The Role of Gender in the Israeli-Palestinian Conflict

Exploring the impact of Occupation and Patriarchy on Palestinian women
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Abstract

The purpose of this paper is to illuminate the Israeli-Palestinian conflict from a gender inclusive perspective, seeking to explore and establish some of the ways in which Palestinian women in the West Bank and Gaza are affected by two interlocking systems of oppression, namely occupation and patriarchy. I will carry out this aim through a qualitative case study guided essentially by feminist theorizing on gender and war, human rights, and nationalisms. I argue that in the face of rapidly deteriorating living conditions, security policies employed by the Israeli army are particularly detrimental to women due to their subordinate position in society. Furthermore inherently discriminatory features of the Palestinian Authority will be explored as well as the influence of Islamism and cultural relativism. Finally the link between increased militarization of the conflict and increase in gender-based violence directed towards Palestinian as well as Israeli women will be considered. Findings of the study suggest that, among other things, the politics of occupation, as well as the long-term effects of occupation in conjunction with patriarchal structures of the PA, has served to delimit the advancement of Palestinian women.

Key words: Israeli-Palestinian conflict, gender roles, occupation, patriarchy, Palestinian Authority, human rights
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1 Introduction

In the scholarly literature on conflict management, conflict resolution and peace-building there is comparatively little focus on the impact of armed conflict on women. These disciplines have been largely dominated by male scholarships based on male perspective of world politics and conflicts. Feminist scholars therefore argue that women’s voices, experiences and perspectives have largely been and will continue to be excluded and overlooked as long as the presumption that men’s socially specific perspectives hold universal validity is not challenged” (Sharoni 1993: 18). Given that most theorizing on the Israeli-Palestinian conflict fails to include how the conflict has affected the lives of women this will be the underlying theme of this paper. In both Israeli- Jewish and Palestinian societies the gendered role of women and men has been largely constructed by traditional views of feminine and masculine identity. As pointed out by feminist scholar Yuval-Davis women are primarily cast as the cultural bearers and reproducers of the nation, while men are cast as the liberator or protector of their nations.

Arguably the impact of armed conflict affect women and men differently due to the different (gender) roles they occupy in society. Recent reports by the UN Human Rights Commission, Amnesty International and the United Nation Development Fund for Women reiterate that Israeli security policies (i.e. curfews, house demolitions, military checkpoints, blockades) employed by the Israeli Army violate basic human rights like the right to movement, the right to work and to medical care and education. Considering that the Palestinian society is a traditional and patriarchal society these policies are conceivably particularly detrimental to women. In the light of an increasingly militarized conflict (at present with intra-Palestinian violence and power struggles) and the rapidly deteriorating living conditions in the Occupied Territories affect the situation of Palestinian women in particular.

The aim of this paper will be to analyze in which ways women’s human rights are circumscribed by the politics of occupation in conjunction with patriarchal structures of Palestinian society, the Palestinian Authority and discriminatory laws and legal systems.

1.1 Statement of Purpose

The chief purpose of this paper will be to examine the impact of the Israeli-Palestinian conflict on Palestinian women in the West Bank and Gaza. While the security policies employed by the Israeli Army arguably violates basic human rights of most Palestinians within the Occupied Territories, I seek to establish in
which ways they affect and might be particularly detrimental to women due to their subordinate position in society. The underlying theme will thus be to consider how two systems of subordination- occupation and patriarchy- converge in the Occupied Territories. More specifically I will look at the impact of military curfews and blockades on women, as well as gender-based violence within the family in the context of an increasingly militarized conflict and highly reduced living conditions.

1.1.1 Outline of Essay

After outlining the theoretical approach in chapter 2- 2.3, the first part of this paper will examine the role of gender in relation to the Palestinian Authority, paying particular attention to the way in which patriarchy is manifested within its structures. Thereafter the impact of conflict on gender roles and gender relations will be explored, focusing primarily on the second intifada and the increased militarization of the conflict. Subsequently the link between increase in violence and political unrest and gender-based violence directed at Palestinian (and Israeli-Jewish) women is considered as well as (some of) the impact of curfews and roadblocks on women’s health and access to medical care.

1.2 Method

1.2.1 Qualitative Case Study

I have opted for a qualitative case study, as I believe this to be a suitable research design for this particular endeavor. While recognizing the limits of deriving general lessons from a strictly qualitative analysis, this paper might be seen as contributing albeit in a diminutive way to a more gender inclusive perspective on the multifaceted Israeli-Palestinian conflict. Even so, as pointed out by Essaisson et al. most qualitative case studies do involve more than one set of variables (Essaisson et al. 20003:119), which in this context could be illustrated “patriarchy” and “occupation”. While the confined scope of this paper limits the number of factors and variables likely to be included, I have largely applied a structural feminist approach. (Thus focused more specifically on political and cultural structures within the PA as well as specific aspects of the security policies employed by the Israeli army, and the long-term economic effects of occupation.)

