‘The Benevolent Patriarchy’: Palestinian women between ‘ideal’ and ‘reality’

Anne Sofie Roald. Professor in Religious Studies at Malmö University and Senior Researcher at Chr. Michelsen Institute. ¹

During my years of research on gender issues among Arab-speaking Islamists² in Europe (Roald 2001), in Jordan (1994, 2008; 2009), and on the West Bank, I have met the common notions of the ideal of the ‘good’ practicing Muslims in general, and the ideal of the ‘good’ practicing Muslim man in particular. Conflicts within the family as well as social problems in general are more often than not explained in terms of men and women (as well as Muslim authorities) having forgotten ‘Islam’, and of cultural understandings and practices having superseded the ‘real’ Islamic message. Whenever I asked questions relating the ‘Islamic’ gender paradigm to examples of male behavior in ‘real’ life, I was met by the standard comment: “but he is not a good Muslim and does not follow the Islamic moral (*akhlaq*)”. This article is an attempt to investigate into this matter of the ideal of the ‘good’ Muslim man in view of gender relations on the West Bank.

On the West Bank, the Jordanian Personal Status Law, commonly known as ‘sharia’ law, is the official family law. However, according to Tabet, in practice this is not always the case (2005: 23). Tabet’s claim is also confirmed by Welchman, who believes that on the West Bank, customary practice has a stronger position than the Personal Status Law (Welchman 2006: 6).³ Moreover, with the growth of Islamism from 1970 onwards the informal ‘ideal’ sharia law (the Islamic law-school legislation) has come to play an important part in Islamist and Islamic-oriented⁴ Palestinian women’s life. Both customary law and the Personal Status law build on sharia legislation with patriarchal norms with male privileges. These privileges are for instance men’s absolute right to divorce in contrast to women, who have only conditional rights to divorce, men’s right to decide children’s whereabouts after a

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² ‘Islamist’ in this study refers to a Muslim who regards Islam as ‘a way of life’, involving all fields of life, including politics.

³ See also Shehada 2009, for further discussion.

⁴ The term ‘Islamic-oriented’ is used to distinguish organized Islamist women from Muslim women who practice Islam and have similar ideas of Islam as ‘a way of life’ but are not organized in Islamist organizations.

divorce, and men's right to marry up to four wives. The privileges are based on underlying moral assumptions; e.g., the legal rights are linked to certain implicit and explicit 'moral' behavior extracted from Koranic passages and hadiths. There are however, no legal consequences for a man not to adjust to this 'ideal' sharia moral pattern, neither in the 'ideal' sharia law nor in the Jordanian Personal Status Law, nor in the customary practice.

The sharia moral behavior is explicitly linked to the notion of the 'good' Muslim. In this Islamist logic the 'good' Muslim man becomes, what I will name 'the benevolent patriarch' and the general ideal of 'good' Muslim men ruling all fields of the society, and particularly the domestic sphere, becomes in this terminology 'the benevolent patriarchy'.

The ideal of 'the benevolent patriarchy', in the form of men living according to the sharia moral code, creates the discrepancy between 'the moral' and 'the legal' in a legal system with only implicit moral assumptions. The present study will thus focus on how Islamist or Islamic-oriented women experience this discrepancy between 'the moral' and 'the legal' in Islamic legislation in their everyday life.⁵ The particular focus will be on polygyny⁶. This focus is based on my observation that some of my informants lived in polygynous marriages and that the issue of polygyny was often raised by the women in many of the discussions and interviews.⁷ Moreover, polygyny seems also to be on increase the last two decades. Jad has observed that both Islamic and secular charity societies encouraged polygyny on the basis that unmarried women, bachelor women and widows had become a social problem (Jad 2009: 38-9). According to one of her informants religious men in particular "commit themselves to remarry in order to solve the problem of unmarried women – otherwise we have no other alternative" (Jad 2009: 39). On the West Bank the percentage of married men remarrying was 6,3 % of all registered marriages in 2007. Of these 62,5 % married bachelor women (PCBS website 2008: 288), thus disregarding the Islamist notion of helping orphans and widows. Jad's figures from 1996 was 3,6% polygynous marriages and she also observed that polygyny was more common for men over 55 years than for younger men (Jad 2009: 40). There has thus been a rise of 3,1 % in polygynous marriages from 1996 to 2008.

The phenomenon of polygyny is also suitable as a case-study in order to illustrate the tension between the moral and the legal in 'the benevolent patriarchy'. In Islamism, the

⁵ There are various disempowering factors for women on the West Bank, such as general patriarchal traits, poverty, lack of democracy, the Israeli Occupation of the West Bank, and that many Palestinian women, Islamist and non-Islamists, are living in refugee camps (See for instance Shehada 2009; Taraki 2006). However, this study will not discuss these matters in details.

⁶ I use the term 'polygyny' to indicate that it is only men who can have more than one spouse.

⁷ Many of the informants in this study confirmed that polygyny has increased the last ten to fifteen years on the West Bank. I also interviewed a judge (*qadi*) who confirmed that the number of polygynous marriages have risen the last two decades.

practice of polygyny is theologically explained in terms of norms and morality, whereas in reality it is to a great extent regarded as a right with few legal limitations.

