemporary Islamic women's movements in Palestine, will be published in Arabic by Muwatin, the Palestinian Institute for the Study of Democracy, in 2006. Islah Jad teaches in the master's program of the Institute of Women's Studies and in the Department of Cultural Studies at Birzeit University.

The evolution of the Palestinian women's movements is deeply linked to the turbulent and contested history of Palestine in the twentieth century. This history has been shaped by multiple influences, including successive waves of colonization, starting from the Ottomans (1516-1918), followed by British Occupation and the British Mandate over Palestine (1920-1948), and finally, with the Zionist colonial settler project commencing at the turn of the century (Rodinson 1973). Palestinian nationalism and the Palestinian national movement, its politics, organisational forms and options are embedded in multiple contexts and contestations: between the colonising/developed West versus the underdeveloped/colonised peoples, and more recently, the struggle of the Palestinian national movement for independent statehood resulting in the establishment of a quasi-state under Occupation. Every change at the national level has had significant

effects on women's mobilisation and movements. Since the legacies of various colonial encounters live on to this day, it is important to take stock of their influence on Palestinian society.

In this article, I will attempt to explain how the British call for 'advancing the natives' and 'modernising' them under the Mandate, was largely adopted by the Palestinian urban middle class, as was the case in most colonised countries (Chatterjee 1993; Mohanty 1991; Massad 2001; Thompson 2000; Fleischmann 2003). Depicting the 'natives', in particular their women, as 'traditional', 'backward' and 'superstitious', the British Mandate administration implemented policies that had paradoxical effects on all spheres of life. The modernising factor of universal education, while playing an important role in constituting a 'modern' notion of Palestinian nationalism by bringing together thousands of young men through the unifying process of public education, simultaneously widened social gaps between urban and rural, and Muslim and Christian, Palestinians. Similarly, while the avowed purpose of the British public administration, according to the Mandate, was to enable the transition to 'native' self-rule (Mohanty 1991: 20; Chatterjee 1993), it was also used to facilitate the creation of another sub-colonial project inspired by a powerful Zionist national movement which led to the uprooting of the 'natives' and the destruction of their hopes for self-rule and independence.

Mohanty summarises the symptomatic aspects of the operation of imperial rule, around three key elements: 1) the effects of colonial institutions and policies in transforming indigenous patriarchies and consolidating hegemonic middle-class cultures in metropolitan and colonised areas; 2) the ideological construction and consolidation of white masculinity as normative and the corresponding racialisation and sexualisation of colonised peoples and 3) the rise of feminist politics and consciousness in this historical context within and against the framework of national liberation movements (Mohanty 1991: 15). In the same vein, many scholars have demonstrated how colonial policies, laws and institutional practices, are a crucial process for social control. These studies revealed the effect of colonial policies on existing sexual divisions of labour, class hierarchies and patriarchies (Omvedt 1980; Etienne and Leacock 1980; Sangari and Vaid 1989; Chowdhry 1989; Chatterjee 1993; Mohanty 1991; Waylen 1996). Sangari and Vaid, for example, analysed how the cumulative effect of colonial policies and practices led to the aggravation of existing inequalities as well as the creation of new ones (Sangari and Vaid 1989: 302-336). Chowdhry drew attention to the role colonial rule played in 'fixing' certain customs. Thus patriarchal practices were shaped to serve the economic interests of both the landowning classes and the colonial state

(Chowdhry 1989: 317). Describing the Indian national struggle Sangari and Vaid argue that it incorporated their Victorian rulers' separation of the public and private spheres which enshrined a notion of a pure home-based middle-class womanhood. Female emancipation became part of national regeneration, reformed around this ideal of restricted womanhood. (Sangari and Vaid 1989: 1-26).

National Elites and the Women Question: "Tradition" versus Modernity

In the Middle East, as in India, it was the male middle-class national elite which was the key player in the emergence of the 'woman question'¹ within the national struggle (Chatterjee 1989, 1990; Badran 1995; Baron 1994; Kandiyoti 1991, 1998). Thus, male-led social reform movements were selectively encouraging women's entry into the public sphere, according to their preoccupation with 'uplifting' and 'advancing' women through religious reform and universal education while at the same time 'redrafting morality' through propagating the virtue of domesticity across the nation (Alexander 1991: 133; Abu Lughod 1998). The women's movements themselves, almost wholly middle-class, attempted to 'modernise' the patriarchal regulation of women and pave the way for middle-class women's entry into the professions and political movements. The emergence of women's struggles in many third world countries, including the Middle East, constituted a site of tensions between progressive and conservative ideas and modes of action. Their emphasis on gender equality in the home and workplace constituted what Sangari and Vaid have called 'democratising' women's movements, where both feudal and colonial structures are questioned. Nevertheless, this process was partially tied to middle-class familial ideologies and agendas as well as to feudal patriarchal norms (Sangari and Vaid 1989). This formulation is one way of examining the relations between colonialism, class and gender as the setting for the emergence of organised struggles, against both a racist, paternal, imperial state (Britain and then the Israeli Occupation) and a paternal, middle-class national liberation movement.

One of the ways in which 'traditionalism' was defined in Palestinian society was by portraying the society as essentially tribal with the *hamula* (extended patrilineage) being the building block of society. Relationships and conflicts that might be assessed in other contexts in class terms have now been translated into *hamula* dynamics and politics. In this view, the

hamula – understood as patrilineage – functioned as a timeless source of identity for villagers, making them easy prey to all forms of colonial domination (Nakhleh 1977: 65; Cohen 1965; Rosenfeld 1964; Ma'oz 1984). Thus, Arab Palestinians were portrayed as intrinsically 'traditional' and in need of the modernising mission of British colonisers and, later on, of Israelis. This view was largely internalised by the nationalist elites who saw themselves as the modernisers of their 'traditional' rural compatriots. This attitude was reflected in the form of relationships between elite and rural women. However, there is a vast body of scholarly work that has demonstrated that the social structure in Palestine, as elsewhere, was never fixed or unchangeable. Both *hamula* and social classes were in constant flux and were affected by economic and political factors (Granqvist 1931; Al-Haj 1987; Nakhleh 1977; Rothenberg 1999). The depiction of Palestinians as 'traditional' and impervious to change relates to the politics of obfuscating the distorting impact of colonialism and successive occupations on the development of the Palestinians.

Each outside ruler – Britain, Jordan, Egypt, Israel – affected Palestinian society and its forms of resistance to outside rule. Here I focus on colonisation as an external factor and argue that the Palestinian case differs in significant ways from other women's experiences under colonialism due to the 'double jeopardy' whereby the Zionist movement, which extended colonial rule by its policy of building Jewish settlements and uprooting the indigenous population, worked to eliminate whatever gains educated national Palestinian elites, including women, might have achieved under the British Mandate and later under Israeli domination. I also concentrate on the construction of different social classes under the British Mandate. I also focus on internal factors such as the political and ideological construction of the modern notion of Palestinian nationalism and trace the different forms of resistance led by the Palestinian national movements and the women's movements.

I attempt to show in what follows that while the urban male elite managed to transcend their class boundaries to include villagers to form an effective national resistance, the middle-class elite of the women's movement, particularly under the British Mandate, was isolated from its lower-class constituencies, and unable to link their activism to poorer and rural women. Educated women's activism was both stimulated and at the same time undermined by their access to 'colonial benefits' (Burke and Lapidus 1988; Swedenburg 1988; Waylen 1996) as well as by their class and regional backgrounds. The middle-class leadership of women's movements depicted rural women as their traditional 'other', needing to be 'uplifted' in order to achieve progress, as the object of their charity and help, and

incapable of organising or resisting. This is not to suggest that there were no alternative forms of women's activism by uneducated or rural women, since 'women' is not a unitary category and colonialism affected women in various positions differently (Anthias and Yuval-Davis 1989; Kandiyoti 1991; Lazreg 1988; Mohanty 1988, 1991; Chinchilla 1992; 1987; Waylen 1996). I argue that in the case of Palestine, the dynamics of the different colonial powers simultaneously constructed the national movement and undermined it.

Unlike other Middle Eastern states where colonial powers eventually allowed national elites to flourish and to lead their communities (Sharkey 2003), British Occupation in Palestine did not foster a native elite to facilitate their rule, although native interlocutors were utilized. If the proxy rulers in Egypt are Egyptians, in Palestine, their proxies were not Arabs but rather the Zionist settlers, despite sharp tensions and conflicts, particularly at the end of the Mandate. I present a re-reading of some of the conventional sources on the historiography of Palestinian social and political history during the British Mandate. I have also conducted key informant interviews with some women educated under the British system to evaluate its class impact.²

Colonialism and Zionism: Dynamics of Class and Gender

The British Mandate and the Zionist Movement, through their policies and activism, introduced profound changes in class relations in Palestine.³ One of the most noticeable effects of the British Mandate on Palestine was the widening of the social and economic gaps between the rural and urban, in general, and between rural and urban women in particular. The colonial 'dividends' were distributed at the extreme expense of rural women whether in terms of legislation, work opportunities, education, health, social status or political recognition and participation, leading to further marginalisation of rural and poorer women. At the same time, Zionist land purchase drove peasants off their land in increasing numbers.

The effects of colonialism on gender and gender relations is a growing field of study by feminist researchers, which led many to emphasise the importance of studying colonialism in order to understand gender relations and women's movements in third world countries (Mohanty 1988; Jayawardena 1986; Ahmed 1992; Waylen 1996; Smith 1999; Thompson 2000; Fleischmann 2003). Major changes are introduced to labour markets, land tenure and agricultural systems and social welfare provision as well as the distribution of power and political activism, all

affecting gender and gender relations. In Palestine, the growth of export-oriented colonial economies and the decline of subsistence agriculture may have contributed to a reduction in the status of women, as their access to the economic resources of land and labour power decreased while their workloads increased. Colonial policies also favoured an individualization of property rights and it was generally men who gained land titles, while women lost their rights to customary land (Al-Haj 1987).

The general literature on gender and colonialism in other countries points to some features in common with Palestine. It was seen, for example, that colonialism leaves its imprints on gender and gender relations, to the benefit of urban middle class women. Education was one of the important fields in which gender roles were reconstructed by colonialism. Staudt noticed for example that “education for girls tended to stress the development of qualities, which would make them good wives, and mothers and emphasized morality and Christian values” (Parpart and Staudt 1989: 76). While girls received education focused on the domestic, boys, in addition to receiving the skills necessary for employment in European enterprises (for example as clerks), received more technically and agriculturally based instruction (ibid: 76).

Palestine’s experience was similar to that of other societies with one major exception: whereas colonial regimes benefited some of the colonised, the gains for Palestinians were later reversed by the Israeli state that worked to empty the land of its indigenous inhabitants. While rural women were depicted by the British Mandate as the residue of ‘tradition’, ‘superstition’ and ‘prejudice’ (Fleischmann 2003), the urban upper class women, usually secluded and with less autonomy over their lives, were encouraged to be the repositories of Western values and symbols of ‘progress’ in their society. They were relatively more exposed to the modernising factors introduced by British colonialism. These could include formal education, employment, mass media exposure, affiliation in formal organisations, psychological modernity and progressive attitudes towards women’s status (Al-Haj 1987: 80). For rural women, however, colonial policies led to increased domestication and the enforcement of ‘traditional’ practices in health service in particular.

Re-reading the Mandate: Gender and the Urban-Rural Divide

The British Mandate’s health policies, for example, contributed to changes in gender relations to the detriment of the rural population in general and rural women in particular. The government’s practice of

dispensing health care, for example, along national, religious, regional and gender lines resulted in cleavages in health care and helped to promote national, regional and class divisiveness. In the end, the colonial policy of spending as little as possible on its colonies had the effect of leaving the more substantial expenditures for the Arab sector in the hands of Arab civic and voluntary organisations, as it had done for the Jews who were more capable through their international connections to obtain funds for their organisations. The lack of hospital services for the rural population was also accompanied by an acute shortage of health provision in general. This policy also reflected itself in different levels of life expectancy and child mortality for the different groups. With the lack of vital health services for rural areas, traditional medical practices were prevalent among peasants in particular in the areas of pregnancy and childbirth, thus enforcing the image of rural women's 'traditionality'. In 1925, for example, about 2 percent of births among Muslims occurred in hospitals, compared with 86 percent of births among Jews (Reiss 1996: 317). This also meant that children born at home had little or no access to inoculations. This was aggravated by the lack of access to schooling, as will be explained later, for female children in rural areas.

According to Fleischmann, the British government's approach to health and hygiene conformed to social policies at home, where "the principal aim of ... child and maternal welfare services [the major focus of the health department] was to promote a greater sense of responsibility on the part of the mother through 'education to reform' her character, effectively divesting health issues from their broader social and economic context" (Lewis 1980 cited in Fleischmann 2003: 49). There was little recognition that most of the remedies advocated by the government did not take into account the severe conditions of poverty under which much of the population lived. Widespread attempts were made to teach the "virtues of cleanliness and how to attain it" (ibid: 49). Few peasants had access to enough water for "frequent baths", or access to "good drinking water", however, which required more than mere "adherence to rules of hygiene" (ibid: 49). The British, as the Israelis later on, constructed Palestinian society in general and Palestinian rural women in particular as 'traditional', 'superstitious' and subject to 'prejudice' (ibid: 51), and invoked these factors as the reasons behind the underdevelopment of the society. Yet, a woman doctor returning to Nablus from leave who became "especially busy as the women had been waiting for her return", reported that women were perfectly willing to seek 'modern' medical care when accessible and provided by a doctor with whom they felt comfortable. Another woman, whose family ran the American Colony's infant welfare

centre, recalls that women ‘flocked’ to the centre when it opened in 1927 (ibid:51).

Educational Policies and Practices: Rural and Female Disadvantages

Education was another sphere in which women’s domesticity was enforced and which ultimately increased rural/urban cleavages and alienated middle class women from the rest of the society.

Under Ottoman rule, (native) Arab-Jewish relations in the country were based, as was the case between Muslims and Christians, on understanding and respect. Shared enrolment of Jewish, Muslim and Christian students in the same schools – either the Jewish Alliance Israelite schools (established in 1882) or in the *Nizamiyyah*, the Ottoman public schools first established by the Turkish law of 1869⁴ – promoted mutual understanding for a small elite. In contrast, the British Mandate policy in education played a major role in reshaping national, regional, and class and gender identities. It was through education that two separate national entities were developed, the urban/rural division was deepened, class boundaries rendered unbridgeable and gender identities moulded to suit the British model. Education was geared to the benefit of an urban, mostly male, elite. A division of public schools along national and linguistic, or simply national grounds, into an Arab Public System and a Hebrew Public System had its roots in the first formative years of the Mandate (Al-Tibawi 1956:27-8). The British Education Department exercised direct and complete control over the Arab Public system, and an indirect and somewhat nominal control over the Jewish system (ibid: 37).

In the British Administration there was a struggle between two tendencies: one that insisted on academic subjects geared to educate an elite class, and the other pressed the claims of subjects such as agriculture and domestic science to “keep the peasants on the land by teaching their children farming beside basic education” (ibid: 80). The former tendency won and the latter remained merely experimental. That was reflected in the number of years of education given for town schools (seven years) as opposed to education for village schools (four years) (ibid: 80).

The British Mandate was never able to introduce compulsory education or to provide state schools in sufficient numbers to make education universal, or failing either, to provide enough places in its schools for all those who applied for admission. This was directly due to the political commitments of the government and only indirectly to its financial circumstances. The Mandate government controlled all services

for Palestinians centrally and was particularly ineffective when it came to education. In contrast, Jews benefited from autonomy in running their institutions and in deciding on the policies they wanted to apply. A report on the administration of Palestine for 1932, submitted to the League of Nations cited the charge that the government was deliberately keeping the Arab population in “a state of illiteracy and ignorance.” The education service faced continuous budget reductions due to “increased expenditure on public security” (ibid: 160, 162)

The neglect of girls’ education was attributed, by the British administration, to “religious and social barriers” and to the lack of interest of the local community. An official document published in 1946 stated “there has not yet been a universal demand for the education of girls in Muslim villages, although the demand is increasing” (ibid: 229). But neither ‘religious’ nor ‘social’ considerations were real obstacles, during the last decade of the Mandate at any rate. In the towns, where seclusion of women was widely practised, there were two girls for every three boys attending school, while in villages, where no seclusion was practised, there was only one girl for every eleven boys attending school. “The paucity of girls’ schools”, says an Arab member of the Department, writing in 1950, “was not due to any lack of desire on the part of parents to educate their daughters, but to the insufficiency of Government financial provision for education” (ibid: 229). Public education had no scheme for the training of women rural teachers before 1935, when a single training centre was opened, at a time when women teachers, trained or untrained, were almost impossible to find among the Muslim community, and very few could be found among the Christian communities with sufficient general knowledge and experience (ibid: 24-5).

The town school syllabus was designed for boys’ as well as for girls’ schools, whereas the village syllabus was initially for boys’ schools only until the number of girls’ schools in villages was increased. Slight variations in the village schools’ syllabus allowed for the teaching of sewing and embroidery instead of manual work and agriculture to equip them to ‘develop’ their environment (ibid: 82). Learning English, one of the main skills needed to secure a job in the British Administration, was almost an exclusive ‘privilege’ for urban students. ‘Christian values’ were taught to girls in both urban and rural schools.⁵ Formal courses were equally alienating, and Arab nationalists have pointed out that while the syllabus contained features of the geography and history of the Arab countries, it insisted in its content and tone on the international rather than the national character of Palestine (ibid: 89).

Rural schools were under greater financial pressure than urban schools.

The British Administration required poor villages to bear up to half of the total capital cost of school-buildings and equipment, whereas more prosperous towns were not usually required to make such contributions until the last years of the Mandate (ibid: 173). If the quality and extent of education marked the boundaries between rural and urban students, the content and the language of the curriculum led to the widening of class cleavages, especially among women. It is pertinent and puzzling to note that while men transcended class boundaries in their political national organisations to some extent, women were more confined to 'their' class in their more local organisations. The policy and content of education provided to female students, might provide clues to this puzzle.

The British Mandate, as the Israeli occupiers did later on, raised the banner of advancing women's education, reflected in the early creation of a section for female education by the British military administration in 1918. With passing years, however, female education remained one of the major lacunae in the Mandate policies: as it was not compulsory it had a limited effect on women's situation. The British education system was highly centralised with all decision-making concentrated in the hands of British directors and assistants (ibid: 34). In contrast, men's education was later Arabised. The principal and staff of the Men's Training College were all Arabs (except for the lecturer in English). At the Women's Training College, however the principal, vice-principal and three lecturers were British and the rest of the staff Palestinian (ibid: 50). Palestinian Government secondary schools and teacher training colleges for girls were governed by British standards and conducted in English.

Foreign schools provided another source of education. There were Christian schools run mainly by European Christian bodies in the country. This led to the establishment of various foreign Christian schools or rather "various foreign school systems" (ibid: 60). Despite their service to the country, all foreign schools during the Mandate period came to be viewed with mixed feelings by Arab nationalists, Christians no less than Muslims. While they were generally considered to have rendered a valuable service to the country by providing places for practically every Christian child of school age not in a state school, they tended in this way to "deepen, not to bridge, the educational gap between the two sections of the Arab community" (ibid: 64). Most foreign schools were concentrated in or around the towns, easily accessible to the children of Christian Arabs who were on the whole urban. On the other hand, more than two-thirds of the Muslim Arabs lived in villages, many of which were without state schools and far from most foreign schools. The comparatively small number of Muslim Arab children who attended foreign schools were either the

very rich who could pay fees or the very poor who were admitted on compassionate grounds or on grounds of exceptional merit. The disparity between the rates of literacy among the Muslim Arabs and the Christian Arabs must always be evaluated against this background (ibid: 64).

The impact of education on people's identity was reflected in the words of one of my interviewees as follows:

In our school (St. Joseph a French Catholic school, Jaffa), we used to learn everything about France, geography, population, weather, fashion even street names. We were not allowed to speak in Arabic during breaks, we could be fined if the teachers heard us speaking in Arabic. It was only during the revolt of 1936 that I realised that I belong to the same people who were revolting against the British, I realised that I am one of them, an Arab (Im Salim, Interview)

Khartabil, one of the leaders of the women's movement and the head of the Tulkarem Arab Women's Union recalls her education: "I went to the American school in Beirut in which the majority of courses were in English, that is why we were less interested in Arabic or Islamic cultures. When my father realised this lacuna, he asked a *sheikh* to teach us Arabic and the Quran twice a week" (Khartabil 1995:39).