This is not to suggest however that agency-based scholarship does not hold some, potentially large, explanatory force, nor that Palestinian women are simply victimized and lack any agency to alter and resist their position within society. Lastly it should be noted that my understanding of the relationship between patriarchy and occupation is dialectic and interrelated one, where it would be
futile to establish a strictly linear causal link between the two. Rather they in some sense serve to reinforce the dynamics of the other and vice versa.

1.2.2 Methodological Considerations

Before commencing this study there are inevitably some methodological dilemmas to consider. Firstly the fact that many feminist scholars are also women’s rights activist could perhaps be perceived as somewhat delimiting, and/or biased. However let’s consider the argument put forward by Simona Sharoni, “that most feminist research is grounded in a critical questioning of conventional science on three interrelated grounds; that the epistemologies, metaphysics, ethics, and politics of the dominant force of science are andocentric, and that despite the deeply ingrained Western belief in sciences intrinsic progressiveness, science today serves primarily repressive social tendencies …” (Sharoni 1993:42) Wile I do not concur entirely with Sharonis statement, I do caution against claims of research as being completely unbiased. From the postpositivist perspective that many feminists have adopted, there is theory in all truth claims. Locked in language, truth claims convey what has been validated previously, and often under conditions of male bias (Prugl 2003: ).

Although when applying feminist theorizing and using gender as an analytical tool one must be careful not to generalize and make the women/females into a homogenous group, by obscuring differences between them in terms of class, ethnicity, religion, education, geographic location to name but a few. In many cases it would be fruitful to compare the lives of x and x. However because international law claims general, universal application and is assumed not to differentiate between its human or state subjects, the category of “women” (in this case Palestinian women) might be a valuable method of illuminating “the commonality of marginalization of all women in the international legal system” (Charlesworth&Chinkin2000:1).

1.2.3 A Note on the Material

Feminist or gender-inclusive scholarship within the field of social sciences such as international relations, sociology, and international law largely makes up the material of this paper. In addition to this I have used special reports produced by different organization within the Untied Nations system as well as from NGOs like Amnesty International. In terms of the quality I have sought to only use endorsed scholarship, in the form of scientific articles as well as books. It should be noted however that more recent literature with a gendered perspective on the Israeli-Palestinian conflict is arguably comparatively limited in scope.
In analyzing such an intricate and long-standing conflict like the Israeli-Palestinian perhaps the question of objectivity of the researcher needs to be addressed in some way. While it from a strictly human rights perspective becomes hard, almost impossible, not to engage in a normative discussion, I have sought as far as possible to focus on the situation of Palestinian women rather than to pass any political judgment on the nature of the conflict and military tactics (i.e. excessive use of force, targeted killings, and suicide bombings) employed by the two sides of the conflict. It is however, undeniably, a highly and increasingly asymmetric conflict.
2 Theoretical Framework

Overall two questions have been of chief interest to feminist analysis, why and how are women oppressed? In feminist understandings gender and gender relations are largely seen as socially and culturally constructed (Yuval-Davis 1997:1-5) Not only is gender a social construction but it also, argues some, encodes relationships of domination (Prugl 2003). While applying feminist critical theorizing it seems important to note that gender within this literature generally refers to socially and culturally constructed gender roles rather than based on the premise of biological (sex) differences between women and men. The latter thus implicitly implies that gender roles are largely predetermined and do not change over time or depending on their social, cultural or political context. Even so in the words of Simona Sharoni “gender like other such structures of social identity as culture, ethnicity, class, sexuality and nationality shapes who we are, what we have and how we make sense of the social and political world” (Sharoni 1994: 31).

2.1 The Impact of Armed Conflict on Women

The consequences of armed conflict are of course horrible for all caught up in it. Over the past decades the number of deaths and injuries of civilian men, women and children have far exceeded those suffered by the military and in the 1990s over 90 per cent of conflict-related casualties have been civilians. In many areas of armed conflict men sustain specific harms at a disproportionate rate to that of women. For example men are targets of “disappearances” in times of conflict at considerably higher levels. Yet, as a rule, international law has responded more readily to the harms usually sustained by men than to those directed against women. ¹

Feminist legal scholars Hilary Charlesworth and Christine Chinkin argue “that the construction of social sex and gender roles, combined with generally subordinate social and economic position of women, mean that women suffer in particular ways during and after conflict” (Charlesworth & Chinkin 2000 :254). It should be noted that the impact of conflict differ to a great extent upon factors like ethnicity, class, age, urban or rural location, age employment and health. Other

¹ E.g. the Working group on Disappearances was formed in 1980 by the UN Commission on Human Rights, while the mandate of the Special Rapporteur on Violence against Women was not established until 1994.
variables to consider are whether they were actively involved in combat, detained or imprisoned and or were situated within or outside the war zone. Notwithstanding armed conflict often exacerbates inequalities (in this context, those based on gender) that exist in different forms and to varying degrees in all societies (Gardam & Charlesworth 2000:150).

