



Human Rights Challenges: The Many Faces of Judaism

By
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In the spirit of being self-critical, my subject is what Judaism has to claim in this whole set of problems relating to fundamentalism. I'm not only a Jew, I am also connected with Human Rights Watch. A few weeks ago I spoke at a big conference in New York, attended by about 1200 Jews, of all streams of Judaism, and I was there wearing my Human Rights Watch hat. And I was absolutely attacked by a lot of people for belonging to an organization that was really pro Palestinian. [LAUGHTER] I see that some of you look surprised, but the fact is Human Rights Watch is attacked by many Jews as being pro Palestinian and by many Palestinians as being pro-Jewish or pro-Israel.

So I'm ready for whatever comes up. [LAUGHTER] Let me begin by pointing out that I titled my talk "The Many Faces of Judaism" because Judaism there are many streams of Judaism. Judaism encountered secularism and humanism beginning about a hundred and fifty years ago. The kinds of struggles that are going on now within Islam— and for how long I don't know because I'm not an expert— are the kinds of struggles that Judaism and Feminists within Judaism, well Seculars within Judaism, have been engaged in for a long time. And the Feminist encounter with Judaism began seriously about thirty years ago. So there has been a lot of work that's gone on within Judaism in order to find the faces in Jewish text that give room to Humanism, Feminism, Pluralism, and Democracy. Although this is not the subject of my talk, I want to make it clear before I talk about the particular problems of Jewish Fundamentalism that that does not represent the majority of what Judaism is about.

I believe that any religion that has lasted for two or three or four thousand years is bound to have everything in it. There's probably not a thought or a human desire or an expression— positive or negative— that doesn't appear somewhere in the text of any religion that's been around for so long. And the question always is: What is dominant now? What is emerging now? Or, what are the possibilities now?

Certainly Jewish Fundamentalism exists. But the proposition that I want to put forward is that even a Fundamentalist religion, if it does not have the coercive power of the secular state behind its Fundamentalist views, is not likely to cause as much damage

outside of its own community. I don't say no damage because there is damage caused by Fundamentalism, even within its own community, but the damage is contained. And if there is no coercion of people, any secular or any state coercion, of staying within the bounds of the rule (presumably people can leave, although there's a lot of psychological and other limitations on actually being able to do so). But when we look at Fundamentalist Jewish groups that don't have any or much secular power, I think we can see that the damage that can be done outside is pretty limited. I'm thinking, in particular, of the Hasidic community in Brooklyn, which lives very peacefully next to other religious groups. They don't demand that the streets be closed on Shabbat. They don't demand any of the secular authority that they could demand if they were in a different position.

I want to take issue with something that Madhavi said about human rights and Fundamentalism touching on this point. Human rights law, as it has been developed (and has been influenced by women's rights over the last ten years in particular) has understood that it is when religion has secular power—the coercive power of the secular state—that human rights violations do arise. In a country that has religious courts that have exclusive or monopolistic power, human rights law no longer so easily says that religion is separate from human rights law. If the state gives secular power to religious courts, those courts are exercising the kind of power that is accountable under human rights law. I think that what Madhavi said was certainly true ten years ago and is less true now. I can't say that what she said is untrue now, but I do want to put forward the proposition that it's less true now. Religion is not hands-off human rights law anymore.

The subordination of women in every Fundamentalist religion is a human rights issue, as I was just indicating, when the religion has coercive civil power and less so when it isn't. The problem with Fundamental Judaism is most prominent in a place where Judaism is an established religion, just as Islam and Fundamentalist Islam is a power where it is an established religion or a majority religion with civil power behind its edicts. In Israel, as you know, Judaism is, in a sense, an established religion and religious courts have a monopoly on issues of personal status. I have always found that phrase to be an interesting one: personal status. What it really means is a monopoly on everything women do because it's personal—it's the private sector. It's family and marriage, custody, and support, that is, the sphere that women have been allowed to operate in. Religious courts, having exclusive and monopolistic power over personal status, have monopolistic power over women. Even non-consenting women in Israel are subjected to the monopolistic power of religious courts. Christians are subject to the monopolistic power of Christian courts, Muslims to Muslim courts, and Jews to Jewish courts. And everyone is assigned to some religion or another. According to my understanding of human rights law, when those courts discriminate on the basis of sex, that is a human rights violation because they have been afforded secular powers. They decide if you're going to get a divorce. They decide if you're going to get custody of your children. And if there's discrimination against women, the state is responsible for a human rights violation in that, in that context.

When religions have that kind of secular support, it means they have power. I think it was Mark Twain who said: "To a man with a hammer, a lot of things look like nails." [LAUGHTER] The fact is that across cultures women look like nails because we don't have the power.

One of the powers afforded to religion in Israel and in places where a particular religion is established is what I would call the power of the status quo— even apart from Fundamentalist religions. When the religion has the power of the status quo, it means that nothing is going to change, especially in a parliamentary system, unless a lot of people really care a lot. And that has to do with the priority of issues that have a negative effect upon women. It may be that the majority (and I think the majority in places like Israel do) care about women's rights, but because so many people have to care so much to change the status quo, when people with a strong anti-female attitude hold perhaps the balance of power in a parliamentary system (and therefore have the power to keep the status quo) that is one of the powers of religion, even in a place where there is a secular majority, or a non-misogynistic majority, who would vote in favor of the changes if they were ever asked to vote. In cases where not only is the religion an established religion, but also is joined with nationalism and secular power, is where the real trouble arises—in Israel and in other countries.

In Israel, where the national religious party and other ideological and nationalistic powers are joined with secular power, the nationalist party has the power to wreak terrible effects that the majority may disagree with, but for various reasons the majority is not able to exercise its will either because it's not large enough or because it's deferred in various ways. I have heard Fundamentalist Jewish scholars arguing for the most terrible things, arguing from Jewish texts. When I was speaking a couple of weeks ago at the conference in New York that I mentioned, one of the people on the panel with me used Jewish texts in order to justify house demolitions and to justify the proposition that the families of suicide bombers should be executed. As you are probably aware, some Fundamentalist Jews have argued, or did argue, that there were Jewish texts that justified the killing of Prime Minister Rabin. These arguments are only dangerous when the people who believe them have secular power to make those arguments stick and in a place where the religious tradition from which they are arguing has that kind of power. Then it's a lethal situation.

Fundamentalists in my tradition, unfortunately, have the attitude that they are operating from a deed granted by God. Anybody who thinks God has told him what to do is likely to be at least problematic. [LAUGHTER] This fantasy that religious Fundamentalists feed on exists in every Fundamentalism and they certainly exist in Judaism. Another fantasy that has enough reality to make it stick, and to make it very hard to dislodge, is the idea that the whole world hates Jews anyway— no matter what Jews do— and therefore people who believe that are impervious to world opinion. So it is important to understand that that attitude feeds into the notion that world opinion doesn't matter. There is also the fantasy that if we dig in our heels long enough, Arabs will eventually give up— a fantasy that a minority really does believe. I continue to be reminded of a quote from Ted Hughes when I see how these fantasies of "God-given rights" and

“eventually we will prevail” take hold of any group. The line is: “We fed our hearts on fantasy; our hearts grow brutal on the fare.”

That is what happens with religious Fundamentalism: the fantasies end up making us brutal. It's important for women who understand the importance of individual rights, who understand the importance of humanistic values, and who understand the universalism of these values to dislodge these fantasies and try to make some inroads into the brutality that the fantasies feed. Thank you.