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Abstract	<p>Israel boasts a strict, effective law for the prevention of sexual harassment. At the same time, it explicitly discriminates against women in the context of marriage and divorce. Additionally, in the twenty-first century, there is a strong movement, coming from conservative ultra-orthodox Jewish circles, to segregate women in the public sphere and exclude them from "male only" zones. Nevertheless, Israeli women seem to overlook these severe threats to their equality and prefer to invest their feminist energy in the struggle against sexual harassment and gendered violence. This chapter frames the phenomenon, offering background, explanation, and analysis.</p>	
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# Sexual Harassment, Divorce Law, and Women's Exclusion

AU1  
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## Gender Reality in Israel and Israeli Women's Perception

Orit Kamir

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### Abstract

Israel boasts a strict, effective law for the prevention of sexual harassment. At the same time, it explicitly discriminates against women in the context of marriage and divorce. Additionally, in the twenty-first century, there is a strong movement, coming from conservative ultra-orthodox Jewish circles, to segregate women in the public sphere and exclude them from "male only" zones. Nevertheless, Israeli women seem to overlook these severe threats to their equality and prefer to invest their feminist energy in the struggle against sexual harassment and gendered violence. This chapter frames the phenomenon, offering background, explanation, and analysis.

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### Keywords

Sexual harassment · Marriage and divorce law · Gender exclusion · #MeToo · Dignity

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## 26 **1 Introduction**

27 This chapter presents the complicated gender reality that Israeli women face. In the  
28 twenty-first century, Israeli law offers better protection from sexual harassment than  
29 any other. At the same time, Israeli women are discriminated against in ways that  
30 women in Western countries are unfamiliar with: Israeli women are completely at the  
31 mercy of their husbands regarding divorce and are gradually excluded from various  
32 aspects of public life. Presenting this unique gender reality, the chapter argues that  
33 Israeli women tend to misconceive their distinctive condition. Taking Israel's dis-  
34 criminatory marriage and divorce law for granted and identifying with the global  
35 community of women they encounter via the Internet and social networks, Israeli  
36 women – especially millennials – are not sufficiently aware of the uniqueness of their  
37 national gender reality, nor of the specific courses of action that it requires. Eagerly  
38 identifying with and participating in global movements like #MeToo, they focus on  
39 sexual harassment and mostly ignore their country's discriminatory law of marriage  
40 and divorce, as well as the expanding exclusion of women from Israel's public  
41 sphere. Their confusion renders transparency to the discriminatory aspects of Israel's  
42 gender reality and further augments it.

43 The first section of this chapter offers an overall view of Israeli women's socio-  
44 legal situation; it further argues that immersed in global social media, Israeli women  
45 are not fully aware of the uniqueness of their own condition. The section fleshes out  
46 the argument and contextualizes it, suppling historical background. The succeeding  
47 sections describe in some detail Israel's Law for the Prevention of Sexual Harass-  
48 ment (Sect. 3), then Israel's legal treatment of marriage and divorce (Sect. 4), and  
49 finally women's deepening exclusion from the public sphere in contemporary Israel  
50 (Sect. 5). These presentations highlight the differences that distinguish gender reality  
51 in Israel from that in the West in these three areas. The closing section (Sect. 6)  
52 explains why Israel's treatment of sexual harassment is so progressive, whereas  
53 marriage and divorce are so discriminatory, and the exclusion of women deepens.

54 The chapter's argument regarding Israeli women's self-perception refers to the  
55 mainstream group of Zionist, Jewish Israeli women. Israel's "equality myth," pre-  
56 sented in Sect. 2, and young women's deep familiarity with social media, are  
57 particularly typical of Zionist, Jewish Israeli women, who make up 60–70% of the  
58 women in Israel. The social constructions of Palestinian Israeli women, of ultra-  
59 orthodox Jewish women in Israel, and of other women of minority groups are quite  
60 distinct and require separate discussions. Israel's legal regime, discussed in Sects. 3,  
61 4, and 5, applies equally to them all.

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## 62 **2 Israeli Women's Reality and Their Self-Perception**

63 In October 2017, responding to sexual abuse allegations made against American  
64 movie producer Harvey Weinstein, Hollywood film actress Alyssa Milano called out  
65 to anyone who has ever been sexually harassed or assaulted to write "Me too" as a  
66 status; this, she said, would give people a sense of how prevalent sexual predation

67 really is. In the next couple of days, nearly five million people used the phrase on  
68 Facebook and Twitter, and “#MeToo” became a global Internet movement. Israeli  
69 women were quick to respond to this international challenge, and the English phrase  
70 “Me Too” (in Hebrew transliteration) immediately became a household name.  
71 During the following year, Hebrew language social media burst with women’s  
72 stories of sexual harassment, assault, and abuse, with some women publicly  
73 announcing the names of their alleged victimizers. Conversations and heated debates  
74 flourished. National newspapers, as well as television and radio programs, covered  
75 the developments with great interest. This testified to Israeli women’s – especially  
76 millennials’ – identification with the international community of women, its univer-  
77 sal gender plights, frustrations, and struggles (Elliman 2019).

