

# Law, Politics, and Violence Against Women: A Case Study of Palestinians in Israel

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*Major controversies regarding the value of legal and policy reforms have accompanied research on wife battering and social reactions to it. The present study examines the utility of law enforcement and emphasizes the relationship between gender, culture, and politics. It points to the difficulties arising from the shift from private, traditional methods of dealing with violence against women to a more public approach characterized by intervention of the state and the criminal justice system. In this connection, it was hypothesized that enforcement of the Israeli Law Against Family Violence among the oppressed and discriminated Palestinian minority generates new conflicts within the group, exacerbating control and abuse and re-victimizing women. Social control agents (formal and informal) who were interviewed about their perceptions and attitudes regarding the applicability of such a law pointed to obstacles created by sociocultural variables, the political legacy and procedural barriers. An attempt is made to show that application of the law without prior preparation and understanding of its sociocultural and political ramifications may produce adverse effects at the victim's expense. That is, unless power struggles, cultural pressures, and political priorities are taken into consideration, criminal strategies that seek to eliminate abuse may prove to be dangerous.*

## I. INTRODUCTION

Over the past two decades, criminal justice systems throughout the world have introduced reforms in policies dealing with wife battering. In the context of these reforms, violence against women has come to be viewed as an offense warranting intervention by criminal justice systems. In Israel, this approach has been adopted only within the past few years, when battering was officially acknowledged as a public issue requiring an appropriate social policy rather than as a private problem. In 1991, enactment of the Israeli Law Against Family Violence led to strong condemnation of wife battering. Concrete measures were taken to combat violent behavior and to punish offenders (Makias 1995).

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At the same time, a debate regarding the role and function of legal remedies has ensued in Israel and throughout the world. This can be attributed to conflicting ideologies regarding the status and role of women, family issues and interests, and social reactions to wife battering. Within the context in which women experience violence – a context defined by gender, race, class, and national minority – the dictates of the law itself often render it difficult to apply and generate resistance to its implementation among victims and helpers alike (Crenshaw 1996). The controversy over this issue has become particularly acute in Palestinian-Arab society. Issues regarding social modes of intervention in cases of violence against women have become topics of heated debate, pointing to a lack of consensus and considerable confusion within that society.

Such dilemmas reflect the extent of controversy and ambiguity regarding the status of women in Palestinian society. Yet, national and cultural differences and commonalities have rarely been the focus of legislation and research on violence against women. The present study is based on a comprehensive analysis of interviews and group discussions focusing on cultural, political, institutional, and gender factors affecting practitioners who provide legal remedies for wife abuse. In this connection, the crucial issue is that the aforementioned Israeli law is based in principle on implementation of Western experience, which may challenge the political and cultural characteristics of Palestinian society in Israel. The present article focuses on the utility of this legislation by examining how social control agents (formal and informal) perceive, utilize, and/or resist implementation of the law.

## II. LITERATURE REVIEW

Governments throughout the world are searching for appropriate solutions to wife abuse. Studies of transnational government policies indicate that policymakers are focusing more serious attention on combating gender warfare (Connors 1994; Schuler 1992; Sorenson 1996). Moreover, cross-cultural studies reveal that women's suffering from such violence is universal and stress the need to develop appropriate strategies in this area (Mills 1996; Schuler 1992; Shalhoub-Kevorkian 1997b).

The battering of women can be considered a global cultural problem whose roots are ancient and deep (Martin 1976). Historically, wife abuse was considered a private matter rather than a social problem in need of public intervention (Fineman & Mykitiuk 1994). Physical cruelty to a wife or serf was sanctioned for disciplinary purposes provided it did not lead to the death of the victim (Davis 1971; Martin 1976). English common law permitted husbands to "moderately" chastise their wives provided they did not kill them (Blackstone 1987). The law was brought to the American colonies, and it allowed a husband to chastise his wife provided that the stick he used was no thicker than a thumb (rule of thumb). The subjection of

a woman to her husband is also reflected in her marriage vow to "love, honor, and obey." The restrictions imposed on women made them legally and economically dependent on their male counterparts, and were justified on the grounds that they serve to preserve and maintain the family intact. Hence, protection of the family was a major factor contributing to the decriminalization of wife abuse and its perception as a private matter (Dobash & Dobash 1979).

Only recently (over the past twenty years) has violence against women been defined as a criminal offense warranting the public intervention of the justice system (Hart 1995). Innovations in legal remedies, which have been introduced mainly during the past decade, include police intervention and provision of numerous options allowing for the mandatory arrest and prosecution of offenders (Hilton 1993). Yet, despite the mandatory arrest jurisdiction, the traditional "arrest avoidance" policy of the police has persisted, and they continue to avoid apprehending the perpetrator or reacting formally in cases of wife battering (Feder 1997; Ferraro 1989). This is reinforced by the reluctance of women worldwide to utilize legal remedies. In fact, research in the field indicates that, even in cases of severe violence, battered women have been reluctant to file reports with the police, to request a restraining order, or to seek any kind of external formal assistance (Gelles & Straus 1988; Keilitz 1994). The critical point of "enough is enough" is often reached only after months or years of suffering and pain. Fischer and Rose (1995) ascribe that reluctance to fear of retaliation and of the criminal justice system itself. Battered women often experience difficulties convincing authorities that they have been abused and that the intervention of the authority is sorely needed. This difficulty is further exacerbated when the society in question perceives women to be inferior to men and where intervention in family issues is regarded as violating the sense of community stability, collectivity, and harmony. Women in societies and cultures that place greater importance on collective than individual interests face additional barriers when they are abused by their husbands (Rimonte 1991; Shalhoub-Kevorkian 1997b).

