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ONE STATE OR TWO IN ISRAEL/PALESTINE: THE STRESS ON GENDER AND CITIZENSHIP

Gordon A. Babst and Nicole M. Tellier[1]

Introduction

As is the case with any of the three great Abrahamic religions, there is considerable ambiguity regarding the status and role of women both within doctrinal interpretations, and between religious and other cultural traditions in the community. These ambiguities are reflected in political practice and condition women's aspirations regarding what is possible for them to achieve. Nowhere is it more true that understandings of religious imperatives permeate politics and work to make other lines of division all the more intractable than in Israel/Palestine. The proclivity to violence between the two peoples not only victimizes women, but foreshortens attention to their specific political needs and the general issue of women's rights in the region.

Recently, the entire Middle East region and North Africa have been roiled from below by large-scale protest movements aimed at ridding entire states of their autocratic rulers. Some observers sounded an optimistic note, believing that the presence of women among the activists bodes well for the future. Reporting from Cairo Laura King titled her report "Protests raise hope for women's rights: Gender equality emerges on the front lines" (King, 2011). About 20 days later Bob Drogin also reported from Cairo that "Egypt's women face growing violence. Sexual harassment is extreme and rampant. For a time it seemed that the protests might point to change" (Drogin, 2011). Carnegie Paper author Marina Ottoway reports that the "struggle for women's rights and the core struggle to achieve democracy... must be seen as separate processes in the Arab world today" (Ottoway, 2004: 7). All-in-all, then, it is too soon to speculate as to whether these apparently democratic movements will advance the cause of women's rights in the region, or result in a backlash against women who ventured outdoors.

Debate over women's rights is heated in reference to the treatment of women in Islamic societies and Arab cultures generally. We seek to investigate this general question within the frame of the debate regarding a one- or two-state "solution" to

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the conflict between Israel and Palestine.[2] Officially, the United States of America encourages a two-state solution on the Israeli and Palestinian peoples, carving a new Palestinian state and altering the borders of the present Jewish State of Israel. Presumably, an autonomous, sovereign Palestinian state will provide a homeland for the predominantly Muslim Palestinians, while Israel would do the same for its predominantly Jewish peoples.[3]

While the debate over a one- or two-state solution in Israel/Palestine has received considerable attention, it has yet to be done with extensive consideration of the perspective of women's rights, or with respect to the suitability of a secular or sectarian political regime to advance women's rights. Our point of view is, it is not obvious that a two-state solution would in fact improve the status of women in the region, if the two states were sectarian, rather than secular. The better solution turns not on which sectarianism predominates in one or two states, but on whether the one state is, or both states are sectarian at all. It is the sectarian/secular dimension that does the most work with respect to advancing the interests of women in the region, not whether one or two states are preferable. Both a Jewish Israeli state and an Islamic Palestinian state could provide relief for the majority of women living in the respective states, such as relief from violence, but would not advance the interests of women as a whole as seen from other perspectives, or so we argue.

When analyzing the gendering of citizenship there are a number of factors that must be taken into account. These include an examination of the distinction between the private and public spheres, the influence of religious law on personal and public matters, and a look at the ways in which women have responded politically to their respective situations. As Israeli, feminist scholar Simona Sharoni has argued, the relationship between gender and politics is crucial in understanding the Palestinian-Israeli conflict and the prospects for its resolution. Not only must the concerns of women be brought to the negotiation tables, but the contributions of both Palestinian and Israeli women must be recognized for a peaceful state solution to be achieved.

It is our emphasis on the status of women and the sectarian/secular divide that distinguishes our analysis and ultimate preference for a one-state solution from others, such as Benny Morris, who views the one-state solution as a "nonstarter" and holds prospects for a two-state solution as better, even if "very bleak" (Morris, 2009: 193). Given the focus of our attention, we necessarily by-pass examination of contentious issues such as the right of return for Palestinian refugees, and whether it was advisable to pursue a vote in the United Nations General Assembly regarding Palestinian statehood.

This article is organized as follows. First, we present some general theoretical considerations and feminist theory insights we hold to be important, followed by discussions of women's symbolic role in Israel/Palestine (II), and the history of the conflict and the politics of difference in Israel/Palestine (III). In Section IV we

review the contemporary situation of women in Palestine and Israel, respectively, followed by looks at women's political activism (V) and their rights given the religious context (VI). Finally, in Section VII we offer some closing remarks regarding what might be best for women in Israel/Palestine.

I. Some General Theoretical Considerations and the Importance of Feminist Theory

Feminist political theory aims to analyze and transcend women's exploitation as women, for women around the world are confronted with persistent social and political inequalities, just in different forms and to varying degrees (Jónasdóttir, 1994: xii). Of course, the oppression or exploitation of women is affected by particular socio-cultural or historical circumstances and so while these respective circumstances must be taken into account, an underlying understanding that women are often oppressed *as women* is the essential unifying idea here. Feminist theorists seek to understand why women are systematically in inferior positions to men, suffer from gender-based exploitation, and experience cultural imperialism and violence differently, arguably more intensely.

The theoretical framework guiding our inquiry regarding women's welfare is informed by a long line of thought linking women's oppression to the objects of their affection, and a social conditioning that reinforces forming and honoring emotional bonds characterized by dependency on men who may, frequently, treat them with disdain and even brutality. It was the early feminist thinker Mary Astell who linked the oppression of women with the object of their affection, such as their fathers, brothers, and sons, but especially their husbands. In her *Reflections on Marriage* (1700) Astell urged on women the development of their reason so that they would not make poor choices in partners, that they should develop their minds in the service of rational choice (Atherton, 1994: 97, 98). She argued that just as some men are superior in reason to some women, so too are some women superior to some men, despite the prejudicial leanings of society against such a proposition owing to "Holy Scripture," and that had reason been obeyed, "there would have been no Struggle for Dominion, and Brutal Power would not have prevail'd" (Kramnick, 1995: 561, 562). Astell implies that where there is no male on whom to bestow her subservience, the woman is free, and free to be as much "the Standard to the rest" as is the male, whether he actually warrants this adoration or not (Kramnick, 1995: 566, 567). Unfortunately, Astell's observations and recommendations for a change in perspective were not seriously taken up until John Stuart Mill's *The Subjection of Women* in 1869.

