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Towards A Palestinian Christian Feminist Hermeneutic

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An abstract of  
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## **Abstract**

### **Towards A Palestinian Christian Feminist Hermeneutic**

By Tala AlRaheb

Palestinian Christian women residing in the West Bank experience misogyny on a daily basis. Their unique identity as Palestinians, Christians, and women entails a triple subjugation by the various factors that influence the particular aspects of their identities. The factors influencing Palestinian Christian women's experiences are comprised of several laws and cultural norms. These laws include: State laws, Religious court laws, and Customary laws. These three systems, furthermore, allow for the intersection of religion, culture, and law that affects gender dynamics in Palestine. The intersection of religion, culture, and law, additionally, reinforces the cycle of violence against women and inflicts a hierarchical system in which women are not guaranteed equality. In order to address the implication of the oppressive systems upon Palestinian Christian women, we need to create a new hermeneutic. A Palestinian Christian feminist hermeneutic utilizes an interdisciplinary approach in order to examine the intersection between religion, culture, and law. Furthermore, this hermeneutic develops a mixed-method approach, which includes a historical examination of the legal system in Palestine, cultural hermeneutics, Christian and Muslim religious analysis, and ethnography in order to adequately address the experiences of Palestinian Christian women. *Towards a Palestinian Christian Feminist Hermeneutic* does not attempt to address nor answer the concerns of Palestinian Christian women. It merely sets the building blocks necessary for the creation of a liberative feminist hermeneutic within the Palestinian context.

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## Introduction

Faten Habash, a 22 year old Palestinian woman was murdered by her father to protect the family honor.<sup>1</sup> Habash, a Christian, fell in love with a Muslim man and wanted to marry him. According to her father, this brought shame to his family name and the only way to restore his honor was to kill his daughter.<sup>2</sup>

Rafayda Qauod is another Christian victim who was not protected by the law. Unlike Habash, Qauod was murdered by her mother in the name of family honor. Her mother recounts the incident and states, “My daughter fell over and broke her knee. I took her to hospital and there the doctor told me she was pregnant. So I killed her. It's as simple as that.”<sup>3</sup> Qauod was raped by her two brothers, became pregnant, and was killed in order to protect the family honor. Instead of holding the brothers accountable, this Palestinian Christian family chose to blame the victim. The cultural conception of honor in Palestine diminishes women’s autonomy and right to engage in any activity that jeopardizes the family name.

A.M<sup>4</sup> is another Christian woman who was unjustly treated by society and the law. Married at 16, she was denied her right to graduate high school and continue her education.<sup>5</sup> Her father believed that he would preserve her honor by marrying her off. Unfortunately, a couple of years later, her husband died and

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<sup>1</sup> “Murdered in Name of Family Honour | World News | The Guardian,” accessed December 8, 2017, <https://www.theguardian.com/world/2005/jun/23/israel>.

<sup>2</sup> “Murdered in Name of Family Honour | World News | The Guardian.”

<sup>3</sup> “Murdered in Name of Family Honour | World News | The Guardian.”

<sup>4</sup> a pseudonym used during the interview

<sup>5</sup> صندوق الامم المتحدة الانمائي للمرأة (اليونيفيم), حقوق غير متساوية وفرص غير متكافئة: ٣٠ سنة على اتفاقية صندوق الامم المتحدة الانمائي للمرأة (اليونيفيم), ٣٠ حكاية لنساء في الارض الفلسطينية المحتلة, 2011, ٤٦. My translation

A.M. struggled to support her family. When she tried to get her husband's inheritance, her in-laws sued her in a Shari'a court instead of a church court. This meant Shari'a law was applied to the distribution of the husband's inheritance.<sup>6</sup> Since his father was alive, neither A.M. nor her children received any of the inheritance. A.M. could not have demanded her rights in a church court, because even as a Christian she is governed under Shari'a, which supersedes church law. Thus, in A.M.'s case we see that both culture and religion aided in her marginalization.

The three narratives above do not entirely encompass the experiences of Palestinian Christian women. The context of Palestinian Christian women living in the West Bank is unique due to the intersectionality of their three identities: Palestinian, Christian, and woman. First, being Palestinian involves colonialism, legal ambivalence, cultural traditions, and occupation. Ottoman, British, and Jordanian colonialism of Palestine has severely affected the laws governing Palestinians. Empires that colonized Palestine imposed their own legal systems, which still influence the lives of women. Furthermore, being Palestinian constitutes a cultural identity and an association with the cultural traditions that are unique to the region. These cultural customs influence the lives of women in various ways. Finally, being Palestinian involves a struggle against the Israeli occupation, which oppresses, discriminates against, and violates the rights of Palestinians.

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<sup>6</sup> صندوق الامم المتحدة الانمائي للمرأة (اليونيفيم), ٥٣-٥٤. 6

Second, the Christian element of women's identity is complicated, as well. Christians are a religious minority in Palestine and constitute only 2% of the total population of the West Bank.<sup>7</sup> This means that the surrounding Islamic culture influences their cultural traditions. Furthermore, being a minority in an Islamic majority means that women are subject to Islamic principles and laws. Being part of the Christian community in the West Bank also means that Church laws control and govern women's personal lives. Church laws dictate whom a woman marries, when she gets divorced, and the amount of alimony she receives. Furthermore, biblical hermeneutics within the Palestinian Christian community highly impact the lives of women. For instance, scriptural interpretations regarding the status of women in the church influence the lives of women within the church, as well as in the public and private spheres. Thus, when thinking about women's Christian identity, one should note that the larger Islamic society and Church policies play a role in the experiences of Palestinian Christian women.

Finally, the last element of the identity of Palestinian Christian women is their gender. Being a woman in Palestine means being subject to cultural notions and understandings of gender roles. These notions, unfortunately, are often patriarchal in nature, thus creating a patriarchal society. The larger patriarchal culture in Palestine influences people's understanding of women's roles in society and controls gender dynamics. Furthermore, the patriarchal culture

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<sup>7</sup> IMEU, "QUICK FACTS: Palestinian Christians, Bethlehem, & East Jerusalem | IMEU," accessed April 2, 2018, <https://imeu.org/article/quick-facts-palestinian-christians-bethlehem-east-jerusalem>.



influences women by subjecting them to customary laws. These laws govern matters within the private sphere that usually pertain to women's honor and often aid in the marginalization of women.

Thus, the intersection of the three identities of Palestinian, Christian, and woman creates a unique context in which all three elements subjugate women, causing Palestinian Christian women to experience a triple oppression. In order to understand adequately their experiences, we need to address all three elements of their identity. To understand the triple oppression that causes Palestinian Christian women to suffer, we need to move towards an interdisciplinary and mixed-method approach. Although various Muslim and Christian scholars have attempted to answer the question of suffering, none of them have addressed the concerns of Palestinian Christian women. Thus, the necessary interdisciplinary and mixed- method approach that pertains to the lives of Palestinian Christian women does not yet exist and needs to be created. This thesis project does not attempt to answer the questions of suffering related to Palestinian Christian women, nor does it give a definitive answer on how to liberate them. This thesis is the first step toward outlining, and consequently creating, an interdisciplinary and mixed-method feminist hermeneutic that adequately addresses the experiences of Palestinian Christian women.

I chose the three narratives of Habash, Qauod, and A.M. to point towards troubling trends within Palestinian society. Palestinians often neglect and refrain from addressing oppressive practices since women's issues do not hold precedence among individuals. Still, one would expect the law to ban and punish

such brutal violations of women's rights. Yet, in all these stories we find that the Palestinian Authority, the governing body of the Palestinian people, did not intercede on behalf of the women. Furthermore, we find that the families of these women refrained from supporting the rights of their daughters. For instance, Habash's father did not value his daughter's opinion to marry whomever she wanted, nor did he value her right to life. The mother of Qauod did not even think twice about the immorality of killing her daughter, or about the rights of her daughter. And A.M.'s father was so concerned with protecting his family name that he ended up stripping away the basic right of education from his daughter. This led to further abuses of A.M. later in life.

In these stories one cannot point to one particular reason for the oppression of these women. This is due to the complex nature of the region. The convoluted elements that impact women are all a part of the same reality. Religion, culture, and law intertwine, and one cannot separate them. Thus, when examining the stories, one cannot claim that religiosity is the only reason behind women's subjugation. For instance, in the story of Habash, one ought to question, was she murdered because of religious interpretations about interreligious marriages? Or was she murdered because of a larger cultural belief surrounding interreligious marriages and honor? One should ask the same questions about the story of Qauod. In Islamic law the penalty for fornication outside of marriage is lashing or stoning.<sup>8</sup> Furthermore, Islamic thought, which

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<sup>8</sup> Muḥammad ibn Idrīs Shāfi'ī, *The Epistle on Legal Theory*, Library of Arabic Literature (New York: New York University Press, New York University, 2013), 183,

frowns upon sexual relations outside of marriage, highly influences the larger culture in Palestine. Thus, in the case of Qauod, who was raped, one ought to ask: How did her family perceive the rape? How and by whom was religion used to constitute that rape and consensual sex outside of marriage fell under the same category? How did Christian and Muslim religious interpretations influence the larger culture that saw Qauod as the criminal instead of the victim? Or did the culture promote a certain religious interpretation and turn it into a law that governed women's lives? Finally, in the case of A.M., why did the Palestinian basic law not intercede on her behalf regarding education and inheritance? Does Shari'a truly diminish women's right to inheritance? Or has the larger culture, which disregards women's right to inheritance, influenced people's understanding of Shari'a? Did the culture promote a particular interpretation of the law that agrees with the main cultural perception of women? One cannot answer these questions without an investigation of the intersection between religion, culture, and law in Palestinian society.

As the reader may notice, there is a common thread in all the stories mentioned above. There is constant abuse of women's rights and no consequences for these violations. What is of graver concern, however, is that none of the women in the three stories reported these abuses. Were they not aware of their rights? Did they not know how to report the abuse? Were they discouraged from reporting these violations? Did they feel that the law could not

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<http://proxy.library.emory.edu/login?url=http://muse.jhu.edu/books/9780814729311/>.

protect them? Answers to these questions are vital in the Palestinian context. If women are not aware of their rights, then it is less likely that they will report the abuse. However, it is not so simple.

Several factors influence women's decisions to refrain from turning to the legal system for help. An analysis of Palestinian society, religion, culture, and law gives one a better understanding of the circumstances surrounding Palestinian Christian women. Chapter one of this research outlines the various secular and religious laws as well as cultural norms that govern Palestinian society. It explains how, in existing together, they contribute to women's oppression and function to hinder the fight for women's rights. Chapter two highlights how scholars have fought for the plight of women worldwide and the methods they have used to tackle misogyny and oppression. It also clarifies why their scholarship does not adequately address the concerns of Palestinian Christian women. Finally, chapter three argues for the importance of creating a Palestinian Christian feminist hermeneutic that examines the intersection of religion, culture, and law through utilizing the methods of the scholars mentioned in chapter two. Chapter three advocates for an interdisciplinary and mixed-method approach to the concerns of Palestinian Christian women. This approach aims to bring awareness to legal institutions and to Palestinians of the plight of Palestinian Christian women and to reveal the need for emancipation.

In order for women such as Habash, Qauod, and A.M. to live fully human lives, we ought to expose the injustices that they face. We cannot accomplish such a task unless we develop a method that addresses their concerns. This

method requires a deeper understanding of the history of these injustices, the influence of religion on the larger Palestinian culture and vice-versa, and the various manifestations of gender dynamics in Palestine. This necessitates an examination of the intersection of religion, culture, and law in Palestine, which will reveal the need for religious and cultural liberation for Palestinian Christian women. The Palestinian woman's experience of oppression has been neglected. It is high time that we prioritize the concerns of women so that they can fully contribute to society and reach their full potential.

In order to understand the experiences of Palestinian Christian women, I propose the creation of an interdisciplinary and mixed-method feminist approach that examines the interplay between religion, culture, and law in Palestine. This approach must include a historical examination of the legal system in Palestine, cultural hermeneutics, Christian and Muslim religious analysis, and ethnography. Palestinian Christian women are longing for liberation, and this new approach will begin the long-awaited process of female emancipation in the Palestinian context.

## Chapter One

### The Context of Palestinian Christian Women

In focusing on Palestinian Christian women, one ought to examine the context in which they live. Palestine is a unique context. The conquests of various empires shaped the region and influenced the law. The Palestinian law is a combination of "...custom (*urf*), Islam (*Shari'a*), Ottoman real property law, British Mandate emergency regulations, Israeli civil law for East Jerusalem and Jewish settlers, Jordanian civil law in the West Bank, Egyptian civil law in Gaza, Israeli military law, and legislation and executive decrees issued by the Palestinian Authority."<sup>9</sup> The list, furthermore, does not include Church law that only governs Christian women with regard to personal status matters, such as inheritance, marriage, divorce, and maintenance. One might assume that all of these laws would guarantee that women have rights. Unfortunately, the opposite is true. Many of these laws function to oppress Palestinian Christian women. Furthermore, the failure of the Palestinian government to create its own laws hinders the movement for women's rights.

The larger concern at hand, however, is that none of the laws mentioned above protected Habash or Qauod from being murdered. Additionally, neither did they guard A.M.'s right to education and inheritance. Most important, however, why did such actions go unpunished? Why are Christian women not protected by

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<sup>9</sup> Venice Commission, "Evolution of the Legal Framework of the Palestinian National Authority - Council of Europe/European Commission for Democracy through Law," 2001, <https://unispal.un.org/DPA/DPR/unispal.nsf/0/3F7EC7AD8DBF672F852574B1004AAEC5>.

the law? As I read the stories of Habash, Qauod, and A.M. I asked myself, what does gender equality look like in Christianity, Islam, and Palestinian law? How does the intersection between Palestinian culture and religion influence women's experiences? To answer these questions, I dug deeper into the foundations of Arab society, only to find that many Christian women have asked the same questions, but no one had developed an answer. Christian women need a liberative solution, and a feminist hermeneutic can pave the way for one.

Liberation theologies often originate out of experiences, such as the theologies of James Cone<sup>10</sup>, Gustavo Gutierrez<sup>11</sup>, or Naim Ateek<sup>12</sup>. Similarly, the endeavor for Palestinian Christian feminism begins with female narratives. As the narratives cited above suggest, women, and specifically Christian women, are subject to state laws, religious court laws (which include Islamic/Shari'a law and church law), and customary law; all of which function to oppress them. Thus, my journey to understand the origins of the laws began with the Palestinian state laws.

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<sup>10</sup> James H. Cone, *A Black Theology of Liberation*, 20th anniversary edition.. (Maryknoll, N.Y.: Orbis Books, 1990).

<sup>11</sup> Gustavo Gutiérrez, *A Theology of Liberation: History, Politics, and Salvation*, 15th anniversary edition.. (Maryknoll, New York: Orbis Books, 2017).

<sup>12</sup> Naim Stifan Ateek, *Justice, and Only Justice: A Palestinian Theology of Liberation* (Maryknoll, N.Y.: Orbis Books, 1989).