78 This outward-looking gendered self-perception was a rarity among Israeli women  
79 of previous generations. Since the foundation of Israel in 1948, Israeli women were  
80 brought up to believe that their young society was truly egalitarian, unlike any other.  
81 Israel’s Declaration of Independence promised its citizens gender equality, and  
82 Israeli women took many civil liberties – including their equal rights to vote,  
83 study, and work at will – for granted. Moreover, having actively participated in the  
84 Jewish national Zionist struggle for statehood (against the British mandate, the local  
85 Palestinian population, and several Arab armies), raised on twentieth-century social-  
86 ist ideology, and drafted into military service in the IDF (Israel Defense Force) –  
87 Israeli women believed that in their corner of the world gender was not an issue. This  
88 reality was vividly documented in a lively memoir by Marcia Freedman, who  
89 immigrated to Israel from the United States and became an outspoken feminist  
90 activist and Member of Knesset (Freedman 1990).

91 Further, Israeli men and women were steeped in the utopian belief that, having  
92 managed, against all odds, to revive a dormant, ancient tribe and ground it in a  
93 modern nation-state – they succeeded in establishing a perfect model community.  
94 Hence, whereas other women were seen as oppressed by old-world gendered  
95 stereotypes, conventions, and traditional social structures, Israeli women thought  
96 themselves to be free and equal in an enlightened, benevolent, avant-garde society.  
97 Israeli men were viewed not as patriarchal oppressors but as equal and fair peers and  
98 partners in the heroic struggle to realize the common Zionist goal (Freedman 1990).  
99 Evidence to the contrary was ignored and suppressed. In their minds, as in their  
100 national culture and discourse, Israeli women were strong, tough, and industrious,  
101 just like Israeli men, and full members of the Israeli collective. Golda Meir’s term as  
102 Israel’s prime minister during 1969–1974 was widely taken to confirm these opti-  
103 mistic views. As an outsider within, Freedman noticed and depicted this in her  
104 memoir (Freedman 1990).

105 Only in 1991 did two Israeli feminists (Barbara Swirski and Marilyn P. Safir),  
106 both immigrants from the United States, compile a volume of articles titled “Calling  
107 The Equality Bluff: Women in Israel.” For most Israeli women, it was inconceivable,  
108 even then, that they were systematically discriminated against in the workplace, that  
109 they were greatly underrepresented in government, that a thick glass ceiling pre-  
110 vented them from reaching commanding positions in the army, and that some of  
111 them suffered from gendered oppression and violence in their homes – much as

112 women everywhere else in the world (Safran 2006; Freedman 1990). Small feminist  
113 groups in Israel's major cities (Jerusalem, Haifa, and Tel Aviv) started acknowledg-  
114 ing these facts and discussing means of feminist action as early as the 1970s, but they  
115 were marginalized and mostly ignored (Safran 2006; Freedman 1990). It was only in  
116 the second half of the 1980s and the 1990s that such feminist realizations reached  
117 wider circles.

118 Israel's "Women's Network," founded in 1984 by Prof. Alice Shalvi, together  
119 with other American-raised Israeli feminists, set out to present mainstream Israeli  
120 society with its gender reality and basic feminist insights. To bring about change, the  
121 group lobbied for women's representation in the Knesset and municipalities; it  
122 litigated equal opportunity cases and suggested legislative amendments (e.g.,  
123 acknowledgment of married women in their dealings with the tax authority as  
124 independent entities, separate from their male spouses) (The Israel Women Network,  
125 n.d.). The 1990s saw the foundation and growth of Israel's Rape Crisis Centers and  
126 their national Association. Combining the country's nine centers, the Association  
127 gradually took on voicing victims of sexual assault in the Israeli public sphere (The  
128 Association of Rape Crisis Centers in Israel, n.d.).

129 In 1992 the Israeli parliament legislated what is often considered the country's  
130 Bill of Rights: Basic Law Human Dignity and Liberty. This propelled both public  
131 awareness of and judicial commitment to human rights. The new liberal atmosphere  
132 and its rights-oriented discourse legitimized and amplified the budding feminist  
133 movement. Feminist concerns were voiced in the media, and universities started  
134 offering gender courses and programs. In 1998 the Knesset passed the Law for the  
135 Prevention of Sexual Harassment, which was – and still is – unparalleled in its scope  
136 (see Sect. 3). This brought about the long-overdue breaking of silence, triggering an  
137 explosion of women's testimonies of sexual offense and abuse. Legal complaints  
138 were now brought against harassers, including leading politicians, among them a  
139 minister of transportation (in 2000), a minister of justice (2006), and Israel's  
140 president (2006). Intense media coverage of these high-profile cases made sexual  
141 harassment a household name. As a result, norms of conduct in Israel were signif-  
142 icantly altered.

143 Yet this radical change had no impact on the blunt and explicit discrimination of  
144 Israeli women in other realms of their lives. Since its foundation, Israel declined to  
145 enact a civil marriage and divorce law, leaving this part of family law in the hands of  
146 religious codes. For most Israeli women – Israel's Jewish women – this means that  
147 orthodox Jewish *Halachic* law governs their marital affairs (see Sect. 4). This ancient  
148 law views them as their husbands' chattel, giving men the exclusive right to issue  
149 divorce (by writing a *Gett*) while deeming wives to complete dependency on the  
150 goodwill of their husbands. Further, in the twenty-first century, as Israel's ultra-  
151 orthodox Jewish community is gaining power, women have been gradually excluded  
152 from aspects of the public domain (see Sect. 5). In ultra-orthodox Jewish neighbor-  
153 hoods and cities, women are required to use separate sidewalks, to occupy only the  
154 back seats of busses, and to sit separately in communal events. They are barred from  
155 running for office in political parties representing this sector of the society. Due to  
156 ultra-orthodox pressure, women have been barred from performing in state official

157 ceremonies because in ultra-orthodox Judaism, a woman's voice is not to be heard  
158 publicly.