The benevolent patriarchy

The underlying presupposition of male power in many Muslim societies is the idea of “the benevolent patriarchy” and the Muslim man as “the benevolent patriarch” (See Young 2003 for a discussion on the concept ‘the benevolent patriarchy’). The distinction between ‘patriarchy’ in general and ‘the benevolent patriarchy’ is discussed by Young. In contrast to the “selfish, aggressive dominative” man, eg. ‘the patriarch’ portrayed particularly in literature on domestic violence (see for instance MacKinnon 1987; Buzawa and Buzawa 2003), Young considers the ideas of chivalry in the image of the ‘good man’, eg. ‘the good patriarch’ as being “gallantly masculine” and “loving and self-sacrificing” towards women (Young 2003: 4). Young does, however, see both forms of patriarchy in terms of power, saying: “in one relation the hierarchical power is obvious and in the other it is more masked by virtue and love” (Young 2003: 6). Young believes that Foucault’s notion of ‘pastoral power’ (Foucault 1988; 1994) exposes the latter, more benign form of patriarchy, “This power,” she says, “often appears gentle and benevolent both to its wielders and to those under its sway, but it is no less powerful for that reason” (Young 2003: 6).

It is this pastoral power in terms of the Muslim man being responsible for taking care of his family in a gallantly, lovingly and self-sacrificing manner which is the presupposition for both the ‘ideal’ sharia law in its different modes and the Personal Status Laws in the various countries with Muslim majority populations. The Islamic gender relation in all of these approaches is that of a divine system building on gender justice (‘*adala*’) rather than gender equality (*musawah*).⁸ The Islamist concept of ‘justice’ builds on a biological understanding of ‘equity’, where men and women should fulfil social roles according to the divinely created biological conditions of each gender.⁹ In this context claims of gender equality or gender equal opportunities are regarded as means for oppression of women, as women would be forced to go beyond their ‘nature’ if they get tasks which are not suitable for their biological constitution (Roald 2009). Building on gender essentialism and biological reductionism, Islamic scholars assert that ‘ideal’ Islamic gender relations and gender roles

⁸ In the following ‘Islamic female legislation’ and ‘sharia legislation’ refers to this alleged divine gender system in the law-schools and in the Islamist notion of gender relations and gender roles, if not otherwise stated. The variation of Islamist stands on gender relation will not be taken into consideration. I have observed that as it comes to gender issues there is to a great extent a general agreement between the various Islamist stands in the matters discussed in this study.

⁹ See Badawi 1995 for an Islamist explanation of the concept ‘equity’. See also Roald 2001; 2009.

guarantee protection for women as Islamic legislation takes women's 'nature' of being emotional, weak and therefore in need of being safeguarded into consideration.¹⁰ In this ideal of fulfilling a woman's natural disposition and thereby securing her happiness and contentment through a hierarchical gender system lies an inherent notion of the 'good' or 'benevolent' patriarch; if men are being 'good' Muslims and performing their Islamic duties towards society and their families, 'women's rights' are being guaranteed.

What is not taken into consideration in this argumentation is that the outcome of the biological reductionism inherent in the notion of 'the beneficial patriarchy' is an inequality of men's and women's legal rights in the Islamic family legislation, which gives 'bad' performing Muslim males legal privileges without relating to the moral obligations presupposing these privileges.

The example of the Islamist view on CEDAW (Convention of Elimination of All Forms of Discrimination Against Women) can illustrate the ideal of 'the benevolent patriarchy' in Islamic family legislation. Islamists in Jordan regard CEDAW as a means to dissolve (*tafakkuk*) the family structure. The leading Palestinian Islamist Maysun al-Darawisha in the Islamic Action Front in Jordan (2007) stated for instance that "CEDAW creates conflict (*sira'a*) in the relation between men and women, whereas we, the Muslims, look at gender relations in terms of love (*mawadda*), affection (*mahabba*), and tranquillity (*sakina*)."¹¹ al-Darawisha makes an obvious link between the legal and the moral; the moral behaviour for men (and women) are to show love, affection, and create a tranquil domestic atmosphere. Her critical view of CEDAW indicates that she believes that when women get equal rights (read: more power and agency; eg. the latter refers to the possibility to act independently) with men, there will be disorder in the family. Moreover, her statement that the intention of UN's conferences on women is "the condemnation of the strong family structure and the action towards fragmenting it",¹² indicates an explicit collectivistic claim based on the family as the basic social unity. Her view of Islamic gender relations reflects the ideal image of 'the benevolent patriarchy'; if men are behaving according to the 'Islamic' moral code, women will be treated justly. However, this view excludes problems in the 'real world', such as the consequences for women's agency to not have paid employment, thus

¹⁰ Badawi 1995. I have observed that this idea of equality in terms of 'justice' is promoted by Islamic scholars in general. See also al-Ghazali 1989; 1990 and al-Qaradawi 1990.

¹¹ Interview with Maysun al-Darawisha in the newspaper *Al-Sabil* 14-20 August 2007, p. 3 [the author's translation].

¹² Interview with Maysun al-Darawisha in the newspaper *Al-Sabil* 14-20 August 2007, p. 3 [the author's translation]. Al-Darawisha gave a similar statement in the interview with the author; Interview with Maysun al-Darawisha in Amman 23 August 2007.

lacking economic resources in a society with increasing poverty, the lack of female agency in decisions concerning their own life, such as when to go out of the house or whether to work or not.¹³ It is important to see this ideal image of ‘the benevolent patriarchy’ as a product of on the one hand, the upper middle class educated elite (Islamists often belong to this elite), who rarely have to deal with the social and economic problems of the big majority of the lower middle class, and on the other, a patriarchal collectivistic structure with focus on male interests. At the same time it is important to be aware of that the ideal image of ‘the benevolent patriarchy’ is internalised by most classes and by men and women alike in Palestinian communities (Roald 2009). The Arab Human Development Report 2005 (AHDR) confirms how Islamic currents (and thus traditional customs) have popular roots in Arab society in general. In the report it is written that “the Islamic currents constitute a wide spectrum, with wide internal variation. The great majority of Islamic currents in Arab countries represents widespread societal forces and has deep popular roots as a result of their practice over many years of social and political action among ordinary people.”¹⁴