**Table 1: The various laws governing Palestinian Christian women**

State Laws		Religious Court Laws		Customary Law	Human Rights Laws
Basic Law/Constitution	Civil Law	Islamic/Shari'a law	Church law	'Urf or Tribal law	CEDAW
A written document that outlines the individual rights of Palestinians and promotes equality between the citizens of Palestine. It derives its principles from Shari'a, and Shari'a is a source of legislation.	A written document which outlines laws and jurisdictions with regard to crimes and acts of violence. It derives its principles from Shari'a, and Shari'a is a source of legislation.	Set of laws that follow the Hanafi school of thought and govern personal status matters. The personal status matters include marriage, divorce, inheritance, and maintenance. Shari'a also governs Christians on inheritance.	Each of the four main church families (Greek Orthodox, Oriental Orthodox, Catholic, and Protestant) have their own sets of laws that govern personal status matters. The personal status matters include marriage, divorce, inheritance, and maintenance.	Unwritten system of laws derived from a combination of laws and customs. These practices are Shari'a law, current law, as well as cultural customs and traditions.	A human rights document that was signed by the Palestinian Authority in 2014 to ensure equality for women in public and private spheres.

## State Laws

### The Palestinian Basic Law/ Palestinian Constitution

The Palestinian basic law or the Palestinian constitution is part of the general category of state laws. The basic law was first drafted in 1999 and later redrafted in 2003 to serve as the final version of the law.<sup>13</sup> The Palestinian National Authority argued that they could create a basic law separate and independent from the Oslo Accords, which functions as a substitute for the constitution.<sup>14</sup> The basic law "...include[s] a group of modern constitutional rules and principles that address public and personal rights and liberties in a manner

<sup>13</sup> "About the Palestinian Constitution," MEMRI, accessed November 27, 2017, <https://www.memri.org/reports/about-palestinian-constitution>.

<sup>14</sup> The Oslo Accords constitute the agreement between the Israeli government and the Palestinian National Authority regarding Palestinian's right to self-governance.



that achieves justice and equality for all, without discrimination.”<sup>15</sup> Unfortunately, in drafting the law, the Palestinian National Authority turned to outdated versions of the Egyptian and Jordanian constitutions that were used while they were under colonial rule.<sup>16</sup> In critiquing the current Palestinian basic law, Sanaa AlSarghali writes, “Constitutions that were formulated under the British influence, and particularly the previously discussed 1922 Constitution, should have been viewed as examples of how not to write a constitution, not as templates to be adapted.”<sup>17</sup> One of the adapted articles in the Palestinian basic law is Article 4 that states, “The principles of Islamic Shari‘a shall be a principle source of legislation.”<sup>18</sup> This indicates that Shari‘a governs Palestinians regardless of their religious connections. Therefore, in the case of A.M., although she is a Christian, when tried in a Shari‘a court, Shari‘a laws apply to her.

Nonetheless, the Palestinian basic law addresses women’s rights. For example, Article 9 of the basic Palestinian law also states, “Palestinians shall be equal before the law and the judiciary, without distinction based upon race, sex, color, religion, political views or disability.”<sup>19</sup> Article 22 states, “Women shall have their own legal personality and independent financial assets. They shall have the

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<sup>15</sup> “2003 Amended Basic Law,” *The Palestinian Basic Law* (blog), February 17, 2008, <https://www.palestinianbasiclaw.org/basic-law/2003-amended-basic-law>.

<sup>16</sup> Sanaa AlSarghali, “An (Un)Constitutional Hangover? An Analysis of the Current Palestinian Basic Law in Light of Palestine’s Constitutional Heritage.(Constitutional History: Comparative Perspectives),” *University of Illinois Law Review* 2017, no. 2 (2017): 524.

<sup>17</sup> AlSarghali.

<sup>18</sup> “2003 Amended Basic Law.”

<sup>19</sup> “2003 Amended Basic Law.”

same rights, liberties and duties as men.”<sup>20</sup> Nonetheless, since personal status issues fall under Shari’a and church courts, as was established during the Ottoman rule of Palestine, many of the laws calling for equality between men and women are not followed properly. In discussing this contradiction, Hallie Ludson, a human rights lawyer, writes, “Since Shari’a endorses disparate treatment of women, the provisions designating Shari’a as a source of legislation are in an inherent contradiction with the equality provisions.”<sup>21</sup> Thus, while Palestinian basic law promotes equality in theory, it lacks it in action. This becomes especially apparent when one examines how these laws impact the public and private spheres. For instance, Article 61 states, “The state shall assume responsibility for the safety of person and property.”<sup>22</sup> According to Ludson, personal safety “may encompass freedom from domestic violence.”<sup>23</sup>

Unfortunately, as seen from the cases of Habash and Qauod, the state did not take responsibility for their safety. Because the law is also derived from Shari’a, which allows the beating of a woman, it allows for contradiction within the private sphere.<sup>24</sup> Since Shari’a is a source of legislation, it consequently creates an ambiguity regarding which law individuals should follow, thus “allowing the suspension of the right to personal safety of Palestinian women.”<sup>25</sup> Thus, while

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<sup>20</sup> “2003 Amended Basic Law.”

<sup>21</sup> Hallie Ludson, *Women and the Draft Constitution of Palestine* (Women’s Centre for Legal Aid and Counseling, 2011), 16.

<sup>22</sup> “2003 Amended Basic Law.”

<sup>23</sup> Ludson, *Women and the Draft Constitution of Palestine*, 17.

<sup>24</sup> Ludson, 17.

<sup>25</sup> Ludson, 18.

the Palestinian basic law states that it holds individuals accountable for their crimes, it lacks reliability with regard to women's safety.

### **Civil Law/ Penal Code**

Under the category of state law also falls civil law. The civil law/ penal code pertains to crimes of violence that fall under the criminal justice system. Matters such as honor killings are classified among the legal jurisdiction of the penal code. The civil law, which is connected to the Palestinian basic law, derives its principles from Shari'a as well, and does not guarantee women's safety. For instance, the civil criminal law excuses an individual from the crime of honor killings.<sup>26</sup> Palestinian penal code originates from the Ottoman Empire that ruled Palestine for 400 years. In fact, Article 188 of the 1913 Ottoman Penal Code states,

If a person seeing his wife or one of his other mahrems in the state of committing the abominable act of adultery with an individual beats or wounds or kills one of them or both of them together he is pardoned; and if a person seeing his wife or one of his mahrems in unlawful bed with an individual beats or wounds or kills one of them or both of them together he is excused.<sup>27</sup>

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<sup>26</sup> المجلس التشريعي الفلسطيني, "مشروع قانون العقوبات" (المجلس التشريعي الفلسطيني, April 14, 2003).

<sup>27</sup> Turkey, *The Imperial Ottoman Penal Code a Translation from the Turkish Text, with Latest Additions and Amendments Together with Annotations and Explanatory Commentaries upon the Text and Containing an Appendix Dealing with the Special Amendments in Force in Cyprus and the Judicial Decisions of the Cyprus Courts* (London: HMilford, Oxford University Press, 1913),

Thus, Ottoman law excuses a man from killing his wife if he were to find her in an unlawful situation with another man. Furthermore, the Ottoman law severely influenced the Jordanian Penal Code of 1961, which later became the basis for the Palestinian criminal law. After the defeat of the Ottoman Empire, the British authorities took over Palestine and tried to change the law. Due to tensions, the British authorities did not want to interfere with the traditions of the region.<sup>28</sup> Nonetheless, the British were able to change the code to, “Only under the circumstances of a sudden and unexpected provocative event, could the defendant claim to have lost his “cold blood” and the ability to assess his actions and their results.”<sup>29</sup>

In 1948, when Jordan took over the West Bank, it included its law in the preexisting Ottoman and British constitutions in Palestine. Thus, there was a return of the law that excused honor killings. Article 340 of the 1961 Jordanian law states,

1. A husband who surprises his wife or a close female relative in the act of adultery with another person, and kills, injures or harms either of them, or both, shall benefit from a mitigating excuse.
2. The perpetrator of a killing or an injury shall benefit from a mitigating excuse if he surprises a spouse,

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[http://proxy.library.emory.edu/login?url=http://www.ilmcdigital.org/default.aspx?re\\_dir=08408](http://proxy.library.emory.edu/login?url=http://www.ilmcdigital.org/default.aspx?re_dir=08408).

<sup>28</sup> Badi Hasisi and Deborah Bernstein, “Multiple Voices and the Force of Custom on Punishment: Trial of ‘Family Honor Killings’ in Mandate Palestine” 34, no. 1 (2016): 130, <https://doi.org/10.1017/S0738248015000693>.

<sup>29</sup> Hasisi and Bernstein, 130.

ascendant, descendent, or sibling with another person in an unlawful bed.<sup>30</sup>

Palestine inherited these parts of the Ottoman law and Jordanian law. It was not until 2003 that the Palestinian government redrafted the law. Although they took out the specific language used in the Ottoman and Jordanian law, the Palestinian government did not prohibit honor killings. Article 60 of the Palestinian Civil Law states, "One is not excused of murder in the case of self-defense or defending ones honor unless it is due to the following circumstances:1) To prevent the death or injury of another person 2) If an individual is engaging in what is considered rape, or sodomy, or sexual misconduct 3) If an individual is kidnapped."<sup>31</sup> Even though the Palestinian law does not specify killing a wife/daughter, the language is vague and could lead to ambiguities. Anyone can claim that s/he was protecting her/his honor when s/he found her/his daughter or wife engaging in promiscuity. Thus, while the Palestinian law does not legalize honor killings, it does not punish them either.

Unfortunately, the influence of the occupying forces on Palestinian women does not end with Jordan. Israel, which has occupied Palestine since 1948, also influences the laws. Israel's militarization of Palestine severely affects women. Although Palestinian laws govern women in Palestine, the presence of the Israeli occupation is a factor in the stagnation of laws concerning women. Thus, we

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<sup>30</sup> "Jordanian Penal Code No. 16 of 1960," IRCKHF Haqqi, accessed October 30, 2017, <http://haqqi.info/haqqi/legislation/jordanian-penal-code-no-16-1960>.

<sup>31</sup> "المجلس التشريعي الفلسطيني،" مشروع قانون العقوبات . My translation

cannot speak of Palestinian women's experiences without pointing to the occupation since there is an inextricable link between their identity as women and their Palestinian identity. Being Palestinian entails enduring the oppression of the occupation. In her research on Palestinian women, Wendy Isaack also concluded that one cannot separate being a woman from being a Palestinian. She writes,

The impact of the prolonged occupation on women cannot be understood nor analyzed when considering 'being Palestinian' and 'being a woman' independently from each other. Adopting an intersectional approach allows for a better understanding of how the combination of identities interacts within thereby resulting in a particular system of oppression for women.<sup>32</sup>

As Isaack concludes, the existence of the occupation results in a specific type of oppression that affects women.

The Israeli occupation influences the inherent patriarchal structures that exist within Palestinian law and culture. When women experience abuse from men, they develop an internal conflict. While they acknowledge the need to report these abuses, they also wish to preserve a positive image of Palestinian men. When women do not report the abuses, it covers up the need for change in society and the legal system. Nadera Shalhoub-Kevorkian discusses the silence of women with regard to their abuse in a book titled *Militarization and Violence*

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<sup>32</sup> Wendy Isaack, *International Legal Accountability Mechanisms: Palestinian Women Living Under Occupation* (UN Women Palestine, 2016), 16.

*against Women in Conflict Zones in the Middle East A Palestinian Case-Study.*<sup>33</sup>

She writes,

The silencing of abuses can be seen as an act of solidarity with Palestinian society against the oppressive and racist narratives of the dominant Western discourse. However, by participating in such acts of silencing, Palestinian women are also materially denying their own needs for disclosure of their abuse and simultaneously contributing to their own further oppression.<sup>34</sup>

Thus, women's voices within Palestine remain silent so as not to expose the internal patriarchy that oppresses them.

Furthermore, the occupation of Palestine hinders the progress in women's rights. The Oslo Accords, established between the State of Israel and the Palestinian Liberation Organization (PLO) in 1993-1995, gave Palestine control over certain territories, while giving Israel control over others. The Oslo agreement divided the land into areas A, B, and C, which correspond with the jurisdiction of the Palestinian authority. In area A, the Palestinian authority holds "territorial, functional, and personal jurisdiction."<sup>35</sup> In area B, the Palestinian authority governance includes "health, education, land registration, local

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<sup>33</sup> A scholar at Hebrew University in Jerusalem. Her work focuses on society, law, and violence against women.

<sup>34</sup> Nadera Shalhoub-Kevorkian, *Militarization and Violence against Women in Conflict Zones in the Middle East A Palestinian Case-Study*, Cambridge Studies in Law and Society (Cambridge: Cambridge University Press, 2010), 33, <http://proxy.library.emory.edu/login?url=http://ebooks.cambridge.org/ebook.jsf?bid=CBO9780511626852>.

<sup>35</sup> Ludson, *Women and the Draft Constitution of Palestine*, 37.

governments and parks – basically any issues considered internal to Palestinians and not of interest to Israel.”<sup>36</sup> And in area C, the Palestinian authority does not hold any jurisdiction. This division in land creates a difficulty for reinforcing laws and creating a stable social order. Although Palestine has sovereignty over some areas, the occupation makes it extremely difficult to act as an independent nation and enforce its laws.

Furthermore, the Israeli occupation controls the Palestinian judiciary system, thus making it weak. This creates a tension for Palestinians hoping to seek justice from their courts, since it means they must turn to Israel for help. Ludson describes this problem and states, “Since 1967, Israel usurped much of the jurisdiction of the Palestinian courts, which meant that Palestinians seeking justice would need to turn to the occupier for help – something they were reluctant to do.”<sup>37</sup> The failure of the Palestinian government to gain full control over its courts makes it difficult to create laws for Palestinian society. Palestine needs to establish independence in order to have full control over its courts. Thus, the focus on the national struggle renders women’s rights subordinate in the legal system. To explain the hindrance in creating a just law, Shalhoub-Kevorkian writes, “The Palestinian case study is one clear example of the effect of colonization, military occupation and other political hardships on legislation

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<sup>36</sup> Ludson, 37.

<sup>37</sup> Ludson, 46.



and the entire criminal justice system. When weighed against pressing political concerns, women's 'social issues' are considered secondary."<sup>38</sup>

## **Religious Courts**

### **Islamic Law/ Shari'a Law**

In addition to state laws, the Palestinian legal system includes religious courts. When the Ottoman Empire ruled Palestine, they set up a system in which monotheistic religions have religious courts that govern individuals who adhered to that religion with regard to their personal status matters.<sup>39</sup> This system was called the millet.<sup>40</sup> The Ottoman Empire created the millet system since there were no civil courts in place to attend to personal status matters. Therefore, Islamic courts during Ottoman colonization had jurisdiction over Palestinian Muslims as well as over non-Muslims in certain matters "such as guardianship and succession."<sup>41</sup> Thus, the system created during the Ottoman rule sanctioned Shari'a law to govern personal status matters that included marriage, divorce, child custody, inheritance, and maintenance<sup>42</sup>. Today, Islamic law mainly governs Palestinian Muslims through the Islamic family court which rules on personal status matters such as marriage, divorce, inheritance, and maintenance. Thus,

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<sup>38</sup> Sara Hossain and Lynn Welchman, *Honour: Crimes, Paradigms and Violence against Women* (North Melbourne, Australia : London ; New York: Spinifex Press ; Zed Books, 2005), 176.

<sup>39</sup> Assaf Likhovski, *Law and Identity in Mandate Palestine* (Univ of North Carolina Press, 2006), 30.

<sup>40</sup> Likhovski, 30.

<sup>41</sup> Likhovski, 31.

<sup>42</sup> Financial support paid to the woman by her husband after the divorce, i.e. alimony.