Mill famously made an analogy between women's modern and legal social subordination and slavery in her role as wife. In striking passages Mill writes:

> Not a word can be said for despotism in the family which cannot be said for political despotism.... It is part of the irony of life, that the strongest feelings of devoted gratitude of which human nature seems to be susceptible, are called forth in human beings towards those who, having the power entirely to crush their earthly existence, voluntarily refrain from using that power. (Mill, 1997 [1869]: 33)

Regarding differential upbringing favorable to male children,

> to grow up to manhood in the belief that without any merit or exertion of his own, though he be the most frivolous and empty or the most ignorant and stolid of mankind, by the mere fact of being born a male he is by right the superior of all and every one of an entire half of the human race.... how sublime and sultan-like a sense of superiority he feels.... (Mill, 1997 [1869]: 80, 81)

What's more, Mill notes the peculiar habit prevalent in the Abrahamic traditions to elevate women to moral superiority, the religion providing a rationale for male dominance to protect the most cherished, virtuous being of womankind:

> ...we are perpetually told that women are better than men, by those who are totally opposed to treating them as if they were as good.... As for moral differences, considered as distinguished from intellectual, the distinction commonly drawn is to the advantage of women. They are declared to be better than men; an empty compliment, which must provoke a bitter smile from every woman of spirit, since there is no other situation in life in which it is the established order, and considered quite natural and suitable, that the better should obey the worse. (Mill, 1997 [1869]: 41, 76)

Hence, Mill's other analogy between women and royalty, the only other incident where at one's birth all society's advantages are meted out, or withheld. Mill follows Astell in noting women's subordination as a function of her affections, these being cultivated in her from birth and always working in favor of the other gender, making her always an attached individual, rather than an independent agent capable of pursuing her own interests. This traditional form of subjection of women is rooted in religion and in historical religious teachings.

A different, contemporary approach to understanding the oppression of women is the capabilities approach developed by Amartya Sen and applied to women by Martha Nussbaum. The capabilities approach is less open to criticism that it reflects a Western perspective, always a danger in socio-political assessments. While Nussbaum is careful to indicate that religious traditions are by no means monolithic as regards requiring the subservience of women, nonetheless as a practical matter religion tends to dominate tradition, and traditionalism,

> in at least some of its political forms...rides roughshod over other human capabilities, giving religion...broad latitude to determine a woman's quality of life, even when that

threatens not only dignity and equality, but also health, the wherewithal to live, and bodily integrity. The secular humanist is at least motivated by an admirable goal: to guarantee to women the full range of rights and capabilities, including both those already on the agenda for men and those that involve women's freedom from gender-specific abuses.... I don't think there is anything so positive to be said about the motives lying behind traditionalism, where women are concerned. (Nussbaum, 2000: 186-187, references omitted)

Nussbaum seeks to have each woman considered as worthy of regard, as her own being capable of, and enabled to act on her own sense of her own best interests. The capabilities approach focuses attention on the "idea of a basic social minimum... what people are actually able to do and to be—informed by an intuitive idea of a life that is worthy of the dignity of the human being" (Nussbaum, 2000: 5). Alas, "[w]omen have all too often been treated as the supporters of the ends of others, rather than as ends in their own right" (Nussbaum, 2000: 5-6).

Women whose potential is limited by their embedded emotional attachments or who lack the capacity to act on their own behalf, to make choices and act on those choices even when against social norms, are not likely free agents able to develop the same as men, or even to approximate their male counterparts, regardless of how well they are told they are being treated or honored, or how much they might agree, or say they agree with what they hear.

Feminist theorist Anna Jónasdóttir has contended that sexuality, defined as person-to-person power relationships between women and men should be considered a political arena, particularly when examining patriarchy. Men tend to extract power from women without return, and women allow it. While women have "the right to give freely of themselves, they have limited legitimate freedom to *take* for themselves" (Jónasdóttir, 1994: 26). Power relations constitute gender identities, and men and women simply do not have the same access to resources associated with power.

In line with a common theme of feminist political theory, the personal should be discussed politically, for the private sphere is affected by and affects issues in policy debates (Jónasdóttir, 1994: 158). In the *public* sphere, for politics to be a relationship among equals, religious hierarchies should be put aside and differences should be embraced evenly so that all individuals can come together as *equal* citizens. In order to eliminate inequalities, it requires not the elimination of group identities themselves, but the promotion of respect for group differences so that people may be seen as free individuals (Young, 1990: 47). Yet, this is an ideal and not the reality. Norms of the public sphere have been defined by those in power, which have generally been males, the result being that the public sphere has been predicated on exclusion.

Commonly, women are not considered "party to the original contract through which men transform their natural freedom into the security of civil freedom. Women are the subject of the contract" (Pateman, 1988: 6). Citizenship must be grounded

in recognition of sexual differences, "so that to become full citizens women do not have to attempt to become pale reflections of men but can actively participate as women" (Jónasdóttir, 1994: 179). While the public sphere at its best may aim to secure individual freedoms, it does little to nothing to limit inequalities in the private domestic, marital or familial realms which are often overlooked as politically irrelevant influences on public life.

