

**Voice of Women**  
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**Editorial: Personal Status Law proposed in Egypt and the principle of equality**

Over the entire Arab world, according to the personal status laws of each country, women are forbidden to demand a divorce unless in the case of mistreatment or sexual deficiency on the part of the husband. In addition, women are required to provide one cause and/or the other if they intend to file for divorce and doing so means the inevitability of crossing various social, economic, ethical and moral barriers. Having to face patriarchal courts and legislation, which consider women as mere followers, the possibility of a woman winning a divorce case can seem far out of reach. Men, on the other hand, have the full right to divorce without conditions at any time.

This bitter reality seems to be undergoing a process of change in Egypt. The Egyptian parliament has started discussing the new Personal Status Law proposal that grants women the right to divorce under one condition only, namely unsuitability. However, they would be required to give up their full financial rights once divorced. This proposal also gives a woman the right to travel without previous permission from her husband. It also approves of divorce cases for customary marriages, which is usually rejected by official authorities and courts.

As expected, such a sensitive proposal raises a great deal of debate by different interested parties, such as religious personnel, Al-Azhar scientists, liberal men and various women's organisations. All have their justifications for their acceptance or refusal of the proposal depending on personal interests and convictions. The sensitivity of this topic results from the fact that the Personal Status Law is directly related to religion and its explanations, as well as its connection with a socio-political patriarchal system that perceives women as men's property.

The emergence of such highly sensitive ideas that are in reality based on interpreting religious codes without discrimination as well as application of the International Human Rights Declarations, is an act symbolising a nation's longing for freedom, dignity and equality. This process, however, is challenged by the existing power-balance, for equality between men and women means sharing power and equal decision-making regarding one's movement, thought and property. It also entails giving up the notion of the powerful man and the dependant woman, which many insist upon, using religious pretexts.

Why not follow the same path in Palestine? It is crucial to engage in such discussions if we are dedicated to fulfilling the Palestinian Independence Declaration of Principles that is based on equality. It is important to understand and clearly form the nature of our social policies and the basis on which both sexes would be related.

Adopting the principle of equality, or not adopting it for that matter, guides our society in one direction or the other. We either create a fair, just and equal society, thus follow a healthy development process, or we insist on maintaining a patriarchal and tribal society that drives us towards a complex situation, not only internally, but also in regards to our power-balance relation with Israel.

### **Avoiding land registration: Women lose their inheritance**

A visit to an attorney's office or to a court is sufficient to demonstrate the high number of cases related to heritage and women's right to inheritance. Despite this fact, the actual number of cases in society is far larger than the number that eventually reach the courthouse.

The norm for a woman, daughter or a girl is to give up her part of the family's heritage, since it is believed that women, when married, become strangers to their families and thus have no right to their father's land. Women who dare ask for their right will be considered shameless and greedy, trying to steal their brothers' inheritance. Yet men, sons and brothers tend to have different views when it comes to their wives' demand of their inheritance. In some cases, men support their female family members and make every effort to help her win her case. Is the wife more related to the sister's family than the sister herself? Why is the sister considered greedy when she demands her full right, while her brothers are considered justified when expecting more than their share? Such questions barely find any answers in a society where power and patriarchy influence social trends and relationships.

The problems facing women in heritage issues are not only confined to deprivation and accusation, but also to intentional deception and fraud on the part of men who try to do whatever it takes to deprive their sisters of their rights. They postpone dealing with matters hoping that circumstances will change their sisters' minds, either willingly or unwillingly. They also avoid registering land in women's names and thus leave many pieces of land unregistered, useless and worthless. Moreover, if it happens that a woman owns a land or a project, meaning, in some cases, that she has achieved economic independence, male family members may feel, contradictorily, that her marriage to a stranger would mean the loss of her property. They might also think that the man proposing to marry her is an opportunist trying to make use of her financial status. Many such complications arise in heritage issues. While the factors may differ, they produce the same result: women are deprived of their rightful heritage.