Class background and a foreign education helped to bring together middle-class women from different regions and different religions. As one women activist recalls, "we were all the same. We were educated and never felt any difference...We used to live together in boarding schools and ...[were] members of the same associations...we used to love each other" (Sa'ida Jarallah cited in Fleischmann 2003:144). This class unity was exclusive; it did not and could not include rural women. Rural women were different in all aspects of their daily reality; they went, if they could at all, to different schools, followed different courses, spoke a different language, lived in different houses and dressed differently. These differences were reflected in the inability of elite women at that time to play the role played by the male nationalist movement (Zu'aytir 1980; Kimmerling and Migdal 1993). The role played by young male schoolteachers was crucial in mobilising and organising masses of peasants for the national struggle. This was a role that the few young women teachers could not play due to the social segregation and domestication of urban women, class distinctions and the difficulty of living in rural areas. Female teachers were fewer, less motivated and were not encouraged by the British policies to reach out to rural women. The male world of patronage and politics

created vertical lines of clientship extending into the rural hinterland. This was not the case with women's groups and networks. However, the gains achieved for few middle class women under the British Mandate later did not survive the foundation of the Jewish State, which led to the uprooting and dislocation of the Palestinian society in all its social strata.

The Trouble with Nationalism(s)

Palestinian nationalism projected a contradictory image of Palestinian women and their movement during the Mandate. On one hand women were seen as the 'modernisers' and civilising agents of the long awaited independent nation. This enabled the women's movement to develop and become visible. On the other hand, women were also seen as the emblems of their nation's 'authenticity' and of historic social patterns. In this role, women were confined to 'private' space, the wards of their male relatives. Due to what Chatterjee calls the "inherent contradictoriness" in nationalist thinking (Chatterjee 1993: 38), 'modernity' claims to 'advance' and 'progress' the nation while at the same time preserving its distinctiveness and particular traditions.

These troubled links between women and their national movements were comparable to experiences in other third world countries in which nationalist vanguards were acting as the 'modernisers' of their nation and their women. As Jayawardena noted in her analysis of women's roles in nationalist movements throughout the third world, "the status of women in society was the popular barometer of 'civilization'" (Jayawardena 1986: 8). Education, freedom of movement and monogamy became hallmarks of 'civilised' modernity. British, Arab and Zionist leaders all gave their attention to the process of 'modernising' women as a measure of the legitimacy of their power in Palestine (Katz 1996: 93; Katz 2003; Fleischmann 2003; Chatterjee 1993).

I would propose an alternative model of investigating the histories of the struggles of different social groups. Nationalist projects often articulate different interests, for political autonomy, from economic oppression. As such, national projects vary from one group to the other. This was the case in the Palestinian Mandate where the interests of the leading national elite, men and women, differed from those of peasants in many ways. The first tended to be conciliatory towards the colonial power, while the latter saw in the presence of this power their utter demise and destruction.

Dominant accounts generally define the *fellahin* (peasants) as "traditional, backward, and conservative", as "activated by tribal and

religious loyalties” (Budeiri 1979: 46-47), and as “too isolated, ignorant and poor” to play a significant role in the national movement (Lesch 1979: 17). In the same vein, rural women were portrayed as victims of ignorance and poverty and the object of middle class women charity (Mogannam 1937; Khartabil 1995; Husseini-Shahid 2000). These views consider peasants, and consequently their women, as incapable of political initiative or collective action. Swedenburg showed that while subordinate to the rule of the notables, the peasantry nonetheless possessed a long tradition of opposition to their hegemony, as reflected in the great revolt of 1936-1939 (Swedenburg 1995: 170). As Gramsci notes, a dominant class’s hegemony is never “total or exclusive”; it is, rather, a process, a relation of dominance that has “continually to be renewed, recreated, defended and modified” (Williams 1977: 112-3).

Thus, instead of ascribing particular developments to ‘tradition’ or ‘Islam’, I shall seek to understand the ways specific cultural and religious currents influenced the behaviour of particular groups in particular circumstances, and how the social and political settings in which movements occurred helped shape the choice of strategies and thus the outcomes as well. By situating the movements discussed in this chapter in a broad context, it is possible to see more clearly the connections between changes within groups and those affecting society, the economy and the ruling power (whether colonial or national).

Nationalism and Women’s Activism under the British Mandate (1918-1948)

This section focuses on the relationship between national liberation and women’s emancipation during the successive waves of national struggle. Palestinian national movements, whether during the British Mandate or in their reinvigoration in the mid-sixties, are evaluated by many feminists scholars as, at best, unable to articulate a coherent vision or platform on gender (Sayigh 1988; Peteet 1991; Jad 1991), and at worst, as conservative, traditional and chauvinist (Massad 1995; Parker 1999; Budeiri 1995; Rubenberg 2001). I argue here that while the successive Palestinian national movements were unable to articulate a coherent platform on gender, their fragmented gender views came about as a reaction to women’s activism. Women’s activism, in turn, was, to a great extent, the product of the national movement and its various factions.

The link between nationalist and gender discourses has been analysed

in different historical and cultural contexts Kandiyoti (1991a) argues, for example, that the integration of women into modern 'nationhood' follows a different trajectory from that of men. For instance, the protection of women's 'sexuality' constitutes a "crucial distinction between the nation and its 'others'" (1991a: 430). Common to the various analyses is the centrality given to the role of women in nationalist projects. Anthias and Yuval-Davis identify five major ways in which women have tended to participate in ethnic and national processes and in relation to state practices; as biological reproducers of members of ethnic collectivities; as reproducers of the boundaries of ethnic/national groups; as participating centrally in the ideological reproduction of the collectivity and as transmitters of its culture; as symbols in the ideological discourses used in ethnic/national differences; and as participants in national, economic, political and military struggles (1989: 7).

It is important to bear in mind that there is no unitary category of women that can be unproblematically conceived as the focus of ethnic, national or state policies and discourses. In the Middle East, nationalist and liberationist movements animated women as actors and as symbols (Badran 1995; Afkhami and Friedle 1997). Women constitute the nation's actual symbolic figuration (Anthias and Yuval-Davis 1989: 10), while distinctions between ethnic groups or nations are constituted centrally by the sexual behaviour of women.⁶

During the Mandate, the Palestinian national movement ascribed a new role to urban elite women as the companions of men to save the nation (Mogannam 1937; Fleischmann 2003). But this new role was contested by peasant men, and women for that matter, who sought to affirm their power through their involvement in the struggle for national liberation. This contestation was not related, I argue, to peasant 'traditionalism', but rather was a reflection of class antagonism directed against the cultural hegemony of the urban elite including their women; it was a way to assert their newly empowered peasant identity through their collective act in the Great Revolt. The main strategy of the national elite (male and female) was to hold the colonisers accountable to their own value system and to their discourse as 'modernisers' promising emancipation (Chatterjee 1993). This recourse to the path of persuading the British Mandate of the legitimacy of the Palestinian aspirations was largely ignored while villages and peasants were getting increasingly impoverished. The more assertive, violent resistance was not a strategy developed or planned by the urban elite, as they were not the ones to bear the brunt of the British oppression. The collective act of resistance gave peasants more power as a group distinct from the urban elite.

The tradition of women's activism was, like the male elite's, more pacific. Women in Palestine, as in other countries, began this tradition by establishing charitable organisations in urban centres (Badran 1995; Baron 1994; Chatty and Rabo 1997; Joseph 1997). Women leaders were drawn from "bourgeois and rich families as well as female relatives of civil servants" in cities like Jerusalem, Jaffa, Haifa (Khartabil 1995: 57). They were mainly Christians empowered by the emergence of missionary education (Al-Tibawi 1956; Husseini-Shahid 2000; Mogannam 1937; Muslih 1988) and focused on the education of girls and the relief of the poor and sick (Khartabil 1995; Jammal 1985). From its charitable origins, the Palestinian women's movements was shaped to a great extent by the deterioration of the political situation prompted by British colonial policies and the brutality of the British Mandate in suppressing the Palestinian revolts, the rise of the Palestinian resistance to the Zionist project and the consolidation of the Palestinian national movement in the twenties and the thirties. These events pushed women to try to transcend religious boundaries⁷. Differences between Christians and Muslims, rural and urban, however, hindered the realisation that patriarchy was the common unifying enemy to struggle against (Alexandra Aboud in Fleischmann 2003: 274)⁸.

The prevailing national turmoil also led women's organisations to widen the scope of their programmes and develop their organisations. The establishment of the Arab Women's Association in 1930 was an important step in pooling women's activism. However, it failed to create a national coalition or a national women's organisation (Mogannam 1937; Jad 1990; Peteet 1991; Fleischmann 2003). Nor could the loose coalition of women's charitable organisations act as a unifying national force. As is the case of women's NGOs nowadays, each women's charitable organisation had its different by-laws and objectives. These de-centralised organisations met in response to the deteriorating political situation or in support of men's delegations that were negotiating with the British Government (Mogannam 1937; Khartabil 1995). In times of crisis, the social work of providing charity was politicised when women were asked by the rebels during the Great Revolt of 36-39 to distribute food and medicine for the besieged villages (Khartabil 1995: 76). But it was not until 1944 that these women's activists formed the Arab Women's Union, in a fledgling attempt to unifying their ranks on a national level.

The ability to run or head a woman's organisation was largely determined by a woman's class background and her exposure to Western education (Mogannam 1937; Khartabil 1995; Zu'aytir 1980).⁹ A wide cultural gap separated women peasants from the urban national elite¹⁰. This

was mainly due to the lack of universal education for women combined with the inability of women to use the press or printed media (Mogannam 1937) or move freely in public space. Female peasants did not suffer the same restrictions (Tucker 1993).

The continuously evolving cultural construction of national identity (Schlesinger 1987: 261) helps explain the backlash against elite women during the Great Revolt 1936-39. Thus, one can see the recourse to tradition, in this case imposing the veil on mainly *urban* women¹¹, not as 'traditionalism' but rather as a 'new' peasant invention to assert their own power, not least since they did not impose the same on their own women¹². In this crisis, elite women were abandoned by their male national leaders and were called upon to dress modestly like their "sisters, the warriors of the villages" (Swedenburg 1995: 181). This led to the withdrawal of the female elite from public space to focus their efforts on 'social and development issues' rather than on demonstrations and anti-government denunciations (Flieschmann 2003: 178). This decline in women's political activism could also be attributed to fact that urban elites and their families fled the national turmoil during the Great Revolt (Husseini-Shahid 2000: 68,113,117,123). The pretensions of the nationalist male elite to modernity faltered when confronted by the militancy of the rebellious peasantry, leaving their women in a precarious position. In response to the peasants' claim that elite women were 'less authentic', nationalist men politicised the meaning of women's domesticity, elevated it to new heights, and imbued it with nationalist significance (Fleischmann 2003:10; Chatterjee 1990: 238-40, 248).

The dilemma of Palestinian women of how to combine the national and feminist struggle is one of the markers of the women's movement from its inception to today. The words of Khartabil at the Cairo¹³ Arab Women Conference in 1944¹⁴ are significant in clarifying the difference between the struggle of women still fighting for the recognition of their nation and their existence and "other women who live in a secure nation and a state" (Khartabil 1995: 91). The deterioration of the political situation in Palestine was forcing both men and women to change course. Men realised their need for women's activism and organisation in general, which brought them back to the public space this time with the support and under the protection of the male led national movement.

The women's movement under the British Mandate was not born out of a feminist impulse to articulate women's rights per se, but rather out of women's experience within the national movement. Their speech was subtle and indirect, since there was no authority to which claims could be directed especially when the nation itself was under threat. The

reason why the middle classes united with the peasant fighters was that they could share a common sense of threat. This costly lesson would be re-experienced throughout the different phases of the Palestinian women's movement. In other words, there were successive phases of rapprochement in times of crisis between the professional middle classes and the popular masses and a distancing and divergence of agendas at periods where it looked like a process of state consolidation may be underway. This pattern may be traced throughout the different phases of the Palestinian women's movement after the *nakba* of 1948.

Endnotes

¹ The 'woman question' denotes the place of women and gender in the national projects of third world nationalist elites (see Kandiyoti 1991).

² Interviews with Marie Tamari (Im Salim), Mofteya Hamad (Im Raafat), Aziza el-Haj-Amin (Im El-'Abed) and Samiha Darwish (Im Mazen).

³ According to Joan Scott in her path-breaking book *Gender and the Politics of History* (1988), the concept of gender meaning the social construction of relations between the sexes, is an equivalent of class, race, ethnicity, and other categories of historical analysis. Because gender has not yet attained the conceptual definition of other analytical categories like class, which has been developed since the nineteenth century, using gender as a tool of analysis of mandatory politics shares with these other studies a spirit of experiment and exploration. Thompson used it in her analysis of the French Mandate in Syria and Lebanon (Thompson 2000:4), and I will try to follow her steps on the British Mandate on Palestine.

⁴ *A Survey of Palestine* 1991: 635.

⁵ It was particularly striking to note that most of rural schools, mostly Muslim, were teaching female students the to make an embroidery of St. George (England's patron saint) killing the dragon with his long spear. To this day, it is common to see the embroidery of this and other Christian Saints hanging on the walls of peasants' houses.

⁶ Several writers looking at different regions point to the ways in which dress and sexual behaviour take on increasingly symbolic value in the struggle over cultural and national identity. Whether Sikh or Cypriot (Anthias and Yuval-Davis 1989), Bangladeshi (Kabeer 1989), Iranian or Afghani women (Moghadam 1992) women should all behave in sexually appropriate ways. If they do not, then neither they nor their children may be considered part of the community

⁷ Mogannam states that this was not the first time that a women's society with mixed membership was established in the Holy City. She states that as early as 1919 an Arab ladies' association was formed for similar purposes. Madame Faiz Bey Haddad, one of the leading promoters and organisers of this society, was delegated to convey to King Feisal in Damascus in 1919 the congratulations of the Arab women of Jerusalem on his accession to the throne, and to seek his assistance in aid of the society (Mogannam 1937:56). But one could add that the stress on mixed membership could be attributed, not to religious tolerance but rather to a need to enhance national interests.

⁸ One might argue also that this difference in religious identity inhibits a unifying women's movement from taking a critical stand vis-à-vis prevailing religious conservatism. Christian women were more represented in the leadership of the women's movement than in the population (respectively 25 to 11). This over-representation might not be helpful in confronting a social order set by the Muslim majority. It is interesting to note the different meanings behind the targeting of women in the thirties compared to the nineties. In the first case men wanted women to show more Palestinianism while in the latter they were targeted, in the course of the first *intifada*, to show more 'Islamism'.

⁹ The name of 'Maimana Al-Qassam' the popular leader in Haifa slums and the daughter of the Sheikh Izzedin al Qassem, figured only once in the 1938 Women of the East Conference under the auspices of Huda Sha'rawi. Having a very famous, well respected father was not enough to advance her in the women's organisations without a suitable class background. In Khartabil's book she mentioned how Maimana moved to Tulkarem from Haifa after the death of her father and her name was mentioned as a member of the Tulkarem charitable association. Khartabil reveals how she, while a newcomer to the city, was asked by a group of women, who were disputing over the presidency of the Tulkarem women's association, to be the president. Khartabil of course had all the criteria to be a head of women's organisation at that time, meaning high class background, high level of education and a famous husband working as a senior doctor in the British Mandate government (Khartabil 1995:70-1).

¹⁰ In Serene Husseini's memories she mentions her summer vacation in a nearby village, "the long summer days passed quickly (...) our families grew closer together, exchanging customs and habits. We learned village cooking and they learned city ways, and our lives were enriched" (Husseini-Shahid, 2000:32). The *a'yan* benefited from the great increase in imports which changed the mode of life for the Palestinian upper class and their mode of consumption (fancy cars, luxurious receptions, extravagant weddings, mode of dress and entertainment). As described by one of the richest Christian families at that time:

We used to travel to Lebanon to spend the summer and weekly we used to organise receptions in turn in each one of the high families constituting our community. In these receptions, women used to display the best they have, dressed in the latest fashion, they distribute invitation cards to the invited families stating the date and the place of the coming reception. The reception starts at early Sundays noon, by offering fresh juices, light snacks, meals, fruits, desserts all made by women who were competing in regard of organisation, cleanliness, cleverness, elegance and high manners. We used to speak in French and invite Muslim well known families (Im Salim, Interview).

¹¹ According to Zu'aytir, one of the local leaders disseminated a statement asking all men in cities to wear the peasants' *koffeya* instead of the *tarboush*. This is not the same thing as asking urban women to veil as for men the demand was tactical, to protect peasants when present in cities since they were mainly targeted by the British police (Zua'ytir 1980: 440).

¹² In the chant of the popular poet and 'zajal' popular singer, Nuh Ibrahim: "And you, the Arab woman march into step with your sisters the warriors (Mujahidat) of the villages. Stop using your make-up, stop going to the cinema and other kinds of entertainment. Rise to the level of your sisters who carry water jugs on their heads, joining the warriors, singing and cheering them and so easing their death" (Swedenberg 1995:182). The mockery and contempt of 'Westernised' women was reflected in children's songs which some young boys used to recite when seeing a woman with a hat *'umm al-burnita al-raqqasa biddha*

bumba we rasasa (the woman who wears a hat, the dancer, deserves a bomb and a bullet) (Sayigh 1987:28).

¹³ The first conference convened by Sha'rawi in 1938 to support the Palestinian cause was given the name of '*mutamar ni'ssa al sharq*' Conference of Women of the East (Zu'aytir 1980:471). Sha'rawi resisted the attempts by some Palestinian intellectuals to call it the Arab women's conference, since pan-Arabism was not developed yet as in Lebanon and Syria at that time.

¹⁴ Khartabil attributes the convening of the 1944 conference and the creation of the Arab Women's Union to the demand of the Palestinian women who sent representatives to delegate to Huda Sha'rawi the authority to represent and to defend the rights of the Palestinian people in all international arenas.

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THE OTHER WALL

Banned marriages and fragmented citizenships in Israel and Palestine

Édouard Conte

*This is a shortened and translated version of an article by Édouard Conte, co-director of the Institute for Social Anthropology at the University of Bern and long-time member of the Laboratory of Social Anthropology at the Collège de France in Paris. Professor Conte gave a talk based on this study at a roundtable discussion at Birzeit University on 10 March 2005, sponsored by the Ibrahim Abu Lughod Institute of International Studies. The Review thanks Professor Conte for permission to publish this important investigation, and Rania Abdallah for translating it from the original French. The full article in French can be found in the special issue of the journal *Études rurales* (173-174) entitled 'Palestine', just published by the École des Hautes Études en Sciences Sociales in Paris. This volume is the fruit of a three-year cooperation project with Birzeit University linking Palestinian, French and Austrian scholars and supported by the French National Centre for Scientific Research (CNRS).*

Conte explores how Israel's new legal barriers to marriage across the Green Line constitute the "other wall", with consequences as profound as the physical barrier of the apartheid wall on the rights of Palestinians to marry and raise families. In so doing, he draws on the important work of local human rights organizations, including Adalah, the Legal Center for Arab Minority Rights in Israel, and B'tselem, the Israeli Information Center for Human Rights in the Occupied Territories. The Review recommends Adalah's website (www.adalah.org) to its readers who wish more information, including the full text of the laws, as well as continued updates.

"... one cannot effect change if one misdiagnoses reality (and) it is not necessary for the worst of all to happen for opposition to what is happening to be justified."

Amira Hass, *Ha'Aretz*, 9 July 2003

Under the Nationality and Entry into Israel Law (Temporary Order) of 31 July 2003, the Knesset prohibits Palestinians from the Occupied Territories (East Jerusalem excluded) who marry an Israeli or a permanent resident of Israel to establish residence in Israel (or in East Jerusalem) or to acquire Israeli citizenship. This temporary order clearly restricts the matrimonial freedom of Israeli citizens or permanent residents of Arab origin. The Sharon government prepared to adopt this bill by a vote of confidence, but it was approved, upon first reading in the Knesset, by 53 votes to 23, with 1 abstention, for a period of one year. This vote made a temporary law out of a “suspension order” (Government Decision 1813) in the same vein, issued by a unanimous Cabinet resolution on 12 May 2002, which, in turn, ratified a previously well-established administrative practice. The order was renewed without amendment on 21 July 2004, for a period of six months, and then again on 27 January 2005 for a period of four months only, no doubt because of the reservations voiced by the new Labour members of the Sharon Cabinet and the judicial authorities. [On 27 July 2005, the Knesset voted to extend the order until 31 March 2006, with minor amendments which, as *Adalah*, the Legal Center for Arab Minority Rights in Israel, observed “do not diminish the unconstitutionality or discriminatory nature of the Law and, in the case of some amendments, inflict further violations of constitutional rights.” (*Adalah* 2005) – Eds.]

