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Gender, Religion, and Family Law

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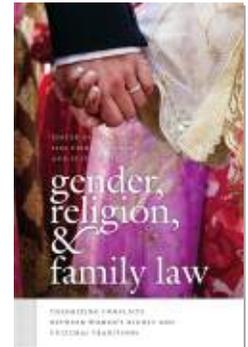
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PREFACE

This anthology, based on the initial conference of a new academic project I founded and chair at Brandeis University called the Project on Gender, Culture, Religion, and the Law, is part of a new book series that I co-edit with Lisa Fishbayn Joffe, the project director.

My reason for founding the Project on Gender, Culture, Religion, and the Law can be simply put: the status of women is the cause of our time. The mission of the project is more complicated—we seek to identify ways to work through what can seem like the unbridgeable abyss between women's rights, religious law, and cultural norms in order to alleviate and hopefully one day eliminate the negative effects of religion and custom on the status of women.

Controversies about the status of women arise in all societies. The manifestations of these conflicts occur when religious and cultural practices that are debilitating to women intersect with public or civic life; when religious or customary norms are enforced or accommodated through the application of civil law; when religions play a mediating role in the distribution of services; and when civil laws protecting women are not enforced due to prevailing customary and religious views. The result is that virtually every aspect of women's lives is influenced, and in some societies controlled, by religious and customary proscriptions.

Nonetheless, an essential assumption of the Project on Gender, Culture, Religion, and the Law is that religion and culture are positive values in society. We recognize and embrace that religion and tradition have been important forces in women's lives, and that religion can be a vehicle for social justice, activism, and change. Therefore it should be no surprise that many women choose to remain within the paradigm of their cultural and religious norms, and no surprise that we would look to religion for some answers. As Dr. Fishbayn Joffe describes, the goal is to “engage cultural communities in the processes of reevaluating their discriminatory practices and identifying egalitarian solutions that will be both legitimate and enforceable.”

To this end we have adopted the model of transformative dialogue promoted by a number of theorists of gender and multiculturalism where

political agreement and progress is reached through a process that appeals to values internal to one's own comprehensive doctrines—in addition to analyzing external values as applied to guaranteeing basic justice and equality for women. To this end we aggressively foster intercultural and intracultural dialogue to uncover best practices, bringing together academics and activists, taking academic theories into the real world, and, vice-versa, bringing facts on the ground to theory. Our initial conference, Untying the Knots, the starting place of this anthology, was an opportunity to debate the project's founding principles and relate real life examples and theoretical analyses in various contexts. The Brandeis Series on Gender, Culture, Religion, and Law, which this anthology is part of, builds on this interactive dialogue model, attracting a diverse array of activists and scholars from various countries and cultures, who are engaged in vibrant debate and cross-seeding of ideas.

The reason I sought to place the Project on Gender, Culture, Religion, and the Law at Brandeis University, particularly at the Hadassah-Brandeis Institute rather than a law school or human rights institute, is that Brandeis is a university self-consciously based on Jewish values where the status of Jewish women within religion and culture is being aggressively addressed first hand. Therefore it is here that a transformative dialogue with others can take place in an atmosphere of shared experiences and within a paradigm of parity. Careful honing has resulted in a broad diversity of faces and voices from academia, religions, and social justice organizations around the world involved in every aspect of our work, freely discussing difficult personal and cultural issues, sometimes passionately disagreeing in approach, but open-mindedly grappling with untying the knots of female realities in an atmosphere of safety and acceptance.

On a personal note, one of the project's programs is the Diane (Dina) Markowicz Memorial Lecture named after my sister who died while she was a student at Brandeis. She was an exceptional teenager who inspired people of all ages to pursue social justice. The inaugural Markowicz Lecture was held on the first evening of the Untying the Knots conference, which featured Nobel Peace Prize laureates Shirin Ebadi and Jody Williams, who both exemplify the unprecedented impact that can result from advocacy and activism for change in human rights and women's rights. The evening was an apt introduction to the thoughtful and cutting-edge ideas presented by scholars and activists from

around the world the next day at the conference. Their work comprises the core of this volume, with an overview by Dr. Fishbayn Joffe.

The idea for the Project on Gender, Culture, Religion, and the Law flowered in discussions with friends and family to whom I owe many thanks, particularly my husband, Dan Fischel. I am very grateful to Jehuda Reinharz, the former president of Brandeis University, for his personal encouragement and support, and to Shula Reinharz, the Jacob Potofsky Professor of Sociology and co-director of the HBI, who embraced the idea with enthusiasm and energy. I would also like to thank the board and staff of HBI; its co-director Professor Sylvia Barack Fishman; Phyllis Deutsch, editor in chief of UPNE; and Brandeis University Press for their unfaltering commitment to the project and book series. Finally, the success of the project is due to the extraordinary Lisa Fishbayn Joffe, whose leadership and scholarship is actualizing our vision.

Sylvia Neil

