



THIRD WORLD APPROACHES  
to INTERNATIONAL LAW *Review*



E. TENDAYI ACHIUME & TAMARA LAST ~ *Decolonial Regionalism*  
FERNANDA BRAGATO & ALEX FILHO ~ *Colonial Limits of Corporate Accountability*  
DOROTHY MAZAKA-GOEDE ~ *State Immunity & (Non)Compliance with the ICC*

SPECIAL FEATURE: THE LEAGUE OF NATIONS DECENTRED

KATHRYN GREENMAN & NTINA TZOUVALA ~ *Foreword: The League Decentred*  
PAOLA ZICHI ~ *Clashes of Feminisms and Transnationalism in Mandatory Palestine*  
SOPHIE RIGNEY ~ *Indigenous International Law at the League of Nations*  
SHAIMAA ABDELKARIM ~ *Nuances of Recognition in the League of Nations & UN*  
PARVATHI MENON ~ *The Political Economy of Protection in the Iraqi Mandate*  
RYAN MARTÍNEZ MITCHELL ~ *Monroe's Shadow & the Space of Asia*

TWAIL *Review*

02

Issue 2 / 2021



## THIRD WORLD APPROACHES to INTERNATIONAL LAW *Review*

Published under a Creative Commons [licence](#).



(2021) 2 *TWAIL Review* 97–121

### ‘We Desire Justice First, Then We Will Work for Peace’: Clashes of Feminisms and Transnationalism in Mandatory Palestine

*Paola Zichi\**

#### **Abstract**

*The article focuses on the activism of the early Palestinian women’s movement in the terrain of Mandatory Palestine. It illustrates the tensions between transnational understandings of women’s rights and questions of orientalism and imperialism within the international arena. This tension is framed through a critical historical perspective that, on the one hand, includes women’s contributions to and strategic interventions in the legal infrastructure of the British Mandate for Palestine, and on the other hand, reflects on the weight of critical historical writings to foreground the relevance of decolonial and critical feminist approaches to international law for Israel/Palestine. By highlighting the oscillations of the first wave of the Arab feminist movement between resistance to and compliance with international law, it argues that transnational histories of an early Arab feminist activism challenged the horizon of a liberal Western feminism and that these interventions are often neglected in the international legal history of the origins of the Israeli/Palestinian conflict. Arab-Palestinian feminists, in fact, often swung between establishing women’s participation in the anticolonial nation building project dominated by male elites and the struggle to have their anti-colonialism recognised in the feminist international fora advocating for gender equality, which were often dominated by white feminists. By highlighting the contradiction between anti-colonialism and the social progressivism experienced by Arab feminists at the time, the article aims to re-draw the history of feminist endeavours in Palestine, not along a linear trajectory of the struggle for gender equality in the Middle East, but rather as a movement for individual and collective self-determination anchored in cosmopolitan and anticolonial understandings of citizenship.*

#### **Key Words**

Mandate Palestine; transnational Arab feminisms; critical history; decolonial feminism

---

\* Post-Doctoral Research Assistant at School of History, Queen Mary University of London, email: p.zichi@qmul.ac.uk

## 1 Introduction

'We desire justice first, then we will work for peace'

*Unidentified Palestinian-Arab Woman to WILPF Member<sup>1</sup>*

Histories of the Mandate for Palestine have recently received renewed interest from an international legal perspective,<sup>2</sup> but accounts of the politics of the early Palestinian women's movement, caught in its complex relationship between feminism, internationalism and colonialism, are scarce.<sup>3</sup> Issues of self-determination and sovereignty over the land of Palestine are now, more than ever, distressingly urgent as Israel continues to assert its hegemonic power in the region while continuing to violate Palestinians' international and basic human rights, both in the West Bank and the Gaza Strip. The colonial structure of the British Mandate for Palestine not only deeply influenced the development of the Israel/Palestine conflict, but also permeates the juridical, ethical, economic and political relations between Israel and Palestine to the current day.<sup>4</sup> In 1922, Samuel Herbert, the first High Commissioner for Palestine (1920-1925) under the British Mandate, reassured William Rappard of the Permanent Mandates Commission (PMC) that 'the Arabs had nothing to fear' regarding the compatibility of the Balfour Declaration with the British Mandate for Palestine as 'there was no chance of establishing a Jewish Kingdom or a Zionist state in Palestine for two or three generations at least'.<sup>5</sup> However, the State of Israel and its ethnocratic constitution has been a reality for decades,<sup>6</sup> and the Zionist settler colonial project continues to reject claims of self-determination put forward by the Palestinians and inexorably advance its politics of annexation.<sup>7</sup>

<sup>1</sup> The Arab Women, *Pax International*, January 1930, 396-1 (53). LSE Women's Archive.

<sup>2</sup> Noura Erakat, *Justice for Some: Law and the Question of Palestine* (Stanford University Press, 2019); Lauren Banko, *The Invention of Palestinian Citizenship 1918-1947* (Edinburgh University Press, 2017); Zeina B Ghandour, *A Discourse of Domination in Mandate Palestine: Imperialism, Property and Insurgency* (Routledge, 2010); Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (OUP, 2015); John Quigley, *The Case for Palestine: An International Law Perspective* (Duke University Press, 2005); John Reynolds, *Empire, Emergencies and International Law* (CUP, 2017).

<sup>3</sup> Leila Ahmed, *Women and Gender in Islam: Historical Roots of a Modern Debate* (Yale University Press, 1992); Cf. Chandra Talpade Mohanty, Anne Russo & Lourdes Torres (eds.), *Third World Women and the Politics of Feminism* (Indiana University Press, 1991) 1-53; Kumari Jayawardena, *Feminism and Nationalism in the Third World* (Kali for Women, 1986).

<sup>4</sup> Lauren Banko, 'Historiography and Approaches to the British Mandate in Palestine: New Questions and Frameworks' (2019) 4:1 *Contemporary Levant* 1.

<sup>5</sup> Cited in Pedersen (2015) 97.

<sup>6</sup> Rashid Khalidi, *The Hundred Years' War on Palestine: The History of Settler Colonial Context and Resistance* (MacMillan, 2019); Mazen Masri, *The Dynamic of Exclusionary Constitutionalism: Israel as a Jewish and Democratic State* (Hart Publishing, 2017).

<sup>7</sup> Israel Ministry of Foreign Affairs, 'President Rivlin launches Declaration of Our Common Destiny for the unity of the Jewish people (9 September 2019) <https://mfa.gov.il/MFA/AboutIsrael/Spotlight/Pages/President-Rivlin-launches-Declaration-of-Our-Common-Destiny-for-the-unity-of-the-Jewish-people-10-September-2019.aspx> (accessed 12 August 2021); Oren Yiftachel, *Ethnocracy: Land and Identity Politics in Israel/Palestine* (University of Pennsylvania Press, 2006);

Legal histories of the Mandate for Palestine have focused on reconstructing the legal foundations leading to the establishment of the State of Israel, the colonial erasure of the Palestinian people and the construction of a system of racialised exception as a system of governance.<sup>8</sup> Once the Mandate system had been established through the League of Nations Covenant, the British Mandate for Palestine entered into force after the 1923 Treaty of Lausanne. International legal interest has focused on the history of the Commissions and their reports (the Kings-Crane, Shaw and Royal Commissions); the revolts (Buraq Uprising and Arab Revolt) and the security laws issued to repress them (i.e. the 1929 White Paper and the 1936 Emergency Regulations); and, from 1945 on, the role of the UN.

With only a few exceptions, the role of early Arab feminist activism during the Mandate period is overlooked in mainstream domestic accounts of the history of Palestinian nation-making and in international legal scholarship.<sup>9</sup> Similarly, the negotiations between feminism and nationalism – i.e. the question of whether a feminist struggle for women's rights and emancipation had to be de-prioritised for the benefit of the nationalistic struggle aimed at sovereignty and state equality in the international arena – are not discussed within the broader international legal history.<sup>10</sup> This article is inspired by a set of international legal feminist critiques which have problematised the paradox of self-determination, posing the problem of the legal priority of collective rights over individual (women's) rights on a global scale.<sup>11</sup> However, the article departs from a liberal understanding of state sovereignty and self-determination relying on unequal distribution of power and

---

Ronit Lentin, 'Palestine/Israel and State Criminality: Exception, Settler Colonialism and Racialization' (2016) 5:1 *State Crime* 32.

<sup>8</sup> Erakat (2019); Reynolds (2017).

<sup>9</sup> John Strawson, *Partitioning Palestine: Legal Fundamentalism in the Palestinian-Israeli Conflict* (Pluto Press, 2010). See, for example: Victor Kattan, *From Coexistence to Conquest: International Law and the Origins of the Arab-Israeli Conflict, 1891–1949* (Pluto Press, 2009); Henry Cattan, *Palestine and International Law: The Legal Aspects of the Arab-Israeli Conflict* (Longman, 1976); W. Thomas Mallison & Sally V. Mallison, *The Palestine Problem in International Law and World Order* (Longman, 1986); Musa Mazzawi, *Palestine and the Law: Guidelines for the Resolution of the Arab-Israel Conflict* (Ithaca Press, 1997). Assaf Likhovski takes a different approach to the legal history of the mandate years, focusing on the relation between law and identity in *Law and Identity in Mandate Palestine* (University of North Carolina Press, 2006).