Gender equality is an essential human right and is crucial for the social and economic development of a state. Yet according to the 2010 Human Development Report, there is no country that treats its women as well as its men. While looking at these indicators, it is important to explore the elements of exploitation embedded in socio-political processes and coded into social behavior. Our approach to evaluating the context for the wellbeing of women is to look at both the presence of strong religious influence in politics, law, and society, and statistics regarding the status of women in Israel/Palestine.

II. Women's Symbolic Role in Israel/Palestine

Women have served a symbolic, even mythological role in the struggles of their respective national identities. The survival of the state of Israel was constructed around women's role as "biological and symbolic makers of the nation," producing *sons* who would continue the lineage of the "mother" country and carry on the traditions for which *men* were the primary actors (Kaufman and Williams, 2007: 126). During the 1950s, Israel's first Prime Minister, David Ben-Gurion, "turned the issue of women's *fertility* into a *national priority*, arguing that 'increasing a Jewish birthrate is a vital need for the existence of Israel and a Jewish woman who does not bring at least *four* children into the world is *defrauding the Jewish mission*'" (Sharoni, 1995: 34). Bearing children, according to the Efrat Committee for the Encouragement of Higher Birthrates, was a woman's "national duty," despite any health risks connected to childbirth. It is important to note, however, that this "duty" put upon women has not been a unique product of Israel. With the Palestinian intifada, Palestinian women "were encouraged and praised when they accepted the *responsibility* of reproduction" (Kaufman and Williams, 2007: 125). For example, journalist Jan Goodwin writes of her interview with Dr. Zargar, a surgeon at Gaza's Islamic University and former chairman of the Arab Medical Association:

> As our conversation wound down, Dr. Zargar asked whether I was married. When I told him no, he wanted to know why not. "You were created for children, your uterus was created to produce children. Your breasts were created to lactate and feed children. You have a brain, yes. But you are also a woman, and to have children is your purpose." I did

not respond, having learned early on in my travels through the Islamic world that such.
dialogue tends to be circular. (Goodwin, 2003: 296, 297)

While symbolically important for the nation, the act of bearing children is not
a central political role or act of inclusion. This designation marginalizes women
from roles of authority and the political decision-making process, confining them
to gender stereotyped tasks in which they remain dependent upon men.

These historical illustrations depict the fact that women are not treated as ends in
their own right, but as means for others in their role as reproducers, caregivers and
sexual outlets. Women around the world often lack equal support for the fundamental
functions of human life, and are disproportionately vulnerable to physical violence
and sexual abuse. Even if women are *considered* full equals under the law, they are
often not treated as such. Often, this "gender-specific subordination is justified in the
name of preserving their group's collective identity," and women "who criticize their
group's gender-biased family law policies can be seen by the group as threatening
its most cherished traditions" (Shachar, 2000: 217).

It is important to bear in mind the tricky conundrum the demand for the formal
equality of women has also posed in the West, with women having to become like
men in order to gain equal standing (Pateman, 1992: 20). Feminist political theorist
Carole Pateman offers that,

the heart of the matter is not sexual difference, but women's subordination.... Whereas
"equality" in some of its possible meanings can encompass "difference", no sense of
"equality" compatible with a genuinely democratic citizenship can accommodate
subordination.... The issue in the problem of "difference" is women's freedom.... Yet one
fundamental dimension of women's freedom is the freedom inherent in equal citizenship.
(Pateman, 1992: 28, 29)

This seems also to be true in the Islamic context: "But of course what has
traditionally been meant by equality is equality among male Muslims.... On the
whole, the greater the influence of traditional Islam, or of fundamentalism, the
more restricted women are, and the more difficult is the situation of non-Muslims,
especially non-theists" (Black, 2001: 343).

Another feminist theorist, Ursula Vogel, suggests that in modern citizenship
theory women as wives have "not been altogether excluded from the story of
modern citizenship. They have been part of it, but as subjects and subordinates
of citizens.... A wife stood in no direct relation to the state and the law" (Vogel,
1994: 76-77). Women were thought of as "exemplary non-citizens" through the
marital relation, even in the face of declining patriarchy in the West (Vogel, 1994:
88). Arguably, change will require that "patriarchal social and sexual relations
have to be transformed into free relations" (Pateman, 1992: 29). The prospect of

this happening in Israel/Palestine is rather unlikely, pending secularization at the highest levels, owing to the symbolic role of women in society effectively enforced by law and custom.

A number of organizations, such as the Organisation for Economic Co-operation and Development (OECD) and the World Economic Forum, produce Gender Indexes that they use to measure gender inequality across different states. When reviewing these indexes, however, it is important to see what indicators are used and how they are measured. The OECD placed Israel as the 15th nation to most effectively respect gender equality. However, the World Economic Forum placed Israel as 52nd, but still the leading nation in the Middle East and North Africa. Palestinian Territories are either unaccounted for or consistently ranked lower than Israel. Yet, in this case, it is important to keep in mind that Israeli policy largely influences the basic rights of all individuals in the Occupied Palestinian Territories, for which there is no comparable analog affecting Israel.

III. History of Conflict and the Politics of Difference

We have lost 75 percent of our land overall to Jews, we've lost our properties, our young men. The world doesn't know this. And it is we who are called terrorists. Russian and Ethiopian Jewish immigrants have had the right to come here; what history do they have with this region? And we who belong here have had no rights, none at all.

