

ლელია ქველიძე  
ნათელა დანგაძე

### ბენდერული საკითხი თანამედროვე ისრაელში

სტატიაში განხილულია პიროვნებისა და სქესის შესახებ არსებული თეორიების ახლებური მიდგომა კოლექტივთან დამოკიდებულებაში. როგორ იქმნება ქალთა ალიანსები, როგორ აწარმოებენ მოლაპარაკებებს გენდერულ და ეროვნულ იდენტობაზე. მიუხედავად იმისა, რომ ისრაელის სახელმწიფოს დაარსების დეკლარაციამ 1948 წელს გამოაცხადა სქესთა თანასწორობა, როგორც ერთ-ერთი ძირითადი სახელმწიფო პრინციპი და სახელმწიფოს აღმშენებლობის პროცესიც შეიცავდა ქალთა თანასწორუფლებიანობის კანონს (1951წ.) და კანონმდებლობას თანასწორ გადასახადსა დედის უფლებებზე, ქალების თავისუფლება სინამდვილეში პრაქტიკულად შეზღუდული იყო ძლიერი ოჯახური იდეოლოგიის მიერ, რომელსაც მხარი დაუჭირა რელიგიურმა მმართველობამ. გარკვეულწილად ხორციელდებოდა ებრაული, მუსულმანური თუ ქრისტიანული თემების კონტროლი სასამართლოებზე, რომელიც განიხილავდა პირადი სტატუსის საკითხებს. დასაქმების საკითხშიც არსებობდა უთანასწორობა. 1980 წლისთვის ქალები შეადგენდნენ სამუშაო ძალის დაახლოებით 36%-ს.

XX ს. 70-იან წლებში ისრაელში დაიწყო ფემინისტ ქალთა მოძრაობა. ხოლო უკვე 1991 წელს ისრაელში შედგა ფემინისტური კონფერენცია, სადაც ქალთა უფლებების დასაცავად მისრაჰის ებრაელი და პალესტინელი არაბი ქალები ერთად აპროტესტებდნენ სქესთა შორის არათანაბარუფლებიანობას.

90-იანი წლებიდან ისრაელის სახელმწიფოში მოქმედებს კანონი, რომლის საფუძველზეც ხდება ქალთა და მამაკაცთა თანაბარი უფლებების აპრიორული დაცვა ყველა სფეროში. განსაკუთრებით მნიშვნელოვანია ადამიანთა ღირსებისა და თავისუფლების დაცვა.

გენდერული თანასწორობის პრობლემა ისრაელელ ქალთა ლიტერატურის მთავარ საკითხად იქცა თანამედროვე პირობებში. ქალის საზოგადოებრივი მდგომარეობა ცენტრალური პრობლემაა. მწერალი ქალები თავგამოდებით იცავენ ქალის უფლებებს და ხაზს უსვამენ ქალის მნიშვნელოვან ფუნქციას ლიტერატურის განვითარების საქმეში. ამ მხრივ ისინი აგრძელებენ ერეც ისრაელში პირველი მადილოსანი მწერლის დებორა ბარონის ტრადიციებს. განსაკუთრებით საინტერესოა თანამედროვე ებრაელი პოეტი ქალის იეირა გნოსერის მოღვაწეობა. მწერალი არის ნოვატორი თავის ლექსებში გენდერული პრობლემის დასმის თვალსაზრისით. ფორმის მიხედვით იეირა მიმართავს თავისუფალ სალექსო ფორმას. ამ ასპექტით მან მნიშვნელოვანი წვლილი შეიტანა ებრაული ლიტერატურის განვითარებისა და მის მსოფლიო ლიტერატურულ პროცესში ჩართვის თვალსაზრისით.

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## GENDER ISSUES IN THE MODERN ISRAEL

The Women's Equal Rights Law of 1951 guarantees the equal treatment of men and women, but it is not uncommon that the long-running conflict between religion and state stand in the way of legally established principles of Gender equality. Secular principles govern much of public life and women and men are subject to the same rights and obligations. Matters related to personal law are administrated by the country's Religious Courts (Jewish rabbinic courts, Islamic Sharia courts, Christian courts and Druze courts) where patriarchal norms and traditions often prevail. Over 76% of Israel's population is Jewish. Muslims make up the second largest group (16%), followed by Arab Christians (1.7%) and Druze (1.6%).

