

# Boston College Third World Law Journal

---

Volume 16

Issue 2 *The Owen M. Kuperschmid Holocaust and  
Human Rights Project Seventh International  
Conference*

Article 6

---

5-1-1996

## The Palestine-Israeli Peace Negotiations and Their Impact on Women

Andrea E. Bopp

Follow this and additional works at: <http://lawdigitalcommons.bc.edu/twlj>



Part of the [Military, War and Peace Commons](#), and the [Women Commons](#)

---

### Recommended Citation

Andrea E. Bopp, *The Palestine-Israeli Peace Negotiations and Their Impact on Women*, 16 B.C. Third World L.J. 339 (1996), <http://lawdigitalcommons.bc.edu/twlj/vol16/iss2/6>

This Book Review is brought to you for free and open access by the Law Journals at Digital Commons @ Boston College Law School. It has been accepted for inclusion in Boston College Third World Law Journal by an authorized administrator of Digital Commons @ Boston College Law School. For more information, please contact [nick.szydowski@bc.edu](mailto:nick.szydowski@bc.edu).

# THE PALESTINE-ISRAELI PEACE NEGOTIATIONS AND THEIR IMPACT ON WOMEN

ANDREA E. BOPP\*

THIS SIDE OF PEACE: A PERSONAL ACCOUNT. By HANAN ASHRAWI. New York: Simon & Shuster, 1995. Pp. 318.

On September 28, 1995, Israeli and Palestinian leaders made another historical move toward peace in the Middle East by signing a treaty that will allow Palestinian rule of much of the West Bank which has been occupied by Israel for 28 years.<sup>1</sup> This landmark agreement will put almost all West Bank urban areas under Palestinian rule and may lead to the end of almost three decades of Israeli occupation.<sup>2</sup> The final shape and status of Palestine will be discussed as soon as next May.<sup>3</sup> This milestone comes two years after the famous handshake between the late Israeli Prime Minister Yitzhak Rabin and Palestinian Liberation Organization (PLO) leader Yasser Arafat. This handshake set in motion the peace process through the signing of the Declaration of Principles granting autonomy to the Gaza Strip and West Bank city of Jericho.<sup>4</sup> The significance of the current peace efforts can be seen in Hanan Ashrawi's personal account of the long Palestinian struggle for peace, which included the many negotiations and compromises in which each side participated.<sup>5</sup>

Hanan Ashrawi's book, *This Side of Peace*, provides an account of the Middle East peace negotiations between Israel and Palestine as seen through the eyes of a Christian, Arab woman in a Muslim, male-dominated world.<sup>6</sup> This perspective provides a persuasive and unique feminist view of the history of the negotiations and the role of women in the peace process. As a mother, wife, English professor, former spokesperson for the leadership of the Palestinians in the Occupied

---

\* Staff Writer, BOSTON COLLEGE THIRD WORLD LAW JOURNAL.

<sup>1</sup> John Aloysius Farrell, *New Mideast Era Begins*, BOSTON GLOBE, Sept. 29, 1995, at 1.

<sup>2</sup> Lisa Talesnick, *Israel, PLO Reach West Bank Pact*, BOSTON GLOBE, Sept. 25, 1995, at 1.

<sup>3</sup> See Farrell, *supra* note 1, at 1.

<sup>4</sup> *Id.*

<sup>5</sup> See generally HANAN ASHRAWI, *THIS SIDE OF PEACE: A PERSONAL ACCOUNT* (1995).

<sup>6</sup> *Id.*

Territories, and founder of the Palestine Independent Commission for Citizens' Rights, Ashrawi has experienced first hand the complexities of the peace negotiations, including issues involved with being a woman in a position of leadership.<sup>7</sup>

Ashrawi's experiences reveal the strength and endurance of Palestinian women in their fight for peace during and after the Intifada, the uprising against Israeli rule.<sup>8</sup> Ashrawi describes the initiative of women who stood up for their rights and beliefs through committees, demonstrations, and projects in the face of male resistance and domination.<sup>9</sup> In providing accounts of the 1967 Israeli occupation of the Gaza Strip and part of the West Bank, the 1987 Intifada revolution, and the 1994 nomination of Yasser Arafat, Shimon Peres, and Yitzhak Rabin for the Nobel Peace Prize, Ashrawi never loses sight of her role as a woman deeply involved in the struggle for peace.<sup>10</sup> Ashrawi presents her involvement in the peace process effectively. Her narrative is easy to follow because she recounts it as a woman who has had a great deal of exposure to what actually occurred in high-level negotiations and conferences.

While Ashrawi's personal experiences are fascinating, one of the main messages of the book is the status of women in a male-dominated society and the invaluable contributions they can make to the forming of an autonomous Palestine.<sup>11</sup> Ashrawi represents all women who can bring the human element into negotiations and be just as persistent in their demands as men.<sup>12</sup> In her fight for human rights and equal protection of all Palestinians, she draws much of her strength from Palestinian and Israeli women.<sup>13</sup> Her depiction of what it is like to be a woman in a position of power in a male-dominated culture resonates clearly because of her personal involvement in this role.

The current peace accord provides a further struggle for Palestinian women: finding a role of importance in the male-dominated Palestinian society now that new laws will be established for an autonomous Palestine.<sup>14</sup> In forming the laws that will govern the newly autonomous

---

<sup>7</sup> See *id.*; Robin Wright, *Mediator With a Mission*, WASH. POST, Sept. 18, 1994, at 4; see also Milton Viorst, *Speaking for Her People*, WASH. POST, May 7, 1995, at 5 (describing the background of Hanan Ashrawi and how she eventually became involved in the Palestinian peace negotiations).

<sup>8</sup> See ASHRAWI, *supra* note 5, at 47.

<sup>9</sup> See *id.*

<sup>10</sup> See *id.* at 9.

<sup>11</sup> See *id.* at 47.