Hatem Abbas Abu-Khalil, an attorney, explains that depriving women of their right of inheritance is based on social norms and customs and not on religion. He adds that women themselves refrain from demanding their rights believing it to be shameful. He expressed his astonishment at the silence of the women's movements towards the amendment of the Inheritance Law regarding state-owned land. Whereas the pre-amendment law stated that a woman's share of inheritance equals a man's, the 1990 amendment states that a man's share equals that of two women. He believes that it is the responsibility

of the women's movement to address such amendments and try to reverse them. Women have the right to own, register and control whatever belongs to them as it suits them, therefore the awareness of women of their rights is crucial.

### **Women in political parties: Many aspirations, but still treated unequally**

Amal Khreisheh: Patriarchal hierarchy influences the structural formation within factions

Zahira Kamal: Women's social responsibilities exclude them from political activities

Maha Nassar: women's representation in leadership positions within parties occurs arbitrarily

Many political organisations and factions have claimed, for years, to grant women their full rights of equality, participation and decision-making. Had they really given women even a small part of what they claim, the situation of women would have been much better than it is now. Many women have participated in the national independence struggle and along with their men counterparts have worked to maintain their Palestinian national identity. Despite the fact that they became members in various political parties and dedicated themselves to the organizations' agendas, the respective political parties did not value women's participation in decision-making or concern itself with the entire dimension of gender.

So it is worth asking what women look forward to as faction members and what the expectations are. Is the Palestinian woman's experience unique, differing from that of other Arab woman? Are political parties using women members as supportive shields to their long-adopted equality clichés to prove their claims right? Following is a presentation of the different experiences of three women who have been political participants and party members.

**Amal Khreisheh** is a member of the previous Central Committee of the Palestinian People's Party (PPP) and the director of the Palestinian Working Woman Society. Khreisheh considers women's involvement in the political process very important, for it the right of women to be part of the decision-making process. Unfortunately, women's participation has been ignored and thus women have been excluded from the national movement's agenda, especially after 1990. Therefore, many women organisations, despite their different ideologies, have gathered together and campaigned in an attempt to achieve representation of women in the different social institutions. As a result, some women were appointed, albeit symbolically, to leadership positions in some parties, while the majority of women were limited to responsibilities which became known as "only women's work," namely, service-related work. As such, it is clear that the social patriarchal system found a place for itself within most of these institutions, which influenced the whole institutional structure. Thus, women are challenged with a great responsibility, namely that of enlightening society and official personnel and organisations as to the importance of women in creating a balance between national, political and social agendas.

Khreisheh talks about her personal experience as a member in the previous Central Committee and calls for all parties to follow the footsteps of the PPP, which in 1991 approved a positive discrimination policy and allocated women a quota. Other principles were later adopted too, such as non-violence, social insurance for housewives and acknowledging them officially as labourers, and modifying and amending the Personal Status Law. Khreisheh herself regards the concept of a quota as

undemocratic, yet approves of it currently and temporarily until an equal power-balance exists between men and women. Refusing the quota now is an act that maintains women's exclusion from public and political life.

**Zahira Kamal** is a member of the Executive Office of Fida Party and the General Director of the Directorate for Planning, Gender and Development in the Ministry of Planning and International Co-operation. The representation of women in the Fida Party, she explains, has always been based on the principle of equality and equal opportunity between men and women. Lately women's representation has decreased not only because of the general political developments which left women marginalised, but also because of women's increasing social and domestic responsibilities. She also mentions that Fida has never allocated a quota for women, but preferred to follow the principle of equal opportunity.

**Maha Nassar** is a member of the Popular Front for the Liberation of Palestine. She says that she took the role of women for granted, believing in the Party's liberal and women-supportive principles. She didn't question this assumption, she said, believing that history and theory proved this to be true.

However, as she involved herself in the party's political work, she came to realise this wasn't the case and that priority is given to national independence and patriotism rather than to women's struggle for equality and rights. This made her reassess her goals and as a result she found herself becoming deeply involved in women issues from within the party itself. She stressed, however, that the Popular Front has never discriminated between men and women in terms of the respective duties assigned to them, a fact that has given women strength and self-confidence.

Despite the fact that the party didn't have a systematic strategy of creating social equality generally, it has followed the principle of member equality within the party without discrimination. Thus its members tend to spread this principle beyond the party's boundaries to society. In regards to women's representation in the party's leadership, she stated that most representative posts were arbitrarily divided due to certain party-related causes.