As a result of this measure, Palestinians with Israeli citizenship or residency, including and especially those living in East Jerusalem, who choose to marry someone residing in the West Bank or the Gaza Strip, must move to the Occupied Territories (not including East Jerusalem) in order to live with their chosen spouse. Otherwise, they are forced to live separately or to abandon their matrimonial plans. Furthermore, children resulting from such marriages are denied the right to hold permanent residence in Israel and, of course, the right to hold Israeli citizenship. They may be compelled to leave the country (Israel proper) as of the age of 12. Nevertheless, any other person who is not a resident of the Occupied Territories, including Arabs of third countries (though only in theory, as we shall see), who marries an Israeli citizen continues to be entitled to Israeli nationality or to permanent resident status.

Stakes of the law

By this contribution, I wish to situate this “temporary” order within the complex series of administrative measures which, since 1993, aim to restrict matrimonial relations between Palestinians residing in Israel (with

citizenship or residency) and Palestinians from the Occupied Territories by limiting trans-border – i.e., across the Green Line – family unification. Consequently, I will seek to point out the implications, whether political or sociological, of the new disposition, based on the debate, objections and recourses it has generated. It is important to show how the law of 31 July 2003 endorses and formalizes an already existing bureaucratic, civil and military practice and questions certain aspects of the Law on Nationality and Entry into Israel of 1952 whilst compromising, in advance, the integrity of individual rights that would otherwise be guaranteed by the citizenship of a future Palestinian state.

In an attempt to justify a statute that patently infringes the fundamental rights of the Arab populations under its administration or control (cf. Amnesty International 2003, CERD 2004), the State of Israel has put forward arguments that were sometimes security-related and sometimes demographic. The main and official justification is that trans-border family unification, which has evolved into a wide-scale practice since the occupation of the West Bank and the Gaza Strip in 1967, makes it easier for terrorists to plan and execute attacks in Israel, and thus constitutes a potential or proven threat to the security of the State of Israel. However, the debate conducted, whether within the Israeli parliamentary commission in charge of following up on this legislation or in the press, asserts, perhaps with less dissimulation, the necessity to counter the long-term demographic consequences posed by the permanence of an intricate and adaptable web of matrimonial ties, linking Palestinians from all over the world, which is sociologically centred on the Jewish state. That is because this network of alliances is constantly renewed and transcends all borders and barriers, be they symbolic or material, erected by Israel. In this short essay, I will attempt to demonstrate that, when taken together, these two not-so-contradictory motivations reveal an elementary fear, both immediate and deferred, of the consequences engendered by the lack of social control over an adverse community who will remain both “from within” and “from without”, regardless of the political or military evolution of the Israeli-Palestinian conflict.

The Israeli Government’s Official Position

The Law of 31 July 2003 is retroactive, whereby it prohibits Israeli citizens or residents who have not submitted family unification applications before 12 May 2002, and who have married or are expecting to marry a resident of the Occupied Territories (not including East

Jerusalem), from legally residing in Israel (including and especially in annexed East Jerusalem) with their spouse. Children of these couples may not continue to live in East Jerusalem with their parents beyond the age of 12. Hence, this law not only separates spouses or fiancés but also the children of “bi-territorial” couples born in the Occupied Territories (excluding East Jerusalem). The order’s purview is not to determine whether a foreign national is allowed freely to enter and dwell in Israel but to determine if citizens born and residing in the state, but of Palestinian descent, are entitled to live with the spouse of their choice in their own country. According to the Israeli Ministry of Foreign Affairs, in an attempt to explain the action of its government:

The State of Israel has allowed family reunification for years, granting legal status in Israel to foreign spouses of Israeli citizens and permanent residents. In the first phase, the spouse would be granted temporary resident status, and after a given period of time, he or she could be granted permanent resident status and, eventually, Israeli citizenship. [...]

The ongoing armed conflict between Israel and the Palestinians since September 2000 has led, *inter alia*, to the frequent commission of suicide bombings inside Israel. A growing involvement in this conflict has been noted on the part of Palestinians originally from the territories, who carry Israeli identity cards, given pursuant to procedures of family unification procedures with Israeli citizens or residents. In so doing, such Palestinians abuse their legal status in Israel, which allows them free movement between Palestinian Authority territories and Israel.

In order to prevent such potential danger, the Government decided in May 2002 to temporarily suspend the granting of legal status in Israel, including through family unification...” (Israeli Ministry of Foreign Affairs, communiqué of 10 August 2003).

Avraham Poraz (Likud), Minister of Interior at the time, was more direct than his Foreign Affairs colleagues and “reassuring” in his own way. He said: “there is no intention at the moment of entering Arab villages [in Israel] to check every person and carry out mass expulsions. But we will not let them have identity cards.” (Poraz quoted by Lynfield, 2003).

We thus find a new category of people who have no legal residence and who, in fact, do not hold any of the citizenships recognized by international law. The present respite (Spring 2005) of violence in Israel-Palestine may partially explain the hesitation, on the part of Israeli authorities, to extend the effects of the temporary order for a whole year

or to transform it into an “ordinary” statute. However, this might also be a delaying tactic, which slowly consolidates the effects of an exceptional law, without having to discuss the legitimacy thereof, i.e. its legality under Israeli law. The strategy would then be that of procrastination into oblivion; the tactic would be that of “bureaucratic normalization”; and one of the consequences: yet another dispossession of civilian authorities to the profit of the military authorities.

Extent of the Phenomenon

According to Yuri Shtern (National Union Party), Chairman of the Knesset Interior Committee, some 130,000 Palestinians from the West Bank and Gaza were granted Israeli citizenship or residence through family unification procedures since 1993. In order to acquire such status, applicants endured a four-and-half-year waiting period but the majority of applications, according to Shtern, were finally approved (Lynfield 2003). Other estimates of the number of applicants vary between 100,000 and 140,000. In their testimony before the commission, Interior Ministry officials revised these figures; they asserted that only 22,414 family unification applications had been submitted, of which 16,007 were approved. However, they omitted to specify whether the first figure represented the number of applicants or that of heads of families having deposited multiple applications in the name their dependents. They also failed to say how many people were actually issued residence permits following the acceptance of their applications (Adalah [16 July] 2003). Authorities are thus maintaining a thick fog over the real extent of the phenomenon.

Moreover, it is very probable that the number of Palestinians living in Israel without authorization substantially exceeds that of those having obtained residence permits since 1993. Some estimate that more than 200,000 “illegal aliens” will suffer the effects of the new law, although their presence in Israel may have been rendered irreversible (except in case of arrest or expulsion) by the construction of the “Security Barrier”. In principle, the “law-wall” dilemma only affects pending applications, currently estimated at 15,000. In practice, it concerns all the clandestine population who will, shortly, no longer be able to either enter or leave Israel or to request a regularisation of their situation; nor will they be able to marry freely. Whether voluntarily or not, this measure further affects the whole Palestinian population living in the “grey zone”, which stretches between the “Green Line” (corresponding to the borders of 1967) and the

new “separation barrier”. These individuals may not aspire to residence in Israel, nor may they apply for citizenship with the occupying power. Largely cut off from the Palestinian Authority’s administrative services, these individuals are often not in a position to register marriages, births and deaths... unless the soldier guarding the transit point allows them through for a few hours... before they go back home in the “grey zone”.

Administrative Precedents

Until 1991, freedom of movement prevailed between the Occupied Territories, including East Jerusalem, which was annexed in 1967, and Israel. Thus, Palestinian citizens of Israel or East Jerusalem residents were generally able to live with their spouses or children, who were native to the other former Palestine Mandate territories, without having to solicit separate residence permits for them. The concept of family unification became highly relevant to across-the-Green-Line marriages after February 1991 [*whereas previously most applicants for family unification were foreign-passport holders – Eds.*], when Israel compelled residents of the Occupied Territories, excluding East Jerusalem, to apply for residence permits. Over the two subsequent years, such permits were issued rather easily and for relatively long periods. Nevertheless, this is not the whole story, since sexual discrimination played an important part in discouraging “inter-territorial” marriages through “citizenship suspension” measures:

In Israel the law on nationality continues to discriminate against approximately one thousand women of Palestinian origin-Israeli citizens who married Palestinians from the Occupied Territories between the years of 1967 and 1990. These women were required to sign a document giving up their Israeli nationality while married to and residing with Palestinian from the Occupied Territories. The women signed the documents without understanding the implications. Children of these women were therefore born stateless and without nationality. Divorcees or widows wishing to recover their Israeli nationality, to return to Israel or to gain permanent residency are often refused. They continue to live in Israel as refugees and face deportation if discovered. (UNDP 2004)¹.

Starting in March 1993, this measure, which was not based on Israeli (or any other) law and which strikingly illustrates the power of bureaucrats,

became almost superfluous with the closure of the “Territories”. The newly set-up checkpoints system isolated Israel from the occupied regions while fragmenting the latter. It particularly cut East Jerusalem off from its West Bank hinterland (cf. B’Tselem 1998). Since then, rare permits have been issued, based on unclear, if not arbitrary, criteria. Until March 1994, the family unification process was characterized by gender asymmetry. The Interior Ministry only considered applications filed by male Jerusalem residents, according to the principle that “the [Arab] woman follows her husband” (Stein et al. 2004: 7). Consequently, a male resident of the other occupied territories could not join his wife in East Jerusalem. The Association for Civil Rights in Israel contested this inequity before the High Court of Justice and won. Since then, women were allowed to apply for family unification... if they had not been coerced into giving up their Israeli citizenship or into moving to the “Territories”.

Still in 1993, Israel instated an annual quota of 2,000 family unifications per year. In 1995, the civil and military administration extended the scope of this quota to include the “A Zones” of the self-rule territories, which are under the exclusive control of the Palestinian Authority and where the majority of the population lives (Amnesty International 2003). As of 1996, the Interior Ministry began to require couples applying for family unification to submit a multitude of documents, the list of which varied from one civil servant to the other. They included attestations of residence in Jerusalem, property title deeds, lease contracts, payslips, phone bills, furniture inventories, third-party certificates, grade sheets, etc.

In June 1997, the Interior Ministry announced that it was no longer issuing any permits allowing non-resident spouses, whether male or female, to remain in Israel during the processing of the family unification application, thus instating bureaucratically a so-called ‘graduated procedure’ according to which the Palestinian spouse of an East Jerusalem inhabitant may not obtain his or her residence permit except at the end of a period of five years and three months as of the date of approval, by the Interior Ministry, of the family unification application. As for Palestinian spouses of Arab citizens of Israel, they had to wait for four years. During that period, the Palestinian spouse would be issued short-term residence permits and, over the successive renewals thereof, the authorities would make sure that the marital union was still legally valid. In other words, they made certain that it was not an unconsummated marriage or a polygamous relationship. For Jerusalem inhabitants, they would verify the effective residence within the city. Under these circumstances, some ten years were necessary for a Palestinian partner to obtain a permanent residence permit, that is if the application had initially received an approval in principle.

In 1998 and 1999, the quota was maintained at 2,000 applications per year for a Palestinian population of around three million souls but, in 2000, the quota was raised to 4,000. At the end of 2000, with the outbreak of the al-Aqsa Intifada, the procedure was purely and simply suspended (Amnesty International 2003).

We should now take a closer look at the encroachment of bureaucratic process, through the example of a given family, in order better to understand the administrative machinery and the day-to-day implications for concerned individuals². More particularly, the following story illustrates the room for manoeuvre and varying responses of civil servants and the police, when confronted with “illegal-alien” spouses:

Yasir is a construction worker in the family business. He lives in Bayt Safafa (West Jerusalem) and holds a permanent resident identity card. He marries Samahir who is native to the town of Yatta (West Bank), on 24 June 1996. They are blessed with three children. Two months before his wedding, Yasir submitted a family unification application to the Interior Ministry in East Jerusalem in order to allow his wife legally to reside with him. He carefully prepared his dossier, which included “water bills, property tax [certificates], electricity and phone bills”, in addition to his marriage certificate. Please note that Yasir, his wife and their children live with Yasir’s parents, his brother and the latter’s family. Not one member of this household was ever suspected of activities that would present a direct or indirect risk to the security of the State of Israel.

In reply to his request, Yasir received an acknowledgement of receipt instructing him to present himself every six months to the Interior Ministry:

Over the first year and a half, I went to the Interior Ministry three times, and each time they told me that the request ‘was still being processed’. Then, after eighteen months had passed, I received a letter from the Ministry notifying me that I had not submitted all the documents they needed to process the application, such as an affidavit from an attorney regarding my place of residence. I went to the Interior Ministry and gave them the additional documents they requested. The clerks told me they would send me a letter. I continued to check every six months until 2001.

Then, in August 2001, Yasir’s brother married a Jordanian woman, before marriages between Palestinian residents and citizens of Israel as well as of Arab countries were prohibited *de facto* by order of Ariel Sharon

to the Shin Bet (General Security Service) (cf. *infra*). Following Yasir's example, he submitted a family unification application. During a visit to the Interior Ministry, he was informed that his request had been approved. Taking advantage of his presence there, he enquired about Yasir's application. He was told that it had been rejected. After asking to see the director of the office, the brother expressed his incomprehension, all the while asserting that both he and his brother lived in the same house, with their parents. The director heard him out and promised to write...

Having received no notification, Yasir stayed away from the Ministry out of fear of receiving a clear rejection notice. He decided to hire an attorney who filed for an appeal... against a decision that was never formally conveyed. In order to play it safe, Yasir enquired about his application every six months by phone and, contrary to what his brother was told, he was informed that no decision had been taken yet. Then, following an appeal filed in June 2002, he was informed that, in view of the suspension order (that preceded the temporary order of 2003), all family unification applications were frozen for an indefinite period. Six months later, he re-contacted the Ministry to enquire about the outcome of the appeal filed by his attorney. His correspondent told him that his initial request had been rejected and that no appeal had been received.

Having reached the end of the rope, he sought the assistance of HaMoked, an Israeli human rights defence organization. The latter's staff pursued contacts with the Ministry on his behalf. But, at this stage, the inevitable took place. Once every two months, Samahir visits her parents in the West Bank, and – surprisingly enough – she regularly was fortunate enough not have her identity card checked at any fixed or flying checkpoints. However, in July 2002, she ventured outside Bayt Safafa with Yasir's mother and brother in order to do some shopping for a birthday party. On the way back, they were stopped by the border police. One of the officers asked Samahir for her papers, so, not having an identity card to show, she handed him a copy of the “pending” family unification application. The officer asked her to get out of the car. She tried to explain her situation but he wouldn't listen.

Alerted by his brother, Yasir joined them at the checkpoint. He explained to the border patrolman that Samahir needed to be residing in Jerusalem because the Ministry required, in order to approve the family unification application, that she live with her husband who, as a permanent resident, could not move to the Palestinian Territories because he would risk losing his Jerusalem resident status. The border guard retorted that she had no residence permit and must therefore be deported. End of discussion. Yasir continued to insist on further police investigation. The border guard,

who had become really agitated and been joined in the meantime by several colleagues, finally accepted to refer them to the police station but insisted on taking Samahir alone with him, in his Jeep. Yasir managed to convince the officer to allow him to drive her there in his own car.

Samahir walked into the police station with her baby in her arms, along with Yasir and his brother. She was finger-printed. The border guard yelled, before he left: "Tell the interrogator that I request that she be deported."

Then, a police officer took down Samahir's statement:

I translated what she said, and the officer wrote it down. I noted that the officer did not write what my wife said. For example, he asked her how she got to Tsur Baher, and she replied that she had been living in Jerusalem for seven years. The officer wrote that she had taken a dirt road to Tsur Baher from Bethlehem to go back and forth to visit her children. When he asked her to sign the statement, I asked to read it first to see what he had written. I [read it and then] said that she would not sign it in its current form.

As we were arguing, an interrogator came into the room. He heard what happened and demanded that the officer rewrite the statement. The officer took another statement from my wife, and then she signed it. Then we spoke with the interrogator and I told him what happened. He replied, 'I recommend that she never leave the house,' and told us to go home.

[...] Since that day when my wife was stopped, which was about a year ago, she almost never leaves home. We do not leave the neighbourhood. I take the kids out, while she stays imprisoned in Beit Safafa. Sometimes she wants to join us, but the older children do not allow her to come along. They tell her, 'Don't come because the army will take you again.'

[...] My wife cannot return to Yatta, because the children and I have Israeli ID cards, and are not allowed to live with her.

Neither in Israel nor in Palestine

In the 1999 Stamka case, the Israeli High Court of Justice ruled that any person who marries an Israeli citizen, including those of Arab origin, is entitled to equal treatment in the processing of his or her application for Israeli citizenship, provided that he or she has no prior criminal record and does not represent a security risk. By virtue of this ruling, in 2003, the Interior Ministry was supposed to have started granting citizenship to individuals who surpassed the maximum waiting period of four and a half years. Equity should also have been enacted concerning residence permit applications. It is within this context of tension between the supreme judicial authority and the government – and the outbreak of the second Intifada – that Government Decision No. 1813 (2002) was issued. Without consulting the Judiciary (and indeed, perhaps to avoid so doing), this provision gave an advance justification for the 2003 temporary order, stating that there is a need due to “implications of the processes of immigration and settlement in Israel of foreigners of Palestinian descent,” including by way of family unification. (Adalah, [16 July] 2003).

Three categories of individuals are directly – and retroactively – concerned by this order:

1. Newly married couples – The law prevents the Palestinian spouse from being granted residency or citizenship status in Israel. No new applications for naturalization will be accepted.
2. Prior applicants – Applications submitted before 12 May 2002 will be considered. However, no temporary or permanent residency or citizenship will be granted. Only permits for a temporary stay in Israel may be issued.
3. Individuals with temporary residency status – The law prohibits the upgrading of temporary residency status, granted prior to 12 May 2002, to permanent residency or citizenship, even if the requests were authorized and the applicants met the necessary criteria. (Adalah [4 August] 2003).

When questioned about whether, in fact, the order only concerned Arabs of Palestinian descent, the Interior Ministry spokesperson, Tova Elinson, declared, in August 2004, that authorities would distinguish between “those who live in the Palestinian Authority [sic] and those that are citizens of Arab countries” (Ettinger 2004). Elinson went on to say: “Every day, we receive numerous requests from Jordanians, Egyptians

and Syrians [brides of Druze from the Golan Heights]. The requests are accepted and dealt with” (ibid.). In a measure contradicting this official position, it should be noted that, when the new law was adopted, the Shin Bet, as mentioned earlier, received confidential instructions from Prime Minister Ariel Sharon to freeze the processing of all security files regarding citizens from Arab countries. In other words, the Interior Ministry receives the applications and the Shin Bet puts them on hold. As for the applicants, they simply do not receive any answers (ibid.). At the insistent request of the centre-left daily *Ha’Aretz*, which had uncovered the existence of such an order, the Ministry finally admitted that “indeed there exists an order of the prime minister according to which the suspension of family reunification will include citizens of Arab countries for the same security reason that the law suspending family reunification of residents of the Palestinian Authority was passed” (ibid.). It is possible that authorities particularly have in mind Jordanian, Lebanese or Syrian citizens of Palestinian origin, who make up another category of persons that is difficult to define and control, since they are theoretically protected by international law. The status of bi-national couples is rendered even more problematical by the fact that Egypt and Jordan, for example, do not favour marriages between their citizens and Palestinians citizens of Israel or residents of the Occupied Territory – unions which are nevertheless quite numerous – and do their best to slow down naturalization procedures.

Justifying the need for the order

The security argument

The present Israeli Minister of Public Security, Gideon Ezra (Likud), estimated that, since 1993, more than 100,000 Palestinians have acquired Israeli nationality through marriage. “This law, he added, comes to address a security issue. Since September 2000 [and the beginning of the second Intifada], we have seen a significant connection, in terror attacks, between Arabs from the West Bank and Gaza and Israeli Arabs” (*The Independent*, 1 August 2003). However, this assertion seems to be based more on unchecked speculations than on official reports. When questioned by the High Court of Justice, the Minister of Interior stated, in a declaration dated 16 December 2003, that:

Among the residents of the region who received legal status in Israel pursuant to marriage, some were involved in carrying

out attacks in Israel, both as attackers and in assisting attackers in infiltrating into Israel from the Territories. (cited in Stein et al 2004: 13)

The precedent that immediately comes to mind is the Haifa restaurant bombing of March 2002, in which fourteen people were killed. The bomber, Shadi Tubasim, “had married an Israeli Arab, and, through the family reunification procedure, had become an Israeli citizen” (Nikfar 2005: 5). Yet, when the High Court of Justice queried the government on its family unification policy eighteen months later, which elements were advanced to corroborate the supposition that “residents of the region” posed a collective security threat? The State asserted that “security services have information indicating that, since 2001, twenty-three residents of the region who received legal status in Israel through family unification were involved in providing meaningful assistance in hostile activity against state security” (Stein et al. 2004: 14)³. However, only six cases were evoked to demonstrate “the involvement of persons holding Israeli documents following family unification, in carrying out or assisting attacks” (ibid.).