<sup>12</sup> See *id.*

<sup>13</sup> See *id.* at 200-01.

<sup>14</sup> See Nora Boustany, *Gaza Women Fear Peace Has a Price*, WASH. POST, Jan. 4, 1994, at 1.

areas, Palestinian leaders must not lose sight of the important role played by women in the fight for peace, and the necessity of their participation in future law-making.<sup>15</sup> Ashrawi's book strongly reminds us of this.

Part I of this book review will examine the long struggle for Palestinian peace. Part II will focus on the status and treatment of women in Palestine during this struggle. Finally, Part III will address the necessity of the promotion of equal legal status for women in the shaping of the new Palestinian administration.

### I. THE ROAD TO PEACE

The Palestinian effort to achieve peace with Israel has been a long and arduous journey. Ashrawi's account of the history of Palestine's struggle for autonomy is helpful in allowing the reader to understand the significance of current events. This history is important because it helps the reader realize how far the Palestinians have come in their efforts for peace since first being occupied by Israel. More specifically, it gives the reader an understanding of the roles of women in these efforts and their great achievements in attempting to establish peace in the region.

As Ashrawi describes, the struggle for peace between Palestine and Israel can be traced back at least to the 1948 Israeli occupation of most of the land of historic Palestine.<sup>16</sup> After years of negotiations with no improvement in the Palestinian situation, the PLO emerged in 1964 as an effort by the Palestinian people to take action on their own behalf toward peace.<sup>17</sup> In 1967, the Arab-Israeli War gave control of the Palestinian West Bank and the Gaza Strip to Israel.<sup>18</sup> Shortly after the 1967 war, the United Nations Security Council adopted Resolution 242 which reaffirmed "the inadmissibility of the acquisition of land by war and the right of all states to live within secure and recognized borders."<sup>19</sup> This resolution was ignored by Israel and, in 1982, during the Israeli

---

<sup>15</sup> See *id.*

<sup>16</sup> See ASHRAWI, *supra* note 5, at 9–10.

<sup>17</sup> JOOST HILTERMANN, *BEHIND THE INTIFADA: LABOR AND WOMEN'S MOVEMENTS IN THE OCCUPIED TERRITORIES* 38 (1991). The PLO was created by the Arab states at the first Arab Summit on January 16, 1964, to be utilized as a weapon of control over the increasingly anxious Palestinians and to protect the stability of the Arab government. It was Arab-controlled and this fact limited its activities in the first three years to speeches by its chairperson, Ahmad Shuqueiri, in the international arena. See *id.* at 38–39.

<sup>18</sup> See ASHRAWI, *supra* note 5, at 9.

<sup>19</sup> *Id.* at 10.

invasion of Lebanon, hundreds of Palestinian refugees were massacred by Lebanese Phalangists in collusion with the Israeli army.<sup>20</sup>

The Palestinian efforts toward peace at this point had been significantly ineffective.<sup>21</sup> Negotiations with Israel for the return of the territories was fruitless, and violent upheaval seemed like an unavailable option because of the oppressive Israeli military occupation and the small size of the country.<sup>22</sup> In the face of perpetual encroachments on their rights, including tight control over water and expropriations of land, the people turned to the PLO and their guerrillas to fight for freedom while, on the home front, Palestinians participated in non-violent demonstrations to draw the world's attention to Israel's violations of human and legal rights.<sup>23</sup> Eventually, organizations, including those begun by women's groups, formed to unite the Palestinian people socially and educate them politically, so that they could strengthen their unity beyond the emotion they shared as a result of the occupation.<sup>24</sup> This mass unification of people in the Occupied Territories led to the 1987 Intifada, the revolution against Israeli occupation.<sup>25</sup> The Intifada created a popular resistance of non-violent disobedience and provided the Palestinian people with the momentum necessary for a peace initiative.<sup>26</sup>

On November 5, 1988, the Palestinian National Council (PNC) met in Algiers and declared statehood alongside Israel, which was to be accomplished through negotiations at a United Nations-sponsored international conference.<sup>27</sup> Rehearsal dialogues were hosted by several

---

<sup>20</sup> *Id.* Phalangists are any massed group. WEBSTER'S NEW WORLD DICTIONARY 441 (1990).

<sup>21</sup> See KITTY WARNOCK, *LAND BEFORE HONOUR: PALESTINIAN WOMEN IN THE OCCUPIED TERRITORIES* 15-16 (1990).

<sup>22</sup> *Id.* at 16.

<sup>23</sup> INTIFADA: THE PALESTINIAN UPRISING AGAINST ISRAELI OCCUPATION 6 (Zachary Lockman and Joel Bainin eds., 1989); WARNOCK, *supra* note 21, at 16.

<sup>24</sup> See WARNOCK, *supra* note 21, at 15-16.

<sup>25</sup> See HILTERMANN, *supra* note 17 at 173.

<sup>26</sup> See *id.* Many have struggled with the question of how the Intifada actually began. *Id.* Did it begin as a result of economic deprivation and political oppression or was it started as a reaction to the many years of preparation at the popular level, emerging at an historic time when the objective and subjective factors converged? *Id.* The opinion of the people in reaction to these questions helps shape popular perception of the origins of the Intifada and impacts both current and future policy toward Palestine. *Id.*; see ASHRAWI, *supra* note 5, at 10.