<sup>10</sup> Ellen Fleischmann, *The Nation and Its 'New' Women: The Palestinian Women's Movement 1920-1948* (Princeton University Press, 2003); Ellen Fleischmann, 'Selective Memory, Gender and Nationalism: Palestinian Women Leaders of the Mandate Period' (1999) 47:1 *History Workshop Journal* 141; Charlotte Weber, 'Between Nationalism and Feminism: The Eastern Women's Congresses of 1930 and 1932' (2008) 4:1 *Journal of Middle East Women's Studies* 83; Lila Abu-Lughod (ed.), *Remaking Women: Feminism and Modernity in the Middle East* (Princeton University Press, 1998); Leila Ahmed (1992); Nadjie Al-Ali, *Secularism, Gender and the State in the Middle East: The Egyptian Women's Movement* (CUP, 2000); Margot Badran, *Feminists, Islam, and Nation: Gender and the Making of Modern Egypt* (Princeton University Press, 1995).

<sup>11</sup> Hilary Charlesworth, Christine Chinkin & Shelley Wright, 'Feminist Approaches to International Law' (1991) 85:4 *American Journal of International Law* 613; Hilary Charlesworth & Christine Chinkin, *The Boundaries of International Law: A Feminist Analysis* (Manchester University Press, 2000); Kimberly Hutchings, 'Towards a Feminist International Ethics' (2000) 26 *Review of International Studies* 111; Wendy Brown, 'Finding the Man in the State' (1992) 18:1 *Feminist Studies* 7; Ngaire Naffine, 'The Body Bag' in Ngaire Naffine & Rosemary Owens (eds.), *Sexing the Subject of Law* (LBC, 1997) 79; Helen Kinsella, 'Gendering Grotius: Sex and Sex Difference in the Law of Wars' (2006) 34:2 *Political Theory* 161.

resistance in international law, particularly due to the long-lasting legacy of colonialism. On the other hand, it also departs from mainstream historiographical accounts of Middle Eastern history which frame early Arab feminism as a mere by-product of a Western-based state-centric approach, as 'inauthentic', elitist and detached from the conditions on the ground, or as expressing a naively statist dimension in its belief that the establishment of a sovereign state would not automatically bestow 'rights on women'.<sup>12</sup>

Instead, this article mobilises Palestinian women's strategic interventions in the mandate legal infrastructure, pointing out their connections with British mandate authorities and with feminist western organisations, to advance women's rights in the field of international law. It is based on minutes and reports from Arab feminists' national and transnational meetings and conferences between 1930-1939<sup>13</sup> and on the analysis of an important petition sent after the first Jerusalem Arab Women's Congress in 1929 to the Permanent Mandate Commission of the League. In these meetings, the commonality of experiences of racism, colonial and intra-religious violence, and the imperial condition marked the rise of early Global Southern women's alliances and networks.<sup>14</sup>

This article argues that Arab-Palestinian feminists deployed a gender essentialist strategy to petition the PMC as an act of subaltern compliance with a male-oriented international order and used international solidarity networks as an act of anticolonial resistance to advance gender-related legal reform in commonality with women from the Arab world and the Global South. The history of these conferences highlights the complicated negotiations between liberalism and colonialism within the transnational arena and the difficult conciliation between emerging transnational and postcolonial feminist voices.<sup>15</sup> However, it also enriches our understanding of how race, ethnicity and religious affiliations were mobilised on the contested terrain of Mandatory Palestine to shape an early

---

<sup>12</sup> Fleischmann, *The Nation* (2003) 146.

<sup>13</sup> This was the longest petition sent by the Arab Women's Executive, the most active petitioner of the Arab women's committees within the mandate territories between 1929-1939 to the PMC. My counting follows Pedersen's: Susan Pedersen, 'Samoa on the World Stage: Petitions and Peoples before the Mandates Commission of the League of Nations' (2012) 40 *The Journal of Imperial and Commonwealth History* 231, at 237. I have considered women's petitions among the 428 petitions from Palestine taken from the register of petitions created at the League in 1928. S1681, LNA.

<sup>14</sup> Common understanding of law-making processes in international law points at intergovernmental processes through which state entities would express their consensus as a method of making international law. However, more pluralistic interpretations of international law-making in the interwar period include a variety of multilateral sources such as the informal and/or semi-formal gatherings promoted by organisations, women's groups and associations which, by formulating draft agendas of international legal reforms, would constitute the pre-condition of the preparatory work from where international treaties or declaration come. The importance of retrieving marginalised Global Southern voices and experiences in international women's gatherings will highlight the negotiations of an international feminist agenda before law-making, and in this sense are read in this article. Alan Boyle & Christine Chinkin, *The Making of International Law* (OUP, 2007).

<sup>15</sup> Sari Kouvo & Zoe Pearson (eds.), *Feminist Perspectives on Contemporary International Law: Between Resistance and Compliance?* (Hart Publishing, 2011).

anticolonial axis of feminist politics of human rights formation in both the private and public law domains.

The article adopts race and gender as tools of historical analysis and re-centres Arab and Global Southern women's contributions to the history of international law and institutions. In other words, instead of an approach that sees nationalism and state sovereignty as the most critical categories in studying the history of Mandate Palestine, and gender, race and religion as tangential identitarian concerns, my article explores the Arab-Palestinian politics of feminist formation in Mandate Palestine, and the moments of continuity and rupture in feminist transnationalism as the Palestinian question surfaced as a place of contestation of an unequal international order. In mobilising Arab feminists' interventions, I argue that the question should be what values of feminist solidarity they voiced, which networks they fostered and whether or not this was based on shared aspirations and understandings of gender and women's social and political roles in Arab and/or Global Southern societies. The question should not be centred on whether or not Arab-Palestinian women articulated their demands in the same terms as men. As such, the old dilemma between female emancipation and national self-determination connects with the debate around how the principle of self-determination operated 'on the ground'. Our understanding of the historical interactions of gender politics and history of gender legal reform law in Mandate Palestine, I argue, would be further enriched by tackling the question of the role of early Arab feminism in order to show the extent to which feminism, nationalism and religion were fluid and contradictory categories of political mobilisation instead of homogenous and demarcated zones of differentiation.<sup>16</sup> In this manner, I narrate histories of solidarity against the empire, contributions to feminist transnationalism and resistance to colonialism<sup>17</sup> with the aim of knitting together the complex and contested history of the British Mandate for Palestine, the development of an early global transnational feminism in the Levant and the genealogies of international legal women's rights agendas.<sup>18</sup>

The next section briefly reviews the literature on the international mandate system and the colonial origins of the Palestinian feminist movement and discusses the politics of gender and race as a tool of historical analysis able to displace nationalist frameworks. Section 3 highlights the main interventions and themes of

---

<sup>16</sup> Susanne Schneider, *Mandatory Separation: Religion Education and Mass Politics in Palestine* (Stanford University Press, 2018).

<sup>17</sup> Rosemary Hunter, 'Contesting the Dominant Paradigm: Feminist Critiques of Liberal Legalism' in Margaret Davies & Vanessa Munro (eds.) *The Ashgate Research Companion to Feminist Legal Theory* (Ashgate, 2013) 13; Janet Halley, Prabha Kotiswaran, Rachel Rebouché & Hila Shamir (eds.), *Governance Feminism: Notes from the Field* (University of Minnesota Press, 2018); Judith Butler & Elizabeth Weed (eds.) *The Question of Gender: Joan W. Scott's Critical Feminism* (Indiana University Press, 2011).

<sup>18</sup> Judith Butler, *Parting Ways: Jewishness and the Critique of Zionism* (Columbia University Press, 2013); Luis Eslava, Michael Fahri & Vasuki Nesiah (eds.), *Bandung, Global History and International Law: Critical Pasts and Pending Futures* (CUP, 2017).