The State did not specify how many attacks had been carried out or where they had occurred, nor did it prove the involvement of Palestinians enjoying legal status in Israel. More importantly, it is not said to what extent holding an Israeli identity card helped them commit their alleged acts. Furthermore, it has not been specified whether they have been brought to justice and sentenced. Finally, in none of the six cases of individuals who hold Israeli identity cards through family reunion does the state claim that they directly participated in the attacks (ibid.: 15).

The presumption of innocence of an entire population is thus questioned because, as alleged, the issuance of Israeli documents would entail “a security risk, in that the allegiance and commitment of the said person is liable to be to the state or political entity [Palestine] in conflict with Israel” (ibid.: 13). Therefore, implementing the temporary order becomes a “duty” for the State, even if it mocks the basic rights of a substantial category of Israeli citizens and is defined by criteria of ethnic and genealogical exclusion, applied across the board, without prior indications or proof. In order to justify what is, finally, nothing but a collective *procès d'intention* (a conviction based on speculation about supposed motives), the Ministry asserts that “the past does not teach anything about the future”. In other words, the peaceful conduct of the vast majority of Palestinians does not allow the state to forecast anything about what may later occur. In the present instance, how can one exclude drawing a parallel between the construction of the wall or, in given sections, the [electrified]

“separation fence”, a physical, “concrete” obstacle, and the construction of legal barriers on residence and citizenship, which impose a strict juridical obstacle on the normal conduct of social, marital and kinship relations? The two measures appear complementary because the temporary 2003 order comes to bear precisely on those whom, had it not existed, would have been authorized to cross the new physical barrier. Let us illustrate this point through the following narrative:

In 1996, M., a university employee, resident of Ramallah and holder of an ID card issued by the Palestinian Authority, marries A., residing in East Jerusalem and holding a “blue” identity card, issued by the Israeli authorities, which authorizes its holder to live in Israel⁴. Each spouse is employed at his or her official place of residence. Their eldest daughter was born in 1998, in East Jerusalem. The family lives in East Jerusalem and the father commutes everyday through Ramallah to go work. Due to the restrictive measures instated in 2002, the couple requested the Interior Ministry’s authorization to rent a joint apartment in East Jerusalem. The request was swiftly rejected.

In view of this misfortune, the couple requested the “transfer” of their eldest daughter, who was first registered on her father’s Palestinian ID, to her mother’s “blue” ID, so as to facilitate future family unification in East Jerusalem. This second request was also quickly rejected on the grounds that a child who is already registered on a Palestinian ID document may not be registered again on an Israeli one, even if the second parent is recognized as a permanent resident of Jerusalem and thus, from the point of view of the authorities, a resident of Israel. Hence, ever since the implementation of the Law of 21 July 2003 began, discrimination has prevailed against Arab permanent residents of Israel in regard to the transmission of the right of residence in East Jerusalem to their offspring, born in Jerusalem, if their spouse is a resident of the Palestinian Territories.

In February 2005, after the birth of their second daughter, directly registered on her mother’s Israeli ID card, the couple filed a family unification application in East Jerusalem, where the father is not supposed to reside. This request could not be automatically rejected because both children were still under the age of 12.

Legally “pending”, the couple’s situation is henceforth jeopardized by another factor: an eight-meter-high concrete wall. In fact, their dwelling is located between the Qalandia checkpoint, through which now runs the section of the Wall separating the southern parts of Ramallah from the northern neighbourhood of East Jerusalem, and, within their neighbourhood, the al-Ram barrier. To further complicate matters, the family apartment is located in the vicinity of the Neve Ya’akov Israeli

urban settlement, in annexed Palestinian territory. In the future, the wall aims to “protect” this colony in a manner that would make it impossible for M. to commute through the passage point to Ramallah on a daily basis, hence leaving the family with the following choices: a) M. illegally remains within the perimeter of annexed Jerusalem: he would be able to live with his family but would lose his permanent job and run the risk of being arrested or deported to the West Bank; b) M. moves back to Ramallah alone, so as not to lose his job, on which his family depends greatly; c) the whole family moves to Ramallah: this would eliminate the risk of being arrested but would force A. to forfeit her job and, especially, her status and that of her daughters as permanent residents of East Jerusalem. Could it be that the new provision is meant precisely to generate such dilemmas?

If we hypothetically consider, from a certain point of view, that such measures are necessary and applicable, it remains to be proven that only Palestinians entering Israel through a family unification procedure pose a sharp security risk when none of them, with the exception of Shabi Tubasim, has, until today, been proved guilty of an act that constitutes a risk to Israel’s security. On the other hand, the law continues to authorize daily or temporary access to Palestinian labourers, even if their number has considerably dropped since the second Intifada. Why would these workers pose a lesser risk than family unification candidates?

We finally should bring to mind the only category of Palestinians to whom Israeli documents continue to be issued consistently: those who render “valuable services” to the Israeli cause, and who are called (by both sides) “collaborators”. What excludes that they might eventually, in order either to make amends for their wrongdoings, or to protect their kin who remained in the Palestinian Territories, engage in hostile actions against Israel?

Let us not forget, finally, that, with or without a ban on residency, children of an Israeli parent will continue to inherit the latter’s citizenship (*ezrahut*).

The security argument thus is polymorphous and incoherent, taking on many shapes and demonstrating little accord with the warnings expressed by Israeli official sources. Surely, on a symbolic level, it reflects a generalized fear, which is very real even if quite diffuse, in the face of what is perceived as a “continuous” Palestinian “infiltration”, driven by a social, rather than military, logic. This fear, however, can not justify such an order, which in any case may hardly be expected to sever, in the short term, the infinitely complex and versatile web of family ties: these uphold and reproduce the Palestinian social fabric over and beyond the physical and legal barriers erected by Israel since 1948.

One might wonder if the representatives of the State, who are no doubt aware of this ambiguity, are themselves convinced of the effectiveness of this law. Let us note that the security argument, as summarized in the statement published by the Ministry of Foreign Affairs on 10 August 2003, was only formulated *ex post facto*, in response to the cancellation order issued by the High Court of Justice, at the request of various individual rights defence associations (Adalah [11 November] 2003). The foundation of the matter lies elsewhere.

The demographic argument

Evoking demographic ratios between Arabs and Jews, Yitzhak Rabin, not long before his assassination, set the “red line not be crossed for Arabs [at] 20% of the [Israeli] population” (as quoted by Fargues 2000: 179), while Ben Gurion had fixed that limit at 15% (Kanaanah 2002: 30). Rabin was reiterating the findings of the 1976 Koenig Report, underlining the political threat posed by the demographic progression of Israel’s Arab population: “Their growing numbers provide Arabs with a feeling of power and hope that time is working in their favour” (quoted by Fargues 2000: 197). A quarter of a century later, in July 2001, the Knesset held a hearing on “the realization of the right of return by foreign Palestinian workers by means of advantageous marriages”. On that occasion, the Head of the Population Administration, Herzl Guedj, declared: “The problem [of family unification] is complicated and has demographic implications” (quoted in Stein et al. 2004: 17). More outspoken was his colleague, the then Interior Minister Eli Yishai, a member of the right-wing party Shas, who maintained the need to reduce the number of non-Jews obtaining Israeli citizenship because they “threaten the Jewish character of the State of Israel” (ibid.). Considering that 140,000 Palestinians had managed to obtain residency in Israel between 1993 and 2001 through family unification, Yishai declared that this figure “prove[s] that the right of return was being realized through the back door of the State of Israel” (ibid.: 18).

Whatever the actual number of people residing in Israel thanks to family unification, it is hard to imagine that this procedure has been systematically and collectively used by “the Palestinians” to alter, in the long term, the prevailing four to one ration of Jews and Muslims in the Israeli population. Still, it is true that some Palestinians resort, on an individual or family level, to fictitious or “planned” family unification, mainly in order to gain access to Israel’s labour market. This is sometimes done through either a fictive or polygamous marriage, or a convenient

divorce. To counter such schemes, the new law is supposed to hinder access to Israel for spouses in fictitious or polygynous union as well as for the children of the newly-resident spouse by a former marriage, or the latter's relatives.

As of 1996-1997, the access of day-labourers to the Israeli job market was markedly reduced. Palestinian workers were branded as “dangerous at large” and were replaced by Romanians, Filipinos and other “low-cost” labourers. Confronted with this dilemma, many Palestinians tried to obtain a residence permit through marriage with a Palestinian resident in Israel. They sometimes resorted to a revocable divorce (*talq raj'*) from the first wife. When the Israelis discovered the subterfuge, they started requiring that the divorce be final (*talq b'n*). “The workers [then] came up with a new strategy: obtain a final divorce, marry Palestinian women residing beyond the Green Line, obtain an Israeli residence permit, and then go back and remarry the first wife by virtue of a new contract and dowry (*mahr*)” (Shehada 2005: 159-162).

The notions of “family re-composition” vary considerably, as we may see, between Gaza and the Interior Ministry in Jerusalem. Palestinians trying to use family unification or matrimonial strategies in order to counter unemployment after long years of Intifada and closures may not, however, be conceived as foot-soldiers in a supposed “demographic war”, even if natality is not devoid of patriotic connotations (cf. Fargues 2000, chapters 7 and 8; Kanaaneh 2002).

However, these subtleties seem to elude those Israelis in favour of the Law of July 2003, the inspiration of which has been well summarized by Sean Gannon, on behalf of the Israel Hasbara⁵ Committee (2004). He wrote:

[..] the demographic question is the ultimate state security issue for Israel. The abiding ambition of the Palestinian Authority and its allies in the Arab world is the elimination of the Jewish national presence in what they see as Islamic lands. With military options exhausted, the emphasis is now achieving Israel's destruction through a process of demographic dilution and democratic subversion, one which was facilitated by the ‘family reunification’ scheme. Many correctly viewed this undertaking as the covert implementation of the ‘right of return’.

Using this argument, former Prime Minister Benjamin Netanyahu proposed, during the Likud Congress of 2004 in Herzliya, a series of measures aimed at limiting Arab presence in Israel in view of foiling the

“demographic menace” (Shalhat 2004). *Ha’Aretz* journalist Antoine Shalhat retorts that it was precisely this restrictive policy, aimed at maintaining a strong Jewish majority, which contributes to the demographic trends witnessed within the Arab Israeli population by depriving the latter from the favourable conditions of a socioeconomic development that would no doubt lead to a progressive reduction of their natality. He shares this opinion with demographer Zvi Eisenbach who believes that “modernization will encourage a decrease in Moslem fecundity⁶.” (Quoted in Fargues 2000: 197, according to Portuguese 1998).

Israeli and Palestinian Citizenships

Azmi Bishara, Arab member of the Knesset (Balad), recalls the words of the founding father Ben Gurion, who insisted, in 1950, that the State cannot amend the Law of Return⁷ which guarantees to all Jews the right to Israeli nationality. Indeed, the latter is not created by the State; rather, it creates the State (2004: 2). The law stipulates that all Jews who settle in Israel, including those born there, are considered as having attained the country following an “ascent” (*‘aliya*), albeit purely symbolic, towards these lands. In the eyes of the Law of Return, Judaism and nationality are inextricably associated. Inversely, a Jew who converts to another religion does not remain “Jewish” (cf. High Court of Justice decision of 1958, in the Osborne case). “You are a Jew only if you are religiously a Jew. You become a Jew if you convert, and you stop being a Jew if you leave your faith”. One can certainly be an Israeli citizen without being Jewish (in a certain statistical measure), but does one then enjoy full rights of citizenship? Bishara has his doubts regarding that, in view of the prevailing “political theology of citizenship” (ibid.: 4-5).

If the law of 2003 is perpetuated, it might constitute an irreversible threshold in a long process of communitarization of Israeli citizenship. Beyond that point, ethnic origins and confessional affiliations will operate explicitly as legal determinants – and no longer “only” by implication or as markers in “usual” social conflicts – of a differentiated, unequal citizenship, issued by ascription upon birth and unchangeable by choice or fate. Consequently, restricting the right freely to reside with one’s spouse will not only apply to non-citizen Palestinians native to the Occupied Territories. It will fully fall upon Palestinian Arab citizens of Israel, who are the potential matrimonial partners of other Palestinians on both sides of the Green Line or the river Jordan. It will directly affect the children of “territorially mixed” couples, who will no longer be permitted

to cohabit with both their mother and father, and will be banished to the country of one or the other parent. It will then become impossible to uphold the fiction of a single, uniform citizenship. From Israel's point of view, this will stem from the institutionalisation of asymmetrical individual basic rights, and thus from an instituted social hierarchy among citizens. This will annihilate any pretension of equality in the eyes of the law. From the Palestinian point of view, this will mean that the territory of the former Palestine Mandate will be, even less than before, an homogenous space in terms of parenthood, matrimonial unions and filiation. From a double point of view, once the still-hypothetical State of Palestine is created, the question will arise as to whether or not dual-nationality is recognized for individuals born of bi-national unions.

In order better to understand the emergence of this non-egalitarian constellation, initiated by a "temporary" order and consolidated into law through successive ratifications, let us recall again the coincidence between the construction of the wall and the implementation of the 2003 provision. Surely, the barrier will prevent a large number of individuals liable to marry from ever meeting one another, just as it can prevent those who are already married across the wall from living together. Yet, it is impossible simply to prohibit marriage between Palestinians residing on opposite sides of the barrier. Hence, the legislator is left with just one option, that of restricting the right of residency in order to "deal" with those who, in spite of all, opt to marry "beyond the wall". The logic of the "wall + law" conjunction is patent, but its viability is questionable.

Epilogue

In its 15 May 2005 issue, *Ha'Aretz* reported the latest proposals made to the Government by the Head of the National Security Council, Giora Eiland, regarding the future of the "provisional" law of 31 July 2003:

Concerned that demands will increase from a growing Arab population to transform Israel from a Jewish state into a 'state for all its citizens', the committee [headed by Eiland] sought ways of protecting Israel's image as a Jewish state by ensuring a solid Jewish majority over time. The Committee advised adopting laws like the ones now on the books in Denmark or Holland, which limit the naturalization of Muslim immigrants.

Eiland proposes to limit the possibility for illegal aliens to legalize their presence, determining economic means tests for naturalization, a criterion of attachment to Israel and age limitations on those seeking family unification. Eiland also proposes preventing Bedouin men from the Negev from marrying a number of Palestinian women and requesting Israeli citizenship for them, and imposing strict conditions on the naturalization of a child with only one Israeli parent.

[...] the ministerial committee for legislation approved the extension of the temporary citizenship law of 2003 ... The government wants to extend the law until 2006 while it completes changes in the permanent law. The ministerial committee accepted the proposal of [Likud] Minister [of Immigrant Absorption and Justice] Tzipi Livni to limit family unification to men over 35 and women over 25.

According to *al-Ayyam* of 16 May 2005, these provisions, designed to alleviate the statute's strictness, would lead to excluding 76% of family unification applications. Whatever happens, the process of perpetuating the Law of 31 July 2003 seems to be well under way.

Endnotes

¹ This UNDP report quotes a report written by R. Naciri and I. Nusair, entitled *The Integration of Women's Rights from the Middle East and North Africa into the Euro-Mediterranean Partnership*, and presented at the Euro-Mediterranean Human Rights Network in May 2003.

² The elements quoted here have been confided by Yasir Abu Marir to Sohad Sakalla, on 13 August 2003. They are available, in Stein et al. 2004: 22-24. This study was co-sponsored by B'Tselem and HaMoked.

³ See Nikfar op. cit: 6, note 33.

⁴ Information collected during an interview conducted at Birzeit (West Bank), on 8 March 2005.

⁵ "Hasbara literally means explanation. It is the term used in Israel for the authorities' communication with the foreign countries. It is a key word in Israel's political language. It designates the official argumentation, the version of the facts, as provided by public authorities" (Cypel 2005: 270).

⁶ This is not the place to analyze the essentialist connotations of expressions such as "Moslem fecundity" or, for that matter, "Jewish fecundity". In this regard, one may refer,

respectively, to the valuable works of Rhoda Kanaaneh (2002) and of Susan Martha Kahn (2000).

⁷ Law No. 5710-1950, amended in 1970 (5730-1970).

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The Rise and Fall of a Patriarch: A Palestinian Household in Cooperation and Conflict

Lamis Abu Nahleh

*Abu Nahleh's nuanced narrative of a Palestinian household and its members grappling with the impact of the Israeli occupation on their daily lives, the loss of a father and a patriarch, and the consequent changes in gender relations and responsibilities within the family is taken from her chapter in **Palestine Through the Lens of the Family: the Dynamics of Place, Resistance and Survival**, edited by Lisa Taraki to be published by Syracuse University Press in autumn 2006. Weaving together the voices of various family members – whether a powerful patriarchal father, a daughter whose political engagement expands her world, a son facing failure as a breadwinner, or a daughter-in-law and divorced daughter whose income and management become vital to family survival – Abu Nahleh reminds us that power relations in families are not fixed, but rather fluid. In the full chapter, Abu Nahleh analyzes narratives of six Palestinian families. Abu Nahleh chairs the Master's program at the Institute of Women's Studies.*

The Dar Salem household represents the case of a Palestinian family who had to grapple with the impact of the Israeli occupation in three stages of its life. The Israeli occupation first deprived them of their home and land and demoted them to wage laborers. Throughout three decades, the patriarchal head of the household struggled for upward mobility to regain some of what the family had lost. In the 1990s, with his death and the curfews and strict limitations of mobility accompanying the eruption of the second intifada, the family was struck again. The consequences were rough. In the course of coping for survival and striving for mobility, the family members had to accommodate the changes the family underwent in their relations with each other through submission, cooperation, and conflict. This dimension of the Dar Salem family is analyzed below in two regimes, that of Abdel-Qader the father, and that of Salem the son.

The account of the first patriarchal regime of Dar Salem represents

the rise and fall of the patriarch, Abdel-Qader. Abdel-Qader and Safiyya, Salem's parents, who were paternal cousins, got married in 1956 and by 1966 they had four children, three daughters and a son. Both descend from feudal families that come from a small Palestinian town bordering Jerusalem. Before 1948, their families were settled in a village within the borders of the Ramallah district where they established homes and owned agricultural land. However, they maintained their property and strong ties with their extended kin in their town of origin. In 1948, when Israel annexed their home town of origin they lost their right to return to it and also lost their land, but had kept the title proving their ownership of it. Having settled for years in the village and established a family home and life, earning their living from their agricultural fields, they were uprooted again from their village, which was completely demolished by the Israeli army in the course of the 1967 war. Safiyya, 77 years old, who was in the village that day, recalls the incident painfully: "We did not choose to leave. I swear to God, they forcibly threw us all out under the threat of arms... everybody, men, women, children, the elderly; some left barefooted and some without food or clothes for the children." Like all the village families, they lost their home, their belongings, and official documents, including their land title, under the rubble. Forced to flee, the families were dispersed and scattered as refugees in different locations in the West Bank. Safiyya and her young children had to manage independently until 1969 when they got reunited with Abdel-Qader and started a new life in Ramallah.. Like several other families, they were refugees without official refugee status and became laborers.

"No one could say no to him:" patriarchal decisions and marriage strategies

As the head of the household, Abdel-Qader struggled against all these losses with two main strategies: establishing a prosperous privately-owned business and a firm patriarchal family system. He moved across job boundaries, starting as a construction worker, then as a contractor for the Israeli construction business, and ending up in 1977 running his private construction business. Through these years he was able to maintain a decent standard of living and a recognized social status in the community. He ran his business and took his decisions totally independently and was able to accumulate material resources. Until his death he was the main source of social and economic support for the members of his household

and other extended kin. According to the family members, his character played a major role in his success. Munira, his daughter-in-law, fondly describes his character saying, “My aunt was engaged to him and waited ten years to get married. No one dared to break up their engagement. Known to be bold, determined, and never to compromise or give up, no one could say no to him.”

At the household level, Abdel-Qader was the sole decision-maker and the primary actor who defined the boundaries within which the household members could move and act without disrupting the patriarchal system he set. Accordingly, their roles and responsibilities were defined, and so were the children’s opportunities in education, marriage, and work. Endogamous marriage formed a fundamental strategy to sustain continuity of the family line, which was ruptured by the Israeli war and occupation, and to maintain and strengthen kin relations and contacts. Kin marriage started with his own marriage in 1956 and was followed in 1971 by the marriage of his eldest daughter, Huda, who had not yet turned fifteen at the time, to his sister’s son who was a refugee in Jordan. Safiyya said, “The girl cried when she heard the news of her engagement because she was too young and understood nothing. I did not interfere. The decision was her father’s and my uncle’s.” They saw in Huda’s marriage her only future opportunity since she had already quit school. Her husband was then taken in by Abdel-Qader’s family: he joined his wife in the West Bank by family reunion procedures, worked with his uncle, and was treated as a son.