> Yussa Barbari, founder of the Palestinian Women's Union
> (quoted in Goodwin, 2003: 293-294)

Some ethnic and national groups are perceived as being fundamentally "other," opposed to one another, sharing no commonalities and unchanging in nature; yet regional and global circumstances recurrently bring them into contact and therefore conflict (Young, 1990: 260). Differences between Israelis and Palestinians are frequently perceived as absolute, with the occupation and settlement policy of Israel necessarily producing continual systematic violence. According to the late political theorist Iris Marion Young, justice for these two groups refers "to the institutional conditions necessary for the development and exercise of individual capacities and collective communication and cooperation," which are currently denied to non-Jewish individuals in Israel (Young, 1990: 39).

Through the Balfour Declaration of 1917 and the Sykes-Picot Agreement, the British government called for the establishment of a Jewish homeland in Palestine, a destination of migrating Jews since at least the fourteenth century. Yet to the Arab inhabitants of this land, it appeared a colonial maneuver to capture the land they occupied while destroying Arab unity. Therefore, parallel to the development of a Jewish state, was the creation of Palestinian consciousness. In the 1920s and

1930s, as Jewish immigration increased, systemic violence and Arab resistance increased, each group believing they had their own claim to the land (Ross, 2004: 17). To these early Jewish settlers, "separation made more sense than cooperation; segregation, not commingling with the Arabs, became a new focus; acquiring large swaths of contiguous territory took on a new urgency; and self-reliance, especially with regard to defense, became an article of faith" (Ross, 2004: 17). Considering this general consensus, a 1936-37 British investigatory commission, known as the Peel Commission, was sent to assess the situation in Palestine. They concluded that:

> the premise on which the mandate was made was untenable; a unitary state could not be created... Palestine [should be] partitioned into separate Jewish and Arab states... neither will get what it wants. Arabs must acquiesce in the exclusion from their sovereignty of a piece of territory, long occupied and once ruled by them... Jews must be content with less than the Land of Israel they once ruled and have hoped to rule again... Both parties will come to realize the drawbacks of partition are outweighed by its advantages. For if it offers neither party all it wants, it offers each what it wants most, namely freedom and security. (Cleveland, 2008: 252)

Even before the state of Israel was created, a two-state solution was deemed a pre-requisite to peaceful relations. While the UN embraced the partition plan in 1947, in 1948 the Arab-Israeli War broke out, or what Israelis deem the "War of Independence" and what Palestinians call the *Nakba* or "Great Catastrophe." It gave Israel 75 percent of Palestine compared to the 54 percent allocated to them by the UN partition plan (Hiro, 1996: xxi). This historical turning point made Palestinians into a stateless people, refugees. "In order for Israelis to win a homeland in 1948, over a million Palestinians were forced from theirs, and 77 percent of Palestinian land became owned by Israel.... Today, some five million Palestinians are scattered around the world, many living in refugee camps, eking out a survival" (Goodwin, 2003: 278).

Hence, with conflict born from the belief that integration was impossible, the state of Israel was founded in 1948, not as a place for *all* to seek asylum from religious persecution, but as a place for *Jews* to seek asylum. It was never a question among secular or orthodox Jews that Israel would be a *Jewish* state, or "a state of the Jewish people" (Swirski, 2000: 318). The founders of Israel were, "inextricably linking religion and nationalism," treating Jews and Arabs, "as *ethnic* groups not religious groups" (Hiro, 1996: xix). Non-Jewish occupants in Israel/Palestine were then subconsciously categorized into a rank of lesser value. This created and still creates a critical dilemma over the issue of identity within Israel. While secular Jews can still maintain a connection to the state, Arabs, Muslims, Christians and those of other religions or cultural groups are likely unable to fully identify with Israel, or at least struggle in doing so. By definition, a solely *Jewish* state makes

"one sub-community identical with the state; the other sub-communities residual categories," privileging some members of society at the expense of others (Swirski, 2000: 316). Hence, the popular, if cynical elision that Israel is not a Jewish and democratic state, but a Jewish and demographic state, a form of nationalism founded on ethnic Jewish exclusivism (Ram, 2008: 71). This religiously-embedded ethnonationalism contributes to "blocking of the further development of Israeli liberalism, civic nationalism and the expected consequential secularization" (Ram, 2008: 70).

Despite the order of UN Resolution 194, which states, "the refugees wishing to return to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and compensation should be paid for the property of those choosing not to return," no such measures were made. Furthermore, upon acquiring territory from Egypt, Jordan and Syria, including the West Bank and Gaza, Israel inherited responsibility for, but neglected attention to, over a million Palestinian Arabs. Arab and Palestinian women in the region, particularly those in the Occupied Territories, are given fewer rights and privileges, and are inhibited from fully developing their civic capacities, as discussed in the next section.

IV.a. Situation of Women in Palestine[4]

Treat your women well, and be kind to them.
                                                    Prophet Mohammad

A man loves first his son, then his camel, and then his wife.
                                                    Islamic Proverb

A woman's heaven is under the feet of her husband.
                                                    Islamic Proverb

Any analysis of the treatment of women in Palestine must be seen through the lens of the Israeli occupation and the limits it imposes upon all Palestinians. As is the case with most societies in conflict, dislocation and insecurities affect women disproportionately to men, with Palestinian women arguably suffering as well the resurgence of fundamentalist Islamic elements in response to the humiliation Palestinian men experience from the occupation. A survey run by Freedom House suggested that, "the freedom that Palestinian women's organizations enjoy depends heavily on the political situation in the area. When the situation is more stable, women's groups have more freedom to address the concerns and issues of women" (Freedom House, 2010). Women's civil and political rights are negatively affected by Israeli occupation, which has come in the form of armed conflict, political unrest, ineffective law enforcement and limitations on Palestinian freedom of movement. Palestinian women's rights advocates have not been able to advocate extensively

for legal protections as they are expected to prioritize the national cause above their own.