159 Unlike their predecessors, Israeli millennials no longer buy into the old, utopian  
160 gender equality myth. They grew up surrounded by public and media preoccupation  
161 with sexual harassment. On the other hand, family law is rarely discussed critically  
162 in Israel's public discourse, and religious, *rabbinical* weddings and divorces are  
163 generally taken for granted. Women's exclusion from the public sphere is widely  
164 thought to be an internal issue within the ultra-orthodox community, many liberals  
165 defending it in the name of cultural pluralism (Margalit and Halbertal 1994; Harel  
166 2004; Halperin-Kaddari 2000). Young Israeli women are, thus, oblivious of their  
167 systematic discrimination regarding marriage and divorce and the severity of  
168 women's exclusion in Israel; at the same time, they are acutely conscious of the  
169 evils of sexual harassment.

170 Concurrently, with the introduction of the Internet and social media in the first  
171 decade of the twenty-first century, millennials have been exposed to the global arena  
172 and quickly immersed themselves in it. The condition of women worldwide, and  
173 especially in the USA, became as vivid and familiar to them as their own social  
174 reality, if not more so. As mentioned above in October 2017, Israeli millennial  
175 women immediately joined the #MeToo movement, embracing its victim-oriented  
176 perspective and discourse and expressing their frustrations with their own experi-  
177 ences of sexual harassment. They assumed that their experiences, frustrations, and  
178 courses of action were no different from elsewhere and that joining the global  
179 Internet movement was their obvious course of action.

180 Steeped in the ethos of equality, earlier generations of Israeli women were mostly  
181 blind to the *similarity* between their own gender-based discrimination and that of  
182 other women around the world. In an interesting twist, Israeli millennial women are  
183 blind to the *differences* between their authentic social condition and that of their  
184 sisters in the global social networks. In reality, Israeli women are *not* helpless in the  
185 faces of their harassers, as are many women worldwide: the Israeli Law for the  
186 Prevention of Sexual Harassment offers victims of harassment in Israel several legal  
187 routes to sue their victimizers to pursue justice, compensation, and even criminal  
188 penalties. At the same time, Israeli women *are* systematically and bluntly discrim-  
189 inated against in marriage and divorce law and through gender exclusion in the  
190 public sphere.

191 Through the Internet and social media, exposure to women's realities, particularly  
192 in the USA, blurs the perspective of Israeli women regarding their condition and  
193 their feminist causes. Had millennials been more aware of these differences, they  
194 might have devoted less energy expressing their frustration with sexual harassment  
195 and invested it in a feminist struggle against Israel's discriminatory marriage and  
196 divorce law and the deepening exclusion of women from the public sphere.

197 The following sections offer more detail on Israel's sexual harassment law, its  
198 marriage and divorce law, and the exclusion of women from the public sphere.

### 199 **3 Israel's Law for the Prevention of Sexual Harassment**

200 In 1998 the Israeli Knesset enacted a law aimed to prevent sexual harassment and  
201 discipline harassers (Prevention of Sexual Harassment Law). The law's preamble  
202 declares that sexual harassment is prohibited to guarantee every person's human  
203 dignity, (sexual) liberty, and privacy; the preamble states that the prohibition of  
204 sexual harassment is also intended to promote equality between the sexes. The  
205 preamble links the law directly to Israel's Basic Law of Human Dignity and Liberty,  
206 asserting explicitly that sexual harassment is banned because it offends dignity-  
207 based human rights. In light of this rationale, *sexual harassment is prohibited not*  
208 *merely in the workplace but everywhere*. It applies to any interaction that occurs in  
209 any context between two (or more) individuals, disregarding the circumstances or  
210 the relationship between them. Any human interaction may give rise to sexual  
211 harassment that threatens human dignity; the law, therefore, applies to them all.  
212 Aiming to protect human dignity, the law applies to men and women alike; it  
213 prohibits sexual harassment of any individual, whether committed by men,  
214 women, or others. The scope of the Israeli law is, therefore, universal.

215 The law does not merely prohibit sexual harassment but specifies six types of  
216 conduct that are now considered wrongful sexual harassment and are hence pro-  
217 hibited. This is meant to instruct Israelis on which of their actions may be legally  
218 deemed wrongful harassment and offer them a clear warning. Since, for some  
219 Israelis, the new law may have constituted a dramatic normative change, the new  
220 norms were expressed explicitly. Further, by defining specific types of conduct as  
221 wrongful and unlawful, the legislation aimed to make the new statutory norms  
222 unanimously familiar and clear to the general public and law enforcement  
223 authorities.