### **The Personal Status Law is the answer: Reasons for polygamy in Palestinian Society**

In an interview, Dr. Nader Sa'eed, Professor of Sociology at Birzeit University and the director of the Development Studies Centre in Ramallah, has given his explanations for polygamy, stressing the importance of analysing this phenomenon from a social perspective rather than from a religious one. He believes that a social perspective grants him greater freedom to study this sensitive issue, because of the resistance to and condemnation of questioning religious beliefs and perceptions.

He says that polygamy can be considered one type of family planning, which might be adopted by the least populated countries to increase the population. Yet, as it is known, most countries forbid this. Dr. Sa'eed explains further that men's choice to marry additional wives is not based on religious beliefs but on social reasons, such as trying to make their first wife jealous, believing in the traditional notions of reproduction, or demonstrating their manhood, prestige and wealth. He also believes that the approval by religious men for polygamy is a main factor in keeping alive this practice which dominates and oppresses women's bodies and souls, since it is women and children who are the direct victims of

such practices. The only way they can justify their approval, despite knowing the harmful consequences of polygamy, is to protect their own interests. Although the phenomenon of polygamy is quite limited, its existence constitutes a threat to women and a cause of psychological instability, because men can use it to constantly threaten their wives with divorce or remarriage.

In all Arab countries, such cases of divorce and marriage have no conditions, except for one Arab country, Tunisia, which demands clear justifications for divorce and remarriage. The concept of equality between the sexes is the basis through which the problem of polygamy can be resolved, and equality can not be exercised without having a clear law stating men and women's equality. The Personal Status Law must be modified and restated, especially regarding divorce, marriage and custody matters. Society must be enlightened as to women's humanity and their right as human beings to equal opportunity.

Finally, Dr. Sa'eed focuses on the contradicting paths women's status is going through. On the one hand, the percentage of educated women has increased, as has their participation in political life and involvement in different fields. On the other hand, the fertility rate has increased, as has violence against women, both direct and indirect. Furthermore, women's participation in the official labour force is currently the lowest in the world. This is a result, he concludes, of the competitive relationship between conservatism and modernism.

### **Violence against women: A post-Beijing perspective** **Hadeel Rizek-Al-Qazaz**

One of the main themes discussed at the Beijing Conference was violence against women, putting it on the international agenda. In Palestine also, women gained more confidence to address this issue, despite its low profile. Women have begun to dare to speak out, to challenge social limitations and customs and even to prosecute perpetrators in courts. Yet it is important to realise that this development represents a small percentage of the entire Palestinian society, but constitutes a positive sign implying the gradual change of social norms and perceptions.

In a further step, the notion of violence against women has gone beyond the direct definition of violence, namely that of physical violence caused by beating, and has come to include sexual violence, considering sexual harassment one face of violence as well. It is also becoming possible to talk about violence within families and referring to psychological and oral abuses as violence.

The hotline service has given people, both men and women, the opportunity to express themselves freely and confidentially and to be able to discuss their personal problems with specialists who can offer possible alternatives and solutions. This precedence, although limited, is evidence of a shift within society and increased acceptance of the need for guidance and help, so that people do not remain buried within the confines of their homes or work under intense sexual or other kinds of violence.

Dealing with such psychological, legal, health-related, violent issues and providing alternatives instead in a confidential manner encourages people. Their stories have also been utilised publicly, yet anonymously, to enlighten society as to the existing issues which may include social factors as well. This represents one small step towards social change. Although a considerable number of people are prepared to discuss such social problems, directly or indirectly, women are still deprived of their basic

rights and remain excluded and oppressed. Many women are still being murdered under the pretext of family honour. They are being blamed in cases of harassment and rape, being accused of responsibility through dressing, behaving, or talking provocatively. Women are still largely oppressed due to traditional laws and the general patriarchal perception of women in this society. However, a start has been made in addressing this. It is important to begin with a deep examination of the causes of violence, its social effects and possible solutions. Counselling and awareness sessions must be provided for victims of violence, and finally and most importantly, laws and legislation must be clearly stated guaranteeing the equality and rights of women.