As in other areas of conflict, violence against women has been exacerbated due to poor levels of protection and law enforcement, particularly in regard to domestic violence. A 2006 Palestinian Central Bureau of Statistics (PCBS) survey reported that over 60 percent of women indicated they had been psychologically abused, 23 percent had been beaten and 11 percent experienced sexual violence. Female genital mutilation is also known to be practiced and around 20 honor related crimes are documented each year, largely as a result of *purdha*, a conservative Muslim tradition which prohibits women from socializing with unrelated males. This issue is of particular concern considering that honor killings are still deemed socially acceptable within conservative groups. Palestinian men and women also face the constant risk of arbitrary arrests and harassment across checkpoints. Israeli border authorities are known arbitrarily to change the number of Palestinians they would permit to enter, and the times the border is open (Goodwin, 2003: 277). Transportation, due to these checkpoints and the construction of the Separation Wall, has become more costly and time-consuming. Women encounter difficulties when traveling to educational institutions, health care facilities, and in managing time between domestic and work affairs.

As a result of the poverty and transportation difficulties that the occupation has caused, the literacy rate in Palestine is slightly lower for women. Many families cannot afford an education for their daughters and insist on early marriages to ensure that they may be provided for. A 2004 report issued by the United Nations covering the topic of underage marriages indicated that around 24 percent of girls between the ages of 15 and 19 were married, divorced or widowed. The PCBS reported that almost 40 percent of women married following a decision by their parents. Yet in general marriage patterns have been distorted due to the construction of the Separation Wall, making it more difficult for individuals to choose spouses from outside areas. As in other countries governed in whole or in part by Islamic law, women are under some form of male guardianship, requiring their authorization in journeys abroad, further limiting their overall mobility.

Palestinian Basic Law as given in the third draft of the constitution makes no distinctions between men and women, who are both entitled to vote and hold office. Yet, while these are guaranteed on paper, there is a lack of measures to encourage women to participate in politics or to pursue action against gender discrimination. Men are disproportionately represented in judicial, administrative, and executive offices because of cultural stereotypes about women and their abilities, and for reason of women's generally limited financial resources. Furthermore, Personal Status Laws are based on religious laws inherited from Jordan, in the West Bank, and from Egypt in Gaza. In both cases, laws contain discriminatory provisions in

the areas of marriage, divorce, child custody and inheritance. Women face obstacles when addressing issues dealing with these personal, family laws which are tied to religion. Women who seek to ensure their own rights are often seen as attempting to undermine or even attack culture and tradition. Yet, if the legal means were available for women to achieve justice in these realms, social norms often shame and stigmatize them for pursuing such a progressive path, with women providing obstacles as well. As Muslim activist Naila Ayesh, founder of the Gaza Strip-based Women's Affairs Center, commented, "sometimes we encounter resistance from women, who are becoming more aware about religious matters, and when we discuss women's rights they usually debate it from a religious point of view" (Sanders, 2010).

Within marriage, women have only the rights that are specified in the marriage contract; and unfortunately families discourage women from detailing these rights. Jordanian and Egyptian legal codes also deny the right of women to maintain their nationality if they marry a non-Palestinian, or pass their nationality to their husbands or children (Kaufman and Williams, 2007: 148). Under Egyptian and Jordanian family laws in all Occupied Territories except for East Jerusalem, Muslim men are allowed to take up to four wives. Plural marriages, however, are unavailable to women. Furthermore, if a woman leaves her husband's home against his will, she can be forced to return. Islamic Personal Law considers fathers to be the natural guardians of children, mothers the mere physical custodians. Mothers have the right to physical custody of their sons only until age 10 and daughters until age 12 in the case of a divorce, but must forfeit custody if they remarry. In the case of inheritance, women may inherit, but their share is generally smaller than that to which men are entitled. Women are also often pressured into transferring their entire inheritance to their brothers or other male relatives. Women have legal access to credit, land and property, and the right to spend their income independently. However, female ownership is low because of social norms that limit their economic activity. A 1999 PCBS survey showed that only 5 percent of women own or share ownership of land, and less than 8 percent own or share ownership of property other than land.

These are just some of the obstacles Palestinian women face, and those wanting to advocate for their rights have not been able to do so extensively because their cause is subordinated under the national one. As Ayesh puts the point, "[a] lot of other issues are more important to women now than women's rights" (Sanders, 2010).

IV.b. Situation of Women in Israel[5]

Then the LORD God said, "It is not good that the man should be alone; I will make him a *helper* as his partner."

Genesis 2:18

The man said, "The woman whom you gave to be with me, *she gave me fruit* from the tree, and I ate."

<div align="right">Genesis 3:12</div>

To the woman he said, "I will greatly increase your pangs in childbearing; in pain you shall bring forth children, yet *your desire shall be for your husband, and he shall rule over you.*"

<div align="right">Genesis 3:16</div>

While Israel was created as a democracy, women and non-Jewish residents are not afforded equal rights and have generally less access to the political arena under a biased judiciary and legal system. All women in Israel are subject to laws which are tied directly to religion, a legalized element of the state. The Equal Rights Law of 1951, based on secular principles, guarantees the equal treatment of men and women in public life; yet while this measure and the Declaration of the Establishment of the State of Israel

proclaimed sex equality as one of the founding principles of the state, and the state-building process included subsequent legislation on equal pay and maternity rights, women's freedom was in practice limited by a powerful familial ideology, shaped and sustained by religious authorities and backed by law. (Cockburn, 2003: 116)

Jewish women have a sense of privilege above non-Jewish women as of the two groups they are the only ones to receive full access to some economic and social rights.