Muslim families with personal status issues refer to Shari'a courts in order to solve the dispute. Nonetheless, the Islamic law/ Shari'a also governs Christians on certain matters such as inheritance. Thus, on certain personal matters Shari'a governs Palestinians regardless of their religion.

In the literal sense, Shari'a means "the path to the watering-place," the clear path to be followed and the path that the believer has to tread in order to obtain guidance in this world and deliverance in the next."<sup>43</sup> Nonetheless, in the Palestinian legal context, Shari'a aims to "establish justice not only in its corrective and retributive sense of adjudicating grievances, but also in the sense of distributive justice, establishing an equilibrium of benefits and advantages in society."<sup>44</sup> The purpose of including Shari'a in a society, then, is to provide stability, justice, and order for a community. One, then, may assume that Shari'a would change in accordance with the changes in society. When making legal decisions, Muslim jurists turn to the Quran, Sunnah<sup>45</sup>, and Hadith.<sup>46</sup> When reading the text, Muslim jurists examine whether or not the text can be adapted. The term used for adaptation is *ijtihad* which means "man-made legislation and custom."<sup>47</sup> Thus, when the jurists see that a Shari'a ruling no longer serves a community, they may propose a change that is in accordance with the social

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<sup>43</sup> Mohammad Hashim Kamali, *Shari'ah Law: An Introduction* (Oxford: Oneworld Publications, 2008), 14.

<sup>44</sup> Kamali, 30.

<sup>45</sup> Refers to the teachings, rulings, and actions of Muhammad when acting in his capacity of prophet.

<sup>46</sup> An authoritative text and collection of reports of the Prophet's sayings and actions.

<sup>47</sup> Kamali, *Shari'ah Law*, 26.

change as well as principles of Shari'a. This raises the question: Why has Shari'a in Palestine not changed when governing Christian women?

As was established during the Ottoman period, Shari'a court laws also apply to Christian families. This influenced the legal dynamics in Palestine today. The jurisdiction of Shari'a over Christian personal status matters means that if the legal ruling of the church is at odds with Shari'a, the ruling of Islamic law takes precedence. Such is the case with regard to inheritance, since "Shari'a law governs inheritance regardless of the religion of the deceased."<sup>48</sup> Nonetheless, Christians are also still influenced by Islamic law, because many church laws are derived from Shari'a. Thus, Christian women, whether tried in a church court or in a Shari'a court, will always be subject to Islamic law. For instance, in the case of A.M, she could not have filed charges in a church court afterwards, since Shari'a law governs her in matters of inheritance.

### **Church Law**

As mentioned earlier, when ruling Palestine, the Ottoman Empire allowed the establishment of religious courts for monotheistic religions. Thus, the Ottoman Empire enabled Christian churches and denominations to have their own courts as long as they maintained respect to the Islamic state. This gave the churches autonomy and developed an alternative system to civil courts that govern personal status matters. Thus, today Church law influences Palestinian Christian women in a similar manner to Shari'a. The church law in Palestine

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<sup>48</sup> Ludson, *Women and the Draft Constitution of Palestine*, 43.

governs only Christian families with regard to marriage, divorce, inheritance, and maintenance. Each of the four main church families (Greek Orthodox, Oriental Orthodox, Catholic, and Protestant) has their own laws that govern them as well as their own courts.

The Evangelical Lutheran Church of Jordan and the Holy Land, for instance, falls under the Protestant church family and has its own laws that govern its congregants. Thus, when a member of the Lutheran church wants to resolve a dispute regarding personal status matters, s/he turns to the Lutheran church court. The Lutheran church court then uses the written Lutheran church law document to resolve the problem. Church laws, furthermore, not only set laws for personal status matters but also enforce certain principles and expect individuals to abide by them. For example, section 22 of the Lutheran Church Law states, “A Christian is not allowed to marry an individual who belongs to a different religion or does not belong to the Christian faith.”<sup>49</sup> Thus, the church will not recognize interreligious marriages and will not perform them either. What is the origin of this law? One might speculate that this could be due to Shari‘a’s prohibition on the interreligious marriage between a Muslim woman and a Christian man. One might also conclude that the culture does not accept the idea of a Christian woman marrying a Muslim man. Furthermore, section 24 of the Lutheran Church Law states, “A widowed or divorced woman cannot remarry until ten months have passed since the divorce or death of her spouse, or if a

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<sup>49</sup> الكنيسة الإنجيلية اللوثرية في الأردن والأراضي المقدسة، قانون الأحوال الشخصية، قانون ألياناث، قانون My translation أصول المحاكمات (الكنيسة الإنجيلية اللوثرية في الأردن والأراضي المقدسة، 2015)، ١٥.

medical exam guarantees that she is not pregnant.”<sup>50</sup> This is to protect the patrilineal lineage of the child. Here for instance, this church law is based both on Shari’a and the larger patrilineal culture. Shari’a expects women to wait the *Idda* period. *Idda* is a three-month period women must observe during which they cannot remarry. This ensures that no child was conceived during that time.<sup>51</sup> Such laws govern only Christian women belonging to the Lutheran church in Palestine.

Nonetheless, although the church has its own court, this does not entail a clear bifurcation between Islamic laws and church laws, as seen from the examples above. Thus, if a Christian is tried in a civil court regarding a family matter, then s/he is not tried under church law but under Shari’a law. An example is the story of A.M. whose children were denied their inheritance when they were tried in a Shari’a court. Thus, while Palestinian Christian women can use the church court for family matters, Islamic laws are still the main source of governance on certain issues.

### Customary Law

Finally, customary law (*Urf*) governs Palestinian Christian women as well. Customary law originates in Muslim societies, is based on a tribal mentality, and is often adopted by Christians. Custom law is an “unwritten system of tribal law comprising norms, customs and religious law.”<sup>52</sup> Furthermore, customary law

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<sup>50</sup> الكنيسة الإنجيلية اللوثرية في الأردن والأراضي المقدسة, ١٦. My translation

<sup>51</sup> Shāfi‘ī, *The Epistle on Legal Theory*, 145.

<sup>52</sup> Hossain and Welchman, *Honour*, 164.

“...[is] derive[d] from a combination of cultural practices that originated prior to Shari’a law, as well as newer cultural practices and current law.”<sup>53</sup> The leadership or judges of law within this system are comprised of the powerful male members of society who make decisions in certain situations based on Islam as well as their own knowledge and wisdom.<sup>54</sup> The problem, however, as noted by Shalhoub-Kevorkian is that “the judges’ lack of familiarity with the various interpretations of the Koran forced them to include their own opinions, which were based on social tradition.”<sup>55</sup> Thus, these customary laws were adopted by Palestinian society.

Although social progression is occurring in Palestine, many Palestinian families still return to the old tribal law to solve their problems instead of using the legal system that is in place. Furthermore, since society treats women’s issues as secondary, it leads Palestinians to refer to customary law in women’s matters. The problem, however, is that this system of law is extremely pernicious to women’s rights. Customary law sees women as “repositories of family honor and therefore female chastity and purity must be maintained to avoid disgrace to the family and clan.”<sup>56</sup> Therefore, in the case of Habash, the family turned to customary law to solve the problem. Prior to Habash’s death, her father abused her. He beat her and broke her pelvis.<sup>57</sup> Unfortunately, instead of reporting it to the Palestinian authority, Habash sought protection through customary law. A

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<sup>53</sup> Ludson, *Women and the Draft Constitution of Palestine*, 45.

<sup>54</sup> Hossain and Welchman, *Honour*, 164.

<sup>55</sup> Hossain and Welchman, 164.

<sup>56</sup> Ludson, *Women and the Draft Constitution of Palestine*, 45.

<sup>57</sup> “Murdered in Name of Family Honour | World News | The Guardian.”

Bedouin<sup>58</sup> lawyer negotiated her safe return to her parents, even after the abuse.<sup>59</sup> Such negotiations increase violence against women, hinder the development of judicial justice, and aid the existing patriarchal ideology to prevail over women's rights for autonomy. In response to *'Urf*, Ludson writes, "Turning to the customary law system often results in violations of women's procedural and substantive rights typically to protect the interests of her family."<sup>60</sup> Furthermore, the constant use of the customary law weakens the already dwindling legal system that is in place in Palestine. In fact, since people rely on and trust customary law, "Palestinian Authority has been unable to regain control over dispute resolution... This defeats the purpose of the rule of law, which is to apply the same law to all persons equally."<sup>61</sup> Thus, the heavy reliance of Palestinians on customary law makes it more difficult to achieve equality and change the laws in the legal system.

### **Patriarchal Culture**

While laws have a direct impact on the lives of women, the larger patriarchal culture reinforces the abuse and inequality of women. Palestinian society is patriarchal and disempowers women by placing power in the hands of men. Furthermore, Palestinian society connects honor with female bodies. This leads to "invoking a patriarchal concept of family and national honor [as] a

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<sup>58</sup> A nomadic Arab who lives in the desert.

<sup>59</sup> "Murdered in Name of Family Honour | World News | The Guardian."

<sup>60</sup> Ludson, *Women and the Draft Constitution of Palestine*, 47.

<sup>61</sup> Ludson, 48.

powerful instrument of control over women.”<sup>62</sup> The three narratives mentioned in the introduction expose this patriarchal culture. The father of Habash and the mother of Qauod killed their daughters because they did not abide with patriarchal notions of honor. The father of A.M. deprived her of education and forced her into a marriage at a young age in order to protect the family name. Ludson describes the thought process of the patriarchal families and states, “Parents feel that it is safer for their daughters if they are married; while still others fear that unless their daughters are married young, they will betray their family honor in pre-marital relationships.”<sup>63</sup>

Shalhoub-Kevorkian also criticizes the patriarchal mentality that blames abused women instead of encouraging them to demand their rights.<sup>64</sup> She writes, “Female vulnerability is aggravated by the patriarchal power structure of Arab families, which not only justifies inequality between men and women but also increases the ability of male family members to further control, misuse and abuse women...When men feel that their power is threatened, they tend to use violence to restore their dominant status.”<sup>65</sup> Thus, women often feel conflicted about reporting such abuses due to the dominant patriarchal ideologies. Abused women are often expected to remain silent and go back to their husband or father in order not to show that the family failed to protect them. The problem is that this reinforces the cycle of violence and increases women’s vulnerability.

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<sup>62</sup> Ludson, 53.

<sup>63</sup> Ludson, 55.

<sup>64</sup> Hossain and Welchman, *Honour*, 164.

<sup>65</sup> Hossain and Welchman, 164.



This then decreases the chances of reporting these abuses. Furthermore, due to the patriarchal culture, Palestinian law officers, who are usually men, do not see it as acceptable to “interfere in the family affairs of another man” and therefore do not help women in cases of domestic violence.<sup>66</sup>

### **Human Rights Law**

Nonetheless, Palestine has attempted to work towards women’s rights by signing particular human rights documents. In fact, Palestine has ratified The Convention on the Elimination of all Forms of Discrimination Against Women, or CEDAW. The CEDAW, which was only ratified by the Palestinian government in 2014, guarantees women equal rights. Equality between men and women is realized through “ensuring women's equal access to, and equal opportunities in, political and public life -- including the right to vote and to stand for election -- as well as education, health and employment.”<sup>67</sup> Nonetheless, although Palestine has ratified the CEDAW laws, influences from state laws, religious court laws, customary law, and other traditions make it almost impossible to reinforce human rights laws. In fact, Palestine is in violation of article five of the CEDAW which requires all participating states to “modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for

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<sup>66</sup> Ludson, *Women and the Draft Constitution of Palestine*, 59.

<sup>67</sup> “Convention on the Elimination of All Forms of Discrimination against Women,” accessed January 9, 2018, <http://www.un.org/womenwatch/daw/cedaw/>.

men and women.”<sup>68</sup> Thus, while Palestine has taken the necessary steps to begin the process of change in the public sphere, many of the traditions that occur within private homes and communities have not changed. In some communities, individuals treat women as inferior to men and deprive them of their rights. As we see from the three narratives above, all of which happened within the last decade, multiple factors affect women’s rights and compromise them. The stories of the three women in the introduction all show various violations of human rights. Various factors strip women of their rights to make their own choices and deprive them of their right to report the abuses that they endure.

Thus, the complex Palestinian judicial system makes it extremely difficult to liberate women. Organizations protecting women’s rights have attempted to rally for equality within the Palestinian system but with little progress. The multifaceted layers of the system, which I outline above, make it exceedingly difficult to challenge one aspect of it without placing the entire system into question. The interaction of state laws, religious laws, customary laws, human rights law, and culture creates a complicated structure which functions to oppress women instead of liberating them. Due to such complexity, one cannot change the system by simply looking at one aspect of it. We ought to consider an interdisciplinary approach if we aim to achieve emancipation for Palestinian Christian women. Shalhoub-Kevorkian hints at the need for an inclusive method that addresses all parts of the system. She writes, “When working to change laws

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<sup>68</sup> “CEDAW 29th Session 30 June to 25 July 2003,” accessed January 9, 2018, <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article5>.

and policies, the underlying philosophy and overall perspective of the law should be considered, and proposed changes should aim for comprehensive reform to the extent possible.”<sup>69</sup>

Thus, liberation for women cannot come from changing only one aspect of the law but from changing all aspects. That being said, a solution to change the laws cannot be one-dimensional. In order to create a feminist project that is all encompassing, one must employ various methods in order to understand the oppression of women. An interdisciplinary approach that understands the intersection of religion, culture, and law is necessary to see adequately how this interplay is affecting women’s experiences. Furthermore, when examining the intersection, one acknowledges that the reality of Palestinian Christian women is complex. As a result, one cannot examine it through one dimension. From these methods, one is then able to come to a religious and cultural liberation that not only addresses the problem externally, but also advocates for internal changes that support women’s rights.

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<sup>69</sup> Hossain and Welchman, *Honour*, 180.

## Chapter Two

### Scholars and Their Methods of Liberation

As seen from the three stories in the introduction, women in Palestine face multiple forms of discrimination. Palestinian Christian women suffer due to the complex system of laws that makes it more difficult to gain access to equal rights. Additionally, one should not ignore the dominant gender ideologies that help sustain this oppressive system and encourage misogyny. The patriarchal culture and laws in Palestine unintentionally work to discourage women from demanding their rights. This is not only the case in Palestine. Many scholars all over the world have critiqued systems of oppression and theorized methods through which women could achieve liberation. Below I outline the work and methods of several scholars whose aim is to fight against oppression.

While none of the scholars explore the intersection of religion, culture, and law, nor the ways in which these ideologies have manifested themselves in Palestine, many have engaged how one of these elements influences women. In fact, Muslim women have already embarked on the strenuous journey to change false notions about gender in Islam and to create a space for equality and respect. Furthermore, post-colonial feminist scholars have also engaged biblical hermeneutics in order to change church teachings about women's roles in society. Scholars such as Leila Ahmed, Fatima Mernissi, Amina Wadud, and Meng Yanling have already begun dismantling the misogynistic understanding of religion that infests the minds of young men and women. The pernicious effects of such beliefs lead to further inequality between men and women. Furthermore,

Palestinian Christian and Muslim scholars have worked to address the Palestinian struggle against the occupation and explore ways for the liberation of Palestinians. Thus, to address Palestinian Christian women's struggles, we first must turn to the methods of feminists, then to the analyses of Palestinian scholars as sources for reconstructing a society that values equality and respect for women. Still, the methods of these scholars do not offer an interdisciplinary and mixed-method approach to feminism. Therefore, I seek to modify their methods to fit the unique context of Palestinian Christian women.