Arab feminists, focusing on the legal progressivism put forward by Palestinian women's collectives and societies. Section 4 highlights the nodes of tensions and contestation between the Arab women's movement and the international one in the former's efforts to balance social progressivism with an anti-imperialist stance. The article concludes by highlighting the significance of this pre-history of Palestinian and Arab women's activism for the history of international institutions and law, well before the birth of the UN and the inauguration of Third World women's voices in the Mexico Conference of 1975.<sup>19</sup>

## 2 The Mandate for Palestine and the Missing History of the Palestinian Women's Movements

Given the extent of the historiographical debate on the matter, it is not easy to more poignantly summarise the contradictions which led to British rule in Palestine than in the words of historian Tom Segev: 'The British entered Palestine to defeat the Turks; they stayed there to keep it from the French; then they gave it to the Zionists because they 'loved' the Jews even as they loathed them'.<sup>20</sup> Indeed, the letter 'conveyed' on 2 November 1917 by Lord Balfour, Foreign Office Secretary, to Lord Rothschild, head of the British Zionist Federation, saying that His Majesty's British Government viewed with sympathy Jewish aspirations to the land of Palestine, still remains one of the most controversial political and legal texts in European and Middle Eastern contemporary history.<sup>21</sup> The 'Balfour Declaration' came to enshrine the necessary recognition from the international community of the entitlement of the Jewish people to self-determination through constructing a legal personality as a prerequisite to statehood, sovereignty and independence. At that time, as Andrew Patrick and Roberto Mazza have pointed out, the principle of self-determination, with few exceptions,<sup>22</sup> was a by-product of a Wilsonian idea, but 'how it operated on the ground [i.e. in a mandate] is a different story'.<sup>23</sup>

Moreover, self-determination as a legal and political principle was anything but consolidated. Woodrow Wilson's 'Fourteen Points' referred only generally to self-determination and the principle of representation to grant national sovereignty to the oppressed.<sup>24</sup> Point five recited the principle that 'a free, openminded and

<sup>19</sup> Aziza Ahmed, 'Bandung's Legacy: Solidarity and Contestation in Global Women's Rights' in Eslava, Fahri & Nesiah (eds.), *ibid.*

<sup>20</sup> Tom Segev, *One Palestine, Complete: Jews and Arabs under the British Mandate* (Metropolitan, 2000) 33.

<sup>21</sup> Letter from UK Foreign Secretary, Arthur James Balfour to Baron Walter Rothschild, 2 November 1917 (*The Times*, 17 November 1917).

<sup>22</sup> Banko (2019) 2.

<sup>23</sup> Erez Mandela questions such centrality of the principle of self-determination which basically collapsed in one year. Vladimir Ilyich Lenin, *The State and Revolution: The Marxist Teaching on the State and the Tasks of the Proletariat in the Revolution* (Foreign Languages Press, 1970); Deborah Whitehall, 'A Rival History of Self-determination' (2016) 27:3 *European Journal of International Law* 719.

<sup>24</sup> Woodrow Wilson, 'The Fourteen Points, Address to the Congress of the United States' (8 January 1918) [https://avalon.law.yale.edu/20th\\_century/wilson14.asp](https://avalon.law.yale.edu/20th_century/wilson14.asp) (accessed 20 August 2020).

absolutely impartial adjustment of all colonial claims based upon a strict observance of the principle that in determining questions of sovereignty, the interests of the population concerned must have equal weight with the equitable claims of the Government whose title is to be determined', before specifically referring to the conditions of Russia, Belgium, Italy, Austro-Hungary, Romania, Serbia and Montenegro, Turkey and Poland.<sup>25</sup> In other words, in the famous speech to Congress on 8 January 1918, the acclaimed 'Moses of the Atlantic' and 'Saviour of Humanity'<sup>26</sup> set out his vision of ending war for all time through a peaceful international order only vaguely defined by the principle of national self-determination, the League of Nations and collective security, to be enshrined in a Covenant.<sup>27</sup> Initially, he conceived self-determination as a realisation of a principle of autonomy, a principle according to which all people should be free to live equally – i.e. in conditions of equality with other nations, therefore being equally free to determine their system of governance without fear of interference from other states. Wilson also specified that this principle of self-sufficient bounded autonomy of modern formation had nothing to do with 'ethnic nationalism'.<sup>28</sup> Despite this, self-determination was not realized in the Paris Peace Treaties.<sup>29</sup> Instead, it was articulated as one of the components of a series of treaties concluded under the auspice of the League of Nations for the protection of minorities.<sup>30</sup>

At the beginning of the 20<sup>th</sup> century, the acquisition of territory through settlements and force was legitimate according to international law and organised anticolonial movements were yet to come.<sup>31</sup> After World War I, the Zionist nation-building project received the support of the United Kingdom. Surrendering to a deep internalisation of the racialised prejudices throughout a Europe which had never solved the contradiction of 'minorities' within the borders of the homogenous modern state, European states were attracted to the idea of finding a

<sup>25</sup> Ibid.

<sup>26</sup> Mark Mazower, *Governing the World: The History of an Idea* (Penguin, 2013) 118.

<sup>27</sup> Plans for the League differed. See: Jan C. Smuts, *The League of Nations: A Practical Suggestion* (Hodder & Stoughton, 1918); John Maynard Keynes, *The Economic Consequences of the Peace* (Macmillan, 1920); Hersch Lauterpacht, 'The Covenant as the Higher Law' (1936) 17 *British Yearbook of International Law* 55. The Paris Peace Conference ran from 18 January 1919 to 21 January 1920 and generated five peace treaties: the Treaty of Versailles between the Allied Powers and Germany (28 June 1919); the Treaty of Saint-Germain with Austria; the Treaty of Neuilly with Bulgaria (27 November 1919); the Treaty of Trianon with Hungary (4 June 1920); and, the Treaty of Sèvres with the Ottoman Empire (10 August 1920).

<sup>28</sup> Erakat (2019) 34.

<sup>29</sup> E D Dickinson, 'A League of Nations and International Law' (1918) 12:2 *American Political Science Review* 304.

<sup>30</sup> Cassese argues that self-determination did not form part of the Covenant of the League and therefore during the interwar period was understood as a political principle rather than a legal precept. This was confirmed by the Council of the League of Nations in the Aaland Island dispute, although in particular circumstances autonomy rights were granted to the population concerned. Antonio Cassese, *International Law*, 2nd ed (OUP 2004) 19; *Aaland Island* case, LNOJ, Supp. No. 3 (1920), at 5-6 and Doc. B7/21/68/106 VII; Antony Anghie, 'Nationalism, Development and the Postcolonial State: The Legacies of the League of Nations' (2006) 41 *Texas International Law Journal* 447; Carol Weisbrod, 'Minorities and Diversities: The 'Remarkable Experiment' of the League of Nations' (1993) 8:2 *Connecticut Journal of International Law* 359.

<sup>31</sup> Eslava, Fakhri & Nesiah (eds.) (2017) 4-32 and 66-80.

mediated solution to the intractable Jewish Question in Europe. The (un)mediated solution was to satisfactorily place them into a 'national home', i.e. grant Jews the status of a legally recognised political community.<sup>32</sup> Palestinians, however, were not granted the same privilege. Instead, they were defined in purely negative terms as the 'non-Jewish communities' whose 'civil and religious' rights should not be compromised.<sup>33</sup> This posed two sets of interrelated political issues: firstly, denying Palestinians' status as a legally recognised political community was tantamount to denying the right of a people to be bound by some shared sense of belonging to a community through language, culture and history. Despite many consultations of Arab political parties and groups on the question of sovereignty, Palestinians were not deemed or recognised as a population entitled to self-determination in the British Mandate for Palestine.<sup>34</sup> Secondly, the Balfour Declaration was in open contrast to the promises exchanged in letters from the British High Commissioner in Egypt, Sir Henry McMahon, to Hussein Bin Ali, Sharif of Mecca, between July 1915 and March 1916<sup>35</sup> in which the British promised independence in exchange for Arab military support against the Ottomans.<sup>36</sup>

Legal historians have long debated these cardinal moments in the shaping of the international legal history of Palestine. The interpretation of this history, which reflects a critical and unorthodox approach to the history of international law, has the merit of bringing together contested histories of nationalism and illuminates the racialised inequalities of an international order solidly based on the reproduction of colonial and capitalist transitional modes of production and the dispossession of Palestinians. However, with few exceptions,<sup>37</sup> histories of international law and institutions do not acknowledge the contributions made by Arab feminists, whether in terms of developing a women's rights agenda, or in relation to the specific question of Palestine. In fact, Palestine has been a divisive and emotional question, not only within the history of international law, but also

---

<sup>32</sup> Erakat (2019).

<sup>33</sup> Strawson (2010); Ilan Pappé, *The Modern Middle East: A Social and Cultural History* (Routledge, 2014). Therefore, whereas Jewish rights were articulated in national terms, Palestinian ones were phrased in terms of individual rights; this had devastating consequences as it implied that native Palestinians did not possess any national rights. For an account of the inclusion of the Balfour Declaration in the Mandate for Palestine, see: Joseph Mary Nagle Jeffries, *Palestine: The Reality. The Inside Story of the Balfour Declaration* (Olive Branch Press, 2018).

<sup>34</sup> Lori Allen, *A History of False Hope: Investigative Commissions in Palestine* (Stanford University Press, 2021).

<sup>35</sup> The text of the correspondence can be found at: Jewish Virtual Library, 'Pre-State Israel: The Hussein-McMahon Correspondence (July 15 – August 1916)' <https://www.jewishvirtuallibrary.org/the-hussein-mcmahon-correspondence-july-1915-august-1916> (accessed 15 November 2020).

<sup>36</sup> Ibid; Pedersen (2015); Roger Owen, *State, Power and Politics in the Making of the Modern Middle East*, (Routledge, 2004) 5-22.

