

lack of a final solution to Palestine leads to bizarre policies, like this women's one."⁴⁹

Implications

These findings suggest that states with large migrant populations per capita and sensitive demographic politics are less likely to remove DTW from their nationality laws. In addition, one way these states can buffer themselves from international and domestic pressures for such nationality law reform is by securitizing the reform. This securitization may be particularly effective in the Arab world, where even more democratic actors, like U.S., EU, and UN officials, tend to privilege stability over political and social reforms in their policy agendas.

In addition, these findings highlight the intersection of women's and migrant's rights in nationality laws as well as broader citizenship debates. In doing so, it makes two broad contributions. Theoretically, this research suggests that more attention should be devoted to understanding the intersection of women and migrants in state policies and in the persistence of discrimination toward both groups. For practitioners, this insight suggests that an effort to remove DTW in nationality conferral likely requires simultaneous efforts to address or mitigate the demographic politics in which these reforms are entangled. Overall, migration is an important factor to consider and study further when evaluating persistent barriers to women's nationality rights.

Lillian Frost, Virginia Tech, lfrost@vt.edu

GILEAD IN PALESTINE

By Lihi Ben Shitrit

In her 1985 novel *The Handmaid's Tale*, which has received renewed attention following its adaptation to a television series by the same name, Margaret Atwood tells of the dystopic Republic of Gilead, a state and society single-mindedly obsessed with the management and control of women's fertility. While the description of Gilead was inspired by historical examples of policies designed to control women's bodies,⁵⁰ today's "Gileads" often take on more subtle forms. In this piece I discuss the ways in which contemporary Israeli discussions of annexation of the West Bank revolve around an explicit and implicit preoccupation with the "Palestinian woman" seen strictly through her reproductive functions.

The essay is based on discourse analysis of the publications from 2013 to 2020 of the Sovereignty Movement (*Ribonut* in Hebrew) – the most vocal and influential group pushing the annexation agenda. It seeks to identify the contours of the sovereignty discourse as it grapples with the question of Palestinian demography. I argue that although more subtle than that of the nightmarish Gilead, and at times even framed as a "feminist" concern for Palestinian women's rights and opportunities, this anxious fixation on Palestinian fertility, by advocates of Israeli sovereignty in the West Bank, has equally pernicious undertones. As in Gilead, women's hierarchized citizenship is linked to their varied (desired or undesired) reproductive capacities.⁵¹ Palestinian women's incorporation into Israel – following the desired annexation of the West Bank – is a question that rests solely on their diminished threat of producing

demographically undesirable (i.e. Palestinian) children.

An implied but less discussed mirror image of the Palestinian woman in this Israeli Gilead is the Jewish woman whose contribution to the project of annexation is her enhanced fertility. Ethnic demographic competition is not new or unique to the context of Israel/Palestine. Moreover, it is not only the Israeli right that has been concerned with Palestinian demography. The Zionist left has advocated for a two-state solution with the argument that in its absence, Palestinians will become a demographic majority that will overtake Jews between the Jordan River and the Mediterranean. Yet what makes the annexationist iteration of the phenomenon more elusive and thus more effective is its cooptation of the feminist language of “women’s rights” and women’s choice and autonomy. The implications of the demographic discourse identified here remain pertinent to future research as well as feminist activism in the context of Israel/Palestine. Even as public attention to the question of annexation is experiencing a momentary lull due to the COVID-19 pandemic, the political forces that advocate for the application of Israeli sovereignty in the West Bank are continuing to push their agenda. It is imperative to continue and deepen the study of these forces in order to clearly grasp what exactly is meant by Israeli sovereignty in this case.