My rationale behind drawing mainly on Muslim feminists is threefold. The first is that Christian Arab feminism is underdeveloped. The second is that while Western Christian feminists share my religion, they lack the social background that affects me daily. Muslim feminists, on the other hand, share my Middle Eastern context that affects the rights and equality of women. The third and final reason is that although I'm a Christian, Palestinian law, which derives its principles from Shari'a, governs me. According to Fatima Mernissi's definition, if Shari'a law governs an individual then s/he is a Muslim. She writes,

I define being Muslim as belonging to a theocratic state. What the individual thinks is secondary for this definition. Being Marxist or Maoist or atheist does not keep one from obeying the national laws, those of the theocratic state, which define the crimes and set the punishments. Being

Muslim is a civil matter, a national identity, a passport, a family code of laws, a code of public rights.<sup>70</sup>

Thus, even though I am a Christian, living in Palestine constitutes following the law of the state. This makes me, by Mernissi's definition, a Muslim. Thus, an examination of the methods of Muslim scholars helps to guide me towards a Palestinian Christian feminist hermeneutic.

### Historical Analysis

Fatima Mernissi and Leila Ahmed both use a historical lens to make sense of the current circumstances in the Middle East. While they both believe that history impacts the present, their methods of exploring history differ. In her book, *Beyond the Veil: Male-Female Dynamics in Modern Muslim Society*, Mernissi explores male-female relations within Muslim societies. She argues that Muslim societies fear these relations since they pose a "threat to man's allegiance to Allah."<sup>71</sup> In order to make her claim, Mernissi analyzes the systems present in Arabia prior to Islam and how they changed after Islam. For instance, before Islam, Arabia was a matrilineal society. After the birth of Islam, however, they became a patrilineal society. To support her argument, Mernissi gives the example of the Prophet's mother who remained with her clan after marriage and

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<sup>70</sup> Fatima Mernissi, *Beyond the Veil: Male-Female Dynamics in Muslim Society*, New edition..., Saqi Essentials. (Uri)  
[Http://Id.Loc.Gov/Authorities/Names/No2007048266](http://Id.Loc.Gov/Authorities/Names/No2007048266) (Uri)  
[Http://Viaf.Org/Viaf/SourceID/LC|no2007048266](http://Viaf.Org/Viaf/SourceID/LC|no2007048266) (Uri)  
 /Resolver/Wikidata/Lc/No2007048266 (London: Saqi, 2011), 20–21.

<sup>71</sup> Mernissi, 8.

kept the Prophet with her.<sup>72</sup> Mernissi writes, “Only after her death was he taken in charge by his father’s kin” signifying that had it not been for the death of his mother, the Prophet would have been raised in his mother’s clan.<sup>73</sup> Furthermore, through this historical analysis of matrilineal society, Mernissi was then able to examine the ideas of female sexuality that dominated Arabia at the time. Mernissi claims that, “The panorama of female sexual rights in pre-Islamic culture reveals that women’s sexuality was not bound by the concept of legitimacy. Children belonged to their mother’s tribe. Women had sexual freedom to enter into and break off unions with more than one man, either simultaneously or successively.”<sup>74</sup> As Mernissi examines historical changes in the family structure, she maintains the notion that Islam is not a misogynistic religion. She argues that the Prophet’s creation of a new patrilineal order caused the Muslim community to see it as divine and refused to change it over time.<sup>75</sup> Thus, Mernissi’s historical analysis leads her to believe that the notion of family dynamics held by the Muslim community is the reason for misogyny today, not Islam as a religion.

Leila Ahmed arrives at her analysis of Islam through a slightly different approach to history. In her book, *Women and Gender in Islam: Historical Roots of a Modern Debate*, Ahmed argues that the current situation of Muslim women in the Middle East has historical roots. In assessing the misogyny in the Middle East, Ahmed examines the subordination of women in Mesopotamia and the

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<sup>72</sup> Mernissi, 69–70.

<sup>73</sup> Mernissi, 70.

<sup>74</sup> Mernissi, 78.

<sup>75</sup> Mernissi, 18.

Mediterranean Middle East prior to Islam. Through the historical lens, Ahmed highlights the misogynistic approaches that predated Islam and that were the root cause for women's oppression in the region. Thus, as Ahmed sees it, the conquering of the Middle East by Muslims did not set a foundation for the oppression of women. Ahmed argues that it is the accumulation of various civilizations' laws regarding women that led to the misogynistic culture in the Middle East. She states, "Mesopotamian, Persian, Hellenic, Christian, and eventually Islamic cultures each contributed practices that both controlled and diminished women, and each also apparently borrowed the controlling and reductive practices of its neighbor."<sup>76</sup> In arguing her point, she offers the reader historical examples of various civilizations' laws which were extremely oppressive to women. For instance, she points to the Assyrian law that constituted that the rapist ought to marry his victim. She writes, "The rules of the Assyrian code indicate that conceptually, the rape of a virgin was viewed as a crime that above all economically damaged the victim's father: the penalty for an unmarried rapist was to pay the father the price of a virgin and to marry the woman he had raped."<sup>77</sup> This law originated in pre-Islamic society but was later adopted and solidified by Arab and Islamic societies. In placing the laws side by side, Ahmed strengthens her argument that misogynistic tendencies are part of every civilization and did not originate in Islamic societies.

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<sup>76</sup> Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (New Haven: Yale University Press, 1992), 18.

<sup>77</sup> Ahmed, 14.



Engaging history as it relates to gender dynamics is helpful for understanding the current situation of women. Through Mernissi's and Ahmed's approaches to history, one is able to get a broad understanding of the history of the Middle East pre- and post- Islam. Furthermore, both authors exemplify different ways of engaging history. Mernissi examines a specific place and time and her historical analysis of pre-Islamic societies explains how Islam shaped communities. Ahmed's historical overview of civilizations, on the other hand, illustrates the historical impact of pre-Islamic civilizations on Islamic laws and practices. Nonetheless, neither of them addresses the historical roots of misogyny in Palestine, nor the intersection between religion, culture, and law. While they explain the connection of pre-Islamic history to the current culture and law, they do not address how religious law influences the culture. Thus, while the historical method of Mernissi and Ahmed is crucial for a feminist project, it lacks the necessary content to address the historical roots of misogyny in Palestine.

### **Historical Criticism and Scriptural Analysis**

In addition to the pre-Islamic context, other historical elements contributed to the creation of laws regarding women in Islamic societies today. In fact, the historical and social context in which Hadith, an authoritative text and collection of reports of the Prophet's sayings and actions, was written has significant implications for women's rights in Islam. Hadith influences the lives of Muslims. Investigation of the context of Hadith reports, as well as analyses of those reports, is both necessary methods to understand the basis of misogyny in the

Middle East. Fatima Mernissi, in her book, *The Veil and The Male Elite: A Feminist Interpretation of Women's Rights in Islam*, examines Hadith as a governing source in her search for the cause of misogyny. Mernissi begins her book with a brief anecdote on why she decided to write this book. She recounts an argument she had with a man over whether or not a woman can be a leader of Muslims. To win the disagreement, the man cited a Hadith which states, "Those who entrust their affairs to a woman will never know prosperity!"<sup>78</sup> This encounter demonstrated to Mernissi the effect of religion on culture, which then prompted her to examine Hadith. She writes, "So nothing banned me, as a Muslim woman, from making a double investigation – historical and methodological – of this Hadith and its author, and especially of the conditions in which it was first put to use. Who uttered this Hadith, where, when, why, and to whom?"<sup>79</sup> Muslim Jurists derive laws concerning marriage, divorce, prayer, etc. from Hadith, which consequently affect Islamic practices. Thus, Mernissi's method of scriptural analysis investigates the source of Hadith in efforts to tackle the tradition of misogyny.

To determine if a Hadith is reliable, Islamic jurists inspect the chains of transmission and the character of those reporting the Hadith. Mernissi's historical and scriptural analysis allows her to use the methods of jurists, thus weakening the authoritativeness of a particular Hadith. Through this method, Mernissi minimizes misogynistic texts and provides evidence of their potential

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<sup>78</sup> Fatima Mernissi, *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam* (Reading, Mass.: Addison-Wesley PubCo, 1991), 1.

<sup>79</sup> Mernissi, 49.

inauthenticity, thus influencing the culture's view of women. One of the characters which Mernissi questions is Abu Hurayra, whose name means father of the female cat. To prove that Abu Hurayra is not a reliable Hadith source, Mernissi provides the reader with information regarding his personality and his views on women. Mernissi gives the example of Abu Hurayra's objections to his name. "Abu Hurayra said: 'Don't call me Abu Hurayra. The Prophet nicknamed me Abu Hirr [Father of the Male Cat], and the male is better than the female.'"<sup>80</sup> Another controversial authentic Hadith by Abu Hurayra is, "Three things bring bad luck: house, women, and horse."<sup>81</sup> In challenging this Hadith, Mernissi calls into question Al-Bukhari's negligence to include the correction of this Hadith.<sup>82</sup> In the correction Aisha states, "Abu Hurayra learned his lessons very badly. He came into our house when the Prophet was in the middle of a sentence. He only heard the end of it."<sup>83</sup> In proving misogynistic tendencies, Mernissi is able to question the authority of the Prophet's companion and the authenticity of the Hadith, thus challenging the misogynistic use of it.

Still, the Hadith is not the only religious text that Muslims adhere to when making decisions regarding the status of women. The Quran is the main source of guidance for Muslims. The legacy of Quranic interpretation has often provided an exclusive gender reading of the Quran. To break this cycle, Amina Wadud's book *Qur'an and Woman: Rereading the Sacred Text from a Woman's*

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<sup>80</sup> Mernissi, 71.

<sup>81</sup> Mernissi, 75.

<sup>82</sup> Author of Sahih al-Bukhari Hadith. An authentic Hadith collection used by Sunni Muslims.

<sup>83</sup> Mernissi, *The Veil and the Male Elite*, 76.

*Perspective* offers a new inclusive method of Quranic interpretation. In explaining her method of scriptural analysis, she writes,

I propose a hermeneutics of *tawhid* to emphasize how the unity of the Quran permeates all its parts. Rather than simply applying meanings to one verse at a time, with occasional references to various verses elsewhere, a framework may be developed that includes a systematic rationale for making correlations and sufficiently exemplifies the full impact of Quranic coherence.<sup>84</sup>

Thus, in interpreting the Quran, Wadud emphasizes that the entirety of the Quran provides moral guidance for humans. According to Wadud, scholars of the Quran ought to address women's issues, include them in the interpretation, and develop a view of women as agents who can contribute to society.

Wadud disagrees with the belief that the Quran teaches inequality between men and women. This premise guides her exegetical work of the Quran. When explaining Sura 4 verse 34 that states, "Men are [*qawwamuna 'ala*] women, [on the basis] of what Allah has [preferred] (*faddala*) some of them over others, and [on the basis] of what they spend of their property (for the support of women)."<sup>85</sup> Wadud disagrees with the premise that men have control over women.<sup>86</sup> The typical interpretation of the Sura by male jurists has asserted God's preference to men over women in all aspects of life.<sup>87</sup> They arrive at this

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<sup>84</sup> Amina Wadud, *Quran and Woman: Rereading the Sacred Text from a Woman's Perspective (2)* (New York, US: Oxford University Press, 1999), xii.

<sup>85</sup> Wadud, 70.

<sup>86</sup> Wadud, 70.

<sup>87</sup> Wadud, 71.

conclusion through analyzing the words *faddala* i.e., to prefer and *qiwamah* i.e., maintenance. Wadud writes, “An individual scholar who considers *faddala* an unconditional preference of males over females does not restrict *qiwamah* to the family relationship but applies it to society at large.”<sup>88</sup> This leads to the conclusion that since God has preferred men to women, then women are inferior to men and thus unequal. Through an analysis of *faddala* and *qiwamah*, Wadud reinterprets the Sura to mean that men have a responsibility to support women but they are not superior to women. Furthermore, through analyzing the Quran as a cohesive message i.e., hermeneutics of *tawhid*, Wadud understands this verse to state that men have a “spiritual, moral, intellectual, and psychological” obligation towards women.<sup>89</sup> In using an inclusive method of interpretation, Wadud rejects patriarchal readings of the Quran and offers women an inclusive feminist interpretation.

While Mernissi’s Hadith and Wadud’s scriptural analyses are vital for emancipating Muslim women, they do not provide liberation for Palestinian Christian women. A Palestinian Christian feminist method will utilize both Islamic feminist Hadith and scriptural analyses and Christian biblical hermeneutics to address oppression in state and church laws. Furthermore, while Mernissi and Wadud argue about interpretations of Quran and Hadith by jurists, they do not question who today still uses these Hadith and Quranic interpretations to oppress women. Who is still using misogynistic interpretations against women in the Arab

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<sup>88</sup> Wadud, 72.

<sup>89</sup> Wadud, 74.

world today and why? Have they become ingrained in the culture? Even though Mernissi's book begins with a story that demonstrates the cultural use of Hadith, she does not investigate how Hadith interpretations have influenced gender dynamics. By failing to address these questions, Mernissi and Wadud overlook the influence these misogynistic interpretations have had on culture. Thus, not only are jurists spreading misogynistic interpretations, but also individuals within a culture are promoting these religious interpretations to oppress women. A feminist hermeneutic, then, will examine the intersection of culture and religion in order to understand how, by whom, and under what circumstances religious interpretations are employed. Additionally, this hermeneutic will seek to understand who in the Palestinian culture is promoting one interpretation over another.

### **Ethnography and Analysis of Present Reality**

Through historical and scriptural analysis, one theorizes about the influence of religious interpretations and laws and culture that adversely affect women. Without a deeper exploration of the situation, however, one fails to understand the extent to which they affect women. In addition to her historical study, Mernissi, in her book *Beyond The Veil: Male-Female Dynamics in Modern Muslim Society*, also employs ethnography. Through ethnography, she exposes the struggles of women and the influence of misogynistic laws and traditions on their lives. Mernissi focuses her research specifically on women in Morocco in 1975. She uses interviews with women and religious counseling service letters to

understand the current situation of women. For instance, through interviews Mernissi arrives at a better understanding of the reality of sexual anomie, i.e. a breakdown of societal sexual standards that causes instability.<sup>90</sup> She writes, “According to my interviews, sexual segregation was seen as a natural part of life by women in their fifties, but merely as an option for women now in their thirties. Women’s right to traditionally male spaces is far more institutionalized or even accepted, whether at the level of laws or underlying ideology.”<sup>91</sup> Furthermore, she utilizes anonymous letters to religious counseling services to demonstrate the gap between ideologies and practices of Moroccan society. Mernissi writes, “The majority of the letters ask about the permissibility or non-permissibility of sexual actions from the religious point of view... Interaction between the sexes, though increasing, is still an unusual phenomenon in Moroccan society.”<sup>92</sup> Without the interviews and letters, Mernissi would have only theorized about the current situation in Morocco, instead of arriving at experiential answers from Moroccan men and women.

Furthermore, the ethnographic method allows Mernissi to examine cultural traditions that may not be apparent from a theoretical lens. For instance, Mernissi collects sayings that describe society’s views on women. Through her interviews, women provide Mernissi with the traditional sayings or new ones that clearly illustrate the status of women in society. Mernissi provides several examples of

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<sup>90</sup> “Merriam Webster Dictionary,” accessed December 4, 2017, <https://www.merriam-webster.com/dictionary/anomie>.