The material

This study builds on information gathered from fieldworks mainly among Palestinians in Amman in Jordan; September-November 1991, March-August 1992, June-August 1995, 1997, August 2007, August 2009, June 2010, May-June 2011, and on the West Bank in May 2010 and in June 2011. From the late 1990s, I have looked into gender issues in the Islamic sources in view of Islamist perceptions of gender in general (Roald 2001). During my frequent visits to Jordan I have attended women’s weekly gatherings in mosques and in private homes of Islamists of various orientations; the Muslim Brotherhood, Salafis, and Sufis (both quietists and more politically engaged). During these gatherings gender issues, such as women’s obligations to men, gender relations in general, Islamic female dressing, and women’s roles in society have been discussed. Even topics of personal piety, such as prayer, fasting, and behavior were gender-oriented, as gender issues to a great extent saturate the Islamic discourse on piety. Furthermore, I have interviewed members, men and women, of various Islamic parties, but mainly members of the Muslim Brotherhood and its Jordanian political Party the Islamic Action Front (*al-jabha al-amal al-islami*), and The Islamic Liberation Party (*al-hizb al-tahrir*) (Roald 1994; 2008; 2009). The present study will draw on material from these fieldworks in Jordan.

¹³ The husband’s right to deny his wife to work is legislated in the Jordanian Personal Status Law (Roald 2009).

¹⁴ The Arab Human Development Report 2005, 2006: 1-2.

For the present study I interviewed and discussed with 49 Islamist and Islamic-oriented women in two towns, one big and one small, on the West Bank in June 2011. The women were between 35 to 55 years old. Of these, I interviewed 9 women individually. Three of the 9 women were *da'ias* (female preachers without formal Islamic educational background), and three of them were *wa'idias* (female preachers with formal Islamic educational background). All the three *wa'idias* had in 2011 permission from the PA (Palestinian Authority) to give lectures for women in mosques. The three *da'ias* had previously given lectures in mosques and in private homes, but the PA had some years previous to my visit prohibited Islamic gatherings except for lectures given by some selected *wa'idias*. I had extensive discussions and talks with one of the three *da'ias* over a period of one week. She became my main informant who introduced me to the particular Islamist understandings on the West Bank. I also had extensive daily discussions and talks with three of the other informants during a period of two weeks in addition to conducting informal interviews with them. These three women were all Islamic-oriented and participated in Islamist gatherings.

I further attended four female gatherings. One of gatherings, where 22 women attended, was held in a mosque where a *wa'ida* offered an Islamic lecture (*dars*). After the lecture the *wa'ida* presented me and gave me the possibility to ask questions. Both she and the participants were answering the questions as well as taking part in discussions resulting from the questions. Three focus-group discussions, one with seven, one with six and one with five women, were conducted in three different refugee-camps with women who were gathered specifically for this research. The women were invited by one key person in every camp by the criteria of being Islamist or 'Islamic-oriented'. The Islamist women all belonged to Hamas, whereas the Islamic-oriented women had a general Islamic orientation without stating a particular political affiliation. In the focus-groups I asked questions which were either discussed between the women or answered directly by some of the women. The questions and the discussions dealt mainly with how the women perceived the relations between men and women both in 'Islam' and in 'real' life on the West Bank, how they perceived their role in society, both ideally and in 'real' life, how they perceived that the particular Islamist understanding on the West Bank influenced women's day-to-day life, and how they perceived life as women and Islamists or Islamic-oriented in general. Finally, the question of how the women perceived that 'Islam' contributed to their life started off engaged discussions indicating a variety of views among the participants. All the discussions and the interviews were conducted in Arabic.

Polygyny in Islam

In the 'ideal' Islamic legislation polygyny is unconditionally permitted, although Islamic scholars present certain moral conditions for the practice. The husband should have the means to support more than one family and the husband should treat the wives equally in all fields of life, economic, emotional, etc. (Roald 2001). Polygyny is permitted in the Personal Status Law in most countries with a Muslim majority population,¹⁵ and also on the West Bank. Muslim feminists, however, are critical to scholars' justifications of polygyny, seeing the only condition for polygyny to be the historically protection of "the justice for female orphans" (Barlas 2002: 190; Rehman 2007: 115). This re-interpretation follows in the footsteps of Muhammad Abduh's (1849 - 1905) notion that polygyny could only be justified in extreme cases, such as in wartimes with a surplus of widows and orphans and if the wife is barren (Roald 2001).

The two main Koranic verses referred to by scholars to justify polygyny are:

1. And if you have reason to fear that you might not act equitably towards orphans, then marry from among [other] women such as are lawful to you - [even] two, or three, or four: but if you have reason to fear that you might not be able to treat them with equal fairness, then [only] one - or [from among] those whom you rightfully possess. This will make it more likely that you will not deviate from the right course (Koran 4: 3).
2. And it will not be within your power to treat your wives with equal fairness, however much you may desire it; and so, do not allow yourselves to incline towards one to the exclusion of the other, leaving her in a state, as it were, of having and not having a husband. But if you put things to rights and are conscious of Him - behold, God is indeed much-forgiving, a dispenser of grace.

These two verses deal with moral behavior and with equal treatment of the wives.¹⁶ The discussion on the sharia moral incentive to treat the co-wives just and equal is thus often

¹⁵ One exception is Tunisia where polygyny was prohibited at a very early stage of the country's independence from France. It is also interesting to note that in the 1958 Personal Status Code in Iraq, polygyny was restricted (Tabet 2005:9). This Law is however changing in the post-Saddam state.