There are no specific laws or customs that limit women's **Freedom of movement**. On the other hand, both men and women may face restrictions on their movement within the occupied territories and between Israel and the territories. Conservative Muslim women might be expected to respect traditions of veil and not socialize with unrelated males.

Women's **Freedom of dress** is generally respected in Israel. There have been some reports of cases where women wearing short skirts and sleeveless shirts have been denied access to supermarkets and similar facilities. Muslim women may or may not veil themselves depending on personal beliefs and traditions.

The awakening to the reality of women's disadvantage brought a decade of feminist legislation which was initiated by feminist organizations. The first legislative measure in 1987 was to reverse a Labor Court decision which had upheld mandatory early retirement for women. After that, an equal employment opportunity law was passed, with remedies for all forms of employment discrimination and conversion of childcare rights from maternal to parental rights. Laws requiring affirmative action for directors of government companies and for civil service employees and imposing an obligation to pay equal pay for work of equal value were passed. In 1998 the Knesset adopted a law prohibiting sexual harassment in the workplace, which extended its prohibitions beyond the workplace to other dependent relationships, in education, healthcare and the military, and also to non-dependent relationships where there are repeated acts of harassment. A law guaranteeing women's right to fill any role in the military, provided they are capable of doing so, was introduced. In 2000, an Amendment to the Women's Equal Rights Law consolidated the principles of equality with affirmative action and accommodation, which had been introduced in case law and legislation as basic principles of the legal system.

But despite this general liberties women of the Arab minority often don't know about income security. Women, especially in traditional societies, often perceive matters of personal economy as a male task. Many of Arab women do not participate

in the workforce; they have no financial precautions for old age whatsoever, no pensions, no insurances or savings. They probably will receive an old-age allowance only that is much too little to live from. Many Arab women have never heard before of the social benefits and tax reductions to which they are entitled. The majority has no idea how to claim these entitlements either. Information published by the state does not reach Arab women who do not read Hebrew, do not surf the Internet, and often do not travel outside of their villages.

It may seem obvious that women's roles in Israeli society have changed greatly in recent decades. The patriarchal nature of traditional Jewish culture could have dictated a domestic and publicly secondary role for women in the new society and State. On the other hand, the shift in the West toward acceptance of feminist ideology could have pushed them into different, more public functions. However, the true picture is considerably more complex than this.

Zionism was not a continuation of the traditional Jewish way of life: on the contrary, it considered itself a reaction to it. Consequently, many of the assumptions underpinning that life – including women's role – did not pass into the various streams of Zionism that created the basis of the new society. Religious Zionism also rejected the traditional role, creating a much more active, assertive role for women in the community. This is best exemplified by women in the religious kibbutzim.

In theory, therefore, Israel should have aligned itself clearly with other socialist and revolutionary societies around the world, which attempted to define a new role for women in the economic, social and political spheres of public life.

It is possible to analyze the character of pre-State society more deeply, however, and to demonstrate that, in fact, there was always a gap between the ideology of the Zionist movement and reality – even in the kibbutzim. Despite a notable change in women's roles in Yishuv society and the contributions of some remarkable women in public life, the years following the establishment of the State witnessed a general retreat from the advances of that earlier period.

In practical terms, this has meant that the major change developing in recent years is, indeed, due to the rise of feminism and feminist consciousness. This phenomenon will be dealt with in a separate framework. Only a number of the significant aspects relating to women's place in Israeli culture will be mentioned here.

In the years preceding and immediately following the establishment of the State of Israel, feminine voices were lacking in various creative fields. A few played a minor role – and often a respected one – but the men remained the central figures.