A growing body of research on the impact of criminal justice intervention has revealed equivocal evidence regarding the effectiveness of such intervention in protecting abused women or changing abusive men (Berk, et al. 1992; Dutton 1988; Fagan 1996; Ferraro 1989; Ford 1993; Garner, Fagan & Maxwell 1995; Gelles & Loseke 1993; Sherman, et al. 1992a, 1992b; Sherman & Berk 1984). The problem with many of these studies is their application of measures and instruments developed for Western societies to other ethnic groups (Sorenson 1996). Thus, they both disregard and fail to identify the unique cultural manifestation of violence in non-Western societies. Exceptions to this rule are studies on the history of oppression among African Americans (Crenshaw 1996; Wyatt 1992) and on cultural sensitivity and values (Sorenson 1996), which have advocated political, cultural, ethnic, and gender-sensitive intervention. Along these lines, a study

of abuse perpetrated against Asian American women (Ho 1990) claims that the traditional Asian values of social harmony, close family ties, and order do not necessarily discourage abuse in the privacy of one's home. Similarly, Haj-Yahia (1995) has outlined basic cultural values within Arab (Palestinian) society in Israel and discussed their relevance in planning intervention policies. On the whole, these cross-cultural and transnational studies emphasize the need for more innovative strategies that incorporate legal remedies with community-based resources (Brygger & Edelson 1987; Hart 1995; Mills 1996).

### III. PALESTINIAN-ARAB SOCIETY IN ISRAEL

The establishment of the State of Israel in 1948 placed tremendous strains on the political and social life of the Palestinian Arab community (Al-Haj & Rosenfeld 1990). Over the years, many Palestinians abandoned their homes and families to become refugees in adjacent Arab countries (Palumbo 1987). This legacy affected not only the way Palestinians perceived Israeli officials and policies, but also the way Israelis (formally and informally) perceived and treated the Palestinians who remained in their midst (Cohen 1989; Hasin 1997; Fishman & Rattner 1997; Rouhana & Ghanem 1998; Zureik 1979; Zureik, Mughrabi & Sacco 1993).

Examining the political legacy of Palestinians and its effect on social life, Haidar (1997) argues that the discriminatory policy of the newly established State of Israel aimed to weaken the economic, social, and political infrastructure of the Palestinian community. Israel defined Palestinians as "non-Jews" and "minorities" and according to religious belief (e.g., Christian, Muslim, Druze) or life-style (e.g., Bedouin). They referred to them collectively at times as "Israeli-Arabs" or simply the "Arab sector." Zureik and colleagues (1993) showed that this discriminatory policy of nomenclature was also extended to the laws governing "Jews" and "non-Jews." This reinforced geographical divisions that preserved population centers solely for Palestinian Arabs, which, in turn, produced separate service systems (e.g., education). Haidar (1997) asserts that the impetus behind this division has been to separate and isolate the Palestinians.

At the same time, the policy of isolation espoused by Israel appears to have strengthened the internal social interaction and exchange between Palestinians, as it served as the basis for cooperation between various Palestinian groups. It also seems to have preserved their social and cultural harmony, thereby reinforcing traditions, social rites, and folklore (Haidar 1997; see also Arian 1989; Haidar & Zureik 1987; Schwartz 1958).

Following Israel's occupation of the West Bank and Gaza Strip in 1967, Palestinians in Israel became more politically active and socially and politically connected with their brethren in the occupied territories (Rouhana 1990). This newly acquired sense of political awareness and activism cul-

minated in 30 March 1976 (Land Day) in a general strike called by the Palestinians in Israel to protest the confiscation of their land (Land Day continues to be observed not only by Palestinians in Israel, but also by those in the West Bank, Gaza, and the Diaspora.) In fact, this occasion has been cited as a turning point for Palestinians in Israel, generating discussions and requests for recognition by Israel as a national minority (Rekhes 1977).

All the above-mentioned changes challenged existing cultural, social, and political practices and affected education, social life and organizations, and cultural practices and the assimilation in Israeli society. This transformation has brought about a society with new characteristics, patterns, and interactions. It is the degree to which this transition has affected and influenced women's status and social reaction to abuses against them that remains an open question.

The political heritage of Palestinians in Israel and the current process of transition in society have, in fact, influenced perceptions regarding criminalization of wife battering. Palestinian women in Israel have become more organized within the past five to eight years. Institutions such as Women Against Violence, Al-Siwar, Al-Badil, the Arab Association for Human Rights, Shatil, the Working Group for Equality in Personal Status Issues, and nongovernmental organizations (NGOs) have been established to bring about greater social awareness of abuses committed against women, and to advocate and intervene in their behalf. Furthermore, hotlines have been initiated to provide services to raped Palestinian women, and the media has begun to discuss the problem of abuse of women extensively. The problem of battered women has attracted the interest of local Palestinian researchers who study it scientifically and systematically. These activities and public discussion of the issue have raised the interest of policymakers, clergy, and service providers to study the problem and discuss the ways in which they could address the subject matter without jeopardizing existing community norms and values.