¹⁶ It is noteworthy that Muslim feminists refer mainly to the passage: "if you have reason to fear that you might not be able to treat the with equal fairness, then [only] one" (Koran 4:3) believing this verse to indicate that men should not remarry as they will never manage this claim of justice between the wives (Wadud 1999: 83).

brought up in the discussion on polygyny. A website¹⁷ where Islamic scholars answer questions from Muslims all over the world states:

And this is conditioned upon him, dealing justly among them [the co-wives] the known justice specified by sharia which includes overnight stays and spending. If he does not have the ability and capacity to deal with such justice, then he should suffice with one [wife].¹⁸

This text refers to the sharia moral incentive (albeit actual legal consequences for not following the rules are not mentioned) that if the husband is not able to spend equally on all the co-wives he should marry only one wife. However, the text excludes other aspects of equal treatment of co-wives commonly referred to in Islamic books and in sermons, such as the husband should behave in a similar manner towards his wives, not as it comes to love, as this according to the Koranic verse above is regarded to be impossible, but as it comes to gentleness.¹⁹ Even the Jordanian Personal Status Law is vague as it comes to the behavioural aspect and takes mainly the economical aspect into consideration.²⁰ Article 40 says: “a man who has more than one wife must treat all co-wives equitably and provide them with separate dwellings” (Personal Status Law from 1976) (Tabet 2005:12). The word ‘equitably’ could be a reference to equal behavioral treatment, but it can also be connected to the matter of “separate dwelling” only, i.e., the economical aspect that all wives’ separate dwellings should be of equal standard. In my interviews with women in Jordan and on the West Bank they claimed that the judge would rarely deal with behavior, only with the economic aspects. It is important to note that the Jordanian law is different to for instance Syria where the only law regulating polygyny is Article 17 saying that “polygamy (sic!) is permitted” (Law amended in 1975) (Tabet 2005: 26).

The Islamic website referred to above illustrates the Islamic legislation on polygyny in view of the ‘benevolent patriarch’s’ expected moral behaviour. A scholar

¹⁷ This website (www.islamawareness.net/) is representative as it offers similar Islamic answers on polygyny as most other websites. Moreover, the argumentations in favor of polygyny is similar to those I have met in my interviews with Islamic scholars in the Arab world (also in Pakistan and Malaysia) and among Arabic-speaking scholars living in Europe. Other similar websites are: www.islamweb.net/http://islamqa.info/

¹⁸ “Validity of marrying a second wife for mere love and without consent of first wife” (<http://islamqa.info/en/ref/61>).

¹⁹ See for instance the famous scholar, Yusuf al-Qaradawi’s view on polygyny on <http://www.zawaj.com/qaradawi/marriage.html#anchor15>.

²⁰ See Welchman 2003 for a further discussion on the development of the Jordanian Personal Status Law.

answers the question whether a husband has to obtain the first wife's permission for marry another woman with the following fatwa (religious judgement):

It is not obligatory for the husband, if he wants to take a second wife, to have the consent of his first wife, but it is good manners and kindness to deal with her in such a manner that will minimize the hurt feelings such thing might produce. So it's incumbent on the husband to be kind to his wife, discuss the matter with her in a gentle and pleasant manner, and this should be coupled with spending whatever money may be necessary in order to gain her acceptance of the situation.²¹

This fatwa includes also men's right to keep marriages secret. Even the assumption of 'the benevolent patriarchy' is conveyed in the fatwa: the man should be "gentle" and deal with the wife in a "pleasant manner" when (or if) he tells her.²² What also becomes apparent in this fatwa is the lack of legal consequences for misbehavior and violation of the moral sharia code. This is obvious in the scholar's emphasis on how to make the wife accept that her husband remarries without questioning the actual situation of the questioner: Why does the husband want to remarry? Does the husband stick to the Islamic moral code in the marriage and in the motivation for remarrying? Are the particular situations in the marriage which could be solved by other means than introducing a third part into the family? These are questions which would include a stress on the moral motivation linked to the sharia ruling of polygyny.

In general it can be said that although the Jordanian Personal Status Law to a certain extent has included some of the moral incentives in the case of polygyny, men are not asked to give *legal* evidences on their Islamic 'righteousness' and moral behaviour, the presupposition for male legal privileges. The court rulings, as stated by many informants, depend to a great extent on the individual judge who would look at the law primarily in view of the wife's obedience to her husband as stated in for instance the Jordanian law Article 37: "the wife owes obedience and cohabitation to her husband. She has the obligation to follow him

²¹ "Going for second marriage. Do I need wife's permission?"

(www.islamawareness.net/Marriage/fatwa_05.html). More websites with Islamic scholars have similar answers. See for instance "Husband does not need permission of first wife to take a second wife" (www.islamweb.net/emainpage/index.php?page=showfatwa&Option=FatwaId&Id=82068).

²² Although this fatwa does not discuss the possibility to keep a second marriage secret, the new legal forms of Islamic marriages, such as for instance *misyar* marriages (a man can keep the new marriage secret and visit the new wife only during daytime) indicates the Islamic legality for keeping new marriages secret.

wherever he decides to go provided he ensures her safety. If she refuses, she loses her right to financial support (*nafaqa*)” (Tabet 2005: 12).