<sup>37</sup> Likhovski (2006).

within the history of feminist transnationalisms and their different traditions – liberal, anticolonial or imperial – during the interwar period.<sup>38</sup>

Scholarly accounts of the Arab women's movements, among them the pivotal works of Fleischmann and Weber, have provided a historical analysis of Palestinian 'feminism'.<sup>39</sup> Arab-Palestinian women followed the development of the events after the Balfour Declaration with apprehension. Soon after its publication, in addition to the middle- and the upper-class charitable dimension of Levantine feminism, women's activities took on a more pregnant political extent: women journalists and writers, such as Sadiyah Nassar in *El Carmel*, openly denounced the dispossession enforced through Zionist aspirations to the land<sup>40</sup> and demonstrations, marches, and sit-ins were held in cities such as Tulkarem, Haifa and Jaffa.<sup>41</sup> Pan-Arab sentiments informed Arab women's circles, together with reflections on the nature of female emancipation and the role of women in society. Institutionally, Arab feminist networks emerged from the first Palestinian general Women's Congress in Jerusalem which hosted more than 200 women from the region in October 1929.<sup>42</sup> This had been preceded by a series of women's gatherings in Beirut in 1928 and was followed by another in Tehran in 1930.<sup>43</sup> From these conferences, petitions were sent to the League of Nations. Arab women not only campaigned for women's rights in education, and health and labour reforms, but also tackled the issues of colonialism, peace, immigration and foreign occupation of their respective countries: Palestine, Lebanon, Syria, Egypt, Iran and Iraq.<sup>44</sup> Rightly so, this period has been defined as 'the age of associations'

---

<sup>38</sup> Leila J Rupp, *Worlds of Women: The Making of an International Women's Movement* (Princeton University Press, 1997). Mineke Bosch (ed.) with Annemarie Klooster, *Politics and Friendship: Letters from the International Woman Suffrage Alliance 1902-1942* (Ohio State University Press, 1990); Myriam Everard & Francisca de Haan (eds.) *Rosa Manus (1881-1942): The International Life and Legacy of a Jewish Dutch Feminist* (Brill, 2018).

<sup>39</sup> Islah Jad, *Palestinian Women's Activism: Nationalism, Secularism and Islamism* (Syracuse University Press, 2018); Fleischmann, *The Nation* (2003); Fleischmann 'Selective Memory' (1999); Weber (2008); Abu-Lughod (ed.) (1998); Leila Ahmed (1992); Al-Ali (2000); Badran (1995).

<sup>40</sup> Arab women's circles were grounded in women's charitable work, linked to Islamic religious principles and Jewish and Christian missionary activism, which had been rooted in the Levantine Middle East for centuries. At the turn of the century, transnationally educated women writers, poets and artists were active agents in the contested nineteenth century *Al Nahda* - women's unions, book clubs and associations bloomed from Iraq to Egypt. Literary work often had political connotations and as such, at the beginning of the 20<sup>th</sup> century, women's activism was suppressed by the Ottoman authorities trying to quell anti-Ottoman Syrian sentiments.

<sup>41</sup> Badran (1995); Fleischmann, *The Nation* (2003).

<sup>42</sup> Numbers vary depending on the literature.

<sup>43</sup> Charlotte Weber, 'Making Common Cause: Western and Middle Eastern Feminists in the International Women's Movement, 1911-1948' (PhD thesis, Ohio University, 2003).

<sup>44</sup> Anbara Salam Khalidi, *Memoirs of an Early Arab Feminist: The Life and Activism of Anbara Salam Khalidi* (Pluto Press, 2013).

and marked the birth of the *strictu sensu* Palestinian women's movement<sup>45</sup> and the formation of the Arab Union of Women.<sup>46</sup>

These histories of Arab feminism have shown how national self-determination, decolonisation and social justice were deemed central concerns by the Arab women's movement.<sup>47</sup> Nevertheless, early Arab feminism, specifically in Middle Eastern scholarship, is often dismissed as 'state feminism', fixed in heteronormative foundations, rooted in an acritical faith in western-oriented state reformism and marked by class privilege. The early Palestinian women's movement is described in the literature as an example of an early development of liberal state feminism, often serving the colonial interests of the British Government and Palestinian elite families, both disconnected from the daily realities of working class, uneducated and rural women.<sup>48</sup> Although this cannot be denied, the overzealous focus of this scholarship on fixed and essentialised notions of identity and race runs the risk of producing an overly descriptive account which is blind to the processes of gender legal reform put in place during the legal modernisation period.<sup>49</sup>

Child marriage, nationality, divorce and the denouncement of colonial brutality and violence against women were at the top of the socio-legal agenda of a series of eastern and western conferences in the 1930s in Europe and the Middle East.<sup>50</sup> The history of these conferences and the negotiations between liberalism and colonialism, as well as race and religious affiliations, shaped an early anticolonial axis of feminist politics of human rights formation in both the private and public law domains. They reveal tensions, convergences, and moments of solidarity and departures, as Arab and Global Southern women activists tried to develop a unified front to advocate a women's rights agenda in international institutions. As such, the history of the making of global feminisms enriches our

---

<sup>45</sup> Andrew Arsan, 'This is the Age of Associations: Committees, Petitions, and the Roots of Interwar Middle Eastern Internationalism' (2012) 7 *Journal of Global History*, 166; Fleischmann, *The Nation* (2003). Generally speaking, the distinction between women's and feminist associations lies in the definitions used in the sources.

<sup>46</sup> In this sense, the Arab Union of Women preceded the formation of the Arab League as an Arab Union of States (1945) establishing the roots of a feminist pan-Asian and pan-Arab solidarity that would develop further in 1955 (Bandung), 1965 and 1975 (Mexico). Eslava, Fakhri & Nesiah (2017) 12.

<sup>47</sup> Ingrid Sharp & Matthew Stibbe, 'Women's International Activism during the Inter-War Period, 1919–1939' (2017) 26:2 *Women's History Review* 163; Weber (2003).

<sup>48</sup> Rosemary Sayigh, 'Palestinian Women: Triple Burden, Single Struggle' in Khamsin Collective (ed.), *Palestine: Profile of an Occupation* (Zed Books, 1989); Leila Ahmed (1992); Abu-Lughod (1998).

<sup>49</sup> For an overview see Deniz Kandiyoti, 'Contemporary Feminist Scholarship and Middle East Studies' in Deniz Kandiyoti, *Gendering the Middle East. Emerging Perspectives* (Syracuse University Press, 1996).

<sup>50</sup> Generally speaking, personal status legislation in the 1920s and 1930s defined women as dependent on men, as emotional beings who could not be trusted and who were granted a divorce only if the husband was ill or impotent. Mai Taha, 'Reimagining Bandung for Women at Work in Egypt: Law and the Woman between the Factory and the Social Factory' in Eslava, Fakhri & Nesiah (eds.) (2017) 349.

understanding of histories of international law and the notion of a global legal history.<sup>51</sup>

Regarding the state-centrism of early Arab feminism, an analysis of women's petitions and feminists' transnational gatherings shows that these offered public fora that Palestinian women navigated with an early strategic use of 'gender essentialism'. Spivak coined this term to highlight the deconstructive strategy involving the adoption of essentialist and reified positions, i.e. 'oriental women', in order to mobilise a collective representation of common political goals and legal aims within the politics of the mandate.<sup>52</sup> Palestinian women used strategic essentialised notions of gender and womanhood to foster transnational anti-colonial networks that had at their core anti-imperialism and the struggle for social progressivism. Accordingly, this early liberal *and* anticolonial politics of gender legal reform within mandate borders enriches our understanding of international legal history and first first-wave feminism and eventually paves the way to centring race and gender as analytical categories to write a transnational legal history of gender politics and feminist reform. As Ann Genovese has argued, this implies a re-articulation of the relationship between law, history and feminism rather than a mere reaction to the absence of women in mainstream history.<sup>53</sup> The question is not how feminists use law as a political means or strategy, but rather how to embrace the concept of feminism as historical construction to avoid both teleological and civilisational dimensions of legal history. This is a reasonable concern when thinking about processes of exclusion and inclusion of Palestinian feminist histories and knowledge which are often read in either a celebratory or disparaging tone, whether it is about celebrating their inclusion (for example, in peace initiatives or processes) or lamenting their exclusion (from the Mandate to Oslo and today).<sup>54</sup>

To conclude, the rise of transnational and Global Southern feminist activism and their interaction with international institutions during the interwar period is now starting to be acknowledged in the literature. From the 1915 Hague Congress onwards, the entry of women into the hall of international institutions signals their effort to envision, although not unitarily and cohesively, a global platform for advocating peace and women's rights.<sup>55</sup> While an early transnational

---

<sup>51</sup> Myra Marx Ferree & Aili Mari Tripp (eds.), *Global Feminism: Transnational Women's Activism, Organizing, and Human Rights* (NYU Press, 2006).

<sup>52</sup> Gayatri Chakraborty Spivak, 'Can the Subaltern Speak?' in Cary Nelson (ed.), *Marxism and the Interpretation of Culture* (Macmillan, 1988).