224 The types of conduct listed in the law as constituting wrongful sexual harassment  
225 are these:

- 226 1. Sexual blackmail enforced by threats (as defined by Israel's Penal Code)
- 227 2. Any bodily contact or gesture that is meant to sexually arouse, satisfy, or  
228 humiliate, and whose recipient did not consent to (as defined by Israel's Penal  
229 Code under the title "indecent conduct")
- 230 3. Repeated sexual propositions made to a person who has already shown the  
231 harasser that s/he is not interested in such propositions; If such repeated propo-  
232 sitions are made through the exploitation of authority, they may be considered  
233 sexual harassment even if the recipient did not show his/her disinterest.
- 234 4. Repeated references to a person's sexuality, when the recipient has already shown  
235 the harasser that s/he is not interested in such propositions; If such repeated  
236 references are made through the exploitation of authority (in education, in the  
237 workplace, and elsewhere), they may be considered sexual harassment even if the  
238 recipient did not show his/her disinterest.
- 239 5. A degrading or humiliating reference directed at a person's concerning  
240 sex/gender or sexuality, including sexual orientation.

241 6. Distributing a visual image of a person that may be sexually degrading to that  
242 person, without his/her free, willful consent of.

243 The first two types of conduct on this list had already been prohibited by Israel's  
244 Penal Code long before the legislation against sexual harassment was enacted in  
245 1998. The new law reframed these legal prohibitions, clarifying that sexual black-  
246 mail and "indecent" contact or exposure are now considered wrongful because they  
247 are understood to be sexually harassing. The new rationale replaces traditional,  
248 moralistic notions of "decency" to protect human dignity and gender equality.

249 The prohibition of sexual degradation refers to blunt, offensive insults directed at  
250 a person's sex, gender, sexuality, or sexual orientation. Such an insult is likely to  
251 disempower and silence its target through sexual shame. It is particularly effective  
252 and harmful when publicly associating a person with what is considered to be  
253 sexually "deviant," such as insatiable sexual appetite in a woman or homosexuality  
254 in a man.

255 The most transformative prohibitions enacted in 1998 are those referring to  
256 repetitive sexual propositions and references. When welcome, such comments may  
257 be not merely acceptable but highly desirable. The legislation points out that when  
258 made repeatedly after the recipient has already indicated a lack of interest in them,  
259 they cease to be acceptable and become sexual harassment. Further, in the context of  
260 power relations, such comments may constitute wrongful harassment even if the  
261 recipient showed no sign of dismay. The law assumes that a weaker party may not  
262 dare to show disapproval, in fear of reprehension and retaliation. Thus, the more  
263 powerful party must bear the responsibility for repeated sexual suggestions made  
264 toward someone in a less powerful position. Finally, the sixth type of conduct was  
265 added when smartphones became a vehicle for adolescents and others to take each  
266 other's photos in compromising sexual positions and then share the images without  
267 permission. The law defines the shaming sharing of such "revenge porn" as wrong-  
268 ful, prohibited sexual harassment.

269 In addition to the six prohibited types of conduct, the law prohibits what it calls  
270 "vindictive treatment," explaining that "Vindictive treatment is any harmful act the  
271 source of which is sexual harassment or a complaint or court action filed in relation  
272 to sexual harassment" (Art. 3(A)). Simply put, the law prohibits any type of  
273 retaliation against anyone involved in sexual harassment or complaint of sexual  
274 harassment.

275 Aiming to encourage women (and other victims of sexual harassment) to respond  
276 through legal action, the Law to Prevent Sexual Harassment defines both sexual  
277 harassment and any retaliation ensuing from it as civil wrong *and also* as a criminal  
278 offense. Accordingly, anyone said to have committed sexual harassment or related  
279 retaliation in any sphere of life may be sued for damages and/or accused criminally.  
280 Work-related sexual harassment and retaliation are further defined as breaching  
281 employment law. Reported to an employer, such harmful conduct must be promptly  
282 reviewed by a disciplinary panel, and the complainant must be offered effective  
283 protection and relief. If such disciplinary proceedings are not satisfactory to the  
284 complainant, s/he may sue the harasser—as well as the employer. Whereas civil action

285 can be pursued in civil courts, and criminal charges may be brought by the police  
286 before a criminal court, employment-related legal action belongs in Israel's labor  
287 courts, which are allowed to consider equity and law and are traditionally sympa-  
288 thetic to employees.

289 This wide range of legal options created by the law is meant to empower women  
290 (as well as other victims of sexual harassment and related retaliation) by allowing  
291 them to choose whether to confront the offense they experienced through tort law, a  
292 criminal proceeding, or – if the harassment occurred in the workplace – disciplinary  
293 means and/or employment law and the labor courts. Whereas traditional, patriarchal  
294 social norms worldwide deter women from admitting to sexual victimization, the  
295 variety of options offered a complainant by Israel's Law for the Prevention of Sexual  
296 Harassment is meant to empower women and encourage each one to frame her injury  
297 as well as her legal response. An additional innovation the law introduced into  
298 Israel's legal system was punitive damages. The law determines that sexual harass-  
299 ment and related retaliation are categorically harmful and offensive to human  
300 dignity. It, thus, warrants the payment of compensation whether or not a victim  
301 can show monetary damages (such as loss of salary or medical expenses).

302 Since its legislation over 20 years ago, the Law for the Prevention of Sexual  
303 Harassment has revolutionized Israeli norms regarding unwarranted sexual  
304 advances. It has helped chip away at the Israeli macho mentality and enhanced the  
305 human rights discourse and feminist ideology, and jurisprudence. Since its enact-  
306 ment, several leading politicians and many public figures have been accused of  
307 sexual harassment; media coverage of their investigations and legal proceedings  
308 served to educate the wide public regarding the seriousness of sexual harassment.  
309 Throughout the country, countless complaints have been filed in workplaces, uni-  
310 versities, and courts. Many harassers have been reprimanded (Kamir 2014).