However, Arab women and ironically Jewish women too face discrimination and social pressures that negatively affect their professional, political and social lives. These points may seem unexpected, considering that women have the right to vote, hold office, and are required to serve in the military. Even the fourth Prime Minister of Israel was a woman, Golda Meir. However, not only are the military roles for women quite distinct from that of men, but Meir has been the only woman to hold this esteemed position. Women are not proportionately represented in the political policy-making process. The political structure mirrors the family structure, an argument advanced by Pateman in her groundbreaking work *The Sexual Contract* (1988) with respect to social contract liberalism. Women's domestic roles as wives and mothers are used to exclude women from public positions of power and authority. Unfortunately, this "absence of women from Israel's organized politics is so pervasive that it is perceived by many Israelis as a natural phenomenon rather than as a cultural product of the politics of gender" (Emmet, 2006: 35). Women were also largely excluded from the Oslo Process, which took place in the early 1990s, for just as "the locus of political activity and attention shifted to the high-visibility diplomacy of the official peace process, women's contribution to and participation in peacekeeping had been marginalized" (Sharoni, 1995: 137).

Women remain subject to the mutually reinforcing patriarchal norms of culture and religion. Israel champions that women have no constraints in regard to education. However, in Jerusalem's ultra-orthodox Jewish communities, the state funds a school curriculum which purposefully excludes world history. Women are shielded from images that do not reflect that of the ultraorthodox community, thereby obscuring norms of sexual equality (Nussbaum, 1999: 101). Additionally, while women's freedom of dress is respected and Muslim women are free to wear the veil depending on their personal beliefs, there have been reports that women are often denied access to public facilities, such as markets, without modest clothing, restricting their general mobility. Issues under the authority of religious law, such as marriage, are also far more difficult for women to reform.

Citizenship is most evidently gendered through the states' marriage laws. Israel provides for *Halakha* and *Sharia* to govern marriages between Jewish and Muslim women and men respectively, both of which are equally constraining for women of either faith (Kaufman and Williams, 2007: 147). While the legal age for marriage in Israel is 17, the Committee on the Elimination of Discrimination against Women and the Knesset Research and Information Center estimate that hundreds of minors, mostly females, are married in Israel each year. Despite several measures to prohibit violence against women in the Penal Code, including the Prevention of Violence in the Family Law and the Prevention of Sexual Harassment Law, violence remains prevalent. Domestic and spousal abuse has even increased in recent years, and it goes without saying that a large percentage of such incidents go unreported. There is also no secular, civil alternative to a religious ceremony, making it nearly impossible for intermarriage between those who identify with different religions. The system was designed as such since for Jews to intermarry and assimilate would not produce "full Jews," undermining religion and therefore the state of Israel, which was founded on the basis of religious asylum.

The Convention on the Elimination of Discrimination Against Women (CEDAW) defines discrimination against women as:

> Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Israel ratified and became a party to CEDAW in 1991, pledging to embody the principle of equality of men and women in their Constitution. This is supposed to include measures to eliminate existing discrimination by any enterprise, confront customary practices based on the inferiority of one sex to the other, and ensure

that public authorities do not discriminate against women. However, Israel made a number of reservations to the Convention on the basis of religious law:

> The State of Israel hereby expresses its reservation concerning:
> 1. The appointment of women to serve as judges of religious courts where this is prohibited by the laws of any of the religious communities in Israel.
> 2. The laws on personal status [Marriage and Family Life] which are binding on the various religious communities in Israel do not conform with the provisions of the article. (CEDAW)

By making these reservations the state of Israel is not only acknowledging that they have laws in place which are discriminatory toward women, but that the religion upon which they are founded justifies this discrimination. Israel sought to combine a liberal Constitution, which guarantees sex equality, with religious courts for family and personal law. Israel places the utmost importance on the need to constitute a religious identity, demanding the enforcement of religious courts and the preservation of gender biased religious practices, even when they directly conflict with women's constitutional rights and alienate women from their own freedoms. What makes matters worse is that the government consents to the interest of the most powerful, rather than social equality and the interests of women. In this and many other cases the religious laws women are under have more power than they do as citizens.

V. Women's Political Activism

Power, not as a form of domination, but as a capacity, is important to women's liberation. There is a distinct difference between influence and authority. While women may exert influence, they lack authority. But, though women lack a *state legitimized* "power-over" capacity, as autonomous agents they have the capability to bring about change (Squires, 2000: 44). Nonetheless, women's capacity for autonomy in Israel/Palestine can be disputed, especially in relation to men's.

Women do not represent a unifying block or common consensus, for the situation is not the same for all women, and therefore not all women's organizations have advocated for the same things. Yet, ironically, the same structures that systematically exclude women from the formal political process have also contributed to their political activism, pushing them to have their causes recognized in public discourse. Women's political activism in Israel and Palestine has centered around achieving peace and social justice; however, groups have differed on how to define and achieve their goals. Questions have centered on whether peace will be achievable if the Israeli government accepts the Palestinian claim for statehood, if Palestine recognizes the right of Israel to exist, or if both sacrifice their national identities for a shared one.

Some women, for example, use political activism to support the status quo of women's traditional domestic roles. Those who do not may have to stress that they are not pursuing a *feminist* agenda, in order to appear as non-threatening to social norms. Some anti-war groups tied their oppression as women to the oppression suffered by Palestinians, fighting for their basic human rights. Yet these groups were seen as extreme feminist movements that "posed a threat to the stability of Israeli society, particularly in times of crisis" (Kaufman and Williams, 2007: 133). This feeling of mutuality and solidarity between Israeli women and Palestinians has sparked the desire for many Jewish Israeli women to seek contact with Palestinian Arabs in Israel and in the Occupied Territories. This grassroots approach showed that individuals on both sides could cooperate. Israel Women's Peace Net, or Reshet, not only invited Palestinian women into the homes of Israeli women to engage in personal contact and break down barriers created by the conflict, but many women even traveled to Palestinian Territories to see firsthand the objectives of women's committees (Kaufman and Williams, 2007: 134). This open forum for dialogue is just one of the ways women were able to build a sense of trust among two groups long thought unable to coexist. These women illustrated how a common goal could transcend different religious and cultural backgrounds.