<sup>27</sup> ASHRAWI, *supra* note 5, at 52-53; See HILTERMANN *supra* note 17, at 197. The Palestinian National Council aims to be as representative of all sections of the Palestinian people as possible. See HILTERMANN, *supra* note 17, at 197. When it met in Algiers, it did so to portray a historical intrusion; to signal the end of an era and the beginning of another. It was now accepting the "two-state solution"—Palestine and Israel—on the land of Palestine. See *id.*

third parties and initiatives arose to formalize the talks.<sup>28</sup> However, efforts for peace were delayed in January 1991 as the Gulf War began and devastated the Arab world.<sup>29</sup> President Bush used this instability as an opportunity to attempt a reorganization of the region in order to safeguard American oil interests.<sup>30</sup> Since Palestine was a major cause of instability which had to be resolved, negotiations began in Madrid on October 30, 1991.<sup>31</sup> On September 13, 1993, a Palestinian-Israeli Declaration of Principles was signed in a monumental ceremony at the White House by Palestinian Chairman Arafat and the late Israeli Prime Minister Rabin.<sup>32</sup> The agreement had been formed in secret in Oslo, Norway, without the knowledge of the Palestinian delegation that had been negotiating with the Israeli delegation in Washington, D.C.<sup>33</sup>

Despite this beginning toward peace, violence in the region continued between Palestinian and Israeli opposition groups.<sup>34</sup> Delays and complications slowed down negotiations and Palestinian elections as Israel imposed demands and pre-conditions.<sup>35</sup> An increase in anti-Israeli sentiment made peace-making negotiations difficult for Palestinian leaders, but the commitment to peace, as evident in the recent signing of the second phase of the peace accords, had continued through this violence and fear.<sup>36</sup>

By examining this tumultuous history of peace negotiations between Palestine and Israel in Ashrawi's book, we are able to understand what an accomplishment it is to have both Rabin and Arafat sign the recent peace accords. This examination of history also plays an important role in depicting the hurdles and obstacles faced by women involved in the peace process. By looking at the treatment of women in Palestine before and during the struggle for peace, we are able to understand the importance of their role in the peace process and the value of their accomplishments.

---

<sup>28</sup> See ASHRAWI, *supra* note 5, at 10.

<sup>29</sup> *Id.* at 11.

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* The Declaration of Principles allowed the PLO leadership to return to the Gaza Strip and then to the town of Jericho in the West Bank. See *id.* It was followed by the "Cairo Agreement," a more specific elaboration of the implementation of the Declaration of Principles. *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> See *id.* at 12.

<sup>35</sup> *Id.*

<sup>36</sup> See Farrell, *supra* note 1, at 1.

## II. THE LEGAL TREATMENT OF PALESTINIAN WOMEN AND THE ROLES THEY PLAY IN PALESTINIAN SOCIETY

Women in male-dominated Palestinian society have been treated unequally. Historically, the Koran (or Quran), the Islam Word of God, states that women have rights of economic independence, guardianship of minors, and the right to bring legal cases without the consent of their husbands.<sup>37</sup> While Allah granted equal legal status to women, the truth is that this equality is not practiced.<sup>38</sup> Society remains patriarchal and the superiority of men is universally acknowledged.<sup>39</sup> Women are to be obedient and subservient to men.<sup>40</sup> The Koran has been interpreted by the male-dominant society as promoting unequal treatment of women because of their biological, economic, intellectual, and social inferiority.<sup>41</sup>

Islamic law (*shari'a*) does little to provide equal treatment for women.<sup>42</sup> While Islamic law describes a fundamentally egalitarian society, the male-dominated authority have interpreted its words as applying to men and women differently.<sup>43</sup> For example, one important tenet of Islamic law is that the best person is the person who is most pious, a trait which includes having concern for the rights and welfare of all.<sup>44</sup> However, this tenet, as well as Islamic law in general, has been interpreted to reinforce the hierarchical features of the Islamic social order, in which the male Muslim has the most rights and the female the least.<sup>45</sup>

Likewise, the Universal Islamic Declaration of Human Rights (UIDHR) offers little assistance to the realization of equal rights, as the section on the treatment of women is deliberately vague.<sup>46</sup> While the UIDHR does not outwardly declare women unequal to men, there

---

<sup>37</sup> See WARNOCK, *supra* note 21, at 26.

<sup>38</sup> *Id.* at 27.

<sup>39</sup> *Id.* For a more in-depth explanation of the status of women and the interpretation of the Koran (Quran), see ASHGAR ALI ENGINEER, *THE RIGHTS OF WOMEN IN ISLAM* (1992) [hereinafter ENGINEER].

<sup>40</sup> See WARNOCK, *supra* note 21, at 27.

<sup>41</sup> *Id.*

<sup>42</sup> See ANN E. MAYER, *ISLAM AND HUMAN RIGHTS: TRADITION AND POLITICS* 93 (1991). For a complete history of the *shari'a* Court and judicial system, see generally AHARON LAYISH, *WOMEN AND ISLAMIC LAW IN A NON-MUSLIM STATE: A STUDY BASED ON DECISIONS OF THE SHARI'A COURTS IN ISRAEL* (1975).

<sup>43</sup> See MAYER, *supra* note 42, at 93.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> See MAYER, *supra* note 42, at 120.

are definite denials of several rights and freedoms to women.<sup>47</sup> For example, there is no mention of equal rights for husband and wife, but only a discussion of rights “described by the law,” referring to the gender-biased *shari’a*.<sup>48</sup>

Ancient legal tradition known as *urf* was the predominant customary law in the Occupied Territories.<sup>49</sup> While *urf* dates back to ancient times, it is still used today to settle disputes outside the court system.<sup>50</sup> *Urf* is based on a mediation model of dispute resolution, and male elders in the community usually hold meetings to reach a settlement between the parties.<sup>51</sup> Such matters handled through *urf* include contract disputes, inter-familial feuds, and “cases of honor,” such as sexual assault against women.<sup>52</sup> Sexual assault is treated seriously because it threatens a woman’s only virtue—her purity.<sup>53</sup> Depending on the type of assault and the distance it occurred from the woman’s home, the accused is forced to pay large sums of money; in Jordan, thousands of dinars.<sup>54</sup> Other issues, however, such as property rights and marital disputes, are usually decided in favor of the male party, leaving the female with little recourse.<sup>55</sup>