Huda’s sisters and brother all finished their postsecondary studies before they got married. Safiyya, their illiterate mother, encouraged their education “I have no objection to any field they chose to study. Nothing is better than education; it’s a weapon. Do you want them to be illiterate like me? Is this better? Of course, it is not.” And Abdel-Qader did not object since that did not seem to defy his familial system. In addition, university education grew and spread in the Palestinian occupied lands in the 1970s, and getting higher education became a common practice for that generation.

Salem’s marriage in 1988 strengthened Abdel-Qader’s patriarchal family system. His marriage to his cousin, Munira, also a refugee in Jordan, was arranged by his father and her father. On this matter, Safiyya did not interfere: “He was staying with his uncle while completing his college education. They [his father and uncle] told him, here is your cousin; she is better than a stranger [a non-kin].” Salem himself accommodated the marriage arrangement saying, “ibn-il-`amm la bint il-`am” (the cousin is for his cousin in marriage). It’s our tradition, and our families encouraged it.” Munira, though 17 at the time, was against the arranged marriage: “I

wanted to refuse Salem, not for any deficiency in him. I was against kin marriage... But my father said, ‘do you want to kill me?’” Salem’s and Munira’s marriage happened as arranged. With their marriage the nuclear household was transformed into an extended household. Abdel-Qader insisted that Salem and Munira live with the family although he rented an apartment attached to his own and furnished it for them. In addition to keeping Salem within the extended family, he kept him economically dependent on him. He gave him a job within his private business and treated him like any other worker; although Salem had a degree in business administration, his father did not give him the opportunity to use his education and marginalized him in running the business and the decision-making process.

Living in the extended family

Abdel-Qader defined for Salem and Munira the spatial and material confines of living within an extended family that would guarantee their inability to seek separation from his household. The apartment he rented and furnished for them had no proper kitchen but had appliances only enough to make a cup of coffee or tea or serve their guests. Living with the extended family meant having all their meals and major social events in Abdel-Qader’s house and leaving for him enough space to pursue his lifestyle away from noise and interference. Salem, as an only son, accepted and believed in the idea of being part of the extended family and marginal in his father’s business; as a worker, he received a fixed monthly salary from his father, which he and Munira were free to spend as they wished. He did not attempt to launch battles with his father but simply and peacefully lived with the household rules and norms he set. Munira, on the other hand, had a few unsuccessful attempts to defy his control. Regarding living with the extended family, she said, “We had no choice but to respect my uncle’s desire and decision”. Although she knew that separating from the family was not negotiable, she still tried twice:

Once I suggested that I start cooking for my family and living within our limited budget but my uncle strictly opposed the idea... Another time I proposed moving to a vacant apartment a few meters from this house that was larger and better for the girls once they are grown up. Salem was convinced of and supported the idea, but my uncle was determinedly against it.

Munira's battle with Abdel-Qader never reached the stage of outright conflict. She was more successful in her other attempts to resist the patriarchal family system, in matters related to her work and the kind of education she desired for her daughters. He detached himself from these disputes, which she had to resolve with her husband and the other women in the family; they were matters that did not defy the terms acceptable to him. In general, he was not opposed to women's education, work, or mobility. His youngest daughter, Laila, finished her undergraduate studies, had a job, was mobile, spent her salary as she wished, and did not get married until she was twenty-six. According to her, he never interfered or pressured her. In her marriage and her divorce one year later, she said she had full freedom of choice although her ex-husband was the son of one of her father's friends. She was supported by her father to file for divorce and after the divorce she brought her infant daughter to stay in her natal family house. Like Munira, she was aware that living in Abdel-Qader's home, though beneficial to her as a divorced woman, also meant lack of privacy and independence, yet she could not challenge the conditions of life there. She describes her experience:

The catastrophe is not the divorce but what follows it. If you did not have a strong personality, independence, and a sufficient income, you're in trouble. Even if you did you need to have a supportive family to allow you this independence; otherwise it is catastrophic ... [However] in this house, you cannot live at comfort or in privacy. The house has an elderly person [the father] who is in control of everything... My child and I had to accommodate to his lifestyle and not intrude on his quiet evenings or afternoons at home. We had to wait until he went to bed to sleep or else sleep in the guest room on the floor because we had no room of our own.

“This daughter is worth one hundred men”: Siham join the national struggle

Up to this point in the family's life, Abdel-Qader's household could fit “the principal-agent [non-cooperative household] model... in which one partner had a clear advantage in determining intra-household resource allocation by virtue of his ownership of the means of production” (Katz 1997, 35). However, Abdel-Qader's power and control were not derived only from his being the owner of the business and the main household

provider. In many contexts, control and power are derived from access to other extra-household resources that may be social, cultural, and ideological. In the Palestinian context, affiliation with a political party and involvement in the national struggle forms a major source of power. It is true that his patriarchal power and system could not be resisted or shaken up to a point. However, his patriarchal control faced major challenges when Siham, his second daughter, grew up to be a secondary student and thus eligible to enter the arena of political and national struggle. All the family members agreed that Siham was the only member who dared to challenge him because she took after him, yet of all members she gained his greatest love and fondness; he always said, “this daughter of mine is worth one hundred men.” Siham describes her rebellion. “At that time I knew nothing. I could not even reach the center of town by myself.” In the mid-seventies, she joined a leftist party and became active in the student movement:

I developed an ideological outlook, which was in my father’s view too revolutionary; this created a serious conflict between us. My mother indirectly encouraged me to join the party, when she explained to me that they were good and patriotic people. She tried to forbid me from going out on the streets to demonstrate or clash with the soldiers; she was worried I’d be shot or arrested.

At that time, Siham was not the only one who had a progressive leftist ideology or who got involved in the national struggle against the Israeli occupation. She and all other family members showed nostalgia for that period when all the community around them, men and women, including extended kin, neighbors, friends and acquaintances, went along the same path. But her father avoided knowing about her political activism because he was concerned about getting arrested or attacked by the Israeli army; he repeatedly warned her saying, “Don’t force me to confront the occupation. I have a home and a family to care for.” Although he was proud of her political stand and argumentative ability and often called her to debate politics with the Israelis he did business with, he sometimes used physical force to stop her activism and get her “off the path she chose,” as she put it. Upon completing secondary school, Siham was offered a scholarship to study abroad, which aggravated the conflict with her father. The mother, Safiyya, claims she stayed out of this matter. In this endeavor, Siham said she was supported by Salem. Salem analyzed his father’s position:

My father never consulted with anybody on any decision he took except when he doubted the consequences of his decision. He wanted someone to blame in case the decision turned out to be wrong. That was the first time he consulted with me, but I know [now], in practice the decision was his and his orders were to be obeyed.

Siham went abroad without the explicit approval of her father.

It is true he paid the fees for my scholarship but did not accompany me to Jordan to put me on the plane and wish me farewell like fathers do.... In his mind, my political activism did not ruin my social reputation so he can depend on me living abroad... Later I understood that he was forced to approve thinking that he would avoid political dangers by sending me away.

To her father's surprise, Siham came back with the outbreak of the first intifada and rejoined the ranks of the national struggle. She had also chosen a marriage partner while abroad. When she refused all other suitors, her father gave up: "My daughter made it easy for me; she brought her future husband with her." Siham remembers him saying: "my daughter is a hopeless case; no way can I convince her to change her mind."

The fall of the patriarch

Only in the last year of his life did Abdel-Qader's children defy him and his decisions. In the last stage of his life, he took a number of decisions that alienated the entire family: He sold the land he owned for a cheap price, he was planning to start a business abroad, and there were rumors about him planning a second marriage. Laila describes her father's last days:

Though he never consulted with us, this time we went nuts. All of us, Siham, Salem and myself, stood together and succeeded in preventing him from going abroad. That period was miserable for us...In the last few days he was in so much pain. We're used to him always being strong. I was in so much pain too. He died and I did not know whether I was sad for him or over him... However, the real catastrophe began after he died...Acting on his own, my

brother Salem took a few decisions, which destroyed him and destroyed us.

Salem, who never objected to his father or challenged his power, was aware of how he limited his opportunities.

My father lived under specific conditions that affected his character. He was strict not knowing mercy. He was strict with me because he wanted me to be firm... He was very kind, compassionate, and generous, but more with outsiders than with us. He could not distinguish friends from non-friends. After his death, the friends remained and the opportunists disappeared. There is nothing I could have learned from him. Each of us is a different personality. I took his generous character, but our conditions are different. I gained power and control through him. When he went, the social and economic prosperity went with him.

Munira expresses the extent of his loss:

I doubt if anyone his age had lived his life. He was in full control of his life and decisions. He was both powerful and passionate. We lost a lot by his death. We never thought of observing how he dealt with the issues of life. We never benefited from his presence nor questioned where from he derived his power, respect, and status. Everything was under his control. And we let the boat sail!

The death of Abdel-Qader in 1997 started the second patriarchal regime of Dar Salem when Salem, the son, assumed control of the family business and the extended household. At the age of 41, he became the head of the household, which consisted of himself and seven females: his mother Safiyya (77); his wife Munira (36); his three daughters, Nawal (13), Yara (10), and Zeinab (8); his divorced sister (36); and her daughter, Nadia (8). For the first year, the family continued as before. Munira had a job and was in control of her salary, and her three daughters were enrolled in a private school. Laila also had a regular job and was in control of her salary. The housing arrangement remained as it had been, two living spaces but one extended household. Safiyya occupied the status of the elder of the house but was not in full control. Her new status opened space for paternal and maternal relatives, not only to visit all the time but to

interfere in family matters, a condition that was never acceptable when Abdel-Qader was alive. As the head of the household, Salem took charge of providing for the family from the income earned by the family business. Knowing that he was not the sole heir to the family business, he had to get the approval of his mother and sisters to use the assets his father had left to develop his business. Laila said that she and her sisters gave up their right to claim their inheritance: “We gave up our right to him because he was our only brother. Our only condition was that he would maintain the business.” Following in his father’s footsteps, he ran the business independently without consulting with anyone. He tried to establish his own regime by modernizing the production equipment; however, not being used to decision-making and lacking experience in business deals, he led the business into bankruptcy. The family was shocked when the debtors started knocking on the door.

Business crisis: new gender roles and responsibilities

This business crisis brought about a lot of conflicts among the household members and between them and their relatives. Salem’s sisters threatened to claim their share in the business. Munira’s natal family was accused of causing part of the crisis. Munira acted fast to rescue her husband and asked the assistance of her natal family in Jordan to pay some of the debt. In this crisis, Munira the cousin was considered a sister-in-law/daughter-in-law and instead of being appreciated was blamed for acting independently. However, all of Salem’s immediate and distant relatives agreed that he had to bear the consequences of his mistakes. With the eruption of the intifada accompanied by the Israeli invasion, closures, and mobility restrictions, the status of the business worsened; Salem had to lay off his staff, yet the revenues were too slim to pay back any debt. He emphasized that “if it were not for the intifada and the closures, which prevented us from accessing our output markets, we would have been in a better position at least to pay back our debts.” Irrespective of their conflicts, the end result was the same: The business was sinking in debt and Laila and Munira had no option but to cooperate to bear the brunt of the shock. Laila secretly sold some of her gold; Munira and Laila pooled their monthly income. Munira had to do overtime work for pay and Laila did Palestinian embroidery to earn extra income. Laila was given the responsibility of managing the tight household resources; she and the rest of the members employed all possible household coping strategies to make ends meet. Evaluating their socioeconomic status at this stage, Salem

says: “We abandoned the tradition of living luxuriously and went back to the families we originally belonged to,” referring to the 1967 era when he was a child. As Munira put it, “I can say we are now living on the poverty line in economic terms when we used to be classified as a middle class family.” Laila, however, expresses nostalgia and determination to revive the golden age of the family, “I have never dreamt in my life that we would accept welfare assistance... We never experienced debt during my father’s lifetime. Abu Salem’s household must maintain its decent status.”

The repercussions caused dramatic changes in gender roles, mostly afflicting Salem. Losing his main source of income and his ability to provide for the family, he suffered the crisis of the male breadwinner. Although Salem believed there was nothing he could learn from his father, he did inherit his patriarchal culture. On turning from a provider to a dependent, he expressed feelings of self-worthlessness:

It is known that the head of the household provides for his family, and when one is used to be the provider and then his wife and sister provide for him, he becomes dependent. I am considered a dependent... For a whole year I have contributed very little to the household income. I felt belittled. You know, we have experienced a great deal of humiliation from the occupation and from people, but there is nothing worse than being humiliated with death.

Munira saw that seeking an alternative income would help Salem regain his status: “I encouraged him to find work; even as a worker; a job would give him an income and that way he would be independent and in control; then he wouldn’t need anyone.” But Salem believed that the only strategy that would rescue him was to devote himself and his time to the business. The only thing that would bring back his pride and status was to recover the glory of the family business. Most of the time he was under pressure and tension, and to avoid conflict with household members and to save himself “the embarrassment of looking her [his wife] straight into the eye,” he spent most of his waking hours at work.

Being job-keepers, Laila and Munira became the main providers for the family, and they also occupied the status of the decision-makers regarding almost all decisions concerning allocation of household resources. Although they all agreed that the three consult before a decision is taken, in practice Laila is the main decision maker, and Salem and Munira accommodate her decision and appreciate her financial and managerial assistance, without which they would have not managed.

Munira confirmed that she and Laila often take the decision and then ask Salem for his opinion, “although we know he would agree but only to maintain respect for his status.” The relations of the household members also showed conflicts on various matters such as the household division of labor, Munira’s work outside, kin interference, and so forth. The conflict that Munira and Laila constantly had to deal with was creating a balance between the benefits of living within an extended family and the longing for separation and privacy. However, both are conscious of the force of the patriarchal family norm. Munira stresses, “Even if we were financially well-off we cannot leave my aunt [Salem’s mother], we feel she is our responsibility.” Munira feels that Safiyya is not a mother-in-law but a mother to her and says, “I promised myself that if she got sick- God forbid- I shall cooperate with Laila to take care of her, even if that meant leaving my work.” Laila, who always complained about the burden of housework and accuses her brother’s family for causing this burden, says, “I sometimes tell them jokingly, you are settlers, occupiers, go home. But I won’t leave my elderly mother alone and I cannot deprive her of her only son. I understand her need for him to be close to her.”

Conjugal Disputes, New Religiosity, and a Daughter’s Future

The socioeconomic and political conditions that prevailed during Abdel-Qader’s lifetime differed from those that prevailed after his death. Toward the end of the 1990s, economic conditions started worsening and deteriorated with the disruption of the peace process and the eruption of the intifada. The leftist, progressive, and secular political forces that prevailed in the 1980s retracted from the political public arena, while the religious and Islamic forces spread and expanded. In the process, as it is the case in other societies under conflict and economic hardships, the current living conditions in Palestine characterized by the deteriorating economic conditions, unpredictability, insecurity, and constant tension, along with the rise and expansion of Islamic radical movements which have been actively involved in mobilization and service provision, both in Palestine and the whole region, led to a politicized religiosity.

This new trend created constant overt disputes between Munira and Salem and covert negotiations between Munira and Laila, which were enacted on their dynamics with the children, particularly the eldest of the daughters Nawal (13). Winning the battle over issues related to Nawal meant winning the battles with the three younger ones. In 1997, following the death of her father, and like the majority of women relatives

and friends, Laila donned *shar`i* (Islamic) dress and started observing all the duties of a Muslim. The young generation was affected earlier by the spread of political Islam. Young men joined the Islamic movements and young girls started wearing the *hijab* (head cover). One year preceding the current intifada, Salem quit drinking alcohol, he started praying and fasting, and he also joined the crowd of men in the mosque every evening to attend religious sessions after prayers. At present he is socially conservative and tries to influence Nawal's (and his younger daughters') outlook. Most family members were highly affected by the Islamist surge, except for Munira and Siham (and Siham's husband), both of whom are among the very few women in the extended family and the local community who do not observe Islamic dress. The conflicts in Dar Salem emerge mostly on issues related to 13-year-old Nawal: Should she wear the *hijab*? Should she quit dancing with the *dabkeh* (folklore dance) group? Should she travel abroad with the *dabkeh* group? Should she continue higher education? Should it be here or abroad?

Now that Salem has turned into a "real Muslim believer" as he identifies himself, he holds a different social outlook than Munira regarding Nawal's education, work, and marriage. He does not mind her education to any level she desires, as long as she stays here. Referring to his earlier position regarding Siham's education, he clarifies, "This is my daughter. I am worried about her and cannot ensure she'll be safe abroad." According to him, she can choose any field of study, except "what is not acceptable in our Islamic society, like acting. This I will firmly oppose." As for her marriage, he encourages marriage at the age of 18 for girls and boys and does not mind if Nawal chooses to get married before finishing her education. As for her wearing the *hijab* and leaving the *dabkeh* group, he states:

Nawal wants to wear the *hijab* and this is my desire too. I do not approve of her dancing with the *dabkeh* group. I want her to quit but she should be convinced and should approve of that. I do insist and nag her on that... That a girl dances hand in hand with a boy is not only wrong but *haram*. It is *haram* both by the *shari`a* and religion.

Laila has a similar perspective but claims that she does not interfere:

I know that Nawal is an outstanding performer in the *dabkeh*. Believe me I cried from joy when I saw her on the stage that I even made my daughter join a *dabkeh* group... I agree that

she should quit, but if her mother and her father approve of her staying in the group I don't interfere. We try... I try but the decision is her parents' decision.

Nawal's mother has a totally different view of Nawal's opportunities and outlook. She insists on higher education for all three girls; she wants them to get at least their B.A. before they get married and would not compromise on that; she also encourages her daughters to work. Regarding her position on religious beliefs and practices, Munira stresses that she is a believer but that religious beliefs should not lead people to become blindly conservative; to her, people should make decisions out of free will but first they have to be aware and well-informed. This is reflected in bringing up Nawal:

I suffer a lot in raising my daughter [Nawal]. I cannot reach her. This religiosity trend cropped up all of a sudden and she accommodates to it without reasoning. She is so confused. One time it's her father, another the school... One day she wants the *dabkeh* and another she doesn't. Her cousin wears the *hijab*, she wants to wear it too. This idea of religion, that everything is *haram*, *haram*, *haram*. I tell her you should not hold on to the idea without being informed.

Concerning Nawal's wearing the *hijab*, Munira is determined that she should not take a decision before she is eighteen. After that she cannot force her to do anything one way or the other.

Nawal herself reflects all the contradictions and conflicts in Dar Salem, the school, and the neighborhood. She is internalizing nationalist, religious, secular, and modern values all at the same time. Nawal aspires to become an astronomer; however, she would compromise and study sociology, a field of interest to her, if the Palestinian universities do not offer astronomy. She justifies her compromise with a nationalist argument, "If we study abroad, we are tempted not to return to our country. Our country needs all the educated Palestinians to develop it." Although she is ambitious to finish university education, she does not seem to mind getting married earlier; she says: "If I had a good chance for marriage, I don't know, my ambition might change." Regarding work, she would want to work because she doesn't like staying at home. But she is ready to compromise because as she says, "I don't want work to stand between me and my husband. I can always engage in activities in the house." She goes on and repeats her mother's view: "Sometimes a woman works for her self-

worth and when she is determined to work she will decide to do that when she turns eighteen.” On the issue of *hijab*, Nawal says, “I wanted to wear it. My father approved, but I knew my mother was against it before I turn eighteen.” The teachers at school seem to encourage it and some scold and punish those girls who don’t wear it. Nawal said that at school she learnt that “the *hijab* gives a girl self-confidence and protects her from being harassed on the street.” She adds that several girls wear the *hijab* out of jealousy and not “as our religion instructs us,” as she put it. Then she adds: “as my mother says, some girls wear the *hijab* but do not have morals.” She is willing to stay in the *dabkeh* group until she turns sixteen and her “body matures and looks like a grown-up woman.”

Munira thinks her guidance and education will help Nawal sort out her conflicts as she grows up. She states:

I try to instill in my daughter that she should learn to be able to decide on her own. Not to imitate others... to live her life as it comes... In my opinion, the decision in the end is hers. You provide her with education and the proper conditions. Then, she can decide for herself.