Within Palestine, women's activism was initiated through other means. After the British mandates were put in place, the new political reality and economic situations made the survival of the family dependent upon women working outside the home. This paralleled the growth of women's political consciousness. The Palestinian Women's Union was established in 1921 and the Arab Women's Congress of Palestine held its first meeting in 1929, encouraging the development of women's unions in urban areas so that women could shape foreign policy directly. Furthermore, in 1965 the Palestine Liberation Organization created a General Union of Palestinian Women and later formed a total of four women's committees associated with the four factions of the PLO, which also reached out to women who felt the impacts of conflict directly, those in small villages and refugee camps. Nevertheless, it has been made apparent that it is far more difficult for Palestinian women to advocate for their social rights, "when *all* of Palestinian society suffers under Israeli occupation; their community may also expect women to prioritize the nationalist over their own gender-sensitive issues and problems with Palestinian society" (Cockburn, 2003: 128).

Women's situations are particularly vulnerable during times of rapid change. Therefore, women are called upon to sacrifice a sense of gender equality *at this time* for the greater good of the state. However, this seems reminiscent of the period of modernization in the Near East, when individuals generally were asked to give up personal liberties for the sake of development; but we may still ask, at what point will these liberties be realized for women?

VI. Women's Rights Within Religion

Just as there should be no hesitation when criticizing secular governments, sectarian governments should be treated no differently. This is particularly important in the case of women's rights where sectarian governments are based upon sacred texts, which are often used to justify the subjugation of women. There still exists in practice an inherent hierarchy in a number of influential forms of the three Abrahamic religions, a patriarchal reality in which women remain subject to a masculine authority believed to be validated by God. Arguably, pro-religion feminists have sought unconvincingly to downplay the dominant narrative by distinguishing the essential religion from its spokespersons and adherents (Okin, 1999: 122, 123).

The same religious texts in which individuals find comfort are often used to give justification to their oppressors. Therefore, while religious conviction can be a source of hope for the downtrodden, it can also lead to a skewed and even exclusivist perception of morality. It creates an avenue for a group to see themselves through as a separate, or even "chosen" entity, above all others. In Israel and the Occupied Palestinian Territories, collective identities were forged among those who shared a joint history and religious conviction. While these ethnic distinctions define cultural identity, they also risk the outcome of breeding ethnocentrism, ethnic nepotism or conceptions of a master race theology of the "Chosen People." In a tolerant, pluralistic society with liberal political principles Jews, Christians, Muslims and individuals of all religions and none should be respected. Liberal democracy is based on the dignity of all human beings, and in the public square individuals must first be recognized as equal human beings rather than as members of their religion. Yet what does this mean for women in a society in which one's religion cannot be separated from them as public or political actors?

All individuals are entitled to human rights, and to the basic human necessities and capabilities for a decent human life. This ought to be the practice regardless of the overall imperatives any given political context may appear to dictate, whether compelling settlement and nation-building, or democratic state-building, the twin imperatives in the context of Israel/Palestine (Shafir and Peled, 1998: 260). Women must first and foremost be accepted as agents of their own free will, and not merely members of religious traditions, which may in particular hold them inferior to men. However, in the case of religion, liberal society faces an important obstacle. Political liberals defend two closely related views; the first being that human beings have various rights including the right to the freedom of movement, assembly, speech, political participation, equal treatment under the law and various rights to the integrity of persons; and the second being that religious liberty is an important freedom (Nussbaum, 1999: 81). The obstacle we are confronted with, however, is that various freedoms are denied to individuals on the grounds of religious

association. World religions, while often claiming to support human rights, have not always respected the basic foundational idea of the equal dignity of persons. It is of utmost importance to challenge the issue of sex inequality that has been absent and largely ignored in religious traditions within which women are often void of decision-making powers in living their own lives.

Historically, not only does Judaism, for example, uphold a distinctly masculine God, but the first symbol of feminism introduced in the Torah, Eve, is one who has been negatively characterized as causing the destruction of humankind. Some scholars believe this representation of women was an attempt to overthrow the worship of the creation-goddess, Asherah, who was popular among a number of Hebrew and Middle Eastern tribes at this time (Lipsitz Bem, 1993: 45). Eve's character reveals an identity that has been imposed on women throughout the Abrahamic religions, for women are referenced in the Torah by their attachment to men, their reproductive and domestic functions, and their ability to satisfy man's sexual desires, which is also considered threatening (Lipsitz Bem, 1993: 46).

Islam has also been criticized for its polarizing effects upon women. While placing women on a pedestal of purity, Islamic discourse classifies women as either pure or tainted, making prosecution for violations of women's bodily integrity quite difficult. Norms of male authority are perpetuated under religion, the consequences of which become more severe when religion takes hold of personal family law, a relatively more pronounced feature of Islamic states, where "Islamic requirements are obligatory not just on pious individuals but on the entire society" (Bruce, 2003: 184). Granted, Palestinian women may face a less hardline enforcement of *Sharia* than their sisters in Afghanistan, as recounted by overseas correspondent Sarah Chayes and in the fictionalized depiction of Khaled Hosseini (Chayes, 2006; Hosseini, 2007).