Sexual violence and rape during conflict are in part an aspect of the subordinate position of women globally, and the perceiving of women as a commodity. Intimately linked to the latter if the idea of women as property, thus to rape a woman is to humiliate and shame her community. In the “gendered construction” (Yuval-Davis 1995: 107) of wars then men are bound to fight to protect their possessions, their land, their ports, their resources, and their women. Or as suggest by Cynthia Enloe wars are fought for the sake of “womenandchild” (Enloe 2000). As pointed out by some scholars, certain people usually gendered feminine are to be protected by certain others (always gendered masculine). This protector/protected relationship is according to feminist theorizing one of inequality, where those “being protected lack agency or ability to provide for their own protection” (Charlesworth & Chinkin 2000: 254). For example the need for an international response to the Iraqi invasion of Kuwait in 1990 was linked to claims of infanticide, rape and torture.

Daily survival is perhaps one of the greatest challenges to those who remain at home. Economic and social hardship is increased by the physical danger of attacks involved in leaving the home for routine activities like shopping. Continuation of professional life and thus of regular income may become impossible. Generally the caring for physical and psychologically injured fighters, the elderly and traumatized children, falls most profoundly upon women. Long-term occupation also has particular consequences for women, caused both by the occupiers and by members of their own society, for instance by prioritizing women’s role as child bearers and bearers of the collective. (ibid 2000: 256, Yuval-Davis 1997, Sharoni 1995: 37-38)

In Israel for instance the number of rapes increased during the Gulf War 1990-91. Intimately connected to this are links between the violence directed towards Palestinians by Israeli soldiers and the unprecedented rise in violence against women in Israel. (Sharoni 1998: 26).

The position of women and impact of armed conflict upon women is by no means always entirely negative. Indeed for many women it can be a time for empowerment as they take over roles traditionally performed by men (Enloe 2000). Although these achievements are usually short-lived and upon the end of conflict many of these advantages are generally lost, since women tend to be, excluded from peace building as well as reconstruction -processes. (Gardam & Charlesworth 2000:151)
2.2 Feminist Critique of Human Rights

The scope of international law has increased significantly throughout the twentieth century, encompassing international relations and national political and legal systems. The absence of women in developing international law has, argue some, produced a restricted and inadequate jurisprudence (Copelon 2000, Engle 2005) that, rather than challenged the subordinate position of women around the world has served to legitimize it. Feminist legal scholars Hilary Charlesworth and Christine Chinkin suggest that while the scope of international law may be broadening in scope it remains narrow in perspective. (Charlesworth & Chinkin 2000:15-18) They apply a structural feminist approach, which argues “that ideas of femininity and masculinity are incorporated into international legal rules and structures, silencing women’s voices and reinforcing the globally observed domination of women by men” (Engle 2005: 55). While debates evolving the limits of human rights and international law are various and often contentious even within the feminist literature itself, (see eg. Copelon 2000, Neuwirth 2005, Okin 1998) I will here only briefly touch upon a few of the perhaps most common strand of arguments.

The principle of self-determination is a crucial aspect of the international law of statehood. It has both internal and external dimensions: a sovereign state is in theory built on the self-determination of its population in the sense that the people should determine the way that government is organized, and asserts its own status as a state. In some sense it provides a gloss on the notion of state sovereignty and the equality of all states and non-intervention. (Charlesworth & Chinkin 2000:156) One of the areas of debate involves the definition of the peoples, which can legitimately claim the right. Other area of contention includes the political arrangement that satisfies the right to self-determination. Once external self-determination is achieved, that is freedom from foreign domination or control, international protections of rights, legally rests upon human rights provisions for the protection of minorities. It has also been argued, more recently, that there should be an international right of people to democratic governance.