Demography and the Sovereignty Movement

The preoccupation with Palestinian women and their reproductive capacity is a consistent theme in the publications of the Sovereignty Movement, the most vocal network lobbying for the application of Israeli sovereignty in the West Bank. As Meirav Jones and I show elsewhere,⁵² even

though the movement is lead primarily by members of the Jewish settler movement, its supporting interlocutors and participants encompass the highest echelons of Israeli politics. For example, in the period from November 2013 to May 2018, the movement published ten issues of its journal *Ribonut*, or Sovereignty. Of 168 persons who appear in the publications as contributors, interviewees, or thought authorities, 39 persons were at the time of the publication, or are currently, Members of Knesset (Israeli Parliament). Of these, 25 held government cabinet positions as ministers or deputy ministers. The largest representation was of MKs from the ruling coalition – Likud and settler parties like the Jewish Home - but the list also included a few MKs from ultra-Orthodox parties, and even one from each of the so-called centrist Kulanu and Blue and White parties. Some of the high profile government participants in the journal were Israel Katz, currently the finance minister; Naftali Bennett, who until recently was defense minister and before that, education minister; Yuli Edelstein, currently the minister of health; Yariv Levin, currently the speaker of the Knesset; Ayelet Shaked, who until recently was Israel’s justice minister; Yoaz Hendel, currently the minister of communications; and many other high office holders. Additional contributors included elected officials in settlements, academic experts affiliated with universities or think tanks, and well-known journalists and media personalities.

In the 12 volumes of Sovereignty published to date (2020), demography or demographics come up 109 times. In the following, I highlight some of the themes surrounding this discourse on demography as it concerns itself with the “Palestinian woman.”

Some contributors to the pages of the Sovereignty journal express their deep

concern with “women’s rights” in Palestine. This is perplexing when coming from intellectuals, activists, and politicians who have done little to promote policies advancing Palestinian women’s rights. The plight of Palestinian women is framed within the greater plight of the Muslim and Arab woman, oppressed by her society and culture. This lowly state of Muslim, Arab, and Palestinian women alongside other minorities is contrasted with their status in Israel, which is portrayed as a beacon of respect for rights. As one article puts it, for example, “Europe is...aware of the persecution faced by various minorities in the Muslim world and sees Israel as a haven for them.” It continues to highlight the “[p]ersecution of Christians, of women, of children and other minorities.”⁵³ Another contributor asserts, “There is apartheid among Arabs; among the Arabs there is oppression of women and minorities; the Arabs do not honor human rights, they have no democracy...[Yet] we have multiple races here and more freedom of religion and democracy than the US.”⁵⁴ All these ills of discrimination and persecution, according to this discourse, are epitomized in the state of affairs under Palestinian control. As one writer explains, “In the areas under the civil control of Abu Mazen and Hamas there is no freedom of the press, Christians are persecuted and radical Islam is the sole ruling religion. Human rights, women’s rights in particular, are trampled.”⁵⁵

The solution to the oppression of women and discriminated groups, at least in Palestine, is the application of Israeli sovereignty that will save them from the trials of Arab self-rule. Without granting Palestinians equal citizenship in the Israeli state, as sovereignty according to the *Ribonut* framework rests only with the Jewish People, a benevolent Israeli rule will be an improvement for Palestinians and will deliver them from their

oppression. Another article explains this by stating that “a Palestinian state is the farthest thing from human rights that it is possible to imagine.” The left’s false tying of Palestinian statehood to issues of human rights is merely a misleading marketing ploy, the author argues. He writes, “dear people of the Left...Is there really not even a little mercy in your hearts for the poor Palestinians, that you relegate them to a life under such a regime? What - aren’t they human beings? What have they done to you, leftists, that you work so diligently to impose upon them a life of oppression and maltreatment?...And we have still not spoken of the oppression of women and the beating of women, or about child slavery and exploitation, about unbridled religious coercion, about the destruction of any monument that is not connected to their religion, or about trampling on the honor of the unfortunate and on and on...The Right’s plan of application of Israeli Sovereignty, with all of its difficulties and limitations, on the contrary, is the one that entails both the rights of the fathers and human rights.”⁵⁶

To “save” Palestinian women, minorities, and Palestinians in general from their predicament, Israeli rule is justified with the very familiar colonial trope of “saving brown women (and minorities) from brown men.”⁵⁷ Yet such rule raises the question of demographic anxieties; what will happen when Israel adds millions of Palestinians to its populace? In the next section I outline the Sovereignty discourse’s Gileadian answer.