This is evident in the world of literature. Rachel, Dvora Baron and Elisheva were all considered significant – to different degrees – in the early literary life of the Yishuv. All three were part of the Zionist milieu of the early decades of the 20th century and made particular contributions. Indeed, it is possible to use their work to argue for a specifically feminine voice in literature: quieter, smaller, more questioning and less confident than most of their more famous male counterparts. The women's work dealt with more intimate, personal canvasses. They wrote no epics and commented less on the great national movement that was developing around them

and in which they nonetheless played a part. Even Rachel – in many ways the one among the three whose work most reflected the larger issues of Halutzit and nation-building – always reflected on these subjects from an autobiographical viewpoint. “*I only know how to tell of myself*” she begins one famous poem, and this is largely true. She made no attempt to disguise the intensely personal nature of her poetry. The men did so very well.

There were few women writers, either, in the early years of the State. Amelia Kahane Carmon was a significant voice but she stood almost alone among the profusion of talented **male** writers and poets who filled the literary press. It seems that society was not encouraging its potential women writers. The trend has only begun to be reversed in the recent decades: a large group of extremely successful, talented women have come to the fore in different literary genres. Most of the novels now published in Israel are by women. Debora Baron, Ieira Gnosser, Shulamit Hareven, Savyon Liebrecht, Orly Castel Bloom and Yehudit Katzir are just some of the names that have gained popularity not only in Israel, but also internationally (in translation). They and the other women who have come to the center of Israel’s literary scene, are both the product and the cause of a social revolution that has been taking place in recent years. Women have now claimed center-stage unapologetically in an arena that was formerly mainly reserved for men.

Ieira Gnosser is innovator in her verses in discussing of gender issue problem and she is contemporary representative of the writers, who dedicated their works to this issue. She did not forget the first writer woman of Erec Israel – Debora Baron.

A particularly significant aspect of this phenomenon is the work of women writers who express the agenda or worldview of specific sectors of Israeli society. This was related to above regarding both the new Mizrahi voices’ expression of a sectoral outlook influenced by their ethnic background and those that have begun to depict religious Orthodoxy to the outside world. These two trends have produced significant women writers. In fact, the latter – relating to Orthodoxy – is largely spearheaded by women. Apart from the fact that they are opening up aspects of the world of Orthodoxy and ultra-Orthodoxy to the general public, the very appearance of these writers demonstrates a significant change within Orthodox society. It is likely that other sectors of the population will also start to develop their own literary voices, and that women will be a part of it.

This trend is far less pronounced in other spheres. For example, women’s voices have always been part of the popular music field, as in many Western-oriented practices. Until recently, however, most of them were part of a product created by a male-dominated music industry. Women were important as singers and performers, but generally were interpreting songs that had been written by men; furthermore, their music was arranged and produced by men.

In the popular music scene of today, while most of the production, arrangement and actual playing of instruments are still being done by men, the number of women who write many or even most of their own songs has increased significantly over the last twenty-old years. Using very different styles, women such as Yehudit Ravitz,

Si Heiman and Ahinoam Nini have taken a large degree of control over what they produce and have much more of a say as to what musical sound they produce. This important new direction is likely to grow much stronger in the future.

In 1992, the Knesset found a way to circumvent the opposition of the religious parties to a constitutional principle of equality by introducing a partial constitutional bill of rights, the Basic Law: **Human Dignity and Liberty**, which guaranteed, amongst other rights, the right to human dignity. Human dignity in international human rights law inherently incorporates the right to equality and prohibition of group discrimination, including on grounds of sex. Those judges of the Supreme Court who have addressed the issue, have, for the most part, held that equality for women is incorporated in the right to human dignity. The Basic Law: Human Dignity and Liberty guaranteed superiority to the human rights listed, which could not be violated except by a law which is in accordance with the values of the State of Israel as a Jewish and democratic State, which are for a justified purpose and which are not disproportionate for the achievement of that purpose.

There is a dichotomy in Israeli law between religious and secular values as regards gender issues. This dichotomy pervades the legal system at all levels. At the constitutional level religious values have preempted the introduction of an explicit right to equality for women. However, this limit has been largely circumvented by the constitutional right to human dignity and by Supreme Court jurisprudence, which has established the right to equality as a fundamental right.

In all other areas of law, not directly related to religious values and norms, a strong concept of gender equality has been developed both in legislation and in the courts. Thus, in these areas, the legal system combines social accommodation for maternity and parenthood with equal opportunity guarantees for women's participation in the labor force and the military and affirmative action in public sphere economic activities.

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