Palestinian Arabs in Israel are a minority group in transition. Researchers have examined this process in terms of its impact on the political, cultural, educational, and social structure of Arab society in Israel (e.g., Al-Haj 1987), as well as in terms of the status of women and family roles. Haj-Yahia (1995), for example, who focused on the cultural uniqueness of Palestinian Arab society within a transitional context, stressed that social harmony is predicated on preservation of family ties and on placing the interests of the community ahead of individual interests. Within this cultural system, interdependence and mutual responsibility have become valued norms. Hence, disruptions of social harmony may undermine or eliminate support for the individual.

Palestinian society, as all Arab societies, is a collective one on the private and public levels of an individual's life. Dwairy (1998) explains how interdependent familial relationships, external locus of control, unequal gender relationships, and norms and values shape and characterize the collective

identity, with family identity playing a significant role in the development of personal identity. Social harmony and integrity take precedence over confrontation. Consequently, the decision to resort to legal remedies in cases of spousal discord is considered contradictory to acceptable social norms and mores. It is noteworthy that a similar pattern of privatizing "family problems" (rather than considering them to be wife abuse) existed in Western societies prior to its construction as a public social problem.

Despite the recent transformations outlined above, the structure of the Arab family continues to encompass close relationships and support within the circles of extended family and friends. Traditional patterns of marriage are maintained in which women are required to obtain the blessing and consent of the family (Avitzur 1987). Early marriage is common, and marriages of reciprocity are still practiced (in which two men exchange their sisters in marriage).

As an integral part of Arab society, Palestinians are guided by belief in divine will (Barakat 1985; Rugh 1984), where normality is defined as conflict-free life that promotes the preservation of social harmony and equilibrium (Haj-Yahia 1995; Dwairy 1998). Family problems are generally referred to elderly family members, who offer their wisdom and experience and provide immediate, concrete solutions (Barakat 1985; Kanaana 1982). This wisdom is guided by belief in the ability of individuals to discipline themselves and take responsibility for their own affairs (Barakat 1985; Haj-Yahia 1995). Problems that may disgrace the family are kept confidential according to the dictates of the social proverb: "If faced with a calamity, conceal it."

The status of women is affected by such cultural values. In Palestinian society, women have always been considered inferior to men. Dwairy (1998) claims that women are generally controlled by men. Hence, men monitor and sanction their behavior and take a protective attitude towards them. In return, women are expected to be obedient, well-behaved, and financially dependent on male family members (e.g., their father, brothers, and husband). They are also expected to satisfy the needs of their husbands and to maintain their households (Ibrahim 1993). The lives of women are harshly constrained. They are expected to adhere to a strict role that defines the course of their lives and destinies. They are expected to be married and bear children (Dwairy 1998). Divorce or violence against them are perceived as a reflection of their failure and inability to manage their private lives. These gender-discriminatory conditions, which are exacerbated by women's financial dependency on men, as well as social, cultural and economic oppression, and injustice, increase women's vulnerability to stress.

Scholars differ in their perspectives of the current status of women in Palestinian society. While Ibrahim (1993) claims that their status continues to reflect traditional roles and thinking, Avitzur (1987) argues that their role has changed with the increasing proportion of employed women who contribute to and influence social, cultural, and political life.

Notwithstanding the growing body of literature on various aspects of Palestinian society in Israel, only a few researchers have dealt with wife abuse among Palestinian Arabs (e.g., Haj-Yahia 1996; Shalhoub-Kevorkian 1994, 1997a, 1997b; Shalhoub-Kevorkian & Baker 1997). In particular, there is a lack of research dealing with the impact of political heritage and cultural distinctiveness on the effectiveness of the law with family violence (Makias 1995; Shalhoub-Kevorkian, in press). The present study explores this question in order to raise awareness of the need to take into consideration the cultural-political context of proposed legal remedies to wife abuse.

#### IV. THE STUDY

The study employed a qualitative approach for data collection and analysis in an attempt to define the political and cultural issues that must be addressed when dealing with violence against women in Palestinian-Arab society. It was felt that the typical focus on police responses, court procedures, and service limitations would fail to account fully for contextual realities (cultural, political, and gender-biased) of the Palestinian minority in Israel. Therefore, a survey was made of all ( $N=52$ ) social control agents and professionals in the Galilee districts of Israel who deal with cases of spousal violence. These were divided into two main categories: formal agents who are directly involved in implementing the Israeli Law Against Family Violence (e.g., police, lawyers, medical personnel), and informal agents who are part of the (all-male) traditional social network that deals with family conflicts (clergy, civil, and religious judiciary). It must be noted, however, that this distinction is not clear-cut, as many (male) professionals (physicians, social workers, lawyers, judges) in Arab society are considered notables and, as such, are often addressed informally to intervene in social and family disputes. Table 1 provides a breakdown of participants by category and gender. Note that almost all the respondents were Palestinian Arabs ( $N=48$ ); the remaining four were Jewish Israelis.

All fifty-two participants underwent semistructured interviews to ascertain their perceptions regarding utilization of legal remedies by Palestinians in Israel in cases of wife battering. Of these, thirty-one also participated in seven focus groups. The groups ranged from three to seven members, and two included both Palestinians and Jews. Discussions lasted from 90 to 120 minutes, and were facilitated by the author with the assistance of a social worker.