<sup>53</sup> Ann Genovese, 'How to Write Feminist Legal History: Some Notes on Genealogical Method, Family Law, and the Politics of the Present' in Diane Kirkby (ed.), *Past Law, Present Histories* (ANU Press, 2012).

<sup>54</sup> Amal Kavar, 'Palestinian Women Activism after Oslo' in Suha Sabbagh (ed.), *Palestinian Women of Gaza and the West Bank* (Indiana University Press, 1998) 233.

<sup>55</sup> Peggy Antrobus, *The Global Women's Movement: Origin, Issues and Strategies* (Zed Books, 2004); Rupp (1997); Susan Pedersen, 'Metaphors of the Schoolroom: Women Working the Mandates System of the League of Nations' (2008) 66:1 *History Workshop Journal* 188.

feminist stage was being set up between the 'West' and the 'East', I argue that the question of Palestine was always on the agenda, in a way that allows critical feminist historians to debate less the male mutually-exclusivist and ancestral connections to the land of Palestine, but more the development of an anticolonial politics of gender legal reform and the centrality of a first wave of Arab women's solidarity movements in the Levant.

### 3 Legalism and State Feminism: The Early Arab-Palestinian Women's Movement

'State feminism' is an often-abbreviated locution used in feminist, postcolonial and Middle Eastern studies to define an early Arab feminism that was often too reliant on Western-imposed state structures. Instead, bearing in mind that feminist engagements with state infrastructures, in some cases coming from an elite position, are seen as embedded in the postcolonial condition,<sup>56</sup> in this section, I focus on the use of legal tools and engagements with international mandate law as a way for Palestinian women to participate in international governance. The emerging 'first-wave' feminism(s) in Palestine soon developed one of its core characteristics: the ability to legally handle and politically mediate between different socialist, left-wing, nationalistic and anti-authoritarian social forces, Western-imposed civilisational standards and state-elite formations to promote gender legal reform.<sup>57</sup> Interests in social progressivism and anti-imperialism informed a double strategy used by Palestinian women in legal and political institutions: on the one hand, they engaged with the legal procedures put in place by the League and the mandate authorities to advance a nationalistic politics. On the other hand, they mobilised through axes of broader socio-economic issues centred on race and colonialism to forge a Global Southern women's-based solidarity network in international feminist conferences.<sup>58</sup>

In 1923, the Egyptian Feminist Union was included in the International Women's Suffrage Alliance (IWSA), and was very vocal in various conferences (Paris, 1926; Berlin, 1929; Istanbul, 1935; Copenhagen, 1939) about the fact that freedom and justice for women from the 'East' depended on national self-

---

<sup>56</sup> Laura Bier, *Revolutionary Womanhood: Feminisms, Modernity and the State in Nasser's Egypt* (Stanford University Press, 2011)

<sup>57</sup> Badran (1995); for a historical perspective see Rupp (1997). See also Glenda Sluga, 'Female and National Self-Determination: A Gender Re-reading of the "Apogee of Nationalism"' (2000) 6:4 *Nations and Nationalism* 495.

<sup>58</sup> The first Arab women's conferences took place in Beirut in 1928, Damascus in 1930 and Tehran in 1932 and were organised by the Women's Union in Syria and Lebanon. The 1928 Beirut conference saw the formation of the Arab Union of Women, to which all Arab women's federations throughout the Arab countries were affiliated. Khalidi (2013) 114.

determination, sovereignty and the advancement of women's rights.<sup>59</sup> The IWSA Conferences of 1923 (Rome) and 1926 (Berlin) paved the way for Arab women to reject the Western representations of a backward East. But this rejection was not without its contradictions.<sup>60</sup> The subtle balance between regional Arab solidarity committed to social and cultural development, and the resistance to a racialised euro-centric international system on whose recognition colonised communities conditionally depended, characterises the turbulent atmosphere and the different inclinations of feminisms in the interwar period. Nevertheless, because of the peculiar conditions of the British Mandate for Palestine, Palestinian feminism was singular in its ability to combine a legalistic and liberal approach focused on the inclusion of women in the nation-building project when dealing with the mandate authorities, and an anti-imperial stance in international feminist gatherings. No other women's group in the Middle East petitioned the Permanent Mandate Commission as relentlessly as the Arab-Palestinian women's organisations.<sup>61</sup>

Legalism required a strong command of the international mandate governance and a belief that women's conditions would be improved by securing their political and social rights and equality with men within the nation-state. For example, Matiel Mogannam, in *The Arab Woman and the Palestine Problem*, briefly recalls the history of women's movements in Arab countries during the interwar period.<sup>62</sup> On women's rights, Mogannam praised feminist activism in Turkey and Egypt as more in line with the standard of 'modern' legislation. She lamented the state of Levantine countries, which, under the Mandate system imposed by the League, had yet to put in place those 'desirable measures of reform of the social order ... most desirable in bringing to an end many of the age-old evils which for centuries had debarred women from entering public life'.<sup>63</sup> However, on Palestine, the question was even more complicated: 'how can women claim rights, if men do

---

<sup>59</sup> Al-Ali (2000). This clash between nationalism, feminism and colonialism has been defined as the 'sisterhood of unequal sisters' in Bosch (ed.) with Klooster (1990). Most importantly, for a Third World perspective, see Jayawardena (1986).

<sup>60</sup> Moreover, and at the same time, different forms of non-Western orientalism were also in play: Nabarawi contrasted Egypt with 'savage Africa', and El Aklee Faridaa in Syria also distanced Syrian women from all other backward 'Muslim women'. In fact, Baron points to the 'central paradox' of Egyptian nationalists fighting 'European imperialism at the same time that they sought to regain control of their own empire in the Sudan': Beth Baron, 'The Making of the Egyptian Nation' in Ida Blom, Karen Hagemann & Catherine Hall (eds.), *Gendered Nations: Nationalisms and Gender Order in the Long Nineteenth Century* (OUP, 2000) 137-58.

<sup>61</sup> In particular, I examined 12 petitions whose archival references were taken from the register of petitions created at the League in 1928. S1681, LNA. Van Ginneken, in her foundational work on the petitions and communications which were sent to the PMC, counted 3044 petitions, 1237 from Palestine. A H M Van Ginneken, 'Volkenbondsvoogdij: Het Toezicht van de Volkenbond op het Bestuur in Mandaatgebieden, 1919-1940' (Diss. University of Utrecht, 1992). Pedersen (2012) counted only those petitions contained in the register of petitions: of the 428, 16 were from women or women's groups.

<sup>62</sup> Matiel ET Mogannam, *The Arab Woman and the Palestine Problem* (Hyperion Press, 1937).

<sup>63</sup> Ibid, 50.

not have any?<sup>64</sup> In January 1929, Jerusalemites Walidha Al-Khalidi and Zulaykha Al-Shihabi organised the first Palestine Arab Women's Congress in Jerusalem, hosting more than 300 women to discuss Palestine's political situation.<sup>65</sup>



Figure 1. Arab Ladies Women's Group, Matson. Photograph Collection, Library of Congress



Figure 2. Arab Women's Union of Ramallah. Photograph Collection, Library of Congress.

<sup>64</sup> According to Fleischmann, this rhetorical question was articulated by the former president of the Tulkarm Arab Women's Union, Wadi'a Khartabil: Ellen Fleischmann, 'Nation, Tradition and Rights: The Indigenous Feminism of the Palestinian Women's Movement, 1929-1948' in Ian Christopher Fletcher, Laura E Nym Mayhall & Philippa Levine (eds.), *Women's Suffrage in the British Empire: Citizenship, Nation and Race* (Routledge, 2000) 146.

<sup>65</sup> Fleischmann, *The Nation* (2003) 116-120.

Anbara Khalidi writes in her memoirs that she was struck by the frankness of the political demands of Palestinian women and the patriotic positions adopted in the Arab Congress, and praised the resilience of individual feminists – Zakiyya Al Husayni, Wahida al Khalidi, and Tarab Abd al-Adi – who attended and tirelessly balanced feminist political organising and social care.<sup>66</sup> In the context of the regional 'Arab Women's Awakening',<sup>67</sup> the Arab-Palestinian women's focus, as demonstrated by the petitions sent to the Permanent Mandate Commission at the League of Nations, was more on 'political' issues such as economic rights, 'civil discrimination' and 'national rights'. From first-hand accounts of the period, the feelings of women in Jerusalem in 1929 varied, but the urgency of the Palestinian question and the centrality of British and Zionist colonial interests in denying the Palestinian people's right to self-determination remained constant. Indeed, the resolutions of the first Arab Palestinian Congress in 1929 focused on rejecting the Balfour Declaration, which was described as 'the sole cause of all the troubles that took place in the country, and which may arise in future'.<sup>68</sup>

It was strongly believed that the emancipation of Arab women and their preparedness to be part of the political body of the nation state depended strongly on their participation in the international arena using the legal tools offered by the British Mandatory government and advocating women's emancipation through women's rights and equality in the nation state. A long petition emerged from the Congress and was sent to the Permanent Mandate Commission of the League of Nations on 28 September 1932.<sup>69</sup> The petitioners criticised the excessive expenditure of the Palestine administration; condemned the racial discrimination in the civil service; denounced the situation of the *fellah* (peasants), whose difficulties arose from the confusing policy of the Palestinian Government in regard to land; lamented the state of primary and secondary school education; demanded abolition of the tithe and, finally, in a section titled 'The Right of the Arabs to a National Government', addressed the question of self-government and self-determination. By highlighting these issues, the Arab Women's Committee projected its manifesto into the politics of international mandate law: legal equality, economic modernisation, resistance to colonial dispossession and education were indeed pillars of any national project. However, as Khalidi suggested, the forthright and unequivocal phrasing of the Arab Women's Executive's (AWE) demands

---

<sup>66</sup> Anbara Salam Khalidi (2013).

