**Modern Orthodox Jewish (Dati) Feminism in Israel –
Between Nomos, Narrative and Multiculturalism**

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**Abstract**

This book is the first of its kind to present an expansive and up-to-date analysis of Jewish Modern-Orthodox (dati) feminist activism in Israel, with a particular focus on how this movement interacts with the Jewish State and its judiciary. It will be the first book in English to examine this movement in-depth from a sociological, theological, and legal perspective. Beyond the unique case study, this book also offers an innovative theoretical model “the narrative ripeness test” which is an important intervention into international debates regarding conflicts between multiculturalism and human rights. Anyone interested in understanding Israel and its contemporary debates and trends must consider developments in the Modern-Orthodox (dati) community, which is gaining increasing influence within multiple arenas that greatly impact Israeli society. Yet scholars of religious communities in Israel struggle to make sense of the multiple shifts and fragmentation inside Orthodoxy in Israel today. Many of the fault lines within dati society relate to tensions around questions of gender, and religious feminism has been said to be one of the most vibrant and influential forces in shaping gender relations in contemporary Israeli society.

This book makes three important interventions: First, it provides the first in-depth and up-to-date portrayal and analysis of Dati feminism in Israel. This is particularly important since we highlight theological, Halakhic, political, and sociological processes and how they interact with one another, as well as with the discourses of the Rabbinic establishment and its conservative backlash. This empirical dataset and its analysis is of interest to scholars of religion and gender, modern Orthodoxy, and Israel. Second, we develop a novel theoretical model comprised of two elements – the “Narrative Ripeness Test” and the “Dignity Test”. This model offers a key to understanding not only the local Israeli case study, rather it can be implemented in the study of similar cases in other contexts. This is of interest to theorists of law, culture, and gender, as well as to public policy makers, judges, and activists. Third, the theoretical model we offer is an important contribution to the scholarly debates regarding tensions and dilemmas between multi-culturalism and liberal conceptions of human rights, particularly women’s rights. These dilemmas are of theoretical and political significance in multiple sites where there are tensions between democratic liberal states and religious/cultural minorities. Such debates are of interest to political philosophers, political scientists, and gender scholars.

In Chapter One we offer a brief description of the conceptual origins of the Dati feminist movement. We review the main points of the critique that Jewish feminism in general, and its Orthodox version in particular, direct against Orthodox Judaism both the religious narrative and the halakhic nomos.

In Chapter Two we draw on Robert Cover’s ideas to show how Dati feminism works to achieve gender equality in Judaism, based on the idea that modifying the religious narrative is the key to effecting change in the halakhic nomos. We examine the extent to which the idea of gender equality has been assimilated, even if only partially, by the religious narrative, and the extent to which it has ripened into a real change in the nomos of the Modern Orthodox sector in Israel—at the level of halakhic rulings, of the rabbinic halakhic discourse, and of social norms. We also provide examples of how some of these processes run into opposition and provoke hostile reactions of backlash that may even undo some of its achievements.

In Chapter Three we examine the conservative Orthodox establishment’s backlash against the Dati feminist critique. We begin with the theological and discursive mechanisms that are now surfacing with greater power in the Dati rabbinic discourse in Israel. We contend that they function as narrative barriers that impede the incorporation of gender progress into Judaism. We describe and analyze five conspicuous conceptual mechanisms: the Aqedah, essentialism, the fear of the slippery slope, nationalism, and normalcy and family values. We then go on to show how they have been exploited to stymie religious feminists’ attempts to advance gender equality in law and practice in Dati institutions.

The core of the fourth chapter is our presentation of a theoretical model, the Narrative Ripeness Test, that is intended to help clarify the relationship between changes that emerge from below, as internal criticism by the feminist minority within the religious/cultural minority of Dati sector that is slowly altering the religious mindset and narrative with regard to women’s place in the religious world, on one side, and the impact and acceptance of the intervention by the state and civil courts, on the other hand. Our model has two elements: the Narrative Ripeness Test, supplemented by the Dignity Test for extreme cases. In this chapter we analyze several important milestones when campaigns by Dati feminists reached the High Court of Justice. Among other things we consider the criteria for, and content of, judicial intervention.

Our assertion is that in most cases it is the ripeness of the internal religious narrative to accept the change that determines whether the impact will be positive or negative. We will also propose first-order tools for estimating this ripeness. In picturesque language we can say that the encounter between the Israeli Supreme Court and the Orthodox narratives, will bear fruit only if and when the soil of the Orthodox narratives is moist and loose and has already started to absorb notions of equality that were sown in it. We argue that in this case intervention by the Israeli Supreme Court as an external nomos can expand the openings that have already been cut in the Dati narrative, deepen the infiltration of the liberal narrative, and make it possible for the seedlings of Orthodox feminism to sprout and flower. It will have precisely the opposite effect when the internal narrative is not yet sufficiently ripe to accept the change. In these cases, external intervention by the court is liable to generate a fierce reaction by whole Orthodox society and the full range of the Orthodox establishment and a hardening of their positions. As a result, the ground of the religious narrative is liable to expel the seeds of change that were planted in it, eliminating the potential that such an idea can develop in the foreseeable future. Finally, we argue that despite the aforesaid, there are extreme cases, which can be identified by the Dignity Test proposed in this chapter, when the violation of women’s basic rights is so serious and substantial that the Israeli Supreme Court must imperatively intervene even if the Orthodox narrative is not yet ripe for this and no matter how fierce the reaction may be. We propose that in these cases the court must intervene, at least to the extent of giving voice to the liberal narrative, and must not be afraid of the reaction or wait until the religious narrative has changed.

In the fifth and last chapter we expand our perspective and propose that an examination of additional test cases on the Israeli scene could shed a different light on the test case of religious feminism, with its importance and limitations. Mainly we suggest that parallel movements—Ultra-Orthodox (Haredi) feminists, Mizrahi-traditionist feminists, and Palestinian (chiefly Muslim) feminists—emphasize the privileges of the Datifeminists and clarify how the battles described throughout the book are influenced not only by the intersection of religion and gender but also by dimensions such as nationality, ethnicity, and social class. We also note how the model we develop might be of use in analyzing these cases, as well as further enriched by, and adapted to, such cases in the future.