The role of women in Islamic society has also put them in a position of inferiority to men. Women traditionally have been recognized for their ability to work in the fields and home, as well as their child-bearing capacity.<sup>56</sup> They are often married through their parents’ arrangements, as early as age twelve, and forced to live with men they hardly know.<sup>57</sup> Because marriage is looked upon as a unification

<sup>47</sup> *Id.*

<sup>48</sup> *Id.* at 121. Another example of the unequal interpretation of the UIDHR is seen by comparing the English version of Article 19.a, which begins with: “Every person is entitled to marry, to found a family, and to bring up children in conformity with his religion, tradition, and culture,” with the international counterpart in UIDHR Article 16.1: “Men and women of full age, without any limitation due to race, nationality, or religion, have the right to marry and to found a family.” The comparison highlights the restrictions placed on women by the latter because of their gender and race. *Id.*

<sup>49</sup> See Adrien Katherine Wing, *Custom, Religion, and Rights: The Future Legal Status of Palestinian Women*, 35 HARV. INT’L L.J. 149, 152 (1994).

<sup>50</sup> *Id.*

<sup>51</sup> *Id.* at 153.

<sup>52</sup> *Id.* at 153–54.

<sup>53</sup> *Id.* at 154.

<sup>54</sup> *Id.* at 153–54; See also ORAYB AREF NAJJAR, PORTRAITS OF PALESTINIAN WOMEN 90 (1992) (details how social customs have made rape a powerful weapon against women because of the stigma and embarrassment attached).

<sup>55</sup> Wing, *supra* note 49, at 153–54.

<sup>56</sup> See WARNOCK, *supra* note 21, at 27–28.

<sup>57</sup> See *id.* at 28. An important part of the marriage was the dower or *mahr* that was paid by



of the family, the daughter is usually wed to a relative.<sup>58</sup> The parents' power over their daughter leaves no legal right for a woman to withhold consent to a marriage.<sup>59</sup> The status of a wife has traditionally been measured by the ability of the woman to have sons, and often, she is known to the community by "mother of . . . her oldest son's name."<sup>60</sup>

Women are considered "repositories of family honor" and a woman's virginity and purity must be maintained to uphold the reputation of the family.<sup>61</sup> Women are often isolated in their homes behind veils, or more recently, *hijab* (head scarves), so that they could be protected from sexuality.<sup>62</sup> Women are seen as uncontrollable and as having the tendency to be sexually disruptive.<sup>63</sup>

Boys become the caretakers of the family when they grow older and also carry on the father's name.<sup>64</sup> Therefore, the birth of a girl is not greatly celebrated.<sup>65</sup> Ashrawi comments on the unique desire of her husband to have two girls and no boys as being very unusual for a man in Palestinian society.<sup>66</sup> That is because, depending on the family and community, many of the beliefs and customs mentioned remain even today.<sup>67</sup>

Because of the preferential interpretation of law and customs governing Palestinian women's rights, and the traditional role of women in Islamic society, change for women has come slowly.<sup>68</sup> Additionally, several other forces in Palestinian society have reinforced the oppression of women, limiting their options for advancement and change.<sup>69</sup> The low wages paid to men for labor have forced some women to stay at home and tend to the land, leaving them few employment options

---

the groom to the family of the bride. *Id.* at 29–30. This money was supposed to be passed by the father to the daughter for her financial protection through marriage and in case the marriage dissolved. *Id.* In poorer families, however, the bride never saw this money and was forced to stay in the marriage because of financial reasons. *Id.*; see ENGINEER, *supra* note 39, at 111–13.

<sup>58</sup> See WARNOCK, *supra* note 21, at 28–29; NAJJAR, *supra* note 53, at 185.

<sup>59</sup> See WARNOCK, *supra* note 21, at 29.

<sup>60</sup> Wing, *supra* note 49, at 155.

<sup>61</sup> *Id.* at 154.

<sup>62</sup> *Id.*; see also NAJJAR, *supra* note 53, at 146 (describing how many women now are not wearing the traditional dress and are facing violent incidents by conservatives rejecting this change).

<sup>63</sup> Wing, *supra* note 49, at 154.

<sup>64</sup> See *id.* at 155.

<sup>65</sup> See *id.*; see also Boustany, *supra* note 14, at A01 (describes that when a boy is born, families usually slaughter two or more sheep, but when a girl is born, only one sheep is slaughtered).

<sup>66</sup> ASHRAWI, *supra* note 5, at 34.

<sup>67</sup> Wing, *supra* note 49, at 155.

<sup>68</sup> See WARNOCK, *supra* note 21, at 50.

<sup>69</sup> See *id.*

outside the home.<sup>70</sup> Other women have been forced to leave their homes and find menial jobs because, during the occupation of Israel, many men left the region to seek work elsewhere and had all but abandoned financial responsibility for their families.<sup>71</sup> Another factor which has contributed to keeping women in subservient positions is the low level of modern amenities in rural areas, such as limited availability of electricity, scarce water supplies, and limited opportunity for child or elderly care.<sup>72</sup> This lack of services makes housework and family care a heavy burden which limits a woman's ability to leave the home.

Cultural beliefs have also resulted in resistance to change in the treatment of women.<sup>73</sup> Because of the Israeli occupation of Palestine, Palestinians have struggled to keep their national identity, which includes the preservation of their cultural heritage and beliefs regarding the traditional roles of women.<sup>74</sup> Defense of this heritage means the preservation of national and individual self-respect in the face of Israeli domination and this has caused much opposition to any change in women's status.<sup>75</sup>

We do see in Ashrawi's book, however, that there has gradually been definite progress and change in the role of women. Ashrawi's depiction of women in Muslim society gives a positive image of strong, forceful women who are willing to stand up for what they believe. This realistic image reflects the past treatment of women in Palestine including the reactions women have received when attempting to further their equal rights. As a woman in a position of influence, Ashrawi is living proof that the roles of women are gradually changing. Writing from this position, she offers a believable and persuasive portrayal of the effects that the current changes in the societal structure of Palestine are having on women and the ambiguities faced by women's changing roles.