<sup>91</sup> Mernissi, *Beyond the Veil*, 97.

<sup>92</sup> Mernissi, 99.

these Moroccan folk wisdom and jokes. The first is, “What takes Satan a year to do is done by the old hag within the hour.”<sup>93</sup> The second example is a joke, “Why doesn’t the government create a kind of ‘used car dealership’ for women where you can bring in the old wife, add some money and trade her in for a new one.”<sup>94</sup> Through these cultural sayings and jokes Mernissi pinpoints how historic and textual misogyny is exemplified in everyday life.

Leila Ahmed, by way of contrast, takes a different approach. Ahmed engages in a sociological analysis of the current situation of Egyptian women and points to signs of change in the Middle East. Ahmed engages the data gathered about Egyptian women in education, politics, work force, etc. For instance, when discussing female education in Egypt, Ahmed writes, “Women’s enrollment rose rapidly and at a much faster pace than men’s. The ratio of males to females, which had stood at 13.2 to 1 in 1953-54, was 1.8 to 1 in 1976. In 1953-54 there were 6,121 women attending universities and institutes of higher education, and by 1962 this figure had risen to 19,762.”<sup>95</sup> Thus, through data on education, Ahmed presents stronger evidence for one facet of change in women’s rights.

In her analysis, furthermore, Ahmed utilizes already conducted surveys in order to examine women and the veil in Egypt. She writes, “A study conducted among veiled and unveiled women at Cairo University...clearly shows a direct correlation between veiling and a lower level of education in both parents, to the point that the educational level of the parents was a strong predictor of whether

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<sup>93</sup> Mernissi, 124.

<sup>94</sup> Mernissi, 125.

<sup>95</sup> Ahmed, *Women and Gender in Islam*, 210.



the daughter would be veiled.”<sup>96</sup> Thus, unlike Mernissi, Ahmed does not engage in ethnography. Instead, she utilizes ethnographic studies by research centers to emphasize change in women’s rights from history to modern day Egypt. Although the ethnographic methods that Mernissi and Ahmed employ are useful for the Palestinian Christian feminist method, they each engage a different context. Mernissi examines Moroccan culture and Ahmed examines Egyptian culture. To create a Palestinian Christian feminist hermeneutic, we need to examine the struggles of Palestinian Christian women through ethnography. This will enable one to grasp how the interplay between religion, culture, and law is exemplified in the lives of women, and possibly alter one’s understanding of the intersection between the three aspects.

### **Christian Voices and the Church**

Similar to Mernissi and Wadud who engaged in Quranic and Hadith analysis, several Christian scholars have addressed the topic of patriarchy through scriptural analysis. Meng Yanling, a scholar from China, examines the challenges that women face in her society while critically engaging biblical hermeneutics. Yanling engages the various ways the church misinterprets verses and aids in the oppression of women. This misguides women into believing that the Bible calls for inequality between men and women. She writes, “In their view of marriage, Chinese Christian women are influenced by society and culture on the one hand and church teachings on the other. Within the church there are times

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<sup>96</sup> Ahmed, 222.

when culture is equated with truth, to the extent that men and women are seen as unequal.”<sup>97</sup> Thus, in critically engaging the church, Yanling uses scriptural analysis to provide a basis for women’s liberation. She uses Ephesians 5:22-25, a verse often used to subjugate women to men, to prove that the church misreads it. The verse states,

Wives, submit yourselves to your own husbands as you do to the Lord. For the husband is the head of the wife as Christ is the head of the church, his body, of which he is the Savior. Now as the church submits to Christ, so also wives should submit to their husbands in everything. Husbands, love your wives, just as Christ loved the church and gave himself up for her<sup>98</sup>

In response to the church’s interpretation of the verse, she writes, “‘be subject to’ here is not a command, but a sincere exhortation; the best translation of the Greek verb is ‘voluntary obedience.’ Christians do not obey Christ because of a command from God; their obedience stems from willing and joyful hearts.”<sup>99</sup> Thus, Yanling applies textual analysis to Ephesians 5 to argue against its use by the church in China. While Yanling’s project is Christian and feminist, it is not

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<sup>97</sup> Meng Yanling, “Women, Faith, Marriage: A Feminist Look at the Challenges for Women,” in *Hope Abundant: Third World and Indigenous Women’s Theology* (Maryknoll, N.Y.: Orbis Books, 2010), 233.

<sup>98</sup> “Bible Gateway Passage: Ephesians 5:22-25 - New International Version,” Bible Gateway, accessed April 5, 2018, <https://www.biblegateway.com/passage/?search=Ephesians+5%3A22-25&version=NIV>.

<sup>99</sup> Yanling, “Women, Faith, Marriage: A Feminist Look at the Challenges for Women,” 234.

Palestinian. Thus, while I use it as a basis for biblical hermeneutics, it lacks the proper tools to discuss cultural misogyny in Palestine. To truly address Palestinian Christian women, we ought to examine how the larger Arab culture influences Christian interpretations of biblical texts. Furthermore, we ought to examine whether or not Shari'a law informs Christian interpretations of the Bible. Through this analysis, we are able to examine the influence of Arab culture and Islam on Christian religious interpretations in Palestine, and the impact this has on women's lives.

### **Palestinian Voices**

Many Palestinian scholars also use biblical analysis to argue for a re-reading of the Bible when resisting the Israeli occupation. Unfortunately, very few Palestinians engage the task of biblical hermeneutics for the sole purpose of liberating women. Scholars discussing Palestinian national issues tend to focus on the political struggle of Palestinians and rarely discuss misogyny. The disregard for women's liberation is not uniquely Palestinian. Kimberlé Crenshaw, a critical race theorist, discusses the negligence of Americans to account for intersectionality with regard to Black women's oppression.<sup>100</sup> In her article, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics", she criticizes American society for not addressing multiple systems of discrimination. She

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<sup>100</sup> Intersectionality is a term created by Crenshaw to explain the intersection of multiple systems of discrimination that create one whole system of oppression.

writes, “Because the intersectional experience is greater than the sum of racism and sexism, any analysis that does not take intersectionality into account cannot sufficiently address the particular manner in which Black women are subordinated.”<sup>101</sup> Similarly, if Palestinian scholars neglect issues of misogyny when addressing national liberation, they are not adequately aiming for an inclusive liberation. Palestinian scholars can no longer ignore intersectionality or disregard Palestinian women’s liberation for the sake of national sovereignty. To truly achieve national liberation, Palestinian women first and foremost need to be liberated.

Two Palestinian Christian authors briefly discuss the issue of women in Palestine through scriptural analysis. The two authors are Jean Zaru and Mitri Raheb.<sup>102</sup> Zaru, an advocate for peace, dedicates a chapter in her book, *Occupied with Nonviolence: A Palestinian Woman Speaks*, to the issue of patriarchy in the Middle East. She writes, “We have to struggle to free ourselves from hierarchy and from the male-dominated structures of our society.”<sup>103</sup> Thus, Zaru realizes the existence of patriarchal structures within Palestinian society. Furthermore, Zaru applies biblical hermeneutics to argue against reading biblical texts in a manner that emphasizes the subordination of women during marriage

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<sup>101</sup> Kimberle Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics,” *University of Chicago Legal Forum* 1989, no. 1 (n.d.): 140.

<sup>102</sup> Other Palestinian scholars have mainly focused on Palestinian national liberation. These scholars include Edward Said, Naim Ateek, Nur Masalha, and many more.

<sup>103</sup> Jean Zaru, *Occupied with Nonviolence: A Palestinian Woman Speaks* (Minneapolis: Fortress Press, 2008), 110.

ceremonies. She states, “This secondary place for women is frequently given biblical approval by the use of Ephesians 5 in the context of marriage services. As it is used in the liturgy the text appears to foster in wives an attitude of submission to their husbands that is offensive to the egalitarianism which one looks for between the sexes. For that reason the text is offensive.”<sup>104</sup> Zaru continues to criticize the translations and interpretation of this verse in order to argue for equality between men and women. Thus, the task of critical biblical analysis is required for the liberation of Palestinian Christian women. While Zaru states that patriarchy is an issue in the church, she neglects to point to the larger church culture that harbors such ideas and enforces them through church laws. Thus, Zaru neglects to examine the intersection between religion, culture, and law within the church setting.

Mitri Raheb also briefly addresses the issue of Palestinian women through biblical analysis. In talking about women in his book *Faith in the Face of Empire: The Bible Through Palestinian Eyes* he states, “There is no future for the Middle East unless women are equal, free, educated, and fully enrolled in the labor market.”<sup>105</sup> Unlike Zaru, when arguing for women’s equality through biblical analysis, Raheb lifts up the passages that describe women as capable beings and agents in their own lives. The biblical passage that Raheb points to is Proverbs 31:10-31. The passage praises women and their hard work. It portrays them as inevitable contributors to the construction of society. In realizing the

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<sup>104</sup> Zaru, 114.

<sup>105</sup> Mitri Raheb, *Faith in the Face of Empire: The Bible through Palestinian Eyes* (Maryknoll, New York: Orbis Books, 2014), 116.

discrepancy between the teachings of the Bible and reality of Palestinian women, Raheb writes, "From this perspective the situation of women in the Middle East over the last twenty-five hundred years has not improved; on the contrary, it has deteriorated. Whereas Palestine has moved from the Iron Age to postmodernity, the role of women in the region seems to have stepped backward: economically, culturally, religiously, and politically."<sup>106</sup> Similar to Zaru, Raheb acknowledges issues of patriarchy and oppression and calls for a reevaluation of the circumstances of Palestinian women. He writes, "Women pay a double price ---- first, as a result of political conflict, and second, from conservative forms of religion."<sup>107</sup> In stating reasons for the hindrance of Palestinian women's liberation, Raheb points to the factor of conservative religion. This conservatism that infiltrates our societies and churches without our awareness and becomes part of our culture drives me to engage in biblical hermeneutics. Thus, we ought to create a Palestinian Christian feminist method that reevaluates the misogynistic culture in our church and that engages biblical hermeneutics.

Palestinian authors have also engaged in ethnographic work, but it has not included Palestinian Christian women. In his book, *The Making of a Human Bomb: An Ethnography of Palestinian Resistance*, Nasser Abu Farha uses ethnographic research to understand Palestinian resistance to the Israeli occupation. He argues that the purpose of ethnography is to study individual

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<sup>106</sup> Raheb, 119.

<sup>107</sup> Raheb, 119.

practices and how they manifest themselves in the culture. In arguing for his ethnographical method, he writes,

To provide anthropological analyses that stand apart from narrow political, sociological, or psychological analyses, ethnographers must be doing what anthropology is, studying human practices in their entirety, looking at their many dimensions, viewing them from different angles, and examining the multiple forces that shape them and the multiple voices that express and represent them.<sup>108</sup>

Abu Farha makes a compelling claim for the use of ethnography in order to understand the many voices on the ground. He utilizes readings, interviews, and participant observations in order to make his claim on martyrdom in Palestine. He describes his ethnographic method as “listening to ordinary people’s reactions to acts of martyrdom, reading commentaries, poetry, and obituaries about the acts published in local and regional media and on websites... [and] interview[ing] some of the families of [martyrs].”<sup>109</sup> Through this method, Abu Farha tries to encompass the many voices within Palestine. Still, his project differs from mine. Abu Farha does not capture all the voices, and he definitely does not capture Palestinian Christian women’s voices.

Abu Farha is one of the few contemporary Palestinian scholars who employs ethnography to understand Palestinian culture. Historically, Western

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<sup>108</sup> Nasser Abufarha, *The Making of a Human Bomb: An Ethnography of Palestinian Resistance*, Cultures and Practice of Violence Series (Durham [N.C.]: Duke University Press, 2009), 225.

<sup>109</sup> Abufarha, 16.

scholars have conducted the ethnographic research in Palestine. Their ethnographic works fall into four modes, which include:

(a) the proto-anthropological mode, which depicted Palestinians as residual biblical relics who can be easily incorporated into a Christian European patrimony; (b) a secularized, scientific mode of engagement that generated Palestinians as Oriental subjects; (c) a mode in which mainstream anthropology disengaged from Palestine in the decades following 1948, facilitating a predominance until the 1970s of Zionist scholarship in Palestinian ethnography; and (d) a poststructuralist mode that has enabled, since the late 1980s, the ethnographic admissibility of a Palestine absorbed in national struggle.<sup>110</sup>

Since these ethnographies are seen through a Western lens, they each impose a different cultural understanding. Furthermore, they often engage in the othering of Palestinians instead of an indigenous and genuine understanding of the land, culture, and people. Therefore, a Palestinian Christian feminist approach ought to incorporate ethnography from within Palestine and not from outside. As one examines the various ethnographical studies chronologically, one notices the silencing of Palestinian voices. It was not until the 1980's that researchers revived Palestinian issues and examined them through ethnography. Thus, through the withdrawal of Western ethnographical scholarship, scholars

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<sup>110</sup> Khaled Furani and Dan Rabinowitz, "The Ethnographic Arriving of Palestine," *Annual Review of Anthropology* 40 (2011): 475, <https://doi.org/10.1146/annurev-anthro-081309-145910>.



abandoned the voices on the ground and instead turned to address national struggles.

Unfortunately, once again ethnographic research fails to address the struggles of Palestinian Christian women. Scholars focused on the national struggle have made domestic concerns secondary. Therefore, I aim to address the forgotten voices of Christian women and their struggles with misogyny. As Abu Farha points, to stand apart we ought to study people's practices and examine what shapes them. Mernissi and Abu Farha's ethnographical methods are great building blocks for the Palestinian Christian feminist ethnography project. Through ethnography, we are able not only to theorize about the intersection of religion, culture, and law, but to also truly see how this intersection manifests in the lives of Palestinian Christian women.

Mernissi, Ahmed, Wadud, Meng, Zaru, Raheb, and Abu Farha have all used various methods to employ their scholarship to fight for justice. The methods they use also reflect the nature of their projects. Due to the complexity of the intersection of religion, culture, and law, one cannot use only one method to understand the experiences of Palestinian Christian women. A Palestinian Christian feminist project requires a mixed-method approach in order to address the oppression that women face. Thus, combining history, religious analysis, cultural hermeneutics, and ethnography will expose the origins of misogyny and how it is manifested in our society and laws today.

## **Chapter Three**

### **Towards A Palestinian Christian Feminist Hermeneutic**

A new approach to understanding how culture and religion influence the laws must explore the history of those ideologies and how they are manifested in women's lives today. A thorough analysis of the various scholars in chapter two leads me to argue that despite their unique methods, they lack the content necessary for creating a Palestinian Christian feminist project. Thus, in order to answer the question "How do we adequately address the concerns of Palestinian Christian women?", we ought to use their methods and apply it to a Palestinian context. The Palestinian Christian feminist project should begin with the legal and colonial history of Palestine, examine the various religious and cultural traditions, analyze the role of religious institutions and textual interpretations in shaping cultural practices, and bring women's voices to the forefront through ethnography. Thus, this new hermeneutic aims to bring an interdisciplinary and mixed-method approach to examining how religion, culture, and law intersect, influence each other, and promote misogyny in Palestine.

### **The Intersectionality of Religion, Culture, and Law**

Theoretically, 'religion', 'culture', and 'law' are separate disciplines. Their intersection in the Palestinian context, however, renders them part of the same reality. This makes it extremely difficult to delineate them. An interdisciplinary approach to the issues of Palestinian Christian women will guide us towards seeing how religion, culture, and law influence women's lives. Furthermore, it will

help us define each of the aspects that will be more effective when promoting change. For the purpose of this project, I will use *A Dictionary of Sociology* to provide a broad and all-encompassing definition of religion, culture, and law. These definitions will further explain why an interdisciplinary and mixed-method approach will bring about a better understanding of the aspects of religion, culture, and law, as well as of their intersection.