Throughout most debates on the meaning of the self-determination there has generally been little questioning of its equal application, and meaning for, all those within the group. Thus once external self-determination has been achieved, it is assumed that all members will equally benefit.(Charlesworth & Chinkin 2000: 157) Charlesworth and Chinkin suggest that the notion of self-determining unit collapses many forms of diversity, namely that of sex. The consequences of this limited definition, they argue, are evident in the fact that apparently successful claims to self-determination typically fail to deliver the same degree of personal freedom and autonomy for women as for men, despite there being in many cases a historical association between nationalist and feminist movements. In fact in many cases paradoxically the achievement of national self-determination has led to a regression in the position of women. Examples include Algeria’s independence from French colonial rule, the overthrow of the Shah in Iran. (2000:158)
Another common critique of the human rights canon and the limited protection it affords women is the unrelenting influence of cultural relativism. The claim is that if international human rights norms conflict with particular cultural norms or practices the cultural rights must take precedence. Feminist have consequently pointed out that we need to investigate the “gender” of the cultures that cultural relativism privileges. While most societies have a somewhat contradictory view on the right of reproductive health of women many Arab states, the Catholic Church and religious fundamentalists are staunchly opposed to any international constitutional guarantees for women’s reproductive rights. The right of women to determine and control their fertility they argue -is deemed an interference in the collective human rights of their nations, which include the right to follow their own culture and tradition. (Yuval-Davis 1997:37) From a feminist perspective this clearly illustrates the hierarchy within the generations of human rights and the invoking of cultural rights over the individual human rights of women.

2.3 Gender and Nationalism

While prominent feminist scholars like Nira Yuval-Davis, Simona Sharoni, Cynthia Enloe and Julie M. Peteet (Yuval-Davis 1995, Sharoni 1993; 1995; 1998, Enloe 2000, Peteet 1991) have written extensively on the matter of gender relations and the ways they affect and are affected by national projects, most of the conventional theorizing on human rights and nationalisms have disregarded gender relations as irrelevant. It is striking that a parallel theoretical approach with the use of men, or male, is rarely employed. This is so because male and maleness are assumed to be the norm from which women and femaleness are to be differentiated. Women are thus, constructed as the other, the deviant from the norm. (Charlesworth& Chinkin 2000: 2-3)

As for the Israeli- Palestinian context it would be hard to separate the struggle for women’s rights from the national struggle for liberation. The two have been largely interlinked and entwined. Many would argue that Palestinian women therefore face (at least) a two-folded struggle, one against traditional patriarchal structures and attitudes, and the other in the shape of Israeli occupation. I seek to elaborate this discussion further in coming chapters. Yet others have argued that women’s female and/or feminist consciousness (Peteet 1991) awakened through their participation into the nationalist struggle. As noted by scholar Penny Johnson and Eileen Kuttab “there is always a dilemma for feminists in responding to the question whether the state can be a potential force for greater equality or an instrument for patriarchal oppression” (Johnson & Kuttab 20001:30). Women’s membership in their national and ethnic collectivities is multifaceted. On the one hand women, like men, are members of the collectivity. On the other hand, there
are always specific rules and regulations, which relate to women as women, and perhaps specifically in regards to their reproductive role. In nationalist discourses the reproductive role of women is often emphasized, and frequently policies encouraging high birth rates are put to use to ensure the “survival” of the nation. This has been the case in both Israeli and Palestinian society. (Sered 2002, Sharoni 1995, Yuval-Davis 1997) For example there has been a strong pressure on Palestinian women to bear many children for the sake of the national struggle. This reproductive aspect of women arguably has implications for the social positioning of women and for the construction of the nation (Yuval-Davis 1997:26-27). As suggested by Rosa Tsagarousianou, banning abortions as well as controlling other reproductive rights of women in some sense signals the treatment of women as state property.

In a similar vein Sharoni argues that gender plays a crucial role in the construction and consolidation of Palestinian and Israeli-Jewish identities. The nationalist discourse is based upon the distinction between us and them, and “involve explicit or implicit assumptions about masculinity, femininity, and gender relations” (Sharoni 1995:37). Men in both societies are socialized to be the protectors and liberators of their nations and communities. Women on the other hand, as mentioned above, are cast as those whose role is to reproduce the nation, and are therefore in need of protection.
3 Exploring the Impact(s) of Occupation and Patriarchy on Palestinian Women

3.1 Background – The Israeli-Palestinian Conflict and International Law

Of the 3.39 million Palestinians in the West Bank and Gaza, almost 1.5 million have been refugees since the 1948 war and more than 800,000 live in refugee camps scattered through the Territory. The vast majority of Palestinians, refugees and non-refugees, are stateless. Jewish Israeli settlers also live in the West Bank, Gaza, and Jerusalem, but not under Palestinian jurisdiction. ²