311 Young Israeli women who were raised since 1998 take the new social norms  
312 regarding sexual harassment for granted. Many do not know that the Israeli legal ban  
313 on sexual harassment is relatively new and that it is far more comprehensive than in  
314 other parts of the world. Attuned to international (mostly American) social media,  
315 they assume similarity between their condition and that of women elsewhere. As a  
316 result, they join in hashtag social movements such as #MeToo, instead of directing  
317 their attention and energy toward criticism and improvement of points that need  
318 correction in the existing legal situation.

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## 319 **4 Israel's Marriage and Divorce Law**

320 Israel has never enacted a civil law of marriage and divorce, leaving these central  
321 social institutions exclusively in the hands of religious courts that administrate them  
322 based solely on religious laws. This ancient arrangement constituted in the days of  
323 the Ottoman rule, assigns separate religious laws and courts to different Israelis,  
324 based on their religious affiliation (a citizen cannot marry or divorce in Israel if they  
325 are unaffiliated to a recognized religion; members of different religious groups  
326 cannot marry or divorce). For Jews, which compose most of Israel's citizenry, the

327 religious laws governing marriage and divorce are ancient *halachic* laws, as  
328 interpreted by the conservative ultra-orthodox rabbis that sit as judges in the  
329 rabbinical courts.

330 Professor Ruth Halperin-Kaddari, an expert on family law in rabbinical courts,  
331 has described the law on this point in her book *Women in Israel: A State of Their*  
332 *Own* (2004). She begins by clarifying that “Jewish law, perhaps more than any other  
333 religious legal system, is pluralistic. It is therefore misleading to present Jewish law  
334 as a monolithic normative system or claim a certain representation of Jewish law on a  
335 particular issue as an ultimate portrayal of the Jewish law on that issue” (Halperin-  
336 Kaddari 2004, 235). What is enforced in Israel, through rabbinical courts, as Jewish  
337 law, is merely one very conservative interpretation. Under this version of Jewish law,  
338 “marriage is, in fact, a unilateral act on the part of the man who betroths the woman,  
339 in a legal transaction that corresponds to acquisition. The status of men and women  
340 during the marriage is far from equal. As a traditional patriarchal system, Jewish law  
341 strongly adheres to strict gender roles in the family” (Halperin-Kaddari 2004, 236).

342 Halperin-Kaddari points out that this conservative version of Jewish law treats  
343 men's and women's sexual conduct differently:

344 While a married man's sexual relationship with a woman other than his wife hardly carries  
345 any legal consequence, except for the very rare possibility of considering this to be a ground  
346 for divorce, a married woman's sexual relations with a man other than her husband carry  
347 extremely harsh consequences: she is to be immediately divorced while losing her monetary  
348 rights otherwise acquired according to the Jewish law. She is prohibited from later marrying  
349 either her former husband or the man with whom she had ‘committed adultery,’ and any  
350 child that results from the adulterous relationships is considered a ‘bastard’ (*mamzer*) who is  
351 precluded from marrying within the Jewish community, except for a convert of a *mamzer*  
352 like him/herself. These grave and unequal consequences of women's extramarital relations  
353 profoundly implicate women's position within the divorce process, which is the main form  
354 of discrimination against women under Jewish law. (Halperin-Kaddari 2004, 236)

355 Halperin-Kaddari emphasizes that “[w]hat distinguishes Jewish marriage and  
356 divorce rules from other legal and religious systems is that both marriage and divorce  
357 are autonomous, voluntary acts of two individuals, not legal actions constructed by  
358 the external judicial or religious organ (*ibid.*)”. This means that marriage and divorce  
359 can only be performed by the parties themselves, of their free will, and more  
360 specifically by the man, of his free will, since the woman's will may be substituted  
361 (for a legal presumption or a rabbinical decision). The rabbinical courts' function is  
362 thus not “constitutive,” but merely “declaratory”; they declare that the man has freely  
363 and mindfully “purchased” a woman for a wife, or that he freely and mindfully  
364 divorced her, that is, relinquished his rights over her and set her free. “Where there is  
365 no consent [on the part of the husband, O.K.], no divorce can be processed, since  
366 contemporary rabbinical courts perceive themselves incompetent to annul marriages,  
367 although Jewish law does provide for this mechanism under certain circumstances”  
368 (Halperin-Kaddari 2004, 237).

369 One would think that if a woman fails to obtain a *gett* (religious divorce), she  
370 could separate from her husband *de facto* and start a new family. But halachically,

371 and therefore legally in Israel, in such a case, she remains married, that is, she  
372 continues to belong to her husband, and her new relationship is considered adulter-  
373 ous. This implies the loss of all her monetary rights and imposition of the *mamzer*  
374 (bastard) status on her children, which means that they are barred from marrying in  
375 Israel. Thus, an Israeli Jewish woman who wishes to maintain her monetary rights  
376 and be free to remarry must attain a *gett*. She must convince the rabbinical court to  
377 use its power to influence the husband to release her.