<sup>67</sup> Ibid, 116-122.

<sup>68</sup> Matiel Mogannam, 'The Struggle for National Rights (1937)' in Maureen Moynagh with Nancy Forestell, *Documenting First Wave Feminisms: Transnational Collaborations and Crosscurrents* (University of Toronto Press, 2012) 209.

<sup>69</sup> Executive Committee of the First Palestine Arab Women's Congress to the President of the Permanent Mandates Commission, 28 January 1932, 6A/37592/224, R2288, LNA.

caused unease at the Colonial Office, some of whose denizens were about to become acquainted with the existence of the 'oriental ladies' themselves.<sup>70</sup>

Some scholars have argued that it is inappropriate to classify the politics of the Arab women's movement as 'feminist' since the articulation of its politics and nationalistic demands simply followed, as mere counterparts, those of their male colleagues.<sup>71</sup> In contrast, I argue that a more attentive look at the contents of the petition shows that the AWE not only put forward the interests and conditions of the most vulnerable members of society (e.g. education for the young, abolition of the tithe for peasants), they also used the petitions as a legal tool to hold the Mandatory power accountable for its discriminatory policies in Palestine and to demonstrate their 'preparedness' for self-determination and national government.

I argue that the demands for protection for the more vulnerable parts of society express the willingness to balance two different interests: the resistance to colonial mandate authorities in the light of women's nationalist struggle and the legal progressivism required to foster better protections of workers, and civic equality in the mandate legal arena. However, this claim for protection was mostly directed to a coexisting plurality of actors – to the poor, the women and the national community.<sup>72</sup> Rather than considering this as an absence of a coherent feminist strategy, it shows how early Arab-Palestinian women, in their multiplicity and differences, were less single-mindedly obsessed with the state, both in terms of women's rights and in terms of self-determination. Rather, they seemed preoccupied with guaranteeing basic economic and legal protection to all members of society and locating themselves with their own specific interests in relation to the exceptionality of Palestine in political circles. The impact of their interventions was underlined by the British Mandatory authorities' twofold response: because of their gender, Mandatory authorities felt obliged to pay the respect devoted to women in Arab societies and saluted with 'honour' their 'awakening'.<sup>73</sup> However, the provenance of the document from an 'obviously sectional body of this kind'<sup>74</sup> unsettled the British Mandate authorities who found it discomfiting having to deal with these 'violent Arab women'.<sup>75</sup>

---

<sup>70</sup> Petition regarding the administration of Palestine, FO 371/16052, TNA, 66; First Palestine Arab Women Congress: memorandum to the Permanent Mandates Commission CO 733/221/9, TNA.

<sup>71</sup> Fleischmann, *The Nation* (2003).

<sup>72</sup> Ibid, 142.

<sup>73</sup> Ibid, 116.

<sup>74</sup> First Palestine Arab Women Congress: Memorandum to the Permanent Mandates Commission CO 733/221/9. TNA.

<sup>75</sup> Ibid.

The Arab-Palestinian women's associations were the most active petitioners to the PMC in regard to the Palestine Mandate.<sup>76</sup> This could be explained by the well-educated and elite background of Palestinian women's activists, who were well versed in dealing with state authorities and international tools of governance. Feminist interventions that came from an elite formation and engaged in various ways in international governance are, in this article, nevertheless considered embedded in the (post)colonial condition. I argue that some of Palestinian women's class privilege should be read in tandem with their ability to strategically use their gendered and racialised identity as 'Arab women' in front of international mandate authorities to push the urgency of their demands. In some cases, and this is certainly true for those women, such as Matiel Mogannam and Anbara Khalidi, who were active participants in the politics of wealthy and influential Palestinian families, the overall assessment of their politics is ambivalent. As Salem has argued, the peasant woman was agitated as a symbol of freedom without much reflection on the fact that the economic disadvantage of those women was dependent on the class privilege enjoyed by the upper-class and middle-class elite.<sup>77</sup> However, elite women used their privilege as an opportunity to organise, to publish and to agitate at an international level. Thus, notwithstanding their class privilege, a study of Palestinian women's role as agents of resistance through legal (i.e. petitioning the League) and political (i.e. fostering transnational network tools) shows women's efforts to make Palestine a central and global feminist issue. The number of petitions sent by women's groups from Palestine and the Global South supports the thesis that Palestinian women were not marginal in either the history of international law or feminist transnationalism.<sup>78</sup>

To conclude, in alignment with their 'sisters' elsewhere in other countries, the fight for national self-determination ran parallel to a reconsideration of women's role in (Arab) societies. The demands for basic social-economic protections centred on equality as a pivotal principle of a civilised and democratic nation-state, and which was central to women's struggles against the British Mandate authorities. Without denying their contradictions in terms of class privilege, shared by both the liberal and socialist strands of the transnational women's movements of the time, as we will see in the next section, their interventions in international law should be acknowledged along with the

---

<sup>76</sup> This is compared to other mandate territories in the Middle East. In the Levant, I found only four petitions from individual women and women's collectives on Syria and Lebanon, out of a total of 746. Two of them were from British women, one from the Arab Union of Beirut and one from the IWSA. S1681 LNA.

<sup>77</sup> Sara Salem, 'On Transnational Feminist Solidarity: The Case of Angela Davis in Egypt' (2018) 43:2 *Signs: Journal of Women in Culture and Society* 245, at 261.

<sup>78</sup> Mogannam (1937).

genealogies of feminist peace activism and the forging of the links between humanitarianism, peace and justice during the interwar period.<sup>79</sup>



*Figure 3. 1929, Women Delegates to the High Commissioner*



*Figure 4. 1930, Arab Women's Congress, University of Damascus*

#### **4 Race and Identity: Ruptures within Feminist Transnationalism**

A second important characteristic of the Arab-Palestinian women's movement was its transnational reach to foster Global Southern solidarity networks. In July 1930, the first Eastern Women's Congress (also known as the General Congress of Oriental Women or Oriental Women's Congress), held at the University of Damascus, included delegates from Egypt, Turkey, India, Persia and Afghanistan, as well as Iraq, Hedjaz and Aleppo.<sup>80</sup> The meeting was chaired by Nour Hamada, who blamed the low attendance on the opposition of the French Government of Syria. However, committed to counteracting French policing of feminist meetings by inviting an international observer, she asked IAW member Avra

<sup>79</sup> Patricia Owens & Katharina Rietzler (eds.), *Women's International Thought: A New History* (CUP, 2020).

<sup>80</sup> Eastern Women's Conference, 1931, *Pax International*, PC:09:56e, LSE Women's Library. *Pax International* was the magazine of the Women's International League for Peace and Freedom (WILPF), as emerged from the International Congress of Women in The Hague in 1915.

Theodoropolous to attend the conference. Describing the multi-faith character of the meeting ('Christians, Jews, Moslems, Maronites, Greek Orthodox, Behai, Druses, etc'),<sup>81</sup> Theodoropoulos recognized how Eastern women had to fight multiple causes: against the conservative religious men (scared that women were rebelling against traditions) and the nationalist elites (scared that they were not supporting enough the project of national liberation) and against the colonialist (government – feared that it was a national organisation).<sup>82</sup>

Moreover, the Arab feminist transnational reach was also directed toward the Indian women's movement. Accounts of the 'oriental' or 'eastern' congresses of Beirut (1928) and Damascus (1930) were published by the All-Asian Women's Conference of January 1931. There, Indian feminists articulated a 'spirit of Asian sisterhood', with the object of preserving all that was valuable in their national and social cultures and choosing what was best for them to assimilate from outside Asia.<sup>83</sup> The congress resolutions underlined their support for peace and the League of Nations and sought: the inclusion of world religions in school and college curriculums; free and compulsory education for both girls and boys; equal moral standards and women's equality (abolition of polygyny, equal custody and property rights, equal rights to divorce and equal nationality rights), just as much as their demand for equal suffrage.<sup>84</sup> In a preliminary way, the feminist agenda sketched in those transnational endeavours foregrounded what would be a greater articulation of women's rights from a Third World perspective, one that the women's movement would finally delineate during the decolonisation years.