*A Dictionary of Sociology* defines religion as, “a set of beliefs, symbols, and practices (for example rituals), which is based on the idea of the sacred, and which unites believers into a socio-religious community.”<sup>111</sup> Sociologists often define religion as a “reference to the sacred rather than a belief in a god or gods.”<sup>112</sup> This makes religious comparison more feasible. Thus, religion is a set of dogmas and practices that influence people’s beliefs and help create bonds within communities. *A Dictionary of Sociology* defines culture as “a general term for the symbolic and learned aspects of human society.”<sup>113</sup> Furthermore, social anthropologists define culture as “a learned complex of knowledge, belief, art, morals, law and custom.”<sup>114</sup> In the field of comparative ethnography, culture is “a collection of ideas and symbols.”<sup>115</sup> Finally, cultural anthropologists place culture

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<sup>111</sup> John Scott, “Religion,” in *A Dictionary of Sociology* (Oxford University Press, 2015), <http://www.oxfordreference.com/view/10.1093/acref/9780199683581.001.0001/acref-9780199683581-e-1916>.

<sup>112</sup> Scott.

<sup>113</sup> John Scott, “Culture,” in *A Dictionary of Sociology* (Oxford University Press, 2015), <http://www.oxfordreference.com/view/10.1093/acref/9780199683581.001.0001/acref-9780199683581-e-484>.

<sup>114</sup> Scott.

<sup>115</sup> Scott.

into three categories, “learned patterns of behavior; aspects of culture that act below conscious levels (such as the deep level of grammar and syntax in language, of which a native language speaker is seldom aware); and patterns of thought and perception, that are also culturally determined.”<sup>116</sup> Thus, one can define culture as the way in which individuals define themselves and relate to others around them. Culture, furthermore, shapes and dictates behaviors and norms of people living in a certain region. Finally, *A Dictionary of Sociology* defines law as “rules of action or statutes established by authorities such as states.”<sup>117</sup> Thus, law is a set of rules that enforce certain behaviors within a community.

While one can bifurcate these definitions theoretically, the task of differentiating them in the Palestinian context becomes much more difficult. As shown in chapter one, all three disciplines intersect in the Palestinian context, which blurs the fine lines that the previous definitions establish. This makes the lives of Palestinian Christian women extremely complex. In the Palestinian context, religion influences the law, and religion also governs the behaviors of a community which then become culture.

The intersection of religion, culture, and law is not only part of the Palestinian context. This interplay between the three disciplines is a worldwide phenomenon. Yamini Mishra, a gender responsive budgeting specialist at the

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<sup>116</sup> Scott.

<sup>117</sup> John Scott, “Law, Sociology Of,” in *A Dictionary of Sociology* (Oxford University Press, 2015), <http://www.oxfordreference.com/view/10.1093/acref/9780199683581.001.0001/acref-9780199683581-e-1242>.

UN, describes this intersection in the Asia Pacific region. She writes, “Though religion is not in and of itself culture, the assigning of meaning is linked to beliefs, and in many societies religious beliefs underlie the rules and norms. Religion itself operates at three distinct levels: religion as faith, religion as a social system, and the use of religion to articulate a political agenda.”<sup>118</sup> Within the Palestinian context, one can see the three manifestations of religion, as described by Mishra. Palestinian Christians practice Christianity as a faith, however Islam influences them through its shaping of the social system. Religion also influences Palestinian Christians when it is used to express certain aspects of the law. Thus, the intersection between religion, culture, and law as manifested in culture and politics is problematic when it comes to addressing the concerns of women.

Culture, along with the influence of religion also plays a crucial role in women’s experiences. While culture can be a space where people share their identities and practices, we must ask which identities and which practices culture is promoting. Cultural practices often influence power dynamics. Furthermore, when cultural practices become part of the law, it becomes extremely difficult for women to change this practice. In describing the influence of culture on women, Ruth Sidchogan-Batani, a scholar at Benguet State University, writes,

The enduring customs and practices that are expressions of violence against women is political; it speaks of cultural relations where power mediates. At the same time, culture is shared – but one also has to ask,

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<sup>118</sup> Yamini Mishra, “Negotiating Culture: Intersections of Culture and Violence Against Women in Asia Pacific” (Asia Pacific Forum on Women, Law and Development (APWLD), September 2006), 10.

“shared by whom” and “under what conditions is it shared.” This question is incisive in that ‘culture’ has become the easy escape for the continuity of violence against women, sometimes deliberately dropping the context under which this culture endures.<sup>119</sup>

Culture, in this light, is a confining factor, slowing the process of women’s liberation.

One of the elements in the intersection of culture and religion is adopting the law that disempowers women. When culture and religion intersect, misogynistic practices emerge, even when they are in conflict with one’s own religious practices. Indian Muslims, for instance, have taken up Hindu cultural practices that are contrary to Islamic religious teachings because they benefit men. The practice of dowry, which requires the wife’s family to give money to the husband, is contrary to Islamic religious teachings.<sup>120</sup> Islamic law includes *Mahr*, which expects the husband to pay his wife and her family money upon marriage.<sup>121</sup> Thus, some Indian Muslims have discarded *Mahr* and instead now demand dowry from their wives. Abdul Waheed, in his article “Dowry among Indian Muslims: Ideals and Practices,” explains that “Indian Muslims do not absolutely follow Islamic ideals in their social life. Their customs, traditions and

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<sup>119</sup> Mishra, 50.

<sup>120</sup> Lucy Carroll, “The Muslim Family in India: Law, Custom, and Empirical Research,” *Contributions to Indian Sociology* 17, no. 2 (July 1, 1983): 218, <https://doi.org/10.1177/0069966783017002004>.

<sup>121</sup> Carroll, 218.

social institutions are, indeed, more 'Indian' than 'Islamic'.<sup>122</sup> Thus, in this example, when religion and culture intersected, individuals opted for cultural practices and laws in order to reinforce patriarchal structures and neglect women's rights.

### **Relational Rights**

Another element in the intersection of religion, culture, and law is relational rights. This means that when laws are derived from religion or culture, it renders many of the individualistic rights that would normally apply to all citizens of a country as not applicable to women. In an article titled, "Relational Rights Masquerading As Individual Rights," Hallie Ludson points to the detrimental effects of the influence of religion and culture on laws. She writes, "Constitutional protection for religious or cultural law can remove the safeguards of many, if not most, of the human rights provisions by making them unenforceable by women."<sup>123</sup> Ludson explains that constitutional reinforcement of religious and cultural laws facilitates a process in which women are no longer governed by the rights and laws of the government, but instead by religious and cultural ones. Ludson, furthermore, explains that when such endorsements occur, women can only obtain the rights given to them by the government through other individuals,

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<sup>122</sup> Abdul Waheed, "Dowry among Indian Muslims: Ideals and Practices," *Indian Journal of Gender Studies* 16, no. 1 (February 1, 2009): 48, <https://doi.org/10.1177/097152150801600103>.

<sup>123</sup> Hallie Ludsin, "Relational Rights Masquerading as Individual Rights," *Duke Journal of Gender Law & Policy* 15 (2008): 169.

which is the process of relational rights.<sup>124</sup> Ludson defines relational rights as “Rights that are derived from the government, such as from a constitution, legislation or a judicial decision, but that individuals can exercise only with the permission or acquiescence of someone with whom they have a personal relationship.”<sup>125</sup> Thus, because individuals have to rely on someone else, it creates a social hierarchy within the system. Women are usually the ones who suffer from the power imbalance. Through relational rights they become subject to the control of the men in their lives through whom they can attain their rights.

Ludson explains that violence against women is an example of how individual rights of women become relational. She writes, “Throughout the world, police often are reluctant to intervene in domestic violence cases, believing that what goes on between intimate partners and within families is private.”<sup>126</sup> Thus, when the police do not interfere, they relinquish women’s rights for safety and instead give power to the husband to decide whether or not the woman has the right not to be abused. This reinforces the power imbalance present within families as well as the culture at large. Thus, in the case of Habash and Qauod the police did not intervene because the police considered the abuse a family matter in which they should not be involved.

There are several cases from around the world that exemplify the effect of relational rights on women. Those examples include Afghanistan and Iraq. Similar to Palestine, both countries use religion in their constitutions and protect

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<sup>124</sup> Ludsin, 197.

<sup>125</sup> Ludsin, 197.

<sup>126</sup> Ludsin, 199.



religious law while simultaneously endorsing the right to equality.<sup>127</sup> Both countries state that religion will be used as a source of legislation in personal status matters. Ludson points to the dangers of protecting religious law without endorsing equality as a priority. She writes, “Separate protection for personal status law without a clear statement that the religious law must conform to the constitutions’ human rights provisions could place it in a protective bubble removed from accountability.”<sup>128</sup> For instance, under Shari’a law, women cannot marry without the permission of a male guardian. This practice ensures that women do not make immature decisions. This is extremely problematic since it assumes that women are not capable of making decisions without the guidance of a man. In expressing her concerns with regard to marriage laws, Ludson writes, “These rules of marriage, to the extent they are protected by a constitution and the judiciary, not only treat women as incompetent to make a monumental decision but transform several individual rights into relational rights.”<sup>129</sup> Thus, in this instance, due to the privileging of religious law, the government compromised women’s right to autonomy.

### **A Palestinian Christian Feminist Hermeneutic**

The elements of the intersection between religion, culture, and law – i.e., a preference for patriarchal practice even if in conflict with one’s own tradition and the prevalence of relational rights – exist in Palestine. Nonetheless, in order to

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<sup>127</sup> Ludsin, 208.

<sup>128</sup> Ludsin, 213.

<sup>129</sup> Ludsin, 214.

understand the various manifestations of this intersection, we need to apply an interdisciplinary and mixed-method research approach that takes into account various factors. Below I outline the necessary methods for a Palestinian Christian feminist hermeneutic.

### **Legal and Colonial History of Palestine**

As mentioned in chapter one, various laws, including state law, religious court law, customary law, and human rights law govern Palestinian Christian women. Nonetheless, very few women understand the reasons behind the various laws. When women are oblivious to the origins of the laws, it makes it harder for them to understand their reality or even fight for their rights. Women lack the necessary tools for demanding equality. Thus, the Palestinian Christian feminist project aims to shed light on the origins of Palestinian laws. While many women are aware of the colonization of Palestine by various civilizations, very few understand how these occupying powers have shaped the laws. The method that Ahmed uses to explain the history of misogyny is one that we should apply in the case of Palestine. As Ahmed explores the various civilizations that conquered Mesopotamia, she also highlights the various accumulations of laws that furthered the oppression of women. Through her analysis of the various civilizations, Ahmed arrives at the conclusion that Islam did not create a new oppressive system but borrowed the existing system and implemented it. She writes, "Islam, then, did not bring radical change but a continuity and

accentuation of the life-styles already in place.”<sup>130</sup> Thus, an understanding of pre-Islamic civilizations leads Ahmed to understand the origins of Islamic societies today.

Thus, we should apply Ahmed’s historical analysis in the case of Palestine. Palestine has had several occupiers which include, “Byzantines (332), Arabs (637), Tartars (1040), Crusaders (1099), Ayyubids (1187), Tartars (1244), Mamluks (1291), Mongols (1401), Ottomans (1516), British (1914), and Israelis (1948/67).”<sup>131</sup> These civilizations have all influenced the laws. In chapter one, I noted how the Ottoman Empire influenced the law regarding honor killings. This is only one example of how one empire has influenced one law. The impact of each of these occupiers goes beyond one law. Each empire, furthermore, imposes a culture on the occupied individuals and reinforces the culture through the laws. Thus, in order for Palestinian women and legal institutions to fight for equality and for change, they have to understand the history that has reinforced misogyny. Thus, a Palestinian Christian feminist project ought to ask the following questions: How have various empires and civilizations in Palestine influenced the rights of Christian women? Has the empire promoted certain religious interpretations that influenced the laws? How have these empires led to the inequality experienced by women today? A Palestinian Christian feminist project needs to explore the history of Palestine and its influence on our gender

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<sup>130</sup> Ahmed, *Women and Gender in Islam*, 33.

<sup>131</sup> Raheb, *Faith in the Face of Empire*, 10.

ideologies. While the history of empire is clear, we still ought to explore how this history has influenced women in Palestine, especially Christian women.

### **Cultural Hermeneutics**

Nonetheless, the history of Palestine spans beyond the history of empires. Islamic history is important when examining women's equality. Palestine is 98% Muslim. Naturally then, Islamic culture highly influences Palestinian society. To understand gender dynamics in Palestine, we ought to examine the larger Islamic culture and history which surrounds and influences Christian women. Fatima Mernissi begins the process of understanding how Islamic history influences male-female dynamics in Morocco. She explains that the rise of Islam contributed greatly to the shape Islamic societies have taken today. She writes, "The Prophet's religious vision, his personal experiences, and the structure of the society he was reacting against all contributed to the form Islamic society took."<sup>132</sup> Thus, the community during the time of the Prophet shifted to be in line with Islamic thought and practice. This shift has continued to influence Muslim societies to this day. Mernissi's detailed outline of Islamic history provides the ground work for understanding gender dynamics in Palestine.

If we wish to understand gender dynamics and Palestinian culture, then we ought to connect Mernissi's method to cultural hermeneutics.<sup>133</sup> Mercy Amba Oduyoye in her book *Introducing African Women's Theology* uses cultural

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<sup>132</sup> Mernissi, *Beyond the Veil*, 82.

<sup>133</sup> Cultural hermeneutics is a method that examines the traditions as well as positive and harmful norms in a society.

hermeneutics to examine the Bible and extract what is liberating for African Women. Furthermore, she utilizes cultural hermeneutics to examine African culture and promote positive aspects of it in the hope of liberating women. Oduyoye describes the process of cultural hermeneutics as, “African women taking a critical stance on African culture as well as promoting its commitment to wholeness and enhancement of life in the community... Cultural hermeneutics exposes [African women’s marginalization] and outlines ways of facing it creatively and with justice and compassion.”<sup>134</sup> Oduyoye further argues that the correct way to engage cultural hermeneutics is to examine culture from within and not from without.<sup>135</sup> This eliminates an imposition of Western notions of liberation. In order to engage in cultural hermeneutics from within, Oduyoye writes that, “We always ask of culture, how do I understand this experience, how does it relate to my context, who is benefiting? Is it just?”<sup>136</sup> Thus, applying Oduyoye’s cultural hermeneutics to Palestinian women enables us to examine the inherited culture from the time of the Prophet and its manifestation in Palestinian culture today.

In the Palestinian context, for instance, cultural hermeneutics would examine marriage practices. When a girl is about to get married, the future groom and his family come to her house and ask for her hand in marriage. The girl, however, is not the one to respond to the proposal. The eldest elite man in

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<sup>134</sup> Mercy Amba Oduyoye, *Introducing African Women’s Theology*, Introductions in *Feminist Theology* ; 6 (Sheffield, England: Sheffield Academic Press, 2001), 13–14.

<sup>135</sup> Oduyoye, 12.