### III. THE MODERN LEGAL STATUS OF WOMEN: THE PALESTINIAN WOMEN'S MOVEMENTS

In modern Palestine, women are demanding equal status with men.<sup>76</sup> By examining the Palestinian women's role from the occupation

---

<sup>70</sup> See *id.*

<sup>71</sup> See *id.*

<sup>72</sup> See *id.* at 50-51.

<sup>73</sup> *Id.* at 53-54.

<sup>74</sup> See *id.* at 52.

<sup>75</sup> See *id.*

<sup>76</sup> See generally HILTERMANN, *supra* note 17.

to the present, Ashrawi enables the reader to understand the struggle women have faced and the importance of their participation in the current peace negotiations.

The women's struggle for equality has been intertwined with the overall Palestinian national struggle, which has been primarily male-dominated.<sup>77</sup> In their effort to set up organizations for their own cause, women were called on to deploy their resources for the broader national cause.<sup>78</sup> The agenda of equal rights for women became subservient to the larger goal of national unity.<sup>79</sup> While much of their participation has been predominantly for the national movement, women have fought, however, to have their issues placed on the national agenda.<sup>80</sup>

The Israeli occupation of Palestine forced men out of the region for purposes of finding work.<sup>81</sup> Many women were pushed into the labor market as new economic needs began to tear down traditional customs, and their understanding of their place in Palestinian society was challenged.<sup>82</sup> They were drawn together by the commonality of the Israeli military occupation. In the early 1970s, volunteer groups were formed by women to accommodate for the lack of basic services, such as electricity and water, and to improve their living situations.<sup>83</sup> Eventually, women's groups were formed by educators as well as labor workers to deal with community problems.<sup>84</sup>

In 1974, the PLO began mobilizing the people in the Occupied Territories and educating them politically.<sup>85</sup> Part of their strategy has been to mobilize women and politicize them collectively in the struggle for national liberation.<sup>86</sup> Intensive recruitment of both men and women made the movement proliferate in all areas of Palestine as membership and activities expanded.<sup>87</sup> The differences in class and gender were put aside because of a shared oppression.<sup>88</sup> This mass-based movement grew in the West Bank and Gaza during the 1970s and 1980s and

---

<sup>77</sup> *Id.* at 126.

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> *Id.* at 10.

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> *See id.*

<sup>85</sup> *Id.* at 12.

<sup>86</sup> *Id.* at 126. *See also* NAJJAR, *supra* note 53, at 85 (describing how the women's movement was affected by the PLO's emphasis on armed struggle for the liberation of Palestine and the women's involvement in this armed struggle).

<sup>87</sup> *See id.*; HILTMANN, *supra* note 17, at 126.

<sup>88</sup> *See id.* at 11.

reached levels of cohesion and organization that led to the Intifada uprising in 1987.<sup>89</sup>

Ashrawi describes the Intifada as a celebration of power and strength that drew people together against the Israeli military in the fight for freedom.<sup>90</sup> Her depiction of the uprising and the involvement of women is insightful and effective as she describes her personal involvement before obtaining a position on the peace negotiations delegation. Ashrawi describes how the Intifada gave women a new identity and role in the mission for equal rights, and a new system of justice.<sup>91</sup> A sense of equality and initiative to stand up for women's rights spread throughout the Occupied Territories.<sup>92</sup> As Ashrawi's father said:

Women deserve equality by right, and not as a gift condescendingly bestowed by men. And if the men do not realize this fact and rectify the injustice willingly, women will rebel and violently demand and attain what is rightfully theirs.<sup>93</sup>

By describing personal experiences faced as a woman during this time, Ashrawi allows the reader to comprehend the actions and emotions of the women who were involved. She describes one of the women's demonstrations she attended as representing a reconvergence of women from all religions and classes in protest of the Israeli occupation.<sup>94</sup> Together, they emerged for the common cause of retribution and a new sense of justice.<sup>95</sup> Teenage girls, middle-aged women, older white-haired women, professional women, and middle-class women formed a chain chanting for national unity under the constant watch of Israeli military:<sup>96</sup>

With the Intifada, Palestinian women had come into their own. In every confrontation, committee, project, or enterprise women took the initiative, stood up and stood out. Neither kitchen nor prison could contain or intimidate them. The first-person pronoun was no longer the sole domain of the masculine.<sup>97</sup>

---

<sup>89</sup> *Id.* at 16.

<sup>90</sup> See ASHRAWI, *supra* note 5, at 10.

<sup>91</sup> See *id.* at 227–28.

<sup>92</sup> See *id.*

<sup>93</sup> *Id.* at 47 (quoting her father, Daud Mikhail).

<sup>94</sup> See *id.* at 46.

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> *Id.* at 47.

Ashrawi describes women as having a fierceness resulting from their subjection to the dual discrimination of gender and nationality.<sup>98</sup> It was women who first took to the streets in protest of military occupation and established committees to deal with the lack of resources created by the occupation.<sup>99</sup> Whether they participated in direct fighting or political work, Palestinian women displayed a sense of pride and strength.<sup>100</sup>

As Nora Boustany, a writer for the *Washington Post* states:

[The Intifada gave women] status—through their suffering. They lost husbands, brothers, and sons, but they also defied soldiers and served prison terms. When the shooting started, little boys clung to their sturdy grandmothers for safety.<sup>101</sup>

This new role for women allowed them to gain self-confidence and a sense of empowerment and importance.<sup>102</sup> The dramatic increase in the number of women participating in activist activities affected women's groups and their mobilization goals and strategies.<sup>103</sup> Before the Intifada, women's groups were predominantly run as charitable committees attended by upper middle-class women of higher education.<sup>104</sup> One of the aims during the Intifada was to mobilize the refugee and village women by encouraging participation in grassroots committees.<sup>105</sup> Women realized the necessity of creating an organized front so that they would be recognized as participants in the decision-making process of the expected Palestinian state.<sup>106</sup> Thus, in 1989, the Higher Council of Women was formed which consisted of women from four different political committees, as well as professional women.<sup>107</sup> The main goals of the Council are: the coordination of activities; the common representation of Palestinian women in Israel, as well as in other foreign countries and their organizations; the conceptualization of legal issues regarding women and the organization of a feminist agenda; and the improvement of the movement's influence and independence

---

<sup>98</sup> *Id.* at 227.