Participants were informed that the purpose of the study was to ascertain the applicability of the Israeli Law Against Family Violence within the Palestinian community in Israel. They were asked about cases, individuals, and experiences involving wife battering and were requested to express their views regarding factors that hinder or promote enforcement of the law. The

Table 1. Informal and Formal Social Control Agents by Gender

Profession	Women	Men	Total
<b>Informal Agents</b>			
clergy	0	3	3
civil/religious judiciary	0	5	5
<b>Formal Agents</b>			
mental health workers	18	8	26
women activists	4		4
police	3	3	6
medical	2	2	4
legal	2	2	4
<b>Total</b>	29	23	52

focus groups also provided an opportunity to deal with issues such as cultural and political sensitivities that are not addressed in other settings. The issues dealt with in these discussions were determined primarily by participants.

## V. FINDINGS

Findings indicate that the social, cultural, and political infrastructure of Palestinian society places constraints on effective implementation of the new law. Social control agents (including police, judges, health workers, social workers, lawyers, and other key figures) seem to feel that legislators have not taken the cultural-political implications of the law they enacted into full consideration. Imposition of the legislation has generated social conflicts between traditional elements (i.e., those who advocate preservation of family privacy) and progressive elements (mostly feminist groups). It should be noted that respondents' attitudes towards non-utility of the law were twofold: while some social control agents referred to their inability to impose the law owing to social, cultural, and political impediments, others seemed to provide justifications and rationales for their resistance to its implementation. Results are presented in terms of the three main factors that were found to hinder (or justify resistance to) legal intervention: sociocultural variables, political legacy, and procedural obstacles.

### A. SOCIAL AND CULTURAL VARIABLES

In considering sociocultural factors that hinder implementation of legislation aimed at curbing family violence, limitations on legal intervention need



to be placed within the schema of conformity versus nonconformity. Social norms, traditions, and values – including idealization of the woman's role as a good and tolerant wife and mother, family unity; preservation of children's interests, and family privacy – were used to rationalize conformity to social mores that discouraged public disclosure of spousal disputes. In some instances, these mores were the justification for resisting implementation of the law. Nonconformity to these mores (i.e., formal public intervention) was interpreted in terms of its dire consequences for women, families, and society as a whole. Moreover, conformity to social mores justified and enabled the use of informal networks of assistance to battered wives, whereas nonconformity put traditional social control agents on the defensive. In this regard, there were two main sociocultural factors that hindered implementation of the law: the resistance of the informal system and collective social values that place the welfare of the family above that of the individual woman.

### 1. *Underestimating the Power of the Informal System*

The power of the informal system is one of the major issues repeatedly mentioned by formal and informal representatives alike. Respondents claimed that legislators did not take the power of the informal system into consideration when they enacted the law. In one of the group discussions, a social worker stated that the law had been imposed on them. Not only were professionals unprepared for the law, but they also believed that it undermined the foundations of the power of the informal system. Although most of the group members accepted the aims of the law, they felt it turned women and formal agencies into indirect enemies of the traditional and informal powers. Consequently, formal agents have lost the support they previously received from the informal system. Moreover, informal social support systems have become reluctant to intervene when battered women seek their assistance.

According to one female activist, the erosion of the cultural norms and values of the extended family “empowered the social and religious rejection of such a law.” Nearly all social control agents stated that the law undermined utilization of available cultural resources. This process puts the traditional forces on the defensive, allowing them to “over-romanticize the past,” as emphasized in the following description by a clergyman:

People used to care for and support family members, particularly women, children and the elderly. In the past, violations against women were regarded as serious matters of honor (*sharaf*). Today, a woman can be battered to the point of requiring hospitalization without her family ever being informed. The hospital staff is not legally obligated to inform her family. Women [victims] also prefer to report to the police or call a social worker instead of asking their families for help. Marginalization of family members [particularly fathers and brothers] and the clergy led women/victims to believe that the law and the formal system are the answer. I must tell you that women who came to me and

asked for my help not only received it, but they also received the support and respect of their family and society. Women who chose to utilize the formal system ended up frustrated by the irresponsible service of the legal, police and welfare system. I even know of some cases in which the woman was accused of being "*bala sharaf*" (without shame and honor). No law in the entire universe, especially Israeli law, can bring back this woman's honor.

Among other things, the above quote reveals how the option of utilizing legal remedies allowed some informal social control agents (including family members) to shirk their responsibility and duty to intervene and protect the victim.

The claim that public intervention curtails private efforts to deal with violence against women was also supported by formal social agents, who argue that policymakers and legislators underestimate their power to solve such problems. As one police officer stated: "When we were asked to help a battered woman in the past, the first step was to seek the assistance and support of her extended family or leading members of society (*wajaha, makhatir*)." The fact that a government official sought the assistance of informal social control agents not only helped raise the latter's awareness of the existence of such problems, but also encouraged them to take full responsibility for helping such women. Formal agents claimed that social leaders (*makhatir*) and close family members are unwilling to intervene in such cases at present. Abused women who resort to legal action anger informal social control agents, who tend to withdraw their support and assistance.

Unvoiced bitterness and loss of power has prompted social control agents not only to withhold their assistance to victims, but also to criticize them if they opt to utilize the services and strategies of the formal legal system. One female social worker stated:

Loss of the informal social support system [extended family, leaders, clergy] increased the vulnerability of needy and socio-economically disadvantaged women. Well-to-do women generally find [social, legal, and financial] support within the community. The past tradition of focusing community attention and protection on the poor and needy is being replaced by a culture of individualism and selfishness. Clinicians who have been practicing social work for an extended period [over 10 years] report that women and girls today cannot even depend on their brothers. Elderly family members, who were a major source support and assistance for providers in the past, must now be begged to offer support to battered women. Thus, society's first reaction [including family members] to women who seek the assistance of the police and judicial system is rejection.