On the one hand the situation in the Occupied Territories and the issues that have perpetuated the Israeli-Palestinian conflict lends themselves readily to a human rights approach. Since Israel is a sovereign state, it is subject to the restrictions spelled out in international human rights law, namely the Fourth Geneva Convention. Consequently Israel is legally responsible for the implementation within the Occupied Territories of the human rights treaties to which it is a State Party. However Israel has consistently denied this obligation as well as the applicability of the Fourth Geneva Convention. Since the right for self-determination is enshrined in numerous international laws Palestinians claim for self-determination and other individual and national rights can be articulated as legal claims. (Charlesworth & Chinkin 2000: 158)

Yet on the other hand, the political arrangements and dynamics of the conflict in some sense confound the application of a human rights approach. In this context it illuminates a potential contradiction of international law that of human rights and the rights of states to sovereignty. However as noted by Najjar Israeli rule over the West Bank and Gaza is a result of military occupation. In the West Bank and Gaza however there was a sharp departure, she argues, from the international guidelines governing military occupation. Rather than conceiving of its role as a temporary occupant, Israel claimed that the status of the territories was disputed and on this basis discarded the applicability of the Fourth Geneva

² Special rapport on the Occupied Territories accessed www.freedomhouse.org
Convention. Israeli officials articulated an original interpretation of the state’s rights and obligations (Abdo 2002) in the territories that prioritized the national interests of Israel, namely security, over the rights of Palestinians. Crucial to Israel’s interpretation of its own rights and claims to the territories is according to Najjar, “the way Palestinians statelessness has been made legally significant in Israeli policy-making”. By interpreting international humanitarian laws as pertaining exclusively to sovereign states (High contracting parties), Israel was able to argue that stateless peoples are not the intended beneficiaries of the laws. Since there has never been an independent state of Palestine, Israel further argued, that the Palestinian people could not be the rightful sovereigns of the West Bank and Gaza, because there is nothing in international law that prescribes the recognition of sovereignty to a “non-state”.

The official Israeli position and on the inapplicability of the Forth Geneva Convention and the policies ensued have been strongly criticized by the international community. There is a close to an international consensus that the Convention is applicable in its entirety. The core of idea of the international rule of belligerent occupation is that occupation is transitional, and one of its key aims is to enable the treatment of the inhabitants of the occupied territory to live as “normal” a life as possible.  

3.2 Gender in the light of the Second Palestinian Intifada

Needless to say the escalation of violence and killings in Israel and the Occupied Territories in the past six and a half years has brought enormous suffering to the Palestinian and Israeli civilian populations. While the first Intifada (1987-1991) occurred in a context of more than a decade of political activism (for a full discussion see eg. Augustin 1993), and the growth of mass- based organizations, including the women’s movement, the conditions framing the second intifada has been characterized by a seeming absence of women and civil society (Abdo 2002).

Part of the explanation lies according to scholar Penny Johnson and Eileen Kuttab, in that the Palestinian Authority has applied a form of rule that the author’s term “authoritarian populism” which tends to disallow democratic politics and participation. Yet other factors would entail the devastating effects of

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4 By 2005 an estimated 3, 200 Palestinians, including 600 children and 150 women had been killed by Israeli forces, and up to 1,000 Israelis including 100 children and Palestinian armed groups had killed 300 women. See Amnesty International Without Distinction: Attacks on Civilians by Palestinian armed groups July 2002 www.amnesty.org
Israel’s policies of separation, siege and confinement of the Palestinian population. While the urgency of making peace, (between Hamas and Fateh as well as) between Palestinians and Israelis is undeniably crucial, it does not diminish the relevance of understanding the multiple effects of the intifada on the gendered roles of Palestinian women, men and children (Eileen & Kuttab 2001: 22). Arguably the increasingly militarized context and militarized violence used by both parties in this conflict is one key factor to the low visibility of women in the second intifada.

In the first intifada the site of struggle was the community, its streets, neighborhoods and homes, the “stone” was the main weapon in defending the community, and women participated in direct confrontations with the Israeli army, whether as demonstrators, stone throwers or protectors and rescuers of young men and children. Home and community environments were daily sites of conflict, and as Yuval-Davis notes; “clear sexual division in war, however, usually disappears when there is no clear difference between battlefront and the home front...” (Yuval-Davis 1997:85).

In the al-Aqsa intifada on the other hand, the confrontations took place at border and crossing-points, controlled by the Israeli army. In this context women’s roles in direct confrontation are minimal, given the absence of community context, the militarized environment and the differential impact of restrictions on mobility on women. As pointed out by Johnson and Kuttab ”the greater the level of militarization and militarized violence, the less participation from women and the wider community” (Johnson & Kuttab 2001:31).