Case-study: Polygyny on the West Bank

Of the 9 women who were interviewed individually, three of them lived in polygynous marriages.²³ One of them was Farida, a *da'ia*, who had one co-wife. The second, Karima, had one co-wife. The third, Umm Khalid had three co-wives. Umm Khalid's story is of importance as it illustrates the tension between the legal and the moral aspect of 'the benevolent patriarchy'. Umm Khalid is a woman in her early fifties. She is the first of four wives of a prominent member/sympathizer of Hamas in a big town on the West Bank. Her husband, Abu Khalid, has been in and out of jail for political reasons and when he was released from jail in 2004 he started to travel abroad regularly setting up businesses in other countries. At the time of their marriage, Abu Khalid was poor and he had to take on nightly work in order to study at the university. Umm Khalid, on the other hand, was raised in a well-off family. After Abu Khalid had completed his engineering studies abroad he opened a successful business on the West Bank.

Umm Khalid tells of how she lived happily with her husband for nearly 17 years, when he came home one day from the weekly lecture in the mosque and announced that he wanted to marry a second wife. He told her that his fellow Hamas members in the mosque had talked about the necessity for men with economical means to marry a second wife. His argument was that due to the violent Israeli/Palestinian conflict on the West Bank with widows and their children living in misery, polygyny was his religious duty. This Islamist justification for polygyny was in line with Abduh's idea of polygyny being a matter in case of war with many orphans and widows, e.g., a solution to a social and economic problem for many families. Abu Khalid's justification for remarrying has to be regarded in view of Jad's study, where she observed that many religious-oriented (and Islamists) offered to marry non-married women (Jad 2009: 39).

Abu Khalid's religious and moral argumentation made his wife accepting his remarriage reluctantly. "I consented with a heavy heart", Umm Khalid exclaimed, "I could not deny him to follow what he saw as his religious responsibility". Umm Khalid explained

²³ It is important to note that in the selection of interviewees there was no condition for them living in a polygynous marriage. The relative high amount of women in polygynous marriages in the group of interviewees, 3 out of 9, points at the statistics which says that polygyny has nearly doubled the last decades. I did not however ask how many of the rest of the informants, 40 women, lived in polygynous marriages, although in every group the issue of polygyny was raised by the participants, and the leaders and the participants confirmed that polygyny is an increasing phenomenon on the West Bank.

that according to Islam a 'good' Muslim has to accept that which God has permitted as stated in the Koranic verse: "But perhaps you hate a thing and it is good for you; and perhaps you love a thing and it is bad for you. And God knows, while you know not" (Koran 2:216).²⁴

Shehada has shown how Palestinian women as agents search for spaces in which they can manoeuvre (2004: 105); in Long's words: "a degree of consent, a degree of negotiation and thus a degree of power" (Long 2001: 71).²⁵ Umm Khalid's response to her husband's intent indicates such a manoeuvre of consent, negotiation and power. Umm Khalid started to actively search for a 'suitable' wife. Her agency was to attempt to be able to control her husband's choice. Through Islamist friends she met various widows. In the end he chose, among the women she presented to him, a young 'beautiful' widow with small children. Umm Khalid went along well with the new wife in the beginning, but it was not long after his remarriage that her husband started to change his behaviour towards her. He had previously treated her affectionately, but within some months he became indifferent towards her. Three years after he married the second wife (a widow), he married a third wife (a widow) and at a later stage, a fourth wife.

Prior to his marriage with the first young widow, Umm Khalid believed that her husband would act according to 'Islam'; that he would love her as much as he loved the new wife and treat them both equally, materially as well as emotionally, and to give her the power she is entitled to according to Arab customary practice, as the first wife and the eldest woman in the household. Abu Khalid had at the time they discussed his remarriage stated that Umm Khalid was the love of his life and that he would never love the new wife as he loved her. He also stressed that the remarriage was only a way to fulfil his religious duty. It was Umm Khalid who should decide the state-of affairs in the new polygynous household. The new wife was, he had explained to her, to obey Umm Khalid in everything. His promises imply both Islamic moral behaviour and Arab customary practice. "He lived in a dream", she stated, "and reality was so different from what he ever imagined".

Umm Khalid claimed that the notion of polygyny had become a 'male ideal' for many Islamists on the West Bank. Her claim is supported by Jad's findings (Jad 2009: 39-40), as well as confirmed by many of the informants, who explained this new trend of polygyny to be mainly a result of the political conflict; The Islamists being trapped between the occupying

²⁴ It is interesting to note that the cited Koranic verse deals with fighting. The sentence prior to the verse is: "Fighting has been enjoined upon you while it is hateful to you" (Koran 2: 216). Umm Khalid's argumentation follows a tradition I have observed in Islamist discourse: a Koranic statement is taken out of context and generalized in order to fit other contexts.

²⁵ Also quoted in Shehada 2004: 105.

Israeli force and by the PA who fight persons with Hamas sympathies.²⁶ Farida, the *da'ia*, who also had a co-wife, believed for instance that polygyny has become a dream for Islamist men during their long stay in jail; a way of managing the harsh realities.²⁷ Umm Khalid however, was more outspoken, seeing polygyny as being utilised by 'men' to satisfy their own lust (*shahwa*). "It is not Islam which makes them remarry", she states, "they just use Islam when it is convenient for them". Her statement implies the acceptance of 'Islam' in the form of 'the benevolent patriarchy', while disregarding the consequence of the tension between legal and moral in real life. The claim of polygyny as an ideal proving to have quite different consequences than intended, reflects the consequences of the ideal system of 'the benevolent patriarchy'; the legal system makes it possible for men to supersede the Islamic morality which the family legislations of unequal gendered rights are based on.