But on Palestine, transnational and international feminist solidarity took a more controversial shape. As argued in the section above, the 'political' character of the Palestinian women's movement was a challenge. The negotiations between 'the colonialists' and the 'nationalist elites' had to include the Mandatory Government and a pluralised network of progressive and cosmopolitan women's organisations from both Palestine and from the Jewish and Arab diasporas. In some instances, gender-related legal reform in Palestine profited from successful Arab Muslim, Christian and Jewish feminist cooperation in international mandate law-making. For example, prompted by a concerted international feminist campaign, as Likhovski demonstrated, the legal reform achieved on child marriage was remarkable.<sup>85</sup> The Social Service Association, composed of elite wives of

---

<sup>81</sup> Quoted in Ellen Carol DuBois & Haleh Emrani, 'A Speech by Nour Hamada: Tehran, 1932' (2008) 4:1 *Journal of Middle East Women's Studies* 107, at 110; Theodoropolous, an IWSA delegate coming to Greece, a Mediterranean country between the 'West' and the 'East', was deemed by Hamada to be best placed to mediate between the international feminist movement and the Arab regional one.

<sup>82</sup> Weber (2008).

<sup>83</sup> Sumita Mukherjee, 'The All-Asian Women's Conference 1931: Indian women and their leadership of a pan-Asian feminist organisation' (2017) 26:3 *Women's History Review* 363; Weber (2008); Sharp & Stibbe (2017).

<sup>84</sup> Weber (2008).

<sup>85</sup> Likhovski (2006).

Mandatory officials but in contact with a pluralised ensemble of Arab local women's groups in the country, praised as a great legal victory the raising of the minimum marital age for girls to 16.<sup>86</sup> Many British and feminist commentators, often members of secular feminist groups, cherished this as an example of successful inter-faith cooperation, being fully aware of the role of religion in the Holy Land. However, this acknowledgment was a double-edged sword for the emancipation of the Arab woman and a question for Arab self-governance in the Levant;<sup>87</sup> for example, while female Jewish lawyers won the right to practice in civil and rabbinical courts, Palestinian Muslims were excluded from practicing law in Shari'a and tribal courts.<sup>88</sup>

However, in several IWSA and WILP conferences, instances of disparate treatment demonstrate the use of a double standard in response to Palestinian women's condition and an aversion to the inclusion of Palestine in women's spaces. The question of Palestinian women's 'self-consciousness' and preparedness for world governance and solidarity was often discussed in condescending and orientalist tones within transnational feminist circles, and more skeptically acknowledged than any other feminist movement in the Middle East. Reports such as the one below testify to Westerners' inadequate understanding of the colonial conditions on the ground where national struggle in the Middle East arose. It was with condescending and patronising tones that Juliette Rao, a French member of the executive board of the Women's International Alliance for Peace and Freedom (WILPF),<sup>89</sup> reported for *Pax International*, from the Palestinian Arab Women Congress:

Because of their absorption in patriotism the Arab women have not yet acquired a sense of world solidarity. One of them with whom a friend and I talked about the purpose and work of W.I.L. said: 'We desire justice first, then we will work for peace', to which one might reply there can be no justice without peace. But national consciousness is a step towards world consciousness. The former has united Christians and Mohamedans. We need not fear that this consciousness will not grow. The Arab women will become in time active and enthusiastic members of our great world family of women.<sup>90</sup>

---

<sup>86</sup> Ibid.

<sup>87</sup> Mogannam (1937).

<sup>88</sup> Justin Quinn Olmstead (ed.), *Britain in the Islamic World: Imperial and Post-Imperial Connections* (Palgrave MacMillan, 2018) 179. Civil discrimination was also invoked by one petitioner, Wadhie Attalah, protesting to the PMC against the existing legislation in Palestine relating to the admission of persons to practice as barristers, contending that the admission of foreigners was unfair competition for Palestinian barristers. 'Liberte d'exerce la profesion d'avocat. 14 July 1932. S1681; minutes of PMC 23rd session, 1933, 167.

<sup>89</sup> Born of The Hague Congress in 1915 and traditionally more left-wing, socialist and pacifist than the International Alliance for Suffrage. Women International League for Peace and Freedom, *Generations of Courage, The Women's International League for Peace and Freedom from the 20<sup>th</sup> Century into a New Millennium* (US Branch, Women International League for Peace and Freedom, 2004).

<sup>90</sup> The Arab Women (1930).

WILPF defined itself as a 'pioneer in world mentality' and 'a psychological laboratory for developing that sense of oneness and world citizenship'.<sup>91</sup> The question of Palestine remained a terrain of contested tension and the 'patriotism' of Palestinians and, by association, Arab women became a *leitmotif* of Western women's attitudes towards Palestinian feminism. This tendency became even more obvious as international relations deteriorated in the late 1930s due to the rise of Nazism and Fascism in Europe and later, the first Arab Revolt in 1936. In other words, after the 1935 International Women Suffrage Alliance conference (IWSA) in Istanbul, historical evidence shows no further instances of effective cooperation between anticolonials and liberals within the international (mainly Western) and regional (Middle Eastern and pan-Asian) feminist movement. The Congress is cherished in the literature as an example of international 'feminist success' and its resolutions were widely agreed on and focused on international peace, child labour and rights to vote and divorce. After their struggle towards national independence its 'Eastern members' were finally welcomed by acclamation to the 'world family of women'.<sup>92</sup> However, despite the welcoming declaration, the downturn in international politics after 1936 greatly impacted the activities of the transnational feminist movement.

The relation of international feminists to justice and peace became deeply vexed, and not a single organisation had a unitarian, homogenous and cohesive feminist politics towards international peace, colonialism or national liberation as the international relations in the 1930s unfolded. In theory, IWSA was suffragist and pacifist, grounded in a maternalistic view of international affairs based on an essentialised idea of women's reproductive role in society. Some of the more 'equal rights' and legalistic of its members considered national liberation as somehow outside feminist work. WILPF, however, had a broader vision of women's rights as human rights, often supporting national liberation struggles, and in general its members remained faithful to the international agenda of peace.<sup>93</sup> In a time of renewed militarism, totalitarian politics and racial and ethnic exclusion, WILPF focused on disarmament, protecting minorities, fostering anti-fascist alliances and fighting anti-Semitism in Europe.<sup>94</sup> Some attempts to move beyond eurocentrism and build a global and transnational feminist alliance were made, for example protesting against Japan's and Italy's invasions of China and Ethiopia. However,

---

<sup>91</sup> Madeleine Zoly, 'The W.I.L. World Section (1930)' in Moynagh with Forestell (2012) 197. Indeed, WILPF, founded at the Peace Congress in The Hague in 1915, was the most active at a transnational level compared to the other main international organisations such as the IWSA (Suffrage Alliance) and the IWC (Women Councils). Unlike those, WILPF by statute expected the nationally affiliated section to follow the international one, promoting a more centralised, transnational and inclusive view of women's issues and organisations. Karen Offen, *European Feminisms 1700-1950: A Political History* (Stanford University Press, 2000)

<sup>92</sup> International Alliance of Women for Suffrage and Equal Citizenship, *Report of the Twelfth Congress*, Istanbul, April 18<sup>th</sup> to 24<sup>th</sup>, 1935, 8.

<sup>93</sup> Offen (2000) 341-379.

<sup>94</sup> Ibid.

by 1936, the Spanish Civil War and the Nazis' militarist aggression and breach of the Treaty of Versailles meant many European feminists had to choose, in the short term at least, between peace and antifascism.

It is in the light of the idea of a 'planetary civilisation' embodied by WILPF feminists<sup>95</sup> that Juliette Rao's reply 'there can be no justice without peace' is read: after 1930-1933 came the complicated problem of whether their long-term principle of peace and feminist solidarity should be put aside in order to deal with the perceived short-term emergency of Nazi-Fascism. Views differed. Emily Green Balch, for example, claimed that 'everything should be set aside until Germany is liberated' whereas Helena Swanwick's relentless defence of peace almost gave her the role of a public apologist for Nazi crimes to her colleagues.<sup>96</sup> But in general, Ashworth claims that towards the mid-1930s, fascist aggression rendered the otherwise compatible issues of peace and justice incompatible for most European feminist members.<sup>97</sup> However, in the unequal (settler) colonial society, the issue was not a short-term emergency but part of the daily structural constant negotiations of power relations in an unequal international order.

In fact, the IWSA 1935 conference was already a watershed.<sup>98</sup> For members of the WILPF and IWSA, the international women's movement aimed to cultivate a culture of internationalism. However, it was very clear to their Arab counterparts that that aim would not be possible without the recognition of preconditional national sovereignty. The centrality of national sovereignty can be exemplified by the issue of sex work/prostitution. At Istanbul, Egyptian feminism pointed out how transnational sex work/prostitution was protected by capitulations and enforced by the British-controlled colonial police.<sup>99</sup> Therefore, to end state-protected prostitution, the abolition of capitulations was essential. The IWSA refused to get involved, claiming it was a national affair. Indeed, in 1938, the issue of Jewish immigration and refuge in Palestine was also classified as a national affair. Huda Sharawi, an IWSA Executive member, attempted in 1938 to pass a proposal from the Palestinian Arab Women's Executive to block Jewish immigration to Palestine. However, the IWSA, during Jewish persecution in Europe, did not want to discuss it, and the issue was classified as a national concern during the executive meeting. Sharawi tried to raise it again during the Copenhagen

---

<sup>95</sup> Catia Confortini, 'Race, Gender, Empire, and War in the International Thought of Emily Greene Balch' in Owens and Rietzler (eds.) (2020) 244, at 252.