Throughout the three stages of their life, the Dar Salem family has been in constant interaction with the local community they belonged to and the larger Palestinian community in resistance and struggle against the Israeli occupation. What is significant about this family, although not unique to it, is how the changes and interactions it underwent were enacted on the internal gender dynamics, primarily represented in ideological conflict among the family members. During Abdel-Qader’s regime, the family members largely accommodated his control. However, at various points in time, conflict over intra-household power relations prevailed through covert and overt negotiation mechanisms; the latter was mostly expressed in Siham’s relation with her father. Although she was young and still economically dependent on her father, she had access to non-material sources beyond the household (the community and the political party) which empowered her to launch a battle with her father, whom no family member could defy. The shaking of patriarchal authority at the end of Abdel-Qader’s regime could not be redressed during Salem’s regime. Not very long after he assumed his father’s position, Salem suffered the psychological impact of the male breadwinner’s loss of work and income. Unlike in the cases of Abu Khaled and Nathem, both of whom also lost their jobs and income, he suffered his crisis silently placing his efforts in

a challenge he was aware he had no chance to win. Also, loss of his work and income caused major changes in the household relations and gender roles: Not only did Munira and Laila become the primary providers, but they also assumed decision making status. In contrast with his father's regime, early on in his regime, overt conflict surfaced in intra-household relations and dynamics, particularly when the family members analyzed the economic crisis that he caused. With the negotiations reaching the practical level of dealing with the crisis, intra-household cooperation overruled conflict. However, this does not mean that conflict over power relations disappeared; in fact, it surfaced in a different way as the household members attempted to promote their ideology through the socialization of the young daughters.

Naming the Crime: 'Honour', Rights and Wrongs

Lynn Welchman and Sara Hossain

*The following is an abbreviated version of the introduction to **Honour: Crimes, Paradigms, and Violence Against Women**, edited by Lynn Welchman and Sara Hossain and published by Zed Press in autumn 2005. This important volume is an outcome of a collaborative, action-oriented research project that involved individuals and organizations around the globe in mapping, disseminating information, and facilitating the development of strategies to combat 'crimes of honour.' As the editors note, the project's framework was international human rights law and 'crimes of honor' were viewed primarily as a manifestation of violence against women and a violation of women's human rights. In the volume, the authors situated 'crimes of honour,' "within an understanding of violence against women which, as Coomaraswamy and Kois (1999, 177) point out, 'accepts the fact that structures that perpetuate violence against women are socially constructed and that such violence is a product of a historical process and is not essential or time bound in its manifestations.'"*

The book also interrogates "the concept of 'honour' itself, as well as challenging its invocation to justify violence against women" and the authors also give careful consideration to the global context, including, for example, Western stereotyping of Muslims and Muslim societies. From the editors' introduction, the Review has taken sections which examine the problem of naming these acts of violence against women as "crimes of honor." Welchman and Hosain follow Lama Abu Odeh in noting and problematizing the stereotypical division where "crimes of passion" are committed in Western societies and "crimes of honor" in the East. But whatever the name, readers will benefit from a volume that brings to bear the expertise of scholars, lawyers and activists around the globe to share strategies for combatting a widespread form of violence against women.

The editors of the Review thank Welchman and Hossain for their kind permission to publish this version of their introduction. Lynn Welchman is Senior Lecturer in Islamic and Middle Eastern Law at the School of Oriental and African Studies (SOAS) in London and has also taught in the master's program of the Institute of Women's Studies at Birzeit University. Previously she was also Director of SOAS's Centre of Islamic and Middle Eastern law (CIMEL). Sara Hossain is a practising lawyer at the Supreme Court of Bangladesh in Dhaka, where she specialises in constitutional, human rights and public interest law, and is also a member of Ain o Salish Kendro, a leading national human rights organisation. Previously she was South Asia Legal Officer at INTERIGHTS, the London-based international human rights law centre. Hossain and Welchman co-directed the CIMEL/INTERIGHTS 'crimes of honour' project from which this volume has resulted. As well as this volume, the five-year project produced a number of research resources (see www.soas.ac.uk/honourcrimes) as well as convening a number of meetings that brought together scholars and activists (Welchman 2000).

The definition of 'crimes of honour' is by no means straightforward, and the imprecision and 'exoticisation' (in particular in the West) of its use are among the reasons for caution in use of the phrase. Our project generally uses the term 'crimes of honour' to encompass a variety of manifestations of violence against women, including 'honour killings', assault, confinement or imprisonment, and interference with choice in marriage, where the publicly articulated 'justification' is attributed to a social order claimed to require the preservation of a concept of 'honour' vested in male (family and/or conjugal) control over women and specifically women's sexual conduct, actual, suspected or potential.

At its most basic, the term is commonly used as shorthand, to flag a type of violence against women characterised by (claimed) 'motivation' rather than by perpetrator or form of manifestation. Definitions tend to be by way of illustration; thus, in a highly significant article on 'crimes of honour' and the construction of gender in the Arab world, Lama Abu Odeh explains that:

A paradigmatic example of a crime of honour is the killing of a woman by her father or brother for engaging in, or being suspected of engaging in, sexual practices before or outside marriage. (Abu Odeh, 1996: 141).

In her 1999 Report, the UN Special Rapporteur on violence against women records receiving ‘numerous communications’ on the subject of ‘honour crimes’ against women, ‘whereby the family kills a female relative deemed to have defiled the honour of the family.’ She continues with information on ‘honour crimes’ in Lebanon:

Honour is defined in terms of women’s assigned sexual and familial roles as dictated by traditional family ideology. Thus, adultery, premarital relationships (which may or may not include sexual relations), rape and falling in love with an “inappropriate” person may constitute violations of family honour.¹

Papers in this volume discuss the concept of ‘conjugal honour’ as well as ‘family honour’ and document ‘honour killings’ by husbands and sexual intimates who are not blood relatives of the victim, thus extending the range of ‘paradigmatic’ perpetrators. It is also argued that in some contexts, the range of female behaviour considered to violate ‘honour’ goes beyond sexual conduct (actual, potential or suspected) to include other behaviours that challenge male control (Aida Touma-Sliman notes ‘staying out late and smoking’, for example). At the same time, the contributions by Uma Chakravarti, Dina Siddiqi and Hannana Siddiqui clarify how these paradigms of ‘honour’ interfere with the right to choice in marriage across South Asia; forced marriage is one result, but other scenarios include being forced to remain in an unwanted relationship, or punished for leaving (or trying to leave) one, or exercising choice regarding whether to marry or not, and whom to marry. As well as the ‘honour’ invested in control over women and specifically women’s sexual conduct, control over economic and social resources and property are often intimately linked in these equations. In addition, papers in this volume (Nazand Begikhani, Aida Touma-Sliman, Nadera Shalhoub-Kevorkian) note the significance attached to female virginity and the resulting imposition (or attempted imposition) of virginity testing on females suspected of having ‘violated’ family honour, including through having been subjected to rape. ‘Crimes of honour’ may thus include violations of a range of rights as well as the more ‘paradigmatic’ ‘honour killings.’ The role of women family members in instigating or colluding with honour crimes, particularly in enforcing controls over marriage choices, and also in acts of violence, is also brought out in this volume as an issue that requires greater consideration and explanation.

Working on ‘crimes of honour’ as a form of violence against women does not imply that men also are not subjected to such crimes. For

example, in the province of Sindh in 1998, the Human Rights Commission of Pakistan analysed the deaths of 97 men as well as 158 women in *karo-kari* 'honour killings' (Amnesty International, 1999: 6). Again, in cases of forced marriage or interference with the right of choice whether or not and whom to marry, pressure from older family members over younger members will apply to men as well as to women...However, women remain the majority of victims and survivors of 'crimes of honour', and have fewer available remedies. Therefore development of strategies of support can effectively draw on the existing frameworks established to address all manifestations of violence against women.

Among feminist and rights activists seeking to eliminate such violence, there is deep discomfort over the apparent meaning of the term 'honour' in the construction 'crimes of honour' as this seems to imply that women 'embody' the honour of males. There is also resistance to accepting a notion of honour that endorses and indeed requires violence against women, epitomised in the extreme example of an 'honour killing.' Thus in 1994, Al-Badil ('The Alternative'), established from organisations within the Palestinian community in Israel, called itself the Coalition to Combat the Crime of 'Family Honour' encapsulating through quotation marks its own interrogation of the term. In its statement of purpose the organisation observed:

it is not possible to give the term ['family honour'] a positive understanding, since it attributes all the maladies of society to women's bodies and individual behaviour, giving legitimacy to social conduct restricting women's freedom and development, using all forms of violence, the most extreme being murder.

In the search for a better way of naming, the majority of 'honour killings' appear to fit into the understanding of femicide defined by Radford (1992: 3) as 'the misogynous killing of women by men' and as 'a form of sexual violence'. She uses the concept of "sexual violence" as a continuum in a radical feminist analysis:

The notion of a continuum further facilitates the analysis of male sexual violence as a form of control central to the maintenance of patriarchy.[...] Relocating femicide within the continuum of sexual violence establishes its significance in terms of sexual politics. (Radford 1992, 4).

Further developing this notion, Nadera Shalhoub-Kevorkian (2002) argues for another continuum, in which ‘femicide’ would indicate a range of acts and situations including not only the physical killing of women because they are women, but also threats and other components of the ‘arduous process leading up to the actual death’. Nadera Shalhoub-Kevorkian situates her proposal solidly in the framework of her clinical experience in Palestinian society while recommending it also for analysis of other societies in light of the cross-cultural nature of the phenomenon of femicide.

It is clear that most ‘honour killings’ fit immediately into both the narrower and wider understandings of femicide proposed above, while other ‘crimes of honour’ (such as interference with choice in marriage, physical abuse, intimidation, deprivation of liberty) might be covered either by the sexual violence continuum or by Nadera Shalhoub-Kevorkian’s expanded definition of femicide. Such methods of naming have the clear advantage of unpacking the term and indicating the socio-economic and patriarchal frameworks in which such acts are committed and sustained, rather than reproducing the representation of that framework, with or without quotation marks around ‘honour’ to indicate the user’s interrogation of the term. The assimilation of such crimes to a wider framework has the added advantage of avoiding the self-exculpation undertaken by some in the West who view such crimes as a problem of ‘the other’, risking paternalistic and ineffective interventions and the ‘demonisation’ of particular communities and, in particular, men within them.

The use of the term ‘honour crime’, or specifically ‘honour killing’, has at least two further risks: firstly that it takes the description articulated by the perpetrator; and secondly, that reproducing the term may obscure (as may be the intention on the part of the perpetrator) the “real motivation” (or at least, contributing motivational factors) for the crime or attempted crime. In regard to the latter, sociological investigations of ‘family honour’ in different contexts indicate that ‘the normative claim of honor often is mixed with social, economic, or political motives’ (Araji, 2000) – that is, that ‘family honour’ is tied to social standing and mobility, and economic opportunities.

Besides the general and familiar association of women with property in the ‘honour’ paradigm, there are many instances in which the primary motivation for an ‘honour crime’ is more directly something other than ‘honour’ – a brother’s arguments with his sister over inheritance, for example, or a husband’s desire to be rid of a wife, with a murder not so much covered up as proclaimed as a matter of ‘honour’ in the expectation of a minimal punishment and less disapprobation from at least some

sections of society than otherwise would have been the case.² The claims of 'honour' may be a contributing factor, but as Nafisa Shah has commented, 'Vested interests... use the excuse of honour as a blanket cover for a multitude of sins.'³ And mostly, the voice of victim in her own 'defence' is absent, as underlined by studies in this volume.

As to the problem of reproducing, even in quotations marks, the articulated motivation of the perpetrator or sympathisers in the family or society, we come up against the questions posed by Dobash and Dobash (1998: 4) in regard to the source of definitions of violence against women:

Do we use the perspectives of victims? Of those who perpetrate the acts? Of researchers? Of the law? Of policymakers? Should researchers attempt to develop distinct, abstract, and definitive conceptualizations of these acts?

In this volume, Uma Chakravarti argues against continued use of the term 'crimes of honour' because 'as feminists, we must discard the term in search of another that does not mask the violence in the killings and abuses,' and 'because the violence becomes associated with the 'uniqueness of Asian cultures, with irrational communities and aberrant and archaic patriarchal practices refusing to modernise' (see also Purna Sen in this volume).

Still, problematic though it is, the term 'crimes of honour' has some uses in particular contexts. It is used in the project, as by some activists, to destabilise the notion of 'honour' as a received good when connected with crime. It is also used to extend an understanding of what might be called 'crimes of honour' beyond 'honour killings', one way of demonstrating the continuum of acts of violence on which 'honour killings' stand. It has obvious descriptive implications in its indication of the link that may, in particular contexts, be assumed in law, judicial process and societal practice connecting a 'crime' with a mitigating value, 'honour.' The idea of mitigation or impunity in statute or judicial practice for a 'crime of honour' is most immediately evoked in 'honour killing', but it also arises in other manifestations of crimes of 'honour'.

The most obvious advantage of the use of the phrase 'honour crimes' in an English-language context is the wide recognition of the term, but this is at the same time increasingly problematic... The association of phenomena of 'crimes of honour' with the 'East' (Abu Odeh, 1997 and see Uma Chakravarti in this volume) – and often with Muslim societies in particular – is one of the problems.

Crimes of honour, crimes of passion

In her paper, Jane Connors notes that among the disagreements at UN discussions of ‘crimes of honour’ from the year 2000 was the inclusion of ‘crimes of passion’ with ‘crimes of honour’ in resolutions on violence against women.⁴ She notes the objection of the representative of Jordan, to the effect that ‘How could states possibly exercise due diligence to prevent such crimes, if the crime in question is committed in a sudden spurt of rage?’⁵ The significance of this intervention lies in the fact that most defences in criminal cases of ‘honour killings’ of women in Jordan argue that the crime was committed in a ‘fit of fury’, or indeed a ‘sudden spurt of anger’ in reaction to some (alleged) conduct on the part of the woman, allowing the court to rule on ‘manslaughter’ rather than premeditated murder and to reduce the penalty accordingly. The discussions on Jordan, Lebanon and Iraqi Kurdistan in this volume provide further evidence that it is rare indeed for a defendant to rely on particular provisions in national legislation that are the target of advocacy campaigns by those combating ‘crimes of honour’. These provisions provide for a reduced penalty in the event that a man finds his wife or certain female relatives in the act of extra-marital sex, and kills one or both of them on the spot. As Lama Abu Odeh (1997, 306) points out, in the case of ‘honour killings’ in Arab countries, ‘the legal locus of these crimes is less the immediate legislation and more the general provocation rule found in almost every Arab Penal Code’. Sohail Warraich’s discussion in this volume of the use by Pakistani courts of the ‘grave and sudden provocation defence’ in cases of ‘honour killings’ provides considerable comparative material.

There is a growing literature on the relationship and differences of crimes of honour and of passion. In the legal field, Abu Odeh (1997, 290) uses her earlier work on ‘crimes of honour’ in the Arab world in a comparative examination of the judicial treatment by US courts of ‘the killing of women in the heat of passion for sexual or intimate reasons.’ In focussing on how each legal system justifies its tolerance for the murder of a woman in particular circumstances, she demonstrates that the tensions in each system ‘although sometimes defined differently, have been surprisingly resolved in the same way’ – in particular this comparison is made between the ‘fit of fury’ mitigation in Arab penal codes and practice, and the US plea of extreme emotional distress, which builds on the premise that loss of ‘self-control’ reduces culpability.

One difference that is often assumed between crimes of ‘passion’ and of ‘honour’ is the relationship of the perpetrator to the victim. The difference here lies in the murder of women by those who are or have

been their sexual intimates (husbands, lovers) and those who have not been (close blood relatives). Other than the documented instances of the murder of women after incestual rape in 'crimes of honour', as noted above, it is the case that not only 'family honour' but also 'conjugal honour' may be cited as a 'motivation' by the perpetrator.. Commenting on research in Lebanon, Serhan posits that the greater number of husbands as perpetrators may reflect 'a change in the conceptualization of family honour' (Foster, 2001, 26). In Pakistan, figures from Sindh province from 1998 illustrate that the husband was the perpetrator in nearly 50% of cases of *karo-kari* killings where the woman alone was killed (Amnesty International, 1999, 6).

Even granted the paradigmatic family (as compared to conjugal) dynamic of 'honour', the response of courts in the 'West' faced with defences of passion or provocation can be examined for similarities with those of courts faced with 'honour' defences, at least in considering the implications of a passion/honour continuum that recognises, at some point, a justification for the use of violence against women as a part of control by family and intimates. As Leader-Elliott (1997, 169) asks in the context of law in the 'West':

Is it not an unacceptable paradox that the progressive restriction of a husband's power to exert lawful control over his wife has been accompanied by a progressive enlargement of a partial excuse for killing her?

The complex background to such developments across the world includes rapid social change among and within different countries and communities, and 'globalizing' cultural dynamics (for example of 'modernity') that, as they are seen to open (some) women's choices, may be experienced by (some) men as threats. Such factors vary in their impact in different communities, but have to be taken into account in an assessment of family violence. Baker, Gregware and Cassidy (1999, 166) argue that 'honor should be part of any current conceptualisation of patriarchy' in comparative and cross-cultural analyses and that 'honor systems are an integral part of the process of killing women by their families or intimates, regardless of where the woman lives' (1999, 164). Their theory includes three comparative areas related to honour systems – the control of female behaviour, male feelings of shame at loss of that control, and community participation in "enhancing and controlling this shame."

Questioning the stereotypical associations of 'honour' with the 'East' and 'passion' with the 'West' (Abu Odeh, 1997, 289), or 'reason' with the

‘North’ and ‘irrational male violence and female passivity’ with the ‘South’ (Baker, Gregware and Cassidy, 173) is important both to theory and to activism on issues of violence against women. It is important to identify commonalities as well as differences in the structure of violence. It is important to focus also in the ‘West’ on a gendered construction of self involving issues of ownership and control and their role in perpetuating violence; and generally to interrogate, in this regard, the application of the sexual provocation defence. At the most basic level of comparison, whether we are looking at the ‘fit of fury’ in Middle Eastern states, ‘violent emotion’ in a heat of passion in Latin America, or ‘extreme emotional distress’ in the US, it is clear that societies across the world – through their laws and their courts – continue to countenance defences that overwhelmingly benefit males committing violence against women.

Playing for the other side

Both the colonial heritage and contemporary global power structures (military, political, economic and other) necessarily complicate strategies of response to violence against women. In addition to the complexities noted above, there are the considerable challenges faced by activists accused of playing for, or at least into the hands of, forces ranged against the country or community by merely raising the issue of ‘crimes of honour’ as one requiring questioning and reform. For example, during one of the debates in the Jordanian parliament on amending the Penal Code, certain deputies charged that the then recent national campaign and efforts to repeal the relevant law were attempts by the West to infiltrate Jordanian society and make Jordanian women immoral.⁶ Such perceptions, first, of immorality being endemic in contemporary Western society and second, of the dissipating potential on local cultural norms of a hostile agenda of cultural imperialism, are widespread within non-Western societies. Activists, particularly women’s rights activists, working in their societies on sexuality-related issues are vulnerable to attack by ‘conservative’ and ‘Islamist’ groupings on grounds of ‘inauthenticity’, marginalisation and ‘secularism’. On the other hand, as noted by Hannana Siddiqui in this volume in regard to the anti-racist left, they may be criticised by ‘progressive’ or left groups, as well as by more conservative elements of minority communities, for the proverbial washing of dirty laundry in public. Similar tensions can be read in Aida Touma-Sliman’s narration of efforts within the Palestinian community in Israel. Nazand Begikhani describes how the dependence of Kurdish political movements in Iraqi Kurdistan on international support

rendered them more responsive to advocacy for change promoted by international human rights groups such as Amnesty International, while at the same time noting significant internal resentment and resistance to the legal changes that followed. Abdullahi An-Na'im's paper addresses this point directly, arguing that different types of advocacy work can and should be done by differently-placed actors, but that these need to include 'agents of social change' located inside their communities engaging in 'intra-community dialogue' to contribute to social change from within, and pondering the development of appropriate discourses and capacities for such work. Strategies – and capacities – differ. As Deniz Kandiyoti notes, in a consideration of the related topic of advocacy on the issues of gender and citizenship in the Middle East:

Some argue forcefully for the expansion of women's rights as individuals and condemn the stranglehold exercised over them by communal and religious forces; others argue for working through kinship and communal structures that may act to empower and disempower women simultaneously. (Kandiyoti 2000, xv).

The activists who have written in this book work within their communities using the human rights framework, and set out, in their different interventions, the use they make of law. Many papers also provide examples of how such groups engage with their societies outside the processes of the law, seeking to challenge and change social attitudes that condone any form of violence against women, joining forces in order to strengthen internal voices of resistance.

As for the use by activists of external publicity and pressure, such as mobilising international public opinion, in many contexts, complex and strategic choices are involved. In 2000, Farah Daghestani told a conference on 'Sexuality in the Middle East' that 'honour killings' of women 'have been responsible for the worst international attention Jordan has received':

Through the sensationalization of the subject, the Western press has contributed to the issue becoming an even greater challenge for governments and religious leaders, pitting cultural identity and autonomy against cultural imperialism, at the expense of women. (Foster, 2001, 24).