Umm Khalid believed that although her husband took care of the formal equality between his wives; e.g. moving between the wives' flats and spending twenty-four hours with each of them (from afternoon to afternoon), he treats his wives differently as it comes to behaviour. She states:

He comes to my flat, newly showered and perfumed [indicating that he recently had sexual intercourse], having spent the whole morning with the second wife, but in my flat he just sits down, using our time together to call his business acquaintances and in the evening he goes out to visit his friends. When he comes home at night he goes straight to sleep and in the morning he goes to work early. And he never sleeps with me anymore.

Umm Khalid claimed that her husband neither treats his wives economically equally, as he pays the expenses for all his three other wives except for her. She further stated that as all his three other wives have many children his financial situation has become quite tight the last years. Umm Khalid expressed that she now fears that he is not able to pay for the university education for her three youngest children who are in high school.

Farida however, had a slightly different experience of polygyny. "My husband is always concerned about my position as the first wife and leader of the household", she says

²⁶ See Lybager 2007 for more information of the struggle between Islamism and Secularism on the West Bank.

²⁷ It is interesting to note that according to my observation polygyny is less pervasive in Jordan than on the West Bank (based on observation, as I do not have the figures for Jordan). This might be a result of the political situation in Jordan, with less restrictions towards Palestinians than on the West Bank. With this comparison in mind it is possible to evaluate Farida's explanation of the pervasiveness of polygyny on the West Bank as a result of the harsh political pressure on Palestinian men as reasonable.

Farida's husband thus lives up to the moral Islamic ideal of the 'good' patriarch expressed by Young as being "gallantly masculine" and "loving and self-sacrificing" towards women (Young 2003: 4). When I asked Farida whether she enjoyed the situation, she shrugged her shoulders and said:

What can I do, this is the situation I live in and I cannot change it. Of course I would have preferred to have my husband for myself, but this is how God wants it to be and I have to accept it. I have to put my trust in God (*tawakkul 'alallah*).

Farida's acceptance of the situation seems to be based on that her husband keep both to the 'Islamic moral' of treating the wives equal and to the Arab customary practice of elevating and promoting the rights of the first wife (who is usually the oldest). Umm Khalid's criticism is not directed towards polygyny as a phenomenon, but rather towards her husband who does not follow the rule of 'the benevolent patriarchy'. Umm Khalid, thus, resists the patriarchal system when it turns out not to be benevolent; eg when the power structure is built on what she calls her husband's 'whims' or lust (*shahwa*) and not on the 'Islamic system'. Moreover, her resistance is within a patriarchal power structure; instead of blaming her husband openly and fighting him, she fights her co-wives; she backbites them both to her husband and to her friends and she treats them rudely. They have a similar behavior towards her.²⁸ This is in contrast to Farida who treats her co-wife, who is considerable younger than herself, as a daughter. "She obeys me", she expressed. The husband's treatment of the wives thus seems to influence the relation between the wives; Abu Khalid creates hostility between the wives by not treating them equally, whereas Farida's husband treat the wives equally and the result is a 'peaceful' atmosphere. I further observed how Umm Khalid treated her husband in a non-confronting and polite manner. This indicates how women tend to turn against and fight other women rather than trying to stand up against men or the system in patriarchal society.

I have observed a similar trait in Jordan. Women, albeit treated by their husbands publicly or in their homes in front of guests in a condescending way, would act non-confronting and increase their service to their husbands rather than opposing them. When I asked the women about their motivations behind this behavior, they answered with the standard phrase: "we just want to live [possible translation: 'survive']" (*bidna na'ish*). Moreover, I have also observed how women often condemned other women's 'bad behavior'

²⁸ It is interesting to note that the word 'co-wife' in colloquial Arabic is '*durr*' which means 'damage' or 'harm'.

or 'indecent clothing' in front of their husbands. This behavior might be regarded as a way to make other's faults visible and by this manifest their own value in a patriarchal system, where women to a great extent are financially and socially dependent of men, having to accept unacceptable situations in order to remain within the matrimonial fold.

From the interviews with Umm Khalid it is possible to conclude that the ideal of 'the benevolent patriarchy' and its inherent discrepancy between the legal and the moral, tends to disempower Islamist women by restricting their agency, i.e., the possibility to make free choices. As for Farida the situation is different. Her husband followed the Islamic morality of treating his wives justly, and he followed the Arabic collectivistic custom of respecting her place as the first (eldest) wife. By controlling her younger co-wife's actions she perceived that her Islamic 'rights' of being respected and treated 'justly' in a polygynous marriage were fulfilled. Thus, her husband lived up to the ideal of 'the benevolent patriarch'. However her agency might be based less on her free choice than on expected Islamic female behaviour of obedience to her husband; although she accepted a co-wife, she would not have actively chosen to live in a polygynous marriage. Her agency is thus restricted by a patriarchal system building on male privileges and women's submission to such privileges believed to be based on a 'divine' order.

Umm Khalid's acceptance of her husband's remarriage was also based on the ideal of the Islamist man being 'the benevolent patriarch', who would behave according to the ideal Islamic morality. When this turned out to not be the case her choice might have been to divorce him. Umm Khalid certainly had the economical means to do so, being protected by her rich family, a rather unique situation for Palestinian women. However, her concern for her children restricted this possible choice and thus her agency, as the fathers have the main responsibility for children in the Islamic legislation. This can be illustrated by Umm Khalid's story when she ran away from her husband house and went to her brother.