As in most societies, the construction of combatants and non-combatants is gendered, resting on ideological constructs of femininity and masculinity, rather than actual combat ability (Yuval-Davis 1997). The participation of women and their extension of traditional women’s roles were therefore more permissible since the division between combatant and non-combatant was very fluent. In the second intifada on the other hand, combatants are by and large men. Consequently women’s reproductive role as bearers of the fighters is underlined in the national discourse. Johnson and Kuttab suggest that the dynamics shaping the second intifada has also produced a crisis in maternity, for instance the inability to care for and protect their children. And they argue, that if maternal practices are governed by “three interests of preservation, growth and acceptability of the child”, these interests can be in painful contradiction, as preservation conflicts with growth (political understanding and involvement) and most particularly with acceptance when state and society – or social group – honor resistance even at impossible odds. In this context it makes sense that one of the most continuous initiative of the Palestinian women’s movement has been to counter allegations that Palestinian mothers are “sending” their children to die at the checkpoints. (Johnson & Kuttab 2001: 37-38)
3.3 Gender, Patriarchy and the Palestinian Authority

When the Palestinian Authority, commonly referred to as the PA, was established in 1994, it took over responsibility for internal civil affairs in most areas of the Occupied Territories and for some internal security matters in certain areas only. At the same time Israeli military courts have remained in use to the present day and continue to have jurisdiction over the entire Palestinian population in the West Bank and Gaza for security-related matters.

Clearly Palestinians did not achieve independence with the establishment of the PA and their lives remained to a great extent under Israeli control. However, after the 1996 elections Palestinians had the opportunity, for the first time, to start changing the laws and legal systems that governed some aspects of their lives, and the PA, the Palestinian parliament and civil society organizations with the intention of making such changes undertook a number of initiatives. However strengthening women’s rights and confronting gender discrimination within the family has not been a priority. (Giacaman, Jad & Johnson 1996: 14-15)

Given their contribution to the national struggle Palestinian women and activists expected a strong participation in the decision-making bodies (Sharoni 1995:75) of the Palestinian Authority. However, in hindsight they have by and large been disappointed (Abdo 1999:42). Instead, as argued by prominent scholar Nahla Abdo, the traditional patriarchy within Palestinian political culture has been solidified under the PA. In the governing bodies of the PA there is no separation between the legislative, judicial, and administrative powers: the Executive Authority, appointed by the president, encroaches on the powers, functions and duties vested in the legislature and judiciary (Najjar 2001). Unchecked power arguably lends itself more readily to corruption and nepotism. Perhaps most importantly the president appoints all high-ranking positions, which gives him a very high level of concentrated control. PA appointments are predominantly motivated by party politics or involving allegiance to the ruling party on clan or tribal grounds. Many high-ranking positions are given to returnees who previously worked for the PLO in exile as a “thank you” for past services rather than based on the qualifications or experience of the appointee. (Abdo 1999:40)

These kinds of appointments have far-reaching implications in the Palestinian context, particularly in terms of consolidating male patriarchy at the expense of gender equality. More specifically by “reinventing” the *hamula* as a state mechanism to consolidate political allegiance constitutes a potential threat to women. By legitimizing and entrenching the role of the male head of the family as the guardian of the family’s female members it becomes more difficult for third parties to intervene in cases of domestic violence. (Ibid 1999:41)

As noted in a report by Freedom-house, continued political unrest and ongoing armed conflict, combined with restrictions on freedom of movement, the inability

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5 Which include crucial Palestinian civil affairs like for instance expropriation and use of land, restricting mobility and access to health services.
of most PA courts to enforce decisions, and a slow process of new legislation, make it extremely difficult for Palestinian women to advocate for women's rights in the face of continuing violence and poverty. As a result, Palestinian women suffer from insufficient legal protections and inconsistent enforcement of laws. Another important aspect is perhaps, and as pointed out by Sharoni, that when societies are in a state of crisis or conflict they tend to enhance traditional notions of gender relations and gender hierarchy that are associated with stability and survival.

Hajjar refers to the PA’s governing practices as “autonomous authoritarianism” and argues that they bear an eerie resemblance to those of the Israeli military administration. The use of security laws, military courts, brutal interrogation tactics and censorship are elements of continuity. In fact many HRO’s and NGO’s have shifted or broadened their focus from Israeli violations to corruption, violations, and derogations of the rule of law by the PA. (Najjar 2001:28-29)

It is important nevertheless to appreciate the uniqueness of the PA as a governing body and the extent to which it is ultimately dependent on Israel. Palestine has been prevented by Israeli occupation from developing independent, stable legal and political systems and institutions. Those that emerged over the past eight years have largely failed due to the ongoing denial of Palestinian sovereignty and the complications arising out of a complex patchwork of legal systems and jurisdictions. In the wake of this confusion and, at times, lawlessness, the tribal system has re-emerged, serving to provide stability and order. The problem for women, however, is that tribal systems are undemocratic and resistant to change, and as such, re-enforce patriarchal values and norms, while further disempowering Palestinian women.