<sup>136</sup> Oduyoye, 12.

the family is the one to respond on her behalf. This Arab tradition has become an inextricable part of Christian marriage traditions in Palestine. The problem with such a tradition is that even though it emphasizes respect to the elders of the family, it discourages women from having agency over their own lives. This, consequently, spills into other areas of women's lives where they do not get to participate in making decisions. We must examine Palestinian culture in order to understand how Arab and Islamic practices have influenced the lives of Christian women in Palestine. For instance, as mentioned earlier, Shari'a reinforces patriarchal ideologies in marriage practices by not allowing women to choose their husband without the permission of a male relative.<sup>137</sup> Thus, in attempting to understand this experience, we ought to ask: did Shari'a influence this Christian marriage practice? Furthermore, how does such a practice relate to the Christian context in Palestine? Is the culture influencing these practices? Is it through a religious interpretation of biblical verses? Is it a just practice for women? Are women aware of this practice and do they see it as oppressive, or is it merely tradition? Such questions enable us to truly understand how the larger culture influences Christian women. It is a possibility that Christians do not see such a practice as misogynistic. They may only see it as part of tradition. Therefore, a Palestinian Christian feminist hermeneutic aims not to condemn all cultural practices, but instead to understand how they influence women's lives. Thus, through this hermeneutic we are able to examine whether these traditions affect women's lives in a positive or negative way.

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<sup>137</sup> Ludsin, "Relational Rights Masquerading as Individual Rights," 214.

### Islamic Religious Doctrines

As noted in chapter 1, Islamic religious thought influences Christian women. Christian women in Palestine are governed by Shari'a. Shari'a is based on the interpretations of legal scholars who utilized the Quran and Sunnah to create laws and modified them to fit the context in which they lived. The problem, however, which is clearly highlighted by Mernissi and Wadud, is that the interpretation of the scholars aided in spreading misogyny. Wadud provides an example of a scholar who makes general claims regarding the status of women that influenced religious interpretations. She writes, "Al-Zamakhshari... says that men are 'preferred' by Allah over women in terms of 'intelligence, physical constitution, determination and physical strength', although he cites no place in the text which states this."<sup>138</sup> Furthermore, she continues to explain the harmful effects of such Quranic interpretations. She writes, "These interpretations justify the restrictions placed on the woman's right to pursue personal happiness within the context of Islam. Most troubling is the tendency to attribute these interpretations to the Qur'an itself rather than to the authors who hold them."<sup>139</sup> Wadud strives to change these interpretations in order to emancipate women. She wants women to be aware that Quranic restrictions are made by jurists who interpret the Quran, but that the Quran itself does not place restrictions on women.

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<sup>138</sup> Wadud, *Quran and Woman*, 35.

<sup>139</sup> Wadud, 35.

A feminist interpretation is essential not only to awaken women to the injustices but also to further understand religious laws. Shari'a changes with the change in society. The laws governing Muslims during the time of the Prophet are not the same ones that govern them today. In fact, Mernissi claims that "The Shari'a had to confront the daily realities of the increasingly numerous and culturally diverse members of the *umma*<sup>140</sup>."<sup>141</sup> Shari'a can change to accommodate individuals living within communities. This also entails that the interpretations contributing to Shari'a can change to accommodate Christian women in Palestine. We need to bring awareness to Palestinian Christian women and to legal institutions of the implications of Quranic interpretations on their lives. Thus, a Palestinian feminist hermeneutic aims to expose the misogynistic readings and introduce feminist interpretations to women. This interdisciplinary and mixed-method approach to studying Shari'a then does not only examine how religious law influences women, but also how the larger culture promotes certain religious laws. When studying the source of interpretations, we ought to examine whether or not these laws are consistent in all situations or whether they change depending on the circumstances. Thus: Has every Christian woman who has been tried in a Shari'a court regarding inheritance received the same treatment as A.M. did? Does the law change depending on the circumstance? And who is making those decisions? An interdisciplinary hermeneutic is necessary if we aim

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<sup>140</sup> The Community of Muslims.

<sup>141</sup> Mernissi, *Beyond the Veil*, 21.



to examine which factors, other than religious interpretations, influence the enforcement of Islamic law.

### **The Church and Biblical Hermeneutics**

Of course, Christian religious laws also affect Christian women. Although court laws only govern personal status matters, this does not mean that they cannot contribute to women's liberation. Since each church has its own laws that govern its congregation, we need to examine all the laws in the Christian churches to assure that they are promoting equality. A Palestinian Christian feminist project cannot only address one congregation of Christians in Palestine. One ought to examine Greek Orthodox, Oriental Orthodox, Catholic, and Protestant laws that govern women's personal matters. Sara McDougall has attempted a similar study with regard to women and the Catholic church. In an article titled "Women and Gender in Canon Law", McDougall attempts to understand the influence of medieval Western canon law on gender equality in marriage. In order to understand the relationship between canon law and women's equality, McDougall examines the various judicial interpretations of canon law and their influence on the role of women in the private sphere. Thus, she examines five areas of canon law: marriage formation, remarriage, married life, adultery, and legal separation and dissolution of marriages.<sup>142</sup> In analyzing

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<sup>142</sup> Sara McDougall, "Women and Gender in Canon Law," in *The Oxford Handbook of Women and Gender in Medieval Europe*, ed. Judith M. Bennett and Ruth Mazo Karras, 1st ed., Oxford Handbooks Online. History (Oxford ; New York: Oxford UnivPress, 2013), 166,

canon law, McDougall writes, “While canonists called for equality for spouses of both sexes in the marital debt and many related matters, they nevertheless fell far short of producing a law that maintained these egalitarian standards.”<sup>143</sup> Nonetheless, she does not end her argument with a simplistic conclusion. Instead, she argues that the medieval canon law was a product of its time and that “The canon law of marriage was a complex structure of give and take, moving in and out of the binaries that placed men and women, as husbands and as wives, into separate categories.”<sup>144</sup> Thus, while McDougall does not come to a concrete opinion about the influence of canon law on women, Palestinian Christian women can still benefit from her method of canon law analysis. The canon law in Palestine with regard to personal status matters speaks to how the church views women. If men and women do not receive equal inheritance, then the church is not a space where women find liberation.

Christian churches, furthermore, ought to discern whether or not they would like to become an independent court that legislates its own laws. While Lutherans cannot be tried in a Catholic court, the Lutheran church does not prohibit trial in a Shari’a court. In fact, the law states, “The courts of the Lutheran church will govern personal matters and resolve disputes. Those involved in a trial case may not forgo the governance of the Lutheran church to any other

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<http://proxy.library.emory.edu/login?url=http://dx.doi.org/10.1093/oxfordhb/9780199582174.001.0001>.

<sup>143</sup> McDougall, 176.

<sup>144</sup> McDougall, 176.

Christian church which is not Lutheran.”<sup>145</sup> Thus, while Christian churches have bifurcated laws and Christians can only be governed within their denomination, this does not apply to Shari’a courts. For instance, in matters of inheritance, do churches want to bifurcate from Shari’a laws? Creating this distinction would protect women from being tried under Shari’a. Furthermore, bifurcating the laws creates less complications since Christian women can push churches towards creating a just law independent of that of the state. Thus, a Palestinian Christian feminist hermeneutic aims to understand further why church law is derived from Shari’a. This hermeneutic also aims to examine how the larger Arab and Islamic culture influences church laws. This examination will challenge churches to rethink their connection with Shari’a courts and how their laws shape women’s rights.

While the analysis of church laws would challenge the origins of these laws and would push the church to revise its rules, this examination is not enough. The rhetoric of the church with regard to women should become more inclusive. In order for Palestinian Christian women to reach full emancipation, Palestinian theologians ought to provide theological liberation through biblical hermeneutics. Zaru highlights the need for theological liberation through the story of the Samaritan woman. She claims that the Samaritan woman who was getting water from the well needed Jesus to forgive her. The Samaritan woman needed liberation from the confines of society and Jesus freed her from her burdens. In

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<sup>145</sup> الكنيسة الإنجيلية اللوثرية في الأردن والأراضي المقدسة، قانون الأحوال الشخصية، قانون البيانات، قانون ٧٦. My translation أصول المحاكمات، ٧٦.

comparing Palestinian Christian women to the Samaritan woman, Zaru writes, “The expectations imposed upon us by family and friends, moreover, become an overwhelming burden as we seek to be faithful to God’s calling. We, too, are hauling water in the heat of the day, and we yearn for a teaching that allays our deep spiritual thirst.”<sup>146</sup> The teaching that Zaru references is the feminist theological interpretation that Palestinian Christian women need. Raheb also points to the importance of feminist theological liberation. He writes, “Liberation is holistic. In its preoccupation with the empire, the region has missed the opportunity to work on self-improvement, challenging the patriarchal culture that is found within the occupied territories. It should be showing results in the area of women’s liberation. Instead, we have lost the battle for liberating the land as well as the battle for liberating women.”<sup>147</sup>

There is a clear gap in women’s liberation. The church needs to empower women through rereading the Bible in a manner that focuses not only on women’s political oppression but also on their social struggle. The reader may wonder why Palestinian women cannot turn to Western feminists for liberation. Western feminism is culturally specific and asking Palestinian Christian women to adhere to such feminism entails an infringement on their identities. Attempting to liberate Palestinian Christian women through Western feminist theology neglects two crucial characteristics that differentiate Palestinian women from Western feminists. The first is that Western feminists assume a separation of Church and

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<sup>146</sup> Zaru, *Occupied with Nonviolence*, 112.

<sup>147</sup> Raheb, *Faith in the Face of Empire*, 119.

State which does not apply within the context of Palestinian Christian women.

They have no conception of the rule of church law on their lives and thus cannot speak to the experiences of Palestinian Christian women. Second, and most importantly, using Western feminism to liberate Palestinian women necessitates a return to the tools of the colonizer, which is antithetical to the liberation project.

Kwok Pui-Lan, in her book, *Postcolonial Imagination and Feminist Theology*, argues for the construction of a postcolonial feminist theology that is free from colonial biases. When examining the sources necessary for postcolonial feminism, she discusses the dangers of universalizing the Western feminist experience to nonwestern women. She writes, "The assumption that the human experience of Western people is the norm for all people is not just an intellectual blind spot, but is heavily influenced by the colonial experience. The appeal to universal human experience and the inability to respect diverse cultures are expressions of a colonizing motive: the incorporation of the Other into one's own culture or perspective."<sup>148</sup> Thus, in order to respect their diversity, Palestinian Christian women need to be liberated in a manner that is culturally specific and that does not impose Western ideals on them. Thus, a Palestinian Christian feminist project aims to provide biblical hermeneutics that is specific to Palestinian Christian women. This project will encourage more Palestinian liberation theologians to engage women's issues when addressing the national struggle for liberation.

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<sup>148</sup> Pui-lan Kwok, *Postcolonial Imagination and Feminist Theology* (Louisville, Ky.: Westminster John Knox Press, 2005), 56.

## Feminist Ethnography

Finally, a Palestinian Christian feminist hermeneutic would be lacking if it did not project the experiences of Palestinian women. To truly understand the need for liberation, we must examine the realities on the ground. To get a clear understanding of the discrimination that women face, we ought to conduct interviews that humanize women and expose the manifestations of the intersection of religion, culture, and law in their lives. Through these interviews, we would be able to understand how cultural and religious interpretations affect women and identify gender dynamics that influence women's experiences. Furthermore, through ethnography we will be able to gain insight into the effects of the interplay of religion, culture, and law on Christian women's lives. Women's narratives will give us an insight into how religious interpretations influence culture as well as how culture promotes certain religious dogmas. Additionally, through ethnography we can answer the question: how is the law shaped by cultural and religious understandings? Thus, ethnography will provide us with an interdisciplinary approach to examining religion, culture, and law and their impact on women.

In his book, *The Making of a Human Bomb*, Abu Farha identifies a similar approach to his use of ethnography. He writes, "I situate the ethnographic present in the historical context."<sup>149</sup> Through connecting the ethnographical results to the history of the Palestinian people, he is able to identify the main themes and cultural understandings present in Palestinian society. Thus, a

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<sup>149</sup> Abufarha, *The Making of a Human Bomb*, 21.

Palestinian Christian feminist hermeneutic will also aim to position the modern experiences of Christian women in the larger context of the intersection of religion, culture, and law and its continued effects on women. Abu Farha describes his ethnography as one that “moves beyond the cultural representation of the present to examine the generative processes that are constantly forming and transforming current cultural ideas, formations, and representations.”<sup>150</sup> Similarly, a Palestinian Christian feminist hermeneutic aims to understand better how women’s experiences are constantly affected and possibly changed by the interplay of religion, culture, and law.

One must note that the privileging of feminist ethnography is deliberate because the method challenges dominant narratives. Dána-Ain Davis and Christa Craven point to the importance of feminist ethnography in their book *Feminist Ethnography: Thinking Through Methodologies, Challenges, And Possibilities*. They state, “The feminist ethnographic project takes into account all people in a field site/community/organization, and pays particular attention to gender by honing in on people’s statuses, the different ways in which (multiple) forms of privilege allow them to wield power or benefit from it, and the forces and processes that emerge from all of them above.”<sup>151</sup> Thus, feminist ethnography will bring forward the concerns of women, examine practices of oppression and misogyny, and point to how they shape women. It is in the voices, struggles, joys,

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<sup>150</sup> Abufarha, 231.

<sup>151</sup> Davis Dána-Ain and Craven Christa, *Feminist Ethnography: Thinking through Methodologies, Challenges, and Possibilities*, Reprint edition (Lanham, MD: Rowman & Littlefield Publishers, 2016), 9.

perseverance, and resilience stories of Palestinian Christian women that we find true feminism, and consequently a way for liberation.

### **A Practical Method for the Concerns of Women**

The reader may wonder how one can apply the theoretical aspects of the method to certain situations. In the case of Habash, for instance, who was murdered by her father after she decided to marry a Muslim, we must examine the reasons behind her murder. A Palestinian Christian feminist hermeneutic will ask: Why was Habash murdered? If Islam allows Muslim men to marry Christian women, and the Bible does not forbid it, why was Habash murdered? Is it a cultural tradition that Christian women cannot marry Muslim men? Does a cultural practice in this case override religious interpretations? What would happen if it were a Muslim woman marrying a Christian man? Would the response be the same? Why did state laws not interfere on her behalf? Did state laws promote these crimes by not punishing the perpetrators? Did the laws promote certain cultural practices? Were the laws derived from certain religious interpretations? Then, through ethnography we would need to interview the family of Habash and those within her community and find their beliefs about interreligious marriages. We can ask how they came to have those beliefs? This will enable us to see how in the case of Habash, religion may have influenced culture or law and vice-versa, thus leading to her murder.

As for the case of Qauod, whom her mother murdered after her brothers raped her, we must also ask: why was she punished for the crime even though



she was the victim? Who shaped her mother's understanding of honor? Is it through religious interpretations? Is it because of the culture? Or is it the law that punishes women even when they are the victims? Why did Qauod not report the abuse to her parents? What role did religious interpretation and Arab culture play in silencing Qauod? Why did her mother not punish the brothers for their crime? How did the patriarchal culture influence Qauod's mother's understanding of the abuse? These are the questions that we can answer through theorizing about the intersection of religion, culture, and law. Nonetheless, through ethnography, we are able to truly understand how each of the three elements contributed to the murder of Qauod. Through talking to the mother and the community surrounding the Qauod family, we are then able to pinpoint if it was religion, culture, or law that led to the victimization of Qauod. We are also then able to see how religion, culture, and law affected each other and aided in the marginalization of Qauod, instead of defending her rights.