<sup>99</sup> *See id.* at 228.

<sup>100</sup> *See id.*

<sup>101</sup> Boustany, *supra* note 14, at A1.

<sup>102</sup> *See id.* at A1, A14.

<sup>103</sup> EBBA AUGUSTIN, *PALESTINIAN WOMEN: IDENTITY AND EXPERIENCE* 28 (1993).

<sup>104</sup> *See id.* at 26.

<sup>105</sup> *Id.*

<sup>106</sup> *Id.*

<sup>107</sup> *Id.*; *see also* NAJJAR, *supra* note 54, at 11 (describing the general purpose of the formation of the Higher Council for Women).

in the national movement.<sup>108</sup> The Higher Council of Women primarily focuses on studying gender issues and the position of women in the future state of Palestine.<sup>109</sup>

Another important women's group that developed out of the Intifada is the Federation of Palestinian Women's Action Committee (FPWAC), formally known as the Women's Work Committee (WWC), which is the first women's committee in the Occupied Territories.<sup>110</sup> The goal of this group is to address the problems of working women, village women, students, and housewives.<sup>111</sup> The group conducts surveys to determine the conditions in which West Bank women live, and to develop strategies to assist and increase the participation of these women in the movement.<sup>112</sup> The FPWAC has established a solid following and has branches in several villages and refugee camps.<sup>113</sup> Other committees focusing on similar issues include the Women's Committee for Social Work (WCSW),<sup>114</sup> the Union of Palestinian Working Women's Committee (UPWWC),<sup>115</sup> and the Union of Palestinian Women's Committee (UPWC).<sup>116</sup> While the groups have different approaches to recruitment and advocacy, varying ideological views, and are split politically, they share the common goal of organizing and mobilizing women toward greater social and political consciousness.<sup>117</sup> The existence of several women's organizations has not caused rivalry among the groups, but rather has been seen as a positive occurrence giving women more options to fight for their beliefs where they feel most comfortable.<sup>118</sup>

These groups have faced many Israeli repercussions, ranging from manipulation of licenses and permits, to harassment and intimidation which has led to restrictions on travel and administrative detention.<sup>119</sup> This has forced the different factions to work together and build an

<sup>108</sup> AUGUSTIN, *supra* note 103, at 27.

<sup>109</sup> *See id.*

<sup>110</sup> HILTERMANN, *supra* note 17, at 134–35.

<sup>111</sup> *Id.* at 132.

<sup>112</sup> *Id.*

<sup>113</sup> *See id.* at 135.

<sup>114</sup> The WCSW was formed by Samar Suleiman at the suggestion of the Youth Committee and provided such activities as sewing lessons so that the girls whose fathers did not allow them to leave the village could learn to sew and earn money. *See* NAJJAR, *supra* note 54, at 57.

<sup>115</sup> The UPWWC was organized in March 1980 by a group of women who felt that women's organizations were not meeting the needs of workers. *Id.* at 121.

<sup>116</sup> *See* HILTERMANN, *supra* note 17, at 134.

<sup>117</sup> *See id.*

<sup>118</sup> *See id.* at 135–36.

<sup>119</sup> *Id.* at 139.

international network of support by publishing articles on the rights of women and giving international lectures on the treatment of Palestinian women.<sup>120</sup> In 1985, the groups united to expose such mistreatment of women at the UN-sponsored International Women's Conference in Nairobi.<sup>121</sup>

The continuing persistence of Palestinian women to have their voices heard has led to a strong women's movement in Palestine. This unification of women brought about by shared obstacles and oppression must be strengthened and supported so that it can face one of its greatest challenges: ensuring the recognition of women's rights in the newly autonomous Palestinian state.

*This Side of Peace* provides a detailed description of the experiences and obstacles faced by women in their movement for equal rights and the importance of their roles in further negotiations and in the establishment of the newly-forming Palestinian authority. Ashrawi portrays an accurate picture of the accomplishments of women and women's groups while also acknowledging the challenges that lie ahead. Ashrawi not only addresses the strengths of women but also describes some of the difficulties and struggles they must still face in the newly autonomous Palestinian state. By presenting both images, Ashrawi provides a forceful and realistic depiction of the present and future role of women in Palestine.

#### IV. THE FUTURE OF WOMEN'S RIGHTS IN PALESTINE

With the mass-movement against Israeli occupation came rapid political, economic, cultural, and social changes.<sup>122</sup> This has presented new opportunities and a new way of life for Palestinian women today and a challenge to their cohesion and strength. Contact between the sexes, which has in the past been greatly restricted, has been increased through organizations that have been brought together by the common cause.<sup>123</sup> Politics have become an integral part of women's struggle as they participate in a network of community-based and grassroots committees.<sup>124</sup>

With the new Palestinian autonomy, women's groups are being challenged more than ever to stand up for their rights and become a

---

<sup>120</sup> *Id.* at 140.

<sup>121</sup> *See id.*

<sup>122</sup> *See* WARNOCK, *supra* note 21, at 50.

<sup>123</sup> HILTERMANN, *supra* note 17, at 126.