Arab women’s modern liberation as a demographic strategy

As mentioned, the Zionist left has also been concerned about Palestinian demography. Not putting forward an alternative cultural or civic definition for what a Jewish state means in a democratic context, much of the Zionist

left still relies on a racialized understanding of Judaism, where a Jewish state's definition is simply a state with a Jewish demographic majority. The two-state solution aims to facilitate such a majority while maintaining Israeli democracy. The Sovereignty discourse is in dialogue with the left's preoccupation with demography and attempts to alleviate the concern that an Israeli annexation of the West Bank will bring about a Palestinian demographic majority. The left's worry is baseless, this discourse asserts, because of the celebrated "modernity" of the Palestinian woman that has led to her declining fertility.

The most well-known and cited right wing authority on this subject is former ambassador and demographer Yoram Ettinger. His view, widely heralded by sovereignty advocates, is that there has been an overcount of the Palestinian population in the West Bank. Furthermore, as he writes in the pages of the Sovereignty journal, "The present situation is that there is a Jewish majority of sixty six percent in the area, including Judea and Samaria and within the Green Line. This majority will become a demographic tailwind, stemming from the surge in Jewish fertility, especially among secular Jews, compared with the collapse of Muslim fertility, stemming from various aspects of modernization."⁵⁸ He attributes the erosion of Palestinian fertility to "the exposure of Arab women to Western education and culture." Applauding the modern liberation of these women, he explains that, "UNRWA has broadened the infrastructure of local colleges and the Arab woman takes advantage of these educational opportunities. She marries much later and, consistent with the Western attitude; Palestinian women have become the second most frequent users of birth control methods in the Arab world (after Moroccan women)."⁵⁹ Lest we think that the reason for celebrating expanded educational

opportunities for Palestinian women and greater reproductive choice is simply an intrinsic concern with women's equality and decision making autonomy, he argues that this is a positive trend because, he writes, "it works in our favor" (by "our" he means a Jewish demographic majority). If the choice of the Palestinian woman to have fewer children is a cause for optimism for Ettinger, the opposite in the Jewish woman is also a cause for rejoicing. For him, demography "works in our favor" because "today the trend for Arab women, age 20-30, is in the direction of less than three births on average while for Jewish women, the trend points to more than three births on average."⁶⁰

Another contributor, David P. Goldman, is the author of a book titled *Why Civilizations Die (and Why Islam is Dying, Too)*. Similarly to Ettinger, he sees modernity as heralding Muslim and Arab demographic decline broadly, and as a result, the ascendance of Israel's superiority. "It is difficult to measure the impact of modernity, but one failsafe gauge of the social transformation now underway is the sudden demographic transition underway in most of the countries of the regions. Arab, Turkish and Persian birth rates are falling from pre-modern to post-modern levels, and the result is a sudden aging of their populations."⁶¹ The liberation of women from the restrictions and limitations of traditional society is a positive development, as per the author, but again not due to an intrinsic concern with women's rights, but rather because it causes, in the view of the author, Muslim "civilizational decline." Writing about the broader Middle East, he notes that women in the region now "reject the constraints of Muslim family life as soon as they obtain a high school education. The shock of sudden passage from traditional society into the modern world has produced the fastest-ever fall in fertility rates in the Muslim world." Yet