The nationalist and the feminist issues are deeply interlinked and, should not let the issues brought into Palestinian arena during the transitional period, of women’s rights, children’s rights and human rights.

### 3.3.1 The Influence of Islamic Fundamentalism

The traditions of both customary and religious laws are as mentioned before not sympathetic to women’s rights or the participation of women in politics. Another important factor to consider in the Palestinian context is the influence of Islamic fundamentalism. The tension between Palestinian women’s claims for rights and the patriarchal traditions can be illustrated by the somewhat ambiguous position of the Yassir Arafat in 1994, when the General Union of Palestinian Women adopted a set of “Principles for Women’s Rights” (based on a number of human

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For a full account see “The Second Palestinian Intifada: Social and Psychological Implications for Palestinian Women Resulting from the Israeli Escalation of Violence” WCLAC report 2001 [http://www.peacewomen.org](http://www.peacewomen.org)
rights treaties including the Convention on the Elimination of all forms of Discrimination Against women). Arafat’s response was that he supported the principles, but only if they did not conflict with Islamic law. Charlesworth & Chinkin 2000:163) This proves a point in case in terms of invoking cultural relativism in relation to human rights of women.

More recently, as illustrated by the unprecedented support of Hamas in the elections in 2006 these attitudes have only been more accentuated in Palestinian society. The Israeli occupation has according to some scholar in some sense encouraged the rise of the Hamas movement, consequently compounding threats to women’s human rights (Abdo 1999:49).

3.4 Militarization and Gender-Based Violence in the Occupied Territories and Israel

A climate of economic uncertainty and social hardship continued in the Occupied Territories as the fiscal crisis widened after the elections of Hamas. The outcome of the elections led Israel to withhold the payment of taxes collected on behalf of the Palestinian Authority, and the US and European Union to announce a freeze on their economic assistance to the PA, while maintaining direct assistance to the Palestinian people. The levels of poverty increased drastically from 1999 when an estimated 600,000. Palestinians were living in poverty on less than 2.10 dollars a day to an estimated 1,600,000 in 2005.

Militarization and the strains placed on families by poverty and unemployment have increased violence against women in the home. Indeed feminist scholars (Sharoni 1995; 1998, and Abdo 2002) women’s activist and NGOs have noted that both intifadas have been accompanied by rising levels of gender-based violence in Israel as well as the West Bank and Gaza. More specifically women’s peace activist in Israel articulated three important connections: “between different systems of domination and structured inequalities; between practices of violence between against Palestinians and the unprecedented rise in violence against women in Israel, and between the struggles of Palestinians for liberation and self-determination and those of women throughout the world” (Sharoni 1998:26). It is suggested that since the soldier learns that violence against Palestinians is permissible, he is likely to bring that violence with him when he return to his community, which in turn creates a spillover effect on Israeli women. Moreover it has been noted that the portrayal of Palestinians that die at the hands of the Israeli army is conveyed in a strikingly similar way to that of Israeli women that endure domestic violence at the hands of
Israeli men, they are both treated as “persons without names” (Sharoni 1995:120-121. This consequently serves to legitimize their discrimination and subordination in society. In a similar vein Sharoni articulates the link between militarism and sexism, and suggests that “the institutionalization of national security as a top priority in Israel contributes to gender inequalities on the one hand, and legitimizes violence against Palestinians and women on the other (in Charlesworth& Chinkin 2000:165).

“Honor” killings constitute another form of gender-based violence directed against Palestinian women in the Occupied Territories. Although there are no reliable statistics on the number of women that have been the victims of “honor” killings, as cases are often not reported and some cases might instead be reported as suicides or accidental deaths. In relation to the earlier mentioned patriarchal structures of the PA, it is important to also consider the implications of some inherently discriminatory laws of the legal system to women’s rights. For instance;

“Article 340 of the Jordanian Penal Code (Law No 16 of 1960 in force in the West Bank), which deals with crimes committed on grounds of “family honor”, grants exemption from prosecution or reduced penalties to husbands or male relatives who kill or assault wives or female relatives on grounds of family honor.”