Shehada has shown how Palestinian women as agents search for spaces in which they can manoeuvre their everyday life. In Palestinian customary practice a woman's revolt against her husband is to be *hardana* (angry, furious [and leave the husband's house]). Matrimonial problems often finds its solution by the wife leaving her children and husband at home and go to her parents' or brother's home. The common notion is that through negotiations the husband will show regrets for his behaviour and the wife will return. One intention of this revolt is that the husband will feel helpless without his wife taking care of the children and the domestic work and he will thus understand how much he loves and needs her. Umm Khalid acted according to this customary conflict-solution pattern some years ago.

She revolted against her husband's indifference towards her and went to her brother's home in another city on the West Bank. After spending some weeks there, she realised that her husband was not interested in getting her back, as he had other wives who took care of the domestic work as well as of her children. Abu Khalid even called her brother saying that he did not want her to return. He wanted their children to stay with him and he would permit her to see them once a month in his house. Despite her brother's advice Umm Khalid insisted to return to her husband. "I did love him", she exclaimed, "and I still do, despite his behaviour". But the main reason for her to go back was the well-being of her children. She said: "They would not have managed without me. They would have been lost in between all his wives who fight for Abu Khalid's attention and love."

I asked Umm Khalid whether she had considered a divorce and claim the custody of her children. "Whatever the men do, whether they behave immorally or not they will always get the custody," she claims. Umm Khalid's attitude towards the official court reflects both its patriarchal nature and its volatility; which law should a woman refer to: Personal Status Law, the sharia law, or customary practice? It is also of interest that despite her statement Umm Khalid did not question the Personal Status Law, which she referred to as "the sharia law". Neither did she realise the discrepancy between the positive law and the lack of moral incentives within the frame of the 'Islamic' legislation and the judges' implementation of the laws. She explained rather her previous problematic situation in terms of "men are fools as desire (*shahwa*) overrides their supposed piety (*taqwa*)". Umm Khalid thus blames her husband for not behaving according to the Islamic ideal, but she did not reject the legal system which gives him the right to behave in a 'un-Islamic' way.

Divorce is a difficult matter on the west bank. For Umm Khalid, she did not want to be a burden to her brothers; they are married and their wives are in need of privacy. The situation in many of the countries in the Middle East, where women rarely can live on their own even if they have the financial means to do so, makes divorce an improper option even for upper middle class women. Furthermore, the issue of custody makes divorce an inappropriate solution for many women who live in difficult marriages. The Personal Status Law, which is based on the ideal of 'the benevolent patriarchy' gives men the privilege of custody,²⁹ whatever is the problem between the spouses at the time of divorce. Children have at a certain age the right to choose which parent they will stay with according to Islamic law-schools

²⁹ In the Personal Status Law the first stage of the custody, the *hadana* is when the children are underage (usually the girl under 13 years and the boys under 11 years). During this period the children usually live with the mother and the father provides for the children, but more often than not for the mother. As the children complete the *hadana* period, the father can decide where the children should live (See Roald 2001: 230-36).

(Roald 2001: 232-233), and this rule applies also to the Jordanian Personal Status Laws. The financial situation for many women makes it also hard to instigate a divorce. Few women have the financial means to support their children. Moreover, many children would have difficulties with choosing their mothers over their fathers, due to the authoritarian role of the fathers in the patriarchal and patrilineal society. These obstacles for women to instigate divorce, women's financial situation, the notion that women cannot live on their own, even if they have children, and the legal limitations for women's custody of children after a certain age, are consequences of the ideal of 'the benevolent patriarchy'. Women are dependent on men financially and socially, and men are the main decision-makers in custody cases. Furthermore, men are not financially responsible for their wives after the divorce even if the women have been housewives and thus unpaid labourers all their married life.³⁰

Socialisation into the system of 'the benevolent patriarchy'

Despite the limitations in sharia law and the Personal Status Law as it comes to the tension between the moral and the legal, Islamist women tend to defend them in Islamic moral terms. Most of the women in this study replicated al-Darawisha's statement above: married life with love and affection between the spouses and the 'good' husband as family manager who treats his subjects nicely and affectionately. However, while turning from "the benevolent patriarchy" ideal on a macro level, to a micro level; discussing their own lives, many of the women took a different point of view. The tension between the ideal Islamic system of 'the benevolent patriarchy' and their 'real' life, e.g., the tension between the moral and the legal, might be regarded as a parallel to Abu Lughod's analysis of how Bedouin women in Egypt's Western desert had an ambivalent relation to boundaries in the sex-segregated system of their community. They both supported the system [in this study: on an 'ideal' macro level] and resisted against it [in this study: on a micro level] (Abu-Lughod 1990: 43).

Indeed women act upon the ideal of 'the benevolent patriarchy' to such an extent that they are the main agents in accepting the system as 'Islamic' and socialising their children into this system. Women are also the main agents as it comes to socialising their children into sex segregation (manifested in the Islamic law-school system). As many male Islamists on the West Bank are often jailed for shorter or longer periods and others are travelling abroad for longer periods of time, many women raise their children very much on their own.

³⁰ See Welchman 2003: 64- 68 for a discussion on developments of the maintenance law in Jordan and on the West Bank.