It is of course the case that all types of governments tend to 'blame the messenger,' particularly messengers criticising human rights records.

It is also the case that local strategies of response and resistance can be complicated and undermined by external factors, which can include well-meant interventions as well as hostile (eg Islamophobic, or racist) ones, and of course global events. These challenges have been illustrated recently by the controversy over Norma Khoury's story of an 'honour killing' in Jordan, *Forbidden Love*, withdrawn from sale in Australia by its publishers following challenges by Jordanian women's rights activists to the book's categorisation as a non-fiction 'memoir' (see further Abu Hassan in this volume). Other illustrations come in the particular challenges of combating violence against women in situations of conflict; in this volume, Nazand Begikhani, Nadera Shalhoub-Kevorkian and Aida Touma-Sliman all document the reduced attention that activists are able to give (and to attract) to these issues in times of military hostilities and threats to the particular national entity or community.

Strategising Responses and Creating Alternatives

Thinking through the concept of 'crimes of honour' is one way of unpicking certain forms of violence against women. At the CIMEL/INTERIGHTS Roundtable, participants agreed on the strategic importance of identifying the value and advantage of, on the one hand, separating out a 'crime of honour' as a particular phenomenon or form of violence against women, and, on the other, campaigning on the various manifestations of 'crimes of honour' solely within the broader spectrum of violence against women. Some felt that caution needed to be exercised in not collapsing too many forms of violence against women into the category of 'honour crimes.' Others felt that while we used the term for tactical reasons, and as a convenient short hand to understand certain forms of violence, we needed constantly to be alive to our central concern, which was not an abstract exercise of disentangling or explicating the notion as such, but understanding how it contributes to violence and how it violates basic human rights.

Endnotes

¹ Report of the Special Rapporteur on violence against women, its causes and consequences, UN Doc. E/CN.4/1999/68 10 March 1999, para.18.

² Journalist Rana Hussein made these points to the CIMEL/INTERIGHTS Roundtable: see Welchman, 2000, 442.

³ In Newline, cited in Amnesty International, 1999, 23.

⁴Note that in the UN General Assembly resolution, 'Working towards the Elimination of Crimes Against Women and Girls Committed in the Name of Honour' (UN Doc. A/C.3/59/L.25) passed on 15th October 2004, reference to 'crimes of passion' was omitted. See further Jane Connors and Purna Sen in this volume.

⁵Statement by H.R.H. Prince Zeid Ra'ad Zeid Al-Hussein, Permanent Representative of Jordan, Statement in Explanation of vote, Agenda Item 107: Advancement of Women, 55th Session of the General Assembly Third Committee, New York, 3 November 2000.

⁶*Jordan Times* 23 November 1999.

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SURVEY RESULTS

AMARI REFUGEE CAMP IN COMPARISON WITH ITS NEIGHBORS

Stability, Transformations, Vulnerability

Penny Johnson

As part of the the Institute's continuing research on three Ramallah-area communities – Amari refugee camp, Masyoun and Um Shariet – Penny Johnson, with contributions from Lamis Abu Nableh, wrote an initial profile of Amari refugee camp. Following is an abbreviated section from the profile which examines the results of a survey conducted by the Institute's research team¹ in 2004 which compares data from that year with PCBS data from 1997 from the three communities, as well as an additional part of the survey which asked households questions about their conditions during the present intifada. Ayoub Mustafa coordinated the survey and Dr. Rita Gicaman of Birzeit's Institute of Community and Public Health provided critical technical and conceptual assistance, as well as a detailed analysis of the survey's results in tabular form. Tables in this article are adapted from her work. The full profile of Amari, which includes material from interviews, mapping and secondary sources, may be published in whole or part by the Institute as part of a series of essays and papers generated by the "three communities" research team.

The IWS three communities research project aims to explore, among other matters, the meanings of community and neighborhood to Palestinian families and individuals experiencing the present war-like conditions and the many decades of profound insecurity, lack of freedom, and serial economic, political and social shocks. In this framework, Amari refugee camp can also be viewed as the most cohesive and self-identified of the three communities under study, as well as a place of continued dispossession and displacement. However, despite a greater exposure to Israeli violence than the other two communities, greater vulnerability to poverty, and educational and labor market disadvantages, Amari residents, or at least a proportion of them, have made gains in education and in some aspects of material well-being.

Comparing Amari with Um Shariet and Masyoun: the 2004 survey and the 1997 census

We can compare the characteristics of Amari households and population with the other two neighborhoods under study – Um Shariet and Masyoun – through PCBS census data from 1997 and from a 2004 survey conducted by the IWS team in the three neighborhoods, which asked the same questions as the PCBS census in order to compare with census data, but also added a section on effects of the second intifada on households and families. In both the census and the 2004 survey, households and individuals in Amari display some distinct characteristics in contrast to their neighbors, although patterns of commonality also exist. Both are of interest, particularly given findings of the IWS 1999 household survey, as well as other studies, of the salience of region as a marker of difference, rather than the more traditional urban-rural-camp differentiations. In comparing these three contiguous neighborhoods, we find both.

Amari is distinct from its neighbors in Um Shariet and Masyoun in at least three ways in the survey data: the first is in greater density, overcrowding and larger family size, the second is in distinct and disadvantaged educational and labor patterns, as well as more faint distinctions in population structure and marital characteristics, and the third is the special vulnerability of its residents to impoverishment and insecurity, as shown particularly in the 2004 data on the effects of the second intifada. While these differences may come as no great surprise, there is a weaker but quite interesting trend of commonality with one of the more unexpected results of the 2004 survey in comparison with 1997: namely a continuing increase in the signs and amenities of a globalized middle-class life style in all three neighborhoods, whether more higher education or more computers and private cars, although this trend is certainly much more pronounced in Masyoun and Um Shariet than Amari. Nonetheless, the movement towards a middle-class life style – even while poverty and unemployment in the camp also increase -- reminds us that the Amari population itself is not uniform, and that the interim years may have produced more social stratification in the camp and differences in resources and opportunities. Indeed, Israeli policies of siege and closure, where households who depended on work in Israel suffered disproportionately to households with domestic public or private sector employment, would also inevitably widen the socio-economic gap among refugee camp families. This is, however, contrary to a dominant perception. One of our key informants, a lawyer residing in the camp,

says, for example: “There is no social or class structure in the camp and one doesn’t feel class differences inside the camp because most people live at the same economic level and in the same kind of houses and living conditions.”

Stable Community?

While Amari residents may not be uniform in their well-being, social status or opportunities, both the IWS survey and PCBS census data strongly suggest that the Amari community has a large degree of stability in its residents, with 86% of the population (and 92% of househeads) reported as living in Amari more than four years in 2004. Lesser majorities in the other two communities – 70% in Um Shariet and 72% in Masyoun—report residencies of more than four years. Even more tellingly, about 80% of Amari residents, both in the census and in the IWS survey, report having been born in the Ramallah district, with only about half of Um Shariet residents and about 58% of Masyoun residents so reporting in both surveys.

Where family members were born, by district

	Imm Sharayet		Masyoun		Amari	
	97PCBS	2004	97PCBS	2004	97PCBS	2004
North West Bank	4%	9%	4%	9%	1%	1%
Ramallah	51%	52%	57%	58%	79%	80%
Jerusalem	22%	15%	11%	8%	2%	6%
South West Bank	4%	4%	7%	4%	2%	2%
Gaza	1%	2%	1%	1%	2%	2%
“1948”*	6%	3%	7%	5%	10%	7%
Abroad	12%	15%	13%	15%	4%	2%

* Born beyond the green line, in either pre-1948 Palestine or post-1948 state of Israel.

While not asked directly, it is clear that a large proportion of the 80% of Amari residents born in the Ramallah district were probably born in the camp itself. Only 22% of Amari househeads have ever changed their place of residence, in contrast to 57% from Um Shariet and 68% from Masyoun. Of those who have changed, over half –56% -- moved from one house to another in Amari, in contrast to only 12% of Um Shariet and 7% of Masyoun residents who moved within the same neighborhood. These leaves quite a small percent – about ten percent, some of whom are

surely househeads born before 1948 – who have moved from a residence outside Amari. What is not captured here, however, and which can be found in the interviews, is the stories of those who migrate out of the camp. Among our interviewees currently living in Um Shariet are former residents who moved out of Amari for reasons of more security and greater independence from family. Interviews with families living in Amari also describe other kin moving out of the camp to houses or apartments in the Ramallah area (primarily Um Shariet and Betunia) or describe their own actual or planned purchases of land. The camp's "stability" in population then can be questioned, and its "sameness" may rest in the fact that those who do not move out may not have the resources to do so, although some, especially older women, expressly favor the camp's familiarity, their roots in the camp, and neighborliness. Stability has both negative and positive dimensions.

There is, however, another angle in the social cohesion and stability of Amari and its neighborhoods. In the 2004 survey, over three-quarters of househeads had relatives (of any degree) living in their neighborhood, as opposed to less than half of househeads in the other two neighborhoods. Over half (52%) of Amari residents had relatives living either the same building or an adjoining building as opposed to only a quarter of Masyoun residents and about a third of Imm Sharayet residents.

Kin and family proximity can be too close for comfort for some households. The survey findings also show that a majority of moves for Amari residents involve moves within the camp community, with the rate for Amari as high as 56% while for Masyoun and for Imm Sharayet was as low as 7% and 12% respectively. Of the reasons why families move more frequently within Amari is the desire to separate from the extended family, or the need for a larger house, or the desire to buy a house of their own. Often, when young people in Amari get married they stay with the family as they are unable to afford a house of their own or because land and houses are not easily available. Problems and conflict with the in-laws or the house crowdedness force them to look for other options.

Overcrowding, Housing Density, Larger Families

Overcrowding is an aspect of refugee camp life that is pervasive and shared by camp residents in various locales and host countries, given limited space and growing populations, although there are significant differences among camps in different locations. However, most camps in the West Bank and Gaza are largely confined to the same parcel of line

on which they were established in 1949/50. This is certainly the case with Amari. In terms of household crowding, Amari households were twice as crowded as households in Masyoun and one and a half times as crowded as households in Um Sharriet in 1997 (at 2.15 persons per room versus 1.11 in Masyoun and 1.4 in Um Sharriet), and about one and a half times as crowded in 2004 as the other two neighborhoods.

We should also note, however, that these figures may not tell the whole story, as it is quite likely that rooms in Amari houses are smaller than those in the other two neighborhoods, given standard construction of camp dwellings. Indeed, poor indoor environment is another standard feature of camp life: women in a 2004 focus group cited space and poor conditions in Amari as the main reasons why life outside the camp would be better. “I live in a box,” one woman said succinctly. (ICPH 2004)

Overcrowding is also exacerbated by larger families, with Amari’s average household size about one person more than the other two neighborhoods in 2004, while the average number of rooms per household in Amari was only about three, with the other two neighborhoods closer to four (3.7 in Um Sharayet and 3.8 in Masyoun) in 2004. Again, the size of rooms is probably to Amari’s disadvantage.

Household size, 1997 and 2004

	Imm Sharayet		Masyoun		Amari	
	97PCBS	2004	97PCBS	2004	97PCBS	2004
Average household size	5.47	4.97	5.36	4.98	6.23	6.06
Av rooms in household	3.9	3.69	4.84	3.8	2.9	2.97

At the same time, Amari has a larger proportion of female-headed households, with 11% of houses headed by a women in 2004 (and 12% in 1997), as opposed to 8% in Masyoun and 4% in Um Sharayet in 2004 and 8% in both neighborhoods in 1997. In general, female-headed households tend to be smaller, particularly when the house-head is an elderly widow, and to a lesser extent when the househead has an absent husband. The higher proportion of female-headed households in Amari may be related both to the higher proportion of the elderly in the camp and slightly higher proportions of female widows and divorcees, as well as to slightly higher rates of imprisonment.

Educational Disadvantages

Both in the 1997 census data and the 2004 survey, residents of Amari had a strong educational disadvantage in comparison to the other two Ramallah neighborhoods; although all three neighborhoods display significant increases in educational levels over time – particularly in post-secondary education - between 1997 and 2004. Amari, however has far lower levels of education than the two neighboring communities: over three times as many inhabitants of both Masyoun and Um Sharriet (over 20 years of age) have post-secondary education than Amari residents.

Education of Individuals, 1997 and 2004

	Imm Sharayet		Masyoun		Amari	
	97PCBS	2004	97PCBS	2004	97PCBS	2004
For those 20 Years or over						
Illiterate and up to 6 years	30%	17%	17%	9%	56%	39%
Preparatory	23%	16%	17%	20%	26%	31%
Secondary	20%	23%	31%	24%	10%	16%
Up to Bachelors	24%	39%	28%	42%	8%	13%
More than Bachelors	3%	5%	7%	5%	0.1%	1%

All communities experienced a decline in residents who have only elementary education (up to six grade) or are illiterate, but in Amari, this level of education is still very prominent at 39%. (It is also much higher with house-heads, where 63% of househeads in 1997 and 49% in 2004 had an educational level of sixth grade), Age and sex combined are generally the most prominent predictor of illiteracy – with a very sharp divide between women who benefited from UNRWA education (starting in 1950) and those who did not. UNRWA’s provision of free schooling in proximity to home, however, only extended through the basic cycle up to ninth grade. What may be less age distinct, then, is the continued clustering of Amari residents in basic education or less – with over two-thirds of residents over 20 at basic education or less, and 31% having achieved the full cycle of basic education. In our interviews, “basic education” is a common educational level reached by middle-aged informants – and interestingly although only anecdotely, for younger men dropping out for work in several Amari families, while their sisters continue education. One middle-aged woman finished basic education in the UNRWA girls school and went on to her

first year at the Ramallah Secondary School when the Gulf War started and her family withdrew her out of fears for her safety. She sees this withdrawal as a turning point in her life, closing opportunities – and leading to early marriage.

Given the structure of Palestine’s labor markets, the disadvantage in post-secondary education and the clustering in basic education or below is particularly significant. Secondary school education in itself is not strongly linked to increased job opportunities – it is important as a gateway (and often a bottleneck) to higher education, whether at the diploma or bachelor’s level, which does offer greater access to work in sectors such as health and education, as well as other public sector jobs, NGOs and semi-professional and professional jobs in the private sector. Basic education or below – particularly without other capital, land or other resources – tends to place jobseekers in semi-skilled or unskilled occupations, often, for Palestinian workers, in the building trades.

Education by Sex by neighborhood, 2004 – those 12 or over, Percentage of sex

	Imm Sharayet		Masyoun		Amari	
	Male	Female	Male	Female	Male	Female
Up to 6 years	28.2(250)	25.2(212)	23.3(60)	21.9(53)	45.9(325)	50.8(10)
Preparatory	20.6(183)	20.4(169)	23.3(60)	24.4(59)	32.1(227)	29.5(180)
Secondary	19.3(171)	21.7(180)	19.4(50)	21.5(52)	12(85)	12.8(78)
Up to BA	26.7(237)	30.5(253)	29.1(75)	30.2(73)	9.3(66)	6.4(39)
More than BA	5.2(46)	1.9(16)	5(13)	2.1(5)	0.7(5)	0.5(3)

Despite rising educational levels, Amari’s disadvantage in relation to its neighboring communities bears explanation. It seems true that residents of Masyoun in particular, but also Um Shariet as white-collar workers and professionals from other regions move into this neighborhood for work, have higher educational levels than the national average. But it is also true that a “bottle-neck” seems to exist as camp residents finish the preparatory cycle where there are obstacles to continuing to secondary education – whether in access, family economies, student and family choices, female mobility or other reasons. This is probably compounded in the present period by the fact that government schools have added a tenth year to the preparatory cycle and UNRWA is struggling to keep up.

Patterns of Labor: Amari disadvantages and Ramallah opportunities

There are broad patterns of labor that are shared by all three communities from 1997 to 2004, mainly a decline in crafts and semi-skilled and unskilled employment and a decline in full-time employment. Exclusions from the Israeli labor market and conditions of closure and siege are probably largely responsible for this decline. This being said, however, the three communities exhibit different advantages and disadvantages in these broad patterns, as well as where work is found in the present period. For example, in 1997, the proportion of males with full time work (15 hours or over) was similar in all three communities (at 57-60%) this proportion declined, but at a greater rate in both Amari and, less expectedly, Masyoun. Masyoun, however, showed a sharper rise in part-time employment than Amari, meaning that at least 50% of the male population over ten had some form of employment, while only 40% of Amari males had.

Some distinctions are clear. Already in 1997, Masyoun (at 33%) and Im Shariet (at 43%) had at least twice as many employed persons working as managers, legislators, professionals technicians and associate technicians than the national population, where the rate in the census was about 17% (PCBS 1999, Table 56, 375-77) – while the national labor force had about twice as many persons in this category as Amari (at 6%) Of interest as well is that Amari also has a lesser proportion of its workforce in these categories than camps in general where the national average was 14%. Here, the educational disadvantage of Amari, noted above, may well translate into a labor disadvantage, even in contrast with residents of camps elsewhere in the Palestinian territory – despite its proximity to Ramallah and its greater professional, managerial and white-collar opportunities

Type of Work (for those over 10 and reported as working)

	Imm Sharayet		Masyoun		Amari	
	97PCBS	2004	97PCBS	2004	97PCBS	2004
Legislators managers		51%		25%		16%
Professionals technicians		13%		43%		17%
Total above	33%	58%	43%	64%	8%	27%
Clerks and service	22%	22%	28%	25%	22%	29%
Agriculture, machine operators, primary occupations	20%	11%	12%	4%	44%	25%
Artisans	25%	9%	17%	7%	26%	19%

Aside from data on work status (full-time, part-time, unemployment, housewife, student), where we have both 2004 and 1997 data, other employment data is only from our 2004 survey, unless we request more data from PCBS. However, this data helps explain the table above by looking at economic activity, employment status, sector of employment.

Economic activity by neighborhood/Percentage of neighborhood, 2004

	Imm Sharayet	Masyoun	Amari
Agriculture	2.3% (15)	1.1% (2)	1% (3)
Industry	8.1% (54)	6.9% (12)	15.6% (49)
Construction	6.3% (42)	4.6% (8)	13.3% (42)
Commerce Restaurants & Hotel	20.5% (136)	25.9% (45)	14.9% (47)
Transport & Communication	5.9% (39)	7.5% (13)	7.6% (24)
Services & others	56.9% (378)	54% (94)	47.6% (150)

This table is helpful in showing that the labor force in Amari still has a significant presence in industry and construction at almost 30% (29.99%), about twice as much as Imm Sharayet (14.4%) or Masyoun (11.5%). Amari is somewhat disadvantaged in commerce (and hotels and restaurants), probably reflecting less ownership of places of business as well as contacts to work there and perhaps educational disadvantages as well. What is something of a “black hole” is the largest category of “services and other branches,” where all communities have a majority or near majority of their work forces. Our survey figures are higher than the West Bank average for this category, at 30.9% for persons over 15 working in the West Bank in the last quarter of 2004 – although close to Gaza, at 49.7% in the same quarter. (PCBS 2005)

When we come to employment status, it is not surprising that Amari has by far the lowest percentage of employers (at only 3% in contrast to about 13% in the other two neighborhoods). While Masyoun and Amari have almost equivalent rates of the self-employed, we can assume that the forms of self employment may well diverge. What needs more explanation is a fairly high rate of unpaid family work in the other two (more affluent) neighborhoods and a very substantial and surprising 28% in Amari. In all these tables, our numbers may be too small in any case to be conclusive, but this figure is particularly difficult to explain, given that overall figures for unpaid family labor in PCBS labor force rounds tend to average around 10% for the West Bank, although, interestingly, rising to a high of 13.9% in the last quarter of 2004. (PCBS, 2005). If we look at who is in this category in our 2004 survey data for Amari, we find that the largest

occupational category is “Workers in services and selling,” (31%), with the second largest category “elementary occupations.” Interestingly, about a third (34%) of the persons in this category are women (and 22% wives of heads of households), a much higher female rate than in the labor force as a whole. About 7% are under 15 and an equal percentage over 65. Although we should treat our figures with caution, we can posit that Amari has more unpaid family labor than our other neighborhoods, and that women, children and the elderly represent close to half of this labor.