Scholar Saba Mahmood notes that, "feminist politics came to require a resolute and uncompromising secular stance," in which, "the slightest eruption of religion into the public domain is frequently experienced as a dangerous affront" (Mahmood, 2005: x). She is careful, however, to point out her skepticism in subordinating the meaningfulness of an Islamic existence to secularism. With this in mind, our argument is not that an Islamic, or any religious way of life, is necessarily less valuable for women. Rather, any religion enforced upon a people subjects them to a normative morality that rarely admits of compromise.

Cultural as well as religious systems which value females unequally in relation to males, bear partial responsibility for existent sexual inequalities. Constraints placed upon women on the basis of religion are undoubtedly more dangerous than those of any political or even social institution as they are deemed divinely ordained and so less subject to change. Of course, when these religion-based constraints become embedded in the law the situation is that much the worse for women. In Israel/

Palestine, then, women are granted equal rights under the Constitution while being lawfully denied equality in the familial, domestic sphere, a realm of great importance to human well-being. It is essential to realize not only the incompatibility of current religious law with women's equality, but the patriarchal context of women's lives as social beings and political agents in their own right.

VII. A Preferred Solution

In the final analysis, we argue that no system of religious law or traditional religious practice should be tolerated if it interferes with an individual's basic human rights. Women should have power as women, not despite being women. When considering any state solution in Israel and Palestine, from the perspective of women's rights, it is essential that there be a clause of *nonestablishment* of religion, a particular feature of secular society. If a government acts in a way to violate the equal rights of citizens due to religious pressure, then its acts are incompatible with a liberal democracy, regardless of whether the religion is itself compatible in the abstract, or could coexist compatibly.

Progress can only be made if each side is armed with a readiness to listen, but a cloak of invisibility currently veils this region. A group is not an organism in sync, but a plurality of individuals, and "the voices that are heard when the group speaks are not magically the voice of a fused organic entity; they are the voices of the most powerful individuals" (Nussbaum, 1999: 109). While there are conflictual aspects to power, it is a tool of capacity; power is relational and held by people in common, power among rather than something possessed by one person or group over another. There needs to be a "balanced recognition of religious importance in the human search for meaning against a critical scrutiny of religion when it threatens valuable areas of human functioning" (Jónasdóttir, 1994: 9).

As regards women, the faultline at issue in Israel/Palestine is not whether one-state or two-states is preferable, but rests with traditional religious versus modern gender roles. This is a gendered faultline, one that divides the modern West from Islam even where the latter supports democratic norms. It is not over the desirability of democracy, but the desirability of gender equality and social liberalization that the West and Islam part ways, including among the younger generations (Norris and Inglehart, 2004: 149, 155).

But, to say that as a general rule, however, should not efface where it does not hold true, as is the case in Israel. Separating Palestine from Israel, leaving Israel a Jewish state as described in Section IV.b., would not be a boon to Israeli women in that we can imagine a more robust regime of gender equality, were Israel to secularize more thoroughly. Hence, we hold the present Jewish State of Israel as secularization-resistant alongside explicitly Islamist states.

We believe that were Israel/Palestine to become divided into two sectarian states, women's inequality if not oppression would not lessen, though it would end the effects of Israeli occupation and domination over Palestinians generally, benefitting Palestinian women as well. Even with the liberalization that two such states might come to allow within, it will not equate to the benefit conferred by the secular state in its deprivation of religious authority as politically commanding, which plagues any theistic state, whether Jewish or Muslim, or Christian (Cliteur, 2010: 277, 184). Furthermore, we believe that a secular one-state solution with constitutionally-protected liberal-democratic freedoms immune to majoritarian proclivities, a secular state that gives no priority of place to any religion or group of religious believers, would best serve the interests of women, starting with their political equality and standing which would be independent of their membership in this or that religious community. A secular state would help to mediate points of conflict between religious groups, perhaps its chief public role, or so Abdullahi Ahmed An-Na'im argues in his defense of the secular state for Islamic societies (An-Na'im, 2008: 38).

Depriving religion of any legal power to infringe on the civic status of women, or anyone else, does not deprive it of political power, as is sometimes and mistakenly assumed, but does limit its political role to one of influence, not determination of political authority. How feasible this solution might be can no doubt be highly disputed, but that it would be optimal for women's rights we believe has been established.

Notes

1. The authors wish to thank Karam Dana and Ibrahim G. Aoudé for their helpful remarks and encouragement with this research project. This article is based on a paper delivered at the Midwest Political Science Association's Annual National Conference in Chicago, IL, on April 2, 2011.
2. The often-used term "solution" may reflect a narrow understanding of what's at stake, as though there's an arithmetical problem that has a right answer, which is an odd way of speaking about complex political and social phenomena.
3. It should be noted that there are also religious minorities in the region. Israel is 75.5 percent Jewish, 16.8 percent Muslim, 2.1 percent Christian, 1.7 percent Druze, and 3.9 percent Other, which includes Buddhists, Hindus and followers of other faiths. The West Bank is 75 percent Muslim, 17 percent Jewish and 8 percent Christian and Other. Gaza is 99.3 percent Muslim and 0.7 percent Christian. And, within each religious grouping there are different politically relevant populations such as *ashkenazim* (Jews who hail from Europe and the West in general), *mizrachim* (Jews who hail from the Middle East and North Africa), Orthodox Jews, and citizen and non-citizen Palestinians all of whom "constitute a hierarchical and fragmented citizenship structure" who were "differently incorporated in the society" (Shafir and Peled, 1998: 252, 260).
4. These two sections on the situations of women in Palestine and Israel rely heavily on information provided by the OECD at http://genderindex.org/country/west-bank-and-gaza and http://genderindex.org/country/israel, respectively.
5. See note 4, above.

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