378 Rabbinical courts may use several terms of ordering divorce, from the very lenient recom-  
379 mendation to divorce to the harshest term permitting coercion under very rare circumstances.  
380 Each term permits varying degrees of sanctions against the recalcitrant party, and the highest  
381 category of coercion permits the incarceration of the recalcitrant husband. However, divorce  
382 claims against women are easily accepted by rabbinical courts, and women are ordered to  
383 accept the *gett*. Similar claims against men, under similar circumstances, rarely produce an  
384 order to grant the *gett*. Contemporary rabbinical courts tend to refrain from compelling a man  
385 to divorce. (Halperin-Kaddari 2004, 237)

386 Even a husband's physical violence against his wife is not usually viewed as  
387 justifying coercion of the husband to give a *gett*; in such cases, religious judges  
388 (*dayanim*) typically merely recommend that the husband set his wife free. And since  
389 this is common practice and common knowledge:

390 This leads the way for a common course of negotiation, which generally results in the  
391 woman buying her way out of the marriage by paying whatever the husband demands in  
392 terms of property rights, child support and so on. Women who refuse to pay for their freedom  
393 to remarry have no recourse in the Israeli legal system. They are *agunot*, women who are  
394 'chained' or 'anchored' to their husbands, with no relief available in the religious civil  
395 system. . . Thus, the power imbalance is not remedied by the judicial system. (Halperin-  
396 Kaddari 2004, 238)

397 This is also the fate of a childless widow (a woman whose husband died without  
398 leaving offspring). She is considered married to the dead husband's brother and can  
399 only be free to remarry if and when the brother agrees to divorce her. "In these  
400 circumstances, the widow's freedom to remarry depends on the deceased's brother's  
401 cooperation, and there are cases of money being demanded in exchange for *halitza*  
402 [a religious ritual in which the deceased husband's brother sets the widow free]. . .  
403 According to data supplied by the Administration of the Rabbinical Courts, there  
404 were 20 such cases of women in need of *halitza* on average a year during the 1990s"  
405 (Halperin-Kaddari, 238).

406 Western women are typically shocked to learn of Israel's marriage and divorce  
407 laws. The thought that a woman in Israel is incapable of ending a marriage, even if it  
408 is hurtful and violent, is inconceivable. Interestingly, an Israeli woman is likely to be  
409 aware of this situation, certainly once she has witnessed a relative or a friend cope  
410 with a reluctant husband. Nevertheless, most women do not try to prevent their  
411 daughters' rabbinical marriages, accepting the potential danger as an inevitable  
412 hazard. Young women are often more concerned about the wedding party than  
413 about the power structure that is so clearly tilted against them.

## 414 5 Gender Segregation and Exclusion of Women

415 In 1997, as Israel's Law for the Prevention of Sexual Harassment was being drafted,  
416 a new trend emerged among ultra-orthodox Jewish circles in Israel: gender segre-  
417 gation in the public sphere, meant to provide men with areas "pure" of women. In the  
418 ultra-orthodox Jewish communities, as, indeed, elsewhere in Israel, gender segrega-  
419 tion has always existed in religious contexts, such as orthodox synagogues. This type  
420 of segregation is not egalitarian; men occupy the main halls, performing all the  
421 sacred rituals, whereas women are relegated to back rooms or upstairs balconies,  
422 where they must not be seen or heard by the men. In orthodox institutions of *Torah*  
423 studies, called *Yeshivas*, women have always been completely excluded; the  
424 *Yeshivas* are exclusively for men. All religious positions within orthodox Judaism  
425 in Israel (such as *rabbis*, religious judges, and undertakers) require *Yeshiva* educa-  
426 tion and are held exclusively by men, even though they are public positions funded  
427 by the state. Women may not even apply for them. Yet all this is perceived as the  
428 private sphere of religion and is typically distinguished categorically from the public  
429 sphere, including streets, public transportation, politics, the IDF, national media,  
430 cemeteries, HMO clinics, and official state ceremonies. Since 1997, extreme circles  
431 within the ultra-orthodox community started demanding the segregation of women  
432 in this public sphere.

433 The point of contention that received most public attention and visibility was  
434 women's segregation in public transportation. Starting in 1997, national bus com-  
435 panies, regulated and subsidized by the state, agreed to permit gender segregation in  
436 lines that go through ultra-orthodox neighborhoods and cater mostly to members of  
437 the ultra-orthodox community. In line with the demands of extreme circles, women  
438 using these lines were requested to enter buses through back doors and occupy the  
439 back seats. The front doors and seats were reserved exclusively for men. Women  
440 passengers who were unaware of this arrangement, or unknowingly boarded a  
441 segregated bus, or refused to cooperate with the discriminatory arrangement, often  
442 met with verbal and physical abuse, and even with passengers' violence (all the  
443 information regarding segregation and exclusion of women can be found in IRAC's  
444 publications in English, such as Erez-Likhovski and Shapira-Rosenberg  
445 2013–2014).