Israel, he delightedly notes, is not subject to such a decline, in fact, he states, “Israeli Jewish fertility rate [is] 3.11 vs. 2.91 for West Bank and Samaria Arabs.” Furthermore, “In October 2015, Israel’s Jewish fertility rate is higher than in any Arab country, other than Yemen, Iraq and Jordan.” So, while Arab and Muslim women’s educational and material advancement has utility as it decreases their reproduction rate, the opposite is true of Israeli women. As he states, “Israel’s robust fertility profile...is a symptom: Israel is the only industrial country in the world to reproduce at above the replacement rate of 2.1 live births per female, and by a substantial margin. It is a gauge of Israel’s long-term social and economic viability in contrast to the civilizational decline around it.” Therefore, in this demographic battle in which women’s wombs are the gauge of civilizational ascendance or decline, “time is on Israel’s side,” he triumphantly asserts.

The falling fertility rate among Palestinian women allows advocates of Israeli sovereignty to sidestep the more explicit engagement with active efforts toward ethnic demographic reduction. Yet it is clear that the logic of demographic control of minorities through policies aimed at reducing their numbers haunts the Sovereignty Movement’s discourse. Ettinger suggests that “the governments of Israel cannot encourage Arab emigration” not because it is tantamount to ethnic cleansing, but rather because it is, as he phrases it, “not exactly politically correct, to put it politely.” Yet he discusses Israeli unimplemented initiatives up until 1977 directed at “moving a number of large Arab families. Not forcefully, of course, but to help them move to South America, Western Europe and other places.” These efforts, he says, should be encouraged. He points to the fact that, at least according to his reading, “there are a number of clans in Samaria of significant size that would be willing to leave

tomorrow morning out of Ben Gurion Airport if only they were allowed to do so.” Israel should “help” these Palestinian emigrate and yet currently it makes it difficult for them to do so. He points that “anyone who reads public opinion polls and comes into contact with the Arabs of Judea and Samaria knows that there is a very large percentage who would consider leaving.”⁶² A minority of the Sovereignty journal contributors openly discusses, like Ettinger, Palestinian population control. For example, MK Bezalel Smotrich, until recently Israel’s Minister of Transportation, argues that Palestinians who want collective self-determination should be moved to another country with the “help” of Israel. Other contributors simply suggest incentivizing vast numbers of Palestinians to emigrate in order to eliminate the demographic threat they pose.⁶³

Conclusion: implications for the future

The demographic discourse I presented in this paper, although superficially couched in a language of women’s empowerment, bodes ominously for any possibility of equal ethnonational and gendered citizenship under Israeli sovereignty. What if in a post-annexation future Palestinian women’s fertility rate increases?

Annexation advocates already provide us with clues as to their potential response. Smotrich, for instance, recently participated in a news conference in the Negev Desert together with Naftali Bennett, former Education Minister and former Defense Minister, and Ayelet Shaked, former Justice Minister.⁶⁴ The purpose of the conference was to target the Palestinian Bedouins in the Negev, who are already citizens of Israel, and highlight the danger in their high population growth. Seeing citizenship through the lens of the fertility rate, when Palestinian women, as opposed to Jewish women, have too many

children, they reconstitute themselves as a threat to the state. Smotrich stated that the Bedouins “double [their population size] every 12 years and this is something that must be dealt with.” He called this trend “a bomb, which, if we do not dismantle its apparatus, will detonate on us even more powerfully.” He argued that if Israel *makes* Bedouins more Westernized, their fertility rate will decline.

While he sees himself as an already so-called “modern” subject who wants to “Westernize” Palestinian Bedouin women, it is noteworthy that Smotrich himself has seven children. The founders of the Sovereignty journal, Nadia Matar and Yehudit Katzover, each has six and five children respectively. Smotrich and his fellow annexationists argue that they want to empower the Palestinian woman, who with education and employment opportunities will have greater reproductive choice. In the Bedouin context, she will be able to resist polygamy and to reduce the number of children she is expected to have. Yet the Jewish woman is subject to a different logic in which having more “choice” is decoupled from lower fertility rates. The modernized Palestinian woman is expected to organically and autonomously “choose” fewer children, while the modern Jewish woman is expected to “choose” the opposite. That this so-called choice is their obsessive concern, and that they so starkly center it on the desirability of Jewish fertility and the undesirability of Palestinian fertility should alert us to the profound racism of these new forms of appropriation of the feminist language of “women’s choice.” Studying the intersections of racial and gendered concerns in Israel’s annexation discourse helps us better grasp the forms of hierarchical citizenship regimes the sovereignty project seeks to cement.