Respondents explained repeatedly that women are usually financially dependent on their husbands, have a large number of children, and lack job skills. Women from a low socioeconomic background are in need of even greater support and protection. Hence, when social and collective support are weakened, and when the responsibility of family members is reduced, the female victims become more vulnerable to societal victimization after being abused by their husbands.

In general, it could be concluded that, even for those who believe that legal remedies could help and support women, they feel the manner in which they are implemented or interpreted has harmed rather than helped the victims. Criticism of the previous informal system precluded formal service providers from utilizing informal assistance. Furthermore, informal social control agents reacted by attacking not only the newly legislated law and its proponents, but also victims who resorted to its use. It is our belief that forcing a choice between the previous informal system and utilization of the new legislation further complicates the implementation of legal remedies. Rather, some means must be found to incorporate informal networks within the formal intervention. In fact, preliminary evidence suggests that in cases where informal agents (uncles, brothers, clergy) rally behind the victimized woman, implementation of the law can be effective (Shalhoub-Kevorkian, in press).

## 2. Asking the Wrong Question

Respondents expressed fear that, by utilizing legal remedies, they would be placed in a position of confrontation with existing social and cultural values in the Palestinian community. Consequently, they challenged the efficacy of the new legislation. During group discussions, they repeatedly asked: "What is more important, the interests of the woman or those of her family and children?" In one discussion, a supervisor (social worker) at the Ministry of Labor and Social Affairs stated:

The problem in our [Palestinian-Arab] society is that preservation of the family, its unity and the privacy of its members has remained sacred. When we, as professionals, wish to intervene in cases of wife abuse, we are always faced with the question, "Whose interests take precedence – those of the wife or the children?" We should always remember that if the victim has female children, she is obligated all the more to keep the family unified and intact. If abuse and problems in a family are made public, female children are damaged in terms of their reputation and eligibility as potential brides. Again, this law did not consider the cultural uniqueness and power of the family in Arab culture. The family's interest (*maslahat al-usra*) is much more important than the interests of the woman (*maslahat al-mar'a*). It is still believed that the interest of children are an inherent part of the mother's responsibility to preserve family unity. Children of separated or divorced parents are stigmatized.

As can be seen from the above excerpt, the utility of the new legislation was even questioned by formal social control agents who are expected to resort to its use. They were cognizant that cultural variables and social reaction could impede their efforts to utilize the law. They viewed perceptions of the interests of children and family as cultural values in direct opposition to expressed aims of the law as a major obstacle to its implementation.

The question that pits the battered wife against her children and family derives from cultural norms that attribute greater value to collective

interests than to individual ones. All of the informal and almost half of the formal social control representatives considered the family unit to be the main model for preserving the norms and values of Palestinian-Arab society. A family's reputation, honor, and status are transferred to its individual members. Women who do not conform to these values and traditions and speak openly about their family problems, including abuse, are perceived as disgracing their families. Moreover, failure to conform to the norm of "preservation of the family and its unity" was said not only to stigmatize these women, but also to exact a high social price from their children.

Women who seek assistance from public agencies are labeled and stigmatized, as described by one social worker participating in the study:

The cases that reach us in the hospital indicate that victims not only have to cope with their batterer and his family, but also with their own family, and with lack of proper formal resources for assistance. In addition, they have to cope with rumors regarding "disrespectful" behavior. I remember one case in which a woman was hospitalized for the second or third time with third-degree burns. She repeatedly refused to call the police and file a complaint against her husband. She admitted to me that he was the one who burned her legs, but she preferred not to talk about it [the abuse] publicly. When I asked her why, she explained to me that her sister-in-law had been abused by her husband and filed a complaint against him with the police. Ever since, people in the village have been spreading lies about her. They questioned her honor (*ta'anu bi-sharafha*), and she was not even accepted at home by her own children. I tried to help her, but she angered the whole village by causing her husband to be imprisoned. Now she lives in another village with her brother's family as a servant; she cannot even see her own children. . . . I would rather die than be in such a situation.

This case illustrates the oppression and suffering women experience as a result of being re-victimized by the cultural codes of female purity and sexuality.

On the whole, respondents seemed to believe that legal intervention (particularly the manner of implementation) in cases of violence against women resulted in the destruction of "positive elements" of culture or, as a male social worker put it, "destroying authentic Arab values and tradition within Palestinian culture." For example, one lawyer stated: "According to our culture, the spirit of mothers unifies and gathers a family (*rihhet il-im bitlim*). This law encourages women to be selfish, to neglect their children and duties as mothers, and to disregard the social scandal (*fadiha*) resulting from their action." It is interesting to note here that, had this respondent interpreted abuse of women as an impediment to healthy family relationships and unity, utilization of the law could be construed to support rather than weaken this cultural value.