3.4.1 The impact of Curfews, Blockades and Military Checkpoints on Palestinian Women

Particular aspects of the military occupation have impinged specifically upon women, for example by undermining women’s health (Carlesworth & Chinkin 2000: 161). As mentioned before while the national discourse cast women as the national reproducers of the nation and in the Palestinian context glorify mothers of the “martyrs” (Johnson & Kuttab 2001:31), actual mothers face enormous difficulties.

In recent years the Israeli Army has increased to an unprecedented level the restrictions imposed on the movement of Palestinians within the Occupied Territories. Consequently depriving Palestinians not only their freedom of movement but also heavily restricting their access to fundamental human rights like the right to work, to medical care and to education. The UN Special Rapporteur on the situation of human rights in the Occupied Territories noted in a report that the number of checkpoints increased from 376 in August 2005 to over 500 in August 2006. Consequently Palestinian women currently live under

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8 Ibid page 24.
9 Ibid page 6.
conditions of forced isolation, and are often separated from their families and communities, which provide support and solace.

Another main implication for women is the restricted and sometimes denied access to medical care when in labor, as Israeli soldiers denies them passage through checkpoints, or delay in such a way that women are forced to give birth by the check point without any medical assistance sometimes with fatal consequences. As noted by Amnesty this clearly violates Article 38(2) of the Forth Geneva Convention, which stipulates that Israel has an obligation to ensure that Palestinians in the West bank and Gaza “receive medical attention and hospital treatment to the same extent” as do Israeli citizens. When considering that the fertility rate among Palestinian women in Gaza for instance is 4.4\(^{10}\) these policies arguably have a particularly detrimental effect on women. The report also notes that the fear of not being able to reach hospital in time to give birth has “become a major source of anxiety and fear” for pregnant women within the Occupied Territories.

The effects of closures via the military checkpoints could be described as a form of house/village/town arrest, and has been the main cause for the virtual destruction of the Palestinian economy, spiraling poverty and unemployment according to UNESCO and Amnesty International. These impacts have if anything only been compounded since the building of the West Bank wall, which has deprived hundred of thousands of Palestinians of their land, their water supply, their livelihoods, and what little remained of their mobility. Indeed the International Court of Justice ruled for the dismantling of the in 2004, but this was rejected by Israel and the US. While the international community condemned the building of the wall, there was less willingness or actual ability to enforce the decision and to ensure the compliance of Israel. (Murray 2007:102)

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4 Conclusions

While one can only speculate about future developments, as things stand today, the situation of Palestinian women appear far less than favourable. The long-standing effects of Israeli occupation and policies of siege, confinement and confiscation have resulted in social as well as economic crisis for Palestinians as a whole. I have argued that Palestinian women face multiple and interlocking systems of oppression that in some way serve to enhance the other. Thus in this final chapter I will seek to outline the outcome of the above effected analysis.

It seems as the new dynamics of the conflict, illustrated among other things by the increasingly militarized context, the governing mode “authoritarian populism” employed by PA and very poor living conditions of the Palestinian population in the West Bank and Gaza have all in some sense served to not only marginalize women’s rights from the agenda but also to limit the scope and influence of civil society as a whole. In terms of gender relations and gender roles, the second intifada have been characterized by a seeming absence of women, thus there has neither been any challenging nor expanding of the boundaries of socially constructed gender roles. However as I have argued and sought to illuminate in this paper the participation of women in nationalist projects or struggles for liberation is not necessarily conducive to the advancement of women’s rights. Clearly the burden of women has increased over the past seven years, due for example to the higher human costs, including thousands of disabled persons in need of care.

I have also sought to examine some of the ways in which the security policies employed by the Israeli army have been (and still are) specifically detrimental to women. For example the enormously increased levels of psychological stress and anxiety suffered by women during their pregnancy; due to the fear of military closures, which denies them access to medical care sometimes with fatal consequences.

While it is difficult and might be fruitless to separate the impact of occupation from the impact of patriarchal structures of the PA, and Palestinian society at large it should be underlined that it is undeniably here in the complex juxtaposition of the two that women’s human rights are perhaps particularly vulnerable (as is illustrated by the example of gender-based violence). Consequently the Israeli occupation remains a major obstacle for Palestinian women with regard to their advancement, and participation in decision-making bodies. At present, in the light of an increasingly deteriorating security and living conditions most efforts would be mainly directed at everyday survival, perhaps inevitably pushing gender issues of the political agenda. On the other hand as has been clearly illustrated the national discourse has continuously served to entrench traditional notions of femininity and masculinity. Thus, in the Palestinian context,
“women not only bear the combined burden of occupation and patriarchy but due to the former their capacity to transform the unequal gender structures of the latter is curtailed.” 11

11 UN Special Rapporteur on violence against women, its causes and consequences, February 2005.
5 References