<sup>96</sup> Lucian Ashworth, 'Women of the 'Twenty Years' Crisis: The Women's International League for Peace and Freedom and the Problem of Collective Security' in Owens and Rietzler (eds.) (2020) 136, at 153.

<sup>97</sup> Ibid.

<sup>98</sup> In fact, Rupp shows how this trend of 'liberating Oriental women' did not go unchallenged. Rupp (1997) 80.

<sup>99</sup> Even if the capitulations regime was theoretically abrogated by the Treaty of Lausanne, the capitulation treaty between the UK and Egypt remained in force until 1937. Badran (1995) 99; Beverley Milton-Edwards, *Contemporary Politics in the Middle East*, 3rd ed. (Polity, 2011).

conference in 1939, after having organised the Conference for the Defence of Palestine in Cairo in 1938 in support of the 1936-1939 anticolonial Arab Revolt, but the Jewish Women's Equal Rights Association rejected it without hesitation.

Meanwhile, one of the most active Palestinian feminists and unionists, Sadiyah Nassar, had been abducted by the British police in Haifa and imprisoned in the Bethlehem women's prison. A further node of tension around national sovereignty arose because of the alleged double standard used by the IWSA in dealing with feminist Jewish and Arab prisoners. In particular, IWSA and WILPF members had different reactions to the arrest of Sadiyah Nassar in Haifa, and that of Františka Plamínková, a Czech senator in Prague. Plamínková was a Jewish Czech affiliate of the IWSA who was detained by the Germans after the March 1939 Nazi entry into Prague.<sup>100</sup> Sadiyah Nassar, president of the local branch of AWU, the Haifa Women's Union, and *Carmel* journalist, who headed the Palestinian delegation to the IWSA Istanbul conference in 1935, was arrested on 23 March 1939 and detained without trial, the first Palestinian woman to be imprisoned under the Emergency Regulations. The IWSA issued a statement of protest in favour of Plamínková but not of Nassar. This was perceived as a double standard in its response to violating individual liberties – i.e. one standard for Nazi-Fascist totalitarian states, and another for imperialist democratic ones.<sup>101</sup>

Both the eurocentrism within white feminist organisations and the exceptionalism of Palestine can explain this differential treatment of Palestinian women. In favour of a Eurocentric critique, what does emerge from the IWSA minutes is that Plamínková was extremely vocal, participative, and solidly rooted in the WILPF and IWSA executive board and its work in a way that differed from Sadiyah Nassar who was far from them in terms of geography, politics and background. However, this tension illustrates the centrality of the difficult negotiations between the nation as a precondition of equality in the international arena, and the racialised politics of internationalism within the early feminist movement. In other words, the national equaled the political, and if the women's movement wanted to reach its goals, petty national politics had to be left at the door. Unfortunately, claiming neutrality and eliding politics had the undesired consequence of foreclosing the possibility of interrogating colonialism and its implications, and it is in this sense that Arab women's marginalisation in the world of feminist networks is read.<sup>102</sup>

---

<sup>100</sup> Released after a few weeks, she remained under Gestapo surveillance, was then arrested a second time and was murdered by the Nazis in 1942.

<sup>101</sup> Weber (2008).

<sup>102</sup> Weber (2008).

## 5 Conclusion

The negotiations between colonialism, nationalism and feminism were a controversial issue for women's activism under the British Mandate, and early Palestinian feminism has been characterised in the literature as immature and incomplete because of its statist dimension. It is seen as lacking, under the conditions of a colonial world order, the legal understanding that the mere establishment of a sovereign state would not automatically bestow 'rights on women'.<sup>103</sup> The qualification of the 'state feminism' in Mandate Palestine points to the limitations of an imposed Western liberal standard and notions of women's rights and citizenship in the Levant. However, it also often marginalises what I argue was remarkable transnational legal activism by the early regional women's organisations, an activism rooted in anti-imperialism within a federate regional governance in the Levant in a way that, while modelling a liberal reformist standpoint, actually contributed to challenging it from within by posing questions of equality, race and privilege that are at the core of political organising.

This leads us to conclude that the panorama of Arab-Palestinian feminism at the time, although presenting different political preferences, was united in opposing the settler colonial Zionist project, therefore leading to a balanced understanding between feminist and national emancipation in a way that was not single-mindedly obsessed with the state. In this sense, balancing social progressivism with anti-imperialism was seen as essential to this struggle, and anti-discrimination, both against colonial powers and within the early rise of an international feminist movement, was of paramount importance. In other words, rather than aiming for seats of power in an abstract notion of an independent and centralised state, Arab women's activism of the 'first wave' seemed more directed at balancing social progressivism and rejecting foreign Western control (albeit without denying their own imperialism)<sup>104</sup> through the fight against religious and racial discrimination and colonial violence, with the aim of improving education, social justice, the conditions of the poor, prisoners, workers and the elderly, i.e. the most vulnerable members of society. Methodologically, retrieving and including women's voices from international accounts of nationalism and sovereignty in Mandate Palestine is not a mere fulfilment of the monotonous requirements imposed by a feminist commitment to include gendered subjects in historical canon. On the contrary, precisely because of their articulation on an indissoluble mediation between visions of rights and justice, it is conducive to rethinking the boundaries of the foundational legal concepts to which the roots of the Arab/Israeli conflict have traditionally been ascribed.

---

<sup>103</sup> Fleischmann, *The Nation* (2003) 146.

<sup>104</sup> Baron (2000) 137.

To conclude, this contribution aimed to complement an established legal framework of the origins of the Arab/Israeli conflict with the historical endeavours of an early Arab transnational feminist formation in the Levant. In contrast to some literature which sees 'state feminism' in the Levant as a mere by-product of European imperialistic modernisation, by highlighting the intersections and the trajectories of local actors, both in the domestic history of Israel/Palestine and within the emerging Arab feminist movement, the article complicates the discourse on nationalism, history and feminism. The contradiction between fighting for national state independence while having to experience a subordinate role within the state has been the object of a relentless critique in feminist theory and practice, and Palestinian women lived the often incompatible and contradictory natures of these political goals. Instead, by locating historical negotiations between social justice, imperialism and race at the intersection of feminist and international legal history, the article aims to contribute to histories of international legal institutions and politics by sketching a pre-history of postcolonial feminist interventions in the history of women's activism and international law, including Arab and South Asian women's networks, showing their contributions in drafting a global agenda of women's human rights, long before the emergence of postcolonial voices at the Mexico Conference of 1975.<sup>105</sup>

~

---

<sup>105</sup> Aziza Ahmed (2017); Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton University Press, 2008).



# THIRD WORLD APPROACHES to INTERNATIONAL LAW *Review*

## EDITORIAL COLLECTIVE

**LAURA BETANCUR-RESTREPO** ~ *Universidad de Los Andes*  
**AMAR BHATIA** ~ *York University, Toronto*  
**FABIA FERNANDES CARVALHO** ~ *University of Melbourne*  
**USHA NATARAJAN** ~ *Columbia University*  
**JOHN REYNOLDS** ~ *National University of Ireland, Maynooth*  
**AMAKA VANNI** ~ *University of Leeds*  
**SUJITH XAVIER** ~ *University of Windsor*

## EDITORIAL ASSISTANT

**SAMSUDEEN ALABI** ~ *University of Windsor*

*TWAIL Review* Issue 2

Published November 2021 ~ Windsor, Canada

ISSN 2563-6693

[www.twailr.com](http://www.twailr.com)

[editors@twailr.com](mailto:editors@twailr.com)

[submissions@twailr.com](mailto:submissions@twailr.com)

twitter: @TWAILReview

facebook: @twailr

## ADVISORY BOARD

**GEORGES ABI-SAAB**  
**PENELOPE ANDREWS**  
**ANTONY ANGHIE**  
**REEM BAHDY**  
**MOHAMMED BEDJAOU**  
**HILARY CHARLESWORTH**  
**BS CHIMNI**  
**CYRA CHOUDHURY**  
**KIMBERLÉ CRENSHAW**  
**RICHARD DRAYTON**  
**RICHARD FALK**  
**JAMES GATHII**  
**CARMEN GONZALEZ**  
**ARDI IMSEIS**  
**BEVERLY JACOBS**  
**KARIN MICKELSON**  
**VASUKI NESIAH**  
**LILIANA OBREGON**  
**OBIORA OKAFOR**  
**ANNE ORFORD**  
**SUNDHYA PAHUJA**  
**VIJAY PRASHAD**  
**BALAKRISHNAN RAJAGOPAL**  
**NATSU SAITO**  
**MUTHUCUMARASWAMY SORNARAJAH**