This judgmental attitude prompted respondents to assert, based on their experience, that insensitive formal intervention leads to stigmatization of the wife. Their experiences were buttressed by cases in which the extended

family tended to blame the woman and even used her children to oppose her decision to take advantage of the formal legal system. Attempts to utilize this system are further complicated when the woman's family refuses to support her unless she is willing to relinquish her claim to the children. Respondents felt that society is more willing to tolerate wife battering than to understand women who take legal measures against their spouses in cases of abuse. Thus, legal intervention was found to be an extreme social position and policy. In this connection, the following proverb was repeatedly mentioned in the interviews, mainly by informal social control agents: "Reconciliation is the finest of judgments" (*Al-sulh sayyed al-ahkaam*).

The following statement by a police officer illustrates how the principle of preserving family unity has been used to further oppress and control women: "What do you want me to do, use this Western law? I am not willing to destroy homes or demolish families." The theme was corroborated by a lawyer who stated: "The destruction of a family is no easy matter, and I could never be a party to such a process. Women should understand that we are not in America, and taking one's own husband to court is not part of our culture." Such statements were even echoed by a judge: "I think that every respectable woman, particularly a mother, would prefer the interests of her children and family over her own interests. God is great and patience is the key to success (*Allah kbir, wil-sabr muftah il-faraj*)."

Representatives of nearly all formal organizations, including some feminist groups, felt that misuse of the law and denial of its sociocultural limitations launched a battle between formal agencies and women's organizations on the one hand, and traditional and religious power groups in society on the other. It is a no-win situation. Although many social agents (particularly the women among them) declared themselves in favor of legal intervention, they remain at a loss of how to effect it without causing more harm than good. At present, formal and informal representatives are hesitant to use the law as a means to help battered women, and most women who utilize it pay a very high social and personal price.

In short, respondents provided several sociocultural explanations for failing to apply legal remedies. These explanations focused on romanticizing cultural norms, maximizing the social rewards of conformity, and gender-biased perceptions of the role and status of women. These variables undermine the contribution of legal remedies, so that strategies that seek to eliminate abuse may actually prove to be dangerous to the victim.

## B. POLITICIZATION OF THE LAW

The fact that nearly all the police officers dealing with complaints of violence against women are Jews and not Palestinians increases the social sensitivity of taking legal measures in Arab society. In this connection, one social worker stated:

It is obvious that they [Jewish police officers, legal advisors, and judges] are interested in emphasizing violent episodes in our society. They continue to practice the policy of "divide and rule." I think it would be better if we could find Palestinian-Arab assistants who could really help women victims instead of using them as a weapon to shoot down an entire minority in Israeli society.

A women's group representative voiced the following concern: "Being a minority group contributes toward oppression of women. Women feel reluctant to call the police partly because the Israeli police are perceived as hostile." Moreover, in one group discussion, leading community members and social workers claimed that some Jewish police officers use complaints registered by Palestinian women to incite disputes within Arab society.

One respondent argued that Jewish helpers assist victims only when they have an interest in publicizing the case:

My experience in the field has shown that all females who were killed by family members had also sought help from formal agencies, which either failed or were reluctant to offer assistance. The last case was in a village near Nazareth, where a woman was found dead in her home. No one was willing to help her. The police claimed that the extended family prevented them from intervening . . . I personally asked them for their assistance. I am sure that they wanted to further their political and patronizing interests. The pain and suffering of women has not and will never concern them.

The allegation that Jewish service providers were reluctant to enforce the law or support victims was corroborated by workers in various welfare departments as well as by workers in hot-line and family violence services. This perception was reinforced by the approach of legal advisors and police officers toward dealing with the problem of wife abuse. A Jewish police officer stated the following:

By nature, Arab society forces us to abide by its cultural codes, particularly its social norms and values, and not by our law. Police need to take into consideration not only the victim's needs and hardships, but also the pressure on the police by society. It is clear that if a woman seeks the help of the police, she, being an Arab, may pay a high price. We, as police officers, should explain to women who file a complaint against their husbands that their families are going to oppose our intervention, and that they will lose the one and only thing Arab women have – family support. Police intervention is considered to be an invasion not only of family privacy, but also a violation of men's pride and women's honor.

Another police officer claimed: "The police are not welfare workers, and need not get involved in emotional and cultural issues. All we do as police officers is warn women that they may pay a heavy price if they resort to us."

Respondents often voiced concern about the functionality of the law in light of its ambiguous definition of violence. Some claimed that the imposed "Western" law deliberately created confusion to serve the political interests of the people in power. One argued:

[The law] was meant to bring about more hardships and disputes between intimates. This is the policy of Israelis; they always follow the policy of "divide and rule." They encourage women who feel they have been abused to resort to the law and take their husbands to court. Sometimes the reported violence is a first occurrence, or is not critical. They [the Israelis] teach women to call the police even if their husbands curse them. This vague and broad definition of violence has inflated the egos of women and made men more stubborn and harsh.

The confusion regarding the definition of violence prompted a judge to state:

In the case of a woman who sought a protection order, I asked her to produce medical reports and hospital records to document that she was beaten. She did not have this evidence. I was asked to grant a protection order based on the testimony of the wife and her children, as well as on the report of a female social worker. . . . This was ridiculous. Don't you think that the Jews have a political aim behind such behavior? They will destroy us if their hidden and dangerous agendas are realized.

The broad and nebulous definition of violence was often exploited by formal social control agents who disagree with the law. Mental health practitioners and assistants working in battered women's shelters and hot-line services stated that they are often unable to help women who seek their assistance because there is no clear evidence that threats of terror and verbal abuse are forms of violence against women.