Lihl Ben Shitrit, University of Georgia,
lben@uga.edu

GENDER AND THE LAW IN THE ARAB WORLD: TEXT, PRETEXT, AND CITIZENSHIP

By Catherine Warrick

The body of scholarship on gender and politics is rich and wide-ranging, as the essays in this issue of the newsletter demonstrate, and it has been particularly fruitful in the interrelation of gender issues and the law. The study of law has helped to identify and delineate the role of gender in many arenas of politics, from executive and legislative power to the role of parties, electoral campaigns, and public opinion. Conversely, scholars of gender have made significant contributions to the understanding of law and politics, particularly in the study of the boundaries and experiences of citizenship, contestation about tradition, and the role of religion in the state.

This scholarship has perhaps been most visible in fostering the inclusion of gender as an analytical category in mainstream politics. Writers on gender and citizenship in the 1980s and 1990s firmly established gender as an important issue in the analysis of state power to define its relationships with society; as Suad Joseph (1996) pointed out, “the concept of citizenship has been gendered from its origins in the Middle East, as elsewhere.”⁶⁵ Citizenship, both in the sense of nationality and in terms of political participation, was a chief focus of scholarship in this era, producing foundational studies on women’s movements, informal politics, nationalism, and public opinion.⁶⁶ More recent work on the nexus of gender and law in the past two decades has built on this scholarship, expanding our analyses of both the politics of gender and the complexities of citizenship beyond the original issues of women as subjects of the law. Studies of

refugees. The number of states in each category is indicated below the migrant size categories.

³⁹ Rana Hussein, "Gov't Announces Privileges for Children of Jordanian Women Married to Foreigners," *Jordan Vista*, November 9, 2014. <<http://vista.sahafi.jo/art.php?id=dcd832e583bcddbd74a3b00cf3f96d765394697b>>.

⁴⁰ Author interview with former prime minister, February 2017.

⁴¹ Author interview with former minister, November 2017.

⁴² Barry Buzan, Ole Wæver, and Jaap de Wilde, *Security: A New Framework for Analysis*. Boulder, CO: Lynne Rienner, 1998.

⁴³ Michael C. Williams, "Words, Images, Enemies: Securitization and International Politics," *International Studies Quarterly* 47 (2003): 511–531.

⁴⁴ Buzan et al., *Security: A New Framework for Analysis*.

⁴⁵ Williams, "Words, Images, Enemies."

⁴⁶ Author interview with former minister, November 2017.

⁴⁷ Author interview with former minister, December 2017.

⁴⁸ Author interview with former minister, January 2016.

⁴⁹ Author interview with former prime minister, December 2017.

Lihl Ben Shitrit Notes

⁵⁰ <https://www.penguin.co.uk/articles/2019/sep/margaret-atwood-handmaids-tale-testaments-real-life-inspiration/>

⁵¹ For discussions of gender-hierarchical citizenship regimes in other countries in the MENA see articles by Lillian Frost, Shirin Saeidi, and Aili Tripp in this APSA MENA Politics issue.

⁵² Meirav Jones and Lihl Ben Shitrit "The Decline of Democracy in Israel's Sovereignty Discourse." *APSA MENA Politics Newsletter* 3:1 (2020).

⁵³ "Former member of Italian Parliament Fiamma Nirenstein Europe and Israel - a story of love and darkness," *Ribonut* 3(2104):13.

⁵⁴ Avraham Zion, "We made every possible mistake, one after another," *Ribonut* 4(2014):13.