446 The Israel Religious Action Center (IRAC), operated by the Reform Jewish  
447 movement in Israel, is the most active organization in the struggle against women's  
448 segregation and exclusion. Since 2001, it has been monitoring the demands to  
449 introduce gender-based segregation in the public sphere. In annual publications,  
450 starting in 2010, the IRAC presented a growing list of locations and services that  
451 embraced segregation or full exclusion of women (Erez-Likhovski and Shapira-  
452 Rosenberg 2013–2014). These included buses (in which women were relegated to  
453 the back), flights (on which women were asked to change seats when ultra-orthodox  
454 men refused to sit near them), cemeteries (in which women were segregated and  
455 silenced when attending their relatives' funerals), HMO clinics (in which women  
456 were assigned to separate entrances and waiting halls), institutions of higher educa-  
457 tion (where ultra-orthodox women were segregated in gendered classes), libraries

458 (where different hours were set for men and women), sports (where kids' mixed  
459 basketball teams were not allowed to let girls participate when rival teams objected  
460 to female presence), streets, especially near synagogues (where signs were put up,  
461 instructing women not to pass, not to linger, or to dress modestly), events and  
462 conferences organized by public bodies (to which women were not invited), and  
463 *Kol Barama* public radio station (where women's voices were never aired). Organi-  
464 zations such as National Security and the Post Office were requested to offer  
465 segregated services, and private enterprises (such as pizza parlors and wedding  
466 halls) were asked to separate men's and women's seating areas (Erez-Likhovski  
467 and Shapira-Rosenberg 2013–2014).

468 The IRAC did more than publicize segregated services and locations; it  
469 demanded that authorities, such as ministries and municipalities, enforce laws  
470 prohibiting gender discrimination, and when they failed to do so – it petitioned the  
471 courts. Two court decisions in cases of segregation and exclusion were particularly  
472 influential. In 2011 Israel's Supreme Court accepted the IRAC's appeal against the  
473 Ministry of Transport and announced that forced segregation was strictly illegal and  
474 had to stop (Ragen v. Ministry of Transport; Mehadrin Bus Lines). In 2018 the court  
475 declared that radio station *Kol Barama* that did not air women's voices was wrong-  
476 fully discriminating against them and had to change its policy and pay damages to its  
477 listeners (Radio Kol BaRamah v. Kolech – Religious Women's Forum; NIF: Reli-  
478 gious Freedom).

479 But these legal decisions, together with many others, did not fully change the  
480 reality of gender segregation. So, for example, on some busses, ultra-orthodox  
481 women “voluntarily” occupy the back seats, hence respecting the court's decision,  
482 yet enabling the continued segregation. Further, the court's attempts not to intervene  
483 in the ultra-orthodox Jewish community's way of life often leave loopholes in its  
484 decisions. For example, in 2021, the court ruled that it was wrongfully discrimina-  
485 tory to prevent female professors from teaching in male-only classes exclusively to  
486 ultra-orthodox students (Price-Gibson 2021). At the same time, the court did not  
487 prohibit the segregation of ultra-orthodox male and female students in higher  
488 education institutions. The existence of segregated classes, now officially endorsed  
489 by the court, is sure to breed more segregation and exclusion of women.

490 Gender segregation goes almost unnoticed in Israel and is mostly accepted even  
491 within liberal circles. One reason is that Israelis are accustomed to women's segre-  
492 gation in state-sponsored orthodox synagogues and *yeshivas* and their exclusion  
493 from state-funded religious offices (such as rabbis). These familiar realities make  
494 segregation and exclusion seem natural, normal, and nonproblematic. Another  
495 reason is that much of the time, gender segregation is demanded and enforced  
496 mostly within ultra-orthodox circles. Most of the public using the services of  
497 segregated buses and excluding radio stations is ultra-orthodox. Other Israelis tend  
498 to view segregation and exclusion that take place within the ultra-orthodox commu-  
499 nity as an internal affair and as an issue of community autonomy, protected by the  
500 tenet of cultural pluralism. Ultra-orthodox women are widely believed to freely  
501 consent to their segregation and exclusion; they are rarely viewed as an oppressed  
502 minority within the ultra-orthodox minority.

503 Israelis tend to respond with outrage when the extreme ultra-orthodox demands  
504 lead to women's segregation in or exclusion from official ceremonies (such as  
505 Independence day celebrations) or in the IDF (where women soldiers are sometimes  
506 prevented from swimming in bathing suits, from singing or from instructing reli-  
507 gious male soldiers) (Kubovich 2021). However, Israelis are mostly blind to other  
508 types of gender segregation and exclusion. As it is not a major feminist issue in  
509 Western countries and does not receive much feminist attention in American social  
510 media, segregation and exclusion seem to remain under the radar for many Israeli  
511 women who respond vehemently to sexual harassment.

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## 512 **6 Conclusion**

513 The Israeli Declaration of Independence constituted gender equality, and the Basic  
514 Law: Human Dignity and Liberty reassured human rights to all Israelis, men and  
515 women alike. This seems to have reflected and refracted Israeli women's self-  
516 perception as fully equal citizens. In the early days of statehood, they proudly  
517 posed toiling the land and carrying weapons; they celebrated their right to participate  
518 in agricultural work and military service and society building. In the early 1970s,  
519 they took pride in Golda Meir's prime ministry. Yet, for decades, men and women  
520 alike were quick to state that Israeli women had no use for feminism since women in  
521 Israel always enjoyed full equality, power, and standing.

522 Yet, the reality was that the women posing with weapons and work tools were  
523 almost unanimously denied participation in combat or agricultural work. As they  
524 posed full equality, they suffered all the ills of patriarchal discrimination that women  
525 have always suffered everywhere worldwide. Golda Meir was the exception and not  
526 the rule and for decades, she was the only minister in Israel's governments.