<sup>124</sup> *See id.*

part of the decision-making process.<sup>125</sup> Many women fear that the new Peace Accords will cause a backlash from Palestinian men, and send women back to their homes.<sup>126</sup> As Itamad Mhanna, director of the Gaza Center for Women noted, "The women are like army reservists. When they are essential they are used, and when they are no longer needed, they are sent back to their place."<sup>127</sup> The challenge is posed for women to find a role of influence in the emerging institutions of an autonomous Palestine.<sup>128</sup>

One main issue that women's groups must now address is how Islamic law can be adapted to the present realities of changing economic, social, and political conditions.<sup>129</sup> Many Muslims will resist changes of *shari'a* and reforms that challenge a political, economic, and social patriarchy.<sup>130</sup> They do not believe in the literal translation of the religious tenets of the Koran that give women a more equal standing.<sup>131</sup> Muslim conservatives believe that women should not participate in politics and many feel women should not be allowed to vote.<sup>132</sup> Women's groups must now face the burden of improving the inequality between the sexes in the face of conservative proponents of a strict interpretation of *shari'a*.<sup>133</sup> They must convince opponents that expanded rights for women are consonant with *shari'a* through imaginative techniques that enhance the legitimacy of *shari'a* while adjusting the status and treatment of women.<sup>134</sup>

Reformers must reappraise the justifications for inequality of women's rights as patriarchal attitudes and cultural traditions, while also realizing that instant adoption of Western feminist notions may not be appropriate for the Islamic culture.<sup>135</sup> Many Muslim feminists are labeled as agents of Western cultural imperialism who aim to disrupt customs and *shari'a* beliefs, in the name of promoting new interpretations of Islamic requirements.<sup>136</sup> Many opponents see the feminist movement as a push toward encouraging women to leave their

---

<sup>125</sup> See Wing, *supra* note 49, at 150, 187, 198.

<sup>126</sup> Boustany, *supra* note 14, at A01.

<sup>127</sup> *Id.*

<sup>128</sup> *Id.*

<sup>129</sup> See Wing, *supra* note 49, at 150.

<sup>130</sup> See *id.* at 150-51.

<sup>131</sup> See *id.*

<sup>132</sup> MAYER, *supra* note 42, at 113.

<sup>133</sup> See Wing, *supra* note 49, at 165.

<sup>134</sup> *Id.*

<sup>135</sup> See Mayer, *supra* note 42, at 113.

<sup>136</sup> *Id.*



household responsibilities, like European women, and make their lives unbearable by running political activities with men.<sup>137</sup> Fundamentalists see twentieth century reforms as “heretical innovations inspired by Western examples that would lead to decadence, immorality, and the destruction of the family.”<sup>138</sup> They prefer women to wear scarves and long dresses, and attend all-female schools.<sup>139</sup> They want to exclude women from public functions, repeal any reforms of marriage or divorce law, and restrict female education to subjects such as nursing, teaching, and home economics.<sup>140</sup> A further obstacle is evident in the judicial system where many judges are in accordance with this line of thinking and, as a result, courts have refused to implement law reform in the area of marriage and divorce.<sup>141</sup>

A substantial portion of the Muslim community, however, seems to hold a moderate belief that women should abide by Islamic law but should not be enshrouded, subordinated, and secluded.<sup>142</sup> In order to enforce such beliefs, Palestinian decision-makers can analyze the reinterpretations of *shari'a* which other countries have produced.<sup>143</sup> Some countries, such as Tunisia, have found Islamic justification for abolishing practices previously permissible within Islam like polygamy.<sup>144</sup> Reformers argued that, in the Koran, a man must treat each wife equally and, therefore polygamy could not exist because it would be impossible to treat each wife identically.<sup>145</sup> Since this happened in Tunisia, an Islam country, it may be possible to accomplish similar goals in Palestine if the strength of supporters is enough to combat the fundamentalist, traditional view. Polygamy as well as other traditional, outdated customs, are now being challenged and accepted less, especially by women's groups<sup>146</sup>, which suggests that there is possible support for widespread change.

Reformers can also look toward the publications of scholars for support of promoting equal rights for women.<sup>147</sup> For example, Profes-

---

<sup>137</sup> *Id.* at 113–14.

<sup>138</sup> Wing, *supra* note 49, at 166.

<sup>139</sup> *Id.*

<sup>140</sup> *Id.*

<sup>141</sup> *See id.*

<sup>142</sup> *See* MAYER, *supra* note 42, at 114.

<sup>143</sup> Wing, *supra* note 49, at 167.

<sup>144</sup> *Id.*; *see also* MAYER, *supra* note 42, at 130, 166 (describing the reform of the Tunisia Code of Personal Status as progressive and modernized).

<sup>145</sup> Wing, *supra* note 49, at 167.

<sup>146</sup> *See* NAJJAR, *supra* note 54, at 177.

<sup>147</sup> *Id.* at 167–68.

sor Abdullahi An-Na'im of the Sudan argues that the Koranic notion of male guardianship over women has been made obsolete by the ability of women today to financially support themselves.<sup>148</sup> A further step would include having scholars and conservative thinkers, who as a result of the autonomy of the territories have more freedom to publicize their theories, advocate equal rights for women internationally.<sup>149</sup> This approach may be effective because it has the potential of mobilizing outside, influential support for the equal rights of women.

Palestinians must also argue that, since societal changes have already occurred, the law must attempt to change accordingly.<sup>150</sup> Because Islamic law incorporates traditional customs, Palestinian reformers can argue that current customs, such as female self-sufficiency, may likewise be integrated into the law.<sup>151</sup> Modern custom does not call for physical male dominance of women and, thus, Islamic practice no longer necessitates the enforcement of customs that have outlived their importance in the community.<sup>152</sup> It may be difficult, however, to persuade fundamentalists of the changing opinions and needs of the people. Therefore, it is imperative to mobilize a united front of Palestinians, especially women, to recognize the uselessness of certain traditions.