⁵⁵ Dafna Netanyahu, "A monster in the ultra-sound," *Ribonut* 5(2015):9.

⁵⁶ Shimon Cohen, "Let's talk again about human rights," *Ribonut* 5(2015):18 (by "rights of the fathers" to author refers to Jewish birthrights over the Land of Israel, or the entirety of Mandatory Palestine).

⁵⁷ Lila Abu-Lughod, *Do Muslim women need saving?* Harvard University Press, 2013.

⁵⁸ "Ambassador (ret.) Yoram Ettinger Demography works in our favor," *Ribonut* 2(2014):10.

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ David P. Goldman, "Judea and Samaria in a region of failed states. Time is on Israel's side," *Ribonut* 7(2016):14-15.

⁶² "Ambassador (ret.) Yoram Ettinger Demography works in our favor," *Ribonut* 2(2014): 11.

⁶³ <http://ribonut.co.il/BlogPostID.aspx?BlogPostId=117&lang=1>; see also "Dr. Sherman's Humanitarian Solution: An interview with Dr. Martin Sherman, Director, Israel Institute for Strategic Studies." *Ribonut* 2(2014):15.

⁶⁴ <https://www.haaretz.co.il/news/politi/.premium-1.8914151>

Catherine Warrick Notes

⁶⁵ Suad Joseph, "Gender and Citizenship in the Middle East," *Middle East Report* No. 198 (Jan.-March 1996).

⁶⁶ Important examples are too many to list fully but include Mervat Hatem, "The enduring alliance of nationalism and patriarchy in Muslim personal status laws: the case of modern Egypt." *Feminist Issues* 6: 19-43 (1986), Diane Singerman, *Avenues of Participation: Family, Politics, and Networks in Urban Quarters of Cairo*. Princeton: Princeton University Press, 1996, Valentine Moghadam's *Modernizing Women: Gender and Social Change in the Middle East* (Boulder: Lynne Rienner, 1993), Marianne Tetreault's and Haya al-Mughni's work on citizenship and nationalism in Kuwait, and Mark Tessler's studies of gender and public opinion. Outside the social sciences, historians and legal scholars have made major contributions as well, including Ann Elizabeth Mayer, "Law and Religion in the Muslim Middle East," *American Journal of Comparative Law* 35:1 (1987), Ellen Fleischmann's work on the Palestinian women's movement (*The Nation and Its 'New' Women: the Palestinian Women's Movement, 1920-1948*. Berkeley: University of California Press, 2003), and Judith Tucker, *In the House of the Law: Gender and Islamic Law in Ottoman Syria and Palestine* (Berkeley: University of California Press, 1998).

⁶⁷ See, for example, Lama Abu Odeh, "Honor Killings and the Construction of Gender in Arab Societies," *American Journal of Comparative Law* 58:4 (2010), Catherine Warrick, "The Vanishing Victim: Criminal Law and Gender in Jordan," *Law and Society Review* 39:2 (2005), and Stephanie Nanes, "Fighting Honor Crimes: Evidence of Civil Society in Jordan," *Middle East Journal* 57:1 (2003). Comparative treatments of family law include Lynn Welchman, *Women and Muslim Family Laws in Arab States*. Amsterdam: Amsterdam University Press, 2008, and the contributions to Lynn Welchman, ed., *Women's Rights and Islamic Family Law: Perspectives on Reform* (London: Zed Books, 2004).

⁶⁸ In the case of honor killings, the provocation is identified in the behavior of female victims, but such defences have also been used to partially excuse violence against male victims in response to insults for example.

⁶⁹ <https://www.jordantimes.com/news/local/cassation-court-sets-precedent-toughens-sentence-honour-killing>

⁷⁰ See for example Valentine Moghadam, "Explaining divergent outcomes of the Arab Spring: the significance of gender and women's mobilizations," *Politics, Groups, and Identities* 6:4 (2018).