527 Since the 1990s, prompted by American feminist immigrants, the Israeli society  
528 gradually learned that women in Israel are and have always been discriminated  
529 against, harassed, battered, raped, and murdered as in any other part of the world. In  
530 addition, Israeli women slowly came to terms with the realization that Israeli men do  
531 sometimes harass, batter, rape, and kill their wives, daughters, and peers just like  
532 other men everywhere else.

533 The 1998 Law for the Prevention of Sexual Harassment enabled Israeli women to  
534 express their frustration with the prevailing sexism they were now able and willing to  
535 see and admit. After a decade of intense dealing with sexual harassment, in 2007,  
536 they demanded – and brought about – the investigation of Israeli President Moshe  
537 Katzav for repetitive sexual harassment and rape, which eventually led to his  
538 resignation, prosecution, conviction, and incarceration.

539 The prevalent discussion of sexual harassment and sexism, which developed in  
540 the shadow of the law, enabled Israeli women to realize and face their gender  
541 discrimination and embrace feminism. In turn, this new feminist awareness raised  
542 women's sensitivity to sexual harassment. As a result, in the twenty-first century,  
543 Israeli women, and particularly young ones, frequently voice exasperation regarding  
544 unwelcome sexual comments and gestures. Not fully aware of the unique remedies

545 the Israeli law offers them, they identify with the rage expressed by women in other  
546 parts of the world regarding sexism and harassment.

547 Interestingly, in contrast with their acute sensitivity to sexual harassment, Israeli  
548 women seem to be mostly unmoved by other types of gender discrimination, even as  
549 they are far more explicit, blunt, and unattended. Most women are silent in the face of  
550 institutional gender discrimination in the marriage and divorce laws and in reference to  
551 the growing segregation and exclusion of women in Israel's public sphere.

552 To better understand this contrast, it is necessary to consider Israel's dual char-  
553 acter as a Jewish and democratic state. Israel defines itself as the Jewish nation-state.  
554 Therefore, any Jew around the world is welcome, by Israel's Law of Return, to  
555 immigrate and receive citizenship. At the same time, Israel takes great pride in its  
556 unique status as the only liberal democracy in the Middle East. This dual character-  
557 ization went mostly unnoticed until the 1970s but has since become a topic of much-  
558 heated discussion and debate. Although both "Jewish" and "democratic" have many  
559 different meanings within different parts of the Jewish Israeli citizenry, most Jewish  
560 Israelis accept the "Jewish democratic" characterization and realize that there is  
561 tension between its two components. Typically, they aim to balance the two, feeling  
562 that one is particularistic and the other universalistic; one prioritizes Jewish tradition  
563 and way of life, while the other promotes personal freedom.

564 An element of the "Jewish" component that Jewish Israelis widely agree upon is the  
565 survival of the Jewish nation. For a large majority of Jewish Israelis, Israel is, above all  
566 else, a safe haven for the Jewish people that suffered millennia of persecution and near  
567 annihilation. Thus, national survival is a top priority, and if liberal democratic princi-  
568 ples must be curtailed to guarantee it – it is a price worth paying.

569 Marriage and divorce law is widely presented and conceived in these circles as a  
570 gatekeeper to Jewish survival. According to orthodox Jewish law (*halacha*), a child  
571 born to a married Jewish woman from a man who is not her husband is a *mamzer* and  
572 may not marry into the Jewish community. If Israeli Jewish women divorce in  
573 non-*halachic* ways, they may still be regarded as married according to *halacha*.  
574 Children they may bear after such non-*halachic* divorce may be *mamzerim* (**mean-**  
575 **ing**), hence not full members of the Jewish collective. Many Jewish Israeli women  
576 feel that to guarantee the existence of the Jewish nation, they must yield to *halachic*  
577 marriage and divorce even at the expense of explicit gender discrimination.

578 Another popular element of "Jewish" is the preservation of the traditional Jewish  
579 way of life. The ultra-orthodox present themselves and are commonly seen as  
580 preserving that authentic way of life. If it comes at the expense of gender equality  
581 and requires women's segregation and exclusion, many feel that it is worth it. Thus,  
582 cultural pluralism is fused with the desire to protect authentic Judaism that was  
583 historically persecuted and is now on the verge of extinction.

584 Therefore, their fidelity to the Jewish characteristic of their Jewish democratic  
585 state is a major source of Jewish Israeli women's silent acceptance of gender  
586 discrimination through marriage and divorce laws and through segregation and  
587 exclusion, even as they fiercely oppose and protest sexual harassment. The fierce  
588 struggle against sexual harassment is consistent with Israeli women's loyalty to  
589 Israel's Jewish democratic characterization. It does not force them to choose between

590 their conflicting loyalties to “Jewish” on the one hand and “democratic” on the other.  
 591 It is, therefore, a far more attractive choice than the battle against the discriminatory  
 592 Jewish law and ultra-orthodox demands to segregate and exclude women.

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## 593 7 Cross-References

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- 595 ▶ [Golda Meir and the Evolution of Israel's Democracy](#)
- 596 ▶ [Israel and Four Mothers Movement: Leaving Lebanon in Peace](#)
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- 598 ▶ [Women in the Israeli Military](#)

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