More ominous, however, is the justification of inaction by reference to a preplanned political agenda. One informal social control agent stated:

Publicizing private issues such as violence against women bears deeply on how Jews perceive us. First we need to strengthen ourselves and show them that we are a powerful society. We should not hang our dirty laundry in front of them. We are known as having strong family ties. Why should we resort to an Israeli law or police to solve our problems? It will only contribute to their statistics and to their perception of us as violent individuals in a violent society. Then they will use it to discriminate against us further.

This position was reinforced by a clergyman: "The political and religious price Palestinians pay when they expose violence against women is very high, damaging and irreversible." Such views were also voiced in the medical profession, as exemplified by a physician who stated: "When a woman resorts to legal measures against her own husband, she is telling the Jews that we are backward, violent, and pathological . . . this is exactly what they want to hear." The perceived political intention of Jews was also voiced by a hot-line service worker: "If the law is intended to serve women, they [the Jews] should have used the cultural values that complement the spirit of the law. They should not have used the media to attack our cultural values and interpret them as being opposed to the law."

The respondents perceived the law as a political tool used by the oppressor to subjugate Palestinian society. This perception further jeopardized

battered women and exacerbated their suffering. Social control agents were not only reluctant to use the law and police services, but felt deeply hurt by the release of statistics on violence against Palestinian women. There was some concern that the data portrayed a negative image of Palestinians and reinforced existing stereotypes that may be used to justify oppressive policies. This fear was predicated on the myth that Palestinians are violent by nature, as well as on the assumption that politicizing violence against women would reinforce negative stereotypes of Palestinians and hinder efforts to combat the problem. Such a policy also limits access to information that may be used to combat violence, and thereby encourages such abusive behavior.

### 1. *Procedural Obstacles*

One of the factors impeding utility of the law that was repeatedly mentioned by respondents is the procedural obstacles encountered by victims and service providers. These obstacles and their impact on victims have been examined recently by Shalhoub-Kevorkian (in press). This section elaborates on these obstacles, as well as other factors, such as shortage and inaccessibility of resources and lack of appropriate services and professional personnel, which have prevented victims from utilizing legal remedies.

The combination of political and economic inequity, discriminatory allocation of resources, and cultural factors rendered the discussion of violence against women a politically loaded issue. One respondent portrayed this situation as follows:

The topic of violence against women became a trademark for numerous and varied organizations but did not benefit from in-depth social and political analysis. As women, did we ask ourselves who oppresses us more by offering this ready-made law: Arab men, Jewish men, or the Jewish state? Here we are opening the doors to help battered women, and I personally believe in the use of the law. But what do we receive in return? ... no financial resources ... insufficient services and personnel ... no written material in Arabic, no judges who understand the plight of battered women ... no police officer willing to take the complaints of women seriously ... no service providers willing to use cultural resources that support victim.... In addition, we are ultimately attacked and punished by religious groups, as are women who seek legal help.

While some respondents claimed that "the law is not a solution for combating violence against women, and that the use of restraining orders re-victimizes women," justifying their resistance to it, others pointed to impediments they would like to see removed, stating that the law "adds burdens to service providers who can barely manage their responsibilities as it is." This latter group felt that implementation of the law without providing additional resources (e.g., without training medical, legal, and therapeutic professionals to take cultural sensitivities into consideration)



renders it ineffective. Still other respondents criticized victims for not taking advantage of the law and for preferring to tolerate abuse.

The discussions revealed that women were reluctant to resort to the law, especially in view of the social inequities and hindrances cited previously. For example, it was mentioned that women generally do not file complaints against their husbands directly after the incident of battering, as described by one police officer: "Women 'remember' to file a complaint two or three days after they are battered. That means someone persuaded them to do so – reflecting a conspiracy against the husband rather than a genuine complaint."

Another variable found to influence use of the law and belief in its efficacy is the notion that women who addressed the law enforcement system regretted their decision later. One traditional story repeated seventeen times by male and female respondents alike concerned a dispute between a husband and wife. Following a major problem with her husband, the wife moved in with her parents for six months. While living at her parents' home, her father repeatedly explained to her that she needed to return to her husband irrespective of the problems between them, and that her husband was the only person who could protect her and preserve her honor. Eventually, the husband came to his in-laws' house to take his wife home. At the time, she was taking a shower. Her father opened the shower door abruptly, leaving her naked in front of all the men (father, brothers, uncles, and other male relatives) present. Her first impulse was to hide behind her husband – and then she returned home. This story demonstrates how women are hesitant to confront their husbands, even when their own parents intervene, let alone when they enlist outside help from a formal agency.

This situation is exacerbated by the lack of support services available to help women in their ordeal. In this connection, a social worker stated: "If we recommend legal measures without having other means such as support groups, financial assistance, legal advocacy and intensive counseling, particularly when the victim is breaking the cycle of silence for the first time, we will surely fail to assist them."

Mental health workers emphasize not only the shortage of resource allocations by the government, but the insufficient consideration of how the law affects this particular social context. A social worker stated: "As workers attempting to combat violence against women, we face this question: When is the law an answer in Palestinian society, and how can we use it to help victims rather than harm them?"