Reformers should also introduce legislation calling for the adoption of revised or new personal status codes to improve the treatment of women.<sup>153</sup> For example, in Egypt, the Egyptian Family Law Amendments of 1979 gave women additional marriage and divorce rights.<sup>154</sup> Fundamentalists attacked the amendments as being influenced by Anwar Sadat's wife, Jihan, who, they alleged, had persuaded her husband and the Parliament to make such revisions.<sup>155</sup>

Likewise, Algeria has included in its Constitution provisions for equality of gender and a commitment to ensure equality in rights among all citizens.<sup>156</sup> These examples provide hope for the newly-forming Palestinian authority to follow the acts of fellow countries in providing equal gender rights. Legislation affecting women's rights is a

---

<sup>148</sup> Wing, *supra* note 49, at 168.

<sup>149</sup> *See id.*

<sup>150</sup> *See id.* at 164–65.

<sup>151</sup> *See id.* at 165–66, 168.

<sup>152</sup> *Id.* at 168.

<sup>153</sup> *Id.* at 170.

<sup>154</sup> *See id.* at 171.

<sup>155</sup> *Id.*

<sup>156</sup> *Id.* at 171–72.

direct opportunity to accomplish and promote the change that must be taken advantage of in the new Palestinian government. Examples of Palestinian reform include advocating for legislation similar to the Jordanian Personal Status law which includes raising the minimum age to marry to eighteen, revising the belief of physical male domination of women, and allowing the wife to work outside the home without spousal permission.<sup>157</sup>

The Palestinians could also propose the implementation of international human rights norms as a basis for adopting new law reforms.<sup>158</sup> The autonomous state of Palestine could sign the applicable agreements such as the Universal Declaration of Human Rights (UDHR), which promotes "a common standard of achievement for all peoples and all nations . . ."<sup>159</sup> It elaborates on the UN Charter which reaffirms the equal rights of men and women.<sup>160</sup> This, however, may be met with opposition by cultural relativists who argue that international human rights are inherently Western and not appropriate for the developing world.<sup>161</sup> It should be realized, however, that the Muslim world must attempt to reconcile Islam with modern human rights standards.

Another important strategy for women's groups would be to insist on having women placed in decision-making positions so that effective change can be initiated. As Ashrawi notes, women bring a human element into negotiations which allows them to display a sensitivity for the concerns and public mood of the people as well as a desire to save lives, instead of engaging in power struggles which ultimately sacrifice lives.<sup>162</sup> Ashrawi describes how the Legal Review Committee did not have any women members, which explains why the first draft of the Basic Law was wrought with discriminatory terms.<sup>163</sup> Also, the possibility of involvement is evident in women currently obtaining political positions.<sup>164</sup> For example, as a result of the lack of women on the Legal Review Committee, women legal experts and committees began their own review and also began to work on a Declaration of Women's Rights to legally define women's rights.<sup>165</sup> Ashrawi herself has organized an

---

<sup>157</sup> See *id.* at 172.

<sup>158</sup> *Id.* at 172-73 (includes a more complete description of possible legal reforms).

<sup>159</sup> *Id.* at 174-75.

<sup>160</sup> *Id.* at 174.

<sup>161</sup> See *id.*

<sup>162</sup> See ASHRAWI, *supra* note 5, at 59.

<sup>163</sup> See *id.* at 294.

<sup>164</sup> See *id.*

<sup>165</sup> *Id.*

independent human rights committee to monitor the new Palestinian authorities which has stood up to much opposition.<sup>166</sup> As she states, "Nobody wants a group of high-powered people with credibility to tell them, 'This is illegal and this is unjust.' But somebody has to have the guts to do it."<sup>167</sup> This is a beginning, but the campaign for female participation in all political, economic, and social issues must still be firmly pursued.<sup>168</sup>

Many of these suggestions may raise substantial opposition because it challenges the present male-dominated system in its treatment of women. Yet, women's groups are more important than ever in influencing the development of the new law in an autonomous Palestine. Ashrawi persuasively describes the importance of the participation of women in the nation-building process to the anti-discrimination of women.<sup>169</sup> According to Simone Susskind, a proponent of Palestinian-Israeli peace, women have the vision and courage to lead the way to equal rights and the temerity to make a change.<sup>170</sup> With a strong feminist-based movement already in progress, women's groups must not give up and be discouraged by confrontation and opposition, but must once again show their strength against obstacles blocking their way to form a Palestinian authority that is sensitive to their rights. They have established a strong base which they must utilize to achieve many of the recommendations presented in their struggle for equality.

## V. CONCLUSION

The struggle for Palestinian autonomy has been long and difficult. Through the personal experiences of Hanan Ashrawi, we are able to see the significance of the accomplishments of an autonomous Palestinian state after many years of conflict and opposition with Israel.

The role and importance of women in the new nation-building process is also recognized in Ashrawi's book as being one of the major forces behind the equality of the sexes in Islam. Women have traditionally been placed in subservient roles to men, but after uniting for a common front of equality and peace, they have begun to make significant impressions on the treatment of women. From charitable groups helping other women with household needs, to educational groups mobilizing women for equality, women have traveled far on the

---

<sup>166</sup> Claudia Dreyfus, *Hanan Ashrawi*, N.Y. TIMES MAGAZINE (Int'l ed.), June 26, 1994, at 24.

<sup>167</sup> *Id.*

<sup>168</sup> *Id.*

<sup>169</sup> See ASHRAWI, *supra* note 5, at 294.

<sup>170</sup> *Id.* at 60.

road to peace. They still, however, face a long journey ahead and must be prepared for one of their most important efforts yet, the enforcement of anti-discriminatory laws in the new Palestine. There are a number of techniques and approaches that may be used by feminist organizations to influence decision-makers and oppose fundamentalist ideas. These options must be implemented with strength and cunning in order to override oppositional forces and achieve equality for women.