Employment status (over 10) by neighborhood/percentage of neighborhood

	Imm Sharayet	Masyoun	Amari
Employer	13.3% (104)	13% (26)	3% (13)
Self employed	11.2% (87)	17% (34)	16.1% (70)
Employee	62.4% (487)	57.5% (115)	53% (231)
Family work			
No pay	13.1% (102)	12.5% (25)	28% (122)

Statistically significant $p < 0.00005$

A similar proportion (29%) of the Amari labor force are classifying as working “*kharaj munshaat*” (outside establishments), a category which is defined by PCBS simply as “persons who do not work for any institution belonging to the aforementioned sector,” (PCBS 1999, 34) with the sectors as classified in the table below. (We assume that persons working in Israel and the settlements should presumably be classified under “private international” but might find their way in the catch-all “outside establishments” category as well). Of interest is the much lower proportion of the Amari labor force that works in the government public sector, at about half (14.1%) that of the other two communities.

Sector of employment by neighborhood/ percentage of neighborhood:

	Imm Sharayet	Masyoun	Amari
Private national	59.4% (408)	53.4% (94)	49.7% (159)
Private international	7.3% (50)	6.8% (12)	0.6% (2)
National government	27.5% (189)	25.6% (45)	14.1% (45)
International government	1.7% (12)	2.3% (4)	0
NGO	1.3% (9)	0.6% (1)	0
UNRWA	1.3% (9)	1.7% (3)	6.9% (22)
International NGO	0.3% (2)	0	0
Outside Establishments	1.2% (8)	9.7% (17)	28.8% (92)

If we look at who is in this category of “outside establishments,” we find, as in our examination of unpaid family labor, that “workers in services and selling” is the largest occupational category (30%), and elementary occupations the second largest at 19%. While some of the persons classified in both categories may be the same, there is no clear conflation of these two categories, since only 12% of the people who work “outside establishments” are women, while 34% of those classified as “unpaid family labor” are women.

While we may get more clarity with more manipulation of data – or more comparisons with PCBS 1997 census data – one tentative conclusion is that labor classifications have a real but limited value in capturing patterns of labor in Amari – and that Amari camp residents relation to employment, labor histories and daily experiences of work are hard to categorize in such a simple manner.

Markers of Modernity? : Amenities and Lifestyle

As noted in the introduction, one of the more interesting results of the 2004 survey was continuing increase in the signs and amenities of a “globalized” middle-class life style in all three neighborhoods, although the trend was significantly weaker in Amari. The increase in higher education analyzed above is of one of these markers, along with an increase in computers, satellite dishes, private cars, mobile phones, and household appliances. These are perhaps crude markers for much more complex processes, as modernity (and its many versions) is a highly charged and contested term in itself⁷

The following table shows all the rate of increase in household amenities and durables in Amari between 1997 and 2004. A quick look at the figures for Amari show that a rise in the ownership of all household items. The highest increase is found in the ownership of home telephone-earth (from 6% to 39%), computers (from 1.2% to 25%) and private cars (from 13% to 33%). While in 1997 none of the households had central heating, in 2004, 2% had it installed in their houses. The rates of owning satellites and mobiles which show only for the year 2004 are not low.

Amari households: Possession of amenities, 1997 and 2004

Household item	1997	2004
Private car	13%	33%
Fridge	90%	96%

Solar heater	55%	62%
Central heating	0%	2%
Potogaz	86%	97%
Home Library	9%	11%
Washing Machine	79%	88%
Television	89%	94%
VCR Machine	22%	27%
Computer	1.2%	25%
Telephone-earth	6%	39%
Mobile	no data	67%
Satellite	no data	65%

What does our data show in comparing the three communities? First, the possession of basic household appliances – a washing machine, a refrigerator and a television – were universal (99-100%) in Masyoun and Im Shariet in 2004, and highly prevalent (93-97%) in Amari, although 7% still did not possess a washing machine, 4% did not possess a fridge, and 3% no television. A small percentage in Amari (3-5%) shared these appliances with other households.

About a third of Amari houses do not have a mobile phone, and a similar percentage (30%) do not have a satellite dish, while only 4% of Masyoun households do not have a dish and 14% of Um Sharayet households. In a similar vein, only a quarter of Amari households have a home computer, while over two-thirds of Masyoun (60%) and over half of Um Sharayet (53%) have a computer at home. Amari is clearly disadvantaged, but at the same time, an overwhelming majority of Amari households are watching satellite television and have access to mobile phones, while computer usage has increased dramatically.

Amari and the Al Aqsa Intifada: Target for Repression

The most striking difference between Amari and the other communities is the substantially higher effects of Israeli violence and repression. Survey results in the table below which show Amari having the highest rates among the three communities of injuries, deaths, arrests and temporary detention of family members.

	Imm Sharayet 2004	Masyoun 2004	Amari 2004
Injury of at least one Member of the family at least once	11%	9%	28%
Death of at least one Member of the family or relativest	10%	3%	15%
Arrest of at least one Member of the family	16%	14%	30%
Temporary detention of at least one member of the family	39%	44%	70%

That this finding might have been anticipated only underlines the “taken for granted” fact that camps and camp residents are special targets of Israeli repression. It is here that another definition of community begins to emerge – a community by necessity, by resistance and by history – that will best be explored through the ethnographic interviews that are central to the three communities research project.

Endnotes

¹ Members of the research team were Rula Abu Dahu, Lamis Abu Nahleh, Jamil Hilal, Penny Johnson and Lisa Taraki. Amira Silmi joined the team after the survey.

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Meeting the Housing Needs of Palestinian Women and Men: Conclusions and Recommendations

Eileen Kuttab, Randa Nassar, Lina Mi'ari

At the request of the Canadian International Development Agency (CIDA) and the Palestinian Mortgage and Housing Corporation (PMHC), a team of researchers from the Institute of Women Studies at Birzeit University conducted a multi-dimensional examination of the housing situation and policies in Palestine from a gender perspective in order to ultimately aid the creation of a commercially viable and gender sensitive financial institution that facilitates the flow of capital in support of a Palestinian housing industry. The practical purpose of this research was to empirically validate the issues raised in a previous desk study “Gender Analysis of the Palestinian Mortgage Loan Insurance Facility Policy.”

The team used multiple research methods, including two studies on the legal system related to housing and property rights from a gender perspective and qualitative and quantitative surveys on individuals from the population of Ramallah area at large and from key informants from various governmental, commercial, and civil institutions related to property, mortgage and housing in order to identify any informal and formal attitudinal and behavioral barriers that restrict women’s access to and control over land, property, housing and mortgage. The team also analyzed the content of literature and bylaws of local institutions involved in housing, and mortgage

The excerpt from the study below presents some of the main findings of the quantitative survey regarding attitudes and awareness of women and men towards property rights, and the conclusions and recommendations of the report. The full report can be found in the library of the Institute of Women’s Studies.

The research team, headed by Institute Director Eileen Kuttab, included Dr. Randa Nasser (Birzeit University Department of Sociology), Lina Miari (Institute of Women's Studies, Birzeit University's Institute of Law conducted the analysis of existing property legislation in Palestine, and Dr. Anan Odeh undertook the study of procedures in property disputes at the Court of First Instance and District Court of Ramallah.

Survey results:

Awareness and attitudes regarding property and inheritance rights for women

Attitudes and awareness of people regarding women's access, control over and ownership of land, housing and any other form of property and issues related to woman's inheritance and her status in general among the 130 people we interviewed (80 females and 50 males) were very supportive, not withstanding the small difference between men and women. As a matter of fact, the observed men's support for woman's rights to own property and inheritance is surprisingly quite high. With respect to attitudes towards women's right to acquire and keep property in her name, 97.5% of the women and 94% of the men supported such right. Regarding woman's rights to receive her inheritance, 100% of the women and 96% of the men supported the practice, while 96% of the women and 94% of the men thought that women should keep their inheritance to themselves.

However, it seems that both men and women do not quite grasp the discriminatory nature of the norms and traditions of their society regarding women's right to inheritance and ownership of property and presume that they are gender blind. For example, 68% of the women and 80% of the men thought that the norms and traditions of the society support women's right to inheritance and ownership of property. The people we interviewed feel confident that the societal norms are in congruence with their own personal support for women's rights to inheritance and property ownership. What is surprising here is the women's stance. Why would women perceive a gender neutral value system when by all means it is not so?

However, when asked about their knowledge regarding the reality of gender differentials in rights and in access to opportunities, 81% of the women and only 20% of the men thought that in their society men have more rights and greater access to opportunities than women. Women stance here is more reasonable and consistent with reality than their previous stance towards values and norms, but the question of interest

is what makes men so oblivious to what actually happens in their society regarding gender equities? This requires further conceptual and empirical investigation, but some immediate logical and of the head interpretations may shed some light on this fact. It could be because in the last fifteen years or so, women's overly embellished demand for their rights gave men the illusion that they (the women) have already received all their rights. That is, the gender equity discourse alone created the illusion that gender parity has been achieved in reality. What is even more alarming is the erroneous idea among men (which we tapped in another research among Palestinians and it is also quite common among white men in the US) that now they are the oppressed gender, claiming that their job opportunities are being high-jacked by women. Another explanation could be that men accept whatever rights and opportunities given to women now to be reasonable and sufficient and do not lag behind men's rights and opportunities. However, when asked if women should be granted the same rights and opportunities as those granted to men, 42% of the men and 78% of the women agreed and strongly agreed to this stance. This is quite frankly an unexpectedly high male's support for gender equity within the existing cultural context, and by all means, it should be taken as a bright ray of hope for future gender relations in Palestine (hoping that this sample reflects the actual society, though, as indicated above, it is not a random sample).

Property attainment for women may not be possible without their ability to secure finances. Therefore, we felt it is important to tap the extent to which women's participation in the labor market is accepted by men and women alike. The responses to the question about women's right to work outside the house were amazingly positive: 94% of the females and 76% of the males supported this right, and further, 91% of the women and 64% of the males thought that woman's work outside the house improves her ability to take decisions related to her family's affairs. What is of interest here, is the fact that a good majority of the men supported women's right to work (76%), but this proportion remains to be significantly less than that of the women (94%). Women are obviously the forerunners of their issues, but in a colonized society that is plagued by dependency, underdevelopment and overall backwardness, which perpetuate existing and also produce particular forms of patriarchy, these medium to high percentages of men in the sample who support women's equality and right to work (42% of the men support equal rights for women and 76% support women's employment outside the house) point to a livelier consciousness towards greater gender equities than is reasonably expected. Policies, therefore, ought not overlook this encouraging reality and they should invest in its perpetuation and proliferation.

Awareness regarding laws of inheritance and organizations promoting property right for women

The subjects' awareness of and support for the law of inheritance is telling of how people bestow support to laws if they are aware that these laws are associated with religion, irrespective of their content. For example, only 22% of the women and 10% of the men indicated their support to the civil law of inheritance, but when asked if they support the religious Shari'a law of inheritance, the picture was reversed: 85% of the women and 90% of the men supported it. This is a significant finding because the content of the civil law of inheritance is the same as the shari's law. As for their knowledge about any advocacy groups and organizations which promote awareness on women's rights to property, 44% of the women and 38% of the men knew of such organizations.

Actual practice regarding gender inequalities in ownership of property and access to inheritance and income

In this section we assess the actual behavior of people regarding gender equities/inequities in ownership of land, housing and other productive property as well as their attainment of their inheritance among the Palestinians interviewed and at the national level, where data is available. The survey results show that overall, 38% of the men and 12.5% of the women own one of the following forms of property: land (8% & 2.5% for males and females respectively), house (18% & 5%), business (2% & 1.3%), and an automobile (10% & 3.8%). It is clear that women's ownership of these four forms of property is significantly less than the men's, but the low ownership figures among the men is also noteworthy; reflecting the poor state these interviewed men and women live under. At the national level, these percentages are somewhat better for both genders, particularly in land and housing ownership: land ownership (24% & 5%), house (52% & 8%), business (13% & .2%), and an automobile (15% & 1.0%) for men and women respectively. National level data suggest that women's ownership in land and housing is 5% and 8%, respectively (PCBS 1999).

Results from our survey and from the national survey suggest that though housing ownership is modest for both men and women in Palestine, it is quite smaller for women, and therefore any national housing plan that is determined to be gender sensitive must focus on bridging the gender gaps in land and housing ownership, but more importantly, it must

focus on the means by which women gain the ability to access them, i.e. work with adequate pay.

The source and entitlement of the property owned by people in the study may be an important piece of information for market analysts. This simply gauges whether women do acquire or buy property on their own or not, and if they register it in their names once they acquire it. From the ten women who own property, 30% have bought it themselves before or after marriage. But because the number of those who actually purchased the property they own either before or after marriage in our sample is only 3 women, we recommend caution in the interpretation of this figure. From the men who own property, however, 45% have bought it themselves before or after marriage. The rest of the property is either acquired through inheritance or other unspecified means.

Property tenure among women and men, though to a lesser extent, does not fully correspond with their self-proclaimed ownership. Only five of the ten women who indicated that they own one form of property have this property registered in their names (50%), while 19 of the 24 men who own property (79%) have their property registered in their names. We think that this is due to the low rates of divorces in this country and hence lack of awareness about the various unfortunate possibilities that can harm women if her property is not registered in her own name if and when divorced. Also women in this part of the world trust their men (whether it is genuine or due to societal pressures and expectations) and do not prepare themselves for a future situation of conflict and division of property. Some of the women we interviewed in more depth suggested that interpretation. In addition there may be a type of stigma associated with women's attempt to gain entitlement over their property.

Conclusion and Recommendations

Conclusions

- 1- It is clear that the Palestinian laws, the public, and the housing and mortgage institutional officials and terms do not embrace clear and obvious gender biases against women regarding housing and property rights and access to mortgage. In practice, however, as the research demonstrated, the picture is not as rosy. Women's ownership of land, housing, and businesses is significantly less than that of men. At the national level, the percent of men and women, respectively, who own land is (24%, 5%), housing (52%, 8%), and business (13%, .2%).

- 2- It is important to note that both men and women's ownership of property is scanty in the occupied territories, reflecting the poor, underdeveloped socioeconomic conditions that people live under. And, hence, any housing and mortgage venture should strategize in this very important area.
- 3- Women's participation in the labor market is quite low (14% of the women in the working age work in all of the occupied territories) and their income is insufficient to qualify them for mortgage loans (in our survey about 30% of the working women are in the 2000 NIS or less monthly income category. Although, the men situation in this regard is much worse: 50% of the men are either unemployed and/or their income is 2000 NIS and less)
- 4- There is some space for Palestinian women to become empowered in her household regarding issues that involve her personally or those of the household affairs. Our survey results revealed that women are fairly involved in the decision to obtain a mortgage loan to purchase a home: 5% make this decision on their own all the time, 3% make this decision more than their husbands, and 43% make this decision jointly with their husbands. As we indicated earlier in the results section, women's role in the decision making process becomes much more significant in personal issues.
- 5- There is a high demand for both housing and mortgage loans among both men and women in the survey (over 65% of the men and women who live in owned homes desire to purchase another home, and 53% of the women and 68% of the men are willing to obtain a loan to purchase a home, while among the renters, these figures are much higher: 78% of the women and 83% of the men desire to leave their rented dwelling to purchase a home, and 65% of the women and 58% of the men are willing to obtain a loan to do so). This suggests that among the renters women are more willing than men to obtain a loan to purchase a home while among those who live in tenured homes men are more willing to do so, though this is mitigated by the place of residence i.e. this pattern changes according to the place of residence, as shown above in the results section.
- 6- The demand for housing and mortgage is most acute among the renters, the camp residents, the poor, and least among city dwellers, rich women and among those who have a BA degree.

- 7- Knowledge about mortgage sources and terms does not seem to be wide spread among the people in our survey. Women's knowledge about institutions which lend money for home purchase is by far less than that of the men among those who live in owned homes (18% and 45%, respectively) and among the renters (26% and 42%, respectively). As for knowledge about the loan terms, women also have less knowledge than men (25% and 58%, respectively, among those living in tenured homes and 48% and 67%, respectively, among the renters). This knowledge was mostly gained from other individuals and not from any of the media sources such as newspapers, and the other electronic media sources.
- 8- People for the most part harbor fear for loans and mortgage. 60% of both men and women who live in tenured homes have fear to obtain a loan to purchase a home, and 48% and 83% for women and men, respectively, fear loans among the renters. Women among the renters are much more determined and less afraid to obtain a loan for house purchase than men, and thus they should be targeted by mortgage companies. People are really more willing to get a loan than they actually do so and they harbor lots of fear around the acquisition of a loan to purchase a home. While over 50% of the males and females whether they are renters or live in tenured homes indicated willingness to obtain a loan to purchase a home, less than 25% of them actually attempted to get a loan and 60% of them fear loan acquisition.
- 9- From the second legal study on court cases, it was obvious that more men are claimers than defendants as they obviously use courts more than women. Yet, it was also true that some women have used the legal courts, which theoretically means that women can become claimers for their rights. Of course, as the qualitative study with 7 women indicated there are a host of social and economic pressures that prohibit them from doing so. In addition, it was clear that most of the cases end up with reconciliation and women's rights are compromised due to social pressures.
- 10- The discourse of the courts is male-oriented and hence it assumes that the judicial system is not gender sensitive.
- 11- With the exception of the religious courts, civil laws are gender neutral and this neutrality reflects itself in male presence.

- 12- Most of the institutions that deal with housing and mortgage are governed by gender neutral frameworks that deal with beneficiaries as citizens and which indirectly means that women are not targeted. Whereas, other institutions are gender biased and deal with mortgage issues in a discriminatory way like asking the approval of the husband for a mortgage that is applied for by a woman, or the use of male discourse in the application forms. A general understanding of most of the institutions is based on the assumption that by benefiting the family, it is benefiting all the members of the family including women.
- 13- An important conclusion is that most of the mortgage companies or institutions do not interfere in the registration of property which leaves women with no legal protection or right especially in cases of divorce or death of husbands.
- 14- There is clear indication that gender neutral policies disregard gender roles in addition to women's needs especially those of poor women and female headed households. Furthermore, this gender neutrality disregards the gender gap in the society and the cultural practices that discriminate against women. As a result, gender biases and power relations are perpetuated and maintained which deprive women to benefit from the different housing schemes and limit their access to mortgage that is based on commercial competitive basis.
- 15- Interviews of women's institutions have indicated that women's organizations have not yet put women's housing rights as a priority issue on their agenda. It became clear that even women's organizations that give loans to women have limited it to small loans and to productive projects.
- 16- The relationship between women's work and access to decision making is more complicated than we anticipated. It has been indicated that some women who are working have expressed a positive relation between women's waged work and decision making. Yet in the quantitative and qualitative survey there was a clear indication that most of the decisions that relate to the family as a whole are joint decisions, but the personal decisions concerning women's affairs become one of the issue that can differentiate between women's empowerment, who have more space and opportunity to bargain and make decisions than women who are economically dependent.

- 17- We can conclude that one of the main issues that can threaten women's ownership rights is the cultural value of family's unity and coherence. Such a value plays a negative role in challenging women's inheritance rights especially in terms of housing and land.
- 18- Most women have more knowledge of the *Sharia* inheritance laws than the Palestinian Legislation. Yet due to the gender neutrality of the Palestinian legislation, women should be more aware of such laws as they can have more space for manipulation in terms of equal gender rights.

Recommendations

- 1- It has been indicated that a gender neutral policy can not bring women into compatible status with men. Due to the existing gender gap and due to discrimination against women in real practice gender specific policies become more relevant and necessary to bridge the gap between women and men. To enable women and give them more equitable opportunities policies that are targeted to women's needs and rights should be promoted.
- 2- One other recommendation that can be developed based on the findings is that registration of ownership should become one of the policy issues of mortgage institutions similar to the women's signature on the loan application. Mortgage institutions should not only use women for loan payments but should also give them legal status for ownership.
- 3- New kinds of mortgage institutions should be developed that can benefit from gender specific policies to be able to target women. Although it is difficult to talk about specific policies at this stage, it is important to review different low-income housing schemes that have been developed in other countries of the world and can be of use to our situation.
- 4- Based on this and the results of the legal studies and the in-depth-interviews, we believe that a housing institution which coordinates between all involved parties to make it possible for women to achieve the necessary requirements to obtain the means to own their own homes for themselves and their families is necessary. This institution

should provide job placement service for women, career development and training.

- 5- A gender review of low-income housing schemes should be conducted to be able to design the appropriate mortgage framework for the low-income households including female headed households. This review should concentrate on successful global experiences where poor women have been able to attain housing loans.
- 6- Because women's organizations have no experience in dealing with housing mortgage, there is a need to develop their skills in attending and managing such loans in a gender sensitive framework.
- 7- The women's organizations should increase their efforts to utilize the Palestinian legislation for women's housing rights. Hence they should raise the women's awareness in the importance to use Palestinian legislation and make it their reference framework as it can give more access to manipulation in attainment of gender rights.
- 8- Policy makers, and staff within mortgage institutions including private institutions and Banks should be trained in gender planning frameworks so that their policies become more gender sensitive.