The confusion regarding use of the law was reflected in the individual and group sessions alike. Specific issues included: Who should use the law? How, when, and why they should they use it? Should social control agents recommend legal measures? Other issues were related to the approach and methods employed by formal and informal social control agents to explain the spirit of the law. This was also controversial, as reflected in the following

comments of two members (male and female) in a group session commenting on what took place in a news program (*Al Usbu' Fi Sa'ah*) on Israeli television:

The host asked a service worker who opposed killing in the name of family "honor": "How do you explain the fact that female relatives sing and dance when another female member is killed in the name of family honor? Don't you think that women agree with or even encourage such practices?" We were discussing a criminal, painful act, and the message conveyed to the public was that women accept this. No one mentioned the fact that the Israeli police refuse to intervene in most of these cases even when requested to do so. They justify their inaction by claiming that the issue is an internal family matter. No one wanted to raise the main issue of whether we have the resources, skills and knowledge to combat such a criminal act. . . . All they wanted to state is that we kill women . . . and you expect me to trust the Israeli helpers, police or courts. Israelis encourage women to utilize the law to combat violence against them. . . . Don't you think this is absurd?

Another participant in the same group discussion stated:

This is not a law against family violence . . . It is a clever strategy to create social panic and confusion. . . . When resource allocations encouraged discrimination against the Palestinian-Arab population, the police and judges decided not to intervene in the "internal matters of Arab society." . . . No community intervention programs were planned. . . . No innovative projects were initiated to address the uniqueness of our society . . . no new service or trained service providers. The few certified providers available were trained according to Western traditions.

Procedural obstacles were emphasized further in regard to the nature and location of services, language barriers, and resource factors. For example, legal advocacy centers are far away and only operate in Hebrew. These obstacles hinder women's use of existing support services. Limited access to information about the law, shelters, and available services further encourages subordination of women. In short, social and cultural limitations prevent women from obtaining financial resources and essential social services.

## VI. CONCLUSION

The universal controversy regarding criminalization of wife battering has been increasingly recognized. This controversy has been reinforced by the resistance of law enforcement authorities, as well as battered women and service providers who are frustrated while utilizing legal remedies (Gelles & Loseke 1993; Hilton 1993; Mills 1996; Rimonte 1991; Sherman & Berk 1984).

Although the Western literature reflects prevailing perceptions of wife battering, it has also emphasized the diversity of attitudes within different racial, ethnic and religious groups (Crenshaw 1996; Ho 1990; Sorenson

1996; Wyatt 1992). Emphasis on community, extended family, family privacy, and the authority of husbands was also found to be rooted in the values and beliefs of the traditional legal system. In an attempt to gain further insight into the problem of family violence in traditional social contexts, the present study focused on the impact of legal remedies within the Palestinian community in Israel.

It was clear from the results that public discussion of women prompted some groups (mainly women, human rights activists, and mental health workers) to insist on searching for new socially and politically acceptable strategies for curbing family violence. However, this threatened other groups such as religious leaders, conservatives, and informal notables who found a greater need to preserve and protect "cultural norms" and "sacred religious values." The conflict emanating from the discrepant points of view frequently resulted in jeopardizing the interests of women. It had the additional effect of placing the onus of blame on the victim rather than the offender.

Conflicting ideologies regarding the role of family and women (unity versus individuality), sociocultural norms (maintaining confidentiality versus publicizing abuse), and the use of law as a political tool have increased the complexity of implementing legal remedies. Perceptions by social control agents of the law's utility, as well as expressions of outright resistance to it, reflect a multilayered form of domination that hinders the ability of women to perceive the law as a viable alternative. This perception, in turn, has reduced the ability of social control agents to formulate alternative strategies for dealing with abusive relationships within a legal context.

Female victims were described by respondents as burdened by poverty, lack of job skills, child-bearing responsibilities, and social roles rooted in their cultural and political background. Patriarchal gender roles and sociocultural oppression, compounded by political discrimination, predisposed Palestinian women to perceive the law as a nonviable alternative and a potential source of further abuse. Hence, when political, gender, and cultural systems are the dominant forces in a society the oppressed population is faced with numerous obstacles when it resorts to legal intervention strategies. The present findings indicate that such obstacles discourage practitioners and women from reporting violence or from leaving situations of battering. For most women, the ability to muster enough strength and courage to call for help should be considered a great accomplishment in itself. Consequently, women should not be expected to use legal remedies readily. On the other hand, Palestinian women (like other ethnic minorities, such as African-Americans) should not condone violence for the sake of maintaining the integrity and authenticity of the community (Crenshaw 1996).

The present findings show that reluctance to change the status and social function of women within the existing political and cultural context has

inhibited attempts to deal with family violence. When the law is used as a means to deal with violence without recognizing the cultural, political, and gender-sensitive aspects of the issue, women can suffer additional harm.

The debate over which remedies can effectively combat violence against women is neither abstract nor trivial. The problem is not merely political or cultural. Rather, the issue is who sets policies and who is in charge of action against violence. This is the basic principle to be considered when attempting to establish culturally and politically sensitive legal remedies for family violence. In this connection, the plight of women deserves to be recognized by policymakers who address the issue of wife battering. It is important to bear in mind that violence against women is not an individual problem, but rather a social and political one (Dobash & Dobash 1992; Hanmer & Maynard 1987; Yllo 1993). Attempts to criminalize batterers and empower both helpers and victims should address the historical, political, and cultural background of a given community. Reluctance to consider these factors may only empower policymakers and helpers to shirk their responsibilities and hinder the search for more appropriate interventions.

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