During my visit to most homes on the West Bank the women observed strict gender segregation. Umm Khalid for instance, was always careful of warning her boys (13 and 15 years) that she had a female visitor. As they entered the house, they turned from the front door and entered the house from the back door as she called out. They were also regularly sent to the market to buy groceries when their father was abroad. She took care, on the other hand, to keep the adolescent girls within the house. As we went out shopping in the town she would sometimes bring them with her, but most of the times she wanted them to stay at home as she explained “I want to accustom them to not run outside the house all the time”. She further taught her girls to keep their voices low in public as well as nagging them about the proper clothing. The girls came home directly after school and went outside the house only in the company of their mother. The boys on the other hand came home after school and most of the time they went out to play soccer. The boys wore shorts and tight T-shirts, whereas the two eldest girls were dressed in hijab and a long coat, *jilbab*, and the small girl wore a long dress when she was outside the house. Despite this socialisation into a sex-segregated system with boys having free mobility while girls’ movements were restricted, as it came to formal education Umm Khalid’s approach was that of equality for both the genders. Umm Khalid encouraged her daughters and sons alike to do their homework and she was concerned that all her children should have a university education. She herself had only finished high-school. In my fieldwork I discovered that this was quite common for the generation of Islamist and Islamic-oriented women born in the 1950s, 1960s, and partly in the 1970s , whereas most women born in the 1980s onwards had higher education.

My observation and in the interviews with the informants in Jordan and Palestine I have observed how the boys are socialised into ‘the benevolent patriarchy’. The parents imprint in the boys that they are responsible for their sisters and their mothers. I once went to the market with the youngest boy of one of my informant, Malika, who had just turned ten at the time. The way he wanted to protect me by taking charge of our shopping, expressing this protection in terms of ‘he as a man’ and ‘I as a woman’, reflects ‘the benevolent patriarchy’ or in Foucault’s words the ‘pastoral power’ paradigm.

All my informants explicitly supported the ‘Islamic’ gender system; ‘the benevolent patriarchy’. In the discussion with Umm Khalid she voiced the same as all other women in the investigation: “The reason for all our social problems today is that Muslims have forgotten Islam”. This idea goes back to the *salafiyya* (not to be mixed up with the contemporary salafi trend), the 19th century intellectual movement and incorporated into today’s Islamist thought. One of the movement’s prominent figures, Jamal al-Din al-Aghani (1838-1897) referred to

the Koranic verse “Indeed, God will not change the condition of a people until they change what is in themselves” (Koran 13: 11) promoting the idea of new thinking within the Islamic social sphere (Hourani 1983: 114-115). However, the potential for social change in this saying has, I discovered, turned out to be an excuse for accepting status quo. The discrepancy between ‘the benevolent patriarchy’ and the reality of Muslim women, where women have to accept ‘bad’ male behaviour due to social norms and the legal system, is accepted by women. Moreover, few of the women in this study worked for change through for instance a new form of socialisation of children. To exemplify: Women are socialised into regarding marriage as their main goal in life. Umm Khalid spoke about how her mother had inculcated into her from a young age that her main duty was to show patience (*sabr*) with her future husband and accept his whims and bad temper (*‘asabiyya l-rajul*). Umm Wasim, another informant, expressed with irritation how her mother’s advice to her every time she talked to her and complained about her husband, was to keep quiet and show patient (*sabr*). By telling this she pulled her finger from one side of her mouth to the other in order to illustrate how her mother used to do. Umm Wasim believes that she now has come to an age where she no longer accepts injustice. She exclaimed:

I have always believed that my husband will improve as we got more children and our link between us is strengthened. This is however not the case. My husband’s bad temper and despotic behaviour toward us, me and my children, has increased rather than decreased. But what can I do other than just keep up with my situation and think of what is best for my children.

Despite this awareness of how their own socialisation has put them into a situation with little possibility for agency, they continued to socialise their children into a similar gender pattern. This is obvious as they teach their children to behave in a similar way towards the father and the brothers as they themselves had been taught. At the same time most of the women had an awareness of how times have changed, particularly due to the increase of female education. “My daughters have a stronger position than I had”, Umm Wasim exclaimed, “as they are educated and can take care of themselves if they want”.

Generational changes?

It is probable that the recent stress on higher education for girls among Palestinians on the West Bank, and the changed stimulus through television and social media will gradually

change attitudes in the younger generation towards women's positions vis-à-vis their fathers, husbands, and brothers, as well as towards the family legislation. Moreover, although Palestinian women believe that they socialise their daughters into a similar pattern as they were socialised into, it is obvious that social attitudes also influenced them. One example is Umm Wasim who covered up of her daughter going out in the afternoon after her university classes. She explained this to be a result of feeling sorry for her being 'jailed' at home when her brothers could move freely. "I trust my daughter," she exclaimed, "maybe more than I do with my boys. I know she will keep herself within the limit of chastity even though I give her freedom."

As for one of Umm Khalid's daughters, she reacted in a totally different manner than her mother when she got married. Umm Khalid was pressed into her own marriage, but as her daughter wanted to marry her maternal cousin against Abu Khalid's will Umm Khalid supported her. It is interesting to note that Abu Lughod's observance of Beduine society showed a similar pattern of daughters resisting fathers' power by opposing them in matters of marriage (Abu Lughod 1990). Another of Umm Khalid's daughters told me that she would go abroad when she finished her university education: "I want to decide myself with whom I will marry," she said.

The strengthening of women's agency is more probable for the younger generation than for most of the informants in this study. Many young women today have access to education and might therefore be economically independent of their husbands. Moreover, as more women get higher education the way of looking at the 'ideal' world versus 'reality' and the moral versus the legal both in legal texts and in the implementation of these texts might be modified. The pattern of gender relation where women are more or less forced to put up with 'bad' male behaviour might therefore also differ between the generations. Last but not least, the new stimulus through television with American films, Turkish serials, global news, and social debate programs being first choices for youths, male and female,³¹ together with the increase of influences from the social media, might bring about new attitudes towards gender patterns in contemporary Arab society.

³¹ This statement is built on the result of a survey I conducted in 2009 and 2010 among more than 1600 university students in Jordan, the West Bank and in Syria. The evaluation of the result is work-in-progress.

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