

Religion and Gender Inequity in Israel

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The aim of the talk is to examine the situation of women in Israel and the effect of religion on their status. I will claim that the lack of separation between state and religion is a major contributor to gender inequity, and an impassible hindrance to the progress towards true equality. I will also argue that merely changing the legal and constitutional status of women will not eradicate these inequities, as long as people, including women, choose to abide by religious restrictions, cultural taboos, and social conventions that limit their freedom.

Israel is the only country in the western world that does not have a civil code of family law that allows for non-religious marriage and divorce. Although Israel signed the 1948 Universal Declaration of Human Rights, it continuously violates several articles in it, notably Article 16, which states that: *“Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution”*. However, the legal system in Israel, which was inherited from the Ottoman Empire and the British Mandate, delegates jurisdiction over personal status issues to several distinct religious communities. Under this system, each officially recognized religious community operates religious courts, and has legal authority over its members in matters of marriage, divorce, and in most cases also burial. Belonging to a religious community is determined according to the laws of that community, and is not a matter of personal choice. As a consequence, there is no interfaith marriage in Israel, and there are restrictions on who a person can marry even within a religious community. Divorce laws are even more problematic, and often pose greater injustice on women. Since most religions invariably discriminate against women, some of the most private and important aspects of women’s lives are under the jurisdiction of discriminatory rules and male-only tribunals. It is worth noting that atheists, agnostics, and people who do not belong to any religious community are not recognized as a community, and are thus compelled to be subject to tribunals and laws that are antithetical to their conscience and beliefs.

I will review some of the legal discriminatory laws and practices that affect women in Israel, focusing on the Jewish, Muslim and Catholic religious courts, their rulings in matters of personal status under their jurisdiction, and their effect on the lives of women. I will also show that the subjugation of the secular legal system to the religious norms and restrictions, has far-reaching consequences on matters outside the

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realm of personal status, such as women's health, women's education, women's role in the workforce and in the military, and women's status and participation in politics. Furthermore, the adherence to religious demands has so far obstructed the legislation of a comprehensive liberal constitution, which would include a postulation of gender equality under state law.

My conclusion is that a formal separation of state and religion would be an important step in the right direction towards gender equity, though ultimately, only freedom of mind will truly free women from oppression and injustice.