Finally, to understand the oppression of A.M., both from her father and in-laws, we must ask: how does the culture understand women's rights? A.M. was not allowed to continue her education and instead was married off to preserve her innocence and honor. We ought to ask: Why does honor take precedence over education? Does the culture view education as a threat to women's honor? Where does this belief stem from? How are religious interpretations, both Christian and Muslim, contributing to the cultural understanding about women's education? Furthermore, her in-laws subjugated A.M. again, when she was denied inheritance by the Shari'a court. Why did Shari'a not rule in A.M.'s favor?

How did the culture promote this treatment of A.M.? Why did the Palestinian state laws in this case not intervene on A.M.'s behalf, even though they ratified the CEDAW? And of course, through ethnography, we will be able to ask A.M. herself how she felt experiencing misogyny and whether she attributes her oppression to religion, culture, or law? We will also be able to answer the question: How does the intersection of the three elements play out in each of these cases and instances? Is one more prevalent than the other in certain scenarios? And could A.M. have done something to change her situation?

We can answer all these theoretical questions through history, religious analysis, cultural hermeneutics, and ethnography. We ought to rely on all these methods simultaneously to answer the question of how religion, culture, and law function to oppress women and affect their daily lives. We cannot only examine Palestinian Christian women's experiences through one of these methods due to the complexity of the Palestinian context. The colonial and religious history of Palestine influences the culture and the laws. Furthermore, the larger culture also plays a major role in promoting certain interpretations of religious texts and the enforcement of certain laws. Still, these interactions between the three elements change and adapt depending on the circumstances. Thus, to understand truly the impact of each of the three elements on women, we ought to examine the lives of women through ethnography and draw conclusions based on their experiences. This will allow us not only to theorize about the experiences of Palestinian Christian women, but also to find concrete ways in which this intersection affects their lives. This interdisciplinary and mixed-method approach to a Palestinian

Christian feminist hermeneutic will place the light on the experiences of Palestinian Christian women. It will allow us to adequately address their concerns and push legal institutions to prioritize human rights policies over religious and cultural laws, thus achieving women's equality.

In her book, *Occupied with Nonviolence*, Zaru writes, "As Palestinians and as women our struggle to achieve these ideals continues today. It has been a long struggle, waged on so many fronts. It has been a long walk, and a long road to freedom still lies ahead."<sup>152</sup> The path for equality may be miles long, but that should not deter us from taking the first steps and paving the way for liberation. The way to begin paving the road is through combining several methods from the aforementioned scholars and making them specific to Palestinian Christian women. It is in the merging of these methods that we can address all the factors that have shaped the experience of Christian women in Palestine. Our histories shape our present realities, our religious and cultural traditions mold our experiences, our laws sculpt our understanding of justice, and ethnography changes our worldview. Thus, it is in going back to our history that we are able to comprehend further our present. Pre-Islamic, Islamic, and later colonial histories of Palestine shape the reality of Christian women and the larger Palestinian culture. Combining our research on history with the narratives of the present guides us towards a new understanding. As Zaru points out, it is never too late to start the journey towards freedom. The Palestinian Christian feminist project is a

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<sup>152</sup> Zaru, *Occupied with Nonviolence*, 105.

necessary endeavor if we wish to place the spot light on issues concerning women in Palestine and create a trail of feminism for the entire Middle East.

## Conclusion

The quest for liberation is one of constant struggle. A Palestinian Christian feminist hermeneutic will not eliminate women's oppression overnight, but it will begin paving the way for a better future. A Palestinian Christian feminist hermeneutic is one of the many ways that women can learn about their oppression, understand the intersection between religion, culture, and law, and find commonality in their struggle. Furthermore, this project aims to bring awareness to legal institutions in the hopes that they will act and work for women's equality in Palestine. A Palestinian Christian feminist hermeneutic also functions as a mechanism to examine women's experiences. An interdisciplinary and mixed-method approach of feminist hermeneutic can be that spark which ignites a new era for Christian women in Palestine. The reader may wonder how this hermeneutic would create practical implications among Palestinian Christian women. To answer this question, I would like to take the reader on a final journey and end this research in the same place it all began.

This final voyage is about three different women. Each woman has a different narrative to tell. The first woman is well educated, autonomous, respected among her family members. She fell in love with a man from a different religious tradition. When her father objected and threatened her, she knew her rights and reported her father's abuse to the authorities. She stood up for her rights, demanded justice, and married the man she loved. The second woman is finishing her college education. One night her brothers decide to rape her. She did not succumb to societal pressures and cultural ideologies about honor;

instead she demanded retribution. She told her mother and they reported her brothers to law enforcement. The authorities took the brothers into custody and imprisoned them. This woman later became an activist for victims of rape and now demands that other women report the abuse. Finally, the third woman is a mother and businesswoman. She finished her college education, found a job, and then got married. When her husband died, her in-laws tried to take away the inheritance that her husband left for her and her children. She did not sit still in the face of an unjust system, and instead demanded her right and her children's right to inheritance.

Those stories are the reinvented versions of Habash, Qauod, and A.M. They are the version of events that this writer hoped would happen. Nonetheless, they did not. The trajectories of the lives of these women were not similar to the final version. Nonetheless, the final version gives the reader hope that change could happen soon in Palestine. A Palestinian Christian feminist hermeneutic aims to make the modified versions of the women's stories a reality for all Palestinian Christian women. A Palestinian Christian feminist hermeneutic wants to ensure that no woman would have to tragically be stripped from her rights or silenced in a patriarchal system. A Palestinian Christian feminist hermeneutic aims to educate women on religion, culture, and law, so that Palestinian women may then also educate future generations about women's rights. It is high time that we shift our scholarly and advocacy attention to Palestinian Christian women, so that they can challenge oppressive ideologies, demand their rights, and begin a feminist movement towards liberation.

## Bibliography

- “2003 Amended Basic Law.” *The Palestinian Basic Law* (blog), February 17, 2008. <https://www.palestinianbasiclaw.org/basic-law/2003-amended-basic-law>.
- “About the Palestinian Constitution.” MEMRI. Accessed November 27, 2017. <https://www.memri.org/reports/about-palestinian-constitution>.
- Abufarha, Nasser. *The Making of a Human Bomb: An Ethnography of Palestinian Resistance*. Cultures and Practice of Violence Series. Durham [N.C.]: Duke University Press, 2009.
- Ahmed, Leila. *Women and Gender in Islam: Historical Roots of a Modern Debate*. New Haven: Yale University Press, 1992.
- Alsarghali, Sanaa. “An (Un)Constitutional Hangover? An Analysis of the Current Palestinian Basic Law in Light of Palestine’s Constitutional Heritage.(Constitutional History: Comparative Perspectives).” *University of Illinois Law Review* 2017, no. 2 (2017): 524.
- Ateek, Naim Stifan. *Justice, and Only Justice: A Palestinian Theology of Liberation*. Maryknoll, N.Y.: Orbis Books, 1989.
- “Bible Gateway Passage: Ephesians 5:22-25 - New International Version.” Bible Gateway. Accessed April 5, 2018. <https://www.biblegateway.com/passage/?search=Ephesians+5%3A22-25&version=NIV>.
- Carroll, Lucy. “The Muslim Family in India: Law, Custom, and Empirical Research.” *Contributions to Indian Sociology* 17, no. 2 (July 1, 1983): 205–22. <https://doi.org/10.1177/0069966783017002004>.
- “CEDAW 29th Session 30 June to 25 July 2003.” Accessed January 9, 2018. <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article5>.
- Cone, James H. *A Black Theology of Liberation*. 20th anniversary edition.. Maryknoll, N.Y.: Orbis Books, 1990.
- “Convention on the Elimination of All Forms of Discrimination against Women.” Accessed January 9, 2018. <http://www.un.org/womenwatch/daw/cedaw/>.
- Crenshaw, Kimberle. “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics.” *University of Chicago Legal Forum* 1989, no. 1 (n.d.): 139–67.

- Dána-Ain, Davis, and Craven Christa. *Feminist Ethnography: Thinking through Methodologies, Challenges, and Possibilities*. Reprint edition. Lanham, MD: Rowman & Littlefield Publishers, 2016.
- Furani, Khaled, and Dan Rabinowitz. "The Ethnographic Arriving of Palestine." *Annual Review of Anthropology* 40 (2011): 475–491. <https://doi.org/10.1146/annurev-anthro-081309-145910>.
- Gutiérrez, Gustavo. *A Theology of Liberation: History, Politics, and Salvation*. 15th anniversary edition.. Maryknoll, New York: Orbis Books, 2017.
- Hasisi, Badi, and Deborah Bernstein. "Multiple Voices and the Force of Custom on Punishment: Trial of 'Family Honor Killings' in Mandate Palestine" 34, no. 1 (2016): 115–154. <https://doi.org/10.1017/S0738248015000693>.
- Hossain, Sara, and Lynn Welchman. *Honour: Crimes, Paradigms and Violence against Women*. North Melbourne, Australia ; London ; New York: Spinifex Press ; Zed Books, 2005.
- IMEU. "QUICK FACTS: Palestinian Christians, Bethlehem, & East Jerusalem | IMEU." Accessed April 2, 2018. <https://imeu.org/article/quick-facts-palestinian-christians-bethlehem-east-jerusalem>.
- Isaack, Wendy. *International Legal Accountability Mechanisms: Palestinian Women Living Under Occupation*. UN Women Palestine, 2016.
- "Jordanian Penal Code No. 16 of 1960." IRCKHF Haqqi. Accessed October 30, 2017. <http://haqqi.info/haqqi/legislation/jordanian-penal-code-no-16-1960>.
- Kamali, Mohammad Hashim. *Shari'ah Law: An Introduction*. Oxford: Oneworld Publications, 2008.
- Kwok, Pui-lan. *Postcolonial Imagination and Feminist Theology*. Louisville, Ky.: Westminster John Knox Press, 2005.
- Likhovski, Assaf. *Law and Identity in Mandate Palestine*. Univ of North Carolina Press, 2006.
- Ludsin, Hallie. "Relational Rights Masquerading as Individual Rights." *Duke Journal of Gender Law & Policy* 15 (2008): 195–222.
- Ludson, Hallie. *Women and the Draft Constitution of Palestine*. Women's Centre for Legal Aid and Counseling, 2011.
- McDougall, Sara. "Women and Gender in Canon Law." In *The Oxford Handbook of Women and Gender in Medieval Europe*, edited by Judith M. Bennett



and Ruth Mazo Karras, 1st ed., 163–78. Oxford Handbooks Online. History. Oxford ; New York: Oxford UnivPress, 2013.  
<http://proxy.library.emory.edu/login?url=http://dx.doi.org/10.1093/oxfordhb/9780199582174.001.0001>.

Mernissi, Fatima. *Beyond the Veil: Male-Female Dynamics in Muslim Society*. New edition.. Saqi Essentials. (Uri)  
<Http://Id.Loc.Gov/Authorities/Names/No2007048266> (Uri)  
<Http://Viaf.Org/Viaf/SourceID/LC|no2007048266> (Uri)  
 /Resolver/Wikidata/Lc/No2007048266. London: Saqi, 2011.

———. *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam*. Reading, Mass.: Addison-Wesley PubCo, 1991.

“Merriam Webster Dictionary.” Accessed December 4, 2017.  
<https://www.merriam-webster.com/dictionary/anomie>.

Mishra, Yamini. “Negotiating Culture: Intersections of Culture and Violence Against Women in Asia Pacific.” Asia Pacific Forum on Women, Law and Development (APWLD), September 2006.

“Murdered in Name of Family Honour | World News | The Guardian.” Accessed December 8, 2017. <https://www.theguardian.com/world/2005/jun/23/israel>.

Oduyoye, Mercy Amba. *Introducing African Women's Theology*. Introductions in Feminist Theology ; 6. Sheffield, England: Sheffield Academic Press, 2001.

Raheb, Mitri. *Faith in the Face of Empire: The Bible through Palestinian Eyes*. Maryknoll, New York: Orbis Books, 2014.

Scott, John. “Culture.” In *A Dictionary of Sociology*. Oxford University Press, 2015.  
<http://www.oxfordreference.com/view/10.1093/acref/9780199683581.001.0001/acref-9780199683581-e-484>.

———. “Law, Sociology Of.” In *A Dictionary of Sociology*. Oxford University Press, 2015.  
<http://www.oxfordreference.com/view/10.1093/acref/9780199683581.001.0001/acref-9780199683581-e-1242>.

———. “Religion.” In *A Dictionary of Sociology*. Oxford University Press, 2015.  
<http://www.oxfordreference.com/view/10.1093/acref/9780199683581.001.0001/acref-9780199683581-e-1916>.

- Shāfi'ī, Muḥammad ibn Idrīs. *The Epistle on Legal Theory*. Library of Arabic Literature. New York: New York University Press, New York University, 2013.  
<http://proxy.library.emory.edu/login?url=http://muse.jhu.edu/books/9780814729311/>.
- Shalhoub-Kevorkian, Nadera. *Militarization and Violence against Women in Conflict Zones in the Middle East A Palestinian Case-Study*. Cambridge Studies in Law and Society. Cambridge: Cambridge University Press, 2010.  
<http://proxy.library.emory.edu/login?url=http://ebooks.cambridge.org/ebook.jsf?bid=CBO9780511626852>.
- Turkey. *The Imperial Ottoman Penal Code a Translation from the Turkish Text, with Latest Additions and Amendments Together with Annotations and Explanatory Commentaries upon the Text and Containing an Appendix Dealing with the Special Amendments in Force in Cyprus and the Judicial Decisions of the Cyprus Courts*. London: HMilford, Oxford University Press, 1913.  
<http://proxy.library.emory.edu/login?url=http://www.ilmcdigital.org/default.aspx?redir=08408>.
- Venice Commission. "Evolution of the Legal Framework of the Palestinian National Authority - Council of Europe/European Commission for Democracy through Law," 2001.  
<https://unispal.un.org/DPA/DPR/unispal.nsf/0/3F7EC7AD8DBF672F852574B1004AAEC5>.
- Wadud, Amina. *Quran and Woman: Rereading the Sacred Text from a Womans Perspective (2)*. New York, US: Oxford University Press, 1999.
- Waheed, Abdul. "Dowry among Indian Muslims: Ideals and Practices." *Indian Journal of Gender Studies* 16, no. 1 (February 1, 2009): 47–75.  
<https://doi.org/10.1177/097152150801600103>.
- Yanling, Meng. "Women, Faith, Marriage: A Feminist Look at the Challenges for Women." In *Hope Abundant: Third World and Indigenous Women's Theology*, 229–40. Maryknoll, N.Y.: Orbis Books, 2010.
- Zaru, Jean. *Occupied with Nonviolence: A Palestinian Woman Speaks*. Minneapolis: Fortress Press, 2008.
- الكنيسة الإنجيلية اللوثرية في الأردن والأراضي المقدسة. *قانون الأحوال الشخصية، قانون البيانات، قانون أصول المحاكمات الكنيسة الإنجيلية اللوثرية في الأردن والأراضي المقدسة، 2015*.
- المجلس التشريعي الفلسطيني. "مشروع قانون العقوبات." المجلس التشريعي الفلسطيني. April 14, 2003.

صندوق الامم المتحدة الانمائي للمرأة (اليونيفيم). حقوق غير متساوية وفرص غير متكافئة: ٣٠ سنة على اتفاقية سيداو، ٣٠ حكاية لنساء في الارض الفلسطينية المحتلة, 2011.